



# WESTMINSTER

## Staff Report

TO: The Mayor and Members of the City Council

DATE: February 4, 2015

SUBJECT: Briefing and Post-City Council Briefing Agenda for February 9, 2015

PREPARED BY: Steve Smithers, Acting City Manager

Please Note: Study Sessions and Post City Council briefings are open to the public, and individuals are welcome to attend and observe. However, these briefings are not intended to be interactive with the audience, as this time is set aside for City Council to receive information, make inquiries, and provide Staff with policy direction.

Looking ahead to Monday night’s Briefing and Post-City Council meeting briefing, the following schedule has been prepared:

<b>Welcome Reception for City Councillor Maria De Cambra and City Manager Don Tripp</b>	<b>5:00 P.M.</b>
Dinner	6:00 P.M.
Council Briefing <i>(The public is welcome to attend.)</i>	6:30 P.M.

POST BRIEFING *(The public is welcome to attend.)*

### PRESENTATIONS

1. Final Report re: The Development Review Process
2. City Council Assignment Update

### CITY COUNCIL REPORTS

None at this time.

### EXECUTIVE SESSION

1. Discussions with the City Attorney for the purpose of receiving legal advice on pending litigation in the Brandt v. City of Westminster case as authorized by C.R.S. 24-6-402(4)(b) and W.M.C. 1-11-3(C)(3) – **verbal**
2. Discuss strategy and progress on negotiations related to economic development matters for the Westminster Urban Center Redevelopment, disclosure of which would seriously jeopardize the City’s ability to secure the development; discuss strategy and progress on the possible sale, acquisition, trade or exchange of property rights, including future leases; and provide instruction to the City’s negotiators on the same as authorized by WMC Sections 1-11-3(C)(2), (4), and (7) as well as Colorado Revised Statutes, Sections 24-6-402 (4)(a) and 24-6-402(4)(e) – **verbal**

### INFORMATION ONLY

1. Lowell Boulevard at 73<sup>rd</sup> Avenue Redevelopment Project Update

Items may come up between now and Monday night. City Council will be apprised of any changes to the post-briefing schedule.

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

**NOTE:** Persons needing an accommodation must notify the City Manager’s Office no later than noon the Thursday prior to the scheduled Study Session to allow adequate time to make arrangements. You can call 303-658-2161 /TTY 711 or State Relay) or write to [mbarajas@cityofwestminster.us](mailto:mbarajas@cityofwestminster.us) to make a reasonable accommodation request.



## Staff Report

City Council Study Session Meeting  
February 9, 2015



**SUBJECT:** Final Report re: The Development Review Process

**PREPARED BY:** Mac Cummins, AICP, Planning Manager

### Recommended City Council Action

Listen to the presentation from The Matrix Consulting Group (Matrix) and provide input to Staff on next steps. Staff understands that City Council desires adequate time to review the report and therefore is suggesting that you listen to the consultant's report Monday night but hold off on any specific direction to Staff. This item will be scheduled again in the next several weeks where Staff will provide further feedback on implementing recommendations and receive specific direction from City Council.

### Summary Statement

- In March 2014, the Community Development Department conducted a Study Session with the City Council on the subject of how the City provides service relative to the processing and approval of new development in the City. This included a recap of the two primary services relative to this function: 1) Rezoning and new development on vacant land and 2) Permitting and improvements to already constructed buildings that had correct zoning in place. At this Study Session, Council expressed concern(s) that the City was not viewed favorably by the development community and expressed desire to make changes to the development review process.
- As follow up to City Council's concerns, the City Manager asked that an independent consulting firm be contracted to do a review of the City's development review process and report back to the Council on their findings and propose recommendations for improvement.
- The Council selected Councillor Seitz and Mayor Pro Tem Winter to help oversee the selection of the Consultant, which became Matrix Consulting. In summer 2014, Matrix began setting up and interviewing up to 40 stakeholders in the development review process, who were primarily provided to staff by the City Council. In September 2014, Council directed staff to have Matrix perform a second round of interviews.
- The results of the stakeholder interviews and Matrix recommendations are attached for Council review.

**Expenditure Required:** \$ Variable, depending on Council's direction

**Source of Funds:** To be Determined

## **Policy Issues**

How should the City incorporate changes into the Development Review Process? How can this be accomplished while maintaining the same quality of development in the community?

## **Alternatives**

- 1) Consider alternative approaches to development review including lowering zoning, aesthetic, or creative planning standards currently adopted by the Council. This would involve an update to the City's Municipal Code and adopted design guidelines for new development. This alternative is not recommended, by either staff or Matrix. Staff believes that the currently adopted design requirements have served the City well for many years, and have helped establish the community in the metro area as a desirable place to live, work, and play, which is also a principal economic development objective. The City's consultant, Matrix, did not find evidence that these kinds of changes were necessary either and subsequently do not recommend this kind of "lowering the bar" change.
- 2) Consider incorporating some, but not all, of the recommendations contained in the final report. This option would allow the Council to carefully consider each recommendation and the impacts of each implemented recommendation. For example, impacts to staffing and levels of service provided should be considered relative to available funds in 2015/16 and weighed against other staffing and service needs throughout the City.
- 3) Incorporate none of the recommendations contained in the final report. This alternative is not recommended as staff believes there are some very good recommendations contained in the final report that should be implemented to help improve our development review process.

## **Background Information**

The intent of the final report on the development review process is to make improvements to the City's development review process regarding rezoning and Planning Unit Development (PUD) approvals through building permit issuance and inspections. Though commonly referred to as an "audit," a more precise term may be "stakeholder survey." A number of stakeholders were surveyed and queried by the City's consultant, Matrix, as to areas of the process they rated positively, and areas they felt were in need of improvement. Through these anecdotal stories obtained via in person interviews (with a few phone interviews), conclusions were reached relative to improvements that could be made to the process. A summary of the stakeholder interviews is contained in the attached report, including the frequency of recurring comments on a particular subject. It is also important to note, as Matrix has concluded, that the stakeholder survey results are not statistically valid in that they are intended to be anecdotal and in person conveyance of ideas for improvement, not a numerical survey or rating scale. It is also important to note that many of the interviewees had not conducted business with the City in a fairly significant amount of time (3-7 years or longer). Having acknowledged this, there are several good ideas that have been generated from this effort that staff would like to discuss with the City Council on Monday evening.

As a refresher of "Development Review 101," staff has attached to this Staff Report, the Staff Report that went to the City Council on March 3, 2014, with explanations of how the City currently conducts business relating to development review, terminology, etc. This will hopefully help the Council with a fuller understanding of the current process as a "refresher" so that the Council has a good understanding of the current process, i.e. the status quo.

Another important distinction to consider as the Council looks at possible improvements to the process is that there appeared to be some confusion early on in this discussion relating to “development review” items and “permitting” items. Staff will be available to answer any questions at the meeting on this subject. In general, there are many aspects to gaining City approval on development projects. For example, at the March 3 Study Session, there was much discussion about the “Early Bird” restaurant and their challenges. This is an example of a “permitting” situation, and not a “development review” situation, as they wanted to go into a building that had correct zoning in place at the time they wished to open their business, and the building was already constructed. In contrast, the new Whole Foods at 120<sup>th</sup> and Vrain Street would be an example of “development review” as it involved zoning approvals for PUD zoning, including an Official Development Plan (ODP) for new construction of a building, parking, landscape and new streets. The reason this distinction is important is that there are varying policy objectives for the Council to consider. For example, in the case of the Early Bird, an objective could be to look at consideration of a more robust service effort for small businesses looking to open in the City. In contrast, efforts could be placed toward the policy objective of the large developer and their needs relating to gaining development approvals for rezonings and PUD approvals. It is important to note that none of these alternatives are “all or nothing.” The Matrix findings include several alternative recommendations for improvement in both areas; some that can be accomplished with little or no impact to staffing or financial needs, and some that impact both. Depending on which direction the City Council would like to go relating to these recommendations, staff will likely need to return to the Council with options relative to those impacts.

Overall, the stakeholder survey provided excellent background for a meaningful discussion of improvements that the Community Development Department can make to help facilitate a better development review process. Staff representing the development review process and the permitting process will be present at Monday’s meeting to discuss the various recommendations with the Council. Matrix consulting will be present at the City Council meeting to give a presentation on their report, the conclusions drawn from the stakeholder interviews, and answer any questions the Council may have of them and their efforts.

The Development Review Process discussion supports the City Council’s Strategic Plan goals of Visionary Leadership and Effective Governance and Excellence in City Services by seeking collaborative and transparent decision making and reinforcing the culture of innovation.

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

#### Attachments

- ATTACHMENT A Final Report of the Development Review Process Evaluation Project, Performed by Matrix Consulting, January 29, 2015
- ATTACHMENT B Staff Report to the City Council, dated March 3, 2014, “Development Review 101 & Updates on Planning and Building Processes



# WESTMINSTER

## Staff Report

ATTACHMENT A

City Council Study Session Meeting  
March 3, 2014



**SUBJECT:** Development Review 101 & Updates on Planning & Building Processes

**PREPARED BY:** Mac Cummins, AICP, Planning Manager  
Dave Horras, Building Official

### **Recommended City Council Action**

Listen to Staff briefing on how development review processes work in the City of Westminster, and provide any desired City Council input.

### **Summary Statement**

- At the study session, staff will provide information and review with Council how development proposals are reviewed by the City of Westminster, from original concepts to City approvals, and finally from construction to inspection.
- Staff will provide Council with an understanding and be available to answer questions on why the City currently utilizes certain practices and why the City has the processes and standards in place that it does.
- Staff will give a detailed presentation on timelines, cost of doing business, “trigger” points in the process, feedback staff has received over the years on the process, and have a discussion about potential improvements to the process.
- Staff’s overview is structured to provide information relating to two separate processes, which occur in a linear fashion, first the regulatory approval process, and second the construction and inspection process.

**Expenditure Required:** \$0

**Source of Funds:** N/A

## **Policy Issue**

Are the current planning, engineering and building procedures meeting the needs of the Westminster Community?

## **Alternative**

No policy change is proposed as part of this presentation. If Council would like options to propose changes to any part of the process, staff will be available to return to Council with whatever options the Council is interested in pursuing.

## **Background Information**

The nature of the presentation will be to provide information to the Council on how the City has historically provided planning and building review services to the business/land development and broader community, and answer any questions the Council may have.

## Terminology

In preparation for this meeting, Staff would like to assist the Council in understanding the acronyms and terminology that will be discussed, both in this staff report, and at the presentation. Here are the principle terms that will come up:

1. Comprehensive Plan – This document provides the 20 year vision for the City and provides land use designations. New development should be built in conformity with this plan (also referred to as “comp plan”).
2. Zoning – Implementation tool of the comprehensive plan. Provides standards which must be met regarding setbacks, parking requirements, landscaping etc.
3. Planned Unit Development (PUD) – This type of zoning used in Westminster is for new development. It is negotiated zoning between the City and a developer subject to City Council adopted requirements and design guidelines. It is a two-step process, Preliminary Development Plan (PDP) and Official Development Plan (ODP). An applicant doesn't have zoning until both approvals are issued.
4. Preliminary Development Plan (PDP) – This document sets out large “chunks” of land and street/roadway alignments. It allows for subdivision of land into lots, and sets forth requirements for exactions by the City (dedications of streets, parks, open space etc.), as well as requirements for land use on each piece of land.
5. Official Development Plan (ODP) – This is a detailed site plan that defines required landscaping, architecture, lighting, drainage, utility locations, etc.
6. Design Guidelines. These are architectural and site design standards, adopted by the City Council, which are given to a developer with an expectation of being the minimum standards the City would allow for a development.

## Development Review Process

In general terms, the development review process begins when an applicant approaches City staff about a possible development. This usually occurs with a pre-application meeting of some kind with any of the following City staff personnel: City Manager, Deputy City Manager, Community Development Director, Planning Manager, or Economic Development Manager. Usually it is a combination of those staff. In a few occasions, the City's Economic Development team solicits a proposed development via a Request for Proposals (RFP) or other prospect development program.

(For the purposes of tonight's discussion, staff will focus only on the vast majority of development review, when applicants approach the City for development on their land).

At the pre-application meeting described above, applicants discuss with City staff their ideas for how they would like their land to develop and for what "product." Product is a very formulaic term to describe a type of use and building; i.e. an office use, or a single family residential use, etc. Staff then helps the developers or land owners understand what the opportunities and challenges are for development of their land and discusses the possibilities moving forward. In nearly all situations, the applicant is given the application materials and encouraged to apply for development approvals, subject to working out details through the review process. In select situations where a developer would like to put a product on land that conflicts with the City's adopted vision for the land (that is detailed in the City Council adopted Comprehensive Plan – see below), the staff normally indicates that the development proposal will not be supported because of that conflict. In some situations, staff indicates support for a change to the Comprehensive Plan, but this is not the norm unless there are compelling reasons to do so.

### Comprehensive Plan

The Comprehensive Plan, sets out broad parameters for proposed development within the City. The Comprehensive Plan identifies land use, densities and intensities, view sheds, relationships to other City services (i.e. infrastructure, safety, parks and recreation, etc.) and sets out the vision for the City over a 20 year time horizon. It is generally expected that this document will be updated every 5 years to remain current with the City Council's expectations moving forward. In this sense, it is a living document that is intended to be changed as necessary. During that 5 year time horizon, however, staff treats the document as though it represents the Council's vision for proposed development within the City, and informs the public accordingly. The primary reason for this is that the adoption of the Comprehensive Plan includes a substantial amount of citizen outreach, business community outreach, private property owner outreach, and other input mechanisms, including public hearings prior to adoption. Every parcel in the City is given a land use designation in the Comprehensive Plan. After the most recent adoption of the City's Comprehensive Plan, changes to the Plan should be infrequent, as the designations are put in place to help achieve larger policy oriented objectives. For example, in 2013, the City Council concentrated on looking for ways to expand primary employment uses within the City, and to strategize and focus on how to achieve that goal. An economic study was conducted as part of the Comprehensive Plan adoption to consider how the physical land and constraints of the location of that undeveloped land could be integrated/combined and then designated for future development to accomplish this Council objective. Changing the Comprehensive Plan from employment in certain areas to retail or residential in the next several years could undermine the "big picture" objective of capturing primary employment along key highway and arterial corridors.

The other reason the Comprehensive Plan is critical to the City is that it sets out the land uses and densities/intensities. The City utilizes a complex Planned Unit Development (PUD) zoning system (more below), but without guidance on land uses, the PUD zoning system would be a "free for all" in terms of development proposals. Many years ago, this was one of the primary objectives of creating a Comprehensive Land Use Plan, to give assurances to existing neighborhoods and citizens as to what they might expect on development near their homes, as well to the owners of vacant land regarding what could develop on their parcel.

### Growth Management

In addition to the Comprehensive Plan discussion above, the City regulates water usage and residential development through a competition, held annually, for the ability to have access to water taps. The competition has its historical roots in the idea that the City did not have enough water rights to keep up with the potential demand for new residential development, and effectively "rationed" the amount of

new residential development to keep a balance; creating the ability to provide water service and the pace of new residential development. Over time, the City has acquired enough water rights to accomplish the buildout of the Comprehensive Plan, as currently adopted.

It is important to note that the Growth Management Program does have an effect on the future planning and approvals of residential projects. The program does require applicants to submit once a year, in the fall, for the ability to have access to water taps. New PUD zoning (see below) or development applications cannot be submitted until water taps are approved through the competition. The competition judges a number of components, generally items that the developer commits to, which “raise the bar” for development. These include items such as better site planning, more green building technologies, commitment to more expensive items such as a pool or clubhouse, etc. In committing to those items, the City has achieved a higher standard of residential development than otherwise might have been anticipated without the program. Over time, the City has considered reducing or eliminating the program. As Council is aware from last week’s City Council action to adopt Water Service Commitments for 2014, the program is still currently in place.

### Zoning

The City utilizes a mandatory Planned Unit Development (PUD) zoning system which is very unusual. Generally, cities utilize some form of Euclidian zoning. The term “Euclidian” zoning stems from the famous land use law case that established the right of municipal government to “zone” private property and regulate land use. The case involved the village of Euclid, Ohio, hence “Euclidian” zoning is the term. In Euclidian zoning, the primary purpose of the municipality was to separate land uses and their impacts. At the time (turn of the century and through the 1970’s), the basic concept was to fully separate land use impacts, i.e. residential should be separated from commercial and industrial etc. As the automobile became more prevalent, this form of zoning became much more widely utilized, and cities adopted “zoning codes” that prescribe how uses can be separated. Parcels of land are designated “Residential Single Family” or “Commercial 1” for example. In each category, allowed land uses are the very first thing that is listed. Then, generally speaking, the next portions of those zoning categories list out development requirements the primary function of which is to separate uses; i.e. setbacks that development must adhere to which pushes buildings back from property lines, parking requirements so that no “spillover” effect occurs etc.

Euclidian zoning also sets up very traditional development patterns. In many ways, it can also set up development that is less interesting, because it becomes very formulaic. The City of Westminster adopted a zoning ordinance with Euclidian principals in the 1950’s, and it still exists for much of the land in the City south of 80<sup>th</sup> Avenue. In the 1980’s, the City moved toward the mandatory PUD zoning approach, which allows for much more flexibility, but also requires more negotiation between the City and a prospective developer. There are both pros and cons for the City and the developer to this approach (more below).

It’s important to understand what Euclidean zoning is, because the vast majority of developers are only used to developing in cities that utilize this approach. As a result, they may not be used to the PUD approach, and there is a natural friction point when they approach the City of Westminster. It may be frustrating to go through the PUD approach if they are not looking for the flexibility that the PUD approach provides. Most cities in the Denver Metro Area utilize some form of PUD approach, but the City of Westminster is the only City with mandatory PUD.

PUD allows a developer to propose modifications to any of the standards in the municipal code, i.e. parking requirements, landscape requirements, setbacks, height limits, etc. Philosophically, it is very much an “ends” driven approach, and not a “means” driven approach. In other Cities, there are “holy grail” zoning standards that cannot be modified; this is not true in Westminster. If developers come up with a creative design, the PUD approach allows them to do this development. City staff regularly



make this a point when meeting with prospective developers because, there are many instances where Euclidian zoning reduces the “yield” or developability of a parcel because of a setback or other requirement; which is not able to be relaxed or eliminated. In PUD, those standards can be modified or eliminated altogether to achieve a project that serves the City’s and developer’s needs respectively. In this way, the PUD process is intended to be collaborative and form a partnership between the development community and the City of Westminster.

PUD zoning is a 2 step process, first the Preliminary Development Plan (PDP) and second the Official Development Plan. PUD is not fully implemented and no building permits can be issued until both documents are approved. The PDP approves land uses and sets out roadway alignments on a large parcel of land. The Official Development Plan approves a specific development within that PDP, i.e. the residential component of a larger master plan. The ODP includes a site plan, landscape plan, lighting plan, and architectural approvals. A PDP might include several different land uses in varying configurations, and an ODP is a site specific approval of a product type. There are generally multiple ODP’s approved on each PDP as development occurs over time.

#### Engineering Review

The process described below is generally what is referred to as the “entitlement” process; and combines the Planning Division work, and the Engineering work. Both reviews occur simultaneously, and ahead of the Building Division’s review; which has its own section in this staff report. The Engineering review includes items such as stormwater drainage review, traffic analysis, impact to public roads and sight triangles, etc. These kinds of review procedures work in conjunction with the Planning Division’s work relating to approvals of the site plans, landscape plans, architecture, etc.

#### Step 1: Concept Review of Proposed Development

After the pre-application meeting, a developer is required to submit a concept review application. The City utilizes a “one stop shop” system where an application is dropped off to the Planning Division within the Department of Community Development. A Planner is assigned to be the main “point person” for the developer. The City staff planner circulates the application to other departments for review and feedback. Applicants do not have to go to different departments to get feedback on their application. This is an important distinction, because it allows for significant efficiency for an applicant. The staff planner will coordinate for an applicant on other department’s review comments and create a one stop shop set of “City Comments” on the proposed development. As necessary, the developer will then only need to contact the staff planner to set up a meeting relating to whatever topic they need help with, and Community Development staff will coordinate whomever needs to be in attendance, including but not limited to: The Fire Department, Public Works and Utilities, Parks Recreation and Libraries, etc. The applicants, prefer this approach because it allows the staff to coordinate their comments and resolve issues before they are sent to the applicant. Applicants then don’t need to resolve conflicting comments from different City Departments.

The main reason for a “concept review” is to see if the basic premise of the development is acceptable; i.e. site planning, access to public roads, ability to provide water and sewer service, necessary dedications of land, densities / intensities and land use consistency with the Comprehensive Plan etc. The staff review proposals at this stage for fundamental fatal flaws which may exist, and to help provide direction to an applicant for the technical submittal phase. Generally, there are 2 concept submittals made before an applicant moves into the technical review phase.

