



CITY OF BOULDER
PLANNING BOARD MEETING AGENDA
DATE: November 4, 2010
TIME: 6 p.m.
PLACE: 1777 Broadway, Council Chambers

1. CALL TO ORDER

2. APPROVAL OF MINUTES

The **September 16** and **October 7** Planning Board minutes are scheduled for approval.

3. PUBLIC PARTICIPATION

4. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS/CONTINUATIONS

A. **Floodplain Development Permit**, LUR2010-00056, 797 Gaptor Rd.

5. PUBLIC HEARING ITEMS

A. Public hearing and consideration of **Site Review and Preliminary Plat, under separate case no.s LUR2010-00048 and LUR2010-00050, for Violet Crossing, a proposed residential development at the northeast corner of the intersection of Broadway and Violet Ave.** with 78 market rate apartments and 20 affordable apartments on a total of 4.66 gross acres located in the MU-2, Mixed Use-2 and RM-2, Residential Medium-2, zoning districts. The applicant is also pursuing Vested Rights and a change to the North Boulder Subcommunity Plan Connections Plan.

Applicant / Owner: Nancy Blackwood/North Broadway Center, LLC

B. Public hearing and recommendation to City Council of an **ordinance that proposes amendments to SmartRegs** related Ordinance Nos. 7724, 7725, and 7726 of the Boulder Revised Code, 1981.

C. Request for resident, Planning Board, and City and County staff comment on a **Concept Plan review to annex and redevelop a 9.7 acre site located at 6400 Arapahoe, case No. LUR2010-00048**. The proposed project will provide for the operation of three related uses: continued operation of ReSource (used building material donation and sales yard run by the Center for Resource Conservation), Eco-Cycle offices and commercial zero waste hauling operations, and CHaRM (Center for Hard to Recycle Materials). The proposal would require annexation to the City of Boulder with a request for initial zoning of IG (Industrial General) intended to be consistent with the Boulder Valley Comprehensive Plan (BVCP) land use designation of Performance Industrial.

Applicant / Owner: Elizabeth Vasatka / City of Boulder

6. MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY

A. Update on the **Diagonal Plaza Redevelopment / Review of Economic Analysis**

B. 2011 Goals and Priorities

7. INFORMATION ITEMS

8. DEBRIEF MEETING/CALENDAR CHECK

9. ADJOURNMENT

CITY OF BOULDER PLANNING BOARD MEETING GUIDELINES

CALL TO ORDER

The Board must have a quorum (four members present) before the meeting can be called to order.

AGENDA

The Board may rearrange the order of the Agenda or delete items for good cause. The Board may not add items requiring public notice.

PUBLIC PARTICIPATION

The public is welcome to address the Board (3 minutes* maximum per speaker) during the Public Participation portion of the meeting regarding any item not scheduled for a public hearing. The only items scheduled for a public hearing are those listed under the category PUBLIC HEARING ITEMS on the Agenda. Any exhibits introduced into the record at this time must be provided in quantities of ten (10) to the Board Secretary for distribution to the Board and admission into the record.

DISCUSSION AND STUDY SESSION ITEMS

Discussion and study session items do not require motions of approval or recommendation.

PUBLIC HEARING ITEMS

A Public Hearing item requires a motion and a vote. The general format for hearing of an action item is as follows:

1. Presentations

- a. Staff presentation (5 minutes maximum*)
- b. Applicant presentation (15 minute maximum*). Any exhibits introduced into the record at this time must be provided in quantities of ten (10) to the Board Secretary for distribution to the Board and admission into the record.
- c. Planning Board questioning of staff or applicant for information only.

2. Public Hearing

Each speaker will be allowed an oral presentation (3 minutes maximum*). All speakers wishing to pool their time must be present, and time allotted will be determined by the Chair. No pooled time presentation will be permitted to exceed ten minutes total.

- Time remaining is presented by a Green blinking light that means one minute remains, a Yellow light means 30 seconds remain, and a Red light and beep means time has expired.
- Speakers should introduce themselves, giving name and address. If officially representing a group, homeowners' association, etc., please state that for the record as well.
- Speakers are requested not to repeat items addressed by previous speakers other than to express points of agreement or disagreement. Refrain from reading long documents, and summarize comments wherever possible. Long documents may be submitted and will become a part of the official record.
- Speakers should address the Land Use Regulation criteria and, if possible, reference the rules that the Board uses to decide a case.
- Any exhibits introduced into the record at the hearing must be provided in quantities of ten (10) to the Secretary for distribution to the Board and admission into the record.
- Citizens can send a letter to the Planning staff at 1739 Broadway, Boulder, CO 80302, two weeks before the Planning Board meeting, to be included in the Board packet. Correspondence received after this time will be distributed at the Board meeting.

3. Board Action

- a. Board motion. Motions may take any number of forms. With regard to a specific development proposal, the motion generally is to either approve the project (with or without conditions), to deny it, or to continue the matter to a date certain (generally in order to obtain additional information).
- b. Board discussion. This is undertaken entirely by members of the Board. The applicant, members of the public or city staff participate only if called upon by the Chair.
- c. Board action (the vote). An affirmative vote of at least four members of the Board is required to pass a motion approving any action. If the vote taken results in either a tie, a vote of three to two, or a vote of three to one in favor of approval, the applicant shall be automatically allowed a rehearing upon requesting the same in writing within seven days.

MATTERS FROM THE PLANNING BOARD, DIRECTOR, AND CITY ATTORNEY

Any Planning Board member, the Planning Director, or the City Attorney may introduce before the Board matters which are not included in the formal agenda.

ADJOURNMENT

The Board's goal is that regular meetings adjourn by 10:30 p.m. and that study sessions adjourn by 10:00 p.m. Agenda items will not be commenced after 10:00 p.m. except by majority vote of Board members present.

*The Chair may lengthen or shorten the time allotted as appropriate. If the allotted time is exceeded, the Chair may request that the speaker conclude his or her comments.

CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
September 16, 2010
1777 Broadway, Council Chambers

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: <http://www.bouldercolorado.gov/>

PLANNING BOARD MEMBERS PRESENT:

Bill Holicky
Tim Plass
Andrew Shoemaker, Chair
Mary Young
Elise Jones
Danica Powell

PLANNING BOARD MEMBERS ABSENT:

Willa Johnson

STAFF PRESENT:

David Driskell, Executive Director of Community Planning and Sustainability
David Gehr, Assistant City Attorney
Sam Assefa, Senior Urban Planner
Charles Ferro, Land Use Review Manager
Elaine McLaughlin, Senior Planner
Jessica Vaughn, Planner I
Debbie Fox, Administrative Specialist III

1. CALL TO ORDER

Chair, **A. Shoemaker**, declared a quorum at 6:05 p.m. and the following business was conducted.

2. APPROVAL OF MINUTES

On a motion by **E. Jones**, seconded by **M. Young**, the Planning Board approved 6-0, with 1 absent (**W. Johnson**), the August 5 Planning Board minutes.

On a motion by **T. Plass**, seconded by **E. Jones**, the Planning Board approved 6-0, with 1 absent (**W. Johnson**), the August 19 Planning Board minutes, as amended.

3. PUBLIC PARTICIPATION

No one from the public addressed the board.

4. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS

- A. Nonconforming Use Review, LUR2010-00034, 1240 Cedar Ave.
- B. Floodplain Development Permit, LUR2010-00005, and Wetland Permit and Wetland Variance, LUR2010-00004, Trail connection and bridge over Boulder Creek

The board did not call up these items.

5. ACTION ITEMS

- A. **Consideration to amend the Crestview East Annexation Agreement, #LUR2010-00035**, for a waiver of the full cash-in-lieu amount for affordable housing for 2131 Upland Avenue. 2131 Upland Avenue is within both the Residential Low-1 (RL-1) zone districts (north half of property) and the Residential Estate (RE) (south half of property) zone district.

Staff Presentation

J. Vaughn presented the item to the board.

Public Hearing

No one from the public addressed the board.

Board Discussion

There was no board discussion on this item.

Motion

On a motion by **T. Plass**, seconded by **D. Powell**, the Planning Board approved (5-0) (B. Holicky abstained, W. Johnson absent)

- B. **Consideration of two related Site Review amendment applications, #LUR2010-00006 and LUR2010-00007**, that includes the following:

- 1) Request to modify the existing Celestial Seasoning's PUD to document removal of a 7.8 acre parcel of land from the PUD known as Lot 1 that has been owned by Covidien.
- 2) Request to modify the existing Covidien PUD/Site Review to include that same 7.8 acre lot and construct a new 60,000 square foot office building and a new parking structure within the main campus of Covidien.

Applicant/Owner: Covidien (Valleylab, a Colorado Corporation, also known as Tyco Industries)

A. Shoemaker disclosed that his partner, Paul Schwartz, previously represented Covidien in an anti-trust matter that concluded in August 2008 while employed at a previous law firm. Neither **A. Shoemaker**, nor his law firm, has ever represented Covidien.

Staff Presentation

E. McLaughlin presented the item to the board.

Applicant's Presentation

David Wolff, Covidien lawyer, presented the item to the board.

Public Hearing

1. Carl Worthington, 1805 29th Street, #2054 (Pooled with Linda Trumble, PO Box 458, Niwot, Tom Trumble, PO Box 9500, Heather Sakai, 2185 Floral, Chris Doeval, 10466 Garaund Dr., Tim Trumble, PO Box 9500) spoke in opposition to the project and offered designs that would better meet their clients' needs.
2. Tom Merrigan, 1712 Pearl Street, represents Trumble Real Estate, Pawnee and the Tomhawke Partnership – spoke to the need to address the parking, but not in favor of the project. Favored the alternative offered by C. Worthington.

3. Dave Kousman, 1900 15th St., Boulder 80302 (Pooled time: Peter Schaub, 1900 15th St., Steven Chrisman, PO Box 18390, Jerry Moore, PO Box 18390) - lawyer with Faegre & Benson LLP and represents Corporate Place and Pawnee Properties, acknowledged the parking issue and support of growth, but the project should be denied because: 1) potentially legally deficient, 2) FAR transfer is not consistent with code, 3) violates reasonable expectations and unreasonable burden on commercial neighbors 4) better parking options are available as previously cited, and 5) the proposed parking structure violates the covenants at Longbow.
4. Joe Stientjes, 5914-D Gunbarrel Avenue. 80301 – Written statement: Please allow to build parking structure, gets cars off the street! Thanks!
5. Frances Draper, 2292 Kincaid Pl – spoke in favor of the project, in particular the headquarter aspect, that headquarter companies are often courted by other cities, so denying this could cause a corporate citizen to leave Boulder.
6. Andre Kliskak, 4652 White Rock Cir #6 – Works at Coviden, but also lives down the street from the complex. Spoke in favor of the project because the roads are dangerous for bikes along the road where all the cars park.
7. Chris Allen, 4680 White Rock Cir #7 – attested to the street traffic on Spine being dangerous for drivers and bikers.

Board Discussion

Transfer of floor area issue

A. Shoemaker questioned staff as to whether Coviden is subject to community/economic viability issues. Staff responded that the applicant, as part of the Site Review criteria ([B.R.C. 9.2.14](#)), needs to be compliant with all the Boulder Valley Comprehensive Plan (BVCP) criteria that are applicable, which does include the economic base and encourage growth with local businesses.

D. Powell noted that the .3 FAR does not change with the transfer, so they are under their .4 allotment for the FAR.

T. Plass commented that Lot 1 is appropriate to not be developed due to the open space, therefore he is in favor of the transfer. **B. Holicky**, **E. Jones** and **A. Shoemaker** agreed.

Parking garage

T. Plass supports the staff recommendation and the analysis. If the applicant wanted to go the route that the neighbor proposed, that would work, as well.

M. Young supports the staff proposal and likes the consideration of the neighborhood parking and safety and in line with BVCP.

E. Jones agrees with **M. Young** and **T. Plass**. She stated the project does not cause undue burden, is a fair trade off to mitigate the safety issues, and agrees with **T. Plass** that it would also work if the applicant wanted to work with the neighbor's plans, but it does not need to be mandated.

D. Powell agrees with the stated comments, asked staff to look into how to make the streets safer.

Motion -

On a motion by **T. Plass**, seconded by **M. Young**, the Planning Board approved (6-0,) the Site Review amendments LUR2010-00006 and LUR2010-00007, incorporating this staff memorandum and the attached Site Review Criteria Checklist as findings of fact, and using the following recommended conditions of approval.

A. Shoemaker supported the motion and agreed with all the stated comments.

CONDITIONS OF APPROVAL

SITE REVIEW AMENDMENTS (Valleylab/Covidien PUD - LUR2010-00006 and Celestial Seasonings PUD - LUR2010-00007)

1. The Applicant shall be responsible for ensuring that the **development shall be in compliance with all approved plans** dated Aug. 24, 2010 on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of approval.
2. The Applicant shall **comply with all previous conditions** contained in any previous approvals, except to the extent that any previous conditions may be inconsistent with this approval, including, but not limited to, the following:

Development Agreement recorded at Reception No. 963106 (for Planned Unit Development #P-88-24, #H-88-3) (Valleylab PUD);

Development Agreement recorded at Reception No. 2901384 (Valleylab Site Review, LUR2007-00024)

Development Agreement recorded at Reception No. 1026288 (for Planned Unit Development #P-88-35, #SR-88-28, and #RZ-88-3) (Celestial Seasonings)

3. Applicant shall ensure that the **density on Lot 1 Herbaria Subdivision shall not exceed 41,842 square feet**, upon approval of this Site Review Amendment that provides for the transfer of 53,158 square feet from Lot 1 to Lot 10A.
4. Prior to a building permit application, the Applicant shall submit a **Technical Document Review application** for the following items, subject to the review and approval of the City Manager:
 - a. **Final architectural plans**, including materials and colors, to insure compliance with the intent of this approval and compatibility with the surrounding area. The architectural intent shown on the elevation plans dated Aug. 24, 2010 is acceptable. Planning staff will review plans to assure that the architectural intent is performed.
 - b. A **final site plan** showing the corrections and additions requested by this approval, including building setbacks on fully dimensioned plans. A signed survey drawing should also be submitted.
 - c. A **final utility plan** meeting the City of Boulder Design and Construction Standards.
 - d. A **final storm water/drainage report and plan** meeting the City of Boulder Design and Construction Standards, which include information regarding the groundwater conditions

(geotechnical report, soil borings, etc.) on the Property, and all discharge points for perimeter drainage systems.

- e. A **detailed landscape plan**, including size, quantity, and type of plants existing and proposed; type and quality of non-living landscaping materials; any site grading proposed; and any irrigation system proposed, to insure compliance with this approval and the City's landscaping requirements. Removal of trees must receive prior approval of the Planning Department. Removal of any tree in City right of way must also receive prior approval of the City Forester.
5. Prior to a building permit application, the Applicant shall submit to the City, at no cost, the following as part of Technical Document Review application and subject to the approval of the City Manager:
- a. A **lot line elimination** between Lot 7 of Longbow Park Replat 'B' and Lot 10A of Longbow Park Replat 'D.'

C. **Public hearing and consideration of Site Review, LUR2010-00030, and Preliminary Plat, LUR2010-00031, Junction Place Village**, located at Pearl Parkway and future Junction Place, for a mixed use development with 319 apartments, structured parking that will become part of city managed parking district, and approximately 15,000 square feet of non-residential floor area on 5.02 acres, within the MU-4, Mixed Use-4 zoning district.

Applicant / Owner: Scott Pedersen/Pedersen Development Co.

A. Shoemaker disclosed for the record that his partner, Jim Ghisseli, represented Mr. Pederson in 2009. It did not involve this property. **A. Shoemaker** has never represented Mr. Pederson, nor is his firm currently doing any work with Mr. Pederson.

Staff Presentation

E. McLaughlin and **S. Assefa** presented the item to the board.

Applicant's Presentation

Scott Pederson, Pederson Development, 4949 N. Broadway, Boulder, presented the item to the board.

Public Hearing

1. **Kurk Norback, 777 Dellwood Ave** – represent Community Cycles and resident, spoke the Pearl Street concept plan and asked the board to be open to new ideas on the boulevard, not just accept the concept that has been proposed.
1. **Ann Haebig, 785 33rd St** – spoke in opposition to the process regarding Pearl Street, as she has concerns about the connection for west bound cyclist.
2. **Sue Prant, 3172 29th Street** – advocacy director for Community Cycles. She expressed concerns as well about the Pearl Street design, in particular regarding the westbound bikes paths, sidewalk conflicts with the entrances/pedestrians and asked to be part of the process earlier and be part of the pre-planning phases to represent cyclist.

Board Discussion

Massing and scale

Regarding massing and scale, **M. Young** commented that this version is improved. She likes the variety and complemented the applicant on the changes. **T. Plass** found the design consistent with TVAP and Area Plan and didn't have an issue with massing and scale. **E. Jones** agreed with **M. Young**, in particular on the non-flat roofs. **B. Holicky** concurred with **M. Young**, but has concerns with the fact the massing all looks the same. He recommends that each building should look different. **M. Young**, **T. Plass** and **A. Shoemaker** agreed.

Height

E. Jones felt that the height is appropriate to the area. **M. Young** commented that there is enough variation in height and therefore consistent with the Comp Plan.

Designs and Materials

B. Holicky expressed concern there isn't any DDAB review for this area. For example, the design on page A3.4 (page 228 of PB Packet), should be closed railings for more privacy and connote difference between public and private space and wants to see increased architectural detail. On page A3.2 (page 226), south elevations, is very spare. He expressed concern about the larger buildings not having variety as it goes up from the first floor. And all three of the structures look too similar. But without design oversight, has concerned about negative community comments due to the lack of architectural variations of the buildings, such as the Canyon projects. With that, **B. Holicky** also wanted to emphasize that he supports the project.

A. Shoemaker asked staff for what types of design and review mechanisms could be utilized in this case, similar to DDAB.

E. Jones agrees that the diversity would be helpful and questioned, if by accepting this project, it could be stipulated that other projects in the area not look like this one to avoid the Canyon affect.

T. Plass agrees with **E. Jones** and **B. Holicky**. **T. Plass** expressed the materials need to be differentiate among the buildings and the courtyard spaces are too bleak compared to the exterior. He would like to see more detailed thought put into this aspect. In addition, he found the street facings too busy and is concerned about the horizontal lapse siding. **T. Plass** suggested different treatment of materials to alleviate the concerns.

M. Young spoke to the courtyard trees (page 228) and questioned how those trees will happen with the underground parking. She suggested vaulting the courtyard so that the trees can exist in that area with the underground parking.

D. Powell likes the courtyards and the ground plain, and agrees to the need for architectural elevation, but the landscape plans and the pavers work with the layering and terracing. She likes that the project is not a car centric project.

A. Shoemaker agrees with **B. Holicky** and expressed concerns with this project being the first that all following applicants will follow this project. He requested that diversity of building designs be stipulated in the TVAP. The size will cause a reaction from the public and therefore questioned the board about the best way to move forward.

B. Holicky questioned staff if it was possible to send this project to DDAB for comments. Staff responded that a condition could lay out a process. **T. Plass** questioned if it would be better to continue the item to have staff and the applicant refine the project. **B. Holicky** asked if that would be possible, while also having DDAB comment on the project.

The board asked the applicant for their preference. The applicant expressed that the details are minor and by referring it to DDAB for input and additional work with staff would be preferred and wouldn't burden the Board with another meeting.

E. Jones is comfortable with allowing the applicant to move forward as long as the board provides a bit of direction. **B. Holicky** feels comfortable with the applicant making the changes since they have been so willing thus far. **D. Powell** likes the idea of this going to DDAB and comfortable with the applicant for the same reasons that **B. Holicky** expressed. Expectations are high for this project, so seems like everyone wants to make this work. **M. Young** like the DDAB aspect, as well as see it come back to the board since this is a first project. It is important to get it right. **A. Shoemaker** is comfortable with the proposed approach and the applicant has shown good faith.

Westside Connection

T. Plass is comfortable with intention of the connections plan being realized.

D. Gehr offered the following for the connections plan amendment: The planning board approves moving connection number 29 on page 58 of the Transit Village Area Plan up to 50 feet to the west and onto the adjacent property finding that:

- The amendment is necessary due to a physical hardship because of the grade differential that occurs at the existing location of the connection between the properties, and that
- Such amendment is consistent with the objectives of the connection in that the primary purpose of the connection is to provide back door accesses needed for redevelopment along 30th Street.

Additional Comments

M. Young saw a lot of opportunity for green roofs and feels it would be a good addition to the development, due to the numerous views onto flat roofs. The art master plan expressed the need for the diversity of materials, so she felt the material connections between developments is important to get right the first time, in particular on the walkways, as this helps creating a sense of place. She also expressed concerns with the number of bike spaces (32 short term spaces) seems too minimal. And with concern to the potted trees, **M. Young** felt this is not a good idea for this project. In regards to the area by the pool, it would be a good area for bike parking and more pedestrian interests by the pool area.

E. Jones also spoke to the potted trees and concerns that the trees could be an issue. She would prefer to see real trees planted in the courtyards to insure survivability. **M. Young** spoke the trees on the west elevation of the east building being of particular concern. (Page 228)

The board spoke with the landscape architect for clarification on the types of trees and types of plantings. There is a combination of potted and vaulted trees. The courtyard trees on the western are in the ground, on the eastern is also ground planted trees. There are some vaulted

trees in the 'L' shape part of the courtyard, otherwise they will all be ground planted. If the underground parking is moved to the western building, they would be vaulted to address this issue.

The board questioned the number of 32 spaces. The applicant responded that code requires that number. **D. Gehr** responded that TVAP outlines an increase in bike parking standards. The spaces are based on retail and visitor, not residential. The board prefers that the number of spaces get doubled.

The topic of green roofs was discussed and it was determined that it is not appropriate to mandate.

Motion

On a motion by **E. Jones**, seconded by **A. Shoemaker**, the Planning Board approved (6-0) Site Review case no. LUR2010-00030, and approve the Preliminary Plat case no. LUR2010-00031, incorporating this staff memorandum and the attached Site Review Criteria Checklist as findings of fact, and using the following revised conditions of approval.

CONDITIONS OF APPROVAL

1. The Applicant shall be responsible for ensuring that the **development shall be in compliance with all approved plans dated Sept. 3, 2010** on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of approval.
2. Prior to a building permit application, the Applicant shall submit a **Technical Document Review application** for the following items, subject to the review and approval of the City Manager:
 - a. A **final site plan** showing the corrections and additions requested by this approval, including building setbacks on fully dimensioned plans. A signed survey drawing should also be submitted.
 - b. A **final utility plan** meeting the City of Boulder Design and Construction Standards, including but not limited to providing an area in which to set the Xcel utility boxes required for undergrounding of the existing overhead electrical lines.
 - c. A **final storm water/drainage report and plan** meeting the City of Boulder Design and Construction Standards, which include information regarding the groundwater conditions (geotechnical report, soil borings, etc.) on the Property, and all discharge points for perimeter drainage systems.
 - d. A **detailed landscape plan**, including size, quantity, and type of plants existing and proposed; type and quality of non-living landscaping materials; any site grading proposed; and any irrigation system proposed, to insure compliance with this approval and the City's landscaping requirements. Removal of trees must receive prior approval of the Planning Department. Removal of any tree in City right of way must also receive prior approval of the City Forester.

- e. **Final transportation plans** meeting the City of Boulder Design and Construction Standards for all transportation improvements. In addition to all other requirements, the Applicant shall provide final drawings that depict:
 - i. A woonerf-style access plan that provides for a shared pedestrian, bicycle, and vehicular access system along the Pearl Parkway frontage; or
 - ii. An access plan that includes on-street parking that is consistent with the street section requirements for Pearl Parkway that are described in the Transit Village Area Plan.
3. Prior to a building permit application, the Applicant shall submit a Technical Document Review application for a **Final Plat**, subject to the review and approval of the City Manager and **execute a subdivision agreement** meeting the requirements of chapter 9-12, "Subdivision," B.R.C. 1981 and which provides for the following:
- a. The construction of all public improvements necessary to serve the development.
 - b. Public improvement construction extension or reimbursement agreements, to the extent necessary for any oversized improvements or off-site improvements, including the following elements:
 - i. The City will pay for the incremental increase in cost for that portion of Junction Place street section for the 5-foot wide bike lanes and associated right of way;
 - ii. The Applicant's pro rata share of the cost of the multi-use paths along the southern and eastern edges of the Property. The Applicant's pro rata share estimated at the time of this approval is ten percent;
 - iii. The Applicant's pro rata share of the costs of the bridge that crosses over the North Boulder Farmers Ditch near the southern edge of the Property. The Applicant's pro rata share estimated at the time of this approval is ten percent;
 - iv. The Applicant shall pay for four traffic signals and four street lights at the Pearl Parkway - Junction Place intersection as noted on the Engineering Plans dated Sept. 3, 2010, and may receive reimbursement for part or all of the cost of such improvements as provided by subsection 9-12-12(f), "Installation of Off-Site Improvements," B.R.C. 1981;
 - v. The Applicant will place the overhead lines along Pearl Parkway underground or contribute the amount necessary to underground such utilities in the event that the City places these utilities underground as part of a capital improvement project; and
 - vi. The Applicant will be responsible for providing the City with the value of the public improvements, including construction and design, associated with the standard cross-section which the Applicant would have been required to build in the Transit Village Area Plan. The City will be responsible for any incremental cost associated with upgrading the public improvements to a woonerf-style access plan.

A. Shoemaker agreed, but was surprised that the concept currently proposed isn't considered bike friendly. He appreciated the feedback from the Community Cycles representatives.

E. Jones agreed and expressed the need to be clear what paths are for what, so that people are using the corridors correctly. (i.e. commuting vs. leisure)

B. Holicky agreed with **E. Jones** and also expressed the need to figure it out now for the project since the residents of this project are going to be entering directly to and from a very busy part of Pearl Street.

6. MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY

D. Driskell gave the board an update on Boulder Matters.

B. Holicky gave an update on the Affordable Housing Task Force.

M. Young and **E. Jones** are switching board duties on the Landmarks Board.

M. Young gave an update on the Civic Use Task Force, with details provided about the St. Julian east platform and options being considered.

7. INFORMATION ITEMS

A. The Greenways Advisory Committee (GAC) Draft Plans for Ecosystem Restoration of South Goose Creek and Cottonwood Pond.

A. Shoemaker gave an update on the GAC tour and the ecosystem restoration project on South Good Greek and Cottonwood Pond.

8. DEBRIEF/AGENDA CHECK

9. ADJOURNMENT

The Planning Board adjourned the meeting at 9.55 p.m.

APPROVED BY

Board Chair

DATE

CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
October 7, 2010
1777 Broadway, Council Chambers

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PLANNING BOARD MEMBERS PRESENT:

Bill Holicky
Tim Plass
Andrew Shoemaker, Chair
Mary Young
Elise Jones
Danica Powell

PLANNING BOARD MEMBERS ABSENT:

Willa Johnson

STAFF PRESENT:

David Gehr, Assistant City Attorney
Susan Richstone, Comprehensive Planning Manager
Sam Assefa, Senior Urban Planner
Chris Meschuk, Planner II
Charles Ferro, Land Use Review Manager
Jessica Vaughn, Planner I
Debbie Fox, Administrative Specialist III

1. CALL TO ORDER

Chair, **A. Shoemaker**, declared a quorum at 6:07 p.m. and the following business was conducted.

2. APPROVAL OF MINUTES

3. PUBLIC PARTICIPATION

A. **Dr. Eric Zacharias, 602 Windgate** – spoke to the BVCP and asked for the addition of guidelines to promote a healthy lifestyle and offered guidelines for a more active lifestyle. He provided the board a copy of the 2008 US Department of Health and Human Service’s 2008 Physical Activity Guidelines for Americans.

4. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS

A. **Use Review, LUR2010-000535603, Arapahoe Ave.** For the establishment of an educational center and non-membership based personal training service in a 4,253 s.f. suite in an existing six-unit office building.

The board did not call up these items.

5. ACTION ITEMS

- A. **Public hearing and consideration of a Site Review for Height Modification #LUR2010-00042** located at 1946 Hardscrabble Drive, to modify the height of the proposed addition (364 square feet) not to exceed 44' from the maximum permitted height of 35' within the Residential Low-2 (RL-2) zone district. The area of the site is 4,967 square feet.

Staff Presentation

J. Vaughn presented the item to the board.

Applicant Presentation

Kyle Callahan, 2121 30th Street, Suite 102, architect for the applicant presented the item to the board.

Public Hearing

No one from the public addressed the board.

Board Discussion

Motion

On a motion by **T. Plass**, seconded by **E. Jones**, the Planning Board approved (6-0) (W. Johnson absent) Site Review Height Modification Review #LUR2010-00042 incorporating the staff memorandum and the attached Site Review Criteria Checklist as findings of fact, subject to the recommended Conditions of Approval below:

RECOMMENDED CONDITIONS OF APPROVAL

1. The Applicant shall be responsible for ensuring that the **development shall be in compliance with all approved plans**, including exterior elevations and street elevations dated June 29, 2010, and site plan and solar shadow analysis dated September 2, 2010 and on file in the City of Boulder Planning Department, except that the development may be modified by the conditions of this approval.
2. The Applicant shall comply with all previous conditions contained in any previous approvals, except to the extent that any previous conditions may be inconsistent with this approval, including, but not limited to, the following: Shanahan Ridge 6 PUD.
3. The Applicant shall ensure that the addition shall not exceed the height of 44 feet in accordance with the City's definition of height found in chapter 9-16, "Definitions," B.R.C. 1981.

D. Gehr was excused from the remainder of the meeting.

6. MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY

- A. Discussion of the **Boulder Valley Comprehensive Plan (BVCP) Major Update** and Sustainable Streets and Centers Project for the Oct. 12 Joint Study Session with City Council

A. Shoemaker gave an overview of the process for the October 12 Joint Study Session with City Council.

Community Design Concept Paper

Each of the board members commented on the fact the document was well-written, comprehensive and a model for other communities.

The board discussed how to present their views at the Study Session. It was decided that one person will present a 30 second summary of the Planning Board's view.

A. Shoemaker addressed the need to incorporate public health as a policy to help create an environment that is conducive to a healthy lifestyle. It could also be part of the social sustainability policy, as well as economic. **E. Jones** agreed and found it is also closely aligned with land use and transportation policies, as well as with the built environment. **B. Holicky** agreed and made the correlation to the public housing task force, it also relates to risk assessment, in terms of the human health risk pattern (such as how often a population walks, takes the stairs, etc.) **D. Powell** agreed it should be acknowledged in the plan, as it is another example of how the city is model. **J. Gatza** responded to the board that the plan does reference most of that in terms of walkability, open space trails, walk/bike path, etc., but staff will look at adding a section to address this particular aspect. **E. Jones** recommended specifically calling out public health and linking it with walkability.

Social Sustainability Briefing Paper

B. Holicky recommended staying away from specific, numeric goals for such things as affordable housing. He felt numerical goals don't address the nuances of the issue and recommended staff focus on addressing the issues and outlining possible solutions rather than identifying a number. **A. Shoemaker** agreed.

M. Young disagreed by citing an example where a numerical goal is useful – for example the goal of 100% of the Boulder population having an Eco-Pass. **B. Holicky** and **A. Shoemaker** agreed.

M. Young complimented staff on the readability of the Social Sustainability briefing paper.

General on BVCP

The Board and staff discussed the master plan process, length of the plan and potential future changes. **M. Young** noted there was a lot of overlap in the content and suggested eliminating the redundancies. **B. Holicky** agreed and recommended pulling out the items that need to be updated on a regular basis, such as the Master Plans, and using the BVCP as a guiding document. **E. Jones** recommended that a metric is defined to determine success. **T. Plass** asked staff to see what can be done to keep the plan reasonable in size for readability and ease of use, with redundancies eliminated, and then bring it back to the board. Staff recommended these changes be discussed at the Joint Session.

Economic Sustainability

E. Jones acknowledged that while quality of life and sustainability contribute to the Boulder economy, she also wanted to note that the public realm, such as the farmer's market and other public spaces, contribute to economic vitality, as well.

Local Food and Sustainable Agriculture

B. Holicky expressed that there need to be a common vision needs between the City and County regarding the urban agriculture movement, as it may pose a conflict with increasing density and walkability.

M. Young commented that the city needs to identify connected spaces, such as backyards, that allows for cooperative food growing.

E. Jones agreed with **B. Holicky** and that there is a need for smaller scale agriculture and redefining what is acceptable.

D. Powell agreed with everyone's comments and noted that the community benefits of such things as urban agriculture need to be identified to help create the value and solve the potential conflicting goals.

Energy and Climate Action

T. Plass questioned what the measurements will be for green house gas emissions (GHG) in light of Kyoto 2012 goal not being met, while also not shifting the burden to other communities outside of Boulder.

E. Jones questioned the new process for setting a new GHG reduction goal. **T. Plass** was in support of stating a policy in a document other than the BVCP.

Area III - Planning Reserve

B. Holicky was recused from this portion of the meeting due to fact that the firm he is employed by represents clients with interests in the planning reserve.

C. Meschuk gave a presentation to the board that provided background on the Area III – Planning Reserve.

The board discussed the current process with staff. After a lengthy discussion, it was unanimously agreed that the process needs to be reviewed at some point during the current BVCP update process. The board also had a lengthy discussion about the options regarding the two projects that are currently being proposed in the Planning Reserve. Key to the discussion was the fact that the projects needs to be a project that can't be done within the current city limits. It was decided to recommend Option 2 as their agreed upon approach.

There was also a discussion about having staff conduct an analysis by Tuesday on what process improvements are possible. It was decided as an alternative, in light of the City Council hearing on Tuesday, each Board Member will give their input at the Joint Study Session on their views of the Planning Reserve.

7. INFORMATION ITEMS

S. Richstone handed out post-WWII and Boulder Matters information and provided an update on each.

8. DEBRIEF/AGENDA CHECK

9. ADJOURNMENT

The Planning Board adjourned the meeting at 8:47 p.m.

APPROVED BY

Board Chair

DATE

DRAFT

MEMORANDUM

TO: Planning Board

FROM: Katie Knapp, Civil Engineer, Floodplain and Wetlands Permitting

DATE: October 21, 2010

SUBJECT: **Call Up Item:** 797 Gaptor Rd.
Floodplain Development Permit (LUR2010-00056)
This decision may be called up before Planning Board on or before
November 4, 2010

A Floodplain Development Permit was approved by Planning and Development staff on October 19, 2010. The project involves the construction of a single family house at 797 Gaptor Road.

The proposed project includes constructing a ranch style, single family house with an attached garage, a driveway, landscaping and grading. The finished floor will be elevated to the flood protection elevation which is 2-feet above the water surface elevation of the 100-year flood. The proposed work will be within the flood conveyance zone of South Boulder Creek. Existing buildings will be removed from the property to provide additional flood conveyance and offset the impacts to the floodplain. The applicant has demonstrated that the project will not adversely impact the floodplain or cause a rise in the floodwater elevation during the 100-year flood event. A copy of the floodplain development permit and the application materials is attached.

This floodplain development permit was approved by Planning and Development Services staff on October 19, 2010, and the decision may be called up before Planning Board on or before November 4, 2010. There is one Planning Board meeting within the required 14-day call-up period on **November 4, 2010**. Questions regarding this floodplain development permit should be directed to Katie Knapp in Planning and Development Services at 303-441-3273 or knappk@bouldercolorado.gov.

Attachments:

- A. Floodplain Development Permit
- B. Application Materials



CITY OF BOULDER
Planning and Development Services

1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791
phone 303-441-1880 • fax 303-441-4241 • web boulderplandevlop.net

Land Use Review Floodplain Development Permit

Date Issued:

Expiration Date:

(Pursuant to Subsection 9-3-6(e), B.R.C. 1981)

Permit Number:

LUR2010-00056

Contact Information

ALAN TAYLOR
1167 PURDUE DR
LONGMONT, CO 80503

Project Information

Location:

797 GAPTER RD

Legal Description:

LOT 41 GAPTER 1 PROPERTY ADDRE SS: 000797 GAPTER RD BOULDER

Description of Work:

FLOODPLAIN DEVELOPMENT PERMIT - For new home construction in conveyance zone.

Type of Floodplain Permit:

Floodplain Review W/O Analysis

Creek Name:

South Boulder

Flood Protection Elevation:

5,279

Conditions of Approval

- The proposed project/activity is approved on the basis that it satisfies applicable requirements of Chapter 9-3-3, "Floodplain Regulations," Boulder Revised Code 1981. Other floodplain requirements as set forth in Chapter 9-3-3 which are not specifically outlined in the conditions of approval below remain applicable to this project/activity.
- As required by section 9-3-3(a)(16) of the Boulder Revised Code, 1981 the improvements must be constructed with all electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- The applicant shall obtain a site inspection and approval from the City of Boulder Floodplain and Wetlands Administrator upon completion of the project.
- Prior to scheduling the framing inspection, the applicant shall submit a top of foundation wall survey elevation to the Planning and Development Services Center to verify that the finished floor elevation of the structure will conform with the flood protection elevation requirement. This interim survey shall be prepared by a professional Land Surveyor, registered and licensed in the State of Colorado.
- Prior to final inspections being scheduled, the applicant shall submit an Elevation Certificate, prepared by a Colorado registered land surveyor, certifying that the structure has been constructed at or above the flood protection elevation. This certification shall be provided on a standard Federal Emergency Management Agency (FEMA) Elevation Certificate. (FEMA Form 81-31) No Certificate of Occupancy will be issued for any structure where this provision has not been satisfied.
- Certification by a Colorado Registered Professional Engineer that the development has been completed in compliance with the approved floodplain development permit application and that all conditions have been fulfilled must be submitted to the city of Boulder prior to scheduling final inspections. No Certificate of Occupancy will be issued for any structure where this provision has not been satisfied.

Inspections

To schedule an inspection, call 303-441-3280 and refer to your permit number (LUR2010-00056).

- Rough Elevation Certificate
- Final Elevation Certificate
- Final Floodplain Inspection

ALAN TAYLOR CONSULTING, LLC

Alan Taylor, P.E., CFM
1167 Purdue Drive
Longmont, Colorado 80503



Phone: 720-334-9260 • FAX: 303.772.8805 • email: taylor.alan@comcast.net • www.taylorconsult.com

September 30, 2010

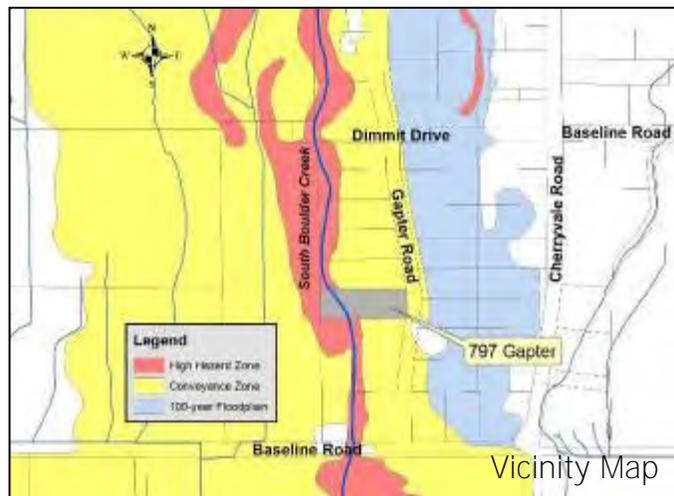
Ms. Katie Knapp
Planning and Development Services
City of Boulder
1739 Broadway, Suite 300
Boulder, Colorado 80302

RE: Floodplain Development Permit Application for a New Dwelling at 797 Gapter Road

Dear Katie:

This report supplements the Floodplain Development Permit application for 797 Gapter Road.

Jon and Susan Lounsbury are proposing to remove the existing ranch-style single-family dwelling, detached garage and two outbuildings, located at 797 Gapter Road, and replace them with a new one-level single-family dwelling with attached garage.



The property is located in the South Boulder Creek 100-year floodplain and conveyance zone and the new structure is to be constructed in compliance with current City of Boulder floodplain regulations.

Conveyance Zone Analysis

Conveyance zone floodplain restrictions require an applicant for a permit to demonstrate that any proposed construction will not result in any increase in 100-year flood elevations over existing

conditions. The proposed dwelling is located in the conveyance zone as delineated on the 2009 South Boulder Creek Flood Mapping Study. This study was conducted using the DHI, Inc. MIKE FLOOD linked 1D/2D hydraulic/hydrology model. The proprietary model is cumbersome and costly for evaluating the conveyance impacts for one single-family privately owned residential dwelling, and the City of Boulder is allowing the applicant to conduct a hydraulic impact assessment using a more conventional "Equal Conveyance" methodology. This methodology is outlined in the 1990 Federal Emergency Management Agency (FEMA) document "Certification Requirements for Simple Floodway Encroachments" (Appendix A). The methodology was developed by Dr. Ven te Chow and evaluates an isolated section of a hydraulic cross section generally based on a standard backwater analysis. It involves the determination of conveyance (K) under the following formula:

$$K = 1.49/n (A)(R)^{2/3}$$

Where: n = Manning's roughness coefficient (0.06 for South Boulder Creek overbank areas)
 A = flow area in square feet
 R = hydraulic radius

The conveyance change evaluation looks at existing site conditions in comparison with the proposed site and grading conditions. The City allows conveyance blockage "credit" for existing structures on a property that will be removed in comparison with the redeveloped new structure conditions. Credit under this analysis included the existing single-family dwelling, detached garage and two outbuildings. Under these parameters, the proposed conveyance (K) must be equal to or greater than the existing K.

The South Boulder Creek 1D/2D hydraulic model presents a unique condition for applying equal conveyance in that the model does not involve specific cross sections across the overbank floodplain. Instead, the overbank floodplain is defined as a large grid of individual ground pixel cells for which a specific flood elevation is determined. A cross section may be arbitrarily selected for the purpose of determining equal conveyance due to minor encroachments, and in this case two cross sections extending from the creek bank to the east property line were established. This allows the analysis to consider the impact of the existing structures on the property with respect to the new structure. The most notable difference in this analysis versus one using a standard backwater model is that the flood water surface elevation varies and is not level across the cross section. This is due to the two dimensional results produced by the MIKE FLOOD model that reflects naturally occurring variations in flow paths and depths in overbank floodplains.

Figure 1 illustrates the proposed site conditions overlaid on the existing developed property. Two cross sections, South and North, are identified to evaluate the conveyance impacts. The South cross section passes through the existing dwelling, southern small outbuilding, and the proposed dwelling to compare the impacts for both existing and proposed conditions. The North cross section passes through the existing dwelling, detached garage, northern large outbuilding and proposed dwelling to compare the same impacts. The applicants are proposing full handicap accessibility to and within the new dwelling and the proposed grading provides for this function. The main floor and garage elevation is set above the flood protection elevation.

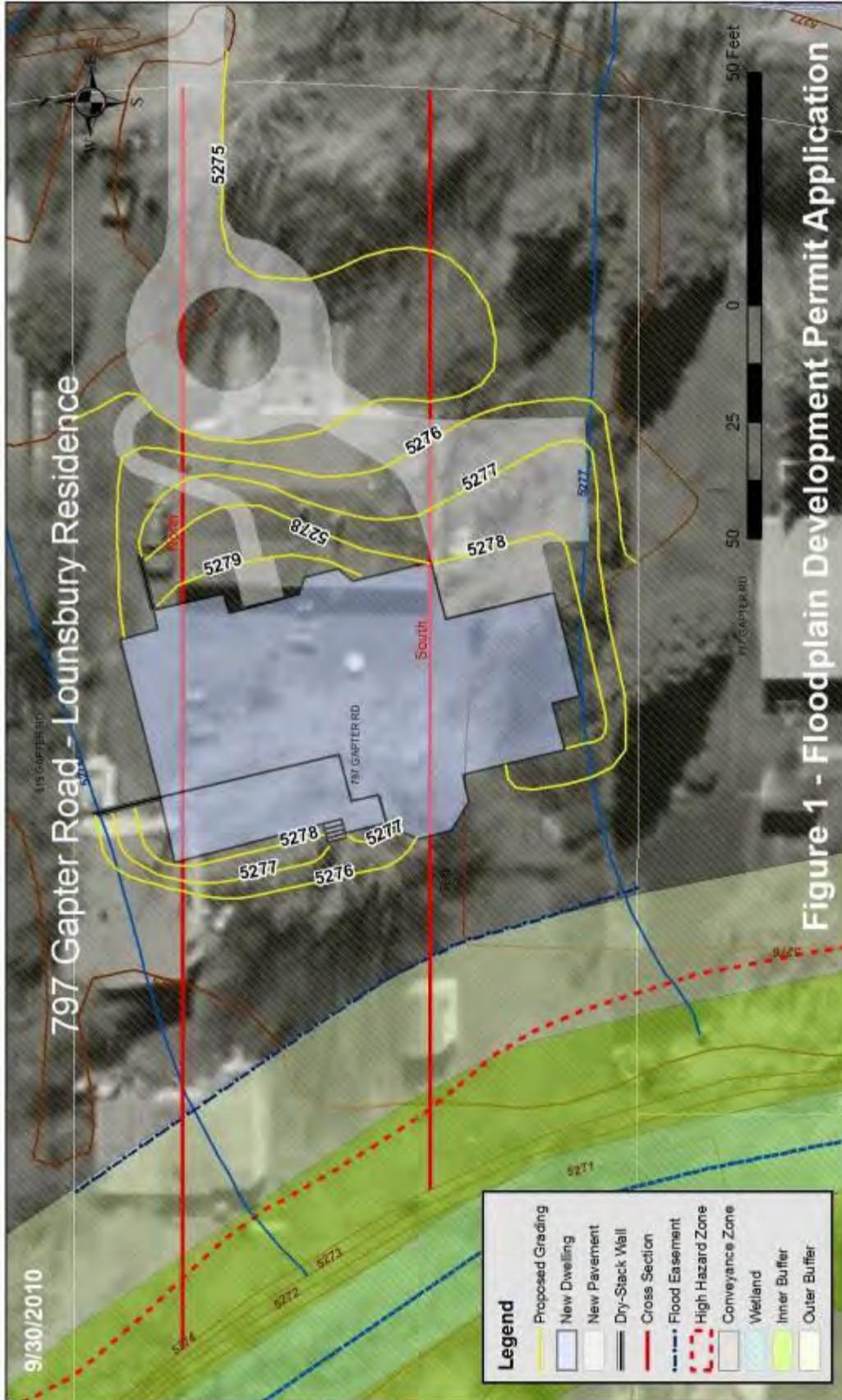


Figure 1 - Floodplain Development Permit Application

Appendix B provides the manually calculated equal conveyance analysis for the South and North cross sections. Each cross section is illustrated in existing and proposed conditions and the determination of area, wetted perimeter, hydraulic radius and conveyance is reflected. The use of 0.06 for Manning's "n" was selected because that is the roughness coefficient applied in the MIKE FLOOD model for overbank rural areas. The ground and water surface elevations are extracted from the City's 2003 one-foot contour topography and the 2009 MIKE FLOOD raster-based water surface contour GIS shape files.

The results of the equal conveyance calculations determine that there will be no reduction in conveyance at both the South and North cross sections, and supports certification that the proposed dwelling and site grading will result in "no rise" in 100-year water surface elevations in compliance with Subsection 9-3-4, "Regulations Governing the Conveyance Zone," Boulder Revised Code 1981.

Cross Section	Existing K	Proposed K	Change in K
South	5,401	7,353	+ 1,952
North	5,936	6,571	+ 635

Floodplain Requirements

The regulatory floodplain elevation for development purposes at 797 Gapter Road, based on the 2009 South Boulder Creek Flood Mapping Study, is 5,277.0 feet NAVD 1988. This is illustrated in Figure 1 at the flood water surface elevation contour located immediately south of the proposed dwelling. The flood protection elevation for the structure, defined as two feet above the flood elevation, is 5,279.0 feet NAVD 1988.

The lowest floor elevation of the proposed dwelling is 5,279.2 feet NAVD 1988. This elevation provides some additional protection to ensure compliance with floodplain regulations during the construction process.

Lowest Floor Elevation - 5,279.2 feet NAVD 1988

The structure will include a crawl space designed to meet the standards outlined in FEMA Technical Bulletin 1, "Openings in Foundation Walls and Walls of Enclosures," 2008. The crawlspace ground elevation is 5,276.2 feet NAVD 1988 as reflected in Figure 2. This elevation is slightly below the regulatory flood elevation but is above the existing grade elevation at the property and the north side of the new structure. It provides for a very limited 22 inches of clearance between the floor joists and ground to facilitate required access and clearance for the building. Site fill around the new dwelling to provide handicap accessibility will be placed on three sides only to meet FEMA standards for below ground crawlspaces and there will be no mechanical systems (outside of utility connections) or other building components within the crawlspace. All mechanical systems, including external equipment such as air conditioning compressors, will be placed at or above the flood protection elevation.

Crawl Space Interior Grade Elevation - 5,276,2 feet NAVD 1988

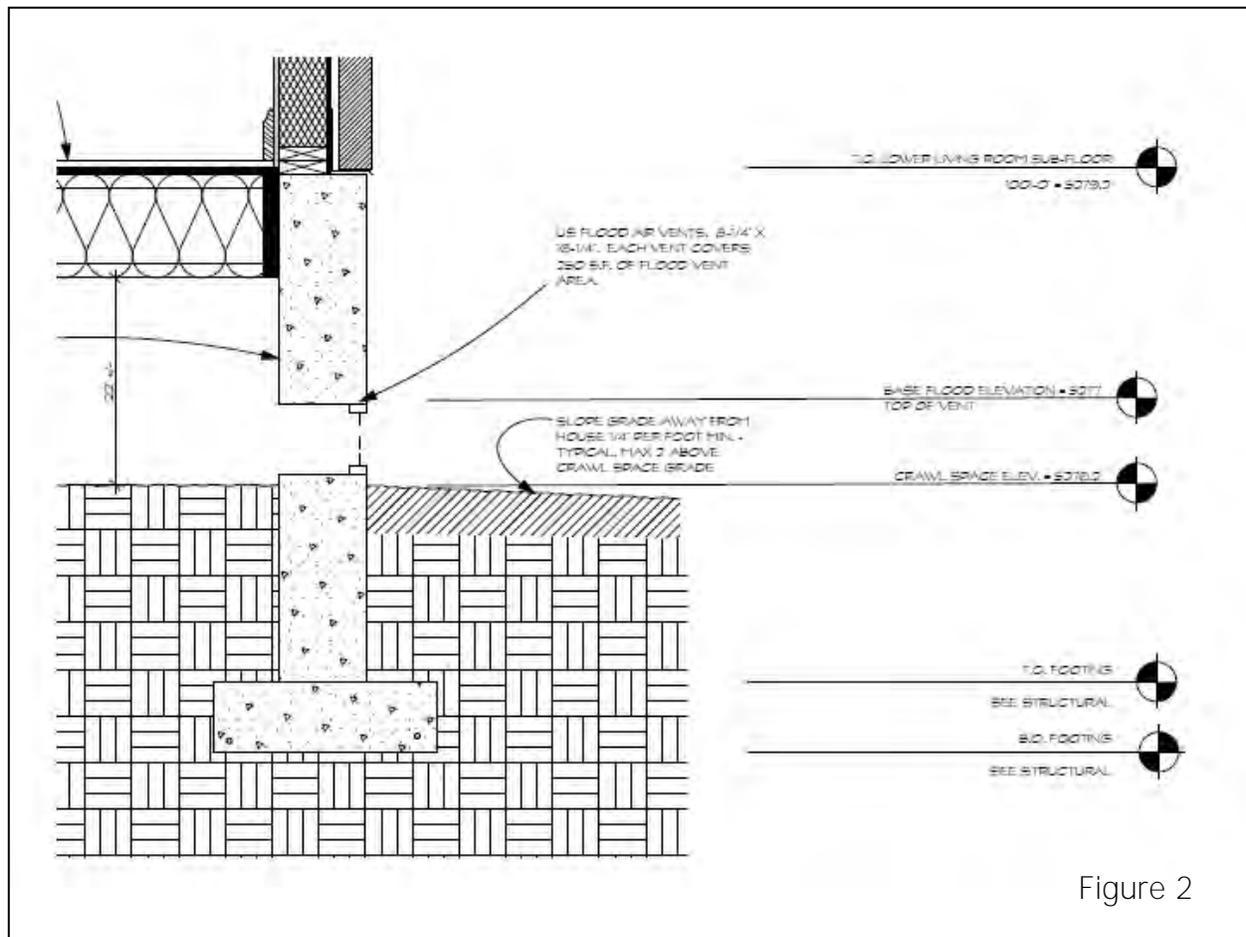
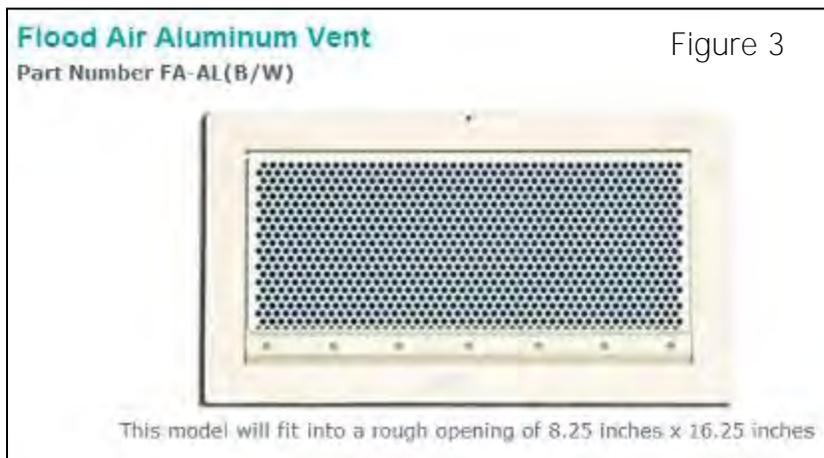


Figure 2

Engineered flood/air vents are proposed to satisfy FEMA flood opening requirements as set forth in Technical Bulletin 1. The crawlspace covers 2,729 square feet and flood openings provided must account for this area. USA Foundation Flood Air Vents™ (USA) markets engineered flood vents that are certified to be designed for installation in buildings to meet FEMA, NFIP and ICC standards and code requirements (Figure 3). USA indicates that each 8 1/4 inch by 16 1/4 inch vent is designed to cover up to 250 square feet of enclosed crawlspace in accordance with FEMA, NFIP, or ICC instructions and calculations. Appendix C includes a sample of the State of Colorado Certification of Compliance for the USA Flood/Air Vent.



The proposed foundation for the new dwelling includes a total of 11 USA Flood/Air Vents to cover the 2,729 square foot enclosure ($2,729/250 = 10.9 \rightarrow 11$). Figure 4 identifies locations on two separate walls for the placement of these flood vents.

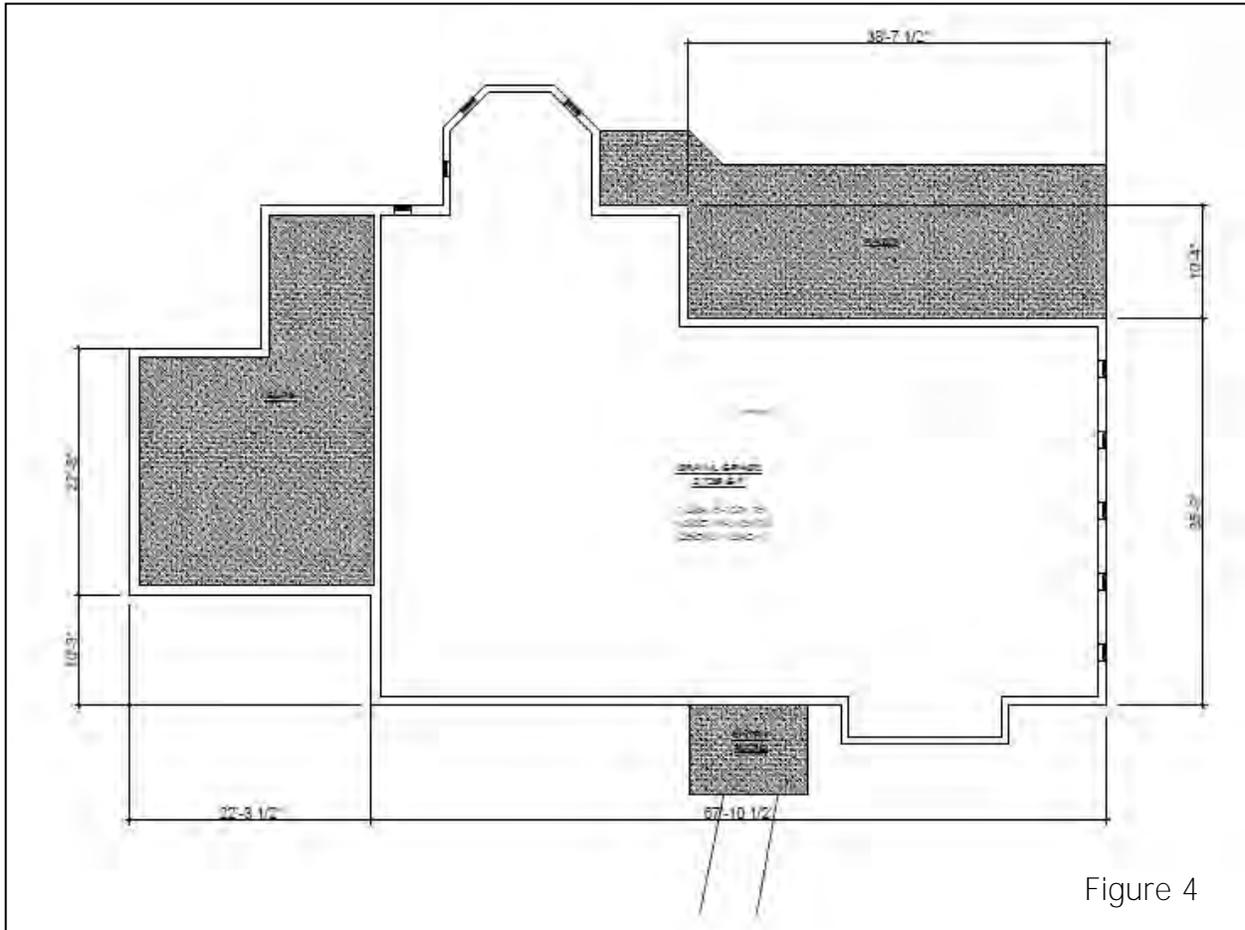


Figure 4

When the City of Boulder reviews a floodplain development permit, a determination as to whether the application meets the intent of prescribed flood regulations must consider the following factors:

- (1) The effects upon the efficiency or capacity of the conveyance zone and high hazard zone;
The floodplain analysis demonstrates that the proposed improvements will result in no increase in 100-year water surface elevations.
- (2) The effects upon lands upstream, downstream, and in the immediate vicinity;
No change.
- (3) The effects upon the one hundred-year flood profile;
There will be no increase in the 100-year flood profile.

(4) The effects upon any tributaries to the main stream, drainage ditches, and any other drainage facilities or systems;

No change.

(5) Whether additional public expenditures for flood protection or prevention will be required;

No, all proposed improvements are privately funded.

(6) Whether the proposed use is for human occupancy;

The replacement single-family dwelling is intended for human occupancy.

(7) The potential danger to persons upstream, downstream, and in the immediate vicinity;

The flood danger in the area will remain unchanged.

(8) Whether any proposed changes in a watercourse will have an adverse environmental effect on the watercourse, including, without limitation, stream banks and streamside trees and vegetation;

No change.

(9) Whether any proposed water supply and sanitation systems and other utility systems can prevent disease, contamination, and unsanitary or hazardous conditions during a flood;

Annexation of the Gapter Road area and replacement of the existing dwelling with sanitary sewer service replacing a septic system and leach field will improve water quality and unsanitary conditions.

(10) Whether any proposed facility and its contents will be susceptible to flood damage and the effect of such damage;

The proposed dwelling will be elevated above the flood protection elevation and constructed in compliance with floodplain regulations, replacing the existing at-grade structure.

(11) The relationship of the proposed development to the Boulder Valley Comprehensive Plan and any applicable floodplain management programs;

The proposed redevelopment is consistent with the BVCP.

(12) Whether safe access is available to the property in times of flood for ordinary and emergency vehicles;

No change. Access along Gapter Road remains in the 100-year floodplain where depths are less than two feet.

(13) Whether the applicant will provide flood warning systems to notify floodplain occupants of impending floods;

No. The dwelling is privately owned and the owner-applicant is well aware of floodplain implications.

(14) Whether the cumulative effect of the proposed development with other existing and anticipated uses will increase flood heights; and

The proposed development will not increase flood heights and eliminates three of the four existing structures on the property.

(15) Whether the expected heights, velocities, duration, rate of rise, and sediment transport of the floodwaters expected at the site will adversely affect the development or surrounding property.

No change.

This report supports the floodplain development permit application for 797 Gapter Road and provides certification that the proposed dwelling satisfies the requirements as set forth in Chapter 9-3, "Overlay Districts," B.R.C. 1981. Also note that proposed site development will not impact the regulatory high hazard flood zone or wetlands and wetland buffers.

Please contact me with any questions regarding this report or floodplain development permit application.

Sincerely,

Alan R. Taylor, P.E., CFM
Alan Taylor Consulting, LLC

Attachments: Appendix A
 Appendix B
 Appendix C



Federal Emergency Management Agency

Washington, D.C. 20472

CERTIFICATION REQUIREMENTS FOR SIMPLE FLOODWAY ENCROACHMENTS

Introduction

This document is intended to provide guidance to local floodplain administrators in evaluating requests for the placement of fill at a single location, a building, or another simple encroachment within an adopted regulatory floodway. The procedure contained in this document is not intended to evaluate complex encroachments, such as extensive fills, multiple structures, bridges, or levees, where flow expansion and contraction losses may be significant. In such cases, full hydraulic analyses by computer backwater models should be employed. The minimum floodplain management requirements for communities participating in the National Flood Insurance Program (NFIP) in which a regulatory floodway has been designated prohibit any floodway development that would result in an increase in flood levels within the community during the occurrence of the base (100-year) flood discharge. This requirement is outlined in Paragraph 60.3(4)(3) of the NFIP regulations.

Because floodway development is contradictory to the tenets of sound floodplain management, such development is discouraged by the Federal Emergency Management Agency (FEMA). Therefore, these certification requirements assume that all practical alternatives to floodway development have been investigated thoroughly and have been deemed not feasible.

In accordance with the NFIP regulations, it is ultimately the responsibility of each community participating in the NFIP to prohibit floodway development that would result in increases in 100-year flood levels. Communities must make determinations of this type and maintain backup calculations and certifications in their files for review by FEMA personnel upon request.

This document also does not address the many cases and situations requiring the actual revision of the floodway via redelineation of the floodway boundary, the criteria for which are presented in Section 65.7 of the NFIP regulations. A FEMA document, entitled "Conditions and Criteria for Floodway Revisions," and dated August 27, 1984, addresses these issues.

Definition of "No-Rise"

It is important that the concept of "no rise" be clarified and understood. The actual wording of Paragraph 60.3(4)(3) of the NFIP regulations is that the community shall "prohibit ... any increase in flood levels during the occurrence of the base flood discharge." If an adopted regulatory floodway has been computed and is displayed on the effective NFIP map, all areas within the floodway are considered to be effective in conveying the 100-year flood discharge. Therefore, no obstruction, regardless of size, can be

placed within the floodway without obstructing flow and causing some increase in the base flood elevation (BFE). Such increases may be localized and may seem insignificant; if modeled, they may yield changes on the order of hundredths or thousandths of a foot.

There has been a tendency to misinterpret the "no-rise" criterion to include rounding allowances and also to conclude that an increase in computed water-surface elevation of 0.01 foot or less, as determined by a backwater computer model, is sufficient evidence to support the acceptability of development in a floodway.

Although the backwater computer model output may show little change in water-surface elevation, closer examination will, in all likelihood, reveal changes in other variables (e.g., topwidth, flow area, velocity). These changes can be translated into increases in water-surface elevation that may not be considered significant by themselves. However, the long-term cumulative effects of such increases will eventually result in significant changes. Therefore, no development in the floodway should occur without proper compensation for the lost conveyance. This is the intent of Paragraph 60.3(d)(3) of the NFIP regulations.

It is FEMA's position that this regulation is to be interpreted exactly, and strictly, as written; that is, "no" rise above the BFE will be permitted. Therefore, nothing that offers any resistance to the flow of floodwaters may be placed within a regulatory floodway unless compensatory action is taken to restore the lost conveyance.

Loss of Conveyance

In the case of a simple floodway encroachment, as discussed previously, a "no-rise" determination can usually be made based on consideration of conveyance only. In such a situation, it is the difference in the conveyance before and after encroachment, or the aforementioned loss of conveyance, that must be addressed if the effects of development are to be compared against the "no-rise" criterion. The computation of loss of conveyance is most appropriately accomplished on a micro scale by isolating a portion of a cross section, separate from the backwater computer model, and performing head computations. Examples of typical head computations for proposed fill and bridge pier construction are attached for reference. However, it is appropriate to incorporate one or more new cross sections at the site of the proposed construction that reflect existing conditions into the unencroached and encroached backwater computer models. This is done to establish the base flood conditions at that location, which are to be used in the head computations. The formula used to determine conveyance (K) is

$$K = 1.49/n AR^{2/3}$$

where n = Manning's roughness coefficient
 A = Flow area
 R = Hydraulic radius

The loss of conveyance is computed using the "n" value and hydraulic radius at the site of the encroachment as applied in the computer model.

Compensation

Once a determination has been made as to the amount of conveyance lost as a result of the proposed development, the designer or engineer is required to adequately compensate for this loss. This compensation is accomplished by including some means or measures within the proposed floodway development for providing an increase in effective conveyance, at some point on the cross section, equal to or greater than that lost. Equal area exchanges are only valid if the "n" value and hydraulic radius remain unchanged between the encroachment site and the compensation site. It is also important that the flow area provided be truly effective; that is, open to inflow and outflow and not just an isolated low spot or depression. This increased effective conveyance could be computed by hand in a manner similar to that used to compute the loss of conveyance.

The means or measures used to provide this effective conveyance (e.g., excavation, roughness coefficient reduction) would be at the discretion of the designer or engineer but must be approved by the community. Where these means and measures require some form of maintenance, the community must assume ultimate responsibility for their maintenance.

Data Requirements

The items identified below are necessary to document and demonstrate compliance with the "no-rise" criterion for simple floodway encroachments.

1. Hydraulic backwater models of the 100-year flood and floodway water-surface profiles for the following:
 - a. Duplicate of the effective Flood Insurance Study (FIS) model.
 - b. Existing-conditions (effective FIS) model modified to include cross sections through the project site. Cross sections must reflect conditions prior to construction of the project.
 - c. Post-project conditions model. This model must include cross sections through the project site reflecting floodplain conditions after construction of the project. The 100-year flood (without floodway) and floodway elevations for this model must not be greater than those in the existing-conditions model described at letter "b" above. This hydraulic backwater model is necessary to ensure that any changes in transition losses, which are based on velocity heads rather than conveyance, do not cause increases in water-surface elevations. Also, a hydraulic backwater model provides a means of evaluating effective flow areas upstream and downstream of the encroachment and compensation sites.
2. A copy of the appropriate NFIS map showing the existing floodway and indicating the project area.
3. Topographic mapping of the entire project area indicating the locations of all cross sections used in the modified hydraulic model and a plan view of all project elements.

4. Construction plans, certified by a registered professional engineer, for all project elements, including those measures employed to provide additional effective conveyance
5. The following information, to be obtained by hand computation using the cross section and 100-year encroached hydraulic data in the modified existing-conditions computer model output provided under Item 1b:
 - a. Calculation of the reduction in conveyance (K) caused by the proposed obstruction, assuming no change in floodway water-surface elevation, and using the "n" value appropriate for the site of the proposed obstruction
 - b. Calculation of the increase in conveyance (K) obtained by the proposed offsetting measure, using the "n" value appropriate for the site of this measure
 - c. Comparison showing that the conveyance increase computed in 5b equals or exceeds the loss computed in 5a
6. Evidence that the increase in effective conveyance provided for in Item 5b will be maintained perpetually. This should be in the form of a self-maintaining measure or certified maintenance plans for the measure provided.
7. An executed copy of the attached certification statement signed and sealed by a registered professional engineer

A copy of the hydraulic computer model for the effective FFE for the specified stream and community may be obtained by written request to the following address:

Federal Emergency Management Agency
Federal Insurance Administration
Risk Studies Division
500 C Street, SW
Washington, D.C. 20472

Subject CONVEYANCE CALCULATIONEXAMPLE NO. 1Sheet No. 2 of 6PROPOSED FLOODWAY FILL

Drawing No. _____

Computed by RCHChecked By JTPDate 5-14-90RIGHT OVBANK CONVEYANCE (PRE-DEVELOPMENT)

- ASSUMPTIONS:
1. PORTION OF FILL IN FLOODWAY FRINGE IS ALLOWABLE AND IS ACCOUNTED FOR IN FLOODWAY SURCHARGE
 2. PREDEVELOPMENT CONVEYANCE SHOULD ASSUME EXISTENCE OF WETTED PERIMETER ALONG FLOODWAY BOUNDARY
 3. MAXIMUM CONVEYANCE LOSS WILL OCCUR IN CONJUNCTION WITH FLOODWAY DEPTH THEREFORE USE FLOODWAY WATER SURFACE ELEVATION IN COMPUTATION
 4. CONVEYANCE LOSSES COMPUTED WITH FLOODWAY WATER SURFACE ELEVATION AND PROPERLY COMPENSATED FOR WILL NOT INCREASE 100-YEAR (BASE FLOOD) ELEVATION

THEREFORE:

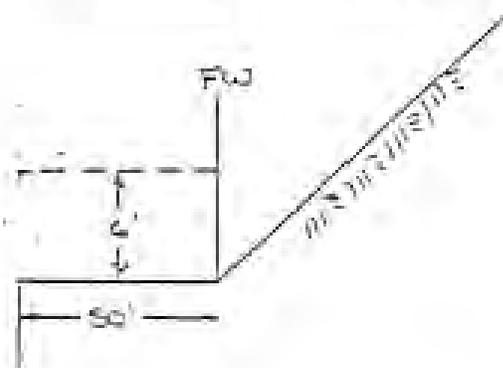
$$K_{PRE} = 1.49 / N A R^{2/3}$$

$$A = 50 \times 6 = 300 \text{ FT}^2$$

$$WP = 50 + 6 = 56 \text{ FT}$$

$$R = 300 / 56 = 5.36 \quad R^{2/3} = 3.06$$

$$K_{PRE} = 1.49 / 0.050 (300) (3.06) = \underline{27356.40 \text{ CFS}}$$



Subject CONVEYANCE CALCULATIONEXAMPLE NO. 7Sheet No. 3 of 6PROPOSED FLOODWAY FILL

Drawing No. _____

Computed by RCHChecked By JTPDate 5-14-90RIGHT OVERBANK CONVEYANCE (POST-DEVELOPMENT)

- ASSUMPTIONS: 1. ALL PREVIOUS
2. PROPOSED FILL SLOPES ABOVE FLOODWAY WATER SURFACE ELEVATION AND OUTSIDE FLOODWAY LIMIT DO NOT CONTRIBUTE TO WETTED PERIMETER

THEREFORE:

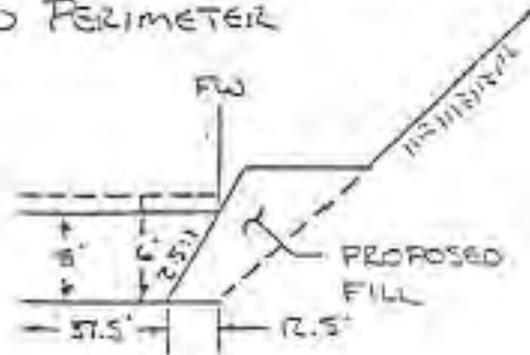
$$K_{POST} = 1.49 / N A R^{2/3}$$

$$A = (1)(50) + \frac{1}{2}(5)(50 + 37.5) \\ = 268.75 \text{ FT}^2$$

$$WP = 37.5 + (12.5^2 + 5^2)^{1/2} + 0 = 50.96$$

$$R = 268.75 / 50.96 = 5.27 \quad R^{2/3} = 3.03$$

$$K_{POST} = 1.49 / 0.05 (268.75) (3.03) = \underline{24,266.51}$$

TOTAL CONVEYANCE LOSS IN FLOODWAY

$$K_{PRE} - K_{POST} = 27,356.40 - 24,266.51 = \underline{\underline{3089.89 \text{ cfs}}}$$

CONVEYANCE CALCULATION

EXAMPLE No. 1

Sheet No. 4 of 6

PROPOSED FLOODWAY FILL

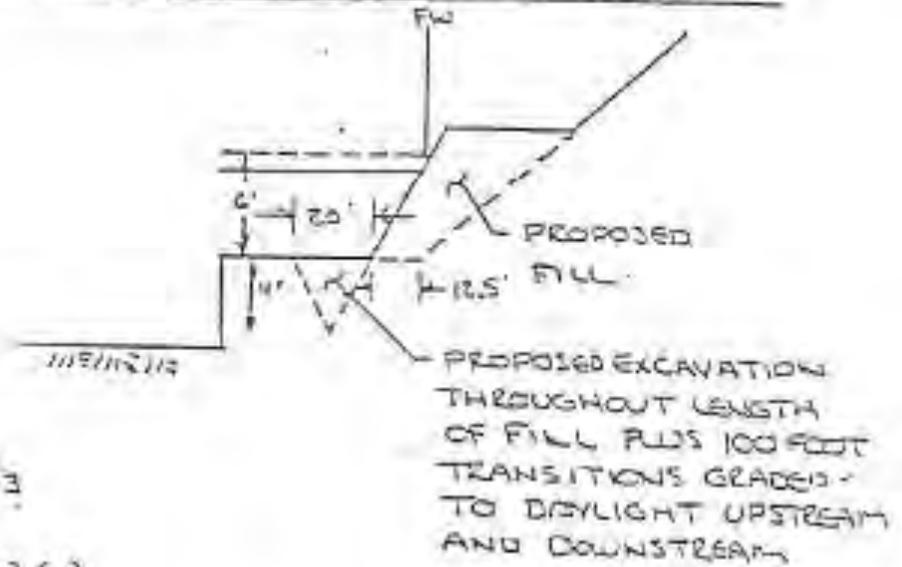
Drawing No. _____

Computed by RCH

Checked By JTP

Date 5-14-90

DESIGN OF CONVEYANCE COMPENSATION MEASURE



$$K_{PROP} = 1.49 / N A R^{2/3}$$

$$A = 268.75 + \frac{1}{2}(20)(4)$$

$$= 308.75 \text{ FT}^2 > 300 \text{ FT}^2 \text{ (PRE)}$$

$$WP = 50.96 - 20 + (2)(10^2 + 4^2)^{1/2} = 50.96 + 21.54 = 52.50$$

$$R = 308.75 / 52.50 = 5.88 \quad R^{2/3} = 3.26$$

$$K_{PROP} = 1.49 / .05 (308.75)(3.26) = 29994.45 \text{ CFS}_{PRE}$$

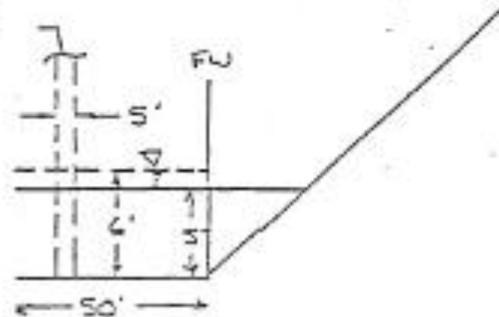
$$> 27356.40 \text{ CFS}_{PRE}$$

∴ OKAY
COMPENSATION
MEASURE
ADEQUATE

NOTE: FILL SLOPE WOULD REQUIRE ADEQUATE PROTECTION AGAINST VELOCITIES AND CHECKS FOR STABILITY

Subject CONVEYANCE CALCULATIONEXAMPLE NO. 2Sheet No. 5 of 6PROPOSED BRIDGE PIER

Drawing No. _____

Computed by RCHChecked By JTPDate 5-14-90RIGHT OVERBANK CONVEYANCE (PRE-DEVELOPMENT)SAME AS EXAMPLE NO. 1 = 27356.40 CFSRIGHT OVERBANK CONVEYANCE (POST-DEVELOPMENT)PROPOSED
PIER
CONCRETE

$$A = (6)(50) - (6)(5) \\ = 300 - 30 = 270 \text{ FT}^2$$

$$WP = (50 - 5) + 2(6) + 6 \\ = 63 \text{ FT}$$

$$R = 270/63 = 4.29 \quad R^{2/3} = 2.64$$

WEIGHTED "N"

$$"N"_{\text{ROB}} = .050 \quad (50 - 5) + 6 = 51$$

$$"N"_{\text{CONC.}} = .013 \quad 2(6) = 12$$

$$51 + 12 = 63 = WP$$

$$"N"_{\text{W}} = \frac{51}{63} (.050) + \frac{12}{63} (.013) = .043$$

$$K_{\text{POST}} = 1.49 / .043 (270) (2.64) = \underline{24,699.35 \text{ CFS}}$$

TOTAL CONVEYANCE LOSS IN FLOODWAY

$$K_{\text{PRE}} - K_{\text{POST}} = 27356.40 - 24699.35 = 2657.05$$

Appendix B

9/14/19

SOUTH SECTION (Existing Conditions)

Area:	1	0.06 (30)/2	0.90
	2	1.43 (30)	42.90
	3	1.07 (30)/2	16.05
	4	0.1 (55)/2	2.75
	5	0.1 (32)	3.2
	6	0.7 (87)	60.9
	7	0.1 (5)	0.5
	8	0.15 (5)/2	0.38
	9	0.1 (50)/2	2.5
	10	0.2 (32)/2	3.2
	11	1.1 (67)	73.7
			206.98

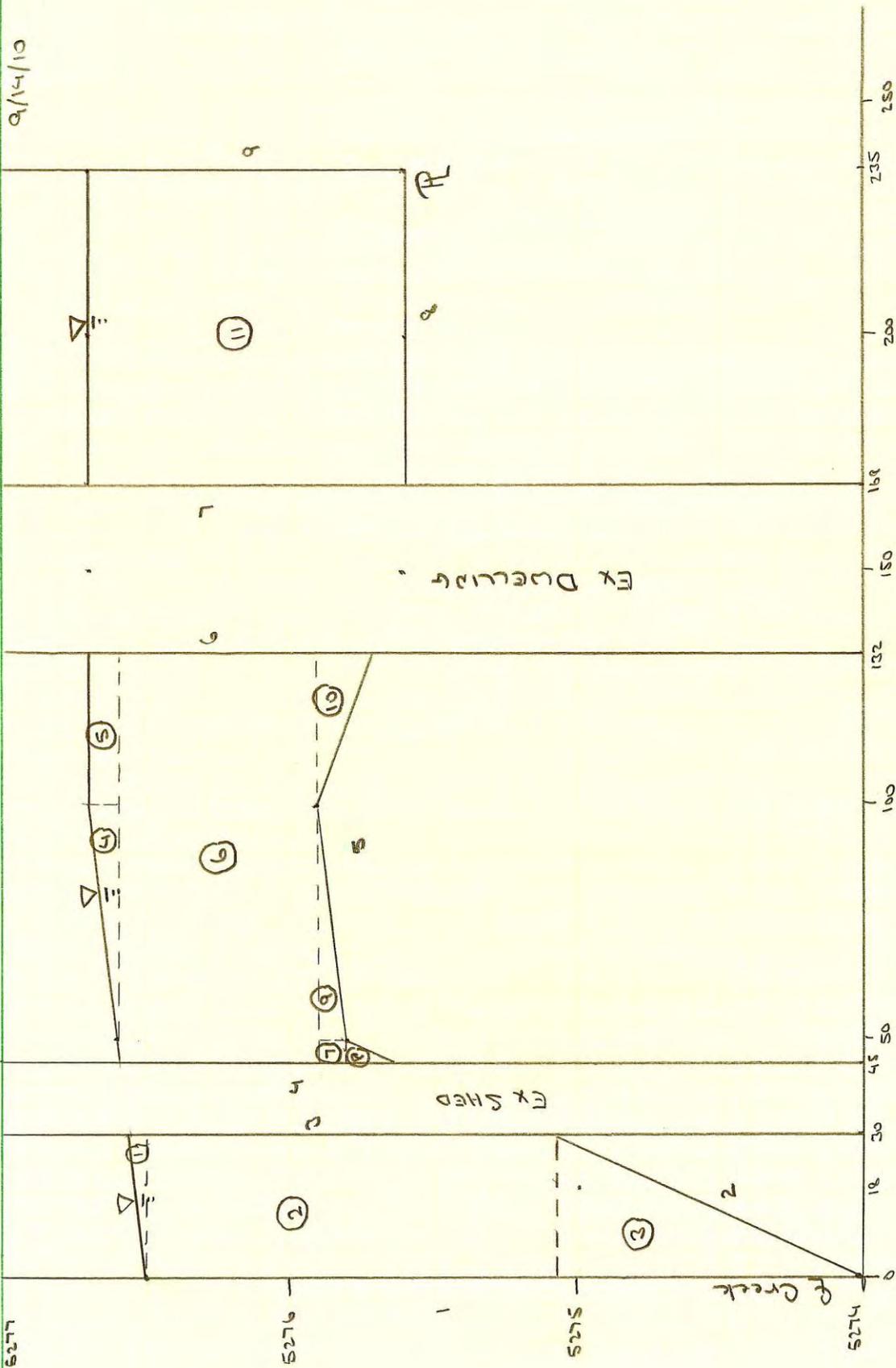
WP:	1	2.5	
	2	30.0	
	2	1.5	
	4	0.95	
	5	87.0	
	6	1.0	
	7	1.1	
	8	67.0	
	9	1.1	
			192.15

$$R = 206.98 / 192.15 = 1.08$$

$$R^{2/3} = 1.05$$

$$K = \frac{1.49}{0.06} (206.98)(1.05) = \underline{\underline{5,401.18}}$$

9/14/10



SOUTH SECTION (Existing Conditions)

SOUTH SECTION (Proposed Conditions)

