CITY OF BOULDER
CITY COUNCIL MEETING
MUNICIPAL BUILDING, 1777 BROADWAY
Boulder, Colorado 80302
Tuesday, November 15, 2016
6 p.m.

AGENDA

1. **CALL TO ORDER AND ROLL CALL**

2. **OPEN COMMENT and COUNCIL/STAFF RESPONSE** (limited to 45 min.)
Public may address any city business for which a public hearing is not scheduled later in the meeting (this includes the consent agenda and first readings). After all public hearings have taken place, any remaining speakers will be allowed to address Council. All speakers are limited to three minutes.

3. **CONSENT AGENDA** (to include first reading of ordinances) Vote to be taken on the motion at this time.

   A. Consideration of a motion **to approve the 2017 State and Federal Legislative Agenda**

   B. Consideration of a motion to **authorize the City Manager,** pursuant to Section 2-2-8, "Conveyance of City Real Property Interests," to **enter into a 20-year lease agreement with the Boulder County Regional Training Centers** for use and management of the Boulder Regional Fire Training Center **at 6055 Reservoir Road**

   C. Consideration of a motion to **adopt three resolutions to provide fire protection services to certain annexed** properties previously **served by the Boulder Rural Fire Protection District, the Rocky Mountain Fire Protection District, and the Four Mile Fire Protection District**

   D. **Introduction, first reading** and consideration of a motion to order published by title only **Ordinance 8153** relating to the **financial affairs of the City of Boulder**, Colorado, making **supplemental appropriations for the fiscal year ending December 31, 2016** and setting forth details in relation to the foregoing

   E. **Introduction, first reading** and consideration of a motion to **adopt** and order published by title only **Emergency Ordinance 8155 adopting Supplement 129, which codifies previously adopted Ordinances 8122, 8123, 8136, and other miscellaneous corrections and amendments,** as an amendment to the Boulder Revised Code, 1981

   F. **Introduction, first reading** and consideration of a motion to order published by title only, **Ordinance 8156 vacating and authorizing the city manager** to execute two deeds of vacation **to vacate public rights-of-way dedicated for N. 20th Street adjacent to the properties at 2010 Upland Avenue and 4270 19th Street**

G. **Introduction, first reading** and consideration of a motion to order published by title only **Ordinance 8157 implementing the recommendations of the Marijuana Advisory Panel b**y amendments to Sections 4-20-64 and 4-20-67, B.R.C. 1981, **regarding medical and recreational marijuana fees, and Chapters 6-14 regarding medical marijuana and Chapter 6-16 regarding recreational marijuana,** B.R.C. 1981, and setting forth related details

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. **Amendment to the North Boulder Subcommunity Plan to delete the N. 20th Street connection between Upland and Tamarack Avenues**
2. **1600 Broadway- Concept Plan**
3. **1735 Mapleton Avenue- Landmark Alteration Certificate**

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 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, and **final direction on the fee level for the affordable housing commercial linkage fee**

B. Consideration of a motion to **approve the purchase of approximately 49 acres of land,** associated agricultural outbuildings and appurtenant mineral and water rights, including a quarter share of Cottonwood Ditch, **located at a portion of 1538 North 75th St. and 7770 Arapahoe Rd.** from Michael Patrick Ryan and the Charlene Rosenblatt Trust dated Jan. 26, 2015 **for $1,750,000 for Open Space and Mountain Parks purposes, as well as approval to execute a farm crop lease** with Michael Patrick Ryan and the Charlene Rosenblatt Trust **for a term not to exceed five years**

C. **Second reading** and consideration of a motion to **adopt Ordinance 8143 to clarify the roles of the Open Space Board of Trustees and City Council** in requiring that any **transfer of open space land to another department** comply with the disposal requirements of Charter Section 177

6. MATTERS FROM THE CITY MANAGER

A. **Update and Council Input on Central Boulder Planning Projects: Alpine-Balsam, Civic Area, and City Facilities Assessment**

7. MATTERS FROM THE CITY ATTORNEY

8. MATTERS FROM MAYOR AND MEMBERS OF COUNCIL

A. Potential Call-ups

1. **Amendment to the North Boulder Subcommunity Plan to delete the N. 20th Street connection between Upland and Tamarack Avenues**
2. **1600 Broadway- Concept Plan**
3. **1735 Mapleton Avenue- Landmark Alteration Certificate**

B. Mayor Pro Tem Nominations and Election

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.

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

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: November 15, 2016

AGENDA TITLE: Consideration of a motion to approve the 2017 State and Federal Legislative Agenda

PRESENTERS:
Jane S. Brautigam, City Manager
Carl Castillo, Policy Advisor
Kate Busse, Management Analyst (Intern)

EXECUTIVE SUMMARY

The purpose of this item is to provide council the opportunity to approve the city's proposed 2017 State and Federal Legislative Agenda (the "2017 Agenda," **Attachment A**). The only substantive change since council last reviewed a previous draft of the 2017 Agenda on October 25, 2016 is the addition of support for providing municipalities the option to establish minimum wage laws higher than the state or federal minimum wage standards. This language is reflected in the attached through double-underline formatting.

Once approved, the 2017 Agenda will be available to present to the city's state legislative delegation at a breakfast scheduled for Dec. 19, 2016 and to its congressional delegation during a visit to Washington D.C. anticipated sometime next year. The 2017 Agenda will also provide individual council members and city staff with authority to advocate on behalf of the city for the stated positions as opportunities arise during the rest of this year and throughout 2017. Of particular relevance in this regard are the many advocacy efforts that the city influences through its involvement in intergovernmental organizations that also engage in legislative advocacy.

STAFF RECOMMENDATION

Suggested Motion Language:

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

Motion to approve the 2017 State and Federal Legislative Agenda as reflected in **Attachment A**.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic - City lobbying efforts have and are expected to continue to contribute to the city's economic sustainability goals. In 2017 this is expected to include advocating for continued funding for the University of Colorado Boulder and the federally funded laboratories in Boulder.
- Environmental - City lobbying efforts have and are expected to continue to contribute to the city's environmental sustainability goals. In 2017 this will include efforts to ensure implementation of EPA's Clean Power Plan and to encourage widespread adoption of electric and efficient motorized vehicles.
- Social - City lobbying efforts have and are expected to continue to contribute to the city's social sustainability goals. In 2017 this is expected to include support for legislation that helps address the power imbalance between owners of mobile homes and owners of mobile home parks.

OTHER IMPACTS

- Fiscal - The proposed 2017 Agenda includes several positions that would protect the city's financial resources, including those that would lead to state and federal assistance for flood disaster recovery and mitigation expenses and those that would protect the city's workers' compensation and retirement system. In terms of financial outlays, the city anticipates renewing its contracts for lobbying services with *Smith Dawson & Andrews* at $40,000/year for representation before Congress and the federal executive branch and with *Headwaters Strategies, Inc.* at $48,000/year for representation before the Colorado General Assembly and the state executive branch.

- Staff time - Creation of a legislative agenda and devoting time to advance it is part of staff's approved work plan.

COUNCIL LEGISLATIVE COMMITTEE FEEDBACK

Council's Legislative Committee (Mayor Jones and Council Members Appelbaum and Weaver, the "Committee") met on Sept. 13 to review and provide input on an early version of the proposed 2017 Agenda. The Committee recommended several changes, all which have since been incorporated into the proposed 2017 Agenda under consideration by council.

BACKGROUND

The 2017 regular session of the Colorado General Assembly is scheduled to convene on Jan. 11, 2017. Each legislator is allowed to introduce five bills. The deadline for legislators to request their first three bills is Dec. 1, 2016 and Dec. 15 for newly elected members. Unless "late bill" status is granted, all bills must be introduced no later than Feb. 1, 2017.

In order to develop the proposed 2017 Agenda, modifications to the positions included in the city's 2016 Agenda were made. In making these modifications, several considerations were taken into account, including:

1. A review of the 2016 state legislative session;
2. A review of the 2nd session of the 114th Congress;
3. Input from city staff and council's legislative committee;
4. Discussions with the city's regional partners; and
5. Input from city council at a study session.

At its October 25, 2016 study session, council received an overview of the proposed 2017 Legislative Agenda. The one change that council requested be made for its Nov. 15 consideration was the addition of language indicating support for municipalities to be given the option to adopt minimum wage laws that result in higher minimums than are established by either the state or federal government. This change was incorporated in the attached proposed 2017 Agenda.

ATTACHMENTS

Attachment A – Proposed City of Boulder *2017 State and Federal Legislative Agenda* (substantive policy revisions since Oct. 25 study session reflected)

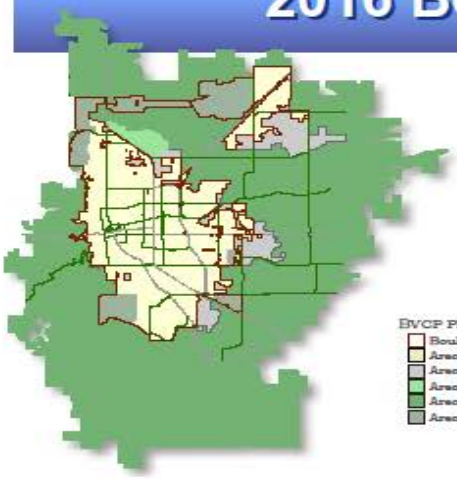
2017

State and Federal Legislative Agenda

Proposed on

November 15, 2016

2016 Boulder Community Profile

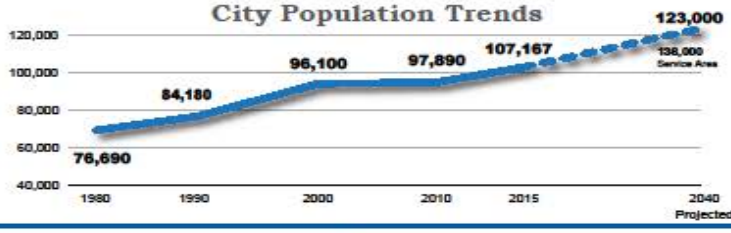


25.8
City Square Miles

71
City Open Space Square Miles[1]

107,167
City Population[2]
119,199 Service Area Population

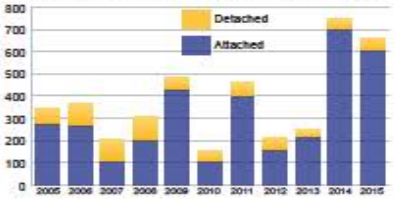
City Population Trends



45,422
Housing Units[2]
51,132 Service Area Housing Units

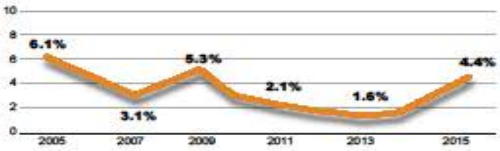
Total City Housing Units[4]

New Housing Units Completed[4]



Rental vs Owner Occupied Housing Units[5]

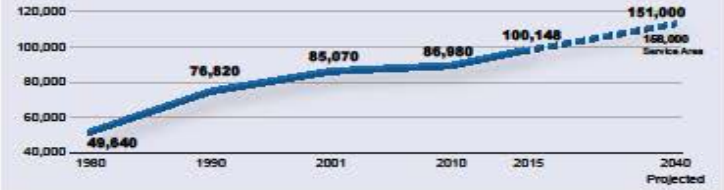
Residential Rental Vacancy Rates[6]



Housing Costs & Incomes

100,148
Jobs[2]
104,263 Service Area Jobs

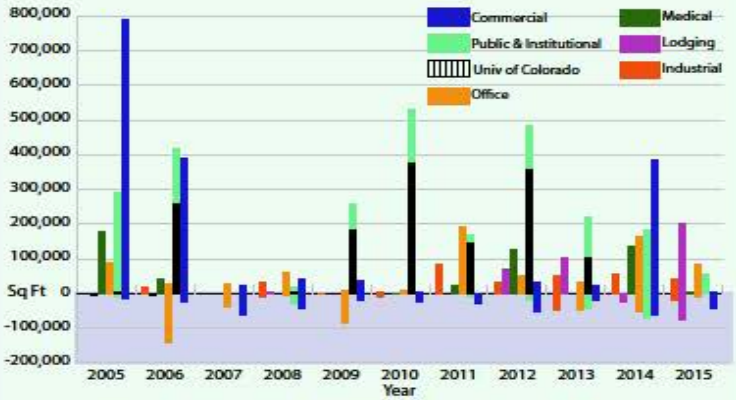
City Job Trends



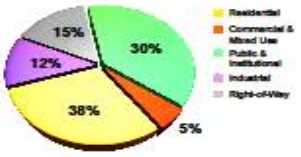
Boulder Employee Commuting Pattern Estimates[2]
(of the 100,148 jobs in Boulder)

2005-2015 Non-Residential Square Footage Trends

Gross New and Demolished Non-Residential Square Footage 2005 - 2015[3]



Land Area by Zoning[2]



Vacancy Rate[9]

Retail	1.9%
Office	4.4%
Warehouse	2.5%
R&D/Flex	4.6%

Top 10 Employers (2015)
(listed in alphabetical order)

- Ball Aerospace
- Boulder Community Hospital
- Boulder County
- Boulder Valley School District
- City of Boulder
- Covidien
- IBM
- Micro-Motion
- UCAR/NCAR
- University of Colorado Boulder

Footnotes:

All numbers are through 12/31/15 unless otherwise noted. The reverse page of this document provides more background & sources.

1. City of Boulder Open Space and Mountain Parks
2. 2015 Estimate, City of Boulder Dept of Planning, Housing and Sustainability. See reverse page for more details. Job estimates for City includes Area I & Area III Annexations. Population and job estimates are rounded numbers.
3. Area I & II = Service Area
4. Based on number of Certificates of Occupancy issued for new housing units in the City of Boulder as of 12/31/15.
5. 2014 American Community Survey (ACS)
6. Apartment Association of Metro Denver Vacancy and Rent Report. Reflects average of city and university submarkets.
7. Information Real Estate Services, Boulder Area Realtors Association. Sale prices are for the city of Boulder.
8. Housing Division, Area Median Income (AMI) data (3-person household). AMI data is for the Boulder County MSA.
9. Source Boulder Economic Council - Market Profile 2016.

BVCP Planning Areas

To manage growth and provide urban services efficiently, the Boulder Valley Comprehensive Plan designates three areas for long term planning:

1. Area I: Land within city limits, provided with urban services.
2. Area II: Unincorporated land in Boulder County, eligible for annexation and provision of urban services within the 15 year planning period of the BVCP.
3. Area III: Unincorporated land in Boulder County outside the Service Area, intended to remain rural in character.

CONTACTS

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Legislative Website
bouldercolorado.gov/policy-advisor/state-federal-legislative-matters

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PURPOSE OF THE LEGISLATIVE AGENDA

The purpose of the City of Boulder's 2017 State and Federal Legislative Agenda (the "Legislative Agenda") is to formalize city positions on legislation expected to be considered by the Colorado General Assembly and the U.S. Congress. The city offers the Legislative Agenda as a guideline to legislators for reference when considering legislation impacting the City of Boulder. Strategic, targeted, and/or abbreviated versions of the information contained in this agenda will also be created throughout the year for use in further legislative communications.

The Legislative Agenda was developed in advance of the convening of the 2017 Colorado General Assembly and the First Session of the 115th U.S. Congress. Consequently, it does not address legislation by bill number. Instead, it describes the underlying interest the city has on specific issues. With the coordination of the city's Policy Advisor, it will be used by individual council members and city staff to inform city positions taken on specific bills once these legislative sessions begin. At that point, council may also consider amendments to the Legislative Agenda and address specific bills that have been proposed.

The city often attempts to influence state and federal policies through other avenues, beyond the Legislative Agenda, such as by submitting comments on administrative rulemakings or "sunset" reviews of expiring legislation, or by making direct appeals to federal and state administrative officials. While the Legislative Agenda is not designed to direct such action, it can be looked toward as a resource to inform such city efforts.

Council may revisit the Legislative Agenda at any point. It may do so as a body, or through its Legislative Committee. Council created this committee for the purpose of convening on an ad hoc basis with the Policy Advisor and other city staff as necessary when one or more of the following circumstances exist:

1. There is an immediate need for council members to participate with staff in developing a legislative strategy to advance or defeat a bill which is clearly addressed by the city's legislative agenda or other council-approved policy documents, or;

2. There is action expected on pending legislation that affects a matter which council has previously provided general direction on and that could significantly impact the city, but which council did not provide sufficient specific direction on (either through its legislative agenda or other approved policy documents) and with timing that will not allow for council direction to be obtained. In these limited situations, the Policy Advisor may turn to the committee for direction on such legislation so that the city can advocate accordingly. Council is to be informed whenever such committee direction has been provided, and may choose to subsequently revisit such direction.

Council's Legislative Committee is also turned to during non-legislative periods to provide suggestions on revisions to the legislative agenda and to plan agendas for meetings with legislators.

As has been done in years past, council is again adopting a goal that modifications to this legislative agenda require consistency, when applicable, with the six criteria described below:

1. Uniformity with current city council goals;
2. Expected relevance in the upcoming or present state and federal legislative sessions;
3. Uniqueness of issue or impact to the City of Boulder;
4. Viability or likelihood of achieving goal;
5. Opportunity for providing funding for City of Boulder; and,
6. High probability of metrics of success in order to allow the position to be deleted from future agendas if achieved.

Departures from these criteria are made in unique circumstances as determined by council, such as when adoption of a city position is important to support its regional partners, even while the legislation is otherwise of limited consequence to the city.

The city welcomes the opportunity to discuss the city's Legislative Agenda. Please direct any questions to City Council members or to the city's Policy Advisor at 303-441-3009.

2017 STATE LEGISLATIVE PRIORITIES AT A GLANCE

The city expects to adopt and communicate positions on dozens of state bills during the 2017 state legislative session. The positions listed below, however, address the bills that the city expects to focus the bulk of its limited resources and political capital on. These priorities are selected not only due to their importance to the city but because related legislation is expected to be introduced in 2017 and involvement of the city and its legislative delegation could be determinative to their outcome. The priorities take into account the expected political realities of the upcoming session and accordingly are first and foremost pragmatic. Nevertheless, they are considered important in their own right and are also considered incremental steps that will create support in future years for some of the city's more ambitious legislative goals.

1. Support legislation that would assist and expedite Colorado's implementation of the federal **Clean Power Plan**, rules designed to reduce carbon emissions from coal-fired power plants across the country, or of Governor Hickenlooper's draft Executive Order requiring a 35 percent reduction in carbon dioxide emissions from the power sector by 2020, as compared to 2012 levels. Conversely, oppose any legislation that would delay or prevent the implementation of either the federal rule or the Governor's order.

2. Support legislation that enables and encourages electric utilities to support greater adoption of **electric vehicles** by investing in electric vehicle charging, educating customers about EVs, and providing customer incentives.

3. Preserve the authority of local governments to use **red light cameras or photo radar enforcement**. Page 34 describes how these tools are used by the city and their importance to the public's safety.

4. Protect against significant **threats to the city's water rights**, especially those allowing for out-of-priority, un-augmented well use in the South Platte basin. Page 42 describes the negative impact to the city of permitting such use.

5. Support efforts to provide **budget flexibility under the TABOR revenue cap** by changing the hospital provider fee from a cash fund to an enterprise, thereby minimizing proposed funding cuts to K-12 and higher education. The city considers this an important first step in an effort that should eventually result in the referral of a measure to the voters permitting the state to spend all revenue collected over its TABOR limit.

2017 FEDERAL LEGISLATIVE PRIORITIES AT A GLANCE

1. Seek federal support for Boulder's federally funded labs and the University of Colorado Boulder. As described further on pages 18 and 40, these institutions are foundational to the economic and cultural well-being of the city.

2. Support legislation necessary to seek federal assistance for flood disaster recovery needs and expenses described further on page 30.

3. Continue to brief federal officials on the city's municipalization efforts and seek support as necessary, while positioning Boulder as a national pilot for building a resilient electricity system, adopting distributed generation and implementing aggressive demand-side initiatives, as explained further on page 9 of the agenda.

CLIMATE CHANGE AND COMMUNITY RESILIENCE

The burning of coal, oil and gas for energy is warming Earth's atmosphere and changing our climate. As a result, we have experienced more frequent and intense temperature extremes and destructive weather events. For Boulder, climate action is about resilience and transformation: we need to adapt to the climate changes that are already in motion, as well as reduce the emissions-heavy activities that drive future climate change. We face a great challenge but also a great opportunity to make Boulder better-- to create a healthier, safer and more prosperous community. In order to realize this opportunity, we need unprecedented levels of federal and state cooperation and legislative action.

- **ADOPT COMPREHENSIVE STATE CLIMATE MITIGATION GOALS AND IMPLEMENTING STRATEGIES**

In 2007, Governor Bill Ritter, Jr., included in his Colorado Climate Action Plan goals for reductions in statewide heat-trapping emissions of 20 percent by 2020 and 80 percent by 2050, compared to 2005 levels. In 2008, Governor Ritter also included these goals in Executive Order D 004 08. While that executive order has not been amended or superseded, and so remains official state policy, the goals are not being given the attention necessary to drive action aimed at achieving them. The city supports state legislation establishing new goals and implementing strategies to reduce heat-trapping emissions to levels sufficiently aggressive as to support the city's interim goal of achieving 100 renewable electricity by 2030 and reducing citywide greenhouse gas emissions from all sectors by at least 80 percent below 2005 levels by 2050. These goals must be no less stringent than the goals established by Governor Ritter or than those set by the federal government as a national target in its official submission to the United Nations under the Paris Agreement, which are to reduce national net heat-trapping emissions by 26 percent to 28 percent below 2005 levels by 2025, and to make best efforts to reduce them by 28 percent.

- **PRESERVE AND SUPPORT THE ABILITY OF LOCAL GOVERNMENTS TO ENGAGE IN CLIMATE ACTION EFFORTS**

Preserve and support the ability of local governments to develop and implement effective energy strategies that reduce environmental impacts by:

  - Forming their own energy utilities;
  - Enhancing the right of local governments to condemn electric assets at fair market value, while opposing utility efforts to seek lost revenues;
  - Securing access to information from regulated utilities of designated undergrounding funds and communitywide energy information relevant to climate action programs;
  - Facilitating local government purchases of street lighting; and,
  - Funding local government energy efficiency and renewable energy programs.

- **FACILITATE ACCESS TO RENEWABLE ENERGY**

Facilitate access to renewable energy by:

- Allowing for aggregation of residential or commercial electric customers in municipal purchase of renewable energy on behalf of these groups of customers (a.k.a. community choice aggregation);
- Allowing mobile home owners to receive the same rebates and incentives for installation of solar panels as are available to other homeowners;
- Establishing a small state level carbon tax with proceeds used to fund renewable energy projects as well as transmission and distribution system improvements that enable additional deployment of renewables and energy efficiency measures;
- Supporting federal policies that establish a price on carbon emissions domestically as well as internationally;
- Increasing or removing the 120 percent cap on net metered generation; and,
- Allowing customer access to diverse solar options through a variety of well-designed and equitable policies (including net metering, feed-in tariffs, "value of solar" tariffs, or minimum bills) that fully recognize the value of local solar.

- **EXPAND THE DEVELOPMENT OF CLIMATE CHANGE ADAPTATION STRATEGIES**

The city understands that the early impacts of climate change have already appeared and that scientists believe further impacts are inevitable, regardless of decreases to future global greenhouse gas emissions. In addition, the city recognizes that decisions we make today about land use, infrastructure, health, water management, agriculture, biodiversity and housing will have lasting consequences. It is therefore important to begin planning now for the impacts of climate change in the future. Consequently, the city supports legislation that expands the development of climate change adaptation strategies such as those that initiate, foster and enhance existing efforts to improve economic and social well-being, public safety and security, public health, environmental justice, species and habitat protection, and ecological function.

- **ENHANCE CUSTOMER ENERGY CHOICE**

Enhance the energy choices available to customers by:

- Making any necessary changes to the community solar gardens law (HB10-1342) to allow for its successful implementation, especially with regard to facilitating formation of smaller (500 kW and under) solar gardens, and enabling local ownership of wind and solar gardens above and beyond ERP requirements and without incentives, if a community chooses;

- Enacting time-of-day electricity price signals that would, among other things, promote charging of vehicles when renewable resources are abundant;
- Requiring statewide lighting, appliance and other equipment efficiency standards and/or incentives, as appropriate, for efficient technologies;
- Facilitating new and creative customer choice options such as peer-to-peer customer sharing of electricity generation, virtual net metering or microgrid development;
- Allowing local governments to develop regional energy networks that implement energy efficiency programs with direct funding from utilities; and,
- Precluding utilities from imposing excessive charges onto their customers for net metering of distributed renewable energy generation, customer-sited combined heat and power systems, or on-site energy recapture systems.

• INCREASE PUBLIC ACCESS TO ENERGY DATA

Increase the public's access to energy data by:

- Standardizing regulated utility filings to increase transparency at the PUC and requiring all PUC discovery to be publicly available and filed in machine-readable formats;
- Promoting best practices related to energy data, such as adoption of the Green Button Program by regulated utilities;
- Facilitating the development of a third-party demand-side management program implementer, including energy efficiency and distributed generation programs;
- Facilitating the development of an energy data center or energy statistics branch within a state energy agency to produce data sets related to research and policymaking;
- Enabling regulated utilities to provide aggregated whole-building data to building owners and property managers for use in building benchmarking and energy efficiency improvements; and,
- Creating an exception to the Colorado Open Records Act that confirms the ability of local governments to protect customers' energy data when they participate in local energy efficiency programs and greenhouse gas emissions reporting initiatives.

• SUPPORT ENERGY UTILITY AND REGULATORY ENHANCEMENTS

Support energy utility and regulatory enhancements by:

- Requiring utilities to file grid modernization plans with commitments to distribution grid upgrades and targets that facilitate energy efficiency, renewable energy and grid-connected energy storage;
- Encouraging investments in conservation by replacing the current focus solely on energy rates to one focusing on minimization of the consumer's total energy bill;

- Including all environmental and health costs and risks, sometimes referred as the social cost of carbon, when evaluating integrated resources plans of the investor-owned utilities;
- Unbundling rates to clearly differentiate fixed and variable energy costs;
- Facilitating the use of investor–owned transmission lines at fair and reasonable prices to convey renewable energy from multiple sources (a.k.a. retail wheeling);
- Encouraging the Public Utilities Commission to consider comprehensive performance-based regulation for utilities, which would compensate them based on providing customer choice and satisfaction, reliability and resilience, and reduced carbon emissions, as opposed to applying traditional cost of service concepts;
- Clarifying that, for purposes of the rules governing intervention in administrative hearings before the Colorado Public Utilities Commission (PUC), customers of a business regulated by the PUC qualify as persons who "will be interested in or affected by" the PUC's order;
- Supporting legislation that would assist and expedite Colorado's implementation of the federal Clean Power Plan, rules designed to reduce carbon emissions from coal-fired power plants across the country, or of Governor Hickenlooper's draft Executive Order requiring a 35 percent reduction in carbon dioxide emissions from the power sector by 2020, as compared to 2012 levels. Conversely, opposing any legislation that would delay or prevent the implementation of either the federal rule or the Governor's order;
- Increasing the state's current Renewable Energy Standard to 50 percent by 2025 and applying that standard to all qualifying retail utilities in Colorado; and,
- Requiring legislative approval and oversight of the creation of, or proposed membership in, any future regional transmission organization or regional wholesale market by Colorado electric utilities and including an evaluation of related greenhouse gas impacts on Colorado electricity supply.

• INCREASE ENERGY EFFICIENCY

- Increase energy efficiency by establishing high performance residential and commercial building codes. At the state level, encourage the adoption of at least the 2012 version of the International Energy Conservation Code (IECC).
- Allow local governments to develop regional energy networks that implement energy efficiency programs.
- Facilitate development of a third-party demand-side management program implementer.
- Facilitate the development of outcome-based and beyond net zero energy codes.
- Reinstate the energy-efficient commercial and residential buildings federal tax deductions that expired at the end of 2013.
- Expand and extend the Colorado Energy Efficiency Resource Standard which requires electricity savings goals of 5 percent of the utility's 2006 peak demand and electricity sales by 2018 for Colorado's investor-owned electric utilities.

- Support continued and expanded funding for programs that help low-income Coloradoans meet their energy needs such as the Low-Income Home Energy Assistance Program and the Weatherization Assistance Program.

• ENCOURAGE MORE WIDESPREAD ADOPTION OF ELECTRIC AND EFFICIENT MOTORIZED VEHICLES

Ground transportation in the City of Boulder accounts for 21% of greenhouse gas emissions. Increasing marketplace uptake of electric vehicles (EVs) can provide reductions in both GHG emissions and other pollutants. While the primary approach will always be to encourage alternative modes of transportation that reduce vehicle miles travelled, the city will also support legislative change that reduces energy use and emissions of air pollutants from vehicles, specifically legislation that:

- Enables and encourages electric utilities to support greater adoption of electric vehicles by investing in electric vehicle charging, educating customers about EVs and providing customer incentives;
- Uses existing "Alternative Fuels Colorado Program" state funding to ensure the development of a network of strategically located public DC fast-charging stations along the state's major corridors, irrespective of whether they are co-located with compressed natural gas stations;
- Modifies current "HOV Exemption Program," which provides owners of 2,000 low-emission and energy efficient vehicles free access to high-occupancy-toll lanes, to limit the exemption to three years per vehicles and to allocate the new permits to only the owners of the most energy efficient vehicles, which should be updated periodically.
- Requires the state's vehicle registration database to be structured to allow local governments to have access to fuel efficiency information of the vehicles registered in their jurisdiction;
- Provides Colorado counties the option to implement a revenue-neutral system that imposes higher vehicle registration fees on the purchase of less efficient vehicles and rebates on the purchase of more efficient vehicles (assuming social equity concerns can be addressed);
- Supports the adoption of the next phase (post-2025) of federal vehicle efficiency standards for light duty vehicles and of the next phase (post 2016) of federal efficiency standards for medium and heavy duty vehicles;
- Requires a percentage of vehicles sold in Colorado to meet "zero emission vehicle standards," as enacted in California (requires 15% of vehicles sales to be ZEV by 2025) and subsequently adopted by nine other states;
- Increases state biofuel infrastructure and develop a statewide biofuels strategy (including renewable diesel), and;
- Encourages the proliferation of public charging stations for electric vehicles by requiring new parking lots and parking structures to provide a minimum number of public charging stations.

- **SUPPORT REFORM OF RESIDENTIAL PROPERTY ASSESSED CLEAN ENERGY (PACE) FINANCE STATUTES TO ALLOW FOR RESUMPTION OF BOULDER COUNTY'S RESIDENTIAL PACE PROGRAM**

The city has been an active supporter of Boulder County's PACE finance program, formerly known as the Climate Smart Loan Program. Many city residents have taken advantage of residential PACE to secure low-interest loans to make energy efficiency and renewable energy upgrades to their homes. However, actions taken in 2010 by Fannie Mae, Freddie Mac, and the Federal Housing Finance Agency have forced local governments across the country, including Boulder County, to suspend their residential PACE financing programs. The city supports reversal or resolution of these federal actions, either through legislation or regulation, to allow residential PACE programs to again move forward. If such federal action is taken, the city would also urge the Colorado General Assembly to quickly take any action necessary to conform Colorado's PACE enabling statutes to the new federal requirements.

- **PROMOTE WASTE REDUCTION AND DIVERSION EFFORTS**

In Colorado, there are currently no statewide minimum waste diversion goals. In addition, there exist artificially inexpensive landfill tip fees and no minimum recycled content standards. This often makes the most environmentally responsible management practices like source reduction and recycling and composting cost prohibitive. The city supports statewide legislation that would:

- Encourage product stewardship and take-back programs (a.k.a. "extended producer responsibility");
- Ban specific materials;
- Require post-consumer minimum content standards for product manufacture;
- Implement statewide or regional landfill tip fee surcharges to be used for waste reduction;
- Create tax credits to encourage source reduction, recycling and composting and markets for recycled materials, and;
- Establish a statewide waste diversion goal structured to include incentives and assistance programs to spur waste diversion state-wide, and encourage additional resource recovery.

While the city opposes "waste to energy" technologies involving trash incineration or incentivizing landfilling for the sake of energy creation, the city supports energy capture from anaerobic digestive technologies at composting and wastewater treatment plants. The city also supports energy production from the organic matter portions of the waste stream that would otherwise end up in a landfill if not used to make energy or energy products. Examples of this type of beneficial use include woody construction and demolition waste and yard or food waste that is not able to be otherwise diverted from landfilling and can be used to produce electricity or liquid fuel components. The city, however, views all energy

production uses as last in priority to other beneficial uses such as composting, recycling and re-purposing.

The city also has specific concerns about the environmental hazards posed by electronic waste in landfills. Therefore, the city supports legislation that requires extended producer responsibility that is regulated to be environmentally and socially acceptable. Finally, the city would support repeal of the prohibition contained in state law (C.R.S. Section 25-17-104) on local government bans on "use or sale of specific types of plastic materials or products" or restrictions on "containers . . . for any consumer products."

- **SUPPORT IMPROVEMENTS TO THE COLORADO OIL AND GAS CONSERVATION COMMISSION'S OVERSIGHT OF OIL AND GAS DRILLING AND PRESERVATION OF LOCAL CONTROL TO ADOPT REGULATIONS, MORATORIUMS OR OTHER LIMITS AS NECESSARY**

Oil and gas drilling is an industrial activity that is increasing in Colorado and within the northern Front Range, and which poses significant risks and potential adverse impacts. These include damage to air and water quality, scenic values, property values, public infrastructure and public health and that can significantly affect both local quality of life and economic prosperity.

There is growing public concern about the proximity of oil and gas development to communities and other sensitive resources and about industry techniques, such as hydraulic fracturing (or "fracking"), used to access oil and gas resources. Fracking is a process whereby fluids are injected at high pressure into underground rock formations to blast them open and enable new or increased exploitation of fossil fuel resources. Chemicals typically used in the fracking process include diesel fuel, benzene, industrial solvents and other carcinogens and endocrine disrupters. According to the Colorado Oil and Gas Conservation Commission (COGCC), nearly all of the more than 51,000 oil and gas wells operating in Colorado are fracked.

There is increasing evidence and growing concern that oil and gas operations emit toxic air pollutants, volatile organic compounds that cause ground-level ozone, and potentially large amounts of methane, one of the most potent greenhouse gasses. Further, according to the COGCC, since 2010, there have been more than 3,400 spills in Colorado – an average of 550 each year – and more than 15% of these spills have contaminated water supplies. Accordingly, the city believes that fracking should not be an exempted activity under the Clean Water Act or Safe Drinking Water Act or other federal environmental laws.

In July of 1993 the City of Boulder adopted its own regulations to govern oil and gas operations and production on city open space lands. These regulations require an application to the city manager, and hearings conducted by the Open Space Board of Trustees and City Council. Since the adoption of these regulations in 1993, no one has applied to conduct new drilling operations on Open Space lands. These regulations, however, do not address the

issue of fracking or other emerging concerns about oil and gas impacts, nor do they address any potential drilling that might be proposed within city limits on non-open space lands.

The City of Boulder believes that local governments have both the right and responsibility to take action to protect the public health and well-being of its residents as well as the environment. The city supports the state setting minimum standards and best management practices for the oil and gas industry (such as those suggested by the International Energy Agency on this subject, entitled "Golden Rules for a Golden Age of Gas"), but also believes that local jurisdictions must be allowed to adopt strong rules as needed to address local concerns and conditions. To that end, the city supports legislation that clarifies and strengthens the authority of local governments to use their existing land use authorities to manage and tailor oil and gas activities within their borders to ensure public health, safety and welfare, and to protect the environment. The city also opposes legislation that would preempt local authority to establish and enforce regulations over such fracking operations.

In addition, the city supports legislation that would address specific oil and gas drilling impacts, including legislation to:

- Better protect homes and communities by increasing the minimum distance between wells and occupied buildings from the current 500' setback to 1000', 1,500' for schools, giving local governments an effective role in controlling the pace and footprint of development in their jurisdictions.
- Lift the current prohibition on local governments passing along the cost of inspections to industry.
- Adopt statewide protections for water including: requiring setbacks from all streams and lakes; requiring baseline and periodic water monitoring at all drilling sites; raising casing and cementing standards to ensure wellbore integrity; and requiring operators to formulate a water management plan and recycle wastewater before acquiring new supplies.
- Better protect air quality at and near oil and gas operations and decrease greenhouse gas emissions by requiring strict controls on fugitive emissions from oil and gas facilities, including adopting the latest technology in leak detection and repair.
- Address the dual mandate and composition of the COGCC to make its primary role the regulation of the oil and gas industry to protect the public health, safety and the environment.
- Support further study of air, water and public health impacts oil and gas operations and ways to mitigate or avoid impacts.

• FEDERAL AND STATE SUPPORT FOR BUILDING COMMUNITY RESILIENCE

In December 2013, Boulder was selected as one of 32 inaugural cities to participate in 100 Resilient Cities (100RC), a global network pioneered by the Rockefeller Foundation to help cities around the world become more resilient to the physical, social and economic challenges

of the 21st century. Boulder joined the network as part of the initiative's first wave and through its participation is committed to demonstrating leadership in resilience as well as leveraging the resources and opportunities it presents.

Boulder supports a view of resilience that includes not just the shocks – floods, wildfires, violence, and other acute events but also the stresses that weaken the fabric of a city on a day to day or cyclical basis, such as economic hardship or social inequality. By addressing both the shocks and the stresses in a holistic manner, a city increases its ability to respond to adverse events, and is better able to deliver basic functions in both good times and bad, to all populations.

With Rockefeller Foundation support, the city hired its first Chief Resilience Officer in 2014 to lead the coordination and development of a broad reaching Resilience Strategy. The city recently released its draft Resilience Strategy, a plan that builds on past successes and looks to new integrated systems and solutions to ensure a thriving future for our community. The strategy identifies core areas where the city's work has helped advance resilience principles already and established a strong foundation for future action; details specific actions for further embedding resilience principles and concepts into city operations; and define an approach for developing an ethos of preparedness and vigilance in the community. In order for Boulder and other communities around the nation to implement resilience-building strategies, coordination and financial and technical support from the state and federal governments will be necessary. The city will support legislation that furthers addresses such needs.

DEMOCRACY AND GOVERNANCE

- **SUPPORT FOR AN AMENDMENT TO THE U.S. CONSTITUTION ABOLISHING CORPORATE PERSONHOOD**

On November 1, 2011, the residents of Boulder voted, by a 73 percent majority, to approve Ballot Question No. 2H which called for "reclaiming democracy from the corrupting effects of corporate influence by amending the United States Constitution to establish that: 1) Only human beings, not corporations, are entitled to constitutional rights; and 2) Money is not speech, and therefore regulating political contributions and spending is not equivalent to limiting political speech."

The City of Boulder will support state and federal legislation similar to SJR12-1034, or action by other intergovernmental partners, that furthers efforts to amend the U.S. Constitution with language that captures the sentiment, if not the exact language, expressed by Ballot Question No. 2H. This includes support for the joint resolution that was introduced in the U.S. Senate on December 8, 2011 by Senator Bernie Sanders to amend the Constitution to exclude corporations from First Amendment rights to spend money on Political Campaigns (a.k.a. the Saving American Democracy Amendment).

- **REFORM PROCESS FOR CITIZEN-INITIATED AMENDMENTS TO THE CONSTITUTION**

The city supports General Assembly action to submit to the Colorado electorate a referred measure to reform the current process for citizen-initiated constitutional and statutory amendments by altering the signature collection requirements and requiring a supermajority voter approval for constitutional amendments, except for those measures that look to amend previous voter-approved constitutional amendments; and requiring for a time a supermajority approval by the General Assembly to change citizen-initiated statutory amendments

Over the past 25 years, as a result of its low threshold requirements, Colorado has experienced a surge in citizen-initiated ballot measures. In the last 18 years alone, the constitution has been amended 35 times, adding detailed and sometimes conflicting provisions with far-reaching consequences. The city supports state legislation similar to HCR12-1003 that would reform the citizen initiative process to make it more difficult to amend the state constitution while providing assurance to Colorado citizens that statutory amendments will be respected by state elected officials. The city, however, opposes initiatives like the proposed Amendment 71 which would create oppressive signature collection requirements by state senate district and provide no safeguards for citizen-initiated changes to state statute.

ECONOMIC VITALITY

- **PROTECT CORE PROVISIONS OF THE COLORADO URBAN RENEWAL LAW, WHICH PROVIDE EFFECTIVE REDEVELOPMENT TOOLS FOR MUNICIPALITIES SUCH AS TAX INCREMENT FINANCING AND EMINENT DOMAIN**

Unlike many communities that contain vast areas of undeveloped land planned for future commercial and residential use, Boulder's future economic sustainability will depend on effective and ongoing re-use of existing developed property. The majority of future redevelopment in Boulder will be completed by private entities and through private investment. However, in rare circumstances, and based on the requirements of the urban renewal law, projects that demonstrate a compelling community need may only be achievable through a public/private urban renewal partnership. Municipalities should retain the capacity to facilitate revitalization of their urbanized areas.

- **SUPPORT CONTINUED FUNDING AND SUPPORT FOR THE FEDERALLY FUNDED LABS LOCATED IN BOULDER**

The city’s economic vitality policy strongly supports the federally funded laboratories that are located in the city, specifically:

- Cooperative Institute for Research in Environmental Sciences (CIRES)
- Joint Institute for Laboratory Astrophysics (JILA)
- Laboratory for Atmospheric and Space Physics (LASP)
- National Center for Atmospheric Research (NCAR)
- National Ecological Observatory Network (NEON)
- National Institute of Standards and Technology (NIST)
- National Oceanic and Atmospheric Administration (NOAA)
    - Office of Oceanic and Atmospheric Research (OAR)
    - National Weather Service (NWS)
    - National Environmental Satellite, Data and Information Service (NESDIS)
- National Telecommunications and Information Administration (NTIA)
- University Corporation for Atmospheric Research (UCAR)
- UNAVCO
- United States Geological Survey (USGS)

The labs, the research they conduct, and the researchers and staff they employ are vitally important to the City of Boulder, Boulder County, the Denver metropolitan region, the state and the nation as a whole. The research funding they receive is redistributed throughout Colorado and beyond in the form of discretionary employee income, purchases of goods and services from suppliers, and contractual agreements with universities and private industry. Technologies they've created have led to technology transfer and spin-off companies.

In the Boulder metro area alone, federal research labs employed over 3,539 people in 2012. The NOAA, NIST and NTIA labs accounted for over one-third of this employment. These are high-skilled, highly educated employees whose average annual compensation in 2012 was $107,900. In August 2013, CU's Leeds School of Business released a study entitled, "CO-LABS Economic Impact Study: Economic and Fiscal Impacts of Federally Funded Research Facilities". According to the report, the net economic benefit to Boulder County of the federal labs, combined with other federally funded research laboratories in Colorado, totaled $743.2 million in FY 2012.

Boulder highly values the scientific contributions the labs and their employees have made to the entire nation, as well as the economic impact they have on our community. These institutions work closely with scientific researchers from the University of Colorado in Boulder and Colorado State University in nearby Ft. Collins. This synergy of scientific knowledge is found nowhere else in the United States.

Just as the labs generate direct benefits (employment, local spending) and associated indirect activity through an economic multiplier effect, the opposite holds true for funding reductions. According to CU's Leeds School of Business, for every job lost at these federal laboratories, an additional 1.17 jobs will be lost in Colorado. For every $1 million in funding cuts to the labs, an additional $1.13 million in economic impact will be lost. Perhaps even more troubling, our national capacity for research and innovation will be damaged by lay-offs of scientists and researchers, jeopardizing new advanced technologies, future businesses formed to commercialize developing technologies, and our global competitiveness.

- **SUPPORT FACILITATING THE ABILITY OF MUNICIPALITIES TO ENTER INTO REVENUE SHARING AGREEMENTS**

The city believes that there are a number of shortcomings associated with the current reliance municipalities have on sales tax generation. These include revenue-driven development detached from community land use goals, the use of incentives to capture development at the expense of municipal budgets, and sales tax revenue volatility resulting from counterproductive competition of regional retail outlets. In order to address these and other limitations, the City of Boulder, in conjunction with the Boulder County Consortium of Cities, is exploring the possibility of a revenue sharing agreement with one or more of its municipal neighbors. The significant challenge of such an undertaking would be diminished if the state were to provide mechanisms to encourage such agreements. One possibility would be for the state to establish a task force to evaluate the possibility of exploring revenue sharing as it may relate to the creation of a service tax or the removal of barriers to collecting Internet sales tax.

HOUSING

- **OPPOSE FEDERAL EFFORTS TO REDUCE APPROPRIATIONS FOR HUD PUBLIC HOUSING AND SECTION 8 PROGRAMS WHICH PROVIDE RENTAL ASSISTANCE TO LOW-INCOME HOUSEHOLDS**

In the continuum of housing options for Boulder citizens, public housing and Section 8 vouchers provide a unique source of safe and affordable homes for approximately 1,000 families. Public housing and voucher assistance serve the lowest income families in Boulder, 95 percent of whom have incomes below $14,000 annually and pay an average of less than $300 per month in rent. There are very few, if any, market options for these families who depend entirely on the availability of federal assistance in order to live with dignity and assurance of shelter.

- **OPPOSE FEDERAL REDUCTIONS TO COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND HOME INVESTMENT PARTNERSHIPS**

Boulder has participated in the CDBG program since 1975, and funds have been used in the past for a variety of projects ranging from assistance to nonprofit agencies that provide services to the city's low and moderate income residents, to construction of the Pearl Street Mall, and renovation of the Chautauqua Auditorium. Boulder has also participated in the HOME program since 1992 and program funds have supported the production and preservation of affordable housing. For the past nine years, Boulder has been the lead agency for a regional HOME Consortium including all of Boulder and Broomfield Counties. Half of the HOME funds received by Boulder are used in Boulder and half in the other Consortium communities. In 2016, the city received $722,528 in CDBG funding, a 29%

reduction since 2010, and $916,882 in HOME funding, a 32% decrease in five years, from the U.S. Department of Housing and Urban Development. The CDBG and HOME programs allow the city to strengthen public infrastructure, increase supply of affordable housing, and improve the quality of life for the city's low and moderate income residents.

- **SUPPORT FOR STATE HOUSING TRUST FUND**

The city is supportive of legislative efforts that would lead to creation and financing of a state affordable housing trust fund. One example is the mechanism that was put in place through HB14-1017, which created a state low income housing tax credit operated through the Colorado Housing and Finance Authority (CHFA). In the last two years, nearly 2,000 affordable housing units were developed in various municipalities throughout the state using state tax credits. This program is another tool for the state to develop affordable housing in communities.

- **SUPPORT LEGISLATION THAT HELPS ADDRESS THE POWER IMBALANCE BETWEEN OWNERS OF MOBILE HOMES AND OWNERS OF MOBILE HOME PARKS**

It is the policy of the city to encourage affordable housing ownership, including manufactured housing. The following are examples of the changes that the city may support in this regard:

1. Create an enhanced enforcement mechanism for the provisions of the Colorado Mobile Park Act and associated funding source;
2. Require a minimum one-year lease;
3. Prohibit changes in park rules during term of lease;
4. Create an opportunity to purchase a mobile home park by residents or non-profit organizations;
5. Expanded (i.e., 6 month) notification requirement if mobile home park is to be closed; and,
6. Incentivize owners of mobile home parks to submit a dispute to mediation when attempting to evict a tenant for a violation of park rules or the rental agreement.

HUMAN SERVICES/HUMAN RIGHTS

- **SUPPORT COMPREHENSIVE FEDERAL IMMIGRATION REFORM**

The City of Boulder has been, and remains, committed to the protection of civil and human rights for all people. It believes in the dignity of all Boulder residents, regardless of

immigration status, and recognizes the importance of their many contributions to the social, religious, cultural and economic life of the city.

The failures of the U.S. immigration system have had profound impacts within the Boulder community. These include very young students losing motivation to excel in their learning because of knowledge that they lack affordable higher educational opportunities and the existence of an underclass, climate of fear, informal economy and work force inequities.

Accordingly, the city welcomes and encourages cooperation at all levels of government to work together to support swift and responsible legislative action to produce equitable, humane, effective and comprehensive federal immigration reform that provides for:

1. Enforceable immigration laws;
2. A rational and humane approach to the undocumented population;
3. A simplified visa system which allows for family unification of those who have been separated by the legal immigration backlog process and which provides for legal status for the existing immigrant workforce;
4. A rate and system of controlled immigration that matches the needs of our economy;
5. Social integration for our existing immigrant workforce and their families;
6. Recognizing employers as key allies in implementing immigration policy and enhancing enforcement of labor laws to remove the market advantage that leads to exploiting immigration status to pay lower wages, avoid taxes and violate labor laws;
7. A system which ultimately aids in border control; and,
8. Bilateral partnerships with other countries to promote economic development that will reduce the flow of immigrants.

The city also supports federal legislation, such as the often introduced Development, Relief, and Education for Alien Minors Act (The "DREAM Act"), that would qualify students for immigration relief if they have resided in the United States for several consecutive years, arrived in the U.S. as young children and demonstrated good moral character; put such students on a pathway to citizenship if they graduate from high school or obtain a GED and complete at least 2 years towards a 4-year degree or serve in the U.S. military for at least two years, and; eliminate a federal provision that discourages states from providing in-state tuition to their undocumented immigrant student residents, thus restoring full authority to the states to determine state college and university fees. Similarly, the city supports legislation, like HB14-1124, which would allow instate tuition for American Indian Tribe members with ties to Colorado.

Finally, the city supports legislation like the Uniting American Families Act, which would ensure that all Americans, regardless of sexual orientation, receive equal treatment under immigration laws. The bill specifically would have allowed partners and children of U.S. citizens and lawful permanent residents to obtain lawful permanent resident status the same way heterosexual spouses can. It would also allow for family-based immigration for gay and lesbian Americans and the reunification of families, which strengthens our communities.

- **PROTECT UNACCOMPANIED CHILDREN IMMIGRATING INTO THE UNITED STATES**

In 2014, an unprecedented number of unaccompanied minors fled their home countries in Central America to seek refuge in the United States, creating a humanitarian crisis and requiring immediate action by the Administration and Congress of the United States. Many of the U.S. laws and procedures regarding unaccompanied minors are focused on the welfare of the child, rather than detention, and the United States Department of Health and Human Services (HHS) must place the children in the "least restrictive setting" possible. Boulder City Council urges the President and Congress of the United States to adopt immigration policies that ensure that unaccompanied minors receive appropriate child welfare services, legal support and expeditious reunification with their families already in the United States.

- **SUPPORT THE NECESSARY FUNDING FOR STATE OFFICES TO PROVIDE DRIVERS LICENSES UNDER THE "COLORADO ROAD AND COMMUNITY SAFETY ACT"**

In 2013, Colorado enacted SB 13-251, the "Colorado Road and Community Safety Act," which allowed an estimated 150,000 undocumented Colorado residents, who cannot provide proof of legal presence in the United States, to apply for driver's licenses and ID cards. When the program went into effect the state became the 10th in the country to license undocumented immigrants. Demand has been strong, but has been met with long waits and limited D.M.V. appointments. The city believes that licensing immigrants makes the roads safer by educating drivers and making them likelier to carry insurance and supports efforts to provide the necessary funding to allow state offices to meet demand.

- **FURTHER THE RIGHTS OF ALL PEOPLE REGARDLESS OF THEIR ACTUAL OR PERCEIVED SEXUAL ORIENTATION OR GENDER VARIANCE STATUS**

On May 18, 2004, Boulder's City Council adopted Resolution No. 947. This resolution affirms the city's commitment to the protection of civil rights for all people as outlined in the city's human rights ordinance. Furthermore, the resolution recognized the many contributions that the city's gay, lesbian, bisexual and transgender residents have provided that have enhanced the lives of all in the community.

Consistent with the city's long history of support for the equal rights of all people regardless of their actual or perceived sexual orientation or gender variance status, the city supports the Equality Act, introduced in Congress last July in the Senate (S. 1858). This legislation would amend the Civil Rights Act of 1964 to include protections that ban discrimination on the basis of gender identity and sexual orientation in the areas of employment, housing, public accommodations, public education, federal funding, credit and the jury system. President Obama announced his support for this measure on Nov. 10, 2015.

- **ALLOW MUNICIPALITIES TO ESTABLISH THEIR OWN MINIMUM WAGE LAWS HIGHER THAN THE STATE OR FEDERAL MINIMUM WAGE**

- **OPPOSE FURTHER CUTS TO STATE FUNDED HEALTH AND HUMAN SERVICE PROGRAMS, ESPECIALLY THOSE THAT ARE PREVENTIVE IN NATURE**

In recent years, the state made drastic cuts to services that help provide a safety net to thousands of city residents. This includes services to very low income residents, children and families, mentally ill and disabled people without health insurance. The city urges the General Assembly to avoid making further cuts to those essential services that serve the city's most vulnerable, especially intervention and prevention services that keep people out of crisis.

INTERNAL ADMINISTRATIVE MATTERS

- **PROTECT WORKERS' COMPENSATION SYSTEM**

The city's self-insurance program is a cost efficient method to provide workers' compensation. The workers' compensation system serves a dual purpose, providing benefits promptly to injured employees in a cost-effective manner and minimizing costly litigation. Consequently, the city will support legislation that improves the administrative efficiency of the State of Colorado's Division of Workers' Compensation.

State intervention or taxation can negatively impact the city. Consequently, the city will oppose legislation that increases insurance premium costs to employers, adds administrative burdens or taxes to self-insurance programs, promotes litigation or removes existing off-sets to workers' compensation benefits.

The city also opposes efforts to expand "presumptive disease" claims associated with workers' compensation insurance. Presumptive disease claims are a change in the philosophy guiding workers' compensation insurance. They presume an existing or previous employee obtained the disease from work associated with that person's employer unless the employer can prove otherwise. The 2007 legislative session enacted legislation that requires that, under the Workers' Compensation Act of Colorado, if a firefighter contracts cancer of the brain, skin, digestive system, hematological system or genitourinary system, the condition be deemed to have occurred within the scope of employment unless the employer can prove that the covered cancer did not occur within the scope of employment. This is a particularly difficult proposition for employers as many diseases have a genetic component and cannot be definitively detected in baseline (time of hiring or imposition of new law) testing. The result of this legislation was a 15 percent increase in premiums associated with fire employees. The city opposes any effort to further shift the burden of proof for workers' compensation claims.

- **PROTECT GOVERNMENTAL IMMUNITY**

The complexity and diversity of city operations and services required to meet the needs of the residents of Boulder may expose the city and its officers and employees to liability for damage and injury. City officers and employees must be confident that they have the city's support in the lawful and proper performance of their assigned duties and responsibilities.

Consequently, the city will support legislation that provides immunity to municipalities and their officers and employees in the lawful and proper performance of their duties and responsibilities and that discourages baseless and frivolous claims against the same. Conversely, the city will oppose legislation that expands or increases municipal liability or further limits municipal immunity beyond current law.

- **OPPOSE CHANGES THAT COULD UNNECESSARILY RESULT IN INCREASED CONTRIBUTIONS OR FORCE A REDUCTION IN BENEFITS FOR MEMBERS OF THE PUBLIC EMPLOYEES RETIREMENT ASSOCIATION (PERA)**

Two significant pieces of legislation were enacted in recent years aimed at putting PERA back on track to being fully funded. The first, SB06-235, passed in 2006, made several changes, including: (1) temporary increases in the amount that employers from each division must contribute to PERA, with increases staying in effect until accounts in those divisions are found to be 100% funded; (2) the addition of an eight percent cap per year on the Highest Average Salary (HAS) for new hires; (3) a change of the Rule of 80 to a Rule of 85 with a minimum retirement age of 55 for new hires; (4) a prescribed amortization period reduced from 40 years to 30 years; (5) a requirement for independent actuarial studies to be conducted before future benefit increases could occur; and, (6) a new requirement to purchase service at full actuarial cost.

Then in 2010, SB10-001 was enacted to require, among other things: (1) additional increases in the temporary employer contributions beyond previous requirements, with exemptions for the local government division where further increases were deemed unnecessary; (2) reductions in the cost of living adjustments (COLA); (3) application of the 3-year HAS with a base year and an eight percent spike cap applicable to current members not eligible to retire on January 1, 2011; (4) extension of the Rule of 85 to existing members with less than five years of service credit as of January 1, 2011, creation of a Rule of 88 for new hires and a Rule of 90 for hires after 2017, and; (5) a new requirement for contributions from retirees who return to work.

Despite this legislation, a result of comprehensive and collaborative efforts by PERA, legislators and representatives of employer groups, and despite a 2012 independent auditor finding that PERA's assumed 8 percent rate of return (since lowered to 7.5 percent) is "within a reasonable range of possible scenarios," a variety of legislation has since been and is expected to continue to be introduced in the Colorado General Assembly to further change

the PERA system. The city recognizes that further reforms may indeed be required and consequently supports legislation deemed necessary to stabilize PERA's funds, but only when informed by a comprehensive evaluation of the impacts of those changes so as to protect against unnecessary increases to employer or employee contributions or reductions in employee benefits. One reform the city would support without further analysis is changes to the composition of the 16-member PERA Board of Trustees to provide more balanced representation from non-PERA covered members. However, as one of the largest of the 24 member governments in PERA's Local Government Division, Boulder will oppose piecemeal state legislation that has unknown financial impacts.

LOCAL CONTROL

- **OPPOSE THREATS TO LOCAL CONTROL AND HOME RULE AUTHORITY**

Several bills are introduced each session that threaten to erode local powers. As a general matter, the city believes that local problems need local solutions and that the current authority and powers of municipal governments to make decisions on matters related to land use, zoning, personnel, municipal courts, fees and sales tax, should not be further eroded. Legislation threatening local control, that does not further interests otherwise specified in this legislative agenda or recognized by City Council, will be opposed by the city.

- **FUND AND PROTECT THE MUNICIPAL JUSTICE SYSTEMS ABILITY TO COMBAT HOMELESSNESS**

In 2010, the City of Boulder was one of several local governments and multiple community partners in Boulder County to adopt the Boulder County Ten-Year Plan to Address Homelessness. Despite progress, homelessness remains a significant community concern with a need for specific and targeted innovative city and regional solutions, including those involving law enforcement and courts. A small percentage of Boulder's homeless have frequent interactions with the city's police department and municipal court, resulting in multiple tickets and arrests and a heavy burden on the city. The Boulder Police Department and Municipal Court have been very aware of the system of services available to help the homeless and have worked to build referrals and connections through the officers on the street, probation officers, and now the Homeless Outreach Team, Court Navigator and through the sentencing alternatives that have been traditionally provided by the court. The city supports state legislation that funds and facilitates such efforts. At the same time, the city opposes legislation that would diminish its local control and authority to address homelessness in the manner best suited for community needs.

In recent years, legislation has been introduced (i.e., HB15-1264, "Colorado Right to Rest Act" and HB16-1191 "Bill of Rights for Persons Who Are Homeless") aimed at protecting the homeless by, among other things, prohibiting local governments from banning camping in

public spaces. These efforts, while well intentioned, are ineffective responses to the challenges presented by homelessness. If enacted, it would turn public property into residential areas without the proper facilities and ultimately make Boulder less safe and less desirable for everyone. Moreover, it would seriously undermine municipal home rule authority and basic principles of local control. Accordingly, the city will oppose this type of legislation if introduced again.

In an effort to ensure that public property is available, welcoming and safe for all users, Boulder prohibits camping on public property. It does so while simultaneously working with partners across the county and region to coordinate and develop successful permanent solutions to homelessness, such as permanent and transitional housing programs, emergency and day shelter services, coordinated case management and assessment, landlord recruitment and regional housing placement for those who want to get off the streets. In all, the city spends over $1,000,000 per year to assist homeless people in Boulder; more than any other Front Range city on a per capita basis. If the state were to limit the city's ability to ban camping in public spaces, the availability and public support for such funding would likely diminish as a result of the inevitable expenses associated with the litigation, monitoring, clean up and public health and safety concerns that would arise.

NATURAL RESOURCES, WILDLIFE AND PARKS

- **PROTECT THE ABILITY OF LOCAL GOVERNMENTS AND THE LAND TRUST COMMUNITY TO ACQUIRE AND PROTECT PARKS AND OPEN SPACE**

Colorado Lottery proceeds have been one of the few sources of state funding for conservation of natural resources, wildlife and parks, providing $2.3 billion statewide over the past 28 years. Profits from the sale of lottery products are allocated according to the following formula: up to 50 percent to the Great Outdoors Colorado (GOCO) Trust Fund, 40 percent to the Conservation Trust Fund (CTF), and 10 percent to the Colorado Division of Parks and Outdoor Recreation. GOCO provides competitive grants to projects that preserve, protect and enhance Colorado's wildlife, parks, rivers, trails and open space. The fund is capped (approximately $54 million in 2011) and any spillover is directed to the BEST rural school capital construction assistance fund. The CTF funds are used by local communities across the state for outdoor projects including trail construction, ball fields, playgrounds and adding new parks or enhancing existing parks.

CTF and GOCO funds have for years been a critical part of the city's capital budget. Important acquisitions have been added to Boulder's inventory of parks and open space that have helped shape our community, preserve ecological systems and create opportunities for active and passive recreation for people of all ages. Among the projects accomplished with GOCO funding include Valmont Bike Park, winner of the 2011 Colorado Parks and Recreation Association award for recreation facility design and host of the 2014 USA Cyclo-Cross National Championships.

The city supports preservation of the current lottery distribution formula and will oppose legislation that would change that allocation or create new lottery scratch tickets for other purposes that would decrease demand for the existing lottery tickets.

- **SUPPORT STATE LEGISLATION FURTHERING IMPLEMENTATION OF THE CITY'S URBAN WILDLIFE MANAGEMENT PLAN**

The Urban Wildlife Management Plan (UWMP) was developed to provide guidance on how Boulder's urban areas will provide diverse, self-sustaining, native wildlife populations in a manner compatible with basic human needs, social and economic values and long-term ecological sustainability. The plan also seeks to reduce conflicts between humans and wildlife in the urban core. Management of the city's lands outside of the urban core such as Open Space and Mountain Parks lands and utilities lands (Silver Lake Watershed, Boulder Reservoir) are covered by the plans of the appropriate managing department.

Because of the network of nearby natural lands, its geographic setting at the intersection of the mountains and plains, Boulder's urban areas are visited or inhabited by a wide range of wildlife species. Some species keep a low profile, present little or no conflict and go unnoticed by most urban residents. Other species are highly valued by the community, but most of these present little or no conflict with urban services or land uses. There are, however species that are valued by the community that do come into conflict with people. These include prairie dogs, black bear, mountain lions, Canada geese and mule deer. The city is often attempting to simultaneously conserve these species on open space lands, while managing conflict in the urban area.

There are often opportunities on a species-specific level to support legislation at a state or federal level to complement our conservation and conflict management efforts. Examples include support of funding for mosquito management to address state or federal public health issues/mandates; modifications of laws to allow prairie dog relocation to other counties without commissioner approval; and, modifications to in-stream flow legislation that would allow the city to retain the value of its water rights while simultaneously conserving native and sport fisheries.

- **SUPPORT TO ADDRESS THE CITY'S EMERALD ASH BORER INFESTATION**

In late September of 2013, the emerald ash borer (EAB), an invasive pest of ash trees, was identified within the city limits of Boulder. The EAB is very difficult to detect in early stages and kills even healthy ash trees within 2-4 years of initial attack. Although the EAB flies, infestation normally results from movement of infested ash trees and wood (e.g., firewood, chips, packing and industrial materials). All attempts to eradicate this pest across the Midwest have failed due to the difficulty in detection and ease of movement; by the time the pest is found in an area it has already established and spread to other areas.

The EAB poses a significant threat to all ash trees within the city. There are approximately 50,000 city park and public street rights-of-way trees under the jurisdiction of the Boulder Parks and Recreation Urban Forestry Division: approximately 6,000 are ash trees (12 percent of the public tree population). That number within the city rises to 70,000 when you include private ash trees and 1.45 million when you take into account all the ash trees in the Denver metro area. Consequently, local governments may require significant support from the state to contain the threat, enforce a quarantine, remove dead trees and to educate the public.

Another issue to consider is urban tree canopy. The urban tree canopy along the Front Range provides huge environmental benefits to communities like Boulder including stormwater runoff reduction (helps to reduce flood risk). The city of Fort Collins recently performed an i-tree Eco study that looked at the number and percent of ash on both public and private property. The project showed the City of Fort Collins had 15% ash trees. Given ash is a large maturing tree with a large canopy, it actually comprised 33% of the urban tree canopy and therefore, contributes more towards the canopy on a per tree basis than other tree species. If we assume the same for Boulder and across the Front Range, the loss of environmental services provided to communities due to EAB is staggering. When trees die on private property, the cost of tree removal raises concerns with regard to whether there will be resources available to replace individual trees and the tree canopy for future generations.

The city will support necessary state legislation, including requests for supplemental funding for the CDA or the creation of an account to support emergency response to pests when no specific agricultural or horticultural industry is primarily impacted, to allow the state to partner with the city in addressing the challenges presented by the EAB.

- **SUPPORT RESTORATION OF LOCAL GOVERNMENT AUTHORITY TO REGULATE CERTAIN PESTICIDE USES AND FOR ADDITIONAL PROTECTIONS FOR POLLINATORS, HUMAN HEALTH AND WATER QUALITY**

The Colorado Pesticide Applicators' Act applies to pesticide applicators with the focus primarily on licensing of commercial pesticide applicators. The act is administered and enforced by the Colorado Department of Agriculture which also administers EPA rules and federal pesticide law in Colorado. Until 2006, when industry-backed legislation was enacted, the Act allowed local governments in Colorado wide discretion to enact pesticide regulations. Since 2006, however, local control to regulate almost all aspects of pesticide use has been preempted by state law. The 2006 legislation expanded state preemption for all pesticide users. The only exception is for the posting of notification of pesticide applications for non-commercial pesticide applicators.

Given the city's vested concerns in regaining some of its former authority to protect human health and the environment from the potential adverse effects of pesticides, the city will advocate for legislation that provides a more balanced perspective on pesticide use that takes into account recent studies concerning the human health and environmental impacts of pesticides. Specifically, it will support state protections concerning pesticide exposure that

affects children, pollinators and water quality and restoration of the ability in specific situations for local governments to regain some authority to restrict pesticide use when immediate risk to human health or the environment cannot be addressed by the federal or state governments to adequately safeguard the public interest in a timely manner. The city will also support funding for increased education or research on alternatives to pesticides and programs that provide increased pesticide-free habitat, sustainable agriculture and preservation of biodiversity.

Rapid decline of honeybees and other pollinators threatens the U.S. agricultural system and the functioning of general ecosystem services. Urgent regulatory action is needed at all levels of government. State restoration of local control would allow municipalities to address pollinator-specific concerns. The city also supports measures for pollinator protections at all levels of government, including federal legislation such as the Saving America's Pollinators Act.

- **SUPPORT EFFORTS THAT PROTECT THE BOULDER COMMUNITY FROM WILDFIRE AND PROMOTE ECOLOGICAL FOREST HEALTH**

The city owns and manages 10,000 acres of forested open space and mountain parks land, almost all outside the boundaries of the city but immediately adjacent to residential areas. The health of these forests is critical to preventing catastrophic fires and to supporting biodiversity and creating resiliency. Historic fire suppression has led to overly dense forest conditions around Boulder that can have a direct impact on wildfire intensity and frequency, habitat function, water quality and recreational values. The city is dedicated to protecting these natural resource values by implementing vegetation management activities that improve the overall ecological health of our forests, decrease the risk of high intensity wildfires, maintain and improve habitat for fish, wildlife, and plants and protect public and private resources. Accordingly, the city will support federal and state legislation that promotes wildfire mitigation and forest restoration efforts in the wildland/urban interface.

PUBLIC HEALTH AND SAFETY

- **STATE AND FEDERAL ASSISTANCE FOR FLOOD DISASTER RECOVERY NEEDS AND EXPENSES**

September 2013 brought unprecedented rainfall to the region causing significant flooding and extensive damage to many Colorado communities. In Boulder, total damage to city infrastructure and public lands is estimated at $27.6 million, and private-property damage is estimated at $200 million. The city was declared a national disaster which created the opportunity for possible reimbursement through the Federal Emergency Management Agency (FEMA), Federal Highway Administration (FHWA) and the State of Colorado. As of August 2016, the city had spent approximately $20.7 million on flood recovery. Estimated reimbursements from FEMA, the State of Colorado and the Federal Highway Administration (FHWA) are currently anticipated to be $17.6 million. From FEMA specifically, the city has

received $10 million in reimbursements to date. The city continues to expend significant resources to ensure that FEMA projects and expenses remain eligible for reimbursement. The city wants to ensure that the State of Colorado and FEMA region VIII possess the appropriate capacity to provide the technical assistance necessary to ensure an efficient flood recovery process. The city will support efforts to ensure that the state and FEMA receive appropriate resources to support local governments' efforts to rebuild as more resilient communities.

The city still has one FEMA project from the 2013 floods which is under a second appeal before the Assistant Administrator for the Mitigation Directorate in Washington D.C. The city will support efforts to ensure that FEMA policies adequately support the unique aspects of flood recovery in mountain states.

FEMA is currently considering a major revision to the Public Assistance program that would establish a disaster deductible, requiring a predetermined level of financial or other commitment from a Recipient (Grantee), generally the State, Tribal, or Territorial government, before FEMA will provide assistance under the Public Assistance Program when authorized by a Presidential major disaster declaration. The city wants to ensure that the FEMA rulemaking procedure fairly represents the interests of local government and appropriately recognizes disaster response, recovery, and resilience in mountain states.

The city, in collaboration with the other jurisdictions in Boulder County, have been working together to obtain Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) funds. This program is administered through the State of Colorado, and similar to the FEMA Public Assistance program, the city wants to ensure the state possesses the appropriate resources, and continues to coordinate with local jurisdictions on where the remaining needs are. The city appreciates HUD's approval of the sub allocation approach to allocating CDBG-DR funding in Boulder County to allow projects to be sufficiently funded and the local unmet needs analysis to direct all future funding decisions.

- **SUPPORT SAFE USE AND COMMERCIAL REGULATION OF RECREATIONAL MARIJUANA**

The city will support or oppose legislation, as necessary, in furtherance of the following principles:

1. Maintaining or creating new mechanisms to ensure marijuana is appropriately labeled and regulated so that only adults intentionally choosing to use marijuana are exposed to it, that such users receive a safe product with complete information about the impacts of what they are choosing to ingest, and that these substances are kept away from children.
2. Maintaining a dual licensing system to allow both the state and local governments to issue and enforce licensing of commercial marijuana facilities.
3. Allowing local governments to recover the full costs of any commercial licenses they choose to allow.

4. Maintaining as a matter of state interest and responsibility the creation of overall safety requirements related to recreational marijuana while reserving to local governments specific abilities, but not mandate, to adopt additional requirements and monitor and enforce those rules.

On May 5, 2016, a letter was sent to the General Assembly by the Colorado Association of Chiefs of Police, the County Sheriffs of Colorado and the Colorado District Attorneys' Council requesting a two-year moratorium on changes to current marijuana laws, unless a strong public safety nexus is established. These enforcement officials stated that they cannot keep up with the quantity and speed of constantly-changing marijuana laws and cite, as examples, the introduction of over 81 related bills in the Colorado General Assembly since 2012. The city shares the concerns that the constant change in regulation creates inconsistencies in the collection of data trends and makes it extremely difficult to keep police officers trained and to maintain operational policies that address legalized marijuana. It therefore urges the General Assembly to exercise restraint in changing the marijuana laws until 2018 unless a public safety imperative exists.

- **SUPPORT REMOVAL OF BARRIERS THAT PREVENT LEGITIMATE MARIJUANA BUSINESSES TO ACCESS BANKING SERVICES**

Legitimate marijuana businesses in Boulder are forced to operate on a cash-only basis because the substance's federal status currently bars banks from doing business with them. This inequity creates a vulnerability to several of the enforcement priorities outlined in the Deputy Attorney General's letter dated August 29, 2013. More importantly it creates a serious local public safety problem. Statutory solutions are at the federal level and there are efforts underway to try and address this, most recently by Rep. Ed Perlmutter. The city will support these efforts to remove legal and administrative barriers that prevent these businesses from accessing banking services.

- **PROMOTE HEALTH AND SAFETY CONCERNS ASSOCIATED WITH ALCOHOL ABUSE IN THE GREATER COMMUNITY**

Boulder's City Council adopted Resolution 960 on October 19, 2004, concerning alcohol abuse within the community. This resolution affirmed the city's commitment to finding solutions to address the critical issues of health, safety and well-being stemming from alcohol abuse within the city.

Since this time, Council has expressly stated its support for appropriate legislation that would:

1. Require the sale of kegs containing alcohol to have a tag attached that would permit tracing of the purchaser;
2. Require mandatory server training;

3. Repeal the provision contained in C.R.S. Section 27-81-117 preventing municipalities from adopting public drunkenness ordinances; and,
4. Permit municipalities to regulate licensees' hours of alcohol service.

The city will support appropriate legislation that furthers these goals. Conversely, the city will oppose any legislation that undermines these goals, including efforts similar to SB12-118 which would eliminate the 25 percent food requirement for Hotel and Restaurant liquor licenses.

- **SUPPORT EFFORTS TO PREVENT GUN VIOLENCE**

The city supports the following specific measures to prevent gun violence:

1. Change federal law to require universal background checks on all sales of firearms, including private sales. Current federal law allows individuals not "engaged in the business" of selling firearms to sell guns without a license—and without processing any paperwork. Sometimes referred to as the "Gun Show Loophole," the sales excluded from the federal background check requirement include firearms sold at gun shows and through classified newspaper ads, the Internet and between individuals virtually anywhere. While criminal background checks are currently required for almost all firearm transfers in Colorado, there are states that do not have such laws. In order to ensure that guns are not placed in the hands of criminals in Colorado, a change to federal law is necessary.

2. Oppose expanding the immunity given to homeowners if they shoot and kill intruders, also known as the "make my day" law, beyond personal residences.

3. Oppose legislation limiting the state's ability to regulate concealed weapons or local government's ability to restrict possession of weapons in public facilities. The city will oppose federal legislation that would require Colorado to honor concealed carry permits granted by other states, even when those permit holders could not meet the standards required by Colorado law. Boulder also has concerns with regard to the open carrying of guns. While cities are prevented from restricting permitted holders of concealed weapons, Boulder wants to make sure it maintains the ability to prevent the open carrying of guns in its public facilities. The open carrying of weapons is alarming to many people and can create logistical issues for the police department.

- **OPPOSE MANDATES FOR LOCAL GOVERNMENT ENFORCEMENT OF FEDERAL IMMIGRATION LAWS**

The city supports preserving the option for its police officers to enforce federal laws, including federal immigration laws. However, it will vigorously oppose any state or federal legislation that mandates that its police enforce federal immigration laws, especially if they

are unfunded mandates or are likely to result in enforcement officers engaging in racial profiling or discrimination based on race, ethnicity or national origin.

- **OPPOSE INFRINGEMENTS ON EMPLOYMENT AND PERSONNEL DECISIONS MADE BY MUNICIPAL POLICE AND FIRE DEPARTMENTS**

Employees of the city's fire and police departments are part of collective bargaining units. As part of those units, they have the right to negotiate the terms of their employment. The city opposes any state or federal law that would mandate municipalities to collectively bargain with public safety employee labor unions over wages, benefits or working conditions, under one-size-fits-all rules.

- **OPPOSE IMPOSITION OF ONEROUS INFORMATION GATHERING AND REPORTING REQUIREMENTS ON PUBLIC SAFETY, ESPECIALLY WHEN THOSE REQUIREMENTS COME WITH SUBSTANTIAL COSTS THAT ARE NOT SUPPORTED BY ADEQUATE FUNDING**

An example of a reporting requirement that has been imposed on local law enforcement agencies in the past is the state law requiring the arrest of undocumented immigrants to be reported to Immigration and Customs Enforcement.

- **INCREASE THE FINANCIAL THRESHOLD OF PROPERTY DAMAGE THAT TRIGGERS A POLICE INVESTIGATION OF NON-INJURY TRAFFIC ACCIDENTS**

It takes very little damage to a vehicle to reach the current threshold of $1,000. While the city's police department currently responds to most accidents, increasing the damage threshold will provide greater flexibility and more local control over the use of police resources.

- **OPPOSE LIMITATIONS ON MUNICIPAL AUTHORITY TO OPERATE RED LIGHT OR PHOTO RADAR CAMERAS TO ENFORCE TRAFFIC SAFETY**

Boulder is one of nine cities in Colorado that use photo enforcement to enhance the safety of its streets. The red light locations in Boulder were carefully selected due to a historic rate of higher accidents over other locations. Use of photo enforcement at these red light locations has yielded significant safety benefits and reduced red light running accidents by 68 percent. Moreover, fewer and fewer red light tickets are issued at these locations each year due to

increased compliance. Removal of these cameras could result in accident rates and non-compliance returning to pre-enforcement levels.

Quantifying photo speed enforcement success is somewhat more difficult. It is implemented per strict state statute requirements that limit where it can be placed. It enables the city to enforce speed limits in neighborhood locations that do not have a high enough volume of traffic to justify deployment of officers. It is particularly effective in school zones. One conclusion that can be made is that photo speed enforcement has enhanced the safety of neighborhood streets and school zones by reducing speeding.

Between 1999, when Boulder first introduced photo enforcement, and 2015, fines associated with violations of the city's photo enforcement program and red light violations generated $19,814,109 in revenue at a direct cost to the city of $18,299,626. When soft costs of overseeing the program are factored in, the costs of running the program essentially run even to the revenue it generates.

The true cost associated with motorists running red lights and speeding through neighborhoods is not captured in the financial information provided above. It is best quantified in the cost to our community associated with the personal injury and property damage from motorists speeding and running red lights. Recent studies have shown that the average red light camera location in the U.S. results in $38,000 a year in reduced societal costs, not to mention the number of lives and grief saved from fewer right-angle crashes. For Boulder, with our eight (8) red light running cameras, this results in $304,000 in societal cost saved annually.

For these reasons, the city will oppose any legislation that would prohibit or unreasonably further restrict the rights of local governments to use red light cameras or photo radar enforcement.

ROCKY FLATS

- **SUPPORT FUNDING FOR THE DEPARTMENT OF ENERGY FOR THE OFFICE OF LEGACY MANAGEMENT AND U.S. FISH AND WILDLIFE SERVICE IN ORDER TO MANAGE ROCKY FLATS AS A NATIONAL WILDLIFE REFUGE WITH THE APPROPRIATE SYSTEMS IN PLACE FOR LONG TERM STEWARDSHIP**

In February of 2006, the Rocky Flats Stewardship Council (RFSC) was formed to focus on the post-closure management of Rocky Flats, the former nuclear weapons plant southwest of Boulder. As a member of RFSC, the city is very supportive of the 2001 federal legislation (Rocky Flats National Wildlife Refuge Act of 2001) that designated Rocky Flats as a national wildlife refuge site as well as the requirement that long-term liability, ownership and management of the site remain with the federal government. The city supports legislation authorizing, funding, or otherwise providing assistance for the Rocky Flats Legacy

Stakeholders Organization, or alternative organization, to work on coordinating regional open space and conservation efforts as they relate to Rocky Flats

TAX POLICY

- **SUPPORT THE MARKET FAIRNESS ACT AND OTHER ACTION TO PRESERVE AND EXPAND THE AUTHORITY OF LOCAL GOVERNMENTS TO COLLECT TAXES**

According to research undertaken by Forrester Research for Internet Retailer, national online retail spending climbed to nearly $200 billion in 2011, up from $30 billion in 2000, and will grow approximately 10 percent per year to reach $280 billion and comprise more than seven percent of overall national retail spending by 2015. At the state level, the National Conference of State Legislatures estimates that Colorado will lose $352 million in 2012 from uncollected sales taxes. The growth in internet retail activity presents a clear challenge to the operating budgets of Colorado's local governments, many of which rely on sales taxes to fund critical municipal services, as well as the state budget. Consequently, the city supports legislation, such as the Marketplace Fairness Act, that provides authority for states and Colorado local governments to collect sales taxes on purchases made over the internet, regardless of whether the vendor has a physical nexus with the state. Appropriate limitations on this authority might include exemptions for small businesses, centralized collection of taxes on non-nexus sales and adoption of a common tax base for non-nexus sales. However, the city will not support changes which would allow the state to collect and remit tax revenues on non-nexus sales based on anything other than each municipality's individual sales tax rate (e.g., the city opposes use of a blended tax rate) or which would dictate the tax base or assume authority to collect revenues on local nexus sales which the city already has the authority to tax and collect.

- **PRESERVE THE MUNICIPAL BOND FEDERAL INCOME TAX EXEMPTION**

Municipal bonds are the primary way local governments finance infrastructure and have been for over a century. Eliminating the tax exemption would increase the cost to taxpayers for schools, water treatment facilities, libraries, bridges, and many other public projects. The exemption benefits all Americans. It is not a special interest loophole and should not be treated as such.

TELECOMMUNICATIONS

- **REESTABLISH THE RIGHT OF MUNICIPALITIES TO PROVIDE TELECOMMUNICATION SERVICES SUCH AS LARGE AND COMPLEX CITY-WIDE FIBER AND PREMISE NETWORKS**

The provision of telecommunication access to ensure effective and appropriate access to educational and city resources are seen as a must in today's society. Utilizing current infrastructure and public-private partnerships can create necessary competition to retain low-cost, high-speed access to our residents, regardless of economic status. Senate Bill 05-152 preempted home rule municipalities from providing telecommunication services (with certain limited exceptions) without a vote of the people, even if infrastructure had already been built. Boulder believes that this legislation is overly restrictive in its private sector "non-compete" provisions.

TRANSPORTATION

- **PRIORITIZE EXPENDITURE OF EXISTING AND NEW TRANSPORTATION FUNDING ON PROJECTS THAT MAINTAIN EXISTING INFRASTRUCTURE, ARE MULTIMODAL IN DESIGN AND THAT OTHERWISE PROMOTE SMART GROWTH**

The city and the entire Denver metropolitan area are in need of new funding to maintain existing infrastructure and transit services, for multi-modal transportation improvements related to roadway, bicycle, pedestrian, carpool/vanpool and for travel demand management activities that would increase the efficiency of the existing system. There is a critical need for federal and state funds to ensure completion of the US 36 BRT project, including funding to acquire the best vehicles and BRT amenities possible and first and final mile connections to that corridor. Funding is also necessary for implementation of the recommendations of the Northwest Area Mobility Study (NAMS); specifically, North I-25 bi-directional HOV/Transit lanes and development of an arterial BRT system along SH119, US287, 120th Ave, South Boulder Road, Arapahoe/SH7, and SH 42.

The city supports turning to funding sources that are tied to transportation use, including vehicle registration, car rentals, gasoline consumption or vehicle miles traveled, provided that a significant portion of the funding generated is directed toward specific, identified projects, including US Highway 36 and arterial BRT, or to programs that fund alternative modes of transportation.

This city also supports the recent trend of turning to managed lanes as a practical solution for improving mobility by providing viable travel options in congested corridors. In fact, the city believes that any significant new lane capacity built with state funds should be required to be managed. Managed lanes should result in regulation of demand to ensure choices for the traveler beyond the single occupancy vehicle by providing for the option of travel by bus

and free or discounted access to high occupancy vehicles ("HOVs"), as well as allowing pricing to help manage corridor performance, such as dynamic, variable-priced tolls linked to congestion. Public-private partnerships (PPPs) are often essential to identifying funding to construct managed lanes. The challenge, however, is that the partnerships can sometimes focus too much on revenue generation and insufficiently on transportation performance. Moreover, decisions can be made by the state that do not receive sufficient vetting and/or oversight from the affected local governments. In order to ensure that only appropriate toll projects are built, the city would support legislation to require all PPPs for managed lanes to undergo a transparent approval process and to demonstrate maximization in the transportation of people (not just vehicles); reinvestment of at least a portion of toll operating revenues into the corridor for continued improvements; and prioritization of travel choices with a portion of toll revenues supporting transit and/or travel demand management, in order to maximize the value of the transportation investment and to ensure that lower-income residents benefit from the public investment in a toll road. The city also supports legislation mandating a determination by the appropriate Metropolitan Planning Organizations (MPOs) that all toll projects, including those which do not use state or federal funding, be analyzed for consistency with the development policies of the MPO's plan, and that the MPOs assess implications of such projects on the region's fiscal health, air and water quality, energy, climate change and long-term sustainability. Finally, the city would support legislation similar to HB12-1171 that would prohibit the use of so called "non-compete" clauses which are sometimes included in PPPs to preclude maintenance of, or improvements to, existing roads (e.g., Highway 93) in order to increase travel demand on new tolled lanes.

The city believes that new or existing funding should be used for regional priorities as determined by the area MPO, or, where no MPO exists, by the local Transportation Planning Region (TPR) where the improvements are supported by the affected local governments. The city also believes that state legislation should require MPOs and TPRs to model projects for their expected contribution to greenhouse gases and vehicle miles traveled and to prioritize those projects that reduce both.

- **REALIGN THE COLORADO TRANSPORTATION COMMISSION TO INCLUDE POPULATION, NOT JUST GEOGRAPHY, TO ENSURE FAIR REPRESENTATION OF THE METROPOLITAN AREA**

- **PROMOTE "COMPLETE STREETS," ACCOMMODATING ALL MODES OF TRAVEL**

The city supports legislation that furthers the concept of "Complete Streets" where modes are interconnected and a complete set of options are made available to improve efficiency and mobility for all. The city also supports legislation that promotes sustainable transportation solutions recognizing energy sources, impacts of vehicle miles traveled, connections to land use, urban design, and increased accessibility for all.

- **OPPOSE LIMITATIONS ON THE CITY'S ABILITY TO REGULATE VEHICLE USE ON SIDEWALKS, MULTI-USE PATHWAYS, AND BIKE LANES, OR THAT REQUIRES THE CITY TO ALTER ITS CURRENT CODE IN ORDER TO MAINTAIN CURRENT POLICY ON ALLOWED USES OF THOSE FACILITIES**

The city's current ordinances prohibit the use of Segways or motorized "toy vehicles" such as scooters, electric skateboards or mini bikes on sidewalks, multi-use paths or bike lanes. City-initiated changes to such policies would best be informed by a public process where input from the various sidewalk, multi-use path, and trail users could be solicited and evaluated. The city opposes changes to state law that would require the city to change its policy or force an unnecessary and potentially controversial re-evaluation of its policy.

- **OPPOSE TRANSFERING THE MAINTENANCE RESPONSIBILITIES FOR REGIONAL HIGHWAYS FROM THE COLORADO DEPARTMENT OF TRANSPORTATION TO LOCAL GOVERNMENTS**

In past years, the Colorado General Assembly has been asked to consider legislation that would lead to the unilateral transfer to local governments of state highways. Boulder has several state highways that would be subject to such "devolution," including U.S. 36 and Highways 93, 7 and 119. The city believes that these types of regional highways, which service multiple communities and counties, need to remain the responsibility of the state government.

- **SUPPORT FLEXIBLE SOLUTIONS AND NEW FUNDING OPPORTUNITIES TO ADDRESS IMPACTS OF TRAIN HORN NOISE AND SUPPORT CREATION OF QUIET ZONES**

The city supports more flexible and affordable options that work within the context of the local communities and support the safety goals of the Federal Railroad Administration (FRA) as well as the sustainability goals of EPA, HUD, DOT (FTA & FHWA). Addressing train horn noise and quiet zones is important to achieve local, regional and national goals for multimodal transportation options, safety, housing, jobs and the environment. Opportunities to amend the FRA train horn rules and quiet zone requirements, as well as identify funding sources for implementation, can address existing community concerns caused by train horn noise and support transportation options and mixed use, transit oriented development areas within the core areas of the city and other communities located along the Burlington Northern Santa Fe railroad corridor.

- **SUPPORT EXTENSION OF EXISTING STATE ENABLING LEGISLATION THAT PROVIDES AUTHORITY FOR REGIONAL TRANSPORTATION AUTHORITIES TO COLLECT PROPERTY TAXES FOR TRANSIT PROGRAMS**

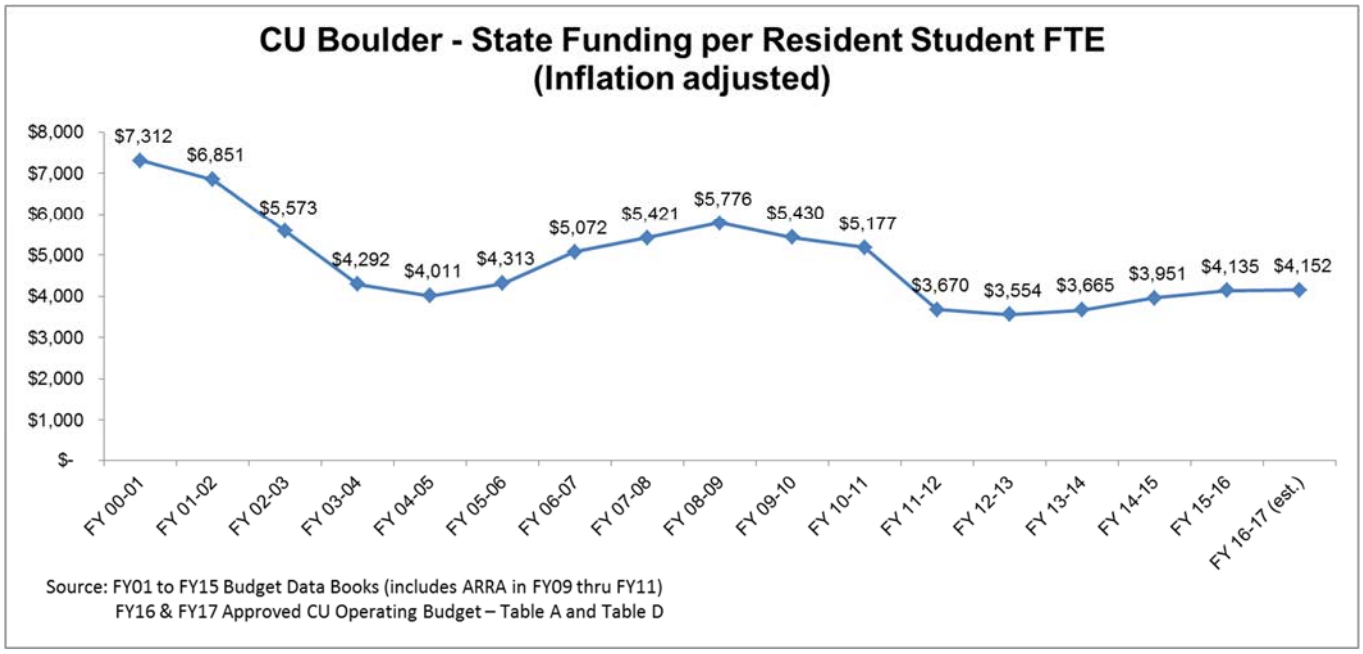
The formation of Regional Transportation Authorities (RTAs) is enabled by state statute. RTAs are formed by two or more local governments to finance, construct, operate and maintain regional transportation systems. Under the current state enabling legislation, RTAs are authorized to derive funding from several types of fees and taxes, subject to voter approval. The authority RTAs currently hold to collect a property tax up to a maximum levy of five mils on property within the RTA territory, expires at the end of 2018. The city supports extending this authority for RTAs to collect property taxes for regional transit programs.

UNIVERSITY OF COLORADO

- **SUPPORT A RENEWED COMMITMENT BY THE STATE AND FEDERAL GOVERNMENTS TO FUND THE UNIVERSITY OF COLORADO AND ITS CAPITAL PROGRAMS**

The City of Boulder has been the proud home to the flagship campus of the University of Colorado (CU) since 1876. CU Boulder brings to the city the Colorado Shakespeare Festival, the Conference on World Affairs, the CU Concerts and Artist Series, CU on the Weekends, Science Discovery camps, access to libraries, museums, athletic events, noncredit courses, and numerous other social and cultural offerings, all of which significantly contribute to the city's vibrancy.

Furthermore, CU Boulder directly employed 15,796 people in fiscal year (FY) 2015-16, 7,747 of whom were non-students (including temporary workers) earning average salaries of approximately $67,565. Nonstudent employment and wages at the CU Boulder accounted for about 5.5% of total employment and wages in Boulder County in 2015. The CU Boulder FY2015-16 budget totaled $1.50 billion; the FY2016-17 budget is $1.58 billion. The University is not only a local institution, but much of the supply chain is also inherently local since the primary services delivered include classroom instruction and research. Additional investments in the local economy include operations, construction, student spending and visitation. With its largely non-local funding CU also leverages outside investment in our local economy. The presence of CU's research facilities and the highly skilled labor force that CU produces, have attracted major federal facilities, satellite institutions, and major private firms to the city.



Yet, as reflected in the above graph, state funding for CU Boulder has seen more than a 43 percent decline in state funding for resident students since FY 2001. In light of the extraordinary importance of CU to the city, the city will support state and federal legislation that provides a renewed attention to funding CU, its capital programs (facing a deferred maintenance backlog of approximately $655 million as of July 2016), and particularly legislation that helps preserve the flagship status of CU Boulder.

WATER

- **SUPPORT LEGISLATION THAT PROMOTES THE EFFICIENT UTILIZATION AND CONSERVATION OF WATER**

Boulder is on the forefront of support for water conservation and efficient utilization of water. Boulder uses a water budget rate structure to reward the efficient use of water and penalize wasteful practices. Boulder has adopted water conservation goals for build-out that will help meet the city's adopted reliability criteria for water supplies without significant new water acquisitions when fully using water sources already owned by the city. Water conservation can be an important public outreach and educational tool and can help to maximize reservoir storage levels and water use reductions needed during drought periods. Although the first priority for conserved water is drought protection and the extent to which the city can direct conserved water to any particular use is limited, when reservoirs are full, some conserved water can be provided for non-permanent uses such as annual agricultural leasing or instream flow enhancement. Accordingly, Boulder will support legislation that

promotes water conservation, instream flow enhancement and the efficient utilization of water when such legislation is structured to also be protective of the city's water rights. By way of example, the city would support legislation that would phase in a requirement that new indoor water fixtures (including toilets, urinals, showers and faucets) sold in Colorado meet reduced flush volume requirements consistent with the US Environmental Protection Agencies WaterSense guidelines, provided that the legislation would not mandate retrofitting nor require local governments to assure compliance.

- **OPPOSE SIGNIFICANT THREATS TO THE CITY'S WATER RIGHTS**

In prior years, Boulder has lost thousands of acre-feet of the city's water because of the lack of proper well augmentation on the South Platte River. Loss of this reservoir water increases Boulder's risk of severe water shortage during drought years. In non-drought years, the city supports Boulder Creek basin farmers through annual leases of any water in excess of the city's short-term and long-term needs for approximately $35 per acre foot. Offsetting un-augmented well use in the South Platte basin would represent a $120,000 loss to the city in a year that 4,000 acre-feet of water is given up and would also decrease water for Boulder Creek farmers by reducing the city's leasable supplies. If other water users with junior water rights were to operate without proper augmentation and cause Boulder to need to permanently replace the water rights for 4,000 acre-feet of municipal water to protect the city against drought and any negative effects of climate change that might occur, it would cost $48,000,000 or more.

Recent Colorado Supreme Court decisions have found that the State Engineer was not properly administering some water rights, such as for agricultural irrigation wells that were operating under junior water rights without providing senior water rights owners with sufficient augmentation water. New state legislation passed in the years from 2003 to 2009 clarifies that many well owners must file in water court for well augmentation plans and address the amount of augmentation water to be provided. To protect the yield of its existing water rights, Boulder has coordinated with other water users owning senior surface water rights, including many farmers, to participate in water court cases and monitor legislative actions regarding water rights. Many of the underlying disputes have now been addressed. Nevertheless, some issues remain that may result in the General Assembly again becoming the arena for water bills that attempt to incrementally adjust, or in many cases by-pass, the state constitution's Prior Appropriation Doctrine.

Bills that may be introduced might include attempts to limit the amount of augmentation water that junior diverters are required to return to the river to less than their impact on more senior water rights or to replace the jurisdiction of water courts with state engineer authority such that decisions on the adequacy of augmentation plans would be less transparent and subject to political influence. The city is committed to the legal principle of maximum utilization of both surface water and groundwater and believes this can best be achieved through water court-approved augmentation plans rather than the political process. To the extent that future bills significantly threaten the city's water rights, such as by shifting responsibility for well augmentation from well users to senior water rights

owners, or increasing reliability for junior water rights by decreasing reliability for senior water rights, they will be vigorously opposed.

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE:

AGENDA TITLE
Consideration of a motion to authorize the City Manager, pursuant to section 2-2-8, "Conveyance of City Real Property Interests," to enter into a 20-year lease agreement with the Boulder County Regional Training Centers for use and management of the Boulder Regional Fire Training Center at 6055 Reservoir Road.

PRESENTER/S
Jane S. Brautigam, City Manager
Michael Calderazzo, Fire Chief
Scott Fuller, Deputy Fire Chief

EXECUTIVE SUMMARY
The purpose of this request is to seek approval of a 20-year lease to manage the scheduling of fire training activities by the City, County, and various fire departments and emergency units at the training facility located at 6055 Reservoir Road. See Attachment **A** and Exhibits **A,B,C,D.**

STAFF RECOMMENDATION

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

Motion to authorize the City Manager, pursuant to section 2-2-8, "Conveyance of City Real Property Interests," to enter into a 20-year lease agreement concerning the ongoing use and management of the Boulder Regional Fire Training Center located at 6055 Reservoir Road.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic – This lease has no direct economic impact on the community.
- Environmental – The lease agreement facilitates the training of firefighters throughout the county. Our ability to limit fire loss both inside the City and outside the city, including wildland fire losses, has an ongoing positive impact on the environment.
- Social – This lease has no direct social impact on the community.

OTHER IMPACTS

- Fiscal – There is no additional fiscal impacts to the city as a result of this agreement. It does specify the funding arrangement currently in place.
- Staff time – The lease agreement has no impact on staffing from the City of Boulder.

BOARD AND COMMISSION FEEDBACK

There is no city board or commission associated with Boulder Fire/Rescue.

PUBLIC FEEDBACK

No public notice is required for this application type.

BACKGROUND

In 2001, the voters of Boulder County enacted a temporary county-wide sales and use tax of 0.05% to be effective from January 1, 2002 through December 31, 2004 to be used to relocate the one existing countywide training center and construct two new regional fire training centers with in Boulder County.

In November 2006, City of Boulder voters approved a temporary city sales tax to augment funding for the Boulder Fire Training Center. The tax, in effect from January through December of 2007, collected $3,708,713.

In April of 2008, Boulder County released to the City $4,022,240 to allow construct to start on the facilities shown on **Exhibit A**.

Upon the completion of the facilities, the City and County executed and recorded a thirty (30) year restrictive covenant to ensure that the improvement constructed with the fund would be used and maintained for fire training purposes. See **Exhibit D**.

ANALYSIS

The Boulder County Regional Fire Training Centers Board has been in existence since 1975. The Board was created as part of an IGA between the City and County to develop and manage the now decommissioned training site on Lee Hill just west of Broadway. The Training Center Board played a central role in coordinating efforts with the County to place the above mentioned Boulder County tax initiative on the ballot and to gain the cooperation of both the cities of Boulder and Longmont regarding property for the two fixed sites.

The joint fire training centers under the direction of the Boulder County Regional Fire Training Centers Board continue to play a critical role in training firefighters to do their jobs and work well together on large scale incidents.

Staff feels it is in the City's interest to maintain a solid working arrangement with the Boulder Regional Fire Training Centers Board of Directors.

ATTACHMENTS
Attachment A: Completed Lease Agreement for 6055 Reservoir Road

LEASE AGREEMENT
(Fire Training Center – 6055 Reservoir Road)

THIS LEASE AGREEMENT ("Agreement") is made between the City of Boulder, a Colorado municipal corporation, (the "City" or "Lessor"), and the Boulder County Regional Training Centers, a Colorado nonprofit corporation (the "Center" or "Lessee").

RECITALS

A. In 2001, the voters of Boulder County, a body politic and corporate of the State of Colorado ("Boulder County") enacted a temporary county-wide sales and use tax of 0.05%, to be effective from January 1, 2002 to and including December 31, 2004, to be used to acquire land, construct capital facilities, and acquire capital equipment for fire training centers for firefighting response agencies.

B. In accordance with Boulder County Resolution No. 2001-109, Boulder County created a special fund known as the Boulder County Fire Training Center Capital Fund ("Fund"), into which it has placed and is currently placing the net proceeds of the sales and use tax.

C. By April 2008, Boulder County released to the City the amount of $4,022,240.00 (plus interest) which the City used to partially fund and construct the facilities as shown on **Exhibit A** (hereafter referred to as "Facilities) pursuant to the Intergovernmental Agreement Concerning the Release of Sales Tax Funds for Fire Training Center recorded at Reception No. 2904011 in the records of the Boulder County Clerk and Recorder on January 09, 2008 ("Fire Training Center IGA").

D. In November 2006, the City's voters approved a temporary City sales tax to increase funding for the Center. In effect, from January through December 2007, the tax collected was $3,708,713.

E. Upon the Completion of the Facilities, the City and Boulder County executed and recorded a thirty (30) year restrictive covenant to ensure that the improvement constructed with the Fund will be used and maintained for fire training purposes. See **Exhibit D**.

F. The City, the County, and various fire departments and emergency units in the County of Boulder desire to utilize the Fire Training Center site constructed at **6055 Reservoir Road**, Boulder, CO for fire training purposes.

G. The City desires to lease the Center site to the Center for management purposes.

H. The Center desires to lease the Center from the City to manage the Facilities and handle the scheduling of fire training activities by the City, Boulder County and various fire departments and emergency units.

AGREEMENT

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

1. Lease. The City leases to the Center the approximately 7.5-acre portion of the regional fire training center site generally located at **6055 Reservoir Road**, Boulder, CO, and more particularly shown on **Exhibit A**, incorporated by this reference ("Property"). The site includes an Administration Building, a three-story Burn Building and a Training Tower.

2. Access to the Property.

   2.1 Ingress/Egress. The City extends unto the Center a license to use the access road through the Boulder Reservoir property for ingress and egress as shown on **Exhibit B**, incorporated by this reference, as the "Access Road" for the term of this Agreement.

   2.2 Emergency Access. The City extends unto the Center a license to use the emergency access road for emergency access onto Colorado Highway 119/Diagonal Highway as shown on the attached **Exhibit B** as "Hwy 119 Egress" for the term of this Agreement, subject to the Memorandum of Understanding dated June 2011 between Colorado Department of Transportation, Region 4, and the Boulder County Sheriff's Office, Boulder Office of Emergency Management & Boulder County Regional Fire Training Center Board of Directors ("MOU") and such other requirements that may be a condition of access by the Colorado Department of Transportation (CDOT).

3. Term. This Agreement shall be for a term of twenty (20) years commencing on August 1, 20 14 ("Effective Date"), and shall end on August 1, 20 34, unless sooner terminated as hereinafter provided.

4. Improvements and Ownership.

   4.1 Center's Right to Construct. The Center shall have the right to construct upon the Property, such improvements approved by the City Manager that the City Manager and the Center deem reasonably necessary for the operation of the Facilities. The Center shall be responsible for securing all necessary land use, building permit, or any other approval necessary for the construction of the improvements. During the term of this Agreement, the City shall not have any right to remove or change the Facilities without the Center's approval, but rather, all such rights shall be vested in the Center. Notwithstanding the foregoing, the City shall have the responsibility for maintenance as set forth in Paragraph 5.1

below. The Center shall ensure that all construction meets the City's code and permitting requirements.

4.2 City Ownership of All Improvements. All improvements presently in place or to be constructed in the future on the Property shall remain with the land on which the improvements are located and shall be considered the property of the City.

4.3 City Approval. Any changes to the Property shall be subject to all regulatory requirements of the City, including without limitation laws related to environmental conditions, life safety codes, and zoning codes.

5. City Responsibilities.

5.1 Maintenance. The City is responsible for the maintenance and any repair of the Facilities which cost $3,000.00 or greater. Notwithstanding the foregoing, repairs resulting from the lack of maintenance by the Center will be the full responsibility of the Center. The maintenance responsibilities of the Center are set forth in Paragraph 6.1 below.

5.2 Utilities. The City shall pay all costs applicable to any utility services provided to the Property.

5.3 Building System Component Replacement. The City shall have the responsibility for replacement of building system components, like for like, in the Administration Building at the end of their expected service life. The Center shall not replace a component without prior approval by the City. The City's approval of component replacement will be dependent upon a prior appropriation for that purpose by the City Council.

6. Center Responsibilities.

6.1 Maintenance. The Center is responsible for maintenance, repairs, and operating expenses of the Facilities which cost less than $3,000.00. Notwithstanding the foregoing, the Center is responsible for all costs related to interior surface refurbishments (such as carpet, tile, and paint) even if said costs are $3,000 or more. See **Exhibit C** for a breakdown of responsibilities and estimated costs.

6.2 Cost Recovery. The Center is responsible for recovering expenses resulting from a fire department or emergency unit which damages the Facilities during its use thereof.

6.3 Authority. The Center shall have authority to prepare and adopt plans for the development of the Facilities and to implement the same as a fire and emergency unit training facility, to set policies and to impose reasonable rules and regulations

for the use and maintenance thereof and to restrict the use thereof by any such fire or emergency unit for noncompliance therewith and to do any and all other things reasonably required to so function and operate.

6.4 Scheduling. The Center shall have control of scheduling any specific user's requests. The Center shall develop standards for who can use the Facilities and when.

6.5 Compensation. The Center agrees that it will develop a service fee that will be charged to departments or units other than the City that use the Facilities.

6.6 Insurance. The Center agrees to procure and maintain in force during the terms of this Agreement, at its own cost, the following minimum coverages:

(1) Professional Liability (errors and omissions)

a)	Each Claim/Loss:	$1,000,000
b)	Aggregate:	$1,000,000

(2) Coverage.

Insurance required by this Agreement shall be primary coverage, unless otherwise specified, and shall specify that in the event of payment for any loss under the coverage provided, the insurance company shall have no right of recovery against City or its insurers. All policies of insurance under this Agreement shall be provided by an insurance company or companies qualified to conduct business in Colorado and shall have an AM Best rating of not less than A- VI. This insurance shall be maintained in full force and effect during the term of this Agreement and for the additional periods set forth herein and shall protect Lessee, its agents, employees and representatives, from claims for damages for personal injury and wrongful death and for damages to property arising in any manner from negligent or wrongful acts or omissions of Lessee, their agents, employees, and representatives in the performance of the services covered herein.

(3) Insurance Renewal.

The insurance policies noted above shall not be cancelled, materially changed, or non-renewed with providing 45 days notice of cancellation or non-renewal is provided to the City. The Center shall notify the City of any material reduction or exhaustion of aggregate limits. Should the Center fail to immediately procure other insurance, as specified, to substitute for any policy canceled before final payment to the Center, City may procure such insurance and deduct its cost from any sum due to the Center under this Agreement.

(4) Certificates.

Certificates showing that the Center is carrying the above-described insurance, and the status of the additional insureds, shall be furnished to the City prior to the execution of this Agreement by the City. Certificates of insurance on all policies shall give the City written notice of not less than 30 days prior to cancellation or change in coverage. The Center shall forthwith obtain and submit proof of substitute insurance in the event of expiration or cancellation of coverage.

(5) Non-Waiver.

The parties understand and agree that the parties are relying on, and do not waive or intend to waive by any provision of this Agreement, the monetary limitations (now $350,000 per person and $990,000 per occurrence) or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, §24-10-101, et seq., C.R.S., as from time to time amended, or otherwise available to the parties, their officers, their employees, or their volunteers.

7. Use of Center.

7.1 Fire Training Purposes. The use of the Facilities shall be limited to recognized bona fide Fire Departments, law enforcement agencies, rescue and other emergency units.

7.2 Permanent Office Space. The City of Boulder Fire Department shall have permanent office space allocated within the Facilities in recognition of the City's original capital participation and ongoing maintenance responsibilities for the Center project.

7.3 Other Intermittent Uses. The Center shall use and permit the use of the Facilities only as a necessary and integral part of a program for the training of firefighters, or staging of firefighting and law enforcement resources in the event of emergencies directly impacting local governmental jurisdictions within Boulder County. However, to the extent that other intermittent uses are made of the Property, usage fees shall be charged for those uses and then applied to a fire fighting training program and/or maintenance of the Facilities. The Center agrees that the City's annual contribution toward utilities, maintenances and repairs shall serve as compensation for any intermittent City use of the Facilities.

8. Default.

8.1 In the event any of the parties hereto shall commit a material breach or otherwise fail or refuse to comply with any of the material terms and provisions of this Agreement or any lease or other agreement executed pursuant to the terms hereof, the party so injured thereby shall give written notice to the defaulting party, specifying the breach or default and the defaulting party shall have a period of one hundred twenty (120) days from and after the date of receipt of such written notice within which to cure such default or breach.

8.2 In the event the defaulting party shall fail or refuse to cure such breach or default, as above provided, then the injured party shall have the right, at its election, to terminate all rights of the defaulting party, pursuant to this Agreement and all accompanying agreements. Such termination shall become effective upon the expiration of the time specified for so curing such breach or default.

8.3 If the default is the result of the City failing to comply with Sections 5.1, 5.2 or 5.3, the Center shall have the right to undertake such responsibility during the 120 days cure period to the extent necessary to manage and operate the Facilities or to prevent damage to the Facilities. The City shall reimburse the Center for all such costs and expenses within 30 days after expiration of the 120 days cure period.

9. Notice. Any notice required by this Agreement shall be in writing and shall be given by hand delivery or by certified or registered mail, postage and fees prepaid, address to the party to whom such notice is intended to be given at the address set forth below, or at such other address as has been previously furnished in writing to the other party. Such notice shall be deemed to have been given when deposited in the U.S. Mail:

TO THE CITY:
City of Boulder
Attn: City Manager
P.O. Box 791
Boulder, Colorado 80306

WITH A COPY TO:
City of Boulder Fire Department
Attn: Boulder Fire Chief
1805 33rd Street
Boulder, CO 80301

TO THE CENTER
Boulder Regional Fire Training Centers
Attn: Chair of the Board
6055 Reservoir Road
Boulder, CO 80301

Notice given by hand-delivery shall be effective immediately.

10. No Assignment. Neither party can assign any rights hereunder without the consent of the other party.

11. Binding Effect. This Agreement shall be binding upon the parties and their successors in interest.

12. No Third Party Beneficiaries. The covenants and agreements contained in this Agreement are for the benefit of the Center and the City only, and do not create any obligations or duties to persons not parties hereto.

13. Fire Training Center IGA. Nothing in this Agreement shall be construed to conflict with the Fire Training Center IGA. To the extent that there is any conflict or ambiguity in this Agreement, the parties agree that this Agreement will be read and interpreted to give full force and effect to the Fire Training Center IGA.

14. Authority. The parties represent that the individuals signing this Agreement on their behalf possess full power and authority from their respective governing boards in compliance with Colorado law.

15. Waiver. No waiver of any right under this Agreement shall operate as, or be construed to be, a waiver of any subsequent breach of the same or any other provision of this Agreement.

16. Cooperation. Each party agrees to perform all other acts and execute and deliver all other documents as may be necessary or appropriate to carry out the intent and purposes of this Agreement.

17. Severability. Each provision of this Agreement shall be severable. If any provision is held invalid, contrary to, or in conflict with any law or regulation by a tribunal with competent jurisdiction, the remainder of this Agreement shall remain in effect.

18. Annual Appropriation. The City's financial obligations under this Agreement in future fiscal years are subject to annual appropriation in accordance with Colorado law.

This Agreement is effective on the date provided in Paragraph 3 above.

LESSOR
CITY OF BOULDER, COLORADO

By:_____
Jane S. Brautigam, City Manager

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____ 11-2-16
City Attorney's Office Date

LESSEE
Boulder County Regional Training Centers,
a Colorado non-profit corporation

By: _____
Name: Bruce Mygatt
Title: Chair of Boulder County Regional Fire Training Centers Board of Directors

STATE OF COLORADO)
)ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me a Notary Public this 31st day of August, 2016, by Bruce Mygatt as Chair of the Board of Directors of the Boulder County Regional Fire Training Centers, a Colorado non-profit corporation.

Witness my hand and official seal.
My Commission expires: April 5, 2020

[SEAL]

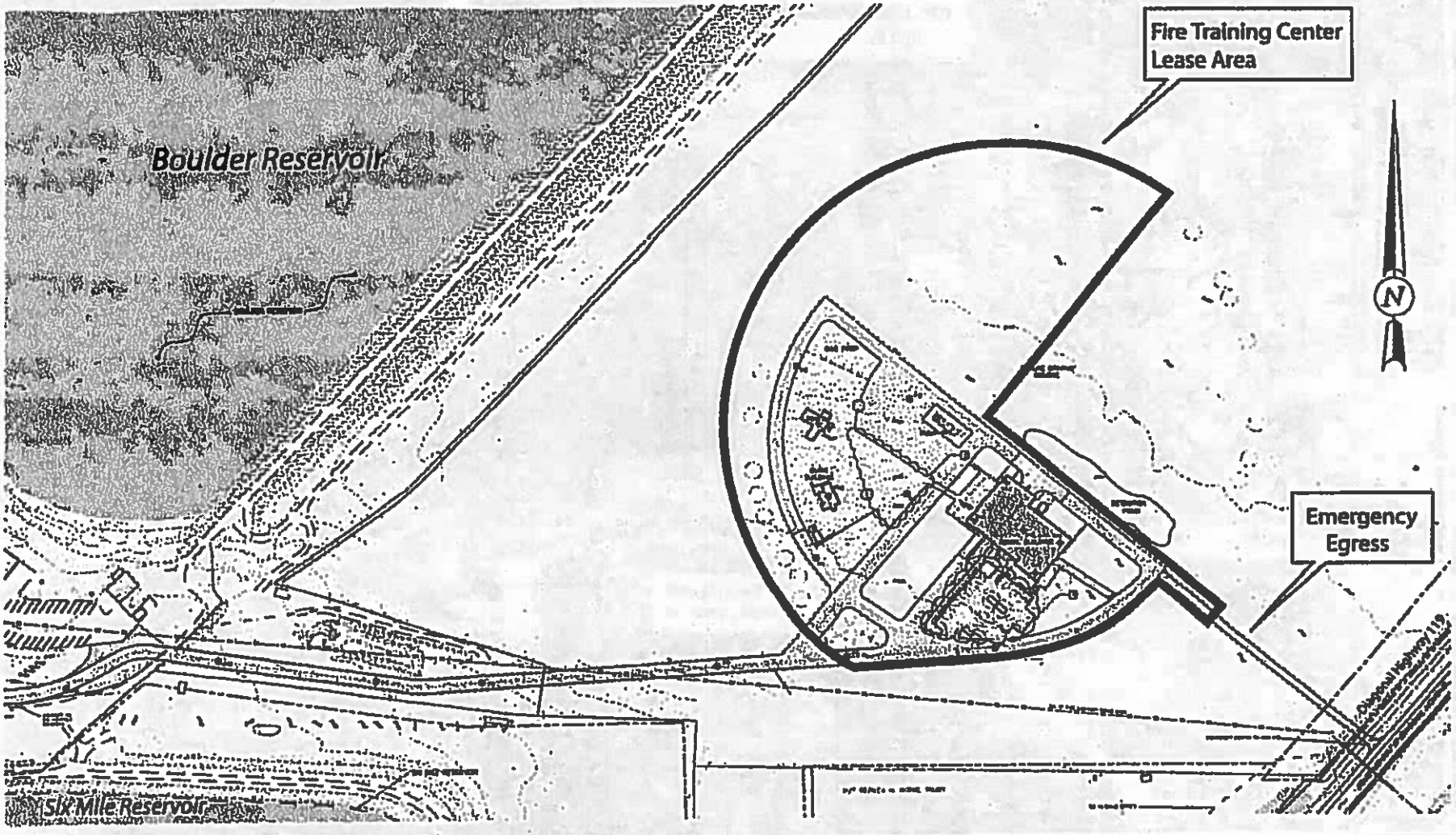
_____
Notary Public

SARAH R NORMANDIN
NOTARY PUBLIC - STATE OF COLORADO
My Identification # 20124016967
Expires April 5, 2020

Exhibits

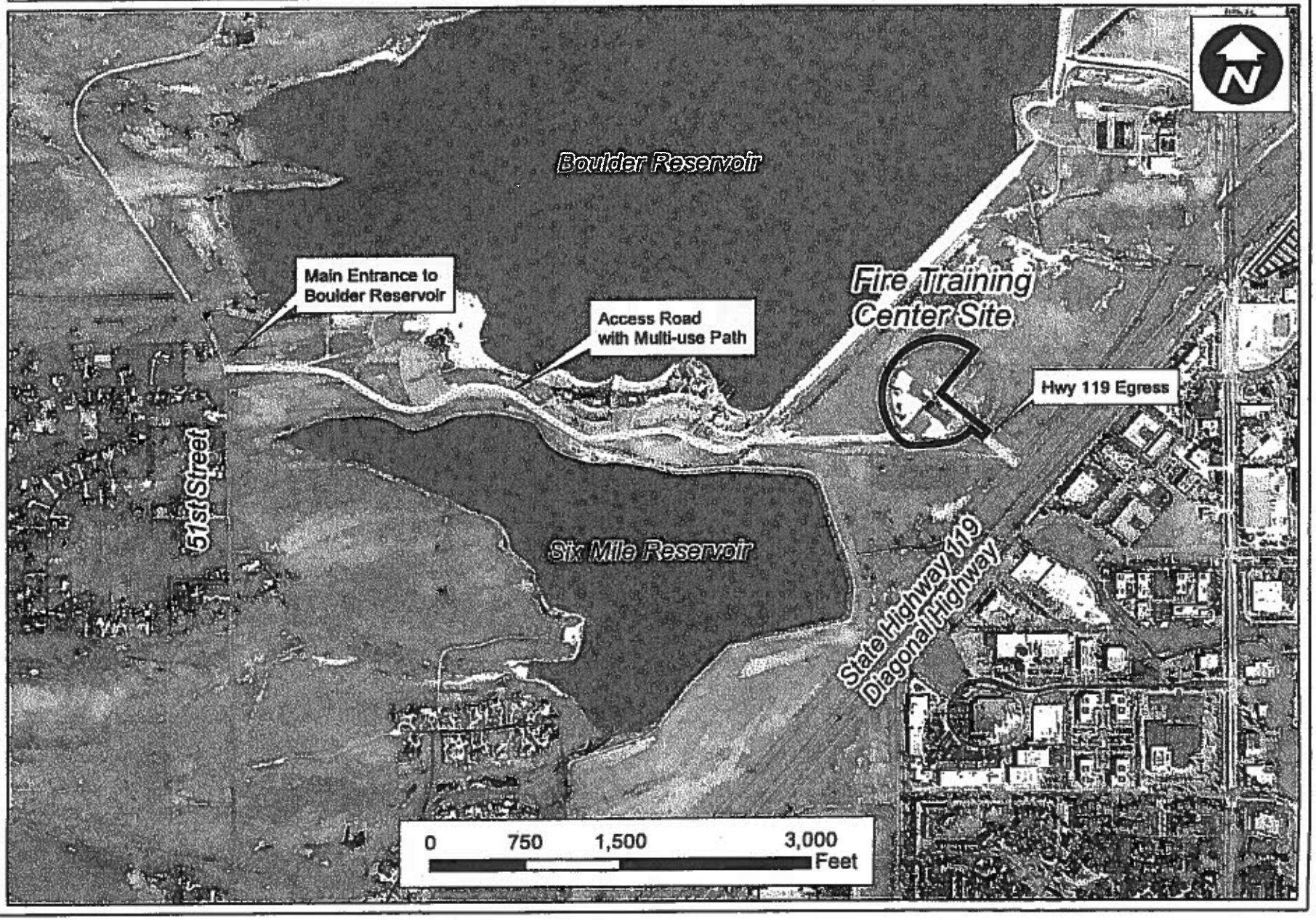
A: Map of 7.5-acre Fire Training Center site property
B: Map of Fire Training Center and Vicinity, including ingress/egress easements
C: Responsibilities and Estimated Costs
D: Restrictive Covenant

Fire Training Center Lease - Exhibit A



City of Boulder Regional Fire Training Center

Exhibit B: Vicinity Map of Fire Training Center Site



REGIONAL FIRE TRAINING CENTER ANNUAL BUDGET | **Exhibit C** | March 21, 2016

	ITEM	Area (sf)	CRV	Action Plan	Agency Funding Responsibility		Notes
Operations and Maintenance				2.5% Estimated	City's Share-90%	Center's Share-10%	
	O&M-Administration Building	17,686	$2,156,640	$ 53,916			
				Actuals			
	Sewage Lift Station		$ 50,000	$ 1,250	$ 1,125	$ 125	
	Mechanical Service Contract			$ 6,000	$ 5,400	$ 600	Based on M-tech quote for 6 months in 2013-$2,800
	Janitorial			$ 6,000	$ 5,400	$ 600	Actual 2013
	Utilities - Electricity and Gas			$ 26,000	$ 23,400	$ 2,600	Actual 2013
	Trash-Zero Waste			$ 3,000	$ 2,700	$ 300	Actual 2013
	Grounds Maintenance & Landscaping, Snow Removal			$ 12,895	$ 11,606	$ 1,290	Actual 2013
	Alarm Monitoring / Copy Machine /			$ 2,200	$ 1,980	$ 220	Actual 2013
	Prairie Dog Control / Fence Maintenance			$ 5,000	$ 4,500	$ 500	Estimate
	Industrial Washer and Dryers		$ 14,000	$ 1,400	$ 1,260	$ 140	Estimate
	Misc Purchased Services			$ 1,900	$ 1,710	$ 190	Actual 2013
	Generator and Compressor Service Contracts			$ 2,000	$ 1,800	$ 200	Actual 2013
	Misc R&M			$ 9,534	$ 8,581	$ 953	Actual 2013
			Total	$ 77,179	$ 69,461	$ 7,718	
				3.50%			
	Insurance - General/Professional			$ 13,811		Center/City	City costs $13,811 - $7 per $1,000 CRV; $200,000 deductible
Major Maintenance/Renovation and Replacement			Goal	2.00%	City - 100%		
	MM/FR&R Administration Building	17,686	$2,156,640	$ 43,133	$ 43,133		
	Training Tower - R&R Only	6,438	$1,338,987	$ 13,390	$ 13,390		
	Training Elevator		$ 25,000	$ 250	$ 250		
	Burn Building - R&R Only	3,343	$ 929,093	$ 9,291	$ 9,291		
	Sewage Lift Station		$ 50,000	$ 1,000	$ 1,000		
	Emergency Generator		$ 100,000	$ 2,000	$ 2,000		
	Pavement Maintenance			$ 2,000	$ 2,000		Based on $10,000 every 5 years for crack and slurry sealing
			Total	$ 71,064			
				Actual	$ 63,211		
					1.38%		
Equipment Maintenance & Replacement				Annual Costs	City - 75%	Center - 25%	
	Burn Bldg Tile Replacement / Roof prop		$ 45,800	$ 9,160	$ 6,870	$ 2,290	One-time costs are $45,800 in 2010; estimated 1/5 replaced a year
	Training Tower Wood Rails; Props-Wall/Roof/Garage		$ 2,000	$ 8,000	$ 6,000	$ 2,000	Estimated 4 times a year change replace props.
	SCBA Compressor		$ 64,000	$ 6,400	$ 4,800	$ 1,600	
	Furniture		$ 52,000	$ 3,467	$ 2,600	$ 867	
	Projectors / Monitors		$ 24,000	$ 3,429	$ 2,571	$ 857	
	Coffee Machine		$ 2,700	$ 540	$ 405	$ 135	
	Ice Machine		$ 3,000	$ 429	$ 321	$ 107	
			$193,500	$ 31,424	$ 23,568	$ 7,856	
				TOTALS	$132,672	$ 15,574	
				%	89%	11%	

Exhibit D

LESSEE
Boulder County Regional Training Centers,
a Colorado non-profit corporation

By: _____
Name: Bruce Mygatt
Title: Chair of Boulder County Regional Fire Training Centers Board of Directors

STATE OF COLORADO)
)ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me a Notary Public this 1st day of August, 2014, by Bruce Mygatt as Chair of the Board of Directors of the Boulder County Regional Fire Training Centers, a Colorado non-profit corporation.

Witness my hand and official seal.
My Commission expires: April 5, 2016

[SEAL]

_____
Notary Public

SARAH R. NORMANDIN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20124016967
MY COMMISSION EXPIRES APRIL 5, 2016

Exhibits

A: Map of 7.5-acre Fire Training Center site property
B: Map of Fire Training Center and Vicinity, including ingress/egress easements
C: Responsibilities and Estimated Costs
D: Restrictive Covenant

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: NOVEMBER 15, 2016

AGENDA TITLE: Introduction and consideration of a motion to approve three resolutions to provide fire protection services to certain annexed properties previously served by the Boulder Rural Fire Protection District, the Rocky Mountain Fire Protection District, and the Four Mile Fire Protection District.

PRESENTER:
Thomas A. Carr, City Attorney

EXECUTIVE SUMMARY

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

STAFF RECOMMENDATION

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

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

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

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

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

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

OTHER IMPACTS

- Not applicable

BOARD AND COMMISSION FEEDBACK

- Not applicable

PUBLIC FEEDBACK

- Not applicable

BACKGROUND

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

ANALYSIS

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

MATRIX OF OPTIONS

- Not applicable

ATTACHMENTS

Attachment A – Resolution Boulder Rural Fire Protection District
Attachment B – Resolution Rocky Mountain Fire Protection District
Attachment C – Resolution Four Mile Fire Protection District
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RESOLUTION 1197

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

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

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

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

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

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

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

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

Section 1. The City of Boulder, Colorado, will provide fire and emergency services to the properties specified in **Exhibit 1**, which service has previously been provided by the Boulder Rural Fire Protection District. Because this protection is currently being provided by the City, therefore, this resolution will necessarily continue to be, effective on January 1, 2017.

INTRODUCED, READ, PASSED AND ADOPTED this 15th day of November 2016.

_____
Suzanne Jones, Mayor

ATTEST:

_____
Lynnette Beck, City Clerk

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2016 EXCLUSIONS
BOULDER RURAL FIRE PROTECTION DISTRICT

*Shading of row indicates property is not currently taxed by any Fire District.

Applicant/Owner	Address	Tax ID No.	Actual Value (In $)	Ord. No.	Date Recorded	Reception No.
CITY OF BOULDER	**Various -See map**			**8128**	**8/19/2016**	**03537996**
*OSMP land at Sunshine Canyon area	PORTION OF: 501 Sunshine Canyon Drive	R0085819	6,200			
*OSMP land west and south of Chautauqua	PORTION OF: 3405 Flagstaff Road	R0026545	8,639,400			
	2085 Hardscrabble Drive	R0085522	14,200			
	0 Stony Hill Road	R0085482	900			
	0 Stony Hill Road	R0014755	148,800			
	4500 Cragmoor	R0068077	435,600			
	0 15th	R0032946	35,822,700			
	0 Knollwood	R0511647	787,500			
	0 Knollwood	R0085700	649,700			
	0 Canyon Blvd	R0085294	1,164,300			
	100 Pearl	R0085295	1,476,600			
	0 Linden Dr	R0085332	Not Available			
	4018 N 26th St	R0033090	385,000			
CITY OF BOULDER				**8129**	**8/19/2016**	**03537997**
*Elmer's Two-Mile Park	2631 Iris Ave	R0085025	35,800			
*PUBLIC SERVICE	0 Iris Avenue	R0400112	Not Available			

COMPANY OF COLORADO (XCEL ENERGY)						
HOUSING AUTHORITY OF THE CITY OF BOULDER D/B/A BOULDER HOUSING PARTNERS	**4525 Palo Parkway**	**R0098286**	**2,000,000**	**9000**	**1/12/2016**	**03495656**
COUNTY OF BOULDER	**0 Baseline Rd**	**R0085222**	**41,400**	**8128**	**8/19/2016**	**03537996**
WILLIAM AND CAROLE CASSIO	**236 Pearl Street**	**R0606837**	**359,400**	**8080**	**3/2/2016**	**03504020**
GKN FAMILY LLP	**NW portion of 250 Pearl Street**	**R0033244**	**80,100**	**8080**	**3/2/2016**	**03504020**

RESOLUTION 1198

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

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

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

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

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

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

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

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

Section 1. The City of Boulder, Colorado, will provide fire and emergency services to the properties specified in **Exhibit 1**, which service has previously been provided by the Rocky Mountain Fire Protection District. Because this protection is currently being provided by the City, therefore, this resolution will necessarily continue to be effective on January 1, 2017.

INTRODUCED, READ, PASSED AND ADOPTED this 15th day of November 2016.

_____
Suzanne Jones, Mayor

ATTEST:

_____
Lynnette Beck, City Clerk

2016 EXCLUSIONS
ROCKY MOUNTAIN FIRE PROTECTION DISTRICT

*Shading of row indicates property is not currently taxed by any Fire District.

Applicant/Owner	Address	Tax ID No.	Actual Value (In $)	Ord. No.	Date Recorded	Reception No.
CITY OF BOULDER	**Various -See map**			**8128**	**8/19/2016**	**03537996**
	0 Central	R0085821	6,300			
	0 57th	R0103483	185,100			
	0 57th	R0103484	3,500			
	2311 N 55th	R0029962	750,500			
	0 55th St.	R0085049	217,800			
	0 55th St.	R0081071	392,000			
	0 55th St.	R0085345	1,219,700			
	5893 Baseline	R0036161	225,800			
*Portions of	2400 57th St	R0100702	6,700			
	6050 Baseline Rd	R0108666	300			
	2400 57th St	R0103093	178,100			
BRUCE F. LINDEKE	**5421 Western Avenue**	**R0037233**	**885,200**	**TBD**		
MURPHY STEELE PARTNERS LLC	**5485 Western Avenue**	**R0072003**	**1,020,000**	**TBD**		
5575 ARAPAHOE LLC	**5575 Arapahoe Avenue**	**R0036141**	**1,314,200**	**TBD**		
JONATHAN ANDREWS	**1840 55th Street**	**R0035519**	**995,600**	**TBD**		

Applicant/Owner	Address	Tax ID No.	Actual Value (In $)	Ord. No.	Date Recorded	Reception No.
COLORADO GREEN BUILDING COMPANY LLC	1830 55th Street	R0036361	975,400	TBD		
5595 ARAPAHOE LLC	5595 Arapahoe Avenue	R0036254	2,054,100	TBD		
55TH STREET LLC	1780 55th Street	R0035930	1,754,700	TBD		
TEBO/KRUSE LLC	1750 55th Street	R0036533	1,650,000	TBD		
1700 N 55TH LLC	1700 N. 55th Street	R0035121	1,245,200	TBD		
5565 ARAPAHOE LLC	5565 Arapahoe Avenue	R0036852	2,211,700	TBD		
KEISHOLD ONA M ET AL AND KEISHOLD HERBERT TRUST ET AL	5320 Arapahoe Avenue	R0037196	1,153,800	TBD		
ARAPAHOE LLC	5472 Arapahoe Avenue	R0037169	1,957,700	TBD		
AJ INVESTMENTS LLP	1595 55th Street	R0036717	809,800	TBD		
MG PROPERTIES LLC	1530 55th Street	R0037206	1,338,400	TBD		
SUSAN D PALMER	1415 55th Street	R0037212	533,000	TBD		

RESOLUTION 1199

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

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

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

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

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

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

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

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

Section 1. The City of Boulder, Colorado, will provide fire and emergency services to the properties specified in **Exhibit 1**, which service has previously been provided by the Four Mile Fire Protection District. Because this protection is currently being provided by the City, therefore, this resolution will necessarily continue to be effective on January 1, 2017.

INTRODUCED, READ, PASSED AND ADOPTED this 15th day of November 2016.

_____
Suzanne Jones, Mayor

ATTEST:

_____
Lynnette Beck, City Clerk

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2016 EXCLUSIONS
FOUR MILE FIRE
PROTECTION DISTRICT

*Shading of row indicates property is not currently taxed by any Fire District.

Applicant/Owner	Address	Tax ID No.	Actual Value (In $)	Ord. No.	Date Recorded	Reception No.
CITY OF BOULDER ***Parks land (Eben Fine)**	**299 Arapahoe**	**R0033205**	**1,634,300**	**8128**	**8/19/2016**	**03537996**

C I T Y O F B O U L D E R
CITY COUNCIL AGENDA ITEM

MEETING DATE: November 15, 2016

AGENDA TITLE: Introduction, first reading and consideration of a motion to order published by title only an ordinance approving November/December supplemental appropriations for the 2016 Budget.

PRESENTERS:
Jane S. Brautigam, City Manager
Bob Eichem, Chief Financial Advisor
Cheryl Pattelli, Director of Finance & Risk Management
Peggy Bunzli, Executive Budget Officer
Gina Coluzzi, Senior Budget Analyst

EXECUTIVE SUMMARY

As described in the *Budget Philosophy and Process* section of the annual budget document, each year at least two supplemental ordinances (known as Adjustments to Base (ATB), where the "base" is the original annual budget) are presented to City Council for review and approval. In years where new initiatives are launched and other unique circumstances become apparent after annual budget approval, additional adjustments to base may be brought forward for council consideration. Previous supplemental requests brought to council this year include:

- A supplemental for the new short term rental program and tax, approved by council on Feb. 2;
- The Annual Carryover and "first" Adjustments to Base covering numerous adjustments related to ongoing work plan items and new revenues, approved by council on June 2;

This supplemental request for 2016 is the **Budget Supplemental** that council sees every year in November/December, that will help close out the year with necessary adjustments for new revenues, such as grants, and other evolving budget needs identified as the year progresses, as well as adjustments necessitated by accounting requirements.

As always, existing budget is used, wherever possible, to cover ever increasing costs, and regular operating tradeoffs are made, and savings sought, in order to complete work plans within existing budget. Supplemental budget is only requested at this time for clearly identified, 2016 priority work items for which additional budget is needed and one-time funds are available, after all reserves have been met.

This supplemental ordinance will adjust only the current year budget and the adjustments included are considered "one-time" only. As a result, they have no direct or immediate impact on the following year's budget.

The second reading of this ordinance will be heard on Dec. 6, 2016. Also at that time, the first and only reading of resolutions for supplemental appropriations for the Downtown Commercial District (formerly Central Area General Improvement District (CAGID)) and Boulder Municipal Property Authority (BMPA) will be heard. In addition to supplemental information about the requests in this ordinance in the Analysis Section, information is also provided below on the CAGID and BMPA resolutions.

The proposed ordinance is provided as **Attachment A** to this packet and detailed narrative information on each budget supplemental request is included in **Attachment B**.

STAFF RECOMMENDATION

Suggested Motion Language:

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

Motion to introduce and order published by title only an ordinance approving supplemental appropriations to the 2016 Budget.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

This supplemental ordinance appropriates funding for a variety of citywide projects and services that positively affect economic, environmental or social sustainability in the community.

OTHER IMPACTS

- Fiscal:
  In the **General Fund** this ordinance will appropriate $849,427 from additional revenue and $3,438,689 from fund balance for a total appropriation of $4,288,116. It also includes a net increase in revenue only of $175,000.

  In **restricted funds**, this ordinance will appropriate $13,810,812 from additional revenue and $2,956,681 from fund balance for a total appropriation of $16,767,493. It also includes a net increase in revenue only of $1,689,807.

- Staff time for this process is allocated in the Budget Division's regular annual work plan.

ANALYSIS

Types of Requests Contained in this Ordinance

The following requests provide examples of **supplemental appropriations from various fund balances**:

- Renewable Energy Program Grants (General Fund)
- Courtroom Remodel (Equipment Replacement and Facility Renovation & Replacement Funds)
- Snow Much Fun Event (.25 Cent Sales Tax)
- Snowstorm Limb Cleanup (Stormwater/Flood Fund)

The following requests provide examples of **supplemental appropriations from new revenue**:

- Fire Wildland Reimbursement (General Fund)
- Betasso Bond Appropriation (Water Fund)
- Appropriation for additional program funding from grant and/or donation revenue (multiple funds)

A third category of supplemental appropriations are a **negative appropriation**, an example of this type of request is a reduction in grant funding.

Also included are supplemental appropriations to **transfer** between funds. An example of this type of request is the transfer of funds from the Airport Fund to the General Fund to pay the remaining balance of a loan to the Airport Fund for purchase of an easement.

Finally, a number of **other adjustments** are identified in this final budget supplemental to meet accounting requirements. Examples of these types of requests are prior year encumbrance corrections in various funds related to the recent transition to a new financial system.

Corrections to First Adjustment to Base

There are a number of items in this supplemental request that correct requests from the first adjustment to base and carryover request from June. A new financial system was implemented in 2015 and the 2016 budget was the first budget built directly in the system, as well as the first year of identifying and processing carryover budget adjustments within the new system. As with most new systems, there is a period of learning and even debugging that may take place after implementation. While most of the issues associated with this first budget build and roll were addressed in the first ATB, a few additional issues were discovered during the regular reconciliation work done throughout the year and corrections for these are included in this packet. These are shown as negative appropriations or as budget supplementals from fund balance. An

example of this is within the Lottery Fund where several projects were carried over into the wrong fund due to a coding error.

Additional Information on Selected Adjustment to Base Requests on Ordinance

Betasso Bond Appropriation

This adjustment appropriates an additional $11,061,574 from bond revenue in the Water Fund for the Betasso capital improvement project. On May 3, 2016 Council approved the sale of these bonds, and this adjustment is the final step in funding for this project. This appropriation brings the budget in line with the actual bond sale and project cost.

This projects includes improvements at the City's Betasso Water Treatment Facility (BWTF) and will also fund rehabilitation of the water transmission system that moves water treated at BWTF to City customers. The BWTF project will involve the construction of new pretreatment facilities to help meet more stringent treatment requirements and replace existing electrical, mechanical and structural facilities that are at the end of their useful lives. In addition, the project includes replacement and rehabilitation of around 12,500 feet of 18" diameter steel water transmission line.

Pleasant Street Parking Garage Pre-Development Costs

This request appropriates $350,000 for pre-development costs related to the development of a city-owned parking garage located on University Hill. On Sept. 6, 2016 City Council approved a Letter of Intent with a development team that approached University Hill General Improvement District (UHGID) with a public-private partnership opportunity to develop a hotel, parking garage, and retail space.

The development of the garage will be funded through Certificates of Participation (COPs) which will be issued in late 2017 or early 2018. On October 18, 2016, Council approved a resolution to allow the city to participate in the issuance of COPs and reimburse itself for capital expenditures in advance of issuance. This reimbursement resolution allows the pre-development costs incurred up to 60 days prior to the approved resolution date and in advance of the issuance of COPs to be reimbursed out of proceeds of the issuance. Approximately $21,000 of costs related to environmental and architectural consulting costs were paid earlier in 2016 and will not be eligible for reimbursement from COP proceeds.

This budget request includes the full contract costs for agreements that will be executed in 2016. Based on discussions with the City Attorney's Office regarding the multi-year nature of this project, to be in compliance with charter requirements, total funds will be appropriated in 2016. Any amounts not expended in 2016 will be carried over into 2017. Expenditures on this multi-year project are expected to occur through 2018. If the COPs are issued, these costs will be reimbursed to the city.

Anticipated costs include:

- Legal counsel to assist staff with the negotiation, preparation, and review of real estate agreements (development agreement, condo declaration, deeds, etc.).

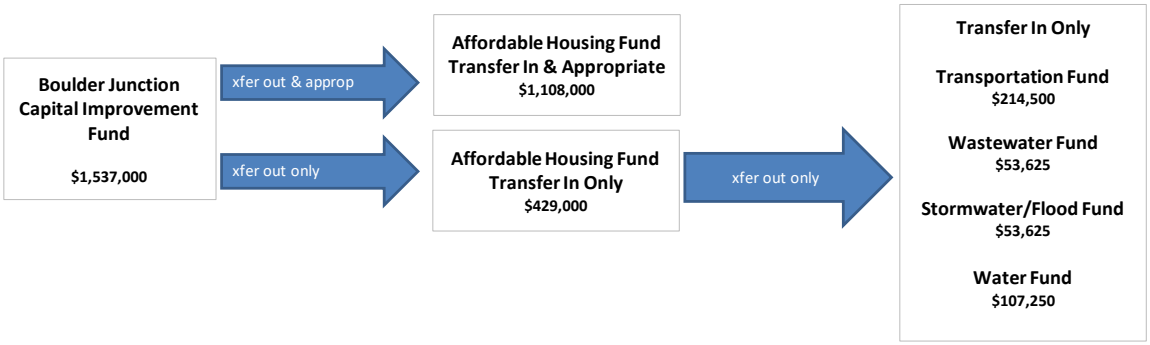
- Bond counsel to review real estate agreements to ensure that terms meet the requirements of the financing structure.
- Legal counsel to assist staff with the evaluation of options for environmental remediation, negotiation of cost sharing with the hotel developer, and preparation of a Voluntary Clean Up Plan (VCUP).
- A professional architect to serve as owner's representative during the design, entitlement, and construction process.
- Consultants to develop hotel demand analyses to support the COP marketing process.

30th and Pearl Financial Reconciliation

At the Oct. 25 City Council study session, council received information regarding the potential redevelopment options for the undeveloped portion of the city owned site at 30th and Pearl. This budget request reconciles the funding transactions related to the redevelopment that has already occurred on the site.

In 2004, City Council approved the purchase of the 11.24 acres Pollard property at 30th and Pearl Streets by the city's Housing and Transportation divisions. This purchase came with the expressed purpose of designing and constructing a "transit-oriented development" that would be located near high-frequency transit service and provide a mix of housing types, including a "significant level" of affordable housing. Since a large portion of the site has been developed, there's a better understanding of the amount of land devoted to transportation and housing uses, and as a result, a reconciliation of investment contributions has occurred. This request transfers and appropriates funds from the Boulder Junction Improvement Fund (Parkland DET) to the Affordable Housing (AH) Fund to pay back the fund for the land purchase that is being used for the depot and the pocket park in the Depot Square project. Also, the AH fund will pay back several Public Works funds based on the original terms of the agreement of the land purchase and Pollard's option to lease back the original land and purchase a portion of the city's Municipal Service Center to relocate its business.

Because of the complexity of this transaction, the flow of funding between the different funds is shown below. Using Parkland DET in the Boulder Junction Improvement Fund, Parks is paying back the AH fund ($1,537 thousand) for land used for 'park' purposes. A portion of that amount ($1,108 thousand) is staying in the AH fund and being appropriated for affordable housing needs. AH will use the remaining $429 thousand to pay back Public Works (Transportation Fund, Wastewater Fund, Water Fund, and Stormwater/Flood Fund) the reconciliation amount based on the original terms of the agreement of the land purchase, loan and lease back options.



<u>Additional Information on Selected Adjustment to Base Requests on Resolution (to be heard on Dec. 6, 2016)</u>

CAGID

This supplemental resolution appropriates funding for a one-time request in the amount of up to $204,353. This will fund phases I, II, and III of a pilot project collaboration between the city (through the Central Area General Improvement District - CAGID) and the Downtown Boulder Partnership (formerly Downtown Boulder Inc.) with the nonprofit Rocky Mountain Institute/Carbon War Room, local transportation network companies (TNCs) including Lyft, Uber, and zTrip, Boulder-based mobility technology provider Commutifi and the downtown business community on a holiday promotion. Dubbed d2d (for door-to-downtown), the pilot will run from the day after Thanksgiving through New Year's Day to bring riders from their homes directly to their downtown destinations. During the downtown holiday promotion, the city will offer a $4 discount matched by an additional $1 discount from the TNCs for the first five rides into downtown from a Boulder residence, and participating merchants will offer a discount for the trip home with a qualifying purchase. This downtown mobility pilot program is intended to: reduce the parking demand from downtown customers who currently drive and park single-occupancy vehicles (SOVs); encourage the return of former downtown customers who no longer shop and dine downtown because of the perceived challenge of parking; support the economic vitality of downtown Boulder and city sales tax generated from downtown during the critical holiday shopping season; support the city's Toward Vision Zero safety initiatives by possibly reducing impaired and distracted driving; promote "Mobility as a Service" as Boulder prepares for a future with less need to own, drive and park SOVs; and learn what may be applicable to other users and other parts of our community. Phase I includes consulting on program design and is budgeted at $56,843. Phase II is the preparation and initial implementation of the pilot, budgeted at $94,640. This includes program coordination, data analytics, technology management and integration and TNC provider coordination and integration. Survey data will be collected from riders to assess how the pilot goals are being met. If the results of the initial implementation period warrant it, Phase III will begin January 1, 2017 as an extension of the initial holiday promotion through Valentine's Day, a particularly soft period for downtown merchants. The budget for the extension period is $52,870. Also included are funds to explore the potential of incorporating electric vehicles. The funds allocated are restricted to use by CAGID.

BMPA
This resolution is a request to appropriate $2,698,068 from additional revenue needed for the debt service payment on the Certificates of Participation (COPs) issued for the purchase of Boulder Community Hospital in the BMPA Fund. During the development of the 2016 budget, a placeholder amount was appropriated in the General Fund to cover potential costs of debt service. With the COPs being issued, the expense must now be shown in the BMPA Fund from which the debt service is ultimately paid. This is the first year of debt service.