Throughout the concept review process, a number of senior City staff, including the City Manager, Deputy City Manager, City Attorney, Directors of Public Works and Utilities, Parks Recreation and Libraries, Community Development etc., and a number of division managers and staff meet on a weekly basis to discuss major policy issues. This meeting is called the Development Review Committee (DRC), and is generally where a staff position is formulated relating to the proposed

development. Many times this occurs in the concept review phase, but occasionally it will actually pre-date a submittal, when a proposal is so significant as to warrant staff feedback prior to submittal.

### Step 2: Technical Review

This is the stage in the review process where the City reviews very detailed technical drawings, studies etc. Site plans are dimensioned completely for compliance with the City standards relating to zoning standards such as setbacks, parking, landscape, etc. If modifications are proposed as part of the PUD process, explanations from the applicant are given and the staff evaluate those proposals. There is usually some form of justification related to slope, topography, better site design, etc. It is generally accepted that “getting more units” is not a reason to modify City standards. This is also the stage at which the City reviews detailed water, wastewater, storm water, grading, parking, traffic and similar analyses. There are generally two technical reviews before approval. It is important to note that the City of Westminster is one of a few cities in the state of Colorado that commits to specific review times in development review.

### Public Outreach

The City’s historical practice is to solicit input from the public on a proposed development between the concept review phase and the technical review phase. As a general rule, the City works with developers on their proposal before sending them out to the public for two reasons: Firstly, developers want to get staff’s reaction to their proposal and have a better sense of project costs before presenting the plan to the public, and secondly, the City tries to work with a developer on a project that might be supportable before potentially upsetting a neighborhood with a proposed development that does not have staff support.

Staff solicits neighborhood input in one of two ways. Staff sends a letter to all affected property owners (currently defined in the City’s Municipal Code as those owners within 300 feet) explaining the project and asking for feedback. A public meeting may also be held. Staff determines which option to utilize based on the type of development proposed and the potential impacts to the surrounding community. In both situations, City staff give contact information and solicit input on what is being proposed. At the public meetings, staff introduces the developer and is present to observe and write down whatever the public has to say about the proposed development. The intent of the meeting is not to be a public hearing but to solicit input. Following that meeting, the staff evaluates that public input for compliance with City standards and works with the developers for solutions and ways to incorporate that feedback into their project. Generally these are things like providing additional noise buffering for a commercial project, or acceptable densities for a residential project when proposed adjacent to an existing residential project. It has always been the City’s expectation that to the maximum extent possible, a developer will incorporate the kinds of things the public has suggested in the neighborhood meetings to the extent it makes sense. There are occasions where truly unreasonable things are requested – i.e. don’t do any development because it will block my view, etc.

### Public Hearings

After the technical review is completed, the project is either approved where appropriate by staff, or scheduled for public hearing. The Municipal Code requires that any new land use added to a PDP requires a public hearing before City Council, with a public hearing for a recommendation from the Planning Commission preceding that public hearing. Any rezoning or change in Comprehensive Plan land use designation follows the same process. Approval of any Official Development Plan (site plan, landscape plan, architecture etc.) on a site larger than 10 acres (up to 20 acres for a project the City Council determines to be an economic development project), or any ODP amendment changing any zoning standard by more than 10% over the existing requirement (i.e. existing ODP setback etc.) must

receive approval by the Planning Commission. The vast majority of our development applications in the City of Westminster are of a size eligible for administrative approval and are approved by the City Manager or designee, which is historically the Planning Manager.

The ability to approve a 10 acre or smaller development without public hearings is a significant marketing advantage of doing business in the City of Westminster. The reason this is such a strong marketing tool is that it gives comfort and stability to the development community that if they comply with the Council's adopted Comprehensive Plan, zoning, and design guidelines, they will obtain approval. In some other communities, it is very commonplace to go to a public hearing with a recommendation of approval from the staff that the project complies with all City standards, guidelines etc., and either be denied altogether; or have the project substantially redesigned from the dias "on the fly." In this situation, a developer must decide at that moment whether or not to accept the redesigned project or to ask for a continuance or to walk away altogether. After usually months of working on a project, the Council can imagine how inefficient this would be for a developer, and the risk or uncertainty it creates. In Westminster, the general approach has been to reduce significantly, this risk and manage expectations of the public through the Comprehensive Plan and public outreach described above, so that the developer, the public, the Planning Commission and City Council have a good understanding what to expect. There is an overt attempt to minimize "surprises" through the development review process. Notwithstanding any of the above, if there is any neighborhood controversy, projects are automatically scheduled for the Planning Commission by the staff, even if they are eligible for administrative approval.

#### City Design Requirements

One of the things that is most misunderstood in the review of proposed developments at the City of Westminster is the requirement to comply with certain basic design requirements. These requirements are written as design "guidelines" and adopted by the City Council. They are implemented by incorporation into a site plan or architectural approvals in a PUD zone, on the Official Development Plan. Though they are "guidelines" and serve as the starting point for negotiation into the PUD, they are generally treated as "minimum" requirements by the City. Otherwise, the City would have no minimum standards, and it would make negotiation of the project much more difficult, for both the applicant and the City.

For example, the City has a minimum masonry requirement for architectural approval of non-residential structures. The requirement is for 50% of the structure, not including windows and doors, to be surfaced with some type of masonry, usually brick or stone. This requirement helps foster a certain standard of quality development, and helps to improve the long term economic stability of a project and the surrounding development. Another architectural requirement is that all materials and architecture in a project must match.

Another example is the "retail pad" policy. Embedded in the Retail Commercial Design Guidelines is a requirement that only 1 "pad" building can be built for every 5 acres of development, and 1 drive through for every 10 acres of development. Further, there are requirements that no pads can be built until the main shopping portion of the project is built. The reason for this set of requirements may not be obvious; but the answer is that much of the profit margin on these types of developments is in the front "pads," and if a developer were allowed to simply build "pads or free standing buildings" on the front of the retail project, there is a high likelihood that development in the rear may never occur. This has happened in many spots along 120<sup>th</sup> Avenue in Thornton, and around Northglenn. Conversely, the City of Westminster enjoys projects like City Center Marketplace, Shops at Walnut Creek, Standley Lake Marketplace, 104<sup>th</sup> Avenue and Federal Boulevard (both the north and south west corners), 120<sup>th</sup> and Sheridan (SEC), etc. By attaining development in those configurations and avoiding the 120<sup>th</sup>

Avenue scenarios, the City positions itself to capture and retain higher quality tenants and rent structures over time. These requirements are approved on the final Official Development Plan.

### Timing of the Process

The general timeframes for this process, from the first pre-application meeting to the approval by the City Council is 7-10 months. This timeline varies greatly based on the applicant. The City commits to timeframes for project review. The fluctuation in time for project approval is principally a function how much time developers spends between submittals back to the City.

The published timeframes are as follows: 1<sup>st</sup> concept and 1<sup>st</sup> technical review are 6 week reviews, and 2<sup>nd</sup> concept and 2<sup>nd</sup> technical (to the extent they are even needed) are 4 week reviews. Staff is available to answer any questions about what the comments mean, or how to navigate quicker though the entitlement process. Those that meet with staff and go through the comments in person generally move expeditiously through the process.

### Common Pitfalls & Feedback

In preparation for the Council's discussion on Monday night, there are a few items to discuss that staff has heard over time that are worth mentioning:

- "The process takes too long"
- "The City has onerous development requirements"
- "The City doesn't understand...."

As a general rule, staff has also heard things along the following lines:

- "Your process is really not all that different from other places..."
- "The PUD system allows us great flexibility..."

Staff will address these in more detail in the presentation on Monday evening; but it is worth noting that one significant hurdle for both a developer and the City review team is simply understanding each other. Many times, day 1 of the City review is day 200 (or longer) for the developer team. This is because of the jumps and hurdles a developer must get through just to get to the point that they want to spend money on a submittal for approval. These items are not related to the City in any way, but rather business decisions related to determining "IF" they have a "deal" or not. For example, the developer has to decide if they can get enough access to capital to be able to finance the deal. In order for this to occur, there are general parameters for preleasing or preselling that must be met, based on how much equity the developer is bringing to the project. In order to determine this, the developer must "float" some initial concepts to the marketplace to see if they can reasonably think that they can achieve the necessary requirements to get access to capital to build the project. Then they might enter into negotiations with a land owner, who may or may not allow their land to be "tied up" while the prospective buyer/developer talks to the City about getting approvals. Usually this is not "free," and the developer has to "go hard" or put up non-refundable money during the contract period. This money generally escalates the longer a piece of property is taken off the market, hence the hyper concern about timing; with the old adage applicable "time is money."

It is important to note that hyper sensitivity to timing, architectural requirements of the end user tenants (corporate requirements for color, materials, etc.), obtaining financing, etc. place the developer in a very difficult position generally. If land development were easy, more people would do it. Understanding this makes discussions much more productive; and City staff do strive to try to

understand the constraints of any particular developer or development, because every project is different in terms of what those issues are.

The difficult balancing act for a City is how to hold to its vision, protect its long term place in the economic marketplace, and provide for development that the developer finds profitable enough to pursue in the short term, without sacrificing some generally accepted community standard (could be traffic related, could be quality design related, etc.). This balance is generally implemented through the minimum acceptable standards that the City Council puts in place and the requirements that are put into the Municipal Code. Staff will provide some examples at the study session.

The City's minimum development standards, applied consistently and equitably over the years have continued to increase the quality of development in Westminster and its "qualitative standing" for residential and businesses. The better quality developers appreciate this approach and see that it helps to level the playing field and extend the viable life of projects by having higher standards.

#### Some Future Items for Consideration

Staff will be moving forward with a couple of work efforts, and will supplement those with whatever else City Council would like relating to this subject. Staff has already begun an analysis of how our fees relate to other cities fee structures and will be ready by the mid-summer to publish those results. In addition, we are in the process of creating a user friendly application for a potential developer to use on the City's website, which would allow a developer to input the number of acres being developed, land use, and input number of units, etc.; the application would automatically create an excel spreadsheet with all of the City fees from initial submittal through building permit. Separately from this, staff is going to be setting up focus group meetings with developers and land holders to discuss the process, in broad terms, and relating to details of their experiences with development review in Westminster to see if any process improvements can be made.

#### Building Permit Process

Once the approval of an ODP occurs, an applicant submits for a building permit and begins work with the Building Division.

The City's Building Division functions are very similar to most every other building department in the area. Like some of the others, the City of Westminster serves generally as a one-stop shop for most things related to building construction.

The administration of the building codes can be broken down into two main functions: Plan review/permitting and building inspection.

#### Plan Review/Permitting

Homeowners, contractors and developers submit building plans to the front counter of the Building Division. The plans are routed to plan reviewers. These employees review the plans to assure compliance with the various building codes. The plan reviewers also check with the Planning Division staff to make sure that the project complies with any applicable zoning and PUD requirements. Comments on the plans are then sent back to the applicant, if needed, for modification. Once the plans are deemed in compliance with building codes, a permit is issued and construction may commence.

#### Building Inspection

The applicant is issued an inspection card with instruction on when to request a construction inspection.

The inspection process consists of a series of inspections to verify compliance with the applicable codes and ordinances. At each stage of the construction process specific inspections are required before the builder can proceed to the next phase. If violations are identified during an inspection corrections will need to be made before moving on to the next stage of the construction process.

The Building Division's purpose is regulatory in nature. Staff assures that structures are constructed in compliance with applicable building related codes. Like almost every jurisdiction in the state, Westminster has adopted a recent edition of the International Building Codes. The International Codes (I-Codes) are a family of model codes used almost exclusively throughout the United States and some parts beyond. The City has adopted most of the complete family of I-Codes, including the energy conservation and existing Building Code. Currently Westminster has adopted the 2009 edition of these I-Codes.

Like every jurisdiction must do when adopting a model code, the City has amended specific sections of the codes based on things such as the City's climate and geography, other existing City regulations and past experiences and direction. The number of amendments to each adopted Code is listed below.

- International Building Code - 18 (Main body of the code is 586 pages)
- International Residential Code - 47 (Main body of the code is 726 pages)
- National Electric Code - 1
- International Plumbing Code - 5
- International Mechanical Code - 5
- International Fuel Gas Code - 8
- International Energy Conservation Code – 1

One amendment to the International Residential Code (IRC) that the City has not made is an amendment to remove residential fire sprinklers from the code. The requirement to install residential sprinklers in all residential dwellings, including single family detached, is a requirement in the IRC. The only amendment the City made when adopting the 2009 IRC was to defer the effective date for fire sprinklers from 2011 to 2012 to allow additional time for implementation.

#### Building Division Plan Review

The typical turn-around time for construction plan review varies greatly based on the type and scope of the proposed project. Building Division turn-around time goals for the Division are:

New Commercial buildings – Initial comments provided within 6 to 8 weeks and resubmittals returned within 2 weeks.

Tenant finish projects – Initial comments provided within 3 to 4 weeks and resubmittals returned in 2 weeks.

New residential homes – Initial comments provided within 3 to 4 weeks and resubmittals returned in 2 weeks.

New master residential plans (construction plans have been previously reviewed) – 2 weeks.

Miscellaneous residential reviews – 2 weeks with resubmittals returned in 1 week.

In addition, the Building Division offers other processes to help try to speed up the typical plan review timelines. An expedited review process is offered for most commercial tenant finish projects with turn-around as quick as a day to a maximum 2 weeks. An expedited review is offered at additional cost and the decision to apply for an expedited review is completely up to the applicant.

The Building Division also offers walk-through plan review services for small residential projects and minor changes to previously approved projects twice each week. The intent of these additional services is to move projects quickly through the plan review process and get these projects underway in the field.

#### Residential Building Permit Fee Credit

In response to City Council's request staff has analyzed the financial impact of offering a \$200 building permit fee and use tax credit to homeowners on their residential projects. Using 2013 as a typical year, the Building Division issued 3,958 building permits for residential projects like water heater replacement, reroofs, basement finishes and furnace replacement. Attachment A details the different type and of residential permits and the number of each issued in 2013. The majority of these residential type permits have fixed fees ranging from \$40 for a water heater replacement up to \$300 for a new PV solar installation. This flat fee does not include use tax, which is added to the cost of each permit. Use tax is calculated based on a projects estimated valuation and can average between \$15 and \$300 as shown in Attachment A.

In 2013, 86% of these residential building permits had permit fees of less than \$200 and 61% had permit fees and use tax fees of less than \$200. If a \$200 credit towards permit fees and use tax was established the majority of these residential permits would be issued free of charge. Based on the 3,958 residential type building permits issues in 2013, a \$200 credit towards permit fees and use tax would result in \$549,374 in permit and use tax credits.

#### Focused Work Week.

Like almost all City Hall employees, the Building Division is closed on Fridays as part of the Focused Work Week. While this does not allow for regularly scheduled inspections or other Building Division functions on Fridays there are benefits to Westminster homeowners and contractors with the additional hours Monday-Thursday. Building Division customers take advantage of the extended hours on a regular basis with contractors often stopping by the office on their way to the job site in the morning and homeowners often stopping by the office to obtain information or permits on their way home from work. In addition, the building inspectors will often make additional stops on a job site in a single day if necessary to allow work to proceed even if an inspection has failed as long as the correction can be observed later. Staff sometimes performs a Friday or Saturday inspection if it prevents a job from losing days during a critical time during the applicant's construction schedule.

#### Online tracking of Inspections

Enhancements in the Building Division software has also allowed customers access to inspection results, plan review status, property records and inspection requests 24/7. We are currently working on a project to allow online permit application and issuance that will allow customers to obtain building permits for some of the most common project types online. Access to the Building Division has never been easier or more convenient.

#### Handout Materials – Public Outreach

The Building Division understands that many of our customers are not building professionals and even those who are need to know how the City of Westminster interprets or applies specific provisions. Of the Building Codes. To help address many of these issues the Building Division has developed almost 50 different handouts to help our customer's with their projects. Handouts range from simple illustrations designed to help homeowners in building a patio cover or deck, to specific application of

a code section for a commercial builder, to submittal requirements and design criteria for any type of project. Knowing that “a picture is worth a thousand words” the Building Division has handout information on all of the most typical homeowner projects.

#### Customer Surveys

The Building Division sends out two different surveys to our customers after they have used staff services. After a building permit is issued a survey is sent out to permit applicants to solicit feedback on their experience with the plan review and permitting process. Surveys are also sent out at the end of the inspection process to see how applicants perceive the inspection process worked. Understanding that the division performs a regularity role, the questions are about professionalism, fairness, knowledge, timeliness and communication. The survey results are overwhelming positive and are used as the division’s performance measures to monitor service delivery.

Respectfully submitted,

J. Brent McFall  
City Manager

ATTACHMENT A – Average Fees



# **Final Report of the Development Review Process Evaluation Project**

## **CITY OF WESTMINSTER, COLORADO**



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**January 29, 2015**

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# **1. INTRODUCTION AND EXECUTIVE SUMMARY**

# **1. INTRODUCTION AND EXECUTIVE SUMMARY**

This initial chapter of the report introduces the approaches utilized in this study and summarizes key findings, conclusions and recommendations to be found in this report.

## **1. INTRODUCTION TO THE REPORT.**

The Matrix Consulting Group was retained by the City of Westminster, Colorado to conduct an evaluation of the Development Review process including the building permitting and inspection process. In reaching the conclusion of the study, the project team has assembled this final report, which summarizes our major findings, conclusions and recommendations. As part of this study, the Matrix Consulting Group analyzed the following specific areas, as well as other related topics:

- The range and extent of services provided by the Department of Community Development relative to the performance of duties, including the development review processes;
- The staffing needs and assignments within the department;
- The organization and operation of the employees and positions within the Department of Community Development and other departments interacting with the development review process.
- The use of technology to support services provided;
- How current services in the City of Westminster compare to other comparable communities in the region and against “best practices” in development review.

## **2. DESCRIPTION OF STUDY METHODOLOGY.**

As part of this study of the City of Westminster’s Development Review process, the project team conducted the following activities:

- Detailed interviews with staff in the Department of Community Development and with selected employees in other departments with which the Department regularly interacts in performing their functions;
- Conducted data collection to gather relevant information regarding the services provided, the volume of work staff has to manage, and the time frames in which the work is completed;
- Conducted personal interviews with representatives of various community interests including residents, architects, developers, and contractors to elicit information regarding their perceptions of the development review services currently provided by the City.
- Compiled and reviewed results of a prior customer satisfaction survey conducted for the City for the building permitting and inspection function.
- Completed a process and best practices comparison that gauged the current practices in the City of Westminster against a set of regional comparable communities to understand differences in the approaches to conducting development review functions.

These activities enabled the project team to analyze the current performance of duties, the duties assigned and allocated to staff, and the processes related to development review in the City of Westminster. The analysis conducted led to the recommendations that are contained in the later chapters of this report.

### **3. SUMMARY OF KEY RECOMMENDATIONS.**

The following table provides a summary of the key findings and recommendations contained within this report. Recommendations are listed in the order that they appear in the report. The suggested timeframe for implementation takes into consideration the relative priority of the item and the ability to implement. Some items, while perhaps higher priority for improvement, can only be implemented after certain other recommendations have been implemented. Overall, the City has a well defined and developed development review process. However, the policy decisions that have been made to encourage high quality development while simultaneously

providing flexibility through the PUD process, inherently increases the complexity of the process when an application does not meet minimum adopted standards and is seeking deviation from those standards. This significantly increases the need for staff to improve applicant’s understanding of the minimum requirements, and provide clear, concise and consistent feedback on the alternatives sought.

