

City of Arvada

City Council Agenda

SEPTEMBER 11, 2023
CITY COUNCIL CHAMBERS
Regular Business

Councilmembers:

Marc Williams, Mayor
David Jones, Mayor Pro-Tem
Lisa Feret, At large
Bob Fifer, At large
John Marriott, District 3
Randy Moorman, District 1
Lauren Simpson, District 2

Staff Members Usually Present:

Lorie Gillis, City Manager
Linda Haley, Deputy City Manager
Don Wick, Deputy City Manager
Rachel Morris, City Attorney
Jacqueline Rhoades, Director of Public Works
Sharon Israel, Director of Utilities
Rob Smetana, Acting Dir. of Community & Econ. Dev.
Bryan Archer, Director of Finance
Gabriella Bommer, Director of Human Resources
Rachael Kuroiwa, Director of Communications & Engagement
Kristen Rush, City Clerk

Info: 720-898-7550

THIRD FLOOR CONFERENCE ROOM
EXECUTIVE SESSION
5:00 P.M.

Legal Advice, Pursuant to CRS 24-6-402(4)(b) Relating to Boleyn et al v. Brownlow et al

CITY COUNCIL MEETING – CITY COUNCIL CHAMBERS

6:00 PM

1. Call to Order - 6:00 PM
2. Moment of Reflection and Pledge of Allegiance - Councilmember Marriott
3. Roll Call of Councilmembers
4. Approval of Minutes
 - A. August 14, 2023 City Council Meeting
 - B. August 21, 2023 City Council Meeting
5. Recognitions and Communications
 - A. Proclamation for National Emergency Preparedness Month - Presented by Councilmember Moorman
6. Presentations - None
7. Public Comment on Issues not Scheduled on Agenda - Three Minute Limit
8. New Business

- A. Consent Agenda
 - 1. R23-078, A Resolution Authorizing Acceptance of an Agreement Regarding the Intent to Assure the Flood Routing Capability of Hidden Lake Reservoir in Adams County
- B. Resolutions - None
- C. Ordinances (First Reading)
 - 1. CB23-022, An Ordinance Authorizing the Acquisition of a Certain Property at the Northwest Corner of Kipling Parkway and Allendale Drive for the Construction of a Traffic Signal as Part of the Kipling Pkwy and Allendale Dr Intersection Improvements Project, Project No. 20-TC-07 (Public Hearing to be set for October 2, 2023 at 6:15 p.m.)
 - 2. CB23-023, An Ordinance Vacating a Parcel of Right-of-Way Located at Approximately Marshall Court and West 55th Place, City of Arvada, County of Jefferson, State of Colorado for the Family Tree Affordable Housing Development.(Public Hearing to be set for October 2, 2023 at 6:15 p.m.)
- 9. Other
- 10. Public Hearings - 6:15 PM
 - A. Conditional Use for Residential Development in the MX-S Zoning District for the Family Tree Affordable Housing Project, a 1.71 acre parcel of land located approximately at 5549 Marshall St. (Presenter: Rob Smetana, Acting Director of Community and Economic Development)
 - B. Major Modification for Family Tree Affordable Housing, a modification from the Arvada LDC Subsection 5-1-2-5(G) - Multifamily residential buildings shall provide at least 75 percent of the total dwelling units with at least one private outdoor yard, patio, or balcony, for a 1.71 - acre parcel of land approximately located at 5549 Marshall St. (Presenter: Rob Smetana, Acting Director of Community and Economic Development)
 - C. CB23-021, An Ordinance Amending Various Sections of Chapter 102, Utilities, of the Arvada City Code Pertaining to System Development Charges (Ordinance No. 4854) (Presenter: Sharon Israel, Director of Utilities)
- 11. Public Comment - Five Minute Limit
- 12. Reports from City Council
 - A. Council Committee Reports
- 13. Reports from City Manager
 - A. Review of Future Workshops and Presentations
- 14. Reports from City Attorney
- 15. Adjournment



**SUMMARY OF MINUTES OF THE MEETING OF THE ARVADA CITY COUNCIL HELD
AUGUST 14, 2023**

1. Executive Session – 5:00 p.m.
 - A. Legal Advice, Pursuant to CRS 24-6-402(4)(b) Relating to Tri Point Homes Development in Candelas
 - B. Legal Advice, Pursuant to CRS 24-6-402(4)(b) and Instructions to Negotiators, Pursuant to CRS 24-6-402(4)(e) Relating to Broomfield's withdrawal from JPPHA

Councilmember Marriott moved to go into executive session Legal Advice, Pursuant to CRS 24-6-402(4)(b) Relating to Tri Point Homes Development in Candelas Legal Advice, Pursuant to CRS 24-6-402(4)(b) and Instructions to Negotiators, Pursuant to CRS 24-6-402(4)(e) Relating to Broomfield's withdrawal from JPPHA.

The following votes were cast on the Motion:

Those voting Yes: Williams, Jones, Fifer, Marriott, Moorman, Simpson

Those Absent: Feret

The Motion was Approved

1. Call to Order - 6:00 p.m.

This Arvada City Council meeting was a hybrid meeting using webinar technology. Mayor Williams, Councilmember Fifer, Councilmember Marriott, Councilmember Moorman and Councilmember Simpson were all present in chambers. Mayor Pro Tem Jones was on Zoom.

Members of the public were given notice with instructions on how to participate with public comment.

2. Moment of Reflection and Pledge of Allegiance
3. Roll Call of Councilmembers

Those Present: Mayor Marc Williams, Mayor Pro Tem David Jones, Councilmember Bob Fifer, Councilmember John Marriott, Councilmember Randy Moorman, Councilmember Lauren Simpson

Those Absent: Councilmember Feret

Councilmember Fifer moved to excuse Councilmember Feret from the meeting.

The following votes were cast on the Motion:

Those voting Yes: Williams, Jones, Fifer, Marriott, Moorman, Simpson

Those Absent: Feret

The Motion was Approved

Also Present: Lorie Gillis, City Manager, Rachel Morris, City Attorney; Linda Haley, Deputy City Manager; Don Wick, Deputy City Manager; Bryan Archer, Director of Finance; Rob Smetana, Acting Director of Community and Economic Development; Candice Svoboda, Assistant to the City Manager, and Kristen Rush, City Clerk.

4. Approval of Minutes – None
5. Recognition and Communication – None
6. Presentations – None
7. Public Comment –
 - A. Frank Freeman, Arvada resident, addressed council regarding the renaming of Meyers Pool.
 - B. Julie Hogan, Arvada resident, addressed council regarding a Jefferson County Development Project.
 - C. Lynn Clemmons, Arvada resident, addressed council regarding a Jefferson County Development Project.
8. New Business
 - A. Consent Agenda –
 1. R23-074 A Resolution Authorizing an Agreement between the City of Arvada and Jacobs Engineering Group Inc. for Engineering Services related to the Water Treatment Plant Replacement, Piloting and Process Selection in an Amount not to Exceed \$552,687.00 for Phase I
 2. R23-075 A Resolution Authorizing a participating addendum by and between the City of Arvada and Motorola Solutions, Inc. For the purchase of Public Safety Radios and Services in an amount not to exceed \$2,400,000.00

Councilmember Marriott moved that R23-074, A Resolution Authorizing an Agreement between the City of Arvada and Jacobs Engineering Group Inc. for Engineering Services related to the Water Treatment Plant Replacement, Piloting and Process Selection in an Amount not to Exceed \$552,687.00 for Phase I; R23-075, A Resolution Authorizing a participating addendum by and between the City of Arvada and Motorola Solutions, Inc. For the purchase of Public Safety Radios and Services in an amount not to exceed \$2,400,000.00, be approved.

The following votes were cast on the Motion:

Those voting Yes: Williams, Jones, Fifer, Marriott, Moorman, Simpson

Those Absent: Feret

The Motion was Approved

- B. Resolutions –
 1. R23-076 A Resolution Authorizing an Intergovernmental Agreement Titled "Program-Funded State and Local Task Force Agreement" between the City of Arvada and the United States Department of Justice, Drug Enforcement Administration (Presenter: Aaron Jacks, Sr. Asst City Attorney)

Aaron Jacks, Sr. Asst. City Attorney, reviewed this resolution with council.

Councilmember Simpson moved that R23-076, A Resolution Authorizing an Intergovernmental Agreement Titled "Program-Funded State and Local Task Force Agreement" between the City of Arvada and the United States Department of Justice, Drug Enforcement Administration, be approved.

The following votes were cast on the Motion:

Those voting Yes: Williams, Jones, Fifer, Marriott, Moorman, Simpson

Those Absent: Feret

The Motion was Approved

C. Ordinances (First Reading) – none

9. Other - none

10. Public Hearings –

- A. Candelas Filing No. 1, Amendment No.4 Planned Unit Development (PUD), generally located north of Candelas Parkway and McIntyre Street, bounded by West 93rd Place and Kilmer Way, in the City of Arvada, CO. (Presenter: Rob Smetana, Acting Director of Community and Economic Development) (Continued from July 10, 2023)
- B. Candelas Filing No. 1, Amendment No.4 Major Subdivision Preliminary Plat, generally located north of Candelas Parkway and McIntyre Street, bounded by West 93rd Place and Kilmer Way, in the City of Arvada, CO. (Presenter: Rob Smetana, Acting Director of Community and Economic Development) (Continued from July 10, 2023)

Mayor Williams opened the public hearing on Candelas Filing No. 1, Amendment No.4 Planned Unit Development (PUD) and Candelas Filing No. 1, Amendment No.4 Major Subdivision Preliminary Plat

Rob Smetana, Planning Manager, reviewed these items with council and stated that the posting logs and mailing affidavit have been received and are in order. Mayor Williams made them a part of the official record, along with the staff report.

Sworn Testimony: Marcus Pockner, Representing Applicant
 Dan Gallaso, Representing Applicant
 Bonnie Niziolek, Representing Applicant
 Curtis Roe, Representing Applicant
 Lynn Clemmons, Arvada resident, in opposition
 Elizabeth Ashe, Arvada resident, in opposition
 David Blake, Arvada resident, in opposition
 Alaina Mailer, Arvada resident, in support
 Laura Carpenter, Arvada resident, neutral
 Craig Romrell, Arvada resident, in support

Mayor Williams closed the public hearing.

Councilmember Marriott moved that Candelas Filing No. 1, Amendment No.4 Planned Unit Development (PUD), generally located north of Candelas Parkway and McIntyre Street, bounded by West

93rd Place and Kilmer Way, in the City of Arvada, CO. , be approved with two conditions. 1. Garages be used for parking and not for storage. 2. Work with residents on the west for drainage and privacy fencing issues. This motion is based on the findings of fact and required conditions adopted by Planning Commission.

The following votes were cast on the Motion:

Those voting Yes: Williams, Jones, Fifer, Marriott, Moorman, Simpson

Those Absent: Feret

The Motion was Approved

Councilmember Marriott moved that Candelas Filing No. 1, Amendment No.4 Major Subdivision Preliminary Plat, generally located north of Candelas Parkway and McIntyre Street, bounded by West 93rd Place and Kilmer Way, in the City of Arvada, CO, be approved with two conditions. 1. Garages be used for parking and not for storage. 2. Work with residents on the west for drainage and privacy fencing issues. This motion is based on the findings of fact and required conditions adopted by Planning Commission.

The following votes were cast on the Motion:

Those voting Yes: Williams, Jones, Fifer, Marriott, Moorman, Simpson

Those Absent: Feret

The Motion was Approved

11. Workshop

A. Update on Water and Wastewater System Development Charges

Sharon Israel, Director of Utilities and members of her team reviewed this workshop with council. Ms. Israel said that at this time, the City's water and sewer infrastructure does not have enough capacity to serve all development contemplated by the City's Comprehensive Plan. Water and Sewer System Development Charges (SDCs or tap fees) provide critical financial resources to support infrastructure projects that will add system capacity and enable planned development to proceed as the market demands.

Ms. Israel provided an update on a revised model and recommendations for updating system development charges with an effective date of October 1, 2023. The City team presented findings from the review of the previously adopted SDCs and a recommendation for updates.

The City is growing, and along with that growth is an increasing demand on infrastructure. Recent master planning work has determined that water and sewer infrastructure do not have the additional capacity needed to serve all planned development. Also, the City's enterprise funds do not have sufficient funding to support all of the much needed reinvestment and capacity projects identified in recent master plans. Updates to rates, bimonthly service fees, and issuing bonds comprise a financial strategy for the City's water, sewer, and stormwater utilities to implement the findings of the master plans. The revenue will fund critical projects for both reinvestment and capacity.

On October 17, 2022 City Council passed an ordinance to adopt updated SDCs for new development.

The proposal increased SDCs for the first time since 2017 for water and since 2011 for sewer. The SDCs adopted were developed by a consulting firm, LSA Advisors, which has expertise in utility rate-setting, financial modeling, and SDCs development. The ordinances established the effective date of July 1, 2023 for the new charges.

Earlier this year, the City team consulted with experts regarding the System Development Charges

adopted in October of last year. Some additional quality checks and modifications to the basis of the calculations for these charges were needed. Based on this finding, the City team recommended delaying the implementation date of adjusted charges by three months. On June 5, 2023, the City Council passed ordinance R23-054, A Resolution Directing City Staff Not to Collect System Development Charges Under the Fee Schedule Set Forth in Ordinance No. 4819, and Instead Continue Collecting System Development Charges Under the Current Fee Schedule Until September 30, 2023.

Over the past few months, a review of SDCs passed in October 2022 has been completed by a second external consultant, FCS Group. This work has resulted in recommendations for some changes to the financial model and assumptions used to develop SDCs.

Next Steps: The City team will prepare an ordinance with updated System Development Charges for the City Council's consideration and approval. The first and second readings of the ordinance will be scheduled before September 30, with an effective date of October 1, 2023.

12. Public Comment - Five Minute Limit – none
13. City Council Reports –
 - A. Councilmember Moorman invited everyone to his monthly Coffee Chat on Friday, August 25 from 2-4 p.m., at Sweet Bloom at 77th and Wadsworth.
14. City Manager Reports – none
15. City Attorney Reports – none
16. Adjournment at 8:45 p.m.

Marc Williams, Mayor

SEAL:

Kristen R. Rush, City Clerk



SUMMARY OF MINUTES OF THE MEETING OF THE ARVADA CITY COUNCIL HELD AUGUST 21, 2023

1. Executive Session – 5:00 p.m.
 - A. Legal Advice, Pursuant to CRS 24-6-402(4)(b) and Instructions to Negotiators, Pursuant to CRS 24-6-402(4)(e) Relating to Broomfield's withdrawal from JPPHA

Councilmember Marriott moved to go into executive session for Legal Advice, Pursuant to CRS 24-6-402(4)(b) Relating to Tri Point Homes Development in Candelas Legal Advice, Pursuant to CRS 24-6-402(4)(b) and Instructions to Negotiators, Pursuant to CRS 24-6-402(4)(e) Relating to Broomfield's withdrawal from JPPHA.

The following votes were cast on the Motion:

Those voting Yes: Williams, Jones, Fifer, Marriott, Simpson

Those Absent: Feret, Moorman

The Motion was Approved

1. Call to Order - 6:00 p.m.

This Arvada City Council meeting was a hybrid meeting using webinar technology. Mayor Williams, Mayor Pro Tem Jones, Councilmember Fifer, Councilmember Marriott and Councilmember Simpson were all present in chambers.

Members of the public were given notice with instructions on how to participate with public comment.

2. Moment of Reflection and Pledge of Allegiance
3. Roll Call of Councilmembers

Those Present: Mayor Marc Williams, Mayor Pro Tem David Jones, Councilmember Bob Fifer, Councilmember John Marriott, Councilmember Lauren Simpson

Those Absent: Councilmember Feret and Councilmember Moorman

Councilmember Fifer moved to excuse Councilmember Feret and Councilmember Moorman from the meeting.

The following votes were cast on the Motion:

Those voting Yes: Williams, Jones, Fifer, Marriott, Simpson

Those Absent: Feret, Moorman

The Motion was Approved

Also Present: Lorie Gillis, City Manager, Rachel Morris, City Attorney; Linda Haley, Deputy City Manager; Don Wick, Deputy City Manager; Bryan Archer, Director of Finance; Rob Smetana, Acting Director of Community and Economic Development; Candice Svoboda, Assistant to the City Manager, and Kristen Rush, City Clerk.

4. Approval of Minutes –
 - A. August 7, 2023 City Council Meeting

The minutes stand approved.

5. Recognition and Communication –
 - A. Recognition of Sriram Yalavarthy - Colorado Civics Bee - Presented by Mayor Pro Tem Jones

Mayor Pro Tem Jones said that The National Civics Bee is a new annual competition that encourages middle school students to engage in civics and contribute to their communities. The U.S. Chamber of Commerce launched the National Civics Bee in 2022 with pilot programs in five states and expanded it to nine states, including Colorado, in 2023.

In Colorado, the Chambers of Commerce in Arvada, Buena Vista, Craig, Denver, and Pueblo all held local competitions earlier this year. In order to participate, 6th, 7th, and 8th grade students from each area wrote essays about a civics problem that they wanted to solve in their local communities. Judges selected the top essays for each area and those students participated in a live quiz program at the local level. Each area then sent three finalists to the Colorado State Civics Bee, where they once again competed in a live quiz program which included questions about topics such as our government, our constitution, and historical events. The students also had to present their essays to the judges, who then asked them questions about their proposed solutions.

Sriram (Ram) Yalavarthy from Drake Middle School, one of the finalists at the Arvada Civics Bee, took first place at the Colorado State Civics Bee held on May 19th in Denver.

6. Presentations –
 - A. Mid-year Financial Update

Bryan Archer, Finance Director, provided the City Council with an un-audited financial report and a presentation of the Mid-Year 2023 financials. The presentation included revenue and expenditure highlights of the major funds including: General Fund, Parks, Tax Increments, Capital Projects, Water, Wastewater, Storm Water, Golf, Solid Waste and the Internal Service Funds, and an update on the current investment market and a status update on grants.

7. Public Comment –
 - A. Judy Dain, Arvada resident, addressed council regarding the development project on McIntyre Street in unincorporated Jefferson County.

8. New Business
 - A. Consent Agenda –
 1. R23-077 A Resolution Approving First Amendment to the Agreement between the City of Arvada and SEMA Construction, Inc. for the Construction Manager/General Contractor (“CM/GC”) Construction Package 2
 2. R23-065 A Resolution Approving the First Amendment to an Employment

Agreement by and between the City of Arvada and Lorie B. Gillis as
City Manager

Councilmember Marriott moved that R23-077, A Resolution Approving First Amendment to the Agreement between the City of Arvada and SEMA Construction, Inc. for the Construction Manager/General Contractor (“CM/GC”) Construction Package 2; R23-065, A Resolution Approving the First Amendment to an Employment Agreement by and between the City of Arvada and Lorie B. Gillis as City Manager, be approved.

The following votes were cast on the Motion:

Those voting Yes: Williams, Jones, Fifer, Marriott, Simpson

Those Absent: Feret, Moorman

The Motion was Approved

B. Resolutions – none

C. Ordinances (First Reading) –

1. CB23-021 An Ordinance Amending Various Sections of Chapter 102, Utilities, of the Arvada City Code Pertaining to System Development Charges (Public Hearing to be set for September 11, 2023 at 6:15 p.m.)

Mayor Pro Tem Jones moved that CB23-021, An Ordinance Amending Various Sections of Chapter 102, Utilities, of the Arvada City Code Pertaining to System Development Charges, be approved on first reading, ordered published in full, and a public hearing date to be set for September 11, 2023 at 6:15 p.m.

9. Other - none

10. Public Hearings –

- A. CB23-020, An Ordinance Repealing and Reenacting Sec. 1-5, General Penalty; Continuing Violations, of Chapter 1, General Provisions, of the Arvada City Code (Presenter: Janelle Miller, Assistant City Attorney) (Ordinance No.4853)

Mayor Williams opened the public hearing on CB23-020.

Janelle Miller, Assistant City Attorney, reviewed this ordinance with council.

No one wishing to speak for or against, the public hearing was closed.

Councilmember Fifer moved that CB23-020, An Ordinance Repealing and Reenacting Sec. 1-5, General Penalty; Continuing Violations, of Chapter 1, General Provisions, of the Arvada City Code, be approved on final reading, numbered 4853 and ordered published by title only.

The following votes were cast on the Motion:

Those voting Yes: Williams, Jones, Fifer, Marriott, Simpson

Those Absent: Feret, Moorman
The Motion was Approved

11. Public Comment - Five Minute Limit – none
12. City Council Reports – none
13. City Manager Reports –
 - A. Lorie Gillis, City Manager, reviewed the upcoming Workshop schedule.
14. City Attorney Reports – none
15. Adjournment at 6:40 p.m.

Marc Williams, Mayor

SEAL:

Kristen R. Rush, City Clerk



REPORT TO CITY COUNCIL

AGENDA ITEM
5.A.

TO: THE HONORABLE CITY COUNCIL

DATE: September 11, 2023

SUBJECT: Proclamation for National Emergency Preparedness Month - Presented by Councilmember Moorman

Report in Brief

PRESENTER: Rachael Kuroiwa

September is recognized as National Emergency Preparedness Month. The City of Arvada wishes to recognize the opportunity to encourage all residents of Arvada to prepare for emergencies in advance. City Council will proclaim September, 2023 as National Emergency Preparedness Month in Arvada.

Prepared by:

Rachael Kuroiwa, Director of Communications & Engagement

Reviewed by:

Gail Walker, Legal Specialist-Contracts 8/21/2023

Laura Hemler, Assistant City Attorney 8/22/2023

Approved by:

Rachel Morris, City Attorney 8/28/2023

Lorie Gillis, City Manager 8/28/2023

Enclosure, exhibits & attachments required to support the report

WHEREAS, National Emergency Preparedness Month, occurring annually in September, creates an ideal opportunity for every resident of Arvada to join citizens across the United States in preparing their homes, businesses, and communities for any type of emergency, including natural, technological, and human-caused; and

WHEREAS, the Federal Emergency Management Agency (FEMA) announced the 2023 Emergency Preparedness Month theme of Preparing for Older Adults, and planning now – before a disaster – is the best way to improve community resiliency from disaster; and

WHEREAS, we commit, as a community, to non-discrimination and equitable citizen participation in planning for and responding to disasters and when residents working together with the government take responsibility for preparing their families and their communities, the chance of survival and return to normalcy following a disaster is greatly increased; and

WHEREAS, the City of Arvada partners with federal, state, local, tribal, territorial, private, nonprofit, and community agencies and organizations to educate communities on local hazards and natural disasters and how to prepare for them, and the City of Arvada is committed to the equitable disaster relief and recovery services and nondiscrimination to all communities in the event of an emergency or disaster; and

WHEREAS, the City of Arvada informs residents on how to take action and receive services through its annual Emergency Preparedness Month campaign and all residents of Arvada are urged to plan ahead for disasters and encourage their family and friends to do so by visiting the National Emergency Preparedness Month website at Ready.gov for essential preparedness tips and information; and

WHEREAS, all individuals who live or work in Arvada are urged to register for Lookout Alert so that we can all be notified in the event of emergency, keeping ourselves, our families and our communities safe.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Arvada, Colorado, do hereby proclaim September, 2023 as Emergency Preparedness Month and encourage the community to observe this month by preparing for emergencies before they occur.

Dated this 11th day of September, 2023.

Marc Williams, Mayor

David Jones, Mayor Pro Tem

Bob Fifer, Councilmember

John Marriott, Councilmember

Randy Moorman, Councilmember

Lauren Simpson, Councilmember

Lisa Feret, Councilmember



REPORT TO CITY COUNCIL

AGENDA ITEM
8.A.

TO: THE HONORABLE CITY COUNCIL

DATE: September 11, 2023

SUBJECT: Consent Agenda

Report in Brief

R23-078, A Resolution Authorizing Acceptance of an Agreement Regarding the Intent to Assure the Flood Routing Capability of Hidden Lake Reservoir in Adams County

Suggested Motion: Moved by: _____ I move that the Consent Item(s),
Number(s) _____

be
(Removed from the Consent Agenda and Heard Upon Item _____) (Referred to a Workshop) (Postponed
Indefinitely).

YES _____ NO _____ ABSENT _____

That All/Remaining Consent Items be (Approved) (Rejected).

YES _____ NO _____ ABSENT _____

Prepared by:
Chris Koch, CCO Admin

Reviewed by:

Approved by:

Enclosure, exhibits & attachments required to support the report



REPORT TO CITY COUNCIL RESOLUTION

AGENDA ITEM
8.A.1.

TO: THE HONORABLE CITY COUNCIL

DATE: September 11, 2023

SUBJECT: R23-078, A Resolution Authorizing Acceptance of an Agreement Regarding the Intent to Assure the Flood Routing Capability of Hidden Lake Reservoir in Adams County

Report in Brief

Council action is requested on the attached Resolution Authorizing the Adequate Assurances Agreement (AAA) between the Urban Drainage and Flood Control District d/b/a Mile High Flood District, the City of Arvada, the City of Westminster, Adams County, D&G Lake, LLC and D&G Land, LLC Regarding the Flood Routing Capability of Hidden Lake Reservoir

The Arvada team recommends that the City Council approve R23-078, A Resolution Authorizing the Adequate Assurances Agreement between the Urban Drainage and Flood Control District d/b/a Mile High Flood District, the City of Arvada, the City of Westminster, Adams County, D&G Lake, LLC and D&G Land, LLC. Regarding the Flood Routing Capability of Hidden Lake Reservoir.

Financial Impact

Financial Impact: \$0.00

Funding Source: N/A

Type: N/A

Fund: N/A

Future associated costs requiring Council action. None

Background

Hidden Lake Reservoir ("Reservoir") is privately owned by D&G Lake, LLC and D&G Land, LLC. (collectively referred to as the "Owner"). However, it does provide unintentional flood storage that reduces the 100-year discharge downstream of the outlet works. The purpose of accepting this agreement is to help preserve the flood storage capability of the Reservoir that allows it to be reflected in regional hydrology for floodplain mapping.

As of 1986, Mile High Flood District (MHFD) policy requires that non-flood control reservoirs be ignored in regional hydrology unless there is an Adequate Assurances Agreement (AAA) in place. The most current Federal Emergency Management Agency (FEMA) hydrology for the Hidden Lake Drainageway dates back to a 1975 study (Major Drainageway Planning Hidden Lake – Bates Lake Phase B, prepared by Hydro-Triad, November 1975) that accounts for the flood storage provided at the Reservoir, and has been recognized in floodplain mapping. With the agreement in place, it will continue to be recognized as a flood storage facility.

Discussion

The intent and use of the Reservoir is a private recreational lake, but it also inadvertently provides flood storage. The FEMA floodplain mapping and modeling upstream and downstream of the Reservoir has relied on its flood storage and routing capabilities. The agreement will not restrict the owner from making alterations to the shoreline or outlet works, but rather requires the owner to notify MHFD and the local governments signatory to the agreement ("parties") of any proposed changes. This will give the parties the opportunity to mitigate for the changes.

Public Contact

Posting of the City Council agenda.

Commission Recommendation

N/A

Strategic Alignment

This action supports the Infrastructure Work System principle for providing the community with a safe, resilient stormwater drainage system. Proactively maintaining flood protection measures in major drainageways is an expectation and responsibility to stormwater fee payers.

Alternative Courses of Action

N/A

Recommendation for Action

The Arvada team recommends that the City Council approve R23-078, A Resolution Authorizing the Adequate Assurances Agreement (AAA) between the Urban Drainage and Flood Control District d/b/a Mile High Flood District, the City of Arvada, the City of Westminster, Adams County, D&G Lake, LLC and D&G Land, LLC Regarding the Flood Routing Capability of Hidden Lake Reservoir.

Suggested Motion:

I move that R23-078, A Resolution Authorizing the Adequate Assurances Agreement (AAA) between the Urban Drainage and Flood Control District d/b/a Mile High Flood District, the City of Arvada, the City of Westminster, Adams County, D&G Lake, LLC and D&G Land, LLC Regarding the Flood Routing Capability of Hidden Lake Reservoir, be (approved) (denied).

Prepared by:
Tammy Hedlund, Legal Specialist

Reviewed by:

Approved by:

Jenny Wolfschlag, City Engineer	8/18/2023
Jacqueline Rhoades, Public Works Director	8/21/2023
Bryan Archer, Director of Finance	8/21/2023
Tammy Hedlund, Legal Specialist	8/22/2023
Kelsy Sargent, Assistant City Attorney	8/22/2023
Rachel Morris, City Attorney	8/28/2023
Don Wick, Deputy City Manager	8/28/2023
Lorie Gillis, City Manager	8/29/2023

Enclosure, exhibits & attachments required to support the report

RESOLUTION NO. R23-078

A RESOLUTION AUTHORIZING ACCEPTANCE OF AN AGREEMENT REGARDING
THE INTENT TO ASSURE THE FLOOD ROUTING CAPABILITY OF HIDDEN LAKE
RESERVOIR IN ADAMS COUNTY

WHEREAS, URBAN DRAINAGE AND FLOOD CONTROL DISTRICT D/B/A MILE HIGH FLOOD DISTRICT (hereinafter called "DISTRICT") previously expressed an intent to assist public bodies which have heretofore enacted floodplain zoning measures; and

WHEREAS, several of the major drainageways within, or flowing into, DISTRICT have water supply, irrigation, or other non-flood control reservoirs located on them; and

WHEREAS, Hidden Lake Reservoir (also known as Mayhem Reservoir) (hereinafter called "RESERVOIR") is a non-flood control reservoir which provides significant inadvertent flood routing capability which reduces the 100-year discharge downstream from RESERVOIR; and

WHEREAS, D&G LAND, LLC, a Colorado limited liability company, is the owner of land and water rights comprising RESERVOIR, a non-flood control reservoir, located between Sheridan Boulevard and Lowell Boulevard at 68th Avenue in Adams County; and

WHEREAS, Adams County, the City of Westminster, and the City of Arvada desire to make arrangements regarding the RESERVOIR's preservation in the event OWNER plans future changes to RESERVOIR; and

WHEREAS, this Agreement defines the responsibilities and financial commitments of the parties with respect to RESERVOIR; and

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

Section 1. The Mayor or Mayor Pro Tem is authorized to sign and the City Clerk to attest, in form approved by the City Attorney, an Agreement, which is in substantially the same form as that attached hereto.

Section 2. This resolution shall be effective upon its approval by the City Council.

APPROVED AND ADOPTED this 11th day of September, 2023.

Marc Williams, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:
Rachel A. Morris, City Attorney:

BY: _____

AGREEMENT REGARDING THE INTENT TO
ASSURE THE FLOOD ROUTING CAPABILITY OF
HIDDEN LAKE RESERVOIR IN ADAMS COUNTY

Agreement No. 20-11.33
Project No. 107544

THIS AGREEMENT by and between URBAN DRAINAGE AND FLOOD CONTROL DISTRICT D/B/A MILE HIGH FLOOD DISTRICT (hereinafter called "DISTRICT"), D&G LAKE, LLC, a Colorado limited liability company, D&G LAND, LLC, a Colorado limited liability company (hereinafter collectively called "OWNER"), ADAMS COUNTY (hereinafter called "COUNTY"), CITY OF WESTMINSTER (hereinafter called "WESTMINSTER") and CITY OF ARVADA (hereinafter called "ARVADA"); (hereinafter COUNTY, WESTMINSTER and ARVADA shall be collectively known as "LOCAL GOVERNMENTS") and (hereinafter DISTRICT, OWNER, LOCAL GOVERNMENTS shall be collectively known as "PARTIES");

WITNESSETH THAT:

WHEREAS, DISTRICT in a policy statement previously adopted (Resolution No. 14, Series of 1970), expressed an intent to assist public bodies which have heretofore enacted floodplain zoning measures; and

WHEREAS, several of the major drainageways within, or flowing into, DISTRICT have water supply, irrigation, or other non-flood control reservoirs located on them; and

WHEREAS, some of these reservoirs, by virtue of their size and/or their embankment and spillway configuration, provide significant but inadvertent flood routing capabilities which reduce the 100-year flood discharge downstream from the reservoirs; and

WHEREAS, Colorado Revised Statute §37-87-104(2) states that "No such (entity or person who owns, controls, or operates, a water storage reservoir) shall be liable for allowing the inflow to such reservoir to pass through it into the natural stream below such reservoir"; and

WHEREAS, the owner of such reservoirs can, and on occasion do, make changes to their embankment and spillway configurations, up to and including removal of the structure; and

WHEREAS, the above-language from §37-87-104, C.R.S. clearly indicates that it would be unwise public policy to rely upon these non-flood control reservoirs for any flood protection; and

WHEREAS, DISTRICT has previously adopted a "Policy for Delineation of Floodplains Below Water Supply and Other Non-Flood Control Reservoirs" (Resolution No. 36, Series of 1986); and

WHEREAS, the Policy requires that non-flood control reservoirs not be considered in the Drainageway hydrology unless adequate assurances have been obtained the Executive Director of DISTRICT to preserve the flood routing capability of the reservoirs; and

WHEREAS, Hidden Lake Reservoir (also known as Mayhem Reservoir) (hereinafter called "RESERVOIR") is a non-flood control reservoir which provides significant inadvertent flood routing capability which reduces the 100-year discharge downstream from RESERVOIR; and

WHEREAS, the Letter of Map Revision Case Number 18-08-0906P (hereinafter called "LOMR") specified RESERVOIR's 100-year volume and discharge (hereinafter called "LOMR 100-YEAR DISCHARGE") based on modifications made to the dam spillway and grading changes around the perimeter of RESERVOIR; and

WHEREAS, OWNER is the owner of land and water rights comprising RESERVOIR, a non-flood control reservoir located between Sheridan Boulevard and Lowell Boulevard at 68th Avenue in Adams County as shown on Exhibit A, attached hereto and incorporated herein; and

WHEREAS, PARTIES desire to make arrangements regarding the preservation of the LOMR 100-YEAR DISCHARGE in the event OWNER plans future changes to RESERVOIR.

NOW, THEREFORE, in consideration of the mutual promises contained herein, PARTIES hereto agree as follows:

1. SCOPE OF AGREEMENT

This Agreement defines the responsibilities and financial commitments of PARTIES with respect to RESERVOIR.

2. OPPORTUNITY TO MAINTAIN FLOOD ROUTING CAPABILITY

If OWNER plans physical changes to RESERVOIR which would modify the spillway elevation, raise the permanent water surface elevation above 5282.18 feet, reduce to below 135.7 acre-feet the flood storage volume of RESERVOIR (that being the storage above the permanent pool up to the spillway) or increase the 100-year discharge above LOMR 100-YEAR DISCHARGE, OWNER shall provide an opportunity for LOCAL GOVERNMENTS and DISTRICT to maintain the 100-year discharge to the LOMR 100-YEAR DISCHARGE, subject to the terms and conditions of Paragraphs 4 and 6 below.

3. OTHER AGREEMENT AND DECREE

LOCAL GOVERNMENTS and DISTRICT acknowledge that this Agreement is subject to OWNER's perpetual, nonexclusive license to use the surface of all of the water stored in RESERVOIR for recreational purposes, to an elevation of 5,280 feet and an agreement between The Mayham Reservoir Corporation and GK Lake, LLC not to take any action that will lower the surface elevation of RESERVOIR below 5277 feet all as set forth in an Agreement dated January 9, 2004 among The North Hidden Lake Owners Association, The Mayham Reservoir Corporation, GK Lake, LLC, The Yacht Club Community Association, Inc., George Kast, and the Hidden Lake Ski Club recorded in the records of the Clerk and Recorder of Adams County on January 22, 2004 at Reception No. C1268195.