9/30/2010

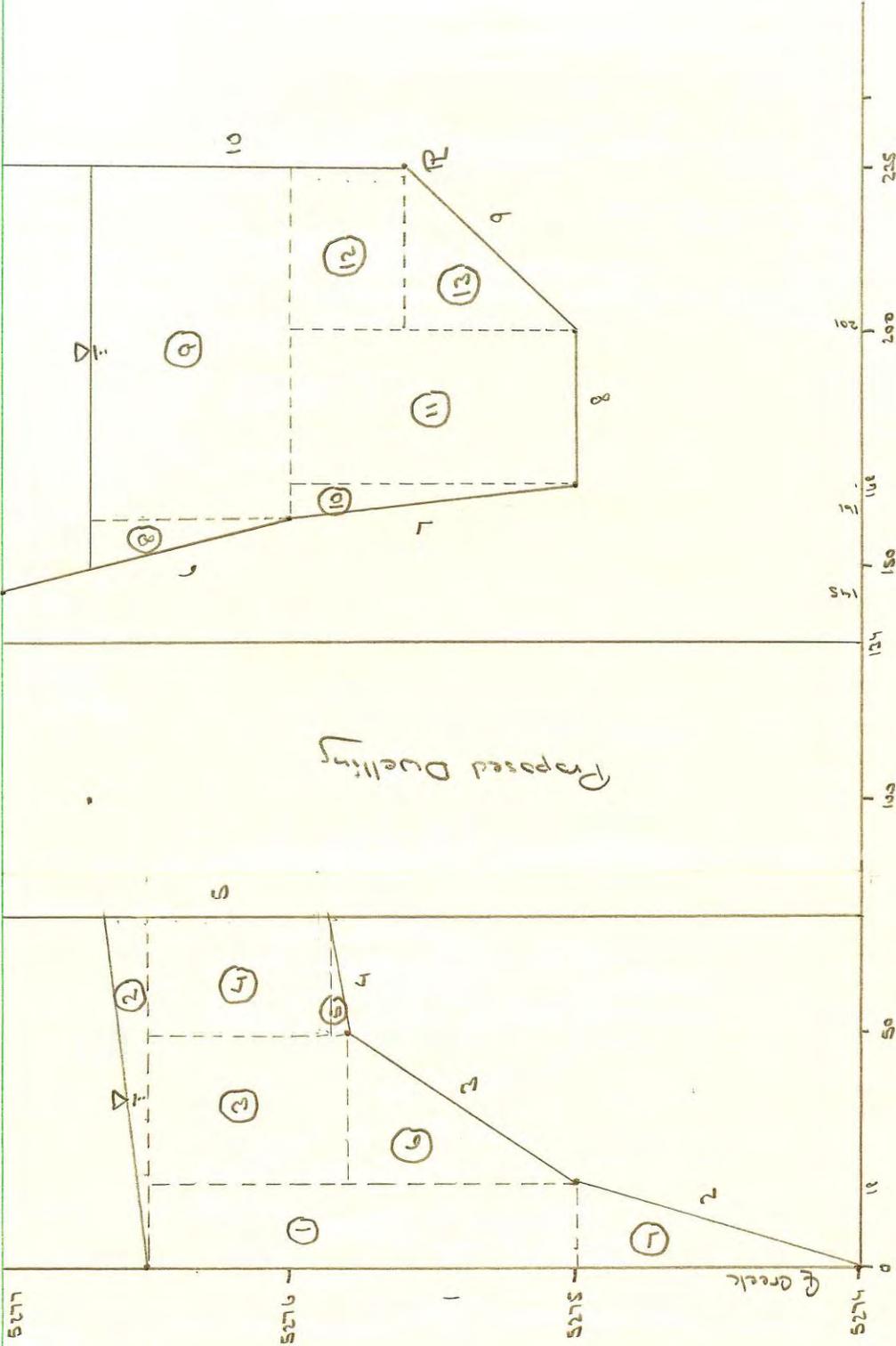
Area:			
1	1.5 (18)		27
2	0.15 (75) / 2		5.63
3	0.7 (32)		22.4
4	0.65 (25)		16.25
5	(0.05) (23) / 2		0.58
6	0.8 (32) / 2		12.8
7	1.0 (18) / 2		9.0
8	0.7 (11) / 2		3.85
9	0.7 (109)		76.3
10	1.0 (8) / 2		4.0
11	1.0 (33)		33.0
12	0.4 (34)		13.6
13	0.6 (34) / 2		10.2
			234.61

WP		
1	2.5	
2	18.0	
3	32.0	
4	25.0	
5	0.8	
6	11.0	
7	8.06	
8	33.0	
9	34.0	
10	1.1	
	165.46	

$$R = 234.61 / 165.46 = 1.42$$

$$R^{2.3} = 1.26$$

$$K = \frac{1.49}{0.06} (234.61)(1.26) = \underline{\underline{7,353.3}}$$



9/30/2010

SOUTH SECTION (Proposed Conditions)

9/14/10

NORTH SECTION (Existing Conditions)

Area:	1	$0.17(33)/2$	2.81
	2	$1.1(33)$	36.3
	3	$0.6(33)/2$	9.9
	4	$0.07(25)/2$	0.88
	5	$1.07(25)$	26.75
	6	$0.1(25)/2$	1.25
	7	$0.1(50)/2$	2.5
	8	$0.9(50)$	45.0
	9	$0.2(33)/2$	3.3
	10	$0.05(13)/2$	0.33
	11	$1.1(72)$	79.2
	12	$0.2(20)/2$	2.0
	13	$0.2(10)$	2.0
	14	$0.1(42)$	4.2
	15	$0.1(21)/2$	1.05
	16	$0.1(10)/2$	0.5
			217.64

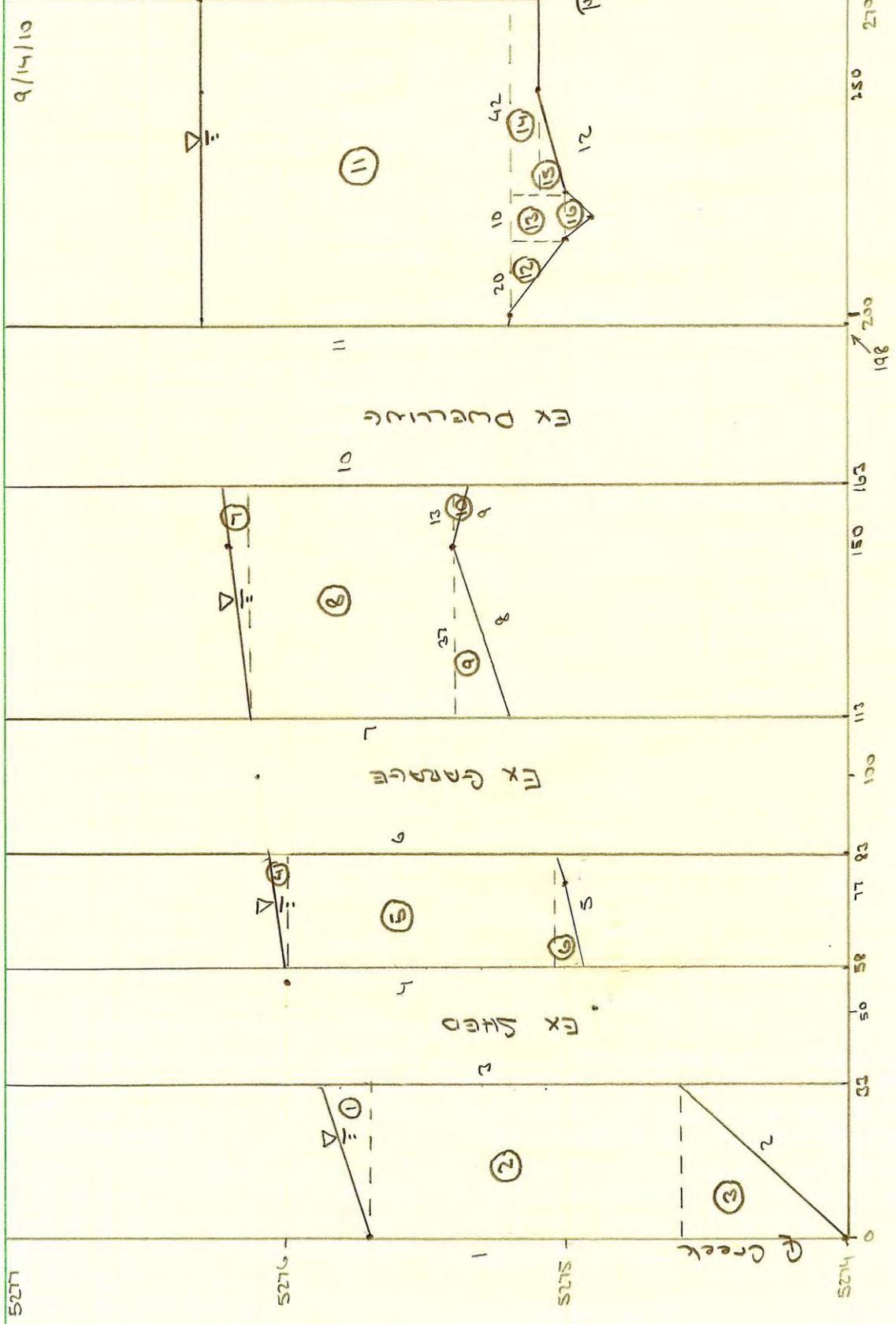
WP	1	1.7
	2	33.0
	3	1.27
	4	1.06
	5	25.0
	6	1.0
	7	0.9
	8	37.0
	9	12.0
	10	0.85
	11	1.1
	12	72.0
	13	1.2

189.1

$$R = 217.64 / 189.1 = 1.15$$

$$R^{2.49} = 1.10$$

$$K = \frac{1.49}{0.06} (217.64)(1.10) = \underline{\underline{5,936.1}}$$



NORTH SECTION (Existing Conditions)

NORTH SECTION (Proposed Conditions)

9/30/2010

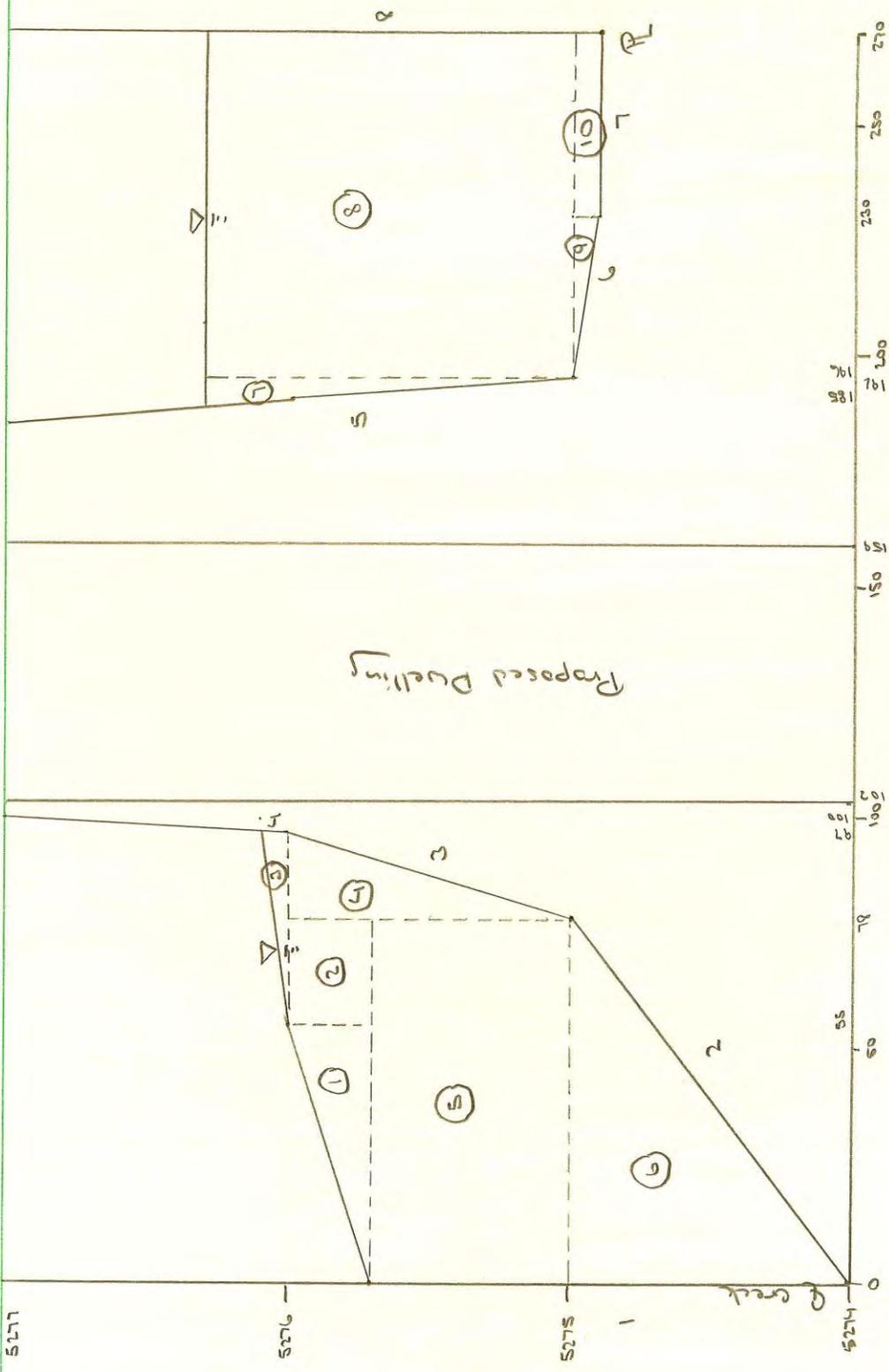
Area:			
1	0.2(55)/2	8.25	
2	0.3(23)	6.9	
3	0.1(42)/2	2.1	
4	1.0(19)/2	9.5	
5	0.7(78)	54.6	
6	1.0(78)/2	39.0	
7	1.3(11)/2	7.15	
8	1.3(74)	96.2	
9	0.1(34)/2	1.7	
10	0.1(40)	4.0	
		229.4	

WP		
1	1.7	
2	78	
3	19	
4	0.1	
5	11.1	
6	34	
7	40	
8	1.3	
	185.2	

$$R = 229.4 / 185.2 = 1.24$$

$$R^{2.3} = 1.15$$

$$K = \frac{1.49}{0.06} (229.4)(1.15) = \underline{\underline{6,570.5}}$$



NORTH SECTION (Proposed Conditions)

State of Colorado Certificate of Compliance

Project Name: _____ Date: _____
Address: Sample _____
Town: _____ State: _____ Zip Code: _____

In accordance with Home Land Security- FEMA- NFIP- Tech Bulletin 1-93 requirements for engineered openings in foundation walls, USA FLOOD/AIR FOUNDATION FLOOD VENT will allow for the automatic equalization of hydrostatic flood forces and pressure during flooding as well as for base 100 year flood or 1% chance of flooding in FEMA FIRM (Federal Insurance Rate Map) "A" zone properties. Additional information to meet FEMA/NFIP requirements for flood venting can be found in TB 1-93. The international Code Council (ICC) requires a minimum 3" diameter opening to be maintained during flooding to allow passage of debris through a flood vent. USA FLOOD/ AIR FOUNDATION FLOOD VENT meets the regulation of Federal Emergency Management Agency's National Flood Insurance Program (44 CFR 60.3 (e) (5)) and Flood Resistant Design and Construction (ASCE 24-98).

I do here by certify the USA FLOOD/ AIR FOUNDATION FLOOD VENTS openings are designed for installation in buildings to meet the FEMA, NFIP, and ICC code requirements for the equalizing of hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater during floods up to and including the base (100 year) flood.

One USA FLOOD/ AIR VENT, with its single door and frame of double door and frame, will provide sufficient hydrostatic pressure equalization during a flood. Each vent will cover 250 square feet of enclosed building area as per FEMA, NFIP, or ICC instructions and calculations.

I further certify that the breakaway door tested releases under less the required 20 lbs. of hydraulic pressure.

Mr. Paul Reimer
Reimer Associates Inc.
PMB207, 3140 B Tilghman Street
Allentown, PA 18104



CITY OF BOULDER
PLANNING BOARD AGENDA ITEM
MEETING DATE: November 4, 2010

AGENDA TITLE:

Public hearing and consideration of **Site Review and Preliminary Plat**, under separate case numbers **LUR2010-00048 and LUR2010-0050**, for **Violet Crossing**, a proposed residential development at the northeast corner of the intersection of **Broadway and Violet Ave.** with 78 market rate apartments and 20 affordable apartments on a total of 4.66 gross acres located in the MU-2, Mixed Use-2 and RM-2, Residential Medium-2, zoning districts. The applicant is also pursuing Vested Rights and a change to the North Boulder Subcommunity Plan Right-of-Way Plan for 13th Street.

Applicant / Owner: Nancy Blackwood/North Broadway Center, LLC

REQUESTING DEPARTMENT:

Community Planning and Sustainability:

David Driskell, Executive Director

Charles Ferro, Land Use Review Manager

Elaine McLaughlin, Senior Planner

OBJECTIVE:

Define the steps for Planning Board consideration of this request:

1. Hear Applicant and Staff presentations
2. Hold Public Hearing
3. Planning Board discussion
4. Planning Board take action to approve, approve with conditions or deny

STATISTICS:

Proposal:	A 98-unit rental residential development with 78 market rate rental units and 20 permanently affordable rental units.
Project Name:	Violet Crossing
Location:	4474 N. Broadway (Northeast corner of Broadway and Violet)
Size of Tract:	4.66 acres (gross) (202,859 SF)
Zoning:	Mixed Use - 2 (MU-2) and Residential Medium -2 (RM-2)
Comprehensive Plan:	Mixed Use Business (MUB) and Medium Density Residential (MR)

SUMMARY OF KEY ISSUES:

- 1) Is the proposed plan compatible with the goals, objectives, and recommendations of the North Boulder Subcommunity Plan (NBSP), the Boulder Valley Comprehensive Plan (BVCP), and the Site Review criteria of the Land Use Code, section 9-2-14(h), B.R.C. 1981?

- 2) Does the proposed change to the North Boulder Right of Way Plan meet the intent of the plan?
- 3) Are the proposed mass and scale of the buildings compatible with the character of the surrounding area?
- 4) Does the proposed development appropriately respond to the flood hazards on-site with provision of channel improvements and a Village Green?

BACKGROUND:

The project was reviewed as a Concept Plan in Dec. 2009, and two previous Concept Plan reviews were completed in December 2006 and June 2007. In the previous reviews (prior to the 2009 Concept Plan) the project had been proposed as mixed use. Following the Concept Plan discussed last year, the proposed project is entirely rental residential with no office or retail uses.

There are no modifications to the land use code proposed. However, the applicant is proposing Vested Rights that requires a hearing before Planning Board consistent with section 9-2-19, B.R.C. 1981. However, staff is referring the applications to Planning Board for review and decision based on neighbors' desires to comment about the project in a public hearing.

Existing Site and Context: The roughly triangular-shaped site, located at the northeast corner of the intersection of Violet Avenue and Broadway is essentially flat, trending from northwest to southeast in an approximately two percent slope. Views from the site toward the west are primarily of the foothills. The north side of the property is bordered by Fourmile Canyon Creek that also flows from northwest to southeast. Refer to Figure 1 and [Attachment A Vicinity Map](#). There are several existing mobile homes and other structures on the site, including two older retail buildings, all of which are set off of the roadway by approximately 85 feet. Many of the mobile homes are older and most of the structures on the site are in a deteriorated state. There are also significant areas of dilapidated pavement. There are a number of existing trees on the property that vary in size and vigor.

Flood Constraints. The site is impacted by the high hazard, conveyance, and 100-year flood zones. Additionally, the grades on the west side of the property are currently lower than the crown of Broadway. Figure 2 illustrates the current flood zone boundaries on the site, which will need to be mitigated as part of the proposed project.

Surrounding Context. The site is adjacent to the recently built Uptown Broadway mixed use development to the north, Blue Spruce Used Auto Sales to the west, along with service industrial, live-work units, and the Ponderosa Mobile Home Park further to the north. The predominately single family Crestview West neighborhood is located to the south of the site and further southwest, across Broadway, is the Wonderland Neighborhood that is also predominately single family residential. To the north and east of the property is the Boulder Meadows Mobile Home Park with a trapezoid-shaped area adjacent to the subject property that is primarily used for storage for the mobile home residents. Across the Fourmile Canyon Creek and "flag pole" portion of property to the east of the site is property owned by the City of Boulder and reserved for a future library. Figure 3 provides a close-up aerial photo of the site and the immediate surroundings. Figures 4 and 5 present photos of the site and surroundings.

Boulder Valley Comprehensive Plan (BVCP) Designation: The property is designated Mixed Use Business (MUB) on the western portion of the site and Medium Density Residential (MR) on the eastern portion of the site. According to page 64 of the BVCP for areas designated MUB, "*business character will predominate, although housing and public uses supporting housing are encouraged.*" Also as noted on page 63 of the BVCP, areas designated MR can "*accommodate residential development from six to 14 dwelling units per acre.*" The BVCP has a number of policies to evaluate new residential development and a consistency analysis of the relevant policies is provided in [Attachment C](#).



Figure 1: Existing Site and Surrounding Built Context

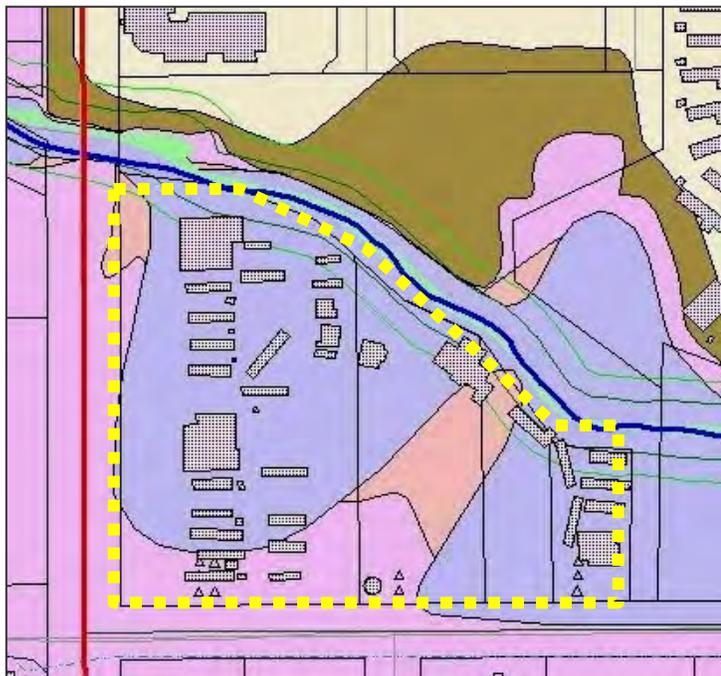


Fig. 2:
Flood Zone Constraints

- High Hazard;
- Conveyance,
- 100 year flood

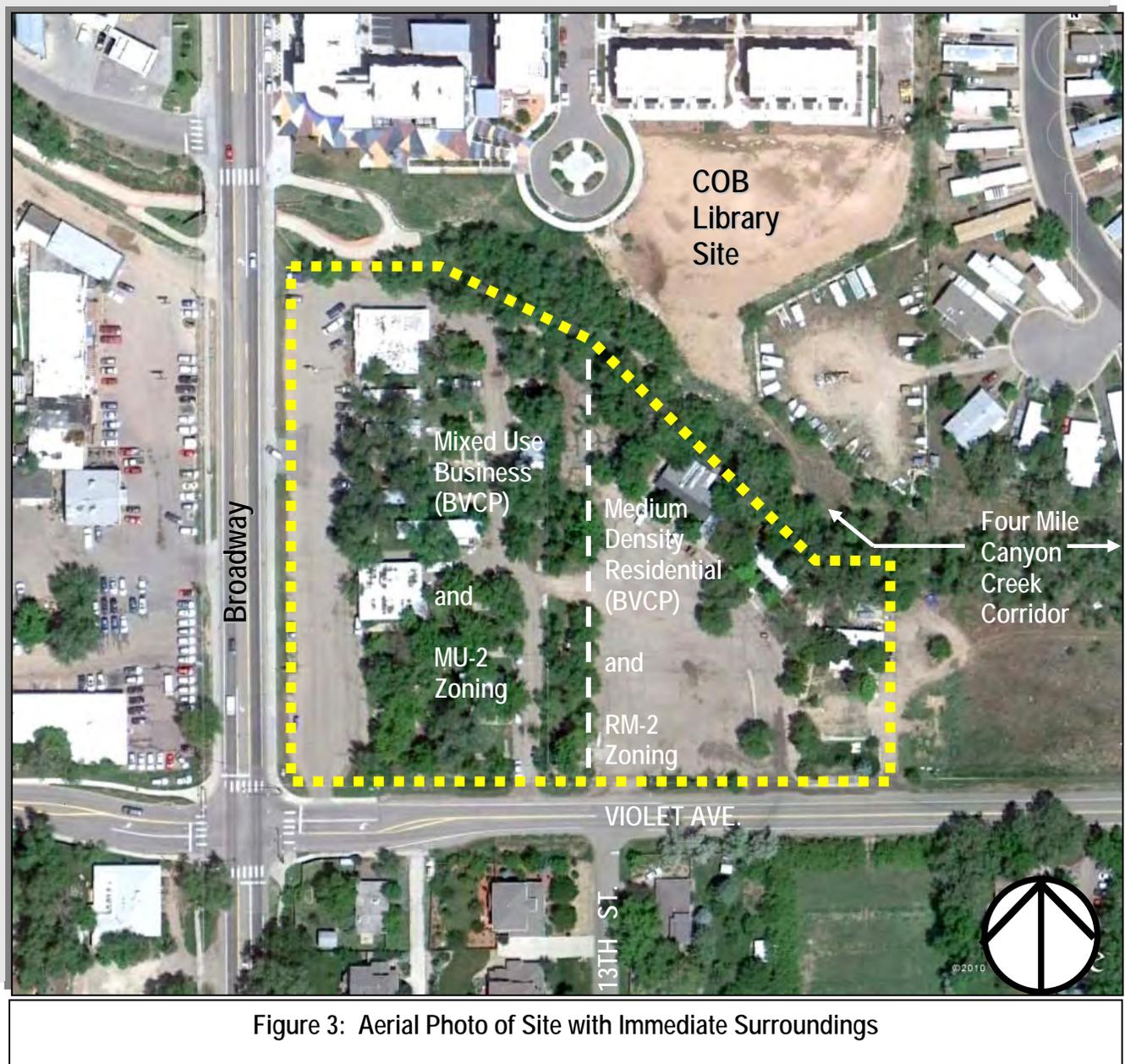


Figure 3: Aerial Photo of Site with Immediate Surroundings

Zoning: The project site is designated under two different zoning districts with the western portion of the property zoned MU-2 (Mixed Use Residential-2) and the eastern portion of the property zoned RM-2 (Residential Medium -2). Refer to Figure 7 below.

Per Section 9-5-2, B.R.C. 1981, the Mixed Use Residential-2 areas are,

“adjacent to a redeveloping main street area, which are intended to provide a transition between a main street commercial area and established residential districts. Residential areas are intended to develop in a pedestrian-oriented pattern, with buildings built up to the street with residential, office, and limited retail uses.”

The RM-2 areas are medium density residential areas which are, *“primarily used for attached residential development where each unit generally has direct access to ground level.”*

Images of Existing Site and Surrounding Context

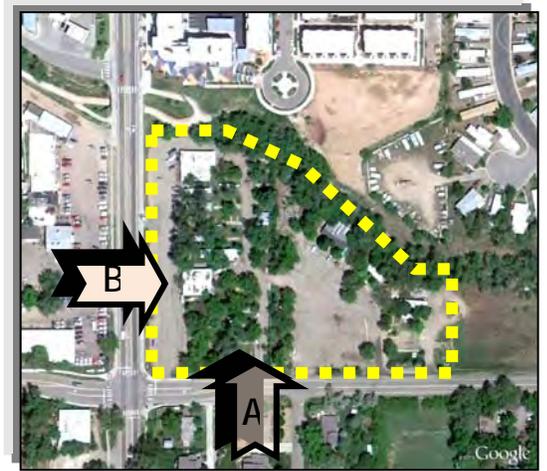


Fig. 4: Site Photos
A: (above) looking north into the site from Violet Ave.
B: (below) looking east into the site from Broadway



Fig. 5a: Uptown Broadway
(north of proposed project)



Fig 5b: Uptown Broadway
(newest phase north of project)



Fig. 5c: Blue Spruce Auto
(directly west across Broadway)



Fig. 5d: Four Mile Canyon Creek greenway
(northwest across Broadway)



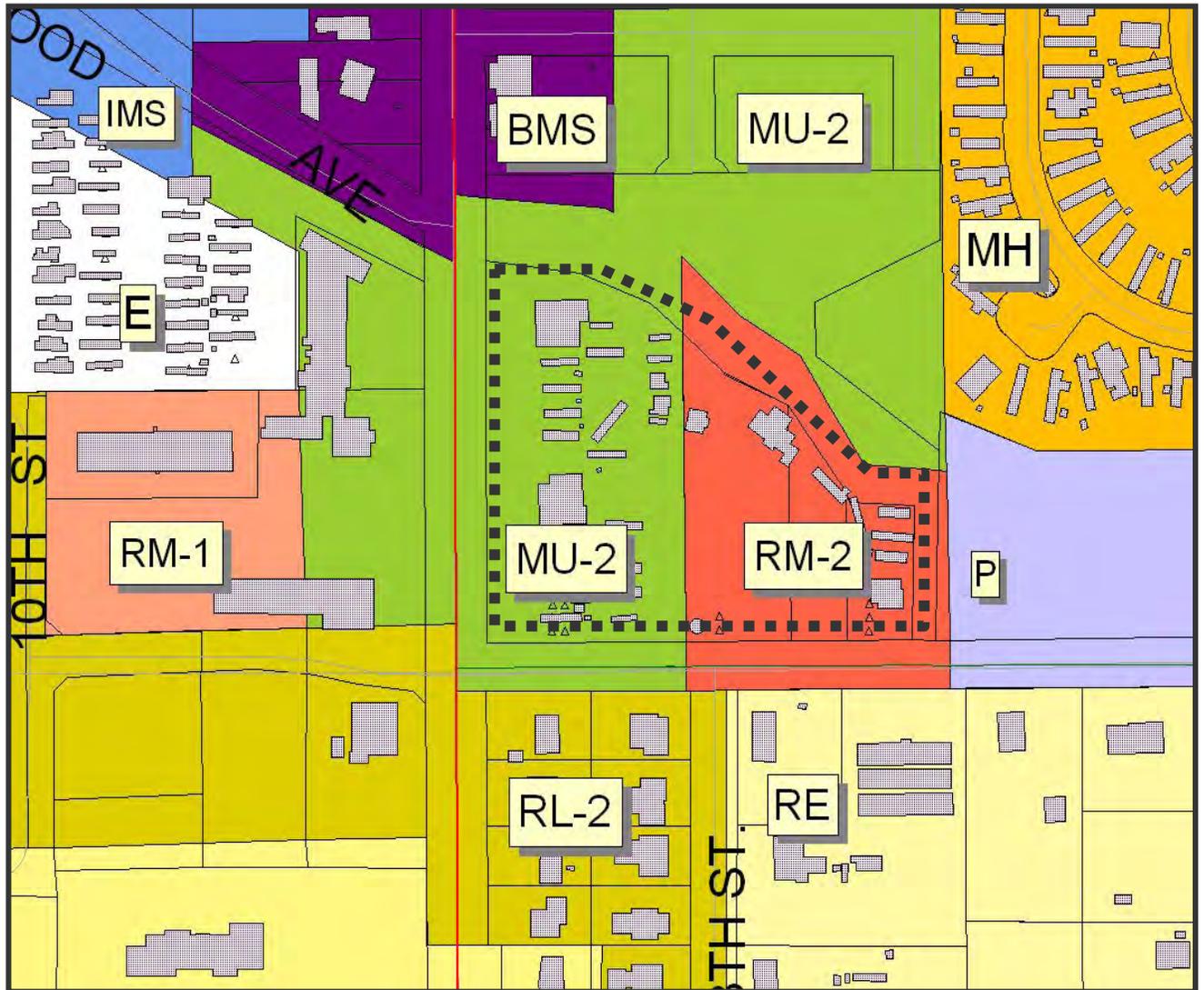


Figure 6:
Zoning Context

North Boulder Subcommunity Plan (NBSP): The project site is located within the boundaries of the NBSP Plan which sets forth the official vision for the future of the North Boulder Subcommunity and is the basis for decisions regarding the long-term preservation and development of North Boulder. The NBSP provides specific actions to be carried out by the City, other public agencies, and the private sector related to future development. The NBSP was also the basis for re-zoning of a portion of North Boulder in 1997 and establishes a street and pedestrian/ bicycle network. The Plan was adopted by Planning Board and City Council in 1995. It was amended in 1996 and 1997 in relation to the Village Center boundaries and Crestview East and West annexation conditions.

As shown in Figure 7, the Village Center from the Yarmouth/Broadway intersection to Fourmile Canyon Creek is defined within the NBSP. The west portion of the project site is designated as a “mixed use transition to the adjacent residential” and a portion of the Village Center and Green. As noted on page 16, the site is intended to transition from the “higher intensity mixed uses” of the “Village Center” to the surrounding residential areas.

Within the NBSP, the eastern portion of the site is designated as residential and the western portion along Broadway is designated as "Mixed Use Transition."

Key concepts on pg. 15 of the NBSP related to the project site include establishing:

- a "Village Green" with 100-foot width on both the north and south sides of Fourmile Canyon Creek – to "act as a gateway, gathering area and transition";
- a mixed use transition from the Village Center to neighborhoods in the surrounding areas;
- appropriate uses of residential, some office uses, and neighborhood scale restaurant(s) to help "frame" the Village Green.
- a residential neighborhood with a diverse mix of unit types and price ranges;
- a mixed use area with a balance of commercial and office uses;
- a transportation plan for all modes with an emphasis on creating a walkable community.

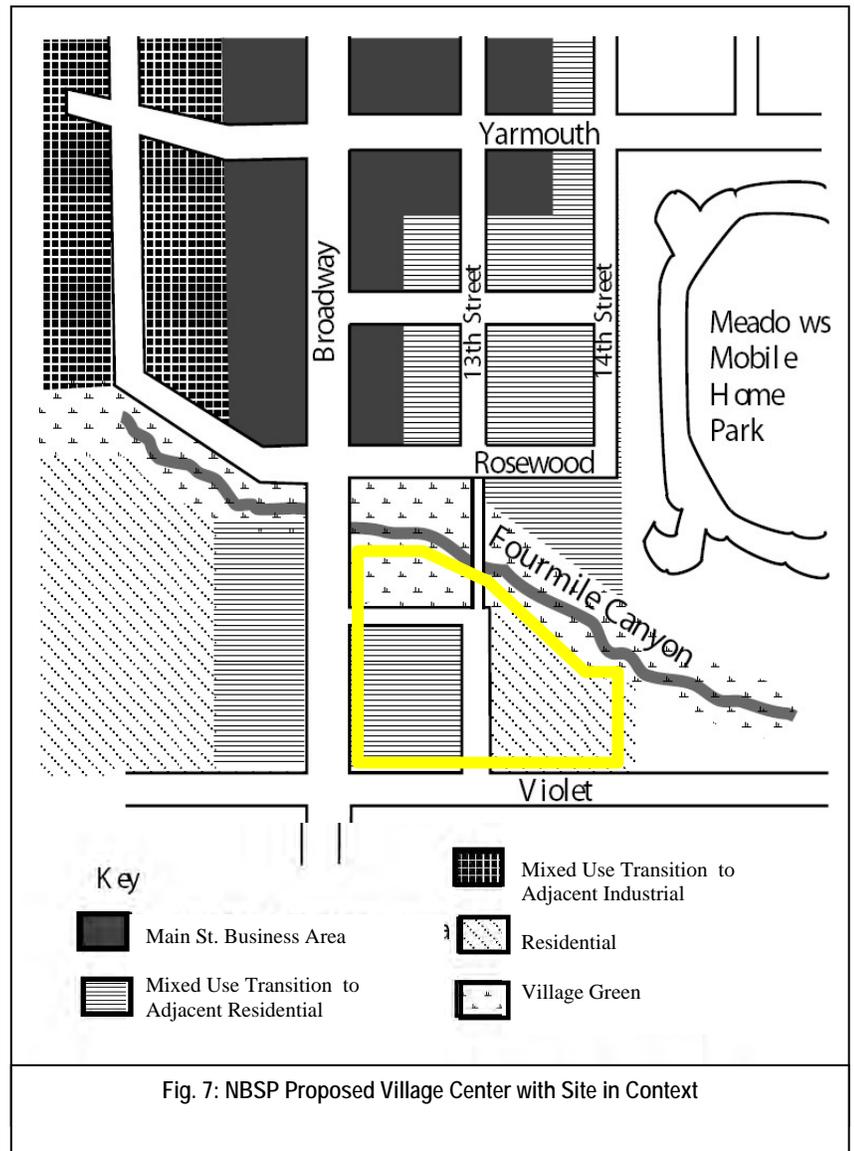


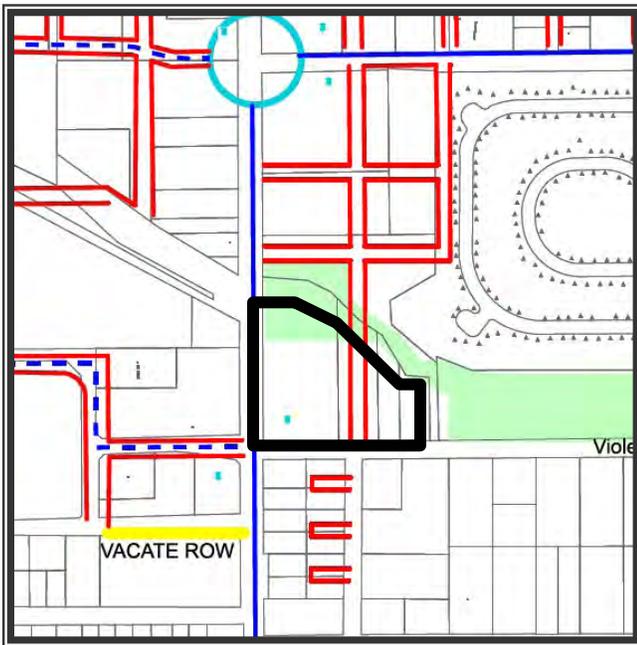
Fig. 7: NBSP Proposed Village Center with Site in Context

A link to the NBSP for this area can be found at:

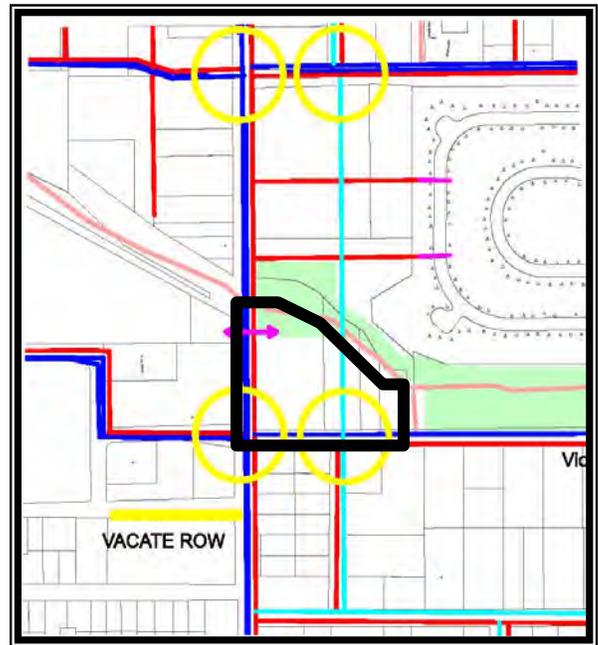
<http://www.bouldercolorado.gov/files/PDS/planning%20and%20zoning/NorthBoulderSubPlan.pdf>

The Village Center is intended to accommodate an intense mix of land uses including residential, office, retail, and civic uses and is meant to serve as the heart and focal point of the North Boulder Subcommunity area. In 2002, the Uptown Broadway development (directly north) was approved as the core of the Village Center area with approximately 223 dwelling units and approximately 50,000 square feet of mixed use commercial space with building heights of approximately 44 feet.

North Boulder Subcommunity Plan Connections Plan. The NBSP Auto/Transit and separate Bike/Pedestrian maps indicate a grid pattern of streets within and around the subject property. As shown on the maps in Fig.8, 13th Street is intended as a through street to connect to the north, with pedestrian/bicycle facilities through the subject property in alignment with 14th Street and along Four Mile Canyon Creek.



Auto/Transit Map



Bicycle/Pedestrian Map

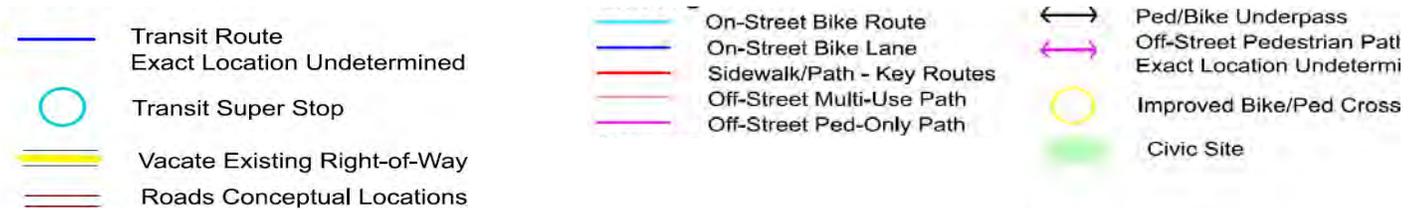


Fig.8:
North Boulder Subcommunity Plan Right-of-Way Plans:
Auto/Transit Map (left) and Bike/Pedestrian Map (right)

PROJECT DESCRIPTION:

As shown in Fig. 9, the proposed project is comprised of 10 residential buildings arranged in a formal grid pattern with buildings built up to Broadway and Violet Street, with adjacent surface parking. A portion of the NoBo Subcommunity Plan's Village Green, in varying widths, is proposed to align the southern shelf of Fourmile Canyon Creek. Primary access is proposed from Broadway on the west side of the property with secondary access proposed from Violet, and a new extension of 14th Street at the east end of the site. There are 20 residential units proposed to be permanently affordable rental units, located on the east end of the site and within the area zoned as RM-2. Other project components and amenities that are proposed include:

- on-street parking along Broadway and the 14th Street extension
- a new bus stop on Broadway;
- a public/private partnership with the City for flood hazard mitigations along Four Mile Canyon Creek;
- a new pedestrian bridge across Four Mile Canyon Creek with walkway connections from Violet to the bridge;
- an open space area along the creek to meet the "Village Green" concept in the North Boulder Subcommunity Plan
- a new multimodal path connection paralleling the creek and within the Village Green;
- a dedicated roadway right-of-way built to city standards that initiates the extension of 14th Street from Violet St. to the creek;
- a water quality detention pond on the east side of the property; and
- a public overlook/plaza at the interface of the creek with Broadway.



Figure 9: Proposed Project

The applicant is requesting an amendment to the North Boulder Subcommunity Right-of-Way Plan for the following:

- reassignment of the north-south vehicular connection from 13th Street to 14th Street;
- reassignment of the multi-use path connection between Four Mile Canyon Creek and Violet from the 14th Street alignment to the 13th Street alignment;
- relocation of multi-use path connection from the north side of Four Mile Canyon Creek to the south side; and
- all residential where the NBSP Land Use map indicates mixed use for the front (west) half of the site.

The maximum number of stories without Site Review approval for the MU-2 zoning district is two, and the applicant is proposing three for two buildings (A1 and A2) on the northwest corner of the site. Typically, none of those requests trigger Planning Board review. However, the applicant is also requesting Vested Rights, consistent with section 9-2-19, B.R.C. 1981.

Site Layout. The site is arranged in a similar configuration to the previous Concept Plans presented to Planning Board, including the Dec. 2009 plan. Access is provided into the site from Broadway, with a secondary access off of Violet Ave. on the south. The primary difference in the layout that is now consistent with recommendations of staff and Planning Board in that there is a clear visual and physical connection to the multi-use path and bridge across the creek, whereas in previous iterations, that connection was obscured

by building placement and location of the bridge further to the north from the secondary access road. The internal parking area is also reduced in size using tuck under parking instead, per Planning Board comments.

Affordable Housing. The applicant intends to provide 100 percent of the required affordable units on-site by entering into a **joint venture with a local non-profit**. This approach has not been taken in Boulder before. Consequently the Housing Division has approved concentrating the affordable units in the two eastern most buildings to allow for other options should this approach prove to be unworkable.

Summary of the Proposed Unit Configurations:The applicant is proposing four different residential building types that are defined as: A, B, C, and D configurations. The buildings within each configuration type differ individually as mirror-images of one another, along with variation in the building's individual finish materials. In general, most of the buildings contain some variation of the following combination of materials including brick, stucco, and board and batten cementous siding, that also have varied but compatible color schemes. All of the buildings have divided light windows and all of the units have private balcony spaces that are framed by steel railing either with pickets or in grid patterns.

Buildings A1 and A2: As shown in Fig. 11, the "A" buildings are proposed to be three stories in height and each contain a total of 12 units (four units on each story). The ground floor units are accessed both by the front - facing Broadway as well as from an interior corridor that serves all the units.

Building B1, B2 and B3: The "B" buildings are all proposed to be two stories with twelve units each, six units on each floor. Ground floor units will be accessed in the front – facing Broadway and from an interior corridor, similar to the "A" units.

Building C1, C2 and C3: These buildings are the smallest on the site and have four, six, and eight units respectively. Buildings C1 and C2 face Violet while C3 faces the interior private roadway. All of the units have tuck under parking. The units are access via the street as well as from an internal doorway that leads from the carports.

Buildings D1 and D2: These units are proposed to be 100 percent affordable, one of the buildings contains nine units and the other has 11 units. Both buildings are configured with tuck-under parking.

Table 1 provides a summary of the bedroom counts for both the MU-2 and the RM-1 zoning districts on the site and Table 2 provides square footage and unit count proposed per building. Also refer to [Attachment E](#), for the complete plan set.

Land Use, Density, and Parking Calculations The dual zoning designation on the site requires an analysis of density based on the differing zoning district criteria. Density for the MU-2 zoning district permits a maximum 0.6 FAR (floor area ratio), and density for the RM-2 zoning district requires 3,500 square feet of lot area per dwelling unit.

MU-2 Density: As indicated in Table 3, the portion of the site that falls within the MU-2 zoning district meets the intensity requirements of subsection 9-8-1, B.R.C. 1981 of 0.6 FAR

RM-2 Density. The area within the RM-2 zoning district requires a minimum 3,500 square feet of lot area per dwelling unit. There are 20 units proposed on 1.75 net acres (76,459 sf) = 3,823 square feet per dwelling units.



BUILDING A-2
WEST ELEVATION (FRONT)



BUILDING B-2
WEST ELEVATION (FRONT)



BUILDING C-3
EAST ELEVATION (FRONT)



BUILDING D-1
WEST ELEVATION (FRONT)

Figure 10 – Typical Elevations of Each Building Type (A through D)

Table 1:
Unit Counts per Zoning District

	MU-2 (West Side of Site)	RM2 (East of Side of Site)	Total
One bedroom units	27	8	35
Two bedroom units	<u>51</u>	<u>12</u>	<u>63</u>
Subtotal:	78	20	98

Table 2:
Square Footage Tally and Unit Count per Building

Building	Total Gross Floor Area	Total Units
A1	12,128	12
A2	12,128	12
B1	10,719	12
B2	10,719	12
B3	10,719	12
C1	2,911	4
C2	4,366	6
C3	5,821	8
D1	8,545	11
D2	<u>6,871</u>	<u>9</u>
Total	89,355	98

Source: OZ Architecture

Table 3:
MU-2 Developable Area and FAR

Site Data	Area Calculation	
	Acres	Sq. Ft
Gross Acreage:	4.66	202,859 sf
ROW Dedication	0.12	5,400 sf
Drainage & conveyance easements	<u>0.97</u>	<u>42,637 sf</u>
Net Developable Site Area	3.57	155,822 sf
MU-2 Area Net Developable Area	2.78	121,000 sf
Floor Area Proposed within MU-2	--	69,961 sf
Floor Area Ratio within MU-2	--	= 0.58 FAR

Required Parking. Separate parking standards of section 9-9-6, B.R.C. 1981, for both MU-2 and RM-2 were used to calculate required parking, and the Concept Plan is illustrated with the total of 98 parking spaces as required for the combined zoning districts. There is also on-street parking illustrated within the public rights-of-way on Broadway and 14th streets that add an additional 17 parking spaces. This is summarized in Table 4.

Table 4: Required and Provided Parking

Zoning District	Calculations	No. of Units	Required	Provided
MU-2 Zone	1.0 space per 1 to 2 bedroom unit	78	78	80
	1.5 space per 3 bedroom unit	0	n/a	n/a
	MU-2 Total	78 units	78 spaces	80 spaces
RM-2	1.0 space per 1 bedroom unit	8	8	11
	1.5 space per 2 bedroom unit	12	18	24
	RM-2 Total	20 units	26 spaces	35 spaces
Off-Street	Subtotal	98 units	104 spaces	115 spaces
On-Street	Subtotal	n/a	0	17 spaces
TOTAL		98 units	104 spaces	132 spaces

ANALYSIS OF KEY ISSUES:

The following key issues have been identified by staff to help guide Planning Board’s discussion of this application. Planning Board may add to this list or provide additional comments on the key issues listed.

- 1) **Is the proposed plan compatible with the goals, objectives, and recommendations of the North Boulder Subcommunity Plan (NBSP), the Boulder Valley Comprehensive Plan (BVCP), and the Site Review criteria of the Land Use Code, section 9-2-14(h), B.R.C.**

Both the NBSP and the BVCP indicate that the front (Broadway) half of subject property should have a mix of uses, with “Mixed Use Residential” defined for the site within the NBSP and “Mixed Use Business” for the property per the BVCP. The applicant has indicated that with the build out of the Uptown Broadway development, there are a number of retail/commercial properties directly adjacent to the project site that remain vacant. The applicant also provided a “windshield survey” that identifies the number and location of those vacancies as shown in Table 5 below as the primary reason to request a change to the Land Use Map of the NBSP.

**Table 5:
Location and Square Footage of Nearby Retail/Office Vacancies**

Location	Type	Square Footage	Number of Vacant Spaces	Percent of Total Vacancies
Uptown Broadway	Retail-Office	16,509 sf.	11	61%
Yellow Pine	Retail-Office	2,194 sf.	2	11%
Easy Rider	Retail Office	965 sf.	1	5%
Yarmouth	Office	9,166 sf.	4	23%
		28,834 sf.	18	100%

Source: Palmos Development Co.

As indicated in the data provided by the applicant, the highest percentage of retail-office vacancies appears to be located directly adjacent to the subject property within the Uptown Broadway development to the north. The next highest percentage of vacant space is located nearby within the mixed use buildings along Yarmouth, two blocks north of the subject property and also along Yellow Pine in the Holiday Neighborhood. While staff does not have data to demonstrate if this vacancy rate is abnormally high (perhaps due to the struggling economy), this data does illustrate that currently there is a large vacancy rate in North Boulder's mixed use developments.

As discussed on page 8 above, the NBSP identifies the site for a variety of uses, and indicates that "residential" is an appropriate use. No percentage mix of uses is required per the NBSP. Similarly, MU-2 zoning standards do not require a percentage to be retail or office. In MU-2, attached residential is a by-right use. Therefore, rezoning is not required. In the Concept Plan review of Dec. 2009, the Planning Board affirmed that the establishment of the site as all residential was an appropriate use in this transitional context, and based on the intent of the site as a "transition" staff finds the proposed project to be appropriate.

2. Does the proposed change to the North Boulder Right of Way Plan meet the intent of the plan and the criteria for such changes?

The applicant is proposing an amendment to the North Boulder Right of Way Plan, which can be considered by the Planning Board based upon a recommendation by staff. As indicated in the previous Concept Plan reviews, the proposed amendment would establish 14th Street as the vehicular connection to the north, while ensuring that 13th Street would remain as a bicycle/pedestrian corridor, and include a bridge over the creek for that purpose. Fig. 11 illustrates the existing Right of Way plan for vehicular circulation, and Fig. 12 illustrates the proposed Right of Way plan for vehicular circulation. As shown in the existing plan, 13th Street is intended as a thru-street. In the proposed plan, 14th Street would be the thru-street,

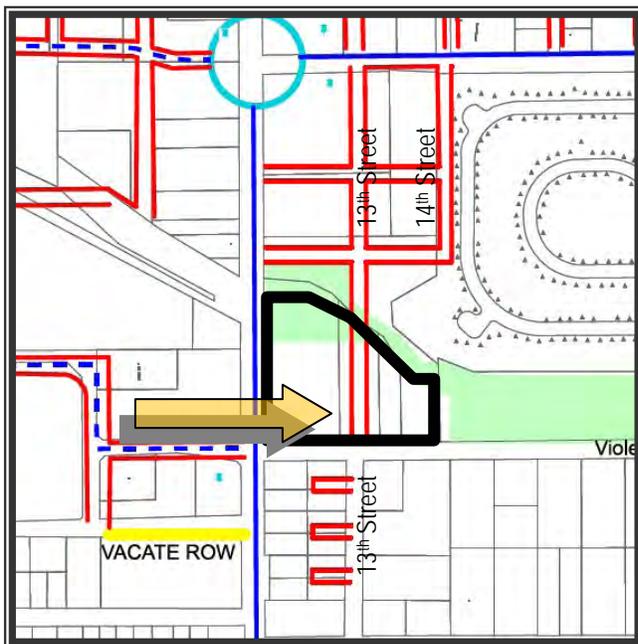


Figure 11: Existing Right-of-Way Plan For Vehicular Access for 13th Street

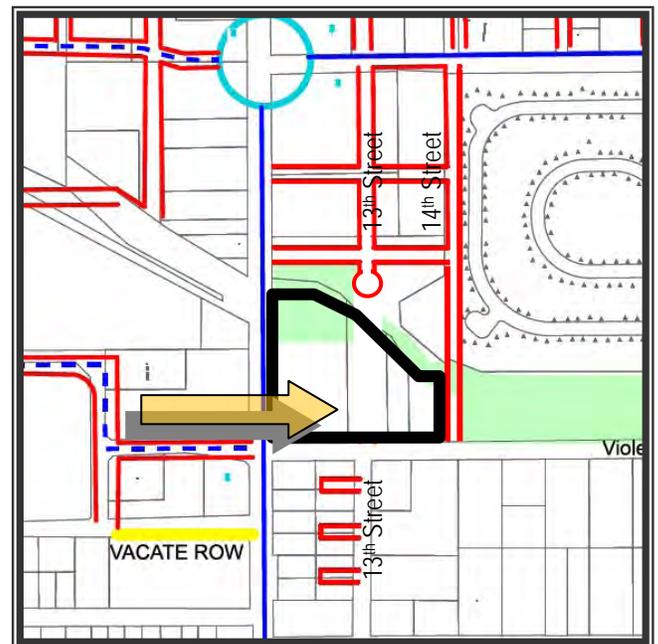


Figure 12: Proposed Right-of-Way Plan For Vehicular Access on 14th Street Instead

An amendment to the NBSP Right-of-Way Plan is therefore required concurrent with Site Review. As shown in the NBSP transportation maps (Figures 11 & 12) 13th Street and a pedestrian / bicycle connection extending through the site (in alignment with 14th Street) and across Fourmile Canyon Creek are illustrated to connect with existing infrastructure on the opposite side of the creek. Additionally, the NBSP indicates the Fourmile Creek Trail paralleling the creek on the north side of the creek corridor. The project plans illustrate, instead, the extension of 14th Street to serve as a vehicular connection, with pedestrian/bicycle facilities provided through the site and alignment with 13th Street across the creek, and the trail on the south side of the creek. A draft agreement has been reached for the city to construct the vehicular bridge over the creek on 14th Street at a future date, while the applicant will construct the pedestrian bridge over the creek in the 13th Street alignment. At a minimum, the applicant will be responsible for their pro-rata share of the construction of both the vehicular and pedestrian bridges as part of this Site Review approval.

Changes to the NBSP Transportation Maps. The methodology to consider changes to the rights-of-way plans is provided as a part of the NBSP and states that such a decision may be done concurrent with Site Review or directed to the City's Policy Resolution Group (PRG – a group of departmental managers as well as the public works and Planning Directors, the Deputy City Attorney who work together to resolve policy issues). However, given that the change is coincident to the Site Review approval, staff is providing a recommendation to Planning Board to amend the plan based on the following:

- the 14th Street alignment would require less grading;
- a bridge for the 14th Street alignment would require a less significant structural vehicular bridge over the creek, whereas a vehicular connection at 13th Street would require a more significant bridge connection to respond to the steeper grades which exist in that particular area.
- there is an existing cul-de-sac turnaround at the current terminus of 13th Street just north of the site that is planned as a drop off for the future library, and it is not configured as a roadway stub-out;
- neighbors to the south of Violet Ave. in the Crestview West neighborhood articulated concerns for thru-traffic down their street which has a narrow, rural configuration.

While the proposed roadway and bicycle / pedestrian alignments help to improve overall site design, concerns exist over attaining the right-of-way required to align 14th Street as the vehicular connection due to the existing storage area for the Boulder Meadows Mobile Home Park. The extension of the roadway would likely not occur until that portion of the roadway could be acquired in the future or additional redevelopment would occur that would prompt the connection to be implemented.

The use of 13th Street as primarily a bicycle and pedestrian link (with vehicular access limited only to residents on the site) appears to be consistent with the following NBSP guideline, "*Design 13th Street to serve primarily bicyclists and pedestrians with a central plaza as its focus.*"

3. Are the proposed building mass and scale compatible with the character of the surrounding area and are three stories acceptable for the northwest quadrant of the site per the goals and policies of the NBSP, the BVCP and the site review criteria of section 9-2-14(H), B.R.C. 1981?

The proposed project is predominantly two stories, with two buildings out of the 10 proposed as three-stories and 35-feet within the northwest corner of the site. Fig. 13 below illustrates an elevation of the proposed massing along Broadway with a portion of the existing Uptown Broadway shown on the left and a portion of the Crestview West neighborhood with two story massing on the right.

The proposed three story buildings on the northwest corner of the site were in response to the Dec. 2009 Concept Plan review. In that discussion Planning Board noted that, while the site plan was generally well organized there were concerns about the northern buildings that blocked clear visual connection to the proposed pedestrian bridge and the existing 13th Street cul-de-sac/turnaround across the creek. The Planning Board indicated that with the proposed change from 13th Street as a through street for vehicular traffic to 14th Street, and with 13th Street being a bicycle and pedestrian connection, it would be important for a strong visual connection from one end of the site at Violet Ave. to the other at 13th Street. As a result, Planning Board indicated support for establishing two buildings of three-stories (and 35 feet) nearest to Uptown Broadway, rather than four buildings that would crowd that important visual connection. A comparison of the proposed site plan and the Concept Plan of 2009 is provided in Figures 14a and b.

North Boulder Subcommunity Plan. As indicated previously, the NBSP envisions the subject property to be a transition from the higher intensity mixed uses in the Village Center to the lower intensity uses of the residential neighborhoods to the south of Violet Ave. and in Crestview West. In previous Concept Plans, the applicant had illustrated a mixed use development that had commercial uses on the first floor of all the buildings along Broadway with a three story massing which would have been a much greater intensity of use and scale than this site plan. The scale and mix of uses of Uptown Broadway in relation to the proposed project is in keeping with the intent of a “transition” as established in the NBSP for the area and as described on page 8.

Comprehensive Plan Policies. The site proposal is consistent with Comprehensive Plan policy 2.11, Compatibility of Adjacent Land Uses, which describes tools the city will use to ensure compatibility in transition areas such as establishing, “*cascading gradients of density*.” Fig. 13 demonstrates the cascading effect created by the transition from the higher intensity three story mixed use setting of Uptown Broadway, to the three-story, all residential buildings on the north side of the site, to the two story residential buildings on the site closest to the single family residential neighborhoods to the south. Consistency with other policies and the site review criteria is further described on page 20 and in [Attachment A](#).



**Figure 13:
Elevation of Broadway Illustrating the Transition from
Uptown Broadway to the Proposed Project to the Residential Neighborhoods to the South**



Figure 14a: Proposed Project with direct visual connection to bridge

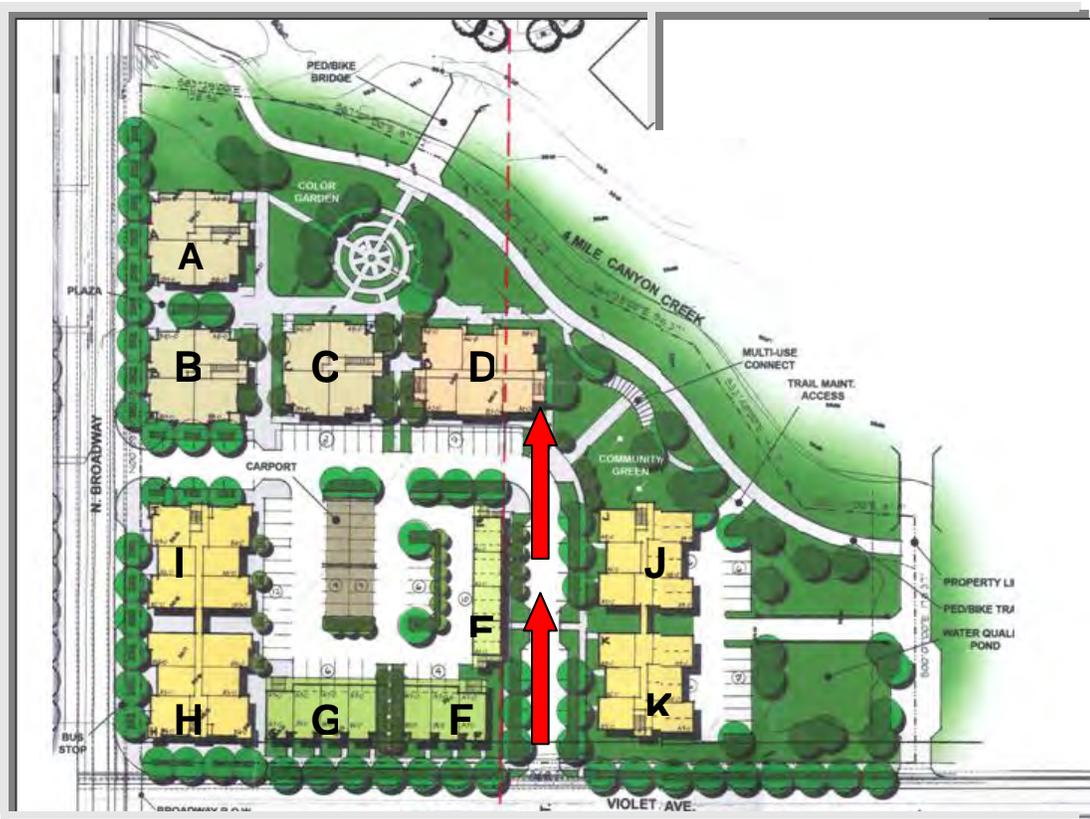


Figure 14b: Concept Plan Layout (from Dec. 2009) blocked visual connection to bridge

There are also a number of Comprehensive Plan policies that relate to the compatibility of a proposed project design, massing and scale with surrounding context. Chief among the relevant policies are the following:

2.13 Support for Residential Neighborhoods.

“In its community design planning, the city will support and strengthen its residential neighborhoods. The city will seek appropriate building scale and compatible character of new development or redevelopment, desired public facilities and mixed commercial uses, and sensitively designed and sized rights-of-way.”

Consistent with this policy, the project as proposed would have an appropriate scale and a design character that would be compatible within the varied context. Proposed streetscapes are designed to be consistent with the NBSP roadway cross-sections that provide for a detached walk with a tree lawn and add to the connections for pedestrians and bicyclists.

2.31 Commitment to a Walkable City.

“The city and county will promote the development of a walkable city by designing neighborhoods and business areas to provide easy and safe access by foot to places such as neighborhood centers, community facilities, transit stops or centers, and shared public spaces and amenities.

The use of 13th Street as a bicycle and pedestrian connection to the north establishes consistency with this policy. Bicycle and Pedestrian travel will be enhanced by the provision of a dedicated bike/ped bridge to be implemented with the proposed project. In addition, transit stop improvements will be provided along Broadway.

2.39 Sensitive Infill and Redevelopment.

“Overall, infill and redevelopment will be expected to provide significant benefits to the community and the neighborhoods. The city will develop tools such as neighborhood design guidelines to promote sensitive infill and redevelopment. The city will work with neighborhoods to protect and enhance neighborhood character and livability.”

The existing site is in a highly deteriorated state and constrained by the high hazard flood zone. The proposed project will provide community benefit by implementing the public/private partnership flood channel improvements on Four Mile Canyon Creek. The improvements to the channel, coupled with stormwater management techniques, will help mitigate existing flooding from the site across Violet Ave. to the neighborhood to the south as well as help with downstream flood water flows. Another important benefit to the community will be the provision of 20 permanently affordable residential units on the site that will be architecturally appealing and blend well into the rest of the project as well as the surrounding neighborhoods.

2.42 Enhanced Design for the Built Environment.

“Through its policies and programs, the city will encourage or require quality architecture and urban design in private sector development that encourages alternative modes of transportation, provides a livable environment and addresses the elements listed below.

a) The context. *Projects should become a coherent part of the neighborhood in which they are placed. They should be preserved and enhanced where the surroundings have a distinctive character. Where there is a desire to improve the character of the surroundings, a new character and positive identity as established through area planning or a community involvement process should be created for the area. Special attention will be given to protecting and enhancing the quality of established residential areas that are adjacent to business areas”.*

With the “eclectic” nature of its surroundings, there is no established character that must be preserved in implementation of the proposed project. Rather, the project takes scale, massing and design cues from the recently constructed and contemporary Uptown Broadway mixed use neighborhood to the north, as well as scale and character of the single family residential to the south.

*“b) **The public realm.** Projects should relate positively to public streets, plazas, sidewalks and paths. Buildings and landscaped areas—not parking lots—should present a well-designed face to the public realm, should not block access to sunlight, and should be sensitive to important public view corridors.”* and

*“c) **Human scale.** Projects should provide pedestrian interest along streets, paths and public spaces.”*

The proposed site plan is outward facing, with buildings designed to face Broadway, Violet and the roadway into the site. The proposed project will amenitize the Four Mile Canyon Creek corridor for public use including provision of a multi-use path, a pedestrian/bicycle bridge, gardens and green space to provide a well-designed public realm. In addition, the proposed landscaped streets (both public and private) will be designed consistent with the NBSP by providing street trees, detached walkways, and buildings that address the street with architectural detail and appropriately scaled massing for pedestrian interest.

*“d) **Permeability.** Projects should provide multiple opportunities to walk from the street into projects, thus presenting a street face that is permeable. Where appropriate, they should provide opportunities for visual permeability into a site to create pedestrian interest.”*

Permeability is enhanced with the proposed project by providing a direct pedestrian and bicycle connection from Violet Ave. to the proposed bike/pedestrian bridge. Connections into the site from Violet and Broadway also provide for vehicular access to the site. A future connection to 14th Street is provided as a roadway dedication, and a multi-use path aligning the Four Mile Canyon Creek is proposed as an important link.

*“e) **On-site open spaces.** Projects should incorporate well designed functional open spaces with quality landscaping, access to sunlight and places to sit comfortably. Where public parks or open spaces are not within close proximity, shared open spaces for a variety of activities should also be provided within developments.”*

There are a variety of open space areas proposed on the site with landscaping that meets and exceeds the site review criteria. Included in the variety is the Village Green along the creek corridor with a multi-use path and gardens; a more formal “promenade” space between buildings, and a central gathering space with shade structures and picnic tables.

*f) **Buildings.** Buildings should be designed with a cohesive design that is comfortable to the pedestrian, with inviting entries that are visible from public rights of way.”*

The proposed project has buildings that face the public rights-of-way, with visible entries, and a streetscape within the public rights-of-way that establishes an enhanced pedestrian experience.

Site Review Criteria related to Massing and Scale Compatibility. There are policies specific to building mass and scale, one of which defers the definition of compatibility with the adopted area plan, or in this case the NBSP. Subsection 9-2-14(h0(2)(K) within the land use code, B.R.C. 1981 provides the policies for

review. Following is a consistency analysis of the proposed project with these policies:

“(i) The building height, mass, scale, orientation, and configuration are compatible with the existing character of the area or the character established by an adopted plan for the area.”

The area encompassed in the NBSP has changed over the past number of decades from the rural “edge” of the city (with a mix of residential and service or industrial uses along Broadway) to nodes of more urban mixed use neighborhoods, guided by the North Boulder Subcommunity Plan (NBSP) and the zoning put in place to implement the plan.

Reflecting these changes, the character of the area surrounding the project site is eclectic. To the south and west of the site are the established residential neighborhoods with predominately “traditional” single family building scale and style; and to the north is the Uptown Broadway development that has larger buildings with a more contemporary style. As shown on page 17, the proposed buildings create a transition from the north to the south. The proposed use of porches, masonry wainscot, cornices, and residential-style windows and doors within the proposed project, is compatible with the single family neighborhood. The configuration of the buildings near the street will also provide an urban edge and street face that is compatible with the mixed use buildings that are built to the street at Uptown Broadway.

“(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 for the immediate area.”

Eight of the 10 buildings in Violet Crossing will be two stories. The remaining two (buildings A1 & A2), located along Broadway at the north end of the site, will be three stories. This will provide a transition from the high density mixed-use Uptown Broadway neighborhood north of Violet Crossing to the single family residences south of Violet Avenue. The maximum height of all buildings in Violet Crossing will be 35 feet.

“(iii) The orientation of buildings minimizes shadows on and blocking of views from adjacent properties.”

The buildings in Violet Crossing have been designed and oriented to minimize shadows and blocking views on adjacent properties – much of which is aided in part by existing separations of the creek corridor, Violet Ave., and the future roadway right-of-way of 14th Street. Buildings along Four Mile Canyon Creek have been set back from the creek to provide a variety of open space nodes and the buildings along the east side of the site are 160 feet from the property line and buffered by the water quality pond.

“(iv) If the character of the area is identifiable, the project is made compatible by the appropriate use of color, materials, landscaping, signs, and lighting;

As noted previously, the character of the area is eclectic. While the corner element of Uptown Broadway nearest to the proposed three story buildings of the project has a distinctly bright blue color (refer to page 6, image 5A), the proposed project will be compatible largely through the similar use of a red colored brick and divided light windows. Similarly, the use of traditional

residential materials such as cementitious siding in subdued colors will relate well to the single family residential homes to the south and south west.

" (v) Buildings present an attractive streetscape, incorporate architectural and site design elements appropriate to a pedestrian scale, and provide for the safety and convenience of pedestrians."

All of the proposed streetscapes will be pedestrian-oriented, in keeping with the vision established by the NBSP. All of the streetscapes will have a detached walk, a tree lawn and a building face near the street. Pedestrian interest for the project will be served by using articulated entryways and porches, entries that face the street, use of standard sized brick, and back-of-walk landscaping that provides interest as well as some separation between the private space of the residences and the public streetscape.

4. Does the proposed development appropriately respond to the flood hazards on-site with provision of channel improvements and a Village Green?

Channel Improvements. A floodplain development permit was recently issued for proposed channel improvements on this section of Fourmile Canyon Creek that will remove most of the site from the High Hazard zone through a combination of grading along the north and south sides of the creek and overlot grading. A CLOMR (Conditional Letter of Map Revision) was also approved by FEMA (the Federal Emergency Management Agency). After the channel improvements are completed, a LOMR (Letter of Map Revision) will be required for approval by FEMA to revise the regulatory floodplain boundaries. Until the channel improvements are completed and a LOMR application submitted and approved, the proposed development will be subject to the floodplain regulations and the current floodplain boundaries.

Objectives and recommendations outlined in the Fourmile Canyon Creek Master Plan and NBSP include, but are not limited to, protection and enhancement of natural hydrologic functions and water quality, protection and enhancement of wildlife habitat, and preservation and restoration of flood storage capacity. As shown in Fig. 13, improvements are proposed to include:

- Private/Public partnership on channel improvements;
- Containment of the High Hazard Zone and Conveyance Zone within the channel;
- Overlot grading to bring site out of 100-year floodplain;
- Floodplain development and wetland permits issued by city last year;
- Conditional Letter of Map Revision (CLOMR) approved by FEMA
- Letter of Map Revision (LOMR) proposed to be completed prior to Certificate of Occupancy

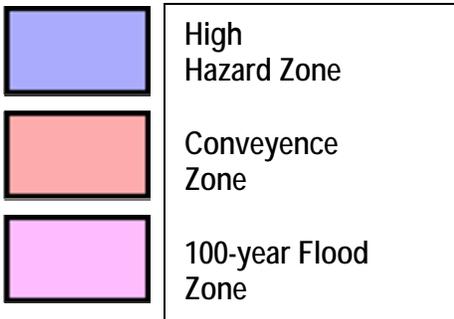
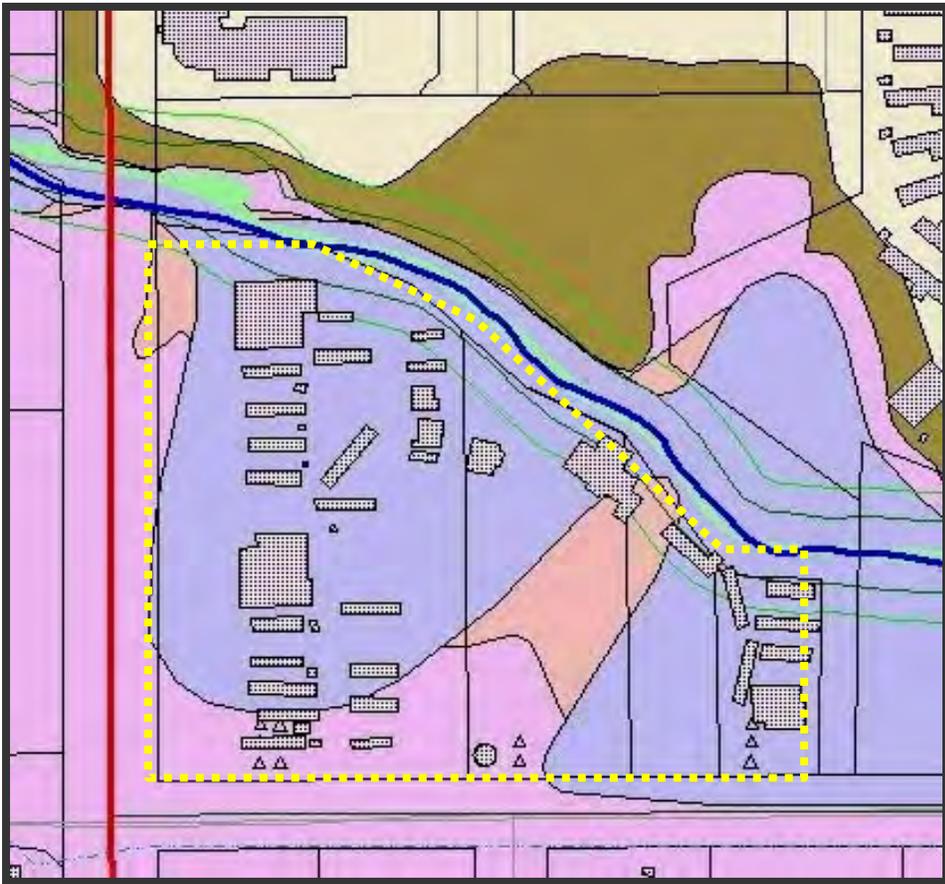
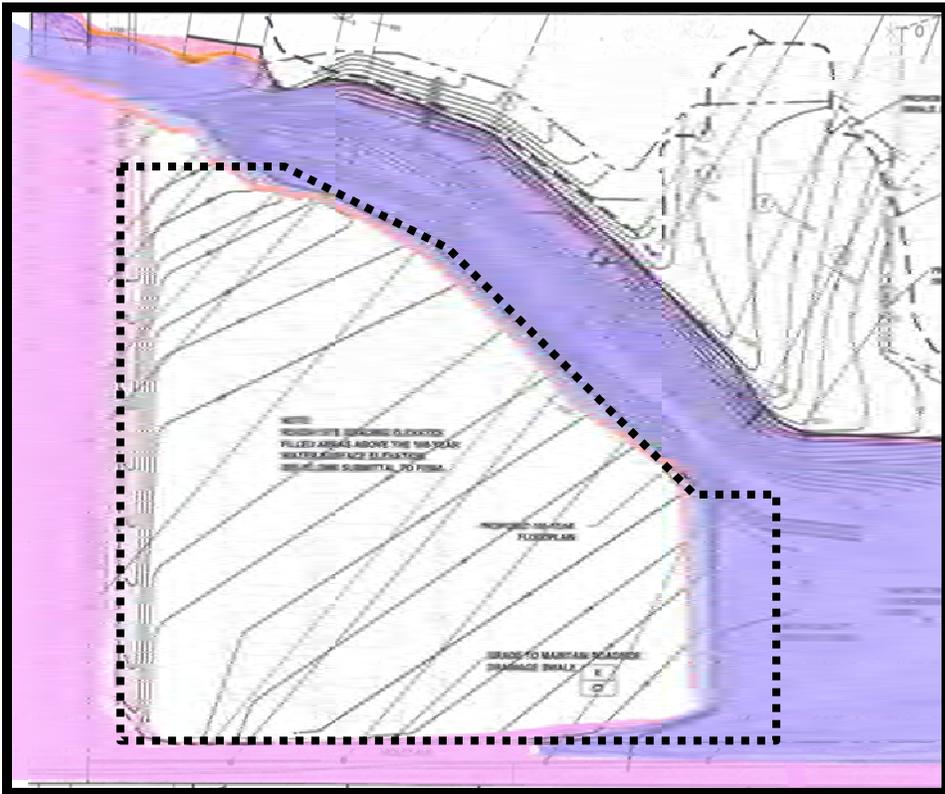


Fig. 15: Flood Channel Above: Before Improvements
 Below: After Improvements



Proposed Village Green. The NBSP illustrates a Village Green on either side of the creek not only to create a passive recreational area, but to allow flood channel improvements. The objective of the Village Green as noted in the NBSP is to, "Provide a large Village Green on both sides of Fourmile Canyon Creek (at least 300 x 300 at Broadway and at least 100 on either side of the creek for the remaining distance of the Village Center." The plan illustrates varying widths of 60-feet to 120-feet from the centerline of the creek, similar to the Uptown Broadway development on the north. The NBSP designates the Village Green as a "Community Facility" with the goal to "foster a sense of community by creating vibrant areas for people to gather."

While the proposed open space is shown to vary in size, staff supports a reduced width of the Village Green in places, such that there is a more natural, undulant quality to the open space. The access, visibility, and connectivity to the space as a public amenity is met in the proposed project through provision of a number of features including the following:

- a multi-use path connection along the south bank of the creek corridor,
- a bicycle and pedestrian bridge over the creek,
- shade structures at the intersection of the multi use path and bridge path with;
- picnic tables; and
- color gardens.



Fig. 16:
Enlargement of Plan for Focal Point Proposed at the Proposed Bike/Ped Bridge

PUBLIC COMMENT AND PROCESS:

Required public notice was given in the form of written notification mailed to all property owners within 600 feet of the subject site and a sign posted on the property for at least 10 days. All notice requirements of Section 9-4-10(g), B.R.C. 1981 have been met. Staff has also contacted those neighbors that requested to be notified of any upcoming meetings or submittals.

Staff received several emails from adjacent property owners that mainly expressed concern over the traffic and parking. Those emails are provided in [Attachment C](#). As part of the Concept Plan review, the applicant hosted a Good Neighbor meeting on Dec. 2, 2009. Because this was essentially a "follow-up" to previous neighborhood meetings, the applicant gave updates to the attendees on how the Concept Plan had been revised. Neighbors, in general, indicated support of the change to the land use from Mixed Use to all Residential and the reassignment of 14th Street as a through-street instead 13th Street. Since then, the neighbors have also expressed concern about the amount of required parking is not sufficient to meet future needs, and the potential that there would be overflow parking from the site into their neighborhood to the south.

STAFF FINDINGS AND RECOMMENDATION:

Planning staff finds that the proposed application for a Site Review meets the criteria found in Section 9-2-14(h), B.R.C., 1981. Planning staff also finds that the proposed application for a Preliminary Plat meets the criteria of Section 9-12-12, B.R.C. 1981. Therefore, staff recommends that Planning Board approve Site Review case no. LUR2010-00048, and approve the Preliminary Plat case no. LUR2010-00050, incorporating this staff memorandum and the attached Site Review Criteria Checklist as findings of fact, and using the following recommended conditions of approval.

RECOMMENDED CONDITIONS OF APPROVAL:

1. The Applicant shall be responsible for ensuring that the **development shall be in compliance with all approved plans dated October 22, 2010 and the written statement dated October 22, 2010** on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of approval.
2. Prior to a building permit application, the Applicant shall submit a **Technical Document Review application** for the following items, subject to the review and approval of the City Manager:
 - a. **Final architectural plans**, including materials and colors, to insure compliance with the intent of this approval and compatibility with the surrounding area. The architectural intent shown on the elevation plans dated October 22, 2010 is acceptable. Planning staff will review plans to assure that the architectural intent is performed.
 - b. A **final site plan** showing the corrections and additions requested by this approval, including building setbacks on fully dimensioned plans.

- c. A **final utility plan** meeting the City of Boulder Design and Construction Standards, including but not limited to providing an area in which to set the Xcel utility boxes required for undergrounding of the existing overhead electrical lines. The minimum amount of separation between the new buildings and the water line in Violet Avenue shall be maintained.
 - d. A **final stormwater report and plan** meeting the City of Boulder Design and Construction Standards, which include information regarding the groundwater conditions (geotechnical report, soil borings, etc.) on the Property, and all discharge points for perimeter drainage systems.
 - e. A **detailed landscape plan**, including size, quantity, and type of plants existing and proposed; type and quality of non-living landscaping materials; any site grading proposed; and any irrigation system proposed, to insure compliance with this approval and the City's landscaping requirements. Removal of trees will be subject to review and approval of the City Manager. Removal of any tree in City right of way must also receive prior approval of the City Forester.
 - f. **Final transportation plans** meeting the City of Boulder Design and Construction Standards for all transportation improvements. These plans must include, but are not limited to: street plan and profile drawings, cross-sectional drawings, signage and striping plan, detail drawings, a geotechnical soils report, and a pavement design report in accordance with section 1.03 of the City of Boulder Design and Construction Standards.
3. Prior to a building permit application, the Applicant shall submit a Technical Document Review application for a **revised Preliminary Plat and Final Plat**, subject to the review and approval of the City Manager, and **execute a subdivision agreement** meeting the requirements of chapter 9-12, "Subdivision," B.R.C. 1981 and which provides for the following:
- a. The construction of all public improvements necessary to serve the development, including but not limited to 14th Street, a multi-use path located north of Violet Avenue in alignment with 13th Street, sidewalks along Broadway and Violet, emergency access lanes, a relocated water main, a storm sewer and water quality facility and flood channel improvements.
4. Prior to a building permit application, the Applicant shall:
- a. Complete the proposed **flood channel improvement** project per the approved Conditional Letter of Map Revision (CLOMR Case No.: 08-08-0852R), and
 - b. **Revise the floodplain mapping** to remove the project site from the 100-year floodplain. This floodplain map revision must be approved and adopted by both FEMA and the City of Boulder.
5. Prior to a building permit application, the Applicant shall submit a **financial guarantee**, in a form acceptable to the Director of Public Works, in an amount equal to the cost of providing

6. Prior to a building permit application, the Applicant shall pay its **pro rata share of the pedestrian bridge as shown on the approved plans and the future vehicular bridge** for extended 14th Street or an equivalent amount approved by the City Manager.

Approved By:



David Driskell, Executive Director
Department of Community Planning and Sustainability

ATTACHMENTS:

- A. Site Review Criteria Analysis
- B. Minutes from Concept Plan Review – Dec. 2009
- C. Comments received from neighbors
- D. Applicants written description and project plans

No site review application shall be approved unless the approving agency finds that:

(1) Boulder Valley Comprehensive Plan:

√ (A) The proposed site plan is consistent with the purposes and policies of the Boulder Valley Comprehensive Plan.

The site is located within Boulder the area governed by the North Boulder Subcommunity Plan which is intended to, “set forth the official vision for the future of the North Boulder Subcommunity” and which provides guidance to implement the goals and policies within the BVCP. In addition, there are a number of BVCP policies that the proposed project is consistent with including:

1.21 Jobs:Housing Balance.

*“Boulder is a major employment center, with more jobs than housing for people who work here. This has resulted in both positive and negative impacts including economic prosperity, significant in-commuting, and high demand on existing housing. The city will continue to be a major employment center and will seek opportunities to improve the balance of jobs and housing while maintaining a healthy economy. **This will be accomplished by encouraging new mixed use neighborhoods in areas close to where people work, encouraging transit-oriented development in appropriate locations, preserving service commercial uses, converting industrial uses to residential uses in appropriate locations, and mitigating the impacts of traffic congestion.**”*

As noted in this policy, the city currently has an imbalance in the number of jobs to the number of residential units which results in impacts such as significant in-commuting for jobs. Consistent with this policy, the proposed project will provide 98 new residential units adjacent to the Business Main Street zoning district that has non-residential uses such as office, retail, restaurants and other services, as well as the provision of a new bus stop on this major transit route.

2.13 Support for Residential Neighborhoods.

“In its community design planning, the city will support and strengthen its residential neighborhoods. The city will seek appropriate building scale and compatible character of new development or redevelopment, desired public facilities and mixed commercial uses, and sensitively designed and sized rights-of-way”.

