



REVISED

REGULAR MEETING AGENDA

**City of Black Hawk City Council
211 Church Street, Black Hawk, CO**

**March 23, 2022
3:00 p.m.**

RINGING OF THE BELL:

1. CALL TO ORDER:

2. ROLL CALL & PLEDGE OF ALLEGIANCE:

3. AGENDA CHANGES:

4. CONFLICTS OF INTEREST: (Council disclosures are on file w/City Clerk & Sec. of State)

5. PUBLIC COMMENT: *Please limit comments to 5 minutes*

6. APPROVAL OF MINUTES: March 9, 2022

7. PUBLIC HEARINGS:

A. CB4, An Ordinance Repealing and Reenacting Article VI of Chapter 18 of the Black Hawk Municipal Code, Entitled Flood Damage Prevention

B. CB5, An Ordinance Amending Certain Provisions of the Black Hawk Municipal Code Regarding Off Street Parking

C. Resolution 19-2022, A Resolution Approving a Site Development Plan for the City-Owned Building Located at 221 Gregory Street

8. ACTION ITEMS:

A. Resolution 20-2022, A Resolution Conditionally Approving a Certificate of Appropriateness for the Exterior Work Proposed to Crook's Palace Located at 200 Gregory Street

B. Resolution 21-2022, A Resolution Approving a Professional Services Agreement with Weecycle Environmental Consulting, Inc. for Environmental Testing and Abatement Consulting Services in the Amount Not to Exceed \$50,000

9. CITY MANAGER REPORTS: **Change to City Operations**

10. CITY ATTORNEY:

11. EXECUTIVE SESSION:

Executive Session to instruct negotiators regarding City-owned land on Gregory Hill, the Gregory Street HARD District, and other City-owned property, pursuant to C.R.S § 24-6-402(4)(e).

12. ADJOURNMENT:

MISSION STATEMENT

The mission of the City of Black Hawk is to progressively provide cost effective programs and services of the highest quality to the community



**City of Black Hawk
City Council**

March 9, 2022

MEETING MINUTES

Peter Heinz, President of PEH Architects, rang the bell to open the meeting.

1. **CALL TO ORDER:** Mayor Spellman called the regular meeting of the City Council to order on Wednesday, March 9, 2022, at 3:00 p.m.

2. **ROLL CALL:** Present were: Mayor Spellman, Aldermen Armbright, Bennett, Johnson, Midcap, Moates, and Torres.

Staff Present: City Attorney Hoffmann, City Manager Cole, Fire Chief Woolley, Police Chief Moriarty, Finance Director Hillis, City Clerk/Administrative Services Director Greiner, Public Works Director Isbester, City Engineer Reed, Water Manager Ford, Community Planning & Development Director Linker, and Deputy City Clerk Martin.

PLEDGE OF ALLEGIANCE: Mayor Spellman led the meeting in the recitation of the Pledge of Allegiance.

3. **AGENDA CHANGES:** Deputy City Clerk Martin noted that Action Item A was removed from the agenda because the Monarch did not use the searchlight.

4. **CONFLICTS OF INTEREST:** City Attorney Hoffmann asked Council to declare any Conflicts of Interest on any issue appearing on the agenda this afternoon other than those previous disclosures and conflicts that have already been disclosed and are on file with the City Clerk and Secretary of State. City Council noted no conflicts.

City Attorney Hoffmann asked the audience if there were any objections to any member of the Council voting on any issue on the agenda this afternoon. There were no objections noted.

5. **PUBLIC COMMENT:** Deputy City Clerk Martin confirmed no one had signed up to speak.

6. APPROVAL OF
MINUTES:

February 23, 2022

**MOTION TO
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve the Minutes as presented.

MOTION PASSED

There was no discussion, and the motion **PASSED** unanimously.

7. PUBLIC HEARINGS:

None

8. ACTION ITEMS:

A. Motion Ratifying a Phone Poll and Approving a Request for Extended Hours for the Monarch Casino's Special Event Permit for the Hotel Grand opening

Removed from the agenda.

B. Resolution 15-2022, A Resolution Providing Funding for 2022 for the Gregory Street Hard District Business Marketing Association in the Amount of \$65,023.00

Mayor Spellman read the title.

City Attorney Hoffmann explained that this Resolution would provide initial funding for the newly formed Gregory Street Hard District Business Marketing Association and identify the City's intent to fund the Association in future years, thus providing assurance to the Association and for any matching grants the Association may apply for. He noted that the City is not a party to the Association itself and that any change to their documents would require Council approval. Mayor Spellman added that he would like their PO Box 162 added to their documents regarding notices as they just received their Black Hawk PO Box number.

**MOTION TO
APPROVE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 15-2022, a Resolution providing funding for 2022 for the Gregory Street Hard District Business Marketing Association in the amount of \$65,023.00.

MOTION PASSED

There was no discussion, and the motion **PASSED** unanimously.

C. Resolution 16-2022, A Resolution Approving the City of Black Hawk Fee Schedule, as Amended

Mayor Spellman read the title.

Deputy City Clerk Martin explained the need to establish application fees for two new liquor application types added to the City's Municipal Code for Festival Permits and Tastings. The Clerk's office proposes \$100 for each and \$100 for a Tastings renewal.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 16-2022, a Resolution approving the City of Black Hawk Fee Schedule, as amended.

MOTION PASSED

There was no discussion, and the motion **PASSED** unanimously.

D. Resolution 17-2022, A Resolution Awarding the Bid and Approving the Contract Between the City of Black Hawk and Palace Construction Company, Inc. in an Amount Not to Exceed \$4,090,695.00 for Construction of the 221 Gregory Street Renovation and Grand Stair Project

Mayor Spellman read the title.

City Engineer Reed introduced this item. He confirmed the location is the old Lucky Star/Eureka building next to City Hall. He said the construction plans for both the building and the grand staircase were approved in 2020. The plan was to create four retail spaces, two on each level, along with exterior renovations, and the grand staircase would be made of steel with a decorated steel archway and lampposts. The project was put on hold at that time. Now, he said, both projects are combined into one construction contract. The City pre-qualified four general contractors, of which Palace Construction was the low bid. He said they are ready to start immediately, and the project should be completed by Spring 2023. Mayor Spellman noted that even though the projects were delayed, they are under what was initially budgeted.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Midcap to approve Resolution 17-2022, a Resolution awarding the bid and approving the contract between the City of Black Hawk and Palace Construction Company, Inc. in an amount not to exceed \$4,090,695.00 for construction of the 221 Gregory Street Renovation and Grand Stair Project.

MOTION PASSED

There was no discussion, and the motion **PASSED** unanimously.

E. Resolution 18-2022, A Resolution Approving the Professional Services Agreement Between the City of Black Hawk and PEH Architects in an Amount Not to Exceed \$26,550.00 for Design Services on the Crook's Palace Exterior Improvement Project

Mayor Spellman read the title.

City Engineer Reed introduced this item to approve PEH's conceptual plans for exterior improvements to Crook's Palace. If approved, they can move forward with the construction plans and go out for bids. Peter Heinz, President of PEH Architects, went through his presentation to expand the existing patio, create a smaller entry patio off to the side of the front door, replace the front door, create a smaller stairway leading up to the front door with an accessibility ramp, and install a clear glass sound barrier on top of the patio court wall. The glass can be etched with the proprietor's name and logo.