4. MAINTENANCE OF THE LOMR 100-YEAR DISCHARGE

At no cost or liability to OWNER, LOCAL GOVERNMENTS and DISTRICT agree, if given the opportunity referenced in Paragraph 2, to jointly take whatever actions are necessary, available, and appropriate, if technically and fiscally appropriate and mutually agreed to by LOCAL GOVERNMENTS and DISTRICT (hereinafter called "MAINTENANCE ACTIONS"), to assure that the flood routing capability of RESERVOIR shall be maintained at the LOMR 100-YEAR DISCHARGE.

5. RECOGNITION OF FLOOD ROUTING CAPABILITY IN LOMR

The flood routing capability of RESERVOIR, as set forth in the LOMR, is as follows: During the 100-year flood event, RESERVOIR stores 135.7 acre-feet of flood water and reduces the peak flow from 2,170 cubic feet per second into RESERVOIR to a peak flow of 262 cubic feet per second out of RESERVOIR.

6. PAYMENT OF COSTS

If LOCAL GOVERNMENTS and/or DISTRICT mutually agree to take the MAINTENANCE ACTIONS to limit the 100-year downstream discharge to the LOMR 100-YEAR DISCHARGE, LOCAL GOVERNMENTS and/or DISTRICT shall pay, in advance to OWNER, all reasonable costs attributable thereto, including but not limited to studies, revisions or additions to plans, physical changes to RESERVOIR or dam structures, and additional construction. As used in this paragraph, "costs" includes construction, engineering, operation and maintenance, and other direct or indirect costs. The PARTIES agree to pay their own attorney's fees and court costs.

7. COST SHARING AGREEMENT

LOCAL GOVERNMENTS and DISTRICT agree if MAINTENANCE ACTIONS are taken to enter into a separate instrument to determine cost sharing for the payment of costs described in Paragraph 6.

8. NOTICE

To take advantage of the opportunity referred to in Paragraph 2, LOCAL GOVERNMENTS and/or DISTRICT must notify OWNER, in writing, of their intention to do so promptly upon becoming aware of OWNER's plans to make physical changes to RESERVOIR which would modify the spillway elevation, raise the permanent water surface elevation above 5282.18 feet, reduce to below 135.7 acre-feet the flood storage volume of RESERVOIR (that being the storage above the permanent pool up to the spillway) or increase the 100-year discharge above LOMR 100-YEAR DISCHARGE, and in no event more than 90 days after becoming aware of the plans. OWNER shall take reasonable steps to keep LOCAL GOVERNMENTS and DISTRICT informed of any plan to make physical changes to RESERVOIR, but shall incur no liability by reason of its failure to do so.

9. LIABILITY

Each party hereto shall be responsible for any suits, demands, costs or actions at law resulting from its own acts or omissions and may insure against such possibilities as appropriate.

10. NO WAIVER OF GOVERNMENTAL IMMUNITY

Nothing in this Agreement shall be construed to waive, limit, or otherwise modify any

governmental immunity that may be available by law to any of the PARTIES, their officials, officers, employees, contractors, or agents, or any other person acting on behalf of a party and, in particular, governmental immunity afforded or available pursuant to the Colorado Governmental Immunity Act, Title 24, Article 10, Part 1 of the Colorado Revised Statutes.

11. AMENDMENTS

This Agreement contains all of the terms agreed upon by and among PARTIES. Any amendments to this Agreement shall be in writing and executed by PARTIES hereto to be valid and binding.

12. SEVERABILITY

If any clause or provision herein contained shall be adjudged to be invalid or unenforceable by a court of competent jurisdiction or by operation of any applicable law, such invalid or unenforceable clause or provision shall not affect the validity of the Agreement as a whole and all other clauses or provisions shall be given full force and effect.

13. APPLICABLE LAWS

This Agreement shall be governed by and construed in accordance with the laws of the State of Colorado. Jurisdiction for any and all legal actions arising under the Agreement shall lie in the District Court in and for the County of Denver, State of Colorado.

14. ASSIGNABILITY

No party to this Agreement shall assign or transfer any of its rights or obligations hereunder without the prior written consent of the nonassigning party or parties to this Agreement except that OWNER may assign its rights to its successors and assigns as owners of the land or water rights comprising the RESERVIOR and such successor or assignee shall assume OWNER's obligations.

15. BINDING EFFECT

The provisions of this Agreement shall bind and shall inure to the benefit of PARTIES hereto and to their respective successors and permitted assigns.

16. ENFORCEABILITY

PARTIES hereto agree and acknowledge that this Agreement may be enforced in law or in equity by decree of specific performance or damages, or such other legal equitable relief as may be available subject to the provisions of the laws of the State of Colorado.

17. APPROPRIATIONS

Notwithstanding any other term, condition, or provision herein, each and every obligation of LOCAL GOVERNMENTS and/or DISTRICT stated in this Agreement is subject to the requirement of a prior appropriation of funds therefore by the appropriate governing body of LOCAL GOVERNMENTS and/or DISTRICT.

18. NO THIRD PARTY BENEFICIARIES It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to PARTIES, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other or third person on such Agreement. It is the express intention of PARTIES that any person or party other than anyone of OWNERS or DISTRICT receiving services or benefits under this Agreement shall be deemed to

be an incidental beneficiary only.

19. EXECUTION IN COUNTERPARTS - ELECTRONIC SIGNATURES

This Agreement, and all subsequent documents requiring the signatures of PARTIES to this Agreement, may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. PARTIES approve the use of electronic signatures for execution of this Agreement, and all subsequent documents requiring the signatures of PARTIES to this Agreement. Only the following two forms of electronic signatures shall be permitted to bind PARTIES to this Agreement, and all subsequent documents requiring the signatures of PARTIES to this Agreement:

- A. Electronic or facsimile delivery of a fully executed copy of a signature page; or
- B. The image of the signature of an authorized signer inserted onto PDF format documents.

Documents requiring notarization may also be notarized by electronic signature, as provided above.

All use of electronic signatures shall be governed by the Colorado Uniform Electronic Transactions Act, §§ 24-71.3-101-121, C.R.S.

WHEREFORE, PARTIES hereto have caused this instrument to be executed by properly authorized signatories as of the date and year written below.

URBAN DRAINAGE AND
FLOOD CONTROL DISTRICT D/B/A
MILE HIGH FLOOD DISTRICT

By _____

Name Laura A. Kroeger

Title Executive Director

D & G LAKE, LLC

By_____

Name Jason Gillis

Title Manager

Date_____

D & G LAND, LLC

By_____

Name Jason Gillis

Title Manager

Date_____

BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, COLORADO

Chair

Date

ATTEST:

Approved as to form:

Clerk of the Board

County Attorney

CITY OF WESTMINSTER

Donald M. Tripp, City Manager

ATTEST:

Michelle Parker, City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office

CITY OF ARVADA

By: _____

Name: Marc Williams

Title: Mayor

Date: _____

ATTEST/WITNESS:

City Clerk

APPROVED AS TO FORM:

For Rachael Morris, City Attorney

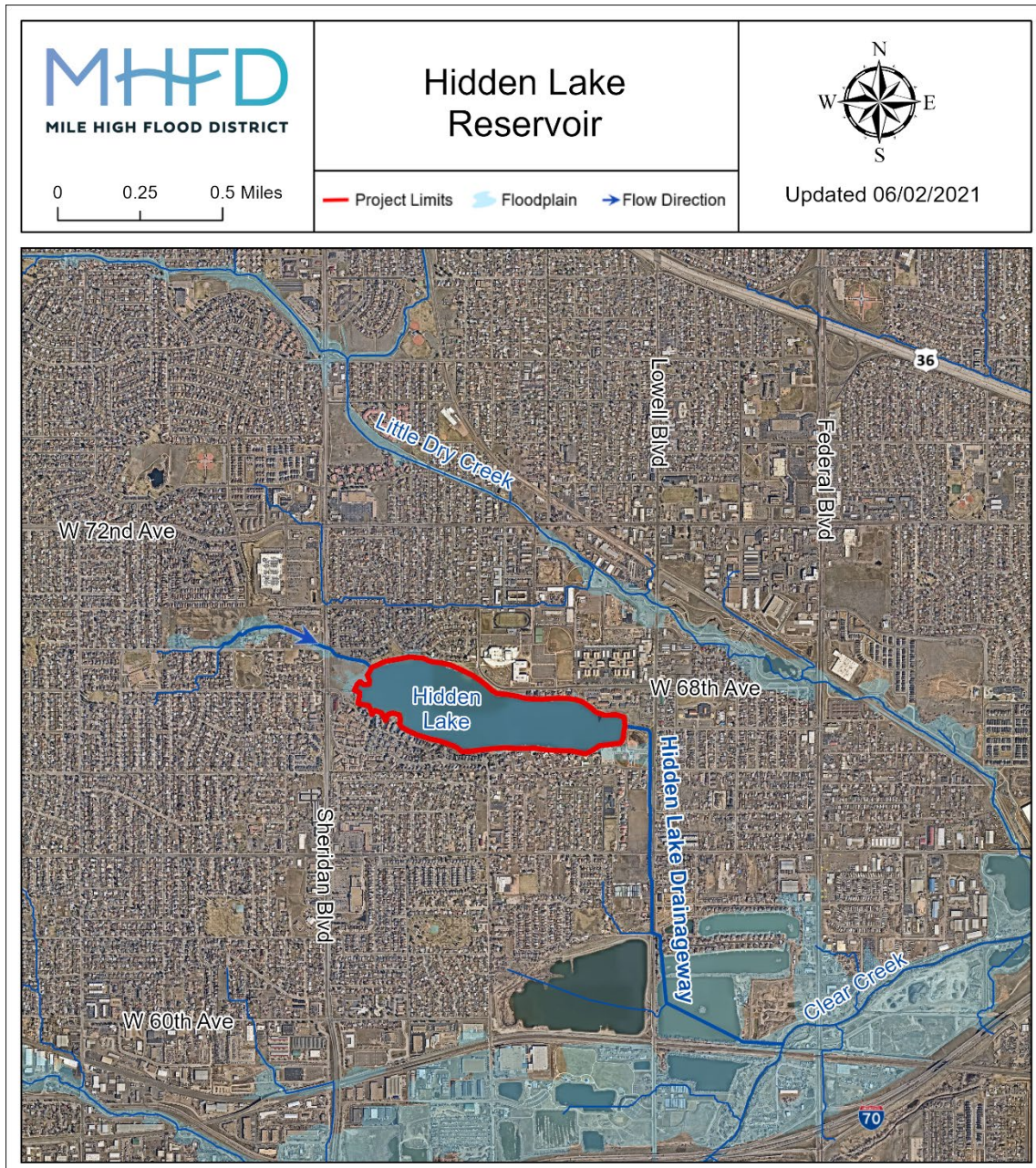
By: _____

AGREEMENT REGARDING THE INTENT TO
ASSURE THE FLOOD ROUTING CAPABILITY OF
HIDDEN LAKE RESERVOIR IN ADAMS COUNTY

Agreement No. 20-11.33

Project No. 107544

EXHIBIT A: LOCATION MAP





REPORT TO CITY COUNCIL ORDINANCE FIRST READING

**AGENDA ITEM
8.C.1.**

TO: THE HONORABLE CITY COUNCIL

DATE: September 11, 2023

SUBJECT: CB23-022, An Ordinance Authorizing the Acquisition of a Certain Property at the Northwest Corner of Kipling Parkway and Allendale Drive for the Construction of a Traffic Signal as Part of the Kipling Pkwy and Allendale Dr Intersection Improvements Project, Project No. 20-TC-07 (Public Hearing to be set for October 2, 2023 at 6:15 p.m.)

Report in Brief

PRESENTER: Jacqueline Rhoades

Council action is requested on the attached Ordinance authorizing the acquisition of a certain property at the Northwest Corner of Kipling Parkway and Allendale Drive for the Construction of a Traffic Signal as Part of the Kipling Pkwy and Allendale Dr Intersection Improvements Project, Project No. 20-TC-07.

The Arvada team recommends the City Council approve CB23-022, An Ordinance Authorizing the Acquisition of a Certain Property at the Northwest Corner of Kipling Parkway and Allendale Drive for the Construction of a Traffic Signal as Part of the Kipling Pkwy and Allendale Dr Intersection Improvements Project, Project No. 20-TC-07, be approved on first reading, ordered published in full, and a public hearing set for October 2, 2023 at 6:15 p.m.

Financial Impact

Funding for the project, including for the proposed easement acquisition, is available in Financial Project No. 93866, Kipling Pkwy & Allendale. The acquisition of this easement is necessary to facilitate the construction of the project; however, actual financial impacts of the easements are not yet determined. Attached is a legal description and a map describing the area of the proposed acquisition.

Background

The Kipling Parkway and Allendale Drive Intersection Improvements project will include the construction of new traffic signal infrastructure, including signal poles, foundations, curb ramps and pavement. The improvements will bring the intersection current with City and ADA standards and improve the overall safety and efficiency for motorists and pedestrians.

Discussion

The acquisition of the temporary construction easement is necessary to facilitate the construction of this project. Attached is a legal description and a map describing the area of the proposed acquisition.

Public Contact

Posting of the City Council agenda

Commission Recommendation

N/A

SUBJECT: CB23-022, An Ordinance Authorizing the Acquisition of a Certain Property at the Northwest Corner of Kipling Parkway and Allendale Drive for the Construction of a Traffic Signal as Part of the Kipling Pkwy and Allendale Dr Intersection Improvements Project, Project No. 20-TC-07 (Public Hearing to be set for October 2, 2023 at 6:15 p.m.)

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Strategic Alignment

The recommended action aligns with the following Principle within the Infrastructure Priority Area of the City Council Strategic Plan:

Provides safe and efficient connections to modes of transportation, including transit, streets, sidewalks, and bikeways with a focus on enhanced technology at high-priority intersections, improving safety and minimizing traffic congestion.

Alternative Courses of Action

N/A

Recommendation for Action

The Arvada team recommends the City Council approve CB23-022, An Ordinance Authorizing the Acquisition of a Certain Property at the Northwest Corner of Kipling Parkway and Allendale Drive for the Construction of a Traffic Signal as Part of the Kipling Pkwy and Allendale Dr Intersection Improvements Project, Project No. 20-TC-07, be approved on first reading, ordered published in full, and a public hearing set for October 2, 2023 at 6:15 p.m.

Suggested Motion:

I move that CB23-022, An Ordinance Authorizing the Acquisition of a Certain Property at the Northwest Corner of Kipling Parkway and Allendale Drive for the Construction of a Traffic Signal as Part of the Kipling Pkwy and Allendale Dr Intersection Improvements Project, Project No. 20-TC-07, be, (approved on first reading, ordered published in full, and a public hearing set for October 2, 2023 at 6:15 p.m.) (rejected).

Prepared by:
Trandon Struck, Traffic Engineer II

Reviewed by:

Approved by:

Jacqueline Rhoades, Public Works Director	8/22/2023
Bryan Archer, Director of Finance	8/23/2023
Tammy Hedlund, Legal Specialist	8/23/2023
Jessica Morales, Assistant City Attorney	8/23/2023
Rachel Morris, City Attorney	8/25/2023
Don Wick, Deputy City Manager	8/28/2023
Lorie Gillis, City Manager	8/29/2023

Enclosure, exhibits & attachments required to support the report

COUNCIL BILL NO. CB23-022
ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ACQUISITION OF A CERTAIN PROPERTY AT THE NORTHWEST CORNER OF KIPLING PARKWAY AND ALLENDALE DRIVE FOR THE CONSTRUCTION OF A TRAFFIC SIGNAL AS PART OF THE KIPLING PKWY AND ALLENDALE DR. INTERSECTION IMPROVEMENTS PROJECT, PROJECT NO. 20-TC-07

WHEREAS, the City of Arvada (“Arvada”) is a Colorado home rule municipality, under the authority of the Constitution of the State of Colorado; and

WHEREAS, Arvada is vested with all powers of eminent domain and condemnation pursuant to Article XX of the Colorado Constitution and Chapter 13 of the Arvada Charter; and

WHEREAS, Arvada desires to construct a traffic signal as part of the Kipling Pkwy and Allendale Dr. Intersection Improvements Project, Project No. 20-TC-07; and

WHEREAS, Arvada requires the acquisition of temporary construction easements for the construction of a traffic signal, as part of the Kipling Pkwy and Allendale Dr. Intersection Improvements Project, Project No. 20-TC-07.

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

Section 1. It is hereby determined that it is necessary to the public health, safety, and welfare that certain traffic signal, sidewalk, street, utility, drainage, curb and gutter, and/or related improvements be installed in those areas set forth in the title hereto (the “Project”) and as further described in **Exhibit A**, and that property interests are necessary to accomplish the Project and may be acquired by donation or negotiation and purchase if possible, and by condemnation if necessary, such Project being for and constituting a public purpose.

Section 2. The City Attorney and her designees are hereby specifically authorized to take any necessary and legal measures, including condemnation, to acquire the private real property interests within the area legally described in **Exhibit A**, or any portion thereof, as may be determined necessary for the Project, including requesting immediate possession thereof.

Section 3. The City Attorney and her designees are hereby authorized to amend the legal description of the parcels to be acquired, or any interest therein, as may be necessary in the course of acquiring the property necessary for the Project.

Section 4. The Mayor or his designee is authorized to execute purchase and sale agreements, memoranda of agreement, or related documents in furtherance of the acquisition(s) authorized herein.

Section 5. This ordinance shall take effect five (5) days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED this 11th day of September, 2023.

PASSED, ADOPTED, AND APPROVED this ____ day of October, 2023.

Marc Williams, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:
Rachel A. Morris, City Attorney

By: _____

Publication Dates: September 14, 2023

**EXHIBIT A
LAND DESCRIPTION**

A PARCEL OF LAND BEING A PORTION OF LOT 1 OF WESTERN BOWL II MINOR SUBDIVISION, RECORDED APRIL 20, 2006 IN THE OFFICE OF THE CLERK AND RECORDER OF JEFFERSON COUNTY AT RECEPTION NUMBER 2006046694; SAID PARCEL LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 9, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF ARVADA AND COUNTY OF JEFFERSON, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS WITH BEARINGS REFERENCED TO THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 9, MONUMENTED ON THE SOUTH END BY A 2 INCH ALUMINUM CAP STAMPED "L.S. 5112 1999" AND ON THE NORTH END BY A 1-1/2 INCH BRASS CAP STAMPED 4,3,9,10, ASSUMED TO BEAR NORTH 00°15'52" WEST 2640.03 FEET;

COMMENCE AT THE EAST ONE-QUARTER CORNER OF SAID SECTION 9; THENCE NORTH 06°16'44" WEST, A DISTANCE OF 707.35 FEET TO AN EXTERIOR CORNER OF SAID LOT 1, ALSO BEING THE **POINT OF BEGINNING**;

THENCE SOUTH 89°14'11" WEST AND COINCIDENT WITH THE SOUTHERLY LINE OF SAID LOT 1, A DISTANCE OF 30.25 FEET;

THENCE NORTH 00°46'04" WEST, A DISTANCE OF 17.00 FEET;

THENCE NORTH 89°13'56" EAST, A DISTANCE OF 23.85 FEET;

THENCE NORTH 33°28'33" EAST, A DISTANCE OF 20.22 FEET;

THENCE NORTH 11°00'28" WEST, A DISTANCE OF 6.67 FEET;

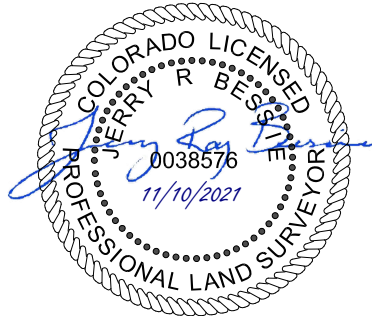
THENCE NORTH 78°59'32" EAST, A DISTANCE OF 17.00 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 1 AND A NON-TANGENT CURVE HAVING A RADIUS OF 445.56 FEET, WHOSE CENTER BEARS SOUTH 78°20'57" WEST;

THENCE COINCIDENT WITH THE EASTERLY AND SOUTHERLY LINES OF SAID LOT 1 THE FOLLOWING FOUR (4) COURSES:

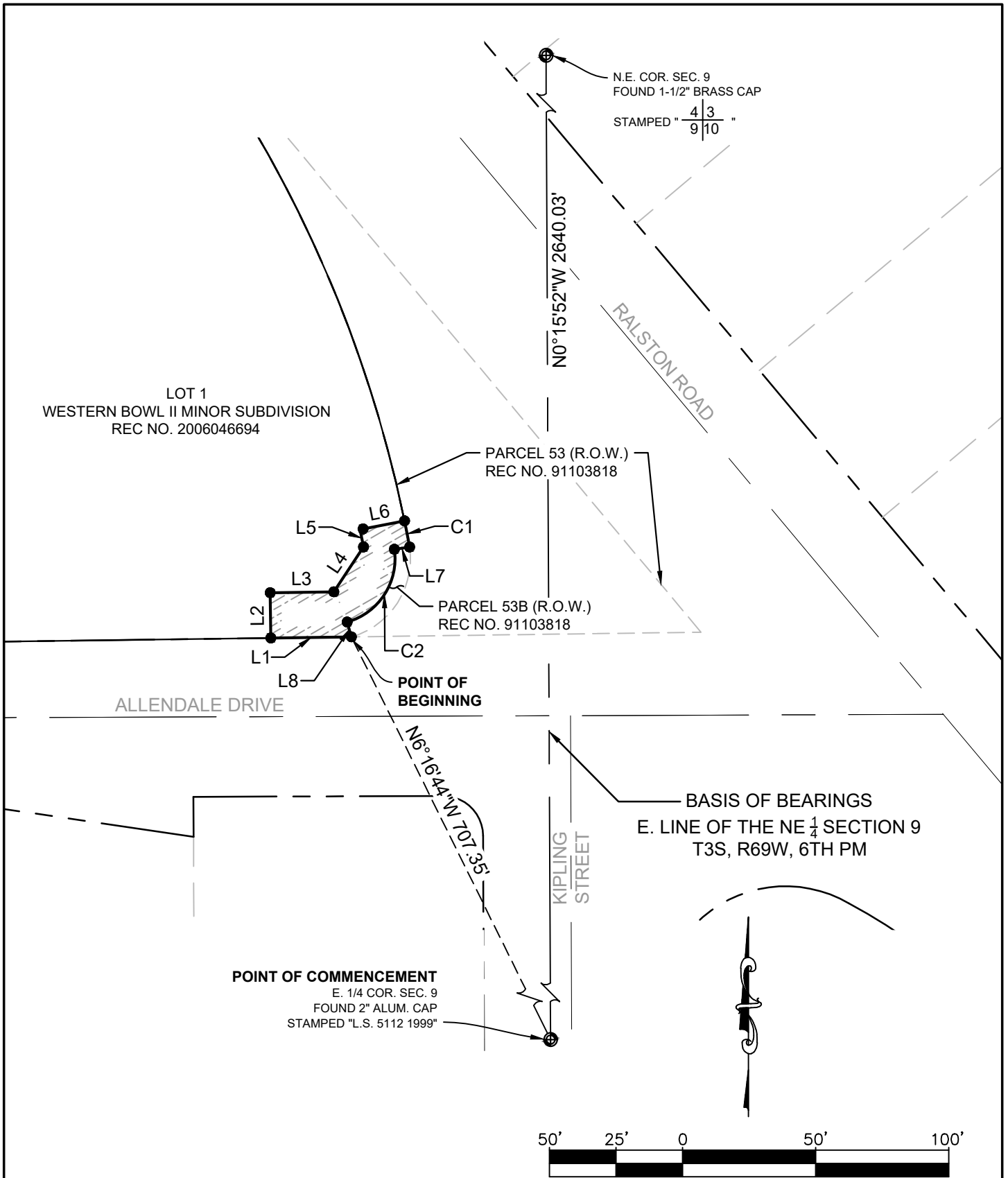
1. THENCE SOUTHERLY AND COINCIDENT WITH SAID NON-TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 01°17'09", AN ARC DISTANCE OF 10.00 FEET AND HAVING A CHORD THAT BEARS SOUTH 11°00'28" EAST, A DISTANCE OF 10.00 FEET;
2. THENCE SOUTH 81°41'15" WEST, A DISTANCE OF 5.80 FEET TO A NON-TANGENT CURVE HAVING A RADIUS OF 24.70 FEET, WHOSE CENTER BEARS SOUTH 81°41'15" WEST;

3. THENCE SOUTHWESTERLY AND COINCIDENT WITH SAID NON-TANGENT CURVE, THROUGH A CENTRAL ANGLE OF $82^{\circ}27'54''$, AN ARC DISTANCE OF 35.55 FEET AND HAVING A CHORD THAT BEARS SOUTH $32^{\circ}55'12''$ WEST, A DISTANCE OF 32.56 FEET;
4. THENCE SOUTH $15^{\circ}47'37''$ EAST, A DISTANCE OF 5.80 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIPTION CONTAINS A CALCULATED AREA OF 1,022 SQUARE FEET OR (0.02347 ACRES), MORE OR LESS, AND IS DEPICTED ON THE ATTACHED GRAPHICAL EXHIBIT FOR REFERENCE.



JERRY RAY BESSIE, PLS 38576
PREPARED FOR AND ON BEHALF OF MATRIX DESIGN GROUP
1601 BLAKE STREET, SUITE 200 – DENVER, COLORADO 80202



AREA: 1,022 SQUARE FEET (0.02347 ACRES), MORE OR LESS

SCALE: 1" = 50'

PREPARED BY:



Matrix

CHECKED BY: JRB

SCALE: 1" = 50'

DATE: NOVEMBER 10, 2021

EXHIBIT A

LAND DESCRIPTION

SHEET: 3 OF 4

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	S89°14'11"W	30.25
L2	N00°46'04"W	17.00
L3	N89°13'56"E	23.85
L4	N33°28'33"E	20.22
L5	N11°00'28"W	6.67
L6	N78°59'32"E	17.00
L7	S81°41'15"W	5.80
L8	S15°47'37"E	5.80

CURVE TABLE					
CURVE #	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	10.00	445.56	1°17'09"	S11°00'28"E	10.00
C2	35.55	24.70	82°27'54"	S32°55'12"W	32.56

PREPARED BY:



Matrix

CHECKED BY: JRB

SCALE: N / A

DATE: NOVEMBER 10, 2021

EXHIBIT A

LAND DESCRIPTION

SHEET: 4 OF 4



REPORT TO CITY COUNCIL ORDINANCE FIRST READING

AGENDA ITEM
8.C.2.

TO: THE HONORABLE CITY COUNCIL

DATE: September 11, 2023

SUBJECT: CB23-023, An Ordinance Vacating a Parcel of Right-of-Way Located at Approximately Marshall Court and West 55th Place, City of Arvada, County of Jefferson, State of Colorado for the Family Tree Affordable Housing Development.(Public Hearing to be set for October 2, 2023 at 6:15 p.m.)

Report in Brief

Family Tree and BlueLine Development are requesting approval of a Right of Way Vacation for an affordable multifamily development. This unimproved right of way will be vacated to keep the property as a single parcel. The applicant will provide the required 24' fire lane and emergency access easement to the project site plan.

The property is approximately 1.638 acres and is zoned Mixed-Use Suburban (MX-S). The proposed development is approximately 20,195 square feet in size and is planned for an 85 unit apartment building with offices for supportive services for the residents. An exterior courtyard and a small urban park are also provided. The apartment units are for households experiencing homelessness at or below 30 percent area median income (AMI).

The Arvada Team recommends that the City Council Approve a Vacation of Marshall Ct. and W 55th Pl. Right-of-Way for the Family Tree Affordable Housing Project, A 1.71 acre parcel of land located approximately at 5549 Marshall St.

Financial Impact

There is no fiscal impact to the city.

Background

The subject property is located on the southwest corner of W 56th Avenue and Marshall Street. Currently, there are five single family homes owned by the Family Tree Foundation on the property. Since 1976, the Foundation has been helping people overcome child abuse and neglect, domestic violence and homelessness in the community. Family Tree was awarded a low income housing tax credits (LIHTC) and will redevelop the site for an affordable housing apartment building.

Discussion

The right-of-way vacation (ROW) of Marshal Court and West 55th Place will improve the overall site development. The existing unimproved ROW will be replaced with a 24-foot fire lane and an emergency access easement. The proposed easements will connect to West 56th Avenue to the north and Marshall Street to the south and allow the adjacent property owner to the south continued access to their rear parking lot.

Div. 8-3-9-1 Vacation of Rights-of-Way Approval Criteria	Finding	Rationale
1. The vacation is consistent with the Comprehensive Plan and with any other City-adopted	Complies	The vacation of the unimproved ROW allows the development of an affordable

SUBJECT: CB23-023, An Ordinance Vacating a Parcel of Right-of-Way Located at Approximately Marshall Court and West 55th Place, City of Arvada, County of Jefferson, State of Colorado for the Family Tree Affordable Housing Development.(Public Hearing to be set for October 2, 2023 at 6:15 p.m.)

PAGE: 2
ITEM: 8.C.2.

transportation plan or streets/roadway plan.		housing apartment building consistent with the Comprehensive Plan.
2. The land to be vacated is no longer necessary for the public use and convenience or the public right-of-way or public vehicular access easement has become useless, inconvenient, or burdensome to the City.	Complies	The existing single family homes will be demolished and replaced with the new development. The ROW will no longer be needed.
3. The vacation will not create any landlocked properties.	Complies	The vacation will not result in creating any landlocked properties.
4. The vacation will not restrict access to any lot, tract, or parcel so that the resulting access is unreasonable or economically prohibitive.	Complies	The vacation will not restrict access to any lot, tract, or parcel.
5. The vacation will not reduce the quality of public services or the provision of necessary emergency services to any lot, tract, or parcel.	Complies	A fire and access easements will be provided improving the required access drive for necessary emergency services for this lot.

Public Contact

The required neighborhood meeting for this project took place on June 2, 2022. The applicant, staff, and 40 neighbors were in attendance.

Family Tree Inc. presented the development group and partners including the Jefferson Center for Mental Health, BlueLine Development, Inc. and Property Management Company. The presentation described the proposed development project for supportive housing to serve individuals and families at or below 30 percent area median income. The site will have community gatherings, supportive services and onsite staff seven days a week.

The residents were generally interested in learning about the partners and services to be provided. Some expressed concerns that there are already a high number of homeless people in the neighborhood and likely to increase with the development. Others were concerned about number off-street parking spaces to be provided.

Written notice was sent 15 days prior to the meeting, a published notice was posted in the newspaper 15 days prior to the meeting, and a public hearing sign was posted 15 days prior to the meeting.

Commission Recommendation

On August 8, 2023, the Planning Commission voted 6 to 0 (1 absence) to recommend approval of the right-of-way vacation.

Strategic Alignment

The project is consistent with the City Council Strategic Plan principles for the Community and Economic Development work system.

Alternative Courses of Action

N/A

SUBJECT: CB23-023, An Ordinance Vacating a Parcel of Right-of-Way Located at Approximately Marshall Court and West 55th Place, City of Arvada, County of Jefferson, State of Colorado for the Family Tree Affordable Housing Development.(Public Hearing to be set for October 2, 2023 at 6:15 p.m.)

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Recommendation for Action

The Arvada team recommends that the city council approve CB23-023, an ordinance vacating a parcel of right-of-way located at approximately Marshall Court and West 55th Place, City of Arvada, County of Jefferson, State of Colorado for the Family Tree Affordable Housing Development.

Suggested Motion:

I move that CB23-023, An Ordinance vacating a parcel of right-of-way located at approximately Marshall Court and West 55th Place, City of Arvada, County of Jefferson, State of Colorado for the Family Tree Affordable Housing Development, be (approved on first reading, ordered published in full and a public hearing date be set for October 2, 2023 at 6:15 p.m) (rejected).

Prepared by:
Dixielee Rodriguez, Administrative Specialist

Reviewed by:

Approved by:

Carol Ibanez, Senior Planner	8/22/2023
Josie Suk, Development Systems and Administrative Manager	8/24/2023
Rob Smetana, Acting Director of Community and Economic Development	8/24/2023
Gail Walker, Legal Specialist-Contracts	8/24/2023
Emily Grogg, Senior Assistant City Attorney	8/24/2023
Rachel Morris, City Attorney	8/25/2023
Linda Haley, Deputy City Manager	8/25/2023
Lorie Gillis, City Manager	8/28/2023

Enclosure, exhibits & attachments required to support the report

COUNCIL BILL NO. 23-023
ORDINANCE NO.

AN ORDINANCE VACATING A PARCEL OF RIGHT-OF-WAY LOCATED AT APPROXIMATELY MARSHALL COURT AND WEST 55TH PLACE, CITY OF ARVADA, COUNTY OF JEFFERSON, STATE OF COLORADO FOR THE FAMILY TREE AFFORDABLE HOUSING DEVELOPMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

Section 1. The following right-of-way situate within the City of Arvada, County of Jefferson, State of Colorado, be and the same hereby is vacated, described further in the attached **Exhibit A and Exhibit B**.

Section 2. The Council finds that:

- 1) The vacation is consistent with the Comprehensive Plan and with any other City-adopted transportation plan or streets/roadway plan.
- 2) The land to be vacated is no longer necessary for the public use and convenience.
- 3) The vacation will not create any land locked properties.
- 4) The vacation will not restrict access to any parcel so that access is unreasonable or economically prohibitive.
- 5) The vacation will not reduce the quality of public services to any parcel of land.

Section 3. The interests being vacated shall vest in accordance with the provisions of C.R.S. §43-2-302.

Section 4. This ordinance shall be effective five days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED this 11th day of September, 2023.

PASSED, ADOPTED, AND APPROVED this _____ day of _____, 2023.

Marc Williams, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Rachel A. Morris, City Attorney

By: _____

Publication Dates: September 14, 2023

Exhibit A

AN ORDINANCE VACATING A PARCEL OF RIGHT-
OF-WAY LOCATED AT APPROXIMATELY MARSHALL
COURT AND WEST 55TH PLACE, CITY OF ARVADA,
COUNTY OF JEFFERSON, STATE OF COLORADO FOR
THE FAMILY TREE AFFORDABLE HOUSING
DEVELOPMENT

EXHIBIT A
Right-of-Way Vacation
Legal Description

A parcel of land being a portion of Kelley Subdivision, a subdivision plat recorded under Reception No. 681339 of the records of Jefferson County, Colorado, said portion being dedicated public right-of-way by said plat, and further being situated in the Northwest One-Quarter of Section 13, Township 3 South, Range 69 West of the 6th Principal Meridian, Jefferson County, Colorado, being more particularly described as follows:

BASIS OF BEARINGS:

All bearings referred to herein are based on the North line of the Northwest One-Quarter of Section 13, Township 3 South, Range 69 West of the 6th Principal Meridian, Jefferson County, Colorado, assumed herein to bear N 89°53'26" E. Said line being defined by found monuments as follows: a found 3/4" rebar with a 3 1/4" aluminum cap stamped "PLS 38026" at the northwest corner of said Section 13 and a found 3/4" rebar with a 3" aluminum cap stamped "PLS 36561" at the northeast corner of the northwest quarter of said Section 13.

