

MEMORANDUM

July 16, 2014

TO: BURA Board of Commissioners

FROM: Jane S. Brautigam, City Manager and BURA Executive Director
Liz Hanson, Economic Vitality Coordinator

SUBJECT: July 21, 2014 BURA Special Meeting

A special meeting of the Boulder Urban Renewal Authority (BURA) will take place on Monday, July 21 in 1777 West Conference Room of the Municipal Building (1777 Broadway) at 5:00 p.m. Please contact Liz Hanson (hansonl@bouldercolorado or 303-441-3287) if you will be unable to attend.

Included are the following materials for the July 21 BURA Special Meeting:

- This memorandum with background information on the BURA By-laws and election of officers
- Meeting Agenda
- Memorandum on proposed modification to the 9th and Canyon Urban Renewal Plan regarding the Civic Use Requirement

BURA By-Laws

For the BURA Commissioners' reference, the Boulder Urban Renewal Authority (BURA) By-laws are included in this meeting packet.

Election of Officers

The BURA By-laws require an annual election of officers at its first meeting of the year. The last BURA meeting was conducted on February 23, 2011. Therefore, an election of officers will be conducted at the July 21, 2014 meeting. The following positions will be elected:

- Chairperson
- Vice Chairperson

BY-LAWS OF THE BOULDER URBAN RENEWAL AUTHORITY

ARTICLE I THE AUTHORITY

Section 1. Name of Authority. The name of the Authority shall be the "Boulder Urban Renewal Authority, as established by Ordinance No. 4411 (1979)." The Boulder Urban Renewal Authority shall be referred to in these by-laws as the "Authority."

Section 2. Seal of Authority. The seal of the Authority shall be in the form of a circle and shall bear the name of the Authority.

Section 3. Office of Authority. The office of the Authority shall be at such place in the City of Boulder, Colorado, as the Authority may designate by resolution from time to time.

Section 4. Authority to Enact By-Laws. The Authority is authorized pursuant to C.R.S. § 31-25-105(1)(a) to make and adopt by-laws, orders, rules and regulations in furtherance of its authority under the Colorado Urban Renewal law, C.R.S. § 31-25-101 *et seq.*

ARTICLE II OFFICERS AND PERSONNEL

Section 1. Board of Commissioners. In accordance with C.R.S. § 31-25-104(2), authority shall consist of any odd number of commissioners which shall be not less than five nor more than eleven, each of whom shall be appointed by the Mayor of the City of Boulder, Colorado.

Section 2. Officers. The Officers of the Authority shall be a Chairperson, a Vice Chairperson, and a Secretary who shall be Executive Director.

Section 3. Chairperson. The Chairperson shall preside at all meetings of the Authority. Except as otherwise authorized by resolution of the Authority, the Chairperson shall sign all contracts, deeds, checks for the payment of money and other instruments made by the Authority.

Section 4. Vice Chairperson. The Vice Chairperson shall perform the duties of the Chairperson in the absence from the City or incapacity of the Chairperson; and in case of a vacancy in the office of the Chairperson, the Vice Chairperson shall perform such duties as are imposed on the Chairperson until such time as the Authority shall select a new Chairperson from among its members.

Section 5. Temporary Chairperson. In absence or incapacity of the Chairperson and the Vice Chairperson, the remaining Commissioners shall select a member among those present to perform the duties of the Chairperson at any meeting of the Authority.

Section 6. Executive Director. The Authority shall appoint an Executive Director who shall serve for such term as the Authority may establish. The Executive Director shall:

a. Have general supervision over the administration of the affairs and business of the Authority, and shall be charged with the management of the projects of the Authority;

b. Have the care and custody of all funds of the Authority and shall deposit the same in the name of the Authority in such bank or banks as the Authority may select;

c. Sign all orders and checks for the payment of money and shall pay out and disburse such moneys under the direction of the Authority;

d. Keep regular books of account of his transactions and also of the financial condition of the Authority;

e. Give such bond for the faithful performance of his duties as the Authority may designate;

f. Designate in writing some person to perform his duties hereunder in his absence; and

g. Have authority to enter into contracts on behalf of the Authority.

In the absence of an appointment of an Executive Director to the contrary, pursuant to C.R.S. § 31-25-112, the Authority hereby appoints the City Manager of the City of Boulder, Colorado to oversee the day to day operations of the Authority with all of the powers provided and delegated to the Executive Director by the Authority.

Section 7. Secretary. The Executive Director shall serve as the Secretary of the Authority as set forth in Section 10 of this Article. The Secretary shall:

a. Keep the records of the Authority,

b. Act as secretary of the meetings of the Authority and record all votes, and shall keep a record of the proceedings of the Authority in a journal of proceedings to be kept for such purposes, and shall perform all duties incident to this office;

c. Keep in safe custody the seal of the Authority and shall have power to affix such seal to all contracts and instruments authorized to be executed by the Authority: and

d. Designate in writing some person to perform his or her duties hereunder in his or her absence.

Section 8. Additional Duties. The Officers of the Authority and the Executive Director shall perform such other duties and functions as may from time to time be required by the Authority or by the by-laws or the rules and regulations of the Authority.

Section 9. Legal Counsel for the Authority. In the absence of an appointment of legal counsel to the contrary, the Authority appoints, pursuant to C.R.S. § 31-25-112, the City Attorney's Office of the City of Boulder the legal counsel to the Authority. The Authority may employ an attorney or attorneys licensed to practice in the state of Colorado to provide legal counsel to the Authority and the Executive Director on issues relating to Colorado Urban Renewal Law and other general and special legal matters of interest to the Commissioners including representation on condemnation proceedings as may be deemed necessary by the Authority.

Section 10. Election of Officers. The Officers of the Authority shall be elected annually by the Authority at its first meeting of each year and shall assume their duties upon election.

The Executive Director shall serve as the Secretary of the Authority. The Authority retains the authority to appoint a different person as the Secretary in a manner that is consistent with these By-Laws. Any person appointed to fill the office of Secretary or any vacancy therein, shall have such term as the Authority may establish, but no Commissioner of the Authority shall be eligible to this office except as a temporary appointee.

Section 11. Vacancies. Should the office of Chairperson, or Vice Chairperson become vacant, the Authority shall select a successor from its membership at the next meeting to serve for the unexpired term of said office. When the office of Secretary becomes vacant, the Authority shall appoint a successor, as provided in Section 10 of this Article.

Section 12. Personnel. The Authority may from time to time employ such personnel as it deems necessary to exercise its powers, duties, and functions as prescribed by the "Urban Renewal Law" of the state of Colorado, and all other laws of the state of Colorado applicable thereto. The selection, qualifications, duties, and compensation of the Executive Director shall be determined by the Authority, which may delegate to such Director the determination of these matters as to other personnel.

ARTICLE III MEETINGS

Section 1. Regular Meetings. A regular meeting shall be held without notice at such time and place as may be prescribed by Resolution adopted by the Authority from time to time. In the event any day of a regular meeting shall be a legal holiday, said

meeting shall be held on the next succeeding regular day. In the absence of a regular meeting time, the Authority shall conduct its business by way of special meetings.

Section 2. Special Meetings. The Chairperson of the Authority may call a special meeting of the Authority for the purpose of transacting any business designated in the notice thereof:

- a. When he or she deems it expedient;
- b. Upon the written request of two members of the Authority; or
- c. Upon the request the Executive Director

The notice for the special meeting must be delivered to the business or home address, either by way of written notice or e-mail, of each member of the Authority at least twenty-four (24) hours prior to the date of such special meeting. Such notice shall designate the time and place of the special meeting. Any member may waive notice of any meeting and a member's presence shall constitute waiver of notice of that meeting unless the member's written objection to the transaction of any business at the meeting is filed with the Secretary on the ground that the meeting is unlawfully called or convened. At such special meeting no business shall be considered other than as designated in the notice, but if all of the members of the Authority are present at a special meeting, any or all business may be transacted at such special meeting. Notice of special meetings shall be accomplished in accordance with the Colorado Open Meetings law and in a manner that is consistent with City of Boulder meeting notices.

Section 3. Quorum. The power of the Authority shall be vested in the Commissioners thereof in office from time to time. A majority of the Commissioners shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other purposes, but a smaller number may adjourn from time to time until a quorum is obtained. When a quorum is in attendance, action may be taken by the Authority upon an affirmative vote of the majority of the Commissioners present. A majority of the eligible voting members of the Authority would be required to constitute a quorum.

Section 4. Order of Business. At the regular meeting of the Authority the following shall be the order of business:

- (a) Roll call
- (b) Reading and approval of minutes of the previous meeting
- (c) Consideration of resolutions or general business
- (d) Report of the Executive Director

- (e) Reports of committees
- (f) Unfinished business
- (g) New business
- (h) Adjournment and place and time of next meeting

Section 5. Manner of Voting. The yeas and nays shall be entered upon the minutes of every meeting, except in the case of elections when the vote may be by ballot, and except where there is a unanimous vote.

Section 6. Open Meetings. The Authority shall make no final policy decisions, pass no resolution, adopt no rule or regulation, or take any action approving a contract calling for the payment of money at any meeting, which is not open to the general public.

ARTICLE IV AMENDMENTS AND SUSPENSION OF BY-LAWS

Section 1. Amendment to By-Laws. The By-Laws of the Authority shall be amended only if:

- (a) The notice of the proposed amendment is provided to all Commissioners and published in a paper of general circulation at least ten days before the meeting at which action on the amendment is proposed; or
- (b) There has been a notice of motion duly seconded in the previous meeting.

Section 2. Suspension of By-Laws. Any requirement of these By-laws may be waived by a written consent signed by all Commissioners or by a motion approved by all Commissioners present.

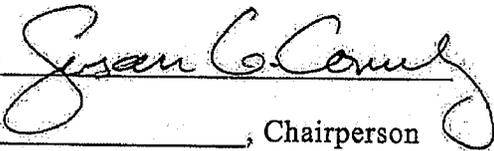
ARTICLE V MISCELLANEOUS

Section 1. Authorization of Contracts. A contract with the United States or other public bodies shall be authorized by written resolution, a copy of which resolution and contract shall be kept with the journal of the proceedings of the Authority.

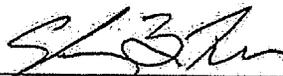
Section 2. Conflict of Interest. No Commissioner, other officer, or employee of the Authority, nor any immediate member of the family of any such Commissioner, officer, or employee shall acquire, nor shall he or she have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used in connection with any project. If any Commissioner, other officer, or employee of the Authority owns or controls an interest, direct or indirect, in any property included or

planned to be included in any project, he or she shall immediately disclose the same in writing to the Authority, and such disclosure shall be entered upon the minutes of the Authority. Upon such disclosure, such Commissioner, officer, or other employee shall not participate in any action by the Authority affecting the carrying out of the project planning or the undertaking of the project unless the Authority determines that, in the light of such personal interest, the participation of such person in any such act would not be contrary to the public interest. Acquisition or retention of any such interest or willful failure to disclose any such interest shall constitute misconduct in office.

APPROVED AND ADOPTED, this 17th day of OCTOBER, ²⁰⁰⁷~~2006~~ by the Commissioners of the Boulder Urban Renewal Authority.

By: , Chairperson

ATTEST:

By: 
Brad Power, BURA Secretary

**Boulder Urban Renewal Authority (BURA)
Board of Commissioners Special Meeting**

Monday, July 21, 2014 5:00 p.m.

1777 West Conference Room / Municipal Building / 1777 Broadway

AGENDA

- 1. Roll Call**
- 2. Election of Officers**
- 3. Public Participation**
- 4. New Business**
 - Brief Overview of the Boulder Urban Renewal Authority
 - Consideration of a modification to the 9th and Canyon Urban Renewal Plan regarding the Civic Use Requirement
- 5. Report of Executive Director**
- 6. Adjourn**

MEMORANDUM

July 16, 2014

TO: BURA Board of Commissioners

FROM: Jane Brautigam, City Manager and BURA Executive Director
David Driskell, Executive Director, Community Planning and Sustainability
David Gehr, Deputy City Attorney
Molly Winter, Director, Downtown and University Hill Management Division and Parking Services
Sam Assefa, Senior Urban Designer, Community Planning and Sustainability
Liz Hanson, Economic Vitality Coordinator, Community Planning and Sustainability

SUBJECT: Modifications to the 9th and Canyon Urban Renewal Plan regarding the Civic Use Requirement

Executive Summary

The purpose of this agenda item is to present modifications to the 9th and Canyon Urban Renewal Plan (URP) (**Attachment A**) and request BURA's approval. These modifications facilitate the realization of the plan's civic use requirement and allow a proposal for negotiations for a public private partnership between the city and St Julien Hotel. The proposal's vision creates a facility with both civic and hotel uses on the civic use pad adjacent to the St Julien Hotel. The concept is recommended by staff, the Civic Use Task Force IV (CUTF IV) and St Julien Hotel, and supported by City Council.

Two sections of the URP need to be modified in order to support the further exploration of this concept: Section III.B. 1 allowing flexibility of the amount of civic use required as part of the development, and Section III.E.2 which would align the amount of floor area ratio (FAR) allowed with existing zoning standards in the downtown for this site. (**Attachment B**)

Simultaneously, the city is developing a Memorandum of Understanding between the city and St Julien which outlines the next steps in the development of the civic use concept prior to entering into a final management agreement.

There are two types of plan modifications under the urban renewal statute: substantial modifications and modification. The proposed changes fall into the modification category and can be approved as part of simple three step process. The process for modification of an urban renewal plan starts with an approval by BURA. After approval by BURA, there is a requirement that the plan modification be reviewed by the planning board to ensure that it is consistent with the Boulder Valley Comprehensive Plan. Once those two steps have been completed, the plan modification is presented to the city council for final approval. As was done

with the original plan approval in 1988 and its modification in 1995, the modifications will be approved by an ordinance of the Boulder City Council.

The concept proposes a facility on the civic use pad including 8,000 square feet of event space for shared hotel and “civic use” on the first floor, upper floors of hotel uses, and a multi-purpose roof deck. Incorporated in the vision is a potential pedestrian connection across Canyon Boulevard to a future cultural facility at the current main library location which supports the Civic Area Plan.

The civic use pad is owned as a limited common element of the Hotel. The original agreement in the condominium declaration included a provision that if an acceptable civic use was not established on the property on or before Jan. 1, 2020, that the owner of the hotel would have the right to convert the civic use site from a limited common element to another unity or to reallocate the civic use site to another use on the site. In other words, the civic use pad can be put to other purposes under the terms of the condominium declaration after Jan. 1, 2020.

In the opinion of the Task Force and staff, after the exhaustive 15 year process of exploring civic use options, this collaborative partnership represents the most workable, exciting and viable path to achieving the requirement for civic use set out in the 9th and Canyon Urban Renewal Plan

The CUTF IV and staff are formally exploring a collaborative partnership to understand its constraints, challenges, opportunities, benefits and issues of the concept. The areas for further analysis, study, potential change and negotiation include: existing legal agreements associated with the site including the Urban Renewal Plan and Condominium Association; planning and zoning regulations; building design and compatibility with the hotel and garage; financing; lease and user options to support civic use of the event space and multi purpose roof deck for the community; and the negotiations with St Julien to define the facility management and parameters of the public/private partnership. The final development and management agreement will be negotiated and purposed to City Council for their final approval.

Background

The Urban Renewal Plan

As outlined in **Attachment C**, Urban Renewal: An Overview, the city of Boulder has undertaken only two urban renewal projects the redevelopment of Crossroads Mall in the early 1980’s and the 9th and Canyon redevelopment. An urban renewal plan adopted in 1988 for the 9th and Canyon site in downtown Boulder called for hotel and convention facilities, including retail, restaurants, entertainment, transportation facilities and underground parking. In 1995, City Council modified the plan to include design guidelines for the site, as well as requiring that a minimum of 20 percent of the gross floor area be committed to civic uses.

9th & Canyon Hotel and Parking Garage

The two property owners on the 9th and Canyon site – St. Julien Partners and the downtown parking district, Central Area General Improvement District (CAGID) - entered into a 9th and Canyon Condominium Association and built the project that exists today. The underground CAGID parking garage opened in November 2002 and the St. Julien Hotel opened in February 2003. Incorporated in the mixed use project is an 11,000 square foot pad east of the hotel

constructed with a concrete structural deck capable of supporting a building (“the civic use pad”).

The major requirements of the URP plan were addressed: the hotel is located on Walnut Street, open space was created on Canyon, a pedestrian walkway connects Pearl Street and the Civic Area, all the parking is underground and a pad east of the hotel was designated for a future civic use. Tax increment financing was used for the public parking. As stipulated in the 9th and Canyon Condominium Declaration, the Condominium Association has the right to lease the civic use pad at the southeast corner of the site in accordance with the civic use lease up until January 1, 2020. After such time, the civic use restriction will end and St. Julien Partners may develop the site as they see fit within existing zoning regulations. At the time, there was a potential partnership of two non-profit groups to use the civic use pad. The original civic use lease was drafted in anticipation of that proposal. Ultimately, that project did not get constructed. Changes to the original civic use lease must be approved by the owner of the hotel unit (St. Julien Partners) and CAGID.

Efforts to Put the Civic Use Pad to Productive Use

The civic use component of the project first came under consideration in 1998 when a citizen task force comprised of city board, downtown and community members was appointed to review submitted proposals and make a recommendation to City Council. The civic use criteria approved by the City Council in 1998, and currently applicable to the civic use pad, are:

- Financial ability to construct and/or operate and maintain a use over time.
- Acceptance as civic use defined by attraction/benefit to the cultural or scientific or educational or entertainment or artistic or humanistic or civic life of the community.
- Compatibility to the other urban renewal site uses, i.e. the hotel, the parking garage and open space.
- Enhancement to the vitality of the downtown by generating interest in coming downtown, diversifying the downtown experience for citizens, visitors and downtown users or complementing other downtown uses.

Subsequently, three different task forces have sought solutions and approaches to achieve a civic use on the site, but without success. These first three task forces considered a wide variety of ideas and formal proposals including location for the Depot, a children’s museum and community dance facility, the Boulder History Museum, a 500 foot performance venue, a community dance facility with hotel meeting space, and the entry of a conference facility connected to buildings to the east.

In February 2000, Planning Board approved a Site Review Amendment to approve a building on the civic use pad to house the Collage Children’s Museum and the Village Arts Coalition dance organization. Due to financial challenges, this approved civic use building was not constructed.

Civic Use Task Force IV

In 2009, City Manager Jane Brautigam appointed a 4th Civic Use Task Force with the charge to:

- Assess the challenges that have been identified through past efforts and make recommendations that would increase the likelihood of a successful endeavor;
- Review the civic use criteria to ensure they reflect the current city priorities and goals and needs of the community; and

- Assist in the development of a proposal solicitation strategy and process.

The members of the CUTF IV are:

- Boulder City Council Members Mary Young, George Karakehian and Lisa Morzel;
- Michael Smith, the Boulder Arts Commission;
- Susan Connelly, Boulder Convention and Visitors Bureau Advisory Board and former member of the Boulder Urban Renewal Authority and vice chair of the task force;
- Fern O'Brien, Downtown Boulder Business Improvement District;
- Matt McMullen, Downtown Management Commission and chair of the task force;
- Josie Heath representing non-profits;
- Wendy Reynolds representing the financial sector; and
- Cindy Carlisle representing the community sector.
- Bruce Porcelli from the St. Julien was invited to join the task force in May 2012.
- City Council members KC Becker and Suzanne Jones served on the task force.

The CUTF IV conducted a thorough and comprehensive investigation of the challenges, options and possibilities presented by the civic use requirement. The following is a summary of their efforts and accomplishments.

- Analyzed the opportunities and constraints of the site and its legal agreements which govern the outcome. These include the 1988 Urban Renewal Plan (**Attachment B**) (amended in 1995) and documents associated with the Condominium Association.
- Developed vision and performance criteria to evaluate reasonable and feasible opportunities for civic use based on the current realities.
- Communicated with dozens of Boulder-based organizations and thought leaders in the community about the opportunities for the civic use pad; conducted focus groups with non-profit organizations serving the Boulder Area; and discussed opportunities with UCAR, NCAR, the Climate Center, the Fort Collins Museum, CU Museum of Natural History and the Exploratorium.
- Created a video promoting the site.
- Determined that a 500 seat music/performance theatre is not a realistic fit for this site.
- Commissioned a property valuation of the pad and associated constructed site improvements.
- Explored the possibility of a mixed use, "layer cake" approach with both civic and commercial uses: hotel functions, meeting space and an art house cinema.
- Commissioned a market and financial feasibility analysis of the "layer cake" mixed use approach.
- Enhanced the relationship with St. Julien Partners; Bruce Porcelli joined the task force in 2012.
- Issued a Request for Information (RFI) to developers seeking the expertise and perspective of the local private development community to identify obstacles to financing and development of the site, and identifying incentives desirable for a successful project.
- No responses to the RFI were received.

Based on the accumulation of feedback, analysis and discussion, the CUTF IV concluded the following:

- A single user concept is unrealistic given the size, character and financial resources of Boulder.
- Based on the feedback from the community, the required building space - 20% of the existing building equates to 37,000 square feet - is too much for any one user to afford, the Task Force recommends the Urban Renewal Plan be modified to meet the realities and needs of the current proposal.
- A redefinition of “civic use” as a specific building or portion of a building to “civic benefit” within the context of a public private partnership. As noted above, the expectation of a stand-alone facility is not realistic for civic and non-profit entities within our community. However, there is a periodic need for many organizations to share a venue; hence the concept of civic benefit rather than a single use.
- Coordination with the Civic Area Planning effort provides a design synergy within the broader context of the area and opportunity for a viable and dynamic use for the site.
- A public private partnership with the St. Julien will be necessary to achieve a successful result and achieve the civic use concept prior to the expiration date.

After the Task Force’s comprehensive review of the options and thorough outreach to the community, a key breakthrough came with the realization that partnering with the St. Julien Partners offered the most viable, realistic and sustainable approach to achieving the goal of a civic benefit on the pad within the shrinking window of opportunity. Having Bruce Porcelli join the Task Force created the opportunity to jointly develop a mutual vision with shared benefits.

Review Process

Multiple city boards and commissions play a role in reviewing the URP changes and MOU. The role of the Boulder Urban Renewal Authority is to approve the modification to the URP. Once this step is completed, the final approval may be done by the Boulder City Council

The Planning Board will review the URP changes within the context of compliance to the Boulder Valley Comprehensive Plan and make a recommendation to City Council at their meeting on July 31, 2014.

The Downtown Management Commission, representing CAGID, provides a recommendation to City Council representing the interests of CAGID, one of the property owners in the 9th and Canyon Condominium Association at its meeting on August 4, 2014.

City Council makes the final decision on the URP ordinance approving the URP plan modifications. The city council also will need to approve the MOU that will result in the further exploration of the proposed new civic use concept. The consideration of authorizing the manager to execute the MOU and the second reading and public hearing is planned for September 2014.

Analysis

URP Modifications

The first modification to the URP, Section III.B.1, adding the language “pursuant to a plan, agreement or other arrangement approved by the city”, allows the flexibility to modify the 20% of the gross square footage of development (which translates to 37,000 square feet) for civic use. As past experience has shown since the initial efforts began in 1998, it has been difficult to find

the organizations or entities to construct and operate a stand-alone building of that size. The new language allows BURA and the City Council more latitude to approve a project that meets the civic use guidelines, is feasible financially, and meets community needs and benefit.

The changes to Section III.E.2 with the addition of the language, “that appropriately utilizes the land and does not exceed the amount permitted by underlying zoning” aligns the floor area ratio (FAR) with the existing DT-5 zoning district in the Land Use Code which is intended for “higher intensity uses” and an area where the city has anticipated the highest potential for redevelopment.

Overall Project Analysis

Please see **Attachment D** for a thorough analysis of the site’s context within the Civic Area Plan (CAP), civic space utilization survey of community organizations, potential building mass feasibility study, preliminary planning and zoning issues and necessary legal agreements.

Boulder Valley Comprehensive Plan Analysis

Planning staff has reviewed the URP modifications regarding allowing flexibility of the amount of civic use required as part of the development, and Section III.E.2 which would align the amount of floor area ratio (FAR) allowed with existing zoning standards in the downtown for this site and found them in compliance with the Boulder Valley Comprehensive Plan. (**Attachment E**) Planning Board will review the staff recommendation and take action at their meeting on July 31, 2014.

Recommendation

Staff recommends that BURA adopt the following modifications to the 9th and Canyon Urban Renewal Plan Sections III.B.1 and III.E.2 as presented in attachment B, and finds that these changes are instrumental to the realization of the URP goal of civic use on the site.

