

**Community Benefits, Phase I Public Hearings
Public Comments, September through October 2019**

From: Ed Byrne <edbyrne@smartlanduse.com>
Sent: Sunday, October 13, 2019 4:33 PM
To: Council <council@bouldercolorado.gov>
Subject: Use Tables and Community Benefit Discussion, 10/15/2019

Please consider the below comments on the Use Table and Community Benefit agenda item scheduled for 10/15/2019:

Dear Mayor Jones and Members of City Council,

Don't just do something; stand there!

Are Boulder's best days before or behind us? Fear of failure is a powerful motivator, but vision and hope have always better served Boulder.

Deciding to tax ourselves and enter the marketplace to purchase open space and park lands may be the smartest policy we've adopted. Choosing not to deliver city water to homes on our foothills backdrop comes in a close second. Both wielded market tools in creative ways, steering growth to areas better served by Boulder's existing and planned local and regional infrastructure.

Neither tried to defy inexorable market forces or tie the private sector up with Gordian regulatory knots. Instead, public-private partnerships were formed – some grudgingly – and Boulder has continued to thrive.

Some are reacting to the good fortune with frustration: “they stab it with their steely knives but they just can't kill the beast.” – Don Henley, *Hotel California*. The pain is felt by all of us: local residential growth caps and escalating home prices have led to a regional diaspora. 64,000 in-commuters fill our streets, and head home at night to sleep elsewhere.

But they're not the only reason traffic congestion exists and is getting worse. Boulder's deal with the auto-dependent planning devil is an abject failure. Single use zone districts (residential, retail, office, industrial) require us to drive everywhere to do almost anything.

Allowing homogenous neighborhoods of all types to evolve towards “complete-ness” and self-sufficiency (the ability to work, shop and play closer to where you sleep) is the only human settlement pattern that has stood the test of time. Our carbon-fuel guzzling suburban planning experiment may not be running out of “gas,” but its profligate use IS killing Mother Earth. We have no back-up plan.

If Boulder, with all our resources, including wealth, wisdom and compassion, can't find a path forward to an environmentally sustainable, economically resilient, socially just future, who will?

Today, leadership that served us well in the past remains in charge three generations later, yet Boulder remains part of the problem, not the solution. Not for lack of trying, but for lack of vision. Partnerships, cooperation and consensus have served us well in the past, but now a kind of panic seems to have set in. With five of nine votes on a lame-duck council (6 seats will be filled on November 5th), are we about to double-down on a governing philosophy that may have run its course?

City Council is poised to adopt mind-numbingly complex Use Table revisions, rife with potential unintended consequences, and launch a one-size-fits-all community benefits project (on the agenda Tuesday night, 10/15/2019). Building on a zoning map featuring carefully delineated districts, staff has been told to dive even deeper into the use tables to dictate outcomes and render thousands of current uses “nonconforming” (hard to maintain and finance, nearly impossible to modify or enlarge).

Those who have again and again voted against affordable housing developments have reached into the top-down regulatory kit bag to propose new ways to DEMAND that the private sector (1) deliver more affordable housing and (2) eliminate jobs. A work stoppage is more likely.

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Is shrink-wrapping Boulder really the answer? Our current settlement patterns could hardly be more inefficient or dysfunctional. Why would we want to prevent Boulder's continued evolution if it only means our lives will – best case scenario –“get worse more slowly?” Heaven knows we can do better than that.

Progressive communities elsewhere are adopting a new approach where single use zone districts drawn with mono-colored highlighters are being discontinued and neighborhoods are being re-imagined, completed, and blended together (think watercolors for margins, instead of Sharpies). Strategically located density can meet neighborhood needs closer to home and office, while creating new village centers and retail-supporting workforce housing. We can begin to effectively reconfigure the auto-dependent planning experiment that has failed us.

The current council's directions to staff are to engage legislative drafting hyper-drive and “make it so.” A more deliberative process during which engagement with and receptivity to private sector and non-profit input should occur. This has served Boulder well in the past and can be used again now to shape our future. Don't just do something; stand there! We can figure this out together, if you give us half a chance.

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From: Andrea Meneghel <andrea.meneghel@boulderchamber.com>
Sent: Sunday, October 13, 2019 8:11 AM
To: Council <council@bouldercolorado.gov>
Cc: John Tayer <john.tayer@boulderchamber.com>; Lori Call <lori.call@boulderchamber.com>; Brautigam, Jane <BrautigamJ@bouldercolorado.gov>; Meschuk, Chris <MeschukC@bouldercolorado.gov>; Guiler, Karl <GuilerK@bouldercolorado.gov>
Subject: Boulder Chamber Letter on Community Benefit: Membership Input
Importance: High

Dear Mayor Jones and Boulder City Councilmembers,

Attached to this email, and copied below, is the feedback we have received from our members in regards to the Community Benefit ordinance you will be taking up on second reading Tuesday. They have contacted us with direct feedback about the Keyser Marston Assoc. economic analysis – indicating there is more to understand about the realities of delivering a project in Boulder, than the analysis described. Also, they have significant input regarding the implications and unintended consequences about the proposed ordinance itself.

I have included their comments here in raw form – and ask each of you to review the input provided.

Please confirm with me that you have received this and will review the input prior to your decision.

Thank you very much – we look forward to your discussion on Tuesday.

Andrea Meneghel
Director of Public Affairs
Boulder Chamber
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www.boulderchamber.com

WE BUILD COMMUNITY THROUGH BUSINESS

October 13, 2019

Re: Second Reading - Community Benefit/Height Limit Agenda Item

Mayor Jones and Boulder City Councilmembers:

The Boulder Chamber is writing to provide feedback we've received from the Boulder business community regarding the community benefit/height limit agenda item that will be going to second reading on October 15. This letter is in response to the Council's first reading discussion about the approach to community benefit and the height limits of buildings in Boulder.

Boulder Chamber Feedback and Members' Pro Forma Review

Following the release of the October 1 staff update and community benefit information packet, the Boulder Chamber received significant feedback from Boulder Chamber members who would be

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impacted by the proposed requirements and height limits. The feedback we received is primarily in response to Keyser Marston Associates' (KMA) pro forma analyses. We wanted to provide you with the feedback directly in the attachments to this letter:

- Attachment A: Office Pro Forma Feedback & Review
- Attachment B: Planning Board Recommendations & Affordable Housing Development
- Attachment C: Economic Analysis Feedback – Residential Development
- Attachment D: Community Benefit Proposal, Regulations & Incentives
- Attachment E: Height Limits, Affordable Housing Requirements & Density Bonuses

Please Note

- **Highlighting:** To call out key points made in the comments we have received, the Boulder Chamber has highlighted sections in the attachments provided by our members to bring them to your attention. Other than that, the comments are presented to you in their raw form.

- **Follow Up with Members:** The attachments provide feedback that we've received from our members who have extensive experience with Boulder's land use codes and development projects. We are willing to reach out to those members again if additional detail would be helpful.

Summary Conclusion: The clear implication from the review by our members of the KMA pro forma analysis is that it does not provide a complete picture of development costs in Boulder. As a result, these local development professionals believe the proposed community benefits for additional height leave insufficient incentive for them to consider adding space above the 35 feet height mark and, thus, it will simply act as a de facto permanent limit on building heights above 35 feet. Since we understand that might not be the goal for some on City Council, **we urge you to consider conducting additional analysis before expediting a decision that will lock-in community benefit standards that create barriers to affordable housing development.**

Additional Feedback from Boulder Chamber Members

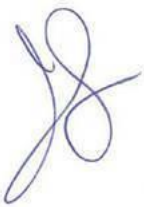
Expand the Appendix J Map and Conduct Analysis of Where Height is Appropriate: We strongly recommend expanding the areas throughout the city where height modification requests can be made. As Councilmember Brockett stated on October 1, "the worst thing that could happen is a project [outside of Appendix J] comes in with affordable housing as the only community benefits." At a minimum, consider adding additional zoning districts to Appendix J during this Phase I period (some – like RH and BR zones – were suggested by Councilmembers). Professional analysis by the Planning Department should take place to determine *where* taller buildings (up to 55 feet) are compatible with surroundings in the City of Boulder and can help meet community goals.

Expedite Phase II as a Council Priority in 2020: City Council divided the Community Benefit project (in process for years) into two phases. The original timeline – a height moratorium set to expire May 2020 - is adequate to complete Phase II. Staff has indicated that much of the work has been started, including drafting new site review criteria and analyzing additional community benefit options. We urge you to expand the list of criteria defining "Alternative Community Benefits" and complete it by the current May 2020 deadline.

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Thank you for your thorough review of our members' input. Please do not hesitate to reach out to the Boulder Chamber to further discuss this issue. In conclusion, the Boulder Chamber believes we can achieve genuine progress in advancing our affordable housing goals through implementation of a reasonable community benefit standard that considers actual develop costs. Unfortunately, the local development professionals who reviewed the proposed community benefit standards believe the underlying analysis paints an incomplete picture of local realities. The result is a community benefit standard that is unlikely to achieve your stated affordable housing goals.

We believe these conclusions are justification for additional time and analysis before proceeding forward in a rushed fashion. However, as City Council seems focused on completing Phase I of Community Benefits project this month, we urge you to weigh the input we are sharing to arrive at a more reasonable community benefit standard, to broaden the zones where it can be tested, and prioritize completion of Phase II.



John Tayer
President and CEO

ATTACHMENT A: *Office Pro Forma Feedback & Review*

Andrea,

We have reviewed and discussed the City's memo on their analysis of Phase I of the Community Benefit implementation. Given our experience, we focused on the office pro forma analysis and as a result, we have several concerns that include a flawed overall approach to valuation, a zero-sum and potentially negative outcome that would discourage taking advantage of the proposed program, and inaccurate assumptions. It would be wise to consider the unintended consequences and alternatives before moving forward with code changes.