Overview of Total Requests on Ordinance
A summary table of the carryover and supplemental requests by fund can be found in **Attachment C**. **Attachment D** shows the impact to the fund balance of each fund of these additional revenues and supplemental appropriations.

In total, the city recommends $21,055,609 in appropriations, of which $14,660,239 come from new revenues and $6,395,370 from fund balance. This adjustment also includes a total net increase in revenue only of $1,864,807. It should be noted that of the $21.1 million in appropriations, $11.1 million is in bond proceeds, and $1.5 million is in currently appropriated budget in the Boulder Junction Improvement Fund being transferred to the Affordable Housing Fund. **Attachment D** is a schedule reflecting the impact of the supplemental appropriations for 2016 on the projected fund balance for each fund.

The council's second reading of this item is scheduled for public hearing at the Dec. 6 City Council meeting.

ATTACHMENTS
A. Proposed Ordinance containing supplemental appropriations to the 2016 Budget
B. Narrative descriptions of all supplemental appropriations to the 2016 Budget by fund
C. Table of all supplemental appropriations to the 2016 Budget by fund
D. 2016 Fund Activity Summary

ORDINANCE 8153

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

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

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

WHEREAS, required public notice has been given;

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

Section 1. General Fund

Appropriation from Fund Balance	$ 3,438,689
Appropriation from Additional Revenue	$ 849,427
Increase in Revenue	$ 175,000

Section 2. .25 Cent Sales Tax Fund

Appropriation from Fund Balance	$ 180,000

Section 3. Affordable Housing Fund

Appropriation from Additional Revenue	$ 1,537,000

Section 4. Airport Fund

Appropriation from Fund Balance	$ 186,654

Increase in Revenue	$	1,260,807

Section 5. Boulder Junction Improvement Fund

Appropriation from Fund Balance	$	1,537,000
Negative Appropriation	$	(1,537,000)

Section 6. Climate Action Plan Fund

Appropriation from Additional Revenue	$	3,900

Section 7. Community Development Block Grant Fund

Appropriation from Additional Revenue	$	6,673

Section 8. Equipment Replacement Fund

Appropriation from Fund Balance	$	241,894
Appropriation from Additional Revenue	$	7,642

Section 9. Facility Renovation and Replacement Fund

Appropriation from Fund Balance	$	191,050

Section 10. HOME Fund

Negative Appropriation	$	(38,634)

Section 11. Library Fund-Old

Negative Appropriation	$	(873,876)

Section 12. Library Fund-New

Appropriation from Additional Revenue	$	358,342

Section 13. Lottery Fund

Appropriation from Fund Balance	$	1,751,657

Section 14. Open Space Fund

Appropriation from Fund Balance	$	795,406
Appropriation from Additional Revenue	$	326,698

Section 15. Permanent Parks and Recreation Fund

Appropriation from Additional Revenue	$	6,000

Section 16. Planning and Development Services Fund

Appropriation from Additional Revenue	$	3,642

Section 17. Property and Casualty Insurance Fund

Appropriation from Fund Balance	$	350,000

Section 18. Recreation Activity Fund

Appropriation from Additional Revenue	$	25,000

Section 19. Stormwater/Flood Management Utility Fund

Negative Appropriation	$	597,129
Increase in Revenue	$	53,625

Section 20. Transportation Fund

Appropriation from Fund Balance	$	400,000
Appropriation from Additional Revenue	$	644,000
Increase in Revenue	$	214,500

Section 21. Wastewater Utility Fund

Increase in Revenue	$	53,625

Section 22. Water Utility Fund

Appropriation from Additional Revenue	$	11,061,574
Increase in Revenue	$	107,250

Section 23. Workers Compensation Insurance Fund

Appropriation from Fund Balance	$	200,000

Section 24. The City Council finds that this ordinance is necessary to protect the public health, safety, and welfare of the residents of the City and covers matters of local concern.

Section 25. If any part or parts hereof are for any reason held to be invalid, such shall not affect the remaining portion of this ordinance.

Section 26. The Council deems it appropriate that this ordinance be published by title only and order 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 15th day of November, 2016.

_____

Mayor

Attest:

_____

City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE this 6th day of December, 2016.

_____

Mayor

Attest:

_____

City Clerk

DEFINITIONS AND REQUEST NARRATIVE
FINAL ADJUSTMENT TO BASE OF 2016

DEFINITIONS

Budget Supplementals

Budget Supplemental from Fund Balance
Adjustments for new appropriation from a specific fund's available fund balance.

Budget Supplemental from Fund Balance Reserve
Adjustments for new appropriation from a specific fund's available fund balance where use is limited for specific purposes, typically due to legal restrictions or management assignment.

Budget Supplemental from Additional Revenue

Grants – Budget supplementals from grant revenues are required throughout the year since either the grant was not anticipated and was therefore not incorporated into the original budget, or because the grant amount actually received was more than the amount specified in the original budget.

Miscellaneous – This category includes annual unanticipated funds received for city programs and services, including items such as donations, reimbursements for services, fundraisers, and/or cooperative agreements between municipalities.

Transfers to/from Other Funds
Transfers between funds requiring City Council approval.

Budget Adjustments Necessitated by Accounting Requirements
Adjustments required based on generally accepted accounting and reporting requirements. These adjustments are made in the final adjustments to base.

Negative Appropriations
Adjustments reducing approved appropriations based on identified reductions in revenue sources (e.g. grant funding reductions).

BUDGET SUPPLEMENTAL DETAILS BY FUND

GENERAL FUND

Budget Supplemental(s) from Fund Balance

Finance- Pleasant Street Parking Garage Pre-Development Costs - $350,000

This request appropriates $350,000 for pre-development costs related to the development of a city-owned parking garage located on University Hill. On September 6, 2016 City Council approved a Letter of Intent with a development team that approached University Hill General Improvement District (UHGID) with a public-private partnership opportunity to develop a hotel, parking garage, and retail space. The development of the garage will be funded through Certificates of Participation (COPs) which will be issued in late 2017 or early 2018. See memo for further details.

Fire - Uniform Allowance Correction - $65,000

Due to an oversight associated with the first year implementation of the new financial system, the uniform allowance for the Fire Department was incorrectly modeled in the personnel projection for 2016 budget development. This request adjusts the Fire Department's budget to correct the miscalculation.

Fundwide/Citywide - Old Hire Police Pension Plan Actuarial Adjustment- $10,162

This request adjusts the required city contribution to the Old Hire Police pension plan, as per actuarial assessment.

Fundwide/Citywide - Old Hire Fire Pension Plan Actuarial Adjustment- $109,008

This request adjusts the required city contribution to the Old Hire Fire pension plan, as per actuarial assessment.

General Government - Jaipur Literature Festival (JLF) Special Event Support - $30,000

Special Events are an important part of our community vitality. $48,000 support has been provided by the city for the JLF. $18,000 in-kind support and $30,000 in cash support. This request is to appropriate the cash support portion.

General Government - BMEA Labor Negotiations- $42,989

With BMEA negotiations going to impasse, there were additional costs above the budgeted amount that were incurred due to arbitration. This is a request for appropriation of this cost.

Information Technology - Connectivity Project-Fiber to Airport - $80,000

Request for funding to piggyback on work being done by Comcast to lay new fiber to the City of Boulder Municipal Airport. This new fiber will provide appropriate connections when the airport is used as a staging area during natural disasters or drills, allows the airport equal access to city software systems that don't work well over the current connection, and provides

connectivity which acts as an incentive for airport tenants to relocate to or remain at the airport. Doing these projects in conjunction with other ongoing projects results in a substantial cost savings to the city. Funded through both the General Fund and Airport Fund, this request represents the General Fund portion of the costs.

Planning, Housing & Sustainability – Renewable Energy Program-Grants – $10,031
This is a request to appropriate the 2016 sales and use tax revenues that have not yet been distributed in Solar Grants. The revenues for this funding come from a portion of the sales and use tax collected on solar permits, solar equipment, and solar installations completed in the City of Boulder.

Planning, Housing & Sustainability – Bag Ordinance – $427,079
In 2012, City Council passed an ordinance implementing a 10 cent fee on disposable plastic and paper checkout bags at food stores, beginning July 1, 2013. This is a request to appropriate 2014 – 2016 revenues from the bag fee to reimburse the Trash Tax for expenses (reusable bags and advertising) and to fund future implementation expenses.

Police – Blood Chemical Testing – $52,000
This is a request for $52,000 for blood and chemical testing on DUI enforcements to be added to the departments operating account. The State of Colorado law reads that the fees charged be returned to the testing agency to offset expenses. This request will be funded by DUI Fines collected in the General Fund. Net remaining revenue for offsetting these expenses is carried over from year to year with an estimated balance of $153,000 for the 2016 year-end.

Police – Federal Asset Forfeiture – $42,650
This is a request to appropriate funds of $42,650 from the Federal Asset Forfeiture Fund in the fund balance reserve to pay for the Training Academy for the new police officers.

Public Works-Support Services – Brenton Renovation- $1,231,000
Funding for initial costs related to updating and upgrading building systems and infrastructure (approximately $1.6 million) has already been approved in the 2016 budget (through the Adjustment to Base process on June 6, 2016). The funding comes from Certificate of Participation (COP) proceeds from the original purchase of the Boulder Community Hospital site, from one-time General Fund savings and from previously approved funds to lease additional space (not yet leased). The remaining funding of $3.4 million, needed to complete building renovation (including required energy efficiency updates per the City of Boulder Code), is proposed as follows: $1.231 million from one-time General Fund funding (the current request), and $2.1 million from impact fees in the Capital Development Fund, that corresponds to growth-related impacts. This project is included in the 2017 CIP. This request completes the appropriation needed to contract and begin the work in 2016. The remaining $2.1 million is for completion of the project.

Budget Supplemental(s) from Additional Revenue

Fire – AMR Software Use – $13,050

This request appropriates funds received for reimbursing expenses incurred by the city for EMS training software being used by AMR Ambulance.

Fire – Classes and Standby Reimbursement – $27,215

This request appropriates funds received for classes or standby coverage provided by the Fire Department to local businesses. The revenue is collected from these classes and coverage and is used to offset the costs incurred to provide the services.

Fire – Wildland Fire Reimbursement – $304,494

This request appropriates funds received in reimbursement for expenses incurred by the city for sending resources to wildland fires and other emergencies around the country.

General Government – Education Access Funding PEG – $71,430

The City of Boulder Currently receives a .50 cent subscriber fee from Comcast to fund equipment for both a government and public access education channel. The revenue from the 2016 subscriber fee is estimated to be $146,860. This amount is to be equally distributed between Municipal Channel 8 (government station managed by the city) and the entity the City of Boulder contracts with to provide Education Access service (Ch 22). Currently this contract is held by Boulder Valley Media Alliance. This request appropriates the Education Access portion of the Revenue to fund equipment replacement.

Human Services – Family Resource Center – $3,400

This is a request to appropriate funds from a donation received to support direct assistance to families for needs including, but not limited to, medical, housing, and transportation.

Planning, Housing & Sustainability – Boulder Housing Partners PILOT 2016 – $9,158

This request appropriates funds to reimburse Boulder Housing Partners (BHP) for property tax payments. BHP is required to pay Payment in Lieu of Taxes (PILOT) to various property taxing districts. This amount represents the city portion of the 2016 PILOT payment from BHP.

Police – Code Enforcement Abatements – $28,000

This request is to appropriate $4,800 in abatements received to cover the costs of hiring outside vendors to bring properties into compliance with the City ordinances that apply to snow removal, weed, and grass cutting.

Police – Miscellaneous Services–Radio Infrastructure – $39,000

This request is to appropriate funds of $39,000 from funds paid to the department by the Boulder Regional Emergency Telephone Service Authority (BRETSA) to cover the additional costs to the Radio Infrastructure to upgrade and maintain the current level of service for the radio network transmissions.

Police – Off-Duty Police Overtime – $298,000
This request is to appropriate funds received from private organizations to offset expenditures for Off-Duty Police Overtime Services.

Police – Open Records Research – $20,000
This request is to appropriate funds from Open Records Research for a total of $20,000. The $20,000 was collected for providing copies of records to the public, newspapers, lawyers, and insurance companies. These funds will be used for offsetting related expenditures.

Police – Training – $15,000
This request is to appropriate funds of $15,000 received from multi-agency training provided by the Police department. The training unit collected funds from outside agencies and these funds are used to offset the expenditures which paid for outside instructors. Multi-agency training helps provide for advanced training for the Boulder Police Department at no cost. Multi-agencies pay for instructors and the department receives two to four slots free per classes held.

Budget Supplemental(s) from Additional Revenue – Grants
City Manager's Office – Cities for Service Grant – $25,000
This request is to appropriate the Cities of Service Grant Funding to the City's Resilience work.

Police – Police Officer and Standards Training (POST) Grant – $5,673
This request to appropriates $5,673 in anticipated revenue from the Police Officers and Standards Training (POST) Grant. The State of Colorado has mandated that certified law enforcement officers must complete annual in-service trainings. These funds will be used to purchase an online training subscription that is provided by Police One. This will help the officers stay in compliance with the training mandate.

Police – Colorado Office of Victim Advocates (COVA) Scholarship – $6,405
This request to appropriates funds of $6,405 received from the Colorado Office of Victim Advocates (COVA). These funds are used to send the Victim Advocates and several officers to the annual training and conference for Victim Advocates. Victim Advocates help members of the community who have been victims of and or witnessed violent crimes.

Police – Edward Byrne Memorial Justice Assistance Grant (JAG) 2016 – $49,602
This request appropriates $49,602 of anticipated revenue received from the U.S. Department of Justice, Office of Justice Programs, for the 2015 Edward Byrne Justice Assistance Grant (JAG) for a joint submission with the City of Longmont Police Department. The JAG will provide $23,608 to the Boulder Police Department for equipment used to prevent and control crime in the community. The balance of the grant, $25,994, was awarded to the Longmont Police Dept. who will continue to fund the Longmont Ending Violence Initiative.

Police – Law Enforcement Assistance Fund (LEAF) 2016 Grant – $19,000
This request appropriates $19,000 of revenue received from the Colorado Division of Transportation for the 2015 LEAF Grant. The department was awarded the funds to increase and improve the enforcement of laws pertaining to alcohol and drug related traffic offenses. The department will conduct various saturation patrols and DUI enforcement throughout the year using $19,000 in overtime.

General Fund Negative Appropriation
Human Services – 2016 Boulder County Family Resource Center Grant – ($85,000)
This is a reduction in grant revenue and expense due to the program no longer being managed by the city. The city was operating this Boulder County funded program for three years to launch it, and it has been transferred back to the county as of July 2016. The Family Resource Center, located at Manhattan Middle School will continue to provide services to Boulder families (as funded by the county).

General Fund Transfer(s) From Other Funds (Revenue Only)
Finance – Airport Fund Loan Payoff – $175,000
This transfer from the Airport fund will pay back the General Fund loan to the Airport fund in its entirety. The payback is funded by the proceeds of the sale of 3289 Airport Road. The loan was needed to pay for a "through the fence" easement that was granted in 1947 to a land owner adjacent to the airport. Since the access violated FAA regulations and the owner didn't want to sell it, the city went to court for imminent domain. The ruling was in the city's favor, but the value of the easement was more than the airport fund had available. Thus, the General Fund contributed $280,000 to the Airport Fund. This transfer repays the General Fund in full.

General Fund Transfer(s) to Other Funds
Communications – PEG Funds –$7,642
The City of Boulder PEG (Public/Educational/Governmental) funds are collected by Comcast at $0.50/subscriber for both a government and public access education channel. This would appropriate the 2015 PEG balance from the General Fund to the Equipment Replacement Fund for replacement of channel 8 equipment.

General Fund Corrections from First Adjustment to Base
City Clerk – Agenda Management Software – $60,000
This is an appropriation of the unspent 2015 budgeted amount for the purchase of a new Council Agenda Management Software system. An RFP was issued in April 2016, and the city is under contract with a vendor. (This was inadvertently left off of the 1st ATB).

Library – Library Expenditures – $873,876
In the first 2016 adjustment to base, this carryover amount was incorrectly appropriated in the old Library Fund, when it should have been appropriated in General Fund, Library. This

adjustment de-appropriates $873,876 in the old Library Fund and correctly appropriates the amount as a direct allocation to the Library in the General Fund.

Human Services – Encumbrance Carryover – $40,062
This request is to correct an encumbrance that was inadvertently left off of the first adjustment to base.

Parks & Recreation – Capital Project Carryover – $7,190
This capital project carryover for unanticipated emergencies was inadvertently left off of the first adjustment to base.

.25 Cent Sales Tax Fund

Budget Supplemental(s) from Fund Balance

Parks and Recreation – Supervisor Vehicles – $100,000
In 2014, Parks and Recreation approved funding to lease vehicles for three working supervisor positions that were added in that year. Due to policy reasons related to purchase vs. lease, the department did not lease the vehicles and are now requesting the purchase of the vehicles to fill gaps. Addition of associated O&M costs and vehicle replacement contributions will be absorbed into the 2016 budget and were included in the 2017 budget. The vehicles will be alternative fueled small trucks.

Parks and Recreation – Snow Much Fun Event – $80,000
Parks and Recreation Civic Area Activation has a need for an additional $80,000 annually for winter programming in the Civic Area. Snow Much Fun is a successful winter program with holiday lighting and events throughout the holidays. This request appropriates funding for 2016. For the 2017 winter season, an ice skating rink will be installed for use Thanksgiving through Valentine's Day 2017. Ongoing amounts for this event have been included in the 2017 budget.

Affordable Housing Fund

Transfer(s) from Other Funds

Planning, Housing & Sustainability – Financial reconciliation for land purchase at 30th & Pearl – $1,537,000
This budget request reconciles the funding transactions related to the redevelopment of 30th and Pearl Streets (11.24 acres Pollard property) purchased in 2004 with the expressed purpose of designing and constructing a "transit-oriented development" that would be located near high-frequency transit service and provide a mix of housing types, including a "significant level" of affordable housing. Since a large portion of the site has been developed, there's a better understanding of the amount of land devoted to transportation and housing uses, and as a result, there has been a reconciliation of investment contributions. This transaction impacts

several funds: Boulder Junction Capital Improvement, Affordable Housing, Transportation, Wastewater, Water and Stormwater/Flood. See memo for further details.

Transfer(s) to Other Funds

Planning, Housing & Sustainability - Financial reconciliation for land purchase at 30th & Pearl - $429,000

As part of the above adjustment, $429,000 of the $1,537,000 is transferred back out to Utilities.

Airport Fund

Budget Supplemental(s) from Fund Balance

Public Works-Transportation (Airport) - Connectivity Project-Fiber to Airport - $11,654

Request for funding to piggyback on work being done by Comcast to lay new fiber to the COB airport. This new fiber will provide appropriate connections when the airport is used as a staging area during natural disasters or drills, allows the airport equal access to city software systems that don't work well over the current connection, and provides connectivity which acts as an incentive for airport tenants to relocate to or remain at the airport. Doing these projects in conjunction with other ongoing projects results in a substantial cost savings to the city. This project is funded through both General Fund and Airport Fund. This request represents the Airport portion of the costs.

Increase in Revenue

Public Works-Transportation (Airport) - Land Sale Revenue - $1,260,807

This item accounts for revenue proceeds received from the sale of a parcel of land at 3289 Airport Road, which happened earlier in 2016.

Transfer(s) To Other Funds

Finance - Airport Fund Loan Payoff - $175,000

This transfer from the Airport fund will pay back the General Fund loan to the Airport fund in its entirety. The payback is funded by the proceeds of the sale of 3289 Airport Road. The loan was needed to pay for a "through the fence" easement that was granted in 1947 to a land owner adjacent to the airport. Since the access violated FAA regulations and the owner didn't want to sell it, the city went to court for imminent domain. The ruling was in the city's favor, but the value of the easement was more than the airport fund had available. Thus, the General Fund contributed $280,000 to the Airport Fund. This request repays the General Fund in full.

Boulder Junction Capital Improvement Fund

Transfer(s) to Other Funds

PW-Transportation - Financial reconciliation for land purchase at 30th & Pearl - $1,537,000

This budget request reconciles the funding transactions related to the redevelopment of 30th and Pearl Streets (11.24 acres Pollard property) purchased in 2004 with the expressed purpose

of designing and constructing a "transit-oriented development" that would be located near high-frequency transit service and provide a mix of housing types, including a "significant level" of affordable housing. Since a large portion of the site has been developed, there's a better understanding of the amount of land devoted to transportation and housing uses, and as a result, there has been a reconciliation of investment contributions. This transaction impacts several funds: Boulder Junction Capital Improvement, Affordable Housing, Transportation, Wastewater, Water and Stormwater/Flood. See memo for further details.

Climate Action Plan (CAP) Fund

Budget Supplemental(s) from Additional Revenue - Grants

Planning, Housing & Sustainability - Urban Sustainability Directors Network (USDN) Peer Learning Exchange Grant - $3,900

This grant will help fund travel expenses for representatives from Boston, Boulder, Burlington, New York City, San Francisco, and Washington DC to participate in the September 30th thermal decarbonization collaboration meeting to explore the potential of using their aggregate thermal energy needs and market potential to catalyze public-private collaboration in building market-driven transition to renewable-ready thermal uses in their residential sectors, along with representatives from nine major renewable heating and cooling manufacturers to discuss the development of a public-private collaboration.

Community Development Block Grant (CDGB) Fund

Budget Supplemental(s) from Additional Revenue - Grants

Planning, Housing & Sustainability - 2016 Program Income - CDBG - $6,673

This request is to appropriate additional revenue received from returned funds in CDBG. The funding will be redistributed per the city's process for awarding affordable housing grants.

Equipment Replacement Fund

Budget Supplemental(s) from Fund Balance

Public Works-Support Services - Courtroom Remodel- $21,894

This courtroom remodel, funded by both the Equipment Replacement Fund and the Facility Renovation and Replacement Fund, will make improvements to the jury box and upgrade sound system wiring for ADA compliance in the main courtroom area.

Public Works-Support Services - Fire Equipment Replacement- $220,000

Not currently appropriated but dedicated for the replacement of fire equipment, this request appropriates $220,000 in the Equipment Replacement Fund for planned replacement of equipment to be purchased before the end of 2016. Items include hydraulic rescue equipment, cardio equipment for stations, truck kits, dive masks, dry suites, etc.

Transfer(s) From Other Funds

Public Works-Support Services - PEG Funds - $7,642

The City of Boulder PEG (Public/Educational/Governmental) funds are collected by Comcast at $0.50/subscriber for both a government and public access education channel. This would appropriate the 2015 PEG balance from the General Fund to the Equipment Replacement Fund for replacement of channel 8 equipment.

Facility Renovation and Replacement Fund

Budget Supplemental(s) from Fund Balance

Public Works-Support Services - Courtroom Remodel- $50,000

This courtroom remodel, funded by both the Equipment Replacement Fund and the Facility Renovation and Replacement Fund, will make improvements to the jury box and upgrade sound system wiring for ADA compliance in the main courtroom area.

Public Works-Support Services - Main Library Restrooms - $9,050

Library staff will be collaborating with the city's Facilities and Asset Management (FAM) work group of the Public Works Department to examine options and associated funding for incorporating gender neutral restroom facilities at the main library and branches. This request provides funding to assess current structure, setup, access, use, etc. Work is expected to be completed by the end of 2016 and will inform the library's current plans to remodel restrooms at the main library.

Public Works-Support Services - Parking Structure Assessments - $132,000

This request provides funding to assess Community Vitality's five parking garages to address ADA compliance, energy performance analysis, and assess combined operations, maintenance, and management structure.

HOME Investment Partnership Grant Fund

Negative Appropriation

Planning, Housing & Sustainability - 2014 HOME Adjustment - ($38,634)

The U.S. Department of Housing and Urban Development (HUD) HOME Program regulations require a HOME participating jurisdiction (PJ) to commit 100% of its annual allocation of HOME funds within 24 months of receiving its HOME grant. While the Boulder Broomfield Regional Consortium successfully committed 98% (approximately $1.7M) of the funds received from HUD, it was unable to find an eligible project to expend $38,634 in time to meet the HOME spending deadline. As a result, HUD will be de-obligating $38,634 in HOME funds.

Library Fund-New

Budget Supplemental(s) from Fund Balance

Library - Encumbrance Carryover of Old Library Gift Fund Open Purchase Orders - $87,825

The new Library Fund (2200) absorbed the old Library Gift Fund (2900) in 2016 with most of

the adjustments made in the first adjustment to base. The old Library Gift Fund was historically an unbudgeted fund so its open purchase orders were not subject to encumbrance carryover. Now that it has been absorbed by the new Library Fund (2200) and is fully appropriated, per best practice, the appropriation associated with open purchase orders needs to be budgeted. This makes that correction.

Library – Appropriation of Library Gift Fund Expenditures – $220,517
Similar to the explanation above, this represents the appropriation of Library Gift Fund expenditures that were not budgeted in the old Library Gift Fund, but now need to be budgeted in the new Library Fund. The appropriation is comprised of: $104,178 for Carnegie Library, $112,736 for Flatirons Library Consortium, and $3,603 for materials.

Budget Supplemental(s) from Additional Revenue
Library – Jaipur Festival Sponsorship – $50,000
The Boulder Library Foundation contributed $50,000 to the Library to sponsor the 2016 Jaipur Literature Festival.

Library Fund-Old

Corrections from First Adjustment to Base
Library – Library Expenditures – ($873,876)
In the first 2016 adjustment to base, this carryover amount was incorrectly appropriated in the old Library Fund, when it should have been appropriated in General Fund, Library. This adjustment de-appropriates $873,876 in the old Library Fund and correctly appropriates the amount as a direct allocation to the Library in the General Fund.

Lottery Fund

Corrections from First Adjustment to Base
Open Space and Mountain Parks – Lottery & OSMP Fund Carryover Correction – $706,103
In the first 2016 adjustment to base, this carryover amount was incorrectly appropriated in the OSMP Fund, when it should have been appropriated in the Lottery Fund. This adjustment de-appropriates $706,103 in the OSMP Fund and correctly appropriates the amount in the Lottery Fund.

Open Space and Mountain Parks – Lottery Projects for Open Space Carryover Correction – $188,344
These are projects that should have been carried over from 2015 to 2016 in the Lottery fund but were inadvertently left off due to project ledger issues within the financial system.

Public Works-Utilities – Lottery & Flood Fund Carryover Correction – $857,210
In the first 2016 adjustment to base, this carryover amount was incorrectly budgeted in the Stormwater Fund when it should have been appropriated in the Lottery Fund. This adjustment

de-appropriates $857,210 in the Stormwater Fund and correctly appropriates the amount in the Lottery Fund.

Open Space Fund

Budget Supplemental(s) from Additional Revenue

Open Space and Mountain Parks – Estate of Arthur Moss Donation – $134,438

This request appropriates a donation received from the Estate of Arthur Moss to support specific efforts to protect flora/fauna and/or the maintenance/installation of OSMP trails.

Open Space and Mountain Parks – Colorado Chautauqua Association – $30,000

This request appropriates funding donated by the Colorado Chautauqua Association to support the rebuilding of the swale for landscape drainage and associated water runoff at the Chautauqua Ranger Cottage. The association agreed to pay half of the cost of the project.

Budget Supplemental(s) from Additional Revenue – Grants

Open Space and Mountain Parks – GOCO Reimbursement Grant – $50,000

This request is for cost reimbursement of funds for a grant from the State Board of the Great Outdoors Colorado Trust Fund. OSMP matched this $50,000 with $22,950 from the Open Space Fund.

Open Space and Mountain Parks – Colorado State Forest Service Grant – Chapman Drive – $52,560

OSMP received reimbursement for the 2016 portion of a Colorado State Forest Service grant to thin forest at Chapman Drive equal to 50 percent of the total cost. The total grant award was $79,500. The 2015 portion of the grant was $26,940 and was included in the second Adjustment to Base of 2015. This request appropriates the funds received to cover the project costs.

Open Space and Mountain Parks – Colorado State Forest Service Grant – Spring Brook and CR 67 – $34,200

OSMP received reimbursement for a Colorado State Forest Service grant to thin forest at Spring Brook and CR 67. This request appropriates the funds received to cover the project costs.

Open Space and Mountain Parks – Colorado Division of Fish and Wildlife, Fishing Is Fun Grant – $25,500

This cost reimbursement grant was initially awarded to OSMP in 2014 and appropriated in the first 2014 Budget Supplemental. Flood recovery efforts required this project to be rescheduled for 2016. No expenses were incurred in 2014 and no funds from the Colorado Division of Fish and Wildlife were received.

Corrections from Budget Development

Open Space and Mountain Parks – Budget for Seasonal Salaries – $1,151,510

With the first budget build in a new financial system, the annual OSMP seasonal personnel budget was inadvertently omitted from the 2016 department budget. This requests adds back that amount.

Open Space and Mountain Parks – Annual Non Personnel Expense Budget – $349,999

With the first budget build in a new financial system, the annual OSMP non-personnel expense budget was inadvertently omitted from the 2016 department budget. This amount includes $270K for Office of Director (organizational assessment, leadership management training, project management training), $80K for trailheads maintenance, and $108K for seasonal benefits for those who qualify under the Affordable Care Act.

Corrections from First Adjustment to Base

Open Space and Mountain Parks – Lottery & OSMP Fund Carryover Correction – ($706,103)

In the first 2016 adjustment to base, this carryover amount was incorrectly appropriated in the OSMP Fund, when it should have been appropriated in the Lottery Fund. This adjustment de-appropriates $706,103 in the OSMP Fund and correctly appropriates the amount in the Lottery Fund.

Permanent Parks and Recreation Fund

Budget Supplemental(s) from Additional Revenue

Parks and Recreation – Donations –Memorial Benches – $6,000

This request appropriates funding from donations to offset already incurred expenses from citizens' requests for memorial benches.

Planning and Development Services Fund

Budget Supplemental(s) from Additional Revenue – Grants

Planning, Housing & Sustainability – 2015 Certified Local Government (CLG) Grant – $3,642

This is a request to appropriate $3,642 in grant funding for staff attendance at the 2016 National Alliance of Preservation (NAPC) Forum.

Property and Casualty Fund

Budget Supplemental(s) from Fund Balance

Finance – Property and Casualty Additional Premium Costs – $350,000

In 2016, expenses in the Property and Casualty Self Insurance Fund have increased due to the following: an increase in insurance premiums (on average by 23 percent for the past three years) for additional coverage including the addition of Boulder Community Hospital property, flood coverage, network security coverage, arts coverage and crime coverage; and an increase in legal expenses related to liability claims. This request appropriates funds needed to cover the additional cost in 2016. Amounts to cover the increases are included in the 2017 budget.

Recreation Activity Fund

Budget Supplemental(s) from Additional Revenue

Parks and Recreation – Fundraised money from PLAY Foundation- $25,000

This request appropriates money fundraised by EXPAND to cover scholarships for participants unable to afford our programs and services. This money is requested from PLAY Foundation, as the money is fundraised through them.

Stormwater and Flood Management Utility Fund

Budget Supplemental(s) from Fund Balance

Public Works-Utilities – Snowstorm Limb Clean-up – $57,081

This request appropriates $57,081 for costs associated with storm clean-up. A snowstorm in the late March resulted in a large amount of tree limbs and other debris in the right-of-way. The Flood Fund paid for approximately 10 percent of the total costs for clean-up.

Public Works-Utilities – Drainageway Maintenance Easements – $123,000

This request appropriates $123,000 for property service expenses for obtaining drainage maintenance easements. These easements would allow city maintenance staff access to provide routine and major maintenance of key drainageways.

Public Works-Utilities – Drainageway Clean-up – $80,000

This request appropriates $80,000 for trash clean-up in the drainageways. A vendor was contracted earlier this year that specializes in hazardous material clean-up, which was needed to assist with removing trash, waste, and drug paraphernalia in the drainageways.

Transfer(s) From Other Funds

PW-Utilities – Financial reconciliation for land purchase at 30th & Pearl – $53,625

This budget request reconciles the funding transactions related to the redevelopment of 30th and Pearl Streets (11.24 acres Pollard property) purchased in 2004 with the expressed purpose of designing and constructing a "transit-oriented development" that would be located near high-frequency transit service and provide a mix of housing types, including a "significant level" of affordable housing. Since a large portion of the site has been developed, there's a better understanding of the amount of land devoted to transportation and housing uses, and as a result, there has been a reconciliation of investment contributions. This transaction impacts several funds: Boulder Junction Capital Improvement, Affordable Housing, Transportation, Wastewater, Water and Stormwater/Flood. See memo for further details.

Corrections from First Adjustment to Base

Public Works-Utilities – Lottery & Flood Fund Carryover Correction – ($857,210)

In the first 2016 adjustment to base, this carryover amount was incorrectly budgeted in the Stormwater Fund when it should have been appropriated in the Lottery Fund. This adjustment

de-appropriates $857,210 in the Stormwater Fund and correctly appropriates the amount in the Lottery Fund.

Transportation Fund

Budget Supplemental(s) from Fund Balance

Public Works-Transportation - Valmont & 29th Hazard Elimination -$400,000

The Transportation Division has been awarded an additional $400,000 of Hazard Elimination Program (HEP) funding for the Valmont & 29th Hazard Elimination project. This funding requires a $400,000 local match (from fund balance) for total project funding of $800,000. The project consists of signalizing the intersection of 29th Street and Valmont, the addition of left turn lanes in Valmont Road, and reconstructing the adjacent bike lanes and sidewalks. This request represents the city portion of the costs, and funds have been saved up over time for this capital project.

Budget Supplemental(s) from Additional Revenue - Grants

Public Works-Transportation - Valmont & 29th Hazard Elimination -$400,000

The Transportation Division has been awarded an additional $400,000 of Hazard Elimination Program (HEP) funding for the Valmont & 29th Hazard Elimination project. This funding requires a $400,000 local match (from fund balance) for total project funding of $800,000. The project consists of signalizing the intersection of 29th Street and Valmont, the addition of left turn lanes in Valmont Road, and reconstructing the adjacent bike lanes and sidewalks. This request represents the grant funded portion of the costs.

Public Works-Transportation - 19th Street (Norwood to Sumac)- $244,000

The Transportation Division has been awarded additional Transportation Alternatives Program (TAP) funding for the 19th Street (Norwood to Sumac) project of $244,000. This project will design and construct sidewalk, curb and gutter improvements along the west and east sides of 19th Street from Norwood Avenue to Sumac Avenue. The project will also provide a bicycle lane and improve ADA facilities in the project area.

Transfer(s) From Other Funds

PW-Transportation - Financial reconciliation for land purchase at 30th & Pearl - $214,500

This budget request reconciles the funding transactions related to the redevelopment of 30th and Pearl Streets (11.24 acres Pollard property) purchased in 2004 with the expressed purpose of designing and constructing a "transit-oriented development" that would be located near high-frequency transit service and provide a mix of housing types, including a "significant level" of affordable housing. Since a large portion of the site has been developed, there's a better understanding of the amount of land devoted to transportation and housing uses, and as a result, there has been a reconciliation of investment contributions. This transaction impacts several funds: Boulder Junction Capital Improvement, Affordable Housing, Transportation, Wastewater, Water and Stormwater/Flood. See memo for further details.

Wastewater Fund

Budget Supplemental(s) from Fund Balance

Transfer(s) From Other Funds

PW-Utilities - Financial reconciliation for land purchase at 30th & Pearl - $53,625

This budget request reconciles the funding transactions related to the redevelopment of 30th and Pearl Streets (11.24 acres Pollard property) purchased in 2004 with the expressed purpose of designing and constructing a "transit-oriented development" that would be located near high-frequency transit service and provide a mix of housing types, including a "significant level" of affordable housing. Since a large portion of the site has been developed, there's a better understanding of the amount of land devoted to transportation and housing uses, and as a result, there has been a reconciliation of investment contributions. This transaction impacts several funds: Boulder Junction Capital Improvement, Affordable Housing, Transportation, Wastewater, Water and Stormwater/Flood. See memo for further details.

Water Utility Fund

Budget Supplemental(s) from Additional Revenue

Public Works-Utilities - Betasso Bond Appropriation - $11,061,574

This adjustment will appropriate $11,061,574 in the Water Fund for the Betasso capital improvement project from bond revenue. On May 3, 2016 Council approved the actual sale of the bonds. This adjustment is the final step in funding for this project.

Transfer(s) From Other Funds

PW-Utilities - Financial reconciliation for land purchase at 30th & Pearl - $107,250

This budget request reconciles the funding transactions related to the redevelopment of 30th and Pearl Streets (11.24 acres Pollard property) purchased in 2004 with the expressed purpose of designing and constructing a "transit-oriented development" that would be located near high-frequency transit service and provide a mix of housing types, including a "significant level" of affordable housing. Since a large portion of the site has been developed, there's a better understanding of the amount of land devoted to transportation and housing uses, and as a result, there has been a reconciliation of investment contributions. This transaction impacts several funds: Boulder Junction Capital Improvement, Affordable Housing, Transportation, Wastewater, Water and Stormwater/Flood. See memo for further details.

Workers Compensation Fund

Budget Supplemental(s) from Fund Balance

Finance - Workers Compensation Claims - $200,000

Due to the city experiencing claims higher than projected, this request establishes a contingency claims fund, which will be used only if the trend of high claims continues in 2016. Any unused funds will fall to fund balance and be available for future appropriation by city council. The reserves that exist in this fund as determined by biannual actuarial studies, will not be impacted by this appropriation.

2ND BUDGET SUPPLEMENTAL OF 2016
REQUEST BY FUND AND DEPT

Fund	Dept	Type / Item	Budget Supplemental	Source: Additional Revenue	Source: Fund Balance	Source: Increase (Decrease) in Revenue Only
GENERAL FUND						
		Operating Carryover(s) from Fund Balance				
	City Clerk	Agenda Management Software	60,000		60,000	
	Human Services	Prior-year Encumbrance carryover correction	40,062		40,062	
	Parks & Recreation	Capital Project carryover correction	7,190		7,190	
	Library	Library correction from ATB1-move from old Library Fund	873,876		873,876	
		Budget Supplemental(s) from Fund Balance				
	General Governance - Contingency	Jaipur Literature Festival (JLF) Special Event Support	30,000		30,000	
	General Governance - Contingency	BMEA Labor Negotiations	42,989		42,989	
	Finance	Hill Parking Garage Pre-Development Costs	350,000		350,000	
	Planning, Housing & Sustainability	Renewable Energy Program-Grants	10,031		10,031	
	Planning, Housing & Sustainability	Bag Ordinance	427,079		427,079	
	Police	Blood Chemical Testing	52,000		52,000	
	Police	Federal Asset Forfeiture	42,650		42,650	
	PW-Support Services	Brenton Building Renovation	1,231,000		1,231,000	
	Fire	Uniform Allowance Correction	65,000		65,000	
	Information Technology	Connectivity Project-Fiber to Airport	80,000		80,000	
	Fundwide / Citywide	Police Pension Contribution Adjustment	10,162		10,162	
	Fundwide / Citywide	Fire Pension Contribution Adjustment	109,008		109,008	
		Budget Supplemental(s) from Additional Revenue				
	General Government	Education Access Funding PEG	71,430	71,430		
	Fire	AMR Software Use	13,050	13,050		
	Fire	Classes and Standby Reimbursement	27,215	27,215		
	Fire	Wildland Reimbursement	304,494	304,494		
	Human Services	Family Resource Center donation	3,400	3,400		
	Housing	Boulder Housing Partners PILOT 2015	9,158	9,158		
	Police	Abatements - Code Enforcement	28,000	28,000		
	Police	Radio Infrastructure Upgrade Funding from BRETSA	39,000	39,000		
	Police	Off Duty Police Overtime	298,000	298,000		
	Police	Open Records Research	20,000	20,000		
	Police	Training Funds Collected from Outside Agencies	15,000	15,000		
		Budget Supplemental(s) from Additional Grant Revenue				
	Police	FY 2016 Edward Byrne Justice Assistance Grant (JAG)	49,602	49,602		
	Police	2016 Law Enforcement Assistance Fund (LEAF) Grant	19,000	19,000		
	Police	Colorado Office of Victim Advocates (COVA) Scholarship	6,405	6,405		
	Police	Police Officer and Standards Training (POST) Grant	5,673	5,673		
	City Manager's Office	Cities for Service Grant	25,000	25,000		
		Negative Appropriation				
	Human Services	2016 Bldr Co Family Resource Center grant	(85,000)	(85,000)		

2ND BUDGET SUPPLEMENTAL OF 2016
REQUEST BY FUND AND DEPT

Fund	Dept	Type / Item	Budget Supplemental	Source: Additional Revenue	Source: Fund Balance	Source: Increase (Decrease) in Revenue Only
		Transfer(s) to Other Funds				
	Communications	Transfer to Equipment Replacement (PEG funds)	7,642		7,642	
		Transfer(s) from Other Funds (Revenue Only)				
	Finance	Transfer from Airport Fund to pay off loan				175,000
		Subtotal	**4,288,116**	**849,427**	**3,438,689**	**175,000**
.25 CENT SALES TAX FUND						
		Budget Supplemental(s) from Fund Balance				
	Parks and Recreation	Supervisor Vehicles	100,000		100,000	
	Parks and Recreation	Snow Much Fun Event	80,000		80,000	
		Subtotal	**180,000**	**-**	**180,000**	**-**
AFFORDABLE HOUSING FUND						
		Transfer(s) to Other Funds				
	Planning, Housing & Sustainability	Financial Recon of 30th and Pearl, transfer from Boulder Junct Impr Fund, transfer to Utilities and Transportation	429,000	429,000		
		Transfer(s) from Other Funds				
	Transportation	Financial Recon of 30th and Pearl, transfer from Boulder Junct Impr Fund	1,108,000	1,108,000		
		Subtotal	**1,537,000**	**1,537,000**	**-**	**-**
AIRPORT FUND						
		Budget Supplemental(s) from Fund Balance				
	Information Technology	Connectivity Project-Fiber to Airport	11,654		11,654	
		Additional Revenue Only				
	Transportation	Land Sale Revenue				1,260,807
		Transfer(s) to Other Funds				
	Transportation	Transfer to General Fund to pay off loan	175,000		175,000	
		Subtotal	**186,654**	**-**	**186,654**	**1,260,807**
BOULDER JUNCTION IMPROVEMENT FUND						
		Negative Appropriation				
	Transportation	Financial Recon of 30th and Pearl Move appropriation from an expense to a transfer out	(1,537,000)		(1,537,000)	
		Transfer(s) to Other Funds				
	Transportation	Financial Recon of 30th and Pearl, transfer to Affordable Housing	1,537,000		1,537,000	
		Subtotal	**-**	**-**	**-**	**-**

2ND BUDGET SUPPLEMENTAL OF 2016
REQUEST BY FUND AND DEPT

Fund	Dept	Type / Item	Budget Supplemental	Source: Additional Revenue	Source: Fund Balance	Increase (Decrease) in Revenue Only
CLIMATE ACTION PLAN FUND						
		Budget Supplemental(s) from Additional Grant Revenue				
	Planning, Housing & Sustainability	USDN Peer Learning Exchange Grant	3,900	3,900		
		Subtotal	**3,900**	**3,900**	**-**	**-**
COMMUNITY DEVELOPMENT BLOCK GRANT FUND						
		Budget Supplemental(s) from Additional Grant Revenue				
	Planning, Housing & Sustainability	2016 Program Income - CDBG	6,673	6,673		
		Subtotal	**6,673**	**6,673**	**-**	**-**
EQUIPMENT REPLACEMENT FUND						
		Budget Supplemental(s) from Fund Balance				
	PW-Support Services	Courtroom Remodel	21,894		21,894	
	PW-Support Services	Equipment replacement for Fire	220,000		220,000	
		Transfer(s) from Other Funds				
	PW-Support Services	Transfer to Equipment Replacement (PEG funds)	7,642	7,642		
		Subtotal	**249,536**	**7,642**	**241,894**	**-**
FACILITY RENOVATION AND REPLACEMENT FUND						
		Budget Supplemental(s) from Fund Balance				
	PW-Support Services	Courtroom Remodel	50,000		50,000	
	PW-Support Services	Main Library Restrooms	9,050		9,050	
	PW-Support Services	Parking Structure Assessments	132,000		132,000	
		Subtotal	**191,050**	**-**	**191,050**	**-**
HOME FUND						
		Negative Appropriation				
	Planning, Housing & Sustainability	2014 HOME Adjustment	(38,634)	(38,634)		
		Subtotal	**(38,634)**	**(38,634)**	**-**	**-**
LIBRARY FUND-OLD						
		Negative Appropriation				
	Library	Eliminate Additional Library Fund Expenditures Appropriated in 1st ATB	(873,876)	(131,025)	(742,851)	
		Subtotal	**(873,876)**	**(131,025)**	**(742,851)**	**-**
LIBRARY FUND-NEW						
		Operating Carryover from Fund Balance				
	Library	Appropriate Library Gift Fund not originally budgeted-encumbrance	87,825	87,825		
	Library	Appropriate Library Gift Fund not originally budgeted	220,517	220,517		
		Budget Supplemental(s) from Additional Revenue				
	Library	Jaipur Festival Sponsorship	50,000	50,000		
		Subtotal	**358,342**	**358,342**	**-**	**-**

2ND BUDGET SUPPLEMENTAL OF 2016
REQUEST BY FUND AND DEPT

Fund	Dept	Type / Item	Budget Supplemental	Source: Additional Revenue	Source: Fund Balance	Increase (Decrease) in Revenue Only
LOTTERY FUND						
		Operating Carryover(s) from Fund Balance				
	OSMP	Lottery Fund & OSMP Fund Carryover Correction	706,103		706,103	
	OSMP	Lottery projects for Open Space Carryover Correction	188,344		188,344	
	Public Works-Utilities	Lottery Fund & Flood Fund Carryover Correction	857,210		857,210	
		Subtotal	**1,751,657**	**-**	**1,751,657**	**-**
OPEN SPACE FUND						
		Budget Supplemental(s) from Fund Balance				
	Open Space & Mountain Parks	Correct budget for seasonal salaries	1,151,510		1,151,510	
	Open Space & Mountain Parks	Correct annual non-personnel expense budget	349,999		349,999	
		Budget Supplemental(s) from Additional Revenue				
	Open Space & Mountain Parks	Colorado Chautauqua Association	30,000	30,000		
	Open Space & Mountain Parks	Estate of Arthur Moss Donation	134,438	134,438		
		Budget Supplemental(s) from Additional Grant Revenue				
	Open Space & Mountain Parks	GOCO Reimbursement Grant	50,000	50,000		
	Open Space & Mountain Parks	Colorado Division of Fish and Wildlife, Fishing Is Fun Grant	25,500	25,500		
	Open Space & Mountain Parks	Colorado State Forest Service Grant - Chapman Drive	52,560	52,560		
	Open Space & Mountain Parks	Colorado State Forest Service Grant - Spring Brook and CR 67	34,200	34,200		
		Negative Appropriation				
	Open Space & Mountain Parks	Lottery Fund & OSMP Fund Carryover Correction	(706,103)		(706,103)	
		Subtotal	**1,122,104**	**326,698**	**795,406**	**-**
PERMANENT PARKS AND RECREATION FUND						
		Budget Supplemental(s) from Additional Revenue				
	Parks & Recreation	Memorial Bench Donations	6,000	6,000		
		Subtotal	**6,000**	**6,000**	**-**	**-**
PLANNING AND DEVELOPMENT SERVICES FUND						
		Budget Supplemental(s) from Additional Grant Revenue				
	Planning, Housing & Sustainability	2016 Certified Local Government (CLG) Grant	3,642	3,642		
		Subtotal	**3,642**	**3,642**	**-**	**-**
PROPERTY & CASUALTY INSURANCE FUND						
		Budget Supplemental(s) from Fund Balance				
	Finance	Property and Casualty additional premium costs	350,000		350,000	
		Subtotal	**350,000**	**-**	**350,000**	**-**
RECREATION ACTIVITY FUND						
		Budget Supplemental(s) from Additional Revenue				
	Parks & Recreation	Fundraised money from PLAY Foundation	25,000	25,000		
		Subtotal	**25,000**	**25,000**	**-**	**-**

2ND BUDGET SUPPLEMENTAL OF 2016
REQUEST BY FUND AND DEPT

Fund	Dept	Type / Item	Budget Supplemental	Source: Additional Revenue	Source: Fund Balance	Increase (Decrease) in Revenue Only
STORMWATER/FLOOD MANAGEMENT UTILITY FUND						
		Budget Supplemental(s) from Fund Balance				
	Public Works - Utilities	Snowstorm Limb Clean-up	57,081		57,081	
	Public Works - Utilities	Drainageway Maintenance Easements	123,000		123,000	
	Public Works - Utilities	Drainageway Clean-up	80,000		80,000	
		Transfer(s) from Other Funds				
	Planning, Housing & Sustainability	Financial Recon of 30th and Pearl, transfer from Affordable Housing				53,625
		Negative Appropriation				
	Public Works - Utilities	Lottery & Flood Fund Carryover Correction	(857,210)		(857,210)	
		Subtotal	**(597,129)**	**-**	**(597,129)**	**53,625**
TRANSPORTATION FUND						
		Budget Supplemental(s) from Additional Grant Revenue				
	PW-Transportation	19th Street (Norwood to Sumac) TAP grant funding	244,000	244,000		
	PW-Transportation	Valmont & 29th Hazard Elimination HEP grant funding	800,000	400,000	400,000	
		Transfer(s) from Other Funds				
	Planning, Housing & Sustainability	Financial Recon of 30th and Pearl, transfer from Affordable Housing				214,500
		Subtotal	**1,044,000**	**644,000**	**400,000**	**214,500**
WASTEWATER UTILITY FUND						
		Transfer(s) from Other Funds				
	Planning, Housing & Sustainability	Financial Recon of 30th and Pearl, transfer from Affordable Housing				53,625
		Subtotal	**-**	**-**	**-**	**53,625**
WATER UTILITY FUND						
		Budget Supplemental(s) from Additional Revenue				
	Public Works-Utilities	Betasso Bond Appropriation	11,061,574	11,061,574		
		Transfer(s) from Other Funds				
	Planning, Housing & Sustainability	Financial Recon of 30th and Pearl, transfer from Affordable Housing				107,250
		Subtotal	**11,061,574**	**11,061,574**	**-**	**107,250**
WORKERS COMPENSATION INSURANCE FUND						
		Budget Supplemental(s) from Fund Balance				
	Finance	Worker Compensation Claims	200,000		200,000	
		Subtotal	**200,000**	**-**	**200,000**	**-**
		Total General Fund	4,288,116	849,427	3,438,689	175,000
		Total Restricted Funds	16,767,493	13,810,812	2,956,681	1,689,807
		Total All Funds	**21,055,609**	**14,660,239**	**6,395,370**	**1,864,807**

2016 FUND ACTIVITY SUMMARY
2ND BUDGET SUPPLEMENTAL OF 2016

	At January 1, 2016			Year-to-date Appropriation Ordinance(s)		Projected Fund Balance (Before Reserves) Dec 31, 2016
FUND	Estimated Fund Balance	Original Estimated Revenues (Including Xfers In)	Original Appropriations (Including Xfers Out)	Increase in Estimated Revenues	Appropriations (Including Xfers Out)	Fund Balance
General	$ 52,766,133	128,264,435	132,356,742	2,659,473	22,439,216	28,894,084
.25 Cent Sales Tax	$ 3,494,360	8,905,450	7,724,287	200,000	2,107,806	2,767,716
Affordable Housing	$ 7,492,946	2,122,453	1,570,292	1,537,000	8,958,906	623,201
Airport	$ 377,732	579,938	461,925	1,260,807	324,256	1,432,296
Boulder Junction Improvement	$ 2,338,035	804,614	825,000	-	1,782,476	535,173
Capital Development	$ 10,670,226	2,113,945	211,052	-	943,530	11,629,589
Capital Improvement Fund	$ 3,222,318	-	-	-	3,222,318	0
Climate Action Plan	$ 1,024,142	1,844,497	1,955,433	188,900	1,039,571	62,535
Community Development Block Grant (CDBG)	$ 483	634,492	634,492	1,166,629	1,166,629	483
Community Housing Assistance Program	$ 4,851,375	2,550,204	3,172,624	-	3,908,353	320,602
Compensated Absences	$ 1,887,429	827,864	944,772	-	-	1,770,521
Computer Replacement	$ 8,062,579	1,973,456	1,939,813	-	583,093	7,513,129
Equipment Replacement	$ 5,711,553	1,170,249	638,192	7,642	267,884	5,983,368
Facility Renovation and Replacement	$ 9,966,798	2,908,467	4,052,362	1,998,215	7,225,187	3,595,931
Fleet	$ 15,670,222	6,620,424	5,302,879	-	1,003,815	15,983,953
HOME Investment Partnership Grant	$ -	779,504	779,504	1,507,107	1,507,107	-
Library-New	$ -	-	-	1,450,967	1,450,967	-
Library-Old	$ 2,240,792	7,569,667	7,569,667	(7,569,667)	(7,472,639)	2,143,764
Lottery	$ 2,500,247	856,515	848,535	-	2,006,542	501,685
Open Space and Mountain Parks	$ 36,205,634	32,892,936	35,402,961	326,698	24,418,676	9,603,631
Permanent Parks and Recreation	$ 1,245,549	2,587,804	2,443,963	6,000	693,999	701,391
Planning and Development Services	$ 8,694,900	10,110,632	10,838,333	15,752	2,351,656	5,631,295
Property and Casualty Insurance	$ 5,551,883	1,774,617	1,876,157	-	350,000	5,100,343
Recreation Activity	$ 2,110,748	10,499,483	10,414,920	91,170	280,232	2,006,249
Stormwater/Flood Management Utility	$ 42,714,691	11,498,203	11,764,882	2,495,224	35,620,898	9,322,338
Telecommunications	$ 1,591,632	747,014	704,622	-	556	1,633,468
Transportation	$ 15,810,242	32,406,622	33,824,610	17,497,071	27,341,326	4,548,000
Transportation Development	$ 4,788,697	1,085,792	1,200,614	-	2,130,155	2,543,720
Wastewater Utility	$ 27,766,746	20,307,952	19,555,218	269,250	22,047,376	6,741,354
Water Utility	$ 37,142,847	55,346,420	58,901,788	11,168,824	16,692,609	28,063,694
Worker's Compensation Insurance	$ 1,130,071	1,703,853	1,682,732	-	606,618	544,575

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: November 15, 2016

AGENDA TITLE

Introduction, first reading and consideration of a motion to adopt Emergency Ordinance 8155 adopting Supplement 129, which codifies previously adopted Ordinances 8122, 8123, 8136, and other miscellaneous corrections and amendments, as an amendment to the Boulder Revised Code, 1981.

PRESENTER:
Office of the City Attorney
Thomas A. Carr, City Attorney

EXECUTIVE SUMMARY:

The Boulder Revised Code ("B.R.C. 1981") is the official book of laws of the City of Boulder. Four times a year (quarterly), the City Council is asked to adopt supplements to the B.R.C. 1981. An ordinance format is used to bring ordinances that the City Council adopted in the prior quarter, or effective prior to the upcoming supplement, into the B.R.C. 1981, and to ensure that there is no question regarding what constitutes the official laws of the City of Boulder. These supplement ordinances are approved as a matter of routine by the City Council.

In order to generate the printed supplements to the B.R.C. as soon as possible, council is asked to adopt the proposed ordinance at first reading as an emergency measure.

The text of Supplement 129 has been previously adopted by the following ordinances:

Ord 8122	AN ORDINANCE AMENDING SECTION 12-2-4, "WRITTEN DISCLOSURES REQUIRED," B.R.C. 1981 TO UPDATE THE REQUIRED DISCLOSURES BY LANDLORDS, AND SETTING FORTH RELATED DETAILS.
Ord 8123	AN ORDINANCE REPEALING CHAPTER 4-16 B.R.C. 1981, "POLICE ALARM SYSTEMS" AND REPLACING IT WITH A NEW CHAPTER 4-16 B.R.C. 1981 "POLICE ALARM SYSTEMS" TO REQUIRE ALARM VERIFICATION BEFORE INITIATING POLICE RESPONSE AND SETTING FORTH RELATED DETAILS.
Ord 8136	AN EMERGENCY ORDINANCE AMENDING SECTION 6-1-16, "DOGS RUNNING AT LARGE PROHIBITED," B.R.C. 1981, TO ADD THE 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, AND SETTING FORTH RELATED DETAILS.

FISCAL IMPACTS:

Budgetary: None

Staff Time: None beyond the time always allocated to code maintenance in the City Attorney's overall work plan.

Economic: None

COUNCIL FILTER IMPACTS:

Ongoing code maintenance is an essential and largely administrative obligation of the city.

STAFF RECOMMENDATION:

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

Motion to adopt Emergency Ordinance 8155 regarding Supplement 129.

FORMAT NOTES:

Code amendments (if any) may be reflected in strike out and double underline format along with a "Reason for Change" as part of this agenda item. Such amendments are intended to correct non-substantive errors discovered through review of these ordinances and/or which may have occurred in previously adopted ordinances already in the B.R.C. 1981. Major and/or substantive corrections or revisions are brought forward as a separate ordinance to City Council during the normal course of future City Council business.

DISCUSSION:

This supplement includes ordinances that were adopted by the City Council in the last supplement quarter, or are effective prior to the upcoming supplement. They are added to the official version of the B.R.C. 1981 by way of the attached supplement ordinance. The City Council adopts a quarterly supplement ordinance to ensure that a clearly identifiable version of the Boulder Revised Code is legislatively adopted.

The printed supplements to the B.R.C. may not be distributed until the proposed adopting ordinance is effective. The laws of the city should be current and available to the residents of the City of Boulder as soon as possible, therefore, council is asked to adopt the proposed ordinance at first reading as an emergency measure.

AMENDMENTS:

1. Title 9, Appendix M "Form-Based Code," M-1-11 (b) (3) – "Site Design Requirements," B.R.C. 1981 is amended as follows:

(3) **Driveways.** Driveways may not be located in any build-to zone and setbacks unless consistent with Section 9-9-5, "Site Access Control," B.R.C. 1981, or with paragraph (b)(2) of this section to connect to an adjacent parking lot. When allowed, driveways ~~shall~~ may cross perpendicularly through build-to zones and setbacks.

Reason for change: On June 21, 2016 Council adopted Ord. 8121, which made numerous amendments to Title 9, and adopted Appendix M – Form-Based Code. Subsequent to adoption, the above drafting error was identified within Appendix M. The above amendment corrects that error.

ATTACHMENT:

A - Proposed Emergency Ordinance 8155

ORDINANCE 8155

AN EMERGENCY ORDINANCE ADOPTING SUPPLEMENT 129, WHICH CODIFIES PREVIOUSLY ADOPTED ORDINANCE NOS. 8122, 8123, 8136, AND OTHER MISCELLANEOUS CORRECTIONS AND AMENDMENTS, AS AN AMENDMENT TO THE BOULDER REVISED CODE, 1981, AND SETTING FORTH RELATED DETAILS.

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

Section 1. Legislative Findings.

A. Supplement 129 amending the Boulder Revised Code 1981 ("B.R.C.") has been printed.

B. The City Council intends that this supplement be codified and published as a part of the B.R.C.

C. Supplement 129 to the B.R.C. is a part of this ordinance and contains all of the amendments to the B.R.C. enacted by the City Council in Ordinances 8122, 8123, and 8136, and other miscellaneous corrections and amendments. The City Council intends to adopt this supplement as an amendment to the B.R.C.

D. The ordinances contained in Supplement 129 are available in printed copy to each member of the City Council of the City of Boulder, Colorado, and the published text of the supplement, along with the text of those ordinances, is available for public inspection and acquisition in the office of the city clerk of the City of Boulder, in the Municipal Building, 1777 Broadway, Boulder, Colorado.

Section 2. The City Council adopts Supplement 129 by this reference.

Section 3. The City Council orders that a copy of Supplement 129 as proposed for adoption by reference herein be on file in the office of the city clerk of the City of Boulder, Colorado, Municipal Building, 1777 Broadway, City of Boulder, Boulder County, Colorado, and may be inspected by any person at any time during regular business hours pending of the adoption of this ordinance.

Section 4. The annotations, source notes, codifier's notes, and other editorial matter included in the printed B.R.C. are not part of the legislative text. These editorial provisions are provided to give the public additional information for added convenience. No implication or presumption of a legislative construction is to be drawn from these materials.

Section 5. The B.R.C., or any chapter or section of it, may be proved by a copy certified by the city clerk of the City of Boulder, under seal of the city; or, when printed in book or pamphlet form and purporting to be printed by authority of the city. It shall be received in evidence in all courts without further proof of the existence and regularity of the enactment of any particular ordinance of the B.R.C.

Section 6. These provisions of the B.R.C. shall be given effect and interpreted as though a continuation of prior laws and not as new enactments.

Section 7. Unless expressly provided otherwise, any violation of the provisions of the B.R.C., as supplemented herein, shall be punishable by a fine of not more than one thousand dollars or incarceration for not more than ninety days in jail, or by both such fine and incarceration, as provided in section 5-2-4, "General Penalties," B.R.C. 1981.

Section 8. Title 9, Appendix M "Form-Based Code," M-1-11 (b) (3) – "Site Design Requirements," B.R.C. 1981 is amended as follows:

(3) **Driveways.** Driveways may not be located in any build-to zone and setbacks unless consistent with Section 9-9-5, "Site Access Control," B.R.C. 1981, or with paragraph (b)(2) of this section to connect to an adjacent parking lot. When allowed, driveways ~~shall~~ may cross perpendicularly through build-to zones and setbacks.

Section 9. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

Section 10. The printed supplements cannot be distributed until the adopting ordinance is effective. The laws of the city should be current and available to the residents of the City of Boulder as soon as possible. On that basis, this ordinance is declared to be an emergency measure and shall be in full force and effect upon its final passage.

READ ON FIRST READING, PASSED, ADOPTED AS AN EMERGENCY MEASURE BY TWO-THIRDS COUNCILMEMBERS PRESENT, AND ORDERED PUBLISHED BY TITLE ONLY this _____ day of _____ 2016.

_____
Mayor

Attest:

_____
City Clerk

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: November 15, 2016

AGENDA TITLE: Introduction, first reading and consideration of a motion to order published by title only, Ordinance 8156 vacating and authorizing the city manager to execute two deeds of vacation to vacate public rights-of-way dedicated for N. 20th Street adjacent to the properties at 2010 Upland Ave. and 4270 19th St.

PRESENTER/S
Jane S. Brautigam, City Manager
Mary Ann Weideman, Deputy City Manager
David Driskell, Executive Director of Planning, Housing & Sustainability
Maureen Rait, Executive Director of Public Works
Susan Richstone, Deputy Director of Planning
Charles Ferro, Development Review Manager – Planning
Edward Stafford, Development Review Manager – Public Works
Annie Noble, Greenways Program Coordinator
David Thompson, Civil Engineer II
Sloane Walbert, Planner II

EXECUTIVE SUMMARY

The property owners request vacation of public right-of-way dedicated for N. 20th Street immediately adjacent to the properties at 2010 Upland Ave. and 4270 19th St. On Nov. 3, 2016, the Planning Board approved an amendment to the North Boulder Right-of-Way Plan, which is part of the North Boulder Subcommunity Plan (NBSP), to remove the vehicular connection known as N. 20th Street between Upland and Tamarack Avenues. City staff is processing a number of actions related to this amendment, including the subject of this memo (vacation of rights-of-way). The right-of-way for N. 20th Street was dedicated as a part of the annexations of these properties and the application for the vacation of right-of-way is a necessary step in removing the N. 20th Street vehicular connection. Staff is currently supporting two additional steps in the process, including an amendment to the North Boulder Right-of-Way Plan (scheduled for call-up consideration by City Council on Nov. 15, 2016) and amendments to the

annexation agreements on the subject properties (scheduled for City Council consideration on Dec. 6, 2016, along with Second Reading of this item).

The right-of-way vacation is consistent with the findings made in the Fourmile Canyon Creek Community and Environmental Assessment Process (CEAP), approved by City Council in March 2012. Since staff has determined that the N. 20th Street connection is not required for either vehicle or multi-modal purposes, the existing right-of-way is no longer valid or necessary for public use. The public right-of-way must be vacated by ordinance, with City Council approval, for the removal of the vehicular connection to move forward.

STAFF RECOMMENDATION

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

Motion to:
Introduce on first reading and order published by title only, Ordinance 8156 vacating and authorizing the city manager to execute two deeds of vacation to vacate two 15-foot wide public rights-of-way originally dedicated to establish a N. 20th Street connection and located adjacent to the properties at 2010 Upland Ave. and 4270 19th St..

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

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

OTHER IMPACTS

- Fiscal: Vacating the right-of-way would free the city from the maintenance and repair responsibilities associated with N. 20th Street. Because the right-of-way is not needed to provide access, maintaining the right-of-way creates an unnecessary financial burden for the city.
- Staff time: The vacation application has been processed through the provisions of a standard vacation process and is within normal staff work plans.

BOARD AND COMMISSION FEEDBACK

Per the city's charter, no Planning Board action or input is required for the vacation of public right-of-way. Notification was sent to the Planning Board on Nov. 4, 2016 in conformance with Section 79 of the Boulder City Charter.

PUBLIC NOTICE

City staff sent public notice of this proposed vacation to property owners within 600 feet of the subject properties. In addition, several open houses were held to solicit community

input as part of the March, 2012 CEAP public outreach process. Staff has not received any public comments in opposition to the proposals to remove the N. 20th Street connection.

BACKGROUND

The subject properties at 2010 Upland Ave. and 4270 19th St. are located in North Boulder in the Crestview East Neighborhood, which is roughly defined as those properties located north of Tamarack Avenue, south of Violet Avenue, east of 19th Street and west of 22nd Street. Over time, the following properties have dedicated or reserved the right-of-way necessary for the future construction of N. 20th Street in accordance with the North Boulder Right-of-Way Plan (refer to *Figure 1*):

- 4306 19th St. – reserved[1] 15 feet of right-of-way in 2002.
- 2010 Upland Ave. – dedicated 15 feet of right-of-way in 2009.
- 4270 19th St. – dedicated 15 feet of right-of-way in 2014.

As is common in annexations where infrastructure is to be constructed in accordance with an adopted connections plan, each of the respective annexation agreements have a trigger for the construction of N. 20th Street. The owner(s) of the first of the three properties to subdivide or redevelop is responsible for the construction of the roadway. The remaining two properties would then reimburse their share of the construction costs to the constructor upon subdivision or redevelopment of their respective properties.

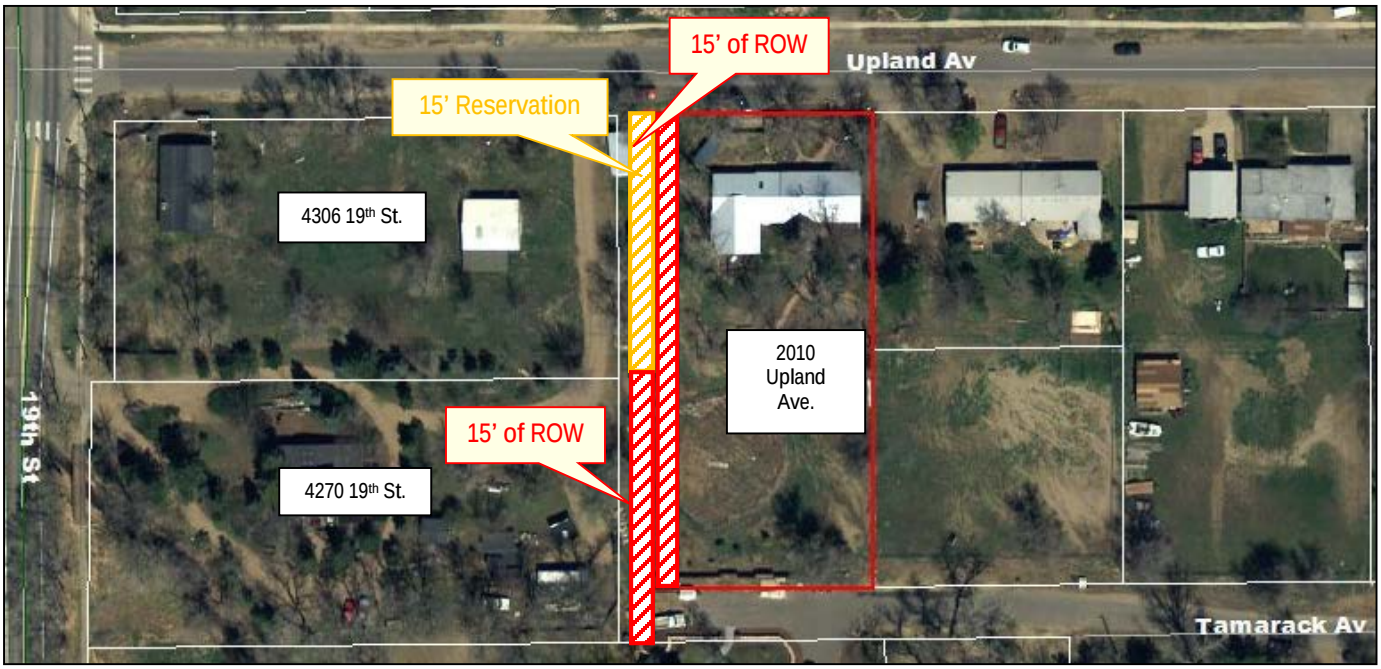


Figure 1: Dedications and Reservations for N. 20th Street

[1] The 2002 annexation agreement for 4306 19th St. called for the "reservation" of 15' of right-of-way to be dedicated in fee to the city within 30 days of a request, whereas 2010 Upland Ave. and 4270 19th St. provided fee dedications of right-of-way through their respective annexations. No action or vacation is required for the property at 4306 19th St. since right-of-way was never dedicated.

In March 2012, the city conducted a CEAP to evaluate flood mitigation and multi-use path connection alternatives along Fourmile Canyon Creek between 19th and 22nd Streets as part of a greenways improvement project (refer to *Figure 2*). Emergency access to Tamarack Avenue was also evaluated as part of the process. Several open houses were held to solicit neighborhood input. The Greenways Advisory Committee (GAC) proposed recommendations at a public hearing on Feb. 15, 2012.

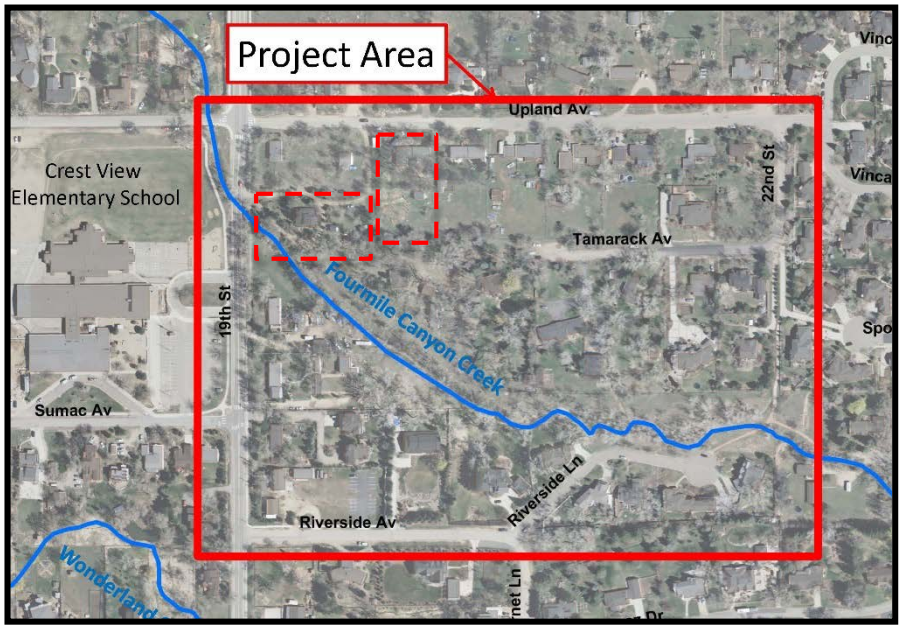


Figure 2: CEAP Project Area

The staff recommended alternative to meet the goals of the greenways improvement project was to connect 19th Street to Tamarack Avenue via a path and bridge connection that would also provide improved emergency vehicle access to Tamarack Avenue (refer to *Figure 3* on the following page). It was determined that this alternative would consolidate the future bicycle and pedestrian access to Tamarack Avenue with emergency vehicle access only. At that time staff found that construction of N. 20th Street was not warranted based on current and projected traffic volumes generated by potential future subdivisions along Tamarack Avenue. The GAC unanimously (6-0) recommended approval of this alternative.

The CEAP was submitted to City Council on Mar. 29, 2012 for call-up. City Council did not call up the CEAP and the GAC recommendation was finalized and is reflected in the final CEAP document. The proposed vacation is consistent with the findings made in the CEAP. The necessary easements are in place to make the connection from 19th Street and Tamarack Avenue, as recommended by the CEAP. The construction schedule for the Greenways project is unknown at this time because the full project design has not been completed and requires permitting through the U.S. Army Corps of Engineers.

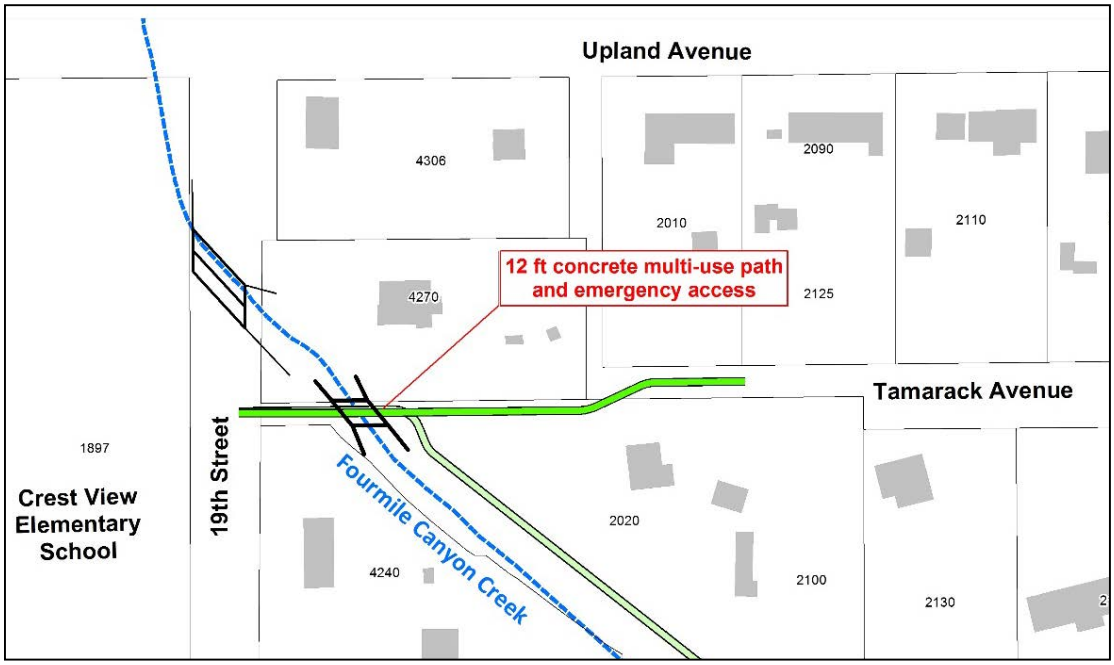


Figure 3: Approved Transportation Connection Alternative in CEAP

In 2016, the property owners of 2010 Upland Ave. (Anne Hockmeyer and Ellen Stark) applied for subdivision, thereby triggering the requirement to construct N. 20th Street. Based on the findings made in the CEAP, they subsequently requested that the requirement to construct N. 20th Street be removed from their annexation agreement, their dedicated right-of-way be vacated and returned, and the North Boulder Right-of-Way Plan be amended to delete the connection. In reviewing the request for the property at 2010 Upland Ave. staff determined that it was appropriate to pursue mirror proposals for the property at 4270 19th St. (owned by Robert and Elaine Schuman), since the annexation agreements contain the same requirements for the dedication and construction of N. 20th Street. Only the necessary utility easements would remain in the areas of vacation to serve existing and future public utilities (refer to *Figures 4 and 5* on the following page).

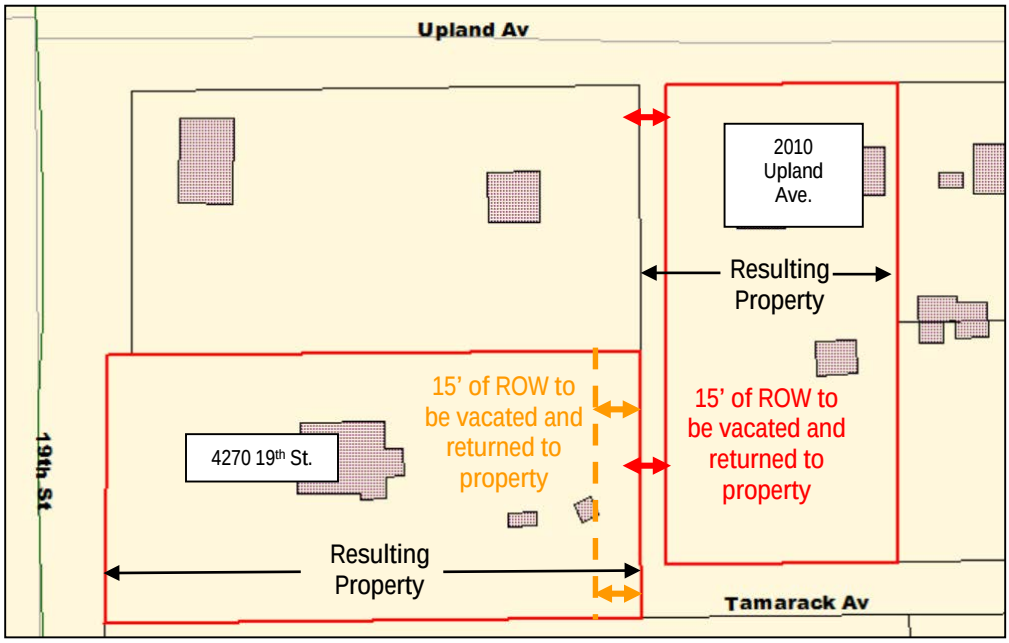


Figure 4: Right-of-Way to be Vacated

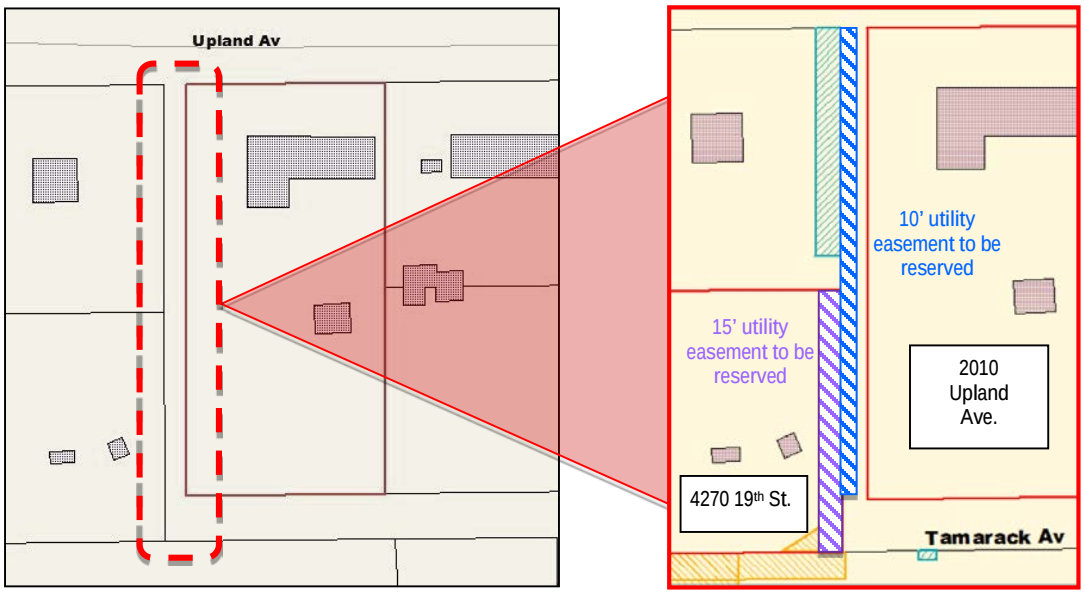


Figure 5: Portion of Utility Easements to Remain

ANALYSIS

The subject rights-of-way were declared open to the public when they were dedicated and thus, must be vacated by ordinance passed by City Council. In order for the existing right-of-way to be vacated, the council must conclude that the vacation meets the criteria under subsection 8-6-9(c), B.R.C. 1981. Staff has reviewed this vacation request and has

concluded that the criteria has been met. Staff provides the following information in support this conclusion:

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

The purpose of the right-of-way dedications was to implement a N. 20th Street vehicular connection shown on the North Boulder Right-of-Way Plan at the time of annexation. However, because it has been determined that the N. 20th Street connection is not required for either vehicle or multi-modal purposes, the right-of-way is no longer valid or necessary for public use.

Furthermore, the Fourmile Canyon Creek Improvements Project will provide a more direct route to pedestrians and bicyclists between Tamarack Avenue and areas west of 19th Street, via a new multi-use path and bridge connection across Fourmile Canyon Creek, connecting Tamarack Avenue to 19th Street, and an underpass under 19th Street to eliminate the need to cross 19th Street at Upland Avenue. A planned, mid-block multi-use path will remain a few properties over to the east, further accommodating north/south pedestrian and bicycle circulation. City staff received feedback from neighbors as part of the Fourmile Canyon Creek CEAP process expressing strong support of the proposed removal of the N. 20th Street.

The removal of N. 20th Street would not affect the overall connectivity of the area. Vehicular access in this location is not warranted based on current and projected traffic volumes generated by potential future subdivisions along Tamarack Avenue. Tamarack Avenue is not part of the City's east/west vehicle grid and low daily trips are projected to be generated on Tamarack Avenue upon subdivision build-out. A turnaround will continue to be provided at the west end of Tamarack Avenue. A primary purpose of the proposed N. 20th Street connection was to provide an additional access route for emergency vehicles, given that Tamarack Avenue was not part of an existing neighborhood transportation grid. However, emergency access will now be provided by the Fourmile Canyon Creek Improvements Project. The bridge across Fourmile Creek Canyon is designed to accommodate emergency response vehicles, providing a direct connection from 19th Street to Tamarack Avenue.

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

Staff members from the Planning, Public Works and Transportation Departments have evaluated the proposed vacation and have collectively concluded that the public entities would have no future interest in the public right-of-way because the necessary

utility easements will be reserved. CenturyLink, Comcast, and Xcel have also approved the request.

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

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

Not Applicable.

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

Vacating the right-of-way would provide a greater public benefit than retaining it in its present status by freeing the city from the maintenance and repair responsibilities associated with N. 20th Street. Because the right-of-way is not needed to provide access, maintaining the requirement for right-of-way on the subject properties would create an unnecessary financial burden for the city.

ATTACHMENTS

Attachment A: Ordinance 8156
Attachment B: Draft Deeds of Vacation

ORDINANCE 8156

AN ORDINANCE VACATING AND AUTHORIZING THE CITY MANAGER TO EXECUTE TWO DEEDS OF VACATION TO VACATE TWO 15-FOOT WIDE PUBLIC RIGHTS-OF-WAY FOR NORTH 20TH STREET LOCATED ADJACENT TO THE WEST OF 2010 UPLAND AVENUE AND TO THE EAST OF 4270 19TH STREET AND SETTING FORTH RELATED DETAILS.

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

A. Ellen A. Stark and Anne Hockmeyer, the owners of the property generally known as 2010 Upland Avenue, Boulder, CO, and more particularly described on **Exhibit A** attached hereto and incorporated herein ("2010 Upland Property"), have requested that the city vacate the 15-foot wide right-of-way for North 20th Street located immediately west of the 2010 Upland Property.

B. Robert J. Schuman and Elaine D. Schuman, the owners of property generally known as 4270 19th Street, Boulder, CO, and more particularly described on **Exhibit B** attached hereto and incorporated herein ("4270 19th Property"), also dedicated right-of-way for North 20th Street located immediately east of the 4270 19th Property.

C. The City Council is of the opinion that the vacation of rights-of-way for North 20th Street described in this ordinance is in the public interest and that said rights-of-way are not necessary for the public use, with the exception the utility easements to be reserved as described herein.

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

Section 1. The City Council vacates and authorizes the city manager to execute a deed of vacation for a 15-foot wide right-of-way adjacent to 2010 Upland Property as dedicated to the City of Boulder on the deed recorded in the records of the Boulder County Clerk and Recorder at Reception No. 03045662 on the 3rd day of December 2009 and as more particularly described in **Exhibit C**, reserving a utility easement interest for any and all utility purposes on the 10-foot wide parcel described in **Exhibit D**.

Section 2. The City Council vacates and authorizes the city manager to execute a deed of vacation for a 15-foot wide right-of-way adjacent to 4270 19th Property as dedicated to the City of Boulder on the deed recorded in the records of the Boulder County Clerk and Recorder at Reception No. 03398238 on the 19th day of August 2014 and as more particularly described in **Exhibit E**, reserving a utility easement interest for any and all utility purposes over the entire width and length of the 15-foot wide parcel shown on **Exhibit E**.

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

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

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY this 15th day of November, 2016.

_____
Mayor

Attest:

_____
City Clerk

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

_____
Mayor

Attest:

_____
City Clerk

Exhibit A

LEGAL DESCRIPTION

BEGINNING AT THE SOUTH QUARTER CORNER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., THENCE NORTH 0 DEGREES 5'30" EAST ALONG THE CENTERLINE OF SAID SECTION 18 A DISTANCE OF 3,328.4 FEET; THENCE NORTH 89 DEGREES 50' EAST 331.06 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 50' EAST 140 FEET; THENCE SOUTH 0 DEGREES 3'40" WEST, 318 FEET, THENCE SOUTH 89 DEGREES 50' WEST, 140 FEET; THENCE NORTH 0 DEGREES 3'40" EAST, 318 FEET TO THE TRUE POINT OF BEGINNING, COUNTY OF BOULDER, STATE OF COLORADO.

Exhibit B

Legal Description

THE SOUTH 1/2 OF THE FOLLOWING DESCRIBED TRACT, SITUATE IN THE SOUTHWEST 1/4 OF SOUTHWEST 1/4 OF NORTHEAST 1/4 SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M. DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 18, THENCE NORTH 0°05'30" WEST ALONG THE WEST LINE OF SAID SECTION 18, 3978.54 FEET TO THE SOUTH LINE OF THE NORTH 1/2 OF NORTHWEST 1/4 OF SAID SECTION 18; THENCE NORTH 89°33' EAST ALONG THE SOUTH LINE OF THE NORTH 1/2 OF THE NORTHWEST 1/4 SAID SECTION 18, 2626.56 FEET TO A POINT ON THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18; THENCE SOUTH 0°05'30" WEST ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18, 665.68 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°53' EAST 330 FEET; THENCE SOUTH 0°05'30" WEST PARALLEL TO THE SAID NORTH-SOUTH CENTERLINE, 318 FEET; THENCE SOUTH 89°53' WEST 330 FEET TO A POINT ON THE SAID NORTH-SOUTH CENTERLINE; THENCE NORTH 0°05'30" EAST ALONG SAID NORTH-SOUTH CENTERLINE 318 FEET TO THE TRUE POINT OF BEGINNING. LESS 30 FEET ON THE WEST SIDE OF SAID PROPERTY.
COUNTY OF BOULDER, STATE OF COLORADO.

Exhibit C

LEGAL DESCRIPTION:

A 15' WIDE ROADWAY VACATION LOCATED WITHIN A PORTION OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST, OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, SAID ROADWAY EXISTING ALONG THE WESTERLY SIDE OF THAT PARCEL DESCRIBED IN BOULDER COUNTY DEED RECEPTION NUMBER 3045662, ALSO BEING KNOWN AS "TRACT 2689", MORE COMMONLY KNOWN AS 2010 UPLAND AVE., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE NORTH LINE OF "TRACT 2689" TO BEAR NORTH 89°41'49" EAST BETWEEN THE MONUMENT LOCATED AT THE NORTHWEST CORNER OF SAID TRACT, BEING A FOUND NAIL WITH FLAGGING, AS SHOWN AND DESCRIBED HEREON, AND THE MONUMENT LOCATED AT THE NORTHEAST CORNER OF SAID TRACT, BEING A FOUND #3 REBAR, AS SHOWN AND DESCRIBED HEREON, WITH ALL OTHER BEARINGS AND DISTANCES SHOWN HEREON RELATED THERETO; BEGINNING AT SAID NORTHWEST CORNER OF SAID "TRACT 2689"; THENCE NORTH 89°41'49" EAST, A DISTANCE OF 15.00 FEET; THENCE SOUTH 00°04'29" EAST, A DISTANCE OF 258.29 FEET; THENCE SOUTH 89°40'47" WEST, A DISTANCE OF 15.00 FEET; THENCE NORTH 00°04'29" WEST, A DISTANCE OF 258.29 FEET MORE OR LESS TO THE POINT OF BEGINNING. SAID RIGHT OF WAY VACATION CONTAINING 3,874 SQ. FT, OR 0.09 ACRES MORE OR LESS.

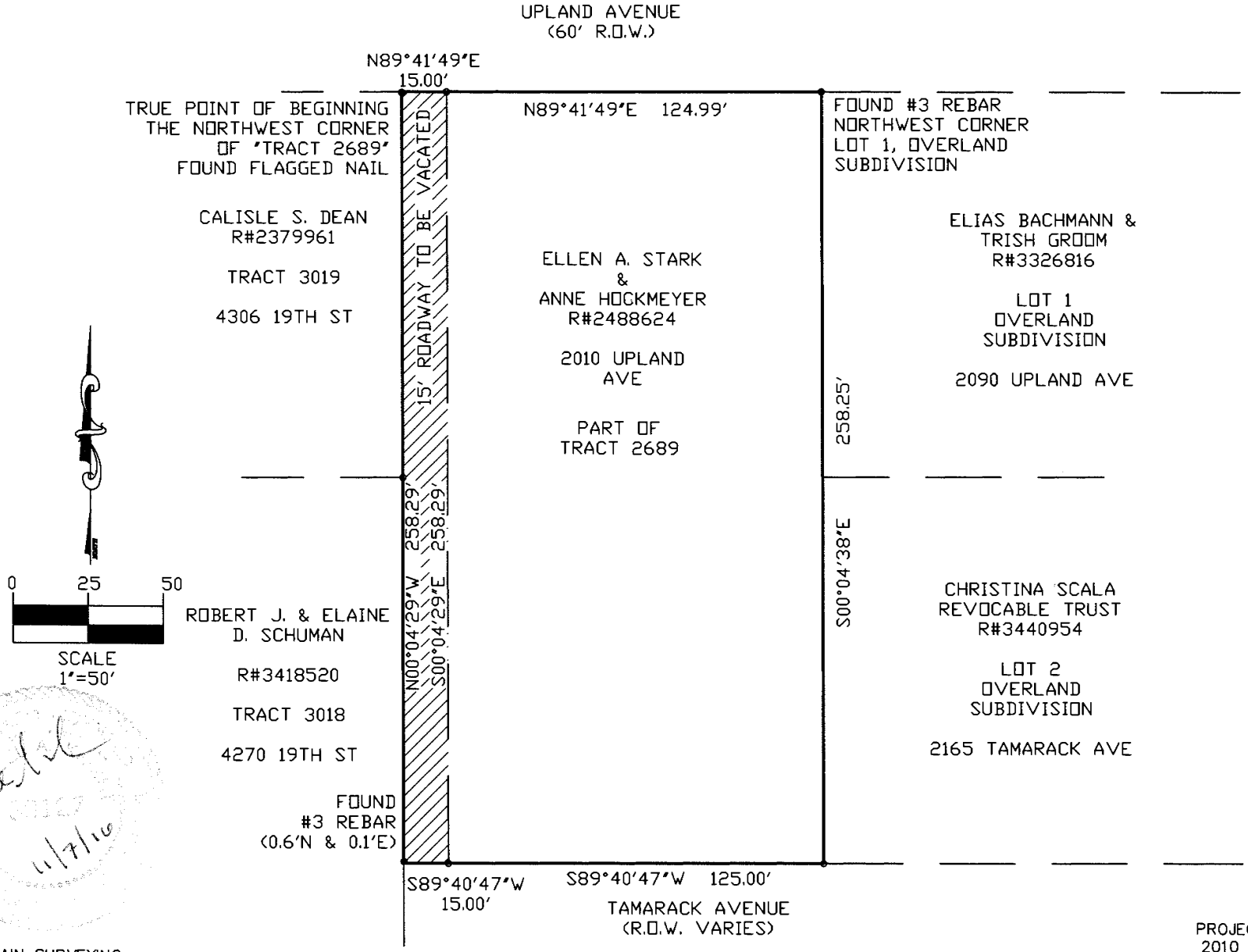
38127
11/7/16

GREEN MOUNTAIN SURVEYING
SAMUEL A. KNIGHT
CO PLS# 38,127

PROJECT LOCATION:
2010 UPLAND AVE.
COUNTY OF BOULDER,
STATE OF COLORADO.

Exhibit C

PAGE 2 OF 2



GREEN MOUNTAIN SURVEYING
SAMUEL A. KNIGHT
CO PLS# 38,127

PROJECT LOCATION:
2010 UPLAND AVE.
COUNTY OF BOULDER,
STATE OF COLORADO.

Exhibit D

LEGAL DESCRIPTION:

A 10' UTILITY EASEMENT LOCATED WITHIN A PORTION OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST, OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, SAID EASEMENT EXISTING ALONG THE WESTERLY SIDE OF THAT PARCEL DESCRIBED IN BOULDER COUNTY DEED RECEPTION NUMBER 3045662, ALSO BEING KNOWN AS "TRACT 2689", MORE COMMONLY KNOWN AS 2010 UPLAND AVE., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE NORTH LINE OF "TRACT 2689" TO BEAR NORTH 89°41'49" EAST BETWEEN THE MONUMENT LOCATED AT THE NORTHWEST CORNER OF SAID TRACT, BEING A FOUND NAIL WITH FLAGGING, AS SHOWN AND DESCRIBED HEREON, AND THE MONUMENT LOCATED AT THE NORTHEAST CORNER OF SAID TRACT, BEING A FOUND #3 REBAR, AS SHOWN AND DESCRIBED HEREON, WITH ALL OTHER BEARINGS AND DISTANCES SHOWN HEREON RELATED THERETO; BEGINNING AT SAID NORTHWEST CORNER OF SAID "TRACT 2689"; THENCE NORTH 89°41'49" EAST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 00°04'29" EAST, A DISTANCE OF 258.29 FEET; THENCE SOUTH 89°40'47" WEST, A DISTANCE OF 10.00 FEET; THENCE NORTH 00°04'29" WEST, A DISTANCE OF 258.29 FEET MORE OR LESS TO THE POINT OF BEGINNING. SAID UTILITY EASEMENT CONTAINING 2,583 SQ. FT. 0.06 ACRES MORE OR LESS.

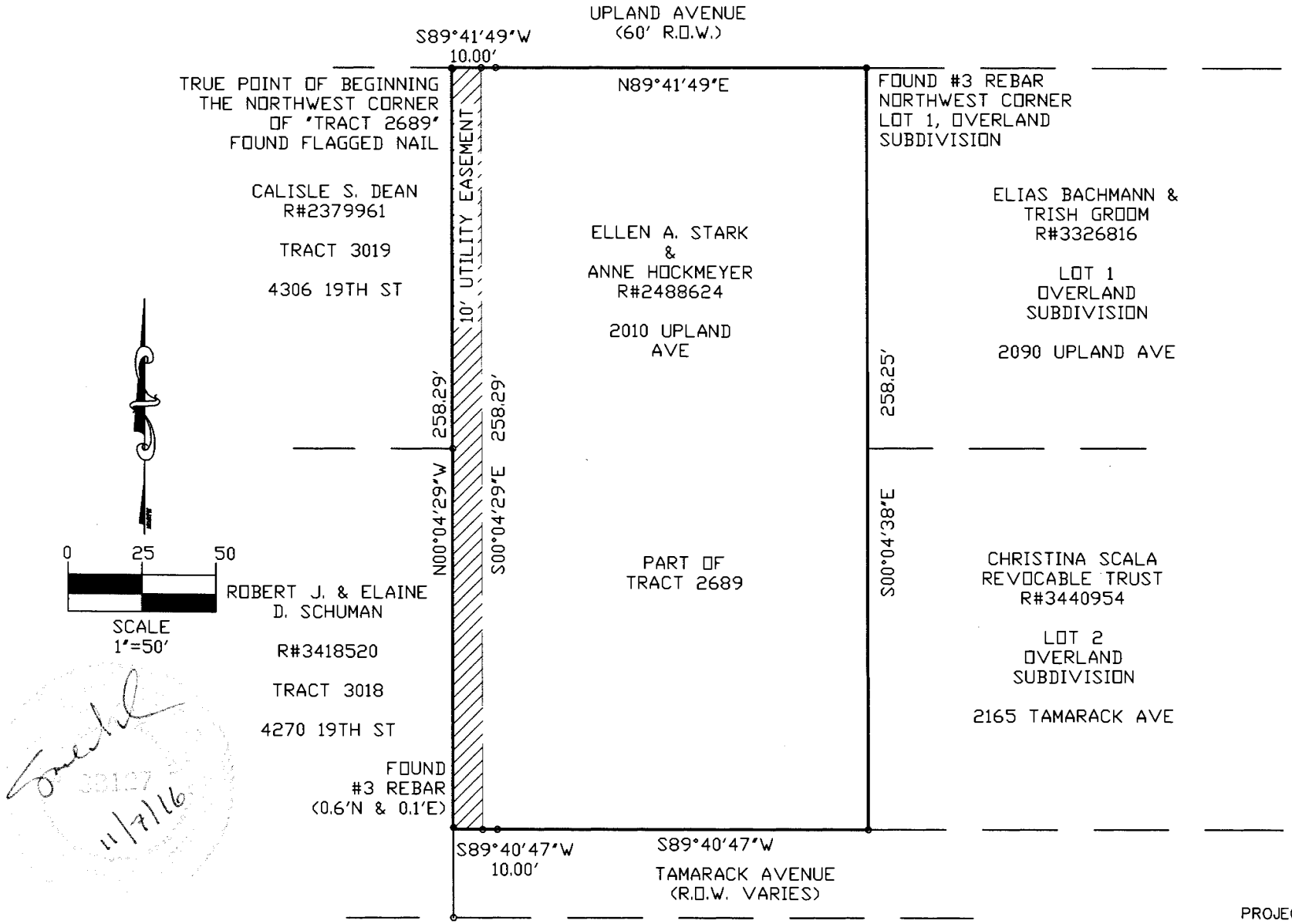
11/7/16

GREEN MOUNTAIN SURVEYING
SAMUEL A. KNIGHT
CO PLS# 38,127

PROJECT LOCATION:
2010 UPLAND AVE.
COUNTY OF BOULDER,
STATE OF COLORADO.

Exhibit D

PAGE 2 OF 2



GREEN MOUNTAIN SURVEYING
SAMUEL A. KNIGHT
CO PLS# 38,127

PROJECT LOCATION:
2010 UPLAND AVE.
COUNTY OF BOULDER,
STATE OF COLORADO.

Exhibit E

LEGAL DESCRIPTION

SHEET 1 OF 2

A TRACT OF LAND OVER AND ACROSS A PORTION OF A PARCEL OF LAND DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT FILM 1298, RECEPTION NO. 615742, ON APRIL 18, 1984, LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF SAID PARCEL OF LAND DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT FILM 1298, RECEPTION NO. 615742 TO BEAR SOUTH 00°05'30" WEST, A DISTANCE OF 159.00 FEET, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL OF LAND DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT FILM 1298, RECEPTION NO. 615742, AND A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF TAMARACK AVENUE, THE POINT OF BEGINNING.
THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE NORTH LINE OF LOT 2, GRIT GROVE SUBDIVISION AS RECORDED IN THE RECORDS OF BOULDER COUNTY AT RECEPTION NO. 3153015 ON JUNE 8, 2011, SOUTH 89°53'00" WEST, A DISTANCE OF 15.00 FEET;
THENCE DEPARTING SAID NORTH LINE, AND 15.00 FEET WEST OF AND PARALLEL WITH THE WESTERLY RIGHT-OF-WAY LINE OF TAMARACK AVENUE AND THE WESTERLY LINE OF A 15 FOOT WIDE RIGHT-OF-WAY AS DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT RECEPTION NO. 3045662, ON DECEMBER 3, 2009, NORTH 00°05'30" EAST, A DISTANCE OF 159.00 FEET TO A POINT ON THE NORTH LINE OF SAID PARCEL OF LAND DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT FILM 1298, RECEPTION NO. 615742; THENCE ALONG SAID NORTH LINE, NORTH 89°53'00" EAST, A DISTANCE OF 15.00 FEET TO A POINT ON SAID 15 FOOT WIDE RIGHT-OF-WAY LINE;
THENCE DEPARTING SAID NORTH LINE AND ALONG SAID 15 FOOT RIGHT-OF-WAY LINE AND THE WEST RIGHT-OF-WAY LINE OF SAID TAMARACK AVENUE, SOUTH 00°05'30" WEST, A DISTANCE OF 159.00 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINING 2,385 SQ.FT. OR 0.05 ACRES MORE OR LESS.

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

JOHN B. GUYTON
COLORADO P.L.S. #16406 FSI JOB NO. 14-63,623
CHAIRMAN/CEO, FLATIRONS, INC.

JOB NUMBER: 14-63,623(C)
DRAWN BY: E. PRESCOTT
DATE: JULY 16, 2014
REV: JULY 17, 2014

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

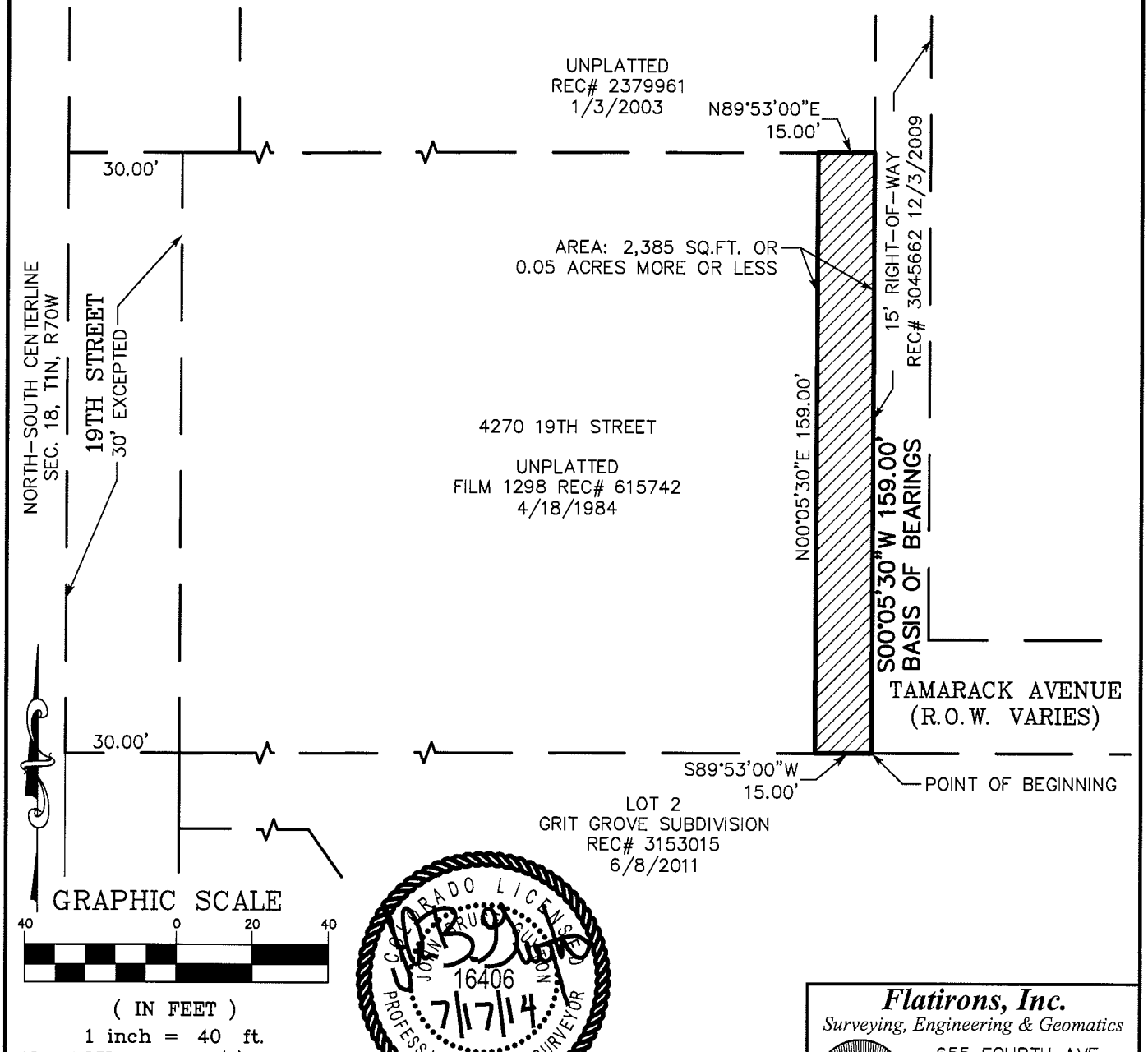
Flatirons, Inc.
Surveying, Engineering & Geomatics
655 FOURTH AVE
LONGMONT, CO 80501
PH: (303) 776-1733
FAX: (303) 776-4355
www.FlatironsInc.com

BY:EPRESCOTT FILE:63623-DESC-19TH ST-C-13.DWG DATE:7/17/2014 3:37 PM

Exhibit E

LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, COUNTY OF BOULDER, STATE OF COLORADO

SHEET 2 OF 2



JOB NUMBER: 14-63,623(C)
DRAWN BY: E. PRESCOTT
DATE: JULY 16, 2014

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BY:EPRESCOTT FILE:63623-DESC-19TH ST-C-13.DWG DATE:7/17/2014 3:33 PM

For Administrative Purposes Only
Grantor: City of Boulder and
Ellen A. Stark & Anne Hockmeyer
Grantee: Ellen A. Stark & Anne Hockmeyer and
City of Boulder
Case No. LRU2016-00073

DEED OF VACATION

The City of Boulder, Colorado, does hereby vacate and release to the present owners of the abutting land, in the manner prescribed by Section 43-2-302, C.R.S., right-of-way previously dedicated to the City of Boulder and recorded in the records of the Boulder County Clerk and Recorder at Reception No. 03045662 on the 3rd day of December 2009 located at 2010 Upland Avenue and as more particularly described on Exhibit A attached hereto and incorporated herein by reference, and reserving unto the City an easement for the installation, construction, repair, maintenance and reconstruction of utilities and appurtenances thereto, together with all rights and privileges as are necessary or incidental to the reasonable and proper use of such easement in and to, over, under and across the real property described on Exhibit B attached hereto and incorporated herein by reference.

The above right-of-way vacation and release of said right-of-way at 2010 Upland Avenue shall extend only to the portion and the type of interest specifically vacated. The within vacation is not to be construed as vacating any rights-of-way, easements or cross-easements lying within the description of the vacated portion of the right-of-way nor as vacating the within reserved utility easement.

Executed this _____ day of _____, 2016, by the City Manager after having received authorization from the City Council of the City of Boulder, Colorado, pursuant to Ordinance No. 8156, adopted by the City Council of the City of Boulder, Colorado.

CITY OF BOULDER, COLORADO

By:_____
Jane S. Brautigam,
City Manager

Attest:

_____
City Clerk

Approved as to form:

_____
City Attorney's Office

"EXHIBIT A"
PAGE 1 OF 2

LEGAL DESCRIPTION:

A 15' WIDE ROADWAY VACATION LOCATED WITHIN A PORTION OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST, OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, SAID ROADWAY EXISTING ALONG THE WESTERLY SIDE OF THAT PARCEL DESCRIBED IN BOULDER COUNTY DEED RECEPTION NUMBER 3045662, ALSO BEING KNOWN AS "TRACT 2689", MORE COMMONLY KNOWN AS 2010 UPLAND AVE., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

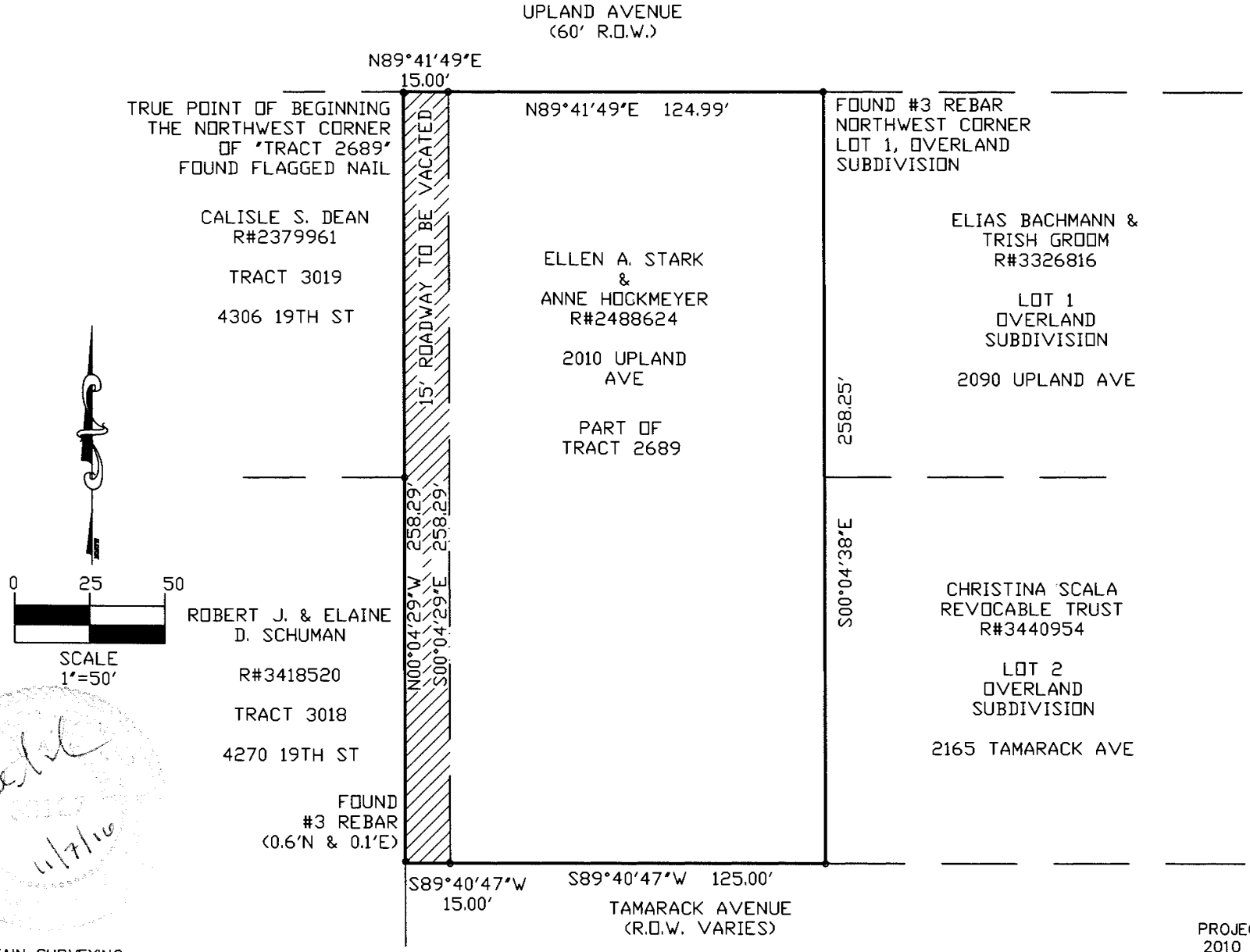
CONSIDERING THE NORTH LINE OF "TRACT 2689" TO BEAR NORTH 89°41'49" EAST BETWEEN THE MONUMENT LOCATED AT THE NORTHWEST CORNER OF SAID TRACT, BEING A FOUND NAIL WITH FLAGGING, AS SHOWN AND DESCRIBED HEREON, AND THE MONUMENT LOCATED AT THE NORTHEAST CORNER OF SAID TRACT, BEING A FOUND #3 REBAR, AS SHOWN AND DESCRIBED HEREON, WITH ALL OTHER BEARINGS AND DISTANCES SHOWN HEREON RELATED THERETO; BEGINNING AT SAID NORTHWEST CORNER OF SAID "TRACT 2689"; THENCE NORTH 89°41'49" EAST, A DISTANCE OF 15.00 FEET; THENCE SOUTH 00°04'29" EAST, A DISTANCE OF 258.29 FEET; THENCE SOUTH 89°40'47" WEST, A DISTANCE OF 15.00 FEET; THENCE NORTH 00°04'29" WEST, A DISTANCE OF 258.29 FEET MORE OR LESS TO THE POINT OF BEGINNING. SAID RIGHT OF WAY VACATION CONTAINING 3,874 SQ. FT, OR 0.09 ACRES MORE OR LESS.

38127
11/7/16

GREEN MOUNTAIN SURVEYING
SAMUEL A. KNIGHT
CO PLS# 38,127

PROJECT LOCATION:
2010 UPLAND AVE.
COUNTY OF BOULDER,
STATE OF COLORADO.

"EXHIBIT A"
PAGE 2 OF 2



GREEN MOUNTAIN SURVEYING
SAMUEL A. KNIGHT
CO PLS# 38,127

PROJECT LOCATION:
2010 UPLAND AVE.
COUNTY OF BOULDER,
STATE OF COLORADO.

"EXHIBIT B"
PAGE 1 OF 2

LEGAL DESCRIPTION:

A 10' UTILITY EASEMENT LOCATED WITHIN A PORTION OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST, OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, SAID EASEMENT EXISTING ALONG THE WESTERLY SIDE OF THAT PARCEL DESCRIBED IN BOULDER COUNTY DEED RECEPTION NUMBER 3045662, ALSO BEING KNOWN AS "TRACT 2689", MORE COMMONLY KNOWN AS 2010 UPLAND AVE., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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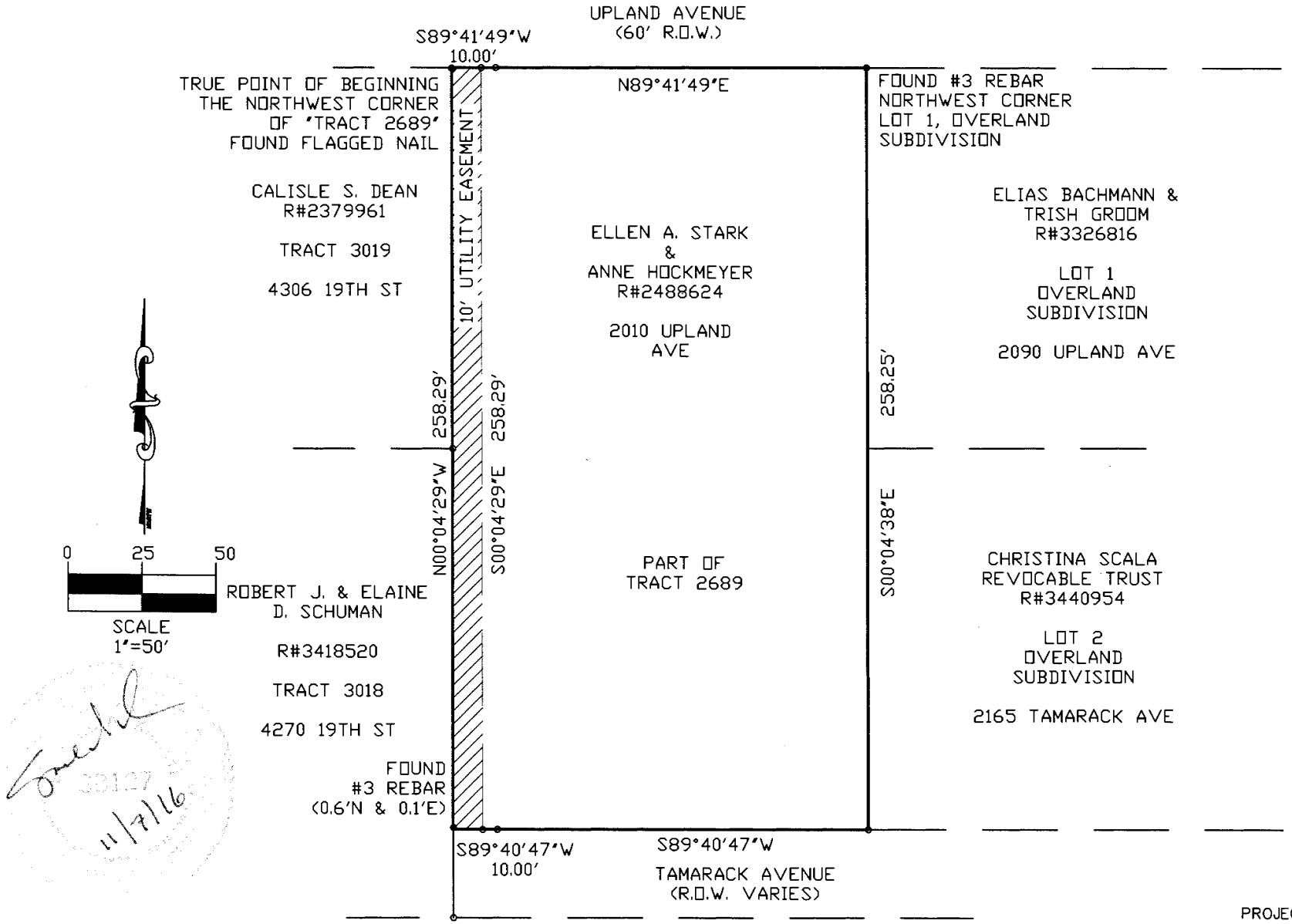
11/7/16

GREEN MOUNTAIN SURVEYING
SAMUEL A. KNIGHT
CO PLS# 38,127

PROJECT LOCATION:
2010 UPLAND AVE.
COUNTY OF BOULDER,
STATE OF COLORADO.

"EXHIBIT B"
PAGE 2 OF 2



GREEN MOUNTAIN SURVEYING
SAMUEL A. KNIGHT
CO PLS# 38,127

PROJECT LOCATION:
2010 UPLAND AVE.
COUNTY OF BOULDER,
STATE OF COLORADO.

For Administrative Purposes Only
Grantor: City of Boulder and
Robert J. and Elaine D. Schuman
Grantee: Robert J. and Elaine D. Schuman and
City of Boulder
Case No. LUR2016-00073

DEED OF VACATION

The City of Boulder, Colorado, does hereby vacate and release to the present owners of the abutting land, in the manner prescribed by Section 43-2-302, C.R.S., right-of-way previously dedicated to the City of Boulder and recorded in the records of the Boulder County Clerk and Recorder at Reception No. 03398238 on the 8th day of August 2014 located at 4270 19th Street and as more particularly described on Exhibit A attached hereto and incorporated herein by reference, and reserving unto the City an easement for the installation, construction, repair, maintenance and reconstruction of utilities and appurtenances thereto, together with all rights and privileges as are necessary or incidental to the reasonable and proper use of such easement in and to, over, under and across the real property described on Exhibit A attached hereto and incorporated herein by reference.

The above right-of-way vacation and release of said right-of-way at 4270 19th Street shall extend only to the portion and the type of interest specifically vacated. The within vacation is not to be construed as vacating any rights-of-way, easements or cross-easements lying within the description of the vacated portion of the right-of-way nor as vacating the within reserved utility easement.

Executed this _____ day of _____, 2016, by the City Manager after having received authorization from the City Council of the City of Boulder, Colorado, pursuant to Ordinance No. 8156, adopted by the City Council of the City of Boulder, Colorado.

CITY OF BOULDER, COLORADO

By:_____
Jane S. Brautigam,
City Manager

Attest:

_____
City Clerk

Approved as to form:

_____
City Attorney's Office

EXHIBIT "A"

LEGAL DESCRIPTION

SHEET 1 OF 2

A TRACT OF LAND OVER AND ACROSS A PORTION OF A PARCEL OF LAND DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT FILM 1298, RECEPTION NO. 615742, ON APRIL 18, 1984, LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF SAID PARCEL OF LAND DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT FILM 1298, RECEPTION NO. 615742 TO BEAR SOUTH 00°05'30" WEST, A DISTANCE OF 159.00 FEET, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL OF LAND DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT FILM 1298, RECEPTION NO. 615742, AND A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF TAMARACK AVENUE, THE POINT OF BEGINNING.
THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE NORTH LINE OF LOT 2, GRIT GROVE SUBDIVISION AS RECORDED IN THE RECORDS OF BOULDER COUNTY AT RECEPTION NO. 3153015 ON JUNE 8, 2011, SOUTH 89°53'00" WEST, A DISTANCE OF 15.00 FEET;
THENCE DEPARTING SAID NORTH LINE, AND 15.00 FEET WEST OF AND PARALLEL WITH THE WESTERLY RIGHT-OF-WAY LINE OF TAMARACK AVENUE AND THE WESTERLY LINE OF A 15 FOOT WIDE RIGHT-OF-WAY AS DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT RECEPTION NO. 3045662, ON DECEMBER 3, 2009, NORTH 00°05'30" EAST, A DISTANCE OF 159.00 FEET TO A POINT ON THE NORTH LINE OF SAID PARCEL OF LAND DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT FILM 1298, RECEPTION NO. 615742; THENCE ALONG SAID NORTH LINE, NORTH 89°53'00" EAST, A DISTANCE OF 15.00 FEET TO A POINT ON SAID 15 FOOT WIDE RIGHT-OF-WAY LINE;
THENCE DEPARTING SAID NORTH LINE AND ALONG SAID 15 FOOT RIGHT-OF-WAY LINE AND THE WEST RIGHT-OF-WAY LINE OF SAID TAMARACK AVENUE, SOUTH 00°05'30" WEST, A DISTANCE OF 159.00 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINING 2,385 SQ.FT. OR 0.05 ACRES MORE OR LESS.

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

JOHN B. GUYTON
COLORADO P.L.S. #16406 [illegible]FSI JOB NO. 14-63,623
CHAIRMAN/CEO, FLATIRONS, [illegible]

JOB NUMBER: 14-63,623(C)
DRAWN BY: E. PRESCOTT
DATE: JULY 16, 2014
REV: JULY 17, 2014

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

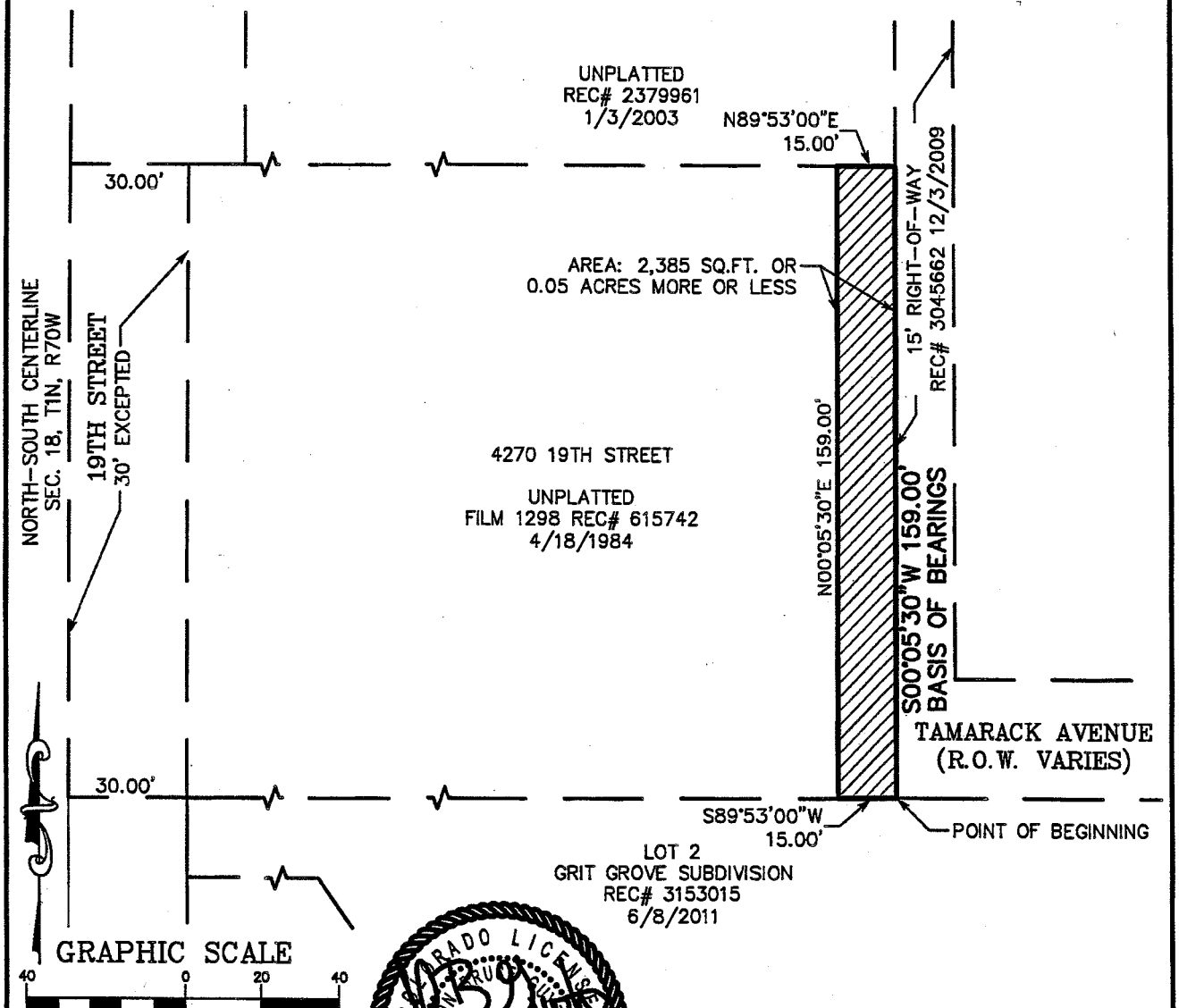
Flatirons, Inc.
Surveying, Engineering & Geomatics
655 FOURTH AVE
LONGMONT, CO 80501
PH: (303) 776-1733
FAX: (303) 776-4355
www.FlatironsInc.com

BY:EPRESCOTT FILE:63623-DESC-19TH ST-C-13.DWG DATE:7/17/2014 3:37 PM

EXHIBIT "A"

LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, COUNTY OF BOULDER, STATE OF COLORADO

SHEET 2 OF 2



COLORADO LICENSED
JOHN C. BRUNER
16406
7/17/14
PROFESSIONAL LAND SURVEYOR

JOB NUMBER: 14-63,623(C)
DRAWN BY: E. PRESCOTT
DATE: JULY 16, 2014

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BY:EPRESCOTT FILE:63623-DESC-19TH ST-C-13.DWG DATE:7/17/2014 3:33 PM

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: November 15, 2016

AGENDA TITLE: Introduction, first reading and consideration of a motion to order published by title only an ordinance implementing the recommendations of the Marijuana Advisory Panel by amendments to Sections 4-20-64 and 4-20-67, B.R.C. 1981, regarding medical and recreational marijuana fees, and Chapters 6-14 regarding medical marijuana and Chapter 6-16 regarding recreation marijuana, B.R.C. 1981, and setting forth related details.

PRESENTERS
City Staff:
Jane S. Brautigam, City Manager
Thomas Carr, City Attorney
Kathleen E. Haddock, Senior Assistant City Attorney
Sandra M. Llanes, Senior Assistant City Attorney
Mishawn Cook, Licensing and Collections Manager
Beverley Bookout, Boulder Police Officer, Marijuana Enforcement Division

EXECUTIVE SUMMARY
On August 23, 2016, council heard the recommendations of the Marijuana Advisory Panel ("MAP" or "Panel") and directed staff to draft an ordinance to implement recommendations and to address any recommendations that have an impact on land use separately.

At a subsequent meeting on September 29, 2016, the Panel agreed that city staff should separate the recommendations that require changes to Title 9 (implicate land use, zoning, density, and size regulations) from those that are more immediately actionable and which are being brought forward in the proposed ordinance **Attachment A**. This agenda item provides a draft ordinance that amends portions of the recreational and medical marijuana code as directed by city council. The draft ordinance found in **Attachment A**, mirrors the Panel's recommendations presented at the study sessions but does not include any proposed changes that have an impact on land use issues. This issue is described in greater detail later in this memo.

At the direction of Boulder's City Council, a 12-member MAP was formed in January 2016 to take a comprehensive review of the existing city code related to marijuana regulation, and to make recommendations related to any potential changes to topics related to advertising, public health impacts, licensing, zoning, and more. Council approved a Charter that provided the MAP with direction to analyze both State regulations and Boulder's code in order to understand regulatory intent and impact, to solicit public input, and to discuss possible changes to the code – all while preserving and promoting Boulder's unique community values.

STAFF RECOMMENDATION

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

Introduction, first reading and consideration of a motion to order published by title only an ordinance implementing the recommendations of the Marijuana Advisory Panel by amendments to Sections 4-20-64 and 4-20-67, B.R.C. 1981, regarding medical and recreational marijuana fees, and Chapters 6-14 regarding medical marijuana and 6-16 regarding recreation marijuana, B.R.C. 1981, and setting forth related details.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic – Support for the burgeoning marijuana industry by creating clarity in the regulations, more economic opportunities, and a more level playing field with marijuana businesses outside of the city of Boulder.
- Environmental – None anticipated.
- Social – The proposed changes to the regulation support preserving and promoting Boulder's unique community values.

OTHER IMPACTS

- Fiscal - Budgetary impacts to the city organization would not be affected.
- Staff time – In general, staff will be able to implement the recommendations in existing work plans.

BOARD AND COMMISSION FEEDBACK

None required.

BACKGROUND

Boulder first adopted regulations on marijuana businesses in 2010 for the medical marijuana businesses that had been established by the medical marijuana amendment to the Colorado Constitution in 2000. When Colorado voters approved recreational marijuana in 2012, the city adopted code provisions for recreational marijuana that mirror those of the medical marijuana code.

Since the first licensed recreational businesses opened in early 2014, voters approved an additional sales tax and an excise tax on recreational marijuana on the November 5, 2013 ballot. Since then, the additional recreational marijuana tax and the city's sales and use tax, on both recreation and medical marijuana businesses in Boulder, have generated nearly $8.1 million in tax revenue. A percentage of these monies have been directed towards marijuana educational programs through the City's Department of Human Services. The remainder of the monies have gone to the City's general fund, as well as help pay for parks and recreation, open space, education, youth prevention, and transportation. However, this work has carried an opportunity cost as well: Boulder's City Council and City staff have worked on a number of labor-intensive revisions to Boulder's medical and recreational marijuana business codes in collaboration with industry. In addition businesses have regularly requested amendments to the marijuana codes resulting in council addressing this issue numerous times.

At the direction of Boulder's City Council, a 12-member MAP was formed in January 2016 to take a comprehensive review of the existing city code related to marijuana regulation, and to make recommendations related to any potential changes to topics related to advertising, public health impacts, licensing, zoning, and more. Council approved a Charter (*see* **Attachment B**) that provided MAP with direction to analyze both State regulations and Boulder's code in order to understand regulatory intent and impact, to solicit public input, and to discuss possible changes to the code—all while preserving and promoting Boulder's unique community values. The make-up of the Panel included three marijuana businesses and representatives from county health, education, the Chamber, and other members of the city with different perspectives on the marijuana issues. A member of the Marijuana Enforcement Division of the Colorado Department of Revenue ("MED") also served as an ex-officio member. (*See* **Attachment C** for the composition of MAP.)

The MAP undertook the task to better assess the impact of Boulder's code on public health, safety, and the competitiveness of the Boulder-based marijuana industry. In the course of its work, the Panel also reviewed differences between City and State regulations, and the interconnectedness between business operations, enforcement, and youth education.

MAP actively included the perspectives of a cross-section of community representatives and leaders, such as the Boulder Chamber, Boulder County Public Health, Boulder Valley School District, the State of Colorado's Marijuana Enforcement Division, the University of Colorado, as well as patient advocates, legal experts, independent small business owners, and community members.

MAP Meeting Process

At each of MAP's 11 public meetings, public participation helped inform and improve the panelists' understanding of the complexities surrounding the City of Boulder's local ordinance and congruence with state regulations, impacts upon the community and local businesses within the marijuana industry. All meetings were publicly noticed, all meeting agendas, materials, and minutes were posted to the city's website, were open to the

public, and included a time for public comment. Additionally, MAP developed several subcommittees representing the diverse interests on the Panel; these subcommittees worked between meetings to increase their shared understanding of issues and bring proposals to the rest of the Panel for consideration.

Consensus Through Rigorous Discussion

MAP held substantive discussions on dozens of topics, which were addressed through a balance of perspectives that considered the community's goals to protect community health and the safety of Boulder's youth, to support economic vitality, and to seek clarity and regulatory consistency between local ordinances and State regulations. Each discussion on current regulations began with a presentation from Staff—and generally included participation from the Police and Fire Departments, MED, and others—on the intent and scope of existing language in the ordinance. These discussions led to consensus-based decisions and recommendations, and incorporated the professional expertise and personal views from stakeholders and public commenters.

Through the discussions, the Panel understood the interrelationship between the state and city marijuana codes, recognized the co-existence was intended as the state and the city regulate different parts of the industry, and eliminated areas of potential conflict between the state and city laws resulting from new MED rules that went into effect on October 1, 2016.

One of the most difficult issues was related to advertising and merchandising. This is the area that was one of the most important, if not the most important, to education and community health to minimize advertisement and branding that impact minors. On the other hand, marijuana is a business, and the owners want to take advantage of branding and marketing their products. For the businesses, because there are few if any tax deductions for business expenses related to marijuana, the more non-marijuana merchandise that centers can sell, the higher the percentage of expenses that can benefit from business tax deductions.

Study Session on August 23, 2016

MAP provided council with their recommendations at the August 23rd study session. At the conclusion of the study session, council directed the MAP and staff to do the following:

- Organize a follow up meeting with the Panel to review and discuss draft code language based on the Panel's Recommendations;
- Schedule a time for an ordinance to be considered by council;
- Discuss and evaluate next steps related to recommendations that implicate changes to Title 9 Land Use/Zoning and Density Restrictions; and
- Schedule next and last MAP meeting.

MAP Follow up meeting on September 29, 2016

Staff provided MAP with the draft amendments to the marijuana codes that would be necessary to implement MAP's recommendations. MAP and staff met on September 29th to follow up on the study session items as directed by council, and review all of the

potential code changes. The MAP and staff collaborated on the draft code language to ensure that it mirrors the Panel's recommendations. The attached ordinance only includes the sections of the codes proposed to be changed. The full medical and recreational marijuana codes, with the changes recommended in redline, is included in this packet as **Attachment** D, and the highlighted portions show amendments requested by the businesses in the enclaves recently annexed, to which MAP did not object. A full summary of the MAP September 29th meeting can be found here: https://bouldercolorado.gov/central-records/document-archive.

Some of the Panel's recommendations involve land use issues that must go through a Title 9 process before being implemented, such as anything associated with zoning, density, and size regulations. Susan Richstone, Deputy Director of the Planning Department, explained that any actions related to planning and land use must be placed into the Planning Department's work plan by City Council at their annual retreat. City Council sets the priorities for this department in January, and anything that is to be added must have their approval. Approximately 80 percent of the Planning Department's workload is simply responding to applications, and that only leaves 20 percent capacity to complete Council-prioritized projects such as the Boulder Valley Comprehensive Plan Update, housing assessments, and Boulder Community Hospital redevelopment. None of the recommendations coming from the Panel are small or insignificant, so their implementation will require staff analysis, extensive stakeholder engagement, and significant policy decision. The Planning Board would then have to review the recommended changes and decide whether to recommend them to City Council for implementation.

The Panel agreed that City staff should separate the recommendations that require changes to Title 9 (implicate land use, zoning, density, and size regulations) from those that are more immediately actionable and are included in **Attachment A**. The recommendations that are included in the draft ordinance are found in the chart identified as **Attachment E**. The recommendations that have to be considered for the Planning Department work plan are in **Attachment F**.

Key Recommendations

By consensus, MAP prepared more than three dozen recommendations for Council's consideration according to the following areas: Advertising, Business Operations, ID Scanner Requirements, Licenses, Merchandise, Sales, and Zoning. These are summarized below. A full list of the Panel's recommendations not related to land use are found in **Attachment E.**

1. Advertising: MAP recommends specific updates and clarifications to the code in the areas of discounts and coupons, informational/educational materials, sponsorships and events, and terminology.
2. Business Operations: MAP recommends expansion to the hours of operation and changes to background checks and waiting periods, as well as terminology.

3. Licensing: MAP recommends updates and amendments to the City Code on license transfers, penalty schedules, and transfer of products and plants between licensed facilities.

4. Merchandise: MAP recommends aligning with the State on regulations related to branded and unbranded merchandise.

5. Zoning: MAP recommends upholding density restrictions for dispensaries. The Panel also recommends making adjustments to caps on licenses for marijuana businesses, permanent modifications, square footage limits, and virtual separation.

ANALYSIS

The Marijuana Enforcement Staff is supportive of most of the MAP recommendations. There are a few that present particular issues for your consideration. Generally they are shown in the "Staff Considerations" column of the Recommendations Chart attached as Attachment E.

Merchandising

As mentioned above, merchandising was one of the most difficult issues for the Panel, because the interests are so different between the industry and those concerned about the effect of marijuana on youth. For the businesses, being able to sell additional merchandise allows them to deduct expenses that are not deductible when related to marijuana. Marketing and branding are also recognized ways to expand a business.

For those concerned about the effect of marijuana on youth, there is a desire to not repeat the mistakes related to smoking, as in the example of nicotine smoking and Joe Camel. Having a sticker or a t-shirt or other item for a certain brand, can become important to youth, which according to Boulder County Public Health, statistically increases use among youth. This issue comes up in at least two recommendations of MAP:

1. Amount of Non-Marijuana Merchandise that Can Be Sold: Currently marijuana centers can only sell marijuana or marijuana products. The state prohibits the sale of any consumable non-marijuana product. MAP has recommended that there be no limit on the non-marijuana merchandise that can be sold in a center. As was discussed at the study session, that scenario could result in a store that sells marijuana in a small percentage of the space and non-marijuana, non-consumable products in the majority of the store. Because of the marijuana, the store could only be open to those over the age of 21. The balance struck in the liquor code is that no more than 20 percent of the revenue of the business can come from the sale of merchandise that is not alcohol. While the argument that marijuana should be regulated like alcohol is used as a sword or a shield, depending on the speaker's viewpoint, it does provide some guidance to keep recreational marijuana centers primarily marijuana. If council chose to make this condition applicable, it would add a new subsection (2) to 6-16-7(g) as follows:

> …or (2) The business receives no more than 20% of its revenue from sale of items other than marijuana and marijuana-infused products and marijuana accessories.

2. Particular Items That May Be Sold: The other merchandising issue has to do with selling items that may have a minimal monetary cost, but have a big impact on youth, like stickers. The MAP agreed marijuana businesses could not give away free promotional items or anything for free, but didn't want to have a specific dollar amount requirement other than they couldn't sell anything below cost. For stickers and promotional items that is a distinction without a difference. If Council chooses to address this issue, it could give staff direction for amendments to be made to the definition of "promotional items."

CITY MANAGER RULES

The Panel also asked for guidance on how code items would be interpreted. Staff suggested that creating City Manager Rules is the way to deal with such issues. If council approves the ordinance, staff can prepare rules consistent with council's decision and previously approved MAP recommendations. MAP will have an opportunity to provide comments on draft rules prior to initiating the rule adoption procedure. Staff anticipates that the rules will cover:

1) Penalty Schedule Guidelines;

2) Modification table as to examples of Minor and Major Modifications; and

3) Definitions/examples of:

- promotional/educational/company-related material
- tourists;
- educational purposes for being in restricted areas;
- what can/not be incidental to sponsorship; and
- pre-orders for immature plants.

ATTACHMENTS

Attachment A: Proposed Ordinance 8157
Attachment B: Charter for Marijuana Advisory Panel
Attachment C: List of MAP members and areas of interest
Attachment D: Full marijuana codes with changes redlined
Attachment E: Chart of MAP Recommendations
Attachment F: Chart of MAP Recommendations with Land Use Changes

ORDINANCE 8157

AN ORDINANCE IMPLEMENTING THE RECOMMENDATIONS OF THE MARIJUANA ADVISORY PANEL BY AMENDING SECTIONS 4-20-64 AND 4-20-67, B.R.C. 1981, REGARDING MEDICAL AND RECREATIONAL MARIJUANA FEES, AND CHAPTER 6-14 "MEDICAL MARIJUANA CODE," B.R.C. 1981 AND, CHAPTER 6-16 "RECREATIONAL MARIJUANA CODE," B.R.C. 1981, AND SETTING FORTH RELATED DETAILS.

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

Section 1. Chapters 6-14 "Medical Marijuana" and 6-16 "Recreational Marijuana" are amended by changing the words "business manager" to "keyholder" in every place referenced in those chapters.

Section 2. Section 6-14-2, B.R.C. 1981, is amended by adding new definitions, deleting the definitions struck, and revising existing definitions, as follows:

6-14-2. - Definitions.

The following words and phrases used in this chapter have the following meanings unless the context clearly indicates otherwise:

Adult Event means any event at which no more than 30 percent of the audience at the event and/or viewing advertising in connection with the event is reasonably expected to be under the age of 21. To be considered an Adult Event, (a) in an enclosed building not visible from a place open to the public and admission to the event must be controlled and limited to those over 21 years of age, or (b) prior to the commencement of the event or advertising for the event, the marijuana business shall present to the city reliable evidence to demonstrate that the event will have no more than 30 percent of the audience, and those viewing advertising for the event, under the age of 21. No event on city property or dedicated trails for which access and visibility cannot be controlled may be considered an Adult Event.

Appealing to Minors means any display on the internet, by radio, in print on a sign, or similar presentation visible to individuals under 21 years of age that contains visual or audio or print depictions of cartoon characters, caricatures, consumable products, individuals that seem under 21 years of age or engaging in activities not typical of adults. Animals that do not violate the other restrictions in this chapter may be allowed.

~~Business manager means the individual designated by the owner of the medical marijuana business as the person responsible for all operations of the business in the absence of the owner from the business premises. Business manager shall include any person with managerial authority in the business, and any person that has access to lock or unlock the safe, to unlock or lock the business, or set or disarm the alarm.~~

Company material means any information printed or transmitted electronically that includes the name and logo of a particular marijuana business(es), and promotes the business or describes marijuana or marijuana-infused product distributed by the business(es). Company material may include promotion of the business to potential employees over the age of 21 or investors, or instructions for use of any marijuana or marijuana-infused products distributed by the business(es).

Coupon means a printed voucher or token entitling the holder to a discount for a particular product or service. Coupon does not include showing a government-issued verification of age or military status, or registration for a charitable event, or similar item the showing of which, without providing a separate printing to the business, entitles the holder to a discount for a particular product or service.

Cultivation facility or optional premises means a licensed medical marijuana business that ~~is owned by the same owner as a medical marijuana center and~~ produces and harvests medical marijuana plants for a medical use for distribution by ~~such~~ a licensed medical marijuana business~~center~~. Except as included in this definition, a cultivation facility may not operate any production on its premises.

Educational material means materials prepared by a governmental or non-profit entity that are designed to provide information, facts, instructions, and warnings related to the legal use and consumption of marijuana and marijuana products. Educational materials do not include arguments for or against the legalization of marijuana or encourage the use of marijuana or advertisements, including the name and logo for any marijuana business.

Financier means any person who lends money or otherwise provides assets to any person applying for a license or who has been issued a license under this chapter. If a financier is an entity rather than an individual, the same disclosure shall be required for each entity with an ownership interest until a managing member that is a natural person is identified. Financier shall not include a bank, savings and loan association, credit union, or industrial bank supervised and regulated by an agency of the state or federal government, or any person in the business of leasing equipment to marijuana business for which the rental amount does not include any percentage of the business or its profits.

Handbill, leaflet or flyer means a flat or folded sheet of printed matter that is a notice, advertisement, or announcement, usually for distribution by hand, for free, either directly to an individual or by placement on vehicles or other locations. Handbill, leaflet or flyer does not include educational materials without the name or logo of a marijuana business, or information made available within the licensed premises of a marijuana business.

Immature plant means a nonflowering marijuana plant that is not required by the Colorado Marijuana Enforcement Division to have a RFID tag. In no event shall a plant be considered an immature plant if it is taller than eight inches and wider than eight inches.

Incidental to Sponsorship of Charitable Events means the printing of the names of all sponsors of a particular charitable event by the event organizer on advertisements, banners, clothing, programs, or similar items. Incidental to sponsorship of charitable events does not include the placement of a booths or distribution of materials that does not list or is for the use of all sponsors of the event.

