

PLANNING AND ECONOMIC DEVELOPMENT MEETING

May 13, 2020

8:30 a.m.

Teleconference Meeting

Council Member Francoise Bergan, Chair
Council Member Crystal Murillo, Vice Chair
Council Member Allison Hiltz, Member

Be a great place to locate, expand and operate a business and provide for well-planned growth and development.

1. Approval of April 1, 2020 Draft Minutes - Council Member Bergan 8:30 a.m.
2. CU Fire and Life Safety MOU – Mike Dean 8:35 a.m.
3. UDO Amendments – Karen Hancock 8:55 a.m.
4. Retail Update – Bob Oliva 9:20 a.m.
5. Miscellaneous Matters for Consideration - Council Member Bergan 9:45 a.m.
 - Aurora Economic Development Council
 - Havana Business Improvement District
 - Aurora Chamber of Commerce
 - Planning Commission
 - Oil and Gas Committee
 - Business Advisory Board
6. Confirm Next Meeting - Council Member Bergan 9:55 a.m.
June 10, 2020

**PLANNING AND ECONOMIC DEVELOPMENT (PED)
POLICY COMMITTEE
Teleconference MEETING
April 1, 2020**

Members Present: Councilmember Francoise Bergan, Chair; Councilmember Crystal Murillo, Vice Chair; Councilmember Allison Hiltz, Mayor Pro Tem Nicole Johnston, Councilmember Dave Gruber

Others Present: Jason Batchelor, George Adams, Andrea Amonick, Marcia McGilley, Elena Vasconez, Dan Money, Scott Berg, Sarah Wile, Tanner Axt, Claire Dalby, Jennifer Orozco, Leslie Epperson, Julianna Berry, Trevor Vaughn, Debbie Bickmire, Liz Fuselier, Karen Hancock, Frank Butz, Heather Lamboy, Dennis Lyon, Gayle Jetchick, Brad Pierce, Julie Patterson, Jeffrey Moore, Bob Gaiser, Margee Sobey, Barbara Dahl, Garrett Walls, Chance Horiuchi, Bob Bengen, Stephen Ruger, Tami McMullin, Stephenie Baca

APPROVAL OF MINUTES

March 11, 2020 minutes were approved.

UPDATE ON BUSINESS ASSISTANCE DURING COVID-19

Summary of Issue and Discussion:

Marcia McGilley, Executive Director, Aurora-South Metro SBDC gave an overview of the response, assessment and recovery phases that is being conducted to assist small businesses during the COVID-19 pandemic crisis.

Current Services provided are:

1. Fully remote - online for one-on-one consulting and business education workshops – first center in the Colorado SBDC Network
2. Weekly/Daily connection to SBA Federal and District offices, Governor’s office OEDIT, Colorado SBDC Network office, City of Aurora, Economic Developers, Chambers, etc.
3. Massive increase in calls and emails, appointments and workshop attendees regarding: Crisis Management, Economic Relief Assistance, SBA Programs (EIDL and CARE ACT), Where to go to get answers, How to interpret Administration and Governor’s declarations and SBA programs, How to Certify their company as an Essential Business, How to quickly change their business model to remote for workers and for customer purchases, Marketing, Social Media, etc.
4. Ongoing programs as Webinars: Fired-Up!; I Want to Start a Business; Marketing Essentials, Financial Essentials, Government Contracting, Aurora Business & Sales Tax Licensing, etc.

New programs -Webinars:

1. How to Apply for the SBA – EIDL Loan Program – six to date, two this week; on hold until staff is trained by SBA on the CARES Act (3/23 – 10 ppl; 3/25 – 12 ppl; 3/27 – 40 ppl; 3/31 – 171 ppl; 4/1 – 109 ppl)
2. Virtual Coffee with the SBDC Director – several times week (12 – 15 ppl)
3. TBD – Webinars and/or White papers, as needed – How to Close a Business, Grand Reopening Plans, How to Change your Business Model to Online, Upping Your Social Media Presence

Messaging received from the SBA, State of Colorado OEDIT, City of Aurora – Communications Dept, and Colorado SBDC Network. A Special City of Aurora program “How to Apply for the SBA Disaster Relief Programs” webinar is especially designed for the Aurora Business Community and is sponsored by the City of Aurora’s Business Advisory Board, Havana Business Industry District and the Aurora-South Metro SBDC which received 100 registrations and 109 attended.

Elena Vasconez, Economic & Business Development Supervisor /Associate Director of the SBDC shared what is being provided for the Spanish speaking small business owners as far as translation; programming; North Aurora Business Assistance Center; and Request through financial aid, SBA loan programs, contracting assistance.

Through the Spanish Language Programming services being offered are:

- One-on-one online consulting
- Working with four Spanish speaking business owners in the application process for the SBA Disaster Relief Loan program
- Coordinating with the Office of Immigrant Affairs to promote business services to the immigrant and Spanish speaking business owners
- Translating materials related to EIDL loan program
- Preparing the following classes:
 - SBA Disaster Loan program
 - Marketing & Financial to survive Covid-9
 - Launch classes in the next couple weeks
- Business Advisory Board (BAB)
 - Providing information, resources to BAB members
 - Coordinating efforts with BAB Chair to provide updates to BAB and Council Members
 - Coordinating with SBDC Director to offer training on SBA Disaster Relief Loan program

Andrea Amonick, Development Services/AURA Manager spoke about the Aurora Economic Relief Loan and Grant Program. She mentioned that the restaurant, retail, service or entertainment small businesses and Arts related nonprofits in Aurora are invited to apply for financial assistance from the city of Aurora's new \$1 million Aurora Economic Relief (AER) Loan and Grant Program, in cooperation with CEDS Financial and said the local program fulfills an immediate funding need for Aurora small businesses waiting for additional funding assistance from state and federal sources. Depending on the financial need, grants are available up to \$5,000 or loans from \$5,000 to \$50,000 to help businesses retain jobs.

To qualify for either a grant or loan, businesses must:

- Be based in Aurora with a physical location in the city (preferably with a storefront)
- Have 50 or fewer employees
- Be operating in Aurora for at least 12 months
- Have experienced a loss of income due to COVID-19
- Retain at least one low- to moderate-income job with this assistance

To qualify for a loan, businesses must meet these additional minimum requirements:

- Minimum credit score of 600 with no recent judgments or bankruptcies and no significant collections
- No more than two outstanding liens/debt for the business
- Annual revenue to be \$2 million or less (prior to March 2020), with a 25% revenue decline in the same period 12 months prior
- Be in good standing with regulatory agencies

Terms of the loan, pre-qualifying process and grant program criteria was described and mentioned that businesses that apply will be evaluated initially to ensure minimum qualifications are met. Qualified applicants will be contacted not later than April 23 with additional information regarding how to submit financial documents securely. Since there are funding limitations, qualified applicants who submit complete financial information as requested also will be evaluated based on these additional factors:

- Number of jobs retained for low and moderate income persons
- Urgency of need for resources
- Provides goods or services needed by, and are affordable to, low and moderate income residents
- Located in or near urban renewal area
- Is a minority, women, and/or immigrant owned business
- Percent of income loss
- Due to evaluation factors and funding limitations, applicants may meet minimum qualifications and submittal guidelines, but not receive funding.

