

CITY OF BOULDER

ANNEXATION BRIEFING BOOK

**University of Colorado Boulder
South Campus (“CU Boulder South”)**

April 2021, Version 2

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[CU South term sheet link](#)

What Has Changed?

This is a living document intended to capture the status of negotiations between the city and CU Boulder for the potential annexation of CU Boulder South. As such, the following topics have been amended to reflect progress in the negotiations:

| Topic | What has changed? | Page # |
|----------------------------------|---|--------|
| Payment In-Lieu of Taxes / Costs | <p>City staff initially proposed a Payment In-Lieu of Taxes program to offset cost of providing certain city services to the CU Boulder South property. The university is not open to a PILOT agreement. Alternatively, the university proposed that two acres of CU Boulder South be conveyed to the city for a future fire station.</p> <p>A key theme in the city's community engagement discussions is the future costs that will be incurred by the city as a result of annexing this site. In response, a new chapter is added to this briefing book: Fiscal Impact Considerations.</p> | 24, 72 |
| Review Process for Future Plans | Some new information has been agreed to. | 24 |
| Emerging Issues | <p>Contingencies: what happens is the property is sold in the future?</p> <p>Affordable Housing: identifying the issue.</p> | 26 |
| New Key Issues Map | A high-level map is included that visualizes some of the requirements agreed to thus far. | 10 |
| Viewsheds | More specifics on a building height ceiling and a limited impact zone. | 37 |
| Building Height | More specifics about how to measure building height. | 38 |
| Clustered, Village Design | The university has submitted design guidelines. | 39, 62 |
| Prohibited uses | Updated with proposed definitions. | 40 |
| Land Use Mix | Additional information about initial phasing of residential unit. | 42 |
| Open Space | Updated to incorporate Open Space Board of Trustees recommendation from March 2021. | 46 |
| Transportation | Updated to include a conceptual approach for a transportation program on CU Boulder South. | 52 |

Choose your topic

| I'm interested in... | Go to... |
|---|--|
| a high-level summary | Annexation Negotiation Status (page 7) Key Issues Maps (pages 10, 30, 44, 50) |
| what is guiding these discussions | CU South Guiding Principles (page 12) |
| how decisions are being made | Decision-making criteria and schedule (page 11) |
| what the city's floodwall may look like | Photo simulations begin on page 31 |
| environmental protection | Open Space Tract on page 46 |
| transportation | Page 52 |
| how the site might be designed | Key Issues Map (page 10) and Design Guidelines (page 62) |
| costs | Financial Impact Considerations (page 72) |
| maps | Existing conditions maps (page 86) |

EXECUTIVE SUMMARY

Background

The University of Colorado Boulder purchased the CU Boulder South site in 1996 from Flatiron Companies following several decades of mining. There was significant community interest in the site at the time of the purchase, and that community interest continues today. During the 2000 Boulder Valley Comprehensive Plan Update (BVCP), and again in 2006, CU Boulder requested changes to the land use designations for the site in anticipation of future student and faculty/staff housing, research, academic and athletic/recreation uses. The city deferred any changes to land use designations for CU Boulder South until a flood mitigation study for South Boulder Creek could be completed and there could be further discussions with the university on the proposed development of the site.

On Aug. 4, 2015 City Council unanimously accepted the recommendations from the South Boulder Creek Major Drainageway Plan (SBC Master Plan), which recommended flood mitigation in three phases:

1. Regional stormwater detention at US36;
2. West Valley improvements, including stormwater detention at or near Manhattan Middle School and at Foothills Parkways and Baseline Road, and enlarging the capacity of Dry Creek No. 2 Ditch (subject to ditch company approval); and
3. Stormwater detention at Flatirons Golf Course.

Regional detention at US36 on and around the CU Boulder South property was selected to be the first phase because of the large downstream flood benefits.

With the SBC Master Plan completed, the city engaged the university and community in a two-year process to update the BVCP that ultimately resulted in changes to the land use designations on the site in 2017. The [CU South Guiding Principles](#) were also incorporated into the BVCP in 2017 to guide agreements between the city and university that will specify future uses, services, utilities and planning for CU South.

The city is moving ahead with preliminary engineering for the flood mitigation project and reviewing an annexation application submitted by the university in early 2019. This briefing book includes information about the annexation proposal.

Timeline of Select Events

1950s - 1980s

- In the mid-1950's, Flatiron Companies purchases the estimated 168-acre property from the Deepe family to continue mining and purchases the remaining CU South property from the Van Vleet family shortly after.
- An embankment and channel is constructed in the floodplain of the South Boulder Creek to provide flood protection for sand and gravel mining and to control the flow and minimize any impact on the 100-year flood discharge .
- In the early 1980s, construction of the embankment and channel is followed by a sand and gravel mining operation .
- Regulatory approvals for floodplain development and sand/gravel mining are approved in 1989 for the Marshall Pit, adjacent to and incorporated into the mining of Phase Four of the Deepe Pit . The floodplain permits approve open pit mining on land south of the embankment and channel.

1996 - 1997

- Flatiron Companies sells the full property to the University of Colorado.
- Boulder City Council adopts Resolution Number 758 directing the City Manager and City Attorney to "take all necessary actions and work with the County to support the County taking all necessary actions to ensure that the University follows the goals, policies and land use designations of the BVCP in the development of the Property."
- CU Boulder successfully petitions the State of Colorado to amend its reclamation plan that was approved by Boulder County as part of a 1981 Special Use Review (#SU-81-10), which had a general goal of "wildlife" and "agriculture". The amendment decreases the amount of surface water on the site by eliminating previously proposed lakes. The city and county both object to the amendment.



The three phases of the South Boulder Creek Major Drainageway Plan.

2000

- During 2000 BVCP Major Update, CU Boulder requests Public land use designation for CU South for possible student and faculty/staff housing, research, academic and athletic/recreation uses.
- The city decides not to consider changing the land use designations of the site until the “South Boulder Creek Floodplain Study is completed and there are further discussions with the university on the proposed development for the site.”

2001

- Boulder City Council adopts Resolution Number 877 which states that City Council “stands willing to purchase the Flatirons Property from a willing seller at a fair price, for open space or flood control management purposes, in fee title or by means or conservation easement; or to contemplate whatever agreement might lead to the maximum practicable preservation of the Flatirons Property as an environmental asset, consistent with the Boulder Valley Comprehensive Plan since 1977.”

2002

- CU-Boulder South Conceptual Land Use Assessment for CU Boulder South identifies approximately 128 acres of potential building area, 32 acres for either buildings or flood detention, 45 acres for flood storage and 92 acres conserved as buffers, wetlands, ponds or open space.
- City of Boulder issues referral comments to Boulder County for proposed development of a tennis court complex on CU Boulder South (Docket SI-02-02). City comments included concerns with how the tennis courts may impact future flood mitigation infrastructure and potential off-site impacts to adjacent city open space lands.

2003

- The city and CU Boulder begin discussions about future land uses for CU Boulder

South and develop potential terms for a Memorandum of Agreement.

2006

- During the 2005 BVCP Major Update, a site suitability analysis and changes to land use designations are delayed until the South Boulder Creek Flood Study is complete.

2015 - 2017

- City Council approves the South Boulder Creek Flood Mitigation Plan. The plan includes regional detention of flood water upstream of U.S. 36 on the CU Boulder South property and along Colorado Department of Transportation right of way.
- With the flood mitigation plan adopted, the city and county reinitiates discussions with CU Boulder and ultimately approves new land use designations and the CU Boulder South Guiding Principles as part of the 2015 BVCP Major Update.

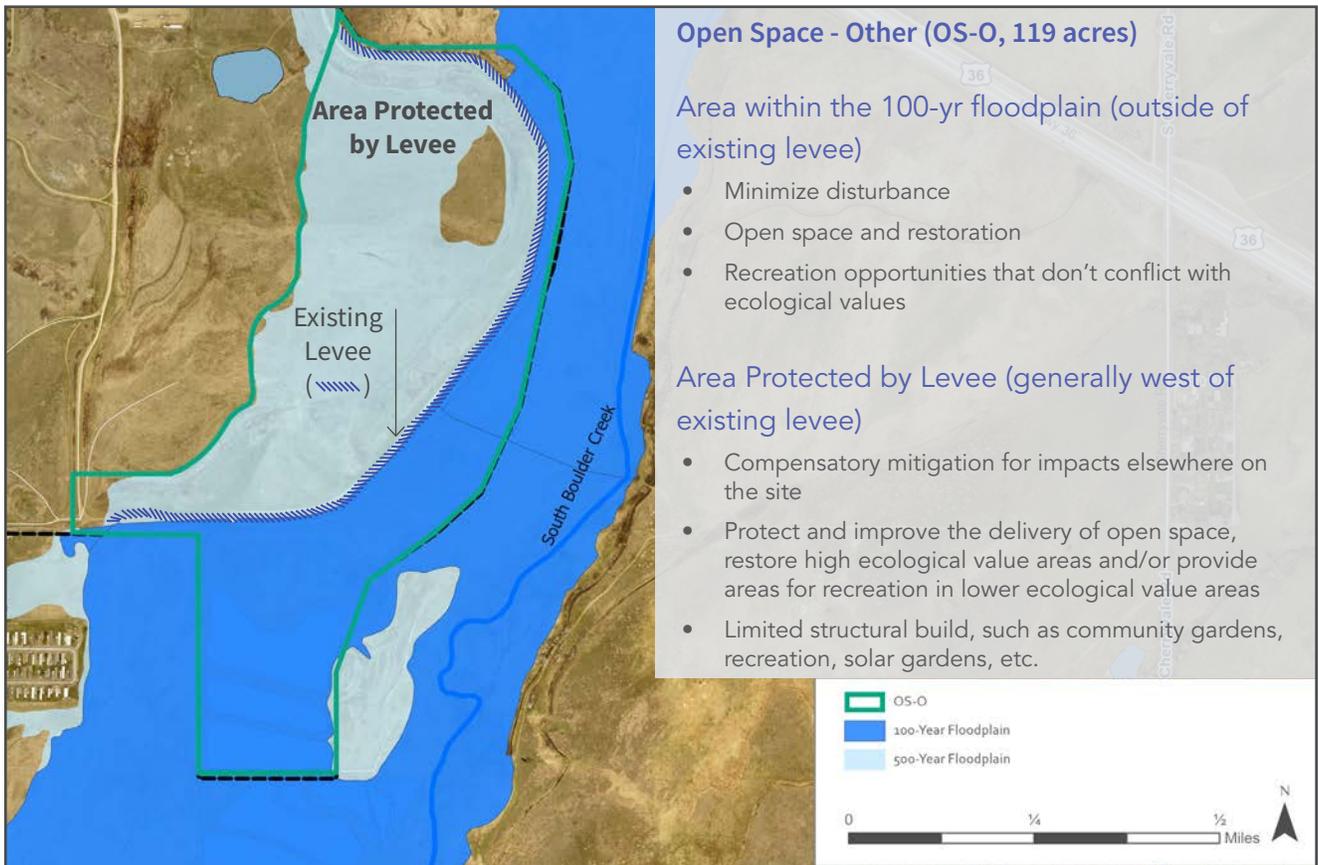
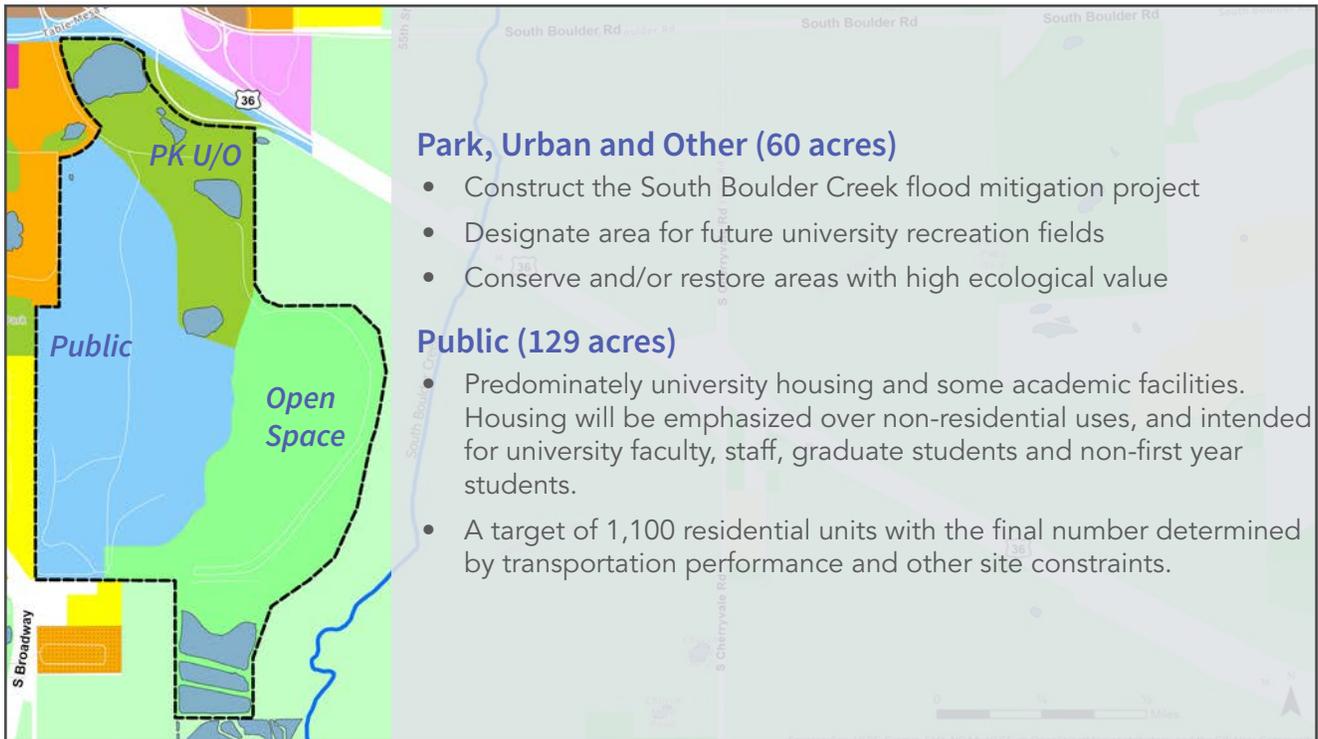
2018 - 2021

- The city begins studying three alternative flood mitigation options.
- In February 2019, CU Boulder Submits an annexation application.
- In June 2020, City Council voted unanimously to move forward with the 100-year South Boulder Creek Flood Mitigation project while further investigating potential options for an “upstream option”.
- In February 2021, City Council reaffirms decision to proceed with 100-year flood mitigation project.

A Unique Annexation

Land may be considered for annexation to the city, if the request complies with state annexation statutes and the policies of the Boulder Valley Comprehensive Plan (BVCP). If annexed, zoning will be established according to the land use designation in the BVCP Land Use Designation Map. An annexation agreement is required to establish the terms and conditions of annexation.

Intended uses from the CU South Guiding Principles



Standard terms and conditions, like right-of-way dedication requirements, community benefit and fees are established through city codes and policies.

Annexations involve at least two public hearings. The first is conducted by the Planning Board, which will make a recommendation to City Council on whether or not the annexation should be approved, and the terms, conditions and zoning that should be applied. The City Council then holds a second public hearing before making its determination.

Numerous factors make this annexation unique, including:

- **Property Size:** At just over 300 acres in size, CU Boulder South is the largest undeveloped site within Area II of the BVCP. Area II is defined as land now under county jurisdiction where annexation to the city can be considered consistent with BVCP policies.
- **No Site Plan:** University master planning for CU Boulder South is several years away. However, significant flooding events in the area have prompted the city to expeditiously pursue a flood mitigation project that requires a portion of the CU South site; that portion of the property only becomes available to the city with annexation of the entire CU South site. As a result, the annexation agreement would need to detail certain development standards that control the type and intensity of future development, but not the exact type and location that a traditional site plan would detail.
- **State Entity:** As a state entity, CU Boulder is exempt from the city's development standards for university-related development. Therefore, only the development standards specifically detailed in the annexation agreement can be enforced on the site (e.g., height of buildings).

Annexation Negotiation Status

The university submitted an annexation application in February 2019. The primary

document used in the negotiation between the city and CU Boulder is a term sheet structured around the CU South Guiding Principles. The intent of these discussions is to "translate" the guiding principles into enforceable annexation terms.

The annexation agreement would include general topics that impact the entire site (e.g., administrative processes, wetland protection standards, transportation impacts) and more specific standards that apply to geographic areas of the site. The geographic areas would align with the land use designations (see the diagram on the previous page). City and CU Boulder staff are aligned or mostly aligned on many topics. Here is what is currently being discussed (as of March 2021).

General Terms

- The city will have an opportunity to formally review and provide comments (but not veto) the CU South Master Plan and conceptual site plans for CU Boulder South when it is developed in the future by the university.
- The city has proposed that contingencies be established to determine what happens if all or a portion of CU South is sold to another party following annexation. Contingencies could include providing the city a Right of First Refusal, which provides the city a contractual right to be the first party to put an offer on the property. City regulations and zoning would apply to land sold to another party. The university will comply with the city's outdoor lighting and wetland standards.
- The city proposed, and the university has agreed to in concept, a term that would forgo development on CU South until the city receives permits from state agencies for its flood mitigation project. The city would have the option to de-annex the property if it does not receive the permits necessary to implement the project. This is a new and evolving part of the negotiation and as such, many legal details must be resolved.
- City staff has informed CU Boulder of a strong desire to see affordable housing

constructed on CU Boulder South (in response to community input).

Park Urban/Other Tract (PK U/O)

- The city's flood mitigation project will be largely constructed here. The university has offered, at no cost to the city, 80 acres of land for flood mitigation and open space. The city anticipates needing 36 acres of land for flood mitigation, leaving 44 acres of land in the Open Space – Other area that could be conveyed to the city at no cost.
- Recreation Fields will be constructed in areas that do not conflict with the operation of the flood mitigation infrastructure. The exact amount of land reserved for recreation fields is still unresolved. The university stated that it needs 30 acres of land for fields, and city staff have identified over half of that amount in the PK U/O area. The university proposes that an extra ten acres of land for recreation fields be placed in the Open Space – Other area. Staff disagrees, asserting that the entire 119 acres of the Open Space – Other area be conveyed to the city for open space and environmental mitigation.
- The city proposed, and CU Boulder is considering, a formal running track with some level of public access in this area.
- The city and university are considering reserving a portion of the northern part of the area for a public dog park. Additional planning is needed to better understand feasibility, timing, etc., and those studies would take place after an annexation decision.

Open Space – Other Tract (OS-O)

- City staff has proposed that the 119 acres of OS-O land be conveyed to the city, at no cost, as part of a comprehensive environmental mitigation plan.
- Staff also proposes that the water rights associated with CU Boulder South be conveyed to the city for mitigation and long-term use in the OS-O area.
- City staff prefers that a comprehensive mitigation plan be developed in the OS-O,

and that a mitigation bank be established that the university can pay into now and withdraw from later. Specifically, city staff proposes that CU Boulder join us as a full investment partner on the mitigation from the start.

- City staff prefers to remove the existing CU Boulder South levee system to reconnect the OS-O land with the floodplain as a best practice to be able to accomplish mitigation in the immediate project area. CU Boulder is agnostic about whether the levee system remains or is removed, provided that removal of the levee does not result in any of the Public land becoming a floodplain.

Development Tract

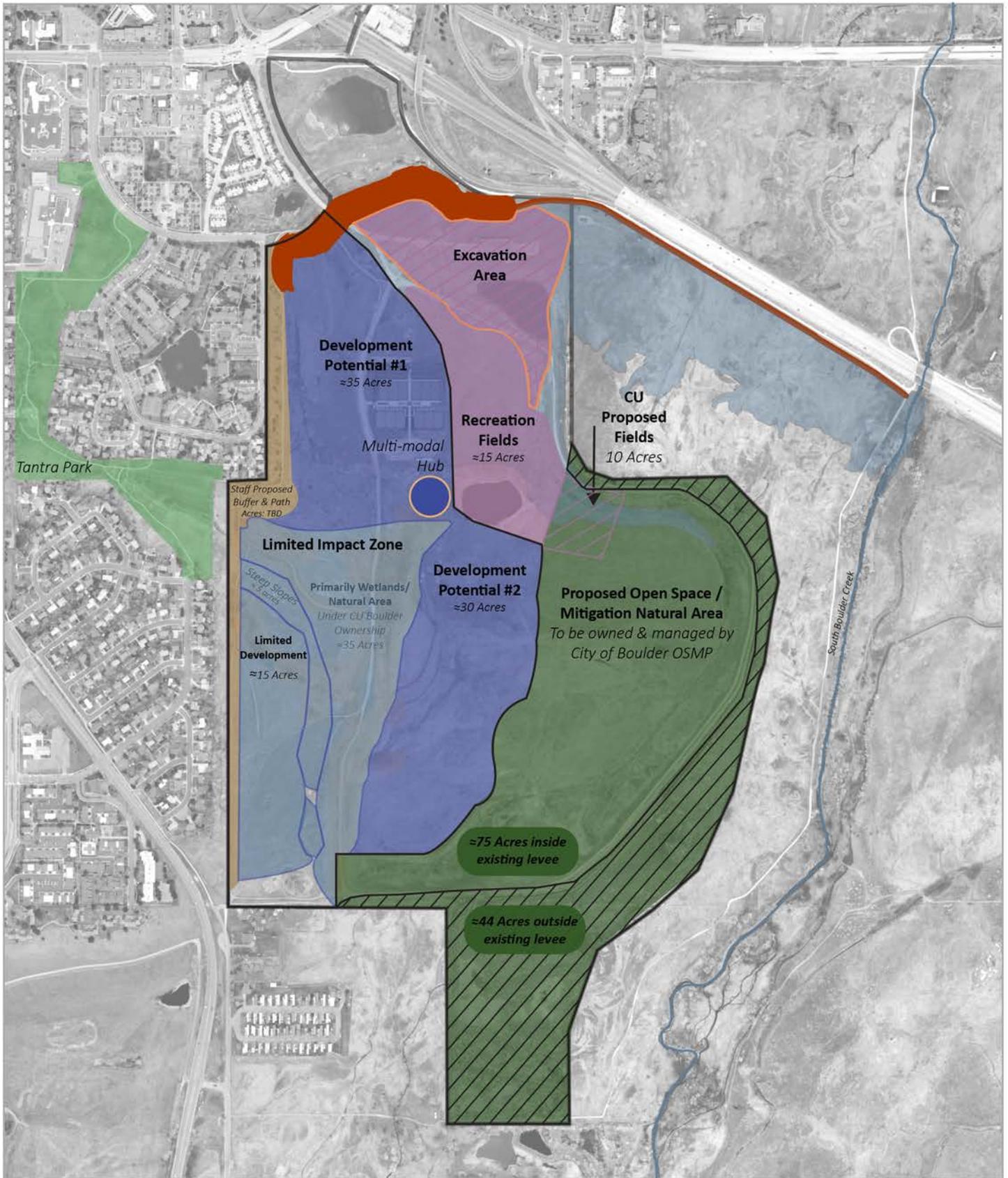
- CU Boulder proposes that 100 residential units will be constructed prior to any non-residential buildings (excluding mixed use buildings and recreation).
- Buildings will be limited to 55 feet and measured consistent with the city charter requirements. A building height ceiling will be established to further limit buildings to roughly the rooftop elevation of homes along Brown Circle, directly adjacent to CU Boulder South.
- A "limited impact zone" will be established on the southwest hillside. The zone will limit uses to residential and park/recreation that are compatible with the adjacent single-family subdivision (Hy View).
- A buffer area will be established along the western property boundary.
- Design guidelines will be adopted with the annexation.
- Large sporting venues and large non-residential buildings will be prohibited (definitions provided).
- No habitable buildings, like homes and non-residential buildings, will be constructed in a floodplain (100- or 500-year).
- The city will have an opportunity to formally review and provide comments (but not veto) the CU South Master Plan and conceptual site plans for CU Boulder South to be developed by the university after annexation.

Transportation

- Primary access will be taken from S. Loop Drive (existing) and CO93 (new). Limited access will be explored for Tantra Drive. The new access at CO93 will not require a traffic signal but will require additional turning/acceleration/deceleration lanes.
 - A “trip cap” program will limit the number of trips to each access point, including specific monitoring and compliance mechanisms.
 - Transportation Demand Management strategies will be included in the annexation agreement.
 - The university will construct a multi-modal mobility hub to ensure seamless transitions between transportation modes.
- Improvements both on site (e.g., multi-use paths) and off-site will likely be required, though the exact details aren’t known yet.

Annexation Purpose Statement

The purpose of this process is to define the conditions of annexation for “CU South” under which the University of Colorado’s South Campus would fulfill both the desires of the University system and meet the goals of the City of Boulder. The annexation agreement will be guided by the BVCP CU South Guiding Principles, and a modified annexation process that will provide opportunities to influence the annexation terms through city boards and commissions and the city council meetings.



Key Issues Map

This map visualizes a possible scenario of how CU Boulder South may be used in the future. Several potential annexation terms (e.g., wetland protection, avoiding steep slopes) will likely limit development to several pockets of the “Public” area. The map highlights a current point of disagreement: locating several acres of recreation fields on a wetland in the open space/mitigation area.



Decision-Making Criteria

Decision-making criteria will be developed and used to evaluate topics for an agreement. The draft criteria topics include:

- **Is the proposed term acceptable to the city?** After hearing input from the community, does the Boulder City Council agree with the approach? Is it consistent with city policies, including the sustainability framework?
- **Is the proposed term acceptable to the university, CDOT and other agencies?** Do the agencies agree with the approach?
- **Is the proposed term technically and legally feasible?** Can the conditions included in the proposed topic be developed and enforced through an annexation agreement?

Anticipated Scope of Work

Phase I: Planning Phase (summer/fall 2019)

Step 1: Define the Issue before Embarking

- ✓ Determine the decision-making step & criteria

Step 2: Determine who is affected

- ✓ Determine roles of decision-makers and impacted parties & level of involvement

Step 3: Create an engagement plan

- ✓ Determine overall engagement objectives

Phase 2: Shared Learning (fall 2019)

Step 4: Share a foundation of learning and inquiry

- ✓ Clarify the project purpose and goals, share the engagement plan and inform the public about the approach
- ✓ Traditional engagement techniques: webpages, communication to council, community newsletter

Phase 3: Options Stage

Step 5: Identify (the latest round) of options

- ✓ Input from city boards, including: Water Resources Advisory Board, Open Space Board of Trustees and the Planning Board;
- ✓ Be Heard Boulder & online engagement event; and
- ✓ City Council public hearing to select a preferred flood mitigation option.

Step 6: Evaluate Options/Develop Recommendations

- ✓ CU Boulder submits an amended term sheet (October 2020)
- ✓ Planning Board input (November 2020)
- ✓ City Council input (November 2020)
- ✓ Engagement window #2 (November 2020 - January 2021)
- Council direction on preferred approach (January/February 2020)

Phase 4: Make a Decision

Step 7: Make a Decision (2021)

- Draft an annexation agreement
- Planning Board Public Hearing - Summer
- City Council Public Hearing - Fall

CU South Guiding Principles (Excerpt from Boulder Valley Comprehensive Plan)

CU South Guiding Principles

The guiding principles are intended to guide an intergovernmental agreement or multiple agreements between the City of Boulder and University of Colorado that will specify future uses, services, utilities, and planning of the University of Colorado (CU) Boulder South Campus ("CU South") property. These principles are referenced by Policy 1.05.

Introduction

CU South is a 308-acre property located in south Boulder at the city's south entry of US 36. Its eastern and southern boundaries adjoin city-owned Open Space, including the floodplain and riparian habitat of South Boulder Creek; its western boundaries adjoin City of Boulder residential subdivisions. The CU South property provides physical and visual linkages between the city residential neighborhoods and park lands and acquired Open Space helping to define the city's urban edge.

General Principles

1. **Flood mitigation:** Protecting City of Boulder and Boulder County residents from future flooding events is a primary driver.
2. **Collaboration:** Further collaboration and joint planning between the city, CU, county and the community will continue to be emphasized.
3. **Public Participation:** The city will work with CU to include the community and public effectively throughout the planning, annexation and development process.
4. **Access:** Access will continue to be allowed on the site consistent with public access provided on other CU campuses.
5. **Agreement topics:** These guiding principles will guide next steps toward an annexation agreement between the city and university and (over the longer term) a master plan for CU South. The topics addressed (i.e., transportation, city utilities, infrastructure planning, site development standards, massing, total amount of development and protection of open space values, floodplain, wetland and other environmental topics) should lead to more specific standards and metrics and identify community benefits as part of annexation agreements.
6. **Other options:** These principles are not intended to prevent the city and CU from exploring other options or geographic areas for CU to achieve its housing, program, and facility goals in lieu of locating them at the CU South property.
7. **Land Use Designation Changes:** The Land Use Map may be amended to enable the city and CU to implement a shared vision for the site. The standard process detailed in the BVCP will guide any future land use designation changes.
8. **Annexation Timing:** Preliminary engineering design and studies pertaining to flood mitigation, the CU levee and habitat and wildlife will be completed expeditiously and will be used to inform the annexation agreement.

Principles for the Area Designated as Open Space-Other (OS-O)

See OS-O Designation in Figure 5-3.

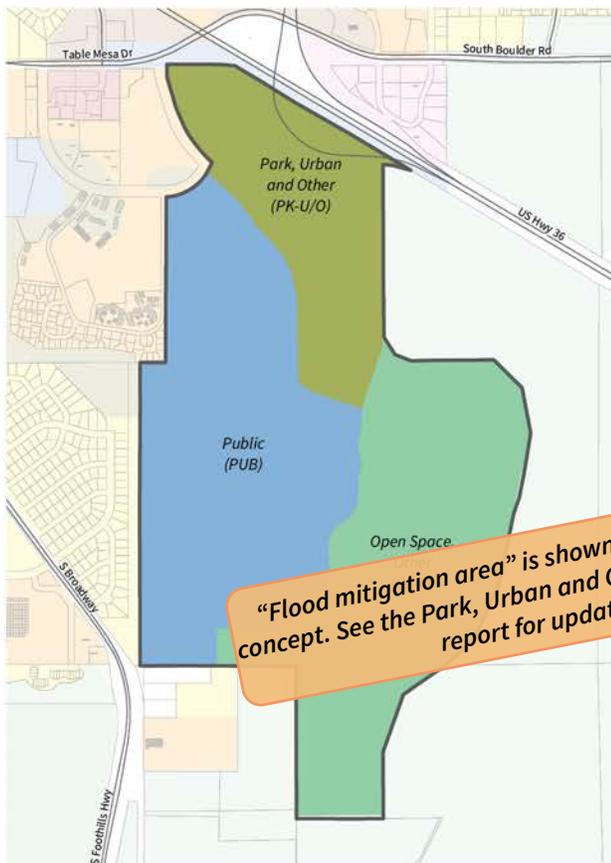
Area within 100-year Floodplain

See 100-Year Floodplain in Figure 5-4.