Flawed Approach

The overall premise discussed in section 1.1 *Study Approach* is that value of community benefit is determined by the incremental increase in land value created by allowing more developable square feet. This premise is false. Land value is a market determined number and sellers today expect to get the same or better per square foot land value as recent sales. When we look at a potential acquisition, yes, we do a residual land value calculation to see what we can afford to pay and we have attempted to purchase land at that value, but sellers do not care what the buyer is able to afford, sellers will only sell at market (or above market) values. Whether or not a buyer is able to get more density on a site is irrelevant in the land sale process, as such, land price is not a fluid component of the analysis.

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The premise of the study is also to back into what fee the project can afford to bear. Said another way, this evaluation is set up to be a zero-sum approach where any additional benefit to the developer is offset by the fee derived. This is further discussed below.

Further, the study generically lumps all land and zoning types into two categories; outside downtown and downtown. The variety of zoning and land uses in each of these broad categories is extensive and truly needs further breakdown to appropriately analyze and understand the impacts of any proposed community benefit.

Inaccurate Assumptions

Land value is static and set at market price. Construction costs are also static and set at market value. Because of the broad range of land types, the generic land values shown in Table 14 do not accurately reflect market land values across all property types. On average, the two land values are both too low. Current comparative land sales inside and outside of downtown are currently higher than those.

Similarly, the generically applied construction costs shown in Table 39 and 42 are also too low. Surface-parked office buildings outside of downtown are upwards of \$250/SF for hard construction costs only. Both land and construction costs continue to climb.

Equity return requirements are also static because they have been compressed due to costs (land and construction) that continue to climb while rents are flattening. The Return on Cost requirement assumed in the report is 6.5%, which was explained as 100-150 basis points over the cap rate from recent sales. That is not an accurate assessment of future risk. Cap rates are currently at historic lows and are assumed to go up. We would typically use a 5 or even 10-year average cap rate, so Return on Cost requirements are more like 7.5-8%.

Then only variable that is somewhat flexible is rent, but even that is dictated by market. Rents shown in the report are overstated at \$36 NNN outside of downtown and \$40 NNN downtown. The comparative rents listed are on the high end and it is important to note that these are the "Asking Rent" number and not the effective rent numbers. It appears the highest asking rents in the market were "cherry-picked" to arrive at the highest possible rents. Those highest values would represent rents for the premium location in the building. If the rates for the least desirable locations were factored in, the average would come down significantly. The rents in the analysis are too few to get an accurate representation of the market also do not appear to be a weighted average of the comps, which would be lower than the rent used for residual value calculations.

The proposed linkage fee is backed into given the above assumptions in cost, required return and rent. Although not entirely clear, KMA appears to insert an arbitrary assumption that a developer will choose to pursue the bonus because they will receive a bonus incremental land value equal to \$1 million or 15% greater than the base zoning land value. Anything above that cap is translated into an additional linkage fee. The issue with that is threefold: First, the land value does not realize any additional value since the land price was set at market price. Second, while the developer has certainty around the cost of the additional bonus, they still have the cost and risk with the Site Review process that opens up the project to additional time (8+ months) and additional review scrutiny along with a public process because the additional bonus is no longer a by-right development. Third, and to KMA's credit, as described under Table 15, a mere \$1.50 miss in rental rate would yield an unsupportable project, meaning that there is no room for errors in assumptions or fluctuation in current market conditions.

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Unintended Consequences

Also, worth mentioning in the sensitivity Table 16, the lowest projected annual office rent outside of downtown is \$34.50. This average is also higher than market, and this table shows that at that rate and below no additional fee is supported. We have seen in the news, using Blue Canyon Technologies as an example, that higher rental prices are driving homegrown companies to Lafayette, Louisville, Broomfield and other surrounding communities.

Additionally, the City should recognize that they are also trying to support affordable commercial space and these assumptions show why it is near impossible to provide new affordable commercial space without subsidy. This new benefit program has the potential to exacerbate the affordable commercial issue.

Conclusions and Recommendations

Using KMA's assumptions and evaluation technique, the suggested additional cost obviates any potential benefits and, as such, the risk to a developer to pursue a project with bonus is not mitigated and too great. As a result, the likely outcome is that there will not be projects that take advantage of the bonus and therefore no additional fees contributed to affordable housing. One for Council and staff would be to allow developers to pursue bonus projects as "by-right" if they pay the required fees. This would shorten the timing and Site Review unpredictability, which would lower the overall risk of the project. At a minimum, it is critical that the analysis includes correct assumptions and conduct sensitivity analysis on those assumptions. Until that analysis has occurred, any decision will likely result in unintended consequences that will include either higher rents or a halt on development.

ATTACHMENT B: Planning Board Recommendations & Affordable Housing Development

Hey,

First, I agree with all of planning board's recommendations — here they are from the packet:

- To consider developing separate regulations and incentives outside of Site Review to encourage affordable housing projects, which incentives may include prescriptive density and intensity increases, increased height, discounted fees, expedited review, appropriate parking requirements;
- Should include prescriptive density and intensity increases tied to affordability (as called for in the BVCP Section 1.11 Enhanced Community Benefit), and consider discretionary height modifications through revised Site Review criteria;
- Consider discounting city fees to support affordable housing projects and establishing an expedited approval process;
- Consider adjusting the dwelling units per acre calculations for affordable housing projects so that they do not disincentivize smaller units and create a broader diversity of unit types and more de facto affordability;

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- Separate from suggestions specific to affordable housing projects, Planning Board asks that City Council also consider modifying the height calculation to allow floor area required to access roof decks by stair or elevator and treat roof decks like pitched roofs are being treated in the proposed ordinance; and
- Maintain a sunset date for Appendix J and prioritize the work required to consider where height makes sense in the City, which includes robust community engagement.

Above, the 5th bullet point — to reclassify elevator and stair head house overruns for rooftop access to NOT be counted as stories — would be a really important (and pesky) aspect of our code to fix with this ordinance; a lonely nugget of common sense in all of this. If we could emphasize this change, I think it would make some people in the design and development world feel a lot better. Furthermore, we've always seen it as discriminatory against handicap folks being able to get to a rooftop deck for their enjoyment. That developers would have to go to Site Review for another story (because the elevator overrun is considered such currently) to provide equal access is unconscionable and this needs to be fixed.

But, back to "brass tacks". I was direct with Keyser Marston that the premise of their recommended ordinance was ill-conceived. Here is what I told them and will communicate to you:

1. If we want affordable housing, there are about a dozen ways to incentivize its creation. Easy no cost ones are to use the energy of this process to instead commit to processing affordable housing permits in 90 days ("from idea to construction commencement in 90 days" is what I say), provide at least a 2-3x affordable housing density bonus, and for projects that want to go above 35' they just need to comply with the Form Based Code requirements at the staff level and its unappealable to planning board or council. Remove the politics from affordable housing and attract affordable housing development. Make affordable housing the HIGHEST AND BEST USE for Boulder's remaining developable properties in appropriate areas — Boulder Junction (TVAP 1 and 2), BR-1, etc.

2. Developers actually don't really care about height. That is, height, doesn't actually enhance a developer's pro forma (or the Residual Land Value to the seller). It's additional developable floor area that is actually interesting. I don't see this ordinance doing that nearly effectively enough (Staff is proposing a meager 0.5 FAR additional in several zones). This isn't enough because all of the development inputs are the same between market rate and affordable housing (land, soft costs, hard costs, etc), yet market rate new construction rents are more than 2x of what affordable rents are. So, it would stand to reason that to make affordable housing at least a pari passu competitive option for highest and best use, then a 2x density bonus for affordable housing should be warranted. If not, I can tell you with a strong level of certitude that this ordinance will not be effective in meeting its stated and intended goals.

3. We should be really careful with these ordinances. First, do no harm. Since a version of this council passed the Middle income Housing Strategy ordinance in 2017, exactly zero (0) Middle Income units have been created. Increasing the cash in lieu for market rate units was supposed to pay for this and the outside consultants' analysis carried the day. So, what have we done? We increased the cost of creating market rate housing and haven't even come close to predicting the behaviors of developers and land owners and have not created any of the middle income community benefits that were promised. This actually hurts the people we set out to help, which would be middle income market rate housing buyers.

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This seems like a *thickly* veiled attempt at simply reducing the charter height limit of 55' to a politically-legislated 35'. No one is going to make their building 50% affordable just to get another story. It's a bad idea and it's designed not to work or be attractive.

ATTACHMENT C: Economic Analysis Feedback – Residential Development

Andrea,

The council packet and the KMA report are pretty disappointing.

First, the proposal created for additional height/density isn't very attractive in that it requires an otherwise by-right project to be subject to site review. **The KMA report doesn't account for the added risk, uncertainty and costs associated with pursuing a site review hearing.** In addition to the costs directly associated with site review such as increased design and planning fees it also delays a project that the report considers to be already feasible. **Based on recent construction cost escalations a 6 month delay to pursue site review and call-up period could easily create a 5% increase in construction costs.** The KMA study also doesn't contemplate that developers almost always need to make concessions in the site review process - assuming that the full bonus is granted is unrealistic.

Second, this proposal and the KMA report does nothing to incentivize affordable housing. The KMA report doesn't contemplate the creation of any affordable units and is based on increasing the amount of contributions to the affordable housing fund which is the wrong way to go about addressing the intended community benefit of increased affordable housing production.

So, let me reiterate - huge takeaway and the wrong direction for incentivizing affordable housing: **the proposal created for additional height/density isn't very attractive in that it requires an otherwise by-right project to be subject to site review.**

I also want to make a point that the recommendations from Planning Board on page 3 of the Council packet are excellent. The most important and long overdue suggestion is the first related to incentivizing affordable housing through cutting regulatory barriers and providing prescriptive density and intensity bonuses.

Almost all affordable housing projects in town receive financial support from the city for the project's "funding gap" which is the result of an affordable project costing the same to construct as a market rate project but the revenue it may receive is limited. The funding gaps highly correlate with the cost of the land. **In theory, if we give permanently affordable projects a 200% density bonus these project will be much less dependent on "gap financing" and our limited affordable housing dollars will go twice as far.** That's one of many much simpler and no cost approaches to incentivize the production of affordable units which Planning Board is recommends in their first suggestion.