A second funding cycle will start May 6. Previous qualifying applicants who did not receive funding during the first cycle will be considered for funding during the second cycle without having to reapply. New applicants also are welcome to apply during the second funding cycle and additional information is available by email at AER@auroragov.org.

Outcome: This item was for informational purposes only

Follow-up Action: No follow-up action required.

EVALUATING THE PUBLIC HEALTH IMPACT OF O&G EMISSIONS

Summary of Issue and Discussion:

Tami McMullin, Ph.D. Senior Toxicologist with the Center for Toxicology & Environmental Health (CTEH) presented an overview of recent studies of oil and gas emissions to volatile organic compounds and local public health impacts. She explained how oil and gas operations pre-production to production was conducted and shared how scientists determine if extraction activities are safe and propose health risks.

She informed that risk assessment is a scientific screening tool to determine the increased chance that individual's health may be affected as a result of exposure to environmental chemicals by:

- Using Environmental Data
- Not an exact science
- Interactive process (worst-case to realistic)
- Cannot be used to make realistic predictions of biological effects

Risk assessment is intended to be used to inform risk management decisions and the results don't inform whether a person has health effects because of exposure.

Health risk is estimated and compares the exposure data to a health risk screening value. The toxicity information for the specific chemical; estimates the likelihood that adverse effects will occur in people who are exposed (US EPA); and includes several assumptions and uncertainties.

Exposures are estimated by how much of the hazardous substance people are exposed to during a specific time period. Emissions are not equal to exposure and estimated indirectly through measuring concentrations in the environment.

The predictive model and air measurements are the methods used to estimate exposure and the health risk screening values and are an estimate of the amount of a chemical a person can breathe each day without a measurable risk to health over a specified period of exposure and including sensitive subpopulation with a built-in margin of safety to ensure public health protection.

Risk screening values are not equal to health effects. The Colorado Department of Public Health and Environment (CDPHE) modeling study design shared recent air studies evaluating exposures and risks. The types of risks did not show correlation of symptoms estimated by this model for the long-term and short-term health effects.

State community exposure investigations are conducted by:

- Mobile lab generally located between OG wellpad and community
- Continuous ambient air sampling – hourly measurements for 24 hours/day overall several days to weeks
- A single one-hour measurement of benzene out of thousands of hours of sampling slightly exceeded its health guideline value

Reviews of exposure and risk:

- Extensive number of VOCs measured
- Air concentrations of VOCs are not reaching levels that would pose a health concern
- Small subset of high priority VOCs, such as benzene
- Flowback >Drilling>Hydraulic Fracturing
- Acute health risks from intermittent, infrequent peak air concentrations not well characterized

CTEH operator wellpad emissions studies explained that continuous real-time monitoring gave immediate health impacts that show “peak” emissions linked to exposures and explained how and what was measured:

- How it was done:
 - People “roaming on pad and off pad at community locations downwind of pad, visual and odor observations for 12 to 24 hours per day
- What we measured:
 - Total VOCs – Benzene, Hydrogen sulfide and particulate matter
- Analytical Sampling tells us if levels of individual VOCs exceeding health guideline values.
 - How it was done:
 - 24-hour collection of air at multiple locations within perimeter of wellpads and in communities
 - What we measured:
 - High priority oil and gas related VOCs

The data collection consisted of 11 wellpads; range of BMPs for 100 days of sampling during different seasons at different basins using 24,000 real-time measurements to obtain 650 analytical samples.

The presentation key take-home mentions:

- Risk assessments are scientific screening tools intended to inform risk management decisions to control risk, not to determine if someone is ill or will get ill.
- If estimated risks are below screening levels, no further analysis required. Exceedances trigger looking at assumptions more closely and collecting measured data
- Extraction wellpad air studies:
 - No individual VOC, including benzene, have exceeded risk screening levels for any pre-production and production phase
 - Current BMPs appear to be minimizing emissions of VOCs to levels that are not expected to harm people’s health

M Gruber said that Aurora’s requirement is that a barrier of 30’ to 50’ be placed between the wellpad and homes but asked if another level of protection between the wellpad and homes are needed for additional protection.

Dr. McMullin said that the model's data comes from operators that have barriers up during time of collection and are using state of the art best practices as a built-in margin of safety to ensure public health protection.

CM Murillo mentioned that there are conflicting statements on CTEH website about health effects and asked Dr. McMullin for her thoughts on the value of the juxtaposition of information.

Dr. McMullin said she oversaw the design and wrote the proposal for the study and the intent was to be very informative in context and to drive where resources need to be placed in the state and on local level and determine what areas Risk Managers and regulators need to focus on. The information was not based on actual impacts on people who reported symptoms but is only a piece of the scientific data collected but the report is not solely based on the health effects of people.

Mayor Pro Tem Nicole Johnston mentioned while serving on the O&G Committee it was relayed that there is a 1-800 line dedicated to report health issues, but that information has to be made aware of and it needs to be translated into Spanish and other languages. Her concern was if health issues are part of the collected data for the predictive models in this study, then it needs to be translated to other languages.

Dr. McMullin mentioned the CDPHE website provides an Oil and Gas fact sheet. Nicole Johnston understood it being developed but there isn't budget to produce translated material.

Outcome: This item was for informational purposes only.

Follow-up Action: No follow-up action required.

MISCELLANEOUS MATTERS

Development Review Update (Vinessa Irvin):

- For the past 1 ½ weeks Development Review has been working staggered staff and remotely
- Most timelines are still being met
- Struggling in Public Works Engineering area and are communicating to developers to give them realistic expectations
- Moving forward with submissions that have already been submitted
- Email blast was sent by Chief Building Official Scott Berg to relay that the city is operational during this pandemic time and all processes continue to move forward with conducting business as usual as possible
- New business decision discussion is taking place about continuing Pre-applications to be scheduled after April 9th

Aurora Economic Development Council Update (Yuriy Gorlov):

- AEDC staff has been actively gathering fast changing macro trends and analyzing how they apply to Aurora
- Our local economy is better equipped to handle this outbreak as we have a variety of industries and skilled workforce
- Office demand will see impact from changing tenant requirements
- Certain sectors such as e-commerce, manufacturing, data storage, energy, and food distribution will continue to grow and the silver lining is that we have a great opportunity to attract their operations
- Continue to work with developers on entitlements and planning for long term growth
- Our pipeline of prospects is still solid, and we have received new inquiries since this started; no projects have been cancelled, some just put on hold
- We are trying to get three deals closed soon

Havana Business Improvement District (Chance Hourichi):

Past & Upcoming Events Updates:

- January – February 2020: Rock it Sock it Fundraiser: 2/29 Event: 50+ volunteers participated in creating over 2k hygiene kits were made, & 3k socks collected
- March 2020: Celebrate Small Business OHS --- \$500 giveaway on website – Winner Cynthia M.
- March 18, 2020 2-4pm: Boba & Business Networking Event - postponed
- Friday, April 10, 2020 – OHS hosting a table to promote the upcoming OHS 2020 events at the Panther Den Community Center on Buckley AFB (Need a CAC & DOD card to attend) - postponed
- May 2020 – Celebrate our 100+ Restaurants – Encourage diners to explore a new cuisine & “Eat On Havana Street” via take out/delivery + \$500 Giveaway --- running ads NOW due to the Covid 19
- Saturday, May 2, 2020 9-11am: Rose Garden Clean Up – cancelled
- Friday, June 19, 2020: VIP/Volunteer Cruzin’ Havana - Thank You Dinner at Mr. Panda Super Buffet at 6pm - cancelled
- Saturday, June 20, 2020: Cruzin’ Havana Car Show at The Stampede & Kaiser - cancelled
- Tuesday, June 23, 2020: 1st Summer Rose Garden Concert – 6MDB & Hoagie Night

COVID-19 Crisis On Havana Street:

- 108+ Closures reported, but I am sure there are more.
- 90+ Restaurants open for take-out, delivery, drive thru and #ColoradoCurbside
- We sponsored the CAFE CURB APPEAL: Restaurants serving non-contact orders during the virus crisis — NEW LISTINGS in the Sentinel. It is a designated webpage featuring all the restaurants OHS: <https://sentinelcolorado.com/news/metro/cafе-curb-appeal-restaurants-serving-non-contact-orders-during-the-virus-crisis/>
- COVID-19 Updates, Closures and Ways to Support On Havana Street/Take out list of Restaurants link is being updated throughout the day: <https://onhavanastreet.com/COVID-19-on-havana-street-business-closures-adjusted-hours-updates/>
- Promoting ways to help OHS businesses: <https://onhavanastreet.com/how-to-stay-safe-and-support-on-havana-street-businesses/>
- Sharing blogs and news updates on ways to help small businesses or access resources during this crisis
- Sharing resources from the state, Colorado Restaurant Association, & SBDC regarding mandates and loans
- Collaborating with hospitals at the Anschutz Medical Campus, YELP Colorado, Sentinel and the Restaurant Association to support our businesses: <https://onhavanastreet.com/five-ways-you-can-support-your-favorite-businesses-during-coronavirus/>
- Purchasing gift cards from OHS businesses to support them during this time: Colpar, Seoul Korean BBQ, Bettola Bistro, Cody’s Café, Molcajete, Santiago’s and working on the list to call MORE (ten \$25 GC).
- Continue to post over 25x a day to promote OHS businesses, creating stories and sharing them with collaborators so that posts go viral
- Collaborating with social media influencers and food bloggers to promote our restaurants, retail and BID businesses
- Creating content for some small businesses to promote their business
- Continue to make phone calls, texts and emails to OHS businesses to check in and see how the BID can help
- Working with Kim Fox to create new creative for April Commercial roll out (\$30k) – promote HMM dealerships, parts & services, plus update Restaurant commercial to encourage take away/ColoradoCurbside. We may use our ad monies for the concerts budget to do some promotion of OHS during this COVID-19 crisis.
- Holding off on creating content for the Cruzin’ Havana Car Show due to uncertainty with summer events.

Business Updates & New Businesses: 2020 On Havana Street Multi-modal study on-going. The City of Aurora contracted Michael Baker to study solutions to improve transit, pedestrian and cyclist's safety on the Havana corridor from Montview Blvd on the north and Dartmouth Avenue on the south. Using Microsoft Teams to conduct meetings from now on. 1st MT meeting on 3/24/2020.

Aurora Chamber of Commerce Update (Kevin Hougen):

Absent

Planning Commission Update (Dennis Lyon):

A preliminary trouble shooting, training session was held by Planning with Randy Simpson from Aurora TV on the WEBEX system. Commissioner Bengen also participated. The process and issues were discussed. Staff was going to work on how to communicate with the public on participating in the Public Hearing, and the process and rules for conducting a virtual meeting. Additional training will be conducted with Planning staff and all five members of the Planning and Zoning Commission the week of April 6

Oil & Gas Advisory Committee Update (Brad Pierce):

April meeting cancelled because of COVID-19, next scheduled meeting May 20 and will try to conduct it remotely.

Business Advisory Board Update (Garrett Walls):

Garrett Walls mentioned that Elena Vasconez and Andrea Amonick briefed the BAB about small business resources that were available at the last meeting. Also discussed was the need to understand the impact on our restauranteurs and hospitality business members. I was reaching out to the Hotel and Lodging Association to chat about needs and impacts. Business owners and BAB members also expressed concerns about paying their Property Taxes. The only other item that was on the BAB March Agenda was the BAB Chair/Vice Chair elections. I was elected Chair again for this year and Nosh Tarachand (CM Gardener's appointee) was elected Vice Chair.

Approved: _____

Francoise Bergan, PED Committee Chair

Next meeting date: May 13, 2020 at 8:30 a.m. Teleconference meeting



**Planning and Economic Development Policy Committee
Agenda Item Commentary**

Item Title: CU Fire and Life Safety MOU
Item Initiator: Scott Berg
Staff Source: Mike Dean, Fire/Life Safety Manager & Liason to Aurora Fire Rescue 303-739-7447
Deputy City Manager Signature:
Outside Speaker:
Council Goal: 1.0: Assure a safe community for people--2012: 1.0--Assure a safe community for peopl

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item and Move Forward to Study Session
- Approve Item and Move Forward to Regular Meeting
- Information Only

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

This Agreement was originally entered into in 2003 and was subsequently amended in 2014. This Agreement restates and updates these provisions.

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

The goal of this agreement is to establish mutual expectations to ensure that buildings and sites on the Anschutz Campus are constructed in accordance with the latest fire codes and standards, which assists in Fire Department emergency response. This Agreement also addresses permitting and fees waived by the City for development of the Campus.

QUESTIONS FOR Committee

Does the committee approve the updated MOU?

EXHIBITS ATTACHED:

CU MOU Resolution
Revised COA_UC MOU draft FINAL FOR COUNCIL

RESOLUTION NO. R 2020-_____

**A RESOLUTION BY THE CITY COUNCIL OF AURORA, COLORADO,
TO APPROVE THE MEMORANDUM OF UNDERSTANDING (FIRE
AND LIFE SAFETY AND CITY FEES)**

WHEREAS, the City is authorized, pursuant to Article XIV of the Colorado Constitution and Section 29-1-201, *et seq.*, of the Colorado Revised Statutes, to cooperate and contract with any political subdivision of the State of Colorado, to provide any function, service or facility lawfully authorized to each of the contracting or cooperating units of government; and

WHEREAS, the University of Colorado is redeveloping portions of the new campus for the University of Colorado health sciences schools within the Anschutz Medical Campus; and

WHEREAS, the University projects abide by the latest codes adopted by the State of Colorado Building Office of the State Architect and additional codes as adopted by the University; and

WHEREAS, the City desires to coordinate its provision of fire protection and other fire and life safety services to all of the development within the Anschutz Medical Campus; and

WHEREAS, the City of Aurora and the University of Colorado seek to cooperate to achieve the timely construction and completion of additional facilities at the campus; and

WHEREAS, the City and the University have previously entered into a Memorandum of Understanding for Fire and Life Safety and City Fees, effective August 18, 2003, subsequently amended on June 1, 2014; and

WHEREAS, this Memorandum of Understanding is necessary to set forth the duties and responsibilities of both parties.