1. **Protect Open Space:** Minimize disturbance to protect this area given its potential for high open space value and presence of sensitive species. Maintain and create recreation opportunities that do not significantly conflict with ecological values. Trail connections to open space trails would follow a typical city public process. Where appropriate, support open space-related educational and research opportunities. Specific real property ownership, easements, and/or agreements will be established during annexation.

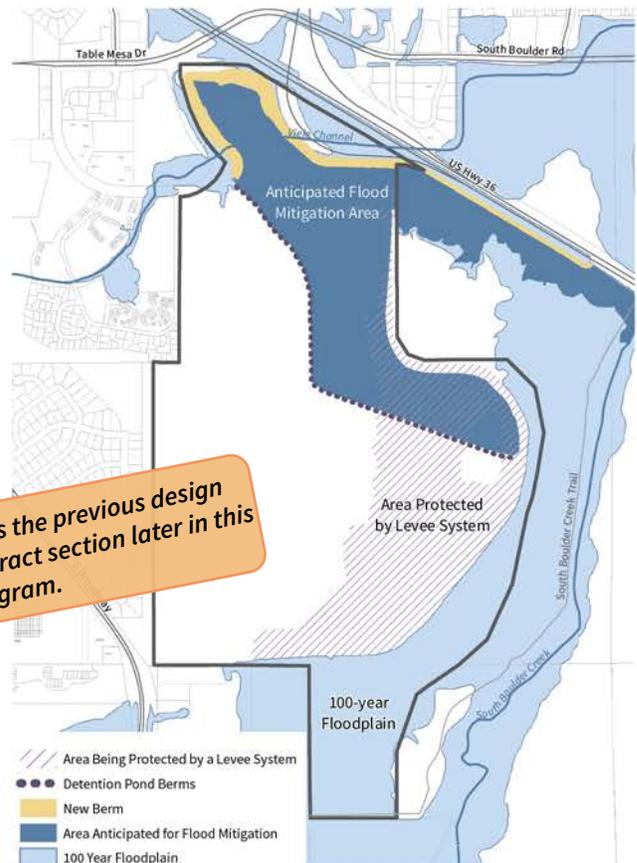
2. **Resource restoration:** Seek opportunities for ecological restoration and improvement. Not all of the site is currently high-value for wetland function and floodplain connection due to past land uses, but could be enhanced to benefit the site itself as well as adjacent city natural areas. The city seeks to partner with CU to incorporate open space values and restoration values.
3. **South Boulder Creek:** Protect and when possible restore wildlife habitat, grasslands, wetlands and streams to improve the delivery of open space values except for park and recreational facilities designed to be located within the floodplain.
4. **Collaborate with city and county on open space:** The city and county will partner with CU to incorporate open space values, maximize conservation, education and recreational opportunities and leverage city and county resources.

Figure 5-3: CU South Land Use Designations



“Flood mitigation area” is shown here is the previous design concept. See the Park, Urban and Other Tract section later in this report for updated diagram.

Figure 5-4: CU South Conceptual Flood Mapping



CU South Guiding Principles (Excerpt from Boulder Valley Comprehensive Plan)



Area Protected by Levee System/Area of Greater Open Space & Ecological Value

See Area Being Protected by a Levee System in Figure 5-4.

- 1. Compensatory mitigation:** Floodplain functions, including wetlands and flood mitigation, may be restored as part of compensatory mitigation for impacts elsewhere on site.
- 2. Open space, restoration and recreation:** In this area, the city will conduct further analysis of the impacts of removing the levee on flood mitigation design, evaluate potential ecological values and recreation opportunities and seek to collaborate with CU to protect and improve the delivery of open space, restore high ecological value areas and/or provide areas for recreation in lower ecological value areas. The city and CU will work together to achieve greater open
- 3. Levee system:** The city will seek to work with CU to evaluate removal of the levee, including potential improved delivery of open space values, ecological restoration or enhancement benefits. CU will remain responsible for maintaining certification of the existing flood control levee on the site through the Federal Emergency Management Agency (FEMA), including but not limited to any operation, maintenance or replacement.
- 4. No enclosed academic space, offices, or residential structures in the Area Protected by Levee or FEMA 500-year floodplain:** Such buildings would be constructed outside of this area.

See Site Design principles in following section.

Principles for the Area Designated as Public (PUB) or Park, Urban & Other (PK-U/O)

Flood Mitigation Area

See Public Designation in Figure 5-3 and Flood Mitigation in Figure 5-4.

1. **Analyze, design, and implement Flood Mitigation Phase 1:** Protect life and property by coordinating with the University of Colorado to implement the South Boulder Creek Flood Mitigation Study subject to final design (Phase 1). Consider mitigating flood risk to the highest standard practicable while balancing associated environmental, social and financial impacts.
 - a. As part of the flood mitigation design process, the city will evaluate the flood storage and attenuation (water retention with slow release) value of the site, with and without the levee in place. The study will look at both flash flood and long-duration storm events.
 - b. Specific real property ownership, easements, and/or agreements will be established during annexation for the area necessary for floodwater improvements and other uses (plus or minus some land area). Prior to a final agreement related to the flood mitigation land area, the city will conduct a groundwater assessment which verifies the feasibility and provides the basis for design and construction of implementing measures to convey groundwater through the dam in a manner that substantially replicates existing flow patterns.
 - c. The site will provide adequate areas for construction, maintenance and operation of city flood control dams, appurtenances and associated flood storage, including freeboard to reduce flood risks.
 - d. Explore opportunities for passive and active recreation activities, or other uses compatible with the floodwater mitigation system and where possible, conserve and/or restore areas within the flood mitigation facilities with high ecological value and mitigate impacts.
 - e. The city recognizes that storm events larger than a 100-year event can occur and may be more probable in the future due to the impacts of a changing climate. In designing the South Boulder Creek Phase 1 flood mitigation facility, the city's goal is to mitigate to at least a 100-year flood, and the city will consider larger events, including the 500-year flood as adopted by FEMA and a probable maximum flood as determined by the State Engineer. The mitigation facility will be designed to accommodate larger events per the requirements of the State Engineer.
 - f. Property interests for flood control purposes are anticipated to be provided to the city as part of the annexation agreement.

Land Use Mix

1. **Housing for university needs:** Housing on the site will meet the needs of university faculty, staff and non-freshmen students in order to address the fact that Boulder housing is currently unaffordable to faculty, staff and students. Providing workforce and non-freshmen housing will contribute positively to the community's housing affordability goals and aid the university in its recruitment and retention. Housing should be mutually beneficial to the community and university and integrated with needs of the community rather than built as isolated enclaves.
2. **Residential units and non-residential space:**
 - a. Housing will be the predominant use of the site for areas not used for flood mitigation (i.e., with a target of 1,100 residential units and the final number guided by transportation performance and other site constraints), although the site may include a mix of residential and non-residential and facilities. The site will emphasize housing units over non-residential space (jobs) to help balance jobs and housing in the community.

CU South Guiding Principles, cont.

- b. Except for recreation facilities, development will be phased such that non-residential space will be phased after a significant amount of housing is built. Later phases will be dependent on demonstrating that initial phases achieve objectives of mitigating impacts.
 - c. The overall non-residential space footprint will be minimized and support and benefit the convenience of the residents, employees and visitors to residential and recreational uses of the property.
 - d. The exact amount, types and location of residential and non-residential space will be refined to minimize impacts as a long-term master plan is developed and as transportation analysis is conducted.
 - e. Academic facilities will include space for research and/or education pertaining to natural environment, such as ecological restoration, floodplains and related topics.
3. **Use restrictions:** The site will not include large-scale sport venues (i.e., football stadium), high rise buildings (maintaining substantial consistency with the city's height limits), large research complexes, such as those on East Campus, roadway bypass between Highway 93 and Highway 36 or first-year student housing.

Site Design

1. **Model of quality and innovation:**
 - a. The site will be a model for innovation and high-quality, energy-efficient buildings and site design that minimizes environmental impacts. Innovation will span a range of areas (e.g., how food and waste processes are addressed, outdoor lighting, sustainable materials, stormwater, etc.).
 - b. It will model future resilience and sustainability for design, construction, and maintenance strategies. Development will meet the equivalent of the U.S. Green Building Council's Gold or Platinum LEED standards or other applicable sustainability standards for residential development.
2. **Clustered, village design:**
 - a. Residential development will be of high quality and contextually appropriate to neighboring properties.
 - b. Development will be compact, clustered in a village style. Any non-residential buildings will be human-scaled.
3. **Environmental standards:**
 - a. Usable open space that meets the active and passive recreational needs of the residents, employees and visitors will be maintained within developed areas.
 - b. Wetlands will be maintained, preserved, protected, restored and enhanced in a manner consistent with the city's Land Use Code.
 - c. Development on slopes at or exceeding 15 percent will be minimized in a manner consistent with the city's Land Use Code.
 - d. All enclosed academic structures, offices, or residential uses will be constructed outside of the FEMA 500-year floodplain.
 - e. Stormwater impacts of new development will be mitigated based on established criteria for minor and major storm events and applicable stormwater quality requirements. Preservation or restoration of existing undeveloped areas will be considered to attenuate peak runoff from the site and to mitigate stormwater quality impacts.
4. **Building mass, height and views:**
 - a. Buildings will be designed and sited in a manner to protect views and contribute positively to the character of the city's "gateway". Building heights will maintain general consistency with the city's height limits, with buildings varying in height and visual interest. Building heights will transition gently from the open space and to neighborhoods to the west.

CU South Guiding Principles, cont.

- b. Building location, massing and height will protect and complement views of the mountain backdrop, particularly the viewsheds from the US Highway 36 bike path, the South Boulder Creek Trail, US Highway 36 and State Highway 93.

Urban Services & Utilities

1. **Urban Services:** Future agreements between the city and university will be contingent on the ability of the city to provide adequate urban facilities and services and the university's contribution to cover the cost of the necessary services and utilities on site and to address off-site impacts to systems.

Transportation

1. **Performance-based transportation to avoid impacts:** The transportation needs generated by future development at the site will not unduly impact the transportation networks that serve the property. Impacts to local and regional networks will be mitigated through implementation of performance-based standards. The city and CU will complete additional planning and transportation analysis to further develop performance-based standards, including but not limited to maximum amount of parking, trip budgets, transit use, pedestrian and trail connections and access to transit passes. Planning considerations will be addressed collaboratively by the city and CU and will include innovative and long-range technologies, including electric vehicles, autonomous vehicles, etc. as well as possible joint options with city-funded transit.

2. **Multimodal hub and connections:** Implement a multimodal mobility hub and transit connections between the CU South Boulder property and other Boulder campus locations to manage employee and resident access and mobility.
3. **Connected multimodal systems:** Incorporate connected and safe pedestrian, bike and transit systems through CU South integrated into the broader city and regional bicycle and pedestrian network, including safe street crossings, trailhead(s), soft surface recreation trails and a trail link(s) to the South Boulder Creek Trail in coordination with OSMP. When creating and maintaining recreational opportunities, such as trail connections through the property, do so with consideration for likely and potential impacts to adjacent open space, and for mitigation of those impacts, as appropriate.
4. **Protect Neighborhoods from Transportation Impacts:** The street design will minimize impacts into nearby residential neighborhoods, such as Tantra Park, Basemar, Martin Acres and High View.
5. **No bypass:** Discourage any outside traffic from cutting through the property to avoid impacts to the Table Mesa Drive/Broadway connection.
6. **Emergency connectivity:** Limited ingress and egress via local connections may be provided for emergency, life safety situations. Develop an Emergency Service and Evacuation Plan to address emergencies and use of emergency access and connections.

Additional Boulder Valley Comprehensive Plan Policies

1.05 Coordination with University of Colorado

With three campus locations in Boulder and serving over 30,000 students, the university is integrated into the city's fabric and benefits the community socially, economically and culturally. The city will aim to coordinate with the university and engage with the community to exchange information and plan for future uses and activities on the Main campus, East Campus, CU South and Williams Village area, especially where changes may affect surrounding areas or have regional implications. The city will address regional implications by seeking input, advice or partnerships from other governmental entities, including RTD, CDOT and Boulder County.

The city aims to work with CU cooperatively to address critical needs of flood safety, student and workforce housing, and transportation and other infrastructure. Intergovernmental agreements between the agencies can provide clarity about roles and responsibilities on such issues of mutual concern, building on collaborative planning processes and guiding principles. In its negotiations of an annexation agreement for CU South, the city will use the guiding principles as shown in Ch V. Subcommunity and Area Planning, CU South Boulder Campus.

1.16 Annexation

The policies in regard to annexation to be pursued by the city are:

- a. Annexation will be required before adequate facilities and services are furnished.
- b. The city will actively pursue annexation of county enclaves, substantially developed properties along the western boundary below the Blue Line and other substantially developed Area II properties. County enclave means an unincorporated area of land entirely contained within the outer boundary of the city. Terms of annexation will be based on the amount of development potential as described in (c), (d) and (e) of

this policy. Applications made to the county for development of enclaves and Area II lands in lieu of annexation will be referred to the city for review and comment. The county will attach great weight to the city's response and may require that the landowner conform to one or more of the city's development standards so that any future annexation into the city will be consistent and compatible with the city's requirements.

- c. Annexation of existing substantially developed areas will be offered in a manner and on terms and conditions that respect existing lifestyles and densities. The city will expect these areas to be brought to city standards only where necessary to protect the health and safety of the residents of the subject area or of the city. The city, in developing annexation plans of reasonable cost, may phase new facilities and services. The county, which now has jurisdiction over these areas, will be a supportive partner with the city in annexation efforts to the extent the county supports the terms and conditions being proposed.
- d. In order to reduce the negative impacts of new development in the Boulder Valley, the city will annex Area II land with significant development or redevelopment potential only if the annexation provides a special opportunity or benefit to the city. For annexation consideration, emphasis will be given to the benefits achieved from the creation of permanently affordable housing. Provision of the following may also be considered a special opportunity or benefit: receiving sites for transferable development rights (TDRs), reduction of future employment projections, land and/or facilities for public purposes over and above that required by the city's land use regulations, environmental preservation or other amenities determined by the city to be a special opportunity or benefit. Parcels that are proposed for annexation that are already developed and which are seeking no greater density or building size would not be required to assume and provide that same level of community benefit as vacant parcels unless and until such time as an application for greater development is submitted.

- e. Annexation of substantially developed properties that allow for some additional residential units or commercial square footage will be required to demonstrate community benefit commensurate with their impacts. Further, annexations that resolve an issue of public health without creating additional development impacts should be encouraged.
- f. There will be no annexation of areas outside the boundaries of the Boulder Valley Planning Area, with the possible exception of annexation of acquired open space.
- g. Publicly owned property located in Area III, and intended to remain in Area III, may be annexed to the city if the property requires less than a full range of urban services or requires inclusion under city jurisdiction for health, welfare and safety reasons.
- h. The Gunbarrel Subcommunity is unique because the majority of residents live in the unincorporated area and because of the shared jurisdiction for planning and service provision among the county, city, Gunbarrel Public Improvement District and other special districts. Although interest in voluntary annexation has been limited, the city and county continue to support the eventual annexation of Gunbarrel. If resident interest in annexation does occur in the future, the city and county will negotiate new terms of annexation with the residents.

CHAPTER 2

PROPOSAL

This chapter highlights key topics being considered with the annexation and not an exhaustive accounting of all topics in the term sheet dated Oct. 5, 2020. This chapter includes five sections:

1. General Topics: Select topics that impact the entire site or related to administrative processes.
2. Park, Urban and Other Tract: Topics specifically related to the area designated Park, Urban and Other in the Boulder Valley Comprehensive Plan, primarily including flood mitigation and recreation facilities.
3. Public Tract: Controls around the type and form of future development on the site.
4. Open Space Tract: Strategies for ecological restoration and improvement, educational and research opportunities and recreational uses that do not significantly conflict with ecological values.
5. Transportation: Performance-based standards to ensure that the needs generated by future development at the site will not unduly impact the transportation networks that serve the property.

Summary of Key Points

The primary document used in this annexation negotiation is a term sheet structured around the CU South Guiding Principles. The term sheet shows the university and city’s discussion aimed at “translating” the CU South Guiding Principles into more specific annexation terms. Most topics from the CU Boulder South annexation term sheet are summarized in this chapter. Each topic includes the policy guidance, proposal and city/CU Boulder staff alignment. The table below lists each topic summarized in this chapter.

| Term Sheet Topic # | Topic | Summary | Staff Alignment |
|------------------------------------|---------------------------------|---|---|
| General Terms | | | |
| 3 | Initial Zoning | Proposed zoning of Public | <i>Aligned</i> |
| 4 | Payment In-Lieu of Taxes | An agreement to generate revenue from tax-exempt properties that receive city services. | <i>Not Aligned.</i> University is not open to this concept. <u>A new financial analysis is added to this briefing book to provide context for decision-makers.</u> |
| 5 | Review Process for Future Plans | Opportunities for the city to review and comment on the Campus Master Plan, CU Boulder South Master Plan and conceptual development plans for CU South. | <i>Aligned</i> |
| 45 | Land for a Future Fire Station | Up to two acres of land for a public safety facility. | <i>Aligned</i> |
| 34 | Wetland Protection | CU Boulder to follow the city’s Stream, Wetland and Water Body permit requirements (i.e., wetland regulations). | <i>Aligned</i> |
| Park, Urban and Other Tract | | | |
| 6 – 10 | Flood Mitigation | Convey land needed to construct the flood mitigation project (no cost to city). | <i>Aligned</i> |
| 11 | Recreation Fields | Identify land suitable for future recreation facilities. | <i>Aligned</i> Agree with placing fields in that area but disagree about using any Open Space - Other land. |
| Public Tract | | | |
| 32 | Viewsheds | Implement a “height ceiling” to scale down the height of buildings as the elevation increases towards the adjacent residential subdivisions. | <i>More discussion needed around specific measurement points.</i> |

| Term Sheet Topic # | Topic | Summary | Staff Alignment |
|-------------------------|---------------------------------------|---|---|
| 33 | Building Height | Limit buildings to 55 feet, using an averaging method to measure height. | Aligned Agree on limiting building height and measuring it consistent with the City of Boulder Charter and Land Use Code. |
| 33 | Steep Slopes | Avoid steep slopes and create a “limited impact zone” for southwest hillside area to ensure compatibility with adjacent uses. | Aligned Need to further define a “limited impact zone”. |
| 36 | Clustered, Village Design | High-level design guidelines for future development. | Design guidelines submitted prior to memo and not yet reviewed by staff. |
| 39 | Public Access | Retain public access to the site. Consider a formal running track and publicly accessible dog park. | Ongoing discussion (will likely gain alignment). |
| 40 | Prohibited Uses | Prohibit large-scale sport venues (i.e., football stadium), high rise buildings and large research complexes. Define the specific uses. | Ongoing discussion Additional discussions and input from Planning Board and council needed. |
| 41 – 44 | Land Use Mix | Prioritized housing for university faculty, staff, graduate students and non-first year students. | Ongoing discussion (will likely gain alignment). |
| Open Space Tract | | | |
| 21 – 22 | Open Space Conveyance | Convey 44 acres of land to the city for open space at no cost. The city may purchase additional open space. Potentially use some of the Open Space - Other land along the PK-U/O boundary to make up any shortfall of PK-U/O land necessary to meet recreation field needs. | Not Aligned Not aligned on the use of land in the Open Space Tract for recreation fields, solar installation and community gardens. Not aligned on payment for land and water rights. |
| 16 | Levee System | Remove the existing levee system if the city purchases the land. | Aligned Additional discussions are needed to determine costs and use of the levee fill materials once removed. |
| 37 | Structures in the 500-year Floodplain | No enclosed academic space, offices or residential structures within the 500-year floodplain. | Aligned |

| Term Sheet Topic # | Topic | Summary | Staff Alignment |
|-----------------------|------------|---|---|
| Transportation | | | |
| 25 – 31 | All topics | <p>The transportation chapter includes an initial concept for a CU South transportation program, including a “trip cap”, Transportation Demand Management strategies and a multi-modal mobility hub. Additional technical analysis is required, as are discussions around a specific “trip cap” amount and on-site/off-site improvements.</p> | <p><i>Ongoing discussion (will likely gain alignment).</i></p> |

General Terms

Payment In-Lieu of Taxes (Term Sheet Topic #4)

Not addressed in the CU South Guiding Principles.

City/CU are not aligned on this topic.

Approach

The University of Colorado Boulder is exempt from property taxation. The city proposed that CU Boulder make an annual Payment In-lieu of Taxes (PILOT) to cover costs borne by the city for providing urban services (e.g., Fire and Rescue). The university has indicated it will not agree to entering into a PILOT agreement. City staff estimates that, for the proposed CU housing

units, a private property owner would pay \$200K annually in taxes.

This topic is part of a larger community discussion around costs associated with the proposed annexation. In response, staff added a new Fiscal Impact Considerations chapter in this briefing book to aid decision-makers in determining whether the apportionment of costs between the city and university is appropriate.

Review Process for Future Plans (Term Sheet Topic #5)

- Not addressed in the CU South Guiding Principles. City staff requested opportunities to review future development plans in light of there being no site plan currently available.
- BVCP Policy 1.05 Coordination with University of Colorado describes the “town and gown” relationship, such as planning for future campus uses and activities especially where changes may affect surrounding areas or have regional implications. The city aims to work cooperatively with the university to address critical needs such as flood safety, workforce and student housing, and transportation.

City/CU are aligned on this topic.

Approach

See “City Review Process” in the Design Guidelines chapter. The proposal includes:

- The city received 90 days to review and provide comments on the CU South Master Plan, and 60 days to review the 90% conceptual design documents for each phase of development on the site.
- City comments will include two categories:
 - o Compliance review to verify that the

proposed development activity complies with the terms of this Agreement.

- o Discretionary comments intended to further the City’s goals and policies. University will consider the City’s discretionary comments and may recommend associated conceptual plan amendments to the Design Review Board.

Land for a Future Fire Station (Term Sheet Topic #45)

- Not addressed in the CU South Guiding Principles.
- City staff proposed that the city and university jointly explore a public safety facility to collocate CU Boulder Police and City of Boulder Fire and Rescue personnel and visitors.

City/CU are aligned on this topic.

Approach

The university is offering up to two acres of land for a public safety facility at a location mutually agreed to by both parties.

Committing to a station on the CU South Boulder campus does not commit Boulder to closing Station 4. Regardless of the final decision, the city's objective would be to maximize all-hazards coverage for all citizens. It is too soon to understand what response times will look like under a CU Boulder South scenario and any projections on impact are premature.

Wetland Protection (Term Sheet Topic #34)

- Wetlands will be maintained, preserved, protected, restored and enhanced in a manner consistent with the City's Land Use Code (CU South Guiding Principles)

City/CU are aligned on this topic.

Approach

Any activities performed in the wetland or wetland buffer areas shall be regulated by the City's Stream, Wetland and Water Body Protection ordinance, as amended, and may require a wetland permit.

Emerging Issues: Contingencies & Affordable Housing

- Not addressed in the CU South Guiding Principles.
- In response to community input.

City/CU are aligned on this topic.

Approach

Contingencies: Sale of Land

The city has proposed that contingencies be established to determine what happens if a portion of CU South is sold to another party. Contingencies could include providing the city a Right of First Refusal, which provides the city a contractual right to be the first party to put an offer on the property. City regulations and zoning would apply to land sold to another party.

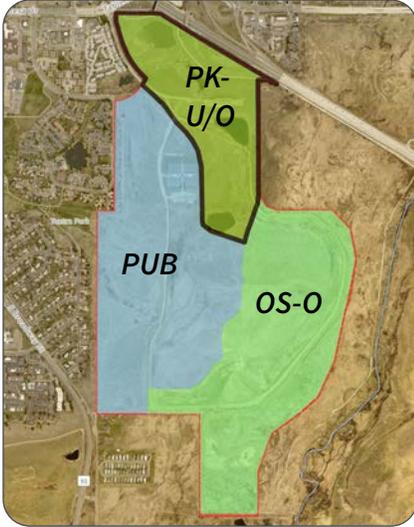
Contingencies: Annexation Contingent on Flood Mitigation Project

The city proposed, and the university has agreed to in concept, a term that would forgo development on CU South until the city receives permits from state agencies for its flood mitigation project. The city would have the option to de-annex the property if it does not receive the permits necessary to implement the project. This is a new and evolving part of the negotiation and as such, many legal details must be resolved.

Affordable Housing

City staff has informed CU Boulder of a strong desire to see affordable housing constructed on CU Boulder South (in response to community input).

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Park, Urban and Other Tract

Summary

The Park, Urban and Other (PK-U/O) area consists of 60 acres along the north portion of the site. The intent of the PK-U/O land use is intended to include public lands used for a variety of active and passive recreational purposes and for flood control purposes. The CU South Guiding Principles prioritize the construction of the South Boulder Creek Flood Mitigation project in the PK-U/O area. Secondly, the guiding principles recommend exploring opportunities for passive and active recreation activities, or other uses compatible with the floodwater mitigation system and where possible, conserve and/or restore areas within the flood mitigation facilities with high ecological value and mitigate impacts.

Flood Mitigation (Term Sheet Topics #6 - 10)

The CU South Guiding Principles state, in part:

- The site will provide adequate areas for construction, maintenance and operation of City flood control dams, appurtenances and associated flood storage, including freeboard to reduce flood risks.
- Specific real property ownership, easements, and/or agreements will be established during annexation for the area necessary for floodwater improvements and other uses (plus or minus some land area).

City/CU are aligned on this topic.

Approach

- CU Boulder has agreed to convey to the city, in fee simple, up to 80 acres of the site for its flood mitigation project, or to be used for open space mitigation. The flood mitigation project requires approximately 36 acres of land for the flood mitigation project, leaving 44 acres for open space mitigation (in the OS-O area).
- Future development within a floodplain (e.g., concessions, restrooms) will be subject to the City's floodplain regulations and may require floodplain development permit(s), consistent with how other university campuses are administered.

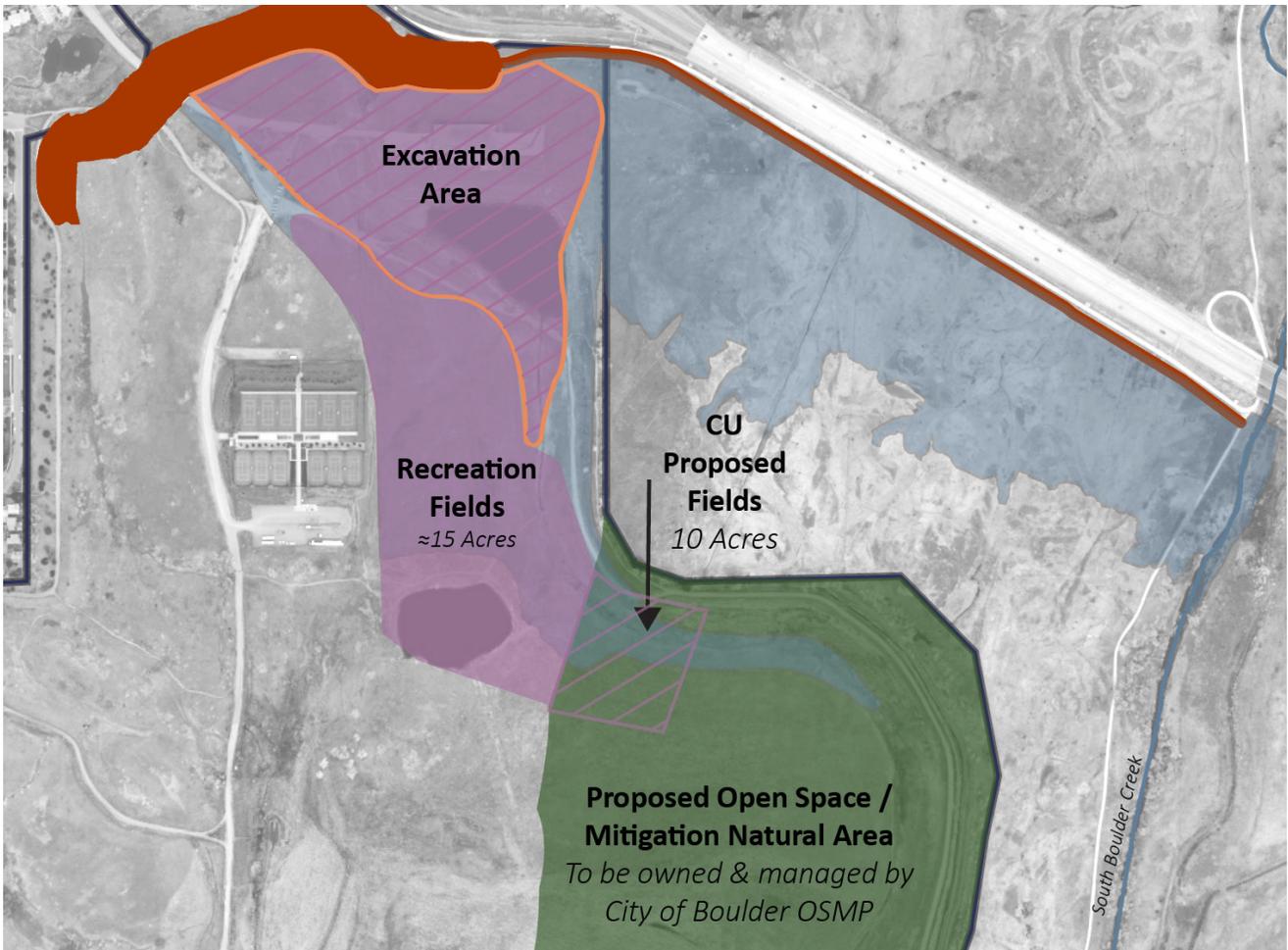
Recreation Fields (Term Sheet Topic #11)

Explore opportunities for passive and active recreation activities, or other uses compatible with the floodwater mitigation system and where possible, conserve and/or restore areas within the flood mitigation facilities with high ecological value and mitigate impacts (CU South Guiding Principles).