This KMA report uses mostly realistic financial assumptions but it's mis-guided in that its plan to increase affordable units is a higher tax on market rate units. We need to completely bifurcate an affordable housing development's financial reliance on subsidy dollars generated through market rate development. Without doing so there's no way we'll ever reach City Council's increased goal of 15% affordability without a substantial and unrealistic production of market rate units.

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Finally, we need to get rid of the Appendix J map. That's a defacto decrease to the charter's height limit to 90+% of Boulder that shouldn't be made through a "community benefit" project that's intended to address our housing crisis.

ATTACHMENT D: Community Benefit Proposal, Regulations & Incentives

I will say that in general that while there may be advantages to the proposed community benefit proposal, that it makes some sense to consider **expansion of the Appendix J area** – adding locations where additional height can be considered – or **eliminating the Appendix J criteria all together** and making anywhere in the city eligible for consideration through site review. I'd also add that requiring up to **50% permanently affordable is not likely to be financially feasible** for a developer without some additional incentive from the city – added height and number of units may not be enough.

In general, the pursuit of affordable housing is an essential and necessary goal. However, we seem to trend toward making new requirements and creating new obstacles, rather than providing incentives to developers. **We can't continue to legislate issues and update codes to get there – we have to entice people to develop creative solutions, and we don't really do that.**

As for the Use Table updates, my immediate response is, OK – but slow down. I work with them every day but need some extended time to fully consider the impacts of the proposed changes. It's absurd to consider a complete set of updates by the November election. Rushing to meet that timetable will likely result in unintended consequences.

There should be a slow and methodical series of public outreach opportunities, one small chunk at a time, and it could take another year to get through the code – but it's the right way to go about it. To assume we can or should upend the code we have in response to the Opportunity Zone issue is misguided. An overlay district on top of the opportunity zone, while not palatable, is a better short-term solution to look at specific proposals in the opportunity zone through a use review, without upending code across the entire community.

ATTACHMENT E: Height Limits, Affordable Housing Requirements & Density Bonuses

One practical issue that I have had come up repeatedly is that developers are not willing to pursue the affordable housing to get extra height because they feel like **it opens up the entire process to more scrutiny—adding to costs and delay.** I have seen developers try to stick with as close to a "by right" project as the can even in Site Review so that they don't get hit with more asks. **Practically speaking I have never had anyone go for the extra height with affordable housing which already exists in the code and I think that will continue even with the proposed amendments unless the City makes the process less onerous. What all my clients prefer is a density bonus which would require more flexibility of the open space standards in the code.** Current City code doesn't allow for any variances on open space which means you get stuck on the density issue. Having flexibility in the code to allow a variance on open space, i.e. a **density bonus, for affordable housing might be the best way to incentivize the issue.**

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The overall idea of amending the code to allow open space variances so you can get more density would be a huge benefit. I see projects that could be great but they can't get the density and there is no leeway under the current code.

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From: Metzger, Thomas <TomMetzger@regencycenters.com>
Sent: Saturday, October 12, 2019 9:07 AM
To: Council <council@bouldercolorado.gov>
Subject: Community Benefits Program - Ordinance 8359

Regency Centers is managing partner for joint ventures that own the Whole Foods shopping center on Pearl and the Safeway/HomeGoods shopping center on Arapahoe.

As we understand the current proposed Ordinance 8359 to establish a community benefits program, neither of these properties are included.

We ask Council to kindly consider both of these properties for inclusion in the proposed community benefits program. Thank you.

Sincerely,

Thomas Metzger
Senior Manager
303 300 5335

8480 East Orchard Road, Suite 6900
Greenwood Village, CO 80111

**Regency
Centers.**

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From: David Zucker <david@zocalodevelopment.com>
Sent: Saturday, October 12, 2019 6:19 AM
To: Council <council@bouldercolorado.gov>
Cc: Brautigam, Jane <BrautigamJ@bouldercolorado.gov>; Meschuk, Chris <MeschukC@bouldercolorado.gov>; Guiler, Karl <GuilerK@bouldercolorado.gov>; andrea.meneghel@boulderchamber.com
Subject: Opposition to Community Benefits Project Ordinance

5801 East Arapahoe, LLC
455 Logan Street
Denver, CO 80203

October 12, 2019

RE: Opposition to Community Benefits Project Ordinance

Dear Boulder City Council Members:

We hope that the beneficiaries of the Community Benefits Project are those of lesser incomes who are increasingly pushed out of Boulder. If City Council prioritizes those of lesser incomes, then it becomes apparent that removing the option to apply for a fourth story in exchange for 40% affordable units would have the deleterious and unintended consequence of harming those seeking affordable housing. We, as members of the development team that has submitted a currently under-review project that delivers 40% affordability with no City subsidy, have prioritized the project for those of lesser incomes, providing a set of true, broad community benefits. Our project, at 5801 Arapahoe Avenue, is a proposed green, mixed-use, mixed-income development supported by a group of mission-driven local investors on a currently-vacant, 15-acre parcel conceived, in part, to help the City achieve its jobs/housing, housing affordability and transportation and climate goals.

I am writing to express our concerns for the as-drafted City of Boulder Community Benefits Project ordinance, which limits the locations for height exceptions. I would urge Council not to move forward at the moment as it seems clear that Council needs to study and understand the potential unintended consequences of the restrictive approach now under your consideration.

To begin, the proposed areas on Appendix J that would get to participate in this program (eight in total) were based on an arbitrarily-selected set of locations throughout the City that represent projects pending at the time the original height limit moratorium was put in place in 2015. Many of these projects have been built and there is little or limited area in those areas, so restricting height limit exceptions exclusively to these eight areas has no discernible policy or planning rationale behind it.

Though I understand that this argument is facial and not substantial, at our project's August, 2017 concept plan hearing before the Boulder Planning Board, the proposed Project seemed favorably received to the potential of a fourth story, in large part due to its large mixed-income component, its mixed-use program and connectivity with nearby employers, RTD bus, services, etc.

We respectfully request that City Council not move forward with the proposed Ordinance changes or, in the alternative, expand the eligible locations to include all development applications that create significant affordable units.

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Thank you for considering the above comments. We look forward to City Council's decision on the proposed Ordinance modifications in the coming weeks. I would enjoy the opportunity to discuss this with Councilmembers or others.

Sincerely,

David Zucker
Managing Member

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From: Julie Van Domelen <julie@efaa.org>
Sent: Tuesday, October 1, 2019 2:49 PM
To: Council <council@bouldercolorado.gov>
Cc: Strategic Education Committee <Strategiced@efaa.org>
Subject: Submission of Comments on First Reading Ordinance on Community Benefit

EFAA would like to encourage council to adopt affordable housing as a community benefit in exchange for additional building height, with a focus on providing house for those earning below 50% AMI and housing with enough bedrooms to provide for families (2 r more bedrooms) Housing is the No. 1 challenge for the families EFAA serves. We provided housing to 138 families in 2018 and rental assistance for 500 more. The demand for our housing programs far exceeds our capacity to serve. Census data suggests that in 2017, 61% of renters in Boulder spend more than one-third of their income on rent. Housing insecurity greatly contributes to chronic stress, which has numerous long-term physical and mental health impacts for adults and children.

There simply isn't enough housing for all the workers in Boulder. The people who mow lawns, pour coffee, teach our children, save our lives during emergencies. Whatever we can do to provide housing for these people, we should do it. Every day that we don't take action is a day we are subjecting families to the stress of long commutes and high bills, and to the fear of not knowing if they will be able to continue to provide housing for their children. Please do everything you can to encourage the construction of affordable housing, again with a focus on housing for families and our lower-earning workers.

Thank you.

--



**Emergency Family
Assistance Association**

Julie Van Domelen (she, her, hers)

Executive director

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www.efaa.org



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From: david martus <dmartus@gmail.com>
Sent: Tuesday, October 1, 2019 4:01 PM
To: Council <council@bouldercolorado.gov>
Subject: Community Benefits

Hello Council,

As you prepare for tonight's meeting on Community Benefits, I would encourage you to reflect on a broader quality of life questions for existing residents. Boulder has a carrying capacity, some will say it has been exceeded, and it deserves to be part of the dialogue as new residential and commercial growth combined with a fixed infrastructure of streets leads to more traffic, increased air pollution and an overall lower quality of life. With the huge increase in travel times across town, I spend less money at local merchants than I used to. Boulder is not big enough to Balkanize it and have residents needs met solely in their local strip mall/neighborhood. We are a bit stuck in that way.

Should we as a community consider ways to increase affordability without increasing density and population growth? I have not seen this come up, but been "told" that density (ADU's, taller buildings, co-ops) are the only means towards affordability. In my 34 yeast in town, the same headlines about affordability are written and we should recognize that we can't grow our way out of it. Looking at current houses for rent in South Boulder, I see plenty of three bedroom places for between \$2,000 and \$2,400/month. Split three ways, this is pretty affordable. This is what I did many years ago while saving towards a down payment.

On a related note, it would be interesting to sell new residential construction and parking spots separately. Let's incentivize those who are willing to live car free by not making them pay for parking in buildings where street parking within a reasonable radius is not available Boulder Junction for instance).

Lastly, I would appreciate any individual thoughts on how to focus more on serving the current residents and less so on changing codes/rules which in the end put more money in the developers pockets and then in the pockets of existing commercial land owners who benefit from a denser city while leaving very few better off in overall quality of life.

Kind regards,

Dave

David Martus
+1.720.480.2975 (M)

**Community Benefits, Phase I Public Hearings
Public Comments, September through October 2019**

From: COMH <COMH39@comcast.net>
Sent: Tuesday, October 8, 2019 12:44 PM
To: Council <council@bouldercolorado.gov>
Cc: Sam Lounsberry <slounsberry@prairiemountainmedia.com>
Subject: Planning Board Meeting Sept 19/ City Council Development Approvals-Governance By Responsible Representation???