- ✓ **Policy 2.31** **Commitment to a Walkable City;**
- ✓ **Policy 2.32** **Trail Corridor/Linkages;**
- ✓ **Policy 2.39** **Sensitive Infill and Redevelopment;**

- ✓ **Policy 4.21** **Flood Management;**
- ✓ **Policy 6.13** **Neighborhood Street Connectivity;**
- ✓ **Policy 7.01** **Local Solutions to Affordable Housing; and**
- ✓ **Policy 7.06** **Mixture of Housing Types.**

√ (B) The proposed development shall not exceed the maximum density associated with the Boulder Valley Comprehensive Plan residential land use designation. Additionally, if the density of existing residential development within a three hundred-foot area surrounding the site is at or exceeds the density permitted in the Boulder Valley Comprehensive Plan, then the maximum density permitted on the site shall not exceed the lesser of:

√ (i) The density permitted in the Boulder Valley Comprehensive Plan,

The BVCP land use designations for the site are Mixed Use Business and Medium Density Residential (for the eastern portion of the site). The Medium Density Residential (MDR) designation requires to 6 to 14 dwelling units per acre. There are 20 units proposed on the 1.87 acre MDR portion of the site, which equals to 10.7 dwelling units per acre and is within the permitted range. For the Mixed Use Business portion of the site, the Comprehensive Plan defers to zoning for density and states,

“Mixed Use Business development may be deemed appropriate and will be encouraged in some business areas. Business character will predominate although housing and public uses supporting housing will be encouraged and may be required. Specific zoning and other regulations will be adopted which define the desired intensity, mix, location and design characteristics of these uses.”

n/a (ii) The maximum number of units that could be placed on the site without waiving or varying any of the requirements of Chapter 9-8, "Intensity Standards," B.R.C. 1981.

Not applicable, intensity standards are not proposed to be varied.

√ (C) The proposed development's success in meeting the broad range of BVCP policies considers the economic feasibility of implementation techniques require to meet other site review criteria. **The applicant is acknowledged by staff for their providing a project that is consistent with the site review criteria during challenging economic times. Given the programmatic elements of the for-rent apartment building including on-site, permanently affordable housing, it is understood that provision of streetscape elements, multi-use path and connections, pedestrian bridge construction, and other development components consistent with the North Boulder Subcommunity Plan is laudable given the challenging economic climate. The project is required to maintain value overtime, and yet is being implemented during a severe recessional economy.**

(2) Site Design: Projects should preserve and enhance the community's unique sense of place through creative design that respects historic character, relationship to the natural environment, and its physical setting. Projects should utilize site design techniques which enhance the quality of the project. In determining whether this Subsection is met, the approving agency will consider the following factors:

√ (A) **Open Space:** Open space, including, without limitation, parks, recreation areas, and playgrounds:

There are a variety of open space and park areas within the proposed project including:

- The multi-use path along Four Mile Canyon Creek
- The Village Green;

- The central community green with a play structure and picnic facilities

√ (i) Useable open space is arranged to be accessible and functional;

The proposed project includes 110,419 square feet (56 percent of the net site area) as open space. As noted by the applicant, the open space along the creek will compliment the "Village Green" on the north side of creek and adjacent to Uptown Broadway to meet the objectives of the NBSP through a "*series of open space "nodes" of varying character along the creek have been created to "knit" both sides of the creek together.*" These nodes include:

- A small public plaza north of building A1 adjacent to Broadway
- A semi-private passive open space/gathering space for residents (between Buildings A1 & A2 and B3),
- A public ("community green" that will incorporate active and passive recreational opportunities such as a playground and picnic facilities;
- A pedestrian/bicycle bridge across Four Mile Canyon Creek,
- The multi-use path connection along the creek, and
- A water quality pond at the far east side of the site.
- Other areas that function primarily as pedestrian ways include sidewalks along the streets and access drives.

√ (ii) Private open space is provided for each detached residential unit;

Per the requirements of the MU-2 zoning district, each unit is provided with a minimum 60 square foot private balcony open space.

√ (iii) The project provides for the preservation of or mitigation of adverse impacts to natural features, including, without limitation, healthy long-lived trees, significant plant communities, ground and surface water, wetlands, riparian areas, drainage areas, and species on the federal Endangered Species List, "Species of Special Concern in Boulder County" designated by Boulder County, or prairie dogs (*Cynomys ludovicianus*) which is a species of local concern, and their habitat;

The Four Mile Canyon Creek channel improvements will be completed as a part of the proposed project to mitigate flood hazards both within and downstream from the site. The grading required to remove the site from the high hazard zone will require removal of a number of existing trees on the site. Tree surveys indicated that a number of the trees that include Siberian Elms and sucker Cottonwoods, are not long lived species and should be removed. However, the channel improvements will require reconstruction and restoration of creek and riparian vegetation.

√ (iv) The open space provides a relief to the density, both within the project and from surrounding development;

With over 50 percent of the site remaining as open space, and with a variety of open space and park areas located throughout the site, the open space will provide a relief to density and protect an important open space corridor of the Four Mile Canyon Creek. In addition, as noted by the applicant, the residential buildings along Violet Avenue have been set back an additional 15 feet

from the south property boundary to accommodate a utility easement that will, in effect, provide deeper “front yards” for those buildings adjacent to the single family residential neighborhood south across Violet Avenue. The residential buildings along Broadway have also been set back from the R.O.W. to create “front yards” for those units and will serve to buffer the first floor units from Broadway traffic.

√ (v) Open space designed for active recreational purposes is of a size that it will be functionally useable and located in a safe and convenient proximity to the uses to which it is meant to serve;

The open space areas proposed as a part of the Village Green offer a variety of recreational options including extension of a multi-use path along Four Mile Canyon Creek, as well as open play areas, the smaller more formal “promenade” space that offers a green space for casual and impromptu outdoor seating; and a shade structure with picnic and playground facilities internal to the site yet near the multi-use path.

√ (vi) The open space provides a buffer to protect sensitive environmental features and natural areas;

The open space provided along Four Mile Canyon Creek through a series of nodes will provide a transition to the natural channel improvements proposed by Love and Associates. The landscape plan for the Four Mile Canyon Creek restoration is contained within the “2008 Violet Crossing development on Four Mile Canyon Creek development” document and incorporates significant riparian vegetation.

√ (vii) If possible, open space is linked to an area- or city-wide system.

The open space within the proposed project is linked to both the north-south 13th Street route and the proposed Four Mile Canyon Creek regional pedestrian/bicycle path. The portion of this path adjacent to the proposed project will be constructed in association with the development of the site with this construction; access to North Boulder Community Park will be all off-road. Additionally, there are existing on-street bike lanes along Broadway which links to the greater on-street system.

n/a (B) *Open Space in Mixed Use Developments (Developments that contain a mix of residential and non-residential uses)*

Not applicable – project is all residential

n/a (i) The open space provides for a balance of private and shared areas for the residential uses and common open space that is available for use by both the residential and non-residential uses that will meet the needs of the anticipated residents, occupants, tenants, and visitors of the property;

Not applicable – project is all residential

n/a (ii) The open space provides active areas and passive areas that will meet the needs of the anticipated residents, occupants, tenants, and visitors of the property and are compatible with the surrounding area or an adopted plan for the area.

Not applicable – project is all residential

√(C) *Landscaping*

√(i) The project provides for aesthetic enhancement and a variety of plant and hard surface materials, and the selection of materials provides for a variety of colors and contrasts and the preservation or use of local native vegetation where appropriate;

According to the applicant, the specific landscape materials chosen for the development will emphasize a variety of colors, textures and forms to provide year-round interest. Because the channel and site will be entirely re-graded, the use or protection of the existing materials will be prohibitive. However, the replanted channel will give use the opportunity to use materials that will transition from the “native plant palette” to the more formal gardens surrounding each building.

√(ii) Landscape design attempts to avoid, minimize, or mitigate impacts to important native species, plant communities of special concern, threatened and endangered species and habitat by integrating the existing natural environment into the project;

Because the channel and site will be entirely re-graded, a transition from the channel landscape by minimizing the use of turf grass and their associated maintenance is planned. As shown on the landscape plan, manicured grass will be limited to the park and promenade while native grasses and plant materials will front the project on the northern side along the channel.

√(iii) The project provides significant amounts of plant material sized in excess of the landscaping requirements of Section 9-9-10, “Landscaping and Screening Standards” and Section 9-9-11, “Streetscape Design Standards,” B.R.C. 1981;

The plan will provide the plant material as sized by code however, the applicant plans to exceed the amount required by providing additional screening and buffering in the “front yards.” Additionally, the applicant will be minimizing turf and placing it in usable areas, versus small and unusable areas where ever possible.

√(iv) The setbacks, yards, and useable open space along public rights-of-way are landscaped to provide attractive streetscapes, to enhance architectural features, and to contribute to the development of an attractive site plan.

The proposed streetscapes are consistent with the North Boulder Subcommunity Plan and the Broadway streetscape is proposed as an extension of the streetscape to the north, with street trees (some in tree lawns and some in tree grates). In addition, the applicant set the buildings back slightly on Broadway that allowed an opportunity to create small gardens for the residents and provide screening and buffering to Broadway. Along Violet Ave. the project plans illustrate a rhythmic streetscape for pedestrians and gardens on the slope behind the walk for shading, screening and buffering the residents. The internal streets will

also have a series of large shade trees with ornamentals at the pedestrian crossings and at the park entry.

The applicant also indicated that the landscape plan provides pedestrian 'nodes' along Four-Mile Canyon Creek frontage, starting on the western edge with a public plaza/overlook at Broadway, to a more private open space for residences, along the promenade between the buildings by creating gathering areas in a flexible open space to a larger park for residents and neighbors that incorporates a small playground and picnic pavilions and facilities.

(D) Circulation: Circulation, including, without limitation, the transportation system that serves the property, whether public or private and whether constructed by the developer or not:

√(i) High speeds are discouraged or a physical separation between streets and the project is provided;

A study of the various circulation options for the surrounding area was undertaken to determine the appropriate access streets to serve the site. With the information from this study and feedback from the City of Boulder, two streets will provide primary access to the site: Violet Avenue on the south, and Broadway along the west edge of the site. There will also be access to the two larger 10-unit residential buildings (See Site Development Plan, Bldgs D1 and D2) from a bridge off 14th Street across the water quality pond. Internal streets have been designed to be narrow to discourage speeds in excess of 15 mph. Neck-downs at intervals and at the curves, and a raised pedestrian crossing near the Violet Avenue entrance, will also serve to maintain slow vehicle speeds

√(ii) Potential conflicts with vehicles are minimized;

Both primary vehicular entrances to the site will be designed to convey a sense of arrival and alert the driver to potential pedestrian conflicts. As well, a comprehensive sidewalk system will keep pedestrians off the streets. It is envisioned that Broadway will serve as the primary entry to the site with Violet Avenue serving as the secondary entry. All proposed streets are located at walkable intervals to encourage pedestrian movement in the development.

√(iii) Safe and convenient connections accessible to the public within the project and between the project and existing and proposed transportation systems are provided, including, without limitation, streets, bikeways, pedestrianways and trails;

Pedestrian and bicycle connections have been maximized in the proposed project site to encourage alternate mode use. The building and parking areas have been laid out to assure slow speeds, thereby minimizing pedestrian/vehicular conflicts and lessening the effect of automobile noise in this residential neighborhood. Generally, wide sidewalks along Broadway, the 8' walkway along Violet and detached sidewalks along the internal access drives will accommodate comfortable pedestrian circulation. On the eastern side of (our 13th street), the applicant is also proposing an 8' wide sidewalk that will lead to the park and the new pedestrian connection across Four Mile Canyon Creek. There will also be strong axial

connections from the Violet Crossing site to the neighboring developments. The paving, shade trees, planters, benches and bike racks all will reinforce the character beginning to develop in this streetscape as well as providing a more enhanced area around the bus stop. Bike racks and benches will be conveniently located throughout the site and will encourage bicycle use.

√ (iv) Alternatives to the automobile are promoted by incorporating site design techniques, land use patterns, and supporting infrastructure that supports and encourages walking, biking, and other alternatives to the single-occupant vehicle;

See (iii) above.

√ (v) Where practical and beneficial, a significant shift away from single-occupant vehicle use to alternate modes is promoted through the use of travel demand management techniques;

The SKIP, a local high frequency bus route, provides service to the site via Broadway, immediately adjacent to the site, with a stop at the corner of Violet and Broadway. This route provides service north and south along Broadway from the north end of town to the south including Boulder County Health and Services, Community Hospital, Centennial Middle School, downtown, Boulder Bus Station, University of Colorado, Basemar Shopping Center, National Bureau of Standards, and Fairview High School at the south end of town. Additionally, Route "Y" on Broadway provides service to Lyons via Broadway/US 36.

The applicant intends to be involved in the City of Boulder and RTD's ECO Pass Program. An ECO Pass is a discounted, all-route, unlimited-rides pass issued by the Denver Regional Transportation District (RTD). The pass is good on all RTD services (except special services like Rockies or BroncosRide), including all local and regional buses such as Light Rail, the "N" to Eldora Mountain Resort, Skyride to DIA and Boulder's own Community Transit Network of HOP, SKIP, JUMP, BOUND, DASH, STAMPEDE, BOLT buses. These buses are known for their quick, convenient and schedule-free service around town and to and from Lafayette, Louisville and Longmont. By supporting this program, Violet Crossing hopes to reduce congestion in and around the community as well as minimize the pollution in this new neighborhood.

√ (vi) On-site facilities for external linkage are provided with other modes of transportation, where applicable;

A bus stop is proposed at the northeast corner of Violet and Broadway. There are multiple pedestrian access points into the site from the perimeter streets. A multi-use connector trail has been provided, connecting the private drive aligned with 13th Street and trail along the creek. A bridge over the creek will provide pedestrian & bicycle access to the future library at the north edge of the Community Green. Violet Crossing has a network of internal paths that are well linked to external connections. These paths lead to the pedestrian/bike trail, the urban walks along Violet and Broadway, and to the proposed bus stop. The site is highly connected being along a major bus route and is close to a primary bike trail. Bike racks will be conveniently distributed through the project to encourage usage. Residents will be informed of the recreational and commercial amenities proximate to the site and the walkable routes to these locations. The community will promote usage of the City of

Boulder's and RTD's ECO pass as well as the local high frequency bus. By supporting these programs and by being a pedestrian friendly community, Violet Crossing expects to minimize the vehicular impact on the adjoining neighborhoods.

√(vii) The amount of land devoted to the street system is minimized;

The amount of land dedicated to the street system is minimal due to careful and efficient placement of buildings and parking areas.

√(viii) The project is designed for the types of traffic expected, including, without limitation, automobiles, bicycles, and pedestrians, and provides safety, separation from living areas, and control of noise and exhaust.

The site location was utilized to provide separate entrances on two separate streets; and thus reducing the traffic impacts and accessibility needs to one particular public City street. Where possible, garages have been incorporated into the buildings and parking areas have been separated from the main drive aisles to reduce the traffic impacts to pedestrians and bicyclists utilizing the drive aisle/through street.

To reduce impacts from vehicle exhaust and noise, the buildings have been configured to place the rear of the units towards the parking areas. Pedestrian and bicycle access has been addressed through the numerous connections to the City's pedestrian trail system. These connections include the proposed construction of pedestrian/bike bridge across Four Mile Creek to allow all weather access to the City's multi-use trail system. In addition, the pedestrian connection through the east side of the 13th street corridor has been widened to allow for a higher volume of pedestrian and bicycle traffic. This wider sidewalk connection, in addition to the Four Mile Creek Trail will provide pedestrian and bicycle access from the East & West and North & South.

√(E) *Parking*

√(i) The project incorporates into the design of parking areas measures to provide safety, convenience, and separation of pedestrian movements from vehicular movements;

Vehicle parking for the residential buildings is accommodated in a combination of surface, under building, and carport spaces accessed from the internal driveways. There is additional on-street parking in front of the buildings on Broadway as well as along the private internal streets.

√(ii) The design of parking areas makes efficient use of the land and uses the minimum amount of land necessary to meet the parking needs of the project;

Within the MU-2 zoned portion of the site, parking is provided at a ratio of 1 space/unit. Within the RM-2 zoned portion of the site 1 space/1BR and 1.5 spaces/ BR units is provided. Parking has been laid out/designed to minimize the amount of land dedicated to parking. Approximately 22% of the site is dedicated to parking.

√ (iii) Parking areas and lighting are designed to reduce the visual impact on the project, adjacent properties, and adjacent streets;

The parking areas and site lighting will be designed to reduce the visual impact on the project, adjacent properties and adjacent streets. Lighting plan will be provided at the Tech Doc review.

n/a (iv) Parking areas utilize landscaping materials to provide shade in excess of the requirements in Subsection 9-9-6(d), "Parking Area Design Standards," and Section 9-9-12, "Parking Lot Landscaping Standards," B.R.C. 1981.

The plan provides 11% internal landscape with numerous trees to exceed the 5% parking lot standards required for lots with 16-100 cars. Additionally, the main lot is internal to the project and is well screened from the surrounding properties.

√ (F) *Building Design, Livability, and Relationship to the Existing or Proposed Surrounding Area*

√ (i) The building height, mass, scale, orientation, and configuration are compatible with the existing character of the area or the character established by an adopted plan for the area.

The area encompassed in the NBSP has changed over the past number of decades from a largely rural area with a mix of residential and service or industrial uses to nodes of more urban mixed use neighborhoods, guided by the North Boulder Subcommunity Plan (NBSP) and the zoning put in place to implement the plan.

Reflecting the changes, the character of the area surrounding the project site is eclectic. To the south and west of the site are the established residential neighborhoods with predominately "traditional" single family building scale and style; and to the north is the Uptown Broadway development that has larger buildings with a more contemporary style. As shown on page 17, the proposed buildings do create a transition from the north to the south. The proposed use of porches, masonry wainscot, cornices, and residential-style windows and doors within the proposed project, is compatible with the single family neighborhood. The configuration of the buildings near the street will also provide an urban edge and street face that is compatible with the mixed use buildings that are built to the street at Uptown Broadway.

√ (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 for the immediate area.*

Eight of the 10 buildings in Violet Crossing will be two stories. The remaining two (buildings A1 & A2), located along Broadway at the north end of the site, will be three stories. This will provide a transition from the high density mixed-use Uptown Broadway neighborhood north of Violet Crossing to the single family residences south of Violet Avenue. The maximum height of all buildings in Violet Crossing will be 35 feet.

√ (iii) The orientation of buildings minimizes shadows on and blocking of views from adjacent properties.

The buildings in Violet Crossing have been designed and oriented to minimize shadows and blocking views on adjacent properties – much of which is aided in part by existing separations of the creek corridor, Violet Ave., and the future roadway right-of-way of 14th Street. Buildings along Four Mile Canyon Creek have been set back from the creek to provide a variety of open space nodes and the buildings along the east side of the site are 160 feet from the property line and buffered by the water quality pond.

√ (iv) If the character of the area is identifiable, the project is made compatible by the appropriate use of color, materials, landscaping, signs, and lighting;

As noted previously, the character of the area is eclectic from the more contemporary forms of Uptown Broadway to the traditional scale and styles present in Crestview West. While the corner element of Uptown Broadway nearest to the proposed three story buildings of the project has a distinctly bright blue color (refer to page 6, image 5A), the proposed project will be compatible largely through the similar use of a red colored brick and divided light windows. Similarly, the use of traditionally residential materials such as cementitious siding in subdued colors will relate well to the single family residential homes to the south and south west.

√ (v) Buildings present an attractive streetscape, incorporate architectural and site design elements appropriate to a pedestrian scale, and provide for the safety and convenience of pedestrians.

All of the streetscapes proposed with the project are planned to be pedestrian-oriented, in keeping with the vision established by the NBSP. All of the streetscapes are planned with a detached walk, a treelawn and a building face near the street. Pedestrian interest for the project will be served by using articulated entryways and porches, entries that face the street, use of standard sized brick, and back-of-walk landscaping that provides interest as well as some separation between the private space of the residences and the public streetscape.

√ (vi) To the extent practical, the project provides public amenities and planned public facilities;

Major open space amenities are proposed within Violet Crossing on the south side of Four Mile Canyon Creek, consistent with NBSP. To meet the intent of the NBSP, a series of public and semi-private open space nodes have been created to connect both sides of the creek together. These include the Broadway Plaza, an overlook into the Four Mile Canyon Creek Drainage and views to the western ridge, the internal Promenade, providing informal, flexible grass areas and seating nooks, the park with a small play area and picnic pavilions, and the water quality pond, a naturalized landscape area. In addition to the open space amenities above Violet Crossing will provide the bus stop bench on Broadway just north of Violet.

√ (vii) For residential projects, the project assists the community in producing a variety of housing types, such as multi-family, townhouses, and detached single-family units as well as mixed lot sizes, number of bedrooms, and sizes of units;

Violet Crossing will include a total of 98 units within four building types. The units will be a mix of 78 market rental apartments and 20 affordable apartment condominiums. Additional diversity is accomplished by providing range of 450 SF studios to 950 SF 2-bedroom units.

√ (viii) For residential projects, noise is minimized between units, between buildings, and from either on-site or off-site external sources through spacing, landscaping, and building materials;

The buildings along Broadway and Violet Avenue have been set back from R.O.W. to create landscaped front yards to buffer the first floor units from Broadway traffic noise. In addition, low planter walls will contribute to minimizing traffic noise. Private outdoor patios and decks have been located to maintain privacy.

Regarding the noise between units, in addition to providing minimum 15' spacing between the buildings, the exterior walls will have high STC ratings and double-pane glazing to minimize sound transmission from nearby units and from the outside. Similarly, demising walls and floors separating units will have high STC ratings to prevent sound transmission between adjoining units.

√ (ix) A lighting plan is provided which augments security, energy conservation, safety, and aesthetics;

A lighting plan will be provided at Technical Document review consistent with the city's standards.

√ (x) The project incorporates the natural environment into the design and avoids, minimizes, or mitigates impacts to natural systems;

A Flood Plain Development application was submitted to the City of Boulder in November 2008. The plans show removal of most of the site from the High Hazard zone through a combination of grading along the north and south sides of the creek and overlot grading. The plan allows for the development of the site.

A new Four Mile Canyon Creek flood channel will be designed in compliance with applicable regulations. The developer will construct the flood channel with the costs shared by the City.

The wetland mitigation will be designed in compliance with the applicable regulations. The enhanced landscaped water quality pond will remain as originally proposed at the southeast corner of the site.

The design of the landscape will include water saving plants and minimize areas of small turf. The careful selection and placement of the plant materials will minimize the overuse of water and minimize additional maintenance.

The applicant has stated an intent to integrate green technologies into the building designs and a renewable energy source is being considered with the incorporation of photovoltaic panels on the roofs of the central court carports.

√ (xi) Cut and fill are minimized on the site, the design of buildings conforms to the natural contours of the land, and the site design minimizes erosion, slope instability, landslide, mudflow or subsidence, and minimizes the potential threat to property caused by geological hazards.

The site and adjacent Four Mile Canyon Creek will be altered significantly in order to channel flood flows and remove the Violet Crossing and proposed library sites from the high hazard zone. David Love and Associates designed the channel improvements and over lot grading plan to mitigate the flood impacts.

√ (G) **Solar Siting and Construction:** For the purpose of ensuring the maximum potential for utilization of solar energy in the city, all applicants for residential site reviews shall place streets, lots, open spaces, and buildings so as to maximize the potential for the use of solar energy in accordance with the following solar siting criteria:

√ (i) **Placement of Open Space and Streets:** Open space areas are located wherever practical to protect buildings from shading by other buildings within the development or from buildings on adjacent properties. Topography and other natural features and constraints may justify deviations from this criterion.

Open space is carefully distributed throughout the site to protect buildings from shading and is comprised of: open space nodes along the Four Mile Canyon Creek, streetscape, buffers, parking lot landscaping and terraces/patios. See Figure F. Open Space Diagram.

√ (ii) **Lot Layout and Building Siting:** Lots are oriented and buildings are sited in a way which maximizes the solar potential of each principal building. Lots are designed to facilitate siting a structure which is unshaded by other nearby structures. Wherever practical, buildings are sited close to the north lot line to increase yard space to the south for better owner control of shading.

Given the constraints of the site, buildings have not been sited close to the north lot line (to provide open space amenities) but have been clustered to the south and west portion of the site. To the greatest extent possible solar access to each building has been maximized.

√ (iii) **Building Form:** The shapes of buildings are designed to maximize utilization of solar energy. Buildings shall meet the solar access protection and solar siting requirements of Section 9-9-17, "Solar Access," B.R.C. 1981.

The large total exterior wall area resulting from breaking up the project into 12 smaller buildings has enabled a generous amount of window area for all apartment units. The windows typically have high head heights and in some cases transoms over the windows and doors, as shown on the elevations to provide for daylighting deep into the main living areas and bedrooms. The building envelopes- walls, windows/doors and roofs- will be designed for high R-values and low air infiltration for energy efficiency. See Sheet A1.0. Shadow Analysis illustrates the shadows cast by the proposed building and confirms that the building meets the requirements of Chapter 9-9-17, "Solar Access", B.R.C. 1981.

√ (iv) **Landscaping:** The shading effects of proposed landscaping on adjacent buildings are minimized.

Deciduous trees have been placed on the south and western sides of the buildings to help

provide additional shading in the summer and as the leaves drop, add solar gain during the winter months. Evergreen trees have been strategically placed to help block the colder winter winds and minimize wind tunnels.

n/a (H) *Additional Criteria for Poles Above the Permitted Height:* No site review application for a pole above the permitted height will be approved unless the approving agency finds all of the following:
This criteria does not apply to this project.

n/a (I) *Land Use Intensity Modifications*
This criteria does not apply to this project.

n/a (J) *Additional Criteria for Floor Area Ratio Increase for Buildings in the BR-1 District*
This criteria does not apply to this project.

n/a (K) *Additional Criteria for Parking Reductions:* The off-street parking requirements of [Section 9-7-1](#), "Schedule of Form and Bulk Standards," B.R.C. 1981, may be modified as follows:
This criteria does not apply to this project.

n/a (L) *Additional Criteria for Off-Site Parking:* The parking required under Section 9-9-6, "Parking Standards," B.R.C. 1981, may be located on a separate lot if the following conditions are met:
This criteria does not apply to this project.

**CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
December 17, 2009
1777 Broadway, Council Chambers**

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: <http://www.bouldercolorado.gov/>

PLANNING BOARD MEMBERS PRESENT:

Bill Holicky
Willa Johnson
Elise Jones
Andrew Shoemaker
Adrian Sopher, Chair
Mary Young

STAFF PRESENT:

Michelle Allen, Housing Planner
Clay Douglas, Assistant City Attorney
David Gehr, Assistant City Attorney
Julie Johnston, Senior Planner
Katie Knapp, Civil Engineer II
Michelle Mahan, Transportation Engineer
Elaine McLaughlin, Senior Planner
Chris Meschuk, Planner I
Susan Richstone, Long Range Planning Manager
Douglas Sullivan, Utilities Project Manager
Jessica Vaughn, Planner I
Paula Weber, Administrative Specialist III

- 1. CALL TO ORDER**
Chair, **A. Sopher**, declared a quorum at 6:05 p.m. and the following business was conducted.
- 2. APPROVAL OF MINUTES**
No minutes were scheduled for approval.
- 3. PUBLIC PARTICIPATION**
No one from the public addressed the board.
- 4. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS**

Call-up items:

6300 Diagonal Highway Site Review for Height Modification (LUR2009-00039), the board did not call up this item.

2855 N. 63rd Street, Technical Document review, the board did not call up this item.

1100 13th Street Use Review (LUR2009-00071), the board did not call up this item.

Floodplain Development Permit (LUR2009-00073), the board did not call up this item.

5. ACTION ITEMS

B. Violet Crossing

Public hearing and consideration of Concept Plan Review and Comment #LUR2009-00068, Violet Crossing, northeast corner of the intersection of Broadway and Violet Ave., for a rental residential development with 78 market rate apartments and 18 affordable apartments on 4.66 gross acres, located in the MU-2, Mixed Use-2 and RM-2, Residential Medium-2, zoning districts.

Staff Presentation

E. McLaughlin presented the item to the board.

Applicant/Owner Presentation

Cindy Harvey presented for the applicant.

Public Hearing

Elizabeth Black, 4340 West 13th Street, spoke to the board in support of development of this property. She is in support of not having commercial zoning for this site.

Chris Brown, 4340 13th Street, spoke to the board in support of 14th Street being the thru street and in support of more parking on the site to alleviate any future parking problems for his neighborhood.

Cam Fraser, 1205 Upland, spoke to the board in support of more parking on this property and asked the board to remove 13th Street as an access.

Aaron Brockett, 1601 Willow Pine Ave., spoke to the board in support of the project.

Terry Palmos, 2775 Oros Ave, spoke to the board in support of the project.

Board Discussion

13th / 14th Street

The board supported the 14th Street vehicular bridge. The board was satisfied with the 13th Street connection to the bike path and then north to the proposed library turnaround.

Mixed Use vs. Residential

M. Young said it makes sense for this site to be residential. She said it provides a critical mass for some of the commercial just to the north.

W. Johnson supported first floor residential.

B. Holicky supported first floor residential because there is not enough population to support mixed use for all first floors.

A. Shoemaker agreed with **B. Holicky** and said it should be looked at it from a broad perspective.

A. Sopher did not have a problem with the project being all residential and supported three stories.

W. Johnson said the scale and mass is really nice on Broadway and that both buildings A and B could be three stories.

B. Holicky agreed with **W. Johnson** about the third story.

M. Young said that would exacerbate the parking situation.

Mix of Housing Types

M. Young supported some family friendly type dwellings.

W. Johnson said she would not push for unattached on this site.

B. Holicky said there are certain types of attached housing that work well with families but they need to have yards and none of these have yards. He said there is a need for one and two bedrooms in this area.

A. Shoemaker agreed. He further stated that the focus on one to two bedrooms will alleviate some of the parking issues.

A. Sopher said usable open space needs to be provided, not just in townhomes but also adjacent to multifamily residential projects so kids and families have other kinds of outdoor spaces available to them.

E. Jones did not agree that there is a need for one to two bedroom units.

Parking TDM

E. Jones said she typically supports reducing parking particularly in places that have transit access, but in this instance the neighbors do not want to reduce parking, so she would be willing to support the proposed parking numbers. She did not support the internal parking lot and the sea of asphalt.

M. Young agreed with **E. Jones** and added that in an attempt to mitigate the potential overflow onto 13th Street, ballards could be added to allow for bikes and pedestrians access only.

W. Johnson said public streets are meant to be parked on. She did not support the stilts under building E. She said we are playing a delicate balance that seems a little heavy on parking.

A. Sopher agreed with **W. Johnson** and **E. Jones** on the parking issue.

A. Shoemaker said if there was a large garage in the center it would feel less like a giant sea of cars and more of a house-like streetscape.

B. Holicky did not support this type of development sending parking to the adjoining neighborhoods. He did not support people parking in front of the neighborhood houses to the point where it is unfeasible park along the street. He agreed with **A. Shoemaker** comments and supported increasing the green in the central court area.

A. Sopher summarized that parking numbers are in range as far as the board is concerned. There is concern over the central courtyard in terms the carport and the landscaping.

E. Jones strongly supported ECO Passes.

A. Sopher said the 13th Street link which has parking on both sides needs some work. He questioned how the link would feel like a connecting link out of the property both from the point of view of a car route and for bikes.

Architecture style

E. Jones generally liked the change from the last concept review. She agreed with staff's comments about making it pedestrian scale.

A. Shoemaker asked for no flat roofs and supported the trellises.

E. Jones agreed on no flat roofs.

M. Young also agreed on no flat roofs. She likes the cornices and agreed with the staff comments about the porches being a little blocky.

B. Holicky disagreed with some of the comments from staff. He said the architecture is clunky, but that could be due to the fact that the project is early in the design process. He said his biggest issue is with the double symmetry. He said some diversity in terms of the columns or trellises would make for a more interesting streetscape and said it should not look like four buildings flipped.

A. Sopher agreed with **B. Holicky** in regards to the staff comments on scale. He suggested that the bridge be looked at more closely.

Trees

E. Jones supported salvaging the healthy mature trees on the site.

A. Shoemaker said the trees that have grown on this site are not that special and the idea of building a house around a tree is fine as long as it is a really special tree.

Attachment C:
Neighbor Comments Received

From: WIN FRANKLIN, JR. [REDACTED]
Sent: Thursday, September 02, 2010 4:12 PM
To: McLaughlin, Elaine
Cc: Black, Elizabeth; Brown, Chris; Shorrock, Kent
Subject: Re: Violet Crossing

I am still at a loss here. Among the concerns voiced at the 2 December neighborhood meeting include on and off street parking, on site parking spaces, 13th Street access, height and location of buildings and runoff and flood control as it relates to Violet. What revisions, if any, have been made by the applicant since the neighborhood meeting and the 19 December Planning Board hearing? Where is this information available? What is to be determined at the 21st of October Planning Board hearing? Is this the final step in the approval process?

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

From: [McLaughlin, Elaine](#)
To: 'WIN FRANKLIN, JR.'
Sent: Thursday, September 02, 2010 1:14 PM
Subject: RE: Violet Crossing

Hi Win-

Here you go! The application will be heard at the October 21st Planning Board hearing. Until then, if there are concerns, please email me as soon as possible. Then, the full set of plans can be viewed at the front counter here the Planning Department.

Best-
Elaine



Elaine McLaughlin, Senior Planner
Department of Community Planning + Sustainability
City of Boulder
1739 Broadway, 3rd Floor
Boulder, CO 80306-0791

(303) 441-4130 (phone)
(303) 441-3241 (fax)

From: WIN FRANKLIN, JR. [REDACTED]
Sent: Thursday, September 02, 2010 12:21 PM
To: McLaughlin, Elaine
Subject: Re: Violet Crossing

Elaine, I am most interested in the site plan. I was at the neighborhood meeting in December and am trying to get an update on the project as a results of that meeting. I am concerned that the neighborhood will not have a chance to review this project before it is finalized. Without additional information, public comments are difficult to make. Win.

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

From: [McLaughlin, Elaine](#)
To: ['WIN FRANKLIN, JR.'](#)
Sent: Thursday, September 02, 2010 11:47 AM
Subject: Violet Crossing

Hello Win-

Thanks for you email. The website manager doesn't post images on-line for projects in review. We just recently started accepting digital files of applications in review, instead of 15 sets of full sized prints, we're accepting five to seven, with other reviewers accessing them via our intraweb database. We'll be discussing the possibility of posting projects in review on line, it may require more staff hours to manage the web site, as we get revisions of plans in review all the time and we'd need to ensure what's on-line is most up-to-date. But, I've forwarded your email to the Land Use Review Manager, Charles Ferro.

I'm fowarding you the images we have to date that are in our Intraweb system, keep in mind these are draft and will likely change somewhat in response to review.

There was a neighborhood meeting held in December last. There is no plans to date, that I'm aware of for another neighborhood meeting (typically they are a requirement when a Use Review with a restaurant or bar is proposed). However, I will forward your email to the applicant.

Please let me know if you have any further questions.
Elaine

From: WIN FRANKLIN, JR. [REDACTED]
Sent: Wednesday, September 01, 2010 6:29 PM
To: McLaughlin, Elaine
Subject: LUR2010-00048/Violet Crossing

Elaine, I have been unable to find Development Review information on the Planning & Development Services web site. Is it shown someplace else? I would like an update on the project and to find out if there are any changes from the last review. Do you know if there will be a neighborhood meeting? Thanks for your response.

Win Franklin, Jr.
Horticulturist, Retired



CHRISTOPHER BROWN - PHOTOGRAPHS

Fine prints of the Western American landscape



Date: 9 April 2010

To: Members of Boulder City Council

Fr: Chris Brown

Re: Parking at the proposed "Violet Crossing" project of Palms Development, to be located on the northeast corner of Broadway and Violet streets in north Boulder.

Dear Council Members:

This project has some potentially serious undesirable parking consequences that I think you should be aware of. I have outlined below the problems, and suggested several alternative solutions. It would be wise to address these issues and their solutions while this project is still in the planning stages, as they will not go away if left unattended.

The development has 18 one-bedroom units and 78 2-bedroom units. The project is configured such that it falls into two zoning categories, with the result that only one on-site parking space is required by code for both the one and two bedroom apartment units. Figures for Boulder County indicate that there is an average of 1.3 cars per household, which mean that this development will have 29 fewer on-site parking spaces than there are likely to be cars for the residents. This shortage does not include visitor parking. There are no businesses in this development, so that excess business parking will become available for residents at night. Common sense tells us that many one as well as two-bedroom apartments will have two or more residents, and therefore probably more than one car per unit.

There is very little elasticity in parking adjacent to this development and in the adjacent neighborhood. Immediately to the west is Broadway, and a commercial district with limited parking. To the north is 4-Mile Canyon Creek and riparian areas. To the east is a City park between Violet Avenue and the Creek. Immediately to the south is Violet Avenue, a minor arterial, where any parking is off the pavement. The nearest neighborhood street is 13th St. to the south, which is one block long. This is where most if not all the overflow parking will take place.

13th Street currently has a rural character, with limited width pavement, and landscaping on both sides. There is an irrigation ditch along the east side of the street. 13th Street was zoned estate residential on the east side, and low-density residential on the west. The North Boulder Sub-Community Plan specifies curb and gutters on the west side, but not on the east side, to preserve the more rural nature of the Crestview neighborhood. Currently there are no more than 2-5 cars parked on 13th St. at any time.

Because of the currently light traffic and the unobstructed nature of 13th street and Upland Ave. to the south, pedestrians and bicyclists are comfortable using these streets, including children walking to Crestview School.

It seems evident that there will be adverse impacts on the Crestview neighborhood from overflow parking from this development, which will include decrease in pedestrian safety, loss of neighborhood character, and physical destruction of homeowners landscaping from increased parking off the pavement. Wet or snowy conditions will result in cars getting stuck on the soft shoulders, and in the irrigation ditch along the east side, which creates a huge mess in just a few moments.

If the City is serious about managing automobile use in Boulder, there are several opportunities here to further this goal. It will not help to ignore the reality of car ownership, and continue to hope that cars will just evaporate into adjacent neighborhoods, which is what will happen if no action is taken. The City must work with the developer and neighbors to decide how best to manage parking impacts before the project is approved.

I have outlined seven possible scenarios for action.

1. The City can modify the Codes and increase the number of required on-site parking spaces to more accurately reflect real automobile ownership.
2. The City can reduce the density of the development, so that there will be less on-site parking required to accommodate the realistic number of cars expected.
3. The City can strictly limit car ownership in the development to the number of available spaces, not including visitor spaces. To facilitate this the developer could be required to provide Eco-Passes for residents, install covered and convenient bicycle racks and scooter parking, and charging stations for electric bicycles. There could be other incentives for residents to limit vehicle use and ownership. However, these incentives will not be adequate without actually limiting automobile ownership in the development.

If the City is not prepared to reduce vehicle ownership at this development, then four other options remain, which are less desirable in terms of reducing vehicle use and ownership in Boulder, as they will just help mitigate the problem rather than eliminating it.

4. The City, or the developer, can widen Violet Avenue, adding curbs and gutters, to make parking possible there.
5. The City can create a special parking district in the Crestview neighborhood that will allow very limited parking there.

6. If the City does none of the above, then it should be prepared to pay, or have the developer pay for the improvements to 13th Street and Upland Avenue to accommodate the increased parking, avoid destruction of personal property, and keep these streets safe for pedestrians and bicyclists. This would require widening the street and adding curbs, sidewalks and drainage. Since it is the development that will create these impacts, the residents of the neighborhood should not be expected to pay the costs to mitigate the impacts of this development.

7. I strongly urge City Council not to take the “wait and see” approach. This will not further any of the transportation goals of the City, and will inevitably create conflict and discord that will be more costly in terms of time, money and happiness, in the long run.

It is important is for the Council to be aware of this situation, and act in a manner that will achieve what is best for Boulder. I would like to hear your reactions to this, and I would like for you to discuss this at a council meeting. I would be happy to come to a public participation period or study session—obviously there is more than three minutes of discussion needed on this issue. Please consider this my effort to head off a difficult situation before it becomes more complicated. I look forward to hearing from you.

Sincerely,

Chris Brown

4340 North 13th Street, Boulder, Colorado 80304 (303) 449-7532
www.ChrisBrownPhotography.com - cb@ChrisBrownPhotography.com

From: Elizabeth Black [mailto: [REDACTED]]
Sent: Wednesday, October 20, 2010 6:55 AM
To: McLaughlin, Elaine
Cc: 'WIN FRANKLIN, JR.'; 'Andy Bachmann new'; 'Anita & Drew Schwartz'; 'Cam Fraser'; 'Dale Whyte'; 'David Brode'; 'Elizabeth Black'; 'Elycia Boyer'; 'Estee Genosar'; 'Jim Heiden'; 'Kent Shorrock'; 'Russ & Carol Olin'; 'Tanya Hallquist'
Subject: RE: Violet Crossing

Hi Elaine, Thank you for the site plans. I have a few more questions.

1. How many parking places, including on-street parking on 14th, Violet and Broadway, are there in the new site plan? How many parking places were there in the previous site plan?
2. What is the rationale for not putting any parking along the north side of Violet?
3. What are the elevations of all the various buildings on the site (One story, two story, etc.)?
4. What are the drainage plans for the site? Will drainage from the site be conveyed back to the creek? What is the proposed route of that conveyance?
5. I am curious about the "color garden". It has disappeared in the current plan. Any particular reason?
6. The footprints of the buildings in the current site plan appear to be bigger than the ones in the previous plan. Is this correct? Has the number of apartment units changed or has it stayed the same? And only unit size increased?
7. Has anything else on the buildings changed from the previous plan, like the façade plan or outside appearance of the structures?

Thank you very much for your attention to this,

Elizabeth

Elizabeth Black
4340 N 13th St.
Boulder, CO 80304
303-449-7532
www.elizabethblackart.com



From: McLaughlin, Elaine
Sent: Wednesday, October 20, 2010 1:42 PM
To: 'Elizabeth Black'
Cc: 'WIN FRANKLIN, JR.'; 'Andy Bachmann new'; 'Anita & Drew Schwartz'; 'Cam Fraser'; 'Dale Whyte'; 'David Brode'; 'Elycia Boyer'; 'Estee Genosar'; 'Jim Heiden'; 'Kent Shorrock'; 'Russ & Carol Olin'; 'Tanya Hallquist'
Subject: RE: Violet Crossing

Hi There-

Thanks for your thoughtful questions. Please see the attached response to the questions. If this prompts other questions or comments please call or email me back as soon as possible so I can include them in the memo for Planning Board – going out the end of next week.

Best-
Elaine



Elaine McLaughlin, Senior Planner
Department of Community Planning + Sustainability
City of Boulder
1739 Broadway, 3rd Floor
Boulder, CO 80306-0791

(303) 441-4130 (phone)
(303) 441-3241 (fax)

Response to Questions (in bold):

1. How many parking places, including on-street parking on 14th, Violet and Broadway, are there in the new site plan?

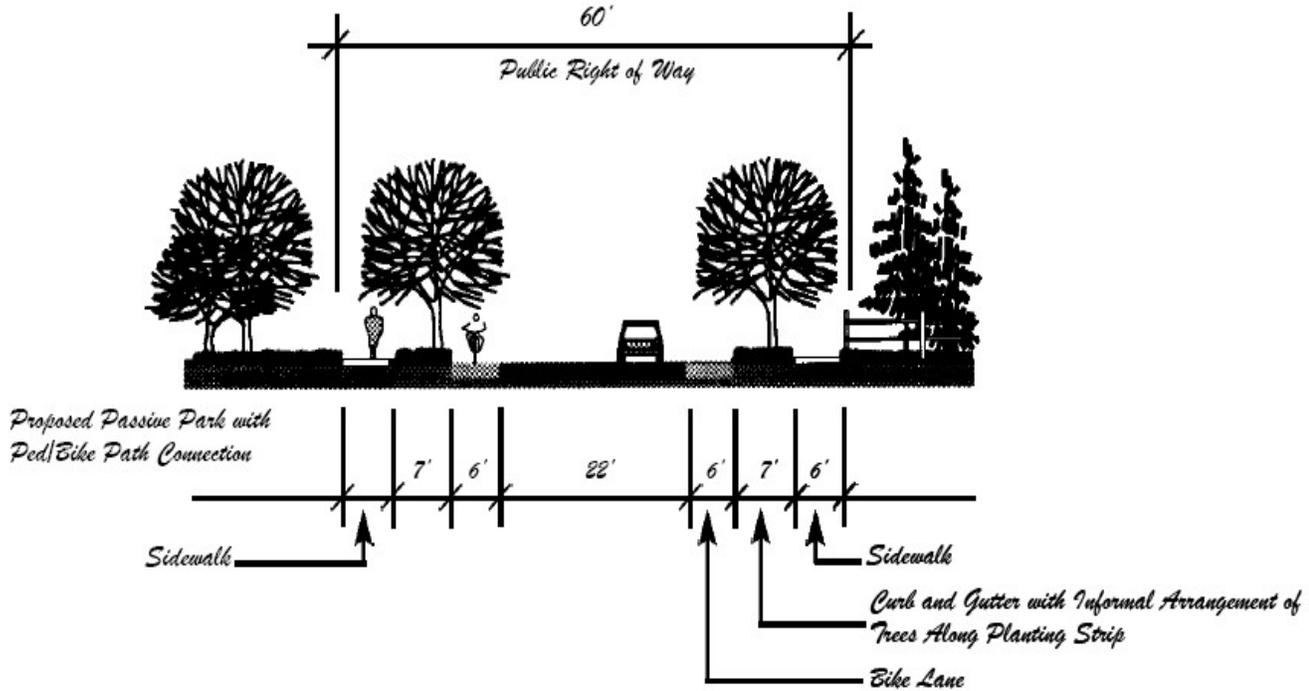
There are 132 parking spaces proposed, 104 required.

How many parking places were there in the previous site plan?

The previous plan had 134 spaces, the two spaces likely were “removed” to ensure placement of the newly proposed bus stop on Broadway north of Violet. Note: 104 spaces are required and they are proposing to exceed their parking requirement by 28 spaces.

2. What is the rationale for not putting any parking along the north side of Violet?

On page 24 of the North Boulder Subcommunity (NoBo) Plan roadway cross-sections were established through a public process on the NoBo plan. For Violet, a 60-foot right-of-way was established (see cross-section below). This contrasts to other roadway cross-section in the plan that have on-street parking for commercial settings with rights-of-way up to 82 feet in width. Given that the applicant has agreed to not pursue a commercial development, they are not requesting to modify the North Boulder Subcommunity roadway cross-section for Violet.



◆ Violet Avenue

From page 24, North Boulder Subcommunity Plan

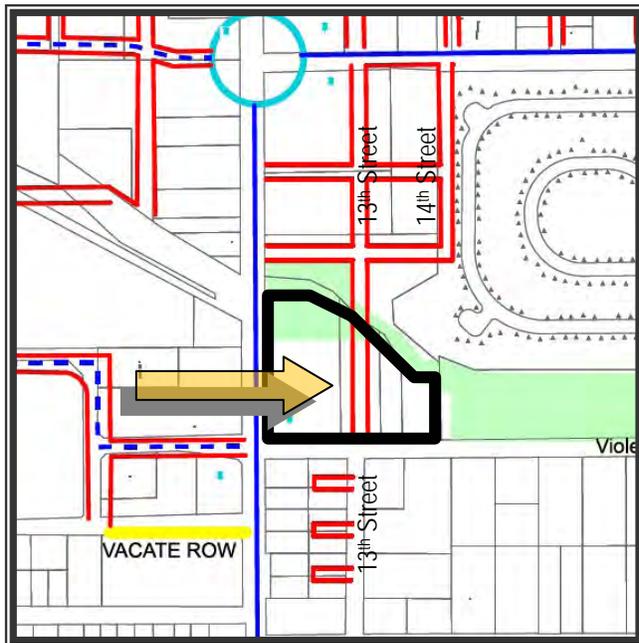
What are the elevations of all the various buildings on the site (One story, two story, etc.)?

All of the buildings are proposed to be two story except three buildings nearest Uptown Broadway that are proposed as three stories. Below is an elevation of two of the buildings along Broadway that would be three story, next to Uptown. This was recommended by the Planning Board at Concept Plan review to move units from a proposed building that was blocking a direct line of sight from Violet to the proposed bike/ped bridge that is proposed instead of a roadway on 13th.

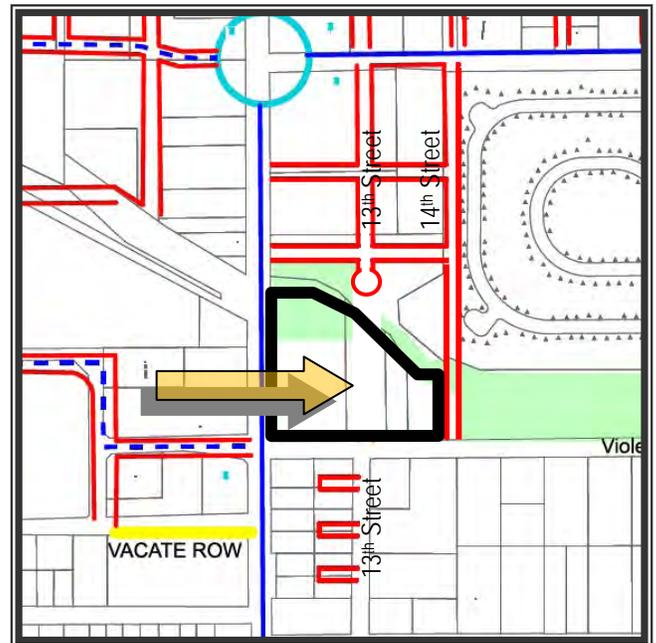


Elevation of Broadway Illustrating the Transition from Uptown Broadway to the Proposed Project to the Residential Neighborhoods to the South

As you may recall, the 14th street connection was proposed for vehicular use, in lieu of a 13th Street roadway, as shown in the comparison of the North Boulder Connections Plan below.



Existing North Boulder Right-of-Way Plan



Proposed North Boulder Right-of-Way Plan

3. What are the drainage plans for the site? Will drainage from the site be conveyed back to the creek? What is the proposed route of that conveyance?

The project must comply with city’s Design and Construction Standards for stormwater mitigation. The current design conveys the majority of the site drainage via curb/gutter and below grade stormwater pipes to two water quality facilities that will collect and treat the runoff water and then convey the water (in an below grade pipe sized per engineering standards) to the creek in a manner that will not adversely affect adjacent or downstream properties. The improvements to the creek channel in this location are intended to not only mitigate flooding conditions on this site, but in deepening the channel, downstream flows will be mitigated as well.

4. I am curious about the “color garden”. It has disappeared in the current plan. Any particular reason?

Here’s what Sandi Gibson, the landscape architect for the project says about the plans:

“When we initially proposed that area, it was connected to the creek path and we had more room on the north side. Now we have a really nice promenade between the buildings with gardens surrounding the center area. Next, the central green area has now been divided with the direct connection over the creek to Uptown and on to 13th St. However, we do have some small gardens associated with those structures. “

5. The footprints of the buildings in the current site plan appear to be bigger than the ones in the previous plan. Is this correct?

The amount of overall floor area proposed has actually gone down. The building design has changed somewhat, but also it’s important to consider that the design has been refined. Concept Plan drawings are often fairly “conceptual’ so, in refining the plans, the footprints may have more clearly represented all of the building’s articulation.

Plan Iteration:	Mixed Use – 2 Zoning District (west side of site)	Medium Density Res. Zoning District (east side of site)
Previous Plan (Dec. 2009)	68,262 sf	14,236 sf
Current Site Plan	62,473 sf	13,405 sf

Has the number of apartment units changed or has it stayed the same? And only unit size increased?

The number of units has increased by two – and the average unit size has gone down, and the average unit size is 761 square feet.

6. Has anything else on the buildings changed from the previous plan, like the façade plan or outside appearance of the structures?

The architectural design hasn’t changed substantially, it was fairly well received by the Planning Board. An attachment is provided of how the architecture has changed over time.

IMAGES OF PREVIOUS CONCEPT PLANS, AND HOW PLANS HAVE CHANGED OVER TIME:



2007 CONCEPT PLAN WITH COMMERCIAL ON GROUND FLOOR



2009 CONCEPT PLAN SKETCHES FOR ALL-RESIDENTIAL

EXAMPLES OF CURRENT PROPOSAL FOR ARCHITECTURE FOR ALL RESIDENTIAL:



BUILDING B-2
WEST ELEVATION (FRONT)



BUILDING C-3
EAST ELEVATION (FRONT)



BUILDING A-2
WEST ELEVATION (FRONT)



BUILDING D-1
WEST ELEVATION (FRONT)



Terry

From: jim zigarelli [jimzyg2003@yahoo.com]
Sent: Friday, October 29, 2010 10:59 AM
To: Terry
Subject: Violet Crossing

Hi Terry,

I have been living in North Boulder, near where Violet Crossing is planned, for the past 3 years. I have been living in Boulder for close to 35 years.

When I read about Violet Crossing I could only say that, 'it was about time!'. The area north of Violet has been carefully planned by the City for high density, interactive communities, with shared amenities and easy access to public transportation, etc. However, most rentals in that area are not apartments, but rather rentals by owners of individual condos, houses, etc.

I have been reading for years about the shortage of apartments in Boulder and wondering when something would be built to help handle the need. So much apartment housing in Boulder is old and run-down, it is especially refreshing to see a project of this quality become a reality.

As you know, I have also known your Dad for years, and it is even more of an asset that someone who totally gets Boulder, because you all live here, are the developers. Not sure what else the city could hope for in that regards.

Good luck moving forward.

Jim Zigarelli
1937 Upland Ave. Boulder, CO
720-565-9051

Terry

From: Erin Unsworth [Erin.Unsworth@efirstbank.com]
Sent: Friday, September 10, 2010 12:23 PM
To: terry@palmos-development.com
Subject: Violet Crossing

Terry,

I recently read about your development going in just down the street from our North Boulder location on Broadway and Rosewood. As a bank, we are looking forward to the influx of people into the area and we look forward to having you as a neighbor.

Best Regards,

Erin Unsworth
Banking Officer
FirstBank of Boulder
T 303 581 2511
F 303 581 2540
E erin.unsworth@efirstbank.com



www.efirstbank.com

>>>

The information contained in this electronic communication and any document attached hereto or transmitted herewith is confidential and intended for the exclusive use of the individual or entity named above. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any examination, use, dissemination, distribution or copying of this communication or any part thereof is strictly prohibited. If you have received this communication in error, please immediately notify the sender by reply e-mail and destroy this communication. Thank you.

October 4, 2010

Dear City of Boulder Planning Department,

I own the property directly west of the proposed Violet Crossing apartment project. I would like to express my support for the project. Violet crossing would create a great transition between the single family homes to the south of Violet and the mixed-use project at uptown Broadway to the north.

I like the fact that the development is generally two stories and how the building footprints are smaller creating a village like environment.

Lastly, the improvement to the creek will be a great addition to the area.

Regards,



Gary Calderon



Re: Violet Crossing

To Boulder Planning Board.

Dear Members of the Planning Board,

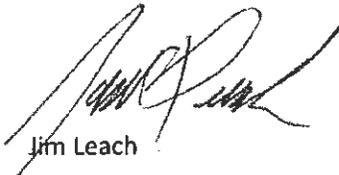
As you may know I was a member neighborhood representative on the North Boulder Steering Team that helped launch the North Boulder Sub Community Plan in the mid 1990s. I have also worked as a designer, builder and developer of neighborhoods in North Boulder most of my life, and I currently live in the Holiday Neighborhood which I am always proud to say has been recognized nationally as a model for sustainable development.

I understand that there are several new residential projects currently being planned within the North Boulder Community planning area. I have a strong interest in seeing that these new developments contribute in a positive way to the new urban character and quality that Holiday has started to establish. There are a group of us Holiday residents that have begun to review and comment on the new development plans and you will likely hear from representatives of the Holiday HOA and some of the sub communities in the neighborhood like Silver Sage where I live. I am participating as a neighborhood representative in these efforts to give our input on the new projects. I feel that this input will be thoughtful and on target with my general concerns and interests.

My intent with this writing is not to act as a representative for Silver Sage or the Holiday HOA, but rather to express my own thoughts regarding one of the developments. I have personally reviewed the Violet Crossing proposal at Broadway and Violet, and I believe that it will be good addition to the North Boulder neighborhood. It exhibits a reasonably high level of design quality and thoughtful planning, and the mix of market rate and restricted affordable housing units should contribute to the social sustainability in the neighborhood.

Violet Crossing will also offer attractive open space and pedestrian connections along the creek to the north and will provide relatively affordable rental housing that should help make the North Broadway, Main Street Commercial more viable.

Sincerely



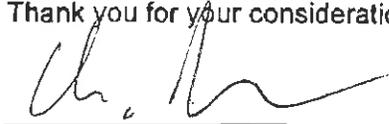
Jim Leach

October 4, 2010

Dear Planning Department:

I am one of the owners of The Village at Uptown located just north of the proposed Violet Crossing residential project. I would like to voice my support for Violet Crossing. The redevelopment of that corner is long overdue and I believe that residential units in that area fit in well with the surrounding neighborhood.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Chris Rebich", written over a horizontal line.

Chris Rebich

October 6, 2010

Dear City of Boulder Planning Board:

I currently live at 4555 13th Street, in The Village at Uptown. I am writing to express my support for the Violet Crossing project. I am very much looking forward to the redevelopment of that corner and utilizing the new bike path and the connecting bridge. I think that the Violet Crossing project will provide for a better living environment and be a great addition to North Boulder.

A handwritten signature in black ink, appearing to read 'Alex Finkel', is written over a horizontal line. The signature is fluid and cursive, with a long, sweeping tail that extends to the right.

Alex Finkel

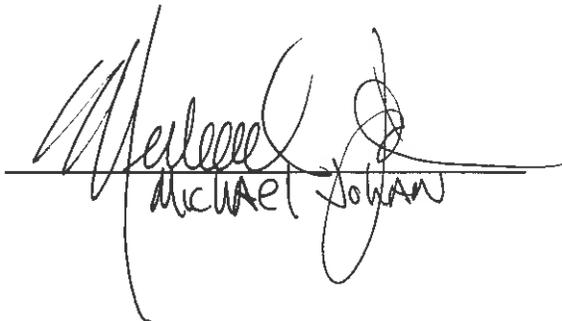
OCTOBER 8, 2010

DEAR CITY OF BOULDER,

TERRY PALMOS HAS SHOWN ME THE PLANS FOR THE VIOLET CROSSING APARTMENT PROJECT AND I AM IN SUPPORT OF THE DEVELOPMENT.

I LIVE IN THE AREA AND THINK THE PROJECT WOULD BE A GREAT IMPROVEMENT TO NORTH BROADWAY. WE NEED MORE RESIDENTIAL UNITS IN BOULDER AND APARTMENTS ON NORTH BROADWAY WOULD CREATE A GOOD MIX OF HOUSING THAT IS BADLY NEEDED IN THAT AREA.

PLEASE APPROVE VIOLET CROSSING SO WE CAN TAKE ANOTHER STEP TOWARDS THE IMPROVEMENT OF NORTH BROADWAY.



Michael Johan

October 6, 2010

Dear Planning Board:

I own a business across the street from the Violet Apartments on the north East corner of Broadway and Violet. I have reviewed the plans for the Apartments and think they would be a great addition to the area. More residential units there would help the locally owned business along north Broadway. In order to make north Broadway successful we need more people living in this area and the Violet apartments would definitely help.



Peter Johnson
303 589-1882

VIOLET CROSSING



SITE REVIEW

WRITTEN STATEMENT & FIGURES (REVISED)

August 16, 2010

September 20, 2010 RESUBMITTAL

October 22, 2010 RESUBMITTAL #2



CONTACT LIST

■ PLANNING AND ARCHITECTURE

OZ Architecture

1805 29th Street, Suite 2054
Boulder, CO 80301
Contact: Nancy Blackwood
P: 303.449.8900
E: nblackwood@ozarch.com

■ LANDSCAPE

Outside L.A.

2623 Burgess Creek Road
Steamboat, CO 80487
Contact: Sandi Gibson
P: 970.871.9629
E: osla@me.com

■ CIVIL ENGINEERING

Drexel, Barrell & Co.

1800 38th Street
Boulder, CO 80301
Contact: Matt Emmens
P: 303.442.4338
E: MEmmens@drexelbarrell.com

TRANSPORTATION

■ **Drexel, Barrell & Co.**

1800 38th Street
Boulder, CO 80301
Contact: Ann Bowers
P: 303.442.4338
E: ABowers@drexelbarrell.com



VIOLET CROSSING
SITE REVIEW
TABLE OF CONTENTS
August 16, 2010
Revised October 22, 2010

1.0 INTRODUCTION

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INTRODUCTION

1.1 PURPOSE AND INTENT

The purpose of this Site Review submittal request is to obtain approval on the proposed Violet Crossing development located at the north east corner of Broadway and Violet Avenue.

1.2 BACKGROUND

This is the third Concept Plan Review for the Violet Crossing site: the first in December 2006, the second in June 2007, which included a total of 78 residential units and approximately 9,400 square feet of retail/office space., and the third in December 2009, comprised of 96 (78 market and 18 affordable) rental residential with no office or retail uses.

On December 17th, 2009 the Planning Board provided the following “comments” on that third concept review of the Violet Crossing Concept Plan:

1. 13th/14th Street: Support of 14th Street vehicular bridge and pedestrian/bicycle connection across creek, aligned with the 13th Street circle in front of the proposed library.
2. Mixed Use vs. Residential: Support of all residential (vs. mixed use) citing lack of market for commercial/office uses in recent projects north along Broadway. Support for two 3-story buildings along Broadway at north end of site in exchange for eliminating one building and opening up central green space.
3. Mix of Housing Types: Support for one and two bedroom units, including some “family-friendly type dwellings”. Need to provide useable open space.
4. Parking/TDM: General support of proposed parking (per requirements). Not favor parking reduction in this situation due to neighborhood concerns. Concern for “sea of asphalt” in central parking court; could be alleviated with carports or garages. Strong support for Eco Passes. Need to enhance 13th Street north-south ped/bike link between Violet through the central/open space to the 4-mile Canyon Creek path.
5. Architectural Style: General support of drawings from previous 2007 submittal. No support for 2nd Floor “bridge” between buildings along Broadway. Support for sloped roofs (some indicated “no flat roofs”). Not support “double symmetry” of buildings along Broadway (not look like buildings are just “flipped”).
6. Trees: Support to salvage healthy mature trees if possible.

Planning Staff comments included the following:

1. Pedestrian Bridge: “Modify site plan to ensure that there is a more direct visual connection from Violet into the site such that the pedestrian bridge is clearly identifiable from Violet Ave.”
2. Architecture and Massing: Simplify exaggerated scale of front entries and heavy brick arches to be a better transition to the single family residence across Violet Ave. Building entries should be appropriately scaled to the pedestrian and provide pedestrian interest. Proposed mixture of materials creates a façade that is unnecessarily complicated. Simplify the facades and limit palettes of materials to bridge contemporary styles to the North with the more traditional single



family character to the South.

3. “Village Green” and Four Mile Canyon Creek channel improvements: support for reduced width of Village Green in places to create a more natural “undulant” quality to the open space and along 4 Mile Canyon Creek. Village Green should be a civic space to ensure visibility and accessibility from both Broadway and Violet Avenue.

Public comment was generally favorable, expressing support of the architectural concepts, eliminating the commercial/office uses but with some continued concern regarding parking.

This Site Review Application addresses all of these comments.

1.3 SITE DESCRIPTION AND SURROUNDING LAND USES

The site for this specific application totals 4.66 acres (gross) in size and 4.53 acres (net) after the ROW dedication for 14th Street is made. The west two thirds of the site, approximately 2.78 acres (net), is zoned Mixed Use-2 (MU-2) and the east one-third of the site is zoned Residential Medium-2 (RM-2), approximately 1.75 acres (net).

Four Mile Canyon Creek forms the north boundary of the site and beyond that is the proposed site for the North Branch of the Boulder Public Library and Uptown Broadway, a recently developed traditional New Urbanist neighborhood. Directly east of the site beyond the future 14th Street is a linear park, located between Violet Avenue and the Boulder Meadows Mobile Home Park. Single family homes are located south of the site across Violet Avenue. West, across Broadway from the site is highway commercial, zoned MU-2.

A variety of predominantly mixed-use developments are situated along the east side of the Broadway corridor to the north of the site, including the Holiday Neighborhood north of Yarmouth Avenue. Further west are more commercial and office uses associated with the North Broadway corridor. The general nature of the neighborhood is one that is evolving from a largely rural area with a mixture of residential and commercial uses, without a clearly defined overall character, to a more innovative urban neighborhood, consistent with the broader North Boulder Subcommunity Plan. The proposed Violet Crossing site plan being submitted for review respects and is generally consistent with these other projects.

The existing site contains highway-oriented commercial uses and approximately 9 mobile homes. It is relatively flat, gently sloping approximately 3% from the northwest to the southwest. A number of trees exist within the site as well as along the north edge of the site along 4 Mile Canyon Creek, a majority of these are deemed insignificant, such as Siberian Elms or Sucker Cottonwoods. (See section 3.1.3 for additional information.) The site has long-range views northwest, west, and southwest to the foothills and distant Flatirons.

1.4 DEVELOPMENT CONCEPT



The plan is consistent with the North Boulder Subcommunity Plan (NBSP). The property is served by two primary access drives, one off Broadway and one off Violet, and one secondary residential access drive off 14th Street. An axial view corridor from the neighborhood south of the site to the proposed Community Green and North Branch Library building is created by aligning the Violet Avenue access with the 13th Street right of way south of the property. The site plan incorporates the major open space and trail along the south side of the creek as stipulated in the NBSP. The plan also incorporates the existing low water pedestrian crossing of the creek which is linked to the trail system. In addition, a pedestrian/bike bridge is proposed to cross 4 Mile Canyon Creek within the Community Green and will be highly visible from the entry off Violet Avenue. Those crossings will provide access to the proposed North Boulder Library site and encourage interconnectivity between the Uptown and Violet Crossing neighborhoods. There will be a maintenance vehicle access in addition to numerous pedestrian connections to the trail from the site.

At the corner of Broadway and Violet there is compelling architecture that responds to this important gateway with pedestrian scale entries, soft landscape and hardscape design. The corner streetscape and contextual architecture will provide an appropriately-scaled transition to the single family residential south of Violet. The bus stop, located just north of the same corner on Broadway, is placed where it can enhance ridership. Pedestrian access into the site is available at multiple locations around the site, as well as a long the two access drives. The “Community Green” occurs at the intersection of the two internal access drives and provides visual and physical links to the Four Mile Canyon Creek pedestrian/bicycle path. The path has been brought out of the channel and into the site to facilitate an at grade “landing” of the bridge on the south side of the creek. To minimize the length and avoid the need for additional piers within the flood channel, the bridge is set to cross 4 Mile Creek Canyon at a perpendicular angle.

The site will be engineered and graded to accommodate the City’s flood requirements in accordance with the current Love and Associates model. Stormwater management, flood control, roads, utilities, open space improvements, and wetland mitigation will all be key components of the infrastructure design. Love and Associates, as part of the March 2008 Four Mile Canyon Creek channel improvements has generated plans which will remove the majority of the site from the High Hazard Zone through a combination of grading along the south side of the creek and overlot grading.

The development of this site will include a ROW dedication of ½ the 14th Street extension (approximately 5400sf).

With the exception of the two 3-story residential buildings along Broadway at the north end of the site all buildings will be 2 stories. All buildings have been placed to take advantage of views to the foothills, Four Mile Canyon Creek, the series of open space/plaza nodes as well as the Water Quality Pond to the east. A majority of the residential units have attached garages or carports which are accessed by supplemental driveways. The residential building(s) have been placed close to the streets and the parking areas are located to the rear. The landscaped parking court that serves the residential units



will be accessed from both access drives from Broadway on the west side of the site and Violet Avenue on the south side of the site.

Although the internal streets will not be dedicated, the street section on the north-south extension of 13th Street is proposed to conform to the 60-foot street standard. The east-west section is proposed to conform to the 60-foot standard, but with a combination of perpendicular and parallel on-street parking. The internal access is laid out in a grid framework to provide interconnectivity within the neighborhood. The streetscape on Broadway will conform to the city of Boulder's requirements including a combination of tree lawns and trees in grates and provide a generous garden to provide buffering and screening from Broadway.

The development concept is described in more detail in the following sections of the Written Statement.

The following sections address the Site Review Criteria identified in the Site Review application package dated September 2007. The Site Review Criteria is repeated below. *Responses to the Site Review Criteria are in italics.*

1.5 PROPOSED HEIGHT MODIFICATION

The maximum height allowed within the MU-2 and RM-2 zone districts is thirty five (35) feet and is restricted to 2 stories in the MU-2 district. A proposed Height Modification is being requested (in accordance with Planning Board's recommendation at the December 2009 concept review) to allow for buildings A1 and A2 to incorporate 3 stories in order to maximize the community green space and accommodate the building program on the site.

This request is supported by the following:

1. At the December 2009 Planning Board meeting the planning board supported eliminating the building within the 13th St view corridor and transfer the density to the two buildings at the north west corner of the site by adding a 3rd story.
2. The Shadow Analysis (Sheet A 1.0) illustrated that the shadows cast from the 2 proposed 3 story (35' height) buildings (A1 & A2) all remain within Violet Crossing property boundaries.
3. There are no buildings within 100' of the Violet Crossing property boundaries.
4. Based on the proposed grading of the property to accommodate the 4 Mile Canyon Creek flood channel improvement, the residential units facing Broadway will be set back from and sit approximately 1 foot lower than the adjacent sidewalk. The entries to these 4 units will be from the promenade on the East side of the building. The residential units and patios will address the street and include significant glazing.
5. Height Measurement. The heights of the A1 and A2 buildings; have been measured per City of Boulder code requirements and is documented on the Elevations (Sheets A2.1-2.5) and the Preliminary Grading Plan Sheet C2.0).

1.6 DEVELOPMENT/CONSTRUCTION SCHEDULE (TERRY TO CONFIRM)



Construction will commence around May 2011 and construction will be completed no later approximately 12 months later. Four Mile Creek Canyon channel improvements shall be completed before building permits are issued.

2.0 BOULDER VALLEY COMPREHENSIVE PLAN

2.1 How is the proposed site plan consistent with the purposes and policies of the Boulder Valley Comprehensive Plan?

The Violet Crossing plan is consistent with the Boulder Valley Comprehensive Plan which identifies the west portion of the site Mixed Use Business ("Mixed Use Business Development may be deemed appropriate and will be encouraged in some business areas") and the east portion of the site Medium Density Residential (6-14DU/acre). The site is located within BVCP Planning Area I.

2.2 The proposed development shall not exceed the maximum density associated with the Boulder Valley Comprehensive Plan residential land use designation.

The 1.75 acre portion of the proposed Violet Crossing development designated medium density residential will contain 20 residential units (11.4/acre), well within the 6-14 DU/Acre BVCP designation.

3.0 SITE DESIGN

Projects should preserve and enhance the community's unique sense of place through creative design that respects historic character, relationship to the natural environment and its physical setting. Projects should utilize site design techniques which enhance the quality of the project. In determining whether this subsection is met, the approving agency will consider the following factors:

1.1 OPEN SPACE

Including, without limitation, parks, recreation areas and playgrounds.

1. How is useable open space arranged to be accessible and functional?

A number of open space and park opportunities are available to the residents of the Violet Crossing development. Four Mile Canyon Creek and the proposed recreational trail lie along the north border of the Violet Crossing site. North across Four Mile Canyon Creek is the Uptown Broadway Village Green and the proposed North Boulder Branch Library. Directly east of the site lies the future linear park/open space to be developed in conjunction with the ultimate reconstruction of the Four Mile Canyon Creek drainage. This park will include passive and active areas that will be embraced by residents in surrounding neighborhoods and its proximity will aesthetically enhance all of North Boulder. In addition, approximately ¼ mile west of the site is the North Boulder Community Park, providing a variety of open space and recreational opportunities, including tennis, basketball, volleyball, softball, soccer, and playgrounds.



In order to compliment the “Village Green” on the north side of Four Mile Canyon Creek adjacent to Uptown Broadway and to meet the objectives of the NBSP, a series of open space “nodes” of varying character along the creek have been created to “knit” both sides of the creek together. From west to east, these nodes include: public (small plaza north of building A1 adjacent to Broadway), semi-private passive open space/gathering space for residents (between Buildings A1 & A2 and B3), public (“community green”, incorporating active and passive recreational opportunities including the bridge across Four Mile Canyon Creek and public (natural –water quality pond at the far east side of the site).

Those areas that function primarily as pedestrian ways, such as sidewalks along the streets and access drives, are also considered as open space, because they contribute to the livability of the neighborhood.

The development of the Violet Crossing site will provide approximately 110,419SF (56% of the net site area) of open space.

Please refer to Section 3.3 for a description of the landscape concepts.

2. How is private open space provided for each detached residential unit?

NOT APPLICABLE

3. How does the project provide for the preservation of natural features, including, without limitation, healthy long-lived trees, terrain, significant plant communities, threatened and endangered species and habitat, ground and surface water, wetlands, riparian areas and drainage areas?

The Four Mile Canyon Creek channel will be constructed in association with the development of Violet Crossing. These channel improvements will necessitate the reconstruction and restoration of the existing creek vegetation. In addition, the grading required to remove the site from the high hazard zone will necessitate removal of the existing trees on the site, a majority deemed as insignificant, such as Siberian Elms or sucker Cottonwoods, are not high quality trees and should be removed.

4. How does the open space provide a relief to the density, both within the project and from surrounding development?

The buildings have been located throughout the site in accordance with the North Boulder Subcommunity Plan to address the perimeter and internal streets. The residential buildings along Violet Avenue have been set an additional 15’ back from the south property boundary to accommodate a utility easement, but also to provide deeper “front yards” for those buildings adjacent to the single family residential neighborhood south across Violet Avenue. The residential buildings along Broadway have also been set back from the R.O.W. to create “front yards” for those units and will serve to buffer the 1st floor units from Broadway traffic. The open space nodes along the creek provide significant relief to the residential density and create an interesting series of



“events” for pedestrians and bicyclists.

5. How does the open space provide a buffer to protect sensitive environmental features and natural areas?

The open space provided along Four Mile Canyon Creek through a series of nodes will provide a transition to the natural channel improvements proposed by Love and Associates. The landscape plan for the Four Mile Canyon Creek restoration is contained within the “2008 Violet Crossing development on Four Mile Canyon Creek development” document and incorporates significant riparian vegetation.

6. If possible, how is open space linked to an area or a city-wide system?

The open space within Violet Crossing is linked to both the north-south 13th Street route and the proposed Four Mile Canyon Creek regional pedestrian/bicycle path. The portion of this path adjacent to Violet Crossing will be constructed in association with the development of the site with this construction; access to North Boulder Community Park will be all off-road. Additionally, there are existing on-street bike lanes along Broadway which links to the greater on-street system.

3.2 OPEN SPACE IN MIXED-USE DEVELOPMENTS

Developments that contain a mix of residential and non-residential uses

NOT APPLICABLE

1.3 LANDSCAPING

1. How does the project provide for aesthetic enhancement and a variety of plant and hard surface materials, and how does the selection of materials provide for a variety of colors and contrast and how does it incorporate the preservation or use of local native vegetation where appropriate?

The specific landscape materials chosen for the development will emphasize a variety of colors, textures and forms in order to provide year-round interest. We always strive to use local materials and those that have adapted to the unique microclimate of North Boulder. Since the channel and site will be entirely re-graded, the use or protection of the existing materials will be prohibited. However, the replanted channel will give use the opportunity to use materials that will transition from the “native plant palette” to the more manicured gardens surrounding each building.

2. How does the landscape and design attempt to avoid, minimize or mitigate impacts to important native species, plant communities of special concern, threatened and endangered species and habitat by integrating the existing natural environment into the project?

Since the channel and site will be entirely re-graded, we will create a transition from the channel landscape by minimizing the use of turf grass and their associated maintenance. As shown on the landscape plan, manicured grass will be limited to the park and promenade while native grasses and plant materials will front the project on the northern side along the channel.



3. How does the project provide significant amounts of plant material sized in excess of the landscaping requirements of Sections 9-9-12 and 9-9-13, "Landscaping and Screening Requirements," and "Streetscape Design Standards," B.R.C. 1981

The plan will provide the plant material as sized by code however, we will exceed the amount required by providing additional screening and buffering in the "front yards". Additionally, we will be minimizing turf and placing it in usable areas, versus small and unusable areas where ever possible.

4. How are setbacks, yards and useable open space along public rights of way landscaped to provide attractive streetscapes, to enhance architectural features and to contribute to the development of an attractive site plan?

- *Along Broadway, we are providing an extension of the streetscape to the north, with street trees (some in tree lawns and some in tree grates). Setting the buildings along Broadway back further than required setbacks allows us to create small gardens for the residents and provide screening and buffering to Broadway.*
- *Along Violet Ave. we are providing a rhythmic streetscape for pedestrians and gardens on the slope behind the walk for shading, screening and buffering the residents.*
- *The internal streets will also have a series of large shade trees with ornamentals at the pedestrian crossings and at the park entry.*
- *Providing pedestrian 'nodes' along 4-Mile Canyon Creek frontage, starting on the western edge with a public plaza/overlook at Broadway, to a more private open space for residences, along the promenade between the buildings by creating gathering areas in a flexible open space to a larger park for residents and neighbors that incorporates a small playground and picnic pavilions and facilities.*
- *Screen, break up, and shade parking areas.*
- *Screen service and delivery and trash removal areas.*

1.4 CIRCULATION

Including, without limitation, the transportation system that serves the property, whether public or private and whether constructed by the developer or not.

1. How are high speeds discouraged or a physical separation between streets and the project provided?

A study of the various circulation options for the surrounding area was undertaken to determine the appropriate access streets to serve the site. With the information from this study and feedback from the City of Boulder, two streets will provide primary access to the site: Violet Avenue on the south, and Broadway along the west edge of the site. There will also be access to the two larger 10-unit residential buildings (See Site Development Plan, Bldgs D1 and D2) from a bridge off 14th Street across the Water Quality Pond. Internal streets have been designed to be narrow to discourage speeds in excess of 15 mph. Neck-downs at intervals and at the curves, and a raised pedestrian crossing near the Violet Avenue entrance, will also serve to maintain slow vehicle



speeds. In addition,

2. How are potential conflicts with vehicles minimized?

Both primary vehicular entrances to the site will be designed to convey a sense of arrival and alert the driver to potential pedestrian conflicts. As well, a comprehensive sidewalk system will keep pedestrians off the streets. It is envisioned that Broadway will serve as the primary entry to the site as well as providing access for service, deliveries, and trash removal for the residential buildings. Violet Avenue will be utilized as the secondary entry and serve the residential buildings directly. All proposed streets are located at walkable intervals to encourage pedestrian movement in the development.

3. How are safe and convenient connections accessible to the public within the project and between the project and existing and proposed transportation systems provided, including without limitation streets, bikeways, pedestrian ways and trails?

Pedestrian and bicycle connections have been maximized in the Violet Crossing site to encourage alternate mode use. The building and parking areas have been laid out to assure slow speeds, thereby minimizing pedestrian/vehicular conflicts and lessening the effect of automobile noise in this residential neighborhood. Generally, wide sidewalks along Broadway, the 8' walkway along Violet and detached sidewalks along the internal access drives will accommodate comfortable pedestrian circulation. On the eastern side of (our 13th street), we are also proposing an 8' wide sidewalk that will lead to the park and the new pedestrian connection across Four Mile Canyon Creek. There will also be strong axial connections from the Violet Crossing site to the neighboring developments. The paving, shade trees, planters, benches and bike racks all will reinforce the character beginning to develop in this streetscape as well as providing a more enhanced area around the bus stop.

Bike racks and benches will be conveniently located throughout the site and will encourage bicycle use.

4. How are alternatives to the automobile promoted by incorporating site design techniques, land use patterns and supporting infrastructure that supports and encourages walking, biking and other alternatives to the single occupancy vehicle?

See # 3 above.

5. Where practical and beneficial, how is a significant shift away from single-occupant vehicle use to alternate modes promoted through the use of travel demand management techniques?

The SKIP, a local high frequency bus route, provides service to the site via Broadway, immediately adjacent to the site, with a stop at the corner of Violet and Broadway. This route provides service north and south along Broadway from the north end of town to the south including Boulder County Health and Services, Community Hospital, Centennial Middle School, downtown, Boulder Bus Station, University of Colorado, Basemar Shopping Center, National Bureau of Standards, and Fairview High School at the south end of town. Additionally, Route "Y" on Broadway provides service to Lyons via Broadway/US 36.



Violet Crossing intends to be involved in the City of Boulder and RTD's NECO Pass Program. An ECO Pass is a discounted, all-route, unlimited-rides pass issued by the Denver Regional Transportation District (RTD). The pass is good on all RTD services (except special services like Rockies or BroncosRide), including all local and regional buses such as Light Rail, the "N" to Eldora Mountain Resort, Skyride to DIA and Boulder's own Community Transit Network of HOP, SKIP, JUMP, BOUND, DASH, STAMPEDE, BOLT buses. These buses are known for their quick, convenient and schedule-free service around town and to and from Lafayette, Louisville and Longmont. By supporting this program, Violet Crossing hopes to reduce congestion in and around the community as well as minimize the pollution in this new neighborhood.

6. What on-site facilities for external linkage with other modes of transportation are provided, where applicable?

A bus stop is proposed at the northeast corner of Violet and Broadway. There are multiple pedestrian access points into the site from the perimeter streets. A multi-use connector trail has been provided, connecting the private drive aligned with 13th Street and trail along the creek. A bridge over the creek will provide pedestrian & bicycle access to the future library at the north edge of the Community Green..

Violet Crossing has a network of internal paths that are well linked to external connections. These paths lead to the pedestrian/bike trail, the urban walks along Violet and Broadway, and to the proposed bus stop. The site is highly connected being along a major bus route and is close to a primary bike trail. Bike racks will be conveniently distributed through the project to encourage usage. Residents will be informed of the recreational and commercial amenities proximate to the site and the walkable routes to these locations. The community will promote usage of the City of Boulder's and RTD's ECO pass as well as the local high frequency bus. By supporting these programs and by being a pedestrian friendly community, Violet Crossing expects to minimize the vehicular impact on the adjoining neighborhoods.

A trip generation analysis and trip distribution report is included with this submission.

7. How is the amount of land devoted to the street system minimized?

The amount of land dedicated to the street system is minimal due to careful and efficient placement of buildings and parking areas.

8. How is the project designed for the types of traffic expected, including, without limitation, automobiles, bicycles and pedestrians, and how does it provide safety, separation from living areas and control of noise and exhaust?

The site location was utilized to provide separate entrances on two separate streets; and thus reducing the traffic impacts and accessibility needs to one particular public City street. Where possible, garages have been incorporated into the buildings and parking areas have been separated from the main drive aisles to reduce the traffic impacts to the drive aisle/through street.



To reduce impacts from vehicle exhaust and noise, the buildings have been configured to place the rear of the units towards the parking areas.

Pedestrian and bicycle access has been addressed through the numerous connections to the City's pedestrian trail system. These connections include the proposed construction of pedestrian/ bike bridge across Four Mile Creek to allow all weather access to the City's multi-use trail system. In addition, the pedestrian connection through the east side of the 13th street corridor has been widened to allow for a higher volume of pedestrian and bicycle traffic. This wider sidewalk connection, in addition to the Four Mile Creek Trail will provide pedestrian and bicycle access from the East & West and North & South.

9. How will city construction standards be met and how will emergency vehicle use be facilitated?
Construction of the site will adhere to City of Boulder Design and Construction Standards. In addition, a vehicle movement/tracking program was used to model the emergency vehicle movements through the site. This analysis was performed to insure proper turning radii and drive aisle widths were being used in the design of the streets and drive aisles.