City/CU are not aligned with placing recreation fields in the Open Space - Other area.

Approach

- CU Boulder has stated a requirement for 30 acres of appropriately graded land available for construction of future recreation/athletic facilities. The land 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.
- Based on initial rough calculations and preliminary flood structure design, the university identified approximately 12 acres of land within the Park, Urban and Other area suitable for recreation fields and has proposed placing any additional area required for recreation fields within the Open Space – Other area.
- City staff’s position, consistent with the recommendation of the Open Space Board of Trustees, is that all recreation fields should be located outside the Open Space - Other area.
- The city and university will identify appropriate locations for fencing adjacent to city open space land and a 20’ minimum setback will be established from the eastern property boundary.



Key Issues: Park Urban/Other Tract

Flood Mitigation

The primary use of the Park Urban/Other area will be for the city’s flood mitigation project. The university has offered, at no cost to the city, 80 acres of land for flood mitigation and open space. The city anticipates needing 36 acres of land for flood mitigation, leaving 44 acres of land in the Open Space – Other area to be conveyed to the city at no cost.

Recreation Fields

Recreation Fields will be constructed in areas that do not conflict with the operation of the flood mitigation infrastructure. The university stated that it needs 30 acres of land for fields, and city staff have identified over half of that amount in the PK U/O area. The university proposes that an extra five acres of land for recreation fields

be placed in the Open Space – Other area. Staff disagrees, asserting that the entire 119 acres of the Open Space – Other area be reserved for open space and environmental mitigation. Specifically, staff believes that at least five acres of land in the excavation area could be used for recreation.

Public Amenities

The city also proposed that a formal running track (with some level of public access) and a dog park be constructed on the site. The university is considering the request for a track, and the city and university are considering reserving a portion of the northern part of the site for a public dog park.

Photo Simulations of the Flood Mitigation Project

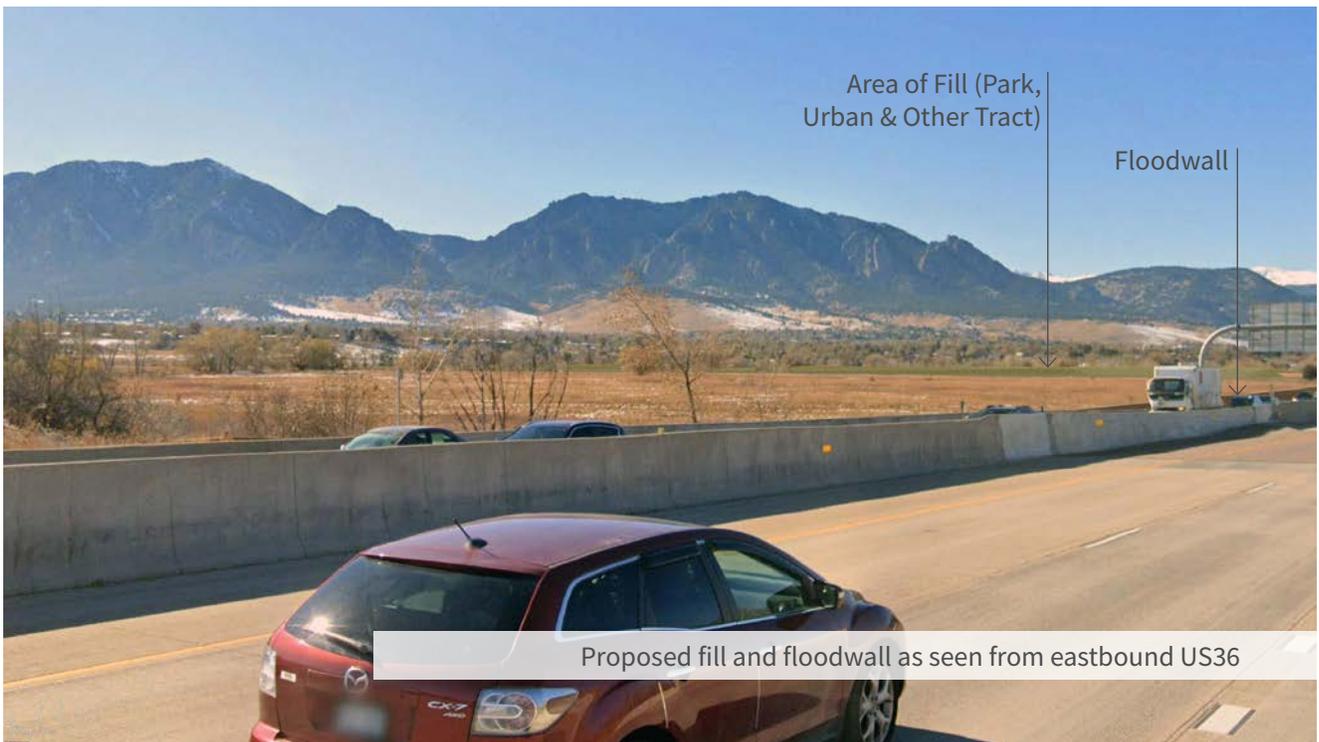
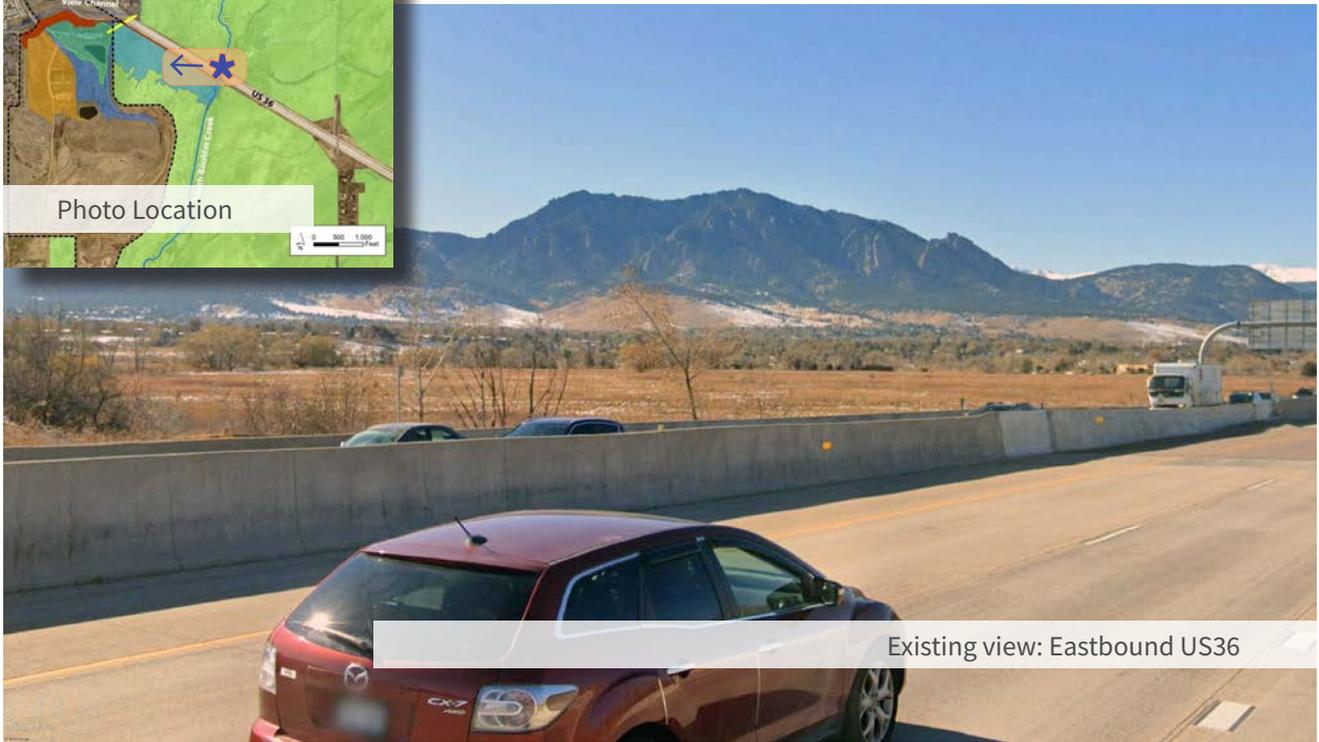
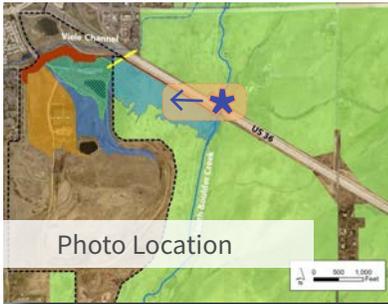




Photo Location

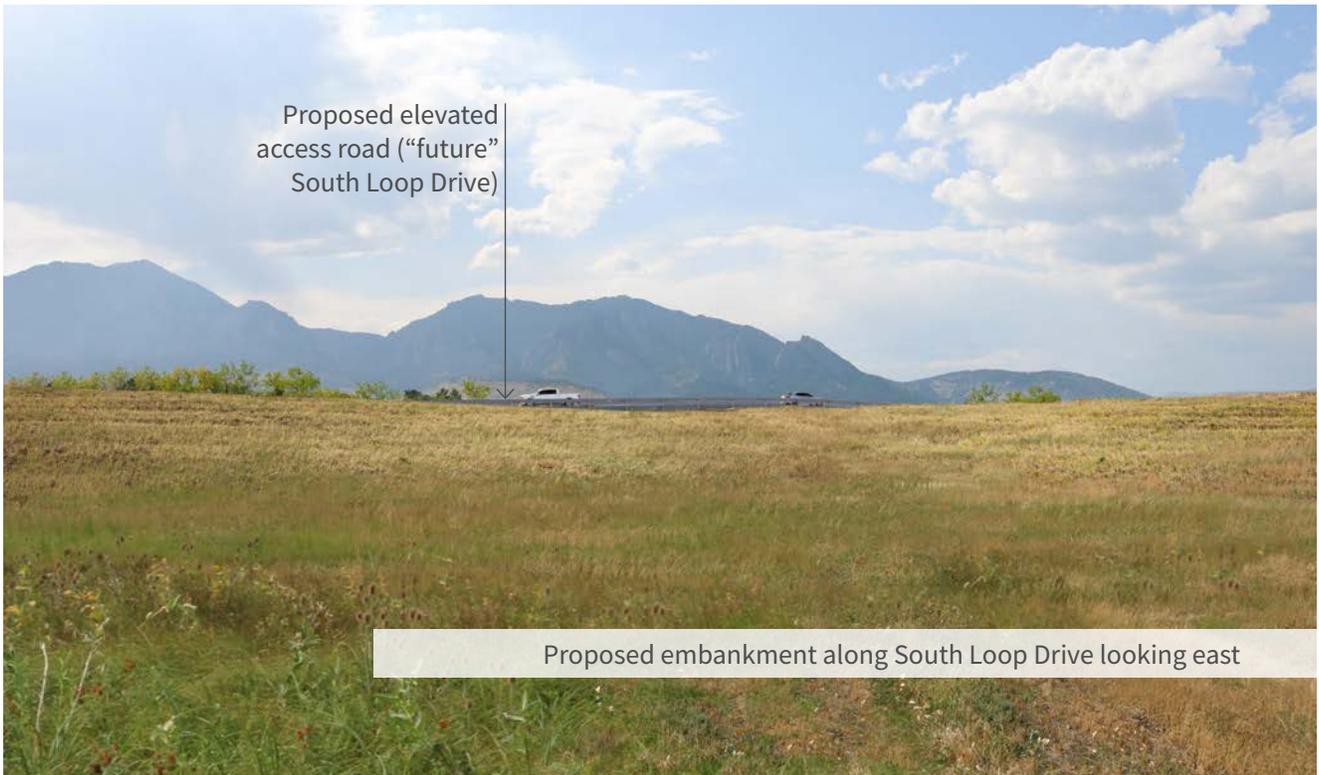


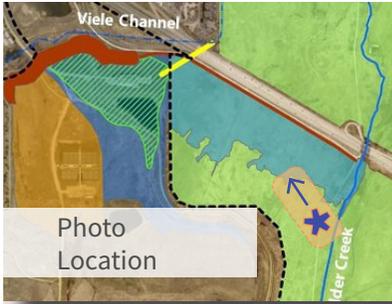
Existing view: US36 Bike Path



Proposed Floodwall along US36 Bike Path



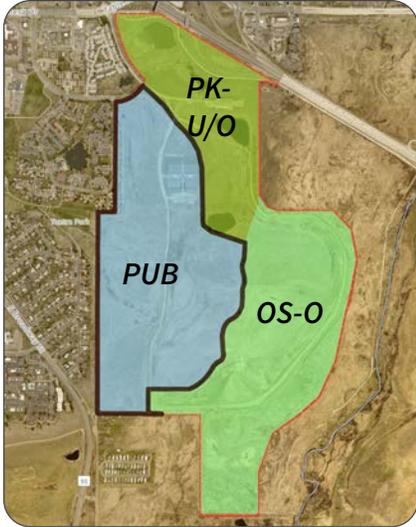




Existing view: South Boulder Creek Trail looking Northwest



Proposed embankment along South Loop Drive looking east



Public Tract

Summary

The Development Tract would consist of 129 acres of land on CU Boulder South that is designated Public in the Boulder Valley Comprehensive Plan. New urban development, predominantly university housing and some academic facilities (but no large scale research complexes or high-rise buildings), would occur in the Development Tract. The intent of the topics in this section is to provide as much certainty about future development within existing constraints, namely:

- Property Size: At just over 300 acres in size, CU Boulder South is the largest undeveloped site within Area II of the BVCP. Area II is defined as land now under county jurisdiction where annexation to the city can be considered consistent with BVCP policies.
- No Site Plan: University master planning for CU Boulder South is several years away. However, significant flooding events in the area have prompted the city to expeditiously pursue a flood mitigation project that requires a portion of the CU Boulder South site; that portion of the property only becomes available to the city only after annexation of the entire CU Boulder South site. As a result, the annexation agreement would need to detail certain development standards that control the type and intensity of future development, but not the exact type and location that a traditional site plan would detail.
- State Entity: As a state entity, CU Boulder is exempt from the city's development standards for university-related development. Therefore, only the development standards specifically detailed in the annexation agreement can be enforced on the site (e.g., height of buildings).

Housing will be the predominant use in the Development Tract, with a target of 1,100 residential units and the final number determined by transportation performance and other site constraints. While the site may include a mix of residential and facilities, housing will be emphasized over non-residential uses. The university has proposed the housing units be intended for faculty, staff, graduate students and non-first year students.

Viewsheds (Term Sheet Topic #32)

The CU South Guiding Principles state that:

- Buildings will be designed and sited in a manner to protect views and contribute positively to the character of the city's "gateway".
- Building heights will transition gently from the open space and to neighborhoods to the west.
- Building location, massing and height will protect and complement views of the mountain backdrop, particularly the viewsheds from the US Highway 36 bike path, the South Boulder Creek Trail, US Highway 36 and State Highway 93.

City/CU are aligned on this topic.

while also protecting views of the mountain backdrop from Hwy 36.

- The 55' height limit will control if the height ceiling exceeds the height limit at specific locations on the site.

Limited Impact Zone

- The Limited Impact Zone includes the following:
 - o Uses will be residential only, including:
 - o Dwelling Unit, Attached (three or more units)
 - o Dwelling Unit, Detached (one unit)
 - o Multi-family will not be permitted
 - o Neighborhood parks, intended primarily for the on-site residents, will be permitted and encouraged.
- The Limited Impact Zone boundary may be the 15% slope line.

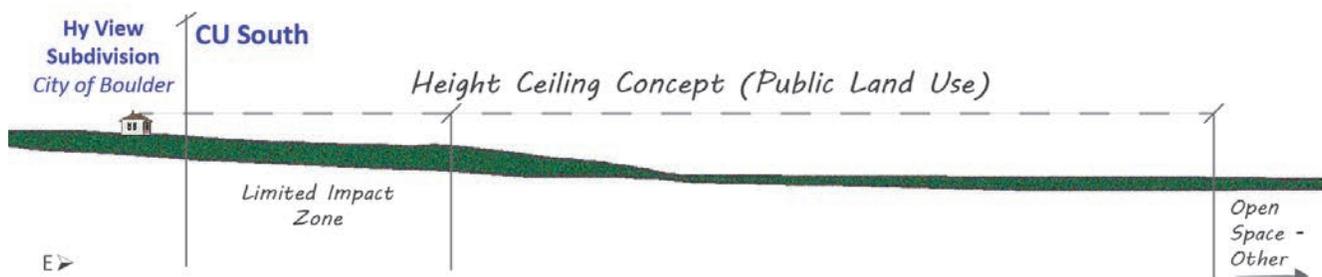
Outdoor Lighting

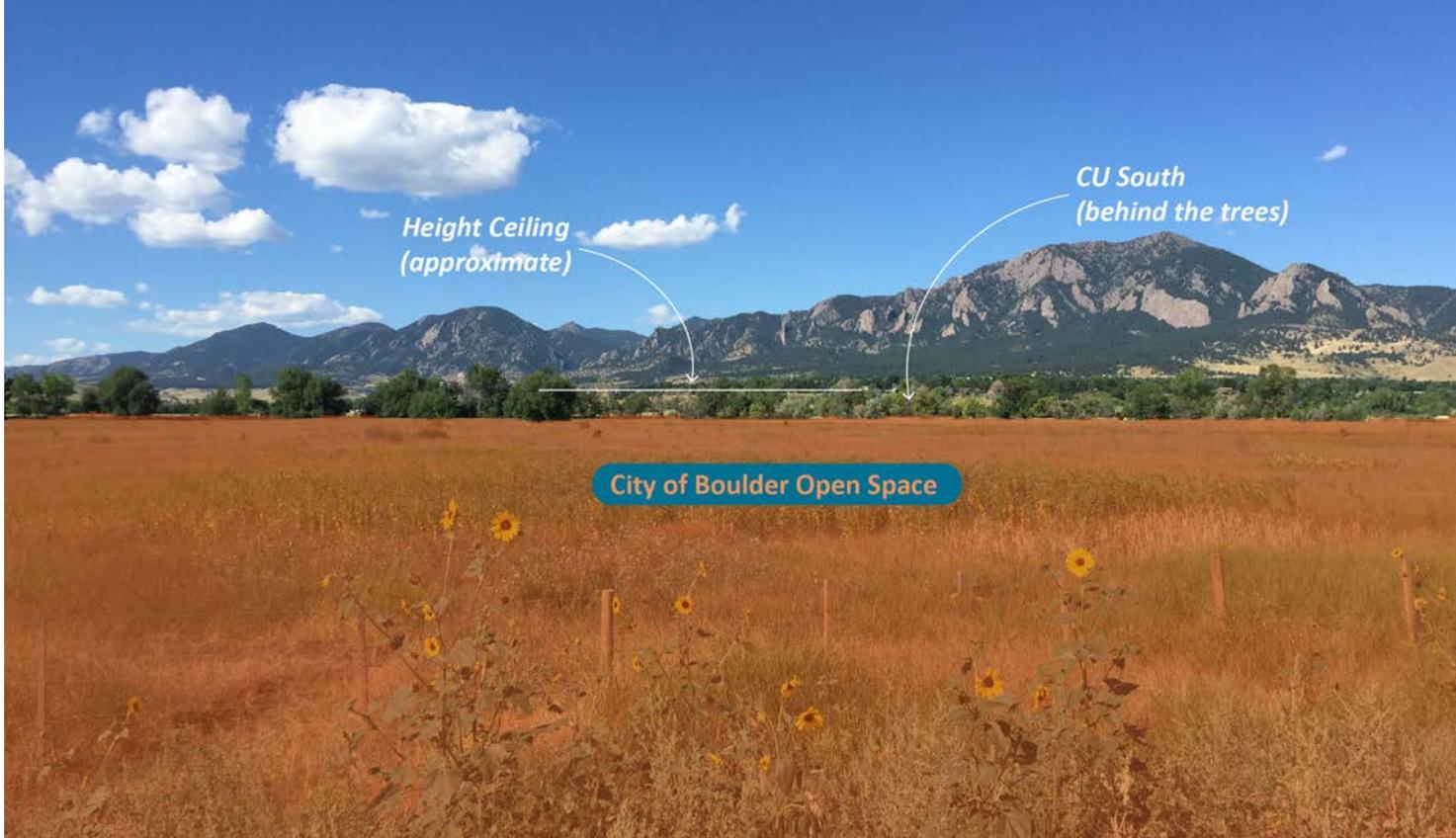
- The university has agreed to comply with the city's outdoor lighting standards.

Approach

Building Height Ceiling

- "Building Height Ceiling" will be a plane over the site that would be measured from a surveyed point on the southwest hillside. The height ceiling elevation set approximately at the roofline of an existing single family home along Brown Circle, directly adjacent to the CU Boulder South property. The point would be at approximately the same elevation as the average height of a two-story home located on Brown Circle in the Hy View subdivision .
- A height ceiling at or around that elevation would allow 4 – 5 story buildings in the lower areas of the eastern portion of the Development Tract, with progressively shorter buildings permitted (a maximum height of 2 stories along the westernmost portions of the site) as the site grade ramps up and increases toward the west. This approach provides design latitude and an "objective" standard for transitioning heights to match neighboring development





Building Height (Term Sheet Topic #33)

Building heights will maintain general consistency with the city’s height limits, with buildings varying in height and visual interest (CU South Guiding Principles).

- City/CU aligned on approach.

Approach

- All Buildings on the Property shall be limited to a height not exceeding 55 feet. This height limit shall not apply to:
 - spires, belfries, cupolas, or domes, or building roof structures with a pitch of 2:12 or greater and not exceeding ten feet, not used for human occupancy, nor to silos, parapet walls, cornices without windows, antennas, chimneys, ventilators, skylights, or other necessary mechanical appurtenances usually carried above the roof level so long as they do not take up more than 25 percent of the roof area;
 - light poles at government-owned recreation facilities;
 - light and traffic signal poles in the right-of-way, nor to service and transmission line electrical utility poles; or

- renewable energy improvements carried on or above the roof level.
- “Building” means any structure built for the support, shelter, or enclosure of persons, animals, or property of any kind. For purposes of this title, portions of buildings connected by fully enclosed attachments that are useable by the buildings’ occupants shall be treated as one building.
- “Building Height” means the vertical distance from the lowest point within 25 horizontal feet of the tallest side of the structure to the uppermost point of the roof or structure. The lowest point shall be calculated using the Natural Grade. The tallest side shall be that side where the lowest exposed exterior point is lower in elevation than the lowest exposed exterior point of any other side of the Building.

Steep Slopes (Term Sheet Topic #35)

- The CU South Guiding Principles state that:
 - Development on slopes at or exceeding 15 percent will be minimized in a manner consistent with the city's Land Use Code.
 - Residential development will be of high quality and contextually appropriate to neighboring properties.
- Section 9-2-17 of the City's Land Use Code states that "in annexations of hillside areas, the City council may impose conditions designed to mitigate the effects of development on lands containing slopes of fifteen percent or greater." Several areas along the western portion of the site contain slopes that exceed 15 percent.

- City/CU aligned on approach

Approach

- Steep Slopes. No development shall be permitted on slopes above 15 percent, except for roads, driveways, soil disturbance and necessary utilities infrastructure.

Clustered, Village Design (Term Sheet Topic #36)

The CU South Guiding Principles state:

- Residential development will be of high quality and contextually appropriate to neighboring properties.
- Development will be compact, clustered in a village style. Any non-residential buildings will be human-scaled.

- City staff requested that CU Boulder provide additional information addressing these guiding principles. The university responded with design guidelines included as a separate chapter.
- The guidelines were provided to the city shortly before memo deadlines and as a result, have not been reviewed by city staff.

Approach

The university submitted design guidelines that intend to address this (and other) guiding principles. The guideline guidelines are included as a separate chapter in this briefing book.

Public Access (Term Sheet Topic #39)

Access will continue to be allowed on the site consistent with public access provided on other CU campuses (CU South Guiding Principles).

- Aligned on public access.
- CU reviewing requests for track and dog park.

Approach

- Access. The University will permit the public access to recreational facilities, sidewalks, trails, public buildings and other amenities.

**City staff has expressed interest in the following:

- A formal running track with field sports as part of the Campus Master Plan update. Throughout the past several years, the City has gotten increasing numbers of track and field athletes approaching the City and requesting a new facility for these types of sports. This is in large part to decreased access of the public on to CU Boulder tracks and limited availability on Boulder Valley School District tracks. A new track and field venue at CU South, with some level of public access, would solve many of these types of challenges.
- A publicly accessible dog park in their future plans for CU Boulder South. This area has been used by the general public as an unsanctioned off-leash dog area for all the various residential areas adjacent to the site;

however, CU Boulder has never authorized such use. This area of the city could use a designated dog park. Currently, the City provides dog parks in the east part of the City (East Boulder Community Park, Valmont) and the north at Foothills Community Park. university considering a running track with field sports as part of the Campus Master Plan update and a publicly accessible dog park.

- The university will collaborate with City of Boulder Parks and Recreation on design standards for development of parks and recreation facilities.
- The city proposed, and CU Boulder is considering, a formal running track with some level of public access.
- The city and university are considering reserving a portion of the northern part of the site for a public dog park. Additional planning is needed to better understand feasibility, timing, etc., and those studies would take place after an annexation decision.

Prohibited Uses (Term Sheet Topic #40)

Use restrictions: The site will not include large-scale sport venues (i.e., football stadium), high rise buildings (maintaining substantial consistency with the city's height limits), large research complexes, such as those on East Campus, roadway bypass between Highway 93 and Highway 36 or first-year student housing (CU South Guiding Principles).

- City/CU mostly aligned
- City staff has concerns about the proposed definition for non-residential buildings (see below).

Approach

CU Boulder has proposed the following definitions as part of its recent submittal of design guidelines. Staff worked with the university on most of these definitions. With a proposed fixed-seating capacity of 3,000 persons, the proposed large-scale sporting venue would roughly equate

to Potts field. The proposed maximum size of non-residential buildings is 175,000 gross square feet. The intent of the guiding principles was to prohibit larger buildings similar to those on the East Campus. The proposed 175,000 gross square feet square foot building is similar to the

Sustainability Energy and Environmental Lab building (142,000 gross square feet).

- Large-scale sport venues including a football stadium, basketball arena, or any other type of sports facility, open or enclosed, with fixed seating in excess of 3,000 persons.
- High rise buildings (any building above 55 feet in height), except for the exceptions outlined in the following sections.
- Large non-residential buildings more than 175,000 gross square feet.
 - Gross square feet means the total square footage of all levels measured to the outside surface of the exterior framing, or to the outside surface of the exterior walls if there is no exterior framing, of a building or portion thereof, which includes stairways, elevators, the portions of all exterior elevated above grade corridors, balconies, and walkways that are required for primary or secondary egress, storage and mechanical rooms, whether internal or external to the structure, but excluding an atrium on the interior of a building where no floor exists, a courtyard, the stairway opening at the uppermost floor of a building, and floor area that meets the definition of uninhabitable space
- Roadway bypass between Highway 93 and Highway 36; for clarity, "bypass" means no uninterrupted roadway on CU Boulder South, the design of which would incentivize

its use as a "shortcut" between Highway 93 and Highway 36

- First-year undergraduate student housing means housing leased primarily by first-year college students.
- Fraternities and Sororities means a social fraternity or sorority consisting of university students and that is recognized as an active member by a national organization.
- Fraternity or Sorority House means a house occupied exclusively by a Fraternity or Sorority, which often is equipped with a central kitchen or dining area maintained exclusively for members of the fraternity and guests or visitors.
- No enclosed academic space, offices, or residential structures in the Area Protected by Levee or FEMA 500-year floodplain
- No car dealerships, manufacturing facilities or other land uses that can be characterized as industrial uses. Exceptions to this prohibition shall be academic/research (e.g. engineering, aerospace, natural sciences, etc.), laboratory, production, incubator space or other facilities that do not otherwise violate covenants of the final annexation agreement.



Sustainability, Energy and Environment Community (SEEC)



SEEC Building (top) and SEEL (bottom)

Land Use Mix (Term Sheet Topics #41 - 44)

The CU South Guiding Principles state that:

- Except for recreation facilities, development will be phased such that non-residential space will be phased after a significant amount of housing is built. Later phases will be dependent on demonstrating that initial phases achieve objectives of mitigating impacts.
- Housing will be the predominant use of the site for areas not used for flood mitigation (i.e., with a target of 1,100 residential units and the final number guided by transportation performance and other site constraints), although the site may include a mix of residential and non-residential and facilities. The site will emphasize housing units over non-residential space (jobs) to help balance jobs and housing in the community.

- Will likely be aligned prior to annexation (more discussions needed).

Approach

- Except for recreation or athletic facilities, development will be phased such that non-residential space will be phased after a significant amount of housing is built. CU Boulder commits to constructing 100 residential units before constructing any non-residential space. Another exception to this commitment is if the initial housing constructed is part of a residential mixed-use building which included neighborhood service-type retail/office on the ground floor. In this case, such non-residential facilities would, by necessity, be constructed simultaneously with the attached residential component during the relevant phase.
- The city and university are in discussions to determine how to define the second guiding principle above: ensuring that housing is the predominant use. Our initial approach is to set a ratio of residential to non-residential square footage. In this approach, the ratio would ensure that there is always a greater amount of residential uses on the site. The specific ratio percentage is not yet resolved.

Land Use Mix (Term Sheet Topics #41 - 44)

The CU South Guiding Principles state that:

- The site will be a model for innovation and high-quality, energy-efficient buildings and site design that minimizes environmental impacts. Innovation will span a range of areas (e.g., how food and waste processes are addressed, outdoor lighting, sustainable materials, stormwater, etc.).
- It will model future resilience and sustainability for design, construction, and maintenance strategies. Development will meet the equivalent of the U.S. Green Building Council's Gold or Platinum LEED standards or other applicable sustainability standards for residential development.