City Council,

As a long time Boulder city resident I continue to be alarmed at the continual lack of governance by representation in our community by our elected and appointed community leaders.

I watched the Sept 19 City of Boulder Planning Board meeting in full and the resulting Boulder Planning Board's actions lacking representation of their community:

1) disregard of data by survey and community feedback in developing their recommendations to council for allowing maximum allowable height adaptations for developers/development, and

2) the appalling addition of unrequested recommendations OFF topic integrated into a much broader planning recommendation versus the one requested by council to once again push an agenda of small dense housing units/community population intensity and conversely restrict and negatively judge family size units of 3,000 feet or larger as largely unacceptable in our community. These same type of planning board recommendations were just recently voted down by the community at large by extensive community meetings regarding code amendment zoning proposals to do the same (and btw as we know all residential houses must be net zero now per code moving forward and are all energy efficient by definition).

Regarding point #1) the majority of citizens were NOT in favor of allowing maximum height allowances (survey "no" or "maybe". ONLY a small minority voted yes). The planning board however took the inappropriate liberty of deciding that all maybe votes are a yes vote and bulldozing the public with their own agenda under the guise of limited "community benefit" recommending the granting of height allowances to developers for the allowable maximum 55 feet for increased intensity and density as long as some "community benefit " was supplied. Importantly and NOT discussed are there many other equally viable solutions for example to achieve "community benefit" goals that do not impact building height? I think yes, which begs the question who is really benefiting from these recommendations allowing developers to build to the maximum allowable height regulations of 55 feet? And of equal if not greater importance what happened to the community benefit of being able to see and enjoy our mountains, one of the main hallmarks of our mountain community's attraction and appeal to residents and visitors?

Is this representative governance?

Regarding point #2) The planning board in addressing building height allowances for limited "community benefit" and developer allowed advantage then veered completely OFF TOPIC and decided to write an entirely unrequested and recently community voted down ADDED recommendation for smaller homes and increased density and intensity which North and South Boulder communities (the parts of the city to be impacted by the planning board's recent zoning proposals) have clearly, openly and with large

**Community Benefits, Phase I Public Hearings
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community participation and input have voiced they are NOT wanting or are in favor of, EVEN in light of an agenda in the planning group's community meetings that only pushed options in favor of city council's and planning board's intensity/density zoning recommendations and asking no resident citizen voters about their point of view overall on the issue of intensity and density. Yet our educated and observant voters and residents were not easily misled on their options and clearly expressed their viewpoints against these higher density and intensity zoning proposals for established single family neighborhoods and planned communities.

Regarding point #2 one planning board member even questioned Mr Bowen's recommendation to include language in the city council requested building height proposal OFF TOPIC addressing this unrequested broader planning recommendation restricting larger family sized units and incenting intensity and density smaller units, citing the recent strong community direction against these types of measures, yet was over-ridden by the group as a whole with the attitude that the planning group knows what is best for the community, better than what the voting and large tax base paying residents citizens have actively said they want in their community. What irresponsibility and condescension. What obvious abuse of their appointed role!

This is NOT representative governance.

Can City Council please tell the voting public how four individuals (Bowen in particular) on the city's planning board are entitled to redesign our city landscape to their own personal political vision and community ideals versus the residential voting community's most clearly communicated views? How presumptuous, irresponsible, and completely OUT OF LINE are these actions by the Planning Board in their assigned role/responsibility.

The City Council and the City's Planning Board needs to be responsive to the community's vision of their city, not their own personal agenda's and views.

The vitally important questions now are:

- 1) How do we change the current governance and process to be representative of the actual community's viewpoints and importantly enforce existing city of Boulder controlled growth legislation/regulation in place?
- 2) Are you tracking the rate of population growth and housing growth, City Council as a governing body is actually approving annually versus what our existing regulations charter you to approve? We are.

The data is published and the voting public is aware- over 1,026 apartment units are currently under construction with an added approximately 678 units per Apartment Insights, which does not reflect actual population increase per unit in just this year. These numbers also do not include housing unit growth approved and built this year based on multi-unit condos, multi-unit townhomes and individual houses (nor does it include Armory Project just approved of over 200 units).

3) Why is there a complete lack of real per capita growth cost impact being calculated for community resource infrastructure capacity

**Community Benefits, Phase I Public Hearings
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and short and long term community resource use impact for increased development in the large scale intensity and density growth

development approvals being passed by the city planning department and City Council? Where is City Council's, Planning Board's

the city Planning Department's fiscal responsibility to community tax base residents?

This is completely fiscally irresponsible and unacceptable and in my opinion favors developers' interests and profits versus the existing residential tax payers ever growing annual tax liability and ever increasing Boulder cost of living for tax paying residents.

These cost impacts are items like:

increased road use impact costs, total water resource use/water reservoir availability cost per capita, increased water plant

processing capacity and maintenance population growth impact costs, increased fire and police department use/need cost

impact, increased education system use and capacity cost impact, not to mention impact on already below EPA standard air quality,

unacceptable traffic noise and air pollution due to high traffic congestion, and potentially decreased pedestrian/bicycle safety

with ever increasing traffic volume and driver aggression due to growing limited traffic capacity, which is not expanding parallel or

relative to population growth.

4) Who specifically is bearing the tax liability of these community resource use and infrastructure per capita cost impacts short and long

term that are NOT currently being calculated into the City Council and Planning Department's development approval process and

how are these costs being taxed fairly and proportionally short and long term to the drivers/developers of these increased

community costs?

5) City Council are you paying attention to the source of material you are using to govern and make representative decisions?

Are you asking for randomly sampled representative data based on demographics and neighborhood geolocation that is statistically

projectable for your decision making versus data that may conveniently support your views or some views from sources like the

planning board or BeHeard Boulder which is none of the above?

Are you questioning your city planning board on WHERE their recommendations are coming from, whom they are representing in

their recommendations, and what real statistically reliable and projectable data/evidence they have to support their

recommendations? Are their recommendations sourced with the actual data and full backup?

**Community Benefits, Phase I Public Hearings
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6) We must vote OUT Planning Board and City Council individuals (and request Planning Department leadership change) that continues to NOT represent the residential tax base community and their needs?

Perhaps it really is time for comprehensive change in our city planning department process, planning board official appointments, and importantly city council representation.

**Community Benefits, Phase I Public Hearings
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October 7, 2019

Letter to Boulder City Council Members:

As a small business owner and landowner in the community I have been watching the current discussion about Community Benefit – Height Limits – the Opportunity Zone development moratorium and other Use Table changes being proposed. A key element in this discussion is the Appendix J area map showing a limited patch of areas in the City that were quickly developed back in 2015 and have been extended until now.

Boulder is working hard to create incentives so that if and when land is developed the resulting projects will be designed to maximize the “Community Benefit” uses desired by the City. The Appendix J area map does not make sense if the City’s goal is to maximize these goals. If you are truly sincere about expanding affordable housing development, then this Appendix J should be abandoned and properties in many more zones should be eligible to request height modifications.

My property is not located in one of the Appendix J areas although it is located just across the street from one of the eight areas. By precluding my property from having a chance to consider opportunities for height bonuses in effect this is creating a downzoning of my property and a possible reduction in its residual land value.

My property is also in the Opportunity Zone area designated by the federal government. I would like the City to remove the moratorium on possible development in this area. The Use Table changes and other proposed changes intended to align better with the Boulder Valley Comprehensive Plan need to be allowed to take advantage of the tax incentive before that opportunity slips away and we lose the financial incentive to move forward with projects that contribute to meeting community goals. At the very least, rather than rushing forward with what would amount to a long-term restraint on property development that conflicts with your stated desire for more affordable housing and support for small businesses, please do not rush this process. Allow more time for landowners and small business people like myself to participate more in the discussion. The city Planning Department is working hard to provide the information for all of us to review and understand. Maintaining the current city-wide height limits across such a wide expanse of the City of Boulder through adoption of the Appendix J map would be a clear statement that growth control, not “community benefit,” is the true aim of this City Council.

This is a critical time in the management of the City and how the City will look and operate in the future. Please either allow many more properties across the City of Boulder pursue the Community Benefit standard or pause before making further mistakes.

Thank you for your consideration.

Pam Baca

**Community Benefits, Phase I Public Hearings
Public Comments, September through October 2019**

From: James Murphy <jdmurphy303@gmail.com>
Sent: Thursday, October 10, 2019 4:23 PM
To: Council <council@bouldercolorado.gov>
Subject: email sent to the Planning Board attached for your reading

Members of the City Council,

Herein please find a copy of an email that I just sent to the to City of Boulder Planning Department.

There is a ground swell of anger among the citizens of Boulder about property development, granting of guideline variances and the seemly deft ears the City Council and the Planning Board have to protecting the unique vision the Pioneers had years ago when guidelines for the Blue Line and Hight Restrictions were established.

Over and over again, we have seen developers being granted all kinds of height and density variances to the law. It has been going on for years. Wise people now recognize that by granting these variances, city government employees like yourselves are ruining our uniqueness as a city and as place that sits on one of the most glorious locations in the nation.

We have implemented so many wise and visionary measures in Boulder. I think our initiatives developing our Open Space and Mountain Parks, The Blue Line and the height and density guidelines were and are ingenious.

Today on going city actions regarding the allowance of variances to these wise measures are not only disappointing they are ruinous to the true unique feel and nature of our town.

The Pioneers got it right, let's honor their wisdom. No more variances and use common sense and wisdom to honor this place.

James D. Murphy

Members of The Planning Board,

Per your consideration of Appendix J, I object to any modification in order to grant variances to current height and density restrictions which are part of the unique fabric of our town of Boulder. We (you) are now in the process of eroding that uniqueness.

The Pioneers and the voters (including Ruth Wright of course) years ago had a great vision for Boulder by respecting its incredible physical setting. Not unlike our nations founding father's, these visionaries set in place wise guidelines for the citizens and the future.