3.5 PARKING

1. How does the project incorporate into the design of parking areas, measures to provide safety, convenience and separation of pedestrian movements from vehicular movements?
Vehicle parking for the residential buildings is accommodated in a combination of surface, under building, and carport spaces accessed from the internal driveways. There is additional on-street parking in front of the buildings on Broadway as well as along the private internal streets..
2. How does the design of parking areas make efficient use of the land and use the minimum amount of land necessary to meet the parking needs of the project?
Within the MU-2 zoned portion of the site, parking is provided at a ratio of 1 space/unit. Within the RM-2 zoned portion of the site 1 space/1BR and 1.5 spaces/ BR units is provided.

Parking has been laid out/designed to minimize the amount of land dedicated to parking. Approximately 22% of the site is dedicated to parking.

3. How are parking areas and lighting designed to reduce the visual impact on the project, adjacent properties and adjacent streets?
The parking areas and site lighting will be designed to reduce the visual impact on the project, adjacent properties and adjacent streets. Lighting plan will be provided at the Tech Doc review.
4. How do parking areas utilize landscaping materials to provide shade in excess of the requirements in Section 9-9-14, "Parking Lot Landscaping Standards," B.R.C. 1981.



The plan provides 11% internal landscape with numerous trees to exceed the 5% parking lot standards required for lots with 16-100 cars. Additionally, the main lot is internal to the project and is well screened from the surrounding properties.

3.6 BUILDING DESIGN, LIVABILITY AND RELATIONSHIP TO THE EXISTING OR PROPOSED SURROUNDING AREA

1. How are the building height, mass, scale, orientation and configuration compatible with the existing character of the area or the character established by an adopted plan for the area?

Violet Crossing will provide an important transition from Uptown Broadway at the north to the single family residences to the south. The proposed buildings scale down south from the 3 story buildings of Uptown Broadway. The blend of traditional forms-porches, masonry wainscots, residential-style windows and doors, cornices- in the architecture at Violet Crossing is compatible with the neighborhood. The highly detailed arbors and arched entryways along the streets will provide richness at a pedestrian scale as well as provide a connection to the homes in the adjoining neighborhood.

The proposed community includes 78 market rate apartments and 20 permanently affordable condominiums. The dwellings have been organized into 10 buildings with no more than 12 apartments per building. The number and reduced size of the buildings creates a residential scale urban edge as well as sense of individuality and uniqueness. Also, the facades of each building are articulated into smaller elements by changes in plane materials and parapet height, which reduces the overall mass of the development.

The general nature of North Boulder is one that has been evolving over the past 20 years from a largely rural area with a mixture of residential and commercial uses, without a clearly defined character, to a more innovative urban neighborhood, guided by the North Boulder Subcommunity Plan (NBSP).

Two and three story buildings will front Broadway and two story buildings will front Violet Avenue. A variety of details/materials at the street level will enhance the pedestrian experience. The buildings along Broadway will incorporate steps and porches to articulate the base of the buildings, to provide a more secure street environment and to add pedestrian interest along the sidewalk, for the ground level residential units. The buildings along Violet Avenue have front doors that address the street and are scaled to be compatible with the single family across the street. The proposed maximum building height of 35' will be in compliance with the NBSP guidelines.

The NBSP development guidelines are respected with short blocks and pedestrian friendly tree lined streets organized on a grid arrangement. In accordance with the Plan, the residential buildings front the public streets creating a pedestrian streetscape. Garage doors and parking are concealed within the site.

The proposed development does not exceed this maximum.60:1.00 F.A.R. designated in the MU-2



zone district nor does it exceed the maximum density allowed in the RM-2 zone district.

2. How is the height of the buildings in general proportion to the height of existing buildings and the proposed or projected heights of approved buildings or approved plans for the immediate area?
Eight of the 10 buildings in Violet Crossing will be two stories. The remaining two (buildings A1 & A2), located along Broadway, at the north end of the site, will be three stories in accordance with direction received at the 17 December 2009 Planning Board Meeting. This will provide a transition from the high density mixed-use Uptown Broadway neighborhood north of Violet Crossing to the single family residences south of Violet Avenue. The maximum height of all buildings in Violet Crossing will be 35 feet.

3. How does the orientation of buildings minimize shadows on and blocking views from adjacent properties?
The buildings in Violet Crossing have been designed and oriented to minimize shadows on adjacent properties. Buildings along Four Mile Canyon Creek have been set back from the creek to provide a variety of open space nodes. The buildings along Broadway have been set back from the R.O.W. in order to provide additional buffering and the buildings along the east side of the site are 160 feet from the property line and buffered by the water quality pond.

4. If the character of the area is identifiable, how is the project made compatible by the appropriate use of color, materials, landscaping, signs and lighting?
Violet Crossing will provide an important transition from the urban village to the north to the single family residence to the south. The proposed buildings scale down south from the 3 story buildings of Uptown Broadway. The blend of traditional elements- porches, masonry wainscots, residential-style windows and doors, cornices- in the architecture at Violet Crossing is compatible with the neighborhood. The highly detailed entryways along the streets will provide richness at a pedestrian scale as well as provided a connection to the homes in the adjoining neighborhood. Also, the use of a variety of exterior building finishes- brick, stucco, siding, and railings- will give individuality and character to the dwellings and relate to the architecture of the Uptown Broadway development and residential neighborhoods to the south.

The proposed community includes 78 market rate apartments and 20 permanently affordable condominiums. The dwellings have been organized into 10 buildings with no more than 12 apartments per building. The sizes of the buildings help create a residential scale urban edge as well as sense of individuality and uniqueness.

5. How do buildings present an attractive streetscape, incorporate architectural and site design elements appropriate to a pedestrian scale and provide for the safety and convenience of pedestrians? *Please refer to sections 1, 2 and 4 above.*



6. To the extent practical, how does the project provide public amenities and planned public facilities?
The general nature of North Boulder is one that has been evolving over the past 20 years from a largely rural area with a mixture of residential and commercial uses, without a clearly defined character, to a more innovative urban neighborhood, guided by the North Boulder Subcommunity Plan (NBSP).

Two and three story buildings in front of Broadway and Violet Avenue and provide a variety of details/materials at the street level to enhance the pedestrian experience along Broadway will be ground level residential units. The buildings along Violet Avenue have front doors that address the street and are scaled to be compatible with the single family across the street. The proposed maximum building height of 35' will be in compliance with the NBSP guidelines.

The NBSP development guidelines are respected with short blocks and pedestrian friendly/tree lined streets organized on a grid arrangement. In accordance with the Plan, the residential buildings front the public streets creating a pedestrian streetscape. Carports and parking are concealed within the site.

Major open space amenities are proposed within Violet Crossing on the south side of Four Mile Canyon Creek, consistent with NBSP. To meet the intent of the NBSP, a series of public and semi-private open space nodes have been created to connect both sides of the creek together. These include the Broadway Plaza, an overlook into the Four Mile Canyon Creek Drainage and views to the western ridge, the internal Promenade, providing informal, flexible grass areas and seating nooks, the park with a small play area and picnic pavilions, and the water quality pond, a naturalized landscape area.

In addition to the open space amenities above Violet Crossing will provide the bus stop bench on Broadway just north of Violet.

7. For residential projects, how does the project assist the community in producing a variety of housing types, such as multi-family, townhouses and detached single-family units as well as mixed lot sizes, number of bedrooms and sizes of units?

Violet Crossing will include a total of 98 units within four building types. The units will be a mix of 78 market rental apartments and 20 affordable apartment condominiums.

Additional diversity is accomplished by providing range of 450 SF studios to 950 SF 2-bedroom units.

8. For residential projects, how is noise minimized between units, between buildings and from either on-site or off-site external sources through spacing, landscaping and building materials?

The buildings along Broadway and Violet Avenue have been set back from R.O.W. to create landscaped front yards to buffer the first floor units from Broadway traffic noise. In addition, low planter walls will contribute to minimizing traffic noise. Private outdoor patios and decks have been located to maintain privacy.

Regarding the noise between units, in addition to providing minimum 15' spacing between the buildings, the exterior walls will have high STC ratings and double-pane glazing to minimize sound transmission



from nearby units and from the outside. Similarly, demising walls and floors separating units will have high STC ratings to prevent sound transmission between adjoining units.

9. If a lighting plan is provided, how does it augment security, energy conservation, safety and aesthetics? **[LIGHTING PLAN WILL BE PROVIDED AT TECH DOCUMENT REVIEW]**

10. How does the project incorporate the natural environment into the design and avoid, minimize or mitigate impacts to natural systems?

A Flood Plain Development application was submitted to the City of Boulder in November 2008. The plans show removal of most of the site from the High Hazard zone through a combination of grading along the north and south sides of the creek and overlot grading. The plan allows for the development of the site.

A new Four Mile Canyon Creek flood channel will be designed in compliance with applicable regulations. The developer will construct the flood channel with the costs shared by the City.

The wetland mitigation will be designed in compliance with the applicable regulations.

The enhanced landscaped water quality pond will remain as originally proposed at the southeast corner of the site.

The design of the landscape will include water saving plants and minimize areas of small turf. The careful selection and placement of the plant materials will minimize the overuse of water and minimize additional maintenance.

The owner intends to integrate green technologies in the building designs. A renewable energy source is being considered with the incorporation of photovoltaic panels on the roofs of the central court carports.

11. How are cut and fill minimized on the site, and how does the design of buildings conform to the natural contours of the land, and how does the site design minimize erosion, slope instability, landscape, mudflow, or subsidence, and minimize the potential threat to property caused by geological hazards?

The site and adjacent Four Mile Canyon Creek will be altered significantly in order to channel flood flows and remove the Violet Crossing and proposed library sites from the high hazard zone. David Love and Associates designed the channel improvements and over lot grading plan to mitigate the flood impacts.

3.7 SOLAR SITING AND CONSTRUCTION

For the purpose of insuring the maximum potential for utilization of solar energy in the city, all



applicants for residential site reviews shall place streets, lots, open spaces and buildings so as to maximize the potential for the use of solar energy in accordance with the following solar siting criteria:

1. Placement of Open Space and Streets: Open space areas are located wherever practical to protect buildings from shading by other buildings within the development or from buildings on adjacent properties. Topography and other natural features and constraints may justify deviations from this criterion. How is this criterion met?

Open space is carefully distributed throughout the site to protect buildings from shading and is comprised of: open space nodes along the Four Mile Canyon Creek, streetscape, buffers, parking lot landscaping and terraces/patios. See Figure F. Open Space Diagram.

2. Lot Layout and Building Siting: Lots are oriented and buildings are sited in a way which maximizes the solar potential of each principal building. Lots are designed to facilitate siting a structure which is unshaded by other nearby structures. Wherever practical, buildings are sited close to the north lot line to increase yard space to the south for better owner control of shading. How is this criterion met?

Given the constraints of the site, buildings have not been sited close to the north lot line (to provide open space amenities) but have been clustered to the south and west portion of the site. To the greatest extent possible solar access to each building has been maximized.

3. Building Form: The shapes of buildings are designed to maximize utilization of solar energy. Buildings shall meet the solar access protection and solar siting requirements of Chapter 9-9-17, "Solar Access," B.R.C. 1981. How is this criterion met? *The large total exterior wall area resulting from breaking up the project into 12 smaller buildings has enabled a generous amount of window area for all apartment units. The windows typically have high head heights and in some cases transoms over the windows and doors, as shown on the elevations to provide for daylighting deep into the main living areas and bedrooms. The building envelopes- walls, windows/doors and roofs- will be designed for high R-values and low air infiltration for energy efficiency. See Sheet A1.0. Shadow Analysis illustrates the shadows cast by the proposed building and confirms that the building meets the requirements of Chapter 9-9-17, "Solar Access", B.R.C. 1981.*

4. Landscaping: The shading effects of proposed landscaping on adjacent buildings are minimized. How is this criterion met?

Deciduous trees have been placed on the south and western sides of the buildings to help provide additional shading in the summer and as the leaves drop, add solar gain during the winter months. Evergreen trees have been strategically placed to help block the colder winter winds and minimize wind tunnels.

3.8 ADDITIONAL CRITERIA FOR POLES ABOVE THE PERMITTED HEIGHT

No site review application for a pole above the permitted height will be approved unless the approving agency finds all of the following:

1. The light pole is required for nighttime recreation activities, which are compatible with the



surrounding neighborhood, or the light or traffic signal pole is required for safety, or the electrical utility pole is required to serve the needs of the city?

2. The pole is at minimum height appropriate to accomplish the purposes for which the pole was erected and is designed and constructed so as to minimize light and electromagnetic pollution. If applicable, how are these criteria met?

There will not be light poles above 25, the maximum pole height per Boulder Lighting Standards.





Drexel, Barrell & Co.

September 15, 2010

Ms. Michelle Mahan
City of Boulder
Planning and Development Services
1739 Broadway
Boulder, CO 80306

Engineers/Surveyors

Boulder
Denver
Colorado Springs
Grand Junction
Greeley
Steamboat Springs

1800 38th Street
Boulder, CO 80301-2620

303.442.4338
303.442.4373 Fax

RE: Violet Crossing
Proposed Access to Broadway Street
Variance Request

Dear Michelle,

On behalf of Palmos Development, this letter serves as an official request for a variance from the *Design and Construction Standards (DCS)*.

Request:

Allow access to the east side of Broadway approximately 217 feet north of the intersection of Violet/Broadway. The DCS requires a minimum 250-foot distance from the intersection. The new access will align with an existing access on the west side of Boulder.

Evaluation Criteria:

1. *The strict application of the provisions of these Standards would deprive an individual of the reasonable use of land or structure*

The proposed development could occur without this variance, however the access to Broadway will provide for better circulation within the site and on the adjacent roadway system. Additionally, the alignment of this access with the existing access on the west side provides for a more conventional four-legged intersection and reduces the number of turning movement conflicts.

2. *Special circumstances peculiar to such land or development justify the requested alteration, modification, or waiver*

The existence of the access on the west side and the alignment of such is a key factor for this access location to promote safety and operational efficiency of the intersection and roadways.

3. *Any alteration, modification, or waiver would result in a solution consistent with the goals of the underlying zoning district, a Boulder Valley Comprehensive Plan goal, a specific neighborhood plan, or an adopted design guideline*

The placement of this access to align with the driveway on the west side will provide for operational efficiency and safety of the travelers to the Violet Crossing site, the development on the west side, and the through travelers on Broadway.

4. *Any alteration, modification, or waiver represents the minimum variance from these Standards that will accomplish the intended purpose*

The proposed access is approximately 217 feet from the intersection with Violet/Broadway – which is only 33 feet shy of the 250-foot requirement.

5. *Any alteration or modification will at least equal the suitability, strength, effectiveness, fire resistance, durability, safety, and sanitation performance requirements prescribed in these Standards*

The proposed four-legged intersection will provide for less vehicular conflict movements and provide a more conventional intersection for better safety.

6. *Any alteration, modification, or waiver will not harm the adjacent land owners, the neighborhood, or the welfare of the public at large*

This alteration is not anticipated to harm the adjacent land owners, neighborhood, or public at large. The location of the access at this point is meant to provide a safer alternative than the 250-foot separation.

7. *Any alteration, modification, or waiver will not create an additional maintenance or financial burden for the affected property owners or the City.*

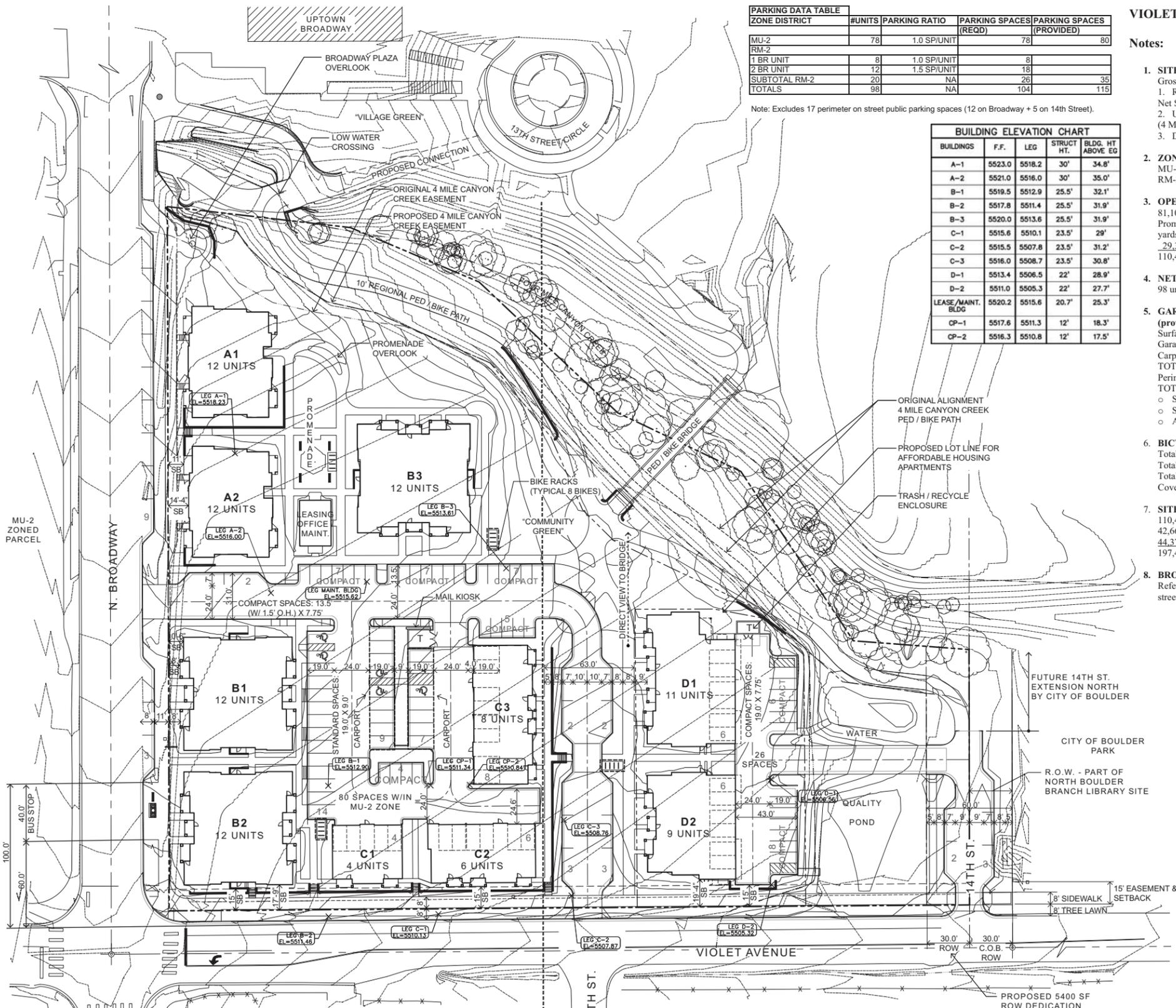
This alteration is not anticipated to create any additional maintenance or financial burden for the affected property owners of the City.

Thank you for your attention to this project. If you need any additional information, please do not hesitate to call.

Respectfully,
Drexel, Barrell & Co.



Ann T. Bowers, P.E., PTOE
Associate / Department Head
Transportation



PARKING DATA TABLE				
ZONE DISTRICT	#UNITS	PARKING RATIO	PARKING SPACES (REQD)	PARKING SPACES (PROVIDED)
MU-2	78	1.0 SP/UNIT	78	80
RM-2				
1 BR UNIT	8	1.0 SP/UNIT	8	
2 BR UNIT	12	1.5 SP/UNIT	18	
SUBTOTAL RM-2	20	NA	26	35
TOTALS	98	NA	104	115

Note: Excludes 17 perimeter on street public parking spaces (12 on Broadway + 5 on 14th Street).

BUILDING ELEVATION CHART				
BUILDINGS	F.F.	LEG	STRUCT HT.	BLDG. HT ABOVE EG
A-1	5523.0	5518.2	30'	34.8'
A-2	5521.0	5516.0	30'	35.0'
B-1	5519.5	5512.9	25.5'	32.1'
B-2	5517.8	5511.4	25.5'	31.9'
B-3	5520.0	5513.6	25.5'	31.9'
C-1	5515.6	5510.1	23.5'	29'
C-2	5515.5	5507.8	23.5'	31.2'
C-3	5516.0	5508.7	23.5'	30.8'
D-1	5513.4	5506.5	22'	28.9'
D-2	5511.0	5505.3	22'	27.7'
LEASE/MAINT. BLDG	5520.2	5515.6	20.7'	25.3'
CP-1	5517.6	5511.3	12'	18.3'
CP-2	5516.3	5510.8	12'	17.5'

VIOLET CROSSING SITE PLAN

Notes:

- SITE PLAN**
 Gross Site Area: 4.66 acres (202,859 SF) (100%)
 1. ROW Dedication: 0.12 (5,400 SF) (3%) along 14th Street
 Net Site Area: 4.53 acres (197,459 SF) (97%)
 2. Undevelopable site area: (42,637 SF) (22%)
 (4 Mile Canyon Creek Drainage & Conveyance easements)
 3. Developable Net Site Area: 3.57 acres (155,822 SF) (70%)
- ZONING BREAKDOWN (Net Site Area)**
 MU-2: 2.78 acres (121,000 SF) @ .6 FAR = 72,600 SF Maximum floor area
 RM-2: 1.75 acres (76,459 SF) @ 3500 SF lot area/unit = 22 units minimum
- OPEN SPACE BREAKDOWN**
 81,104 SF public/semi-public/private Open Space (includes Broadway Plaza, Promenade, Community Green, Water Quality Pond, Sidewalks, Tree lawns, yards, patios, gardens, etc.)
 29,315 SF 4 Mile Canyon Creek Open Space easement
 110,419 SF TOTAL OPEN SPACE (56% of Net Site Area)
- NET DENSITY**
 98 units/4.53 acres = 21.63 DU/acre
- GARAGE, SURFACE, AND ON-STREET PARKING SUMMARY (provided)**
 Surface: 68 spaces
 Garages: 30 spaces
 Carpools: 17 spaces
 TOTAL PARKING (excluding perimeter on street parking): 115 spaces
 Perimeter (Broadway and 14th Street) on street: 17 spaces
 TOTAL PARKING (including perimeter on street parking): 132 spaces
 o Standard Spaces: 65 (56%)
 o Small Car Spaces: 44 (38%)
 o Accessible Spaces: 6 (6%)
- BICYCLE PARKING**
 Total Bicycle Parking Required: 11 spaces (10% of 104 spaces)
 Total Bicycle Parking Provided: 32 spaces
 Total Excess Bicycle Parking: 21 spaces
 Covered Bicycle Parking Provided: 24 spaces
- SITE COVERAGE SUMMARY (% OF NET SITE AREA)**
 110,419 SF Open Space (56%)
 42,667 SF Building Coverage (22%)
 44,373 SF Parking Coverage (22%)
 197,457 SF TOTAL Net Site Area (100%)
- BROADWAY STREETSCAPE DESIGN**
 Refer to master landscape plan and detail landscape plans for specific Broadway streetscape design.

Violet Crossing - Building/Unit Matrix
09/20/10

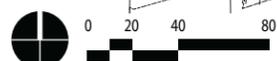
BUILDING	UNIT PLAN	UNIT TYPE	AVERAGE NET UNIT AREA (NSF)	QTY	TOTAL UNIT AREA (NSF)	TOTAL BUILDING AREA (GSF)
MARKET RATE						
A1	1	2BR/2BA	945	9	8505	
	2	1BR/1BA	650	3	1950	
Subtotal				12	10455	12128
A2	1	2BR/2BA	945	9	8505	
	2	1BR/1BA	650	3	1950	
Subtotal				12	10455	12128
B1	5	2BR/2BA	876	4	3504	
	6	1BR/1BA	670	2	1340	
	7	2BR/2BA	844	4	3376	
	8	1BR/1BA	616	2	1232	
Subtotal				12	9452	10719
B2	5	2BR/2BA	876	4	3504	
	6	1BR/1BA	670	2	1340	
	7	2BR/2BA	844	4	3376	
	8	1BR/1BA	616	2	1232	
Subtotal				12	9452	10719
B3	5	2BR/2BA	876	4	3504	
	6	1BR/1BA	670	2	1340	
	7	2BR/2BA	844	4	3376	
	8	1BR/1BA	616	2	1232	
Subtotal				12	9452	10719
C1	3	1BR/1BA	453	2	906	
	4	2BR/2BA	870	2	1740	
Subtotal				4	2646	2911
C2	3	1BR/1BA	453	3	1359	
	4	2BR/2BA	870	3	2610	
Subtotal				6	3969	4366
C3	3	1BR/1BA	453	4	1812	
	4	2BR/2BA	870	4	3480	
Subtotal				8	5292	5821
LEASING OFFICE	NA	NA	NA	NA	1300	1408
TOTAL MARKET RATE + LEASING OFFICE/MAINT. BLDG.				78	62473	70919
AFFORDABLE						
D1	9	2BR/1BA	785	2	1570	
	10	1BR/1BA	630	2	1260	
	11	2BR/1BA	760	4	3040	
	12	1BR/1BA	520	3	1560	
Subtotal				11	7430	8545
D2	9	2BR/1BA	785	2	1570	
	10	1BR/1BA	630	1	630	
	11	2BR/1BA	760	2	1520	
	12	1BR/1BA	520	3	1560	
	13	2BR/1BA	695	1	695	
Subtotal				9	5975	6871
TOTAL AFFORDABLE				20	13405	15416
GRAND TOTAL				98	75878	86335

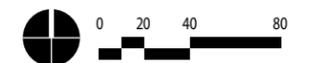
VICINITY MAP (NTS)



LEGEND

- COVERED BIKE RACKS (SEE SHEET L2.0 FOR DESIGN)
- UNCOVERED BIKE RACKS







OPEN SPACE LEGEND:

- 29,315 SF 4-MILE CANYON CREEK OPEN SPACE EASEMENT
- 80,563 SF VIOLET CROSSING OPEN SPACE
(including Plaza, Promenade, Community Green,
Water Quality Pond, Sidewalks, Tree Lawn, Yards, Gardens etc.)
- 109,878 SF** TOTAL OPEN SPACE
- 197,457 SF TOTAL NET SITE AREA (Excluding 14th Street ROW Dedication)
- 56 % OPEN SPACE





BUILDING A-2
WEST ELEVATION (FRONT)



VIOLET CROSSING

BOULDER, COLORADO • SITE REVIEW SUBMISSION (REVISED) • 20 SEPTEMBER 2010

ARCHITECTURAL ELEVATIONS
BLDG A

PHONE: 303.449.8900
FAX: 303.449.3886
WWW.OZARCH.COM



FIGURE
E

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BUILDING B-2
WEST ELEVATION (FRONT)



VIOLET CROSSING

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FIGURE
F

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BUILDING C-3
EAST ELEVATION (FRONT)



VIOLET CROSSING

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FIGURE
G



BUILDING D-1
WEST ELEVATION (FRONT)



VIOLET CROSSING

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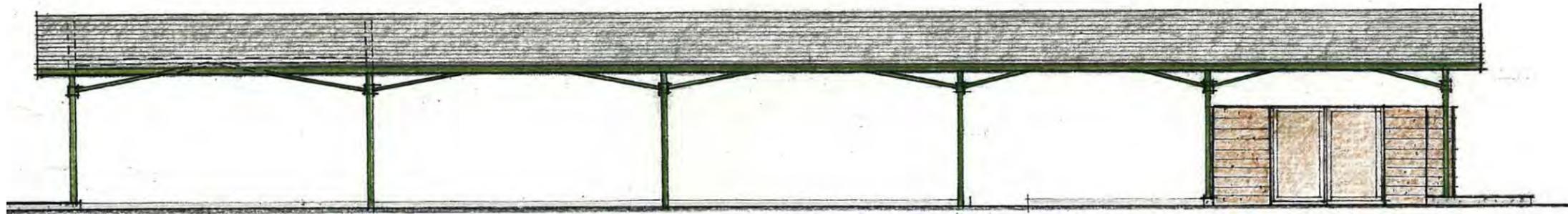


FIGURE
H

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CARPORT 2 NORTH ELEVATION CARPORT 1



EAST ELEVATION CARPORT 1



SOUTH ELEVATION



EAST ELEVATION

LEASING OFFICE / MAINTENANCE BUILDING





LOOKING NORTHEAST AT BROADWAY ELEVATION



VIOLET CROSSING

BOULDER, COLORADO • SITE REVIEW SUBMISSION (REVISED) • 22 OCTOBER 2010

MASSING MODEL STUDIES

PHONE: 303.449.8900
FAX: 303.449.3886
WWW.OZARCH.COM





LOOKING NORTHEAST FROM BUS STOP ON BROADWAY



NORTH BROADWAY ELEVATION



VIOLET CROSSING

BOULDER, COLORADO • SITE REVIEW SUBMISSION (REVISED) • 22 OCTOBER 2010

VIEW FROM WESTBOUND VIOLET AVENUE LOOKING NORTHWEST

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FIGURE
L

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**CITY OF BOULDER
PLANNING BOARD AGENDA ITEM**

MEETING DATE: November 4, 2010

AGENDA TITLE: Public hearing and recommendation to City Council of an ordinance that proposes amendments to SmartRegs related Ordinance Nos. 7724, 7725, and 7726 of the Boulder Revised Code, 1981.

REQUESTING DEPARTMENT:

David Driskell, Executive Director of Community Planning and Sustainability
Maureen Rait, Executive Director of Public Works
Kirk Moors, Acting Chief Building Official

OBJECTIVES:

1. Hear Staff presentation
2. Planning Board discussion
3. Recommend the code changes to City Council

SUMMARY

As the SmartRegs project progressed through its public review process, three different ordinances were developed to allow for some of the program components to be approved independently if deemed necessary by City Council. Ordinance numbers 7724, 7725, and 7726 of B.R.C., 1981 were approved and have an effective date of Jan. 3, 2011. Now that all three ordinances have been approved, staff has been able to consider how the ordinance language can be improved and streamlined for implementation of the program. Corrections and amendments to ordinance numbers 7724, 7725 and 7726 have been prepared in order to clean up and clarify the code prior to the effective date.

The majority of the changes within the proposed clean-up ordinance are not substantive in nature. The terminology for “owner,” “operator,” “agent” and “representative” have been edited and changed to improve consistency with other unamended code sections. Council input highlighted some code sections that were redundant and those are being eliminated. In the process of eliminating the code section redundancies, staff also implemented changes in the order of the code sections for improved clarity.

Key Issues

These proposed ordinance changes do not raise any key issues. They are primarily clean-up items and clarifications to the code that are intended to make implementation of the SmartRegs program better. Some other more substantial issues raised during SmartRegs

adoption, such as program enforcement, will be discussed in future memos to council and addressed in meetings tentatively planned for second quarter 2011.

PUBLIC OUTREACH

The SmartRegs project benefited from extensive public outreach over an 18-month period and included a community working group as well as public, board and council input. Many of the amendments outlined in this memo are in response to public and council input provided.

RECOMMENDATION

Staff recommends that Planning Board recommend approval of the proposed changes to ordinance numbers 7724, 7725 and 7726 of B.R.C. 1981 to City Council.

PROPOSED CHANGES

4-20-18. Rental License Fee.

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

- (a) Dwelling and Rooming Units: \$70.00 per building.
- (b) Accessory Units: \$70.00 per unit.
- (c) To cover the cost of investigative inspections, the city manager will assess to ~~owners or~~ operators a \$250.00 fee per inspection, where the city manager has performed an investigative inspection to ascertain compliance with or violations of this chapter.

Reason for Change: The words “owner or” were deleted because owner is within the definition for operator and the proposed language is more consistent with how the unamended code sections were written.

101.3 Fees. The fees ~~and costs~~ for activities and services performed by the department in carrying out its responsibilities under this code shall be as detailed in section 111.9 of this code and section 4-20-47, “Zoning Adjustment and Building Appeals Filing Fees,” B.R.C. 1981.

Reasons for Change:

- The term “and costs” was inadvertently added.
- The section number reference has been corrected.

C101.2 Compliance. The energy efficiency of existing residential rental dwelling units must comply with Section C101.2.1 for performance-based energy efficiency requirements or Section C101.2.2 for prescriptive-based energy efficiency requirements. The code official may grant exceptions as follows:

1. Innovative Materials: Buildings ~~where~~ achieving equivalent energy efficiency performance through the use of innovative materials, methods and/or equipment in accordance with Section 105 of this code as an alternative to the performance and prescriptive methods. The code official shall determine the relative values and effectiveness of innovative materials, methods and/or equipment in satisfying the intent and purpose of this code.

2. Historic Buildings: Reasonable ~~alterations and~~ modifications in the award of prescriptive and performance points of this ~~chapter~~ appendix upon a finding by the code official that the strict application requires an alteration to an individual landmark or a contributing building within a historic district established under chapter 9-11, "Historic Preservation" B.R.C. 1981, that would render the building ineligible for a Landmark Alteration Certificate due to changes in the windows and doors.
 - ~~a. Strict application of the requirements requires an alteration to an individual landmark or a contributing building within a historic district established under chapter 9-11, B.R.C. 1981, that would not be eligible for approval as part of a landmark certificate; or~~

 - ~~b. The purposes of this appendix are otherwise met through such alterations and modifications; or~~

 - ~~c. Such alterations or modifications are necessary to remove barriers for permanently affordable housing units.~~

Reasons for Changes:

- *"Where" is replaced with "achieving" to clarify the intent of the sentence.*
- *Subsections a, b, and c were deleted, revised and incorporated into the text of subsection 2 for improved clarity and to eliminate the confusion created by referencing permanently affordable housing.*

705.1 Where Required. Portable fire extinguishers shall be installed as required by the City of Boulder Fire Code Section 906.

705.1.1. In new and existing R-1, R-2 and R-4 occupancies, portable fire extinguishers need only be installed when interior corridors and common areas exist in accordance with section ~~903.6.1~~ and table ~~906.3 (±2)~~ for light (low) hazard occupancies and sections ~~903.6.3~~ through 906.9.

Reason for Changes: The section numbers were transposed or incorrectly stated and are corrected as shown.

10-3-2 Rental License Required Before Occupancy and License Exemptions.

- (a) No operator shall allow any person to occupy any rental property as a tenant or lessee or otherwise for a valuable consideration unless each room or group of rooms constituting the rental property has been issued a valid rental license by the city manager.
- (b) Buildings, or building areas, described in one or more of the following paragraphs are exempted from the requirement to obtain a rental license from the city manager.
 - (1) Any dwelling unit occupied by the owner, or members of the owner's family and housing no more than two roomers who are unrelated to the owner or the owner's family.
 - (2) A dwelling unit meeting all of the following conditions:
 - (A) The dwelling unit constitutes the owner's principal residence;
 - (B) The dwelling unit is temporarily rented by the owner for a period of time no greater than twelve consecutive months in any twenty-four-month period;
 - (C) The dwelling unit was occupied by the owner immediately before its rental;
 - (D) The owner of the dwelling unit is temporarily living outside of Boulder County; and
 - (E) The owner intends to re-occupy the dwelling unit upon termination of the temporary rental period identified in subparagraph (b)(2)(B) of this section.
 - (3) Commercial hotel and motel occupancies which offer lodging accommodations primarily for periods of time less than thirty days, but bed and breakfast facilities are not excluded from rental license requirements.
 - (4) Common areas and elements of buildings containing attached, but individually owned, dwelling units.

(c) A rental property may be considered "owner occupied" if the occupant certifies to the city as part of the licensing process that the occupant owns an interest in a corporation, firm, partnership, association, organization or any other group acting as a unit that owns the rental property.

(d) The definition for "Family", as used in this chapter, appears in section 9-2-1, "Definitions," B.R.C. 1981

Reasons for Changes: Section, 10-3-19, "Owner Occupied Designation" was deleted and incorporated into section 10-3-2, "Rental License Required Before Occupancy and License Exemptions," B.R.C. 1981, as 10-3-2 (c) and (d) since the context more logically related to this section then being a stand alone requirement.

10-3-3 Terms of Licenses.

- (a) License terms shall be as follows:
- (1) Licenses, other than reduced term licenses issued under section 10-3-4, "Reduced Term Rental License," B.R.C. 1981 or temporary licenses issued under section 10-3-9, "Temporary Rental License Appeals," B.R.C. 1981, shall expire four years from issuance or when ownership of the licensed property is transferred
 - (A) In addition to any other applicable requirements, new licenses and renewals shall require that the licensee submit to the city manager a completed current baseline (for a new license) or renewal inspection report, on forms provided by the city. ~~The baseline and renewal inspection-report shall:~~
 - (i) The section of the report concerning fuel burning appliances must be executed by a qualified heating maintenance person certifying compliance with those portions of subsection 10-2-10 (e), B.R.C. 1981, for which the report form requires inspection and certification.
 - (ii) The section of the report concerning smoke and carbon monoxide alarms must be executed by the operator certifying that the operator ~~owner or agent~~ inspected the smoke and carbon monoxide alarms in the licensed property and that they complied with the requirements of chapter 10-2, "Property Maintenance Code," B.R.C. 1981.
 - (iii) The section of the report concerning trash removal must be executed by the operator certifying that the operator has a current valid contract with a commercial trash hauler for removal of accumulated trash from the licensed property in accordance with subsection 6-3-3(b), B.R.C. 1981.

Reasons for Changes:

- *The use of the phrase "baseline and renewal inspection" is redundant.*
- *The words "owner or" were deleted because owner is within the definition for operator and the proposed language is more consistent with how the unamended code sections were written.*
- *Subsection numbers (2) and (3) are removed from Ordinance 7725 because reference to this language was intentionally not included in 10-3-3(a)(1) of the subsequent Ordinance number 7726, but was inadvertently not shown as stricken.*

10-3-6 License Application Procedure for Buildings Converted to Rental Property.

Every operator converting a property to rental property shall follow the procedures in this section for procuring a rental license:

- (a) Submit a written application for a license to the city, on official city forms provided for that purpose, at least thirty days before rental of the property including:

1. A rental housing inspector's certification of baseline inspection within 12 months before the application. The operator shall make a copy of the inspection form available to city staff and tenants of inspected units within 14 days of a request; and
 2. A report on the condition and location of all smoke and carbon monoxide alarms required by Chapter 10-2 made and verified by the ~~owner or~~ operator; and
 3. A trash removal plan meeting the requirements of subsection 6-3-3(b), B.R.C. 1981 made and verified by the ~~owner or~~ operator;
- (b) Pay all license fees prescribed by section 4-20-18, "Rental License Fee," B.R.C. 1981, at the time of submitting the license application.
- (c) ~~Submit to the city manager, in the form provided by the manager, a certification of baseline inspection report, showing compliance with all applicable requirements within. The operator shall make a copy of the inspection checklist available to city staff and tenants of inspected units within 14 days of a request~~
- (d) Take all reasonable steps to notify any occupants of the property in advance of the date and time of the inspection. The operator, or ~~an agent~~ a representative of the operator other than the inspector or any tenant of the unit, shall be present and accompany the inspector throughout the inspection, unlocking and opening doors as required.

Reasons for Change:

- *Subsection (c) is removed because the context of the subsection is incorporated into 10-3-6(a)(1).*
- *The words "owner or" were deleted because owner is within the definition for operator and the proposed language is more consistent with how the unamended code sections were written.*
- *"Representative" is proposed to replace "agent" to clarify the limited role of the term as used in this context and not be confused with the role of agent as specified in section 10-3-14 Local Agent Required.*

10-3-7 License Renewal Procedure for Buildings Occupied as Rental Property.

Every operator of a rental property shall follow the procedures in this section when renewing an unexpired license:

- (a) Pay all license fees prescribed by section 4-20-18, "Rental License Fee," B.R.C. 1981, before the expiration of the existing license.
- (b) Submit to the city manager, on forms provided by the manager:
 1. A rental housing inspector's certification of renewal inspection within 12 months before application. The operator shall make a copy of the inspection form available to city staff and tenants of inspected units within 14 days of a request;
 2. A report on the condition and location of all smoke and carbon monoxide alarms required by Chapter 10-2 made and verified by the ~~owner or~~ operator; and
 3. A trash removal plan meeting the requirements of subsection 6-3-3(b),

B.R.C. 1981 made and verified by the ~~owner or~~ operator.

- (c) Take all reasonable steps to notify in advance all tenants of the property of the date and time of the inspection. The operator, or ~~an agent~~ a representative of the operator of the operator other than the inspector or any tenant of the unit, shall be present and accompany the inspector throughout the inspection, unlocking and opening doors as required.

Reasons for Change:

- *The words “owner or” were deleted because owner is within the definition for operator and the proposed language is more consistent with how the unamended code sections were written.*
- *“Representative” is proposed to replace “agent” to clarify the limited role of the term as used in this context and not be confused with the role of agent as specified in section 10-3-14 Local Agent Required.*

10-3-11 Change of Rental Property Ownership or Agent.

- (~~ba~~) Within thirty days after transfer of ownership or change of local agent of a licensed property, the operator shall notify the city manager of the identity and mailing address of the new owner or new local agent
- (~~ab~~) Within sixty days after transfer of ownership of a property for which there is a current and valid license the new operator of the property shall apply for a new license under section 10-3-6, “License Application Procedure for Buildings Converted to Rental Property,” B.R.C. 1981. ~~The new operator shall:~~
- ~~(1) — Submit all license fees prescribed by section 4 20-18, “Rental License Fee,” B.R.C. 1981, with the application.~~
 - ~~(2) — Submit, in the form provided by the city manager, a certification of baseline inspection report for the property, conducted at the operator's expense by a rental housing inspector licensed by the city for such work, showing compliance with all applicable requirements.~~
 - ~~(3) — Take all reasonable steps to notify all tenants of the property of the date and time of the scheduled inspection. The operator, or an agent of the operator other than the inspector or any tenant of the unit, shall accompany the inspector throughout the inspection, unlocking and opening doors as required.~~

Reasons for Changes:

- *The order of sections (a) and (b) were switched to make the section read more clearly.*
- *Subsections (1), (2) and (3) are deleted as they are already incorporated within 10-3-6 “License Application Procedure for Buildings Converted to Rental Property” and in 10-3-7 “License Renewal Procedure for Buildings Occupied as Rental Property,” B.R.C. 1981.*

10-3-16 Administrative Remedy.

- (e) To cover the costs of investigative inspections, the city manager will assess ~~owners or~~ operators a \$250.00 fee, per inspection, where the city manager performs an investigative inspection to ascertain compliance with or violations of this chapter.

Reason for Change: The words “owner or” were deleted because owner is within the definition for operator and the proposed language is more consistent with how the unamended code sections were written.

10-3-17 Penalty.

- (a) ~~The~~ In any municipal prosecution for a violation of any provision of this chapter, ~~the penalty for violation of any provision of this chapter~~ is a fine of at least \$500.00 and not more than \$2,000.00 per violation, or incarceration for not more than ninety days in jail, or both such fine and incarceration. In addition, upon conviction of any person for violation of this chapter, the court may issue a cease and desist order and any other orders reasonably calculated to remedy the violation. Violation of any order of the court issued under this section is a violation of this section and is punishable by a fine of not more than \$4,000.00 per violation, or incarceration for not more than ninety days in jail, or both such fine and incarceration.

Reason for Change: To clarify that this is a penalty in municipal court as opposed to a civil action under 10-3-16, “Administrative Remedy.”

~~10-3-19 owner Occupied Designation.~~

- (a) ~~A rental property may be considered “owner occupied” if he occupant certifies to the city as part of the licensing process that the occupant owns an interest in a corporation, firm, partnership, association, organization or any other group acting as a unit that owns the rental property.~~
- (b) ~~The definition for “Family”, as used in this chapter, appears in section 9-2-1, “Definitions,” B.R.C. 1981.~~

Reason for Change: This section has been moved in its entirety and incorporated into 10-3-2, “Rental License Required Before Occupancy and License Exemptions,” B.R.C. 1981 as (c) and (d).

ATTACHMENTS

[Attachment A. Draft Revised Ordinances](#)

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTERS 4-20, "RENTAL LICENSE FEE," 10-2, "HOUSING CODE," WHICH INCORPORATES THE 2009 EDITION OF THE INTERNATIONAL PROPERTY MANAGEMENT CODE (IPMC), AND 10-3, "RENTAL LICENSE," ALL OF WHICH ARE CORRECTIONS TO ORDINANCE NOS. 7724, 7725 AND 7726 AND SETTING FORTH RELATED DETAILS.

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

Section 1. Section 4-20-18, B.R.C. 1981 is amended to read:

4-20-18. Rental License Fee.

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

- (a) Dwelling and Rooming Units: \$70.00 per building.
- (b) Accessory Units: \$70.00 per unit.
- (c) To cover the cost of investigative inspections, the city manager will assess to ~~owners~~ ~~or~~ operators a \$250.00 fee per inspection, where the city manager has performed an investigative inspection to ascertain compliance with or violations of this chapter.

Section 2. Section 10-2-2, section paragraph 101.3 is amended to read:

101.3 Fees. The fees ~~and costs~~ for activities and services performed by the department in carrying out its responsibilities under this code shall be as detailed in section 111.9 of this code and section 4-20-47, "Zoning Adjustment and Building Appeals Filing Fees," B.R.C. 1981.

Section 3. Section 10-2-2, Appendix C Energy Efficiency Retirement is amended to read:

...

C101.2 Compliance. The energy efficiency of existing residential rental dwelling units must comply with Section C101.2.1 for performance-based energy efficiency requirements or Section C101.2.2 for prescriptive-based energy efficiency requirements. The code official may grant exceptions as follows:

- 1. Innovative Materials: Buildings ~~where~~ achieving equivalent energy efficiency performance through the use of innovative materials, methods and/or

1 equipment in accordance with Section 105 of this code as an alternative to the
2 performance and prescriptive methods. The code official shall determine the
3 relative values and effectiveness of innovative materials, methods and/or
4 equipment in satisfying the intent and purpose of this code.

5 2. Historic Buildings: Reasonable ~~alterations and~~ modifications in the award of
6 prescriptive and performance points of this ~~chapter~~ appendix upon a finding
7 by the code official that the strict application requires an alteration to an
8 individual landmark or a contributing building within a historic district
9 established under chapter 9-11, "Historic Preservation," B.R.C. 1981, that
10 would render the building ineligible for a Landmark Alteration Certificate due
11 to changes in the windows and doors.

12 a. ~~Strict application of the requirements requires an alteration to an~~
13 ~~individual landmark or a contributing building within a historic~~
14 ~~district established under chapter 9 11, B.R.C. 1981, that would not~~
15 ~~be eligible for approval as part of a landmark certificate; or~~

16 b. ~~The purposes of this appendix are otherwise met through such~~
17 ~~alterations and modifications; or~~

18 c. ~~Such alterations or modifications are necessary to remove barriers for~~
19 ~~permanently affordable housing units.~~

20 ...
21 **705.1 Where Required.** Portable fire extinguishers shall be installed as required by the City of
22 Boulder Fire Code Section 906.

23 **705.1.1.** In new and existing R-1, R-2 and R-4 occupancies, portable fire extinguishers
24 need only be installed when interior corridors and common areas exist in accordance with
25 section 9036.1 and table 906.3 (42) for light (low) hazard occupancies and sections
26 903.66.3 through 906.9.

27 Section 4. Section 10-3-2, B.R.C. 1981 is amended to read:

28 **10-3-2 Rental License Required Before Occupancy and License Exemptions.**

(a) No operator shall allow any person to occupy any rental property as a tenant or lessee or
otherwise for a valuable consideration unless each room or group of rooms constituting
the rental property has been issued a valid rental license by the city manager.

(b) Buildings, or building areas, described in one or more of the following paragraphs are
exempted from the requirement to obtain a rental license from the city manager.

(1) Any dwelling unit occupied by the owner, or members of the owner's family and
housing no more than two roomers who are unrelated to the owner or the owner's
family.

- 1 (2) A dwelling unit meeting all of the following conditions:
- 2 (A) The dwelling unit constitutes the owner's principal residence;
- 3 (B) The dwelling unit is temporarily rented by the owner for a period of time
- 4 no greater than twelve consecutive months in any twenty-four-month
- 5 period;
- 6 (C) The dwelling unit was occupied by the owner immediately before
- 7 its rental;
- 8 (D) The owner of the dwelling unit is temporarily living outside of Boulder
- 9 County; and
- 10 (E) The owner intends to re-occupy the dwelling unit upon termination of the
- 11 temporary rental period identified in subparagraph (b)(2)(B) of this
- 12 section.
- 13 (3) Commercial hotel and motel occupancies which offer lodging accommodations
- 14 primarily for periods of time less than thirty days, but bed and breakfast facilities
- 15 are not excluded from rental license requirements.
- 16 (4) Common areas and elements of buildings containing attached, but individually
- 17 owned, dwelling units.

18 (c) A rental property may be considered "owner occupied" if the occupant certifies to the

19 city as part of the licensing process that the occupant owns an interest in a corporation,

20 firm, partnership, association, organization or any other group acting as a unit that owns

21 the rental property.

22 (d) The definition for "Family" as used in this chapter, appears in section 9-2-1,

23 "Definitions," B.R.C. 1981.

24 Section 5. Section 10-3-3, B.R.C. 1981 is amended to read:

25 **10-3-3 Terms of Licenses.**

- 26 (a) License terms shall be as follows:
- 27 (1) Licenses, other than reduced term licenses issued under section 10-3-4, "Reduced
- 28 Term Rental License," B.R.C. 1981 or temporary licenses issued under section
- 10-3-9, "Temporary Rental License Appeals," B.R.C. 1981, shall expire four
- years from issuance or when ownership of the licensed property is transferred
- (A) In addition to any other applicable requirements, new licenses and
- renewals shall require that the licensee submit to the city manager a
- completed current baseline (for a new license) or renewal inspection
- report, on forms provided by the city. ~~The baseline and renewal inspection~~
- report shall:
- (i) The section of the report concerning fuel burning appliances must
- be executed by a qualified heating maintenance person certifying

1 compliance with those portions of subsection 10-2-10 (e), B.R.C.
2 1981, for which the report form requires inspection and
3 certification.

4 (ii) The section of the report concerning smoke and carbon monoxide
5 alarms must be executed by the operator certifying that the
6 operator ~~owner or agent~~ inspected the smoke and carbon monoxide
7 alarms in the licensed property and that they complied with the
8 requirements of chapter 10-2, "Property Maintenance Code,"
9 B.R.C. 1981.

10 (iii) The section of the report concerning trash removal must be`
11 executed by the operator certifying that the operator has a current
12 valid contract with a commercial trash hauler for removal of
13 accumulated trash from the licensed property in accordance with
14 subsection 6-3-3(b), B.R.C. 1981.

15 ~~(2) Accessory dwelling units or accessory units as defined in section 9-16-1, "General
16 Definitions," B.R.C. 1981, have terms of four years from the date of license
17 application for newly constructed units or from the date of prior license expiration
18 for units for which the operator is renewing an unexpired license.~~

19 ~~(3) Reduced term licenses: as specified in section 10-3-4, "Reduced Term License,"
20 B.R.C. 1981~~

21 Section 6. Section 10-3-6, B.R.C. 1981 is amended to read:

22 **10-3-6 License Application Procedure for Buildings Converted to Rental Property.**

23 Every operator converting a property to rental property shall follow the procedures in this section
24 for procuring a rental license:

- 25 (a) Submit a written application for a license to the city, on official city forms provided for
26 that purpose, at least thirty days before rental of the property including:
- 27 1. A rental housing inspector's certification of baseline inspection 12 months before
28 the application. The operator shall make a copy of the inspection form available
to city staff and tenants of inspected units within 14 days of a request; and
 2. A report on the condition and location of all smoke and carbon monoxide alarms
required by Chapter 10-2 made and verified by the ~~owner or~~ operator; and
 3. A trash removal plan meeting the requirements of subsection 6-3-3(b), B.R.C.
1981 made and verified by the ~~owner or~~ operator;
- (b) Pay all license fees prescribed by section 4-20-18, "Rental License Fee," B.R.C. 1981, at
the time of submitting the license application.

1 (c) ~~Submit to the city manager, in the form provided by the manager, a certification of~~
2 ~~baseline inspection report, showing compliance with all applicable requirements within.~~
3 ~~The operator shall make a copy of the inspection checklist available to city staff and~~
4 ~~tenants of inspected units within 14 days of a request.~~

5 (d) Take all reasonable steps to notify any occupants of the property in advance of the date
6 and time of the inspection. The operator, or ~~an agent~~ a representative of the operator
7 other than the inspector or any tenant of the unit, shall be present and accompany the
8 inspector throughout the inspection, unlocking and opening doors as required.

9 Section 7. Section 10-3-7 B.R.C. 1981 is amended to read:

10 **10-3-7 License Renewal Procedure for Buildings Occupied as Rental Property.**

11 Every operator of a rental property shall follow the procedures in this section when renewing an
12 unexpired license:

13 (a) Pay all license fees prescribed by section 4-20-18, "Rental License Fee," B.R.C. 1981,
14 before the expiration of the existing license.

15 (b) Submit to the city manager, on forms provided by the manager:

16 1. A rental housing inspector's certification of renewal inspection within 12 months
17 before application. The operator shall make a copy of the inspection form
18 available to city staff and tenants of inspected units within 14 days of a request;

19 2. A report on the condition and location of all smoke and carbon monoxide alarms
20 required by Chapter 10-2 made and verified by the ~~owner or~~ operator; and

21 3. A trash removal plan meeting the requirements of subsection 6-3-3(b), B.R.C.
22 1981 made and verified by the ~~owner or~~ operator.

23 (c) Take all reasonable steps to notify in advance all tenants of the property of the date and
24 time of the inspection. The operator, or ~~an agent~~ a representative of the operator other than
25 the inspector or any tenant of the unit, shall be present and accompany the inspector
26 throughout the inspection, unlocking and opening doors as required.

27 Section 8. Section 10-3-11, B.R.C. 1981 is amended to read:

28 **10-3-11 Change of Rental Property Ownership or Agent.**

(~~b~~)a) Within thirty days after transfer of ownership or change of local agent of a licensed
property, the ~~operator~~ shall notify the city manager of the identity and mailing address of
the new owner or new local agent .

(~~a~~)b) Within sixty days after transfer of ownership of a property for which there is a current
and valid license the new operator of the property shall apply for a new license under

1 section 10-3-6, "License Application Procedure for Buildings Converted to Rental
2 Property," B.R.C. 1981.~~The new operator shall:~~

- 3 ~~(1) Submit all license fees prescribed by section 4-20-18, "Rental License Fee,"~~
4 ~~B.R.C. 1981, with the application.~~
- 5 ~~(2) Submit, in the form provided by the city manager, a certification of baseline~~
6 ~~inspection report for the property, conducted at the operator's expense by a rental~~
7 ~~housing inspector licensed by the city for such work, showing compliance with all~~
8 ~~applicable requirements.~~
- 9 ~~(3) Take all reasonable steps to notify all tenants of the property of the date and time~~
10 ~~of the scheduled inspection. The operator, or an agent of the operator other than~~
11 ~~the inspector or any tenant of the unit, shall accompany the inspector throughout~~
12 ~~the inspection, unlocking and opening doors as required.~~

13 Section 9. Section 10-3-16(e) is amended to read:

14 **10-3-16 Administrative Remedy.**

- 15 (e) To cover the costs of investigative inspections, the city manager will assess ~~owners or~~
16 operators a \$250.00 fee, per inspection, where the city manager performs an investigative
17 inspection to ascertain compliance with or violations of this chapter.

18 Section 10. Section 10-3-17(a) is amended to read:

19 **10-3-17 Penalty.**

- 20 (a) ~~The~~ In any municipal prosecution for a violation of any provision of this chapter, the
21 penalty for violation of any provision of this chapter is a fine of at least \$500.00 and not
22 more than \$2,000.00 per violation, or incarceration for not more than ninety days in jail,
23 or both such fine and incarceration. In addition, upon conviction of any person for
24 violation of this chapter, the court may issue a cease and desist order and any other orders
25 reasonably calculated to remedy the violation. Violation of any order of the court issued
26 under this section is a violation of this section and is punishable by a fine of not more
27 than \$4,000.00 per violation, or incarceration for not more than ninety days in jail, or
28 both such fine and incarceration.

Section 11. Section 10-3-19 is deleted in its entirety.

1 Attest:

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City Clerk on behalf of the
Director of Finance and Record

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CITY OF BOULDER
PLANNING BOARD AGENDA ITEM
MEETING DATE: November 4, 2010

AGENDA TITLE:

Concept Plan review for annexation and redevelopment of a 9.7 acre site located at 6400 Arapahoe, case No. LUR2010-00048. The proposed project will provide for the operation of three related uses: ReSource (used building material donation and sales yard run by the Center for Resource Conservation), Eco-Cycle offices and commercial zero waste hauling operations, and CHaRM (Center for Hard to Recycle Materials). The proposal would require annexation to the City of Boulder with a request for initial zoning of IG (Industrial General) consistent with the Boulder Valley Comprehensive Plan (BVCP) land use designation of Performance Industrial.

Applicant / Owner: Elizabeth Vasatka / City of Boulder

REQUESTING DEPARTMENT:

Community Planning and Sustainability:

David Driskell, Executive Director

Charles Ferro, Land Use Review Manager

Elaine McLaughlin, Senior Planner

OBJECTIVE:

1. Hear applicant and staff presentations
2. Hold public hearing
3. Discuss Concept Plan. No action is required by Planning Board.

STATISTICS:

Proposal:	Annexation of property along with phased operation of three related uses: ReSource (used building material donation and sales yard run by the Center for Resource Conservation), Eco-Cycle offices and commercial zero waste hauling operations, and CHaRM (Center for Hard to Recycle Materials).
Project Name:	6400 Arapahoe
Location:	6400 Arapahoe
Zoning:	Proposed - Industrial General (IG)
Comprehensive Plan:	Performance Industrial

SUMMARY OF KEY ISSUES:

- 1) **Are the proposed plan and anticipated annexation compatible with the goals and policies of the Boulder Valley Comprehensive Plan (BVCP) and land use designation of Performance Industrial?**
- 2) **Is the proposed use of the site consistent with the planned initial zoning of Industrial – General?**

3) **Do the preliminary site and architectural designs appear compatible with the surrounding neighborhood?**

BACKGROUND

As described in the applicant's written statement (and found in [Attachment B](#)), on August 18, 2009, the Boulder City Council approved the purchase of 6400 Arapahoe Road for further development of the "Recycle Row" concept. The City of Boulder's Master Plan for Waste Reduction (accepted by City Council in 2006) identifies "Recycle Row" as a key component in upgrading recycling operations and expanding waste reduction services beyond traditional recyclables. It is envisioned as a "one-stop shop" for Boulder residents and businesses to meet their waste reuse and recycling needs. Moving toward that goal, Boulder ReSource, a used building material donation and sales yard, moved their operations to the property in November 2009, as an allowed use under current county zoning. The site purchase and improvements are being paid for by a bond that will be paid back by the City of Boulder's Trash Tax. The primary reason the city purchased this property was to advance the city's waste reduction goals by providing the necessary infrastructure for specific reuse and recycling program needs, including:

- **ReSource**, a used building material donation and sales yard run by the Center for Resource Conservation (CRC);
- **Eco-Cycle** offices, including space for their administration, waste reduction outreach and education, and zero waste services; and
- **CHaRM** (Center for Hard to Recycle Materials) operated by Eco-Cycle to collect and process hard-to-recycle material.

There has been extensive public involvement in the project to-date, including five public meetings during the due diligence and acquisition phase, and neighborhood and stakeholder meetings during the concept planning phase. City Council held a study session on this project on June 3, 2010. The minutes from the planning phase meetings, as well as the City Council study session packet and summary are included in this application as background for planning board members.

Because of the site's current location in Boulder County, annexation with initial zoning of Industrial – General (IG), along with Site Review and Subdivision is anticipated following Concept Plan review.

PROJECT DESCRIPTION

The applicant intends to annex the property along with a portion of Arapahoe Ave. and establish an initial zoning of Industrial – General on the site, consistent with the BVCP Land Use of Performance Industrial. The applicant also intends to subdivide the property into two separate lots – one on the west half of the site and the other on the east. The proposed project will operate the three related uses on the lot on the west side of the site with a two-phased approach to ultimate buildout on the site. Phase I will allow for Eco-Cycle and CHaRM to move to the property and co-exist with the ReSource operation. Phase I is fully funded within the current city budget. However, both Eco-Cycle and the CRC have goals to expand their operations on the site. This vision for buildout is proposed in Phase II, for which funding has not yet been identified. Further, a Phase III is identified to accommodate potential construction of additional buildings on a proposed second lot for related uses on the site. Phase III also provides the option, if funding necessitates, to sell the second lot to a separate entity to fund the improvements envisioned in Phase II.

Phase I Improvements. Proposed within the initial phase are drainage/water quality improvements with a new detention pond proposed in the low point of the northeast corner, along with some minor building renovations. A pedestrian connection is also proposed, in coordination with Boulder Valley School District (the adjacent property owner) to access the Thorne Ecological Institute that is located within the City's Sombrero Marsh property to the south. Phase I will focus on general maintenance and a few minor additions and modifications to the existing buildings. The existing metal warehouse will receive a small 400 SF addition utilizing complimentary durable metal and concrete block exterior materials. A portion of the covered storage will be enclosed by relocating the existing exterior metal panels. The exposed metal aggregate precast concrete panels of the office building will be painted to provide a fresh uniform look. Two existing metal warehouses, approximately 3,000 square feet each, will be reconstructed on the site.

Phase II Improvements. Within Phase II, a new 12,000 square foot warehouse/showroom building would be constructed along with a new parking area. Enhanced pedestrian connections to the planned multi-use path along Arapahoe Road and an enhanced connection to Thorne Ecological Institute/Sombrero Marsh will be provided. The new building is proposed to be located adjacent to Arapahoe Road to provide a street presence. Conceptually, the design of the warehouse building will utilize both metal panel exterior, similar to the existing warehouses, with a lower band of painted concrete to complement the existing office building. The new warehouse is designed with a broad roof that would slope toward Arapahoe Road to reduce the perceived mass at the street frontage, while creating south facing clerestory window openings where the warehouse adjoins the existing office building.



Fig.1 Proposed Phase II Warehouse

The open sales yard function that currently exists on the site would be moved, in Phase II, to be next to the new building. A covered storage shed proposed along the Arapahoe frontage would screen the yard area from the street and also provide additional building presence along Arapahoe Rd. as shown in the lower image of the concept sketches of Fig. 1. The new covered storage shed is also envisioned to be made with durable metal exterior; however it has an accented conical form to add interest to the street frontage.

Phase III Potential Improvements. This phase is intended to be “flexible” and dependent on future funding. If built out, the buildings and uses would be consistent with those allowed in the IG zone district and similar in

character/scale and massing as those envisioned for Phase II. An estimated maximum buildout for Phase III is approximately 45,000 square feet and it is assumed that it would be a single story structure that, under the IG zoning, could be built to a 40-foot height. The exterior materials will be similar to the warehouse vernacular, utilizing metal panel, concrete block or precast concrete. Placement of the building(s) is preferred to be adjacent the detention pond.

Section 9-2-13(e) Concept Plan Approach

The following is provided per section 9-2-13(g) for an understanding of the context and to help guide the Planning Board's discussion regarding the site setting. Key Issues to evaluate the project plans follow.

(1) Characteristics of the site and surrounding areas, including, without limitation, its location, surrounding neighborhoods, development and architecture, any known natural features of the site including, without limitation, mature trees, watercourses, hills, depressions, steep slopes and prominent views to and from the site;

Site Context

The 10-acre property is located approximately 400 feet east of 63rd St. and within the jurisdiction of Boulder County. The site has been used for building materials supply and sales for a number of years. The former occupant of the site was BMC West, a building materials supply company who relocated to another area in Boulder. The site currently houses a large warehouse with attached covered storage, an office/showroom building, a large covered shed along with parking, walks, and a significant amount of paved surface area. Boulder ReSource moved their recycled building material supply operations to the property in November 2009, as an allowed use under current county zoning.

The site has gently sloping topography, with an elevation of approximately 5264 feet on the south end sloping down to an elevation of approximately 5250 feet on the north end. Arapahoe Rd., that fronts the property, is a State-owned highway. From the current edge of pavement into the site there is a drainage swale and a vegetated area with a mix of plant species including several mature conifer and deciduous trees, some evergreen shrubs, along with perennials that were part of the landscaped right-of-way established with the BMC West store. There are also several existing trees along the western property line. Views of the Flatirons and foothills are evident from the property, mostly on the east side of the site and away from the existing warehouse and storage buildings. Access into the site is from Arapahoe Rd. via a single roadway that bisects the site. An aerial view is provided in Fig. 2.

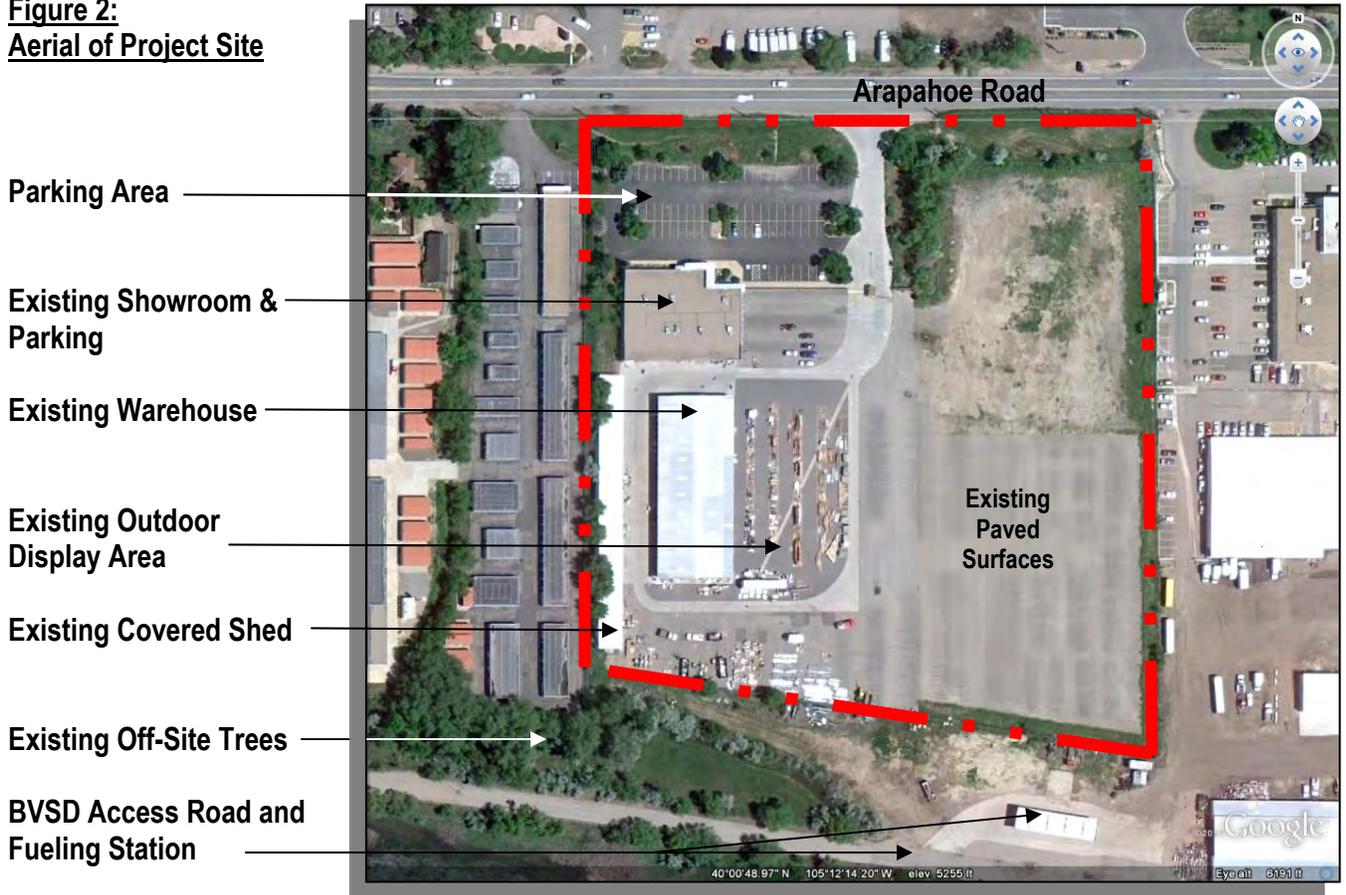
Surrounding Context.

The surrounding area is varied in visual quality and use with school district office facilities, industrial warehouses, storage facilities, an open space and wetland area, as well as nearby residential neighborhoods. Fig. 3 illustrates a broad aerial view of the surroundings. Fig. 4 presents photos of the site and its surroundings.

Arapahoe Road. Arapahoe Rd. fronting the property is currently a two-lane State highway (SH 7). Over the next several years, the Colorado Department of Transportation (CDOT) will be implementing plans to widen this portion of Arapahoe (part of a larger master plan of improvements on Arapahoe from 75th St. to Cherryvale Rd.) to include: four lanes (two in each direction), a center turn lane, a right turn lane/bus lane, on-street bike lanes in both directions, a 10-foot multi-use path on the north, and an eight-foot attached walk adjacent to the property for a total of a 125-foot right-of-way. CDOT also plans to reconstruct the entry into the site. Refer to [Attachment C](#) for CDOT's Preliminary Arapahoe Road widening plans.

West and North of Project Site. Directly west of the site is the SecuCare storage facility and across Arapahoe are a number of tenants including the Boulder RV and Boat storage facility, Budget Rent-a-Car; Carpet 1, Arapahoe Self Storage, and several other smaller tenants including auto repair. Fig. 5a and 5b are photos of the context to the west and north.

Figure 2:
Aerial of Project Site



East of the Project Site. The Boulder Valley School District (BVSD) property is located to the east and includes the district's administrative offices along with parking facilities for the district's fleet of buses. Fig. 6a is a photo of the front of the BVSD offices. Further to the east, adjoining BVSD district offices is the Arapahoe Ridge High School, shown in Fig. 6b, that offers a career and vocational technology programs. Immediately adjoining the site to the south is a private access easement (Fig. 6c) and property of BVSD. According to the applicant, BVSD has a handshake agreement with the mobile home park that allows the District to send west-bound buses on that street north to Arapahoe, where they head west in the morning. All BVSD traffic uses their other access points from Arapahoe onto their property.

South of Project Site and BVSD Property. To the south, west and southeast of Sombrero Marsh are low-density residential areas located in Boulder County that include The Reserve at Cherryvale, the Ridglea subdivision, several one-acre and larger residential parcels along Wonderview Ct. and a 25-unit mobile home park adjacent to 63rd St. and Arapahoe.

The Sombrero Marsh is located south of the BVSD open land and private access roadway. According to the City of Boulder's Open Space and Mountain Parks (OSMP), the Sombrero Marsh is currently held by the City of Boulder, Boulder County, one major private landowner, and five smaller rural lot owners who own land right up to the west side of the Marsh. Two subdivision outlots owned by Boulder County (to serve the residential development, The Reserve at Cherryvale) include some shoreline of the marsh and adjacent upland. Boulder County also has a trailhead on the east side of the Swallow Lane cul-de-sac (in the Reserve at Cherryvale residential subdivision) that provides access for neighborhood residents to the County's open space outlot between the East Boulder Ditch and the Enterprise Ditch.

There is also the Sombrero Marsh education center that is part of the marsh property. According to OSMP,

"Sombrero Marsh environmental education center is the result of a partnership between the Boulder Valley School District, Thorne Ecological Institute and OSMP. It contains classrooms, viewing and assembly areas and a laboratory for studying water and wetland soils. Thorne Ecological Institute has developed science curricula to serve the district's

schools. Students learn about the marsh outside as well as inside: a network of trails and boardwalks allows classes to visit the wildlife viewing blind and the restored portion of the marsh. The western portion of the wetland is a wildlife sanctuary off limits to the public."

Thorne Ecological Institute was founded in 1954 by Dr. Oakleigh Thorne, II when he was a graduate student in Biology at the University of Colorado. According to the Institute, over the past five decades their programs have reached over 175,000 people. Thorne has been a leader in "connecting kids to nature," through the Sombrero Marsh Environmental Education Center program as well as the Thorne Natural Science School (TNSS), outdoor field trip classes in natural history; Project BEAR (Building Environmental Awareness and Respect), the Institute's unique In-School program; and the Thorne at Waterton Canyon program.



Figure 3: Aerial of Project Context

- | | | | | | |
|---|----------------------------|---|---------------------------------------|---|--------------------------------|
| 1 | Project Site | 4 | Thorne Eco. Institute/Ed. Ctr. | 7 | Rail Line |
| 2 | BVSD Admin. Offices | 5 | The Reserve Residential | 8 | Arap. Ridge High School |
| 3 | Sombrero Marsh | 6 | Estates Residential | 9 | Xcel Energy Plant |

Existing Vegetation on the South near Sombrero Marsh. The private access road and adjoining property that parallels the Sombrero Marsh land, and that is owned by BVSD, is lined with a number of mature deciduous trees that provide a visual screen between the project site and the open space. Fig. 5b on page 9 illustrates the access road and land between project site and the Sombrero Marsh property.



Fig.4 Photos of Existing Site

- 6a) Image Above Left- Existing Warehouse and Covered Storage
- 6b) Image Above Right is Existing Showroom and Offices
- 6b) Image Below is a view of the facilities from Arapahoe Avenue



Fig.5 Photos of Surrounding Context: West and North:

5a) Above: Across Arapahoe Road from Project Site

5b) Below: West of Project Site at the Intersection of Arapahoe Rd. & 63rd St.



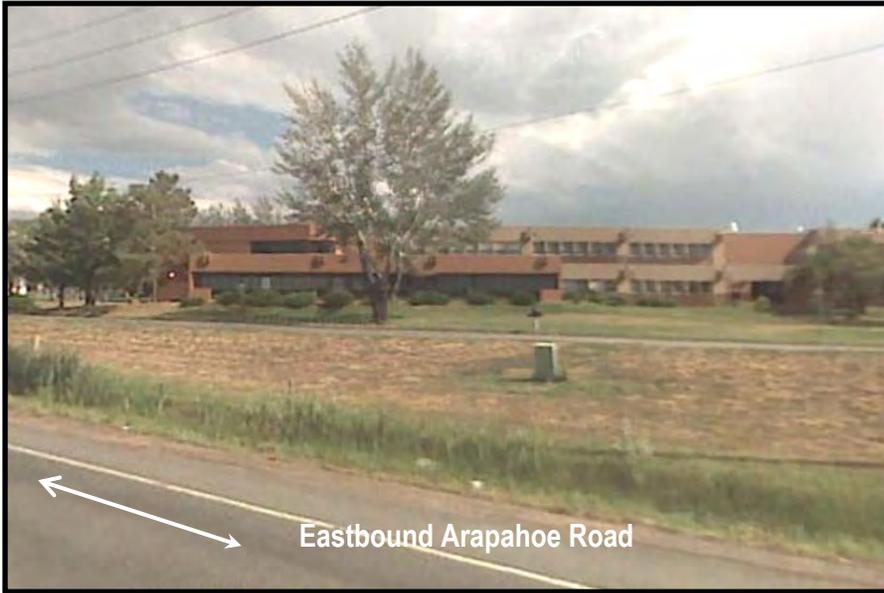


Fig.6 Photos of Surrounding Context: East and South

- 6a) Image Above Right is of BVSD Administrative Offices
- 6b) Image Below is the Private Access Road and property owned by BVSD

- 6b) Image Above Left is Front of Arapahoe Ridge High School

- (2) **Community policy considerations including, without limitation, the review process and likely conformity of the proposed development with the Boulder Valley Comprehensive Plan (BVSD) and other ordinances, goals, policies, and plans, including, without limitation, sub-community and sub-area plans;**

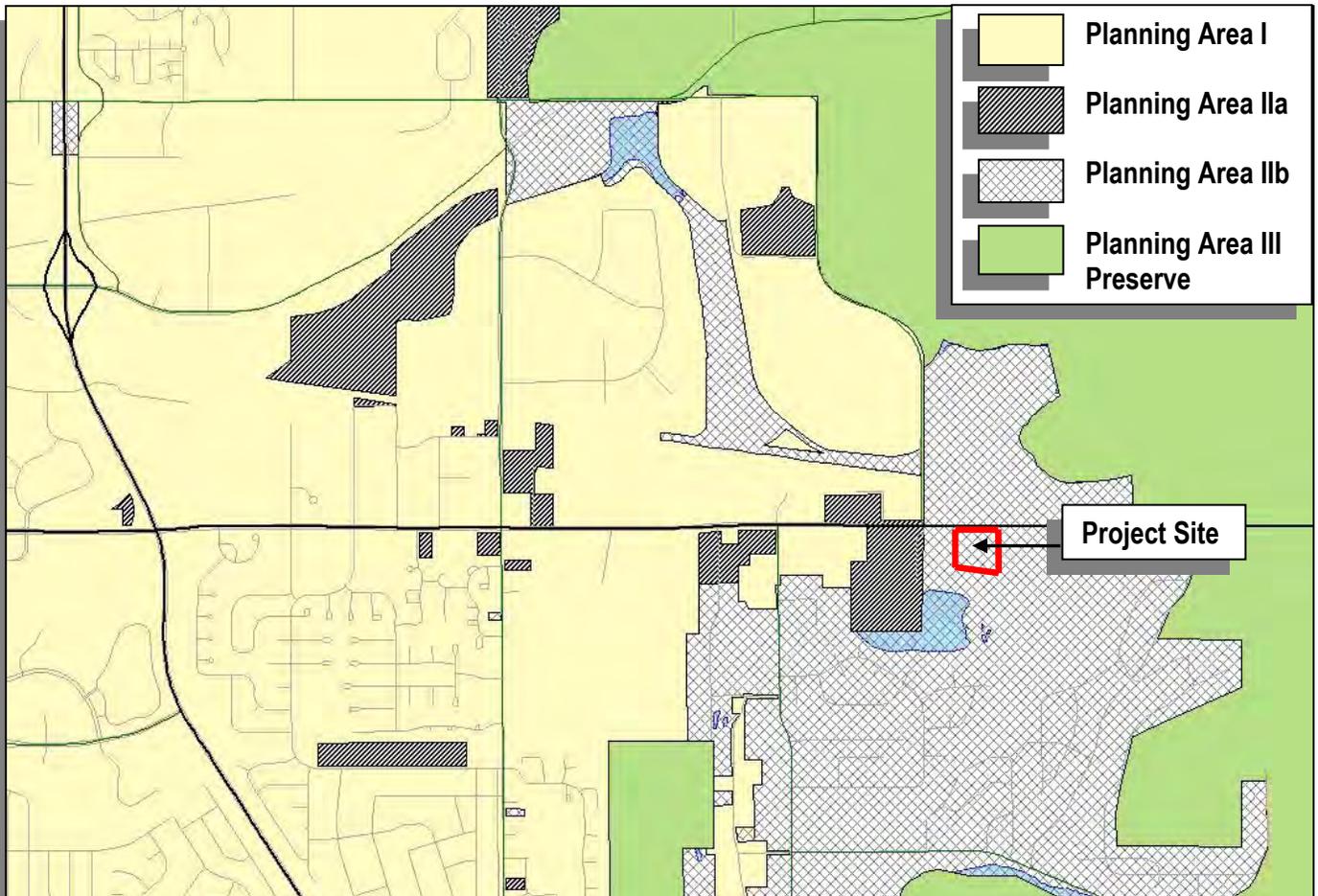
Because the property is currently within the jurisdiction of Boulder County, the applicant is requesting annexation. Concurrent to the Annexation process, a change in the Boulder Valley Comprehensive Plan (BVCP) Planning Area from Area IIB to Area IIA, and establishment of a City of Boulder zoning designation are required.

BVCP Planning Area IIb

As shown in Fig. 7, the project site is located within Planning Area II B defined on page 9 of the BVCP as,

“the area now under county jurisdiction, where annexation to the city can be considered consistent with policies 1.18, 1.20 & 1.27. New urban development may only occur coincident with the availability of adequate facilities and services and not otherwise. Departmental master plans project the provision of services to this area within the planning period. Area IIA is the area of immediate focus within the first three years, and Area IIB is available to accommodate development within the balance of the planning period.”

A preliminary analysis is provided on page 12 under the “Analysis of Key Issues” section for the consistency of the proposed project with Annexation Policies 1.18, 1.20 and 1.27, along with a number of policies related to the use and design of the site.



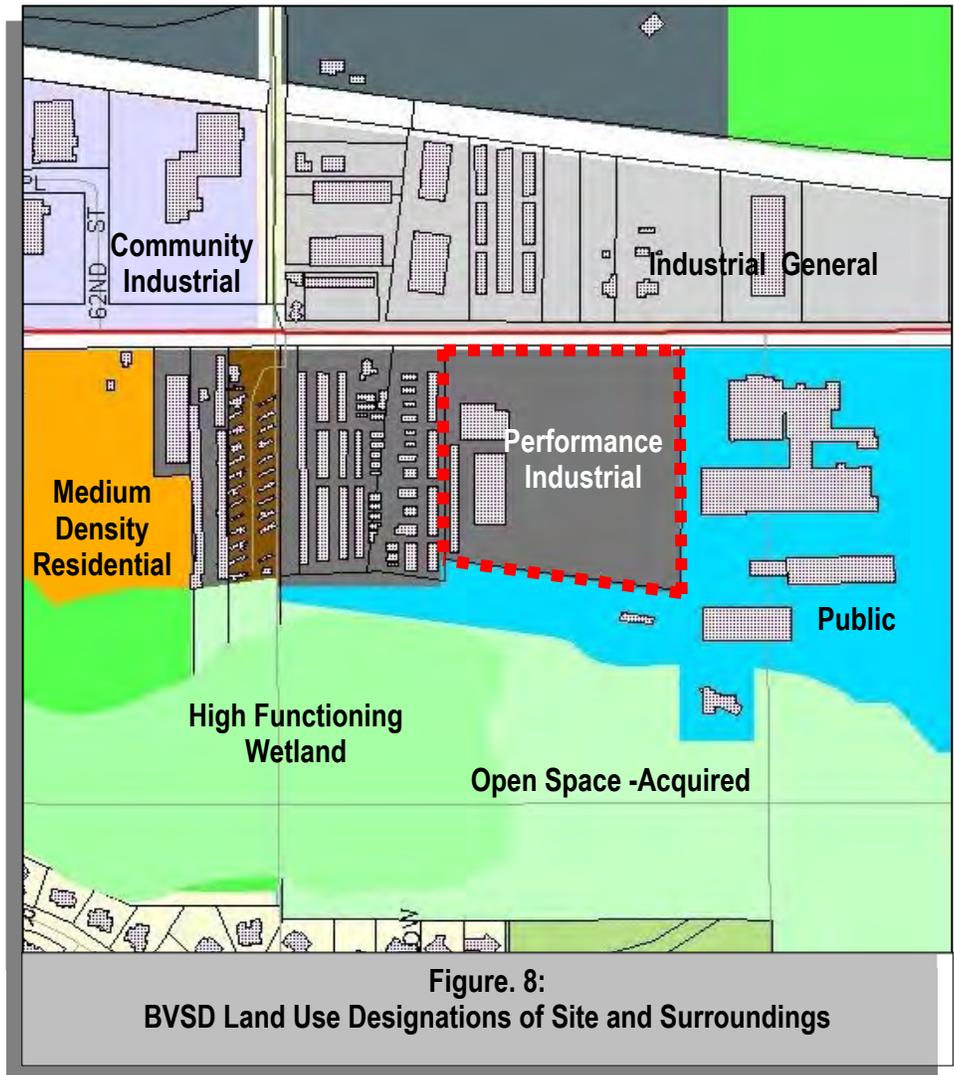
**Figure. 7:
BVSD Planning Area Boundaries**

BVCP Land Use Designation

As shown below in Fig. 7, the BVSD Land Use Designation for the property is Performance Industrial. According to page 64 of the BVSD,

The industrial uses considered as 'Light' and "Performance" Industrial on the comprehensive plan are primarily research and development, light manufacturing, large scale printing and publishing, electronics, or other intensive employment uses." "Performance Industrial uses require high-quality site plans and must meet performance criteria for how on-site and off-site impacts are handled.