- Will likely be aligned prior to annexation (more discussions needed).

Approach

The university submitted design guidelines that intend to address this (and other) guiding principles. The design guidelines are included as a separate chapter in this briefing book. Some relevant guidelines include:

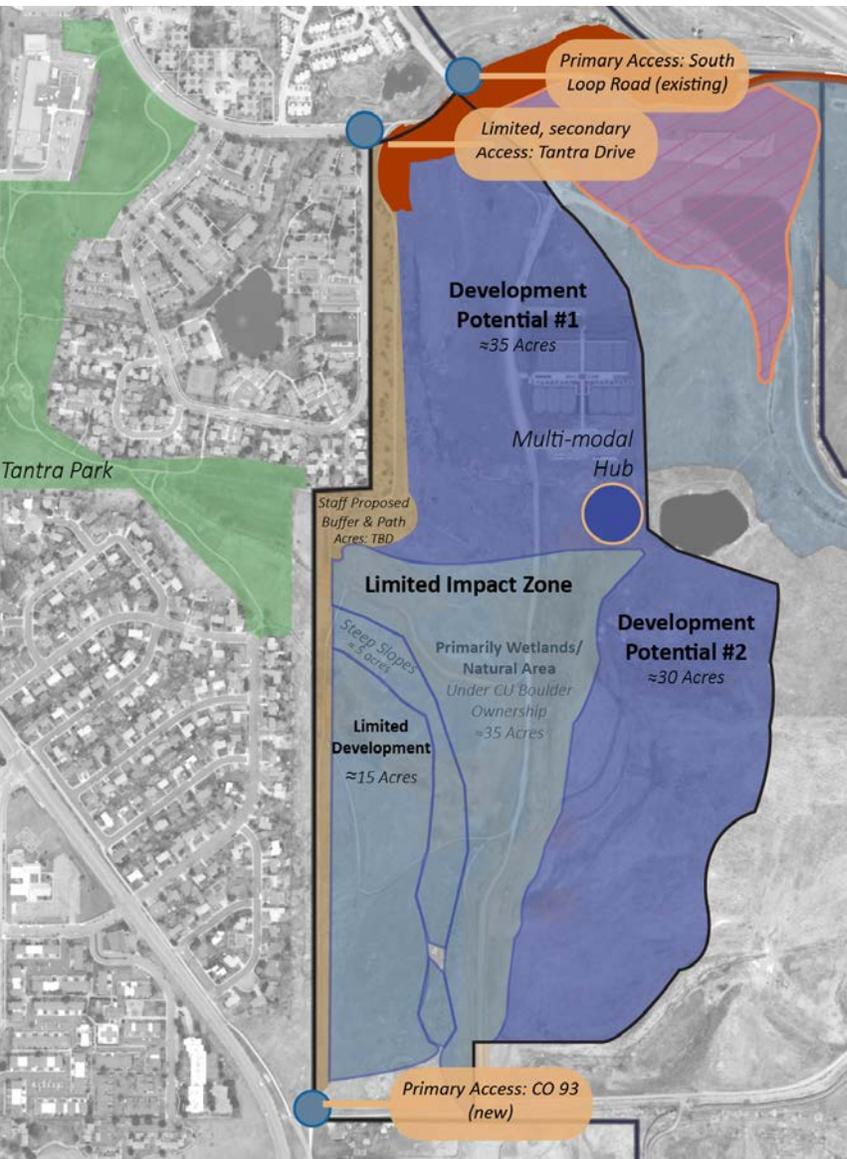
- Sustainable design and sustainable practices are a priority for the University of Colorado Boulder. The university adheres to the State of Colorado's high-performance construction (HPC) program requiring all capital projects to achieve LEED™ gold certification or higher:
 - Development following the U.S. Green Building Council's LEED program will address a wide array of sustainability considerations including: high efficiency building systems that minimize energy use and support on-site renewable energy generation; consideration of the life cycle costs and content of all materials deployed; design of zero waste systems for the construction and on-going maintenance of facilities; mitigation of the urban heat island effect; minimization of indoor and outdoor water use; and a host of other design and maintenance considerations such as water quality, green cleaning, integrated pest management, and access to quality transit.
 - In addition to overarching site issues such as flood mitigation, sustainable design concepts will be addressed at both at the individual (LEED) project level (assuming phased development) as well as at the larger CU Boulder South site level. This includes but is not limited to a comprehensive energy plan, connectivity to the surrounding community, and a lighting plan that augments security, safety, and aesthetics.
 - Additional aspects of sustainability not covered by the HPC program or LEED include the potential to design the broader site with a systems approach in mind, one that values innovation and respects the interrelationship of the natural systems. Several such opportunities include orienting buildings to maximize the use of solar energy, a wholistic plan for the movement of wildlife both through and around the site and mitigating the impact of our waste systems on the health of the immediate natural systems.
 - The site will model future resilience needs in major areas such as energy and water, housing, and transit.

Key Issues: Public Tract

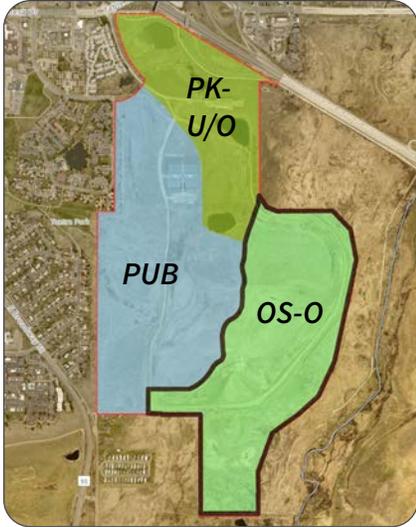
- Primary access will be taken from S. Loop Drive (existing) and CO93 (new), with limited/controlled access to Tantra Drive.
- A buffer area will be established along the west boundary.
- A parking garage and multi-modal mobility hub will be constructed on the northern portion of the site.
- Three development areas would likely occur after accounting for wetland and steep slope restrictions.

One of these areas, the Limited Impact Zone, will likely only include residential uses like single family homes, duplexes and triplexes (no non-residential). The Limited Impact Zone will be a transition area to the adjacent Hy View subdivision.

- The predominant use will be residential. Non-residential uses would include academic, office and research space. Complementary neighborhood-serving retail and office uses would be incorporated into the neighborhoods and generally centralized within walking distance to residential development on the site.
- Buildings will not exceed 55 feet, and a height ceiling would further limit building heights as the elevation increases to the west.
- The following uses would be expressly prohibited: large sport venues, high rise buildings, large non-residential buildings, a roadway bypass between CO93 and US36, freshmen student housing, and fraternities and sororities.



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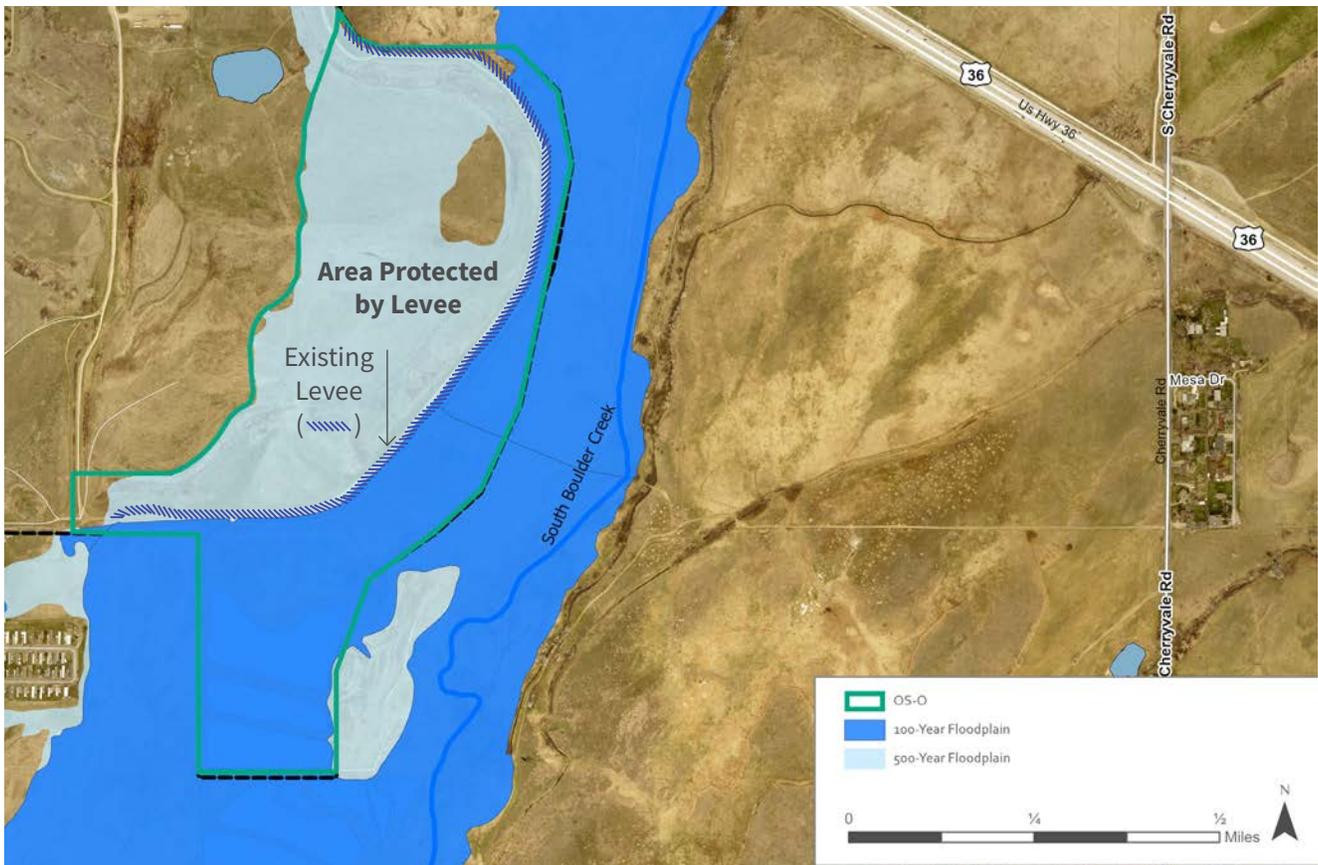


Open Space Tract

Summary

The Open Space Tract would consist of 119 acres of land on CU South that is designated Open Space – Other (OS-O) in the Boulder Valley Comprehensive Plan. The OS-O land use designation indicates land in the Boulder Valley designated prior to 1981 that the city and county would like to preserve through various preservation methods, including but not limited to intergovernmental agreements, dedications of acquisitions. By itself, this designation does not ensure open space protection.

The CU South Guiding Principles sets a general vision for two portions of the OS-O: the area within the 100-year floodplain/“outside the existing levee” and within the “Area Protected by Levee”. The area within the 100-year floodplain, indicated on the map below as “High Hazard Area”, is intended for open space and restoration. The “Area Protected by Levee” is a FEMA designation indicating the portion of the site protected by the existing levee system, which is similar to the extent of the 500-year floodplain. The CU South Guiding Principles envisions the “Area Protected by Levee” as a site for open space, restoration and where suitable, limited structural build areas (e.g., community gardens, recreation, solar gardens, etc.) No enclosed buildings will be permitted in the 100- or 500-year floodplains and the city prefers that the existing levee system be removed to promote the natural floodplain and habitat connectivity.



Open Space Conveyance (Term Sheet Topics #21, 22)

The CU South Guiding Principles state:

Area within the 100-year Floodplain

- Protect Open Space: Minimize disturbance to protect this area given its potential for high open space value and presence of sensitive species. Maintain and create recreation opportunities that do not significantly conflict with ecological values. Trail connections to open space trails would follow a typical city public process. Where appropriate, support open space-related educational and research opportunities. Specific real property ownership, easements, and/or agreements will be established during annexation.
- Resource restoration: Seek opportunities for ecological restoration and improvement. Not all of the site is currently high-value for wetland function and floodplain connection due to past land uses, but could be enhanced to benefit the site itself as well as adjacent city natural areas. The city seeks to partner with CU to incorporate open space values and restoration values.
- South Boulder Creek: Protect and when possible restore wildlife habitat, grasslands, wetlands and streams to improve the delivery of open space values except for park and recreational facilities designed to be located within the floodplain.
- Collaborate with city and county on open space: The city and county will partner with CU to incorporate open space values, maximize conservation, education and recreational opportunities and leverage city and county resources.

- City/CU are not in alignment on this topic. See key issues at the end of this section.

Area Protected by Levee System

- Compensatory mitigation: Floodplain functions, including wetlands and flood mitigation, may be restored as part of compensatory mitigation for impacts elsewhere on site.
- Open space, restoration and recreation: In this area, the city will conduct further analysis of the impacts of removing the levee on flood mitigation design, evaluate potential ecological values and recreation opportunities and seek to collaborate with CU to protect and improve the delivery of open space, restore high ecological value areas and/or provide areas for recreation in lower ecological value areas. The city and CU will work together to achieve greater open space acreage as part of either larger city open space conservation areas or limited-structural build, such as community gardens, recreation, solar gardens, etc.
- Levee system: The city will seek to work with CU to evaluate removal of the levee, including potential improved delivery of open space values, ecological restoration or enhancement benefits. CU will remain responsible for maintaining certification of the existing flood control levee on the site through the Federal Emergency Management Agency (FEMA), including but not limited to any operation, maintenance or replacement.

Approach

At its March 10, 2021 meeting, the Open Space Board of Trustees recommended the following:

Land for restoration to offset impacts of Variant 1

As stated in previous motions, restoring and reconnecting the entire OS-O acreage on CU South (119 acres) back to the South Boulder Creek floodplain is a critical requirement to

offset Variant 1 impacts. Thus, we believe the entire OS-O parcel must be transferred to OSMP ownership. Restoration of these lands will also require removal of the existing levee.

Transferred costs of floodplain restoration

The OSBT is concerned that the University's previous decisions to separate the OS-O land from the floodplain by creating a larger, permanent

levee, by draining these lands, and by not restoring these mined lands as originally required, have all dramatically increased the ultimate costs of floodplain restoration and shifted the costs onto the city, including the OSMP. This directly reduces the amount and quality of floodplain restoration that can be accomplished with existing resources. For these reasons, the OSBT believes that the University should convey the OS-O lands to the city and OSMP at no charge in order to ensure the feasibility of the flood control project and the reintegration of these lands with the floodplain.

In return, the city/OSMP would make available whatever portion of those lands is needed for the mitigation of any impacts of the University's

CU South development on listed species and wetlands in the PUB area. The university will fund the mitigation work for their required mitigation acreage; however, OSMP would coordinate that work with the larger OS-O floodplain restoration effort.

Water rights to support flood plain restoration

The OSBT recommends the transfer of the title of the CU water rights associated with the CU Boulder South property to the city at no cost for OSMP purposes.

Structures in the 500-year Floodplain (Term Sheet Topics #37)

The CU South Guiding Principles state that:

No enclosed academic space, offices, or residential structures in the Area Protected by Levee or FEMA 500-year floodplain: Such buildings would be constructed outside of this area (CU South Guiding Principles).

- City/CU agree on this term.

Approach

No portion of enclosed structures, defined as residential and academic or office uses, shall be constructed in the 500-year floodplain.

Additional Open Space Board of Trustees Recommendations (March 2021)

Protecting the South Boulder Creek viewshed: Views to the West from the South Boulder Creek trail are a major feature of this landscape. The OSBT is concerned that the analysis of impacts of a CU South development on this viewshed relies upon the existing levee and the trees along it and the Dry Creek ditch to "screen" the new development, including buildings to 55 feet (see Briefing Book pdf page 67, Views 1 & 2). The removal of the levee and removal of many of the non-native trees as part of the OS-O restoration will make the CU South development much more visible from this entire area. It is critical, therefore, that the University include landscaping and planting as part of the development of the PUB area to screen the structures and protect this existing viewshed.

- City/CU alignment unknown at this time.

Minimizing light and noise pollution from the CU South Development: The CU South development has the potential to significantly degrade the habitat quality, wildlife use, and the visitor experience on the OSMP/ State Natural Area by introducing light and noise pollution that does not exist today. Currently, this area is very quiet and has relatively good “dark skies”, which are both important features of our open space. OSBT is concerned that adherence to only the city lighting and noise ordinances will not be sufficient to protect the special use experience and habitat in the adjoining open space areas. The city should develop specific requirements to ensure the university will prevent light and noise impacts on the adjacent lands particularly, for example, from nighttime sports lighting or amplified sound systems which might otherwise be allowed under city codes. CU South should not be used for these types of activities.

The OSBT remains concerned about the lack of definition of the range of allowable activities on these lands and the potential increase of impacts on Open Space from future uses and development.

- City/CU alignment unknown at this time.

Approach

CU Boulder has agreed to comply with the city’s outdoor lighting ordinance.

Trails: The location of any trails on OSMP lands and the regulations that apply to the use of those trails must be determined through normal OSMP public planning processes including consultation with the University.

- City/CU agreement likely prior to annexation

Approach

City staff’s position is that no gates, trail connections or other access points will be allowed from the CU South property onto city Open Space without prior approval from the Open Space Board of Trustees and in accordance with the gate policy of OSMP.

Key Issues: Open Space Tract

Conveyance of Land for Open Space and Water Rights for Mitigation

- The position of the Open Space Board of Trustees and city staff is that the 119 acres of land designation Open Space – Other (OS-O) be conveyed to the city, at no cost, as part of a comprehensive mitigation plan. Approximately 44 acres of the OS-O area is currently offered to the city at no cost.
- Staff also proposes that water rights associated with CU Boulder South be conveyed to the city for mitigation and long-term use in the OS-O area.
- CU Boulder is proposing that:

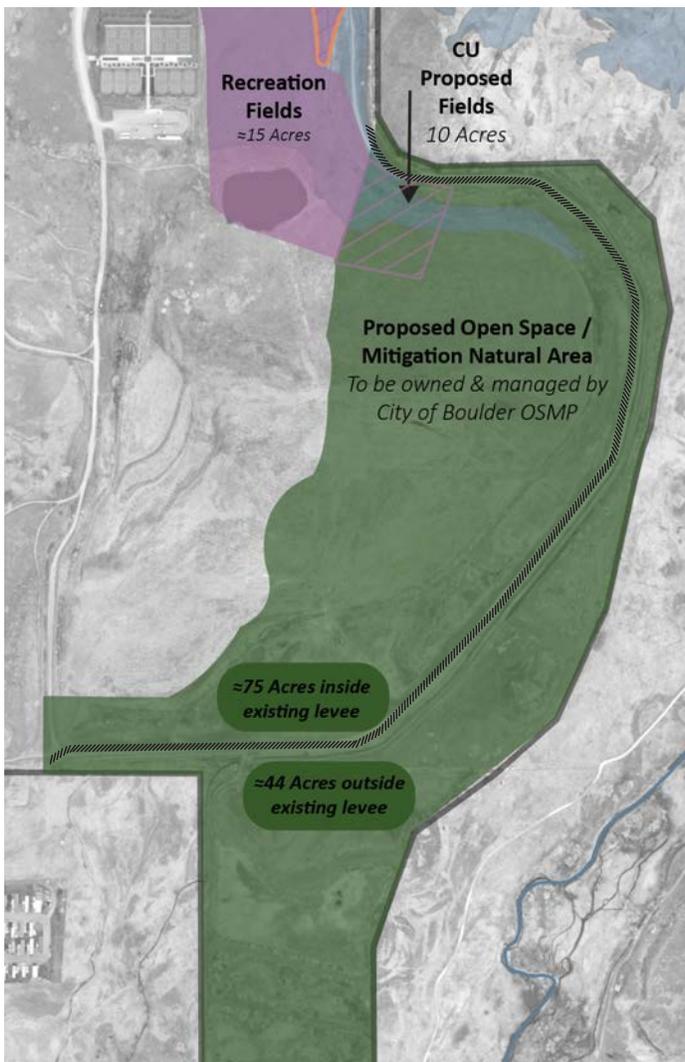
- any land beyond the 44 acres of OS-O be purchased by the city at fair market value
- approximately ten acres of the OS-O area be reserved for recreational fields
- university solar installation and community gardens be permitted in the OS-O (per guiding principles)
- The city and CU Boulder are not aligned on these issues.

Mitigation

- City staff prefers that a comprehensive mitigation plan be developed in the OS-O, and that a mitigation bank be established that the university can pay into now and withdraw from later. Specifically, city staff proposes that CU Boulder join us as a full investment partner on the mitigation from the start.
- CU Boulder is open to exploring this concept further.

Levee Removal

- The Open Space Board of Trustees (and city staff) prefers to remove the existing CU Boulder South levee system to reconnect the OS-O land with the floodplain as a best practice to be able to accomplish mitigation in the immediate project area.
- CU Boulder is agnostic about whether the levee system remains or is removed. Additional discussions are needed to determine costs and use of the level fill materials once removed.



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Transportation

The Overall Approach

City staff propose a comprehensive, reasonable approach that implements the CU South Guiding Principles in a way consistent with CU Boulder Transportation Master Plan and generally consistent with the Transportation Master Plan of the City of Boulder. This section includes information that the city and university have agreed to as of March 2021.

Program Goals

- **Primary Goal:** Manage the off-site transportation impacts of future development by mitigating directly or collaborating and cost sharing with the city to mitigate material impacts on the city's transportation system.
- **Secondary Goal:** Ensure that future transportation performance of CU Boulder South is consistent with CU Boulder Transportation Master Plan and generally consistent with the goals of the city's Transportation Master Plan .
- **Third Goal:** Develop and encourage daily transportation habits of future residents, employees and visitors of CU South that are consistent with other CU Boulder campus locations.

The city and university are working to create performance standards, as agreed to in the CU South Guiding Principles, that allow for flexibility in determining future development needs and discretion in how the university employs Transportation Demand Management (TDM) strategies. Using the draft traffic impact study as the starting point, the integrated package of site trip caps, off-site transportation improvements, on-site transportation improvements, transit service and TDM will be refined with an eye towards not overloading the city's transportation system and addressing neighborhood impacts.

Initial Traffic Impact Study (Jan. 18, 2021 draft)

CU Boulder submitted an initial [draft traffic impact study](#) in January 2021. The purpose of the study is to quantify the anticipated new automobile traffic generated by the CU Boulder South Campus when it is built out, and to assist in identifying potential traffic impacts within the study area. City staff issued [initial review comments](#) that will result in numerous changes to the study. The study will be updated following a Transportation Advisory Board meeting on April 12 to address board input, staff comments and concerns from neighboring community members. The study will ultimately inform the overall approach to transportation-related issues like a trip cap program, transportation demand management strategies and required improvements. Some high-level points from the study include:

- A land use scenario was used as the basis for estimating future traffic impacts. The scenario was informed by the CU South Guiding Principles and includes:
 - 550 apartment/condo units for faculty, staff, and graduate student housing
 - 550 graduate student apartment units (assume 2 bedrooms on average)
 - 500,000 sq. ft. of floor area of academic facilities (like East Campus Sustainable Energy building)
- A transit/mobility hub will be constructed on the site
- Continued recreational facilities (e.g., tennis courts, trail access)
- Primary access will be taken from S. Loop Drive (existing) and a new access point at CO93. Tantra Drive will provide secondary (and controlled) access to the site.

- Using the land use scenario above, CU Boulder South would generate approximately 7,000 vehicle trips per day, with 450 occurring during the AM peak hour and 650 occurring during the PM peak hour. A specific, acceptable level of traffic will be determined prior to annexation and be incorporated into the “trip cap” program described below.
- The university will construct a multi-modal mobility hub to ensure seamless transitions between different modes of transportation.
- On-site and off-site improvements will be required, though those specifics are not yet known.
- The city and university have agreed to the concepts below, which will be informed by the revised study, once received.

The Safeguard: Performance-based Standards

CU South Guiding Principles

- The transportation needs generated by future development at the site will not unduly impact the transportation networks that serve the property. Impacts to local and regional networks will be mitigated through implementation of performance-based standards. The city and CU will complete additional planning and transportation analysis to further develop performance-based standards, including but not limited to maximum amount of parking, trip budgets, transit use, pedestrian and trail connections and access to transit passes. Planning considerations will be addressed collaboratively by the city and CU and will include innovative and long-range technologies, including electric vehicles, autonomous vehicles, etc. as well as possible joint options with city-funded transit.
- Except for recreation facilities and neighborhood services type commercial uses that are included as part of a larger residential mixed-use project, development will be phased such that non-residential space will be phased after a significant amount of housing is built. Later phases will

be dependent on demonstrating that initial phases achieve objectives of mitigating impacts.

Approach

Establish a trip cap program that coincides with TDM goals, designate potential off-site and on-site transportation improvements, and define transit service and TDM strategies (all prior to annexation).

Monitoring

- Measurement points will include each vehicular access point (South Loop Drive, CO93, Tantra Drive).
- Upon completion and occupancy of its first residential building on the property, the university will be responsible for annually monitoring daily, peak hour AM and PM trips at times that coincide with the university’s academic calendar. (e.g., two weeks in the spring and two weeks in the fall).
- The university will provide a report at the conclusion of each monitoring period that includes the following:
 - Raw traffic count data
 - A summary of any anomalies in the data and as a result, any necessary adjustments made to the final trip counts.
 - Any special event days that have occurred since the previous reporting period, with a brief description of the event.

Special Event Days/Outside Programming

The city recognizes that special events, like visits from political candidates and small-scale sporting events, may occasionally exceed the trip caps. As such, the university is allotted 12 special event days to use at its discretion and without prior approval by the city.

Outside Programming: Events beyond control of university transit such as the shared use of recreational fields with groups unaffiliated

with the university or municipal groups will not adversely affect the university trip cap, or be counted against special event days.

Phasing

- The university will develop an initial phasing plan as part of a CU South Micro-Master Plan. The university shall have the right to modify the phasing plan in the future in a manner consistent with the development goals in the final annexation agreement and shall notify the city in writing of such changes prior to carrying out any work based on the modified phasing plan.
- All on-site access improvements (roads, trails, multi-modal hub) will be built proportionally as necessary at a level sufficient to accommodate each development phase.
- Any off-site improvement projects determined necessary due to adverse impacts observed during the monitoring phase will be a collaboration between the city and the university to reasonably determine proportionate share (if applicable) timing, scope and funding.
- Traffic monitoring will initiate at the completion of the first phase of development on the site. At least one monitoring period will be conducted between phases to ensure TDM strategies are adequate prior to proceeding to the following phase.

Compliance

The following actions will be taken if a monitoring period exceeds the allowable number of trips:

Cure Period: The university will have 90 days to identify and communicate to the city additional TDM strategies to lower the number of trips to within the allowable threshold. Some strategies may require additional time to implement. If the university is diligently prosecuting cure to such strategies additional time may be granted

Report: After determination that the allowable number of trips has been exceeded, monitoring reports will be due following the academic

calendar until a minimum of two reports indicate that trips are within an acceptable level.

Managing Trips through Transportation Demand Management (TDM)

Parking Supply and Curbside Management

- Parking supply will be tied to uses.
- Transportation Network Company (TNC) loading zones will be implemented.

Parking Management

SUMP Principles will be implemented: Shared, unbundled, managed and paid.

- Shared: Parking spaces are shared over time by different uses
- Unbundled: All residential parking costs are unbundled at costs set at market rates
- Managed: parking is actively monitored, enforced, and evaluated
- Paid: No free parking, either on-street or off-street in CU South

Transportation Options Access

- CU Boulder will establish transit/shuttle service to it's campuses and facilities, other commercial destinations (as determined by CU Boulder), transit routes and connection points to regional transit.
- Bike and pedestrian access to local/regional transit and the MUP system will be improved.

TDM Programs

- Shared micro mobility program memberships (e.g., e-bikes) will be implemented.
- Carpool opportunity and a Vanpool Subsidy Program will be implemented.

Performance Standards and Monitoring

- Daily peak hour vehicle trips;
- Drive alone rate (Modal split); and,
- Vehicle trip rate (i.e., how many vehicles needed to move 100 employees/students)

Multi-modal Mobility Hub

CU South Guiding Principles

- Implement a multimodal mobility hub and transit connections between the CU South Boulder property and other Boulder campus locations to manage employee and resident access and mobility

Approach

The approximate location of a multi-modal mobility hub (“hub”) was identified in a traffic study submitted by the university. Design will include:

- The hub will provide a seamless integration between transit and pedestrian and bicycle facilities, car/ridesharing and a context-appropriate parking supply for people of all physical abilities.
- The university will construct the hub proportionate to development.

- The university will implement first and last mile connections to the hub, at its discretion and consistent with CU’s Transportation Demand Management program.
- The hub primarily supports residents and employees of CU South commuting into and throughout Boulder.
- At a minimum, the hub shall include the following:
 - Frequent transit service
 - Clearly identifiable and safe bicycle and pedestrian connections
 - Bikeshare and micro mobility
 - Managed curb for pick-up and drop-off
 - Real-time information / wayfinding kiosk
 - Plugs for mobility devices
- The university shall consider the following:
 - Vending
 - Café seating and retail frontage



Improvements

Information in the traffic study will inform the timing, scope, scale and cost sharing of mitigation strategies. The city and university will collaborate and cost share on select multi-modal improvements that connect campus locations.

CU South Guiding Principles:

Incorporate connected and safe pedestrian, bike and transit systems through CU South integrated into the broader city and regional bicycle and pedestrian network, including safe street crossings, trailhead(s), soft surface recreation trails and a trail link(s) to the South Boulder Creek Trail in coordination with OSMP. When creating and maintaining recreational opportunities, such as trail connections through the property, do so with consideration for likely and potential impacts to adjacent open space, and for mitigation of those impacts, as appropriate.