Job fair or educational seminar means an adult event held for the purpose of (a) connecting persons seeking jobs in a particular industry with employers in that industry or (b) educating others on matters related to the legal marijuana industry.

Keyholder means the individual designated by the owner of the medical marijuana business as the person responsible for all operations of the business in the absence of the owner from the business premises. Keyholder shall include any person with managerial authority in the business, and any person that has access to lock or unlock the safe, to unlock or lock the business, or set or disarm the alarm.

Medical marijuana plant means a marijuana seed that is germinated and all parts of the growth therefrom, including, without limitation, roots, stalks, and leaves. Medical marijuana plant shall include immature plants except where specifically excepted in this code. For purposes of this chapter, the portion of a medical marijuana plant harvested from the plant or converted to a usable form of medical marijuana for medical use is not considered part of the plant upon harvesting.

Minor means a person under twenty-one years of age.

Modification of Premises means a change to a marijuana business that requires a building or other permit from the city or changes any part of the plans required as part of the application for the marijuana business license. Modification of premises does not include routine maintenance, including replacement of light bulbs or filters, painting, cleaning or replacement of non-mechanical items such as windows and flooring so long as the maintenance does not result in a change to the plans required as part of the application,

Place open to the general public means any property owned, leased, or used by a public entity, and any place on private property open to the public, common area of buildings, private clubs, vehicles, those portions of any private property upon which the public has an express or implied license to enter or remain, and any place visible from such places. Place open to the general public shall not include (a) any fenced area of a private residence regardless of whether it can be seen from a place open to the public, or (b) any enclosed portion of a building not visible from a place open to the public which qualifies as an adult event.

Promotional items means any item, including printed materials, that contain the name and or logo of a marijuana business and are distributed for free or a minimal cost. Promotional items, or "swag" includes stickers, clothing, tangible goods, and similar items that are intended to expose others to the name or logo of a particular business. Promotional items does not include educational.

Section 3. Section 6-14-3, B.R.C. 1981, is amended to read:

6-14-3. - License Required.

….

(d) Separate License Required for Each Location. A separate license shall be required for each premises from which a medical marijuana business is operated. Except as specifically provided in this chapter, ~~N~~no two or more different medical marijuana businesses may be treated as one premise~~s~~. Unless higher performance is required by applicable law, there must be a minimum of a one-hour fire separation wall between a medical marijuana business and any adjacent business.

(e) License Nontransferable; Exceptions. A medical marijuana business license is not transferable or assignable, including, without limitation, not transferable or assignable to a different premises, to a different type of business, or to a different owner or licensee. A medical marijuana business license is valid only for the owner named thereon, the type of business disclosed on the application for the license, and the location for which the license is issued. The licensees of a medical marijuana business license are only those persons disclosed in the application or subsequently disclosed to the city in accordance with this chapter. A transfer of a licensed medical marijuana business shall be permitted in the following circumstance:

(1) The new owner and all licensees of the business have submitted completed applications and passed a background check~~previously been approved~~ by the city; ~~as part of another licensed medical marijuana business;~~

(2) The new owner is not making changes to any of the plans or conditions that are part of the license; ~~applies for and receives a new medical marijuana business license for the new location;~~ and

(3) The license transfer location is permitted without the exceptions of Subsection 6-14-7(c) or (f) of this chapter.

….

….

Section 4. Subsections (6)(C) and (15) of Section 6-14-5, B.R.C. 1981, are amended to read:

6-14-5. - Application; Modification of Premises.

….

(6) An operating plan for the proposed medical marijuana business, including the following information:

….

(C) A neighborhood responsibility plan that demonstrates how the business will fulfill its responsibilities to the neighborhood for effective mitigation of community impacts, including neighborhood outreach, methods for future communication, and dispute resolution.

….

(15) Modifications to Approved Medical Marijuana Business License. Prior to making a~~n~~ modification of a marijuana business that would require a building permit or change items required by subsections (6), (7) or (12) of this subsection (a), the licensees shall submit to the city and have approved a completed application for modification of premises in the form provided by the city. ~~No applications for new medical marijuana businesses shall be accepted between November 1, 2013, and May 31, 2014~~.

….

….

Section 5. Subsection 6-14-6(a)(14), B.R.C. 1981, is amended to read:

6-14-6. - Persons Prohibited as Licensees and ~~Business Manager~~Keyholders.

(a) It shall be unlawful for any of the following persons to have an ownership or a financial interest in a medical marijuana business, and no license provided by this chapter shall be issued to or held by, and no medical marijuana business shall be managed by:

….

(14) Any person applying for a license to operate a medical marijuana center who has been licensed to operate three other marijuana centers ~~businesses~~ in the city pursuant to either this chapter or chapter 6-16~~another medical marijuana center in the city pursuant to this chapter.~~ . For purposes of this subparagraph only, one co-located medical and recreational marijuana center is considered one marijuana center.

….

….

Section 6. Section 6-14-7(f), B.R.C. 1981, is amended to delete subsection (2) requiring cultivation facilities to be more than five hundred feet away from schools, day cares, and addiction recovery centers to read:

Section 7. Sections 6-14-8(b), (e), (f), (m)(5) and (6), (p)(2), (4) and (5), B.R.C. 1981 are amended, and new subsections (v) and (w) are added, to read:

6-14-8. - Requirements Related to Operation of Medical Marijuana Businesses.

….

(b) Restriction on Access to Restricted Area.

(1) No person, other than a patient, licensee, employee, or a contractor, shall be in the restricted area. No patient shall be allowed entry into the restricted area without showing a valid picture ID and evidence that the person is a patient.

(2) No person, other than an employee or contractor of the business or a visitor shall be permitted in the restricted area of the business. For purposes of this subsection, a visitor means a person that is accessing the restricted area for educational business purposes. No access to the restricted area may be permitted by tourists or for compensation. The business must require that all visitors comply with all requirements for access to limited access areas as required by the Colorado Marijuana Enforcement Division. The log required shall be maintained on the business premises and available for inspection upon request by the city.

….

(e) Owner or ~~Business Manager~~Keyholder Required on Premises. No medical marijuana business shall be managed by any person other than the licensee or the ~~business manager~~keyholder listed on the application for the license or a renewal thereof. Such licensee or ~~business manager~~keyholder shall be on the premises and responsible for all activities within the licensed business during all times when the business is open or in the possession of another person. In the event the licensee intends to employ a ~~business manager~~keyholder that was not identified on the license or renewal application, the licensee shall report the name of such ~~business manager~~keyholder to the city, and such ~~business manager~~keyholder shall submit to the city, at least thirty days prior to commencing serving as the ~~business manager~~keyholder, an application containing all of the information required by this chapter and on the license application. Such licensee shall report to the city any change in ~~business manager~~keyholders at least thirty days prior to employing an additional ~~business manager~~keyholder, and no more than five days after a ~~business manager~~keyholder is released from such position. In the event the licensee submits a completed application for the new keyholder with a copy of a valid Occupational Key Badge issued by the state Marijuana Enforcement Division, the applicant may work as a keyholder for the licensee upon submission of the application ~~up~~ until final city determination is made on such application.

(f) Hours of Operation. A medical marijuana center shall be closed to the public, and no sale or other distribution of marijuana shall occur upon the premises or via delivery from the premises, between the hours of 10~~7~~ p.m. and 8 a.m. Provided however, in the event that a planned delivery of marijuana cannot be completed on the day scheduled, the marijuana may be returned to the center.

….

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

….

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

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

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

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

….

(5) The medical marijuana must be accompanied by the manifest ~~and confirmation email from the state~~ in accordance with state requirements for transport of marijuana.

….

(p) Advertisement. A medical marijuana business may not advertise in a manner that is inconsistent with the medicinal use of medical marijuana. A medical marijuana business may not advertise in a manner that is misleading, deceptive, false, or designed to appeal to minors. Advertisement that promotes medical marijuana for recreational or any use other than for medicinal purposes shall be a violation of this code. The following conditions shall apply:

….

(2) Except as otherwise provided in this paragraph, it shall be unlawful for any person licensed under this chapter or any other person to advertise any medical marijuana or medical marijuana-infused product anywhere in the city where the advertisement is in plain view of or in a place open to the general public, including advertising utilizing any of the following media: any billboard or other outdoor general advertising device as defined by the zoning code; any sign mounted on a vehicle; any handheld or other portable sign; or any handbill, leaflet, or flier directly handed to any person in a public place, left upon a motor vehicle, or posted upon any public or private property. The prohibition set forth in this paragraph shall not apply to:

(A) Any sign located on the same zone lot as a medical marijuana center which exists solely for the purpose of identifying the location of the medical marijuana center and which otherwise complies with this code and any other applicable city laws and regulations, which sign includes only the name and address of the center;

(B) Any advertisement contained within a newspaper, magazine, or other periodical of general circulation within the city or on the internet, which may include coupons;

(C) Any products marked with the name or logo of a marijuana business~~the licensed medical marijuana center~~, including wearable or non-consumable merchandise, packaging in which marijuana is sold, or on medical marijuana accessories sold; or

(D) Advertising which is purely incidental to sponsorship of a charitable event by a medical marijuana ~~center or a medical marijuana-infused products manufacturer~~ business.

(E) A booth at a job fair or educational seminar where the only items distributed are company-related or educational materials, and no other items are distributed, shown or sold.

(F) A booth at an adult event where the only items distributed are educational materials, and no other items are distributed, shown or sold.

….

(4) No medical marijuana business shall distribute or allow the distribution of any marijuana or products marked with its name or logo without charge within a marijuana business or any place open to the public for the purpose of promotion or advertising except as permitted in subsections (2)(E) and (F) of this section (p).

(5) No medical marijuana business shall distribute or allow the distribution of any coupon or similar writing, electronically or on paper, which purports to allow the bearer to exchange the same for any marijuana product, either free or at a discount except as permitted in subsections (2)(E) and (F) of this section (p).

(6) No medical marijuana business shall sell, distribute, or provide, or allow the sale, distribution, or provision of, products marked with its name or logo, in child sizes, designed for the use of minors, or which is misleading, deceptive, false, or appealing to minors.

….

(v) Confiscation of Fraudulent IDs. If a licensee or an employee of a marijuana business has reasonable cause to believe that -person is under twenty-one years of age and is exhibiting fraudulent proof of age in an attempt to enter a marijuana business or to obtain any marijuana or marijuana product, the licensee or employee shall be authorized to confiscate such fraudulent proof of age. Within 72 hours, any fraudulent proof of age confiscated shall be turned over to -the Boulder Police Department.

(w) Sale of Immature Plants. A medical marijuana center may not sell immature plants, unless (a) no more than six (6) immature plants are sold to any one customer, and (b) the immature plants are not transferred from the medical marijuana cultivation facility to the center until the day the patient is to pick up the immature plants and no immature plants are maintained at the center overnight. The business may require a deposit with any pre-orders.

….

Section 8. Section 6-14-9(b) regarding separate bank accounts is deleted.

Section 9. Section 6-14-10(a), B.R.C. 1981, is amended to change "thirty" to "forty" for the amount of time to maintain recordings from security cameras to be consistent with state requirements.

Section 10. Section 6-14-11, B.R.C. 1981, is amended to read:

6-14-11. - Requirements for Public Health and Labeling.

(a) Medical Marijuana-Infused Products. The production of any medical marijuana-infused product shall be at a medical marijuana-infused product manufacturer that meets all requirements of a retail food establishment as set forth in § 25-4-1601, *et seq*., C.R.S., the Food Protection Act. The production of any product containing medical marijuana shall comply with all health and safety standards thereof. The licensee shall comply with all applicable state and local health regulations related to the production, preparation, labeling, and sale of prepared food items as if the medical marijuana-infused products were food items.

(b) Labeling and Packaging Requirements. All medical marijuana sold or otherwise distributed by the licensee shall be packaged and labeled in a manner that advises the purchaser that it contains marijuana and specifies the amount of marijuana in the product, that the marijuana is intended for medical use solely by the patient to whom it is sold, and that any resale or redistribution of the medical marijuana to a third person is prohibited. In addition, the label shall comply with all applicable requirements of the State of Colorado and any other applicable law..~~be in print large enough to be readable and shall include:~~

~~(1) Potential food allergy ingredients, including milk, eggs, fish, shellfish, tree nuts, peanuts, wheat, and soybeans.~~

~~(2) All additives used to extract THC, including, without limitation, pesticides, herbicides, and fertilizers that were used in the cultivation of the medical marijuana used in the product.~~

~~(3) The following warning:~~

~~THIS PRODUCT CONTAINS MARIJUANA. THIS PRODUCT IS MANUFACTURED WITHOUT ANY REGULATORY OVERSIGHT FOR HEALTH, SAFETY, OR EFFICACY. THERE MAY BE HEALTH RISKS ASSOCIATED WITH THE INGESTION OR USE OF THIS PRODUCT.~~

(c) The product shall be packaged in a sealed container that cannot be opened without obvious damage to the packaging.

Section 11. Section 6-14-13(26) is amended, and new subsections (36), (37), (38), (39, and (40) are added to read:

6-14-13. - Prohibited Acts.

….

(26) Distribute a medical marijuana plant to any person, except as permitted in this chapter for immature plants.

….

(36) Printing or allowing the printing of a coupon that is not a newspaper, magazine, or other periodical of general circulation within the city or on the internet.

(37) Fail~~ure~~ to provide a copy or record of a coupon authorized under this chapter upon request of an authorized city employee.

(38) Fail to confiscate fraudulent proof of age. It shall be an affirmative defense if the person reasonably believed that attempts to confiscate a fraudulent proof of age would cause a threat to any person or disruption to the business.

(39) Fail to post the premises during a suspension.

(40) Distribute any consumable product, not including bottled water that is not a marijuana-infused product.

….

….

Section 12. Section 6-14-14, B.R.C. 1981, is amended to add a new subsection (e) to read:

6-14-14. - Suspension or Revocation of License; Imposition of Fines.

….

(e) In the event of the suspension of a marijuana business license, during the period of suspension, the business::

(1) Shall post two notices provided by the Marijuana Licensing Authority, in conspicuous places, one on the exterior and one on the interior of its premises for the duration of the suspension; and

(2) Shall not distribute or produce or test or transport marijuana, nor allow any customers into the licensed premises.

….

Section 13. Section 6-16-2, B.R.C. 1981, is amended by adding the new definitions, deleting the definitions struck, and revising existing definitions is amended to read:

6-16-2. - Definitions.

The following words and phrases used in this chapter have the following meanings unless the context clearly indicates otherwise:

Adult Event means any event at which no more than 30 percent of the audience at the event and/or viewing advertising in connection with the event is reasonably expected to be under the age of 21. To be considered an Adult Event, (a) in an enclosed building not visible from a place open to the public and admission to the event must be controlled and limited to those over 21 years of age, or (b) prior to the commencement of the event or advertising for the event, the marijuana business shall present to the city reliable evidence to demonstrate that the event will have no more than 30 percent of the audience, and those viewing advertising for the event, under

the age of 21. No event on city property or dedicated trails for which access and visibility cannot be controlled may be considered an Adult Event.

Appealing to Minors means any display on the internet, by radio, in print on a sign, or similar presentation visible to individuals under 21 years of age that contains visual or audio or print depictions of cartoon characters, caricatures, consumable products, individuals that seem under 21 years of age or engaging in activities not typical of adults. Animals that do not violate the other restrictions in this chapter may be allowed.

~~Business manager means the individual designated by the owner of the recreational marijuana business as the person responsible for all operations of the business in the absence of the owner from the business premises. Business manager shall include any person with managerial authority in the business, and any person that has access to lock or unlock the safe, to lock or unlock the business, or set or disarm the alarm.~~

Company material means any information printed or transmitted electronically that includes the name and logo of a particular marijuana business(es), and promotes the business or describes marijuana or marijuana-infused product distributed by the business(es). Company material may include promotion of the business to potential employees over the age of 21, or investors, or instructions for use of any marijuana or marijuana-infused products distributed by the business(es).

Coupon means a printed voucher or token entitling the holder to a discount for a particular product or service. Coupon does not include showing a government-issued verification of age or military status, or registration for a charitable event, or similar item the showing of which, without providing a separate printing to the business, entitles the holder to a discount for a particular product or service.

Co-located marijuana business means a medical marijuana wellness center or cultivation facility that held a license from the city on October 22, 2013, that is permitted by the owner of the building and all applicable laws, to divide the licensed ~~medical~~ marijuana business to allow for both a medical and a recreational marijuana wellness center or cultivation facility as separate business premises with separate licenses from the city within the same footprint and owned by the same person as the medical marijuana wellness center or cultivation facility. The licensees with an ownership or financial interest of either part of a co-located marijuana business may not be changed to be different from the other.

Cultivation facility means a licensed recreational marijuana business that produces and harvests marijuana plants for distribution by a licensed ~~recreational~~ marijuana business~~center or a licensed recreational marijuana-infused product manufacturer~~. Except as included in this definition, a cultivation facility may not operate any production on its premises.

Educational material means materials prepared by a governmental or non-profit entity that are designed to provide information, facts, instructions, and warnings related to the legal use and consumption of marijuana and marijuana products. Educational materials do not include arguments for or against the legalization of marijuana or encourage the use of marijuana or advertisements, including the name and logo for any marijuana business.

Financier means any person who lends money or otherwise provides assets to any person applying for a license or who has been issued a license under this chapter. If a financier is an entity rather than an individual, the same disclosure shall be required for each entity with an

ownership interest until a managing member that is a natural person is identified. Financier shall not include a bank, savings and loan association, credit union, or industrial bank supervised and regulated by an agency of the state or federal government, or any person in the business of leasing equipment to marijuana business for which the rental amount does not include any percentage of the business or its profits.

Handbill, leaflet or flyer means a flat or folded sheet of printed matter that is a notice, advertisement, or announcement, usually for distribution by hand, for free, either directly to an individual or by placement on vehicles or other locations. Handbill, leaflet or flyer does not include educational materials without the name or logo of a marijuana business, or information made available within the licensed premises of a marijuana business.

Immature plant means a nonflowering marijuana plant that is not required by the Colorado Marijuana Enforcement Division to have a RFID tag. In no event shall a plant be ~~considred~~considered an immature plant if it is taller than eight inches and wider than eight inches.

Incidental to Sponsorship of Charitable Events means the printing of the names of all sponsors of a particular charitable event by the event organizer on advertisements, banners, clothing, programs or similar items. Incidental to sponsorship of a charitable event~~,~~ does not include the placement of a booth~~s~~ or distribution of materials at the event by the marijuana business.

Job fair or educational seminar means an adult event held for the purpose of (a) connecting persons seeking jobs in a particular industry with employers in that industry or (b) educating others on matters related to the legal marijuana industry.

Keyholder means the individual designated by the owner of the recreational marijuana business as the person responsible for all operations of the business in the absence of the owner from the business premises. Keyholder shall include any person with managerial authority in the business, and any person that has access to lock or unlock the safe, to lock or unlock the business, or set or disarm the alarm.

....

Modification of Premises means a change to a marijuana business that requires a building or other permit from the city or changes any part of the plans required as part of the application for the marijuana business license. Modification of premises does not include routine maintenance, including replacement of light bulbs or filters, painting, cleaning or replacement of non-mechanical items such as windows and flooring so long as the maintenance does not result in a change to the plans required as part of the application,

Place open to the general public means any property owned, leased, or used by a public entity, and any place on private property open to the public, common areas of buildings, private club, vehicles, those portions of any private property upon which the public has an express or implied license to enter or remain, and any place visible from such places. Place open to the general public shall not include (a) any fenced area of a private residence regardless of whether it can be seen from a place open to the public~~.~~, or (b) any enclosed portion of a building not visible from a place open to the public which qualifies as an adult event.

….

Promotional items means any item, including printed materials, that contain the name and or logo of a marijuana business and are distributed for free or a minimal cost. Promotional items, or "swag" includes stickers, clothing, tangible goods, and similar items that are intended to expose others to the name or logo of a particular business. Promotional items does not include educational materials.

Recreational marijuana center means a licensed recreational marijuana business that distributes marijuana to any person or other licensed ~~to~~ recreational marijuana business. ~~infused product manufacturers or to another recreational marijuana center~~.

….

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

Virtually separated marijuana business means a co-located marijuana business that is not separated into two different premises.

….

Section 14. Section 6-16-3(d), (e), and (i) are amended to read:

6-16-3. - License Required.

….

(d) Separate License Required for Each Location. A separate license shall be required for each premise from which a recreational marijuana business is operated. Except as specifically provided in this chapter, n~~N~~o two or more different businesses, including recreational marijuana businesses, may be treated as one premise. Unless higher performance is required by applicable law, there must be a minimum of a one-hour fire separation wall between a recreational marijuana business and any adjacent business.

….

(e) License Nontransferable. A recreational marijuana business license is not transferable or assignable, including, without limitation, not transferable or assignable to a different premise, to a different type of business (including another marijuana business), or to a different owner or licensee. A recreational marijuana business license is valid only for the owner named thereon, the type of business disclosed on the application for the license, and the location for which the license is issued. The licensees of a recreational marijuana business license are only those persons disclosed in the application or subsequently disclosed to the city in accordance with this chapter. A transfer of a licensed recreational marijuana business shall be permitted in the following circumstance:

(1) The new owner and all licensees of the business have submitted completed applications and passed a background by the city;

(2) The new owner is not making changes to any of the plans or conditions that are part of the license; and

(3) The license transfer location is permitted without the exceptions of Subsection 6-16-7(c) or (e) of this chapter.

….

(i) Virtual Separation of Co-located Marijuana Business. A co-located business may be virtually rather than physically separated if the businesses provide evidence that they have maintained their respective books and records in compliance with section 9 of this chapter for the twelve months preceding the application for virtual co-location. For businesses that have been open for less than twelve months and those who have not complied with Section 9 in the past, the business shall provide evidence satisfactory to the city manager of the manner in which it will comply with Section 9. ~~One-Time Transfer of Vertically Integrated Cultivation Facility and Marijuana-Infused Product Manufacturer Operating Within the City. Any business entity with a license from the city for both a marijuana-infused product manufacturer and a cultivation facility on November 1, 2015, may transfer one of the licenses to a different business entity under the following conditions:~~

~~(1) All of the owners and financiers of the transferee business entity are the same as those of the transferor business entity and there are not any additional owners or financiers; and~~

~~(2) The marijuana licenses for both the marijuana manufacturer and the marijuana cultivation facility are in good standing; and~~

~~(3) Neither the marijuana manufacturer nor the marijuana cultivation facility have previously transferred a city marijuana license under this subsection.~~

~~(j) Until such time as the State of Colorado provides the city with access to criminal history information for the purpose of issuing marijuana business licenses, no conversion under Subsection (f) or co-location under Subsection (g) of this section shall be approved if there is any change in the identity of the individuals required to be listed on the application as reported to the city by October 22, 2013, pursuant to this chapter.~~

….

Section 15. Section 6-16-4(h), B.R.C. 1981, is amended to read:

6-16-4. - General Provisions.

….

(h) Requirements for ~~Time Periods for Accepting~~ Applications for Conversion to a Recreational Marijuana Business or Co-Location of Marijuana Businesses.

(1) ~~No applications for conversion of a medical marijuana business to a recreational marijuana business pursuant to Subsection 6-13-3(f) of this chapter shall be accepted before January 2, 2014.~~ As a condition of the city accepting an application for conversion of a medical marijuana business to a recreational marijuana business, the applicant and all licensees shall be the same as those identified for the medical

marijuana license and affirm that there will be no changes in licensees for the recreational marijuana business. ~~If a license is issued, and the business makes any changes in licensees prior to such time as the State of Colorado makes criminal history information available for the purpose of processing recreational marijuana business licenses, the license may be revoked.~~

(2) ~~No applications for conversion to a co-located medical and recreational marijuana business pursuant to Subsection 6-13-3(g) of this chapter of a medical marijuana business shall be accepted before January 21, 2014.~~ As a condition of the city accepting an application for conversion to a co-located marijuana business, the applicant and all licensees shall be the same as those identified for the medical marijuana license and affirm that there will be no changes in licensees for the recreational marijuana business. ~~If a license is issued, and the business makes any changes in licensees prior to such time as the State of Colorado makes criminal history information available for the purpose of processing recreational marijuana business licenses, the license may be revoked.~~

(3) ~~No applications for conversion to a co-located medical and recreational marijuana business pursuant to Subsection 6-13-3(h) of this chapter of a medical marijuana business within a footprint that is larger than the existing medical marijuana business shall be accepted before February 3, 2014. As a condition of the city accepting an application for conversion to a co-located marijuana business, the applicant and all licensees shall be the same as those identified for the medical marijuana license and affirm that there will be no changes in licensees for the recreational marijuana business. If a license is issued, and the business makes any changes in licensees prior to such time as the State of Colorado makes criminal history information available for the purpose of processing recreational marijuana business licenses, the license may be revoked.~~

~~(4) No applications for a new recreational marijuana business (that is not a conversion from a medical marijuana business pursuant to Subsection 6-16-3(f) of this chapter or a co-located marijuana business pursuant to Subsection 6-16-3(g) of this chapter or a co-located marijuana business pursuant to Subsection 6-16-3(h) of this chapter shall be accepted before June 1, 2014.~~

….

Section 16. Section 6-16-5(6)(C) and (D) and (16), B.R.C. 1981, are amended to read:

6-16-5. - Application; Modification of Premises.

….

(6) An operating plan for the proposed recreational marijuana business, including the following information:

….

(C) A neighborhood responsibility plan that demonstrates how the business will fulfill its responsibilities to the neighborhood for effective mitigation of community

impacts, including neighborhood outreach, methods for future communication, and dispute resolution.

(D) For cultivation facilities and marijuana-infused product manufacturers and marijuana testing facilities, a plan that specifies the methods to be used to prevent the growth of harmful mold and compliance with limitations on discharge into the wastewater system of the city as set forth in Chapter 11-3, "Industrial and Prohibited Discharges," B.R.C. 1981.

….

(16) ~~For applications for a marijuana-infused product manufacturer, the location of the cultivation facilities which will supply the marijuana for processing in the city owned by the licensee.~~ Modifications to Approved Recreational Marijuana Business License. Prior to making a modification of a marijuana business that would require a building permit or change items required by subsections (6), (7) or (12) of this subsection (a), the licensees shall submit to the city and have approved a complete application for modification of premises in the form provided by the city.

….

….

Section 17. Section 6-16-6(a)(15), B.R.C. 1981, is added to read:

6-16-6. - Persons Prohibited as Licensees and ~~Business Manager~~Keyholders.

(a) It shall be unlawful for any of the following persons to have an ownership or a financial interest in a recreational marijuana business, and no license provided by this chapter shall be issued to or held by, and no recreational marijuana business shall be managed by:

….

(15) Any person applying for a license to operate a marijuana center who has been licensed to operate three other marijuana centers in the city pursuant to either this chapter or chapter 6-14. For purposes of this subparagraph only, one co-located medical and recreational marijuana center is considered one marijuana center.

….

….

Section 18. Section 6-16-7(e), (g), and (h), B.R.C. 1981, are amended to read:

6-16-7. - Locations of Recreational Marijuana Businesses.

….

(e) Separation From Schools and Other Facilities.

(1) No recreational marijuana center ~~business~~ license shall be issued for a recreational marijuana center at a location within one thousand feet of any public or private

elementary, vocational, or secondary school, or a college, university, or a state licensed day care center, or an addiction recovery facility. Distances shall be measured by the city on official maps as the radius from the closest points on the perimeter of the applicant's property to the closest point of the property of the school or named facility.

~~(2) No license for a recreational marijuana cultivation facility, a marijuana-infused product manufacturer, or a marijuana testing facility shall be issued for a location within five hundred feet of the real property comprising an elementary, vocational, or secondary school, or a public or private college, junior college, or university, or a state licensed day care, or an addiction recovery facility. This restriction shall not apply to a medical marijuana cultivation facility that had submitted an application or held a license by the city on October 22, 2013.~~

….

(g) Limitations on Recreational Marijuana Centers and Co-Located Marijuana Center. The following shall be the minimum requirements for a recreational marijuana center and a co-located marijuana center:

(1) The area of the business is less than or equal to three thousand square feet, and the restricted area components of the required security and all paper and electronic records are one thousand square feet or less;

~~(2) The business does not sell or distribute anything other than marijuana and marijuana products or marijuana accessories except as permitted by Section 6-16-8(p)(1)(~~ and

(2)~~(3)~~ There is a separate reception area for verification of age.

(h) Limitations on Recreational Marijuana-Infused Product Manufacturers and Marijuana Testing Facilities. The area of the premises may not be more than fifteen thousand square feet.

….

….

Section 19. Section 6-16-8(b), (e), (f), (j), (l), (m), (p), (v), and (w), B.R.C. 1981, are amended, and new subsections (x), (y) and (z) are added, to read:

6-16-8. - Requirements Related to Operation of Recreational Marijuana Businesses.

….

(b) Restriction on Access to Business.

(1) No person under twenty-one years of age shall be in the business premises. No person shall be allowed entry into the business premises area without showing a valid picture identification. Recreational marijuana centers ~~The business~~ shall have an electronic scanner able to verify the legitimacy of the identification and maintain records for enforcement, as approved by the city manager. If a person does not have a valid picture identification ~~that the electronic scanner recognizes as legitimate as verification~~ that the

person is at least twenty-one years of age, the owner or ~~business manager~~keyholder on the premises shall require that the person leave the business and any surrounding area possessed or controlled by the business. In the event the person has a valid government-issued proof of age that cannot be scanned, such as a passport or military ID, the business shall be allowed access so long as the ID reasonably appears to be accurate and valid.

(2) No person, other than an employee or contractor of the business or a visitor shall be permitted in the restricted area of the business. For purposes of this subsection, a visitor means a person that is accessing the restricted area for educational purposes~~.~~. No access to the restricted area may be permitted by tourists or for compensation. The business must require that all visitors comply with all requirements for access to limited access areas as required by the Colorado Marijuana Enforcement Division. The log required shall be maintained on the business premises and available for inspection upon request by the city.

….

(e) Owner or ~~Business Manager~~Keyholder Required on Premises. No recreational marijuana business shall be managed by any person other than the licensee or the ~~business manager~~keyholder listed on the application for the license or a renewal thereof. Such licensee or ~~business manager~~keyholder shall be on the premises and responsible for all activities within the licensed business during all times when the business is open or in the possession of another person. In the event the licensee intends to employ a ~~business manager~~keyholder that was not identified on the license or renewal application, the licensee shall report the name of such ~~business manager~~keyholder to the city, and such ~~business manager~~keyholder shall submit to the city, at least thirty days prior to commencing serving as the ~~business manager~~keyholder, an application containing all of the information required by this chapter and on the license application. Such licensee shall report to the city any change in ~~business manager~~keyholders at least thirty days prior to employing an additional ~~business manager~~keyholder, and no more than five days after a ~~business manager~~keyholder is released from such position. In the event the licensee submits a completed application for the new keyholder with a copy of a valid Occupation Key B~~b~~adge issued by the state Marijuana Enforcement Division, the applicant may work as a keyholder for the licensee upon submission of the application up until final city determination is made on such application.

(f) Hours of Operation. A recreational marijuana center shall be closed to the public, and no sale or other distribution of marijuana shall occur upon the premises or via delivery from the premises, between the hours of 10~~7~~ p.m. and 8 a.m. Provided however, in the event that a planned delivery of marijuana cannot be completed on the day scheduled, the marijuana may be returned to the center.

….

(j) Limitations on Inventory. The recreational marijuana business shall not maintain any more marijuana within the premises than the amount stated on the business' license application to the State of Colorado and city. No plants shall be located in a recreational marijuana center or a marijuana-infused product manufacturer or a marijuana testing facility. In addition, the establishment shall not maintain any more marijuana within the restricted area than:

(1) Cultivation facility: one thousand plants, provided, however, a cultivation facility may have more than one thousand plants, not including immature plants, if the licensee provides an additional enforcement fee in an amount of $1 per plant over one thousand plants. Such fee shall be payable annually at the time of licensing and renewal; or

(2) MIP: six hundred pounds of marijuana that has not been incorporated into a product and one hundred fifty pounds of marijuana-infused product~~s~~; or

(3) Testing facility: one hundred pounds of raw marijuana and one hundred pounds of marijuana-infused product.

….

(l) No Sales Except Directly to User; No Deliveries. Except for sales to another licensed marijuana business, a~~A~~ll sales of recreational marijuana shall be made in person in the restricted area of a recreational marijuana center. All marijuana sales shall be in person, directly to the purchaser. No marijuana sales shall be made via telephone, internet, or other means of remote purchase. Deliveries of marijuana shall occur only in person to the purchaser at the time of purchase in the restricted area of a recreational marijuana center.

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

(1) All marijuana-infused products are hand-packaged, sealed, and labeled as provided in this chapter and the products stored in closed containers that are labeled as provided in this section;

(2) All recreational marijuana in a usable form is packaged and stored in closed containers that are labeled as provided in this section;

(3) Each container used to transport recreational marijuana is labeled with the amount of recreational marijuana or marijuana-infused products, or the number and size of the plants, in the container. The label shall include the name and address of the recreational marijuana business that the recreational marijuana is being transported from, and the name and address of the recreational marijuana business that the recreational marijuana is being transported to. The label shall be shown to any law enforcement officer who requests to see the label;

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

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

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

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

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

(5) The recreational marijuana must be accompanied by the manifest ~~and confirmation email from the State of Colorado~~ in accordance with state requirements for transportation of recreational marijuana;

(6) The recreational marijuana must be accompanied by the email receipt confirmation from the Boulder Police Department in accordance with the rules therefor established by the police department;

(7) When determining and reporting the route for delivery, licensees should select the most direct route that provides efficiency and safety; and

(8) Transport may occur only during the hours allowed for operation of the center.

….

(p) Advertisement. A recreational marijuana business may not advertise in a manner that is misleading, deceptive, false, or designed to appeal to minors. The following conditions shall apply:

(1) Except as otherwise provided in this paragraph, it shall be unlawful for any person licensed under this chapter or any other person to advertise any recreational marijuana or recreational marijuana-infused product anywhere in the city where the advertisement is in plain view of, or in, a place open to the general public, including advertising utilizing any of the following media: any billboard or other outdoor general advertising device as defined by the zoning code; any sign mounted on a vehicle; any handheld or other portable sign; or any handbill, leaflet, or flier directly handed to any person in a public place, left upon a motor vehicle, or posted upon any public or private property. The prohibition set forth in this paragraph shall not apply to:

(A) Any sign located on the same zone lot as a recreational marijuana center which exists solely for the purpose of identifying the location of the recreational marijuana center and which otherwise complies with this code and any other applicable city laws and regulations, which sign includes only the name and address of the center;

(B) Any advertisement contained within a newspaper, magazine, or other periodical of general circulation within the city or on the internet, which may include coupons;

(C) Any products marked with the name or logo of ~~the licensed recreational marijuana center~~marijuana business, including wearable or non-consumable merchandise, packaging in which marijuana is sold, or on recreational marijuana accessories sold; or

(D) Advertising which is purely incidental to sponsorship of a charitable event by a recreational marijuana ~~center or a recreational marijuana-infused products manufacturer or a marijuana testing facility.~~ business.

(E) A booth at a job fair or educational seminar ~~that is an adult event~~ where the only items distributed are company-related or educational materials~~.~~, and no other items are distributed shown or sold.

(F) A booth at an adult event where the only items distributed are educational or materials ~~information regarding marijuana consumption that do not contain any~~

~~advertising, or any name or logo of the particular business, and~~ no other items are distributed, shown or sold.

(2) It is an affirmative defense if a recreational marijuana business employee provided another individual, upon request, a business card for the purpose of providing that person's name and business affiliation, including, without restriction, title, mailing address, email address, and telephone number;

(3) No marijuana business shall distribute or allow the distribution of any marijuana or products marked with its name or logo without charge within a marijuana business or any place open to the public for the purpose of promotion or advertising except as permitted in subsection (1)(E) and (F) of this section (p);

(4) No marijuana business shall distribute or allow the distribution of any coupon or similar writing, electronically or on paper, which purports to allow the bearer to exchange the same for any marijuana product either free or at a discount except as permitted in subsection (1)(B) of this section (p); and

(5) No recreational marijuana business shall sell, distribute, or provide, or allow the sale, distribution, or provision of, products marked with its name or logo, in child sizes, designed for the use of minors, or which is misleading, deceptive, false, or appealing to minors.

….

(v) Scanner for Proof of Age. The recreational marijuana center~~business~~ shall verify the proof of age of every person entering the business with an electronic ID scanner. An "electronic ID scanner" is a device that is capable of quickly and reliably confirming the validity of an identification using computer processes that contains all of the components approved by the city manager. For legitimate identifications that cannot be scanned, including passports, military IDs and other lawful government issued identification, use of the electronic ID scanner is not required, but the business shall be responsible for verifying that the identification provided is reliable verification of the age of the person.

….

(x) Confiscation of Fraudulent IDs. If a licensee or an employee of a marijuana business has reasonable cause to believe that –person is under twenty-one~~0ine~~ years of age and is exhibiting fraudulent proof of age in an attempt to enter a marijuana business or to obtain any marijuana or marijuana product, the licensee or employee shall be authorized to confiscate such fraudulent proof of age. Within 72 hours, any fraudulent proof of age confiscated shall be turned over to -the Boulder Police Department

(y) Virtually-separated centers or cultivation facilities. A virtually-separated marijuana business shall maintain separate marijuana business licenses, with separate books, records and inventories of all transactions. For purposes of sales, use and excise tax, all transactions shall be considered recreational marijuana unless the business can prove that the transaction was for medical marijuana. A virtually-separated marijuana business may not allow entrance to anyone under 21 years of age on the premises of the business. The floor plan for a virtually separated center shall depict the separate sales counters, display and storage areas for recreational and medical marijuana. A violation of any of the requirements of this code for a virtually separated business is a public safety violation.

(z) Sale of Immature Plants. A medical marijuana center may not sell immature plants, unless (a) no more than six (6) immature plants are sold to any one customer, (b) the patient pre-orders the immature plants, and. (c) the immature plants are not transferred from the medical marijuana cultivation facility to the center until the day the patient is to pick up the immature plants and no immature plants are maintained at the center overnight. The business may require a deposit with any pre-orders.

….

Section 20. Section 6-16-9, B.R.C. 1981, is amended to deleted subsection (b) regarding separate bank accounts.

Section 21. Section 6-16-10 and subsection (b), B.R.C. 1981, are amended to read:

6-16-10. - Requirements Related to Monitoring and Security of Restricted Areas and Inventory.

All components of the security plan submitted with the application, as it may be amended, shall be in good working order, monitored, and secured twenty-four hours per day. Except for a co-located marijuana business that is virtually separated, a~~A~~ separate security system is required for each business. The security plan must include, at a minimum, the following security measures:

….

(b) Use of Safe for Storage. The recreational marijuana business shall install and use a safe for storage of any processed marijuana and cash on the premises when the business is closed to the public. The safe shall be incorporated into the building structure or securely attached thereto. For marijuana-infused products or marijuana being tested in a testing facility that must be kept refrigerated or frozen, the business may lock the refrigerated container or freezer in a manner authorized by the city in place of use of a safe, so long as the container is affixed to the building structure.

….

….

Section 22. Section 6-16-11(b), B.R.C. 1981, is amended to read:

6-16-11. - Requirements for Public Health and Labeling.

. . .

(b) Labeling and Packaging Requirements. All recreational marijuana sold or otherwise distributed by the licensee shall be packaged and labeled in a manner that ~~advises the purchaser that it contains marijuana and specifies the amount of marijuana in the product,~~

~~and that the marijuana is intended for use solely by a person lawfully possessing recreational marijuana. The label shall be~~ is in compliance with all applicable requirements of the State of Colorado and any other applicable law.

….

….

Section 23. Section 6-16-13(24), (37), and (38) are amended and subsections (39), (40), (41), (42), and (43) are added to read:

6-16-13. - Prohibited Acts.

….

(24) Distribute a marijuana plant to any person, except as provided in this chapter for immature plants.

….

(37) Distribute, or contract to distribute, marijuana using any freight or package service, community rideshare, or other commercial transportation network, not including the United States Postal Service, unless such transporter has a license from the state to transport marijuana.

(38) Possess extraction vessels, and butane, propane, compressed CO_2, ethanol, isopropanol, acetone, heptane, hexane, or any other volatile materials used in the production of solvent-based marijuana concentrate, in the same premise as marijuana without a license from the city as a marijuana-infused product manufacturer or a marijuana testing facility.

(39) Printing or allowing the printing of a coupon that is not a newspaper, magazine, or other periodical of general circulation within the city or on the internet.

(40) Failure to provide a copy or record of a coupon authorized under this chapter upon request of an authorized city employee.

(41) Failure to confiscate fraudulent proof of age. It shall be an affirmative defense if the person reasonably believed that attempts to confiscate a fraudulent proof of age would cause a threat to any person or disruption to the business.

(42) Failure to post the premises during a suspension.

(43) Distribute any consumable product, other than bottled water, that is not a marijuana-infused product.

….

….

Section 24. Section 6-16-14, B.R.C. 1981, is amended add a new subsection (e) to read:

6-16-14. - Suspension or Revocation of License; Imposition of Fines.

….

(e) In the event of the suspension of a marijuana business license, the marijuana business, during the suspension period:

(1) Shall post two notices as provided by the Marijuana Licensing Authority, in conspicuous places, one on the exterior and one on the interior of its premses for the duration of the suspension; and

(2) Shall not distribute or produce or test or transport marijuana, nor allow any customers into the licensed premises.

….

Section 25. Section 4-20-64, B.R.C. 1981, is amended to read:

4-20-64. - Medical Marijuana Businesses.

….

(h) Modification of Premises – as classified in Table 1:…… ~~3,000.00~~
Major $1,100
Minor……..$250
MIP Minor…….$500
MIP Major……$1,500

If a proposed modification does not fit precisely into one of the categories on the table, of major and minor modifications adopted by city manager rule, the fee due shall be the same as the most similar category.

….

….

Section 26. Section 4-20-67, B.R.C. 1981, is amended to read:

4-20-67. - Recreational Marijuana Businesses.

Application and license fees for recreational marijuana businesses shall be up to the following amounts:

….

(9) Modification of Premises…… ~~3,000.00~~
Major $1,100
Minor……..$250
MIP Minor…….$500
MIP Major……$1,500

If a proposed modification does not fit precisely into one of the categories on the table of major and minor modifications adopted by city manager rule, the fee due shall be the same as the most similar category.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY this 15th day of November, 2016.

_____
Suzanne Jones, Mayor

Attest:

_____
Lynnette Beck, City Clerk

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

_____
Suzanne Jones, Mayor

Attest:

_____
Lynnette Beck, City Clerk

CREATION OF A CHARTER FOR A MARIJUANA ADVISORY PANEL FOR ANALYSIS OF, SOLICITATION OF PUBLIC INPUT ON AND DISCUSSION OF POSSIBLE CHANGES TO CITY OF BOULDER MARIJUANA CODE PROVISIONS

This is a Charter for a committee for analysis of, solicitation of public input on and discussion of possible changes to the City of Boulder code provisions.

1. The committee shall be appointed by the City manager with the advice and consent of the city council to provide a balanced representation of the variety of interests related to medical and recreational marijuana.

2. The committee shall include, but not be limited to, the following members:

a. Representatives of marijuana consumers, including both recreational and medical users.

b. A representative of the Boulder Valley School District.

c. A representative of the University of Colorado.

d. Representatives to provide physical and mental health perspectives, including youth development theory and best practices in harm reduction/health promotion.

e. A representative of the Chamber of Commerce.

f. Representatives of marijuana businesses, sufficient to represent the interests of businesses engaged in businesses associated with medical marijuana, recreational marijuana, cultivation, retail sales and infused products manufacturing.

g. An attorney experienced in representing marijuana businesses.

h. A person familiar with state regulations, preferably a person from the state marijuana enforcement division, who, if unable to attend all meetings, may be an ex-officio member and not counted toward the limit on the number of members.

3. One person may represent multiple interests described above. The committee shall have no more than 11 members.

4. All meetings of the committee shall be held only after public notice of the date, time and place.

5. All meetings shall be open to the public. The committee shall allow time for public comment at each meeting.

6. The city manager and the city attorney are directed to provide staff support to facilitate the committee's work.

7. The city shall provide a professional facilitator to assist with the committee's work at the outset. The committee shall decide whether a facilitator is necessary at future meetings.

8. The committee shall provide regular updates to the city council about the committee's work. The committee is encouraged to prioritize time-sensitive issues and provide council with any appropriate recommendations on such matters during the first quarter of 2016.

9. The committee shall review both state regulations and city code to determine what specific city code provisions would be appropriate.

10. Council intends that the committee will complete its work by the end of June 2016.

APPROVED this 5 day of January, 2016.

Suzanne Jones
Mayor

ATTEST:

City Clerk

MARIJUANA ADVISORY PANEL MEMBERS LIST

Facilitator: Heather Bergman

Name
Jan Cole, President Kate Thomson Skinny Pineapple Inc.
Leisha Conners-Bauer, Director Community Health Wardenburg Health Services University of Colorado at Boulder
Heath Harmon, Director of Health Divisions Boulder County Public Health Administration
Robert T. Hoban, Managing Partner Hoban & Feola, LLC
Travis Howard Health Services, LLC d/b/a Green Dream Cannabis
Lewis Koski, Deputy Senior Director, Enforcement Colorado Department of Revenue
Alana Malone, Founder and President Green Dot Labs
Andrea Meneghel, Public Affairs Director Boulder Chamber of Commerce
William Rigler, Director of University Relations Naropa University
Teri Robnett, Founder/Executive Director Cannabis Patients Alliance
Jane Theodore, Private Citizen
Andrew Tucker, Director of Student Support Boulder Valley School District

Chapter 6-14 - MEDICAL MARIJUANA CODE

6-14-1. - Legislative Intent and Purpose.

(a) Legislative Intent. The city council intends to regulate the use, acquisition, cultivation, production, and distribution of medical marijuana in a manner that is consistent with Article XVIII, Section 14 of the Colorado Constitution (the "Medical Marijuana Amendment").

(1) The Medical Marijuana Amendment to the Colorado Constitution does not provide a legal manner for patients to obtain medical marijuana unless the patient grows the marijuana or the marijuana is grown by the patient's primary caregiver. The regulations are intended to apply to all medical marijuana operations in the city whether by a patient or caregiver under the Medical Marijuana Amendment, or any medical marijuana business permitted under the state law. Medical marijuana cultivation and production can have an impact on health, safety, and community resources, and the Code is intended to permit medical marijuana cultivation where it will have a minimal impact.

(2) Use, distribution, cultivation, production, possession, and transportation of medical marijuana remains illegal under federal law, and marijuana remains classified as a "controlled substance" by federal law.

(3) The regulations for medical marijuana uses are not adequate at the state level to address the impacts on the city of medical marijuana, making it appropriate for local regulation of the impacts of medical marijuana uses.

(4) Nothing in this chapter is intended to promote or condone the production, distribution, or possession of marijuana in violation of any applicable law.

(5) This chapter is to be construed to protect the public over medical marijuana business interests. Operation of a medical marijuana business is a revocable privilege and not a right in the city. There is no property right for an individual or business to have medical marijuana in the city.

(6) Medical marijuana is a heavily regulated industry in the city, all licensees are assumed to be fully aware of the law, the city shall not therefore be required to issue warnings before issuing citations for violations of this chapter.

(b) Purpose. The purpose of this chapter is to protect the public health, safety, and welfare of the residents and patients of the city by prescribing the manner in which medical marijuana businesses can be conducted in the city. Further, the purpose of this chapter is to:

(1) Provide for a means of cultivation, production, and distribution of marijuana to patients who qualify to obtain, possess, and use marijuana for medical purposes under the Medical Marijuana Amendment.

(2) Protect public health and safety through reasonable limitations on business operations as they relate to noise, air and water quality, food safety, neighborhood and patient safety, security for the business and its personnel, and other health and safety concerns.

(3) Promote lively street life and high quality neighborhoods by limiting the concentration of any one type of business in specific areas.

(4) Impose fees to cover the cost to the city of licensing medical marijuana businesses in an amount sufficient for the city to recover its costs of the licensing program.

(5) Adopt a mechanism for monitoring compliance with the provisions of this chapter.

(6) Create regulations that address the particular needs of the patients and residents of the city and coordinate with laws that may be enacted by the state regarding the issue.

(7) Facilitate the implementation of the Medical Marijuana Amendment without going beyond the authority granted by it.

(8) Support Boulder's Sustainability and Climate Action Plan goals by requiring renewable sources for energy use to grow medical marijuana.

(9) Issue medical marijuana business licenses only to individuals and entities that have demonstrated an intent and ability to comply with this chapter without monitoring by city officials.

(10) Protect public safety and residential areas by limiting the areas of the city where more than six medical marijuana plants may be grown.

(11) Exclude from the definition of a medical marijuana business the private possession, production, and medical use of marijuana by an individual patient or the private possession, production, distribution, and medical use of marijuana by an individual caregiver for one patient, in the residence of the patient or caregiver, to the extent permitted by Article XVIII, Section 14 of the Colorado Constitution.

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

(d) Adoption of this chapter is not intended to waive or otherwise impair any portion of the local option available under § 12-43.3-106, C.R.S.

Ordinance Nos. 7716 (2010); 7780 (2011); 7877 (2012); 7929 (2013); 8081 (2015)

6-14-2. - Definitions.

The following words and phrases used in this chapter have the following meanings unless the context clearly indicates otherwise:

Addiction recovery facility shall have the same meaning as set forth in Section 9-16-1, B.R.C. 1981.

Adult Event means any event at which no more than 30 percent of the audience at the event and/or viewing advertising in connection with the event is reasonably expected to be under the age of 21. To be considered an Adult Event, (a) in an enclosed building not visible from a place open to the public and admission to the event must be controlled and limited to those over 21 years of age, or (b) prior to the commencement of the event or advertising for the event, the marijuana business shall present to the city reliable evidence to demonstrate that the event will have no more than 30 percent of the audience, and those viewing advertising for the event, under the age of 21. No event on city property or dedicated trails for which access and visibility -cannot be controlled may be considered an Adult Event.

Advertise means the act of drawing the public's attention, whether on print or on the internet, to a medical marijuana business in order to promote the sale of medical marijuana by the business.

Appealing to Minors means any display on the internet, by radio, in print on a sign, or similar presentation visible to individuals under 21 years of age that contains visual or audio or print depictions of cartoon characters, caricatures, consumable products, individuals that seem under 21 years of age or engaging in activities not typical of adults. Animals that do not violate the other restrictions in this chapter may be allowed.

~~Business manager~~Keyholder ~~means the individual designated by the owner of the medical marijuana business as the person responsible for all operations of the business in the absence of the owner from the business premises. Business manager~~Keyholder ~~shall include any person with managerial authority in the business, and any person that has access to lock or unlock the safe, to unlock or lock the business, or set or disarm the alarm.~~

Company material means any information printed or transmitted electronically that includes the name and logo of a particular marijuana business(es), and promotes the business or describes marijuana or marijuana-infused product distributed by the business(es). Company material may include promotion of the business to potential employees over the age of 21 or investors, or instructions for use of any marijuana or marijuana-infused products distributed by the business(es).

Coupon means a printed voucher or token entitling the holder to a discount for a particular product or service. Coupon does not include showing a government-issued verification of age or military status, or registration for a charitable event,or similar item the showing of which, without providing a separate printing to the business, entitles the holder to a discount for a particular product or service.

Cultivation or cultivate means: (i) all phases of growth of marijuana from seed to harvest; or (ii) preparing, packaging or repackaging, labeling, or relabeling of a usable form of marijuana.

Cultivation facility or optional premises means a licensed medical marijuana business that ~~is owned by the same owner as a medical marijuana center and~~ produces and harvests medical marijuana plants for a medical use for distribution by ~~such~~ a licensed medical marijuana business~~center~~. Except as included in this definition, a cultivation facility may not operate any production on its premises.

Distribute or distribution means the actual, constructive, or attempted transfer, delivery, sale, or dispensing to another, with or without remuneration.

Educational material means materials prepared by a governmental or non-profit entity that are designed to provide information, facts, instructions, and warnings related to the legal use and consumption of marijuana and marijuana products. Educational materials do not include arguments for or against the legalization of marijuana or encourage the use of marijuana or advertisements, including the name and logo for any marijuana business.

Fermented malt beverage has the same meaning as its meaning under the Colorado Beer Code, § 12-46-103, C.R.S.

Financier means any person who lends money or otherwise provides assets to any person applying for a license or who has been issued a license under this chapter. If a financier is an entity rather than an individual, the same disclosure shall be required for each entity with an ownership interest until a managing member that is a natural person is identified. Financier shall not include a bank, savings and loan association, credit union, or industrial bank supervised and regulated by an agency of the state or federal government, or any person in the business of leasing equipment to marijuana business for which the rental amount does not include any percentage of the business or its profits.

Handbill, leaflet or flyer means a flat or folded sheet of printed matter that is a notice, advertisement, or announcement, usually for distribution by hand, for free, either directly to an individual or by placement on vehicles or other locations. Handbill, leaflet or flyer does not include educational materials without the name or logo of a marijuana business, or information made available within the licensed premises of a marijuana business.

Immature plant means a nonflowering marijuana plant that is not required by the Colorado Marijuana Enforcement Division to have a RFID tag. In no event shall a plant be considred an immature plant if it is taller than eight inches and wider than eight inches.

Incidental to Sponsorship of Charitable Events means the printing of the names of all sponsors of a particular charitable event by the event organizer on advertisements, banners, clothing, programs, or similar items. Incidential to sponsorship of charitable events does not include the placement of a booths or distribution of materials that does not list or is for the use of all sponsors of the event.

Job fair or educational seminar means an adult event held for the purpose of (a) connecting persons seeking jobs in a particular industry with employers in that industry or (b) educating others on matters related to the legal marijuana industry.

Keyholder means the individual designated by the owner of the medical marijuana business as the person responsible for all operations of the business in the absence of the owner from the business

premises. Keyholder shall include any person with managerial authority in the business, and any person that has access to lock or unlock the safe, to unlock or lock the business, or set or disarm the alarm.

Licensee means the medical marijuana business named on the medical marijuana business license, and all individuals named in the medical marijuana business license application or later reported to the city, including without limitation, owners, ~~business manager~~keyholders, financiers, and individuals owning any part of an entity that holds a financial or ownership interest in a medical marijuana business.

Mall means the downtown Boulder Business Improvement District boundaries set forth in Appendix 8-B of Title 8 of this code, including the downtown pedestrian mall established by ;hn0; Ordinance No. 4022, adopted February 18, 1975.

Malt, vinous, and spirituous liquor has the same meaning as its meaning under the Colorado Liquor Code, § 12-47-108, C.R.S.

Marijuana, for this Chapter 6-14, means:

(1) The same as the term "usable form of marijuana" as set forth in the Medical Marijuana Amendment; or

(2) May be more fully defined in any applicable state law or regulation.

Marijuana business means a recreational marijuana business or a medical marijuana business.

Marijuana establishment shall have the same meaning as marijuana establishment in Chapter 6-16, "Recreational Marijuana," B.R.C. 1981.

Marijuana warehouse means a marijuana establishment that is not a licensed medical marijuana business or a licensed recreational marijuana business. No marijuana warehouses are allowed in the city.

Medical marijuana means any marijuana intended for medical use which meets all requirements for medical marijuana contained in this chapter, the Medical Marijuana Amendment, and any other applicable law.

Medical marijuana business means (i) any person that cultivates, produces, distributes, possesses, transports, or makes available more than six marijuana plants or two ounces of a usable form of marijuana for medical use, or (ii) any person that produces any amount of medical marijuana. The term medical marijuana business shall not include the private possession, or medical use of no more than six plants, or two ounce of a useable form of marijuana by a patient or caregiver in the residence of the patient or caregiver.

Medical marijuana center means a licensed medical marijuana business that distributes medical marijuana to patients or primary caregivers or to other licensed medical marijuana businesses ~~infused product manufacturers or to another medical marijuana center~~.

Medical marijuana-infused product means a marijuana-infused product as defined in Chapter 6-16, "Recreational Marijuana," B.R.C. 1981.

Medical marijuana-infused product manufacturer means a licensed marijuana-infused product manufacturer as defined in Chapter 6-16, "Recreational Marijuana," B.R.C. 1981.

Medical marijuana local licensing authority means the city manager. The city manager shall be the local licensing authority for the purpose of any state law that requires the city to designate a local licensing authority.

Medical marijuana plant means a marijuana seed that is germinated and all parts of the growth therefrom, including, without limitation, roots, stalks, and leaves. Medical marijuana plant shall include immature plants except where specifically excepted in this code. For purposes of this chapter, the portion of a medical marijuana plant harvested from the plant or converted to a usable form of medical marijuana for medical use is not considered part of the plant upon harvesting.

Medical use shall have the same meaning as is set forth in Article XVIII, Section 14(1)(b) of the Colorado Constitution, or as may be more fully defined in any applicable state law or regulation.

Minor means a person under twenty-one years of age.

Mixed-use development means a building or a project or a development that contains dwelling units in any zone district.

Modification of Premises means a change to a marijuana business that requires a building or other permit from the city or changes any part of the plans required as part of the application for the marijuana business license. Modification of premises does not include routine maintenance, including replacement of light bulbs or filters, painting, cleaning or replacement of non-mechanical items such as windows and flooring so long as the maintenance does not result in a change to the plans required as part of the application,

Patient shall have the same meaning as is set forth in Article XVIII, Section 14(1)(d) of the Colorado Constitution, or as may be more fully defined in any applicable state law or regulation.

Place open to the general public means any property owned, leased, or used by a public entity, and any place on private property open to the public, common area of buildings, private clubs, vehicles, those portions of any private property upon which the public has an express or implied license to enter or remain, and any place visible from such places. Place open to the general public shall not include (a) any fenced area of a private residence regardless of whether it can be seen from a place open to the public, or (b) any enclosed portion of a building not visible from a place open to the public which qualifies as an adult event.

Possess or possession means having physical control of an object, or control of the premises in which an object is located, or having the power and intent to control an object, without regard to whether the one in possession has ownership of the object. Possession may be held by more than one person at a time. Use of the object is not required for possession. The owner of a medical marijuana business shall be considered in possession of the medical marijuana business at all times. The ~~business manager~~keyholder of a medical marijuana business shall be considered in possession of the medical marijuana business at all times that the ~~business manager~~keyholder is on the premises of the business or has been designated by the owner as the ~~business manager~~keyholder in the absence of the owner in accordance with this chapter.

Premises means a distinct and definite location, which may include a building, a part of a building, a room, or any other defined contiguous area.

Primary caregiver shall have the same meaning as is set forth in Article XVIII, Section 14(1)(f) of the Colorado Constitution, or as may be more fully defined in any applicable state law or regulation.

Produce or production means: (i) combining marijuana with any other substance for distribution, including storage and packaging for resale; or (ii) preparing, compounding, processing, encapsulating, packaging, or repackaging, labeling, or relabeling of marijuana or its derivatives, whether alone or mixed with any amount of any other substance. Production shall not include packaging or repackaging, labeling, or relabeling of a usable form of marijuana if no production has occurred and such packaging and labeling qualify as cultivation.

Promotional items means any item, including printed materials, that contain the name and or logo of a marijuana business and are distributed for free or a minimal cost. Promotional items, or “swag” includes stickers, clothing, tangible goods, and similar items that are intended to expose others to the name or logo of a particular business. Promotional items does not include educ~~a~~ational .

Restricted area means the portion of a medical marijuana business location within which the licensee defines on its application it intends to cultivate, distribute, possess, or produce medical marijuana and which area is clearly identified as the restricted area on the floor plan submitted with the medical marijuana business license application for the business.

Safe means a metal box, attached to the building structure, capable of being locked securely, constructed in a manner to prevent opening by human or mechanical force, or through the use of common

tools, including but not limited to hammers, bolt cutters, crow bars or pry bars. The city manager may approve security devices such as vaults and strong rooms that are functionally equivalent to safes.

University Hill commercial area means the area described as the University Hill General Improvement District in Appendix 8-A of Title 8 of this code.

Violation of any law means a plea or finding of a violation of any law in a criminal, civil, or administrative proceeding, whether part of a plea agreement, settlement agreement, or determination by an arbitrator, hearing officer, court, or jury.

Ordinance Nos. 7716 (2010); 7780 (2011); 7877 (2012); 7929 (2013); 7970 (2014); 8081 (2015)

6-14-3. - License Required.

(a) License Required. It shall be unlawful for any person to operate a medical marijuana business without obtaining a license to operate pursuant to the requirements of this chapter.

(b) Additional Licenses and Permits May Be Required. The license requirement set forth in this chapter shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state, or local law, including, by way of example, a retail sales and use tax license, a retail food establishment license, or any applicable zoning or building permit.

(c) License Does Not Provide Any Exception, Defense, or Immunity From Other Laws. The issuance of any license pursuant to this chapter does not create an exception, defense, or immunity to any person in regard to any potential criminal liability the person may have for the production, distribution, or possession of marijuana.

(d) Separate License Required for Each Location. A separate license shall be required for each premises from which a medical marijuana business is operated. Except as specifically provided in this chapter, n~~N~~o two or more different medical marijuana businesses may be treated as one premise~~s~~. Unless higher performance is required by applicable law, there must be a minimum of a one-hour fire separation wall between a medical marijuana business and any adjacent business.

(e) License Nontransferable; Exceptions. A medical marijuana business license is not transferable or assignable, including, without limitation, not transferable or assignable to a different premises, to a different type of business, or to a different owner or licensee. A medical marijuana business license is valid only for the owner named thereon, the type of business disclosed on the application for the license, and the location for which the license is issued. The licensees of a medical marijuana business license are only those persons disclosed in the application or subsequently disclosed to the city in accordance with this chapter. A transfer of a licensed medical marijuana business shall be permitted in the following circumstance:

(1) The new owner and all licensees of the business have submitted completed applications and passed a background check~~previously been approved~~ by the city; ~~as part of another licensed medical marijuana business;~~

(2) The new owner is not making changes to any of the plans or conditions that are part of the license; ~~applies for and receives a new medical marijuana business license for the new location;~~ and

(3) The license transfer location is permitted without the exceptions of Subsection 6-14-7(c) or (f) of this chapter.

Ordinance Nos. 7716 (2010); 7780 (2011); 7814 (2011); 7877 (2012)

6-14-4. - General Provisions.

(a) General Licensing Provisions. The general procedures and requirements of licenses, as more fully set forth in Chapter 4-1, "General Licensing Provisions," B.R.C. 1981, shall apply to medical marijuana business licenses. To the extent there is any conflict between the provisions of this chapter and Chapter 4-1, the provisions of this chapter shall control for medical marijuana business licenses.

(b) Defense to Criminal Prosecutions. Compliance with the requirements of this chapter shall not provide an exception, immunity, or defense to criminal prosecution under any applicable law, except in the Boulder Municipal Court, for a violation of this chapter as specifically provided herein.

(c) Insurance Required. The insurance specified in Section 4-1-8, "Insurance Required," B.R.C. 1981, is required for a license under this chapter.

(d) Costs of Inspection and Clean-Up. In the event the city incurs costs in the inspection, clean-up, surrender of plants, or any other requirements to remove medical marijuana of any medical marijuana business, or any person cultivating, producing, distributing, or possessing marijuana, the business and responsible person shall reimburse the city all actual costs incurred by the city for such inspection or clean-up.

(e) Reserved.

(f) Forfeiture of License. In the event that a medical marijuana business does not commence operations within thirty days of issuance of a license from the city, the license shall be deemed forfeited and the business may not commence operations.

(g) Landlord Duty. It shall be unlawful for the owner of a building to lease space or allow the use of any portion of the building by a medical marijuana business unless the tenant has a valid medical marijuana business license or has applied for and not been denied a medical marijuana business license or no marijuana is located on the premises until a license has been issued by the city. In the event that the city has an articulable reason to believe that a medical marijuana business is being operated in a building, it shall be unlawful for the owner of the building to refuse to allow the city access to the portion of the building in which the suspected medical marijuana business is located to determine whether any marijuana is on the premises.

Ordinance Nos. 7716 (2010); 7780 (2011); 7814 (2011); 7877 (2012); 8081 (2015)

6-14-5. - Application; Modification of Premises.

(a) Application Requirements. An application for a medical marijuana business license shall be made to the city on forms provided by the city manager for that purpose. The applicant shall use the application to demonstrate its compliance with this chapter and any other applicable law, rule, or regulation. In addition to the information required by Chapter 4-1, "General Licensing Provisions," B.R.C. 1981, the application shall include the following information:

(1) Name and address of the owner or owners of the medical marijuana business in whose name the license is proposed to be issued.

(A) If an owner is a corporation, the name and address of any officer or director of the corporation and of any person holding issued and outstanding capital stock of the corporation.

(B) If an owner is a partnership, association, or company, the name and address of any person holding an interest therein and the managing members. If a managing member is an entity rather than an individual, the same disclosure shall be required for each entity with an ownership interest until a managing member that is a natural person is identified.

(C) If an owner is not a natural person, the organizational documents for all entities identified in the application, identification of the natural person that is authorized to speak for the entity, and contact information for that person.

(2) Name and address of:

(A) Any ~~business manager~~keyholders of the medical marijuana business, if the ~~business manager~~keyholder is proposed to be someone other than the owner;

(B) All financiers of the medical marijuana business; and

(C) All agents of the medical marijuana business who either (i) act with managerial authority, (ii) provide advice to the medical marijuana business for compensation, or (iii) receive periodic compensation totaling $1,000 or more in a single year for services related to the medical marijuana business. It shall be an affirmative defense that the undisclosed person was an attorney, accountant, bookkeeper, mail delivery person, or other contractor performing services for the business that are unrelated to the cultivation, production, or distribution of medical marijuana.

(3) A statement of whether or not any of the named owners, members, ~~business manager~~keyholders, financiers, primary caregivers, or persons named on the application have been:

(A) Denied an application for a medical marijuana business license pursuant to this chapter, for a recreational marijuana license pursuant to Chapter 6-16, "Recreational Marijuana," B.R.C. 1981, or any similar state or local licensing law, rule, or regulation, or had such a license suspended or revoked.

(B) Denied an application for a liquor license pursuant to title 12, article 47 or article 46, C.R.S., or any similar state or local licensing law, or had such a license suspended or revoked.

(C) In violation of any law, other than a traffic offense, or completed any portion of a sentence due to a violation of any law.

(D) Convicted of driving or operating other machinery under the influence of alcohol, drugs, or medication, driving while impaired, or driving with excessive alcohol content in violation of § 42-4-1301, C.R.S., or any comparable law, or a misdemeanor related to abuse of alcohol or a controlled substance.

(4) Proof of ownership or legal possession of the restricted area for a medical marijuana business for the term of the proposed license. If the medical marijuana business is not the owner of the premises of the business, the applicant shall provide written authorization to the city from the owner to enter the property for inspection of the premises on a form approved by the city.

(5) Proof of insurance as provided in Section 4-1-8, "Insurance Required," B.R.C. 1981.

(6) An operating plan for the proposed medical marijuana business, including the following information:

(A) A description of the products and services to be provided by the medical marijuana business.

(B) A dimensioned floor plan, clearly labeled, showing:

(i) The layout of the structure and the floor plan in which the medical marijuana business is to be located;

(ii) The principal uses of the floor area depicted on the floor plan, including, but not limited to, the areas where nonpatients will be permitted, private consulting areas, storage areas, retail areas, and restricted areas where medical marijuana will be located;

(iii) Areas where any services other than the distribution of medical marijuana are proposed to occur in the premises; and

(iv) The separation of the areas that are open to persons who are not patients from those areas open to patients.

(C) A neighborhood responsibility plan that demonstrates how the business will fulfill its responsibilities to the neighborhood for effective mitigation of community impacts, including neighborhood outreach, methods for future communication, and dispute resolution.

(D) For cultivation facilities, a plan that specifies the methods to be used to prevent the growth of harmful mold and compliance with limitations on discharge into the wastewater system of the city as set forth in Chapter 11-3, "Industrial and Prohibited Discharges," B.R.C. 1981.

(7) A security plan indicating how the applicant will comply with the requirements of this chapter and any other applicable law, rule, or regulation. The security plan includes specialized details of security arrangements and will be protected from disclosure as provided under the Colorado Open Records Act, § 24-72-203(2)(a)(VIII), C.R.S. If the city finds that such documents are subject to inspection, it will attempt to provide at least twenty-four hours' notice to the applicant prior to such disclosure.

(8) A lighting plan showing the lighting outside of the medical marijuana business for security purposes and compliance with applicable city requirements.

(9) A zoning confirmation form from the city, to ascertain within a radius of one-quarter mile from the boundaries of the property upon which the medical marijuana business is located, the proximity of the property to any school or state licensed child care center, to any other medical marijuana business, or to any residential zone district.

(10) Fingerprints and personal histories as may be specified on forms provided by the city manager. This requirement shall apply to all owners, ~~business manager~~keyholders, financiers, and caregivers employed by or under contract to provide services to the medical marijuana business, including all individuals who have an interest as described herein of any portion of the medical marijuana business, directly or as an agent, or a member, partner, or officer of a corporation, partnership, association, or company.

(11) A plan for disposal of any medical marijuana or medical marijuana-infused product that is not sold to a patient or primary caregiver in a manner that protects any portion thereof from being possessed or ingested by any person or animal.

(12) A plan for ventilation of the medical marijuana business that describes the ventilation systems that will be used to prevent any odor of medical marijuana off the premises of the business. For medical marijuana businesses that grow medical marijuana plants, such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems operate with the systems preventing any odor leaving the premises. For medical marijuana businesses that produce medical marijuana-infused products, such plan shall also include all ventilation systems used to mitigate noxious gases or other fumes used or created as part of the production process.

(13) A description of all toxic, flammable, or other materials regulated by a federal, state, or local government that would have authority over the business if it was not a marijuana business, that will be used or kept at the medical marijuana business, the location of such materials, and how such materials will be stored.

(14) A statement of the amount of the projected daily average and peak electric load anticipated to be used by the business and certification from the landlord and utility provider that the premises are equipped to provide the required electric load, or necessary upgrades will be performed prior to final inspection of the premises.

(15) Modifications to Approved Medical Marijuana Business License. Prior to making a~~n~~ modification of a marijuana business that would require a building permit or change items required by subsections (6), (7) or (12) of this subsection (a), the licensees shall submit to the city and have approved a completed application for modification of premises in the form provided by the city. ~~No applications for new medical marijuana businesses shall be accepted between November 1, 2013, and May 31, 2014~~.

(b) Evidence of Rehabilitation May Be Submitted. In the event the history of an owner, member, ~~business manager~~keyholder, financier, primary caregiver, or other person named on the application contains information regarding violations of any law or previous denial or revocation of a license, that person

may include with the license application any information regarding such violation, denial, or revocation. Such information may include, but is not limited to, evidence of rehabilitation, character references, and educational achievements, and other regulatory licenses held without compliance violations, especially those items pertaining to the period of time between the applicant's last violation of any law and the date of the application.

(c) Fee Required. Any application for a medical marijuana business permit shall be accompanied by the application fee, criminal background check fee, the annual license fee as required by Section 4-20-64, "Medical Marijuana Businesses," B.R.C. 1981, and any other applicable fees.

(d) Inspection. An inspection of the proposed medical marijuana business by the city shall be required prior to issuance of a license. Such inspection shall occur after the premises are ready for operation, but prior to the stocking of the business with any medical marijuana, and prior to the opening of the business to any patients or the public. The inspection is to verify that the business facilities are constructed and can be operated in accordance with the application submitted and the applicable requirements of the code and any other applicable law, rule, or regulation.

(e) Investigation. For purposes of § 12-43.3-303(2), C.R.S., the investigation of the application by the city is not complete until the city manager has (i) determined the application is complete, (ii) determined the medical marijuana business is prepared and able to operate in compliance with all applicable laws, (iii) conducted an inspection of the business, (iv) obtained all other information the manager determines necessary to make a decision whether to approve or deny the license application, or approve it with conditions, and (v) prepared the documentation necessary to support the decision made by the manager on the application.

(f) Approval Requirements. The city manager may issue a medical marijuana business license if the inspection, background checks, and all other information available to the city verify that the applicant has submitted a full and complete application, has made improvements to the business location consistent with the application, and is prepared to operate the business with other owners and managers as set forth in the application, all in compliance with this code and any other applicable law, rule, or regulation. The manager will deny any application that does not meet the requirements of this chapter or any other applicable law, rule, or regulation, or that contains any false or incomplete information. The conditions of an approval of a medical marijuana business license shall include, at a minimum, operation of the business in compliance with all of the plans and information made part of the application.

Ordinance Nos. 7716 (2010); 7780 (2011); 7877 (2012); 7929 (2013)

6-14-6. - Persons Prohibited as Licensees and ~~Business Manager~~Keyholders.

(a) It shall be unlawful for any of the following persons to have an ownership or a financial interest in a medical marijuana business, and no license provided by this chapter shall be issued to or held by, and no medical marijuana business shall be managed by:

(1) Any person until the annual fee for the license has been paid;

(2) Any person not of good moral character;

(3) Any corporation, any of whose officers, directors, or stockholders are not of good moral character;

(4) Any partnership, association, or company, any of whose officers or members holding an interest therein, or a managing member, are not of good moral character;

(5) Any person employing, assisted by, or financed in whole or in part by any other person who is not of good moral character;

(6) Any person, unless such person's character, record, and reputation are satisfactory to the city manager;

(7) Any natural person who is under twenty-one years of age;

(8) Any person who operates or manages a medical marijuana business contrary to the provisions of this chapter, any other applicable law, rule, or regulation or conditions imposed on land use or license approvals, or contrary to the terms of the plans submitted with the license application, as such plans may be amended as provided in this chapter, or has operated a business in violation of any law;

(9) A licensed physician making patient recommendations;

(10) A person licensed pursuant to this chapter who, during a period of licensure, or who, at the time of application, has failed to remedy an outstanding delinquency for taxes owed, or an outstanding delinquency for judgments owed to a government;

(11) A sheriff, deputy, police officer, or prosecuting officer, or an officer or employee of the state licensing authority or a local licensing authority;

(12) A person whose authority to be a primary caregiver as defined in § 25-1.5-106(2), C.R.S., has been revoked by the state health agency;

(13) A person who is a licensee for a location that is currently licensed as a retail food establishment or a wholesale food registrant; or

(14) Any person applying for a license to operate a medical marijuana center who has been licensed to operate three other marijuana centers~~businesses~~ in the city pursuant to either this chapter or chapter 6-16~~another medical marijuana center in the city pursuant to this chapter.~~. For purposes of this subparagraph only, one co-located medical and recreational marijuana center is considered one marijuana center.

(b) In making the evaluation of the good moral character of an individual identified on an application or amendment thereof, the city manager shall consider the following:

(1) An applicant's violation of a law shall not, by itself, be grounds for denying an application;

(2) Verification of or lack of ability to verify items disclosed by the individual;

(3) When an individual has a history of violation of any law or a history including denial, revocation, or suspension of a license, the types and dates of violations; the evidence of rehabilitation, if any, submitted by the individual; whether the violations of any laws are related to moral turpitude, substance abuse, or other violations of any laws that may directly affect the individual's ability to operate a medical marijuana business; or whether the violations of any law are unrelated to the individual's ability to operate such a business;

(4) The evidence or lack of evidence regarding the ability of the individual to refrain from being under the influence of intoxicating or controlled substances while performing regular tasks and operating a medical marijuana business;

(5) Rules adopted by the manager to implement this chapter;

(6) Law, rules, and regulations applicable to evaluation of other types of licenses issued by governments that consider the good moral character of the applicants; and

(7) Any additional information the manager may request of the individual if the individual has a violation of any laws, an administrative or judicial finding of violation of laws regarding use of alcohol or controlled substances or items disclosed by the individual which require additional information in order for the manager to make a determination regarding issuance of the license.

Ordinance Nos. 7716 (2010); 7780 (2011); 7877 (2012); 7929 (2013)

6-14-7. - Locations of Medical Marijuana Businesses.

(a) Fixed Location Required. It shall be unlawful to operate a medical marijuana business or to grow medical marijuana outside of an enclosed building. All medical marijuana business licenses shall be issued for a specific fixed location within an enclosed building. The portion of such premises upon which the floor plan shows medical marijuana may be produced, dispensed, or possessed shall be considered the "restricted area" portion of the business premises.

(b) Location - Permitted Use in Zoning District. A medical marijuana business license may be issued only if the business qualifies as a use permitted as a matter of right in the zone district where it is proposed to be located as follows:

(1) As "personal services" for a medical marijuana center;

(2) As "greenhouse/nursery" for a cultivation facility; or

(3) As "manufacturing ≤ 15,000 square feet" for a cultivation facility, for a medical marijuana-infused product manufacturer, or for a marijuana testing facility.

(c) No Medical Marijuana Business in Building with Residences or Residential Zone Districts. It shall be unlawful to operate a medical marijuana business in a building which contains a residence, or within a dwelling unit within any zone district, or within a residential zone district, or within a mixed-use development that includes a residence. This restriction shall not apply to a medical marijuana wellness center that had submitted an application or held a license from the city on October 22, 2013.

(d) No Retail Sales in Cultivation Facilities or Manufacturing. It shall be unlawful for any person to permit retail sales within a medical marijuana business that is a cultivation facility or medical marijuana-infused product manufacturer.

(e) Distribution by Primary Caregiver. It shall be unlawful for any person to distribute medical marijuana to a patient except (1) directly to a patient upon the restricted area, or (2) via personal delivery of the medical marijuana by the primary caregiver to the patient at the patient's residence as provided in this chapter.

(f) Separation from Schools, Day Care Centers, Addiction Recovery Facilities, or Other Medical Marijuana Uses:

(1) No medical marijuana wellness center license shall be issued for a location within one thousand feet of any elementary, vocational, or secondary school, or a public or private college, junior college, or university, or a state-licensed day care center, or an addiction recovery facility. This restriction shall not apply to a medical marijuana wellness center that had submitted an application or held a license from the city on October 22, 2013.

(2) ~~No license for a medical marijuana cultivation facility shall be issued for a location within five hundred feet of the real property comprising a public or private elementary, vocational, or secondary school, or a public or private college, junior college, or university, or state-licensed day care, or addiction recovery facility. This restriction shall not apply to a medical marijuana cultivation facility that had submitted an application or held a license from the city on October 22, 2013.~~

(3) No medical marijuana business license shall be issued for a location within five hundred feet of three other marijuana businesses. This limitation shall not apply to a medical marijuana cultivation facility in industrial zones that had submitted an application or been licensed by the city on October 22, 2013.

(A) Distances shall be measured by the city on official maps as the radius from the closest points on the perimeter of the applicant's property to the closest point of the property of any other medical marijuana business.

(B) To determine the proximity to other medical marijuana businesses and the priority of applications, businesses shall have priority in the following order:

(i) Businesses that are open and operating;

(ii) Businesses whose applications have been approved;

(iii) Applications for medical marijuana business licenses that have been submitted by the applicant and declared complete by the city; and

(iv) No other applications shall be considered "businesses" for this determination.

(4) For purposes of this paragraph, school, college, or university shall include properties owned by such entities only if they are used to provide services, teaching facilities, or living facilities to students. No distance is required between a marijuana business and properties owned by a school, college, or university that are not used to provide teaching facilities, living facilities, or services to students.

(g) Limitations on Dual Licenses. A medical marijuana business license may not be issued for any location which also is a part of the restricted area of a business holding a beverages license pursuant to Section 4-2-3, "Authority to Issue City Licenses," B.R.C. 1981, or a medical marijuana business license under this chapter.

(h) Limitations on Medical Marijuana Centers. The following shall be the minimum requirements for a medical marijuana center:

(1) The area of the business is three thousand square feet or less;

(2) The business does not distribute medical marijuana only, but provides other caregiver services consistent with a wellness center, including, but not limited to, health treatments or therapy generally not performed by a medical doctor or physician, such as physical therapy, massage, acupuncture, aromatherapy, yoga, audiology, or homeopathy, or knowledgeable consultation on the effects of amount and forms of ingestion of different types of marijuana for medical use;

(3) The business includes a secured and locked medical marijuana dispensary room, one or more private rooms for consultation on the medical use of marijuana or other services, and a separate reception area for screening of patients and waiting for nonpatients.

(4) All caregiver services provided to meet the requirements of this section must comply with all applicable requirements of any federal, state, or local entity with jurisdiction applicable to the service provided.

(i) Limitations at Street Level. No marijuana business license shall be issued for a medical marijuana center at a location on the street level of the mall or the University Hill commercial area.

Ordinance Nos. 7716 (2010); 7780 (2011); 7814 (2011); 7877 (2012); 7929 (2013); 7970 (2014)

6-14-8. - Requirements Related to Operation of Medical Marijuana Businesses.

(a) Onsite Use Prohibited. No marijuana shall be smoked, eaten, or otherwise consumed or ingested within the medical marijuana business.

(b) Restriction on Access to Restricted Area.

(1) No person, other than a patient, licensee, employee, or a contractor, shall be in the restricted area. No patient shall be allowed entry into the restricted area without showing a valid picture ID and evidence that the person is a patient.

(2) No person, other than an employee or contractor of the business or a visitor shall be permitted in the restricted area of the business. For purposes of this subsection, a visitor means a person that is accessing the restricted area for educational business purposes. No access to the restricted area may be permitted by tourists or for compensation. The business must require that all visitors comply with all requirements for access to limited access areas as required by the Colorado Marijuana Enforcement Division. The log required shall be maintained on the business premises and available for inspection upon request by the city.

(c) Display of Licenses Required. The name and contact information for the owner or owners and any ~~business manager~~keyholder of the medical marijuana business, the medical marijuana business license, and the sales tax business license shall be conspicuously posted in the business.

(d) Business Conducted Within Building. Any and all cultivation, production, distribution, possession, storage, display, sales, or other distribution of marijuana shall occur only within the restricted area of a medical marijuana business and shall not be visible from the exterior of the business.

(e) Owner or ~~Business Manager~~Keyholder Required on Premises. No medical marijuana business shall be managed by any person other than the licensee or the ~~business manager~~keyholder listed on the application for the license or a renewal thereof. Such licensee or ~~business manager~~keyholder shall be on the premises and responsible for all activities within the licensed business during all times when the business is open or in the possession of another person. In the event the licensee intends to employ a ~~business manager~~keyholder that was not identified on the license or renewal application, the licensee shall report the name of such ~~business manager~~keyholder to the city, and such ~~business manager~~keyholder shall submit to the city, at least thirty days prior to commencing serving as the ~~business manager~~keyholder, an application containing all of the information required by this chapter and on the license application. Such licensee shall report to the city any change in ~~business manager~~keyholders at least thirty days prior to employing an additional ~~business manager~~keyholder, and no more than five days after a ~~business manager~~keyholder is released from such position. In the event the licensee submits a completed application for the new keyholder with a copy of a valid Occupational Key Badge issued by the state Marijuana Enforcement Division, the applicant may work as a keyholder for the licensee upon submission of the application ~~up~~ until final city determination is made on such application.

(f) Hours of Operation. A medical marijuana center shall be closed to the public, and no sale or other distribution of marijuana shall occur upon the premises or via delivery from the premises, between the hours of 10~~7~~ p.m. and 8 a.m. Provided however, in the event that a planned delivery of marijuana cannot be completed on the day scheduled, the marijuana may be returned to the center.

(g) Use of Pesticides. No pesticides or insecticides which are prohibited by applicable law for fertilization or production of edible produce shall be used on any marijuana cultivated, produced, or distributed by a medical marijuana business. A medical marijuana business shall comply with all applicable law regarding use of pesticides, including, without limitation, Chapter 6-10, "Pesticide Use," B.R.C. 1981.

(h) Ventilation Required. A medical marijuana business shall be ventilated so that the odor of marijuana cannot be detected by a person with a normal sense of smell at the exterior of the medical marijuana business or at any adjoining use or property.

(i) Renewable Energy Usage Required. A medical marijuana business shall directly offset one hundred percent of its electricity consumption through the purchase of renewable energy or carbon offsets, a verified subscription in a Community Solar Garden, or renewable energy generated onsite, or an equivalent that is subject to approval by the city. For medical marijuana businesses licensed by the city on October 22, 2013, this requirement shall apply at the time of renewal of the medical marijuana business license following October 22, 2013.

(j) Limitations on Inventory. The medical marijuana business shall not maintain any more marijuana within the premises than is permitted under applicable law for the patients which have designated the business as primary caregiver. The medical marijuana business shall not maintain any more marijuana than the amount stated on the business' license application to the state. No plants shall be located in a medical marijuana center or a medical marijuana-infused product manufacturer. The medical marijuana business shall maintain current records evidencing the status as patients of those who have designated the business as the patient's primary caregiver.

(k) Reporting Requirements. A medical marijuana business shall report to the medical marijuana licensing authority each of the following within the time specified. If no time is specified, the report shall be provided within seventy-two hours of the event.

(1) Transfer or change of financial interest, ~~business manager~~keyholder, financier, and primary caregiver in the license to the city at least thirty days before the transfer or change.

(2) Sales and taxable transactions and file sales and use tax reports to the city monthly.

(3) A violation of any law by any licensee or applicant of a medical marijuana business.

(4) A notice of potential violation of any law to any licensee.

(5) Any report that the medical marijuana business is required to provide to the state.

(6) Reports of all criminal activities or attempts of violation of any law at the medical marijuana business or related thereto shall be reported to the Boulder Police Department within twelve hours of occurrence.

(l) Delivery to Patients. In the event a primary caregiver personally delivers medical marijuana to one or more patients, at all times any medical marijuana is outside of the restricted area:

(1) The medical marijuana shall be packaged, sealed, and labeled as provided in this chapter. The label shall include the name of the patient to whom it is being delivered.

(2) The primary caregiver delivering the medical marijuana shall have in the primary caregiver's possession documents evidencing: (i) the patient identified on each package of medical marijuana has designated the person as the patient's primary caregiver; (ii) the patient requested delivery of medical marijuana by the primary caregiver; (iii) the amount of the requested delivery; (iv) the date of the requested delivery; and (v) if more than two ounces is being delivered to a patient, a copy of the doctor's recommendation for that patient specifying the additional amount of medical marijuana medicinally necessary for that patient on the form provided by the city.

(3) The delivery is made directly to a patient who has a valid registration card and a valid picture identification card that matches the name on the registration card.

(4) In no event shall the primary caregiver be in possession of more than eight ounces of a usable form of medical marijuana for delivery outside of the restricted area.

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

(1) All medical marijuana-infused products are hand-packaged, sealed, and labeled as provided in this chapter and the products stored in closed containers that are labeled as provided in this section.

(2) All medical marijuana in a usable form for medicinal use is packaged and stored in closed containers that are labeled as provided in this section.

(3) Each container used to transport medical marijuana is labeled with the amount of medical marijuana or medical marijuana-infused products, or the number and size of the plants, in the container. The label shall include the name and address of the medical marijuana business that the medical marijuana is being transported from and the name and address of the medical marijuana business that the medical marijuana is being transported to. The label shall be shown to any law enforcement officer who requests to see the label.

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

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

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

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

(5) The medical marijuana must be accompanied by the manifest ~~and confirmation email from the state~~ in accordance with state requirements for transportation of medical marijuana.

(6) The medical marijuana must be accompanied by the email receipt confirmation from the Boulder Police Department in accordance with the rules therefor established by the police department;

(7) When determining and reporting the route to take, licensees should select the most direct route that provides efficiency and safety.

(n) Disposal of Medical Marijuana and Marijuana Byproducts. All medical marijuana and any product containing a usable form of marijuana must be made unusable and unrecognizable prior to removal from the business in compliance with all applicable laws. This provision shall not apply to licensed law enforcement, including, without limitation, the Boulder Police Department and the Boulder Fire Department.

(o) Possession of Mature Flowering Plants. No more than one-half of the medical marijuana plants within a medical marijuana business or possessed by a patient may be mature, flowering plants producing a usable form of marijuana.

(p) Advertisement. A medical marijuana business may not advertise in a manner that is inconsistent with the medicinal use of medical marijuana. A medical marijuana business may not advertise in a manner that is misleading, deceptive, false, or designed to appeal to minors. Advertisement that promotes medical marijuana for recreational or any use other than for medicinal purposes shall be a violation of this code. The following conditions shall apply:

(1) Any person licensed as a medical marijuana center shall include in any advertisement for medical marijuana or any medical marijuana-infused product the following language: "For registered Colorado medical marijuana patients only." Provided, however, this language shall not be required to be displayed upon any sign identifying a medical marijuana center, as permitted by Subparagraph (2)(A) of this section.

(2) Except as otherwise provided in this paragraph, it shall be unlawful for any person licensed under this chapter or any other person to advertise any medical marijuana or medical marijuana-infused product anywhere in the city where the advertisement is in plain view of or in a place open to the general public, including advertising utilizing any of the following media: any billboard or other outdoor general advertising device as defined by the zoning code; any sign mounted on a vehicle; any handheld or other portable sign; or any handbill, leaflet, or flier directly handed to any person in a public place, left upon a motor vehicle, or posted upon any public or private property. The prohibition set forth in this paragraph shall not apply to:

(A) Any sign located on the same zone lot as a medical marijuana center which exists solely for the purpose of identifying the location of the medical marijuana center and which otherwise complies with this code and any other applicable city laws and regulations, which sign includes only the name and address of the center;

(B) Any advertisement contained within a newspaper, magazine, or other periodical of general circulation within the city or on the internet, which may include coupons;

(C) Any products marked with the name or logo of a marijuana business~~the licensed medical marijuana center~~, including wearable or non-consumable merchandise, packaging in which marijuana is sold, or on medical marijuana accessories sold; or

(D) Advertising which is purely incidental to sponsorship of a charitable event by a medical marijuana~~ center or a medical marijuana-infused products manufacturer~~business.

(E) A booth at a job fair or educational seminar where the only items distributed are company-related or educational materials, and no other items are distributed, shown or sold.

(F) A booth at an adult event where the only items distributed are educational materials, and no other items are distributed, shown or sold.

(3) It is an affirmative defense if a medical marijuana business employee provided another individual, upon request, a business card for the purpose of providing that person's name and business affiliation, including, without restriction, title, mailing address, email address, and telephone number.

(4) No medical marijuana business shall distribute or allow the distribution of any marijuana or products marked with its name or logo without charge within a marijuana business or any place open to the public for the purpose of promotion or advertising except as permitted in subsections (2)(E) and (F) of this section (p).

(5) No medical marijuana business shall distribute or allow the distribution of any coupon or similar writing, electronically or on paper, which purports to allow the bearer to exchange the same for any marijuana product, either free or at a discount except as permitted in subsections (2)(E) and (F) of this section (p).

(6) No medical marijuana business shall sell, distribute, or provide, or allow the sale, distribution, or provision of, products marked with its name or logo, in child sizes, designed for the use of minors, or which is misleading, deceptive, false, or appealing to minors.

(q) The owner or manager is required to respond by phone or email within twenty-four hours of contact by a city official concerning their medical marijuana business at the phone number or email address provided to the city as the contact for the business. Each twenty-four-hour period during which an owner or manager does not respond to the city official shall be considered a separate violation.

(r) Separation of Cultivation Facility and Medical Marijuana-Infused Product Manufacturer. A cultivation facility and manufacturer are separate medical marijuana businesses requiring separate licenses and separate premises. In addition to all other application requirements for separate premises, each business shall:

(1) Have separate operations, ventilation, security, and fire suppression systems, and separate access from a public area.

(2) Be divided within a building from floor to roof. Unless higher performance is required by applicable law, there must be a minimum of a one-hour fire separation between a medical marijuana business and any adjacent business.

(3) Obtain delivery documents and manifests for movement of any marijuana between the cultivation facility and the manufacturer.

(s) Additional Requirements for Production of Medical Marijuana.

(1) No medical marijuana business may use metals, butane, propane, or other flammable product, or produce flammable vapors, to process marijuana unless the process used and the premises are verified as safe and in compliance with all applicable codes by a qualified industrial hygienist.

(2) The city shall require the business to obtain verification from a qualified industrial hygienist that the manner in which the business is producing medical marijuana complies with all applicable laws and does not produce noxious or dangerous gases or odors or otherwise create a danger to any person or entity in or near the businesses.

(t) Packaging at Medical Marijuana Center. Provided that medical marijuana has been delivered to a medical marijuana center from a cultivation facility packaged and labeled as provided in this chapter, employees at a medical marijuana center may package and label any marijuana that results from the sale of medical marijuana in amounts less than as packaged for delivery to the center.

(u) Organization of Cultivation Facilities. All cultivation facilities shall be organized in orderly rows with aisles at least three feet wide, and no more than eight feet between an aisle and the next aisle or an aisle and a wall, and with clear access to all exits, unless the city manager determines that the business has provided a dimensioned floor plan that provides equivalent access and separation between plants and to exits.

(v) Confiscation of Fraudulent IDs. If a licensee or an employee of a marijuana business has reasonable cause to believe that -person is under twenty-one years of age and is exhibiting fraudulent proof of age in an attempt to enter a marijuana business or to obtain any marijuana or marijuana product, the licensee or employee shall be authorized to confiscate such fraudulent proof of age. Within 72 hours, any fraudulent proof of age confiscated shall be turned over to -the Boulder Police Department.

(w) Sale of Immature Plants. A medical marijuana center may not sell immature plants, unless (a) no more than six (6) immature plants are sold to any one customer, and (b) the immature plants are not transferred from the medical marijuana cultivation facility to the center until the day the patient is to pick up the immature plants and no immature plants are maintained at the center overnight. The business may require a deposit with any pre-orders.

Ordinance Nos. 7716 (2010); 7780 (2011); 7814 (2011); 7877 (2012); 7929 (2013); 7970 (2014); 8020 (2014); 8081 (2015)

6-14-9. - Right of Entry - Records to Be Maintained.

(a) Records to Be Maintained. Each licensee shall keep a complete set of books of account, invoices, copies of orders and sales, shipping instructions, bills of lading, weigh bills, correspondence, bank statements, including cancelled checks and deposit slips, and all other records necessary to show fully the business transactions of such licensee. Receipts shall be maintained in a computer program or by pre-numbered receipts and used for each sale. The records of the business shall clearly track medical marijuana product inventory purchased and sales and disposal thereof to clearly track revenue from sales of any medical marijuana from other paraphernalia or services offered by the medical marijuana business. The licensee shall also maintain inventory records evidencing that no more medical marijuana was within the medical marijuana business than allowed by applicable law for the number of patients who designated the medical marijuana business owners as their primary caregiver and the maximum amount represented to the state for its license from the state. All such records shall be open at all times during business hours for the inspection and examination of the city or its duly authorized representatives. The city may require any licensee to furnish such information as it considers necessary for the proper administration of this chapter. The records shall clearly show the source, amount, price, and dates of all marijuana received or purchased, and the amount, price, dates, and patient or caregiver for all medical marijuana sold.

(b) ~~Separate Bank Accounts. The revenues and expenses of the medical marijuana business shall not be commingled in a checking account or any other bank account with any other business or individual person's deposits or disbursements.~~

~~(c)~~ Disclosure of Records. By applying for a medical marijuana business license, the licensee is providing consent to disclose the information required by this chapter, including information about patients and caregivers. Any records provided by the licensee that includes patient or caregiver confidential information may be submitted in a manner that maintains the confidentiality of the documents under the Colorado Open Records Act, § 24-72-201, et seq., C.R.S., or other applicable law. Any document that the applicant considers eligible for protection under the Colorado Open Records Act shall be clearly marked as confidential, and the reasons for such confidentiality shall be stated on the document. In the event that the licensee does appropriately submit documents so as not to be disclosed under the Colorado Open Records Act, the city shall not disclose it to other parties who are not agents of the city, except law enforcement agencies. If the city finds that such documents are subject to inspection, it will provide at least twenty-four-hour notice to the applicant prior to such disclosure.

(d) Audits. The city may require an audit to be made of the books of account and records of a medical marijuana business on such occasions as it may consider necessary. Such audit may be made by an auditor to be selected by the city that shall likewise have access to all books and records of the medical marijuana business. The expense of any audit determined necessary by the city shall be paid by the medical marijuana business.

(e) Consent to Inspection. Application for a medical marijuana business license or operation of a medical marijuana business, or leasing property to a medical marijuana business, constitutes consent by the applicant, and all owners, managers, and employees of the business, and the owner of the property to permit the city manager to conduct routine inspections of the medical marijuana business to ensure compliance with this chapter or any other applicable law, rule, or regulation. The owner or ~~business manager~~keyholder on duty shall retrieve and provide the records of the business pertaining to the inspection. For purposes of Rule 241 of the Colorado Rules of Municipal Procedure and Subsection 2-6-3(e) of this code, inspections of medical marijuana businesses and recordings from security cameras in such businesses are part of the routine policy of inspection and enforcement of this chapter for the purpose of protecting the public safety, individuals operating and using the services of the medical marijuana business, and the adjoining properties and neighborhood, as provided in Section 6-14-1, "Legislative Intent and Purpose," B.R.C. 1981. Application for a medical marijuana business license constitutes consent to inspection of the business as a public premises without a search warrant, and consent to seizure of any surveillance records, camera recordings, reports, or other materials required as a condition of a medical marijuana license without a search warrant.

(f) Reporting of Source, Quantity, and Sales. The records to be maintained by each medical marijuana business shall include the source and quantity of any marijuana distributed, produced, or possessed within the premises. Such reports shall include, without limitation, for both acquisitions from wholesalers and transactions to patients or caregivers, the following:

(1) Name and address of seller or purchaser;

(2) Date, weight, type of marijuana, and dollar amount or other consideration of transaction; and

(3) For wholesale transactions, the state and city, if any, sales and use tax license number of the seller.

(g) Reporting of Energy Use and Carbon Offset Purchases. The records to be maintained by each medical marijuana business and submitted to the city on a quarterly basis, shall include, without limitation, records showing on a monthly basis the use and source of energy and the number of certified Renewable Energy Credits (RECs) purchased, or the subscription level for another renewable energy acquisition program approved by the city manager. A statement of the projected daily average peak electric load anticipated to be used by the business and certification from the building owner or landlord and utility provider that the premises are equipped to provide the required electric load, or necessary upgrades will be performed. Such records shall include all statements, reports, or receipts to verify the items included in the report of the business. By application for a medical marijuana business license from the city, the medical marijuana business grants permission to providers of the energy or point of origin of the RECs or other renewable energy acquisition program to disclose the records of the business to the city. For medical marijuana businesses that cultivate medical marijuana, the report shall include the number of certified Renewable Energy Credits (RECs) purchased, or the subscription level for another renewal energy acquisition program approved by the manager.

Ordinance Nos. 7716 (2010); 7780 (2011); 7814 (2011); 7877 (2012); 7929 (2013); 8081 (2015)

6-14-10. - Requirements Related to Monitoring and Security of Restricted Areas and Inventory.

All components of the security plan submitted with the application, as it may be amended, shall be in good working order, monitored, and secured twenty-four hours per day. A separate security system is required for each business. The security plan must include, at a minimum, the following security measures:

(a) Cameras. The medical marijuana business shall install and use security cameras to monitor and record all areas of the premises (except in restrooms and consulting rooms while a patient is undressed), and where persons may gain or attempt to gain access to marijuana or cash maintained by the medical marijuana business. Cameras shall record operations of the business to the off-site location, as well as all potential areas of ingress or egress to the business with sufficient detail to identify facial features and clothing. Recordings from security cameras shall be maintained for a minimum of forty~~thirty~~ days in a secure offsite location in the city or through a service over a network that provides on-demand access, commonly referred to as a "cloud." The offsite location shall be included in the security plan submitted to the city and provided to the Boulder Police Department upon request, and updated within seventy-two hours of any change of such location.

(b) Use of Safe for Storage. The medical marijuana business shall install and use a safe for storage of any processed marijuana and cash on the premises when the business is closed to the public. The safe shall be incorporated into the building structure or securely attached thereto. For medical marijuana-infused products that must be kept refrigerated or frozen, the business may lock the refrigerated container or freezer in a manner authorized by the city in place of use of a safe so long as the container is affixed to the building structure.

(c) Alarm System. The medical marijuana business shall install and use an alarm system that is monitored by a company that is staffed twenty-four hours a day, seven days a week. The security plan submitted to the city shall identify the company monitoring the alarm, including contact information, and updated within seventy-two hours of any change of monitoring company.

Ordinance Nos. 7716 (2010); 7780 (2011); 7877 (2012)

6-14-11. - Requirements for Public Health and Labeling.

(a) Medical Marijuana-Infused Products. The production of any medical marijuana-infused product shall be at a medical marijuana-infused product manufacturer that meets all requirements of a retail food establishment as set forth in § 25-4-1601, et seq., C.R.S., the Food Protection Act. The production of any product containing medical marijuana shall comply with all health and safety standards thereof. The licensee shall comply with all applicable state and local health regulations related to the production, preparation, labeling, and sale of prepared food items as if the medical marijuana-infused products were food items.

(b) Labeling and Packaging Requirements. All medical marijuana sold or otherwise distributed by the licensee shall be packaged and labeled in a manner that advises the purchaser that it contains marijuana and specifies the amount of marijuana in the product, that the marijuana is intended for medical use solely by the patient to whom it is sold, and that any resale or redistribution of the medical marijuana to a third person is prohibited. In addition, the label shall comply with all applicable requirements of the State of Colorado and any other applicable law..~~be in print large enough to be readable and shall include:~~

~~(1) Potential food allergy ingredients, including milk, eggs, fish, shellfish, tree nuts, peanuts, wheat, and soybeans.~~

~~(2) All additives used to extract THC, including, without limitation, pesticides, herbicides, and fertilizers that were used in the cultivation of the medical marijuana used in the product.~~

~~(3) The following warning:~~

~~THIS PRODUCT CONTAINS MARIJUANA. THIS PRODUCT IS MANUFACTURED WITHOUT ANY REGULATORY OVERSIGHT FOR HEALTH, SAFETY, OR EFFICACY. THERE MAY BE HEALTH RISKS ASSOCIATED WITH THE INGESTION OR USE OF THIS PRODUCT.~~

(c) The product shall be packaged in a sealed container that cannot be opened without obvious damage to the packaging.

Ordinance Nos. 7716 (2010); 7780 (2011); 7877 (2012)

6-14-12. - Compliance With Other Applicable Law.

(a) Application of State Law. Except as may be provided otherwise in this chapter, or rules adopted pursuant to this chapter or interpretations by the city, any law or regulation adopted by the state governing the cultivation, production, possession, or distribution of marijuana for medical use shall also apply to medical marijuana businesses in the city. Provided however, if a state law or regulation permits what this chapter prohibits, this chapter shall prevail. Compliance with any applicable state law or regulation that does not permit what this chapter prohibits shall be deemed an additional requirement for issuance or denial of any license under this chapter, and noncompliance with any applicable state law or regulation is unlawful and shall be grounds for revocation or suspension of any license issued under this chapter. No medical marijuana business shall continue operations in violation of an additional state law or regulation, which does not permit what this chapter prohibits, applicable within the city after the effective date of the state law or regulation.

(b) Revocation of License Upon Denial or Revocation of State License or Applicable Federal Prohibition. If the state prohibits the cultivation, production, possession, or other distribution of marijuana through medical marijuana businesses, or if a medical marijuana business is denied a medical marijuana business license or has such license revoked pursuant to § 12-43.3-101, et seq., C.R.S., or if a court of competent jurisdiction determines that the federal government's prohibition of the cultivation, production, possession, or other distribution of marijuana through medical marijuana businesses supersedes state law, any license issued pursuant to this chapter shall be deemed to be immediately revoked by operation of law, with no ground for appeal or other redress on behalf of the licensee.

(c) Revocable Privilege. A medical marijuana business license is a revocable privilege, and no applicant therefor or holder thereof shall be deemed to have acquired any property interest therein.

Ordinance Nos. 7716 (2010); 7780 (2011); 7877 (2012)

6-14-13. - Prohibited Acts.

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

(1) Cultivate, distribute, possess, or produce marijuana in plain view of or in a place open to the general public.

(2) Smoke, use, or ingest on the premises of the medical marijuana business (1) marijuana, (2) fermented malt beverage, (3) malt, vinous, and spirituous liquor, or (4) a controlled substance, except in compliance with the directions on a legal prescription for the person from a doctor with prescription writing privileges.

(3) Operate or be in physical control of any medical marijuana business, liquor establishment, vehicle, aircraft, or motorboat while under the influence of alcohol, medical marijuana, or other intoxicant.

(4) Possess or use medical marijuana:

(A) on the grounds of a school or university or in a school bus; or

(B) in a vehicle, aircraft, or motorboat.

(5) Possess medical marijuana that is not in a sealed package in a location where the possessor is not authorized to possess or consume medical marijuana.

(6) Possess more than six marijuana plants without a medical marijuana business license for a cultivation facility. It shall be an affirmative defense to this charge if (a) a legitimate recommendation from a qualified physician of the patient for whom the marijuana is being grown includes a recommendation for a specific amount of marijuana in excess of six marijuana plants as being medically necessary to address the patient's debilitating medical condition, and (b) the plants are located within a licensed medical marijuana business.

(7) Possess more than two ounces of a usable form of marijuana without a medical marijuana business license for a center or a medical marijuana-infused product manufacturer. It shall be an affirmative defense to this charge if a legitimate recommendation from a qualified physician of the patient possessing the medical marijuana includes a recommendation for a specific amount of marijuana in excess of two ounces as being medically necessary to address the patient's debilitating medical condition.

(8) Obtain marijuana from a person who is not licensed as a medical marijuana business.

(9) Possess or operate a medical marijuana business in violation of this chapter.

(10) Produce, distribute, or possess more medical marijuana than allowed in this chapter than disclosed in the application to the state for a medical marijuana business license or other applicable law.

(11) Distribute medical marijuana without a medical marijuana business license or outside of the restricted area of the medical marijuana business.

(12) Possess medical marijuana, own or manage a medical marijuana business, or own or manage a building with a medical marijuana business, where there is possession of medical marijuana by a person who is not a patient, a primary caregiver, or a licensee of a medical marijuana business.

(13) Possess or operate a medical marijuana business in a location or in a manner for which a medical marijuana business license is prohibited by the terms of this chapter.

(14) Operate a medical marijuana business without a medical marijuana business license from the city.

(15) Operate a medical marijuana business in a manner that is not consistent with the items disclosed in the application for the medical marijuana business, or is in violation of any plan made part of the license application.

(16) Operate a medical marijuana business without disclosing, in the application for a medical marijuana business license or an amendment thereto, an agent who either (i) acts with managerial authority, (ii) provides advice to the medical marijuana business for compensation, or (iii) receives periodic compensation totaling $1,000 or more in a single year for services related to the medical marijuana business. It shall be an affirmative defense that the undisclosed person was an attorney, accountant, bookkeeper, or mail delivery person.

(17) Distribute, or own or manage a medical marijuana business where distribution occurs, from a medical marijuana business, a medical marijuana-infused product that was produced in a manner that is not in compliance with this chapter.

(18) Cultivate, manufacture, distribute, or possess any medical marijuana at a location without a medical marijuana business license prior to passing the inspection required by this chapter; provided however, this subparagraph shall not apply to medical marijuana businesses qualifying for the exception of Subsection 5-14-3(a), "License Required," B.R.C. 1981.

(19) Make any changes, or for the licensee to allow any changes, to the items included in the plans submitted with the license application and approved by the city, or the individuals identified in the application, without prior approval of the city.

(20) Attempt to use or display a medical marijuana business license at a different location or for a different business entity than the location and business entity disclosed on the application for the issued license.

(21) Cultivate, produce, distribute, or possess medical marijuana, or own or manage a medical marijuana business in which another cultivates, produces, distributes, or possesses medical marijuana, in violation of this chapter or any other applicable law.

(22) Allow an owner or ~~business manager~~keyholder that has not been disclosed to the city as required by this chapter to operate the business.

(23) Own, manage, or possess a medical marijuana business where medical marijuana is outside of the restricted area portion of such business. It shall be an affirmative defense to a violation of this section if the medical marijuana outside of the restricted area was: (i) in the custody and control of a patient; (ii) purchased by that patient from the business and the patient has not left the business since purchase; and (iii) the amount of medical marijuana in the custody and control of the patient does not exceed the amount the patient may possess lawfully.

(24) Possess a number of flowering plants that is more than one-half of the medical marijuana plants that are lawfully possessed by a person.

(25) Dispose of medical marijuana or any by-product of medical marijuana containing marijuana in a manner contrary to this chapter.

(26) Distribute a medical marijuana plant to any person, except as permitted in this chapter for immature plants.

(27) Deliver or transport medical marijuana to a patient or between medical marijuana businesses except in strict compliance with this chapter.

(28) Refuse to allow inspection of a medical marijuana business upon request of a city employee. Any licensee, owner, ~~business manager~~keyholder, or operator of a medical marijuana business, or the owner of the property where a medical marijuana business is located, may be charged with this violation.

(29) Advertise or publish materials, honor coupons, sell or give away products, or display signs that are in violation of this code;

(30) Violate any provision of this code or any condition of an approval granted pursuant to this code or any law, rule, or regulation applicable to the use of medical marijuana or the operation of a medical marijuana business.

(31) Permit any other person to violate any provision of this code or any condition of an approval granted pursuant to this code, or any law, rule, or regulation applicable to the use of medical marijuana or the operation of a medical marijuana business.

(32) Lease any property to a medical marijuana business that has marijuana on the property without a medical marijuana business license from the city.

(33) Label or distribute a marijuana-infused product that is not labeled as required by this code or other applicable law.

(34) Distribute or deliver marijuana from a medical marijuana cultivation facility to any location other than a medical marijuana wellness center.

(35) Fail to respond by phone or email as required by Subsection 6-14-8(q) of this chapter.

(36) Printing or allowing the printing of a coupon that is not a newspaper, magazine, or other periodical of general circulation within the city or on the internet.

(37) Fail~~ure~~ to provide a copy or record of a coupon authorized under this chapter upon request of an authorized city employee.

(38) Fail to confiscate fraudulent proof of age. It shall be an affirmative defense if the person reasonably believed that attempts to confiscate a fraudulent proof of age would cause a threat to any person or disruption to the business.

(39) Fail to post the premises during a suspension.

(40) Distribute any consumable product, not including bottled water, that is not a marijuana-infused product.

(b) Prima Facie Evidence. Prima facie indicia of impairment or being under the influence of marijuana includes bloodshot eyes, watery eyes, eyelid tremors, green particulate on tongue, dilated pupils, mental confusion, slowed responses, rigid muscles, body tremors, or dry mouth, or any other indicators of impairment.

Ordinance Nos. 7716 (2010); 7780 (2011); 7814 (2011); 7877 (2012); 7929 (2013); 7970 (2014)

6-14-14. - Suspension or Revocation of License; Imposition of Fines.

(a) A medical marijuana business license may be suspended or revoked for any of the following violations:

(1) Conviction of the business, a licensee, or any owner, ~~business manager~~keyholder, financier, or primary caregiver of any violation of this chapter or any other law, rule, or regulation applicable to the use of medical marijuana or operation of a medical marijuana business.

(2) Misrepresentation or omission of any material fact, or false or misleading information, on the application or any amendment thereto, or any other information provided to the city related to the medical marijuana business.

(3) Violation of any law by which, if occurring prior to submittal of the application, could have been cause for denial of the license application.

(4) Distribution of medical marijuana, including, without limitation, delivery to a patient or transporting marijuana, in violation of this chapter or any other applicable law, rule, or regulation.

(5) Operation of a medical marijuana business in violation of the specifications of the license application, any conditions of approval by the city, or any violation of this chapter or any other law, rule, or regulation applicable to the use of medical marijuana or operation of a medical marijuana business.

(6) Failure to maintain, or provide to the city upon request, any books, recordings, reports, or other records required by this chapter.

(7) Failure to timely notify the city and to complete necessary city forms for changes in financial interest, ~~business manager~~keyholders, financier, or agent.

(8) Temporary or permanent closure, or other sanction of the business, by the city, or by the county or State Public Health Department or other governmental entity with jurisdiction, for failure to comply with health and safety provisions of this chapter or otherwise applicable to the business or any other applicable law.

(9) Revocation or suspension of another medical marijuana business license or any other license issued by the city, the state, or any other jurisdiction held by any licensee of the medical marijuana business.

(10) Failure to timely correct any violation of any law, or comply with any order to correct a violation of any law within the time stated in the notice or order.

(b) In the event a business or licensee is charged with violation of any law, upon which a final judgment would be grounds for suspension or revocation of the license, the city may suspend the license pending the resolution of the alleged violation.

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

(d) If the city revokes or suspends a license, the business may not move any marijuana from the premises except under the supervision of the Boulder Police Department.

(e) In the event of the suspension of a marijuana business license, during the period of suspension, the business::

(1) Shall post two notices provided by the Marijuana Licensing Authority, in conspicuous places, one on the exterior and one on the interior of its premses for the duration of the suspension; and

(2) Shall not distribute or produce or test or transport marijuana, nor allow any customers into the licensed premises.

Ordinance Nos. 7716 (2010); 7780 (2011); 7877 (2012); 7970 (2014); 8081 (2015)

6-14-15. - Term of License - Renewals - Expiration of License.

(a) Term of License. A medical marijuana business license shall be valid for one year. The license shall expire on the last day of the month in which the license is issued of the year following issuance or renewal of the license. For the first license issued for a medical marijuana business, the city manager may designate an expiration date in excess of one year, but no more than twenty-four months, to facilitate the administration by the city of renewals of such licenses.

(b) Renewal of License. The licensee shall apply for renewal of the medical marijuana business license at least forty-five days before the expiration of the license. The licensee shall apply for renewal using forms provided by the city. If the applicant fails to apply for renewal at least forty-five days before the expiration of the license but does apply for renewal prior to expiration of the license, the city may process the renewal application if the applicant submits a late filing fee of $5,000 at the time of submittal of the renewal application.

(1) The renewal license fee, and late fee if applicable, shall accompany the renewal application. Such fee is nonrefundable.

(2) In the event there has been a change to any of the plans identified in the license application which were submitted to and approved by the city with the application or an earlier renewal, the renewal application shall include specifics of the changes or proposed changes in any of such plans.

(3) In the event any person who has an interest as described in the disclosures made to the city pursuant to this chapter, or any ~~business manager~~keyholder, financier, agent as defined herein, or employee has been charged with or accused of violations of any law since such disclosure, the renewal application shall include the name of the violator, the date of the violation, the court and case number where the violation was filed, and the disposition of the violation with the renewal application.

(4) In the event the business license has been suspended or revoked or a licensee has received any notice of violation of any law, the renewal application shall include a copy of the notice, suspension, or revocation.

(5) The renewal application shall include verification that the business has a valid state license and the state license is in good standing.

(6) The renewal application shall include a summary report for the previous twelve months showing the amount of marijuana purchased, the amount of marijuana sold, the forms in which marijuana was sold, the number of patients and the number of primary caregivers who received marijuana,

the police report numbers or case numbers of all police calls to the medical marijuana business and, for calls resulting in a charge of a violation of any law, the charge, case number, and disposition of any of the charges.

(7) The city shall not accept renewal applications after the expiration of the license, but instead shall require the applicant to file a new license application.

(8) In the event there have been allegations of violations of this code by any of the licensees or the business submitting a renewal application, the city may hold a hearing pursuant to Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, prior to approving the renewal application. The hearing shall be to determine whether the application and proposed licensees comply with this chapter and whether the operation of the business has been in compliance with this code. If the city does not hold a hearing and the application and the licensees do not meet the requirements of this chapter, or the business has been operated in the past in violation of this code, the renewal application may be denied or issued with conditions, and the decision shall be final subject to judicial review as provided in Subsection 6-14-4(e).

(c) Nonpayment of Tax. In the event a medical marijuana business that has been open and operating and submitting monthly sales and use tax returns to the city ceases providing sales and use tax returns to the city for a period of three months or longer, the medical marijuana business license shall be deemed to have expired and a new license shall be required prior to reopening at the location of the business.

(d) Expiration of License. Expiration of a medical marijuana business license for any reason, including, without limitation, pursuant to Subsection (c) above, shall be considered an inactive local license as described in § 12-43.3.312, C.R.S.

Ordinance Nos. 7716 (2010); 7780 (2011); 7814 (2011); 7877 (2012)

6-14-16. - City Manager Authorized to Issue Rules.

The city manager may adopt rules and regulations that the manager determines are reasonably necessary to implement the requirements of this chapter.

Ordinance Nos. 7716 (2010); 7780 (2011); 7877 (2012)

Chapter 6-16 - Recreational Marijuana Code

6-16-1. - Legislative Intent, Findings, and Purpose.

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

(1) The city adopts this law to apply to all recreational marijuana operations in the city under the Recreational Marijuana Amendment, or any recreational marijuana business permitted under the state law.

(2) Marijuana use, distribution, cultivation, and production can have an impact on health, safety, and community resources, and the code is intended to permit marijuana cultivation, distribution, production, and testing where it will have a minimal impact, and potential negative impacts are minimized.

(3) Use, distribution, cultivation, production, possession, and transportation of marijuana remains illegal under federal law, and marijuana remains classified as a "Level 1 Controlled Substance" by federal law.

(4) The General Assembly has adopted enabling legislation that provides for local licensing, however, the state law is not intended to, and does not, address the local impacts of marijuana operations, making it appropriate for local regulation of marijuana operations.

(5) Nothing in this chapter is intended to promote or condone the production, distribution, or possession of marijuana in violation of any applicable law.

(6) This chapter is to be construed to protect the public over marijuana business interests. Operation of a recreational marijuana business is a revocable privilege and not a right in the city. There is no property right for an individual or business to have marijuana in the city.

(7) Marijuana businesses are a heavily regulated industry in the city, all licensees are assumed to be fully aware of the law, the city shall not therefore be required to issue warnings before issuing citations for violations of this chapter.

(8) This chapter is not intended to replace the medical marijuana law in Chapter 6-14, "Medical Marijuana," B.R.C. 1981, and any person may apply for and operate a medical marijuana business pursuant to Chapter 6-14, "Medical Marijuana," B.R.C. 1981, without complying with this chapter.

(9) This chapter is intended to specify the time, place, and manner restrictions for operating a recreational marijuana business in the city as specified in the Recreational Marijuana Amendment.

(10) The operation of a marijuana business without a license from the city as provided in this chapter is prohibited within the city.

(11) The experience of the city in processing and enforcing medical marijuana business licensing evidences that the provisions herein are capable and worthy of being carried out in practice by a reasonably prudent businessperson.

(12) The Colorado Administrative Procedures Act, Article 4 of Title 24 of the Colorado Revised Statutes (the "APA"), does not apply to local governments and the state has not been able to resource the process thereof in a timely manner. The procedures herein for issuance and enforcement of a recreational marijuana business license are consistent with the requirements of the APA and have been determined by the Boulder District Court to provide the level of due process required by the United States and Colorado Constitutions.

(13) A licensee is not acting in his or her capacity as an owner, employee, or agent of a licensed marijuana establishment if the licensee is operating in violation of this chapter or any other applicable law.

(14) The city council has determined to allow marijuana establishments in the city on the condition that the establishments are operated in compliance with this chapter rather than banning marijuana establishments in the city as permitted by the Recreational Marijuana Amendment.

(b) Purpose. The purpose of this chapter is to protect the public health, safety, and welfare of the residents, businesses, and property in the city by prescribing the manner in which recreational marijuana businesses can be conducted in the city. Further, the purpose of this chapter is to:

(1) Provide for a means of cultivation, production, and distribution of marijuana to persons permitted to obtain, possess, and use marijuana for recreational purposes under the Recreational Marijuana Amendment;

(2) Protect public health and safety through reasonable limitations on business operations as they relate to noise, air, and water quality, food safety, neighborhood and public safety, security for the business and its personnel, and other health and safety concerns;

(3) Promote lively street life and high quality neighborhoods by limiting the concentration of any one type of business in specific areas;

(4) Impose fees for licensing recreational marijuana businesses in an amount sufficient for the city to recover its costs of the licensing program;

(5) Adopt a mechanism for monitoring compliance with the provisions of this chapter;

(6) Create regulations that address the particular needs of the residents and businesses of the city and coordinate with laws that may be enacted by the State of Colorado regarding recreational marijuana;

(7) Facilitate the implementation of the Recreational Marijuana Amendment without going beyond the authority granted by it;

(8) Support Boulder's Sustainability and Climate Action Plan goals by requiring renewable sources for energy use to grow recreational marijuana;

(9) Issue recreational marijuana business licenses only to individuals and entities that have demonstrated an intent and ability to comply with this chapter without monitoring by city officials;

(10) Protect public safety and residential areas by limiting the areas of the city where more than six marijuana plants may be grown;

(11) Exclude from the definition of a recreational marijuana business the private possession, production, and recreational use of marijuana by an individual or the private possession, production, distribution, and recreational use of marijuana by an individual, in the person's residence, to the extent permitted by Article XVIII, Section 16 of the Colorado Constitution; and

(12) Designate the city manager as the recreational marijuana licensing authority responsible for licensing recreational marijuana for the city.

(c) Relationship to State Law. The provisions in this chapter that are different from the applicable state law are consistent with the city's responsibility to protect the public health, safety, and welfare as authorized by applicable law, and by the home rule authority granted to the city by Article XX of the Colorado Constitution and the Charter of the city. The city intends that both state law and this chapter apply within the city. Where this chapter conflicts with the state law, this chapter shall apply.

(d) Adoption of this chapter is not intended to waive or otherwise impair any portion of the local option available under the Recreational Marijuana Amendment.

Ordinance No. 7930 (2013); 8081 (2015)

6-16-2. - Definitions.

The following words and phrases used in this chapter have the following meanings unless the context clearly indicates otherwise:

Addiction recovery facility shall have the same meaning as set forth in Section 9-16-1, "General Definitions," B.R.C. 1981.

Adult Event means any event at which no more than 30 percent of the audience at the event and/or viewing advertising in connection with the event is reasonably expected to be under the age of 21. To be considered an Adult Event, (a) in an enclosed building not visible from a place open to the public and admission to the event must be controlled and limited to those over 21 years of age, or (b) prior to the commencement of the event or advertising for the event, the marijuana business shall present to the city reliable evidence to demonstrate that the event will have no more than 30 percent of the audience, and those viewing advertising for the event, under the age of 21. No event on city property or dedicated trails for which access and visibility cannot be controlled may be considered an Adult Event.

Advertise means the act of drawing the public's attention, whether on print, signs, or electronic means, to a recreational marijuana business in order to promote the sale of marijuana by the business.

Appealing to Minors means any display on the internet, by radio, in print on a sign, or similar presentation visible to individuals under 21 years of age that contains visual or audio or print depictions of cartoon characters, caricatures, consumable products, individuals that seem under 21 years of age or engaging in activies not typical of adults. Animals that do not violate the other restrictions in this chapter may be allowed.

~~Business manager~~Keyholder ~~means the individual designated by the owner of the recreational marijuana business as the person responsible for all operations of the business in the absence of the owner from the business premises. Business manager~~Keyholder ~~shall include any person with managerial authority in the business, and any person that has access to lock or unlock the safe, to lock or unlock the business, or set or disarm the alarm.~~

Company material means any information printed or transmitted electronically that includes the name and logo of a particular marijuana business(es), and promotes the business or describes marijuana or marijuana-infused product distributed by the business(es). Company material may include promotion of the business to potential employees over the age of 21, or investors, or instructions for use of any marijuana or marijuana-infused products distributed by the business(es).

Coupon means a printed voucher or token entitling the holder to a discount for a particular product or service. Coupon does not include showing a government-issued verification of age or military status, or registration for a charitable event,or similar item the showing of which, without providing a separate printing to the business, entitles the holder to a discount for a particular product or service.

Co-located marijuana business means a medical marijuana wellness center or cultivation facility that held a license from the city on October 22, 2013, that is permitted by the owner of the building and all applicable laws, to divide the licensed ~~medical~~ marijuana business to allow for both a medical and a recreational marijuana wellness center or cultivation facility as separate business premises with separate licenses from the city within the same footprint and owned by the same person as the medical marijuana wellness center or cultivation facility. The licensees with an ownership or financial interest of either part of a co-located marijuana business may not be changed to be different from the other.

Cultivation or cultivate means: (i) all phases of growth of marijuana from seed to harvest; or (ii) preparing, packaging, or repackaging, labeling, or relabeling of marijuana prior to consumption, or incorporation into a recreational marijuana-infused product.

Cultivation facility means a licensed recreational marijuana business that produces and harvests marijuana plants for distribution by a licensed ~~recreational~~ marijuana business~~center or a licensed recreational marijuana-infused product manufacturer~~. Except as included in this definition, a cultivation facility may not operate any production on its premises.

Distribute or distribution means the actual, constructive, or attempted transfer, delivery, sale, or dispensing of marijuana to another, with or without remuneration.

Educational material means materials prepared by a governmental or non-profit entity that are designed to provide information, facts, instructions, and warnings related to the legal use and consumption of marijuana and marijuana products. Educational materials do not include arguments for or against the legalization of marijuana or encourage the use of marijuana or advertisements, including the name and logo for any marijuana business.

Fermented malt beverage has the same meaning as its meaning under the Colorado Beer Code, § 12-46-103, C.R.S.

Financier means any person who lends money or otherwise provides assets to any person applying for a license or who has been issued a license under this chapter. If a financier is an entity rather than an individual, the same disclosure shall be required for each entity with an ownership interest until a managing member that is a natural person is identified. Financier shall not include a bank, savings and loan association, credit union, or industrial bank supervised and regulated by an agency of the state or federal

government, or any person in the business of leasing equipment to marijuana business for which the rental amount does not include any percentage of the business or its profits.

Handbill, leaflet or flyer means a flat or folded sheet of printed matter that is a notice, advertisement, or announcement, usually for distribution by hand, for free, either directly to an individual or by placement on vehicles or other locations. Handbill, leaflet or flyer does not include educational materials without the name or logo of a marijuana business, or information made available within the licensed premises of a marijuana business.

Immature plant means a nonflowering marijuana plant that is not required by the Colorado Marijuana Enforcement Division to have a RFID tag. In no event shall a plant be considred an immature plant if it is taller than eight inches and wider than eight inches.

Incidental to Sponsorship of Charitable Events means the printing of the names of all sponsors of a particular charitable event by the event organizer on advertisements, banners, clothing, programs or similar items. Incidental to sponsorship of a charitable event~~,~~ does not include the placement of a booth~~s~~ or distribution of materials at the event by the marijuana business.

Job fair or educational seminar means an adult event held for the purpose of (a) connecting persons seeking jobs in a particular industry with employers in that industry or (b) educating others on matters related to the legal marijuana industry.

Keyholder means the individual designated by the owner of the recreational marijuana business as the person responsible for all operations of the business in the absence of the owner from the business premises. Keyholder shall include any person with managerial authority in the business, and any person that has access to lock or unlock the safe, to lock or unlock the business, or set or disarm the alarm.

Licensee means the recreational marijuana business named on the recreational marijuana business license, and all individuals named in the recreational marijuana business license application or later reported to the city, including, without limitation, owners, ~~business manager~~keyholders, financiers, and individuals owning any part of an entity that holds a financial or ownership interest in a recreational marijuana business.

Mall means the downtown Boulder Business Improvement District boundaries set forth in Appendix 8-B of Title 8 of this code, including the downtown pedestrian mall established by Ordinance No. 4022 adopted February 18, 1975.

Malt, vinous, and spirituous liquor has the same meaning as its meaning under the Colorado Liquor Code, § 12-47-108, C.R.S.

Marijuana for this Chapter 6-16 means:

(1) The same as set forth in the Recreational Marijuana Amendment; or

(2) As may be more fully defined in any applicable state law or regulation.

Marijuana accessories shall have the same meaning as in the Recreational Marijuana Amendment.

Marijuana business means any medical marijuana business as defined in Chapter 6-14, "Medical Marijuana," B.R.C. 1981, or recreational marijuana business as defined in this chapter.

Marijuana establishment means a recreational marijuana business that has a license from the State of Colorado and the city to operate.

Marijuana-infused product manufacturer means a licensed marijuana business that produces marijuana-infused products.

Marijuana testing facility means a recreational marijuana business that has been licensed as a marijuana testing facility by the state that is in good standing, and has a license in good standing with the city.

Marijuana warehouse means a marijuana establishment that is not licensed by the city as a medical marijuana business or a licensed recreational marijuana business. No marijuana warehouses are allowed in the city.

Minor means a person under twenty-one years of age.

Mixed use development means a building or a project or a development that contains dwelling units in any zone district.

Modification of Premises means a change to a marijuana business that requires a building or other permit from the city or changes any part of the plans required as part of the application for the marijuana business license. Modification of premises does not include routine maintenance, including replacement of light bulbs or filters, painting, cleaning or replacement of non-mechanical items such as windows and flooring so long as the maintenance does not result in a change to the plans required as part of the application,

Place open to the general public means any property owned, leased, or used by a public entity, and any place on private property open to the public, common areas of buildings, private club, vehicles, those portions of any private property upon which the public has an express or implied license to enter or remain, and any place visible from such places. Place open to the general public shall not include (a) any fenced area of a private residence regardless of whether it can be seen from a place open to the public~~.~~, or (b) any enclosed portion of a building not visible from a place open to the public which qualifies as an adult event.

Possess or possession means having physical control of an object, or control of the premises in which an object is located, or having the power and intent to control an object, without regard to whether the one in possession has ownership of the object. Possession may be held by more than one person at a time. Use of the object is not required for possession. The owner of a recreational marijuana business shall be considered in possession of the recreational marijuana business at all times. The ~~business manager~~keyholder of a recreational marijuana business shall be considered in possession of the recreational marijuana business at all times that the ~~business manager~~keyholder is on the premises of the business or has been designated by the owner as the ~~business manager~~keyholder in the absence of the owner in accordance with this chapter.

Premises means a distinct and definite location, which may include a building, a part of a building, a room, or any other defined contiguous area.

Private club means any location, other than a residence of a person at the residence, or a marijuana establishment.

Produce or production means: (i) combining marijuana with any other substance for distribution, including storage and packaging for resale; or (ii) preparing, compounding, processing, encapsulating, packaging or repackaging, labeling, or relabeling of marijuana or its derivatives, whether alone or mixed with any amount of any other substance. Production shall not include packaging or repackaging, labeling, or relabeling of marijuana if no production has occurred and such packaging and labeling qualify as cultivation.

Promotional items means any item, including printed materials, that contain the name and or logo of a marijuana business and are distributed for free or a minimal cost. Promotional items, or “swag” includes stickers, clothing, tangible goods, and similar items that are intended to expose others to the name or logo of a particular business. Promotional items does not include educational materials.

Recreational marijuana means any marijuana intended for recreational use which meets all requirements for recreational marijuana contained in this chapter, the Recreational Marijuana Amendment, and any other applicable law.

Recreational Marijuana Amendment means Article XVIII, Section 16 of the Colorado Constitution.

Recreational marijuana business means (a) any person that cultivates, produces, distributes, possesses, transports, or makes available more than six marijuana plants or one ounce of marijuana, or

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

Recreational marijuana center means a licensed recreational marijuana business that distributes marijuana to any person or other licensed ~~to~~ recreational marijuana business. ~~infused product manufacturers or to another recreational marijuana center~~.

Recreational marijuana-infused product means a product infused with marijuana that is processed for use or consumption, including, without limitation, edible products, concentrates, ointments, tinctures, and any item defined as a "marijuana product" in the Recreational Marijuana Amendment.

Recreational marijuana local licensing authority means the city manager. The manager shall be the local licensing authority responsible for processing applications under this chapter for the purpose of the Recreational Marijuana Amendment and any state law that requires the city to designate a local licensing authority.

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

Restricted area means the portion of a recreational marijuana business premises within which the licensee defines on its application it intends to cultivate, distribute, possess, or produce recreational marijuana and which area is clearly identified as the restricted area on the floor plan submitted with the recreational marijuana business license application for the business.

Safe means a metal box, attached to the building structure, capable of being locked securely, constructed in a manner to prevent opening by human or mechanical force, or through the use of common tools, including but not limited to hammers, bolt cutters, crow bars or pry bars. The city manager may approve security devices such as vaults and strong rooms that are functionally equivalent to safes.

University Hill commercial area means the area described as the University Hill General Improvement District in Appendix 8-A of Title 8 of this code.

Violation of any law or violated any law means a plea or finding of a violation of any law in a criminal, civil, or administrative proceeding, whether part of a plea agreement, settlement agreement, or determination by an arbitrator, hearing officer, court, or jury.

Virtually separated marijuana business means a co-located marijuana business that is not separated into two different premises.

Ordinance Nos. 7930 (2013); 7970 (2014); 8020 (2014); 8081 (2015)

6-16-3. - License Required.

(a) License Required. It shall be unlawful for any person to operate a recreational marijuana business without obtaining a license to operate pursuant to the requirements of this chapter and holding a license in good standing from the state.

(b) Additional Licenses and Permits May Be Required. The license requirement set forth in this chapter shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state, or local law, including, by way of example, a retail sales and use tax license, a retail food establishment license, or any applicable zoning or building permit.

(c) License Does Not Provide Any Exception, Defense, or Immunity From Other Laws. The issuance of any license pursuant to this chapter does not create an exception, defense, or immunity to any person in regard to any potential criminal liability the person may have for the production, distribution, or possession of marijuana.

(d) Separate License Required for Each Location. A separate license shall be required for each premise from which a recreational marijuana business is operated. Except as specifically provided in this chapter, n~~N~~o two or more different businesses, including recreational marijuana businesses, may be treated as one premise. Unless higher performance is required by applicable law, there must be a minimum of a one-hour fire separation wall between a recreational marijuana business and any adjacent business.

(e) License Nontransferable. A recreational marijuana business license is not transferable or assignable, including, without limitation, not transferable or assignable to a different premise, to a different type of business (including another marijuana business), or to a different owner or licensee. A recreational marijuana business license is valid only for the owner named thereon, the type of business disclosed on the application for the license, and the location for which the license is issued. The licensees of a recreational marijuana business license are only those persons disclosed in the application or subsequently disclosed to the city in accordance with this chapter. A transfer of a licensed recreational marijuana business shall be permitted in the following circumstance:

(1) The new owner and all licensees of the business have submitted completed applications and passed a background by the city;

(2) The new owner is not making changes to any of the plans or conditions that are part of the license; and

(3) The license transfer location is permitted without the exceptions of Subsection 6-16-7(c) or (e) of this chapter.

(f) Conversion of Licenses to Different Marijuana Business. A license for a marijuana establishment may not be converted to a license for a medical marijuana business. A license for a medical marijuana business that was licensed, open, and operating on October 22, 2013, or that had submitted a complete application for a medical marijuana business on October 22, 2013, may be converted to the same type of marijuana establishment by complying with the requirements of this chapter for a renewal of a marijuana license and paying the application fee specified in Section 4-20-67, "Recreational Marijuana Businesses," B.R.C. 1981. The license for the medical marijuana business must be surrendered to the city before the recreational marijuana business license will be issued. The term of the license shall be the same as the existing medical marijuana business license.

(g) Conversion to a Co-located Marijuana Business Within the Footprint of the Medical Marijuana Business. A licensee of a medical marijuana wellness center or cultivation facility may apply for a co-located marijuana business license by submitting an application for a co-located marijuana business on forms approved by the city. At a minimum, the application form shall include a modification of the existing medical marijuana business to conform to the new footprint of the medical marijuana portion of the co-located marijuana business and all components of the application described in Section 6-16-5, "Application, " B.R.C. 1981, determined applicable by the city manager for the recreational marijuana portion of the co-located marijuana business, and paying the modification of premises fee and operating fee specified in Section 4-20-67, "Recreational Marijuana Businesses, " B.R.C. 1981. The license for the medical marijuana business must be surrendered to the city before the co-located marijuana business license will be issued. The term of the co-located marijuana business license shall be the same as the existing medical marijuana business license. For purposes of separation from other marijuana businesses in Paragraph 6-16-7(e)(3) of this chapter, the co-located medical and recreational marijuana business shall be considered one marijuana business. No co-located medical and recreational marijuana business may be sold separately from the other and must maintain identical ownership at all times.

(h) Conversion to a Co-located Marijuana Business in an Expansion of the Existing Footprint of the Medical Marijuana Business. A licensee of a medical marijuana wellness center or cultivation facility may apply for a co-located marijuana business license within a footprint that is an expansion of its existing medical marijuana business by submitting an application for modification of the existing medical marijuana business, and an application for co-location of a medical and recreational business within the modified premises on forms approved by the city by March 1, 2014. At a minimum, the application shall include (i) the same owners and financiers of the existing medical marijuana businesses, (ii) the proposed modification of the existing and expanded area of the existing medical marijuana business to depict the two new businesses separated as required by this code, (iii) all components of the application described in Section 6-16-5, "Application, " B.R.C. 1981, determined applicable by the city manager for the recreational marijuana portion of the co-located marijuana business, and (iv) the modification of premises fee, conversion fee, and operating fee specified in Section 6-16-5, "Application, " B.R.C. 1981. The license for the medical marijuana business must be surrendered to the city before the co-located marijuana business license will be issued. The term of the co-located marijuana business license shall be the same as the existing medical marijuana business license. For purposes of separation from other marijuana businesses in Paragraph 6-16-7(e)(3) of this chapter, the co-located medical and recreational marijuana business shall be considered one marijuana business. No co-located medical and recreational marijuana business may be sold separately from the other and must maintain identical ownership at all times.

(i) Virtual Separation of Co-located Marijuana Business. A co-located business may be virtually rather than physically separated if the businesses provide evidence that they have maintained their respective books and records in compliance with section 9 of this chapter for the twelve months preceding the application for virtual co-location. For businesses that have been open for less than twelve months and those who have not complied with Section 9 in the past, the business shall provide evidence satisfactory to the city manager of the manner in which it will comply with Section 9. ~~One-Time Transfer of Vertically Integrated Cultivation Facility and Marijuana-Infused Product Manufacturer Operating Within the City. Any business entity with a license from the city for both a marijuana-infused product manufacturer and a cultivation facility on November 1, 2015, may transfer one of the licenses to a different business entity under the following conditions:~~

~~(1) All of the owners and financiers of the transferee business entity are the same as those of the transferor business entity and there are not any additional owners or financiers; and~~

~~(2) The marijuana licenses for both the marijuana manufacturer and the marijuana cultivation facility are in good standing; and~~

~~(3) Neither the marijuana manufacturer nor the marijuana cultivation facility have previously transferred a city marijuana license under this subsection.~~

~~(j) Until such time as the State of Colorado provides the city with access to criminal history information for the purpose of issuing marijuana business licenses, no conversion under Subsection (f) or co-location under Subsection (g) of this section shall be approved if there is any change in the identity of the individuals required to be listed on the application as reported to the city by October 22, 2013, pursuant to this chapter.~~

Ordinance Nos. 7930 (2013); 7970 (2014); 8020 (2014); 8031 (2015); 8081 (2015)

6-16-4. - General Provisions.

(a) General Licensing Provisions. The general procedures and requirements of licenses, as more fully set forth in Chapter 4-1, "General Licensing Provisions," B.R.C. 1981, shall apply to recreational marijuana business licenses. To the extent there is any conflict between the provisions of this chapter and Chapter 4-1, "General Licensing Provisions," B.R.C. 1981, the provisions of this chapter shall control for recreational marijuana business licenses.

(b) Defense to Criminal Prosecutions. Compliance with the requirements of this chapter shall not provide an exception, immunity, or defense to criminal prosecution under any applicable law, except in the Boulder Municipal Court for a violation of this chapter as specifically provided herein.

(c) Insurance Required. The insurance specified in Section 4-1-8, "Insurance Required," B.R.C. 1981, is required for a license under this chapter.

(d) Costs of Inspection and Clean-Up. In the event the city incurs costs in the inspection, clean-up, surrender of plants, or any other requirements to remove marijuana of any recreational marijuana business, or any person cultivating, producing, distributing, or possessing marijuana, the business and responsible person shall reimburse the city all actual costs incurred by the city for such inspection or clean-up.

(e) Reserved.

(f) Forfeiture of License. In the event that a recreational marijuana business does not commence operations within thirty days of issuance of a license from the city, the license shall be deemed forfeited, and the business may not commence operations.

(g) Landlord Duty. It shall be unlawful for the owner of a building to lease space or allow the use of any portion of the building by a recreational marijuana business unless the tenant has a valid recreational marijuana business license or has applied for and not been denied a recreational marijuana business license or no marijuana is located on the premises until a license has been issued by the city. In the event that the city has an articulable reason to believe that a recreational marijuana business is being operated in a building, it shall be unlawful for the owner of the building to refuse to allow the city access to the portion of the building in which the suspected recreational marijuana business is located to determine whether any marijuana is on the premises.

(h) Requirements for ~~Time Periods for Accepting~~ Applications for Conversion to a Recreational Marijuana Business or Co-Location of Marijuana Businesses.

(1) ~~No applications for conversion of a medical marijuana business to a recreational marijuana business pursuant to Subsection 6-13-3(f) of this chapter shall be accepted before January 2, 2014.~~ As a condition of the city accepting an application for conversion of a medical marijuana business to a recreational marijuana business, the applicant and all licensees shall be the same as those identified for the medical marijuana license and affirm that there will be no changes in licensees for the recreational marijuana business. ~~If a license is issued, and the business makes any changes in licensees prior to such time as the State of Colorado makes criminal history information available for the purpose of processing recreational marijuana business licenses, the license may be revoked.~~

(2) ~~No applications for conversion to a co-located medical and recreational marijuana business pursuant to Subsection 6-13-3(g) of this chapter of a medical marijuana business shall be accepted before January 21, 2014.~~ As a condition of the city accepting an application for conversion to a co-located marijuana business, the applicant and all licensees shall be the same as those identified for the medical marijuana license and affirm that there will be no changes in licensees for the recreational marijuana business. ~~If a license is issued, and the business makes any changes in licensees prior to such time as the State of Colorado makes criminal history information available for the purpose of processing recreational marijuana business licenses, the license may be revoked.~~

(3) ~~No applications for conversion to a co-located medical and recreational marijuana business pursuant to Subsection 6-13-3(h) of this chapter of a medical marijuana business within a footprint that is larger than the existing medical marijuana business shall be accepted before February 3, 2014. As a condition of the city accepting an application for conversion to a co-located marijuana business, the applicant and all licensees shall be the same as those identified for the medical marijuana license and affirm that there will be no changes in licensees for the recreational marijuana business. If a license is issued, and the business makes any changes in licensees prior~~

~~to such time as the State of Colorado makes criminal history information available for the purpose of processing recreational marijuana business licenses, the license may be revoked.~~

~~(4) No applications for a new recreational marijuana business (that is not a conversion from a medical marijuana business pursuant to Subsection 6-16-3(f) of this chapter or a co-located marijuana business pursuant to Subsection 6-16-3(g) of this chapter or a co-located marijuana business pursuant to Subsection 6-16-3(h) of this chapter shall be accepted before June 1, 2014.~~

Ordinance Nos. 7930 (2013); 8081 (2015)

6-16-5. ~~—~~ Application; Modification of Premises.

(a) Application Requirements. An application for a recreational marijuana business license shall be made to the city on forms provided by the city manager for that purpose. The applicant shall use the application to demonstrate its compliance with this chapter and any other applicable law, rule, or regulation. In addition to the information required by Chapter 4-1, "General Licensing Provisions," B.R.C. 1981, the application shall include the following information:

(1) Name and address of the owner or owners of the recreational marijuana business in whose name the license is proposed to be issued.

(A) If an owner is a corporation, the name and address of any officer or director of the corporation and of any person holding issued and outstanding capital stock of the corporation.

(B) If an owner is a partnership, association, or company, the name and address of any person holding an interest therein and the managing members. If a managing member is an entity rather than an individual, the same disclosure shall be required for each entity with an ownership interest until a managing member that is a natural person is identified.

(C) If an owner is not a natural person, the organizational documents for all entities identified in the application, identification of the natural person that is authorized to speak for the entity and contact information for that person.

(2) Name and address of:

(A) Any ~~business manager~~keyholders of the recreational marijuana business, if the ~~business manager~~keyholder is proposed to be someone other than the owner;

(B) All financiers of the recreational marijuana business; and

(C) All agents of the recreational marijuana business who either (I) act with managerial authority, (II) provide advice to the recreational marijuana business for compensation, or (III) receive periodic compensation totaling $1,000 or more in a single year for services related to the recreational marijuana business. It shall be an affirmative defense that the undisclosed person was an attorney, accountant, bookkeeper, mail delivery person, or other contractor performing services for the business that are unrelated to the cultivation, production, or distribution of recreational marijuana.

(3) A statement of whether or not any of the named owners, members, ~~business manager~~keyholders, financiers, or persons named on the application have been:

(A) Denied an application for a marijuana business license pursuant to this chapter, Chapter 6-14, "Medical Marijuana," B.R.C. 1981, or any similar state or local licensing law, rule, or regulation, or had such a license suspended or revoked.

(B) Denied an application for a liquor license pursuant to Title 12, Article 47 or Article 46, C.R.S., or any similar state or local licensing law, or had such a license suspended or revoked.

(C) Violated any law, other than a traffic offense, or completed any portion of a sentence due to a violation of any law.

(D) Convicted of driving or operating other machinery under the influence of alcohol, drugs, or medication, driving while impaired, or driving with excessive alcohol content in violation of § 42-4-1301, C.R.S., or any comparable law, or a misdemeanor related to abuse of alcohol or a controlled substance.