<b>Section</b>	<b>Recommendation</b>	<b>Priority</b>	<b>Suggested Timeframe</b>
3.2 B	The City should modify the pre-application process to provide greater clarity on the standards required for approval and the types of deviations from standards that have achieved approval in the past. Handouts and checklists should be provided to applicants at this phase of the process.	Medium	1 <sup>st</sup> half, 2015
3.2 B	A summary development guide outlining the City of Westminster’s process, standards, and review timeframes should be developed and made widely available (in the office and online).	High	2 <sup>nd</sup> half, 2015
3.2 B	The City should develop a guide focused specifically on the needs of small businesses to ensure an understanding of the process (outlining process, approvals needed, timeframes, etc.). This guide, will be similar to the prior recommendation, should focus specifically on the needs of small businesses who often have a greater need for assistance than larger developers. This guide should be a joint effort of the Department of Community Development and the Economic Development Office.	High	2 <sup>nd</sup> half, 2015
3.2 B	The City should modify the review timeframes to provide shorter review timeframes for conceptual reviews and resubmittals.	High	2 <sup>nd</sup> half, 2015
3.2 B	The City should reduce the review timeframe for minor changes to ODPs.	High	2 <sup>nd</sup> half, 2015
3.2 C	The City should prominently outline in the development guide, in application materials, and on the website the types of administrative reviews and approvals that can be made at the staff Planner level to address the perception issue that exists regarding decision-making.	High	2 <sup>nd</sup> half, 2015

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<b>Section</b>	<b>Recommendation</b>	<b>Priority</b>	<b>Suggested Timeframe</b>
3.2 C	All review timeframes should be included in development manuals, application materials, and prominently displayed on the website. A monthly report showing performance against the adopted timeframes should be distributed to communicate staff performance against the adopted review standards.	High	2 <sup>nd</sup> half, 2015
3.2 C	Continued efforts should be undertaken to ensure that staff involved in development review and staff conducting economic development are in alignment with the process and timeframes adopted by the City. It is critical that the City be seen as consistent across departments.	Medium	2015
3.2 C	Economic Development staff should work with Community Development staff to develop an "expedited review" process for projects that meet pre-defined criteria for investment, job creation, etc. Clear timeframes for review should be included within this policy.	Medium	2015
3.2 C	A position of Development Review Coordinator should be considered to provide an individual focused on serving as the ombudsperson for applicants when issues arise regarding responsiveness of review staff, conflicting review comments issued by staff, or other issues related to an application. Applicants should be directed to this individual when questions arise. This position should also serve as a coordinating point for all development review applications to ensure staff are meeting review timeframes and to adjust work assignments as needed.	Medium	2 <sup>nd</sup> half, 2015
3.2 D	A customer service commitment and philosophy should be implemented for all development review staff that places a high priority on clear, timely, and constructive interactions with applicants. Training should be provided to all staff involved in the development review process to ensure consistency across all departments.	High	1 <sup>st</sup> half, 2015
3.2 D	A standard should be established for timely responses to all voicemails and emails to increase service provided to applicants.	High	Immediately

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<b>Section</b>	<b>Recommendation</b>	<b>Priority</b>	<b>Suggested Timeframe</b>
3.2 E	Consideration should be given for each development review staff member to have dedicated hours allocated for customer access – either via phone or in-person meetings to discuss applications. While this would not limit public access during other hours, it would provide a set schedule where staff do not schedule meetings and are available to meet with applicants without a scheduled meeting.	Medium	2 <sup>nd</sup> half, 2015
3.2 E	The City should highly publicize the availability of Friday building inspections to address the perception of this service being unavailable.	High	Immediately
3.2 E	The City should increase the hours for submittal of applications. This can be accomplished either through an expansion of the hours to more than four per week, or assignment of a “Planner of the Day” who is responsible for all completeness reviews and intake of plans on the assigned day.	High	2 <sup>nd</sup> half, 2015
3.2 E	Longer-term, the City should implement a single development review software that encompasses the entire development review process and not only the building permitting function. This software will address many concerns identified and provide much greater functionality to both staff and applicants including: electronic plan submittal by applicants, electronic plan review by staff, simpler and more timely compilation of development review comments by all reviews, ability for applicants to review status of applications and review specific staff comments online.	High	2016
3.2 F	As previously recommended, increased educational materials including a development manual should be developed and provided to applicants.	High	2 <sup>nd</sup> half, 2015
3.2 F	The City should undertake an internal review of the sign to determine if modifications are warranted.	Medium	Ongoing
3.2 F	All plan review comments issued by staff should reference the code, city requirement, or policy that it relates to in order to provide further direction and guidance to applicants on the basis of the comment.	High	Immediately



**CITY OF WESTMINSTER, COLORADO**  
**Final Report of the Development Review Process Evaluation Project**

<b>Section</b>	<b>Recommendation</b>	<b>Priority</b>	<b>Suggested Timeframe</b>
4.4	Create a robust pre-development process for Westminster. A development team involving all major decision-making agencies (typically at the planner/reviewer level) should have a standing meeting for pre-development review. The applicant should be invited to attend. The minimum submittal requirement for predevelopment should be limited to the minimal detail needed to provide preliminary feedback on the feasibility of the development.	Medium	Ongoing
4.5	Establish a target of four weeks for staff review and one week for compilation and distribution of comments to the applicant. Progress towards these targets should be tracked carefully and reports on performance widely disseminated.	High	2 <sup>nd</sup> half, 2015
4.6	Westminster should examine its administrative amendment and minor administrative amendment categories and processes with the goals of: expanding criteria for projects that would meet these standards and ensuring the administrative process is as streamlined as possible.	High	1 <sup>st</sup> half, 2015
4.6	Westminster should implement a shorter review timeframe for select types of approvals (smaller amendments and minor ODP modifications). The approval timeframe should be established at no more than two weeks.	High	1 <sup>st</sup> half, 2015
4.7	Westminster should increase the public understanding of the process for minor amendments that require modification to the ODP process and implement a shorter time period for approval of these modifications.	High	1 <sup>st</sup> half, 2015
4.8	While Westminster's process of using Excel and paper plans, manually distributed and marked up, is not greatly out of step with other jurisdictions, an upgrade to a true permit tracking system would help improve accountability, transparency, and customer service.	High	2016
4.10	While no fee structure changes are recommended, the City should develop a handout summarizing the fee structure, the types of fees applicable to different application types to increase public awareness of the fees associated with development in the City of Westminster.	Medium	1 <sup>st</sup> Half, 2015

## **2. AFTER SERVICE SURVEY ANALYSIS**

## 2. AFTER SERVICE SURVEY ANALYSIS

As part of the Matrix Consulting Group’s development review process evaluation for the City of Westminster, the project team conducted an analysis of customer satisfaction surveys returned by prior customers of the Building Division that were received by the City from 2012 to 2014. While the survey format varied slightly over the time period, these surveys generally consisted of seven criteria for which customers could provide a rating of “excellent”, “good”, “poor”, or “unsatisfactory”, based on their experience. They also included a space for customers to write additional comments. The original surveys were completed by hand, and photocopies were provided to the project team. The following table shows the number of surveys received for each year.

Surveys Received by Year			
2012	2013	2014	Total
26	33	93	152

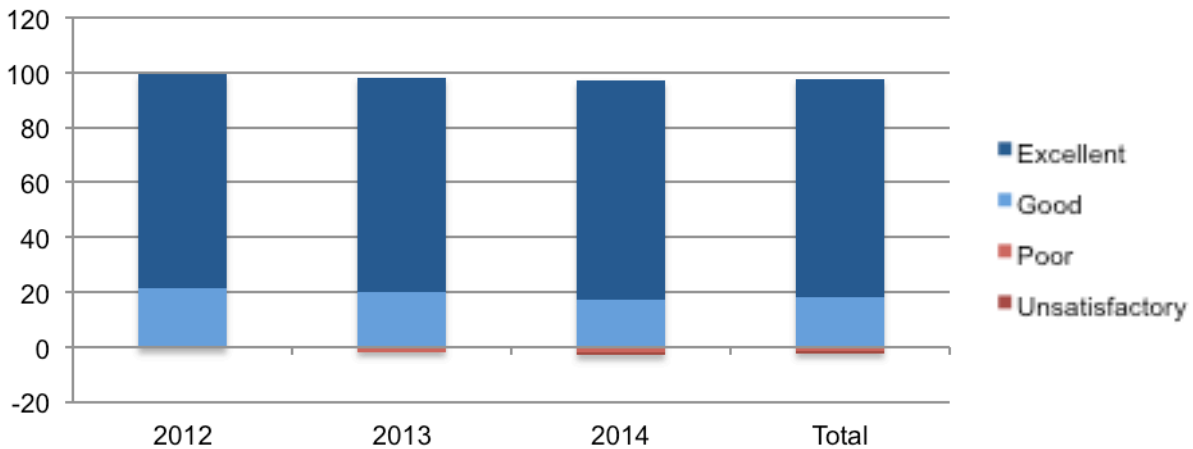
The following sections detail the general trends found in the surveys received by the project team, as well as an analysis of customer responses to individual criteria.

### 1. GENERAL TRENDS

Responses to the surveys received by the project team were generally very positive, as were the comments generated by customers. The following table and chart detail the total responses received in each year.

Percentage of Responses by Year				
	2012	2013	2014	Total
Excellent	78.0%	78.2%	80.1%	79.4%
Good	21.4%	20.0%	17.0%	18.3%
Poor	0.6%	1.8%	1.9%	1.6%
Unsatisfactory	0.0%	0.0%	1.1%	0.7%

**All Customer Ratings by Year**



As the table and chart show, almost all of the ratings received were of the “excellent” and “good” variety, with no more than 3% negative ratings in any year.

The comments written in surveys by customers were also generally positive. Out of 100 comments received, 65 were appreciation and praise, 15 were questions or criticism, and 10 were a combination of the two.

## **2. INDIVIDUAL CRITERIA**

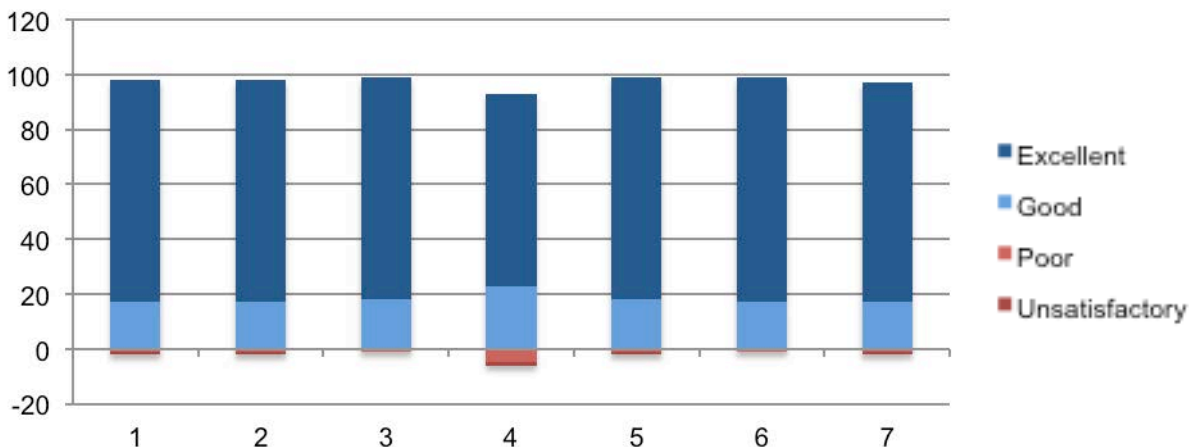
Customer surveys asked applicants to rate their experience based on 7 criteria.

The criteria were:

- 1) the professionalism of staff,
- 2) communication with staff,
- 3) staff knowledge of codes/processes,
- 4) timeliness of plan review,
- 5) fairness in treatment,
- 6) questions answered in an understandable manner, and
- 7) overall impression.

The following chart shows the ratings of each of these criteria.

### Customer Ratings by Criteria



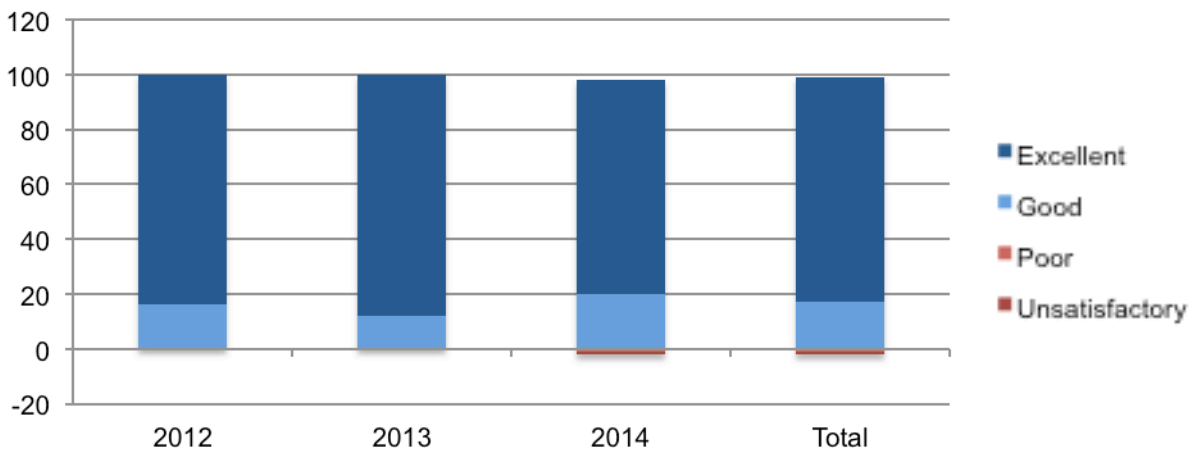
As evident in the table, customers provided high ratings for every one of the criteria, reflecting very high levels of satisfaction. The following subsections provide detail about customers' ratings for individual criteria on the survey.

#### (1) Professionalism of Staff

The following table and chart provides the ratings provided for this criteria for each year, and shows a three year total.

Percentage of Responses by Year				
	2012	2013	2014	Total
<b>Excellent</b>	<b>84%</b>	<b>87.9%</b>	<b>78.3%</b>	<b>81.5%</b>
<b>Good</b>	<b>16%</b>	<b>12.1%</b>	<b>19.6%</b>	<b>17.2%</b>
<b>Poor</b>	<b>0%</b>	<b>0%</b>	<b>1.1%</b>	<b>0.7%</b>
<b>Unsatisfactory</b>	<b>0%</b>	<b>0%</b>	<b>1.1%</b>	<b>0.7%</b>

**Professionalism of Staff**



As the chart shows, applicants are very pleased with the level of professionalism from the Westminster development review staff.

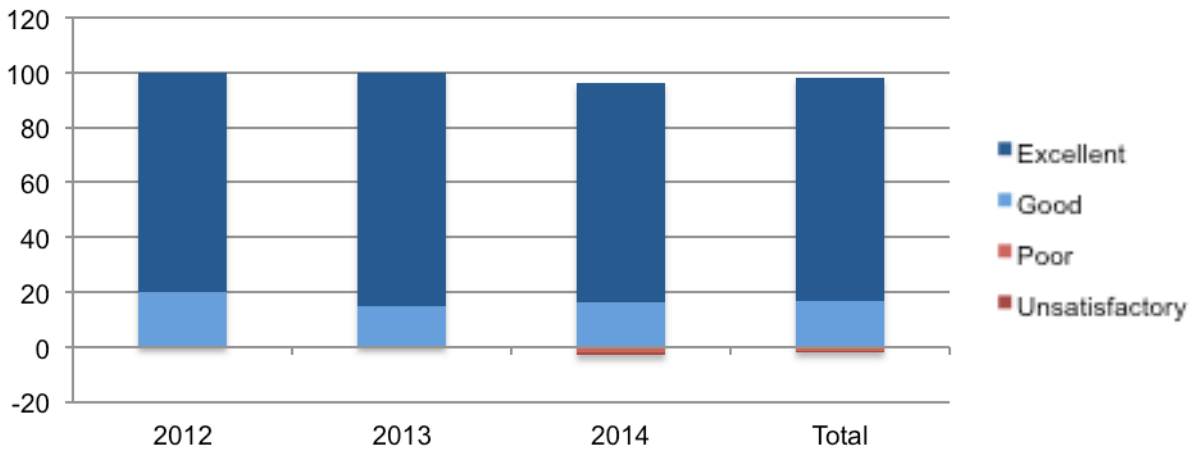
- The comments received by the project team illustrated the positive sentiment – nine different comments praised staff for their professionalism, while 3 comments cited an experience where a staff member was “curt”, “gruff”, or “rude”.

**(2) Communication With Staff**

The following table and chart provides the ratings provided for this criteria for each year, and shows a three year total.

Percentage of Responses by Year				
	2012	2013	2014	Total
<b>Excellent</b>	<b>80%</b>	<b>84.8%</b>	<b>80.4%</b>	<b>81.5%</b>
<b>Good</b>	<b>20%</b>	<b>15.2%</b>	<b>16.3%</b>	<b>16.6%</b>
<b>Poor</b>	<b>0%</b>	<b>0%</b>	<b>2.2%</b>	<b>1.3%</b>
<b>Unsatisfactory</b>	<b>0%</b>	<b>0%</b>	<b>1.1%</b>	<b>0.7%</b>

### Communication With Staff



As demonstrated in the chart above, customers have high ongoing level of satisfaction with their communications with staff involved in the review process.

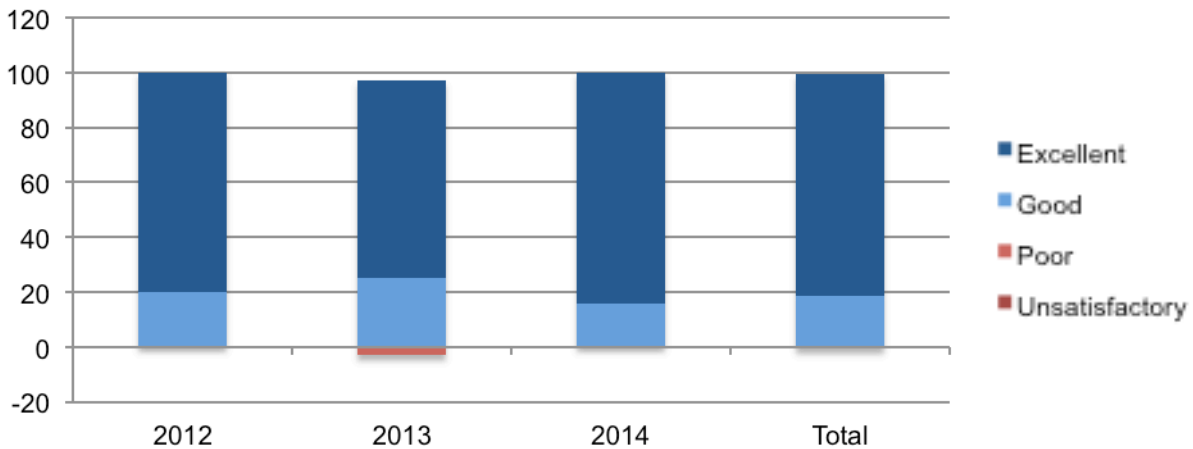
- Over a dozen comments were received praising the ability of staff to communicate, inform, and work with applicants. There were also 5 comments that expressed a wish for a more clear explanation of the process, additional phone communication with staff, or alerts to inform when inspections will be. A few comments also expressed confusion about who holds responsibility for providing a ladder during roof inspections.

### (3) Staff Knowledge of Codes/Processes

The following table and chart provides the ratings provided for this criteria for each year, and shows a three year total.

Percentage of Responses by Year				
	2012	2013	2014	Total
<b>Excellent</b>	80%	71.9%	84.3%	81%
<b>Good</b>	20%	25%	15.7%	18.4%
<b>Poor</b>	0%	3.1%	0%	0.7%
<b>Unsatisfactory</b>	0%	0%	0%	0%

**Staff Knowledge of Codes/Processes**



As seen in the chart, the customers of the building permit process clearly have a positive opinion of staff's knowledge and expertise.

- In addition to the dozens of comments offering general appreciation of staff, at least five comments were received that specifically praised staff's knowledge of codes and processes and their ability to answer questions. 3 comments were received that said staff were unsure of needs and permitting process, or knew the permitting process poorly, or were unable to read complex plans.

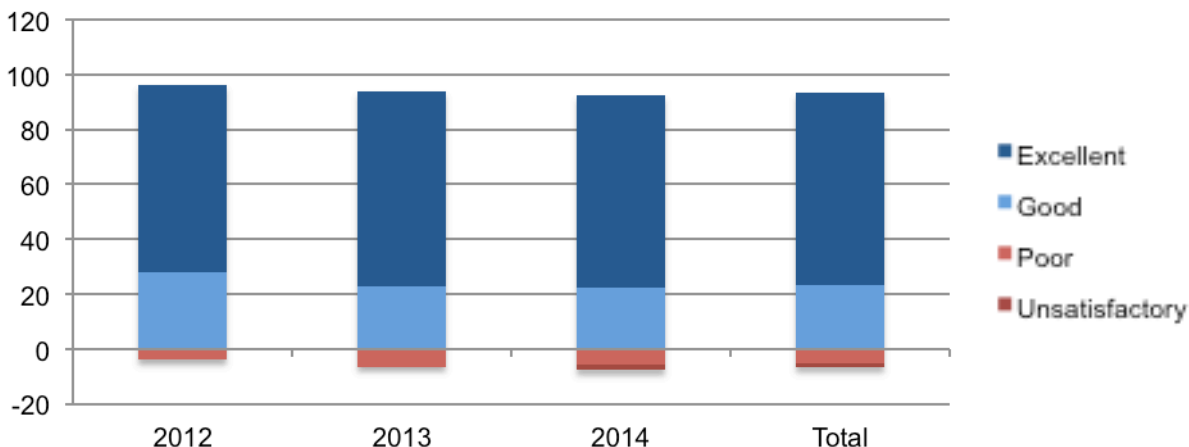
**(4) Timeliness of Plan Review**

The following table and chart provides the ratings provided for this criteria for each year, and shows a three year total.

Percentage of Responses by Year				
	2012	2013	2014	Total
<b>Excellent</b>	68%	71%	70%	70.1%
<b>Good</b>	28%	22.6%	22.2%	23.1%
<b>Poor</b>	4%	6.5%	5.6%	5.4%
<b>Unsatisfactory</b>	0%	0%	2.2%	1.4%



**Timeliness of Plan Review**



The chart clearly depicts the high level of satisfaction that customers have with the timeliness of plan reviews. While the department’s average rating on this criteria was over 70% “excellent” and less than 7% “poor” or “unsatisfactory”, this criteria did receive lower ratings than any other over the past 3 years.