Alderman Midcap had a few questions about the patio and the glass. Mr. Heinz said the sound barrier glass will have etched grape leaf decorative elements from the saloon carried over to it, ADA access would be to the west, and construction will take place while JKQ BBQ is open for business.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 18-2022, a Resolution approving the Professional Services Agreement between the City of Black Hawk and PEH Architects in an amount not to exceed \$26,550.00 for design services on the Crook's Palace Exterior Improvement Project.

MOTION PASSED

There was no discussion, and the motion **PASSED** unanimously.

9. CITY MANAGER REPORTS:

City Manager Cole had nothing to report.

10. CITY ATTORNEY:

City Attorney Hoffmann had nothing to report.

11. EXECUTIVE SESSION:

City Attorney Hoffmann recommended item number 5 only for Executive Session, and the specific issues for negotiations are Fire Department automatic aid, and then to instruct negotiators regarding City owned land on Gregory Hill, the Gregory Street HARD District, and other City owned property.

**MOTION TO ADJOURN
INTO EXECUTIVE
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:25 p.m. to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e).

MOTION PASSED

There was no discussion, and the motion **PASSED** unanimously.

**MOTION TO
ADJOURN**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn the Executive Session at 4:15 p.m.

MOTION PASSED

There was no discussion, and the motion **PASSED** unanimously

12. ADJOURNMENT:

Mayor Spellman declared the Regular Meeting of the City Council adjourned at 4:15 p.m.

Melissa A. Greiner, CMC
City Clerk

David D. Spellman
Mayor

**COUNCIL BILL 4
ORDINANCE 2022-4
AN ORDINANCE
REPEALING AND
REENACTING ARTICLE VI
OF CHAPTER 18 OF THE
BLACK HAWK
MUNICIPAL CODE,
ENTITLED FLOOD
DAMAGE PREVENTION**

**STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK**

COUNCIL BILL NUMBER: CB4

ORDINANCE NUMBER: 2022-4

TITLE: AN ORDINANCE REPEALING AND RENACTING ARTICLE VI OF CHAPTER 18 OF THE BLACK HAWK MUNICIPAL CODE, ENTITLED FLOOD DAMAGE PREVENTION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, GILPIN COUNTY:

Section 1. Article VI of Chapter 18 of the Black Hawk Municipal Code is repealed and reenacted to read as follows:

ARTICLE VI

Flood Damage Prevention

Sec. 18-201. Statutory authorization.

The Legislature of the State of Colorado has, in Title 29, Article 20 of the Colorado Revised Statutes, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City Council of the City of Black Hawk, Colorado, does hereby adopt the following floodplain management regulations:

Sec. 18-202. Findings of fact.

(1) The flood hazard areas of the City of Black Hawk, Colorado are subject to periodic inundation, which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the health, safety, and general welfare of the public.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed, or otherwise protected from flood damage.

Sec. 18-203. Statement of purpose.

It is the purpose of this ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions

in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to critical facilities, infrastructure, and other public facilities such as water, sewer, and gas mains; electric and communications stations; and streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- (7) Ensure that potential buyers are notified that property is located in a flood hazard area.

Sec. 18-204. Methods of reducing flood losses.

In order to accomplish its purposes, this ordinance uses the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety, or property in times of flood, or cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- (4) Control filling, grading, dredging and other development which may increase flood damage;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Sec. 18-205. Definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

100-YEAR FLOOD – A flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (1-percent-annual-chance flood). The terms "one-hundred-year flood" and "one percent chance flood" are synonymous with the term "100-year flood." The term does not imply that the flood will necessarily happen once every one hundred years.

100-YEAR FLOODPLAIN – The area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.

500-YEAR FLOOD – A flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-chance-annual-flood). The term does not imply that the flood will necessarily happen once every five hundred years.

500-YEAR FLOODPLAIN – The area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.

ADDITION – Any activity that expands the enclosed footprint or increases the square footage of an existing structure.

ALLUVIAL FAN FLOODING – A fan-shaped sediment deposit formed by a stream that flows from a steep mountain valley or gorge onto a plain or the junction of a tributary stream with the main stream. Alluvial fans contain active stream channels and boulder bars, and recently abandoned channels. Alluvial fans are predominantly formed by alluvial deposits and are modified by infrequent sheet flood, channel avulsions and other stream processes.

AREA OF SHALLOW FLOODING – A designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

BASE FLOOD – Is synonymous with 100-Year-Flood and is a Flood having a 1-percent-annual-chance of being equaled or exceeded in any given year

BASE FLOOD ELEVATION (BFE) – The elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

BASEMENT – Any area of a building having its floor sub-grade (below ground level) on all sides.

CHANNEL – The physical confine of stream or waterway consisting of a bed and stream banks,

existing in a variety of geometries.

CHANNELIZATION – The artificial creation, enlargement, or realignment of a stream channel.

CODE OF FEDERAL REGULATIONS (CFR) – The codification of the general and permanent Rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation.

COMMUNITY – Any political subdivision in the state of Colorado that has authority to adopt and enforce floodplain management regulations through zoning, including, but not limited to, cities, towns, unincorporated areas in the counties, Indian tribes and drainage and flood control districts.

CONDITIONAL LETTER OF MAP REVISION (CLOMR) – FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

CRITICAL FACILITY – A structure or related infrastructure, but not the land on which it is situated, as specified in Section 18-225, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood. See Section 18-225.

DEVELOPMENT – Any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

DFIRM DATABASE – Database (usually spreadsheets containing data and analyses that accompany DFIRMs). The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

DIGITAL FLOOD INSURANCE RATE MAP (DFIRM) – FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

ELEVATED BUILDING – A non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed

before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION –

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEDERAL REGISTER – The official daily publication for Rules, proposed Rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents.

FEMA – Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

FLOOD OR FLOODING – A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of water from channels and reservoir spillways;
- (2) The unusual and rapid accumulation or runoff of surface waters from any source; or
- (3) Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

FLOOD INSURANCE RATE MAP (FIRM) – An official map of a community, on which the Federal Emergency Management Agency has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) – The official report provided by the Federal Emergency Management Agency. The report contains the Flood Insurance Rate Map as well as flood profiles for studied flooding sources that can be used to determine Base Flood Elevations for some areas.

FLOODPLAIN OR FLOOD-PRONE AREA – Any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

FLOODPLAIN ADMINISTRATOR – The community official designated by title to administer and enforce the floodplain management regulations.

FLOODPLAIN DEVELOPMENT PERMIT – A permit required before construction or development begins within any Special Flood Hazard Area (SFHA). If FEMA has not defined the SFHA within a community, the community shall require permits for all proposed construction or other development in the community including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and this floodplain management ordinance.

FLOODPLAIN MANAGEMENT - The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS – Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOOD CONTROL STRUCTURE – A physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOODPROOFING – Any combination of structural and/or non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

FLOODWAY (REGULATORY FLOODWAY) – The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

FREEBOARD – The vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

FUNCTIONALLY DEPENDENT USE – A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE – Any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior or;
 - b. Directly by the Secretary of the Interior in states without approved programs.

LETTER OF MAP REVISION (LOMR) – FEMA's official revision of an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA).

LETTER OF MAP REVISION BASED ON FILL (LOMR-F) – FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

LEVEE – A man-made embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding. For a levee structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 CFR 65.10.

LEVEE SYSTEM – A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR – The lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes which includes working, storage, sleeping, cooking, and eating, or recreation or any combination thereof. This includes any floor that could be converted to such a use such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home, or business. An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood insurance Program regulations.