Attachments

Attachment A: 9th and Canyon Urban Renewal Plan

Attachment B: Ordinance modifying the 9th and Canyon Urban Renewal Plan

Attachment C: BURA Urban Renewal Overview

Attachment D: Study Session Memorandum January 2014

Attachment E: CP&S Staff Analysis of URP Plan changes to the Boulder Valley Comprehensive Plan

Boulder Urban Renewal Plan



Ninth & Canyon

1995 Revised Plan

Adopted:

Boulder Urban Renewal Authority, April 6, 1995

Boulder Planning Board, May 11, 1995

Boulder City Council, July 11, 1995



Boulder Urban Renewal Authority

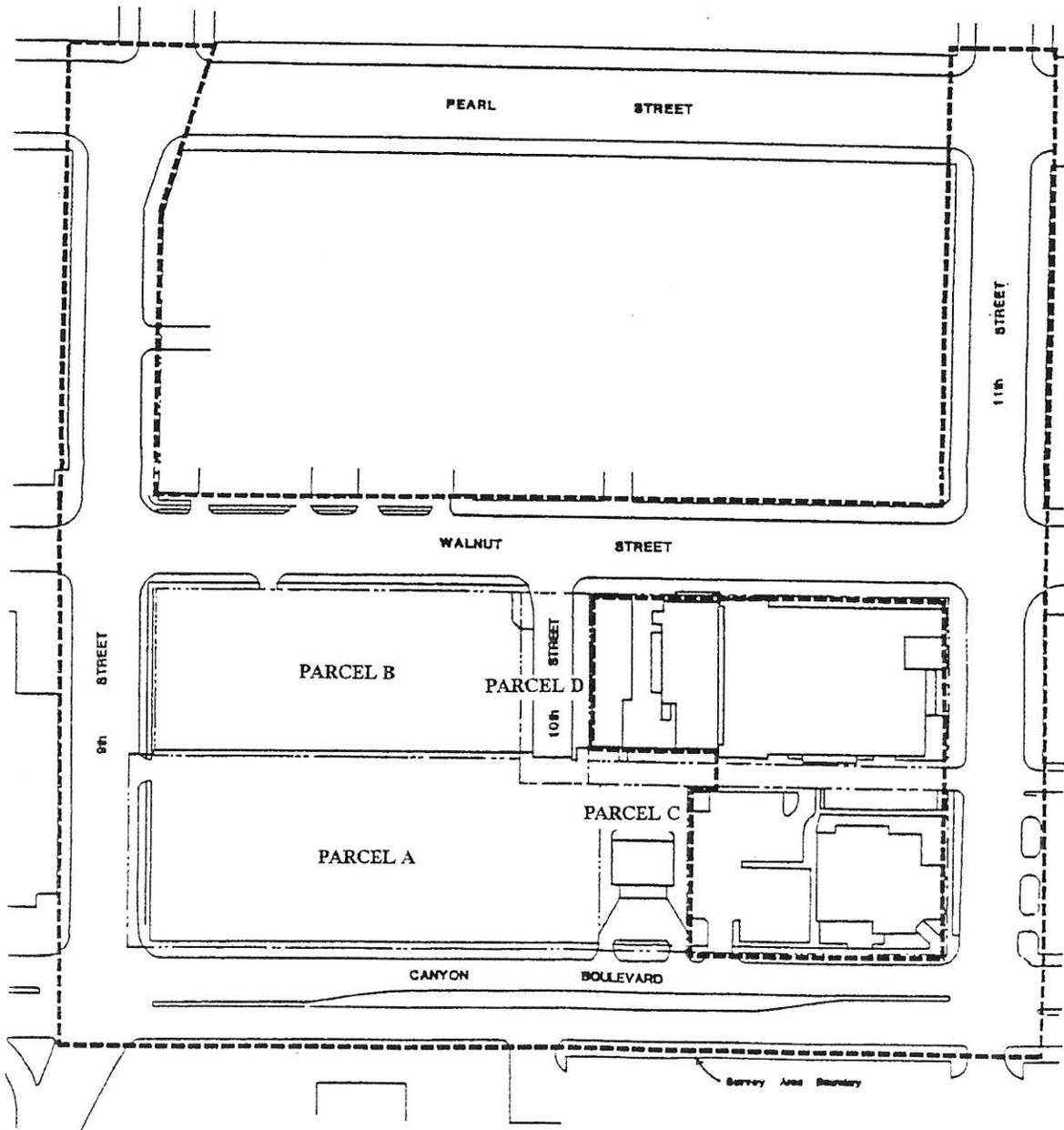
I. INTRODUCTION

A. PREFACE

This plan has been prepared by the Boulder Urban Renewal Authority pursuant to the provisions of the Urban Renewal Law of the State of Colorado, Part 1 of Article 25 of Title 31, C.R.S. The administration of this project and the enforcement of this plan, including the preparation and execution of any documents implementing it, shall be the responsibility of the Boulder Urban Renewal Authority.

B. PROJECT AREA BOUNDARIES

The boundaries of the project area are illustrated on the following map:



The project area boundaries are described as follows:

Beginning at a point that is the intersection of the southerly ROW line of Canyon Boulevard, and the westerly ROW line of 9th Street; then northwesterly along the westerly ROW line of 9th Street, to a point that is the intersection of the westerly ROW line of 9th Street, and the northerly ROW line of Pearl Street;

Then northeasterly along the northerly ROW line of Pearl Street, to a point that is the intersection of the northerly ROW line of Pearl Street, and the easterly ROW line of 9th Street;

Then southeasterly along the easterly ROW line of 9th Street, to a point that is the intersection of the easterly ROW line of 9th Street, and the northerly ROW line of Walnut Street;

Then northeasterly along the northerly ROW line of Walnut Street, to a point that is the intersection of the northerly ROW line of Walnut Street, and the westerly ROW line of 11th Street;

Then northwesterly along the westerly ROW line of 11th Street, to a point that is the intersection of the westerly ROW line of 11th Street, and the northerly ROW line of Pearl Street;

Then northeasterly along the northerly ROW line of Pearl Street, to a point that is the intersection of the northerly ROW line of Pearl Street, and the easterly ROW line of 11th Street;

Then southeasterly along the easterly ROW line of 11th Street, to a point that is the intersection of the easterly ROW line of 11th Street, and the southerly ROW line of Canyon Boulevard;

Then southwestwesterly along the southerly ROW line of Canyon Boulevard to the point of beginning.

Excepting the following:

All of Lots 1, 2, 3, 4, 5, 6, 9, 10, 11, and 12, Block 44, Boulder Plat (Original Town);

The easterly 25 feet of Lot A, Block 44, Boulder Plat (Original Town);

The easterly 10 feet of 10th Street, vacated by City Ordinance 3010;

All that portion of the improved alley that is located in Block 44, Boulder Plat (Original Town).

C. PROJECT PURPOSES

An Urban Renewal Plan for the Ninth and Canyon site in downtown Boulder has been developed to achieve the following purposes:

1. To implement the Boulder Valley Comprehensive Plan.

2. To eliminate existing conditions in the Urban Renewal Area that are detrimental to the project area, adjacent neighborhoods and facilities, and to the City as a whole.
3. To redevelop and rehabilitate the area in a manner which is compatible with and complementary to existing development and uses in the general area, and to provide an improvements framework which is based on community-wide goals and values.
4. Through redevelopment, contribute to a sustainable downtown Boulder community and economy.
5. To facilitate the redevelopment of the area by private enterprise by cooperating with other public bodies to provide needed infrastructure improvements.
6. To effectively utilize undeveloped and underdeveloped land.

II. URBAN RENEWAL ELIGIBILITY

A. GENERAL AREA DESCRIPTION

The project area is located on the western portion of the block bounded by 9th Street, Canyon Boulevard, Walnut Street and 11th Street. It is comprised of four parcels totaling 2.89 acres in area. Parcel A, owned as of April 1995 by St. Julien Partners located in Boulder, Colorado, is an unpaved, unimproved lot. Parcel B is a paved public parking lot owned by the Central Area General Improvement District (CAGID). Parcel C, also owned by St. Julien Partners, contains the only built improvement in the area, the old Chamber of Commerce building. Parcel D is comprised wholly of the 10th Street right-of-way.

B. SITE SURVEY CONDITIONS

The following conditions were documented on the site in 1988 and served as the basis for the initiation of the urban renewal planning process:

Environmental Conditions

- The majority of the site is in the 100 year floodplain.
- A portion (approx. 25%) of the site is in the 100 year "floodway".
- Canyon Boulevard is a high noise corridor (61 decibels).
- Site drainage is very poor on the unpaved portions (Parcel A).
- The majority of the site has a very high ground water table.

Site Utilization

- Most of the site is vacant except for parking uses - the overall Floor Area Ratio (F.A.R.) is approximately 0.03. (F.A.R. is the ratio of building size to site size). The City Planning Department's criteria for "significantly underutilized" land in the downtown is a F.A.R. below 0.49.
- Access to and circulation within the site is seriously deficient, particularly for emergency vehicles (mainly fire apparatus).

Traffic/Streets

- The 9th and Canyon intersection is mis-aligned. Southbound 9th Street traffic has difficulty finding the proper 9th Street lane to enter on the south side of Canyon Boulevard.
- Excessive speeds and heavy traffic volumes on 9th Street create pedestrian crossing problems, particularly at Walnut Street.
- The 9th and Canyon intersection had 15 accidents in 1987, tying for 22nd place of all intersections in the City.
- Paving on 10th Street (a public right of way) is seriously deteriorated with sidewalk on one side only.
- Deteriorated curb, gutter and sidewalks occur along Canyon Boulevard, 9th Street and Walnut Street.

Site Improvements

- On-site spot drainage and severe pothole and erosion problems occur on the unpaved portions (Parcel A and alleyways) of the area.
- Landscaping is seriously deficient throughout the area.
- Site lighting is deficient, particularly on Parcel A.
- On-site directional signage is inadequate.
- Driveway and access definition is inadequate.
- Site maintenance is seriously deficient. On-site debris is prevalent.
- Some on-site exterior structures (walls, fences, etc.) are deteriorated.
- Pedestrian and bicycle facilities are almost non-existent.

Utilities

- Water mains are old (25-30 years) and may not meet current standards, but do not present any capacity, pressure, or maintenance problems at this time.

Fire Protection/General Health and Safety

- Fire apparatus access to car fires is very difficult because of the condition of the unpaved parking surface and poor driveway definition.
- Public hydrants are inadequate in terms of number and location.
- It is difficult to access the rear of adjacent buildings.
- Overhead power lines create a hazard for firefighting personnel using highly mechanized equipment.
- Seventeen crimes, mostly automobile related, occurred in the study area between June 1986 to April 1988. This is a relatively high crime rate for a parking lot.

III. DEVELOPMENT PLAN**A. COMPREHENSIVE PLAN AND LOCAL STANDARDS****1. Land Use and Planning Criteria**

Determination of land use and densities, major circulation routes, public facilities and planning criteria are based on the Boulder Valley Comprehensive Plan, City Land Use Regulation, Subdivision Ordinance, Building Code and this Urban Renewal Plan.

The Context Guidelines for Project Area Development (Section III, C) and the Project Area Development Guidelines (Section III, D) will be applied by the Authority when providing a recommendation to the Planning Board during the site review process, (B.R.C. 9-4-10). In addition, the Downtown Design Advisory Board (DDAB) or its successor, will review development proposals and will make recommendations to the Authority and Planning Board during the site review process. The guidelines set forth in Section III, C and Section III, D may be waived or modified by the Authority for a specific redevelopment project.

2. Planning Conformance

The Urban Renewal Plan is in conformance with the Boulder Valley Comprehensive Plan in respect to land use and densities, transportation and other public facilities, and meets the intent and goal of the Comprehensive Plan for development which could include opportunities for shopping, support services and public facilities, including parks and other civic uses. Specifically, the Comprehensive Plan's Community Design and Central Area policies state:

Community Design

"New residential, commercial and industrial development and redevelopment shall be encouraged to follow sound and innovative land use planning. The goals are to provide a livable built environment and, through the judicious use of landscaping, materials and human scale, to respect the character of the surrounding area." (p. 8).

Central Area Programs

"The City of Boulder, through the merging of public and private interests, shall seek to retain the Central Area of the Boulder Valley as the primary governmental, cultural, office, financial, entertainment, shopping, medical facility, and high density residential district of the Boulder Valley.

The Downtown shall retain its historic role as the governmental, entertainment, office, and financial center of the Boulder Valley. It shall continue to develop as a specialty retail center. This shall be accomplished by coordinating concerted and comprehensive public policies and investments with private redevelopment and rehabilitation efforts." (p. 139).

B. GENERAL DESCRIPTION OF THE DEVELOPMENT PLAN

The Development Plan will require the redevelopment of the project area to address the following:

1. Mixed and/or multi-use development that incorporates a combination of hotel and ancillary hotel services as primary uses. Civic uses (such as recreation center, museum, cultural center, City office space, and transit facilities as specified under Section III, E.2.d of this plan), will occupy a minimum of 20% of the gross floor area developed in the project area.
2. If a viable project is not in the process of approval or development prior to April 18, 1998, the City Council shall consider reopening this urban renewal plan to permit alternative land uses.

C. CONTEXT GUIDELINES

The Ninth and Canyon project area is located in the Walnut/Canyon corridor of downtown Boulder. Redevelopment efforts during the last twenty years have resulted in an area comprised of office buildings, restaurants, banks and surface parking lots. This corridor, which is located between the historic commercial area and the civic park, has limited retail uses, street life and pedestrian activity. The goal of an enhanced and vital downtown can be promoted with a mix of quality uses and developments that encourage pedestrian activities. These guidelines will set a standard for other redevelopment parcels along the Walnut/Canyon corridor.

The following guidelines establish the Authority's objectives for the redevelopment of the project area. Development proposals will be reviewed according to the guidelines. Such review will be a responsibility of DDAB or its successor, and as such made a part of the site review process identified in the City of Boulder Land Use Regulation. Design integrity will be project specific. Massing, location, character, materials, setbacks, height, circulation, open space and other elements must work in relation to each other and as parts of a whole.

Therefore, the specific definition and application of Section III C and D will vary according to project specific design considerations. The guidelines are not intended as a design checklist. They are intended to suggest the type and range of options requiring serious consideration.

1. Walnut/Canyon Corridor Redevelopment Guidelines

- Retail activity at the street level
- South facing urban open spaces and buildings
- Landscaping along Canyon Boulevard
- Pedestrian access corridors through redevelopment sites
- A gateway element at Ninth and Canyon
- Streetwalls and spaces framed by buildings on Walnut Street
- Open space, building openings, setbacks and orientation which frame the southerly views

2. General Development Guidelines

Regional Access Regional access to the project area is excellent because of its location along Canyon Boulevard. Uses and development which require this type of access should be considered for the project area, with heavy emphasis on transit and alternative modes.

Western Gateway to Downtown The project area is a unique gateway to downtown because of its location on the western edge of the city and within the viewshed of Canyon Boulevard and Boulder Creek. Uses and development can help to identify this gateway with special uses, development and design features. It can also provide an anchor in the western part of downtown and a link to adjacent residential neighborhoods, the civic center and the Boulder Creek corridor.

Downtown and Neighborhood Connections Ninth and Canyon is located close to the Downtown Mall, the Civic Park, the Library, the West Pearl shopping area, other major downtown destinations and residential neighborhoods. Connections to these facilities through the Ninth and Canyon project area are important to reinforce the overall unity of downtown and to promote a pedestrian environment in downtown. In addition, efforts should be made to avoid the negative impacts of vehicular traffic on the core area neighborhoods.

Quality Development The project area is located within the Walnut/Canyon corridor, an area comprised of large banks, mixed use buildings and large surface parking lots. Future downtown development within this corridor should improve the pedestrian and fulltime character of downtown, and encourage a more sustainable utilization of downtown properties. Corridor development should link the Civic Park and Walnut/Canyon corridor with the historic commercial area.

3. Area Development Guidelines

Pedestrian Access Provide and enhance pedestrian connections within downtown and adjacent neighborhoods at Ninth and Canyon. Provide pedestrian access corridors to and through the project area. Maximize use of the 10th street alley, sidewalks, and possible public improvements along Canyon, 9th and Walnut.

Intersections and Entrances Recognize the features and uses which provide a distinctive image at the Ninth and Canyon intersection. Develop compatible intersection features at 9th/Walnut and 10th/Walnut to relate development of the project area to the adjacent neighborhoods. Landscaping, public uses, and building features should reinforce the intersections.

Public Improvements Civic improvements should enhance the functions and image of the project area. These improvements should be considered for the 10th street alley and pedestrian connections across Canyon, 9th and Walnut and the Canyon, 9th, Walnut streetscapes.

Physical Development and Buildings Develop multiple use buildings to provide fulltime activity in the project area. Physical development should reinforce the attributes of the project area and downtown Boulder, incorporating traditional elements that are adaptable to a variety of uses. Provide streetwalls along Walnut Street to enclose and frame public spaces. Upper level setbacks should be used to minimize street level shadows and pedestrian scale features along the sidewalk.

Open Space Develop usable open spaces. Provide community and neighborhood facilities for sitting, relaxing, community gatherings, and local activities.

D. SITE DEVELOPMENT GUIDELINES

The following guidelines establish the Authority's objectives for the redevelopment of the project area. The guidelines represent a range of development options and are not intended to be a design checklist. A specific project will not necessarily be required to address or fulfill all of the guidelines.

1. Encourage the development of buildings that provide a mix of uses to provide full time activity within the project area.
 - 1.1 Encourage a mix of uses on the site with lodging units or civic uses on the upper levels.
 - 1.2 Respect and enhance the character of the street with small scale pedestrian oriented commercial activities along Walnut and 9th Street.
 - 1.3 Establish the Ninth and Canyon project area as a community focal place with uses, buildings and improvements that attract community activities and interaction.
 - 1.4 Encourage secondary special uses, such as educational, recreational, cultural and civic uses, which complement the primary uses of the project area.
 - 1.5 Develop a building complex to:
 - Reduce the apparent mass and bulk of the building
 - Express the varied uses of the site
 - Reflect the mixed use environment of downtown Boulder
 - 1.6 No individual project should become an enclave.
 - 1.7 Accentuate different portions of the buildings with various materials to reflect the different uses and functions of the buildings.
 - 1.8 Develop public outdoor spaces with uses and functions that will add interest and character to Ninth and Canyon and downtown Boulder.
2. Physical development should reinforce the unique attributes of the site and its relationship to downtown Boulder.
 - 2.1 Address the potential shade impact to Walnut with elements such as stepping back upper portions of taller buildings, streetscape design, street lighting, building illumination and ice deterrent.
 - 2.2 Encourage special features to convey a unique development character along Canyon Boulevard and Ninth Street.
 - 2.3 Provide building elements along Walnut to reinforce the historic commercial and pedestrian character of downtown.
 - 2.4 Physical development should enhance the downtown identity while creating an individual image at Ninth and Canyon.

- 2.5 Public interest should be provided by the use of pedestrian scale applications of first story details, facade details, and pedestrian scale features.
 - 2.6 Any parking storage should be compatible with adjacent buildings.
 - 2.7 Establish appropriate streetwalls and building setbacks along 9th Street, Walnut Street, and Canyon Boulevard (streetwalls are buildings which frame street spaces).
3. Establish a physical gateway to downtown Boulder at Ninth and Canyon by developing special features and uses which provides a distinctive image.
- 3.1 Building setbacks, design, massing, orientation and height should reinforce the significance of the Ninth and Canyon intersection.
 - 3.2 Physical development should reinforce the significance of the Ninth and Canyon intersection.
 - 3.3 The project should provide public art and landscaping at the Ninth and Canyon site to reinforce the Ninth and Canyon intersection. The intersection could be strengthened by establishing design elements common to both Boulder Creek and the project area, and by establishing view corridors from the project area to public art along Boulder Creek.
4. Provide and enhance pedestrian connections within downtown and adjacent neighborhoods at Ninth and Canyon.
- 4.1 A pedestrian link on the east side of the project area, along the 10th Street alignment should be provided through the site to connect south toward the library, and north toward Pearl Street. This and other pedestrian links should reinforce the downtown grid pattern and provide a more interesting and diverse pedestrian environment within the downtown.
 - 4.2 Pedestrian facilities should link developed uses within the project area and should provide access to adjacent pedestrian destinations.
 - 4.3 Landscaped sidewalks should be provided along Walnut, 9th, and Canyon to enhance the pedestrian environment leading to the project area and within downtown.
 - 4.4 Provide for an on-site transit center/stop integrated with the sidewalk and buildings to facilitate transit access.
 - 4.5 Enhance linkages to all transit facilities with information, education, directional signs and convenient and comfortable facilities.

5. Provide quality public space.
 - 5.1 Public spaces should be large enough to accommodate scheduled and informal special events.
 - 5.2 Design public spaces to incorporate drainage and floodhazard conditions associated with Boulder Creek.
 - 5.3 Public spaces should be urban in character to complement the mixed use image of downtown.
 - 5.4 Public spaces should be oriented south to the greatest extent possible to enhance solar access.
 - 5.5 Public spaces should be oriented to the greatest extent possible to views of the Flatirons, Boulder Creek and the mountains to the west of Boulder.
 - 5.6 Provide ample places to sit, relax, and eat meals.
6. Public improvements should enhance the function and image of the project area.
 - 6.1 Develop special intersection improvements at Ninth and Canyon that may incorporate vertical gateway features, decorative street lights, landscaped medians, street accent paving, and corner landscape improvements.
 - 6.2 The project should be designed to accommodate, and could participate in funding a possible future pedestrian/bicycle underpass (similar to the one at Broadway/College) across Canyon Boulevard at 10th Street to enhance access to the Civic Park.
 - 6.3 The City could develop midblock pedestrian improvements at 10th/Walnut to link the project area to Pearl Street along the 10th Street corridor. This would be a portion of a larger pedestrian connector between the Civic Park and Pearl Street.

E. PUBLIC IMPROVEMENTS

Improvements will be made to provide the infrastructure necessary to carry out the objectives of the Plan. Such improvements include, but are not limited to:

1. Environmental
 - a) Floodplain Improvements - Any uses will meet the City's Floodplain Regulation (Chapter 9-9, B.R.C. 1981). No structures intended for human occupancy will be allowed in the high hazard zone or the conveyance zone. Uses in the floodplain will be fully protected from the 100 year flood.

- b) Erosion and Storm Drainage - Erosion problems will be eliminated through development of the site. Storm drainage improvements will be made as necessary.

2. Land Utilization

The current floor area ratio (F.A.R.) for the project area is approximately 0.03. The City of Boulder Planning Department's criteria for "significantly underutilized" land in the downtown is an F.A.R. below 0.49. Implementation of this Plan will result in an F.A.R. of approximately 1.50.

3. Streets/Access/Circulation

- a) Street improvements, to the extent required by the development plan, will be completed. A portion of 10th Street between Walnut and Canyon may be closed to vehicular traffic and resurfaced, to encourage and enhance safe pedestrian movement; and curbs, gutters and sidewalks will be replaced or repaired as needed. New traffic control and other intersection improvements will be made as needed.
- b) Off-Street Parking - Parking located in an underground structure must provide for the replacement of the existing Central Area General Improvement District (CAGID) spaces, provide for the parking requirements of the proposed development and allow for additional parking to offset the increase in parking demand that development in the project area will generate in adjacent areas. The latter requirement will be explicitly defined in a CAGID/BURA cooperation agreement at the time the project area is redeveloped. This plan supersedes the provision of the RB-X zone district that permits non-residential development without parking facilities if located in a mandatory parking district.
- c) Pedestrian and Bicycle Circulation - A system of pedestrian facilities that may include walks, a pedestrian mall, an atrium, pocket park and landscaped open spaces will be provided. Bike parking areas will be provided to encourage bike access.
- d) Transportation Facilities - Significant facilities for alternative modes of transportation must be incorporated into the development plan with the objective of reducing the amount of parking that will be required in the project area. The goal shall be at least a 15% reduction in projected single occupant vehicle trips to and from the project area. If a hotel use is developed as identified in section III, B. 1 of this plan, shuttle service to Denver International Airport and possibly other locations will be required.

4. Site Improvements

- a) Landscaping, Signage and Lighting - A landscaping plan will be developed and implemented to provide enhancement of the non-building portions of the project area.
- b) Open Spaces - In addition to landscaped open spaces, other publicly accessible improvements such as a plaza, pedestrian mall, an atrium, and a pocket park may be provided. A

minimum of 50,000 square feet of open space and landscaped areas is planned. However, the specific requirements of this Plan for the provision of open space will be determined through the Site Review process.

- c) Additional fire hydrants, stand pipes, etc. will be provided as needed to meet City Fire Code regulations.

F. LAND USE REGULATIONS AND BUILDING REQUIREMENTS

- 1. The land use, design and construction of development in the project area shall comply with the City of Boulder's RB-X Zoning, the Downtown Design Guidelines, and other applicable provisions of the Boulder Land Use Regulation (including site and use review as applicable). Under the provisions of this Plan, parcels A (unimproved lot), B (CAGID parking lot) and C (old Chamber of Commerce Building) will be required to be developed in a coordinated manner.
- 2. All development must conform with the provisions and purposes of this Plan, and with all applicable laws, ordinances and codes.

IV. IMPLEMENTATION PROGRAM

A. PROJECT ACTIVITIES

1. PROPERTY ACQUISITION

No land will be acquired by the Authority and therefore no provisions are provided in this plan for owner participation, property management, relocation, or property disposition.

2. DEMOLITION, CLEARANCE AND SITE PREPARATION

The Authority will require any developer to demolish structures and other improvements and to clear and prepare the site for redevelopment in accordance with this Urban Renewal Plan.

3. PUBLIC IMPROVEMENTS AND FACILITIES

The Authority may install and construct, or cooperate as appropriate with developers and other public or private agencies, in the installation and construction of such public improvements, public facilities and utilities as necessary to carry out this Plan.

Such improvements, facilities and utilities include, but are not limited to, streets, curbs and gutters, sidewalks, bike paths, street lights, traffic signals; sanitary and storm sewers; water, electrical, gas and telephone distribution systems; parks, plazas and landscaped areas; and public transit facilities.

4. REDEVELOPMENT

Purchasers or owners of property within the project area shall be obligated to develop the property in accordance with the provisions of this Plan and the design standards and criteria established by the Authority, to begin and complete the development of the property within a period of time which the Authority fixes as reasonable, and to comply with such other conditions as the Authority deems necessary to assure the achievement of the purposes of this plan.

B. PROJECT FINANCING

1. METHODS OF FINANCING

The Boulder Urban Renewal Authority is authorized to finance this project by any method authorized under the Colorado Urban Renewal Law, or any other applicable law, including appropriations from the City of Boulder, federal loans and grants, interest income, property or sales tax increments, or any other available source.

The Authority is authorized to issue bonds in an amount sufficient to finance all or part of the project. The Authority is authorized to borrow funds and create indebtedness in carrying out this plan. The principal and interest on such indebtedness would be paid from tax increments or any other funds available to the Authority.

The economic feasibility of any redevelopment proposal will be reviewed by the Authority at the time the project is submitted for development review. The specific extent and nature of Authority economic participation in the project will be assessed at that time.

2. TAX INCREMENT FINANCING

This project may be financed by the Boulder Urban Renewal Authority under the tax allocation financing provisions of the Urban Renewal Law of the State of Colorado. However, the use of tax increment financing will be dependent on securing a City of Boulder/BURA cooperation agreement. The general provisions of the financing method are set forth below. In compliance with the requirements of §31-25-107(9)(d), C.R.S. the Boulder Valley School District of the County of Boulder, Colorado, has been permitted to participate in an advisory capacity concerning the project financing included in this Plan. Under the financing method, property taxes as levied after the effective date of the approval of this Plan upon taxable property in the Urban Renewal Area each year, and all of the municipal sales taxes collected within such area, by or for the benefit of any public body, shall be divided for a period not to exceed 25 years after the effective date of adoption of this Plan as follows:

a) Base Amount

That portion of property taxes which are produced by the levy at the rate fixed each year by or for each such public body upon the valuation for assessment of taxable property in

the urban renewal area last certified prior to the effective date of approval of this Plan, and that portion of municipal sales taxes collected within the boundaries of the urban renewal area in the last 12 month period ending on the last day of the month prior to the effective date of approval of this Plan, shall be paid into the funds of each such public body as are all other taxes collected by or for said public body.

Unless and until the total valuation for assessment of the taxable property in the Urban Renewal Area exceeds the base valuation for assessment of the taxable property in the Urban Renewal Area, all of the taxes levied upon the taxable property in the Urban Renewal Area shall be paid into the funds of the respective public bodies. Unless and until the total municipal sales tax collections in the urban renewal area exceed the base year municipal sales tax collections in the urban renewal area, all such sales tax collections shall be paid into the funds of the City.

b) Increment Amount

That portion of said property taxes and/or all of said sales taxes in excess of the amounts specified in a) above shall be allocated to and, when collected, paid into a special fund of the Authority to pay the principal of, the interest on and any premiums due in connection with the bonds of, loans or advances to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, the Authority for financing or refinancing, in whole or in part, for this Project. When the bonds, loans, advances, and indebtedness, if any, including interest thereon and any premiums due in connection therewith, have been paid, all taxes upon the taxable property and the total municipal sales tax collections in the Urban Renewal Area shall be paid into the funds of the respective public bodies.