BEGINNING at the southeast corner of Lot 1, Kelley Subdivision as recorded under Reception No. 681339 of the records of Jefferson County, Colorado;

Thence **N 00°05'15" W**, coincident with the easterly line of Lots 1, 2, 3, 4, and 5 of said Kelley Subdivision, a distance of **242.30 feet** to the south right-of-way line of West 56th Avenue as described in Book 2078, Page 214 of the records of Jefferson County, Colorado;

Thence **N 89°53'26" E**, coincident with said south right-of-way line, a distance of **30.00 feet** to a point of the westerly line of Block 1 of said Kelley Subdivision;

Thence coincident with the westerly and southerly lines of said Block 1 the following four courses:

S 00°05'15" E, a distance of **202.29 feet** to a point of curvature;

Thence **23.57 feet** along the arc of a curve to the left, being concave to the northeast, having a central angle of **90°01'19"**, and a radius of **15.00 feet** to a point of tangency;

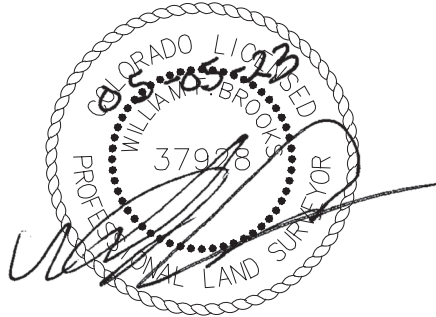
N 89°53'26" E, a distance of **127.52 feet** to a point of curvature;

Thence **21.61 feet** along the arc of a curve to the left, being concave to the northwest, having a central angle of **82°31'44"**, and a radius of **15.00 feet** to a point on the westerly right-of-way of Marshall Street and a point of non-tangent curvature;

Thence **38.16 feet** along the arc of a curve to the left, being concave to the east, having a central angle of **05°59'42"**, a radius of **364.70 feet** and a chord bearing and distance of **S 03°53'06" W, 38.14 feet** to a point on the north line of that parcel described under Reception No. 29650051 of the records of Jefferson County, Colorado, and the south line of said Kelley Subdivision;

Thence **S 89°53'26" W**, coincident with said south line, a distance of **184.75 feet** to the **POINT OF BEGINNING**.

The above described parcel contains a total of 11,235.76 square feet, more or less.



Prepared by:

William Brooks, PLS
Colorado Professional Land Surveyor No. 37928
For and on behalf of Galloway & Company, Inc.
Project No.: BLN000001.10

Exhibit B

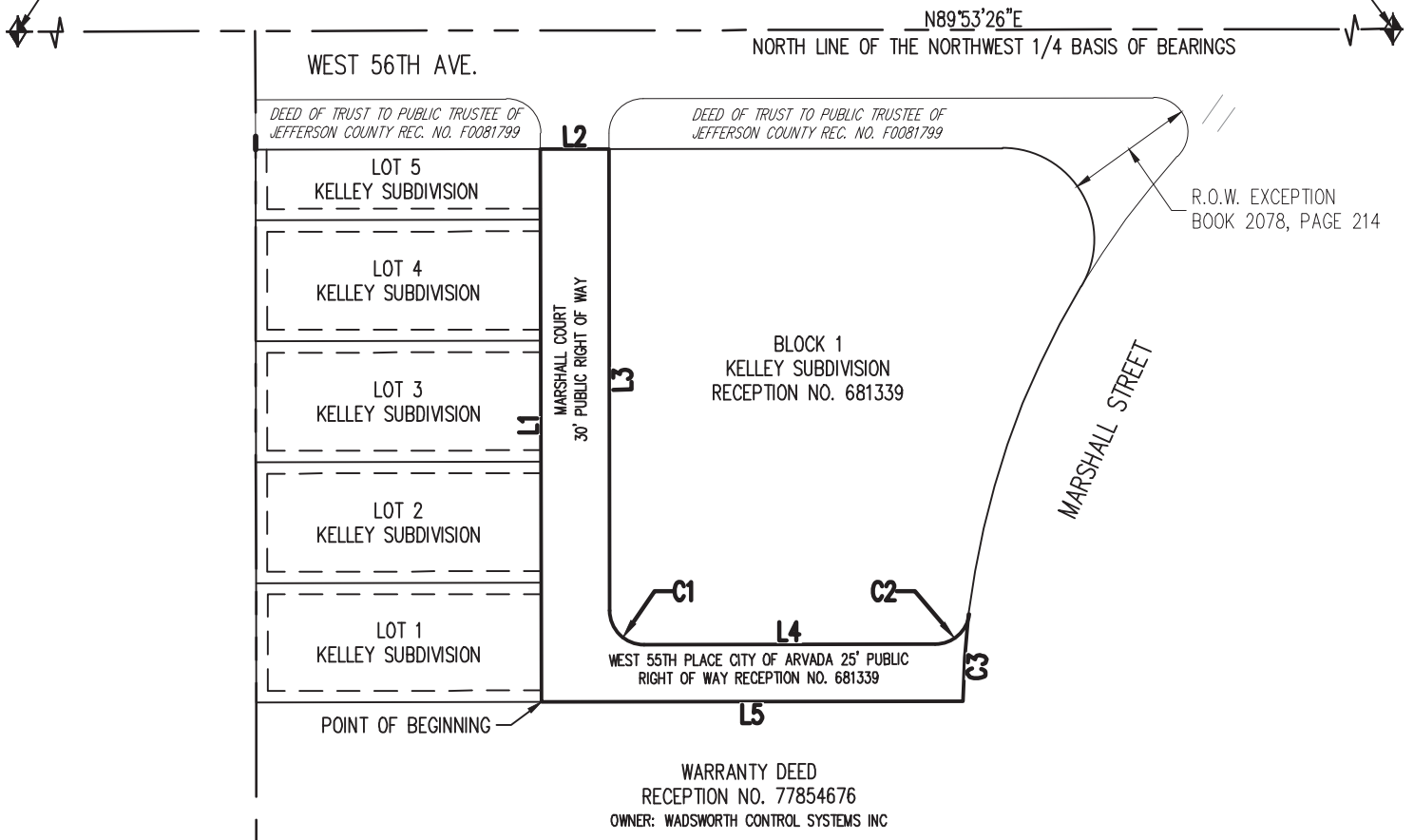
AN ORDINANCE VACATING A PARCEL OF RIGHT-
OF-WAY LOCATED AT APPROXIMATELY MARSHALL
COURT AND WEST 55TH PLACE, CITY OF ARVADA,
COUNTY OF JEFFERSON, STATE OF COLORADO FOR
THE FAMILY TREE AFFORDABLE HOUSING
DEVELOPMENT

EXHIBIT 'B'

RIGHT-OF-WAY VACATION

NORTHWEST CORNER, SECTION 13, TOWNSHIP 3 SOUTH,
RANGE 69 WEST, 6TH P.M.
(FOUND, 3 1/4" ALUMINUM CAP, STAMPED "PLS 38026")

NORTH QUARTER CORNER, SECTION 13, TOWNSHIP 3
SOUTH, RANGE 69 WEST, 6TH P.M.
(FOUND, 3" ALUMINUM CAP, STAMPED "PLS 36561")



NOTE:
THIS DOES NOT REPRESENT A MONUMENTED
LAND SURVEY. IT IS INTENDED ONLY TO DEPICT
THE ATTACHED LEGAL DESCRIPTION.

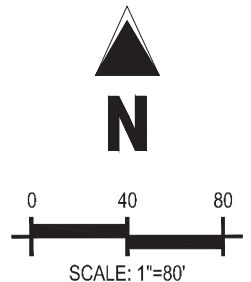


EXHIBIT 'B'

RIGHT-OF-WAY VACATION

NE 1/4 OF THE NW 1/4 OF SEC 13, T3S, R69W OF THE 6TH P.M.
JEFFERSON COUNTY, ARVADA, COLORADO

Project No: BLN000001.10

Drawn By: J. Hickman

Checked By: B. Brooks

Date: May 05, 2023

Galloway

1155 Kelly Johnson Blvd., Suite 305
Colorado Springs, CO 80920
719.900.7220
GallowayUS.com

EXHIBIT 'B'

RIGHT-OF-WAY VACATION

PARCEL LINE SEGMENT TABLE		
LINE TAG #	BEARING	LENGTH (FT)
L1	N0°05'15"W	242.30
L2	N89°53'26"E	30.00
L3	S0°05'15"E	202.29
L4	N89°53'26"E	127.52
L5	S89°53'26"W	184.75

PARCEL CURVE SEGMENT TABLE					
CURVE TAG #	DELTA	LENGTH (FT)	RADIUS (FT)	CHORD BEARING	CHORD LENGTH (FT)
C1	90°01'19"	23.57	15.00	S45°05'54"E	21.22
C2	82°31'44"	21.61	15.00	N48°37'34"E	19.79
C3	5°59'42"	38.16	364.70	S3°53'06"W	38.14



NOTE:
THIS DOES NOT REPRESENT A MONUMENTED
LAND SURVEY. IT IS INTENDED ONLY TO DEPICT
THE ATTACHED LEGAL DESCRIPTION.

EXHIBIT 'B'

RIGHT-OF-WAY VACATION

NE 1/4 OF THE NW 1/4 OF SEC 13, T3S, R69W OF THE 6TH P.M.
JEFFERSON COUNTY, ARVADA, COLORADO

PG. 4 OF 4

Project No: BLN000001.10

Drawn By: J. Hickman

Checked By: B. Brooks

Date: May 05, 2023

Galloway

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Colorado Springs, CO 80920
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REPORT TO CITY COUNCIL PUBLIC HEARING

AGENDA ITEM
10.A.

TO: THE HONORABLE CITY COUNCIL

DATE: September 11, 2023

SUBJECT: Conditional Use for Residential Development in the MX-S Zoning District for the Family Tree Affordable Housing Project, a 1.71 acre parcel of land located approximately at 5549 Marshall St. (Presenter: Rob Smetana, Acting Director of Community and Economic Development)

Report in Brief

Presenter: Rob Smetana, Acting Director of Community and Economic Development

Family Tree and BlueLine Development are requesting approval of a Conditional Use for an affordable multifamily development.

The property is approximately 1.638 acres and is zoned Mixed-Use Suburban (MX-S). The proposed development is approximately 20,195 square feet in size and is planned for an 85 unit apartment building with offices for supportive services for the residents. An exterior courtyard and a small urban park are also provided. The apartment units are for households experiencing homelessness at or below 30 percent area median income (AMI).

The Arvada Team recommends that the City Council Approve The Conditional Use for Residential Development in the MX-S Zoning District for the Family Tree Affordable Housing Project, A 1.71 acre parcel of land located approximately at 5549 Marshall St.

Financial Impact

There is no fiscal impact to the city.

Background

The subject property is located on the southwest corner of W 56th Avenue and Marshall Street. Currently, there are five single family homes owned by the Family Tree Foundation on the property. Since 1976, the Foundation has been helping people overcome child abuse and neglect, domestic violence and homelessness in the community. Family Tree was awarded a low income housing tax credits (LIHTC) and will redevelop the site for an affordable housing apartment building.

Discussion

Div. 8-3-5 Conditional Use Approval Criteria	Finding	Rationale
1. The application complies with the applicable standards of this LDC, other adopted City ordinances, resolutions and regulations including but not limited to any use-specific standards for the proposed conditional use in Division 3-1-3, any approved Master Development Plan that includes the property, and any conditions specifically applied to	Complies	Except for a major modification, the proposed development for an affordable multifamily housing complies with the applicable standards of the LDC. The MX-S zone district allows multifamily residential with a conditional use approval.

SUBJECT: Conditional Use for Residential Development in the MX-S Zoning District for the Family Tree Affordable Housing Project, a 1.71 acre parcel of land located approximately at 5549 Marshall St. (Presenter: Rob Smetana, Acting Director of Community and Economic Development)

PAGE: 2
ITEM: 10.A.

development of the property by the Planning Commission or City Council in a prior decision affecting the property;		
2. The application is consistent with the Arvada Comprehensive Plan;	Complies	The proposed development is consistent with the Comprehensive Plan. The housing gap analysis reveals that low-income residents have difficulty finding affordable rental or for-sale housing. In Arvada there is limited number of rental for low and moderate-income households. The proposed development will provide 85 units to serve these residents.
3. The use is consistent with the purpose and intent of the zoning district in which it is located;	Complies	The proposed affordable housing meets the intent of the MX-S and is well connected to the services and transit along Marshall Street and W 56 th Avenue.
4. The size, scale, height, density, multi-modal traffic impacts, hours of operation and other similar characteristics of the proposed use are comparable with existing and planned uses in the surrounding area and the zoning district regulations;	Complies	The redevelopment of the site meets the size, scale, height, and density with the MX-S zoning regulations. The proposed development will improve the existing character of the area.
5. Facilities and services including sewer, water, storm water, gas, electricity, police and fire protection, and roads and transportation will, prior to or as part of the development, be available to serve the subject property while maintaining adequate levels of service for existing development; and	Complies	All facilities and services are available to serve the site. A fire and emergency access driveway will be provided around the property.
6. The application mitigates any adverse impacts on the surrounding area to the degree practicable	Complies	The development mitigates any adverse impacts as well improves the surrounding area as this area is redeveloping.

Public Contact

The required neighborhood meeting for this project took place on June 2, 2022. The applicant, staff, and 40 neighbors were in attendance.

Family Tree Inc. presented the development group and partners including the Jefferson Center for Mental Health, BlueLine Development, Inc. and Property Management Company. The presentation described the proposed development project for supportive housing to serve individuals and families at or below 30 percent area median income. The site will have community gatherings, supportive services and onsite staff seven days a week.

SUBJECT: Conditional Use for Residential Development in the MX-S Zoning District for the Family Tree Affordable Housing Project, a 1.71 acre parcel of land located approximately at 5549 Marshall St. (Presenter: Rob Smetana, Acting Director of Community and Economic Development)

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ITEM: 10.A.

The residents were generally interested in learning about the partners and services to be provided. Some expressed concerns that there are already a high number of homeless people in the neighborhood and likely to increase with the development. Others were concerned about number off-street parking spaces to be provided.

Written notice was sent 15 days prior to the meeting, a published notice was posted in the newspaper 15 days prior to the meeting, and a public hearing sign was posted 15 days prior to the meeting.

Commission Recommendation

On August 8, 2023, the Planning Commission voted 6 to 0 (1 absent) to recommend approval of the Conditional Use request.

Strategic Alignment

The project is consistent with the City Council Strategic Plan principles for the Community and Economic Development work system.

Alternative Courses of Action

N/A

Recommendation for Action

The Arvada Team recommends that the City Council approve the Conditional Use based on approval criteria on page 6 of the Staff Report, generally located at 5549 Marshall St, in the City of Arvada, CO.

Suggested Motion:

I move that the Conditional Use for residential development in the MX-S zoning district for the Family Tree Affordable Housing, a 1.71 - acre parcel of land approximately located at 5549 Marshall St., in the City of Arvada, CO, be (approved) (rejected).

This motion is based on the findings of fact and conditions (if any) adopted by the Planning Commission (if approved).

This motion is based on the following findings of fact for denial: (Recite approval criteria you believe the evidence fails to satisfy and your reasons).

Prepared by:
Dixielee Rodriguez, Administrative Specialist

Reviewed by:

Approved by:

Carol Ibanez, Senior Planner

8/22/2023

Josie Suk, Development Systems and Administrative Manager

8/22/2023

Emily Grogg, Senior Assistant City Attorney

8/23/2023

SUBJECT: Conditional Use for Residential Development in the MX-S Zoning District for the Family Tree Affordable Housing Project, a 1.71 acre parcel of land located approximately at 5549 Marshall St. (Presenter: Rob Smetana, Acting Director of Community and Economic Development)

PAGE: 4
ITEM: 10.A.

Rob Smetana, Acting Director of Community and Economic Development	8/23/2023
Gail Walker, Legal Specialist-Contracts	8/24/2023
Rachel Morris, City Attorney	8/28/2023
Linda Haley, Deputy City Manager	8/28/2023
Lorie Gillis, City Manager	8/28/2023

Enclosure, exhibits & attachments required to support the report

City of Arvada
Community and Economic Development Department
PUBLIC HEARING STAFF REPORT

FAMILY TREE AFFORDABLE HOUSING
CONDITIONAL USE, MAJOR MODIFICATION, AND
RIGHT OF WAY VACATION
DA2022-0059

NATURE OF REQUEST

Family Tree and BlueLine Development are requesting approval of a Conditional Use, a Major Modification and a Right of Way Vacation for an affordable multifamily development.

The property is approximately 1.638 acres and is zoned Mixed-Use Suburban (MX-S). The proposed development is approximately 20,195 square feet in size and planned for an 85 unit apartment building with offices for supportive services for the residents. An exterior courtyard and a small urban park are also provided. The apartment units are for households experiencing homelessness at or below 30 percent area median income (AMI).

MAJOR MODIFICATIONS REQUESTED

The Applicant is requesting a modification to the Arvada Land Development Code (LDC) standards as part of this project. The modification is:

Subsection 5-1-2-5 G.

Multifamily residential buildings shall provide at least 75 percent of the total dwelling units with at least one private outdoor yard, patio, or balcony. The regulations would require sixty-four balconies or patios for this project.

The applicant is requesting that this requirement be eliminated due to the unique needs of the population who will be served with this development. Over the years, the design of affordable housing by developers found that balconies were not being used by the residents or were being utilized for storage space.

To meet the intent of this requirement, a secured 8,500 square foot courtyard with open space will be provided. The courtyard will provide a multi-generational playground, private and covered outdoor seating, a walking path and a community garden, as well as a pet area and a smoking patio. The courtyard will be available for all the residents to enjoy. The cost to provide balconies or patios will be used to provide the residents with amenity areas inside the building, increasing access services provided by Family Tree and Jefferson Center for Mental Health.

Given the proposed mitigation, the staff recommends approval of the Major Modification requested.

LOCATION AND HISTORY

The subject property is located on the southwest corner of W 56th Avenue and Marshall Street. Currently, there are five single family homes owned by the Family Tree Foundation on the property. Since 1976, the Foundation has been helping people overcome child abuse and neglect, domestic violence and homelessness in the community. Family Tree was awarded a low income housing tax credits (LIHTC) and will redevelop the site for an affordable housing apartment building.

NEIGHBORHOOD MEETING

Division 8-2-2 of the Land Development Code requires that at least one neighborhood meeting be held for projects that require public hearings before the Planning Commission and City Council.

The required neighborhood meeting for this project took place on June 2, 2022. The applicant, staff, and 40 neighbors were in attendance.

Family Tree Inc. presented the development group and partners including the Jefferson Center for Mental Health, BlueLine Development, Inc. and Property Management Company. The presentation described the proposed development project for supportive housing to serve individuals and families at or below 30 percent area median income. The site will have community gatherings, supportive services and onsite staff seven days a week.

The residents were generally interested in learning about the partners and services to be provided. Some expressed concerns that there are already a high number of homeless people in the neighborhood and likely to increase with the development. Others were concerned about number off-street parking spaces to be provided.

The applicant prepared a summary of the meeting, which is attached.

PUBLIC NOTIFICATION

Division 8-2-4 of the Land Development Code requires public notification for all public hearings as follows:

Written Notice: At least 15 days prior to all public hearings, written notice must be mailed to all property owners within 1,000 feet of the subject property and to all homeowners associations and neighborhood associations with a known interest in the subject property. The applicant will provide an affidavit of mailing verifying this requirement has been met prior to the public hearing.

Posted Notice: At least 15 days prior to all public hearings, signs notifying the public of the hearing must be posted on the subject property. The applicant will provide a posting log verifying that this requirement has been met prior to the public hearing.

Published Notice: At least 15 days prior to all public hearings, notice of the hearing must be published in a newspaper of general circulation in the City. The required notice has been published.

DEVELOPMENT REVIEW TIMELINE

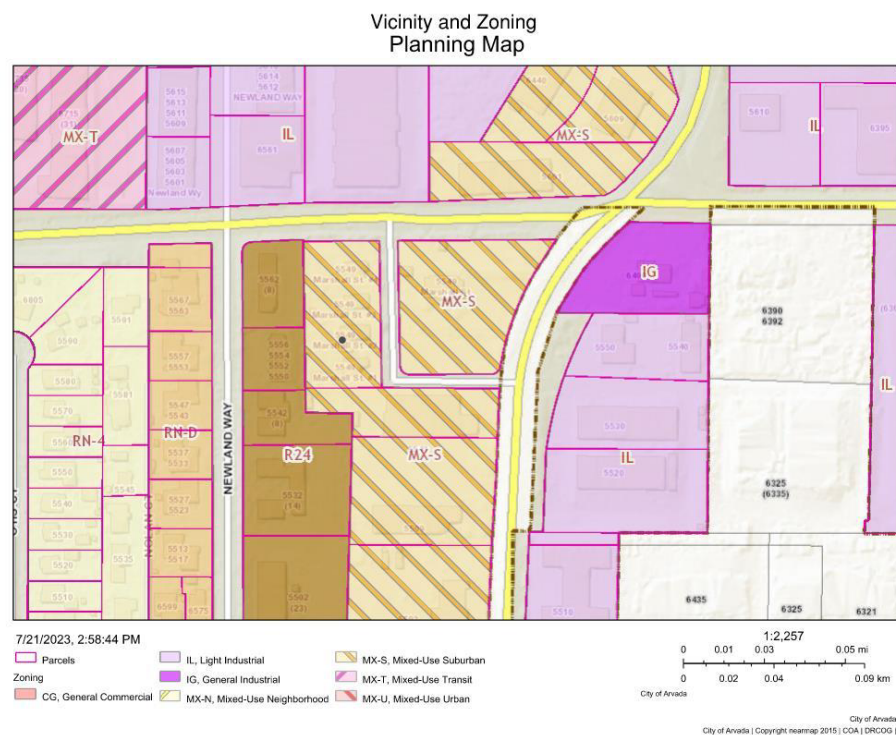
Review of the application began on July 6, 2022. The applicant was not able to meet the standard three reviews within a 26 week timeframe for the Planning Commission public hearing.

ALIGNMENT WITH CITY COUNCIL STRATEGIC PLAN

The project is consistent with the City Council Strategic Plan principles for the Community and Economic Development work system.

ZONING AND LAND USE

The subject property is currently zoned MX-S and is approximately 81,331 square feet in size.



Surrounding properties are zoned and utilized as follows:

Direction	Zoning	Actual Use
North	IL- Industrial Light	Warehouse, Storage, Auto Service and Repair
South	MX-S Mixed Use- Suburban	Warehouse, Storage, Auto Service and Repair
East	IL and IG-Industrial General	Industrial Flex Offices, Auto Service and Repair
West	R24 and RN-D	Residential Single Family Detached, Duplex and Apartment Units

The MX-S is intended to provide for a variety of residential and nonresidential uses in vertically mixed-use, horizontally mixed-use or single-use configurations.

The proposed project will provide 85 affordable housing units and will be managed and staffed by Family Tree and Jefferson Center for Mental Health.

PROJECT ANALYSIS

The Family Tree Affordable Housing development requires approval for a Condition Use, Major Modification and a Right of Way Vacation.

Right of Way Vacation

The right-of-way vacation (ROW) of Marshal Court and West 55th Place will improve the overall site development. The existing unimproved ROW will be replaced with a 24 foot fire lane and emergency access easement. The proposed easements will connect to West 56th Avenue to north and Marshall Street to south and allows the adjacent property owner to the south continued access to their rear parking lot.

Compliance with the Comprehensive Plan

The Comprehensive Land Use Map designation for the site is High Density Residential and Clear Creek/I-76 Community Plan. Appropriate uses are multi-family residential apartments and condominiums located near commercial and non-residential and industrial uses. High density residential development uses are generally located along collector or arterial streets and near transit services or centers.

Setbacks

The setbacks are as follows:

Urban Multifamily	Required (Section 2-1-8-8)	Proposed
Min. lot area	No minimum	1.6 acres
Min lot width	50'	65'
Max height	4-stories/ 45'	4-stories/ 50'-0"
Max units per building	Not limited	85
Max building coverage	90%	60%
Front setback	10' with 20% build-to	10' with 20% build to
Side setback	10'	10'
Side interior setback	10'	10'
Rear setback	0'	10'
Min. front parking setback	20'	20'
Min. landscape surface area	25%	41%
Min. area for small urban parks	10% of net parcel area	10%

Building Height

The MX-S maximum building height is 45 feet. Subsection 2-1-10-4 B allows an additional 15 feet; a maximum of 60 feet. The proposed building height is 50 feet.

Landscape Surface Area

The total amount of landscape surface area to be provided is 33,652 square feet (41 percent) exceeding the 25 percent minimum requirement.

Parks

The required park land dedication is 68,824.80 square feet. A small urban park is proposed to be located on the east side adjacent to Marshall Street. The 8,179 square feet urban park counts toward the park land dedication.

Building Design

The four-story building with a tuck under parking garage is designed to meet the LDC building design standards for multifamily, with the exception of the requested Major Modification described above. All sides of the building meet the architectural details with a variety of building materials i.e. brick veneer exterior wall with masonry detailing, and canopies on the first floor. Horizontal and vertical articulations are also provided.

Circulation and Connectivity

The site currently has two accesses: West 56th Avenue and Marshall Street. Entrance to the site will be a 24-foot wide fire and emergency access drive.

Grading and Drainage

The stormwater quality and detention rain garden will treat and detain runoff for the site. The site is relatively flat and drainage will outfall to the north into the existing Clear Creek North Outfall concrete box culvert within W 56th Avenue and then will be routed south within Marshall Street.

Parking and Loading

The required number of parking spaces for projects that receive Low Income Housing Tax Credits is:

1 bedroom units: 1.4 space per unit and 2 + bedroom units: 2.0 space per unit.

Additional parking reductions include Subsection 4-5-2-5 C3 and D3: Off-Street Parking Reduction of 20 percent and Discretionary Parking Reduction of 15 percent.

Utilizing the reduction standards, the required parking for the development is 83 spaces. Eighty-four parking spaces are provided with 44 spaces to be located in the garage and tandem carports.

Utility Services

All utilities are currently available to serve the development.

Police and Fire Protection

Police protection will be provided by the Arvada Police Department. Fire protection will be provided by the Arvada Fire Protection District.

School District

The required school land fee-in-lieu for 85 multi-family units is for 0.64 acres.

LAND DEVELOPMENT CODE APPROVAL CRITERIA

It is the responsibility of the applicant to justify the requested land use application. The Planning Commission should make a recommendation to the City Council based on its findings regarding the approval criteria shown in the tables below and upon testimony heard during the public hearing as it applied to the criteria.

Staff performed an analysis of the proposal, based on the approval criteria listed in Chapter 8 of the Land Development Code, and presents the following findings:

Div. 8-3-5 Conditional Use Approval Criteria	Finding	Rationale
1. The application complies with the applicable standards of this LDC, other adopted City ordinances, resolutions and regulations including but not limited to any use-specific standards for the proposed conditional use in Division 3-1-3, any approved Master Development Plan that includes the property, and any conditions specifically applied to development of the property by the Planning Commission or City Council in a prior decision affecting the property;	Complies	Except for a major modification, the proposed development for an affordable multifamily housing complies with the applicable standards of the LDC. The MX-S zone district allows multifamily residential with a conditional use approval.
2. The application is consistent with the Arvada Comprehensive Plan;	Complies	The proposed development is consistent with the Comprehensive Plan. The housing gap analysis reveals that low-income residents have difficulty finding affordable rental or for-sale housing. In Arvada there is limited number of rental for low and moderate-income households. The proposed development will provide 85 units to serve these residents.
3. The use is consistent with the purpose and intent of the zoning district in which it is located;	Complies	The proposed affordable housing meets the intent of the MX-S and is well connected to the services and transit along Marshall Street and W 56 th Avenue.
4. The size, scale, height, density, multi-modal traffic impacts, hours of operation and other similar characteristics of the proposed use are comparable with existing and planned uses in the surrounding area and the zoning district regulations;	Complies	The redevelopment of the site meets the size, scale, height, and density with the MX-S zoning regulations. The proposed development will improve the existing character of the area.
5. Facilities and services including sewer, water, storm water, gas, electricity, police and fire protection, and roads and transportation will, prior to or as part of the development, be available to serve the subject property while maintaining adequate levels of service for existing development; and	Complies	All facilities and services are available to serve the site. A fire and emergency access driveway will be provided around the property.
6. The application mitigates any adverse impacts on the surrounding area to the degree practicable.	Complies	The development mitigates any adverse impacts as well improves the surrounding area as this area is redeveloping.

Div. 8-3-11 Major Modification Approval Criteria	Finding	Rationale
1. The requested modification is consistent with the Comprehensive Plan and the stated purpose of the applicable zoning district.	Complies	The requested modification allows the design of the site to be approved as proposed. The development is consistent with the Comprehensive Plan and the MX-S zone district.
2. The requested modification addresses a unique situation or incorporates creative site design.	Complies	The affordable multi-family apartment will serve Jefferson County residents transitioning out of homelessness to permanent housing. People who have experienced homelessness often have experienced trauma that is best served by spaces that cultivate a strong sense of community and connection. A central courtyard allows residents to engage and feel a sense of belonging. Research found that the centralized amenity spaces allow people to feel valued after being marginalized by. By removing individual balconies the residents will experience the common outdoor spaces and build a sense of community, safety and connection.
3. The requested modification will not result in incompatible development.	Complies	The requested modification will not result in incompatible development. The courtyard and the small urban park allow access to all residents; while the required balconies would only be for 64 units.
4. The requested modification will have no significant adverse impact on the health, safety or general welfare of surrounding property owners or the general public.	Complies	The modification will not have an adverse impact on the health, safety or welfare of surrounding property owners or the public. The intent of courtyard will increase the health and wellness outcomes of the residents resulting in long term housing stability.
5. Any adverse impacts resulting from the modification will be mitigated to the extent reasonably feasible.	Complies	The modification is mitigated by incorporating the outdoor courtyard for the residents.

Div. 8-3-9-1 Vacation of Rights-of-Way Approval Criteria	Finding	Rationale
1. The vacation is consistent with the Comprehensive Plan and with any other City-adopted transportation plan or streets/roadway plan.	Complies	The vacation of the unimproved ROW allows the development of an affordable housing apartment building consistent with the Comprehensive Plan.
2. The land to be vacated is no longer necessary for the public use and convenience or the public right-of-way or public vehicular access easement has become useless, inconvenient, or burdensome to the City.	Complies	The existing single family homes will be demolished and replaced with the new development. The ROW will no longer be needed.
3. The vacation will not create any landlocked properties.	Complies	The vacation will not result in creating any landlocked properties.
4. The vacation will not restrict access to any lot, tract, or parcel so that the resulting access is unreasonable or economically prohibitive.	Complies	The vacation will not restrict access to any lot, tract, or parcel.
5. The vacation will not reduce the quality of public services or the provision of necessary emergency services to any lot, tract, or parcel.	Complies	A fire and access easements will be provided improving the required access drive for necessary emergency services for this lot.

STAFF RECOMMENDATION

Based upon project analysis and review of the Land Development Code approval criteria, staff recommends approval of the Conditional Use, Major Modification and Right of Way Vacation for the project.

The Planning Commission may recommend denial of the requests if it cannot make affirmative findings of the approval criteria stated above.



SUPPORTIVE HOUSING FREQUENTLY ASKED QUESTIONS

- **What is Supportive Housing?** Supportive Housing combines acquisition or construction of apartments residents can afford to live in with intensive case management and supportive services on site.
 - i. According to the National Alliance to End Homelessness, the supportive housing model is an evidence-based program that has been refined into standard practices over the past 20+yrs.
 - ii. It is the single best, proven solution for ending chronic homelessness, a situation where someone is experiencing long-term homelessness, experienced trauma and has one or more disabilities.
 - iii. Studies have shown that supportive homes help those who have experienced chronic homelessness and trauma achieve long-term home stability and improve their health and well-being.
 - iv. Nationwide, investments in supportive housing models have decreased chronic homelessness by 30% since 2007. They reduce the use of publicly funded crisis services, including jail, hospitalizations and emergency departments. A person living in chronic homelessness costs the taxpayer an average of \$36,000 per year. Costs on average are reduced by 49.5% when they live in supportive housing.
- **What will it accomplish for our community?**
 - a. Meets goals identified in several publicly informed and adopted policies including:
 - i. Jefferson County Homelessness Action Plan
 - ii. Arvada City Council Strategic Plan
 - iii. Jefferson County 2020-2024 Consolidated Plan
 - b. Provides a safe place to call home for many unhoused neighbors in our community
 - c. Provides a stable place to live for many in our community who may be at risk of experiencing homelessness
- **Does building these apartments mean more people experiencing homelessness will move to Arvada or Jefferson County?** No. The increase in homelessness comes from the lack of real attainable housing and few resources for people to move out of shelters and into permanent homes. This development will be a safe place for people to be connected to housing and resources to keep homelessness short and strive for it to be a one-time event. This project will provide housing opportunities for those in our community who are currently experiencing homelessness.

- **How are residents matched with housing?** How do local citizens get a unit here? Will you be reaching out to local people who need help? The residents moving in will be exiting homelessness and will be earning less than \$24,650 annually for an individual. Family Tree will follow a Housing First approach, which is a proven, national best practice. For more information about Housing First, see [this site](#). We anticipate a majority of residents will also have a disability. The tenant selection plan for supportive housing apartments is required by the Division of Housing and includes an eligibility screening process for:
 - Extremely low-income households where the head of the households is 18 years of age or older with documented lawful presence, a disabling condition, and a history of homelessness
 - Eligible households will be referred through the Regional Coordinated Entry System
 - Eligible households referred through local community partners working with Family Tree and Jefferson Center for Mental Health to identify individuals who would benefit from SH intervention
 - Eligible households with a disabling condition
 - Eligible households with long lengths of homelessness
 - Eligible households with high utilization of publicly funded systems as determined by Medicaid usage
 - People who have been convicted of sex offenses. (People convicted of sex offense may automatically be denied for housing, but will be encouraged to appeal the denial through an established appeal process).

Should this project receive funding from the Colorado Housing and Finance Agency and the State's Division of Housing we will apply for local voucher match from Foothills Housing Authority and Arvada Housing Authority to ensure local residents in need are able to access the housing.

- **Will there be children living in the community?** Yes, because we have one- and two-bedroom apartments. We are intentionally designing community space for children and families and welcome them into the community.
- **Have there been an increase in homeless camps in the communities that have these types of housing?** Not that we're aware of and not around any projects that we have been a part of across the state.
- **What is the expected staffing structure and ratio of staff to residents in supportive housing?** We will have a 15:1 tenant to case manager ratio for the supportive housing apartments. In addition, the building will have 24-hour front desk staff, one full-time property manager and one full-time maintenance person. The property manager and maintenance person will be on site during normal business hours.
- **What kind of support services meaning clinical staff are onsite?** Supportive services staff from Family Tree and Jefferson Center for Mental Health are expected to be on site during normal daylight hours and on-call after that. Additional Staff will be working on-site 24/7 manning a front desk and providing concierge service.

- **How many residents are expected to own cars?** In 2020, Shopworks Architecture and Fox Tuttle completed a study of parking usage in affordable housing along the Front Range. Their findings revealed that affordable housing, especially supportive housing, is over parked compared to the actual need and that car ownership among those exiting homelessness and workers making minimum wage is extremely low. It makes intuitive sense as well – they just can't afford it. We can't say for sure how many will own cars, but know from experience and the study supports this, that on average, only 10% of residents will have cars. Please contact us for the Parking & Affordable Housing 2020/2021 Report.
- **What is next in the process?** The development team will be submitting funding applications in August and expect to hear if awarded funding in early November. Until then, we want to do whatever is necessary to answer questions by those that truly want to learn more about our compassionate commitment to providing housing to those in need.
- **How is the development funded?** The development is funded through a mix of federal funding, state grants and private investor funds. The federal and state funds are awarded through a competitive application process.
- **How can the neighborhood most effectively support and engage with the programming in the building?** How do we help people feel a part of our community? At this stage we find it most impacting for neighbors to understand the true facts and mission of our apartment development, and counter any misinformation they hear. Also, to provide support to the development through contacting council members, especially in writing (email and letters). When we secure funding, there will continue to be outreach and neighborhood engagement that we encourage you to participate in. We pledge to listen to your feedback as design continues. Once the development is built, continuing to correct misinformation is the most impactful way to support residents and the housing specifically. Beyond that, there will be ways to volunteer to support residents and we really look forward to working with neighbors and nearby neighborhood associations on strategies and activities to promote inclusion and support for our residents.