MANUFACTURED HOME – A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational

vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION – A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL – For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

MATERIAL SAFETY DATA SHEET (MSDS) – A form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill-handling procedures.

NATIONAL FLOOD INSURANCE PROGRAM (NFIP) – FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable Federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

NEW CONSTRUCTION – Structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

NO-RISE CERTIFICATION – A record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado Professional Engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM). A No-Rise Certification is not a document that is reviewed by FEMA and therefore does not carry the weight or authority of other documents that are reviewed by FEMA, i.e., a Letter of Map Revision (LOMR).

PHYSICAL MAP REVISION (PMR) – FEMA's action whereby one or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations, and/or planimetric features.

RECREATIONAL VEHICLE – means a vehicle which is:

- (1) Built on a single chassis;

- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

SPECIAL FLOOD HAZARD AREA – The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.

START OF CONSTRUCTION – The date the building permit was issued, including substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE – A walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure just prior to when the damage occurred.

SUBSTANTIAL IMPROVEMENT – Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "Start of Construction" of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest. This includes structures which have incurred "Substantial Damage", regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or
- (2) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

THRESHOLD PLANNING QUANTITY (TPQ) – A quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the State that such facilities are subject to emergency planning requirements.

VARIANCE – A grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations).

VIOLATION – The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION – The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Sec. 18-206. Lands to which this ordinance applies.

The ordinance shall apply to all Special Flood Hazard Areas and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) within the jurisdiction of City of Black Hawk, Colorado.

Sec. 18-207. Basis for establishing the special flood hazard area.

The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Gilpin County, Colorado and Incorporated Areas," dated April 6, 2022, with accompanying Flood Insurance Rate Maps (FIRM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance. These Special Flood Hazard Areas identified by the FIS and attendant mapping are the minimum area of applicability of this ordinance and may be supplemented by studies designated and approved by the City Council. The Floodplain Administrator shall keep a copy of the Flood Insurance Study (FIS), DFIRMs, and FIRMs on file and available for public inspection.

Sec. 18-208. Establishment of floodplain development permit.

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this ordinance.

Sec. 18-209. Compliance.

No structure or land shall hereafter be located, altered, or have its use changed within the Special Flood Hazard Area without full compliance with the terms of this ordinance and other applicable regulations. Nothing herein shall prevent the City Council from taking such lawful action as is necessary to prevent or remedy any violation. These regulations meet the minimum requirements as set forth by the Colorado Water Conservation Board and the National Flood Insurance Program.

Sec. 18-210. Abrogation and greater restrictions.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, nor deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Sec. 18-211. Interpretation.

In the interpretation and application of this ordinance, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under State statutes.

Sec. 18-211. Warning and disclaimer of liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes.

This ordinance does not imply that land outside the Special Flood Hazard Area or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Black Hawk or any official or employee thereof for any flood damages that result from reliance on this ordinance, or any administrative decision lawfully made thereunder.

Sec. 18-212. Severability.

This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

Sec. 18-213. Designation of the floodplain administrator.

The Community Planning & Development Director is hereby appointed as Floodplain Administrator to administer, implement, and enforce the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management. The Community Planning & Development Director can assign these responsibilities to a designated person that is a city employee, or on contract to the city competent to carry out the responsibilities with the supervision and direction of the Community Planning &

Development Director.

Sec. 18-214. Duties and responsibilities of the floodplain administrator.

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

(1) Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance, including the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and any floodproofing certificate required by Section 18-215.

(2) Review, approve, or deny all applications for Floodplain Development Permits required by adoption of this ordinance.

(3) Review Floodplain Development Permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.

(4) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

(5) Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this ordinance, including proper elevation of the structure.

(6) Where interpretation is needed as to the exact location of the boundaries of the Special Flood Hazard Area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

(7) When Base Flood Elevation data has not been provided in accordance with Section 18-207, the Floodplain Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation data and Floodway data available from a Federal, State, or other source, in order to administer the provisions of this Ordinance regarding the provisions for Flood Hazard Reduction as set forth in Sections 18-218 through 18-225.

(8) For waterways with Base Flood Elevations for which a regulatory Floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot at any point within the community.

(9) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one-half foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), fulfills the requirements for such revisions as established under the provisions of Section 65.12 and receives FEMA approval.

(10) Notify, in riverine situations, adjacent communities and the State Coordinating Agency, which is the Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.

(11) Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

Sec. 18-215. Permit procedures.

Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to Special Flood Hazard Area. Additionally, the following information is required:

(1) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

(2) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

(3) A certificate from a registered Colorado Professional Engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Section 18-219(2).

(4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

(5) Maintain a record of all such information in accordance with Section 18-214(2).

(6) Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

a. The danger to life and property due to flooding or erosion damage;

- b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- c. The danger that materials may be swept onto other lands to the injury of others;
- d. The compatibility of the proposed use with existing and anticipated development;
- e. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
- g. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- h. The necessity to the facility of a waterfront location, where applicable;
- i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- j. The relationship of the proposed use to the comprehensive plan for that area.

Sec. 18-216. Variance procedures.

(1) The Appeal Board herein is the Black Hawk City Council, shall hear and render judgment on requests for variances from the requirements of this ordinance.

(2) The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

(3) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

(4) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(5) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section 18-225 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(6) Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance as stated in Section 18-203.

(7) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(8) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(9) Prerequisites for granting variances:

a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

b. Variances shall only be issued upon:

i. Showing a good and sufficient cause;

ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and

iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

c. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the Base Flood Elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(10) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a Functionally Dependent Use provided that:

- a. The criteria outlined in Section 18-216(9) are met, and
- b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

Sec. 18-217. Penalties for noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of the City of Black Hawk. Nothing herein contained shall prevent the City of Black Hawk from taking such other lawful action as is necessary to prevent or remedy any violation.

Sec. 18-218. Flood Hazard Reduction - General standards.

In all Special Flood Hazard Areas, the following provisions are required for all new construction and substantial improvements:

(1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(5) All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(6) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

(8) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Sec. 18-219. Flood Hazard Reduction - Specific standards.

In all Special Flood Hazard Areas where base flood elevation data has been provided as set forth in (i) Section 18-207, (ii) Section 18-214 (7), or (iii) Section 18-225 the following provisions are required:

(1) RESIDENTIAL CONSTRUCTION

New construction and Substantial Improvement of any residential structure shall have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the base flood elevation. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

(2) NONRESIDENTIAL CONSTRUCTION

With the exception of Critical Facilities, outlined in Section 18-225, new construction and Substantial Improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that at one foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

A registered Colorado Professional Engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. Such certification shall be maintained by the Floodplain Administrator, as proposed in Section 18-215.

(3) ENCLOSURES

New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

Designs for meeting this requirement must either be certified by a registered Colorado Professional Engineer or architect or meet or exceed the following minimum criteria:

- a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- b. The bottom of all openings shall be no higher than one foot above grade.
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) MANUFACTURED HOMES

All manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

All manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of the above paragraph, shall be elevated so that either:

- a. The lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are one foot above the base flood elevation, or
- b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(5) RECREATIONAL VEHICLES

All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:

- a. Be on the site for fewer than 180 consecutive days,
- b. Be fully licensed and ready for highway use, or
- c. Meet the permit requirements of Section 18-225, and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(6) TANKS

Underground and above-ground tanks shall be designed, constructed, installed and anchored in accordance with ASCE 24.