I think that the City of Boulder is breaking down those wise guidelines laid out by the Pioneers as we over and over see developers being allowed height and density variances. Unlike the Pioneers, developers are basically in the business to make money and make it as fast as possible....not worrying about the citizens and the legacy they the developers will leave behind forever.

**Community Benefits, Phase I Public Hearings
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You can make a difference just as the Pioneers did. Do not allow variances to our well thought out guidelines for the short term profit of developers who will come and go while we are forever impacted by your and their actions.

Sincerely

James D Murphy
642 Mapleton Avenue
Boulder 80304

**Community Benefits, Phase I Public Hearings
Public Comments, September through October 2019**

From: Pomerance, Stephen <stevepom335@comcast.net>
Sent: Sunday, October 6, 2019 1:33 PM
To: Council <council@bouldercolorado.gov>
Subject: Fwd: Community Benefit project update

To the Council:

As you are well aware, the economics of development are VERY much different in an Opportunity Zone than in areas that are not so designated.

It is a gross understatement to say that it is a better deal — in fact, profits can even double under certain circumstances. And anyone would be foolish to do development in an OZ and not take advantage of this financial windfall, especially since it only requires some paper moves, and nothing of any substance on the ground.

Given that, it is quite reasonable for you to demand a much higher level of Affordable Housing or Linkage Fees from the 4th and 5th stories of any development in the OZ as part of your Community Benefits scheme.

But to do this, you need KMA to amend their analysis to provide you with those OZ numbers for what would be the appropriate AH and Linkage Fee percentages. From the email string below, it is clear that this work has not been done. I think that this is an unfortunate oversight — not blaming anyone, just noting the reality of the situation.

I believe that KMA could expand their analysis without a lot of work, since most of their current analysis could easily be applied - the OZ tax breaks only show up in looking at the profits, not in the costs. And given the massive benefit that accrues to the owners if they hold the property for 10 years, I would use that assumption — in other words, assume that the owners will maximize their profits.

So...I strongly suggest the following:

- 1) continue with the current ordinance, so at least you have the framework in place;**
- 2) immediately ask your CM to ask KMA to do this additional bit of work to give you numbers for the OZ;**
- 3) if you get them back before second reading, then just amend it then;**
- 4) if not, then pass the current ordinance at second reading, but put a moratorium on OZ site reviews that ask for height over the by-right numbers until you get the KMA numbers back and can make the necessary amendments;**
- 5) once those amendments are made, the council that does this (whether it's you or the next group of folks) can lift the moratorium.**

All of this could be done in a few days, but will probably take some weeks, or maybe a month or two at the absolute longest. So this is not a huge delay.

**Community Benefits, Phase I Public Hearings
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But given all the attention to Affordable Housing, it seems like it would make total sense.

Thanks for your consideration,
Steve Pomerance

Begin forwarded message:

From: "Guiler, Karl" <GuilerK@bouldercolorado.gov>
Subject: RE: Community Benefit project update
Date: October 4, 2019 at 4:33:36 PM MDT
To: "Pomerance, Stephen" <stevepom335@comcast.net>

Steve,

No, the analysis was based on our zoning and current market conditions. The IRS regulations surrounding the Opportunity Zone were not taken into account.

Karl

**Karl Guiler, AICP
Senior Planner/Code Amendment Specialist**



**City of Boulder
Planning**

O: #303-441-4236
guilerk@bouldercolorado.gov

Department of Planning
1739 Broadway, 3rd Floor, Boulder CO 80306-0791
Bouldercolorado.gov

Discretionary Review Track Submittal Date Changes (ADR, AUR, LUR, TEC) take effect on May 6, 2019!

On May 6, Planning and Development Services will change the existing LUR and TEC Review tracks to three-week cycles. This means that applications will be routed for review every three weeks instead of on the first and third Mondays of each month. The new submittal calendar is published on the city's development services website at <https://bouldercolorado.gov/plan-develop>. Administrative applications (ADRs, AURs, PARs) will be routed every other Monday but will remain on a two-week review cycle. This change is being made to create a more predictable and reliable review schedule and to better manage staff's workload. For more information please email: plandevelop@bouldercolorado.gov

From: Steve Pomerance <stevepom335@comcast.net>
Sent: Friday, October 04, 2019 1:20 PM
To: Guiler, Karl <GuilerK@bouldercolorado.gov>
Subject: Re: Community Benefit project update

**Community Benefits, Phase I Public Hearings
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And to get to the “bottom line” on this one, was the KMA analysis based on Opportunity Zone tax rules, or on standard (non OZ) tax rules?

On Oct 4, 2019, at 7:15 AM, Steve Pomerance <stevepom335@comcast.net> wrote:

Hi Karl,

A quick question on the CB project —

Why did KMA only do one analysis as to what is financially feasible for developers to do for their upper floors?

It seems to me that the analysis would be very different for areas within the OZ versus those not in the OZ.

What am I missing?

Thanks,

Steve

On Oct 3, 2019, at 4:27 PM, Guiler, Karl <GuilerK@bouldercolorado.gov> wrote:

Update on the Community Benefit project

The public hearing and first reading of the proposed Phase I Community Benefit ordinance (Ordinance 8359) was heard by City Council on Oct. 1st. Phase I of the Community Benefit project is focused on new permanently affordable housing requirements for height modifications involving requested 4th and 5th stories for buildings above the zoning district height limit up to the 55-foot maximum. Phase II (anticipated for 2020) will focus on other identified community benefits (e.g., below market rate commercial space, space for the arts etc.) and updated Site Review criteria for a greater level of predictability in projects and better implementation of city goals.

City Council unanimously passed the Phase I ordinance on first reading, but requested the following additional options be explored prior to final decision on the ordinance:

1. Determine whether the identified “Nursing Homes and Assisted Living” use could be limited to non-profit projects or those that ensure a level of affordability to residents, and
2. Explore whether Appendix J (the map in the land use code that determines where height modifications may be requested) should be modified to:
 - a. Include additional areas within the Boulder Valley Regional Center (BVRC) [i.e., the mixed-use, retail-oriented areas along 28th Street mostly zoned Business Regional – 1 {BR-1}] for potential height modifications beyond just the Twenty Ninth Street site, and
 - b. Include areas zoned for High Density Residential [e.g., RH zones].

Staff will return to the council on Oct. 15 with the additional information. The council may decide on the ordinance on this date. If you have questions about the proposed ordinance, please contact Karl Guiler at guilerk@bouldercolorado.gov or Phil Kleisler at kleislerp@bouldercolorado.gov. Comments on the proposed ordinance may also be sent directly to City Council at council@bouldercolorado.gov.

The Oct. 1st City Council packet can be accessed [here on page 139](#).

**Community Benefits, Phase I Public Hearings
Public Comments, September through October 2019**

**Karl Guiler, AICP
Senior Planner/Code Amendment Specialist**

<image003.jpg>

O: #303-441-4236

guilerk@bouldercolorado.gov

Department of Planning
1739 Broadway, 3rd Floor, Boulder CO 80306-0791
Bouldercolorado.gov

Discretionary Review Track Submittal Date Changes (ADR, AUR, LUR, TEC) take effect on May 6, 2019!

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**Community Benefits, Phase I Public Hearings
Public Comments, September through October 2019**

From: Sally Eckert <sallyaeckert@gmail.com>

Sent: Thursday, October 03, 2019 9:37 AM

To: Council <council@bouldercolorado.gov>; Guiler, Karl <GuilerK@bouldercolorado.gov>; Jim Leach <jim@whdc.com>; sherry richards <sher@indra.com>; Natalie Portman-Marsh <npmconsults@gmail.com>

Subject: Phase 1&2 community benefit- BAM

Dear City Council,

Thank you for your on going service to the people of Boulder. Below you will find attached a letter concerning art and culture as community benefit regarding phase one and two.

Thank you for taking the time to read and address our thoughts and comments.

Best,

Sally Eckert - president Boulder Art Matrix



To City Council,

Boulder Art Matrix, 501C3, has long been interested in the concept of community benefit and its possible effects on affordable housing and culture in Boulder. The phase one aspect of community benefit in Boulder is to support more affordable housing built on location in exchange for more height up to the already approved 55 feet. This appears to be a concept that is needed for responsible growth in Boulder. BAM believes it is a missed opportunity not to include the NoBo art district in the special designated areas for this opportunity. As you are aware, the present five locations include a small area at the Armory in North Boulder and does not include all of the art district.

In phase two, the west side of north Broadway in the NoBo Art District could include the ability for ground floor activation for the artists living in the neighborhood as community benefit. Art fosters inclusiveness and diversity. Without the whole art district being included in the special density areas, this opportunity is lost to the needed 55 feet. Providing affordable housing, ground floor activation, community programming, live/work space and real place making should be considered in NoBo. Without such consideration, the current loss of artists, creatives or people of color from Boulder will continue as housing and earning a living is unattainable.

We welcome the opportunity to meet with Council and city staff representatives to discuss our "on the ground" and up in the scaffolding perspective.

Thank you, Boulder Art Matrix

**Community Benefits, Phase I Public Hearings
Public Comments, September through October 2019**

From: Pomerance, Stephen <stevepom335@comcast.net>
Sent: Monday, September 30, 2019 5:32 PM
To: Council <council@bouldercolorado.gov>
Subject: Re: proposed Community Benefits ordinance

To the Council:

I forgot to discuss the OZ. So here goes:

Since the potential for private profit is so much greater in the OZ than elsewhere, based on my own analysis of some months ago, you should at least double the requirements for affordable housing and the linkage fees.

But, since you have access to professional help, have KMA do an analysis that assumes the kind of profit levels that have been calculated by various entities so you can get the right numbers.