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

Section 1. The Memorandum of Understanding (Fire and Life Safety and City Fees) between the City of Aurora and the Regents of the University of Colorado on behalf of its Anschutz Medical Campus is hereby approved.

Section 2. The Mayor and the City Clerk are hereby authorized to execute and deliver such Agreement on behalf of the City in substantially the form presented at this meeting, with such technical additions, deletions, and variations as the City Attorney may deem necessary or appropriate and not inconsistent with this Resolution.

Section 3. All resolutions or parts of resolutions of the City in conflict herewith are hereby rescinded.

RESOLVED AND PASSED this _____ day of _____, 2020.

MIKE COFFMAN, Mayor

ATTEST:

STEPHEN RUGER, City Clerk

APPROVED AS TO FORM: _____
Isabelle Evans, Assistant City Attorney

**MEMORANDUM OF UNDERSTANDING
(FIRE AND LIFE SAFETY AND CITY FEES)**

THIS MEMORANDUM OF UNDERSTANDING (“MOU”) is made this _____ day of _____, 2020, between The Regents of the University of Colorado, a body politic and corporate (the “Regents or the “University”), on behalf of its Anschutz Medical Campus, and the City of Aurora, Colorado, a Colorado municipal corporation and home rule city, by and through its Aurora Fire Rescue, (the “City”) (collectively, the “Parties”).

RECITALS

WHEREAS, the University, is redeveloping approximately 227 acres of the United States Army Garrison, Fitzsimons, for the new campus for the University of Colorado health sciences schools, as well as its affiliate hospitals; and

WHEREAS, the University's master plan contemplates substantial development phased over time on the Anschutz Medical Campus, including new facilities for other institutions such as The Children's Hospital and University of Colorado Hospital, and other projects affiliated with the University; and

WHEREAS, the University design and construction projects abide by the latest codes adopted by the State of Colorado Building Office of the State Architect and additional codes as adopted by the University; and

WHEREAS, the City desires to coordinate its provision of fire protection and other fire and life safety services to all of the development within the Anschutz Medical Campus; and

WHEREAS, the University is a body corporate of the State of Colorado, and desires to maintain responsibility and authority for development of the Anschutz Medical Campus while cooperating with the City on those certain matters affecting the City as set forth herein; and

WHEREAS, the University and the City recognize that each is a separate sovereign without supervening authority over the other; and

WHEREAS, the University and the City desire to enter into this Memorandum of Understanding to set forth the principles which will guide the relationship of the City and the University as to these fire and life safety system issues; and

WHEREAS, the University and the City have a mutual interest in the timely construction and completion of additional facilities at the-Anschutz Medical Campus; and

WHEREAS, the University and the City wish to do everything in their power to facilitate the timely construction and completion of the Anschutz Medical Campus, and to that end wish to assure each other that each desires to cooperate regarding the matters set forth herein; and

WHEREAS, the Parties have entered into a Memorandum of Understanding for Fire and Life Safety and City Fees that was effective August 18th, 2003 (the “Original MOU”) and subsequently amended on June 1, 2014 (“First Amendment”); and

WHEREAS, in light of the foregoing, the University and the City have reached an understanding which they hereby memorialize concerning their agreements and understandings applicable to the fire and life safety system issues for the Anschutz Medical Campus.

NOW, THEREFORE, in consideration of the above Recitals and the promises and terms hereinafter set forth, the parties understand and agree that:

1. Scope, Application, and Compliance with MOU. The University and the City acknowledge that the University is responsible for the approval of all development plans, building code/reviews, inspections and permitting for any facilities on the Anschutz Medical Campus. This MOU applies to the fire and life safety system components of the Anschutz Medical Campus. As a condition of developing any phase of the Anschutz Medical Campus, the University shall require that any other party affiliated with the University, such as Children's Hospital and University of Colorado Hospital and which is constructing structural improvements on property owned by the University on the Anschutz Medical Campus (a “Developing Party”), shall conduct development consistent with the terms, requirements, and conditions set forth in this MOU, applicable to their development. The University agrees to use its best efforts to compel any Developing Party to comply or perform in accordance with the terms of this MOU.

2. Construction of the CU Anschutz Medical Campus (Formerly UCHSC Fitzsimons Campus).

(a) Compliance with State Codes. All development of the Anschutz Medical Campus, whether by the University or by a Developing Party, shall comply at a minimum with the following fire and life safety system codes and/or regulations, or comparable codes and/or regulations as then adopted by the State of Colorado (the “Fire and Life Safety Codes”).

(b) Compliance with Other Laws of the City. This MOU contains all of the obligations of the University and Developing Party toward the City in connection with fire and life safety matters relating to the Anschutz Medical Campus.

(c) City Fees. The City agrees that neither the University nor any Developing Party of the Anschutz Medical Campus shall be required to obtain building permits or any other City permits prior to the commencement of construction or during construction or at the completion of construction. Except as expressly set forth herein or in the Intergovernmental Agreement (Wet Utilities), neither any Developing Party nor the University shall be obligated to pay to the City, and the City agrees not to charge any Developing Party or the University, any application fees, review fees, building permit fees, or other fees or charges of any kind or nature for the Anschutz Medical Campus.

(d) Inspections of Construction. Except as may be provided in the Intergovernmental Agreement (Wet Utilities), all building inspections within the Anschutz Medical Campus shall be the responsibility of the University and shall be conducted by a qualified inspector (who may be a University employee) authorized by the University to conduct such inspections. The University may request fire and life safety code related inspection(s) by the City. The City may charge for its services in providing such inspections.

3. Fire and Life Safety. The University and the City acknowledge that the University has adopted the Fire and Life Safety Codes for the Anschutz Medical Campus, that the University will be reviewing plans of the University or any Developing Party, and that the City will be providing fire protection and other life safety services to the Anschutz Medical Campus. It is the desire of the University and the City to coordinate these independent activities so that there is a compatibility of plans and operation of individual buildings on the Anschutz Medical Campus with the City's provision of fire and life safety services. To that end, the University and the City agree as follows:

(a) The University will submit or cause the Developing Party to submit initial site plans, plats, civil plans, and construction plans for buildings to the City for the sole purpose of the City providing review and comment regarding the fire and life safety issues identified in Paragraph 3(d). The City agrees to provide such comment, and the City will do so subject to reasonable procedures and time periods as may be established in the code review procedures by the University for the Anschutz Medical Campus.