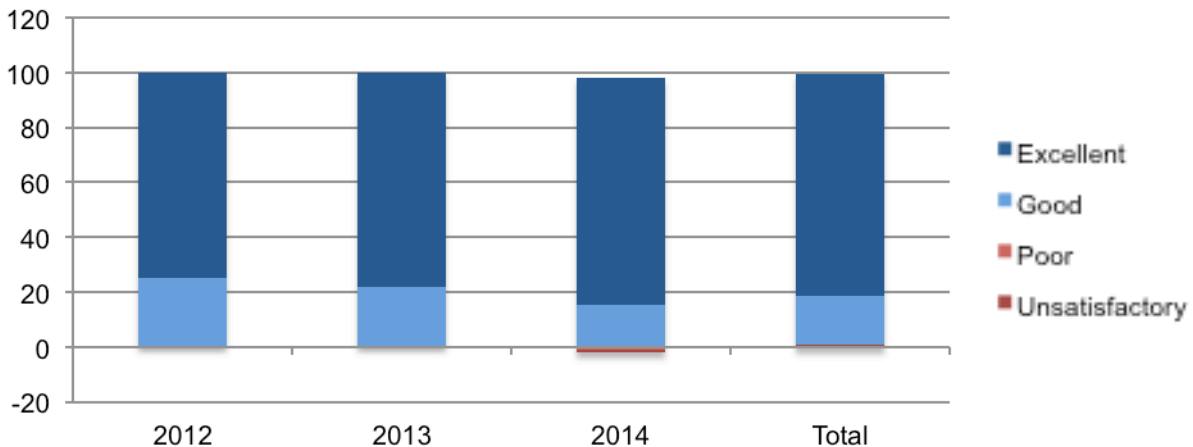
- Two comments specifically commended the department for timely plan reviews and being among the quickest turnaround times in the Denver metro area. There were 5 comments, however, complaining about the timeliness of the process. Two of those were specifically for plan review, and the other 3 were focused on inspections.

**(5) Fairness in Treatment**

The following table and chart provides the ratings provided for this criteria for each year, and shows a three year total.

Percentage of Responses by Year				
	2012	2013	2014	Total
<b>Excellent</b>	<b>75%</b>	<b>78.1%</b>	<b>82.6%</b>	<b>80.7%</b>
<b>Good</b>	<b>25%</b>	<b>21.9%</b>	<b>15.2%</b>	<b>17.9%</b>
<b>Poor</b>	<b>0%</b>	<b>0%</b>	<b>1.1%</b>	<b>0.7%</b>
<b>Unsatisfactory</b>	<b>0%</b>	<b>0%</b>	<b>1.1%</b>	<b>0.7%</b>

### Fairness in Treatment



As the chart clearly shows, customers have a very positive opinion of the fairness of the treatment they receive from the department.

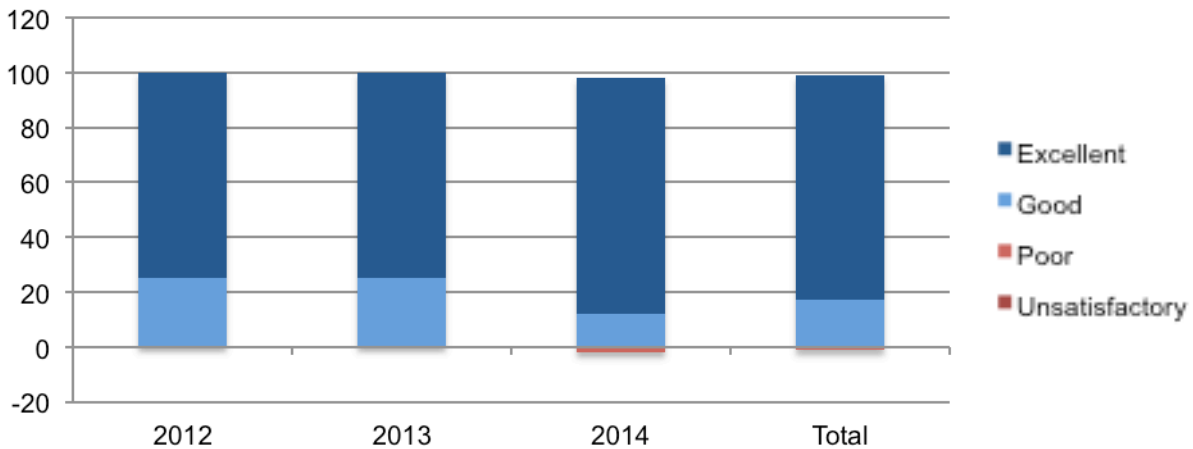
- Two comments were received that mentioned how fair they found the treatment from staff to be. One comment asked why a plan review was required to replace siding, another asked why a building permit was necessary for a water heater, and another complained that staff questioned the applicant’s ability to do the work in their plans properly, but no comments accused staff directly of being unfair.
- For five surveys, this criteria was phrased as a yes/no question, asking whether the applicant felt their had received fair treatment. All five answered “yes”.

#### (6) Questions Answered in an Understandable Manner

The following table and chart provides the ratings provided for this criteria for each year, and shows a three year total.

Percentage of Responses by Year				
	2012	2013	2014	Total
<b>Excellent</b>	<b>75%</b>	<b>75%</b>	<b>85.7%</b>	<b>81.7%</b>
<b>Good</b>	<b>25%</b>	<b>25%</b>	<b>12.2%</b>	<b>17.1%</b>
<b>Poor</b>	<b>0%</b>	<b>0%</b>	<b>2%</b>	<b>1.2%</b>
<b>Unsatisfactory</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>

### Questions Answered in an Understandable Way



The huge percentage of positive ratings in the chart shows that customers clearly have felt that their questions are answered in a way they understand.

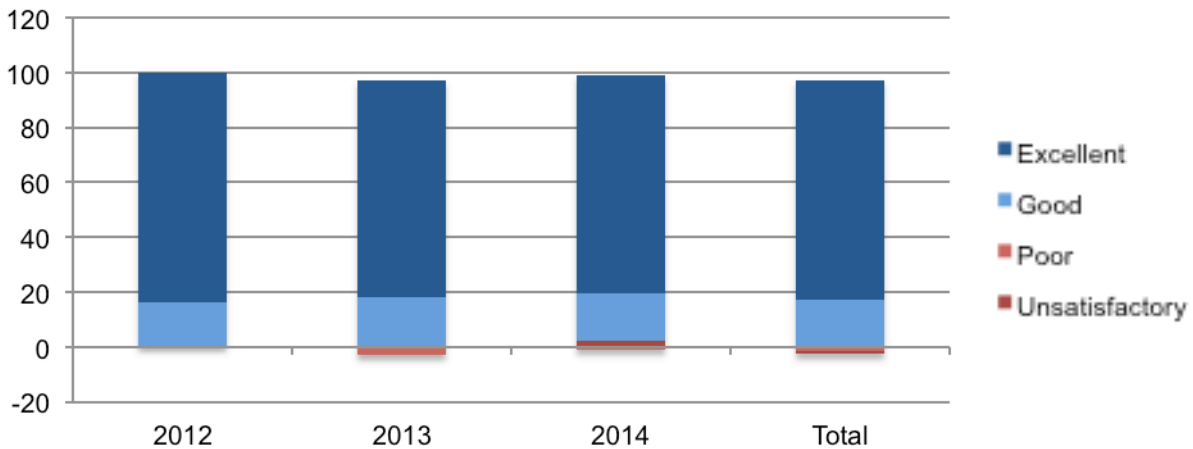
- There were 7 comments received that specifically expressed appreciation for how clearly staff answered questions and explained what applicants needed to know. There were no negative comments on this criteria.
- For five surveys, this criteria was phrased as a yes/no question, asking whether the applicant’s questions were answered in a manner they understood. All five answered “yes”.

#### (7) Overall Impression

The following table and chart provides the ratings provided for this criteria for each year, and shows a three year total.

Percentage of Responses by Year				
	2012	2013	2014	Total
<b>Excellent</b>	<b>84%</b>	<b>78.8%</b>	<b>79.3%</b>	<b>80.1%</b>
<b>Good</b>	<b>16%</b>	<b>18.2%</b>	<b>17.4%</b>	<b>17.2%</b>
<b>Poor</b>	<b>0%</b>	<b>3%</b>	<b>1.1%</b>	<b>1.3%</b>
<b>Unsatisfactory</b>	<b>0%</b>	<b>0%</b>	<b>2.2%</b>	<b>1.3%</b>

### Overall Impression



As evident in the chart above, applicants have an extremely positive overall impression of their experience with the plan review and inspection process.

- Dozens of comments were received praising the department’s staff and processes. Several individuals were commended by name, and multiple comments said that Westminster was the best, or among the best, plan review and inspection processes in the Denver metro area.

The following table contains all comments from customers which were included on the surveys reviewed. They have been recorded as accurately as possible though several hand-written comments were difficult to decipher.

CUSTOMER COMMENTS
4 day week affected the construction schedule, but overall good.
A building permit should not be required when you replace a hot water heater.
A very special thank you! To [illegible] for working with us on a roof inspection.
Always very good!
At the time of submittal you were [illegible] a plan revision. The front desk gal was a little curt. Whoever was taking calls during that time in plan revision was excellent. Think it was the [illegible] dept.
Debe Wixson and David German assisted me on interesting fencing call, and we arrived at a good solution. Both friendly and good listeners. Good call by planning. Always a pleasure.
Bob Wood is awesome!
Can you return to Friday inspections?
Debe Wixson and Pat are extremely helpful and efficient. They are assets to your building department.
Debe Wixson is a pleasure to work with as a company that pulls hundreds of permits annually, it is refreshing to deal with somebody possessing her level of professionalism, knowledge, and integrity. Thank you!
During the downturn we were compelled to do work in many other cities and counties. Westminster compares very well and we were very appreciative of the welcome received on our return.

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Easy and great experience. Thanks!
Electrical Inspector John was very accommodating and really helpful. He went out of his way to help me understand the problems and how to correct them.
Everyone at the counter and in the field has been great to work with.
Everyone from Day 1 of the permit process were very personable and great to work with.
Everyone in the office and in the field are extremely helpful and friendly. Thanks for all of your hard work.
Everyone is very professional and helpful. Thanks to all!
Everyone was extremely knowledgeable and very prompt of service. By far the best customer service I have ever received by any city building. Service was highly appreciated.
Everyone was friendly and very helpful. Overall a pleasant experience.
Everyone was great!
Everyone was very helpful, permit staff and inspectors.
Everything is actually really easy and organized on your website, and office staff is great. My only comment is that when a roof inspection is on hold over I do not always receive a call to be told when going, and checking the website... [illegible] but otherwise you guys are amazing!
Great job!
I appreciate the fact that building division personnel help amateur homeowners undertaking projects as equitably and pragmatically as they do. They appear to be there to HELP, rather than just cite regulations
I look forward to the day we can pull permits online just to avoid the drive.
I needed to register my company with the city and to pull a permit. Staff was polite, efficient, and easy to work with. Thanks for a positive experience!
I phoned a few days after submitting my permit application to receive a status. The gentleman that I spoke to was a bit gruff in stating that the review process would take 4 to 6 weeks unless I paid an expediting fee. This comment makes it sound like the expediting fees are being pushed, rather than using the standard review process.
I was in for a permit to finish our basement and tankless water heater. Mr Paul Banken was nice and explained everything we need to know about permit and inspection. Also your inspector was really professional and doing super good @ final electric and final building plumbing mechanical.
I wish all municipalities were as courteous and efficient.
I wish you were open 5 days a week instead of 4 days.
It is frustrating that it takes a month for a final.
It is taking entirely too long to get final roof inspections! 14-21 days is not acceptable! Please hire additional staff.
It is very easy to work with your department - thanks!
It was a pleasure dealing with you. Thank you for your patience and assistance.
It was enjoyable working with everyone.
It will be great if there are more than just two days (mon and thurs) a week for same day over the counter permit service.
Just thank you all!
Keep up the good work!
One employee "in building was rude and unhelpful, all other staff and inspectors have been great (I will no longer deal with this individual)."
No real complaints, just wish we would be able to get a choice of AM or PM inspectors.
Not sure why plan review to replace siding. Most all other jurisdictions are over-the-counter. No plan review needed.
Nothing specific, have been great.
One of the easiest cities to talk to about permits. Processing is one of the quickest in the Denver Metro. Even if I have questions about jobs in other cities, I seek you guys for guidance.
Our experience was with an electrical permit only and the inspector was easy to reach, flexible with our inspection requests, and very forgiving of our multiple rescheduling requests!
Overall everything was very good.
Paul was a great help along with counter staff. Every time we work here the staff is great.
Permit outrageously expensive - would never pull permit again. To typical of everything in Westminster.

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Staff review - unsatisfactory, questioning the engineering and ability for the owner to self perform the work. Inspectors could not read plans due to the complexity of the project.
Pleasant experience overall.
Reduced work days made the building process challenging/staff was a little unsure of their needs + permitting process.
Rish was very pleasant to work with during our inspections!
Scheduled roof inspection for 4/16/14. It was held over until 5/7/14, over two weeks (actually took 3 weeks) allowed as indicated in your bright green brochure.
So many people tried to help.
Sometimes final roof inspections get scheduled but we are not contacted to set a ladder (if necessary) even though comments for the inspector indicate to contact me for a ladder set. If it is possibly easier to email inspection dates for these situations, that would be fine, as long as we are somehow notified.
Specific inspection times would be helpful, at minimum an AM or PM schedule. Automated scheduling system is time-consuming and doesn't accurately list the inspections needed.
Staff is very professional, took time to answer all my questions. You have a great staff.
Staff knew codes well but processes poorly. A clear breakdown of all reviews, fees, and flow of the complete permit process would be very helpful.
Staff was very polite and helpful.
Thank you
Thanks for all of the help you gave us on our projects.
Thanks so much for allowing the extensions in order to finish our basement. Frank and Diane made it an enjoyable experience. They even cared about our family well-being. They offered many safety suggestions and provided easy-to-understand corrections.
The AM + PM offer gives customers a lot of flexibility in a busy work schedule. You're the only city in the Denver metro area to offer AP or PM and a 1 hour heads up hotline customers can call in the morning.
The digital submittal of a building permit application is great.
The inspection process is horrible and not well thought-out. However, Westminster is the best city I deal with. Thank you for that.
The inspector was very accommodating and helpful.
The inspectors understand the home building business and work well with us to come to "win-win" solutions. Thanks to all!
The lady who helped me when I showed up for the permit was a great help with the forms. Also electrical inspector John was on time and also took time to walk with my apprentice who will be testing soon, so he could get some experience working with inspectors.
The permits I need are for remodels that have 4 basic plans. When expedited the plan review is usually less than a day. Otherwise it takes several weeks. Would it be possible to have a master set of plans approved to cut down on the permit review time and expense for everyone?
The staff at the City Building were exceptionally courteous and helpful in answering all my technical questions and making my project successful.
The staff is always wonderful to deal with. They are knowledgeable and are always ready to help. Thank you!
The staff was very helpful in assisting us with issues and questions.
They are very professional when explaining things. Very clear on details.
They were great, nothing to complain about.
They were very helpful in letting me know that they would be right with me. Very helpful un getting the submittals through the permit process. I appreciate all of their help.
Tom + Paul and office staff were polite, informative, very helpful. It was educational and a very good process. Based on this contact I had a far better understanding of the code process and its importance to the community. I appreciate their help!
Tom Rubottom and Diane Lynch were incredible to work directly with, I felt they had my company and the Musicians Super Store as a priority. It was a pleasure to work with everyone at the Westminster office. I will do more construction in Westminster! Thanks!
Tom Rubottom and the woman at the front counter were so friendly and helpful!

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<p>Truly an outstanding job by your staff. From the counter people through the inspection process. I have worked with most of the county and city departments across the city, Westminster is by far the best. The inspectors took time to explain issues and were extremely polite.</p>
<p>Very helpful.</p>
<p>Very nice experience. The inspectors in the field have been great to work with so far also.</p>
<p>Very satisfied with inspection process and inspectors. Shocked at the cost of the building permit itself.</p>
<p>We are electrical and solar PV contractors and deal with John Fernandez for all of our inspections. John has always treated us fairly and has taken the time to understand each unique situation before rushing to a decision. I can say that Westminster stands with just a few jurisdictions in their desire to offer a great service. For example you have decided to only require just a final inspection noting most projects can save time by just inspecting the final... great job!</p>
<p>We failed to call in mid-roof. Inspectors were understanding and worked with us well to rectify the mix-up.</p>
<p>We had a new water heater, a new AC and furnace and all the inspectors was very professional. Thank you</p>
<p>We have done a lot of work with your building division and have had a great experience each time, thank you!</p>
<p>We have had very informative and professional help from all of you. Thanks for your hard work.</p>
<p>We like the building departments to supply their own ladders for inspection. Thank you.</p>
<p>We would like to install fire rings with key valve operation for outdoor applications Colorado Comfort Prods, Inc.</p>
<p>When it came to professionalism - I have to put Frank Schaul at the top of that list - we have worked together on a couple of projects -for the front desk it has to be - Laura Lynn Artega - good people to work with.</p>
<p>Would have been nice to know ahead of time that I could have avoided renewal fees of my permit if I would have extended my permit.</p>
<p>You have a good man in Frank Schaul - he is very helpful when I call!</p>
<p>Your inspectors were courteous and professional. They made the process timely and thorough.</p>

### **3. STAKEHOLDER INPUT**



### **3. STAKEHOLDER INPUT**

#### **1. OVERVIEW**

The project team reached out to over 50 developers and builders who have done work with the City of Westminster in the recent past. We conducted primarily in-person interviews although phone interviews were conducted with those individuals who were either not local or were not able to meet in person due to scheduling issues.

In these interviews, as is typical of stakeholder feedback, those who have had a neutral or positive experience are less eager to spend time providing input. Those who have had negative experiences, for whatever reason, are much more likely to want to share. In addition, these interviews only show one side of what is often a complex story. Also, although interviewees were asked to share both positive and negative feedback, it is the tendency in these interviews to focus on and identify problems.

With that said, the information provided by applicants was generally consistent in the areas they identified as problematic, as well as in their recommendations for changes that they would like to see to make the City of Westminster better serve the development community, without sacrificing the important goals of an attractive, livable, and environmentally friendly community.

Many of those interviewed have done work in other communities in the Denver area and across the US and were able to point to specific areas where the process in Westminster has room for improvement from their standpoint.

In recommending reforms to the development review process, it is critical to recognize that improvements can be made to the process, organization, and applicant

experience without sacrificing the quality of the end product. Consistently, those interviewed expressed positive views about what are considered “high” standards in Westminster regarding design, construction quality, and the aesthetics of the city. No one interviewed argued that these high standards should be sacrificed.

Below are expectations that a well-run development review process should be strive to achieve:

- **One city:** Applicants should not have to understand or maneuver through the organizational structure of the city in order to do business with the city. The city should speak with a single voice, and input from different departments and agencies should be coordinated centrally so that the applicant does not need to address and resolve conflicts between them.
- **Predictable:** The process should be easy to understand with a predictable outcome where possible. In land use, where final approvals are at the discretion of elected officials, this is not always possible. However, it should be the goal. Two important ways to achieve predictability are to ensure that the first review of every project is comprehensive and to ensure that decisions made and communicated to the client are not changed later assuming that no new information is provided in subsequent submittals that would impact or trigger a new condition.
- **Administrative Approvals:** The use of administrative approvals, rather than approvals by a Planning Commission or City Council, should be a core component of a development review process. While a policy decision can be made regarding the type of activities that should have review beyond the staff level versus delegated to staff, well designed processes that rely more heavily on administrative approvals typically are implemented more consistently, have more predictable timeframes, and reduce uncertainty for applicants as decisions can be made in a timely manner without regard to public meeting schedules.
- **Problem solving:** Staff at all levels should adopt an attitude of problem solving with applicants. Applicants should be seen as customers, not adversaries. If a project encounters a problem, they should be presented with a clear path forward to address that problem. In some cases, this requires being honest with applicants up-front. If they have encountered a problem that is not solvable, or are embarking on a project that is very unlikely to succeed, they should also be told that up-front.

- **Consistent:** Information provided to applicants should be consistent across the life of a project, and rules, regulations, and standards should be applied consistently.
- **Requirements vary based on Project Size:** Small projects and small issues should be able to be resolved at a low level, relatively quickly.

Ensuring that each of these areas are continually focused on by the City of Westminster will ensure a comprehensive and customer oriented process.