Onsite Improvements

- Onsite improvements and the timing of delivery of same will be determined within the micro-master planning of CU South and include trails and multi-use paths through the property with connections to the public way.
- The public will be granted access to all trails and multi-use pathways constructed within the CU South property.
- The university will maintain multi-use paths and trails constructed within the site boundaries.
- The main internal streets on the site shall be designed and constructed by CU Boulder and shall include multi-modal design features.
- The university will coordinate discussions with the city on-site multi-modal improvements. Future on-site improvements will be intended to meet the functional needs as detailed in the city's Transportation Master Plan. CU Boulder shall involve the city at an appropriate time during the development of the CU South Master Plan

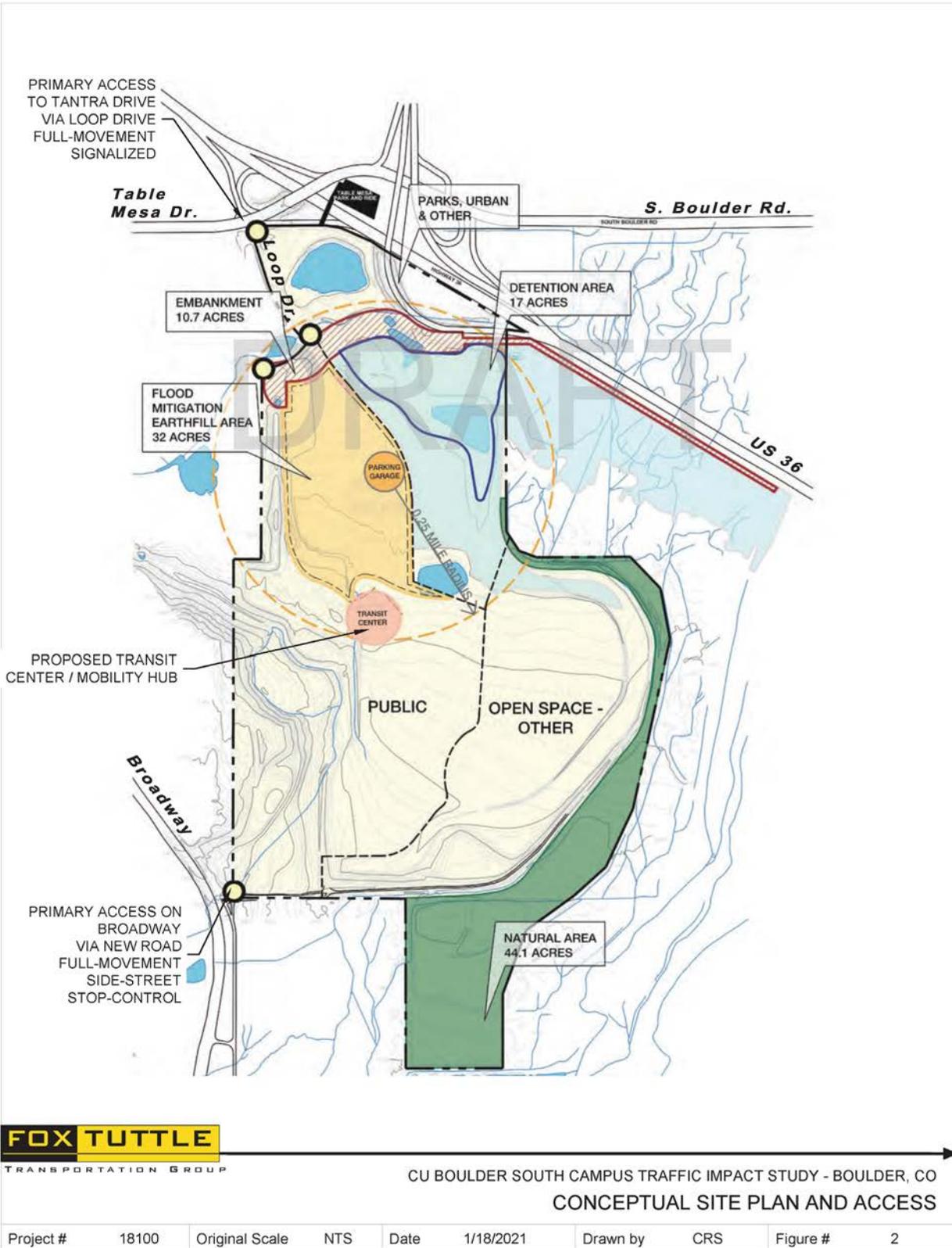
and while developing a Micro Master Plan to determine on-site improvements.

Off Site Improvements

Offsite improvements may be necessary to mitigate demands on the city's transportation system. CU will collaborate with the City of Boulder's transportation department to determine the scope, scale and cost share of offsite improvements necessitated by the ongoing traffic monitoring and trip cap.

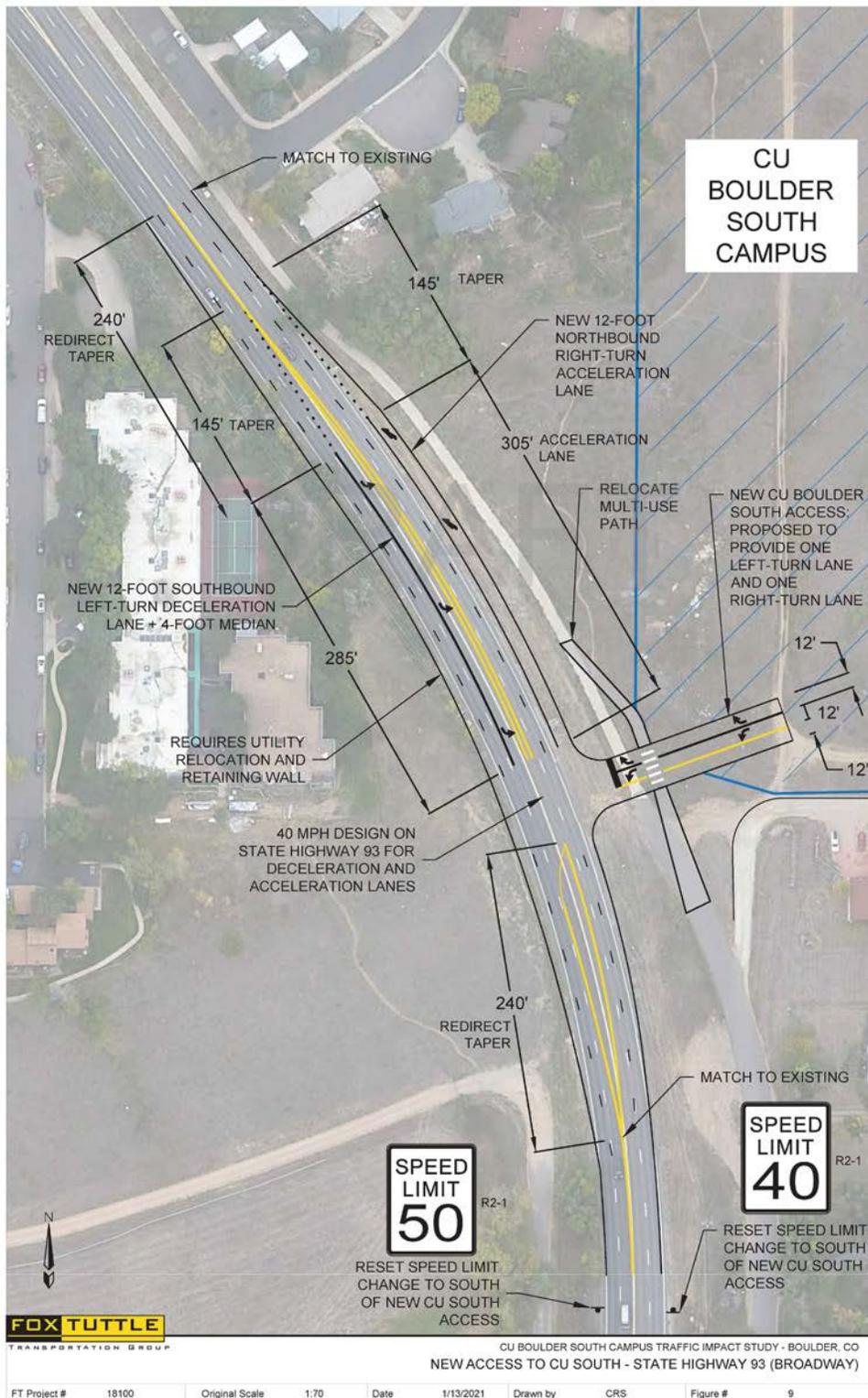
CU South: Proposed Perimeter Access

Primary access will be taken from S. Loop Drive (existing) and a new access point at CO93. Tantra Drive will provide secondary (and controlled) access to the site.



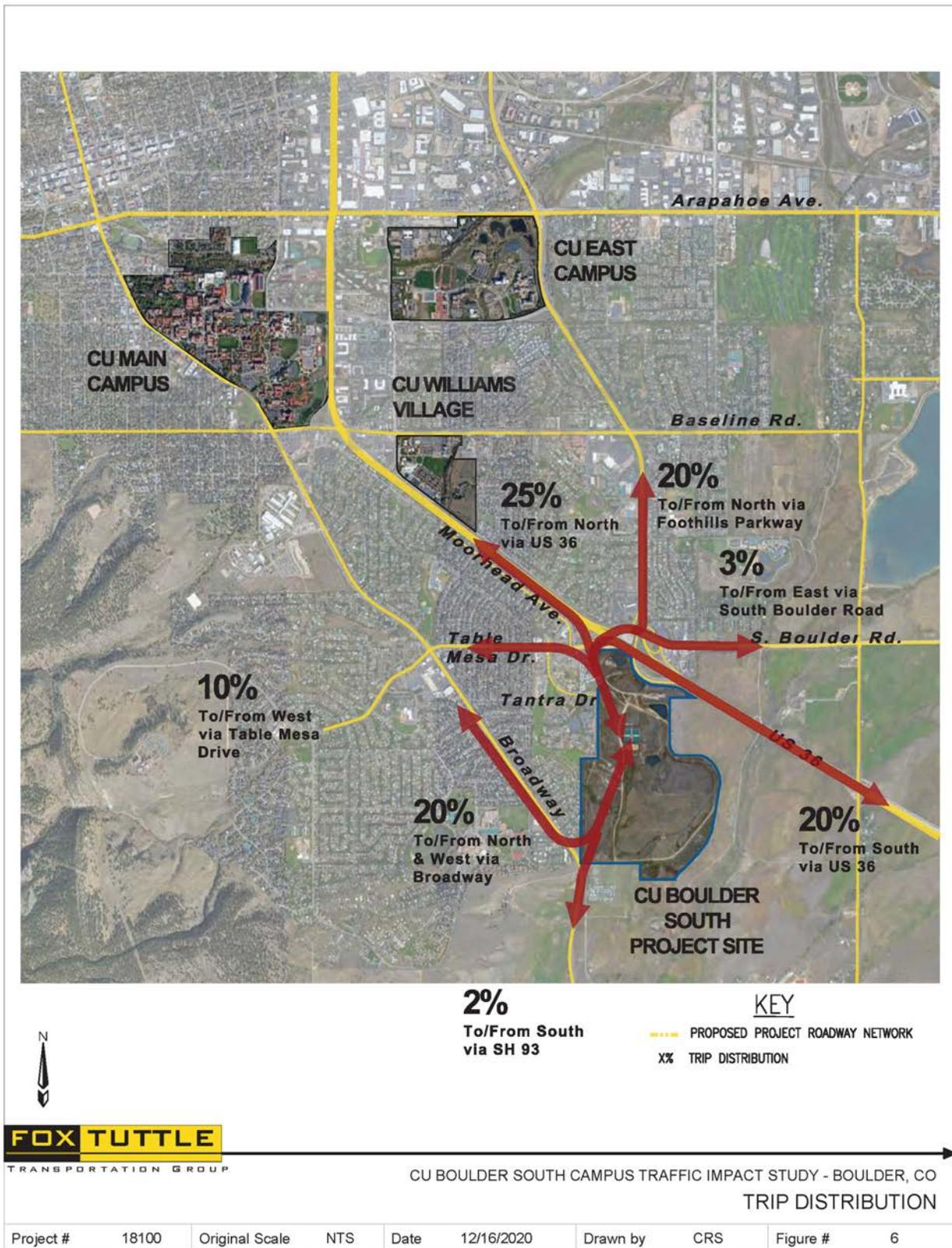
Preliminary Intersection Layout for CO93

New access at CO93 is proposed approximately ¼ of a mile north of Marshall Road. While no traffic signal is anticipated, it will require one southbound left-turn deceleration lane, one northbound right-turn acceleration lane, and the westbound approach will include one left-turn lane and one right-turn lane.



CU South: Anticipate Trip Distribution

The following figure shows the assumed trip distribution by access point. Please note that this figure will be updated to include Tantra Drive.



Transportation Master Plan: Proposed Projects

The City of Boulder Transportation Master Plan proposes several projects on and adjacent to CU South. Improvements include a 12' side multi-use path with 2' wide shoulders on: (i) each side of the path along the west boundary connecting CO93 and Table Mesa Drive; (ii) on the north side of S. Loop Drive between Table Mesa Drive and the US-36 bikeway path. The plan also proposes a 12' wide multi-use path and buffered bike lane on the east side of Table Mesa Drive.



Transportation Master Plan - Proposed Projects

- | | |
|---|--|
|  Proposed transit stop |  Pedestrian path upgrade |
|  Proposed Underpass |  Proposed designated bike route |
|  Proposed multi-use path |  Proposed on-street bike lane |
|  Upgrade to multi-use path | |



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Design Guidelines

The university submitted design guidelines that intend to address this (and other) guiding principles. The guideline guidelines are included as a separate chapter in this briefing book. The guidelines were provided to the shortly before memo deadlines and as a result, have not been vetted by city staff.

A. EXECUTIVE SUMMARY

Purpose

To offer details to city staff, council and the community of development goals and standards that will govern future development at CU Boulder South.

Background

CU Boulder does not currently have any specific plans for a future built environment on the Development Tract. In the absence of specific details of future development, the annexation agreement will contain agreements between the parties on guidelines and standards that will apply to future university development.

B. CU BOULDER SOUTH GUIDING PRINCIPLES

The CU Boulder South - Guiding Principles (the "Guiding Principles") appear in Chapter V (page 119) of the 2015 Major Update of the Boulder Valley Comprehensive Plan (the "BVCP"). The Guiding Principles begin with the following statement of intent:

"The guiding principles are intended to guide an intergovernmental agreement or multiple agreements between the City of Boulder and University of Colorado that will specify future uses, services, utilities, and planning of the

University of Colorado (CU) Boulder South ("CU South") property]."

C. DEVELOPMENT & DESIGN GOALS

Design Principles

1. Context and Compatibility

Acknowledge and incorporate into future planning and design the property's context within the City of Boulder as a destination for recreation as well as the context of the adjacent South Boulder neighborhoods by respecting the character of its edges with appropriate land uses, building scale, landscape, and traffic mitigation.

2. Place Making and Public Realm

Contemplate the Development Tract in its entirety as a collection of walkable neighborhoods with an integrated system of streets, trails, recreation amenities, and freely accessible, usable Green Space, collectively known as the public realm.

3. Quality Design

Architectural style and site planning on CU Boulder South will reflect the quality, continuity, and consistency of the broader Boulder community. Height and massing will relate to a pedestrian scale with careful thought to the spaces between the courtyards, terraces, parks and Green Spaces that knit the buildings together.

4. Compact Development

Employ compact development strategies that maximize Green Space, embody a hierarchy of experiences, and encourage mixed-use, pedestrian friendly and vibrant areas that will characterize the Development Tract within the region, the city, and the vicinity.

5. Ecology and Environment

Celebrate the Flatiron views and other significant natural features of the Tract, including the predominantly gentle topography, by incorporating a Green Space system about these elements, while embracing the best methods

and practices to ensure their preservation and to support the regional ecology.

6. Mobility and Connectivity

Transportation design shall minimize neighborhood traffic impacts by:

- a. Providing additional connections (i.e. Hwy 93) that reduce the site's dependence upon Table Mesa Drive,
- b. Mixing uses serving residents and visitors (neighborhood-serving retail/office, recreational amenities) to minimize off-site trips, and
- c. Planning for future transit options, including to and from CU's other campuses, multimodal systems throughout the site, and connections with existing (and potentially new) trails and paths at the property boundaries.

7. Sustainability

Plan the future of the Tract based on a holistic approach to sustainability which considers social and economic impacts, as well as those on natural systems and resources, building upon the strengths of the past and what exists today while preserving options for future generations.

8. Feasibility, Flexibility, and Economic Viability

Develop an economically feasible plan using sound planning principles that can be phased over time and is responsive to everchanging market conditions and the state of higher education, to support the educational mission of the University while contributing positively to the community.

Phasing

- a. The exact amount, types and location of residential and non-residential space will be refined to reflect and implement transportation study recommendations to minimize traffic impacts as a long-term CU Boulder South micro master plan is developed.
- b. Except for recreation or athletic facilities, development will be phased such that non-residential space will be phased after

a significant amount of housing is built. CU Boulder commits to constructing 100 residential units before constructing any non-residential space. Another exception to this commitment is if the initial housing constructed is part of a residential mixed-use building which included neighborhood service-type retail/office on the ground floor. In this case, such non-residential facilities would, by necessity, be constructed simultaneously with the attached during the relevant phase.

- c. Infrastructure including main roads, multi modal access and utilities will be phased and built as determined by the then planned site use. Initial spine infrastructure (main roads, multi-modal access, utilities, etc.) to access Phase 1 housing will be included in the initial phase to a degree customary with best practices for similarly scaled multi-phase developments.

Uses

1. Residential

- a. Housing will be the predominant use of the Development Tract, with a stated target of 1,100 residential units. The final unit count on the site will be guided by university needs and planning, market conditions at the time of planning for each phase, a transportation study, and other site attributes.
- b. Detached single family residential may be used as part of a strategy for transitions to adjoining areas.

2. Non-Residential

- a. The site may include a mix of residential and non-residential facilities.
- b. Non-residential facilities may include, but is not limited to, academic, office, recreation, athletic, research and commercial uses.
- c. The overall non-residential space footprint will be minimized and will support and benefit the convenience of the residents, employees, and visitors to residential and recreational uses of the property. Future planning will emphasize an orderly mix of land uses that meets the daily needs of the university and on-site residents. This mix may

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contain convenience retail, food services, personnel, and other neighborhood service uses consistent with sound development and land use practices for similar developments.

- d. Complementary neighborhood-serving retail and office uses will be contextually appropriate, incorporated into neighborhoods and generally centralized within walking distance to residential development on the site to enliven the community and promote an active community character.
- e. Direct pedestrian linkages will be provided between residential and non-residential uses.

3. Prohibited Uses

- a. Large-scale sport venues including a football stadium, basketball arena, or any other type of sports facility with fixed seating in excess of 3,000 people.
- b. High rise buildings (any building above 55 feet in height), except for the exceptions outlined in the following sections.
- c. Large non-residential buildings more than 175,000 gross square feet.
 - i. Gross square feet means the total square footage of all levels measured to the outside surface of the exterior framing, or to the outside surface of the exterior walls if there is no exterior framing, of a building or portion thereof, which includes stairways, elevators, the portions of all exterior elevated above grade corridors, balconies, and walkways that are required for primary or secondary egress, storage and mechanical rooms, whether internal or external to the structure, but excluding an atrium on the interior of a building where no floor exists, a courtyard, the stairway opening at the uppermost floor of a building, and floor area that meets the definition of uninhabitable space
- d. Roadway bypass between Highway 93 and Highway 36; for clarity, “bypass” means no uninterrupted roadway on CU Boulder South, the design of which would incentivize its use as a “shortcut” between Highway 93 and Highway 36
- e. First-year undergraduate student housing

- f. Fraternities and Sororities” meaning a social fraternity or sorority consisting of university students and that is recognized as an active member by a national organization.
- g. “Fraternity or Sorority House” meaning a house occupied exclusively by a Fraternity or Sorority, which often is equipped with a central kitchen or dining area maintained exclusively for members of the fraternity and guests or visitors.
- h. No enclosed academic space, offices, or residential structures in the Area Protected by Levee or FEMA 500-year floodplain
- i. No car dealerships, manufacturing facilities or other land uses that can be characterized as industrial uses. Exceptions to this prohibition shall be academic/research (e.g. engineering, aerospace, natural sciences, etc.), laboratory, production, incubator space or other facilities that do not otherwise violate covenants of the final annexation agreement.

Site Planning

1. Overview

- a. To attain a cohesive and uniform quality of development, site planning will consider the entire property when planning new neighborhoods, structures, or recreational amenities.
- b. The natural environment will be incorporated into the design in a manner that minimizes or mitigates impacts to natural systems. Connection to and integration with the natural environment will be realized through thoughtful site selection, building design, choice of building materials, and landscaping materials and design.
- c. Building height, massing, scale, orientation, architecture, and orientation will be compatible with the existing character of the surrounding area and, thoughtfully connected into adjacent neighborhoods and land uses.

2. Zones of Consideration

- a. Development zone – where all building will take place, within the total discretion of the University, subject only to state and federal

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statutes and regulations and the limitation set forth in this Agreement.

- b. Flood control zone – where the City intends to implement Phase I of the South Boulder Creek Major Drainageway Plan and the University intends to construct recreational facilities.
- c. Open space zone – This is land currently designated as OS-O under county zoning and the University has offered to the city (OSMP) for purchase at fair market value. Wetlands mitigation for both the flood mitigation project and future University development will occur here. University solar installation and community gardens may be located here. Also, University desires to reserve 10 additional acres adjacent to the Flood control zone for recreational fields.
- d. Floodplains – Agreement; Compliance
 - i. No portion of enclosed structures, including offices and residential uses, shall be constructed in the 500-year floodplain.
 - ii. Enclosed restrooms serving visitors to the recreation fields/area shall be permitted in the 500-year floodplain.
 - iii. The University agrees to comply with the City of Boulder’s regulations governing the 100-year Floodplain and Conveyance Zone. Any activities performed in the 100-year Floodplain or Conveyance Zone may require a City of Boulder floodplain development permit.
 - iv. The University is not required to follow the Critical Facilities Ordinance or High Hazard Zone requirements.
- e. Limited impact zone – This is the high ground in the southwest quadrant of the site as determined in part by the height ceiling limit and steep slope development restrictions, as defined later.

3. Definition of “High Quality” and Building Materials

- a. Building design shall maintain consistency in materials and detailing.
- b. Building materials will relate to the surrounding area, reflect site characteristic, be of durable

material, meet sustainable principles, and will not necessarily adhere to the design aesthetic of the main campus.

4. Definition of “Human-Scaled”

- a. All development within the campus property will be designed to a human scale, fostering a pedestrian-friendly, lively, energetic community.
- b. Future building sites shall contextually interrelate and promote a safe and vibrant pedestrian experience through the location of building frontages along public streets, plazas, sidewalks and paths and shall consider and incorporate solar access and view preservation.
- c. Building elements, design details and landscape materials shall include the location of entrances and windows, and the creation of transparency and activity at the pedestrian level.
- d. Buildings shall be connected to an integrated pedestrian network.
- e. Building footprints will define a variety of courtyard spaces connecting to small parks within close walking distance.
- f. Buildings will clearly define primary access points from public ways with architectural detailing and fenestration.

5. Definition of “Compact, clustered in a village style”

- a. Compact, clustered, village style developments are characterized by discrete physical boundaries, and a pedestrian scale and orientation.
- b. Similar type residential buildings will be in contiguous groups, with adjacent and fronting lots oriented toward each other in some ordered geometric way - as on a street, a green, or a paved square - and forming a distinct boundary with the surrounding natural environment.

6. Public Realm and Access

- a. Public access to the Boulder campus properties is welcomed and encouraged to foster integration with the greater Boulder

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community to create a diverse and lively community.

- b. The design of the buildings, circulation and Green Spaces are meant to be shared with the local community. Access will continue to be allowed on the site consistent with the public access provided on other CU campuses.
- c. Non-residential amenities will be planned and designed to incorporate public access, encourage public use, and to support community needs. These include recreational fields, trails, and others will be evaluated and shall include thoughtful public engagement.
- d. Site design of CU Boulder South will include a network of public spaces with strong pedestrian connections to OSMP Open Space and adjoining neighborhoods to create a welcoming, vibrant campus community open to and integrated with the broader community.

7. Viewsheds, Gateways, and Property Edges

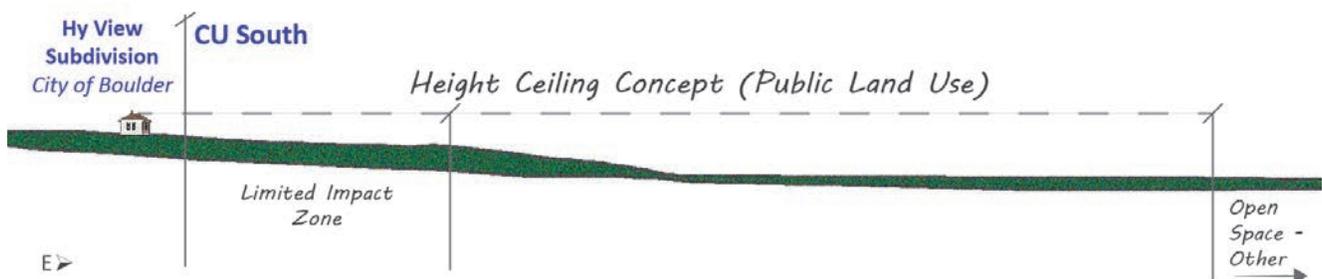
- a. Buildings will be designed and sited in a manner to protect views and contribute positively to the character of the city's "gateway".
- b. Materials for gateways are to match the campus vernacular, using material palettes consistent with, but not necessarily identical to, other campus properties.
- c. Building location, massing and height will protect and complement views of the mountain backdrop, particularly the viewsheds from the Highway 36 bike path, the South Boulder Creek Trail, Highway 36 and Highway 93.

- d. Building heights will transition gently from the western boundary of the development zone to neighborhoods to the west, which will be realized by implementing the height ceiling method specified below in subsection.

8. Height Limit and Height Ceiling

- a. All Buildings on the Property shall be limited to a height not exceeding 55 feet and will vary in height and articulation.
- b. Method of measurement: "Building Height" means the vertical distance from the lowest point within 25 horizontal feet of the tallest side of the structure to the uppermost point of the roof or structure. The lowest point shall be calculated using the Natural Grade. The tallest side shall be that side where the lowest exposed exterior point is lower in elevation than the lowest exposed exterior point of any other side of the Building. Note that this is the same measurement method as contained in the City's Land Use Code.
- c. A "height ceiling" concept (see figure 8.2. below) will apply to development on the site. This concept would create a plane over the site that would be measured from a surveyed point on the southwest hillside.. A height ceiling at or around that elevation would allow 4 – 5 story buildings in the lower areas of the eastern portion of the Development Tract, with progressively shorter buildings permitted (a maximum height of 2 stories along the westernmost portions of the site) as the site grade ramps up and increases toward the west. This approach provides design latitude and an "objective" standard for transitioning heights to match neighboring development while also protecting views of

Figure 8.2 Height Ceiling Concept



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the mountain backdrop from US Highway 36 bike path, the South Boulder Creek Trail, US Highway 36 and State Highway 93.

- d. The 55' height limit will control if the height ceiling exceeds the height limit at specific locations on the site.
- e. This 55-foot height limit shall not apply to:
 - i. spires, belfries, cupolas, domes, or building roof structures with a pitch of 2:12 or greater and not exceeding ten feet, not used for human occupancy, nor to silos, parapet walls, cornices without windows, antennas, chimneys, ventilators, skylights, or other necessary mechanical appurtenances usually carried above the roof level so long as they do not take up more than 25 percent of the roof area;
 - ii. light poles at government-owned recreation facilities;
 - iii. light and traffic signal poles in the right-of-way, nor to service and transmission line electrical utility poles; or
 - iv. renewable energy improvements carried on or above the roof level.

9. Steep Slopes

- a. Development on slopes at or exceeding 15 percent will be minimized in a manner consistent with the city's Land Use Code.
- i. Slopes Greater Than Twenty Degrees: On a slope measured within the building envelope created by the required setbacks from property lines that is greater than twenty degrees (36.4 percent slope), the building height may not exceed twenty-five feet measured perpendicular from the natural grade below. The slope percentage shall be calculated by measuring the difference between the high point and the low point within the building envelope and dividing it by the distance between the high and low points
- b. The design of buildings will generally conform to the natural contours of the land.
- c. The site design shall minimize erosion, slope instability, landslide, mudflow or subsidence,

and minimize the potential threat to property caused by geological hazards

- d. Roads, driveways, soil disturbance and necessary utilities infrastructure are permitted on steep slopes as needed.

10. Green Spaces and Typologies

Boulder campuses incorporate a variety of types of Green Space uses. Planning and design of these spaces is determined by specific typologies identified within a property based on adjacent uses and context. Useable Green Spaces within the Development Tract shall include amenities, be interconnected, and be arranged to be accessible and functional, incorporating quality landscaping, a mixture of sun and shade, and places for residents and the community to gather. Typologies shall include parks, recreation, natural areas, courtyards and interstitial spaces, and green buffer areas.

- a. Parks - Development of building sites will include a variety of park types and sizes with direct connection to surrounding amenities and public access. Parks are to be shaded, include room for casual and passive recreation
- b. Recreation - Recreation amenities may include multipurpose fields, a running track, challenge course, or other activities as determined by the University and shall be located primarily within the Parks, Urban – Other area (e.g., multipurpose fields) or interspersed throughout the Development Tract (e.g., trails). The amenities ultimately developed on the site shall be informed by public engagement. Multipurpose fields will be located near public transportation, connected to the pedestrian network and open at different times for scheduled and unscheduled public use.
- c. Natural Areas - Much of the property is uniquely situated next to OSMP Open Space. However, the Development Tract does not border OSMP property. Natural areas within the Development Tract shall include native grassland, habitat, protected wetlands and green buffers. These areas will be defined throughout the site and shall be preserved, mitigated and/or augmented with careful

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design of the transportation network and thoughtful selection of building sites.

- d. Wetlands. Any activities performed in the wetland or wetland buffer areas shall be regulated by the City's Stream, Wetland and Water Body Protection ordinance, as amended, and may require a wetland permit.
- e. Courtyards & Interstitial Spaces - Within the hierarchy of the Boulder campus green spaces, courtyards play an important role in the transitional connection between the built and natural environments. The interstitial spaces between the buildings connect the open space fabric of the campus. These spaces will include tree canopy, pedestrian connections and enhanced landscaping to create a sense of cohesion among varying uses and different phases of development.
- f. Green Buffer Space - The Development Tract will incorporate green buffer areas along select edges (such as along the boundary with the neighborhoods to the west and points of access) to create natural separation from the neighboring properties and to mitigate harsh edge conditions. Green buffers may also be used to enhance gateway aesthetics at select campus access points and to address steep slope conditions, view protection, and view framing.