(b) The University will inform the City prior to any material revision to the Fire and Life Safety Codes or adoption of new codes neither of which would materially change the Fire and Life Safety Codes, and provide the City an opportunity for comment, excepting any code changes imposed upon the University by the State of Colorado or its agencies.

(c) When the University reasonably believes that an addition, alteration, or repair may have an impact on the fire and life safety system of a building, the University may submit the plans for such addition, alteration, or repair to the City in the same manner as initial construction plans as set forth in Paragraph 3(a).

(d) The City and the University will coordinate for compatibility of the plans approved by the University with the provision of fire and life safety service to buildings by the City. Such coordination shall be for those areas specifically identified below and such other areas as the City and University may mutually agree (the "Areas of Cooperation"):

- (1) Access for City fire and life safety vehicles and personnel.
- (2) Fire water flow requirements.
- (3) Fire control and fire protection systems.
- (4) Fire department connections.

- (5) Building access.
- (6) Graphic enunciator.
- (7) Building fire command center, where applicable.
- (8) Emergency elevator operation.

(e) As to non-building related operational issues, the University will keep the City informed about the availability of road access within the Anschutz Medical Campus, any road closure or road construction projects, any construction scheduling which exceeds normal eight-hour workday requirements. For purposes of this subparagraph (e), “road” means any street or roadway on the University of Colorado Anschutz Medical campus owned or controlled and maintained by the University. The University understands and agrees that the availability of access to any street, roadway, or other right-of-way owned or controlled and maintained by the City shall remain within the sole discretion of the City.

(f) Nothing herein shall preclude a Developing Party from requesting additions to the Areas of Cooperation to be reviewed by the City for a particular structural improvement or building of the Developing Party, where the Developing Party has additional areas of concern regarding the compatibility of its plans with the City's provision of fire and life safety services. Such additions shall only be for said particular improvement or building and shall not be applicable to any other improvements or structures within the UCHSC Fitzsimons Campus.

4. Cooperation. The University and the City agree to extend their full cooperation to each other as to the matters set forth herein in order to facilitate the development and construction of the Anschutz Medical Campus. The University and the City agree to use their best efforts to resolve issues that may arise by direct consultation among the appropriate officials, while acknowledging that the final authority for decisions related to fire protection and life safety within the Anschutz Medical Campus lies with the University. Operations in regard to fire suppression and emergency medical services are under the authority and control of the City of Aurora.

5. Pattern for Future Cooperation. By executing this MOU, the University and the City intend to continue a pattern of cooperation and further intend to employ cooperative processes for the resolution of issues between the parties in regard to the Anschutz Medical Campus. In furtherance of such cooperation, each party agrees to at all times have designated a liaison official as to the fire and life safety matters set forth in this Agreement.

6. No Liability by City. By this MOU, the City assumes no duty to oversee the development of the Anschutz Medical Campus, and neither party assumes any liability for the actions of the other party.

7. Financial Commitments Subject to Available Funding. Any commitment made by either party hereunder to provide funding beyond the current fiscal year shall be subject to the availability of funds.

8. Unenforceability of Parts of this MOU. If any portion of this MOU is held to be unenforceable or unlawful by a court of law, the parties hereto intend that the remainder of this MOU shall not be affected thereby but shall remain in full force and effect. However, this MOU contains obligations to be performed by one party with corresponding obligations to be performed by the other party, and to the extent that one party shall be found to be unable to perform, the other party shall be relieved from corresponding performance.

9. Entire Agreement. This MOU sets forth the entire agreement between the parties with respect to the matters set forth herein. With respect to the matters set forth herein, there are no other agreements between the parties which are not set forth herein.

10. Binding Effect. This MOU shall be binding upon the parties hereto, their agents, successors, and assigns, and any amendment hereto shall be binding only if in writing and signed by both parties hereto.

Anschutz Medical Campus. For purposes of this MOU, the Anschutz Medical Campus shall include any additional property located in the Fitzsimons Life Sciences District that is: (i) acquired by the University or any party affiliated with the University and (ii) designated to be within the Anschutz Medical Campus.

IN WITNESS WHEREOF, the parties have set their hands on the date and year first above written.

THE BOARD OF REGENTS OF THE
UNIVERSITY OF COLORADO, a body
corporate, for and on behalf of the
University of Colorado

By: _____

Donald M. Elliman Jr.
Chancellor University of Colorado Anschutz
Medical Campus

Approved by:

University Counsel

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

By: _____

Amy Gannon,
Associate Vice Chancellor for Financial
Services & Controller

Approved by:

CITY OF AURORA, COLORADO, a
Colorado municipal corporation and home
rule city

By: _____

Mike Coffman
Mayor

ATTEST:

City Clerk

Approved as to Form:

Assistant City Attorney



Planning and Economic Development Policy Committee Agenda Item Commentary

Item Title: Phase I Corrections, Clarifications and Amendments to the Unified Development Ordinance (UDO)
Item Initiator: Karen Hancock, Planning Supervisor
Staff Source: Karen Hancock, Planning Supervisor
Deputy City Manager Signature:
Outside Speaker:
Council Goal: 5.0--Be a great place to locate, expand and operate a business and provide for well-planned growth and development

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item and Move Forward to Study Session
- Approve Item and Move Forward to Regular Meeting
- Information Only

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

The Unified Development Ordinance (UDO) was adopted by City Council on August 19, 2019, and became effective on September 21, 2019. As staff, residents and development customers use the UDO, errors and changes are being identified. In February 2020, staff brought proposed amendments pertaining to Plat Exceptions and errors on the zoning map to City Council for approval. The proposed changes were approved and went into effect on March 25, 2020. The UDO is generally divided into six chapters: • Chapter 1: General Provisions • Chapter 2: Zone Districts • Chapter 3: Use Regulations • Chapter 4: Development Standards and Subdivision Regulations • Chapter 5: Process and Procedures • Chapter 6: Definitions

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

This item represents a first phase of amendments to the Unified Development Ordinance (UDO) that is comprised of corrections and clarifications. These amendments include a large number of proposed changes that are minor and will have minimal impact to major planning areas or issues. Categories of amendments below provide some key examples of the types of amendments that are included for review.

Staff and other stakeholders have also identified potential amendments that are more complex. For that reason, the UDO amendments are grouped into two phases: the corrections and clarifications presented in this item and a second group that includes amendments requiring interdepartmental coordination and/or stakeholder outreach. The second group will include amendments that align Group Home regulations with new state laws, revise the sign code to address the needs of Code Enforcement and assure consistency with adopted plans and policies. The second phase of amendments is expected to be presented to PED later in 2020.