The incremental portion of the taxes described herein shall be irrevocably pledged by the Authority for the payment of the principal of, the interest on, and any premiums due in connection with the bonds, loans, advances, and indebtedness incurred by the Authority to finance the Project, subject to the terms of any loan or bond trust indenture.

C. CHANGES IN THE APPROVED PLAN

This Plan may be modified pursuant to the provisions of the Colorado Urban Renewal Law governing such modifications, including §31-25-107, C.R.S.

D. MINOR VARIATIONS

Where a literal enforcement of the provisions contained in this Plan would constitute an unreasonable limitation beyond the intent and purpose of these provisions, the Authority may in specific cases allow minor variations from these provisions.

ORDINANCE NO. 5714

AN ORDINANCE MODIFYING THE URBAN RENEWAL PLAN FOR THE NINTH STREET AND CANYON BOULEVARD PROJECT AREA; AND SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, the city council has adopted the "Boulder Urban Renewal Plan, Ninth and Canyon" (hereinafter called the "Plan") effective October 5, 1988; and

WHEREAS, the city council has determined that certain modifications to the land use, design, building requirements, and procedures are appropriate to update the Plan based upon current city policies; and

WHEREAS, the Plan modifications have been approved by the Board of Commissioners of the Boulder Urban Renewal Authority; and

WHEREAS, the city council has held a public hearing on the proposed Plan modifications providing a full opportunity for all residents and taxpayers of the city and other interested persons to be heard;

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

Section 1. The revised Plan, attached hereto as Exhibit A and incorporated herein by reference, for the project area, having been duly reviewed and considered, is hereby approved.

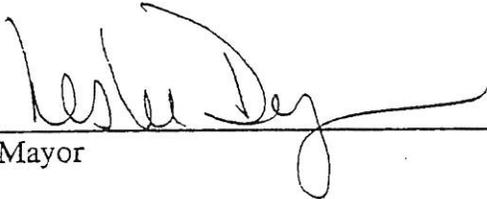
Section 2. It is hereby found and determined that Ordinance No. 5133 is amended by the substitution of the attached Exhibit A hereto as the Boulder Urban Renewal Plan for the Ninth Street and Canyon Boulevard project area.

Section 3. This ordinance shall not take effect unless and until the City of Boulder Planning Board reviews the proposed modifications and determines that such modifications conform with the Boulder Valley Comprehensive Plan, as amended.

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

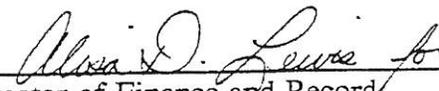
Section 5. The council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
TITLE ONLY this 18th day of April, 1995.



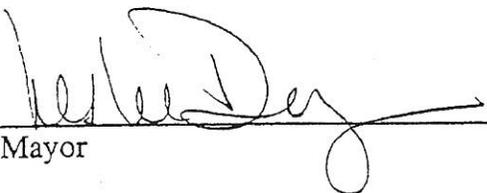
Mayor

Attest:



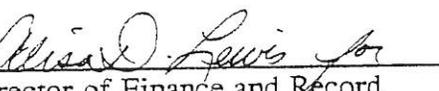
Director of Finance and Record
Ex-Officio City Clerk

READ ON SECOND READING, AMENDED, AND ORDERED PUBLISHED BY
TITLE ONLY this 13th day of June, 1995.



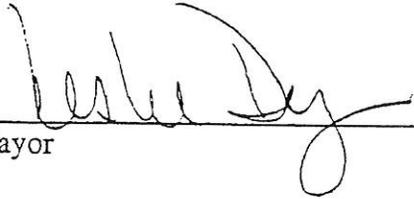
Mayor

Attest:



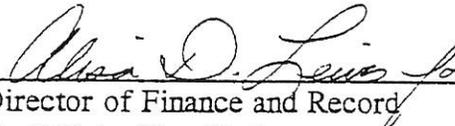
Director of Finance and Record
Ex-Officio City Clerk

READ ON THIRD READING, PASSED, ADOPTED, AND ORDERED PUBLISHED
BY TITLE ONLY this 11th day of July, 1995.



Mayor

Attest:



Director of Finance and Record
Ex-Officio City Clerk

BU GE o-5714.YGE

Attachment B: Ordinance Modifying the 9th and Canyon Urban Renewal Plan

ORDINANCE NO. ____

AN ORDINANCE MODIFYING THE URBAN RENEWAL PLAN FOR THE NINTH STREET AND CANYON BOULEVARD PROJECT AREA; AND SETTING FORTH DETAILS IN RELATION THERETO.

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

A. The city council has adopted the "Boulder Urban Renewal Plan, Ninth andCanyon" (hereinafter called the "Plan") effective October 5, 1988 pursuant to Ordinance No 5133 and modified the Urban Renewal Plan in 1995 pursuant to Ordinance No. 5714.

B. The 1995 Urban Renewal Plan amended the 1988 Urban Renewal Plan by replacing it.

C. The city council has determined that certain modifications to the land use, design, building requirements, and procedures are appropriate to update the Plan based upon current city purposes and desires.

D. The Plan modifications have been approved by the Board of Commissioners of the Boulder Urban Renewal Authority.

E. Planning Board reviewed the proposed modifications and determined that such modifications conform with the Boulder Valley Comprehensive Plan, as amended.

F. The city council has held a public hearing for the proposed plan modifications, providing a full opportunity for all residents and taxpayers of the city and other interested persons to be heard.

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

Section 1. The revised plan, with the changes shown in Section 2 below for the project area, having been duly reviewed and considered is hereby approved.

Section 2. The following provisions of the Urban Renewal Plan, adopted as an exhibit in Ordinance No. 5717 are amended to read:

III. DEVELOPMENT PLAN

B. GENERAL DESCRIPTION OF THE DEVELOPMENT PLAN

The Development Plan will require the redevelopment of the project area to address the following:

- 1. Mixed and/or multi-use development that incorporates a combination of hotel and ancillary hotel services as primary uses. Civic uses (such as recreation center, museum, cultural center, City

Attachment B: Ordinance Modifying the 9th and Canyon Urban Renewal Plan

office space, and transit facilities as specified under Section III, E.2.d of this plan), will occupy a ~~minimum of up to~~ 20% of the gross floor area developed in the project area pursuant to a plan, agreement, or other arrangement approved by the city.

2. If a viable project is not in the process of approval or development prior to April 18, 1998, the City Council shall consider reopening this urban renewal plan to permit alternative land uses.

E. PUBLIC IMPROVEMENTS

2. Land Utilization

The current floor area ratio (FAR) for the project area is approximately 0.03. The City of Boulder Planning Department's criteria for "significantly underutilized" land in the downtown is an FAR below 0.49. Implementation of this Plan will result in an FAR ~~of approximately 1.50~~ that appropriately utilizes the land and does not exceed the amount permitted by the underlying zoning.

Section 3. City Council has considered the proposed modifications set forth in this ordinance, and finds and determines that such modifications do not constitute modifications that will substantially change the urban renewal plan in land area, land use, design, building requirements, timing or procedure, as previously approved. The city council finds that the changes proposed in this plan are not substantial modifications to the Urban Renewal Plan pursuant to the provisions of Accordingly, such modifications to the Plan may be approved and incorporated into the Plan by adoption of this ordinance.

Section 4. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern. For the purposes of complying with the requirements of the modification standards of the Colorado Urban Renewal Law, the ordinance shall also be considered as a resolution of the Boulder City Council.

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

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY this

____ day of _____, 2014.

Mayor

Attest:

Field Code Changed

Attachment B: Ordinance Modifying the 9th and Canyon Urban Renewal Plan

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City Clerk

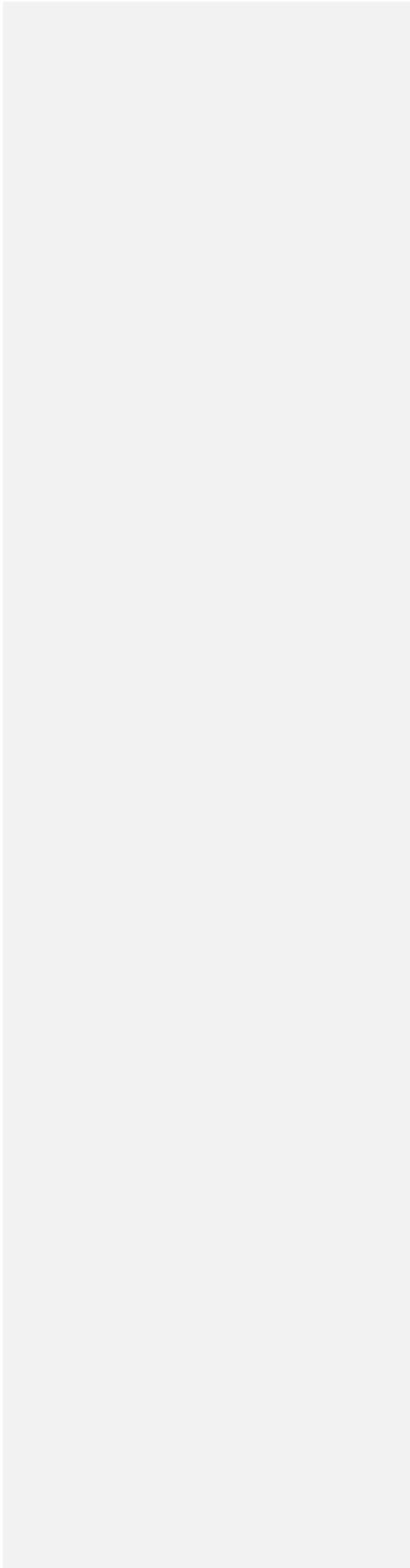
READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE

ONLY this ___ day of _____, 2014.

Mayor

Attest:

City Clerk



Urban Renewal: An Overview

July 16, 2014

Prepared by City of Boulder Economic Vitality Staff

Urban Renewal

Urban renewal is a form of land redevelopment usually seen in urban areas. The process of urban renewal involves taking urban land that has deteriorated, either physically or economically, and redeveloping it to renew the property and its surroundings' value.

An "Urban Renewal Project" is defined in State Statute 31-25-102 as:

Undertaking activities for the elimination and for the prevention of the development or spread of slums and blight and may involve slum clearance and redevelopment, or rehabilitation, or conservation, or any combination or part thereof in accordance with and urban renewal plan. Such undertakings and activities may include

- a) Acquisition of slum or blighted area*
- b) Demolition and removal of buildings and improvements*
- c) Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other necessary improvements need to carry out the "urban renewal plan"*
- d) Disposition of any property acquired by the Authority including sale, initial leasing, or retention by the authority for fair value of such property as with its use in the urban renewal plan*
- e) Repair, alteration, and rehabilitation of buildings or other improvements in accordance with the urban renewal plan.*
- f) Acquisition of any other property where necessary to eliminate unhealthful, unsanitary, or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise remove or prevent the spread of blight or deterioration or to provide land for needed public facilities.*

By Colorado State Statute 31-25-102 an urban authority may only proceed with an urban renewal plan, and designate an urban renewal area, if the area in question is determined to be blighted. The judgment is based on the results of a blight study. Colorado urban renewal law was updated this year with the passing of House Bill 10-1107. The bill limits the use of agriculture lands in urban renewal projects.

Blight Study

A "blighted area" is a term defined in Colorado State Statute 31-25-103. There are 11 factors of blight identified in the law, and four of them must be found for an area to be declared an urban renewal area, unless there is no objection by the property owner(s) and tenants, in which

case only one factor of blight must be present. If eminent domain is used, five factors of blight must be found. The following factors are used to determine if an area is blighted:

- a) Slum, deteriorated, or deteriorating structures;
- b) Predominance of defective or inadequate street layout;
- c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness
- d) Unsanitary or unsafe conditions
- e) Deterioration of site or other improvements
- f) Unusual topography or inadequate public improvements or utilities
- g) Defective or unusual conditions of title rendering the title non-marketable
- h) The existence of conditions that endanger life or property by fire or other causes
- i) Buildings that are unsafe or unhealthy for persons to live or work in because of building code violations, dilapidation, deterioration, defective design, physical construction, or faulty or inadequate facilities
- j) Environmental contamination of buildings or property
- k) The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements

If the study finds the area in question to be blighted, the urban renewal authority may proceed with redevelopment planning under an urban renewal project. A finding of blight also gives the city the right to condemn property using eminent domain.

Tax Increment Financing (TIF)

Tax Incremental Financing (TIF) is a tool utilized by urban renewal authorities (URAs) to fill the gap between the total cost of a redevelopment project and the level of private financing it can obtain. TIF utilizes the future sales tax and/or property tax revenue gains from redevelopment to fund the redevelopment itself. The URA estimates the expected tax value of the redeveloped site and subtracts the current tax value, known as the “base valuation.” The difference between the two is the “tax increment.” The city keeps the base valuation, while the tax increment is used to pay off any bonds or other financing used to fund the project. Under Colorado state law, the URA can capture the tax increment for up to 25 years after the approval of the plan to use TIF.

History of the Boulder Urban Renewal Authority

The Boulder Urban Renewal Authority (BURA) was created by the Boulder City Council in March 1979. BURA consists of five commissioners who serve five year terms. BURA Commissioners are appointed by the Mayor of the City of Boulder. BURA is responsible for encouraging the redevelopment of property within City Council-established redevelopment districts. BURA also provides input regarding redevelopment issues and programs to the City Manager. The BURA Board of Commissioners meets as needed, rather than on a regular, monthly basis.

The current BURA commissioners are: Dan Cohen, George Karakehian, Chet Winter, and John Wyatt. There is one vacant position that is scheduled to be appointed in August 2014.

Historically, BURA has only used urban renewal for large commercial projects. BURA has undertaken only two urban renewal projects: the redevelopment of Crossroads Mall in the early 1980's and the Ninth and Canyon redevelopment where the St. Julien Hotel and a public parking structure stand today. In both projects, the City partnered with a private developer. Each urban renewal proposal is evaluated on a project by project basis to ensure compliance with state statutes.

In 2010 and 2011, the BURA Board met to discuss the potential redevelopment of the Diagonal Plaza area south the Diagonal Highway, between 28th and 30th Streets. In September 2010, the BURA Board reviewed and commented on a consultant's economic analysis report on Diagonal Plaza redevelopment options and possible next steps. On January 20, 2011, an Urban Land Institute (ULI) of Colorado's Technical Advisory Panel (TAP) met to discuss the future of Diagonal Plaza. After the full day panel, the TAP presented its initial findings and recommendations to an audience of about 50 people which included City Council, Planning Board, and BURA Board members, Diagonal Plaza property owners, developers, and community residents. In February 2011, the BURA Board reviewed and commented on the ULI TAP report on Diagonal Plaza and comments by the BURA Commissioners were forwarded to the City Council. At its April 26, 2011 meeting, City Council reviewed the ULI TAP report and BURA comments. City Council voted to proceed with next steps in evaluating redevelopment of the Diagonal Plaza shopping center and area, including continued communications and data gathering with property owners and soliciting feedback from potentially interested developers and tenants. A blight study was not included by City Council in the approved next steps.

Boulder Valley Regional Center (BVRC) and Crossroads Mall

1979

- | | |
|----------|--|
| February | Boulder City Council votes unanimously to use "persuasive and legal powers" to expand shopping facilities between 28th and 30th, north of Arapahoe, and to improve transportation in the area. |
| March | City Council creates the Boulder Urban Renewal Authority. |
| April | City Council approves the Boulder Valley Regional Center (BVRC) Urban Renewal Plan. |
| April | The Macerich Company purchases Crossroads Mall for \$12 million. |
| June | Boulder voters approve Tax Increment Financing (TIF) method to finance redevelopment. |
| December | Macerich selected as developer and May D&F (now Macy's) commits to build a store at Crossroads. |

- 1981** Boulder voters reaffirm support for Crossroads' expansion through a second election brought by a citizen petition.
- 1982** BURA secures financing for a \$20 million bond issue.
- 1983** The expansion of Crossroads Mall opens in August with May D&F and new retail stores in the enclosed north end of the mall. The mall is approximately 850,000 square feet.
- 1987** The BVRC Urban Renewal Plan is revised to include more specific planning and development goals for the portion of the BVRC surrounding Crossroads Mall.

9th and Canyon

- 1994**
- December 14 St. Julien Partners purchase parcel at 9th and Canyon
- 1995**
- July 11 City Council approves reviewed Urban Renewal Plan
- 1996**
- March 5 City Council, acting as the Central Area General Improvement District (CAGID) Board of Directors, denies inclusion of CAGID property in the St. Julien concept review for the Urban Renewal Plan
- May 7 St. Julien submittal of a hotel project only on Canyon (on St. Julien property only)
- December 5 Planning Board denies St. Julien project on Canyon
- 1997**
- January 21 City Council, acting as the CAGID Board of Directors, authorizes CAGID inclusion on the St. Julien concept plan in accordance with the Urban Renewal Plan
- 1998**
- July 21 City Council approval of Letter of Intent with St. Julien Partners
City Council approval of CAGID Bond election for the garage
- November 3 CAGID Election for garage is successful
- 1999**
- September 21 Civic Use Task Force recommendations endorsed by City Council
- November 18 BURA meeting and review of site review submittal
- 2000**

February 17	Planning Board approval of St. Julien/CAGID site (7-1) and VAC use review
May 17	BURA approval of the BURA/City of Boulder Cooperation Agreement
June 6	City Council approval of Civic Users Letter of Intent
	City Council approval of BURA/City of Boulder Cooperation Agreement
2002	
May 21	St. Julien Hotel/ CAGID garage submit for building permit
2003	
January 16	Request to BURA for loan for civic infrastructure
April 2	BURA approval of the Cooperation Agreement
April 7	Building Permit approval
May 6	City Council approves the project agreements including Condominium Declaration, Joint Development Agreement, etc.
	City Council approves the preliminary Official Statement for CAGID bond sale of \$12,500,000
May 21	Groundbreaking Ceremony
June 19	CAGID Bond Sale
2004	
November	CAGID garage opens
2005	
February	Hotel opens



Memorandum

STUDY SESSION MEETING DATE: January 28, 2014

To: Members of City Council

From: Jane S. Brautigam, City Manager
Paul J. Fetherston, Deputy City Manager
David Driskell, Executive Director, Community Planning and Sustainability
Molly Winter, Director, Downtown and University Hill Management Division and Parking Services
David Gehr, Deputy City Attorney
Sam Assefa, Senior Urban Designer, Community Planning and Sustainability
Elaine McLaughlin, Senior Planner, Community Planning and Sustainability

RE: Civic Use Task Force IV Recommendation regarding the St. Julien Civic Use Pad

Date: January 16, 2014

I. EXECUTIVE SUMMARY

The Civic Use Task Force IV (CUTF IV) recommends to City Council a new vision for civic use at the pad adjacent to the St. Julien Hotel. Over the last 15 years multiple task forces have explored a myriad of different ideas and concepts; however, a viable plan with sustainable financing and management structure has been elusive. After extensive exploration, discussion and consideration, the CUTF IV envisions a facility developed as a public private partnership with the St. Julien Hotel within the context of the Civic Area Plan. St. Julien Partners supports the recommendation and, as a major partner in the project, will work towards an implementation framework. Staff also supports the Task Force's recommendation.

The concept proposes a facility on the pad including 8,000 square feet of event space for shared hotel and "civic use" on the first floor, upper floors of hotel uses, and a multi-purpose roof deck. Incorporated in the vision is a potential pedestrian connection across Canyon Boulevard to a future cultural facility at the current Library location. (See

ATTACHMENT A.) In the opinion of the Task Force, after the exhaustive 15 year process, this collaborative partnership represents the most workable, exciting and viable path to achieving the requirement for civic use set out in the 9th and Canyon Urban Renewal Plan (see ATTACHMENT B) before it expires in 2020 when the site reverts to its owner, St. Julien Partners.

The CUTF IV recommends formal exploration of the collaborative partnership to understand its constraints, challenges, opportunities, benefits and issues. The areas for further analysis, study, potential change and negotiation include: existing legal agreements associated with the site including the Urban Renewal Plan and Condominium Association; planning and zoning regulations; building design and compatibility with the hotel and garage; financing; lease and user options to support civic use of the event space and multi purpose roof deck for the community; and the negotiations with St. Julien to define the facility management and parameters of the public/private partnership. Staff proposes a phased incremental work program with regular check-ins with the CUTF IV and City Council.

II. QUESTIONS FOR CITY COUNCIL

Does City Council support further exploration of this new vision for a civic use including a public/private partnership with the St. Julien Partners and coordination with the Civic Area Plan?

Does City Council support further analysis regarding planning and zoning, design and management strategies and financial options to ensure a civic benefit?

Does City Council support revisions to the 9th and Canyon Urban Renewal Plan and other legal documents in order to attain the CUTF IV's vision of civic use?

III. BACKGROUND

An urban renewal plan adopted in 1988 for the 9th and Canyon site in downtown Boulder called for hotel and convention facilities, including retail, restaurants, entertainment, transportation facilities and underground parking. In 1995, City Council modified the plan to include design guidelines for the site, as well as requiring that a minimum of 20 percent of the gross floor area be committed to civic uses. As stipulated in the 9th and Canyon Condominium Declaration, the Condominium Association comprised of the property owners (the hotel owner, St. Julien Partners, and the Central Area General Improvement District - CAGID) has the right to lease the civic use pad at the southeast corner of the site in accordance with the civic use lease up until January 1, 2020. After such time, the civic use restriction will end and St. Julien Partners may develop the site as they see fit within existing zoning regulations. The civic use lease must be approved by owner of the hotel unit (St. Julien Partners) and CAGID.

The underground CAGID parking garage opened in November 2002 and the St. Julien Hotel opened in February 2003. Incorporated in the mixed use project is an 11,000 square foot pad east of the hotel constructed with a concrete structural deck capable of supporting a building ("the civic use pad").

The civic use component of the project first came under consideration in 1998 when a citizen task force comprised of city board, downtown and community members was appointed to review submitted proposals and make a recommendation to City Council. The civic use criteria approved by the City Council in 1998, and currently applicable to the civic use pad, are:

- Financial ability to construct and/or operate and maintain a use over time.
- Acceptance as civic use defined by attraction/benefit to the cultural or scientific or educational or entertainment or artistic or humanistic or civic life of the community.
- Compatibility to the other urban renewal site uses, i.e. the hotel, the parking garage and open space.
- Enhancement to the vitality of the downtown by generating interest in coming downtown, diversifying the downtown experience for citizens, visitors and downtown users or complementing other downtown uses.

Subsequently, three different task forces have sought solutions and approaches to achieve a civic use on the site, but without success. These first three task forces considered a wide variety of ideas and formal proposals including location for the Depot, a children's museum and community dance facility, the Boulder History Museum, a 500 foot performance venue, a community dance facility with hotel meeting space, and the entry of a conference facility connected to buildings to the east. (See ATTACHMENT C.) In 2009, City Manager Jane Brautigam appointed a 4th Civic Use Task Force with the charge to:

1. Assess the challenges that have been identified through past efforts and make recommendations that would increase the likelihood of a successful endeavor;
2. Review the civic use criteria to ensure they reflect the current city priorities and goals and needs of the community; and
3. Assist in the development of a proposal solicitation strategy and process.

The members of the CUTF IV are: Boulder City Council Members Mary Young, George Karakehian and Lisa Morzel; Michael Smith, the Boulder Arts Commission; Susan Connelly, Boulder Convention and Visitors Bureau Advisory Board and the Boulder Urban Renewal Authority and vice chair of the task force; Fern O'Brien, Downtown Boulder Business Improvement District; Matt McMullen, Downtown Management Commission and chair of the task force; Josie Heath representing non-profits; Wendy Reynolds representing the financial sector; and Cindy Carlisle representing the community sector. Bruce Porcelli from the St. Julien was invited to join the task force in May 2012. City Council members KC Becker and Suzanne Jones served on the task force.

The CUTF IV conducted a thorough and comprehensive investigation of the challenges, options and possibilities presented by the civic use requirement. The following is a summary of their efforts and accomplishments.

- Analyzed the opportunities and constraints of the site and its legal agreements which govern the outcome. These include the 1988 Urban Renewal Plan (ATTACHMENT B) (amended in 1995) and documents associated with the Condominium Association.
- Developed vision and performance criteria to evaluate reasonable and feasible opportunities for civic use based on the current realities.

- Communicated with dozens of Boulder-based organizations and thought leaders in the community about the opportunities for the civic use pad; conducted focus groups with non-profit organizations serving the Boulder Area; and discussed opportunities with UCAR, NCAR, the Climate Center, the Fort Collins Museum, CU Museum of Natural History and the Exploratorium.
- Created a video promoting the site.
- Determined that a 500 seat music/performance theatre is not a realistic fit for this site.
- Commissioned a property valuation of the pad and associated constructed site improvements.
- Explored the possibility of a mixed use, “layer cake” approach with both civic and commercial uses: hotel functions, meeting space and an art house cinema.
- Commissioned a market and financial feasibility analysis of the “layer cake” mixed use approach.
- Enhanced the relationship with St. Julien Partners; Bruce Porcelli joined the task force in 2012.
- Issued a Request for Information (RFI) to developers seeking the expertise and perspective of the local private development community to identify obstacles to financing and development of the site, and identifying incentives desirable for a successful project. No responses to the RFI were received.

Based on the accumulation of feedback, analysis and discussion, the CUTF IV concluded the following:

- A single user concept is unrealistic given the size, character and financial resources of Boulder.
- Based on the feedback from the community, the required building space - 20% of the existing building equates to 37,000 square feet - is too much for any one user to afford, the Task Force recommends the Urban Renewal Plan be modified to meet the realities and needs of the current proposal.
- A redefinition of “civic use” as a specific building or portion of a building to “civic benefit” within the context of a public private partnership. As noted above, the expectation of a stand-alone facility is not realistic for civic and non-profit entities within our community. However, there is a periodic need for many organizations for sharing a venue; hence the concept of civic benefit rather than a single use.
- Coordination with the Civic Area Planning effort provides a design synergy within the broader context of the area and opportunity for a viable and dynamic use for the site.
- A public private partnership with the St. Julien will be necessary to achieve a successful result and achieve the civic use concept prior to the expiration date.

After the Task Force’s comprehensive review of the options and thorough outreach to the community, a key breakthrough came with the realization that partnering with the St. Julien Partners offered the most viable, realistic and sustainable approach to achieving the goal of a civic benefit on the pad within the shrinking window of opportunity. Having Bruce Porcelli join the Task Force created the opportunity to jointly develop a mutual vision with shared benefits.