Questions Received from Community Meeting on June 2, 2022

- **What are the area median income (AMI) ranges of the units and unit mix?** There will be 85 total apartments, 70 one-bedroom apartments and 15 two-bedroom apartments. Individuals and families will be required to be at or below 30% area median income (AMI), which, for example, equates to an individual household annual income of \$24,650, a two-person household annual income of \$28,140- and three-person household of \$31,650.
- **How many parking spaces will be provided?** Following Arvada zoning regulations, parking required for this development is 84 total spaces with 42 being covered. We have provided 88 total spaces and 44 will be covered.
- **Will residents be able to park campers/RVs in the parking lot?** If a resident owns a camper or RV and it's properly licensed, it can be parked in the property lot.

- **How will the site be served by public transit?** There are bus stops on W56th Avenue and Newland Way, just steps from the west end of the site. Additionally, there are two other stops one block away on N. Lamar Street, as well as the nearby RTD G (Gold) light rail line. We expect the majority of residents to utilize RTD transit.
- **Will the courtyard be fenced?** There are plans to fence the courtyard to provide privacy and security for the residents of the apartments.
- **Questions about Low-Income Housing Tax Credit (LIHTC) funding and how the process works –** The Low-Income Housing Tax Credit program is a federally created program regulated by the IRS under Section 42 of the IRS code. Basically, each state is allocated tax credits each year that they then award through a competitive process to affordable housing developments. The developments then sell those credits to investors for capital to build the development. Investors then are the Limited Partner in the ownership and the Developer/Owner is the General Partner. This program is heavily regulated and there are strict underwriting, compliance and deadline protocols the General Partner must follow or risk losing the tax credit equity. For more detailed information please visit https://www.urban.org/sites/default/files/publication/98758/lithc_how_it_works_and_who_it_serves_final_2.pdf
- **Where will the mental health and other services will be offered within the building?** There will be services provided to the residents throughout the building and the grounds, based on resident choice.
- **Questions about building safety –** Building safety for residents is immensely important. We want our residents to be safe, as well as the surrounding neighbors. The apartment building will have one main secured entrance for residents and guests, there will be line of sight provided by cameras throughout the interior and exterior of the building and ample exterior lighting for ease of sight during nighttime hours.
- **Questions about neighborhood safety -** The safety of our neighborhoods is also critically important. We want our residents to be safe, as well as the surrounding neighbors, and we plan to actively participate in the safety programs and efforts of the neighborhood association including Neighborhood Watch. We will proactively reach out to the Arvada Police Department for feedback on the design of the building in order to increase safety as well as to foster a positive working relationship with law enforcement prior to the opening. We strive to have positive working relationships with law enforcement at every building we operate.
- **Questions about development timeline -** The team plans to submit applications in August 2022 to the Colorado Housing and Finance Authority (CHFA) for federal 4% Low-Income Housing Tax Credits and state tax credits. An application to the Colorado Division of Housing will also be submitted at that time requesting 60 project-based vouchers (subsidies for each of the 0-30% AMI units) and funding to pay for staff and services. Additionally, local housing authority support in the form of project-based vouchers will be attached to the supportive housing. We will know if we are awarded this funding in mid-November. If we are awarded, we will work towards closing on our financing by October of 2023 and begin construction soon thereafter, which will take approximately 15 months. We anticipate opening the building in early 2025. If we are not awarded tax credits, we will apply again in 2023.

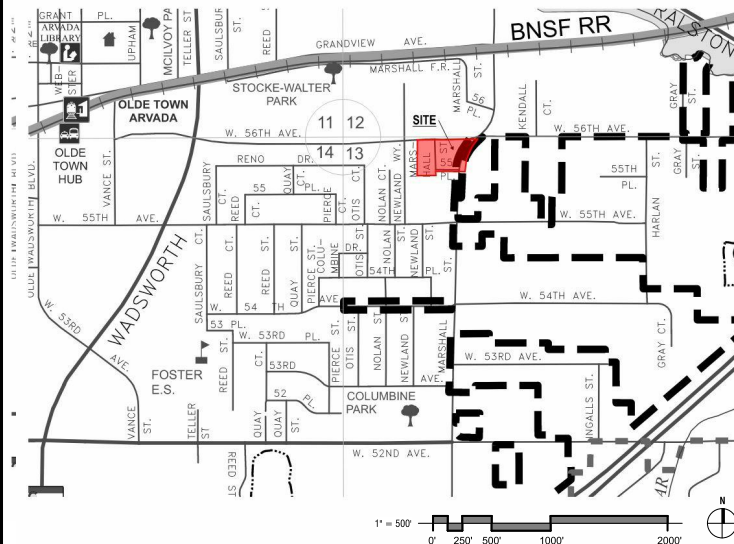
- Will the development impact adjacent property values?** This is a question we are asked often, and the answer is no. There have been many studies performed over the last few decades to understand if affordable housing affects neighboring property values. Time after time, the research tells us they do not, and it makes sense. When a raw piece of land or an older building is revitalized with a new building providing a neighborhood with renewed energy, updated lighting, landscaping and neighbors who also want their home and block to thrive, property values actually can rise. For more information on affordable housing and property values, click this link. <https://www.bloomberg.com/news/articles/2022-05-02/does-affordable-housing-lower-property-values#:~:text=They%20found%20that%20the%20low,%25%20in%20higher%2Dincome%20neighborhoods>
- Why is a Conditional Use Permit required if the zoning designation allows apartments?** Arvada's site use development code requires a conditional use permit for the site to ensure the development plans for the apartment building are consistent with the Arvada Comprehensive Plan and that the use is consistent with the purpose and intent of the zoning district in which it is located.
- Why were some neighbors mailed a notice about the meeting and location of the property, and others did not?** The design team were provided a list from the city of Arvada of a radius of neighbors within 500 feet of the proposed location to notify of the meeting and development. We expanded that area slightly to ensure we were reaching neighbors that might be interested in hearing about the development. It's an imperfect process. We understand that there are neighbors outside of the notification area that have interest in learning more about the apartment development and have added email addresses we received at the meeting to our notification list.

MARSHALL HOMES

CONDITIONAL USE

LOCATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP
3 SOUTH, RANGE 69 WEST, OF THE 6TH P.M., CITY OF ARVADA,
COUNTY OF JEFFERSON, STATE OF COLORADO.

VICINITY MAP



CITY CONTACTS

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LANDSCAPE / PARKS:

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ELECTRICAL ENGINEER / MV CONSULTING INC.

MARCUS VAHLING, 4640 PECOS ST, UNIT F, DENVER, CO 80211
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SHEET INDEX

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6 OF 11	SMALL URBAN PARK ENLARGEMENT (2/2)
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PROJECT NARRATIVE

THIS DEVELOPMENT IS A PROPOSED AFFORDABLE HOUSING APARTMENT BUILDING WITH WRAP AROUND SUPPORTIVE SERVICES, AND LINKAGES TO CLINICAL SERVICES. THE BUILDING WILL HAVE 85 APARTMENTS COMPRISED OF 1- AND 2-BEDROOM UNITS. HOUSING WILL BE FOR HOUSEHOLDS AT OR BELOW 30% AREA MEDIAN INCOME (AMI). THERE WILL BE SPACE FOR COMMUNITY GATHERINGS AND ONSITE STAFFING. THE BUILDING WILL BE DESIGNED USING TRAUMA-INFORMED DESIGN PRINCIPLES THROUGHOUT THE INTERIOR AND EXTERIOR OF THE BUILDING. THE HOUSING WILL BE PROFESSIONALLY MANAGED AND STAFFED 7 DAYS A WEEK BY FAMILY TREE AND JEFFERSON CENTER FOR MENTAL HEALTH.

LEGAL DESCRIPTION

BLOCK 1, AND LOTS 1-5, BLOCK 2, KELLEY SUBDIVISION, ACCORDING TO THE PLAT, RECORDED MAY 15, 1957 UNDER RECEPTION NO. 681339, IN THE JEFFERSON COUNTY RECORDS. EXCEPT THAT PORTION TO THE CITY OF ARVADA AS MORE PARTICULARLY DESCRIBED IN INSTRUMENT RECORDED JANUARY 28, 1969 IN BOOK 2078 AT PAGE 214, IN THE JEFFERSON COUNTY RECORDS. BEING IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 3 SOUTH, RANGE 65 WEST, OF THE 6TH P.M., CITY OF ARVADA, COUNTY OF JEFFERSON, STATE OF COLORADO.

BENCHMARK INFORMATION

PUBLISHED BENCHMARK: CITY OF ARVADA BENCHMARK 959
BENCHMARK 959 BEING A BRASS CAP IN THE TOP BACK OF CURB ON THE NORTHEAST CORNER OF 56TH AVENUE
AND LARMAR.
NAVD88 ELEVATION = 5278.96'

PUBLISHED BENCHMARK: CITY OF ARVADA BENCHMARK 115
BENCHMARK 115 BEING ON BACK OF CURB ON THE NORTHEAST CORNER OF 56TH AVENUE AND KENDALL COURT
NAVD88 ELEVATION = 5274.05'

GENERAL NOTES

- ANY PROPOSED FENCES, WALLS, SIGNS AND ACCESSORY STRUCTURES SHOWN ON THIS PLAN ARE ILLUSTRATIVE ONLY AND SUBJECT TO SEVERAL REVISIONS AND PERMITS.
1. FIRE APPARATUS ACCESS ROADS SHALL BE PROVIDED WITH AN APPROVED ALL-WEATHER SURFACE (CONCRETE OR ASPHALT) 20' WIDE, 12' DEEP, 18" THICK, WITH A 2% SUPERELEVATION AND IMPOSED LOAD OF 65,000 POUNDS.
2. THE APPROVED FIRE APPARATUS ACCESS ROADS SHALL BE PROVIDED DURING CONSTRUCTION UNLESS OTHERWISE APPROVED BY THE A.P.D. THE FIRE APPARATUS ACCESS ROADS SHALL CONSIST OF THE FIRST LIFT OF ASPHALT OR CONCRETE AND SHALL BE PROVIDED PRIOR TO COMMENCING VERTICAL CONSTRUCTION.
3. FIRE APPARATUS ACCESS ROADS SHALL BE PROVIDED FOR ALL PRIVATE ROADS TO BE OPENED TO THE PUBLIC AND PERMITTED BY THE A.P.D. THE PRIVATE ROADS THROUGH THE SITE SHALL BE DEDICATED ON THE FINAL PLAT AS 'FIRE APPARATUS ACCESS ROADS' OR OTHER SIMILAR LANGUAGE AS REQUIRED BY THE CITY OF ARVADA.
4. A 3" - 6" CLEAR SPACE SHALL BE MAINTAINED AROUND ALL FIRE HYDRANTS AND NOT OBSTRUCTED.
5. FIRE APPARATUS SHALL BE INSTALLED OPERATIONAL TO PROVIDE THE MINIMUM REQUIRED FIRE FLOW PRIOR TO COMMENCING VERTICAL CONSTRUCTION.
6. DURING CONSTRUCTION AND UPON COMPLETION THERE SHALL BE BUILDING SIGNS PROVIDED, A MINIMUM OF 4" - 6" HIGH WITH A 3" STROKE AND VISIBLE FROM THE STREET OR ROAD FRONTING THAT BUILDING.
7. THE CITY OF ARVADA'S REVIEW OF THIS PLAN IS FOR GENERAL COMPLIANCE WITH ARVADA'S LAND DEVELOPMENT CODE. THE CITY OF ARVADA, THROUGH THE ACCEPTANCE OF THE PLAT/SLATE PLAN, ASSUMES NO RESPONSIBILITY FOR COMPLETENESS AND/OR ACCURACY OF PLAT/SLATE PLAN. THE ACCURACY OF SURVEY INFORMATION AND/OR DIMENSIONS, ELEVATION, MONUMENTATION, LOT LINES, ETC. IS THE SOLE RESPONSIBILITY OF THE LICENSED SURVEYOR NAMED HEREIN.

SITE DATA TABLE

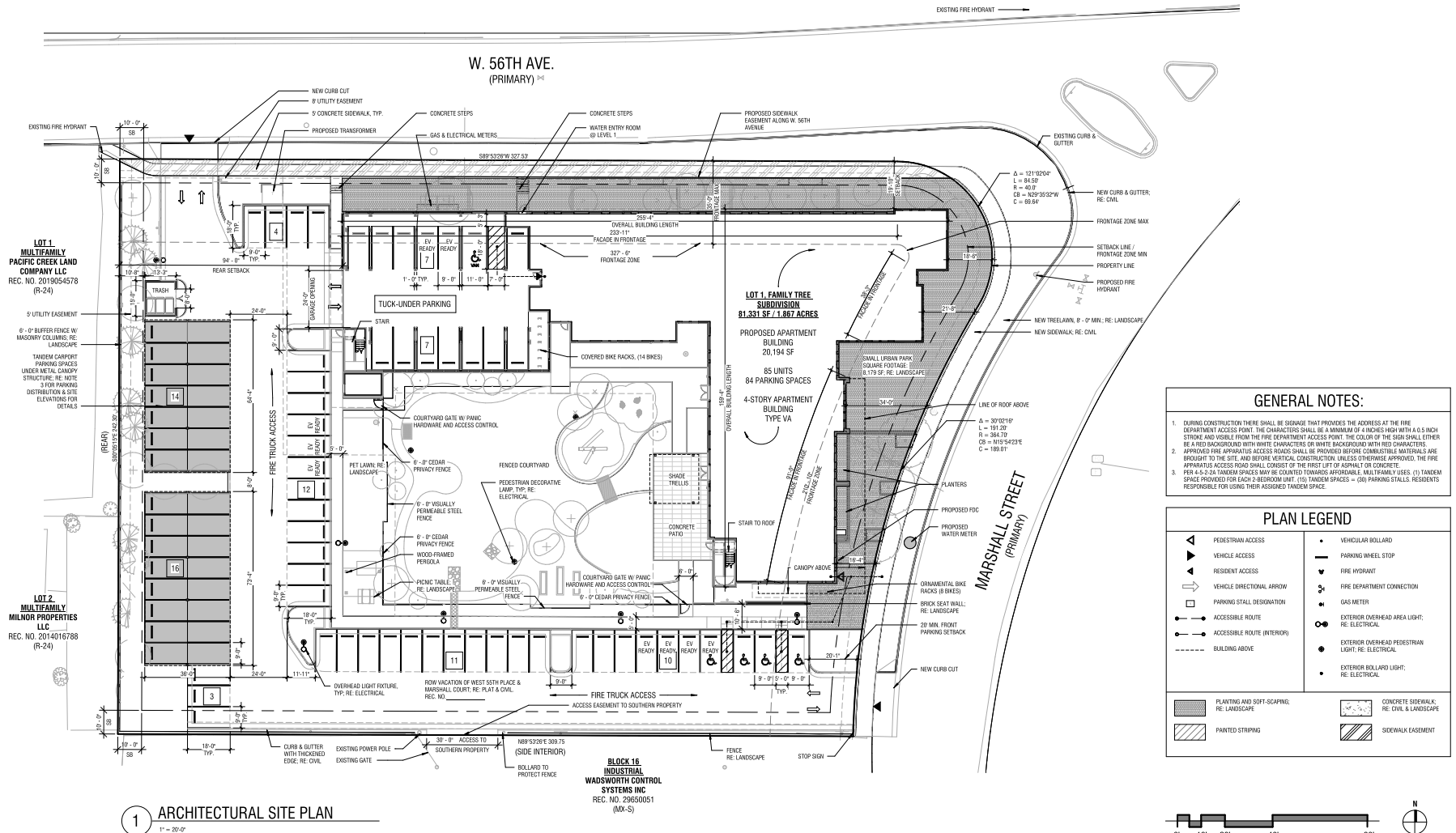
SITE INFORMATION		
ZONE DISTRICT:		
HOUSING PALETTE LOT TYPE:		
GROSS SITE AREA:		
ROW VACATION:		
NET SITE AREA:		
MX-S (MIXED-USE SUBURBAN)		
URBAN MULTIFAMILY		
71,348 SF (1.638 ACRES)		
9,983 SF (0.229 ACRES)		
81,331 SF (1.867 ACRES)		
DEVELOPMENT STANDARDS		STANDARD
LOT AREA (MIN)		81,331 SF
LOT WIDTH (MIN)		24'- 3"
LOT DEPTH (MIN)		50'- 0"
LOT COVERAGE (MAX)		60% (48,979 SF)
BUILDING AND PARKING SITING STANDARDS		STANDARD
FRONTAGE ZONE (MIN/MAX)		(10'- 0") / (35'- 0")
FACADE IN FRONTAGE (MIN) MARSHALL		61% (129' - 1")
FACADE IN FRONTAGE (MIN) W. 56TH		71% (233' - 10")
FRONT SETBACK (MIN)		VARIES
FRONT PARKING SETBACK (MIN)		20'- 1"
SIDE SETBACK, STREET (MIN)		N/A
SIDE SETBACK, INTERIOR (MIN)		65'- 8"
REAR SETBACK (MIN)		94'- 1"
N/A		0'- 0"
BUILDING STANDARDS		STANDARD
BUILDING HEIGHT (FT MAX / STORIES)		49'- 5' / 4 STORIES
**AFFORDABLE HOUSING INCREASE (15'- 0")		45'- 0' / 4 STORIES
HEIGHT TRANSITION ZONE DEPTH (MIN)		35'- 0"
60'- 0' / 4 STORIES		35'- 0"
SITE STANDARDS		STANDARD
LANDSCAPE SURFACE AREA (MIN)		41.4% (33,652 SF)
SMALL URBAN PARK, RE. LANDSCAPE		25% (20,333 SF)
10.1% (8,179 SF)		10% (8,153 SF)
PARKING STANDARDS		STANDARD
PARKING STALLS		79
ACCESSIBLE STALLS		128
5		4
**20% REDUCTION		(25)
**15% REDUCTION ZONE C		(19)
TOTAL		STANDARD
50% IN GARAGE OR CARPORT		84
83		42
BICYCLE PARKING		STANDARD
22 / 5		21 / 5
(1 PER 4 UNITS; 20% LONGTERM)		
PROPOSED USE WITH GROSS FLOOR AREA		STANDARD
USE 1, RESIDENTIAL MULTI-FAMILY		77,106
BUILDING GFA		77,106
DWELLING UNITS		STANDARD
STUDIO		0
N/A		N/A
1 BEDROOM		70
N/A		N/A
2 BEDROOM		15
N/A		N/A
3 BEDROOM		0
N/A		N/A
TOTAL UNITS (BEDROOMS)		STANDARD
85 (100)		85 (100)
(2-10 MAX HEIGHT INCREASED BY 15'- 0" IF AFFORDABLE HOUSING)		
** (20% PARKING REDUCTION - ADMINISTRATIVE ZONE C)		
*** (15% PARKING REDUCTION - PARKING REDUCTION ZONE C)		

COVER SHEET
SHEET 1 OF 11

MARSHALL HOMES

CONDITIONAL USE

LOCATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP
3 SOUTH, RANGE 69 WEST, OF THE 6TH P.M., CITY OF ARVADA,
COUNTY OF JEFFERSON, STATE OF COLORADO.

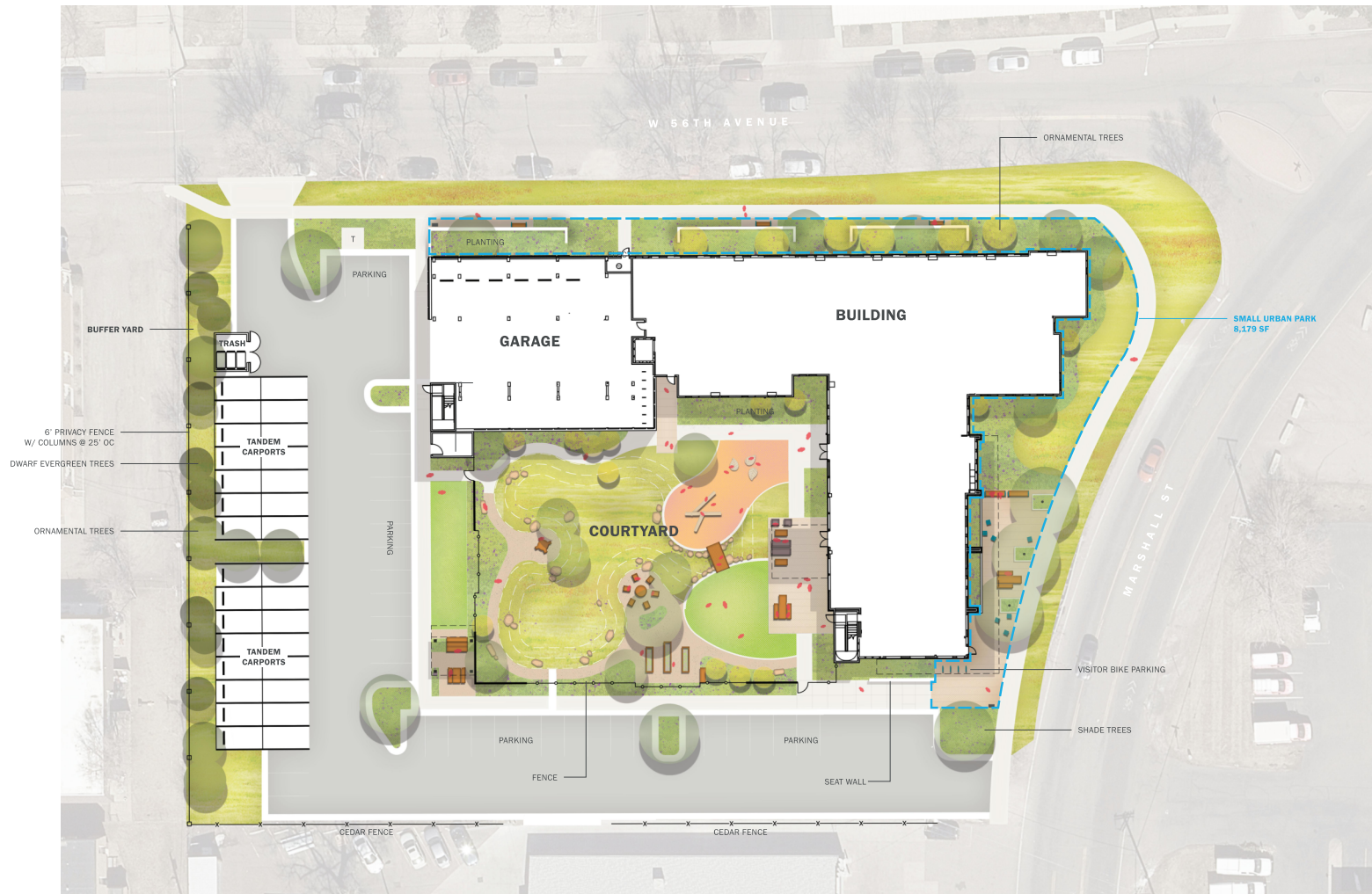


ARCHITECTURAL SITE PLAN
SHEET 2 OF 11

MARSHALL HOMES

CONDITIONAL USE PERMIT

LOCATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP
3 SOUTH, RANGE 69 WEST, OF THE 6TH P.M., CITY OF ARVADA,
COUNTY OF JEFFERSON, STATE OF COLORADO.

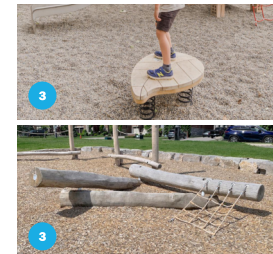
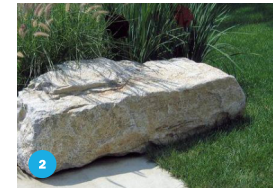


LANDSCAPE SITE PLAN
SHEET 3 OF 11

MARSHALL HOMES

CONDITIONAL USE PERMIT

LOCATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP
3 SOUTH, RANGE 69 WEST, OF THE 6TH P.M., CITY OF ARVADA,
COUNTY OF JEFFERSON, STATE OF COLORADO.

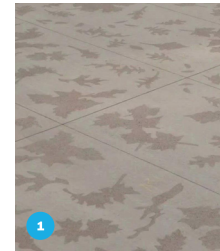
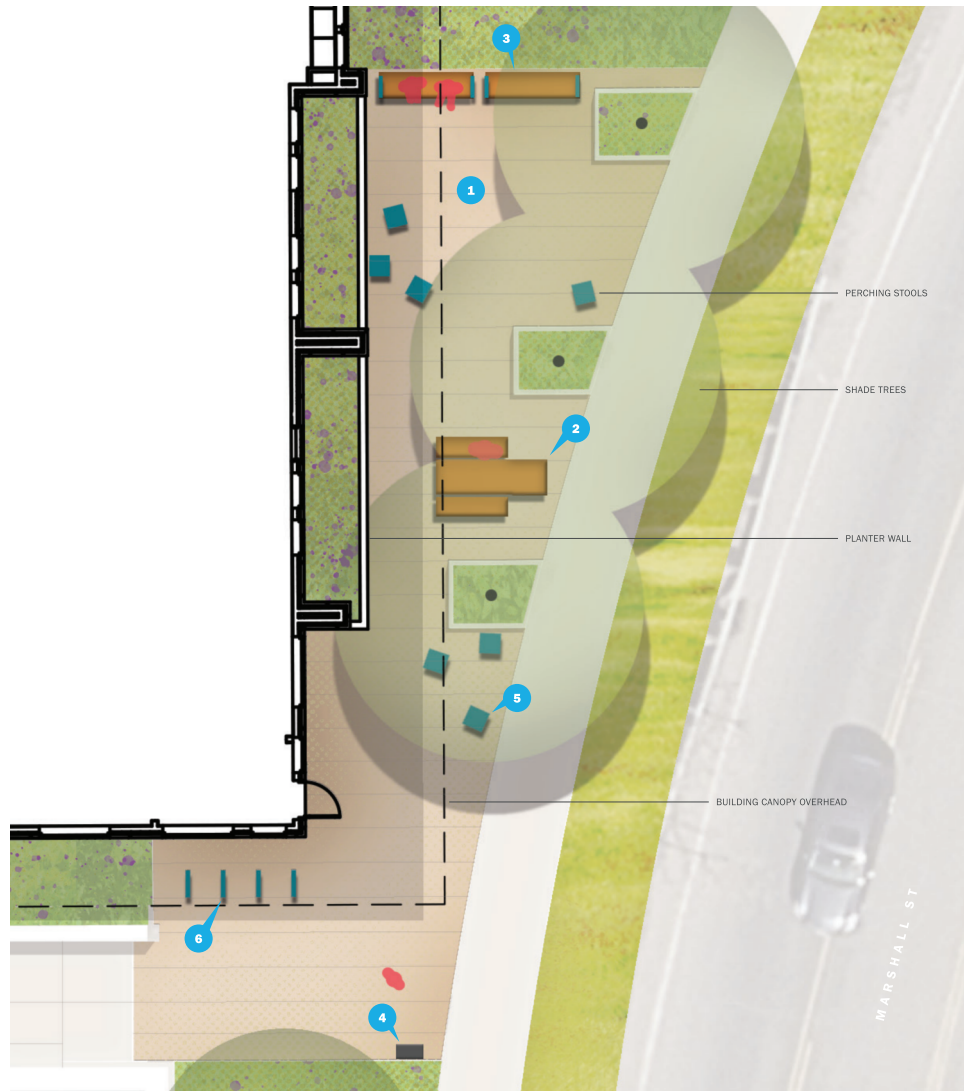


INTERNAL COURTYARD ENLARGEMENT
SHEET 4 OF 11

MARSHALL HOMES

CONDITIONAL USE PERMIT

LOCATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP
3 SOUTH, RANGE 69 WEST, OF THE 6TH P.M., CITY OF ARVADA,
COUNTY OF JEFFERSON, STATE OF COLORADO.



1
ENHANCED CONCRETE PAVING
W/ SANDBLASTED LEAF PATTERN



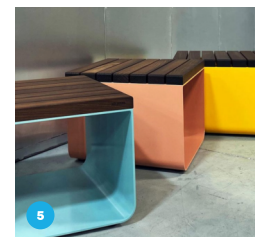
2
ADA PICNIC TABLE



3
BACKED BENCHES



4
WASTE & RECYCLING BINS



5
PERCHABLE STOOLS



6
VISITOR BIKE PARKING

SMALL URBAN PARK ENLARGEMENT (1/2)
SHEET 5 OF 11

MARSHALL HOMES

CONDITIONAL USE PERMIT

LOCATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP
3 SOUTH, RANGE 69 WEST, OF THE 6TH P.M., CITY OF ARVADA,
COUNTY OF JEFFERSON, STATE OF COLORADO.



METAL ART PANELS



LOW BRICK RETAINING WALLS
W/ SANDSTONE CAPS



INTEGRATED WALL LIGHTING



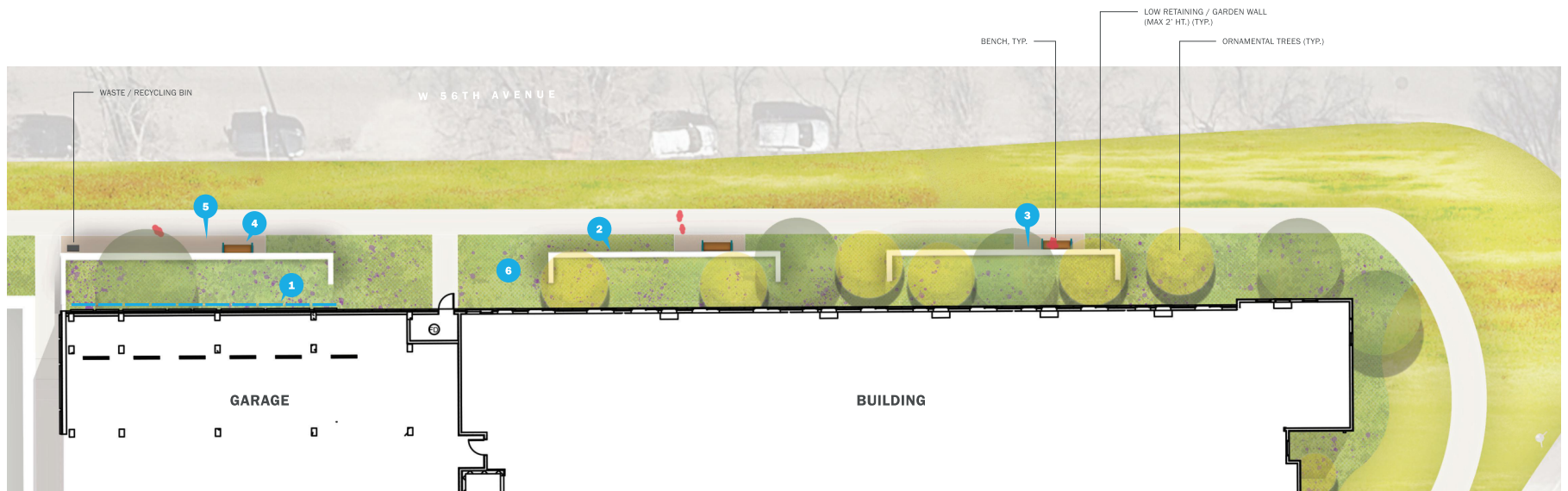
BENCH



ENHANCED CONCRETE PAVING
W/ SANDBLASTED LEAF PATTERN



NATIVE SHRUB & GRASS PLANTING



SMALL URBAN PARK ENLARGEMENT (2/2)

SHEET 6 OF 11

MARSHALL HOMES

CONDITIONAL USE

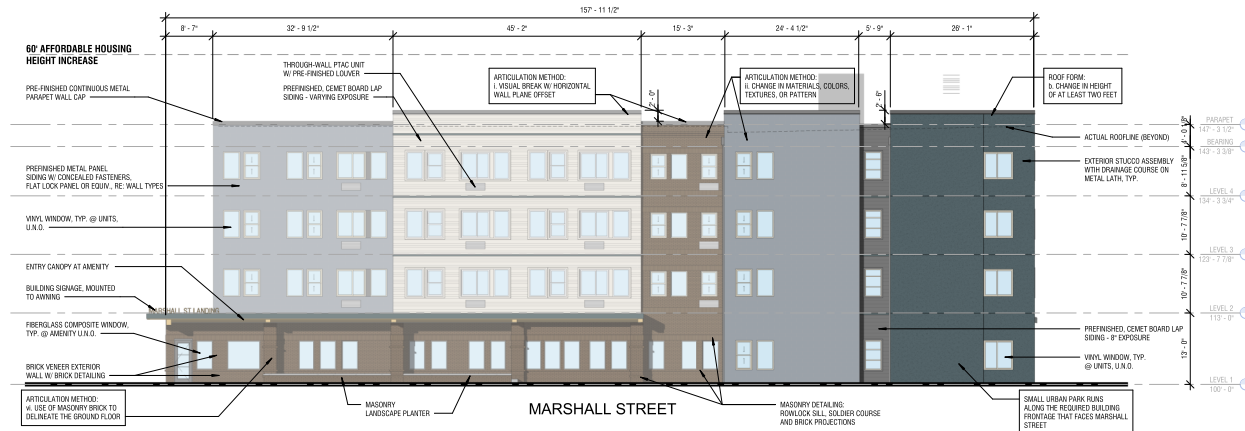
LOCATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP
3 SOUTH, RANGE 69 WEST, OF THE 6TH P.M., CITY OF ARVADA,
COUNTY OF JEFFERSON, STATE OF COLORADO.



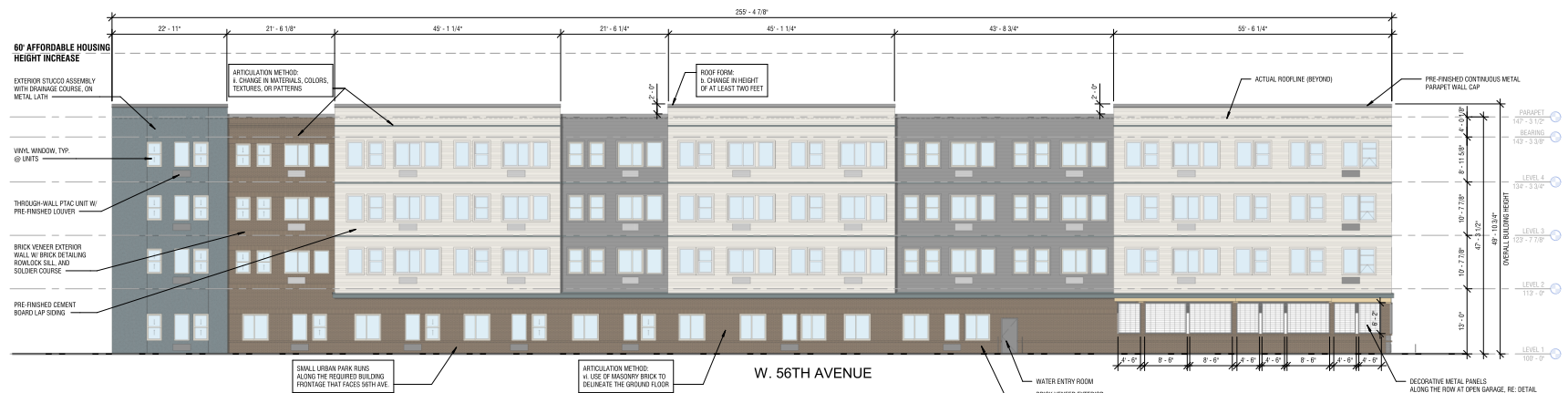
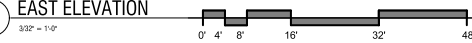
MARSHALL HOMES

CONDITIONAL USE

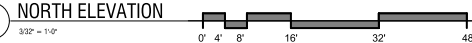
LOCATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP
3 SOUTH, RANGE 69 WEST, OF THE 6TH P.M., CITY OF ARVADA,
COUNTY OF JEFFERSON, STATE OF COLORADO.