Corrections to the Permitted Use Table 3.2-1. The land use table is used by staff and development customers to determine whether a project may be built in a specific zoning district. An example of a land use is Retail, Small. An example Zone District is Mixed Use Neighborhood (MU-N). By looking at the Permitted Use Table 3.2-1, we can determine that Retail, Small is permitted in MU-N. Another example is

Heavy Manufacturing which is not permitted in a residential zone district like R-2. Some land uses are Conditional and require additional information and a public hearing to determine if they will be permitted. As projects are evaluated, it has become apparent that the Land Use table has errors and, in some cases, the menu of zone districts for a specific use may be too narrow. For example, one example of an important correction impacts the I-2, Heavy Industrial, zoning district which is the city's most intensive area for manufacturing and distribution. The adopted version of the UDO omitted several land uses in the Permitted Use Table such as Major Utilities and Telecom Facilities, which should be permitted in this zoning district. Associated with the Permitted Use table are also a set of supplemental standards.

Conflicts between code sections. As staff has utilized the Permitted Use Table, it has become apparent that there are inconsistencies between the table and the supplemental use standards, development standards, and process and procedures. One example is "After Hours Use" or a "Bar and Tavern". In one use standard it requires a Conditional Use if the use is within 500 feet of residential and in another it is 300 feet. For ease of enforcement, our goal is to make such distances consistent throughout the code. Additionally, some of the buffers and setbacks between uses and zone districts require corrections to resolve conflicts, inconsistencies and to align with Chapter 86 Licensing Code requirements.

Adaptive Reuse. In the UDO, a Redevelopment Plan for the reuse of an existing building to another permitted use is now required to be processed like a Minor Site Plan. As adaptive reuse projects are proposed, it has been apparent to planning case managers that the Minor Site Plan process is not flexible enough to address issues that arise in adaptive reuse of existing buildings. Staff is proposing that a separate process be defined that requires additions to multiple code sections to address this deficiency, but eases design standards and allows more administrative flexibility.

Issues that impact Code Enforcement action. As Code Enforcement officers begin to implement new UDO regulations, they are finding standards that were in the previous code but are missing from the UDO and corrections that are needed. One recent example is the request that "Little Libraries" be permitted to hold food and materials other than books. The UDO specifically uses "Little library book exchange boxes" and a more appropriate term may be "kiosk" and removal of references to just "books" to offer needed flexibility.

Process and Procedures. There are several errors in Chapter 5 that are presenting issues for staff. Many of these errors cause conflicts between sections. For example, one approval criterion for a rezoning was incorrectly copied and pasted as a criterion for approval for a Conditional Use. There are inconsistencies between text, charts and tables.

Definitions. Chapter 6 is a compilation of definitions and many of these definitions include uses and standards. As staff implements the UDO, a number of unanticipated issues have arisen. An example of a definition that needs revision is "Light Manufacturing". The definition is so specific and complex that it is difficult to administer, and the complex list of potential uses causes inconsistencies or conflicts with other code sections. Another example pertains to recent requests to allow for Data Centers, these have been added to the subset of uses outlined within the definition of "Office, Flex".

General typographical and cross references. There are missing and incorrect cross references throughout UDO chapters. Staff is proposing to fix a number of missing words, omissions, copy-and-paste errors and other typographical errors as set of *errata*.

A section-specific list of proposed UDO amendments is included in Exhibit A.

QUESTIONS FOR Committee:

Does the Committee wish to forward a proposed UDO amendment ordinance to the Planning and Zoning Commission for public hearing and to Study Session for review by City Council?

EXHIBITS ATTACHED:

EXHIBIT A

EXHIBIT A
PROPOSED AMENDMENTS TO THE UNIFIED DEVELOPMENT
ORDINANCE
MAY 2020

Chapter 1 General Provisions

Addition of a subsection to clarify that the city's charter and adopted Council rules and procedures supersede UDO requirements, if conflicts are identified.

Chapter 2 Zone Districts

Changes and clarifications to Zone District descriptions

- Revise Subarea map to show all properties within the Planning Area Boundary
- MU-R: clarification of design elements that are specific to regional activity centers

Chapter 3 Use Regulations

- Edits to permitted use table
 - Expand list of permitted uses in all zone districts
 - Provide consistency between Aurora and state definitions
 - Streamline zoning with business licensing and enforcement requirements
- Clarifications to Special Use Standards
 - Provide consistency between standards and permitted use table
 - Refine buffers and setbacks
 - Fix errors

Chapter 4 Development Standards

- Landscaping: refinements, requirements to support Code Enforcement, clarify fence requirements
- Parking minimums: certain categories have minimums that are prohibitively high
- Buffers: standardize buffer distances when certain uses are adjacent to residential

Chapter 5 Zoning & Subdivision Procedures

- Board of Adjustments and Planning and Zoning Commission powers, duties and responsibilities: corrections to errors, insert missing requirements and clarify ambiguous statements
- Call Ups and Appeals: add missing timeframes for ability to access these actions
- Notice: Add missing language to the notice of director approval and public hearings

Chapter 6 Definitions & Rules of Construction

Changes, clarifications and deletions

- Civic, Cultural, or Public Use Facility: decouple and define separately
- Add “data centers” within the listing identified within the definition of “Office, Flex”
- Delete “Boundary Road,” “Focal Point,” “High Visibility Site” and “Walkable Main Street” and incorporate standards into MU-R
- Clarify Adult and Child Daycare, Light Manufacturing, Office Flex and Touch Rule
- Indoor Recreation and Entertainment: decouple and define separately with After Hours Club
- Outdoor Recreation and Entertainment: decouple and define separately
- Provide more context in the definition of “Green Space”



Planning and Economic Development Policy Committee Agenda Item Commentary

Item Title: Retail Update
Item Initiator: Bob Oliva
Staff Source: Bob Oliva
Deputy City Manager Signature:
Outside Speaker:
Council Goal: 5.2--Plan for the development and redevelopment of strategic areas, station areas and urban centers

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item and Move Forward to Study Session
- Approve Item and Move Forward to Regular Meeting
- Information Only

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

Due to COVID-19, the Retail Division of the Planning & Development Services Department was requested to give an update to the PED Committee on the impact of the COVID-19 Pandemic on the retail and restaurant community in Aurora.

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

This presentation will review the recent impact on both the operators of retail stores, restaurants and entertainment and the consumers of these tax-revenue generating businesses. We will also discuss how we are reacting currently and how we are planning on reacting in the near future as the pandemic recovery continues.

QUESTIONS FOR Committee

Informational Only

EXHIBITS ATTACHED:

Retail Update PowerPoint Presentation



COVID-19 RETAIL UPDATE

May 13, 2020

City of Aurora Retail Development Team

Bob Oliva

Frank Butz



Retail in the COVID-19 Era



Largest sales decline in three decades – March 2020



20% of spending adults out of work and increasing



60% of adults not ready to go back to shopping



COVID-19 has changed the Retail Landscape...



New business formats and shopping patterns



Expansion comes to a grinding halt



Pivotal shift in Landlord/Tenant dynamics



Post COVID-19...what can we expect?



