



February 4, 2019 - Revised January 16, 2020

Dear City Council Members,

Re: Cover Letter to Accompany Annexation Petition Written Statement for CU Boulder South

At the city's request, the University of Colorado Boulder is submitting this application for annexation of its CU Boulder South property in order to facilitate the city's need to expeditiously develop and implement a flood mitigation project on CU Boulder's property. This is well ahead of the schedule under which the university would have otherwise submitted this application, as we have no near-term development plans. We will begin our campus master planning process by the end of 2019 with the plan expected to be complete by the end of 2021. The university is committed to partnering with the city in this effort to achieve the timely construction of the city's flood mitigation project. As a member of the Boulder community, the university joins city council in its ardent interest in advancing the life safety of our south Boulder neighbors. We moved quickly to bring forward this application in order to remove any uncertainty around availability of land for the flood mitigation project and to maximize the opportunity for city council to take swift action to implement the project.

We acknowledge that this is different from the city's typical annexation process and want to ensure that all members of city council and the relevant boards have a clear understanding of the extensive list of development limitations the university has agreed to and the significant benefits we are bringing to the table. The university and the city regularly collaborate on a multitude of projects. In this case, which is clearly unique, the university has gone well above and beyond its normal practices by agreeing to an extraordinary level of limitations on development of university property and providing a future opportunity for the city to review and submit input to the concept design for CU Boulder South.

The University of Colorado Boulder's master planning process is a multiyear process due to the complexity of the university and future planning for the many related departments, colleges, institutes and operational units. During that process we will engage the city and community for input. Once complete at the end of 2021, the Campus Master Plan will require the approval of the Board of Regents and the Colorado Commission on Higher Education. Under our typical process, only then would planning specific to the CU Boulder South site be able to begin.

CU Boulder is committed to the community and its success in the long term. While we are not able to provide a site plan as we enter into the annexation process, we have made every effort in our petition to provide as much clarity around how we will limit construction on the site through the BVCP Guiding Principles and adding further clarification through our letter to Council on October 1, 2018 and this application. We have also offered the opportunity for the city to provide input on the future concept design for CU Boulder South in addition to significant other benefits as listed below.

The university has listened to the community and city council requests and input along the way in these discussions over the past several years. Over time, we have modified and added to the benefits that we will provide to the city, including a few more reflected herein.

Community Benefits - Offered by CU Boulder to the City of Boulder Through Annexation:

CU Boulder has committed the following to the city in recognition of its partnership with the community and of the criticality of the flood mitigation project through the 2015 Boulder Valley Comprehensive Plan (BVCP) and Guiding Principles (BVCP GP) therein as enumerated below. Together with the city, county and community we worked hard to develop the Guiding Principles. We remain committed to the spirit of those principles, although we will not be able to achieve some BVCP GPs, as noted below, in light of the city council’s selection of Variant I. We look forward to future collaboration around the BVCP GPs for further refinement. This list reflects CU Boulder’s commitments under those guidelines.

	CU Commitment to the Community	Value/Benefit to City and Community
1.	The university commits to convey to the city, in fee simple, up to 80 acres of CU Boulder’s property for construction of the flood mitigation project, or to be used for open space mitigation related to the project, (rather than the prior commitment to provide access/use of up to 80 acres with conveyance limited to the land under the dam facilities).	<p>\$18,000,000 - As measured by the City’s recent purchase of the Hogan Pancost property, at a price of \$250,000 per acre, which CU discounted by 10% to reflect the size adjustment between the two properties</p> <p>The university’s conveyance of the land to the city will enable the protection of up to 1900 dwelling units, 730 structures and 4100 people</p>