## **2. CUSTOMER FEEDBACK ON THE CITY OF WESTMINSTER'S PROCESS.**

During the interviews, the consultants took detailed notes on every interview and assured participants that the information they shared would be held confidential and only shared in a summary format that would not identify individuals or specific projects. The findings from our interviews have been grouped into categories for this summary: (1) process, organization and management, (2) customer service, tools, (3) technology and facilities, and (4) regulations and standards. This grouping serves several purposes: it emphasizes where there were repeated comments on a single issue and it prevents readers from focusing on specific interviews or trying to identify who the source of a specific complaint.

Below are summary comments from interviews. As noted above, we recognize that every story has at least two sides but these represent the feelings expressed by and as such represent the perception of the stakeholders regarding the development process in Westminster. For purposes of providing insight into the comparative value of individual comments, we have indicated an approximation of the frequency with which each issue was raised during the interviews by parenthetical notations after the comment summary to provide additional context regarding the interview discussions and topics raised. We have used the following scale to denote this: High (if raised by

more than 20 of the participants), Moderate (if discussed or addressed by ten to nineteen of the interviewees) and Low (if addressed by less than ten individuals). It is important not to assume that an issue is more or less important solely based upon the number of times that it was referenced, in some cases issues raised during only a couple of interviews are as or more important than issues that were noted during many interviews.

Following the summary of the issues raised in each category, we have proposed recommendations that could be implemented to address the major concerns expressed by stakeholders.

**A. Strengths currently existing within the City of Westminster.**

We asked each participant to identify existing strengths of the development review staff and processes at the City of Westminster. The following are the more commonly referenced strengths.

- Service levels provided by Building Division are good. (high frequency).
- Staff within the Planning Division have high dedication to their jobs and attempt to do the 'right thing'. (high frequency).
- The extensive use of administrative approvals is a strong positive for Westminster. The fact that most applications do not require either Planning Commission or City Council approval is a positive feature not utilized in most other communities. (moderate frequency).
- Service provided by Engineering and Utilities is strong and beneficial. (high frequency).
- Staff wants to do the appropriate thing in processing applications. (moderate frequency).
- Landscaping and engineering staff are responsive to requests for information. (high frequency).

- The City has achieved a high quality of development over time. There is extensive institutional knowledge that benefits the community. (high frequency).
- The building department provides a high level of service and responsiveness to customers. (high frequency)
- Fire department has been positive to work with. (moderate frequency).

These strengths are important to note as they provide a strong foundation for future improvements.

## **B. Process.**

When asked specifically about the process in Westminster and how well it met their needs and compared to other jurisdictions, the following comments were received:

- Pre-application process should be improved to enable applicants to get clearer feedback on conceptual plans and identify potential issues with a particular development early in the process. This issue most typically relates to projects where deviation from standard guidelines are being requested. (Moderate frequency)
- Additional educational materials and information should be provided early in the process to eliminate “surprises” by ensuring all applicants are fully aware of costs, requirements and steps involved in the process. (Moderate frequency)
- Requirements imposed to achieve approval sometimes appear arbitrary to applicants who are seeking modifications to the established guidelines. (Low Frequency).
- A stronger focus on the needs of small businesses is needed in order to facilitate their ability to develop within Westminster. (Moderate frequency)
- New comments are sometimes identified during second or third technical review that should have been identified during the initial review. (Low Frequency).
- The ability to get feedback on a conceptual plan without fully developed plans should be implemented to enable an applicant to determine whether to move forward without great investments of time and expense. (Moderate Frequency).
- Timeframes for initial comments is too long. A quicker turn around on staff comments, especially on smaller or less complex projects would greatly improve the process. (Moderate frequency).

- Staff appear not concerned about impact of a one to two week delay in providing comments to applicants. (Moderate frequency).
- Greater predictability in the process is needed in order to offset the impact of higher development standards. (Moderate Frequency)
- Greater input is needed in preliminary meetings from all disciplines involved in review to ensure applicants have a complete understanding of the development requirements. (Low Frequency)
- Submittal requirements are more extensive than in some other jurisdictions making it difficult to determine if a project is feasible without committing extensive time and expense to submit. (Moderate Frequency).
- More timely decisions need to be made by Planning staff to overcome perception that decisions aren't being made timely. Greater communication regarding the review process and timing of a decision would assist in addressing this concern. (Moderate Frequency)
- Timeframe for processing minor tenant improvements, especially Planning approvals, are too long and the process too cumbersome. An expedited review process should be implemented for these types of changes. (Low Frequency).

The following are key improvement opportunities that would address the most critical issues identified by stakeholders.

**Recommendation:** The City should modify the pre-application process to provide greater clarity on the standards required for approval and the types of deviations from standards that have achieved approval in the past. Handouts and checklists should be provided to applicants at this phase of the process.

**Recommendation:** A summary development guide outlining the City of Westminster's process, standards, and review timeframes should be developed and made widely available (in the office and online).

**Recommendation:** The City should develop a guide focused specifically on the needs of small businesses to ensure an understanding of the process (outlining process, approvals needed, timeframes, etc.). This guide, which will be similar to the prior recommendation, should focus specifically on the needs of small businesses who often have a greater need for assistance than larger developers. This guide should be a joint effort of the Department of Community Development and the Economic Development Office.

**Recommendation:** The City should modify the review timeframes to provide shorter review timeframes for conceptual reviews and resubmittals.

**Recommendation: The City should reduce the review timeframe for minor changes to ODPs.**

**C. Organization and Management.**

We also explored with the participants their views on the organization and management of the development review process. The following are selected comments that represent the views expressed by the Stakeholders.

- There is a strong perception of staff indecision or reluctance to make decision. While many of these concerns were from applicants who conducted business with the City prior to changes in the administrative approvals that can be handled by staff planners, the perception exists. (High Frequency)
- More transparency and conformance to established timeframes within the Planning Division is needed in order to provide greater predictability in the process. (Moderate Frequency)
- Economic Development and Planning are at odds with one another. Adversarial relationship that places applicants in a difficult position. (Low Frequency)
- Workloads appear to exceed staffing allocations. This impacts the ability for staff to timely respond to requests for information or make determinations on applications. (Moderate Frequency)
- A clearer process to get to a final decision point should be implemented. It should be clear who has final authority to make the decision – staff planner, Planning Manager, or Director so that applicants know where to turn for assistance. (Moderate Frequency)
- Too many applicants are by-passing staff and taking issues directly to City Council members. This impacts application processes by politicizing the process and requiring staff time to respond to inquiries from elected officials. (Low Frequency).

The following are key improvement opportunities that would address the most critical issues identified by stakeholders.

**Recommendation: The City should prominently outline in the development guide, in application materials, and on the website the types of administrative reviews and approvals that can be made at the staff Planner level to address the perception issue that exists regarding decision-making.**

**Recommendation:** All review timeframes should be included in development manuals, application materials, and prominently displayed on the website. A monthly report showing performance against the adopted timeframes should be distributed to communicate staff performance against the adopted review standards.

**Recommendation:** Continued efforts should be undertaken to ensure that staff involved in development review and staff conducting economic development are in alignment with the process and timeframes adopted by the City. It is critical that the City be seen as consistent across departments.

**Recommendation:** Economic Development staff should work with Community Development staff to develop an “expedited review” process for projects that meet pre-defined criteria for investment, job creation, etc. Clear timeframes for review should be included within this policy.

**Recommendation:** A position of Development Review Coordinator should be considered to provide an individual focused on serving as the ombudsperson for applicants when issues arise regarding responsiveness of review staff, conflicting review comments issued by staff, or other issues related to an application. Applicants should be directed to this individual when questions arise. This position should also serve as a coordinating point for all development review applications to ensure staff are meeting review timeframes and to adjust work assignments as needed.

#### **D. Customer Service**

Another area explored with the stakeholders was the level of customer service provided by staff during the process.

- Staff should be better trained on how to communicate with applicants – especially when it involves denials or requiring additional changes to gain approval so that it is done in a positive, professional and constructive manner and is consistent across all staff. (Moderate Frequency).
- The processes for having pre-application or conceptual discussions should be consistently applied and publicized so that all applicants understand the process and it is applied consistently by all staff. (Low Frequency)
- Staff should ensure they are communicating a willingness to discuss and assist developers in achieving compliance and gaining approval. (Moderate Frequency).
- Accessibility and responsiveness of Planning staff needs to be improved to eliminate the negative perception that currently exists. Greater focus on timely



responses to emails and phone calls should be a high priority. (Moderate Frequency)

The following are key improvement opportunities that would address the most critical issues identified by stakeholders.

**Recommendation: A customer service commitment and philosophy should be implemented for all development review staff that places a high priority on clear, timely, and constructive interactions with applicants. Training should be provided to all staff involved in the development review process to ensure consistency across all departments.**

**Recommendation: A standard should be established for timely responses to all voicemails and emails to increase service provided to applicants.**

#### **E. Tools, Technology, and Logistics**

This grouping focused on issues raised by stakeholders regarding the tools and technology used to perform their job, as well as issues regarding logistical issues such as hours of operations.

- Accessibility to staff is problematic and the four day work week contributes to this problem. A frequently commented issue surrounding inaccessibility to building inspections on Friday. Despite the City implementing a program to provide Friday building inspections, a high percentage of customers are not aware of this service. (High Frequency)
- Limiting planning intake to only a few hours per week is inconvenient for applicants and their schedule. (High Frequency).
- The City is behind on technology and should implement the ability to submit applications and plans electronically (at least for some applications). (Moderate Frequency)

The following are key improvement opportunities that would address the most critical issues identified by stakeholders.

**Recommendation: Consideration should be given for each development review staff member to have dedicated hours allocated for customer access – either via phone or in-person meetings to discuss applications. While this would not limit public access during other hours, it would provide a set schedule where staff do**

not schedule meetings and are available to meet with applicants without a scheduled meeting.

**Recommendation:** The City should highly publicize the availability of Friday building inspections to address the perception of this service being unavailable.

**Recommendation:** The City should increase the hours for submittal of applications. This can be accomplished either through an expansion of the hours to more than four per week, or assignment of a “Planner of the Day” who is responsible for all completeness reviews and intake of plans on the assigned day.

**Recommendation:** Longer-term, the City should implement a single development review software that encompasses the entire development review process and not only the building permitting function. This software will address many concerns identified and provide much greater functionality to both staff and applicants including: electronic plan submittal by applicants, electronic plan review by staff, simpler and more timely compilation of development review comments by all reviews, ability for applicants to review status of applications and review specific staff comments online.

## **F. Regulations and Standards**

This subsection focused on comments and issues raised by the stakeholders regarding the regulations and standards required by the City of Westminster which has established guidelines for development. These guidelines provide direction to developers – if all guidelines are complied with – approvals are granted. Where deviations from the guidelines are requested, the PUD process provides the ability to develop alternatives for consideration and approval. If no guidelines were provided, the process would be more difficult for applicants.

- Greater public education materials and descriptive information should be made available to applicants to explain application requirements and development guidelines and standards. There is a lot of frustration with not understanding the requirements early in the process. (High frequency)
- Threshold for ODP amendment is too low and the process to gain review and approval takes too long. (Low Frequency)
- Sign code appears too complex. It should be simplified. (Low Frequency)

- The standards for the most part are not a problem but rather the perceived inconsistent application of the standards that causes frustration. (Low Frequency)
- Parking requirements are archaic and should be modified. (Low Frequency)
- Comments we receive are not based on code or guidelines but appear to be arbitrary by the reviewers. (Low Frequency).
- Requirement for sprinkler systems in houses is very costly and placed Westminster at a competitive disadvantage to other jurisdictions. (Low Frequency)

The following are key improvement opportunities that would address the most critical issues identified by stakeholders.

**Recommendation: As previously recommended, increased educational materials including a development manual should be developed and provided to applicants.**

**Recommendation: The City should undertake an internal review of the sign requirements to determine if modifications are warranted.**

**Recommendation: All plan review comments issued by staff should reference the code, city requirement, or policy that it relates to in order to provide further direction and guidance to applicants on the basis of the comment.**

#### **G. Models for Westminster.**

We also asked each participant to identify processes utilized by other communities where they felt their experience was more favorable and where the City of Westminster may benefit from employing approaches utilized by other communities.

Representative responses included:

- Model to follow would be Scottsdale – beautiful city, high standards, but they bend over backwards for you. They are facilitators.
- Good model: Aurora. They have a pre application process that allows you to determine basic viability without wasting a lot of money.
- Aurora

- Douglas County
- Model cities: Denver. Everyone should have their website.
- Boulder: easy access to any specialist you need, when you need it. Quick answers.
- Model city: Denver is excellent. Very predictable. Excellent feedback. “You know what the rules are and you go in and pull a permit.”
- Look at Aurora model. Solid commitments are made by staff and followed through on during the process.

#### **H. Desired Changes.**

At the conclusion of interviews, applicants were asked to state what changes they would most like to see in Westminster. Many pointed to the need for a “culture change” that they acknowledged is a difficult thing to measure or determine when it has been accomplished. However, the following specifics improvement opportunities were also noted.

- Interpretations or initial comments / feedback that don’t change during the process for unknown reasons. (Moderate frequency)
- Treat us like customers, not adversaries. (Moderate Frequency)
- A “real” pre application process with all decision-makers there. (Moderate Frequency).
- Guaranteed time frame for all comments, with comments from all departments. (High Frequency).
- Comments should be comprehensive. At resubmittal, they should not come up with new comments that they should have identified before. (Moderate Frequency).
- Clear rules, guidelines and application. (Moderate Frequency)
- Good clear and timely communications. (Moderate Frequency)
- Fair dealing: honesty. (Low Frequency)

The following section outlines some key issues raised by the stakeholders for consideration of ways to improve the process.

### **3. SUGGESTED RECOMMENDATIONS FOR IMPROVEMENT.**

The results of the interview point to a number of serious but not impossible to address issues, particularly in the planning area. If the feedback is taken at face value, they indicate an issue related to culture and management, where some lower-level staff may feel unable to make decisions that will move projects forward and many issues are decided on a case-by-case basis, which is time-consuming for the entire department. If it becomes easier to get decisions made, and if minor issues and projects could be addressed with simpler processes and stronger decision-making at lower levels in the organization, some of the problems with the department's workload could be addressed.

Culture and management issues are not resolved overnight, but there are specific changes that can be implemented immediately that DO begin the culture change that appears necessary in Westminster. In particular, the agency needs to review and analyze its own processes and create accountability around responsiveness, timeliness, and decision-making.

Below are initial recommendations based on the stakeholder input.

- Create a streamlined review process for minor changes (e.g., windows, doors, roofing, paint color, landscaping, etc.) associated with a typical Tenant Improvement. These should be subject to a 1-2 day maximum review process instead of a 4-6 week process. Planners should be empowered to sign off on these without approval from the division director.
- Current Building Division software should be expanded to planning and expanded to allow for electronic submittals and on-line review of projects by all agencies. All review agencies should enter comments on ODP, PDP, and other planning projects into the software so that these can be seen on-line by applicants.

- Planning should enhance the current reporting for processing applications to provide a clearer picture of turnaround times for review of projects and their conformance to the established procedures. Transition to true permitting software should help with this process.
- Revise all staff job descriptions and evaluations to include a focus on customer service and problem solving skills. Provide training to staff on balancing the role of being a regulator and a facilitator responsible for customer service.
- Provide employees at all levels with training and messaging around how to communicate, especially communicating negative messages.
- Review development standards to ensure that they are clear and consistent. Applicants should not be required to do anything beyond what is in the current standards.
- Create strict requirements regarding time frame for returned phone calls and e-mails. Planning staff should check in with all clients related to projects on their desk at least weekly.
- Parking and signage requirements should be reviewed (It should be noted that the City is undertaking a review of the parking requirements). The city should develop a clear, fast, predictable variance process for parking and signage to look at special cases where the standards do not apply.
- Over time, staff need increasing empowerment to make decisions. Decisions should not be overruled by supervisors unless there are serious life-safety or other issues involved. Very low level decisions should be left to planners without fear of over-ruling.
- Provide applicants with a clear pathway to appeal decisions if those decisions appear inconsistent with design guidelines and city requirements.
- Create a “true” pre-application process where all parties are at the table and can provide initial feedback regarding the feasibility of a project.
- If staff believe a project is not feasible or is “not going to fly” they should be empowered to communicate this to the applicant early, instead of having the applicant waste weeks or months and thousands of dollars pursuing something that staff “know” is not going to happen.
- While ensuring that the fundamental look, feel, and attractiveness of the city is not compromised, design guidelines should be examined and assessed on a cost/benefit basis to ensure that the city is not losing business by forcing uneconomic construction.

- Set and enforce basic customer service standards, to include a 24 hour response to all telephone calls and weekly updates to applicants with ongoing projects.
- Applicant should be given all costs associated with a project up-front: water tap fees, public art fees, land dedication fees, etc.
- When a project is reviewed, the review should be comprehensive. New comments should not come up in subsequent reviews unless these are related to new information provided by the client or arise from changes made by the client. Any time that new review items are added or a decision is changed should be flagged for an assessment.
- Survey all land use applicants at the conclusion of a process with 5 simple questions. Survey results should be viewable by city manager and council. These questions would include:
  - 1) I was clearly informed of the requirements for this project at the beginning.
  - 2) Staff kept me informed of the status of my project throughout the process
  - 3) Staff's approach was "here's how we can move forward" with this project, not "you can't do that."
  - 4) I received clear, consistent, and helpful feedback from staff throughout the project.
  - 5) Staff did not require me to do anything beyond what is in current rules, regulations, and standards.

## **4. COMPARATIVE SURVEY ANALYSIS**



## **4. COMPARATIVE SURVEY ANALYSIS**

### **1. OVERVIEW**

The City of Westminster asked Matrix Consulting Group to prepare an inventory of development review and permitting processes used by six peer communities: Arvada, Aurora, Broomfield, Lakewood, Louisville, and Thornton. The consultants reviewed documentation regarding the development review and permitting processes for each jurisdiction, including customer information manuals and data available on the agencies' web sites. In addition, we conducted interviews with staff at each of the jurisdictions. The goal was to identify areas where Westminster may be more or less customer friendly than other jurisdictions as well as to identify practices that Westminster could emulate in order to improve operations.

All of the peer communities shared basic similarities to Westminster in terms of the intake, review and approval process for land use and building permits. In particular, in all cases, land use approvals are managed by planning, which serves as a "project manager" to coordinate and manage input from multiple agencies and to shepherd a project through to conclusion. However, there were differences in a number of practices that could provide a model in Westminster. The following sections focus on peer practices in the following areas.

- Pre-development process for applicants contemplating a project and in the early decision-making stage.
- Development review process, in particular related to deadlines established for planning and other agencies as well as for the applicant, as well as how comments from different agencies are reconciled.

- Thresholds and review processes for smaller projects or small changes to larger projects.
- Process for reviewing and approving building permits where there is a change of use, exterior change, or other land use issue.
- Availability to customers, both in terms of office hours and technology

## **2. OVERVIEW OF THE WESTMINSTER DEVELOPMENT REVIEW PROCESS.**

The City of Westminster utilizes a mandatory Planned Unit Development (PUD) zoning system, which is atypical of most communities in the region. The PUD process allows a developer to propose modifications to any of the standards in the municipal code for consideration by staff. A PUD allows a developer to start with the minimum standards established within the City's design guidelines adopted by the City Council for negotiation of a development proposal. This approach to zoning facilitates the ability for developers to put forward creative design, but often requires a substantive amount of negotiation between the developer and the City. A major benefit of this approach is that there is flexibility within all the standards – the City can approve deviations based upon the overall design and suitability of the entire project.

PUD zoning is a two step process, first the Preliminary Development Plan (PDP) and second the Official Development Plan (ODP). The PUD is not fully implemented and no building permits can be issued until both documents are approved. The PDP approves land uses and sets out general roadway alignments on a large parcel of land. The ODP approves a specific development within that PDP. The ODP includes a site plan, landscape plan, lighting plan, and architectural approvals.

The development review process begins when an applicant approaches City staff about a possible development. This usually occurs with a pre-application meeting,

which is encouraged by staff but not mandatory. Planning staff generally coordinates the meeting and may invite representatives from other divisions including Engineering, Fire, Public Works, and Economic Development, if applicable, to attend. This meeting is typically short in duration, and focused on providing the applicant with the needed information to proceed to preparation for a formal application submittal. The pre-application meeting is intended to be conceptual in nature and helps the prospective applicant understand what the opportunities and challenges are for development, as well as timelines for review.

The City utilizes a “one-stop-shop” system where an application is submitted to the Planning Division within the Department of Community Development. A Project Planner will be assigned to the project and is responsible for coordination among members of the City’s Development Review Team. This team includes the divisions of the Community Development Department and representatives from the Fire Department, Police Department, Parks and Recreation Division, Public Works and the Utilities Department. Outside agencies, including the Colorado Department of Transportation (CDOT), Xcel, Century Link, Regional Transportation District (RTD), Urban Drainage and Flood Control District (UDFCD), Comcast, ditch companies, and others are referred plans throughout the review process as appropriate.

Formal development applications are accepted in the Community Development Department Tuesdays and Wednesdays from 3 p.m. to 5 p.m. This provides an opportunity for staff to review proposals for completeness and ensure that an application will not be delayed during development review due to the omission of pertinent materials or information.