(4) Proof of ownership or legal possession of the restricted area for a recreational marijuana business for the term of the proposed license. If the recreational marijuana business is not the owner of the premises of the business, the applicant shall provide written authorization to the city from the owner to enter the property for inspection of the premises on a form approved by the city.

(5) Proof of insurance as provided in Section 4-1-8, "Insurance Required," B.R.C. 1981.

(6) An operating plan for the proposed recreational marijuana business, including the following information:

(A) A description of the products and services to be provided by the recreational marijuana business.

(B) A dimensioned floor plan, clearly labeled, showing:

(i) The layout of the structure and the floor plan in which the recreational marijuana business is to be located;

(ii) The principal uses of the floor area depicted on the floor plan, including but not limited to the areas where underage persons will be permitted, storage areas, retail areas, and restricted areas where recreational marijuana will be located;

(iii) Areas where any services other than the distribution of recreational marijuana are proposed to occur in the premises; and

(iv) The separation of the areas that are open to persons who are underage from those areas open to persons qualified to use marijuana.

(C) A neighborhood responsibility plan that demonstrates how the business will fulfill its responsibilities to the neighborhood for effective mitigation of community impacts, including neighborhood outreach, methods for future communication, and dispute resolution.

(D) For cultivation facilities and marijuana-infused product manufacturers and marijuana testing facilities, a plan that specifies the methods to be used to prevent the growth of harmful mold and compliance with limitations on discharge into the wastewater system of the city as set forth in Chapter 11-3, "Industrial and Prohibited Discharges," B.R.C. 1981.

(E) For a marijuana-infused product manufacturer or a marijuana testing facility, a plan that specifies all means to be used for extraction, heating, washing, or otherwise changing the form of the marijuana plant, or testing any marijuana, and verification of compliance with all applicable laws for ventilation and safety measures for each process. The city shall require the manufacturer or testing facility to obtain a report from an industrial hygienist to verify that the plan submitted, and the improvements to be constructed, adequately protect the business and adjacent properties and persons, and comply with all applicable laws.

(F) The maximum amount of marijuana or marijuana-infused products that may be on the business premises.

(7) A security plan indicating how the applicant will comply with the requirements of this chapter and any other applicable law, rule, or regulation. The security plan includes specialized details of security arrangements and will be protected from disclosure as provided under the Colorado Open Records Act, § 24-72-203(2)(a)(VIII), C.R.S. If the city finds that such documents are subject to inspection, it will attempt to provide at least twenty-four-hour notice to the applicant prior to such disclosure.

(8) A lighting plan showing the lighting outside of the marijuana business for security purposes and compliance with applicable city requirements.

(9) A zoning confirmation form from the city, to ascertain within a radius of one-quarter mile from the boundaries of the property upon which the recreational marijuana business is located, the proximity of the property to any school or other facility identified in this chapter, or state licensed child care center, to any other marijuana business or to any residential zone district or a mixed-use development containing one or more residences.

(10) Fingerprints and personal histories as may be specified on forms provided by the city manager. This requirement shall apply to all owners, ~~business manager~~keyholders, and financiers employed by or under contract to provide services to the recreational marijuana business, including all individuals who have an interest as described herein of any portion of the recreational marijuana business, directly or as an agent, or a member, partner, or officer of a corporation, partnership, association, or company, and the reports from the Colorado and Federal Bureau of Investigation for each person.

(11) A plan for disposal of any recreational marijuana or marijuana-infused product that is not sold in a manner that protects any portion thereof from being possessed or ingested by any person or animal.

(12) A plan for ventilation of the marijuana business that describes the ventilation systems that will be used to prevent any odor of marijuana off the premises of the business. For cultivation facilities, such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems operate with the systems preventing any odor leaving the premises. For marijuana-infused product manufacturers and marijuana testing facilities, such plan shall also include all ventilation systems used to mitigate noxious gases or other fumes used or created as part of the production process.

(13) A description of all toxic, flammable, or other materials regulated by a federal, state, or local government that would have authority over the business if it was not a marijuana business, that will be used, kept, or created at the marijuana business, the location of such materials and how such materials will be stored.

(14) A description of the processes used to extract or distill marijuana from its source and the process used to incorporate marijuana into all products produced, including verifying compliance of all processes regulated by a federal, state, or local government that would have authority over the business if it was not a marijuana business.

(15) A statement of the amount of the projected daily average and peak electric load anticipated to be used by the business and certification from the landlord and utility provider that the premises are equipped to provide the required electric load, or necessary upgrades will be performed prior to final inspection of the premises.

(16) ~~For applications for a marijuana-infused product manufacturer, the location of the cultivation facilities which will supply the marijuana for processing in the city owned by the licensee.~~ Modifications to Approved Recreational Marijuana Business License. Prior to making a modification of a marijuana business that would require a building permit or change items required by subsections (6), (7) or (12) of this subsection (a), the licensees shall submit to the city and have approved a complete application for modification of premises in the form provided by the city.

(b) Evidence of Rehabilitation May Be Submitted. In the event the history of an owner, member, ~~business manager~~keyholder, financier, or other person named on the application contains information regarding violations of any law, or previous denial or revocation of a license, that person may include with the license application any information regarding such violation, denial, or revocation. Such information may include, but is not limited to, evidence of rehabilitation, character references, and educational achievements, and other regulatory licenses held without compliance violations, especially those items

pertaining to the period of time between the applicant's last violation of any law and the date of the application.

(c) Fee Required. Any application for a license for a marijuana business under this chapter shall be accompanied by the operating fee, criminal background fee, annual license fee, and any other applicable fees, as required by Section 4-20-67, "Recreational Marijuana Businesses," B.R.C. 1981. Unless the State of Colorado has forwarded the application fee pursuant to Colorado Constitution Art. XVIII, § 16(5)(g)(II) to the city, the applicant shall submit the application fee set forth in Section 4-20-67, "Recreational Marijuana Businesses," B.R.C., 1981 to the city with the application.

(d) Inspection. An inspection of the proposed recreational marijuana business by the city shall be required prior to issuance of a license. Such inspection shall occur after the premises are ready for operation, but prior to the stocking of the business with any recreational marijuana, and prior to the opening of the business to the public. The inspection is to verify that the business facilities are constructed and can be operated in accordance with the application submitted and the applicable requirements of this code and any other applicable law, rule, or regulation.

(e) Complete Application. For purposes of this chapter, an application shall not be considered complete until the city manager has (i) determined that all requirements of the application have been provided to the city, (ii) received the reports from the fingerprint cards of each person required to submit such cards from the Colorado and Federal Bureau of Investigation, (iii) received the local share of $2,500 for the application fee from the State of Colorado, and (iv) obtained all other information the manager determines necessary to make a decision whether to approve or deny the license application, or approve it with conditions.

(f) Approval Requirements. The city manager may issue a recreational marijuana business license if the inspection, background checks, and all other information available to the city verify that the applicant has submitted a full and complete application, has made improvements to the business location consistent with the application, is prepared to operate the business with other owners and managers as set forth in the application, and has submitted the annual operating fee, all in compliance with this code and any other applicable law, rule, or regulation. The manager will deny any application that does not meet the requirements of this chapter or any other applicable law, rule, or regulation or that contains any false or incomplete information. The conditions of an approval of a recreational marijuana business license shall include, at a minimum, operation of the business in compliance with all of the plans and information made part of the application.

Ordinance No. 7930 (2013)

6-16-6. - Persons Prohibited as Licensees and ~~Business Manager~~Keyholders.

(a) It shall be unlawful for any of the following persons to have an ownership or a financial interest in a recreational marijuana business, and no license provided by this chapter shall be issued to or held by, and no recreational marijuana business shall be managed by:

(1) Any person until the annual fee for the license has been paid;

(2) Any person not of good moral character;

(3) Any corporation, any of whose officers, directors, or stockholders are not of good moral character;

(4) Any partnership, association, or company, any of whose officers or members holding an interest therein, or a managing member, is not of good moral character;

(5) Any person employing, assisted by, or financed in whole or in part by any other person who is not of good moral character;

(6) Any person, unless such person's character, record, and reputation are satisfactory to the city manager;

(7) Any natural person who is under twenty-one years of age;

(8) Any person who operates or manages a recreational marijuana business contrary to the provisions of this chapter, any other applicable law, rule, or regulation, or conditions imposed on land use or license approvals, or contrary to the terms of the plans submitted with the license application, as such plans may be amended as provided in this chapter, or has operated a business in violation of any law;

(9) Any person applying for a license to operate a recreational marijuana center who has been licensed to operate another recreational marijuana center in the city pursuant to this chapter;

(10) Any person applying for a license to operate a marijuana-infused product manufacturer facility who has been licensed to operate another marijuana-infused product manufacturer facility in the city pursuant to this chapter;

(11) A person licensed pursuant to this chapter who, during a period of licensure, or who, at the time of application, has failed to remedy an outstanding delinquency for taxes owed, or an outstanding delinquency for judgments owed to a government;

(12) A sheriff, deputy, police officer, or prosecuting officer, or an officer or employee of the state licensing authority or a local licensing authority;

(13) A person whose authority to be a primary caregiver as defined in § 25-1.5-106(2), C.R.S. has been revoked by the state health agency; or

(14) A person that is a licensee for the application location that is currently licensed as a retail food establishment or a wholesale food registrant.

(15) Any person applying for a license to operate a marijuana center who has been licensed to operate three other marijuana centers in the city pursuant to either this chapter or chapter 6-14. For purposes of this subparagraph only, one co-located medical and recreational marijuana center is considered one marijuana-center.

(b) In making the evaluation of the good moral character of an individual identified on an application or amendment thereof, the city manager shall consider the following:

(1) An applicant's violation of a law shall not, by itself, be grounds for denying an application;

(2) Verification of, or lack of ability to verify, items disclosed by the individual;

(3) When an individual has a history of violation of any law, or a history including denial, revocation, or suspension of a license, the types and dates of violations; the evidence of rehabilitation, if any, submitted by the individual; whether the violations of any laws are related to moral turpitude, substance abuse, or other violations of any laws that may directly affect the individual's ability to operate a recreational marijuana business; or whether the violations of any law are unrelated to the individual's ability to operate such a business;

(4) The evidence or lack of evidence regarding the ability of the individual to refrain from being under the influence of intoxicating or controlled substances while performing regular tasks and operating a recreational marijuana business;

(5) Rules adopted by the manager to implement this chapter;

(6) Law, rules, and regulations applicable to evaluation of other types of licenses issued by governments that consider the good moral character of the applicants; and

(7) Any additional information the manager may request of the individual if the individual has a violation of any laws, evidence of substance abuse issue, or items disclosed by the individual which require additional information in order for the manager to make a determination regarding issuance of the license.

Ordinance No. 7930 (2013)

6-16-7. - Locations of Recreational Marijuana Businesses.

(a) Fixed Location Required. It shall be unlawful to operate a recreational marijuana business or to grow recreational marijuana outside of a locked enclosed space within a building. All recreational marijuana business licenses shall be issued for a specific fixed location within an enclosed building. The portion of such premises upon which the floor plan shows recreational marijuana may be produced, dispensed, or possessed shall be considered the "restricted area" portion of the business premises.

(b) Location - Permitted Use in Zoning District. A recreational marijuana business license may be issued only if the business qualifies as a use permitted as a matter of right in the zone district where it is proposed to be located, as follows:

(1) as "personal service" for a recreational marijuana center;

(2) as "greenhouse/nursery" for a recreational marijuana cultivation facility; or

(3) as "manufacturing ≤ 15,000 square feet" for a recreational marijuana cultivation facility, for a marijuana-infused product manufacturer, or for a marijuana testing facility.

(c) No Recreational Marijuana Business in Building With Residences or Residential Zone Districts. It shall be unlawful to operate a recreational marijuana business in a building which contains a residence, or within a dwelling unit within any zone district, or within a residential zone district, or within a mixed-use development that includes a residence.

(d) No Retail Sales in Cultivation Facilities or Manufacturing. It shall be unlawful for any person to permit retail sales within a recreational marijuana business that is not a licensed recreational marijuana center.

(e) Separation From Schools and Other Facilities.

(1) No recreational marijuana center ~~business~~ license shall be issued for a recreational marijuana center at a location within one thousand feet of any public or private elementary, vocational, or secondary school, or a college, university, or a state licensed day care center, or an addiction recovery facility. Distances shall be measured by the city on official maps as the radius from the closest points on the perimeter of the applicant's property to the closest point of the property of the school or named facility.

(2) ~~No license for a recreational marijuana cultivation facility, a marijuana-infused product manufacturer, or a marijuana testing facility shall be issued for a location within five hundred feet of the real property comprising an elementary, vocational, or secondary school, or a public or private college, junior college, or university, or a state licensed day care, or an addiction recovery facility. This restriction shall not apply to a medical marijuana cultivation facility that had submitted an application or held a license by the city on October 22, 2013.~~

(3) No recreational marijuana business license shall be issued for a recreational marijuana business at a location within five hundred feet of three other marijuana businesses.

(4) No recreational marijuana business license shall be issued for a recreational marijuana center at a location on the street level of the mall or the University Hill commercial area.

(5) Distances shall be measured by the city on official maps as the radius from the closest points on the perimeter of the applicant's property to the closest point of the property of any other recreational marijuana business.

(6) To determine the proximity to other recreational marijuana businesses and the priority of applications, businesses shall have priority in the following order:

(A) Licensed medical marijuana businesses;

(B) Marijuana establishment;

(C) Businesses for either medical or recreational business whose applications have been approved but licenses not yet issued;

(D) Applications for medical or recreational marijuana business licenses that have been submitted by the applicant and declared complete by the city; and

(E) No other applications shall be considered "businesses" for this determination.

(7) Businesses that convert all or part of a medical marijuana business pursuant to Subsection 6-16-3(f) of this code are not subject to Paragraphs (1), (2), and (3) of this subsection. This exception is not transferrable.

(8) For purposes of this paragraph, school, college, or university shall include properties owned by such entities only if they are used to provide services, teaching facilities, or living facilities to students. No distance is required between a marijuana business and properties owned by a school, college, or university that are not used to provide teaching facilities, living facilities, or services to students.

(f) Limitations on Dual Licenses. A recreational marijuana business license may not be issued for any location which also is a part of the restricted area of a business holding a beverages license pursuant to Section 4-2-3, "Authority to Issue City Licenses," B.R.C. 1981, or a marijuana business license under this chapter or Chapter 6-14, "Medical Marijuana," B.R.C. 1981.

(g) Limitations on Recreational Marijuana Centers and Co-Located Marijuana Center. The following shall be the minimum requirements for a recreational marijuana center and a co-located marijuana center:

(1) The area of the business is less than or equal to three thousand square feet, and the restricted area components of the required security and all paper and electronic records are one thousand square feet or less;

(2) ~~The business does not sell or distribute anything other than marijuana and marijuana products or marijuana accessories except as permitted by Section 6-16-8(p)(1)(~~ and

(3) There is a separate reception area for verification of age.

(h) Limitations on Recreational Marijuana-Infused Product Manufacturers and Marijuana Testing Facilities. The area of the premises may not be more than fifteen thousand square feet.

(i) Limitation on Cultivation Facility Licenses. No licensee shall hold licenses for more than five marijuana cultivation facilities. This limitation limits the total number of cultivation facility licenses, including both licenses for medical and recreational marijuana cultivation facilities. The area of the premises of a cultivation facility may not be more than fifteen thousand square feet.

Ordinance Nos. 7930 (2013); 7970 (2014); 8081 (2015)

6-16-8. - Requirements Related to Operation of Recreational Marijuana Businesses.

(a) Onsite Use Prohibited. No marijuana shall be smoked, eaten, or otherwise consumed or ingested within the recreational marijuana business.

(b) Restriction on Access to Business.

(1) No person under twenty-one years of age shall be in the business premises. No person shall be allowed entry into the business premises area without showing a valid picture identification. Recreational marijuana centers ~~The business~~ shall have an electronic scanner able to verify the legitimacy of the identification and maintain records for enforcement, as approved by the city manager. If a person does not have a valid picture identification ~~that the electronic scanner recognizes as legitimate as verification~~ that the person is at least twenty-one years of age, the owner or ~~business manager~~keyholder on the premises shall require that the person leave the business and any surrounding area possessed or controlled by the business. In the event the person has a valid

government-issued proof of age that cannot be scanned, such as a passport or military ID, the business shall be allowed access so long as the ID reasonably appears to be accurate and valid.

(2) No person, other than an employee or contractor of the business or a visitor shall be permitted in the restricted area of the business. For purposes of this subsection, a visitor means a person that is accessing the restricted area for educational purposes~~.~~. No access to the restricted area may be permitted by tourists or for compensation. The business must require that all visitors comply with all requirements for access to limited access areas as required by the Colorado Marijuana Enforcement Division. The log required shall be maintained on the business premises and available for inspection upon request by the city.

(c) Display of Licenses Required. The name and contact information for the owner or owners and any ~~business manager~~keyholder of the recreational marijuana business, the recreational marijuana business license, and the sales tax business license shall be conspicuously posted in the business.

(d) Business Conducted Within Building. Any and all cultivation, production, distribution, possession, storage, display, sales, or other distribution of marijuana shall occur only within the restricted area of a recreational marijuana business and shall not be visible from the exterior of the business.

(e) Owner or ~~Business Manager~~Keyholder Required on Premises. No recreational marijuana business shall be managed by any person other than the licensee or the ~~business manager~~keyholder listed on the application for the license or a renewal thereof. Such licensee or ~~business manager~~keyholder shall be on the premises and responsible for all activities within the licensed business during all times when the business is open or in the possession of another person. In the event the licensee intends to employ a ~~business manager~~keyholder that was not identified on the license or renewal application, the licensee shall report the name of such ~~business manager~~keyholder to the city, and such ~~business manager~~keyholder shall submit to the city, at least thirty days prior to commencing serving as the ~~business manager~~keyholder, an application containing all of the information required by this chapter and on the license application. Such licensee shall report to the city any change in ~~business manager~~keyholders at least thirty days prior to employing an additional ~~business manager~~keyholder, and no more than five days after a ~~business manager~~keyholder is released from such position. In the event the licensee submits a completed application for the new keyholder with a copy of a valid Occupation Key B~~b~~adge issued by the state Marijuana Enforcement Division, the applicant may work as a keyholder for the licensee upon submission of the application up until final city determination is made on such application.

(f) Hours of Operation. A recreational marijuana center shall be closed to the public, and no sale or other distribution of marijuana shall occur upon the premises or via delivery from the premises, between the hours of 10~~7~~ p.m. and 8 a.m. Provided however, in the event that a planned delivery of marijuana cannot be completed on the day scheduled, the marijuana may be returned to the center.

(g) Use of Pesticides. No pesticides or insecticides which are prohibited by applicable law for fertilization or production of edible produce shall be used on any marijuana cultivated, produced, or distributed by a recreational marijuana business. A recreational marijuana business shall comply with all applicable law regarding use of pesticides, including, without limitation, Chapter 6-10, "Pesticide Use," B.R.C. 1981.

(h) Ventilation Required. A recreational marijuana business shall be ventilated so that the odor of marijuana cannot be detected by a person with a normal sense of smell at the exterior of the recreational marijuana business or at any adjoining use or property.

(i) Renewable Energy Usage Required. A marijuana business shall directly offset one hundred percent of its electricity consumption through the purchase of renewable energy or carbon offsets, a verified subscription in a Community Solar Garden, or renewable energy generated onsite, or an equivalent that is subject to approval by the city. For a recreational marijuana center that has converted pursuant to Subsection 6-16-3(f) or co-located pursuant to Subsection 6-16-3(g), or a marijuana-infused product manufacturer licensed by the city on October 22, 2013, this requirement shall apply at the time of renewal of the marijuana business license following October 22, 2013.

(j) Limitations on Inventory. The recreational marijuana business shall not maintain any more marijuana within the premises than the amount stated on the business' license application to the State of Colorado and city. No plants shall be located in a recreational marijuana center or a marijuana-infused product manufacturer or a marijuana testing facility. In addition, the establishment shall not maintain any more marijuana within the restricted area than:

(1) Cultivation facility: one thousand plants, provided, however, a cultivation facility may have more than one thousand plants, not including immature plants, if the licensee provides an additional enforcement fee in an amount of $1 per plant over one thousand plants. Such fee shall be payable annually at the time of licensing and renewal; or

(2) MIP: six hundred pounds of marijuana that has not been incorporated into a product and one hundred fifty pounds of marijuana-infused product~~s~~; or

(3) Testing facility: one hundred pounds of raw marijuana and one hundred pounds of marijuana-infused product.

(k) Reporting Requirements. A recreational marijuana business shall report to the recreational marijuana licensing authority each of the following within the time specified. If no time is specified, the report shall be provided within seventy-two hours of the event.

(1) Transfer or change of financial interest, ~~business manager~~keyholder, or financier in the license to the city at least thirty days before the transfer or change;

(2) Sales and taxable transactions and file sales and use tax reports to the city monthly;

(3) A violation of any law by any licensee or applicant of a recreational marijuana business;

(4) A notice of potential violation of any law related to the licensee;

(5) Any report that the recreational marijuana business is required to provide to the State of Colorado; or

(6) Reports of all criminal activities or attempts of violation of any law at the recreational marijuana business or related thereto shall be reported to the Boulder Police Department within twelve hours of occurrence.

(l) No Sales Except Directly to User; No Deliveries. Except for sales to another licensed marijuana business, a~~A~~ll sales of recreational marijuana shall be made in person in the restricted area of a recreational marijuana center. All marijuana sales shall be in person, directly to the purchaser. No marijuana sales shall be made via telephone, internet, or other means of remote purchase. Deliveries of marijuana shall occur only in person to the purchaser at the time of purchase in the restricted area of a recreational marijuana center.

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

(1) All marijuana-infused products are hand-packaged, sealed, and labeled as provided in this chapter and the products stored in closed containers that are labeled as provided in this section;

(2) All recreational marijuana in a usable form is packaged and stored in closed containers that are labeled as provided in this section;

(3) Each container used to transport recreational marijuana is labeled with the amount of recreational marijuana or marijuana-infused products, or the number and size of the plants, in the container. The label shall include the name and address of the recreational marijuana business that the recreational marijuana is being transported from, and the name and address of the recreational marijuana business that the recreational marijuana is being transported to. The label shall be shown to any law enforcement officer who requests to see the label;

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

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

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

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

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

(5) The recreational marijuana must be accompanied by the manifest ~~and confirmation email from the State of Colorado~~ in accordance with state requirements for transportation of recreational marijuana;

(6) The recreational marijuana must be accompanied by the email receipt confirmation from the Boulder Police Department in accordance with the rules therefor established by the police department;

(7) When determining and reporting the route for delivery, licensees should select the most direct route that provides efficiency and safety; and

(8) Transport may occur only during the hours allowed for operation of the center.

(n) Disposal of Recreational Marijuana and Marijuana Byproducts. All recreational marijuana and any product containing a usable form of marijuana must be made unusable and unrecognizable prior to removal from the business in compliance with all applicable laws. This provision shall not apply to licensed law enforcement, including, without limitation, the Boulder Police Department and the Boulder Fire Department.

(o) Possession of Mature Flowering Plants. No more than one-half of the recreational marijuana plants within a recreational marijuana business may be mature, flowering plants.

(p) Advertisement. A recreational marijuana business may not advertise in a manner that is misleading, deceptive, false, or designed to appeal to minors. The following conditions shall apply:

(1) Except as otherwise provided in this paragraph, it shall be unlawful for any person licensed under this chapter or any other person to advertise any recreational marijuana or recreational marijuana-infused product anywhere in the city where the advertisement is in plain view of, or in, a place open to the general public, including advertising utilizing any of the following media: any billboard or other outdoor general advertising device as defined by the zoning code; any sign mounted on a vehicle; any handheld or other portable sign; or any handbill, leaflet, or flier directly handed to any person in a public place, left upon a motor vehicle, or posted upon any public or private property. The prohibition set forth in this paragraph shall not apply to:

(A) Any sign located on the same zone lot as a recreational marijuana center which exists solely for the purpose of identifying the location of the recreational marijuana center and which otherwise complies with this code and any other applicable city laws and regulations, which sign includes only the name and address of the center;

(B) Any advertisement contained within a newspaper, magazine, or other periodical of general circulation within the city or on the internet, which may include coupons;

(C) Any products marked with the name or logo of ~~the licensed recreational marijuana center~~marijuana business, including wearable or non-consumable merchandise, packaging in which marijuana is sold, or on recreational marijuana accessories sold; or

(D) Advertising which is purely incidental to sponsorship of a charitable event by a recreational marijuana ~~center or a recreational marijuana-infused products manufacturer or a marijuana testing facility.~~ Business.

(E) A booth at a job fair or educational seminar where the only items distributed are company-related or educational materials~~-~~, and no other items are distributed shown or sold.

(F) A booth at an adult event where the only items distributed are educational materials no other items are distributed, shown or sold.

(2) It is an affirmative defense if a recreational marijuana business employee provided another individual, upon request, a business card for the purpose of providing that person's name and business affiliation, including, without restriction, title, mailing address, email address, and telephone number;

(3) No marijuana business shall distribute or allow the distribution of any marijuana or products marked with its name or logo without charge within a marijuana business or any place open to the public for the purpose of promotion or advertising except as permitted in subsection (1)(E) and (F) of this section (p);

(4) No marijuana business shall distribute or allow the distribution of any coupon or similar writing, electronically or on paper, which purports to allow the bearer to exchange the same for any marijuana product either free or at a discount except as permitted in subsection (1)(B) of this section (p)~~; and~~

(5) No recreational marijuana business shall sell, distribute, or provide, or allow the sale, distribution, or provision of, products marked with its name or logo, in child sizes, designed for the use of minors, or which is misleading, deceptive, false, or appealing to minors.

(q) The owner or a ~~business manager~~keyholder of a recreational marijuana business is required to respond by phone or email within twenty-four hours of contact by a city official concerning its recreational marijuana business at the phone number or email address provided to the city as the contact for the business. Each twenty-four-hour period during which an owner or manager does not respond to the city official shall be considered a separate violation.

(r) Separation of Marijuana Businesses. A cultivation facility and manufacturer are separate marijuana businesses requiring separate licenses and separate premises. A medical marijuana center or cultivation facility and a recreational marijuana center or cultivation facility are separate marijuana businesses requiring separate licenses and separate premises. In addition to all other application requirements for separate premises, each business shall:

(1) Have separate operations, ventilation, security, and fire suppression systems, and separate access from a public area;

(2) Be divided within a building from floor to roof. Unless higher performance is required by applicable law, there must be a minimum of a one-hour fire separation between a recreational marijuana business and any adjacent business; and

(3) Obtain delivery documents and manifests for movement of any marijuana between the cultivation facility and the manufacturer.

(s) Additional Requirements for Testing or Production of Recreational Marijuana.

(1) No recreational marijuana business may use metals, butane, propane, or other solvent or flammable product, or produce flammable vapors, to process or test marijuana unless the process used and the premises are verified as safe and in compliance with all applicable codes by a qualified industrial hygienist; and

(2) The city shall require the business to obtain verification from a qualified industrial hygienist that the manner in which the business producing or testing marijuana complies with all applicable laws

and does not produce noxious or dangerous gases or odors or otherwise create a danger to any person or entity in or near the businesses.

(t) Packaging at a Recreational Marijuana Center. Provided that recreational marijuana has been delivered to a recreational marijuana center from a cultivation facility packaged and labeled as provided in this chapter, employees at a recreational marijuana center may package and label any marijuana that results from the sale of recreational marijuana in amounts less than as packaged for delivery to the center.

(u) Packaging of Marijuana-Infused Product. Unless the actual amount of marijuana in a marijuana-infused product is contained on the label of the packaged product, any product over one ounce shall be presumed to have more than one ounce of marijuana in the product.

(v) Scanner for Proof of Age. The recreational marijuana center~~business~~ shall verify the proof of age of every person entering the business with an electronic ID scanner. An "electronic ID scanner" is a device that is capable of quickly and reliably confirming the validity of an identification using computer processes that contains all of the components approved by the city manager. For legitimate identifications that cannot be scanned, including passports, military IDs and other lawful government issued identification, use of the electronic ID scanner is not required, but the business shall be responsible for verifying that the identification provided is reliable verification of the age of the person.

(w) Organization of Cultivation Facilities. All cultivation facilities shall be organized in orderly rows with aisles at least three feet wide, and no more than eight feet between an aisle and the next aisle or the aisle and a wall, and clear access to all exits, unless the city manager determines that the business has provided a dimensioned floor plan that provides equivalent access and separation between plants and to exits.

(x) Confiscation of Fraudulent IDs. If a licensee or an employee of a marijuana business has reasonable cause to believe that ~~-~~person is under twenty-one~~0ine~~ years of age and is exhibiting fraudulent proof of age in an attempt to enter a marijuana business or to obtain any marijuana or marijuana product, the licensee or employee shall be authorized to confiscate such fraudulent proof of age. Within 72 hours, any fraudulent proof of age confiscated shall be turned over to ~~-~~the Boulder Police Department

(y) Virtually-separated centers or cultivation facilities. A virtually-separated marijuana business shall maintain separate marijuana business licenses, with separate books, records and inventories of all transactions. For purposes of sales, use and excise tax, all transactions shall be considered recreational marijuana unless the business can prove that the transaction was for medical marijuana. A virtually-separated marijuana business may not allow entrance to anyone under 21 years of age on the premises of the business. The floor plan for a virtually separated center shall depict the separate sales counters, display and storage areas for recreational and medical marijuana, A violation of any of the requirements of this code for a virtually separated business is a public safety violation.

(z) Sale of Immature Plants. A medical marijuana center may not sell immature plants, unless (a) no more than six (6) immature plants are sold to any one customer, (b) the patient pre-orders the immature plants, and. (c) the immature plants are not transferred from the medical marijuana cultivation facility to the center until the day the patient is to pick up the immature plants and no immature plants are maintained at the center overnight. The business may require a deposit with any pre-orders.

Ordinance Nos. 7930 (2013); 7970 (2014); 8020 (2014); 8081 (2015)

6-16-9. - Right of Entry - Records to Be Maintained.

(a) Records to Be Maintained. Each licensee shall keep a complete set of books of account, invoices, copies of orders and sales, shipping instructions, bills of lading, weigh bills, correspondence, bank statements, including cancelled checks and deposit slips, and all other records necessary to show fully the business transactions of such licensee. Receipts shall be maintained in a computer program or by pre-numbered receipts and used for each sale. The records of the business shall clearly track

recreational marijuana product inventory purchased and sales and disposal thereof to clearly track revenue from sales of any recreational marijuana from other paraphernalia or services offered by the recreational marijuana business. The licensee shall also maintain inventory records evidencing that no more recreational marijuana was within the recreational marijuana business than allowed by applicable law. All such records shall be open at all times during business hours for the inspection and examination of the city or its duly authorized representatives. The city may require any licensee to furnish such information as it considers necessary for the proper administration of this chapter. The records shall clearly show the source, amount, price, and dates of all marijuana received or purchased, and the amount, price, and dates for all recreational marijuana sold.

(b) ~~Separate Bank Accounts. The revenues and expenses of the recreational marijuana business shall not be commingled in a checking account or any other bank account with any other business or individual person's deposits or disbursements.~~

~~(c)~~ Disclosure of Records. By applying for a recreational marijuana business license, the licensee is providing consent to disclose the information required by this chapter. Any document that the applicant considers eligible for protection under the Colorado Open Records Act shall be clearly marked as confidential, and the reasons for such confidentiality shall be stated on the document. In the event that the licensee does appropriately submit documents so as not to be disclosed under the Colorado Open Records Act, the city shall not disclose it to other parties who are not agents of the city, except law enforcement agencies. If the city finds that such documents are subject to inspection as public records of the city, it will attempt to provide at least twenty-four-hour notice to the applicant prior to such disclosure.

(c~~d~~) Audits. The city may require an audit to be made of the books of account and records of a recreational marijuana business on such occasions as it may consider necessary. Such audit may be made by an auditor to be selected by the city that shall likewise have access to all books and records of the recreational marijuana business. The expense of any audit determined necessary by the city shall be paid by the recreational marijuana business.

(d~~e~~) Consent to Inspection. Application for a recreational marijuana business license or operation of a recreational marijuana business, or leasing property to a recreational marijuana business, constitutes consent by the applicant, and all owners, managers, and employees of the business, and the owner of the property, to permit the city manager to conduct routine inspections of the recreational marijuana business to ensure compliance with this chapter or any other applicable law, rule, or regulation. The owner or ~~business manager~~keyholder on duty shall retrieve and provide the records of the business pertaining to the inspection, including the security tapes from the cameras required by the security plan. For purposes of Rule 241 of the Colorado Rules of Municipal Procedure and Subsection 2-6-3(e) of this code, inspections of recreational marijuana businesses and recordings from security cameras in such businesses are part of the routine policy of inspection and enforcement of this chapter for the purpose of protecting the public safety, individuals operating and using the services of the recreational marijuana business, and the adjoining properties and neighborhood, as provided in Section 6-14-1, "Legislative Intent and Purpose," B.R.C. 1981. Application for a recreational marijuana business license constitutes consent to inspection of the business as a public premise without a search warrant, and consent to seizure of any surveillance records, camera recordings, reports, or other materials required as a condition of a recreational marijuana license without a search warrant.

(e~~f~~) Reporting of Source, Quantity, and Sales. The records to be maintained by each recreational marijuana business shall include the source and quantity of any marijuana distributed, produced, or possessed within the premises. Such reports shall include, without limitation, for both acquisitions from wholesalers and retail sales transactions, the following:

(1) Date, weight, type of marijuana, and dollar amount or other consideration of transaction;

(2) For wholesale transactions, the State of Colorado, and city, if any, sales and use tax license number of the seller; and

(3) The amount of marijuana within the restricted area.

(f~~g~~) Reporting of Energy Use and Carbon Offset Purchases. The records to be maintained and submitted to the city on a quarterly basis, by each recreational marijuana business shall include, without limitation, records showing on a monthly basis the use and source of energy and the number of certified Renewable Energy Credits (RECs) purchased, or the subscription level for another renewable energy acquisition program approved by the city manager. A statement of the projected daily average peak electric load anticipated to be used by the business and certification from the building owner or landlord and utility provider that the premises are equipped to provide the required electric load, or necessary upgrades will be performed. Such records shall include all statements, reports, or receipts to verify the items included in the report of the business. By application for a recreational marijuana business license from the city, the recreational marijuana business grants permission to providers of the energy or point of origin of the RECs or other renewable energy acquisition program to disclose the records of the business to the city. For recreational marijuana businesses that cultivate recreational marijuana the report shall include the number of certified RECs purchased, or the subscription level for another renewable energy acquisition program approved by the manager.

Ordinance No. 7930 (2013); 8081 (2015)

6-16-10. - Requirements Related to Monitoring and Security of Restricted Areas and Inventory.

All components of the security plan submitted with the application, as it may be amended, shall be in good working order, monitored, and secured twenty-four hours per day. Except for a co-located marijuana business that is virtually separated, a~~A~~ separate security system is required for each business. The security plan must include, at a minimum, the following security measures:

(a) Cameras. The recreational marijuana business shall install and use security cameras to monitor and record all areas of the premises (except in restrooms), and where persons may gain or attempt to gain access to marijuana or cash maintained by the recreational marijuana business. Cameras shall record operations of the business to the offsite location, as well as all potential areas of ingress or egress to the business with sufficient detail to identify facial features and clothing. Recordings from security cameras shall be maintained for a minimum of forty days in a secure offsite location in the city or through a service over a network that provides on-demand access, commonly referred to as a "cloud." The offsite location shall be included in the security plan submitted to the city and provided to the Boulder Police Department upon request, and updated within seventy-two hours of any change of such location.

(b) Use of Safe for Storage. The recreational marijuana business shall install and use a safe for storage of any processed marijuana and cash on the premises when the business is closed to the public. The safe shall be incorporated into the building structure or securely attached thereto. For marijuana-infused products or marijuana being tested in a testing facility that must be kept refrigerated or frozen, the business may lock the refrigerated container or freezer in a manner authorized by the city in place of use of a safe, so long as the container is affixed to the building structure.

(c) Alarm System. The recreational marijuana business shall install and use an alarm system that is monitored by a company that is staffed twenty-four hours a day, seven days a week. The security plan submitted to the city shall identify the company monitoring the alarm, including contact information, and be updated within seventy-two hours of any change of monitoring company.

Ordinance No. 7930 (2013)

6-16-11. - Requirements for Public Health and Labeling.

(a) Recreational Marijuana-Infused Products. The production of any marijuana-infused product shall be at a marijuana-infused product manufacturer that meets all requirements of a retail food establishment as set forth in § 25-4-1601, et seq., C.R.S., the Food Protection Act. The production of any product

containing marijuana shall comply with all health and safety standards thereof. The licensee shall comply with all applicable state and local health regulations related to the production, preparation, labeling, and sale of prepared food items as if the recreational marijuana-infused products were food items.

(b) Labeling and Packaging Requirements. All recreational marijuana sold or otherwise distributed by the licensee shall be packaged and labeled in a manner that ~~advises the purchaser that it contains marijuana and specifies the amount of marijuana in the product, and that the marijuana is intended for use solely by a person lawfully possessing recreational marijuana. The label shall be~~ is in compliance with all applicable requirements of the State of Colorado and any other applicable law.

(c) The product shall be packaged in a sealed container that cannot be opened without obvious damage to the packaging.

Ordinance No. 7930 (2013)

6-16-12. - Compliance With Other Applicable Law.

(a) Application of State Law. Except as may be provided otherwise in this chapter, or rules adopted pursuant to this chapter or interpretations by the city, any law or regulation adopted by the state governing the cultivation, production, possession, or distribution of marijuana for recreational use shall also apply to recreational marijuana businesses in the city. Provided, however, that, if a state law or regulation permits what this chapter prohibits, this chapter shall prevail. Compliance with any applicable state law or regulation that does not permit what this chapter prohibits shall be deemed an additional requirement for issuance or denial of any license under this chapter, and noncompliance with any applicable state law or regulation is unlawful and shall be grounds for revocation or suspension of any license issued under this chapter. No recreational marijuana business shall continue operations in violation of an additional state law or regulation, which does not permit what this chapter prohibits, applicable within the city after the effective date of the state law or regulation.

(b) Revocation of License Upon Denial or Revocation of State License or Applicable Federal Prohibition. If the state prohibits the cultivation, production, possession, or other distribution of marijuana through recreational marijuana businesses, or if a recreational marijuana business is denied a recreational marijuana business license or has such license revoked pursuant to § 12-43.3-101, et seq., C.R.S., or if a court of competent jurisdiction determines that the federal government's prohibition of the cultivation, production, possession, or other distribution of marijuana through recreational marijuana businesses supersedes state law, any license issued pursuant to this chapter shall be deemed to be immediately revoked by operation of law, with no ground for appeal or other redress on behalf of the licensee.

(c) Revocable Privilege. A recreational marijuana business license is a revocable privilege, and no applicant therefor or holder thereof shall be deemed to have acquired any property interest therein.

Ordinance No. 7930 (2013)

6-16-13. - Prohibited Acts.

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

(1) Cultivate, distribute, produce, smoke, use, or ingest marijuana openly or publicly in a place open to the general public;

(2) Smoke, use, or ingest on the premises of the recreational marijuana business (1) marijuana, (2) fermented malt beverage, (3) malt, vinous, and spirituous liquor, or (4) a controlled substance, except in compliance with the directions on a legal prescription for the person from a doctor with prescription writing privileges;

(3) Operate or be in physical control of any recreational marijuana business, liquor establishment, vehicle, aircraft, or motorboat while under the influence of alcohol or marijuana or other intoxicant;

(4) Possess more than six marijuana plants without a recreational marijuana business license for a cultivation facility;

(5) Possess more than one ounce of a usable form of marijuana without a recreational marijuana business license for a center or a marijuana-infused product manufacturer;

(6) Obtain marijuana for remuneration from a person who is not licensed as a recreational marijuana business;

(7) Possess or operate a recreational marijuana business in violation of this chapter;

(8) Produce, distribute, or possess more marijuana than allowed in this chapter, or than disclosed in the application to the State of Colorado for a recreational marijuana business license, or other applicable law;

(9) Distribute marijuana for remuneration without a recreational marijuana business license or outside of the restricted area of the recreational marijuana business;

(10) Possess recreational marijuana, or own or manage a recreational marijuana business, or own or manage a building with a recreational marijuana business, where there is possession of recreational marijuana, by a person who is not lawfully permitted to possess recreational marijuana;

(11) Possess or operate a recreational marijuana business in a location or in a manner for which a recreational marijuana business license is prohibited by the terms of this chapter;

(12) Operate a recreational marijuana business without a recreational marijuana business license from the city;

(13) Operate a recreational marijuana business in a manner that is not consistent with the items disclosed in the application for the recreational marijuana business, or is in violation of any plan made part of the license application;

(14) Operate a recreational marijuana business without disclosing, in the application for a recreational marijuana business license or an amendment thereto, an agent who either (1) acts with managerial authority, (2) provides advice to the recreational marijuana business for compensation, or (3) receives periodic compensation totaling $1,000 or more in a single year for services related to the recreational marijuana business. It shall be an affirmative defense that the undisclosed person was an attorney, accountant, bookkeeper, or mail delivery person;

(15) Own or manage a recreational marijuana business where distribution occurs of a marijuana-infused product that was produced in a manner that is not in compliance with this chapter;

(16) Operate a recreational marijuana business without a recreational marijuana business license prior to passing the inspection required by this chapter;

(17) Make any changes, or for the licensee to allow any changes, to the items included in the plans submitted with the license application and approved by the city, or the individuals identified in the application, without prior approval of the city;

(18) Attempt to use or display a recreational marijuana business license at a different location or for a different business entity than the location and business entity disclosed on the application for the issued license;

(19) Own or manage a recreational marijuana business in which another person cultivates, produces, distributes, or possesses marijuana, in violation of this chapter or any other applicable law;

(20) Allow an owner or ~~business manager~~keyholder that has not been disclosed to the city as required by this chapter to operate the business;

(21) Own, manage, or possess a recreational marijuana business where marijuana is outside of the restricted area portion of such business;

(22) Possess a number of flowering plants that is more than one-half of the recreational marijuana plants that are lawfully possessed by a person;

(23) Dispose of marijuana or any byproduct of marijuana containing marijuana in a manner contrary to this chapter;

(24) Distribute a marijuana plant to any person,except as provided in this chapter for immature plants;

(25) Deliver or transport marijuana to a person or between recreational marijuana businesses in a manner contrary to this chapter or other law;

(26) Refuse to allow inspection of a recreational marijuana business upon request of a city employee or consultant of the city. Any licensee, owner, ~~business manager~~keyholder, or operator of a recreational marijuana business, or the owner of the property where a recreational marijuana business is located, may be charged with this violation;

(27) Advertise or publish materials, honor coupons, sell or give away products, or display signs that are in violation of this code;

(28) Violate any provision of this code or any condition of an approval granted pursuant to this code, or any law, rule, or regulation applicable to the use of recreational marijuana or the operation of a recreational marijuana business;

(29) Permit any other person to violate any provision of this code or any condition of an approval granted pursuant to this code, or any law, rule, or regulation applicable to the use of recreational marijuana or the operation of a recreational marijuana business;

(30) Lease any property to a recreational marijuana business that has marijuana on the property without a recreational marijuana business license from the city;

(31) Operate a private club where marijuana is possessed or used by any person at the private club;

(32) Remove marijuana harvested from a plant from the enclosed, locked space where the plant was grown, except as provided in this chapter;

(33) Distribute marijuana within a recreational marijuana center to any person who shows visible signs of intoxication from alcohol, marijuana, or other drugs;

(34) Permit a minor on the premises of the business;

(35) Fail to respond by phone or email as required by Subsection 6-16-8(q) of this chapter;

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

(37) Distribute, or contract to distribute, marijuana using any freight or package service, community rideshare, or other commercial transportation network, not including the United States Postal Service, unless such transporter has a license from the state to transport marijuana; or

(38) Possess extraction vessels, and butane, propane, compressed CO_2, ethanol, isopropanol, acetone, heptane, hexane, or any other volatile materials used in the production of solvent-based marijuana concentrate, in the same premise as marijuana without a license from the city as a marijuana-infused product manufacturer or a marijuana testing facility.

(39) Printing or allowing the printing of a coupon that is not a newspaper, magazine, or other periodical of general circulation within the city or on the internet.

(40) Failure to provide a copy or record of a coupon authorized under this chapter upon request of an authorized city employee.

(41) Failure to confiscate fraudulent proof of age. It shall be an affirmative defense if the person reasonably believed that attempts to confiscate a fraudulent proof of age would cause a threat to any person or disruption to the business.

(42) Failure to post the premises during a suspension.

(43) Distribute any consumable product, other than bottled water, that is not a marijuana-infused product.

(b) Prima Facie Evidence. Prima facie indicia of impairment or being under the influence of marijuana includes bloodshot eyes, watery eyes, eyelid tremors, green particulate on tongue, dilated pupils, mental confusion, slowed responses, rigid muscles, body tremors, or dry mouth, or any other indicators of impairment.

Ordinance Nos. 7930 (2013); 7970 (2014); 8081 (2015)

6-16-14. - Suspension or Revocation of License; Imposition of Fines.

(a) A recreational marijuana business license may be suspended or revoked for any of the following violations:

(1) Conviction of the business, a licensee, or any owner, ~~business manager~~keyholder, or financier of any violation of this chapter or any other law, rule, or regulation applicable to the use of recreational marijuana or operation of a recreational marijuana business;

(2) Misrepresentation or omission of any material fact, or false or misleading information, on the application or any amendment thereto, or any other information provided to the city related to the recreational marijuana business;

(3) Violation of any law by which, if occurring prior to submittal of the application, could have been cause for denial of the license application;

(4) Distribution of recreational marijuana, including, without limitation, delivering or transporting marijuana, in violation of this chapter or any other applicable law, rule, or regulation;

(5) Operation of a recreational marijuana business in violation of the specifications of the license application, any conditions of approval by the city, or any violation of this chapter or any other law, rule, or regulation applicable to the use of recreational marijuana or operation of a recreational marijuana business;

(6) Failure to maintain, or provide to the city upon request, any books, recordings, reports, or other records required by this chapter;

(7) Failure to timely notify the city and to complete necessary city forms for changes in financial interest, ~~business manager~~keyholders, financier, or agent;

(8) Temporary or permanent closure, or other sanction of the business, by the city, or by the county or Colorado Department of Public Health and Environment, or other governmental entity with jurisdiction, for failure to comply with health and safety provisions of this chapter or otherwise applicable to the business or any other applicable law;

(9) Revocation or suspension of another recreational marijuana business license or any other license issued by the city, the State of Colorado, or any other jurisdiction held by any licensee of the recreational marijuana business; or

(10) Failure to timely correct any violation of any law, or comply with any order to correct a violation of any law within the time stated in the notice or order.

(b) In the event a business or licensee is charged with violation of any law, upon which a final judgment would be grounds for suspension or revocation of the license, the city may suspend the license pending the resolution of the alleged violation.

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

(d) If the city revokes or suspends a license, the business may not move any marijuana from the premises except under the supervision of the Boulder Police Department.

(e) In the event of the suspension of a marijuana business license, the marijuana business, during the suspension period~~,~~:

(1) Shall post two notices as provided by the Marijuana Licensing Authority, in conspicuous places, one on the exterior and one on the interior of its premses for the duration of the suspension; and

(2) Shall not distribute or produce or test or transport marijuana, nor allow any customers into the licensed premises. ~~the *business shall post; City licensing will prepare and supply the poster*~~

Ordinance Nos. 7930 (2013); 7970 (2014); 8081 (2015)

6-16-15. - Term of License - Renewals - Expiration of License.

(a) Term of License. A recreational marijuana business license shall be valid for one year. The license shall expire on the date stated on the license, but no more than twenty-four months, to facilitate the administration by the city of renewals and coordinate with the date for renewal of the state license of such licenses.

(b) Renewal of License. The licensee shall apply for renewal of the recreational marijuana business license at least forty-five days before the expiration of the license. The licensee shall apply for renewal using forms provided by the city. If the applicant fails to apply for renewal at least forty-five days before the expiration of the license, but does apply for renewal prior to expiration of the license, the city may process the renewal application if the applicant submits a late filing fee of $5,000 at the time of submittal of the renewal application.

(1) The renewal license fee, and late fee if applicable, shall accompany the renewal application. Such fee is nonrefundable.

(2) In the event there has been a change to any of the plans identified in the license application which were submitted to and approved by the city with the application or an earlier renewal, the renewal application shall include specifics of the changes or proposed changes in any of such plans.

(3) In the event any person who has an interest as described in the disclosures made to the city pursuant to this chapter, or any ~~business manager~~keyholder, financier, agent as defined herein, or employee, has been charged with or accused of violations of any law since such disclosure, the renewal application shall include the name of the violator, the date of the violation, the court and case number where the violation was filed, and the disposition of the violation with the renewal application.

(4) In the event the business license has been suspended or revoked or a licensee has received any notice of violation of any law, the renewal application shall include a copy of the notice, suspension, or revocation.

(5) The renewal application shall include verification that the business has a valid state license and the state license is in good standing.

(6) The renewal application shall include a summary report for the previous twelve months showing the amount of marijuana purchased; the amount of marijuana sold, the forms in which marijuana was sold; the police report numbers or case numbers of all police calls to the recreational marijuana business; and, for calls resulting in a charge of a violation of any law, the charge, case number, and disposition of any of the charges.

(7) The city shall not accept renewal applications after the expiration of the license, but instead shall require the applicant to file a new license application.

(8) In the event there have been allegations of violations of this code by any of the licensees or the business submitting a renewal application, the city may hold a hearing pursuant to Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, prior to approving the renewal application. The hearing shall be to determine whether the application and proposed licensees comply with this chapter and whether the operation of the business has been in compliance with this code. If the city does not hold a hearing and the application and the licensees do not meet the requirements of this chapter, or the business has been operated in the past in violation of this code, the renewal application may be denied or issued with conditions, and the decision shall be final subject to judicial review as provided in Subsection 6-16-4(e) of this chapter.

(c) Nonpayment of Tax. In the event a recreational marijuana business that has been open and operating and submitting monthly sales and use tax returns to the city ceases providing sales and use tax returns to the city for a period of three months or longer, the recreational marijuana business license shall be deemed to have expired and a new license shall be required prior to reopening at the location of the business.

(d) Expiration of License. Expiration of a recreational marijuana business license for any reason, including, without limitation, pursuant to Subsection (c) of this section, shall be considered an inactive local license as described in § 12-43.3.312, C.R.S.

Ordinance No. 7930 (2013)

6-16-16. - City Manager Authorized to Issue Rules.

The city manager may adopt rules and regulations that the manager determines are reasonably necessary to implement the requirements of this chapter.

Ordinance No. 7930 (2013)

Chapter 4-20 Fees

4-20-64

. . .

(__) Modification of Premises – as classified in Table 1:…… ~~3,000.00~~
Major $1,100
Minor……..$250
MIP Minor…….$500
MIP Major……$1,500
If a proposed modification does not fit precisely into one of the categories on the table of major and minor modifications adopted by city manager rule, the fee due shall be the same as the most similar category.

4-20-67. - Recreational Marijuana Businesses.

Application and license fees for recreational marijuana businesses shall be up to the following amounts:

. . .

(__) Modification of Premises – as classified in Table 1:……. ~~3,000.00~~
Major $1,100
Minor……..$250
MIP Minor…….$500
MIP Major……$1,500
If a proposed modification does not fit precisely into one of the categories on the table of major and minor modifications adopted by city manager rule, the fee due shall be the same as the most similar category.

~~(9) Modification of premises~~

~~(A) Minor, including replacement of existing equipment that does not change requirements of ventilation or security plans, adding electrical power or outlets that does not require a service upgrade or a new panel or subpanel at a center or cultivation facility.....$500.00~~

~~(B) Major - all modifications that (i) are not minor, or (ii) require a building permit or (iii) change the designations of areas on the dimensioned floor plan, or (iv) constitute a material change as defined by the Colorado Marijuana Enforcement Division .....$3,000.00~~

~~. . .~~

The application fee, operating fee, costs, excess plant fee, and renewal fee paid are nonrefundable. The new license fee may be refunded if the new license application is denied. No fee will be refunded in the instance of suspension or revocation.

	Topic	Issue/Description	Current City Code	Panel Recommendations	Staff Considerations	Outstanding issues
1	*General Advertising*	Limited ability for marijuana businesses to market their brand/logo for advertising purposes. Businesses want to be able to "brand" their name and logo through merchandise, signs, printed materials and other means. Research demonstrates the significant impact advertising (including some forms of coupons) and branded merchandise of substances plays on youth intent to use, initiation, and ongoing use. Therefore a balanced approached is necessary to avoid unintended consequences of increased use among youth.	May not advertise in a manner appealing to minors. 6-14-8(p) and 6-16-8(p): Prohibits advertising that is "misleading, deceptive, false, or designed to appeal to minors." Allows advertisement in newspaper, magazine, or other periodical of general circulation within the city or on the internet. No other advertising.	Changes to specific categories of advertising as noted below, but prohibited from advertising outside of the exceptions.		Need to define what is meant by "appealing to youth."
2	Discounts/coupons	Prohibits use of coupons and/or discounts (1) Includes coupons, free merchandise, swag (2) Businesses want to be able to have customer show affiliation (Bolder Boulder, veteran, birthday, etc.) in exchange for discount. Coupons that are distributed in a leaflet form or posted in public view serve as an advertisement that cannot meet the exisiting rules limiting advertisment where audiences are no more than 30% of viewers are minors.	Prohibits requiring a coupon (paper or e-copy) or exchange of anything to obtain the discount. Leafleting cars, handing out flyers, ads on vehicles, or handheld signs or sign spinners are not allowed. Stated in general, not just for coupons. Code cite same as above.	1) Exceptions: Allow coupons, but no leaflets/handbills; 2) Clarify definition of "exchange." Note: coupon ads in newspaper okay, but no exchange of paper. Note: businesses should keep a copy of coupon for business records; 3) Define handbill and leaflet.		
3	Education	Businesses want to be able to distribute instructions for use of products and educational materials with the business logo and other information particular to the business. Distribution of educaitonal materials by businesses is encouraged. However, the materials should be developed by a public or non-profit organization and should not be branded with business logos, which would further serve as a form of advertising.	Does not limit the distribution or display of educational materials provided by marijuana business or other parties or instructions for use of product so long as it does not have a brand logo. Does prohibit anything that would be considered advertising, handbill or leaflet. Code cite same as above.	Allow businesses to distribute within the store or at approved events that occur outside store. ("approved event" = approved under city code) educational materials created and provided by public agencies or non-profit organizations without marijuana business branding.		

*MIPS (Marijuana Infused Products)

	Topic	Issue/Description	Current City Code	Panel Recommendations	Staff Considerations	Outstanding issues
4	Sponsorships/ Events	Businesses want to participate as a sponsor by being able to have booths, signs and distribute written or tangible materials (swag) with their logo brand. Sponsorhsip is encouraged, but advertisement within sponsorship should be limited, especially in locations or at events where more than 30% of participants are minors or controlled access is not achieveable.	Not currently allowed to participate in or host an event as a marijuana business. 6-14-8(p)(1)(D) and 6-16-8(p)(1)(D) - Advertising which is purely incidental to sponsorship of a charitable event is allowed (can be listed as event sponsor in print, posters and t-shirts as is any other sponsor when all sponsors listed; may not have individual recognition as sponsor by separate banner, booth, print materials) but may not separately advertise at non-profit events. No booth or flyers or separate banner.	1) Clarify definition of "incidential." 2) Allow participation in booths (not events) to distribute informational material. 3) Adopt state rule that no more than 30% of participants can be minors.		
5	Job Fairs	Unintended consequence - Prohibition on advertising prevents distributing materials for employee recruitment at job fairs.	Restrictions in advertising/sponsorship do not permit booths or handouts. Code cite same as above.	Amend city code to allow for job fair exceptions: a) allow company-related materials and handouts at job fairs aimed at employees over 21 years of age; b) note that at least 70% of the audience at the job fair must be reasonably expected to be over 21 years of age. This applies to all job fairs; c) define "job fair and reasonably expected."		
6	Signs	Not allowed off-site	None off-site. A sign with the business name and business address only is allowed at the business location. 6-14-8(p)(1)(A) & 6-16-8(p)(1)(A) & 9-9-21 (sign code)	Panel did not seek change		
7	*General Merchandise*	Panel agreed to support sustainability of the marijuana industry by allowing sales of additional products while remaining protective of our advertising goals.	6-14-8(p)(1)(C) and 6-16-8(p)(1)(C): Allows any products with brand/logo of MJ center, including wearable and non-consumable merchandise, packaging in which marijuana is sold, or on recreational marijuana accessories sold. Doesn't allow products of other brands/logos other than marijuana business. No marijuana business shall sell, distribute, or provide, or allow the sale, distribution, or provision of, products marked with its name or logo, in child sizes, designed for the use of minors, or which is misleading, deceptive, false, or appealing to minors.	Allow sale of any non-consumable merchandise, including merchandise that is not marijuana or marijuana accessories, at medical or recreational marijuana retail facilities, whether or not the merchandise is branded.	Differs from laws limiting what liquor stores can sell.	

*MIPS (Marijuana Infused Products)

	Topic	Issue/Description	Current City Code	Panel Recommendations	Staff Considerations	Outstanding issues
8	Merchandise	Businesses want to be able to sell merchandise other than marijuana and marijuana accessories. They also want to be able to sell non-branded and branded merchandise of other marijuana brands and not just their own brands.	6-16-8(p)(1)(C) - Permits sale of branded merchandise by license/store (i.e. but limited to only your store brand) Selling of wearable or non-consumable merchandise with the business name and logo on it, sale of MJ, and MJ accessories is allowed. No sale of products marked with its name or logo.	Align with state = can sell any merchandise except comsumables. No free swag.	Same as above.	
9	Branded marijuana merchandise	same as above	Allows businesses to sell its own branded merchandise of the business, but not other marijuana businesses.	same as above.		
10	Unbranded marijuana merchandise	same as above	Sales of unbranded marijuana merchandise not allowed.	same as above.		
11	Merchandise unrelated to MJ	same as above	Does not allow sale of products others than marijuana and marijuana accessories (constitutional language).	same as above.	same as above.	
12	*Sales*					
13	Labeling of product	The state has now adopted labeling requirements which are staged to go into effect in July and Oct. 2016, so Boulder's provisions requested by patients will be no longer be necessary.	6-14-11(b)(3) - statement label conflicts with Rule 1004.5(b)(1)(j)(ii); live Oct. 2016 (3) 6-14-11(b)(2) - city is more specific on label where state is vague Rule 1004.5(b)(1)(k); live Oct. 2016	Align with State = remove city labeling requirements to coordinate timing when state requirements become effective.		
14	Sale of Clones	Marijuana businesses would like to be able to sell marijuana seeds and plants to customers.	Any germinated seed is a plant, and plants may not be stored or sold at medical/rec sales locations. 6-14-2 definition of "Medical Marijuana Plant" and 6-14-13(26) "Prohibited Acts"; 6-16-2 definition of "Recreational Marijuana Plant" and 6-16-13(24) Prohibited Acts.	Sale of clones is allowed. Pre-orders and same day pickup is required. Prepayments or deposits are allowed. Customers are allowed to purchase a max of 6 clone plants.		
15	Seeds	Confusion on interpretation issue resolved. Seeds are treated like flower for excise tax purposes at both city and state levels. Sales are based on weight allotments.		no change		
16	*Business Operations*					
17	Term "business manager"	The use of the term "business manager" is creating an unintended consequence: the term is leading employees to demand higher pay because of the title of "business manager."	6-16-2 - individual designated by owner as the person responsible for all operations of the business in the absence of the owner.	Change all references in Boulder Code and applications from "business manager" to "keyholder."		

*MIPS (Marijuana Infused Products)

	Topic	Issue/Description	Current City Code	Panel Recommendations	Staff Considerations	Outstanding issues
18	Background checks - (1) eliminating 30 day waiting period (2) background criteria.	(a) Employees must wait 30 days before he/she can serve as a keyholder (manager) while a background check is performed (b) Unintended consequence: for businesses, this either requires owners to be on-site when a keyholder leaves that business, or qualify more employees as keyholders in case any one of them leaves the business. Boulder's interest has been to make sure that unqualified employees were not in charge of the operation of a city licensee.	Requires 30 day waiting period, higher background check criteria requirements than the state, and an objective rather than subjective review.	For business managers: (1) Eliminate 30-day waiting period for business mgr background checks by submitting a copy of the State MED Key Badge with city's "keyholder" application; (2) Panel agreed to adopt staff's suggested changes to background criteria. Attached as **Exhibit 2**.		
19	Hours of operation	Current hours of operation cause two issues: (1) competitive disadvantage w/other Colorado dispensaries because they can stay open later; and (2) operationally, it only provides the ability for employees to do transport and METRC corrections during hours of operation, inhibits employees from doing all the supplemental work necessary to comply with METRC reporting and labor.	6-16-8(f) - medical marijuana sales allowed from 8am - 7pm. 6-16-8(f) - recreational marijuana sales allowed from 8am - 7pm. 6-16-8(m)(8) - transport only allowed during hours of operation. County: allows sales from 8am - 10pm. State: allows sales until midnight.	Extend hours of operation to 10:00 p.m. Include additional requirement related to effective mitigation planning on the existing required neighborhood responsibility plan. Staff amended the form and the panel approved the changes. It reads in part, "(c) Effective Mitigation Planning: Describe how the MJ business will effectively mitigate neighborhood impacts to surrounding residences and businesses, including but not limited to, noise, traffic, crowding, lights, public consumption related to their business." Also requires a change to code 6-14-5(6)(C)and 6-16-5(6)(C) to add "effective mitigation of community impacts."	Concern about the ability to enforce neighborhood responsibility plan and mitigate impacts to residential areas. Area of high number of complaints to city.	
20	Visitors	Ability to allow non-licensees to be in restricted area: the city code makes exceptions for contractors, but not for consultants or judges/juries to be in restricted area.	6-14-8 No person, other than a patient, licensee, employee, or a contractor, shall be in the restricted area.	Align with state code = no for-profit tours. No for-profit tours. Not allowed for tourism and include state code procedure (i.e., use of log books is required).		
21	Combined HVAC system and other systems where building code allows	Required to have separate ventilation in a co-located business; 2 HVACs where 1 stronger unit would be more efficient.	6-16-8(h) - ventilation required 6-16-8(r)(1) - separate ventilation required	Create a city code exception to allow for combined HVAC systems for co-located business.		
22	Maintaining back-up of surveillance tapes	Confusion by licensees clarified by staff. No need to change city code. State requires back-up for at least 40 days and city requires only 30 days.	6-16-10(a) - recordings maintained for a minimum 30 days.	Increase City requirement from 30 to 40 days.		

*MIPS (Marijuana Infused Products)

	Topic	Issue/Description	Current City Code	Panel Recommendations	Staff Considerations	Outstanding issues
23	Permanent modifications	Businesses request a clarification in regards to what qualifies as a permanent modification, as well as a tier system approach to minor and major modifications and fees.	Requires an application and approval for permanent modification for any change to the business documented floor plan or any other plan submitted with the license and made part of the application, or operation of the businesses. 4-20-64(h) and 67(9).	*See* **Exhibit 1 -** Permanent Modification Chart		
24	Virtual and physical separation	Businesses do not want a physical separation between medical and recreational in retail locations and cultivation facilities; want virtual separation.	Co-located medical and recreational retail centers must be physically not just virtually separated. 6-16-3(d).	Allow co-located retail and cultivation facilities to be virtually separated and eliminate physical separation requirement. Business will have to verify that they are maintaining separate books as provided in 6-16-9 for each license issued by the city.	City's objection is effect on ability to audit. Just discovered that businesses are co-mingling books which eliminates ability to audit and virtual separation will compound this.	Pat Brown, Revenue and Licensing Officer, will meet with Marijuana business financial people to clarify expectations of bookkeeping and auditing. City will provide a seminar on this in 30 days.
25	*Licenses*					
26	Transfer license to new owner	Prohibition of transfer/sale of license.	6-16-3(e) - Can sell stock/memberships but not entity.	Allow sales and transfers of inventory (with authorization by state), assets, and infrastructure that are portable to other locations; allow licenses to retain grandfathered provision, the license remains in the same physical location. Can sell business entity and transfer license for that location to new entity.	Recommendation does not create an exemption to compliance with non-conforming use standard. Staff needs to be able to conduct background checks before transfer. No other licensees transferable, except liquor that is goverened by state law. Panel also wanted to propose change to allow transfer of business to new locations, but that would trigger land use issues and will need to be addressed separately with the other proposed changes to land use. 6-14-3(e)(3)	
27	Transporting MJ product among MJ licensed businesses	(1) City code defines which MJ businesses MJ may be transferred to; (2) Not at issue for city since the state eliminated vertical integration, the limits on which licensed MJ business MJ is being transferred to and from is not an issue; (3) Issue: Boulder's enforcement issue is that city police be able to determine quickly whether the MJ in a vehicle is legal or not; the e-mail bounce back of the manifest is sufficient monitoring when MJ is being transported among licensed businesses.	6-16-8(m)(5) - MJ "must be accompanied by the manifest and confirmation email from the State of Colorado" 6-16-8(m)(6) - MJ "must be accompanied by the email receipt confirmation from the Boulder Police Dept."	Remove restrictions related to transfer of product or plants by: (1) Eliminating subsections of 6-14-8(m)(4) A-D; (2) Eliminating subsections of 6-16-8(m)(4) A-D. No change to requirement for city e-mail bounceback.		Note new Law: Transporter License: Jan. 1 allowed, must be licensed by July 1. This panel won't be able to address this b/c still need to go through rulemaking, etc. and the state may not even give the city the ability to regulate transporters.
28	Applications for MIP licenses to include locations of the grow supplying at least 70% of the marijuana.	MIPs no longer have to prove that 70% of product comes from their cultivation facilities.	6-16-5(a)(16)	Remove 6-16-5(a)(16) - not necessary since 70/30 rule was removed Nov. 2015.		

*MIPS (Marijuana Infused Products)

	Topic	Issue/Description	Current City Code	Panel Recommendations	Staff Considerations	Outstanding issues
29	Posting for suspension periods	City Licensing has not imposed suspensions, but the municipal court has done so. For liquor licenses suspended, posting on the property is required during the suspension period. Likewise, MJ licenses should be required.	Not currently addressed in city code.	Add to city code requirement of posting during periods of suspension (similar to liquor licensing).		
30	Schedule of Penalty Guidelines	It is important for staff to have penalty guidelines in order to be consistent in penalty assessment. It is also beneficial to marijuana businesses so that they are aware of the potential penalty depending on the type of violations. There is perception that there is a list of subjectivity in enforcement.	Penalty Guidelines are not part of the Code. (They have always existed; they just are not part of the code for marijuana or any other penalty schedule).	Guidelines for Penalties. Attached as **Exhibit 3**.		
31	Max # of dispensary/center licenses held by one MJ owner	Businesses want to be able to own more marijuana businesses in the city.	6-16-6(a)(9) - The same business owner cannot own more than one each of dispensary and center.	Allow for up to 3 addresses of dispensaries/centers per owner. This could be up to 6 separate licenses if each location was co-located medical and recreational.		
32	*IDs*					
33	Not all IDs can be read by scanners	Not all IDs can be scanned: Military IDs, passports and passport cards, tribal/Native American cards with all appropriate info, some US territory driver's licenses, and worn barcodes are not scannable and therefore impossible to comply with law.	6-16-8(b) requires all identification to be verified by using an electronic scanner.	(1) Add provisions to Boulder Code to recognize that some legitimate IDs cannot be scanned, but may be reasonably relied upon by the licensee. Language would read something to this extent - "If it can scan, you must scan. If not, visual confirmation is mandatory." (2) Make it mandatory for employee to take city ID check training or state responsible vendor training w/in 90 days of first day of work; applies to retail only, not MIPs or grows. Liquor licensees have 90 days to train new employees, and MJ license holders should have same amount of training time. (3) Create rule as to what classes are approved.		
34	ID scanners at grow/MIP	No need for scanners at MIPS or grows, but Code makes it mandatory to validate IDS with scanner.	6-16-8(v) - "marijuana business shall verify the proof of age" with a scanner.	Change 6-16-8(v) "marijuana business" to "recreational marijuana center" to clarify that scanners are not required at grows, MIPs, medical centers or testing facilities. If a recreational and medical center co-locate, a scanner is required.		
35	Confiscating fraudulent IDs	When a liquor licensee is shown a fraudulent ID, normal practice is to confiscate the ID and send to BPD. This avoids the minor from being able to use the same ID at another location and helps prevent minors from obtaining liquor or businesses from being charged for serving a minor. This same requirement should apply to MJ regs.	not currently addressed in city code	Add to the city codes the same requirements of liquor licensees to confiscate fraudulent IDs and turn them into BPD.		

*MIPS (Marijuana Infused Products)

	Topic	Issue/Description	Current City Code	Panel Recommendations	Staff Considerations	Outstanding issues
36	*Other misc topics*					
37	Odor regulations	All marijuana businesses are subject to odor regulations and must have proper ventilation so that odor cannot be detected outside the premise. The most frequent community complaint about mj businesses is odor.	6-14-5(a)(12) and 6-14-8(h); 6-16-5(a)(12) and 6-16-8(h).	No change recommended.	Building department inspectors work with licensees to best handle their odor. Penalties are not often imposed because most businesses can be mentored into compliance. The odor regs have been successful because they have mitigated odor that impacts non-mj businesses and nearby residents.	

*MIPS (Marijuana Infused Products)

Chart of Current Background Check Considerations and Changes Proposed by Subcommittee

Criteria Issue	No approval	Considered for moral turpitude	Approved
Current: Moral Turpitude violations of law	X		
Proposed: Moral Turpitude violations of law are notable but are incorporated into the below convictions criteria		X	
Non-drug Felony offenses			
Current: Felony violations of laws in the last 5 years (non-drug offenses)	X		
Proposed: Felony violations of laws in the last 10 years (non-drug offenses)	X		
Drug Related Felony Offenses			
Current: Felony violations of law for any drugs at any time	X		
Proposed: Drug Felony violation of law in past 10 years (non-marijuana)	X		
Proposed: Drug Felony violation of law in past 10 years that are no longer illegal (marijuana)			X (unless part of compilation of matters considered for good moral character)
Pattern of Arrests			
Current: Pattern of 5 or more arrests in past 10 years	X		
Proposed: Pattern of 5 or more arrests in the past 5 years	X		
Pattern of Violations of Law			
Current: In review with evidence of rehabilitation, any 1 of the following conviction in last 5 years: i) MJ misdemeanor, ii) obstruction/interference/eluding, iii) 3 or more misdemeanor convictions	X		
Proposed: 5 or more misdemeanor violations of law in past 10 years	X		

Sub-committee proposal to replace 30 Day Wait – So long as a city application and fees has been submitted, and a copy of the state green badge is submitted with the city application, the applicant can work/manage during the first 30 day period and continue in Boulder until final city determination is made.

Travis Question to City Staff: What does Boulder City need to feel safe in its "subjective" review of documents? Answer: We recognize we cannot identify every individual violation that may affect good moral character. However, we want to have a checklist so we are as consistent as possible among persons who apply.

Permanent Modifications Chart for Marijuana Businesses- Stores and Grows

August 3, 2016

Non-Modification (inspection at renewal) No Fee	Minor Modification (once application filed, and required building permits are approved, may proceed on modification with inspection later scheduled) Application, Fee, and 1 Dept. Inspection Fee $250	Major Modification (must be fully approved before modification can be fully utilized) Application, Fee and 4 Dept. Inspections Fee $1,100
Installation of a Light fixture with existing source of power Upgrading existing equipment that does not require adding outlets, service upgrades or a new electric panel or subpanel camera cleaning and adjustments to maintain view of areas as required in security plan painting and cleaning Regular maintenance of systems (HVAC, irrigation), such as cleaning and replacing filters repair or replacement of equipment with same model not requiring building permit and not part of operational plan moving furniture not associated with MJ sale/service/storage carpet and tile replacement	Camera Addition, Removal or change of areas monitored and any change to the security system that does not require a change to the security plan Adding or removing a safe Adding, modifying or removing POS within room shown on floor plan Adding an outlet or other change to the electric system that does not require a service upgrade or a new panel or subpanel Grow Trays- adding additional square footage or moving location New or change to equipment (HVAC, irrigation) with no effect on operation plan, floor plan or security plan and not within a MIP, Change of Room Designation with no structural changes Window replacement	Change to square footage, operating plan, floor plan or security plan Structural changes- walls, windows etc Changes to the electrical system that require service upgrades or new panel or subpanel Changes to the plumbing system that require changes to mold mitigation plan or wastewater plan Change to Room Designation with structural change Material change to sale, storage, or preparation of MJ

Permanent Modifications Chart for Marijuana Businesses- Marijuana Infused Product Locations

August 3, 2016

The fee for Grows and Retail apply to MIPs except for the following:

Minor Modification (once application filed, and required building permits are approved, may proceed on modification with inspection later scheduled) Application, Fee, Building IH confirm, and 1 Dept. Inspection Fee $500	Major Modification (must be fully approved before modification can be utilized) Application, Fee, Building IH full review, and 4 Dept. Inspections Fee $1,500
Equipment change as the only change to IH plan SOP change that does not require review by industrial hygienist New or change to equipment (HVAC, irrigation) with no effect on operation plan, floor plan or security plan or industrial hygienist plan	New, replacement or change of equipment or any change to process certified by industrial hygienist Any change to process certified by industrial hygienist Changes to the electrical system that require service upgrades or new panel or subpanel New or change to equipment (HVAC, irrigation) with effect on operation plan, floor plan or security plan or industrial hygienist plan A change to any equipment or system with flammable refinement

City of Boulder Draft Marijuana License Penalty Schedule Guidelines - August 3, 2016

The following is the Penalty Schedule that is used for guidance by the Boulder Marijuana Licensing Authority when proposing penalties. This schedule includes the most frequently occurring violations, but it is not an all-inclusive list of all possible violations of the Boulder Marijuana Codes.

The city Marijuana Enforcement team members are always available to answer questions beforehand about compliance from Boulder Marijuana businesses to ensure that their business operations remain compliant with our local law. Additionally, the City of Boulder offers MJ sales and service training for stores, key-holder training about city inspection requirements and enforcement trends, and MJ city tax requirement trainings so that Boulder Marijuana businesses can acquaint themselves with local laws and operating requirements and notices for these city trainings will be posted on the City of Boulder licensing office website.

Actual penalties may vary depending on a variety of factors such as mitigating or aggravating circumstances, efforts of business to correct the violation, or time between violations. Boulder marijuana businesses have a right of appeal for fine, suspension, and revocation recommended penalties, and if an appeal is timely filed a quasi-judicial hearing before a city municipal court judge will be held.

Operational Infractions	**First Offense**	**Second Offense**	**Third Offense**	**Fourth Offense**	**Fifth Offense**
Unsealed MJ possession by employees at licensed premise or acceptance of samples by employees	$1,000 fine	$2,500 fine	$3,000 fine	$5,000 fine	Revocation
MJ product or plants not properly packaged for removal/transport or MIP products not properly labeled	$1,000 fine	$2,500 fine	$3,000 fine	$5,000 fine	Revocation
Unapproved goods sold at licensed premise	$1,000 fine	$2,500 fine	$3,000 fine	$5,000 fine	Revocation
ID scanner not utilized and/or failure to properly verify ID for determination of age	$1,000 fine	$2,500 fine	$3,000 fine	$5,000 fine	Revocation
Refusing to remove key-holder from management when background is unapproved by city	$1,000 fine	$2,500 fine	$3,000 fine	$5,000 fine	Revocation
Failure to obstruct view MJ of sales or storage of MJ from public view	$1,000 fine	$2,500 fine	$3,000 fine	$5,000 fine	Revocation

Impact on Community or Safety Violations	**First Offense**	**Second Offense**	**Third Offense**	**Fourth Offense**
Illegal Advertising	$2,000 fine	$3,500 fine	$5,000 fine	Revocation
For Medical Marijuana wellness centers only, not having a private consultation room or not offering other holistic offerings at licensed location	$2,000 fine	$3,500 fine	$5,000 fine	Revocation
No city approved key-holder or owner on-site	$2,000 fine	$3,500 fine	$5,000 fine	Revocation
Uncooperative with PD with inspections or investigations or misrepresentation to regulators	$2,000 fine	$3,500 fine	$5,000 fine	Revocation
Refusal to allow city inspections or premise access	$2,000 fine	$3,500 fine	$5,000 fine	Revocation
Sale of LLC shares or corporate stock in Boulder business or adding officers/managing members without proper and complete 30- day pre-file with the city	$2,000 fine	$3,500 fine	$5,000 fine	Revocation
Secure dispensing area not locked or restricted licensed location unlocked	$2,000 fine	$3,500 fine	$5,000 fine	Revocation
MJ product transport details not emailed to BPD and email bounce back not printed for transportation by licensee	$2,000 fine	$3,500 fine	$5,000 fine	Revocation
Processing of MJ in violation of the Code (e.g. at store, at a grow or illegal processing at a MIP)	$2,000 fine	$3,500 fine	$5,000 fine	Revocation
Failure to abide by neighborhood responsibility plan	$2,000 fine	$3,500 fine	$5,000 fine	Revocation
Failure to remedy odor complaints	$2,000 fine	$3,500 fine	$5,000 fine	Revocation
On-premise consumption by customers	$2,000 fine	$3,500 fine	$5,000 fine	Revocation
Failure to operate business in compliance with the license or its operating plan or security plan	$2,000 fine	$3,500 fine	$5,000 fine	Revocation

Health, Safety, and Security Violations	First Offense	Second Offense	Third Offense	Fourth Offense
Use of unapproved locking storage that does not qualify as a safe	$2,500 fine	$3,500 fine	$5,000 fine	Revocation
Not making disposed of MJ unusable and unrecognizable and not locking disposal dumpsters	$3,000 fine	$4,000 fine	$5,000 fine	Revocation
Not locking product or receipts in a safe for overnight storage	$3,500 fine	$5,000 fine	Revocation	
MJ or MJ product outside of a licensed premise	$3,500 fine	$5,000 fine	Revocation	
Making a permanent modification of the licensed premises without prior city approval	$3,500 fine	$5,000 fine	Revocation	
On-premise consumption by employees, managers or owners	$3,500 fine	$5,000 fine	Revocation	
Video unavailable, cameras not working, or 40 days video off-site storage copy unavailable	$3,500 fine	$5,000 fine	Revocation	
A person under the age of 21 in the licensed premises of a recreational marijuana business	$3,500 fine	$5,000 fine	Revocation	
Sale of MJ or a MJ product to a person under 21 years of age	$4,000 fine	$5,000 fine	Revocation	

Except for blatant violations including but not limited to selling to minors, it is the practice of the city Marijuana Enforcement Team inspectors to work with a business to assist with compliance before referring a violation to the Marijuana Licensing Authority.

When the city proposes revocation, on a case by case basis and balanced with the seriousness of the violations, repeated violations or lack thereof, the city may offer the licensee a one-time opportunity to sell the business to an already approved Boulder licensee with a good enforcement history and prior approved background checks. This will not be offered to a licensed business more than one time.

Mitigating factors include:

- The violation is a first offense with a single count
- the MJ business contacts the city with a plan for future compliance so that the business will not have future violations.
- the MJ business provides proof of training in responsible sales, fraudulent IDs, or other topics so that the business and its employees will avoid future violations.

Aggravating factors include:

- multiple counts or a repeat offense
- the violation occurs after the legal requirement has been explained to the licensee
- the licensee does not contact the city to present a plan for future compliance to avoid repeat violations.

	Topic	Issue/Description	Current City Code	Panel Recommendations	Staff Considerations
1	Sq. ft. limits	Square foot limitations on all types of MJ businesses (sales, grows, & MIPs).	6-16-7(g) - 3,000 sf retail 6-16-7(h) - 15,000 sf grow/MIP	There should be no limits on the square footage of cultivation facilities and MIPs.	
2	Density	Businesses do not want a limit on the number of MJ businesses that can be in proximity to other MJ businesses, schools, day care and rehab facilities.	No more than 3 MJ businesses w/in 500 ft.of each other. 6-14-7(f)(3); 6-16-7(e)(3)	There should be no density restrictions on cultivation facilities and MIPS. This does not apply to stores.	Diversity of business type had been an important principle to city council. Sustainability negatively affected by lack of diversity of businesses.
3	Setbacks	Businesses were concerned that the setbacks from schools, day cares and rehab facilities for all marijuana businesses unnecessarily restricted the places marijuana businesses could locate.	Dispensaries not permitted within 1000 ft of a school, day care, or rehab facility. 6-14-7(f)(1); 6-16-7(e)(1) MIPS and grows may not be within 500 ft of such facilities 6-14-7(f)(2); 6-16-7(e)(2)	The setbacks from schools, day cares and rehab facilities should not apply to cultivation facilities or MIPs because those businesses do not have public access or outdoor signage or presence that provides exposure to minors.	
4	Limit on size of cultivation facilities.	Businesses want to be able to combine up to 5 grows of 15,000 sf each into any combination of ownerships so could have 1 grow with 75,000 sf or 2 grows of 37,500 sf each, etc.	6-16-7(b)(3)	The 5 grow licenses that 1 licensee is allowed to hold should be able to be combined into any combination of locatons to a total of 75,000 sf.	Contrary to council principle to prevent monopoly in Boulder. Requires amendment to title 9 to change zoning to allow over 15,000 sf .
5	Transfer license to new owner in new location	Businesses want the ability to transfer their license to a new owner in a new location.	6-16-3(e)(3)	Allow transfer of license to new location	additional issues than transferring a license in the same location. For instance, zoning restrictions, size/DENSITY/DISTANCE restrictions, and neighborhood effects. A new license is usually required for a new location rather than transferring an existing license with no land use review. This logic parallels the liquor code. If the transfer is for a new owner as well as

* MIPS (Marijuana Infused Products)

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: November 15, 2016

AGENDA TITLE:
Second reading and consideration of a motion to adopt 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, and final direction on the fee level for the affordable housing commercial linkage fee.

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 city council to hold a public hearing and consider changes related to the development-related impact fees and excise taxes project, which began in May 2015 and is in the decision making phase. The decisions for council to consider are:

1. Second reading of Ordinance No. 8152 implementing changes to the city's development Impact Fees and Excise taxes for all capital facilities, including transportation. **(Attachment A)**
2. Final direction on the fee level for the affordable housing commercial linkage fee.

1: Ordinance for Impact Fee/Excise Tax Changes
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 C-E.** 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 developments[1] 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 $0.17/sq. ft. increase for residential, and a $0.24/sq. ft. increase for non-residential. The combined change based on prototypical developments is a $1.05/sq. ft. increase for residential, and a $0.97/sq. ft. increase for non-residential **(Attachment E)**.

Staff is recommending the fees become 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.

2: Affordable Housing Linkage Fee
Staff is also seeking final direction on changes to the affordable housing commercial linkage fee. The city currently has a commercial linkage fee charged on non-residential development to support the additional demand for affordable housing.

The nexus analysis **(Attachment G)** results in a maximum supportable fee that is significant, and not recommended. Based on the council direction to consider market and economic factors in establishing the fee levels, staff is recommending a citywide fee level of $15/sq. ft. for office, and associated rates for other building types as described in the memo. This increase, together with the impact fee and excise tax changes above will result in a $6.30/sq. ft. increase for non-residential based on a prototypical development. Based on council direction, staff will develop an ordinance to implement fee changes in the first quarter of 2017, with an effective date and phasing schedule to be determined. At the Sept. 20, 2016 City Council meeting, council members requested additional information on a tiered or varied rate system. Additional information on this is included in the analysis section.

City council members posed questions at and following the Sept. 20, 2016 discussion and the Nov. 1, 2016 First Reading. Responses to those questions are included in **Attachment B.**

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[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.

STAFF RECOMMENDATION

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

1. Motion to adopt 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.
2. Motion to direct staff to prepare an ordinance for changes to the affordable housing commercial linkage fee based on the analysis and staff recommendation of a citywide fee based on a $15/sq. ft. fee for office space, and other uses as described in the recommended option in the staff memorandum dated Nov. 15, 2016.

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 $306,366.
  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: $17,600

Additional requests for information and project rescheduling increased the housing scope of work by $14,226. 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

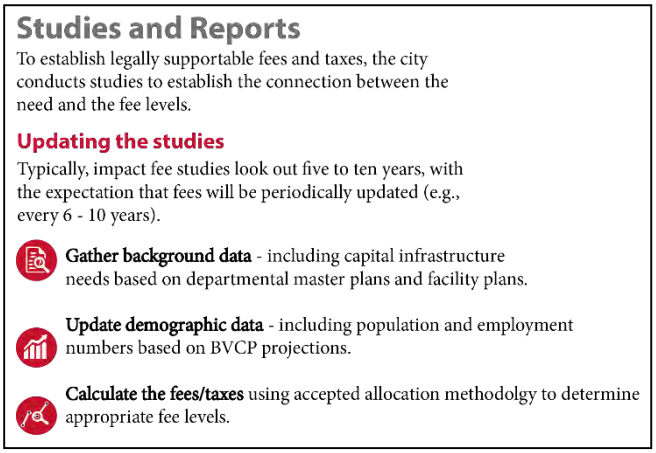
Recognizing the technical nature of the studies, this project has utilized several methods to gather public feedback. This has included a public introduction session, an information session, six technical working group meetings and targeted outreach to interested community members and organizations. The project has also been highlighted on Inside Boulder News on Channel 8 on several occasions. Additional information on the public process can be found in the Nov. 1, 2016 memo.

BACKGROUND

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

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.



The city has six *impact fees* for capital facilities, an *affordable housing linkage fee*, and a *development excise tax*. 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.

- *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.
- *Affordable Housing Linkage Fee* – funds affordable housing; charged on non-residential development.
- *Park Land Excise Tax*– funds park land purchases; charged on residential development.
- *Transportation Excise Tax*– 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.

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.

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.

ANALYSIS

1: Ordinance for Impact Fee/Excise Tax Changes

The capital facility impact fee study completed by TischlerBise (**Attachment C**) has established that an incremental update to the fee levels is necessary based on current capital needs and levels of service. The transportation studies (**Attachments D & E**) 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.

For capital facility impact fees, the change based on prototypical developments 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 $0.17/sq. ft. increase for residential, and a $0.24/sq. ft. increase for non-residential. The combined change based on prototypical developments is a $1.05/sq. ft. increase for residential, and a $0.97/sq. ft. increase for non-residential. Charts and graphs of these changes can be found in **Attachment F.**

A request for information on how the capital facility impact fees would change if all existing land was factored into the fees was made at the Sept. 20 City Council meeting. The current studies only included land costs where an identified need for land exists (Fire & Municipal Facilities), since the studies are based on setting fees that provide for growth's share of identified needed capital improvements. Based on current parcels for city capital facilities, TischlerBise estimated all land costs for an incremental expansion approach. The spreadsheet of results can be found in the first reading questions in **Attachment B**. The fee would increase for residential by 396% if all land was included. If Parks & Recreation land was excluded, the fee increase would be 5% for residential. The non-residential fees would increase by 4-9%. Staff does not recommend including all land, as the city does not have any identified land needs except as already factored into

the fees and studies. If council desires to include additional land costs, revisions to the current studies would be necessary prior to adoption of the ordinance.

Staff is recommending adoption of the new fees as proposed in the 2016 Capital Facility Development Impact Fee Study, and recommending adoption of a new transportation impact fee as proposed in the 2016 Transportation Impact Fee Study (**Attachment D**), 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 E**).

The ordinance **(Attachment A)** implementing the capital facility impact fees and transportation fee/tax is proposed to 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.

Part 2: Affordable Housing Commercial Linkage Fee

The jobs-housing nexus study completed by Keyser Marston Associates (**Attachment G**) establishes the fee for non-residential development to mitigate the impacts on the need for affordable housing. The study results in a legally supportable fee that is quite significant and not recommended. This is common in linkage fee nexus analyses and therefore setting the fee is a policy decision that takes into consideration a variety of factors.

At the June 14, 2016 study session, council feedback was to set the updated fee based on market and economic factors, and to bring forward options for office building type fee levels of $10, $20 and $35/sq. ft. At the Sept. 20., 2016 City Council meeting, staff presented additional market and economic analysis of the three fee levels (**Attachment H)**. Key findings in that analysis include:

- Cities with exceptionally strong real estate markets have adopted linkage fees representing up to approximately five percent of development costs.
- A five percent of development cost rate structure would be in the range of $10-15/sq. ft. for office (if uniform across the city), $7-$10/sq. ft. for retail, hotel, and flex commercial and $3-5/sq. ft. for warehouse.
- Option 3 ($35/sq. ft.) would exceed all other currently adopted linkage fee programs that Keyser Marston Associates is aware of.

Staff is recommending a fee of $15 per sq. ft. for office uses, with a consistent fee citywide. When the three fee options are applied to various non-residential development building types, it results in the following findings for cost per sq. ft. and percent of development cost:

Proposed Fees as % of Development Costs

Building Type	Flex Commercial (R&D / Light Industrial)	Hotel	Retail	Office	Office - Higher Density (Downtown and Vicinity)
Total Development Cost ($/SF)	$206	$248	$268	$301	$489
Affordable Housing Fees ($/SF)					
Option 1	$7	$7	$7	$10	$10
Option 2	$12	$12	$12	$20	$20
Option 3	$20	$20	$20	$35	$35
Staff Recommendation	$10	$10	$10	$15	$15
Current Fees	$5.62	$1.79	$6.96	$9.53	$9.53
Other Impact Fees, Permit Fees and Taxes ($/SF) (1)	$7	$8	$9	$10	$13
Affordable Housing Fees as % of Development Cost					
Option 1	3%	3%	3%	3%	2%
Option 2	6%	5%	4%	7%	4%
Option 3	10%	8%	7%	12%	7%
Staff Recommendation	5%	4%	4%	5%	3%
Current Fees	3%	1%	3%	3%	2%
Affordable Housing + Other Fees and Taxes as % of Development Cost					
Option 1	7%	6%	6%	7%	5%
Option 2	9%	8%	8%	10%	7%
Option 3	13%	11%	11%	15%	10%
Staff Recommendation	8%	7%	7%	8%	6%
Current Fees	6%	4%	6%	6%	5%

(1) Reflects proposed capital and transportation impact fees using fees levels identified in the TischlerBise draft studies. Sales tax, permitting fees, and plant investment fees are approximated at 1.7% of cost based on a City-prepared analysis for office.

Staff is recommending these fee levels for the following reasons:

- Cities with exceptionally strong real estate markets have adopted linkage fees representing up to approximately five percent of development costs.
- These fees will provide additional revenues to support the creation of additional permanently affordable housing in Boulder.
- These fees achieve the desire to continue to fund affordable housing in the community, in balance with economic and market factors (such as land values, commercial rents and practices of high fee communities with a linkage fee).

Option of tiered/varied rates

At the September 20, 2016 City Council meeting, several council members expressed interest in exploring a tiered rate system, with a higher fee for higher density office developments. Some communities utilize models of varied or tiered rates, in order to achieve other community goals, such as those in their comprehensive plans, economic development or revitalization, and social or community based objectives.

As shown in the chart above, higher density office buildings have a higher cost of development, and could potentially support a higher fee within that development context. However, the analysis performed by Keyser Marston Associates did not look at whether a higher density office development results in a greater impact or demand for affordable housing. The city's practice has been to administer development related fees equally across the city based on building uses, not geographically. Therefore, staff is not recommending a tired or varied rate system at this time. If council provides direction to implement a tiered or varied rate system, staff would work with the consultants to refine the current analysis.

Next Steps

Based on council direction regarding the affordable housing linkage fee, staff will develop an ordinance for council consideration in the first quarter of 2017, including recommendations for phasing and effective date for a revised fee.

If a variable rate is desired, additional analysis will need to be conducted by staff and the consultant to develop a proposed tiered or varied rate structure. The most common approach to this is an exemption or threshold system. Such a system was not anticipated as a part of the original project scope presented to council, and would potentially require additional consulting resources to develop.

ATTACHMENTS

Attachment A: Ordinance 8152
Attachment B: Responses to first reading questions
Attachment C: 2016 Capital Facility Development Impact Fee Study
Attachment D: 2016 Transportation Development Impact Fee Study
Attachment E: 2016 Transportation Development Excise Tax Study
Attachment F: Prototypical Development Fee/Tax Charts & Tables
Attachment G: 2016 Jobs Housing Nexus Analysis Study
Attachment H: Keyser Marston Memorandum on fee options and context materials

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 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.

(~~8~~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~~ $3,518.31
~~Total:~~	~~$3,518.31~~

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

~~Park land~~	~~$830.57~~
Transportation	~~$1,722.02~~ $2,552.59
~~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 to the city any police, fire, library, human services or municipal offices capital improvements beyond those required by any provision of this code that would benefit the public at large to the same degree as collection of the tax, and that granting the credit will not result in a substantial increase in the city's costs of providing capital improvements in the future. The amount of the credit shall be equal to the cost of such improvements to the taxpayer, as determined by the city manager, and in no event shall the credit be greater than the amount of development excise tax that would be due on the property. No certificate of occupancy, temporary or otherwise, shall be issued for the property until such improvements have been completed to the satisfaction of the city manager and dedicated to the city, or a financial guarantee in a form allowed under section 9-12-13, "Sub-divider Financial Guarantees," B.R.C. 1981, and in an amount sufficient to secure the full costs, as determined by the city manager, of constructing or installing the improvements, has been provided by the developer.

(b) ~~Park Dedications and 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 and deposited in the permanent park and recreation fund if the city council, after receiving recommendations from the city manager and parks and recreation advisory board, finds that such a credit is in the public interest. In making this determination, the council shall consider whether sufficient public recreational areas, facilities or park land acceptable to the City has been dedicated to the City or provided by the building permit applicant and whether the public receives perpetual use of such recreational areas, facilities or additional park land in documents satisfactory to the city attorney. But public recreational areas, facilities or park land referred to in this subsection does not include yards, setbacks or any other areas required by city zoning and building regulations.~~

~~(c)~~ Transportation 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 and deposited in the transportation development fund if the city council, after reviewing a recommendation from the city manager, finds that such a credit is in the public interest. In making this determination, the council shall consider whether such improvements to be constructed by a developer are consistent with the ultimate configuration of the Transportation Master Plan for the Boulder Valley and do not solely benefit the private interests of the specific development project. No certificate of occupancy, temporary or otherwise, shall be issued for the property until such improvements have been completed to the satisfaction of the city manager and dedicated to the city, or a financial guarantee in a form allowed under section 9-12-13, "Sub-divider Financial Guarantees," B.R.C. 1981, and in an amount sufficient to secure the full costs, as determined by the city manager, of 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.

(~~d~~c) Affordable Housing, Facilities Serving the General Public and Urban Renewal Areas: 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 finds the public interest is

adequately served and 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.

(d~~e~~) 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.

(e~~f~~) 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**~~

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

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

	~~**IMPACT FEE RATE**~~						
~~***Size Range (SF)***~~	~~***Library***~~	~~***Parks & Recreation***~~	~~***Human Services***~~	~~***Municipal Facilities***~~	~~***Police***~~	~~***Fire***~~	~~***TOTAL***~~
~~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**~~

	~~*Municipal Facilities*~~	~~*Police*~~	~~*Fire*~~	~~*Affordable Housing*~~	~~*TOTAL*~~
~~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~~
~~Mini-Warehouse~~	~~$0.00~~	~~$0.02~~	~~$0.00~~	~~$0.09~~	~~$0.11~~
~~Warehousing~~	~~$0.07~~	~~$0.05~~	~~$0.05~~	~~$3.16~~	~~$3.33~~
~~Light Industrial~~	~~$0.13~~	~~$0.06~~	~~$0.08~~	~~$5.73~~	~~$6.00~~

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

~~*Other Nonresidential Uses*~~	~~*Municipal Facilities*~~	~~*Police*~~	~~*Fire*~~	~~*Affordable Housing*~~	~~*TOTAL*~~
~~Nursing Home (per bed)~~	~~$20.60~~	~~$22.89~~	~~$56.07~~	~~$895.19~~	~~$994.75~~
~~Day Care (per student)~~	~~$8.01~~	~~$20.60~~	~~$25.18~~	~~$397.39~~	~~$451.18~~
~~Lodging (per room)~~	~~$25.17~~	~~$54.93~~	~~$69.81~~	~~$1,093.89~~	~~$1,243.80~~

Table 1: Residential Impact Fee Rates per Dwelling Unit

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

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Table 1: Residential Impact Fee Rates per Dwelling Unit

3400-3599	$1,103	$6,899	$212	$674	$562	$501	$267	$10,218
3600 and above	$1,125	$7,039	$216	$687	$573	$511	$272	$10,423

Table 2: Impact Fee Rates for Nonresidential

Nonresidential Uses	**Impact Fee Rates Per Square Foot of Nonresidential Floor Area**					
	Municipal Facilities	***Police***	***Fire***	***Affordable Housing***	***Transportation***	***TOTAL***
Retail/ Restaurant	$0.39	$0.72	$0.62	$7.10	$0.54	$9.37
Office	$0.56	$0.29	$0.89	$9.72	$0.22	$11.68
Hospital	$0.46	$0.34	$0.72	$8.39	$0.27	$10.18
Institutional	$0.12	$0.24	$0.19	$2.28	$0.18	$3.01
Warehousing	$0.14	$0.09	$0.23	$3.16	$0.07	$3.69
Light Industrial	$0.36	$0.17	$0.57	$5.73	$0.14	$6.97
Other Nonresidential Uses	**Impact Fee Rates for Other Nonresidential Uses Based on Unique Demand Indicators**					
	Municipal Facilities	***Police***	***Fire***	***Affordable Housing***	***Transportation***	***TOTAL***
Nursing Home/Assisted Living (per bed)	$132.60	$70.38	$208.08	$895.19	$56.10	$1,362.35
Lodging (per room)	$89.76	$212.16	$141.78	$1,093.89	$168.30	$1,705.89

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

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

(4) TischlerBise updated the 2009 study which provides the basis for the capital facility impact 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 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."

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

(6) Keyser Marston Associates, a real estate advisory firm with expertise in calculating the nexus between nonresidential development and its impacts on the communities' need for affordable housing updated the 2009 study which provides 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."

(~~5~~7) 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.

(~~6~~8) 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.

Section 7. This ordinance shall be effective July 1, 2017.

Section 8. 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 9. 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 1st day of November, 2016.

_____
Suzanne Jones
Mayor

Attest:

_____
Lynnette Beck
City Clerk

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READ ON SECOND READING, PASSED, AND ADOPTED this 15th day of November, 2016.

_____
Suzanne Jones
Mayor

Attest:

_____
Lynnette Beck
City Clerk

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DEVELOPMENT FEES FIRST READING QUESTIONS

City council members posed the following questions at and following the Sept. 20, 2016 discussion and the Nov. 1, 2016 First reading:

Capital Facility Impact Fees and Excise Taxes:

1. *How is the level of service factored into the Transportation Impact Fee/Excise Tax?*
   Traditionally transportation impact fees are used to fund capital improvements that are necessary to maintain levels of service of the transportation system. For the proposed transportation impact fee, staff is using a next-generation, plan-based approach. This approach is based on new growth paying its share of planned capital improvements to the transportation system. This next generation approach is better suited for communities, like Boulder, that are not expanding their capital infrastructure or vehicular capacity and are instead focused on meeting mobility and access goals for all modes.

   Guided by the city's Transportation Master Plan (TMP), the planned projects of the Capital Improvement Program (CIP) and investment strategies are designed to meet nine measurable objectives, of which only one is related to level of service. The TMP objectives are primarily focused on increasing multimodal access and mobility, improving safety, and reducing vehicle miles of travel (VMT) and greenhouse gas emissions, consistent with the community's overall goals contained in the Boulder Valley Comprehensive Plan.

   To meet the TMP objectives, "maintenance" of level of service is inadequate; improvements must be made across all modes that increase mobility, access and safety. While capital improvements are critical to meeting those objectives, the primary factor centers on on-going operations, programs and services. Under this approach, the city will continue to use its zoning powers to require new developments to provide capital improvements directly related to its impact on the adjacent transportation system, while the proposed impact fee and existing development excise tax will be used to pay for new developments share of planned city-wide capital improvements of the TMP's CIP and the Action Plan Investment Program.

2. *How would the capital facility impact fees change if all existing land was factored into the fees?*
   The current studies only included land costs where an identified need for land exists (Fire & Municipal Facilities), since the studies are based on setting fees that provide for growth's share of identified needed capital improvements. Based on current parcels for city capital facilities, TischlerBise estimated all land costs for an incremental expansion approach. The spreadsheet of results can be found on the following page. The fee would increase for residential by 396% if all land was included. If Parks & Recreation land was excluded, the fee increase would be 5% for residential. The non-residential fees would increase by 4-9%. Staff does not recommend including all land, as the city does not have any identified land needs except as already factored into the fees and studies. If council desires to include additional land costs, revisions to the current studies would be necessary prior to adoption of the ordinance.

RESIDENTIAL IMPACT FEES		MAXIMUM ALLOWABLE IMPACT FEES Per Development Unit												
Square Feet	*Development Unit*	*Library*	*Library Land*	*Parks & Recreation*	*P&R Land*	*Human Services*	*HS Land*	*Municipal Facilities*	*Muni Fac. Land****	*Police*	*Police Land*	*Fire*	*TOTAL*	*TOTAL w/ Land*
600	Dwelling Unit	$424	$105	$2,656	$14,968	$81	$43	$259	$30	$216	$28	$193	**$3,829**	**$19,003**
800	Dwelling Unit	$533	$132	$3,337	$18,807	$102	$54	$326	$38	$271	$35	$242	**$4,811**	**$23,877**
1,000	Dwelling Unit	$617	$153	$3,859	$21,749	$119	$62	$377	$44	$314	$40	$280	**$5,566**	**$27,614**
1,200	Dwelling Unit	$686	$170	$4,290	$24,180	$132	$69	$419	$49	$349	$45	$311	**$6,187**	**$30,700**
1,400	Dwelling Unit	$744	$184	$4,653	$26,227	$143	$75	$455	$53	$379	$49	$338	**$6,712**	**$33,300**
1,600	Dwelling Unit	$794	$197	$4,971	$28,018	$153	$81	$486	$56	$405	$52	$361	**$7,170**	**$35,574**
1,800	Dwelling Unit	$842	$208	$5,266	$29,682	$162	$85	$515	$60	$429	$55	$382	**$7,596**	**$37,686**
2,000	Dwelling Unit	$878	$217	$5,493	$30,961	$169	$89	$537	$62	$447	$58	$399	**$7,923**	**$39,310**
2,200	Dwelling Unit	$914	$226	$5,720	$32,240	$176	$93	$559	$65	$466	$60	$415	**$8,250**	**$40,934**
2,400	Dwelling Unit	$947	$234	$5,924	$33,392	$182	$96	$579	$67	$482	$62	$430	**$8,544**	**$42,395**
2,600	Dwelling Unit	$980	$243	$6,129	$34,543	$189	$99	$599	$70	$499	$64	$445	**$8,841**	**$43,860**
2,800	Dwelling Unit	$1,009	$250	$6,310	$35,567	$194	$102	$617	$72	$514	$66	$458	**$9,102**	**$45,159**
3,000	Dwelling Unit	$1,034	$256	$6,469	$36,462	$199	$105	$632	$74	$527	$68	$470	**$9,331**	**$46,296**
3,200	Dwelling Unit	$1,056	$261	$6,606	$37,230	$203	$107	$646	$75	$538	$69	$480	**$9,529**	**$47,271**
3,400	Dwelling Unit	$1,081	$268	$6,764	$38,126	$208	$110	$661	$77	$551	$71	$491	**$9,756**	**$48,408**
3600+	Dwelling Unit	$1,103	$273	$6,901	$38,893	$212	$112	$674	$79	$562	$72	$501	**$9,953**	**$49,382**

NONRESIDENTIAL IMPACT FEES		MAXIMUM ALLOWABLE IMPACT FEES Per Development Unit												
Land Use	*Development Unit*	*Library*		*Parks & Recreation*		*Human Services*		*Municipal Facilities*	*Muni Fac. Land****	*Police*	*Police Land*	*Fire*	*TOTAL*	*TOTAL w/ Land*
Retail / Restaurant / Service	Square Feet of Floor Area	$0		$0		$0		$0.38	$0.04	$0.71	$0.09	$0.61	**$1.70**	**$1.83**
Office	Square Feet of Floor Area	$0		$0		$0		$0.55	$0.06	$0.28	$0.03	$0.87	**$1.70**	**$1.79**
Light Industrial	Square Feet of Floor Area	$0		$0		$0		$0.35	$0.04	$0.17	$0.02	$0.56	**$1.08**	**$1.14**
Warehousing	Square Feet of Floor Area	$0		$0		$0		$0.14	$0.01	$0.09	$0.01	$0.22	**$0.45**	**$0.47**
Institutional	Square Feet of Floor Area	$0		$0		$0		$0.12	$0.01	$0.23	$0.03	$0.19	**$0.54**	**$0.58**
Hospital	Square Feet of Floor Area	$0		$0		$0		$0.45	$0.05	$0.33	$0.04	$0.71	**$1.49**	**$1.58**
Nursing Home/Assisted Living	Bed	$0		$0		$0		$130.00	$15.00	$69.00	$9.00	$204.00	**$403.00**	**$427.00**
*Nursing Home/Assisted Living**	*Square Feet of Floor Area*	*$0*		*$0*		*$0*		*$0.32*	*$0.03*	*$0.17*	*$0.02*	*$0.13*	***$0.62***	**$0.67**
Lodging	Room	$0		$0		$0		$88.00	$10.00	$208.00	$28.00	$139.00	**$435.00**	**$473.00**
*Lodging***	*Square Feet of Floor Area*	*$0*		*$0*		*$0*		*$0.14*	*$0.01*	*$0.34*	*$0.04*	*$0.06*	***$0.54***	**$0.59**

** 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*
**** Further analysis of municipal facilities land is necessary before implementation of a final fee.*

Affordable Housing Linkage Fee:

3. *When was the linkage fee implemented city-wide by the City Council and when was in fully phased in?*
   In 2011, City Council amended Section 9-8-1 Table 8-2 "Floor Area Additions" B.R.C. 1981 to allow for floor area additions of up to a maximum of 1.0 for commercial uses specifically in the DT-5 zone district and establish a housing linkage fee that would apply to the additional commercial square footage. In 2015, the housing linkage fee was expanded to all commercial uses in all zoning districts in the city. It was fully phased in June 6, 2016.

4. *Since the linkage fee was implemented city-wide, how many projects have been subject to payment and how much has the city collected?*
   While the commercial linkage fee was adopted in 2011, the city didn't collect any revenue until 2013 when projects were completed. In total, sixteen projects have paid commercial linkage fees totaling $1,076,424.

5. *In addition to the linkage fee, what are the other sources of funding for permanently affordable housing?*
   The revenue generated from the linkage fee adds to the variety of funding sources used to support the city's affordable housing efforts. The following table reflects the city's current affordable housing sources. These funds are awarded to affordable housing development partners to leverage other sources (tax credits, private activity bonds) to create and preserve permanently affordable housing.

	Fund	Source	Estimated Annual Revenue
Local Funding Sources	Affordable Housing Fund (AHF)	Inclusionary Housing Cash-In-Lieu (amount varies) General Fund (amount varies)	Dependent on residential development activity. Avg. Cash-In Lieu Revenue ('11-'15) = $6M Avg. General Fund Allocation =$240,000
	Community Housing Assistance Program (CHAP)	Property Tax, Housing Excise Tax	$2.5M
	Existing Commercial Linkage Fee	Fee charged for new/additional commercial square footage.	TBD/Dependent on Non-residential development activity
Federal Funding Sources	Community Development Block Grant (CDBG)	Federal	$800K
	HOME Investment Partnerships Program (HOME)	Federal	$800K Rotated among Boulder Broomfield Regional Consortium members dependent on location of eligible projects. General expectation City of Boulder receives 2 times over a 4 year cycle.

6. *Using averages of the funding sources for permanently affordable housing over the past few years, what percentage has been contributed by the linkage fee?*
   In 2014 and 2015 the city, on average, generated approximately $8 million per year to capitalize the city's local affordable housing funding sources. The commercial linkage fee collected during that same period time represents approximately 5% of all revenues collected to support affordable housing production.

7. *How many times has the Affordable Housing Technical Review Group failed to fund an otherwise qualified affordable housing project solely because of lack of available city funds?*
   It was not until the 2017 Affordable Housing Fund Round (conducted in 2016) that the Affordable Housing Technical Review group elected not to recommend funding due to a lack of funds and technical deficiencies of the application. Prior to this last fund round and over the last five years, the TRG has chosen not to recommend funding for affordable housing projects due to technical deficiencies or concern regarding readiness, not because of a lack of funds.

8. *When did we establish the goal of 10 percent permanently affordable housing?*
   The 10 percent Affordable Housing goal was adopted by City Council in 2000.

9. *What percentage of the city's housing is permanently affordable now?*
   As of July 2016, the city has 3,319 units secured as permanently affordable, or 7.3% of the city's Affordable Housing Goal. To be counted as Permanently Affordable, the unit must serve low and moderate income households and are either permanently affordable (deed restricted) or owned by housing partners that are highly likely to remain affordable.

10. *When will we likely reach the 10 percent goal at current levels of available funding?*
    Reaching the 10 percent Affordable Housing goal is dependent on a variety of factors including the rate of development, availability of local equity to maximize leveraging of capital markets and other financial sources as well as the application of Inclusionary Housing and annexation policies. To reach the current 10 percent goal approximately 1200 units of permanently affordable housing needs to be created or preserved. Assuming the status quo of approximately 150 units (does not include linkage fee revenues) secured as permanently affordable per year, it will take 8 years to reach the 10 percent goal. However, with the amount of expected affordable housing projects and changes in policies identified in the Housing Boulder work, the 10% goal could be reached in 5 to 7 years.

11. *How much more quickly will that goal be reached if the linkage fee is increased?*
    The following table demonstrates KMAs estimation of the number of affordable units produced over the next 10 years as a result of the collection of the commercial linkage fee at the varying fee levels.

Estimated Number of Affordable Units Produced

			Option 1	Option 2	Option 3	
10-Year Revenue Estimate	New Building Area (1) 2016-2025 (Sq.Ft.)	Fee Levels Op #1 Op #2 Op #3				
Office and Institutional (2)	1,056,000	$10 $20 $35	$11	$21	$37	$Million
Retail and Industrial	1,580,000	$7 $12 $20	$11	$19	$32	$Million
			$22	$40	$69	$Million
Est. of Affordable Units Funded Over 10 Years	$116,000	/ Unit Cost (3)	190	340	590	Units

(1) Estimate from Tishchler Bise Land Use Assumptions Appendix.

(2) TischlerBise Land Use Assumptions memo combines office and institutional categories. For purposes of revenue estimates, assumes primarily office.

(3) Reflects KMA affordability gap analysis weighted by income tier based on income levels assisted from 2010-2015.

Applying their assumptions to the goal to produce approximately 1200 units, and noting the commercial linkage fee would be paired with other city affordable housing fund sources as well as the city's Inclusionary Housing and annexation policies, to reach the current 10 percent goal the linkage fee impact at Option 1 would be 7 years, Option 2 would be 6.5 years, and Option 3 would be 5.7 years.

DRAFT #3

2016 Capital Facility Development Impact Fee Study

Prepared for:

City of Boulder, Colorado

September 20, 2016

TischlerBise
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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.

• Fiscal Impact Analysis • Impact Fees • Revenue Strategies • Economic Impact Analysis • Fiscal Software •

- 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	▪ Facilities ▪ Collection Materials	▪ Incremental ▪ Incremental	100% Residential
Parks and Recreation	▪ Outdoor Park Improvements ▪ Recreation Facilities and Pools ▪ Parks and Rec Admin & Support Facilities	▪ Incremental ▪ Incremental ▪ Incremental	100% Residential
Human Services	▪ Human Services Facilities	▪ Incremental	100% Residential
Municipal Facilities	▪ Office Buildings ▪ Land ▪ Municipal Court	▪ Incremental ▪ Cost Recovery ▪ Plan-Based	Functional Population
Police	▪ Station Space ▪ Communications Infrastructure	▪ Incremental ▪ Incremental	Functional Population
Fire	▪ Station Space ▪ Storage Facility ▪ Apparatus ▪ Land	▪ 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

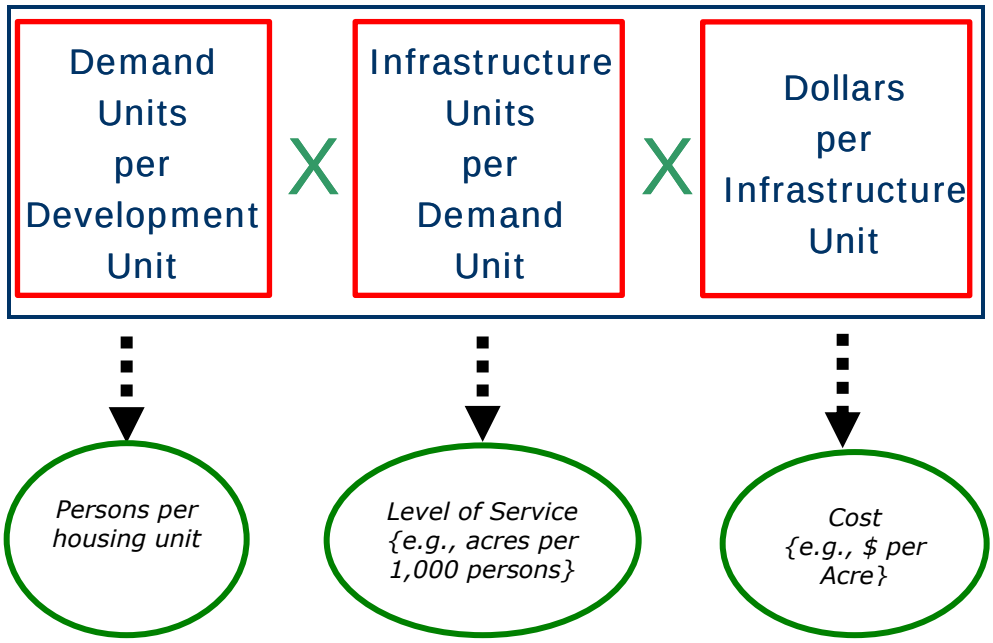
improvements normally required as part of the development approval process are not eligible for credits against impact fees.

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***

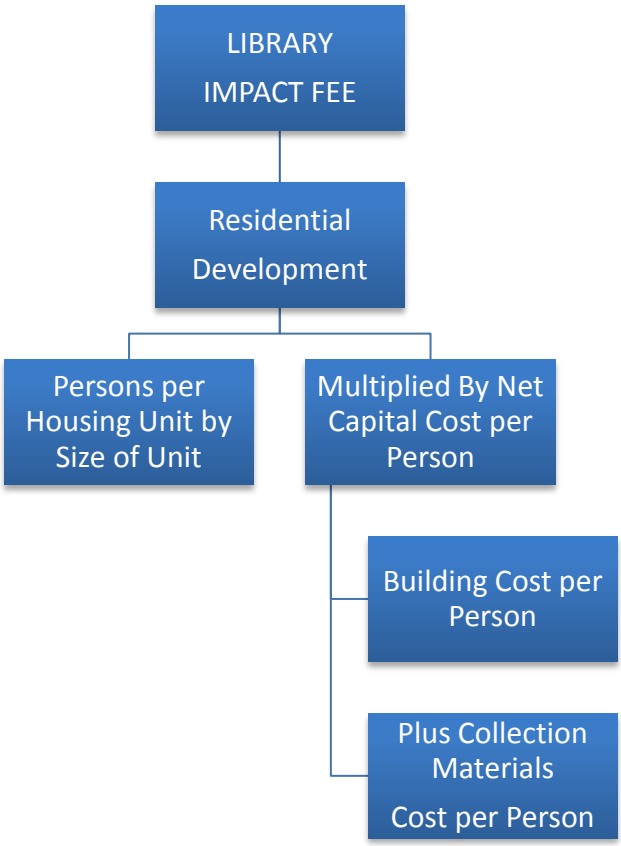
** For illustration and comparison with per square foot impact fees, assumes an average of 400 sq. ft. per bed*
*** For illustration and comparison with per square foot impact fees, assumes an average of 600 sq. ft. per room*

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*
	Per Person
Building Cost	$280
Collection Cost	$83
Debt Service Credit	$0
Net Capital Cost	**$363**

Square Feet	***Development Unit***	***Persons per Housing Unit***	***Impact Fee per Housing Unit***
(finished floor area)		*All Housing Unit Types*	*All Housing Unit Types*
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

	Cost per Person (2016)	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:

Fiscal Year	*% Increase*
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

		Residential
	Fee (Wtd Avg)	$776
		per housing unit
	Year	*Housing Units*
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
	Ten-Yr Increase	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.

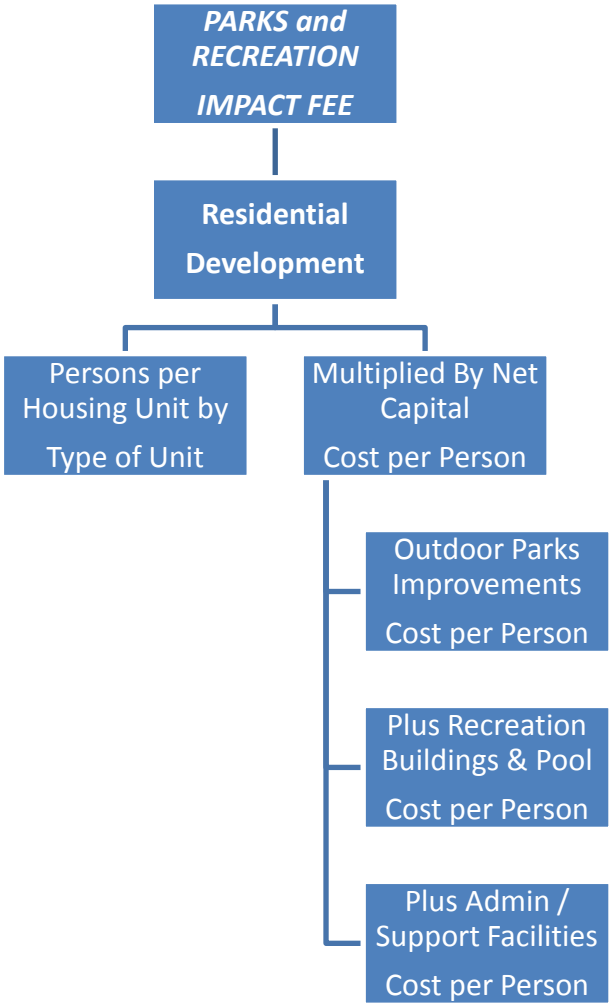
All facility costs are allocated 100 percent to residential development. Smaller-scale recreation amenities are excluded because they serve more limited areas, which would require implementation of multiple service areas and are not recommended due to higher administrative costs and limited revenue generated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

				Baseball Fields		Softball Fields		Multi-Use Fields			Courts					Other Amenities			
Site	Park Type	Total Acres	City Owned Improved Acres	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													4	1	1	2
Boulder Reservoir Regional Park	Recreation Facilities	116.0	116.0									15.0				1	1		
East Mapleton Ballfields	Recreation Facilities	8.3	8.3			3.0										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 Carperter 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

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

RESIDENTIAL IMPACT FEES			
Square Feet	***Development Unit***	***Persons per Housing Unit***	***Impact Fee per Housing Unit***
(finished floor area)		*All Housing Unit Types*	*All Housing Unit Types*
Residential (by square feet of finished living space)			
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:

Fiscal Year	*% Increase*
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

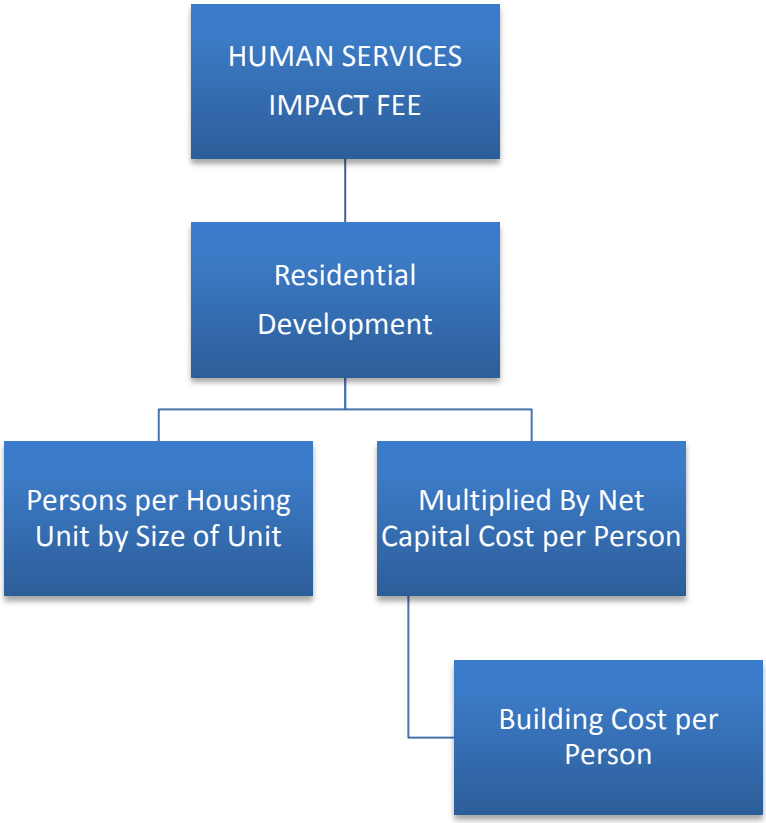
		Residential
	Fee (Wtd Avg)	$4,858
		per housing unit
	Year	*Housing Units*
Base	2015	45,740
Year 1	2016	46,012
Year 2	2017	46,288
Year 3	2018	46,566
Year 4	2019	46,846
Year 5	2020	47,127
Year 6	2021	47,409
Year 7	2022	47,694
Year 8	2023	47,980
Year 9	2024	48,268
Year 10	2025	48,557
	Ten-Yr Increase	2,817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

Level Of Service		*Factors*
		Per Person
	Human Services Buildings	$70
	Debt Service Cost	$0
	Net Capital Cost	$70

Square Feet	***Development Unit***	***Persons per Housing Unit***	***Impact Fee per Housing Unit***
(finished floor area)		*All Housing Unit Types*	*All Housing Unit Types*
Residential (by square feet of finished living space)			
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

	Cost per Person (2016)	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:

Fiscal Year	*% Increase*
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

		Residential
	Fee (Wtd Avg)	$149
		per housing unit
	Year	*Housing Units*
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
	Ten-Yr Increase	2,817
	Projected Revenue =>	**$419,791**

Municipal Facilities Impact Fees

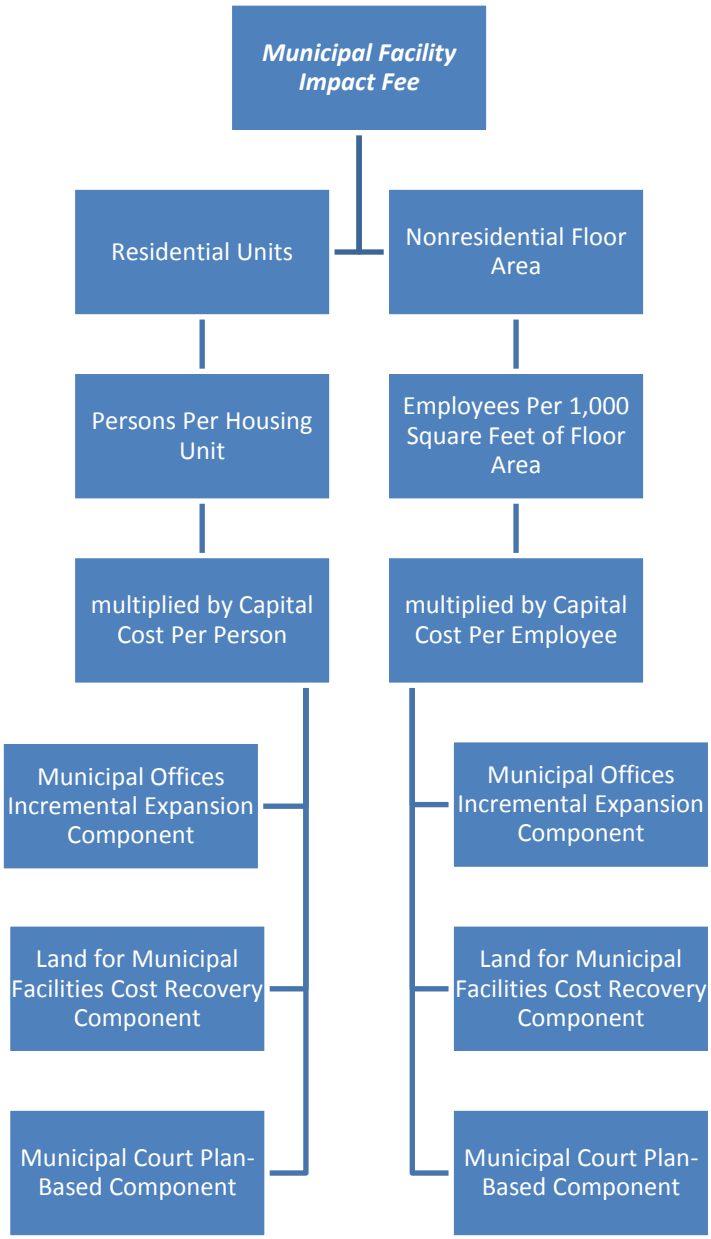
Methodology

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

		Service Units in 2015			Demand Hours/Day	Person Hours
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

		Factors
Level Of Service		***Per Person***
	Municipal Facilities Building Cost	$175
	Land Cost	$26
	Municipal Court Cost	$21
	Debt Service Cost	$0
	Net Capital Cost	**$222**

RESIDENTIAL IMPACT FEES			
Square Feet	***Development Unit***	***Persons per Housing Unit***	***Impact Fee per Housing Unit***
(finished floor area)		*All Housing Unit Types*	*All Housing Unit Types*
Residential (by square feet of finished living space)			
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

	Cost per Person (2016)	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:

Fiscal Year	*% Increase*
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

		Factors
Level Of Service		***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

	Cost per Employee (2016)	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:

Fiscal Year	*% Increase*
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

		Residential	*Industrial*	*Retail*	*Office and Other Services*
	Fee (Wtd Avg)	$475	$0.35	$0.38	$0.55
		per housing unit	per sq. ft.	per sq. ft.	per sq. ft.
	Year	*Housing Units*	*Square Feet*	*Square Feet*	*Square Feet*
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
	Ten-Yr Increase	2,817	970,607	609,328	1,056,373
	Projected Revenue =>	$1,338,260	$339,712	$231,545	$581,005
				Total Projected Revenue =>	**$2,490,522**

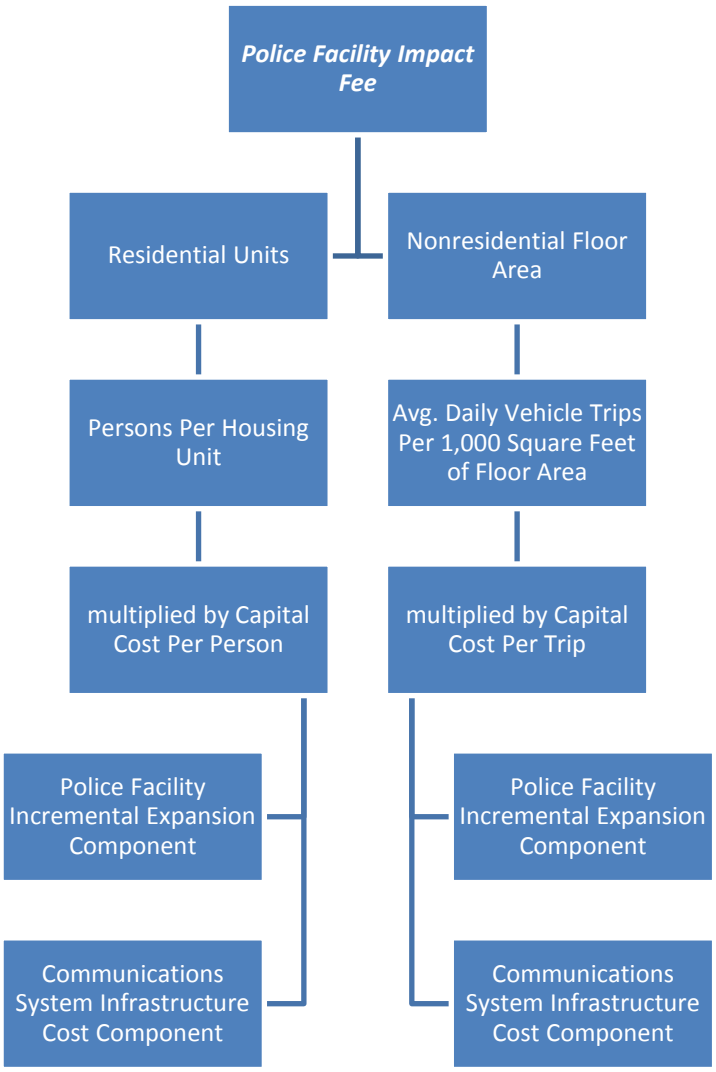
Police Impact Fees

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

Boulder Functional Population Analysis

		Service Units in 2015			Demand Hours/Day	Person Hours
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
bs 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*

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

		Factors
Level Of Service		***Per Person***
	Police Buildings Cost	$174
	Communications Infrastructure Cost	$11
	Debt Service Cost	$0
	Net Capital Cost	**$185**

RESIDENTIAL IMPACT FEES			
Square Feet	***Development Unit***	***Persons per Housing Unit***	***Impact Fee per Housing Unit***
(finished floor area)		*All Housing Unit Types*	*All Housing Unit Types*
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:

Fiscal Year	*% Increase*
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

	Factors
	Per Trip
Police Buildings Cost	$48
Communications Infrastructure Cost	$3
Debt Service Cost	$0
Net Capital Cost	**$51**

NONRESIDENTIAL IMPACT FEES				
Nonresidential Land Use	***Development Unit***	***Vehicle Trip Rate per Demand Unit***	***Trip Adjustment Factors***	***Impact Fee per Development Unit***
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
*Nursing Home/Assisted Living**	*Square Feet of Floor Area*	*0.00685*	*50%*	*$0.17*
Lodging	Room	8.17	50%	$208
*Lodging***	*Square Feet of Floor Area*	*0.013616667*	*50%*	*$0.34*

** 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

	Cost per Trip (2016)	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:

Fiscal Year	*% Increase*
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

		Residential	*Industrial*	*Retail*	*Office and Other Services*
	Fee (Wtd Avg)	$395	$0.17	$0.71	$0.28
		per housing unit	per sq. ft.	per sq. ft.	per sq. ft.
	Year	*Housing Units*	*Square Feet*	*Square Feet*	*Square Feet*
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
	Ten-Yr Increase	2,817	970,607	609,328	1,056,373
	Projected Revenue =>	$1,112,869	$165,003	$432,623	$295,784
				Total Projected Revenue =>	**$2,006,279**

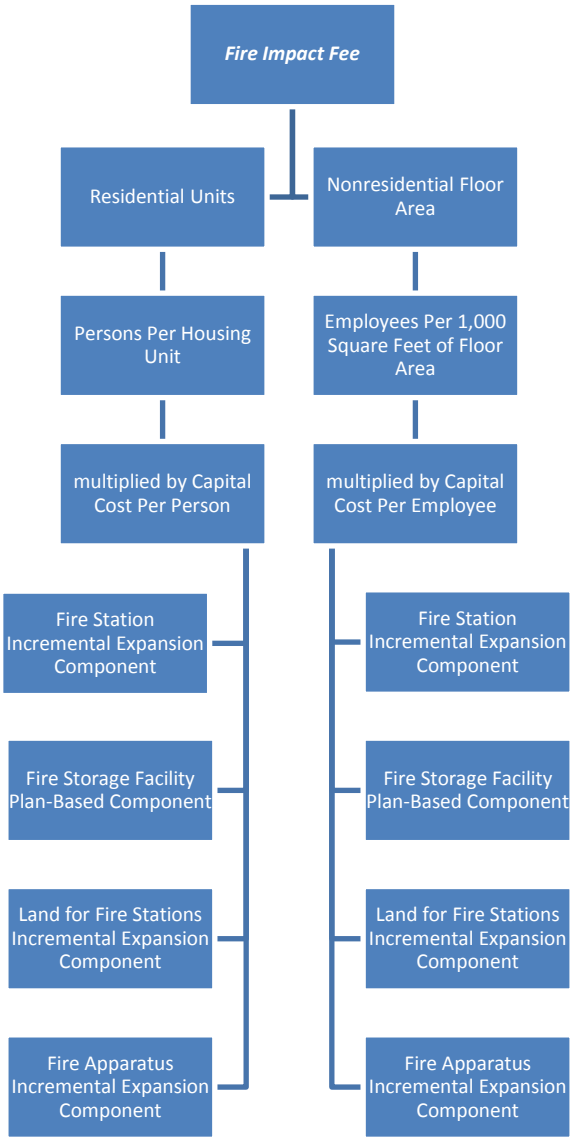
Fire Impact Fees

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 sq. ft. x 42% proportionate share / 104,808 population = .32 sq. ft. per capita
- Nonresidential: 79,318 sq. ft. x 58% proportionate share / 98,510 jobs = .47 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 sq. ft. per person x $238 = $76) and a cost per job of $112 (.47 sq. ft. per job x $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

Cost per Square Foot=>	$190

	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

		Factors
Level Of Service		***Per Person***
	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			
Square Feet	***Development Unit***	***Persons per Housing Unit***	***Impact Fee per Housing Unit***
(finished floor area)		*All Housing Unit Types*	*All Housing Unit Types*
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:

Fiscal Year	*% Increase*
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

		Factors
Level Of Service		***Per Employee***
	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			
Nonresidential Land Use	***Development Unit***	***Jobs per Development Unit***	***Impact Fee per Development Unit***
Retail / Restaurant / Service	Square Feet of Floor Area	0.00251	$0.61
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
*Nursing Home/Assisted Living**	*Square Feet of Floor Area*	*0.0021*	*$0.13*
Lodging	Room	0.57	$139.00
*Lodging***	*Square Feet of Floor Area*	*0.00095*	*$0.06*

** 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:

Fiscal Year	*% Increase*
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

		Residential	*Industrial*	*Retail*	*Office and Other Services*
	Fee (Wtd Avg)	$353	$0.56	$0.61	$0.87
		per housing unit	per sq. ft.	per sq. ft.	per sq. ft.
	Year	*Housing Units*	*Square Feet*	*Square Feet*	*Square Feet*
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
	Ten-Yr Increase	2,817	970,607	609,328	1,056,373
	Projected Revenue =>	$994,538	$543,540	$371,690	$919,044
				Total Projected Revenue =>	**$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

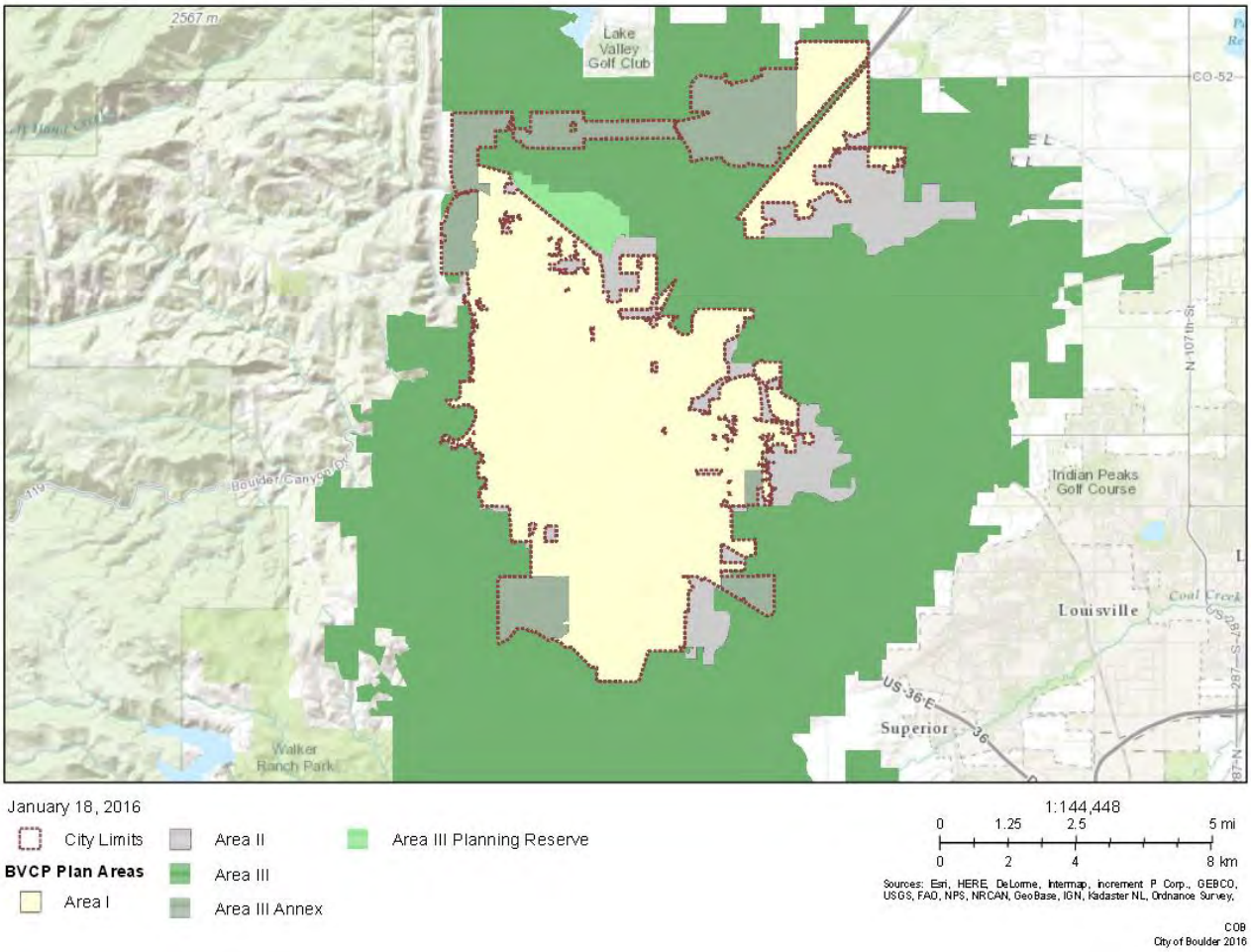
The City of Boulder is part of the Boulder Valley planning area, which is comprised of three areas:

- 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.

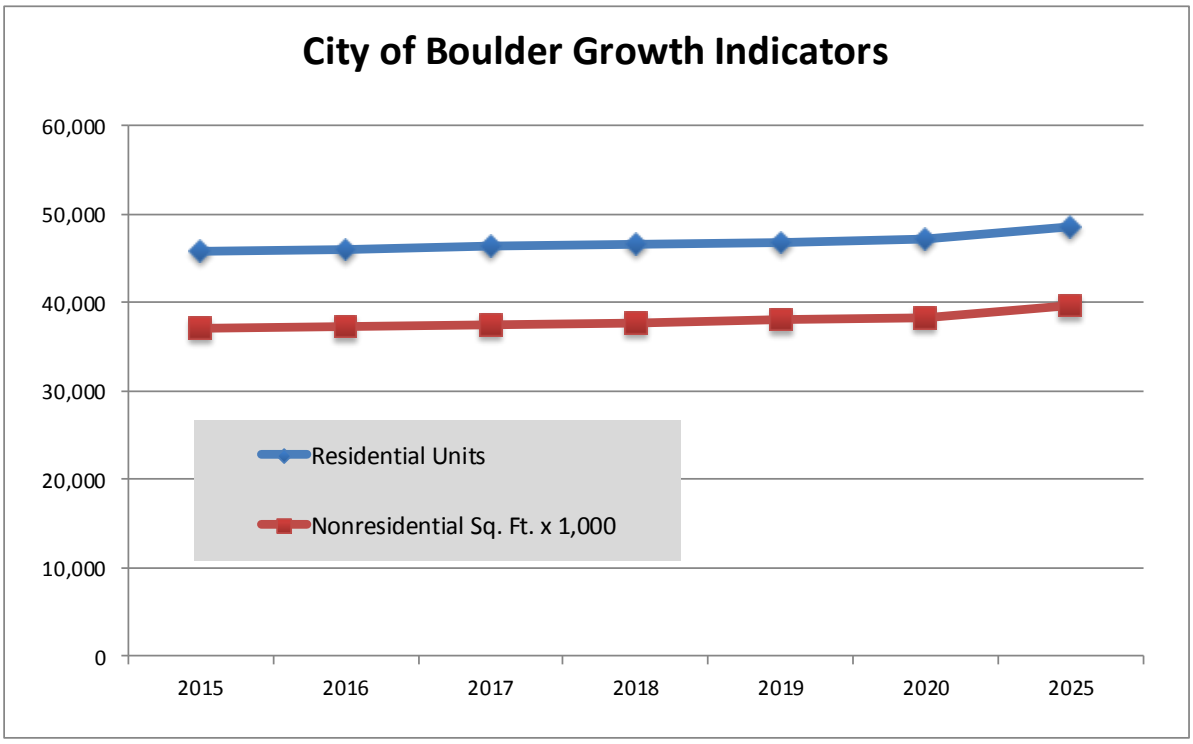
During the next five years, the 2015-2016 impact fee update expects an average increase of 282 housing units per year in the City. In comparison, 365 housing units on average were added per year from 2010 to 2014 and 387 units per year on average from 2004 to 2014.[2]

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

	10-Year Projection Period								
	One-Year Intervals					5-Year Interval		2015 to 2025 Average Annual	
City of Boulder	2015	2016	2017	2018	2019	2020	2025	Increase	Compound Growth Rate
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

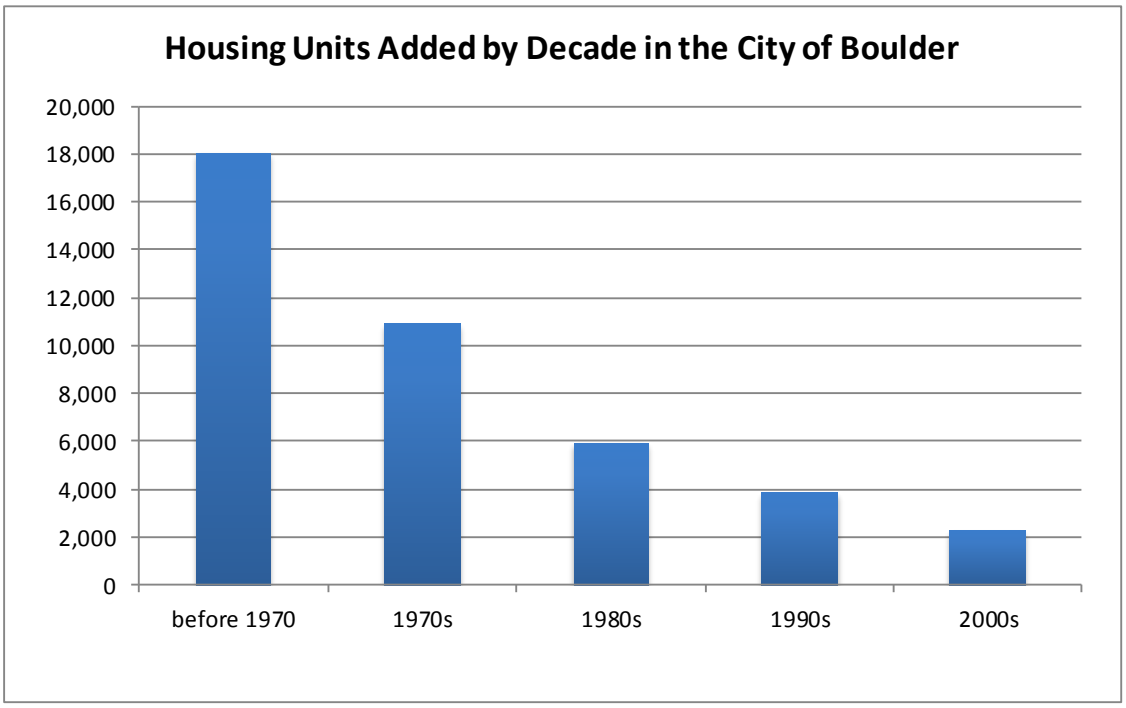
From 2000 to 2010, the City of Boulder increased by an average of 261 housing units per year. Figure A3 indicates citywide housing units added by decade in the city, according to data obtained from the U.S. Census Bureau and the *2015 BVCP Trends Report*. Consistent with the nationwide decline in development 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

	Boulder, Colorado
Census 2010 Population*	97,891
Census 2010 Housing Units*	42,962
Total Housing Units in 2000	40,348
New Housing Units	2,614

From 2000 to 2010, Boulder added approximately 261 housing units per year.