EAST ELEVATION



NORTH ELEVATION



MATERIAL LEGEND

	FLAT LOOK METAL PANEL COLOR 1 = T80		3 PART STUCCO COLOR 1 = T80
	CEMENT BOARD LAP SIDING - 4\" data-bbox="228 218 422 258"/>		BRICK MASONRY COLOR 2 = T80
	CEMENT BOARD LAP SIDING - 8\" data-bbox="228 318 422 358"/>		

METAL SCREENS

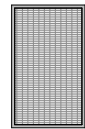
DECORATIVE METAL PANEL



58-WILLOW
BRONZE LASER-CUT 1/4" STEEL
PANEL WITH WELDED SQUARE TUBE
FRAME, PROVIDE ANGLE TABS TO
ATTACH TO STRUCTURE. RE:
ELEVATIONS & WALL SECTIONS,
ARTISAN PANELS INC. AS BASIS OF
DESIGN

NOTE: NO EXPOSED FASTENERS

MESH METAL PANEL



MW-NICHOLS WIRE MESH
4"x2" WELDED MESH, RECTANGULAR
CARBON STEEL PANEL SET IN 2"
SQUARE TUBE FRAME. PROVIDE
ANGLE TABS TO ATTACH TO
STRUCTURE; RE: ELEVATIONS &
WALL SECTIONS.

NOTE: NO EXPOSED FASTENERS

MARSHALL HOMES

CONDITIONAL USE

LOCATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP
3 SOUTH, RANGE 69 WEST, OF THE 6TH P.M., CITY OF ARVADA,
COUNTY OF JEFFERSON, STATE OF COLORADO.

MATERIAL LEGEND

	FLAT LOCK METAL PANEL COLOR = TBD		3 PART STUCCO COLOR = TBD
	CEMENT BOARD LAP SIDING - 4" x 8" VARYING HORIZONTAL EXPOSURE COLOR 1 = TBD		BRICK MASONRY COLOR 2 = TBD
	CEMENT BOARD LAP SIDING - 8" HORIZONTAL COLOR 2 = TBD		

METAL SCREENS

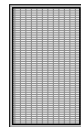
DECORATIVE METAL PANEL



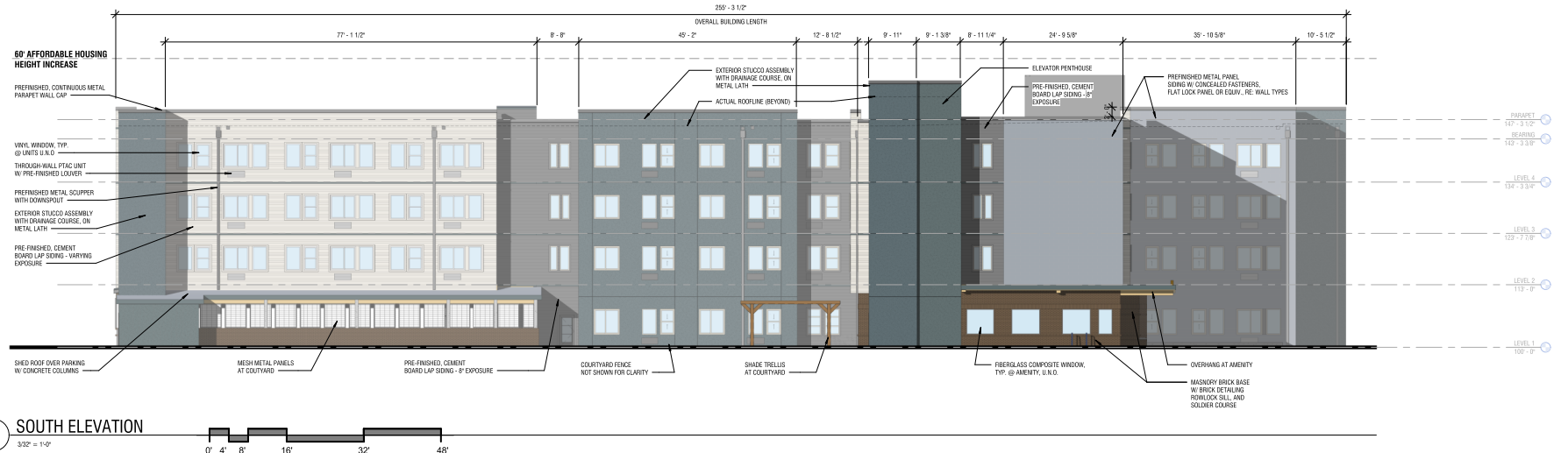
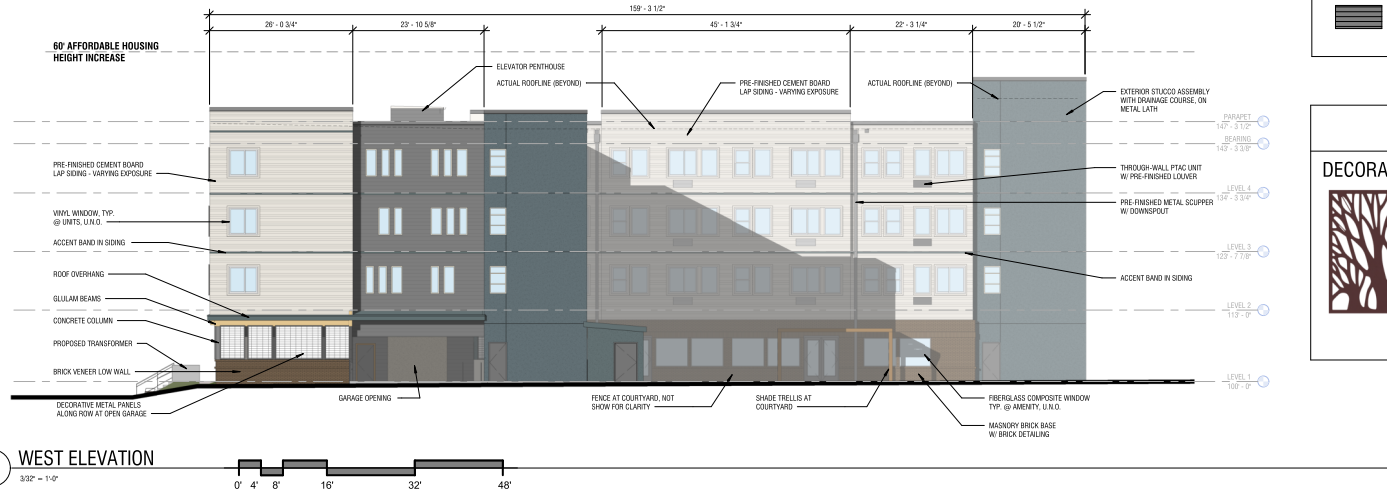
SEE WALLS
BRONZE LASER-CUT 1/4" STEEL
PANEL WITH WELDED SQUARE TUBE
FRAME. PROVIDE ANGLE TABS TO
ATTACH TO STRUCTURE. RE:
ELEVATIONS & WALL SECTIONS.
ARTISAN PANELS INC. AS BASIS OF
DESIGN.

NOTE: NO EXPOSED FASTENERS

MESH METAL PANEL



DIAMONDS WIRE MESH
4"x2" WELDED MESH RECTANGULAR
CARBON STEEL PANEL SET IN 2"
SQUARE TUBE FRAME. PROVIDE
ANGLE TABS TO ATTACH TO
STRUCTURE. RE: ELEVATIONS &
WALL SECTIONS.



BUILDING ELEVATIONS
SHEET 9 OF 11

MARSHALL HOMES

CONDITIONAL USE

LOCATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP
3 SOUTH, RANGE 69 WEST, OF THE 6TH P.M., CITY OF ARVADA,
COUNTY OF JEFFERSON, STATE OF COLORADO.



ARCHITECTURAL IMAGE
SHEET 10 OF 11

MARSHALL HOMES

CONDITIONAL USE

LOCATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP
3 SOUTH, RANGE 69 WEST, OF THE 6TH P.M., CITY OF ARVADA,
COUNTY OF JEFFERSON, STATE OF COLORADO.



ARCHITECTURAL IMAGE
SHEET 11 OF 11

**SYNOPSIS OF PLANNING COMMISSION ACTION ON Family Tree Affordable Housing
Project
AUGUST 8, 2023**

**Conditional Use for Residential Development in the MX-S Zoning District
for the Family Tree Affordable Housing Project:**

**A Major Modification for Family Tree Affordable Housing, 8.B. A
modification from the Arvada LDC Subsection 5-1-2-5(G) - Multifamily
residential buildings shall provide at least 75 percent of the total dwelling
units with at least one private outdoor yard patio, or balcony.**

**A Vacation of the Marshall Ct. and W. 55th Pl. Right-of-Way for Family Tree
Affordable Housing, a 1.71 acre parcel of land located approximately at
5549 Marshall St.**

Mr. Griffith swore in all guests that will be speaking.

Mr. Griffith opened the public hearing.

Mr. Griffith asked if all of the required documents were in order.

Ms. Ibanez stated the posting notice is in order, affidavit and posting notice and public comments were received. There is a correction to the staff report page - 4 add the to the first sentence follows: The Comprehensive Land Use Map designation for the site is High Density Residential and meets the intent of Clear Creek/I-76 Community Plan Area E to develop mixed use non-residential and multifamily projects . Next correction on page 7 approval criteria paragraph 2 add at the end of the sentence the word "society".

Ms. Grogg stated that the commission has received the public comments via email. Those are also part of the permanent record.

Mr. Griffith entered into the record the staff report posting log, mailing affidavit and all public comments received.

Mr. Griffith asked Ms. Ibanez to introduce the project.

Ms. Ibanez introduced the project. This project proposes an 85 unit apartment building with offices for supportive services for the residents. The applicant is requesting a conditional use, a major modification and a vacation of ROW. The request for the conditional use is required for multi-family residential developments within the MX-S zoning District. The applicant is requesting a Major Modification to allow them to not require individual private balconies for each unit. In lieu of the balconies the applicant will offer an open space courtyard and internal amenities to the residents. The vacation of an unimproved ROW has been request and the applicant will add a 24' fire lane and emergency access easement. This will also connect to West 56th Ave to the north and Marshall Street to the south. Staff recommends approval for the Conditional Use, Major Modification and Right of Way vacation.

SYNOPSIS OF MINUTES AUGUST 8, 2023 - Family Tree Affordable Housing Project

Scott Shields, 720 Elm St. Denver CO - Family Tree provides for families in need and has been providing services for 45 years in the Denver Metro area. Mr. Shields discussed that the site has been owned by Family Tree for 30 years and currently there are five single family homes. They have been providing services to the families that are living in these homes. This project is not substantially different then what was presented at the neighborhood meeting 14 months ago, Mr. Shields did note that in that last year, in Jefferson County, homelessness has increased 73%. Family Tree understands that this property can assist with addressing the issue of homelessness within Jefferson County. The proposal is for a four story, 85 unit building with one or two bedrooms for permanent housing for those experiencing homelessness or are at or below 30% of the area median income. The facility will be professionally staffed 24 hours a day, 7 days a week providing services onsite for residents. This is not a facility that will have day of or drop in services.

Ed Parcell, 8102 Grandview Ave, Arvada. Blueline Development's goal is to develop sustainable affordable housing. This project will create 85 apartments incorporating a "trauma-informed design" creating a safe environment for both the residents and the community. Mr. Parcell explained the request for the major modification to remove balconies from these units. He stated that the shift of resources from under-utilized balconies include common areas, bigger windows, a small urban park area, and exterior courtyard (secured area). Mr. Parcell justified the conditional use request by stating that the development is consistent with the purpose and intent of the zoning of the property to provide a variety of residential and non-residential. He added that the development is in compliance and exceeds the comprehensive plan requirements. He continued to identify all of the criteria requirements for the major modifications and stated that this project is in compliance. The ROW vacation is to create one parcel for this property, the existing dirt road will be vacated so that there is one continuance site. Fire access needs and requirements will be met with the proposed site plan.

PUBLIC COMMENT

Robert Schadek - 5510 Pierce Ct., This project is right in the middle of single family homes; a bedroom community. The neighborhood has become an "island" where there are apartments around his neighborhood. He is concerned about his safety and property values of the community. Mr. Schadek also questioned the true walkability of this community One main focus is the lighting and will it face his neighborhood.

Mike Solis - 5609 & 5615 Lamar St. He asked if this is going to be drawing the homeless? Like the tent cities you see downtown. How is this going to be controlled? Are the residents going to be staying there for free? He is for it and against it.

Brian Connely - 6755 Columbine Dr., asked where are we getting resources for first responders? Traffic? The current services are non-existent now. Families come in with kids. Where are these kids going to go to school? There is only one park near where he lives and it is old. What about the apartments that are already available? It is becoming so congested as a neighborhood that he grew up in.

Adam Cross - 6640 W 54th Pl. His concern is the houses that are there are like a scene out of a halloween movie. Junk everywhere and he didn't even know people lived there. What is their success rate (Family Tree) in other projects like this one? Traffic is already

SYNOPSIS OF MINUTES AUGUST 8, 2023 - Family Tree Affordable Housing Project

unbearable. He stated people are just sleeping in peoples' front yards. Already a strain on the resources.

Matthew Crowe - 5610 Lamar St, and under contract for 5611 Kendall Ct. He owns a business in this area and employs around 30 people and he believes his job is to ensure safety for them. Over the last 9 months he has and that \$50k worth of stuff has been stolen. He is not for it. He states that Family Tree has other properties that have failed. Wants the city to look at the development before it gets approved. Not just for the property owner but the employees around this area.

Karen Spriggs - 7545 W 59th Ave. She indicated that the infrastructure has not been planned or thought of when these large projects go up. Where is the funding coming from for the staff that is running this place? This area has been known for crime. How will this affect the crime rate? Does housing help this? What is the accountability of those that live there? She does like Family Tree and what they are doing. Has a lot of questions and that a hand out is not a hand up.

Drew Smith - 6675 W 54th Pl. Lives within 1000 feet of this project. Traffic is bad, nobody is riding bikes in that area. Affordable housing is required. Not opposed to those programs, opposed to the office building they have. Witnessed drug use in the park in that area. "Needles don't find their way into the trash cans". Opposed to what the City of Arvada is doing. What are we going to do?

Aimee Quaratino - 6872 Ammons St., a realtor and has lived in the area her entire life. The problem is the location of where this project is planning on going and that they can't be the "armpit" of the area and to put something else in that area. There are bigger and better lots out there for this type of project. Concerned that the parks will be affected.

Brittney McGinnis - 5235 Quay St. Spoke to the location of the community and that it would be bookend by two affordable living. Her concern is about safety of the citizens that already live in the community. What about the safety of the community/residents that already live there? She stated that there is a problem with transients in the neighborhood and that she pays them to mow and cut her hedges. This project will not solve homelessness. What are the qualifications for services for the project?

Eric Johnson, 5235 Quay St. Safety is number one for the residents that are there and the community. Question: What guarantees are there going to be that the park is not going to be a center where people go to do drugs? How will the area be enforced to not have people camp there? Who is going to pay for the needed Infrastructure improvement in this area? Traffic in this area, how is this going to be affected? Mr. Johnson voiced concern about parking between the residents and the staff.

Mindy Mohr, 7030 Simms St. #203, She is in support of this project. Currently on the Housing advisory committee and is pushing for affordable housing all through the City of Arvada not just in the south east area of Arvada. She agreed that the money that would be used for balconies will be used for other amenities. The residents have to pay 30% of their income towards rent. These services will help people being placed in this project.

Paul Dierschow, 5635 Kendall Ct. His wife has been a member of Habitat for Humanity and in the community for 17 years. His concern is the immediate area of this project i.e

SYNOPSIS OF MINUTES AUGUST 8, 2023 - Family Tree Affordable Housing Project

is a mess, poorly designed intersection. Would like someone to come down and view the intersection. No crosswalks, no bike path, shared streets- nonexistent.

APPLICANT REBUTTAL

Mr. Shields responded that there is no intention for this property to become a “tent” city. This project is designed to increase permanent housing and help make the neighborhood a “walkable” neighborhood. It is not like that now but with this project, we want to make it that way. Just because one is experiencing homelessness this does not make them a criminal. Their plan is to add additional employees to the staff. Directly tailoring the employees to the services that are in need.

Mr. Parcell addressed parking determined by the traffic study for the project. There is enough and meets requirements for parking on site. The lighting concern is addressed with the photometric plan for the site.

Cassie Ratliff, 11553 E 118th PI, Henderson, CO 80640 She discussed that the folks they see are coming from Arvada, not coming from outside the community. They lived in Arvada and lost their home. She works with folks to get them services. Helps provide resources to these folks. People are vested in the place they will be living in.

Mr. Griffith closed public comment.

QUESTIONS FROM THE COMMISSION

Mr. Griffith asked about the traffic and what it may look like long term in this area?

JT Pritts, Development review, Civil Engineer for the City of Arvada, That City Staff is looking at improvements for the Marshall St. corridor area. There is no increase in traffic from this project to warrant this developer building the changes at this time.

Mr. Griffith asked if there anything else that is being considered for this area?

Jenny Wolfschlag, City Engineer, stated the city is evaluating this area. Working on a traffic master plan, this project is not generating enough traffic to make this the developer’s problem. This is a city problem. Staff is working with the developer to get the right-of-way annexed into the City.

Mr. Griffith asked if the annexed land has to meet current code for the area? Is there a survey for the Traffic master plan for the community to provide input?

Ms. Wolfschlag stated yes there is a survey and encouraged the citizens to go through the city website and find the link to “speak up Arvada”.

Mr. Griffith asked, has there been any coordination with Arvada PD for this project?

Ms. Ibanez stated not that she is aware of.

Mr. Griffith asked the applicant about the 30% of AMI and what does this mean for this project?

SYNOPSIS OF MINUTES AUGUST 8, 2023 - Family Tree Affordable Housing Project

Ms. Ratliff stated we are talking about two different 30% numbers. The first 30% is of AMI (Area median income), and the other 30% is the people who pay 30% of their income towards their rent.

Mr. Griffith asked if there is someone who will live here and have NO income? and how is the income subsidized.

Ms. Ratliff stated it is rare that someone has no income, no matter what the income is, they will be expected to pay 30%. Vouchers are provided by the State, Foothills, Jefferson county and Arvada housing.

Mr. Griffith asked about the application process and how people apply to live at this project. And can family tree only provide these units to Arvada people only?

Ms. Ratliff explained the process. This project is for Jefferson county people and uses a partnership with referrals.

Mr. Griffith asked what the eviction process would look like. If you're a tenant can you be evicted?

Ms. Ratliff stated leases are in place and tenants can be evicted. Their goal is to fix the situation so eviction does not happen often.

Mr. Griffith asked if crime related issues can get one evicted?

Ms. Ratliff stated crime related issues are in the lease agreement and is a violation to the lease agreement. "crime free lease addendum" on lease.

Mr. Griffith asked about the exterior of the building what design criteria was used to deter drug use etc in that area?

Mr. Parcell stated that all the windows open out. This opens a direct line of sight for the staff to see what is going on. The staff office also has eyes on the area around them. Planter boxes outside the building are low and staff can see over them. Also there is lighting along the street side of the building (West 56th).

Ms Grogg reminded the Commission that they are here to listen to a request for the Conditional Use, the Major Modification and the Vacation of right of way. She asked the commission to focus on the three questions we are here for. She reminded the Commission that property owners have the right to develop their property as long as they meet the code.

Mr. Aljinovich asked the staff about the dirt road (Right of Way) that goes through the property.

Ms. Ibanez stated that the road was never improved and is not used. It will be vacated and additional access will be made for emergency vehicles and pedestrian lane. The vacation will allow it to be one large site for this building being proposed.

Mr. Magee asked staff if they are not meeting the square feet for park land dedication? Will there be a fee in lieu of this? Additional fees?

SYNOPSIS OF MINUTES AUGUST 8, 2023 - Family Tree Affordable Housing Project

Ms. Ibanez stated they are meeting requirements and exceeding it. They will be paying a fee in lieu too.

Mr. Magee asked about the rain garden and courtyard and how this functions for the residents when it is a detention pond?

Mr. Parcel stated, a very shallow detention pond. Rain garden is shallow and will be a grassy area.

Mr. Magee asked who will pay for infrastructure that is needed?

Mr. Parcell stated the developer pays this fee. No additional infrastructure that is needed in the street for this site.

Mr. Magee asked who is going to provide employment guidance for these residents.

Ms. Ratliff stated Family Tree is partnered with several partnerships to help with employment.

Mr. Knapp asked about the conditional use. Why are we being asked about the Conditional Use?

Mr. Smentana stated that any type of residential use for this area requires a conditional use, With the LDC change in 2020 this area was zoned Mixed use suburban and now they want to use it as residential.

Mr. Knapp asked what is the trade off for the balconies being removed? Are the units being increased in size?

Mr. Parcell stated that the resources for the balconies went to the interior and exterior amenities. To create the services spaces.

Mr. Knapp asked if this property provides areas for onsite storage for these areas?

Mr. Parcell stated they do not have a dedicated storage area.

Ms. Ratliff stated there is not a dedicated area for just storage, but areas for people to come out and thrive and interact with one another. There will be areas for bikes and a place to store these types of items.

Mr. Aljinovich stated to the crowd that "we heard you". It is important to know that they were heard by the city and the applicant heard them.

MOTION: Agenda Item 8.A

It was moved by Mr. Figliolino that a Conditional Use for Residential Development in the MX-S Zoning District for the Family Tree Affordable Housing Project, a 1.71 acre parcel of land located approximately at 5549 Marshall St in the City of Arvada, CO., be recommended to City Council for approval.

SYNOPSIS OF MINUTES AUGUST 8, 2023 - Family Tree Affordable Housing Project

This motion is based on the findings of fact and approval criteria on Page(s) 6 of the Staff Report.

DISCUSSION OF MOTION

Mr. Griffith stated he will be in support of this project and this needs to be across the city and not in just one area. That point is well taken.

Mr. Hannan stated the commission's decisions are based on criteria. Criteria are very cut and dry. Criteria #4 asks if the use is consistent with other projects in the area, and that given that this affordable housing is one of the City's long term goals. He will support the request.

Mr. Knapp stated he had struggled with the application and that part of the issues that he is hearing is the compatibility. The applicant is proving that they are building compatible. He heard positive things come out of the applicant helping the potential residents which makes them compatible with the surrounding area. He feels the compatibility is being met. He is voting in favor of this project. He also said that he would like City Council and Staff to look at this issue more closely and how do projects like this get integrated into the community.

Mr. Magee stated he wants to echo what his fellow commissioners have stated. Thank you for coming and making comments. He said that what he likes about this project is that it is not just affordable housing and that it is Family Tree with 40 year experience and Jefferson County Center for Mental Health providing them services. He didn't see that this project was dumping on the neighborhood and that he believed that the Family Tree will do what they can. He will be supporting this as well. He asked when this project was going to the City Council.

Ms. Grogg stated that the City Council does have to abide by the same criteria as the Planning Commission does when it pertains to development cases. She stated that this project is scheduled to go to Council September 11, 2023.

Mr. Figliolino wanted to thank everyone for coming tonight. Agreed that Columbine Acres was on an island and encouraged the city to work on the transportation plan for this area. He noted that the City Council also adopted the sub area plan and that he hopes that no one will be left out and that Columbine Acres will feel like a crown jewel of the area. He appreciates the small urban park that adds greenspace to the neighborhood for everyone to enjoy. He will be supporting this project.

Those voting Yes: Griffith, Hannan, Aljinovich, Magee, Knapp, Figliolino

Those voting No: None

Those absent: Gay

The motion carried: 6-0

MOTION: Agenda Item 8.B.

It was moved by Mr. Figliolino, Major Modification for Family Tree Affordable Housing, a modification from the Arvada LDC Subsection 5-1-2-5(G) - Multifamily residential buildings shall provide at least 75 percent of the total dwelling units with at least one private outdoor

SYNOPSIS OF MINUTES AUGUST 8, 2023 - Family Tree Affordable Housing Project

yard patio, or balcony, for a 1.71 - acre parcel of land approximately located at 5549 Marshall St, in the City of Arvada, CO. be recommended to City Council for approval.

This motion is recommended for denial based on the finding of fact based on criteria on Page(s) 7 of the Staff Report.

DISCUSSION OF MOTION

Mr. Griffith stated he will be supporting this motion.

Mr. Figliolino stated he likes the design of the building and that it is not a giant box.

Those voting Yes: Griffith, Hannan, Ajinovich, Magee, Knapp, Figliolino

Those voting No: None

Those absent: Gay

The motion carried: 6-0

MOTION: Agenda Item 8.C.

It was moved by Mr. Magee, Vacation of the Marshall Ct. and W. 55th Pl. Right-of-Way for Family Tree Affordable Housing, a 1.71 acre parcel of land approximately located at 5549 Marshall St., in the City of Arvada, CO. be recommended to City Council for approval.

This motion is recommended for approval based on the finding of fact based on criteria on Page(s) 8 of the Staff Report.

DISCUSSION OF MOTION

Those voting Yes: Griffith, Hannan, Ajinovich, Magee, Knapp, Figliolino

Those voting No: None

Those absent: Gay

The motion carried: 6-0



Written public comment sent
in to Planning Commission
meeting 8.8.2023

Fwd: DA2022-0059 - Family Tree Affordable Housing

Carol Ibanez <cibanez@arvada.org>

Mon, Jul 31, 2023 at 10:50 AM

To: Heidi Van Gieson <hvangieson@arvada.org>, Planning Admin <plnadmin@arvada.org>

Hi Heidi: see email from Jefferson County in support for the Family Tree PC public hearing for next Tuesday. Thanks Carol

Regards,

Carol Ibanez, AICP

Senior Planner

Office No. 720.898.7463 Cell: 720.484.9366

cibanez@arvada.org



----- Forwarded message

From: **Heather Gutherless**

Date: Mon, Jul 31, 2023 at 9:57 AM

Subject: DA2022-0059 - Family Tree Affordable Housing

To: CIBANEZ@arvada.org <CIBANEZ@arvada.org>

Hi Carol – Thank you for notifying Jefferson County of the hearings for this case. We have no objections to this proposal. The property is within the Clear Creek I-76 Comprehensive Development Plan and is located in Area E. This area should continue to develop as a mixed use non-residential and multifamily area. The proposed development will comply with those uses.

We also appreciate that city staff is working to also annex the Marshal Street right-of-way adjacent to this property.

Thanks,

Heather Gutherless, AICP

Planning Supervisor, Long Range Planning

Planning and Zoning Division

Jefferson County

**Written public comment sent
in to Planning Commission
meeting 8.8.2023**

| Find us on the web: planning.jeffco.us

TOGETHER JEFFCO 2023

County Plans and Regulations Update

Help us shape the future of Jefferson County by visiting the Together Jeffco website and taking the online questionnaire! Click this image to visit our website: <https://togetherjeffco.com>. From there, you will find our Questionnaire on the main page!

Planning and Zoning is open to the public and we are offering both virtual and in-person appointments. For the convenience and safety of the public and our staff, virtual appointments are encouraged. Many staff are still working remotely to provide online and virtual services Monday through Thursday. County offices are closed on Fridays. Please schedule [appointments](#) and submit [applications](#) online. Go to planning.jeffco.us for more information.



----- Forwarded message -----

From: **MICHAEL SNYDER**

Date: Tue, Aug 1, 2023 at 4:05 PM

2-0059

My name is Michael Snyder. I live at [5445 Newland St.](#), about 2 blocks from the proposed development at 5549 Marshall St. It's being called Family Tree Affordable Housing. I'm against this project. I feel the neighborhood, known as Columbine Acres has had to much construction and building of apartments on 56th and east of Wadsworth Blvd. and now all the construction on 56th and west of Wadsworth Blvd. Again more apartment buildings and restaurants. It brings more traffic, construction vehicles, cars and noise. I have noticed an uptick in crime in this neighborhood. eg.) my next door neighbor's truck was broke into and his tools and golf clubs were taken, Also, had an incident, about a week ago where some homeless people were shot trying to stop a robbery at the 7-11 at 55th and Wadsworth Blvd I would like to see more police patrols in the area. Maybe the east side of Marshall St. could use some beautification.-flower planters from 56th up to 52nd and Marshall St. eg.) like Wheatridge on 38th and Reed St. Also, with all this traffic in the area Marshall St. could use re-paving all the way from 56th and Marshall St. all the way to 48th and Marshall St. The road is in terrible condition. Mike Snyder

Written public comment sent
in to Planning Commission
meeting 8.8.2023



CED Boards and (

Written public comment sent
in to Planning Commission
meeting 8.8.2023

Public Comment in Support of Family Tree Affordable Housing Project

[REDACTED] >
To: "cedboardsandcommission@arvada.org" <cedboardsandcommission@arvada.org>
Cc: Cassie Ratliff [REDACTED], Taylor Clepper [REDACTED] >

Fri, Aug 4, 2023 at 1:51 PM

Dear Arvada Planning Commission Members,

I am a long-time resident of Arvada who is providing these comments in SUPPORT of the 3 items you are considering at your August 8, 2023 meeting regarding the Family Tree Affordable Housing project. This permanent supportive housing development will provide 85 units of supportive housing, which are critically needed in Arvada to help those who have been unhoused.

The trauma-informed design aspects of the proposed project are commendable, to help those who are transitioning out of homelessness. By your approving the Major Modification to remove the requirement for outdoor balconies on the units (balconies which are often unused or used for storage), you will allow the developers to focus their resources on the more critical aspects of the building.

I have had the opportunity to work with unhoused clients in Arvada as a volunteer, and recognize the concerns with simply placing those who have been unhoused into an empty apartment, with no support services. They typically experience social isolation, and need on-site stabilization services (ideally 24/7). I commend Family Tree, Jefferson Center for Mental Health, and other partners including the City of Arvada for helping move this project forward.

Thank you,

Sincerely,

Mindy Mohr
7030 Simms St # 203
Arvada, CO 80004

Written public comment sent
in to Planning Commission
meeting 8.8.2023 This one
was received after cut off
date and time 8.7.2023

Robert Schadek
5510 Pierce Court
Arvada, CO 80002

Family Tree Affordable Housing

(Marshall & 56th) / 85 units "apartment building." / At or below 30% of the Median-Income.

Median		Qualified
\$44,819	30%	\$13,446
\$92,669	30%	\$27,801

PROPERTY (MX-S)

"Mixed-Use SUBURBAN"

Proposed appears "URBAN," not suburban.

Is "City" subsidizing? (IE: OUR taxes ... used to reduce OUR values.)

Property acquisition? Construction? Rent?

Subsidy? Grants? Tax incentive?

Who really benefits? Renters only get rent receipts, but no path to "equity" / "ownership."

Grocery Stores? (nearest is 1.3 miles)

King Soopers (64th & Sheridan)

NOT walkable: Curbs / Gutters / Paving of 56th Ave. ... to Sheridan?

Safeway (38th & Wads, W.R.)

Walmart (58th(Ralston) & Independence)

Target (50th & Kipling)

If "Sam's," ... need walkable path down Marshall? ... and re-pave?

"Articulation method"

255' single-plane along 56th Ave. (Drawings don't really shown ANY "articulation.")

Claims ... "Small Urban Park" but only 19'10" wide. (7' walk, 13' green) (IE: Not even a "front yard")

Along Marshall = YES / along 56th Ave = NO articulation.

Material / Color / Textures / Pattern ... but no "articulation"

Makes for: Boring, bland, repetitive, "cinematic" ("staged" but not real)

"Courtyard" faces our neighborhood. (our home, 3 blocks)

Assume, High-Intensity lights near roof, flooding the courtyard.

Spotlights ... facing our neighborhood?

Lighting? (Is dark-sky even considered?, or just like everything else?)

From: Carlos Hernandez <[REDACTED]>
Date: August 27, 2023 at 6:20:21 PM MDT
To: kristen@arvada.org
Subject: family tree affordable housing

hello ms. rush my name is carlos hernandez i am 50/50 in favor of this new development reasons, 1, if they need a place to live and can not afforded it they need to cut down on expenses example(pets, etc.)
2, if they need a place to live and can not afforded it they need to cut down on expenses example(pets, etc.)
am afraid if the city of arvada becomes like the" denver projects" and then columbine neighborhood in
everyone deserves a chance if they could be respectful, follow the rules and regulations its okay. to act
and be remove of office immediately for any negligence, wrongdoing or corruption if they vote in favor
the future of arvada thank you very much for your time.

MARSHALL STREET LANDING



View from Marshall St

85-unit Trauma-Informed Designed Affordable Multifamily Housing Community
with **Supportive Services** for Residents



DEVELOPMENT TEAM

- BlueLine Development was founded in 2011 with the purpose of developing and sustaining affordable rental and permanent supportive housing. Experienced affordable housing developer in Colorado, Utah, Montana, South Dakota and Wyoming.
- Family Tree began filling service gaps for people affected by child abuse and domestic violence in Jefferson County in 1976 and began offering homelessness services in 1989. Today Family Tree serves the seven-county metro area and partners with all people to prevent and overcome the interconnected issues of child abuse, domestic violence and homelessness to promote safety, healing and stability across generations.



View of courtyard

Family Tree is the only organization in the Denver-metro area working to address the interconnectedness among child abuse, domestic violence and homelessness.



CONDITIONAL USE & MAJOR MODIFICATION

- **Conditional Use Permit** to approve the multifamily use, which will allow the development of a new affordable housing community with supportive services generally located at 5549 Marshall Street.
- **Major Modification** from Section 5-1-2-6 Building Design Standards G. Balconies, Porches and Stairways to eliminate the requirement to provide balconies or patios for 75% of residential units.

APPROVAL WILL:

- Create much needed Affordable Housing within the City of Arvada
(85 apartments, 1- and 2-bedroom units) for households at or below 30% AMI.
- Project has received funding through Low Income Housing Tax Credits (LIHTC)
(Funding requires project to close with permit by the end of 2023).
- As noted in staff report: Conditional Use Permit and Major Modification meets all the criteria set forth in the Arvada Land Development Code for approval.



NEIGHBORHOOD OUTREACH

- **Neighborhood Meeting** was held on June 2, 2022, at 5:30PM at Arvada City Hall with 41 community members attending.
- These items were discussed during the meeting and addressed as part of the design development for the project. A frequently asked questions (FAQ) document was updated and distributed to all Neighborhood Meeting attendees.
- The FAQ document has been updated during the design process to inform interested neighbors, these updates are posted on Family Tree's website.
- **NEXT NEIGHBORHOOD MEETING: 6PM TO 8PM ON SEPTEMBER 20TH**
Colorado Gives Foundation (5855 Wadsworth Byp Unit A, Arvada, CO 80003)



TRAUMA-INFORMED DESIGN

- Trauma-Informed Design (TID) focuses on how the built environment affects the mental state of its inhabitants. Since 2018 Shopworks Architecture and our partners have conducted interviews with over 1,500 end users to understand how buildings impact our vulnerable population, and those seeking stability in housing. Designing buildings through this framework enables positive change for our residents and communities.
- The design of this project has intentionally reduced opportunities for social isolation and increased opportunities for social inclusion. Research has shown that people experiencing homelessness are more likely to thrive when there are opportunities to congregate and develop community.
- Professionally managed and staffed 24hrs a day / 7 days a week

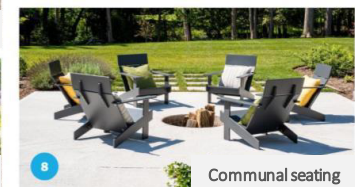
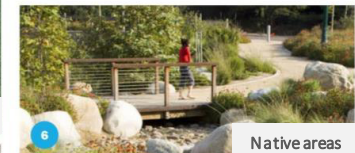
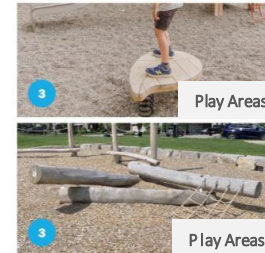
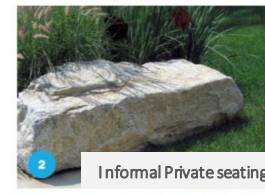


Shopworks Architecture has designed and constructed more than 2,400 Trauma-Informed designed apartment units.