11. Development of Green Spaces and Permeable Surfaces

- a. Within specific building sites - individual building sites (i.e., the planned footprint of land associated with a specific building to be developed) will retain no less than 30% of the area within the allocated boundaries of each building site for the design and development of useable Green Space.
- b. Between building sites - spaces between individual building sites or clusters of buildings will be scaled to the pedestrian for a variety of uses and shall include trail/ path connections and amenities that may include playgrounds and picnic areas.
- c. Tree plan - CU Boulder South will establish a tree plan in conjunction with utility and circulation plan to be implemented for early establishment of tree canopy.

- d. Landscaping - plant and grass selection will be a biodiverse palette with primary focus on sustainability, durability, native or adaptive material with consideration for pollinators, bio retention, and storm water quality. The selection of species and materials will seek to provide a variety of color, contrast and seasonal expression.

12. Lighting

- a. Lighting standards for the Residential development will comply with "Residential Zoning District" requirements; administrative, research and other academic uses will comply with "Public"; and mixed-use development will comply with "Commercial, Mixed Use, Downtown, Business and Industrial Zoning Districts."
- b. Add lighting for rec fields and facilities.

13. Sustainability

Sustainable design and sustainable practices are a priority for the University of Colorado Boulder. The university adheres to the State of Colorado's high-performance construction (HPC) program requiring all capital projects to achieve LEEDTM gold certification or higher:

- a. Development following the U.S. Green Building Council's LEED program will address a wide array of sustainability considerations including: high efficiency building systems that minimize energy use and support on-site renewable energy generation; consideration of the life cycle costs and content of all materials deployed; design of zero waste systems for the construction and on-going maintenance of facilities; mitigation of the urban heat island effect; minimization of indoor and outdoor water use; and a host of other design and maintenance considerations such as water quality, green cleaning, integrated pest management, and access to quality transit.
- b. In addition to overarching site issues such as flood mitigation, sustainable design concepts will be addressed at both at the individual (LEED) project level (assuming phased development) as well as at the larger CU Boulder South site level. This includes but is not limited to a comprehensive energy plan,

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connectivity to the surrounding community, and a lighting plan that augments security, safety, and aesthetics.

- c. Additional aspects of sustainability not covered by the HPC program or LEED include the potential to design the broader site with a systems approach in mind, one that values innovation and respects the interrelationship of the natural systems. Several such opportunities include orienting buildings to maximize the use of solar energy, a wholistic plan for the movement of wildlife both through and around the site and mitigating the impact of our waste systems on the health of the immediate natural systems.
- d. The site will model future resilience needs in major areas such as energy and water, housing, and transit.

Transportation

1. Multimodal

- a. Implement a transportation system that supports multi-modal mobility and transit connections between CU Boulder South and other Boulder campus locations to manage employee and resident access and mobility and to materially reduce car trips between CU Boulder South and Main Campus.
- b. Circulation networks will support multimodal transportation and circulation through and around the site and provide a system of pathways for safe travel, separating travel modes wherever possible.
- c. Alternatives to automobiles 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.
- d. Campus transportation demand management goals and programs will be extended to the CU Boulder South to reduce the use of single occupancy vehicles and promote alternative modes of transportation.
- e. Multimodal facilities will have direct connection to internal and external mobility options.

2. Circulation Network

a. Street Network

- i. Plan for a hierarchy of safe streets and pathways creating neighborhood community, access for emergency services and other services while reducing cut through traffic
- ii. The property should include the minimum number of streets necessary for adequate property circulation without compromising the natural amenities and existing site character.
- iii. The street design will minimize adverse traffic impacts into nearby residential neighborhoods, such as Tantra Park, Basemar, Martin Acres and High View.
- iv. Site and traffic circulation design will disincentivize outside traffic from cutting through the property to avoid impacts to the Table Mesa Drive/Broadway connection.
- v. Limited ingress and egress via local connections may be implemented for emergency and life safety situations. The campus will develop an Emergency Service and Evacuation Plan to address emergencies and use of emergency access and connections.

b. Trails

- i. Develop a strong network of trails and multi-use pathways throughout the property with connections to the city network to encourage bike and pedestrian use.
- ii. Incorporate connected and safe pedestrian, bike and transit systems through CU Boulder South integrated into the broader city and regional bicycle and pedestrian network, including safe street crossings, trailhead(s), soft surface recreation trails, and a trail link(s) to the South Boulder Creek Trail in coordination with OSMP.

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- iii. Create safe and convenient connections that support multimodal mobility through and among building sites and amenities, accessible to the public within the project and between the project and the existing and proposed transportation systems, including, without limitation, streets, bikeways, pedestrian ways and trails.

3. Parking

- a. As a general guideline, the following minimum parking ratios will be provided:
 - i. Residential neighborhoods at a ratio of 1 space per unit (MC is .5 space per unit).
 - ii. Academic buildings will provide parking at a ratio of .5 space per F/S and 1 space per .125 student.
- b. Residential parking per unit to be determined by residential type, located off streets wherever possible.
- c. The property will take advantage of shared parking opportunities wherever possible to reduce the amount of built parking infrastructure.
- d. All parking areas will include the appropriate federally mandated spaces for accessibility.
- e. Parking will be designed to be shared, unbundled, and managed to reduce parking demand.
- f. Structured parking will be built to support a mobility hub and future recreational use.
- g. Safety - Incorporate measures to provide parking and vehicle safety, convenience, and separation of pedestrian movements from vehicular movements.
- h. Efficiency - 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.
- i. Bicycle Parking - Bicycle parking spaces will be provided for all residential units and other facilities.

D. City Review Process for Future Plans

City Review Process

The City shall have opportunities to review master planning efforts related to development on the Property pursuant to this Section. This will include review opportunities for the CU Boulder South (CUBS) Master Plan, CUBS housing master plan, CUBS transportation master plan or other large-scale development efforts.

1. CU Boulder South Master Plan – 90-day review

Prior to any University development on the site (save and except the development of recreation/athletic facilities, temporary access roads, parking, and renewable/alternative energy systems on the Property, any or all of which may occur prior to the CU Boulder South Master Plan), the University will submit a draft CU Boulder South Master Plan (the “CUBSMP”) to the City for its review and comment. The city shall have a period of 90 days to review and provide comments following University’s delivery of the CUBSMP package.

2. Conceptual Design Reviews – 60-day review

For each active phase of development on the site, but prior to Design Review Board review of such plans the University shall submit 90% conceptual design plans to the City for development on the Property,. The city shall have a period of 60 days to review and provide comments following University’s delivery of the conceptual design package. The intent of the Concept Design phase is to apply the goals, objectives, priorities of the CUBSMP, and observations of the project site characteristics and the program summary for the project.

3. Conceptual Plan Requirements

Plan submittal requirements for conceptual building and site development review are the same as those required for consideration of the concept design phase by the University

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of Colorado Design Review Board as may be updated from time to time.

[Here](#) is a link to the DRB process webpage.

4. City Comments

The City's comments shall pertain to two categories:

- a. Compliance review to verify that the proposed development activity complies with the terms of this Agreement.
- b. Discretionary comments intended to further the City's goals and policies. University will consider the City's discretionary comments and may recommend associated conceptual plan amendments to the Design Review Board.

5. Final Plans

Upon completion of any improvements on the Property, the University will provide the City with the final construction documents in electronic form.

E. Definitions

1. "BVCP" shall mean the Boulder Valley Comprehensive Plan 2015 Major Update Adopted 2017.
2. "City" shall mean the City of Boulder, a Colorado home rule city.
3. "City Council" shall mean the City Council of the City of Boulder.
4. "CU Boulder" shall mean the University of Colorado Boulder.
5. "Development Tract" shall mean the 129 acres designated under the BVCP as "Public".
6. "Flood Mitigation Project" or "Project" shall mean the City's South Boulder Creek Flood Mitigation Project.
7. "Guiding Principles" shall mean the CU South Guiding Principles set forth in the Boulder Valley Comprehensive Plan 2015 Major Update Adopted 2017.
8. "Property" or "CU Boulder South" shall mean the University's real property consisting of approximately 308 acres, commonly known as CU Boulder South, located at the intersection of Table Mesa Drive and South Loop Drive.
9. "University" shall mean The Regents of the University of Colorado, a body corporate.
10. "Open Space" shall mean adjacent land owned by the City of Boulder Open Space and Mountain Parks.
11. "Green Space" shall mean land not included in individual building sites to be used for active or passive recreation, trails, buffer zones or protected natural areas.
12. "Building" means any structure built for the support, shelter, or enclosure of persons, animals, or property of any kind. For purposes of this title, portions of buildings connected by fully enclosed attachments that are useable by the buildings' occupants shall be treated as one building.

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Fiscal Impact Considerations

Part 1: Executive Summary

The university submitted an application for annexation in 2019, and staff from the city and university have identified (and continue to identify) ways to “translate” the CU South Guiding Principles into enforceable annexation agreement terms. City Council members, Planning Board members and interested residents have requested more information about the costs and benefits of the proposed annexation; these requests are consistent with city’s longstanding policy that new urban growth pay its own way. Therefore, this report includes discussion of the relevant fees, taxes, costs, and benefits included in this section.

- Property Taxes. The University of Colorado Boulder is exempt from property taxation. The city proposed that CU Boulder make an annual Payment In-lieu of Taxes (PILOT) to cover costs borne by the city for providing urban services (e.g., Fire and Rescue). The university has indicated it will not agree to entering into a PILOT agreement. City staff estimates that, when considering the proposed housing units, a private property owner would pay \$200K annually in taxes.
- Capital Facility Impact Fee. The city adopted Capital Facility Impact Fees as a one-time payment used to construct system improvements needed to accommodate new development. Capital Facility Impact Fees are assessed at the time of building permit issuance. CU Boulder does not obtain city permits and as such, does not pay impact fees. Staff would expect the city to receive \$10.6 M in impact fees by buildout if privately developed. This estimated amount decreases to \$6.7M if various credits proposed by the university, like land donation and campus police, are deducted from the total.
- South Boulder Creek Flood Mitigation Costs. The estimated cost of the flood mitigation project includes \$10M for soil fill and \$15M for property impacts (tennis courts and warehouse demolition; elevated roadway). The placement of fill material would raise 34 acres of newly inundated area on CU South out of the floodplain to allow for future university development. The fill was a suggested approach aimed at reaching agreement among numerous property owners (CU Boulder, CDOT, City of Boulder – Open Space and Mountain Parks).
- Construction Use Tax. The University of Colorado is exempt from city construction use tax on work performed directly by the University. However, if a party other than the university constructs buildings, the contractors are typically required to pay construction use tax as set forth in the Boulder Revised Code. Based on development assumptions, the estimated one-time revenue for Construction Use tax is between \$4.0M and \$5.9M.
- Other Costs and Benefits. The most important benefit is the protection of life and property through implementation of the flood mitigation project. Other costs and benefits are summarized, like land donations and purchases. Household spending of future residents and decreases in flood insurance premiums for community members (and the indirect impacts of those savings) are examples of costs and benefits currently unknown. An impervious coverage fee is charged by the city at the time of annexation, while other Plant Investment Fees are assessed in the future at the time of development. CU Boulder has indicated that it does not agree to pay the impervious coverage fee (issues will need to be resolved prior to annexation).

Table 1: Estimated property taxes and Capital Facility Impact Fees that the city would receive if the site were privately developed. CU Boulder does not pay property taxes or impact fees.

| Item | City Costs |
|---|---------------------|
| Estimated Annual Property Taxes (not collected) | -\$200,000 |
| Estimated Impact Fees (not collected) | -\$6,771,700 |
| Total | -\$6,971,700 |

Table 2: Flood mitigation project costs.

| Item | City Costs |
|--------------------------------|---------------|
| Regional Flood Detention | \$41M |
| Soil Fill | \$10M |
| Impacts to CU Boulder Property | \$15M |
| Total | -\$66M |

Table 3: Estimated costs to CU Boulder.

| Item | CU Costs |
|---|---------------------|
| Flood Mitigation Land Donation (80 acres) | -\$1,900,000 |
| Public Safety Land Donation (two acres) | -\$340,000 |
| Impervious Coverage Fee | -\$437,500 |
| Construction Use Tax | -\$4,200,000 |
| Total | -\$6,877,500 |

This report also includes information about costs and benefits that are unknown at this time (Table 4). Some costs will be known prior to a decision about whether to annex CU South. Other costs, like household spending of future residents, would require more in-depth financial modeling.

Table 4: Unknown costs and benefits for the city and university.

| Item | City Costs and Benefits | CU Boulder Costs and Benefits | When will information be available? |
|--|-------------------------|-------------------------------|---|
| Protection of Life and Property from future flooding | + | | General impacts known. |
| Land Purchase for Open Space and Mitigation | - | | Prior to annexation |
| Water rights for environmental mitigation | - | | Prior to annexation |
| Transportation Improvements | | - | Prior to annexation |
| Plant Investment Fees | | - | At time of development |
| Household spending | + | | No analysis anticipated |
| Decrease in flood insurance rates | + | | Following completion of flood mitigation project. |
| Building Permit Revenue | - | | No analysis anticipated. |
| Increased property value of CU Boulder South due to annexation | | + | General impacts known. |

Part 2: Summary of Costs and Benefits

Policy Framework

The city has a long history of implementing growth management tools to control the scale, location, type, intensity and timing of new development and redevelopment. The Boulder Valley Comprehensive Plan (BVCP) provides that urban growth must add significant value to the community, achieve sustainability goals for urban form and maintain or improve environmental quality as a precondition for further housing and community growth (Policy 1.09). Additionally, BVCP Policy 1.22 states that new growth should pay its own way as follows:

1.22 Growth to Pay Fair Share of New Facility Costs

Since the public cost of annexation and developing several areas concurrently could prove excessive, the city will limit said cost to those which can reasonably be accommodated within the CIP and are compatible with anticipated revenue. When permitting additional development or redevelopment, the city will consider whether public facilities and services are adequate to reasonably maintain current levels of service or service standards given the impacts of such additional development or committed funding sources for such adequate facilities are sufficient to ensure their provision in a timely fashion. Growth will be expected to pay its own way with the requirement that new development pay the cost of providing needed facilities and an equitable share of services, including affordable housing, and mitigate negative impacts such as those to the transportation system.

The University of Colorado Boulder, with three campus locations serving over 30,000 students, is integrated into the city's fabric and benefits the community socially, economically, and culturally. The city will soon consider whether to annex CU South and if so, under what conditions. The

university submitted an application for annexation in 2019, and staff from the city and university have identified ways to potentially implement the CU South Guiding Principles, the details of which are included in the proposed annexation agreement.

Board and council members and interested community member have requested more information about the costs and benefits of the proposed annexation. Therefore, this report provides additional information in four main areas: Payment in Lieu of Taxes, Capital Facility Impact Fees, flood mitigation project costs, and other costs.

Payment in Lieu of Taxes (PILOT)

PILOTs and CU South

The University of Colorado Boulder is exempt from property taxation. While the university undoubtedly benefits the city financially, culturally and otherwise, it also imposes a cost on the city by using public services like fire protection, roads, parks and other municipal facilities. Payments in Lieu of Taxes (PILOT) are payments to local governments that help offset losses in property taxes due to nontaxable land within its boundary. PILOT agreements are voluntary, negotiated agreements between a local government and nontaxable entity. The agreements help local governments carry out vital services like police, firefighting, public schools, roads, etc. The agreements result in a payment or regular payments to the local government.

The city has proposed that CU Boulder make an annual Payment In-lieu of Taxes (PILOT) following annexation into the city to cover costs borne by the city for providing urban services (e.g., Fire and Rescue). The university has indicated it will not agree to entering into a PILOT agreement,

In response to questions from council members and others, staff conducted an initial analysis of the potential dollar value of accrued taxes for CU

South if it were privately developed. The analysis included the following assumptions:

- 1,100 residential units will be constructed on CU South, ranging from 1,400 and 1,600 square feet each;
- unit values will range from \$200K - \$250K per unit. This is based upon recent sales comparisons within Boulder with projected similar characteristics; and,
- a Boulder Property Tax millage of 11.891 mills and assessment rate of 7.15 percent.

This initial analysis suggests that, assuming a buildout of 1,100 residential units, the City of Boulder would receive approximately \$200K

per year in annual taxes (or \$2M over ten years). A similar analysis was not conducted for non-residential development, as many other college institutions are also tax exempt, and smaller accessory uses, like a coffee shop or corner store, are unknown.

Table 5: Property taxes accruing to Boulder if privately developed.

| | Density/Intensity | Annual Taxes | Ten Years |
|-----------------|------------------------|--------------|--------------|
| Residential | 1,100 units | *200k | \$2M |
| Non-residential | 0.5M gross square feet | Not Included | Not Included |

*Market value x assessment rate x mill levy x total units

PILOT Programs

Other college town across the country use a number of methods to offset the impact of growth in the nonprofit sector, including donating land, various fees, or providing other services or facilities as described further below.

- Donating land: CU Boulder proposes that 82 acres of the total 308-acre site be donated to the city as part of its annexation.
- Building Permit Fees: Some agreements in other jurisdictions calculate the potential revenue that would be required for buildings permits. CU Boulder does not obtain building permits from the City of Boulder.
- PILOTs: Annual payment based on property taxes if privately owned. Payment amounts could be linked to property size, economic activity or specific development (jobs, housing units). The university has indicated it will not agree to entering into a PILOT agreement.
- SILOTs: "Services in lieu of taxes", where the nontaxable entity provides a service. This concept has not been discussed in the context of this project.
- Capital Facility Impact Fees: The city has adopted a high impact fee structure relative to other cities nationally, which can be used in making negotiating decisions for this annexation. CU Boulder does not pay impact fees.
- Building Public Facilities: The nontaxable entity would build a public facility and cover annual operations and maintenance. The municipality would cover the operations presumably funded from the sales and use tax generated from the site's population growth.

PILOT Pros

- The university directly benefits from urban services provided by the City of Boulder. A PILOT arrangement would offset the cost of providing those services.
- City services funded by a PILOT program benefit CU Boulder students, faculty and staff.
- The City of Boulder would benefit by receiving additional funding to provide services or pursue other policy goals.
- Implementing a PILOT (or some other arrangement) helps ensure that community members and businesses do not bear a disproportional tax burden and promotes the city's longstanding policy that growth pay its own way.

PILOT Cons:

- The university does not agree to establishing a PILOT program because it sets a precedent for each of its other campuses throughout the state.
- Equity: We have not approached other tax-exempt entities in the city with similar proposals.

- A PILOT is a voluntary agreement and, unless otherwise stated in the agreement, could be abandoned by either party in the future.
- Greater costs of developing a site may lead to a lesser quality (and less affordable) housing and non-residential products.

PILOT Program Example: City of Boulder

The City of Boulder Open Space Mountain Parks Department is the payor of a PILOT program that compensates local fire districts for open space lands within various districts. The city allocates a set amount of approximately \$78K each year as payment to all affected fire districts. The amount of funding paid to each individual fire district can fluctuate year to year depending on acquisitions and disposals of open space. For example, acquisition of the Shanahan property, which is 178 acres within the Rocky Mountain Fire District (RMFD), increased the amount the RMFD receives for tax year 2020 while the amount other districts receive will decrease. More fire districts are also added to this agreement as the city acquires more open space land, with the newest being the Louisville Fire Protection District in 2019.

Table 6: Open Space Mountain Parks 2019 Fire District Payment In lieu of Taxes allocation.

| Fire Protection District | OSMP Acres in District | Percent of Total Acreage | Payment |
|--------------------------|------------------------|--------------------------|-----------------|
| Boulder Mountain | 865 | 2.7 | \$2,085 |
| Boulder Rural | 6,466 | 20.0 | \$15,590 |
| Coal Creek Canyon | 1,073 | 3.3 | \$2,588 |
| Four Mile | 711 | 2.2 | \$1,715 |
| Hygiene | 603 | 1.9 | \$1,453 |
| Lefthand | 2,484 | 7.7 | \$5,989 |
| Mountain View | 2,110 | 6.5 | \$5,087 |
| Rocky Mountain | 17,431 | 53.9 | \$42,029 |
| Louisville | 617 | 1.9 | \$1,488 |
| Total | 32,361 | (1) | \$78,030 |

* Scenario (1) Acreage total does not include OSMP Conservation Easement properties as the owners of those properties pay the taxes.

PILOT Program Example: City of Boston

The City of Boston created a task force in 2009 to examine the relationship between the city and major educational and medical institutions. At that time, most contributions (all voluntary) varied considerably. Boston adopted new guidelines in 2011, as recommended by the task force, that called for voluntary payments based on an institution's tax-exempt property value.

City of Boston PILOT Task Force objectives included:

- Set a standard level of contributions - in programs and payments - to be met by all major tax-exempt landowners in Boston.
- Develop a methodology for valuing community partnerships made by tax-exempt institutions.
- Propose a structure for a consolidation program and payment negotiation system, which will allow the city and its tax-exempt institutions to structure longer term, sustainable partnerships focused on improving services for Boston's residents.
- Clarify the costs associated with providing city services to tax-exempt institutions.
- Provide recommendations on legislative changes needed at the city or state level, if necessary.

The City of Boston adopted the following PILOT Program guidelines as recommended by the Task Force and in effect beginning in Fiscal Year 2012:

- Participation in the PILOT Program is voluntary.

- All institutions that own tax-exempt property valued in excess of \$15 million should be asked to participate.
- PILOT contributions should be 25 percent of what the institution might expect to pay in real estate taxes if the exempt property were taxable.
- Institutions should receive up to a 50 percent PILOT deduction for qualifying community programs that uniquely benefit Boston residents. In the case of exceptional opportunities for partnership, the 50 percent cap may be exceeded.
- The new PILOT formula should be phased in over a 5-year period starting in Fiscal Year 2012
- If an institution pays standard real estate taxes on a property that it uses for its charitable purpose, the institution may receive a PILOT credit.

The Boston program also includes a [community benefits deduction](#) of up to 50 percent of the PILOT contribution. Community benefits are broadly defined as services above-and-beyond the entity's existing commitments that directly benefit City of Boston residents, and support the city's mission with the idea in mind that the city would support such an initiative in its budget if the tax-exempt entity were not providing it. Examples of community benefits include academic scholarships, job training and health disparities programs. In Fiscal Year 2020, 37 institutions submitted PILOT community benefit reports totaling \$153M, resulting in a \$52M community benefit credit.

Table 7: City of Boston PILOT results for Fiscal Year 2020.

| Category | Requested PILOT | Community Benefit Credits | Cash Contributions | Percent of PILOT Met |
|--------------|----------------------|---------------------------|---------------------|----------------------|
| Educational | \$60,204,322 | \$27,615,251 | \$14,761,512 | 73 |
| Medical | \$47,787,373 | \$23,234,499 | \$19,183,469 | 89 |
| Cultural | \$4,250,421 | \$2,061,877 | \$445,549 | 59 |
| Total | \$112,242,116 | \$52,911,627 | \$34,390,529 | 79% |

Capital Facility Impact Fee

In general, fees pay for the cost of providing a specific service. Fees are required to be used to fund the services for which they are collected. For example, treated water fees cover the cost of providing and maintaining the systems required to deliver treated drinking water to residents and businesses. Alternatively, taxes are funds collected from people to support the general costs of government and are a means of distributing the general burden of the cost of government. Colorado's Taxpayer's Bill of Rights (TABOR) amendment requires that "any new tax" must be approved by the voters in the jurisdiction imposing the tax. A true "impact fee," is not subject to voter approval because of this distinction between a "fee" and a "tax."

More specifically, an impact fee is defined as a one-time payment used to construct system improvements needed to accommodate new development. Local governments must quantify the reasonable impacts of the proposed development when calculating the impact fee to be assessed. An impact fee represents new growth's fair share of capital facility needs. Impact fees are subject to legal standards, which require fulfillment of three key elements: need, benefit and proportionality. First, to justify a fee for public facilities, it must be demonstrated that new development will create a need for capital improvements. Second, new development must derive a benefit from the payment of the fees

(i.e., in the form of public facilities constructed within a reasonable timeframe). Third, the fee paid by a particular type of development should not exceed its proportional share of the capital cost for system improvements.

Referred to as the "no double dipping" clause, developers may not be assessed impact fees to construct capital facilities to which they have already contributed land or fees. In the case of CU South, the university provides existing services that supplement city services, like campus police and the Main Campus Library. The university has proposed additional measures as part of the CU South annexation agreement, including providing publicly accessible park facilities, 80 acres of land for the city's flood mitigation project, and, two acres of land for a public safety facility.

CU Boulder does not pay city impact fees. Tables 8 and 9 below includes the amount of Impact Fees anticipated if CU South were to be privately developed. Based on a scenario of 1,100 residential units and 0.5M gross square feet of non-residential buildings, the city would expect to receive approximately \$10.6M in impact fees by buildout. City staff expects that "credits" listed directly above would lower the amount of impact fees to \$6.7M.

Table 8: Residential Impact Fee scenario if privately developed.

| Fee Category | Fee Rate | Number of Units | Impact Fee <i>rate x units</i> | CU South Potential Offset |
|----------------------|----------|-----------------|-----------------------------------|---|
| Library | \$800 | 1,100 | \$880,000 | Campus library |
| Parks & Rec | \$5,002 | 1,100 | \$5,502,200 | Dog park, track, fields |
| Human Services | \$154 | 1,100 | \$169,400 | Campus clinic/campus social services. |
| Municipal Facilities | \$489 | 1,100 | \$537,900 | *Land donation: flood mitigation (\$1.9 M) |
| Police | \$408 | 1,100 | \$448,800 | Campus Police |
| Fire | \$364 | 1,100 | \$400,400 | **Land donation: public safety facility (\$340,000) |
| Transportation | \$192 | 1,100 | \$211,200 | |
| TOTAL | | | \$8,149,900 | |

Scenario assumes a buildout of 1,100 residential units, each between 1,400 – 1,599 square feet.

*80 acres of land for the city’s flood mitigation project, valued at \$24,390 per acre based on recent comparable sales (number rounded)

**Two acres for a public safety facility, valued at \$169,900 per acre based on recent comparable sales (number rounded)

Table 9: Non-residential Impact Fee scenario if privately developed.

| Fee Category | Fee Rate | Number of Units (gsf) | Impact Fee <i>rate x units</i> | CU South Potential Offset |
|----------------------|----------|-----------------------|-----------------------------------|---|
| Municipal Facilities | \$0.13 | 500,000 | \$ 65,000 | *Land donation: flood mitigation (\$1.9 M) |
| Police | \$0.25 | 500,000 | \$125,000 | Campus Police |
| Fire and Rescue | \$0.20 | 500,000 | \$100,000 | **Land donation: public safety facility (\$340,000) |
| Affordable Housing | \$4.30 | 500,000 | \$2,150,000 | |
| Transportation | \$0.19 | 500,000 | \$95,000 | |
| TOTAL | | | \$2,535,000 | |

Scenario assumes 0.5 M gross square feet of non-residential space, categorized as Public and Civic Uses/Institutional.

*80 acres of land for the city’s flood mitigation project, valued at \$24,390 per acre based on recent comparable sales (number rounded)

**Two acres for a public safety facility, valued at \$169,900 per acre based on recent comparable sales (number rounded)

Table 10: Total Impact fees based on residential and non-residential development scenario.

| Impact Fee | |
|--|---------------------|
| Category | Impact Fee |
| Residential | \$8,149,900 |
| Non-residential | \$2,535,000 |
| Subtotal | \$10,684,900 |
| Potential Offsets | |
| Flood mitigation land | \$1,950,000 |
| Campus Clinic & social services | \$169,400 |
| Public safety land | \$340,000 |
| Campus police credit | \$573,800 |
| Campus library | \$880,000 |
| Publicly accessible park facilities | Unknown |
| Subtotal | \$3,743,800 |
| Net Impact Fees <i>Fee minus offsets</i> | \$6,771,700 |

Flood Mitigation Costs

The South Boulder Creek (SBC) flood mitigation project is aimed at protecting portions of South Boulder from the effects of catastrophic flooding. In June 2020, city council considered three different levels of flood protection (100-, 200-, and 500- year) and ultimately passed a motion in support of the 100-yr flood design concept. This concept was found to have the least environmental impacts, the lowest cost, and was identified to have the greatest probability of being permitted by the various regulatory agencies. If completed, the flood project will provide downstream flood benefits to 2,300 people, 260 structures and 1,100 dwelling units.

In total, the project cost of the flood mitigation concept is estimated to be \$66M (Table 11). Of the total cost, \$41M applies directly to constructing the flood mitigation structure, while \$25M is anticipated for soil fill and property impacts.

The area of soil fill includes 34 acres on CU South in a portion of the area planned for future university

development (Figure 1). The fill area will raise the existing elevation of that area to result in that portion of the site remaining outside of the 100- and 500-year floodplains. The concept for soil fill was first recommended in the South Boulder Creek Flood Major Drainageway Plan (accepted by City Council in 2015). In recognition of multiple property interests related to the project, the recommended flood concept was developed to combine “excavation and fill to produce a configuration that minimizes the impacts to open space land and CU Boulder’s land.” In other words, the recommended plan needed to be acceptable to all the various property interests, including CU Boulder (the landowner). In practice, the soil fill area will provide land that CU Boulder has stated is required for its development.

The impacts to CU Boulder property include the demolition and/or relocation of the tennis courts and warehouse buildings, as well as unknown costs associated with impacts to street access and utility connections. The land that includes

the warehouse and tennis courts is either needed for the flood mitigation project or associated fill placement, and it is customary for flood projects to compensate landowners for project impacts. From a flood project management perspective, accounting for earthfill costs is the most conservative approach to project planning as the earthfill addresses impacts to the property owner from the flood mitigation project. City staff are exploring ways to limit the amount of fill material needed for the project.

Table 11: Total project cost for the flood mitigation project.

| Total Project Cost | |
|--------------------------------|---------------|
| Category | Cost Estimate |
| Regional Flood Detention | \$41M |
| Soil Fill | \$10M |
| Impacts to CU Boulder Property | \$15M |
| Total | \$66M |

Figure 1: South Boulder Creek Flood mitigation project.