IV. ANALYSIS

The New Vision of the Civic Use Pad

The Civic Area Plan (CAP) generated a new and broader context for envisioning the civic use pad, and shifted the thinking of the Task Force. The proximity of the pad to CAP area expands the possibilities for uses on the pad by creating connections with other sites such as re-envisioned Library Building as a performance center and the Municipal Building as a cultural facility. The triangular relationship of the three locations indicates how the potential facilities could support each other and create the density to become the foundation for a cultural district. The civic use is no longer a stand-alone opportunity to achieve city goals but part of a broader, more comprehensive plan. (See ATTACHMENT D.)

The proposed concept connects the pad facility with the hotel opening up the opportunity for additional hotel rooms. The first floor is proposed as an event/multi-use space of approximately 8,000 square feet divisible into smaller spaces and meeting rooms to maximize flexibility of use managed by the hotel for both hotel and civic users. The southern facade would take advantage of the views of the park and the mountains and be a wall of glass. A proposal to maximize the first level for event use creates a mezzanine level storage space below, within the first level of the parking garage. A roof deck could be a signature feature of the facility accommodating a variety of uses and public access with scenic views of the Flatirons. (See ATTACHMENT A.)

The new vision promotes multiple benefits. The community access and use of the first floor event space and roof deck embodies the civic benefit. The ability for local non-profits and civic groups to host their events in a large enough venue in Boulder would be a source of community pride, as well as a financial benefit to Boulder. Adding additional hotel rooms contributes to the enhanced economic vitality of the city and downtown. The potential for a pedestrian bridge across Canyon Boulevard connecting the civic use to a re-imagined library facility enhances the connection with the Civic Area and addresses the barrier of the boulevard. The pedestrian bridge has the potential to become an iconic feature of Boulder and a gateway into the city from the west.

Preliminary Analysis

To understand the feasibility of the new vision, staff undertook several preliminary steps: an event space utilization survey of local organizations (ATTACHMENT E); a design feasibility study the site (ATTACHMENT A); preliminary issue identification by staff of zoning and planning issues of the feasibility; and identification of the legal documents associated with the site which will need modification in order to achieve the vision (ATTACHMENT F).

Community Survey

With the assistance of the Boulder Convention and Visitors Bureau, staff developed a survey for community organizations to understand the local demand for a facility located at the civic use pad. The Community Foundation provided the contacts. The survey included a layout of the proposed event space with a variety of room arrangements and

potential types of uses. 40 non-profit and community organizations responded. The feedback indicated an active interest in using the facility; however clarity about rental costs, as well as the operational management structure, would be needed prior to any definitive feedback. Additional market demand information including price sensitivity will be part of the next steps. Pricing of the rental rates in order to open up access to the space is a key component to determining the level of civic benefit and worthiness of this endeavor.

Building Mass Feasibility Study

The St Julien Partners and the city, through CAGID, jointly commissioned a conceptual feasibility study of a building based on the new vision conducted by 42/20 the original project architects. The effort focused on how the proposed uses could fit on the site and how the facility could connect to the adjacent buildings – the CAGID garage and St. Julien hotel. It is very important to note that the study is **not** intended to convey any building design intent, but merely a massing exercise. The task force feels strongly that the building's design should be very special, expressing the Boulder ethos and values. As indicated in ATTACHMENT A the building program can be accommodated on the site, however, as is normal at this stage of consideration, the study did raise a number of issues and questions.

Preliminary Planning and Zoning Issues

While the preliminary plans are provided to convey massing and building relationship and not necessarily architectural style or finish materials, the plans will require some refinements and also a Site Review Amendment process to meet the land use code. For example, when the Site Review for the overall St. Julien Hotel and Civic Use Pad site was approved, it was based on a maximum 1.5 FAR allowed through the 9th and Canyon Urban Renewal Plan that had been adopted for the area. That maximum FAR essentially limited the size of the civic pad building to approximately 38,000 square feet. Therefore, to add the additional floor area shown in the preliminary plans, up to a 1.7 FAR, both a Site Review Amendment as well as an amendment to the Urban Renewal Plan would be required. The current proposal would be allowed under current zoning regulations.

The plans also illustrate a roof top deck with a retractable awning which would likely require a structural system for the awning that would exceed the 55-foot height limit and not fall under a definition of appurtenances. Therefore, some refinements to the building height will be required to ensure that the roof deck, the covering for the roof deck and the elevator access to the deck don't exceed 55 feet. The civic pad building height would be measured separately from the St. Julien provided the building and the connection to the St. Julien hotel are built as separate buildings under the provisions of the building code.

Legal Agreements

The 9th and Canyon Urban Renewal Plan, created in 1988 and revised in 1995, governs many aspects of the site and shaped its physical development and uses. The plan itself contains requirements created 19 years ago that will need to be modified in order to allow for the current CUTF IV vision for the pad, i.e. the specific civic space requirement. In addition, because of the development requirements (i.e. building the hotel on the CAGID

property), the Renewal Plan created the need for special legal documents addressing the land ownerships - Condominium Declaration - which also will need to be modified to allow for the vision. It is outlined in ATTACHMENT F.

Public/Private Partnership

St. Julien Partners supports the CUTF IV recommendation and, as a major partner in the project, will work towards an implementation framework. The partnership is envisioned to address project financing, define the civic benefit and mechanisms to ensure implementation, facility management and relationship with the city among other things. As a first step, staff recommends entering into a Memorandum of Understanding (MOU) between the city and St. Julien that will identify the parameters of the partnership, essential needs and roles of each entity, and a path to partnership.

V. FEEDBACK

The Downtown Management Commission (DMC) (as the advisory board for CAGID) reviewed the new vision and recommendations at their January 6th meeting. DMC supports the proposal as a win/win for both the city, the downtown, St Julien Partners and CAGID. The timing is an important consideration as the city will not receive any civic benefits if a mutual agreement is not reached by January 2020. The DMC supports the coordination of the civic use pad with the Civic Area Plan; and believes the St Julien is a qualified operator and will be a worthy partner.

VI. NEXT STEPS

Should City Council support the recommendation of the CUTF IV, staff would proceed with additional work in a phased approach. The first phase work would be an analysis of legal and planning and zoning issue;, exploration of financing options to create the civic benefit and the framework of a public private partnership with St. Julien. The Phase I work items would include:

- Detailed analysis to determine the methods, process and schedule to amend and or change existing applicable legal documents (see ATTACHMENT E);
- Additional study and analysis of the planning and zoning issues associated with the feasibility study;
- Limited feasibility study regarding the connectivity of the concept proposal with the adjoining buildings – the hotel and garage.
- Development of a Memorandum of Understanding (MOU) between the city of Boulder, St. Julien Partners and CAGID to outline the framework and parameters of the public/private partnership and facility management;
- Exploration and identification of financing options for the civic use;
- Continued coordination with the CAP process.

Based on the result of Phase I work, staff would present recommendations to the CUTF IV and then to City Council for review prior to further pursuing the details and expending funds for Phase II work: market demand studies for the civic use space, the next stage of building design, analysis of financing options and negotiations with St. Julien.

ATTACHMENTS

Attachment A: Civic Pad Feasibility Study

Attachment B: 9th and Canyon Urban Renewal Plan

Attachment C: Past Development Proposals and Ideas

Attachment D: Illustration of Civic Area Plan

Attachment E: Survey and Summary

Attachment F: Chart Outlining Modifications to Legal Documents



Boulder Civic Area

Civic Pad Feasibility Study

Boulder, Colorado

40° 0', 105° 16'

25 November 2013

4240

Table of Contents

- o1 Program
- o2 Opportunities and Constraints
- o3 Plans
- o4 Sections
- o5 Massing
- o6 Optional Bridge Connection

o1 Program

Civic Pad Development

Feasibility Design 11.25.2013

Preliminary Program and Area Calculations

Civic Pad				
Room/Space	Net Area (nsf)	Gross Area (gsf)	Notes	
LEVEL 1				
1.10 Open Event Space	8,400		Room A combined with pre-function	
Conference Room - A	6,700	6,700		
Conference Room - B	3,350		Quantity (2)	
Conference Room - C	2,250			
Conference Room - D	1,100			
1.20 Pre-function		3,250	includes coat room	
1.30 Restrooms		1,060		
1.40 Warming Kitchen		1,740	includes service elevator passageway	
1.50 Vertical Circulation		680		
1.60 BOH/ Service Corridor		1,230	includes fan room exhaust wells	
Total Level 1		14,660		
LEVEL 2				
2.10 St. Julien Hotel - Expansion		12,190	Exterior terraces not included	
2.20 Circulation		900	Guest corridor 6' wide	
2.30 Vertical Circulation		680		
2.40 BOH/ Service		740		
Total Level 2		14,510		
LEVEL 3				
3.10 St. Julien Hotel - Expansion		12,190	Exterior terraces not included	
3.20 Circulation		900	Guest corridor 6' wide	
3.30 Vertical Circulation		680		
3.40 BOH/ Service		740		
Total Level 3		14,510		

LEVEL 4

4.10 St. Julien Hotel - Expansion	12,190	Exterior terraces not included
4.20 Circulation	900	Guest corridor 6' wide
4.30 Vertical Circulation	680	
4.40 BOH/ Service	740	
Total Level 4	14,510	

LEVEL 5 - CIVIC EVENT SPACE

5.10 Roof top Terrace	7,250	Open, flexible outdoor event spa
5.20 Mechanical/Electrical Rooms	2,800	
5.30 Elevator Foyer/Vestibule	450	
5.40 Vertical Circulation	680	
Total Level 5	3,930	

MEZZANINE LEVEL (Above Parking Level 1)

0.10 Storage	2,800	Event space storage - chairs, tab
5.40 Vertical Circulation	480	Service elevator access
Total Level 5	3,280	

TOTAL BUILDING AREA**65,400**

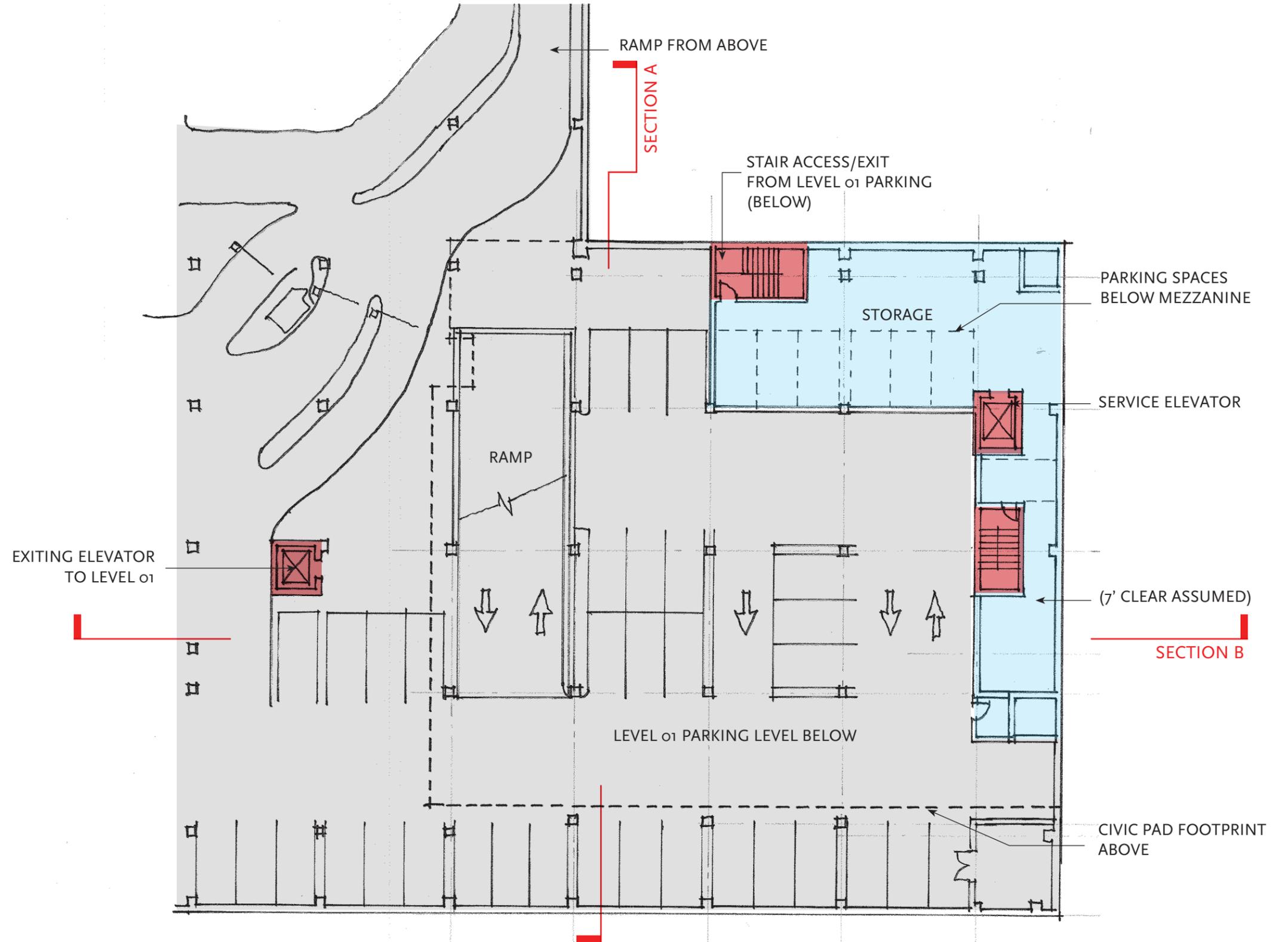
Opportunities:

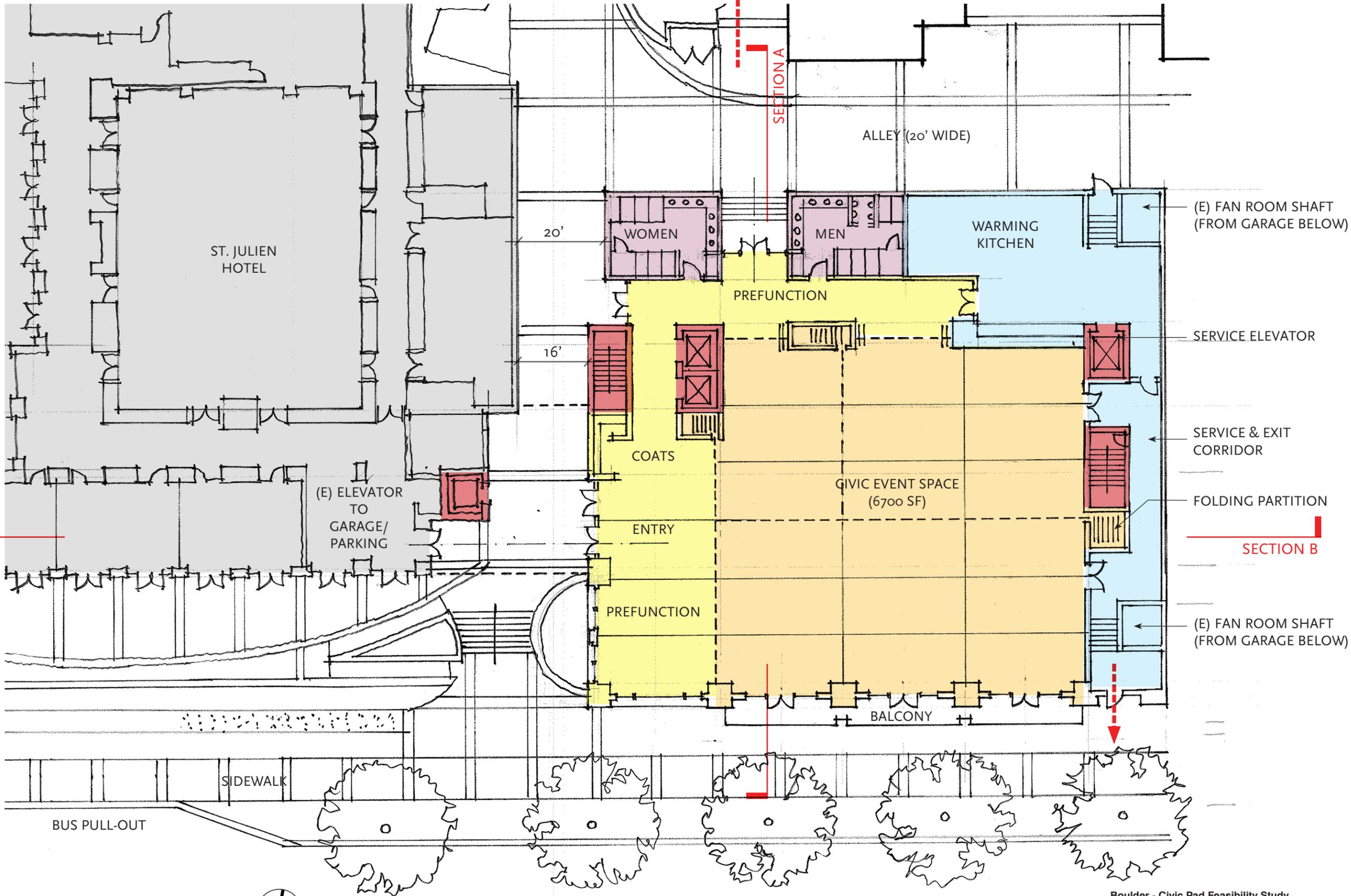
- i. Connection to West End Civic Plan
- ii. Connection to Walnut St and Mall via Alley
- iii. Connection to Civic Area (via Canyon Blvd crossing – street level or bridge)
- iv. Connection to 9th and Walnut Parking Garage and potential mezzanine storage space
- v. Large ground level multi-function public space with natural light
- vi. Roof top activity terrace
- vii. Facility sharing with St Julien Hotel
- vii. Living Building Challenge Designation

Possible Constraints:

- i. Building height limit of 55' and roof top use
- ii. Flood Conveyance zone
- iii. Bridging Canyon Blvd – State Highway (14' min clearance?)