Industry shakeout and consolidation of national retailers



Bankruptcies and Vacancies

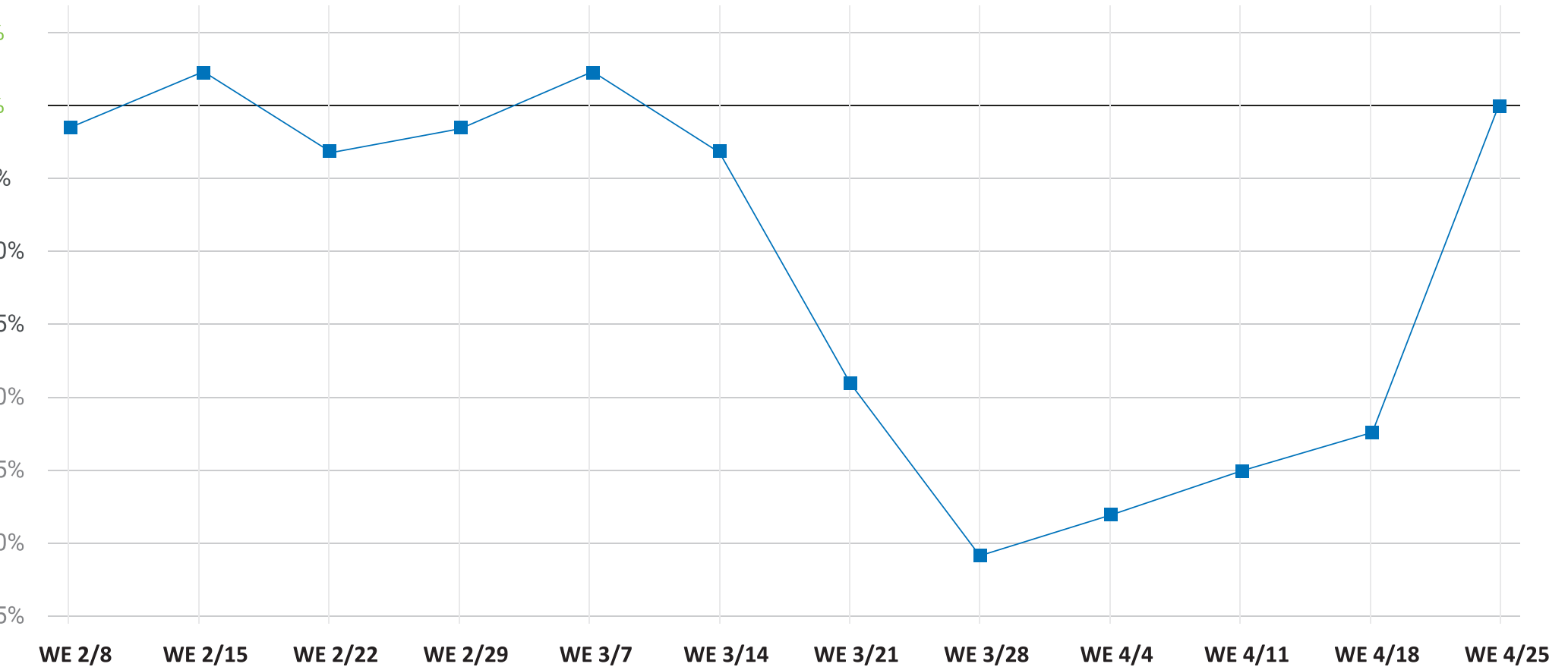


Convenience while social distancing...development will change

COVID-19 Restaurant Statistics

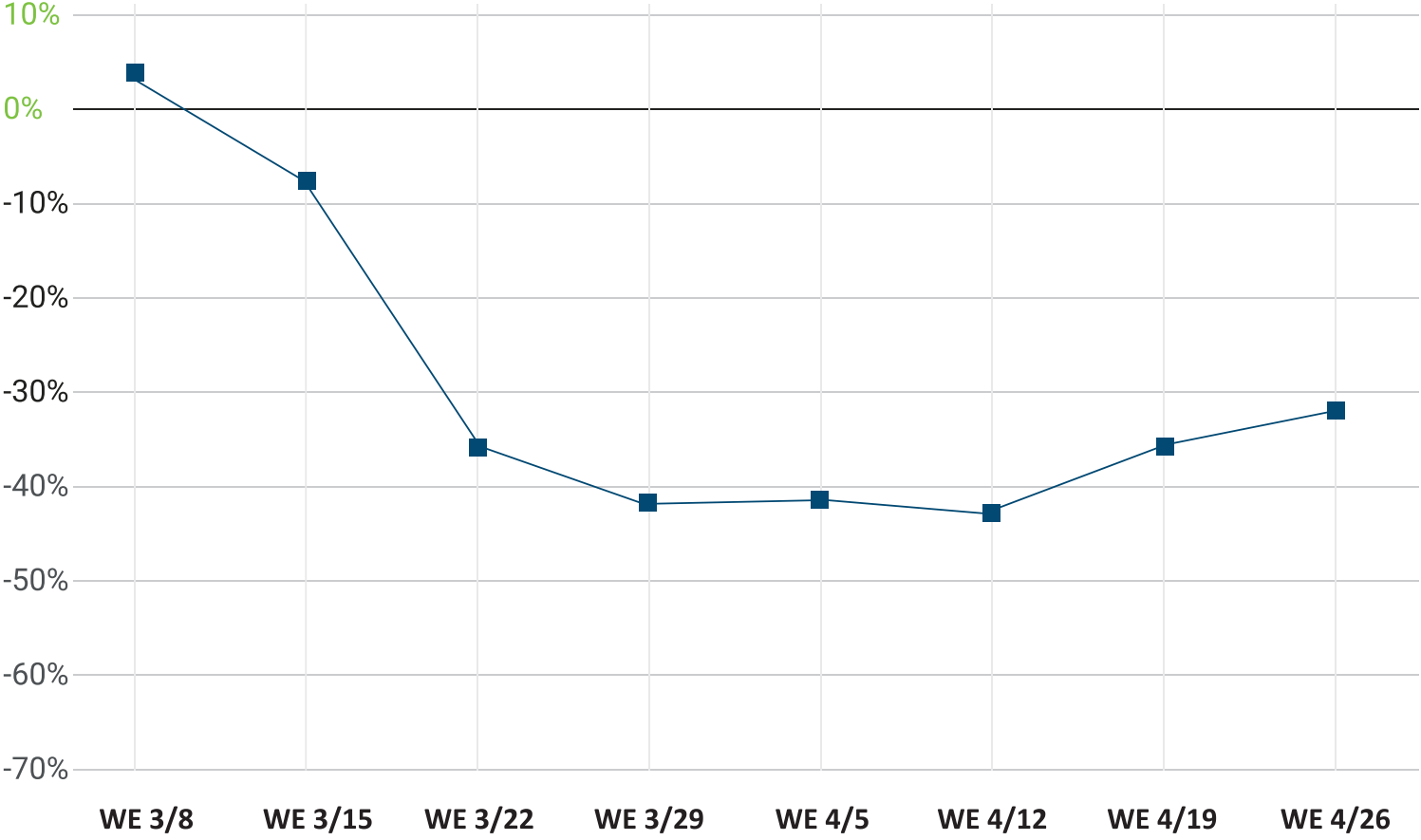
- For U.S. restaurants, roughly 40% are now shuttered. - *National Restaurant Association*
- If the COVID-19 crisis lasts four months, 70% of U.S. restaurants may have to close. - *National Bureau of Economic Research*
- Only 41% of Colorado residents say they will go to a restaurant when restrictions are lifted. - *Colorado Restaurant Association (May 4, 2020)*