		under a 500-year flood event, in the only area that allows for this project. (city staff presentation to council in June, 2018)
2.	As long as, per our requirement below, any removal of the berm shall not increase the 100-year or 500-year flood plain now or in the future, without the university's approval, the university has agreed to: (A) allow the city to remove the berm/levee per our letter of July 19, 2018 to city council, and (B) offered to consider selling the dirt to the city at an agreed-to price.	Potential avoidance of trucking costs by the city and neighborhood disruption and road impacts.
3.	The university has agreed to "maintain general consistency with the city's height limits" (BVCP GP) which the university clarified further in its October 1, 2018 letter to mean that CU will abide by a height limit of 55 feet for the construction of buildings on CU Boulder South.	The university is not subject to the city height limits on university property and would typically build to six floors rather than four. We have foregone this value in order to provide value to the community. Value to the community is: <ul style="list-style-type: none"> ● Smaller buildings ● Less traffic impact ● Viewshed protection
4.	The university commits that buildings on the site will be designed and sited to protect and complement the views of the mountain backdrop, particularly the viewsheds from the US 36 bike path, the South Boulder Creek Trail, U.S. 36 and SH 93. (BVCP GP)	Maintains aesthetic values of the community
5.	Should the city select a flood mitigation project that places an east-west dam across the entire north-end of the property, thereby isolating the developable property from Table Mesa and the local community, the university will need to determine if, and to what degree, housing remains suitable and feasible behind the dam. If housing is deemed suitable, the university	The housing, if constructed, will be village style and of high quality, human-scaled and contextually appropriate to neighboring properties.

	<p>commits that development on the site will be compact and clustered in a village style. (BVCP GP)</p>	
6.	<p>As long as the university retains the right to develop no less than 129 acres in the area designated as Public, the university commits that no habitable structures or academic buildings will be built on the site within the FEMA 500-year flood plain.</p> <p>Note: FEMA and City of Boulder requirements allow for construction in 500-year floodplains today.</p>	<p>The university has foregone development in this area and would typically build in a 500-year flood plain.</p> <p>The value to the community is:</p> <ul style="list-style-type: none"> ● Fewer buildings ● Limits impervious cover ● Less traffic ● Large open areas on the site ● Potential habitat restoration ● Retains areas for passive recreation, including trails and links to the South Boulder Creek Trail
9.	<p>Should the city select a flood mitigation project that places an east-west dam across the entire north-end of the property, thereby isolating the developable property from Table Mesa and the local community, the university will need to determine if, and to what degree, housing remains suitable and feasible behind the dam. If housing is deemed suitable, the university commits to prioritize building housing for faculty, staff, graduate students and non-first year students on the site to facilitate our common goal of providing more housing on university property.</p>	<p>An additional estimated 1100 dwelling units could be constructed on the site, resulting in (approximately) a 2.4% increase in the city's housing stock.</p> <p>Value to the community:</p> <ul style="list-style-type: none"> ● Increased housing stock in the city ● Reduced pressure on existing housing stock ● Mitigates rental rate increases in the area ● Creates incentive for landlords to improve housing stock

10.	The university commits to provide quality construction that is contextually appropriate to the neighboring properties.	CU is recognized for and committed to providing quality architecture and adhering to strict CU construction standards.
11.	The university commits to development that will model future resiliency and sustainability in the design, construction and maintenance strategies of the property.	<p>Design, construction, and maintenance will be a model of innovation and will support the city's Climate Commitment adopted December 2016.</p> <p>The city and the university are currently partnering on sustainability projects and this project will provide further opportunity to develop that partnership.</p>
12.	The university commits to not build large-scale sports venues (such as a football stadium), high-rise buildings or large research complexes (such as those on its east campus).	Eliminates the possibility of large scale adverse transportation and aesthetic impacts to the adjacent neighborhoods.
13.	The university commits to create connections to open space trails and provide continued free use by the community of new and improved walking trails.	CU contributes to the city's multi-modal trail network, fosters the opportunity for alternative transportation, and ensures continuing public enjoyment of the site.
14.	The university commits that recreational fields it builds on the site will be available to the community for use.	There will be more recreational fields available in the community.
15.	The university commits to partner with the city to do additional transportation analysis to further develop performance-based standards. (BVCP GP)	<p>Commitment to our continued collaborative partnership with the city.</p> <p>Value to the community:</p> <ul style="list-style-type: none"> ● Limits traffic impacts ● Minimize duplication of services