The land to the north of the site is designated Industrial General; to the east and wrapping the site on the south is land designated as Public; and the Sombrero Marsh area further to the south is shown in two shades of green: one to represent 'Open Space-Acquired' and the other to represent 'High Functioning Wetland' that is overlaid onto the open space designation.



Annexation

Annexation requires a recommendation of Planning Board to the City Council, who must ultimately approve the proposed annexation and initial zoning as well as the proposed planning area change from Area IIB to Area IIA. Final approval of an ordinance through the City Council requires two readings as well as approval of an annexation agreement prepared by staff, along with comments from Boulder County as a referral agency.

Per Section 31-12-101, C.R.S., at least one-sixth of the property must be contiguous to the existing City of Boulder boundary to qualify for annexation. With the simultaneous annexation of a portion of Arapahoe, the appropriate amount of contiguity with the City's boundary will be established. In the annexation process, the applicant will be required to demonstrate compliance with Section 31-12-101, C.R.S., Section 9-2-16, B.R.C., 1981, the Boulder Valley Comprehensive Plan (BVCP) Policy 1.27, as well as all other applicable BVCP policies. Per the BVCP, annexations are expected to demonstrate a clear community benefit. Requirements under the land use code for annexations may be viewed at the following weblink:

http://www.colocode.com/boulder2/chapter9-2.htm#section9_2_16

Site Review

Site Review will also be required for the applicant to fulfill the plan as proposed. Under the proposed initial zoning of Industrial General (IG), "recycling facilities" are required to go through a Use Review. However, that analysis can be done as a part of the annexation process. All of the applications: Annexation and Initial Zoning; Site Review; and Preliminary Plat may be completed concurrently. The annexation and initial zoning will be heard by both Planning Board and City Council.

Planning Board is the review body tasked with approval authority for the Site Review, and staff is the approval authority for the Use Review. Site Review approvals would, therefore, be conditioned upon successful approval of the annexation and initial zoning by City Council. The proposed subdivision of the property also requires an application for Preliminary and Final Plat, and the application for Preliminary Plat may be processed concurrently with the application for Annexation and Initial Zoning along with the Site Review process.

(3) Applicable criteria, review procedures, and submission requirements for a site review;

Site Review criteria are found in section 9-2-14(e) of the Land Use Code, B.R.C. 1981 and may be reviewed at the following weblink: http://www.colocode.com/boulder2/chapter9-2.htm#section9_2_14

(4) Permits that may need to be obtained and processes that may need to be completed prior to, concurrent with, or subsequent to site review approval;

As noted above, the Site Review may be processed concurrently with the annexation and initial zoning, as well as the Preliminary Plat. A Technical Document review will be required upon approval of those permit applications for the technical aspects of the site development as well as a separate Technical Document application for Final Plat. Building permit applications would then follow.

(5) Opportunities and constraints in relation to the transportation system, including, without limitation, access, linkage, signalization, signage, and circulation, existing transportation system capacity problems serving the requirements of the transportation master plan, possible trail links, and the possible need for a traffic or transportation study;

A roadway widening project along this portion of Arapahoe is currently being pursued by the Colorado Department of Transportation (CDOT). This CDOT project will add a through lane in each direction along Arapahoe, a center left turn lane, and on-street bicycle lanes. From the Trip Generation and Distribution analysis prepared by Fox Higgins and Associates in August 2010 for the proposed project, it appears that most of the trips to and from the site (70 percent) will be to and from the west on Arapahoe with 20 percent going to and from the east and 10 percent to and from the north along 64th Avenue.

The draft East Arapahoe Transportation Network Plan also shows a multi-use path connection along Arapahoe Avenue. CDOT is currently planning to install this sidewalk. If the CDOT project has not yet installed this portion of improvements along Arapahoe at the time of building permit, the applicant will be responsible for the construction. Additional improvements to Arapahoe Avenue may be required with annexation dependent upon the timing of the CDOT project. The CDOT widening project will also take portions of the subject property as right-of-way. As part of the agreement, CDOT has agreed to provide a new entry access into the site as a part of the widening and improvement project.

(6) Environmental opportunities and constraints including, without limitation, the identification of wetlands, important view corridors, floodplains and other natural hazards, wildlife corridors, endangered and protected species and habitats, the need for further biological inventories of the site and at what point in the process the information will be necessary;

The site has been developed for a number of years and has large areas of paved surfaces and buildings. There are a number of mature trees on the site that the applicant will be required to inventory by a certified arborist to understand how future plans may or may not impact them. Future development may also utilize the trees as amenities to establish the quality and character of the site. The applicant should be aware of the potential impacts, particularly, the new showroom building proposed as a part of Phase II could have on the trees.

With the ecologically sensitive Sombrero Marsh property located approximately 100 feet due south of the project site, project

plans will be evaluated on the potential for impacts to the marsh. While the former occupants of the project site, BMC building materials supply company, had a very similar use to the proposed project, the project plans will be evaluated in light of the proximity of the ecological resource of Sombrero Marsh.

(7) Appropriate ranges of land uses;

Based on the underlying Performance Industrial (PI) Boulder Valley Comprehensive Plan Land Use Map Designation, and the surrounding land uses, Industrial General (IG) is the most supportable zone district for the property.

(8) The appropriateness of or necessity for housing.

The Boulder Valley Comprehensive Plan has identified the site as Performance Industrial with other areas of the Boulder Valley earmarked for residential land uses. Therefore, this site is not intended for residential land use.

ANALYSIS:

Key Issues. The following key issues have been identified by staff to help guide Planning Board's discussion of this application. Planning Board may add to this list or provide additional comments on the key issues listed.

1) Is the proposed change from Planning Area IIB to IIA and anticipated annexation compatible with the goals and policies of the Boulder Valley Comprehensive Plan (BVCP)?

Change from Planning Area IIB to IIA.

Section II(2)(A) of the BVCP (on page 56) provides criteria for changes in designation of land from Area IIB to Area IIA. The criteria are presented below, followed by a preliminary consistency statement shown in **bold**:

"(a) The proposed change is compatible with the city's existing and planned urban facilities and service systems, as demonstrated by such factors as:

"(i) The full range of urban facilities and services are available, or will be available within three years, as specified in the urban service standards to be provided through city capital improvements and private investment."

Through annexation, a full range of urban services will be available. As proposed, the applicant intends to annex a portion of the Arapahoe Road right-of-way to establish contiguity. This will ensure utility service provision to the site.

"(ii) The timing, design, and operation of required facility and service improvements are consistent with the city's Capital Improvements Program, master plans and urban service standards in the comprehensive plan."

The proposed project was envisioned as a part of the Master Plan for Waste Reduction (MPWR). As noted in the June 3, 2010 Study Session Memo to City Council,

"On August 18, 2009 City Council approved a trash tax increase to purchase the property at 6400 Arapahoe Road to relocate Eco-Cycle offices, the city/Eco-Cycle Center for Hard-to-Recycle Materials (CHaRM) and ReSource, the used building materials yard operated by the Center for Resource Conservation. The purchased property includes two unprogrammed acres that could host additional waste diversion programs and/or infrastructure. The MPWR estimated a one-time city contribution of \$400,000 to help relocate Eco-Cycle and ReSource to "Recycle Row," envisioned as a consolidated location for community-wide recycling and reuse."

By comparison, bonding for the purchase of 6400 Arapahoe Road committed between \$440,000 and \$576,300 per year in city funds for each the next 20 years to achieve this."

Also as noted in the memo,

"the City Council in 2006 accepted the MPWR as a roadmap to achieve an 85 percent waste diversion rate by 2017. At the same time, council adopted a Zero Waste Resolution that lays out the framework for policy and operational decisions that follow the guiding principles of zero waste: Managing resources instead of waste; conserving natural resources through waste prevention and recycling; turning discarded resources into jobs and new products instead of trash; promoting products and materials that are durable and recyclable; and discouraging products and materials that can only become trash after their use."

Therefore, the project's timing, design and operation of required improvements have been anticipated as a part of the MPWR.

(iii) Off-site improvements that are provided by developers ahead of scheduled capital improvements will not result in premature demand for additional city-provided improvements.

The executive summary of the June 3, 2010 memo to City Council describes the off-site improvements that will be completed by Colorado Department of Transportation (CDOT) and the impact on the proposed project's financing.

"The Phase I site configuration will cost approximately \$450,000 over the original budget, but is able to be funded through 2009 trash tax fund balance and compensation the city is expecting to receive from the Colorado Department of Transportation (CDOT) for the transfer of rights-of-way (ROW) as part of CDOT's project to improve Arapahoe Road. Staff believes Phase I carries out council direction from August 2009 and provides the nonprofits with additional space in this location to accommodate their near-term growth. The Phase II site configuration represents a vision plan for the nonprofit organizations; however, it is estimated to cost \$1.67 million above Phase I and neither the city nor its nonprofit partners have yet identified a viable funding source for this Phase II development. Phase I is designed to lead into Phase II if funding becomes available. Staff is recommending moving forward with a concept plan that includes both Phase I and Phase II; completing the update to the MPWR; and initiating site review based on the results of the MPWR update."

(iv) City off-site capital costs to serve the property can be recovered by development excise taxes and development exactions.

(b) The proposed change would be consistent with the city's ability to annex within three years, based on expected development trends and patterns.

(ii) The public costs of annexation and development of Area IIA properties can be accommodated within the city's Capital Improvements Program and operation budget.

The bond that will be paid back through trash tax financed the purchase of the project site and as well as improvements to ensure site functionality. The funding for the expansion of the facilities to grow into the ultimate vision of the non-profits on the site is not yet identified. However, as proposed, the site will be fully functional and prepared for expansion at a future date.

(c) The proposed change would be consistent with a logical expansion of city boundaries as demonstrated by such factors as: encouraging a contiguous and compact development pattern; encouraging infill and redevelopment or a desired opening of a new growth area; enhancing neighborhood boundaries or edges."

The site will have one-sixth contiguity in the annexation of a portion of the Arapahoe Road right-of-way. This expansion of the city's boundaries will encourage reuse of the infill site and provide improvements that will enhance this eastern edge of the city.

BVCP Policy Consistency

A proposed project once annexed into the city must comply with the goals and policies of the BVCP. With the city's guiding principles of sustainability, the proposed project can provide a balanced approach to sustainability by: (1) providing a means to address consumption and waste reduction for environmental sustainability, (2) ensuring that needs are met without compromising future generations for economic sustainability, and (3) providing opportunities for education and leadership in sustainability with the nearby BVSD facilities and Thorne Ecological Institute to promote Social Sustainability. Further, staff finds that the facility as proposed to advance the city's waste reduction goals would be consistent with a number of goals and policies of the Comprehensive Plan including:

- | | |
|---|---|
| 1.01 Community Sustainability | 2.42 Enhanced Design for the Built Environment |
| 1.02 Principles of Environmental Sustainability | 3.25 Support for Community Facilities |
| 1.07 Leadership in Sustainability | 4.04 Environmental Ed. and Technical Assistance |
| 1.11 Regional and Statewide Cooperation | 4.26 Protection of Water Quality |
| 1.13 Collaboration in Service Delivery | 4.36 Greenhouse Gas Emissions |
| 2.06 Design of Community Edges | 4.42 Waste Minimization and Recycling |
| 2.19 Compatibility of Adjacent land Uses | 4.43 Promoting the Use of Recycled Materials |
| 2.40 Physical Design for People | 5.07 Upgrade Existing Commercial and Industrial Areas |
| 2.41 Design Excellence for Public Projects | |

2. Is the proposed use of the site consistent with the planned initial zoning of Industrial – General?

Under section 9-5-2 of the land use code, B.R.C. 1981, the Industrial – General zoning districts are defined as follows: *"where a wide range of light industrial uses, including research and manufacturing operations and service industrial uses are located."*

This definition compares with service industrial zoning districts that are defined as providing "a wide range of repair and services uses and small scale manufacturing uses." The IG zoning district permits a number of industrial uses as by-right uses, although there are also a number of uses that require analysis under a Use Review or as part of an Annexation review. The uses most closely related to the proposed project as defined by section 9-16-1, B.R.C, 1981 include, "recycling collection facility - large" defined as,

"may be a principal or an accessory use or building of any size, may occupy a permanent structure, may also accept used motor oil in accordance with applicable health and safety regulations, and may include such power-driven light processing as is approved by use review."

Another use category that the proposed project most closely resembles is the "Building material sales >15,000 square feet of floor area", defined as,

"means a business primarily engaged in the retail sale from the premises of supplies used in construction including, without limitation, doors, hardware, windows, cabinets, paint, wall coverings, floor coverings, garden supplies, and large appliances and where the storage of materials is primarily within the principal building, but does not include a lumber yard."

With a Lumber Yard an allowed use in the IG zoning district, the "building materials use" and the "recycling collection facility – large uses" would both require analysis under Use Review or during the Annexation process.

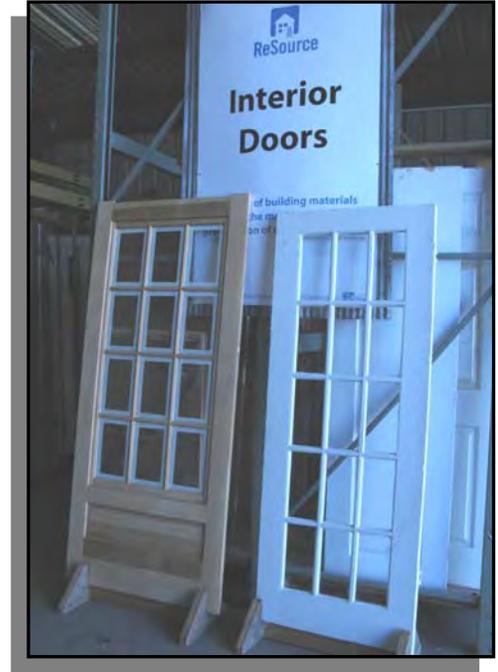


Fig. 8:
Images of Recycled Building Materials for Sale within the ReSource Warehouse

3. Does the preliminary site and architectural design appear compatible with the surrounding context?

Based on the information provided, staff notes that the proposed project would be compatible with the surrounding context. Firm conclusions will be made at time of Site Review when more detail about building mass, scale and character is submitted. The general aspects of the design in relation to the surroundings are considered positive and consistent with BVCP policies.

BVCP policy 2.42(b) states, *"projects should relate positively to public streets, plazas, sidewalks and paths. Buildings and landscaped areas, - not parking lots –should present a well-designed face to the public realm."* Further, BVCP policy's 2.42(d) and (f) describe the need for visible entries and permeability into the site.

The project site and surroundings have all been built at different times over the past 40 to 50 years, and there is no distinct architectural character or site design precedent. Similar to most properties in this area of Arapahoe Rd., the existing building on the project site was set far back from the Arapahoe Rd. right-of-way with parking between the road and the building. However, implementation of Phase II will include construction of the new warehouse/showroom building right at the 20-foot front yard setback and near the right-of-way, with the parking lot relocated to the interior of the site. This will establish a building face near Arapahoe Rd. and will set a positive precedent along the roadway.

PUBLIC COMMENT AND PROCESS:

Required public notice was given in the form of written notification mailed to all property owners within 1200 feet of the subject site and a sign posted on the property for at least 10 days. All notice requirements of Section 9-4-10(g), B.R.C. 1981 have been met.

In addition, the applicant held two pre-submittal Good Neighbor meetings to discuss the project. Attendees primarily included residents from the nearby Reserve single family development as well as individual property owners. Staff received one phone call on Sept. 22, 2010 about the proposed Concept Plan and the caller indicated concerns primarily related to the potential for large scale concrete and asphalt recycling, although staff clarified that there is no such process planned on the site. There was no other neighbor correspondence received.

STAFF FINDINGS AND RECOMMENDATION:

No action is required by Planning Board. Planning Board, Public and staff comments will be documented for use by the applicant. Concept Plan review and comment is intended to give the applicant preliminary feedback on the development concepts, and direction for site review applications.

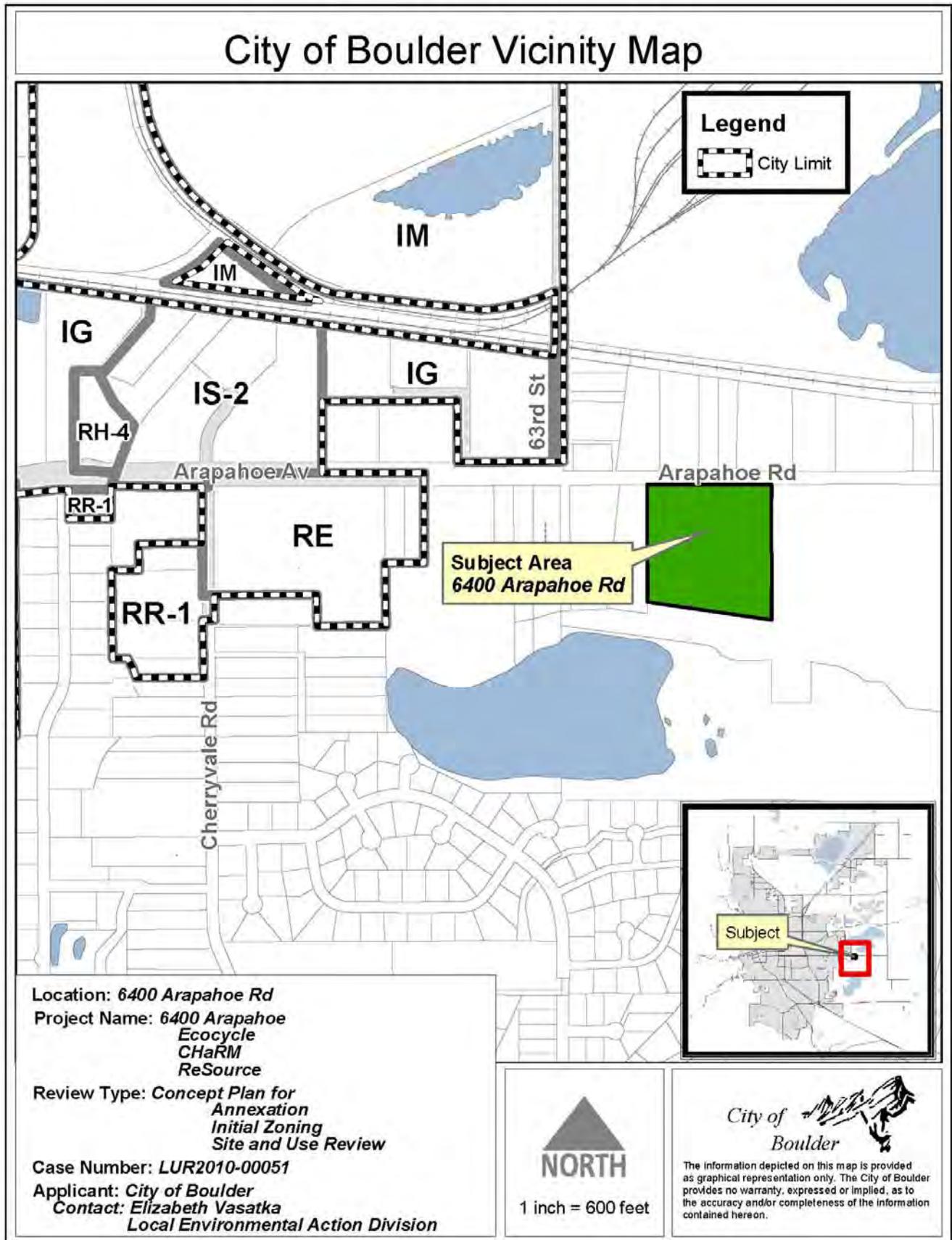
Approved By:



David Driskell, Executive Director
Department of Community Planning and Sustainability

ATTACHMENTS:

- A. [Location Map](#)
- B. [Applicants written description and project plans for Concept Plan](#)





CITY OF BOULDER

COMMUNITY PLANNING + SUSTAINABILITY
LOCAL ENVIRONMENTAL ACTION DIVISION

September 3, 2010

City of Boulder
Planning and Development Services
Case Manager: Elaine McLaughlin
Park Central Building, Third Floor
1739 Broadway
Boulder, CO 80302

RE: 6400 Arapahoe Road Concept Plan Review for Phase I and II

This is the submittal packet for 6400 Arapahoe Road Concept Plan Review. We have included a substantial amount of background information on the City's involvement with this property in the form of attachments and further information described below.

On August 18, 2009, City Council approved the purchase of 6400 Arapahoe Road for the further development of the "Recycle Row" concept. The City of Boulder's Master Plan for Waste Reduction (accepted by City Council in 2006) identifies Recycle Row as a key component in upgrading recycling operations and expanding waste reduction services beyond traditional recyclables. It is envisioned as a "one-stop shop" for Boulder residents and businesses to meet their waste reuse and recycling needs. The primary reason the city purchased this property was to provide upgraded facilities that provide infrastructure to advance the city's waste reduction goals:

- ReSource, a used building material donation and sales yard run by the Center for Resource Conservation (CRC);
- Eco-Cycle offices, including space for their administration, waste reduction outreach and education, and zero waste services; and
- Center for Hard to Recycle Materials (CHaRM), the center for the collection and processing of hard-to-recycle materials.

The City of Boulder's Trash Tax was maximized to purchase the land and upgrade the site and existing buildings that will be leased to the above nonprofit operations under a Concept Plan Phase I design. Phase I is fully funded within the current city budget. However, both Eco-Cycle and the CRC have visions to expand their CHaRM and ReSource operations respectively. Their vision for site development is identified as the Concept Plan Phase II design. Funding for Phase II has not been identified.

There has been extensive public involvement in the project to-date, including five number of public meetings during the due-diligence and acquisition phase, and neighborhood and stakeholder meetings during the concept planning phase. City Council held a study session on this project on June 3, 2010. The minutes from the planning phase meetings, the city council study session packet and summary are included in this application as background for planning board members.

We look forward to receiving staff comments and to meeting with the Planning Board on the 6400 Arapahoe Project this fall.

Sincerely,

Elizabeth Vasatka
Business Sustainability Coordinator

ATTACHMENTS as Background to the Application

- A: [Stakeholder Meeting Minutes](#)
- B: [Neighborhood Meetings #1 and #2 Summary](#)
- C: [City Council Study Session Packet](#)
June 3, 2010 - City Council Study Session, Waste Reduction: Zero Waste Planning; 6400 Arapahoe Road; and Single-Hauler Issues and Opportunities
http://www.bouldercolorado.gov/files/City%20Council/Study%20Sessions/2010/June_3/June_3_SS.pdf
- D: [City Council Study Session Summary – June 3, 2010](#)
http://www.bouldercolorado.gov/files/Clerk/Agendas/2010/July_6/3F.pdf

6400 Arapahoe Road
Concept Plan Application
Written Statement
September 3, 2010

Contents

- A. Land Use and Character – Phases I through III
- B. Description of Planned Operations – Eco-Cycle, CHaRM, and ReSource
- C. How this plan relates to:
 - 1. BVCP Policies
 - 2. Land Use Regulations
- D. Environmental Impact Avoidance, Minimization or Mitigation
- E. TDM Strategies

A. Land Use and Character – Phase I through III

The property, currently located in the county, has been used for building materials storage and sale. It currently houses a large warehouse, an office/showroom building, and a large covered shed, along with parking, walks, and a significant amount of paved area. ReSource moved their operations to the property in November 2009, an allowed use under current county zoning.

When the property is annexed into the city, it will be zoned IG and will likely go through a use review to allow for planned uses, which include Eco-Cycle’s commercial operations, the Center for Hard to Recycle Materials (CHaRM), and the continued operation of ReSource. Additional uses on the “Phase III” portion of the property will likely be compatible uses to these and which further the community’s goal of moving toward zero waste. A stakeholder meeting identified some potential uses for this land and the update to the Master Plan for Waste Reduction, is scheduled to begin in the 4th quarter 2010, and will further identify potential uses for this land.

This application encompasses Phases I and II. Phase I, will allow for Eco-Cycle and CHaRM to move to the property and co-exist with the ReSource operation. Phase II would realize the “Vision” for each of these organizations by allowing them to expand their operations and provide additional services to the community. Phase II funding has not been identified at this time and is dependent on future funding. Phase I is fully funded under the current city budget. Phase III is considered “future” but could happen independent of (and potentially prior to) Phase II.

Phase I consists of site improvements, including landscape and drainage/water quality enhancements, and minor building renovations (please refer to the attached drawing set). Phase II provides an additional warehouse/showroom and new parking area. The new building will be located adjacent to Arapahoe Road, providing a much more significant street presence than currently exists. Enhanced pedestrian connections to the planned multi-use path along Arapahoe Road and connections to Thorne Ecological Institute/Sombrero Marsh will be provided. Phase III will be the full build-out of the site, with buildings similar in character/scale and massing as those envisioned for Phases I and II. Phase III uses will be consistent with those allowed in the IG zone district and identified through the master plan update process described above.

Exterior building improvements will widely vary between each of the three phases. Phase I will focus on general maintenance and a few minor additions and modifications to the existing buildings. The existing metal warehouse will receive a small 400 SF addition utilizing complimentary durable metal and concrete block exterior materials. A portion of the covered storage will be enclosed by relocating the existing exterior metal panels. The exposed metal aggregate precast concrete panels of the office building will be painted to provide a fresh uniform look. Two existing metal warehouses, approximate 3,000 SF each, will be reconstructed on the site.

Phase II will add a 12,000 SF warehouse utilizing both metal panel exterior, similar to the existing warehouses, and a lower band of painted concrete to complement the existing office building. The new warehouse is designed with a monolithic roof sloping toward Arapahoe Road helping to reduce the perceived mass at the street frontage, while creating south facing clearstory window opening opportunity where the warehouse adjoins the existing office building. The open sales yard along Arapahoe Road will be screened by a covered storage shed. The new covered storage shed is also made with durable metal exterior, however it has an accented conical form to add interest to the street frontage.

Phase III could add as much as 45,000 SF and is assumed to be a single story structure, however it is allowed to have a 40' height. The exterior materials will be similar to the warehouse vernacular, utilizing metal panel, concrete block or precast concrete. Placement of the building(s) is preferred to be adjacent the detention pond with parking to the south, screened from the street by the building.

B. Description of Planned Operations

Description of Eco-Cycle Operations – Phases I and II:

Eco-Cycle Corporate Offices are home base for a few different “departments” with a total of about 30 employees. Most of the employees are white-collar office workers who stay on-site all day, but some staff will come and go for meetings in the community throughout the day. About a third of the employees are blue-collar workers implementing its “Zero Waste Business” collection program using a small fleet of trucks of various sizes. The primary work in the offices involves education, and computers are used all day. There will occasionally be public visitors and volunteers who come during the day, as well as an occasional group meetings or trainings, usually after hours (i.e. after 5 p.m.).

A typical day at the company would be as follows:

6:00 – 7:00 a.m. ... the Zero Waste Business Department crew shows up, about 10 truck drivers and another 4 office workers, and by 7 a.m. all trucks have left the yard and are out for most of the day, returning to end work usually around 3:30 p.m.

8:00 – 9:00 a.m. ... the staff from the Schools Recycling Department, the Community Campaign Department, the Eco-Cycle International Department, and the Administrative Department arrive and will remain at work until around 5-6 p.m. Occasionally there will be small group meetings and trainings in the evening, which usually would end by 8 p.m.

Description of CHaRM Operations – Phase I:

CHaRM functions anticipated on a typical day at the 6400 Arapahoe site:

8:30 am: Eco-Cycle office opens, Monday through Friday. CHaRM warehouse crew of 1-4 arrives and begins preparing for customers by swapping out full collection containers. Half of the containers are inside the warehouse; containers for materials that are less weather-sensitive are located outside under an awning, and must be accessed by forklift from outside the warehouse.

9 am: CHaRM opens to the public, Monday through Saturday. A gate is opened allowing access beyond the office parking lot and customers drive or ride down the central driveway to the CHaRM window. Customers at the window pay fees and exchange information briefly (we request that they turn engines off while sitting at the window) and proceed to drop-off area along west side of warehouse wall to sort into appropriate bins. The bins that are located inside the warehouse are accessed through openings in the wall.

During operating hours: Eco-Cycle fleet returns on average once per day per truck to swap containers or pick up/drop off materials. The number of CHaRM customers in passenger vehicles averages 100-120/day at the current facility, but is expected to grow to as much as 300 per day (one every 1.4 minutes) at the Arapahoe site. Non-Eco-Cycle commercial vehicles ranging from cargo vans to semi-trailers visit the CHaRM as well to pick up/drop off materials at an average rate of 3 to 5 per day.

CHaRM warehouse staff sorts and consolidates materials for shipping using equipment such as forklifts, downstroke balers (such as you would find in the back of a grocery store to bale cardboard), and other electrical/hydraulic machines located inside the warehouse. The Phase 1 design allows limited storage space inside the warehouse, so a majority of the processed materials will be moved via forklift to an outbuilding south of the warehouse and likely 2-3 semi trailers located in the Eco-Cycle vehicle storage area on the south side of the lot. In addition, 6 roll-off containers south of the warehouse will be accessed by forklifts from the drop-off area and from inside the warehouse to consolidate scrap metal, durable plastics, porcelain, single stream recyclables, trash and wood.

4 pm: CHaRM closes to the public by closing the gate. Most of the Eco-Cycle truck fleet is typically back in the yard for the night by this time. CHaRM warehouse staff begins cleaning up.

4:30 pm: CHaRM staff leaves for the day.

5 pm: Eco-Cycle office closes.

After hours: Office activities such as Board meetings, volunteer trainings, and community meetings are scheduled on average twice per week.

Description of CHaRM Operations – Phase II:

8:30 am: Eco-Cycle office opens, Monday through Friday. CHaRM warehouse crew of 1-4 arrives and begins preparing for customers by swapping out full collection containers inside the warehouse. Two forklifts begin operating, predominantly inside the warehouse.

9 am: CHaRM opens to the public, Monday through Saturday. A gate is opened allowing access beyond the office parking lot and customers drive or ride down the central driveway to the CHaRM window. Customers at the window pay fees and exchange information briefly (we request that they turn engines off while sitting at the window) and proceed to drop-off area along west side of warehouse wall to sort into appropriate bins. The bins are located inside the warehouse, accessed through openings in the wall. Remaining office staffers arrive (20-22 total)

on weekdays. As many as half of the office staff is working off-site in the community at any given time.

During operating hours: Eco-Cycle fleet returns on average once per day per truck to swap containers or pick up/drop off materials. The number of CHaRM customers in passenger vehicles averages 100-120/day at the current facility, but is expected to grow to as much as 300 per day (one every 1.4 minutes) at the Arapahoe site. Non-Eco-Cycle commercial vehicles ranging from cargo vans to semi-trailers visit the CHaRM as well to pick up/drop off materials at an average rate of 3 to 5 per day.

CHaRM warehouse staff sorts and consolidates materials for shipping using equipment such as forklifts, downstroke balers (such as you would find in the back of a grocery store to bale cardboard), and other electrical/hydraulic machines located inside the warehouse. Consolidated material is stored in the warehouse until it is ready to ship, with the exception of specific materials (scrap metal, durable plastics, porcelain, single stream recyclables, trash and wood) stored in roll-off boxes outside.

4 pm: CHaRM closes to the public by closing the gate. CHaRM warehouse staff begins cleaning up.

4:30 pm: CHaRM staff leaves for the day.

5 pm: Eco-Cycle office closes.

After hours: Office activities such as Board meetings, volunteer trainings, and community meetings are scheduled on average twice per week. Planned reuse workshops open to the public will also operate in the evenings in the southwest corner of the office building at roughly the same frequency.

Description of ReSource Operations – Phase I:

ReSource is a division of the Center for ReSource Conservation, a Boulder-based 501(c)3 environmental non-profit organization. ReSource promotes building material reuse, embodied energy conservation, and deconstruction through innovative landfill diversion programming. ReSource provides the community with a unique opportunity to buy or donate reusable building materials.

ReSource, commonly referred to as the “ReSource Yard”, is the core program of the ReSource Division. The ReSource Yard is the facility where all deconstructed or diverted materials are delivered for collection, processing, and sale. ReSource currently has 12,000 square feet of indoor space, and additional exterior space, at the 6400 Arapahoe site for retail sales of the reclaimed building materials. The site also houses the public on-site donation center, ReSource’s pickup and delivery functions, and ReSource management offices.

ReSource hours of operation are Monday thru Saturday 9-5, and 11-4 on Sunday. The donation center closes one hour prior to store closing. ReSource processes an average of 2,000 sales transactions per month. Site operations include sales and customer service, material hauling, educational seminars, special events, general recycling, light processing (denailing, cutting, sanding), and management functions. ReSource has 7 total staff members, daily volunteers, and general sub-labor.

General Daily Breakdown

Monday-Friday

7:00 a.m. Staff arrive. 1 Yard Staff, ReSource Management.

General Yard cleanup, donations moved to sales yard, administrative operations.

9:00 a.m. All staff arrive.

Sales and Donations open to public. Pickup and deliveries, average 4 pickups per week.

General meetings and operation functions occur.

4:00 p.m. Donations closed.

On-site donations no longer accepted.

5:00 p.m. Store closed.

No further public access outside special events. Management functions regularly continue.

Saturday

9:00 a.m. All staff arrive.

Sales and Donations open to the public.

4:00 p.m. Donations closed.

On-site donations no longer accepted.

5:00 p.m. Store closed.

No further public access outside special events

Sunday

11:00 a.m. All staff arrive.

Sales and Donations open to the public.

3:00 p.m. Donations closed.

On-site donations no longer accepted.

4:00 p.m. Store closed.

No further public access outside special events

Description of ReSource Operations – Phase II:

ReSource's main operations, described above, remain constant between Phase I and Phase II development. ReSource has been in development of two new programmatic functions at the 6400 Arapahoe site.

The first is ReSource Woodworks. Continuing ReSource's tradition of hands-on environmentalism, ReSource Woodworks has been developed to use our reclaimed building materials and turn the material into well-designed furniture and other products. Over the coming months, ReSource Woodworks will begin production on a range of sustainable products, from cutting boards and coasters, to patio and dining furniture. ReSource Woodworks hopes to serve the Boulder area and beyond by not only providing affordable reclaimed furniture options, but by also educating and inspiring people around the potential of reusing building materials. Currently, Woodworks is in its development and pilot phase of operation.

The second is the ReSource Tool Library. As the name suggests, a community tool library is a place where citizens can borrow tools from a large, centralized tool inventory. With its shared-

resource approach, the ReSource Tool Library will save money, reduce our need to purchase redundant and seldom-used tools, and provides new tool access for those with limited means. In today's tough economy, these are valuable assets for a program that additionally provides educational opportunities, conserves resources, and strengthens our communal capacity to meet our basic needs. The ReSource Tool Library is there to lend tools to any individual or nonprofit organization requiring tools to complete their work. ReSource is in the development process of this program and hopes to move to a pilot phase fall of 2010.

**C1. How this Plan relates to BVCP Policies
Sustainability**

1.01 Community Sustainability.

We, the applicant, believe the project promotes community sustainability by providing necessary zero waste facilities that manage the city and county's waste streams. Such local facilities divert reuseable and recyclable materials from the waste stream before being transported to surrounding communities' landfills.

1.02 Principles of Environmental Sustainability.

These facilities support a more sustainable community with local programs that will reduce the amount of waste going to landfills.

1.03 Community Engagement.

We believe this project is being conducted in an inclusive manner, with more public process than required. Because this is a city property, the purchasing process was public and all documentation that went to City Council is available on the city's web site. A project web page and Listserv were created to keep interested parties updated on the processes and public hearing dates. All project information and reports are provided on the web; including background on city and county's zero waste goals and the entire council process from 2009 to the present. Two good neighbor meetings have been held, with a third meeting planned during the Site Review Process. Additionally, a stakeholder group was convened to provide input early in the planning process.

1.06 Indicators of Sustainability.

This project represents the city's commitment to help build a zero waste community. A critical component of zero waste is having the appropriate facilities to manage our waste stream. Developing these types of community zero waste facilities is a paradigm shift from the standard practice of landfilling waste.

1.07 Leadership in Sustainability.

We, the applicant, are leading by example in being stewards of our planet's resources. By purchasing land and funding waste diversion facility development, we are making strides in the Master Plan for Waste Reduction to become a zero waste community.

1.08 Consideration of Environmental, Economic and Social Impacts.

In 2009, as a priority of City Council, it approved maximizing the Trash Tax for funding this project. Council's priority to do so was based on its environmental, economic and social impacts to this community.

- **Economic:** The continued development of Recycle Row will provide economic benefits to Eco-Cycle and the CRC, allowing them to expand and strategically plan for future business development. CHaRM employs 4.5 full-time employees and would likely add two employees at an expanded facility. ReSource employees 7.25 full-time employees and anticipates adding 4.25 full-time employees at an expanded facility.
- **Environmental:** The continued development of Recycle Row will expand the ability of community residents and businesses to reduce waste and recycle. Reducing the amount of solid waste going to the landfill conserves resources and reduces energy use, greenhouse gas emissions, and groundwater pollution. Overall, vehicles miles traveled will be reduced by relocating ReSource and CHaRM closer to the new and existing waste reduction facilities on 63rd Street.
- **Social:** Co-location of waste reduction facilities will offer residents and businesses convenient and consolidated recycling facilities within the community. The ReSource facility will provide lower cost building materials to residents that may have less means to purchase new materials. On average, ReSource building materials cost approximately 75 percent less than new materials.

Intergovernmental Cooperation

1.11 Regional and Statewide Cooperation.

Environmental pollution and contamination have no boundaries. Therefore, we, the applicant, worked closely with Boulder County to develop the needed zero waste infrastructure to achieve our mutual zero waste goals. On-going collaboration and cooperation with the county and other municipalities will continue with waste reduction programs, services and facilities.

1.12 Policy Assessment.

We, the applicant, will be returning to City Council in first quarter of 2011 with more information on the programs, services, and facility needs with associated funding trade-offs with the update to the Master Plan for Waste Reduction. We are also participating in the county's finalizing of its Zero Waste Plan.

1.13 Collaboration in Service Delivery.

The city and county have a long history of collaborating on waste reduction efforts. On most, if not all efforts, there is collaboration on developing more waste reduction information, services, and facilities. Examples are the Hazardous Material Management facilities, Wood and Yard Waste Drop-off Centers, the Boulder County Recycling Center and now, creating long term facilities for construction material reuse and the recycling of hard to recycle materials.

1.16 Compliance with Land Use Regulations.

We investigated and fully understood the requirements of this property before the purchase. With our close communication with the county, we were able to work with them to understand the regulations that applied to this property and assessed the pros and cons of annexing it into the city.

1.27 Annexation.

This property is currently a county enclave with in-city service agreements. Before this property was purchased city and county planning staff met to determine if the site should be annexed into the city. It was determined by both City of Boulder and Boulder County Planning Directors at the time that the site should be annexed; especially due to the existing in-city service agreements.

2. Community Design

2.01 Unique Community Identity.

The concept of “Recycle Row” was created and acknowledged in the Master Plan for Waste Reduction accepted by City Council in 2006. Further waste reduction facility development is a unique service priority focusing on sustainable community.

As many of the current waste reduction facilities are located on 63rd Street, the proximity to 6400 Arapahoe Road ties more facilities to the “one-stop-shop” concept of Recycle Row.

Acknowledging that there are few large industrial properties left close to Boulder, this site is ideal for combining existing waste reduction facilities with additional and complimentary facilities, enhancing the zero waste infrastructure this community fosters. We believe the city and county are funding their goals are and developing a more sustainable community, responsible for their waste streams. These facilities will continue to emphasize the Boulder brand and uniqueness for leading by example.

2.06 Design of Community Edges.

As this site has been described by planning staff and City Council as a gateway into Boulder, it was determined that being developed as recycling and reuse facilities would give an important first impression. With this property being developed as zero waste infrastructure will help make this gateway distinct and defined.

2.17 Protection of Residential Neighborhoods Adjacent to Non-residential Zones.

We believe working with the surrounding neighborhoods, Boulder Valley School District and non-profit organizations have been a critical step in advancing the goals of this property’s development. We are proactive and engaging with our commercial and residential neighbors and will continue to do so to ensure this site improves the currently neglected site.

2.19 Compatibility of Adjacent land Uses.

Since this site is located in a transitional zone, we are sensitive and making it a priority to design and mitigate visual impacts and noise outside of standard working time operations.

Quality of the Design of Development and Redevelopment Projects.

2.40 Physical Design for People.

For the redevelopment of this property, we have put extensive resources toward the enhancement of the property and people’s ability to find and use the services to a much larger capacity than how the services were offered at their former locations. With this site located on Arapahoe and with the Colorado Department of Transportation’s (CDOT) plans to improve and expand the road it will definitely enhance accessibility to the reuse and recycling facilities.

2.41 Design Excellence for Public Projects.

Within the Phase I scope of this project, which has limited exterior building modification, the site will be improved for customer usability and effectiveness. It is also our belief that by reusing the existing buildings sets an excellent example of leading by example for public projects and funds.

2.42 Enhanced Design for the Built Environment.

b. The public realm. We believe as the Phase II Concept Plan gets funding and is developed, the location of a new warehouse at the streetscape for the more retail functions will create a well designed urban street presence that is currently not present at this site.

3. Facilities and Services.

3.25 Support for Community Facilities.

This project provides significant support for two local long-standing non-profits (Center for ReSource Conservation and Eco-Cycle) that help advance the community’s waste reduction goal.

4. Environment

4.04 Environmental Education and Technical Assistance.

This property will house two or more environmental resource conservation operations and will hopefully coordinate with Boulder Valley School District and Thorne Ecological Institute to provide environmental education and possibly technical assistance for fixing and reusing household goods.

Protect and Improve Waste and Air Quality

4.26 Protection of Water Quality.

With the redevelopment of this property, water quality will be improved with the installation of a detention pond for the site. Currently, there are no water quality protections or facilities on the property. Creating an improved storm water run-off system on site will also create more protection for the Sombero Marsh which is of highest priority.

4.30 Storm Water.

Due to the improved storm water quality system that will be installed at the site, we believe the site’s current situation will be greatly improved. Storm water enhancements planned for Arapahoe Road by CDOT will improve the entire corridor.

4.36 Greenhouse Gas Emissions.

Diverting material from the landfill avoids greenhouse gas emissions (methane) not only because less materials get produced, but because these materials don't get buried.

4.37 Integration of Water and Air Quality with Transportation Planning.

This property was purchased for its proximity to other waste diversion activities, creating a one-stop-shop for easy and convenience; but also for consolidating trips and reducing transportation impacts for material reuse and recycling.

Conserve Natural Resources

4.42 Waste Minimization and Recycling.

We, the applicant, along with our partners (Boulder County, CRC and Eco-Cycle) have aggressively pursued this project for the purpose of increasing the community’s waste reduction infrastructure. Because of the city and county zero waste goals, City Council increased the trash tax to fund this project to the Phase I plan. These facilities will ensure residents and businesses the ability to reuse and recycle more of their waste stream, than what is currently available to them with curbside recycling service.

4.43 Promoting the Use of Recycled Materials.

The redevelopment of this property allows for the needed infrastructure that supports the reuse and recycling of building materials and hard to recycle materials.

5. Economy

5.03 Support for Local Business.

We are redeveloping this site to support two local nonprofit organizations. Providing upgraded facilities and land allows their operations to be more visible and accept more materials from residents and businesses for reuse and recycling.

5.06 Industrial Zoning.

The property is currently zoned by the county as industrial and our understanding is that it will be designated Industrial General when annexed into the city. It is determined that waste reduction facilities are appropriate for this zoning and will enhance the 63rd Street waste reduction activities, supporting the Recycle Row concept. With similar waste reduction activities in the same proximity, we believe this creates convenient services for our community’s residents and businesses.

5.08 Partnerships.

This project has reached out extensively to the city’s partners to ensure they understand the objective of the facilities located on the site and share in our vision for future waste reduction efforts. Boulder County and Boulder Valley School District have been involved from the start and are continuing to give input on the process, leveraging resources to benefit the community and these new operations.

6. Transportation

6.11 Managing Parking Supply.

We are proposing a parking reduction for this site since the majority of the employees that will be working at the site take alternative modes of transportation. Additionally, the goal of this site is to coordinate the traffic flow on site so that it is understandable and safe for all users.

C2. How this Plan relates to Boulder Land Use Regulations

The project will comply with the city’s Land Use Regulations and, following concept review, will go through Site Review, Annexation, Use Review, Technical Document Review, and necessary building permitting.

D. Environmental Impact Avoidance, Minimization or Mitigation

There are no significant environmental resources on the property. Site improvements will add landscape and improved storm drainage and water quality infrastructure (currently none exists).

E. Travel Demand Management Techniques

There is no question that many users/customers/visitors of the 6400 Arapahoe site will need to access the facility by automobile. This includes customers at ReSource that are picking up or dropping off construction materials, or patrons at CHaRM who are dropping off recyclable items. That said however, this site has distinct potential to minimize automobile traffic access as follows:

- Combining ReSource, CHaRM, and the Eco-Cycle facilities on the same site creates the potential for multi-purpose trip linking between the uses. For example, a single automobile trip may allow the purchase of a recycled building material, the drop-off of an old computer monitor, and the drop-off of normal recyclable materials at an Eco-Cycle roll-off dumpster. Members of the environmentally conscious public will likely try and anticipate these trips and link them to the extent possible, thus minimizing automobile trips overall.
- Employees of all three facilities will have an excellent opportunity to access their jobs by transit given that the site is well served by the high frequency JUMP transit corridor, linking Boulder and communities to the east. Transit access trips can be encouraged by ensuring that all site employees have an Eco-Pass available to them.
- The CDOT widening project along Arapahoe will be adding on-street bicycle lanes, making access by bicycle easier and more likely.
- The site location adjacent to the Boulder Valley School District campus and the Thorne facility offers many environmental education opportunities all within comfortable walking distance of each other.
- The very nature of the site (supporting recycling, re-use, and waste reduction) ultimately results in less need to transport materials, thus supporting TDM goals.



STUDIOTERRA

MEETING NOTES – STAKEHOLDER MEETING

PROJECT NAME: 6400 Arapahoe Recycling Center
MEETING DATE: March 18, 2010
ATTENDEES: See Attached List
DISTRIBUTION: Attendees

The meeting agenda consisted of a brief background presentation by Elizabeth Vasatka and Carol Adams, followed by an open discussion of the issues and opportunities for furthering the City’s waste reduction goals at the 6400 Arapahoe property.

DISCUSSION NOTES:**Potential Uses for land not occupied by ReSource, CHaRM, and Eco-Cycle (eastern side)**

1. Heavy C & D processing, specifically processing of concrete, asphalt and other aggregates **will not occur** at the 6400 property due to concerns about noise and pollution expressed by neighbors. Boulder County is exploring this use (heavy C&D processing of aggregates, concrete, asphalt and asphalt shingles) at the 4 acres previously occupied by ReSource on 63rd Street. This land negotiation is between Boulder County and Western Disposal.
2. “Soft” C & D sorting and staging (non-aggregate construction materials) could occur here (such as those envisioned by CHaRM). Noise and dust could be a concern if located outside a building.
3. Diversion facilities (could consist of sorting and/or processing) for green woody waste, such as urban trees that are removed and pine-beetle lumber. Each of these materials have more market potential as lumber than chipped material (mulch), achieving higher reuse. 90% of lumber used locally comes from out of state.
4. De-nailing facility, which would require a concrete pad approximately 10,000 to 20,000 SF. Considerable amounts of nailed lumber ends up in the landfill. Possibly a community service program could process the nailed lumber. Shade over some of this area would be preferred.
5. Soft Deconstruction – finger-joining of lumber scrap, firewood drop off, grinding machines for sheetrock.
6. A place to stage and then transfer materials, such as asphalt shingle drop-off. A raised platform would be preferred for ease of access and use. Possibly 3 or more 30-yard containers. (Asphalt Specialties utilizes 5 acres in Erie for a Roof to Roads, recycled asphalt tear-off shingle program. This is the closest facility of this kind to Boulder).

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7. Infrastructure for small business start-ups. Could be office space, green tech start-ups, material re-use businesses.

Budget/Financing

8. The City of Boulder has a \$1.8M to spend on hard and soft costs for developing the 6400 Arapahoe site.
9. Approximately $\frac{3}{4}$ of the property needs to be devoted to nonprofit use. Remaining $\frac{1}{4}$ could be leased to a for-profit business or sold due to the cash equity used to purchase the site.

Site Access

10. 63rd street south of Arapahoe is a public ROW. BVSD has a handshake agreement with the mobile home park that allows the District to send west-bound buses on that street north to Arapahoe, where they head west in the morning. All BVSD traffic uses their other access points from Arapahoe onto their property.
11. Property immediately south of site is owned by BVSD, from 63rd east to the gate near the fueling station. BVSD has entertained an access easement in the past to previous 6400 Arapahoe tenant (tennis club) and is open to discussing an access easement with the city.
12. CDOT upgrades to Arapahoe will be between Cherryvale and 75th. Eighty percent construction documents will be completed by the end of April. Advertising for construction will be in September 2010. Improvements in front of 6400 Arapahoe will include a center turn lane, utilizing the existing curb cut with full turning movements.

BVSD, Thorne & Education

13. Occupational programs and Vo-Tech programs have been seeing a drop-off in enrollment in past years but there are programs at the Arapahoe Campus that could tie into the programs envisioned on the site. Opportunities exist for student internships, such as ReSource's wood shop.
14. Thorne has interest in green educational programs, including tours through CHaRM, Eco-Cycle and ReSource that could be tied to Sombrero Marsh field trips.

BVSD, Thorne & good neighbors.

15. BVSD had issues with noise, dust and trash when the site was occupied by BMC. Eliminating the dirt lot will help the dust issue.
16. BVSD would like to see an improved, landscaped border between their property and the 6400 site. The northern half of BVSD's property adjacent to 6400 is instruction and the southern half is industrial.
17. Thorne is concerned about noise, especially the beeping from trucks backing up, which interferes with on-site programs with 4th graders.

Opportunities for the Office Building

18. Children tours.
19. Visitors Center to describe CHaRM, Eco-Cycle and ReSource and other waste-reduction efforts.
20. Integration of moving all three aspects of the Center for Resource Conservation (CRC) program areas to the building– which includes energy, water, and waste reduction education would be in one place.

Information to bring forward to Planning Board and Council

21. What will be revenue producing improvements?
22. What will be the waste reduction potential for various scenarios?
23. How much money is needed for immediate improvements?

Potential New and Expanded programs for CHaRM and ReSource

24. CHaRM is interested in creating an R&D program called the Repair & Innovation Center. Already seeking government grant funding.
25. ReSource is using its reclaimed lumber for creating saleable items (sheds & adirondack chairs).
26. CHaRM – Soft C&D, recycling of gypsum wall board, carpet and acoustic ceiling tiles. Biggest issue is to create a local market that will take the processed material, without having to ship out of state.
Note: Gypsum wall board can not be ground up for soil amendment if it has been painted and Colorado soils do not need this type of soil amendment.

Process Comments

27. Can not increase building SF until annexation is complete.
28. Comments were made to keep all 10 acres for maximum flexibility – if it is financially feasible.

Stakeholder Group			
6400 Arapahoe Avenue			
List of Invitees			
Name	Organization	Email	attendance at Thursday 3/18 meeting
Boulder Valley Schools			
Don Orr	BVSD- Executive Director of Planning, Engin, and Constr. Bond	don.orr@bvsd.org	no
Joe Sleeper	BVSD	joe.sleeper@bvsd.org	yes
Ghita Carroll	BVSD - Sustainability Coordinator	ghita.carroll@bvsd.org	yes
Glen Segrue	BVSD Planner (720-480-3119)	glen.segru@bvsd.org	yes
Boulder County			
Jana Peterson	Boulder County - Director of Adminstrative Services	jpeterson@bouldercounty.org	no
Ann Livingston	Boulder County	alivingston@bouldercounty.org	yes
Jeff Callahan	Boulder County Resource Conservation Division	jcallahan@bouldercounty.org	yes
CDOT			
Bob Hays	CDOT (303-546-5655)	robert.hays@dot.state.co.us	yes
Dan Marcucci	CDOT (303-546-5658)	daniel.marcuncci@dot.state.co.us	yes
Thorne Ecological Institute			
Oak Thorne		oak@thorne-eco.org	yes
Keith Derosiers		keith@thorne-eco.org	no
Eco-Cycle			
Allyn Feinberg	Eco-Cycle Board Chair	afeinberg@erthinc.com	yes
Eric Lombardi	Executive Director	eric@ecocycle.org	yes
Dan Matsch	CHaRM Manager	dan@ecocycle.org	yes
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Shaun LaBarre	ReSource Manager	slabarre@resourceyard.org	yes
City of Boulder Environmental Advisory Board			
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Consultant Team			
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6400 ARAPAHOE ROAD SITE NEIGHBORHOOD MEETING #1 - SUMMARY NOTES

PROJECT NAME: 6400 Arapahoe Road
DATE OF MTG: April 5, 2010
ATTENDEES: Attached

The meeting agenda consisted of a presentation by Elizabeth Vasatka summarizing the project background, project process and vision, followed by presentations from each of the nonprofits to describe their business operations. Following and during the presentation there was an open discussion of the issues and opportunities to furthering the City of Boulder's waste reduction goals and uses of the 6400 Arapahoe Road property.

DISCUSSION NOTES:**Concerns of 6400 Property Uses**

1. Heavy C & D (Construction and Demolition) processing, specifically processing of concrete, asphalt and other aggregates will not occur at the 6400 property due to concerns about noise and pollution expressed by neighbors. Boulder County is exploring this use (heavy C&D processing of aggregates, concrete, asphalt and asphalt shingles) on 63rd Street.
2. Household hazardous waste, such as collection of batteries, will not be collected or processed at the 6400 property. The new Boulder County Hazardous Material Management facility will not be located at this site.
3. Eco-Cycle processes "traditional" recyclables at the Boulder County Recycling Center on 63rd Street and transports compostables to Platteville for processing. Neither of these materials will be processed at the 6400 property.
4. The Center for Hard-to-Recycle Materials (CHaRM) Repair & Innovation operations should prepare a set list of allowable repair activities and standard protocol to control the use of any hazardous materials. The process of soldiering repairs to small electronics should be reviewed to clearly understand potential health risks and how to limit pollution.
5. CHaRM has a standard protocol to deal with the breakage of donated electronics such as CRT's computer monitors to limit pollution and waste. Breakage of CRT's from computers and TV's is rare.

Budget/Financing/Economics

6. The purchase of the 6400 property went through an expedited process in 2009. The purchase of the property was expedited due to the nature of the original purchase agreement between Boulder County and the sellers. Timelines were agreed upon in the original contract that the city either had to adhere to or risk the chance of losing the property.

7. The 6400 property is approximately 10 acres and was initially larger than the City of Boulder was planning for in comparison to the four acre Brickyard site on 63rd Street. The programming of the land is part of a process the city is embarking upon to explore and evaluate other waste reduction uses for the eastern part of the property.
8. \$1.8M is available to spend on hard costs (building and site improvements) and soft costs (design professional services, review and application costs for land use processes) for phase one development the 6400 property.
9. The primary purpose of the land was to relocate Eco-Cycle, CHaRM and the ReSource operations to the site. Once the nonprofits' space planning for programming and operations is completed, then the remaining land will be evaluated for additional waste reduction uses. Additionally, due to the financial structure of the purchasing the site, options will be explored to sell off a portion of the eastern side of the land that could assist the city in generating revenue and recover some cost.
10. Should the City of Boulder consider the sale of any portion of the property, the residents expressed concerns about other developers' use the site.
11. Eco-Cycle is a self sustained nonprofit who sells it services to the community through educational programs, collection and processing of recyclable materials. The sale of its services provides enough income to sustain its \$2.5 million payroll and business operations annually.
12. Unlike the commercial recycling for-profit businesses, Eco-Cycle maintains a unique operation that not only collects traditional recyclable and compostable materials, but also collects hard to recycle materials for recycling or reuse.
13. Funding for purchase and development of the 6400 property is from the City of Boulder Trash Tax.

Property Improvement Concerns

14. Landscape improvements, such as trees and smaller vegetations, are encouraged to control blowing dust and debris, especially surrounding the dirt portion of the 6400 property. Landscaping improvements are required as part of the City of Boulder development requirements and will be budgeted for in the phase one improvements to the property.
15. Colorado Department of Transportation (CDOT) upgrades to Arapahoe will be between Cherryvale and 75th. The five lane road improvements in front of 6400 Arapahoe will include a center turn lane.
16. Development of the 6400 property should be attractive and mindful of property values of the nearby residence.

Concerns Beyond Property Boundaries

17. Property immediately south of site is owned by Boulder Valley School District (BVSD), from 63rd east to the gate near the fueling station. This site is currently littered with debris.
18. CDOT roadway and future potential RTD rail station improvements are not anticipated to affect the development of the 6400 property. It was noted that future increased rail traffic (if it occurs) will affect automobile traffic on 55th Street and 63rd Street.
19. It is assumed that the improvements to Cherryvale between Baseline and Arapahoe being considered by Boulder County will be to slow traffic speeds on Cherryvale, not speed traffic up.

Process Comments

20. Neighbors expressed views for the city to keep all 10 acres of the site, due to the unknowns of potential buyer's desire to develop.
21. Although the design team was hired by the city in February, they have not begun the design of the building or site improvements. The design team's services up until the Neighborhood Meeting #1 on April 5 have been to assemble the nonprofits' programming requirements, constraints and concerns. Several meetings with each of the nonprofits were held to establish their programming requirements (space and building needs) for the present time and vision for their organization. This programming data, as well as the large group meetings with the neighborhood and stakeholders will be used in the process of designing the improvements to the buildings and site through April and May concept design process.
22. This was the first of three good neighbor meetings to get residents' input. Advanced notice of the neighborhood meetings is crucial for the public involvement. The standard 10 day notice for meetings isn't enough and the neighbors would appreciate as much notice as possible. Interested parties are encouraged to provide their e-mail address to Elizabeth Vasatka to be placed on a list-serve or to regularly check the city website to keep informed with project postings and meetings.
 - Contact information for Elizabeth Vasatka is vasatkae@bouldercolorado.gov or 303-441-1964
 - The project web site is www.bouldercolorado.gov/issues/projects/ Future Waste Reduction Facilities- 6400 Arapahoe Road

Attendee List

Public: Jennifer Marquardt, Judith Renfroe , David Prinster, Adam Jackaway, James D. Warren, Noel Shove, Judy Shove, Stacy Stoutenberg, Elke Meier, Charla Berens, Mary Caraway, Albert Chapman, Laura Tack, Anne Larson, and Gwenne Hume

City Council member: Lisa Morzel

City of Boulder staff: Elizabeth Vasatka, City of Boulder, project manager and Elaine McLaughlin, City of Boulder, senior planner

Consultant team members: Nathan Pillatzke, PEH Architects; Jim Brzostowicz, Drexel Barrell; Bill Fox, Fox Higgins; and Lynda Gibbons, Gibbons White

Tenants of the property, nonprofit staff: Eric Lombardi, Eco-Cycle, Executive Director; Dan Matsch, Eco-Cycle, CHaRM Manager; Keith Frausto, Center for ReSource Conservation (CRC), Executive Director and Shaun LeBarre, CRC, ReSource director

6400 ARAPAHOE ROAD SITE NEIGHBORHOOD MEETING #2 - SUMMARY NOTES

PROJECT NAME: 6400 Arapahoe Road
DATE OF MTG: July 7, 2010
ATTENDEES: Attached

The meeting agenda consisted of a presentation by Elizabeth Vasatka, City of Boulder project manager, summarizing the project background, project intent and tenant's Eco-Cycle, Center for Hard to Recycle Materials (CHaRM) and ReSource operations for the site. After the general information, Carol Adams from Studio Terra, managing the land use review processes, presented the layouts for the Phase I and Phase II Concept Plans. Phase I is the layout with the nonprofits' operations sharing the existing buildings with minor retrofits to the buildings and improvements to the site, within approved city budget. Phase II is the nonprofits' vision for their operations; which includes a new 12,000 square foot warehouse, which funding is not currently identified. Yet, at the June 3, City Council study session, it was recommended that Phase II funding be evaluated in the context of the five year update to the Master Plan for Waste Reduction (MPWR). The update will start in the fourth quarter of 2010, and staff will return to council in the first quarter of 2011 with recommendations.

DISCUSSION NOTES:

Concerns of 6400 Property Uses

1. Concerns were raised again about the potential on construction and demolition (C&D) collection and processes at the site. It was clarified that no heavy C&D materials will be processed at this site.
2. Neighbors raised concerns about having a southern access on the site with respect to vehicles' impact to the ditch and marsh. It was explained that at this time the city wasn't actively pursuing an agreement with Boulder Valley School District (BVSD) to use its south access but that would still enter into discussions on this issue with BVSD, including evaluating pros and cons. The neighbors that attended are not in favor of a southern access on the site.

Property Improvement Concerns

1. The landscaping shown on the Concept Plan drawings has a break on the eastern boundary of the property. It was suggested that the landscaping should not break and be planting continuously along the eastern perimeter of property.
2. It was explained that larger trees can not be planted on the perimeter of the site due to the placement of a waterline. City regulations state that trees can't be planted within 10

feet of a water, storm sewer or sanitary sewer line. As an alternative, it was recommended that native or indigenous species of tall bushes and shrubs will be planted instead.

Concerns Beyond Property Boundaries

1. It was commented that, at least a short right turn lane eastbound from Arapahoe into 63rd Street (where trailer park is located), even if Arapahoe is widened to four lanes (two eastbound). This would help patrons of the Sombrero Marsh Environmental Education (BVSD/Thorne) coming eastbound from Boulder.
2. It was noted that a sign, like the Stazio Ballfields sign, for Thorne Ecological Institute (TEI) and the Sombrero Marsh Environmental Education Center at 63rd and Arapahoe. The TEI and BVSD have requested this in the past.

Both these issues and comments were forwarded to the CDOT project managers for the Arapahoe Road project.

Process Comments

- Contact information for Elizabeth Vasatka is vasatkae@bouldercolorado.gov or 303-441-1964
- The project web site is www.bouldercolorado.gov/issues/projects/ Future Waste Reduction Facilities- 6400 Arapahoe Road

Attendee List

Public: Judith Renfroe, Adam Jackaway, Elke Meier, Dr. Oakleigh Thorne, and Jen Leland

City of Boulder staff: Elizabeth Vasatka, City of Boulder, project manager and Glen Magee, City of Boulder, facilities architect

Consultant team members: Carol Adams, Studio Terra; Nathan Pillatzke, PEH Architects; Matt Adams, Drexel Barrell; and Bill Fox, Fox Higgins

Tenants of the property, nonprofit staff: Eric Lombardi, Eco-Cycle, Executive Director; Dan Matsch, Eco-Cycle, CHaRM Manager; Keith Frausto, Center for ReSource Conservation (CRC), Executive Director and Rob Baer, CRC, ReSource manager

Boulder City Council Study Session

Waste Reduction

Zero Waste Planning

6400 Arapahoe Road

“Single Hauler” Issues and Opportunities

June 3, 2010

6 – 7:30 p.m.

**1777 Broadway
Municipal Building
City Council Chambers**

Submit Written Comments to City Council

ATTN: Alisa Lewis, City Clerk

1777 Broadway, 2nd Floor

P.O. Box 791

Boulder, CO 80306

or Fax to 303-441-4478

or E-mail: council@bouldercolorado.gov

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AGENDA

Following is the proposed agenda for the study session. Each section will begin with a five to ten minute presentation by staff followed by a discussion among council members.

6:00 to 6:30 p.m. **SECTION I: Background - Zero Waste Planning**

To set the context for the specific discussions about 6400 Arapahoe Road and single hauler contract considerations, this section includes:

- Background on the city’s 2006 Master Plan for Waste Reduction:
 - Timeline and process for the 2011 update;
 - Key strategies for zero waste, including education, programs, facilities and regulation;
 - Next steps; and
 - Possible funding needs.

6:30 to 7:00 p.m. **SECTION II: 6400 Arapahoe Road**

The purpose of this section of the study session is to focus on two facilities and organizations that play a key role in meeting the city’s zero waste goals: the ReSource used building materials yard and the City of Boulder/Eco-Cycle Center for Hard to Recycle Materials (CHaRM), as well as Eco-Cycle’s offices, all of which will be located on the city’s land at 6400 Arapahoe Road. This discussion will:

- Update City Council on the status of the 6400 Arapahoe Road land use review process and timing;
- Present Phase I and Phase II draft concept plans for the site and an analysis of the benefits and costs;
- Identify possible funding sources for Phase II construction; and
- Seek council guidance on staff’s recommended timing and process moving forward.

7:00 to 7:30 p.m. **SECTION III: “Single Hauler” Issues and Opportunities**

The purpose of this section of the study session is to present the objectives behind municipal trash and recycling collection (with a single hauler contract); to discuss the risks and potential rewards of initiating that process; and to seek council direction on next steps.

MEMORANDUM

TO: Mayor Osborne and Members of City Council

FROM: Jane S. Brautigam, City Manager
Paul J. Fetherston, Deputy City Manager
David Driskell, Executive Director of Community Planning and Sustainability
Maureen Rait, Executive Director of Public Works
Joe Castro, Facilities and Fleet Manager
Kara Mertz, Local Environmental Action Manager
Elizabeth Vasatka, Business Sustainability Coordinator
Marie Zuzack, Temporary Project Specialist

DATE: June 3, 2010

SUBJECT: **Study Session: Waste Reduction:** Zero Waste Planning; 6400 Arapahoe Road; and Single Hauler Issues and Opportunities

PURPOSE:

The purpose of this study session is to discuss the city's Master Plan for Waste Reduction (MPWR), including the next steps to identify appropriate facilities, programs, regulations, education and possible funding needed to move toward the city's zero waste goal. Two specific issues for discussion relate to the planned relocation of Eco-Cycle and ReSource to 6400 Arapahoe Road and the potential benefits and risks of pursuing a single hauler contract for trash and recycling.

Section I is informational and includes background on the city's MPWR.

Section II relates to specific site options for 6400 Arapahoe Road.

Section III includes a discussion of options for moving forward with a municipal contract for a single hauler to collect residential trash and recycling in the city.

SECTION I: ZERO WASTE PLANNING

Note: Section I has no specific questions for council to answer. It is provided as information to set the context for Sections II and III.

BACKGROUND

Update to the Master Plan for Waste Reduction (MPWR)

In 2006, City Council accepted the MPWR as a roadmap to achieve an 85 percent waste diversion rate by 2017. At the same time, council adopted a Zero Waste Resolution that lays out the framework for policy and operational decisions that follow the guiding principles of zero waste:

Managing resources instead of waste; conserving natural resources through waste prevention and recycling; turning discarded resources into jobs and new products instead of trash; promoting products and materials that are durable and recyclable; and discouraging products and materials that can only become trash after their use.

Three significant changes have occurred since the MPWR was originally written:

1. Retrofitting of the Boulder County Recycling Center to accept single-stream recyclables (mixed beverage containers and paper products) was delayed until late 2008, affecting the city's ability to implement residential curbside collection program of single-stream recyclables and compostables.
2. On August 18, 2009, City Council approved a trash tax increase to purchase the property at 6400 Arapahoe Road to relocate Eco-Cycle offices, the city/Eco-Cycle Center for Hard-to-Recycle Materials (CHaRM) and ReSource, the used building materials yard operated by the Center for Resource Conservation. The purchased property includes two unprogrammed acres that could host additional waste diversion programs and/or infrastructure.
3. The MPWR estimated a one-time city contribution of \$400,000 to help relocate Eco-Cycle and ReSource to "Recycle Row," envisioned as a consolidated location for community-wide recycling and reuse. By comparison, bonding for the purchase of 6400 Arapahoe Road committed between \$440,000 and \$576,300 per year in city funds for each the next 20 years to achieve this.

These changes materially affect the MPWR, necessitating a community and stakeholder engagement process to update the Master Plan. This update, scheduled to begin in late 2010, will involve a public process to update the vision for the community's path to zero waste, including an evaluation of current city programs. Staff will be working closely with the city's community waste reduction partners: Boulder County, Eco-Cycle, Center for Resource Conservation, Western Disposal and others to identify new programs, facilities, education and regulations that would move Boulder toward zero waste. In addition, Boulder County is in the process of developing its zero waste plan. The city's MPWR update will build on any policy and programmatic guidance that comes out of the County's plan. Council will consider the update to the MPWR during the first half of 2011.

Moving toward zero waste

In the city's MPWR, the vision plan scenario of "zero waste (or darn near)" equates to approximately 85 percent community-wide waste diversion. With the 2008 residential curbside compost program and 2008 construction waste and demolition mandates, Boulder's overall community-wide diversion rate rose from approximately 31 percent to approximately 35 percent. In 2009, the commercial sector recycled and composted about 26 percent of its waste, while the residential sector recycled and composted 48 percent of its waste. Because businesses generate approximately 65 percent of Boulder's total waste stream, this results in an overall community-wide diversion rate of 35 percent. These rates are approximate; they are primarily based on hauler reporting.

Reducing business waste will substantially increase the community-wide diversion rate and is a critical component to meeting the city's zero waste goal. The city currently has five primary tools for increasing business recycling:

1. Personnel and programmatic support for the Business Partners for a Clean Environment (PACE) program that provides targeted technical assistance and

certification to businesses to meet criteria relating to solid and hazardous waste reduction and energy efficiency.

2. A compost collection rebate program, where any business that subscribes to compost collection services is eligible to receive a \$2.50 subsidy from the city for each cubic yard collected for composting.
3. A business recycling coupon for any business that does not have a recycling program. The city provides coupons, redeemable through any recycling hauler, for three months of free recycling service.
4. A yard waste and wood waste drop off center funded by the city and designed primarily for landscaping companies and construction contractors (as well as self-haul individuals and businesses) to recycle their yard waste and wood waste materials.
5. Construction waste and demolition re-use and recycling requirements through the Green Points and Green Building ordinance, which applies to all new residential construction and additions over 500 square feet. The code requires a minimum of 50 percent of construction waste to be recycled. In addition, if a demolition project impacts more than 50 percent of an existing house, the ordinance requires recycling or reuse for 65 percent of the building materials.

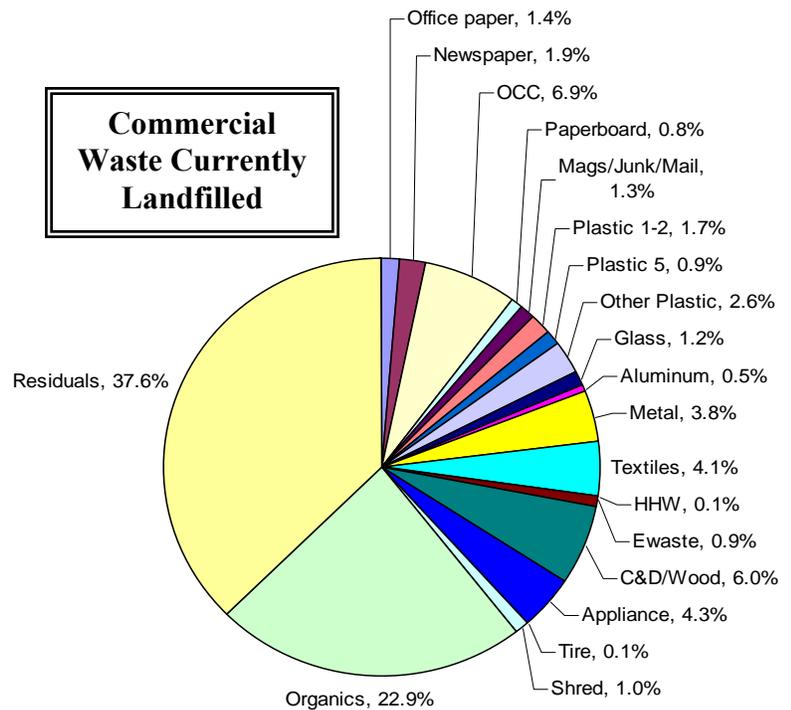
The current funding source for waste reduction programs, incentives and infrastructure is the trash tax. 2010 revenues from the trash tax are projected at approximately \$1.8 million. **Attachment A** includes a chart that shows 2010 trash tax programs.

MPWR Guiding Principles

The guiding principles contained in the Master Plan are:

- Identify service voids.
- Create effective partnerships with for-profit and nonprofit organizations to expand services with minimal city investment.
- Support programs that are convenient.
- Utilize economic incentives to alter habitual behavior.
- Help build infrastructure and then require its use once it's convenient and economical.

Following these principles, the city has identified the service voids that exist for commercial waste reduction. A study¹ on Boulder's commercial waste reduction potential analyzed the composition of



¹ SERA, Skumatz Economic Research Associates, Inc.: Western Disposal Commercial Waste Characterization Report, October, 2009. Available upon request.

Boulder's commercial waste that is currently going to the landfill.

To move beyond the current community-wide diversion rate of 35 percent, the city's existing business waste reduction programs must be examined for their effectiveness. In addition, the 2009 study showed that recyclable and compostable materials comprise up to 46 percent of the commercial waste stream; therefore, new commercial programs should focus on increasing the collection of traditional recyclables (business paper, corrugated cardboard, mixed food and beverage containers, metal) and instituting programs to capture commercial food waste as well as commercial building construction and demolition debris.

Commercial composting

Following the MPWR's guiding principles, to divert a significant portion of the commercial waste stream, the city should *create effective partnerships with for-profit and nonprofit organizations* to help develop a viable, competitively-priced compost facility that can process commercial organics, which comprise about 23 percent of the commercial waste stream. Currently, the only compost site near Boulder is located on 63rd street and is operated by Western Disposal. Other Front Range compost sites are located in Platteville and Golden, CO. Western Disposal's compost site accepts compostable materials from residents, the University of Colorado and Western's own commercial customers, but does not currently accept commercially-generated compostable materials from other haulers. Some issues preventing Western Disposal from accepting other haulers' commercial organics include:

- Lack of contractual arrangements;
- Lack of local markets for the finished compost product; and
- Site capacity.

The city has begun discussions with Western Disposal to identify provisions that could form the basis for a contractual arrangement with the city that would require Western Disposal to accept commercial organic materials from other haulers. This could be incorporated into the city's existing yard waste drop off center contract with Western Disposal. Part of this contractual arrangement could include City and County use of the finished compost product to help develop a local market and to alleviate Western's site capacity constraints. If finished product moves off the site faster, more capacity is available for materials that are in the active stages of the composting process, and thus, more compostables are able to be accepted at the site for processing.

Some community members have proposed the city could invest in a publicly owned and operated compost site. This is an alternative to consider as the city moves forward with its MPWR update process. However, it should be noted that composting facilities are often difficult to site near urban areas because of opposition from neighbors. **Attachment B** contains a summary of Alameda County, California's experience of two unsuccessful attempts (over a fifteen year period) to develop a new publicly owned composting facility. There are no publicly-owned composting facilities in the Front Range of Colorado, as the equipment and permitting costs are significant. On the Western Slope, Dillon owns its own compost facility.

For its existing compost operation, Western Disposal has invested approximately \$1.5 million for equipment, engineering and to meet state permitting requirements, in addition to the original land acquisition costs.

As part of the update to the MPWR, the city will identify community needs and priorities as they relate to commercial composting, and any new or existing facility will be analyzed for its ability to meet these needs and priorities.

Construction and demolition debris recycling

Another void that has been identified in commercial waste diversion is a facility (or facilities) for collecting, storing, sorting, processing and transferring construction and demolition (C&D) materials (e.g., concrete and asphalt). Boulder County is currently in negotiations with Western Disposal to obtain land along 63rd Street for some of this C&D processing. A local C&D processing facility would enable increased incentives and requirements to capture this portion of the commercial waste stream. Again, as part of the update to the MPWR, the city will vet any possible arrangements with Boulder County and/or other entities to ensure community needs and priorities are considered with regard to C&D recycling.

Commercial recycling requirements

The MPWR recommends that the city adopt a “rates and dates” ordinance where a percentage of the commercial waste stream must be recycled by a certain date. In the years leading up to such a requirement, the city could use trash tax funds to focus on education, outreach and data collection. These years would also provide a period within which the private sector haulers could provide increased commercial recycling services. An ordinance could target specific materials by business type or could offer businesses a choice of several easily recyclable materials. The MPWR proposes that if the goal is not met by the pre-established date, a commercial source-separation ordinance could be instituted that would require any businesses that generate substantial amounts of paper, cardboard or compostables to separate this material from the trash. By limiting the requirement to businesses that generate substantial quantities of recyclables, these businesses could potentially reduce their trash collection service by a commensurate volume in order to remain cost neutral.

Commercial waste reduction and new energy efficiency programs

The city’s Climate Action Plan goal includes programs that are currently being designed to reach 3,000 businesses by the end of 2012. This targeted business outreach will focus on energy efficiency upgrades, but the platform will also be used to provide education and one-on-one technical assistance to businesses to help establish or expand their recycling programs. This program will be delivered, in part by the PACE program staff in partnership with Boulder County.

“The last 10 percent”

In addition to facilities and programs for compostables and C&D, the “last ten percent” of the road to zero waste (moving from 75 to 85 percent diversion) will require facilities to handle the rest of the hard-to-recycle materials such as carpet and drywall. Some of these materials may be able to be processed at the city’s 6400 Arapahoe Road site. The

site review process for that property will identify constraints and allowable uses for the property and the MPWR update will address facility needs and potential locations.

NEXT STEPS

During the fourth quarter of 2010, the city will embark on its update to the MPWR. Once community priorities are identified and programmatic recommendations are developed, the city will identify public-private partnership models that move Boulder closer to its zero waste goal. The MPWR update will include fiscally constrained, action and vision plans for zero waste. Each section of the plan will include recommendations for education, programs, facilities and regulations, as well as potential nonprofit and for-profit partners.

Generally, increased regulation will result in decreased public investment. However, regulations are obviously more difficult to tackle from a political perspective. City staff will endeavor to minimize the economic impacts to Boulder residents and businesses when developing recommendations. Any ordinance paths would include two to five years of city-sponsored technical assistance and incentives to encourage early adoption in advance of the regulation.

Ultimately, the balance between programmatic assistance and regulatory control will be a council policy decision, and should only be made after adequate recycling facility infrastructure has been developed. Staff will return to council during the first quarter of 2011 with recommendations for the MPWR update and the path to zero waste.

SECTION II: 6400 ARAPAHOE ROAD

PURPOSE

The purpose of this section of the study session is to:

- Update City Council on the status of the 6400 Arapahoe Road land use review and entitlement process;
- Present the Phase I and Phase II draft concept plans for the site and an analysis of their benefits and costs;
- Identify possible funding sources for Phase II construction; and
- Seek council guidance on staff's recommended timing and process moving forward.

QUESTIONS FOR COUNCIL

1. Do council members have questions about the Phase I or Phase II draft concept plans or site development funding?
2. Does council agree with staff's recommendations for next steps and timing?

EXECUTIVE SUMMARY

Included in this memo packet for council discussion is the draft concept plan for 6400 Arapahoe Road with a Phase I and Phase II.

The Phase I site configuration will cost approximately \$450,000 over the original budget, but is able to be funded through 2009 trash tax fund balance and compensation the city is expecting to receive from the Colorado Department of Transportation (CDOT) for the

transfer of rights-of-way (ROW) as part of CDOT's project to improve Arapahoe Road. Staff believes Phase I carries out council direction from August 2009 and provides the nonprofits with additional space in this location to accommodate their near-term growth. The Phase II site configuration represents a vision plan for the nonprofit organizations; however, it is estimated to cost \$1.67 million above Phase I and neither the city nor its nonprofit partners have yet identified a viable funding source for this Phase II development. Phase I is designed to lead into Phase II if funding becomes available. Staff is recommending moving forward with a concept plan that includes both Phase I and Phase II; completing the update to the MPWR; and initiating site review based on the results of the MPWR update.

BACKGROUND

The city purchased 6400 Arapahoe Road in August 2009 as a permanent location for Eco-Cycle's offices and the jointly-funded City of Boulder/Eco-Cycle Center for Hard-to-Recycle Materials (CHaRM) as well as for ReSource, the used building materials yard operated by the Center for ReSource Conservation's (CRC). At the time, this site was selected over another potential site, the "brickyard" on 63rd Street, because the existing buildings and land on the western side of the 6400 Arapahoe Road property provided the nonprofits with more space than the brickyard. ReSource was allowed to move to the new site in September 2009 under County zoning (as a continuation of the previous lumber yard use). However, the property must be annexed into the city before Eco-Cycle and CHaRM can move. The first step in the annexation process is concept plan development and review. (**Attachment C** outlines the land use review and entitlement process and schedule.) Annexation and site review will proceed after the MPWR update.

Annexation and site review are expected to begin in the first quarter of 2011, with site and building improvements to begin thereafter. If as part of the MPWR update it is determined that Phase II is a priority *and* a viable funding source is identified in the short term (to be in place within two years), staff recommends not building Phase I, but instead building Phase II and having Eco-Cycle stay at its current city yards location until Phase II is complete. On the other hand, if the MPWR update does not prioritize Phase II development or if funding for Phase II is not possible within this two-year timeframe, staff recommends that Phase I be built for Eco-Cycle to move to 6400 Arapahoe Road when Phase I is complete. In this case, Phase II funding could be sought over a longer period of time. Site review will include plans for either Phase I or Phase II development as appropriate.

Financing the purchase of 6400 Arapahoe Road

The purchase price for the 6400 Arapahoe Road property was \$5.45 million, and an additional \$1.85 million was set aside through the financing for the cost of preparing the site for Eco-Cycle, CHaRM and ReSource to move in and operate. The site preparations include repair and minor improvements to the existing buildings; required site landscaping and utility work; and consultant and development fees for the concept plan, annexation and site review processes.

The city paid for the property with \$1.3 million in cash and \$4.15 million from the \$6 million bond proceeds. The \$1.3 million cash portion of the purchase was comprised of:

- \$800,000 from a CIP (Capital Improvement Program) fund that set aside funds between 2005 and 2009 for purchasing property for Recycle Row; and

- \$500,000 as a loan from Boulder County.

This \$1.3 million cash equity in the property provides the city with flexibility to sell a portion of the property later, if desired. The maximum \$6 million bond amount was issued in order to make the most of the relatively high administrative cost of bond issuance, and the remaining bond proceeds, \$1.85 million (the amount not used for the purchase of 6400 Arapahoe Road), were allocated toward land use review and site and building improvements. This arrangement is summarized in the table below.

Funding Sources for Initial Purchase of 6400 Arapahoe Road	
Description	Amount
City of Boulder CIP	\$ 800,000
Boulder County Loan	\$ 500,000
Bond Proceeds Used to Purchase Site	\$ 4,150,000
Total Funding to Purchase the Site	\$ 5,450,000

Total Bond Proceeds	
Description	Amount
Bond Proceeds Received	\$ 6,000,000
Bond Proceeds Used to Purchase Site	\$ (4,150,000)
Remaining Bond Proceeds for Land Use Review, Site and Building Improvements	\$1,850,000

The \$6 million bond and the \$500,000 County loan will be paid back over time by trash tax revenues for 20 years and 4 years, respectively.

Costs associated with the purchase of 6400 Arapahoe Road

The total costs for the 6400 Arapahoe Road purchase include: purchase price of the property; bond issuance and interest; interest on the loan from the Boulder County; and land use review and site and building improvements (Phase I). These are summarized in the table below. The proposed Phase II expansion was not part of the original purchase financing.

City Costs for 6400 Arapahoe Road	
Property Purchase Price	\$5,450,000
Land Use Review, Site and Building Improvements	\$2,299,000*
Bond Interest over 20 Years	\$2,500,000
Bond Issuance	\$100,000
County Loan Interest over 4 Years	\$45,310
Total Cost	\$10,394,310

* revised from original \$1,850,000 estimate (see analysis section)

Other financial obligations between the city and the nonprofits, including program-specific service contracts, are outlined in **Attachment A**.