Steve Pomerance

**Community Benefits, Phase I Public Hearings
Public Comments, September through October 2019**

From: Andrea Meneghel <andrea.meneghel@boulderchamber.com>

Sent: Tuesday, October 1, 2019 10:40 AM

To: Council <council@bouldercolorado.gov>

Cc: boulderplanningboard <boulderplanningboard@bouldercolorado.gov>; Meschuk, Chris <MeschukC@bouldercolorado.gov>; Guiler, Karl <GuilerK@bouldercolorado.gov>; Brautigam, Jane <BrautigamJ@bouldercolorado.gov>; John Tayer <john.tayer@boulderchamber.com>; Lori Call <lori.call@boulderchamber.com>

Subject: Boulder Chamber Member Input: Community Benefit and Use Tables

Dear Boulder City Council Members,

You have received the Boulder Chamber's statement on Community Benefit ahead of your discussion tonight. I wanted to also provide you with this input on behalf of one of our member architects that has done extensive work in Boulder and is very experienced with our land use code and regulations:

I will say that in general that while there may be advantages to the proposed community benefit proposal, that it makes some sense to consider expansion of the Appendix J area – adding locations where additional height can be considered – or eliminating the Appendix J criteria all together and making anywhere in the city eligible for consideration through site review. I'd also add that requiring up to 50% permanently affordable is not likely to be financially feasible for a developer without some additional incentive from the city – added height and number of units may not be enough.

In general, the pursuit of affordable housing is an essential and necessary goal. However, we seem to tend toward making new requirements and creating new obstacles, rather than providing incentives to developers. We can't continue to legislate issues and update codes to get there – we have to entice people to develop creative solutions, and we don't really do that.

As for the Use Table updates, my immediate response is, OK – but slow down. I work with them every day but need some extended time to fully consider the impacts of the proposed changes. It's absurd to consider a complete set of updates by the November election. Rushing to meet that timetable will likely result in unintended consequences.

There should be a slow and methodical series of public outreach opportunities, one small chunk at a time, and it could take another year to get through the code – but it's the right way to go about it. To assume we can or should upend the code we have in response to the Opportunity Zone issue is misguided. An overlay district on top of the opportunity zone, while not palatable, is a better short-term solution to look at specific proposals in the opportunity zone through a use review, without upending code across the entire community.

Thank you for taking this input into consideration before your decision,

Andrea Meneghel
Director of Public Affairs
Boulder Chamber

**Community Benefits, Phase I Public Hearings
Public Comments, September through October 2019**

Direct: (303) 938-2077
andrea.meneghel@boulderchamber.com
www.boulderchamber.com

WE BUILD COMMUNITY THROUGH BUSINESS

**Community Benefits, Phase I Public Hearings
Public Comments, September through October 2019**

-----Original Message-----

From: Donna Bonetti <donnambirdlady@yahoo.com>

Sent: Saturday, September 28, 2019 7:53 PM

To: Council <council@bouldercolorado.gov>

Subject: Community Benefits Project

I checked out the information on the website for the Community Benefits Project. Please vote no on this terrible idea. Boulder is already growing too quickly and I want the current heights limits kept in place. I learned the hard way that pro development arguments that increased growth brings affordability is a lie. I heard the same arguments living in San Jose, Ca in the 1980s but observed that every time new apartments and housing got built, rents and housing prices increased significantly in surrounding neighborhoods. I left the area when wages for my kind of work would not even support rent for a one bedroom apartment. That is when and why I moved to Colorado. Now that area is the most expensive real estate market in the nation. Please do not follow in these footsteps.

Donna Bonetti

1170 B Monroe Dr.

Boulder 80303

Sent from my iPad

**Community Benefits, Phase I Public Hearings
Public Comments, September through October 2019**

Resent-From: <council@bouldercolorado.gov>
From: "Pomerance, Stephen" <stevepom335@comcast.net>
Date: September 29, 2019 at 5:17:03 PM MDT
To: Council <council@bouldercolorado.gov>
Subject: proposed Community Benefits ordinance

To the Council:

Here are some comments on the proposed "Community Benefit" ordinance. I hope you find this useful.

Steve Pomerance

Context:

- It makes perfect sense to require something more from developments that are taller than what is allowed by-right. So I'm happy that this is happening.
- There are other good ideas in the PB recommendations and Community Input Themes in the Memo that should be considered.
- But the work on these recommendations should be delayed until this question of how big and what kind of city the citizens of Boulder want is resolved. That way this work can reflect the resolution of this discussion. Let's not get the cart in front of the horse.
- Based on my conversations, this need for resolution of the future of Boulder is felt by all sides. It should be the number one job for the next council, so we can escape the current uncertainty and resulting polarization, and as a result give the City staff more clarity on where we're going and what they are supposed to do.

General Comments:

- The key thing to remember is that the impact of a tall building is concrete (excuse the pun) and local (views, traffic, parking, etc.) whereas the "Community Benefits" (such as they may be) end up being somewhat statistical and abstract.

**Community Benefits, Phase I Public Hearings
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- In other words, a blocked view or inability to find parking isn't improved by knowing that the linkage fee paid on the upper two stories was higher than on the lower three, or that the percentage of affordable units was increased.
- In terms of maintaining the economic diversity of the city, also remember that going from 25% to 36% affordable housing for the "bonus area" (the upper two floors, typically) is still inadequate; it would have to be at least 50% for the whole building to come close to maintaining AMI. So this is not some "great deal", just preferable to the lesser alternative.
- And ditto for the linkage fee. The proposed 43% increase only gets it to around 1/3 of what's needed to provide housing for those workers who will need it. Better, but still inadequate.

Specific points and recommendations:

Do not tie this to Appendix J – Make the "Community Benefit" requirements apply across the whole city; do not limit them to Appendix J, which limits exceeding by-right height to certain areas. Ask staff to come up with amended language to disconnect these two parts as necessary. It may only require removing E. (vi), since that ties the Community Benefit requirement to Appendix J. But some modifications may be needed to the "Additional Criteria" section. The aim here is to ensure that the Community Benefit requirements continue to apply even if Appendix J and its limits disappear.

Get rid of the "exchange" notion and the "Intensity and Density Modifications" – On pp. 6 and 11, the argument is made that height modification is an "exchange" for more affordable housing, and somehow that means that we should promote increased building height. This notion should be dropped. These requirements for increased affordable housing or fees on upper floors should be a basic part of the BRC land use code, just like the current affordable housing rules and linkage fees are. That a project has a bit more affordable housing is not an argument for allowing more floor area and density than otherwise would be allowed under the standard regulations.

Clarify the “height modification” site review criteria – This is one area where some additional near term work should be done. The two current Site Review criteria (listed on page 8, see below) are so vague as to be pretty useless. They should be translated into a set of very specific findings that the Planning Board or Council should be required to make before any site review approval can be issued, including separate findings as to whether the effect that the proposed building will have on views, neighborhood character, parking, traffic, density, nearby Open Space, design, etc. will be acceptable.

From page 8, the current vague criteria:

- (i) The building height, mass, scale, orientation, architecture and configuration are compatible with the existing character of the area or the character established by adopted design guidelines or plans for the area. ^[1]_{SEP}
- (ii) The height of buildings is in general proportion to the height of existing buildings and the proposed or projected heights of approved buildings or approved plans or design guidelines for the immediate area; ^[1]_{SEP}

Drop the “Alternative Community Benefit” and instead add some “Additional Requirements” language– Frankly, this ACB notion will destroy the whole process. Any developer with any brains will come in with some proposal for something unrelated to affordable housing that costs them less, and claim that it “is of a value that is equivalent or greater than the benefit required by this subparagraph (h)(2)(K),” (this quote is from page 11.)

Then the staff will have to attempt to do the impossible – make a comparison of in-commensurate “values”. And the Planning Board and Council will be in the same boat, and it will turn into a totally subjective process. So we’ll be right back where we are now, with no real objective grounds to approve, turn down, or modify a project.

So KISS (keep it simple, stupid) and just make this proposal to increase affordable housing or linkage fees a fixed requirement across the whole city.

But definitely add in some “Additional Requirements” language that allows the Planning Board or Council to additionally require whatever will make the project acceptable, and to hold developers to whatever they promise.

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Resent-From: <council@bouldercolorado.gov>

From: Sarah Silver <sarahjsilver@hotmail.com>

Date: September 27, 2019 at 6:13:46 PM MDT

To: Council <council@bouldercolorado.gov>

Subject: Community Benefits - a few concerns with the current proposed ordinance

Dear Council,

I write today as a resident of Boulder who wishes to raise a few concerns about the proposed ordinance on Community Benefits. I have several specific concerns (and a few proposals to address those concerns). Thank you in advance for your attention.

1. Opportunity Zone: The economic analysis used to set the proposed linkage/CIL fees DOES NOT reflect the economic (aka tax) incentives available to Opportunity Zone investors. Today, there is one OZ block in "Appendix J" but if the moratorium is lifted before 2026 (the end date for tax breaks for initial OZ purchases), it is possible to imagine a huge rush to develop many of the parcels within the huge OZ at the 55 foot height limit. For an investor or developer, the financial benefit within the OZ isn't limited to the value of the building (or any additional floors) but also the tax haven it provides. The City's proposed CIL/linkage fees should reflect that added value; this is another way for the city to benefit from the OZ.

Recommendation: that city staff revise its financial analysis to reflect the fact of the OZ and adjust upwards the proposed CIL/linkage fees accordingly. There is now a lot of press reporting about what is happening in OZs around the country, which could provide Boulder with useful insight to better calibrate/set the linkage and CIL fees paid for the additional height.

2. Appendix J: Do not lift the moratorium or expand Appendix J UNTIL the city has undertaken a thorough process with meaningful public participation to identify and agree on areas where taller buildings are welcome and where we want smaller scale housing and retail/commercial space to ensure we have a diversity of housing stock. In particular, do NOT add Alpine Balsam to Appendix J at any time in the future (as suggested for future consideration by city staff). The City and Community have tried to find common ground on heights on the City-owned site and that conversation should be considered closed.

3. Jobs/Housing Balance: Allowing taller office and residential buildings may very well exacerbate our jobs/housing imbalance AND increase our climate footprint by adding office space that significantly increases the number of workers while failing to build the housing types in-commuters and missing middle have told us they seek (single family homes, townhomes or duplexes with the option to buy). Has staff developed housing/jobs growth projections under the proposed Community Benefit/Height Modification ordinance. Have any of these projections incorporated the impact of the proposed city-wide Use Table revisions (especially L15-17) and the BC1/2 changes previously approved? I fear we are instituting a LOT of changes without understanding their interplay in terms of jobs/housing growth.