02 Opportunities and Constraints

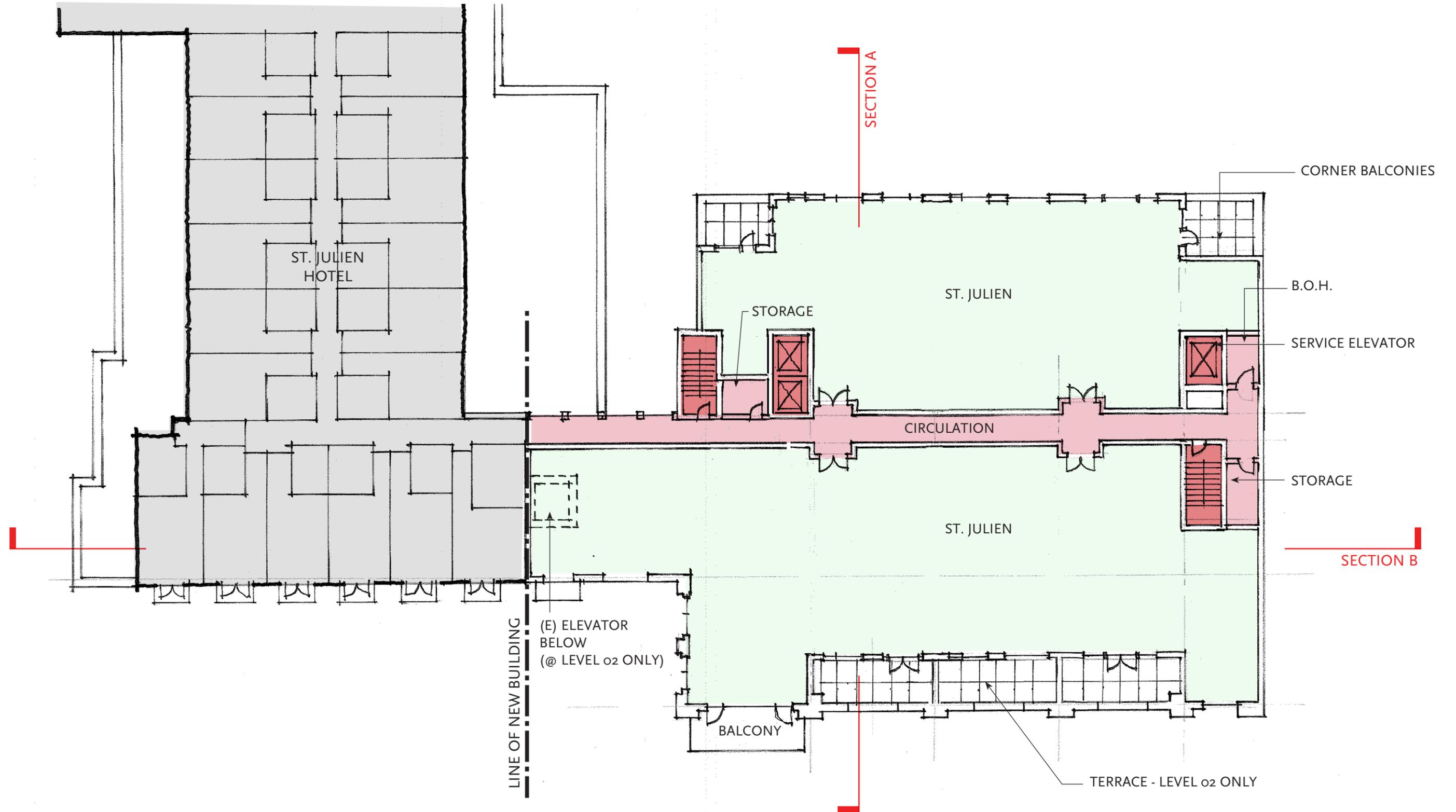


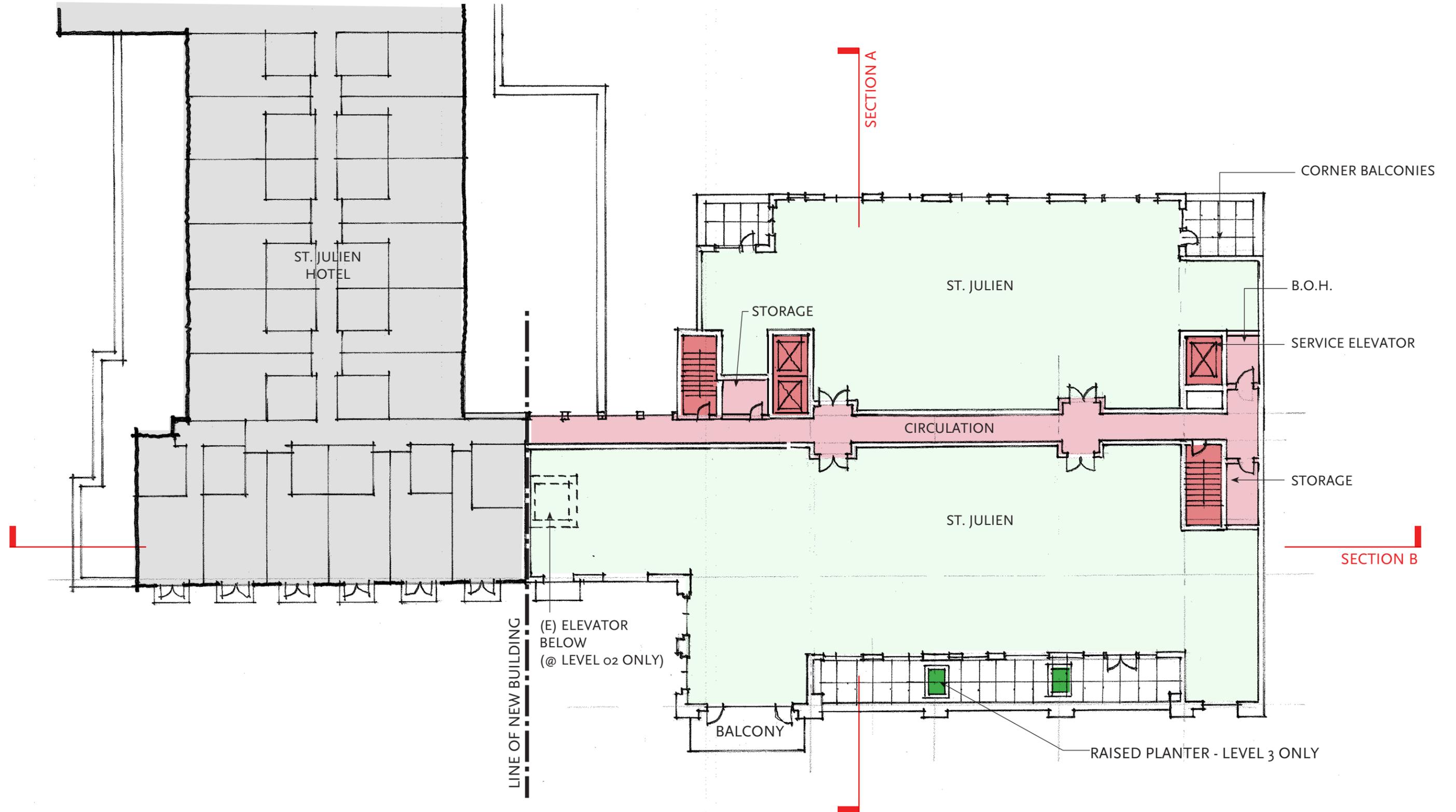


Level 01- Floor Plan



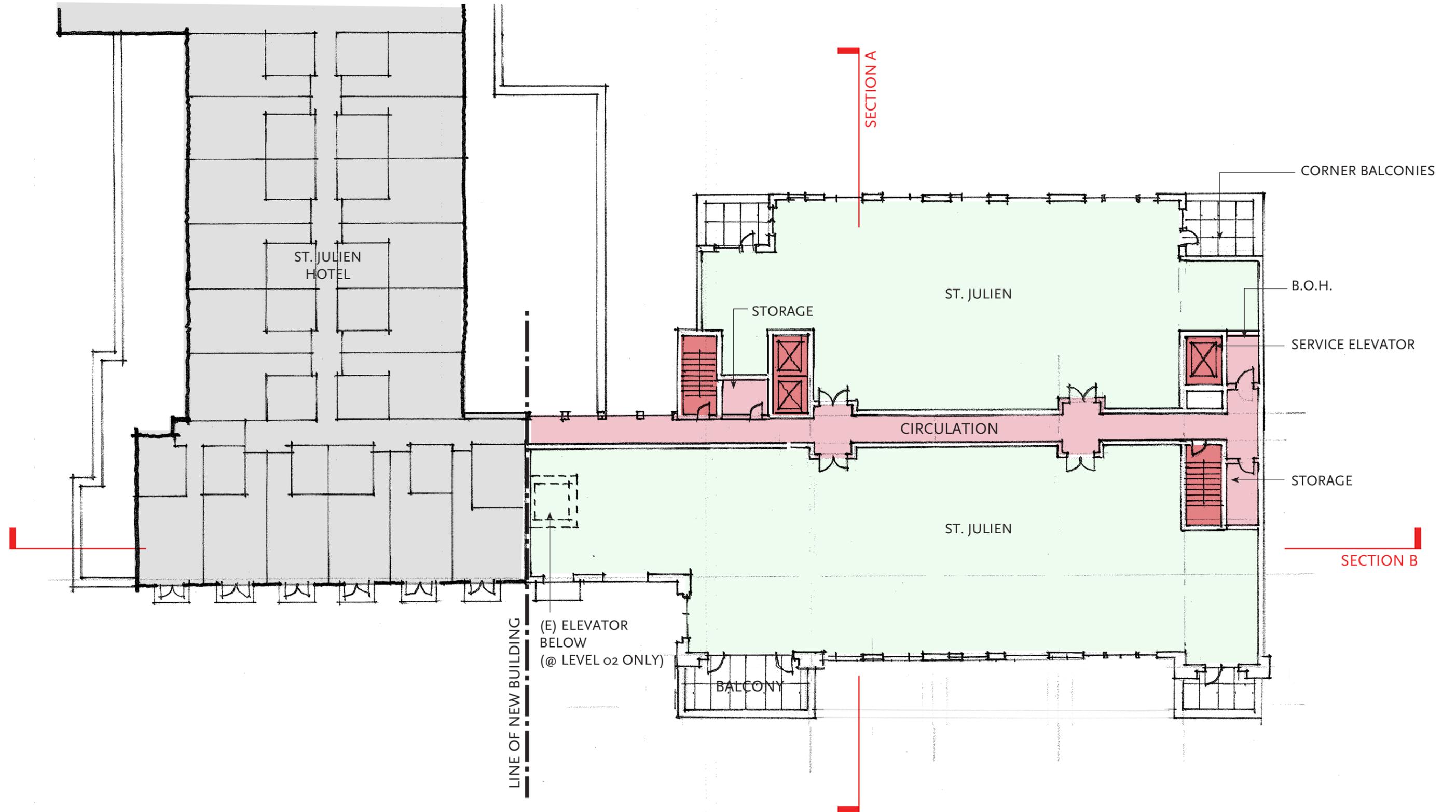
CANYON BOULEVARD

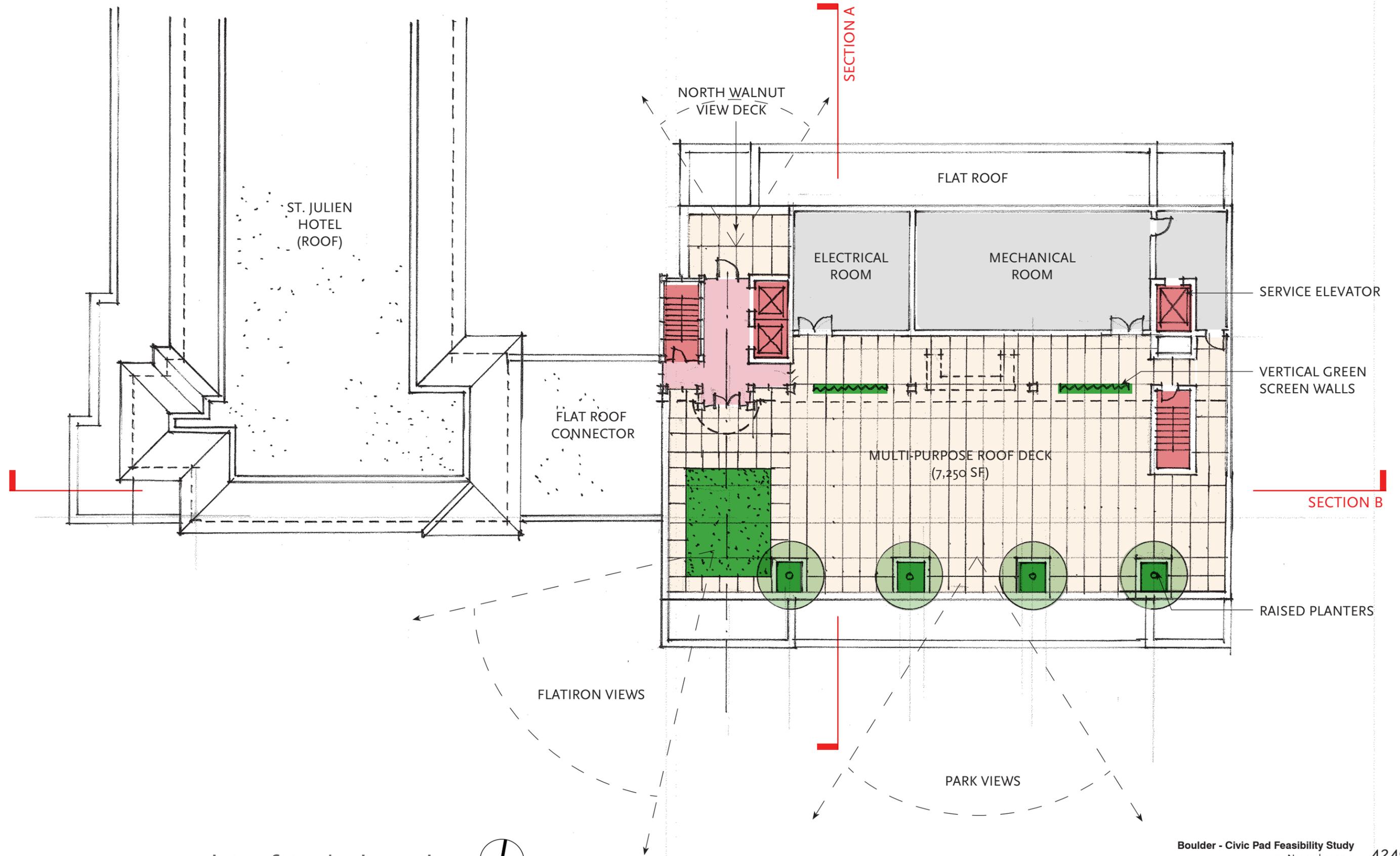




Level 03- Floor Plan

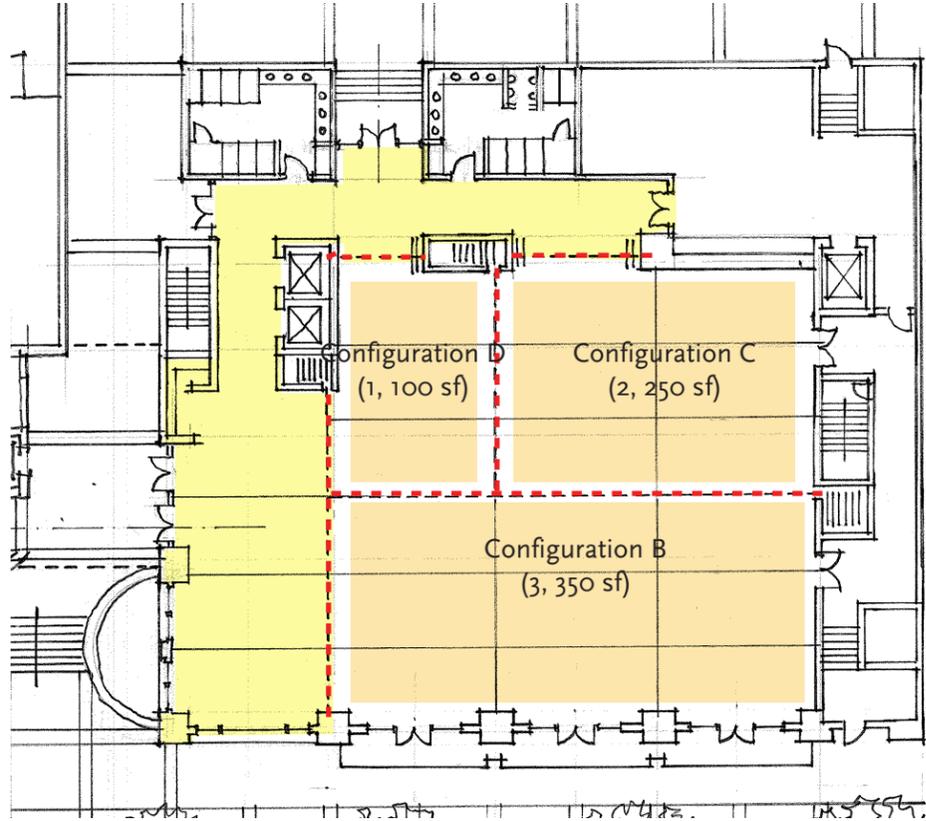




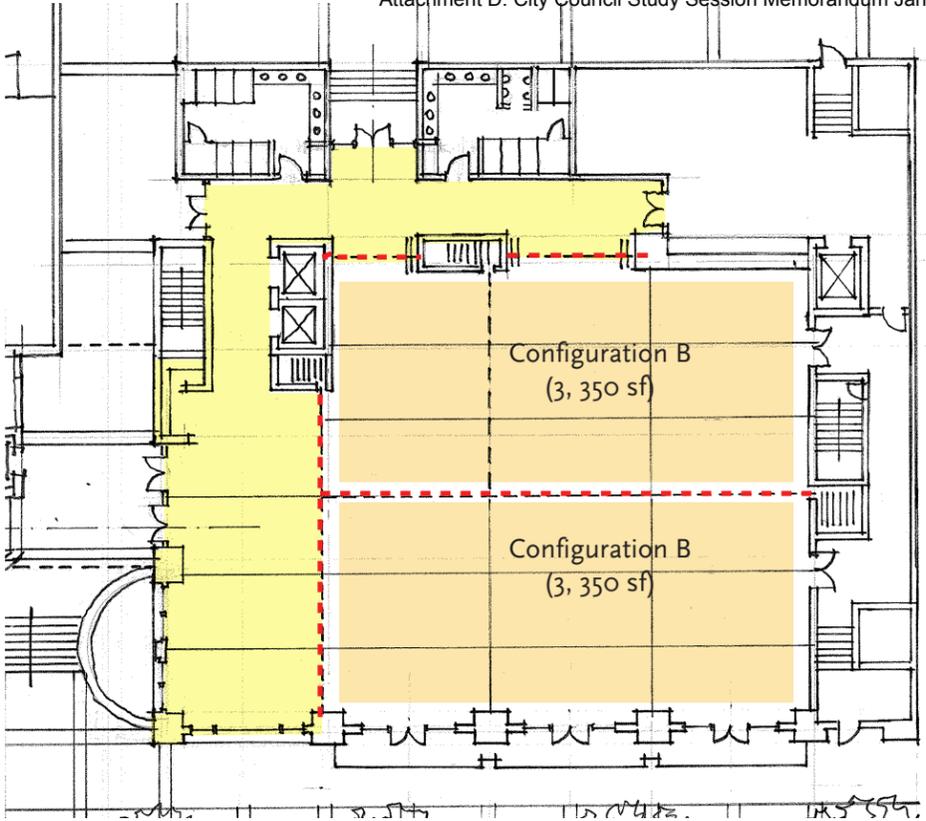


Upper Level Roof Deck Floor Plan

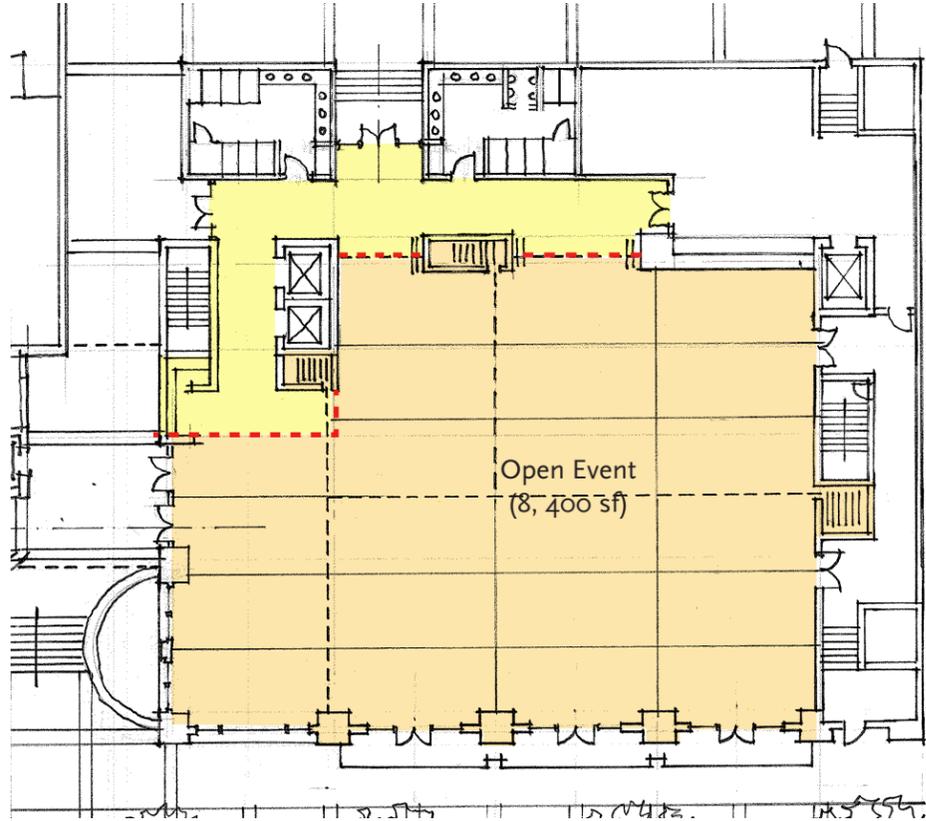




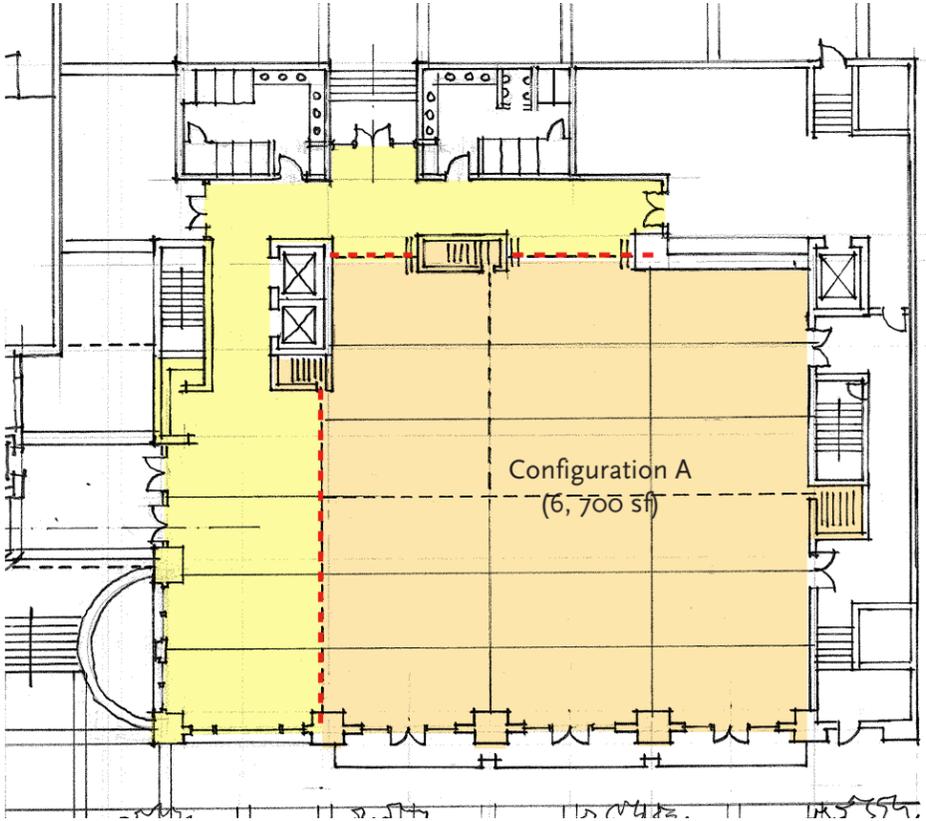
Partitioned Event - with prefunction



Partitioned Event - with prefunction

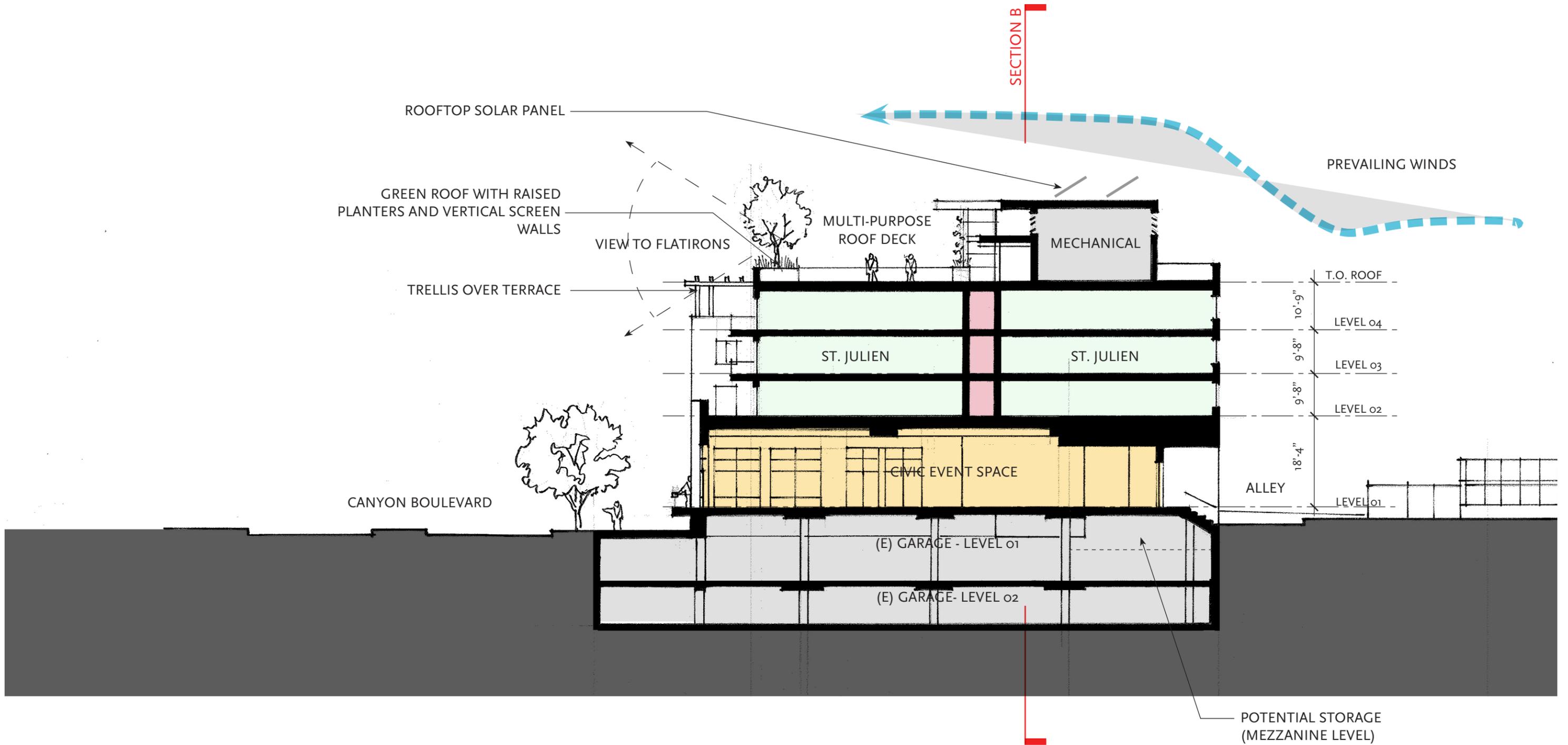


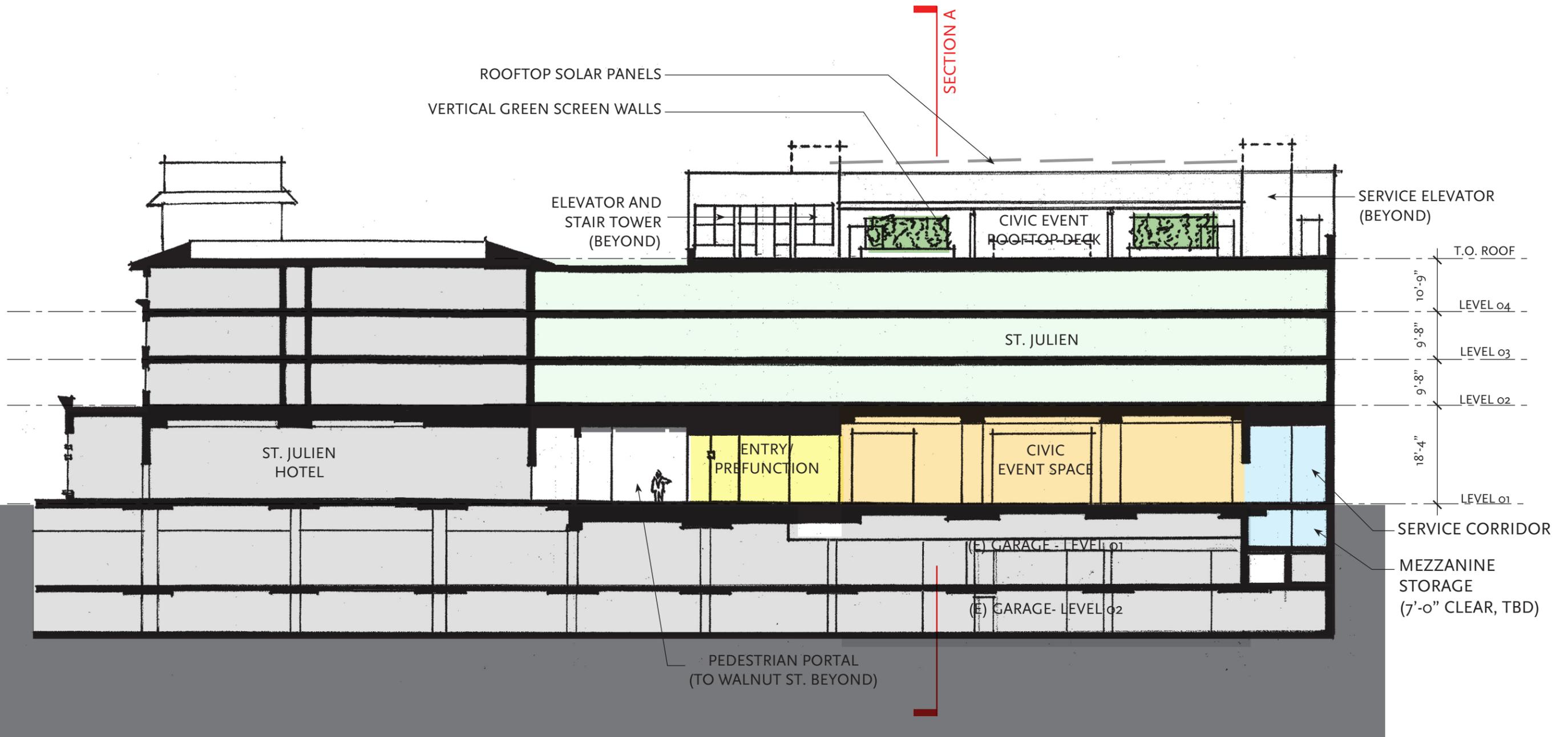
Open Event



Open Event - with prefunction

Civic Event Space Configurations





Section B

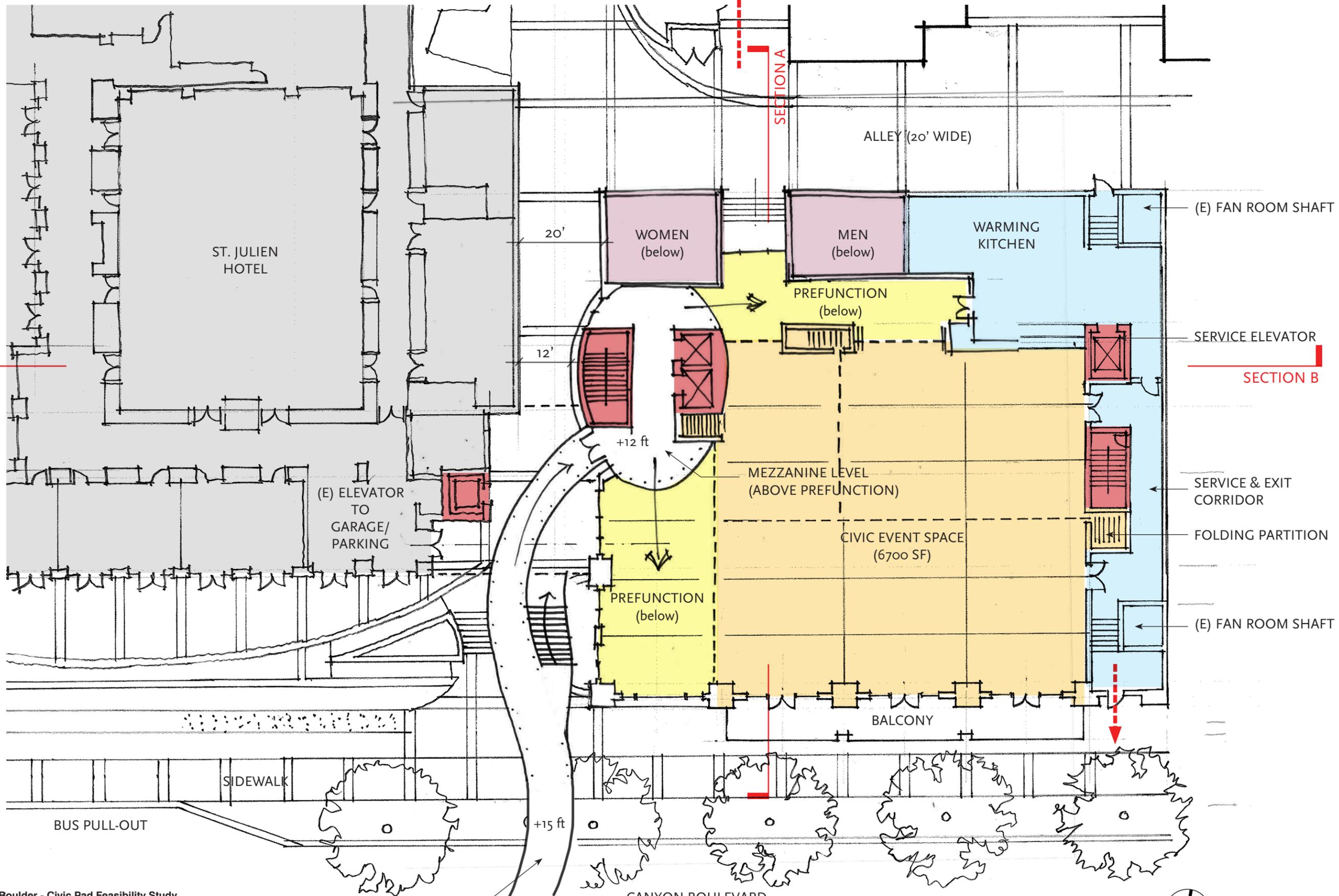


Massing Model - view from southeast



Massing Model - view from southwest

o6 Optional Bridge Connection





ST. JULIEN
HOTEL

MULTI-PURPOSE
ROOF DECK

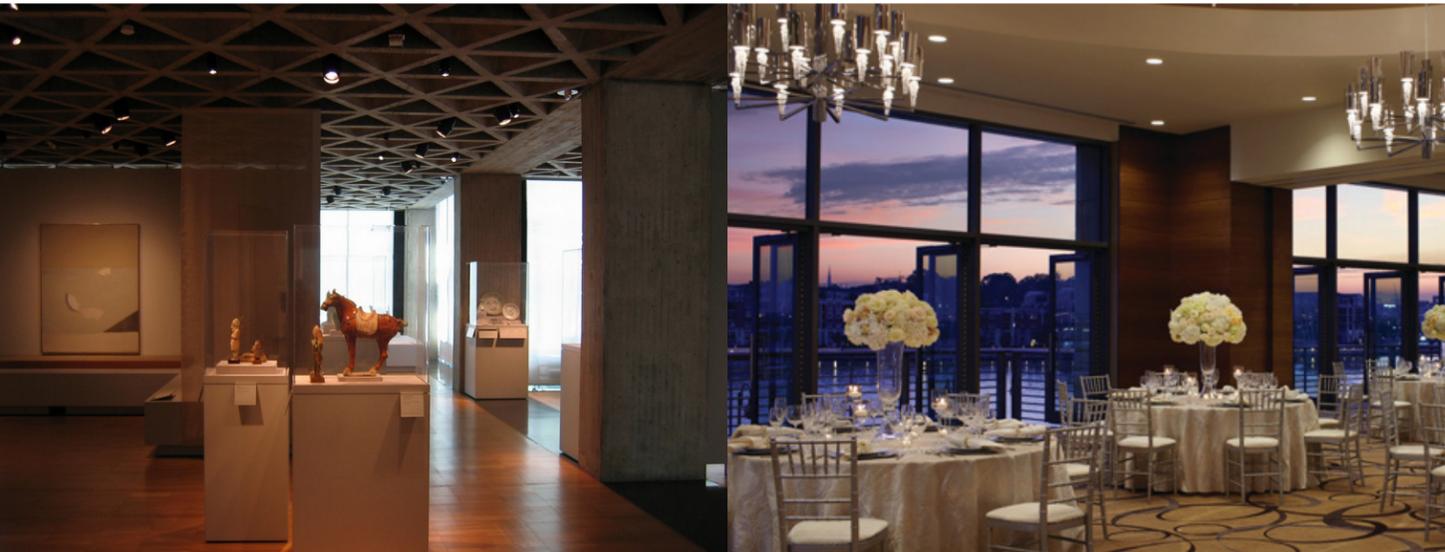
Optional Bridge Connection - Across Canyon Blvd.