The first step of the formal development review process involves the submittal of a Concept Review application. The main reason for a concept-level review is to determine if the basic premise of the development is acceptable. During the first Concept Review, City staff will begin to evaluate the issues which may impact a project most significantly, and will help provide direction to an applicant for the technical submittal phase. The City will identify key issues and provide feedback to the applicant via written comments. Generally, there are two concept submittals made before an applicant moves into the technical review phase.

Once the Conceptual Plan has been reviewed and comments have been addressed by the applicant, the applicant will proceed to the Technical Review. The Technical Review typically consists of two review and comment cycles and is specifically designed to study the technical details of a project. Site plans are dimensioned completely for verification of compliance with the City standards relating to setbacks, building height, parking, landscape, etc. If modifications are proposed as part of the PUD process, explanations from the applicant are provided and the staff then evaluate those proposals to determine whether to approve or require changes. This is also the stage at which the City reviews detailed water, wastewater, storm water, grading, parking, traffic and similar analyses.

Neighborhood contact is required between the Concept and Technical submittals. The City of Westminster places a high priority on contact with adjacent property owners and existing neighborhoods that could be affected by a new development proposal. As part of the development review process, the City of

Westminster requires that the applicants representing new projects contact the surrounding neighborhoods regarding their proposed developments.

The general timeframes for the City's review process, from the first formal development application submittal to the approval by the Planning Commission and/or City Council is 7 to 10 months. This timeline varies greatly based on the applicant and the time their design team requires to address City comments. The published timeframes for review are as follows: 1st concept and 1st technical review are 6 week reviews, and 2nd concept and 2nd technical (to the extent they are needed) are 4 week reviews. During the process, staff makes themselves available to answer any questions about what the comments mean, or how to navigate quicker through the entitlement process.

### **3. SUMMARY OF MAJOR FINDINGS AND RECOMMENDATIONS**

The following table summarizes key observations and findings from the review of development review processes utilized by other communities. These are summaries of their processes and, where applicable, potential recommendations for improvement that could be implemented by the City of Westminster to improve the existing process. It is important to keep in mind that the PUD process, as outlined above, is a major difference between Westminster and these other communities but one that is neither "right" nor "wrong". On balance, the PUD process should provide a greater level of flexibility and result in a higher-level of development when administered consistently. There are however, improvement opportunities in the process that have been identified that can make it more effective for the City. Overall, we would indicate that the City should focus on some incremental changes rather than a wholesale revamping of the process.

Finding	Recommendation
<b>PRE-DEVELOPMENT PROCESS</b>	
<p>All jurisdictions interviewed had a defined pre-development process that included engineering, fire, planning, building, and other agencies as needed. This process allows the applicant to obtain broad feedback on the feasibility and outlines of a project before undertaking the expensive and time-consuming process of preparing a formal submittal. A number of jurisdictions provide written guidance from the agencies that can be used in the design of a project.</p> <p>In contrast, Westminster’s pre-development conferences are less formal, not always required (or available) and often do not include engineering or other outside agencies whose input may have a major impact on the project. Applicants instead must submit a formal application before obtaining feedback.</p>	<p>Westminster should develop a formal pre-development process and this process should include staff from engineering, utilities, fire, and other jurisdictions as needed. At the pre-development phase, the applicants should be able to obtain general feedback on the feasibility of a project and guidance regarding major issues (detention, traffic, lot coverage, etc.) that may arise during review. The minimum information required at pre-development should be no more than a site plan.</p>
<b>DEVELOPMENT REVIEW PROCESS</b>	
<p>While some jurisdictions do have separate conceptual and technical review phases, Westminster appears to take this approach for often than others. In Westminster each review requires an anticipated 10 weeks of staff time, resulting in a total of 20 weeks of staff time (and at least 3 revisions by the applicant) before a project can be approved to go to Planning Commission.</p> <p>Jurisdictions interviewed had a target of 1-2 resubmittals for the entire process. In most cases, outside reviewers (utilities, engineering, fire, traffic) are given 3 weeks to review and return comments to planning, and planning has an additional week to compile comments for the applicant.</p> <p>Many communities also have deadlines for re-submittal from the applicant (typically 2 weeks). This allows the jurisdiction to give the applicant an anticipated Planning Commission date at the time of submission.</p> <p>Several communities said that the turnaround targets were strictly adhered to and enforced.</p>	<p>With a more robust pre-development process, Westminster should be able to streamline the review process to a maximum of 3 reviews including both conceptual and technical review. To be consistent with other communities, the city should seek to provide initial comments back to the applicant within 4 weeks. Comments on re-submittals should be provided within 3 weeks.</p> <p>Applicants should be given deadlines by which to revise documents, with a commitment that if these deadlines are met the project will have a set Planning Commission date.</p>

Finding	Recommendation
<b>PROCESS FOR SMALLER CHANGES</b>	
<p>While the approaches varied considerably, most jurisdictions had identified mechanisms to streamline the review and approval process for smaller or more minor ODP amendments (or the equivalent based on their code) or other minor changes to a project.</p> <p>According to feedback from staff and applicants, Westminster requires an ODP amendment most exterior changes to a building, and the process will often take 4-6 weeks. There is a category for “minor administrative amendment” and “minor administrative amendment” in Westminster’s fee schedule but it is unclear how frequently this is used or how quickly these amendments can be issued.</p>	<p>Westminster may want to expand the number of projects eligible for a streamlined process and target 1-2 weeks for approval of these.</p>
<b>BUILDING PERMIT SIGN-OFFS</b>	
<p>Westminster and the other jurisdictions in this study have a planning review process for commercial building permits to ensure that there is no change of use or other change that affects previously permitted activity.</p> <p>This review is typically completed in 1-2 days in other jurisdictions. Westminster did not provide data on the time-line for planning sign-off on building permits. Some building staff indicated that the process can take much longer if there is any uncertainty regarding an issue.</p> <p>In most other jurisdictions, planning staff will administratively “sign off” on minor exterior changes, landscaping, dumpster locations, window/door relocations, HVAC relocation, and even minor additions without requiring an ODP amendment (or its equivalent) if the plans are in compliance with zoning regulations and guidelines.</p>	<p>Very minor changes to a building exterior should be approved by planning either over the counter (same day) or within 1-2 days.</p> <p>Westminster should explore ways to increase flexibility in the code to streamline the approval process (including the complexity of submittals, etc.) for smaller changes to projects. Examples of other jurisdictions’ approaches are provided in the following sections.</p> <p>Westminster should establish and enforce strict time-lines for planning review of building permit applications to improve predictability in the building permit review process.</p>
<b>TECHNOLOGY AND OFFICE AVAILABILITY</b>	
<p>Of the comparable jurisdictions, all but one accept new applications at any time, with no appointment. In contrast, Westminster accepts them only two days a week for two hours a day.</p> <p>Louisville will accept applications at any time, but typically all are submitted on the 1<sup>st</sup> Thursday of</p>	<p>The City should significantly expand the hours during which projects can be submitted, along with making a commitment that projects accepted on a given day will be complete by a set deadline.</p> <p>The City should move towards a true electronic permit tracking system that will allow for greater</p>

Finding	Recommendation
<p>the month. This is because the application process is tied to the Planning Commission calendar. Applications submitted by this date were guaranteed to follow a specific calendar in terms of review, re-review, and placement on the Planning Commission's agenda.</p> <p>In terms of technology, two jurisdictions are fully automated, allowing on-line submittals and allowing applicants to track the status of their approvals and look up comments on-line. Two are in a transition phase, with either an automated tracking system (internal only) or electronic submittals but no tracking of comments. Those with limited technology indicated plans or a desire to move towards automated submittals, electronic plan review, and on-line availability of comments for applicants.</p>	<p>accountability, transparency, and customer service.</p>

#### **4. PRE-DEVELOPMENT PROCESS**

While the specific approach varies considerably, all of the surveyed jurisdictions used a pre-development process to provide initial guidance to applicants regarding the direction of a process. These processes typically require only a site plan from the applicant and are attended by all agencies who might have substantive feedback and input into the project. In some cases, an established team meets on a regular basis to conduct pre-development review, with or without the applicant. In others, a meeting is called when a specific project is identified. While most provide only verbal feedback at the end of a predevelopment meeting, generally best practices would be for the results of the meeting to be summarized in a memorandum and provided to the applicant. Only one jurisdiction charges for pre-development review. Charging for such review is one way to ensure that the applicant is serious about a project and also can help compensate for the time involved. However, it is not a necessity.



### **Arvada**

Predevelopment conference is required by code, although not always applied for minor projects. The process is relatively informal. There is no cost. Pre-development conferences are once per week and attended by the applicant, engineering, traffic, and fire. If necessary, other agencies are included. The goal is to guide the applicant on a “go/no go” in terms of whether a project is feasible and what the major road blocks would be. There is no paper written feedback provided although they sometimes provide follow up answers via e-mail.

### **Aurora**

Aurora encourages but does not require pre-application meetings. In practice, most applicants take advantage of this for projects that involve review by multiple agencies, where there may be complex planning issues involved, or where additional feedback from the City would be helpful before the customer incurs costs associated with more detailed design development. There is no cost for the meeting, and the only information that the applicant is required to provide is a single site plan. The applicant attends and provides one sheet showing building footprint, access, parking, and other major elements. A planner attends along with engineering, utilities, fire, and any other agencies that may have comments, such as water, fire, real property, public art, and neighborhood liaisons. Applicant is given detailed notes from the meeting from all agencies. The goal is to address both the basic feasibility of the project and to identify potential issues up-front.

### **Broomfield**

Pre-application meeting is not required but is highly encouraged. Participation depends on the scope of the project. There is always a planner involved. In addition, engineering, traffic, site or civil engineer may attend. If the project may involve public land dedication then appropriate staff attend pre-application.

### **Lakewood**

Lakewood has a more elaborate two week pre-planning process. Planning staff meet with the applicants to determine whether a land use approval is required. If so, the applicant submits a scaled drawing of the site as well as a statement of work (a few paragraphs summarizing the project, use, etc.) The project is assigned a project manager from planning. The project is then reviewed at a weekly Development Assistance Team meeting, which includes every department involved in the Development Review process. The applicant obtains detailed feedback from the meeting. Lakewood believes this process works well as it allows the applicant to determine basic feasibility of a project and identify major issues before significant funds are expended.

### **Louisville**

The pre-application process is required for all land use applications. The applicant provides a site plan. All major review agencies attend a pre-application meeting with the applicant. This includes planning, engineering, public works, building, and others as needed. There is no charge for the meeting. In most cases, only a site plan is required, but if the applicant is concerned about specific issues (erosion, traffic, detention) they may bring more detailed drawings to address these issues.

### **Thornton**

Thornton has a pre-development meeting with applicants and all agencies involved in development review, including fire, planning, economic development, and engineering. Depending on the nature of the project, the building department may also attend. If it is of high interest or sensitivity, department directors or the city manager may also attend. There is no charge for the meetings and typically all that the applicant provides is a 1-2 page site plan. At the conclusion of the meeting, the city provides the applicant with an issue letter identifying major items to consider related to the project.

**RECOMMENDATION: Create a robust pre-development process for Westminster. A development team involving all major decision-making agencies (typically at the planner/reviewer level) should have a standing meeting for pre-development review. The applicant should be invited to attend. The minimum submittal requirement for predevelopment should be limited to the minimal detail needed to provide preliminary feedback on the feasibility of the development.**

## **5. DEVELOPMENT REVIEW PROCESS**

Most jurisdictions have a process that is roughly similar to that used in Westminster. One exception is that the Development Review Committee in Westminster tends to have much higher-level involvement (city manager, department directors) than similar committees in other communities. Compared to Westminster, the time-lines for review appear shorter and there are fewer resubmissions expected.

### Arvada

Planning acts as project manager. Plans are referred out to agencies, which are given 3 weeks to provide comments. The first round of reviews is completed with a 4 week turnaround time. Applicants are provided comments in writing but may request a meeting if needed.

### Aurora

Both administrative and Council process are governed by strict deadlines on both the City and Applicant's part. They have a separate department called Development Assistance that operates within the City Manager's office for the purpose of facilitating development and clarifying the process.

At the time of submittal, the applicant and City agree to specific deadlines and the applicant is given an expected approval date based on these deadlines. Development Applications are routed to other agencies (including Aurora Water, Neighborhood Services Department, Parks Recreation & Open Space (PROS) Department and Public Works Department. Comments are collected by a case manager in the Planning and Development Services Office and conveyed to the applicant in writing. The City commits to collecting and consolidating comments within 15 to 20 days of submittal for both the initial and each subsequent review.

### Broomfield

Broomfield has a "management review team" that has a weekly meeting to go over plans under review. (The same group is used for pre-application review.) Their timeline is a maximum of 30 days from submission to the first set of comments back to the applicant.

For complex projects such as major subdivisions that involve both planning and engineering issues an applicant can opt for a concurrent or sequential review. Under concurrent review the platting and land development approvals are sought simultaneously. Westminster also allows a similar approach.

Major projects, such as a new Planned Unit Development, may include a two (2) month conceptual review process, which culminates with a meeting before city council to get a sense of the project and obtain preliminary feedback.

#### Lakewood

Once a formal submittal comes in, the planning office manages the project as case managers. Plans are referred out to the reviewing entities, with a 3 week deadline, although sometimes agencies request and obtain extensions. For initial review, the process takes about 6 weeks. Resubmittals are generally about 3 weeks. The number of resubmittals is dependent on the applicants addressing all identified concerns.

#### Louisville

A full comprehensive plan amendment, PUD, or re-zone is typically a 4 month process. At the beginning of the process there are deadlines established for planning, other agencies, and the applicant. Outside agencies are given three weeks, with 6 weeks total review time for the initial submittal. The applicant is given 2 weeks to comply with comments.

#### Thornton

At the time of submission, a development review schedule is established that clearly defines deadlines for both the city and the applicant. Thornton's expectation for major projects is to have comments back to the client in under 3 weeks, with a second review in 2 weeks. In addition, they have a maximum of three reviews unless major changes are made during the course of the project.

**RECOMMENDATION: Establish a target of four weeks for staff review and one week for compilation and distribution of comments to the applicant. Progress**

**towards these targets should be tracked carefully and reports on performance widely disseminated.**

## **6. Streamlined Processes for Smaller Projects**

The significant differences in codes, application types, and zoning regulations in the different jurisdictions makes it difficult to apply some of the approaches taken in other cities to Westminster. That said, all cities involved had undertaken reforms to create streamlined or simplified processes for “minor” projects. Often the threshold for defining a project as minor was vague or depended greatly on the circumstances of specific cases, but all cities reported having some form of streamlining. (Note that Westminster, too, has streamlined processes for administrative and minor administrative approvals.)

### Arvada

Based on the interview, the city has a “fairly high tolerance” for making changes from PDP to final without going back through the process and amending the preliminary once again. If a change is something that would have been a significant issue in the public hearing then it needs to go through the full process, but if that level of detail was not addressed at the hearing, they can sign off administratively on a change.

If a change is minor, consistent with a PDP, and something that would be allowed under the Land Development Code, no approval process is needed. The applicant submits amended pages and proceeds with a building permit.

The city recently started allowing administrative minor modifications. For any numeric standard, we allow a deviation of up to 10% that can be approved administratively.

### Aurora

Until the early 2000s, almost all development required Planning Commission approval. In the early 2000s, the city adopted a very large zoning district. As a result, there are 2 different processes – one for properties within the zoning district and one for all others. Within the zoning district, approvals are typically administrative except for new construction or major changes. Outside of that district, most projects continue to require Planning Commission Approval. Both processes are similar in scope and complexity, with the only difference being whether a project is reviewed in a public hearing.

The city is planning a code re-write to create consistency and create a single process.

#### Broomfield

Broomfield has created an administrative process that can be used for minor modifications. Specifically, once an applicant has obtained PUD approval and site plan approval, up to a 10 % change can be approved administratively. The administrative process is streamlined and typically does not require routing. This process takes up to two weeks and sometimes significantly less.

#### Lakewood

Lakewood issues variances and waivers under very specific circumstances. In their new code, they have created allowances for minor variances and minor waivers for up to 20% of a quantitative or design factor. This allows the applicant to vary from a standard by up to 20% if certain criteria are met. The variances and waivers are administrative.

#### Louisville

Louisville instituted an administrative reviews process for planning approval of small commercial projects, including up to a 400 square foot addition (if not across the street from a residential area). This process takes 10 days or less. Administrative PUD approvals may be allowed at discretion of the director.

The City recently passed an ordinance with an effective date of October 22, 2014 that allows for 10% minor variances (a variance of up to 10 percent of any standard). Prior to this, any waiver or variance requires a full board of adjustment process.

### Thornton

Minor development permits, minor subdivisions, and small commercial projects are approved administratively in approximately 10 days.

**RECOMMENDATION: Westminster should examine its administrative amendment and minor administrative amendment categories and processes with the goals of: expanding criteria for projects that would meet these standards and ensuring the administrative process is as streamlined as possible.**

**RECOMMENDATION: Westminster should implement a shorter review timeframe for select types of approvals (smaller amendments and minor ODP modifications). The approval timeframe should be established at no more than two weeks.**

## **7. BUILDING PERMIT PROCESS**

One issue of note identified in Westminster was at any exterior change, no matter how minor, required a land use approval, often an ODP amendment. Even using a streamlined administrative process, this could be onerous for applicants seeking to make extremely minor changes that are consistent with zoning requirements and design guidelines. Applicants have indicated that any change that affects the exterior of a building, for example adding a rooftop HVAC unit or relocating a doorway, has been required to go through an ODP amendment process. The concern expressed did not



relate to the stringency of Westminster's requirements (e.g., requiring screening for rooftop units) but the time and process required to obtain an approval. In all other jurisdictions surveyed, such minor changes would be reviewed by an associate planner or planner and approved as part of the building permit, as long as the unit met requirements (e.g., had proper screening). Another issue identified is uncertainty regarding the amount of time involved in planning review of building permits. Below is a summary of how the other jurisdictions address planning review and approval of building permits.

#### Arvada

For projects that have already been built, that is a PUD, minor changes/additions after the fact are approved as planning sign-off on building permits.

#### Aurora

Relatively minor exterior changes can be signed off on without a site plan amendment or other land use approval. This includes minor landscaping, mechanical equipment, painting, doors, windows, restriping (as long as number of parking spots doesn't change), and relocation of items such as dumpsters. A planner reviews these to ensure that the changes are consistent with code and any design guidelines.

#### Broomfield

The planning office looks at every building permit that involves a change of use or exterior change.

In a PUD, a minor exterior change such as a façade update is approved administratively but must go through a planning process. The city prefers to issue a formal planning approval in order to document all changes that are made.

In a zoning district with no PUD, the planner reviews the application and ensures that all code issues are addressed (e.g., setbacks, lot coverage, height, use).

#### Lakewood

If there is less than a 20 % change to a site or structure a change can be signed off through the building permit process. This would include a re-skinning of a building, new deck or patio, etc. The plans are reviewed for compliance with codes and standards and approved as part of the building permit.

If a public way is being altered or other more significant changes (in scope or impact) proposed, a planning approval is required.

#### Louisville

Planning office reviews all commercial building projects. Projects with a “minor” impact are signed off on by a planner with no separate formal planning approval.

#### Thornton

Small renovations would not require a development permit.

**RECOMMENDATION: Westminster should increase the public understanding of the process for minor amendments that require modification to the ODP process and implement a shorter time period for approval of these modifications.**

## **8. Technology**

#### Arvada

Arvada uses a project management tool (Track It) to track comments from different agencies. They do not accept on-line submittals or provide comments on-line. They would like to move towards more universal use of the tracking system and, eventually, placing information on-line.

#### Aurora

They use a permitting software program (Amanda) to track permits, including review comments, which are available to applicants on-line. They also accept on-line applications. The software was implemented several years ago and they would like a more streamlined system that better enhanced communication between applicants and the city.

#### Broomfield

Broomfield has a fully paper process.

#### Lakewood

Lakewood requires electronic copies of all submittal documents but also requires paper. Comments are provided on paper or e-mail, but then projects and comments are entered onto a web site.

#### Louisville

Louisville only accepts paper submittals and distributes hard copies by mail.

#### Thornton

Thornton accepts electronic submittals and tracks project review through permitting software (Hansen). Comments are available through the system. The system is also used to manage time-lines and ensure that deadlines are being met.

**RECOMMENDATION: While Westminster's process of using Excel and paper plans, manually distributed and marked up, is not greatly out of step with other jurisdictions, an upgrade to a true permit tracking system would help improve accountability, transparency, and customer service.**

### **9. HOURS OF AVAILABILITY AND SUBMITTAL TIMES**

Westminster is the only community among those studied that has limited hours for submittal of planning documents. This issue has been addressed in a prior recommendation to expand the hours for submittal of planning applications.