(7) OTHER DEVELOPMENT AND BUILDING WORK

- a. General requirements for other development and building work. All development and building work, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in these regulations or the building code, shall:
 - i. Be located and constructed to minimize flood damage;
 - ii. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the base flood;

- iii. Be constructed of flood damage-resistant materials; and
 - iv. Have mechanical, plumbing, and electrical systems above the base flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the base flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations
- b. Garages and accessory storage structures.
- Garages and accessory storage structures shall be designed and constructed in accordance with ASCE 24.
- c. Fences.
- Fences in floodways that have the potential to block the passage of floodwater, such as stockade fences and wire mesh fences, shall meet the requirements of Section 18-221 (3) of these regulations.
- d. Retaining walls, sidewalks and driveways.
- Retaining walls, sidewalks and driveways that involve placement of fill in floodways shall meet the requirements of Section 18-221 (3) of these regulations.
- e. Swimming pools.
- Swimming pools shall be designed and constructed in accordance with ASCE 24. Above-ground swimming pools, on-ground swimming pools, and in-ground swimming pools that involve placement of fill in floodways shall also meet the requirements of Section 105.3(1) of these regulations.
- f. Roads and watercourse crossings in regulated floodways.
- Roads and watercourse crossings that encroach into regulated floodways or riverine waterways with base flood elevations where floodways have not been designated, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, shall meet the requirements of Section 105.3(1) of these regulations

(8) TEMPORARY STRUCTURES AND TEMPORARY STORAGE

- a. Temporary structures.

Temporary structures shall be erected for a period of less than 180 days. Temporary structures shall be anchored to prevent flotation, collapse or

lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the base flood. Fully enclosed temporary structures shall have flood openings that are in accordance with ASCE 24 to allow for the automatic entry and exit of flood waters.

b. Temporary storage.

Temporary storage includes storage of goods and materials for a period of less than 180 days. Stored materials shall not include hazardous materials.

c. Floodway encroachment.

Temporary structures and temporary storage in floodways shall meet the requirements of Section 18-221 (3) of these regulations.

(9) PRIOR APPROVED ACTIVITIES

Any activity for which a Floodplain Development Permit was issued by the City of Black Hawk or a CLOMR was issued by FEMA prior to March 1, 2022, may be completed according to the standards in place at the time of the permit or CLOMR issuance and will not be considered in violation of this ordinance if it meets such standards.

Sec. 18-220. Standards for areas of shallow flooding (AO/AH zones).

Located within the Special Flood Hazard Area established in Section 18-207, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(1) RESIDENTIAL CONSTRUCTION

All new construction and Substantial Improvements of residential structures must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

(2) NONRESIDENTIAL CONSTRUCTION

With the exception of Critical Facilities, outlined in Section 18-225, all new construction and Substantial Improvements of non-residential structures, must have the lowest floor (including basement), electrical, heating, ventilation, plumbing,

and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified), or together with attendant utility and sanitary facilities, be designed so that the structure is watertight to at least one foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. A registered Colorado Professional Engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Section 18-215, are satisfied.

Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide flood waters around and away from proposed structures.

Sec. 18-221. Floodways.

Floodways are administrative limits and tools used to regulate existing and future floodplain development. The State of Colorado has adopted Floodway standards that are more stringent than the FEMA minimum standard (see definition of Floodway in Section 18-205). Located within Special Flood Hazard Area established in Section 18-207, are areas designated as Floodways. Since the Floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

(1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory Floodway *unless* it has been demonstrated through hydrologic and hydraulic analyses performed by a licensed Colorado Professional Engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase (requires a No-Rise Certification) in flood levels within the community during the occurrence of the base flood discharge.

(2) If Section 18-215(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Ordinance regarding the Provisions For Flood Hazard Reduction.

(3) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in Base Flood Elevations, provided that the community first applies for a CLOMR and floodway revision through FEMA.

Sec. 18-222. Alteration of a watercourse.

For all proposed developments that alter a watercourse within a Special Flood Hazard Area, the following standards apply:

(1) Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.

(2) Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.

(3) Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable Federal, State, and local floodplain rules, regulations and ordinances.

(4) Any stream alteration activity shall be designed and sealed by a registered Colorado Professional Engineer.

(5) All activities within the regulatory floodplain shall meet all applicable Federal, State, and City of Black Hawk floodplain requirements and regulations.

(6) Within the Regulatory Floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a Floodway analysis and report, sealed by a registered Colorado Professional Engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions Floodway resulting from the project, otherwise known as a No-Rise Certification, unless the community first applies for a CLOMR and Floodway revision in accordance with Section 18-221.

(7) Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

Sec. 18-223. Properties removed from the floodplain by fill.

A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), unless such new structure or addition complies with the following:

(1) RESIDENTIAL CONSTRUCTION

The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill.

(2) NONRESIDENTIAL CONSTRUCTION

The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill, or together with attendant utility and sanitary facilities be designed so that the structure or addition is watertight to at least one foot above the base flood level that existed prior to the placement of fill with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

Sec. 18-224. Standards for subdivision proposals.

(1) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be reasonably safe from flooding. If a subdivision or other development proposal is in a flood-prone area, the proposal shall minimize flood damage.

(2) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Section 18-208; Section 18-215; and the provisions of this ordinance regarding Provisions for Flood Hazard Reduction.

(3) Base Flood Elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Section 18-207 or Section 18-221 of this ordinance.

(4) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(5) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.

Sec. 18-225. Standards for critical facilities.

A Critical Facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during, and after a flood.

(1) **CLASSIFICATION OF CRITICAL FACILITIES**

It is the responsibility of the City Council to identify and confirm that specific structures in their community meet the following criteria:

Critical Facilities are classified under the following categories: (a) Essential Services; (b) Hazardous Materials; (c) At-risk Populations; and (d) Vital to Restoring Normal Services.

a. Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines.

These facilities consist of:

i. Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and emergency operation centers);

ii. Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors' offices, and non-urgent care medical structures that do not provide these functions);

iii. Designated emergency shelters;

iv. Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);

v. Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power, and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and

vi. Air Transportation lifelines (airports - municipal and larger), helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).

Specific exemptions to this category include wastewater treatment plants (WWTP), non-potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.

Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the City Council that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of this Article, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be

provided to the City Council on an as-needed basis upon request.

b. Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials.

These facilities may include:

- i. Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);
- ii. Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;
- iii. Refineries;
- iv. Hazardous waste storage and disposal sites; and
- v. Above ground gasoline or propane storage or sales centers.

Facilities shall be determined to be Critical Facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the workplace, AND the chemical(s) is stored in quantities equal to or greater than the Threshold Planning Quantity (TPQ) for that chemical, then that facility shall be considered to be a Critical Facility. The TPQ for these chemicals is: either 500 pounds or the TPQ listed (whichever is lower) for the 356 chemicals listed under 40 C.F.R. § 302 (2010), also known as Extremely Hazardous Substances (EHS); or 10,000 pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency (EPA) regulation "Designation, Reportable Quantities, and Notification," 40 C.F.R. § 302 (2010) and OSHA regulation "Occupational Safety and Health Standards," 29 C.F.R. § 1910 (2010) are incorporated herein by reference and include the regulations in existence at the time of the promulgation this ordinance, but exclude later amendments to or editions of the regulations

Specific exemptions to this category include:

- i. Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.
- ii. Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use

authority) that a release of the subject hazardous material does not pose a major threat to the public.