Optional Bridge Connection - Across Canyon Blvd.



Optional Bridge Connection - Across Canyon Blvd.



Conference/Civic Event Space

Rooftop Deck- Civic Event Space

Boulder Urban Renewal Plan



Ninth & Canyon

1995 Revised Plan

Adopted:

Boulder Urban Renewal Authority, April 6, 1995

Boulder Planning Board, May 11, 1995

Boulder City Council, July 11, 1995



Boulder Urban Renewal Authority

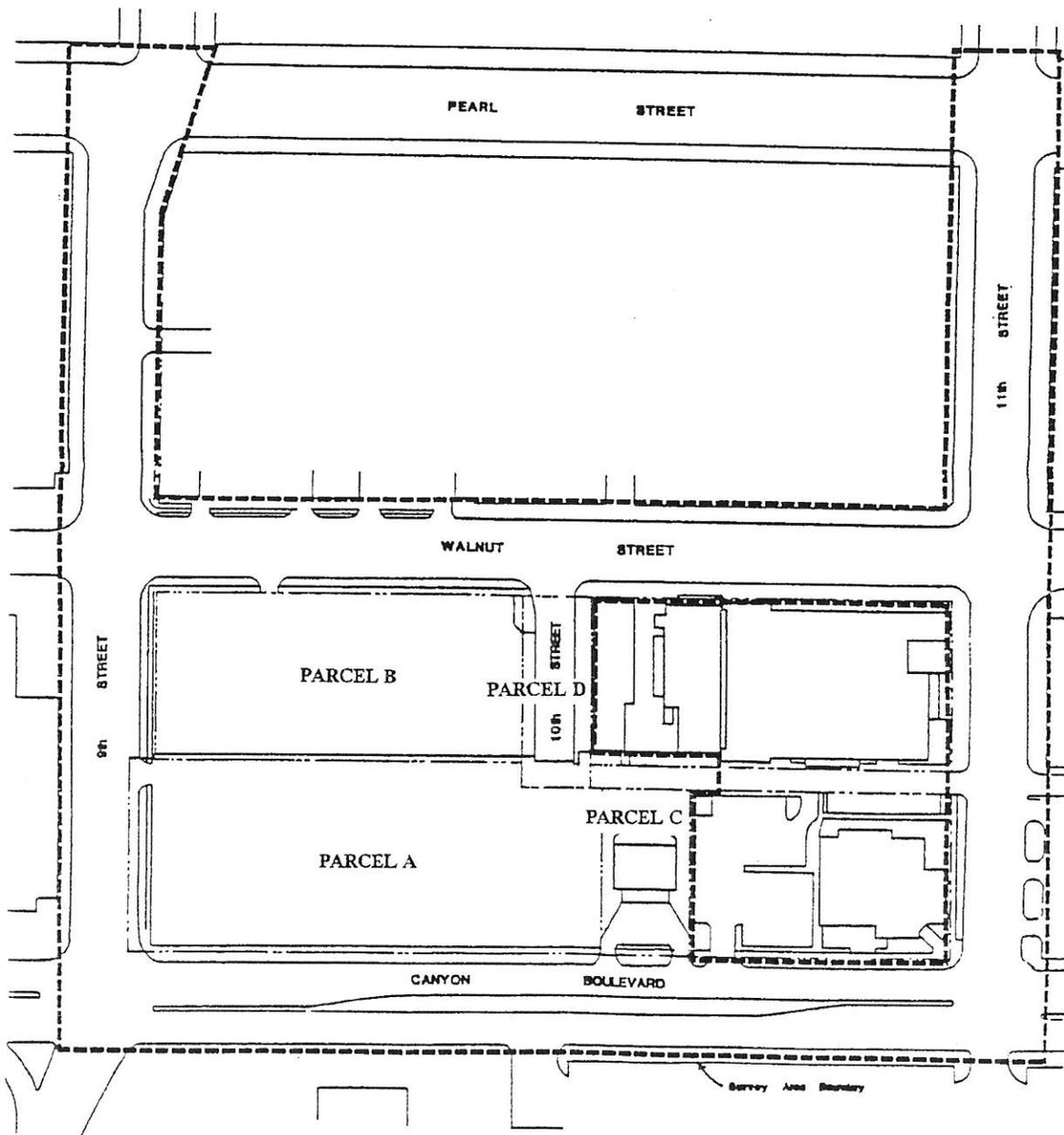
I. INTRODUCTION

A. PREFACE

This plan has been prepared by the Boulder Urban Renewal Authority pursuant to the provisions of the Urban Renewal Law of the State of Colorado, Part 1 of Article 25 of Title 31, C.R.S. The administration of this project and the enforcement of this plan, including the preparation and execution of any documents implementing it, shall be the responsibility of the Boulder Urban Renewal Authority.

B. PROJECT AREA BOUNDARIES

The boundaries of the project area are illustrated on the following map:



The project area boundaries are described as follows:

Beginning at a point that is the intersection of the southerly ROW line of Canyon Boulevard, and the westerly ROW line of 9th Street; then northwesterly along the westerly ROW line of 9th Street, to a point that is the intersection of the westerly ROW line of 9th Street, and the northerly ROW line of Pearl Street;

Then northeasterly along the northerly ROW line of Pearl Street, to a point that is the intersection of the northerly ROW line of Pearl Street, and the easterly ROW line of 9th Street;

Then southeasterly along the easterly ROW line of 9th Street, to a point that is the intersection of the easterly ROW line of 9th Street, and the northerly ROW line of Walnut Street;

Then northeasterly along the northerly ROW line of Walnut Street, to a point that is the intersection of the northerly ROW line of Walnut Street, and the westerly ROW line of 11th Street;

Then northwesterly along the westerly ROW line of 11th Street, to a point that is the intersection of the westerly ROW line of 11th Street, and the northerly ROW line of Pearl Street;

Then northeasterly along the northerly ROW line of Pearl Street, to a point that is the intersection of the northerly ROW line of Pearl Street, and the easterly ROW line of 11th Street;

Then southeasterly along the easterly ROW line of 11th Street, to a point that is the intersection of the easterly ROW line of 11th Street, and the southerly ROW line of Canyon Boulevard;

Then southwestly along the southerly ROW line of Canyon Boulevard to the point of beginning.

Excepting the following:

All of Lots 1, 2, 3, 4, 5, 6, 9, 10, 11, and 12, Block 44, Boulder Plat (Original Town);

The easterly 25 feet of Lot A, Block 44, Boulder Plat (Original Town);

The easterly 10 feet of 10th Street, vacated by City Ordinance 3010;

All that portion of the improved alley that is located in Block 44, Boulder Plat (Original Town).

C. PROJECT PURPOSES

An Urban Renewal Plan for the Ninth and Canyon site in downtown Boulder has been developed to achieve the following purposes:

1. To implement the Boulder Valley Comprehensive Plan.

2. To eliminate existing conditions in the Urban Renewal Area that are detrimental to the project area, adjacent neighborhoods and facilities, and to the City as a whole.
3. To redevelop and rehabilitate the area in a manner which is compatible with and complementary to existing development and uses in the general area, and to provide an improvements framework which is based on community-wide goals and values.
4. Through redevelopment, contribute to a sustainable downtown Boulder community and economy.
5. To facilitate the redevelopment of the area by private enterprise by cooperating with other public bodies to provide needed infrastructure improvements.
6. To effectively utilize undeveloped and underdeveloped land.

II. URBAN RENEWAL ELIGIBILITY

A. GENERAL AREA DESCRIPTION

The project area is located on the western portion of the block bounded by 9th Street, Canyon Boulevard, Walnut Street and 11th Street. It is comprised of four parcels totaling 2.89 acres in area. Parcel A, owned as of April 1995 by St. Julien Partners located in Boulder, Colorado, is an unpaved, unimproved lot. Parcel B is a paved public parking lot owned by the Central Area General Improvement District (CAGID). Parcel C, also owned by St. Julien Partners, contains the only built improvement in the area, the old Chamber of Commerce building. Parcel D is comprised wholly of the 10th Street right-of-way.

B. SITE SURVEY CONDITIONS

The following conditions were documented on the site in 1988 and served as the basis for the initiation of the urban renewal planning process:

Environmental Conditions

- The majority of the site is in the 100 year floodplain.
- A portion (approx. 25%) of the site is in the 100 year "floodway".
- Canyon Boulevard is a high noise corridor (61 decibels).
- Site drainage is very poor on the unpaved portions (Parcel A).
- The majority of the site has a very high ground water table.

Site Utilization

- Most of the site is vacant except for parking uses - the overall Floor Area Ratio (F.A.R.) is approximately 0.03. (F.A.R. is the ratio of building size to site size). The City Planning Department's criteria for "significantly underutilized" land in the downtown is a F.A.R. below 0.49.
- Access to and circulation within the site is seriously deficient, particularly for emergency vehicles (mainly fire apparatus).

Traffic/Streets

- The 9th and Canyon intersection is mis-aligned. Southbound 9th Street traffic has difficulty finding the proper 9th Street lane to enter on the south side of Canyon Boulevard.
- Excessive speeds and heavy traffic volumes on 9th Street create pedestrian crossing problems, particularly at Walnut Street.
- The 9th and Canyon intersection had 15 accidents in 1987, tying for 22nd place of all intersections in the City.
- Paving on 10th Street (a public right of way) is seriously deteriorated with sidewalk on one side only.
- Deteriorated curb, gutter and sidewalks occur along Canyon Boulevard, 9th Street and Walnut Street.

Site Improvements

- On-site spot drainage and severe pothole and erosion problems occur on the unpaved portions (Parcel A and alleyways) of the area.
- Landscaping is seriously deficient throughout the area.
- Site lighting is deficient, particularly on Parcel A.
- On-site directional signage is inadequate.
- Driveway and access definition is inadequate.
- Site maintenance is seriously deficient. On-site debris is prevalent.
- Some on-site exterior structures (walls, fences, etc.) are deteriorated.
- Pedestrian and bicycle facilities are almost non-existent.

Utilities

- Water mains are old (25-30 years) and may not meet current standards, but do not present any capacity, pressure, or maintenance problems at this time.

Fire Protection/General Health and Safety

- Fire apparatus access to car fires is very difficult because of the condition of the unpaved parking surface and poor driveway definition.
- Public hydrants are inadequate in terms of number and location.
- It is difficult to access the rear of adjacent buildings.
- Overhead power lines create a hazard for firefighting personnel using highly mechanized equipment.
- Seventeen crimes, mostly automobile related, occurred in the study area between June 1986 to April 1988. This is a relatively high crime rate for a parking lot.

III. DEVELOPMENT PLAN

A. COMPREHENSIVE PLAN AND LOCAL STANDARDS

1. Land Use and Planning Criteria

Determination of land use and densities, major circulation routes, public facilities and planning criteria are based on the Boulder Valley Comprehensive Plan, City Land Use Regulation, Subdivision Ordinance, Building Code and this Urban Renewal Plan.

The Context Guidelines for Project Area Development (Section III, C) and the Project Area Development Guidelines (Section III, D) will be applied by the Authority when providing a recommendation to the Planning Board during the site review process, (B.R.C. 9-4-10). In addition, the Downtown Design Advisory Board (DDAB) or its successor, will review development proposals and will make recommendations to the Authority and Planning Board during the site review process. The guidelines set forth in Section III, C and Section III, D may be waived or modified by the Authority for a specific redevelopment project.

2. Planning Conformance

The Urban Renewal Plan is in conformance with the Boulder Valley Comprehensive Plan in respect to land use and densities, transportation and other public facilities, and meets the intent and goal of the Comprehensive Plan for development which could include opportunities for shopping, support services and public facilities, including parks and other civic uses. Specifically, the Comprehensive Plan's Community Design and Central Area policies state:

Community Design

"New residential, commercial and industrial development and redevelopment shall be encouraged to follow sound and innovative land use planning. The goals are to provide a livable built environment and, through the judicious use of landscaping, materials and human scale, to respect the character of the surrounding area." (p. 8).

Central Area Programs

"The City of Boulder, through the merging of public and private interests, shall seek to retain the Central Area of the Boulder Valley as the primary governmental, cultural, office, financial, entertainment, shopping, medical facility, and high density residential district of the Boulder Valley.

The Downtown shall retain its historic role as the governmental, entertainment, office, and financial center of the Boulder Valley. It shall continue to develop as a specialty retail center. This shall be accomplished by coordinating concerted and comprehensive public policies and investments with private redevelopment and rehabilitation efforts." (p. 139).

B. GENERAL DESCRIPTION OF THE DEVELOPMENT PLAN

The Development Plan will require the redevelopment of the project area to address the following:

1. Mixed and/or multi-use development that incorporates a combination of hotel and ancillary hotel services as primary uses. Civic uses (such as recreation center, museum, cultural center, City office space, and transit facilities as specified under Section III, E.2.d of this plan), will occupy a minimum of 20% of the gross floor area developed in the project area.
2. If a viable project is not in the process of approval or development prior to April 18, 1998, the City Council shall consider reopening this urban renewal plan to permit alternative land uses.

C. CONTEXT GUIDELINES

The Ninth and Canyon project area is located in the Walnut/Canyon corridor of downtown Boulder. Redevelopment efforts during the last twenty years have resulted in an area comprised of office buildings, restaurants, banks and surface parking lots. This corridor, which is located between the historic commercial area and the civic park, has limited retail uses, street life and pedestrian activity. The goal of an enhanced and vital downtown can be promoted with a mix of quality uses and developments that encourage pedestrian activities. These guidelines will set a standard for other redevelopment parcels along the Walnut/Canyon corridor.

The following guidelines establish the Authority's objectives for the redevelopment of the project area. Development proposals will be reviewed according to the guidelines. Such review will be a responsibility of DDAB or its successor, and as such made a part of the site review process identified in the City of Boulder Land Use Regulation. Design integrity will be project specific. Massing, location, character, materials, setbacks, height, circulation, open space and other elements must work in relation to each other and as parts of a whole.

Therefore, the specific definition and application of Section III C and D will vary according to project specific design considerations. The guidelines are not intended as a design checklist. They are intended to suggest the type and range of options requiring serious consideration.

1. Walnut/Canyon Corridor Redevelopment Guidelines

- Retail activity at the street level
- South facing urban open spaces and buildings
- Landscaping along Canyon Boulevard
- Pedestrian access corridors through redevelopment sites
- A gateway element at Ninth and Canyon
- Streetwalls and spaces framed by buildings on Walnut Street
- Open space, building openings, setbacks and orientation which frame the southerly views

2. General Development Guidelines

Regional Access Regional access to the project area is excellent because of its location along Canyon Boulevard. Uses and development which require this type of access should be considered for the project area, with heavy emphasis on transit and alternative modes.

Western Gateway to Downtown The project area is a unique gateway to downtown because of its location on the western edge of the city and within the viewshed of Canyon Boulevard and Boulder Creek. Uses and development can help to identify this gateway with special uses, development and design features. It can also provide an anchor in the western part of downtown and a link to adjacent residential neighborhoods, the civic center and the Boulder Creek corridor.

Downtown and Neighborhood Connections Ninth and Canyon is located close to the Downtown Mall, the Civic Park, the Library, the West Pearl shopping area, other major downtown destinations and residential neighborhoods. Connections to these facilities through the Ninth and Canyon project area are important to reinforce the overall unity of downtown and to promote a pedestrian environment in downtown. In addition, efforts should be made to avoid the negative impacts of vehicular traffic on the core area neighborhoods.

Quality Development The project area is located within the Walnut/Canyon corridor, an area comprised of large banks, mixed use buildings and large surface parking lots. Future downtown development within this corridor should improve the pedestrian and fulltime character of downtown, and encourage a more sustainable utilization of downtown properties. Corridor development should link the Civic Park and Walnut/Canyon corridor with the historic commercial area.

3. Area Development Guidelines

Pedestrian Access Provide and enhance pedestrian connections within downtown and adjacent neighborhoods at Ninth and Canyon. Provide pedestrian access corridors to and through the project area. Maximize use of the 10th street alley, sidewalks, and possible public improvements along Canyon, 9th and Walnut.

Intersections and Entrances Recognize the features and uses which provide a distinctive image at the Ninth and Canyon intersection. Develop compatible intersection features at 9th/Walnut and 10th/Walnut to relate development of the project area to the adjacent neighborhoods. Landscaping, public uses, and building features should reinforce the intersections.

Public Improvements Civic improvements should enhance the functions and image of the project area. These improvements should be considered for the 10th street alley and pedestrian connections across Canyon, 9th and Walnut and the Canyon, 9th, Walnut streetscapes.

Physical Development and Buildings Develop multiple use buildings to provide fulltime activity in the project area. Physical development should reinforce the attributes of the project area and downtown Boulder, incorporating traditional elements that are adaptable to a variety of uses. Provide streetwalls along Walnut Street to enclose and frame public spaces. Upper level setbacks should be used to minimize street level shadows and pedestrian scale features along the sidewalk.

Open Space Develop usable open spaces. Provide community and neighborhood facilities for sitting, relaxing, community gatherings, and local activities.

D. SITE DEVELOPMENT GUIDELINES

The following guidelines establish the Authority's objectives for the redevelopment of the project area. The guidelines represent a range of development options and are not intended to be a design checklist. A specific project will not necessarily be required to address or fulfill all of the guidelines.

1. Encourage the development of buildings that provide a mix of uses to provide full time activity within the project area.
 - 1.1 Encourage a mix of uses on the site with lodging units or civic uses on the upper levels.
 - 1.2 Respect and enhance the character of the street with small scale pedestrian oriented commercial activities along Walnut and 9th Street.
 - 1.3 Establish the Ninth and Canyon project area as a community focal place with uses, buildings and improvements that attract community activities and interaction.
 - 1.4 Encourage secondary special uses, such as educational, recreational, cultural and civic uses, which complement the primary uses of the project area.
 - 1.5 Develop a building complex to:
 - Reduce the apparent mass and bulk of the building
 - Express the varied uses of the site
 - Reflect the mixed use environment of downtown Boulder
 - 1.6 No individual project should become an enclave.
 - 1.7 Accentuate different portions of the buildings with various materials to reflect the different uses and functions of the buildings.
 - 1.8 Develop public outdoor spaces with uses and functions that will add interest and character to Ninth and Canyon and downtown Boulder.
2. Physical development should reinforce the unique attributes of the site and its relationship to downtown Boulder.
 - 2.1 Address the potential shade impact to Walnut with elements such as stepping back upper portions of taller buildings, streetscape design, street lighting, building illumination and ice deterrent.
 - 2.2 Encourage special features to convey a unique development character along Canyon Boulevard and Ninth Street.
 - 2.3 Provide building elements along Walnut to reinforce the historic commercial and pedestrian character of downtown.
 - 2.4 Physical development should enhance the downtown identity while creating an individual image at Ninth and Canyon.

- 2.5 Public interest should be provided by the use of pedestrian scale applications of first story details, facade details, and pedestrian scale features.
 - 2.6 Any parking storage should be compatible with adjacent buildings.
 - 2.7 Establish appropriate streetwalls and building setbacks along 9th Street, Walnut Street, and Canyon Boulevard (streetwalls are buildings which frame street spaces).
3. Establish a physical gateway to downtown Boulder at Ninth and Canyon by developing special features and uses which provides a distinctive image.
 - 3.1 Building setbacks, design, massing, orientation and height should reinforce the significance of the Ninth and Canyon intersection.
 - 3.2 Physical development should reinforce the significance of the Ninth and Canyon intersection.
 - 3.3 The project should provide public art and landscaping at the Ninth and Canyon site to reinforce the Ninth and Canyon intersection. The intersection could be strengthened by establishing design elements common to both Boulder Creek and the project area, and by establishing view corridors from the project area to public art along Boulder Creek.
4. Provide and enhance pedestrian connections within downtown and adjacent neighborhoods at Ninth and Canyon.
 - 4.1 A pedestrian link on the east side of the project area, along the 10th Street alignment should be provided through the site to connect south toward the library, and north toward Pearl Street. This and other pedestrian links should reinforce the downtown grid pattern and provide a more interesting and diverse pedestrian environment within the downtown.
 - 4.2 Pedestrian facilities should link developed uses within the project area and should provide access to adjacent pedestrian destinations.
 - 4.3 Landscaped sidewalks should be provided along Walnut, 9th, and Canyon to enhance the pedestrian environment leading to the project area and within downtown.
 - 4.4 Provide for an on-site transit center/stop integrated with the sidewalk and buildings to facilitate transit access.
 - 4.5 Enhance linkages to all transit facilities with information, education, directional signs and convenient and comfortable facilities.

5. Provide quality public space.

- 5.1 Public spaces should be large enough to accommodate scheduled and informal special events.
- 5.2 Design public spaces to incorporate drainage and floodhazard conditions associated with Boulder Creek.
- 5.3 Public spaces should be urban in character to complement the mixed use image of downtown.
- 5.4 Public spaces should be oriented south to the greatest extent possible to enhance solar access.
- 5.5 Public spaces should be oriented to the greatest extent possible to views of the Flatirons, Boulder Creek and the mountains to the west of Boulder.
- 5.6 Provide ample places to sit, relax, and eat meals.

6. Public improvements should enhance the function and image of the project area.

- 6.1 Develop special intersection improvements at Ninth and Canyon that may incorporate vertical gateway features, decorative street lights, landscaped medians, street accent paving, and corner landscape improvements.
- 6.2 The project should be designed to accommodate, and could participate in funding a possible future pedestrian/bicycle underpass (similar to the one at Broadway/College) across Canyon Boulevard at 10th Street to enhance access to the Civic Park.
- 6.3 The City could develop midblock pedestrian improvements at 10th/Walnut to link the project area to Pearl Street along the 10th Street corridor. This would be a portion of a larger pedestrian connector between the Civic Park and Pearl Street.

E. PUBLIC IMPROVEMENTS

Improvements will be made to provide the infrastructure necessary to carry out the objectives of the Plan. Such improvements include, but are not limited to:

1. Environmental

- a) Floodplain Improvements - Any uses will meet the City's Floodplain Regulation (Chapter 9-9, B.R.C. 1981). No structures intended for human occupancy will be allowed in the high hazard zone or the conveyance zone. Uses in the floodplain will be fully protected from the 100 year flood.

- b) Erosion and Storm Drainage - Erosion problems will be eliminated through development of the site. Storm drainage improvements will be made as necessary.

2. Land Utilization

The current floor area ratio (F.A.R.) for the project area is approximately 0.03. The City of Boulder Planning Department's criteria for "significantly underutilized" land in the downtown is an F.A.R. below 0.49. Implementation of this Plan will result in an F.A.R. of approximately 1.50.

3. Streets/Access/Circulation

- a) Street improvements, to the extent required by the development plan, will be completed. A portion of 10th Street between Walnut and Canyon may be closed to vehicular traffic and resurfaced, to encourage and enhance safe pedestrian movement; and curbs, gutters and sidewalks will be replaced or repaired as needed. New traffic control and other intersection improvements will be made as needed.
- b) Off-Street Parking - Parking located in an underground structure must provide for the replacement of the existing Central Area General Improvement District (CAGID) spaces, provide for the parking requirements of the proposed development and allow for additional parking to offset the increase in parking demand that development in the project area will generate in adjacent areas. The latter requirement will be explicitly defined in a CAGID/BURA cooperation agreement at the time the project area is redeveloped. This plan supersedes the provision of the RB-X zone district that permits non-residential development without parking facilities if located in a mandatory parking district.
- c) Pedestrian and Bicycle Circulation - A system of pedestrian facilities that may include walks, a pedestrian mall, an atrium, pocket park and landscaped open spaces will be provided. Bike parking areas will be provided to encourage bike access.
- d) Transportation Facilities - Significant facilities for alternative modes of transportation must be incorporated into the development plan with the objective of reducing the amount of parking that will be required in the project area. The goal shall be at least a 15% reduction in projected single occupant vehicle trips to and from the project area. If a hotel use is developed as identified in section III, B. 1 of this plan, shuttle service to Denver International Airport and possibly other locations will be required.