## **10. FEES**

Communities vary widely in the way land use approval fees are calculated, as well as in the categories of approvals (e.g., PUD, PDP, etc.). During the stakeholder input and our evaluation of the processes in Westminster, the issue of fees was not identified as a major issue with the development review process in the City of Westminster. In fact, most stakeholders indicated that while fees obviously have an impact on development, the far greater concerns were: (1) not being aware of the fees at the beginning of the process, and (2) the overall timeframe for development.

As the amount of fees was not a major issue identified, the project team is not recommending that Westminster undertake any changes to the fee structure. However, as part of the creation of a development manual and during updating of application materials, the City should develop a handout that explains the fee structure and the applicability of specific fees to certain types of development to increase applicant awareness about the total fee impact of development in the City of Westminster.

The following pages contain a listing of fees for each agency.

**Recommendation: While no fee structure changes are recommended, the City should develop a handout summarizing the fee structure, the types of fees applicable to different application types to increase public awareness of the fees associated with development in the City of Westminster.**

**Westminster**

PDP or amendment - Concept	\$350 (x) sq. rt. of acres (\$350 min.)
PDP or amendment - Technical	\$350 (x) sq rt. of acres (\$350 min.)
ODP or amendment - Concept	\$400 (x) sq. rt. of acres (\$400 min.)
ODP or amendment - Technical	\$400 (x) sq. rt. of acres (\$400 min.)
Combined PDP/ODP	
Concept Review	\$550 (x) sq. rt. of acres (\$550 min.)
Technical Review	\$550 (x) sq. rt. of acres (\$550 min.)
Zoning or Rezoning	\$500
Annexation	\$300
Comprehensive Land Use Plan Amendments	\$500
Administrative Amendment (PDP/ODP)	\$250
Minor Administrative Amendment (PDP/ODP)	\$75
ODP Waiver	\$250
Special or Conditional Use Permit	\$450
Temporary Use/Special Event Permit	\$100
Construction Drawing Reviews*	\$750 + \$75 (x) sq. rt. of acres (\$1125 max)
Minor Replat (Lot Line Adjustment)	\$300
Vacations (R.O.W. and Easements)	\$300
Land Disturbance Permits	\$250
Development Sign Posting Fee	\$50
Variance	\$250

**Arvada**

Alternative Sign Program	\$750.00
Appeal	\$300.00
Comprehensive plan amendment	\$500.00 if less than five acres \$1,000.00 if five acres or more
Concept plan	\$500.00
Conditional use permit	\$1,000.00 (except Telecommunications)
Development plan inspection fee	\$75.00 per single family \$100.00 per multi-family, commercial, or industrial. Re-inspection fees are charged the same as above.
Final development plan (FDP)	\$800.00 multiplied by the square root of acreage of the property - \$ 800.00 minimum
Final development plan amendment	Same as FDP, based on acreage subject to amendment – minimum based on one-half total acreage of property in FDP
Final plat (FP) subdivision	\$500.00 plus \$ 150.00 multiplied by the square root of acreage of the property -
Final plat amendment	Same as FP, based on acreage subject to amendment – minimum based on one-half total acreage of property in FP
Floodplain variance	\$300.00
Height exception	\$600.00
Minor modification	\$100.00 individual development standard modification \$300.00 site plan/FDP/ & FP plat modification
Minor subdivision	Same as FP
Out of city utility request	\$500.00

**Aurora**

<b>Item</b>	<b>Description</b>	<b>Amount</b>
Site Plan, Site Plan Amendment (major), Redevelopment Plan, or E-470/N.E. Plains Contextual Site Plan (CSP)	up through 5 acres	\$1,660
	more than 5 and up through 10	\$1,660+\$194/acre over 5
	more than 10 acres	\$2,630+\$111/acre over 10
	More than 640 acres	\$69,932 + \$55.25/acre over 640
Initial Zoning or Rezoning (fee waived when filed in conjunction with a FDP, GDP, or PDP)	up through 5 acres	\$5,536
	more than 5 and up through 10	\$5,536+\$120/acre over 5
	more than 10 and up through 640	\$6,139+\$48.75/acre over 10
	more than 640 acres	\$36,833+\$24.50/acre over 640
General Development Plan (GDP) or E-470/Northeast Plains Framework Development Plan (FDP)	up through 5 acres	\$7,749
	more than 5 and up through 10	\$7,749+\$194/acre over 5
	more than 10 and up through 640	\$8,719+\$111/acre over 10
	more than 640 acres	\$78,476+\$55.25/acre over 640
Master Plan (includes City Center Master Plans)	up through 5 acres	\$2,769
	more than 5 and less than 10	\$2,769+\$194/acre over 5
	10 acres or more	\$3,738+\$111/acre over 10
Initial Set-up & Referral Charge	initial fee for Development	\$4,429
Initial Set-up & Referral Charge	For simple CASES	\$500
Public Hearing	flat fee charged to applications that require at least one hearing - no additional fee for appeals or call-ups	\$2,769
Use Approval for Conditional Use (per request)	each approval required by the zoning code	\$683
Conditional Use for Oil/Gas		\$1,019
Tenant application for conditional use	Initial set-up fee for DA, consisting of only a conditional use in existing	\$306
Amendments to GDP, FDP, or a Master Plan		\$3,322
Subdivision Plat or Replat		\$2,769+\$166/plat sheet
Minor adjustment to Plat		\$408
Subdivision Plat Amendment		\$829+\$166/plat sheet
Deferral of Public Improvements		\$4,617/application
Street or Plat Vacation		\$4,617/application
Parks, Recreation & Open Space Referral		\$166
Public Art Referral		\$166
Real Property Referral		\$166
Civil Engineering Referral	per application requiring civil engineering review	\$166

**Broomfield**

<b>Development Project Type</b>	<b>Application Fee</b>	<b>Public Notice Fee</b>
Amendment to Planned Unit Development (PUD) Plan	<10 Acres = \$250.00 >10 Acres = \$650.00 + 10/Acre	\$100.00
Amendment to Site Development Plan (Administrative Modification)	\$50.00	None
Amendment to Site Development Plan (Council)	<10 Acres = \$250.00 >10 Acres = \$650.00 + \$10/Ac.	\$100.00
Comprehensive Plan Amendment	<10 Acres = \$250.00 >10 Acres = \$650.00	\$100.00
Conceptual Review	<10 Acres = \$200.00 >10 Acres = \$500.00	None
Easement Release	None	None
Final Plat	<10 Acres = \$550.00 >10 Acres = \$650.00 + \$10/Ac.	\$100.00
Minor Subdivision Plat	\$250.00	None
Oil and Gas Application Well Site	\$200.00 \$50.00 for each well site	\$100.00
Preliminary Plat	<10 Acres = \$200.00 >10 Acres = \$500.00	\$100.00
PUD Plan	<10 Acres = \$250.00 >10 Acres = \$650.00 + \$10/Ac.	\$100.00
Revocable Permit	None	None
Rezoning	<10 Acres = \$250.00 >10 Acres = \$650.00	\$100.00
Public Right-of-Way Vacation	\$200.00	\$100.00
Site Development Plan	<10 Acres = \$250.00 >10 Acres = \$650.00 + \$10/Ac.	\$100.00
Signs Temporary Signs (Banner or A-Frame)	Most signs require a permit and fee submitted to the Buildings Division. \$5.00 with application to Planning.	None for Administrative Review.
Urban Renewal Plan Urban Renewal Site Plan	None + Recording fees <10 Acres = \$250.00 >10 Acres = \$650.00 + \$10/Ac.	\$100.00
Use Permitted by Special Review	\$ 500.00	\$100.00
Wireless Communications Facilities - Administrative Wireless Communications	\$50.00 \$500.00	None \$100.00
Vesting Rights	<10 Acres = \$250.00 >10 Acres = \$650.00	\$100.00
Zoning Board of Adjustment - Variance	\$25.00	\$100.00
Zoning Verification Letter – Simple Zoning Verification Letter – Complex	\$25.00 \$50.00	None
Water and Sewer Fees	See Title 13 of the Broomfield Municipal Code.	



**Lakewood**

Type	Fee
Annexation	\$73.00 per acre of private property \$0.00 per acre of public right-of-way
Rezoning / Initial Zoning	\$1,250.00 per acre, for first 5 acres PLUS \$300.00 per each additional acre above 5 \$1,250 minimum to \$12,500.00 maximum
Written Zoning Verification	\$50.00 per parcel
Modification to ODP	\$675.00 Administrative review \$1,015.00 Planning Commission review \$1,350.00 City Council review
Phased Site Plan in Planned Developments	\$350.00 per acre \$350.00 minimum to \$12,500 maximum
Special Use Permit	\$675.00 per application
Special Use Permit - Small Animal	\$75.00 per application
Site Plan	\$1,250.00 per acre, up to 5 acres PLUS \$400.00 per each additional acre > 5 acres and ≤ 15 acres PLUS \$250.00 per each additional acre > 15 acres \$1,250 minimum to \$12,500.00 maximum
Variance/Appeal/Waiver	\$300.00 major variance/appeal \$150.00 minor variance/appeal
Pre-Application	*\$150.00 each
Preliminary Plat	\$675.00 per application PLUS <u>For Single Family Residential</u> \$300.00 per lot or tract up to 5 lots or tracts PLUS \$250.00 per lot or tract, > 5 and ≤ 15 lots or tracts PLUS \$200.00 per lot or tract > 15 <u>For Multi-Family or Commercial</u> \$300.00 per acre up to 5 acres PLUS \$250.00 per each additional acre
Final Plat	\$675.00 per application PLUS <u>For Single Family Residential</u> \$300.00 per lot or tract up to 5 lots or tracts PLUS \$250.00 per lot or tract, > 5 and ≤ 15 lots or tracts PLUS \$200.00 per lot or tract > 15 <u>For Multi-Family or Commercial</u> \$300.00 per acre up to 5 acres PLUS \$250.00 per each additional acre
Subdivision Appeal	\$540.00 appeals to Planning Commission / City Council
Lot Line Adjustment Plat	\$540.00 per lot or tract included
Major Error Correction Plat	\$540.00 per lot affected by major error correction
Vacation	\$675.00 per submittal
Non-Conforming Certificate Application	\$115.00 each
Comprehensive Sign Plan	\$450.00
Vesting Application	\$50.00

**Louisville**

	<b>2014 FEE</b>	<b>Project types requiring a public hearing will also pay a publication fee of \$85.00 for each required public notice.</b>
<b>ANNEXATION &amp; ZONING</b>		
Annexation & initial zoning **	\$6415	
Rezoning **	\$3810	
Zoning Map Amendment **	\$480	
<b>PLANNED UNIT DEVELOPMENT</b>		
PUD – preliminary review (< 7 acres) **	\$2590	
PUD – final review (< 7 acres) **	\$2590	
PUD – preliminary review (> 7 acres) **	\$3165	
PUD – final review (> 7 acres) **	\$2590	
PUD – amendment **	\$1715	
Administrative PUD amendment	\$515	
<b>SUBDIVISION</b>		
Preliminary plat (< 15 acres) **	\$1240	
Preliminary plat (> 15 acres) **	\$3240	
Final plat (all) & Final agreement(s) (with final PUD) **	\$965	
Final plat (not accompanied by a PUD) **	\$1775	
Minor subdivision **	\$1775	
<b>SPECIAL REVIEW USE</b>		
Special Review Use (SRU) **	\$1110	
SRU amendment **	\$910	
SRU (use only, no development) **	\$420	
SRU administrative amendment (70% cost of SRU no development)	\$335	
Day Care (Neighborhood 6 – 12 children) **	\$345	
<b>Planned Community Zone District</b>		
PCZD (< 100 acres) **	\$4920	
PCZD (> 100 acres) **	\$6525	
Minor PCZD amendment **	\$760	
<b>TEMPORARY USES</b>		
Temporary use permit (administrative)	\$185	
Temporary use permit (public review) **	\$260	
Temporary sign permit	\$90	
<b>CMRS FACILITY</b>		
Public review **	\$6515	
Administrative review	\$2790	
<b>OTHER LAND USE FEES</b>		
Louisville Municipal Code Amendment **	\$420	
Easement or right-of-way vacation **	\$1785	
Floodplain development permit **	\$395	
Historic Preservation Commission – Major Demo Permit Review	\$445	
Historic Preservation Commission – Minor Demo Permit Review	\$50	
Variance or Appeal of the Zoning Administrator Decision	\$725	
Variance – After the fact **	\$975	
Oil & gas production permit **	\$1225	
1041 Permit **	\$1225	
Vested Right Request **	\$1540	
LP Gas Sales and Exchange	\$565	

**Thornton**

Annexation	\$300
Amendments (Development Permits and Appeals Board))	\$290.00
Amendments (Administrative)	\$200.00
Appeals	\$90.00
Architectural review fee for residential units	\$90.00 per lot
Cash-in-lieu payment for park, open space and trail acreage requirements	
- Residential	\$1.50/square foot
- Commercial	\$3.00/square foot
Comprehensive Plan Amendment	\$350.00
Conceptual Site Plan	\$695.00
Development Permit (original approval)	\$580.00
Development Code Variance	\$115.00
Development Code Text Amendment	\$580.00
Metropolitan District Application Fee (Non-refundable)	\$5,000.00
Metropolitan District Processing Fee - Modification of Service Plan	\$250.00
Minor Development Permit	\$90.00
Residential Development Allocation	\$75 per lot
Specific Use Permit (also requires a Development Permit)	\$115.00
Subdivision Plat Application	\$230.00 plus \$15.00 per acre
Subdivision Plat Amendments	\$250.00
Temporary Use Permit	\$90.00
Vacation of ROW	\$250.00
Zoning Amendment	\$580.00
Zoning to Planned Development District	\$580.00 plus \$15.00 per acre
Zoning to Preservation/Revitalization District Plan	\$290.00



WESTMINSTER

## Staff Report

Post City Council Meeting  
February 9, 2015



**SUBJECT:** City Council Assignment Updates

**PREPARED BY:** Mary Joy Barajas, Executive Secretary to the City Manager

### **Recommended City Council Action:**

Review the attached Council's assignment list and discuss.

### **Summary Statement**

- With the January 26<sup>th</sup> appointment of Councillor Maria De Cambra, it is time for City Council to review the attached City Council assignments list and make appointments to positions previously held by former Mayor Pro Tem Winter and give the rest of Council the opportunity to revisit their current assignments
- These assignments pertain to City Boards, Commissions and Panels as well as numerous external organizations in which the City is involved.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Policy Issue**

None identified.

**Alternative**

None identified

**Background Information**

The City of Westminster is involved in a number of organizations that are external to the city government. These include a wide range of both standing committees as well as groups that are formed to address current issues. They range from transportation issues to representation on the Denver Regional Council of Governments (DRCOG) and the Urban Drainage and Flood Control District (UDFCD). City Council and Staff are active participants on a number of committees related to regional issues, such as the U.S. 36 MCC, that works to develop strategies to improve commuting on US 36.

There are currently 10 City Boards, Commissions, and Panels to which a City Council liaison is assigned. The purpose of such Council assignments is to assure open and time sensitive communications between City Council and the respective Board, Commission, or Panel. These particular assignments are to be handled on an "on-call" basis. The Chairperson of each respective Board, Commission, or Panel shall be responsible to contact the Council representative when he or she is needed to be at the respective meeting. Otherwise, the Council representative is not required to be in attendance at the Board/Commission/Panel meeting.

City Council is requested to review the attached City Council assignments list and make assignments to the vacancies left by former Mayor Pro Tem Winter's departure and discuss any desired changes by the current members of City Council.

Appointments to the various committees on the attached Council Assignments list supports the following City's Strategic Plan Goals: Visionary Leadership and Effective Governance and Proactive Regional Collaboration by actively participating in these internal and external committees.

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

Attachment

**CITY COUNCIL ASSIGNMENTS  
2015**

<b>Organization</b>	<b>Meeting Time/Date/Place</b>	<b>Council</b>
Adams County Economic Development Board of Directors	4th Thursday of every other month (Jan, Mar, May, Jul, Sept, Nov), 11:00 networking; 11:30 a.m.-1:00 p.m. 12200 Pecos St, Suite 100.	Mayor/Chris Gray
ADCO Mayors Executive Committee	3rd Friday, 7:30 a.m., location varies per municipality.	Mayor/Don Tripp
Broomfield-Westminster Open Space Foundation	Varies. Scheduled as needed.	Mayor/ <i>Faith Winter</i> / Heather Cronenberg/Don Tripp
CML Policy Committee	Three times a year at CML office	Emma Pinter/Alberto Garcia/Ben Goldstein/Steve Smithers
DRCOG Board	3rd Wednesday, 6:30-8:30 p.m., 1290 Broadway, 1 <sup>st</sup> Floor – 1 <sup>st</sup> Wednesday is MVC from 4pm – 6pm	Mayor / <i>Winter</i> (Alt)/Aric Otzelberger
Jeffco Mayors/Commissioners/Managers	May 7, August 6, and November 5, 7:15-8:45a.m., 100 Jefferson County Parkway, Lookout Mountain Room	Mayor/Don Tripp
Jeffco Economic Council Board Meeting	3 <sup>rd</sup> Wednesday, 11:45 – 1:00 p.m., Jeffco Admin. Building	Bob Briggs/Chris Gray
NATA Bd. Meeting	4 <sup>th</sup> Thursday each month, 7:30-9a, 14583 Orchard Pkwy., Ste. 300	Mayor/Aric O.
Metro Mayors Caucus	1 <sup>st</sup> Weds of Feb/Apr/Jun/Aug/Oct from 7:30-10:00am @ Denver Metro Chamber of Commerce, 4 <sup>th</sup> Flr, 1445 Market Street, Denver	Mayor
Rocky Flats Stewardship Council	<i>Feb 6th</i> 8:30 – 11:30 a.m., Rocky Mtn. Metro Airport. <i>Will decide regular meeting schedule at that time.</i>	Bob Briggs/Mary Fabisiak
Urban Drainage and Flood Control District Board Meeting 303-455-6277	3 <sup>rd</sup> Thursday of each month, except for Jan/July @ UDFCD offices. 12:15 lunch; 1:00-3:30pm meeting, Annual Meeting Feb 3	Mayor
U.S. 36 Mayors/Commissioners Coalition Debra Basket 303-469-3301	1 <sup>st</sup> Thursday each month 7:30-9am; location – odd months/Broomfield, even months/Superior	Mayor/Aric Otzelberger /Dave Downin

<b>City Boards/Commission/Panel/Staff</b>	<b><u>Meeting Time/Date/Place</u></b>	<b><u>Council</u></b>
Election Commission Staff Liaison – Linda Yeager x2161	As needed basis in the GS Conf Rm.	Bruce Baker
Environmental Advisory Board Staff Liaison – Nick Butel x2183	Last Thursday of every month @ 6:30 p.m. Council Board Room (until Oct-Dec)	Anita Seitz
Historic Landmark Board Staff Liaison – Patrick Caldwell x2090/Terrilyn W. x2357	1 <sup>ST</sup> Tuesday of every month @ 7pm Council Board Room/Council Chambers for Public Hearings Only	Emma Pinter
Human Services Board Staff Liaison – Ben Goldstein x2007	Two to seven times a year. (Location: TBD) Feb. Planning/Scheduling Meeting	Anita Seitz
Inclusivity Task Force – Community Outreach position TBD		Emma Pinter
Planning Commission Staff Liaison – Mac Cummins/Betty L. x2092	2 <sup>nd</sup> & 4 <sup>th</sup> Tuesday of each month @ 7:00 p.m. in Council Chambers	Anita Seitz
Parks, Recreation & Library Advisory Board Staff Liaison - Jason Genck x2177	2nd Thursday of every other month starting in Jan. 6:00 p.m., location varies. (Multi-purpose Room)	Alberto Garcia
Personnel Board Staff Liaison – Debbie Mitchell x2155	Meets 1 time per year for legal updates and training of Board’s choice and as needed for personnel hearings.	Bruce Baker
Special Permit & License Board Staff Liaison – Linda Yeager x2161	1 <sup>st</sup> and 3 <sup>rd</sup> Wednesdays of each month (dependent upon applications) 7:00 p.m., Council Chambers	Emma Pinter
Youth Advisory Panel Staff Liaison – Cindy McDonald x2219	1 <sup>st</sup> Wednesday of each month @ 6:30 p.m. PRL Conf Rm	Bruce Baker



## Staff Report

Information Only Staff Report  
February 9, 2015



**SUBJECT:** Lowell Boulevard at 73<sup>rd</sup> Avenue Redevelopment Project Update

**PREPARED BY:** Tony Chacon, Senior Projects Coordinator

### Summary Statement

This report is for City Council information only and requires no action by City Council.