- iii. Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.

These exemptions shall not apply to buildings or other structures that also function as Critical Facilities under another category outlined in this provision.

- c. At-risk population facilities include medical care, congregate care, and schools.

These facilities consist of:

- i. Elder care (nursing homes);
- ii. Congregate care serving 12 or more individuals (day care and assisted living);
- iii. Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving 12 or more children);

- d. Facilities vital to restoring normal services including government operations.

These facilities consist of:

- i. Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance, and equipment centers);
- ii. Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

These facilities may be exempted if it is demonstrated to the City Council that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this ordinance, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the City Council on an as-needed basis upon request.

(2) PROTECTION FOR CRITICAL FACILITIES

All new and substantially improved Critical Facilities and new additions to Critical Facilities located within the Special Flood Hazard Area shall be regulated to a

higher standard than structures not determined to be Critical Facilities. For the purposes of this ordinance, protection shall include one of the following:

- a. Location outside the Special Flood Hazard Area; or
- b. Elevation of the lowest floor or floodproofing of the structure, together with attendant utility and sanitary facilities, to at least two feet above the Base Flood Elevation.

(3) INGRESS AND EGRESS FOR NEW CRITICAL FACILITIES

New Critical Facilities shall, when practicable as determined by the City Council, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

Section 2. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Black Hawk, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. Effective Date. The City Clerk is directed to post the Ordinance as required by the Charter. This Ordinance shall become effective upon posting by the City Clerk.

READ, PASSED, AND ORDERED POSTED this 23rd day of March, 2022.

David D. Spellman, Mayor

ATTEST:

Melissa A. Greiner, CMC, City Clerk

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Black Hawk Board of Aldermen shall hold a public hearing concerning a request for an Amendment to The Black Hawk Municipal Code Chapter 18, Article VI – Flood Damage Prevention which will repeal the entire existing Article VI and adopt an entire new Article VI.

The public hearing is to be held before the City of Black Hawk Board of Aldermen on Wednesday, March 23, 2022, at 3:00 p.m. or as soon as possible thereafter. The public hearing shall be held in the City of Black Hawk Council Chambers, located at 211 Church Street, Black Hawk, CO 80422, or at such other time or place in the event this hearing is adjourned.

ALL INTERESTED PARTIES MAY ATTEND

Melissa A. Greiner, CMC
City Clerk

CITY OF BLACK HAWK

REQUEST FOR COUNCIL ACTION

SUBJECT: To consider an Ordinance amending the Floodplain Development section and the Definitions sections of Chapter 18 (Building) of the City of Black Hawk Municipal Code (P-19-05)

RECOMMENDATION: Staff recommends the following motion to the Mayor and Board of Aldermen:

MOTION TO APPROVE: AN ORDINANCE REPEALING AND REENACTING ARTICLE VI OF CHAPTER 18 OF THE BLACK HAWK MUNICIPAL CODE, ENTITLED FLOOD DAMAGE PREVENTION

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

The City of Black Hawk has identified the need to update portions of the Municipal Code within Chapter 18 (Building). The proposed amendment involves the adoption of practices that will provide an increased level of scrutiny of all development to occur within the regulated floodplain in Black Hawk.

Per Federal Emergency Management Agency (FEMA) protocols, whenever the Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) for a community are updated, the community is required to, at a minimum, update the effective dates of the FIS and FIRMs in the community's ordinance.

Beyond the minimum, the community is also required to bring their ordinance up to the level of the current State and FEMA region requirements when updating its ordinance. The FIS and FIRMs for the City of Black Hawk were last updated in 1984. In 2013, the State of Colorado and FEMA Region 8 (in which Colorado is located) updated their ordinance requirements. Now, in 2022, the City of Black Hawk is receiving updated FIS and FIRMs and therefore must now bring its ordinance up to the current level of the State of Colorado and FEMA Region 8.

The ordinance criteria that must be met are determined by the level of hydraulic modeling and resultant data that is incorporated in the updated FIS and FIRMs. The level of hydraulic modeling that the updated FIS and FIRMs for the City of Black Hawk is providing corresponds to 44 Code of Federal Regulations Subsection 60.3 (c) (44 CFR SS 60.3 (c)).

44 CFR SS 60.3 (c) is the level of hydraulic modeling a data that provides delineation of Special Flood Hazard Area and Base Flood Elevations but has not identified regulatory floodways.

In order to remain compliant with the National Flood Insurance Program (NFIP), the local community is required to adopt ordinance (before April 6, 2022) that complies with the 44 CFR SS 60.3 (c) by the effective date of the new FIRMs. The new FIRMs for the City of Black Hawk will become effective on April 6, 2022. Black Hawk Ordinance 2022-4 is effective March 23, 2022. Attached are the proposed new regulations compliant with the new expectations and regulations for approval as well as a Draft Floodplain Development Permit created by Black Hawk staff that needs to be available for applicant's needing to process an application. The Draft

Floodplain Development Permit is still a work in progress and will be completed and available for applicants by March 31, 2022.

AGENDA DATE:

March 23, 2022

WORKSHOP DATE:

N/A

FUNDING SOURCE:

N/A

DEPARTMENT DIRECTOR APPROVAL:

☒ Yes ☐ No

STAFF PERSON RESPONSIBLE:

Cynthia L. Linker
CP&D Director

DOCUMENTS ATTACHED:

Ordinance 2022-4
Summary of Affected Letters of
Map Change
CoBH Floodplain Development
Permit - DRAFT

RECORD:

☒ Yes ☐ No

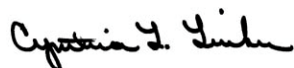
CoBH CERTIFICATE OF INSURANCE REQUIRED

☐ Yes ☒ No

CITY ATTORNEY REVIEW:

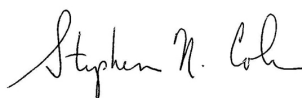
☒ Yes ☐ N/A

SUBMITTED BY:



Cynthia L. Linker, CP&D Director

REVIEWED BY:



Stephen N. Cole, City Manager



Vincent Harris, AICP, Baseline Corporation

December 16, 2021

Cynthia L. Linker
Community Planning & Development Director
City of Black Hawk
211 Church Street, PO Box 68, Black Hawk, CO 80422

Dear Mrs. Linker,

After reviewing the various Letters of Map Change that will be affected (not incorporated) by the FIS and FIRMs that will become Effective on April 6, 2022 I have found that only 2 of them are of concern.

The buildings at 235 and 220 Chase Street were previously removed from the floodplain by Letters of Map Amendment. With the updated FIRM panel, the Base Flood Elevation at each of these structures is now higher than the recorded Lowest Adjacent Grade; therefore, these buildings will no longer be exempt for the flood insurance requirement. Below is a table of my findings.