Secure Gathering Spaces

Creating Community to Increase Social Inclusion



INTERIOR AMENITY

Areas supporting community, social inclusion and service provider interaction

- Amenity areas designed to fit the needs of all residents whether its large gathering space, small group areas, one on one staff meeting rooms or private areas.
- Creating spaces that encourage residents to leave the isolation of their units.
- The amenity areas will increase access for residents to engage in services with Family Tree and Jefferson Center for Mental Health, increasing chances for social interaction among residents and provide opportunities to form positive relationships with staff and their neighbors



MAJOR MODIFICATION

Request:

In response to the data obtained through our TID research the elimination of balconies, and providing larger windows in the units allows daylight to travel deeper into the unit and offers more visual access to the exterior. This along with an open floor plan makes the units feel larger and more comfortable to live in.

- Exterior Balcony requirement**
 75% of 85 units = 64
 64 units x (24 sf) = 1,536 sf
- Proposed Design**
 Exterior Courtyard = 8,500 sf
 Small Urban Park = 7,000 sf
 Total exterior = 15,500 sf
 (182 sf for 85 units)
- Additional Interior Amenity and Service Provider area= 6,500 sf



ARCHITECTURAL ARTICULATION

Enhanced detailing with pedestrian scale along the public ROW



ENGAGING THE ROW BY CREATING PEDESTRIAN SCALE & ARTICULATION

- (1) Creating a strong base for the building
Masonry detailing: rowlock sills, soldier course, reveals and projections
- (2) Breaking down the building mass
Variety of exterior materials and scale: lap siding, stucco, flat lock panels & masonry. Using residential details and trim.
- (3) Creating changes in plane, projections and recesses along the building length.
Providing roof canopies and overhangs

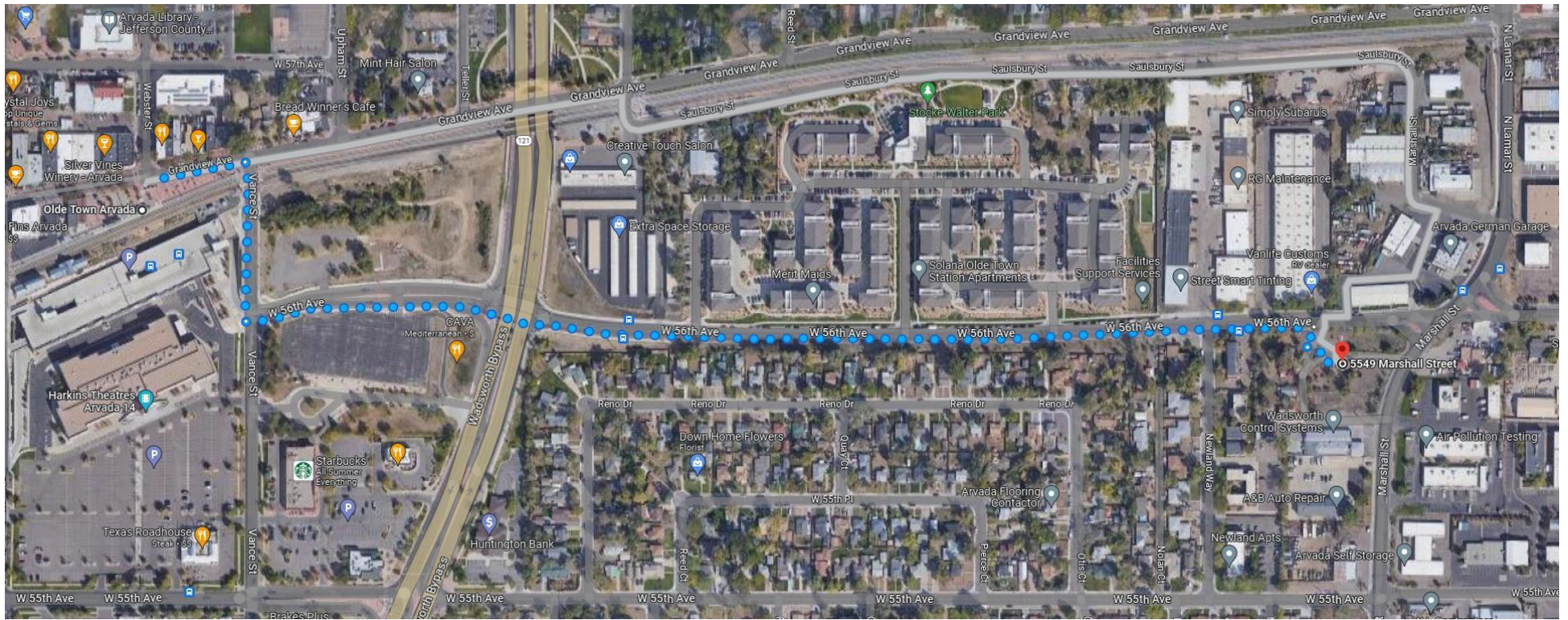
APPROVAL CRITERIA

- Consistent with the MX-S zone district and aligns with the character, guidelines, purpose and intent expressed in the Arvada Land Use Code.
- Comparable with size, scale, height and density of zone district and meets district requirements.
- Due to the low-income nature of the project, traffic produced by this development will have little impact on existing infrastructure.
- Modification addresses a unique situation relating to local residents transitioning out of homelessness. Providing community areas that facilitate social inclusion and service provider interactions.
- This application creates no adverse impacts and provides benefits to the community:
 - Serving vulnerable population
 - Creating small urban parks along existing underdeveloped ROW.
 - Provides a transition from light industrial / commercial to single family



SITE LOCATION / ARVADA COMPREHENSIVE PLAN

Multifamily affordable housing furthers the recommendations set forth in the Arvada Comprehensive Plan, including Future Land Use recommendation of High Density Residential which *“is appropriate for multifamily residential apartments...higher density residential should be near commercial services or other non-residential services...These developments are generally located along collector or arterial streets and should be near transit centers or transit services (p. 2-22).”*



Sidewalk on the north side of W 56th Ave connects site to the G-Line and Olde Town Station
Just over a ½ mile= 15-minute walk or 5-minute bike ride

Thank you!

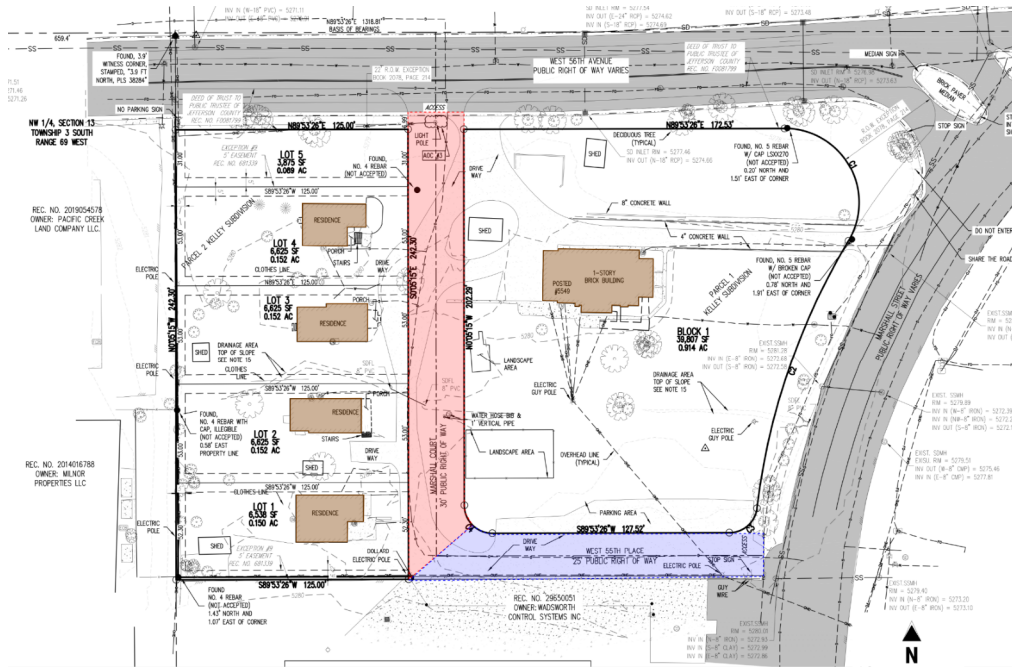


85-unit Trauma-Informed Designed Affordable Multifamily Housing Community
with **Supportive Services** for Residents

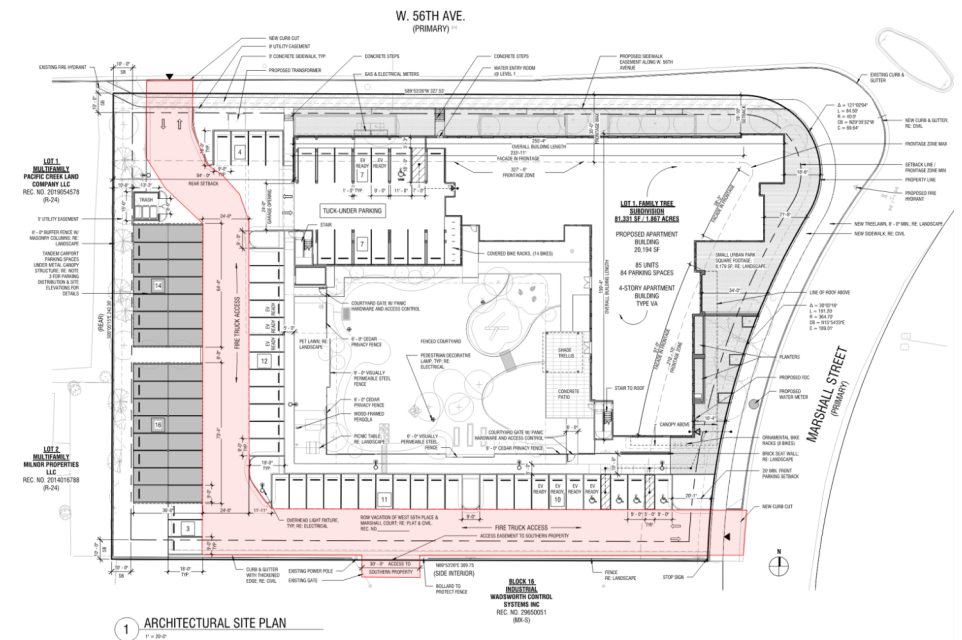


ADDITIONAL INFORMATION

ROW VACATION



EXISTING CONDITIONS



PROPOSED DESIGN

The existing houses on the west side of Marshall Court are being demolished, existing lots 1-5 of the Kelley subdivision are being combined with Block 1. All properties are currently owned by Family Tree and access from the vacated ROW will no longer be necessary.

- **CONCLUSION:** This Application meets all criteria in the Arvada Land Development Code for approval of Conditional Use Permit, Major Modification and ROW Vacation.

AFFORDABLE HOUSING PARKING STUDY

- 8.8% of Permanent Supportive Housing Residents own a vehicle (equates to 1 vehicle per 12 units).
- Affordable housing rents are determined by household. This translates to vehicles per unit, vs. per bedroom in market-rate housing.
- The data indicates that the property's proximity to quality walking and biking facilities and transit services deeply impacts vehicle ownership.
- Recommended parking for this project is 7-20 spaces total.

ARVADA (DIV. 4-5-2) AFFORDABLE MULTIFAMILY PARKING CODE REQUIREMENT							
UNIT TYPE	# OF UNITS	PARKING RATIO	STD. REQ'D PARKING	20% ADMIN. PARKING REDUCTION	15% PARKING REDUCTION – ZONE C	TOTAL REQUIRED PARKING	TOTAL PROVIDED PARKING
STUDIO/ 1-BEDROOM	70	1.4 SPACE /DU	98				
2-BEDROOM	15	2.0 SPACE /DU	30				
TOTALS	85		128	-25	-19	84	84

Traffic Impact Analysis: provided by Fox Tuttle Transportation Group, January 27 2023

AFFORDABLE HOUSING RENTS



2023 Income Limit and Maximum Rent Tables for All Colorado Counties 20% to 120% of Area Median Income (AMI)

HUD Effective Date: May 15, 2023

- The IRS allows Housing Tax Credit projects that placed in service as of 12.31.2008 to use higher HERA Special limits.
- All Housing Tax Credit and CHFA Loan projects are "held harmless" from limit decreases. To be "held harmless," a project must be in service before 06.29.2023.
- Housing Tax Credit and CHFA Multifamily Loan projects whose counties experienced a decrease in 2023 limits and that place in service before 06.29.2023 may continue to apply the same limits used in 2022.

County	HERA	AMI	2023 Maximum Rents					2023 Income Limits							
			0 Bdrm	1 Bdrm	2 Bdrm	3 Bdrm	4 Bdrm	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
Jefferson		30%	651	698	837	968	1,080	26,070	29,790	33,510	37,230	40,230	43,200	46,170	49,170
Jefferson		20%	434	465	558	645	720	17,380	19,860	22,340	24,820	26,820	28,800	30,780	32,780

DWELLING UNITS

Unit Type	Max. Rent Ranges /Month 20%-30% AMI ⁽²⁾
1-Bedroom	\$465-\$698
2-Bedroom	\$558-\$837

- LIHTC deed restricted for 30 years
- HUD considers this population "Extremely low income"

(1) Final count depending on final approved building configuration

(2) gross rents (2023), before utility allowance

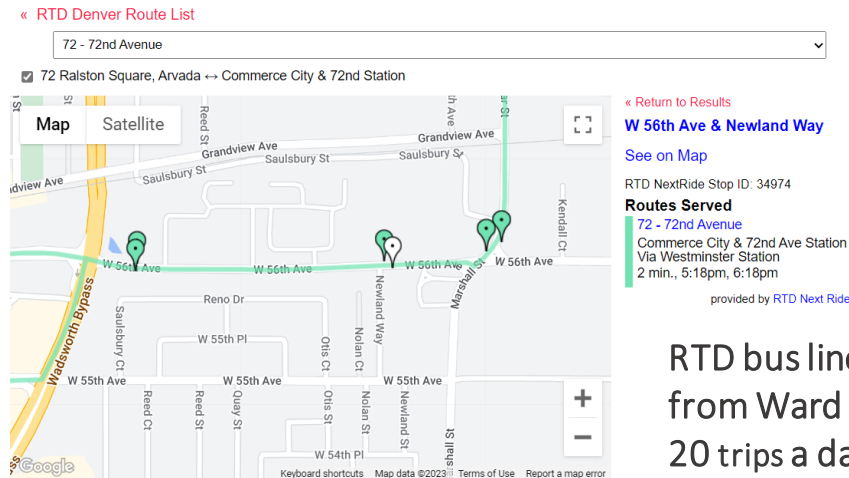
SITE LOCATION



View looking west from site
bike lanes are provided on both sides of W 56th Ave



View looking west
bus stop 1 block west of the site

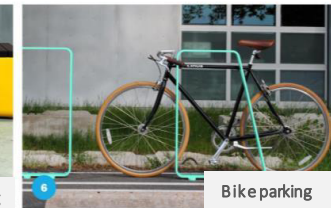
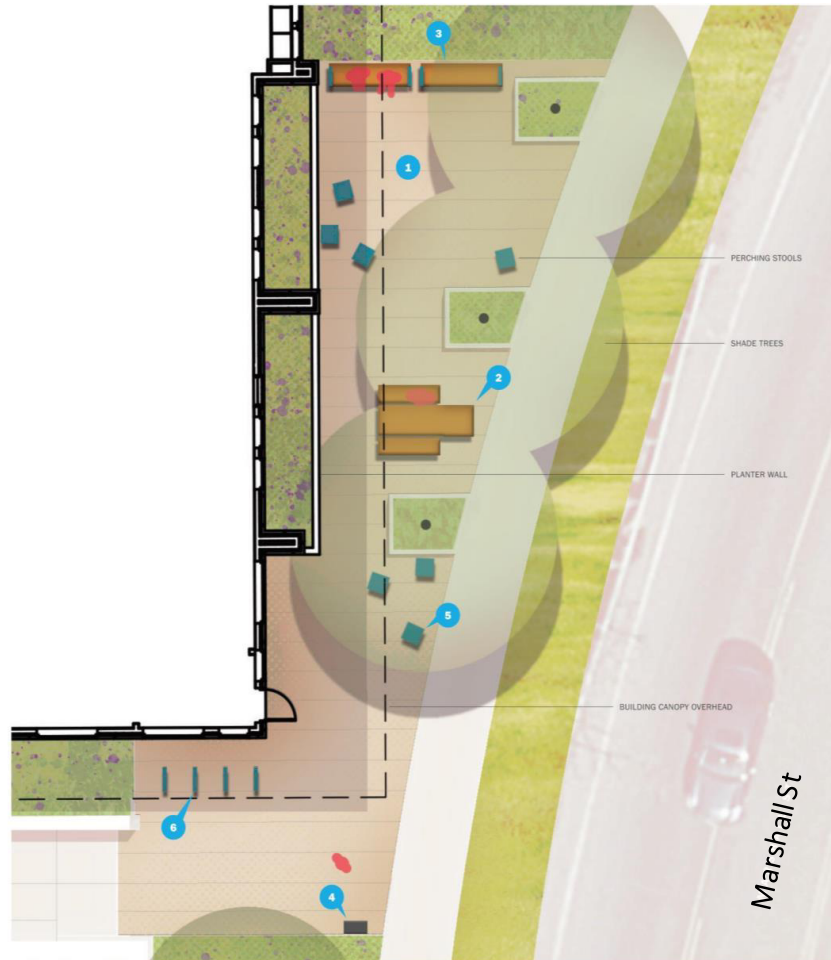


RTD bus line #72 travels
from Ward Rd to Commerce City
20 trips a day, Monday - Saturday

SLIDES FROM PLANNING COMMISSION HEARING

MAJOR MODIFICATION: Gathering Around the Marshall St Entry

Small Urban Park creates engagement with the public ROW

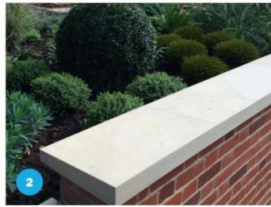


MAJOR MODIFICATION: Gathering Spaces Along W 56th Ave

Small Urban Park creates engagement with the public ROW



Art Panels



Brick planting walls



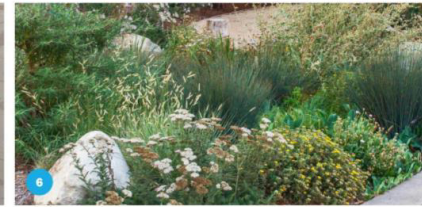
Integrated Lighting



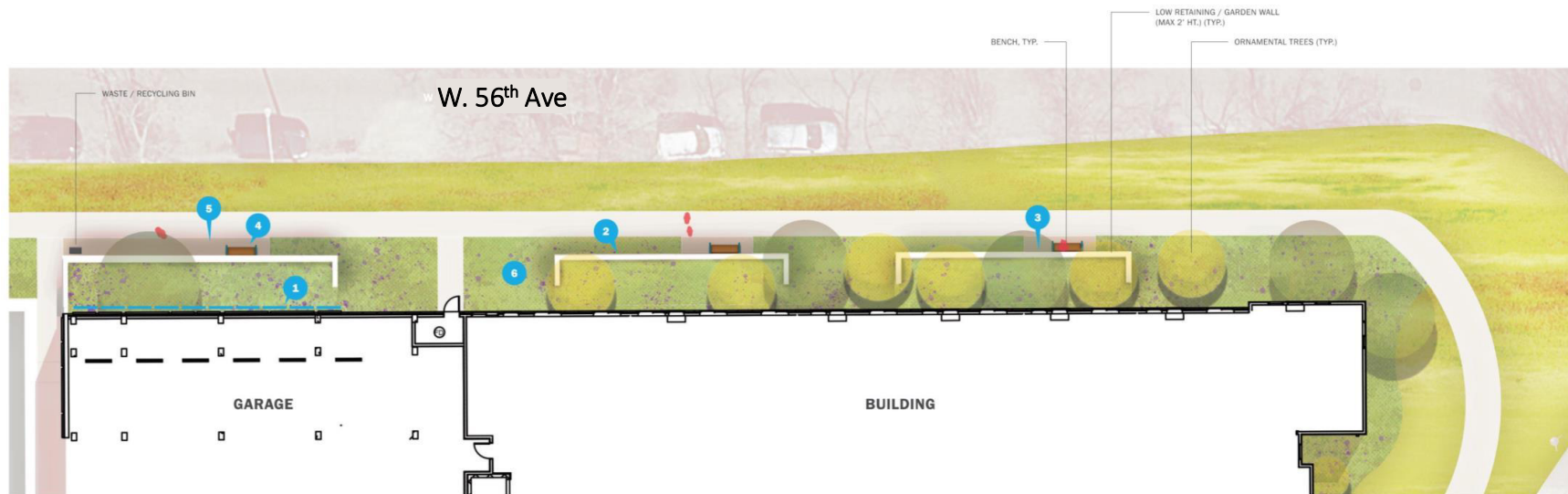
Bench seating



Decorative paving



Native planting beds



ARCHITECTURE: Small Urban Park along 56th Ave

Creating a variety of experiences along the ROW through Architecture and Landscape design



ENGAGING THE ROW BY CREATING PEDESTRIAN SCALE & ARTICULATION

- (1) Creating a variety of experiences along the building including seating areas.
- (2) Providing a variety of landscape materials, textures, colors and fragrances that constantly change through the seasons.
- (3) Masonry planting walls create changes in elevation to the ground plane along the building.

CONDITIONAL USE: APPROVAL CRITERIA, page 1

- **CRITERION ONE:** The application complies with the applicable standards of this LDC, other adopted City ordinances, resolutions and regulations including but not limited to any use-specific standards for the proposed Conditional Use in Division 3-1-3, any approved Master Development Plan that includes the property, and any conditions specifically applied to development of the property by the Planning Commission or City Council in a prior decision affecting the property.

- ✓ This new affordable housing development is consistent with the MX-S zone district and aligns with the character and guidelines expressed in the Arvada Land Use Code. The purpose of MX-S is to provide for a variety of residential and non-residential uses in vertically and horizontally mixed-use or single-use configuration.

- **CRITERION TWO:** The application is consistent with the Arvada Comprehensive Plan.

- ✓ Tailored to address the needs of local residents transitioning out of homelessness into permanent supportive housing.

This new affordable housing development furthers the recommendations set forth in the Arvada Comprehensive Plan, including Future Land Use recommendation of High Density Residential which *"is appropriate for multifamily residential apartments...higher density residential should be near commercial services or other non-residential services...These developments are generally located along collector or arterial streets and should be near transit centers or transit services (p. 2-22)."*



CONDITIONAL USE: APPROVAL CRITERIA, page 2

- **CRITERION THREE:** The use is consistent with the purpose and intent of the zoning district in which it is located.

- ✓ Located in MX-S (mixed use- suburban) zone district.
Purpose: to provide a variety of residential and nonresidential uses.

Promote redevelopment with walkable active streetscapes, using landscape design and architecture along the ROW as shown on previous slides.

- **CRITERION FOUR:** The size, scale, height, density, multi-modal traffic impacts, hours of operation and other similar characteristics of the proposed use are comparable with existing and planned uses in the surrounding area and the zoning district regulations.

- ✓ The project is comparable with existing and planned uses in the surrounding area.



CONDITIONAL USE: APPROVAL CRITERIA, page 3

Urban Multifamily	Required (Section 2-1-8-8)	Proposed
Min. lot area	No minimum	1.6 acres
Min lot width	50'	65'
Max height	4-stories/ 45' *	4-stories/ 50'-0"
Max units per building	Not limited	85
Max building coverage	90%	60%
Front setback	10' with 20% build-to	10' with 20% build to
Side setback	10'	10'
Side interior setback	10'	10'
Rear setback	0'	10'
Min. front parking setback	20'	20'
Min. landscape surface area	25%	41%
Min. area for small urban parks	10% of net parcel area	10%

* 15' Height increase for affordable housing, per 2-1-10-4A



✓ The project meets the Zone district regulations.

According to the traffic impact study, this community is estimated to generate 43 trips in the AM peak hour and 39 trips in the PM peak hour. These trips are anticipated to have little to no impact to the short-term operations of the Marshall St. and the 56th Avenue intersections. Due to the very low-income nature of this residential development the traffic impact will be significantly less than existing and future commercial developments and market rate housing in this area.

CONDITIONAL USE: APPROVAL CRITERIA, page 4

- **CRITERION FIVE:** Facilities and services including sewer, water, storm water, gas, electricity, police and fire protection, and roads and transportation will, prior to or as part of the development, be available to serve the subject property while maintaining adequate levels of service for existing development.

✓ Will serve letters for public utilities, water, stormwater and life safety were provided as part of the application. Access drives from W. 56th and Marshall are provided to provide adequate fire and life-safety access. As mentioned in the previous slide the existing road and transportation infrastructure will be minimally impacted by this development.

- **CRITERION SIX:** The application mitigates any adverse impacts on the surrounding area to the degree practicable.

✓ No adverse impacts identified.

Benefits to community:

- i. Serving vulnerable population in community.
- ii. Small urban park along Marshall St and W. 56th.



MAJOR MODIFICATION: APPROVAL CRITERIA, page 1

- **CRITERION ONE:** The requested modification is consistent with the Comprehensive Plan and the stated purpose of the applicable zoning district.

✓ This modification is consistent with the Comprehensive Plan, as mentioned for the CUP.

- **CRITERION TWO:** The requested modification addresses a unique situation or incorporates creative site design.

✓ Tailored to address the needs of local residents transitioning out of homelessness into permanent housing. As mentioned previously, creating a community rich with social experiences and promoting service provider interaction to create a healthy living environment for residents and staff.

- **CRITERION THREE:** The requested modification will not result in incompatible development.

✓ Consistent with MX-S zone district and comprehensive plan.
Engage the public Right of way with additional architectural detailing, articulation and landscape design that exceeds Code requirements to enhance the walkable experience on Marshall St and W 56th.



MAJOR MODIFICATION: APPROVAL CRITERIA, page 2

- **CRITERION FOUR:** The requested modification will have no significant adverse impact on the health, safety or general welfare of surrounding property owners or the general public.



Purpose and effect are to increase the health and wellness outcomes for residents.
Enhanced design will ensure no adverse impact on surrounding property owners and is compatible with existing development.



- **CRITERION FIVE:** Any adverse impacts resulting from the modification will be mitigated to the extent reasonably feasible.



No adverse impacts on surrounding property owners.

Positive impacts on health, safety and wellness of residents.
Provides much needed affordable housing for Arvada



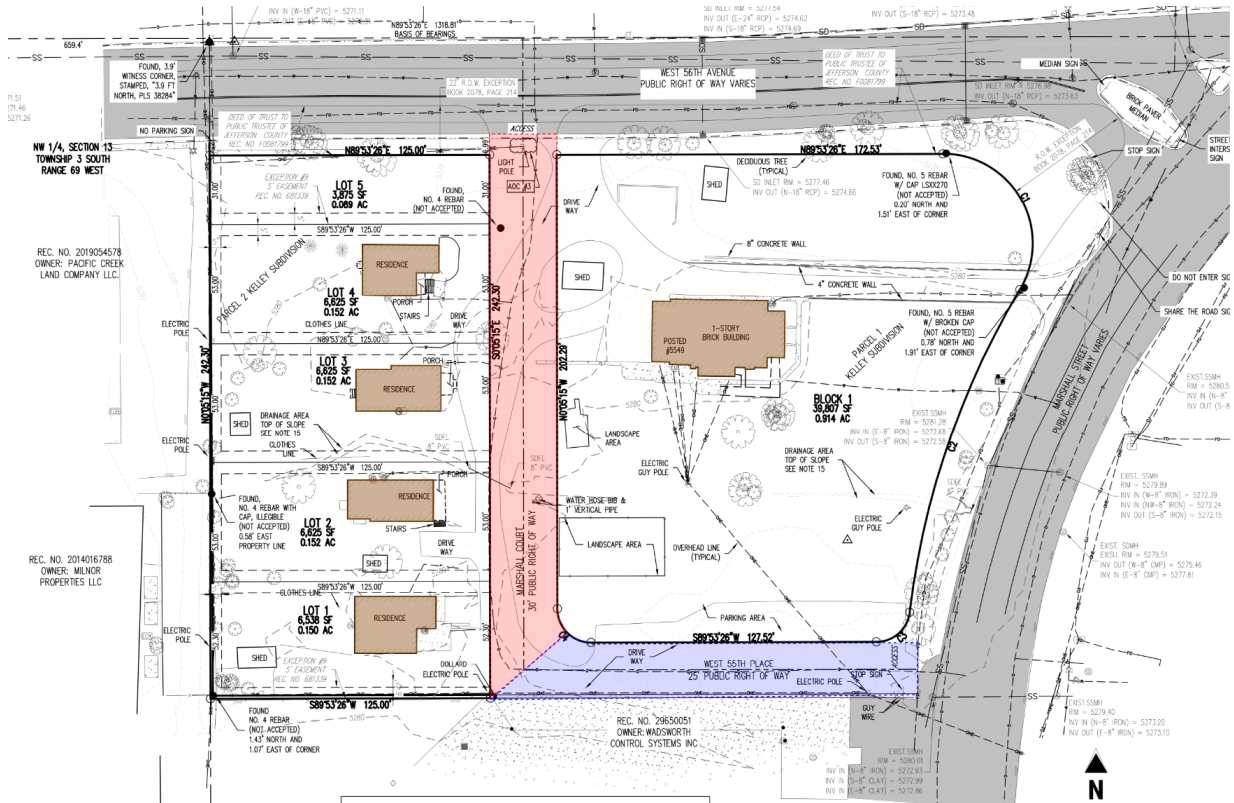
ROW VACATION: APPROVAL CRITERIA, page 1

- **CRITERION 1a:** The vacation is consistent with the Comprehensive Plan and with any other applicable, adopted City transportation plan or streets/roadway plan;

✓ Consistent with Comprehensive Plan as previously mentioned. There are no conflicts with transportation or roadway plans.

- **CRITERION 1b:** The land to be vacated is no longer necessary for the public use and convenience, or the public right-of-way or public vehicular access easement has become useless, inconvenient, or burdensome to the City;

✓ The existing houses on the west side of Marshall Court are being demolished, existing lots 1-5 of the Kelley subdivision are being combined with Block 1. All properties are currently owned by Family Tree and access from the vacated ROW will no longer be necessary.



ROW VACATION: APPROVAL CRITERIA, page 2

CRITERION 1c: The vacation will not create any landlocked property;

- ✓ A new access easement will be created to allow access to the southern property's rear parking lot.
- **CRITERION 1d:** The vacation will not restrict access to any lot, tract, or parcel so that the resulting access is unreasonable or economically prohibitive; and
- ✓ This property has access and a parking lot off Marshall St. There is also a driveway on the north side of the building which provides access to the rear parking lot.



- ✓ The new access easement will include Fire access through the entire property similar to the existing vacated ROW. Currently Marshall Court and 55th Place are dirt access roads; this development will improve the current condition.





REPORT TO CITY COUNCIL PUBLIC HEARING

AGENDA ITEM
10.B.

TO: THE HONORABLE CITY COUNCIL

DATE: September 11, 2023

SUBJECT: Major Modification for Family Tree Affordable Housing, a modification from the Arvada LDC Subsection 5-1-2-5(G) - Multifamily residential buildings shall provide at least 75 percent of the total dwelling units with at least one private outdoor yard, patio, or balcony, for a 1.71 - acre parcel of land approximately located at 5549 Marshall St. (Presenter: Rob Smetana, Acting Director of Community and Economic Development)

Report in Brief

Presenter: Rob Smetana, Acting Director of Community and Economic Development

Family Tree and BlueLine Development are requesting approval of a Major Modification from the Arvada LDC Subsection 5-1-2-5(G) - Multifamily residential buildings shall provide at least 75 percent of the total dwelling units with at least one private outdoor yard patio, or balcony. Removing the balconies allows Family Tree to utilize that funding to improve the interior of the structure and provide more services for its residents.

The property is approximately 1.638 acres and is zoned Mixed-Use Suburban (MX-S). The proposed development is approximately 20,195 square feet in size and is planned for an 85 unit apartment building with offices for supportive services for the residents. An exterior courtyard and a small urban park are also provided. The apartment units are for households experiencing homelessness at or below 30 percent area median income (AMI).

The Arvada Team recommends that the City Council Approve the Major Modification for Family Tree Affordable Housing, a modification from the Arvada LDC Subsection 5-1-2-5(G) - Multifamily residential buildings shall provide at least 75 percent of the total dwelling units with at least one private outdoor yard patio, or balcony, for a 1.71 acre parcel of land at approximately 5549 Marshall St.

Financial Impact

There is no fiscal impact to the city.

Background

The subject property is located on the southwest corner of W 56th Avenue and Marshall Street. Currently, there are five single family homes owned by the Family Tree Foundation on the property. Since 1976, the Foundation has been helping people overcome child abuse and neglect, domestic violence and homelessness in the community. Family Tree was awarded a low income housing tax credits (LIHTC) and will redevelop the site for an affordable housing apartment building.

Discussion

The Applicant is requesting a modification to the Arvada Land Development Code (LDC) standards as part of this project. The modification is: 5-1-2-5 G. Multifamily residential buildings shall provide at least 75 percent of the total dwelling units with at least one private outdoor yard, patio, or balcony. The regulations would require sixty-four balconies or patios for this project.

The applicant is requesting that this requirement be eliminated due to the unique needs of the population who will be served

SUBJECT: Major Modification for Family Tree Affordable Housing, a modification from the Arvada LDC Subsection 5-1-2-5(G) - Multifamily residential buildings shall provide at least 75 percent of the total dwelling units with at least one private outdoor yard, patio, or balcony, for a 1.71 - acre parcel of land approximately located at 5549 Marshall St. (Presenter: Rob Smetana, Acting Director of Community and Economic Development)	PAGE: 2 ITEM: 10.B.
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with this development. Over the years, the design of affordable housing by developers found that balconies were not being used by the residents or were being utilized for storage space.

To meet the intent of this requirement, a secured 8,500 square foot courtyard with open space will be provided. The courtyard will provide a multi-generational playground, private and covered outdoor seating, a walking path and a community garden, as well as a pet area and a smoking patio. The courtyard will be available for all the residents to enjoy. The cost to provide balconies or patios will be used to provide the residents with amenity areas inside the building, increasing access services provided by Family Tree and Jefferson Center for Mental Health.