4. Site Improvements

- a) Landscaping, Signage and Lighting - A landscaping plan will be developed and implemented to provide enhancement of the non-building portions of the project area.
- b) Open Spaces - In addition to landscaped open spaces, other publicly accessible improvements such as a plaza, pedestrian mall, an atrium, and a pocket park may be provided. A

minimum of 50,000 square feet of open space and landscaped areas is planned. However, the specific requirements of this Plan for the provision of open space will be determined through the Site Review process.

- c) Additional fire hydrants, stand pipes, etc. will be provided as needed to meet City Fire Code regulations.

F. LAND USE REGULATIONS AND BUILDING REQUIREMENTS

- 1. The land use, design and construction of development in the project area shall comply with the City of Boulder's RB-X Zoning, the Downtown Design Guidelines, and other applicable provisions of the Boulder Land Use Regulation (including site and use review as applicable). Under the provisions of this Plan, parcels A (unimproved lot), B (CAGID parking lot) and C (old Chamber of Commerce Building) will be required to be developed in a coordinated manner.
- 2. All development must conform with the provisions and purposes of this Plan, and with all applicable laws, ordinances and codes.

IV. IMPLEMENTATION PROGRAM

A. PROJECT ACTIVITIES

1. PROPERTY ACQUISITION

No land will be acquired by the Authority and therefore no provisions are provided in this plan for owner participation, property management, relocation, or property disposition.

2. DEMOLITION, CLEARANCE AND SITE PREPARATION

The Authority will require any developer to demolish structures and other improvements and to clear and prepare the site for redevelopment in accordance with this Urban Renewal Plan.

3. PUBLIC IMPROVEMENTS AND FACILITIES

The Authority may install and construct, or cooperate as appropriate with developers and other public or private agencies, in the installation and construction of such public improvements, public facilities and utilities as necessary to carry out this Plan.

Such improvements, facilities and utilities include, but are not limited to, streets, curbs and gutters, sidewalks, bike paths, street lights, traffic signals; sanitary and storm sewers; water, electrical, gas and telephone distribution systems; parks, plazas and landscaped areas; and public transit facilities.

4. REDEVELOPMENT

Purchasers or owners of property within the project area shall be obligated to develop the property in accordance with the provisions of this Plan and the design standards and criteria established by the Authority, to begin and complete the development of the property within a period of time which the Authority fixes as reasonable, and to comply with such other conditions as the Authority deems necessary to assure the achievement of the purposes of this plan.

B. PROJECT FINANCING

1. METHODS OF FINANCING

The Boulder Urban Renewal Authority is authorized to finance this project by any method authorized under the Colorado Urban Renewal Law, or any other applicable law, including appropriations from the City of Boulder, federal loans and grants, interest income, property or sales tax increments, or any other available source.

The Authority is authorized to issue bonds in an amount sufficient to finance all or part of the project. The Authority is authorized to borrow funds and create indebtedness in carrying out this plan. The principal and interest on such indebtedness would be paid from tax increments or any other funds available to the Authority.

The economic feasibility of any redevelopment proposal will be reviewed by the Authority at the time the project is submitted for development review. The specific extent and nature of Authority economic participation in the project will be assessed at that time.

2. TAX INCREMENT FINANCING

This project may be financed by the Boulder Urban Renewal Authority under the tax allocation financing provisions of the Urban Renewal Law of the State of Colorado. However, the use of tax increment financing will be dependent on securing a City of Boulder/BURA cooperation agreement. The general provisions of the financing method are set forth below. In compliance with the requirements of §31-25-107(9)(d), C.R.S. the Boulder Valley School District of the County of Boulder, Colorado, has been permitted to participate in an advisory capacity concerning the project financing included in this Plan. Under the financing method, property taxes as levied after the effective date of the approval of this Plan upon taxable property in the Urban Renewal Area each year, and all of the municipal sales taxes collected within such area, by or for the benefit of any public body, shall be divided for a period not to exceed 25 years after the effective date of adoption of this Plan as follows:

a) Base Amount

That portion of property taxes which are produced by the levy at the rate fixed each year by or for each such public body upon the valuation for assessment of taxable property in

the urban renewal area last certified prior to the effective date of approval of this Plan, and that portion of municipal sales taxes collected within the boundaries of the urban renewal area in the last 12 month period ending on the last day of the month prior to the effective date of approval of this Plan, shall be paid into the funds of each such public body as are all other taxes collected by or for said public body.

Unless and until the total valuation for assessment of the taxable property in the Urban Renewal Area exceeds the base valuation for assessment of the taxable property in the Urban Renewal Area, all of the taxes levied upon the taxable property in the Urban Renewal Area shall be paid into the funds of the respective public bodies. Unless and until the total municipal sales tax collections in the urban renewal area exceed the base year municipal sales tax collections in the urban renewal area, all such sales tax collections shall be paid into the funds of the City.

b) Increment Amount

That portion of said property taxes and/or all of said sales taxes in excess of the amounts specified in a) above shall be allocated to and, when collected, paid into a special fund of the Authority to pay the principal of, the interest on and any premiums due in connection with the bonds of, loans or advances to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, the Authority for financing or refinancing, in whole or in part, for this Project. When the bonds, loans, advances, and indebtedness, if any, including interest thereon and any premiums due in connection therewith, have been paid, all taxes upon the taxable property and the total municipal sales tax collections in the Urban Renewal Area shall be paid into the funds of the respective public bodies.

The incremental portion of the taxes described herein shall be irrevocably pledged by the Authority for the payment of the principal of, the interest on, and any premiums due in connection with the bonds, loans, advances, and indebtedness incurred by the Authority to finance the Project, subject to the terms of any loan or bond trust indenture.

C. CHANGES IN THE APPROVED PLAN

This Plan may be modified pursuant to the provisions of the Colorado Urban Renewal Law governing such modifications, including §31-25-107, C.R.S.

D. MINOR VARIATIONS

Where a literal enforcement of the provisions contained in this Plan would constitute an unreasonable limitation beyond the intent and purpose of these provisions, the Authority may in specific cases allow minor variations from these provisions.

ORDINANCE NO. 5714

AN ORDINANCE MODIFYING THE URBAN RENEWAL PLAN FOR THE NINTH STREET AND CANYON BOULEVARD PROJECT AREA; AND SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, the city council has adopted the "Boulder Urban Renewal Plan, Ninth and Canyon" (hereinafter called the "Plan") effective October 5, 1988; and

WHEREAS, the city council has determined that certain modifications to the land use, design, building requirements, and procedures are appropriate to update the Plan based upon current city policies; and

WHEREAS, the Plan modifications have been approved by the Board of Commissioners of the Boulder Urban Renewal Authority; and

WHEREAS, the city council has held a public hearing on the proposed Plan modifications providing a full opportunity for all residents and taxpayers of the city and other interested persons to be heard;

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

Section 1. The revised Plan, attached hereto as Exhibit A and incorporated herein by reference, for the project area, having been duly reviewed and considered, is hereby approved.

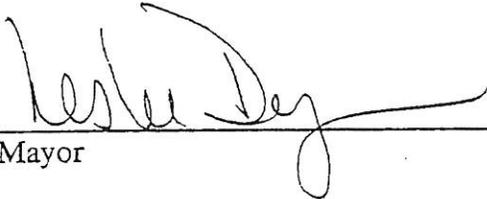
Section 2. It is hereby found and determined that Ordinance No. 5133 is amended by the substitution of the attached Exhibit A hereto as the Boulder Urban Renewal Plan for the Ninth Street and Canyon Boulevard project area.

Section 3. This ordinance shall not take effect unless and until the City of Boulder Planning Board reviews the proposed modifications and determines that such modifications conform with the Boulder Valley Comprehensive Plan, as amended.

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

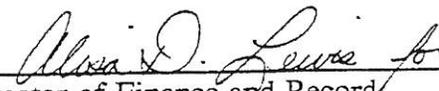
Section 5. The council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
TITLE ONLY this 18th day of April, 1995.



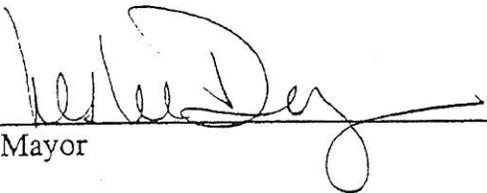
Mayor

Attest:



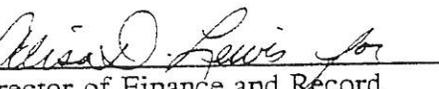
Director of Finance and Record
Ex-Officio City Clerk

READ ON SECOND READING, AMENDED, AND ORDERED PUBLISHED BY
TITLE ONLY this 13th day of June, 1995.



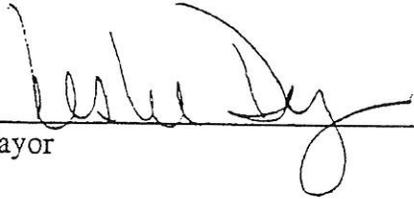
Mayor

Attest:



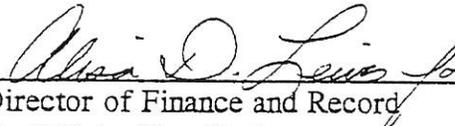
Director of Finance and Record
Ex-Officio City Clerk

READ ON THIRD READING, PASSED, ADOPTED, AND ORDERED PUBLISHED
BY TITLE ONLY this 11th day of July, 1995.



Mayor

Attest:



Director of Finance and Record
Ex-Officio City Clerk

BU GE o-5714.YGE

Attachment E: Past development Proposals and Ideas for the Civic Use Pad

1999:

Collage Children's Museum and Village Arts Coalition (VAC) proposal was endorsed by City Council.

2002:

The Collage Children's Museum withdrew from the civic use building project for financial reasons.

The Boulder History Museum (BHM) considered stepping into Collage's place as a joint partner with VAC and BHM was endorsed by Council as a civic user. However, BHM withdrew from consideration that same year.

2003/2004:

The City received the Boulder Odeum proposal to build and operate 20,000 square feet or two floors of meeting space in cooperation with the St. Julien Hotel and to complement the Village Arts Coalition. The Village Arts Coalition also came forward with an expanded proposal for the entire building. The City promoted a design process to investigate the possibility of both organizations sharing a 37,000 square foot facility. That effort did not produce a collaborative result because neither party decided to move forward due to incompatibility of uses.

In April 2004, a second 9th and Canyon Civic Use Task Force convened to review new proposals from Village Arts Coalition and the Boulder Odeum. The Task Force did not recommend either proposal because they did not meet the criteria for financial and management capability to construct, operate and maintain a facility of its size, nor did they meet the civic use criteria.

2005:

A third Civic Use Task Force met to provide input on the "hybrid" scenario combining the civic use pad with a conference center on the second floor of privately-owned adjacent properties. However, discussions ended when the adjacent private property owners withdrew their property from consideration as a conference center in November 2005.

2008:

The Boulder History Museum (BHM) expressed renewed interest in the civic use site for a new museum; however, they have located a site along Broadway.

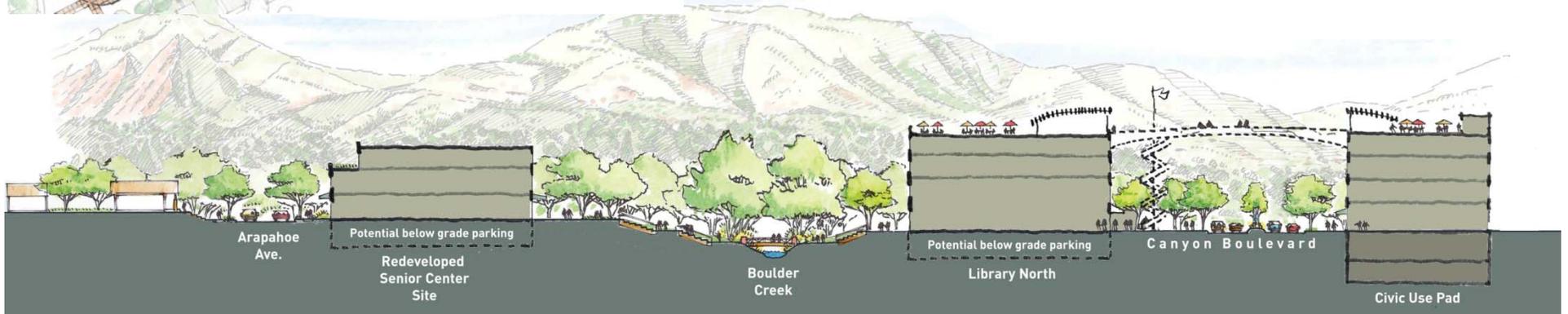
2011:

Representatives from a group proposing a performing arts center in Boulder addressed the CUTFIV about using the civic use pad.

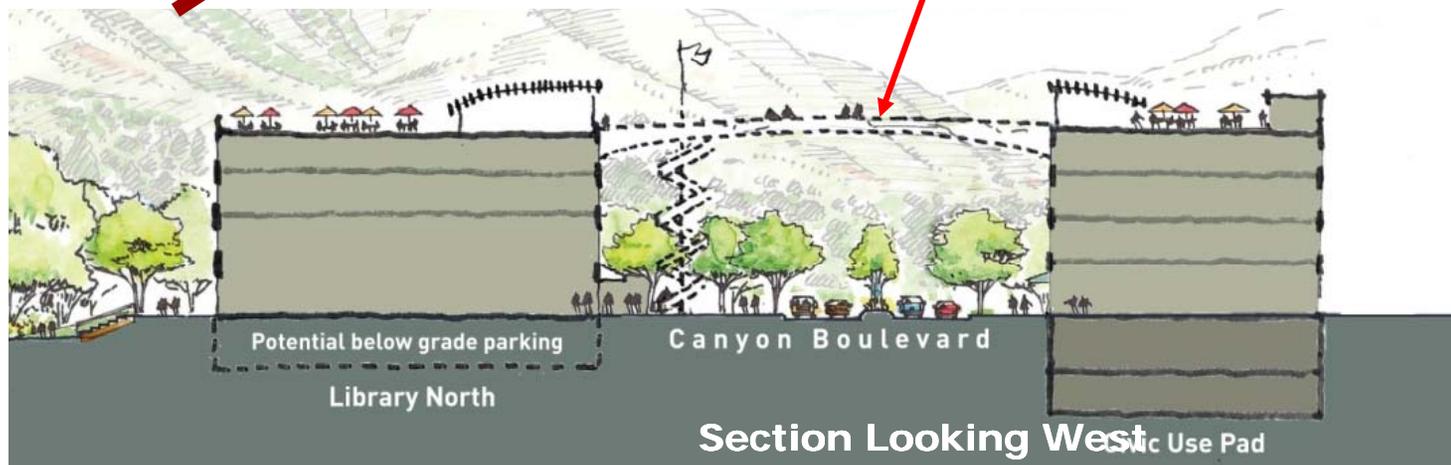
West End Possible Programs



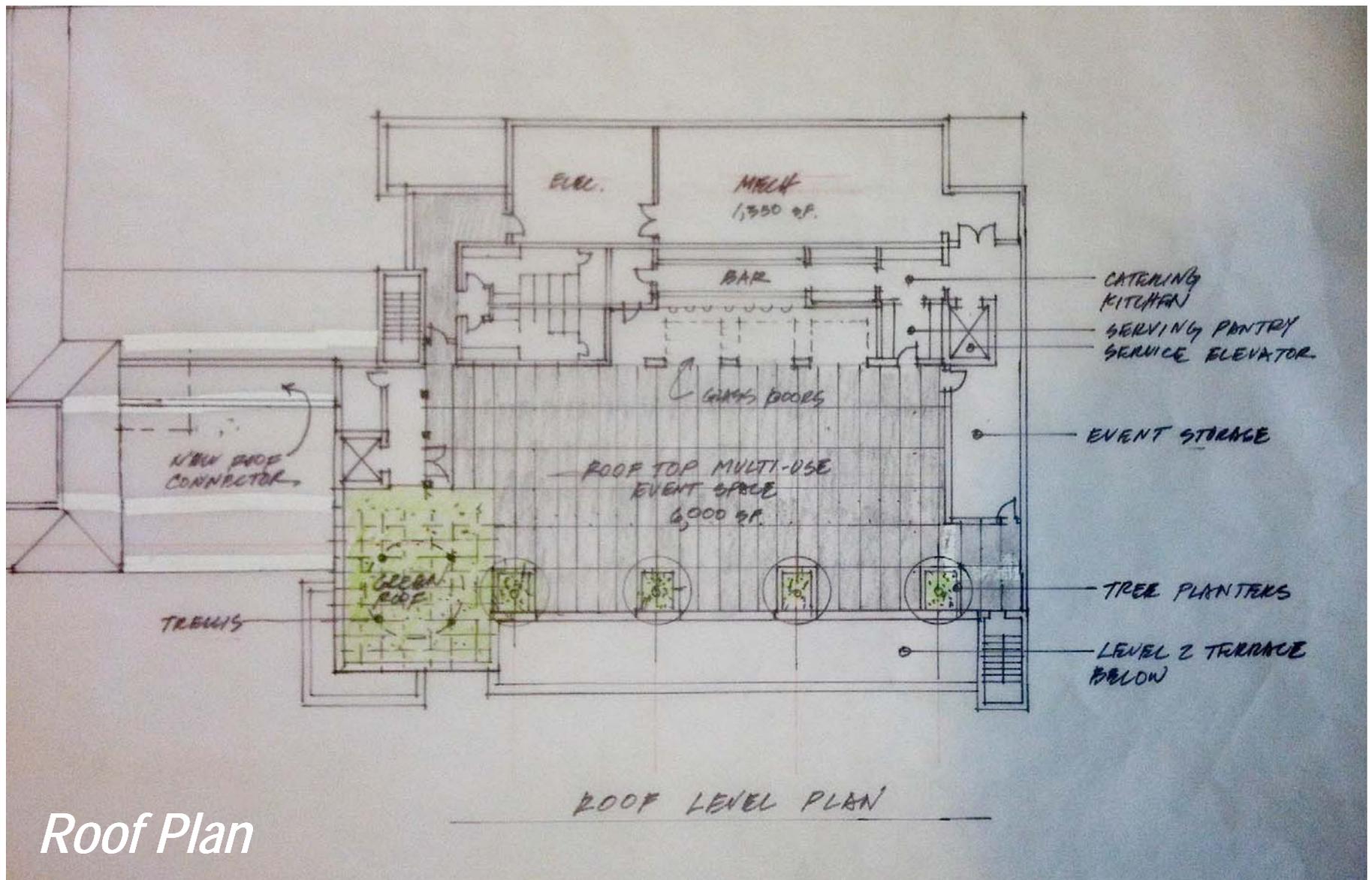
- Muni. Building
- Library Café
- Civic Use Pad
- Arts/Performance Space
- Structured Parking



Civic Use Pad

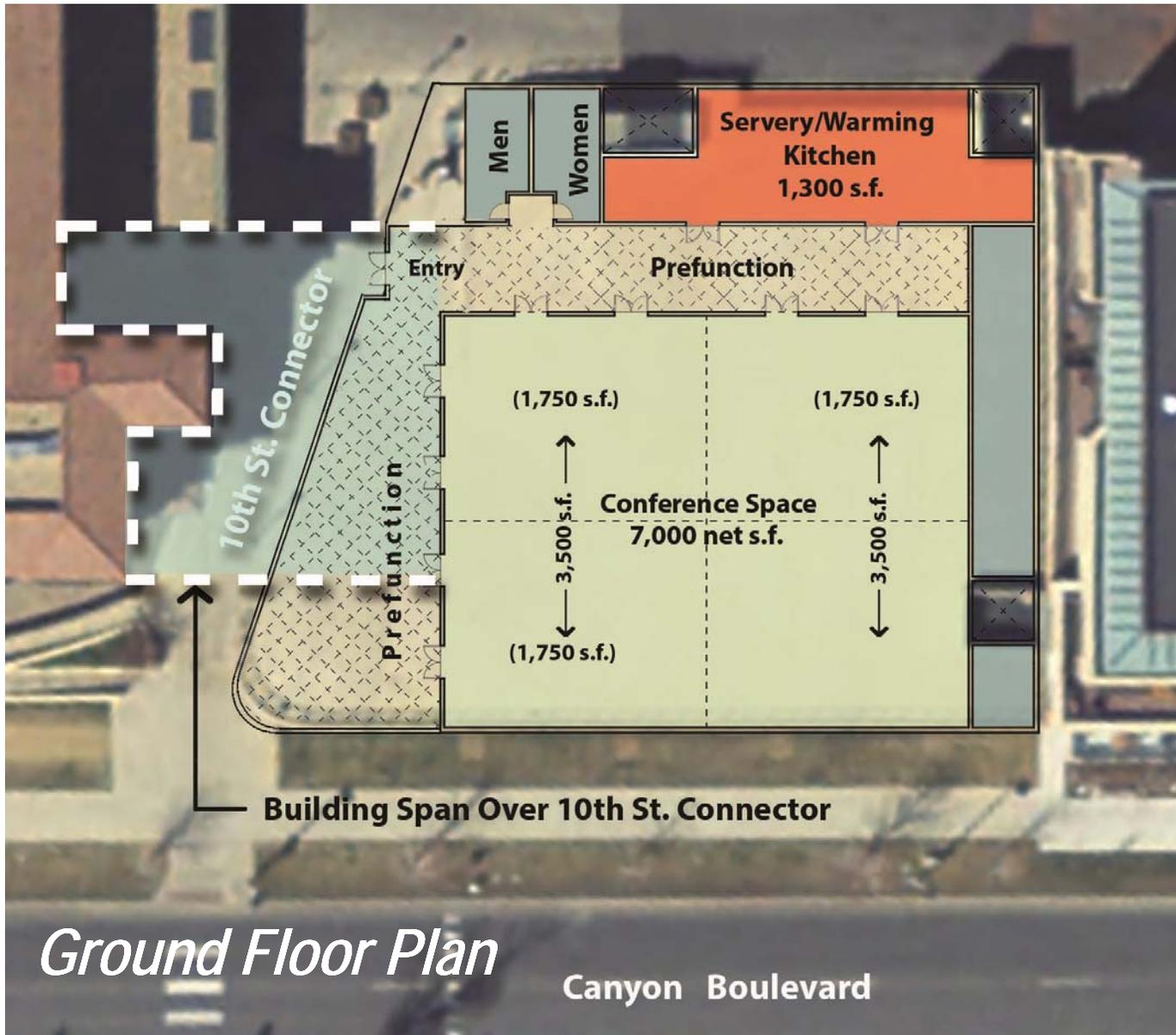


Civic Use Pad



Roof Plan

Civic Use Pad



Civic Use Pad



4-levels, with potential connection to St Julien above

Civic Use Pad



4-levels, with potential roof-top access

Civic Use Pad



Example of roof-top access

Dear Community Organization,

On behalf of the Civic Use Task Force, I would like to get your feedback about a potential new meeting/event space as part of the Civic Use Pad adjacent to the St. Julien Hotel and are asking you fill out the attached survey form and return to Ruth Weiss at weissr@bouldercolorado.gov by August 9th.

The Civic Use Task Force is a group of citizens, representatives from city boards and organizations and city staff investigating feasible options for creating civic uses on the Civic Use Pad in partnership with the St. Julien Hotel. A current proposal creates up to 7,000 square feet of event/meeting/conference space on the first floor of a building that also includes additional hotel rooms above. Details of the proposal are included in the attached survey. The proposal for larger event space which can also be divided into smaller options is in response from the community to have more options within Boulder for local events of all kinds.

The options for the Civic Use Pad are being considered within the context of the Civic Area Plan, please see attached image. The north wing of the library has a potential to redevelop as a small to mid-sized performing arts facility. Its proximity to St Julien Hotel, the potential multi-use event space on the first floor of the Civic Use Pad, and a potential arts/museum facility at a repurposed Municipal Building, would create a unique and vibrant mix of synergetic uses at the West End of the Civic Area.

We would appreciate your feedback and comments on this potential new opportunity for more civic space. If you have any questions please send them to me via email, winterm@bouldercolorado.gov.

Sincerely,

Molly Winter
Director
Downtown and University Hill Management Division/Parking Services
City of Boulder

**Preliminary concept for a Multi-Use Event Space at the Civic Pad at the St. Julien Hotel
July 11, 2013**

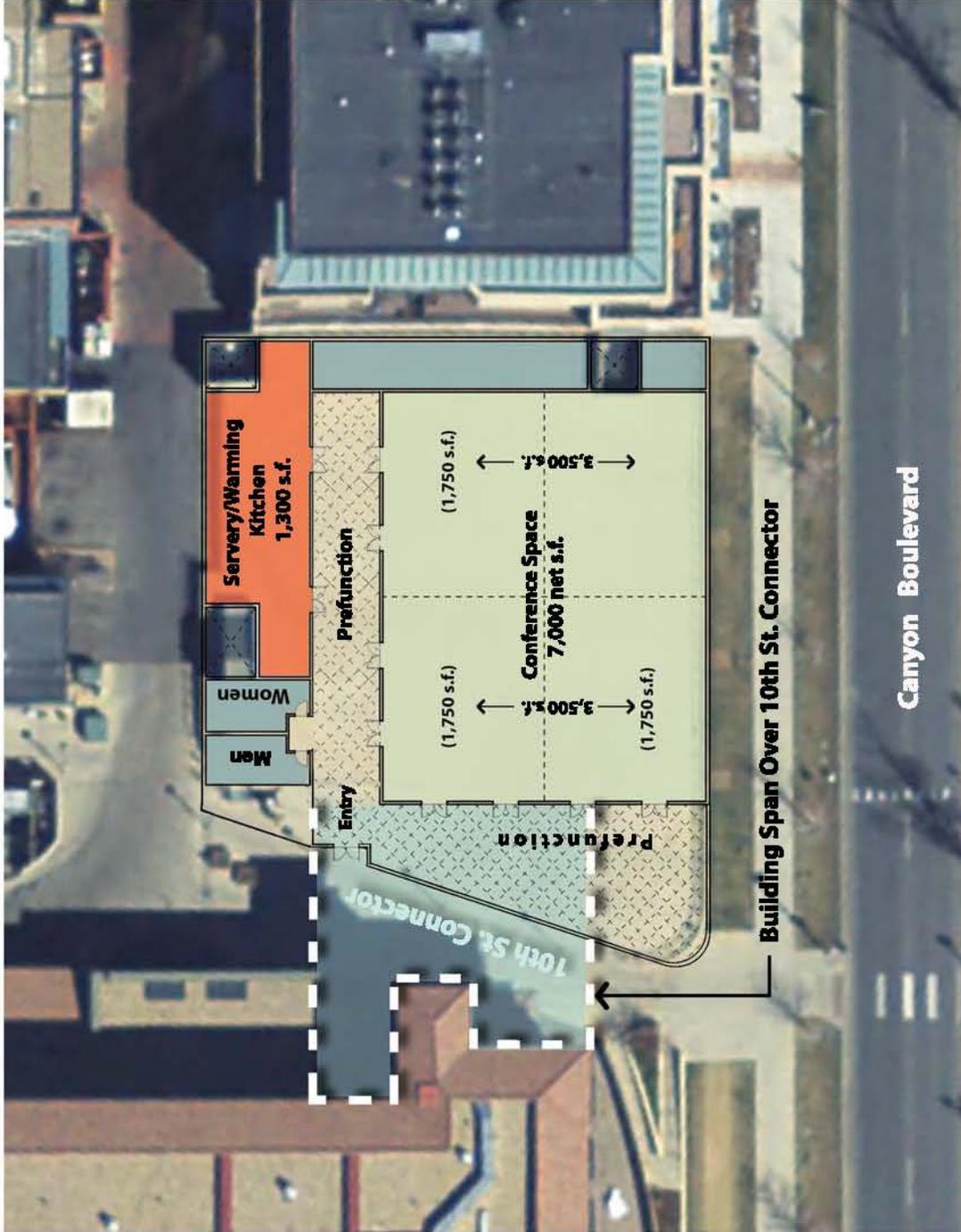
A citizen task force has been working with the St. Julien Hotel to develop ideas to incorporate an appropriate civic use into a potential building on the pad adjacent to the hotel along Canyon.