LOMC	Location	Flooding Source	Previous situation	Updated situation
13-08-0142A	235 Chase Street	Chase Gulch	Lowest Adjacent grade (8112) was 1 foot above the Base Flood Elevation (8111)	BFE at this location is now 8115, building is in the floodplain again
13-08-0307A	220 Chase Street	Chase Gulch	Lowest Adjacent grade (8102.8) was 0.7 feet above the Base Flood Elevation (8102.1)	BFE at this location is now 8105, building is in the floodplain again
98-08-310P	from ~2,030' DS of Gregory St to ~675' DS of Gregory St	Fourmile Creek	Floodplain was re-delineated due to the placement of a culvert under Richman Street and the channelization of North Creek around Richman Street	Updated floodplain is largely the same as that shown in the LOMR, but now BFEs are in NAVD 88
02-08-122P	from ~1,140' US of SH 119 to SH 119	North Clear Creek	Reach removed from floodplain due to credit for existing drainage features capturing the 1% flows	Reach still removed from floodplain
01-08-251P	from Miner's Mesa Road to ~450 US of	North Clear Creek	Reach given BFEs and made Zone A4	Floodplain largely the same, but Zone updated to AE

LOMC	Location	Flooding Source	Previous situation	Updated situation
	Silver Gulch			(terminology update), though Floodplain for Unnamed Tributary just US of Miner's Mesa Road has been removed
02-08-526P	from ~1,080' DS of Gregory St to ~170 ft DS of Gregory St	North Clear Creek	Floodplain reduced in this reach due to more detailed modeling and credit for street drainage (inlets)	Floodplain largely the same, but Zone updated to AE (terminology update), though the Floodplain for Gregory Gulch down Main Street will be removed by the Gregory Gulch LOMR we are submitting

Thank you,

Matt Jones, PE, CFM



**FLOODPLAIN DEVELOPMENT PERMIT (FPDP)
PROCEDURAL GUIDE CHECKLIST**
COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
211 CHURCH STREET * P.O. BOX 68, BLACK HAWK, CO 80422

CITY OF BLACK HAWK FLOODPLAIN MUNICIPAL CODE
COAC@cityofblackhawk.org

APPLICATION REQUIREMENTS:

City of Black Hawk Flood Damage Prevention Chapter 18, Article VI

Per Black Hawk Municipal Code Sec. 18-215, Floodplain Development Permit applications submitted for review shall include, at a minimum, the following information. Applications containing less than the specified requirements shall not be accepted for review unless the applicant has submitted to, and had approved by, the floodplain administrator written justification as to why a particular requirement does not pertain to the proposed development.

OVERVIEW:

All new Floodplain Development Permit Applications require a Development Review of the project by City of Black Hawk staff and begins with the **Pre-Application** process.

This Pre-Application process and meeting provide the City's Community Planning and Development Department, City Consultants, the Development Review Committee (DRC), and other interested parties with the information needed to evaluate the application package subject to City Review.

Before formal land use or development applications can be submitted, the City requires a pre-application submittal and perhaps a meeting before the DRC. The "pre-app" is an informal way for a potential Applicant to inform the City of their project and for the City's Planning Consultant and/or DRC Team to provide feedback on such items as:

- The specific type of formal land use application(s) required;
- Construction timing related to the proposed project;
- Wet and dry utility items, issues or requirements that will be required;
- Public Improvements that will be required;
- Potential problems that may delay the formal land-use review process;
- Building Department and Fire Department expectations and advance information to consider;
- Applicable Municipal Code requirements and review processes;
- If the specific proposal complies with the Comprehensive Plan and Zoning and Subdivision Regulations;
- Required architectural needs such as building elevations, plans, or details that show-specific materials and colors for a Certificate of Architectural Compatibility;
- Site plan concepts such as building orientation, public improvements, landscaping, lighting, parking, and signage;
- Regulatory standards related to any proposed excavation or grading concepts.

For questions about pre-application submittals, contact the City's Planning Consultant Vince Harris, Baseline Engineering Corporation, by phone at [303.912.1900](tel:303.912.1900) or email COAC@cityofblackhawk.org

The City's Planning Consultant will schedule a Pre-Application Meeting before the DRC

if required before the Applicant can submit formal land-use applications and/or any building permits are submitted for review.

SUBMITTAL REQUIREMENTS:

The following Pre-Application package must be submitted through the City's online portal, [CommunityCore](#). Any missing information may cause the application to be incomplete and, therefore, rejected by the Planning Consultant on behalf of the City of Black Hawk.

Application – The Applicant first registers as a Community Member or Contractor in [CommunityCore](#) and then creates and submits a new application through the City's online portal, [CommunityCore](#). For questions about the pre-application submittal process, contact the City's Planning Consultant Vince Harris, Baseline Engineering Corporation, by phone at 303.912.1900 or email COAC@cityofblackhawk.org

Project Description Letter – A written narrative that summarizes the proposed development, including existing and proposed land uses; building occupancy type (if known), what uses are to be performed in the space, and whether any hazardous materials are to be stored or used on site. Include specific issues you want to discuss.

- The Applicant can enter this information directly on the application under Description of Work or attach a separate project description letter to the application submittal.

Schematic Site Plan (if applicable) – Applicants are encouraged not to prepare detailed designs at this stage because extensive revisions may result from comments and regulatory needs learned during the pre-application process and DRC meeting. It is acceptable for any drawings and plans to be preliminary and conceptual in nature; for example, site plans, plats, comprehensive sign plans are not required to be professionally drawn yet but should convey the intent or story of the proposal. If known, include the square footage of proposed or existing building(s) and building setbacks to property lines, access points, parking ideas, drainage plans, and other improvements existing or proposed that would be necessary to explain the proposal.

Preliminary Exterior Elevations (if applicable), show all proposed exterior materials, colors, signage, and the building height dimensions.

Additional Information – The more information an Applicant provides, the better feedback can be offered.

Reimbursement Agreement – As the Applicant, understands they are responsible and agrees to pay all costs associated with the project as it progresses from the pre-application phase through the formal application processes, the Applicant is invoiced monthly. Consultant fees + 15% admin fee will be invoiced.

PROCESS:

- To submit a Pre-Application, provide all of the items listed in the Submittal Requirements through the City's online portal, [CommunityCore](#). Keep in mind that the more information available to the City's review team, the more thorough and complete our comments can be.
- Within **5 business days** of receiving the application, the Planning Consultant will contact the Applicant with the next steps; explain if the concept will likely go through an **Administrative** or **City Council review and approval process**; if a Pre-

Application Meeting is required; and if any additional information needs submitted to proceed.

- Pre-Application Meetings are held in person, and schedule availability is for every Wednesday at 10:00 a.m. in the City Council Chambers at 211 Church St Black Hawk, CO 80422. The Applicant can check-in at the Community Planning and Development counter upon arrival.
- At the meeting, the Applicant is provided an opportunity to present their proposal to the DRC for comment and discussion. The Applicant is encouraged to bring their design team and general contractor. The DRC will provide verbal comments on various regulations related to the project and describe the necessary items and steps needed to seek approval of an application.
- **10 business days** after the Pre-Application Meeting, the City's Planning Consultant will provide the Applicant with a formal list of comments and a written summary of the items discussed at the meeting, an estimate of costs associated with processing the project applications, and any related information. This will include any formal applications, submittal requirements, and information pertinent to moving forward with the project. Land use approvals are required in advance of submitting any related or required submittals for permits from the City's Building or Public Works Departments.
- A Pre-Application review and response will expire 180 days after acceptance of such application if there is no forward movement from the Applicant.

CODE REQUIREMENTS:

The Black Hawk Municipal Code is found on the City's website: <https://www.cityofblackhawk.org>; please also note the adopted but not yet codified ordinances. The Planning Consultant will provide specific code sections and requirements for the project with Next Steps.

Please be advised the Pre-Application process is a preliminary review ONLY.

Discussions with or information provided by the City or its Planning Consultant do not signify project approval.

The City will conduct a complete review at the time of any formal submittals of land use applications and/or building permits.