Div. 8-3-11 Major Modification Approval Criteria	Finding	Rationale
1. The requested modification is consistent with the Comprehensive Plan and the stated purpose of the applicable zoning district.	Complies	The requested modification allows the design of the site to be approved as proposed. The development is consistent with the Comprehensive Plan and the MX-S zone district.
2. The requested modification addresses a unique situation or incorporates creative site design.	Complies	The affordable multi-family apartment will serve Jefferson County residents transitioning out of homelessness to permanent housing. People who have experienced homelessness often have experienced trauma that is best served by spaces that cultivate a strong sense of community and connection. A central courtyard allows residents to engage and feel a sense of belonging. Research found that the centralized amenity spaces allow people to feel valued after being marginalized by. By removing individual balconies the residents will experience the common outdoor spaces and build a sense of community, safety and connection.
3. The requested modification will not result in incompatible development.	Complies	The requested modification will not result in incompatible development. The courtyard and the small urban park allow access to all residents; while the required balconies would only be for 64 units.
4. The requested modification will have no significant adverse impact on the health, safety or general welfare of surrounding property owners or the general public.	Complies	The modification will not have an adverse impact on the health, safety or welfare of surrounding property owners or the public. The intent of courtyard will increase the health and wellness

SUBJECT: Major Modification for Family Tree Affordable Housing, a modification from the Arvada LDC Subsection 5-1-2-5(G) - Multifamily residential buildings shall provide at least 75 percent of the total dwelling units with at least one private outdoor yard, patio, or balcony, for a 1.71 - acre parcel of land approximately located at 5549 Marshall St. (Presenter: Rob Smetana, Acting Director of Community and Economic Development)

PAGE: 3
ITEM: 10.B.

		outcomes of the residents resulting in long term housing stability.
5. Any adverse impacts resulting from the modification will be mitigated to the extent reasonably feasible.	Complies	The modification is mitigated by incorporating the outdoor courtyard for the residents.

Public Contact

The required neighborhood meeting for this project took place on June 2, 2022. The applicant, staff, and 40 neighbors were in attendance.

Family Tree Inc. presented the development group and partners including the Jefferson Center for Mental Health, BlueLine Development, Inc. and Property Management Company. The presentation described the proposed development project for supportive housing to serve individuals and families at or below 30 percent area median income. The site will have community gatherings, supportive services and onsite staff seven days a week.

The residents were generally interested in learning about the partners and services to be provided. Some expressed concerns that there are already a high number of homeless people in the neighborhood and likely to increase with the development. Others were concerned about number off-street parking spaces to be provided.

Written notice was sent 15 days prior to the meeting, a published notice was posted in the newspaper 15 days prior to the meeting, and a public hearing sign was posted 15 days prior to the meeting.

Commission Recommendation

On August 8, 2023, the Planning Commission voted 6 to 0 (1 Absence) to recommend for approval to the City Council on September 11, 2023.

Strategic Alignment

The project is consistent with the City Council Strategic Plan principles for the Community and Economic Development work system.

Alternative Courses of Action

N/A

Recommendation for Action

The Arvada Team recommends that the City Council Approve A Major Modification from the Land Development Code subsection 5-1-2-5 G. Multifamily residential buildings shall provide at least 75 percent of the total dwelling units with at least one private outdoor yard, patio, or balcony, generally located at 5549 Marshall St., in the City of Arvada, CO.

Suggested Motion:

I move that the Major Modification from the Land Development Code subsection 5-1-2-5 G. Multifamily residential buildings shall provide at least 75 percent of the total dwelling units with at least one private outdoor

SUBJECT: Major Modification for Family Tree Affordable Housing, a modification from the Arvada LDC Subsection 5-1-2-5(G) - Multifamily residential buildings shall provide at least 75 percent of the total dwelling units with at least one private outdoor yard, patio, or balcony, for a 1.71 - acre parcel of land approximately located at 5549 Marshall St. (Presenter: Rob Smetana, Acting Director of Community and Economic Development)

PAGE: 4
ITEM: 10.B.

yard, patio, or balcony, a 1.70- acre parcel of land approximately located at 5549 Marshall St., in the City of Arvada, CO, be (approved/rejected).

This motion is based on the findings of fact adopted by Planning Commission (if approved).

This motion is based on the following findings of fact for denial: (Recite approval criteria you believe the evidence fails to satisfy and your reasons).

Prepared by:

Dixielee Rodriguez, Administrative Specialist

Reviewed by:

Approved by:

Carol Ibanez, Senior Planner	8/22/2023
Josie Suk, Development Systems and Administrative Manager	8/22/2023
Emily Grogg, Senior Assistant City Attorney	8/23/2023
Rob Smetana, Acting Director of Community and Economic Development	8/23/2023
Gail Walker, Legal Specialist-Contracts	8/24/2023
Rachel Morris, City Attorney	8/28/2023
Linda Haley, Deputy City Manager	8/28/2023
Lorie Gillis, City Manager	8/28/2023

Enclosure, exhibits & attachments required to support the report

Rob Smetana and Carol Ibanez
 City of Arvada Planning Department
 8101 Ralston Road
 Arvada, CO 8002

RE: Major Modification Request for Family Tree, Marshall Homes Affordable Housing (5549 Marshall St)

Dear City of Arvada Planning Staff, Planning Commission and City Council,

On behalf of Family Tree and BlueLine Development Inc., we are pleased to submit this request for a Major Modification regarding a new affordable housing community with supportive services generally located at 5549 Marshall Street.

This request has been created by the following parties:

Applicant/ Co-Developer

BlueLine Development, Inc.
 1004 South Avenue West
 Missoula, MT 59801
 Contact: Oriana Sanchez
oriana@bluelinedevelopment.com

Applicant/ Co-Developer

Family Tree
 3805 Marshall St
 Wheat Ridge, CO 80033
 Contact: Scott Shields
sshields@thefamilytree.org

Architect/Planner

Shopworks Architecture
 301 W. 45th Avenue
 Denver, CO 80216
 Contacts: Ed Parcell/
 Alisha Hammett
ed@shopworksarc.com
alisha@shopworksarc.com

This development is a proposed affordable multi-family apartment building with supportive services for the residents. The building will have 85 apartments comprised of 1- and 2-bedroom units. Housing will be for households experiencing homelessness and at or below 30% area median income (AMI). There will be space for community gatherings, meeting with service providers, and onsite staffing. The building will be designed using trauma-informed design principles throughout the interior and exterior of the building. The housing will be professionally managed and staffed 7 days a week by Family Tree, Jefferson Center for Mental Health and BlueLine Property Management Company. This affordable housing development was awarded Low-Income Housing Tax Credits (LIHTC) from the Colorado Housing Finance Authority (CHFA) in November of 2022. Due to Tax Credit funding requirements the project will need to receive building permits by the end of 2023, preferably sooner.

Due to the unique needs of the residents that will occupy this building we are seeking a Major Modification Request from Section 5-1-2-6 Building Design Standards G. Balconies, Porches and Stairways. We are requesting to eliminate the requirement to provide balconies or patios for 75% of the residential units. This design standard would require 64 units (85 units x75%) include an exterior balcony or patio of not less than (24sf).

a) Over the past 17 years of designing affordable housing there's been a shift away from providing balconies for very low-income populations and those experiencing homelessness or those on the verge of. This shift came after developers evaluated how balconies were being utilized by residents. They identified three categories of use; balconies were utilized as designed, balconies were only being utilized for storage, and balconies weren't



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being used by residents at all. As a result, a large investment was being made on an under-utilized aspect of the building. As mentioned above, 64 balconies or patios would be required for this development and balconies can range in price from \$15,000 to \$20,000 depending on the style of balcony, this would result in close to a \$1 million budget line item for this project. It became apparent that this money could be better utilized elsewhere in the building design and have a much greater impact on residents and building staff.

b) Balcony impacts on design. The most cost-effective balcony design for a project such as this would be a balcony that was fully outboard of the exterior façade (tack on balcony). This balcony type has limited impact on gross square footage of the building. However, these balconies are completely exposed to the elements making the south and west facing balconies virtually unusable for most of the day in summer months. The other type of balcony is built into the structure and sometimes enclosed with a roof element above. This type of balcony is the most expensive and it also creates some challenges with difficult waterproofing which often creates long-term maintenance issues for a building (water leaking into the balcony structure or even worse into the building). For either type of balcony, there's also an impact on the quality of residential interior space. Shadows created by the balconies create living rooms that are dark and can sometimes feel cave like during most of the day which has a negative impact on residents.

c) Trauma informed design and creating healthier units. Building and energy codes have led the way towards creating healthier units for residents and building occupants. Many code updates relate to environmental aspects of building design such as indoor air quality, non-toxic building materials, fresh air and ventilation. However, none of the updated codes pertain to the mental health of occupants. Trauma informed design focuses on how the built environment affects the mental state of its inhabitants, and research shows that increased daylight, access to exterior views, and open spaces all promote healthier living environments. In lieu of balconies, providing larger windows in the units allows daylight to travel deeper into the unit. This along with an open floor plan makes the units feel much larger, open, and pleasant to live in.

d) Creating community within the building to avoid social isolation. People experiencing homelessness often suffer from loneliness, isolation, and lack of support from their family and friends. If this modification is approved, then the budget for balconies can be shifted to provide amenity areas that are rich in social inclusion and include a variety of experiences. Amenity areas will be located inside the building, within the secure exterior courtyard and along the small urban park. Each space will have unique design aspects to help draw residents out of their units. The amenity areas will increase access for residents to engage in services with Family Tree and Jefferson Center for Mental Health, increasing chances for social interaction among residents and provide opportunities to form positive relationships with staff and their neighbors. The amenity areas are designed to fit the needs of all residents whether it's large gathering areas for multiple residents to enjoy, small areas for a couple of residents to talk, or one on one space for staff and resident interaction. The additional budget from removing balconies allows for more opportunity for service providers to meet with residents and provide much needed support.

e) Current building design. The exterior space created by this code section would create 1,536sf (64 x 24sf) of exterior space for resident's private use, however it doesn't apply to all residents only 75% of the units. The exterior secured courtyard as designed will provide approximately 8,500sf of exterior open space and will be open to all residents. Programming in this space includes activity areas for games, a multi-generational playground area, private seating areas, covered outdoor seating, a walking path, community gardens, as well as a pet area and exterior smoking patio on site. The project is also providing the small urban park as required by the Land Use Code. This requirement provides an additional 7,000sf of exterior space, again open to all residents along



Marshall St and West 56th Avenue. The small urban park will include group and private seating areas, enhanced landscaping and public art, all of which creates an engaging pedestrian experience along the building and street frontages. Overall, the project will be providing a combined exterior amenity space of 15,500sf which equates to 182sf of outdoor space per unit. The balcony design standard falls under the overall category of 5-1-2-5 Building design standards which includes requirements that are meant to ensure articulation and visual interest along facades of new multifamily buildings. With the removal of balconies, the building design has intentionally provided more residential, and pedestrian scaled detailing to exceed the code requirements. The building provides offsets in the building planes, enhanced architectural detailing in the masonry and cement board siding, canopies and overhangs along the right of way and material changes along the base and in vertical recesses. By including this additional detailing and articulation we feel the request to eliminate the balcony requirement will not be detrimental to the overall design aesthetic of the project.

Per Section 8-3-11-4- Major Modifications or deviations from dimensional or numerical standards in the LDC are intended to allow for flexibility to make modifications greater than 20% without requiring a variance. This Major Modification request conforms with the approval criteria set forth in Section 8-3-11-4 by the following:

1. The requested modification is consistent with the Comprehensive Plan and the stated purpose of the applicable zoning district

According to the Future Land Use Map in the Arvada Comprehensive Plan, this infill site falls within a Future Land Use recommendation of High Density Residential/ Clear creek/ I-76 Community Plan. *High Density Residential is appropriate for multi-family residential apartments and condominiums and similar higher-density residential types 13-24 dwelling units per acre (p. 2-22). Higher density residential should be near commercial services or other supporting non-residential services. For most higher-density residential development, vehicular, bicycle and transit routes should be accessible, yet residential areas should be protected from heavy traffic. These developments are generally located along collector or arterial streets and should be near transit centers or transit services (p. 2-22).*

Additionally, the Comprehensive Plan states that *one of the City's primary goals is to encourage a more efficient land use pattern. The renewal and enhancement of targeted redevelopment areas and the encouragement of infill development is a means of achieving economic revitalization and improving physical conditions in the City's mature areas (p.2-33).*

Other plan guidance addressing housing needs includes:

- *The housing gap analysis reveals that low-income residents have significant difficulty finding either affordable rental or for-sale housing. For current owners looking to buy up or downsize, the market for middle-income households is oversupplied while the market for low and high-income owners is undersupplied (p. C-6).*
- *With rising real estate values, the trend for new developments, and increasing rents, affordable housing is becoming a greater challenge for potential Arvada residents. For low- and moderate-income households, Arvada has a significant gap between the number of renting households and the number of rental units affordable to those households. Low- and moderate-income households outnumber the rental units affordable to them (p.4-2)*



2. The requested modification addresses a unique situation or incorporates creative site design;

The future residents of this building are Jefferson County residents transitioning out of homelessness into permanent housing. People who have experienced homelessness often have an enormous amount of trauma that is best served by spaces that cultivate a strong sense of community and connection. A central courtyard design allows people to engage with something greater than themselves which combats isolation with a sense of belonging. Centralized amenity spaces allow people to feel valued after being marginalized by society.

By removing individual balconies on units- we can curate the experience of residents to engage with shared outdoor spaces and build community. Architecture can be the first point of contact to cultivate safety and connection.

3. The requested modification will not result in incompatible development;

This new affordable housing development is consistent with the MX-S zone district and furthers the recommendations set forth in the Arvada Comprehensive Plan. The design will comply with all applicable federal, state and city regulations.

4. The requested modification will have no significant adverse impact on the health, safety or general welfare of surrounding property owners or the general public; and

This requested modification will not have an adverse impact on the health, safety or welfare of surrounding property owners or the public. In fact, by waiving the balcony requirement and instead providing a central courtyard the health and wellness outcomes of the residents will increase. This results in long term housing stability for the residents.

5. Any adverse impacts resulting from the modification will be mitigated to the extent reasonably feasible.

This new affordable housing development is consistent with the MX-S zone district and furthers the recommendations set forth in the Arvada Comprehensive Plan. The design will comply with all applicable federal, state and city regulations

In closing, this Major Modification meets the criteria for approval based on the Arvada Land Development Code and will enable this development to help Arvada and Jefferson County address the housing crisis in an impactful way by serving individuals and families that are most vulnerable in our community. Thank you for your thoughtful consideration of our request. Please feel free to contact us at any time if you have any questions or concerns.

Sincerely,



Ed Parcell, AIA
Shopworks Architecture

swarc

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REPORT TO CITY COUNCIL PUBLIC HEARING

AGENDA ITEM
10.C.

TO: THE HONORABLE CITY COUNCIL

DATE: September 11, 2023

SUBJECT: CB23-021, An Ordinance Amending Various Sections of Chapter 102, Utilities, of the Arvada City Code Pertaining to System Development Charges (Ordinance No. 4854) (Presenter: Sharon Israel, Director of Utilities)

Report in Brief

PRESENTER: Sharon Israel, Director of Utilities

The ordinance before the City Council will adjust Water and Sewer System Development Charges (SDCs) previously adopted in October 2022. The effective date of the new SDCs will be October 1, 2023, as approved by City Council Resolution R23-054.

The updated Water System Development Charge for a Single Family Home is proposed to be decreased from \$38,600 to \$34,490.

The updated Sewer System Development Charge for a Single Family Home is proposed to be decreased from \$10,400 to \$6,240. The Sewer System Development Charge is in addition to a fee charged by Metro Water Recovery for new connections. The current Metro Water Recovery fee for 2023 is \$5,120.

The total proposed combined Water and Sewer System Development Charges for a Single Family Home, including Metro Water Recovery fees, is \$45,850, a decrease of \$8,270 from the previously adopted SDCs. This falls within the current range of similar water and sewer utilities in the Denver Metro area.

Water and Sewer System Development Charges are due at the time a City building permit is ready to be issued.

All of the System Development Charges and financial impacts, including changes, are included in the ordinance.

The Arvada team recommends that the City Council approve CB23-021, An Ordinance Amending Various Sections of Chapter 102, Utilities, of the Arvada City Code Pertaining to System Development Charges.

Financial Impact

Adjusting the adopted SDCs will decrease the estimated revenue generated from SDC's in the water and sewer funds. Water SDCs will decrease approximately 11% and Sewer SDCs will decrease approximately 40%.

Background

In support of the City Council Strategic Plan and Infrastructure Work System, the City team has been developing a financial strategy to support reinvestment in aging water and infrastructure and expansion of capacity to support planned development.

In the July 25, 2022 workshop on Utilities Financial Strategies, the City recommended adjustments to water and sewer rates, bimonthly service fees, and System Development Charges (also referred to as tap fees) in order to support sustainable operations and level of service goals. Additional revenue from these adjustments enables major reinvestments and capacity

building projects to proceed in accordance with a schedule laid out in the master planning work directed in the City Council Strategic Plan.

The City Council adopted new Water and Sewer System Development Charges in October 2022. Following that, the City team determined it was necessary to verify the calculations were performed correctly by our consultant. Based on that verification work, adjustments to the adopted System Development Charges are needed. A workshop presentation at the August 14, 2023 City Council meeting discussed these proposed changes.

Discussion

The City's Infrastructure Worksystem continues to prepare for investments in operations and infrastructure as part of our ongoing commitment to continue to provide reliable water, sewer, and stormwater drainage services to our community. This work supports the 2020-2025 City Council Strategic Plan that calls for updated master plans for water, sewer and stormwater, as well as an implementation plan and budget recommendations.

On October 17, 2022, the City Council passed an ordinance to adopt updated SDCs for new development. The proposal increased SDCs for the first time since 2017 for water and since 2011 for sewer. The SDCs adopted were developed by a consulting firm, LSA Advisors, which has expertise in utility rate-setting, financial modeling, and SDC development. The ordinances established the effective date of July 1, 2023 for the new charges.

Establishing appropriate System Development Charges requires consideration of applicable laws, industry best practices, and asset valuation. Earlier this year, the City team consulted with experts regarding the System Development Charges adopted in October of last year. Some additional quality checks and modifications to the basis of the calculations for these charges were needed. Based on this finding, the City team recommended delaying the implementation date of adjusted charges by three months.

On June 5, 2023, the City Council passed ordinance R23-054, A Resolution Directing City Staff Not to Collect System Development Charges Under the Fee Schedule Set Forth in Ordinance No. 4819, and Instead Continue Collecting System Development Charges Under the Current Fee Schedule Until September 30, 2023.

Over the past few months, a review of SDCs passed in October 2022 was completed by a second external consultant, FCS Group. This work resulted in recommendations for some changes to the financial model and assumptions used to develop SDCs, as presented at the August 14, 2023 City Council meeting. Approval of this ordinance will update SDCs in City Code in accordance with the recommendations from FCS Group.

Public Contact

Posting of the City Council agenda. In addition, a workshop regarding updated System Development Charges was presented to the City Council on August 14, 2023.

Commission Recommendation

Strategic Alignment

The recommendation to adjust System Development Charges aligns with the following Strategic Result within the Infrastructure Priority Area of the City Council Strategic Plan:

Update the water, sewer, and stormwater master plans.

In addition, adjusting System Development Charges aligns with the following Principle stated within the Infrastructure Priority Area:

SUBJECT: CB23-021, An Ordinance Amending Various Sections of Chapter 102, Utilities, of the Arvada City Code Pertaining to System Development Charges (Ordinance No. 4854) (Presenter: Sharon Israel, Director of Utilities)

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Provides the community with a safe, reliable, high-quality water supply, drainage system, and wastewater disposal services for full city build-out, as defined by the Comprehensive Plan. This includes maintaining utility rates at the lowest practical levels with accurate billing that supports replacement of aging infrastructure in order to maintain robust utility systems.

Alternative Courses of Action

Recommendation for Action

The Arvada team recommends that the City Council approve CB23-021, An Ordinance Amending Various Sections of Chapter 102, Utilities, of the Arvada City Code Pertaining to System Development Charges.

Suggested Motion:

I move that CB23-021, An Ordinance Amending Various Sections of Chapter 102, Utilities, of the Arvada City Code Pertaining to System Development Charges, be (approved on final reading, numbered 4854 and ordered published by title only) (rejected).

Prepared by:
Sharon Israel, Director of Utilities

Reviewed by:

Approved by:

Sharon Israel, Director of Utilities	8/21/2023
Bryan Archer, Director of Finance	8/21/2023
Jessica Morales, Assistant City Attorney	8/22/2023
Tammy Hedlund, Legal Specialist	8/22/2023
Rachel Morris, City Attorney	8/25/2023
Don Wick, Deputy City Manager	8/25/2023
Lorie Gillis, City Manager	8/28/2023

Enclosure, exhibits & attachments required to support the report

COUNCIL BILL NO. 23-021
ORDINANCE NO. 4854

AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 102, UTILITIES, OF
THE ARVADA CITY CODE PERTAINING TO SYSTEM DEVELOPMENT CHARGES

WHEREAS, the City is committed to providing reliable water and sewer services;

WHEREAS, System Development Charges support providing reliable water and sewer services;

WHEREAS, the City is committed to routinely updating System Development Charges to ensure that new or enhanced development pays an appropriate and equitable amount to access the City's water and wastewater systems;

WHEREAS, Ordinance No. 4819, An Ordinance Amending Sections 74-91 and 74-92 of Chapter 74, Planning and Development, and Various Sections of Chapter 102, Utilities, of the Arvada City Code Pertaining to System Development Charges, was passed, adopted and approved on October 17, 2022;

WHEREAS, Ordinance No. 4819 set forth increases to System Development Charges necessary to providing reliable water and sewer services;

WHEREAS, Ordinance No. 4819 went into effect on July 1, 2023;

WHEREAS, in early June of 2023, the City determined additional time was needed to review the calculations and modeling for System Development Charges;

WHEREAS, on June 5, 2023, via Resolution No. R23-054, the City Council directed City Staff not to collect System Development Charges under the fee schedule set forth in Ordinance No. 4819, and instead directed City Staff to continue collecting System Development Charges under the previous schedule until September 30, 2023;

WHEREAS, the City, in consultation with Utility Finance Experts, has developed an appropriate calculation and model for System Development Charges which properly accounts for contributed assets;

WHEREAS, no individual landowner will be required to provide any site specific dedication or improvement to meet the same need for capital facilities for which the System Development Charges are imposed;

WHEREAS, this ordinance shall not apply to developments that meet the requirements of ACC §8-2-3-7 (B) at the time of adoption; and

WHEREAS, the City Council finds that it is in the best interest of the City and the public to adjust these system development charges.

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

Section 1. Section 102-161, Residential water fees within city, of Article II, Water and Sewer, of Chapter 102, Utilities, of the Arvada City Code is hereby amended to read as follows:

“Sec. 102-161. Residential water fees within city.

Water fees for serving residential facilities within the corporate limits of the city are as follows:

(1) Tapping fee.....\$60.00

(2) Inspection fee:

a. $\frac{5}{8}$ " , $\frac{3}{4}$ " and 1" meters.....\$45.00

b. 1½" and larger meters.....\$80.00

(3) Water system development charges determined from the following schedule:

Type of Residence	Per Unit
a. Single-family	\$33,490.00
b. Duplex	\$25,120.00
c. Multifamily	\$16,750.00

(4) Meter and tap size determined from the following schedule:*

Type of Residence	Meter and Tap Size
a. Single-family	$\frac{5}{8}$ " $\times$ $\frac{3}{4}$ " meter and $\frac{3}{4}$ " tap
b. Duplex with individually connected units	$\frac{5}{8}$ " $\times$ $\frac{3}{4}$ " meter and $\frac{3}{4}$ " tap
Duplex with single service connection	$\frac{3}{4}$ " $\times$ $\frac{3}{4}$ " meter and $\frac{3}{4}$ " tap
c. Multifamily:	
1. 3—6 units	1" meter and 1" tap
2. 7—18 units	1½" meter and 1½" tap
3. 19 or more units	2" or larger meter and tap

*A larger or smaller meter and equal tap size may be purchased and installed when approved by the Utilities Director if the total peak demand flow of the property being served, as calculated by the latest edition of the AWWA Manual M22, "Sizing Water Service Lines and Meters," which is hereby adopted by reference, justifies the change. Calculations so made will be submitted to the Utilities Director for review and approval.”

Section 2. Section 102-161.5, Residential water fees within the Jefferson Center Metropolitan District, the Leyden Rock Metropolitan District, and the Leyden Ranch Metropolitan District, of Article II, Water and Sewer, of Chapter 102, Utilities, of the Arvada City Code is hereby amended to read as follows:

“Sec. 102-161.5. Residential water system development charges applicable to developments subject to a water resource contribution discount.

(a) Fees in this section are set in accordance with existing agreements to account for water resources contributed to the city at no cost to the city.

(b) Discounted water system development charges under this Sec. 102-161.5 will apply only until such time as the contributed water resources are exhausted.

(c) Water system development charges determined from the following schedule:

Type of Residence	Applicable water system development charges when water resources contributed
a. Single-family	\$9,870.00
b. Duplex	\$7,400.00
c. Multifamily	\$4,940.00

(d) Meter and tap size determined from the following schedule:*

Type of Residence	Meter and Tap Size
a. Single-family	$\frac{5}{8}$ " $\times$ $\frac{3}{4}$ " meter and $\frac{3}{4}$ " tap
b. Duplex with individually connected units	$\frac{5}{8}$ " $\times$ $\frac{3}{4}$ " meter and $\frac{3}{4}$ " tap
Duplex with single service connection	$\frac{3}{4}$ " $\times$ $\frac{3}{4}$ " meter and $\frac{3}{4}$ " tap
c. Multifamily:	
1. 3—6 units	1" meter and 1" tap
2. 7—18 units	1½" meter and 1½" tap
3. 19 or more units	2" or larger meter and tap

*A larger or smaller meter and equal tap size may be purchased and installed when approved by the utilities director if the total peak demand flow of the property being served, as calculated by the latest edition of the AWWA Manual M22, "Sizing Water Service Lines and Meters," which is hereby adopted by reference, justifies the change. Calculations so made will be submitted to the utilities director for review and approval.”

Section 3. Section 102-161.6, Residential water fees within the Mountain Shadows Subdivision, of Article II, Water and Sewer, of Chapter 102, Utilities, of the Arvada City Code is hereby amended to read as follows:

“Repealed.”

Section 4. Section 102-162, Waiver by city council, of Article II, Water and Sewer, of Chapter 102, Utilities, of the Arvada City Code is hereby amended to read as follows:

“Sec. 102-162. Waiver by city council – Water system development charges.

Water system development charges for residential, commercial, institutional, governmental and industrial uses applicable within the city limits, and outside the city limits, may be waived or reduced only by express city council approval upon a finding and determination by the city council that such waiver or reduction is in the best interest of the city.”

Section 5. Section 102-163, Residential water fees outside city, of Article II, Water and Sewer, of Chapter 102, Utilities, of the Arvada City Code is hereby amended to read as follows:

“Sec. 102-163. Residential water fees outside city.

Water fees for serving residential facilities outside the corporate limits of the city, subject to section 102-51, are as follows:

- (1) Tapping fee\$90.00
- (2) Inspection fee:
 - a. $\frac{5}{8}$ ", $\frac{3}{4}$ ", and 1" meters\$67.50
 - b. 1½" and larger\$120.00
- (3) Water system development charges determined from the following schedule:

Type of Residence	Per Unit
a. Single family	\$66,980.00
b. Duplex	\$50,240.00
c. Multifamily	\$33,500.00

- (4) Meter and tap size determined from the following schedule:*

Type of Residence	Meter and Tap Size
a. Single-family	$\frac{5}{8}$ " $\times$ $\frac{3}{4}$ " meter and $\frac{3}{4}$ " tap
b. Duplex with individually connected units	$\frac{5}{8}$ " $\times$ $\frac{3}{4}$ " meter and $\frac{3}{4}$ " tap
Duplex with single service connection	$\frac{3}{4}$ " $\times$ $\frac{3}{4}$ " meter and $\frac{3}{4}$ " tap
c. Multifamily:	
1. 3—6 units	1" meter and 1" tap
2. 7—18 units	1½" meter and 1½" tap

3. 19 or more units	2" or larger meter and tap
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*A larger or smaller meter and equal tap size may be purchased and installed when approved by the utilities director if the total peak demand flow of the property being served, as calculated by the latest edition of the AWWA Manual M22, "Sizing Water Service Lines and Meters," which is hereby adopted by reference, justifies the change. Calculations so made will be submitted to the utilities director for review and approval."

Section 6. Section 102-164, Nonresidential water fees within city, of Article II, Water and Sewer, of Chapter 102, Utilities, of the Arvada City Code is hereby amended to read as follows:

"Sec. 102-164. Nonresidential water fees within city.

(a) Water fees for serving nonresidential facilities within the city are as follows:

(1) Tapping fee \$60.00

(2) Inspection fee:

a. $\frac{5}{8}$ ", $\frac{3}{4}$ " and 1" meters \$45.00

b. 1½" and larger meters \$80.00

(3) Water system development charges based on the following schedule:

Size of Meter	Meter Capacity Factor	Per Tap
$\frac{5}{8}$ " $\times$ $\frac{3}{4}$ "	1.0	\$33,490.00
$\frac{3}{4}$ "	1.5	\$50,235.00
1"	2.5	\$83,725.00
1½"	5.0	\$167,450.00
2"	8.0	\$267,920.00
3"	17.5	\$586,075.00
4"	30.0	\$1,004,700.00
6"	62.5	\$2,093,125.00

(b) Water fees for serving irrigated open space within the city are as follows:

(1) Tapping fee..... \$60.00

(2) Inspection fee:

a. $\frac{5}{8}$ " $\times$ $\frac{3}{4}$ " and 1" meters..... \$45.00

b. 1½" and larger meters..... \$80.00

(3) Water system development charges for irrigated open space within the city based on the following schedule:

- a. Non-water conserving landscaping at \$5.24 per square foot of irrigated area.
- b. Water conserving landscaping at \$2.79 per square foot of irrigated area.
- (c) For service connections requiring a water tap and meter size larger than six inches, the determination of the system development charge, based on the total annual water requirement and the water demand characteristics of the property being served, shall be at the sole discretion of the utilities director or their duly authorized representative, consistent with the provisions of this Division 6 of Chapter 102. Any such determination shall be made available to the user for inspection, upon request.”

Section 7. Section 102-164.5, Nonresidential water fees within the Jefferson Center Metropolitan District, the Leyden Rock Metropolitan District, the Leyden Ranch Metropolitan District, and Candelas Filings 2, 3, 4 and designated properties in Candelas Filing 1, of Article II, Water and Sewer, of Chapter 102, Utilities, of the Arvada City Code is hereby amended to read as follows:

“Sec. 102-164.5. Nonresidential water system development charges applicable to developments subject to a water resource contribution discount.

- (a) Fees in this section are set in accordance with existing agreements to account for water resources contributed to the city at no cost to the city.
- (b) Discounted water system development charges under this Sec. 102-164.5 will apply only until such time as the contributed water resources are exhausted.
- (c) Water system development charges based on the following schedule:

Size of Meter	Applicable water system development charges when water resources contributed
5/8”x 3/4”	\$9,870.00
3/4”	\$14,810.00
1”	\$24,680.00
1 1/2”	\$49,350.00
2”	\$78,960.00
3”	\$172,730.00
4”	\$296,100.00
6”	\$616,880.00

- (d) Water system development charges for irrigated open space based on the following schedule, at a per square foot of irrigated area:

Size of Meter	Applicable water system development charges when water resources contributed
Non-water conserving landscaping	\$1.54
Water conserving landscaping	\$0.82

- (e) For service connections requiring a water tap and meter size larger than six inches, the determination of the system development charge, based on the total annual water requirement and the water demand characteristics of the property being served, shall be at the sole discretion of the utilities director or their duly authorized representative, consistent with the provisions of this Article I of Chapter 33. Any such determination shall be made available to the user for inspection, upon request.”

Section 8. Section 102-164.6, Nonresidential water fees within the Mountain Shadows Subdivision, of Article II, Water and Sewer, of Chapter 102, Utilities, of the Arvada City Code is hereby amended to read as follows:

“Repealed.”

Section 9. Section 102-165, Same—Waiver, of Article II, Water and Sewer, of Chapter 102, Utilities, of the Arvada City Code is hereby amended to read as follows:

“Repealed.”

Section 10. Section 102-166, Nonresidential water fees outside city, of Article II, Water and Sewer, of Chapter 102, Utilities, of the Arvada City Code is hereby amended to read as follows:

“Sec. 102-166. Nonresidential water fees outside city.

- (a) Water fees for serving nonresidential facilities outside the city are as follows:

(1) Tapping fee..... \$90.00

(2) Inspection fee:

a. $\frac{5}{8}$ ", $\frac{3}{4}$ " and 1" meters..... \$67.50

b. 1½" and larger meter..... \$120.00

(3) Water system development charges based on the following schedule:

Size of Meter	Meter Capacity Factor	Per Tap
$\frac{5}{8}$ " $\times$ $\frac{3}{4}$ "	1.0	\$66,980.00
$\frac{3}{4}$ "	1.5	\$100,470.00

1"	2.5	\$167,450.00
1½"	5.0	\$334,900.00
2"	8.0	\$535,840.00
3"	17.5	\$1,172,150.00
4"	30.0	\$2,009,400.00
6"	62.5	\$4,186,250.00

(b) Water fees for serving irrigated open space outside the city are as follows:

(1) Tapping fee..... \$90.00

(2) Inspection fee:

a. ⅝" × ¾" and 1" meters..... \$67.50

b. 1½" and larger meters..... \$120.00

(3) Water system development charges for irrigated open space based on the following schedule:

a. Non-water conserving landscape at \$10.48 per square foot of irrigated area.

b. Water conserving landscape at \$5.58 per square foot of irrigated area.

(c) For service connections requiring a water tap and meter size larger than six inches, the determination of the system development charge, based on the total annual water requirement and the water demand characteristics of the property being served, shall be at the sole discretion of the utilities director or their duly authorized representative, consistent with the provisions of this division 6 of chapter 102. Any such determination shall be made available to the user for inspection, upon request.”

Section 11. Section 102-202, Sewer system development charges—Residential use property, of Article II, Water and Sewer, of Chapter 102, Utilities, of the Arvada City Code is hereby amended to read as follows:

“Sec. 102-202. Sewer system development charges—Residential facilities within city.

Sewer system development charges for serving residential facilities within the corporate limits of the city are as follows:

(1) An inspection fee of \$25.00.

(2) Sewer system development charges determined from the following schedule:

Type of Residence	Amount
Single-family	\$6,240.00

Duplex	\$4,370.00
Multifamily	\$4,370.00

- (3) Plus, the Metro Water Recovery (formerly known as Metro Wastewater Reclamation District) connector charge. The city acts as the agent for Metro Water Recovery in collection of a connector charge in accordance with the fee schedule established by Metro Water Recovery.
- (4) The sewer tap size required will be determined in accordance with the Uniform Plumbing Code (UPC), as amended and adopted by the city.”

Section 12. Section 102-202.1, Sewer system development charges—Residential use property within the Jefferson Center Metropolitan District, of Article II, Water and Sewer, of Chapter 102, Utilities, of the Arvada City Code is hereby added and shall read as follows:

“Repealed.”

Section 13. Section 102-202.2., Sewer system development charges—Residential facilities outside city, of Article II, Water and Sewer, of Chapter 102, Utilities, of the Arvada City Code is hereby added and shall read as follows:

“Sec. 102-202.2. Sewer system development charges—Residential facilities outside city.

Sewer system development charges for serving residential facilities outside the corporate limits of the city, subject to section 102-51, are as follows:

- (1) An inspection fee of \$37.50.
- (2) Sewer system development charges determined from the following schedule:

Type of Residence	Amount
Single-family	\$12,480.00
Duplex	\$8,740.00
Multifamily	\$8,740.00

- (3) Plus, the Metro Water Recovery (formerly known as Metro Wastewater Reclamation District) connector charge. The city acts as the agent for Metro Water Recovery in collection of a connector charge in accordance with the fee schedule established by Metro Water Recovery.
- (4) The sewer tap size required will be determined in accordance with the Uniform Plumbing Code (UPC), as amended and adopted by the city.”