A concept under consideration by the task force and the St. Julien is a building with a first floor multi-use event space with views towards Canyon Boulevard and the Flatirons. We are seeking input from local non-profit and community organizations to ascertain their potential interest in and parameters for using such a multi-use facility in downtown Boulder. We would appreciate your participation in a short survey so that we can evaluate the demand for such a space and understand its financial feasibility.

A diagram of the space is presented below. The space is envisioned with the following attributes:

- 7,000 square feet contiguous event space also divisible into a variety of smaller configurations of two spaces of 3,500, or three spaces of 1,750 square feet; the attached chart indicates the potential estimated occupancies based on different types of events;
- Exterior pre-function space;
- The space will have a fee that is yet to be determined;
- A catering kitchen with the option of using an approved list of caterers in addition to the food services of the St. Julien;
- Potential access to roof top open-air facilities;
- Access to public parking available in the underground garage;
- Alcohol service available by the St. Julien; donated alcohol allowed provided in compliance with state and local liquor licensing laws concerning donated alcohol to non-profit and charitable organizations.

Room	Sq Ft	dimensions	Theatre 10/sqft	Classroom 20/sqft	Banquet 16/sqft	Reception 12/sqft
#1	7,000	94'x75'	700	350	437	580
#2	3,500	47'x75'	350	175	218	290
#3	1,750	47' x 37.5'	175	88	109	145



Preliminary Concept for Multi-Use Space at Civic Use Pad

July 5, 2013

SURVEY INFORMATION REQUESTED:

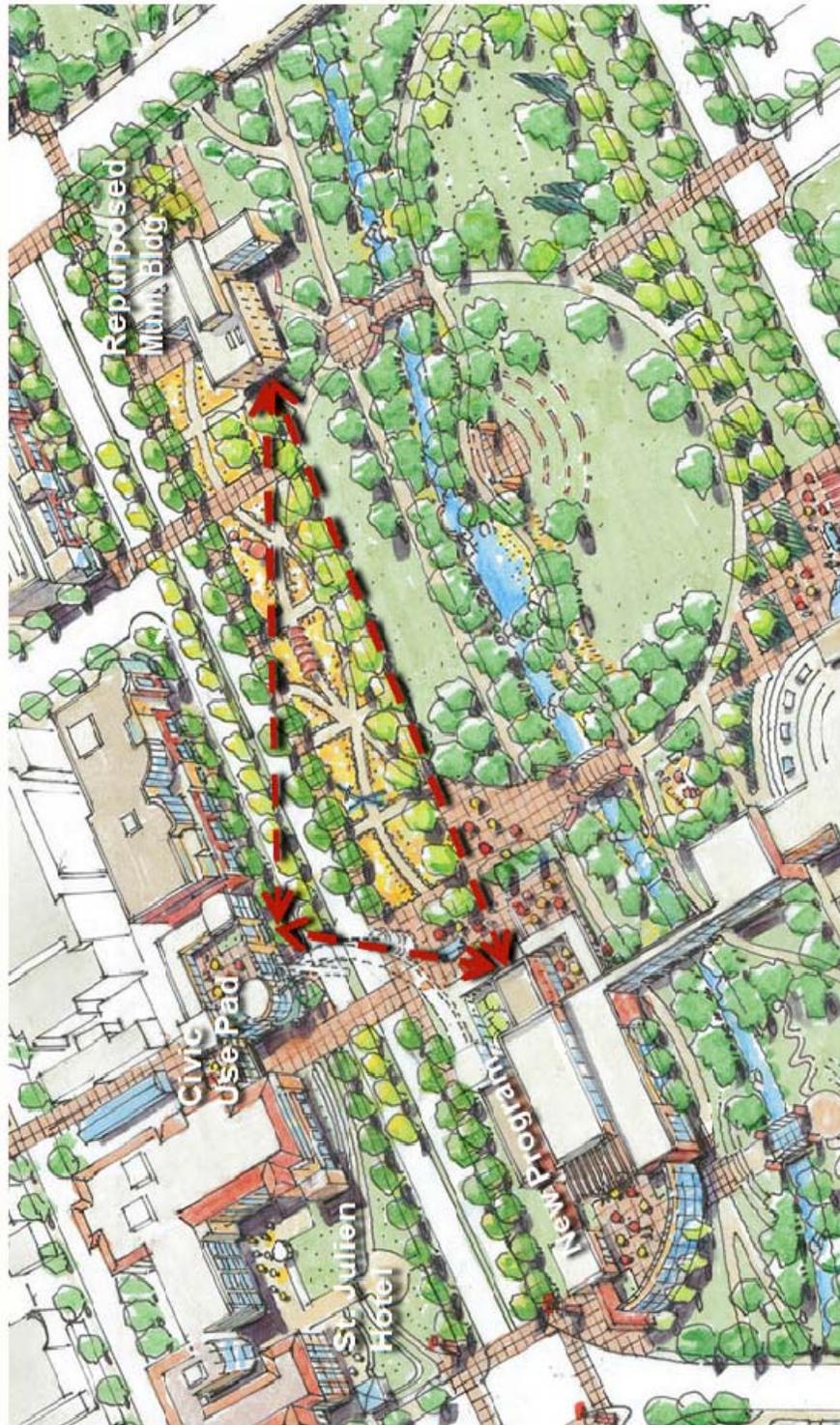
Name of Organization:

Space Demand:

Please see survey information requested below about your organization’s space demand based on the proposed plan.

7,000 sq ft Event Type:	# of Events	Frequency:					# of Participants
		Annual	Semi Annual	Quarterly	Monthly	Weekly	
Banquet/ Fundraising							
Reception							
Performance							
Meeting							
Other							
3,500 sq ft Event Type:	# of Events	Frequency:					# of Participants
		Annual	Semi Annual	Quarterly	Monthly	Weekly	
Banquet/ Fundraising							
Reception							
Performance							
Meeting							
Other							
1,750 sq ft Event Type:	# of Events	Frequency:					# of Participants
		Annual	Semi Annual	Quarterly	Monthly	Weekly	
Banquet/ Fundraising							
Reception							
Performance							
Meeting							
Other							

Comments:



DRAFT Boulder Civic Area Plan - West End

SURVEY INFORMATION TALLY
40 RESPONDENTS

7,000 sq ft Event Type:	# of Events	Frequency:					# of Participants
		Annual	Semi Annual	Quarterly	Monthly	Weekly	
Banquet/ Fundraising	8	X					2775 (250-450)
Reception	2	X					150/600
Performance	5	x	x	x			1800 (200-700)
Meeting	1 4	X X (4 days in Dec)					150 500-700 ea
Other							
3,500 sq ft Event Type:	# of Events	Frequency:					# of Participants
		Annual	Semi Annual	Quarterly	Monthly	Weekly	
Banquet/ Fundraising	2	x					350 (150/200)
Reception	2	x					200
Performance	4 – 6	x					350
Meeting	1	1					75
Other							
1,750 sq ft Event Type:	# of Events	Frequency:					# of Participants
		Annual	Semi Annual	Quarterly	Monthly	Weekly	
Banquet/ Fundraising	4	x					290 (30/60/100)
Reception	3	x					180 (30/50/100)
Performance	2	x					100
Meeting	43		x	x	x		425 (varies)
Other	8				x		50

Comments:

- * Rehearsal Space: 20 -22' ceilings – classroom/rehearsal – 6 days/week for 49 weeks, 6 – 8 hours a day.
- * Acoustically excellent mid-size concert space for 300'ish – 2 to 3 concerts/yr of 2 – 3 performances
- * Cost will be a large determinant for ECCBC
- * Via Mobility Services – cost would be a huge factor
- * Imagine Foundation currently use the Plaza Conference Center in Longmont since Boulder lacks large enough space with convenient parking. Would love to return to Boulder.
- * Greenwood Wildlife Rehabilitation Center – “very few options in Boulder for the type and size of fundraiser we have. We would welcome having this new venue.”
- * “Boulder needs a venue that can host 450+ for a dinner and have additional space for entertainment. We (There With Care) will need to move our events out of Boulder. In addition, it is important for non-profit organizations to bring in donations from outside vendors i.e. food, alcohol.”
- * Boulder Shelter – more need for meeting space than event space.
- * Attention Homes –recommend there be a commercial kitchen limited to heating/holding/mini prep only. I would not build a cooking kitchen. Cost is prohibitive and its use by many would be problematical. Also, 1750 configurations should be able to morph into smaller event rooms as well by half and half again. Small meeting areas in town are at a premium.
- * “I would also like low-cost lodging upstairs for visiting VIP’s. – EcoCycle
- * “I also wonder if there could be any potential to use the new site for a community emergency? I.e. an event such as the Four Mile Fire...”
- * I would like to request that Liquor Service have more than two options (donated or St. Julien). If a nonprofit can receive a liquor license and purchase wholesale or in some other discounted way, that seems more than legitimate. I realize the concerns of the St. J, and its desires to make revenue off the facility; however, as an example at Thorne's events, we purchase liquor at cost from both Vodka 14 and Organic Vintners' and they provide staff to serve. In this instance, we would have to forgo these meaningful contributions, that are well within the intent of what I imagine the City and St. J are trying to negotiate. The difference between this and paying the St. J would be in the thousands of dollars for our event. Also, I REALLY would like to see a final event space rental rate. The St. J is benefiting tremendously by the opportunity to build additional hotel rooms. I realize they have a little upper hand since the City and its nonprofit partners have not found a erasable and fundable use for the pad in the time allotted per the original agreements, however, this is a real boon for the St. J owners, and as such the space created should remain VERY affordable into the future and not be subject to the typical refits and staffing expenses of the St J in determining costs for nonprofits to use. The rates should be decided upon based on average best practices in other civic use spaces in other cities that are comparable and not managed by a for profit like the St. J. The annual losses on managing the space should be commensurate to the added value the St. J is receiving. All this said, I

am highly in favor of this arrangement with the St. J. I was against developing a civic use space not in partnership with the St. J, as I felt it would be better managed and of better value to the comity if it were done in partnership, now I just hope the partnership is one that actually allows organizations like mine to use the space.

Respondents:

- Rocky Mountain Revels
- The Early Childhood Council of Boulder County
- Boulder Valley Women's Health Center
- Tesseract Productions
- Via Mobility Services
- Imagine! Foundation
- Catalyst High School
- KGNU Community Radio
- Greenwood Wildlife Rehabilitation Center
- Independent Boulder Fund Raiser
- There With Care
- Boulder Shelter
- Attention Homes
- Knick O'Time Horse Rescue and Rehabilitation
- Boulder Concert Band
- Frequent Flyers Productions Inc.
- BoldeReach
- Eco-Cycle
- Boulder B-cycle
- Boulder History Museum
- Wow! Children's Museum
- Partners Mentoring Youth Boulder County
- Boulder County Public Health
- "I Have a Dream" Foundation of Boulder County
- The Community Foundation Serving Boulder County
- BMoCA
- Sound Circle and Resonance Women's Chorus
- Thorne Nature Experience
- Partners Mentoring Youth
- Kutandara Center
- 3rd Law Dance/Theater
- Grove Foundation
- Greater Boulder Youth Orchestras

Respondents – Will not use.

- Boulder Philharmonic Orchestra
- Flatirons Community Church, Lafayette
- Unreasonable Institute
- Boulder Ensemble Theatre Company
- Colorado Chautauqua Association
- Nederland Area Seniors
- Longmont Senior Services

815 emails sent, 40 replies, .049% response.

Civic Use Pad Constraints and Methods to Modify
Prepared by Deputy City Attorney David Gehr and Molly Winter

ISSUES	GOVERNING DOCUMENT	METHOD TO MODIFY	COMMENTS
1. Civic use required	Boulder Urban Renewal Plan – Ninth & Canyon revised plan adopted 1995. Section III B. 1	Modifications drafted and adopted by the Urban Renewal Authority, reviewed for comp plan compliance by Planning Board and adopted by City Council.	Broaden definition of Civic use.
	Condominium Declaration for Ninth and Canyon Hotel and Parking Condominium Article 6	Governed by the Condominium Declaration. Amendments to the map are covered by §3.2. Amendments to the Declaration are required by Article 20. It requires written approval of owners holding 75% of the votes of the association and 75% of the first mortgagees.	However, Article 6 permits the owner to reallocate the Civic use pad to the Hotel unit or the hotel garage unit without consent of the other party. § 18.1 supports the notion that the St. Julien Partners may convert the Civic use pad to a unit at the times specified in the declaration.
2. 20% Square footage requirement for civic use = 37,000 square feet	Boulder Urban Renewal Plan – Ninth & Canyon revised plan adopted 1995. Section III B. 1	Modifications drafted and adopted by the Urban Renewal Authority, reviewed for comp plan compliance by Planning Board and adopted by City Council.	37,000 s.f. may be too large and will be dependent upon the building program. Height limit and building setbacks (affecting floor plate size) may come into play in final design.
3. Civic Use Lease Terms			
a. Types and amounts of auxiliary commercial uses	Civic Use Operation Agreement, Exhibit A, Civic Use Form, 5/7/03: Section 4.2	Changes to the Civic Use Lease need approval from CAGID, St. Julien,	And the city?
	Civic Use Operation Agreement, Exhibit A, dated 5/7/03; 4.2section	Changes to the civic use lease need approval from Units G (CAGID) and H (St. Julien)	Section 1 of the operation agreement states that any material provisions of the civic use lease cannot be modified by the landlord without the prior consent of the city attorney. Also, § 16.12 of the lease provides in part that “any modifications or amendments . . . shall be binding only if evidenced in a writing signed by . . . the city , CAGID and each of the parties hereto.”
c. Lease extension beyond 35 years	Civic Use Lease Form, Section 2.4.c states 35 years		There are not any lease term extension provisions in the Civic Use Lease Form.
d. Change in civic use from museum and music and dance performing arts facility	Civic Use Lease Form, Section 4.1	Change in civic use needs written approval of the City of Boulder, St. Julien and CAGID	The use needs to comply with the use restrictions that are described in Section 4.1

PROPOSAL AND SITE SUMMARY:

Proposal: Modifications to the 9th and Canyon Urban Renewal Plan regarding the Civic Use Requirement to facilitate the plan's civic use requirement through a vision to develop a public private partnership between the city and St Julien Hotel. The vision creates a facility with both civic and hotel uses on the civic use pad adjacent to the St Julien Hotel. The concept proposes a facility on the civic use pad including 8,000 square feet of event space for shared hotel and "civic use" on the first floor, hotel uses on the upper 3 floors, and a multi-purpose roof deck. Incorporated in the vision is a potential pedestrian connection across Canyon Boulevard to a future cultural facility at the current main library location.

Project Name: 9th and Canyon: Civic Use Pad
Location: Northeast corner of 9th Street and Canyon **Boulevard**
Zoning: Downtown – 5 (DT-5)
Comprehensive Plan: Regional Business

Key Issues:

1) Is proposed modifications to the 9th and Canyon Urban Renewal Plan (URP) in compliance with the Boulder Valley Comprehensive Plan, including consistency with the DT-5 zoning and the Regional Business land use designation of the BVCP along with policies of the BVCP?

Background

An urban renewal plan adopted in 1988 for the 9th and Canyon site in downtown Boulder called for hotel and convention facilities, including retail, restaurants, entertainment, transportation facilities and underground parking. In 1995, City Council modified the plan to include design guidelines for the site, as well as requiring that a minimum of 20 percent of the gross floor area be committed to civic uses. As stipulated in the 9th and Canyon Condominium Declaration, the Condominium Association comprised of the property owners (the hotel owner, St Julien Partners, and the Central Area General Improvement District – CAGID – the downtown parking district and a separate taxing entity) has the right to lease the civic use pad at the southeast corner of the site in accordance with the civic use lease up until January 1, 2020. After such time, the civic use restriction will end and St. Julien Partners may develop the site as they see fit within existing zoning regulations. The civic use lease must be approved by the owner of the hotel unit (St. Julien Partners) and CAGID.

In February 2000, Planning Board approved a Site Review Amendment to approve a building on the civic use pad to house the Collage Children's Museum and the Village Arts Coalition dance organization. Due to financial challenges, this approved civic use building was not constructed.

The civic use component of the project first came under consideration in 1998 when a citizen task force comprised of city board, downtown and community members was appointed to review submitted proposals and make a recommendation to City Council. The civic use criteria approved by the City Council in 1998, and currently applicable to the civic use pad, are:

- Financial ability to construct and/or operate and maintain a use over time.

Attachment E: CP&S Staff Analysis of URP Plan Changes to the Boulder Valley Comprehensive Plan

- Acceptance as civic use defined by attraction/benefit to the cultural or scientific or educational or entertainment or artistic or humanistic or civic life of the community.
- Compatibility to the other urban renewal site uses, i.e. the hotel, the parking garage and open space.
- Enhancement to the vitality of the downtown by generating interest in coming downtown, diversifying the downtown experience for citizens, visitors and downtown users or complementing other downtown uses.

- 1) Community policy considerations including likely conformity of the proposed modifications with the Boulder Valley Comprehensive Plan and relevant policies;

BVCP Land Use Designation: As shown in Figure 1, the land use map below, the site for the Civic Use Pad is located within the Regional Business land use designation. The intent of the Regional Business designation as described in the BVCP is as follows:

“Within these areas are located the major shopping facilities, offices, financial institutions, and government and cultural facilities serving the entire Boulder Valley and abutting communities. These areas will continue to be refurbished and upgraded and will remain the dominant focus for major business activities in the region.”

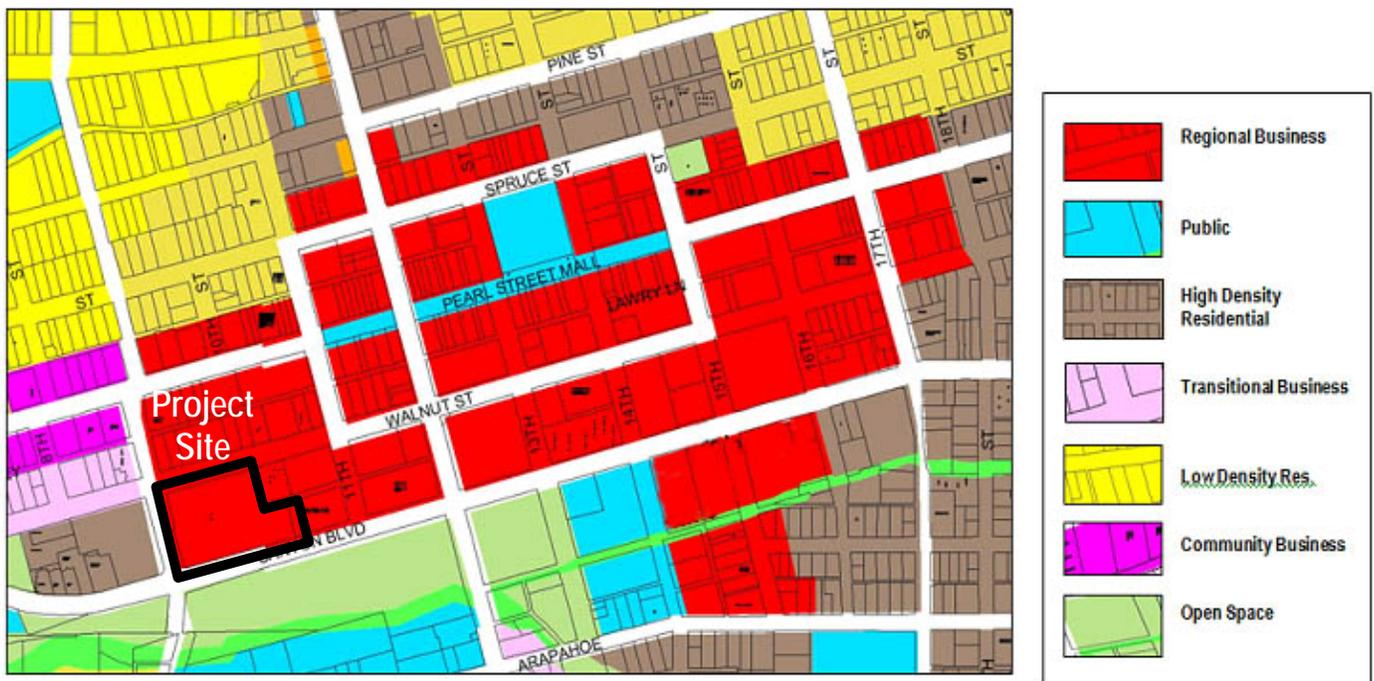


Figure 1: Boulder Valley Comprehensive Plan Land Use of Subject Site and Surroundings

The proposed use of the site to create a facility with both civic and hotel uses on the civic use pad adjacent to the St Julien Hotel is consistent with the “Regional Business” definition of the BVCP, in that the area is intended for “major” retail and offices “serving the entire Boulder Valley. The definition also indicates the city’s expectation that such areas will continue to be redeveloped and a dominant focus for major business activities in the region.

Relevant BVCP Policies: The proposed project is consistent with the following BVCP policies:

Attachment E: CP&S Staff Analysis of URP Plan Changes to the Boulder Valley Comprehensive Plan

- | | |
|--|---|
| 1.04 Principles of Social Sustainability | 5.09 Role of Arts and Cultural Programs |
| 1.03 Principles of Economic Sustainability | 5.13 Responsive to Changes in the Marketplace |
| 2.03 Compact Land Use Pattern | 8.05 Diversity |
| 2.18 Role of the Central Area | 8.17 Performing and Visual Arts |
| 2.30 Sensitive Infill and Redevelopment | 8.18 The Arts |
| 5.02 Regional Job Center | 8.20 Canyon Boulevard Cultural Corridor |
| 5.05 Support for Local Business | |

Zoning: As shown in Figure 2, the zoning map below, the property is located within the Downtown – 5 (DT-5) zoning district, surrounded by DT-5 to the north and east, and DT-2 to the south. Further to the south is RH-2 zoning and further west is public zoning.

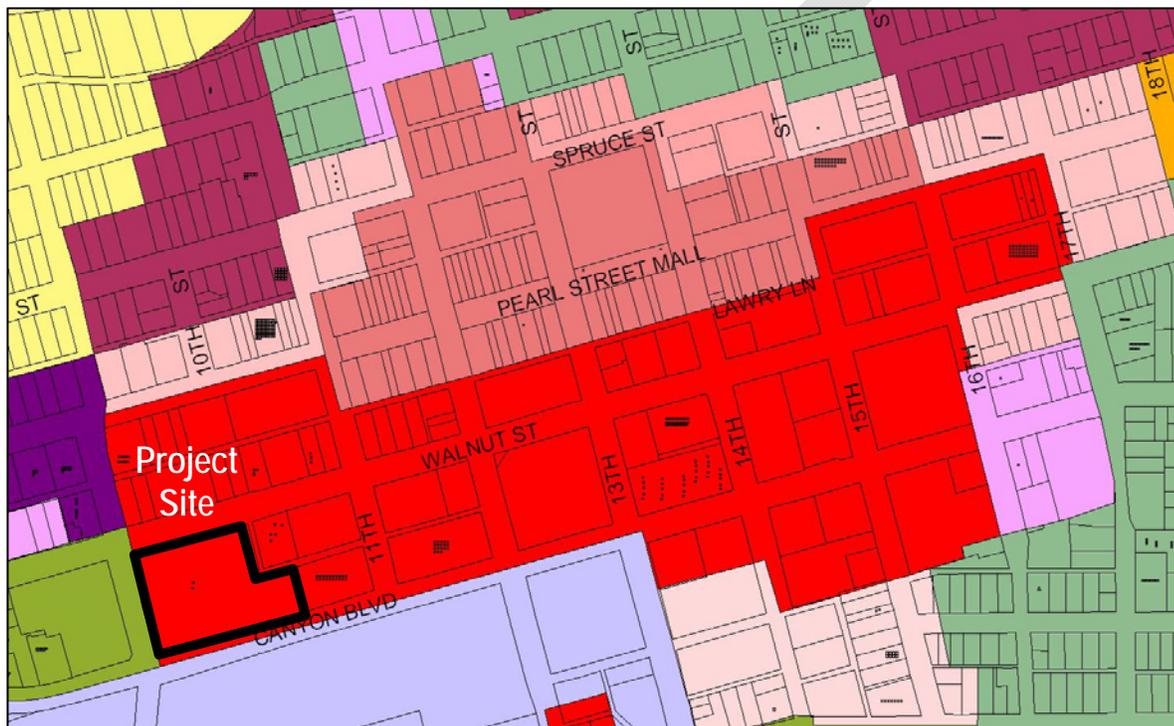


Figure 2: Zoning on the Subject Site and Surroundings

The DT-5 zoning district is defined in the Land Use Code, section 9-5-2, B.R.C. 1981 as follows:

“The business area within the downtown core that is in the process of changing to a higher intensity use where a wide range of office, retail, residential and public uses are permitted. This area has the greatest potential for new development and redevelopment within the downtown core.”

From the intent statement for the DT-5 zoning district in the Land Use Code, it is evident that the area within downtown where the project site is located is intended for “higher intensity uses” and an area where the city has anticipated the highest potential for “redevelopment.”

Central Area General Improvement District. The site is located within CAGID and as such there is no parking requirement for non-residential uses.

DRAFT