Additionally, materials submitted as part of a Pre-Application process do not constitute a formal application and therefore do not "vest" an application.

Pre-Application discussions and meetings are tools for information gathering only and shall not be interpreted as a binding commitment by the City of Black Hawk.

CHECKLIST FOR FORMAL LAND USE APPLICATION

- _____ The following documents are uploaded through the City's online portal [CommunityCore](#). Any missing information may cause the application to be incomplete and, therefore, rejected by the Planning Consultant.
- _____ A completed Floodplain Development Permit application (attached).
- _____ An explanation of how the standards in the City of Black Hawk Flood Damage Prevention Ordinance have been or will be met. Also, sign the attached affidavit and keep the Standards for your reference.
- _____ A floodplain map showing the location of the site. See page 5 of this packet for map requirements.
- _____ A Certification Form stamped and signed by a registered Colorado professional engineer.
- _____ Detailed narrative of the project including the flood zone, the Base Flood Elevation, and a list of all the proposed structures. State how the structures will be floodproofed - elevated, anchored, vented, etc. State how the electrical, gas, water and sewer will be floodproofed.
- _____ If applicable, a certificate from a registered professional engineer licensed in the State that the non-residential floodproofed structure shall meet the floodproofing criteria listed in the City of Black Hawk Flood Damage Prevention Ordinance.
- _____ If applicable, a *pre-construction* elevation certificate shall be submitted with the Floodplain Development Permit application. A *during construction* elevation certificate as well as an *as-built* elevation certification will be required prior to receiving a certificate of occupancy or final building permit approval for the structure. The elevation certifications shall be submitted on the most current FEMA Elevation Certificate.
- _____ For houses and habitable structures, an elevation drawing delineated with the appropriate architectural scale, which clearly depicts the elevation of the inner/outer grade, height of the crawlspace, and lowest floor of the proposed and existing structures in relation to the Base Flood Elevation. The lowest floor (first habitable level) of the building must be one foot above the Base Flood Elevation.
- _____ Deed for subject property
- _____ Authorization Agent form completed by the property owner, executed easement document, or executed right-of-way document.
- _____ Electronic copies of hydrologic and hydraulic computer models (i.e., HEC-RAS).
- _____ If applicable, a description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development; and
- _____ Any other relevant information which may be required by the Floodplain Administrator to determine that the proposed project has gained the appropriate Federal, State, and County approvals (e.g., wetland permits, septic permits, etc.).

For questions about formal land use submittals, contact the City's Planning Consultant Vince Harris, Baseline Engineering Corporation, by phone at [303.912.1900](tel:303.912.1900) or email COAC@cityofblackhawk.org.

FLOODPLAIN DEVELOPMENT PERMIT (FHDP) PROCEDURAL GUIDE

<u>APPLICATION TYPE</u>	<u>HEARINGS/MEETINGS</u>	<u>PROCESSING TIME</u>
Floodplain Development Permit (FPDP)	Administrative Staff Review	45 Days

Go here for the [CITY OF BLACK HAWK FLOODPLAIN MUNICIPAL CODE](#).

A completed application form and supporting materials will enable City of Black Hawk staff to process and reach a decision within the time frame established for the Floodplain Development Permit process.

The City of Black Hawk Community Planning and Development Department shall be responsible for processing Floodplain Development Permits.

INTENT

The intent of the Floodplain Development Permit is to ensure that proposed development, building sites, and structures which are to be located within the 100-year floodplain are safe from flooding.

No permit shall be issued nor shall any start of construction begin, development occur, building or structure be erected, constructed, replaced, or substantially improved within the 100-year floodplain as shown on the current FEMA designated maps until a Floodplain Development Permit for such development, building, or structure has been approved by the Floodplain Administrator. Any person filing an application for a Floodplain Development Permit for a development, structure, or manufactured home is required to comply with the procedures and application requirements listed in Article IV of Section C of the City of Black Hawk Floodplain Municipal Code. Any development, building, or structure which is to be located within the floodplain, as defined by the FIRM is required to obtain a Floodplain Development Permit in accordance with Article IV of Section C of the City of Black Hawk Floodplain Municipal Code. A Floodplain Development Permit shall be obtained for all development, buildings, or structures which are to be located within the floodplain regardless of building permit requirements. Nothing in Article IV of Section C of the City of Black Hawk Floodplain Municipal Code shall be construed as exempting an applicant for a Floodplain Development Permit from any other Gilpin County regulatory requirements.

STATEMENT OF PURPOSE

- A. It is the purpose of this ordinance to promote public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
1. Protect human life and health;
 2. Minimize expenditure of public money for costly flood control projects;
 3. Minimize the need for rescue and relief efforts associated with flooding which have historically been undertaken at the expense of the general public;
 4. Minimize prolonged business interruptions;

5. Minimize damage to critical facilities, infrastructure, and other public facilities such as water, sewer and gas mains; electric and communications stations, substations and power plants, streets and bridges located in floodplains;
6. Help maintain a stable tax base by providing for the sound use and development of flood prone areas so as to minimize future flood blight areas; and
7. Ensure that potential buyers are notified that property is in a Special Flood Hazard Area.

EXEMPTIONS

The following open space and emergency uses are allowed to occur in a floodplain or floodway without a Floodplain Development Permit provided that such uses are not prohibited by any other resolution or statute, do not require structures, do not require alteration of the floodplain such as fill, excavation, or permanent storage of materials or equipment, and will not cause flood losses on other land or to the public:

- A. Agricultural uses such as tilling, farming, irrigation, harvesting, grazing, etc.;
- B. Private and public recreational uses that do not include overnight vehicle parking or camping which is otherwise in violation of provisions of this Section C;
- C. Irrigation and livestock water supply wells provided they meet the standards for wells in a floodplain;
- D. Emergency flood damage prevention measures such as sandbagging.

INVESTIGATION FEE

An additional investigation fee shall be added to the cost of the permit application when specific land uses, buildings, manufactured homes, mobile homes, and structures that require a permit by the City of Black Hawk Floodplain Municipal Code are located, moved, operated, or constructed prior to obtaining a permit. The investigation fee shall be 50% of the fee established by separate action by the City Council for land-use applications. The payment of such investigation fee shall not relieve any persons from fully complying with the requirements of the City of Black Hawk Floodplain Municipal Code, nor from any other penalties.

FLOODPLAIN MAP REQUIREMENTS

Map dimensions shall be a minimum of 17 inches wide by 11 inches high or another suitable size approved by the Community Planning and Development Department.

A map which accurately displays the following information:

- a. The name and address of the property owner;
- b. A legal description which describes the Section, Township and Range of the property;
- c. Scale and north arrow;
- d. Topographic map at the building site, including a map (plot plan) drawn to an appropriate scale and the location of known encumbrances and spot elevations for the site near all existing and proposed structures;
- e. Water Surface Elevations of the Base Flood Elevation (BFE) at the building site. If the Water Surface Elevations are not shown on the FBFM or FIRM, the applicant's engineer shall use acceptable methodology to determine the Water Surface Elevations and show them on the map;
- f. Boundaries of the floodplain and floodway on the property;
- g. A plot plan which shows the location, shape, exterior dimensions and distance from lot or property lines of each existing or proposed structure relative to the floodplain and/or floodway boundaries;
- h. The elevation of the lowest floor, including the basement or crawlspace, of all new or substantially improved structures;
- i. If applicable, the elevation to which any non-residential structure will be floodproofed;
- j. Proposed vehicular access to the property; and
- k. Any fill, proposed and existing storage of materials, and proposed and existing drainage facilities located on the property.
- l. If applicable, show existing ground elevations, in the NGVD-29 or NAVD-88 vertical datum, at the development site to 2.0-ft accuracy, with offsite elevations.