Section 14. Section 102-202.3., Waiver by city council – Sewer system development charges, of Article II, Water and Sewer, of Chapter 102, Utilities, of the Arvada City Code is hereby added and shall read as follows:

“Sec. 102-202.3. Waiver by city council – Sewer system development charges.

Sewer system development charges for residential, commercial, institutional, governmental and industrial uses applicable within the city limits and outside the city limits may be waived or reduced only by express city council approval upon a finding and determination by the city council that such waiver or reduction is in the best interest of the city.”

Section 15. Section 102-203, Sewer system development charges—Nonresidential use property, of Article II, Water and Sewer, of Chapter 102, Utilities, of the Arvada City Code is hereby amended to read as follows:

“Sec. 102-203. Sewer system development charges—Nonresidential facilities within city.

Sewer fees serving nonresidential facilities within the corporate limits of the city are as follows:

- (1) An inspection fee of \$25.00.
- (2) Sewer system development charges determined from the following schedule:

Non-residential Sewer Service Tap Size	Number of Single-Family Residential Equivalents	Sewer System Development Charges
5/8” x 3/4”	2.00	\$12,480.00
3/4”	2.00	\$12,480.00
1”	4.80	\$29,950.00
1 ½”	11.00	\$68,640.00
2”	20.00	\$124,800.00
3”	43.00	\$268,320.00
4”	86.00	\$536,640.00
6”	A Metro Water Recovery formula will determine the City sewer system development charge for a 6” meter.	A Metro Water Recovery formula will determine the City sewer system development charge for a 6” meter.

- (3) Plus, the Metro Water Recovery (formerly known as Metro Wastewater Reclamation District) connector charge. The city acts as agent for Metro Water Recovery in collection of a connector charge in accordance with the fee schedule established by Metro Water Recovery.
- (4) The sewer tap size required will be determined in accordance with the Uniform Plumbing Code (UPC), as amended and adopted by the city.”

Section 16. Section 102-203.1, Sewer system development charges—Nonresidential use property

within the Jefferson Center Metropolitan District, of Article II, Water and Sewer, of Chapter 102, Utilities, of the Arvada City Code is hereby added and shall read as follows:

“Repealed.”

Section 17. Section 102-203.2., Sewer system development charges—Nonresidential facilities outside city, of Article II, Water and Sewer, of Chapter 102, Utilities, of the Arvada City Code is hereby added and shall read as follows:

“Sec. 102-203.2. Sewer system development charges—Nonresidential facilities outside city.

Sewer fees serving nonresidential facilities outside the corporate limits of the city, subject to section 102-51, are as follows:

- (1) An inspection fee of \$37.50.
- (2) Sewer system development charges determined from the following schedule:

Non-residential Sewer Service Tap Size	Number of Single-Family Residential Equivalents	Sewer System Development Charges
5/8" x 3/4"	2.00	\$24,960.00
3/4"	2.00	\$24,960.00
1"	4.80	\$59,910.00
1 1/2"	11.00	\$137,280.00
2"	20.00	\$249,600.00
3"	43.00	\$536,640.00
4"	86.00	\$1,073,280.00
6"	A Metro Water Recovery formula will determine the City sewer system development charge for a 6" meter.	A Metro Water Recovery formula will determine the City sewer system development charge for a 6" meter.

- (3) Plus, the Metro Water Recovery (formerly known as Metro Wastewater Reclamation District) connector charge. The city acts as agent for Metro Water Recovery in collection of a connector charge in accordance with the fee schedule established by Metro Water Recovery.
- (4) The sewer tap size required will be determined in accordance with the Uniform Plumbing Code (UPC), as amended and adopted by the city.”

Section 18. Severability. If any section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby

declares that it would have adopted this ordinance and each part or parts thereof irrespective of the fact that any part or parts be declared unconstitutional or invalid.

Section 19. Effective Date. This ordinance shall take effect on October 1, 2023.

INTRODUCED, READ, AND ORDERED PUBLISHED this 21st day of August, 2023.

PASSED, ADOPTED, AND APPROVED this 11th day of September, 2023.

Marc Williams, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Rachel Morris, City Attorney

Publication Dates: August 24, 2023
 September 14, 2023

REDLINE/STRIKOVER VERSION

FOR INFORMATION ONLY – NOT PART OF THE ORDINANCE

Underlined indicates new material

~~Strikethrough~~ indicates deleted material

Sec. 102-161. Residential water fees within city.

Water fees for serving residential facilities within the corporate limits of the city are as follows:

- (1) Tapping fee.....\$60.00
- (2) Inspection fee:
 - a. $\frac{5}{8}$ ", $\frac{3}{4}$ " and 1" meters.....\$45.00
 - b. 1½" and larger meters.....\$80.00
- (3) Water Ssystem development charges determined from the following schedule:

Type of R esidence	Per Unit
a. Single-family	\$37,600.00 <u>\$33,490.00</u>
b. Duplex	\$28,200.00 <u>\$25,120.00</u>
c. Multifamily	\$18,800.00 <u>\$16,750.00</u>

- (4) Meter and tap size determined from the following schedule:*

Type of Residence	Meter and Tap Size
a. Single-family	$\frac{5}{8}$ " $\times$ $\frac{3}{4}$ " meter and $\frac{3}{4}$ " tap
b. Duplex with individually connected units	$\frac{5}{8}$ " $\times$ $\frac{3}{4}$ " meter and $\frac{3}{4}$ " tap
Duplex with single service connection	$\frac{3}{4}$ " $\times$ $\frac{3}{4}$ " meter and $\frac{3}{4}$ " tap
c. Multifamily:	
1. 3—6 units	1" meter and 1" tap
2. 7—18 units	1½" meter and 1½" tap
3. 19 or more units	2" or larger meter and tap

*A larger or smaller meter and equal tap size may be purchased and installed when approved by the Utilities Director if the total peak demand flow of the property being served, as calculated by the latest edition of the AWWA Manual M22, "Sizing Water Service Lines and Meters," which is hereby adopted by reference, justifies the change. Calculations so made will be submitted to the Utilities Director for review and approval.

Sec. 102-161.5. Residential water system development charges applicable to developments subject to a water resource contribution discount fees within the Jefferson Center Metropolitan District, the Leyden Rock Metropolitan District, and the Leyden Ranch Metropolitan District.

(a) Fees in this section are set in accordance with existing agreements to account for water resources contributed to the city at no cost to the city.

(b) Discounted water system development charges under this Sec. 102-161.5 will apply only until such time as the contributed water resources are exhausted.

~~Water fees for serving residential facilities within the corporate limits of the Jefferson Center Metropolitan District, the Leyden Rock Metropolitan District, and the Leyden Ranch Metropolitan District are as follows:~~

(1) ~~Tapping fee\$60.00~~

(2) ~~Inspection fee:~~

a. ~~5/8", 3/4" and 1" meters\$45.00~~

b. ~~1 1/2", 2" and larger meters\$80.00~~

(3)

(c) Water sSystem development charges determined from the following schedule:

<u>Type of Residence</u>	<u>Discount Amount to be applied when Water Supplies were provided</u> <u>Applicable water system development charges when water resources contributed</u>	<u>Discount Amount to be applied when funding was provided for existing facilities</u>	<u>Discount Amount to be applied when funding was provided for future facilities</u>
d. Single-family	\$13,900.00 <u>\$9,870.00</u>	\$1,000.00	\$2,000.00

e. Duplex	\$10,400.00 <u>\$7,400.00</u>	\$700.00	\$1,500.00
f. Multifamily	\$6,900.00 <u>\$4,940.00</u>	\$500.00	\$1,000.00

~~(4)~~

~~(d)~~ Meter and tap size determined from the following schedule:*

Type of R esidence	Meter and Tap Size
a. Single-family	$\frac{5}{8}" \times \frac{3}{4}"$ meter and $\frac{3}{4}"$ tap
b. Duplex with individually connected units	$\frac{5}{8}" \times \frac{3}{4}"$ meter and $\frac{3}{4}"$ tap
Duplex with single service connection	$\frac{3}{4}" \times \frac{3}{4}"$ meter and $\frac{3}{4}"$ tap
c. Multifamily:	
1. 3—6 units	1" meter and 1" tap
2. 7—18 units	1½" meter and 1½" tap
3. 19 or more units	2" or larger meter and tap

*A larger or smaller meter and equal tap size may be purchased and installed when approved by the utilities director if the total peak demand flow of the property being served, as calculated by the latest edition of the AWWA Manual M22, "Sizing Water Service Lines and Meters," which is hereby adopted by reference, justifies the change. Calculations so made will be submitted to the utilities director for review and approval."

~~Sec. 102-161.6. Residential water fees within the Mountain Shadows Subdivision:~~

~~Fees in this section are set in accordance with existing agreements:~~

~~Water fees for serving residential facilities within the Mountain Shadows subdivision are as follows:~~

~~(1) ——— Tapping fee.....\$60.00~~

~~(2) ——— Inspection fee:~~

~~a. ——— $\frac{5}{8}"$, $\frac{3}{4}"$ and 1" meters.....\$45.00~~

~~b. ——— 1½", 2" and larger meters.....\$80.00~~

~~(3) ——— System development charge determined from the following schedule:~~

Type of residence	Per Unit
a. Single-family	\$23,700.00
b. Duplex	\$17,800.00
c. Multifamily	\$11,900.00

(4) ~~Meter and tap size determined from the following schedule:*~~

Type of residence	Meter and Tap Size
a. Single-family	5/8" × 3/4" meter and 3/4" tap
b. Duplex with individually connected units	5/8" × 3/4" meter and 3/4" tap
Duplex with single service connection	3/4" × 3/4" meter and 3/4" tap
c. Multifamily:	
1. 3–6 units	1" meter and 1" tap
2. 7–18 units	1½" meter and 1½" tap
3. 19 or more units	2" or larger meter and tap

~~*A larger or smaller meter and equal tap size may be purchased and installed when approved by the utilities director if the total peak demand flow of the property being served, as calculated by the latest edition of the AWWA Manual M22, "Sizing Water Service Lines and Meters," which is hereby adopted by reference, justifies the change. Calculations so made will be submitted to the utilities director for review and approval.~~

"Repealed."

Sec. 102-162. Waiver by city council – Water system development charges.

The Water system development charges for residential, commercial, institutional, governmental and industrial uses applicable within the city limits, and outside the city limits, may be waived or reduced only by express city council approval upon a finding and determination by the city council that such waiver or reduction is in the best interest of the city.

Sec. 102-163. Residential water fees outside city.

Water fees for serving residential facilities ~~as defined in sections 102-51 and 102-32,~~ outside the corporate limits of the city, subject to section 102-51, are as follows:

(1) Tapping fee\$90.00

(2) Inspection fee:

a. 5/8", 3/4", and 1" meters\$67.50

b. 1½" and larger\$120.00

(3) Water Ssystem development charges determined from the following schedule:

Type of <u>R</u> esidence	Per Unit
a. Single family	\$75,200.00–\$66,980.00
b. Duplex	\$56,400.00–\$50,240.00
c. Multifamily	\$37,600.00–\$33,500.00

- (4) Meter and tap size determined from the following schedule:*

Type of Residence	Meter and Tap Size
a. Single-family	$\frac{5}{8}$ " $\times$ $\frac{3}{4}$ " meter and $\frac{3}{4}$ " tap
b. Duplex with individually connected units	$\frac{5}{8}$ " $\times$ $\frac{3}{4}$ " meter and $\frac{3}{4}$ " tap
Duplex with single service connection	$\frac{3}{4}$ " $\times$ $\frac{3}{4}$ " meter and $\frac{3}{4}$ " tap
c. Multifamily:	
1. 3—6 units	1" meter and 1" tap
2. 7—18 units	1½" meter and 1½" tap
3. 19 or more units	2" or larger meter and tap

*A larger or smaller meter and equal tap size may be purchased and installed when approved by the utilities director if the total peak demand flow of the property being served, as calculated by the latest edition of the AWWA Manual M22, "Sizing Water Service Lines and Meters," which is hereby adopted by reference, justifies the change. Calculations so made will be submitted to the utilities director for review and approval.

Sec. 102-164. Nonresidential water fees within city.

- (a) Water fees for serving nonresidential facilities within ~~inside~~ the city are as follows:

(1) Tapping fee \$60.00

(2) Inspection fee:

a. $\frac{5}{8}$ ", $\frac{3}{4}$ " and 1" meters \$45.00

b. 1½" and larger meters \$80.00

- (3) Water sSystem development chargess based on the following schedule:

Size of Meter	Meter Capacity Factor	Per Tap
$\frac{5}{8}$ " $\times$ $\frac{3}{4}$ "	1.0	\$37,600.00 <u>\$33,490.00</u>
$\frac{3}{4}$ "	1.5	\$56,400.00 <u>\$50,235.00</u>
1"	2.5	\$94,000.00 <u>\$83,725.00</u>
1½"	5.0	\$188,000.00 <u>\$167,450.00</u>
2"	8.0	\$300,800.00 <u>\$267,920.00</u>
3"	17.5	\$639,200.00 <u>\$586,075.00</u>
4"	30.0	\$1,128,000.00 <u>\$1,004,700.00</u>
6"	62.5	\$2,350,000.00 <u>\$2,093,125.00</u>

- (b) Water fees for serving irrigated open space within ~~inside~~ the city are as follows:

(1) Tapping fee..... \$60.00

(2) Inspection fee:

a. $\frac{5}{8}$ " $\times$ $\frac{3}{4}$ " and 1" meters..... \$45.00

b. 1½" and larger meters..... \$80.00

(3) ~~Water s~~System development charges for irrigated open space within the city based on the following schedule:

a. Non-water conserving landscaping at ~~\$6.96~~ \$5.24 per square foot of irrigated area.

b. Water conserving landscaping at ~~\$3.73~~ \$2.79 per square foot of irrigated area.

(c) For service connections requiring a water tap and meter size larger than six inches, the determination of the system development charge, based on the total annual water requirement and the water demand characteristics of the property being served, shall be at the sole discretion of the utilities director or their duly authorized representative, consistent with the provisions of this Division 6 of Chapter 102. Any such determination shall be made available to the user for inspection, upon request.

Sec. 102-164.5. Nonresidential water system development charges applicable to developments subject to a water resource contribution discount ~~fees within the Jefferson Center Metropolitan District, the Leyden Rock Metropolitan District, and the Leyden Ranch Metropolitan District.~~

(a) Fees in this section are set in accordance with existing agreements to account for water resources contributed to the city at no cost to the city.

(b) Discounted water system development charges under this Sec. 102-164.5 will apply only until such time as the contributed water resources are exhausted.

~~(a) Water fees for serving nonresidential facilities within the corporate limits of the Jefferson Center Metropolitan District, the Leyden Rock Metropolitan District, and the Leyden Ranch Metropolitan District are as follows:~~

~~(1) Tapping fee \$60.00~~

~~(2) Inspection fee:~~

~~a. $\frac{5}{8}$ ", $\frac{3}{4}$ " and 1" meters \$45.00~~

~~b. 1½", 2" and larger meters \$80.00~~

(3)

(c) Water sSystem development charges based on the following schedule:

Size of Meter	Discount Amount to be applied when Water Supplies were provided <u>Applicable water system development charges when water resources contributed</u>	Discount Amount to be applied when funding was provided for existing facilities	Discount Amount to be applied when funding was provided for future facilities
5/8"x 3/4"	\$13,900.00 \$9,870.00	\$1,000.00	\$2,000.00
3/4"	\$20,850.00 \$14,810.00	\$1,500.00	\$3,000.00
1"	\$34,750.00 \$24,680.00	\$2,500.00	\$5,000.00
1 1/2"	\$69,500.00 \$49,350.00	\$5,000.00	\$10,000.00
2"	\$111,200.00 \$78,960.00	\$8,000.00	\$16,000.00
3"	\$236,300.00 \$172,730.00	\$17,000.00	\$34,000.00
4"	\$417,000.00 \$296,100.00	\$30,000.00	\$60,000.00
6"	\$868,750.00 \$616,880.00	\$62,500.00	\$125,000.00

(b) ~~Water fees for serving irrigated open space inside the city are as follows:~~

(1) ~~Tapping fee \$60.00~~

(2) ~~Inspection fee:~~

a. ~~5/8" x 3/4" and 1" meters \$45.00~~

b. ~~1 1/2" and larger meters \$80.00~~

(3)

(d) Water sSystem development charges for irrigated open space based on the following schedule, at a per square foot of irrigated area:

Size of Meter	Discounted Amount because Water Supplies were provided <u>Applicable water system development charges when water resources contributed</u>	Discounted Amount because funding was provided for existing facilities	Discounted Amount because funding was provided for future facilities
Non-water conserving landscaping	\$4.39 \$1.54	\$6.77	\$6.58

Water conserving landscaping	\$2.35 <u>\$0.82</u>	\$3.63	\$2.25
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- (~~ee~~) For service connections requiring a water tap and meter size larger than six inches, the determination of the system development charge, based on the total annual water requirement and the water demand characteristics of the property being served, shall be at the sole discretion of the utilities director or their duly authorized representative, consistent with the provisions of this Article I of Chapter 33. Any such determination shall be made available to the user for inspection, upon request.

~~Sec. 102-164.6. Nonresidential water fees within the Mountain Shadows Subdivision:~~

- (a) ~~Fees in this section are set in accordance with existing agreements.~~
- (b) ~~Water fees for serving nonresidential facilities within Mountain Shadows subdivision are as follows:~~
- (1) ~~Tapping fee..... \$60.00~~
- (2) ~~Inspection fee:~~
- a. ~~5/8", 3/4" and 1" meters \$45.00~~
- b. ~~1 1/2", 2" and larger meters \$80.00~~
- (3) ~~System development charge determined from the following schedule:~~

Size of Meter	Per Unit
5/8" x 3/4"	\$23,700.00
3/4"	\$35,550.00
1"	\$59,250.00
1 1/2"	\$118,500.00
2"	\$189,600.00
3"	\$402,900.00
4"	\$711,000.00
6"	\$1,481,250.00
Non-water conserving landscaping	\$4.39 per Sq. Ft.
Water conserving landscaping	\$2.35 per Sq. Ft.

- (c) ~~For service connections requiring a water tap and meter size larger than six inches, the determination of the system development charge, based on the total annual water requirement and the water demand characteristics of the property being served, shall be at the sole discretion of the utilities director or their duly authorized representative, consistent~~

~~with the provisions of this division 6 of chapter 102. Any such determination shall be made available to the user for inspection, upon request.~~

~~“Repealed.”~~

~~Sec. 102-165. Waiver.~~

~~The water system development charges for commercial, institutional, governmental and industrial uses applicable inside the city limits may be waived or reduced only by express city council approval upon a finding and determination that such waiver or reduction is in the best interest of the city.~~

~~“Repealed.”~~

Sec. 102-166. Nonresidential water fees outside city.

(a) Water fees for serving nonresidential facilities outside the city are as follows:

(1) Tapping fee..... \$90.00

(2) Inspection fee:

a. $\frac{5}{8}$ ", $\frac{3}{4}$ " and 1" meters..... \$67.50

b. 1½" and larger meter..... \$120.00

(3) ~~Water S~~system development charges based on the following schedule:

Size of Meter	Meter Capacity Factor	Per Tap
$\frac{5}{8}$ " $\times$ $\frac{3}{4}$ "	1.0	\$75,200.00 <u>\$66,980.00</u>
$\frac{3}{4}$ "	1.5	\$112,800.00 <u>\$100,470.00</u>
1"	2.5	\$188,000.00 <u>\$167,450.00</u>
1½"	5.0	\$376,000.00 <u>\$334,900.00</u>
2"	8.0	\$601,600.00 <u>\$535,840.00</u>
3"	17.5	\$1,278,400.00 <u>\$1,172,150.00</u>
4"	30.0	\$2,256,000.00 <u>\$2,009,400.00</u>
6"	62.5	\$4,700,000.00 <u>\$4,186,250.00</u>

(b) Water fees for serving irrigated open space outside the city are as follows:

(1) Tapping fee..... \$90.00

(2) Inspection fee:

a. $\frac{5}{8}$ " $\times$ $\frac{3}{4}$ " and 1" meters..... \$67.50

- b. 1½" and larger meters..... \$120.00
- (3) ~~Water S~~system development charges for irrigated open space based on the following schedule:
 - a. Non-water conserving landscape at ~~\$13.92~~ \$10.48 per square foot of irrigated area.
 - b. Water conserving landscape at ~~\$7.46~~ \$5.58 per square foot of irrigated area.
- (c) For service connections requiring a water tap and meter size larger than six inches, the determination of the system development charge, based on the total annual water requirement and the water demand characteristics of the property being served, shall be at the sole discretion of the utilities director or their duly authorized representative, consistent with the provisions of this division 6 of chapter 102. Any such determination shall be made available to the user for inspection, upon request.
- ~~(d) The fees paid and collected by virtue of this section shall not be used for general or other governmental propriety purposes of the city and shall be used solely to pay for the cost of water taps for new and existing parks and street medians.~~

Sec. 102-202. Sewer system development charges—Residential facilities use property within city.

Sewer system development charges for serving residential ~~properties~~ facilities within the corporate limits of the city are as follows ~~properties are as follows~~:

- (1) An inspection fee of \$25.00.
- (2) ~~Sewer S~~system development charges determined from the following schedule:

Type of Residence	Amount
Single-family	\$10,400.00 <u>\$6,240.00</u>
Duplex	\$7,280.00 <u>\$4,370.00</u>
Multifamily	\$7,280.00 <u>\$4,370.00</u>

- (3) Plus, the Metro Water Recovery (formerly known as Metro Wastewater Reclamation District) connector charge. The city acts as the agent for Metro Water Recovery in collection of a connector charge in accordance with the fee schedule established by Metro Water Recovery. ~~This charge must be paid prior to the connection of the sewer service line to the city sewer main.~~
- (4) The sewer tap size required will be determined in accordance with the Uniform Plumbing Code (UPC), as amended and adopted by the city.

Sec. 102-202.1. Sewer system development charges—Residential use property within the Jefferson Center Metropolitan District.

~~Fees in this section are set in accordance with existing agreements.~~

~~Sewer system development charges for serving residential properties are as follows:~~

- ~~(1) An inspection fee of \$25.00.~~
- ~~(2) System development charge determined from the following schedule:~~

Type of Residence	Discounted Amount Based on Funding Received for Future Facilities
Single-family	\$10,225.00
Duplex	\$7,157.50
Multifamily	\$7,157.50

- ~~(3) Plus, the Metro Water Recovery (formerly known as Metro Wastewater Reclamation District) connector charge. The city acts as the agent for Metro Water Recovery in collection of a connector charge in accordance with the fee schedule established by Metro Water Recovery. This charge must be paid prior to the connection of the sewer service line to the city sewer main.~~
- ~~(4) The sewer tap size required will be determined in accordance with the Uniform Plumbing Code (UPC), as amended and adopted by the city.~~

“Repealed.”

Sec. 102-202.2. Sewer system development charges—Residential facilities outside city.

Sewer system development charges for serving residential facilities outside the corporate limits of the city, subject to section 102-51, are as follows:

- (1) An inspection fee of \$37.50.
- (2) Sewer system development charges determined from the following schedule:

<u>Type of Residence</u>	<u>Amount</u>
<u>Single-family</u>	<u>\$12,480.00</u>
<u>Duplex</u>	<u>\$8,740.00</u>
<u>Multifamily</u>	<u>\$8,740.00</u>

- (3) Plus, the Metro Water Recovery (formerly known as Metro Wastewater Reclamation District) connector charge. The city acts as the agent for Metro Water Recovery in collection of a connector charge in accordance with the fee schedule established by Metro Water Recovery.
- (4) The sewer tap size required will be determined in accordance with the Uniform Plumbing Code (UPC), as amended and adopted by the city.

Sec. 102-202.3. Waiver by city council – Sewer system development charges.

Sewer system development charges for residential, commercial, institutional, governmental and industrial uses applicable within the city limits and outside the city limits may be waived or reduced only by express city council approval upon a finding and determination by the city council that such waiver or reduction is in the best interest of the city.

Sec. 102-203. Sewer system development charges—Nonresidential ~~use property~~ facilities within city.

Sewer fees serving nonresidential ~~use property~~ facilities, within the corporate limits of the city are as follows:

- (1) An inspection fee of \$25.00.
- (2) Sewer Ssystem development charges determined from the following schedule:

Non-residential Sewer Service Tap Size	Number of Single-Family Residential Equivalents	Sewer System Development Charges
5/8" x 3/4"	1.0 2.00	\$10,400.00 <u>\$12,480.00</u>
3/4"	1.5 2.00	\$15,600.00 <u>\$12,480.00</u>
1"	2.5 4.80	\$26,000.00 <u>\$29,950.00</u>
1 1/2"	5.0 11.00	\$52,000.00 <u>\$68,640.00</u>
2"	8.0 20.00	\$83,200.00 <u>\$124,800.00</u>
3"	17.0 43.00	\$176,800.00 <u>\$268,320.00</u>
4"	30.0 86.00	\$312,000.00 <u>\$536,640.00</u>
6"	62.5 <u>A Metro Water Recovery formula will determine the City sewer system development charge for a 6" meter.</u>	\$650,000.00 <u>A Metro Water Recovery formula will determine the City sewer system development charge for a 6" meter.</u>

- (3) Plus, the Metro Water Recovery (formerly known as Metro Wastewater Reclamation District) connector charge. The city acts as agent for Metro Water Recovery in

collection of a connector charge in accordance with the fee schedule established by Metro Water Recovery. ~~This charge must be paid prior to the connection of the sewer service line to the city sewer main.~~

- (4) The sewer tap size required will be determined in accordance with the Uniform Plumbing Code (UPC), as amended and adopted by the city.

~~Sec. 102-203.1. Sewer system development charges—Nonresidential use property within the Jefferson Center Metropolitan District.~~

~~Fees in this section are set in accordance with existing agreements.~~

~~Sewer fees serving nonresidential use property are as follows:~~

- (1) ~~An inspection fee of \$25.00.~~
- (2) ~~System development charge determined from the following schedule:~~

Non-residential Sewer Service Tap Size	Number of Single-Family Residential Equivalents	Discounted Amount Based on Funding Received for Future Facilities
5/8" x 3/4"	1.0	\$10,225.00
3/4"	1.5	\$15,338.00
1"	2.5	\$25,563.00
1½"	5.0	\$51,126.00
2"	8.0	\$81,801.00
3"	17.0	\$173,828.00
4"	30.0	\$306,755.00
6"	62.5	\$639,073.00

- (3) ~~Plus, the Metro Water Recovery (formerly known as Metro Wastewater Reclamation District) connector charge. The city acts as the agent for Metro Water Recovery in collection of a connector charge in accordance with the fee schedule established by Metro Water Recovery. This charge must be paid prior to the connection of the sewer service line to the city sewer main.~~
- (4) ~~The sewer tap size required will be determined in accordance with the Uniform Plumbing Code (UPC), as amended and adopted by the city.~~

~~“Repealed.”~~

Sec. 102-203.2. Sewer system development charges—Nonresidential facilities outside city.

Sewer fees serving nonresidential facilities outside the corporate limits of the city, subject to section 102-51, are as follows:

(1) An inspection fee of \$37.50.

(2) Sewer system development charges determined from the following schedule:

<u>Non-residential Sewer Service Tap Size</u>	<u>Number of Single-Family Residential Equivalents</u>	<u>Sewer System Development Charges</u>
<u>5/8" x 3/4"</u>	<u>2.00</u>	<u>\$24,960.00</u>
<u>3/4"</u>	<u>2.00</u>	<u>\$24,960.00</u>
<u>1"</u>	<u>4.80</u>	<u>\$59,910.00</u>
<u>1 1/2"</u>	<u>11.00</u>	<u>\$137,280.00</u>
<u>2"</u>	<u>20.00</u>	<u>\$249,600.00</u>
<u>3"</u>	<u>43.00</u>	<u>\$536,640.00</u>
<u>4"</u>	<u>86.00</u>	<u>\$1,073,280.00</u>
<u>6"</u>	<u>A Metro Water Recovery formula will determine the City sewer system development charge for a 6" meter.</u>	<u>A Metro Water Recovery formula will determine the City sewer system development charge for a 6" meter.</u>

(3) Plus, the Metro Water Recovery (formerly known as Metro Wastewater Reclamation District) connector charge. The city acts as agent for Metro Water Recovery in collection of a connector charge in accordance with the fee schedule established by Metro Water Recovery.

(4) The sewer tap size required will be determined in accordance with the Uniform Plumbing Code (UPC), as amended and adopted by the city.



REPORT FROM CITY COUNCIL

AGENDA ITEM
12.A.

DATE: September 11, 2023

SUBJECT: Council Committee Reports

Report in Brief

City Council members are appointed to various committees and boards as set out on the attached listing. As meetings are held, individual council members will report back to the full City Council any relevant discussions and issues that occurred.

Prepared by:
Chris Koch, CCO Admin

Marc Williams	Arvada Municipal Court/Judicial Committee Arvada City Attorney Committee Arvada Urban Renewal Authority E-470 Authority (alternate) Jefferson Parkway Public Highway Authority Northwest Parkway Authority (Associate Member) (alternate) Urban Drainage and Flood Control District West Connect Coalition *Metro Mayors Caucus
Bob Fifer	Adams County Regional Economic Partnership (ACREP) Apex Coordinating Committee Arvada City Attorney Committee Arvada Transportation Committee Denver Regional Council of Governments (Alternate) Jefferson County R-1 Schools Coordinating Committee Jeffco Transportation Action & Advisory Group (JEFFTAAG) Smart City Advisory Committee
David Jones	E-470 Authority (alternate) Jefferson County Community Corrections Board Jefferson County R-1 Schools Coordinating Committee Jefferson Economic Development Council (JEDC) Jefferson Parkway Public Highway Authority Northwest Parkway Authority (Associate Member) (alternate) West Connect Coalition (alternate)

John Marriott	Adams County Regional Economic Partnership (ACREP) (alternate) Apex Coordinating Committee Arvada Economic Development Association Board Arvada Municipal Court/Judicial Committee Arvada Parks Advisory Committee Arvada Visitors Center Committee (alternate) CML Policy Committee Olde Town Business Improvement (BID) District Rocky Mountain Metropolitan Airport Community Noise Roundtable
Randy Moorman	Arvada Audit Committee Arvada Sustainability Advisory Committee CML Policy Committee Rocky Flats Stewardship Council
Lauren Simpson	Arvada Audit Committee Arvada Center for the Arts and Humanities Arvada Fire Protection District Coordinating Committee Arvada Visitors Center Committee Olde Town Business Improvement (BID) District (alternate)
Lisa Smith	Arvada Chamber of Commerce Government Affairs Committee Arvada Fire Protection District Coordinating Committee Denver Regional Council of Governments Jefferson County Community Corrections Board (alternate) Jeffco Transportation Action & Advisory Group (JEFFTAAG) (alternate) Smart City Advisory Committee

*asterisked committees are not appointed by Council



REPORT TO CITY COUNCIL

AGENDA ITEM
13.A.

TO: THE HONORABLE CITY COUNCIL

DATE: September 11, 2023

SUBJECT: Review of Future Workshops and Presentations

Report in Brief

The City Manager's Office maintains a list of upcoming workshops and presentations to be scheduled for City Council meetings. During City Manager Reports, at the end of City Council business meetings, City Manager, Lorie Gillis, will review with City Council the tentative schedule and make any adjustments necessary.

Prepared by:
Chris Koch, CCO Admin

Reviewed by:

Approved by:

Rachel Morris, City Attorney 8/28/2023

Lorie Gillis, City Manager 8/28/2023

Enclosure, exhibits & attachments required to support the report

2023 CITY COUNCIL WORKSHOPS, STUDY SESSIONS, PRESENTATIONS AND RETREATS (TENTATIVE)

WORKSHOPS	Date	Lead
Water, Sewer, Stormwater Rates and Fees@ Business Meeting	Sept 18	Utilities
Bond Project Update Public Works will provide the City Council with an update on the bond projects for streets and utilities. There are two street projects. The first project is Ralston Road Phase 2 (Yukon Street to Garrison Street). The second project is W. 72nd Avenue (Swadley Court to Kipling Street). The utility bonds were issued in December 2022 and an update on the spending plan for each fund will be presented.	Sept 25	PW
Budget Workshop – Work System Changes	Sept 25	Fin
2024 Water/Sewer/Stormwater Rates and Fees	Sept 25	Utilities
Budget Workshop – Pay Plan and Personnel Rules	Oct 9	Fin
Traffic Calming	Oct 9	PW
Bond Project Update Public Works will provide the City Council with an update on the bond projects for streets and utilities. There are two street projects. The first project is Ralston Road Phase 2 (Yukon Street to Garrison Street). The second project is W. 72nd Avenue (Swadley Court to Kipling Street). The utility bonds were issued in December 2022 and an update on the spending plan for each fund will be presented.	Dec 11	PW
Infrastructure Annual Report	Dec 11	Utilities/PW
2024		
Sustainability	Jan 22	
Athletic Field Programming	Jan 22	VCN
PRESENTATIONS		
STUDY SESSIONS		
Lake Arbor Pool @4:00 This study session will be held on site a the Lake Arbor pool	Sept 18	CMO
BID and Chamber funding	TBD	
WORKSHOP TBD's		
Water Infrastructure for Fire Protection	TBD	Utilities
Smart Meters Update	TBD	Utilities
Capital Campaign Update and strategy discussion	TBD	
Budget and Fiscal Policy Update	TBD	Fin
Financial resiliency recommendations Provide City Council an update on the OSE's SR9: By 12/2024 based on long-term financial projections and updated master plans, develop financial resiliency recommendations to ensure adequate and ongoing investment in city infrastructure and core services. This workshop will present the summary of long range unfunded needs by work systems. Next Steps will be [M9B] By 12/2023 develop a city-wide consolidated level of service summary. [M9C] By 12/2023 prepare an exhaustive list of funding source opportunities for closing identified infrastructure and core service funding gaps.	TBD	Fin
Fleet Electrification	TBD	Utilities
Council Retreat Update	TBD	CMO
Pre-Sentencing/One Small Step	TBD	Courts
Meyers Pool Provide City Council an update on the VCN's SR3: By 12/2025 develop a maintenance and reinvestment plan to ensure a sustainable, resilient and beautiful community of parks, trails, open	TBD	CMO

space and medians in alignment with our diverse, changing and growing community and VCN's SR3 Milestone [M3H] By 7/2024 replace Meyer's Pool with a new 50 meter natatorium.		
Financial Scenarios for Street Maintenance Deficit/Options for Increasing Maintenance Funds Engage City Council in a discussion around the current street maintenance needs and how the City might fund them. This will include revenue enhancements, future allocations and expenditure realignments.	TBD	PW/Fin/ CMO
Fiber Master Plan The Fiber Master Plan which is also called Arvada Fiber Optic Network (AFON), was first presented to City Council 4/10/2017. City Councils had set a strategic goal to build a fiber network to enable high speed/real-time connectivity to city facilities and assets in order to enhance city operations. This workshop is intended to brief City Council as to the progress of the AFON build out. Updates are intended to cover conduit installation progress, fiber installation progress, current co-locate opportunities, IGA member updates, and connections to current assets (city buildings, traffic, signals, utilities, radio, etc.).	TBD	PW
Problem Properties	TBD	P.D.
Activation of Historical Assets	TBD	VCN
Customer Service Philosophy	TBD	CMO
Ask Arvada Update	TBD	CMO
COUNCIL JOINT MEETINGS/DINNERS:		
Denver Water Board Apex Board AURA Board Arvada Center Board—Per Coop Agreement - Annually after October 1 of each year Jefferson Parkway Meeting with Jeffco and Broomfield Council Annual Retreat		