Land use review process and schedule

The Public Works and Community Planning and Sustainability departments have hired a planning consultant team led by StudioTerra, to work with staff to complete the land use review processes, which includes the following:

Concept Plan: Currently underway

- Staff and consultants work with Eco-Cycle, the CRC and stakeholders to identify space needs and site opportunities, constraints, and vision for the future.
- One neighborhood meeting occurred in April, one additional neighborhood meeting planned for June.
- Planning Board review and comment on concept plan in third quarter 2010.

Annexation and Site Review: Fourth quarter 2010 – first quarter 2011

- One neighborhood meeting
- Planning Board public hearing to review and make recommendation to City Council
- City Council public hearing to review and consider approval

Attachment C provides more detail on the above steps. Additional information on the land use review processes is also available in the [March 25, 2010 Weekly Information Packet](#), online at www.bouldercolorado.gov → City Council → Weekly Information Packets → 2010 → March 25, 2010.

PUBLIC INPUT

A stakeholder meeting was held on March 18 to discuss issues and opportunities for advancing the city's waste reduction goals at the 6400 Arapahoe Road site. Attendees included representatives from:

- Boulder County staff
- Boulder County Resource Conservation Advisory Board
- Boulder valley School District (BVSD)
- CDOT
- Thorne Ecological Institute
- Eco-Cycle
- CRC
- Trash hauling and recycling industry professionals.

A neighborhood meeting was held on April 5 to present information on the concept plan development for 6400 Arapahoe Road and to hear questions and feedback from neighbors. Staff from Eco-Cycle and the CRC also described their business operations planned for the western side of the site. Approximately 15 members of the public attended. Input from participants included the following:

- Concern about future uses if an eastern portion of the property is sold by the city.
- Landscape improvements, such as trees and smaller vegetation, are encouraged to control blowing dust and debris, particularly from the unpaved part of the site.
- Development of the site should be attractive and mindful of the property values of nearby residences.
- The property adjacent to the south, owned by BVSD, is littered with debris.

- Concern that CHaRM repair activities, such as soldering, and breakage of donated electronics could potentially emit pollutants.

Participants discussed the following:

- Potential uses for the eastern portion of the site, including:
 - “soft strip” construction and demolition materials (e.g., carpet, ceiling tiles) sorting, staging and transfer and/or deconstruction. It was noted that noise and dust would be a concern if these activities were to be located outside;
 - diversion facilities for green wood waste, such as pine-beetle trees; and
 - small business start-up space.
- Site access, including potential for shared access with BVSD, and CDOT’s plans for improvements to Arapahoe Road;
- Possible ReSource and Eco-Cycle internships for occupational and Vo-Tech students;
- Interest in “green education” site tours by Thorne Institute; and
- Concerns about potential noise, dust, and trash from the site and improving landscaping along the border adjacent to BVSD.

ANALYSIS

Key findings

Key findings from the concept development process are provided in **Attachment G**.

Two findings of the most significance for this study session are:

1. The detailed space needs analysis and programming assessment for the nonprofits’ uses on the western side of site exceed the estimates for site use and budget prepared prior to site purchase:
 - The building repair and upgrades needed to meet the building code, the site and utility work to meet site review requirements and operational needs, and development review and consultant fees are estimated to cost about \$2.3 million, \$450,000 above the \$1.85 million originally estimated for Phase I (see **Attachment G** for details).
 - The existing warehouse can be retrofitted within this budget to create internal separation for ReSource and CHaRM to share the building. However, this is not the nonprofits’ ideal arrangement. They would both prefer a site configuration that would allow for separate warehouses for each nonprofit.
 - The existing office/showroom building will provide more than enough space for the nonprofits’ office uses, plus additional warehouse-type storage, community meeting space and two conference rooms.
2. Storage for Eco-Cycle’s commercial recycling operations (equipment storage and truck parking) had not been identified in the original space needs accounting and cannot be accommodated on the western half of the site. Both this storage area and a stormwater detention pond that serves the entire site are now planned to be located on the eastern side of the site, leaving only approximately two acres on the east for additional uses or for the city to consider selling. (As was originally estimated, CDOT improvements to Arapahoe Road are expected to require

approximately half an acre across the north edge of the property. More information on the option to sell a portion of the property is provided in the Phase II funding section below.)

The estimated \$450,000 cost overage for Phase I (above the \$1.85 million originally budgeted) can be covered by the city if, instead of having the nonprofits contribute, the city appropriates a \$150,000 trash tax fund balance and pays for the overage to be reimbursed by \$300,000 in ROW compensation from CDOT for its improvements to Arapahoe Road.

Waste reduction potential

Both the ReSource and CHaRM facilities handle materials that are particularly difficult to manage and recycle. However, it is important to note that from a strict tonnage perspective, the recycling of these materials will contribute minimally to the community's waste diversion. Expanded operations for CHaRM and ReSource at 6400 Arapahoe Road, including the Phase II amenities, are estimated to account for 2 percent of Boulder's waste diversion. This compares to 0.7 percent of community waste diversion at their previous locations. As was discussed in Section I of this memo, an additional 45 percent waste diversion is needed to achieve 85 percent waste diversion to meet the community's zero waste goal. **Attachment H** includes a table that outlines the current and potential future waste reduction facilities and the estimated waste diversion that could be attributed to each.

Phase I and Phase II concept plans

Phase I

Phase I of the draft concept plan (**Attachment D**) meets the original project scope, which was to provide permanent, improved facilities for Eco-Cycle, CHaRM and ReSource. Over the past nine months, staff and consultants have been working in partnership with the nonprofit organizations to ensure the site design meets all of their basic needs for occupancy and operations. The Phase I site plan exceeds the approved project budget of \$1.85 million by \$450,000. The city can cover this cost overage for the nonprofits by allocating a \$150,000 fund balance from the 2009 trash tax increase, and adding to this, approximately \$300,000 that will be paid to the city from the Colorado Department of Transportation (CDOT) for ROW compensation along Arapahoe Road.

Phase I utilizes the existing buildings and covered storage and two small warehouses from ReSource's old location on 63rd Street. The site plan provides the nonprofits with an average of:

- 68 percent more warehouse space and
- 60 percent more land

than at their locations at the city yards (Eco-Cycle) and 63rd Street (ReSource).

It should be noted that although the August council discussion anticipated the nonprofits would sit on half of the 10-acre property, once the site plan was designed to meet the nonprofits' needs and the detention pond was designed in to minimize impacts to the western side of the property, the concept plan programs between 7.4 and 8 acres of the 10-acre parcel. (See **Attachment E**, Site and Building Program Summary and Details.)

Phase II

A draft Phase II concept plan (**Attachment D**) has been prepared to meet the nonprofits' desire to develop an additional warehouse on the site. The warehouse would provide more interior storage and programming space; create a street presence; make vehicular flow around storage areas more convenient and give more identity and spatial definition to each nonprofit. In addition, it would create approximately 4,000 square feet of additional outdoor retail space. However, the additional cost for Phase II, approximately \$1.67 million, cannot be met within the existing project budget. (The estimated costs for Phase I and II are detailed in **Attachment F**. A review of the financing for the 6400 Arapahoe Road purchase and Phase I is provided below.)

Phase I and Phase II comparisons

The draft Phase I and Phase II concept plans take into account these findings and are the result of eight work sessions with Eco-Cycle, CRC, city staff and the consultant team. Both plans aim to allocate existing indoor and outdoor space to each nonprofit according to their needs and preferences. Some of the detailed space allocations for each nonprofit are still being worked out with Eco-Cycle and ReSource. Both plans reconstruct on site two smaller warehouses (approximately 3,000 square feet each) that were moved from ReSource's former 63rd Street location.

In comparison to Phase I, Phase II would:

- Add a second 12,000 square-foot warehouse along Arapahoe Road, north of the existing office/showroom building.
- Provide a clearer separation between CHaRM and ReSource operations than Phase I, allowing them to maintain a more distinct identity from each other on the site.
- CHaRM would have more indoor warehouse space, which they envision using for construction and demolition "soft strip" materials and a Community Repair Center.
- ReSource would have more indoor warehouse space, for a woodworks facility (making furniture out of reclaimed wood), a tool library (loaning tools to residents and businesses), and an architectural salvage showroom.

These Phase II uses are value-added amenities for the nonprofits and the community. The pros and cons of Phase I versus Phase II are summarized as follows:

PHASE I (total estimated cost = \$2,298,669)

Pros

1. Project is generally within budget; it can be paid for through city CIP, bond proceeds, trash tax fund balance, County loan, and ROW reimbursement.
2. Both nonprofits receive more space than they had or have currently (ReSource at 63rd St. and Eco-Cycle at city yards, respectively).
3. Both organizations expect significantly increased program participation due to better site visibility.
4. Previously unidentified programming needs could be accommodated.
5. Can evolve into Phase II at any time.

6. The timing of site development works well with the MPWR update and zero waste planning for the remaining two acres at 6400 Arapahoe Road.

Cons

1. Does not meet the nonprofits' ultimate vision because:
 - The site plan commingles CHaRM and ReSource operations;
 - CHaRM may not be able to collect commercial construction and demolition "soft strip" material until more indoor warehouse space is obtained; and
 - There is less flexibility in terms of unprogrammed indoor space when compared with the Phase II concept plan.

PHASE II (total estimated cost = \$3,969,553)

Pros

1. Preferred by both nonprofits, because:
 - Provides separate "identities" and more convenient location for administrative functions for each nonprofit; and
 - Results in more warehouse space for additional community amenities, such as woodworks, Community Repair Center, tool library and new Hard-to-Recycle materials.
2. From an urban design perspective, a new building at the street creates a better "gateway" into Boulder.

Cons

1. No identified funding for additional \$1.67 million.
2. Negligible additional waste diversion above Phase I.
3. With limited funding, Phase II could only be developed after the MPWR update, which will assess the additional programs, incentives, polices, infrastructure and costs necessary to achieve the city's zero waste goal.

Potential funding sources for Phase II

If the MPWR update prioritizes Phase II site development for 6400 Arapahoe Road, staff has identified six possible funding scenarios:

- a. Sell the eastern two acres at 6400 Arapahoe Road and use the proceeds to pay for Phase II development.
- b. Encourage the nonprofit organizations to embark on a capital campaign fundraising effort to fund Phase II.
- c. Place an initiative on the ballot to increase the trash tax further.
- d. Reallocate existing trash tax funds for current waste reduction programs (See **Attachment A** for details).
- e. After 2014, commit to reallocate \$136,300 in annual trash tax revenue that is currently appropriated to County loan payments.
- f. Consider alternative financing structures which may involve a private loan to the nonprofits or the city, or create a waste management facilities fund (see Section III: Single Hauler Contract Options).

a. Sell the eastern two acres at 6400 Arapahoe Road and use the proceeds to pay for Phase II development:

Gibbons-White commercial real estate brokers estimate the value of the two acres on the eastern part of the property, once annexed into the city, to be in the range of \$1 million to over \$1.6 million. The range is broad due to the lack of comparable sales in Boulder within the past two years.

Pros

1. This may raise enough capital to pay for Phase II site development.
2. The city would not have to tap into existing trash tax revenues or go to the voters to request an increase to the trash tax to pay for Phase II.

Cons

1. In the current real estate market, it is not clear what the actual proceeds would be from the sale of this parcel. Consequently, an additional funding source may be needed to fully fund Phase II.
2. If the city needs more land later, it is likely to cost more in the future to acquire a comparable two acre parcel.
3. The city does not normally fund nonprofit capital improvements (see b. below).

b. Encourage the nonprofit organizations to embark on a capital campaign fundraising effort to pay for Phase II

Under typical city lease agreements, if a nonprofit chooses to improve or expand existing city buildings or build new buildings on city property it is the nonprofit organization's responsibility to fund construction. As an example, the Dairy Center for the Arts recently conducted a capital campaign to raise funds needed for a building renovation at 2590 Walnut. A similar arrangement exists with the Boulder Museum of Contemporary Art (BMoCA), where the lease allows BMoCA to make improvements at its cost, with City Manager approval.

Pros

1. This would be equitable to the various nonprofit organizations with which the city currently has facility ownership/lease relationships.
2. Along with other city Facilities and Asset Management (FAM) standard practices for leased city property, this policy is being incorporated into the proposed FAM Master Plan update, currently underway.
3. This would preserve city trash tax revenues for facilities and programs that have significantly higher waste diversion potential.

Cons

1. Eco-Cycle has stated its preference to use its funding to pay for programs, not facilities. However, it could be structured such that Eco-Cycle's fundraising could be used for programs and the city annual programmatic contribution to CHaRM could be re-appropriated as a facility investment, although this would be counter to standard FAM practices.

c. Place an initiative on the ballot to increase the trash tax further:

A vote would be required to increase the trash tax; the existing tax is set at a rate equal to the maximum amount approved by the voters in 1994. This would need to be placed on the ballot in 2011 or later and should be weighed against the city's other taxing priorities.

Pros

1. Seeking voter approval for specific zero waste facility needs is the most representative way to seek approval for this type of initiative.
2. The trash tax could be increased to pay for additional waste reduction needs as may be identified in the MPWR update process.

Cons

1. There is no guarantee that a voter initiative would pass. Given that the trash tax rates were recently increased (even though approved fifteen years earlier), there may be less support to increase the tax again at this time.
2. Funding would not be in place until late 2011 or early 2012 at the earliest.
3. The city does not typically fund nonprofit capital improvements.

d. Reallocate existing trash tax funds from current waste reduction programs

The existing trash tax is used to pay for programs as outlined in **Attachment A**. If reallocated trash tax funds are used to pay for Phase II construction, it will be important to identify tradeoffs and to ensure community priorities are being met. The MPWR update will help identify these community priorities and will assess existing and planned programs for their ability to move Boulder toward its zero waste goal.

Pros

1. By reallocating existing trash tax funds, the city would not have to go to the voters to request an increase to the trash tax to pay for Phase II.
2. The nonprofits would not have to conduct a capital campaign to raise funds for Phase II development.

Cons

1. Until the MPWR update is complete, it is unclear whether Phase II at 6400 Arapahoe Road is the most cost-effective or responsible way to spend existing trash tax dollars.

e. After 2014, commit to reallocate \$136,300 in annual trash tax revenue that is currently appropriated to County loan payments.

It would take approximately 12 years to set aside the needed \$1.67 million. The MPWR update will help identify priority needs for trash tax funds including any portion of the trash tax that is currently associated with debt service.

Pros

1. By reallocating trash tax revenue, the city would not have to go to the voters to request an increase to the trash tax to pay for Phase II.
2. Existing trash tax programs would not need to be cut.

Cons

1. Until the MPWR update is complete, it is unclear whether Phase II is the most cost-effective or responsible way to spend trash tax dollars.
2. Depending on the November 2010 outcome of voter initiative Amendment 61² the city may be required to return to the voters any portion of the trash tax that was

² To be voted on in November 2010, “concerning limitations on government borrowing, and... prohibiting future borrowing in any form by state government; requiring voter approval of future borrowing by local governmental entities; limiting the form, term, and amount of total borrowing by each local governmental

pledged to loan repayment or debt, which includes repayment of this County loan. Therefore if Amendment 61 is passed, this funding may not be available for reallocation.

f. Another alternative financing structure like a private loan to the nonprofits or the city for establishment of a new waste management facilities fund (see single hauler discussion in Section III).

At this time, the city finance director has had preliminary conversations with local private lenders to investigate alternative financing packages as presented by the nonprofits. Such alternative financing could take the form of an organization issuing bonds as a 501(c)(3) nonprofit entity. The debt, placed with a private bank (at a variable or fixed rate of interest), is not subject to TABOR (Colorado Taxpayer Bill of Rights) restrictions since it is issued by a nonprofit. If this were pursued, the city would have to increase its payments to the nonprofit organization so it can pay the debt service. However, over the past several years, there have been tremendous changes in the financial markets. Thus far the private banks with whom the city has spoken have been unable to make a commitment that it would still work; financing standards are much more rigorous than they have been in the past.

This scenario represents a possible alternative funding *mechanism*. However, the *source* to repay this debt would take the form of an operational payment to the nonprofit organization, and this payment would still need to come from one of the potential funding sources listed above. Since the bank would want to see a reliable flow of cash payments, it would need to be backed by increasing the trash tax or reallocation of existing trash tax (options c, d or e); but not selling the two-acre portion of 6400 Arapahoe Road or a capital campaign (a or b). Based on preliminary calculations, repaying this type of debt would require a ten to twenty year commitment to the nonprofit organization of \$100,000 (over 20 years) to \$200,000 (over 10 years) at four to five percent interest.

Pros

1. If the existing trash tax were reallocated, the city would not have to return to the voters for a trash tax increase.
2. If a trash tax increase were used to pay this debt back, it would not impact existing trash tax programs.

Cons

1. Until the MPWR update is complete, it is unclear whether Phase II is the most cost-effective or responsible way to spend trash tax dollars.
2. Depending on the November 2010 outcome of voter initiative Amendment 61, the city may not be able to incur this sort of debt.
3. Depending on how the investment is structured, interest or inflation could increase the actual cost of the (\$1.67 million) investment to approximately \$2 million.

Other alternative financing sources could be investigated including establishing a new waste management facilities fund. One mechanism to create such a fund could be through a contract for single hauler trash services, as discussed below, in Section III.

entity; directing all current borrowing to be paid; and reducing tax rates after certain borrowing is fully repaid.”

STAFF RECOMMENDATION

Staff recommends that funding for Phase II be examined within the context and process of the MPWR update, scheduled for the fourth quarter of 2010 through the first quarter of 2011. The concept plan would include both Phase I and II for staff and Planning Board review and comment. However, the site review and annexation process would be scheduled for when the MPWR update process is complete. This will provide insight into whether Phase II should be pursued and included in the site review plan. If in the meantime, the nonprofits present a Phase II funding source that does not necessitate financial participation by the city, the site review and annexation can move forward with Phase II independent of the MPWR update.

In terms of nonprofit timing: Eco-Cycle has indicated that its CHaRM operations will need more space within two years. If it is decided that only Phase I improvements can be provided within that timeframe, then site review and annexation should reference Phase I and Eco-Cycle should move to 6400 Arapahoe Road as soon as construction is complete. If the MPWR update results in a recommendation accepted by council that Phase II be pursued and if Phase II funding seems likely within the two year timeframe, Eco-Cycle should remain at the city yards until Phase II is built.

NEXT STEPS

The next steps in the 6400 Arapahoe Road land use review and entitlement process include:

- Neighborhood meeting on draft concept plan – mid June (City Council will receive an invitation).
- Concept plan submittal to city staff for review – second quarter 2010
- Planning Board public hearing to review and comment on concept plan – third quarter 2010.
- Public and stakeholder meetings in preparation for MPWR update – fourth quarter 2010 (City Council review of MPWR update in first quarter 2011).
- Annexation and site review phase (including an additional neighborhood meeting) – first quarter 2011 (City Council public hearing by end of first quarter 2011).
- Negotiate substitute lease agreement with the CRC and new operating contract for ReSource in fall 2010, with City Council review and approval in early 2011.
- Negotiate new lease agreement with Eco-Cycle and new operating contract for CHaRM in fall 2010 if Phase I only, with council review and approval in early 2011; or within two years if Phase II funding available.

SECTION III: “Single Hauler” Issues and Opportunities

PURPOSE

The purpose of this part of the study session is to present the objectives behind municipal trash and recycling collection; to discuss the risks and potential rewards of initiating that process; and to seek council direction on next steps.

QUESTIONS FOR COUNCIL

1. Is council interested in investigating a single hauler municipal contract for trash and recycling collection?
2. If so, should staff embark upon this in the near term or return with options for a single hauler collection system as part of the MPWR update?

EXECUTIVE SUMMARY

This section of the memo includes background on the current trash and recycling collection system in Boulder; how it is structured; and a brief history of city involvement in what is currently a regulated, free market system. The analysis presents reasons that a municipality may want to take over control of the trash and recycling collection system and outlines the risks and potential rewards, state regulations, local conditions, costs and estimated staff requirements for this undertaking.

BACKGROUND

Trash collection in Boulder is a private, subscription-based service. Residents choose their own hauler and subscribe to collection services directly with their chosen hauler. Currently, Western Disposal Services serves 94 percent of the single family, non-homeowners association (HOA) residential trash customers.

In 2000, the city considered beginning municipal trash collection as a way to take control of the entire waste and recycling stream. At that time, trash collection in Boulder was a private, subscription-based service, but curbside recycling was a city-sponsored service (the “Recycle Boulder” green bin program). Costs for the city to provide curbside recycling were outpacing the trash tax revenues that paid for it. In April 2000, City Council held a study session to address the issues surrounding the opening of the Boulder County Recycling Center (BCRC) and the fact that the city would not be able to continue with a city-sponsored curbside recycling program without a significant increase to the trash tax. Council was given a continuum of options: on one end of the spectrum was city sponsorship (municipal control) of the trash and recycling programs, on the other end was private market control of the trash hauling and recycling. Council instead decided to regulate the private trash haulers, requiring them to charge volume-based trash rates (“pay-as-you-throw”); collect an expanded list of materials for recycling; provide unlimited recycling collection to their residential customers; and deliver their recyclables to the Boulder County Recycling Center (BCRC) for processing. Beginning in 2006, City Council added compostables to the list of materials that all trash haulers must collect from their residential customers.

City of Boulder trash hauler ordinance

In 2000, City Council retained its private market trash service, but imposed regulations around how the service was structured, including a requirement that the haulers must provide curbside recycling. This effectively privatized what was formerly a public recycling program, but instituted significant local control over what was collected and how customers could be charged for the service. Since Western Disposal serves 94 percent of the single family residents and two other companies service the remaining six percent, the reduced wear and tear to Boulder’s roads would be minimal. This is a stark contrast to other communities who may have a half a dozen different haulers servicing their residential customers.

The result of the Trash Haulers Ordinance is that, effective January 2001, all trash haulers in Boulder must:

- Provide unlimited recycling to all their residential customers for no additional fee;
- Charge their customers volume-based trash rates (“pay as you throw”) to provide incentives to reduce waste;
- Deliver all recyclables to the BCRC; and
- Provide trash and recycling quantity data to the city for tracking purposes.

Furthermore, Boulder’s ordinance dictates the materials that must be collected:

1. Unlimited single stream recycling including:
 - a. corrugated cardboard
 - b. paperboard
 - c. No. 1 through 7 plastic bottles, jugs, jars, & tubs
 - d. glass
 - e. mixed papers
 - f. other food and beverage containers

2. Compostable vegetative food and yard waste

The trash haulers ordinance regulates the *structure* of the trash rates by creating a volume-based pricing scheme. However, due to state law, absent a municipal contract for service, the city is prohibited from regulating the rates themselves. As an example, through ordinance language, the city could require that a hauler charge 20 times the amount for a second can of trash as compared to the first can; but the city cannot require that the hauler charge \$20 vs. \$1.

In 2000, the city council felt confident that the private, competitive system would tend to keep trash haulers accountable to their customers’ demands for service and reasonable rates. However, several Front Range communities have recently considered municipalizing their trash service by releasing RFPs for city-wide trash and recycling collection. The cities of Louisville, Lafayette and Superior awarded contracts for these services; Fort Collins chose to maintain its competitive system for trash and recycling. At this time it is prudent to re-visit the city’s involvement in the community’s trash and recycling collection system.

ANALYSIS

The benefits of establishing municipal control of trash and recycling include:

1. One fleet of trash and recycling trucks minimizes wear and tear on the streets as compared to several fleets from several different trash companies.
2. The city can direct specific materials to be collected at the curb to increase recycling and composting and ensure a consistent level of service throughout town.
3. The city can control where the recyclables are processed to support publicly owned recycling processing centers.
4. Revenues from the sale of recyclables can be used to help offset some recycling program costs.
5. The city can control how trash rates are structured (e.g. volume-based rates; waste management fees, etc.).
6. The city can control the rates through bidding and rate review processes.

7. The city can require reporting of waste and recycling quantities for tracking purposes.

These benefits are somewhat offset by Colorado state law which prohibits local governments from requiring municipal trash and recycling services for multiple-family buildings with more than eight units and for commercial trash customers (including residential developments governed by homeowners' associations). Therefore:

- A municipal system would only cover single-family homes, about 50 percent of all residences in Boulder.
- Larger entities that choose to contract with private haulers would impact the roads regardless of a municipally contracted single hauler system, and commercial trash collection vehicles are typically heavier and contribute disproportionately to road degradation.

Another aspect of this Colorado law dictates that a city's decision to contract with a single hauler is subject to voter referendum.

The city would need to decide how long the contract would be for a single trash and recycling hauler. A short-term contract would allow for competition that could keep rates low and service high. However, if the city's hauler changes every few years, it may add to community confusion and the city staff resources would be required to accomplish this. Aside from the proposal period that would take place every few years, the city would be creating a monopoly and may be seen as undermining the private sector's ability to compete in an ongoing way for customers with a dynamic balance between costs and service levels and may reduce the number of trash haulers competing to provide service.

The reasons to contract for one hauler

There are several reasons communities choose to municipalize their trash service. A June 2009 study by Gracestone, Inc. compared Boulder to other jurisdictions including Louisville, Erie, Lafayette, Longmont, Superior, Denver and unincorporated Boulder County. The study outlined the pros and cons of why a municipality may choose to create a municipal contract. The following section presents highlights from this study.

The communities that have made the switch

The towns of Louisville and Lafayette moved to contracted residential service for the following reasons, stated in order of importance:

1. To make services more consistent town-wide,
2. To make recycling more accessible,
3. To obtain collection and diversion data and
4. To reduce wear and tear on the streets.

The Town of Superior contracted service for three of its neighborhoods that are not governed by HOAs simply to obtain lower rates. All three towns reported that the transition to contracting required a fair amount of staff resources to host public forums and discussion; ensure a smooth billing interface with the hauler's system; conduct legal work to ensure that any contract meets state requirements; and time for council to address the matters. Resident satisfaction is reported to be high.

The communities that have not made the switch

The City and County of Broomfield has a competitive system for trash service. In 2008, it evaluated the advantages and disadvantages of changing to municipal control.

Broomfield found that its residents seem to be quite loyal to their haulers, resulting in little political will to make the switch.

In 2009, the City of Fort Collins created an RFP for single hauler service. The main goals were to:

1. Reduce the number of trash trucks on neighborhood streets,
2. Reduce road damage, traffic, noise and air pollution, and
3. Increase recycling rates at the curb.

The city of Fort Collins received three proposals. After a lengthy public hearing, the City of Fort Collins decided not to switch to a single hauler. In speaking with staff, the following were cited as the main reasons:

1. Residents were concerned about government involvement in private business, which they felt would result in a lack of choice for residents and the loss of business for two local trash haulers.
2. The cost of implementation was projected to include a one-time cost of \$25,000 plus ongoing costs that average \$1 per account per month for billing and \$0.25 per account per month for administrative costs.
3. Residents that wanted to bring their own trash to the transfer station did not have the option to avoid the basic service level charge.
4. On-going administrative costs for administrative staff, program oversight and auditing were felt to be onerous.

Rates and services provided

The following table contains a summary of local communities' hauling structures.

City	Number of customers	Municipal, contracted or private service?	Who provides carts?	Who does billing ?	Who keeps recyclables revenue?	Waste management fee or tax?
Boulder	100,000	Private	Hauler	Hauler	Hauler	Trash Tax
Broomfield	45,116	Private	Hauler	Hauler	Hauler	No fees
Erie	16,432	Private	Hauler	Hauler	Hauler	No fees
Ft. Collins	129,467	Private	Hauler	Hauler	Hauler	No fees
Lafayette	5,000 ³	municipal contract ³	Hauler: trash; City: recycling	City	City	\$1.00/month to resident's bill
Longmont	82,646	Municipal crews	City	City	City	\$2.96/month waste mgmt. fee
Louisville	5,000 ³	municipal contract ³	Hauler	City	City	\$0.50/month

Table III.1.

³ Remaining population in HOA-controlled contracts

Table III.1 (cont.)

City	Number of customers	Municipal, contracted or private service?	Who provides carts?	Who does billing ?	Who keeps recyclables revenue?	Waste management fee or tax?
Superior	10,549	Municipal (Rock Creek HOA has one private contract)	Hauler	City (water bill)	hauler	Customer is charged \$8.95/month
Unincorp. Boulder County	294,000	Private	Hauler	Hauler	Hauler	No fees

The following table compares the average cost per household and the services received for that cost.

City	Avg. cost / month	Avg. trash subscription rates*	Recycling collection services	Compost collection services
Boulder-Western Disposal	\$26.72	45 gallons (63% at 32-gal; 30% at 64-gal, 7% at 96 gallons)	unlimited	32 gallon + 3 bags + 3 bundles
Boulder-One Way Trash	\$16.95	40 gallons (79% at 32-gal; 16% at 64-gal, 5% at 96 gallons)		
Boulder-Republic Services (formerly BFI and Allied Waste)	\$19.24	55 gallons (63% at 32 gallons; 37% at 96 gallons)		
Louisville	\$17.25	54 gallons (40% at 32-gal; 48% at 64-gal; 11% at 96-gal)	96 gallons	32 gallons at \$3/mo; 64 gallons at \$11.40/mo
Longmont	\$13.62	90 gallons (78% at 96-gal; 22% at 48-gal)	96 gallons	0

* Average trash volume based on percentage of customers subscribing to each trash volume service

Table III.2

Additional information about the services included and not included in the various community's service levels are described below.

City of Boulder residents currently receive the following services from their trash haulers (rates noted in table above). These services are all required by city ordinance:

- Pay-as-you-throw rates for pre-paid bags, every-other-week, 32, 64, or 96-gallon trash containers
- Unlimited single stream recycling picked up every other week
- 32 gallons of compost collection included *plus* three extra bags of leaves *plus* three (6-foot by 3-foot) extra bundles of branches allowed to be placed at the curb for each collection day
- Alley collection, where applicable⁴
- Free Christmas tree collections on route
- Individual billing to households

Western Disposal provides the following additional services to its Boulder customers:

- E-mail reminders and telephone reminder system
- The ability to switch the level of service to match seasonal waste generation fluctuations
- Payment options: automated clearing house, credit card, e-billing
- Extra trash stickers charged to an individual account and mailed to customers

The **City of Lafayette** has a five-year contract with Western Disposal to provide services to 5,000 households. The average cost to each household is only \$12.96/month. However, the service level is significantly lower than in Boulder. The services included in Lafayette's collection services are:

- Every week trash collection
- Every other week recycling collection
- Recyclable materials are delivered to the BCRC
- Lafayette retains the revenues from sale of the recyclables

The contract does *not* include the following services:

- Recycling carts' purchase and maintenance (the city of Lafayette pays for these at approximately \$50 per household)
- Individual billing to households (the city of Lafayette pays Western directly and bills its customers)
- Semi-automated collection in alleys⁵
- Pre-paid bag trash service option⁵
- Every other week trash service option⁵
- E-mail reminders and telephone reminder system⁵
- Payment options: automated clearing house, credit card, e-billing⁵
- Free Christmas tree collections on route⁵
- Newsletter & other educational materials⁵

⁴ Approximately 20% of Boulder single-family homes are not able to be serviced with automated trucks in Boulder's narrow alleys

⁵ Boulder residents do receive these products/services from Western Disposal

- Extra trash stickers charged to an individual account and mailed to customers (Lafayette residents must go to city hall 8 a.m. - 5 p.m. M-F to pick these up)⁵
- Curbside collection of compost⁵

Western Disposal also provides service to 5,000 households in the **City of Louisville**. The cost to the average homeowner in Louisville is \$17.25 per month. This pays for the following:

- Pay-as-you-throw rates for 32, 64, and 96-gallon trash containers.
- 96 gallons of single stream recycling picked up every other week
- 32 gallons of compost collection: costs \$5 per month (included in the average cost calculated above).
- Two free bulky item pick-ups per year.

This does *not* pay for the following:

- Any extra recycling or compostables placed outside of the residents carts. This is charged at a rate of \$3.00 per 32-gallon unit⁶

Reduced costs, increased revenues

Another impetus for instituting a single hauler trash system would be to control and potentially decrease the rate charged to residential customers. Other communities have set their trash rates to include a waste management fee so that while the resulting cost to the homeowner was lower, the city was able to retain a portion of the trash cost savings to create a waste management facilities fund. However, under TABOR restrictions, absent a public vote to the contrary, any fees charged would have to be designed simply to cover the costs of the “enterprise.” In addition, it may be difficult to justify to Boulder residents why the city has a trash tax (which was voted on) and a waste management facilities fee (which was not voted on).

To identify the risks and potential rewards of initiating a single hauler contract, it is important to determine the following:

- Would a single hauler contract result in lower rates for Boulder residents?
- If so, could the city retain a portion of the cost savings to fund zero waste facilities and programs?

The ultimate indicator of whether a single hauler contract would result in lower rates to Boulder residents would be the costs included in proposals from vendors. These proposals would be structured to outline each component of the cost and services. Council would then make policy decisions regarding the profile of services that it would like to offer to Boulder residents, and at what cost. For example, the bids would specify costs for each additional service such as the ability to place extra material out for compost collection, or the cost to have the hauler provide flexibility to customers who would like to switch their service level throughout the year.

Staff resource impacts

The staff effort required to investigate and execute a single hauler contract is estimated to be approximately 220 hours. The staff required to undertake this project is part of the

⁶ For the same level of service provided to Boulder residents (3 extra bags plus 3 extra bundles), Louisville residents would pay \$9.00 per collection day.

Local Environmental Action Division (LEAD) of the Community Planning and Sustainability Department, the City Attorney’s Office and the Purchasing Division of the Finance Department. Depending on the timing of the issuance of an RFP, this work would require trade-offs. The same LEAD staff working on this are currently assigned to roll out the social mobilization campaign and Two Techs and Truck program for implementation of the Climate Action Plan, including implementation of the city’s portion of the Department of Energy’s Energy Efficiency and Conservation Block Grant (EECBG) programs. The same residential team in LEAD is also initiating contracts and managing the technical assistance to rental property owners for the proposed SmartRegs program. These program priorities could be adjusted to make room in work plans for a single hauler solicitation, or the work plan to develop a solicitation for a single hauler could be delayed into the beginning of 2011.

Staff time to investigate and execute a single hauler contract

Prep for public meetings	15 hrs
Public meetings	20 hrs
write-up from publ. mtgs.	10 hrs
council consideration-1st read	55 hrs
CC 2nd / 3rd readings	20 hrs
RFP design	20 hrs
RFP review	15 hrs
Public meetings around selection	20 hrs
Contract negotiations	35 hrs
Execute contract	10 hrs
	220 hrs

Table III.1

Fiscal impacts

Under a single hauler collection system, there are many program options to consider, some of which have fiscal impacts. These include the mix of services that would be borne by the hauler versus those that would be administered by the city, such as: cart purchase, billing administration, service complaints and requests to switch service levels. In other communities, the city has decided to take some of this on in order to keep rates to the customers low. Another decision that would have fiscal implications is whether the city would set rates to generate funds or fees to help finance zero waste programs and infrastructure.

Any programmatic or contractual decisions with fiscal impacts would be considered by council at a regularly scheduled council meeting.

CONCLUSION

The primary motivations other cities had for municipalizing their trash service do not apply to Boulder.

Several of the potential benefits are already addressed through Boulder’s trash hauler ordinance:

- Residents already receive uniform trash and recycling service
- Residents are charged by volume for their trash
- Every-other-week recycling collection includes unlimited single-stream recycling

- Every-other-week composting collection includes 32 gallons of compostables plus three extra bundles of branches and three extra bags of leaves
- The city receives trash and recycling data
- The recyclables are directed to the BCRC

Other potential benefits are mitigated by Colorado law and local conditions:

- The reduction in impact to city streets would be minimal since Western Disposal's fleet already services 94 percent of the residential customers.
- The benefit for Boulder to enter into a recyclables revenue sharing agreement would generate significantly less revenue than the existing trash tax (approximately \$10,000 vs. \$1.2 million).
- It may be difficult to justify a new waste management fee on residents' trash bills, as it would appear alongside a trash tax that was voted into place to help achieve the city's recycling and waste reduction goals.

STAFF RECOMMENDATION

At this time, staff is not recommending the city proceed with a single hauler contract for trash and recycling. Staff resources can instead be dedicated to the following priorities:

- Develop the zero waste components of education and one-on-one technical assistance for the city's Climate Action Plan targeted business outreach;
- Negotiate with Western Disposal to make its compost site available and acceptable to all commercial compost haulers in Boulder;
- Work with Boulder County to identify the needs and planned facilities for construction recycling;
- Continue concept planning for 6400 Arapahoe Road;
- Continue to work with Eco-Cycle and CRC to seek outside funding for Phase II at 6400 Arapahoe Road; and
- Initiate the MPWR update.

Once community priorities are identified and programmatic recommendations are developed for the MPWR update, the city will work with community leaders to identify community partnerships to fund these programs. During the first quarter of 2011, staff will return to council with recommended next steps for 6400 Arapahoe Road and funding options for any action and vision plans identified in the MPWR.

ATTACHMENTS

- A. 2010 trash tax appropriations and description of service contracts between the city and Eco-Cycle and CRC
- B. Summary of Alameda County public composting efforts
- C. 6400 Arapahoe Road Land Use Review Process and Schedule
- D. Key Findings of Concept Development
- E. Site and Building Program Summary and Details
- F. Draft Phase I and Phase II concept plans
- G. Cost estimates for Phase I and Phase II
- H. Estimated current and future waste diversion rates

2010 Trash Tax appropriations

Personnel Salary and benefits (4.5 FTEs + 0.5 Temporary)	\$ 450,655
Administrative expenses	\$ 47,705
Information resources/data management	\$ 16,000
Residential waste reduction education	\$ 138,000
Yard Waste Drop Off Center	\$ 105,000
Commercial waste reduction education	\$ 50,000
Commercial composting subsidies	\$ 70,000
New business waste reduction planning and programs	\$ 122,000
City office recycling	\$ 43,000
Center for Hard-to-Recycle Materials (CHaRM)	\$ 100,000
Public place & special events recycling	\$ 25,000
Deconstruction services	\$ 15,000
Hazardous materials management	\$ 1,800
6400 Arapahoe: debt service	\$ 440,000
6400 Arapahoe: 2010 portion of bond reserve	\$ 39,540
6400 Arapahoe: county loan payments	\$ 136,300
Total	\$ 1,800,000

Service contracts between the city and Eco-Cycle and the Center for Resource Conservation (CRC)

The city has program-specific service contracts with both Eco-Cycle and the CRC, which are funded by trash tax revenues. The \$100,000 annual+ payment to Eco-Cycle for CHaRM operations equates to about one quarter of CHaRM’s total annual operating costs. When Eco-Cycle moves to 6400 Arapahoe, a new operating agreement will be drafted between the city and Eco-Cycle for the CHaRM operations. Additional service contracts with Eco-Cycle are listed in the table below.

The trash tax also funds services provided by the CRC: environmental education and outreach, deconstruction consulting for demolition permit applicants, and a portion of the CRC’s administrative costs (see table below). Currently the city does not help fund ReSource operations, but a new operating agreement will be drafted this fall and may provide some city funding.

Service contracts with Eco-Cycle and the CRC funded by trash tax

	2010 Amount
Eco-Cycle	
CHaRM operation	\$100,000
Recycling outreach and education	\$9,600
Boulder Valley School District environmental education	\$20,000
City organization recycling service	\$43,000
Eco-Cycle subtotal	\$172,600
CRC	
Recycle Boulder Hotline, education and CRC administration	\$50,000
Deconstruction consulting with demolition permit applicants	\$15,000
CRC subtotal	\$65,000
Total	\$237,600

New lease agreements with the ReSource and Eco-Cycle will be drafted in the fall of 2010, before Eco-Cycle moves to 6400 Arapahoe. Lease negotiations will address the extent to which the lease payments will cover operations and maintenance costs¹ and repair and replacement costs². The final lease agreements will be approved by City Council. In addition, once the 6400 Arapahoe property is annexed to the city, ReSource will begin paying 3.41 percent city sales tax on its sales. ReSource sales totaled \$435,000 in 2009 and are expected to increase in 2010, yielding at least \$14,800 per year in city sales tax revenue.

¹ Estimated by the city’s Facilities and Asset Management Division at 2.5 percent of current replacement value annually

² Estimated at 2 percent of current replacement value annually

Alameda County, California

Update May 6, 2010

Two successive (unsuccessful) attempts to develop a publicly owned compost facility through a public/private partnership model

Staff from the Alameda County Waste Management Authority ("the Authority") in the Bay Area of California report that they have attempted, on two separate occasions, to develop an in-county composting facility with public investment in partnership with a private operator.

The first time, around 1994-1995, the proposed composting facility was designed to process biosolids and green waste in an open window operation on a parcel of property the Authority owns in the Altamont Pass area. This property is programmed as "reserve landfill capacity in public ownership." However, there is very little water available there, and the project needed the biosolids for the moisture content. The Authority completed an Environmental Impact Report (EIR), and received a Conditional Use Permit from Alameda County Planning Department, but the permit was appealed to the Board of Supervisors by a politically connected neighbor and a group of environmental activists and the Board of Supervisors denied the permit. During the EIR/Clean Up Process (CUP), private companies who were bidding to wastewater treatment plants to transport and dispose of their biosolids (mostly for land application) cut their bids significantly: from around \$40/ton to around \$18/ton. This threat to enter the market to handle biosolids had the result of undercutting the Authority's proposed tip fee of around \$20/ton and this essentially killed the economic viability of the Authority's publicly owned compost site. After the project proposal was abandoned, the companies raised their prices. Subsequently, the Authority adopted a policy of not wanting to rely upon biosolids for any future composting project, primarily for concerns expressed by organic farmers and other end users about the quality of the product.

Approximately five years ago, the Authority tried to develop an aerated static pile composting facility (for plant debris and food scraps - no biosolids) with a different private partner (the result of a competitive RFP process) in the Sunol area, on land owned by San Francisco Public Utilities and directly adjacent to an active quarry with a need to dispose of non-potable water. The proposal was that the Authority would own the land (after a friendly condemnation process with SF PUC). It was planning to invest around \$6 million, with the rest of the investment by the operator. The Authority conducted an EIR, but a group of residents living on a road about a half mile away (some of them on large parcels that they hope to subdivide and develop someday, although current zoning restrictions don't allow that) lobbied the Board of Supervisors and prevailed in convincing the Board to rule that the project was incompatible with current zoning. About a year later, an existing composting facility in Vernalis, just south of Tracy (San Joaquin County), received a modified permit that expanded its capacity and allowed it to legally accept post-consumer food scraps. Between that facility and some others, all of the Alameda County cities now have residential food scraps collection along with plant debris in their green carts and the haulers have a place to send the material, but there are still no in-county composting facilities and the Authority is still pursuing in-county capacity for various reasons - travel distance, security of capacity, concern about quarantines for things like Sudden Oak Death and Light Brown Apple Moth (and potential inability to ship raw materials out of county).

6400 Arapahoe Road - Process and Schedule

SITE ANALYSIS, PROJECT VISIONING, PROGRAMMING PHASE FEBRUARY 18 - EARLY MAY 2010

TASK	WHO	WHEN	OUTCOMES
Project Kick-Off Goals, Schedule, Preliminary Program	Consultant Team Staff Team ReSource & Eco-cycle	February 18, 2010 12:30-2:00 pm	Project Roles Project Process, Schedule
Site Visit and Program and Operational Review	Consultant Team Staff Team ReSource & Eco-cycle	Week of February 22	Site Analysis Needs Assessment As-builts
Program and Site Analysis Review	Consultant Team Staff Team ReSource & Eco-cycle	March 4, 2010 12:30-2:00 pm	Non-Profits Program - Phase 1 and Future
City Visioning Worksession	Consultant Team Staff Team Other identified staff	March 11, 2010 12:30-2:00 pm	City Vision Opportunities and Constraints
Stakeholder Brainstorming Meeting	Consultant Team Staff Team ReSource & Eco-cycle BVSD, CDOT, Thorne, EAB, CAB, County Staff, Industry Leaders and Advocats	March 18, 2010 12:30-2:00 pm	Vision Statement Project Goals Opportunities/Constraints
Neighborhood Meeting Preparation	Consultant Team Staff Team ReSource & Eco-cycle	April 1, 2010 12:30-2:00 pm	Confirm Vision, Goals, Opportunities and Constraints
Neigh. Meeting #1 Vision, Goals, Opportuni- ties and Constraints	Consultant Team Staff Team ReSource & Eco-cycle	April 5, 2010 6:30-8:00 pm	Community input on vi- sion, goals, opportunities and constraints
Concept Development	Consultant Team	Mid March - Mid April	Conceptual Alternatives Pros/Cons Analysis Phasing Strategies
Review Concepts	Consultant Team Staff Team ReSource & Eco-cycle	April 15, 2010 12:30-2:00 pm	Input on Development Concepts and Phasing



6400 Arapahoe Road - Process and Schedule

**CONCEPT PLAN PHASE
MID APRIL - EARLY JULY 2010**

TASK	WHO	WHEN	OUTCOMES
Staff and Consultant Team Worksession - Preferred Concept Alternative	Consultant Team Staff Team ReSource & Eco-cycle	April 29, 2010 12:30-2:00 pm	Select preferred alternative - Phase 1 and Future
City Council Study Session - Concept Update	Consultant Team Staff Team ReSource & Eco-cycle	June 3, 2010	Input on project
Neigh. Meeting #2 Development Concepts	Consultant Team Staff Team ReSource & Eco-cycle	June 2010	Community input on concepts
Preliminary Concept Plan Submittal Materials	Consultant Team	Between July 1 and July 15	Concept Plan materials to submit to P& DS
Staff Review of Concept Plan Materials and Memo Preparation (6 weeks)	Planning and Development Services Staff	July - August	Review comments to team and memo to Planning Board
Planning Board Public Hearing on Concept Plan	Consultant Team Staff Team ReSource & Eco-cycle	August or September	Planning Board comments on Concept Plan

LEGEND

- MEETING
- CONSULTANT WORK
- PUBLIC MEETING
- TASK COMPLETED

6400 Arapahoe Road- Process and Schedule

ANNEXATION, USE REVIEW AND SITE REVIEW PHASE 2011

TASK	WHO	WHEN	OUTCOMES
Update to Master Plan for Waste Reduction	LEAD Staff	4th Quarter 2010 and 1st Quarter 2011	
Site-Review Kick-Off PB Comments, other Considerations	Consultant Team Staff Team P & DS Staff	1st Quarter 2011	
Preliminary Site Review, Use Review and Annexation Documents		1st Quarter 2011	
Staff and Consultant Team Worksession - Review Plans and Documents		1st Quarter 2011	
Neigh. Meeting #3 Preferred Plan		1st Quarter 2011	
Final Site Review, Use Review and Annexation Documents		2nd Quarter 2011	
Planning Board Public Hearing on Site Review and Annexation/Zoning		3rd Quarter 2011	
City Council Public Hearing on Annexation		3rd Quarter 2011	

LEGEND

-  MEETING
-  CONSULTANT WORK
-  PUBLIC MEETING
-  TASK COMPLETED

6400 Arapahoe Road - Process and Schedule

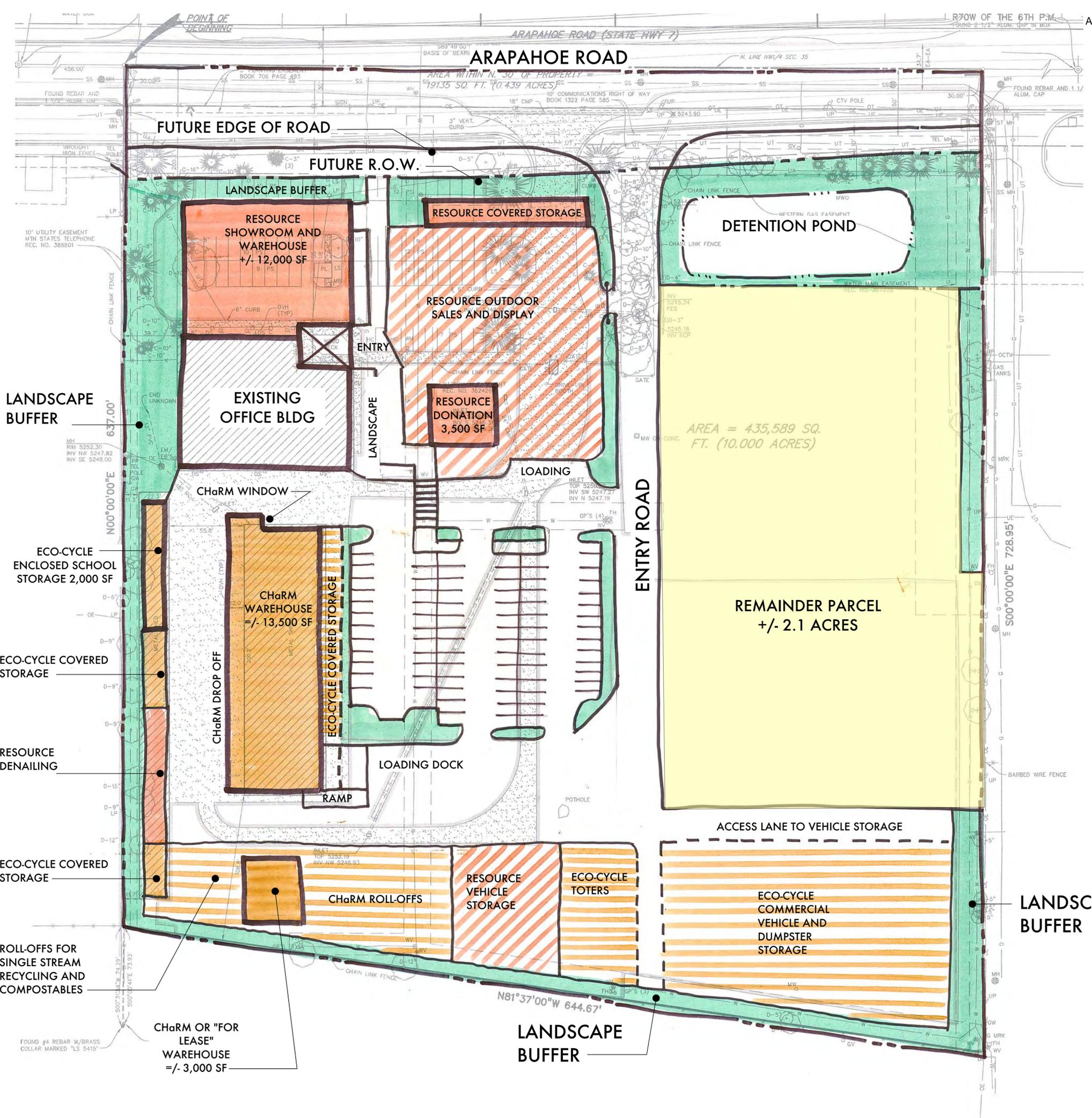
TECHNICAL DOCUMENT AND BUILDING PERMIT PHASE 2011 - 2012

TASK	WHO	WHEN	OUTCOMES
Tec Doc Kick-Off PB Comments and/or Conditions			
Preliminary Technical Documents - Civil, Land- scape, Architecture			
Staff and Consultant Team Worksession - Review Plans and Documents			
Technical Issues Review with Key P and DS Staff			
Final Tec Documents - Civil, Landscape, Architecture *			

FUTURE

* Consider Concurrent Tec Doc and Building Permit Process





6400 ARAPAHOE ROAD

CONCEPT PHASE II

MAY 6, 2010

STUDIOTERRA, INC
DREXEL BARRELL
PEH ARCHITECTS



6400 Arapahoe Road
 Site and Building Program for Eco-Cycle, CHaRM ReSource
 Summary Chart (square feet)

	EXISTING/FORMER CONDITIONS @ city yards (Eco-Cycle) & 63rd St. (ReSource)	PHASE I PROGRAM REQUEST AS OF 5/5/2010	PHASE I SITE PLAN	PHASE II SITE PLAN	
INDOOR OFFICE	n/a				
Common		4,620	4,620	4,620	includes "vision" comr
Eco-Cycle and CHaRM		5,292	5,292	5,292	includes book functior
ReSource		1,363	1,363	1,363	
<i>Subtotal</i>		<i>11,275</i>	<i>11,275</i>	<i>11,275</i>	
INDOOR WAREHOUSE					
Eco-Cycle and CHaRM	6,321	9,408	12,000	15,500	includes Eco-Cycle scf
ReSource	6,500	13,000	9,500	15,500	ReSource phase 1 req warehouse
<i>Subtotal</i>	<i>12,821</i>	<i>22,408</i>	<i>21,500</i>	<i>31,000</i>	
COVERED STORAGE	n/a				
Eco-Cycle and CHaRM		1,700	3,000	2,000	
ReSource		8,200	4,000	5,000	
<i>Subtotal</i>		<i>9,900</i>	<i>7,000</i>	<i>7,000</i>	
OUTDOOR RETAIL	n/a				
ReSource		20,000	20,000	24,000	
<i>Subtotal</i>		<i>20,000</i>	<i>20,000</i>	<i>24,000</i>	
OUTDOOR VEHICLE STORAGE	n/a				
Eco-Cycle and CHaRM		32,000	43,000	43,000	more than enough
ReSource		6,300	7,000	7,000	
<i>Subtotal</i>		<i>38,300</i>	<i>50,000</i>	<i>50,000</i>	
PARKING SPACES	n/a	86	74	82	will request parking re
DETENTION POND	-	11,000	11,000	11,000	
LANDSCAPE	-	Meet Code	43,580	44,820	acre of landscape & ir
TOTAL SITE FOR ECO-CYCLE/RESOUR	3.5 ac		5.6 ac	6.1 ac	
REMAINDER ACREAGE	-		2.6 ac	2.1 ac	

	CHaRM Now	CHaRM Phase 1	CHaRM Phase II	Eco-Cycle Now	Eco-Cycle Phase 1	Eco-Cycle Phase II	ReSource Now	ReSource Phase 1	ReSource Phase II	CRC Vision	
INDOOR CONDITIONED SPACE											
Offices	1 employee 61 SF	2 employees 230 SF	2 employees 230 SF	17 employees XXXX sf	19 employees 2,200 SF	19 employees 2,200 SF	7 employees 958 SF	8 employees 860 SF	9 employees 960 SF	18 employees 2500 SF	Updated based on Employees per C
Meeting/Conference	0	0	0	20 people 535 SF	20 people 500 SF 6 people 200 SF	20 people 500 SF 6 people 200 SF	Included in Office	7 people (200 SF)	7 people (200 SF)	30 people	All Users share 2 (1) 200 SF 7 per (1) 500 SF 20 pe
Restrooms - Mens and Womens	0	0	0	300 sf	See notes	See notes	300 SF	See notes	See notes	to be determined	Phase 1 - CHaRM Approx. 5 WC's v Estimated at 60C
Breakroom	0	2 employees	2 employees	400 SF	10 employee 350 SF	10 employee 350 SF	Included in Office	3 employees	3 employees	10 employees	Full-size fridge, c dishwasher, lock Shared between
Common - Printing/Supplies/Workroom	Shared w/ Eco Cycle	Shared w/ Eco Cycle	Shared w/ Eco Cycle	XXX SF	200 SF	200 SF	included in office	Included in Office	250 SF	200 sf	
Common - Conditioned Storage	0	0	0	0	0	0	100 SF	100 SF	600 SF	200 sf	Eco-Cycle school warehouse ReSource - inclu storage
Customer Service / Help Desk	1 employee at window 64 SF	1 employee at window 64 SF	1 employee at window 64 SF	1 employee receptionist XXX SF	1 employee receptionist 56 SF	1 employee receptionist 56 SF	1 employee 242 SF	1 employee 56 SF	1 employee 56 SF	1 employee	
Book Sorter	700 SF	700 SF	700 SF	NA	NA	NA	NA	NA	NA	NA	Preferably placed Area to be consid
Video Room	NA	NA	NA	280 SF	280 SF	280 SF	NA	NA	NA	NA	
Community Meeting Room ? Educational Teaching Area			NA	0	0	Capacity for 80 occupants 1,500 SF	0	0	Capacity for 80 occupants (1,500 SF)	covered under ReSource	All users share (
Retail Area	NA	NA	NA	0	280 SF	280 SF	NA	NA	NA	NA	Eco-Cycle - Stor: Waste Kits near
Gallery Display Area	NA	NA	NA	0	?	?	0	0	1,500 SF	250 SF	ReSource - Inclu Workshop Vision
Volunteer Work Station	NA	NA	NA	NA	NA	NA	0	120 SF	250 SF	250 SF	
SUBTOTAL AREA	825 SF	994 SF	994 SF	XXXX SF	4,066 SF	5,566 SF	1,585 SF	1,136 SF	3,616 SF	3,400 SF	
Circulation	0%	20% 199 SF	20% 199 SF	20%	20% 813 SF	20% 1,113 SF	0%	20% 227 SF	20% 723 SF	20% 680 SF	
TOTAL AREA	included in Eco Cycle	1,193 SF	1,193 SF	5,309 SF	4,879 SF + Bath	6,679 SF + Bath	1,585 SF	1,363 SF + Bath	4,339 SF + Bath	4,800 SF + Bath	Areas in () were are assumed to l

	CHaRM Now	CHaRM Phase 1	CHaRM Phase II	Eco-Cycle Now	Eco-Cycle Phase 1	Eco-Cycle Phase II	ReSource Now	ReSource Phase 1	ReSource Phase II	CRC Vision	
INDOOR WAREHOUSE											
Office, customer service, yard employee	2 employees 0 SF	2 employees 400 SF	4 employees 400 SF	NA	NA	NA	1 employee 200 SF	1 employee 200 SF	1 employee 200 SF	NA	Provide locker sp employees
Worm Farm (2 Boxes)	300 SF	300 SF	300 SF	NA	NA	NA	NA	NA	NA	NA	
Materials Display/Retail	0	0	0	NA	NA	NA	6,500 SF (at old site)	11,788 SF	12,000 SF	NA	ReSource 63rd S display in metal
Material Storage / Flex Storage	1,650 SF	3,240 SF	3,240 SF	NA	NA	NA	500 SF	500 SF	Included in Display	NA	Includes parked for storage
Material - Processing Balers (2) - 15'x8' Styrofoam densifier and net	485 SF 240 SF 500 SF	2,000 SF	2,000 SF	NA	NA	NA	NA	NA	NA	NA	
Material - post-processing	585 SF 1,536 SF	1,500 SF	1,500 SF	NA	NA	NA	NA	NA	NA	NA	4 decommission 8' x 48' = 1,536
Book Shearing	400 SF	400 SF	400 SF	NA	NA	NA	NA	NA	NA	NA	
Storage for Eco-Cycle School Prog				XXX SF	2000 SF	2000 SF					Accessible by car
New CHaRM materials	0	0	5220 SF	NA	NA	NA	NA	NA	NA	NA	
Woodworks	NA	NA	NA	NA	NA	NA	750 SF	750 SF	1,000 SF	NA	
Tool Library	NA	NA	NA	NA	NA	NA	0	0	1,500 SF	NA	
Architectural Salvage Showrm.	NA	NA	NA	NA	NA	NA	0	0	2,500 SF	NA	
Community Repair Center / Workshop / Product Devel.	0	0	1200 SF	NA	NA	NA	0	0	2,500 SF	NA	500 SF Mainten 1,000 SF Workst 1,000 SF Produc
Demonstration Display Area	NA	NA	NA	NA	NA	NA	0	0	750 SF	NA	Could group with
Reclaimed Art Gallery Area	NA	NA	NA	NA	NA	NA	0	0	?	NA	Sculpture Indoor
SUBTOTAL AREA	5,696 SF	7,840 SF	12,270 SF	0	0	0	NA	13,238 SF	28,450 SF		
Circulation	xx% 625 SF	20% 1,568 SF	20% 2,454 SF	NA	NA	NA	20% Included	20% Included	20% 5,690 SF	NA	
TOTAL AREA	6,321 SF	9,408 SF	14,724 SF	0	2,000 SF	2,000 SF	NA	13,238 SF	34,140 SF	NA	

	CHaRM Now	CHaRM Phase 1	CHaRM Phase II	Eco-Cycle Now	Eco-Cycle Phase 1	Eco-Cycle Phase II	ReSource Now	ReSource Phase 1	ReSource Phase II	CRC Vision	
OUTDOOR - COVERED											
Donation/Drop-off Area	800 SF	800 SF	1,200 SF	NA	NA	NA	400 SF	400 SF	400 SF	NA	CHaRM=100' x 8
De-Nailing/Covered Storage	NA	NA	NA	NA	NA	NA	2,500 SF 2,300 SF	5,500 SF	7,500 SF	NA	
Truck Service/Wash Bay	NA	NA	NA	900 SF	900 SF	900 SF	NA	NA	NA	NA	Shared (relocate
Soft Strip C&D	0	0	4,375 SF	NA	NA	NA	0	0	0	NA	carpet, ceiling til
Material Display/Retail	NA	NA	NA	NA	NA	NA	2,300 SF	2,300 SF	2,300 SF	NA	
TOTAL AREA	800 SF	800 SF	5,575 SF	900 SF	900 SF	900 SF	7,500 SF	8,200 SF	11,700 SF	NA	

	CHaRM Now	CHaRM Phase 1	CHaRM Phase II	Eco-Cycle Now	Eco-Cycle Phase 1	Eco-Cycle Phase II	ReSource Now	ReSource Phase 1	ReSource Phase II	CRC Vision	
OUTDOOR											Eco-Cycle estimate ReSource 63rd s stor. including al
Facility Vehicles	1 semi-trailer for parking	1 semi-trailer for parking	1 semi-trailer for parking	13 spaces 12'x35' (12 trucks, 1 loader) 4 std 8'x16' 4-50' trailers	13 spaces 12'x35' (12 trucks, 1 loader) 4 std 8'x16' 4-50' trailers	13 spaces 12'x35' (12 trucks, 1 loader) 4 std 8'x16' 4-50' trailers	2 - pickups 1 - 14' trailer 1 - 16' trailer 1 - 19' trailer	2 - pickups 1 - 14' trailer 1 - 16' trailer 1 - 19' trailer	2 - pickups 1 - 14' trailer 1 - 16' trailer 1 - 19' trailer	NA	
Roll-offs	5 - 10'x22'	5 - 10'x22'	5 - 10'x22'	9 rows - 2 deep x 10' 9'x10'x50 = 4,500 SF	9 rows - 2 deep x 10' 9'x10'x50 = 4,500 SF	9 rows - 2 deep x 10' 9'x10'x50 = 4,500 SF	2 - 22'x8'	2 - 22'x8'	2 - 22'x8' 1,500 SF	NA	22'x8' = 30, 40 i ReSource Decon: Provide 8' cleara offs
Storage - Dumpsters and Toters	NA	NA	NA	Toters stacked 3 high, 100x60= 6000 SF Dumpsters stacked 2 high, 60x25 = 1500 SF	Toters stacked 3 high, 100x60= 6000 SF Dumpsters stacked 2 high, 60x25 = 1500 SF	Toters stacked 3 high, 100x60= 6000 SF Dumpsters stacked 2 high, 60x25 = 1500 SF	NA	NA	NA	NA	Toters and Dump under cover.
Single-stream recycling and compostables	2- 12'x22'	2 - 12'x22'	2 - 12'x22'	NA	NA	NA	NA	NA	NA	NA	near CHaRM droj
Loading Dock	4 tr. spaces	4 tr. spaces	4 tr. spaces	NA	NA	NA	NA	NA	NA	NA	
Visitor/Customer Parking	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	NA	
Staff Parking	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	NA	
School Bus Parking	1 Bus	1 Bus	1 Bus	NA	NA	NA	NA	NA	NA	NA	
Contractor Trailer Parking	NA	NA	NA	NA	NA	NA	2 - 19' trailer	2 - 19' trailer	2 - 19' trailer	NA	
Kid Activity Playground	NA	NA	NA	NA	NA	NA	0	0	TBD	NA	
Outdoor Deck/ Employee Patio	0	Shared	Shared	0	Shared	Shared	360 SF	360 SF	360 SF	NA	Existing on north
Bike Parking	TBD	TBD	TBD	TBD	TBD	TBD	10 bikes	TBD	TBD	NA	Exceed City Code
Material Display/Retail	NA	NA	NA	NA	NA	NA	20,000 SF	20,000 SF	20,000 SF	NA	
Propane Storage Cage	NA	NA	NA	NA	NA	NA	1 cage	1 cage	1 cage	NA	
TOTAL AREA											

6400 Arapahoe Road Draft Concept Plans

Sitework	PHASE I		PHASE II	
	Quantity	Cost	Quantity	Cost
FH Relocate (ea)	0	\$ -	2	\$ 10,000
Fire Protection for Existing WH (ls)	1	\$ 45,000	1	\$ 45,000
New Tap for Fire Line (ls)	1	\$ 6,000	1	\$ 6,000
Waterline Relocate (lf)	0	\$ -	0	\$ -
Water Service (lf)	0	\$ -	75	\$ 3,000
Sanitary Service (lf)	0	\$ -	0	\$ -
Storm Sewer/Culverts (lf)	0	\$ -	65	\$ 6,500
Storm MH/Inlet (ea)	0	\$ -	0	\$ -
Detention/WQ Pond (ls)	1	\$ 55,000	1	\$ 55,000
Entry Drive (ls)		\$ -	1	\$ 45,000
Relocate LP (ea)		\$ -	1	\$ 5,000
Curb and Gutter and patching (lf)	0	\$ -	1700	\$ 51,000
Pavement Demo (sf)	2000	\$ 2,000	30000	\$ 30,000
Truck Plug-ins (ls)	0	\$ -	1	\$ 20,000
Fencing (Security) (lf)	1470	\$ 73,500	1470	\$ 73,500
Stabilization (ls)	1	\$ 5,000	1	\$ 5,000
Parking Striping (lf)	0	\$ -	1220	\$ 2,440
Internal Signage	1	\$ 2,500	1	\$ 2,500
Landscape and Irrigation	56520	\$ 282,600	44820	\$ 224,100
Site Repair (included)		\$ -		\$ -
Loading Dock	1	\$ 35,000	1	\$ 35,000
Site Lighting	15	\$ 75,000	15	\$ 75,000
Sub-Total		\$ 581,600		\$ 694,040
Contingency (20%)		\$ 116,320		\$ 138,808
Sitework Total		\$ 697,920		\$ 832,848

Buildings	PHASE I		PHASE II	
	Quantity	Cost	Quantity	Cost
Warehouse Renovation	0	\$ -	200	\$ 10,000
Warehouse Window Office	400	\$ 70,000	0	\$ -
Warehouse Wall	185	\$ 18,500	0	\$ -
Rolling doors	0	\$ -	15	\$ 75,000
Enclose 2,000 SF of storage	1	\$ 25,000	1	\$ 25,000
Pass-thru lockable windows	15	\$ 15,000	0	\$ -
Warehouse Reconstruction	0	\$ -	0	\$ -
Warehouse min. Reconstruction	6600	\$ 165,000	6600	\$ 165,000
New Warehouse	0	\$ -	8500	\$ 510,000
New Showroom	0	\$ -	3500	\$ 350,000
Office Renovation	12300	\$ 246,000	12300	\$ 492,000
Code Upgrades	1	\$ 151,000	1	\$ 151,000
New covered storage	0	\$ -	2000	\$ 60,000
Sub-Total		\$ 690,500		\$ 1,838,000
Contingency (20%)		\$ 138,100		\$ 367,600
Buildings Total		\$ 828,600		\$ 2,205,600
Construction Total		\$ 1,526,520		\$ 3,038,448

Soft Costs	PHASE I		PHASE II	
	Quantity	Cost	Quantity	Cost
Entitlement Consultants		\$ 130,000		\$ 130,000
Review Permit Fees		\$ 135,000		\$ 135,000
COB Project Management		\$ 40,000		\$ 40,000
Tech Docs and Permit		\$ 50,000		\$ 50,000
Building Permit Drawings (A & E)		\$ 66,288		\$ 176,448
Sales Tax		\$ 26,027		\$ 51,806
Building Permit Fee		\$ 5,319		\$ 10,621
Energy Code Fee		\$ 104		\$ 104
Electrical Permit Fee				
Plumbing Permit Fee				
Grading Plan Review Fee		\$ 37		\$ 37
Grading Permit Fee		\$ 196		\$ 196
Sign Permit Fee		\$ 178		\$ 178
Fence Permit Fee		\$ 2,977		\$ 2,977
Grading Permit Fee		\$ 196		\$ 196
Capital Facility Impact Fee (0.23/sf)		\$ 2,829		\$ 6,095
ROW Permit Fee - sidewalks		\$ 605		\$ 605
WQ Pond Fee		\$ 507		\$ 507
Erosion Control Fee		\$ 1,690		\$ 1,690
Storm PIF		\$ 240,000		\$ 240,000
Water Sewer Irrigation Taps and PIF		TBD		TBD
Sub-Total		\$ 701,953		\$ 846,459
Contingency (10%)		\$ 70,195		\$ 84,646
Soft Costs Total		\$ 772,149		\$ 931,105

Project Total	\$ 2,298,669	\$ 3,969,553
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CDOT Estimated Reimbursement \$ (300,000) \$ (300,000)

Project Total \$ 1,998,669 \$ 3,669,553

Prepared by: Drexel Barrell, PEH Architects, StudioTerra and City of Boulder

**Concept Development Key Findings
6400 Arapahoe Road**

Key Findings:

1. Dividing the property east and west by the centerline of the entry road extended to the south property line does not provide enough acreage on the west half to accommodate the program needs for Eco-Cycle, CHaRM and ReSource. Given Eco-Cycle's commercial hauling equipment and trucks and the stormwater detention pond for the entire site, approximately two acres remains on the eastern side of the site.
2. Identified office needs for both Eco-Cycle and ReSource employees can be accommodated in the existing office/showroom building, including Phase II uses, such as a community meeting area and two conference rooms.
3. The \$1.85 original project budget must be increased by approximately \$450,000 to provide:
 - a. Soft costs,
 - b. Utility and site work,
 - c. Shared use of the existing warehouse with some remodeling to create internal separation,
 - d. A new CHaRM window structure at the northwest corner of the existing warehouse,
 - e. Basic reconstruction of the two small warehouse buildings,
 - f. Building upgrades to meet code,
 - g. Minor remodeling in the existing office building.
4. Tree plantings in the setbacks on the south and east sides will be difficult or impossible due to existing underground utilities. Landscape screening is high priority for neighbors. This issue will be explored during site review.
5. A shared curb-cut access with BVSD is problematic to BVSD's parking lot and significantly disrupts the eastern remainder parcel. Therefore, this will be pursued.
6. A southern truck exit would be helpful operationally, but is not required. The future CDOT Arapahoe Road improvements will allow for full turning movements into and out of the property, with a new center turn lane.

ATTACHMENT H

Current and Future Waste Reduction Infrastructure

Current Facilities	Ownership	Operations Funding	Other partners	Diversion
Boulder County Recycling Center	Boulder County	Customers through collection fees	Eco-Cycle operates under contract to Boulder County	66.92%
Household Hazardous Waste Facility	Boulder County ¹	Boulder County and Broomfield municipalities, based on each community's usage	Western Disposal land ²	0.08%
Yard Waste Drop-off Center	City of Boulder	City and County subsidize their community's usage	Western Disposal donated land	12.36%
Wood Waste Drop-off Center	City of Boulder	City and County subsidize their community's usage	Western Disposal donated land	4.01%
City of Boulder/ Eco-Cycle CHaRM	City of Boulder land ³	City of Boulder ⁴ and user fees	Eco-Cycle operates, under contract to the city	1.37%
Compost facility (residential compostables & Western Disposal's commercial compostables)	Western Disposal	Customers through collection fees		7.93%
Expanded ReSource	Center for ReSource Conservation (CRC)	Self-supporting	City of Boulder	1.24% ⁵
Western Disposal Transfer Station	Western Disposal	Western Disposal	Western Disposal – extracts recyclables from the transfer station waste stream	1.66%
Other: University of Colorado Recycling, Front Range Construction & Demolition (C&D) facilities	CU and private companies	Self-supporting	CU and private companies	4.43%
Total citywide diversion				35%

Future waste reduction potential				
Expanded Hazardous Material Management facility	Boulder County ¹	Boulder County and Broomfield municipalities, based on each community's usage and businesses will pay full cost plus an additional surcharge		1%
Commercial compost facility	Unknown ⁶	Unknown		5-20%
Construction & Demolition (C&D) facility	Boulder County ⁷	Unknown		5-20%
Expanded CHaRM	City Boulder	Eco-Cycle	City of Boulder	1%
Total new diversion				42%

¹ New facility infrastructure costs will be shared between Boulder County municipalities and Broomfield

² New facility will be on Boulder County-owned property

³ Currently located at the city Municipal Service Center

⁴ Discussions are underway with Boulder County to begin to share operating costs

⁵ Diversion rate was 0.3% when ReSource is at its former location on 63rd Street (prior to September 2009)

⁶ City is discussing potential for this facility with Western Disposal.

⁷ These facilities are still being explored.

**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: July 6, 2010

AGENDA TITLE: Consideration of a motion to accept the summary of the June 3, 2010 City Council study session regarding Waste Reduction: Zero Waste Planning; 6400 Arapahoe Road; and Single-Hauler Issues and Opportunities.

PRESENTERS:

Jane S. Brautigam, City Manager
 Paul Fetherston, Deputy City Manager
 David Driskell, Executive Director of Community Planning & Sustainability
 Maureen Rait, Executive Director of Public Works
 Joe Castro, Facilities and Fleet Manager
 Kara Mertz, Local Environmental Action Manager
 Elizabeth Vasatka, Business Sustainability Coordinator
 Marie Zuzack, Project Specialist

EXECUTIVE SUMMARY:

The purpose of the first portion of the June 3 study session was threefold:

1. To provide information on the upcoming update to the city's Master Plan for Waste Reduction (MPWR);
2. To discuss the planned relocation of Eco-Cycle, the City of Boulder/Eco-Cycle Center for Hard to Recycle Materials (CHaRM) and ReSource to 6400 Arapahoe Road; and
3. The issues and opportunities inherent in pursuing a single hauler contract for trash and recycling collection service.

This memo includes answers to three questions posed at the study session. Attachment A includes the study session summary and Attachment B includes details of the cost estimates that were presented at the study session.

STAFF RECOMMENDATION:

Staff recommends council consideration of this summary and action in the form of the following motion:

Motion to accept the Summary (Attachment A) of the June 3, 2010 Study Session on Waste Reduction.

FOLLOW-UP INFORMATION:

A few questions were asked at the study session for which the following information is provided.

1. Once annexed, what is the projected sales tax revenue from ReSource and CHaRM at 6400 Arapahoe Road? Once the 6400 Arapahoe Road property is annexed to the city, ReSource will begin paying 3.41 percent city sales tax on its sales. ReSource sales

AGENDA ITEM # ³⁵ PAGE 1

totalled \$435,000 in 2009 and are expected to increase in 2010, yielding at least \$14,800 per year in city sales tax revenue. CHaRM is not expected to generate sales tax, as it does not sell materials to the public.

2. What is the estimated value of the southeastern portion of 6400 Arapahoe Road proposed to be used in Phase I for Eco-Cycle trucks and equipment? The estimated value of this portion of the property is approximately \$326,000, based on the price per square foot the city paid for the 6400 Arapahoe Road land. If the city were interested in selling this portion of the site, with or separately from the northeastern portion, a real estate professional would perform a market rate valuation of this property.
3. What is the estimated land value of the 0.5 acres that would be taken up by shifting the entry road if Phase II were to be built? The estimated value of the additional land needed for Phase II (0.5 acres) is \$209,000, using the same purchased price valuation method. Staff will include this land value in the Phase II estimated costs as part of the MPWR update.

NEXT STEPS:

Based on guidance provided at the study session, staff will complete the Concept Plan review process for 6400 Arapahoe Road Phase I and II and initiate the MPWR update process in the third quarter of 2010. City Council will review staff recommendations for the MPWR update in the first quarter of 2011. The recommendations will identify funding needs and priorities for achieving the city's zero waste goals through education, programs, regulations and facilities. It will also identify potential nonprofit and for-profit partners. The update will include an analysis of facility and funding needs for 6400 Arapahoe Road relative to other needs.

Site Review for 6400 Arapahoe Road will occur in the first quarter of 2011 based the results of the MPWR update. The Site Review and Annexation process will be followed by technical document and building permit review and approval in 2011. Eco-Cycle can move to the site as soon as site and building improvements are complete, likely in early 2012. If the MPWR update identifies construction of Phase II as a priority and funding seems likely within the two year timeframe, then Eco-Cycle should remain at its current location at the city yards until Phase II is built.

Based upon the Council feedback provided at the June 3 Study Session, a single-hauler contract for trash and recycling will not be pursued at this time.

Approved By:


Jane S. Brautigam
City Manager

ATTACHMENTS:

- A. June 3, 2010 Waste Reduction Study Session Summary
- B. Details on Phase I estimated cost increase

June 3, 2010 Waste Reduction Study Session Summary

PRESENT: City Council members: Susan Osborne, Mayor; Ken Wilson, Deputy Mayor; Suzy Ageton; Matt Appelbaum; KC Becker; Macon Cowles; Crystal Gray; Lisa Morzel

Staff members and consultants: Jane Brautigam, City Manager; David Gehr, Deputy City Attorney; Maureen Rait, Executive Director of Public Works; David Driskell, Executive Director of Community Planning & Sustainability; Joe Castro, Facilities and Fleet Manager; Glenn Magee, Design and Construction Manger; Kara Mertz, Local Environmental Action Manager; Elizabeth Vasatka, Business Sustainability Coordinator; Marie Zuzack, Project Specialist; Carol Adams, consultant, StudioTerra

PURPOSE: To provide city council with information and request feedback on:

- Update to the city's Master Plan for Waste Reduction (MPWR),
- Phase I and II draft concept plans for 6400 Arapahoe Road, and
- Potential issues and opportunities in pursuing a single hauler contract for trash and recycling collection service.

OVERVIEW OF PRESENTATION AND DISCUSSION:

Kara Mertz and Elizabeth Vasatka presented on Zero Waste planning and the status and results to date of concept planning for 6400 Arapahoe Road. The following questions were provided for City Council:

1. Does council have questions about the Phase I and II draft concept plans or site development costs?
2. Does council have feedback on next steps and the proposed schedule for moving forward?

Council members had the following comments and questions:

1. Consider selling the eastern portion of the property to help fund Phase II.
2. It seems that if and when CHaRM moves into the existing warehouse with ReSource, the waste diversion rates from ReSource may go down compared to current diversion.
3. How much sales tax will ReSource generate?
4. What rent will Eco-Cycle and the CRC (the nonprofits) pay the city?
5. Council members asked about the value of the land where Eco-Cycle's commercial hauling equipment will be stored on the eastern portion of the site. These should be taken into account moving forward.
6. How would the cost for Phase II fit into priority-based budgeting?
7. Would the nonprofits be willing to conduct capital campaigns to raise the funds for Phase II?
8. Council members voiced concern about how far the current Phase I cost estimates are above the preliminary Phase I cost estimates. Council members suggested a debrief be conducted to learn from this. (*Attachment B includes a full delineation of the cost components comparing the preliminary Phase I estimates and current Phase I estimates*)

9. The Phase I cost overrun is significant and frustrating and should not go any higher, as the city has a lot of other funding priorities.
10. Why weren't Eco-Cycle's commercial operations not included in the original site planning?
11. The previous brickyard site option was tight in terms of fitting the nonprofits' needs; however, a new building would have optimized the size of the site.
12. At this location, the nonprofits are more visible. It's important to show the public on the ground where the trash tax dollars are going, so we should fund Phase II and cut waste reduction programs if needed.
13. When will we receive compensation from CDOT for the Arapahoe Road right-of-way?
14. We should negotiate with CDOT for adequate compensation for the right-of-way; our "per acre" costs should be worth more than \$300,000.
15. Council members support proceeding with Phase I now and deciding about Phase II later, based on the MPWR update process.
16. Although CHaRM does not contribute a high percentage to the community's overall diversion rate, it plays an important role in accepting materials that otherwise could pose environmental problems.
17. It's important to subdivide the property as part of the Site Review and Annexation process so it can be sold or rented at some point in the future.
18. We should partner more with other Boulder County communities, particularly for facilities that serve the whole county. Perhaps we could get other communities to help with funding for Phase I or Phase II.
19. Staff and the nonprofits should seek grants, for example, from the Environmental Protection Agency, and donations for Phase II. The city funding could be used to match these.
20. We have already made significant changes in our waste stream and don't have a landfill in Boulder County. We should continue to be visionary with this property for making waste reduction convenient for people.
21. Most council members stated they were not inclined to sell the eastern portion of the property, since the city will likely need the land later.
22. The city must weigh funding for Phase II against other city funding priorities as well as other priorities within the Trash tax. It's important to identify the tradeoffs.
23. We should assume that the Phase II will cost double the current estimate.

Kara Mertz then presented a high-level analysis of the city's current trash hauler system in comparison to a potential municipal contract system. City Council was asked to if they were interested in further investigating a municipal contract system, and if so, whether this should be pursued with the MPWR update or sooner. Council members provided the following input:

1. None of the council members present were interested in pursuing a single-hauler contract for trash and recycling at this time.
2. Most council members felt that Boulder residents get good service for the money.
3. Council members noted that council has held lengthy public discussion over raising various taxes by a couple of dollars per month, and switching to single-hauler could save customers that much or more.

4. Most council members stated that the potential customer savings is probably not worth what it would take in city resources to set up a single-hauler contract.
5. Some council members remarked that if cost is the primary driver for a resident, that resident can choose a new hauler that provides service for a lower price or decreasing their trash service level.
6. Council requested that over time, staff keep an eye on Boulder's average rates in comparison to other cities'.
7. Council members felt it is more important to focus staff efforts on increasing business and industrial waste diversion.
8. Some council members stated they would like to preserve the current, competitive system.
9. Council members suggested staff consider switching the community service to every week composting pick-up and every other week trash collection.
10. What volume of compostable material does the average household put out for pick up?
11. Council suggested that it would be good to find a way for the city to use the compost generated by residents' compostable materials, or to sell it through a local retailer like McGuckin Hardware.

Detail on Phase I estimated cost increase:

Attachment B provides details on the preliminary and refined cost estimates for Phase I site and building improvements. A summary of this chart was included in the study session packet and presented to council on June 3. However, since some questions arose at the study session relating to the reasons for the cost differences, some clarifying information is included here.

The cost estimate generated in August 2009 was based on preliminary estimates for the old brickyard property on 63rd Street, prior to concept planning for the 6400 Arapahoe Road site. The difference between the preliminary and detailed cost estimates is \$447,000, which contains approximately \$324,000 in construction contingency. The four main categories with specific adjustments between the preliminary and current cost estimates are:

1. Accommodations for nonprofits' warehouse and office space needs (e.g., adding a kitchen, new paint and carpet to the office building; adding a drive-up window to the warehouse to allow safe traffic flow and a line-of-site for the CHaRM drop-off)
2. Consultant costs to complete the land use review processes. This was not originally anticipated to be as time-intensive as it has turned out to be. The revised estimate is based on staff's current knowledge re: the extent of the consultant involvement with staff and nonprofits through the land use review processes.
3. Higher contingency recommended by consultant (increased to 20 percent contingency for construction cost items and 10 percent contingency for soft costs). This contingency will not be spent if it is not needed.

The spreadsheet in Attachment B also contains a line item for the value of the land on the eastern portion of the site that is programmed for storage of Eco-Cycle's commercial trucks and roll-off equipment.