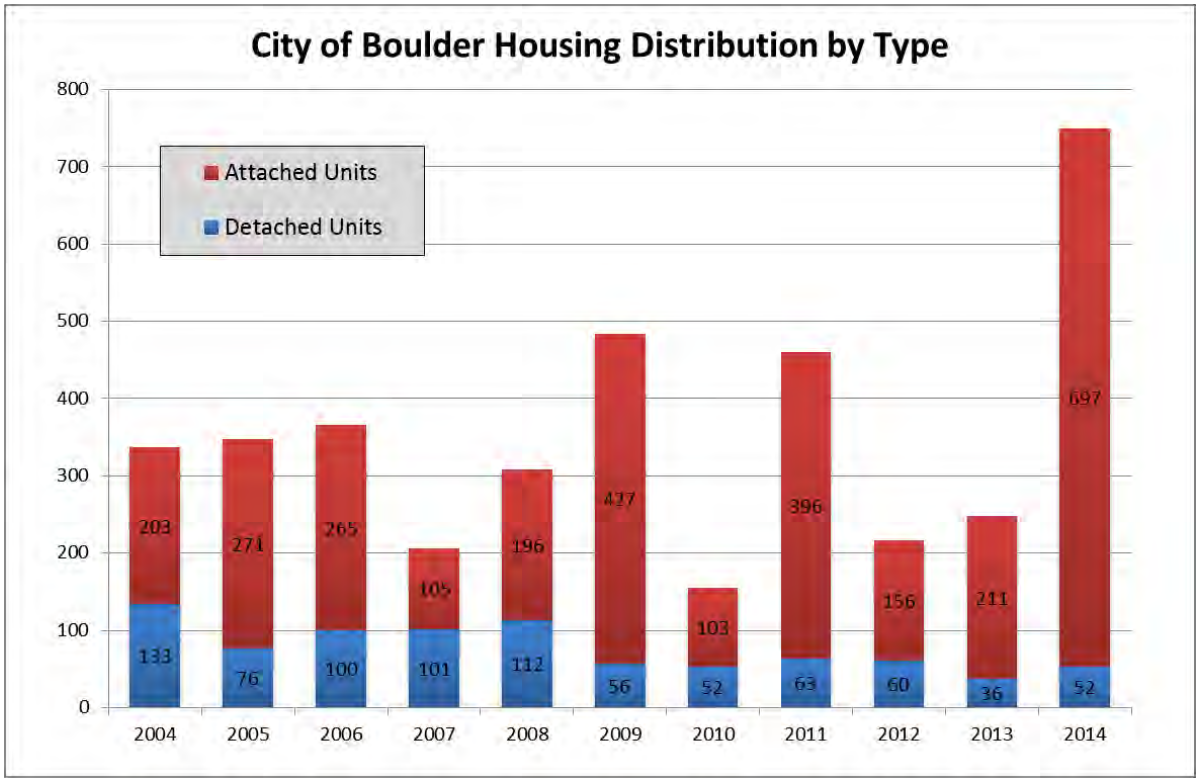
** From City of Boulder, 2015 BVCP Trends Report.*



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***
Average Annual	*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

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	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	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.

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

Bedroom Range	*Persons (1)*	*Vehicles Available (1)*	*Housing Units (1)*	*Boulder Hsg Mix*	*Unadjusted Persons/HU*	***Adjusted Persons/HU (2)***
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.

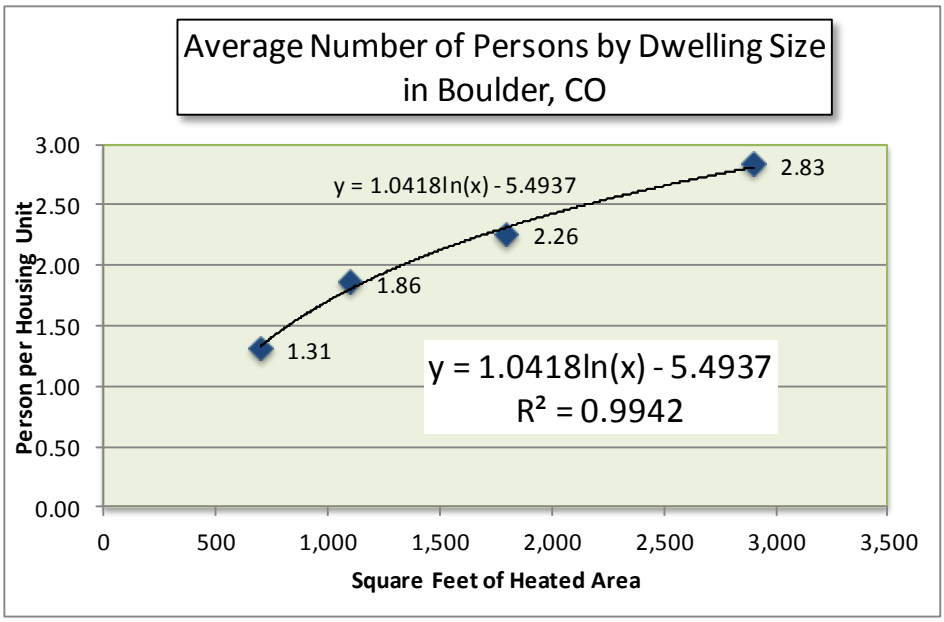
Average Number of Persons by Dwelling Size

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

Nonres. Category#	*ITE Code*	*Nonresidential Land Use*	*Development Unit*	*ITE Trip Rate per Development Unit*	*Employees per Development Unit**	*Sq. Ft. per Employee**
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 dervied 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

	*Jobs 2014**	*% of At-Place*	*Jobs 2015^*	*% of Total Jobs*
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

	*Sq. Ft.**	*Jobs 2015^*	*% Jobs Distribution*	*Sq. Ft. per Job*	*Jobs per 1,000 Sq. Ft.*
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

			Projections ===>				*5-Year Intervals*					
		2015	**2016**	**2017**	**2018**	**2019**	**2020**	**2025**	**2030**	**2035**	**2040**	**25-Year**
		Base Yr	*1*	*2*	*3*	*4*	*5*	*10*	*15*	*20*	*25*	**Net Increase**
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	25,496	1,254
All Other Hsg Units	*80%*	21,498	21,716	21,937	22,159	22,382	22,607	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 ===>				5-Year Intervals					
		2015	2016	2017	2018	2019	2020	2025	2030	2035	2040	25-Year
		Base Yr	*1*	*2*	*3*	*4*	*5*	*10*	*15*	*20*	*25*	**Net Increase**
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
Annual Net Increase in Jobs			*677*	*685*	*689*	*694*	*699*	*724*	*750*	*776*	*804*	
	% of Total											
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	*Jobs/1000sf*											
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
Annual Net Increase in Nonres Sq. Ft.			*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

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TischlerBise
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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

Type of Improvements	*Cost Allocation*	*Service Area*	*Plan-Based Method (future)*
Streets	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.

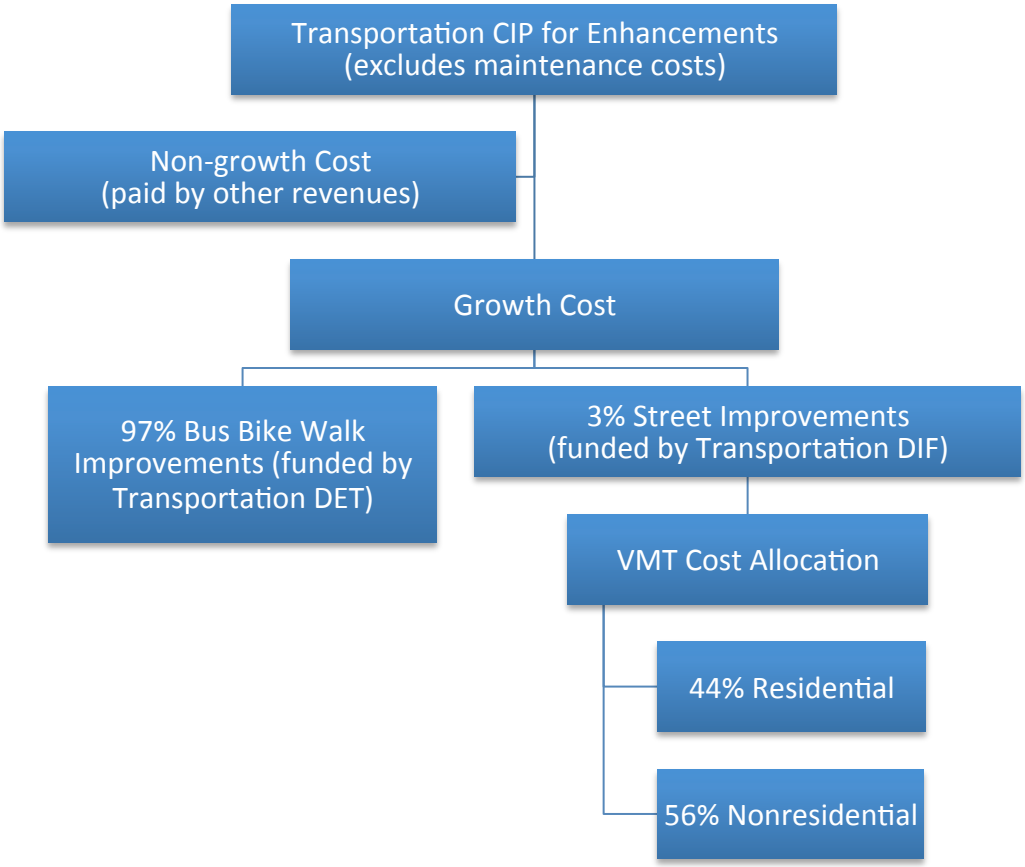
Figure DIF2: Proposed 2016 Transportation DIF Schedule

2016 Transportation DIF	*Development Unit*	*Proposed Transportation DIF*
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

				Growth-Related Enhancement Costs		
CIP#	*Description*		*Ten-Year Cost (less grants)*	*FY16-25 Bus Bike Walk*	*FY16-25 Streets*	*Growth Share of Local Cost*
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%
310TDOO4OC	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 enhanceme	$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 impleme	$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%	
			$33,654,581	<= Ten Year Growth Cost		
			$202,577,599	<= Total to be funded by other revenues		

** Projects with grant funding; enhancement cost growth share is approximately 9.9% of total cost*

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 length[1]. 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 x 0.50 x 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).

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-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**	**1.13**
2-Retail/Restaurant	Shopping	8.4%	1,533	11.1%	536	2.9	
2-Retail/Restaurant	Eat a Meal	4.0%	730	7.1%	343	2.1	
2-Retail/Restaurant Total			**2,263**		**879**	**2.6**	**0.68**
3-Other Nonresidential	Personal Business	5.7%	1,040	6.3%	304	3.4	
3-Other Nonresidential	School	3.4%	621	6.3%	304	2.0	
3-Other Nonresidential Total			**1,661**		**609**	**2.7**	**0.72**
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 AWVTE 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

		Residential (assumes 1600 Sq Ft)	*Light Industrial*	*Retail & Restaurants*	*Office & Other Services*
		$191	$0.14	$0.54	$0.22
	Year	per housing unit	per 1000 Sq Ft	per 1000 Sq Ft	per 1000 Sq Ft
		Housing Units	*Square Feet*	*Square Feet*	*Square Feet*
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
Ten Year Increase		2,817	970,607	609,328	1,056,373
Projected Revenue =>		$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

		Households (2)		
Tenure	*Vehicles Available (1)*	*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). AWVTE 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 AWVTE 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 AWVTE 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 AWVTE 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 AWVTE 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 AWVTE 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

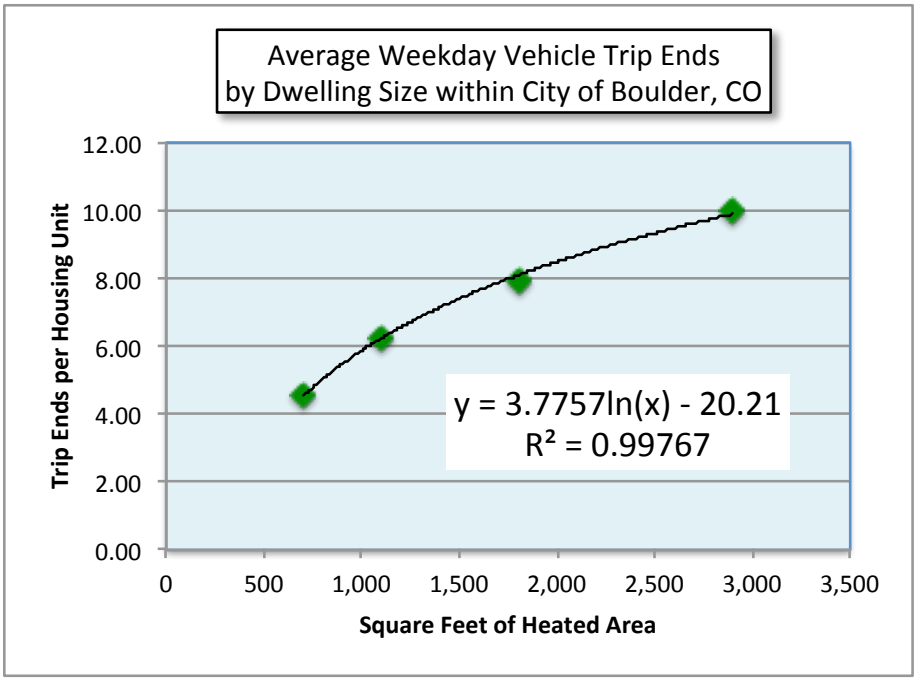
To derive AWVTE by dwelling size, TischlerBise matched trip generation rates and average floor area, by bedroom range, as shown in Figure A4. The logarithmic trend line formula, derived from the four actual averages in Boulder, is used to derive estimated trip ends by dwelling size. The table indicates trip rates for dwellings that range from 600 to 3600+ square feet, with 200 square feet 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 AWVTE 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 CPI)
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)*
Bus Bike Walk	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.

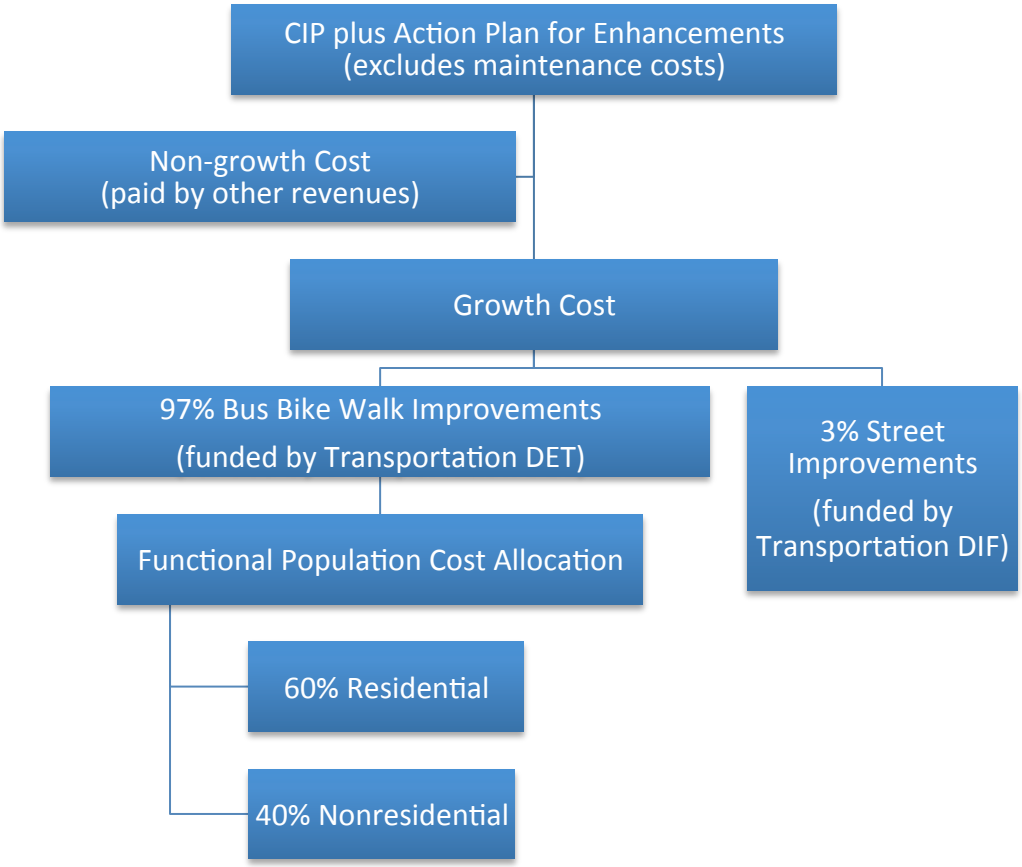
Figure DET4: Proposed 2016 Transportation DET Schedule

2016 Transportation DET	*Development Unit*	*Proposed Transportation DET*	*Maximum DET*	*Current Transportation DET*
Residential (by dwelling type)				
Attached	Dwelling Unit	$4,454	$3,624	$1,650
Detached	Dwelling Unit	$6,437	$5,630	$2,227
Nonresidential				
All Nonesidential	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

				Growth-Related Enhancement Costs		
CIP#	*Description*		*Ten-Year Cost (less grants)*	*FY16-25 Bus Bike Walk*	*FY16-25 Streets*	*Growth Share of Local Cost*
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 Scopi	$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 reconstructic	$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

		Service Units in 2015			*Demand Hours/Day*	*Person Hours*
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 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

	Proportionate Share Based on Functional Population	*2015 to 2025 Increase*	*Cost per Additional Service Unit*
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

Type	*Development Unit*	*Persons per Housing Unit*	*Proposed Bus Bike Walk Component*
Attached	Dwelling Unit	1.73	$4,454
Detached	Dwelling Unit	2.50	$6,437

Nonresidential

Type	*Development Unit*	*Jobs per Development Unit*	*Proposed Bus Bike Walk Component*
All Nonesidential	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

		Attached Residential	*Detached Residential*	*Industrial*	*Retail & Restaurants*	*Office & Other Services*
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
		Housing Units	*Housing Units*	*Square Feet*	*Square Feet*	*Square Feet*
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
Ten Year Increase		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.

Capital Facility Impact Fees

Scope:

This update will include all of the components of the Capital Facility Impact Fee (Fire, Human Services, Library, Municipal Facilities, Parks & Recreation, and Police). This update will look at the current and projected development and capital facility needs.

Multimodal Transportation Funding

Scope:

The purpose of the study is to develop a multimodal transportation impact fee and/or update the existing excise tax to provide capital infrastructure improvements.

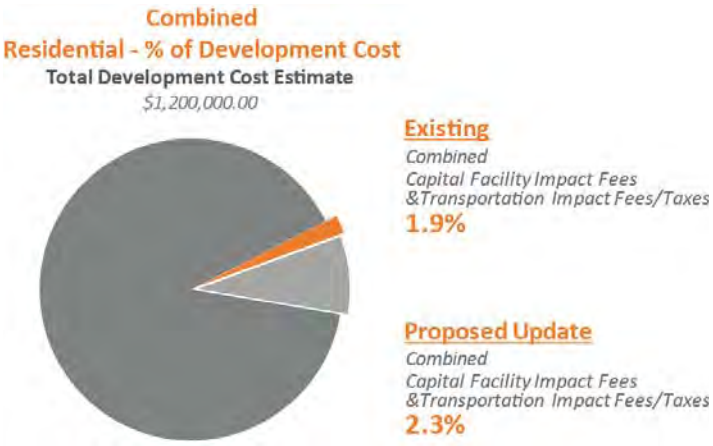
Combined Charts and Tables

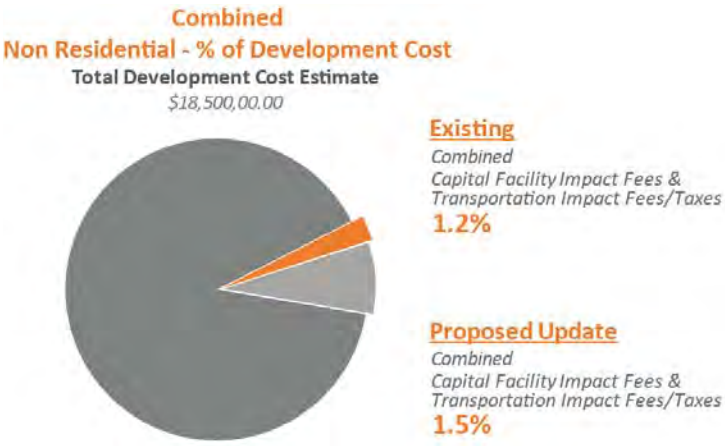
	RESIDENTIAL		
	Current	Proposed	Increase
Combined	**$ 5.79**	**$ 6.84**	**$ 1.05**
Capital Facility Impact Fees	**$ 3.89**	**$ 4.77**	**$ 0.88**
Parks & Recreation Impact Fee	*$ 2.62*	*$ 3.31*	*$ 0.69*
Library Impact Fee	*$ 0.38*	*$ 0.53*	*$ 0.15*
Fire Impact Fee	*$ 0.29*	*$ 0.24*	*$ (0.05)*
Police Impact 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)*
Transportation	**$ 1.90**	**$ 2.07**	**$ 0.17**
Parkland Excise Tax	*$ 0.62*	*$ -*	*$ (0.62)*
Transportation Excise Tax	*$ 1.28*	*$ 1.94*	*$ 0.66*
Transportation Impact Fee	*n/a*	*$ 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
Combined	**$ 3.48**	**$ 4.45**	**$ 0.97**
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*
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	*n/a*	*$ 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.





Affordable Housing Commercial Linkage Fee

Scope:

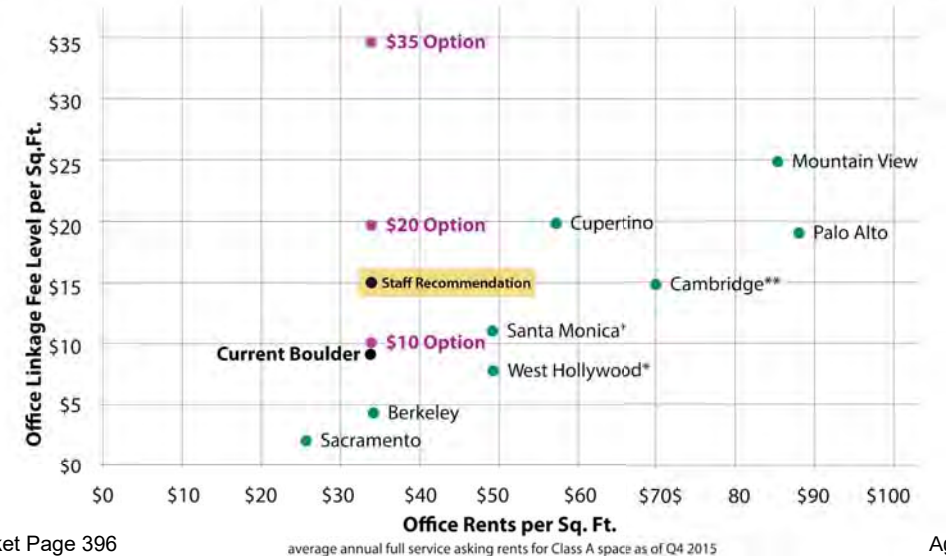
The purpose of this study is to update the existing linkage fee study (2009) using a jobs housing nexus analysis.

Proposed Fees as % of Development Costs

Building Type	Flex Commercial (R&D / Light Industrial)	Hotel	Retail	Office	Office - Higher Density (Downtown and Vicinity)
Total Development Cost ($/SF)	$206	$248	$268	$301	$489
Affordable Housing Fees ($/SF)					
Option 1	$7	$7	$7	$10	$10
Option 2	$12	$12	$12	$20	$20
Option 3	$20	$20	$20	$35	$35
Staff Recommendation	$10	$10	$10	$15	$15
Current Fees	$5.62	$1.79	$6.96	$9.53	$9.53
Other Impact Fees, Permit Fees and Taxes ($/SF) (1)	$7	$8	$9	$10	$13
Affordable Housing Fees as % of Development Cost					
Option 1	3%	3%	3%	3%	2%
Option 2	6%	5%	4%	7%	4%
Option 3	10%	8%	7%	12%	7%
Staff Recommendation	5%	4%	4%	5%	3%
Current Fees	3%	1%	3%	3%	2%
Affordable Housing + Other Fees and Taxes as % of Development Cost					
Option 1	7%	6%	6%	7%	5%
Option 2	9%	8%	8%	10%	7%
Option 3	13%	11%	11%	15%	10%
Staff Recommendation	8%	7%	7%	8%	6%
Current Fees	6%	4%	6%	6%	5%

(1) Reflects proposed capital and transportation impact fees using fees levels identified in the TischlerBise draft studies. Sales tax, permitting fees, and plant investment fees are approximated at 1.7% of cost based on a City-prepared analysis for office.

Office Linkage Fees vs. Average Office Rents in Selected Communities



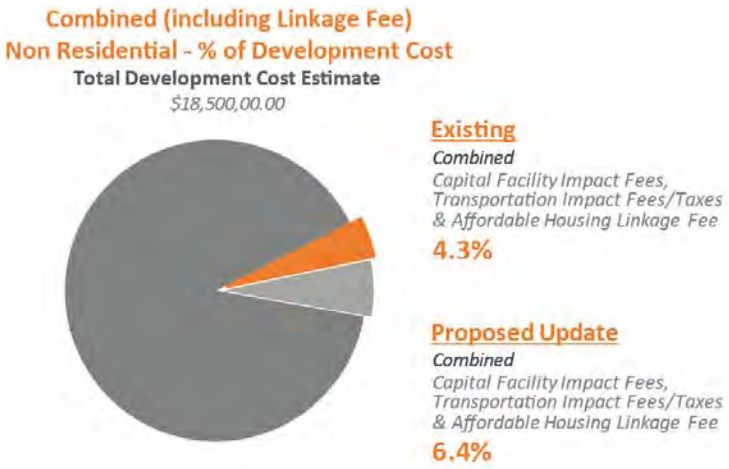
Office rents are for "West L.A." West Hollywood Fee will increase from $4 to $8 in FY 16-17 per staff. Shown in chart at $8. Currently $12, increases to $15 (+CPI) over next 3 years. Shown in chart at $15.
Sources: Office rents from research reports prepared by Colliers International and Cushman and Wakefield

Affordable Housing Commercial Linkage Fee

	NON-RESIDENTIAL				
	Current	Option 1 ($10 sq/ft)	Option 2 ($20 sq/ft)	Option 3 ($35 sq/ft)	Staff Rec. ($15 sq/ft)
Permit Fees	**$ 55,869.97**	**$ 55,869.97**	**$ 55,869.97**	**$ 55,869.97**	**$ 55,869.97**
Capital Facility Impact Fees	**$ 61,072.62**	**$ 106,581.84**	**$ 106,581.84**	**$ 106,581.84**	**$ 106,581.84**
% of Development Cost	*0.3%*	*0.6%*	*0.6%*	*0.6%*	*0.6%*
Transportation	**$ 152,435.68**	**$ 167,101.48**	**$ 167,101.48**	**$ 167,101.48**	**$ 167,101.48**
% of Development Cost	*0.8%*	*0.9%*	*0.9%*	*0.9%*	*0.9%*
Affordable Housing	**$ 576,293.00**	**$ 599,908.00**	**$ 1,199,816.00**	**$ 2,104,054.00**	**$ 903,550.00**
Percent Change		*4.1%*	*108.2%*	*265.1%*	*56.8%*
% of Development Cost	*3.1%*	*3.2%*	*6.5%*	*11.4%*	*4.9%*
Housing Excise Tax	n/a	n/a	n/a	n/a	n/a
Inclusionary Housing Cash-in-Lieu	n/a	n/a	n/a	n/a	n/a
Affordable Housing Linkage Fee	$ 576,293.00	$ 599,908.00	$ 1,199,816.00	$ 2,104,054.00	$ 903,550.00
Plant Investment Fees	**$ 63,791.00**	**$ 63,791.00**	**$ 63,791.00**	**$ 63,791.00**	**$ 63,791.00**
Sales & Use Tax	**$ 196,487.00**	**$ 196,487.00**	**$ 196,487.00**	**$ 196,487.00**	**$ 196,487.00**
Total Permitting and Development Fees/Taxes	**$ 1,105,949.27**	**$ 1,189,739.29**	**$ 1,789,647.29**	**$ 2,693,885.29**	**$ 1,493,381.29**
Percent Change		*8%*	*62%*	*144%*	*35%*
Combined Fees as % of Development Cost	4.3%	4.7%	8.0%	12.9%	6.4%
$/Gross Square Foot	**$ 17.99**	**$ 19.36**	**$ 29.12**	**$ 43.83**	**$ 24.30**
Net Increase/Sq. Ft.		*$ 1.36*	*$ 11.12*	*$ 25.83*	*$ 6.30*
Total Development Cost Estimate @ $302 / GSF based on KMA analysis	**$ 18,500,000**	**$ 18,500,000**	**$ 18,500,000**	**$ 18,500,000**	**$ 18,500,000**
Total Permitting Cost as % of Development Cost	*6.0%*	6.4%	9.7%	14.6%	8.1%
Estimated Market Changes Sufficient to Absorb Increased Fees (based on KMA analysis)					
$1/SF Fee Increase)	n/a	-2.7%	-22.2%	-51.7%	-12.6%
Increase)	n/a	0.4%	3.3%	7.8%	1.9%

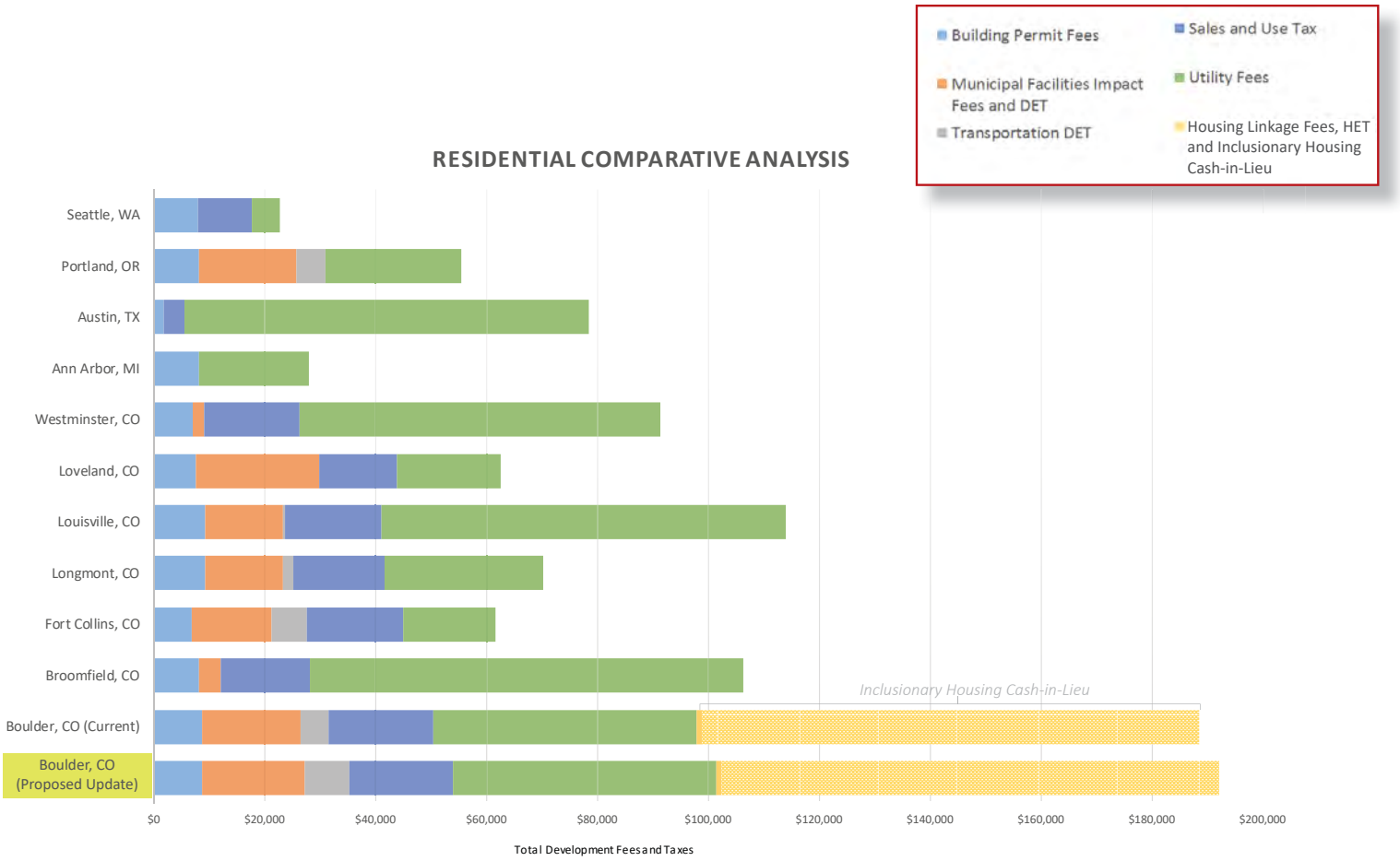
	NON-RESIDENTIAL		
	Current	Proposed	Increase
Combined	**$ 12.86**	**$ 19.15**	**$ 6.29**
Capital Facility Impact Fees	$ 1.00	$ 1.73	**$ 0.73**
Transportation	$ 2.48	$ 2.72	**$ 0.24**
Affordable Housing Linkage Fee	$ 9.38	$ 14.70	**$ 5.32**

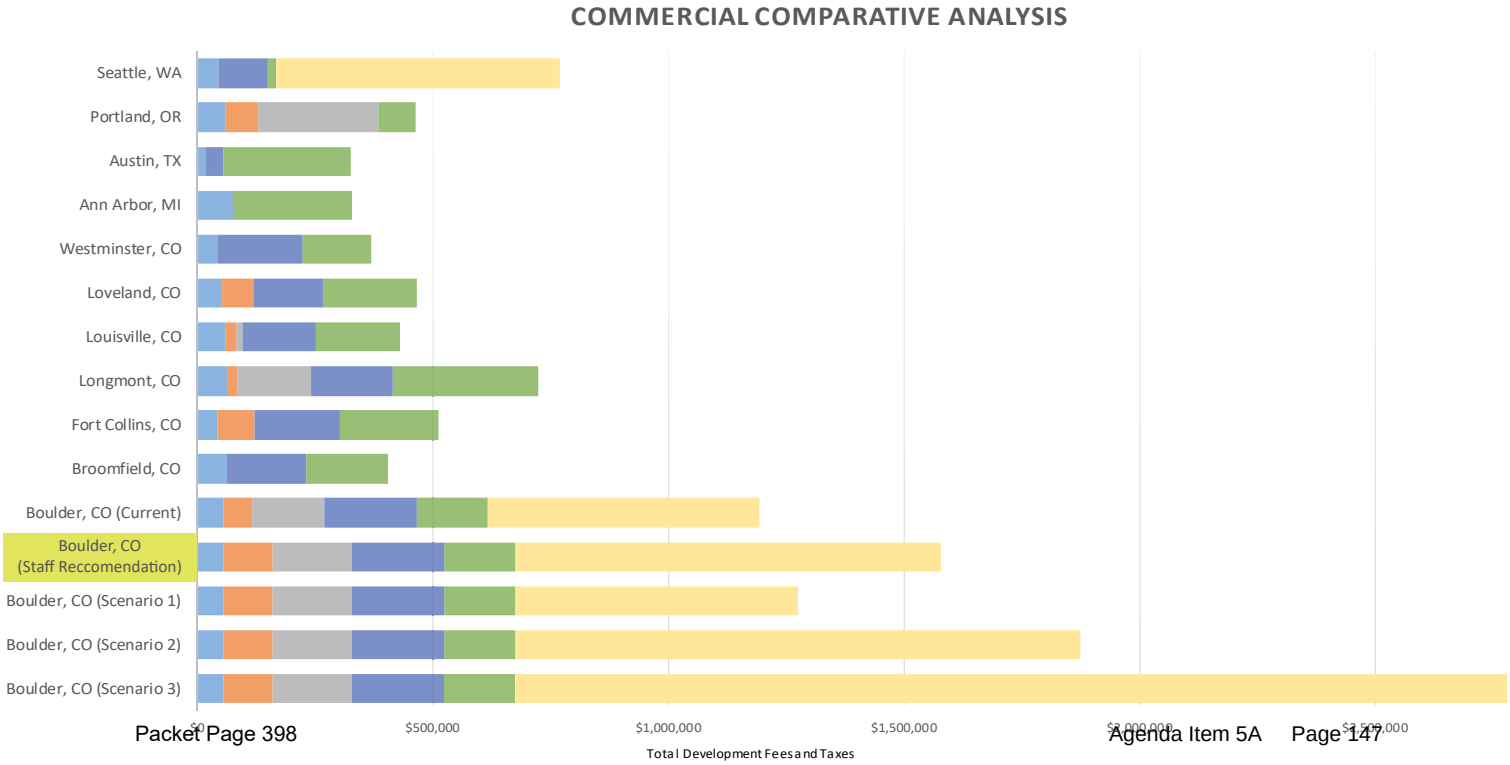
*Note: The proposed fees have been applied to the prototypical development and are shown here as a cost per square foot factor.



How Does Boulder Compare?

This comparison chart is only a subset of the total development-related fees and taxes paid by a development project to the city. It does not include other one-time costs such as utility tap fees, other permit and tap fees such as fire suppression, or the City of Boulder's inclusionary housing program.





What might the final scenarios look like?

For illustration purposes, these tables show all of the proposed fee changes applied to prototypical developments.

- 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.

	RESIDENTIAL		NON-RESIDENTAL				
	Current	Proposed	Current	Option 1	Option 2	Option 3	Staff Rec.
Permit Fees	**$ 8,658.85**	**$ 8,658.85**	**$ 55,869.97**	**$ 55,869.97**	**$ 55,869.97**	**$ 55,869.97**	**$ 55,869.97**
Capital Facility Impact Fees	**$ 15,414.00**	**$ 18,933.00**	**$ 61,072.62**	**$ 106,581.84**	**$ 106,581.84**	**$ 106,581.84**	**$ 106,581.84**
Percent Change		*22.8%*		*74.5%*	*74.5%*	*74.5%*	*74.5%*
% of Development Cost	*1.3%*	*1.6%*	*0.3%*	*0.6%*	*0.6%*	*0.6%*	*0.6%*
Parks & Recreation Impact Fee	$ 10,386.00	$ 13,128.00	n/a	n/a	n/a	n/a	n/a
Library Impact Fee	$ 1,512.00	$ 2,100.00	n/a	n/a	n/a	n/a	n/a
Fire Impact Fee	$ 1,131.00	$ 951.00	$ 36,719.78	$ 53,567.34	$ 53,567.34	$ 53,567.34	$ 53,567.34
Police Impact Fee	$ 972.00	$ 1,068.00	$ 11,666.26	$ 19,171.92	$ 19,171.92	$ 19,171.92	$ 19,171.92
Municipal Facilities Impact Fee	$ 924.00	$ 1,281.00	$ 12,686.58	$ 33,842.58	$ 33,842.58	$ 33,842.58	$ 33,842.58
Human Service Impact Fee	$ 489.00	$ 405.00	n/a	n/a	n/a	n/a	n/a
Transportation	**$ 7,500.27**	**$ 8,159.77**	**$ 152,435.68**	**$ 167,101.48**	**$ 167,101.48**	**$ 167,101.48**	**$ 167,101.48**
Percent Change		*8.8%*		*9.6%*	*9.6%*	*9.6%*	*9.6%*
% of Development Cost	*0.6%*	*0.7%*	*0.8%*	*0.9%*	*0.9%*	*0.9%*	*0.9%*
Parkland Excise Tax	$ 2,440.47	$ -	n/a	n/a	n/a	n/a	n/a
Transportation Excise Tax	$ 5,059.80	$ 7,658.77	$ 152,435.68	$ 152,435.68	$ 152,435.68	$ 152,435.68	$ 152,435.68
Transportation Impact Fee	n/a	$ 501.00	n/a	$ 14,665.80	$ 14,665.80	$ 14,665.80	$ 14,665.80
Affordable Housing	**$ 90,768.00**	**$ 90,768.00**	**$ 576,293.00**	**$ 599,908.00**	**$ 1,199,816.00**	**$ 2,104,054.00**	**$ 903,550.00**
Percent Change		*0.0%*		*4.1%*	*108.2%*	*265.1%*	*56.8%*
% of Development Cost	*7.6%*	*7.6%*	*3.1%*	*3.2%*	*6.5%*	*11.4%*	*4.9%*
Housing Excise Tax	$ 912.00	$ 912.00	n/a	n/a	n/a	n/a	n/a
Inclusionary Housing Cash-in-Lieu	$ 89,856.00	$ 89,856.00	n/a	n/a	n/a	n/a	n/a
Affordable Housing Linkage Fee	n/a	n/a	$ 576,293.00	$ 599,908.00	$ 1,199,816.00	$ 2,104,054.00	$ 903,550.00
Plant Investment Fees	**$ 47,549.00**	**$ 47,549.00**	**$ 63,791.00**	**$ 63,791.00**	**$ 63,791.00**	**$ 63,791.00**	**$ 63,791.00**
Sales & Use Tax	**$ 18,718.00**	**$ 18,718.00**	**$ 196,487.00**	**$ 196,487.00**	**$ 196,487.00**	**$ 196,487.00**	**$ 196,487.00**
Total Permitting and Development Fees/Taxes	**$ 188,608.12**	**$ 192,786.62**	**$ 1,105,949.27**	**$ 1,189,739.29**	**$ 1,789,647.29**	**$ 2,693,885.29**	**$ 1,493,381.29**
Percent Change		*2.2%*		*7.6%*	*61.8%*	*143.6%*	*35.0%*
Combined Fees as % of Development Cost	1.9%	2.3%	1.2%	1.5%	1.5%	1.5%	1.5%
+ Affordable Housing Linkage Fee			4.3%	4.7%	8.0%	12.9%	6.4%
$/Gross Square Foot	**$ 47.57**	***$ 48.62***	**$ 17.99**	**$ 19.36**	**$ 29.12**	**$ 43.83**	**$ 24.30**
Net Increase/Sq. Ft.		*$ 1.05*		*$ 1.36*	*$ 11.12*	*$ 25.83*	*$ 6.29*
Total Development Cost Estimate @ $302 / GSF based on KMA analysis	**$ 1,200,000**	**$ 1,200,000**	**$ 18,500,000**	**$ 18,500,000**	**$ 18,500,000**	**$ 18,500,000**	**$ 18,500,000**
Total Permitting Cost as % of Development Cost	*15.7%*	16.1%	*6.0%*	6.4%	9.7%	14.6%	8.1%
Estimated Market Changes Sufficient to Absorb Increased Fees (based on KMA analysis)							
Change in Land Values (@-1.4% for Res, -2% for Non-Res for each $1/SF Fee Increase)	n/a	-1.5%	n/a	-2.7%	-22.2%	-51.7%	-12.6%
Change in Commercial Market Rents (@+0.3% for each $1/SF Increase)	n/a	n/a	n/a	0.4%	3.3%	7.8%	1.9%

*Note: Total development fees/taxes numbers subject to change based on council direction.

KEYSER MARSTON ASSOCIATES

2016 JOBS HOUSING NEXUS ANALYSIS

In Support of

NON-RESIDENTIAL AFFORDABLE HOUSING IMPACT FEES

Prepared for
City of Boulder

Prepared by:
Keyser Marston Associates, Inc.

September 20, 2016

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I. INTRODUCTION

The following report is a nexus analysis in support of the Affordable Housing Fee applicable to new non-residential development in the City of Boulder. The report is an analysis of the linkages between non-residential development and the need for additional affordable housing. The report has been prepared by Keyser Marston Associates, Inc. (KMA) pursuant to a contractual agreement with the City of Boulder.

Background and Context

The City of Boulder adopted its Affordable Housing Fee on non-residential development in 2011. At the time of adoption, the fee applied only to “bonus” or additional floor area over the base allowable floor area within the “DT-5” zoning district in Boulder’s downtown. In May 2015, the Affordable Housing Fee was expanded to apply to all non-residential development City-wide. The Affordable Housing Fee levels adopted in May 2015 were intended as an interim measure to be adjusted pending completion of this study.

Boulder’s Affordable Housing Fee is part of a suite of policies the City has implemented to support affordable housing. The City’s Inclusionary Housing policy requires 20% of units in new residential projects to be made affordable. Boulder has a policy to condition new annexations on an even greater share of residential units being made affordable. The City also has taxes dedicated to financing affordable housing including a broadly applicable property tax and a development excise tax.

Work on this analysis was initiated during late summer 2015. A 12-member working group was formed to guide development of this study and parallel analyses addressing impact and excise taxes for capital facilities and transportation, operating funding for transportation and a proposed framework for an art in public places requirement applicable to new private development in Boulder. The working group convened for a series of approximately 5-6 meetings during the conduct of the work and has provided oral and written feedback as the work progressed.

Purpose

The purpose of an affordable housing nexus analysis is to document and quantify the impact of the development of new workplace buildings (such as office, retail, hotel, industrial), the employees that work in them, and the resulting demand for affordable housing. Since jobs in all buildings cover a range in compensation levels, and the households of the workers range in size, there are housing needs at all affordability levels. This analysis quantifies the need for affordable housing created by the development of each type of workplace building. The analysis and findings may be used as the foundation for enacting an affordable housing impact fee to be levied on non-residential development in Boulder.

This nexus study has been prepared to satisfy the requirements of Colorado Law requiring local agencies that adopt impact fees to quantify the reasonable impacts of proposed developments and establish impact fees at a level no greater than necessary to defray impacts directly related to new development. The conclusions of the analysis represent the maximum supportable or legally defensible impact fee levels consistent with this requirement. The City is free to take a range of policy considerations into account in setting fees anywhere up to these maximums. Section V of the report includes a series of analyses prepared to provide context potentially useful in considering fee levels that are appropriate for Boulder.

Analysis Scope

This analysis examines eight types of workplace buildings, per direction of City staff and consistent with the other fee studies under concurrent preparation:

- Office, inclusive of professional, high-tech, medical and dental offices;
- Light Industrial which includes flex space, light manufacturing and some types of Research and Development as well as auto repair and other quasi industrial activities;
- Retail / Restaurant / Service – a broad category covering restaurant and other food service, entertainment, and personal service as well as other types of service uses;
- Hospital and other medical buildings, such as specialized clinics, surgery centers, and the like;
- Lodging which covers the range from full service hotels to minimum service extended stay operations;
- Warehouse and other storage facilities;
- Institutional such as educational, religious, childcare, cultural and arts buildings; and
- Assisted living and related, such as nursing homes, memory care and other senior or specialized care facilities.

The above types cover a broad range of non-residential buildings. While technically “commercial” only refers to some of the building types enumerated above, the term “commercial” is used interchangeably with the term “non-residential” for purposes of this report.

The household income categories addressed in the analysis are:

- Extremely Low Income (households earning up to 30% Area Median Income (AMI),
- Low Income (households earning between 31% and 60% of AMI),
- Low to Moderate Income (between 61% and 76% of AMI) and
- Middle Income (77%-120% of AMI).

The Area Median Income is that published by HUD for Boulder County.

Report Organization

The report is organized into five sections and two appendices as follows:

- Section I. provides an introduction and describes the purpose and organization of this report.

- Section II. presents a summary of the nexus concept and some of the key issues and underlying assumptions in the analyses linking jobs and housing demand.

- Section III. presents an analysis of the jobs and housing relationships associated with each workplace building type and concludes with a quantification of the number of households at each income level associated with each building type.

- Section IV. contains a summary of the costs of delivering housing units affordable to households at the income levels under study, allocated to each square foot of building area, and provides the conclusions regarding maximum supported fee levels.

- Section V. presents materials that may be useful to policy makers as context for consideration of potential fee levels. Context materials include information on market conditions in Boulder, the development costs for various types of non-residential development, and a summary of linkage fee programs in other communities. The material in this section is not part of the nexus analysis.

- Appendix A. – provides a discussion of various specific factors and assumptions in relation to the nexus concept to supplement the overview provided in Section II.

- Appendix B. – contains support information on worker occupations and incomes and an identification of the industry categories represented within each building type.

Data Sources and Qualifications

The analyses in this report have been prepared using the best and most recent data available. Local and current data was used whenever possible. Sources such as the American Community Survey of the U.S. Census, the 2010 Census, and Bureau of Labor Statistics data were used extensively. Other sources and analyses when used are noted in the text and footnotes. While we believe all sources utilized are sufficiently accurate for the purposes of the analyses, we cannot guarantee their accuracy. KMA assumes no liability for information from these and other sources.

II. THE NEXUS CONCEPT

Introduction

This section outlines the nexus concept and some of the key issues surrounding the impact of new non-residential development on the demand for affordable residential units in Boulder. The nexus analysis and discussion focus on the relationships among development, growth, employment, income of workers and demand for affordable housing. The analysis describes the impact of new construction of the types of buildings in which there are workers and the need for additional affordable housing, quantified both in terms of number of units and the justified fee to provide those affordable units.

Background

The first jobs-housing linkage fee programs were adopted by the cities of San Francisco and Boston in the mid-1980s. To support the fees, the City of San Francisco commissioned an early version of a nexus analysis.

Authority to establish commercial linkage fees has been upheld in federal court, specifically in the case *Commercial Builders of Northern California v. City of Sacramento*. Commercial builders in Sacramento sued the City of Sacramento following adoption of a housing linkage fee. Both the U.S. District Court and the Ninth Circuit Court of Appeals upheld the commercial linkage fees adopted by the City of Sacramento. The Supreme Court of the United States denied the builders' petition to hear the case, allowing the ruling of the Ninth Circuit to stand.

In Colorado, authority for local governments wishing to impose impact fees on new development is established in Title 29 Article 20 of the Colorado Revised Statutes, which was added in 2001 with enactment of Senate Bill 15 ("SB 15"). The authority of home rule municipalities (including the City of Boulder) to establish impact fees predates the enactment of SB 15. Local agencies adopting impact fees are required to quantify the reasonable impacts of proposed developments on existing capital facilities and establish impact fees at a level no greater than necessary to defray the impacts directly related to new development. Impact fees cannot be imposed to remedy existing deficiencies. Studies by local governments designed to fulfill the requirements of SB 15 are often referred to as "nexus" studies. This nexus study has been prepared consistent with the requirements in Section 29-20-104 of the Colorado Revised Statutes.

The Nexus Methodology

An overview of the basic nexus concept and methodology is helpful to understand the discussion and concepts presented in this section. This overview consists of a quick "walk through" of the major steps of the analysis. The nexus analysis links new commercial buildings

with new workers in the City; these workers demand additional housing in proximity to the jobs, a portion of which needs to be affordable to the workers in lower income households.

The analysis begins by assuming a prototypical building size and then the following calculations are made:

- The total number of employees working in the building based on average employment density data is estimated. For analysis purposes, buildings of 20,000 square feet are analyzed. The same size of 20,000 square feet is used for all building types so categories may be readily compared.
- Occupation and income information for typical job types in the building is used to calculate the number of workers at various income levels (Extremely Low, Low, Low to Moderate, and Middle) addressed in the analysis. Compensation data is from the 2014 Bureau of Labor Statistics Occupational Employment Survey and is specific to Boulder County. Occupations by building type are derived from the Occupational Employment Survey and represents data for industry categories corresponding to each building type.
- Census data indicates that many workers are members of households where more than one person is employed and that there is a range of household sizes; factors derived from the Census are used to translate the workers in the building into Extremely Low, Low, Low to Moderate and Middle-Income households of various sizes.
- Then, the number of Extremely Low-, Low-, Low to Moderate- and Middle-Income households are divided by the building size to arrive at the number of housing units per square foot of building area, for each income category.
- In the last step, the number of households per square foot in each income category is multiplied by the cost of delivering housing units affordable to these income groups.

Discount for Changing Industries

The Boulder area economy, like that of the U.S. as a whole, is constantly evolving. Over the past decade in Boulder County, employment in the publishing and manufacturing sectors of the economy have been in decline along with employment in the construction sector. Jobs lost over the last decade in these declining sectors have been replaced by job growth in other industry categories.

The analysis makes an adjustment to take these declines, changes and shifts within all sectors of the economy into account, recognizing that jobs added are not 100% net new in all cases. A 21% adjustment is utilized based on the long term shifts in employment that have occurred in some sectors of the local economy and the likelihood of continuing changes in the future. Long term declines in employment experienced in some sectors of the economy mean that some of the new jobs are being filled by workers that have been displaced from another industry and who are presumed to already have housing locally. The analysis makes the assumption that

existing workers downsized from declining industries are available to fill a portion of jobs in new workplace buildings built in Boulder.

The 21% downward adjustment used for purposes of the analysis is based on data specific to Boulder County published by the Colorado Department of Labor and Employment and derived from the Bureau of Labor Statistics Quarterly Census of Employment and Wages. The data covers the ten-year period from 2004 to 2014. County-level data was selected rather than City-specific data in recognition of the regional nature of the labor market. Over this period, approximately 4,500 jobs were lost by industry sectors experiencing declines in employment. Over the same period, growing and stable industries added a total of 21,700 jobs. The figures are used to establish a ratio between jobs lost in declining industries to jobs gained in growing and stable industries at 21%.[1] The 21% factor is applied as an adjustment in the analysis, effectively assuming one in every five new jobs is filled by a worker down-sized from a declining industry and who already lives locally.

The declining industries adjustment represents a conservative adjustment in that it likely results in an understatement of the impact analysis findings. Some displaced workers may exit the workforce entirely by retiring rather than seek a new job in one of the growing sectors of the local economy. In addition, development of new workspace buildings is generally driven by net new demand for space after space vacated by businesses in declining sectors has been re-occupied. If all space that is vacated by declining sectors of the economy could be readily re-occupied, no declining industries adjustment would be warranted. The declining industries adjustment addresses a special case in which building types vacated by declining sectors are of a special purpose or obsolete nature not readily adaptable to the needs of the growth sectors of the economy. In this special case, an adjustment is called for to account for the share of jobs in new workplace buildings that are net new.

Commuting

This section provides a brief summary of commute relationships in the City of Boulder. The major relationship of interest in a nexus analysis is the share of employment in the City of Boulder held by City of Boulder residents. The current relationship often serves as a useful starting point for making a policy choice regarding the future share, or target, of all new jobs (and new worker households) to be able to live in the city.

According to the Boulder Valley Comprehensive Plan, Trends Report dated December 8, 2015, the share of jobs in the City of Boulder held by Boulder residents is 45%. It is important to recognize that the existing commute share does not necessarily represent the demand for housing in Boulder. The existing commute share in Boulder reflects the housing options that are

[1] The 21% ratio is calculated as 4,500 jobs lost in declining sectors divided by 21,700 jobs gained in growing and stable sectors = 20.7% (rounded to 21%).

available and their affordability. It should also be noted that even if more housing were available and affordable, it is unlikely that 100% of people who work in Boulder would choose to live in Boulder. The choice of where one lives depends on additional factors (schools, style of housing, types of amenities, and local services, etc.) as well as where one works.

For Boulder, long term projections in the 2015 Boulder Valley Comprehensive Plan Trends Report indicate that the current ratio between population and jobs is likely to remain similar in the future; therefore, it appears reasonable to expect the commute share to remain within a similar range as the current 45%. For purposes of the analysis, findings have been adjusted to reflect the assumption that 45% of the total housing need associated with new workplace buildings is met in Boulder consistent with the established commute relationship.

Other Factors and Assumptions

Appendix A provides a discussion of other specific factors in relation to the nexus concept including housing needs of the existing population, multiplier effects (indirect and induced jobs), changes in labor force participation, and economic cycles.

III. JOBS HOUSING NEXUS ANALYSIS

This section presents a summary of the analysis linking the development of the eight types of workplace buildings to the estimated number of affordable housing units required in each of four income categories. This section should not be read or reproduced without the narrative presented in the previous sections.

Analysis Approach and Framework

The analysis establishes the jobs housing nexus for individual commercial land use categories, quantifying the connection between employment growth in Boulder and affordable housing demand.

The analysis examines the employment associated with the development of workplace building prototypes. Then, through a series of steps, the number of employees is converted to households and housing units by income level. The findings are expressed in terms of numbers of households per 20,000 square feet, for ease of presentation. In the final step, we convert the numbers of households for an entire building to the number of households per square foot.

Household Income Limits

The analysis estimates demand for affordable housing in four household income categories: Extremely Low, Low, Low to Moderate, and Middle Income. Household income limits are published by the Colorado Housing Financing Agency.

The income limits are shown below:

	Household Size					
Household Income Limit	1-person	2-person	3-person	4-person	5-person	6 + person
Extremely Low (30% AMI)	$20,900	$23,850	$26,850	$29,800	$32,200	$34,600
Low Income (60% AMI)	$41,760	$47,760	$53,700	$59,640	$64,440	$69,240
Low to Moderate (76% AMI)	$53,040	$60,660	$68,200	$75,740	$81,840	$87,890
Median (100% of AMI)	$69,600	$79,600	$89,500	$99,400	$107,400	$115,400
Middle (120% AMI)	$83,520	$95,520	$107,400	$119,280	$128,880	$138,480

Source: 2015 income limits from the Colorado Housing Finance Agency (CHFA)

Analysis Steps

The analysis is conducted using a model that KMA has developed for application in many jurisdictions for which the firm has conducted similar analyses. The model inputs are all local data to the extent possible, and are fully documented.

Tables 1 through 4 at the end of this section summarize the nexus analysis steps for the eight building types. Following is a description of each step of the analysis:

Step 1 – Estimate of Total New Employees

The first step in Table 1 identifies the total number of direct employees who will work in the building types being analyzed. Average employment density factors are used to make the calculation.

Employment density estimates are based on assumptions developed for purposes of the analyses under concurrent preparation related to capital facilities and transportation impact fees. Office and retail employment density estimates reflect local data specific to the City of Boulder derived from local parcel data on building square footages combined with employment data from the Quarterly Census of Employment and Wages (QCEW). Other employment density assumptions are drawn from the Institute of Transportation Engineers (Trip Generation, 9th edition published in 2012).

- *Office* – 3.59 employees per 1,000 square feet building area. This represents an average based on the existing mix of office users in the City of Boulder. It represents a cross section that includes professional and corporate offices, high-tech activities, as well as medical offices. While many tech activities are denser than the average in terms of number of employees per 1,000 square feet, medical office and some types of professional offices can be less dense by a similar margin.

- *Light Industrial* – 2.31 employees per 1,000 square foot. This category covers light manufacturing, flex space (mix of office, manufacturing, storage, and some commercial uses of more industrial character like auto body repair).
- *Retail / Restaurant / Service* – 2.51 employees per 1,000 square feet. This represents an average based on the existing mix of retail, restaurant, and also a whole range of entertainment and personal service type uses in the City of Boulder. Restaurant space typically has a higher employment density, while retail space ranges widely depending on the type of retail, with furniture stores, for example, representing the lower end. Entertainment space would be less dense.
- *Hospital* - 2.94 employees per 1,000 square feet. The hospital category covers traditional hospitals plus independent clinics, surgery centers and other specialized medical and ambulatory care facilities.
- *Lodging* – 0.95 employees per 1,000 square feet. Lodging covers a range from higher service hotels, which are far more employment intensive, to minimal service extended stay hotels which have a lower employment density.
- *Warehouse* – 0.92 employees per 1,000 square feet. Warehouse and storage uses are characterized by low density of employment.
- *Institutional* – 0.81 employees per 1,000 square feet. Institutional uses are school and other educational buildings, places of worship, other religious, and cultural uses

dedicated to performing and visual arts. Many buildings in this category are owned by the non-profit and governmental sectors.

- *Assisted Living* – 2.10 employees per 1,000 square feet. Assisted living and related, such as nursing homes, memory care and other senior or specialized care facilities are both residential and commercial in nature. Due to their high level of employment and the high incidence of lower paid employees, they, like hotels, may be treated as a non-residential use for purposes of linkage fee application.

KMA conducted the analysis on 20,000 square foot buildings. This facilitates the presentation of the nexus findings, as it allows jobs and housing units to be presented in whole numbers that can be more readily understood. At the conclusion of the analysis, the findings are divided by building size to express the linkages per square foot, so that the findings can be applied to buildings of any size.

Step 2 – Adjustment for Changing Industries

This step is an adjustment to take into account any declines, changes and shifts within all sectors of the economy and to recognize that new space is not always 100% equivalent to net new employees. A 21% downward adjustment is utilized to recognize the long-term shifts in employment occurring in the local economy and the likelihood of continuing changes in the future. (See Section II discussion)

Step 3 – Adjustment from Employees to Employee Households

This step (Table 1) converts the number of employees to the number of employee household, recognizing that that there is, on average, more than one worker per household, and thus the number of housing units needed for new workers is less than the number of new workers. The workers-per-worker household ratio eliminates from the equation all non-working households, such as those comprised of retired persons and students.

The number of workers per household in a given geographic area is a function of household size, labor force participation rate and employment availability, as well as other factors. According to the 2011-2013 ACS, the number of workers per worker household in Boulder County was 1.62, including full- and part-time workers. The total number of jobs created is divided by 1.62 to determine the number of new households. This ratio excludes all non-worker households. If the average number of workers in all households were used, it would have produced a greater demand for housing units. County-level data was selected as it is likely more representative of the pattern for Boulder's workforce than City-specific data would be.

Step 4 – Occupational Distribution of Employees

Estimating the occupational breakdown of employees is the first step to arrive at income levels. The Bureau of Labor Statistics publishes data on the distribution of occupations within industries. Applicable industry categories are identified for each building type and then employment levels by industry are weighted based on the current mix by industry for the City of Boulder from the Quarterly Census of Employment and Wages.

The industries included in the analysis vary by building type.

- For office buildings, the mix of industries includes high-tech, architectural, engineering and other professional services, small firms such as realtors, insurance agents, employment services, as well as legal and medical offices.
- For light industrial buildings, the mix of industries represent a broad range of manufacturing industry types with navigational, measuring, control and electro-medical instrument manufacturing representing the largest share of overall employment. Auto repair and maintenance is also represented.
- For retail space, the industries include restaurants, retailers of all types, as well as laundry, personal care and service, and entertainment industry categories.
- For Hospital, the mix of industries includes hospitals, outpatient care centers, and medical and diagnostic laboratories.
- Lodging includes the traveler accommodation industry category and reflects an adjustment to remove casino-type hotels from the employment profile.
- Warehouse reflects the warehousing and storage industry category.
- Assisted Living includes the continuing care and assisted living, nursing home, and residential care sectors.

The May 2014 National Industry-Specific Occupational Estimates, published by the Bureau of Labor Statistics (BLS), are used to translate industries to occupations. At the end of this step (Table 2) the occupational composition of employees in the eight types of buildings have been estimated. Appendix B includes detailed information regarding the occupational compositions and specific industry categories that reflect the expected mix of activities in the new buildings.

- Occupations applicable to Office buildings include a range of computer and mathematical, business and financial, office and administrative support, management, architecture and engineering, and sales occupations, among others.
- Industrial occupations consist of production, architecture and engineering, office and administrative support, management, and smaller percentages of sales, transportation, computer and mathematical occupations.

- Retail / Restaurant / Service employment consists predominantly of food preparation and serving and sales related occupations which represent a combined 74% of employment for this building type.
- Hospital employment is concentrated in the healthcare practitioner occupational category which represents approximately half of total employment. Other categories include healthcare support (12%) and office and administrative support (15%).
- Hotels employ workers primarily from three main occupation categories: building and grounds cleaning and maintenance (maid service, etc.), food preparation and serving related, and office and administrative support, which together make up 77% of hotel workers. Other hotel occupations include personal care, management, and maintenance and repair.
- Warehouse employment is concentrated in the transportation and material moving occupations with 60% of total employment. Office and administrative support occupations make up an additional 22% of employment.
- Institutional employment includes a range of educational, community and social service, personal care and service, and administrative and office support occupations.
- Assisted living employment is comprised of healthcare support (35%), healthcare practitioners and technical (17%), and food preparation and serving (14%), and personal care and service occupation categories (12%).

The results of Step #4 are shown on Table 1; the table shows both the percentage of total employee households and the number of employee households in the prototype buildings.

Step 5 – Estimated Employee Household Income

In this step, occupations are translated to employee incomes based on recent Boulder County wage and salary information from the Bureau of Labor Statistics. The wage and salary information summarized in the Appendix B Tables provided the income inputs to the model. Worker compensations used in the analysis assumes full time employment (40 hours per week) based on the Bureau of Labor Statistic's approach to presenting annual compensation information which assumes full time employment.

In the even numbered Appendix B tables, the BLS data provides a distribution of specific occupations within each major occupation category. For example, within the Food Preparation and Serving Category, there are Supervisors, Cooks, Bartenders, Waiters and Waitresses, Dishwashers, etc. For each detailed occupational category, the model uses the distribution of wages to calculate the percent of worker households that would fall into each income category. The occupations with the lowest compensation levels are in Retail / Restaurant and Hotel buildings.

The calculation is performed for each possible combination of household size and number of workers in the household. For households with more than one worker, individual *employee* income data was used to calculate the household income by assuming multiple earner households are, on average, formed of individuals with similar incomes. The model recognizes that many, but not all, households have multiple incomes.

Step 6 – Distribution of Household Size and Number of Workers

In this step, the model examines the demographics of Boulder County in order to develop percentage factors for each potential combination of household size and number of workers. Data from the 2011-2013 American Community Survey is used to derive the percentages. County averages are used because it is likely a better representation of Boulder's workforce than the City-specific profile. This step in the analysis accounts for the fact that households have a range in size and a range in the number of workers. The result of Step 6 is a distribution of working households by number of workers and household size.

Step 7 – Estimate of Number of Households that Meet Size and Income Criteria

This is the final step to calculate the number of worker households meeting the size and income criteria for the four affordability tiers. The calculation combines the matrix of results from Step 5 on percentage of worker households that would meet the income criteria at each potential household size/number of workers combination, with Step 6, the percentage of worker households having a given household size/number of workers combination. The result is the percentage of households that fall into each affordability tier. The percentages are then multiplied by the number of households from Step 3 to arrive at the number of households in each affordability tier.

Table 2 shows the results after completing Steps 5, 6, and 7 for the Extremely Low Income Tier. The methodology is repeated for each of the lower income tiers, resulting in a total count of worker households for each 20,000 square feet of building area.

Summary by Income Level

Table 3 at the end of this section indicates the results of the analysis for each of the eight building types, for all of the income categories. The table presents the number of households in each affordability category, the total number up to 120% of median, and the remaining households earning over 120% of median associated with a 20,000 square foot building. The findings in Table 3 are summarized below.

New Worker Households by Income Level per 20,000 square feet

	Office	Light Industrial	Retail	Hospital	Lodging	Warehouse	Institutional	Assisted Living
Extremely Low	0.9	1.1	6.4	0.7	2.8	1.2	0.8	3.1
Low Income	6.7	5.8	12.0	7.1	4.4	4.1	3.0	9.5
Low to Moderate	4.1	2.9	2.8	4.2	0.9	1.4	1.3	3.4
Middle Income	8.6	5.2	2.4	8.4	0.7	1.6	1.7	3.0
Subtotal	**20.3**	**15.0**	**23.7**	**20.3**	**8.9**	**8.3**	**6.9**	**19.1**
Above Middle Income	14.8	7.6	0.9	8.4	0.4	0.7	1.0	1.4
Total	**35.1**	**22.6**	**24.5**	**28.7**	**9.3**	**9.0**	**7.9**	**20.5**

The table below summarizes the percentage of total new worker households that fall into each income category. As indicated, over 90% of retail, lodging, warehouse, and assisted living worker households are below 120% of median. This finding is not surprising given the generally low compensation levels applicable to many retail, hotel, warehouse, and assisted living jobs. Office worker households have the highest incomes on average with 25% in the Middle Income category and 42% earning above 120% of median.

Percent of New Worker Households by Income Level

	Office	Light Industrial	Retail	Hospital	Lodging	Warehouse	Institutional	Assisted Living
Extremely Low	2.5%	4.7%	26.2%	2.4%	30.3%	13.3%	10.4%	15.2%
Low Income	19.1%	25.6%	49.0%	24.9%	47.9%	45.2%	38.1%	46.3%
Low to Moderate	11.7%	12.8%	11.6%	14.4%	10.1%	16.1%	16.4%	16.8%
Middle Income	24.6%	23.1%	9.6%	29.1%	7.3%	17.8%	22.0%	14.8%
Subtotal	**57.8%**	**66.2%**	**96.5%**	**70.8%**	**95.6%**	**92.4%**	**86.9%**	**93.0%**
Above Middle Income	42.2%	33.8%	3.5%	29.2%	4.4%	7.6%	13.1%	7.0%
Total	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**

Adjustment for Commute Relationship

Table 4 indicates the results of the analysis after an adjustment for commuting. As discussed in Section II, 45% of the jobs in the City of Boulder are estimated to be held by residents of the city. In other words, if the existing commute relationship were to hold for new employee households, 45% would be expected to reside in the City of Boulder, with the remaining 55% distributed throughout the region. The estimates of households for each income category in a prototypical 20,000 square foot building are adjusted downwards by this 45% commute factor. This adjustment is not technically required for nexus purposes. The City could, for example, choose to include all housing demand in the nexus analysis. The City could also choose to use

a factor other than the existing commute relationship that might incorporate policy considerations such as a goal to house a greater or lesser percentage of the workforce locally. Use of the 45% factor was selected based on long term projections in the Boulder Valley Comprehensive Plan Trends Report which indicate the current ratio of population to jobs is expected to remain similar in the future. The table below summarizes the housing need by income tier after making the 45% adjustment for commuting:

New Worker Households by Income Level, per 20,000 square feet, after 45% Commute Adjustment

	Office	Light Industrial	Retail	Hospital	Lodging	Warehouse	Institutional	Assisted Living
Extremely Low	0.4	0.5	2.9	0.3	1.3	0.5	0.4	1.4
Low Income	3.0	2.6	5.4	3.2	2.0	1.8	1.4	4.3
Low to Moderate	1.8	1.3	1.3	1.9	0.4	0.7	0.6	1.6
Middle Income	3.9	2.4	1.1	3.8	0.3	0.7	0.8	1.4
Subtotal	**9.1**	**6.7**	**10.7**	**9.2**	**4.0**	**3.7**	**3.1**	**8.6**
Above Middle Income	6.7	3.4	0.4	3.8	0.2	0.3	0.5	0.6
Total	**15.8**	**10.2**	**11.0**	**12.9**	**4.2**	**4.0**	**3.6**	**9.2**

The analysis thus far has worked with prototypical buildings of 20,000 square feet. In a final step, the conclusions are translated to a per-square-foot level and expressed as coefficients. These coefficients state the portion of a household, or housing unit, by affordability level for which each square foot of building area is associated (See Table 5 at the end of this section).

This is the summary of the housing nexus analysis, or the linkage from buildings to employees to housing demand, by income level. We believe that it is a conservative analysis that most likely understates the households at each income level generated by these building types.

TABLE 1
NET NEW HOUSEHOLDS AND OCCUPATION DISTRIBUTION BY BUILDING TYPE
JOBS HOUSING NEXUS ANALYSIS
CITY OF BOULDER, CO

Per 20,000 Sq.Ft. of Building Area	**OFFICE**	**LIGHT INDUSTRIAL**	**RETAIL**	**HOSPITAL**	**LODGING**	**WAREHOUSE**	**INSTITUTIONAL**	**ASSISTED LIVING**
Step 1 - Estimate of Number of Employees								
Employment Density (Employees per 1,000 SF)	3.59	2.31	2.51	2.94	0.95	0.92	0.81	2.10
Number of Employees Per 20,000 SF Building Area	71.8	46.2	50.2	58.8	19.0	18.4	16.2	42.0
Step 2 - Net New Employees after Declining Industries Adjustment (21%)	56.7	36.5	39.7	46.5	15.0	14.5	12.8	33.2
Step 3 - Adjustment for Number of Households (1.62)	35.1	22.6	24.5	28.7	9.3	9.0	7.9	20.5
Step 4 - Occupation Distribution[1]								
Management Occupations	8.3%	9.1%	2.3%	4.2%	4.5%	3.5%	5.7%	3.0%
Business and Financial Operations	11.5%	6.7%	0.5%	2.1%	1.5%	2.0%	3.1%	0.9%
Computer and Mathematical	21.0%	7.4%	0.1%	1.2%	0.1%	0.5%	0.8%	0.1%
Architecture and Engineering	5.0%	13.5%	0.0%	0.1%	0.0%	0.2%	0.0%	0.0%
Life, Physical, and Social Science	1.1%	1.3%	0.0%	0.7%	0.0%	0.0%	0.4%	0.0%
Community and Social Services	0.7%	0.0%	0.0%	6.1%	0.0%	0.0%	9.3%	1.8%
Legal	1.9%	0.2%	0.0%	0.0%	0.0%	0.0%	0.1%	0.0%
Education, Training, and Library	0.4%	0.0%	0.1%	0.3%	0.0%	0.0%	33.6%	0.0%
Arts, Design, Entertainment, Sports, and Media	3.6%	0.9%	0.4%	0.2%	0.3%	0.1%	3.5%	0.1%
Healthcare Practitioners and Technical	5.6%	0.2%	1.2%	50.5%	0.0%	0.1%	1.3%	16.9%
Healthcare Support	3.1%	0.1%	0.3%	11.8%	0.5%	0.0%	3.1%	35.0%
Protective Service	0.6%	0.1%	0.3%	0.6%	1.6%	0.7%	0.5%	0.5%
Food Preparation and Serving Related	0.3%	0.3%	45.3%	1.7%	24.7%	0.1%	2.0%	14.3%
Building and Grounds Cleaning and Maint.	2.5%	0.4%	0.6%	2.6%	31.9%	1.0%	1.8%	6.4%
Personal Care and Service	0.8%	0.0%	3.1%	0.8%	4.0%	0.0%	20.2%	12.1%
Sales and Related	6.9%	5.0%	28.6%	0.3%	2.2%	1.7%	1.4%	0.3%
Office and Administrative Support	20.6%	12.8%	8.4%	14.7%	20.3%	22.3%	9.9%	5.0%
Farming, Fishing, and Forestry	0.0%	0.2%	0.0%	0.0%	0.0%	0.1%	0.0%	0.0%
Construction and Extraction	0.6%	0.3%	0.1%	0.2%	0.1%	0.1%	0.2%	0.0%
Installation, Maintenance, and Repair	1.7%	6.4%	2.3%	0.9%	5.0%	3.2%	0.7%	1.9%
Production	2.0%	30.2%	2.0%	0.3%	2.2%	4.0%	0.4%	1.1%
Transportation and Material Moving	1.8%	4.7%	4.2%	0.6%	1.1%	60.3%	1.9%	0.7%
Totals	**100.0%**	**100.0%**	**100.0%**	**100.0%**	**100.0%**	**100.0%**	**100.0%**	**100.0%**

Prepared by: Keyser Marston Associates, Inc.
Filename: \\SF-FS2\wp\10\10783\001\Boulder Nexus 5-2-16; II-1 Households; 5/12/2016; dd

TABLE 1
NET NEW HOUSEHOLDS AND OCCUPATION DISTRIBUTION BY BUILDING TYPE
JOBS HOUSING NEXUS ANALYSIS
CITY OF BOULDER, CO

Per 20,000 Sq.Ft. of Building Area	OFFICE	LIGHT INDUSTRIAL	RETAIL	HOSPITAL	LODGING	WAREHOUSE	INSTITUTIONAL	ASSISTED LIVING
Management Occupations	2.9	2.1	0.6	1.2	0.4	0.3	0.5	0.6
Business and Financial Operations	4.0	1.5	0.1	0.6	0.1	0.2	0.2	0.2
Computer and Mathematical	7.4	1.7	0.0	0.3	0.0	0.0	0.1	0.0
Architecture and Engineering	1.8	3.1	0.0	0.0	0.0	0.0	0.0	0.0
Life, Physical, and Social Science	0.4	0.3	0.0	0.2	0.0	0.0	0.0	0.0
Community and Social Services	0.2	0.0	0.0	1.8	0.0	0.0	0.7	0.4
Legal	0.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Education, Training, and Library	0.1	0.0	0.0	0.1	0.0	0.0	2.7	0.0
Arts, Design, Entertainment, Sports, and Media	1.3	0.2	0.1	0.1	0.0	0.0	0.3	0.0
Healthcare Practitioners and Technical	2.0	0.0	0.3	14.5	0.0	0.0	0.1	3.5
Healthcare Support	1.1	0.0	0.1	3.4	0.0	0.0	0.2	7.2
Protective Service	0.2	0.0	0.1	0.2	0.1	0.1	0.0	0.1
Food Preparation and Serving Related	0.1	0.1	11.1	0.5	2.3	0.0	0.2	2.9
Building and Grounds Cleaning and Maint.	0.9	0.1	0.1	0.8	3.0	0.1	0.1	1.3
Personal Care and Service	0.3	0.0	0.8	0.2	0.4	0.0	1.6	2.5
Sales and Related	2.4	1.1	7.0	0.1	0.2	0.2	0.1	0.1
Office and Administrative Support	7.2	2.9	2.1	4.2	1.9	2.0	0.8	1.0
Farming, Fishing, and Forestry	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Construction and Extraction	0.2	0.1	0.0	0.0	0.0	0.0	0.0	0.0
Installation, Maintenance, and Repair	0.6	1.5	0.6	0.3	0.5	0.3	0.1	0.4
Production	0.7	6.8	0.5	0.1	0.2	0.4	0.0	0.2
Transportation and Material Moving	0.6	1.1	1.0	0.2	0.1	5.4	0.2	0.1
Totals	**35.1**	**22.6**	**24.5**	**28.7**	**9.3**	**9.0**	**7.9**	**20.5**

Notes:
(1) Appendix B Tables 1 through 16 contain additional information regarding worker occupation categories.

TABLE 2
ESTIMATE OF QUALIFYING HOUSEHOLDS - EXTREMELY LOW INCOME
JOBS HOUSING NEXUS ANALYSIS
CITY OF BOULDER, CO

Analysis for Households Earning up to 30% of Median

	OFFICE	LIGHT INDUSTRIAL	RETAIL	HOSPITAL	LODGING	WAREHOUSE	INSTITUTIONAL	ASSISTED LIVING
Per 20,000 SF Building								
Step 5, 6, & 7 - Households Earning up to 30% of Median[1]								
Management	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Business and Financial Operations	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Computer and Mathematical	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Architecture and Engineering	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Life, Physical and Social Science	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Community and Social Services	0.00	0.00	0.00	0.03	0.00	0.00	0.02	0.00
Legal	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Education Training and Library	0.00	0.00	0.00	0.00	0.00	0.00	0.19	0.00
Arts, Design, Entertainment, Sports, and Media	0.03	0.00	0.00	0.00	0.00	0.00	0.04	0.00
Healthcare Practitioners and Technical	0.04	0.00	0.00	0.03	0.00	0.00	0.00	0.00
Healthcare Support	0.06	0.00	0.00	0.26	0.00	0.00	0.00	0.85
Protective Service	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Food Preparation and Serving Related	0.00	0.00	3.90	0.00	0.78	0.00	0.00	0.82
Building Grounds and Maintenance	0.19	0.00	0.00	0.00	1.16	0.00	0.00	0.48
Personal Care and Service	0.00	0.00	0.13	0.00	0.11	0.00	0.41	0.59
Sales and Related	0.10	0.08	1.62	0.00	0.00	0.00	0.00	0.00
Office and Admin	0.31	0.14	0.22	0.27	0.49	0.19	0.03	0.06
Farm, Fishing, and Forestry	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Construction and Extraction	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Installation Maintenance and Repair	0.00	0.03	0.02	0.00	0.01	0.01	0.00	0.00
Production	0.06	0.53	0.08	0.00	0.00	0.04	0.00	0.00
Transportation and Material Moving	0.00	0.23	0.24	0.00	0.00	0.87	0.00	0.00
HH earning up to 30% of Median - major occupations	0.79	1.01	6.20	0.60	2.54	1.11	0.69	2.80
HH earning up to 30% of Median - all other occupations	0.08	0.04	0.24	0.09	0.27	0.08	0.13	0.32
Total Households Earning up to 30% of Median	**0.9**	**1.1**	**6.4**	**0.7**	**2.8**	**1.2**	**0.8**	**3.1**

Notes:
(1) Appendix B Tables 1 through 16 contain additional information on worker occupation categories and compensation levels.

TABLE 3
WORKER HOUSEHOLDS BY AFFORDABILITY LEVEL
JOBS HOUSING NEXUS ANALYSIS
CITY OF BOULDER, CO

Per 20,000 S.F. Building

	OFFICE	LIGHT INDUSTRIAL	RETAIL	HOSPITAL	LODGING	WAREHOUSE	INSTITUTIONAL	ASSISTED LIVING
NUMBER OF HOUSEHOLDS BY INCOME TIER (1)								
Extremely Low (0% - 30% AMI)	0.9	1.1	6.4	0.7	2.8	1.2	0.8	3.1
Low Income (31% - 60% AMI)	6.7	5.8	12.0	7.1	4.4	4.1	3.0	9.5
Low to Moderate (61% to 76% AMI)	4.1	2.9	2.8	4.2	0.9	1.4	1.3	3.4
Middle Income (77% to 120% AMI)	8.6	5.2	2.4	8.4	0.7	1.6	1.7	3.0
Subtotal - Affordable Categories	**20.3**	**15.0**	**23.7**	**20.3**	**8.9**	**8.3**	**6.9**	**19.1**
Above Middle Income (> 120% AMI)	14.8	7.6	0.9	8.4	0.4	0.7	1.0	1.4
Total New Worker Households	**35.1**	**22.6**	**24.5**	**28.7**	**9.3**	**9.0**	**7.9**	**20.5**
PERCENTAGE OF HOUSEHOLDS BY INCOME TIER								
Extremely Low (0% - 30% AMI)	2.5%	4.7%	26.2%	2.4%	30.3%	13.3%	10.4%	15.2%
Low Income (31% - 60% AMI)	19.1%	25.6%	49.0%	24.9%	47.9%	45.2%	38.1%	46.3%
Low to Moderate (61% to 76% AMI)	11.7%	12.8%	11.6%	14.4%	10.1%	16.1%	16.4%	16.8%
Middle Income (77% to 120% AMI)	24.6%	23.1%	9.6%	29.1%	7.3%	17.8%	22.0%	14.8%
Subtotal - Affordable Categories	**57.8%**	**66.2%**	**96.5%**	**70.8%**	**95.6%**	**92.4%**	**86.9%**	**93.0%**
Above Middle Income (> 120% AMI)	42.2%	33.8%	3.5%	29.2%	4.4%	7.6%	13.1%	7.0%
Total	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**

Notes:
(1) See Appendix B Tables 1 through 16 for information regarding worker compensation levels.

TABLE 4
WORKER HOUSEHOLDS BY AFFORDABILITY LEVEL - AFTER 45% COMMUTE ADJUSTMENT
JOBS HOUSING NEXUS ANALYSIS
CITY OF BOULDER, CO

Per 20,000 S.F. Building

	OFFICE	LIGHT INDUSTRIAL	RETAIL	HOSPITAL	LODGING	WAREHOUSE	INSTITUTIONAL	ASSISTED LIVING
AFTER 45% COMMUTE ADJUSTMENT								
NUMBER OF HOUSEHOLDS BY INCOME TIER (1)								
Extremely Low (0% - 30% AMI)	0.4	0.5	2.9	0.3	1.3	0.5	0.4	1.4
Low Income (31% - 60% AMI)	3.0	2.6	5.4	3.2	2.0	1.8	1.4	4.3
Low to Moderate (61% to 76% AMI)	1.8	1.3	1.3	1.9	0.4	0.7	0.6	1.6
Middle Income (77% to 120% AMI)	3.9	2.4	1.1	3.8	0.3	0.7	0.8	1.4
Subtotal - Affordable Categories	**9.1**	**6.7**	**10.7**	**9.2**	**4.0**	**3.7**	**3.1**	**8.6**
Above Middle Income (> 120% AMI)	6.7	3.4	0.4	3.8	0.2	0.3	0.5	0.6
Total New Worker Households	**15.8**	**10.2**	**11.0**	**12.9**	**4.2**	**4.0**	**3.6**	**9.2**

Notes:
(1) See Appendix B Tables 1 through 16 for information regarding worker compensation levels.

TABLE 5
HOUSING DEMAND NEXUS FACTORS PER SQ.FT. OF BUILDING AREA
JOBS HOUSING NEXUS ANALYSIS
CITY OF BOULDER, CO

	Number of Housing Units per Square Foot of Building Area[1]							
	OFFICE	LIGHT INDUSTRIAL	RETAIL	HOSPITAL	LODGING	WAREHOUSE	INSTITUTIONAL	ASSISTED LIVING
Extremely Low (0% - 30% AMI)	0.00001969	0.00002368	0.00014491	0.00001532	0.00006327	0.00002689	0.00001852	0.00007019
Low Income (31% - 60% AMI)	0.00015069	0.00013032	0.00027073	0.00016075	0.00010009	0.00009152	0.00006794	0.00021378
Low to Moderate (61% to 76% AMI)	0.00009203	0.00006489	0.00006379	0.00009346	0.00002108	0.00003260	0.00002926	0.00007757
Middle Income (77% to 120% AMI)	0.00019448	0.00011756	0.00005327	0.00018830	0.00001532	0.00003606	0.00003915	0.00006816
Total	**0.00045690**	**0.00033646**	**0.00053270**	**0.00045783**	**0.00019976**	**0.00018707**	**0.00015486**	**0.00042970**

Notes:
[1] Calculated by dividing number of household in Table 4 by 20,000 square feet to convert to households per square foot of building.

IV. TOTAL HOUSING NEXUS COSTS

This section takes the conclusions of the previous section on the number of households in the lower income categories associated with new commercial development projects and identifies the total cost of assistance required to make housing affordable. This section puts a cost on the units for each income level to produce the "total nexus cost." This is done for each of the prototype units.

A key component of the analysis is the size of the gap between what households can afford and the cost of producing new housing in Boulder, known as the 'affordability gap.' Affordability gaps are calculated for each of the four categories of area median income utilized for this analysis: Extremely Low Income (qualifying income: 30% of median and under), Low Income (31% to 60%), Low to Moderate Income (61% to 76.2%), and Middle Income (76.3% to 120%). The following summarizes the analysis of mitigation cost which is based on the affordability gap to provide units that are affordable to worker households in the lower income tiers. Detailed affordability gap calculations are presented in Tables 7 and 8 at the end of this section.

City Assisted Affordable Unit Prototypes

For estimating the affordability gap, there is a need to match a household of each income level with a unit type and size according to governmental regulations and City practices and policies. The analysis assumes that Extremely Low and Low Income households will be assisted in a multi-family apartment unit averaging two-bedrooms and 800 square feet in size and that Low to Moderate and Middle Income households will be assisted in a three-bedroom for-sale townhome unit averaging 1,400 square feet.

The larger townhome unit is assumed for the Low to Moderate and Middle Income households because it is one strategy to meet the needs of families in these income tiers who increasingly face affordability challenges in Boulder. A smaller two-bedroom unit is more typical for Extremely Low and Low Income households, especially for projects that are subsidized with Low Income Housing Tax Credits. In all cases, it is assumed that the prototype affordable unit reflects a modest unit consistent with what the City is likely to assist and appropriate for housing the average Extremely Low, Low, Low to Moderate, and Middle Income worker household.

Development Costs

KMA prepared an estimate of total development cost for typical affordable rental units inclusive of land, direct construction, indirect (soft costs) and financing costs based on a review of development pro forma data for recent affordable rental developments assisted by the City of

Boulder and based on discussions with affordable housing developers in Boulder[2]. On this basis, it is estimated that the affordable apartment prototype will have a total development cost per unit of approximately $293,000. The for-sale prototype is estimated to have a total development cost of approximately $423,000 based on local data for inputs such as land acquisition costs, direct and indirect costs of construction, supplemented by third party cost estimating sources such as RS Means.

Development Costs

Qualifying Income	Unit Tenure / Type	Development Cost
30% AMI and under	Rental	$293,000
31% to 60% AMI	Rental	$293,000
61% to 76.2% AMI	Ownership	$423,000
76.3% to 120% AMI	Ownership	$423,000

It is noted that the development costs in this analysis are based on new construction projects even though it is recognized that acquisition/rehab projects play a major role in creating affordable housing opportunities in Boulder. On this point, it is important to note that, on average, the affordable acquisition/rehab projects currently being planned in the City are just as expensive as the new construction projects.

Affordability Gap

The affordability gap is the difference between the cost of developing the affordable unit and the amount of funding sources available to pay for the unit. For rental units, the affordability gap is the difference between total development costs and financing available from the supported debt and the value of 4% Low Income Housing Tax Credits. For ownership units, the affordability gap is the difference between total development costs and the affordable purchase price determined based on the City's methodology.

Affordable rents were estimated based on maximum household incomes for Extremely Low and Low Income households net of estimated tenant paid utilities. Maximum affordable sales prices for ownership units were calculated consistent with the City's existing guidelines and underwriting assumptions as of Q1 2016.

Maximum Affordable Sales Prices and Rent Levels

Qualifying Income	Unit Tenure / Type	Unit Size	Maximum Housing Costs
30% AMI and under	Rental	2 bedrooms	$606 / Month*
31% to 60% AMI	Rental	2 bedrooms	$1,054 / Month*
61% to 76.2% AMI	Ownership	3 bedrooms	$203,100
76.3% to 120% AMI	Ownership	3 bedrooms	$321,300

*Tenant rent net of estimated tenant-paid utilities.

[2] Affordable housing developers interviewed for this assignment included Element Properties, Allison Management (Andy Allison), and Boulder Housing Partners (Housing Authority). Project pro formas reviewed include The Residences at Sutherland, Lee Hill Community, Thunderbird/Osage, High Mar, Trinity, and SPARK West.

The operating income estimate for the apartment project takes into consideration rental income, a factor for vacancy/turnover/bad debt, operating expenses, and replacement reserves. The project's net operating income (NOI) is then used to estimate the amount of private debt the project can support.

The assumption of 4% Tax Credits was made based on their more consistent availability as compared to 9% Tax Credits, which are highly competitive. While there are sometimes additional State and Federal sources of funds to finance affordable housing, it is not assured that these sources will be available in the future and accessing these sources is also highly competitive due to the limited supply.

The resulting affordability gaps are as follows:

Affordability Gap Calculation

Qualifying Income	Unit Value / Financing Sources*	Development Cost	Affordability Gap
Affordable Rental Units			
30% AMI and under	$119,700	$293,000	$173,300
31% to 60% AMI	$193,200	$293,000	$99,800
Affordable Ownership Units			
61% to 76.2% AMI	$203,100	$423,000	$219,900
76.3% to 120% AMI	$321,300	$423,000	$101,700

*For rental units financing sources including supported private debt and the market value of 4% tax credits. With for-sale units, the unit value equals the affordable sales price.

Tables 6 and 7 at the end of this section present the detailed affordability gap calculations.

Maximum Supported Fees

The last step in the nexus analysis calculates the cost of delivering affordable housing to the households created by new non-residential development.

Table 8 at the end of this section summarizes the analysis. The demand for affordable units in each income range that is generated per square foot of building area is drawn from Table 5 in the previous section. The "Maximum Fee per Square Foot" represents the results of the following calculation:

Affordability Gap (from above)	X	No. affordable units generated per square foot of building area. (from Table 5)	=	Maximum Fee Per Square Foot

The maximum impact fees for the eight building types are as follows:

Building Type	Nexus Findings with 45% Commute Adjustment (per Sq. Ft.)
Office	$58.40
Light Industrial	$43.40
Retail	$71.50
Hospital	$58.40
Lodging	$27.20
Warehouse	$24.70
Institutional	$20.40
Assisted Living	$57.50

Note: Nexus findings are not recommended fee levels.
See Table 8 for details by income category.

These totals represent the maximum impact fee that could be charged for new non-residential construction to mitigate its impacts on the need for affordable housing. The totals are not recommended fee levels; they represent only the maximums established by this analysis.

These total nexus or mitigation costs are high due to the low compensation levels of many jobs, coupled with the high cost of developing residential units. Higher employment densities also contribute to higher nexus costs. These factors are especially pronounced with the Office, Retail, Hospital and Assisted Living categories, yielding a very high nexus cost.

The City has a $0.51 per square foot Housing Excise Tax (HET) applicable to all new non-residential development and used to fund affordable housing. If the HET continues to be collected, it will need to be considered along with the Affordable Housing fee in determining whether requirements are within the maximums supported by the nexus.

Conservative Assumptions

In establishing the maximum impact fee, many conservative assumptions were employed in the analysis that result in a cost to mitigate affordable housing needs that may be considerably understated. These conservative assumptions include:

- A downward adjustment of 21% has been reflected in the analysis to account for declining industries and the potential that displaced workers from declining sectors of the economy will fill a portion of jobs in new workplace buildings. This is a conservative assumption because many displaced workers may exit the workforce entirely by retiring rather than seek a new job in one of the growing sectors of the economy. In addition, development of new workspace buildings will typically occur only to the extent net new demand exists after space vacated by businesses in declining sectors of the economy has been re-occupied. The 21% adjustment is conservative in that it is mainly necessary to cover a special case scenario in which buildings vacated by declining industries cannot be readily occupied by other users due to their special purpose nature or due to obsolescence.

- A downward adjustment of 55% has been reflected in the analysis to account for commuting. This is an optional adjustment that effectively removes over half of the affordable housing need from the analysis and resulting maximum impact fees.

- Annual incomes for workers reflect full time employment based upon the Bureau of Labor Statistics convention for reporting annual compensation information. In fact, many workers work less than full time; therefore, annual compensations used in the analysis are probably overstated, especially for Retail and Hotel, which tend to have a high number of part time employees.

- Only direct employees are counted in the analysis. Many contractual services related employees are also associated with each new workspace. Indirect / contract services employees in an office building, for example, include security, delivery personnel, building cleaning and maintenance personnel, and a whole range of others. Hotels do have many of these workers on staff, but hotels also “contract out” a number of services that are not taken into account in the analysis.

In summary, many less conservative assumptions could be made that would justify a much higher maximum linkage fee.

TABLE 6
AFFORDABILITY GAPS - EXTREMELY LOW AND LOW INCOME RENTAL (RENTAL PROTOTYPE)
JOBS HOUSING NEXUS ANALYSIS
CITY OF BOULDER, CO

Affordable Rental Prototype		2-Bedroom Apartments 800 sf	2-Bedroom Apartments 800 sf
		Extremely Low Income	Low Income
Unit Size		2-Bedroom	2-Bedroom
100% Median Income (3-Person)		$89,500	$89,500
% of AMI for pricing (not qualifying)		30.0%	50.0%
Household Income		$26,850	$44,750
Unit Rents			
Monthly Rent (2BR)		$671	$1,119
Utility Allowance (2BR)		($65)	($65)
Net Monthly Rent		$606	$1,054
Operating Income			
Net Rental Income - Annual		$7,275	$12,645
Other Income		$100	$100
(Less) Vacancy	5.0% (1)	($364)	($632)
(Less) Operating Expenses		($5,000)	($5,000)
(Less) Property Taxes		$0	$0
(Less) Replacement Reserves		($300)	($300)
NOI - Annual		$1,711	$6,813
(Less) Debt Service	1.20	($1,426)	($5,677)
Cash Flow after Debt		$285	$1,135
Affordability Gap			
Total Development Costs (2)		$293,000	$293,000
(Less) Supported Private Debt	4.0% 30 (3)	($24,700)	($98,200)
(Less) 4% Tax Credit Equity		($95,000)	($95,000)
Affordability Gap		$173,300	$99,800

(1) Vacancy rate range for Boulder affordable housing projects is 5% to 7%.

(2) Average of new construction projects only (excludes acq/rehab projects). Costs adjusted to net out deferred portion of developer fee.

(3) Tax exempt interest rate applicable to 4% tax credit projects.

TABLE 7
AFFORDABILITY GAPS - OWNERSHIP
JOBS HOUSING NEXUS ANALYSIS
CITY OF BOULDER, CO

Affordable For-Sale Prototype		3-Bedroom Townhome 1,400 sf	3-Bedroom Townhome 1,400 sf
		Low/Mod Income	Middle Income
100% Area Median Income (3-Person)		$89,500	$89,500
Affordable Sale Price Calculation [1]			
% of AMI for pricing (not qualifying)		66.2%	100.0%
Household Income		$59,250	$89,500
Available for Housing Cost	28.0%	$16,590	$25,060
(Less) HOA Dues	$299	($3,588)	($3,588)
(Less) Taxes & Insurance	22%	($2,860)	($4,724)
Available for Mortgage		$10,142	$16,748
Mortgage	4.06%	$175,746	$290,234
Plus Downpayment	5.0%	$9,250	$15,275
Supported Sale Price - base unit size		$184,996	$305,510
Unit Size Adjustment		$18,104	$15,790
Supported Sale Price - adjusted unit size		$203,100	$321,300
Development Costs			
Land Acquisition [2]		$100,000	$100,000
Direct Construction (Sitework & Building)		$240,000	$240,000
Indirects		$72,000	$72,000
Financing		$11,000	$11,000
Total Development Costs		$423,000	$423,000
Affordability Gap			
Total Development Costs		$423,000	$423,000
(Less) Affordable Sale Price		($203,100)	($321,300)
Affordability Gap		$219,900	$101,700

[1] Affordable sale prices based on City's pricing methodology and assumptions for Q1 2016 (3br, 2.5ba).

[2] The land acquisition cost estimate was based on sales of both vacant and improved sites purchased for redevelopment. Land costs can be higher in certain parts of the City; therefore, this is considered to be a conservative cost estimate.

TABLE 8
TOTAL HOUSING NEXUS COST
JOBS HOUSING NEXUS ANALYSIS
CITY OF BOULDER, CO

		Nexus Cost Per Sq.Ft. of Building Area[3]							
INCOME CATEGORY	**Affordability Gap Per Unit**	**OFFICE**	**LIGHT INDUSTRIAL**	**RETAIL**	**HOSPITAL**	**LODGING**	**WAREHOUSE**	**INSTITUTIONAL**	**ASSISTED LIVING**
Extremely Low (0% - 30% AMI)	$173,300 [1]	$3.40	$4.10	$25.10	$2.70	$11.00	$4.70	$3.20	$12.20
Low Income (31% - 60% AMI)	$99,800 [1]	$15.00	$13.00	$27.00	$16.00	$10.00	$9.10	$6.80	$21.30
Low to Moderate (61% to 76% AMI)	$219,900 [2]	$20.20	$14.30	$14.00	$20.60	$4.60	$7.20	$6.40	$17.10
Middle Income (77% to 120% AMI)	$101,700 [2]	$19.80	$12.00	$5.40	$19.10	$1.60	$3.70	$4.00	$6.90
Total		**$58.40**	**$43.40**	**$71.50**	**$58.40**	**$27.20**	**$24.70**	**$20.40**	**$57.50**
						$16,300 Per Room [4]			*$23,000 Per Bed* [4]

Notes:

(1) Assumes rental units. Affordability Gap reflected is the remaining gap after financing available through 4% tax credits.

(2) Assumes ownership unit.

(3) Calculated by multiplying housing demand factors from Table 5 by the affordability gaps from Table 6 and 7.

(4) Converted from square footage basis using an average of 600 square feet gross building area per room for the hotel and 400 square feet gross builidng area per bed for nursing home / assisted living.

V. MATERIALS TO ASSIST IN ADJUSTING FEE LEVELS

The purpose of this section is to provide information that may be useful to policy makers in setting fee levels and designing the program. A particular focus is devoted to facilitating an understanding of whether fees are likely to alter development decisions, or drive activity to other jurisdictions.

As indicated at the end of the previous section, the nexus analysis establishes the maximum legally defensible fee levels supported by the analysis. Recognizing a variety of City objectives, policy makers may set the fees at any level below the maximum, and may design other program features to meet local goals and objectives.

The materials in this section are not part of the nexus analysis. Instead, this section provides an assembly of materials to provide context for the consideration of potential fee levels including a review of:

- **Market Context** – Section A. provides a general overview of the Boulder economy and real estate market;
- **Development Cost Context –** Section B. evaluates total development costs associated with five prototypical building types to facilitate an evaluation of whether fee amounts are likely to affect development decisions; and
- **Survey of other Linkage Fees Programs** - Section C. provides context regarding linkage fees adopted elsewhere.

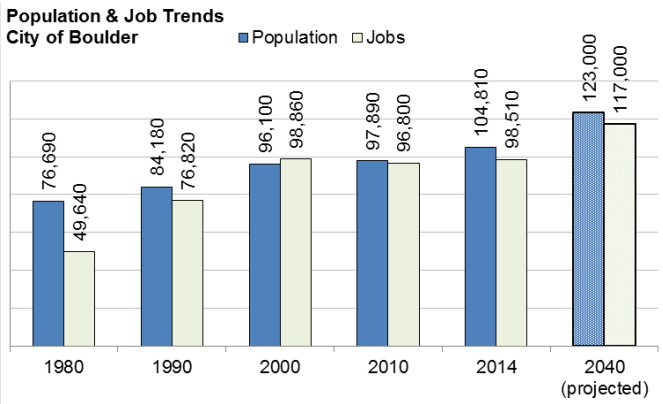
A. MARKET CONTEXT

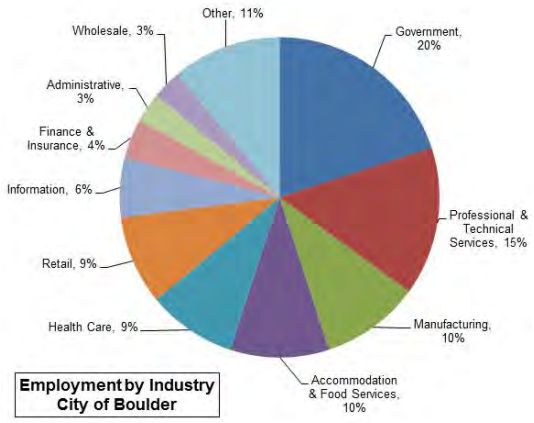
This section provides an overview of the Boulder economy and real estate market in order to provide context for the City's consideration of a linkage fee on new non-residential development projects. Local real estate and macro- economic conditions are among the factors that are often considered by policy makers in adopting new fees.

Demographics & Economy

As of 2014, the City of Boulder had a total population of 104,810. Since 2000, the population has grown at a compounded annual growth rate (CAGR) of about 0.6%. A similar growth rate is projected to the year 2040 when the population is projected to be 123,000 (see the chart below).

In terms of employment, the Boulder economy has grown jobs at a pace faster than population growth – since 1980 the total number of jobs in Boulder has doubled whereas the population has grown by slightly over one-third. In 2040, the jobs-to-population ratio is projected to be about the same as it is today.





Source: City of Boulder[3]; Colorado Department of Labor & Employment

The City of Boulder has a broad-based and diverse economy, with a relatively balanced mix of employment by industry sector. The top three sectors for employment, together representing nearly half of all jobs, are government, professional and technical services, and manufacturing. Boulder's economy benefits from the presence of a number of federal laboratories as well as the University of Colorado Boulder, which makes the City a center for research and development. Boulder is also a center for business innovation and startups, has a high concentration of advanced industries such as aerospace, biosciences, and information technology, a balance of large and small businesses, and significant in-state and out-of-state visitors which makes tourism a major contributor to the local economy as well.

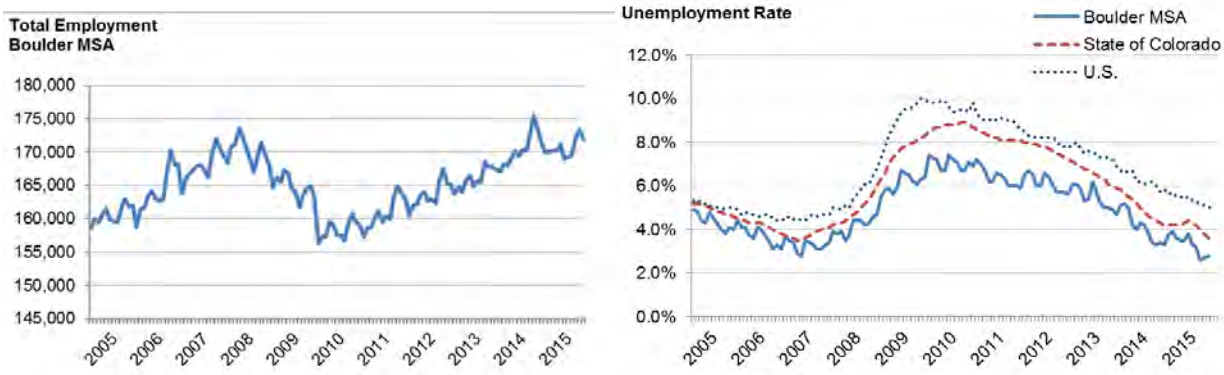
As of 2014, the top ten employers in Boulder were:

- Ball Aerospace
- Boulder Community Hospital
- Boulder County
- Boulder Valley School District
- City of Boulder
- Covidien
- IBM
- National Oceanic & Atmospheric Administration (NOAA)
- National Center for Atmospheric Research and University Corporation for Atmospheric Research (UCAR/NCAR)
- University of Colorado Boulder

The following charts depict the impact of the Great Recession on total employment and the unemployment rate in Boulder. Total employment dipped by about 10% from its pre-recession peak in late 2007 to its trough in late 2009. The monthly unemployment rate reached its pre-

[3] Note: the City's job estimate methodology was revised in 2015; prior year job estimates in the above chart have not yet been updated for the revised methodology.

recession low in 2006 (2.8%) and its high in 2009 (7.4%). The resurgent economy since the recession is reflected in both the total employment numbers and the unemployment rate, both of which are now at or near peak pre-recession conditions.



Source: Bureau of Labor Statistics

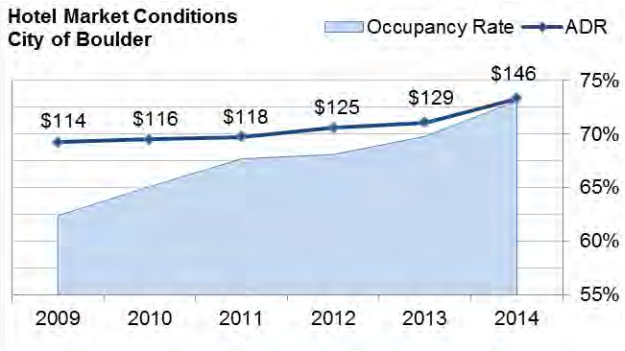
Among the strengths of the Boulder economy are its diversity, the presence of the university which generates a strong employment base and supplies a highly educated workforce, its natural setting, high quality of life, and its cultural and recreational amenities. These attributes have allowed Boulder's economy to weather market downturns better than other parts of the state and nation.

Median incomes for family households are currently 10% to 30% higher in Boulder than they are in Boulder County and the larger Denver-Aurora-Boulder region respectively but are slightly lower for non-family households. The latter is largely attributable to the influence of the City's sizable university student population which, at about 30,000, represents about 30% of Boulder's total population.

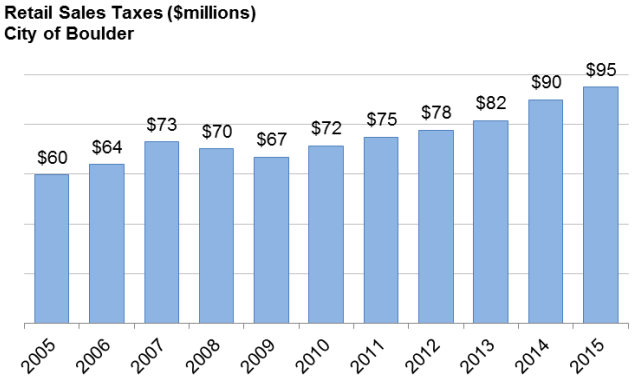
Real Estate Market Conditions

As has been the case for the larger Boulder economy, real estate market conditions in the City experienced a period of depressed conditions during the Great Recession but have rebounded strongly in the last several years. One broad indicator of commercial real estate conditions is vacancy rates, which for office, R&D/flex, and retail projects have all been on a rapid downward trend since 2011. For the first half of 2015, the overall vacancy rate for office space was 4.9%, R&D/flex space was 3.5%, and retail space was 2.8%. These low vacancy rates have had the effect of driving up rental rates and, combined with other factors such as the low cost of capital, stimulating investment in new development projects in the City. Other indicators of strengthening commercial market conditions include increasing hotel occupancy and room rates and increasing taxable retail sales.

Source: Boulder Economic Council (June 2015)



Source: Boulder Conventions & Visitors Bureau



Source: City of Boulder; Boulder Economic Council

Regional Context

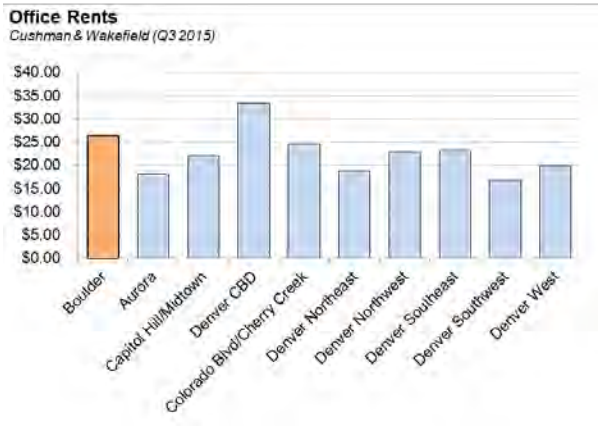
Overall, the local Boulder economy and commercial market conditions compare favorably to the larger Boulder County, Denver metro area, and state. The population of Boulder tends to be younger (due to the presence of the university), has a more educated workforce, and has higher incomes overall. Office and retail rents and vacancy rates in Boulder are strong relative to most submarkets in the Denver region and hotel rates (RevPAR[4]) are high in comparison to non-ski destinations in the state.

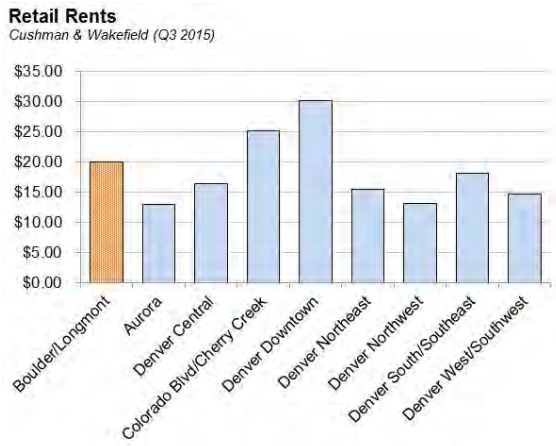
Demographic Snapshot

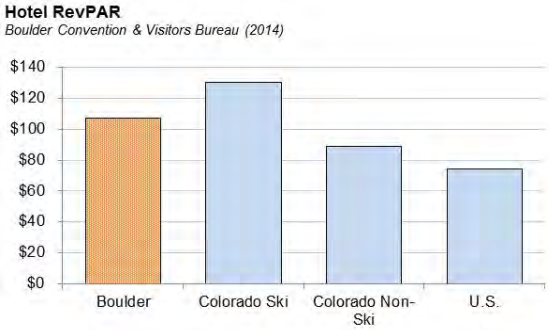
	Boulder City	Boulder County	Colorado
Median Age	27.7	36.3	36.4
% Family Households	39.8%	57.8%	63.9%
Education: Bachelor's Degree or Higher	75.0%	58.5%	37.8%
Per Capita Income	$38,840	$38,538	$31,421
Median Family Income	$107,181	$92,363	$72,043

Source: American Community Survey 2013

[4] Revenue per available room (RevPAR) is the average daily hotel room rate multiplied by the occupancy rate.



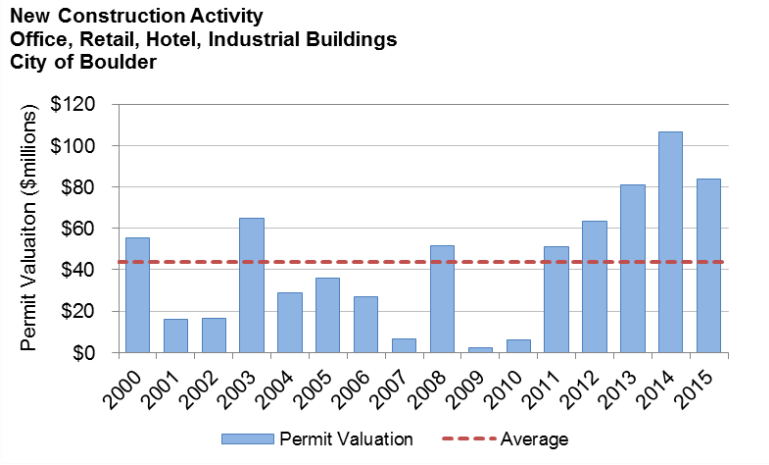




Real Estate Development Activity

The improvement in real estate market conditions in Boulder has resulted in the financial viability of many new development projects in recent years. As shown in the following chart, the last several years have seen an uptick in building permit activity for commercial development projects. On average, the City of Boulder experiences investment in new office, retail, hotel, and

industrial projects of just over $40 million per year in building permit valuation (for the period from 2000 to 2015)[5].



Source: City of Boulder

Summary

In summary, Boulder's economy and commercial market conditions compare favorably to other submarkets in the Boulder County and Denver metro regions. In addition, Boulder's diverse economy and high quality of life have historically made the City a desirable place to live and work and will likely continue to do so for the foreseeable future.

[5] New building construction only; does not include renovations.

B. DEVELOPMENT COST CONTEXT

Policy makers may establish linkage fees at any level below the maximum nexus cost for the building types addressed in the analysis. One approach to establishing fee amounts is based on an understanding of the relative cost burdens that a new fee can have on new commercial development projects. This is one of a variety of factors that policy makers often wish to consider in setting new fee amounts.

The City of Boulder has a wide range of development densities and prototypes for commercial projects. For example, office buildings can range from lower density one- to two- story structures with surface parking to higher density multiple story buildings with underground parking. In addition, land costs vary significantly from one part of Boulder to another, with the higher values associated with the downtown and nearby areas such as the transit district. In order to cover the range of project densities and costs, this analysis assembled prototypes for the following five commercial uses:

- Flex Commercial (R&D/light industrial)
- Hotel
- Retail
- Lower Density Office
- High Density Office (downtown & vicinity)

For purposes of the development cost assessment, it is not necessary to analyze every variation of project density or building prototype being built in Boulder today. The utility of the analysis lies with an understanding of the general range of development costs for new commercial projects in Boulder and the impact that a new linkage fee can have relative to those costs.

In assembling the development cost estimates, KMA utilized a variety of data sources, including the following:

- Land appraisals;
- Third party construction cost data sources such as RS Means and Engineering News Record (ENR);
- Pro forma data shared by local developers for current development projects[6];
- Pro forma data shared by the City of Boulder for projects done in partnership with local developers;
- Local broker reports;
- Local news articles from BizWest, the Daily Camera, the Denver Business Journal, etc.

[6] Developers interviewed for this assignment include Element Properties, Allison Management, WW Reynolds, Del Mar Interests (Michael Boyers), and LJD Enterprises (Lou DellaCava).

The development cost estimates are broken into four major categories: land acquisition costs, direct construction costs (including tenant improvement costs and hotel FF&E), indirect costs of development (such as architecture and engineering, municipal fees and permits costs, taxes, insurance, marketing/leasing, etc.), and debt financing costs. In preparing these cost estimates, it is recognized that there is wide variation of projects in Boulder, each with its own set of unique circumstances and unique costs; therefore the estimates prepared for this analysis are only intended to reflect general orders of magnitude. It is also recognized that development costs are constantly evolving due to changes in the market; for example, the large volume of new construction activity in Boulder has resulted in significant construction cost escalations in recent years.

As shown in the following table, the total development costs of the commercial prototypes chosen for this analysis are estimated to range from a low of about $200/square foot for the flex commercial prototype to a high of almost $500/square foot for the high density office prototype. The costs are generally lower for the flex commercial and suburban prototypes due to the lower land costs, simpler building types, and surface parking. The high density office project has the highest costs due to high land costs in the downtown and surrounding areas and because of the high costs of building underground and other structured parking garages. While office is the only land use analyzed in a high density format, it is recognized that a high density hotel or retail/mixed use project in the downtown would also have high costs for the same reasons.

Development Costs for Commercial Building Prototypes

	Flex Commercial (R&D/Lt Industrial)		Hotel		Retail		Lower Density Office		High Density Office (DT & Vicinity)	
Program										
Building Area	50,000 GSF		65,000 GSF		50,000 GSF		50,000 GSF		50,000 GSF	
Stories	1 story		2-3 stories		1 story		3 stories		3-4 stories	
FAR	0.50 FAR		0.75 FAR		0.30 FAR		0.50 FAR		2.00 FAR	
Acres	2.3 acres		2.0 acres		3.8 acres		2.3 acres		0.6 acres	
Development Costs	$/GSF	Total	$/GSF	Total	$/GSF	Total	$/GSF	Total	$/GSF	Total
Land Acquisition	$24	$1,200,000	$34	$2,180,000	$60	$3,000,000	$50	$2,500,000	$75	$3,750,000
Directs (incl. TI's)	$165	$8,250,000	$189	$12,260,000	$184	$9,200,000	$227	$11,350,000	$364	$18,200,000
Indirects	$10	$500,000	$15	$980,000	$15	$740,000	$14	$680,000	$29	$1,460,000
Financing	$7	$340,000	$10	$680,000	$9	$440,000	$10	$500,000	$21	$1,060,000
Total	$206	$10,290,000	$248	$16,100,000	$268	$13,380,000	$301	$15,030,000	$489	$24,470,000

Note: Except for High Density Office, all the prototypes assume surface parking.
GSF = gross building square feet; FAR = floor area ratio.

From the above cost estimates, potential commercial linkage fee levels can be expressed as a percentage of total development costs in order to see the relative cost burdens. For example, a $10/square foot fee would have a fee burden equal to approximately 2% of total development cost for the high density office prototype but a much higher burden, about 5% of cost, for the flex commercial prototype. It is for this reason that some cities scale their fees according to the type of project being built. The following table provides an illustration of how this concept might apply to the five commercial prototypes analyzed. The table also indicates that Boulder's current commercial linkage fees represent between 0.7% and 3.2% of total development costs.

Relative Fee Burdens on Commercial Prototypes

(Fee amounts are rounded)	Flex Commercial (R&D/Lt Industrial)	Hotel	Retail	Lower Density Office	High Density Office (DT & Vicinity)
Total Development Cost	$206 /SF	$248 /SF	$268 /SF	$301 /SF	$489 /SF
Illustrative Fee Scenarios					
2% of Development Cost	$4.10 /SF	$5.00 /SF	$5.40 /SF	$6.00 /SF	$9.80 /SF
3% of Development Cost	$6.20 /SF	$7.40 /SF	$8.00 /SF	$9.00 /SF	$14.70 /SF
4% of Development Cost	$8.20 /SF	$9.90 /SF	$10.70 /SF	$12.00 /SF	$19.60 /SF
Current Fees					
Current Fees	$5.62 /SF	$1.78 /SF*	$6.96 /SF	$9.53 /SF	$9.53 /SF
% of Development Cost	2.7%	0.7%	2.6%	3.2%	1.9%

** The current fee is $1,072/hotel room. The fee per square foot above is illustrative and assumes 600 square feet per hotel room.*

Finally, for purposes of context it can sometimes be instructive to see the relationship between potential fee amounts and the various elements of a project's development economics. Quantifying these relationships allows one to see how newly adopted fees can be absorbed by relatively minor improvements in development economics over time. The following table indicates that every $1/square foot in new fees could be absorbed by a corresponding increase in rents or decrease in development costs (or a combination thereof). As one example, a newly added fee of $10/square foot for the high density office prototype could be absorbed by any one of a roughly 2% increase in rental income (10 x 0.2%), a roughly 3% decrease in direct construction costs (10 x 0.3%), or a roughly 13% decrease in land values (10 x 1.3%).

Potential Market Adjustments to Absorb Every $1/SF Fee

All figures are approximate	Flex Commercial (R&D/Lt Industrial)	Hotel	Retail	Lower Density Office	High Density Office (DT & Vicinity)
Increase in Rents/Income	0.4%	0.4%	0.3%	0.3%	0.2%
Decrease in Direct Costs	0.6%	0.5%	0.5%	0.4%	0.3%
Decrease in Land Values	4.2%	3.0%	1.7%	2.0%	1.3%

With regard to land costs, developers purchase sites at values that will allow for financially feasible projects. If a new fee is put in place, developers will "price in" the requirement when evaluating a project's economics and negotiating the purchase price for development sites. Given that the fees will apply to all or most projects in Boulder, it is possible that downward pressure on land costs could result as developers adjust what they can afford to pay for land. This downward pressure on land prices can, at least to some degree, bring costs back into better balance with the overall economics supported by projects. However, it is also recognized that some property owners may decide to hold their properties off the market until such time as market conditions will support the price they are seeking.

As a final comment regarding land costs, it is acknowledged that one of the challenges facing the financial feasibility of new projects in Boulder is the dwindling number of vacant

development sites. According to the Boulder Valley Comprehensive Plan Trends Report, less than 1% of vacant land exists today in urbanized Boulder (Area I). Consequently, much of the future development opportunities in the City will come through redevelopment of older, underutilized properties in infill locations. Development of such properties can face challenges including the possible need to buy out existing income-generating uses, and the costs of parcel assemblage, demolition, tenant relocation, offsite infrastructure upgrades, hazardous remediation and other environmental mitigations, and historic preservation. Therefore, for many potential development sites there are limitations to how much the land values can be downwardly adjusted.

C. SURVEY OF OTHER LINKAGE FEE PROGRAMS

Information on linkage fee programs adopted elsewhere is often helpful context in considering updated fees. The following section provides information assembled regarding other programs within Colorado and nationally.

Colorado

At this time, Boulder is the only jurisdiction on the Front Range that has an adopted commercial linkage fee. Denver is currently in the process of exploring a new program. Several mountain / ski-resort communities have affordable housing requirements applicable to non-residential development, including Aspen and Vail which were surveyed as part of the KMA work scope. The Aspen and Vail programs are not affordable housing impact fees, rather they are structured as regulatory requirements to provide affordable housing or pay an in-lieu fee instead (much like Boulder's Inclusionary Housing program). While these resort communities are not comparable to Boulder, the programs represent precedents for non-residential affordable housing requirements in Colorado.

Outside of Colorado

More than 30 cities and counties in California have commercial linkage fees, with the majority of programs within the San Francisco Bay Area and Sacramento region. In the Boston area, several communities have linkage fees, including Boston and Cambridge. Seattle recently expanded its linkage fee City-wide with fee levels varying by zone and ranging from $0 to $17.50 within the downtown and South Lake Union areas and $5 to $10 outside the downtown. Portland is also beginning a process of exploring a linkage fee adoption.

Berkeley, Palo Alto, and Cambridge, MA were the only examples identified of college / university towns with linkage fees. All located within high-cost metropolitan areas.

The table on the following page provides selected fee level examples with a more complete listing included in Table 9 at the end of this section. There are a wide range of fee levels

represented among the adopted programs. The communities with the highest fees nationally are in Silicon Valley and San Francisco where the strength of the local real estate market is able to support high fee levels.

Affordable Housing Fee Levels in Selected Communities

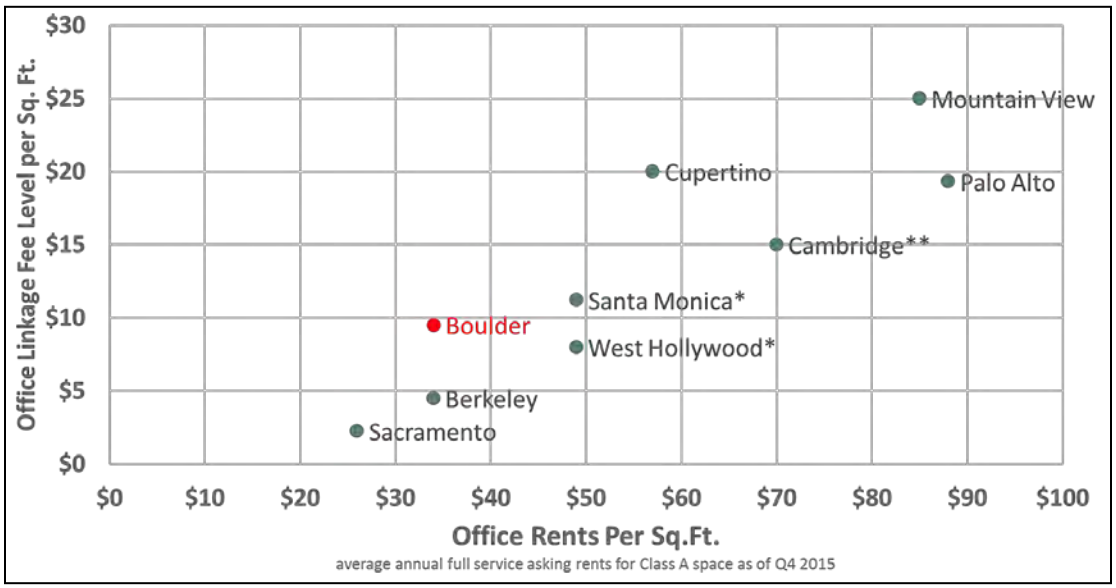
City	Office $/SF	Retail $/SF	Hotel $/SF
Boulder Current Fees	$9.53	$6.96	$1.79*
Linkage Fee Programs			
Mountain View, CA	$25.00	$2.60	$2.60
Cupertino, CA	$20.00	$10.00	$10.00
Palo Alto, CA	$19.31	$19.31	$19.31
Cambridge, MA**	$15.00	$15.00	$15.00
Santa Monica, CA	$11.21	$9.75	$3.07
West Hollywood, CA	$8.00	$8.00	$8.00
Berkeley, CA	$4.50	$4.50	$4.50
Emeryville, CA	$4.10	$4.10	$4.10
Sacramento, CA	$2.25	$1.80	$2.14
San Diego, CA	$1.76	$1.06	$1.06
Seattle: Downtown/S. Lake Union	ranges from $0 - $17.50 based on zone		
Seattle: Outside Downtown	ranges from $5 - $10 based on zone		
Mountain Resort Programs			
(fees are alternative to providing units)			
Aspen, CO	$629	$629	$134
Vail, CO	$48	$36 - $101	$17

* Per room fee expressed on a per square foot basis assuming 600 SF per room.

** Currently $12. Increase to $15 (+CPI) phased in over next three years.

As a way to provide context in terms of the market conditions in each of the communities, a separate chart is also provided that shows office linkage fees (the building type that usually has the highest fees) for selected communities in relation to office rents by city. Office rents are an indicator of market strength and key driver of real estate values.

Office Linkage Fees vs. Average Office Rents in Selected Communities



*Office rents are for "West. L.A." West Hollywood Fee will increase from $4 to $8 in FY 16-17 per staff. Shown in chart at $8.
**currently $12, increases to $15 (+CPI) over next 3 years. Shown in chart at $15.
Sources: Office rents from research reports prepared by Colliers International and Cushman and Wakefield

Ordinance or Program Features

Linkage fee programs often includes features to address a jurisdiction's policy objectives or specific concerns. The most common are:

- **Minimum Threshold Size** – A minimum threshold sets a building size over which fees are in effect. Boulder does not currently have a minimum threshold for application of the fee. Programs with low fees often have no thresholds and all construction is subject to the fee. Thresholds, which reduce fees for smaller projects, are more common for programs with more significant fees. Some jurisdictions establish a building size over which the fee applies. Sometimes the fee applies to the whole building over the threshold, and sometimes the fee applies only to the square foot area over the threshold. Thresholds are often employed to minimize costs for small infill projects in older commercial areas, when such infill is a policy objective. There is also some savings in administrative costs. The disadvantage is lost revenue. Cambridge, Aspen, Seattle, and Berkeley are examples of communities employing thresholds; many other cities do not. Mountain View has a reduced charge on the first 10,000 square feet of office space and for the first 25,000 square feet of retail or hotel development.

- **Geographic Area Variations and Exemptions** – Some cities with linkage fee programs exclude specific areas such as redevelopment areas or have fees that vary based on geography. A geographic area variation can also be used to adjust the fee in jurisdictions where there is a broad difference in economic health from one subarea to the next. This is most common among large cities with a diverse range of conditions.

- **Specific Use Exemptions** – Some cities charge all building types while others choose to exempt specific uses. A common exemption is for buildings owned by non-profits which typically encompasses religious, educational/institutional, and hospital building types. Some programs identify specific uses as exempt such as schools and child care centers.

A more complete listing of the programs surveyed along with information about ordinance features such as exemptions and thresholds is contained in Table 9 at the end of this section.

TABLE 9
JOBS HOUSING LINKAGE FEE PROGRAMS

Jurisdiction	Yr. Adopted/ Updated	Fee Level (per Sq.Ft. unless otherwise noted)	Thresholds & Exemptions	Build Option/ Other	Market Strength	Comments
COLORADO, MASSACHUSETTS, WASHINGTON						
Seattle, WA Population: 638,000	Citywide Expansion Adopted 2015	Fees vary by geographic area / zone: Downtown and S. Lake Union $0 - $17.50 (fees vary by specific zoning district) Outside Downtown: Low Fee Areas $5 Medium Fee Areas $7 High Fee Areas $8 IC 85-160 zone $10	4,000 SF threshold; Exemptions include (1) a number of specific zoning districts; (2) for structures with at least 50 percent residential use: up to 4,000 SF street-level retail, restaurant, arts, entertainment; (3) commercial uses within affordable projects.	Yes	Very Substantial	Fee is indexed based on CPI.
Cambridge, MA Population: 107,000	1998 Updated 2015	Nonresidential Dvlpmt $12.00 Increases to $15 (+CPI) by 2018	30,000 gsf threshold municipal and governmental facilities are exempt	No	Very Substantial	Fee is indexed based on CPI.
Aspen, CO Population: 7,000 (not a linkage fee)	Updated 2015 2002, 2007	Fees in-lieu of providing affordable units have been converted to estimated square foot equivalent: Commercial $629 Mixed Use $482 Service Commercial/Industrial $522 Public $683 Hotel $134	500 gsf threshold Essential public facilities exempt. Lodging requirement reduced by 50% for lodge preservation units. Basements and upper floor areas requirements reduced by 25%.	Primary requirement is to provide units. Fees in-lieu of units - 50% by right, 50% with approval.	Very Substantial	Fee is adjusted based on Engineering News Record index.
Vail, CO Population: 5,000 (not a linkage fee)	2007	Fees in-lieu of providing affordable units is subject to approval and have been converted to square foot equivalent: Office $48 Retail / Service (varies by type) $36-$101 Hotel $17	None	Primary requirement is to provide units. May petition to pay fee in-lieu of providing units.	Very Substantial	Fee is adjusted based on a three year average affordability gap computed at 120% AMI.

Note: This chart has been assembled to present an overview, and as a result, terms are simplified. The information is recent but not all data has been updated as of the date of this report. In some cases, fees are adjusted by an index (such as CPI) which may not be reflected. For use other than general comparison, please consult the code and staff of the jurisdiction.

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CALIFORNIA - SAN FRANCISCO, PENINSULA, SANTA CLARA COUNTY							
San Francisco Population: 829,000	1981 Updated 2002, 2007	Retail / Entertainment Hotel Production Dist. Repair Office Research and Development Small Enterprise Workspace	$22.96 $18.42 $19.34 $24.61 $16.39 $19.34	25,000 gsf threshold Exempt: freestanding pharmacy < 50,000 SF; grocery < 75,000	Yes, may contribute land for housing.	Very Substantial	Fee is adjusted annually based on the construction cost increases.
City of Palo Alto Population: 66,000	1984 Updated 2002	Nonresidential Dvlpmt	$19.85	Churches; universities; recreation; hospitals, private educational facilities, day care and nursery school, public facilities are exempt	Yes	Very Substantial	Fee is adjusted annually based on CPI.
City of Menlo Park Population: 33,000	1998	Office & R&D Other com./industrial	$15.57 $8.45	10,000 gross SF threshold Churches, private clubs, lodges, fraternal orgs, public facilities and projects with few or no employees are exempt.	Yes, preferred. May provide housing on- or off-site.	Very Substantial	Fee is adjusted annually based on CPI.
City of Sunnyvale Population: 146,000	1984 Updated 2003 and 2015.	Industrial, Office, R&D: Retail, Hotel	$15.00 $7.50	Office fee is 50% on the first 25,000 SF of building area. Exemptions for Child care, education, hospital, non-profits, public uses.	N/A	Very Substantial	Fee is adjusted annually based on CPI.
Redwood City Population: 80,000	2015	Office Hotel Retail & Restaurant	$20.00 $5.00 $5.00	5,000 SF threshold 25% fee reduction for projections paying prevailing wage. Schools, child care centers, public uses exempt.	Yes. Program specifies number of units per 100,000 SF.	Very Substantial	Fee is adjusted annually based on ENR.
City of Mountain View Population: 77,000	Updated 2002 / 2012 /2014	Office/High Tech/Indust. Hotel/Retail/Entertainment.	$25.00 $2.68	Fee is 50% on building area under thresholds: Office <10,000 SF Hotel <25,000 SF Retail <25,000 SF	Yes	Very Substantial	Fee is adjusted annually based on CPI.
City of Cupertino Population: 60,000	1993, 2015	Office/Industrial/R&D Hotel/Commercial/Retail	$20.00 $10.00	No minimum threshold.	N/A	Very Substantial	Fee is adjusted annually based on CPI.

Note: This chart has been assembled to present an overview, and as a result, terms are simplified. The information is recent but not all data has been updated as of the date of this report. In some cases, fees are adjusted by an index (such as CPI) which may not be reflected. For use other than general comparison, please consult the code and staff of the jurisdiction.

TABLE 9
JOBS HOUSING LINKAGE FEE PROGRAMS

Jurisdiction	Yr. Adopted/ Updated	Fee Level (per Sq.Ft. unless otherwise noted)		Thresholds & Exemptions	Build Option/ Other	Market Strength	Comments
CALIFORNIA - EAST BAY							
City of Walnut Creek Population: 66,000	2005	Office, retail, hotel and medical	$5.00	First 1,000 SF no fee applied.	Yes	Very Substantial	Reviewed every five years.
City of Oakland Population: 402,000	2002	Office/ Warehouse	$5.24	25,000 SF exemption	Yes - Can build units equal to total eligible SF times .00004	Substantial	Fee due in 3 installments. Fee adjusted with an annual escalator tied to residential construction cost increases.
City of Berkeley Population: 116,000	1993 2014	Office Retail/Restaurant Industrial/Manufacturing Hotel/Lodging Warehouse/Storage Self-Storage R&D	$4.50 $4.50 $2.25 $4.50 $2.25 $4.37 $4.50	7,500 SF threshold.	Yes	Substantial	Annual CPI increase. May negotiate fee downward based on hardship or reduced impact.
City of Emeryville	2014	All Commercial	$4.10	Schools, daycare centers.	Yes	Substantial	Fee adjusted annually.
City of Alameda Population: 76,000	1989	Retail Office Warehouse Manufacturing Hotel/Motel	$2.30 $4.52 $0.78 $0.78 $1,108	No minimum threshold	Yes. Program specifies # of units per 100,000 SF	Moderate	Fee may be adjusted by CPI.
City of Pleasanton Population: 73,000	1990	Commercial, Office & Industrial	$3.04	No minimum threshold	Yes	Moderate	Fee adjusted annually.
City of Dublin Population: 50,000	2005	Industrial Office R&D Retail Services & Accommodation	$0.49 $1.27 $0.83 $1.02 $0.43	20,000 SF threshold	N/A	Moderate	
City of Newark Population: 44,000	2014	Commercial Industrial	$3.59 $0.69	No min threshold Schools, recreational facilities, religious institutions exempt.	Yes	Moderate	Revised annually
City of Livermore Population: 84,000	1999	Retail Service Retail Office Hotel Manufacturing Warehouse Business Park Heavy Industrial Light Industrial	$1.19 $0.90 $0.76 $583/ rm $0.37 $0.11 $0.76 $0.38 $0.24	No minimum threshold Church, private or public schools exempt.	Yes; negotiated on a case-by-case basis.	Moderate	

Note: This chart has been assembled to present an overview, and as a result, terms are simplified. The information is recent but not all data has been updated as of the date of this report. In some cases, fees are adjusted by an index (such as CPI) which may not be reflected. For use other than general comparison, please consult the code and staff of the jurisdiction.

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JOBS HOUSING LINKAGE FEE PROGRAMS

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CALIFORNIA - MARIN, NAPA, SONOMA COUNTIES							
County of Marin Population: 257,000	2003	Office/R&D Retail/Rest. Warehouse Hotel/Motel Manufacturing	$7.19 $5.40 $1.94 $1,745/rm $3.74	No minimum threshold	Yes, preferred.	Substantial	
San Rafael Population: 59,000	2005	Office/R&D Retail/Rest./Pers. Services Manufacturing/LI Warehouse Hotel/Motel	$7.64 $5.73 $4.14 $2.23 $1.91	5,000 SF threshold. Mixed use projects that provide affordable housing are exempt.	Yes. Program specifies number of units per 1,000 SF.	Substantial	
Town of Corte Madera Population: 9,000	2001	Office R&D lab Light Industrial Warehouse Retail Com Services Restaurant Hotel Health Club/Rec Training facility/School	$4.79 $3.20 $2.79 $0.40 $8.38 $1.20 $4.39 $1.20 $2.00 $2.39	No minimum threshold	N/A	Substantial	
City of St. Helena Population: 6,000	2004	Office Comm./Retail Hotel Winery/Industrial	$4.11 $5.21 $3.80 $1.26	Small childcare facilities, churches, non-profits, vineyards, and public facilities are exempt.	Yes, subject to City Council approval.	Substantial	
City of Petaluma Population: 59,000	2003	Commercial Industrial Retail	$2.19 $2.26 $3.78	N/A	Yes, subject to City Council approval.	Moderate/ Substantial	Fee adjusted annually by ENR construction cost index.
County of Sonoma Population: 492,000	2005	Office Hotel Retail Industrial R&D Ag Processing	$2.64 $2.64 $4.56 $2.72 $2.72	First 2,000 SF exempt Non-profits, redevelopment areas exempt	Yes. Program specifies number of units per 1,000 SF.	Moderate	Fee adjusted annually by ENR construction cost index.
City of Cotati Population: 7,000	2006	Commercial Industrial Retail	$2.08 $2.15 $3.59	First 2,000 SF exempt Non-profits exempt.	Yes. Program specifies number of units per 1,000 SF	Moderate	Fee adjusted annually by ENR construction cost index.
County of Napa Population: 139,000	Updated 2014	Office Hotel Retail Industrial Warehouse	$5.25 $9.00 $7.50 $4.50 $3.60	No minimum threshold Non-profits are exempt	Units or land dedication; on a case by case basis.	Moderate / Substantial	
City of Napa Population: 79,000	1999	Office Hotel Retail Industrial, Wine Pdn Warehouse (30-100K) Warehouse (100K+)	$1.00 $1.40 $0.80 $0.50 $0.30 $0.20	No minimum threshold Non-profits are exempt	Units or land dedication; on a case by case basis.	Moderate/ Substantial	Fee has not changed since 1999. Increases under consideration.

Note: This chart has been assembled to present an overview, and as a result, terms are simplified. The information is recent but not all data has been updated as of the date of this report. In some cases, fees are adjusted by an index (such as CPI) which may not be reflected. For use other than general comparison, please consult the code and staff of the jurisdiction.

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CALIFORNIA - SACRAMENTO AREA						
City of Sacramento Population: 476,000	1989 Most recent update, 2005	Office $2.25 Hotel $2.14 R&D $1.91 Commercial $1.80 Manufacturing $1.41 Warehouse/Office $0.82	No minimum threshold Mortuary, parking lots, garages, RC storage, Christmas tree lots, B&Bs, mini-storage, alcoholic beverage sales, reverse vending machines, mobile recycling, and small recyclable collection facilities	Pay 20% fee plus build at reduced nexus (not meaningful given amount of fee)	Moderate	North Natomas area has separate fee structure
City of Folsom Population: 73,000	2002	Office, Retail, Lt Industrial, and Manufacturing $1.54 Up to 200,000 SF, 100% of fee; 200,000-250,000 SF, 75% of fee; 250,000-300,000 SF, 50% of fee; 300,000 and up, 25% of fee.	No minimum threshold Select nonprofits, small child care centers, churches, mini storage, parking garages, private garages, private schools exempt.	Yes Provide new or rehab housing affordable to very low income households. Also, land dedication.	Moderate/ Substantial	Fee is adjusted annually based on construction cost index
County of Sacramento Population: 1,450,000	1989	Office $0.97 Hotel $0.92 R&D $0.82 Commercial $0.77 Manufacturing $0.61 Indoor Recreational Centers $0.50 Warehouse $0.26	No minimum threshold Service uses operated by non-profits are exempt	N/A	Moderate	
City of Elk Grove Population: 158,000	1989 (inherited from County when incorporated)	Office none Hotel $1.87 Commercial $0.64 Manufacturing $0.72 Warehouse $0.77	No minimum threshold Membership organizations (churches, non-profits, etc.), mini storage, car storage, marinas, car washes, private parking garages and agricultural uses exempt	N/A	Moderate	Office fee currently waived due to market conditions.
Citrus Heights Population: 85,000	1989 (inherited from County when incorporated)	Office $0.97 Hotel $0.92 R&D $0.82 Commercial $0.77 Manufacturing $0.61 Indoor Recreational Centers $0.50 Warehouse $0.26	No minimum threshold Membership organizations (churches, non-profits, etc.), mini storage, car storage, marinas, car washes, private parking garages and agricultural uses exempt	N/A	Moderate	
Rancho Cordova Population: 67,000	1989 (inherited from County when incorporated)	Office $0.97 Hotel $0.92 R&D $0.82 Commercial $0.77 Manufacturing $0.61 Indoor Recreational Centers $0.50 Warehouse $0.26	No minimum threshold Membership organizations (churches, non-profits, etc.), mini storage, car storage, marinas, car washes, private parking garages and agricultural uses exempt	N/A	Moderate	

Note: This chart has been assembled to present an overview, and as a result, terms are simplified. The information is recent but not all data has been updated as of the date of this report. In some cases, fees are adjusted by an index (such as CPI) which may not be reflected. For use other than general comparison, please consult the code and staff of the jurisdiction.

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Jurisdiction	Yr. Adopted/ Updated	Fee Level (per Sq.Ft. unless otherwise noted)		Thresholds & Exemptions	Build Option/ Other	Market Strength	Comments
SOUTHERN CALIFORNIA							
City of Santa Monica Population: 92,000	1984 Updated 2002, 2015	Retail Office Hotel/Lodging Hospital Industrial Institutional Creative Office Medical Office	$9.75 $11.21 $3.07 $6.15 $7.53 $10.23 $9.59 $6.89	1,000 SF threshold Private schools, city projects, places of worship, commercial components of affordable housing developments exempt.	N/A	Very Substantial	Fees adjusted annually based on construction cost index.
City of West Hollywood Population: 35,000	1986	Non-Residential (per staff increase from $4 to $8 anticipated for FY16-17)	$8.00	N/A	N/A	Substantial	Fees adjusted by CPI annually
City of San Diego Population: 1,342,000	1990 Updated 2014	Office Hotel R&D Retail	$1.76 $1.06 $0.80 $1.06	No minimum threshold Industrial/ warehouse, non-profit hospitals exempt.	Can dedicate land or air rights in lieu of fee	Substantial	

Note: This chart has been assembled to present an overview, and as a result, terms are simplified. The information is recent but not all data has been updated as of the date of this report. In some cases, fees are adjusted by an index (such as CPI) which may not be reflected. For use other than general comparison, please consult the code and staff of the jurisdiction.

APPENDIX A: DISCUSSION OF VARIOUS FACTORS IN RELATION TO NEXUS CONCEPT

This appendix provides a discussion of various specific factors and assumptions in relation to the nexus concept to supplement the overview provided in Section II.

The Relationship Between Job Growth and Population Growth

A major social issue driving this analysis is growth in low and middle income households. New population growth in most U.S. regions occurs primarily as a result of job growth. Over the long term, the vast majority of growth in the State of Colorado and its sub-regions is job driven. Many people coming to the region would not come if they could not expect to find a job. People born in the local area would not stay without jobs. This is the long-term pattern. In the short-term, economic cycles and other factors can result in population growth without jobs to support the growth. If an economic region in the U.S. does not maintain job growth, there is an out-migration to regions where job growth is occurring. Many cities in the Midwest during the 70's and 80's are examples of this outmigration, and some U.S. cities have continued to lose population in more recent decades.

Not all population growth in Boulder is the result of new jobs in the region. Retirees, students, and others who are not part of the workforce all generate demand for housing. However non-working households are not included in the analysis since the purpose is to demonstrate the linkage between new buildings, new workers, and demand for housing. Since only working households are part of this equation, the demand for housing generated by non-working households is excluded.

The Relationship Between Construction and Job Growth

Employment growth does not have one cause. Many factors underlie the reasons for growth in employment in a given region; these factors are complex, interrelated, and often associated with forces at the national and international levels. One of the factors is the delivery of new workspace buildings. The nexus argument does not make the case that the construction of new buildings is solely responsible for growth. However, new construction is uniquely important, first, as one of a number of parallel factors contributing to growth, and second, as a unique and essential condition precedent to growth.