Construction Use Tax

The city imposes a 3.86% use tax on all construction materials used by a responsible person in a construction project within the City of Boulder. The “responsible person,” means (a) the contractor responsible for the construction of a permitted project, or (b) the contractor responsible for construction for a federal, state, or local government that is not required to get a permit from the city. While the University of Colorado is exempt from tax on construction projects, it typically uses contractors for its major construction projects and agrees to remit

use tax on construction projects performed by contractors.

Estimated Construction Use Tax is typically paid by contractors while pulling a permit. Construction materials are estimated to be forty percent of the total construction cost of the project. While the city budgets a baseline for Construction Use Tax, because of the variability in construction projects, it is considered one-time revenue for the city. Based on current assumptions for the development concept estimated Construction Use Tax is presented below:

Table 12: Estimated construction use tax for the project.

| Category | Units | Cost/Unit | Cost Estimate |
|-------------------------------|-------------|-----------|---------------|
| Residential | 1,100 units | \$250,000 | \$4.2M |
| Commercial/Educational (low) | 300,000 sf | \$212 | \$1.0M |
| Commercial/Educational (high) | 500,000 sf | \$212 | \$1.6M |
| Total (low) | | | |
| | | | \$4.2M |
| Total (high) | | | |
| | | | \$5.8M |

Other Costs and Benefits

There are numerous costs and benefits to that are not known at this time. Regardless, they should be considered when determining whether the city should approve annexation and under what terms.

- Protecting life and property from future flood events. Protecting community members from future flooding is a primary driver of this project. The cost of property damage is substantial and the cost of saving a life is not quantifiable.
- Land Purchase for Open Space and Mitigation. Consistent with Open Space Board of Trustees (OSBT) recommendations, the city is requesting that 119 acres of land be conveyed to the city as open space and mitigation for impacts elsewhere on the site at no cost. The university has stated that the city must pay fair market value for some of this land, and any additional value of the fill material associated with the existing CU South levee.
- Ditch Rights. Conveyance of the water rights for Dry Creek Ditch No. 2 to the city is a high priority for the city. As recommended by the OSBT, ditch rights will be essential to environmental restoration and mitigation efforts, and long-term use of portions of the site. As of February 2021, CU Boulder cannot yet commit to any disposal of water rights because they are under review by a consultant.
- Transportation Improvements. The annexation agreement will detail necessary improvements that the university must construct concurrently with future development.
- Plant Investment Fees will be paid by the university at the time of development.
- Household spending is not known. A fiscal impact analysis would be needed to better understand the costs and revenues associated with future development on the site. A development plan is typically needed to complete a fiscal impact analysis, which is not available at this time.
- Decrease in flood insurance rates for some community members.
- Increased property value. Staff projects that the land value at CU South will increase by approximately 150 percent due to annexation. Annexed land with development rights is more valuable than land in the unincorporated county.
- Construction Phase Spending. Possible benefits of wages, salaries and other purchases during the construction of the project.
- Building Permit Fees. CU Boulder does not obtain building permits from the City of Boulder.

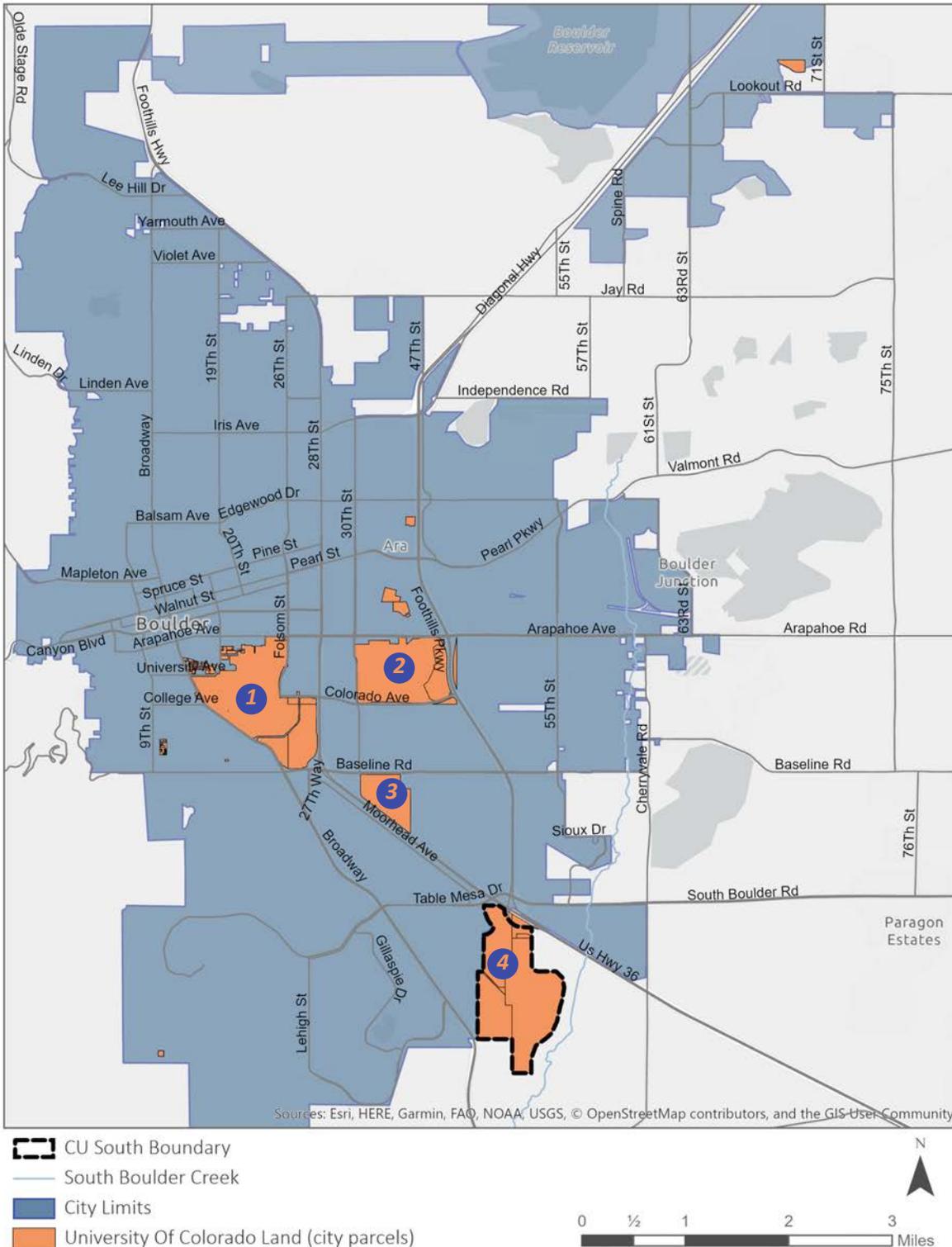
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EXISTING CONDITIONS

This chapter is intended to be a quick reference guide for existing conditions on the site and surrounding area, with a focus on topics relating to the proposed annexation.

University of Colorado Boulder Land

The CU Boulder campus primarily includes three developed properties within the City of Boulder: the 313-acre Main Campus (#1), the 201-acre East Campus (#2) and 66 acres at Williams Village (#3). The 308-acre CU South campus remains generally undeveloped (#4). The 190-acre Mountain Research Station, not shown above, is situated in the mountains west of Boulder between Nederland and Ward.



CU Boulder South Campus Today

Public access is currently taken from South Loop Drive, which terminates in an informal and unimproved parking area (#1). Gated access provides university and other staff access to a system of unimproved service roads. Existing improvements on the site include a storage building permitted several decades ago (#2) and 12 NCAA, Division I tennis courts (#3).

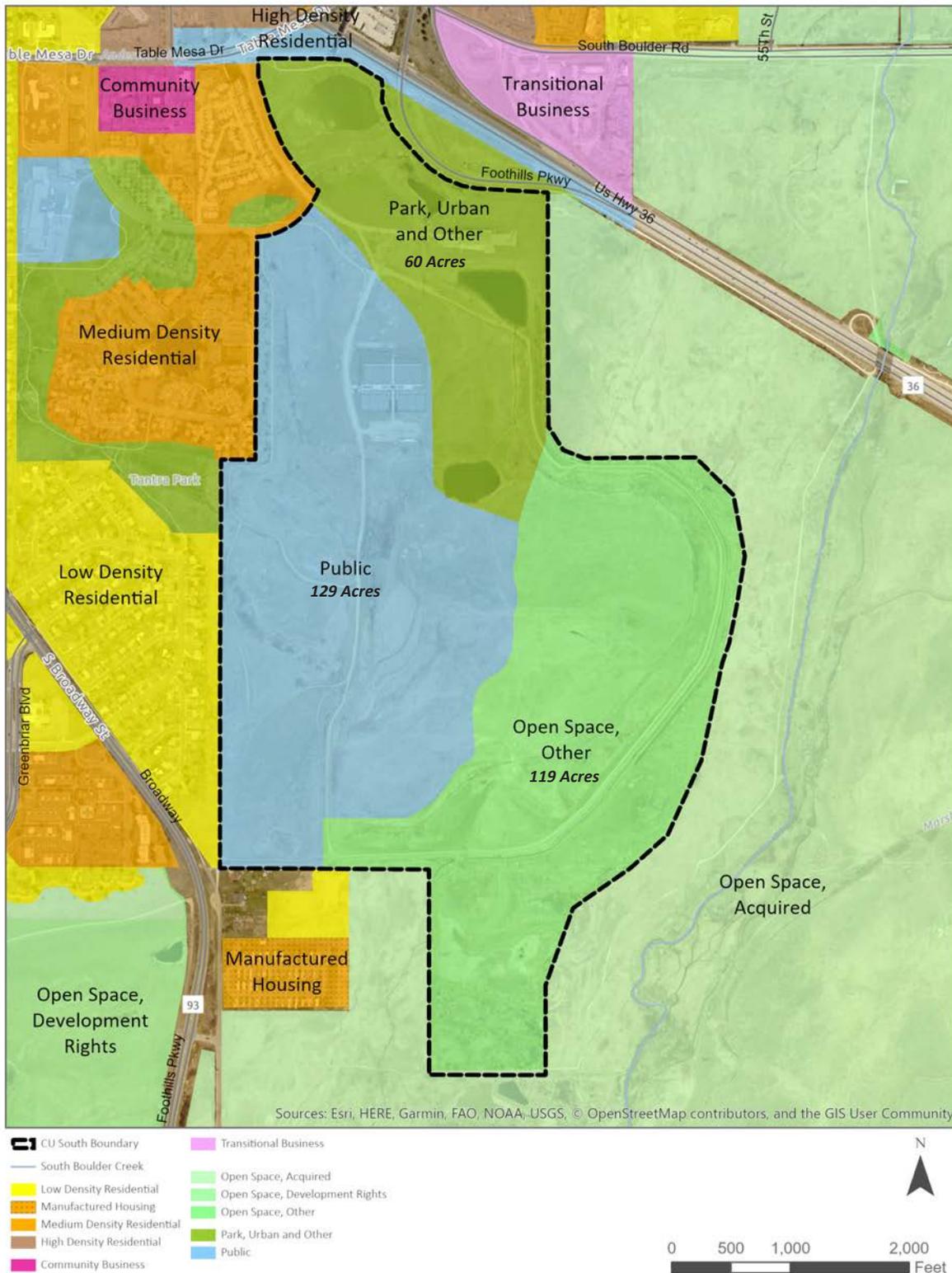


 CU South Boundary
 South Boulder Creek



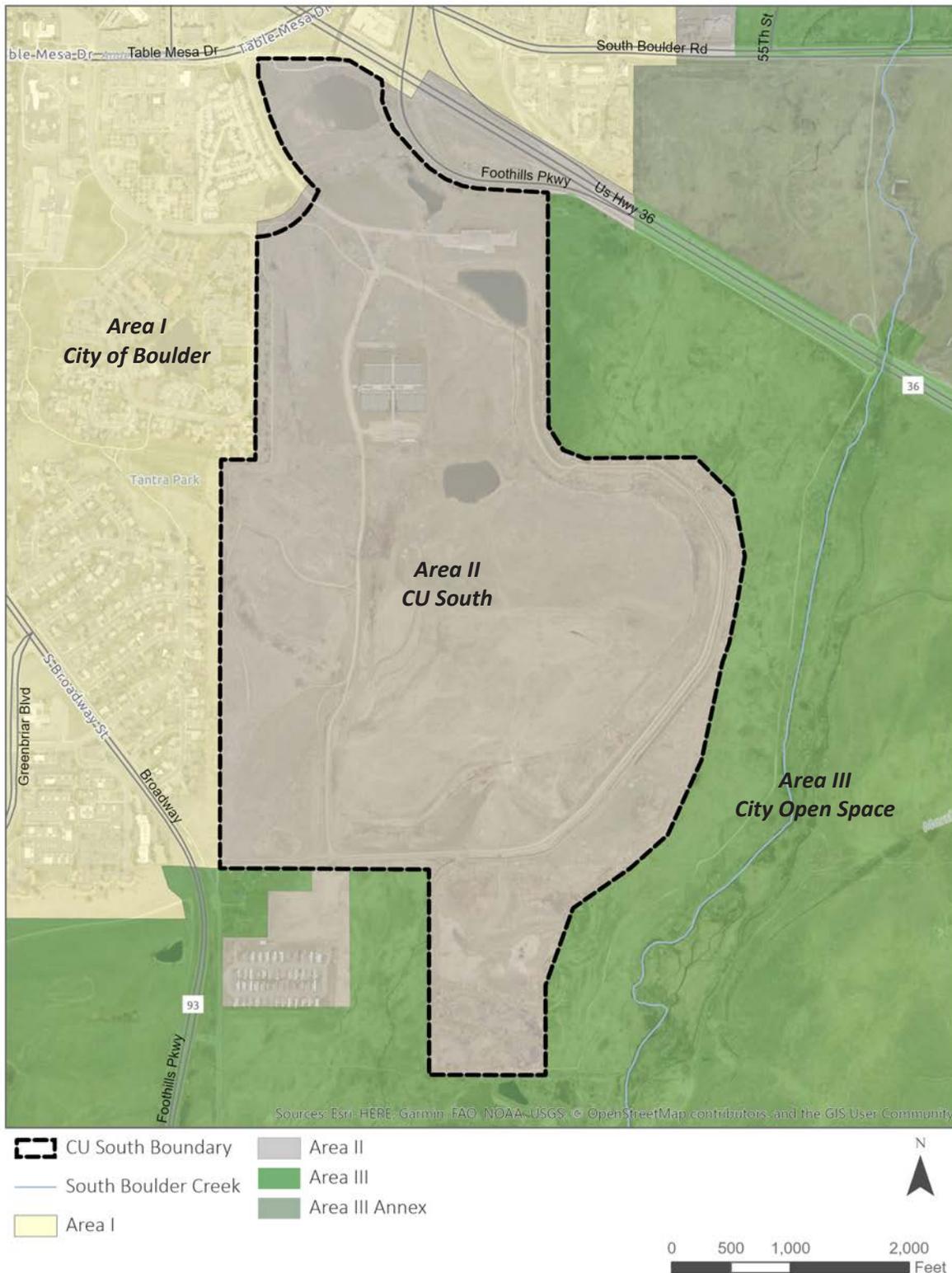
Land Uses

The Boulder Valley Comprehensive Plan (BVCP) Land Use Map depicts a plan of the desired land use pattern in the Boulder Valley, and are used as a guide for future zoning and policy decisions. The city and county approved three land uses for CU South in 2017. The Public land use is intended to accommodate future university needs - predominantly housing for faculty, staff, graduate students and non-first year students. The Park, Urban & Other land use is intended to include the city's flood mitigation project and future university recreation facilities. The Open Space – Other designation indicates land that the city would like to preserve.



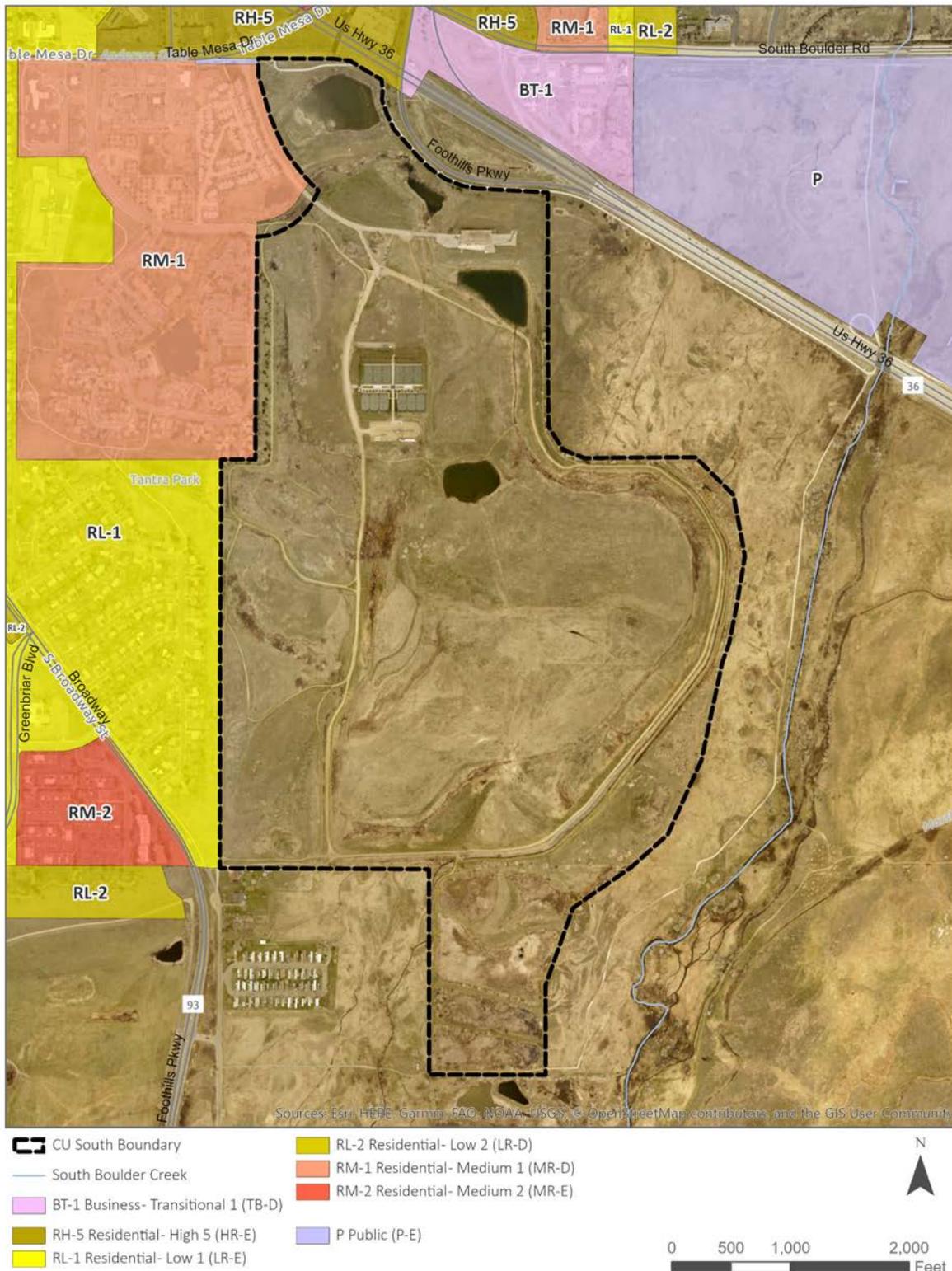
Planning Areas

The Service Area concept and the creation of Areas I, II, and III is one of the keystones of the Boulder Valley Comprehensive Plan, and in combination with joint city/county decision-making, distinguishes the plan from many others in the state and country. Area I (the city) and Area II (the area planned for annexation and service provision) form the city's service area. Area III was defined in 1977 to not accommodate urban development so that the rural character should be preserved and protected. CU South is located in Area II.



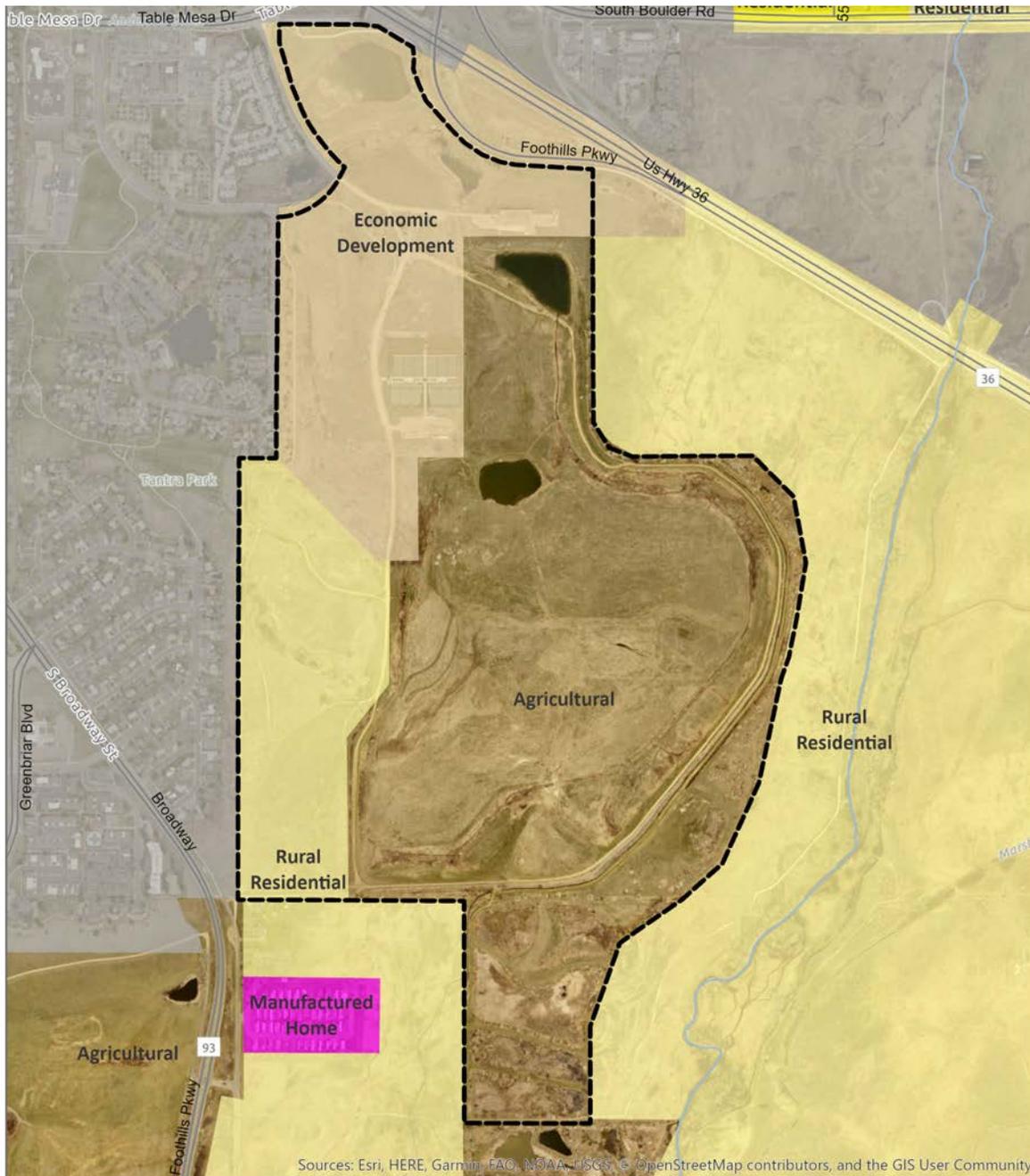
City Zoning

Adjacent city zoning includes: Residential Medium – 1 (RM-1) to the northwest that include uses ranging from affordable rentals (Bridgewalk), apartments (Tantra Lakes) and the South Creek shopping center. Residential Low – 1 (RL-1) to the southwest includes the established Hy View subdivision. The Residential High – 5 (RH-5) generally includes the RTD Park-n-Ride facility and apartments. The Business Transitional – 1 (BT-1) district to the north includes a range of uses from condos to office space. Lastly, the Public district includes city open space annexed in 1995.

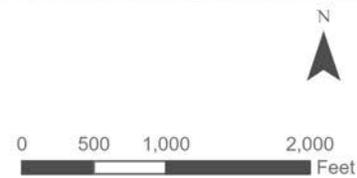


County Zoning

Three county zoning districts exist on the site. The Economic Development district permits one dwelling unit per 35 acres on land not served by public water and sewer facilities, and a variety of non-residential uses permitted through Special Review (e.g., office, industrial, recreational). The Rural Residential District is primarily a single family residential and agricultural zone although a variety of other uses may be permitted with a planning approval; density in that district is determined by a 35-acre minimum lot size (or one acres in a community service area on subdivided land.) The Agricultural District covers rural areas where a 35-acre minimum lot size is required, uses permitted by right within the district are intended to support agricultural activities and permit residential development compatible with agricultural uses.

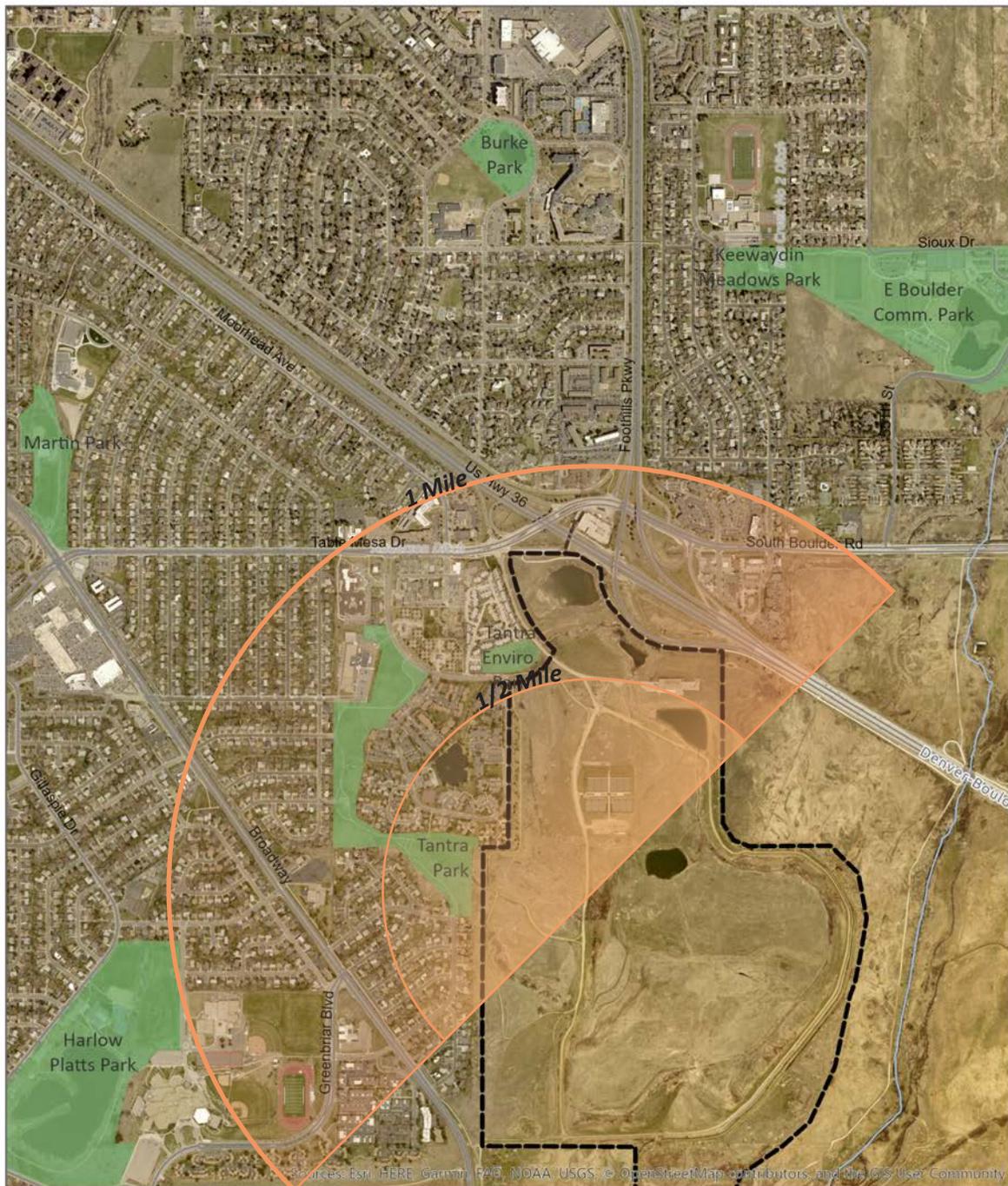


- CU South Boundary
- South Boulder Creek
- Municipalities
- Economic Development
- Manufactured Home
- Rural Residential
- Suburban Residential
- Agricultural



City Parks and Recreation Land

Tantra Park is neighborhood park of roughly 20 acres adjacent to CU South. Neighborhood parks in Boulder are meant to serve community members within a 10-minute walk from the park. Tantra Park includes a playground renovated in 2017, a picnic shelter and tables, and an area for slacklining. Tantra Park also includes a reservable multi-use athletic field.



-  CU South Boundary
-  South Boulder Creek
-  Properties Managed by Parks and Recreation

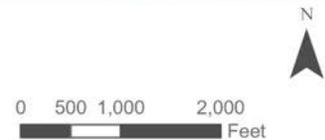


City of Boulder Open Space

The adjacent city-owned OSMP lands are part of the South Boulder Creek State Natural Area, designated by the State of Colorado in recognition of the statewide significance of its exceptional tallgrass prairie which is the highest-quality remaining tallgrass prairie in the state and the region. Other significant resources of these lands include wetlands that are among the best preserved and most ecologically significant in the Boulder Valley; a population of the federally-threatened Preble's meadow jumping mouse; an important occurrence of the federally-threatened Ute ladies' tresses orchid; and a population of northern leopard frog, a species experiencing marked declines along the Front Range and classified as sensitive in nine Western U.S. states. These lands also provide significant agricultural, scenic and recreational resources including the South Boulder Creek Trail that sees more than 60,000 visits per year.