6400 Arapahoe Estimated Cost Comparison for Phase I					
Item	Preliminary Staff Estimate	Notes	Refined Consultant Estimate Jun-10	Notes	Change In costs
Site Work / Utilities					
General site repairs	\$ 90,000	Per building code inspection report*	\$ -	Not required for Phase I	
Environmental clean-up	\$ 50,000	Tank removal	\$ -	Not required	
General utility work	\$ 100,000		\$ -	Not required for Phase I	
Fire line tap	\$ -	NIC	\$ 6,000	Required for fire protection	
Detention pond	\$ -	NIC	\$ 55,000	For total development	
Pavement demo	\$ -	NIC	\$ 2,000	For fire line	
Security fence	\$ 2,500	Repairs only	\$ 73,500	Entire site - enhanced	
Site stabilization	\$ -	NIC	\$ 5,000	Required	
Internal signage	\$ -	NIC - assumed by tenants	\$ 2,500	Traffic control	
Landscape and irrigation	\$ 100,000		\$ 282,600	Screening for neighbors	
Loading dock	\$ 20,000		\$ 35,000	Additional dock	
Site lighting	\$ -	NIC	\$ 75,000	Required for site review	
Access improvements	\$ 200,000	Re-align entry road	\$ -	Not required for Phase I	
New drive lane	\$ 15,000	In initial proposal	\$ -	Not required	
Sub Total Site Work	\$ 577,500		\$ 536,600		
Contingency	\$ 57,700	10%	\$ 107,320	20%	
Total Site Work / Utilities	\$ 635,200		\$ 643,920		\$ 8,720
Warehouse Function					
General building repairs	\$ 84,350	Existing warehouses	\$ 60,198	Existing warehouses	
Fire protection system	\$ -	NIC	\$ 45,000	Required by code	
Warehouse window	\$ 15,000		\$ 70,000	Incl. office space	
Warehouse division wall	\$ -	NIC - assumed to be funded by nonprofits	\$ 18,500	Program change	
Enclose 2000sf warehouse	\$ 20,000		\$ 25,000	Better estimate	
Pass-thru windows	\$ 5,000		\$ 15,000	Program change	
Reconstruct small warehouses	\$ 112,981		\$ 165,000	Better estimate	
Sub total warehouse work	\$ 237,331		\$ 398,698		
Contingency	\$ 23,748	10%	\$ 79,740	20%	
Total Warehouse Work	\$ 261,079		\$ 478,438		\$ 217,359
Office Building					
General building repairs	\$ 140,000		\$ 112,000	Exterior and interior	
Office building renovations	\$ -	NIC	\$ 105,640	Interior tenant finish incl. kitchen, tile, paint	
Code upgrades	\$ 29,100	Per building code inspection report	\$ 29,100	Per building code inspection report	
Mechanical systems work	\$ 34,700	Per building code inspection report	\$ 34,700	Per building code inspection report	
Fire protection and alarm systems	\$ 51,200	Per building code inspection report	\$ 51,200	Per building code inspection report	
Sub Total Administration Building	\$ 255,000		\$ 332,640		
Contingency	\$ 25,500	10%	\$ 66,524	20%	
Total Office Building Work	\$ 280,500		\$ 399,164		\$ 118,664
Soft Costs					
Entitlement consultants	\$ 50,000		\$ 130,000	Extensive consultant work required	
Permit Drawings (A&E)	\$ -		\$ 66,288	For improvements	
Permits, fees, taxes, PIF	\$ 520,000		\$ 415,665		
Annexation Tech doc's and permits	\$ 50,000		\$ 50,000		
Facility staff project management	\$ 50,000		\$ 40,000		
Boulder County reimbursement	\$ 5,000	Earnest money	\$ 5,000	Earnest money	
Sub Total Soft Costs	\$ 675,000		\$ 706,953		
Contingency	\$ -	0%	\$ 70,194	10%	
Total Soft Costs	\$ 675,000		\$ 777,147		\$ 102,147
Total Contingency	\$ 106,948		\$ 323,778		\$ 216,830
Total Project	\$ 1,851,779		\$ 2,298,669		\$ 446,890
Estimated Land Value (southeast portion)			\$ 326,000		\$ 326,000
Total Project with Land Value			\$ 2,624,669		\$ 772,890

NIC= not in cost estimate

*Boulder County commissioned a Building Code Inspection Report prior to purchase of property

August 27, 2010

Elizabeth Vasatka
City of Boulder - Local Environmental Action Division

RE: 6400 Arapahoe Traffic Assessment

Dear Elizabeth:

Per your request, the Fox Higgins Transportation Group, LLC has completed an initial traffic assessment for the 6400 Arapahoe project for submittal to the City with the concept site plan. This traffic assessment was performed consistent with the City of Boulder Design and Construction Standards and includes an analysis of trip generation, distribution, and assignment assumptions for the project. This analysis will serve as the basis for a full impact study which will be required at a later stage.

The project is proposing to relocate the Eco-Cycle offices, Center for Hard-to-Recycle Materials (CHaRM), and ReSource building materials yard to a new, combined facility located along the south side of Arapahoe Road just east of 63rd Street. A vicinity map showing the site location is provided on **Figure 1**. The 6400 Arapahoe site used to house a building materials store and yard. The existing buildings and yards will be reused as part of this project. The initial phases (I and II) of the project will include the three relocated uses on approximately 8 acres of the 10 acre site. A potential future Phase III would utilize the remaining 2.1 acres of the site, and it is anticipated that these expanded uses would involve waste reduction activities as well. From a traffic generation and distribution perspective, it is anticipated that additional uses in Phase III will be similar in nature to the Phase I/II uses.

Full-movement access is proposed along Arapahoe at the existing site driveway for Phase I. If Phase II is realized, the site driveway will be shifted slightly to the east. Either site driveway location will be accommodated by the roadway widening project along this portion of Arapahoe currently being pursued by CDOT. This CDOT project will add an additional through lane in each direction along Arapahoe, a center left turn lane, and on-street bicycle lanes. In a recent meeting between the City and CDOT staff it was determined that additional right turn acceleration and/or deceleration lanes along the south side of Arapahoe will not be necessary to serve the 6400 site driveway.

Trip Generation

The proposed waste reduction uses at 6400 Arapahoe do not lend themselves to standard Institute of Transportation Engineers (ITE) trip generation rates. Therefore, a set of detailed conversations

were held with staff from each of three site users to enable an estimate of future site trip making. The trip generation patterns of employees, visitors, customers, drop-off patrons, and trucks accessing the site were all estimated for weekday and weekend operations. This analysis also included an estimate of increased activity that may occur at the new site (relative to the use at existing facilities). The results are detailed in **Table 1**. It can be seen that the Phase I/II operation is anticipated to generate approximately 1,060 vehicle trips per day on a typical weekday. Hourly trip estimates were also made for the weekday AM and PM roadway peak hours, the weekday peak hour of site use, and the Saturday peak hour of site use. It should be noted that the highest hourly traffic accessing the site will likely occur on Saturday or mid-day on a weekday when the adjacent traffic on Arapahoe is not at its peak.

If / when the additional 2.1 acres are occupied by waste reduction uses, it is estimated that Phase III traffic will be approximately 30% higher than Phase I/II traffic (see **Table 1**).

Given the nature of the site uses, and to be conservative at this point, no alternative mode trip reductions were estimated, although some of the site employees may chose to commute to work using an alternative mode to the automobile.

Trip Distribution and Assignment

The estimated site trips presented in **Table 1** were distributed onto the adjacent street network based on existing and future land use, traffic patterns in the area, and the location of this site relative to the population in Boulder and surrounding communities. Assumed site distribution percentages are shown on **Figure 2**. These distribution assumptions project that the majority of traffic (80%) will be to/from the City of Boulder (which is largely to the west of the site), but the site will also serve some traffic from County residents arriving to/from the east on Arapahoe.

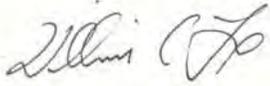
The estimated site trips were then assigned to the proposed site access along Arapahoe using the trip distribution assumptions. The Phase I/II weekday AM and PM peak hour access volumes are shown on **Figure 3**. This Figure also includes an estimate of peak weekend traffic at the site driveway. Projected Phase III traffic is illustrated on **Figure 4**.

It is our understanding that the trip generation and distribution analysis contained in this report will be utilized to establish the study area for a full traffic impact study which will be required for this project at a later stage. Based on this analysis, we would recommend that the following intersections be analyzed to determine project impacts:

- Site Access along Arapahoe
- Arapahoe / 63rd Street
- Arapahoe / BVSD East Access

Please let me know if you have any questions or would like to discuss our analysis and findings in more detail.

Sincerely,
Fox Higgins Transportation Group, LLC



William C. Fox, P.E.
Principal

Attachments:

- Figure 1 – Vicinity Map
- Table 1 – Phase I/II & III Trip Generation Estimates
- Figure 2 – Site Trip Distribution
- Figure 3 – Site Generated Traffic Volumes – Phase I/II
- Figure 4 – Site Generated Traffic Volumes – Phase III

Table 1

6400 Arapahoe - Phase I/II & III Trip Generation Estimates



Site User and Use Type:	Daily Trips			Weekday AM Peak Hour Trips			Weekday PM Peak Hour Trips			Weekday Peak Hour of Site Use Trips			Saturday Peak Hour			
	Inbound	Outbound	Total	Inbound	Outbound	Total	Inbound	Outbound	Total	Inbound	Outbound	Total	Inbound	Outbound	Total	
CHaRM Vision																
Employment																
Employees	6															
Employee Trips		9	9	18	2	0	2	0	2	2	2	2	4	2	2	4
Customers / Visitors / Drop Off Patrons																
Customers Per Day	300															
Customer Trips		300	300	600	0	0	0	0	0	0	45	45	90	55	55	110
Trucks																
Truck Fleet (all types)	1															
Site Owned Truck Trips		2	2	4	0	0	0	0	0	0	1	1	2	1	1	2
Service Truck Trips		4	4	8	0	0	0	0	0	0	1	1	2	0	0	0
Traffic Subtotal:		315	315	630	2	0	2	0	2	2	49	49	98	58	58	116
Eco-Cycle Vision																
Employment																
Employees	17															
Employee Trips		25	25	50	17	0	17	0	17	17	6	6	12	6	6	12
Customers / Visitors / Drop Off Patrons																
Visitors	7															
Visitor Trips		7	7	14	0	0	0	0	0	0	7	7	14	7	7	14
Trucks																
Truck Fleet (all types)	11															
Site Owned Truck Trips		22	22	44	0	0	0	0	0	0	4	4	8	4	4	8
Service Truck Trips																
Traffic Subtotal:		54	54	108	17	0	17	0	17	17	17	17	34	17	17	34
ReSource Vision																
Employment																
Employees	9															
Employee Trips		12	12	24	9	0	9	0	9	9	3	3	6	3	3	6
Customers / Visitors / Drop Off Patrons																
Customers Per Day	140															
Customer Trips		140	140	280	0	0	0	20	30	50	35	35	70	35	35	70
Trucks																
Truck Fleet (all types)	2															
Site Owned Truck Trips		5	5	10	0	0	0	0	0	0	2	2	4	2	2	4
Service Truck Trips		3	3	6	1	1	2	1	1	2	1	1	2	0	0	0
Traffic Subtotal:		160	160	320	10	1	11	21	40	61	41	41	82	40	40	80
Total Phase I/II Trips		529	529	1058	29	1	30	21	59	80	107	107	214	115	115	230
Total Phase III Trips⁽⁴⁾		688	688	1376	38	1	39	27	77	104	139	139	278	150	150	300

Notes:

1. CHaRM is only open to the public between 9:00 AM and 4:00 PM. Truck traffic typically occurs outside of the weekday peak hours.
2. ReSource is only open to the public between 9:00 AM and 5:00 PM. Most truck trips occur outside of the weekday peak hours.
3. Trip generation estimates based on detailed conversations with existing facility operators.
4. It is anticipated that Phase III will increase the site's trip generation by approximately 30%. This is based on the available land area and the goal of serving similar waste reduction type uses.

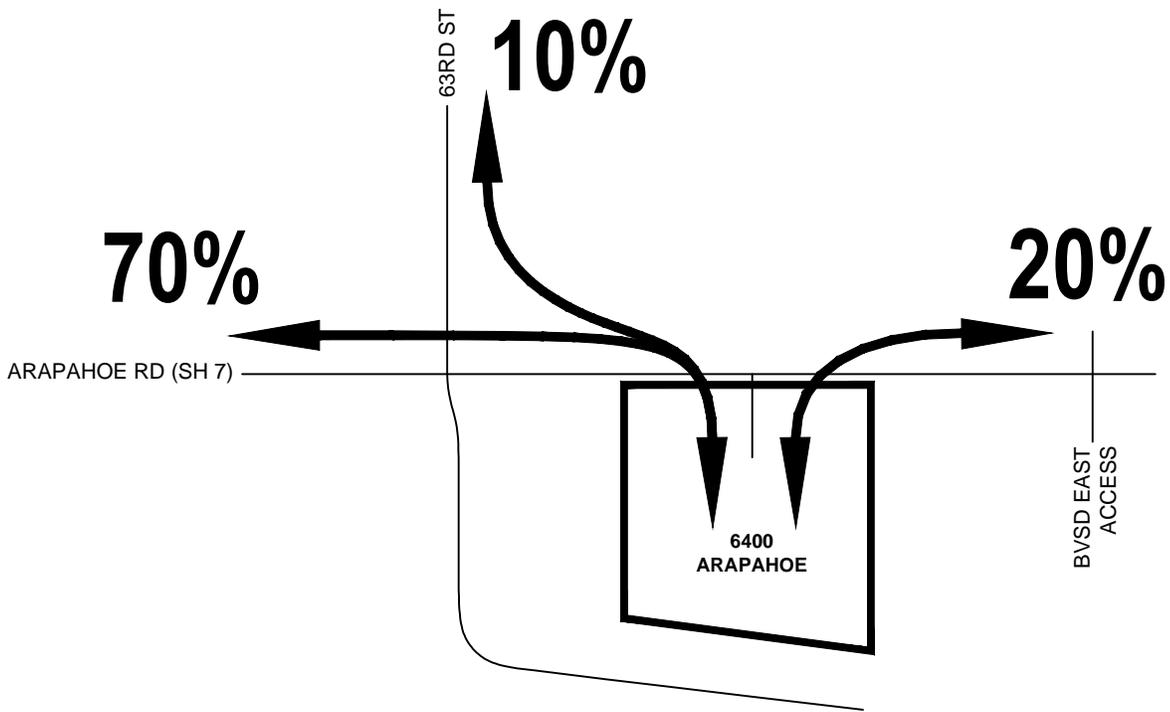


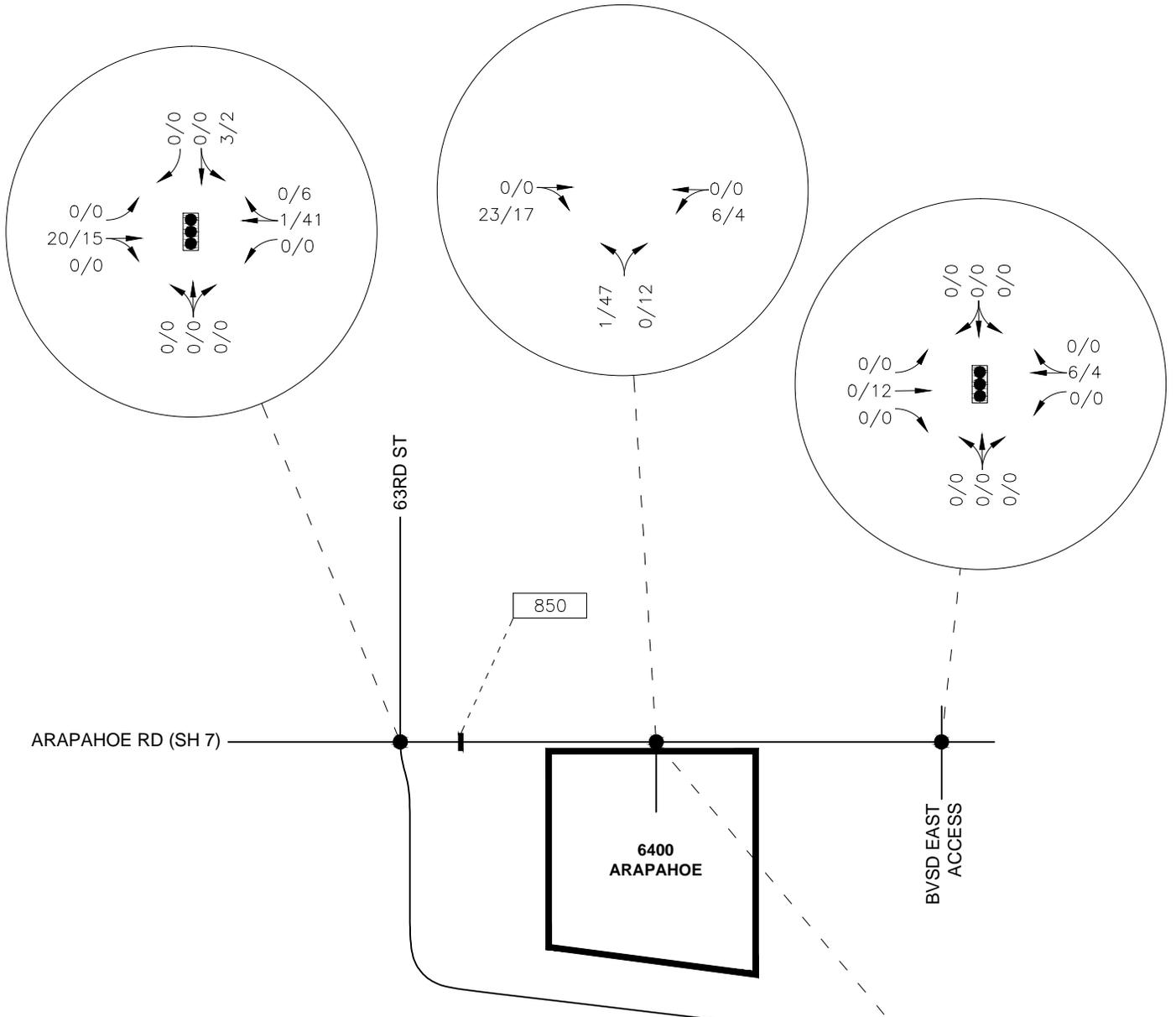
FOX HIGGINS

TRANSPORTATION GROUP

6400 ARAPAHOE TRAFFIC ASSESSMENT
VICINITY MAP

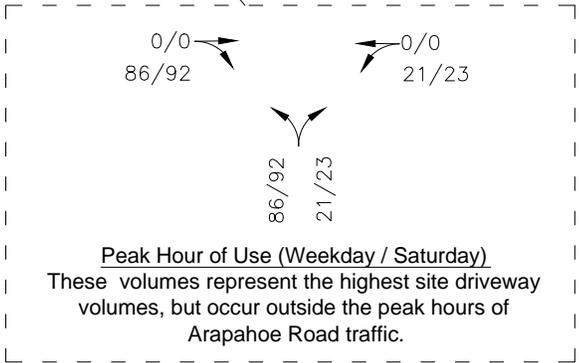
FH Project #	10005	Original Scale	1"=800'	Date	8/4/10	Drawn by	SGT	Figure #	1
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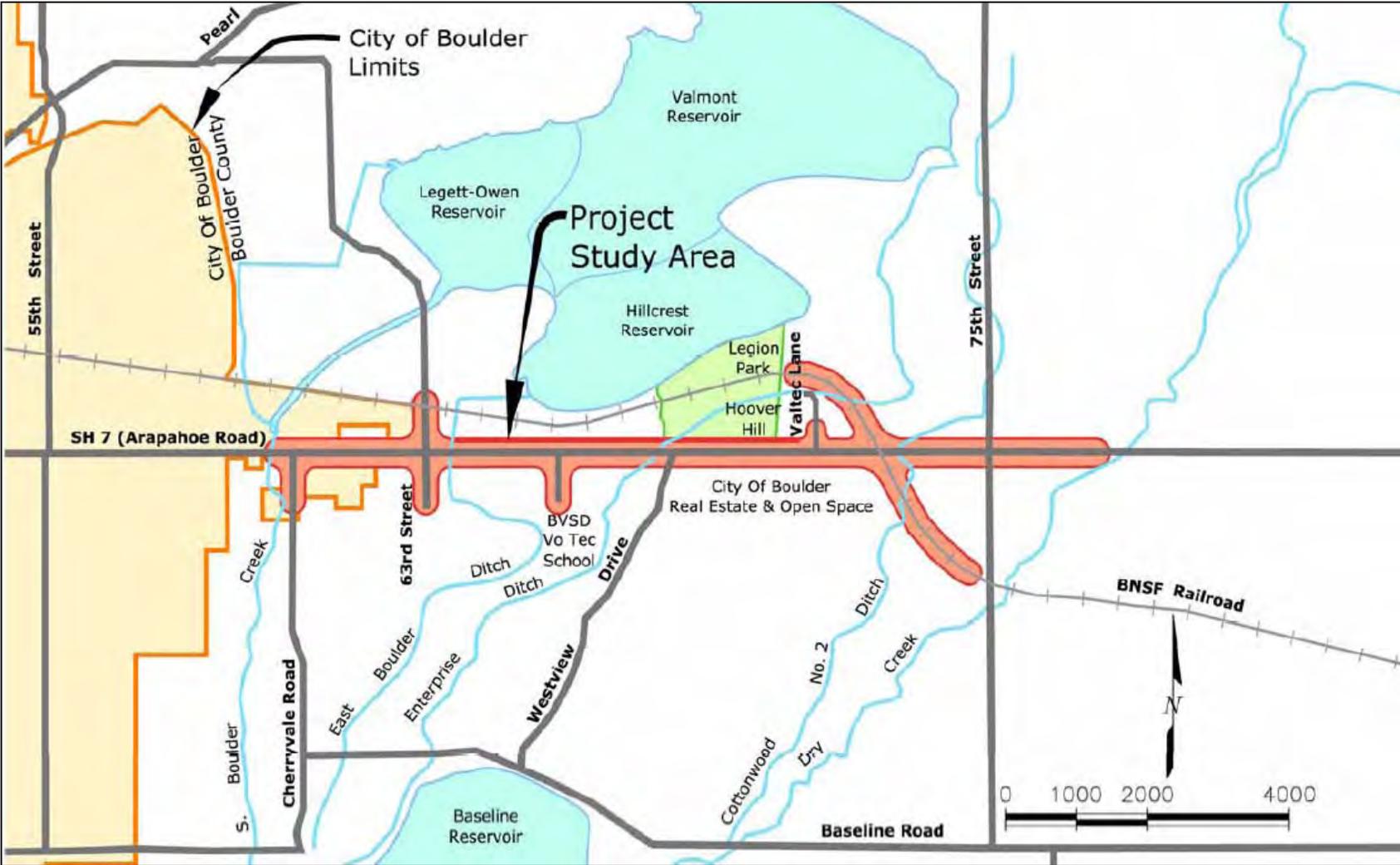
KEY

XXX / XXX = Weekday AM / PM Peak Hour Volume
 [XX,XXX] = Weekday Average Daily Traffic Volume



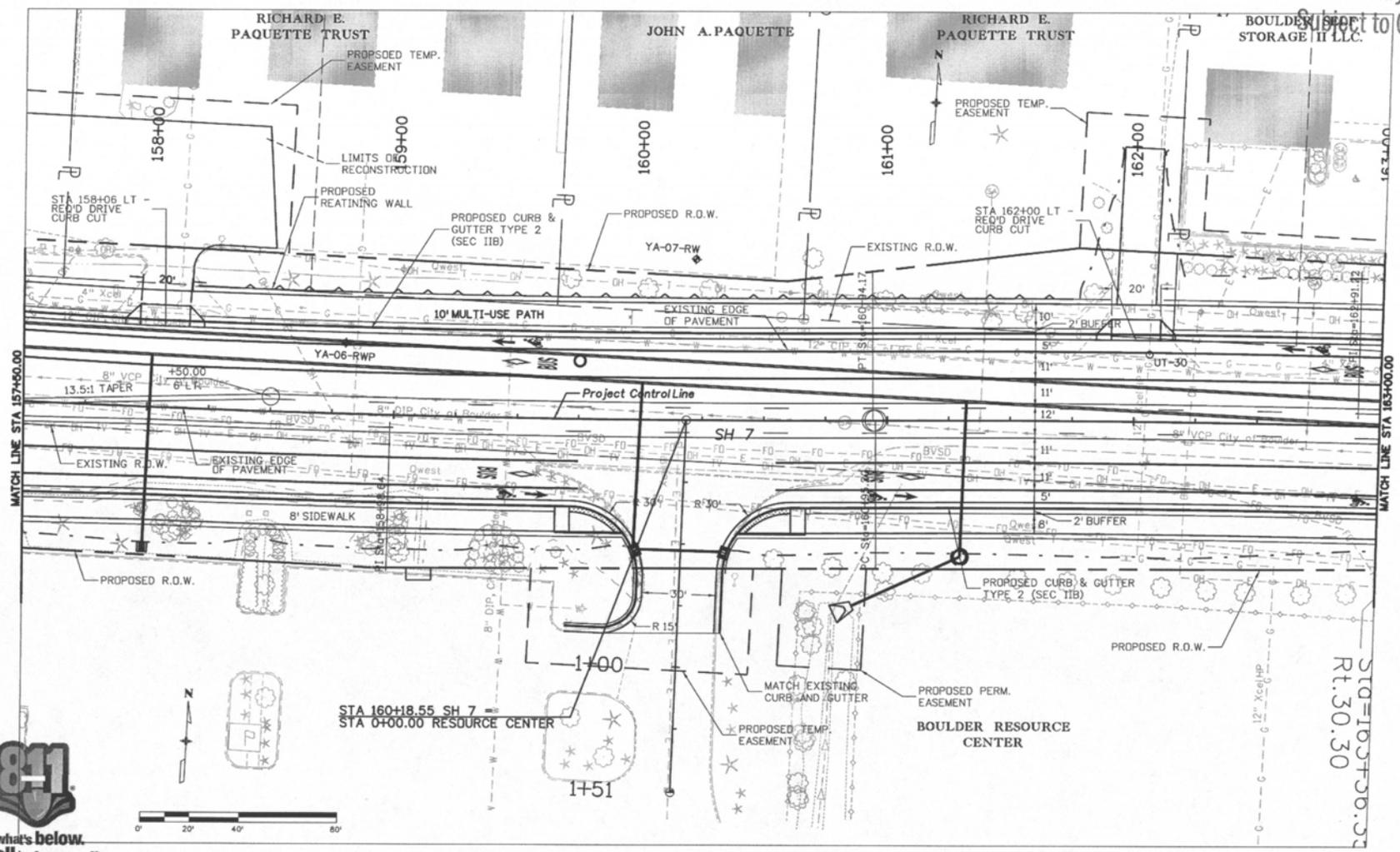
6400 ARAPAHOE TRAFFIC ASSESSMENT
 SITE-GENERATED TRAFFIC VOLUMES - PHASE I / II

Colorado Department of Transportation's Preliminary Plans for Arapahoe Rd. Widening



Colorado Department of Transportation: State Highway 7 (Cherryvale Road to 75th Street)
Finding of No Significant Impact and Final Section 4(f) Evaluation - Study Area Map

Preliminary Plans
Subject to Change



Know what's below.
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Print Date: 6/8/2010	
File Name: 11873PlanSheet06.dgn	
Horiz. Scale: 1:40	

Sheet Revisions		
Date:	Comments	Init.

Colorado Department of Transportation
 1050 Lee Hill Road
 Boulder, CO 80302
 Phone: 303-546-5660 FAX: 303-444-0751
 Region 4 RJH

As Constructed
 No Revisions:
 Revised:
 Void:

PLAN - SH 7
 STA. 157+50 TO STA. 163+00
 Designer: RDM Structure Numbers
 Detaller: RDM Numbers
 Sheet Subset: ROADWAY Subset Sheets: 6 of 55

Project No./Code
 STA 0072-010
 11873
 Sheet Number 64

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**CITY OF BOULDER
PLANNING BOARD AGENDA ITEM
MEETING DATE: November 4, 2010**

AGENDA TITLE: Diagonal Plaza Redevelopment: Review of Economic Analysis

REQUESTING DEPARTMENT:

Community Planning and Sustainability:
David Driskell, Executive Director
Liz Hanson, Economic Vitality Coordinator
Sam Assefa, Senior Urban Designer
Trish Jimenez, Senior Financial Manager
Erik Brown, Economic Vitality Assistant
Stefan Baden, Economic Vitality Intern

OBJECTIVE:

Review and provide comments on the economic analysis prepared by the city's consultant team related to three conceptual redevelopment scenarios for the Diagonal Plaza area and potential next steps.

STATISTICS:

Project Name: Diagonal Plaza Redevelopment: Review of Economic Analysis
Location: Diagonal Plaza Study Area, between 28th and 30th Streets, Glenwood Avenue and the Diagonal Highway
Zoning: Primarily Business Community -1 (BC-1); parcel 15 zoned Industrial General – 1 (IG-1)
Comprehensive Plan: Community Business, General Business, and High Density Residential

SUMMARY OF KEY ISSUES:

The following questions were provided to members of the Boulder Urban Renewal Authority to guide their review and discussion of the consultants' initial economic analysis of redevelopment potential at Diagonal Plaza.

- 1) What are the BURA Commissioners' comments on the consultants' economic analysis?
- 2) What do the BURA Commissioners believe is the most viable development scenario for the Diagonal Plaza area?
 - As one of the last viable "big box" retail sites in Boulder?
 - As a mixed use redevelopment district?
 - Another land use option?
- 3) Do the BURA Commissioners believe that there is a compelling economic reason for the city to pursue a public-private partnership for the redevelopment of the Diagonal Plaza area? If so, what do the BURA Commissioners recommend as the next steps (e.g. blight study, area planning, further economic analysis), if any?

Planning Board is requested to provide any review comments that may be helpful to City Council as they consider the preceding key issue questions in addition to the input provided by the Boulder Urban Renewal Authority (BURA) Commissions on September 29.

BACKGROUND:

Diagonal Plaza Shopping Center

The Diagonal Plaza is a commercial center in northeast Boulder. The center was first developed in 1965, with a subsequent phase developed in 1995 near 30th Street. The area is comprised of multiple properties, all controlled by separate owners. Several of the properties have long term leases. The area is mainly zoned BC-1 (Business Community – 1) and the center's physical infrastructure does not meet the city's current land use regulation standards, including circulation, landscaping, and lighting.

The Diagonal Plaza center has been aging and the physical appearance of its buildings and improvements have been declining. It is also the city's most underutilized retail center.

- Over the past several years, primary tenants such as Albertson's, Ross, and PetSmart have moved from the site. Other smaller tenant spaces are also vacant throughout the project, including those in the "mini-mall" indoor retail space and the former Lazy Dog Saloon site along the Diagonal Highway.
- 24 Hour Fitness is the newest large tenant and one of the site's major draws, along with the State of Colorado Drivers' License Office.
- Rite Aid and Sports Authority occupy larger tenant spaces along 28th Street.
- There have been no applications to the city for redevelopment of the site, although in recent months the city has received increased inquiries from developers interested in the site.

A draft list of "Preliminary Criteria for Success" has been developed by staff (see Attachment E) with the goal of establishing *"a new paradigm for the design, development and management of community shopping centers in Boulder in a manner that advances our community's goals related to economic, social and environmental sustainability."* Issues related to retail uses, sales tax, connectivity, public space, mixed uses, and environmental sustainability are identified as being key to the center's redevelopment regardless of the specific development scenario chosen.

The Diagonal Plaza Study

The Boulder Valley Comprehensive Plan focuses on infill and redevelopment as a means of avoiding sprawl. Community discussions about how we can best manage our future focus on the revitalization and redevelopment of underperforming and underutilized properties in our existing urban core. The Diagonal Plaza is one of these properties. The City of Boulder has begun the steps to conduct an initial study of the Diagonal Plaza center and the immediate surrounding area, including evaluating the options related to future redevelopment. The City also seeks information about the feasibility of public-private partnerships or financial options such as the use of the Boulder Urban Renewal Authority (BURA), tax increment financing or other public financing tools. For an overview of urban renewal, tax increment financing, and BURA, please see Attachment A.

The City has defined a study area for the purpose of this initial analysis – the commercial properties generally bounded by the Diagonal Highway, Glenwood Drive, 28th and 30th Streets (see map in Attachment B). The study area includes the Diagonal Plaza shopping center as well as several nearby properties that provide context or may benefit from circulation improvements; it includes 15 properties, each with separate owners. Two of the properties near the northeast corner of Glenwood Avenue and 28th Street have considerable vacancies. Attachments C and D show property, building and property ownership information for the 15 properties. Property owners in the study area were contacted by the City by mail and/or by phone to review the status of the 2010 Diagonal Plaza Study.

The table below shows the aggregate city taxes collected for the 15 properties in the Diagonal Plaza Study Area from 2007 to 2009. Tax revenue collections have declined each year. Also, less than half a million dollars in city sales taxes were collected in 2009. In a general comparison of 2009 sales tax revenues, \$2,252,679 were collected from Table Mesa Shopping Center (Broadway and Table Mesa), \$1,339,146 from Basemar Shopping Center (Baseline and Broadway), and \$1,000,594 from Meadows on the Baseline (Foothills Parkway and Baseline).

**Diagonal Plaza RFP Study Area
City of Boulder - Aggregate Taxes**

	2007	2008	2009	Total
Sales Tax	\$673,943	\$547,152	\$483,792	\$1,704,888
Use Tax	\$6,225	\$10,170	\$6,613	\$23,008
Food Tax	\$6,465	\$5,955	\$5,589	\$18,009
Property Tax	\$910,684	\$958,441	\$1,002,361	\$2,871,486
Total	\$1,597,317	\$1,521,718	\$1,498,355	\$4,617,391

A Request for Proposal (RFP) was issued by the City on June 18, 2010 to select a consultant to perform a preliminary economic analysis. On August 11, 2010 the City selected the Denver-based land economics consulting firm of Economic Planning and Systems (EPS), with a Boulder-based team of OZ Architecture, Scott Cox & Associates, and RRC to complete this study. The resulting study report is included in Attachment F for the Planning Board's review.

ECONOMIC ANALYSIS REPORT:

In the RFP, the City requested economic analysis of the feasibility of the following redevelopment options:

2. Retail big box or mid-box development
3. Horizontal mixed use with a mix of retail and residential uses
4. Vertical mixed use containing both retail and residential uses

The purpose of the options was to describe general potential development opportunities, not to represent discreet alternatives for potential selection.

Over a period of one month, the consultants made a preliminary determination of feasibility for each scenario, including the following tasks:

- **Redevelopment Scenarios** – three scenarios of uses and density for feasibility testing and the economic analyses. *Conceptual drawings are illustrative only and are not proposed plans (any actual redevelopment plans would be developed through a public process);* the key purpose of the illustrations is to is to “test fit” for building square footage, building footprints, residential units, etc.
- **Economic and Market Assessment** – the consultants’ assessment of mid and large format national retailer opportunities for the Boulder market and specifically for the Diagonal Plaza site; the economic benefits of specific tenants and uses are estimated based on the potential to generate net new retail sales activity and tax revenues
- **Development Feasibility** – evaluates the financial feasibility of the three development scenarios by comparing future project costs to future project revenues; *acquisition cost estimates are a rough approximation used for the analysis, since no actual value of the site can be determined without an appraisal* (and would be based on a wide variety of factors)
- **Redevelopment Options** – identifies the public financing that could be used to address costs associated with redevelopment and outlines city implementation options

A summary of the findings is included on pages 5 through 7 of the consultants' report. Based on the report, each of the three scenarios would require some level of public subsidy or investment. The feasibility of Scenario 1 (commercial only with big box retail) and Scenario 2 (horizontal mixed use) is questionable even with the maximum public financing. The report indicates that Scenario 3 (vertical mixed use) may be feasible with tax increment financing, provided the development plans configure retail in a way that is appealing to the commercial market.

Scenario 1 has the largest "feasibility gap" of \$52.2 million, primarily due to the estimated land cost and lower density of the site (e.g. there is a limit to how much "big box" can fit on this site given parking needs and site configuration.) Only a few big box retailers are listed as having "high" potential and these retailers are generally seeking a project land cost that is substantially lower than the report's rough estimation of the site's value. The report also raises questions as to the appeal of the Diagonal Plaza as a regional retail site versus a community retail center.

The consultants' findings raise the following questions for the City, and the Diagonal Plaza site:

Is a new big box store important for Boulder's economy?

- A. If yes, is Diagonal Plaza the only likely place that a big box can be located? (And if not Diagonal Plaza, then where?)
- B. If yes, what level of public subsidy or other strategy is appropriate for the city to pursue in achieving this objective?
- C. If no, should the City pursue other redevelopment options for Diagonal Plaza at this time?
- D. If no, should the City pursue other options for interim improvements to the Diagonal Plaza site to enhance its appearance, function, and tax revenue?

BOULDER URBAN RENEWAL AUTHORITY COMMENTS:

The Boulder Urban Renewal Authority (BURA) met on September 29 to discuss the economic analysis report and provide recommendations. The following questions were provided to guide the BURA Commissioners' discussion of Diagonal Plaza (and will be posed to the City Council on November 16).

- 1) **What are the BURA Commissioners' comments on the consultants' economic analysis?**
- 2) **What do the BURA Commissioners believe is the most viable development scenario for the Diagonal Plaza area?**
 - **As one of the last viable "big box" retail sites in Boulder?**
 - **As a mixed use redevelopment district?**
 - **Another land use option?**
- 3) **Do the BURA Commissioners believe that there is a compelling economic reason for the city to pursue a public-private partnership for the redevelopment of the Diagonal Plaza area? If so, what do the BURA Commissioners recommend as the next steps (e.g. blight study, area planning, further economic analysis), if any?**

Minutes of the September 29 BURA meeting are included as Attachment G; they include detailed notes of the Commissioners' discussions. Here are some of the key findings and recommendations of the BURA Commissioners:

- It is a good time to be planning for this site (given the current economic climate); keep the project moving forward.
- The redevelopment scenarios will need higher densities to truly be successful.
- We need affordable shopping in Boulder that will raise sales tax revenue and to bring in something new that will draw people into the city.
- Mid-box stores would compete with other Boulder stores. This is the last, best place for a big box development to occur in Boulder and the city needs a mass retailer in the core area. Costco has the best ability to do that.

- TIF (tax increment financing) will be needed to complete this project.
- The City needs to define a vision for the site before any real redevelopment decisions can be made.
- Recommended next steps: a blight study, explore developer interest and potential interest of key retailers, host a ULI (Urban Land Institute) Technical Assistance Panel to help explore options in more details and draw on outside expertise.
- Area planning efforts would not be a good use of staff's time if the project won't work.
- There shouldn't be any city funds put into an attempt to fix the appearance of the site in the interim.

NEXT STEPS:

- **November 16** - City Manager makes a recommendation to the **City Council**.
- Depending on City Council direction, next steps may include a blight study, area planning efforts, further analysis of redevelopment options, or no immediate action.

PUBLIC COMMENT AND PROCESS:

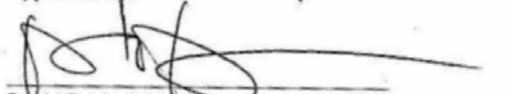
Diagonal Plaza study area property owners and the general public have been contacted through various media as follows:

- **Diagonal Plaza Redevelopment and BURA web sites** – with information on the study area, RFP process and schedule, and public meetings.
- **Letters from City Manager Jane Brautigam** – were sent to study area property owners to inform them of the upcoming RFP process and the consultants' economic analysis report.
- **Communication from Economic Vitality Coordinator Liz Hanson** – by phone calls and e-mails to in-state property owners to provide updates and answer questions about the Diagonal Plaza redevelopment study and next steps. Feedback from owners was generally positive and several indicated a willingness to help the process. Several indicated that they were not surprised the city was trying to get a redevelopment project started on the site.

STAFF FINDINGS AND RECOMMENDATIONS:

Staff will make recommendations on next steps to the City Council at its November 16 meeting, based on the feedback from BURA Commissioners and Planning Board members.

Approved By:



David Driskell, Executive Director
Department of Community Planning and Sustainability

ATTACHMENTS:

- Urban Renewal: An Overview
- Diagonal Plaza Study Area Map
- Diagonal Plaza Study Area - Property and Building Data
- Diagonal Plaza Study Area - Property Ownership
- Redeveloping Diagonal Plaza - Preliminary Criteria for Success
- Consultants' Report - Diagonal Plaza Feasibility Study
- BURA Meeting Minutes – September 29, 2010

Attachment A

Urban Renewal: An Overview September 24, 2010

Prepared by City of Boulder Economic Vitality Staff

Urban Renewal

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

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

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

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

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

Blight Study

A “blighted area” is a term defined in Colorado State Statute 31-25-103. There are 11 factors of blight identified in the law, and four of them must be found for an area to be declared an urban renewal area, unless there is no objection by the property owner(s) and tenants, in which case only one factor of blight must be present. If eminent domain is used, five factors of blight must be found. The following factors are used to determine if an area is blighted:

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

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

Tax Increment Financing (TIF)

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

History of the Boulder Urban Renewal Authority

The Boulder Urban Renewal Authority (BURA) was created by the Boulder City Council in March 1979. BURA consists of five commissioners who serve five year terms. BURA Commissioners are appointed by the Mayor of the City of Boulder. BURA is responsible for encouraging the redevelopment of property within City Council-established redevelopment

districts. BURA also provides input regarding redevelopment issues and programs to the City Manager. The BURA Board of Commissioners meets as needed, rather than on a regular, monthly basis.

The current BURA commissioners are: KC Becker, John Wyatt, Richard Wobbekind, Jerry Lee, and Chet Winter.

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

Boulder Valley Regional Center (BVRC) and Crossroads Mall

1979

February Boulder City Council votes unanimously to use “persuasive and legal powers” to expand shopping facilities between 28th and 30th, north of Arapahoe, and to improve transportation in the area.

March City Council creates the Boulder Urban Renewal Authority.

April City Council approves the Boulder Valley Regional Center (BVRC) Urban Renewal Plan.

April The Macerich Company purchases Crossroads Mall for \$12 million.

June Boulder voters approve Tax Increment Financing (TIF) method to finance redevelopment.

December Macerich selected as developer and May D&F (now Macy’s) commits to build a store at Crossroads.

1981 Boulder voters reaffirm support for Crossroads’ expansion through a second election brought by a citizen petition.

1982 BURA secures financing for a \$20 million bond issue.

1983 The expansion of Crossroads Mall opens in August with May D&F and new retail stores in the enclosed north end of the mall. The mall is approximately 850,000 square feet.

1987 The BVRC Urban Renewal Plan is revised to include more specific planning and development goals for the portion of the BVRC surrounding Crossroads Mall.

9th and Canyon

1994

December 14 St. Julien Partners purchase parcel at 9th and Canyon

1995

July 11 City Council approves reviewed Urban Renewal Plan

1996

March 5 City Council, acting as the Central Area General Improvement District (CAGID) Board of Directors, denies inclusion of CAGID property in the St. Julien concept review for the Urban Renewal Plan

May 7 St. Julien submittal of a hotel project only on Canyon (on St. Julien property only)

December 5 Planning Board denies St. Julien project on Canyon

1997

January 21 City Council, acting as the CAGID Board of Directors, authorizes CAGID inclusion on the St. Julien concept plan in accordance with the Urban Renewal Plan

1998

July 21 City Council approval of Letter of Intent with St. Julien Partners
City Council approval of CAGID Bond election for the garage

November 3 CAGID Election for garage is successful

1999

September 21 Civic Use Task Force recommendations endorsed by City Council

November 18 BURA meeting and review of site review submittal

2000

February 17 Planning Board approval of St. Julien/CAGID site (7-1) and VAC use review

May 17 BURA approval of the BURA/City of Boulder Cooperation Agreement

June 6 City Council approval of Civic Users Letter of Intent
City Council approval of BURA/City of Boulder Cooperation Agreement

2002

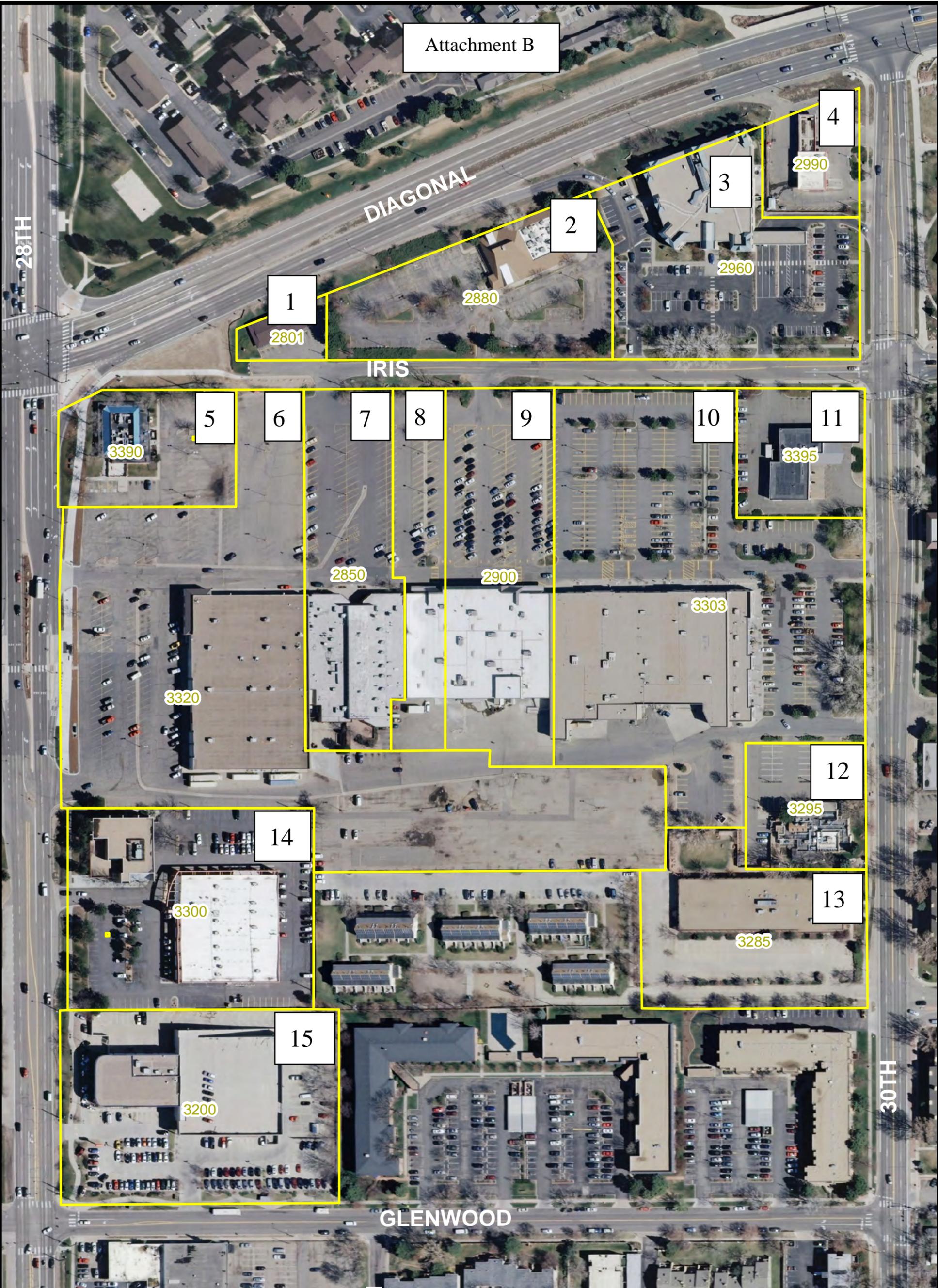
May 21 St. Julien Hotel/ CAGID garage submit for building permit

2003

January 16 Request to BURA for loan for civic infrastructure

April 2 BURA approval of the Cooperation Agreement

April 7	Building Permit approval
May 6	City Council approves the project agreements including Condominium Declaration, Joint Development Agreement, etc. City Council approves the preliminary Official Statement for CAGID bond sale of \$12,500,000
May 21	Groundbreaking Ceremony
June 19	CAGID Bond Sale
2004	
November	CAGID garage opens
2005	
February	Hotel opens



Diagonal Plaza Redevelopment Analysis
RFP Study Area June 2010

Attachment C

Diagonal Plaza Study Area

Building and Land Information

Source : Boulder County Assessor Records

Plot #	ADDRESS	BLDGCLASS	BLDGYEAR	BLDGSQFT	AREASQFT	ZONING	LANDUSE	PREVREVIEW	FLOOD	BLDGVALUE	LANDVALUE
1	2801 IRIS AV	MERCHANDISING	1960	2,707.00	10,591.00	BC-1	GB			\$ 214,400.00	\$ 290,100
2	2880 DIAGONAL HY	RESTAURANTS	1979	10,322.00	81,448.00	BC-1	GB	P-78-39	500Ye	\$ 48,400.00	\$ 1,192,900
3	2960 DIAGONAL HY	BANKS	1995	44,301.00	108,584.00	BC-1	GB	SI-94-5, UR-94-6	100Ye	\$ 4,073,900.00	\$ 2,326,100
4	2990 DIAGONAL HY	SERVICE STATION	1969	1,961.00	25,725.00	BC-1	GB	SR, SI-97-7	100Ye	\$ 155,000.00	\$ 537,000
5	3390 28TH ST	RESTAURANTS	1975	5,902.00	48,749.00	BC-1	CB	PUD		\$ 503,200.00	\$ 869,600
6	3320 28TH ST	MERCHANDISING	1965	48,968.00	291,900.00	BC-1	CB			\$ 1,033,400.00	\$ 2,961,100
7	2850 IRIS AV WEST	MERCHANDISING	1983	25,089.00	79,871.00	BC-1	CB			\$ 1,562,700.00	\$ 1,626,100
8	2850 IRIS AV EAST		0	-	42,408.00	BC-1	CB				\$ 924,000
9	2900 IRIS AV	MERCHANDISING	1973	38,226.00	96,912.00	BC-1	CB			\$ 2,580,600.00	\$ 2,108,800
10	3303 30TH ST	MERCHANDISING	1995	117,596.00	247,771.00	BC-1			100Ye	\$ 4,151,600.00	\$ 3,948,400
11	3395 30TH ST	MERCHANDISING	1977	7,259.00	39,678.00	BC-1	CB	SR-80-19	100Ye	\$ 335,000.00	\$ 640,000
12	3295 30TH ST	RESTAURANTS	1969	6,896.00	36,417.00	BC-1	CB		500Ye	\$ 600,000.00	\$ 822,000
13	3285 30TH ST	TOTAL SCHOOL	1981	54,874.00	83,587.00	BC-1				\$ 1,410,300.00	\$ 1,639,400
14	3300 28TH ST	OFFICES	1982	16,983.00	119,046.00	BC-1	CB	P-82-1, P-81-4, P-79-58		\$ 2,135,300.00	\$ 1,706,500
15	3200 28TH ST	AUTO DEALER	1996	39,881.00	129,952.00	IG	HR			\$ 2,943,800.00	\$ 3,265,900
Total				420,965.00	1,442,639.00					\$21,747,600.00	\$ 24,857,900

Attachment D

Diagonal Plaza - Owner Info

Plot #	Address	Owner Name	Owner In Care Of	Owner Contact	Owner Address
1	2801 IRIS AV	ACE SELF STORAGE PARTNERSHIP LLP		Jack Lacy	1590 CRESS CT BOULDER, CO 80302
2	2880 DIAGONAL HY	AZTEC CORPORATION	C/O GARDNER CARTON & DOUGLAS L		191 N WACKER DR STE 3700 CHICAGO, IL 60606
3	2960 DIAGONAL HY	ELEVATIONS FEDERAL CREDIT UNION		Gerry Agnes	P.O. Box 9004 BOULDER, CO 80301
4	2990 DIAGONAL HY	FILL N GO COMPANY INC		Prasanna Sfrestfa	1461 MAGPIE CT GOLDEN, CO 80403
5	3390 28TH ST	SMELLAGE ROBERT H JR BOWLIN PROPERTIES LLC	C/O THOMPSON TAX & ACCOUNTING		1735 MARKET ST SUITE A 400 PHILADELPHIA, PA 19103
6	3320 - 3338 28TH ST	CEDAR ENTERPRISES CORP	RITE AID CORP/REAL ESTATE TAX		PO BOX 3165 HARRISBURG, PA 17105-3165
7	2850 IRIS AV East	DIAGONAL LLC	C/O HALBERT & ASSOC	Larry D Burnett	PO BOX 19622 BOULDER, CO 80308
8	2850 IRIS AV West	ABS RM LEASE OWNER LLC			250 E PARK CENTER BLVD BOISE, ID 83726
9	2900 IRIS AV	WAL PROPERTIES LLC			6345 NORTHWEST 23RD CT BOCA RATON, FL 33496
10	3303 30TH ST	R W RINDERKNECHT COMPANY		John Rinderknecht	1777 HARRISON ST STE P2 DENVER, CO 80210
11	3395 30TH ST	PISCIOTTA LARRY F UND 25 PCT & ETAL	C/O BRIDGESTONE/FIRESTONE INC	Larry Pisciotta	5500 E. QUINCY AVE. CHERRY HILLS CO, 80113
12	3295 30TH ST	EVANS CLAUD R TRUSTEE	C/O CORK AND CLEAVER	Doug Evans	1278 S Chambers Rd. AURORA, CO 80017-4046
13	3285 30TH ST	NAROPA UNIVERSITY		Sandy Goldman	2130 ARAPAHOE AVE BOULDER, CO 80302
14	3300 28TH ST	REM INVESTMENT LLC HILGERS FAMILY TRUST ET AL		John Schwartz	2121 S ONEIDA ST STE 635 DENVER, CO 80224
15	3200 28TH ST	3200 LLC		Harris Faberman	6800 N 79TH ST UNIT 200 NIWOT, CO 80503

Attachment E

Redeveloping Diagonal Plaza as a Green Retail District

PRELIMINARY CRITERIA FOR SUCCESS / Working Draft July 2010

Goal: Establish a new paradigm for the design, development and management of community shopping centers in Boulder in manner that advances our community's goals related to economic, social and environmental sustainability.

Retail Uses / Sales Tax

- Make the highest and best use of a significant area of commercially zoned land (designated “community business” in the Boulder Valley Comprehensive Plan)
- Prioritize retail uses that meet unmet needs in the existing mix of retail opportunities in Boulder

Connectivity

- Extend the street grid and pedestrian/bicycle connections to and through the site so that it functions as part of an area rather than an island
- Create clear relationships between the shopping area and adjacent uses and neighborhoods

Public Space

- Create a “there” there—a destination civic space where people can congregate and spend time apart from “just shopping”
- Create active, lively street frontages
- Avoid large surface parking lots
- Incorporate public art

Mixed Use Neighborhood District

- Incorporate other uses in the site, particularly housing, potentially in the form of live/work spaces that could contribute toward the district's commercial life, create affordability, and provide a housing type not widely available elsewhere in the city

Environmental Sustainability

- Incorporate comprehensive transportation demand management strategies to provide incentives for use of alternative transportation modes for people traveling to the site, including walking, biking and transit
- Incorporate renewable energy sources to the maximum extent feasible, including active and passive solar and ground source cooling/heating with the goal of creating a net-zero development
- Use low impact development techniques to manage storm water onsite
- Incorporate significant landscaping to reduce heat island effects, manage storm water, and contribute to the district's attractiveness and livability

Attachment F

Final Report

Diagonal Plaza Feasibility Study

The Economics of Land Use



Prepared for:

City of Boulder

Prepared by:

Economic & Planning Systems, Inc.

with:

OZ Architecture | Scott, Cox & Associates | RRC Associates



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September 23, 2010

EPS #20857

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1. INTRODUCTION AND SUMMARY OF FINDINGS

This report summarizes the analysis and conclusions of Economic & Planning Systems (EPS) regarding the initial redevelopment feasibility of the Diagonal Plaza Shopping Center and adjacent properties in Boulder, Colorado. The study was performed under a contract dated September 2010 between the City and EPS and including subconsultants OZ Architecture, Scott, Cox & Associates, and RRC Associates.

Background

The City of Boulder is focused on infill and redevelopment of underperforming and underutilized properties such as Diagonal Plaza in the urban core as a means of avoiding sprawl and addressing important community needs. Diagonal Plaza has been previously identified as one of the few remaining sites in the urban core for regional retail commercial uses. The recent loss of the anchor grocer and several other key tenants, the related decline in retail sales, and the for-sale listing of a portion of the shopping center are all indicative that the existing shopping center's value has declined and that redevelopment options may be potentially viable.

The primary Diagonal Plaza property is a 250,000 square foot community level shopping center on 20 acres formerly anchored by Albertson's and Sports Authority. Originally built in the 1960s, the center has been modified and added onto over the years. The most recent addition, built in 1995, included 117,000 square feet comprised of two mass merchandisers (formerly Ross and PetSmart) as well as additional inline retail space facing east towards 30th Street. The primary center is comprised of five separate parcels with three additional pad sites, each under separate ownership.

The City defined an initial study area surrounding the aging center extending from the Diagonal Highway (SH 119) south to Glenwood Street and from 28th Street east to 30th Street as shown on Figure 1. The study area contains approximately 657,000 square feet of buildings on 15 parcels of land totaling 33.12 acres as shown in Table 1. The study area has experienced increasing vacancies and declining retail sales and sales tax revenues. Total annual sales tax revenues have declined by 28 percent of the last two years, from \$674,000 in 2007 to \$484,000 in 2009.

Table 1
Existing Parcels
Diagonal Plaza Feasibility Study

Parcel	Address	Description	Size (Acres)	Size (Sq. Ft.)	Bldg Size	Year Built	Zoning
1	2801 IRIS AV	Ace Self Storage	0.24	10,591	2,707	1960	BC-1
2	2880 DIAGONAL HY	Bar and Grill	1.87	81,448	10,322	1979	BC-1
3	2960 DIAGONAL HY	Credit Union	2.49	108,584	44,301	1995	BC-1
4	2990 DIAGONAL HY	Gas Station	0.59	25,725	1,961	1969	BC-1
5	3390 28TH ST	Mexican Restaurant	1.12	48,750	5,902	1975	BC-1
6	3320 - 3338 28TH ST	Rite Aid/Sports Authority	6.70	291,901	48,968	1965	BC-1
7	2850 IRIS AV	Mall	1.83	79,871	25,089	1983	BC-1
8	2850 IRIS AV		0.97	42,408	0	0	BC-1
9	2900 IRIS AV	Albertsons	2.22	96,912	38,226	1973	BC-1
10	3303 30TH ST	PetSmart/Ross/Vics	5.69	247,772	117,596	1995	BC-1
11	3395 30TH ST	Firestone	0.91	39,679	7,259	1977	BC-1
12	3295 30TH ST	Cork	0.84	36,417	6,896	1969	BC-1
13	3285 30TH ST	Naropa	1.92	83,587	54,874	1981	BC-1
14	3300 28TH ST	Office	2.73	119,046.9708	16,983	1982	BC-1
15	3200 28TH ST	Dealership	2.98	129,952	39,881	1996	IG
Total			33.12	1,442,646	420,965		
Redevelopment Site Total			23.48	1,022,920	310,943		

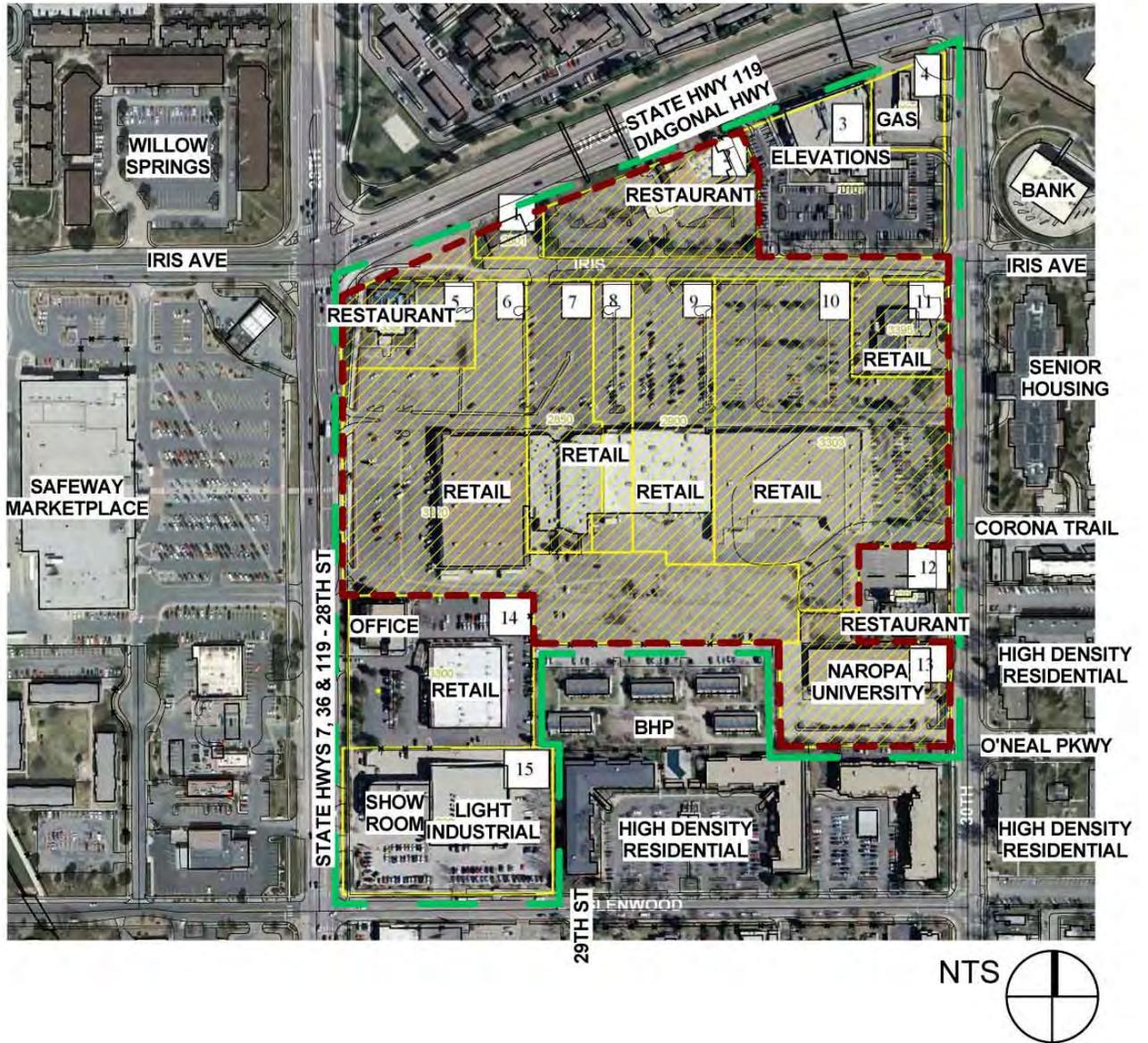
Source: Economic & Planning Systems; City of Boulder

H:\20857-Diagonal Plaza Redevelopment Analysis\Models\20857-Diagonal Plaza Financial Model.xls\A-Study Area Summary

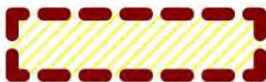
Based on an analysis of property area conditions, the project team defined a slightly smaller project area that excludes five of the parcels with more stable existing uses. The project area comprised of 10 of the 15 parcels totaling 23.48 acres as shown.

The City requested a focused and discrete feasibility analysis of three scenarios: 1) retail big box or mid box development; 2) horizontal mixed use with a mix of retail and residential uses; and 3) vertical mixed use containing both retail and residential uses for the specific purpose of determining the feasibility of redevelopment options. Given the complexity of the site uses, ownership, and estimated property values, it is expected that urban renewal would be required to assemble the property and to provide public financing assistance to the project. The property could be assembled by the urban renewal authority and sold to a master developer. Alternatively, a developer could assemble the land with City assistance.

In either case, development costs will include site acquisition and assembly; on and off-site infrastructure; and demolition and remediation. The revenue analysis will quantify the supportable land values for parcel sales and value of vertical development based on the net operating income from potential leases in the identified development programs in each scenario. A planning level pro forma is used to estimate project feasibility returns using accepted measures of financial return for purposes of comparison. The financial model also determines if there is a financing gap to achieve an acceptable developer return and identify the amount of public financing needed to close the gap.



LEGEND:



AREA FOR PROPOSED REDEVELOPMENT



STUDY AREA BOUNDARY



EPS
RRC ASSOCIATES
SCOTT COX & ASSOC

DIAGONAL PLAZA
REDEVELOPMENT

FIGURE 1

Scope of Work

The EPS Team conducted an initial economic and financial analysis of the three development scenarios to make a preliminary determination of feasibility and relative level of benefits under each option. The following major tasks were completed in the course of the one month long study.

- Redevelopment Scenarios – OZ Architecture and SCA evaluated site and area conditions as well as identified opportunities and constraints. Based on both physical and economic conditions, the project team then identified the parcels to be included in the three scenarios and created a base map for project. The project team, with input and review from City staff, developed a site plan and building program for the three defined redevelopment scenarios. OZ also provided an urban design concept for each scenario.
- Economic and Market Assessment – EPS conducted a limited update of large and mid format retail/commercial development opportunities for Boulder and the Diagonal Plaza site from the Boulder Regional Retail Strategy report completed in 2005. The potential benefits of the major potential tenants were then determined based on estimates of net new retail sales and related sales tax revenues to the City. Market potentials for residential uses were updated from studies completed for the City in 2008 on the Boulder Transit Village Plan.
- Development Feasibility – EPS developed a planning level pro forma financial model and evaluated the feasibility of the three scenarios. The analysis estimates related development costs and future development value based on market sales and lease rates of the vertical development program, as well as determines project returns and needed levels of public financing.
- Redevelopment Options – Based on the market and feasibility analysis, the project team identified the potential redevelopment options available to the City and provides its analysis of the benefits and risks associated with each course of action. The implementation options available to the City are also summarized.

Limitations

The accuracy of a financial feasibility analysis is dependent on the level of detail in the defined development program inputs related to project costs, revenues, and timing. This study is an initial planning level analysis for the primary purpose of identifying feasible redevelopment options for the Diagonal Plaza property. A limited amount of site analysis and planning was conducted for the purpose of defining the three discernibly different scenarios for evaluation and testing. If the City decides to proceed with establishing an urban renewal area to facilitate the redevelopment of the area, a blight study will be required to document conditions of blight and determine the eligible parcels and the appropriate URA boundary as defined by CRS 31-25-103. The formation of an URA would also require the City to complete an urban renewal plan. This plan would include more comprehensive site analysis and planning, including consideration of a full range of development alternatives and approaches.

Summary of Findings

- 1. The Diagonal Plaza site has the potential to accommodate between 169,000 and 243,000 square feet of retail, 192,000 to 490,000 square feet of residential, and a 52,000 square foot hotel (136 rooms).**

Based on the redevelopment goals identified by the City, the EPS team developed three redevelopment plans featuring a range of development magnitude. Scenario 1 (Commercial Only) features 243,000 square feet of retail uses and a 52,000 square foot hotel served by surface parking. Scenario 2 (Horizontal Mixed Use) features 180,000 square feet of retail space, 192,000 square feet of residential (160 units) and a 52,000 square foot hotel. Both the retail and hotel are surfaced parked, while the residential includes structured parking. Scenario 3 (Vertical Mixed Use) features a higher density mix of 169,000 square feet of retail, 490,000 square feet of residential (402 units), and a 52,000 square foot hotel. This scenario features a mix of surface, structured, and underground parking. Office uses could be substituted for retail and residential uses in Scenarios 2 and 3 based on changing market conditions and demand.

- 2. The Diagonal Plaza site is currently a community level retail site with limited appeal to more regional retail uses.**

Regional retail uses in Boulder are concentrated in a ½ mile square area from 28th on the west to 30th on the east and from Arapahoe on the south to Pearl on the north. The Diagonal Plaza study area is located outside this area about one mile to the north. The Diagonal Plaza location currently serves a two to three mile radius, rather than the larger regional trade area, and does not command the same uses or rent levels as are present further south. Despite this fact, due to a limited supply of suitable sites, some prospective tenants and anchors would be willing to consider locating at Diagonal Plaza. These tenants would not, however, be willing to pay a premium for the site, nor would they be willing to invest in extraordinary site costs such as structured parking.

- 3. A redeveloped Diagonal Plaza site would be attractive to a limited number of larger format stores interested in access to the Boulder market.**

There are three anchor stores, Lowe's, Wal-Mart, and King Soopers Marketplace with an expressed interest in the Boulder market that would consider the Diagonal Plaza location. Based on store criteria as well as broker and tenant input, Sam's Club, Kohl's, and JCPenney are also possible anchor tenants. The larger format stores are a destination anchor use and can therefore attract customers to more peripheral locations, such as the Diagonal Plaza site. These anchor stores range in size from 88,000 to 125,000 square feet and most often purchase vacant property to develop their own store.

- 4. Diagonal Plaza could also potentially attract a number of mid box mass merchandisers given the number of store options and the lack of competitive sites.**

The dynamics surrounding the development of mid box stores at this location are more complicated. If there is a large format anchor, it increases the potential for the co-location of additional mid box stores. A department store anchor is likely to attract apparel and home furnishings stores as synergistic uses. Wal-Mart is a less attractive anchor for most mid boxes. Absent a large format anchor, the ability to attract the smaller mass merchandisers is primarily a function of critical mass and co-tenancy. In power centers, mass merchandisers

can be found in increments of three to five stores. In supermarket anchored community shopping centers, there can be two to three mid box stores similar to the tenant mix previously found at Diagonal Plaza. As a result of co-tenancy, it is difficult to predict with any certainty the future opportunity for retail development at a site with undetermined costs and anchor tenants. Although many of the potential mass merchandisers are already in Boulder, there are nine identified stores with at least a Medium probability ranking. Some will locate in existing spaces; however, there will be other potential tenants that arise and become opportunities for the site that have not been identified at this time.

5. *The retail anchor stores with highest potential fail to generate the desired levels of economic benefits to the City as measured by net new sales tax revenues.*

Total retail sales need to be reduced to account for non taxable sales from food and sales transfers (cannibalization) in order to estimate the net new sales tax to the City. The Medium and High potential anchor tenants generate approximately \$200,000 to \$600,000 in new sales tax revenues per year. Only Costco would exceed these estimates, however Costco is a Low probability option over the next five years at a minimum.

6. *Scenario 1: Commercial Only Redevelopment is not feasible even with the maximum public investment package applied.*

The Commercial Only scenario is not feasible as tested. At a targeted 15 percent return over cost, the project has an estimated deficit of \$41 million. Even with a maximum public financing investment package, additional sensitivity testing of lower land prices and higher property sales rates are insufficient to address the size of the gap. The land price would need to be significantly lower and the increment of additional development density would need to be greater to overcome the current deficit. Proceeding with Scenario 1 would require substantial investment from other City funds.

7. *Scenario 2: Horizontal Mixed Use Redevelopment is also not feasible even with a full public financing package.*

Scenario 2 faces similar financial challenges as Scenario 1 as it does not add enough additional development density to support the estimated acquisition and development costs. The project revenue, including vertical development value, is not sufficient to achieve feasibility at the estimated acquisition prices resulting in a \$29 million gap. Financial feasibility would require an acquisition cost of \$25 per square foot or lower combined with an aggressive public financing package. Similar to Scenario 1, in order to achieve financial feasibility under base case acquisition costs, the City will likely need to tap into other City funds.

8. *Scenario 3: Vertical Mixed Use Redevelopment is financially feasible with tax increment financing.*

Scenario 3, as tested, achieves a positive developer return of \$12 million (9 percent over costs) but is shy of the identified required developer return of 15 percent. The addition of public financing results in a financially feasible project. Scenario 3 requires the least level of financial subsidy of all the scenarios. Under the base case land cost assumption (\$38 per square foot), only property TIF is required to overcome the feasibility gap. At a land cost assumption of \$45 per square foot, feasibility can be achieved using 100 percent of property TIF, a 20 mill Metro District and a 0.5 percent PIF.

9. Although Scenario 3 works from a financial perspective, it may not prove to be viable as tested from a market perspective.

Scenario 3 is the most feasible as tested on a static basis. However, the amount, type, and configuration of retail development are unproven and would require additional planning analysis to refine the development mix. Also, this level of retail development would require an extended period of absorption and lease up, and tested overtime using an annual cash flow model would impact its feasibility. The mixed use village concept meets more of the City's urban design objectives, but may not be able to attract significant regional retail uses, and therefore may sacrifice the City's economic development objectives. The City should carefully evaluate whether the redevelopment of the property for its land use/urban design benefits, rather than economic development benefits, warrants a significant redevelopment investment.

10. The City's other implementation options include not pursuing redevelopment or property assembly on an incremental basis.

If the City decides to do nothing, it is likely that the major vacant spaces in the shopping center and on the peripheral pad sites will be re-leased to other users due to the limited supply of significant commercial space in the City. The center is an older commercial property in the mature years of the real estate investment cycle. Typically, these older properties are leased to lower rent uses and continue to decline in quality and value until which time significant reinvestment and/or redevelopment are feasible. This pattern of real estate decline and reinvestment is likely to take place slower in Boulder than it would in a less constrained market. However, future tenants are likely to make some level of investment to utilize the property that will extend its useful life, similar to the lease of Albertson's to 24 Hour Fitness. In particular, the newer vacant mid box spaces formerly occupied by PetSmart and Ross will likely get reused within a two to three year time horizon given the overall lack of similar space in the City. It is however hard to determine the quality of future tenants, the level of investment that might be made, and how long the useful life of the center might be extended.

The City could also decide to take a more incremental approach to the development of the property. Absent an overall development plan, and given the large number of separate property owners, a number of smaller redevelopment projects are likely to take place over time. If these projects met economic development goals, and if they have a documented financial need, the City could consider the use of urban renewal and TIF on a more reactive project by project basis.

Finally, the City could also consider further planning and analysis of the Scenario 3 option, which demonstrates that a denser mixed use project has the potential to be feasible. The concept as developed, attempts to mix a number of mid box stores with residential and potentially office and live/work vertical uses. If this concept meets the City's objectives, a number of refinements could be tested including a more aggressive acquisition plan that increases density over the gross 0.7 FAR option tested, expands the size of the project area allowing for more development density, and refines the retail development program to create a better balance of mid box and ancillary retail space.

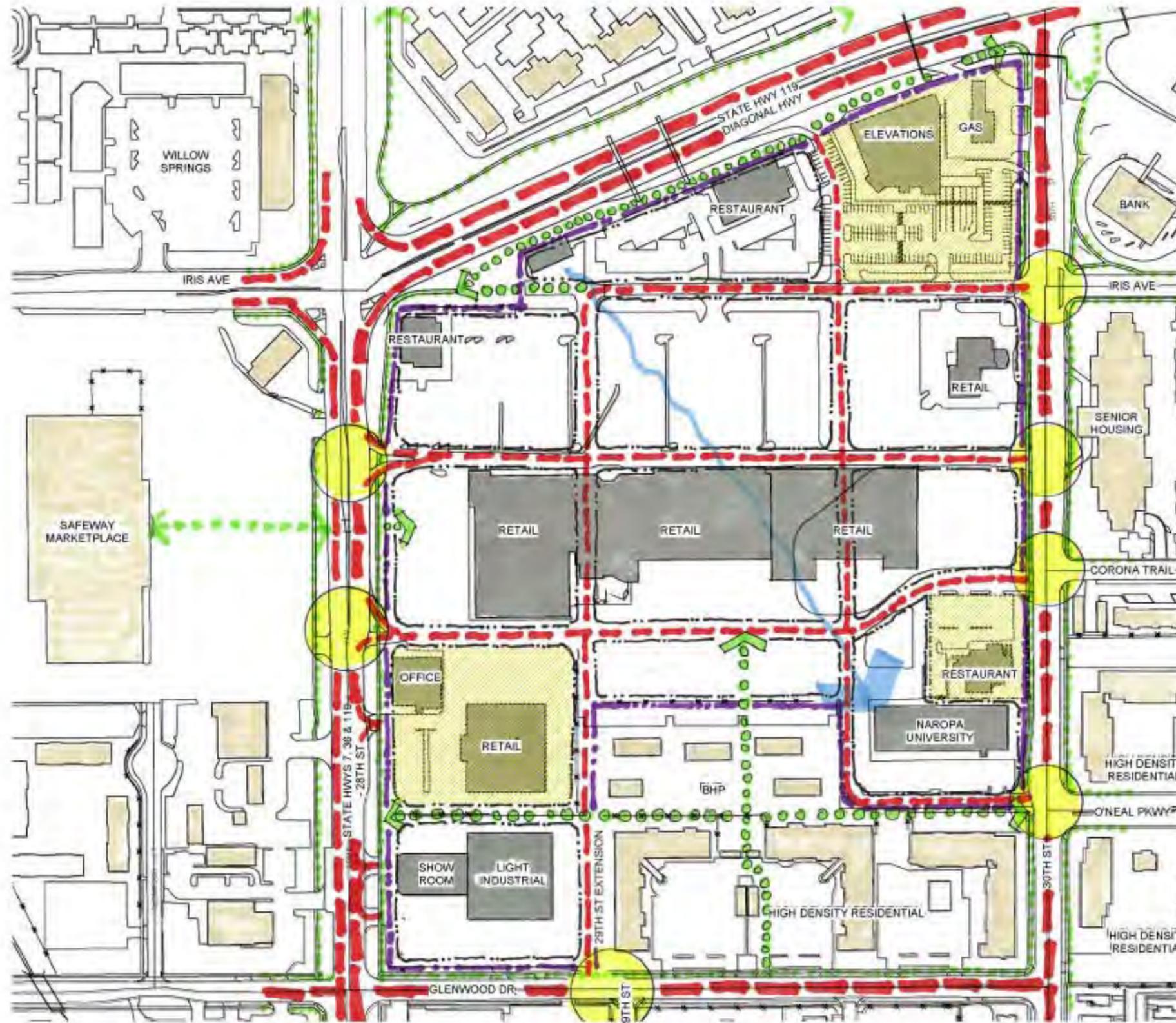
2. REDEVELOPMENT SCENARIOS

This section summarizes the preliminary site analysis and the definition of the three scenarios for feasibility testing. The project team first toured the study area and compared field conditions with the Assessor's parcel data on existing land and building sizes, ownership and estimated market and assessed values. An opportunities and constraints analysis was performed to identify the parcels to be included in the scenarios and to identify access, circulation, and utility conditions and requirements. The three scenarios were then defined based on the market inputs (Section 3), land use conditions, and applicable zoning. All three scenarios were developed with the "criterion for success" outlined by the City regarding the redevelopment of Diagonal Plaza as a Green Retail District. For each scenario, a site plan and urban design concept are provided for illustrative purposes.

Site Reconnaissance

The project team conducted a field survey of the study area to identify opportunities and constraints and to define a project area for analysis as shown in Figure 2. In terms of opportunities, the site is one of the last large parcels with the potential for redevelopment for larger scale redevelopment within the City. It has excellent access from 28th, the Diagonal Highway (SH 119) and 30th street. It is however, constrained by existing viable uses on some of the pad sites notably the Elevations (CU) Credit Union on the northeast corner and Cork's Restaurant at the corner of 30th and Corona Trail. The multitenant retail and office buildings on Parcel 14 have had recent improvements and are also assumed to be stable land uses.

The project area for development of the three scenarios was therefore reduced to exclude these three parcels. Because the vacant dealership at 28th and Glenwood Drive (Parcel 15) became an isolated outparcel, it was also excluded from the project area. The actual definition of a potential urban renewal area will be subject to a blight study analysis should the City proceed in that direction. The development area used for all three scenarios includes Parcels 1, 2, 5, 6, 7, 8, 9, 10, 11, and 13 with a total of approximately 23.5 acres of land. It is assumed that the existing 311,000 square feet of older commercial buildings would be demolished.



- OPPORTUNITIES**
- CREATE "GATEWAY" INTO BOULDER
 - CREATE "SENSE OF PLACE"
 - CONNECTIVITY - EXTEND STREET GRID AND PEDESTRIAN/BICYCLE CONNECTIONS THROUGH THE SITE (AS INFORMED BY THE N. 28TH STREET TRANSPORTATION NETWORK PLAN)
 - GENERATE REVENUES FOR THE CITY OF BOULDER
 - INCORPORATE LOW IMPACT DEVELOPMENT FEATURES AND SUSTAINABLE ELEMENTS
 - ONE OF LAST SIGNIFICANT REDEVELOPMENT PARCELS IN CITY OF BOULDER THAT CAN ACCOMMODATE LARGER FORMAT RETAIL STORES
 - INTRODUCE MIXED USES (BETTER MEET OVERALL COMMUNITY OBJECTIVES AND SUSTAINABILITY)
 - ADDRESS "GAPS"/DEFICIENCIES IN EXISTING RETAIL "MIX"
 - DEVELOP SITE TO HIGHEST AND BEST USE.
- CONSTRAINTS**
- AWKWARD SHAPED SITE
 - LIMITED FRONTAGE/VISIBILITY FROM HIGH VOLUME 28TH STREET
 - LIMITED FULL MOVEMENT ACCESSIBILITY TO SITE FROM 28TH STREET
 - LIMITED ACCESS FROM DIAGONAL
 - VIAIBLE USES ON EXISTING PAD SITES
 - DISTANCE FROM PRIMARY REGIONAL RETAIL CONCENTRATION SOUTH OF PEARL STREET
 - SIGNIFICANT UTILITIES IN IRIS POTENTIALLY REDUCE REDEVELOPMENT FLEXIBILITY
 - POOR SITE IMAGE (LARGE VACUOUS PARKING LOTS, OUT OF DATE BUILDINGS, ETC.)
 - NO "SENSE OF PLACE"
 - UNDERDEVELOPED SITE - NOT DEVELOPED TO HIGHEST AND BEST USE
 - EXISTING BUILDINGS NOT CONDUCTIVE TO PHASING
 - OWNERSHIP PATTERNS NOT CONDUCTIVE TO AN INTEGRATED PLAN
 - OWNERSHIPS POTENTIALLY DIFFICULT/EXPENSIVE TO ASSEMBLE.



Development Scenarios

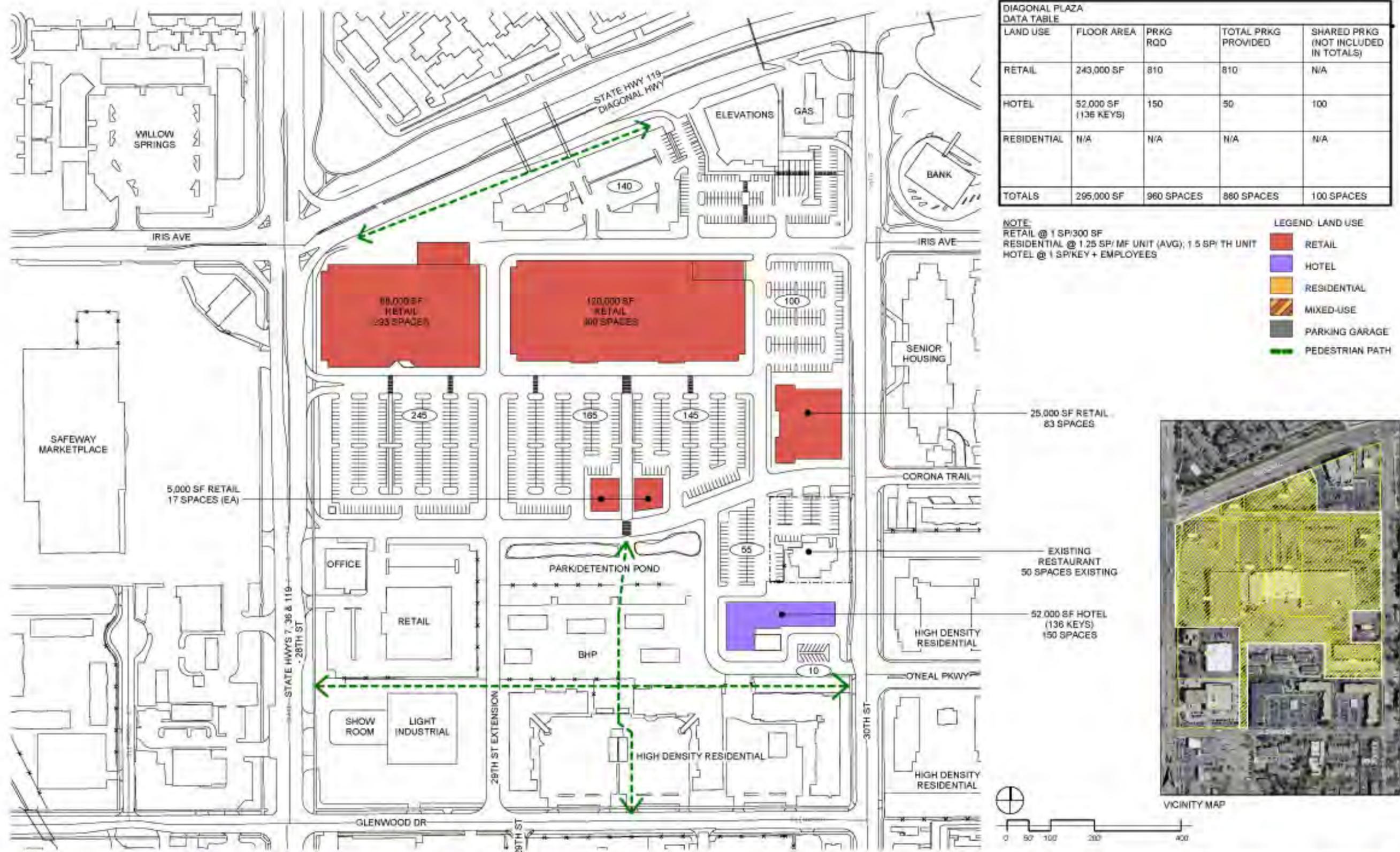
The City requested three scenarios developed for feasibility testing as follows:

- Scenario 1: Commercial Only Redevelopment – A primary focus on retail development, including the addition of one or more big box or mid-box retail stores, with other commercial tenants.
- Scenario 2: Horizontal Mixed Use Redevelopment – A redevelopment with new commercial development (which may include the addition of one or more box retail stores) and new residential development on the study area property.
- Scenario 3: Vertical Mixed Use Redevelopment – A redevelopment with new commercial development (which may include the addition of one or more box retail stores) and new residential development on study area property and/or on upper levels of commercial uses.