As to the first, construction itself encourages growth. When the state economy is growing, the most rapidly growing areas in the state are those where new construction is vigorous as a vital industry. In economies such as Boulder and the greater Denver metropolitan area where multiple forces of growth exist, new development can attract growth by providing new work spaces, particularly those of a speculative nature. The development industry frequently serves as a proactive force inducing growth to occur or be attracted to specific geographic areas or locations.

Second, workplace buildings bear a special relationship to growth, different from other parallel causes, in that buildings are a *condition precedent* to growth. Job growth does not occur in modern service economies without buildings to house new workers. Unlike other factors that are

responsible for growth, buildings play the additional unique role that growth cannot occur without them for a sustained period of time. Conversely, it is well established that the inability to construct new workplace buildings will constrain or even halt job growth.

This impact fee analysis, as with the parallel impact fee studies under concurrent preparation, treats new workplace buildings as a unique contributing cause and condition precedent to employment growth and the increased workforce housing needs that are directly related to that growth.

Addressing the Housing Needs of a New Population vs. the Existing Population

This nexus analysis assumes there is no excess supply of affordable housing available to absorb or offset new demand; therefore, new affordable units are needed to mitigate the new affordable housing demand generated by development of new workplace buildings. Based on a review of the current Census information for Boulder, conditions are consistent with this underlying assumption. According to the Census (2009 to 2013 ACS), approximately 43% of all households in the City were paying thirty percent or more of their income on housing.

This nexus study does not address the housing needs of the existing population. Rather, the study focuses exclusively on documenting and quantifying the housing needs created by development of a new workplace building.

Local analyses of housing conditions have found that new housing affordable to households from 0% to 120% of area median income is not being added to the supply in sufficient quantity to meet the needs of new employee households. If this were not the case and significant numbers of units were being added to the supply to accommodate these households, or if residential units were experiencing significant long term vacancy levels, particularly in affordable units, then the need for new units would be questionable.

Substitution Factor

Any given new building in Boulder may be occupied partly, or even perhaps totally, by employees relocating from elsewhere in the City or region. Buildings are often leased entirely to firms relocating from other buildings in the same jurisdiction. However, when a firm relocates to a new building from elsewhere in the region, there is a space in an existing building that is vacated and occupied by another firm. That building in turn may be filled by some combination of newcomers to the area and existing workers. Somewhere in the chain there are jobs new to the region. The net effect is that new buildings accommodate new employees, although not necessarily inside the new buildings themselves.

Indirect Employment and Multiplier Effects

The multiplier effect refers to the concept that the income generated by a new job recycles through the economy and results in additional jobs. The total number of jobs generated is

broken down into three categories – direct, indirect and induced. In the case of the nexus analysis, the direct jobs are those located in the new workspace buildings that would be subject to the linkage fee. Multiplier effects encompass indirect and induced employment. Indirect jobs are generated by suppliers to the businesses located in the new workspace buildings. Induced jobs are generated by local spending on goods and services by employees.

Multiplier effects vary by industry. Industries that draw heavily on a network of local suppliers tend to generate larger multiplier effects. Industries that are labor intensive also tend to have larger multiplier effects as a result of the induced effects of employee spending.

Theoretically, a jobs-housing nexus analysis could consider multiplier effects although the potential for double-counting exists to the extent indirect and induced jobs are added in other new buildings in jurisdictions that have jobs housing linkage fees.

In addition, the nexus analysis addresses direct “inside” employment only. In the case of an office building, for example, direct employment covers the various managerial, professional and clerical people that work in the building; it does not include the security guards, the delivery services, the landscape maintenance workers, and many others that are associated with the normal functioning of an office building. In other words, any analysis that ties lower income housing to the number of workers inside buildings will continue to understate the demand. Thus, confining the analysis to the direct employees does not address all the lower income workers associated with each type of building and understates the impacts.

Another type of indirect impact stems from addition of new jobs that are relatively high paying. Higher income workers compete for a limited supply of housing and can contribute to increased home prices and rents, thus reducing the affordability of the overall housing stock. This type of indirect impact can be especially pronounced in regions that experience strong job and income growth in some sectors of the economy such as finance or technology while income growth in other sectors like retail do not keep pace.

KMA chose to omit indirect and multiplier effects to make the analysis more conservative and to ensure the analysis adheres to Colorado’s statute which requires fees to reflect only impacts “directly related” to proposed development.

Changes in Labor Force Participation

In the 1960s through the 1980s, there were significant increases in labor force participation, primarily among women. As a result, some of the new workers were reentering the labor force and already had local housing, thus reducing demand for housing associated with job growth. In earlier nexus analyses, KMA would adjust the analysis to account for this. However, increases in participation rates by women have stabilized and even declined slightly and labor force participation rates for men have been on a downward trajectory since 1970. As such, an adjustment for increases in labor force participation is no longer warranted in a nexus analysis.

Economic Cycles

An impact analysis of this nature is intended to support a one-time impact requirement to address impacts generated over the life of a project (generally 40 years or more). Short-term conditions, such as a recession or a vigorous boom period, are not an appropriate basis for estimating impacts over the life of the building. These cycles can produce impacts that are higher or lower on a temporary basis.

Development of new workspace buildings tends to be minimal during a recession and generally remains minimal until conditions improve or there is confidence that improved conditions are imminent. When this occurs, the improved economic condition will absorb existing vacant space and underutilized capacity of existing workers, employed and unemployed. By the time new buildings become occupied, current conditions will have likely improved.

To the limited extent that new workspace buildings are built during a recession, housing impacts from these new buildings may not be fully experienced immediately, but the impacts will be experienced at some point. New buildings delivered during a recession can sometimes sit vacant for a period after completion. Even if new buildings are immediately occupied, overall absorption of space can still be zero or negative if other buildings are vacated in the process. Jobs added may also be filled in part by unemployed or underemployed workers who are already housed locally. As the economy recovers, firms will begin to expand and hire again filling unoccupied space as unemployment is reduced. New space delivered during the recession still adds to the total supply of employment space in the region. Though the jobs are not realized immediately, as the economy recovers and vacant space is filled, this new employment space absorbs or accommodates job growth. Although there may be a delay in experiencing the impacts, the fundamental relationship between new buildings, added jobs, and housing needs remains over the long term.

In contrast, during a vigorous economic boom period, conditions exist in which elevated impacts are experienced on a temporary basis. As an example, compression of employment densities can occur as firms add employees while making do with existing space. Compressed employment densities mean more jobs added for a given amount of building area. Boom periods also tend to go hand-in-hand with rising development costs and increasing home prices. These factors can bring market rate housing out of reach from a larger percentage of the workforce and increase the cost of delivering affordable units.

While the economic cycles can produce impacts that are temporarily higher or lower than normal, an impact fee is designed to be collected once, during the development of the project. Over the lifetime of the project, the impacts of the development on the demand for affordable housing will be realized, despite short-term booms and recessions.

APPENDIX B: SUPPORTING NEXUS TABLES

APPENDIX TABLE 1
2014 NATIONAL OFFICE WORKER DISTRIBUTION BY OCCUPATION
JOBS-HOUSING NEXUS ANALYSIS
CITY OF BOULDER

Major Occupations (2% or more)	2014 National Office Industry Occupation Distribution	
Management Occupations	2,554,418	*8.3%*
Business and Financial Operations Occupations	3,559,105	*11.6%*
Computer and Mathematical Occupations	6,515,380	*21.2%*
Architecture and Engineering Occupations	1,556,164	*5.1%*
Arts, Design, Entertainment, Sports, and Media Occupations	1,105,961	*3.6%*
Healthcare Practitioners and Technical Occupations	1,727,677	*5.6%*
Healthcare Support Occupations	944,890	*3.1%*
Building and Grounds Cleaning and Maintenance Occupations	780,138	*2.5%*
Sales and Related Occupations	2,139,354	*6.9%*
Office and Administrative Support Occupations	6,344,580	*20.6%*
Production Occupations	628,187	*2.0%*
All Other Office Occupations	2,937,955	*9.5%*
INDUSTRY TOTAL	30,793,808	100.0%

Industries weighted to reflect City of Boulder industry mix.

Source: Bureau of Labor Statistics;
Prepared by: Keyser Marston Associates, Inc.
Filename: \\Pacs2\wp\10\10783\001\Land Use Tables\1. Office; Major Occupations Matrix; 5/12/2016; dd

APPENDIX TABLE 2
AVERAGE ANNUAL COMPENSATION, 2014
OFFICE WORKER OCCUPATIONS
JOBS-HOUSING NEXUS ANALYSIS
CITY OF BOULDER

Occupation [1]	2014 Avg. Compensation [2]	% of Total Occupation Group [3]	% of Total Office Workers
Page 1 of 3			
Management Occupations			
General and Operations Managers	$130,500	27.9%	2.3%
Marketing Managers	$146,800	6.4%	0.5%
Sales Managers	$137,700	6.1%	0.5%
Computer and Information Systems Managers	$150,800	18.2%	1.5%
Financial Managers	$137,700	9.4%	0.8%
Architectural and Engineering Managers	$159,300	4.4%	0.4%
Property, Real Estate, and Community Association Managers	$57,800	4.4%	0.4%
Managers, All Other	$129,500	5.0%	0.4%
All Other Management Occupations (Avg. All Categories)	$126,000	18.3%	1.5%
Weighted Mean Annual Wage	***$133,500***	**100.0%**	**8.3%**
Business and Financial Operations Occupations			
Human Resources Specialists	$65,800	5.8%	0.7%
Management Analysts	$114,400	15.1%	1.7%
Market Research Analysts and Marketing Specialists	$77,300	13.3%	1.5%
Business Operations Specialists, All Other	$75,300	11.3%	1.3%
Accountants and Auditors	$76,300	18.0%	2.1%
Financial Analysts	$82,800	6.2%	0.7%
Personal Financial Advisors	$79,800	5.3%	0.6%
All Other Business and Financial Operations (Avg. All Categories)	$74,700	25.0%	2.9%
Weighted Mean Annual Wage	***$81,600***	**100.0%**	**11.6%**
Computer and Mathematical Occupations			
Computer Systems Analysts	$87,800	12.1%	2.6%
Computer Programmers	$95,100	11.7%	2.5%
Software Developers, Applications	$106,600	28.6%	6.1%
Software Developers, Systems Software	$119,300	12.3%	2.6%
Network and Computer Systems Administrators	$82,600	5.7%	1.2%
Computer User Support Specialists	$54,800	11.8%	2.5%
All Other Computer and Mathematical Occupations (Avg. All Categories)	$93,700	17.8%	3.8%
Weighted Mean Annual Wage	***$94,800***	**100.0%**	**21.2%**
Architecture and Engineering Occupations			
Architects, Except Landscape and Naval	$64,100	9.1%	0.5%
Civil Engineers	$78,400	16.7%	0.8%
Computer Hardware Engineers	$117,400	5.5%	0.3%
Electrical Engineers	$98,500	6.5%	0.3%
Electronics Engineers, Except Computer	$114,000	4.2%	0.2%
Mechanical Engineers	$109,900	8.6%	0.4%
Architectural and Civil Drafters	$53,200	8.2%	0.4%
All Other Architecture and Engineering Occupations (Avg. All Categories)	$95,900	41.1%	2.1%
Weighted Mean Annual Wage	***$89,900***	**100.0%**	**5.1%**

Sources: Bureau of Labor Statistics
Prepared by: Keyser Marston Associates, Inc.
Filename: \\SF-FS2\wp\10\10783\001\Land Use Tables\1. Office; Compensation; 5/12/2016; dd

Occupation [1]	2014 Avg. Compensation [2]	% of Total Occupation Group [3]	% of Total Office Workers
Page 2 of 3			
Arts, Design, Entertainment, Sports, and Media Occupations			
Multimedia Artists and Animators	$55,700	5.8%	0.2%
Graphic Designers	$53,100	17.8%	0.6%
Interior Designers	$52,400	4.1%	0.1%
Reporters and Correspondents	$53,000	6.3%	0.2%
Public Relations Specialists	$46,700	13.7%	0.5%
Editors	$74,500	15.4%	0.6%
Technical Writers	$75,400	7.4%	0.3%
Photographers	$43,400	7.0%	0.3%
All Other Arts, Design, Entertainment, Sports, and Media Occupations (Avg. All Cate	$53,300	22.5%	0.8%
Weighted Mean Annual Wage	***$56,700***	**100.0%**	**3.6%**
Healthcare Practitioners and Technical Occupations			
Physicians and Surgeons, All Other	$261,600	5.0%	0.3%
Physical Therapists	$73,300	7.8%	0.4%
Veterinarians	$77,100	6.7%	0.4%
Registered Nurses	$72,800	9.9%	0.6%
Dental Hygienists	$79,400	8.3%	0.5%
Veterinary Technologists and Technicians	$28,700	10.1%	0.6%
Licensed Practical and Licensed Vocational Nurses	$45,900	4.3%	0.2%
All Other Healthcare Practitioners and Technical Occupations (Avg. All Categories)	$79,700	47.9%	2.7%
Weighted Mean Annual Wage	***$80,900***	**100.0%**	**5.6%**
Healthcare Support Occupations			
Physical Therapist Assistants	$55,800	6.7%	0.2%
Physical Therapist Aides	$30,000	5.4%	0.2%
Massage Therapists	$45,500	5.1%	0.2%
Dental Assistants	$37,500	23.4%	0.7%
Medical Assistants	$34,500	33.3%	1.0%
Veterinary Assistants and Laboratory Animal Caretakers	$25,400	13.3%	0.4%
All Other Healthcare Support Occupations (Avg. All Categories)	$33,800	12.9%	0.4%
Weighted Mean Annual Wage	***$35,600***	**100.0%**	**3.1%**
Building and Grounds Cleaning and Maintenance Occupations			
Janitors and Cleaners, Except Maids and Housekeeping Cleaners	$27,600	51.9%	1.3%
Maids and Housekeeping Cleaners	$20,400	9.7%	0.2%
Landscaping and Groundskeeping Workers	$27,900	26.8%	0.7%
All Other Building and Grounds Cleaning and Maintenance Occupations (Avg. All Ca	$27,400	11.6%	0.3%
Weighted Mean Annual Wage	***$27,000***	**100.0%**	**2.5%**

Sources: Bureau of Labor Statistics
Prepared by: Keyser Marston Associates, Inc.
Filename: \\SF-FS2\wp10\10783\001\Land Use Tables\1. Office; Compensation; 5/12/2016; dd

Occupation [1]	2014 Avg. Compensation [2]	% of Total Occupation Group [3]	% of Total Office Workers
Page 3 of 3			
Sales and Related Occupations			
First-Line Supervisors of Non-Retail Sales Workers	$87,900	4.5%	0.3%
Advertising Sales Agents	$67,100	9.7%	0.7%
Insurance Sales Agents	$56,400	5.4%	0.4%
Securities, Commodities, and Financial Services Sales Agents	$73,100	6.9%	0.5%
Sales Representatives, Services, All Other	$69,400	24.4%	1.7%
Sales Representatives, Wholesale and Manufacturing, Technical and Scientific Prod	$75,700	13.2%	0.9%
Sales Representatives, Wholesale and Manufacturing, Except Technical and Scienti	$80,400	7.3%	0.5%
Real Estate Sales Agents	$53,100	5.7%	0.4%
All Other Sales and Related Occupations (Avg. All Categories)	$49,200	23.0%	1.6%
Weighted Mean Annual Wage	***$65,600***	**100.0%**	**6.9%**
Office and Administrative Support Occupations			
First-Line Supervisors of Office and Administrative Support Workers	$56,300	7.0%	1.4%
Bookkeeping, Accounting, and Auditing Clerks	$39,400	8.1%	1.7%
Customer Service Representatives	$35,200	12.7%	2.6%
Receptionists and Information Clerks	$29,300	8.1%	1.7%
Executive Secretaries and Executive Administrative Assistants	$52,800	5.0%	1.0%
Medical Secretaries	$31,200	4.1%	0.8%
Secretaries and Administrative Assistants, Except Legal, Medical, and Executive	$36,500	11.9%	2.5%
Office Clerks, General	$40,400	14.4%	3.0%
All Other Office and Administrative Support Occupations (Avg. All Categories)	$38,100	28.7%	5.9%
Production Occupations			
First-Line Supervisors of Production and Operating Workers	$63,600	4.9%	0.1%
Team Assemblers	$30,500	14.1%	0.3%
Assemblers and Fabricators, All Other	$43,100	6.1%	0.1%
Printing Press Operators	$34,500	8.8%	0.2%
Inspectors, Testers, Sorters, Samplers, and Weighers	$44,000	15.0%	0.3%
Packaging and Filling Machine Operators and Tenders	$25,300	5.8%	0.1%
Helpers--Production Workers	$32,700	9.4%	0.2%
Production Workers, All Other	$30,800	5.9%	0.1%
All Other Production Occupations (Avg. All Categories)	$37,600	30.0%	0.6%
Weighted Mean Annual Wage	***$37,300***	**100.0%**	**2.0%**
Weighted Average Annual Wage - All Occupations	***$74,000***		90.5%

[1] Including occupations representing 4% or more of the major occupation group.

[2] The methodology utilized by the Bureau of Labor Statistics Occupational Employment Survey assumes that hourly paid employees are employed full-time. Annual compensation is calculated by multiplying hourly wages by 40 hours per work week by 52 weeks.

[3] Occupation percentages are based on the 2014 National Industry - Specific Occupational Employment survey compiled by the Bureau of Labor Statistics. Wages are based on the 2014 Occupational Employment Survey data applicable to Boulder County.

Sources: Bureau of Labor Statistics
Prepared by: Keyser Marston Associates, Inc.
Filename: \\SF-FS2\wp\10\10783\001\Land Use Tables\1. Office; Compensation; 5/12/2016; dd

APPENDIX TABLE 3
2014 NATIONAL LIGHT INDUSTRIAL WORKER DISTRIBUTION BY OCCUPATION
JOBS-HOUSING NEXUS ANALYSIS
CITY OF BOULDER

Major Occupations (2% or more)	2014 National Light Industrial Industry Occupation Distribution	
Management Occupations	688,797	*9.1%*
Business and Financial Operations Occupations	509,481	*6.7%*
Computer and Mathematical Occupations	560,373	*7.4%*
Architecture and Engineering Occupations	1,027,730	*13.5%*
Sales and Related Occupations	381,312	*5.0%*
Office and Administrative Support Occupations	971,641	*12.8%*
Installation, Maintenance, and Repair Occupations	487,142	*6.4%*
Production Occupations	2,292,821	*30.2%*
Transportation and Material Moving Occupations	357,112	*4.7%*
All Other Light Industrial Occupations	311,353	*4.1%*
INDUSTRY TOTAL	7,587,762	100.0%

Industries weighted to reflect City of Boulder industry mix.

Source: Bureau of Labor Statistics;
Prepared by: Keyser Marston Associates, Inc.
Filename: \\Sfs2\wp\10\10783\001\Land Use Tables\2. Industrial; Major Occupations Matrix; 5/12/2016; doc

APPENDIX TABLE 4
AVERAGE ANNUAL COMPENSATION, 2014
LIGHT INDUSTRIAL WORKER OCCUPATIONS
JOBS-HOUSING NEXUS ANALYSIS
CITY OF BOULDER

Occupation [1]	2014 Avg. Compensation [2]	% of Total Occupation Group [3]	% of Total Light Industrial Workers
Page 1 of 3			
Management Occupations			
General and Operations Managers	$130,500	24.1%	2.2%
Marketing Managers	$146,800	5.8%	0.5%
Sales Managers	$137,700	6.1%	0.6%
Computer and Information Systems Managers	$150,800	8.1%	0.7%
Financial Managers	$137,700	6.5%	0.6%
Industrial Production Managers	$110,700	12.3%	1.1%
Architectural and Engineering Managers	$159,300	15.8%	1.4%
Managers, All Other	$129,500	5.4%	0.5%
All Other Management Occupations (Avg. All Categories)	$126,000	16.0%	1.5%
Weighted Mean Annual Wage	***$135,300***	**100.0%**	**9.1%**
Business and Financial Operations Occupations			
Purchasing Agents, Except Wholesale, Retail, and Farm Products	$68,800	18.5%	1.2%
Human Resources Specialists	$65,800	5.7%	0.4%
Logisticians	$69,100	6.6%	0.4%
Management Analysts	$114,400	7.0%	0.5%
Market Research Analysts and Marketing Specialists	$77,300	11.6%	0.8%
Business Operations Specialists, All Other	$75,300	12.1%	0.8%
Accountants and Auditors	$76,300	15.0%	1.0%
Financial Analysts	$82,800	6.6%	0.4%
All Other Business and Financial Operations Occupations (Avg. All Categories)	$74,700	16.9%	1.1%
Weighted Mean Annual Wage	***$76,700***	**100.0%**	**6.7%**
Computer and Mathematical Occupations			
Computer Systems Analysts	$87,800	8.5%	0.6%
Computer Programmers	$95,100	4.1%	0.3%
Software Developers, Applications	$106,600	26.8%	2.0%
Software Developers, Systems Software	$119,300	34.3%	2.5%
Network and Computer Systems Administrators	$82,600	6.0%	0.4%
Computer User Support Specialists	$54,800	7.8%	0.6%
All Other Computer and Mathematical Occupations (Avg. All Categories)	$93,700	12.5%	0.9%
Weighted Mean Annual Wage	***$101,800***	**100.0%**	**7.4%**

Source: Bureau of Labor Statistics;
Prepared by: Keyser Marston Associates, Inc.
Filename: \\SF-FS2\wp10\10783\001\Land Use Tables\2. Industrial; Compensation; 5/12/2016; dd

Occupation [1]	2014 Avg. Compensation [2]	% of Total Occupation Group [3]	% of Total Light Industrial Workers
Page 2 of 3			
Architecture and Engineering Occupations			
Aerospace Engineers	$137,200	4.4%	0.6%
Computer Hardware Engineers	$117,400	4.6%	0.6%
Electrical Engineers	$98,500	14.4%	1.9%
Electronics Engineers, Except Computer	$114,000	11.5%	1.6%
Industrial Engineers	$90,100	15.7%	2.1%
Mechanical Engineers	$109,900	12.7%	1.7%
Electrical and Electronics Engineering Technicians	$56,300	11.0%	1.5%
Industrial Engineering Technicians	$65,700	4.4%	0.6%
All Other Architecture and Engineering Occupations (Avg. All Categories)	$95,900	21.4%	2.9%
Weighted Mean Annual Wage	***$96,300***	**100.0%**	**13.5%**
Sales and Related Occupations			
First-Line Supervisors of Non-Retail Sales Workers	$87,900	4.7%	0.2%
Retail Salespersons	$30,600	5.6%	0.3%
Sales Representatives, Services, All Other	$69,400	5.3%	0.3%
Sales Representatives, Wholesale and Manufacturing, Technical and Scientific Proc	$75,700	21.8%	1.1%
Sales Representatives, Wholesale and Manufacturing, Except Technical and Scient	$80,400	28.3%	1.4%
Sales Engineers	$104,100	7.9%	0.4%
Telemarketers	$25,200	13.2%	0.7%
All Other Sales and Related Occupations (Avg. All Categories)	$49,200	13.2%	0.7%
Weighted Mean Annual Wage	***$66,800***	**100.0%**	**5.0%**
Office and Administrative Support Occupations			
First-Line Supervisors of Office and Administrative Support Workers	$56,300	5.9%	0.7%
Bookkeeping, Accounting, and Auditing Clerks	$39,400	8.1%	1.0%
Customer Service Representatives	$35,200	20.8%	2.7%
Production, Planning, and Expediting Clerks	$53,200	7.8%	1.0%
Shipping, Receiving, and Traffic Clerks	$32,400	10.0%	1.3%
Stock Clerks and Order Fillers	$29,100	5.4%	0.7%
Executive Secretaries and Executive Administrative Assistants	$52,800	4.6%	0.6%
Secretaries and Administrative Assistants, Except Legal, Medical, and Executive	$36,500	8.3%	1.1%
Office Clerks, General	$40,400	11.3%	1.5%
All Other Office and Administrative Support Occupations (Avg. All Categories)	$38,100	17.7%	2.3%
Weighted Mean Annual Wage	***$39,600***	**100.0%**	**12.8%**
Installation, Maintenance, and Repair Occupations			
First-Line Supervisors of Mechanics, Installers, and Repairers	$76,800	8.3%	0.5%
Electrical and Electronics Repairers, Commercial and Industrial Equipment	$58,200	7.8%	0.5%
Automotive Body and Related Repairers	$60,900	11.2%	0.7%
Automotive Service Technicians and Mechanics	$42,900	26.9%	1.7%
Industrial Machinery Mechanics	$55,000	9.0%	0.6%
Maintenance and Repair Workers, General	$38,900	13.8%	0.9%
All Other Installation, Maintenance, and Repair Occupations (Avg. All Categories)	$46,400	23.0%	1.5%
Weighted Mean Annual Wage	***$50,200***	**100.0%**	**6.4%**

Source: Bureau of Labor Statistics;
Prepared by: Keyser Marston Associates, Inc.
Filename: \\SF-FS2\wp\40\10783\001\Land Use Tables\2. Industrial; Compensation; 5/12/2016; dd

Occupation [1]	2014 Avg. Compensation [2]	% of Total Occupation Group [3]	% of Total Light Industrial Workers
Page 3 of 3			
Production Occupations			
First-Line Supervisors of Production and Operating Workers	$63,600	7.2%	2.2%
Electrical and Electronic Equipment Assemblers	$36,300	18.2%	5.5%
Electromechanical Equipment Assemblers	$34,600	4.3%	1.3%
Team Assemblers	$30,500	14.8%	4.5%
Machinists	$49,200	6.1%	1.9%
Inspectors, Testers, Sorters, Samplers, and Weighers	$44,000	7.5%	2.3%
Packaging and Filling Machine Operators and Tenders	$25,300	4.6%	1.4%
All Other Production Occupations (Avg. All Categories)	$37,600	37.4%	11.3%
Weighted Mean Annual Wage	***$38,700***	**100.0%**	**30.2%**
Transportation and Material Moving Occupations			
First-Line Supervisors of Helpers, Laborers, and Material Movers, Hand	$50,700	4.3%	0.2%
Driver/Sales Workers	$27,000	4.2%	0.2%
Heavy and Tractor-Trailer Truck Drivers	$44,700	5.2%	0.2%
Light Truck or Delivery Services Drivers	$34,900	5.6%	0.3%
Automotive and Watercraft Service Attendants	$24,200	6.4%	0.3%
Industrial Truck and Tractor Operators	$36,600	8.6%	0.4%
Cleaners of Vehicles and Equipment	$24,100	22.7%	1.1%
Laborers and Freight, Stock, and Material Movers, Hand	$28,000	23.2%	1.1%
Packers and Packagers, Hand	$21,800	12.1%	0.6%
All Other Transportation and Material Moving Occupations (Avg. All Categories)	$38,800	7.9%	0.4%
Weighted Mean Annual Wage	***$29,900***	**100.0%**	**4.5%**
Weighted Average Annual Wage - All Occupations	***$81,000***		95.9%

[1] Including occupations representing 4% or more of the major occupation group.

[2] The methodology utilized by the Bureau of Labor Statistics Occupational Employment Survey assumes that hourly paid employees are employed full-time. Annual compensation is calculated by multiplying hourly wages by 40 hours per work week by 52 weeks.

[3] Occupation percentages are based on the 2014 National Industry - Specific Occupational Employment survey compiled by the Bureau of Labor Statistics. Wages are based on the 2014 Occupational Employment Survey data applicable to Boulder County.

Source: Bureau of Labor Statistics;
Prepared by: Keyser Marston Associates, Inc.
Filename: \\SF-FS2\wp\70\10783\001\Land Use Tables\2. Industrial; Compensation; 5/12/2016; dd

APPENDIX TABLE 5
2014 NATIONAL RETAIL/RESTAURANT/SERVICE WORKER DISTRIBUTION BY OCCUPATION
JOBS-HOUSING NEXUS ANALYSIS
CITY OF BOULDER

Major Occupations (2% or more)	2014 National Retail/Restaurant/Service Occupation Distribution	
Management Occupations	628,384	*2.3%*
Food Preparation and Serving Related Occupations	12,261,041	*45.3%*
Personal Care and Service Occupations	841,689	*3.1%*
Sales and Related Occupations	7,745,429	*28.6%*
Office and Administrative Support Occupations	2,276,526	*8.4%*
Installation, Maintenance, and Repair Occupations	624,841	*2.3%*
Production Occupations	545,610	*2.0%*
Transportation and Material Moving Occupations	1,128,168	*4.2%*
All Other Retail/Restaurant/Service Occupations	992,258	*3.7%*
INDUSTRY TOTAL	27,043,945	100.0%

Industries weighted to reflect City of Boulder industry mix.

Source: Bureau of Labor Statistics;
Prepared by: Keyser Marston Associates, Inc.
Filename: \\Pacs2\wp\10\10783\001\Land Use Tables\3. Retail; Major Occupations Matrix; 5/12/2016; dd

APPENDIX TABLE 6
AVERAGE ANNUAL COMPENSATION, 2014
RETAIL/RESTAURANT/SERVICE WORKER OCCUPATIONS
JOBS-HOUSING NEXUS ANALYSIS
CITY OF BOULDER

Occupation [1]	2014 Avg. Compensation [2]	% of Total Occupation Group [3]	% of Total Retail Workers
Page 1 of 2			
Management Occupations			
General and Operations Managers	$130,500	49.6%	1.2%
Sales Managers	$137,700	11.7%	0.3%
Food Service Managers	$64,400	29.9%	0.7%
All Other Management Occupations (Avg. All Categories)	$126,000	8.8%	0.2%
Weighted Mean Annual Wage	***$111,200***	**100.0%**	**2.3%**
Food Preparation and Serving Related Occupations			
First-Line Supervisors of Food Preparation and Serving Workers	$37,700	7.1%	3.2%
Cooks, Fast Food	$19,300	5.2%	2.4%
Cooks, Restaurant	$24,100	10.1%	4.6%
Food Preparation Workers	$22,500	6.2%	2.8%
Bartenders	$25,900	4.1%	1.9%
Combined Food Preparation and Serving Workers, Including Fast Food	$20,900	28.1%	12.7%
Waiters and Waitresses	$22,900	21.6%	9.8%
Dishwashers	$22,400	4.1%	1.8%
All Other Food Preparation and Serving Related Occupations (Avg. All Categories)	$23,700	13.5%	6.1%
Weighted Mean Annual Wage	***$23,500***	**100.0%**	**45.3%**
Personal Care and Service Occupations			
First-Line Supervisors of Personal Service Workers	$43,000	4.9%	0.2%
Nonfarm Animal Caretakers	$28,500	10.1%	0.3%
Ushers, Lobby Attendants, and Ticket Takers	$19,900	7.0%	0.2%
Hairdressers, Hairstylists, and Cosmetologists	$33,000	48.6%	1.5%
Manicurists and Pedicurists	$28,700	11.8%	0.4%
Skincare Specialists	$49,800	4.3%	0.1%
All Other Personal Care and Service Occupations (Avg. All Categories)	$31,000	13.4%	0.4%
Weighted Mean Annual Wage	***$32,100***	**100.0%**	**3.1%**
Sales and Related Occupations			
First-Line Supervisors of Retail Sales Workers	$51,100	11.5%	3.3%
Cashiers	$23,200	33.7%	9.6%
Retail Salespersons	$30,600	49.3%	14.1%
All Other Sales and Related Occupations (Avg. All Categories)	$49,200	5.6%	1.6%
Weighted Mean Annual Wage	***$31,500***	**100.0%**	**28.6%**

Source: Bureau of Labor Statistics;
Prepared by: Keyser Marston Associates, Inc.
Filename: \\SF-FS2\wp10\10783\001\Land Use Tables\3. Retail; Compensation; 5/12/2016; dd

Occupation [1]	2014 Avg. Compensation [2]	% of Total Occupation Group [3]	% of Total Retail Workers
Page 2 of 2			
Office and Administrative Support Occupations			
First-Line Supervisors of Office and Administrative Support Workers	$56,300	5.6%	0.5%
Bookkeeping, Accounting, and Auditing Clerks	$39,400	7.5%	0.6%
Customer Service Representatives	$35,200	11.5%	1.0%
Receptionists and Information Clerks	$29,300	4.6%	0.4%
Shipping, Receiving, and Traffic Clerks	$32,400	5.2%	0.4%
Stock Clerks and Order Fillers	$29,100	46.0%	3.9%
Office Clerks, General	$40,400	8.7%	0.7%
All Other Office and Administrative Support Occupations (Avg. All Categories)	$38,100	10.9%	0.9%
Weighted Mean Annual Wage	***$34,200***	**100.0%**	**8.4%**
Installation, Maintenance, and Repair Occupations			
First-Line Supervisors of Mechanics, Installers, and Repairers	$76,800	8.0%	0.2%
Computer, Automated Teller, and Office Machine Repairers	$44,300	5.8%	0.1%
Automotive Body and Related Repairers	$60,900	5.2%	0.1%
Automotive Service Technicians and Mechanics	$42,900	44.0%	1.0%
Tire Repairers and Changers	$27,400	5.9%	0.1%
Maintenance and Repair Workers, General	$38,900	7.2%	0.2%
All Other Installation, Maintenance, and Repair Occupations (Avg. All Categories)	$46,400	23.9%	0.6%
Weighted Mean Annual Wage	***$46,200***	**100.0%**	**2.3%**
Production Occupations			
First-Line Supervisors of Production and Operating Workers	$63,600	6.9%	0.1%
Bakers	$24,700	19.0%	0.4%
Butchers and Meat Cutters	$33,600	24.6%	0.5%
Meat, Poultry, and Fish Cutters and Trimmers	$24,000	5.1%	0.1%
Laundry and Dry-Cleaning Workers	$22,200	12.8%	0.3%
Pressers, Textile, Garment, and Related Materials	$26,100	5.2%	0.1%
All Other Production Occupations (Avg. All Categories)	$37,600	31.6%	0.6%
Weighted Mean Annual Wage	***$34,600***	**105.2%**	**2.1%**
Transportation and Material Moving Occupations			
Driver/Sales Workers	$27,000	21.1%	0.9%
Light Truck or Delivery Services Drivers	$34,900	15.2%	0.6%
Parking Lot Attendants	$21,300	6.8%	0.3%
Cleaners of Vehicles and Equipment	$24,100	7.8%	0.3%
Laborers and Freight, Stock, and Material Movers, Hand	$28,000	19.6%	0.8%
Packers and Packagers, Hand	$21,800	17.0%	0.7%
All Other Transportation and Material Moving Occupations (Avg. All Categories)	$38,800	12.5%	0.5%
Weighted Mean Annual Wage	***$28,400***	**100.0%**	**4.2%**
Weighted Average Annual Wage - All Occupations	***$30,000***		96.4%

[1] Including occupations representing 4% or more of the major occupation group.

[2] The methodology utilized by the Bureau of Labor Statistics Occupational Employment Survey assumes that hourly paid employees are employed full-time. Annual compensation is calculated by multiplying hourly wages by 40 hours per work week by 52 weeks.

[3] Occupation percentages are based on the 2014 National Industry - Specific Occupational Employment survey compiled by the Bureau of Labor Statistics. Wages are based on the 2014 Occupational Employment Survey data applicable to Boulder County.

Source: Bureau of Labor Statistics;
Prepared by: Keyser Marston Associates, Inc.
Filename: \\SF-FS2\wp10\10783\001\Land Use Tables\3. Retail; Compensation; 5/12/2016; dd

APPENDIX TABLE 7
2014 NATIONAL HOSPITAL WORKER DISTRIBUTION BY OCCUPATION
JOBS-HOUSING NEXUS ANALYSIS
CITY OF BOULDER

Major Occupations (3% or more)	2014 National Hospital Industry Occupation Distribution	
Management Occupations	293,157	*4.2%*
Community and Social Service Occupations	424,853	*6.1%*
Healthcare Practitioners and Technical Occupations	3,510,432	*50.5%*
Healthcare Support Occupations	821,410	*11.8%*
Office and Administrative Support Occupations	1,020,448	*14.7%*
All Other Hospital Occupations	874,847	*12.6%*
INDUSTRY TOTAL	6,945,148	100.0%

Industries weighted to reflect City of Boulder industry mix.

Source: Bureau of Labor Statistics;
Prepared by: Keyser Marston Associates, Inc.
Filename: \\Sfs2\wp\10\10783\001\Land Use Tables\4. Hospital; Major Occupations Matrix; 5/12/2016; dd

APPENDIX TABLE 8
AVERAGE ANNUAL COMPENSATION, 2014
HOSPITAL WORKER OCCUPATIONS
JOBS-HOUSING NEXUS ANALYSIS
CITY OF BOULDER

Occupation [1]	2014 Avg. Compensation [2]	% of Total Occupation Group [3]	% of Total Hospital Workers
Page 1 of 2			
Management Occupations			
General and Operations Managers	$130,500	12.0%	0.5%
Administrative Services Managers	$91,600	6.6%	0.3%
Financial Managers	$137,700	6.1%	0.3%
Medical and Health Services Managers	$111,000	54.1%	2.3%
Managers, All Other	$129,500	4.1%	0.2%
All Other Management Occupations (Avg. All Categories)	$126,000	17.0%	0.7%
Weighted Mean Annual Wage	***$117,000***	**100.0%**	**4.2%**
Community and Social Service Occupations			
Substance Abuse and Behavioral Disorder Counselors	$40,600	13.5%	0.8%
Mental Health Counselors	$48,800	16.1%	1.0%
Child, Family, and School Social Workers	$49,100	5.5%	0.3%
Healthcare Social Workers	$58,200	14.7%	0.9%
Mental Health and Substance Abuse Social Workers	$41,700	15.4%	0.9%
Health Educators	$62,000	5.2%	0.3%
Social and Human Service Assistants	$30,200	12.4%	0.8%
All Other Community and Social Service Occupations (Avg. All Categories)	$45,700	17.2%	1.1%
Healthcare Practitioners and Technical Occupations			
Registered Nurses	$72,800	48.6%	24.6%
Emergency Medical Technicians and Paramedics	$39,800	4.8%	2.4%
Licensed Practical and Licensed Vocational Nurses	$45,900	4.2%	2.1%
All Other Healthcare Practitioners and Technical Occupations (Avg. All Categories)	$79,700	42.4%	21.4%
Weighted Mean Annual Wage	***$73,000***	**100.0%**	**50.5%**
Healthcare Support Occupations			
Nursing Assistants	$28,300	43.5%	5.1%
Orderlies	$29,500	4.2%	0.5%
Medical Assistants	$34,500	22.1%	2.6%
Medical Equipment Preparers	$33,000	5.1%	0.6%
Phlebotomists	$34,800	8.8%	1.0%
Healthcare Support Workers, All Other	$31,800	4.9%	0.6%
All Other Healthcare Support Occupations (Avg. All Categories)	$33,800	11.4%	1.3%
Weighted Mean Annual Wage	***$31,300***	**100.0%**	**11.8%**

Sources: Bureau of Labor Statistics;
Prepared by: Keyser Marston Associates, Inc.
Filename: \\SF-FS2\wp10\10783\001\Land Use Tables\4. Hospital; Compensation; 5/12/2016; dd

Occupation [1]	2014 Avg. Compensation [2]	% of Total Occupation Group [3]	% of Total Hospital Workers
Page 2 of 2			
Office and Administrative Support Occupations			
First-Line Supervisors of Office and Administrative Support Workers	$56,300	7.0%	1.0%
Billing and Posting Clerks	$41,500	7.0%	1.0%
Customer Service Representatives	$35,200	7.4%	1.1%
Interviewers, Except Eligibility and Loan	$26,400	6.6%	1.0%
Receptionists and Information Clerks	$29,300	9.0%	1.3%
Medical Secretaries	$31,200	16.7%	2.4%
Secretaries and Administrative Assistants, Except Legal, Medical, and Executive	$36,500	9.0%	1.3%
Office Clerks, General	$40,400	11.5%	1.7%
All Other Office and Administrative Support Occupations (Avg. All Categories)	$38,100	25.8%	3.8%
Weighted Mean Annual Wage	***$36,800***	**100.0%**	**14.7%**
Weighted Average Annual Wage - All Occupations	***$62,000***		87.4%

[1] Including occupations representing 4% or more of the major occupation group.

[2] The methodology utilized by the Bureau of Labor Statistics Occupational Employment Survey assumes that hourly paid employees are employed full-time. Annual compensation is calculated by multiplying hourly wages by 40 hours per work week by 52 weeks.

[3] Occupation percentages are based on the 2014 National Industry - Specific Occupational Employment survey compiled by the Bureau of Labor Statistics. Wages are based on the 2014 Occupational Employment Survey data applicable to Boudler County.

Sources: Bureau of Labor Statistics;
Prepared by: Keyser Marston Associates, Inc.
Filename: \\SF-FS2\wp\10\10783\001\Land Use Tables\4. Hospital; Compensation; 5/12/2016; dd

APPENDIX TABLE 9
2014 NATIONAL LODGING WORKER DISTRIBUTION BY OCCUPATION
JOBS-HOUSING NEXUS ANALYSIS
CITY OF BOULDER

Major Occupations (3% or more)	2014 National Lodging Occupation Distribution (1)	
Management Occupations	68,960	4.5%
Food Preparation and Serving Related Occupations	379,520	*24.7%*
Building and Grounds Cleaning and Maintenance Occupations	489,570	*31.9%*
Personal Care and Service Occupations	61,530	*4.0%*
Office and Administrative Support Occupations	310,980	*20.3%*
Installation, Maintenance, and Repair Occupations	76,990	*5.0%*
All Other Lodging Related Occupations	147,010	*9.6%*
INDUSTRY TOTAL	1,534,560	100.0%

Notes
(1) Excludes casino hotels

Source: Bureau of Labor Statistics
Prepared by: Keyser Marston Associates, Inc.
Filename: \\SF-FS2\wp\10\10783\001\Land Use Tables\5. Lodging;Major Occupations Matrix; 5/12/2016

APPENDIX TABLE 10
AVERAGE ANNUAL COMPENSATION, 2014
LODGING WORKER OCCUPATIONS
JOBS-HOUSING NEXUS ANALYSIS
CITY OF BOULDER

Occupation [1]	2014 Avg. Compensation [2]	% of Total Occupation Group [3]	% of Total Lodging Workers
Page 1 of 2			
Management Occupations			
General and Operations Managers	$130,500	22.9%	1.0%
Sales Managers	$137,700	9.3%	0.4%
Administrative Services Managers	$91,600	3.9%	0.2%
Financial Managers	$137,700	4.4%	0.2%
Food Service Managers	$64,400	11.1%	0.5%
Lodging Managers	$73,500	40.2%	1.8%
All Other Management Occupations (Avg. All Categories)	$126,000	8.3%	0.4%
Weighted Mean Annual Wage	***$99,300***	**100.0%**	**4.5%**
Food Preparation and Serving Related Occupations			
First-Line Supervisors of Food Preparation and Serving Workers	$37,700	5.3%	1.3%
Cooks, Restaurant	$24,100	13.8%	3.4%
Bartenders	$25,900	7.8%	1.9%
Combined Food Preparation and Serving Workers, Including Fast Food	$20,900	3.6%	0.9%
Waiters and Waitresses	$22,900	29.5%	7.3%
Food Servers, Nonrestaurant	$24,400	8.3%	2.1%
Dining Room and Cafeteria Attendants and Bartender Helpers	$19,800	10.5%	2.6%
Dishwashers	$22,400	6.5%	1.6%
Hosts and Hostesses, Restaurant, Lounge, and Coffee Shop	$21,900	3.4%	0.9%
All Other Food Preparation and Serving Occupations (Avg. All Categories)	$23,700	11.0%	2.7%
Weighted Mean Annual Wage	***$23,800***	**100.0%**	**24.7%**
Building and Grounds Cleaning and Maintenance Occupations			
First-Line Supervisors of Housekeeping and Janitorial Workers	$42,500	5.8%	1.9%
Janitors and Cleaners, Except Maids and Housekeeping Cleaners	$27,600	6.1%	1.9%
Maids and Housekeeping Cleaners	$20,400	85.1%	27.1%
All Other Building and Grounds Occupations (Avg. All Categories)	$27,400	3.0%	1.0%
Weighted Mean Annual Wage	***$22,300***	**100.0%**	**31.9%**
Personal Care and Service Occupations			
First-Line Supervisors of Personal Service Workers	$43,000	4.3%	0.2%
Amusement and Recreation Attendants	$23,100	15.0%	0.6%
Locker Room, Coatroom, and Dressing Room Attendants	$22,300	3.8%	0.2%
Baggage Porters and Bellhops	$20,000	34.4%	1.4%
Concierges	$27,300	17.8%	0.7%
Fitness Trainers and Aerobics Instructors	$45,500	3.0%	0.1%
Recreation Workers	$29,500	9.8%	0.4%
Personal Care and Service Workers, All Other	$29,000	3.4%	0.1%
All Other Personal Care and Service Occupations (Avg. All Categories)	$31,000	8.4%	0.3%
Weighted Mean Annual Wage	***$25,800***	**100.0%**	**4.0%**

Sources: Bureau of Labor Statistics; Prepared by: Keyser Marston Associates, Inc.
Filename: \\SF-FS2\wp\10\10783\001\Land Use Tables\5. Lodging;Compensation; 5/12/2016

Occupation [1]	2014 Avg. Compensation [2]	% of Total Occupation Group [3]	% of Total Lodging Workers
Page 2 of 2			
Office and Administrative Support Occupations			
First-Line Supervisors of Office and Administrative Support Workers	$56,300	7.5%	1.5%
Bookkeeping, Accounting, and Auditing Clerks	$39,400	5.2%	1.1%
Hotel, Motel, and Resort Desk Clerks	$22,300	71.8%	14.5%
All Other Office and Administrative Support Occupations (Avg. All Categories)	$38,100	15.5%	3.1%
Weighted Mean Annual Wage	***$28,200***	**100.0%**	**20.3%**
Installation, Maintenance, and Repair Occupations			
First-Line Supervisors of Mechanics, Installers, and Repairers	$76,800	8.0%	0.4%
Maintenance and Repair Workers, General	$38,900	89.8%	4.5%
All Other Installation, Maintenance, and Repair Occupations (Avg. All Categories)	$46,400	2.1%	0.1%
Weighted Mean Annual Wage	***$42,100***	**100.0%**	**5.0%**
Weighted Average Annual Wage - All Occupations	***$29,000***		90.4%

[1] Including occupations representing 3% or more of the major occupation group.

[2] The methodology utilized by the Bureau of Labor Statistics Occupational Employment Survey assumes that hourly paid employees are employed full-time. Annual compensation is calculated by multiplying hourly wages by 40 hours per work week by 52 weeks.

[3] Occupation percentages are based on the 2014 National Industry - Specific Occupational Employment survey compiled by the Bureau of Labor Statistics. Wages are based on the 2014 Occupational Employment Survey data applicable to Boulder County.

APPENDIX TABLE 11
2014 NATIONAL WAREHOUSING WORKER DISTRIBUTION BY OCCUPATION
JOBS-HOUSING NEXUS ANALYSIS
CITY OF BOULDER

Major Occupations (3% or more)	2014 National Warehousing Occupation Distribution	
Management Occupations	25,100	3.5%
Office and Administrative Support Occupations	161,880	*22.3%*
Installation, Maintenance, and Repair Occupations	23,190	*3.2%*
Production Occupations	29,150	*4.0%*
Transportation and Material Moving Occupations	438,040	*60.3%*
All Other Warehousing Related Occupations	48,730	*6.7%*
INDUSTRY TOTAL	726,090	100.0%

Source: Bureau of Labor Statistics
Prepared by: Keyser Marston Associates, Inc.
Filename: \\SF-FS2\wp\10\10783\001\Land Use Tables\6. Warehouse;Major Occupations Matrix; 5/12/2016

APPENDIX TABLE 12
AVERAGE ANNUAL COMPENSATION, 2014
WAREHOUSING WORKER OCCUPATIONS
JOBS-HOUSING NEXUS ANALYSIS
CITY OF BOULDER

Occupation [1]	2014 Avg. Compensation [2]	% of Total Occupation Group [3]	% of Total Warehousing Workers
Page 1 of 2			
Management Occupations			
General and Operations Managers	$130,500	37.2%	1.3%
Sales Managers	$137,700	4.9%	0.2%
Administrative Services Managers	$91,600	5.3%	0.2%
Transportation, Storage, and Distribution Managers	$102,700	36.1%	1.2%
All Other Management Occupations (Avg. All Categories)	$126,000	16.6%	0.6%
Weighted Mean Annual Wage	***$118,000***	**100.0%**	**3.5%**
Office and Administrative Support Occupations			
First-Line Supervisors of Office and Administrative Support Workers	$56,300	5.4%	1.2%
Customer Service Representatives	$35,200	8.5%	1.9%
Order Clerks	$32,700	3.2%	0.7%
Production, Planning, and Expediting Clerks	$53,200	3.7%	0.8%
Shipping, Receiving, and Traffic Clerks	$32,400	21.2%	4.7%
Stock Clerks and Order Fillers	$29,100	34.5%	7.7%
Weighers, Measurers, Checkers, and Samplers, Recordkeeping	$33,800	3.2%	0.7%
Office Clerks, General	$40,400	6.0%	1.3%
All Other Office and Administrative Support Occupations (Avg. All Categories)	$38,100	14.2%	3.2%
Weighted Mean Annual Wage	***$34,900***	**100.0%**	**22.3%**
Installation, Maintenance, and Repair Occupations			
First-Line Supervisors of Mechanics, Installers, and Repairers	$76,800	9.1%	0.3%
Bus and Truck Mechanics and Diesel Engine Specialists	$57,900	7.7%	0.2%
Industrial Machinery Mechanics	$55,000	3.3%	0.1%
Maintenance and Repair Workers, General	$38,900	61.6%	2.0%
All Other Installation, Maintenance, and Repair Occupations (Avg. All Categories)	$46,400	18.3%	0.6%
Weighted Mean Annual Wage	***$45,700***	**100.0%**	**3.2%**

Sources: Bureau of Labor Statistics; Prepared by: Keyser Marston Associates, Inc.
Filename: \\SF-FS2\wp10\10783\001\Land Use Tables\6. Warehouse;Compensation; 5/12/2016

Occupation [1]	2014 Avg. Compensation [2]	% of Total Occupation Group [3]	% of Total Warehousing Workers
Page 2 of 2			
Production Occupations			
First-Line Supervisors of Production and Operating Workers	$63,600	8.3%	0.3%
Team Assemblers	$30,500	19.1%	0.8%
Inspectors, Testers, Sorters, Samplers, and Weighers	$44,000	21.9%	0.9%
Packaging and Filling Machine Operators and Tenders	$25,300	17.1%	0.7%
Helpers--Production Workers	$32,700	9.8%	0.4%
Production Workers, All Other	$30,800	3.8%	0.2%
All Other Production Occupations (Avg. All Categories)	$37,600	20.0%	0.8%
Weighted Mean Annual Wage	***$37,000***	**100.0%**	**4.0%**
Transportation and Material Moving Occupations			
First-Line Supervisors of Helpers, Laborers, and Material Movers, Hand	$50,700	4.9%	2.9%
Heavy and Tractor-Trailer Truck Drivers	$44,700	8.1%	4.9%
Industrial Truck and Tractor Operators	$36,600	21.0%	12.7%
Laborers and Freight, Stock, and Material Movers, Hand	$28,000	42.8%	25.8%
Machine Feeders and Offbearers	$26,500	5.4%	3.2%
Packers and Packagers, Hand	$21,800	10.4%	6.3%
All Other Transportation and Material Moving Occupations (Avg. All Categories)	$38,800	7.4%	4.5%
Weighted Mean Annual Wage	***$32,400***	**100.0%**	**60.3%**
Weighted Average Annual Wage - All Occupations	***$37,000***		93.3%

[1] Including occupations representing 3% or more of the major occupation group.

[2] The methodology utilized by the Bureau of Labor Statistics Occupational Employment Survey assumes that hourly paid employees are employed full-time. Annual compensation is calculated by multiplying hourly wages by 40 hours per work week by 52 weeks.

[3] Occupation percentages are based on the 2014 National Industry - Specific Occupational Employment survey compiled by the Bureau of Labor Statistics. Wages are based on the 2014 Occupational Employment Survey data applicable to Boulder County.

Sources: Bureau of Labor Statistics; Prepared by: Keyser Marston Associates, Inc.
Filename: \\SF-FS2\wp10\10783\001\Land Use Tables\6. Warehouse;Compensation; 5/12/2016

APPENDIX TABLE 13
2014 NATIONAL INSTITUTION WORKER DISTRIBUTION BY OCCUPATION
JOBS-HOUSING NEXUS ANALYSIS
CITY OF BOULDER

Major Occupations (3% or more)	2014 National Institutional Industry Occupation Distribution	
Management Occupations	935,617	*5.7%*
Business and Financial Operations Occupations	513,524	*3.1%*
Community and Social Service Occupations	1,501,829	*9.1%*
Education, Training, and Library Occupations	5,276,525	*32.0%*
Arts, Design, Entertainment, Sports, and Media Occupations	581,622	*3.5%*
Personal Care and Service Occupations	3,379,576	*20.5%*
Office and Administrative Support Occupations	1,689,737	*10.3%*
All Other Institutional Occupations	2,601,967	*15.8%*
INDUSTRY TOTAL	16,480,396	100.0%

Industries weighted to reflect City of Boulder industry mix.

Source: Bureau of Labor Statistics;
Prepared by: Keyser Marston Associates, Inc.
Filename: \\Pacs2\wp\10\10783\001\Land Use Tables\7. Institutional; Major Occupations Matrix; 5/12/2016; tc

APPENDIX TABLE 14
AVERAGE ANNUAL COMPENSATION, 2014
INSTITUTIONAL WORKER OCCUPATIONS
JOBS-HOUSING NEXUS ANALYSIS
CITY OF BOULDER

Occupation [1]	2014 Avg. Compensation [2]	% of Total Occupation Group [3]	% of Total Institutional Workers
Page 1 of 2			
Management Occupations			
Chief Executives	$202,400	4.3%	0.2%
General and Operations Managers	$130,500	28.3%	1.6%
Education Administrators, Preschool and Childcare Center/Program	$46,300	14.4%	0.8%
Education Administrators, Elementary and Secondary School	$93,500	6.5%	0.4%
Education Administrators, All Other	$75,100	6.7%	0.4%
Social and Community Service Managers	$81,300	16.1%	0.9%
All Other Management Occupations (Avg. All Categories)	$126,000	23.6%	1.3%
Weighted Mean Annual Wage	***$106,300***	**100.0%**	**5.7%**
Business and Financial Operations Occupations			
Human Resources Specialists	$65,800	10.1%	0.3%
Management Analysts	$114,400	5.1%	0.2%
Fundraisers	$57,400	8.0%	0.2%
Training and Development Specialists	$65,600	22.0%	0.7%
Market Research Analysts and Marketing Specialists	$77,300	6.5%	0.2%
Business Operations Specialists, All Other	$75,300	19.5%	0.6%
Accountants and Auditors	$76,300	14.2%	0.4%
All Other Business and Financial Operations (Avg. All Categories)	$74,700	14.6%	0.5%
Weighted Mean Annual Wage	***$72,900***	**100.0%**	**3.1%**
Community and Social Service Occupations			
Educational, Guidance, School, and Vocational Counselors	$53,800	8.8%	0.8%
Mental Health Counselors	$48,800	5.5%	0.5%
Rehabilitation Counselors	$39,400	8.4%	0.8%
Child, Family, and School Social Workers	$49,100	18.5%	1.7%
Mental Health and Substance Abuse Social Workers	$41,700	4.1%	0.4%
Social and Human Service Assistants	$30,200	29.3%	2.7%
Community and Social Service Specialists, All Other	$42,100	5.4%	0.5%
All Other Business and Financial Operations (Avg. All Categories)	$45,700	20.0%	1.8%
Weighted Mean Annual Wage	***$41,800***	**100.0%**	**9.1%**
Education, Training, and Library Occupations			
Vocational Education Teachers, Postsecondary	$53,100	5.2%	1.7%
Preschool Teachers, Except Special Education	$35,400	18.4%	5.9%
Elementary School Teachers, Except Special Education	$55,900	5.9%	1.9%
Secondary School Teachers, Except Special and Career/Technical Education	$56,700	4.2%	1.3%
Self-Enrichment Education Teachers	$41,800	17.1%	5.5%
Teachers and Instructors, All Other, Except Substitute Teachers	$42,800	11.9%	3.8%
Teacher Assistants	$32,300	16.1%	5.2%
All Other Education, Training, and Library Occupations (Avg. All Categories)	$58,100	21.3%	6.8%
Weighted Mean Annual Wage	***$44,700***	**100.0%**	**32.0%**

Source: Bureau of Labor Statistics;
Prepared by: Keyser Marston Associates, Inc.
Filename: \\SF-FS2\wp\10\10783\001\Land Use Tables\7. Institutional; Compensation; 5/12/2016; dd

Occupation [1]	2014 Avg. Compensation [2]	% of Total Occupation Group [3]	% of Total Institutional Workers
Page 2 of 2			
Arts, Design, Entertainment, Sports, and Media Occupations			
Coaches and Scouts	$36,400	65.4%	2.3%
Public Relations Specialists	$46,700	7.5%	0.3%
All Other Arts, Design, Entertainment, Sports, and Media Occupations (Avg. All Cate	$53,300	27.0%	1.0%
Weighted Mean Annual Wage	***$41,700***	**100.0%**	**3.5%**
Personal Care and Service Occupations			
Childcare Workers	$24,300	39.1%	8.0%
Personal Care Aides	$23,900	42.2%	8.6%
Fitness Trainers and Aerobics Instructors	$45,500	4.5%	0.9%
Recreation Workers	$29,500	5.5%	1.1%
All Other Personal Care and Service Occupations (Avg. All Categories)	$31,000	8.7%	1.8%
Weighted Mean Annual Wage	***$26,000***	**100.0%**	**20.5%**
Office and Administrative Support Occupations			
First-Line Supervisors of Office and Administrative Support Workers	$56,300	6.1%	0.6%
Bookkeeping, Accounting, and Auditing Clerks	$39,400	9.4%	1.0%
Customer Service Representatives	$35,200	7.2%	0.7%
Receptionists and Information Clerks	$29,300	9.0%	0.9%
Executive Secretaries and Executive Administrative Assistants	$52,800	4.9%	0.5%
Secretaries and Administrative Assistants, Except Legal, Medical, and Executive	$36,500	22.7%	2.3%
Office Clerks, General	$40,400	25.8%	2.6%
All Other Office and Administrative Support Occupations (Avg. All Categories)	$38,100	14.9%	1.5%
Weighted Mean Annual Wage	***$39,300***	**100.0%**	**10.3%**
Weighted Average Annual Wage - All Occupations	***$44,000***		84.2%

[1] Including occupations representing 4% or more of the major occupation group.

[2] The methodology utilized by the Bureau of Labor Statistics Occupational Employment Survey assumes that hourly paid employees are employed full-time. Annual compensation is calculated by multiplying hourly wages by 40 hours per work week by 52 weeks.

[3] Occupation percentages are based on the 2014 National Industry - Specific Occupational Employment survey compiled by the Bureau of Labor Statistics. Wages are based on the 2014 Occupational Employment Survey data applicable to Boulder County.

Source: Bureau of Labor Statistics;
Prepared by: Keyser Marston Associates, Inc.
Filename: \\SF-FS2\wp\10\10783\001\Land Use Tables\7. Institutional; Compensation; 5/12/2016; dd

APPENDIX TABLE 15
2014 NATIONAL ASSISTED LIVING WORKER DISTRIBUTION BY OCCUPATION
JOBS-HOUSING NEXUS ANALYSIS
CITY OF BOULDER

Major Occupations (3% or more)	2014 National Assisted Living Occupation Distribution	
Healthcare Practitioners and Technical Occupations	589,856	16.9%
Healthcare Support Occupations	1,224,897	*35.0%*
Food Preparation and Serving Related Occupations	498,540	*14.3%*
Building and Grounds Cleaning and Maintenance Occupations	223,572	*6.4%*
Personal Care and Service Occupations	422,542	*12.1%*
Office and Administrative Support Occupations	176,069	*5.0%*
All Other Assisted Living Related Occupations	359,935	*10.3%*
INDUSTRY TOTAL	3,495,411	100.0%

Industries weighted to reflect City of Boulder industry mix.

Source: Bureau of Labor Statistics
Prepared by: Keyser Marston Associates, Inc.
Filename: \\SF-FS2\wp\10\10783\001\Land Use Tables\8. Nursing Facility;Major Occupations Matrix; 5/12/2016

APPENDIX TABLE 16
AVERAGE ANNUAL COMPENSATION, 2014
ASSISTED LIVING WORKER OCCUPATIONS
JOBS-HOUSING NEXUS ANALYSIS
CITY OF BOULDER

Occupation [1]	2014 Avg. Compensation [2]	% of Total Occupation Group [3]	% of Total Assisted Living Workers
Page 1 of 2			
Healthcare Practitioners and Technical Occupations			
Registered Nurses	$72,800	34.7%	5.9%
Licensed Practical and Licensed Vocational Nurses	$45,900	50.2%	8.5%
All Other Healthcare Practitioners and Technical Occupations (Avg. All Categories)	$79,700	15.1%	2.5%
Weighted Mean Annual Wage	***$60,300***	**100.0%**	**16.9%**
Healthcare Support Occupations			
Home Health Aides	$27,700	20.9%	7.3%
Nursing Assistants	$28,300	74.2%	26.0%
All Other Healthcare Support Occupations (Avg. All Categories)	$33,800	4.9%	1.7%
Weighted Mean Annual Wage	***$28,400***	**100.0%**	**35.0%**
Food Preparation and Serving Related Occupations			
First-Line Supervisors of Food Preparation and Serving Workers	$37,700	5.8%	0.8%
Cooks, Institution and Cafeteria	$27,200	25.5%	3.6%
Food Preparation Workers	$22,500	10.4%	1.5%
Combined Food Preparation and Serving Workers, Including Fast Food	$20,900	7.3%	1.0%
Waiters and Waitresses	$22,900	7.9%	1.1%
Food Servers, Nonrestaurant	$24,400	29.0%	4.1%
Dining Room and Cafeteria Attendants and Bartender Helpers	$19,800	3.9%	0.6%
Dishwashers	$22,400	6.3%	0.9%
All Other Food Preparation and Serving Related Occupations (Avg. All Categories)	$23,700	3.8%	0.5%
Weighted Mean Annual Wage	***$25,000***	**100.0%**	**14.3%**
Building and Grounds Cleaning and Maintenance Occupations			
First-Line Supervisors of Housekeeping and Janitorial Workers	$42,500	6.3%	0.4%
Janitors and Cleaners, Except Maids and Housekeeping Cleaners	$27,600	15.3%	1.0%
Maids and Housekeeping Cleaners	$20,400	75.0%	4.8%
All Other Building and Grounds Cleaning and Maintenance Occupations (Avg. All Ca	$27,400	3.4%	0.2%
Weighted Mean Annual Wage	***$23,100***	**100.0%**	**6.4%**
Personal Care and Service Occupations			
First-Line Supervisors of Personal Service Workers	$43,000	4.2%	0.5%
Personal Care Aides	$23,900	71.6%	8.7%
Recreation Workers	$29,500	17.8%	2.1%
Residential Advisors	$34,100	3.2%	0.4%
All Other Personal Care and Service Occupations (Avg. All Categories)	$31,000	3.3%	0.4%
Weighted Mean Annual Wage	***$26,300***	**100.0%**	**12.1%**

Sources: Bureau of Labor Statistics; Prepared by: Keyser Marston Associates, Inc.
Filename: \\SF-FS2\wp70\10783\001\Land Use Tables\8. Nursing Facility;Compensation; 5/12/2016

Occupation [1]	2014 Avg. Compensation [2]	% of Total Occupation Group [3]	% of Total Assisted Living Workers
Page 2 of 2			
Office and Administrative Support Occupations			
First-Line Supervisors of Office and Administrative Support Workers	$56,300	8.2%	0.4%
Switchboard Operators, Including Answering Service	$24,900	3.4%	0.2%
Bookkeeping, Accounting, and Auditing Clerks	$39,400	8.6%	0.4%
Payroll and Timekeeping Clerks	$39,900	3.3%	0.2%
Receptionists and Information Clerks	$29,300	25.9%	1.3%
Executive Secretaries and Executive Administrative Assistants	$52,800	3.3%	0.2%
Medical Secretaries	$31,200	4.3%	0.2%
Secretaries and Administrative Assistants, Except Legal, Medical, and Executive	$36,500	12.3%	0.6%
Office Clerks, General	$40,400	17.2%	0.9%
All Other Office and Administrative Support Occupations (Avg. All Categories)	$38,100	13.6%	0.7%
Weighted Mean Annual Wage	***$37,400***	**100.0%**	**5.0%**
Weighted Average Annual Wage - All Occupations	***$34,000***		89.7%

[1] Including occupations representing 3% or more of the major occupation group.

[2] The methodology utilized by the Bureau of Labor Statistics Occupational Employment Survey assumes that hourly paid employees are employed full-time. Annual compensation is calculated by multiplying hourly wages by 40 hours per work week by 52 weeks.

[3] Occupation percentages are based on the 2014 National Industry - Specific Occupational Employment survey compiled by the Bureau of Labor Statistics. Wages are based on the 2014 Occupational Employment Survey data applicable to Boulder County.

Sources: Bureau of Labor Statistics; Prepared by: Keyser Marston Associates, Inc.
Filename: \SF-FS2\wp10\10783\001\Land Use Tables\8. Nursing Facility;Compensation; 5/12/2016

APPENDIX TABLE 17
INDUSTRY CATEGORIES BY BUILDING TYPE
JOBS-HOUSING NEXUS ANALYSIS
CITY OF BOULDER

Industry Employment by Building Type Weighted to Reflect the City of Boulder Employment Mix
Based on QCEW Data for the City of Boulder.

NAICS	Industry	Percent of Employment for Building Type
Office		
511100	Newspaper, Periodical, Book, and Directory Publishers	3.3%
511200	Software Publishers	12.7%
517100	Wired Telecommunications Carriers	0.6%
517200	Wireless Telecommunications Carriers (except Satellite)	0.1%
518200	Data Processing, Hosting, and Related Services	0.8%
519100	Other Information Services	1.0%
522100	Depository Credit Intermediation	2.7%
522200	Nondepository Credit Intermediation	0.4%
523900	Other Financial Investment Activities	3.0%
524100	Insurance Carriers	0.7%
524200	Agencies, Brokerages, and Other Insurance Related Activities	1.0%
531100	Lessors of Real Estate	1.7%
531200	Offices of Real Estate Agents and Brokers	1.0%
531300	Activities related to Real Estate	1.2%
541100	Legal Services	2.9%
541200	Accounting, Tax Preparation, Bookkeeping, and Payroll Services	1.9%
541300	Architectural, Engineering, and Related Services	7.9%
541400	Specialized Design Services	0.7%
541500	Computer Systems Design and Related Services	19.5%
541600	Management, Scientific, and Technical Consulting Services	5.9%
541800	Advertising and Related Services	2.2%
541900	Other Professional, Scientific, and Technical Services	4.1%
551100	Management of Companies and Enterprises	2.2%
561100	Office Administrative Services	0.3%
561300	Employment Services	4.3%
561500	Travel Arrangement and Reservation Services	0.6%
561600	Investigation and Security Services	0.2%
561700	Services to Buildings and Dwellings	2.0%
561900	Other Support Services	0.6%
621100	Offices of Physicians	4.7%
621200	Offices of Dentists	2.1%
621300	Offices of Other Health Practitioners	4.5%
813200	Grantmaking and Giving Services	0.5%
813300	Social Advocacy Organizations	1.5%
813900	Business, Professional, Labor, Political, and Similar Organizations	1.3%
	Total	100%
Retail / Restaurant / Service		
441100	Automobile Dealers	4.7%
441200	Other Motor Vehicle Dealers	0.2%
441300	Auto Parts, Accessories, and Tire Stores	0.9%
442100	Furniture Stores	0.4%
442200	Home Furnishings Stores	1.1%
443100	Electronics and Appliance Stores	2.3%
444100	Building Material and Supplies Dealers	3.4%
444200	Lawn & Garden Equipment/Supplies Stores	0.1%
445100	Grocery Stores	12.1%
445200	Specialty Food Stores	0.4%
445300	Beer, Wine, and Liquor Stores	1.4%
446100	Health and Personal Care Stores	2.5%
447100	Gasoline Stations	0.9%
448100	Clothing Stores	2.8%
448200	Shoe Stores	0.7%
448300	Jewelry, Luggage & Leather Goods Stores	0.3%
451100	Sporting Goods/Musical Instrument Stores	4.7%
451200	Book, Periodical, and Music Stores	0.8%
452100	Department Stores	2.9%
452900	Other General Merchandise Stores	0.2%
453100	Florists	0.3%
453200	Office Supply, Stationery & Gift Stores	1.2%
453300	Used Merchandise Stores	1.1%
453900	Other Miscellaneous Store Retailers	1.3%
722300	Special Food Services	1.5%
722400	Drinking Places (Alcoholic Beverages)	1.3%
722500	Restaurant and Other Eating Places	45.0%
812100	Personal Care Services	3.1%
812200	Death Care Services	0.2%
812300	Drycleaning and Laundry Services	0.7%
812900	Other Personal Services	0.8%
512130	Motion Picture and Video Exhibition	0.7%
	Total	100%

APPENDIX TABLE 17
INDUSTRY CATEGORIES BY BUILDING TYPE
JOBS-HOUSING NEXUS ANALYSIS
CITY OF BOULDER

Industry Employment by Building Type Weighted to Reflect the City of Boulder Employment Mix
Based on QCEW Data for the City of Boulder.

NAICS	Industry	Percent of Employment for Building Type
Light Industrial		
311400	Fruit and Vegetable Preserving and Specialty Food Manufacturing	1.4%
311500	Dairy Product Manufacturing	0.2%
311800	Bakeries and Tortilla Manufacturing	1.2%
311900	Other Food Manufacturing	1.2%
312100	Beverage Manufacturing	3.3%
323100	Printing and Related Support Activities	2.2%
325400	Pharmaceutical and Medicine Manufacturing	4.8%
325600	Soap, Cleaning Compound, and Toilet Preparation Manufacturing	0.5%
325900	Other Chemical Product and Preparation Manufacturing	0.3%
332300	Architectural and Structural Metals Manufacturing	0.1%
332700	Machine Shops; Turned Product; and Screw, Nut, and Bolt Manufacturing	2.1%
332800	Coating, Engraving, Heat Treating, and Allied Activities	0.6%
333200	Industrial Machinery Manufacturing	0.6%
333300	Commercial and Service Industry Machinery Manufacturing	4.6%
334200	Communications Equipment Manufacturing	4.0%
334500	Navigational, Measuring, Electromedical, and Control Instruments Manufacturing	54.9%
335900	Other Electrical Equipment and Component Manufacturing	0.2%
337100	Household and Institutional Furniture and Kitchen Cabinet Manufacturing	0.2%
337900	Other Furniture Related Product Manufacturing	0.3%
339100	Medical Equipment and Supplies Manufacturing	1.1%
339900	Other Miscellaneous Manufacturing	4.7%
561400	Business Support Services	4.2%
811100	Automotive Repair and Maintenance	6.5%
811200	Electronic Equipment Repair/Maintenance	0.1%
811400	Personal and Household Goods Repair and Maintenance	0.4%
	Total	100%
Hospital		
621400	Outpatient Care Centers	26.2%
621500	Medical and Diagnostic Laboratories	0.8%
621900	Other Ambulatory Health Care Services	4.5%
622100	General Medical and Surgical Hospitals	68.5%
	Total	100%
Lodging		
721100	Traveler Accommodation	100%
Warehouse		
493100	Warehousing and Storage	100%
Institutional		
624100	Individual and Family Services	23.3%
624200	Community Food and Housing, and Emergency and Other Relief Services	5.4%
624300	Vocational Rehabilitation Services	4.3%
624400	Child Day Care Services	18.8%
611100	Elementary and Secondary Schools	11.4%
611400	Business Schools and Computer and Management Training	3.2%
611500	Technical and Trade Schools	4.0%
611600	Other Schools and Instruction	17.8%
611700	Educational Support Services	4.7%
813100	Religious Organizations	1.2%
813400	Civic and Social Organizations	5.0%
712100	Museums, Historical Sites, and Similar Institutions	1.0%
	Total	100%
Assisted Living		
623100	Nursing Care Facilities (Skilled Nursing Facilities)	45.0%
623200	Residential Intellectual and Developmental Disability, Mental Health, and Substance Abuse Facilities	4.2%
623300	Continuing Care Retirement Communities and Assisted Living	50.8%
	Total	100%

(1) Using data from the Quarterly Census of Employment and Wages (QCEW) , 2014 for the City of Boulder.
NAICS = North American Industry Classification System

KEYSER MARSTON ASSOCIATES
ADVISORS IN PUBLIC/PRIVATE REAL ESTATE DEVELOPMENT

MEMORANDUM

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To: Chris Meschuk and Kristin Hyser
City of Boulder

From: David Doezema

Date: September 13, 2016

Subject: Affordable Housing Fee Options and Context Materials

Keyser Marston Associates, Inc. (KMA) has prepared the following memorandum to assist in further defining the three options identified for affordable housing fees, review approaches to thresholds and exemptions and provide context regarding development costs and market adjustments sufficient to absorb proposed fees. In addition, economic and market factors frequently used to inform fee level selection are briefly reviewed and drawn upon in describing a recommended range for fees. The memorandum is organized into the following sections:

1.0 Economic and Market Factors – economic and market factors commonly considered in fee level selection are reviewed and drawn upon in recommending ranges within which to establish fees.

2.0 Fee Level Options – fee levels for all building types are identified to accompany the three office fee options identified at the June study session.

3.0 Thresholds – Provides information on thresholds for fee application used in other programs and summarizes information on development activity in Boulder that may be useful in selecting a threshold.

4.0 Exemptions – Describes approaches to exemptions used in other programs.

5.0 Development Cost Context and Market Adjustments to Absorb Fees – reviews fee options in the context of total development costs and provides an

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estimate of market adjustments that would be sufficient to absorb fees under each option.

Additionally, an appendix section provides information on development costs and land values in Silicon Valley as context for linkage fee levels adopted in the region.

1.0 Economic and Market Factors for Fee Level Selection

Cities often take a range of economic and market factors into account in selecting affordable housing fee levels, often with an objective of setting fees at a level not expected to significantly alter development decisions. These factors include:

1) Market strength including real estate demand indicators such as rents and vacancy rates;

2) Development costs and relationships between fee levels and the development costs for various types of non-residential structures; and

3) Fees in other jurisdictions, both neighboring jurisdictions and those comparable in real estate demand.

The City Council has previously expressed interest in considering these factors as part of the decision making process for fee levels. The KMA Jobs Housing Nexus Report ("KMA Report") provides an analysis and background information addressing these factors. Section 5 of this memorandum provides further context on development costs and market adjustments needed to absorb fees based upon the specific fee options described in Section 2. KMA's thinking regarding fee levels based upon this analysis is outlined below.

Office

The office market in Boulder is exhibiting clear signs of strength, especially within the Downtown where office rents for class A space are in the $50 per square foot range.[1] This represents a premium over averages for Downtown Denver and is approaching levels in seen in some Silicon Valley cities that have linkage fees in the $15 to $20 per square foot range[2]. Total development costs for a higher density office project in the Downtown and vicinity are estimated at approximately $500 per square foot.

For lower density office locations, outside the Downtown and Transit Village Area, Boulder's office market is also robust. However, prevailing rents and land values are lower, and a lower density office project with surface parking in these locations would

[1] Cushman and Wakefield, Office Snapshot 2Q 2016. Represents full service rental rates for Class A space.
[2] Office rents in Cupertino are $58 PSF and the City has an adopted linkage fee of $20 PSF. Sunnyvale has rents averaging $54 PSF and an adopted linkage fee of $15. Rents are full service Class A office as of 1st Quarter 2016 per the brokerage firm Colliers International.

have a lower development cost, estimated at $300 per square foot. This indicates a more moderate fee level may be appropriate for projects in these locations.

As one benchmark for potential fee levels, cities with exceptionally strong real estate markets have adopted linkage fees representing up to approximately 5% of development costs (a figure that considers linkage fees only, not total fees and permits). Applying this 5% figure to a high density office project in Boulder equates to a fee level of $25 per square foot. For a lower density office project, applying the same metric yields $15 per square foot as an upper end.

In recognition of the range of values and development costs in Boulder, the City may wish to consider differentiation of the office fee level such that higher value / higher density projects are subject to higher fees. Zoning designation, floor area ratio (FAR), and geography are potential mechanisms for differentiating the fee level that could be explored. With an FAR threshold, a higher rate might apply only to the portion of the building area in excess of the threshold.

If office fee levels will be differentiated, we suggest a higher rate of up to $15 to $20 per square foot be applied within the Downtown, potentially extending to other higher density locations. A lower rate would apply to other areas (or under an FAR threshold, if fees are distinguished by FAR). The lower fee rate could be set similar to or somewhat above that applicable to other non-residential development.

If a uniform rate for all office space is preferred, consideration of fees in a more moderate range of $10 to $15 per square foot is suggested.

Other Non-Residential Development

Boulder is an attractive location for non-residential development of all types. For uses including retail, hotel, flex commercial / R&D / light industrial space, fees in approximately the $7 to $10 per square foot range is suggested. This range reflects establishment of fees at approximately 3% to 5% of development costs. For warehouse, a lower fee in the $3 to $5 per square foot range is recommended based on the low cost / low rent nature of these buildings which make them more sensitive to fees.

These recommended ranges fall between levels applicable to Options 1 and 2 described next in Section 2.

2.0 Fee Level Options

Three options for affordable housing linkage fee levels were defined at the June 14th study session: $10, $20, and $35 per square foot of building area. We understand the three fee levels to be in reference to office uses. The table below outlines corresponding fees for the other building types to accompany the three options already defined for office.

- Option 1 ($10 for office) - maintains fees near current levels.
- Option 2 ($20 for office) – doubles the office fee.
- Option 3 ($35 for office) –sets Boulder's fees among the highest in the U.S.[3]

Proposed Affordable Housing Fee Options

Building Type	Option #1	Option #2	Option #3	Existing Fees (1)
Council defined options for office: Office	$10.00	$20.00	$35.00	$9.53
KMA identified options for discussion: Other Non-Residential (retail, lodging, industrial, hospital)	$7.00	$12.00	$20.00	retail: $6.96 lodging: $1.79 industrial: $5.62 hospital: $8.23
Warehouse	$3.00	$4.00	$6.00	$3.11
Institutional (Assisted living, other institutional)	$3.00	$6.00	$10.00	As'd Living: $2.19 schools: $2.24

Note: fees are per square foot of gross building area excluding parking.

(1) Existing fees for lodging and nursing home / assisted living are converted to a square footage basis for ease of comparison. For lodging the conversion is based on an average room size of 600 square feet. The nursing home / assisted living fee is adjusted to a square footage basis using an estimated 400 square feet per bed on average.

The suggested range described in the prior section falls between the first two fee options.

[3] Option 3 would exceed all other currently adopted linkage fee programs that KMA is aware of. Palo Alto, CA will be considering a proposed increase to $60 per square foot for office, $30 for hotel, and $20 for other uses. Vail and Aspen have requirements that exceed the $35 PSF level but are not implemented as linkage fees.

Fee Categories

Most linkage fee programs include some fee level distinctions by building type. Some programs have a relatively fine-grained schedule of fee categories. Others use just a few basic distinctions such as office and everything else. A few apply one fee level to everything. Boulder has broad flexibility on the approach as long as fees are within maximums supported by the nexus. Our suggestion, which is reflected in the options outlined above, is to include distinctions by building type to recognize varied market conditions and development costs. The four suggested categories are as listed below. Categories could be further refined or subdivided, if desired, as a reflection of City policy.

(1) Office – office is identified as a separate and higher fee category to reflect the relative strength of this use and somewhat lower burden that fees represent relative to the higher development costs of office buildings.

(2) Other Non-Residential –encompassing retail, hotel, light industrial, hospitals, and all other non-residential uses except office, warehouse and institutional.

(3) Warehouse – warehouse is suggested as a separate fee level in recognition of the low cost / low rent nature of these buildings which make them more sensitive to fees. These buildings also have few employees, lessening their impact on affordable housing.

(4) Institutional – This category groups institutional uses such as religious facilities, museums, schools, along with assisted living and other nursing care facilities. Although institutional uses are sometimes exempted, proposed fee levels are identified for this category consistent with current City practice to apply fees to these uses.

For purposes of the above categories, hospitals are placed in the “other non-residential” category given somewhat comparable existing fees to retail and light industrial and the fact that hospitals are major employment centers with significant affordable housing impacts. Development costs for hospital buildings also tend to be quite significant and so fees generally represent a lower percentage burden on development costs than, say, retail. Alternative approaches include placing hospitals in the institutional category, maintaining as a separate category, or exempting them as a number of programs do (see Section 4.0 for a discussion exemptions).

Net Change from Existing Fees

The following table summarizes the net change in fees under the three options. The summary is inclusive of proposed transportation and capital facility impact fee changes. Appendix Table 1 provides the detail by type of fee.

Summary of Net Change in Fees Per Square Foot by Option

Building Type	Option #1	Option #2	Option #3
Office	$1.46	$11.46	$26.46
Light Industrial	$2.38	$7.38	$15.38
Retail	$1.27	$6.27	$14.27
Hospital	-$0.29	$4.71	$12.71
Lodging (1)	$5.80	$10.80	$18.80
Warehouse	$0.27	$1.27	$3.27
Institutional (2)	$1.24	$4.24	$8.24
Assisted Living (1)	$1.36	$4.36	$8.36

(1) Existing fees for lodging and nursing home / assisted living are converted to a square footage basis for ease of comparison. For lodging the conversion is based on an average room size of 600 square feet. For nursing home fee is adjusted to a square footage basis using an estimated 400 square feet per bed on average.

(2) Institutional category combines multiple existing categories. Net change computed based on existing fee for schools.

Estimated Number of Affordable Units Produced

The table below provides an estimate of the number of affordable units that could be produced using revenues generated under the three options over the next ten years.

Estimated Number of Affordable Units Produced Over 10 Years with Linkage Fee Funds

Option 1	Option 2	Option 3
190 Units	340 Units	590 Units

Development assumptions used for these estimates are from the TischlerBise fee analysis and are the same in all scenarios. No attempt is made to quantity how higher fee levels may affect development projections. Of course, if the pace of development is slowed, fee revenues and the number of affordable units produced would be lower. Details are provided in the table on the following page.

Estimated Number of Affordable Units Produced

					Option 1	Option 2	Option 3	
	New Building Area (1)	Fee Levels						
10-Year Revenue Estimate	2016-2025 (Sq.Ft.)	Op #1	Op #2	Op #3				
Office and Institutional (2)	1,056,000	$10	$20	$35	$11	$21	$37	$Million
Retail and Industrial	1,580,000	$7	$12	$20	$11	$19	$32	$Million
					$22	$40	$69	$Million
Est. of Affordable Units Funded Over 10 Years	$116,000	/ Unit Cost (3)			190	340	590	Units

(1) Estimate from Tishchler Bise Land Use Assumptions Appendix.

(2) TischlerBise Land Use Assumptions memo combines office and institutional categories. For purposes of revenue estimates, assumes primarily office.

(3) Reflects KMA affordability gap analysis weighted by income tier based on income levels assisted from 2010-2015.

3.0 Thresholds for Application of the Fee

The City may wish to establish a threshold for the minimum project size that will be subject to the fee or, alternatively, a threshold below which a reduced fee applies. Thresholds are a way to reduce the fee burden for smaller projects and additions.

Approaches to thresholds vary based on local objectives. Some programs have no thresholds and all construction is subject to the fee. Many have a minimum project size below which fees do not apply. A few programs reduce the fee under a certain size threshold.

Following is an overview of approaches to thresholds used by other communities with a focus on programs that have fees of $10 per square foot or more. The KMA Report includes a more comprehensive summary of other linkage fee programs.

Approaches to Thresholds (square feet applicable to threshold identified in parentheses)

No Threshold - fee applies to all project sizes
- Palo Alto
- Cupertino
- Vail

Low Thresholds for Fee Application - 5,000 SF or less
- Aspen (500 SF)
- Santa Monica (1,000 SF)
- Seattle (4,000 SF)
- Redwood City (5,000 SF)

High Thresholds for Fee Application - 10,000 SF or more
- San Francisco (25,000 SF)
- Cambridge (25,000 SF)
- Menlo Park (10,000 SF)

Reduced Fees Under a Threshold
- Sunnyvale (50% fee reduction for first 25,000 SF)
- Mountain View (50% fee reduction for first 10,000 SF of office and first 25,000 SF of other non-residential)

To facilitate an understanding of how various thresholds could affect building activity subject to the fee, the table below summarizes non-residential building permit activity over a sixteen-year period by project size. The table shows, as an example, that while

over half of non-residential projects are under 5,000 square feet, these smaller projects represented only about 4% of the total in terms of square feet. Mixed use residential / commercial projects were not included in the summary due to the difficulty of separating the residential from non-residential building area.

City of Boulder Non-Residential Space Permitted 2000 - 2015, by Size of Project

Non-Residential Projects Permitted, 2000-2015 By Net Added Sq.Ft.	Number of Projects (16 Year Total)			Aggregate Building Sq. Ft. (16 Year Total)		
	Per Category	Cumulative	Cum%	Per Category	Cumulative	Cum%
0 - 1,000 Sq.Ft.	133	133	36%	44,000	44,000	1%
1,001 - 5,000 Sq.Ft.	74	207	56%	163,000	207,000	4%
5,001 - 10,000 Sq.Ft.	38	245	67%	237,000	444,000	8%
10,001 - 25,000 Sq.Ft.	49	294	80%	681,000	1,125,000	21%
over 25,000 Sq.Ft.	73	367	100%	4,196,000	5,321,000	100%

Note: mixed use projects are not included given residential and non-residential square footage is not broken out in the City's permit database. This table is intended as an overview of the number and square footage size of projects potentially subject to the linkage fee. Projects specifically identified in the database as relating to parking, exterior areas, governmental uses, or remodels / tenant improvements are not included in these figures.

Source: KMA summary of City of Boulder Building Permit data.

For Boulder, the Mountain View and Sunnyvale models may be a fit. These programs require all project sizes to contribute but reserve the full fee rate for larger projects (applied to building area over the threshold). Based on historic permit data, if Boulder were to apply a reduced fee rate to, say, the initial 10,000 square feet of building area, roughly 2/3 of projects would be entirely at the lower rate and approximately 30% of total building area would be subject to the lower rate.

A Floor Area Ratio (FAR) threshold is another potential approach. Higher fees could be applied to floor area in excess of a certain threshold. The logic is that higher density projects generally have higher values and have higher development costs; therefore, fees represent a lower burden in percentage terms. As illustrated in Section 5.0, higher density office projects are also generally less sensitive to fees than lower density office projects. The concept would be similar to Boulder's initial linkage fee structure which applied fees only to FAR in excess of a threshold within a specific zoning district.

We understand Boulder's current practice is to credit space removed as part of a project in calculating fees. If a threshold is introduced, our suggestion is to apply the threshold to the gross building area of the project being constructed before applying any applicable fee credits.

4.0 Exemptions

Exemptions are a common feature of linkage fee programs. Exemptions can be a way of reducing costs for projects that meet a community need or satisfy other objectives. The downside is foregone fee revenue.

Common exemptions are for governmental buildings, schools, child care centers, religious facilities, institutional uses and hospitals.

In the neighborhood of 1/3 of programs have a blanket exemption for buildings owned by non-profits. Non-profit exemptions encompass most religious, educational, and hospital buildings. Many building types commonly covered under specific use exemptions would also qualify with a non-profit exemption. The concept of using the non-profit exemption is that non-profits have met a standard under the federal tax code as serving a charitable, religious, or other qualifying purpose. Non-profits generally must be owner-occupants of their buildings to receive the exemption.

Hospitals tend to be one of the more significant exemptions by project size. Hospitals usually also qualify under non-profit exemptions. In reviewing historic permit data for Boulder, hospitals and assisted living / residential care facilities are the two largest building types by square footage among those commonly exempted. Schools and religious facilities are a less significant component of development activity. University buildings are not included in the permit data since they do not fall under the City's land use regulations and permitting processes and would not be subject to the linkage fee.

While exemptions are common, there are programs that define them narrowly with fees applicable to most every type of non-residential space. This is the case for Boulder's program which currently exempts only libraries, community meeting space, public works / utilities structures, parking and miscellaneous exterior structures like decks and awnings. Governmental uses other than libraries and the public works / utility category are subject to the fee along with most every other type of non-residential building. Aspen is another example where requirements apply to nearly everything. There can be a perception of fairness in requiring all projects to contribute toward affordable housing.

Following is a summary of exemptions used in selected programs with fees of $10 or above. No particular priority is implied by the order.

Cambridge	Municipal and governmental facilities
Aspen	Essential public facilities.
Palo Alto	Churches, universities, recreation, hospitals[4], private educational facilities, day care and nursery school, public facilities.
Seattle	Street level retail along designated pedestrian streets and the 1st 4,000 square feet in mixed use buildings w/50% or more residential; commercial uses included within affordable housing developments.
San Francisco	Institutional uses (incl. schools, hospitals, childcare, residential care, religious and public facilities); production distribution and repair; freestanding pharmacies under 50,000 SF; grocery stores under 75,000 SF.
Menlo Park	Churches, private clubs, lodges, fraternal orgs, public facilities and projects with few or no employees are exempt.
Redwood City	Schools, child care centers, public buildings
Cupertino	Governmental and institutional buildings
Santa Monica	Private schools, city projects, places of worship, commercial components of affordable housing developments
Sunnyvale	Non-profits, child care, education, hospital, public uses.
Mountain View	Non-profits, governmental agencies

The KMA Report provides information on exemptions for a more comprehensive list of programs.

[4] While hospitals are exempt in Palo Alto, the City negotiated an equivalent affordable housing payment for a recent major hospital project through a development agreement.

5.0 Development Cost Context and Market Adjustments to Absorb Fees

KMA prepared estimates of total development cost for various types of non-residential development as context for consideration of updated fee levels. The development cost context analysis enables fees to be understood in terms of effects on the total cost of development. The analysis also quantifies the market adjustments, such as such as changes to land values, construction costs, or rents, that would be sufficient to absorb fees at various levels under consideration. The development cost analysis is included in the KMA Report and in draft materials previously provided to the Working Group and Council. Here the development cost analysis is applied to the three fee options described above.

Total Development Costs

KMA estimated the total development cost associated with five prototypical building types and examined fee levels in the context of total costs. The prototypes include flex commercial / light industrial, hotel, retail, lower density office, and higher density office. All cost summaries assume lower density surface-parked projects with the exception of the higher density office project which includes the cost of structured parking and higher land costs associated with a downtown or other higher density location. The results are summarized below:

Development Costs for Commercial Building Prototypes

	Flex Commercial (R&D/Lt Industrial)		Hotel		Retail		Lower Density Office		High Density Office (DT & Vicinity)	
Program										
Building Area	50,000 GSF		65,000 GSF		50,000 GSF		50,000 GSF		50,000 GSF	
Stories	1 story		2-3 stories		1 story		3 stories		3-4 stories	
FAR	0.50 FAR		0.75 FAR		0.30 FAR		0.50 FAR		2.00 FAR	
Acres	2.3 acres		2.0 acres		3.8 acres		2.3 acres		0.6 acres	
Development Costs	$/GSF	Total	$/GSF	Total	$/GSF	Total	$/GSF	Total	$/GSF	Total
Land Acquisition	$24	$1,200,000	$34	$2,180,000	$60	$3,000,000	$50	$2,500,000	$75	$3,750,000
Directs (incl. TI's)	$165	$8,250,000	$189	$12,260,000	$184	$9,200,000	$227	$11,350,000	$364	$18,200,000
Indirects	$10	$500,000	$15	$980,000	$15	$740,000	$14	$680,000	$29	$1,460,000
Financing	$7	$340,000	$10	$680,000	$9	$440,000	$10	$500,000	$21	$1,060,000
Total	$206	$10,290,000	$248	$16,100,000	$268	$13,380,000	$301	$15,030,000	$489	$24,470,000

Note: Except for High Density Office, all the prototypes assume surface parking.
GSF = gross building square feet; FAR = floor area ratio.

It is recognized that there is wide variation of projects in Boulder, each with its own set of unique circumstances and unique costs; therefore, the estimates prepared for this analysis are only intended to reflect general orders of magnitude.

Fees as a percentage of Development Costs

The above cost estimates are used to place fees under the three options into context as a percentage of total development costs as shown in the table below.

Proposed Fees as % of Development Costs

Building Type	Flex Commercial (R&D / Light Industrial)	Hotel	Retail	Office	Office - Higher Density (Downtown and Vicinity)
Total Development Cost ($/SF)	$206	$248	$268	$301	$489
Affordable Housing Fees ($/SF)					
Option 1	$7	$7	$7	$10	$10
Option 2	$12	$12	$12	$20	$20
Option 3	$20	$20	$20	$35	$35
Other Impact Fees, Permit Fees and Taxes ($/SF) (1)	$7	$8	$9	$10	$13
Affordable Housing Fees as % of Development Cost					
Option 1	3%	3%	3%	3%	2%
Option 2	6%	5%	4%	7%	4%
Option 3	10%	8%	7%	12%	7%
Affordable Housing + Other Fees and Taxes as % of Development Cost					
Option 1	7%	6%	6%	7%	5%
Option 2	9%	8%	8%	10%	7%
Option 3	13%	11%	11%	15%	10%

(1) Reflects proposed capital and transportation impact fees using fees levels identified in the TischlerBise draft studies. Sales tax, permitting fees, and plant investment fees are approximated at 1.7% of cost based on a City-prepared analysis for office.

With Option 1, affordable housing fees would range from 2% to 3% of total development costs. Total fees and permit costs under would range from 5% to 7% of development costs.

For Option 2, affordable housing fees would range from 4% to 7% of cost. Combined fees and permit costs would total approximately 7% to 10% of development costs.

Under Option 3, affordable housing fees would range from 7% to 12% of total development costs, or 10% to 15% with consideration of other fees and permit costs.

As one point of reference, cities with exceptionally strong real estate markets have adopted linkage fees representing up to approximately 5% of development costs (a figure that considers linkage fees only, not total fees and permits). Option 1 would be within this benchmark in all cases. Option 2 would exceed the 5% level for lower density office and flex commercial / light industrial but not for other building types. Option 3 would exceed the 5% level for all building types.

Market Adjustments to Absorb Fees

It can also be instructive to consider the relationship between potential fee levels and the magnitude of market adjustments that are estimated to be sufficient to absorb the fees. The KMA Report quantifies potential adjustments to the economics of non-residential development projects sufficient to absorb each $1 in additional fees. Adjustments in land values, rents, and direct construction costs are quantified as summarized in the table below:

Potential Market Adjustments to Absorb Every $1/SF Fee

All figures are approximate	Flex Commercial (R&D/Lt Industrial)	Hotel	Retail	Lower Density Office	High Density Office (DT & Vicinity)
Increase in Rents/Income	0.4%	0.4%	0.3%	0.3%	0.2%
Decrease in Direct Costs	0.6%	0.5%	0.5%	0.4%	0.3%
Decrease in Land Values	4.2%	3.0%	1.7%	2.0%	1.3%

The illustrative market adjustments are not additive. Each would independently be sufficient to absorb new fees. Depending on the market cycle and other factors, a combination of the above market adjustments would be expected to contribute in absorbing a new fee.

Relationships for each $1 in fees are applied to quantify market adjustments for the three options.

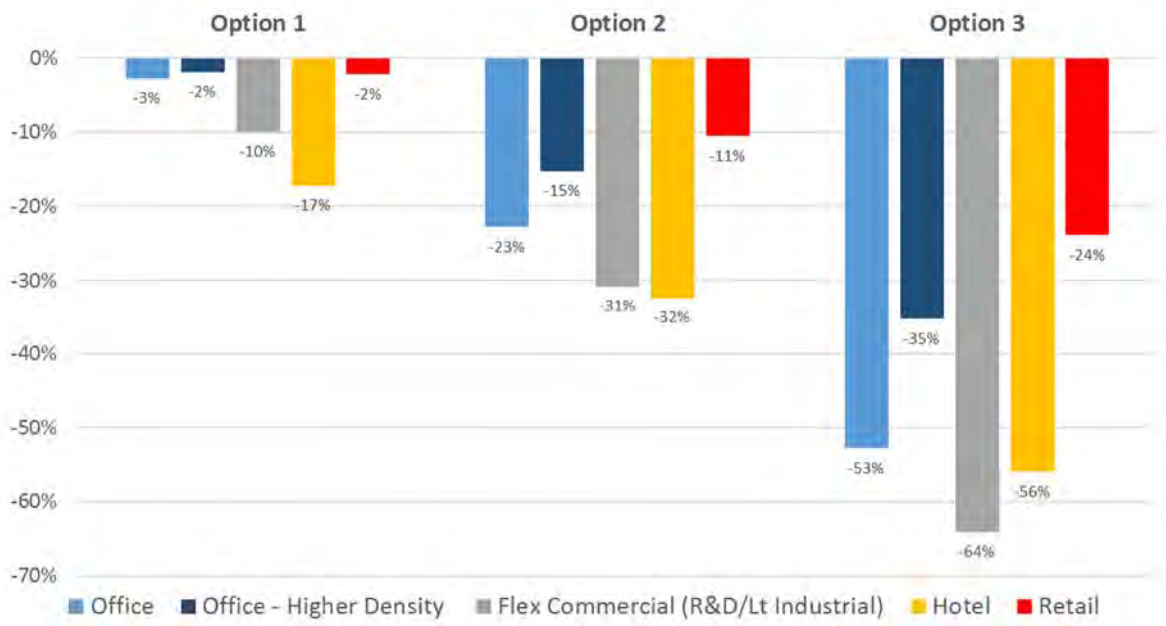
Land Value Adjustments

Developers purchase sites at values that will allow for financially feasible projects. If a new fee is put in place, developers will “price in” the requirement when evaluating a project’s economics and negotiating the purchase price for development sites. Given fees will apply to all or most projects in Boulder, it is possible that downward pressure on land costs could result as developers adjust what they can afford to pay for land. This downward pressure on land prices can, at least to some degree, bring costs back into better balance with the overall economics supported by projects.

In Boulder, future development opportunities are anticipated to primarily occur through redevelopment of older, underutilized properties in infill locations. Development of such properties can face challenges including the possible need to buy out existing income-generating uses, and the costs of parcel assemblage, demolition, tenant relocation, offsite infrastructure upgrades, hazardous remediation and other environmental mitigations, and historic preservation. Therefore, for many potential development sites there will be limitations to how much the land values can be downwardly adjusted. Rather than accept a reduced value, some property owners may decide to hold their properties off the market until such time as market conditions will support the price they are seeking.

The estimated percentage decrease in land values that would be sufficient to absorb increased fees under the three options are presented in the chart below:

Land Values - %Decrease Sufficient to Absorb Proposed Fees



Potential land value adjustments are expressed in dollar terms in the table on the next page.

Illustration of Land Value Adjustments Sufficient to Absorb Increased Fees

Building Type	Representative Existing Land Values (Per Sq.Ft. of Land)	Land Values ($/Sq.Ft. of Land) After Decrease Sufficient to Absorb Proposed Fees		
		Option 1	Option 2	Option 3
Office	$25	$24	$19	$12
Office - Higher Density (Downtown and Vicinity)	$150	$147	$127	$97
Flex Commercial (R&D / Light Industrial)	$12	$11	$8	$4
Hotel	$25	$21	$17	$11
Retail	$18	$18	$16	$14

Land value adjustments sufficient to absorb proposed fees are relatively modest under Option 1. Hotel is estimated as the largest adjustment at around 17%. Other building types are estimated to require an adjustment of 10% or less.

With Option 2, adjustments are estimated to range from 11% for retail to 32% for hotel.

Under Option 3, land values would need to decline by more than half to absorb proposed fees for lower density office, light industrial, and retail. For higher density office and retail, values would need to decline by approximately one third and one quarter, respectively.

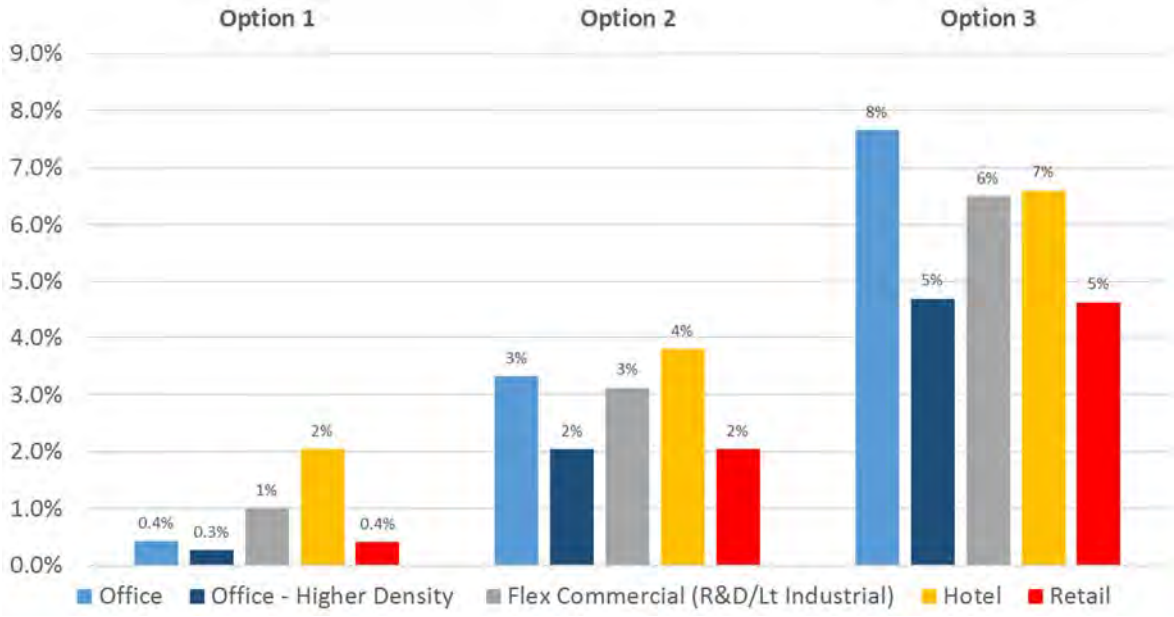
As adjustments to land value become more significant, it becomes increasingly likely that land owners will elect to maintain current uses on their property or wait for improved market conditions that support a higher land value instead of accepting a reduced land price. This can affect the level of development activity as fewer projects are able to afford development sites.

Rent Adjustments

Rising commercial rents and declining vacancies over the past several years have contributed to favorable conditions for non-residential development. Should rents continue on an upward trajectory, it could help absorb the cost of a new fee. Of course, rents are always set by the market and landlords can only charge what the market will bear.

The chart below provides an illustration of increases in market rents sufficient to offset proposed fee increases under the three options.

Commercial Rents - % Increase Sufficient to Absorb Proposed Fees



In addition to the land value and rent adjustments quantified above, construction costs and developer profit can also adjust. Since declines in construction costs are more typical of a declining economy when fewer buildings are being built, the decision was made not to focus on this potential adjustment. Regarding the potential for adjustments to developer return (profit), developers and their equity partners usually have many choices about where to invest in order to achieve the risk-adjusted returns they are targeting and are not under an obligation to build within any particular jurisdiction. As a consequence, developers can be relatively inflexible regarding the return they are seeking going into a project. Adjustments to return expectations, when they occur, are often driven by broader market changes affecting the real estate investment climate (interest rates, capital flows into real estate, lender underwriting criteria, perception of future appreciation potential, etc.). In light of these considerations, this potential adjustment was not made a focus of the analysis.

Appendix A – Development Costs and Land Values in Silicon Valley

This Appendix section provides information regarding development costs and land values in Silicon Valley as compared to Boulder. The purpose is to provide additional context for the affordable housing fee levels adopted by jurisdictions in Silicon Valley.

Development Costs

The following table compares the estimated total development cost range for non-residential projects in Boulder to a similar estimate prepared by KMA as representative for Silicon Valley. As indicated, development costs are generally higher in Silicon Valley.

Representative Development Cost Ranges – Boulder and Silicon Valley

	Representative Development Cost Range ($/Sq.Ft.)	
Building Type	**Boulder**	**Silicon Valley**
High Density Office	$475 - $525 structured pkg	$525 - $625 structured pkg
Flex Commercial / Light Industrial	$200 - $225 surface parking	$250 - $300 surface parking
Retail	$250 - $300 surface parking	$400 - $500 surface parking
Hotel	$225 - $275 surface parking	$325 - $425 surface & structure pkg

Land Values

The table below compares representative land values for Boulder and Silicon Valley. Figures are based upon a review of appraisals and land sales occurring during 2014 and 2015. Land values identified for Boulder also reflect feedback received through developer interviews conducted last fall.

Representative Land Values – Boulder and Silicon Valley

	Representative Land Values ($/Sq.Ft. of Land)	
Building Type	**Boulder**	**Silicon Valley**
Office	$25 - lower density $150 - downtown and vicinity	$115
Flex Commercial / Light Industrial	$12	$35
Retail	$18	$60
Hotel	$25	$45

Representative office land values for a high density location in Boulder are estimated to be in the same range or somewhat above Silicon Valley averages. Downtown Boulder would generally represent the upper end of the value range for a high density office site while values in Boulder Junction would generally be lower. For a lower density location in Boulder, office land values are estimated to be significantly less than Silicon Valley. Representative land values for industrial, retail, and hotel are around two to three times higher in Silicon Valley. The table on the following page provides additional supporting information on the Silicon Valley land sales.

APPENDIX TABLE 1
NET CHANGE IN NON-RESIDENTIAL FEES: DETAIL
CITY OF BOULDER, CO

	Affordable Housing Fees ($/Sq.Ft.)							Capital Facilities Impact Fees ($/Sq.Ft.)			Transportation Excise Tax / Impact Fee ($/Sq.Ft.)		
Building Type	Existing	Option 1	Option 1 Net Increase	Option 2	Option 2 Net Increase	Option 3	Option 3 Net Increase	Existing	Proposed	Net Increase	Existing Excise Tax	Proposed (Excise Tax + Impact Fee)	Net Increase
Office	$9.53	$10.00	$0.47	$20.00	$10.47	$35.00	$25.47	$0.99	$1.76	$0.77	$2.48	$2.70	$0.22
Light Industrial	$5.62	$7.00	$1.38	$12.00	$6.38	$20.00	$14.38	$0.26	$1.12	$0.86	$2.48	$2.62	$0.14
Retail	$6.96	$7.00	$0.04	$12.00	$5.04	$20.00	$13.04	$1.05	$1.75	$0.70	$2.48	$3.01	$0.53
Hospital	$8.23	$7.00	-$1.23	$12.00	$3.77	$20.00	$11.77	$0.86	$1.54	$0.68	$2.48	$2.74	$0.26
Lodging (1)	$1.79	$7.00	$5.21	$12.00	$10.21	$20.00	$18.21	$0.24	$0.56	$0.32	$2.48	$2.76	$0.28
Warehouse	$3.11	$3.00	-$0.11	$4.00	$0.89	$6.00	$2.89	$0.15	$0.46	$0.31	$2.48	$2.55	$0.07
Institutional (2)	$2.24	$3.00	$0.76	$6.00	$3.76	$10.00	$7.76	$0.25	$0.55	$0.30	$2.48	$2.66	$0.18
Assisted Living (1)	$2.19	$3.00	$0.81	$6.00	$3.81	$10.00	$7.81	$0.24	$0.66	$0.42	$2.48	$2.62	$0.14

	Aggregate Net Increase ($/Sq.Ft.)		
Building Type	Option 1	Option 2	Option 3
Office	$1.46	$11.46	$26.46
Light Industrial	$2.38	$7.38	$15.38
Retail	$1.27	$6.27	$14.27
Hospital	-$0.29	$4.71	$12.71
Lodging (1)	$5.80	$10.80	$18.80
Warehouse	$0.27	$1.27	$3.27
Institutional (2)	$1.24	$4.24	$8.24
Assisted Living (1)	$1.36	$4.36	$8.36

(1) Certain fees have been converted to a square footage basis for ease of comparison. For the Hotel, the conversion is made using an average room size of 600 square feet and the nursing home / assisted living fee is adjusted to a square footage basis using an estimated 400 square feet per bed on average.

(2) Institutional category combines multiple existing categories. Existing Fee identified represents the current fee for schools.

Source: TischlerBise, City of Boulder

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: November 15, 2016

AGENDA TITLE: Consideration of a motion to approve the purchase of approximately 49 acres of land, associated agricultural outbuildings and appurtenant mineral and water rights, including a quarter share of Cottonwood Ditch, located at a portion of 1538 North 75th St. and 7770 Arapahoe Rd. from Michael Patrick Ryan and the Charlene Rosenblatt Trust dated Jan. 26, 2015 for $1,750,000 for Open Space and Mountain Parks purposes, as well as approval to execute a farm crop lease with Michael Patrick Ryan and the Charlene Rosenblatt Trust for a term not to exceed five years.

PRESENTER/S
Jane S. Brautigam, City Manager
Tracy Winfree, Director, Open Space and Mountain Parks
Dan Burke, Real Estate Supervisor
Luke McKay, Property Agent

EXECUTIVE SUMMARY

The Ryan & Rosenblatt property is approximately 49 acres, located south of Arapahoe Road and east of 75th Street, and is situated between existing city Open Space properties to the north and the south (see Attachments A and B). The 49 acres that the city is acquiring as Open Space is part of a larger approximately 94-acre property consisting of four parcels owned by Michael Patrick Ryan and the Charlene Rosenblatt Trust (see Attachment C). The purchase price is $1,750,000[1] which includes the water and mineral rights appurtenant to

[1]The entire 94-acre property is currently listed for $6,990,000 and has been on the market at this price since early 2015. The city's purchase price of $1,750,000 for the 49 acres was determined through negotiations between OSMP real estate staff and the sellers' broker in early 2016 and was based on comparable sales of large acreage properties in the area. Prior to the city signing the purchase contract, OSMP real estate staff ordered an appraisal which confirmed that the purchase price did not exceed the fair market value of the undeveloped 49 acres. Therefore, based on both internal and external market analysis, OSMP is confident the purchase price is within the range of the market data available for comparable properties. For the purpose of future negotiations, OSMP is careful about providing specific details regarding the valuation of potential Open Space acquisitions.

the property, including a quarter share of Cottonwood Ditch, and the property's agricultural outbuildings.

The property will remain closed to the public until resource assessment and management recommendations are developed during Open Space and Mountain Parks' (OSMP) property integration process. During this time, OSMP staff will evaluate the resource management and infrastructure needs of the property. In the interim, the property will be managed according to best practices and consistent with adjacent and comparable OSMP lands to conserve its resource values.

According to the city's purchase contract, the sellers have the option to lease back the agricultural portions of the property for hay production for a period of up to five years for an annual rent of no more than $70 per acre.[2] Should the sellers elect to lease back a portion of the property for agricultural purposes, the lease, which will be subject to the City Attorney's Office's review and approval with terms substantially in the form of OSMP's Agricultural Lease Template, will be agreed upon between the city and the sellers prior to closing. Therefore, OSMP staff requests that City Council approve a farm crop lease with the sellers for a term of up to five years with the understanding that the sellers may or may not exercise their option to lease.[3]

OSMP staff believes the acquisition of this property meets the following City of Boulder Charter purposes:

- *Preservation of water resources in their natural or traditional state, scenic areas or vistas, wildlife habitats, or fragile ecosystems.*
    - The Dry Creek and the Dry Creek Davidson Ditch corridors, two spring fed ponds, and the surrounding riparian areas provide high quality and diverse habitats. This acquisition enhances OSMP's ability to conserve and restore these valuable habitats by adding significant acreage contiguous to other OSMP properties. In addition, the property is highly visible from both 75th Street and Arapahoe Road and is adjacent to other Open Space properties—preserving it will further protect the surrounding viewshed and aesthetic and scenic values in the area.
- *Preservation of agricultural uses and land suitable for agricultural production.*
    - The property consists of gently sloping and well-draining sandy and clay loam soils which are well suited for irrigated and dryland crops as well as for pasture.

[2]Additional terms of the farm crop lease already agreed upon in the purchase contract between the city and the sellers include the prohibition of livestock and horses without the prior written approval of the city, and the city's right to adjust the rent after the initial (3) three-year period of the lease term.
[3]Please note that agricultural leases for crop or grazing purposes for a term of five years or less do not require OSBT approval but any lease for a term of three years or more requires City Council approval (see Charter Sections 171(a) and 177 and BRC 2-2-8(a) respectively).

- *Preservation of land for passive recreational use, such as hiking, photography or nature studies, and, if specifically designated, bicycling, horseback riding, or fishing.*

    - The property has the potential to provide a critical link for a conceptual east-west trail alignment connecting the Bobolink Trailhead with the Teller Farm South Open Space property as shown on the *Boulder Valley Comprehensive Plan* (BVCP) Trails Map.[4]

- *Utilization of land for shaping the development of the city, limiting urban sprawl, and disciplining growth.*

    - The property is considered a priority for preservation within two of the existing plans guiding OSMP's acquisition strategy. It is located within the BVCP Acquisition Area in the Open Space Board of Trustees (OSBT) approved *Open Space and Mountain Parks Acquisition Update: 2013-2019* (see Attachment D), as well as the Area III (Rural Preservation Area) in the BVCP.

- *Preservation of land for its aesthetic value and its contribution to the quality of life of the community.*

    - The property is highly visible from 75th Street and is adjacent to other Open Space properties—preserving it will further protect the surrounding viewshed and aesthetic and scenic values in the area.

- *Utilization of land to prevent encroachment on floodplains.*

    - OSMP's acquisition reduces the potential for future residential development on the property and preserves the Dry Creek floodplain from encroachment.

STAFF RECOMMENDATION

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

Motion to approve the purchase of approximately 49 acres of land, associated agricultural outbuildings, and appurtenant mineral and water rights, including a quarter share of Cottonwood Ditch, located at a portion of 1538 North 75th St. and 7770 Arapahoe Rd. from Michael Patrick Ryan and the Charlene Rosenblatt Trust dated Jan. 26, 2015 for $1,750,000 for Open Space and Mountain Parks purposes, including approval to execute a farm crop lease with Michael Patrick Ryan and the Charlene Rosenblatt Trust for a term not to exceed five years.

[4]Boulder County and City of Boulder, *The Boulder Valley Comprehensive Plan* (2010), https://www-static.bouldercolorado.gov/docs/boulder-valley-comprehensive-plan-2010-1-201410091122.pdf, 98.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

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

OTHER IMPACTS

- Fiscal – The purchase price for the Ryan & Rosenblatt property is $1,750,000 payable at the time of closing. An additional expenditure of up to $152,000 will be allocated for immediate property stabilization and management needs. These needs include the removal of invasive species such as Russian olive (*Elaeagnus angustifolia*) and crack willow (*Salix fragilis*) from the property's riparian areas and the planting of native vegetation in these areas, an assessment of Dry Creek's morphology and the drafting of a restoration plan, perimeter and agricultural fencing, replacement of the crossing over the Dry Creek Davidson Ditch, an assessment of the property's agricultural outbuildings, and a cultural resource survey. There are sufficient funds in the Open Space Fund within the Real Estate budget appropriation for this acquisition and related needs—a Cash Flow Projection is attached (Attachment E).
- Staff time – This acquisition is part of the normal 2016 work plan for the OSMP Real Estate Workgroup.

BOARD AND COMMISSION FEEDBACK

At its Oct. 26, 2016 public meeting, the OSBT unanimously approved and recommended City Council approve the purchase of the Ryan & Rosenblatt property as described, including the additional funds for immediate needs.

PUBLIC FEEDBACK

This item was heard at the Oct. 26, 2016 OSBT public meeting advertised in the *Daily Camera* on Oct. 23, 2016. No members of the public commented on this item.

ANALYSIS

The approximately 49-acre Ryan & Rosenblatt property consists of gently sloping and well-draining sandy and clay loam soils, two spring fed ponds, over 6,000 feet of frontage along Dry Creek, frontage along the Dry Creek Davidson Ditch, and four small agricultural

outbuildings. The property's soils are well suited for irrigated and dryland crops as well as for pasture, and the ponds and riparian areas along and including Dry Creek and the Dry Creek Davidson Ditch support a diverse suite of habitats and species. This includes habitats suitable for the federally threatened Preble's meadow jumping mouse (*Zapus hudsonius preblei*), the state-threatened northern leopard frog (*Rana pipiens*), and state-threatened and native fishes such as the plains topminnow (*Fundulus sciadicus*). In addition, the property's irrigated hayfields may support nesting populations of bobolinks (*Dolichonyx oryzivorus*)—a management indicator species identified in the *Grassland Ecosystem Management Plan*.[5]

Furthermore, the property borders the city's Hunter-Kolb, Kolb Brothers, Lewis and Swartz Open Space properties and has the potential to provide a critical link for a conceptual east-west trail alignment connecting the city's Bobolink Trailhead with the city's Teller Farm South Open Space property as shown on the BVCP Trails Map.

Lastly, the property falls within the BVCP Acquisition Area in the city's *Open Space and Mountain Parks Acquisition Update: 2013-2019*, which reflects the BVCP policy that the city and the county will act "to preserve existing rural land use and character in and adjacent to the Boulder Valley where environmentally sensitive areas, hazard areas, agriculturally significant lands, vistas, significant historic resources, and established rural residential areas exist."[6] The BVCP Acquisition Area also recognizes OSMP's "special interest in protecting the riparian values of Dry Creek."[7]

Thus, given the Ryan & Rosenblatt property's Open Space attributes and resources, and its inclusion in the BVCP Acquisition Area as part of the *Acquisition Update: 2013-2019*, the property is a priority for preservation and OSMP staff, as well as the OSBT, recommends that it be acquired by the city as Open Space.

ATTACHMENTS

- Attachment A: Vicinity Map
- Attachment B: Location Map
- Attachment C: Property Map
- Attachment D: BVCP Acquisition Area Map
- Attachment E: Cash Flow Projection
- Attachment F: Photo Point Map
- Attachment G: Photographs

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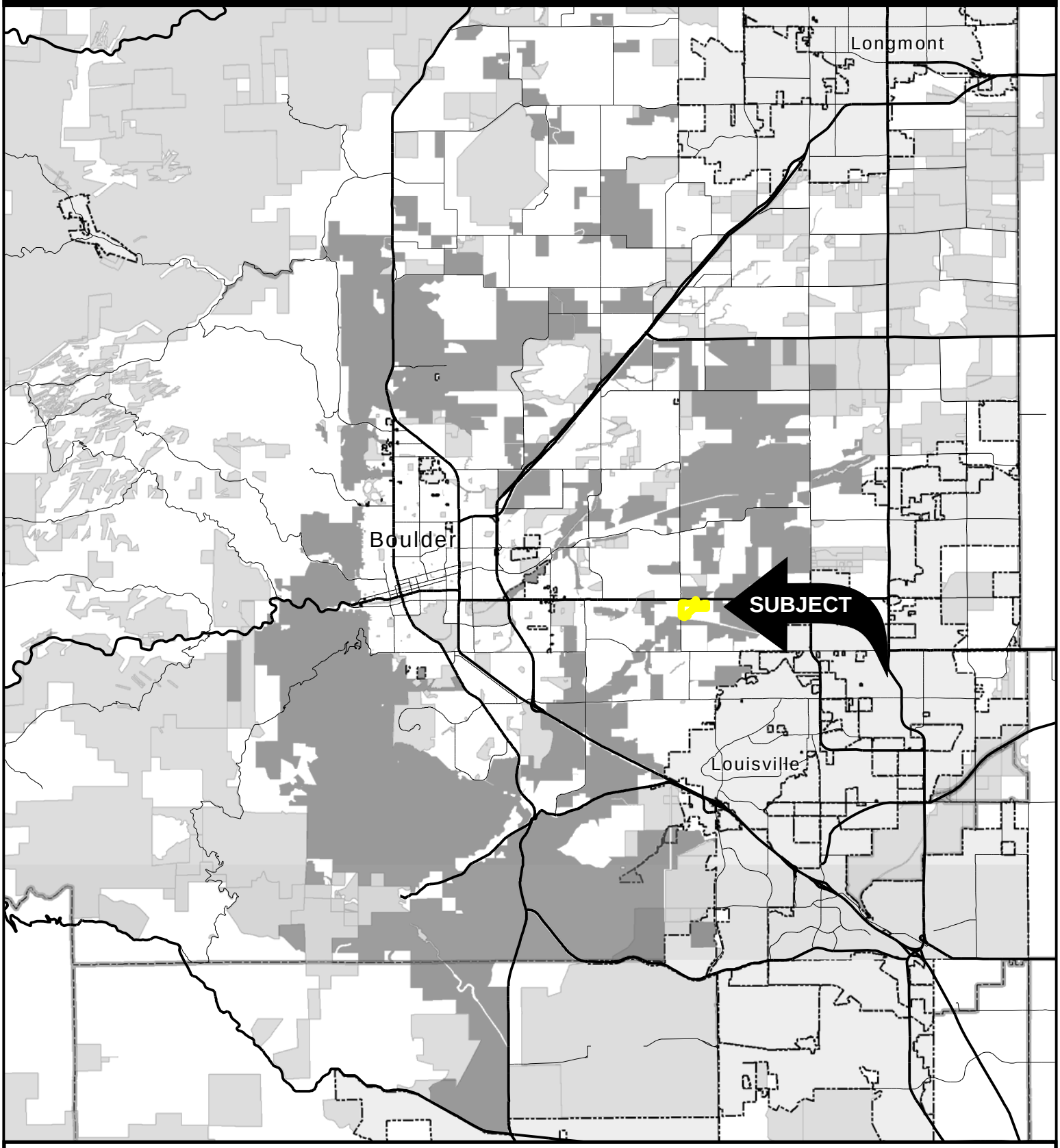
[5]City of Boulder, Open Space and Mountain Parks, *Grassland Ecosystem Management Plan* (2010), https://www-static.bouldercolorado.gov/docs/final-grassland-plan-1-201305101529.pdf, 62.
[6]Boulder County and City of Boulder, *The Boulder Valley Comprehensive Plan* (2010), https://www-static.bouldercolorado.gov/docs/boulder-valley-comprehensive-plan-2010-1-201410091122.pdf, 27.
[7]City of Boulder, Colorado, Open Space and Mountain Parks, *Open Space and Mountain Parks Acquisition Update 2013-2019* (2013), https://www-static.bouldercolorado.gov/docs/2013-2019_OSMP_Acquisiton_Plan_Update-1-201503301032.pdf, 16.

ATTACHMENT A: Vicinity Map - Ryan & Rosenblatt



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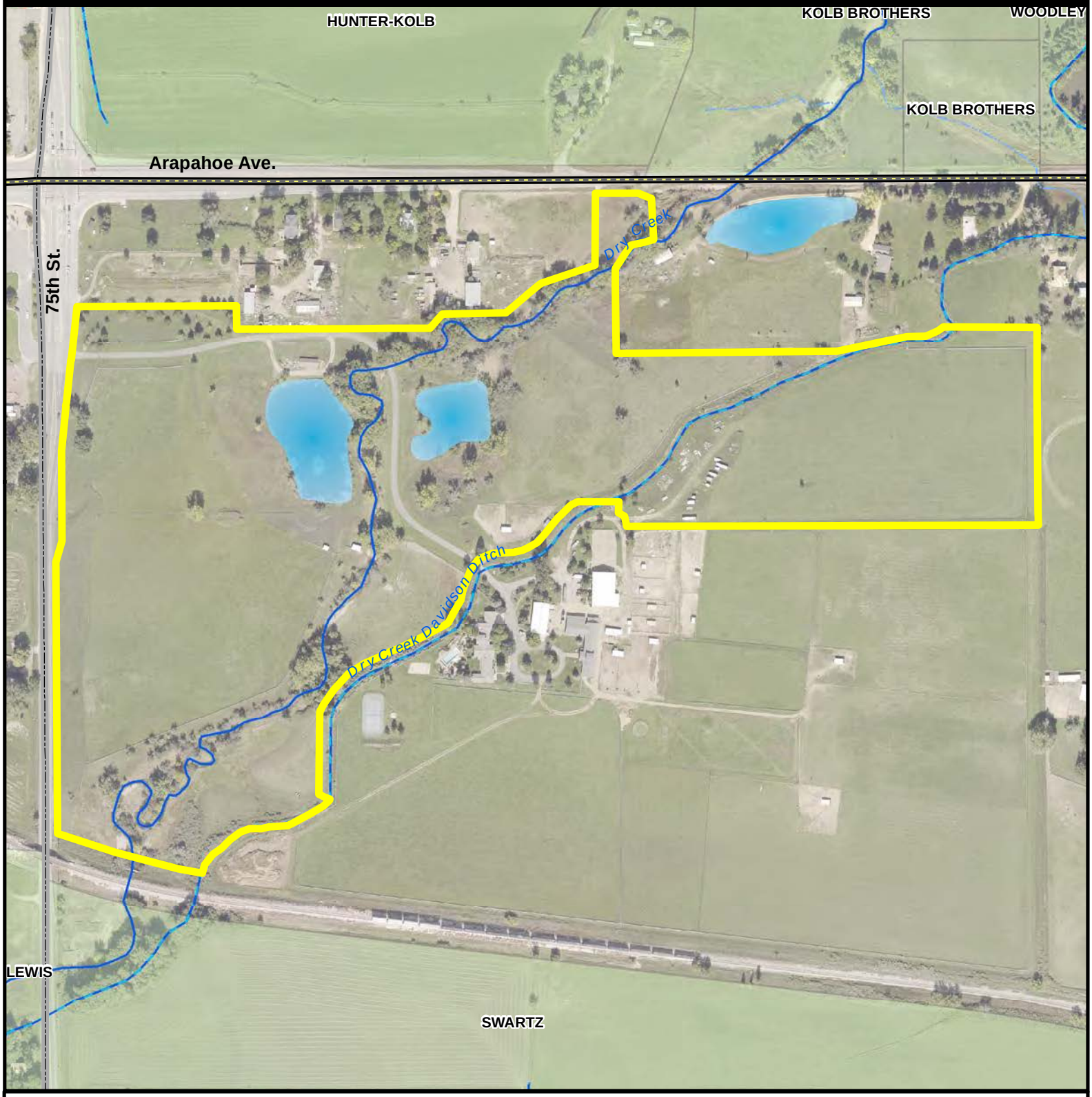
Subject Properties
City of Boulder OSMP
Other Public Lands

0 0.5 1 2 3 4 5 Miles

Approximate property boundaries from Boulder County Assessor's data.

Path: E:\MapFiles\Property\Ryan2\VICINITYRyanII.mxdUser: PhilC2 Date: 9/9/2016 Document Path: E:\MapFiles\Property\Ryan2\VICINITYRyanII.mxd

ATTACHMENT B: Location Map - Ryan & Rosenblatt



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Subject Property

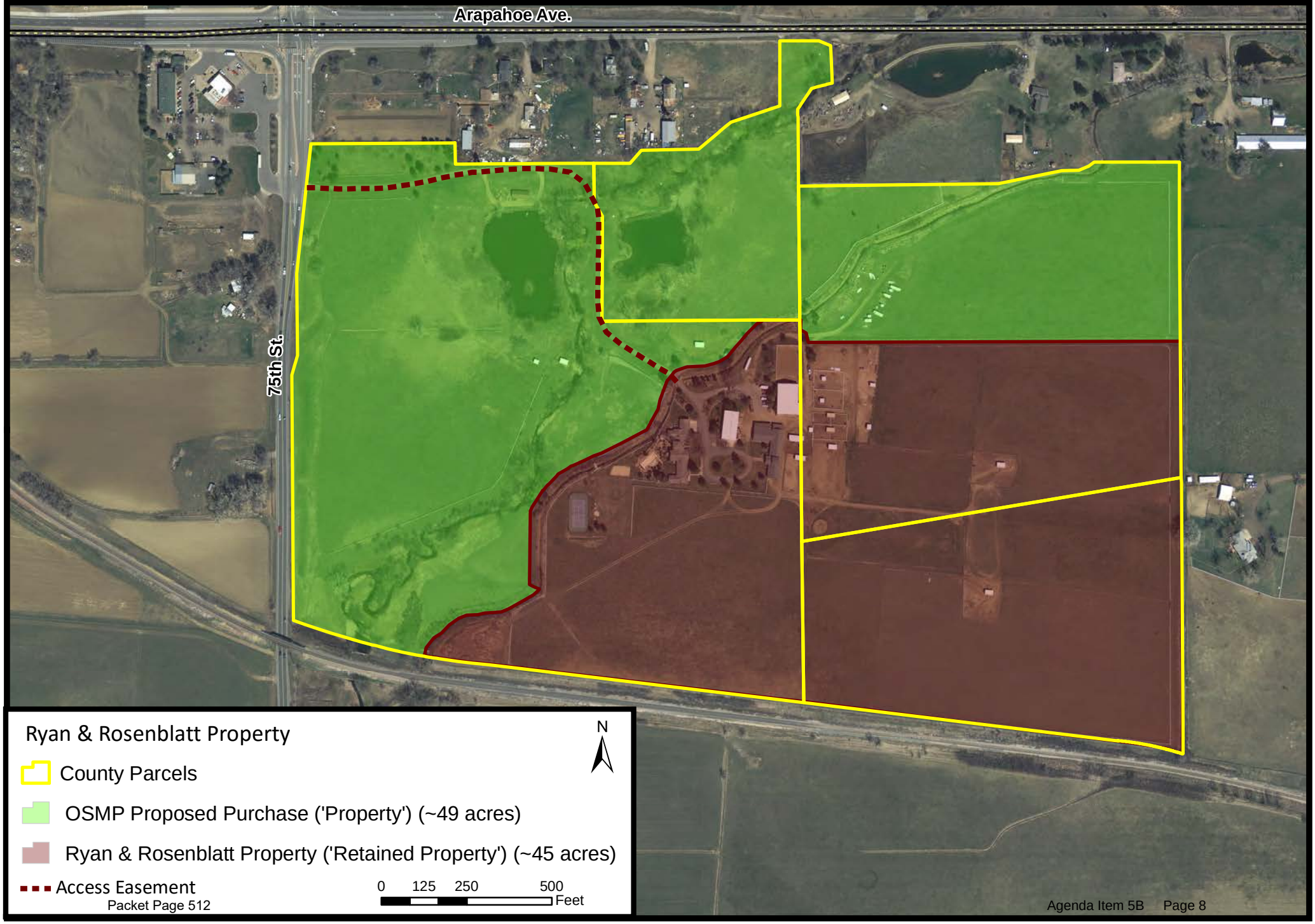
OSMP Fee Property

0 250 500 Feet

Approximate property boundaries from Boulder County Assessor's data.

User: PhilC2 Date: 9/9/2016 Document Path: E:\MapFiles\Property\Ryan2\LOCATIONRyanII.mxd

ATTACHMENT C: Property Map - Ryan & Rosenblatt



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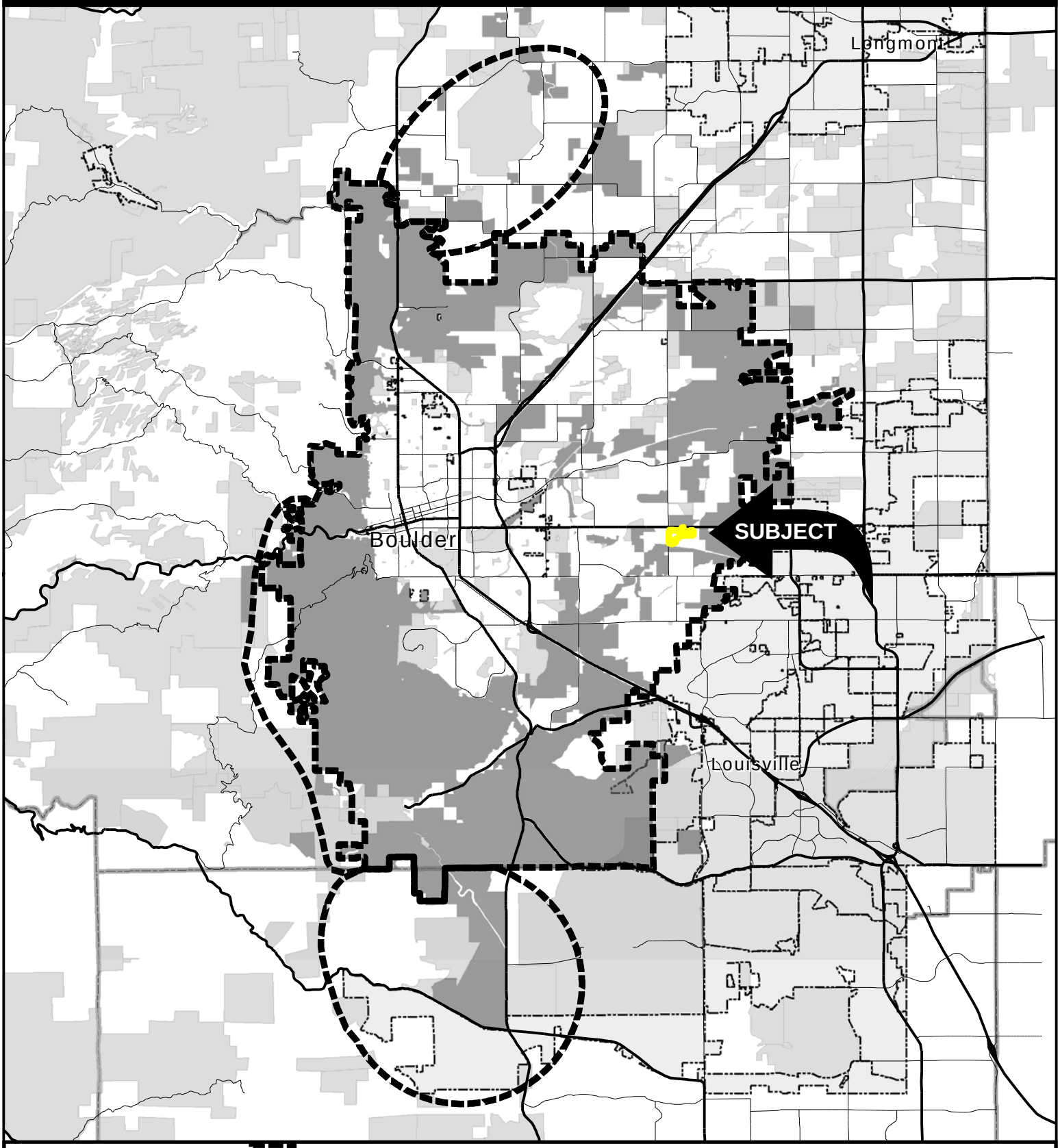
ATTACHMENT D: BVCP Acquisition Area Map - Ryan & Rosenblatt



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BVCP Acquisition Area
Subject Properties
City of Boulder OSMP
Other Public Lands

0 0.5 1 2 3 4 5 Miles

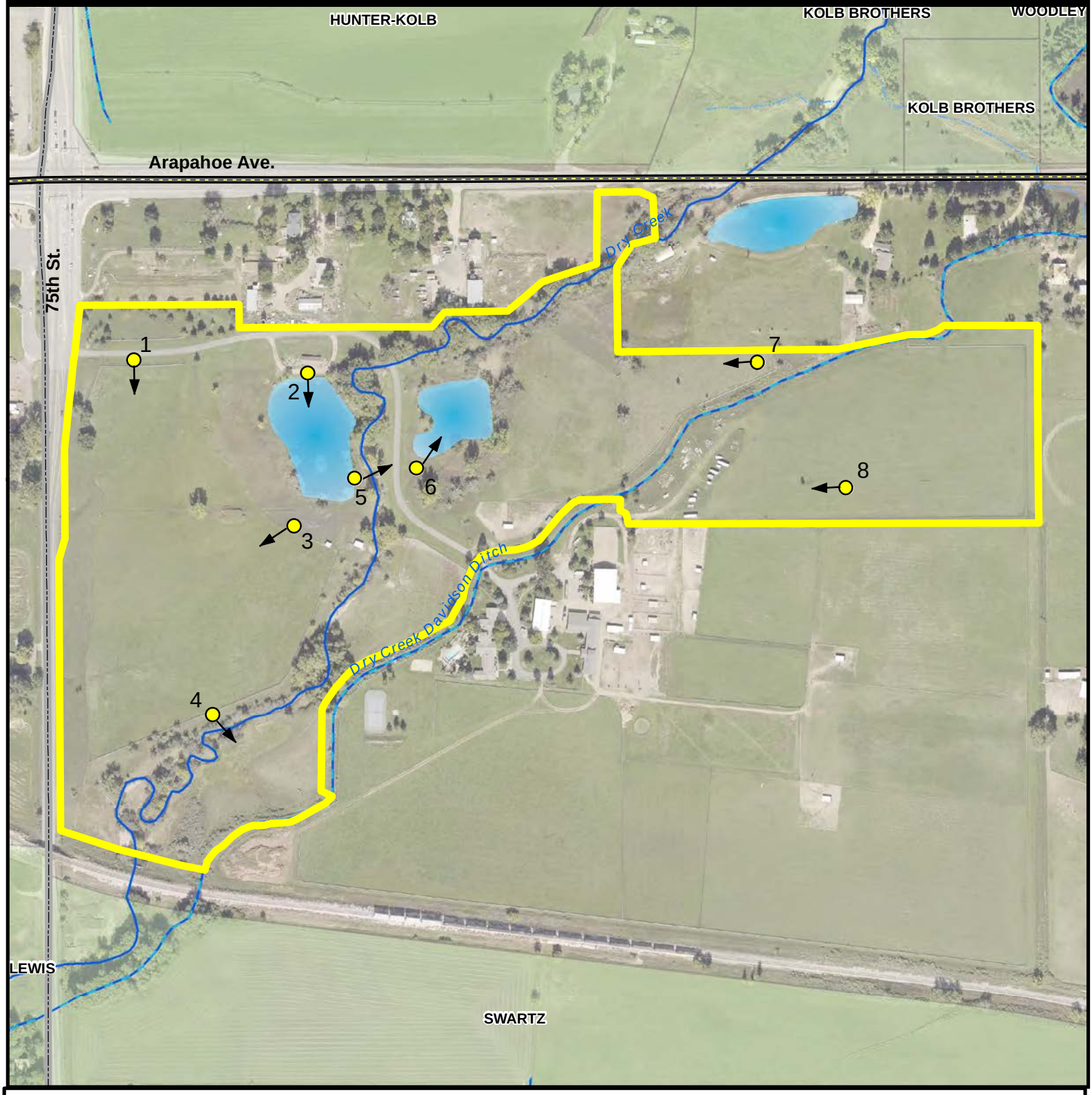
Approximate property boundaries from Boulder County Assessor's data.

Path: E:\MapFiles\Property\Ryan2\BVCPACQAREARyanII.mxdUser: PhilC2 Date: 9/9/2016 Document Path: E:\MapFiles\Property\Ryan2\BVCPACQAREARyanII.mxd

Projected Open Space Cashflow
2015-2020 Ryan & Rosenblatt (Ryan II)
10/04/2016

		2015 Actual	2016 Adopted	2017 Recommended	2018 Projected	2019 Projected	2020 Projected
	PROJECTED SALES TAX GROWTH						
1	2015-2020 Sales Tax forecast 05/31/2016	**3.82%**	**2.34%**	**2.97%**	**2.57%**	**-10.25%**	**-17.41%**
2	**BEGINNING CASH BALANCE**	$30,210,879	$36,200,183	$10,643,480	$12,080,821	$14,499,150	$14,744,073
	SOURCES OF FUNDS						
3	Net Sales Tax Revenue	$29,512,343	$ 30,203,888	$ 31,100,648	$ 31,900,914	$ 28,631,678	$ 23,647,504
4	Anticipated FEMA Flood Reimbursement	$117,898	$881,329	$2,250,000	$2,150,000		
5	Investment Income	$191,109	$196,842	$202,747	$208,830	$215,095	$221,547
6	Lease and Miscellaneous Revenue	$1,471,978	$1,516,137	$1,395,885	$1,437,761	$1,480,894	$1,525,321
7	Voice & Sight Tag Program Revenue	$164,602	$227,000	$227,000	$227,000	$227,000	$227,000
8	Bond Proceeds - 2014						
9	General Fund Transfer	$1,120,721	$1,166,175	$1,209,590	$1,245,832	$1,284,720	
10	Grants	$111,587	$224,570				
11	Carryover/ATB Operating						
12	Total Annual Sources of Funds:	$32,690,238	$34,415,941	$36,385,870	$37,170,337	$31,839,387	$25,621,372
13	Total Sources of Funds Available:	**$62,901,117**	**$70,616,124**	**$47,029,350**	**$49,251,158**	**$46,338,537**	**$40,365,445**
	USES OF FUNDS						
14	Total Debt Service for Bonds & Notes:	$6,081,793	$6,054,625	$5,463,827	$5,238,316	$3,344,410	$1,815,378
15	Capital Available for Land Acquisitions & Preservation (incl. carryover)	$2,839,558	$17,936,101	$6,400,000 #	$6,400,000	$6,000,000	$4,700,000
16	2014 Bond Proceeds						
17	Total Capital Available for Land Acquisitions & Preservation:	$2,839,558	$17,936,101	$6,400,000	$6,400,000	$6,000,000	$4,700,000
18	RE Acquisition						
19	Less Immediate Improvements Budget YTD		$159,150				
20	Less Other 2016 Land Acquisition/Commitments YTD						
21	**Ryan II**		**$1,750,000**				
22	**Ryan II Immediate Improvements (Acquisition CIP)**		**$152,000**				
23	Remaining Land Acquisition Capital Available:	$2,839,558	$16,026,951	$6,400,000	$6,400,000	$6,000,000	$4,700,000
24	CIP - Capital Enhancement	$1,004,464	$4,074,600	$2,190,000	$1,635,000	$1,010,000	$910,000
25	CIP - Capital Maintenance	$507,684	$1,271,000	$640,000	$750,000	$900,000	$1,000,000
26	CIP - Capital Planning Studies			$300,000	$100,000	$150,000	$200,000
27	CIP - New Facility/Infrastructure		$500,000				
28	Total CIP Expenditures:	$4,351,706	$23,781,701	$9,530,000	$8,885,000	$8,060,000	$6,810,000
29	Unexpended Carryover/ATB Operating		$9,901,641				
30	General Operating Expenditures	$14,907,111	$17,589,521	$18,051,357	$18,231,871	$18,164,189	$18,345,831
31	Pay Period 27				$455,411	$45,625	$46,994
32	Increase to Base - Operating Increases		$1,067,500				
33	Cost Allocation:	$1,360,322	$1,577,657	$1,903,344	$1,941,411	$1,980,239	$2,019,844
34	Total Management Operating Expenditures:	$16,267,433	$20,234,678	$19,954,701	$20,628,693	$20,190,053	$20,412,669
35	Total Uses of Funds:	**$26,700,932**	**$50,071,004**	**$34,948,528**	**$34,752,009**	**$31,594,463**	**$29,038,047**
	ENDING CASH BALANCE:	$36,200,185	$20,545,120	$12,080,822	$14,499,149	$14,744,074	$11,327,398
36	Less Reserves:						
37	OSBT Contingency Reserve	$2,234,923	$2,522,180	$5,083,706	$5,173,402	$4,706,893	$4,445,609
38	Pay Period 27 Reserve	$100,481	$200,411	$370,411			
39	Sick/Vacation/Bonus Reserve	$490,000	$490,000	$490,000	$490,000	$490,000	$490,000
40	Property and Casualty Reserve	$400,000	$400,000	$400,000	$400,000	$400,000	$400,000
41	FEMA De-obligation Reserve	$8,252	$69,945	$227,445	$377,945	$383,488	$383,488
42	South Boulder Creek Flow Reserve	$2,000,000					
43	IBM Connector Trail	$200,000					
44	Vehicle Acquisition Reserve	$300,000					
45	Facility Maintenance Reserve	$200,000	$300,000	$400,000	$400,000	$500,000	$500,000
46	**UNRESTRICTED CASH BALANCE AFTER RESERVES:**	**$30,266,529**	**$16,562,584**	**$5,109,260**	**$7,657,802**	**$8,263,693**	**$6,481,789**

ATTACHMENT F: Photo Point Map - Ryan & Rosenblatt



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All rights reserved. The map information contained hereon is intended for the sole use of the purchaser and may not be copied, duplicated or redistributed in any way, in whole or in part, without the expressed written consent of the City of Boulder.

The information depicted is provided as a graphical representation only. While source documents were developed in compliance with National Map Accuracy Standards, the City of Boulder provides no guarantee, express or implied, as to the accuracy and/or completeness of the information contained hereon.

Photos Taken 10/7/2016

Subject Property

OSMP Fee Property

0 250 500 Feet

Approximate property boundaries from Boulder County Assessor's data.