General Merchandise: Dollar Change Versus Year Ago

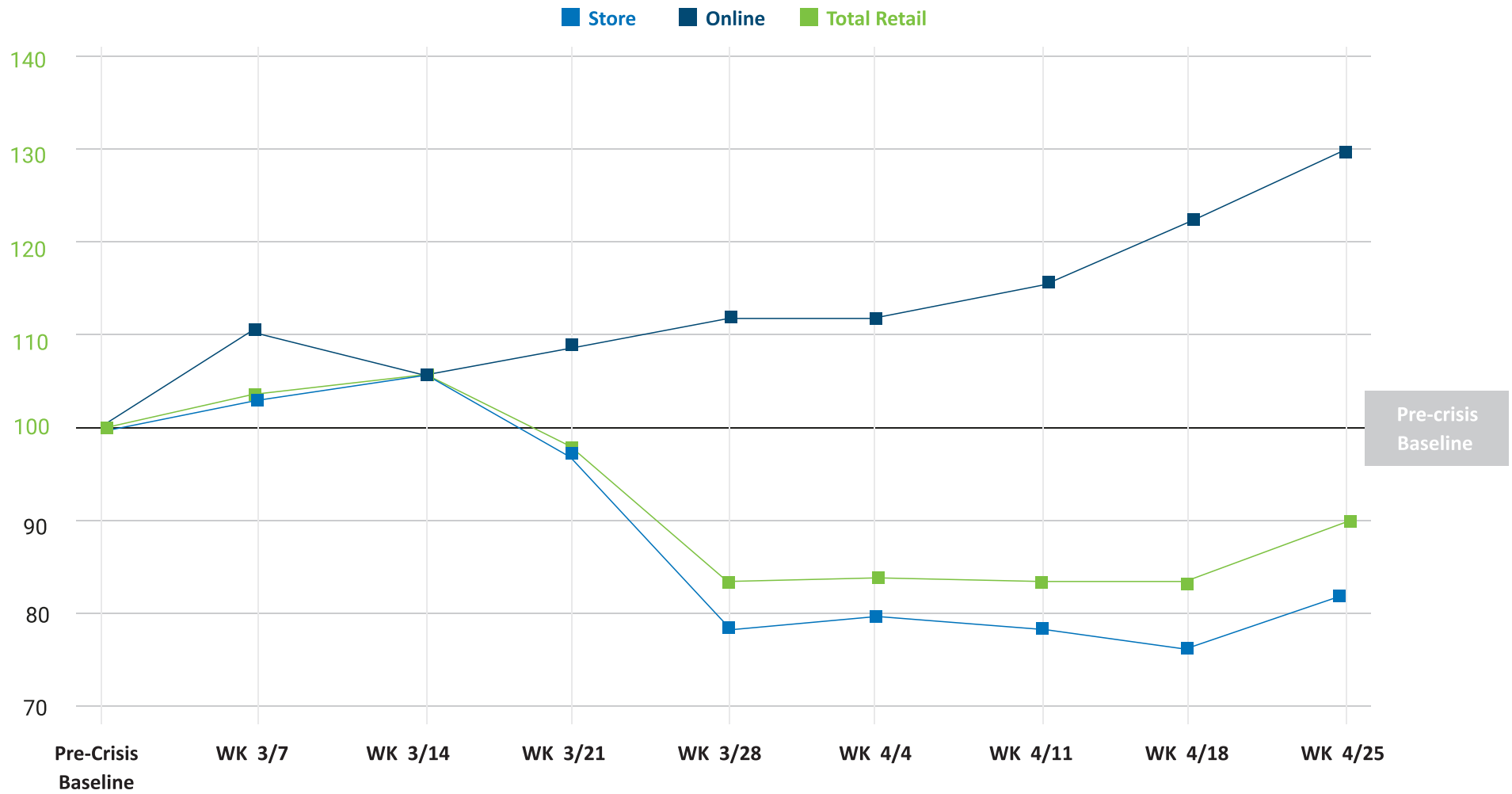


General Merchandise includes: Apparel, Footwear, Auto Aftermarket, Watches, Housewares, Small Domestic Appliances, Toys, Video, Sports Accessories, Consumer Technology, Office Supplies, Prestige Beauty, Juvenile Products

Foodservice: Transaction Change Versus Year Ago



Per-Capita Receipt Index (By Purchase Method)



Colorado COVID-19 Economic Relief

- **Over \$7.3 billion** to Colorado businesses from the **Paycheck Protection Program**
- **\$558 million in federal funds** to the 5 Front Range Counties
- **\$300 million in federal business loans** to Colorado
- **\$42 million in federal HUD appropriations** to Colorado



Top 5 Tips for Small Businesses starting to Reopen...

Talk to your landlord

Monitor your variable costs

Expect a gradual ramp-up period

Embrace new forms of marketing

Respect the situation

Moving Forward...

- COVID-19 Small Business Education & Resources
 - Video series, Q&A Sessions, & SBDC Assistance
- Creation of Retail Sales Tax Revitalization Plan
 - Details to be presented at future PED Meeting

Despite the devastating effects of COVID-19, there are now new retail development opportunities for the City...especially to remerchandise existing retail centers to today's standards



THANK YOU
Questions?

MEMO

TO: COUNCIL MEMBER FRANCOISE BERGAN,
CHAIR PLANNING AND ECONOMIC DEVELOPMENT POLICY COMMITTEE

FROM: BRAD PIERCE, CHAIR OIL AND GAS ADVISORY COMMITTEE

SUBJECT: FIRST QUARTER 2020 REPORT

DATE: MAY 4, 2020

I am pleased to provide the First Quarter 2020 Report of the activities of the Oil and Gas Advisory Committee. We had one meeting in the First Quarter on January 15, 2020. Our March 18, 2020 meeting was cancelled due to Covid-19.

January 15, 2020 meeting:

- Staff provided an update on current Oil and Gas Permit applications.
- There was no Public Comment.
- We had a presentation by Dr. Tami McMullin, toxicologist from the firm CTEH, Evaluating the Public Health Impact of Oil and Gas Emissions - An Overview of Recent CDPHE and Operator Studies and Operator Wellpad Air Study – DJ Basin.
- A discussion took place about City Council about inviting Council Members to a future meeting.

March 18, 2020 meeting was canceled due to Covid-19

Respectfully Submitted,



Brad Pierce
Chair, Oil and Gas Advisory Committee