- The initial phase of redevelopment in the Harris Park neighborhood area was completed in 2010 resulting in 62 townhomes and a 12,000 square foot commercial building in the vicinity of 73<sup>rd</sup> Avenue and Lowell Boulevard.
- The southwest corner of Lowell Boulevard and 73<sup>rd</sup> Avenue was identified as a potential additional phase for redevelopment given the poor and dilapidated condition of the existing commercial structures, and the interest of the property owners in selling the properties.
- In 2011, Renaissance I, LLLP, (Developer) approached the City with a proposal to develop a mixed use project, along Lowell Boulevard south of 73<sup>rd</sup> Avenue that was consistent with a City-initiated conceptual redevelopment plan for the 7200 block of Lowell Boulevard and Meade Street.
- The City entered into a development agreement with Renaissance I, LLLP, on May 14, 2012, to construct a 3-story mixed-use project that includes about 48 affordable/workforce apartments above about 6,700 square foot of commercial space at ground level, a part of which would accommodate the community theater.
- Per the agreement, the City took out a \$1.5 million Section 108 loan from the U.S. Department of Housing and Urban Development (HUD) to acquire the properties and prepare it for development. The acquisitions did not include the locally landmarked historic two-story Penguin Building.
- The project encountered challenges relative to Official Development Plan issues, primarily parking, and the Developer's loss of up to \$2.0 million in cash equity that was needed to fully fund the project.
- Given the loss of the \$2.0 million pledge in early 2013, the Developer applied for 9% Low Income Housing Tax Credits (LIHTC) from the Colorado Housing and Finance Authority (CHFA). The Developer was unsuccessful in receiving an allocation of tax credits.
- The Developer has been working with the City staff, the Colorado Division of Housing, Adams County, and other funders to cobble together the necessary funding. A HUD decision to designate the census tract within which the project is located as "qualified" will generate about another \$750,000 in LIHTC equity to help reduce the funding gap.
- Staff has completed a structural assessment of the Penguin Building and is proposing to move forward with demolition of the adjacent, dilapidated City-owned buildings, as originally planned.
- City staff is proposing modifications to the City parking requirements that would be of benefit to the project.



- The Developer is prepared to resubmit development plans to the City subject to closing the funding gap, the City proceeding with demolition and reaching a resolution to the parking requirements.
- City staff is prepared to issue a Request for Proposal seeking alternative development proposals in the instance the present developer chooses not to further pursue or is unable to proceed with the project.

## **Background Information**

### Project Overview

In 2002, the City of Westminster issued a request for proposal relative to redevelopment in the vicinity of 73<sup>rd</sup> Avenue and Lowell Boulevard. The City received and approved a proposal that provided for the construction of townhomes along Lowell Boulevard and Meade Street, a commercial building on the northwest corner of 73<sup>rd</sup> Avenue and Lowell Boulevard, and a multi-storied mixed use project along the western side of Lowell Boulevard south of 73<sup>rd</sup> Avenue. The initial phases of the development resulted in the completion of 62 townhouses and a 12,000 square foot commercial building. The same developer chose not to further pursue the remaining development opportunity along Lowell Boulevard south of 73<sup>rd</sup> Avenue given the economic conditions and liability issues relative to multi-family development.

In preparation to solicit new developer interest, the City then hired an urban design consultant to prepare an illustrative plan to establish a planning vision for the block bounded by 72<sup>nd</sup> Avenue, Meade Street, 73<sup>rd</sup> Avenue, and Lowell Boulevard. The resulting plan led a development prospect, Renaissance I, LLLP, (Developer) to submit a proposal to the City relative to developing the west side of Lowell Boulevard from just north of 72<sup>nd</sup> Avenue (north of the pawn shop) to 73<sup>rd</sup> Avenue into a mixed use project. A general development concept refined through discussions with City staff would result in the demolition of several dilapidated buildings leading to the construction of two three level structures incorporating about 6,700 square feet of ground floor commercial space, three live/work units at ground floor, and about 48 residential apartments on two levels above the commercial space. The Penguin Building that has been designated by the City Council as a locally-registered historic landmark, but is not included in the State or National historic register, would remain in place with a public plaza to be constructed in the front of the building where a parking lot currently exists. The new buildings would be built to the edge of the public sidewalk along Lowell Boulevard and parking for both the new development and the Penguin Building would be provided on the back side of the development accessed via the city-owned alley. The building configuration and general urban character would be similar to the building at the northwest corner of 73<sup>rd</sup> Avenue and Lowell Boulevard. An illustrative drawing is attached showing a general development concept the developer is proposing to pursue. The Planning Division has not approved any development plan for this site and is awaiting the resubmittal of a Preliminary Development Plan (PDP) and Official Development Plan (ODP) for further review.

The City entered into a Development Agreement with the Developer on May 14, 2012. In accordance with the Agreement, the City used loan proceeds from the HUD Section 108 Loan Program to acquire the property. As a condition of accepting the loan, the City is required to pursue a development project on the site that has an affordable housing element and/or a job creation benefit for low-income persons. Under the Section 108 program, at least 51% of units within a residential development would need to be made available to households earning less than 80% of Denver Area Median Income (AMI).

However, as previously presented to City Council, the Developer proposes to fund the project in part using the federal Low Income Housing Tax Credit (LIHTC) program that will provide needed equity to make the project financially viable. The LIHTC program, administered through the U.S. Treasury Department, permits a developer to sell federal tax credits to a prospective tax credit buyer. The buyer usually purchases the credits at a discount (e.g. \$0.80 for every \$1.00 of value). The cash generated from the sale is then invested into an affordable housing project as equity. The buyer then uses the credits to reduce its tax bill. By participating in the LIHTC program, the developer is then required to meet affordability requirements that are more restrictive than the Section 108 threshold, whereby the entire apartment project would be income restricted to households earning 60% or less of AMI.

The State of Colorado Division of Housing (DOH) has also more recently offered to provide \$500,000 in federal HOME funds into the project to assist in closing the financial gap. As a condition of receiving these funds, DOH may require further affordability restrictions on some of the units at 50% AMI or less. The affordability allowances are subject to further negotiation between the DOH and the Developer. The Developer is negotiating to maximize the number of units that can be rented to households at or below the higher 60% AMI. The table below shows a comparison of household incomes by household size and percentage of AMI.

<b>2014 HUD Area Median Income</b>				
<b>Household Size</b>	<b>1 person</b>	<b>2 persons</b>	<b>3 persons</b>	<b>4 persons</b>
Median Income*	\$54,000 (\$27/hr.)	\$61,000	\$69,000	\$76,700
60% AMI	\$32,220 (\$16/hr.)	\$36,840	\$41,460	\$46,020
50% AMI	\$26,850 (\$13/hr.)	\$30,700	\$34,550	\$38,350
40% AMI	\$21,480 (\$11/hr.)	\$24,560	\$27,640	\$30,680

*The estimated hourly wage rate shown in conjunction with the single person household is based on a 40 hour work week over a 50 week period.*

The Developer further would be restricted in the amount of rent that could be charged to the tenants based on the household income levels. The apartments would have to be rented at or below fair market rents established by HUD for the Denver Metro Area. Following is a table showing HUD’s housing rental allowances for 2014 based on the household’s AMI affordability levels.

<b>ALLOWABLE MONTHLY RENTS BY INCOME – 2014</b>			
	<b>One-Bedroom Unit</b>	<b>Two-Bedroom Unit</b>	<b>Three-Bedroom Unit</b>
HUD Fair Market	\$893	\$1,156	\$1,696
@ 60% AMI	\$863	\$1,036	\$1,197
@50% AMI	\$719	\$863	\$997
@40% AMI	\$537	\$768	\$959

*\*Reflects gross rents inclusive of utility costs. Utility allowances need to be deducted to determine net rent that can be actually be charged to tenant.*

Based on the table, the Developer would have the potential to rent the units to those households earning 60% AMI at or close to the HUD established fair market value. For example, the Developer can rent a one-bedroom unit to a household at 60% AMI for no more than \$863 per month, which is

\$30 less than the HUD established fair market rent of \$893. Residential units for those households at 50% AMI would be rented at \$174 below the fair market rent. The Developer believes that he would be able to achieve the maximum allowable rents given the current tight apartment market for high quality affordable units in the Denver market. The Developer intends to update a market study that was conducted in 2012 to better establish the rents that will be used by a financing institution to establish mortgage financing.

The AMI and allowable rent levels as noted are adjusted on an annual basis by HUD. As household incomes rise in the Denver market, the Developer would be able to increase rents accordingly. For the life of the project, the apartment units would remain income restricted in accordance with the HUD Section 108 program (80% AMI on at least 51% of the units) given such funds were used in the land acquisition. However, the income restrictions related to utilization of the LIHTC program would terminate in 15-years. Thereafter, the property owner would be able to increase rents to the allowable limits under the Section 108 program.

The proposed mixed use project is estimated to cost about \$11.5 million based upon construction cost estimates obtained in 2013. Construction costs in the Denver Metro area continue to rise significantly, which could impact the final cost for this project. Pursuant to the Development Agreement, the City used \$1.5 million in loan proceeds from the HUD Section 108 program to acquire the required properties, relocate business and residential tenants, and demolish dilapidated buildings on the site. The Agreement further stipulates that the Developer would assume the \$1.5 million loan note, and make repayment accordingly, in exchange for the City conveying ownership of the land to the Developer at such time as the project is due to commence. The Developer expects to be able to borrow about \$3.2 million in the form of a 15-year mortgage, which equates to 80% of the project value based on the existing market rents established by the 2012 rental market study and the rent limits imposed by participation in the LIHTC program (see table for rental rate restrictions pursuant the LIHTC program.) This mortgage amount may increase slightly dependent upon an update to the market study. The Developer also proposes to raise about \$3.5 million in cash equity from the sale of tax credits generated from participation in the LIHTC program to an investor. The State of Colorado Division of Housing has also indicated an interest in investing about \$500,000 of its federal HOME funds into the project. The Developer would further defer about \$300,000 of its developer fee. Collectively, these resources amount to about \$9 million.

To assist in covering the financial gap, the City agreed to provide \$487,500 in CDBG funds in exchange for receiving ownership of about 3,200 square feet of retail space to accommodate the relocation of the community theater. The City also pledged up to \$200,000 of its federal HOME funds, the rebate of permits and use tax, and the assignment of available water/sewer tap credits. The table below outlines the funding identified by the Developer and City funding allowable under the current approved Development Agreement. Based on the funding identified or committed to date, the project remains short about \$1.3 million in funding.

<b>Project Cost</b>	<b>\$11,480,668</b>
<b>Sources of Funding –Non City</b>	<b>Funding Amount</b>
HUD Section 108 Loan - Developer Assumption of Loan	\$1,500,000
First Mortgage to Developer	\$3,230,714
LIHTC Tax Credit Cash Equity	\$3,404,131
State of Colorado HOME Funds	\$ 500,000

Developer Development Fee Deferral	\$ 300,000
<b>Subtotal</b>	\$8,934,845
<b>Sources of Funding - City</b>	
CDBG Funds	\$ 487,500
HOME Funds	\$ 200,000
Water/Sewer Tap Credits	\$ 478,531
Permit/Use Tax Rebate	\$ 108,363
<b>Subtotal</b>	\$1,274,394
<b>Total Committed Funding</b>	<b>\$10,209,239</b>
<b>Remaining Funding Gap</b>	<b>\$ 1,271,429</b>

The Developer had previously received a pledge from the Community Resources and Housing Development Corporation (CRHDC) to provide a grant to cover any remaining financial gap up to \$2.0 million using grant proceeds from a the federal Neighborhood Stabilization Program (NSP) received by the organization in 2012. Unfortunately, these funds were withdrawn, requiring the developer to seek alternative funding relative to the gap.

A Preliminary and Official Development Plan (PDP and ODP respectively) submittal was made by the Developer in early 2012, with a first round of comments returned by City staff in late March 2012. A development agreement between the City and Developer was approved by the Westminster City Council on May 14, 2012. Based on the agreement, the City proceeded with negotiations to acquire the properties needed for the project. The City closed on the acquisitions in October 2012, followed by about nine months of HUD required resident and business relocations. With completion of the relocations, City staff proceeded to prepare the buildings for demolition with asbestos remediation having been completed in late 2013.

Project Challenges

Since approval of the development agreement, the project has encountered a number of circumstances that have slowed progress significantly. Various issues have arisen relative to the demolition of the dilapidated buildings, site development challenges, and funding. Following is an accounting of these challenges relative to each area.

*Demolition of Dilapidated Buildings*

Demolition of the buildings has taken much more time than originally anticipated, primarily due to Staff concern regarding the potential liability and risk issues relating to preservation of the historic Penguin Building that is to remain in place. Given its designation as a local historic landmarked building, past City Councils have been explicit in its expectation that any new development on the block keep the building intact at its present location. Given the side-by-side proximity of the Penguin Building to the buildings to be demolished, City staff chose to take the time to identify the most suitable and sensitive demolition procedure. While it was generally assumed that the Penguin Building and adjacent buildings were structurally independent of one another, Staff determined it was in the City’s best interest to hire a structural engineer to confirm this assumption and more thoroughly

evaluate demolition of the buildings so as to preserve the structural integrity of the Penguin Building. A demolition report was prepared in February 2014 that determined the buildings were indeed structurally independent, although a number of non-structural tie-ins (i.e. electrical conduit, wall anchors, roof joists) would require a more methodical and sensitive demolition process and monitoring activity.

The assessment also raised a potential concern regarding the structural integrity of the Penguin Building itself given exposure to potential high winds. Using limited information regarding structural elements (or lack thereof) used in constructing the Penguin Building, and erring on the side of caution, the consultant hypothesized that if exposed to high winds following demolition of the adjacent buildings, it may be susceptible to collapse. Given this cautionary note, City staff chose to further evaluate the structural integrity of the Penguin Building by hiring a second structural engineer. Per engineering principles and requirements, the Penguin Building assessment was premised on its structural integrity relative to current City Building Code requirements. The assessment established that the Penguin Building, in its present relationship to the adjoining City-owned properties, did not meet structural code requirements relative to withstanding required wind loads of a sustained 100-mile per hour wind. The assessment further noted that upon removing the adjacent buildings the Penguin Building would thereafter be more susceptible to potential 100-mile per hour winds, thereby increasing the risk factor for a catastrophic failure (e.g. partial or full collapse.)

Given findings of the assessment, Staff met with the daughter and son of the property owner (Mary Nielsen) to discuss the findings and have the structural engineer answer any questions. In further dialog with the son, it was confirmed that the property owner continued to have no interest in relinquishing ownership of the Penguin Building.

The findings, and potential risk issues to the City, were thoroughly discussed by Staff. The City Attorney's Office opined that the risk and liability to the City relative to a catastrophic occurrence (e.g. partial or full collapse) would be negligible. This opinion was based in part on the fact that any contractor hired by the City to demolish the buildings would be required to assume responsibility for damage to the Penguin Building resulting from the demolition, and have sufficient insurance coverages to cover such an event. The City Attorney's Office further noted that the City already has and will continue to have risk and liability relative to the City-owned property so long as the buildings remain in a dilapidated and vacant state. The buildings are a continual drain on City resources and constitute a precariously unsafe and dangerous situation given they are routinely broken into by transient populations and older children. Accordingly, Staff is proposing to move forward with demolition of the City-owned buildings at the earliest opportunity.

#### *Zoning and Development Plan Approvals*

The property upon which the project is to be built is currently zoned C-1: Commercial District. Further, at the time the PDP/ODP submittal was first made the Comprehensive Land Use Plan (CLUP) also designated the property as commercial. Accordingly, both the zoning and the CLUP did not permit residential development, thereby requiring both an amendment to the CLUP and a rezoning through the PDP/ODP process. Late in 2012, while the project was going through the development review process, the City embarked upon replacing the CLUP with a new Comprehensive Plan that would re-designate land uses throughout the City, including the proposed development site. Accordingly, the pending amendment to the land use designation for the site was subject to completion of the Comprehensive Plan, adopted by City Council in November 2013. The proposed project now complies with the Comprehensive Land Use Plan that designates the area as Traditional Mixed Use Neighborhood Development (TMUND) allowing both residential and/or commercial uses.

Concurrent with the process that resulted in re-designation of the property to TMUND, the Developer set about addressing site development issues that were identified as part of the initial submittal review. The challenge to preparing an acceptable site development plan is trying to accommodate infill development on a small parcel in an urbanized area, while remaining in compliance with City Code requirements intended primarily for expanding undeveloped suburban areas. The most significant challenge has been related to meeting the parking requirements, particularly as it relates to the number of spaces required to support the community theater. As a result, the Developer and City staff have been continuing to work towards a finding a responsible and allowable resolution to the parking dilemma.

To better determine the actual amount of parking needed to support the proposed development, Staff hired a parking consultant to prepare a parking study for the project taking into consideration a shared parking arrangement given the mixed use nature of the project. The study, completed in late 2013, found that an adequate level of parking could be accommodated utilizing a combination of on-site parking (primarily for residential uses) and adjacent on-street parking (primarily commercial). However, by incorporating the community theater into the project, the study indicated that there could be insufficient parking at such times the theater had a showing, more likely on Friday evenings and weekends. Since completion of the study, the Developer and Staff have evaluated a variety of ways to accommodate additional spaces for the theater. Most recently, the Planning Division has explored modifications to the City's parking code in its entirety that would reduce requirements for commercial and multi-family uses. Such reductions, if approved by City Council, would be favorable towards bringing the project into compliance with City Code.

Pending a favorable response from the City Council relative to the proposed modifications to the City parking requirements, and a decision by the City to proceed with demolition of the City-owned buildings along Lowell Boulevard, the Developer is prepared to submit a new PDP/ODP for Planning Division review. The Developer anticipates a 30-45 day period within which to prepare and submit the plans.

### *Funding*

As previously noted, the Developer was hit with a serious financial blow in early 2013 when CRHDC withdrew its interest in providing the \$2.0 million in NSP funds. CRHDC was forced into this decision due to factors beyond its control. First, their national consortium partner, from which they received the sub-grant, notified CRHDC that the money needed to be spent by mid-year 2013. This requirement, alone, made it impossible to use the funds as the PDP/ODP for the project had yet to be approved. Secondly, the consortium modified a previous advisement and determined that the proceeds would need to be invested into the project as a loan rather than a grant. Unfortunately, the project would not have sufficient future equity or cash-flow to absorb this as a loan. Therefore, a decision was made by CRHDC to redirect the proceeds to another of their projects in the San Luis Valley.

With the withdrawal by CRHDC, the Developer opted to apply for the 9% LIHTC program administered by the Colorado Housing Finance Authority (CHFA), which would have provided additional cash equity with which to close the financing gap. This program is extremely competitive given affordable housing projects statewide compete for a total of about \$6.0 million in allocations annually that can fund about 3 to 5 projects. The Developer submitted an application in March 2013 in competition with 30 other projects. Given the number of applicants and its lower CHFA project rating, the Developer did not receive an award.

Following this setback, the Developer and Staff have continued to evaluate other opportunities and partnerships to close the funding gap. As noted previously, the project is currently estimated to have a shortfall of about \$1.3 million. Staff and the Developer have identified several factors and funding options that may be further explored to close this gap, and include but are not limited to the following:

- The mortgage loan from the bank may be increased pending a possible HUD approved rent rate increase for 2015, completion of the update to the rental market study, and successful negotiations with DOH regarding the allocation of household income allowances (i.e. more 60% AMI units);
- The LIHTC equity contribution may increase slightly dependent upon final development cost;
- Construction costs could be reduced dependent upon the City's Official Development Plan (ODP) requirements and/or incorporating construction efficiencies;
- The City could consider increasing its HOME and/or CDBG contribution. The City will have a balance of about \$750,000 in HOME funds in 2015, of which a significant proportion must be committed to or spent on an eligible project in 2015 and 2016;
- The City could consider use of a portion of future HOME proceeds to assist prospective renters. The Developer could then capitalize the fund commitment to generate additional equity into the project;
- The Developer is looking for a means to capitalize funding from potential lease of the commercial space to provide additional equity;
- The Developer is evaluating the possibility of increasing the amount of the developer fee deferment; and,
- The Developer intends on meeting with the Adams County Community Development Department to discuss possible utilization of Adams County HOME and/or NSP funds.

Taking each of these factors and options into consideration, the Developer feels confident that a funding strategy to close this gap can be attained over the next few months. Any proposal relative to closing this gap would be presented to City Council for consideration. Progress on the demolition, PDP and ODP preparation and submittal, and reducing the financial gap, the redevelopment project could proceed with construction by the 4<sup>th</sup> Quarter of 2015 or early 2016.

The project meets the following Strategic Goals of the City of Westminster:

Goal: "Dynamic, Diverse Economy" by:

- Providing space to attract and develop small businesses;
- Developing business-supportive mixed use development; and,
- Developing a reputation as a great place for small and/or local businesses.

Goal: "Vibrant and Inclusive Neighborhoods" through:

- Maintaining and improving neighborhood infrastructure and safe, affordable housing;
- Assisting in the development of South Westminster as a cultural and arts community; and,
- Providing a range of quality homes for a diverse population.

The project would further contribute towards the continued reinvestment in the south Westminster area. Staff believes that the project will provide one more quality visual feature that will lead to further interest in investment and redevelopment activity.

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

Attachment:

Illustrative Concept Drawing



ATTACHMENT

Illustrative Concept Drawing