User: mckal1 Date: 10/10/2016 Document Path: E:\MapFiles\Property\Ryan2\Ryan&Rosenblatt_PhotoPoint.mxd

Ryan & Rosenblatt Property Photographs

Taken by Luke McKay, Property Agent
October 7, 2016

1) View south of the property with the city's Swartz Open Space property in the background.

2) View south of the larger spring fed pond on the property.

3) View southwest of one of the large agricultural fields on the property.

4) View southeast of Dry Creek on the property.

5) View east of Dry Creek on the property.

6) View northeast of the smaller spring fed pond on the property.

7) View west of one of the small agricultural fields on the property.

8) View west of the property.

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: November 15, 2016

AGENDA TITLE: Second reading and consideration of a motion to adopt Ordinance 8143 to clarify the roles of the Open Space Board of Trustees and City Council in requiring that any transfer of open space land to another department comply with the disposal requirements of Charter Section 177.

PRESENTER:
Tom Carr, City Attorney

EXECUTIVE SUMMARY

The Charter defines open space land as any interest in real property purchased or leased with the sales and use tax pledged to the open space fund, any interest in real property dedicated to the city for open space purposes, and any interest in real property that is ever placed under the direction, supervision or control of the open space department. Though real property may fall within this definition of "open space land," title is held by the City of Boulder.

There are occasions when the use and management of open space land is transferred from the Open Space and Mountain Parks department to another city department. The Charter provides that "no open space land owned by the city may be sold, leased, traded, or otherwise conveyed" unless disposed of as expressly provided in Charter Section 177. There is no provision in the Charter or the Boulder Revised Code addressing the process for transferring open space land from the Open Space and Mountain Parks department to another city department. In such a case, the land remains in city ownership and is not "sold, leased, traded or otherwise conveyed." Simply transferring the land would not be consistent with the clear intent of the Charter to keep open space land for open space purposes. The proposed ordinance (**Attachment A**) would add a section providing that any such transfer must be preceded by compliance with the disposal provisions of Charter Section 177.

STAFF RECOMMENDATION

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

Second reading and consideration motion to adopt Ordinance 8143 amending Title 8 by amending the title to Chapter 8-8, by eliminating the reference to the Open Space Visitor Master Plan, and by adding a new section 8-8-11 "Transfer of Open Space Land" requiring compliance with Section 177 "Disposal of Open Space Land" prior to a transfer of open space land to another city department.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic – The proposed changes clarify the city process to transfer open space lands to another city department and should have no impact on the local economy.
- Environmental – There is no environmental impact resulting from this ordinance.
- Social – The proposed ordinance will provide clarity to the process for changing the use or management of open space property.

OTHER IMPACTS

- Fiscal – None anticipated, since the proposed changes are procedural in nature.
- Staff time – Complying with Charter Section 177 when the use or management of open space land is transferred to another city department is part of the normal work plan.

BOARD AND COMMISSION FEEDBACK

The Open Space Board of Trustees considered this proposed amendment on December 9, 2015 and on January 13, 2016. The OSBT agreed that the Charter is already clear that the OSBT provides a recommendation to the City Council in deciding whether an activity or use is considered an open space purpose. OSBT adopted a motion recommending the proposed ordinance to clarify that when the management of open space land is transferred to another city department, the disposal process required by Charter 177 must be followed.

PUBLIC FEEDBACK

The Open Space Board of Trustees held a public hearing on December 9, 2015, and on January 13, 2016.

ANALYSIS

The Boulder Home Rule Charter includes significant restrictions on the use and disposal of open space land. Charter §§ 176, 177. In addition, the Charter includes the following broad definition of what constitutes open space land:

> [A]ny interest in real property purchased or leased with the sales and use tax pledged to the open space fund pursuant to the vote of the electorate on November 7, 1967, or proceeds thereof, any interest in real property dedicated to the city for open space purposes, and any interest in real property that is ever placed under the direction, supervision, or control of the open space department, unless disposed of as expressly provided in section 177 below.

Charter § 170. The Open Space Board of Trustees was created by the Charter to make recommendations to the City Council. Charter §§ 174-75. The Charter provides that "no open space land owned by the city may be sold, leased, traded, or otherwise conveyed" until approved by City council, and only after approval by the affirmative vote of at least three members of the OSBT after a public hearing. Charter § 177. There is no provision in the Charter or the Boulder Revised Code addressing the process for transferring open space land from the Open Space and Mountain Parks department to another city department. In such a case, the land remains in city ownership and is not "sold, leased, traded or otherwise conveyed." Simply transferring the land would not be consistent with the clear intent of the Charter to keep open space land for open space purposes. Thus, the proposed ordinance would add a provision providing that any transfer must be preceded by compliance with the disposal provisions of Section 177.

ATTACHMENTS

Attachment A: Proposed Ordinance 8143

ORDINANCE 8143

AN ORDINANCE AMENDING TITLE 8 "PARKS, OPEN SPACES, STREETS, AND PUBLIC WAYS" BY AMENDING THE TITLE TO CHAPTER 8-3 BY ADDING "OPEN SPACE AND MOUNTAIN PARKS" BY AMENDING THE TITLE TO CHAPTER 8-8, BY ELIMINATING THE REFERENCE TO THE OPEN SPACE VISITOR MASTER PLAN, BY ADDING A NEW SECTION 8-8-11 "TRANSFER OF OPEN SPACE LAND" REQUIRING COMPLIANCE WITH SECTION 177 "DISPOSAL OF OPEN SPACE LAND" PRIOR TO A TRANSFER OF OPEN SPACE LAND TO ANOTHER CITY DEPARTMENT AND SETTING FORTH RELATED DETAILS.

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

Section 1. Legislative Intent

The intent of this ordinance is to clarify the respective authority of the Open Space Board of Trustees and the Boulder City Council. Under Section 177 of the Boulder Home Rule Charter, the Open Space Board of Trustees must approve any sale, lease, trade or other conveyance of open space land. The Charter does not expressly address whether a disposal occurs when there is a transfer of open space land from the Open Space and Mountain Parks department to another city department, without changing the legal title to the land, which is held by the city of Boulder. Although not expressly stated, it is the city council's interpretation that the Charter intent is that open space lands be used only for an open space purpose. This ordinance is intended to clarify that any such transfer to another city department will for the purpose of the Charter be treated as a disposal and may only be completed after compliance with the disposition provisions of Charter Section 177.

Section 2. The title to Chapter 8-3 is amended to read as follows:

Chapter 3 - Parks and Recreation – Open Space and Mountain Parks

Section 3. The title to Chapter 8-8 is amended to read as follows:

Chapter 8 – Management of Open Space Lands~~and Mountain Parks Visitor Master Plan Implementation~~

Section 4. Section 8-8-1 is amended to read as follows:

8-8-1. - Purpose.

The purpose of this chapter is to protect the public health, safety and general welfare by establishing procedures and requirements necessary to implement the Charter and any

subsequent master planning document to ~~the Open Space and Mountain Parks Visitor Master Plan.~~manage open space lands.

Section 5. A new Section 8-8-11 is added as follows:

8-8-11. – Transfer of Open Space Lands.

Any transfer of open space lands from the Open Space and Mountain Parks department to any other department of the city will for the purpose of the Charter be made only after compliance with the requirements of Section 177 of the Charter.

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

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

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY this 20th day of September, 2016.

_____
Suzanne Jones
Mayor

Attest:

_____
Lynnette Beck
City Clerk

K:\OMRL\o - 2nd - 8143-2455.docx

READ ON SECOND READING, PASSED, ADOPTED, this 15th day of November, 2016.

_____
Suzanne Jones
Mayor

Attest:

_____
Lynnette Beck
City Clerk

K:\OMRL\o - 2nd - 8143-2455.docx

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: November 15, 2016

AGENDA TITLE: Update and Council Input on Central Boulder Planning Projects: Alpine-Balsam, Civic Area, and City Facilities Assessment

PRESENTER/S
Jane S. Brautigam, City Manager
David Driskell, Executive Director of Planning, Housing + Sustainability
Maureen Rait, Executive Director of Public Works
Yvette Bowden, Director of Parks and Recreation
Susan Richstone, Deputy Director of Planning, Housing + Sustainability
Jim Robertson, Chief Urban Designer
Jeff Haley, Civic Area Project Coordinator
Joanna Crean, Civic Area and Alpine-Balsam Project Coordinator

EXECUTIVE SUMMARY

The city has several planning projects in the Central Boulder area, including A Boulder Community Project: Alpine-Balsam (Alpine-Balsam) and the Boulder Civic Area (Civic Area). A third project, the City Facilities Assessment, will inform outcomes of both the Civic Area and the Alpine-Balsam projects. The purpose of this agenda item is to provide an update on all three projects, highlight their inter-relationships and timing, and receive council feedback on key findings, recommendations and planned next steps for the remainder of 2016 and 2017. An overview of the timing of all three projects is provided in **Attachment A**.

The three projects addressed within this memo are inter-related from a number of perspectives. First, the planning efforts for the Civic Area and Alpine-Balsam cannot confine their inquiry to the individual sites, but must instead also consider their relationship to the rest the city and other places, such as University Hill, as well as the neighborhoods and corridors that connect them. The relationships between the key activity centers within Central Boulder will be articulated in an Urban Design Framework, drawing on adopted plans and policies from Downtown, the Civic Area and

University Hill to inform the visioning effort for Alpine-Balsam and related worked regarding connections and other long-term planning. Second, the opportunity to improve municipal service delivery and realize more efficient city facilities, through the City Facilities Assessment, must be coordinated with the other projects. Similarly, the timeline for each project is dependent on milestones within the other projects. Therefore, this memo is organized around the following key findings and recommendations that consultants and staff consider prerequisite to future decisions and next steps across the three projects:

Alpine-Balsam

1. **The existing main hospital building at Alpine-Balsam is not well suited for reuse.** The highly specialized nature of the hospital results in a building that is difficult to reuse. For example, there are limited opportunities for natural light throughout much of the building and a complex set of piping, electrical, and other infrastructure further complicates reuse. Short-term use would also likely require a change in occupancy type that would necessitate the entire hospital being updated to align with current codes, including energy codes. Staff and consultant analysis of the building, which examined its placement, massing and configuration, suggests it would be difficult to redevelop the existing structure in alignment with stated community priorities, including a vibrant mix of uses, improved midblock street connections, and design that is complementary to neighborhood character. Community engagement, discussed later in this memo, revealed a number of themes, such as neighborhood connectivity and walkability, that may not be supported by reusing the building. Instead, staff recommends the project address the city's zero waste goals and embodied energy by deconstructing the building in partnership with local recycling businesses and non-profits who could make use of much of the building's raw materials.

2. **Preliminary analysis supports the short-term reuse of the Medical Pavilion; however, further analysis is needed to determine whether long-term reuse is recommended.** The Medical Pavilion (Pavilion) is an office addition on the southeast corner of the main hospital. Technically, it is separate from the main hospital, which makes it possible for short-term reuse. But, because two sides of the building are inter-connected with the main hospital, there are structural and other construction-related issues associated with reuse if the hospital building is removed. Also, further analysis is required to understand whether the placement and configuration of the Pavilion supports long-term reuse when considering the overall redevelopment and site-design goals of the site. The ongoing analysis of the Alpine-Balsam site and its context (see **Attachment B** for details), in combination with the ongoing development of the larger Urban Design Framework for the area encompassed by Alpine-Balsam, Downtown, Civic Area and University Hill, will also help inform decisions about the long-term reuse of the Pavilion.

3. **The Brenton Building, the adjacent parking structure and the retail wrap at Alpine-Balsam can be reused and/or retrofitted.** The purchased property includes parcels on the south side of Alpine Avenue consisting of a free standing, five-story parking structure with retail wrap; the Brenton Building, a free-standing office building with a parking lot to the south; and two vacant lots that front North Street. The city currently uses part of the parking structure for satellite downtown staff parking and also shares the structure with Boulder Community Hospital (BCH) until it vacates the site at the end of 2017. The city is renovating the Brenton Building to accommodate immediate city office needs. The paved lot off of North Street will serve as construction parking for the Civic Area, while the other unpaved vacant lot is not scheduled for use at this time. As the project progresses, staff will consider how each of these parcels might support the vision of the project and community.

<u>City Facilities</u>

4. **City facilities will be located both on the Alpine-Balsam site and the East Bookend of the Civic Area**. The Civic Area Master Plan identified the removal of city office buildings in the High Hazard Flood Zone (New Britain and Park Central) as well as the possibility of repurposing the Municipal and/or Atrium Buildings and creating a new "one-stop" city services center, potentially on the 13th/14th Street block (East Bookend). In December 2015, the city purchased the Alpine-Balsam site in part to provide an additional option to consider as part of a larger facilities-visioning process. That visioning process is exploring whether the city might save resources and improve customer service by consolidating office space and public-facing services, currently leased to the city in several locations. The timing of the Civic Area and Alpine-Balsam projects creates a unique opportunity to consider both sites in response to the city's decentralized office challenges, in a way that reflects Boulder's vision and values and supports high quality customer service.

5. **No final decisions for the overall planning of the Alpine-Balsam site or the East Bookend of the Civic Area will occur until determinations are made about which city facilities will be located at Alpine-Balsam and at the Civic Area.** The city, with consultant support, is evaluating facility space and program requirements, as well as community input about future municipal service delivery. The goal is to group city functions and work activities in ways that engage the community, provide excellent and accessible customer service, improve staff efficiency, create high quality community engagement spaces, make buildings easy to maintain and operate at peak performance, and reflect the vision and values of the community. The analysis will include exploration of three options for the distribution of new city facilities between Alpine-Balsam and the East Bookend. Once completed, staff will present the analysis to council at a study session, anticipated in first quarter 2017. Staff will also share findings from the Urban Design Framework that help inform decisions about the placement of city facilities. Staff will make no final planning recommendations about other, non-

city uses at either site until the city decides how each will accommodate city facilities.

Civic Area: Public Market and East Bookend

6. **Implementation of the Public Market is being considered only in the East Bookend of the Civic Area.** A specific use identified in the Civic Area Master Plan is a year-round market hall that complements the existing Boulder County Farmers Market and advances "Food and Innovation." After a preliminary Market Hall Feasibility Analysis indicated that a public market is possible in Boulder, city staff worked with key partners, a leading market hall expert, and the community to further understand best practices for developing a public market in Boulder. Through public engagement, staff created **"**working draft" mission and vision statements to guide the next steps of the project.

7. **Explore an interim phase for the public market with key partners. At a minimum, pursue a model that will be operationally self-sustaining.** Based on recommendations from the Market Hall Feasibility Analysis and supported by a leading market expert, city staff is pursuing an interim phase for the public market in conjunction with key partners. Both the Boulder County Farmers' Market and The Shed Boulder County (a coalition of food- and beverage-related entities) have been identified as potential partners and could soon become champions for the public market. Staff is working with these key partners to explore interim phasing as well as management opportunities with the assumption that any model will be "operationally" self-sustaining (able to cover operational, but not capital, costs) at a minimum. As the desired interim options and long-term building design progresses, funding sources will need to be identified for both capital and operating costs.

8. **East Bookend planning will continue to be priority focus for 2016 and 2017.** City staff's Civic Area planning efforts will focus in the East Bookend for the balance of 2016 and most of 2017 to respond to near-term opportunities there, and because both the Library and Human Services Departments are currently engaged in long-range planning processes, scheduled to complete in late 2017, that may inform future decisions about the West Bookend.

QUESTION FOR COUNCIL

The following question is provided to guide the discussion with City Council:

- Does council have any comments or questions on the key findings, recommendations and proposed next steps?

OVERVIEW

Background

Redevelop Alpine-Balsam: The Alpine-Balsam site includes 8.8 acres of property that formerly housed the Boulder Community Health (BCH) campus on Broadway. The city officially purchased the BCH – Broadway campus site in December 2015. The property

includes over 355,000 square feet of existing building space, a five-story parking structure and two large surface parking areas. The multi-year planning work, including extensive public participation, will inform changes to the Boulder Valley Comprehensive Plan (BVCP) and ultimately how the site will be used. The Alpine-Balsam project presents a unique opportunity to help ensure that future redevelopment of the site fits the community's vision and goals, and complements the character of the neighborhood. In addition, the property and the Civic Area together provide opportunities to respond to the city's decentralized office challenges in a way that reflects Boulder's vision and values.

Informed by an Urban Design Framework and City Facilities Assessment: City staff and the consultant team are developing an Urban Design Framework, a tool to help understand the existing and potential future interrelationships between four key activity centers along the central stretch of Broadway (Alpine-Balsam, Downtown, Civic Area and University Hill), with a focus on physical form, systems and land use functions. The Urban Design Framework will draw upon existing plans and policies for Downtown, Civic Area and University Hill, and examine key issues and elements that could inform and have an impact on specific site planning and investments at all four activity centers, but most importantly for the Alpine-Balsam site. Issues that are being addressed in the Framework include: land use and character; infrastructure; mobility and connections; gateways and transitions; and watersheds and flooding issues. Work on the Framework, including public input and engagement, will continue through early 2017.

The City Facilities Assessment evaluates the space and program requirements to better address the increasing cost of maintaining and operating multiple facilities. The assessment specifically focuses on leasing costs and analysis to identify which city functions should be grouped at key locations around the city, including what functions should remain in the Civic Area and what functions might relocate to the Alpine-Balsam site. With input from the community, the goal is to group functions, departments and work in such a way that engages the community, provides excellent and accessible customer service, improves efficiency for staff, makes buildings easy to maintain and operate at peak performance, and reflects the vision and values of the community.

Transform the Civic Area: The Boulder Civic Area is bounded by Canyon Boulevard, Arapahoe Avenue, and 9th and 14th streets. The Civic Area Master Plan, adopted in June 2015, expresses a long-term vision to transform the Civic Area into an even more unique place that reflects the community's shared values and diversity. Implementation of the master plan is expected to take place over the next 10 to 20 years. The first phase of implementation is currently moving forward thanks to passage of the November 2014 Community, Culture and Safety tax. Construction of Phase I park improvements will begin this month. Subsequent phases and timing to implement the remainder of the master plan will be defined by analyses currently underway, informed by community input, guided by council decision-making and dependent on the availability of funding.

Related Project Information: Information on related Civic Area projects (i.e., the Arapahoe Underpass, Historic Resources) can be found at the Civic Area website and additional information related to Alpine-Balsam can be found at the Alpine-Balsam website.

ANALYSIS

Alpine-Balsam

Background

The agenda item and this memo focus on providing council with information and seeking feedback on issues associated with the potential to retrofit and reuse buildings at the Alpine-Balsam site because they affect other aspects of the interrelated projects (e.g., what city facilities are appropriate for the site; what other, non-city uses are appropriate for the site; how should new development at the site respond to its context). For example, this is particularly true of the hospital building, which occupies a very significant portion of the Alpine-Balsam site. Its reuse would likely preclude some redevelopment options at the site and would impact facilities decisions both at Alpine-Balsam and the Civic Area.

As part of its due diligence in purchasing the Alpine-Balsam property, the city worked with a consultant team (Trestle Strategy Group and McKinstry Consulting) to analyze the feasibility of either converting the existing structure into offices or demolishing the existing structure and building new offices in this location. This information was shared with City Council in June 2015. In summary, the main hospital is an amalgamation of numerous renovations, expansions and additions accomplished over many years.

The site includes other facilities, also addressed in the June 2015 report, including the Medical Pavilion, which is an office addition on the southeast corner of the main hospital. The purchased property also includes parcels on the south side of Alpine Avenue consisting of a free-standing, five-story parking structure with retail wrap; the Brenton Building, a free-standing office building with a parking lot to the south; and two vacant lots that front North Street. In the short term, the Brenton Building is being renovated to accommodate immediate city office needs and the parking is being shared between BCH and the city.

Community Engagement

The city is in the first phase of this multi-year planning effort, which will continue through second quarter 2017, resulting in a vision and guiding principles for the site. This phase has included gathering memories, hopes and ideas to capture the history and character of the former BCH site and its neighborhood. To support this phase of work, the city has engaged Mithun, a Seattle-based planning and design firm, as well as Boulder firms re-architecture and Trestle Strategy Group. The consultants are helping to facilitate community engagement, including a community visioning session, pop-up events and an online questionnaire during the fall of 2016. The fall community events have led to the development of preliminary guiding principles, which will be further refined through additional community input in the first quarter of 2017. See **Attachment C** for details on the community engagement process and feedback.

Preliminary Guiding Principles for Alpine-Balsam Site

Based on systematic analysis of the recent community input, three key themes have emerged as preliminary guiding principles for Alpine-Balsam redevelopment:

- **Create a place with a vibrant mix of uses.** Replace the hospital with buildings and public open space that are more compatible with a walkable urban fabric: city offices, space for local small business, community space and additional retail and commercial.

- **Build in affordability and sustainability**. Respond to the community's interest in affordable housing with a proposal to add diverse affordable and moderate-income housing options to the mixed-use development, together with strategies that support affordable living and local small business creation. There was broad support for a "reasonable" amount of increased density, replacing surface parking with beneficial community uses as well as for an approach that builds in and modeled "best practices" in sustainable development (e.g., energy performance, zero waste infrastructure, support for alternative modes, etc.).

- **Respect and respond to the site's physical environment.** Planning, programming, and design for the site must take into account the site's physical surroundings, including issues such as edge conditions, stream and watershed issues, open space, views, and roadway conditions.

Each preliminary principle responds to a desire to strengthen and enhance the community that exists at Alpine-Balsam, building on the positive qualities of the surrounding neighborhoods. Another important consideration is that as BCH vacates the building, it creates a void that needs to be filled. The hospital was an employer, a service provider and a source of customers for shops and restaurants, and its loss will negatively impact the community if it is not replaced with other compatible and complementary uses.

Key Findings and Recommendations

The existing main hospital building at Alpine-Balsam is not well suited for reuse. The hospital is a highly specialized building with wide floorplates that limit daylight to much of the building, making it challenging to reuse for offices or any other uses that require or rely on daylight. Short-term use of the hospital would likely require a change in occupancy type, which would necessitate the entire hospital being brought up to current codes, including energy codes. The building interior is an assembly of a dense amount of infrastructure specifically intended to support the needs of a hospital, and any renovation would require removal of most, if not all, of the systems to meet the city's energy codes and building codes for a different use. The layout both of the exterior form and interior spaces is a maze -- again specifically intended to serve the needs of the many departments within a hospital -- that would impair meeting the functional needs of any other use. The interior space, including all infrastructure, would likely need to be gutted to be reused for another occupancy, leaving only the building shell and form intact for reuse, which may not serve the site well. Much of the embodied energy of this type of building exists within the interior walls, plenum space and internal infrastructure, most of which would be removed through an adaptive reuse, thus limiting the extent of saving embodied energy.

Further the sprawling nature of the hospital does not lend itself to redevelopment scenarios that have been suggested by the community, including a vibrant mix of uses,

improved midblock street connections and improved neighborhood character. As noted in the site and context analysis (see **Attachment B**), a diversity of household incomes ranging from low to moderate to affluent are present in the area that surrounds the site, and Boulder faces housing affordability challenges; these demographic and economic circumstances underscore the possibility to consider affordable housing among the future mix of uses as expressed by the evolving community vision. As indicated above, the existing hospital structure does not lend itself to this range of uses. Additionally, the location of the Alpine-Balsam site, within the 100-year floodplain and partially within the high hazard flood zone, highlights the need for onsite mitigation, which would be more feasible in a redevelopment scenario. Therefore, the staff recommendation is to address the city's zero waste goals and embodied energy by deconstructing the building in partnership with local recycling businesses and non-profits who could make use of much of the building's raw materials.

Preliminary analysis supports the short-term reuse the Medical Pavilion; however, further analysis is needed to determine whether long-term reuse is recommended. The Medical Pavilion (Pavilion) is classified as a business occupancy and can be used for office space in the short term without needing to change the occupancy type. If the occupancy type is changed to accommodate other uses, then it triggers larger code compliance requirements. Long-term, the Pavilion's interconnected relationship to the main hospital and irregular floorplate configurations between floors complicate its reuse to a greater degree than reusing a more standard, free-standing structure. Further analysis will help weigh the benefit of reusing the Pavilion against the complication of detaching it from the hospital and modifying to meet long-term needs. When the hospital is deconstructed it will leave behind exposed portions of the Pavilion that will need to be reconstructed. This reconstruction will be complicated by the irregular floorplate design. The ongoing analysis of the Alpine-Balsam site and its context, in combination with the ongoing development of the larger Urban Design Framework and definition of the desired development program for the site, will inform decision-making about whether or not to reuse the Pavilion over the long term.

The Brenton Building, the adjacent parking structure and the retail wrap at Alpine-Balsam can be reused and/or retrofitted. While currently vacant, the Brenton Building was used as a medical office building until August 2016. The building is being renovated to accommodate immediate city office needs. These improvements do not preclude future use or sale of the building and would be required in either scenario, by the city or a future owner. The 5-story parking structure on the corner of Broadway and Alpine holds 401 spaces. Currently, the parking structure is being shared with BCH until it vacates the site at the end of 2017. It also is being used as satellite parking for downtown city staff. Minor structural repairs are being made as well as lighting upgrades to improve safety and enhance energy efficiency. Preliminary analysis suggests this parking structure will be of value to the long-term development of the site. There are also two vacant lots (one paved and one not) that front North Street that were included in the purchase of the site. The paved lot is being used in the short term for construction parking related to the Civic Area. Future use of these parcels will be considered in the long-term planning of the Alpine-Balsam site.

City Facilities

Background

Currently, city staff and services are spread out across 41 city-owned facilities and approximately 54,000 square feet of leased space throughout the community. More than 25,000 customers are served each year in seven city buildings in the Civic Area (excluding the Main Library and West Senior Center), which also regularly host meetings and events. The Civic Area Master Plan identified the removal of city office buildings in the High Hazard Flood Zone (New Britain and Park Central) as well as the possibility of repurposing the Municipal and/or Atrium Buildings and creating a new "one-stop" city services center, potentially on the 13th/14th Street (East Bookend) block. The purchase of the Alpine-Balsam site has created a unique opportunity to consider both the Civic Area and the Alpine-Balsam site in responding to the city's decentralized office challenges in a way that reflects Boulder's vision and values.

The city, with consultant support, is evaluating city facilities space and program requirements to better address the increasing costs of maintaining and operating multiple facilities, leasing costs and inefficiencies generated by fragmented workgroups spread across different buildings. The analysis is specifically focused on identifying which city functions should be grouped at key locations around the city, including which functions should remain in the Civic Area, and which functions might relocate to the Alpine-Balsam site. With input from the community, the goal is to group functions, departments and work in ways that engage the community, provide excellent and accessible customer service, improve efficiency for staff, make buildings easy to maintain and operate at peak performance, and reflect the vision and values of the community.

Community Engagement

The City Facilities Assessment, including a vision and guiding principles for new city facilities, will follow and be informed by public processes for both the Civic Area and Alpine-Balsam projects. Community input regarding city facilities, proposed functions and spaces in each location has been, and will continue to be, gathered in tandem with other engagement activities for both sites. During recent fall outreach events for the Alpine-Balsam project, the community was asked to comment on how they access and engage with city government and what they value in these interactions (see **Attachment C** for details).

Preliminary Guiding Principles for City Facilities

Based on the recent community and staff input on city facilities, the consultants have identified three over-arching, preliminary guiding principles for city facilities:

- **Invite the community with welcoming and inspiring facilities**. Community members expressed strong interest in facilities that would be part of a mixed use civic environment that promotes community gathering, "not only serving city staff and business, but bringing in the neighborhood for cultural events, particularly the visual arts." Community space, art and culture were identified as preferred uses together with city offices in a moderately scaled mixed use project with affordable and moderate income housing. Community members support

high quality, inspiring sustainable buildings that fit the context of their surroundings.

- **Create a city information center to enhance communications**. In response to questions about interacting with the city, the community's biggest concern was communication. This concern could be addressed through the creation of a "city information hub," which would be both a physical place and an online platform. The idea is to develop a responsive, continuous communication platform, including an engaging information gallery, to publicize events and projects, enhance online communication, and streamline customer service. The goal is to make the work of the city visible and accessible to the community.

- **Maximize flexible and efficient operations**. Collaboration space for city offices should be developed to make it "an inviting space year around and definitely more than 9- 5pm." Shared use should be explored for all meeting rooms in facilities that "should be inclusive and encourage local residents to visit and spend time." The community expressed an interest in improving access to city services by consolidating facilities in transit accessible locations.

Key Findings and Recommendations

City facilities will be located both on the Alpine-Balsam site and the East Bookend of the Civic Area. This recommendation derives from previous policy guidance, community input, and the analysis of city staff and consultants. Specifically, the first guiding principle in the June 2015 Civic Area Master Plan is titled "the civic heart of Boulder," meaning that the Civic Area will serve as a primary location for city government. The master plan also identified the East Bookend as an opportunity to create a new "one-stop" city services center. Subsequently, in December 2015, the city purchased the Alpine-Balsam site partly as an additional option for the city to consider as part of a larger facilities-visioning process. That visioning process explores whether the city might save resources by consolidating office space and public-facing services that are currently leased to the city in a number of locations. Prior to purchasing the Alpine-Balsam site, City Council affirmed that some municipal services should continue to be in the Civic Area.

No final decisions for the overall planning of the Alpine-Balsam site or the East Bookend of the Civic Area will occur until determinations are made about which city facilities will be located at Alpine-Balsam and at the Civic Area. As part of the city facilities assessment, the consultants are creating three options for development of city facilities between the Civic Area and Alpine-Balsam site. Community feedback will be incorporated into the three "test fit" options and brought to City Council for discussion at the February 2017 study session. Based on feedback from that session, a final option will be refined and presented at a regular council session in April. Approval of an option that identifies which departments and types of spaces will go at which site will inform the amount of space required in each location for city facilities and, thus, the space available for other development of the site. The option chosen will also inform the vision for and character of city spaces in these locations.

Civic Area: Public Market & East Bookend

Background

One of the specific uses identified in the Civic Area Master Plan is a year-round public market that would complement the existing Boulder County Farmers' Market as well as advance local foods and activate the East Bookend. In April 2016, the city, with consultant support, completed a preliminary Market Hall Feasibility Analysis (previously presented to council) that indicates a year-round public market is economically feasible and desired by key partners. There was also a finding that it would attract visitors from throughout the community and the region. The recommendations were made based on data from comparable year-round markets around the country, stakeholder outreach, market research and input from two sessions with an ad hoc working group comprised of individuals representing a wide range of the local food industry (i.e., production, packaging, distribution, retailing, as well as institutions such as the Boulder County Farmers' Market, the Boulder Valley School District, University of Colorado, and Colorado State University).

Community Engagement

Over the past six months, city staff worked with key partners, David O'Neil (leading market hall expert), and the community to explore how a public market could best play out in Boulder. Staff gathered input on a draft vision statement, surveyed the community to understand what it feels are the most important elements for Boulder's public market, and met with potential partners (see Civic Area website for details). The community confirmed that the best focus would be on supporting local foods.

Key Findings and Recommendations

Implementation of the Public Market is being considered only in the East Bookend of the Civic Area. The idea of a year-round public market hall to support and build on the continuing success of the Boulder County Farmers' Market was identified in the Civic Area Master Plan. The public market has the potential to build community connections, activate the area both day and night throughout the year, and generally support the "Food and Innovation" focus that the Civic Area Master Plan prioritized for the East Bookend. The public market could also grow the local food economy and further the community's understanding and appreciation for where its food comes from, how it is grown, and its role in creating a healthy lifestyle and a sustainable environment.

Based on public outreach and feedback to date, the following vision statement was drafted: *Boulder's Public Market Hall is the community's kitchen and dining room – a nationally recognized, regionally-focused food hub with an energy and spirit that make it popular day and night.* The **"**working draft" vision statement will guide the next steps to implement Boulder's public market hall in the East Bookend of the Civic Area.

Explore an interim phase for the Public Market with key partners. At a minimum, pursue a model that will be operationally self-sustaining. As noted in the Market Hall Feasibility Analysis and further emphasized by leading market hall expert David O'Neil, successful public markets tend to grow and evolve over time, thereby ensuring that they become cherished institutions. Boulder's public market will be a year-round venue that would build on the success of the existing seasonal outdoor farmers' market and evolve

over time. The soonest an initial indoor phase could happen is early 2018, due to the need to wait for FEMA adoption of new flood maps in the 13th Street area. As part of the East Bookend planning process, staff will continue to explore the location, timing, and funding options for an initial indoor phase (see **Attachment D** for the preliminary analysis of two potential options: re-purposing the Atrium Building or constructing a pavilion in the park).

Financial Considerations: Although the Market Hall Feasibility Report's findings presented to council indicate that a year-round Boulder public market "is economically feasible, desired by key partners, and would attract visitors from community and region," the specific conclusion was that the market could, in a few years, be operationally self-sustaining. This means that the market could support its ongoing operational costs, but not support leasing or capital costs of a facility. When working with community partners to implement the public market, staff will communicate the expectation that the market hall will, at a minimum, be operationally self-sustaining, and located on city land in a building owned by the city. However, as there is currently no capital funding for the public market, staff recommends that options as identified in **Attachment D** be pursued in 2017 with the managing organization.

Management and Operations: To ensure that the public market hall remains committed to fulfilling the larger community mission and vision, the Market Hall Feasibility Report presented to council in April recommended that the building be owned by the city and that the market be managed by a "community based independent nonprofit corporation" with a board of directors. It is recommended that the board of directors include potentially both members of the community and city. Staff has reached out to two established organizations that have relevant community-based local food missions: Boulder County Farmers' Market and The Shed: Boulder County. They have both expressed interest in collaborating on a potential management role for the public market. The Boulder County Farmers' Market is an established nonprofit that operates the highly successful outdoor Farmers' Market, as well as other markets in the area and the Seeds Café in the Boulder Public Library. The Shed is a coalition of business, government and non-profit leaders in Boulder County that includes both the City of Boulder and Boulder County Farmers' Market. The Shed has sponsored educational projects, events and programs that support local food and access to healthy local food for low-income residents. There is a significant benefit to identifying a potential management structure at this time in order to shape the interim strategy, including pursuing vendors and partners, and possibly fundraising for an interim and/ or final facility. Staff will continue to work with these two groups to explore a potential structure and mission for the management and operation of the indoor Boulder public market. The groups will proceed under the "working draft" vision, and financial assumptions listed above in coordination with the city team that is working on management and operation issues in the larger Civic Area.

NEXT STEPS

As noted previously, phases and timing to implement these planning projects will be defined by analyses currently underway, informed by community input, guided by council decision making and dependent on the availability of funding sources. As part of future planning efforts, the city will develop cost estimates and identify financing tools

and investment strategies to pay for capital improvements in the Civic Area and development of the Alpine-Balsam site. Assuming that funding is identified, then design and construction may begin in 2020. See **Attachment A** for a high level estimated schedule.

Alpine-Balsam

In first quarter 2017, it is anticipated that a draft vision and guiding principles, along with the draft Urban Design Framework will be shared with the community and boards and commissions. All feedback will be incorporated into the draft vision and guiding principles before going to a council study session in February. Feedback from the community outreach and council meeting will be incorporated before being considered for acceptance by council in second quarter 2017.

Currently, as defined in the purchase agreement, BCH is leasing back the hospital site and certain levels of the parking structure from the city until the end of 2017. At that time, BCH will vacate all portions of the site and the city will assume responsibility, including ongoing operations and maintenance costs.

Next steps in 2017 include analysis of all costs of ownership and operation for the main hospital and surrounding structures and planning to mitigate these costs wherever possible. Part of that evaluation will include analysis for how to begin deconstruction of the main hospital in the near term in order to offset the large energy costs associated with maintaining the building while vacant. Hospital systems must continue to operate, albeit at minimum "set points," to prevent mold growth and pipe freezing, and to maintain fire protection.

City Facilities

Concurrent with the Alpine-Balsam planning process, the city facilities assessment, including guiding principles for city facilities and three options for city facilities located at Alpine-Balsam and Civic Area, will be shared with the community for feedback in first quarter of 2017. This information will be discussed with council at a study session in February and later considered for approval in second quarter 2017. Staff will also share findings from the Urban Design Framework to enhance community engagement and help inform decision-making about the placement of city facilities. The second phase of city facilities work, anticipated to begin in third quarter 2017, will focus on continued development of the preferred option for city facilities. This will include refinement of city space needs into a complete program that could be utilized in design of facilities at Alpine-Balsam and/or in the Civic Area. This will also include an initial analysis of different redevelopment strategies for city facilities, such as the opportunities and constraints of city ownership of facilities versus potential leasing arrangements.

Civic Area

Civic Area Phase I construction of the park implementation will begin in Nov. 2016 and continue through 2017. Phase I improvements will only occur west of Broadway. Improvements for the park east of Broadway will be incorporated into the East Bookend planning, which will occur over the next 12 to 16 months. Current staff work focuses on assembling and evaluating the many prior planning and analytical studies pertinent to the

East Bookend, and assembling them into a cohesive "Opportunities and Constraints Report." This report (anticipated to be completed in late 2016) will be used as a tool for additional planning and community engagement efforts, which will ultimately produce a recommended building program, conceptual site design and urban design guidelines. These recommendations will be presented to council for consideration in late 2017.

Concurrently, city staff will continue to work with key partners Boulder County Farmers' Market and The Shed Boulder County, to explore interim phasing of the public market as well as management opportunities with the assumption that any model will be operationally self-sustaining at a minimum. As the desired interim options and long-term building design progresses, funding sources will need to be identified for both capital and operating costs.

More focused planning related to the West Bookend will commence upon completion of the Library Master Plan update and the Human Services Strategy, estimated in fourth quarter 2017 and third quarter 2017, respectively.

ATTACHMENTS

- Attachment A – Central Boulder Planning Projects Timeline
- Attachment B – Draft Alpine-Balsam Site Context Analysis
- Attachment C – Summary of Alpine-Balsam and City Facilities Community Feedback
- Attachment D – Preliminary Analysis of Two Options for Interim Phase of Public Market

Attachment A

CENTRAL BOULDER LONG TERM PLANNING

		2016	2017	2018	2019
Civic Area	Park	Civic Park West Construction, Pathway Improvements & Lighting Arapahoe Underpass Design Development		Arapahoe Underpass Construction	Civic Park East Design Development & Bandshell Determination/Landmarking Construction
	Park	Canyon Complete Street Alternatives Analysis	Preferred Alternative Design Development		Construction
	West	Civic Use Pad Management Agreement & Design Development			Civic Use Pad Construction
	West	Library Masterplan & Human Services Strategy		West Bookend Urban Design Criteria	Design Development
	East	Public Market Hall Analysis, East Bookend opportunities and constraints report	Public Market Hall Interim Phase 1 Plan & East Bookend Conceptual Site Design and Urban Design Guidelines	East Bookend & Public Market Hall Phase I Design Development	Construction
Alpine-Balsam	Hospital Site	Community Outreach, Visioning & Urban Design Framework for Alpine Balsam Site, City Facilities Performance Standards, Design Guidelines Develop "Test-Fit" for City Facilities @ Alpine Balsam & Civic Area City Facilities Guiding Principles	Redevelopment scenario analysis, cost benefit of city lease vs ownership, and feasibility study	Alpine-Balsam Area/Site Plan Development	Design Development
City Facilities	City Wide	Brenton Building Renovation			
	City Wide	Continued Interim Accommodation of City Space Needs			

BVCP ADOPTION

DETERMINE BALLOT INITIATIVE → POTENTIAL BALLOT INITIATIVE → FUNDING

Attachment A

CENTRAL BOULDER LONG TERM PLANNING

	2020	2021	2022	2023
Civic Area – Park, West, East	West Bookend Construction			
Alpine-Balsam – Hospital Site	Construction			
City Facilities – City Wide	Remaining City Facilities Relocation & Shuffle		Demolition of Park Central & New Britain Buildings	

The Alpine-Balsam site comprises 8.8 acres of land along the Broadway corridor, north of University Hill (Uni-Hill) and Downtown (figure 1). A quarter mile radius around the site has been established as the primary study area, and a larger half mile radius around the site has been established as the area of influence (see the dashed black and red lines in figure 1 below).

The site is within walking distance of downtown and the civic area, and on the west side of the city with access to hiking in the Mountains as well as the beloved North Boulder Park. The site currently provides a mixed-use hub of neighborhood and regional serving activity with neighborhood shops and services in addition to the Boulder Community Health hospital which is soon to be replaced. The site context includes other health service providers that will remain, including the Boulder Medical Center and the People's Clinic. The mixed use hub is surrounded by low to medium density housing with a mix of single- and multi-family development. The neighborhood is generally walkable and bicycle friendly. The major connections include the north-south corridors at Broadway and 9th streets, with multiple bus lines along Broadway including the SKIP line with regular service to downtown, and bicycle routes along 9th and 13th streets that are well used by commuters. Connections in the east-west direction are limited.

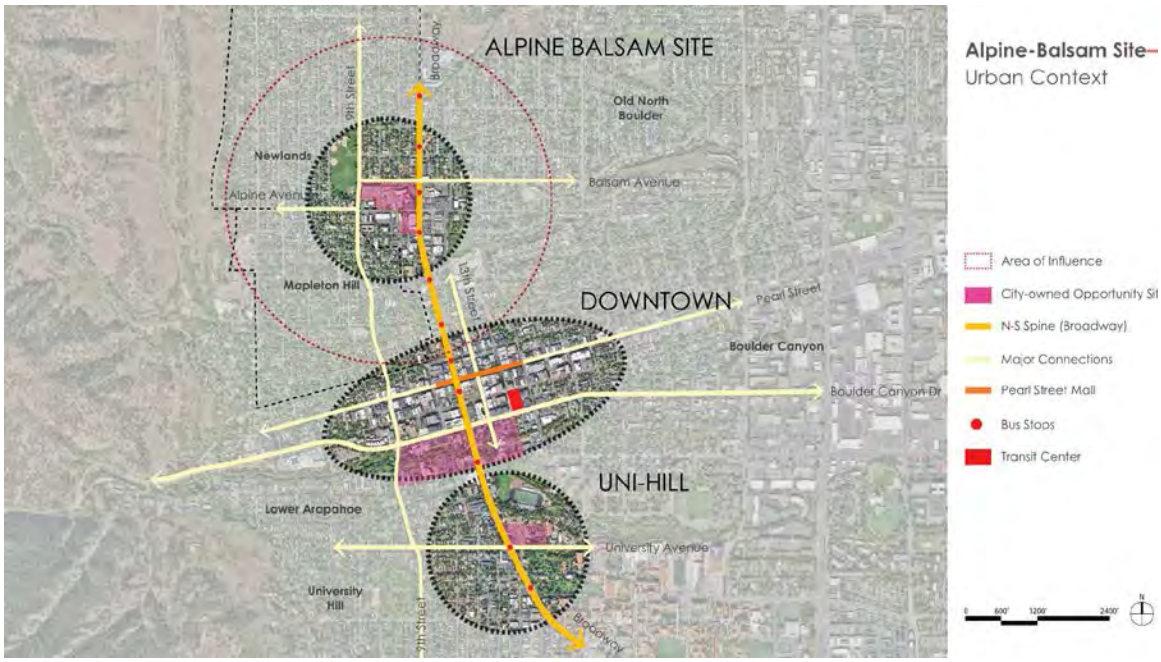


Figure 1: Alpine-Balsam Site Urban Context

Diverse Demographics

The city of Boulder is distinctly a college town, as approximately 30% of all residents within the city are students, a fact that has an impact on other metrics such as household income. The area of influence around the Alpine-Balsam area site is representative of Boulder's range of income among households. The area includes diverse income profiles with households averaging approximately $100k per year living to the north and west, households living in the north and east averaging approximately $60k per year and households averaging approximately $30k per year living to the south along the Broadway corridor according to the US Census (see figure 2). The proportion of homeowners to renters similarly

varies, with 67% of households in the north and western census tract owning their homes, 60% in the north and east census tract, and just 22% owning their homes in the southern census tract along the Broadway corridor. The presence of lower income households in this stable neighborhood underscores the challenge of developing in such a way that members of the community will not be displaced due to the rising cost of housing. Community input has put a strong emphasis on the need for additional affordable and moderate housing for diverse populations including seniors and people with disabilities.

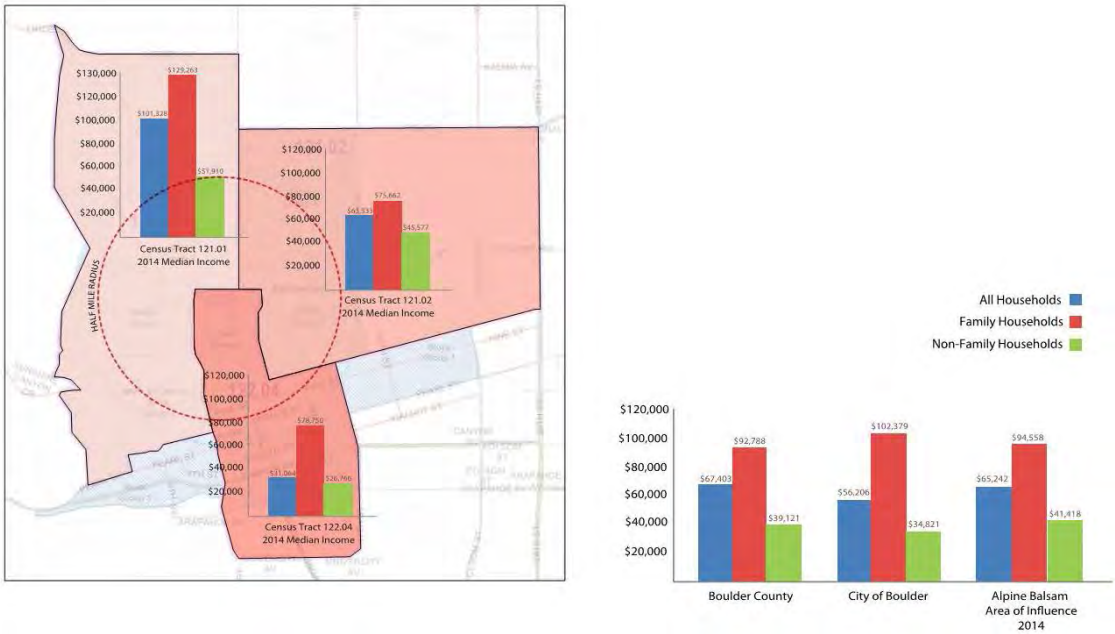


Figure 2: Alpine-Balsam Neighborhood Demographics (source US Census)

Housing Affordability Challenge

Housing affordability is a challenge in Boulder, as demand is growing ahead of supply. For example, in the past 15 years, detached housing has almost doubled in cost, and attached housing has increased by 20-30%, per the 2015 Boulder Valley Comprehensive Plan Trend Report (see figure 3). In the 2015 BVCP Survey, the relative majority of respondents (42%) indicated that the community value in greatest need of increased attention was to provide a diversity of housing types and price ranges. Strong evidence indicates that there is a critical need for affordable and diverse housing in Boulder, as identified by 2013 Housing Market Analysis, 2014 Housing Choice Survey and Analysis, and the 2016 Middle Income Housing Study, among others.

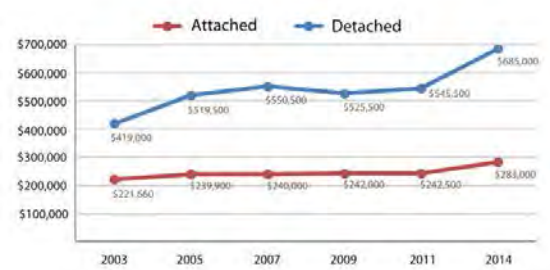


Figure 3: Boulder Median Home Price per year (source 2015 Boulder Valley Comprehensive Plan Trend Report)

Flood Risk

The Alpine-Balsam site is located within one of Boulder's flood zones. Significant portions of the site fall within the 100 year floodplain and portions of the site also fall within the high hazard zone. Building within the 100 year flood zone requires flood proofing, however residential and critical facilities must also be elevated. Building within the high hazard zone is prohibited. If certain site mitigations are developed, such as channeling, it is possible that a remapping could be approved to lessen the cost and impact of building within the flood zone. More study would be required to assess the potential for developing mitigations that would qualify for a remapping of the area.

Site Zoning

Current site zoning limits buildings to 35-40 feet height, depending on use, however more height may be desirable to meet the community's desire for mixed-use development with affordable housing and community open space. Also, since the community is expresses a desire for a mix of uses, this presents the possibility of land use and zoning designation changes. The current hospital is estimated to be a maximum of 65 feet.

Figure 4: Alpine-Balsam Neighborhood Zoning

Existing Buildings

The Alpine-Balsam site includes four existing buildings and a variety of surface parking lots (see figure 5 below). The existing BCH Hospital was originally constructed in the 1926 and additions were built between 1955 and 1974. The attached Medical Pavilion housing medical office uses was built in 1993. The site also includes the freestanding Breton Building built in 1965, and a structured parking garage with a retail wrap. Short-term renovation and building re-use considerations will require further study to

estimate the cost and benefit of reuse versus replacement. Additional considerations include the following:

- Triggers for Energy Code Improvements – more than 50% of the building being renovated or a change in use.
- Triggers for building code improvements / ADA improvements building wide
- Purchase agreement precludes other medical uses

Figure 5: Existing Building Areas

BCH Hospital

The BCH Hospital is a four-story building with an attached five-story patient tower, housing 259,671 SF of healthcare uses in an I-2 occupancy. Issues impacting potential reuse include the following:

- Short-term – hard to reuse because of occupancy type, deep floorplate, specialized functions in most areas. Critical relationship with the Pavilion as stated above.
- Long-term – hard to reuse because
    - Occupancy type
    - Deep floorplate / lack of natural light to much of the space
    - Intense infrastructure to be removed/reworked
    - Likely not code compliant for most potential uses
    - Little embodied energy to actual save since majority of internal systems and building would necessitate renovation
    - Sprawls site and precludes breaking down the block
    - Does not address the street or a pedestrian scale

Medical Pavilion

The Medical Pavilion is a four-story building attached to the BCH hospital, housing 63,917 SF of office uses with a B-occupancy. Issues impacting potential reuse include the following:

- Attached to main hospital and separated by substantial construction between the two structures. The building is not freestanding, but is inter-connected with the hospital on the north and west sides.
- Short-term may be used for B-Occupancy / office type uses. Would need to cost analysis to validate total building renovation value if we trigger energy code upgrade requirements.
- Long-term evaluation of opportunities and constraints on site.
- Critical relationship with hospital. Removal of one of the buildings but not the other would need to be coordinated to complete the exterior wall and structure of the remaining building.
- Required improvements and reconstruction of two facades, interior re-working to address new natural light opportunities and energy improvements required to reuse this building may not outweigh new construction opportunity at this prime location on the site.

Brenton Building

The Brenton Building is a freestanding four-story building housing 21,600 SF of office uses, with a B-Occupancy. Issues impacting potential reuse include the following:

- Short-term
  - Entire building is being renovated to serve the city for needed office space.
  - Budget for renovation has less than five-year payback vs. leasing office space. Most of the investments being made will serve short and long term uses.
- Easily renovated (from constructability standpoint) as it is a free-standing building with basic floor plan
- Long-term could be used to serve the site in other capacity

Parking Structure with Retail Wrap

The Parking Structure is a five-story building housing 401 structured parking spaces and a 2000 SF retail tenant along Broadway. Issues impacting potential reuse include the following:

- Uses (UBC 1988)
  - B-3 Occupancy – Open Garage
  - B-2 Occupancy – Retail (2000 sf – approximately)
- Short-term serving as satellite parking for downtown city staff. Retail spaces occupied by Credit Union and fast-food restaurant who lease the space.
- Long-term use as parking structure, but for who is TBD

Surface Parking Lots

A total of three surface parking lots provide a total of 437 parking spaces. Short and long term use issues include the following:

DRAFT

Lot on North Street

- 17 spaces,
- short term serving as construction parking,
- long-term use in study and TBD

Brenton Building Lot

- 25 spaces,
- short-term proposed renovation to serve as community entrance/short-term parking for Brenton Building and added green space.
- Long-term could be redeveloped as needed to serve site.

Large Surface Lot on hospital site (includes all surface parking spaces around hospital)

- 395 spaces,
- short-term can serve as needed but not specifically identified use.
- Long-term will be renovated as part of site's overall redevelopment.

Figure 6: Site Aerial

Process Overview

A community engagement process has been initiated to gather input on the Alpine-Balsam site and the potential development of city facilities. An open house was held on Sept 8th, 2016 to gather input on Community Vision and Goals for the project based on eight key questions identified below. Four follow up sessions were held as "pop-up" events to gather input from people out in the community. These were held on September 16th, 23rd, 30th and October 5th 2016 with an abbreviated set of questions. Finally, the full set of questions was formatted as an on-line questionnaire administered in October, and completed by over 350 people. Altogether, between the on-line and in person questionnaires, 511 people provided input that generated over 4,700 information points representing selected preferences and written comments. The work to date comprises the first phase of engagement, and will be followed by an additional round of input in January 2017. The community engagement process addressed the following questions:

Part 1: Community input on the Alpine-Balsam Neighborhood

1. What do you love about this neighborhood? What is missing?
2. What big ideas should guide the development of the Alpine-Balsam site?
3. What role do you see the Alpine-Balsam site playing in the city and/or community?
4. Detailed assessment: What do you love about this community that makes it safe, healthy & socially thriving, etc? And, what is missing? These questions align with the following categories in the Boulder Sustainability Framework, with the intent of encouraging participants to provide detailed input about the community that relates to the city's overarching planning goals:
    - Safe
    - Healthy & Socially Thriving
    - Livable
    - Accessible & Connected
    - Economically Vital
    - Environmentally Sustainable
5. Asset mapping: Identify places on the map that you love and tell us which of the categories from the Boulder Sustainability Framework correspond to each place.

Part 2: Community input on City Facilities

6. What is your vision for city facilities at Alpine-Balsam? Examples could include: Local Government as Convener and Collaborator, Welcoming and Inclusive Places, Efficiency and Cost-effectiveness, Making Services Easy to Access
7. Look at the example photos in each category and think about what you would like to see in the future… Which images do you like? And which do you dislike? Please comment to explain why.
    - Civic Buildings
    - Civic Infrastructure
    - Community Interaction Space
8. How do you engage with the City when… How can it be improved?
    - You are doing face-to-face business?
    - You want to contribute to civic affairs?

- You want to learn and gain inspiration?
- You want to be a mentor or volunteer?

Community Engagement Summary

The discussion that follows highlights the findings of the first phase of the community input process. The question numbers correlate with a detailed spreadsheet that is available on the Alpine-Balsam website including the full set of responses received. Each of these has been categorized to identify key themes. The numbers in parentheses following the category identify the number of times the topic was mentioned by a respondent in a written comment.

Part 1: Alpine-Balsam Site

General Assessment

Alpine-Balsam is a thriving community that has enthusiastic support from area residents. The neighborhood is described as one having "all of the conveniences of city life within walking distance" including shops, restaurants, medical services, a neighborhood school, and the North Boulder Park for recreation. There is a strong sense of a multi-generational community, and seniors in particular appreciate the proximity to medical care and transit options that reduces reliance on the automobile, and even supports car-free living for those that cannot drive or do not have a car. However, with the closing of the hospital there is a "concern that the neighborhood is losing vitality and declining." Community input strongly supports redevelopment of the Boulder Community Hospital site, with a mix of uses including office, residential, retail, arts and entertainment, and neighborhood commercial – especially food and dining options as these are currently in short supply. While the community prides itself on a walkable and bike friendly environment, they see a lot of room for improvement, particularly along the Broadway corridor where "cross walks have been eliminated and trees are missing." Questionnaire results also highlight a yearning for more community gathering space to meet friends and conduct community programming for "teens, seniors, families, like-minded hobbyists, etc." City office space is identified as a complementary use, with one respondent commenting that they "would love to see City of Boulder offices in that space - more employees would be great for business!"

Q1: What are your favorite places and things to do in this neighborhood?

- Shopping, food, community gathering (116 comments)
- Walkable (53 comments)
- NoBo park, hiking (53 comments)
- Biking (22 comments)
- Bus (6 comments)

Q2: What is missing?

- More food, dining options (48)
- Diverse affordable housing (39)

- City offices, community space (38)
- Additional retail/ fitness/ entertainment (37)
- Safe pedestrian and bike routes (21)
- Enhance park, open space, flood mitigation (18)
- Arts facilities, non-profit offices (16)
- Parking, EV charging (14)
- Transit options (3)

Ideas for Alpine-Balsam

When asked what ideas should guide the development of the Alpine-Balsam site and what role that site should play in the city and in the community the results were quite consistent. Community input identified the mixing of uses as key to success – with a desire for housing, office, retail and public spaces to all be part of the mix. Affordability is also top of mind, with a desire expressed for additional housing that provides diverse options for moderate and affordable housing, as well as continued support for strategies that create local jobs and reduce the cost of living. It is important to note that many of the affordable living concepts overlap with the mixed-use community hub concepts, with the idea that businesses provide local jobs, access to affordable food options, and reduced reliance on the automobile. Finally, there was a strong interest expressed in enhancing the existing neighborhood, which included concerns about safety as well as concerns about density and traffic.

Q3: What big ideas should guide the development of the Alpine-Balsam site? Ideas such as: Creating a built environment that is worthy of Boulder's natural setting; Setting audacious goals for Sustainability; Creating a multi-generational place; Promoting Health and Wellness; Enhancing the existing neighborhood

- Diverse affordable and moderate income housing options (60)
- Enhance the existing neighborhood / limit density and traffic (57)
- Civic space including city offices, space for meetings and events (44)
- Set audacious goals for Sustainable living (36)
- Integrate green space / enhance connection to park and goose creek flood resilience (34)
- Additional retail, mixed-use development (32)
- Promote health and wellness / walking and biking (30)
- Create a built environment worthy of its natural setting (27)
- Health Services for Vets, seniors, mental health, etc. (8)

Q4. What role do you see the Alpine-Balsam Site playing in the city and/or community?

- Community hub, gathering place **(38)**
- Pedestrian-oriented mixed use urban development **(35)**
- Family friendly place for arts, culture and play **(35)**
- Affordable housing – diverse with real middle class options **(34)**
- Consolidated city offices, services **(29)**
- Retail, neighborhood commercial **(21)**

- Model sustainable strategies **(10)**
- Preserve existing character / quiet neighborhood **(9)**
- Health provider **(4)**

Detailed Assessment

The community input that follows asks the question "what do you love about this neighborhood" as it contributes to each of the six Boulder Sustainability Framework categories that relate to physical design (the seventh category, "governance" is addressed by the questions in the following section on city facilities). The question is then asked again for each category to explore what is "missing" in the neighborhood. The results illuminate each topic area and also provide an interesting picture of community vision and goals when looked at collectively. Review of the results shows common themes emerging – walkability, neighborhood shops and the community spirit it engenders are most loved. The top three responses to the "what is missing" question consistently highlight the desire to stay in the community and to enhance those characteristics that they love – first is the need to ensure adequate supply of affordable and moderate housing (159 comments), then the desire to increase the mix of uses to create a vital community hub (157 comments), and third is the need for safe pedestrian crossings and pathways for bikes and pedestrians (118 comments). A detailed breakdown of the responses by Sustainability Framework category can be found on the Alpine-Balsam website.

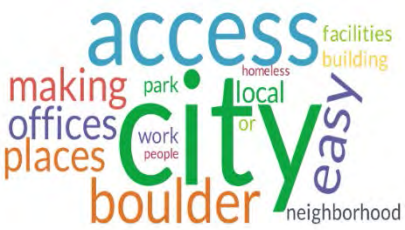
Part 2: City Facilities

General Assessment

This portion of the questionnaire was developed to focus specifically on how to best develop city facilities. While the first question focuses on city facilities at Alpine-Balsam, the others provide guidance that will be applied to all city facilities, including those in the Civic Area. Given the intensity of interest in mixed-use development and additional housing at Alpine-Balsam, those issues also showed up in the responses. Community space, art and culture were identified as preferred uses together with city offices in a moderately scaled mixed use project with affordable and moderate housing. The community input also seems to characterize city facilities as a beneficial use in general, especially when in combination with other community serving and civic uses, "not only serving city staff and business, but bringing in the neighborhood for cultural events, particularly the visual arts." Community members support high quality, inspiring sustainable buildings that are moderate in size, rather than a "big corporate building." Collaboration space for city offices should be developed to make it "an inviting space year around and definitely more than 9- 5pm." Shared use should be explored for all meeting rooms in facilities that "should be inclusive and encourage local residents to visit and spend time."

Q17: What is your vision for City Facilities at Alpine-Balsam? Examples could include: Enabling Local Government to be a Convener, Collaborator and Co-creator; Developing Welcoming and Inclusive places; Improving Efficiency and Cost-effectiveness; Making Services Easy to Access

- Affordable Housing (49)
- Walkable mixed-use development (43)
- Community Space, Art and Culture (38)
- Government Convener, Collaborator (26)
- Welcoming and Inclusive Places (26)
- Services Easy to Access (26)
- Efficient, Cost Effective City Facilities (21)
- Sustainable Leadership (11)
- Provide Adequate Parking (6)
- Protect Neighborhood Character, Limit Density (5)



Visual Preference Questionnaire

A visual preference questionnaire was developed to gather input through images rather than words, so that the character of the future place could be explored. Community members voted with either dots or clicks on the images they preferred and offered comments as to why the preferred the images as an optional task. The response was high with a total of 1,428 selected preferences and 206 comments on the three pages of images. The full set of images are available for review on the Alpine-Balsam website.

Civic Buildings

Like

- Balance of nature and development
- Effective use of outdoor space
- Small buildings that feel welcoming and inclusive
- More trees and green spaces!
- Mixed-use, in-fill developments that encourage pedestrian traffic
- A variety of building faces
- Integration of sustainable features such as solar energy into the design
- Warm materials that evoke nature

Dislike

- Sprawling indoor or outdoor environments that feel too suburban
- Insular, “corporate” looking buildings
- Large, monolithic structures that feel cold and unwelcoming
- Industrial, sterile aesthetics of glass and steel
- Spaces with no greenery

Civic Infrastructure

Like

- Natural, lush, green landscapes
- Water features
- Balanced level of density, mixed-use development, and cycling infrastructure
- Walking paths and/or multi-use paths incorporated into the design
- Green spaces not overly manicured
- Useful functional infrastructure such as bike parking

Dislike

- Spaces that are surrounded by concrete or paving with no connection to nature
- Large buildings that loom over public spaces
- Wasted money on “artistic” forms that are not functional and/or look dated
- Areas that are too focused on cars and discourage pedestrian activity

Community Gathering Spaces

Like

- Outdoor public spaces that are both beautiful and functional
- Great community spaces that encourage engagement and interaction
- Fun spaces for adults and families
- Open and welcoming public spaces
- Indoor/outdoor casual dining options including safe places for children to play
- Nice indoor spaces that aren’t exclusively focused on shopping

Dislike

- Spaces with no greenery
- Buildings, landscapes that look “dated”
- Public spaces that feel too institutional, industrial or suburban
- Streets that are too auto-focused
- Spaces and buildings that feel too “collegiate”

Engagement with the City

This set of questions asked about engagement with the city related to various modes of interaction from day-to-day business to civic participation, to personal enrichment and volunteering. As such they provided insight into how new facilities could support increased efficiency and effectiveness for the public as well as city employees. These questions generated a fairly high quantity of negative or challenging remarks – almost a quarter of the total – highlighting opportunities for improvement. Respondents expressed concern about their time being used well, if they had been given appropriate notice about events, and if the city was listening and responding. The biggest take-away is about communication and the powerful role it could play in building trust and strong partnerships between the city and the community. When evaluated collectively, the following themes were identified from the responses to the questions about how performance could be improved:

- City as an information center for events (37)
- Responsive, continuous communication with community (31)
- Enhance access to boost participation - co-locate services, extend hours, provide parking, bike access (28)
- Use more on-line communication, enable scheduling for face-to-face (27)
- Integrate community uses (26)
- Improve quality of meeting spaces (26)

A detailed breakdown of the responses by each question can be found on the Alpine-Balsam website.

Recognizing that successful markets don't happen overnight but evolve over time, staff worked with a consultant team to evaluate some preliminary options for an interim year-round indoor Market Hall.

The purpose of this exercise was to analyze the costs and benefits of two options that could function as an interim indoor market at the lowest possible cost range. The analysis is intended to deepen understanding of the order of magnitude costs and issues that would need to be addressed to carry out an interim phase, and to surface ideas that could be tested and benefits that could be accrued by implementing something in the near term.

The two options that were tested are:

1. **Re-purpose and "open up" a portion of the Atrium Building for an indoor Public Market** (approximately 6000 square feet), leaving a portion of the building (approximately 4000 square feet) as city offices. Under this option, slightly more than half of the interior would be opened up and restored to the building's original one to two story interior height, allowing light from the existing skylight to penetrate the space, creating the atrium effect for which the building is named. The estimated construction cost for Option 1 is $2.5 - $3 million. A detailed description and drawings of this option are provided here.

2. **Construct a Pavilion in the Park and provide indoor public restrooms in the nearby Atrium,** along with office and storage space for the market (approximately 3,200 square feet open air pavilion and 1,300 square feet of re-purposed indoor space across the street). Under this option, an open air Pavilion would be provided in the park, facing 13th Street and adjacent to the existing Farmers' Market. The Pavilion would function as an open air tent for most of the year (with under-tent lighting in the evening). During the winter months, fabric flaps would be rolled down and the space would be heated. It could be lit with festival lights and uses could spill out into the park. Vendors would move their goods in and out on a daily basis, with storage provided in the nearby Atrium building. The estimated construction cost for Option 2 is $750,000- $1 million. A detailed description and illustrations of this concept are provided here.

Both cost estimates assume public restrooms, access to water and electricity and include soft costs (design costs, contingencies and fees), but not costs for appliances, market stalls or for on-going operation and maintenance. As discussed in the 11/15/16 council memo, staff has not yet identified a source for capital funding for an interim or long-term market. Funds for operating would come-- at least in part-- from whoever manages the Market Hall, but those costs have not yet been analyzed for interim options[1].

The earliest that either option could happen would be early 2018 due to existing flood constraints, the logistics of relocating existing uses, and the need to secure funds for capital construction.

[1] Long term, it is anticipated the Public Market, would be-- at a minimum--operationally self-sustaining. See Market Hall Feasibility Report for estimated O&M costs long-term.

Summary and Next Steps

Due to the cost range of $1M - $3M for these options, it would be difficult to justify the financial outlay for either option unless the interim period is more than about 5 years (i.e., when initial costs amortized over time are not significantly more than the costs of leasing similar space during that timeframe[2]) or the structure is incorporated into the long term solution such that the initial investment is carried forward and not lost.

Public Market Hall consultant David O'Neil has reviewed both options and indicates that, notwithstanding cost considerations, Option 1 has the potential to be a good interim solution that meets the interim phase goals, including generating enthusiasm for a year round market and providing an indoor venue to test market hall ideas. The space is of sufficient size for a variety of vendors and activities as well as for a critical mass of individuals and groups to congregate. It is well placed to open out to the adjacent plaza and existing Farmers' Market.

Although Option 2 is significantly less costly than Option 1, David O'Neil indicates that it would not provide a fair test for a year round market hall, because of its limited size and lack of in-market storage space. It would require vendors to move their goods in and out of the Pavilion before opening and after closing each day. This would limit the number and types of vendors that would participate and would limit the number of days and/ or evenings that the market would be open. This option would limit innovation, and the smaller size would not provide the space needed for a critical mass of activity & uses or places for people to get together—both of which are critical components of a successful market. A larger pavilion is not feasible due to the locations of existing mature trees in the park.

Based on this preliminary cost- benefit analysis, these options will be refined and other options will be explored in collaboration with community partners and as part of the East Bookend planning process in 2017.

[2] Based on lease rates of similar space in this general area (but not including the Pearl St. Mall) of $25 - $35/ square feet, assuming 6,000 – 10,000 square feet and the estimated costs listed above for the Interim Market, Option 1 would pay for itself in approximately 7 – 12 years. However, since there is no other existing space of an appropriate size and configuration so proximate to the existing Farmers' Market, it is difficult to place a lease value on the Option 1 space. There are no spaces available for lease to compare to Option 2.

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		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
Climate and Energy	Energy Future and Associated Projects	Council	CC: Open Access Transmission Tariff			
			SS: Power Supply	SS (2): Rates, Energy Services, Power Supply	Project update	Project update
			Budget update	Budget update	Budget update	Budget update
		Staff Activities	Municipalization Transition Plan	Municipalization Transition Plan	Municipalization Transition Plan	Municipalization Transition Plan
	Climate Commitment	Council		SS: Review interim goals, targets and strategies		
		Staff Activities	Launch action plan	Energy system transformation; blue print convening	Implementation based on action plan	Implementation based on action plan
Housing/Land Use Planning	Comprehensive Housing Strategy (Housing Boulder)	Council	Briefing	SS (2)		
		Staff Activities	Housing Matters launch event, engagement activities	Draft strategy development	Implementation based on adopted strategy	Implementation based on adopted strategy
	Sustainable Streets and Centers/ East Arapahoe	Council	SS: Direction of preferred scenario	SS : Draft plan and action plan		
				Next Corridor - 30th St or Colorado		
		Staff Activities	Develop East Arapahoe action plan			
	Resilience	Council	SS	Direction or IP	Direction or IP	Direction or IP
		Staff Activities	Develop scoping plan	Strategy analysis and development	Strategy analysis and development	Strategy analysis and development
	Boulder Valley Comprehensive Plan	Council		SS	Direction or IP	Direction or IP
		Staff Activities	Issues identification	Strategy analysis and development	Strategy analysis and development	Strategy analysis and development
Transportation	Transportation Master Plan Implementation	Council	Update and coordinate with BVCP		Update and coordinate with BVCP	
		Staff Activities				
	Regional Travel	Council		Briefing		Briefing
		Staff Activities	Staff and elected official activities ongoing			
	Access Management and Parking Strategy (AMPS)	Council		SS : Review options & Update; including recommendations for TDM tool kit for new development	Council action on TDM Tool Kit for new development	Recommendations including planning code changes
						SS: Review options and update
		Staff Activities	Ongoing work plan in 7 focus areas	Ongoing work plan	Ongoing work plan	Ongoing work plan
			Alternatives analysis and specific option development		Specific option development/refinements	
			Joint Board workshop & public engagement		Joint Board workshop & public engagement	

City of Boulder
2015 Work Plan

(Tentative as of December 16, 2014)

	Project		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
Civic Area	**Civic Area Implementation**	**Council**	SS: Parkland Concepts Plan	CC: Approval of Concept Plan		
		Staff Activities	Outreach to community & partners; create delivery plan for spring, summer, fall events	Deliver spring events	Deliver summer activities and events	Review 2015 activation; compare lessons from 2014 and revise for 2016
			Draft of parkland concept plan options for public workshop, Boards, Council review	Board/Commission input on Concept Plan	Begin detailed design work on park improvements	Complete detailed design work for bidding
			Develop overall site master plan concepts, begin to formulate major capital projects	Initial feasibility planning on major capital projects	Continue to develop capital projects, identify potential partners, explore financing options	Continue to develop capital projects, identify potential partners, explore financing options
Local Food	**Sustainable Agriculture and Local Foods**	**Council**	IP and local meals for Council Pilot		Council consideration of Local Food Procurement Policy; Review and acceptance of Ag Resources Management Plan	Council consideration of Local Food Procurement Policy; Review and acceptance of Ag Resources Management Plan
		Staff Activities				
Livability	**University Hill Moratorium**	**Council**	SS: Review options		IP	
			CC: Public Hearing and Decision			
		Staff Activities	Recommendation & development of ordinances, changes and recommend other strategies to address Moratorium goals	Follow up on other strategies & coordination with Hill Reinvestment Strategy; incorporate strategies into other work plan		
			Board review & public engagement		Board review & public engagement	
	University Hill Reinvestment Strategy	**Council**		Direction on 14th Street redevelopment proposal		SS
				SS: Update on strategy		
		Staff Activities	Residential service district (RSD) pilot program	RSD pilot program	RSD pilot program	RSD pilot program
			Work plan implementation	Work plan implementation	Work plan implementation	On-going work plan implementation
			Establish benchmarks and evaluation criteria	Commercial district: Eco Pass Study & Commercial bear dumpsters	Implement volunteer program for clean up	Evaluate existing programs
				Integration of strategy recommendations from Moratorium	Research options for sustainable governance & funding	Develop options for sustainable governance & funding
			14th Street Lot public/private partnership redevelopment options re: work force affordable housing	14th Street Lot public/private partnership redevelopment options re: work force affordable housing		
			Stakeholder engagement	Stakeholder engagement	Stakeholder engagement	Stakeholder engagement
	Homeless Action Plan	**Council**	IP: 2014 Accomplishments	SS: As part of Human Services strategy update		IP - Services and Regional coordination update
		Staff Activities				
	Community Cultural Plan	**Council**	Council update and input on testing phase	Briefing	SS: Adoption of Community Cultural Plan	
		Staff Activities	Research phase complete. Drafting phase complete. Testing phase begins	Testing phase complete. Certification phase begins	Implementation begins. New public art policy drafting	Public Art Policy drafting

City of Boulder
2015 Work Plan

(Tentative as of December 16, 2014)

	Projects		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
Other	Boulder Junction	Council				
		Staff Activities	Ongoing redevelopment coordination	North Side of Pearl and Goose Creek bridge landscaping install. Bridge opens		Depot Square opens
	Capital Projects Activity	Council	Ongoing and Wastewater Collection System Rehabilitation program begins	Ongoing	SS: 2016-2021 CIP	Ongoing
		Staff Activities				
	CityWide Special Events	Council	Report on 2015 City Events			Summary of 2015 City Events
		Staff Activities	Implement new events application and internal review process	Refine systems as needed	Refine systems as needed	Improve events application for new online Landlinks System in 2016
	Community Broadband	Council	SS			SS
		Staff Activities	Broadband Action Group formation and consultant assessment	Consultant assessment continued	Consultant assessment continued	Present findings and recommendations
	Design Excellence	Council	SS: Staff Recommendations design tools/process changes	IP	CC: Draft recommendations/Adopt strategy	
		Staff Activities	Issues identification/ preliminary work on design tools/ process changes	Technical analysis /develop options	Draft recommendations	
			Public engagement	Boards/public engagement	Boards/public engagement	
	Flood-related Annexations	Council				
		Staff Activities	Flood Annexations - Individual	Flood Annexations - Old Tale Rd	Ongoing	Ongoing
	Human Services Strategy	Council		SS		Public Hearing
		Staff Activities				
	Flood Management	Council			IP: Stormwater Master Plan and Wastewater Collection System Master Plan consideration	
		Staff	Stormwater Master Plan and Wastewater Collection System Master Plan updates continue	Stormwater Master Plan and Wastewater Collection System Master Plan updates continue		
	Smoking Ban - Implementation	Council	CC: Second reading			
		Staff Activities	Education campaign	Enforcement begins	Monitor Outcomes	Monitor Outcomes
	Vacation Rental by Owner (VRBO)	Council	SS			
		Staff Activities	Research regulations and possible fees or taxes			

COUNCIL MEMBERS

Suzanne Jones	Mayor
Mary Young	Mayor Pro Tem
Matthew Appelbaum	Council Member
Aaron Brockett	Council Member
Jan Burton	Council Member
Lisa Morzel	Council Member
Andrew Shoemaker	Council Member
Sam Weaver	Council Member
Bob Yates	Council Member

COUNCIL EMPLOYEES

Thomas A. Carr	City Attorney
Jane S. Brautigam	City Manager
Linda P. Cooke	Municipal Judge

KEY STAFF

Mary Ann Weideman	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 – 2nd 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/9th and Canyon	Morzel, Young
Council Retreat Committee	Morzel, Yates
Council Employee Evaluation Committee	Morzel, Shoemaker
Housing Strategy Process Sub-Committee	Morzel, Young, Burton
Legislative Committee	Jones, Weaver, Appelbaum
School Issues Committee	Morzel, Shoemaker, Young

SISTER CITY REPRESENTATIVES

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

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	1013/16
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 Strate	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	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

DRAFT
2016 Study Session Calendar

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) Rezonng	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, Wetlannd, 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.**			

DRAFT
2016 Study Session Calendar

Special Meeting

DRAFT Meeting Agenda - 5:30 p.m. EARLY START
Thursday, November 10, 2016

10/27/2016	Thurs	Preliminary Materials Due
11/2/2016	Wed	Final Materials Due

Gray cells will be calculated for you. You do not need to enter anything in them.

Special Meeting DRAFT Calendar

Start	End	Min	Time	Item	PP	CAO	Contact
5:30 PM				**CALL TO ORDER AND ROLL CALL**			
				PUBLIC HEARINGS			
5:30 PM	6:15 PM		0:45	Address public request for change to BVCP land use map or area designation for 3rd Street only (Blue Line)	Y	N	L Ellis/E Richardson
6:15 PM	8:15 PM		2:00	Concept Plan Review -1550 Eisenhower - East Pointe Apartments- (moved from Nov 1)	Y	N	Elaine McLaughlin/E Richardson
8:15 PM	8:45 PM		0:30	1st Reading Short Term Rentals Ordinance- (moved from Dec 6)	Y	Y	T Carr/M Bisset
				MATTERS FROM CITY MANAGER			
8:45 PM	9:30 PM		0:45	Discussion of the new Public Art Policy- HOLD for agenda request (moved from Dec 6)	Y	N	Matt Chasansky, Maureen Malone
		Total	**4:00**	**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.**			

DRAFT
2016 Study Session Calendar

City Council Meeting

DRAFT Meeting Agenda - 6 p.m.

Tuesday, November 15, 2016

11/3/2016		Preliminary Materials Due
11/9/2016		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				**CALL TO ORDER AND ROLL CALL**			
6:00 PM	6:45 PM	45 min	0:45	**OPEN COMMENT AND COUNCIL/STAFF RESPONSE**			
6:45 PM	7:00 PM	15 min	0:15	**CONSENT AGENDA**			
				1st Rdg for Final Adjustment to Base	N	N	
				Resolutions to provide emergency services to certain annexed properties			Carey Markel/L Thompson
				1st Reading Marijuana Code Changes	N	Y	Kathy Haddock/L Thompson
				Consideration of a motion to approve the City's 2017 State and Federal Legisative agenda	N	N	Carl Castillo/D Marshall
				1st Reading/ Emergency Ord for BRC Supplement 129 to codify ordinances July-Sept 2016	N	Y	Mary Wallace
				1st Reading vacating public right-of-way dedicated for North 20th Street adjacent to the property at 2010 Upland Avenue.	N	N	S. Walbert/E. Richardson
7:00 PM	7:05 PM	5 min	0:05	**CALL-UP CHECK IN**			
				PUBLIC HEARINGS			
7:50 PM	9:20 PM	90 min	1:30	2nd Rdg of Development Related Impact Fees and Excise Taxes	Y	Y	Chris Meschuk/E Richardson
		? Min		9th & Broadway Civic Area- Floodplain Development Permit and a Stream, Wetlannd, and Water Body Permit	Y		Jessica Stevens/C Seaton
		20 min	0:20	Ryan II OSMP Acquisition	Y	N	Luke McKay/Cecil Fenio
		30 min	0:30	2nd Reading Ordinance 8143 transfer of open space land to another department	Y	Y	Janet Michaels/M Bissett
				MATTERS FROM CITY MANAGER			
		60 min	1:00	Alpine-Balsam Project: Urban Design Framework and Site Analysis	Y	N	Joanna Crean/E Richardson
		60 min	1:00	Civic Area - Public Market Update-	Y	N	Joanna Crean/E Richardson
				MATTERS FROM CITY ATTORNEY			
				MATTERS FROM MAYOR AND MEMBERS OF COUNCIL			
		15 min	0:15	Mayor Pro Tem Nominations and Election			
				CALL-UPS			
Total			**5:40**	**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.**			

City Council Meeting

DRAFT Meeting Agenda - 6 p.m.

Tuesday, December 6, 2016

11/22/2016	Tues	Preliminary Materials Due - Early Because of Holiday
11/30/2016		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**			
				Final Adjustment to 2016 CAGID Budget			Peggy Bunzli/Devin Billingsley
				2nd Reading of Final Adjustment to Base- COB			Peggy Bunzli/Devin Billingsley
				Final Adjustment to 2016 UHGID Budget			Peggy Bunzli/Devin Billingsley
				2nd Reading Short-Term Rental Ordinance Changes	N	Y	T Carr/H Hayward
				Accept the Resilience Strategy- (removed from Nov 15) HOLD -please submit Agenda Request			G Guibert/A. Large
				Study Session Summary for October 25 regarding 30th and Pearl Redevelopment Options			Eric Ameigh/E. Richardson
				Study Session Summary for October 25 Middle Income Housing Strategy Subcommittee Report			Kurt Firnhaber/Emily Richardson
7:05 PM	7:10 PM	5 min	0:05	**CALL-UP CHECK IN**			
				PUBLIC HEARINGS			
7:10 PM	7:55 PM	45 min	0:45	2nd Rdg Marijuana Code Changes	Y	Y	K Haddock/ L Thompson
7:55 PM	9:25 PM	90 min	1:30	3rd Reading Cooperative Housing Ordinance	Y	Y	T Carr/H Hayward
9:25 PM	9:40 PM	15 min	0:15	2nd Reading vacating public right-of-way dedicated for North 20th Street adjacent to the property at 2010 Upland Avenue.	Y	N	S. Walbert/E. Richardson
				MATTERS FROM CITY MANAGER			
9:40 PM	10:10 PM	30 min	0:30	Boulder Measure Update and Pilot Phase- update from Community Dashboard Bold Measures			Chris Trice, Tanya Ange
10:10 PM	10:40 PM	30 min	0:30	Climate Commitment Strategy Document final approval	Y	N	Brett KenCairn/E Richardson
				MATTERS FROM CITY ATTORNEY			
				MATTERS FROM MAYOR AND MEMBERS OF COUNCIL			
				CALL-UPS			
Total			**4:40**	**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.**			

DRAFT
2016 Study Session Calendar

Special Meeting

DRAFT Meeting Agenda - 6 p.m.

Tuesday, December 13, 2016

12/1/2016		Preliminary Materials Due
12/7/2016		Final Materials Due

Gray cells will be calculated for you. You do not need to enter anything in them.

Special Meeting DRAFT Calendar

Start	End	Min	Time	Item	PP	CAO	Contact
6:00 PM				**CALL TO ORDER AND ROLL CALL**			
				PUBLIC HEARINGS			
6:00 PM	7:00 PM	60 min	1:00	(Continued public hearing for deliberation- no new testimony taken.) Consideration of a motion to approve BVCP land use change initiated by public request for 3rd Street (Blue Line)			
7:00 PM	11:00 PM	240 min	4:00	Nablus Sister City Application			
				ADJOURNMENT			
		Total	**5:00**	**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.**			

DRAFT

2016 Study Session Calendar

Date	Topic	Time	Location	Contacts
Thurs 11/10/2016	Special Meeting- See Master Calendar CC Meetings	6 p.m.	Chambers	
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	?
	Updated and discussion of the Resilience Strategy-	6-7 p.m.	Chambers	G. Guibert/A. Large
	Renewed Vision for Transit Update	7-9 p.m.	Chambers	Randall Rutsch/M Schleske
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
12/27/16	No Meeting- Christmas Week			
Moved/Changed Items	Update Regarding Community Survey	6:00 - 6:15	Chambers	Patrick von Keyserling
	Residential and Commercial Energy Codes: Long Term Strate	7:45 - 9:15	Chambers	Kendra Tupper/M Melton
	Check in for 100 Resilient Cities	7:30-9:00	Chambers	Greg Guibert/Dianne Marshall
	Briefing - Community Dashboard	5:30-6:00	Chambers	Chris Trice/Tanya Ange
	Middle Income Housing Strategy Subcommittee Report	8-9:00	Chambers	David Driskell/M Melton
	Community Perception Assessment Report	6:00-7:30	Chambers	Tammye Burnette/D Marshall
	Human Services Strategy Draft	7:30-9:00	Chambers	Karen Rahn, Corina Marin
	Framework for Lease Negotiations (BMoCA and the Dairy Arts	6:00-7:30	Chambers	Joe Castro/Celia Seaton
	AMPS and CAGID Development Projections	7:30-9:00	Chambers	Jay Sugnet/Ruth Weiss
	Development Related Impact Fees and Excise Tax	8:30-10	Chambers	Chris Meschuk

City Council Meeting

DRAFT Meeting Agenda - 6 p.m.

Tuesday, December 6, 2016

11/22/2016	Tues	Preliminary Materials Due - Early Because of Holiday
11/30/2016		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**			
				Final Adjustment to 2016 CAGID Budget			Peggy Bunzli/Devin Billingsley
				2nd Reading of Final Adjustment to Base- COB			Peggy Bunzli/Devin Billingsley
				Final Adjustment to 2016 UHGID Budget			Peggy Bunzli/Devin Billingsley
				2nd Reading Short-Term Rental Ordinance Changes	N	Y	T Carr/H Hayward
				Accept the Resilience Strategy- (removed from Nov 15) HOLD -please submit Agenda Request			G Guibert/A. Large
				Study Session Summary for October 25 regarding 30th and Pearl Redevelopment Options			Eric Ameigh/E. Richardson
				1st Reading 1345 Spruce-Landmark Designation	N	N	James Hewat/Emily Richardson
				1st Reading 4750 Broadway -Landmark Designation	N	N	James Hewat/Emily Richardson
				1st Reading 2061 Bluff Street- Landmark Designation	N	N	James Hewat/Emily Richardson
				Study Session Summary for October 25 Middle Income Housing Strategy Subcommittee Report			Kurt Firnhaber/Emily Richardson
7:05 PM	7:10 PM	5 min	0:05	**CALL-UP CHECK IN**			
				PUBLIC HEARINGS			
7:10 PM	8:10 PM	60 min	1:00	2nd Reading Marijuana Code Changes	Y	Y	K Haddock/ L Thompson
8:10 PM	9:40 PM	90 min	1:30	3rd Reading Cooperative Housing Ordinance	Y	Y	T Carr/H Hayward
9:40 PM	9:55 PM	15 min	0:15	2nd Reading vacating public right-of-way dedicated for North 20th Street adjacent to the properties at 2010 Upland Avenue and 4270 19t Street	Y	N	S. Walbert/E. Richardson
				MATTERS FROM CITY MANAGER			
9:55 PM	10:40 PM	45 min	0:45	Climate Commitment Strategy Document final approval	**Y**	**N**	Brett KenCairn/E Richardson
10:40 PM	11:20 PM	30 min	0:30	Boulder Measure Update and Pilot Phase- update from Community Dashboard Bold Measures			Chris Trice, Tanya Ange
				MATTERS FROM CITY ATTORNEY			
				MATTERS FROM MAYOR AND MEMBERS OF COUNCIL			
				CALL-UPS			
				1735 Mapleton Ave- Landmark Designation			James Hewat/Emily Richardson
Total			**5:10**	**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.**			

DRAFT
2016 Study Session Calendar

Special Meeting

DRAFT Meeting Agenda - 6 p.m.

Tuesday, December 13, 2016

12/1/2016		Preliminary Materials Due
12/7/2016		Final Materials Due

Gray cells will be calculated for you. You do not need to enter anything in them.

Special Meeting DRAFT Calendar

Start	End	Min	Time	Item	PP	CAO	Contact
6:00 PM				**CALL TO ORDER AND ROLL CALL**			
				PUBLIC HEARINGS			
6:00 PM	7:00 PM	60 min	1:00	(Continued public hearing for deliberation- no new testimony taken.) Consideration of a motion to approve BVCP land use change initiated by public request for 3rd Street			
7:00 PM	11:00 PM	240 min	4:00	Nablus Sister City Application			
				ADJOURNMENT			
Total			**5:00**	**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.**			

2017 Master Calendar

Date	Topic	Time	Location	Contacts	Materials Due
	Inlcusionary Housing 101 and Affordable Housing Financing 101- (Please submit agenda request)	**5:30-7**	**Chambers**	**Housing**	**12/29/16**
Tues, Jan10	**Pre-Retreat -** Staff Report on Community, Culture, Safety Tax (2A)	7-8:30 p.m.	Chambers	Joel Wagner/ E Lazarevska	12/29/16
	Pre-Retreat - B & C Letters	8:30-9:30 p.m.	Chambers		**12/29/16**
Fri, Sat, Jan 20-21	**COUNCIL RETREAT**	Fri-6-10 p.m./Sat 8-5 p.m.	TBD	Lynnette Beck	
Tues, Jan 24	Joint Study Session w Planning Board for BVCP update	6:00-9:00 p.m.	Chambers	Lesli Ellis/E Richardson	01/12/17
Tues, Jan 31	Review and Potential Updates of the City's Investment Policy (move to a CC Feb meeting)	to be moved	Chambers	Cheryl Pattelli	01/19/17
	State Demographics including Climate Change- Guest Speaker (submit Agenda request)	6-7 p.m.			01/19/17
	Economic Vitality Finance Session	7-8 p.m.			01/19/17
	Report on Head Tax	9-10 p.m.			01/19/17
Tues, Feb 14	Human Services Strategy Draft	6:00-9:00 p.m.	Chambers	Patrick Mulcrone/Corina Marin	02/02/17
Tues, Feb 28	Update on Alpine-Balsam Project	6-9 p.m.	Chambers	Joanna Crean/Holly Opansky	02/16/17
Thurs Mar 9	Boards and Commissions Interviews (Thursday)	6:00-9:00 p.m.	1777 West	Heidi Leatherwood	
Tues Mar 14	Boards and Commissions Interviews in lieu of this Study Session	6:00-9:00 p.m.	1777 West	Heidi Leatherwood	
Thurs Mar 16	Boards and Commissions Interviews (Thursday)	6:00-9:00 p.m.	1777 West	Heidi Leatherwood	
Mon- Fri, Mar 27-31	No Meetings				
Tues, Apr 11	**SISTER CITY ANNUAL DINNER**	5:30-7:00 p.m.	Lobby	City Clerk's Office- Heidi Leatherwood	3/30/2017
	TMP Implementation Check-in	7:00-8:30 p.m.	Chambers	Randall Rutsch/Meredith Schleske	
Tues, Apr 25	Budget and Revenue Review Update	6:00-7:30 p.m.	Chambers	Devin Billingsly	04/13/17
		7:30-9 p.m.			
Tues, May 9					04/27/17
Tues, May, 23					05/11/17
		6:00-9:00 p.m.	Chambers		
Tues, May 30	HOLD for special meeting or other	6:00-9:00 p.m.	Chambers		05/18/17
Tues, Jun 13					06/01/17
		6:00-9:00 p.m.	Chambers		
Tues, Jul 11					06/29/17
		6:00-9:00 p.m.	Chambers		
A					
Tues, Jul 25					07/13/17
		6:00-9:00 p.m.	Chambers		
Tues, Aug 8					07/27/17
Tues, Aug 22					08/10/17
Tues, Aug 29	HOLD for special meeting or other	6:00-9:00 p.m.	Chambers		08/17/17
Tues, Sep 12					08/31/18
		6:00-9:00 p.m.	Chambers		
Tues, Sep 26		6:00:9:00 p.m.	Chambers		09/14/17
Tues, Oct 10					09/28/18
		6:00-9:00 p.m.	Chambers		

2017 Master Calendar

Tues, Oct 24		6:00 - 9:00 p.m.	Chambers		10/12/17
Tues, Oct 31	HOLD for special meeting or other	6:00-9:00 p.m.	Chambers		10/19/17
Tues, Nov 14					11/02/17
		6:00-9:00 p.m.	Chambers		
Tues, Nov 28					11/16/17
		6:00-9:00 p.m.	Chambers		
Tues, Dec 12		6:00-9:00 p.m.	Chambers		11/30/17
Tues, Dec 26	NO MEETING				

City Council Meeting

DRAFT Meeting Agenda - 6 p.m.

Tuesday, January 3, 2017

12/22/2016		Preliminary Materials Due
12/28/2016		Final Materials Due

Economic Vitality Finance Se hambe 1/19/2017
Report on Head Tax 1/19/2017

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
				CALL TO ORDER AND ROLL CALL			
6:00 PM	6:45 PM		0:45	**OPEN COMMENT AND COUNCIL/STAFF RESPONSE**			
6:45 PM	7:00 PM		0:15	**CONSENT AGENDA**			
				Study Session Summary for Transportation Master Plan Progress report- focus on renewed vision for transit	N	N	R Rutsch/M Schleske
				1st Reading 3303 Broadway Rezoning	N	N	S Walbert/E Richardson
7:00 PM	7:05 PM		0:05	**CALL-UP CHECK IN**			
				PUBLIC HEARINGS			
7:05 PM	7:20 PM	15 min	0:15	2nd Reading 1345 Spruce- Landmark Designation	Y	N	James Hewat/Emily Richardson
7:20 PM	7:35 PM	15 min	0:15	2nd Reading 4750 Broadway- Landmark Designation	Y	N	James Hewat/Emily Richardson
7:35 PM	7:50 PM	15 min	0:15	2nd Reading 2061 Bluff Street- Landmark Designation	Y	N	James Hewat/Emily Richardson
7:50 PM	8:15 PM	30 min	0:30	2nd Reading for Bear Trash Ordinance	Y	Y	T Carr/M Bisset
				MATTERS FROM CITY MANAGER			
8:15 PM	10:15 PM	120 min	1:20	Community Broadband Recommendations	Y	N	Don Ingle
10:15 PM	11:00 PM	45 min	0:45	approval of Management Agreement with St. Julien Partners LLC for Civic Use Space	Y	N	E Ameigh/ E Richardson
11:00 PM	11:45 PM	45 min	0:45	Community Survey Results	Y	N	Patrick von Keyserling
				MATTERS FROM CITY ATTORNEY			
				MATTERS FROM MAYOR AND MEMBERS OF COUNCIL			
				CALL-UPS			
				3303 Broadway- Site Review			
		Total	**5:10**	**If adding your item would bring the total estimated time to over 5 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.**			

City Council Meeting

DRAFT Meeting Agenda - 6 p.m.

Tuesday, January 17, 2017

1/5/2017		Preliminary Materials Due
1/11/2017		Final Materials Due
	Chamber	1/19/2017
Economic Vitality Finance		1/19/2017
Report on Head Tax		

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
				CALL TO ORDER AND ROLL CALL			
				OPEN COMMENT AND COUNCIL/STAFF RESPONSE			
				CONSENT AGENDA			
				CALL-UP CHECK IN			
				PUBLIC HEARINGS			
		60 min		2nd Reading 3303 Broadway Rezoning	Y	Y	S Walbert/E Richardson
		60 min		Possible Public Hearing for call up of 3303 Broadway Site Review (from the January 3 meeting)	Y	N	S Walbert/E Richardson
				MATTERS FROM CITY MANAGER			
				MATTERS FROM CITY ATTORNEY			
				MATTERS FROM MAYOR AND MEMBERS OF COUNCIL			
				CALL-UPS			
Total			**0:00**	**If adding your item would bring the total estimated time to over 5 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.**			

City Council Meeting

DRAFT Meeting Agenda - 6 p.m.

Tuesday, February 7, 2017

1/26/2017		Preliminary Materials Due
2/1/2017		Final Materials Due
		1/19/2017
Economic Vitality Finance S	hambe	1/19/2017
Report on Head Tax		

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
				CALL TO ORDER AND ROLL CALL			
				State of the City Presentation	**Y**	**N**	P von Keyserling
				OPEN COMMENT AND COUNCIL/STAFF RESPONSE			
				CONSENT AGENDA			
				CALL-UP CHECK IN			
				PUBLIC HEARINGS			
		60 min		Bear Canyon Creek Flood Mitigation Plan	Y	N	Christin Shepherd/Celia Seaton
				MATTERS FROM CITY MANAGER			
		90 min		Framework for Lease Negotiations (BMoCA and The Dairy Arts Center)	Y	?	J Castro/C Seaton
				MATTERS FROM CITY ATTORNEY			
				MATTERS FROM MAYOR AND MEMBERS OF COUNCIL			
				CALL-UPS			
Total			**0:00**	**If adding your item would bring the total estimated time to over 5 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.**			

DRAFT
2016 Study Session Calendar

City Council Meeting

DRAFT Meeting Agenda - 6 p.m.

Tuesday, February 21, 2017

2/9/2017		Preliminary Materials Due
2/15/2017		Final Materials Due
	Shambe	1/19/2017
Economic Vitality Finance S		1/19/2017
Report on Head Tax		

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
				CALL TO ORDER AND ROLL CALL			
				OPEN COMMENT AND COUNCIL/STAFF RESPONSE			
				CONSENT AGENDA			
				Study Session Summary for BVCP Update from Jan 24th			L Ellis/E Richardson
				1st Reading Supplemental Appropriation for Community, Culture and Safety Tax (2A)			Devin Billingsly
				CALL-UP CHECK IN			
				PUBLIC HEARINGS			
				MATTERS FROM CITY MANAGER			
				MATTERS FROM CITY ATTORNEY			
				MATTERS FROM MAYOR AND MEMBERS OF COUNCIL			
				CALL-UPS			
Total			**0:00**	**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.-- NO NEW ITEMS**			

DRAFT
2017 Agenda Calendar

City Council Meeting

DRAFT Meeting Agenda - 6 p.m.

Tuesday, March 7, 2017

2/23/2017		Preliminary Materials Due
3/1/2017		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
				CALL TO ORDER AND ROLL CALL			
				OPEN COMMENT AND COUNCIL/STAFF RESPONSE			
				CONSENT AGENDA			
				CALL-UP CHECK IN			
				PUBLIC HEARINGS			
		40 min		Update on Bills introduced in the Colorado Assembly and consideration of a motion to revise the City's 2017 State and Federal Legislative Agenda			Carl Castillo/Dianne Marshall
				MATTERS FROM CITY MANAGER			
				MATTERS FROM CITY ATTORNEY			
				MATTERS FROM MAYOR AND MEMBERS OF COUNCIL			
				CALL-UPS			
		Total	**0:00**	**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.-- NO NEW ITEMS**			

DRAFT
2016 Study Session Calendar

City Council Meeting

DRAFT Meeting Agenda - 6 p.m.

Tuesday, March 21, 2017

3/9/2017		Preliminary Materials Due
3/15/2017		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
				CALL TO ORDER AND ROLL CALL			
				OPEN COMMENT AND COUNCIL/STAFF RESPONSE			
				CONSENT AGENDA			
				Study Session Summary from Feb 28, 2017 regarding the Update on Alpine-Balsam Project	N	N	Joanna Crean/Holly Opansky
				CALL-UP CHECK IN			
				PUBLIC HEARINGS			
				MATTERS FROM CITY MANAGER			
				MATTERS FROM CITY ATTORNEY			
				MATTERS FROM MAYOR AND MEMBERS OF COUNCIL			
				CALL-UPS			
Total			**0:00**	**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.-- NO NEW ITEMS**			

TO: Mayor and Members of City Council

FROM: Jordan Matthews, City Clerk's Office

DATE: November 15, 2016

SUBJECT: Information Packet

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1. **CALL UPS**
   A. **Call-Up Item:** Concept Plan Review, 1600 Broadway (LUR2016-00070)
   B. Landmark Alteration Certificate application to relocate existing accessory building at 1735 Mapleton Ave. so that the building and overhangs do not encroach into the alley per Section 9-11-18 of the Boulder Revised Code 1981 (HIS2016-00257). **This Landmark Alteration Certificate is subject to City Council call-up no later than November 15, 2016.**
   C. **Call-Up Item:** Amendment to the North Boulder Right-of-Way Plan in the North Boulder Subcommunity Plan for the deletion of N. 20th Street between Upland and Tamarack Avenues, adjacent to the properties at 2010 Upland Ave. and 4270 19th St.

2. **INFORMATION ITEMS**
   A. Boulder's Energy Future – Transition Plan and Budget Update
   B. Housing and Community Development Program Funding Allocations, including Affordable Housing Fund, Community Housing Assistance Program, and Community Development Block Grant
   C. Youth Sports Leagues and Outreach to Lower Income Households
   D. Youth Sports Leagues – Access to City Sports Fields

3. **BOARDS & COMMISSIONS**
   A. Environmental Advisory Board – October 5, 2016
   B. Open Space Board of Trustees – October 26, 2016

4. **DECLARATIONS**
   A. Dysautonomia Awareness Month – October, 2016
   B. Small Business Saturday – November 26, 2016

INFORMATION PACKET MEMORANDUM

To: Mayor and Members of City Council

From: Jane S. Brautigam, City Manager
David Driskell, Executive Director of Planning, Housing + Sustainability
Susan Richstone, Deputy Director for Planning
Charles Ferro, Development Review Manager
Shannon Moeller, Planner II

Date: November 15, 2016

Subject: Call-Up Item: Concept Plan Review, 1600 Broadway (LUR2016-00070)

EXECUTIVE SUMMARY

On November 3, 2016 the Planning Board reviewed and commented on the above-referenced application. City Council may vote to call-up the Concept Plan to review and discuss within 30 days of the Planning Board hearing. The call up period concludes on December 5, 2016 (because the thirty-day period falls on a Saturday, the call up period concludes the following Monday). City Council call-up consideration within this time period is on November 15, 2016.

The staff memorandum to Planning Board, minutes, meeting audio, and the applicant's submittal materials along with other related background materials are available on the city website for Planning Board, follow the links: *www.bouldercolorado.gov* ➔ *A to Z* ➔ *Planning Board* ➔ *Search for Past Meeting Materials - Planning Board* ➔ *2016* ➔ *11 NOV* ➔ *11.03.16* ➔ *11.03.2016 PB Packet*. The Planning Board packet for this item is provided in Attachment A. The draft minutes from the Planning Board hearing are provided in Attachment B.

The Concept Plan presented to Planning Board was for redevelopment of a 0.54 acre-property, involving removal of two commercial buildings, development of a new 41,606 square-foot hotel building with 73 hotel rooms, and installation of an underground parking structure. Preliminary consideration of a rezoning from Business – Transitional 2 (BT-2) to Downtown – 3 (DT-3) or similar zoning district was also discussed.

At the Planning Board Hearing, there were no neighborhood comments, and no comments were received before or after the meeting. The Planning Board generally found the proposal was inconsistent with several Boulder Valley Comprehensive Plan (BVCP) policies and generally did not support an incremental rezoning, BVCP land use map change, and height modification for this site.

However, some board members expressed support for potential increased height and density in this area of the city as part of a more comprehensive planning approach to the Broadway corridor. Board members provided helpful feedback on the land uses and project design, including recommendations to enliven the pedestrian experience by providing ground floor uses such as retail and dining, take advantage of the open space at the rear of the site, and revise the building massing and architecture to better respond to the site context. The board requested that if the proposal moves forward, it should return to the board with an additional Concept Plan application.

Consistent with land use code Section 9-2-13(a)(2), B.R.C. 1981 City Council shall vote to call up the application to review and comment on the concept plan within a 30-day call up period which expires on December 5, 2016.

ATTACHMENT

A. 1600 Broadway Planning Board Packet
B. Draft November 3, 2016 Planning Board Minutes

C I T Y O F B O U L D E R
PLANNING BOARD AGENDA ITEM
MEETING DATE: November 3, 2016

AGENDA TITLE:
Public hearing for consideration of a Concept Plan proposal (LUR2016-00070) to redevelop the site at 1600 Broadway, an approximately 0.54 acre-property, involving removal of two commercial buildings, development of a new 41,606 square-foot hotel building with approximately 73 hotel rooms, and installation of an underground parking structure. Preliminary consideration of a rezoning from Business – Transitional 2 (BT-2) to Downtown – 3 (DT-3) is also proposed.

Applicant: Julie Eck, Davis Partnership Architects
Property Owner: Stephen D. Tebo

REQUESTING DEPARTMENT:
Planning, Housing & Sustainability
David Driskell, Executive Director
Susan Richstone, Deputy Director
Charles Ferro, Land Use Review Manager
Shannon Moeller, Planner II

OBJECTIVE:
1. Hear applicant and staff presentations
2. Hold public hearing
3. Planning Board to ask questions of applicant, the public and staff
4. Planning Board discussion of Concept Plan. No action is required by Planning Board.

SUMMARY:

Proposal:	Concept Plan review and comment for the proposed redevelopment of the site at 1600 Broadway, an approximate 0.54 acre-property, involving removal of two commercial buildings, a new 41,606 square-foot hotel building with approximately 73 hotel rooms, and installation of an underground parking structure. Preliminary consideration of a rezoning from Business – Transitional 2 (BT-2) to Downtown – 3 (DT-3) is also proposed.
Project Name:	Boulder University Inn Expansion
Location:	1600 Broadway
Size of Property	0.54 acre
Zoning:	BT-2 (Business – Transitional 2)
Comprehensive Plan:	Transitional Business

I. INTRODUCTION AND BACKGROUND

PROCESS

Per Section 9-2-14, B.R.C. 1981, the project requires Concept Plan review and comment, because the project exceeds 30,000 square feet of floor area. The Concept Plan is an opportunity for the applicant to receive comments from the community about the proposed plan before moving forward. "Concept Plan Review and Comment" requires staff review and a public hearing before the Planning Board. Planning Board, staff and neighborhood comments made at public hearings are intended to be advisory comments for the applicant to consider prior to submitting any detailed Site Review documents.

BACKGROUND

Site Context

As shown in Figure 1, the site is roughly .54 acres in size and is located at the northeast corner of Broadway and Marine Street. The site is developed with existing structures containing Khow Thai Café and DP Dough. Demolition of the two buildings was approved by the Landmarks Design Review Committee (LDRC) in 2016. The remainder of the site consists largely of paved areas and some vegetation. The site generally slopes downward to the northeast toward Boulder Creek and backs to an alley, a multi-use path, open space, and Boulder High School fields to the east; and is bordered by other commercial properties to the north. As shown in the context photos in Figure 2, buildings in the

Figure 1 - Vicinity Map

Figure 2 – Context Photos

immediate vicinity on the east and west side of Broadway are generally one and two story, with the exception of the nearby nonconforming four story apartments on the west side of Broadway.

The site is located outside of the Central Area Improvement District (CAGID) and is not subject to the Downtown Design Guidelines. A portion of the northern lot is impacted by the 500-year floodplain, as shown in Figure 3.

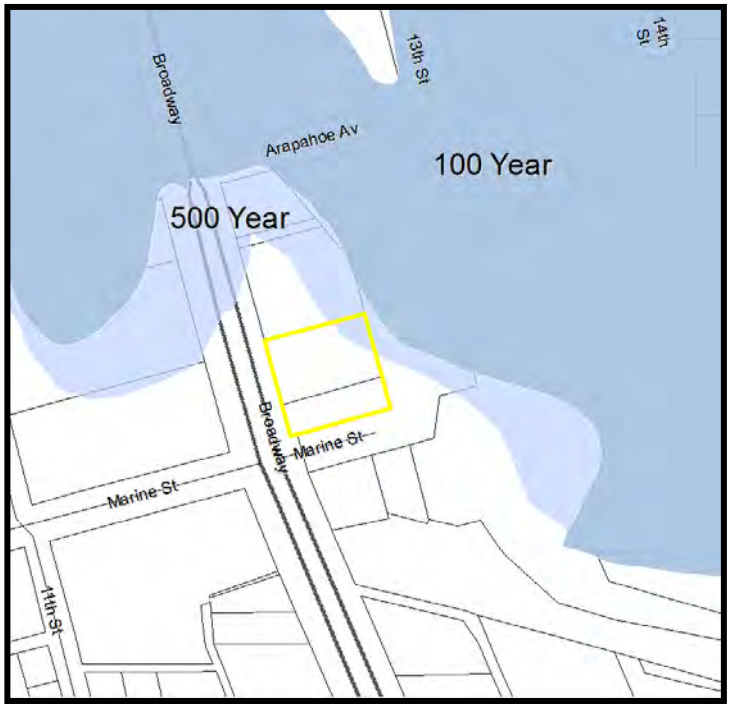

Figure 3 – Floodplain Map

BVCP Land Use Designation

The Boulder Valley Comprehensive Plan (BVCP) designates the site as Transitional Business (see Figure 4). Per the BVCP Land Use Map description: "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."

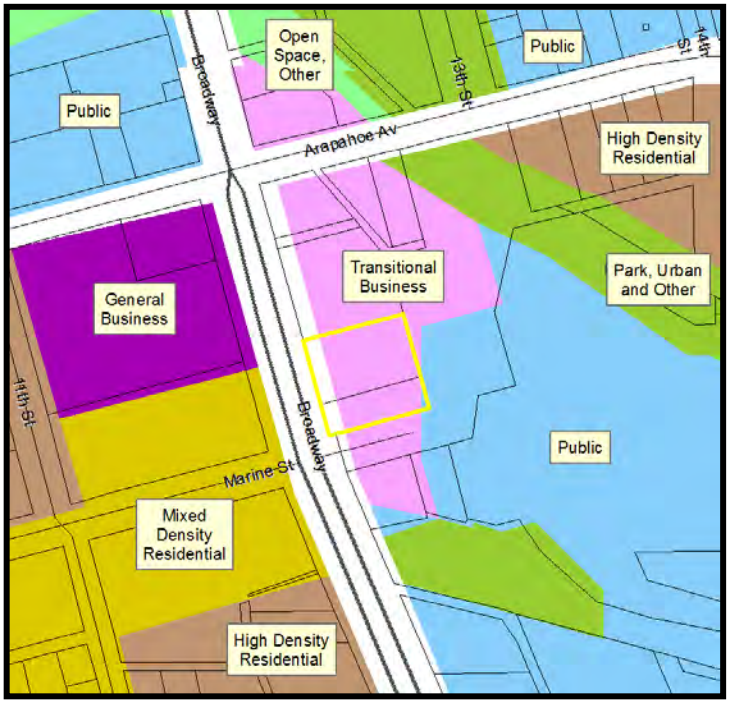

Figure 4 – BVCP Land Use Map

Zoning

The project site is zoned BT-2, Business - Transitional 2 (see Figure 5). Section 9-5-2(c)(2)(E), B.R.C. 1981 describes the district 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."* Motels and hotels require a Use Review in this zoning district.

The applicant is proposing to rezone the site to DT-3, Downtown - 3. Section 9-5-2(c)(3)(A), B.R.C. 1981 describes the DT-3 district as *"a transition area between the downtown and the surrounding residential areas where a wide range of retail, office, residential, and public uses are permitted. A balance of new development with the*

maintenance and renovation of existing buildings is anticipated, and where development and redevelopment consistent with the established historic and urban design character is encouraged." Motels and hotels require a Use Review in this district, as well.

Figure 5 – Zoning Map

II. PROJECT DESCRIPTION SUMMARY

The applicant is requesting feedback on the following proposal:

- Construction of a 41,606 square-foot hotel with 73 rooms and underground parking;
- Modification to the permitted height and number of stories for a proposed 48-foot, four story building;
- Modification to the setbacks, including a proposed 5' front yard setback from Broadway and a 20' rear yard setback;
- An overall proposed 1.74 FAR (Floor Area Ratio);
- Preliminary consideration of a rezoning from Business – Transitional 2 (BT-2) to Downtown – 3 (DT-3).

A conceptual site plan showing the building location, site circulation, and nearby transportation connections is shown in Figure 6.

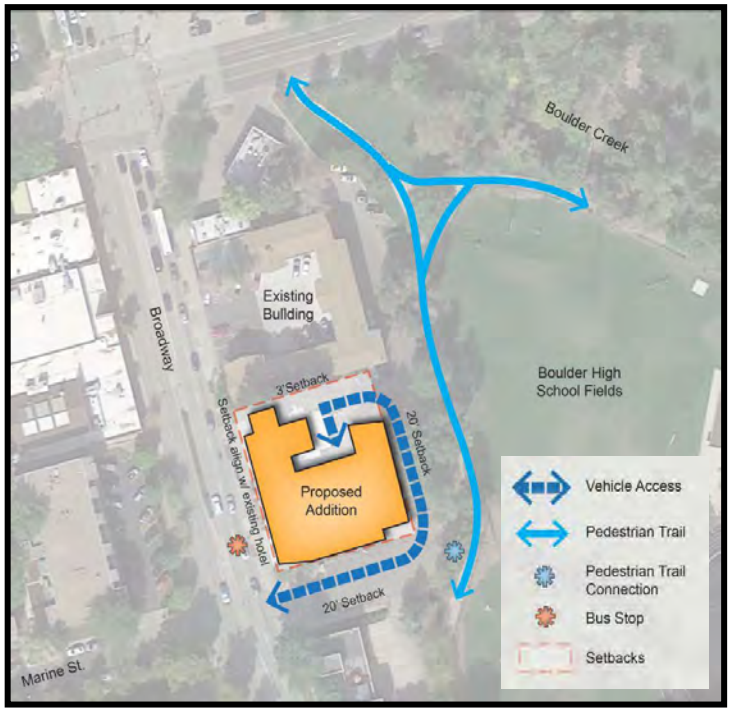

Figure 6 – Conceptual Site Plan

Conceptual site sections are shown in **Figure 7** demonstrating the proposed height and scale of the building in relation to the site topography and existing Boulder University Inn building.

The architecture of the project is shown in **Figure 8**. The proposed building includes four stories (one parking level and three hotel levels) using a mix of materials including steel panels, composite wood-look panels, red and buff stacked sandstone veneer, and brick veneer.

See Attachment A for the applicant's written description and Attachment B for the conceptual plans. See Attachment C for staff's development review comments dated September 28, 2016.

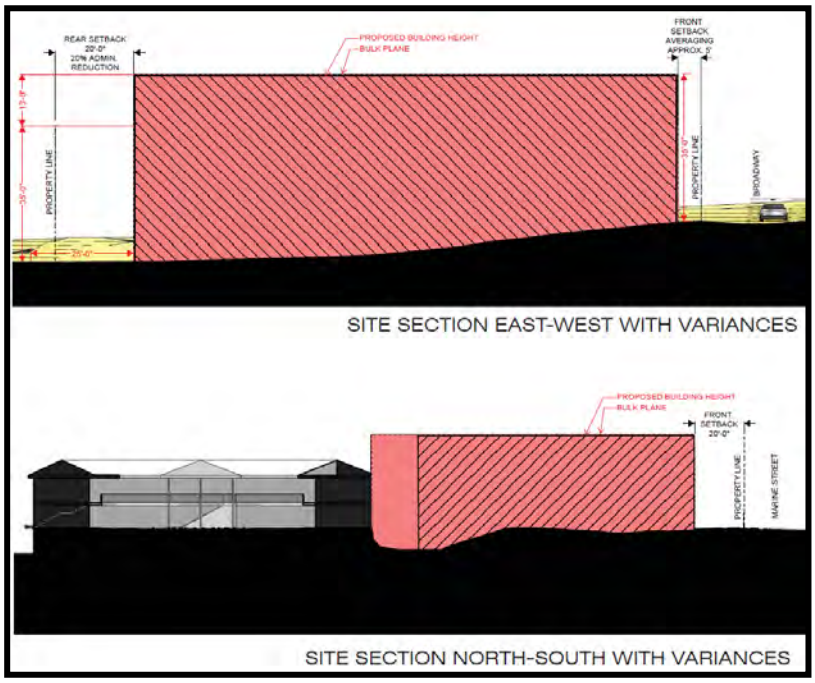

Figure 7 – Site Sections

Figure 8 – Architectural Renderings

III. Concept Plan Review Criteria for Land Use Code Section 9-2-13(e), B.R.C. 1981

CONCEPT PLAN REVIEW AND COMMENT
Section 9-2-13

(g) Guidelines for Review and Comment: The following guidelines will be used to guide the planning board's discussion regarding the site. It is anticipated that issues other than those listed in this section will be identified as part of the concept plan review and comment process. The planning board may consider the following guidelines when providing comments on a concept plan:

1) Characteristics of the site and surrounding areas, including, without limitation, its location, surrounding neighborhoods, development and architecture, any known natural features of the site including, without limitation, mature trees, watercourses, hills, depressions, steep slopes and prominent views to and from the site;

   The overall site contains two parcels and is approximately 0.54 acres. The site is developed with existing structures containing Khow Thai Café and DP Dough. Demolition of both buildings was approved by the Landmarks Design Review Committee (LDRC) by HIS2016-00174 and HIS2016-00175. The remainder of the site consists largely of paved areas and some vegetation.

   The site is located immediately east of Broadway and approximately 250 feet south of Arapahoe Avenue. It is surrounded by Marine Street to the south; an alley, multi-use path, open space, Boulder Creek, and Boulder High School fields to the east; and other commercial properties to the north (Boulder University Inn, Massage Specialists, South Mouth Wings).

   The site generally slopes downward to the northeast toward Boulder Creek. Portions of the site slope steeply downward to the east and northeast toward the multi-use path and the existing inn. Several mature trees exist on the site, particularly along both sides of the alley and the multi-use path, and south of the inn.

   The site lies along prominent transportation corridors, including fronting Broadway and backing the multi-use path that links downtown to the University of Colorado.

   The site backs to a large open area containing Boulder High School fields and Boulder Creek.

   Views from the site westward are largely obstructed by existing structures and trees. There are some partial mountain views along Marine Street and from the southwest corner of the site toward the intersection of Arapahoe and Broadway. The property to the east of the site lies at a lower elevation and the topography, existing structures, and trees on the site also largely obstruct mountain views from those properties.

2) Community policy considerations including, without limitation, the review process and likely conformity of the proposed development with the Boulder Valley Comprehensive Plan and other ordinances, goals, policies, and plans, including, without limitation, subcommunity and subarea plans;

The current proposal to rezone the property to DT-3 would result in a higher FAR (floor area ratio) than is allowed by the existing BT-2 zoning.

Currently, the BVCP designates the majority of the site as Transitional Business. Per the BVCP Land Use Map description: *"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 site has a corresponding zoning designation of Business - Transitional 2 (BT-2) which is defined in the city's code 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."*

A comparison of the proposal to the existing BT-2 zoning is provided below.

	BT-2	Proposal	Comparison
Setback and Separation Requirements			
Minimum front yard landscaped setback	20'	5' to Broadway	Non compliant. Requires modification through Site Review
Minimum front yard setback for all covered and uncovered parking areas	20'	Underground parking garage accessed from alley	Complies
Minimum side yard landscaped setback from a street	15'	20' to Marine Street	Complies
Minimum side yard setback from an interior lot line	10'	3' to north property line	Non compliant. Requires modification through Site Review.
Minimum total for both side yard setbacks	20'	> 20'	Complies
Minimum rear yard setback	25'	20'	Non compliant. Requires modification through Site Review
Principal Building Height			
Maximum Height	35'	48'	Does not comply; an ordinance is necessary for height modification per Ordinance 8028 (height moratorium).
Maximum Stories	3	4	Non compliant. Requires modification through Site Review.
Intensity Standards			
Maximum FAR	0.5	1.74	Exceeds Maximum FAR for BT-2. The maximum FAR cannot be modified through Site Review. A rezoning to a district with a greater FAR would be necessary.
Minimum Lot Area	6,000	23,884	Complies
Minimum Open Space	10-20% depending on height. 48' building requires 20% open space.	Not specified	To be evaluated through Site Review.

Outside of the periodic updates of the BVCP, there is an ability to request a change with a concurrent

rezoning and land use map change. Changes outside of the regular BVCP are rare. In this case, the property is located in an area of transition located between downtown and University Hill. It is not considered a part of the downtown area. The transitional nature of the area lends itself to a lower scale and intensity of development than that of downtown. Conceptually, staff does not find that a map change or a rezoning would be consistent with the criteria for a Land Use Change is found in the Comprehensive Plan in Chapter II Amendment Procedures below which states:

> *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.*
> *(b) The proposed change would not have significant cross-jurisdictional impacts that may affect 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.*
> *(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.*
> *(e) The proposed change would 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.*

Similarly, staff doesn't find that a rezoning would be consistent with the criteria for a rezoning is found in section 9-2-18 of the Boulder Revised Code, 1981, which states:

(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;
(2) The existing zoning of the land was the result of a clerical error;
(3) The existing zoning of the land was based on a mistake of fact;
(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;
(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

(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.

While a BVCP land use map change and a rezoning appear preliminarily inconsistent with the criteria above, staff finds the proposed project preliminarily consistent with the following Boulder Valley Comprehensive Plan policies:

2.03 Compact Development Pattern
2.21 Commitment to a Walkable and Accessible City
2.23 Trail Corridors/Linkages

The following Boulder Valley Comprehensive Plan policies should be used to guide the proposal as it moves into Site Review:

2.14 Mix of Complementary Land Uses
2.30 Sensitive Infill and Redevelopment
2.32 Physical Design for People
2.34 Importance of Street Trees and Streetscapes
2.37 Enhanced Design for Private Sector Projects
- a) The context
- b) The public realm
- c) Human scale
- d) Permeability
- e) On-site open spaces
- f) Buildings

With regard to increased building height, on March 31, 2015, City Council approved Ordinance 8028, which establishes a two-year period during which modifications to the by-right height for new buildings will only be considered through the Site Review process in specific parts of the city or in particular circumstances. The project is not included in the list of exempted areas or circumstances; therefore, a request to exceed the 35-foot height limit for the zone district would require that Ordinance 8028 be amended by City Council. Preliminarily, staff doesn't find that a proposed increase in building height would be consistent with the context of the area or with the Site Review criteria found in Section 9-2-14(h)(2)(F), B.R.C. 1981 related to site context and building design.

3) Applicable criteria, review procedures, and submission requirements for a site review;

As stated above, a Site Review application would be required and would be subject to all the criteria in Section 9-2-14(h) of the Land Use Regulations. Submission requirements would be the same as any other Site Review and would have to satisfy the requirements of sections 9-2-6 and 9-2-14(d). Development of the site would also have to be found consistent with the Design and Construction Standards (DCS).

Applications for Site Review are submitted to the Planning and Development Services Center and are reviewed through the Land Use Review process. Ultimately, if the project is designed to include a height modification request, a public hearing and recommendation by the Planning Board followed by approval of an ordinance by City Council would be required.

4) Permits that may need to be obtained and processes that may need to be completed prior to, concurrent with, or subsequent to site review approval;

In addition to the required Concept Plan, the applicant will be required to complete the following processes:

- Rezoning/Land Use Map Change – to rezone the property from BT-2 to DT-3 and change the BVCP land use designation for the site from Transitional Business to Downtown – 3. These processes may be run concurrently and follow the standard land use review process. A rezoning requires a recommendation by the Planning Board followed by approval of an ordinance by City Council.
- Site Review - Per Section 9-2-14, B.R.C. 1981, the project requires Site Review because the project exceeds 30,000 square feet of floor area. Additionally, a number of modifications to the city's development standards have been identified, including:

    - Section 9-7-1 - Maximum height for principal buildings and uses - Request to build up to 48 feet where 35-feet is the maximum.
    - Section 9-7-1 - Maximum number of stories for a building - Request for four stories where three stories is the maximum.
    - Section 9-7-1 - Minimum front yard landscape setback - Request for a 5' front yard building setback from Broadway where 20' is the minimum.
    - Section 9-7-1 - Minimum rear yard setback - Request for a 20' rear yard setback where 25' is the minimum.

    These modifications would need to be considered through the Site Review process.

    Additionally, the Boulder University Inn parcel at 1632 Broadway would be need to be included in the overall Site Review of this proposal per 9-2-14(b)(1)(C) which states that "contiguous lots or parcels under common ownership or control, not subject to a planned development, planned residential development, planned unit development, or site review approval, shall be considered as one property" for the purposes of determining which development is eligible or other required to complete the site review process."

- Subdivision – a subdivision is required in order to consolidate the two existing properties into one property to allow for the proposed development. The subdivision process follows the standard land use review process and is a staff-level subject to call-up by the Planning Board. A subdivision must be completed prior to approval of a building permit application.
- Height Ordinance – to request a height modification to allow for the proposed building to exceed the 35-foot height limit for the BT-2 zone. The ordinance does not have a separate review process and must be requested through the Site Review process. Approval of an ordinance requires a recommendation by Planning Board followed by two readings at City Council.
- Technical Document Review – following Site Review and Rezoning approval, if approved, the applicant is required to submit an application for Technical Document (TEC doc) Review prior to application for building permit. The intent in the TEC doc review is to ensure that technical details are resolved such as drainage and transportation issues that may require supplemental analyses.

- Building Permits

5) Opportunities and constraints in relation to the transportation system, including, without limitation, access, linkage, signalization, signage, and circulation, existing transportation system capacity problems serving the requirements of the transportation master plan, possible trail links, and the possible need for a traffic or transportation study;

Numerous opportunities exist to enhance the transportation system in this location, including: improvements to Broadway, Marine Street, and the alley to reduce vehicular access points and provide adequate sidewalks and landscaping at appropriate locations; linkages to the existing multi-use path at the rear of the site; provision of short- and long-term bicycle parking; improvements to the existing bus stop at the front of the site; and consideration of measures such as a vehicle or bicycle sharing program as part of an overall TDM plan.

Portions of the existing alley and Marine Street are located in a city-owned parcel, rather than right-of-way. Generally, staff is supportive of the proposed access from the alley, although additional evaluation is necessary to determine if access should be provided through this public land to new developments. Additionally, the existing alley is currently one-way southbound from Arapahoe and is constrained in its location and alignment by the adjacent multi-use path and bridge over Boulder Creek. Additional right-of-way dedication may be necessary where the alley intersects Marine Street to accommodate two-directional traffic. Finally, careful attention to the building design will be critical in addressing how the building will interface with adjacent multi use path.

6) Environmental opportunities and constraints including, without limitation, the identification of wetlands, important view corridors, floodplains and other natural hazards, wildlife corridors, endangered and protected species and habitats, the need for further biological inventories of the site and at what point in the process the information will be necessary;

The site is part of a developed commercial property. The proposed structure is impacted by the 500-year floodplain of Boulder Creek. Lodging facilities are considered a critical facility and must comply with the development requirements of Section 9-3-2(i) of the Boulder Revised Code, 1981, including review and approval of an Emergency Management Plan prior to issuance of a Floodplain Development Permit.

7) Appropriate ranges of land uses; and 8) The appropriateness of or necessity for housing.

The proposal is limited to a singular land use, hotel, which would extend along a significant portion of the Broadway block frontage. Additional land uses such as storefront uses should be considered in the first-floor of the proposal along Broadway and at the corner of Broadway and Marine Street to provide a richer mix of land uses in the area.

Housing is not a part of this proposal.

PUBLIC COMMENT AND PROCESS:

Required public notice was given in the form of written notification mailed to all property owners and renters within 600 feet of the subject site and a sign was posted on the property for at least 10

days. All notice requirements of Section 9-4-10(g), B.R.C. 1981 have been met. Staff has not received any public comments on the proposal.

STAFF RECOMMENDATION:

No action is required on behalf of the Planning Board. Public comment, staff, and Planning Board **comments will be documented for the applicant's use.** Concept Plan Review and comment is intended to give the applicant feedback on the proposed development plan and provide the applicant direction on submittal of the site review plans.

Approved By:

David Driskell, Executive Director
Department of Community Planning and Sustainability

ATTACHMENTS:

A: Applicant's written statement dated August 12, 2016
B: Proposed plans dated August 12, 2016
C: Development Review Committee comments dated September 28, 2016

DAVIS PARTNERSHIP ARCHITECTS

August 12, 2016

City of Boulder
Planning and Development Services
1739 Broadway, Third Floor
Boulder, CO 80306

Re: Land Use Review Application: Concept Plan Review
Boulder University Inn Expansion

Dear Planning and Development Services Staff:

Please accept the following Land Use Application for a Concept Plan Review request for the proposed Boulder University Inn Expansion project. As the Applicant on behalf of Tebo Properties, we are happy to continue discussions with Staff regarding the development of additional lodging opportunities within the City and County of Boulder in the downtown area. The proposed building is planned to be located on the two adjacent zone lots to the existing Boulder University Inn at 1632 Broadway and be used for a standalone expansion of that development. The existing buildings on 1600 and 1622 Broadway will be demolished to make room for the expansion. The existing buildings are approximately 3,301 sf and 2,001 sf. Demolition permit applications were approved in June of 2016.

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The proposed hotel expansion will be approximately 41,606 sf of additional hotel space to the existing 21,663 sf building. The expansion will front Broadway, Marine Street and a 14' rear alley adjacent to the Christian Recht Field open space. The ultimate project intent is to change the Boulder Valley Comprehensive Plan Land Use and rezone the property to allow a greater density than the existing F.A.R. of 0.5 which the existing University Inn is in non-compliance with. Currently the existing hotel is 1.0 F.A.R.

Existing Site Condition:
The property to be developed adjacent to the existing hotel is approximately 0.55 acres (24,048.52 sf) and is currently zoned BT-2 Business Transitional 2. The site consists of two single story buildings with surface parking. The addresses are 1600 and 1622 Broadway, located east of Broadway and directly north of Marine Street. Surrounding the existing University Inn is a variety of heights and land uses from the Christian Recht Field and open space to the east, to 2, 3 & 4 story buildings on the south and west blocks. There are a mix of uses from grocery, small restaurants and gas stations, City facilities, and residential. There is some existing vegetation along the edges of the site but mostly consist of asphalt lots, buildings and streets in the immediate area. The site is close to the Boulder Creek recreational trail. Broadway

is a major transportation route with bus stops directly in front of the proposed addition.

The site drops steadily 14' from the south to the northeast, with 10' of the drop occurring in an area less than 23' off of the northeast corner of the site. The site grades are consistent through the site except in this location. The grade change happens on less than 12% of the lot. Based on the layout of the site and location of this grade drop, it is not visible from the surrounding uses. The significant grade drop in a small area of the site is not consistent with the surrounding developments.

There are no known wetlands, view corridors, or other natural hazards, wildlife corridors, endangered and protected species and habitats associated with this site. The two lots to be developed are out of the existing floodplain.

Project Design Intent

The design intent is to provide a 73 key standalone expansion to the existing University Inn and use architecture that is complementary to the existing building and the surrounding architecture but updated. The target is to maximize the room count and provide a three story building if building heights can get resolved with Staff and City Council. All parking will be onsite in an underground structure that is accessed from the alley. The front of the building will align with the existing structure approximately 6' off of the property line. The existing buildings to be demolished sit closer to the property line than what is proposed.

The concept plan maximizes the room capacity with 3 stories, which is allowed by zoning. The addition is separated from the existing building along the Broadway side with minimal distance (3' off of the side interior property line). The architecture is compatible with the existing building but with updated detailing for a modern look. The floor to floor is dimension is planned at 10'. The average building height along Broadway is 32.5'. The Marine Street side average height is 33'. The alley side building height averages 38'. In this location in the northeast property corner the site has a significant drop in grade to the low point of the site. Keeping the alley edge consistent sets the northeast corner of the building at a height of 41' at the highest. This is the only location on the building where the project exceeds the current zoning building height of 35' and is not visible from the surrounding street network. The elevator overrun will extend beyond the 35' as well as some mechanical appurtenances. The location of these will be made to be placed on the portion of the roof that is least visible from adjacent streets.

The project intends to work with the setbacks as defined by the new zone classification as determined as we move forward with the project. The following setbacks are shown of the current concept; align the Broadway face with the existing Inn, 20' along Marine Street, 20' along the back alley and 3' at the side interior. Modifications to setbacks that do not conform to propose zoning will be modified as described above through the site plan process.

Access to an underground parking structure will from the alley. Parking ratios will be that as required by zoning, 1 space per guest room, plus required space for nonresidential at 1 space per 300 sf.

Conformance to the Municipal Code
The proposed site plan does not conform to the existing zone within the municipal code for the BT-2 zone in two areas. One specifically that cannot be resolved through the Site Development process, but would require a rezone is the F.A.R.

1. Building Size and Coverage Limitations - F.A.R.

Per BRC Title 9 – Land Use Code,

Principal and Accessory Building Height, section 9-7-1 "Schedule of Form and Bulk Standards," maximum floor area of any principal building permitted by Chapter 9-8-2 for BT-2 zone.

Request:
The development is proposed to be an addition to the existing Boulder Inn. The three story project exceeds the allowable F.A.R. To fit within the confines of the existing zoning F.A.R. the expansion could only be 5,468 sf, which is not a feasible or worthwhile expansion effort.

The Base F.A.R. for the BT-2 zone is 0.5, but maximum total F.A.R. additions are listed as not applicable. The developer considers this an addition, but would like to get approval for a 1.7 over both lots. The existing University Inn has a 1.0 F.A.R.

The sites for development are adjacent to each other and combined are surrounded by streets (Arapahoe, Broadway, Marine and the public alley). The existing use of a hotel and proposed expansion is not a use that can conform to a 0.5 F.A.R. within this blocks depth and width for this type of development expansion proposed.

The sites surrounding the site, including the existing Boulder University Inn do not conform to the 0.5 F.A.R. and are more in line with the proposed expansion with the building ratios as existing. The property cannot reasonably be used for hotel expansion at a 0.5 F.A.R. due to the building coverage needed for an expansion of a use this type. The parcel would need to be significantly bigger to get an expansion that conforms.

The applicant sees a rezone/land use map amendment as the only feasible way to allow the building expansion. The applicant is considering DT-3 zoning and 1.7 F.A.R.

2. Maximum Building Height

Per BRC Title 9 – Land Use Code,

Per Principal and Accessory Building Height, section 9-7-1 "Schedule of Form and Bulk Standards," maximum height for principal buildings and uses in the BR-2 zone is 35' and 3 stories.

The development is proposed to have a 35', 3 story building height for 3/4th of the building footprint. There is a significant grade (10') difference within a 23' area in the northeast corner of the site that creates the lowest elevation to measure the height from. The proposed variance request is to allow this corner of the building to maintain 3 stores but increase the height to 48', keeping the 3 story building configuration consistent throughout the building.

The site grades are consistent through the site except in a 23' location in the northeast quadrant where the site drops 10'. The grade change happens on less than 12% of the lot, but causes a significant reduction in building height on one side of the proposed building. The side in question is on the back side, adjacent to the existing Boulder University Inn along the alley and across the Christian Recht Field open space and tree coverage. Based on the layout of the site and location of this grade drop, it is not visible from the surrounding uses.

The significant grade drop in a small area of the site is not consistent with the surrounding developments. The adjacent properties are built out and have manipulated grades around developments that are not in conformance with the existing BT-2 zone.

Due to the grade change in the back corner only, the development cannot utilize what is allowed in the code for a 3 story building. The significant grade drop would cause the reduction of an entire story due to the one corner in order to keep circulation routes.

The applicant is going forward with the 3 story option with the height request per the adopted ordinance no 8028 Building Height, within 9-2-14 Site Review,

2. The maximum height or conditional height for principal buildings or uses may be modified in any of the following circumstances:

C) In all zoning districts, if the height modification is to allow the greater of two stories or the maximum number of stories permitted in section 9-7-1 in a building and the height modification is necessary because of the topography of the site.

The applicant sees this being resolved by the approval from City Council to allow the preferred concept to be constructed and would like to pursue this option. If this option is denied then the applicant will go with the 2 story option per the City Councils decision.

Conformance with the Boulder Valley Comprehensive Plan

The applicant understands they have missed the 5-year update to the Boulder Valley Comprehensive Plan (BVCP) and would need to pursue an independent rezone in order to increase the F.A.R. as demonstrated above. The proposed project fits within the existing goals of the BVCP and would plan on exhibiting how this project will follow these guiding documents throughout the entitlement process. Below are some of the initial correlations between the proposed project and the BVCP.

1. *Core Values, Sustainability Framework and General Policies:*
   -Compact, continuous development and infill that supports evolution to a more sustainable urban form
   - Vibrant economy based on Boulder's quality of life and economic strengths
   1.03 Principles of Economic Sustainability
   -Promoting a qualified and diversified work force that meets employers' needs and supports a range of jobs
   1.15 City's Role in Managing Growth and Development
   1.16 Adapting to Limits on Physical Expansion
   1.17 Growth Projections
   1.20 Definition of Comprehensive Panning Area I, II and III (Area I)
   1.22 Definition of New Urban Development
   1.29 Channeling Development to Areas with Adequate Infrastructure
2. *Built Environment:*
   2. Individual Character Areas
   3. Activity Centers (University of Colorado and Federal Labs, just south of Downtown Historic Core)
   4. Mobility Grid (University of Colorado)
   2.13 Protection of Residential Neighborhoods Adjacent to Non-residential Zones
   2.14 Mix of Complementary Land Uses
   2.15 Compatibility of Adjacent Land Uses
   2.30 Sensitive Infill and Redevelopment
   2.33 Environmentally Sensitive Urban Design
   2.34 Importance of Street Trees and Streetscapes
   2.35 Outdoor Lighting/Light Pollution
   2.37 Enhanced Design for Private Sector Projects
3. *Natural Environment:*
   3.09. Management of Wildlife-Human Conflicts
4. *Energy and Climate:*
   4.03. Energy Conservation and Renewable Energy
   4.04 Energy-Efficient Building Design
5. *Economy:*
   5.01. Revitalizing Commercial and Industrial Areas
   5.03 Diverse Mix of Uses and Business Types
   5.05 Support for Local Business and Business Retention
   5.08 Role of Tourism in the Economy
   5.14 Employment Opportunities
6. *Transportation:*
   6.10 Managing Parking Supply

Additional Response

A) *Techniques and strategies for environmental impact avoidance, minimization, or mitigation;*
   - Currently the site is paving and commercial structures adjacent to large vegetation and trail system. During construction, efforts will be made to protect existing offsite vegetation and wildlife corridors. Demolition will be coordinated to reduce dust, noise and debris. Removal of onsite materials will be done according to existing industry standards.

B) *Techniques and strategies for practical and economically feasibility travel demands management techniques, including without limitation, site design, land use, covenants, transit passes, parking restrictions, information or education materials or programs that may reduce single-occupant vehicle trip generation to and from the site; and*
   - *Anticipated users of the hotel addition are local business and University visitors. Due to the proximity to the campus and downtown via existing pedestrian pathways, bikeways and a bus stop at the front door of the addition, it is anticipated the single-occupant vehicle use will be minimalized. Hotel concierge assists in helping visitors make their way around Boulder, campus and downtown.*

C) *Proposed land uses and if it is a development that includes residential housing type, mix, sizes, and anticipated sales price, the percentage of affordable units to be included; special design characteristics that may be needed to assure affordability.*
   - *The proposed land use is for a hotel; therefor residential housing is not applicable.*

In the attached documents, you will find copies of the Land Use Review Application, Sign Posting Acknowledgement, Context Map, Schematic Site Development Concepts, Trip Generation Analysis, Architectural Character Sketches and this Written Statement and submittal Fee. We look forward to discussing it in more detail with the DRC Staff and the Planning Board soon. Please let me know when there is an opportunity to schedule a meeting.