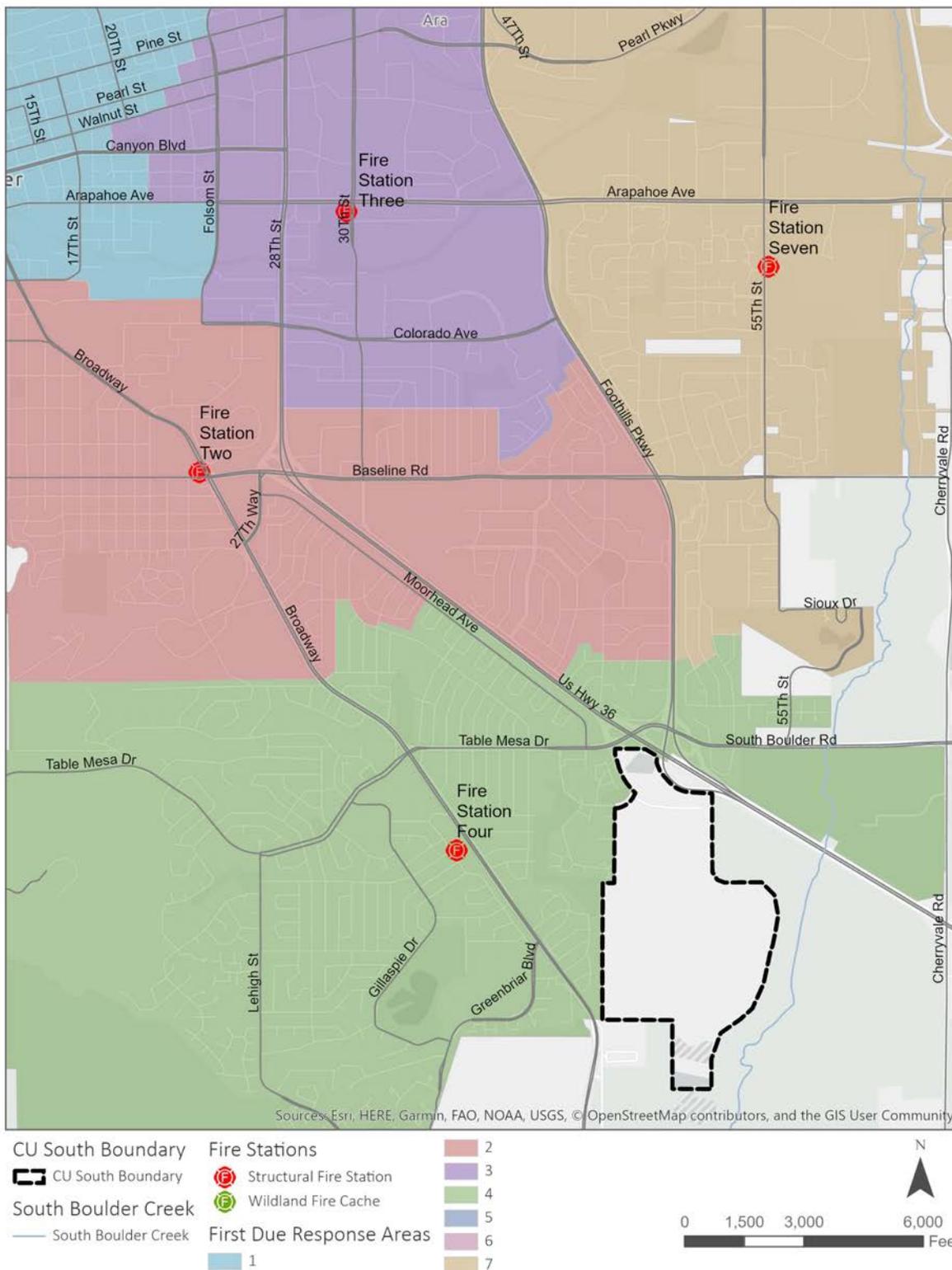


-  CU South Boundary
-  South Boulder Creek
-  OSMP Easements
-  OSMP Fee Ownership



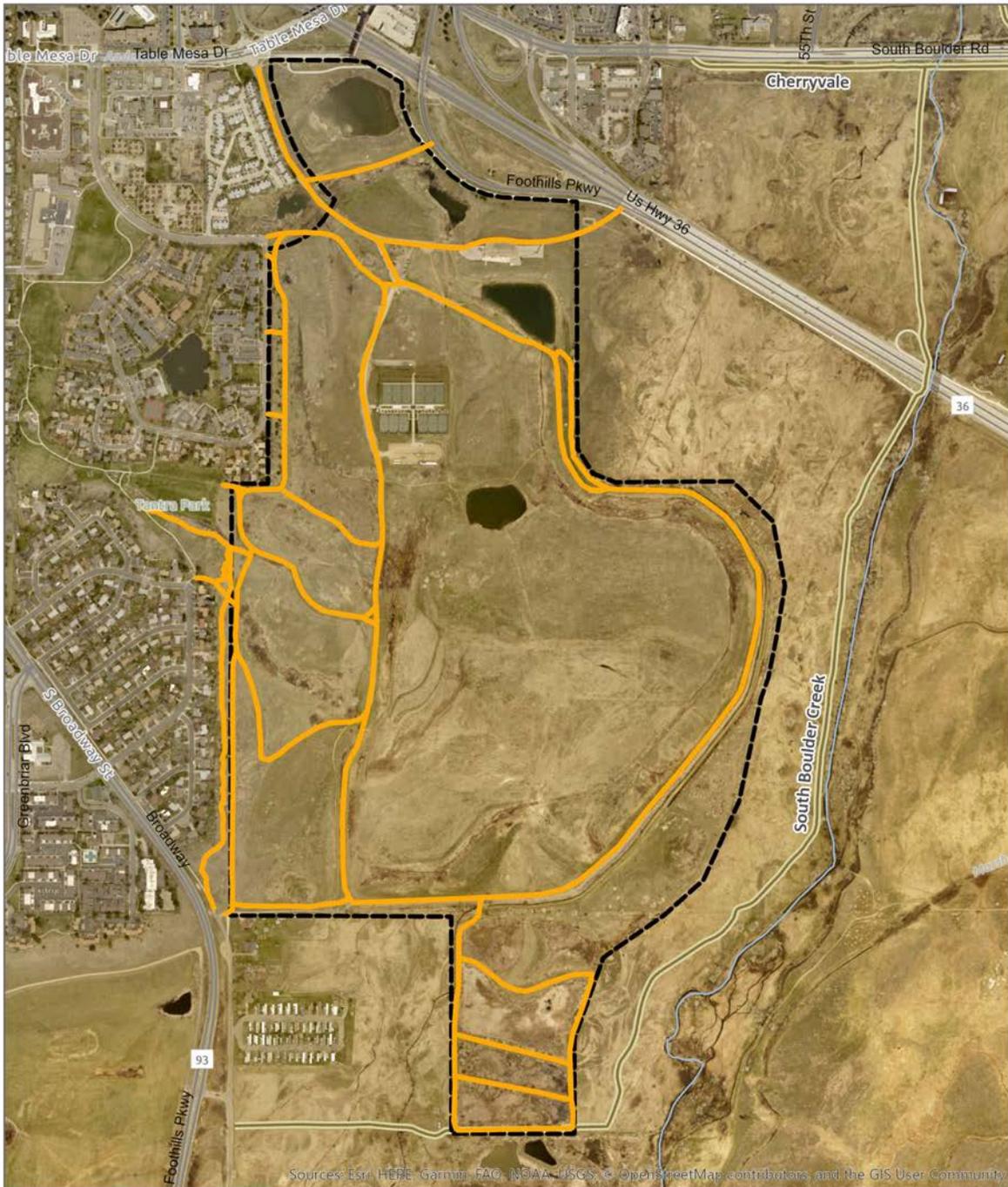
City Fire Stations and Response Areas

BFR serves the 25 square miles of incorporated Boulder and the 75 square miles of unincorporated open space surrounding the city with an all-hazards response and prevention team of professionals.



Trails

The public makes regular use of the trails for exercise (walking, trail running and cross-country skiing) and off-leash dog walking. The city holds an easement along the south portion of the site where the South Boulder Creek trail crosses the property. Additional, informal trails exist that are not shown on this map.



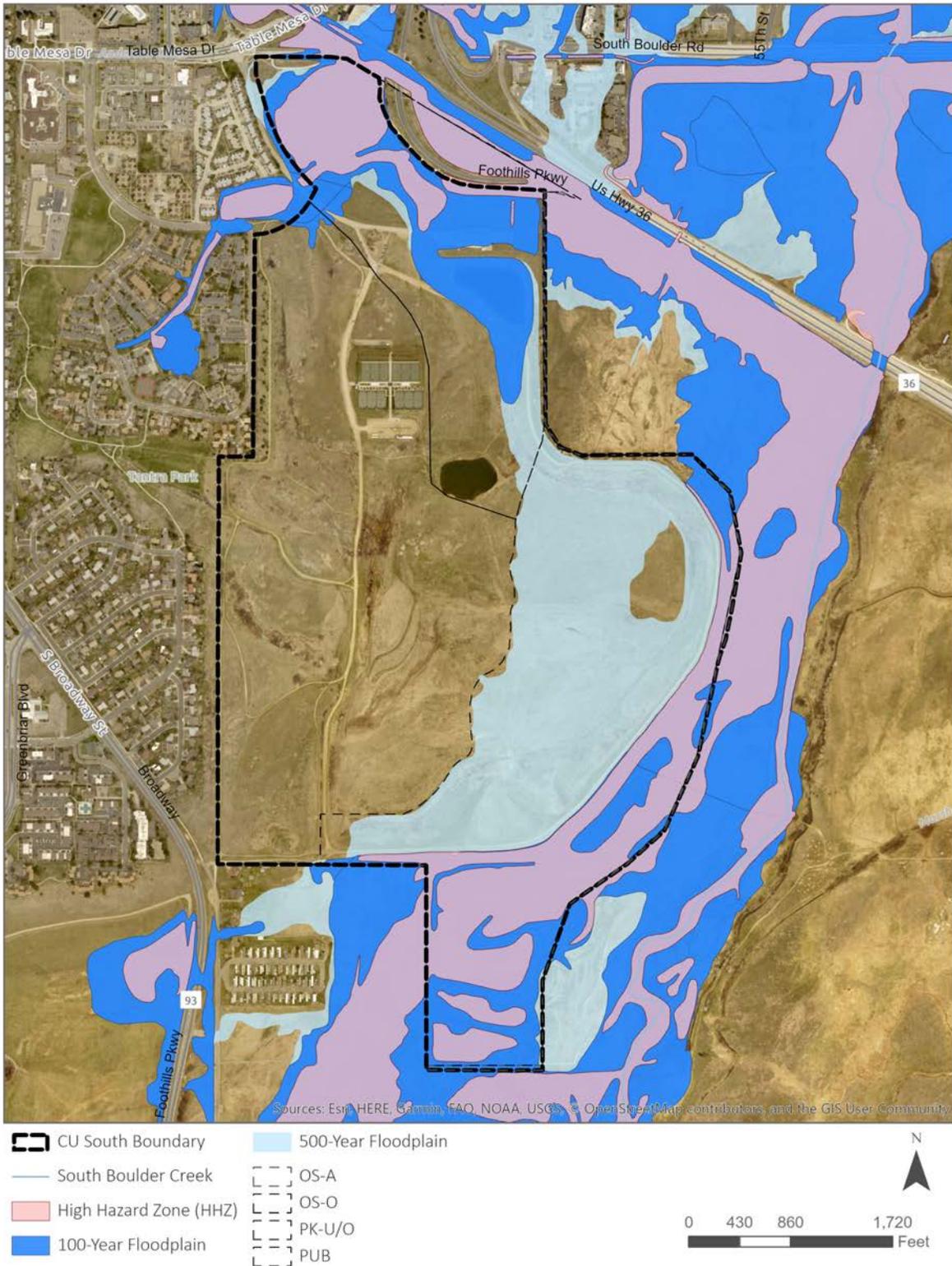
Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

- CU South Boundary
- Informal Trails
- South Boulder Creek
- Hiking Trail
- Multi-Use Trail



Existing Floodplains

Significant flooding has occurred on South Boulder Creek in 1938, the 1950's (1951, 1952 and 1957), 1969 and 2013. US36 overtopped during the flooding in 1969 and 2013. The 2013 flood was estimated at between a 50-year and 100-year flood event in South Boulder Creek. The flooding in 2013 accounted for some of the greatest property damage in the City of Boulder - approximately \$38 million.



Steep Slopes

Steep slopes (exceeding 15% grade) are predominately located on the southwest portion of the site. The uppermost elevation of the hillside is slightly lower in than that of the adjacent Hy View Subdivision. This portion of the site was historically designated Low Density Residential in the Boulder Valley Comprehensive Plan. In annexation of hillside areas, City Council may impose conditions designed to mitigate the effects of development on lands containing slopes of 15% of greater.

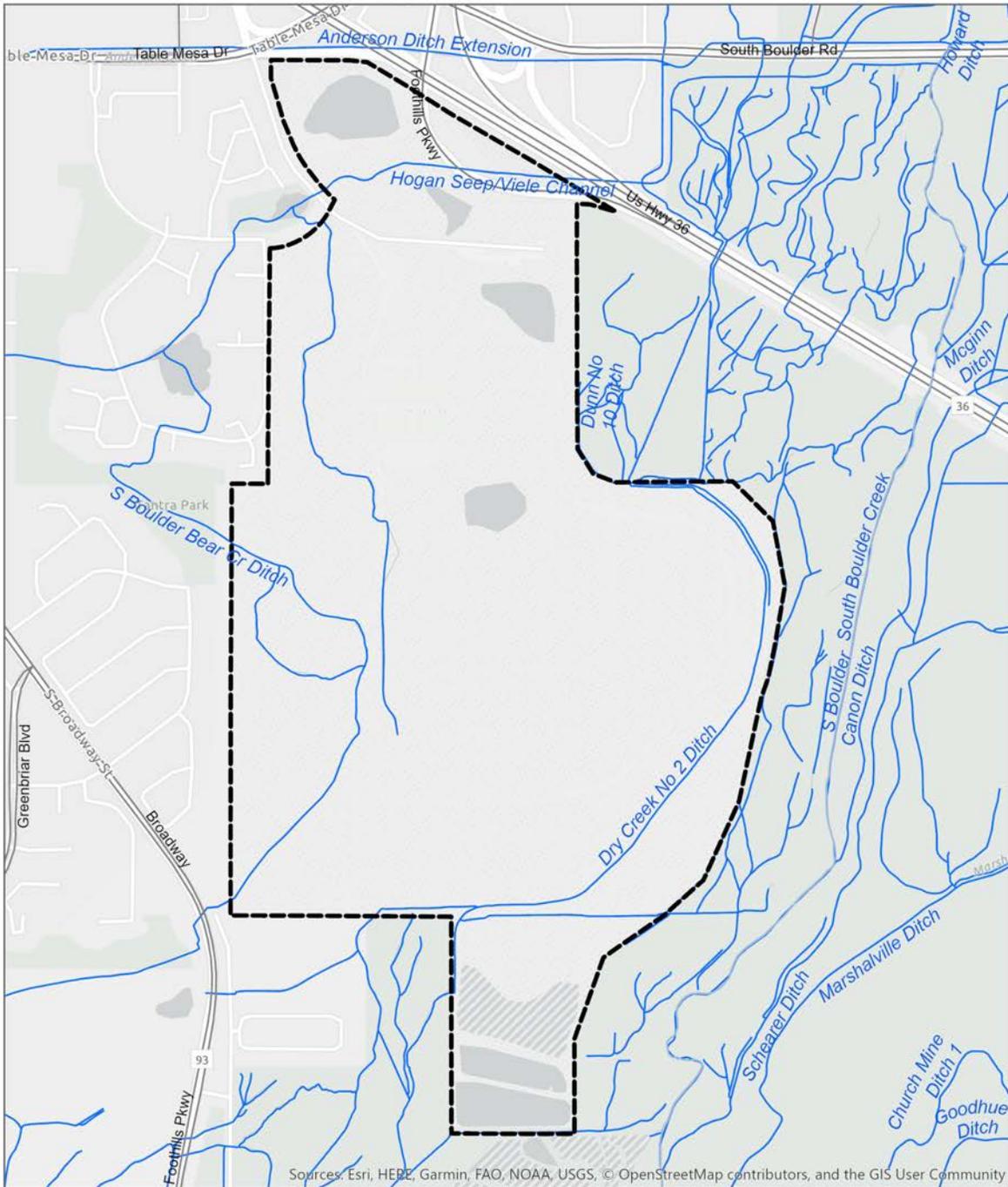


- CU South Boundary
- South Boulder Creek
- 15% and Greater Slope



Ditches

The site is about 500 feet from the South Boulder Creek. Dry Creek Ditch No. 2 runs along the interior of the eastern border, Beak Creek Ditch along is in the western portion of the site. Viele Chanel runs along the north portion site (just north of the city's planned flood mitigation project).

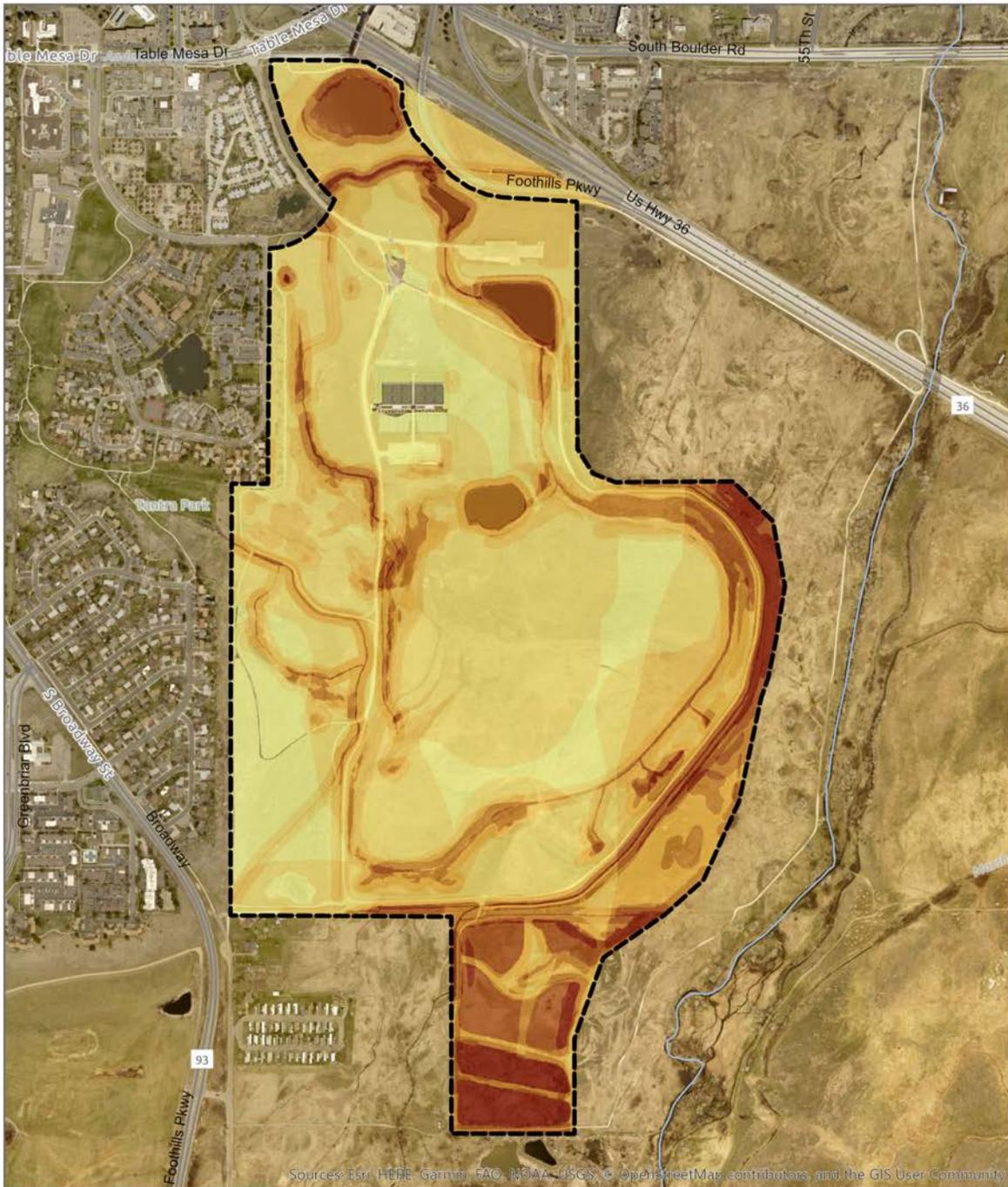


-  CU South Boundary
-  South Boulder Creek
-  Creeks Ditches



Conservation Suitability

Ecological consulting firm Biohabitats conducted a conservation suitability analysis to inform the land use changes made in 2017 for the Boulder Valley Comprehensive Plan update. This map shows areas with the highest density of sensitive ecological features as a darker shade of yellow. The analysis suggests that the eastern perimeter and the southern wetlands have the highest sensitivity to disturbance or development. The central portion of the property and the western edge have lower rankings for conservation values making them less sensitive to disturbance or development.



Note: This map is compilation of conservation values shown in a Preliminary Conservation Suitability Analysis completed in November 2016 and does not evaluate suitability for other purposes such as restoration, mitigation, or development.



Habitat Connectivity

Biohabitats conducted a conservation suitability analysis to inform the land use changes made in 2017. This diagram includes a sketch depicting connectivity potential between the CU South property and nearby areas containing native plant associations and Preble's meadow jumping mouse habitat. Connectivity potential was based generally on proximity, potential for seed dispersal, and wildlife usage. As indicated in the figure, the highest potential areas for connectivity are to the south and east of the CU property where OSMP-protected areas adjoin the property.

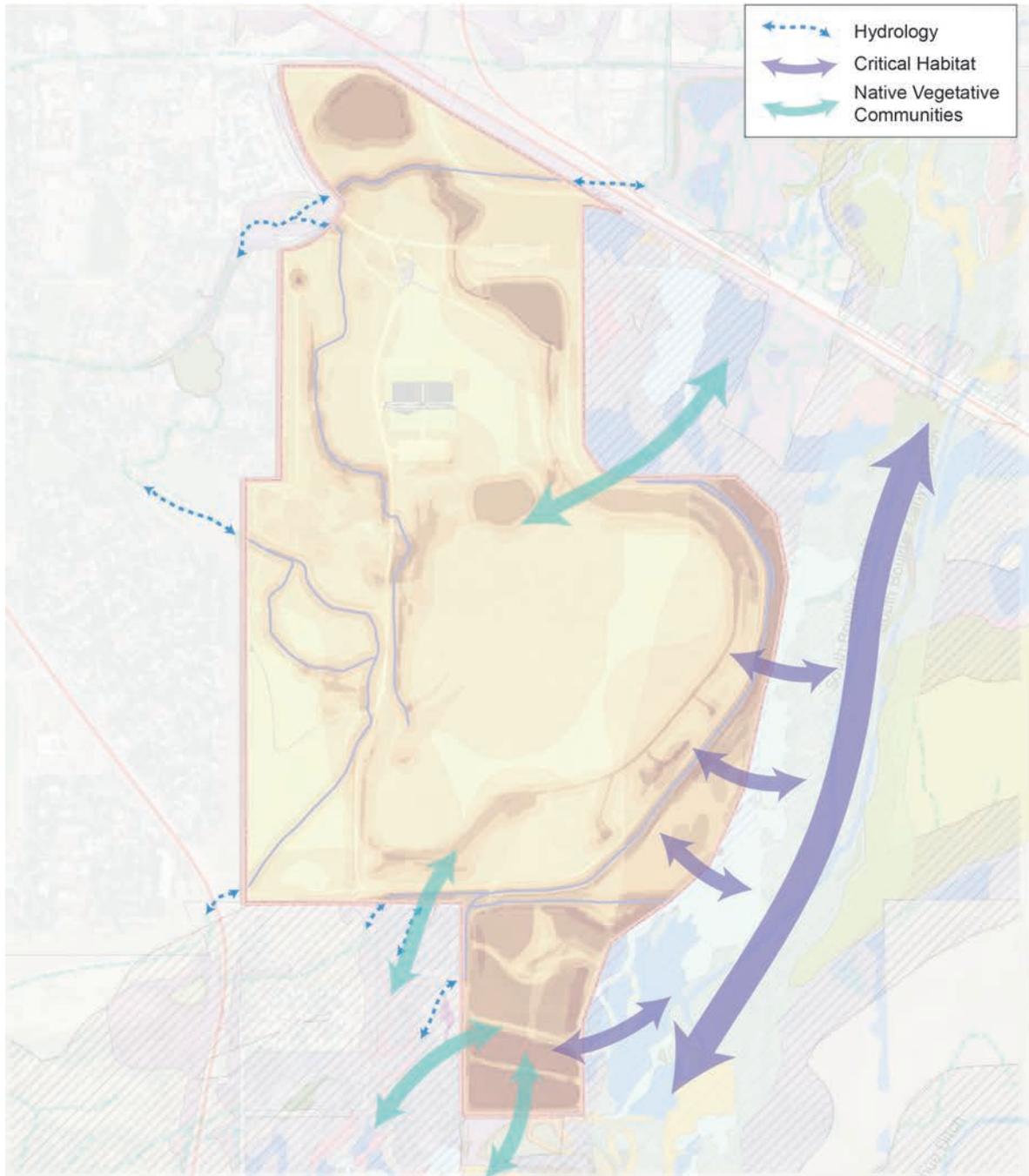


Figure 10
Connectivity: Critical Habitat, Native Vegetative Communities, & Hydrology
November 2016
CU Property

Landscape Character Preliminary Assessment

The following diagram represents a rapid assessment of quality landscape character at a series of viewpoints throughout the site. This was based in part on the USFS Landscape Aesthetics Handbook for Scenery Management (USDA FS 1995). The key elements taken from that guidance document were a general understanding of landscape character, attractiveness, and views of natural resources within different distance zones. The analysis examined locations within the site and also considered views outward from and across the site toward the west.

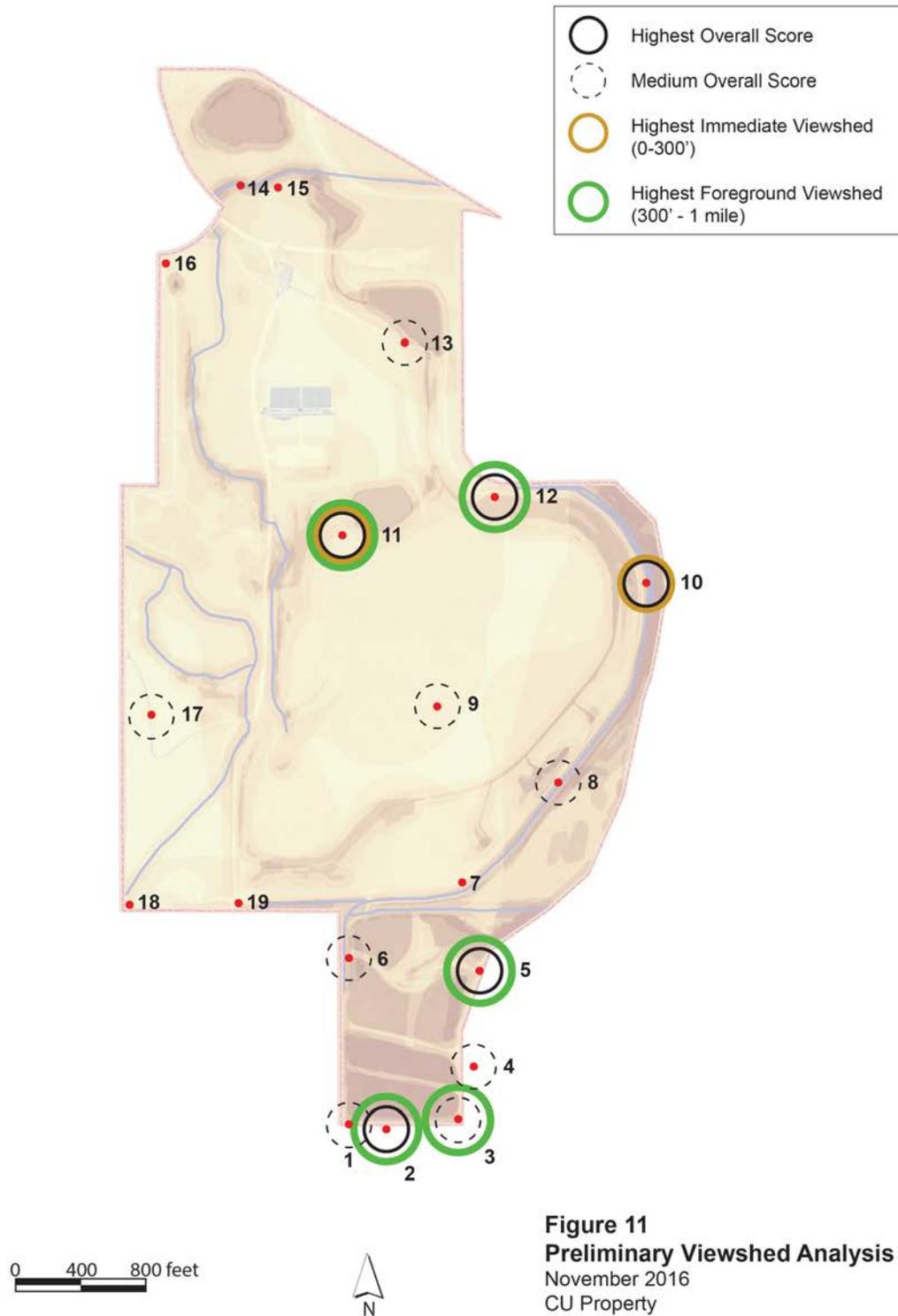


Figure 11
Preliminary Viewshed Analysis
November 2016
CU Property

Landscape Character, cont.

Viewpoints from US36

Majority of the foreground visible from US 36 is city-owned open space. The CU South property is located behind the tree line which outlines the property boundary. The residential neighborhood directly west of the site is partially visible from US 36, and is located approximately .6 miles away and elevated 100 feet higher. Currently, the view of CU South is screened by the existing tree line, as shown in the photos #1 and #2.

Viewpoint from Western Edge

The quality of the views from the western edge of the site are consistent with one another. Wider views and exposure to open space is found on the most elevated parts of the site, located south-east of Tantra Park.