Recommendation: Please ask staff to run a low/medium/high projection of growth rates to provide you with the information needed to find the right balance of low/high residential buildings and commercial office space to meet our multiple BVCP goals.

4. Onsite Affordability: If past is prologue, the City will generate fees (CIL/Linkage Fees) but little or no on-site affordable housing. This approach severely inhibits development of economically diverse

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neighborhoods and undermines many of BVCP objectives related to equity, inclusion and diversity.

Recommendation: Require on-site affordable housing in both rental and for-sale buildings in exchange for increased height.

5. Exemption of Assisted Living Facilities (ALF) and Nursing Homes (proposed 9-2-14 (h)(K)(ii)(v): Rising senior populations require cities plan for this demographic's needs into account. But the staff recommendation that ALF and Nursing Homes be exempted from the requirement to pay additional fees in exchange for height allowances does nothing to guarantee AFFORDABLE senior housing. Senior housing development is a lucrative business -- the market capitalization of this high performing commercial asset class is \$250 billion. But without thoughtful research and planning, Boulder could end with five-story, high-end Assisted Living Facilities and nursing homes and no affordable senior housing. Given that nearly one-third of one-third of all American households headed by someone 65 or older are considered "housing cost burdened" -- more than 30% of the household's income was spent on costs related to the house (<https://www.equitymultiple.com/blog/uncategorized/investing-in-senior-living-facilities/>) -- there needs to be much more research and analysis undertaken to generate regulatory language that produces outputs that serve all economic levels of Boulder's seniors housing needs.

Recommendation: Remove current language from the ordinance and direct staff to further research this area with the goal of developing tools and fees to generate affordable senior housing through the community benefit/height modification.

Thank you very much for reading through this long email.

Sarah Silver

Sarah Silver
917.864.5403

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From: Andrea Meneghel <andrea.meneghel@boulderchamber.com>
Sent: Thursday, September 26, 2019 2:39 PM
To: Council <council@bouldercolorado.gov>
Cc: boulderplanningboard <boulderplanningboard@bouldercolorado.gov>; Meschuk, Chris <MeschukC@bouldercolorado.gov>; Guiler, Karl <GuilerK@bouldercolorado.gov>; Brautigam, Jane <BrautigamJ@bouldercolorado.gov>; John Tayer <john.tayer@boulderchamber.com>; Lori Call <lori.call@boulderchamber.com>
Subject: Boulder Chamber Letter on Community Benefit - 1st Reading
Importance: High

Dear Mayor Jones and Members of Boulder City Council,

Attached and copied below is the **Boulder Chamber's input on the Community Benefit** issue item you will take up on October 1st.

Please let me know if you would like to discuss this issue further or have any questions regarding the input we've provided.

Andrea Meneghel
Director of Public Affairs
Boulder Chamber
Direct: (303) 938-2077
andrea.meneghel@boulderchamber.com
www.boulderchamber.com

WE BUILD COMMUNITY THROUGH BUSINESS

September 26, 2019

Re: First Reading - Community Benefit/Height Limit Agenda Item

Dear Mayor Jones and Boulder City Councilmembers:

The Boulder Chamber is writing to you about the community benefit/height limit agenda item with concerns about the rushed nature of this item, particularly in light of the wide-ranging, unexamined impacts.

On September 17, the Boulder Chamber convened a meeting that provided City staff with input from more than 20 members of the local development community, representing a mix of property owners, architects, commercial realtors, residential housing developers and those with extensive knowledge of Boulder's land use code. Our feedback in this letter is based on the collective input from our local development professionals and the Boulder Chamber's own experience with these issues.

Our most important point is consistent with the feedback you received from the City of Boulder Planning Board: Height modification requests should be allowed beyond the eight designated areas currently identified by staff. These eight areas were arbitrarily selected in 2015, based on the sites of in-process development projects at the time City Council adopted the ban on taller structures. The

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decision to implement such a severe effective downzoning of personal property demands much more rigorous analysis and direct engagement with impacted property owners.

Additional Analysis Requested and Next Steps

- The map called “Appendix J” was quickly developed by staff in 2015 and now is being used as the only locations where “bonus height” can be considered. ***Staff should identify where, throughout Boulder, taller buildings could be considered based on compatibility with their surroundings, consistency with Boulder Valley Comprehensive Plan goals and policies and meeting the new community benefit requirements.*** The current recommendation that divides the community benefit project into two phases and removes the 2020 sunset date for Appendix J would essentially make the height moratorium permanent, subject to Phase II work.
- The staff recommended ordinance uses “stories” to regulate height. This is new terminology and does not fit certain properties or the code definition of height. This terminology should be adjusted to acknowledge identified inconsistencies.
- City Council will consider complex, new community benefit regulations related to affordable housing and linkage fee requirements that were first shared with the public by City of Boulder on September 12. **City Council should avoid the risk of hastily implementing policies that could have significant, negative unintended consequences, without doing its due diligence to analyze the impacts. Implementing new community benefit regulations should be postponed until the Phase II analysis is complete.**
- **The new regulations do not incentivize the desired outcomes.** The proposed new regulations neither incentivize affordable housing providers to deliver the desired product throughout the city, nor has an estimate been provided of how many new affordable units are expected through this approach.
- **Significant public outreach is warranted.** This ordinance directly impacts all property owners across the City by restricting “bonus height”. Due to this extensive scope, moving forward with the staff proposal without extensive outreach violates the principle in City Council’s adopted public engagement process, as defined by the Public Input Working Group.
- **October 1 is the second day of Rosh Hashanah, the Jewish New Year.** If the staff memorandum for City Council’s first-reading consideration of community benefit/height limits is posted on Friday, there will be little time before the holiday for review of the document or for the Boulder Chamber to receive input from its member businesses. This does not reflect the cultural sensitivity and values of our community.

Thank you for your consideration of these concerns as we work together to meet our community goals. We urge a measured approach that does not rush or insufficiently consider steps that could have significant long-term negative impacts to local businesses, their employees the Boulder economy and our community.

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A handwritten signature in blue ink, appearing to read 'John Tayer', with a stylized, looping structure.

John Tayer
President and CEO

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From: Dave Paule <dpaule@frii.com>
Sent: Wednesday, September 25, 2019 11:06 AM
To: Council <council@bouldercolorado.gov>
Subject: Height Restrictions

I'm writing regarding the recent effort by the Planning Board to allow developers to trade height restrictions for affordable housing.

Height restrictions aren't in place to allow the government to trade them off for some purpose. They are in place to ensure that the one single feature that distinguishes Boulder remains something that everyone can enjoy. They aren't yours - they are ours. They belong to the people, not the government.

Don't do it!

David Paule

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From: Ha Ro <drharryrosscom@gmail.com>
Sent: Tuesday, September 24, 2019 6:23 PM
To: Council <council@bouldercolorado.gov>
Subject: height exemption

To Whom it May Concern,

I am strongly opposed to any exemptions to the current height restrictions. The over building of Boulder is ruining the city and should be stopped. For 50 years, the city has held firm and now has caved, undoing decades of restraint.

Harry Ross
1110 Linden Ave
Boulder, CO 80304

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From: Pomerance, Stephen <stevepom335@comcast.net>
Sent: Thursday, September 19, 2019 1:30 PM
To: boulderplanningboard <boulderplanningboard@bouldercolorado.gov>
Subject: proposed rules for "community benefit" of affordable housing

To the Planning Board:

This is in regard to the "community benefit" discussion that you will be having tonight.

Fundamentally, this will end up turning the site review process into a one-dimensional review – if a developer's proposal meets the quantitative housing standards (whether on site or fee based) that are proposed, they will get to go ahead.

Yes, I know that there are the other vague, general criteria in the Site Review process. But they will end up being meaningless when juxtaposed against this very specific requirement for "affordable housing", which has become the "sacred cow" of our planning process.

And since these requirements were calculated based on what a developer reasonably could do, they will all do it. And that will be the end of the current zoning rules, except for projects that are too small to get into the Site Review process.

But all that means is that the lower limit will be the likely next thing to be changed. So in the end, all we'll have is 5-story buildings.

What you need to do is to put this on hold and go with a much simpler approach. Just add to the BRC Site Review process a rule that allows the PB or CC to impose any requirements that they see fit under "findings" for other areas of importance.

Then, in addition to those for "affordable housing", you could write just as quantitative rules for other areas.

For example:

- 1) Energy – the building must be net zero in terms of energy use.**
- 2) Parking – the building must use no more parking spaces, either on or off site, than a by right building would use.**
- 3) Views – the building must not block any significant views, as determined by a survey of neighboring residents and/or employees.**
- 4) Traffic – the building must have a traffic demand management program, or pay into a City sponsored program, adequate to ensure that traffic in the immediate area of the building is not increased.**

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You could make these more qualitative, but why not make them quantitative at the level that people want who have to face the impacts.

I suspect that the attorneys will object, claiming that this raises the possibility of “takings”. So it’s clear, this “takings” issue has existed ever since Site Review became mandatory for some sites, and became worse when the mandatory and optional processes were expanded.

To resolve that concern, allow developers to build by right to the underlying zoning, whatever the size of their project, unless they need to build streets, in which case the Site Review just covers that aspect. Then you can exact whatever you want for giving them excess stories, or impose other restrictions as you see fit.

And if you want to get even more exactions, then reduce the by right height to 2 stories. Then you can extract even more.

Regards,

Steve Pomerance

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From: Debra A. Jason <debra@writedirection.com>
Sent: Wednesday, September 18, 2019 11:17 AM
To: boulderplanningboard <boulderplanningboard@bouldercolorado.gov>; Council <council@bouldercolorado.gov>; meadowlarkopenspace@gmail.com
Subject: Do NOT Repeal or Allow Exceptions to Boulder Height Limit

PLEASE PLEASE PLEASE, protect Boulder's 3 story height limit. I have lived in Boulder since 1976. I own a condo in the Alpine Balsam area. We treasure Boulder because of the foothills and the views of the Flatirons. Buildings taller than 3 stories will change (and ruin) the face of the community here.