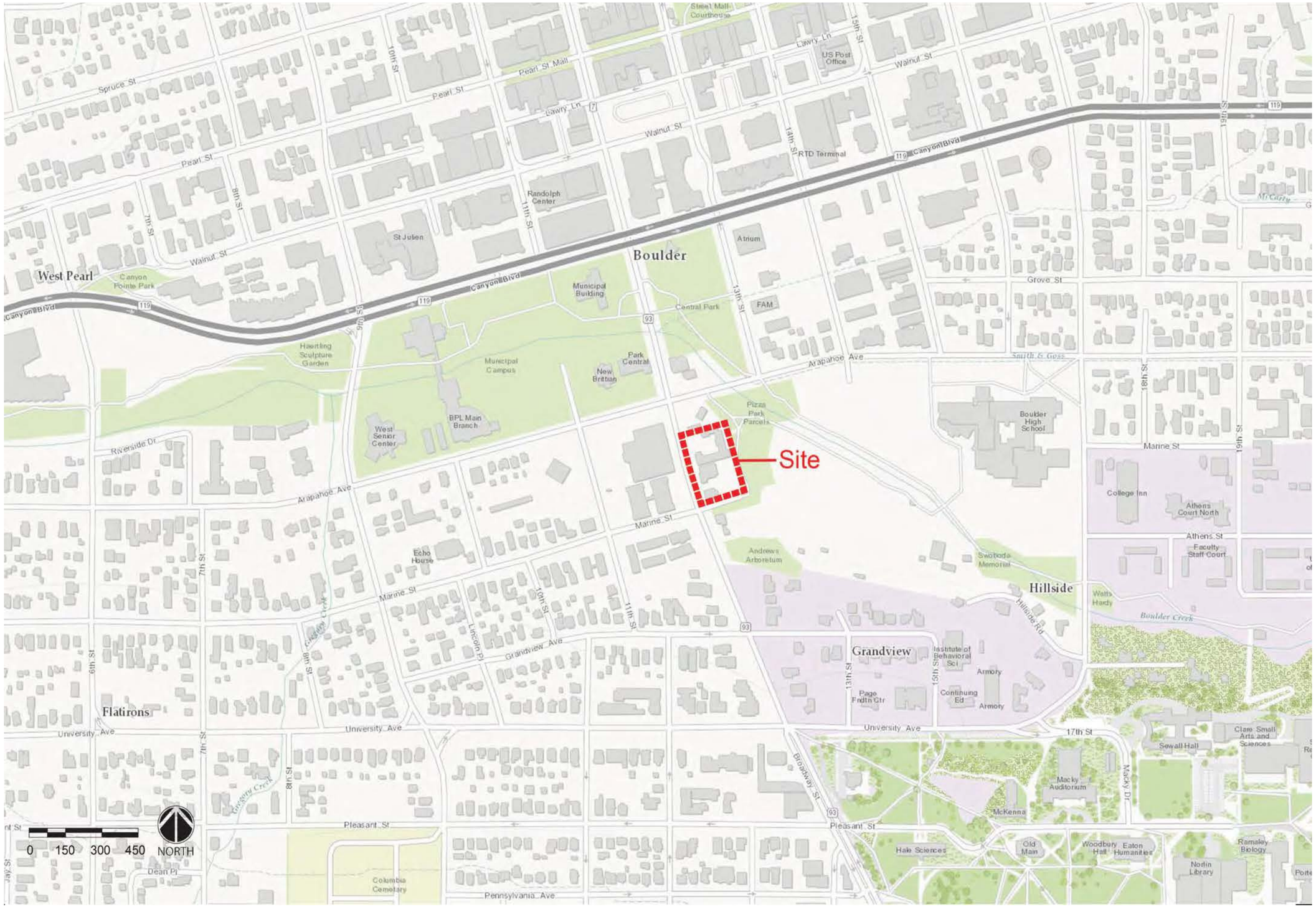
Sincerely,

Julie Eck, ASLA, EDAC

Senior Associate
Davis Partnership Architects. PC

Cc: File, Tebo Properties

ATTACHMENT B



CONTEXT MAP

DAVIS PARTNERSHIP ARCHITECTS

APPLICANT:
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2111 20TH STREET
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PHONE: 303.447.0326

ARCHITECT:
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LANDUSE SUBMITTAL - VICINITY MAP

TEBO PROPERTIES

DATE	REV	REMARKS	DRWN	CHKD	APPROD
08/12/16		FIRST SUBMITTAL			

PROJECT NO. 15530.00.00

DATE: 08/12/16

SHEET NUMBER: A-1

DAVIS PARTNERSHIP ARCHITECTS

APPLICANT:
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ARCHITECT:
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LANDUSE SUBMITTAL - SITE CONCEPT

TEBO PROPERTIES

DATE	REV	REMARKS	DRWN	CHKD	APRVD
01.20.16		FIRST SUBMITTAL			

PROJECT NO.: 15530.00.00

DATE: 08/12/16

SHEET NUMBER: A-2

SITE CONCEPT

TEBO PROPERTIES - BOULDER UNIVERSITY INN ADDITION

LEGEND

- P PUBLIC
- BC-1 BUSINESS COMMUNITY 1
- BT-2 BUSINESS TRANSITIONAL 2
- RMX-1 RESIDENTIAL-MIXED 1
- RH-1 RESIDENTIAL-HIGH 1
- RH-2 RESIDENTIAL-HIGH 2
- RM-2 RESIDENTIAL-MEDIUM 2

DAVIS PARTNERSHIP ARCHITECTS

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LAND USE SUBMITTAL - ZONING MAP

TEBO PROPERTIES

DATE	REV	REMARKS	DRWN	CHKD	APPR'D
01.20.16		FIRST SUBMITTAL			

PROJECT NO. 15530.00.00

DATE: 08/12/16

SHEET NUMBER: A-3

ZONING MAP

1 - PANARAMA LOOKING NORTH FROM CORNER OF BROADWAY & MARINE

2 - PANARAMA LOOKING SOUTH

3 - PANARAMA LOOKING WEST FROM ALLEY

4 - PANARAMA LOOKING NORTH FROM MARINE STREET

A - BOULDER UNIVERSITY INN
B - D.P. DOUGH
C - KHOW THAI CAFE
D - CHRISTIAN RECHT FIELD
E - DATU HEALTH
F - MARINE PARK APARTMENTS
G - ALFALFA'S
H - MESSAGE SPECIALIST
I - SOUTH MOUTH / THE HOOKAH HOOK-UP

5 - KHOW THAI RESTAURANT

6 - MARINE PARK APARTMENTS

7 - D.P. DOUGH

8 - BOULDER UNIVERSITY INN

9 - MESSAGE SPECIALIST

10 - SOUTH MOUTH / THE HOOKAH HOOK-UP

EXISTING CONTEXT IMAGES

DAVIS PARTNERSHIP ARCHITECTS

APPLICANT:
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ARCHITECT:
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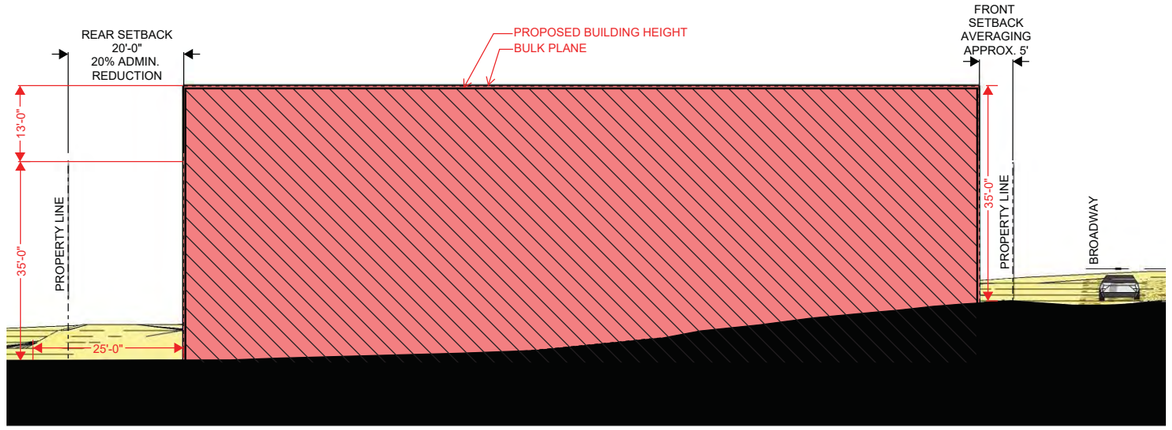
LAND USE SUBMITTAL - EXISTING CONTEXT IMAGES

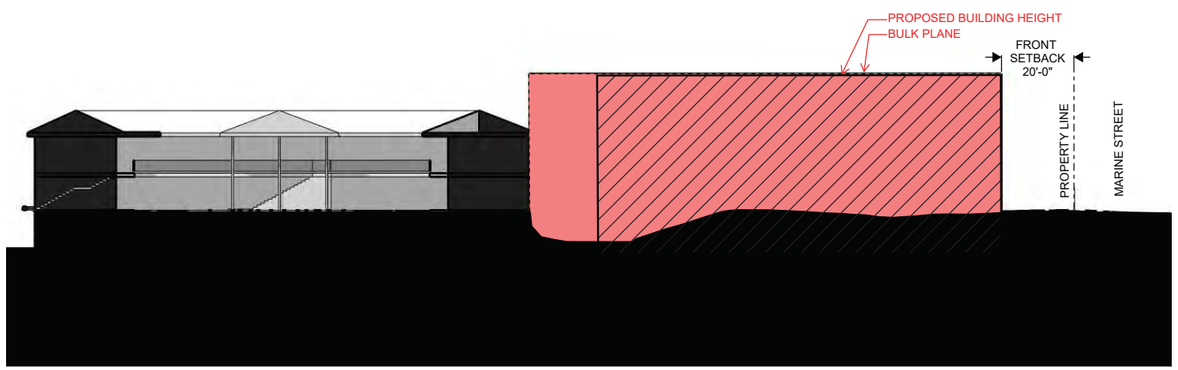
TEBO PROPERTIES

DATE	REV	REMARKS	DRWN	CHKD	APPROD
07.29.16		FIRST SUBMITTAL			

PROJECT NO. 15530.00.00
DATE: 08/12/16
SHEET NUMBER: A-4



SITE SECTION EAST-WEST WITH VARIANCES



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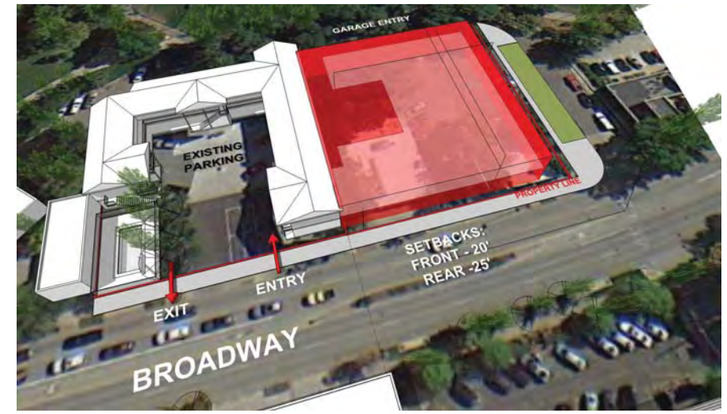

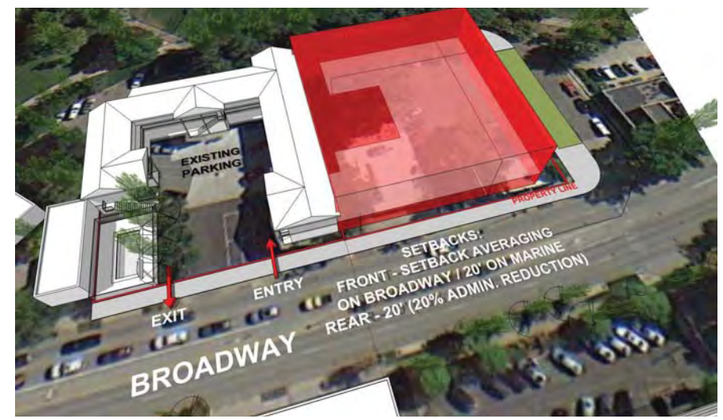

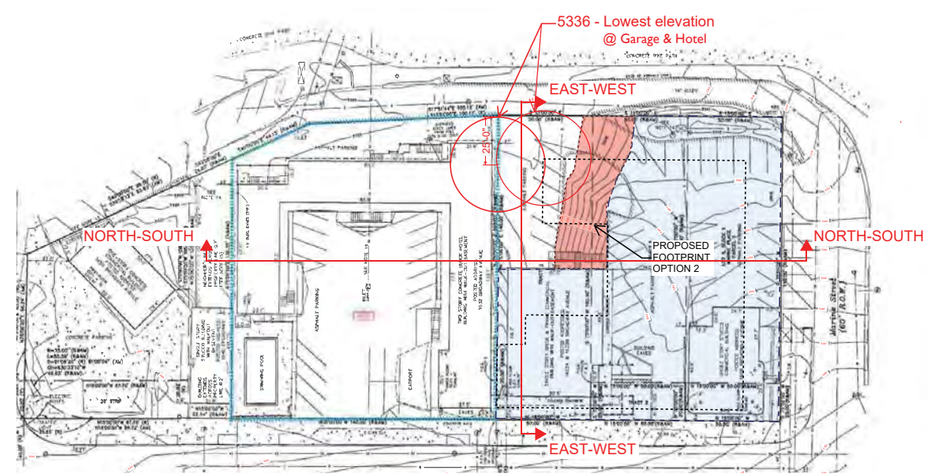

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LAND USE SUBMITTAL - SITE SECTIONS

TEBO PROPERTIES

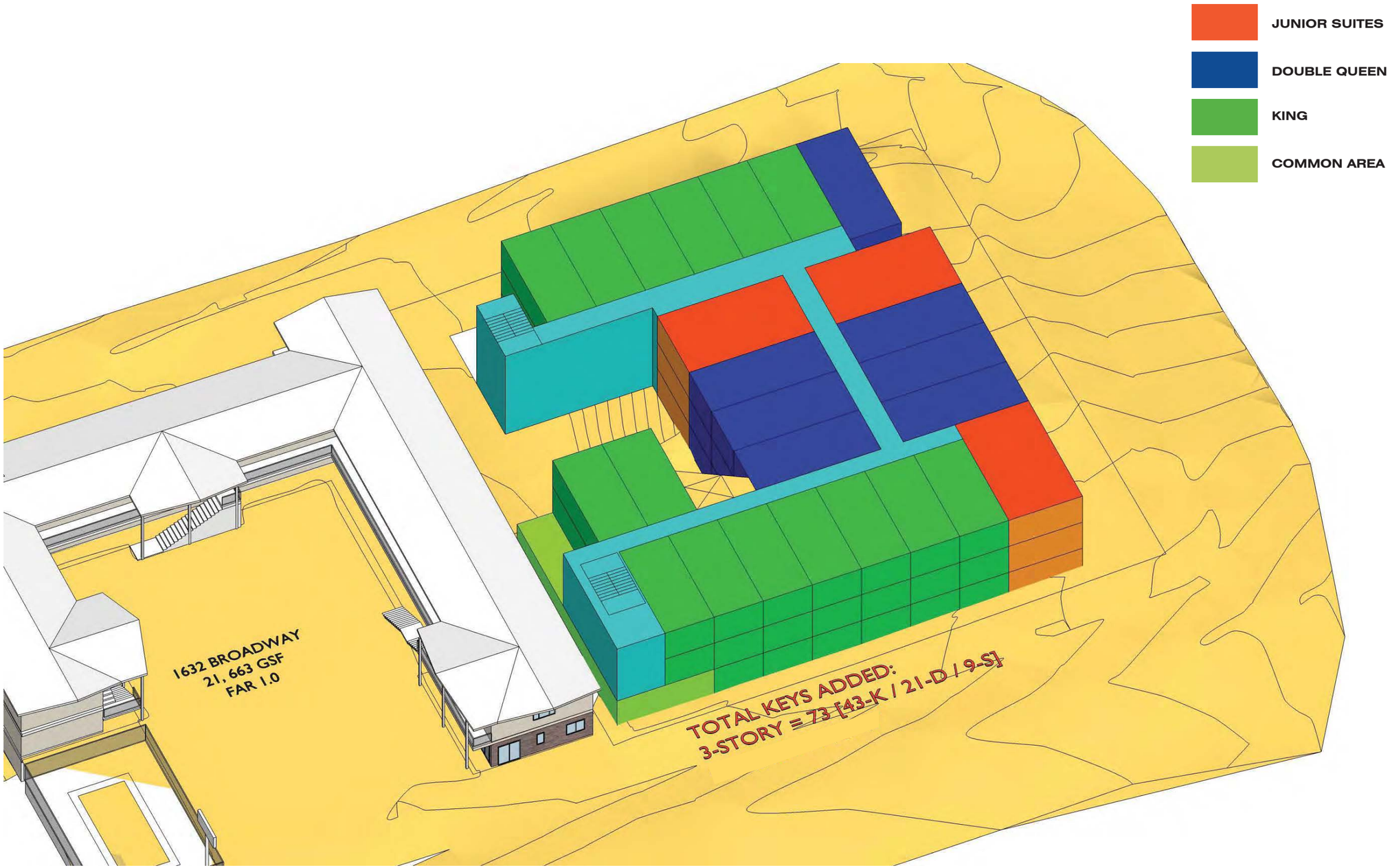
DATE	REV	REMARKS	DRWN	CHKD	APRVD
11-20-16		FIRST SUBMITTAL			

PROJECT NO.
15530.00.00

DATE:
08/12/16

SHEET NUMBER:
A-5

SITE SECTIONS



DAVIS PARTNERSHIP ARCHITECTS

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ARCHITECT
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LAND USE SUBMITTAL - MASSING DIAGRAMS

TEBO PROPERTIES

DATE	REV	REMARKS	DRWN	CHKD	APRVD
07.29.16		PRELIMINARY ISSUE			

PROJECT NO. 15530.00.00

DATE: 08/12/16

SHEET NUMBER: A-6

MASSING DIAGRAMS

TEBO PROPERTIES - BOULDER UNIVERSITY INN ADDITION

DAVIS PARTNERSHIP ARCHITECTS

APPLICANT:
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PHONE: 303.447.0326

ARCHITECT:
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LAND USE SUBMITTAL - ELEVATION PERSPECTIVES

TEBO PROPERTIES

DATE	REV	REMARKS	DRWN	CHKD	APRVD
10.20.16		PROJ. SUBMITTAL			

PROJECT NO.
15530.00.00

DATE:
08/12/16

SHEET NUMBER:
A-7

3-STORY PERSPECTIVES

TEBO PROPERTIES - BOULDER UNIVERSITY INN ADDITION

West Elevation

South Elevation

East Elevation

North Elevation

KEYNOTE MATERIALS LIST

01 - Steel panel system
02 - Composite wood-look panel system - Geolam or sim.
03 - Red and buff stack sandstone veneer
03a - Replace existing stone, match new
04 - Brick veneer
05 - Composite window
06 - Storefront glazing system
07 - Architectural screening system - match wood-look panel
08 - Aluminum sun shades
09 - Mechanical equipment
10 - Parking garage access

DAVIS PARTNERSHIP ARCHITECTS

APPLICANT
TEBO PROPERTIES
3111 28TH STREET
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PHONE: 303.447.0326

ARCHITECT
DAVIS PARTNERSHIP ARCHITECTS
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PHONE: 303.861.8555

LAND USE SUBMITTAL - EXTERIOER ELEVATIONS

TEBO PROPERTIES

DATE	REV	REMARKS	DRWN	CHKD	APRVD
10.20.16		FIRST SUBMITTAL			

PROJECT NO. 15530.00.00

DATE: 08/12/16

SHEET NUMBER: A-8

EXTERIOR ELEVATIONS

TEBO PROPERTIES - BOULDER UNIVERSITY INN ADDITION

CITY OF BOULDER
Planning and Development Services

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phone 303-441-1880 • fax 303-441-3241 • email plandevelop@bouldercolorado.gov
www.boulderplandevelop.net

CITY OF BOULDER
LAND USE REVIEW RESULTS AND COMMENTS

DATE OF COMMENTS:	**September 28, 2016**
CASE MANAGER:	**Shannon Moeller**
PROJECT NAME:	**Boulder University Inn Expansion**
LOCATION:	**1600 BROADWAY**
COORDINATES:	**N02W06**
REVIEW TYPE:	**Concept Plan Review & Comment**
REVIEW NUMBER:	**LUR2016-00070**
APPLICANT:	**CHANCE REESER**
DESCRIPTION:	**CONCEPT PLAN REVIEW AND COMMENT: Expansion of the University Inn involving removal of two commercial buildings, a new 41,606 square feet building with approximately 48 additional rooms, and installation of an underground parking structure.**

IDENTIFIED MODIFICATIONS FROM THE LAND USE REGULATIONS (EXISTING BT-2 ZONING):

- Section 9-7-1 - Maximum height for principal buildings and uses - Request to build up to 48 feet where 35-feet is the maximum (note that the site is not eligible for the identified height modification as discussed below).
- Section 9-7-1 - Maximum number of stories for a building - Request for four stories where three stories is the maximum.
- Section 9-7-1 - Minimum front yard landscape setback - Request for a 5' front yard building setback from Broadway where 20' is the minimum.
- Section 9-7-1 - Minimum side yard landscaped setback from a street - Request for parking in the side yard setback from Marine Street where a 15' landscaped setback is required.
- Section 9-7-1 - Minimum side yard setback from an interior lot line - Request for a 3' north side yard setback where 10' is the minimum.
- Section 9-7-1 - Minimum rear yard setback - Request for a 20' rear yard setback where 25' is the minimum.
- Section 9-8-2 - Maximum floor area ratio - Request for a 1.74 FAR where the maximum permitted is 0.5.

I. REVIEW FINDINGS

Generally, staff finds that the proposal would not conform to either the existing BT-2 or the proposed DT-3 zoning in several significant aspects which cannot be modified through the Site Review process, including the FAR and height.

Upon review of the comments herein, the applicant may decide to proceed forward with a public hearing before the Planning Board, or may submit a revised Concept Plan in response to these comments that better conforms to the zoning.

If the applicant chooses to move forward with the Planning Board hearing tentatively scheduled for November 3, 2016, there are no expectations for revisions based on these comments, although there are minor corrections under **'Plan Documents'** section that should be clarified on the plans before they are routed to the board. The comments found herein will be the basis for the staff memo to the board in which Key Issues for discussion will be presented.

If a revised Concept Plan is submitted, a new round of comments will be provided by staff and a new Planning Board date will be scheduled. Hourly billing rates would apply.

If desired, the Case Manager can set up a meeting with relevant staff to discuss these comments.

II. CITY REQUIREMENTS

Access/Circulation, David Thompson 303-441-4417

1. Staff supports the closure of the existing access point (curb-cut) off Broadway as shown on the concept plan and taking access to the underground parking from the back of the lot.
2. The applicant should consider a parking reduction for the proposed land uses given the location of the site adjacent to Broadway which is a major transit corridor and the site's close proximity to the downtown area. Please be aware though any request for a parking reduction will require a parking study to support the requested reduction. The parking study can be included in the project's Transportation Demand Management (TDM) Plan.
3. In accordance with Section 9-9-8 of the Boulder Revised Code, 1981 and the City's Design and Construction Standards (DCS), the development project is responsible for the dedication of right-of-way and constructing the following public improvements along Broadway and Marine Street:

   Broadway
   - Lengthening the existing southbound left-turn lane if warranted by the Traffic Impact Study
   - Providing an eight-foot wide landscape strip behind the roadway curb-and-gutter
   - Constructing a twelve-foot wide detached sidewalk
   - Reconstructing the existing transit stop to accommodate the eight-foot wide landscape strip and detached sidewalk. The transit stop layout must follow RTD standards with respect to the layout of the boarding area and the concrete pad to accommodate the existing amenities at the stop. These existing amenities include two inverted "u" bicycle racks, a bench and two trash receptacles.

   Marine Street
   - 11' wide travel lane (should the existing travel lane be less than eleven feet)
   - 8½' width for on-street parking and concrete curb-and-gutter
   - 8-foot wide landscape strip
   - 8-foot wide detached sidewalk
4. Pursuant to Section 9-9-8(g) of the B.R.C. 1981 the applicant will be responsible for reconstructing the pavement section of Marine Street adjacent to the site with a 2-inch mill of the pavement coupled with a 2-inch asphalt overlay to support the increase in traffic on Marine Street generated by this project.
5. At time of Site Review:
   - A TDM plan consistent with section 2.03(I) of the DCS and section 9-2-14(h)(2)(D)(iv) and (v) of the B.R.C. is required to be submitted which outlines strategies to mitigate traffic impacts created by the proposed development and implementable measures for promoting alternative modes of travel. The TDM plan must be submitted as a separate document with the Site Review submittal. In support of meeting the site review criteria for circulation the applicant should consider providing a transit shelter for the existing transit stop on Broadway and providing customers with access to a vehicle and bicycle sharing program.
   - Pursuant to Section 2.02 of the DCS, a Traffic Impact Study is required to assess the impacts of the development proposal at the intersection of Broadway and Marine Street and at the intersection of Arapahoe and the alley. The transportation consultant preparing the Traffic Impact Study must contact David Thompson after the project is heard by Planning Board and possibly City Council to discuss the study parameters prior to initiating the study.
   - Please show on the site plans the location and number of short-term and long-term bicycle parking spaces to be provided on the site, meeting the requirements found in section 9-9-6(g), B.R.C. 1981 to include the parking/storage specifications for the long-term parking spaces.
   - Per section 9-9-9 of the B.R.C. 1981, show on the site plans the location and layout of the off-street loading area that will support the site and how trucks will access the site and turnaround.
   - Show the appropriate sight triangle on the civil and landscape plans pursuant to section 9-9-7 of the B.R.C. 1981.
   - Show and label on the site review plans the public improvements to be constructed along with the right-of-way to be dedicated in conjunction with the site's development.

Flood Control, Jessica Stevens, 303-441-3121

1. The proposed structure is impacted by the 500-year floodplain of Boulder Creek. Lodging facilities located in the 500-year floodplain must comply with the development requirements of Section 9-3-2(i) of the Boulder Revised Code, 1981 (BRC).
2. An Emergency Management Plan must be provided for review and approval prior to issuance of a Floodplain Development Permit.
3. The application materials reference the project as an expansion/addition of the University Inn. The existing structure at 1632 Broadway is located in the 100-year floodplain of Boulder Creek. If the structures are connected, the entire structure will be required to comply with the requirements of Section 9-3-3 of the BRC. An addition of this size would be a substantial modification, requiring the existing lodging units to be elevated to a minimum of two feet above the base flood elevation.

Fees Shannon Moeller, 303-441-3137
Please note that 2016 development review fees include a $131 hourly rate for reviewer services following the initial city response (these written comments). Please see the P&DS Questions and Answers brochure for more information about the hourly billing system.

Land Uses Shannon Moeller, 303-441-3137
Please see Section V. City Code Criteria Checklist, Guidelines 2 and 7, for a summary of the proposed land uses and the Boulder Valley Comprehensive Plan policies and land use designation.

Landscaping Elizabeth Lokocz, 303-441-3138
The application does not appear to include the entire project area. If the existing hotel site is under common ownership and included for FAR purposes, it also is subject to all Site Review criteria. Consider the following comments as the design develops:

1. Large maturing street trees in an eight-foot landscape strip is the minimum standard. Given the lack of on street parking on Broadway, selecting low water and salt tolerant shrubs and perennials is preferred over turf. On Marine Street, the design should incorporate pedestrian connections to avoid long term maintenance issues.
2. The curb cut, parking in the landscape setback, and lack of any parking lot screening must be addressed at the existing hotel if it is part of the project. Its current condition is not supportable through the Site Review process. Review all Criteria with particular attention to open space, landscape circulation, parking and building design.
3. Given the potential alley use and adjacent multi-use path, careful attention is needed on how this space accommodates different users and presents an attractive building façade. Consider incorporating alley trees and pedestrian circulation.
4. It's not clear how water quality is incorporated into the design. Consider low impact techniques such as pervious paving systems, porous landscape detention and green roofs.
5. Provide a tree inventory prepared by a licensed arborist at the time of Site Review submittal including all trees with a diameter of six inches or great measured 54" above the ground regardless of the intention of preservation.
6. Modifications: please be aware that per the Site Review criteria, this project should exceed the by-right landscaping standards of section 9-9-12, "*Landscaping & Screening*" and section 9-9-13, "*Streetscape Design*," B.R.C. 1981, in quantity and size. Any requested modifications should be called out and an explanation of how the project continues to meet the Site Review criteria included.
7. Include a general landscape plan at the time of initial submission to be followed by a detailed landscape plan prior approval, showing the spacing, sizes, specific types of landscaping materials, quantities of all plants and whether the plant is coniferous or deciduous. Refer to section 9-9-12(d) B.R.C. 1981 for a list of what is typically included.

Neighborhood Comments Shannon Moeller, 303-441-3137
Staff has not received any comments as of the date of this correspondence.

Plan Documents Shannon Moeller, 303-441-3137

1. Sheet A-5 Site Sections: The low point appears to be greater than 25' from the proposed building. To identify the correct low point, find the lowest exposed point on the proposed building and draw a 25' radius. The lowest point within 25' is the low point. This point may or may not be within the property boundary. If this affects the resulting "height" of the proposed building, revise the site sections accordingly.
2. Sheet A-6 Massing Diagrams
   a. Sheet states that 73 keys are added, but the application form states that 48 rooms will be added. Please clarify.
   b. FAR calculations must include the parking facility floor area because the parking facility is not located completely below grade on all sides of the structure (refer to the definitions of "*Floor area*" and "*Uninhabitable space*" in section 9-16-1 General Definitions). Please update FAR information accordingly.

Review Process Shannon Moeller, 303-441-3137
The project requires Concept Plan review and comment per Section 9-2-14, B.R.C. 1981 because it exceeds 30,000 square feet of floor area. The Concept Plan is also an opportunity for the applicant to get comments from the community about the proposed plan before moving forward. "Concept Plan Review and Comment" requires staff review and a public hearing before the Planning Board. Planning Board, staff and neighborhood comments made at public hearings are intended to be advisory comments for the applicant to consider prior to submitting any detailed plan documents.

Please see Section V. City Code Criteria Checklist, Guidelines 3 and 4, for a summary of additional required review processes.

Zoning Shannon Moeller, 303-441-3137
The site is currently zoned BT-2, Business - Transitional 2. Section 9-5-2(c)(2)(E), B.R.C. 1981 describes the district 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." Motels and hotels require a Use Review in this district.

The applicant is proposing to rezone the site to DT-3, Downtown - 3. Section 9-5-2(c)(3)(A), B.R.C. 1981 describes the district as "a transition area between the downtown and the surrounding residential areas where a wide range of retail, office, residential, and public uses are permitted. A balance of new development with the maintenance and renovation of existing buildings is anticipated, and where development and redevelopment consistent with the established historic and urban design character is encouraged." Motels and hotels require a Use Review in this district.

III. INFORMATIONAL COMMENTS

Area Characteristics and Zoning History Shannon Moeller, 303-441-3137
See Section V. City Code Criteria Checklist, Guideline 1.

Building and Housing Codes Jim Gery 303-441-3129

1. While it is understood that the plans presented are conceptual in nature, it appears that projections and openings into exit courts may be too close to property lines.
2. The grade of the site as shown may present challenges for proper grading of accessible routes.

Building Design Shannon Moeller, 303-441-3137
Below is a summary of staff analysis of the building design:

1. The FAR calculations do not appear to include the parking facility. The parking facility floor area would be included as currently proposed because it is not located completely below grade on all sides of the structure (refer to the definitions of "*Floor area*" and "*Uninhabitable space*" in section 9-16-1 General Definitions). In order for this space to not impact the proposed FAR, the entire parking facility must be below grade on all sides regardless of the topography of the site.
2. The proposal consists of four stories, including the parking facility, per the definition of "story" in section 9-16-1 which states: *"Story means that portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then between the floor and the ceiling next above it. A basement is a story if any portion of the space included between the surface of the floor and the surface of the ceiling above it extends more than two feet above the natural grade around the perimeter."* A four-story proposal exceeds the maximum number of stories permitted in both the existing BT-2 zone (3 stories) and proposed DT-3 zone (2 stories) per section 9-7-1. The proposal would not qualify for the exemption of 9-2-14(c)(2)(C) created by Ordinance 8028 and a height modification could not be considered at this time. The provisions of Ordinance 8028 will expire on April 19, 2017. The council intends that the ordinance will expire, be amended, or replaced with subsequent legislation after further study of appropriate building heights in the city.
   9-2-14 Site Review
   (c) Modifications to Development Standards: The following development standards of B.R.C. 1981 may be modified under the site review process set forth in this section:
   (1) 9-7-1, "Schedule of Form and Bulk Standards" and standards referred to in that section except for the floor area requirements and the maximum height or conditional height for principal buildings or uses, except as permitted in paragraph (c)(2) below.
   (2) The maximum height or conditional height for principal buildings or uses may be modified in any of the following circumstances:
   (A) For building or uses designated in Appendix J "Areas Where Height Modifications May Be Considered."
   (B) Industrial General, Industrial Service, and Industrial Manufacturing districts if the building has two or fewer stories.
   (C) In all zoning districts, if the height modification is to allow the greater of two stories or the maximum number of stories permitted in Section 9-7-1 in a building and the height modification is necessary because of the topography of the site.
   (D) In all zoning districts if at least fifty percent of the floor area of the building is used for units that meet the requirements for permanently affordable units in Chapter 9-13, "Inclusionary Housing," B.R.C. 1981.1
3. Much of the first-floor space fronting Broadway and Marine Street are private hotel room spaces. The building design should provide additional street-facing first floor uses along Broadway that will allow for activation and transparency of the façade, such as storefront uses. Such uses should anchor the corner of Broadway and Marine Street.
4. Similarly, consider how active first-floor uses can be provided along the east (trail facing) façade.
5. Material choices seem to be fitting.

6. The first floor should have a substantial floor-to-floor height and currently appears truncated. The proposed first floor use and appearance is not compatible with the desired character along Broadway. Additionally, locating hotel rooms with window wells and egress windows creates possible conflicts with the sidewalk, landscaping, and other improvements along Broadway.

Drainage: Kyle Birch, 303-441-3273

1. Detention ponding for storm water shall be provided for all new development or redevelopment where the runoff coefficient for the site is increased, unless runoff for the initial and major storm events from the entire tributary basin can be conveyed directly to the major drainage system without adverse impact on upstream, surrounding, or downstream properties and facilities and storm water detention to meet water quality mitigation measures is not required.
2. Storm water runoff and water quality treatment are issues that must be addressed during the Site Review Process. A Preliminary Storm Water Report and Plan in accordance with the City of Boulder *Design and Construction Standards (DCS)* must be provided by the applicant at time of Site Review application. The required report and plan must also address the following issues:
   - Water quality for surface runoff using "Best Management Practices"
   - Minimize Directly Connected Impervious Areas (MDCIA)
   - Detention ponding facilities
   - Water Quality Capture Volume (WQCV)
   - Storm sewer construction
   - Groundwater discharge
   - Erosion control during construction activities
3. It is not clear on the plans where a detention/water quality pond could be located. Based on the proposed added impervious area to the site, a detention/water quality pond may be required if runoff for the initial and major storm events cannot be conveyed directly to Boulder Creek.

Groundwater: Kyle Birch, 303-441-3273

1. Groundwater is a concern in many areas of the City of Boulder. Please be advised that if it is encountered at this site, an underdrain/dewatering system may be required to reduce groundwater infiltration, and information pertaining to the quality of the groundwater encountered on the site will be required to determine if treatment is necessary prior to discharge from the site. City and/or State permits are required for the discharge of any groundwater to the public storm sewer system.

Legal Documents Julia Chase, City Attorney's Office, Ph. (303) 441-3020

A lot line elimination or the equivalent would be requirement of site review, if approved.

Parking David Thompson, 303-441-4417

If the site to the north is included into the site review staff would require the applicant to close the curb-cuts, move the associated parking to the new garage and looking for opportunities to replace the parking lot with landscaping and other hotel amenities.

Site Design Shannon Moeller, 303-441-3137

1. The Boulder University Inn parcel would be need to be included in the overall Site Review of this proposal per 9-2-14(b)(1)(C) which states that "contiguous lots or parcels under common ownership or control, not subject to a planned development, planned residential development, planned unit development, or site review approval, shall be considered as one property" for the purposes of determining which development is eligible or other required to complete the site review process.
2. The Boulder University Inn parcel lies within the boundaries of the *Non-Historic Area* of the Downtown Historic District as shown in Fig. 1, page 5 of the Downtown Urban Design Guidelines. Please review the applicable guidelines: Downtown Urban Design Guidelines. The Design Advisory Board (DAB) reviews projects valued over $25,000 located in the Non-Historic Area and Interface Area.
3. Below is a summary of staff analysis of the site design and land use layout:
   a. The relationship with the existing Boulder University Inn and the new development should be further clarified; considerations include pedestrian connections, shared outdoor spaces, and shared parking. Additionally, the proposed building is shown very close to the existing inn; potential impacts of this narrow gap should be considered including solar access and snow/ice buildup.
   b. Staff appreciates that an effort is being made to maintain the historic setback line in relationship to the existing inn.
   c. Quality outdoor spaces such as outdoor seating, dining, and other amenities should be provided on the trail side of the hotel to take advantage of proximity to the adjacent open space. Additionally, balconies could take advantage of views. Open space locations and total percentage of useable open space should be documented on

the Site Review. The height of the building determines the percentage of required useable open space per 9-9-11(c).

d. Site circulation should be further considered to evaluate if areas for vehicular circulation could instead provide amenities or open space.
e. Consider how the improvements to the alley can enhance the overall site design.
f. Enhance and provide additional pedestrian connections from the site to the adjacent multi-use path.
g. Exterior lighting will be an important aspect of the site design, particularly on the trail side of the building to provide adequate light for safety and security and to enhance open spaces.
h. Consider how the site can take advantage of any views. Although mountain views are largely obstructed, there are some mountain views from the southwest corner of the site. Additionally, consider how the site design can cultivate unique streetscape scenes along Broadway or scenic views eastward across the open space.
i. Per the definition of *yard, front, rear, and* side in section 9-16-1, the applicable yards and setbacks under the existing BT-2 zoning would be:
    - Broadway: Front yard – 20' minimum.
    - Marine Street: Side yard landscaped setback from a street – 15' minimum.
    - North – Side yard setback from an interior lot line – 10' minimum.
    - East/alley – Rear yard setback – 25' minimum.
    - Setbacks can be modified through Site Review.
j. Parking appears to be shown in the side yard landscaped setback from Marine Street, which is prohibited. This parking should be relocated and screened.

Utilities: Kyle Birch, 303-441-3273

1. A water system distribution analysis will be required at time of Site Review in order to assess the impacts and service demands of the proposed development. Conformance with the city's *Treated Water Master Plan, October 2011* is necessary.
2. A collection system analysis will be required at time of Site Review to determine any system impacts based on the proposed demands of the development. The analysis will need to show conformance with the city's *Wastewater Collection System Master Plan, March 2009*.
3. The applicant is notified that, though the city allows Xcel and Qwest to install their utilities in the public right-of-way, they generally require them to be located in easements on private property.
4. The applicant is advised that any proposed street trees along the property frontage may conflict with existing or proposed utilities, including without limitation: water, wastewater, storm drainage, flood control, gas, electric, telecommunications, drainageways, and irrigation ditches, within and adjacent to the development site. It is the applicant's responsibility to resolve such conflicts with appropriate methods conforming to the Boulder Revised Code 1981, the City of Boulder *Design and Construction Standards*, and any private/franchise utility specifications.
5. The landscape irrigation system requires a separate water service and meter. A separate water Plant Investment Fee must be paid at time of building permit. Service, meter and tap sizes will be required at time of building permit submittal.
6. All proposed public utilities for this project shall be designed in accordance with the City of Boulder *Design and Construction Standards* (DCS). A Utility Report per Sections 5.02 and 6.02 of the DCS will be required at time of Site Review application to establish the impacts of this project on the City of Boulder utility systems.
7. Fire hydrants will need to be installed to meet the coverage requirements outlined in Section 5.10 of the City of Boulder *Design and Construction Standards*. Per the standards, no portion of any building shall be over 175 feet of fire access distance from the nearest hydrant. Fire access distance is measured along public or private (fire accessible) roadways or fire lanes, as would be traveled by motorized fire equipment. All fire hydrants and public water lines will need to be located within public utility easements.

IV. NEXT STEPS

If the applicant chooses to move forward with the Planning Board hearing scheduled for November 3, 2016, there are no expectations for revisions based on these comments, although there are minor corrections under **'Plan Documents'** section that should be clarified on the plans before they are routed to the board.

If a revised Concept Plan is submitted, a new round of comments will be provided by staff and a new Planning Board date will be scheduled. Hourly billing rates would apply.

V. CITY CODE CRITERIA CHECKLIST

Guidelines for Review and Comment

The following guidelines will be used to guide the Planning Board's discussion regarding the site. It is anticipated that issues other than those listed in this section will be identified as part of the concept plan review and comment process. The Planning Board may consider the following guidelines when providing comments on a concept plan.

(1) Characteristics of the site and surrounding areas, including, without limitation, its location, surrounding neighborhoods, development and architecture, any known natural features of the site including, without limitation, mature trees, watercourses, hills, depressions, steep slopes and prominent views to and from the site;

The overall site contains three parcels and is approximately 46,368 square feet in area per GIS records. The site is developed and contains three existing structures containing the Boulder University Inn, Khow Thai Café, and DP Dough. Demolition of the latter two buildings was approved by the Landmarks Design Review Committee (LDRC) by HIS2016-00174 and HIS2016-00175. The remainder of the site consists largely of paved areas and some vegetation.

The site is located immediately east of Broadway and approximately 100 feet south of Arapahoe Avenue. It is surrounded by Marine Street to the south; an alley, multi-use path, open space, Boulder Creek, and Boulder High School fields to the east; and other commercial properties to the north (Massage Specialists, South Mouth Wings).

The site generally slopes downward to the northeast toward Boulder Creek. Portions of the site slope steeply downward to the east and northeast toward the multi-use path and the existing inn. Several mature trees exist on the site, particularly along both sides of the alley and the multi-use path, and south of the inn.

The site lies along prominent transportation corridors, including fronting Broadway and backing the multi-use path that links downtown to the University of Colorado.

The site backs to a large open area containing Boulder High School fields and Boulder Creek.

Views from the site westward are largely obstructed by existing structures and trees. There are some partial mountain views along Marine Street and from the southwest corner of the site toward the intersection of Arapahoe and Broadway. The property to the east of the site lies at a lower elevation and the topography, existing structures, and trees on the site also largely obstruct mountain views from those properties.

(2) Community policy considerations including, without limitation, the review process and likely conformity of the proposed development with the Boulder Valley Comprehensive Plan and other ordinances, goals, policies, and plans, including, without limitation, sub-community and sub-area plans;

The current proposal includes a higher FAR (floor area ratio) than is allowed by the existing zoning.

Currently, the BVCP designates the majority of the site as Transitional Business. Per the BVCP Land Use Map description: "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 site has a corresponding zoning designation of Business Transitional – Two (BT-2).

Outside of the scheduled updates, there is an ability to request a change with a concurrent rezoning and land use map change. Changes outside of the broader scheduled updates are held to a very high standard. Staff does not find that a rezoning would be consistent with the criteria for a Land Use Change is found in the Comprehensive Plan in Chapter II Amendment Procedures, which states:

> *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, 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.*
> *(b) The proposed change would not have significant cross-jurisdictional impacts that may affect 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.*
> *(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.

(e) The proposed change would 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.

Similarly, staff doesn't find that a rezoning would be consistent with the criteria for a rezoning is found in section 9-2-18 of the Boulder Revised Code, 1981, which states:

(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;

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

(3) The existing zoning of the land was based on a mistake of fact;

(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;

(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

(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.

The proposed project is preliminarily consistent with the following Boulder Valley Comprehensive Plan policies:

2.03 Compact Development Pattern
2.21 Commitment to a Walkable and Accessible City
2.23 Trail Corridors/Linkages

Additionally, the following Boulder Valley Comprehensive Plan policies should be used to guide the proposal as it moves into Site Review:

2.14 Mix of Complementary Land Uses
2.30 Sensitive Infill and Redevelopment
2.32 Physical Design for People
2.34 Importance of Street Trees and Streetscapes
2.37 Enhanced Design for Private Sector Projects
a) The context
b) The public realm
c) Human scale
d) Permeability
e) On-site open spaces
f) Buildings

(3) Applicable criteria, review procedures, and submission requirements for a site review;

The project requires Site Review per Section 9-2-14, B.R.C. 1981 because the project exceeds 30,000 square feet. The process reviews for conformance with the proposed zoning district and land use designation of the BVCP along with policies of the BVCP and the Site Review criteria of the Land Use Code.

(4) Permits that may need to be obtained and processes that may need to be completed prior to, concurrent with, or subsequent to site review approval;

In addition to a Site Review, the proposal would require:

- Design Advisory Board (DAB) review may be required for the Boulder University Inn parcel if exterior work on the property exceeds $25,000.
- Use Review for a hotel use in BT-2 zoning that would take place concurrent with the Site Review.
- Preliminary Plat (generally at the time of Site Review) and Final Plat (Technical Document review after Site Review) to create a platted lot, dedicate any new public rights-of-way, and grant any required easements.
- Technical Documents after Site Review. Dedications of any right-of-way would be required at that time.
- Building permits following approval of Technical Documents and any applicable Final Plat approvals.

(5) Opportunities and constraints in relation to the transportation system, including, without limitation, access, linkage, signalization, signage, and circulation, existing transportation system capacity problems serving the requirements of the transportation master plan, possible trail links, and the possible need for a traffic or transportation study;

Numerous opportunities exist to enhance the transportation system in this location, including: improvements to Broadway, Marine Street, and the alley to reduce vehicular access points and provide adequate sidewalks and landscaping at appropriate locations; linkages to the existing multi-use path at the rear of the site; provision of short- and long-term bicycle parking; improvements to the existing bus stop at the front of the site; and consideration of measures such as a vehicle or bicycle sharing program as part of an overall TDM plan.

Portions of the existing alley and Marine Street are located in a city-owned parcel, rather than right-of-way. Generally, staff is supportive of the proposed access from the alley, although additional evaluation is necessary to determine if access should be provided through this public land to new developments. Additionally, the existing alley is currently one-way southbound from Arapahoe and is constrained in its location and alignment by the adjacent multi-use path and bridge over Boulder Creek. Additional right-of-way dedication may be necessary where the alley intersects Marine Street to accommodate two-directional traffic.

(6) Environmental opportunities and constraints including, without limitation, the identification of wetlands, important view corridors, floodplains and other natural hazards, wildlife corridors, endangered and protected species and habitats, the need for further biological inventories of the site and at what point in the process the information will be necessary;

The site is part of a developed commercial property. The proposed structure is impacted by the 500-year floodplain of Boulder Creek. Lodging facilities are considered a critical facility and must comply with the development requirements of Section 9-3-2(i) of the Boulder Revised Code, 1981, including review and approval of an Emergency Management Plan prior to issuance of a Floodplain Development Permit.

The existing Boulder University Inn lies within the 100-year floodplain of Boulder Creek. If the proposed structure is connected to the existing inn, the entire structure must comply with the requirements of Section 9-3-3 Regulations Governing the One Hundred-Year Floodplain. The size of the proposal would be a substantial modification, and if the structures were connected, would require the existing lodging units to be elevated to a minimum of two feet above the base flood elevation.

(7) Appropriate ranges of land uses; and (8) The appropriateness of or necessity for housing.

The proposal is limited to a singular land use, hotel, which would extend along a significant portion of the Broadway block frontage. Additional land uses such as storefront uses should be considered in the first-floor of the proposal along Broadway and at the corner of Broadway and Marine Street to provide a richer mix of land uses in the area.

Housing is not a part of this proposal.

VI. Conditions On Case

None.

CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
November 3, 2016
1777 Broadway, Council Chambers

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: http://www.bouldercolorado.gov/

PLANNING BOARD MEMBERS PRESENT:
John Gerstle, Chair
Liz Payton, Vice Chair
Bryan Bowen
Leonard May
Crystal Gray
Harmon Zuckerman

PLANNING BOARD MEMBERS ABSENT:
John Putnam

STAFF PRESENT:
Charles Ferro, Development Review Manager
Hella Pannewig, Assistant City Attorney
Cindy Spence, Administrative Specialist III
Elaine McLaughlin, Senior Planner
Shannon Moeller, Planner II
Sloane Walbert, Planner II
David Thompson, Civil Engineer II
Katie Knapp, Engineering Project Manager

1. CALL TO ORDER

Chair, **J. Gerstle**, declared a quorum at 6:03 p.m. and the following business was conducted.

2. APPROVAL OF MINUTES

3. PUBLIC PARTICIPATION

1. **Trevor Lowenthal** expressed concerns regarding multi-purpose path safety in the city but especially at Baseline Road and Moorehead and Baseline Road and 30th Street.
2. **Jaclyn Brass** proposed adding language to the Boulder Valley Comprehensive Plan (BVCP) showing a willingness to pursue geothermal energy.
3. **David McGuire** spoke in favor of the proposed BVCP amendment regarding CU South and its annexation.

DRAFT

4. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS / CONTINUATIONS

A. Call Up Items: Highland School Bridge Replacement; Floodplain Development Permit (LUR2016-00067); Wetland Permit (LUR2016-00068). This decision may be called up before Planning Board on or before November 4, 2016.

B. Call-Up Item: SITE REVIEW AMENDMENT: To amend the approved plans for Block 3 within the Dakota Ridge Village Subdivision for a 2,513-square foot community center with a community pool and 16 condominium units in two buildings. A similar proposal was approved in 2007 but the approval has since expired. Case no. LUR2015-00113. This approval is subject to potential call-up on or before November 4, 2016.

- **B. Bowen** recused himself during this discussion.
- **C. Gray** questioned staff regarding the presence of inclusionary housing in the project.
- **Jason Markel**, the applicant, answered questions from the board.

C. Call Up Item: Use Review for a residential use in an industrial zoning district. Proposed are a total of 70 residential units along with on-site amenities at 3289 Airport Road, VeloPark Apartments, LUR2016-00020. This approval is subject to potential call-up on or before November 4, 2016.

J. Gerstle called up Item 4C, 3289 Airport Road, VeloPark Apartments, LUR2016-00020. The remaining two items were not called up by the Planning Board.

5. PUBLIC HEARING ITEMS

A. AGENDA TITLE: Public hearing for consideration of a Concept Plan proposal (LUR2016-00070) to redevelop the site at 1600 Broadway, an approximate 0.54 acre-property, involving removal of two commercial buildings, development of a new 41,606 square-foot hotel building with approximately 73 hotel rooms, and installation of an underground parking structure. Preliminary consideration of a rezoning from Business – Transitional 2 (BT-2) to Downtown – 3 (DT-3) is also proposed.

Applicant: Julie Eck, Davis Partnership Architects
Property Owner: Stephen D. Tebo

Staff Presentation:
C. Ferro introduced the item.
S. Moeller presented the item to the board.

Board Questions:
S. Moeller, C. Ferro and **D. Thompson** answered questions from the board.

Applicant Presentation:
Joe Lear, the applicant's representative, presented the item to the board.

DRAFT

Board Questions:
Joe Lear, with Davis Partnership Architects, answered questions from the board.

Public Hearing:
No one spoke.

Board Comments:

- **L. May** agreed with the staff analysis. Currently there is no underlying flaw in the current zoning or land use. If a reconsideration of zoning were to be done, it should be done within an entire corridor redevelopment and not just this project. In regards to the height issue, the moratorium is in place to guide modifications. It would be premature to start creating special ordinances to circumvent the moratorium until the board has the policy discussions around community benefit.
- **C. Gray** stated that the proposal is consistent with BVCP Policy *2.03 Compact Development Pattern*, but it does not meet many other BVCP policies. She agreed with **L. May's** comments regarding height and with keeping the same zoning as stated in the staff analysis.
- **L. Payton** agreed with the previous comments from board members and staff. She stated that this project may be working again the BVCP and specifically Policy *2.21 Commitment to a Walkable & Accessible City*, by replacing small local businesses with a hotel. She appreciated the efforts by the architect to combine the existing historic buildings, but state the proposal is not successful. In regards to the height modification, she did not see a reason to go pursue. The typography exception which was cited would be used for building on slopes. This lot is not extreme enough. She agreed with the previous rezoning comments.
- **H. Zuckerman** stated that the proposed massing appears to be maxing out with no articulation to the building. He suggested stepping the building down with the typography which could provide for rooftop outdoor patio space. With some of these, he may be inclined to grant a smaller height modification. This is an area that could use more pedestrian amenities. Perhaps by pulling the building back from the setback and having retail on the first floor, it would create some interested within the neighborhood. He stated that he is not sure how the current zoning is appropriate today. The Business-Transitional (BT-2) zoning does not fit. Perhaps more density of uses would help create a pedestrian amenity and create a walkable experience.
- **B. Bowen** mentioned that the current strip of Broadway is disjointed. It is a cross axis to downtown. He agreed that rezoning lot by lot is not a good idea. It would make sense to rethink the Business-Transitional (BT-2) zoning in that area. In addition, a 0.5 FAR in that area does not make sense, since that is driven more towards an area of surface parking lots, which is not something that should be in this location. Therefore, rezoning does make sense, but it should be done with along with other parcels. He would accept some level of height exception. He stated that if the urban realm were well developed, it could add to that corridor. In terms of building design, it should be more sculpted and have a logical massing.
- **J. Gerstle** agreed with **H. Zuckerman** that the existing zoning may not be appropriate, but it should not be changed for individual lots. The entire area should be considered. The

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athletic fields and bike path on east side of the lot are a tremendous amenity. He suggested taking advantage these in the building itself. He said that perhaps the east side and the Broadway street side of the building could be made more interesting.

- **C. Gray** stated that it would be nice if the board looked at the BT-2 zone in relation to other goals, such as housing.
- **L. Payton** commented that as this corridor and University Hill are being redeveloped, local student eating areas will be leaving. There will be a gap in providing this and questioned if there is a plan to bring them back.
- **L. May** added that it is not only the loss of business, but as that area is redeveloped, there will not be any street level activity and a dead zone is created when you remove the commercial space.
- **H. Zuckerman** stated that it is important to energize the street scape for locals and visitors.
- **B. Bowen** suggested to staff that if the applicant returns, they should look at Downtown zoning or what would make sense along that corridor. The key factors will be height, FAR and open space requirements. He suggested that this project go to the Design Advisory Board (DAB) to look at the concept design.
- **L. May** stated that this project would be a gateway to downtown, there the it is important that the building be of high quality. Currently, the proposed building appears generic. He would like to see this proposal come back as a concept plan again to Planning Board and see more interesting architecture reflective of the gateway characteristic.

Motion:
Since this is a Concept Review, no action is required on behalf of the Planning Board. **J. Gerstle** summarized that the board would like to see this proposal as a concept plan again before it was to move forward.

B. AGENDA TITLE: Consideration of the following items relating to the properties located at 2010 Upland Avenue and 4270 19th Street

1) Recommendation to City Council on a proposed amendment to the Annexation Agreement for the Crestview East Neighborhood, in particular for the property located at 2010 Upland Avenue, to remove the requirement to dedicate and construct N. 20th Street (LUR2016-00081);
2) Recommendation to City Council on a proposed amendment to the Annexation Agreement for the property located at 4270 19th Street to remove the requirement to dedicate and construct N. 20th Street (LUR2016-00081);
3) Motion to amend the North Boulder Subcommunity Plan to delete the N. 20th Street connection between Upland Avenue and Tamarack Avenue; and
4) Official notice of vacation of public right-of-way for N. 20th Street adjacent to the properties at 2010 Upland Avenue and 4270 19th Street as required by Section 79 of the City of Boulder Charter (LUR2016-00073).

Applicants: Anne Hockmeyer, Ellen Stark and City of Boulder Public Works
Owner: Anne Hockmeyer and Ellen Stark

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Staff Presentation:
C. Ferro introduced the item.
S. Walbert presented the item to the board.

Board Questions:
S. Walbert, C. Ferro and **D. Thompson** answered questions from the board.

Applicant Presentation:
Anne Hockmeyer, the applicant and owner, presented the item to the board.

Board Questions:
Anne Hockmeyer, the applicant and owner, answered questions from the board.

Public Hearing:

1. **Jan Morzel** spoke in support to the project.

Board Comments:

- **J. Gerstle** opposed the motion because he felt it conflicted with the North Boulder Subcommunity Plan (NBSP) and there was not compelling argument to make a change. He stated that CEAP has excellent recommendations. In addition, the idea of a connection between Tamarack Avenue and 19th Street is good, but one should not be viewed as a substitute for the other.
- **H. Zuckerman** stated that he would be in favor of the motion because the NBSP is meant to property mirror our local priorities. It meets the needs of the community. The right-of-way plan within the NBSP will be amended tonight, therefore the Planning Board will bring the NBSP back into consistency.
- **L. Payton** stated that she will support the motion because the Planning Board modifies connection plans regularly. Also, it will be easier to subdivide the lot in question and the results of the CEAP will provide a new connection which was not originally planned. This property has been burdened by a connection at the south and west end, therefore it makes sense to eliminate the connection.
- **C. Gray** agreed.

Motion:
On a motion by **C. Gray**, seconded by **B. Bowen**, the Planning Board voted 5-1 (**J. Gerstle** opposed; **J. Putnam** absent) to recommend to City Council approval of the Annexation Agreement Amendments as they are consistent with the overall goals and policies of the Boulder Valley Comprehensive Plan policies pertaining to annexation as well as the intent of the original annexation terms.

On a motion by **C. Gray**, seconded by **H. Zuckerman**, the Planning Board voted 5-1 (**J. Gerstle** opposed; **J. Putnam** absent) find the proposed deletion of the N. 20th Street connection is consistent with the NBSP's intent and goals as identified in the plan and approve this amendment to the North Boulder Right-of-Way Plan.

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6. MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY

A. Progress on the Public Notification Issue

- **L. Payton** questioned staff as to the progress of notifying tenants as well as property owners.
- **C. Ferro** informed the board that while the city knows they can perform this function, they are still working through the resource function of the process, as the city uses a third party for resources.

B. Annual Letter to City Council

- The board ask **C. Spence** to group the last 3-4 years of Planning Board Letters to Council for their review.
- Board members will send ideas to **C. Spence** and she will compile them.
- The board asked to schedule a full discussion at the next Planning Board meeting on November 17, 2016.

C. Debrief of Community Benefit Subcommittee Meeting

- The board asked to schedule a full discussion at the next Planning Board meeting on November 17, 2016.

7. DEBRIEF MEETING/CALENDAR CHECK

8. ADJOURNMENT

The Planning Board adjourned the meeting at 8:23 p.m.

APPROVED BY

_____
Board Chair

_____
DATE

DRAFT

INFORMATION PACKET
MEMORANDUM

To: Mayor and Members of City Council

From: 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

Date: November 15, 2016

Call-up Item: Landmark Alteration Certificate application to relocate existing accessory building at 1735 Mapleton Ave. so that the building and overhangs do not encroach into the alley per Section 9-11-18 of the Boulder Revised Code 1981 (HIS2016-00257). This Landmark Alteration Certificate is subject to City Council call-up no later than **November 15, 2016**.

Executive Summary
The proposal to relocate a contributing accessory building at 1735 Mapleton Ave. was approved with conditions by the Landmarks Board (5-0) at its November 2, 2016 meeting. The relocation is necessary because of proposed improvements that require it comply with Section 8-6-4 of the Boulder Revised Code which states that, "no portion of a building shall be located in a public right of way". The proposed relocation will satisfy this requirement.

This decision was based upon and agreement with staff's recommendation that, with the conditions listed in the memorandum, the proposed construction will be generally consistent with the standards for issuance of a Landmark Alteration Certificate as specified in Section 9-11-18, B.R.C. 1981, and the *General Design Guidelines.*

The board's approval is subject to a 14-day call-up period by City Council. The approval of this Landmark Alteration Certificate is subject to City Council call-up no later than **November 15, 2016.**

ATTACHMENTS:
Attachment A: Disposition for 1735 Mapleton Ave.
Attachment B: Application and Plans

Notice of Disposition

You are hereby advised that on November 15, 2016 the following action was taken:

ACTION: Approved by a vote of 5-0

APPLICATION: Public hearing and consideration of a Landmark Alteration Certificate application to relocate a contributing accessory building at 1735 Mapleton Ave. so that the building and overhangs do not encroach into the alley (Reference HIS2016-00179 for exterior improvements), per Section 9-11-18, Boulder Revised Code 1981 (HIS2016-00257).

LOCATION: 1735 Mapleton Ave.

ZONING: RL-1 (Residential Low-1)

OWNER / APPLICANT: Elizabeth Helgans / Joel Smiley

This decision was arrived at based on the purposes and intent of the Historic Preservation Code as set forth in 9-11 18, B.R.C., 1981, as applied to the Landmark Alteration Certificate application.

Public Hearing

Joel Smiley, 521 Maxwell Ave., contractor and applicant, spoke in support of moving this accessory building, even though the requirement seems unnecessary. Mr. Smiley expressed interest in finding other solutions to the relocation of a building that has been in its location for over 100 years, because a small portion is in the right-of-way. He noted that this topic will continue to come up, highlighting a current project at 603 Highland Ave. has a similar issue.

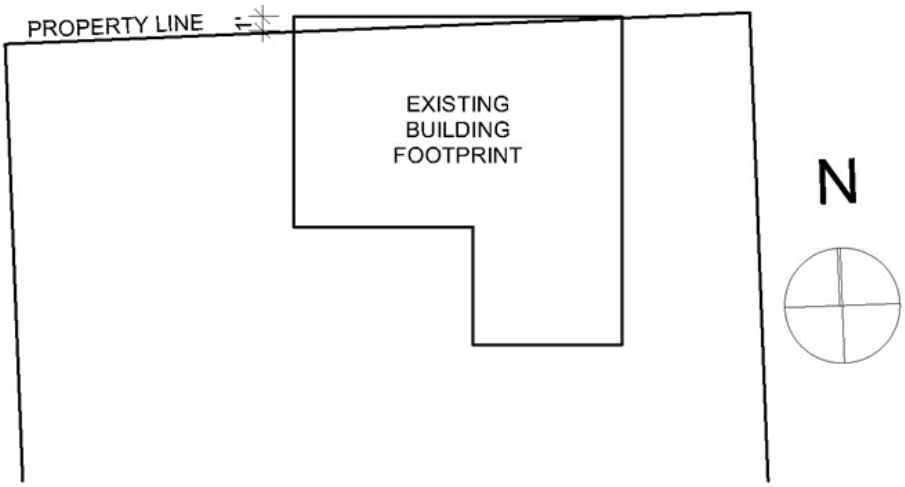
Motion

On a motion by **B. Butler**, and seconded by **D. Yin**, voted and approved (5-0) that the Landmarks Board approve a Landmark Alteration Certificate to relocate the existing accessory building at the northeast corner of the lot at 1735 Mapleton Ave., from its current location to the proposed location on the same property, with a 3-foot setback from the north property line, in that, provided the condition below is met, the proposed relocation will meet the requirements of Section 9-11-18, B.R.C. 1981, and to adopt the staff memorandum, dated November 2, 2016, as findings of the board.

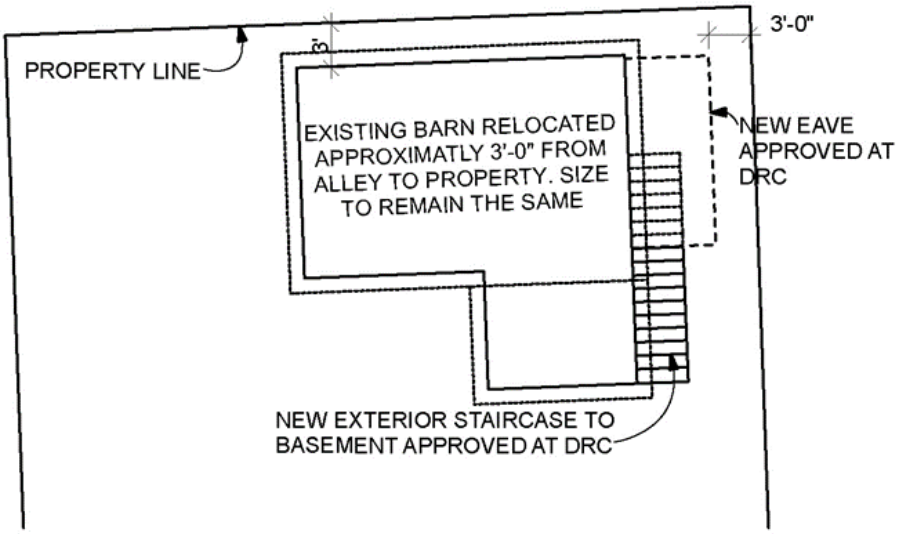
CONDITIONS OF APPROVAL

1. The applicant shall be responsible for ensuring that the development shall be constructed in compliance with approved plans dated 08/09/2016 on file in the City of Boulder Planning, Housing and Sustainability Department.

This recommendation is based upon staff's opinion that, provided the condition listed above is met, the proposed construction will be generally consistent with the standards for issuance of a Landmark Alteration Certificate as specified in Section 9-11-18, B.R.C. 1981, and the *General Design Guidelines*.



1 EXISTING SITE PLAN 1" = 10'



2 PROPOSED SITE PLAN 1" = 10'

INFORMATION PACKET
MEMORANDUM

To: Mayor and Members of City Council

From: Jane S. Brautigam, City Manager
Mary Ann Weideman, Deputy City Manager
David Driskell, Executive Director of Planning, Housing & Sustainability
Maureen Rait, Executive Director of Public Works
Susan Richstone, Deputy Director of Planning
Charles Ferro, Development Review Manager – Planning
Edward Stafford, Development Review Manager – Public Works
Annie Noble, Greenways Program Coordinator
David Thompson, Civil Engineer II
Sloane Walbert, Planner II

Date: November 15, 2016

Subject: **Call-Up Item:** Amendment to the North Boulder Right-of-Way Plan in the North Boulder Subcommunity Plan for the deletion of N. 20th Street between Upland and Tamarack Avenues, adjacent to the properties at 2010 Upland Ave. and 4270 19th St.

EXECUTIVE SUMMARY

On Nov. 3, 2016, the Planning Board voted 5-1 (**J. Gerstle** opposed, **J. Putnam** absent) to approve the amendment to the North Boulder Right-of-Way Plan within the North Boulder Subcommunity Plan (NBSP) to remove the vehicular connection known as N. 20th Street between Upland and Tamarack Avenues. Staff is processing this amendment concurrent with other related actions, including applications for the vacation of public rights-of-way dedicated for N. 20th Street adjacent to the properties at 2010 Upland Ave. and 4270 19th St. and amendments to the annexation agreements to remove the requirements for the dedication and construction of N. 20th Street. **Attachment A** contains the Planning Board Notice of Disposition with associated conditions of approval. The draft minutes from the Nov. 3, 2016 Planning Board hearing are included as **Attachment B**.

Staff finds the amendment to the North Boulder Right-of-Way Plan to be consistent with the findings made in the Fourmile Canyon Creek Community and Environmental Assessment Process (CEAP) from March 2012. Through this process, staff has determined that the N. 20th Street connection is not required for either vehicle or multi-modal purposes. Amendments to the Plan are considered by the Planning Board and the board's decision is subject to call-up by the City Council

within a 30-day period. There is one City Council meeting within this period for call-up consideration on Nov. 15, 2016.

The staff memorandum to Planning Board and other related background materials are available on the records archive website for Planning Board.

FISCAL IMPACT
Removing the connection would free the city from the maintenance and repair responsibilities associated with N. 20th Street. Because the right-of-way is not needed to provide access, maintaining the right-of-way creates an unnecessary financial burden for the city.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic: None identified.
- Environmental: While the removal of the connection may add vehicle miles traveled, Tamarack Avenue currently provides access for only eight properties. Tamarack Avenue is not part of the city's east/west vehicle grid and staff projects that low daily trips will be generated on Tamarack Avenue upon subdivision build-out.
- Social: The removal of N. 20th Street would not affect the overall connectivity of the area. The Fourmile Canyon Creek Improvements Project is providing both emergency access and a safer, more direct route to pedestrians and bicyclists between Tamarack Avenue and areas west of 19th Street. Vehicular access in this location is not warranted based on current and projected traffic volumes generated by potential future subdivisions along Tamarack Avenue. Please refer to the 'Analysis' section below for additional information.

BOARD AND COMMISSION FEEDBACK
On Nov. 3, 2016, Planning Board heard the request to amend the North Boulder Right-of-Way Plan to remove the N. 20th Street connection. The board discussed the CEAP from March 2012 and the relationship of the process to the NBSP. One board member opposed the proposals (amendment to the NBSP, vacation and annexation amendments), citing conflicts with the subcommunity plan and indicating that no compelling reason existed to remove the connection. The board member also stated that the CEAP made excellent recommendations, but the new multi-use path and emergency access connection are not a substitute for N. 20th Street. Other members stated their support for the requests based on the site context, the low development potential along Tamarack Avenue, and the conclusion that the removal of the connection would be consistent with the neighborhood input from the March 2012 CEAP. Please refer to the draft minutes from the Nov. 3, 2016 Planning Board hearing in **Attachment B**.

On a motion by **C. Gray**, seconded by **H. Zuckerman**, the Planning Board voted 5-1 (**J. Gerstle** opposed, **J. Putnam** absent) to find the proposed deletion of N. 20th Street connection to be consistent with the North Boulder Subcommunity Plan's intent and goals and approved the amendment to the North Boulder Right-of-Way Plan.

BACKGROUND
The affected area is located in North Boulder in the Crestview East Neighborhood, which is roughly defined as those properties located north of Tamarack Avenue, south of Violet Avenue, east of 19th Street and west of 22nd Street. Over time, the following properties have dedicated or

reserved the right-of-way necessary for the future construction of N. 20th Street in accordance with the North Boulder Right-of-Way Plan (refer to *Figure 1*):

- 4306 19th St. – reserved[1] 15 feet of right-of-way in 2002.
- 2010 Upland Ave. – dedicated 15 feet of right-of-way in 2009.
- 4270 19th St. – dedicated 15 feet of right-of-way in 2014.

As is common in annexations where infrastructure is to be constructed in accordance with an adopted connections plan, each of the respective annexation agreements have a trigger for the construction of N. 20th Street. The owner(s) of the first of the three properties to subdivide or redevelop is responsible for the construction of the roadway. The remaining two properties would then reimburse their share of the construction costs to the constructor upon subdivision or redevelopment of their respective properties.

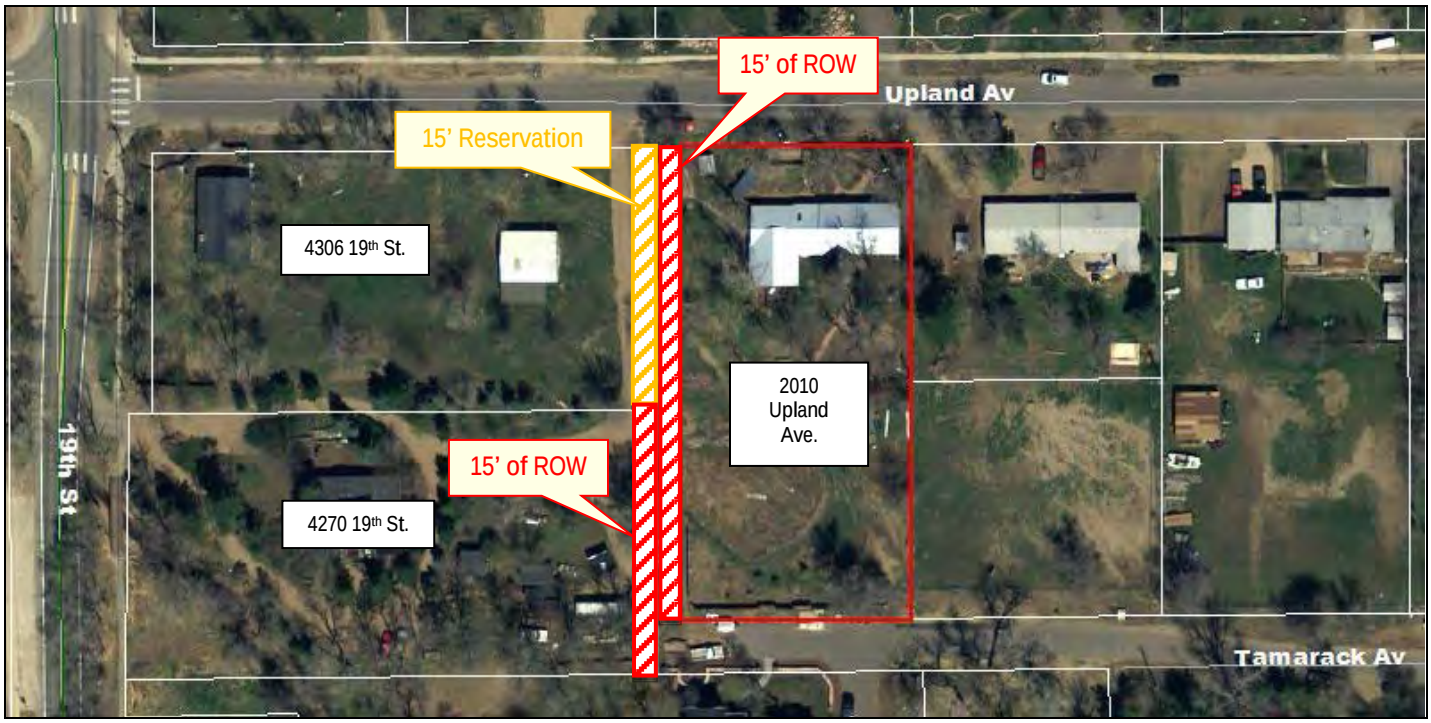


Figure 1: Dedications and Reservations for N. 20th Street

In March 2012, the city conducted a CEAP to evaluate flood mitigation and multi-use path connection alternatives along Fourmile Canyon Creek, between 19th and 22nd Streets, as part of a greenways improvement project (refer to *Figure 2* on the following page). Emergency access to Tamarack Avenue was also evaluated as part of the process. Several open houses were held to solicit neighborhood input. The proposed recommendations were reviewed at a public hearing by the Greenways Advisory Committee (GAC) on Feb. 15, 2012.

[1] *The 2002 annexation agreement for 4306 19th Street called for the "reservation" of 15 feet of right-of-way to be dedicated in fee to the city within 30 days of a request, whereas 2010 Upland Ave. and 4270 19th St. provided fee dedications of right-of-way through their respective annexations. No action or vacation is required for the property at 4306 19th St. since right-of-way was never dedicated.*

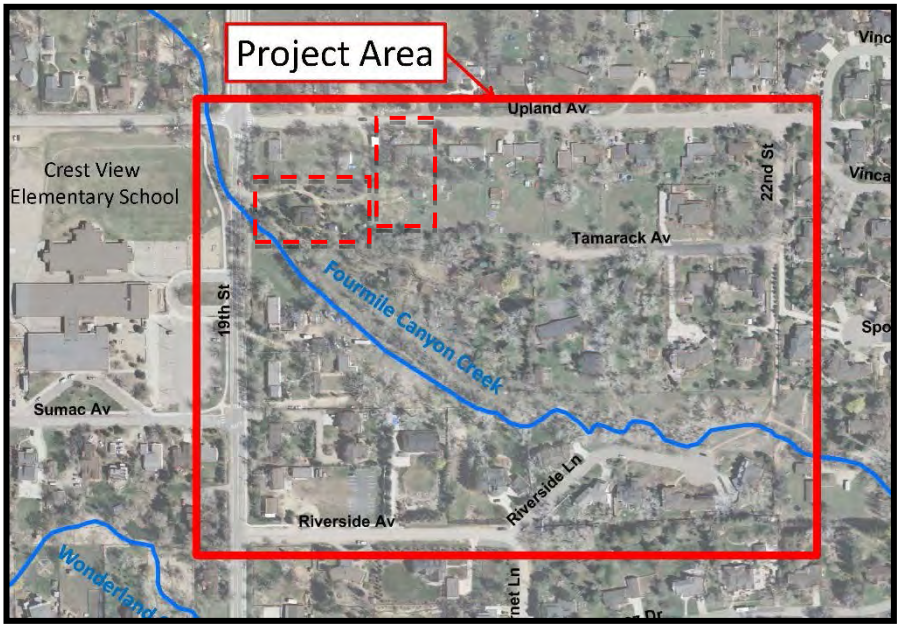


Figure 2: CEAP Project Area

The staff recommended alternative to meet the goals of the greenways improvement project was to connect 19th Street to Tamarack Avenue via a path and bridge connection that would also provide improved emergency vehicle access to Tamarack Avenue (refer to *Figure 3* on the following page). It was determined that this alternative would consolidate the future bicycle and pedestrian access to Tamarack Avenue with emergency vehicle access only. At that time staff found that the construction of N. 20th Street was not warranted based on current and projected traffic volumes generated by potential future subdivisions along Tamarack Avenue. The GAC unanimously (6-0) recommended approval of this alternative.

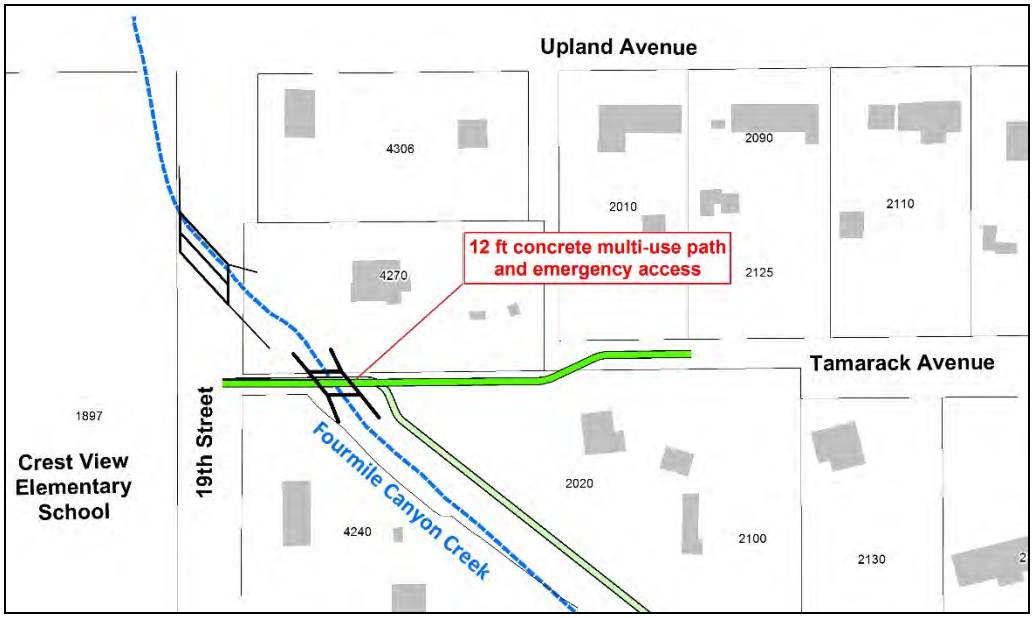


Figure 3: Approved Transportation Connection Alternative in CEAP

The CEAP was submitted to City Council on Mar. 29, 2012 for call-up. City Council did not call up the CEAP, and the GAC recommendation was finalized and is reflected in the final CEAP document. The construction schedule for the Greenways project is unknown at this time since the full project design has not been completed and requires permitting through the U.S. Army Corps of Engineers.

In 2016, the property owners of 2010 Upland Ave. (Anne Hockmeyer and Ellen Stark) applied for subdivision, thereby triggering the requirement to construct N. 20th Street. Based on the findings made in the CEAP, they subsequently requested that the requirement to construct N. 20th Street be removed from their annexation agreement, their dedicated right-of-way be vacated and returned, and the North Boulder Right-of-Way Plan amended to delete the connection. In reviewing the request for the property at 2010 Upland Ave. staff determined that it was appropriate to pursue mirror proposals for the property at 4270 19th St. (owned by Robert and Elaine Schuman), since the agreements contain the same requirements for the dedication and construction of N. 20th Street and to concurrently vacate right-of-way dedicated for the construction of N. 20th Street by the owners of 4270 19th Street.

The following amendment to the North Boulder Right-of-Way Plan is proposed:

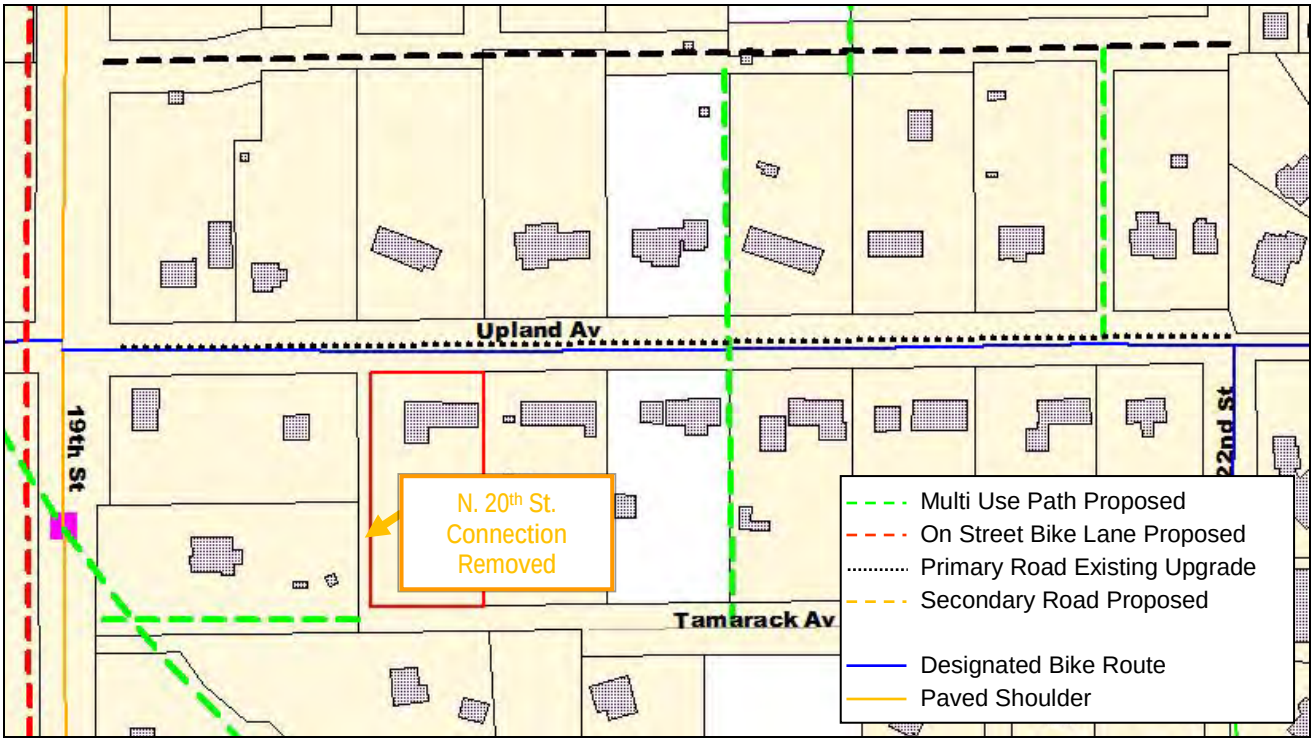


Figure 4: Proposed Amendment to NBSP North Boulder Right-of-Way Plan

ANALYSIS

The North Boulder Subcommunity Plan (NBSP) is the primary land use policy document for the Crestview East neighborhood. The plan sets forth the official vision for the future of North Boulder and provides the basis for decisions about the long-term development and preservation of the area. The Plan also lists specific actions to be carried out by the City, other public agencies,

and the private sector in the coming years. Amendments must be consistent with the intent and goals identified in the NBSP.

Amendments to the North Boulder Right-of-Way Plan require Planning Board review and are subject to call up by the City Council. Deletion of a street connection must be consistent with the intent and goals as identified in the NBSP. The North Boulder Right-of-Way Plan is the section of the NBSP intended to implement the transportation goals and policies. This plan seeks to encourage walking, biking and transit use by providing safe, comfortable and convenient pedestrian and bicycle path connections, and seeks to provide connections to existing and future pedestrian and bike path systems.

Staff finds that these goals will continue to be met following the proposed amendment to the Right-of-Way Plan, as the right-of-way proposed to be removed is not intended to provide any connections to existing or proposed transportation facilities, and several significant transportation connections, both existing and proposed, remain in close proximity to the subject area.

The current proposal appears consistent with the following goals and policies:

NBSP Transportation Goals and Policies	How the Proposal is Consistent
• Encourage walking, biking and transit use by providing safe, comfortable and convenient pedestrian and bicycle path connections. • Increase opportunities for safe and efficient pedestrian and bicycle travel.	The removal of N. 20th Street would not affect the overall bicycle and pedestrian connectivity of the area. A more direct route is being provided to pedestrians and bicyclists between Tamarack Avenue and areas west of 19th Street with the Fourmile Canyon Creek Improvements Project. The project will provide a new multi-use path connection across Fourmile Canyon Creek, connecting Tamarack Avenue to 19th Street, and an underpass under 19th Street to eliminate the need to cross 19th Street at Upland Avenue. A mid-block multi use path planned connection will remain a few properties over to the east, furthering accommodating north/south pedestrian and bicycle circulation.
• Create an integrated network of streets, yielding more path options for both motorists and users of alternative travel modes.	The removal of N. 20th Street would not affect the overall connectivity of the area. Vehicular access in this location is not warranted based on current and projected traffic volumes generated by potential future subdivisions along Tamarack Avenue. A turnaround will continue to be provided at the west end of Tamarack Avenue for any vehicles requiring the turn around. One of the primary purposes of the proposed N. 20th Street connection was to provide an additional access route for emergency vehicles, given that Tamarack Avenue wasn't part of an existing neighborhood transportation grid. However, emergency access will now be provided by the Fourmile Canyon Creek Improvements Project. The bridge across Fourmile Creek Canyon is designed to accommodate emergency response vehicles thus providing a direct connection from 19th Street to Tamarack Avenue.

NBSP Transportation Goals and Policies	How the Proposal is Consistent
• Maintain rural street character in the central part of the subcommunity to the greatest extent possible.	By eliminating the N. 20th Street connection several properties (4306 Upland Ave., 2010 Upland Ave. and 4270 19th St.) will not be fronted by public access on three sides. The elimination of the vehicular connection will maintain the rural estate neighborhood character.
• In the central part of subcommunity, focus on reducing school-related car trips and calming traffic on existing through-streets. • Encourage school children to walk, bike and take the bus to school. • Determine methods to calm traffic speeds on neighborhood streets.	Crest View Elementary School is located directly to the west of the subject properties, at the northwest corner of 19th Street and Sumac Avenue. The Fourmile Canyon Creek Improvements Project will provide a new multi-use path connection across Fourmile Canyon Creek, connecting Tamarack Avenue to 19th Street, and an underpass under 19th Street to eliminate the need to cross 19th Street at Upland Avenue. Thus, a more direct route is being provided to pedestrians and bicyclists, which will encourage school children to walk or bike to school. In addition, the removal of a through street will calm traffic speeds of vehicles traveling to Tamarack Avenue.
• Pursue aggressive strategies to reduce the number and distance of car trips.	While the removal of the connection could add vehicle miles traveled, Tamarack Avenue currently provides access for only eight properties. Tamarack Avenue is not part of the City's east/west vehicle grid and low daily trips are projected to be generated on Tamarack Ave upon subdivision build-out.

NEXT STEPS

The Planning Board decision is subject to City Council call-up within 30-days. The site review request is scheduled as an informational call-up item for the Nov. 15, 2016 meeting.

ATTACHMENTS

A. Planning Board Notice of Disposition dated Nov. 3, 2016
B. Draft 11.03.2016 Planning Board minutes

CITY OF BOULDER
Planning and Development Services

1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791
phone 303-441-1880 • fax 303-441-3241 • email plandevelop@bouldercolorado.gov
www.boulderplandevelop.net

CITY OF BOULDER PLANNING BOARD NOTICE OF DISPOSITION

You are hereby advised that on November 3, 2016 the following action was taken by the Planning Board.

PROJECT NAME:	**Amendment to the North Boulder Subcommunity Right-of-Way Plan**
DESCRIPTION:	**Amendment to the North Boulder Right-of-Way Plan in the North Boulder Subcommunity Plan for the deletion of N. 20th Street between Upland and Tamarack Avenues, adjacent to the properties at 2010 Upland Avenue and 4270 19th Street. This amendment is being processed as part of an application for Amendments to the Annexation Agreements at the aforementioned propertes.**
LOCATION:	**2010 UPLAND AV AND 4270 19TH STREET**
COOR:	**N08W05**
APPLICANT:	**Anne Hockmeyer, Ellen Stark and City of Boulder**
OWNER:	**Anne Hockmeyer and Ellen Stark (2010 Upland Avenue)** **Robert and Elaine Schuman (4270 19th Street)**
APPLICATION:	**Annexation/Simple Single-family Residential, LUR2016-00081**
ZONING:	**Residential-Estate (RE)**
CASE MANAGER:	**Sloane Walbert**

This decision may be called up before the City Council on or before **December 5, 2016**. If no call-up occurs, the decision is deemed final **December 6, 2016.**

The Planning Board voted 5-1 (**J. Gerstle** opposed; **J. Putnam** absent), on a motion by **C. Gray**, seconded by **H. Zuckerman**, that the Planning Board find the proposed deletion of the N. 20th Street connection is consistent with the NBSP's intent and goals as identified in the Plan and approve this amendment to the North Boulder Right-of-Way Plan.

Approved by:

By: _____
David Driskell, Secretary of the Planning Board

CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
November 3, 2016
1777 Broadway, Council Chambers

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: http://www.bouldercolorado.gov/

PLANNING BOARD MEMBERS PRESENT:
John Gerstle, Chair
Liz Payton, Vice Chair
Bryan Bowen
Leonard May
Crystal Gray
Harmon Zuckerman

PLANNING BOARD MEMBERS ABSENT:
John Putnam

STAFF PRESENT:
Charles Ferro, Development Review Manager
Hella Pannewig, Assistant City Attorney
Cindy Spence, Administrative Specialist III
Elaine McLaughlin, Senior Planner
Shannon Moeller, Planner II
Sloane Walbert, Planner II
David Thompson, Civil Engineer II
Katie Knapp, Engineering Project Manager

1. CALL TO ORDER

Chair, **J. Gerstle**, declared a quorum at 6:03 p.m. and the following business was conducted.

2. APPROVAL OF MINUTES

3. PUBLIC PARTICIPATION

1. **Trevor Lowenthal** expressed concerns regarding multi-purpose path safety in the city, especially at Baseline Road and Moorehead and Baseline Road and 30th Street.
2. **Jaclyn Brass** proposed adding language to the Boulder Valley Comprehensive Plan (BVCP) showing a willingness to pursue geothermal energy.
3. **David McGuire** spoke regarding the proposed BVCP amendment regarding the CU South annexation and the proposed flood mitigation on behalf of the Frasier Meadows Steering Committee.

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4. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS / CONTINUATIONS

A. Call Up Items: Highland School Bridge Replacement; Floodplain Development Permit (LUR2016-00067); Wetland Permit (LUR2016-00068). This decision may be called up before Planning Board on or before November 4, 2016.

B. Call-Up Item: SITE REVIEW AMENDMENT: To amend the approved plans for Block 3 within the Dakota Ridge Village Subdivision for a 2,513-square foot community center with a community pool and 16 condominium units in two buildings. A similar proposal was approved in 2007 but the approval has since expired. Case no. LUR2015-00113. This approval is subject to potential call-up on or before November 4, 2016.

- **B. Bowen** recused himself during this discussion.
- **C. Gray** questioned staff regarding the presence of inclusionary housing in the project.
- **Jason Markel**, the Applicant, answered questions from the board.

C. Call Up Item: Use Review for a residential use in an industrial zoning district. Proposed are a total of 70 residential units along with on-site amenities at 3289 Airport Road, VeloPark Apartments, LUR2016-00020. This approval is subject to potential call-up on or before November 4, 2016.

J. Gerstle called up Item 4C, 3289 Airport Road, VeloPark Apartments, LUR2016-00020. The remaining two items were not called up by the Planning Board.

5. PUBLIC HEARING ITEMS

A. AGENDA TITLE: Public hearing for consideration of a Concept Plan proposal (LUR2016-00070) to redevelop the site at 1600 Broadway, an approximate 0.54 acre-property, involving removal of two commercial buildings, development of a new 41,606 square-foot hotel building with approximately 73 hotel rooms, and installation of an underground parking structure. Preliminary consideration of a rezoning from Business – Transitional 2 (BT-2) to Downtown – 3 (DT-3) is also proposed.

Applicant: Julie Eck, Davis Partnership Architects
Property Owner: Stephen D. Tebo

Staff Presentation:
C. Ferro introduced the item.
S. Moeller presented the item to the board.

Board Questions:
S. Moeller, C. Ferro and **D. Thompson** answered questions from the board.

Applicant Presentation:
Joe Lear, the applicant's representative, presented the item to the board.

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Board Questions:
Joe Lear, with Davis Partnership Architects, answered questions from the board.

Public Hearing:
No one spoke.

Board Comments:

- **L. May** agreed with the staff analysis. Currently there is no underlying flaw in the current zoning or land use. If a reconsideration of zoning were to be done, it should be done within an entire corridor redevelopment and not just this project. In regards to the height issue, the moratorium is in place to guide modifications. It would be premature to start creating special ordinances to circumvent the moratorium until the board has the policy discussions around community benefit.
- **C. Gray** stated that the proposal is consistent with BVCP Policy *2.03 Compact Development Pattern*, but it does not meet many other BVCP policies. She agreed with **L. May's** comments regarding height and with keeping the same zoning as stated in the staff analysis.
- **L. Payton** agreed with the previous comments from board members and staff. She stated that this project may be working again the BVCP and specifically Policy *2.21 Commitment to a Walkable & Accessible City*, by replacing small local businesses with a hotel. She appreciated the efforts by the architect to combine elements of the nearby existing buildings, but stated the proposal is not successful. In regards to the height modification, she did not see a reason to proceed. The topography exception which was cited would be used for building on slopes. This lot is not extreme enough. She agreed with the previous rezoning comments.
- **H. Zuckerman** stated that the proposed massing appears to be maxing out the site with no articulation to the building. He suggested stepping the building down with the typography which could provide for rooftop outdoor patio space. With some of these, he may be inclined to grant a smaller height modification. This is an area that could use more pedestrian amenities. Perhaps by pulling the building back from the setback and having retail on the first floor, it would create some interest within the neighborhood. He stated that he is not sure how the current zoning is appropriate today. The Business-Transitional 2 (BT-2) zoning does not fit. Perhaps more density of uses would help create a pedestrian amenity and create a walkable experience.
- **B. Bowen** mentioned that the current strip of Broadway is disjointed. It is a cross axis to downtown. He agreed that rezoning lot by lot is not a good idea. It would make sense to rethink the Business-Transitional 2 (BT-2) zoning in that area. In addition, a 0.5 FAR in that area does not make sense, since that is driven more towards an area of surface parking lots, which is not something that should be in this location. Therefore, rezoning does make sense, but it should be done along with other parcels. He would accept some level of height exception. He stated that if the urban realm were well developed, it could add to that corridor. In terms of building design, it should be more sculpted and have a logical massing.
- **J. Gerstle** agreed with **H. Zuckerman** that the existing zoning may not be appropriate, but it should not be changed for individual lots. The entire area should be considered. The

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athletic fields and bike path on the east side of the lot are a tremendous amenity. He suggested taking advantage of these in the building itself. He said that perhaps the east side and the Broadway street side of the building could be made more interesting.

- **C. Gray** stated that it would be nice if the board looked at the BT-2 zone in relation to other goals, such as housing.
- **L. Payton** commented that as this corridor and University Hill are being redeveloped, local student eating areas will be leaving. There will be a gap in providing this and questioned if there is a plan to bring them back.
- **L. May** added that it is not only the loss of business, but as that area is redeveloped, there will not be any street level activity and a dead zone is created when you remove the commercial space.
- **H. Zuckerman** stated that it is important to energize the streetscape for locals and visitors.
- **B. Bowen** suggested to staff that if the applicant returns, they should look at what zone would make sense along that corridor. The key factors will be height, FAR and open space requirements. He suggested that this project go to the Design Advisory Board (DAB) to look at the concept design.
- **L. May** stated that this project would be a gateway to downtown, there the it is important that the building be of high quality. Currently, the proposed building appears generic. He would like to see this proposal come back as a concept plan again to Planning Board and see more interesting architecture reflective of the gateway characteristic.

Motion:
Since this is a Concept Review, no action is required on behalf of the Planning Board. **J. Gerstle** summarized that the board would like to see this proposal as a concept plan again before it was to move forward.

B. AGENDA TITLE: Consideration of the following items relating to the properties located at 2010 Upland Avenue and 4270 19th Street

1) Recommendation to City Council on a proposed amendment to the Annexation Agreement for the Crestview East Neighborhood, in particular for the property located at 2010 Upland Avenue, to remove the requirement to dedicate and construct N. 20th Street (LUR2016-00081);
2) Recommendation to City Council on a proposed amendment to the Annexation Agreement for the property located at 4270 19th Street to remove the requirement to dedicate and construct N. 20th Street (LUR2016-00081);
3) Motion to amend the North Boulder Subcommunity Plan to delete the N. 20th Street connection between Upland Avenue and Tamarack Avenue; and
4) Official notice of vacation of public right-of-way for N. 20th Street adjacent to the properties at 2010 Upland Avenue and 4270 19th Street as required by Section 79 of the City of Boulder Charter (LUR2016-00073).

Applicants: Anne Hockmeyer, Ellen Stark and City of Boulder Public Works
Owner: Anne Hockmeyer and Ellen Stark

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Staff Presentation:
C. Ferro introduced the item.
S. Walbert presented the item to the board.

Board Questions:
S. Walbert, C. Ferro and **D. Thompson** answered questions from the board.

Applicant Presentation:
Anne Hockmeyer, the applicant and owner, presented the item to the board.

Board Questions:
Anne Hockmeyer, the applicant and owner, answered questions from the board.

Public Hearing:

1. **Jan Morzel** spoke in support to the project.

Board Comments:

- **J. Gerstle** stated that he was opposed to the proposals because he felt that the removal of the connection conflicted with the North Boulder Subcommunity Plan (NBSP). He indicated that there was no compelling argument to make a change. He stated that CEAP has excellent recommendations and the connection between Tamarack Avenue and 19th Street is good. However, the new connection should not be viewed as a substitute for N. 20th Street.
- **H. Zuckerman** stated that he would be in favor of a motion to approve because the NBSP is meant to properly mirror our local priorities. It meets the needs of the community. The Planning Board will bring the NBSP back into consistency by approving the proposals.
- **L. Payton** stated that she will support a motion to approve because the Planning Board modifies connection plans regularly. Also, it will be easier to subdivide the lot in question and build two homes, rather than one large home. The results of the CEAP will provide a new connection which was not originally planned. This property has been burdened by dedications on the north and south sides, therefore it makes sense to eliminate the connection.
- **C. Gray** agreed.

Motion:
On a motion by **C. Gray**, seconded by **B. Bowen**, the Planning Board voted 5-1 (**J. Gerstle** opposed; **J. Putnam** absent) to recommend to City Council approval of the Annexation Agreement Amendments as they are consistent with the overall goals and policies of the Boulder Valley Comprehensive Plan policies pertaining to annexation as well as the intent of the original annexation terms.

On a motion by **C. Gray**, seconded by **H. Zuckerman**, the Planning Board voted 5-1 (**J. Gerstle** opposed; **J. Putnam** absent) find the proposed deletion of the N. 20th Street connection is consistent with the NBSP's intent and goals as identified in the plan and approve this amendment to the North Boulder Right-of-Way Plan.

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6. MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY

A. Progress on the Public Notification Issue

- **L. Payton** questioned staff as to the progress of notifying tenants as well as property owners.
- **C. Ferro** informed the board that while the city knows they can perform this function, they are still working through the resource function of the process, as the city uses a third party for resources.

B. Annual Letter to City Council

- The board ask **C. Spence** to group the last 3-4 years of Planning Board Letters to Council for their review.
- Board members will send ideas to **C. Spence** and she will compile them.
- The board asked to schedule a full discussion at the next Planning Board meeting on November 17, 2016.

C. Debrief of Community Benefit Subcommittee Meeting

- The board asked to schedule a full discussion at the next Planning Board meeting on November 17, 2016.

7. DEBRIEF MEETING/CALENDAR CHECK

8. ADJOURNMENT

The Planning Board adjourned the meeting at 8:23 p.m.

APPROVED BY

_____
Board Chair

_____
DATE

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INFORMATION PACKET
MEMORANDUM

To: Members of City Council

From: Jane S. Brautigam, City Manager
Heather Bailey, Executive Director of Energy Strategy and Electric Utility Development

Date: November 15, 2016

Subject: **Information Item:** Boulder's Energy Future – Municipalization Transition Plan and Budget Update

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A. Municipalization Transition Plan Update

The Municipalization Transition Work Plan serves as a working tool for the city that will be updated on a regular basis as regulatory and legal issues are addressed, tasks are refined, and work is completed. It is designed to manage the risks of acquisition while prioritizing the fundamentals of an electric utility: safety and reliability. Significant work and accomplishments completed since the last update to council include:

- Evaluated discovery information obtained from Xcel Energy as needed to prepare the supplemental application to the Colorado PUC for transfer of assets;
- Completed development of separation alternatives consistent with the Colorado PUC order of Dec. 30, 2015;
- Competed work on supplemental application to the Colorado PUC for transfer of assets, including responding to answer testimony and discovery requests and filed the application on Sept. 28, 2016;
- Evaluated annexation options for various city-owned and other properties and brought forward annexation ordinances for City Council consideration;
- Ongoing evaluation and engagement with Xcel on the company's response to the power supply request for proposal;
- Continued evaluation and discussions with various vendors who provided qualification statements for ongoing operation and maintenance services;
- Continued integration of information from the Information Technology roadmap project in the transition work plan and budget;
- Ongoing development of the Financial Forecast Tool and subsequent analysis;
- Continued implementation and evaluation of energy services related to solar, electric vehicles, and nanogrids;

- Participated as intervenors in several Xcel Energy proceedings at the Public Utilities Commission including the Phase 2 Rate Case, Solar*Connect, Renewable Energy Standard Compliance Plan, Electric Resource Plan, Rush Creek Wind, Decoupling, Demand-Side Management Plan and a recently filed grid modernization proceeding;
- Ongoing development of operations, maintenance, construction, and safety policies and procedures;
- Continued work on the key accounts program, including ongoing development of a customer service policies and procedures manual and customer service meetings with large commercial businesses in Boulder;
- Continued to update the Energy Services, Rates, Reliability and Safety and Resource Acquisition working groups as necessary;
- Ongoing communication and outreach work, including ongoing public information support via the city's various communication channels (social media, press releases and the website), an open house, creation of print and digital materials related to PUC filing and release of financial analysis and tool; and
- Participated in regional, national and international collaborations in support of the Boulder community's climate and energy goals (**Attachment A**)

B. Budget Update

The municipalization work plan represents a significant undertaking. In particular, the legal and technical work necessary to prepare for the potential acquisition of the local distribution system and launch of a municipal utility will be a considerable investment. Recognizing this, in 2011, city voters approved an increase to the Utility Occupation Tax in the amount of $1.9 million a year. The use of this tax revenue has been allocated to the following categories:

- Legal services (PUC, condemnation and FERC Counsel)
- Consulting services related to municipalization and separation of Xcel's system (engineering and appraisal services)
- Salary and benefits (Energy Strategy and Electric Utility Development)
- Purchased services and supplies (office space and supplies)

City staff is managing spending on transition plan activities such that significant investments are deferred until such time as there is a decision from the Colorado Public Utilities Commission on the separation of the electric system from Xcel. At that time, staff will be able to better assess the overall impact on the longer-term budget and funding.

<u>Budget</u>
In 2014, council approved a multi-year 2015 to 2017 project budget to ensure that resources were available to meet the legal/regulatory challenges and fluctuations in the transition work plan schedule. The 2015 to 2017 total budget (Chart 1) of $7,880,327 is primarily funded from the Utility Occupation Tax, part of which was prefunded through an advance from the general fund which is being reimbursed as the Utility Occupation Tax is collected for 2016 and 2017. The multi-year budget also includes a one-time general fund request of $712,877; 2014 encumbrance carryover of $495,731; and 2014 Operating Carryover of $441,361. These funds have been allocated for salaries, benefits,

and services which support legal and operations work related to the development of an electric utility.

The primary sources of funding for 2016 to 2017, $5,858,836, include the unspent amounts of the 2015 budget of $5,490,553, and the 2015 encumbrance carryover of $368,283, as indicated in Chart 1 below.

Chart 1 – 2015-2017 Budget Sources

2015-2017 Sources	
2015 Utility Occupation Tax (UOT) Base Allocation	2,015,710
General Fund (GF) Reserves*	4,214,648
One-time request from General Fund	712,877
2014 Encumbrance Carryover	495,731
2014 ATB Carryover Request	441,361
TOTAL APPROVED BUDGET (2015-2017)	***7,880,327***
2015 Expenditures	***2,021,490***
2015 Year-end Balance	***5,490,553***
2015 Encumbrance Carryover	***368,283***
2016 Beginning Balance	***5,858,836***

* GF reserves were approved in 2015 to bridge the timing difference in cash flow of an anticipated accelerated work plan and unpredictable legal costs. As actual UOT revenue collections occur in 2016/2017, they will return to the GF reserves.

Chart 2 depicts the 2016 Utility Occupation Tax (UOT) budget and project expenditures. Expenditures through 3rd Quarter 2016 total $1,594,775 and are below year to date budget targets.

Chart 2 – Utility Occupation Tax

2016 USES	2016 Approved Budget	Expenditures	Encumbrances	Balance
Staffing (includes salary and benefits)	**1,107,323**	**678,508**	**0**	**428,815**
Consulting and Contract Services - Transition Plan	965,500	4,529	0	960,971
Consulting and Contract Services - Legal and Regulatory	1,350,000	859,328	690,628	-199,956
Consulting and Contract Services	**2,315,500**	**863,857**	**690,628**	**761,015**
Systems	**280,000**	**0**	**0**	**280,000**
Capital	**33,063**	**0**	**0**	**33,063**
Purchased Services and Supplies	**216,252**	**52,410**	**198**	**163,644**
UOT Subtotal	**3,952,138**	**1,594,775**	**690,825**	**1,666,538**
Future Planned Expenditures*	***1,906,698***			
TOTAL	**5,858,836**			

*The 2016 UOT expenditures are below year to date targets and are projected to be $2,660,200 at year end. This will result in approximately $3.2 million for future planned expenditures.

In addition to the 2015 to 2017 approved project budget, council approved a $1 million contingency, out of the City Manager fund, to help supplement the Energy Future UOT budget for additional unplanned expenses. The contingency fund has been used to help supplement staff salaries in 2016 (Chart 3). The budget for the 2016 contingency fund is $447,639. Expenditures through 3rd Quarter 2016 total $190,157 and are below year to date budget targets.

Chart 3 – $1 Million GF Contingency

2016 Uses ($1 Million GF Contingency)	2016 Budget	2016 Expenditures	Balance
STAFFING TOTAL (includes salary and benefits)	***447,639****	***190,157***	***257,482***

*Projected spending in 2016 budget is approximately $240 thousand of budgeted $447 thousand.

Below is a chart (Chart 4) of the expenditures spent on this project through 3rd Quarter 2016, since the approval of the Utility Occupation Tax.

Chart 4 – Expenditures to Date	2012	2013	2014	2015	2016	Total
Energy Future Project - Actual Expenditures	1,033,762	2,512,615	1,942,452	2,021,490	1,594,775	9,105,094
$1 Million Contingency - Actual Expenditures	-	-	-	134,709	190,157	324,866
TOTAL (2012-2016)	***1,033,762***	***2,512,615***	***1,942,452***	***2,156,199***	***1,784,932***	***9,429,960***

The City of Boulder provides a wide range of core services and community projects on behalf of the community each year. Approximately 85 percent of city resources, including personnel and non-personnel expenditures, across the organization, focus on core services including maintenance, operations and public safety, and approximately 15 percent of city resources focus on community projects outside the delivery of core services, including the Boulder Valley Comprehensive Plan, Housing Boulder, the Civic Area Plan, the Homeless Strategy, the North Trail Study Area, and the Boulder Energy Future Project.

The Boulder Energy Future Project is a high-profile community project and a top priority for City Council. Resources dedicated to this project represents approximately 6 percent of city resources spent on community projects. The level of indirect staff resources contributing to the Boulder Energy Future Project is commensurate with resources contributed to other citywide community projects, and are estimated in Chart 5 below.

Chart 5 – Other Contributing Resources	2012	2013	2014	2015	2016	Total
Other Staff Resources Contributing to the Project (includes salary and benefits)	**577,303**	**644,924**	**840,452**	**728,905**	**505,234**	**3,296,818**

Staff resources who contributed to the project in 2016, the estimated percentage of staff time spent on the project and associated budget allocation is provided in **Attachment B**.

Attachments:
Attachment A: Regional, National and International Collaboration
Attachment B: Staffing Resources

Regional, National and International Collaboration

Area of Collaboration	Relevant Activities in 2016
Legislative & Regulatory	• **Colorado Public Utilities Commission (PUC)** Early in 2016, the Public Service Company of Colorado (PSCo) began filing a series of proceedings at the PUC that are intended to begin the company's transition to the company's "Our Energy Future described in recent public statements. Each proceeding is being evaluated for its impact on Boulder's energy future, potentially requiring intervention by staff. To date, staff has intervened in or is monitoring the following PUC proceedings: - PSCo Phase 2 Rate Case (16AL-0048E) - Solar*Connect (16A-0055E) - Depreciation Schedule - Technical inputs - Renewable Energy Compliance Plan - 2017 Electric Resource Plan - Decoupling On Sept. 2, 2015, Xcel filed a global settlement agreement involving three litigated PUC proceedings: the Phase II Rate Case - Proceeding 16AL-0048E; Solar*Connect – Proceeding 16A-0055E; and, the Renewable Energy Plan –Proceeding 16A-0139E ("The Global Settlement"). The city signed on the Global Settlement along with more than 20 other Parties (collectively "the Settling Parties"). Additional proceedings expected in the coming months include: - Grid Security and modernization - Natural Gas • **Monitored bills introduced in 2015/2016 Legislative Session. Staff testified on several climate-related Bills specifically aimed at the Clean Power Plan and the requirement for the PUC to include the full cost of carbon in utility resource planning processes.** • **In partnership with Boulder County, developed the Colorado Communities for Climate Action Coalition** (CC4CA) to lead efforts to advocate for policy and regulatory changes that promote and support local decision making in pursuit of a low carbon energy future including those that would simultaneously promote community resilience, economic vitality and job creation. Current CC4CA membership includes Boulder County, Fort Collins, Boulder, Eagle County, Golden, Pitkin County, San Miguel County, Vail, Aspen, Telluride, Mountain Village and Summit County. Other jurisdictions are expected to soon join the coalition. Recruitment efforts continue in 2016, and a 2016 work plan and Legislative Agenda have been developed. Each entity is currently reviewing and gaining approval for the legislative items. The Coalition has hired Frontline Public Affairs to represent the group on legislative matters • **EPA Clean Power Plan-** In partnership with 17 US states and four cities, Boulder intervened in the DC District Court case. The coalition is being led by the New York Attorney General's office and was formed to defend the Clean Power Plan against motions to stay the rule. Boulder submitted a Declaration from the mayor which was submitted as testimony in the case. Oral arguments were heard at the DC District Court in late September. Boulder will continue to be an active party as the Supreme Court address the existing stay on the rule, and the disposition of the case during 2016.

Regional Technical and Outreach Working Groups	• **Colorado Climate Networking Steering Committee**—The Colorado Climate Network (CCN) and the Colorado Municipal League are convening a statewide Local Resilience Project and the Northern Front Range Resiliency Project to help improve the resilience of Colorado local governments and local resources to possible climate change impacts. The Network released the final report available at: http://www.coclimatenetwork.org/resilience.html. Additionally, the CCN will perform the administrative functions for the Colorado Communities for Climate Action Coalition mentioned above. • **Colorado Clean Energy Cluster**—Colorado Clean Energy Cluster (CCEC) is a project-driven, nonprofit economic development organization aimed at growing primary jobs in Colorado in the area of clean energy through formal partnerships between clean energy companies, the public sector and higher education. The board is made up of cities, businesses and universities – the city's membership includes board seats for the city, Boulder Chamber, and the University of Colorado Boulder. The city is collaborating with CCEC on the following efforts: - Managing a Department of Energy grant funded project to increase energy resilience at the city's Water Treatment plant - Organizing and tracking the local clean tech energy sector - Identifying and developing high profile/high impact pilot projects that engages our local clean energy companies - Ensuring the success of the Boulder Energy Challenge grant recipients • **Local Government Working Group on Public Utilities Commission Issues**—Developed strawman community energy report and participated in meetings with Xcel Energy technical staff to refine list of energy consumption and programmatic metrics that will be provided to local governments for climate and energy planning. • **Boulder Sustainability Alliance**—Representatives from CU Boulder, BVSD, Boulder County and the city have continued to meet to discuss sustainability related issues; particularly issues associated with energy. On May 4, the alliance was the primary topic at the Town/Gown event at CU Boulder. Leadership from each of the four alliance organizations spoke about efforts relate to climate, energy and sustainability. • **Boulder, Boulder County & City/County of Denver Collaboration—**Staff from the four agencies meet quarterly to discuss ongoing issues related to energy and climate, waste reduction and transportation alternatives. • **Renewable Diesel** - Convened group of regional sustainability directors and fleet managers to evaluate the potential to integrate renewable diesel into fleet operations - Submitted grant application to RAQC to fund feasibility analysis of renewable diesel pilot in the Front Range • **Solar and EV Benefits Program**—work with Boulder County on the Solar and EV Benefits program to expand rooftop solar and EVs in Boulder. • **Regional Air Quality Council (RAQC) –** this year, the city partnered with Boulder County and RAQC to provide grants for the installation of new electric vehicle charging stations.

National/ International Technical and Outreach Working Groups	• **iUrban Smart City Advisory Group**—Participated in three collaborative webinars with international advisory group members. • **USDN Utility-Data User Group**—Participated in bi-monthly webinars on topics from EPA Portfolio Manager to an overview of ACEEE tools and resources. • **Circular Cities Network**—Started by the Ellen Macarthur Foundation, Boulder is part of a new knowledge sharing group that includes Austin, Boulder, Copenhagen, London, Ljubljana, New York, Petersborough, Phoenix and Rio de Janeiro. Staff participated in inaugural webinar in early October. • **Carbon Neutral Cities Alliance**—CNCA is a network of 17 international cities who have all made a commitment to 80% emissions reduction or greater by 2050 or sooner. The city has been an active participant and secured two of the first seven grants issued by CNCA for innovative pilot projects designed to significantly reduce emissions. These two projects are: - Thermal decarbonization: Boulder and San Francisco are working jointly to develop strategies to transition off natural gas in the residential and municipal building infrastructures. - Whole Energy System Transition: Boulder, Minneapolis and Seattle are collaborating on a project to develop a range of different tools and strategies to support larger sub-community scale energy transition planning and strategy development. • **Urban Sustainability Directors Network**—City staff are taking part in a number of different USDN related working groups including accelerated net-zero building codes; emissions reduction projection tool development; ecodistrict planning, carbon tax strategies and other emerging topics.
Conferences & Presentations	• **Jan. 13, 6th Annual Electric Energy Storage Conference Presentation** • **Feb. 20, Young Elected Officials (YEO) Network's Clean Energy and Environmental Justice Policy Summit Presentation** • **March 9, Open Boulder Presentation** • **March 17, Maui Energy Conference Steering Committee and panels** • **March 28, University of Denver Environmental Law Workshop** • **March 29, CU Policy Class Presentation** • **April 22, Presentation to Rocky Mountain Green** • **May 2, Presentation to Martin Acres Neighborhood** • **June 13-15, APPA National Conference** • **June 19-22 Carbon Neutral Cities Alliance Annual Meeting** • **July 15, Presentation to Scottish Leaders and Parliament Delegation** • **Sept. 6, Alliance for Sustainable Colorado Presentation** • **Sept. 12, EcoDistricts Workshop** • **Sept.13-15, 2016 EcoDistricts Summit** • **Sept. 18-21 APPA Business and Financial Conference** • **Sept. 19-21, Clinton Global Initiative 2016 Annual Meeting** • **Sept. 23-24, USDN/IEDC Sustainable Economic Development Convening** • **Oct. 10, CU Policy Class Presentation** • **Oct. 10, Boulder Energy Future Open House** • **Oct. 13, Getting to Zero Forum** • **Oct. 18, 2016 Colorado Green Summit** • **Oct. 17th-19th, USDN Annual Meeting**

Boulder's Municipalization Exploration Project

2016 Staffing Resources

January - September, 2016

Energy Future Budget: Utility Occupation Tax (UOT)/One-time General Fund $	
Name	% of Time Dedicated to Project
Heather Bailey	100
Robert Harberg	90
Elizabeth Hanson (through June)	50
Heidi Joyce	100
Emily Sandoval	100
	$662,511

Energy Future Budget: $1 Million Contingency	
Name	% of Time Dedicated to Project
Yael Gichon	50
Matt Lehrman	100
Lex Telischak	100
	$190,157

Staffing Resources Allocated Within Existing Budgets, Separate From Energy Future	
Name	% of Time Dedicated to Project
Jeff Arthur	1
Sarah Bennett	55
Jane Brautigam	11
Sandi Calhoun	2
Tom Carr	15
Gina Coluzzi	5
David Driskell	3
Francis Duffy	1
Bob Eichem	2
Daniel Fairchild	1
David Gehr	28
Yael Gichon	50
Kathy Haddock	42
Brett Hill	1
Sarah Huntley	25
Don Ingle	5
Elesha Johnson	1
Deb Kalish	46
Jonathan Koehn	85
Joyce Lira	1
Sandra Llanes	26
Sean Metrick	2
Laurie Nading	80
Cheryl Pattelli	2
Maureen Rait	5
Penn Richman	4
Kendra Tupper	1
Elizabeth Vasatka	3
Patrick von Keyserling	2
Mary Ann Weideman	2
	$505,234

INFORMATION PACKET
MEMORANDUM

To: Mayor and Members of City Council

From: Jane S. Brautigam, City Manager
David Driskell, Executive Director, Department of Planning, Housing and Sustainability
Kurt Firnhaber, Deputy Director of Housing
Kristin Hyser, Community Investment Program Manager
Kate Masingale, Funding Administrator

Date: November 15, 2016

Subject: **Housing and Community Development Program Funding Allocations**, including Affordable Housing Fund, Community Housing Assistance Program, and Community Development Block Grant

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EXECUTIVE SUMMARY

This memorandum details affordable housing and community development funding allocations provided to community partners as part of the 2017 Affordable Housing and Community Development fund rounds and throughout the year through the Opportunity Fund. Funding allocations were reviewed and recommended by the City Manager-appointed Affordable Housing Technical Review Group (TRG) and Community Development Advisory Committee (CDAC) and approved by the City Manager. These awards represent significant City of Boulder investment to achieve the city's affordable housing goals and support agencies serving low income residents of Boulder.

FISCAL IMPACT

The funding awards described in this Information Item are made from the approved budgets of the three dedicated funds - Affordable Housing Funds, Community Housing Assistance Program funds, and Community Development Block Grant funds.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

Below is a list of sustainability outcomes and assessment criteria that were considered in the 2017 fund round.

- Economic: Investing capital in affordable housing development and preservation stimulates the economy by creating and supporting jobs in construction fields; supporting businesses that supply construction trades; attracting and retaining employers and a skilled workforce; and increasing revenues for local communities through sales, income and property taxes, and fees.

- Environmental: An environmental review process is required for all projects receiving affordable housing and community development funds to ensure the proposed project does not negatively impact the surrounding environment and to ensure the property site itself will not have adverse environmental or health effects on end users. Furthermore, providing opportunities for people to live

where they work reduces traffic and air pollution. In addition, applications are evaluated for alignment with the city's energy future goals.

- Social: Affordable housing programs and community development activities positively impact the lives of many low income Boulder residents. Providing affordable housing choices to low income households builds stability and provides opportunities to work towards self-sufficiency. Capital investments in local agencies serving low income residents allows for heightened service provision.

BACKGROUND

The Division of Housing works to provide housing opportunities that promote an economically diverse and environmentally sustainable community. Through collaboration with, and provision of funds to, affordable housing providers, local nonprofit agencies serving low and moderate income persons and other city departments, the city is able to facilitate affordable housing opportunities and support the capital needs of service providers.

Funds available include local Affordable Housing Funds (AHF), Community Housing Assistance Program (CHAP) funds, and federal Community Development Block Grant (CDBG) funds.

- AHF and CHAP funds are generated locally and were created to enable the city to further its commitment and support for the creation, preservation, and retention of affordable housing in Boulder.
- The city's annual federal CDBG grant allows the city to pursue a variety of housing and community development activities benefiting low and moderate income persons. The city's limited CDBG dollars are the only city funds available to meet the capital needs, including facility acquisition or rehabilitation, of agencies that serve low and moderate income persons in Boulder.

Funding allocations are guided by local priorities identified in several documents including: the 2015-2020 Housing and Community Development Consolidated Plan; the Boulder Valley Comprehensive Plan; the Boulder County 10-Year Plan to Address Homelessness approved in 2010; and the 2005-2016 Housing and Human Services Master Plan.

Funds are managed by the Division of Housing and are allocated through two annual fund rounds occurring simultaneously: The Affordable Housing Fund Round and the Community Development Fund Round. The fund rounds are competitive processes comprised of the following actions:

- Determination of funding availability for both affordable housing and community development activities.
- Release of Notice of Funding Availability sent to affordable housing providers and community agencies, posted on website and public notice included in the Daily Camera. All application materials are available on the city's website.
- Pre-Application meeting and one-on-one technical assistance sessions with potential applicants. Pre-Application session advertised to affordable housing providers and community agencies, posted on website and public notice included in the Daily Camera.
- Pre-Applications reviewed by staff to determine eligibility. Includes working with applicants to clarify questions or concerns regarding the applications.
- Applications submitted for review by staff and City Manager appointed advisory groups (TRG and CDAC).
- List of applications received and under consideration posted on the city website.
- Affordable housing applications are reviewed by the TRG and community development funding requests are reviewed by the CDAC. These two committees interview applicants and participate in deliberations leading to funding recommendations. Applicant interviews and funding recommendation deliberations are advertised on the city's website, are open to the public and

include time for public comment. Written comments on applications are shared with the TRG and CDAC.

- Preliminary recommendations are shared with applicants and provided the opportunity to appeal the recommendations.
- Recommendations are submitted to the City Manager for review and approval.
- City Manager notifies City Council members of funding decisions.
- Fund award recipients notified in mid-November.
- Funding decisions posted online.

The Technical Review Group is comprised of the following members:

Dan Rotner, Architect
Kiva Stram, Commercial Lender
Matt Schildt, Housing Developer
Jeremy Syz, Real Estate Attorney
Susan Weeks, Realtor

The Community Development Advisory Committee is comprised of the following members:

Ben Doyle, Attorney
Eric Johnson, Contractor
Shari Leach, Nonprofit Executive Director
Alexis Miles, Community Member
Sherry Richards, Realtor

In addition to the annual fund rounds, the Division receives and accepts time-sensitive Opportunity Funding requests throughout the year. Requests are vetted using the same process as outlined above, however expedited, including committee review and recommendation to the City Manager for approval. Some of these funding requests are opportunities to support new projects. Others result from changed circumstances, such as existing projects experiencing increased construction costs requiring additional funds to achieve the desired outcomes.

ANALYSIS

As a result of the competitive affordable housing and community development fund rounds and the 2016 Opportunity Funding requests, the following funding awards continue the city's progress toward its affordable housing goal and address the capital improvement needs of agencies serving low income households in Boulder.

2017 City of Boulder Affordable Housing Funding Allocations

The 2017 Affordable Housing Fund Round applications included a mix of projects proposing to produce new affordable housing units, preserve existing affordable units and provide assistance in the form of owner-occupied housing rehabilitation and housing counseling. The 2017 Affordable Housing Funding awards include:

Project	Activity	Funding Amount
Attention Inc. New Construction	Construction hard costs for the new construction of permanent supportive housing for runaway and homeless youth.	$2,000,000
Boulder County Housing Authority Housing & Financial Counseling	Provide housing and financial counseling and education to City of Boulder residents.	$60,000
Boulder Housing Partners Mt. Calvary Predevelopment	Predevelopment for 3485 Stanford Court to develop affordable housing units.	$220,000
Boulder Housing Partners Wallace Predevelopment	Predevelopment for 2625 Valmont (adjacent to Red Oak Park) to develop additional affordable housing units.	$100,000
Emergency Family Assistance Association Echo House Rehabilitation	Rehabilitation of 9 units of short-term and transitional housing at Echo House.	$138,000
Longs Peak Energy Conservation Rehabilitation	Support Mobile Home Repair Program, Home Rehabilitation Loan Program, and Architectural Barrier Removal Program	$125,000
TOTAL		***$2,643,000***

2017 Community Development Funding Allocation

The 2017 Community Development Fund Round awards will address the capital needs of Boulder nonprofit organizations and provide microenterprise assistance. In addition, public service funds will benefit low income students residing in Boulder and attending Boulder Valley School District schools. The 2017 Community Development Funding awards include:

Project	Activity	Funding Amount*
Colorado Enterprise Fund (CEF) Project Delivery Costs	Operating expenses in support of the provision CEF's comprehensive microenterprise and small business development program.	$50,000
Family Resource Schools Public Services	Public Services	$108,387
Growing Gardens Capital Improvement	Completion of Local Farm Project	$149,000
Safehouse Progressive Alliance for Nonviolence Capital Improvements	Emergency Shelter Capital Improvements	$35,000
Via Energy Efficiency- Acquisition	Solar Array Purchase	$85,000
TOTAL		***$427,387***

**The award amount is based on estimates, with the actual award amounts to be confirmed mid-2017 upon HUD's release of the annual federal funding allocation.*

Opportunity Funding Requests Approved in 2016

As mentioned above, in addition to providing funding to partners through the annual competitive fund rounds, throughout the year the Division of Housing provides financial resources to partners to address time-sensitive funding needs utilizing the Opportunity Fund, which is capitalized with unanticipated and/or unallocated funds and returned allocations.

Opportunity Fund requests in 2016 have allowed the city to support both new projects as well as existing projects that have experienced a change in circumstances (e.g., construction cost escalations) to achieve the desired outcomes and community benefits.

In addition to the annual fund rounds, the following Opportunity Funding requests were approved in 2016:

Applicant ***Project***	**Activity**	**Award Amount**
Boulder Housing Partners *Hayden Place*	Acquisition	$420,000
Boulder County Housing Authority *Kestrel*	New Construction	$571,636
Boulder Shelter for the Homeless* *Transitional Units*	Rehabilitation	$49,800
Boulder Shelter for the Homeless *Special Assessment*	Special Assessment	$21,450
Element Properties * *Trinity Commons*	New Construction	$100,000
Element Properties* *S'Park_west*	New Construction	$600,000
Flatiron Habitat for Humanity *Community Housing Development Organization (CHDO)*	CHDO Operating	$50,000
Flatiron Habitat for Humanity *Violet*	CHDO Predevelopment	$100,000
Flatiron Habitat for Humanity *Discovery*	CHDO Predevelopment	$60,000
	Total	***$1,972,886***

**Projects with previous funding awards and needing additional funding to achieve the desired outcomes.*

NEXT STEPS

Division of Housing staff will work with partner agencies to develop funding agreements and necessary legal documents. Projects receiving local funding (AHF, CHAP) may be able to begin in the first quarter of 2017. Due to the current availability of CDBG funds, the Via and SPAN projects will be contracted in the next month. Otherwise, CDBG funded projects will be able to start in the third quarter of 2017, when the 2017 funds are released from HUD.

Any unallocated funds plus additional funding received by the city, either through cash-in-lieu payments or higher than projected revenues, are available for opportunity funding throughout the year.

INFORMATION PACKET MEMORANDUM

To: Members of City Council

From: Jane S. Brautigam, City Manager
Yvette Bowden, Director, Parks and Recreation
Alison Rhodes, Deputy Director, Parks and Recreation
Dean Rummel, Manager of Sports Programs and Partnerships, Parks & Recreation

Date: November 10, 2016

Subject: Information Item: Youth Sports Leagues and Outreach to Low Income Households

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EXECUTIVE SUMMARY

During the Open Comment portion of its November 1 Meeting, City Council inquired as to Boulder's provision of competitive youth sports programming. Specifically, the Parks & Recreation department was asked to provide information concerning the city's role in providing competitive soccer opportunities for underserved youth, provision of athletic equipment and financial barriers to participation.

This memorandum provides City Council with information about the city's role in facilitating youth sports leagues and ongoing efforts to improve associated access for Boulder's underserved youth. While this memorandum addresses the specific soccer-related inquiry, it also includes information related to other recreational sports offerings.

Consistent with the direction of the Parks & Recreation Master Plan, approved by City Council in 2014, the department does not provide youth competitive programming, including competitive youth soccer leagues. The city does provide non-competitive soccer instruction for children as well as many other types of programming promoting healthy living and well-being for Boulder's young people. This provision includes access to needs-based scholarship and discount opportunities. In addition, the city facilitates competitive youth leagues through programming partnerships and the provision of field access for user groups operating programming in our community.

FISCAL IMPACT

The Parks & Recreation department's budget accounts for operations of city-owned sports fields, including irrigation, turf maintenance, scheduled mowing and other care related to the provision of safe field use each season. This includes, but is not limited to soccer fields. The city maintains no budget directly facilitating the provision of competitive youth soccer leagues. Instead, the city facilitates the provision of such opportunities through user groups and program

partners. Further, the city does not provide scholarships for third-party operated youth competitive sports programs. The city does provide need-based scholarships for city-delivered programming which enhances access for the undeserved. This includes soccer instruction and youth camps where children have an opportunity to play soccer.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

Pursuant to the community's direction documented in the Parks & Recreation Master Plan, approved by City Council in 2014, the department continues to pursue partnerships and programming strategies designed to enhance the financial sustainability of its services including its practices related to serving the underserved.

BACKGROUND

Youth Soccer in Boulder:

The City of Boulder does not directly provide a competitive youth soccer league. The city's Parks & Recreation Department does provide non-competitive youth soccer instruction through our summer camps and throughout the school year at East Mapleton ball fields. The department offers need-based scholarships for that instruction which are marketed to the full community. Those scholarship dollars can be applied to registration fees. More advanced sporting opportunities (competitive youth soccer leagues), are largely facilitated in our community through FC Boulder (http://fcboulder.com) or the Boulder County Soccer Club (http://www.bouldercountysc.com/home). To our knowledge, both organizations offer a scholarship program. The department does not subsidize scholarships for participation in third-party operated youth sports programs.

Access to Sports Equipment:

Council also asked about the provision of equipment. Parks & Recreation provides goals and nets in many parks across the city facilitating open play including, for example, soccer fields at East Boulder Community Park, Harlow Platts Community Park, Keewaydin Meadows Park, and Columbine Park . These facilities may be reserved but are available for general public use when not rented. For groups or organizations desiring additional equipment, the department might refer organizations to Good Sports (www.goodsports.org) which has generously supported the department's own YSI and Expand programs with equipment grants in the past. That Foundation's competitive grant process accepts applications year-round. Organizations might also wish to coordinate specific needs requests with our department's nonprofit partner organization – the Play Boulder Foundation (http://playboulder.squarespace.com/).

Other Youth Sports and Access for the Underserved:

The City's Parks & Recreation Department, in an effort to avoid competing with BVSD and many local nonprofit organizations, discontinued most youth competitive leagues more than seven years ago. Nevertheless, we remain committed to the health and well-being of the entire community which is aided by access to quality recreational programming. This is especially important for Boulder's youth and particularly so for underserved young people.

Consistent with the direction of our 2014 Council-approved Master Plan, the department has prioritized three efforts to ensure that Boulder's youth can continue to benefit from participation in healthy recreation and the teaming skills gained through competitive sport:

- **Provision of healthy and inclusive recreational instruction offering scholarships based on need.** This year, we've made it even easier to get a scholarship, converting application forms to Spanish, providing information in our quarterly Recreation Guide, raising the maximum for qualifying households, allowing for applications at each of our centers as well as the Iris

Administrative Office, and working with Boulder Housing Partners and the County to spread the word about opportunities. Our simplified enrollment effort and additional outreach resulted in provision of $34,600 in 2016 reduced-rate program scholarships to date. This figure includes 441 youth participations topped off by the many children who enjoyed attending summer camp for free this year.

- **Recreation Program Partnering with contract requirements to offer scholarships and outreach to the underserved.** For sports we don't program ourselves (Tennis, Dance, Mountain Biking, Flag Football, Sailing, etc.), our contract providers must provide scholarships and enhanced access for the underserved. The success of these program metrics is monitored by staff annually.
- **Encouraging User Group service of the underserved through the application of a new facility allocation process.** This new process, reviewed and unanimously supported by PRAB just last month, will allow for our department to consider user group alignment with Parks & Recreation Master Plan goals when allocating preferred sports field and pool space/time. This means that organizations serving the underserved will receive a higher number of points in determining use of City facility space.

This general direction aligns with the Aquatics Feasibility Plan and the Athletic Field Study shared with City Council in 2015. Both of these studies were completed with substantial public input.

NEXT STEPS

The Parks & Recreation department will continue to monitor its progress against Master Plan goals, including goals related to the provision of access to health and well-being programming for the underserved and to Boulder's youth. The above-referenced field allocation guidelines will be implemented and further analyzed in 2017.

For more information on Boulder Parks & Recreation Department Master Plan implementation efforts, Council is invited to review our printable 2015 Annual Progress Report (https://www-static.bouldercolorado.gov/docs/AnnualReport_2015_web_print-1-201602221152.pdf0. This information will be updated in January to reflect 2016 accomplishments.

We thank you for your interest in our service. Please feel free to contact Yvette Bowden (bowdeny@bouldercolorado.gov) or Dean Rummel (rummeld@bouldercolroado.gov) with any additional questions regarding youth sports in Boulder.

INFORMATION PACKET MEMORANDUM

To: Members of City Council

From: Jane S Brautigam, City Manager
Yvette Bowden, Director, Parks & Recreation
Alison Rhodes, Deputy Director, Parks & Recreation

Date: November 10, 2016

Subject: Information Item: Access to City Sports Fields (Pleasant View Fields Sports Complex)

EXECUTIVE SUMMARY

During the Open Comment portion of its November 1 Meeting, City Council inquired as to Boulder's practices regarding public access to quality sports fields, specifically for drop-in play. Specifically, the Parks & Recreation department was asked to provide information concerning the potential of open field time at Pleasant View Sports Complex. The following information is provided in response to that request.

BACKGROUND

Pleasant View Fields Sports Complex:

Constructed in 1993, Boulder's Pleasant View Sports Complex is a multi-field amenity suitable for soccer, rugby, ultimate frisbee, lacrosse, seasonal reserved league play, tournaments and certain types of special events. In 2015, the fields were awarded the Colorado Sports Turf Managers Association-Rocky Mountain Sports Field of the Year. The fields are maintained using strict integrated pest management practices deploying no herbicides or pesticides. Dogs and glass containers are not allowed. Restrooms are closed from late October through mid-March each year. The path surrounding the fields is open year-round during normal park hours without reservation.

Industry standards recommend that our fields host a maximum of 6,300 playable hours/year which allows for proper turf rest and maintenance (roughly 50 hours/week). Over the past two years, Boulder's Parks & Recreation Department has increased access by over 1,746 playable (reserved/used) hours per year. This increase has been achieved through creative scheduling, field alignment enhancements and increased/improved maintenance practices. Current utilization of 6,750 playable hours so far this year far exceeds the industry recommendation and is direct response to the Community's high demand for sports field access. As shared with Council in the department's 2015 Athletic Field Study, Boulder's call for reserved field time is quite high prompting our plans to enhance or develop additional amenities across the system, some in concert with BVSD, which could accommodate growing demand.

Alternative Open Sports Fields and Courts:
In addition to several fields operated by BVSD, the City does offer several other fields across the system which are typically available for drop-in play. The closest such amenities to Pleasant View Sports Complex are:

- Palo Park
- Elmer's Two Mile Park
- Pineview Park
- Melody Park
- Salberg Park
- Crestview Park (enhanced in 2015)
- Elks Park (enhanced in 2015)
- Howard Heuston Park (scheduled for enhancement in 2017)
- Christiansen Park (scheduled for enhancement in 2017)

Of course, when not reserved, open play is also available at Columbine Park (soccer goals on site) and Valmont Park. Similar to these facilities, the City offers ample access at 40+ tennis courts, several volleyball and basketball courts and varied amenities at Tom Watson Park. Most of these locations operate on a first-come, first-serve basis unless temporarily closed for maintenance or a permitted event.

NEXT STEPS

The Parks & Recreation Department and BVSD will continue to explore demand and engage with interested community members to ensure provision of spaces that contributing to their health and wellbeing. Current reservation practices related to City sports fields contributes to the financial sustainability of the City's Recreation Activity Fund balance and afford ample public access to many open fields across the system. For this reason and in an effort to minimize impact to existing field user groups while maintaining the high quality of these City assets, staff does not recommend amending access and maintenance practices at this time.

We thank you for your interest in our service. Please feel free to contact Yvette Bowden (bowdeny@bouldercolorado.gov) with any additional questions regarding City-owned sports fields in Boulder.

CITY OF BOULDER, COLORADO
BOARDS AND COMMISSIONS MEETING SUMMARY

NAME OF BOARD/COMMISSION: Environmental Advisory Board

DATE OF MEETING: October 5, 2016

NAME/TELEPHONE OF PERSON PREPARING SUMMARY: Sandy Briggs, 303-441-1931.

NAMES OF MEMBERS, STAFF AND INVITED GUESTS PRESENT:
Environmental Advisory Board Members Present: Tim Hillman, Morgan Lommele, Brad Queen, Karen Crofton and Christina Gosnell.
Staff Members Present: Brett KenCairn and Sandy Briggs

MEETING SUMMARY:

- **Climate Commitment Targets**
  - Pinning down what are goals versus what are metrics and what should be measured was identified as a necessary first step.
  - The board discussed the current tactics for measurement in the Transportation Master Plan (TMP) and how they could be addressed to directly roll-up to tangible emissions metrics.
  - Fleet efficiency, vehicle miles traveled (VMT) and fuel gallons spent were posited as places to start.
  - It was suggested that sales tax records could be used to track gasoline gallons purchased.
  - Tracking gasoline sales to see the trends, then tracking fleet efficiency overall, were suggested as the most effective measurements.
  - Tactics for obtaining data were discussed, with using the parking registration database as an option.
  - Wedge diagrams were suggested as the easiest to read and best way to clearly portray detailed and complicated information to the public. A simplified version of a wedge diagram depicting emissions scenarios was presented to the board by **B. Queen**.
  - Some board members liked the look of the rough charts **B. KenCairn** sketched out as working documents and suggested keeping them rough might draw more attention pictorially to the Climate Commitment Document.
  - The board agreed that depicting the key success indicators, performance metrics and co-benefits separately is clear and useful.
  - The board disagreed about what level of detail would be most effective for informing the general public while keeping their interest. One member suggested keeping at least those metrics that are most contributory towards the end goal.
  - One board member thinks everything should roll-up directly as a number, with the possible exception of the co-benefits, which by their nature are "softer". She suggested using a singular infographic for public consumption.
  - The board agreed that conceptualizing what people do with their everyday choices and daily decisions helps to make the abstract more tangible.

- The board advised demonstrating the economic growth and prosperity possible through presentation of the co-benefits. This could create as much if not more interest than basic knowledge about the environmental benefits of reducing GHG emissions. There is the opportunity to engage another cross section of the community by highlighting these pieces more.
- The board suggested the following co-benefits be included and represented graphically:
    - Overall expenditures
    - Cost stability
    - Capital stock
    - Buying local
    - Negative health impacts
    - Interior air quality issues
- The board agreed that both breaking out the co-benefits in the Executive Summary, but also including them as individual parts of the action areas, would be doubly effective.
- The board discussed the delicate balance necessary when couching climate protection and co-benefits information together.
- Caution was advised with using too many numbers in describing the co-benefits which could lead to an unnecessary level of scrutiny.
- The board suggested removing the use of EUI as a performance metric.
- The board received clarification about certain proposed performance metric measurements and classifications and disagreed about which were most beneficial.
- It was suggested a cost-benefit analysis would be a useful future endeavor.
- The plausibility of achieving the goals by the stated time was questioned. Since the timing of Municipalization is uncertain and the emissions reduction tactics don't obviously lead to the numbers modeled, the viability and timeline could change quickly.

1. CALL TO ORDER

Environmental Advisory Board Vice-Chair **M. Lommele** declared a quorum called the meeting to order at 6:04 pm.

2. APPROVAL OF MINUTES

On a motion by **M. Lommele**, seconded by **B. Queen**, the Environmental Advisory Board voted 5-0 to approve the September 7, 2016 meeting minutes.

3. PUBLIC PARTICIPATION

None.

4. PUBLIC HEARING ITEMS

None.

5. DISCUSSION ITEMS

None.

6. OLD BUSINESS/UPDATES

A. Climate Commitment Targets (KenCairn/Board)

EAB Staff Liaison and Senior Environmental Planner, **B. KenCairn**, enlisted assistance from the board to solidify effective targets for use in the final draft of the Climate Commitment Document that will be presented to council on December 6.

K. Crofton led the discussion and began by reviewing the materials created for the interim meeting and the notes that came from it, then asking the board to think about transportation targets in particular. **B. KenCairn** will present to the Transportation Advisory Board (TAB) on Monday, and he asked for the EAB's feedback to include as part of the presentation. He noted that the lack of a clear path for rolling up what's currently being measured directly to the emissions inventory is a current deficiency in the Climate Commitment Document.

The main question asked was if and how the current tactical goals in the Transportation Master Plan (TMP) roll up into emissions, and if they don't, what should be measured in order to build a level of metrics as a bridge to get there.

The Transportation Division was never in the business of trying to reduce petroleum use. Rather, they have worked to reduce vehicle miles traveled (VMT). Using an extrapolation of VMT, types of vehicles driven and gasoline gallons used, an assessment could be made which would prove a more useful measurement for emissions purposes.

B. KenCairn also requested the board offer feedback regarding emissions reduction targets, program-related performance metrics and community co-benefits. He suggested disaggregating them would be a more productive and meaningful way to present and build on their themes. He provided several handouts depicting these target areas as rough bar charts created to bolster clarity in the Climate Commitment Document. Since the reader needs to know that the primary goal to achieve is getting off of fossil fuels, the new portrayal is much clearer.

City Council has asked for specific validation of how certain things contribute to reducing emissions. The charts he created are a higher-level modeling of this request.

B. KenCairn informed the board that the ultimate goals of the document are to bring in a broad readership, continue support of climate programs, ensure passage of the CAP tax and sell council itself by showing everyone that Boulder's plan is on par in both substance and appearance to other major cities.

Depicting co-benefits is important for reaching the public, gaining attention and encouraging engagement. They are primary drivers for behavior change and have not yet been effectively addressed. They are compatible with Climate Commitment goals and a way to bring non-emissions-related items into the discussion.

He also asked for more feedback on which of a set of performance metrics might roll-up most easily under the three main action areas: buildings, transportation and energy source.

He closed by reminding the board that City Council will be asking for the EAB's opinions on the process. There will be further discussion as a Public Hearing during the

November meeting.
The board's comments are captured in the Meeting Summary.

B. BVCP Discussion (Board)
Tabled until November meeting.

C. Planning Board Collaboration/Joint Board Meeting Planning (Board)
Tabled until November meeting.

7. MATTERS FROM THE ENVIRONMENTAL ADVISORY BOARD, CITY MANAGER AND CITY ATTORNEY

K. Crofton will write up the EAB's transportation metric recommendations to TAB and **S. Briggs** will provide the letter to the TAB secretary for inclusion in their October 10 meeting packet.
S. Briggs reminded the board to provide any feedback about the Board Member Recruitment Application before October 21.
S. Briggs informed the board she will be late getting packet to board next month.

8. DEBRIEF MEETING/CALENDAR CHECK

The next meeting is November 2.

9. ADJOURNMENT

The Environmental Advisory Board adjourned at 8:10 pm.

Approved:

Jim Robbins 11/2/16

Chair Date

CITY OF BOULDER
Boards and Commissions Minutes

NAME OF COMMISSION: Open Space Board of Trustees
DATE OF MEETING: Oct. 26, 2016
NAME/EXTENSION OF PERSON PREPARING SUMMARY: Leah Case x2025
NAMES OF MEMBERS, STAFF AND INVITED GUESTS PRESENT: MEMBERS: Frances Hartogh, Molly Davis, Kevin Bracy Knight, Tom Isaacson, Curt Brown STAFF: Tracy Winfree, John Potter, Mark Davison, Jim Reeder, Abbie Poniatowski, Brian Anacker, Dan Burke, Luke McKay, Phil Yates, Don D'Amico, Steve Armstead, Cecil Fenio, Mark Gershman, Bethany Collins, Keri Davies, Leah Case, Alycia Alexander GUESTS: Jan Burton, Council Sub-Committee member; Joe Taddeucci, Water Resources Manager, Public Works/Utilities; Janet Michels, Assistant City Attorney; Jeff Moline, Agricultural Resources Manager, Boulder County
TYPE OF MEETING: **REGULAR** CONTINUATION SPECIAL

SUMMATION:

AGENDA ITEM 1 – **Introduction of Council Sub-Committee member, Jan Burton**

AGENDA ITEM 2 **- Approval of the Minutes**
Kevin Bracy Knight moved that the Open Space Board of Trustees approve the minutes from Sept. 14, 2016. Curt Brown seconded. This motion passed unanimously.

AGENDA ITEM 3 – **Public Participation for Items not Identified for Public Hearing**
Susan Douglass, Boulder, presented a piece of art illustrating subsequent decision events which lessen the integrity of Open Space lands leading to the steady taking of habitat. She asked the Board to not forget past compromises in future decisions.

Jim Crain, Littleton, said the Open Space Charter limits the uses on Open Space land. He asked the Board to set a limitation for the conveyance of Open Space to other departments or to the public as well as make sure any protected species are identified.

AGENDA ITEM 4 **– Proposed changes to the Boulder Valley Comprehensive Plan Trails Map as part of the 2015 Major Update to the Comprehensive Plan.**
Steve Armstead, Environmental Planner, presented this item.

The Board decided to continue this item to the December 14 meeting.

AGENDA ITEM 5 – Boulder joint ownership/management IGA renewal
Mark Gershman, Environmental Planning Supervisor, presented this item.

This item spurred two motions:
Tom Isaacson moved the Open Space Board of Trustees recommend City Council's approval of an ordinance to adopt an Intergovernmental Agreement with Boulder County concerning the Management of Certain Open Space and Mountain Parks Properties with Joint Fee Ownership. Frances Hartogh seconded. This motion passed unanimously.

Kevin Bracy Knight moved the Open Space Board of Trustees recommend that city and county staff develop and City Council approve, a motion for consideration by the City Council and Boulder County Board of Commissioners that would establish prescribed fire, as determined by the lead agency, as an approved use in the context of any conservation agreement applicable to the properties subject to the IGA. Curt Brown seconded. This motion passed unanimously.

AGENDA ITEM 6 – Request for a recommendation to approve the purchase of approximately 49 acres of land, associated agricultural outbuildings and appurtenant mineral and water rights, including a quarter share of Cottonwood Ditch, located at a portion of 1538 North 75th St. and 7770 Arapahoe Rd. from Michael Patrick Ryan and the Charlene Rosenblatt Trust dated Jan. 26, 2015 for $1,750,000 for Open Space and Mountain Parks purposes. An additional expenditure of up to $152,000 is being requested for immediate needs.
Luke McKay, Property Agent, presented this item.

This item spurred one motion:
Molly Davis moved the Open Space Board of Trustees recommend that the Boulder City Council approve the purchase of approximately 49 acres of land, associated agricultural outbuildings, and appurtenant mineral and water rights, including a quarter share of Cottonwood Ditch, located at a portion of 1538 North 75th St. and 7770 Arapahoe Rd. from Michael Patrick Ryan and the Charlene Rosenblatt Trust dated Jan. 26, 2015 for $1,750,000 for Open Space and Mountain Parks purposes, as well as an additional expenditure of up to $152,000 for immediate needs. Curt Brown seconded. This motion passed unanimously.

AGENDA ITEM 7 **- Matters from Staff**
Joe Taddeucci, Water Resources Manager, Public Works/Utilities, presented on the Northern Colorado Water Conservancy District Utility and Access Easements for the Carter Lake Pipeline.

AGENDA ITEM 8 **- Matters from the Board**
Molly Davis presented on a think tank initiative that the City of Boulder is backing to assist a town in North Caroline with a recent flood event.

Staff and the Board will be working to plan for the 50th anniversary of Open Space in 2017.

ADJOURNMENT: The meeting adjourned at 9:17 p.m.

ATTACH BRIEF DETAILS OF ANY PUBLIC COMMENTS:
None.

TIME AND LOCATION OF ANY FUTURE MEETINGS, COMMITTEES OR SPECIAL HEARINGS:
The next OSBT meeting will be Wed. Nov. 9 at 6 p.m. at 1777 Broadway in the Council Chambers

DYSAUTONOMIA AWARENESS MONTH
October 2016

Dysautonomia is an umbrella term for disorders resulting in the malfunctioning of the Autonomic Nervous System, which regulates the largely unconscious *automatic* bodily processes, such as: heart rate, respiration, blood pressure, digestion, pupillary response, kidney function and temperature control.

Some forms of Dysautonomia are rare, including Multiple System Atrophy and Pure Autonomic Failure. Over 70 million people worldwide live with Dysautonomia, the most common forms include: Autonomic Neuropathy, Neurocardiogenic Syncope, and Postural Orthostatic Tachycardia Syndrome.

Dysautonomia impacts people of any age, gender and race, including individuals living in Boulder, Colorado.

Dysautonomia can be severely disabling, resulting in social isolation, stress on the individual and their affected families, and financial hardship, including years spent seeking answers due to lack of awareness among the public and within the medical community.

No form of Dysautonomia currently has a cure. Increased awareness will allow patients to obtain earlier recognition, diagnosis and treatment, save lives, and foster support for individuals and families in our community.

Therefore, the City Council of the city of Boulder, Colorado, declares the month of October 2016 as

DYSAUTONOMIA AWARENESS MONTH

Suzanne Jones, Mayor

Small Business Saturday
November 26, 2016

The City of Boulder celebrates our local small businesses and the contributions they make to our local economy and community. According to the United States Small Business Administration, there are currently 28.8 million small businesses in the United States; they represent more than 99.7% of American companies and are responsible for 63% of net new jobs created over the past 20 years.

Small businesses employ 49% of the working population in the United States and 89% of consumers in the United States agree that small businesses contribute positively to the local community by supplying jobs and generating tax revenue.

Also 87% of consumers in the United States agree that small businesses are critical to the overall economic health of the US and 93% of consumers in the United States agree that it is important for people to support small businesses that they value in their community.

The City of Boulder supports our local businesses; they create jobs, boost our local economy and preserve our neighborhoods.

Advocacy groups and public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

The City Council of the city of Boulder, Colorado, declares that November 26 is

SMALL BUSINESS SATURDAY

And we urge the residents of our community to support small businesses and merchants on Small Business Saturday and throughout the year.

Suzanne Jones, Mayor