16.	The university commits to work with the city to include innovative and long-range transportation technologies including electric vehicles, autonomous vehicles, etc., as well as possible joint options with city-funded transit. (BVCP GP)	<p>Commitment to our continued collaborative partnership with the city.</p> <p>Value to the community:</p> <ul style="list-style-type: none"> ● Expanded transportation opportunities for the community ● Testing of new technologies ● Leveraged funding opportunities
17.	Should housing be developed on the site, and the density on the site be suitable (financially and functionally) for multi modal investment, the university commits to implement a multimodal hub for transportation.	Reduces potential additional demands on existing transit systems and potential new transit options for all community members.
18.	The university commits to not implement a “bypass” roadway between SH 93 and US 36.	<p>Value to the community:</p> <ul style="list-style-type: none"> ● Fosters neighborhood community feel ● Helps maintain existing traffic patterns ● Reduces potential impacts to both Table Mesa Drive and SH 93
19.	As a state entity, the university is not subject to the city’s development review process. At the city’s request, in an expanded benefit, the university commits to provide the city an opportunity to review plans at the initial CU Boulder South concept design with 60 days to provide input (rather than the prior commitment of 45 days as provided for in the Hotel Conference Center MOU).	Provides the city an unprecedented and unique role in influencing the CU Boulder South development at an earlier design phase.
20.	The university commits to not build first-year student housing nor will fraternities or sororities be located here.	The university houses first-year students on other university properties.

		<p>By creating housing for faculty, staff and graduate students CU Boulder could increase the local housing stock by over 2.4%, reducing pressure on that stock as well as reducing commuter traffic on key arteries.</p>
--	--	--

CU Boulder Requirements for the Annexation from City of Boulder

We realize that for the city to move forward efficaciously and expeditiously, CU Boulder needs to provide as much specificity in its requirements as possible in order to complete an annexation agreement and remove uncertainty for both entities in what is a significant and impactful decision. In the spirit of cooperation, and with an acknowledgement that time is of the essence with respect to flood mitigation development, we are providing the information city council needs to move forward prudently with the final selection of a flood mitigation project design.

- In consideration for the benefits provided by the University to the City under this annexation agreement, the City agrees to extend all City services; power, water, stormwater, and wastewater, and cover any additional costs caused by the selected flood mitigation project to access those services.
- At the time of annexation and the final construction and completion of the flood mitigation project, the University must retain in perpetuity its development rights to a minimum of 129 acres. The University's 129 acres of developable area of the Property is currently land use designated as "Public" under the BVCP (the "CU Development Tract").
- Any diminishment of the area of the CU Development Tract shall (a) be subject to University's written approval and, at University's option, the diminished area shall be proportionally replaced with land currently designated OS-O under the BVCP (such replacement land shall be subject to University's approval, shall be contiguous with and become a part of the remaining CU Development Tract area, and shall be zoned Public (PUB) by the City). Alternatively, at University's option and approval, City shall compensate University in cash for the fair market value of the applicable area or with land agreeable to the University in another location.
- Upon completion of the construction of the flood mitigation dam and related retention areas, CU Boulder must have no less than 30 appropriately graded acres available for construction of recreational/athletics fields (the "Rec Fields") in the area of the Property designated as PK-UO under the BVCP. The Rec Fields must be situated on the Property in a manner that provides reasonable ingress and egress (including ADA accessibility) for site visitors, teams, service vehicles, as well as proximate space for related facilities such as concessions, restrooms, and storage. If the Rec Fields cannot be located in the flood detention area, the University may construct the Rec Fields on OS-O-designated land, contiguous to the CU Development Tract.
- The city will include CU Boulder in the landscape and aesthetic planning of the Project. The Project design team shall collaborate with the University with respect to Recreational Field placement as well as the potential placement of bleachers on the slopes of the retention structure walls. University shall bear the sole cost and expense of design, development and construction of the Recreational Fields and related structures, as applicable.