I grew up in NYC so I know what it's like to live among tall buildings. Boulder does NOT need that. We've been a beautiful community for years without buildings taller than 3 stories. We can continue to thrive without them in the future.

NO exceptions should be allowed. Developers make enough profit as it is, they should not be allowed any special exceptions for multiple buildings to exceed the height limit.

I THANK YOU FOR HELP IN THIS MATTER
Debra Jason

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From: Joanne Simenson <simenson_joanne@hotmail.com>
Sent: Sunday, September 15, 2019 6:59 PM
To: boulderplanningboard <boulderplanningboard@bouldercolorado.gov>
Subject: [Ext:] Community Benefit Public Hearing September 19, 2019

Dear Planning Board,

During your September 19, 2019 Public Hearing of community benefits, please deny the current proposal and especially deny allowing height extensions up to 55-feet for 4 to 5 stories. There currently is a moratorium on 55-feet through May 31, 2020. Many citizens are opposed to 55-feet anywhere in the city and are unaware that this matter is now being brought forth under a different name of community benefits. Please allow more time for the city's review of the recently released KMA economic analysis. The city should first establish guaranteed funding and permanency principles for permanently affordable housing and eliminate the current loop-holes. Also, the city should provide increased bus services prior to increasing density and reducing parking space requirements. This proposal will grant developers 55-feet for their added profit, and city will be negatively impacted by fewer than expected affordable units, increased traffic/parking dilemmas, loss of mountain views and increased "concrete" surfaces.

I recommend you advise the city council to designate a location for a test pilot for a community benefit plan. It should consist of a 15-minute walkable, high density, 100% permanently affordable city rent-controlled, family friendly and safe residential neighborhood, where car ownership is not needed to go to the grocery store, shop for everyday needs, go to a public school, go to an outdoor park, go to work, and where bus services are abundant and efficient to take the residents all over town and out-of-town.

The current proposal has many potential negative impacts and unintended consequences:

1. The city should not grant height extensions above current regulations based on a developer's proposed Site Plan of affordable living units. There are too many loop-holes in the regulations for affordable housing, such that developers can (1) change from on-site units at Site Plan Review approval to cash-in-lieu or land donation at building permit; (2) increase rents and fees that surpass affordable rates without city control; and (3) use luxury penthouse units to subsidize their affordable units, which only results in increased prices over all.
2. City planning is flawed if density is increased and parking spaces are decreased without increased bus services. Recently the Ponderosa Mobile Home Park requested more parking spaces than currently required, and another mobile home park needed more spaces as indicated by towing problems. The mobile home parks' parking needs are typical for all of Boulder city-wide.
3. There is no community benefit to approving high density housing developments of maximum height buildings with limited parking with existing poor bus services in locations that:
 - a) are more than one-quarter mile from daily family needs and place of work.

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- b) are not family friendly, including poor connectivity, high traffic volumes and high noise levels.
- c) are prone to area flooding.

During your Public Hearing, please discuss the following matters for public information:

1. For the city to monitor and enforce rent-control, should the citizens vote on this?
2. Can someone regardless of income purchase an affordable living unit?
3. What is a 15-minute walkable neighborhood distance? Is 15-minutes one-way or both ways, including crossing signalized intersections? Is the distance for 15-minutes walked measured for the typically slow paced walkers of the elderly, disabled and those with children?
4. Is the head count for ELU's similar to ADU's, in that "many heads" can reside in a unit by definition?
5. What are the parking requirements for ELU's?
6. As Boulder Junction has a parking dilemma with 1 space per living unit, why not require more?
7. Since workforce housing is typically for families, why is such a high percentage of ELU's allowed?

Please deny this proposal for amending the Land Use Code and deleting the moratorium on heights up to 55-feet. Please upgrade affordable housing to be permanently rent-controlled. Please require more than one parking space per any living unit. Thank you very much for your time and consideration.

Sincerely,
Joanne Simenson

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From: Dale <bmbmjmdm@gmail.com>

Sent: Saturday, September 14, 2019 4:19 PM

To: boulderplanningboard <boulderplanningboard@bouldercolorado.gov>; Council <council@bouldercolorado.gov>; meadowlarkopenspace@gmail.com

Subject: Please Do Not Repeal or Allow Exceptions to Boulder Height Limit

Please protect Boulder's 3 story height limit. It is ridiculous that I feel this email has to be sent practically every year now. STOP FOR-PROFIT DEVELOPERS FROM RUINING OUR CITY. Do your job and represent the people.

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-----Original Message-----

From: Egan Sanders <sanders.egan@gmail.com>

Sent: Sunday, September 15, 2019 6:21 PM

To: boulderplanningboard <boulderplanningboard@bouldercolorado.gov>; Council <council@bouldercolorado.gov>; meadowlarkopenspace@gmail.com

Subject: Please Do Not Repeal or Allow Exceptions to Boulder Height Limit

Please protect Boulder's 3 story height limit.

If you obscure the mountain views you change the character of Boulder and why people live there. If you build large housing units the streets will be clogged with traffic and the quality of life will go down.

No exceptions should be allowed. Developers are trying to get special exceptions for multiple buildings to exceed the height limit. Don't let them.

Thank you,

Egan Sanders
New Boulder Resident

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-----Original Message-----

From: Paula Breyemeier <pbrey@indra.com>
Sent: Friday, September 13, 2019 12:52 PM
To: Kleisler, Philip <KleislerP@bouldercolorado.gov>
Subject: Community benefits program

I didn't know where to send my feed back so I am sending this to you. I cannot attend the 9/19 meeting.

I don't believe we should grant exceptions to the current codes for the large projects. If a project is to be approved altogether within the constraints of the current codes, it should provide a community benefit.

The current direction that the planning board and the City Council had adopted has destroyed the ambiance of my town. High-rises, huge multifamily developments, Infill with affordable housing. I feel placing these as priorities has degraded our quality of life. The current direction the City council has adopted is destroying why people want to live in Boulder.

1. If people can't afford to live here, so be it. We have limited land. We should focus on providing public transportation for workers, not try to jam them into the already developed areas.
2. If there are a few areas left to be developed without increasing density in the core area (for example Alpine/Balsam) then the public benefit should focus on the arts (do we have a world class museum? or a world class theatre? Lots of public art? no), small commercial or on parks. We don't have many of those.... Lots of open space but not parks where people actually live.
3. If we need city services that are accessible to people, create good public transportation and place them outside of the core area.
4. Require award winning design for anything that will impact a neighbourhood. Make buildings walkable, and human scale-35ft.

Sincerely
Paula Breyemeier

**Community Benefits, Phase I Public Hearings
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From: Coco <CocoInCO@yahoo.com>

Sent: Monday, September 9, 2019 1:00 PM

To: boulderplanningboard <boulderplanningboard@bouldercolorado.gov>; Council
<council@bouldercolorado.gov>

Subject: Please Do Not Repeal or Allow Exceptions to Boulder Height Limit

Dear Planning Board and Council Members, Please retain Boulder's three story height limit and please do not allow any future exceptions!

Thank you for your consideration,

Coco

**Community Benefits, Phase I Public Hearings
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From: Nancy Egbert <nlegbert@yahoo.com>
Sent: Monday, September 9, 2019 10:04 AM
To: Guiler, Karl <GuilerK@bouldercolorado.gov>
Cc: Council <council@bouldercolorado.gov>
Subject: Community Benefits Project

This is absurd! And the timing is questionable. Fall is the time, when many people are traveling and could come to these meetings to possibly protest this. And I am one of those people.

I am not in favor of this. The building heights and the blue line were developed for one reason-- to preserve the uniqueness of Boulder and to be close to nature. The rules for building heights have been broken before and now we have a proposal that will open the door to increasing them with the excuse it will provide more affordable housing. What excuse will the city use next time?

This is being pushed thru in a matter of weeks and does not allow for discussion and protests. The city now has a wonderful way to communicate with citizens and that is called Next Door. This should be posted to allow for discussion and transparency.

PLEASE SLOW THIS PROCESS DOWN!

Nancy Egbert

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From: Ingrid Femenias <ingie1966@gmail.com>
Sent: Saturday, September 7, 2019 12:16 PM
To: boulderplanningboard <boulderplanningboard@bouldercolorado.gov>
Subject: Keep height limit as it is

Dear Boulder Planning Board,

I am a resident of North Boulder. I am writing this in opposition to changing the height limit of Boulder buildings. Do NOT amend or repeal the current height limit of edifices in Boulder.

Thank you,

Ingrid Femenías
Sent from my iPhone

**Community Benefits, Phase I Public Hearings
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From: Jessica Swan <swanjessica@hotmail.com>

Sent: Saturday, September 7, 2019 1:04 PM

To: boulderplanningboard <boulderplanningboard@bouldercolorado.gov>; Council <council@bouldercolorado.gov>; meadowlarkopenspace@gmail.com

Subject: Please Do Not Repeal or Amend Boulder Height Limit

Please protect Boulder's 3 story height limit.

I moved to Boulder a year ago. It is absolutely the best place on earth. There is something really special here.

I, like many others, was drawn this quaint mountain town for the breath-taking views of the Rocky Mountains. The people and character of this city is absolutely electric.

Boulder is growing, but it still feels like a community, not a corporatized, over-populated big city.

Boulder has so much authenticity and charm that can't be replaced. PLEASE, PLEASE don't repeal the building height limit.

Please don't block the views of these beautiful mountains for the sake of corporate office buildings. The value of these mountain views cannot be quantified.

Keep the Mountain Town charm of Boulder! I have never lived in a place with such awe-inspiring views and such amazingly, good-hearted residents. This place is literally heaven on earth. Please, please don't change that!

Kindly,

Jessica M. Swan