Scenario 1: Commercial Only

This scenario includes a total of 243,000 square feet of retail space comprised of two large format stores with 120,000 square feet and 88,000 square feet respectively. It also includes a 25,000 square foot mid box store and two 5,000 square foot pads as shown in the site plan in Figure 3. The amount of commercial space is largely limited by the parking requirements which are defined by zoning at 1 space per 300 square feet of use. A 136-room hotel with 52,000 square feet is planned for Parcel 13 (currently the Naropa School building). Additional hotels are an identified market need in the 28th Street corridor and can be developed as a pad use in a shopping center development. The hotel is placed adjacent to the existing Cork Restaurant which is a complementary use. The site development features of the site plan are summarized below and also illustrated on the urban design concept in Figure 4.

- Landscape/Gateway element at northwest corner of site.
- Connectivity: Provides limited vehicular and pedestrian connectivity in relation to N. 28th Street Transportation Network Plan (TNP).
- Incorporates 29th Street extension north from Glenwood per the N. 28th Street TNP.
- Promenade located on axis with proposed north-south pedestrian path.
- Assumes hotel will share 100 parking spaces with surface commercial spaces off-setting parking demands.

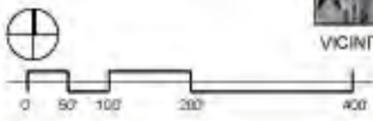


LAND USE	FLOOR AREA	PRKG RQD	TOTAL PRKG PROVIDED	SHARED PRKG (NOT INCLUDED IN TOTALS)
RETAIL	243,000 SF	810	810	N/A
HOTEL	52,000 SF (136 KEYS)	150	50	100
RESIDENTIAL	N/A	N/A	N/A	N/A
TOTALS	295,000 SF	960 SPACES	860 SPACES	100 SPACES

NOTE:
 RETAIL @ 1 SP/300 SF
 RESIDENTIAL @ 1.25 SP/ MF UNIT (AVG); 1.5 SP/ TH UNIT
 HOTEL @ 1 SP/KEY + EMPLOYEES

LEGEND: LAND USE

- RETAIL
- HOTEL
- RESIDENTIAL
- MIXED-USE
- PARKING GARAGE
- PEDESTRIAN PATH






DIAGONAL PLAZA REDEVELOPMENT BOULDER, CO, 80203
 09.17.2010 | 110126.00 • CONCEPTUAL PACKAGE •

SCENARIO 01 - COMMERCIAL ONLY REDEVELOPMENT ILLUSTRATIVE SITE PLAN

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FIGURE 4

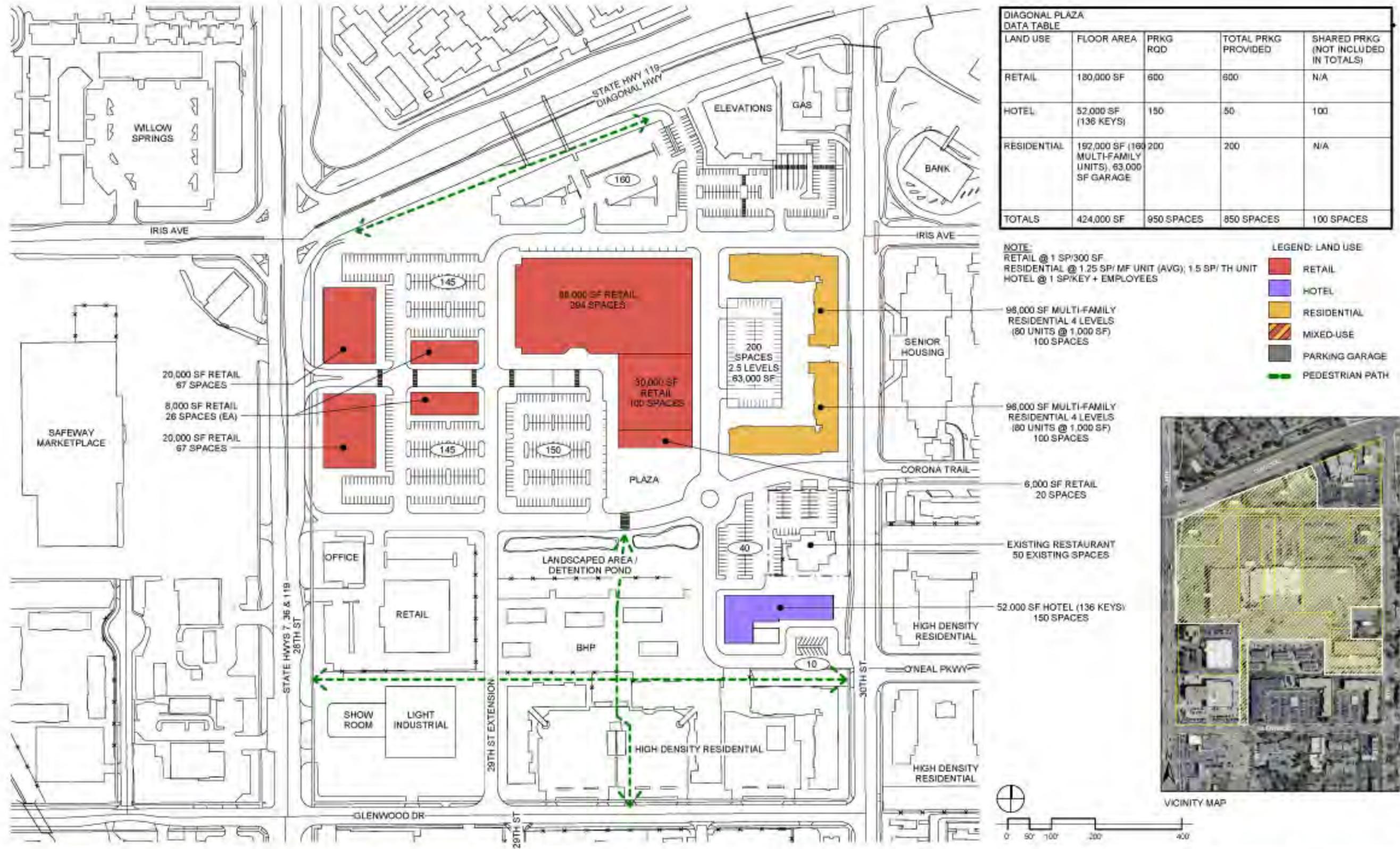
Scenario 2: Horizontal Mixed Use

This scenario includes a total of 424,000 square feet of buildable space comprised of 180,000 square feet of retail space, 160 housing units with 192,000 square feet of space, and a 136 room hotel with 52,000 square feet of space as shown in Figure 5.

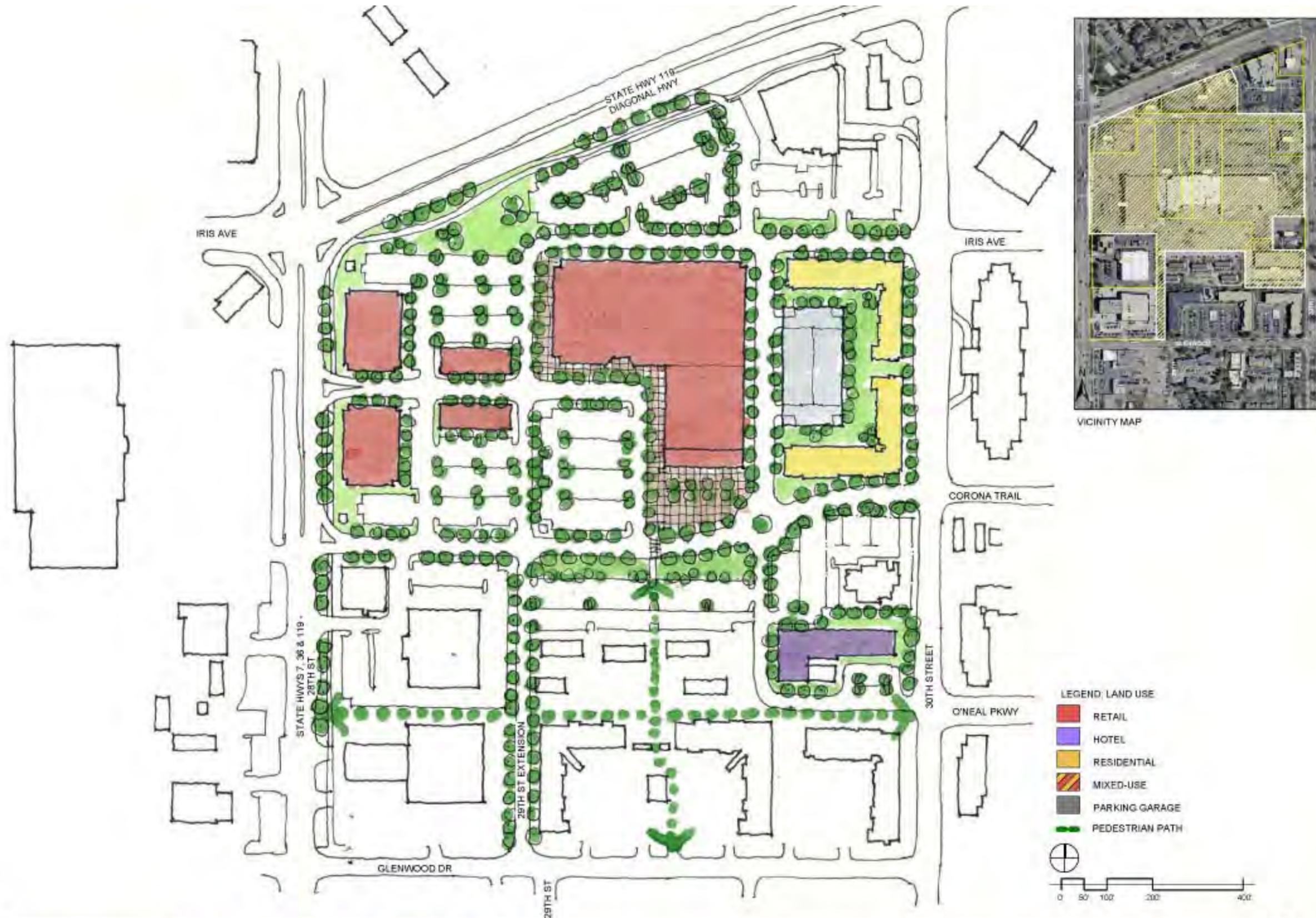
The retail space includes an 88,000 square foot large format store and adjacent 30,000 square foot junior anchor oriented to the west. The 28th Street frontage contains two smaller 20,000 square foot mid boxes to frame the street front and mitigate the impact of the large required parking fields. There is also 16,000 square feet of in-line retail built as a small "main street" on the front door entry to the retail portion of the site, and 6,000 square feet on the south side of the mid box to activate the adjacent plaza.

The eastern 30th Street frontage is developed with a 160 unit residential building with a freestanding parking garage interior to the site serving the residential uses only. Similar to Scenario 1, a 136-room hotel with 52,000 square feet is planned for Parcel 13 adjacent to the existing Cork Restaurant shown to remain in this scenario. The site development features of the site plan are summarized below and also illustrated on the urban design concept in Figure 6.

- Landscape/Gateway element at northwest corner of site.
- Provides improved vehicular connectivity by extending 29th Street north to Iris.
- Plaza is aligned with the north-south path per the N. 28th Street TNP.
- In line retail shops face onto plaza and provide pedestrian interest (e.g., coffee, small restaurant, outdoor dining, or farmer's market) and community gathering space.
- Circle at east end of Corona slows traffic adjacent to plaza.
- High Density residential on east side of site provides a "face" onto 30th Street, responding to the senior housing residential uses to the east.
- Assumes hotel will share 100 parking spaces with surface commercial spaces (off-setting parking demands).
- 600 surface parking spaces provided for retail. High Density residential parking provided in a 2.5 level structure.



IVS INC ASSOCIATES WITH OZ ARCH & ASSOC
 09.17.2010 | 110126.09 • CONCEPTUAL PACKAGE •
DIAGONAL PLAZA REDEVELOPMENT BOULDER, CO, 80203
 SCENARIO 02 - HORIZONTAL MIXED USE REDEVELOPMENT
SITE PLAN
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 FIGURE 5



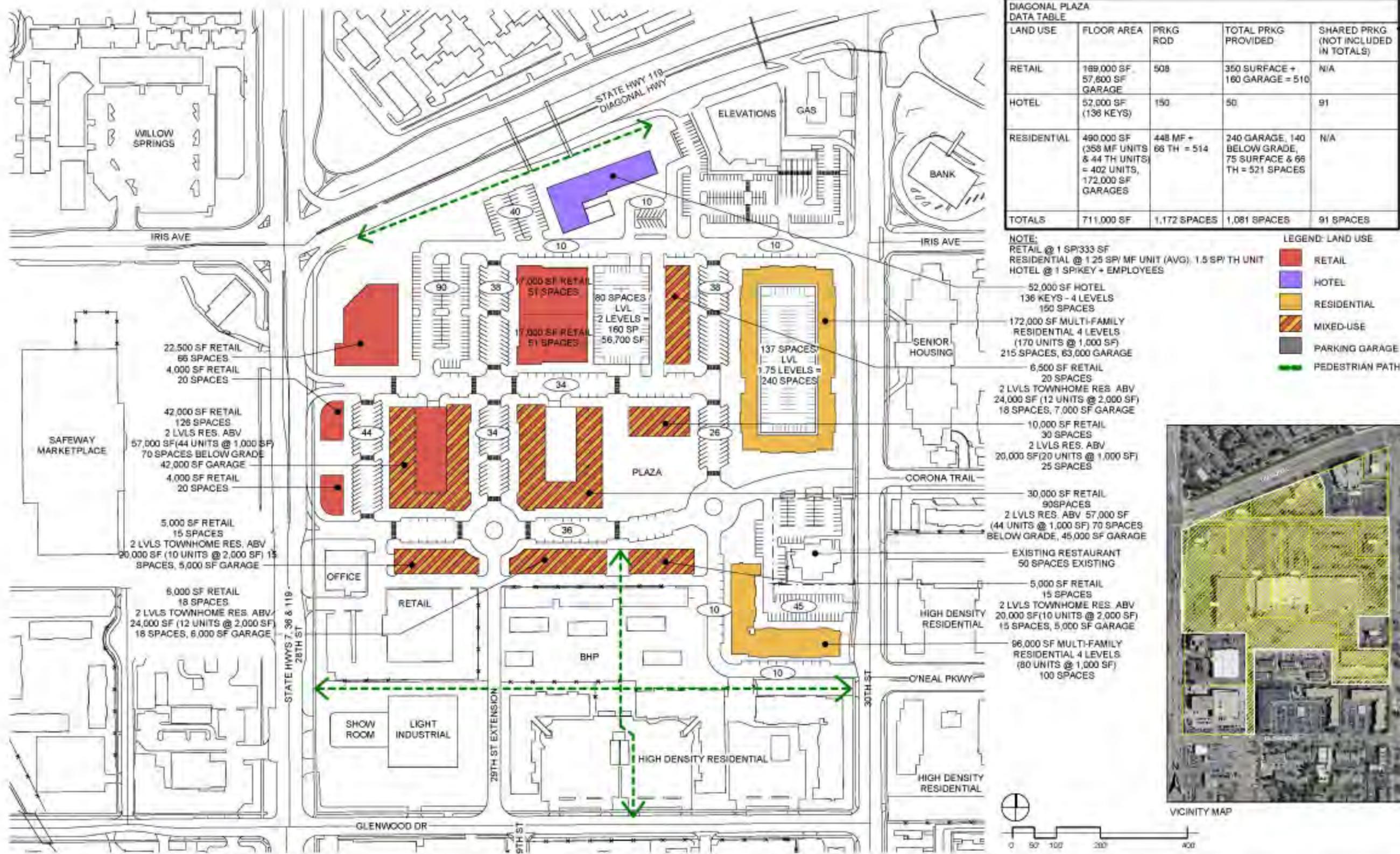
Scenario 3: Vertical Mixed Use

This scenario includes a total of 711,000 square feet of building area comprised of 169,000 square feet of retail space; 358 multifamily and 44 townhouse housing units totaling 490,000 square feet; and a 136 room hotel with 52,000 square feet of space. The primary focus is mixed use development and creating an urban pedestrian oriented street grid as shown in Figure 7.

The project includes four mid box retailers totaling 98,500 square feet and ranging in size from 17,000 to 42,000 square feet. The project also includes 70,500 square feet of smaller retail users. The retail frontage includes a 22,500 square foot junior anchor and two 4,000 square foot pads along the 28th Street frontage. The interior is lined with three story mixed use buildings in a main street format along the primary south entryway lining up with Corona Trail. This includes 16,000 square feet of ground floor retail below two-story townhouses facing two larger residential mixed use buildings. The first features a first level junior anchor and the second contains 30,000 square feet of ancillary retail space.

The residential component of the project includes 44 upper level townhouses and 88 multifamily units on upper floors of mixed use buildings. It also includes 250 housing units in two separate higher density projects fronting on 30th Street. The 136 room hotel included in Scenarios 1 and 2 is moved to the Diagonal Highway frontage (Parcels 1 and 2). The urban design characteristics of this scenario are shown in Figure 8 and summarized below.

- Landscape/Gateway element at northwest corner of site.
- Open space between small retail pads on 28th Street provide opportunity to celebrate 28th Street pedestrian crossing, aligned on axis with east/west Safeway "promenade".
- Plaza is aligned with north-south pedestrian path (per N. 28th Street TNP).
- In line retail shops face onto plaza and provide pedestrian interest (coffee, small restaurant, outdoor dining, farmers market, etc.) and community gathering space.
- Fine grain internal street system maximizes vehicular and pedestrian connectivity.
- Circles on main entry street (Corona extended) serve to slow vehicle speeds.
- First floor retail uses flank main entry to site from 28th Street (Corona extended).
- Parking for mixed use is accommodated in surface, on street parallel and diagonal spaces and in parking structures, both free standing and under buildings in two of the mixed use blocks.
- Parking for high density residential provided in parking structure (north residential block on 30th Street) and under building parking (south residential block on 30th Street).
- High Density residential on east side of site provides a "face" onto 30th Street, responding to the Senior Housing residential uses to the east.
- Hotel located at north end of site along Diagonal, providing increased visibility.
- Assumes hotel will share 91 spaces in the adjacent parking garage (off-setting parking demands).



LAND USE	FLOOR AREA	PRKG RGD	TOTAL PRKG PROVIDED	SHARED PRKG (NOT INCLUDED IN TOTALS)
RETAIL	189,000 SF 57,600 SF GARAGE	508	350 SURFACE + 160 GARAGE = 510	N/A
HOTEL	52,000 SF (136 KEYS)	150	50	91
RESIDENTIAL	490,000 SF (358 MF UNITS & 44 TH UNITS) = 402 UNITS, 172,000 SF GARAGES	448 MF + 66 TH = 514	240 GARAGE, 140 BELOW GRADE, 75 SURFACE & 66 TH = 521 SPACES	N/A
TOTALS	711,000 SF	1,172 SPACES	1,081 SPACES	91 SPACES

NOTE:
RETAIL @ 1 SPT/333 SF
RESIDENTIAL @ 1.25 SPT/ MF UNIT (AVG); 1.5 SPT/ TH UNIT
HOTEL @ 1 SPT/KEY + EMPLOYEES

LEGEND: LAND USE
■ RETAIL
■ HOTEL
■ RESIDENTIAL
■ MIXED-USE
■ PARKING GARAGE
— PEDESTRIAN PATH



DP
DOR ASSOCIATES
SCOTT CORRALES

DIAGONAL PLAZA REDEVELOPMENT
BOULDER, CO, 80201

SCENARIO 03 - VERTICAL MIXED USE REDEVELOPMENT
SITE PLAN

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FIGURE 7



<p>EP ECONOMIC & PLANNING SYSTEMS, INC. MINI 1008 & ASSOC</p>	<p>DIAGONAL PLAZA REDEVELOPMENT BOULDER, CO, 80203 09-17-2010 110126.00 • CONCEPTUAL PACKAGE</p>	<p>SCENARIO D3 - VERTICAL MIXED USE REDEVELOPMENT ILLUSTRATIVE SITE PLAN</p>	<p>PHONE: 303.449.8900 FAX: 303.449.3886 WWW.OZARCH.COM</p>
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3. *ECONOMIC AND MARKET ASSESSMENT*

This section updates EPS' assessment of mid and large format national retailer opportunities for the Boulder market and specifically for the Diagonal Plaza site. This information is based on direct contacts with retailers and tenant brokers to update data contained in the Boulder Regional Retail Strategy Report from 2005. It also includes market and development inputs on the value of residential, office, and hotel uses as input to the development programming for the three scenarios. In addition to the identification of supportable retail uses, the economic benefits of specific tenants and uses are estimated based on the potential to generate net new retail sales activity and related sales tax revenues.

Market Assessment

The primary concentration of regional retail uses in Boulder is located from 28th on the west to 30th on the east and from Arapahoe on the south to Pearl on the north. Within this roughly ½ mile square area are the majority of the City' s existing national regional retail centers and tenants including the recently developed Twenty Ninth Street project and a number of smaller shopping centers and freestanding stores. The Diagonal Plaza study area is located approximately 1 mile north of Pearl Street and not part of this primary shopping area. From the perspective of the retail brokerage community, the Diagonal Plaza location is more of a community level retail site serving a two to three mile trade area and not a regional site serving the entire City and surrounding areas. It currently does not attract the same uses or rent levels as are present further to the south.

Because of the lack of sites to accommodate larger retail uses within the City, some prospective tenants and anchors would be willing to consider locating at Diagonal Plaza as noted in the tenant evaluation below. Although it is premature to talk about specific land and lease rates, a number of the users willing to consider the Diagonal Plaza location/site added the following types of caveats - they would be unwilling to pay a premium for the site, or they would not be willing to invest in extraordinary site costs (e.g. structured parking).

Large Format Stores

EPS contacted retail tenant representatives and brokers for seven large format stores active in the Front Range regarding their interest in the Boulder market and their potential interest in the Diagonal Plaza location should the property be cleared, assembled, and available in the near future (estimated at approximately three years). Because this project is at this point hypothetical and several years into the future, it is only possible to solicit unofficial comments. Based on comments received, including in some cases from multiple sources, EPS has characterized the potential for each anchor as a Low, Medium, or High potential opportunity with Low being a 25 percent +/- probability and Medium as a 50 percent +/- probability. A retailer rated High indicates that it is interested in the market and have indicated it would be willing to locate at Diagonal Plaza if price, terms, and conditions met its criteria.

There are at least nine large format stores active in the Boulder trade area in the Warehouse/ Superstore, Discount Department Store, and Home Improvement Center categories reviewed, as

shown in Table 2. With a population of approximately 100,000, the City of Boulder, for most of these anchor stores, is a one store market. Home Depot has a new store at Twenty Ninth Street and Target has a recently expanded store so these retailers are not considered prospects. The remaining seven large format stores are reviewed below.

Wal-Mart (High) – Wal-Mart has long been interested in a Boulder store, having proposed as store at 28th and Jay in 2005. They would be interested in building a store in the 90,000 to 120,000 square foot range for a standard one-story discount store (not a supercenter). A supercenter, if adequate land were available, would be in the 160,000 to 180,000 square foot range. They would want to own their own site and would not be willing to do structured parking at this location nor would they be willing to pay a major premium for the land.

Sam's Club (Medium) – This is a membership warehouse owned by Wal-Mart. Based primarily on previous interest in the 28th and Jay site, they are considered a medium prospect for a Boulder store and for the Diagonal Plaza location. The average store is 125,000 square feet.

Costco (Low) – The average Costco store is 150,000 square feet and requires a 14 acre site. Average store sales are approximately \$130 million a year (\$838 per square foot) making it one of the highest grossing retail stores in the market. The prospects for a Boulder store have not improved since the 2005 market study. At that time, the Superior store captured an estimated 30 percent of its sales from the City of Boulder residents and the store was performing at or above average sales levels. The Larkridge store at I-25 and E-470 in Thornton, which opened in 2007, and the overall economy, has resulted in a modest reduction of sales in the Superior store. A second location in the Boulder market would not be a priority until Superior sales levels increase to a level that could sustain a loss of \$30 million or more to the new store. Knowledgeable brokers representing Costco in the Colorado market also noted the retailer has added three new stores in Colorado in the last 18 months and is waiting for these stores to mature before considering future opportunities.

Kohl's (Medium) – This discount department store markets to younger families and teens. They typically locate in outer ring suburbs and avoid inner city locations. They are one of the few national retailers with an aggressive expansion schedule in 2010 planning for 30 new stores. The typical store is 88,000 square feet with smaller 68,000 square foot stores in markets of 100,000 to 150,000 population and 125,000 in metro markets exceeding 500,000. Interest in Boulder has not been confirmed but is considered a Medium prospect given their location criteria and expansion plans.

JCPenney (Medium) – This traditional mall department store anchor has been aggressively seeking off-mall locations to compete head-to-head with Kohl's. Their national expansion plans remain modest over the 2010 to 2012 time period. They indicated they would be willing to look at the Boulder market in the 2013 to 2014 time period if this site were available. Among their caveats were concerns about the remoteness of the Diagonal Plaza location, land costs, and Boulder income levels, which are higher than their target demographic. The typical off-mall store is 85,000 to 95,000 square feet in a one-story building either in a freestanding location or a lifestyle center. JCPenney acquired vacant Alco stores in 2008 and opened stores in Longmont and Fort Collins.

Lowe's (High) – This home improvement center has expressed an interest in the Boulder market and the Diagonal Plaza location and is therefore a High prospect. The typical store is

about 117,000 square feet but will build in the 94,000 to 103,000 square foot range if there are site constraints. They are not interested in two-story formats or structured parking in this market. It has no qualms about a location near to Home Depot, which is located in Twenty Ninth Street.

King Soopers Marketplace (High) – King Soopers (a division of Kroger Foods) remains interested in a north Boulder location and would consider the Diagonal Plaza property if available; they are therefore a High prospect. They currently have two Boulder stores that are performing 20 to 25 percent above industry averages and consider the market underserved for traditional grocery stores. They would be interested in building a Marketplace, which is Kroger's version of a supercenter with about 125,000 square feet. This format includes both grocery and dry good items similar to a Target Super center or Wal-Mart Superstore. If the site were not large enough, they would build a full-sized grocery store of 65,000 to 70,000 square feet.

Table 2
Retailer Potential
Diagonal Plaza Feasibility Study

Retailer	In Boulder (# of Stores)	Potential (Low, Med., High)	Comments
Large Format			
Target	1	Low	
Wal-Mart	0	High	
Sam's Club	0	Med	
Kohls	0	Med	
Costco	0	Low	5 years out at minimum
Lowe's	0	High	
Home Depot	1	Low	
King Soopers Marketplace	2	High	Supermarket or Marketplace
JC Penney	0	Med	Not before 2013
Mid-size Format			
<u>Apparel</u>			
TJ Maxx	0	Med	
Ross	1	Low	
Marshalls	1	Low	
Stein Mart	0	Low	
DSW	0	Low	
Off Broadway Shoes	0	Low	
Forever 21	0	Low	Mall or downtown sites
Babys R Us	0	Med	Closest store in Westminster
Old Navy	0	Med	
<u>Appliances/Electronics</u>			
Ultimate Electronics	1	Med	Relocation
Best Buy	1	Low	
Micro Center	0	Low	Typically one store per metro area
<u>Books/Music/Toys</u>			
Barnes & Noble	1	Low	
Borders	1	Low	
Toys-R-Us	0	Med	
<u>Home Furnishings</u>			
HomeGoods (TJ Maxx)	0	Med	
Pier 1	1	Low	
Bed, Bath & Beyond	1	Low	
Container Store	0	Med	New store at FlatIron Mall
Cost Plus	1	Low	
<u>Office Supplies</u>			
Office Depot	1	Low	
Office Max	1	Low	
Staples	1	Low	
<u>Sporting Goods</u>			
Sport Authority	1	High	Expanded store
Dick's	0	Low	Too far from CU
REI	1	Med	Relocation and expansion
<u>Pets</u>			
Petsmart	1	Low	
Petco	1	Low	
<u>Arts and Crafts</u>			
Hobby Lobby	0	Med	Typically existing space
Michaels	1	Low	
Jo Ann Fabrics	1	Low	

Source: Economic & Planning Systems

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Mass Merchandisers

EPS has also updated the list of potential mid-box mass merchandiser prospects from the 2005 market study to reflect changes in the status of each chain and any changes in Boulder or competitive area locations. The status of each is estimated based on previous contacts, additional broker interviews, and published market data on the location criteria and expansion plans of each chain. No direct tenant contacts have been made to date.

There is a wide array of mass merchandiser stores in the 20,000 to 40,000 square foot range in the apparel, home furnishings, sporting goods, electronics, and book/music store categories. Similar to the big box discounters, these stores focus on high volume and low prices but in narrower product lines. These stores can serve as junior anchors in lifestyle centers like Twenty Ninth Street, locate in groups of three or more like type tenants in power centers, or be sited as freestanding stores within urban downtown areas. Table 2 lists 30 major national mid box mass merchandisers active in the Boulder regional market. A total of 18 are already present in Boulder and most of the remaining chains are located in nearby in Superior or Broomfield (FlatIron). Only one store, Sports Authority is rated a High prospect because they are already on site and area a candidate for a replacement or larger store. EPS estimates that 7 out of the remaining 12 could be characterized as Medium prospects within a three year time horizon if suitable sites were available, as described by store category below.

- Apparel - Two of the most prominent off price apparel stores, Ross and Marshalls, already have Boulder stores and are unlikely candidates. TJ Maxx, Babies R Us, and Old Navy do not currently have Boulder stores and are therefore at reasonable possibilities. Area brokers report that DSW and Off Broadway Shoes do not like the Boulder market due to its casual and less formal dress orientation. Forever 21 is a rapidly expanding teens and twenties oriented apparel store but they prefer mall or urban downtown locations.
- Appliance and Electronics – Boulder is relatively well served in this category. Best Buy, the dominant national force in this category has a relatively new store on 30th. Ultimate Electronics, a Denver based regional chain, has an underperforming store on 28th that is expected to vacate its current space. One possibility is Micro Center, a new computer superstore that has its only Denver metro area outlet near the Tech Center. They are considered a Low prospect because, with the exception of Atlanta, they have only opened one store in each metro market.
- Books, Music, Toys – Both Barnes and Noble and Borders have relatively new stores in Boulder. The books and music store market is especially challenged by internet competition and changing consumer needs. There may be a potential for a Toys-R-Us as there is currently none in Boulder.
- Home Furnishings – A number of stores including Bed Bath & Beyond, Pier 1, and Cost Plus have a Boulder presence. Among the potential candidates not already in the market are HomeGoods (owned by TJ Maxx) and The Container Store, both of which are considered Medium prospects.
- Office Supplies – The three major chains Office Depot, Office Max, and Staples are all present and accounted for in the Boulder market.
- Sporting Goods – Sports Authority currently has a store at Diagonal Plaza and can be considered a candidate for a new and potentially larger store. Its major competitor, Dick's

Sporting Goods is not present in Boulder, but a tenant broker representative indicated the Diagonal Plaza site is too far from the university market. REI has an undersized Boulder store and may be a prospect for a larger store in the 30,000 square foot range and is therefore rated a Medium prospect.

- Pets – PetSmart had a store at Diagonal that relocated on 30th and Walnut next to Ross. Petco also has a Boulder location on Arapahoe and is therefore also a Low prospect.
- Arts and Crafts – This category includes Michael's (crafts) and JoAnn's Fabrics, both of which have a Boulder store. Hobby Lobby is craft store without a presence that could be a potential tenant, although they tend to located in older low rent strip centers.

Retail Summary

Based on our current assessment, the prospects for large format stores are somewhat stronger than for mid box stores. There are three High potential and three Medium potential prospects for a store to be built in the next three years. The larger format stores are a destination anchor use and can therefore attract customers to the more peripheral Diagonal Plaza location.

The dynamics surrounding the development of mid box stores at this location are more complicated. If there is a large format anchor, it increases the potential for the co-location of additional mid box stores. A department store anchor is likely to attract apparel and home furnishings stores as synergistic uses. Wal-Mart is a less attractive anchor for most of the big boxes and Costco, given its large market draw, would be attractive to a wide range of other discount tenants if there were adequate site area to fit them.

Absent a large format anchor, the ability to attract the smaller mass merchandisers is primarily a function of critical mass and co-tenancy. In power centers, they can be found in increments of three to five stores. In supermarket anchored community shopping centers, there can be two to three stores similar to the tenant mix previously found at Diagonal Plaza. There area also other retail commercial uses that could potentially be attracted to this location including cinema and other entertainment functions.

It is difficult to predict with any certainty retail development opportunities three years out for a site with undetermined costs and anchor tenants. There will be new tenants looking by then and some of the existing store opportunities will have been met by other sites. There will be two vacant mid boxes on 28th (Circuit City and Ultimate Electronics) available shortly that should be filled in the next three years. However, there will be other potential tenants that arise and become opportunities for the site.

Economic Benefit

A separate but related question is, presuming there is a market for regional retail uses at this location, what are the economic benefits of investing in a redevelopment effort to attract and accommodate them? There are two potential benefits. The first is providing greater local shopping opportunities for local residents and reducing the need for out of town shopping trips. The second is the generation of additional sales tax dollars to the City. The extent of both benefits can be measured through the same metric which is estimating the amount of net new retail sales and related sales taxes that would be generated. This requires an estimate of the total store

sales and the percent that would net new resulting from reduction of existing leakage (sales to residents currently shopping out of the City) plus and additional inflow from out of city shoppers. The remaining portion of sales are transfers from other stores, often called retail cannibalization.

There are significant differences in the potential to increase retail sales and sales taxes by store category and specific tenant. A full cannibalization analysis is beyond the scope of this study as it would require a project development program with specific tenants as well as an evaluation of existing store sales and expenditure patterns requiring detailed sales tax data analysis. EPS has provided an order of magnitude comparison between the anchor stores and selected mass merchandisers with Medium or High potential in Table 3.

Table 3
Estimated Net New Sales
Diagonal Plaza Feasibility Study

Retailer	Existing Store	Avg. Store Size	Avg. Annual Sales /sq ft.	Annual Sales \$	% Taxable	Taxable Sales \$	% Net New To City	Net New Sales \$	Net New Sales Tax \$
Large Format									
Wal-Mart	No	120,000	\$400	\$48,000,000	85%	\$40,800,000	25%	\$10,200,000	\$347,820
Sam's Club	No	125,000	\$500	\$62,500,000	60%	\$37,500,000	50%	\$18,750,000	\$639,375
Kohls	No	88,000	\$250	\$22,000,000	95%	\$20,900,000	50%	\$10,450,000	\$356,345
Costco	No	150,000	\$800	\$120,000,000	60%	\$72,000,000	50%	\$36,000,000	\$1,227,600
Lowe's	No	100,000	\$300	\$30,000,000	85%	\$25,500,000	25%	\$6,375,000	\$217,388
King Soopers Marketplace	No	125,000	\$400	\$50,000,000	50%	\$25,000,000	25%	\$6,250,000	\$213,125
JC Penney	No	90,000	\$250	\$22,500,000	95%	\$21,375,000	50%	\$10,687,500	\$364,444
Selected Mid Format									
TJ Maxx	No	30,000	\$250	\$7,500,000	95%	\$7,125,000	50%	\$3,562,500	\$121,481
Babys R Us	No	30,000	\$300	\$9,000,000	95%	\$8,550,000	50%	\$4,275,000	\$145,778
Old Navy	No	20,000	\$300	\$6,000,000	95%	\$5,700,000	50%	\$2,850,000	\$97,185
Ultimate Electronics	Yes	30,000	\$500	\$15,000,000	95%	\$14,250,000	25%	\$3,562,500	\$121,481
HomeGoods (TJ Maxx)	No	30,000	\$300	\$9,000,000	95%	\$8,550,000	50%	\$4,275,000	\$145,778
Container Store	No	30,000	\$450	\$13,500,000	95%	\$12,825,000	50%	\$6,412,500	\$218,666
Sport Authority	Yes	50,000	\$300	\$15,000,000	95%	\$14,250,000	25%	\$3,562,500	\$121,481
REI	Yes	30,000	\$500	\$15,000,000	95%	\$14,250,000	25%	\$3,562,500	\$121,481
Hobby Lobby	No	30,000	\$200	\$6,000,000	95%	\$5,700,000	50%	\$2,850,000	\$97,185

Note: Boulder city tax rate 3.41%

Source: Economic & Planning Systems

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As shown the estimated annual sales volume of the anchor stores varies dramatically by type of store and specific tenants. In general apparel merchants have the lowest sales starting at \$250 per square foot per year and the membership warehouses have the highest at an estimated \$500 per square foot for Sam's and \$800 per square foot for Costco. The second factor is the percent of sales that are subject to tax. The supermarkets and membership warehouses are discounted to account for the portion of total sales attributable to food for home consumption which is not subject to sales tax. Finally the portion of taxable sales that is net new to the City is estimated in 25 percent increments. In our opinion, 50 percent net new sales is an optimistic capture rate given the large array of competing stores. Lowe's, Wal-Mart and King Soopers Marketplace are further reduced to a 25 percent net new estimate given the existence of directly competing stores already in the City. The mid boxes rated the lowest net new at 25 percent, including Ultimate Electronics, Sports Authority, and REI, are the retailers with existing stores for which a new store would be a replacement or expansion.

Residential Market

As a result of the quality of life offered in Boulder, a large student housing market, and geographic, as well as self-imposed constraints on land supply, Boulder has long-enjoyed a healthy and stable residential market. Residential construction has averaged approximately 321 units annually since 2000. In fact, despite a national economic recession, Boulder has already eclipsed this average through July, issuing 336 residential permits in 2010, as shown in Table 4.

Table 4
Boulder Housing Unit Permits, 2000-2010
Diagonal Plaza Feasibility Study

Type	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	YTD	2000 - 2009		
													Total #	% of Total	Avg. #
Single Family Detached	106	71	61	78	83	77	108	105	86	47	31		822	25.6%	82
Single Family Attached ¹	16	55	4	38	33	16	25	18	15	9	10		229	7.1%	23
Duplex	6	5	10	23	34	10	0	4	0	3	0		95	3.0%	10
Multifamily	4	241	185	132	391	98	160	315	408	129	295		2,063	64.2%	206
Mobile Home	0	1	0	0	0	2	0	0	0	0	0		3	0.1%	0
Total Units	132	373	260	271	541	203	293	442	509	188	336		3,212	100.0%	321

Source: City of Boulder, Economic & Planning Systems

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In addition to its long-term stability, the Boulder residential market is unique in that the multifamily segment composes a much larger percent of the overall market than in cities of similar size. Since 2000, the City has issued 206 multifamily units annually, or roughly 64 percent of building permit activity over the last 10 years. Through 2010 YTD, the City has permitted 295 multifamily units, or almost 88 percent of total housing units in 2010. In comparison, since 2000 only 33 percent of residential construction activity in Fort Collins, a city of comparable size in the Front Range, was composed of multifamily units.

Projecting the historical annual average going forward, the City of Boulder is anticipated to add 1,032 units through 2015 and 2,064 units through 2020, as shown in Table 5. Several multifamily projects are already under construction or in various planning stages, including the Transit Village, a 160-acre redevelopment area near the proposed multi-modal transit station north of Pearl Parkway, as well as units adjacent 29th Street Mall and Violet Crossing. Factoring planned projects into the future housing forecast, the next four years of residential development are likely over-absorbed. However, beginning in 2015, Diagonal Plaza could capture up to 300 units through 2020, or more optimistically, 450 units through 2020 depending on its ability to compete with new projects outside the Transit Village.

Table 5
Residential Demand Forecast, 2011-2020
Diagonal Plaza Feasibility Study

Type	Capture	2011	2012	2013	2014	2015	2020	2011 - 2015		2015-2020		Total #	
								Total #	Avg. #	Total #	Avg. #	Total #	Avg. #
Base		206	206	206	206	206	1,032	1,032	206	1,032	206	2,063	413
Transit Village		183	203	141	129	96	518	752	150	518	104	1,270	254
29th Street		93	0	0	0	0	0	93	19	0	0	93	19
Violet Crossing		45	53	0	0	0	0	98	20	0	0	98	20
Remaining		0	0	0	0	89	514	89	18	514	103	602	120
Other	50%	0	0	0	0	44	257	44	9	257	51	301	60
Diagonal Plaza	50%	0	0	0	0	44	257	44	9	257	51	301	60
Total		321	256	141	129	185	1,032	1,032	206	1,032	206	2,063	413
Optimistic		206	206	206	206	206	1,032	1,032	206	1,032	206	2,063	413
Transit Village		183	203	141	129	96	518	752	150	518	104	1,270	254
29th Street		93	0	0	0	0	0	93	19	0	0	93	19
Violet Crossing		45	53	0	0	0	0	98	20	0	0	98	20
Remaining		0	0	0	0	89	514	89	18	514	103	602	120
Other	25%	0	0	0	0	22	128	22	4	128	26	151	30
Diagonal Plaza	75%	0	0	0	0	66	385	66	13	385	77	452	90
Total		321	256	141	129	185	1,032	1,032	206	1,032	206	2,063	413

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4. DEVELOPMENT FEASIBILITY

This section evaluates the financial feasibility of the three development scenarios. The feasibility analysis compares future project costs to future project revenues. In addition to costs, a developer will require some form of return to account for project risk, time, and effort. If estimated project revenues exceed project costs plus return, the project is determined to be feasible. If estimated project revenues are less than project costs plus return, the project is considered to be infeasible.

A negative difference between project revenues and project costs plus return, is known as a feasibility gap. Feasibility gaps are common in complex redevelopment projects, and the City including the Boulder Urban Renewal Authority (BURA) has a number of tools that can be used to address these gaps using various forms of public tax dollars. Should the City choose to pursue an urban renewal plan for the site, it will allow for the use of tax increment financing (TIF) to help address the feasibility gap. There are also additional public financing mechanisms that can be utilized to address project shortfalls as discussed below.

Development Program

The development program for the three scenarios is summarized in Table 6. The scenarios increase in density and complexity from Scenario 1 which includes 295,000 square feet of space at a total gross density of 0.29 FAR to Scenario 3 with 711,000 square feet and a gross density of 0.70 FAR on a total site of 23.5 acres as shown.

Table 6
Development Program
Diagonal Plaza Feasibility Study

Program	Scenario 1			Scenario 2			Scenario 3		
	Total	Master Developer	Project Developer	Total	Master Developer	Project Developer	Total	Master Developer	Project Developer
Commercial (Sq. Ft.)									
Retail									
Large Format	120,000		120,000	0			0		
Large Format (Small)	88,000	88,000		88,000	88,000		0		
Mid Box	25,000	25,000		70,000	70,000		98,500	98,500	
Ancillary	10,000	10,000		22,000	22,000		70,500	70,500	
Office	0			0			0		
Total	243,000	123,000	120,000	180,000	180,000	0	169,000	169,000	0
Hotel (Rooms)	136		136	136		136	136		136
Residential (Units)									
Urban Townhomes	0		0	0		0	44	44	
Condo/Lofts: 3-5 Story	0		0	160		160	278	108	170
Apts/Lofts: 3-5 Story	0		0	0		0	80	0	80
Subtotal	0	0	0	160	0	160	402	152	250
Hotel (Sq. Ft.)	52,000		52,000	52,000		52,000	52,000		52,000
Residential (Sq. Ft.)									
Urban Townhomes	0	0	0	0	0	0	88,000	88,000	0
Condo/Lofts: 3-5 Story	0	0	0	192,000	0	192,000	306,000	134,000	172,000
Apts/Lofts: 3-5 Story	0	0	0	0	0	0	96,000	0	96,000
Subtotal	0	0	0	192,000	0	192,000	490,000	222,000	268,000
Total Development (Sq. Ft.)	295,000	123,000	172,000	424,000	180,000	244,000	711,000	391,000	320,000
Total Site	23.48 Acres	1,022,919		1,022,919			1,022,919		
Gross FAR		0.29		0.41			0.70		

Source: Economic & Planning Systems; City of Boulder, Oz Architecture, RRC, Scott Cox & Associates

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Project Costs

Project costs include acquisition costs, site development costs, and vertical development costs. Because acquisition costs will be the same for each scenario, these costs are broken out separately, followed by a description of site and vertical development costs for each scenario. All site development costs were estimated by Scott, Cox & Associates using the site plans produced by OZ Architecture. All vertical costs, including parking, are estimated by EPS based on comparable development projects.

Acquisition Cost Estimate

A rough order of magnitude estimate of the range of land values was developed, for planning purposes only, based on multiple interviews with area brokers regarding their opinion of the value of commercial land in the City, as well as limited available sales comparables for properties of varying sizes. In addition, EPS performed a direct capitalization analysis to approximate the income-based value of the site. Based on this research, EPS established a rough approximate value between \$30 and \$45 per square foot of land subject to additional verification. As an input to the financial model, a base acquisition price in the middle of the estimate range, or approximately \$38 per square foot of land was utilized. It should be noted that this is simply an estimate used for the purposes of this analysis and is not an appraiser's opinion of value.

No actual determination of value for the project area or individual parcels is either offered or implied. The actual value of the site cannot be determined without more extensive appraisal work at the time of development. The exact acquisition price will depend on multiple factors, including but not limited to: the size of the parcel, shape, access, visibility, and the willingness to sell; the occupancy level and NOI of existing uses; and larger economic and market conditions present at the time of sale.

In addition to the price of land, the entity in charge of assembly will also incur a number of additional fees for services rendered during the acquisition process, including legal, consultant, and broker fees. EPS estimates these additional soft costs at 15 percent of acquisition. Based on the above, total acquisition is estimated at approximately \$44.7 million as shown in Table 7.

Site Development Costs

All three scenarios also incur the same demolition costs estimated at \$1.6 million. Additional site development costs including streets, green space, detention, utilities, signage, and various soft costs are estimated at \$6.0 million for Scenario 1 as shown in Table 7. Total site development costs for Scenario 2 are estimated at \$6.2 million and \$6.7 million for Scenario 3 as shown.

Vertical Development Costs

As identified earlier, several of the buildings in each of the development scenarios are projected to be constructed by the Master Developer. Vertical development costs are estimated by summing the shell building costs plus tenant improvements for each building, as well as the allocated share of parking. Surface parking is estimated at \$900 per space, garage parking at \$12,000 per space, and underground parking at \$24,000 per space. In addition to hard costs associated with vertical development, an additional set of various soft costs (estimated at 32 percent of hard costs) is included.

- Vertical development costs to be incurred by the Master Developer in Scenario 1 include the 88,000 square foot large format store, the 25,000 square foot mid-box store, and the 10,000 square feet of ancillary retail space, as well as the allocated surface parking for these uses. Total vertical development costs to be incurred by the Master Developer in Scenario 1, including parking, are estimated at \$15.5 million.
- Vertical development costs to be incurred by the Master Developer in Scenario 2 include the 88,000 square foot large format store, 70,000 square feet of mid-box retail, and 22,000 square feet of ancillary retail space, as well as the allocated surface parking for these uses. Total vertical development costs to be incurred by the Master Developer in Scenario 2, including parking, are estimated at \$23.5 million.
- Vertical development costs to be incurred by the Master Developer in Scenario 3 include 98,500 square feet of mid-box retail (across four buildings), 70,500 square feet of ancillary or groundfloor retail space, and 152 residential units, including 44 townhomes and 108 multifamily units in mixed-use buildings. In addition, the Master Developer is anticipated to construct 716 parking spaces, including 350 surface, 226 structured, and 140 underground spaces. Total vertical development costs to be incurred by the Master Developer in Scenario 3, including parking, are estimated at \$79.5 million.

Total Project Costs

Total costs including acquisition, site development, and vertical development costs for Scenario 1 are estimated at \$66.2 million, as shown in Table 7. Total costs for Scenario 2 are estimated at \$74.4 million, and total costs for Scenario 3 are estimated at \$130.9 million.

Table 7
Cost Summary
Diagonal Plaza Feasibility Study

Master Developer	Scenario 1	Scenario 2	Scenario 3
Costs			
Acquisition Costs	\$44,701,579	\$44,701,579	\$44,701,579
Site Development Costs	\$5,972,967	\$6,214,179	\$6,674,820
Vertical Development Costs	<u>\$15,515,280</u>	<u>\$23,456,136</u>	<u>\$79,486,440</u>
Total	\$66,189,827	\$74,371,894	\$130,862,839

Source: Economic & Planning Systems; City of Boulder, Oz Architecture, RRC, Scott Cox & Associates

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Project Revenues

Project revenues to the Master Developer include the sale of land parcels for future development and the value of vertical development constructed by the Master Developer. It should be noted that while the value of vertical development is based on operating income, the potential operating income received from operating the buildings is not included in project revenues.

Land Sales

As part of the master development process, the Master Developer would subdivide the larger site into development parcels. While the Master Developer may pursue vertical development on some or many of the parcels, other development parcels will be sold to project developers to develop a specific type of product such as residential or hotel uses. These land sales include the land required for the building pad plus the allocated parking for these uses. Some future uses are willing pay very little for upfront land costs, such as large format retailers which act as an anchor or driver for traffic necessary for other uses. Land parcels purchased at a discount from acquisition costs will likely need to be offset by uses willing to pay a premium over acquisition prices, such as ancillary retail and/or residential uses.

- Scenario 1 features a 120,000 square foot large format retailer. Large format retailers frequently prefer to construct their own store, and as a retail anchor, are expected to acquire the land at a discount compared to the remaining uses. The land sale to the 120,000 square foot large format retailer will include the land required for the building pad, as well as an allocation of the surface parking. Other land sales to project developers include the land required for the 52,000 square foot hotel, which includes the building pad and allocated surface parking. Total land sale revenue under Scenario 1 is estimated at \$5.9 million.
- Land sales under Scenario 2 include the building pad for the 160 units of multifamily residential and adjacent 200 structured garage spaces, as well as the building pad for the 52,000 square foot hotel and allocated surface parking. Total land sale revenue under Scenario 2 is estimated at \$10.2 million.
- Land sales anticipated under Scenario 3 include the building pad for the 170 multifamily residential units and 240 structured parking spaces, the building pad for the 80 multifamily residential units in the southeast corner of the site and allocated surface parking, and the building pad and allocated surface parking for the 52,000 square foot hotel. Total land sale revenue under Scenario 3 is estimated at \$17.8 million.

Vertical Development Value

The value of the vertical development constructed by the Master Developer must also be accounted in the analysis. This value is estimated by EPS using sales comparables for residential development and a direct capitalization approach for commercial values. A direct capitalization approach estimates net operating income for each use based on estimated future market rents, vacancies, and expenses, and then divides this income by a capitalization rate. Capitalization rates are ratios extracted from the market that indicate the rate investors are willing to pay for an income stream. Capitalization rates are inverse ratios. Thus, by dividing net operating income by the capitalization rate, an estimate of market value can be derived.

- Vertical development value in Scenario 1 includes the value of the 88,000 square foot large format retail store, the 25,000 square foot mid-box store and 10,000 square feet of ancillary retail space. Total vertical development value accrued to the Master Developer is estimated to be \$18.0 million in Scenario 1.
- Vertical development value under Scenario 2 includes the value of the 88,000 square foot large format retail store, the 70,000 square feet of mid-box retail, and 22,000 square feet of ancillary retail space. Total vertical development value accrued to the Master Developer is estimated to be \$32.6 million in Scenario 2.
- Vertical development value under Scenario 3 includes the value of the 98,500 square feet of mid-box retail, 70,500 square feet of ancillary and groundfloor retail, and 152 residential units. Total vertical development value accrued to the Master Developer is estimated to be \$125.1 million in Scenario 2.

Total Project Revenue

Total project revenue under Scenario 1, including land sales to other project developers and vertical development value, is estimated at \$23.6 million, as shown in Table 8. Total project revenue for Scenario 2 is estimated at \$43.8 million and total revenue for Scenario 3 is estimated at \$142.9 million.

Table 8
Total Project Revenues
Diagonal Plaza Feasibility Study

Master Developer	Scenario 1	Scenario 2	Scenario 3
Revenue/Value			
Land Sales	\$5,908,750	\$10,192,000	\$17,843,500
Vertical Development Value	<u>\$18,000,000</u>	<u>\$32,640,000</u>	<u>\$125,050,000</u>
Total	\$23,908,750	\$42,832,000	\$142,893,500

Source: Economic & Planning Systems; City of Boulder, Oz Architecture, RRC, Scott Cox & Associates
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Development Feasibility

As mentioned earlier, in order to determine development feasibility under each scenario, total project costs must be compared to total project revenue. In addition to costs, the developer will seek a financial return to compensate for investment opportunity cost, risk, time, and effort. The required developer return is different for each individual developer, but is usually in the 10 to 20 percent range, depending on the type of development and level of risk. Because this feasibility analysis is performed on a static basis (vs. annual) and features a mix of for-sale and operating property, the developer return is calculated as the revenue required to achieve a certain level of "profit" over costs. For the purpose of this analysis, a developer return of 15 percent (total project revenue must exceed total project costs by 15 percent) was selected. Netting estimated project costs plus required return against estimated project revenue determines the feasibility of

each scenario. If estimated project revenue exceeds costs plus return, the scenario is considered feasible based on the targeted level of return. If estimated project revenue is less than costs plus return, the scenario is infeasible and would require an additional infusion of funds from public financing to address the gap.

Based on the planning level numbers, feasibility is more a relative measure between the scenarios than an absolute number. Netting estimated project costs against estimated project revenue under Scenario 1 results in a feasibility gap of -\$52.2 million, as shown in Table 9. Netting project costs against project revenue under Scenario 2 results in a feasibility gap of -\$42.7 million. Under Scenario 3, project revenue exceeds projects costs by 9 percent, but fails to meet the target return of 15 percent. With a feasibility gap of -\$7.6 million, Scenario 3 is therefore the best performing alternative but is still expected to require an infusion of public financing to close the gap.

Table 9
Development Feasibility
Diagonal Plaza Feasibility Study

Master Developer	Scenario 1	Scenario 2	Scenario 3
Costs			
Acquisition Costs	\$44,701,579	\$44,701,579	\$44,701,579
Site Development Costs	\$5,972,967	\$6,214,179	\$6,674,820
Vertical Development Costs	<u>\$15,515,280</u>	<u>\$23,456,136</u>	<u>\$79,486,440</u>
Total	\$66,189,827	\$74,371,894	\$130,862,839
Revenue/Value			
Land Sales	\$5,908,750	\$10,192,000	\$17,843,500
Vertical Development Value	<u>\$18,000,000</u>	<u>\$32,640,000</u>	<u>\$125,050,000</u>
Total	\$23,908,750	\$42,832,000	\$142,893,500
Net	(\$42,281,077)	(\$31,539,894)	\$12,030,661
Required Return on Cost (Profit)	15%	15%	15%
Actual Return on Cost	-64%	-42%	9%
Feasibility Gap	(\$52,209,550)	(\$42,695,679)	(\$7,598,765)

Source: Economic & Planning Systems; City of Boulder, Oz Architecture, RRC, Scott Cox & Associates

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5. REDEVELOPMENT OPTIONS

This section identifies the additional public financing that could be used to address the extraordinary costs associated with redevelopment of the Diagonal Plaza properties. At a minimum, tax increment financing, as enabled by BURA's designation of an urban renewal area and adoption of an urban renewal plan would be required. Based on the analysis of available public financing and other considerations, the City's implementation options are identified.

Public Financing Mechanisms

A number of public financing tools are available to fund required infrastructure costs. These tools can be used independently or as part of a larger package of public financing sources. Each tool provides some distinct advantages and disadvantages and should be evaluated based on the City's redevelopment goals for the site. A brief description of each is outlined below

- Tax Increment Financing (TIF) – TIF is the primary financing tool enable by either an urban renewal authority (URA) or a downtown development authority (DDA). TIF earmarks new property taxes from all taxing entities and/or local sales tax revenues generated from new development and funnels this incremental revenue toward various infrastructure costs. After the retirement of revenue bonds, usually 25 years, incremental annual tax revenue is redirected back to the city and other taxing entities.
- Metro District – Title 32 Metropolitan Districts are the most widely used special district. A Metro District is a quasi-governmental entity and political subdivision of the state formed to finance, construct, and maintain public facilities. A Metro District is governed by an elected board of directors and functions within the parameters of the city-approved Service Plan and state law. A common use of Metro Districts is to finance public infrastructure as part of new development or redevelopment. Bonds are issued at the onset of a project, capital facilities are constructed, and the debt is serviced by property tax proceeds from future property owners.
- Public Improvement Fee (PIF) - Considered a private financing tool, a public improvement fee (PIF) is a fee imposed by a developer on property tenants; who then, in turn, typically pass on the fee to the consumers. A developer uses lease terms and other real estate agreements to impose the PIF. The purpose of a PIF is to finance public improvements. PIFs are collected as a fee charged on sales within a set of negotiated categories and a designated geographic boundary. Depending on the financing body, corporate, general obligation, or revenue bonds may be issued backed by PIF revenues. As stated, a PIF is not a tax but a fee; therefore, it becomes a part of the cost of the sale/service and is subject to sales tax. A local jurisdiction has the ability to reduce the sales tax within the PIF boundary to keep the total charge competitive with other retail outlets. PIFs are frequently becoming common as a financing source in retail-driven redevelopment projects.

Public Financing Revenue Potential

EPS estimated the total revenue generation potential of the identified public financing tools under a specified aggressive financing package. The amount of financing required for a specific project would be determined by the size of the project financing gap as well as the City's willingness to dedicate these revenues. The utilization of these tools or package or tools should be evaluated by the City based on its own redevelopment goals and willingness to participate. A more detailed annual analysis will be required should the City decide to pursue an urban renewal designation.

Tax Increment Financing (TIF)

Property Tax

- Based on County Assessor records, the estimated market value of the existing 23.4 acres totals \$28.1 million. This results in an assessed value base of approximately \$8.2 million.
- Combining both the vertical development value created by the Master Developer, as well as by future Project Developers, the total development value at buildout under Scenario 1 is anticipated to total approximately \$52.4 million. Under Scenario 2, total development value at project buildout is anticipated to be approximately \$127.0 million. Under Scenario 3, total development value at project buildout is anticipated to be \$228.2.
- After applying an adjustment for appraised value, total assessed value under Scenario 1 is estimated at \$13.7 million. Assessed value for Scenarios 2 and 3 is estimated to total \$19.5 and \$29.4 million, respectively. Netting out the existing assessed value of \$8.2 million, total assessed value increment for Scenario 1 is estimated total \$5.5 million, \$11.4 million under Scenario 2, and \$21.2 million under Scenario 3.
- Annual revenue generated from property tax revenue at buildout is estimated to total \$415,000 under Scenario 1, \$857,000 under Scenario 2, and \$1.6 million, as shown in Table 10.

Sales Tax

- Based on sales tax records provided by the City, the estimated sales tax base of the existing 23.4 acres totaled \$14.2 million.
- Using average sales volumes, EPS estimates total sales tax of revenue at buildout under Scenario 1 at \$2.4 million. Total sales tax revenue at buildout under Scenario 2 and 3 is estimated to total \$1.7 million and \$1.6 million, respectively.
- Annual revenue generated from sales tax revenue at buildout is estimated to total \$1.9 million under Scenario 1, \$1.3 million under Scenario 2, and \$1.2 million under Scenario 3, as shown in Table 10.

Metro District

- Using an estimated tax of 20.0 mills, annual property tax revenue generated from a Metro District under Scenario 1 totals \$273,000 at buildout, as shown in Table 10. Annual property tax revenue generated from a Metro District under Scenarios 2 and 3 totals \$391,000 and \$587,000, respectively.

Public Improvement Fee (PIF)

- Using a PIF rate of 1.0 percent, annual fee revenue generated on sales is estimated to total \$716,000 under Scenario 1 at buildout, as shown in Table 10. Annual PIF revenue generated from Scenarios 1 and 2 is estimated at \$530,000 and \$498,000, respectively.

Table 10
Public Financing Potentials
Diagonal Plaza Feasibility Study

Master Developer		Scenario 1	Scenario 2	Scenario 3
Public Financing				
	Max			
Annual Property TIF @ Buildout	100.0%	\$415,346	\$857,601	\$1,599,885
Annual Sales TIF @ Buildout	100.0%	\$1,877,803	\$1,265,538	\$1,158,634
Total Annual TIF		\$2,293,149	\$2,123,138	\$2,758,519
Annual Metro District @ Buildout	20.0 Mills	\$273,319	\$390,521	\$587,233
Annual Public Improvement Fee (PIF) @ Buildout	1.0% PIF	\$716,166	\$530,493	\$498,074
Total Annual Public Financing @ Buildout		\$3,282,635	\$3,044,152	\$3,843,827

¹Buildout is assumed to occur over 10 years

Source: Economic & Planning Systems; City of Boulder, Oz Architecture, RRC, Scott Cox & Associates

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Redevelopment Financial Feasibility

Adding the potential for public finance revenue generated by each scenario to the feasibility gap enhances each scenario's overall development feasibility. As identified in Chapter 3, sales generated at the redevelopment site from new development may not represent "new" sales dollars in the City, but rather a transfer of dollars from other areas in the City. As a result, the impact of sales TIF should also be considered. For the purposes of the enhanced development feasibility analysis, no sales TIF is used. Under all other base assumptions regarding public financing scenarios, total annual public financing dollars under Scenario 1 are estimated at \$1.6 million. Total public finance dollars under Scenarios 2 and 3 are estimated to total \$1.8 million and \$2.7 million, respectively. Public financing dollars represent annual numbers and will occur overtime. Thus, the annual public financing dollars generated over 25 years need to be discounted by some rate (6.5 percent) to derive today's value for these dollars. The value of public financing dollars today can be compared to the feasibility gap for each scenario to determine if feasibility can be achieved. Based on the above public financing package, Scenarios 1 and 2 remain financially infeasible, while Scenario 3 becomes financially feasible, as shown in Table 11.

Table 11
Project Feasibility with Public Financing
Diagonal Plaza Feasibility Study

Master Developer		Scenario 1	Scenario 2	Scenario 3
Net		(\$42,281,077)	(\$31,539,894)	\$12,030,661
Required Return on Cost (Profit)	15.0%	15%	15%	15%
Actual Return on Cost		-64%	-42%	9%
Feasibility Gap		(\$52,209,550)	(\$42,695,679)	(\$7,598,765)
Public Financing				
	Max			
Annual Property TIF @ Buildout	100.0%	\$415,346	\$857,601	\$1,599,885
Annual Sales TIF @ Buildout	0.0%	\$0	\$0	\$0
Total Annual TIF		\$415,346	\$857,601	\$1,599,885
Annual Metro District @ Buildout	20.0 Mills	\$273,319	\$390,521	\$587,233
Annual Public Improvement Fee (PIF) @ Buildout	1.0% PIF	\$958,145	\$530,493	\$498,074
Total Annual Public Financing @ Buildout		\$1,646,811	\$1,778,615	\$2,685,192
Net Present Value over 25 years¹	NPV @ 6.5%	\$13,189,281	\$13,263,364	\$20,022,256
Percent of Project Costs		20%	18%	15%
Net Gap w/Public Financing		(\$39,020,270)	(\$29,432,315)	\$12,423,490

¹Buildout is assumed to occur over 10 years

Source: Economic & Planning Systems; City of Boulder, Oz Architecture, RRC, Scott Cox & Associates

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Sensitivity Analysis

Under the base assumptions tested, Scenario 3 remains the only financially viable redevelopment option. However, a number of different variables could impact these results. EPS tested the sensitivity of three key assumptions outlined below and summarized the results.

- Acquisition Price - As noted, the acquisition costs of the existing property are unknown at this time. While EPS estimated the property could be acquired for a cost between \$30 and \$45 per square foot; the determined land price will significantly impact feasibility. EPS tested the feasibility of each scenario using both the low and high end of this range.
- Potential Large Format Tenant - Under Scenarios 1 and 2, the potential large format tenant and corresponding sales generation also impact feasibility. Under the base assumption, the large format tenant is projected to generate \$300 per square foot in sales annually. However, should a Costco (at an estimated \$800 per square foot) locate at the site, sales tax and PIF generation would be significantly higher, improving the public financing potential of Scenario 1. EPS tested the ability for a higher sales generating tenant to impact feasibility in each scenario.
- Public Financing - The public financing package identified earlier includes the use of 100 percent of property TIF, zero percent of sales TIF, a 20 mill metro district, and a 1.0 percent PIF. EPS tested the impact on project feasibility of a more aggressive package including 100 percent of the sales tax TIF and raising the Metro District mill levy to 30 mills.

Scenario 1

On a financial basis, Scenario 1 is significantly challenged. As noted, large format retailers generally pay very low land costs. As a result, project revenue from land sales is significantly lower than project costs. Even at an estimated acquisition cost at the low end of the range (\$30 per square foot), project revenues are insufficient to cover costs. In addition, the inclusion of Costco as the large format retailer, generating significantly higher sales levels, fails to adequately address the feasibility gap, despite an aggressive public financing package featuring 100 percent property TIF, 100 percent sales TIF, a 30 mill Metro district, and a 1.0 percent PIF. A feasible Scenario 1 would require land acquisition costs below \$30 per square foot, while also utilizing an aggressive public finance package. Assuming this acquisition cost might not be achievable, Scenario 1 will likely require the City to tap into other City resources to achieve feasibility.

Scenario 2

Scenario 2 faces similar financial challenges as Scenario 1. The project revenue, including vertical development value, is not sufficient to achieve feasibility at the estimated acquisition prices, even at the low end of the range (\$30 per square foot). In addition, the large format and mid box retailers do not generate sufficient property and sales tax dollars to overcome the feasibility gap. Even utilizing the aggressive public financing strategy outlined in Scenario 1, financial feasibility requires acquisition costs of \$25 per square foot or lower. Similar to Scenario 1, in order to achieve financial feasibility under base case acquisition costs, the City will likely need to tap into existing City funds.

Scenario 3

Scenario 3 contains the level of development density (and value) required to justify the land acquisition costs on a financial basis. While public participation is likely to be required to support assembly, Scenario 3 requires the least level of financial subsidy of all the scenarios. Under the base land cost assumption (\$38 per square foot), only property TIF is required to overcome the feasibility gap. At a land cost assumption of \$45 per square foot, feasibility can be achieved using 100 percent of property TIF, a 20 mill Metro District and a 0.5 percent PIF.

Implementation Options

The City's implementation options require consideration of both market and financial feasibility considerations as well as other land use and urban design policy objectives. The implementation options of the three scenarios tested are summarized below:

Scenario 1: Commercial Only – This option is not feasible even with the maximum public financing package applied to the project. Further, the estimated net new sales tax revenues from the supportable anchor tenants, ranging from approximately \$200,000 to \$600,000 per year, would not appear to justify the investment of additional public investment even if additional funds were available from other sources. Only Costco as an anchor would generate more than \$1.2 million in estimated annual net new tax revenue. However, in our opinion, existing market conditions suggests that a Costco store within the City would not be supportable for at least five years and probably longer. (It should be noted that Costco would require a 14 acre site for a 150,000 square foot store, would not pay a premium for the property, and would leave little additional land for other revenue generating uses. Recent Costco deals in the region have been at less than \$6 per square foot of land.) It would therefore appear to be extremely risky for the City to proceed with redevelopment for one very uncertain user when the alternative anchor uses result in relatively low levels of economic benefit that do not offset the levels of investment required.

Scenario 2: Horizontal Mixed Use – this option tests a modest increase in overall density including a reduction in commercial square footage and replacement with residential uses to generate greater development and land values. The incremental density and development value is insufficient to make the project financially feasible. This compromised development plan is lacking from both an economic benefit and urban design perspective.

Scenario 3: Vertical Mixed Use – This option, as defined, is the most feasible as tested on a static basis. However, the amount, type, and configuration of retail development are unproven and may not prove feasible as drawn; at a minimum it would take an extended period to lease up which would also impact its feasibility. The mixed use village concept meets more of the City's urban design objectives, but may not be able to attract significant regional retail uses, and therefore may not meet the City's economic development objectives. The City will need to decide if the redevelopment of the property for its land use/urban design benefits, rather than economic development benefits, warrants a significant redevelopment investment.

Other Considerations

The City's other implementation options include not pursuing a redevelopment option at this time or considering a more incremental/opportunistic redevelopment strategy.

It should therefore consider if the implications of doing nothing are acceptable. As a result of the limited supply of significant commercial space in the City, it is likely that the major vacant spaces in the shopping center and on the peripheral pad sites will be re-leased to other users. The center is an older commercial property in the mature years of the real estate investment cycle. Typically, these older properties are leased to lower rent uses and continue to decline in quality and value until which time significant reinvestment and/or redevelopment are feasible. This pattern of real estate decline and reinvestment is likely to take place slower in Boulder than it would in a less constrained market. However, future tenants are likely to make some level of investment to utilize the property that will extend its useful life, similar to the lease of Albertson's to 24 Hour Fitness. In particular, the newer vacant mid box spaces formerly occupied by PetSmart and Ross will likely get reused within a two to three year time horizon given the overall lack of similar space in the City. It is however hard to determine the quality of future tenants, the level of investment that might be made, and how long the useful life of the center might be extended.

The City could also decide to take a more incremental approach to the development of the property. Absent an overall development plan, and given the large number of separate property owners, a number of smaller redevelopment projects are likely to take place over time. If these projects met economic development goals, and if they have a documented financial need, the City could consider the use of urban renewal and TIF on a more reactive project by project basis.

Finally, the City could also consider further planning and analysis of the Scenario 3 option, which demonstrates that a denser mixed use project has the potential to be feasible. The concept as developed, attempts to mix a number of mid box stores with residential and potentially office and live/work vertical uses. If this concept meets the City's objectives, a number of refinements could be tested including a more aggressive acquisition plan that increases in density over the gross 0.7 FAR option tested, expands the size of the project area allowing for more development density, and refinements in the retail development program to create a better balance of mid box and ancillary retail space.

Attachment G

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

**Wednesday, September 29, 2010 / 6:00pm
City Council Chambers / Boulder Municipal Building / 1777 Broadway**

BURA BOARD MEMBERS PRESENT:

K C Becker
John Wyatt
Richard Wobbekind
Jerry Lee
Chet Winter

STAFF MEMBERS PRESENT:

Jane Brautigam, City Manager
David Gehr, Deputy City Attorney
David Driskell, Executive Director of Community Planning and Sustainability
Liz Hanson, Economic Vitality Coordinator

- 1. Call to Order**
All Commissioners present, quorum met.
- 2. Public Participation**
No one from the public addressed the board.
- 3. Election of Officers**
Chairperson Richard Wobbekind (5-0).
Vice Chairperson Jerry Lee (5-0).
- 4. Appointment of Executive Director**
Executive Director Jane Brautigam.
- 5. New Business**
Review and Comment: Consultants' Economic Analysis Report on Diagonal Plaza Redevelopment Options.

Opening Statements

L. Hanson summarized the history of the Diagonal Plaza and explained that the site is deteriorating both in physical appearance and in tax revenues and has been a topic of discussion for some time. The defined study area is 15 properties over 33 acres. She also introduced the consultant (EPS) that was selected to complete phase one of the economic analysis. This analysis gave estimates on the financial feasibility of three redevelopment scenarios: all commercial (with big box retail), horizontal mixed use, and vertical mixed

use. She also emphasized that the diagrams provided by the consultants are not official and are only to help provide conceptual understanding. She also called special attention to the fact that the land acquisition numbers are estimates and not official.

Chris Leutzinger, EPS, acting as the representative from Economic Planning Systems (EPS) gave an overview of their “summary of findings”:

1. Defined the amount space each development scenario would accommodate.
2. The Diagonal Plaza site is a community level retailer with limited appeal to more regional uses.
3. A redeveloped Diagonal Plaza site would be attractive to a limited number of larger format stores seeking access to the Boulder market.
4. Diagonal Plaza could also attract one to four mid-box mass merchandisers given the number of potential store options and the lack of competitive sites.
5. Most of the supportable retail stores fail to generate the desired economic benefits to the City.
6. Scenario 1, commercial big box redevelopment is not feasible even with maximum public investment.
7. Scenario 2, horizontal mixed use redevelopment is also not feasible even with full public financing.
8. Scenario 3, vertical mixed use redevelopment is feasible with tax increment financing (TIF).
9. Although Scenario 3 works from a financial perspective it may not work from a market perspective.
10. The City’s other implementation options include not pursuing redevelopment, or property assembly on an incremental basis. He also gave a brief list of possible retailers and the probably of obtaining each.

L. Hanson explained that there will be questions posted on the monitor to help guide the discussion. She asked the board be sure to discuss their thoughts on the need for big box retailers in Boulder, given the findings of the analysis.

Board Discussion

K. Becker proposed to begin the discussion with questions or points of clarification from the board.

C. Winter requested to hear more about the history of the site and the general attitude toward redevelopment from the City, owners, and market perspectives.

L. Hanson stated that out of the 15 property owners 10 are in-state, and she had personally spoken to all of them. All 15 owners received a letter from the City before the request for proposal (RFP) was issued. All the feedback has been positive. She also stated the mini-mall is for sale and other large properties are vacant.

D. Driskell stated there is a need for more commercial land in Boulder and this property is underperforming. He restated the question, what role should the city play?

K. Becker felt that the land cost estimates were high considering that the land was blighted, and asked EPS to explain how they calculated the numbers.

C. Leutzinger, EPS, responded saying that the land cost was difficult to estimate. However, the numbers that were estimated were similar to the price of land in the area. He commented that the lots used for comparison are smaller than the overall study area. However, since the lot would have to be bought parcel by parcel it makes sense to compare to smaller land parcels.

K. Becker noticed that 24 Hour Fitness is one of the largest tenants, and asked if this business has created any sales tax revenue (since its not a retail store) and if that could be a reason for the declining numbers.

L. Hanson confirmed that the sales tax revenue from a gym is lower than most tenants, but it isn't the main reason for the declining sales tax revenue from the site.

K. Becker noted that Costco had a low probability of becoming a tenant (according to the EPS report) and asked if EPS had spoken to Costco directly.

C. Leutzinger, EPS, said they spoke to a tenant representative, and used sales statistics to determine their probability of becoming a tenant.

K. Becker inquired as to how EPS determined the density numbers for their analysis, because they seem low for Scenario 1.

C. Leutzinger, EPS, indicated that it was restricted by surface parking requirements.

J. Lee asked about the CAP (capitalization) rate EPS used in the estimates.

C. Leutzinger, EPS, said he used a 9% CAP rate and 7-8% for the future.

K. Becker asked if EPS felt that there couldn't be any more development on the site for Scenario 1 (big box retailer).

C. Leutzinger, EPS, said that it was possible, but very marginal.

L. Hanson stated that staff has worked with the consultants to make sure that the scenarios have proper parking ratios to meet city parking requirements.

R. Wobbekind said that he wouldn't feel comfortable putting public money into the redevelopment unless there was a big draw to the site. He also said that he would prefer big box redevelopment, however he doesn't think that King Soopers Marketplace would be a large enough draw to guarantee the success of the site.

J. Lee requested to know more about the "cannibalization" numbers for other tenants. He stated that the only way to accomplish the increase in revenue the City desires is to either bring people into town to shop or to keep them from leaving town to shop.

C. Leutzinger, EPS, stated that the only store that would draw from outside the Boulder, and therefore have the lowest cannibalization numbers, is Costco.

J. Lee recalled that the last time there was discussion with Costco about a Boulder location, the company indicated they wouldn't come due to cannibalization from their other site.

Public Hearing

Steve Colby, Boulder, asked that the board realize the partnership opportunity with this project. Also, he would like to see them take a direct approach and make a deliberate and proactive effort. He asked that the board keep their options open and consider industrial and government uses as well.

R. Wobbekind responded saying that government and industrial uses will not generate the type of revenues that the City is looking for from this site.

Eric Karnes, Boulder, explained his background and current occupation as a consultant to national developers, and his belief that his insight may be beneficial. He spoke to his experience working with developers in the south and indicated that Atlanta had made the mistake of over cannibalizing their retail markets which jeopardized the existence of its traditional shopping centers. He also warned BURA that recent trends indicate that big box retailers are not doing well and advised the commissioners to go with a mid-box mixed use with a combination of residential and office space. He also advised BURA to use one developer throughout the entire project.

C. Winter inquired if the developers Mr. Karnes represented would be interested in this site.

Eric Karnes, Boulder, indicated that there was a good chance they would be interested. However, there are still many unanswered questions about the site.

R. Wobbekind inquired as to why the neighboring Housing Authority site wasn't included.

L. Hanson said it could still be added, however it was left out for this initial analysis.

John Schwartz, Boulder, introduced himself as a co-owner of property number 14 on the study map. He said they recently did improvements on the building and pointed out that, compared to land costs, the improvement costs are extremely high.

C. Winter asked the property owner what he would like to see (in terms of redevelopment).

John Schwartz, Boulder, stated that it is a very complicated situation. However, he agreed that redevelopment was a good idea. He agreed the area was dysfunctional and

complicated given the many owners and that the City should look at a more incremental approach.

J. Wyatt asked the owner how his property was performing.

John Schwartz, Boulder, said that despite a bad market they were doing well and vacancies were low. However, rental returns are low and the market is very bad.

Public Participation closed

J. Wyatt asked how other shopping centers are doing, and in particular, Twenty Ninth Street.

L. Hanson said that some areas of Twenty Ninth Street may be re-branded, mainly the central plaza area. She indicated overall the site is doing very well, vacancies are low and tax revenues are up. She also indicated that the sites are fundamentally different and the redevelopment of Twenty Ninth Street had no public financing.

K. Becker pointed out that the Transit Village project was going to displace some industrial buildings, and asked if that was considered when planning uses for Diagonal Plaza.

D. Driskell responded that Diagonal Plaza was not considered as a possible replacement for the displaced industrial buildings because it is prime commercial redevelopment space in the City.

R. Wobbekind and J. Wyatt both asked about the possibility of buying the properties one by one as they became available and slowly developing the property.

D. Driskell responded by saying that it would be difficult given the interconnectedness of the parcels.

K. Becker asked for confirmation that the purpose of this meeting is to render a recommendation from BURA.

D. Driskell confirmed KC Becker's inquiry and explained that Planning Board will also be informed on the process and then the City Council will give direction to city staff on the project.

Discussion Question: "What are the BURA Commissioners' comments on the consultants' economic analysis?"

R. Wobbekind wanted to know more about density numbers. He feels that for the project to work it will need higher density.

D. Driskell responded saying that the City staff worked with the consultants to be sure the scenarios had higher density numbers.

R. Wobbekind stated that all the scenarios will need higher density to truly be successful.

C. Winter said that it is a good time to be planning for this site (given the current economic climate) and he wants to keep the project moving forward. Also, he suggested that it may be beneficial to bring in developers to share their perspective and to get a more realistic feel for the possible success of the site. He said Diagonal Plaza is a golden opportunity to do some creative thinking.

J. Lee commended EPS, however, the exact financial estimates were very inexact and wanted to move forward and get feedback from retailers and developers to better determine the feasibility of the redevelopment. He also stated he was confident the property owners would be “on board” since they only have one piece of the site. He then asked the city staff what they want to see. It is very important to bring in developers and see if they are interested.

C. Winter restated that he feels that this project could be extremely exciting and is a great chance to be very creative. However, the City needs to talk to developers.

Discussion Question: “What do the BURA Commissioners believe to be the most important development scenario for the Diagonal Plaza Area?”

- a) **As one of the last viable “Big Box” retail districts?**
- b) **As a mixed use redevelopment district?**
- c) **Another land use option?**

K. Becker questioned some of EPS’ assumptions on land cost and density, and wanted more information about market feasibility. With the information present there needs to be higher density and lower land costs for the project to be successful. She wants affordable shopping in Boulder that will raise sales tax revenue and to bring in something new. A large commercial site is rare. Furthermore, she feels the city needs to take an intentional approach to redevelopment, and emphasized the need to bring in a private developer to have a conversation. She restated her desire for higher density in a big box development.

R. Wobbekind agreed with KC Becker, and said that Scenario 3 is not appealing since mid-box stores would compete with other Boulder stores. He wants something that will draw people into the city. He feels that Costco has the best ability to do that. He recalled that the Twenty Ninth Street development occurred with no public money being involved. He also agreed that they need to talk to developers about the project. He stated that if the City wants the project to go forward then it has to make it happen, especially in a tough economic environment.

Discussion Question: “Do the BURA Commissioners believe that there is a compelling economic reason for the city to pursue a public-private partnership for the redevelopment of the Diagonal Plaza area? If so, what do the BURA

Commissioners recommend as the next steps (e.g. blight study, area planning, further economic analysis), if any?”

D. Driskell informed the board that there was an initial conversation with the local ULI (Urban Land Institute) group to identify who they would to bring in for a charette.

R. Wobbekind said that a ULI analysis would be fine. He wants to move along with the project and feels that a blight study is the next step because if the City can't assemble the properties they can't move forward.

K. Becker felt that area planning efforts would not be a good use of staff's time if the project won't work

R. Wobbekind stated that a ULI analysis is only brainstorming and therefore is very low cost.

J. Lee made the point that the City needs to define a vision for the site before any real redevelopment decisions can be made.

K. Becker and R. Wobbekind both agreed that TIF will be needed to complete this project.

Discussion Question: Is a new big box store important for Boulder's economy?

a) If yes, is the Diagonal Plaza the only likely place that a big box can be located?

b) If yes, what level of public subsidy or other strategy is appropriate for the city to pursue in achieving this objective?

c) If no, should the City pursue other redevelopment options at this time?

d) If no, should the City pursue other options for the interim improvements to the Diagonal Plaza site to enhance its appearance, function, and tax revenue?

R. Wobbekind restated that he would like to see some sort of big box development for the site the developers. If indicate that it will not work he will accept other options, however this is the last place for a big box development to occur in Boulder and he believes the city needs a mass retailer in the core area.

K. Becker supported Wobbekind's statement and cited Transit Village and McKenzie Junction as other sites that would not work for a big box development.

All the commissioners agreed that there shouldn't be any city funds put into an attempt to fix the appearance of the site for the time being (no to option D). Rather, the city should wait for the results of a blight study to determine the possibility of redevelopment and consider a low cost ULI (Urban Land Institute) analysis.

The meeting was adjourned at 7:50 p.m.