- The city will ensure that the flood detention area used for recreational/athletics field development will be engineered to sufficiently drain within a reasonable period of time to ensure that the fields can remain functional after a flood.
- The city will ensure that recreational/athletics fields do not have ongoing water ponding issues not related to a flood event
- As stated, CU Boulder remains open to removal of the CU Boulder berm/levee. If removed, the following requirements must be met:
 - The city will ensure, at its sole expense, that construction and/or operation of the flood mitigation dam and related structures and removal of the berm/levee shall not increase the FEMA 100-year or 500-year floodplain on any of the CU Boulder South property, now or in the future.
 - CU Boulder will be provided the first option to use or sell the berm/levee material if the berm/levee is removed
 - The City will be responsible for securing all federal, state, and other governmental approvals to remove the berm/levee.
- All direct, indirect, and consequential costs of developing and constructing flood mitigation on CU Boulder South (exclusive of the value of the land conveyed to the city) shall be borne by the city, including, but not limited to:
 - Any modification, realignment and/or reconstruction of existing access road(s) to the property resulting from the selected flood mitigation project that go beyond upgrading the road as it exists today.
 - Any utility upgrades necessary as a result of the flood mitigation project (i.e. sewer pump stations, utility boring, etc)
 - Any claims or damages resulting from the failure of the performance and safety of the dam and related structures in the future.
 - Any claims or damages resulting from the removal of the CU Boulder berm/levee in the future.
 - If successful design and development of the Project (a) requires relocation of CU Boulder's tennis facility, in the judgement of the university, (b) materially and adversely affects CU Boulder's use and enjoyment of the tennis courts, or (c) impairs CU Boulder's ability to maintain the courts to NCAA Division I standards, then CU Boulder will have the option to reconstruct the tennis facility on land currently designated OS-O and contiguous to the remaining CU Development Tract area in a location determined by CU Boulder at its sole discretion. Such replacement land shall be subject to University's approval, shall be contiguous with and become a part of the remaining CU Development Tract area, and shall be zoned Public (PUB) by the City. City shall bear all actual costs of CU Boulder's design, development and construction of a comparable replacement tennis facility.

- The City may demolish, at its sole cost and expense, the building currently located in the area of the Property designated as PK-UO under the BVCP. The City agrees to pay CU Boulder the replacement value of the building.
- Any work required to ensure a high level of aesthetic value as agreed to by both the city and CU Boulder for large structures resulting from the flood mitigation project. For instance, an aesthetically pleasing finish on a large flood containment wall facing the area to be developed ~~into housing~~.
- If any jurisdictional wetlands are damaged or displaced as a result of the flood mitigation needs of the city, it is the responsibility of the city to secure any applicable wetland permits and mitigate the loss of the wetlands
- Any additional land requested by the city or city-related entity for open space or other uses will be purchased by the city only with the university's agreement at a market value cost as determined by third-party appraisal, mediated as needed.
- Restoration of any Open Space-Other land as designated under the BVCP owned by CU Boulder for ecological benefits desired by the city or related entity will be done in partnership with the university with costs borne by the city or related entity.
- If the university agrees, the city may, at its sole cost, realign Dry Creek Ditch #2.
- If the university agrees, the city may acquire or lease the university's water rights in Dry Creek Ditch #2.
- The city will not require a site plan submission for annexation.
- CU Boulder South shall be deemed to be part of the Main Campus of the university and be subject to the Water and Wastewater Service Agreement of January 1997 between the parties.

University of Colorado Boulder Tentative Planning Process:

1. Fall-winter 2019 - Strategic Facilities Visioning initiative wraps up
2. Late 2019 - Campus Master Planning advertised
3. Late 2021 - Campus Master Plan completes and send for approvals
4. 2022 - Pending approvals from Board of Regents and CCHE
5. 2022 - 2023 CU South Master Plan*
6. 2024/25 - Earliest potential building-specific planning commences

* City will be engaged for comment at the appropriate time during this step.

We appreciate the opportunity to work with the city throughout this complex annexation process in a collaborative and transparent manner in an effort to provide extensive community benefit for all.

Kind Regards,

A handwritten signature in cursive script that reads "Frances Draper".

Frances Draper
Vice Chancellor for Strategic Relations and Communications
University of Colorado Boulder