CONTACT INFORMATION AND OFFICE LOCATIONS

City of Black Hawk Community Planning and Development Department

Planning & Floodplain Administration

City Annex Building
211 Church Street, PO Box 68
Black Hawk, CO 80422
(303) 582-0615
(303) 582-2223

COAC@cityofblackhawk.org

www.cityofblackhawk.org/community-planning-development

Colorado Department of Transportation (CDOT)

10601 W. 10th Street
Greeley, CO 80634 (970) 353-1232
<https://www.codot.gov/>

Division of Water Resources

Water Wells

1313 Sherman St. Room 818
Denver, CO 80203 (303) 866-3581
810 Ninth St Second Floor Greeley, CO 80631 (970) 352-8712
<https://dwr.colorado.gov/>

Well Permitting Information: <https://dwr.colorado.gov/services/well-permitting>

Colorado Geological Survey

Division of Minerals and Geology

1313 Sherman Street
Room 715
Denver, CO 80203 (303) 384-2643
<https://coloradogeologicalsurvey.org/>



FLOOD HAZARD DEVELOPMENT PERMIT (FHDP) APPLICATION

COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
211 CHURCH STREET * P.O. BOX 68, BLACK HAWK, CO 80422

CPDInquiry@cityofblackhawk.org

Parcel Number _____ - _____ - _____

(12 digit number - found on Tax I.D. information, obtainable through the [Gilpin County Assessor's](#) Office)

Address _____

Legal Description _____, Section _____, Township _____ N, Range _____ W

Waterway Name _____ Flood Insurance Rate Map (FIRM) Panel # 08047C-

Flood Zone: A _____ AE _____ AH _____ AO _____ Parcel size _____ acres Zoning _____

Project located in designated floodway? Yes _____ No _____ If yes, a "No Rise" certificate is required.

FEE OWNER(S) OF THE PROPERTY:

Name: _____

Company: _____

Phone #: _____ Email: _____

Street Address: _____

City/State/ZIP Code: _____

APPLICANT OR AUTHORIZED AGENT: (See Below*: Authorization must accompany all applications signed by Authorized Agent)

Name: _____

Company: _____

Phone #: _____ Email: _____

Street Address: _____

City/State/ZIP Code: _____

Type of Proposed Development: (Please check all that apply)

Residential Home

- ☐ New Construction (Single Family)
- ☐ New Construction (Multi Family)
- ☐ Rehabilitation
- ☐ Addition or Improvements
- ☐ In Subdivision
- ☐ Fill Material Subdivision

Non-Residential

- ☐ New Construction
- ☐ Addition or Improvements
- ☐ Fill Material
- ☐ Channelization
- ☐ Watercourse Alternation
- ☐ Bridge/Culvert
- ☐ Levee

Manufactured or Mobile

- ☐ On Single Lot
- ☐ In Mobile Home Park
- ☐ Fill Material
- ☐ In Mobile Home

☐ Other (pipeline, tank battery, etc.) _____

Description of Proposed Development**: _____

**Attach a detailed narrative of the project to this application.

Signature: Owner or Authorized Agent Date Signature: Owner or Authorized Agent Date

Print: Owner or Authorized Agent Date Print: Owner or Authorized Agent Date

*If an Authorized Agent signs, a letter of authorization from all fee owners must be included with the application. If a corporation is the fee owner, notarized evidence must be included showing the signatory has legal authority to sign for the corporation.

CONSULTANT AND STAFF USE:

DATE RECEIVED:
AMOUNT \$
CASE # ASSIGNED:
APPLICATION RECEIVED BY
ASSIGNED TO:

CERTIFICATION

I hereby affirm that this Floodplain Development Application was prepared under my responsible charge for the owners thereof and to my knowledge is accurate and adherent to the applicable standards and rules provided by the City of Black Hawk, Colorado.

Signature: _____

PE/PLS #: _____

Name Print: _____

Company Name: _____

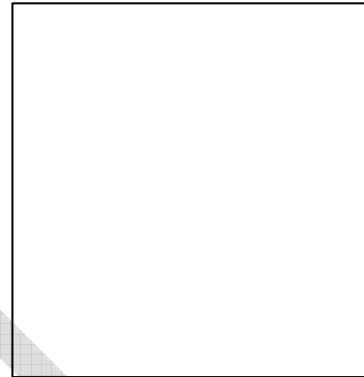
Address: _____

City, State, Zip: _____

Phone: _____ Fax: _____

E-Mail: _____

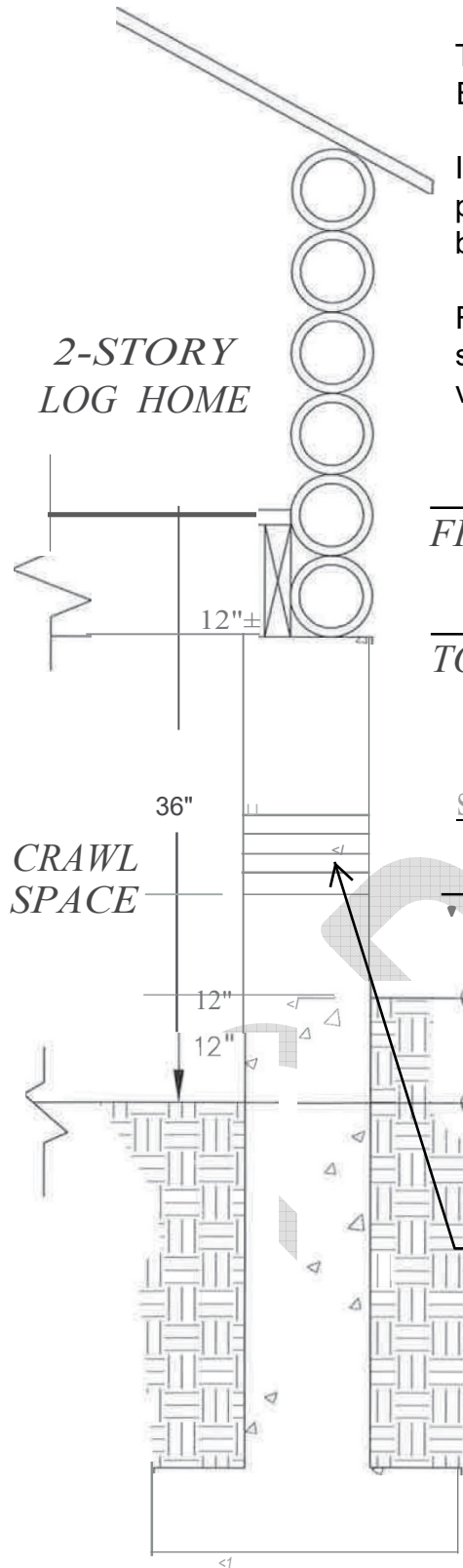
Date: _____



Stamp

DRAFT

Example Elevation Drawing



2-STORY
LOG HOME

The first floor of the habitable structure must be 1 foot above the Base Flood Elevation (BFE).

If the crawl space floor is **below** the BFE the vents must be placed in the foundation wall. The size of the vents must equal be to the square footage of the structure only in square inches.

For example: If the square footage of the structure is 1,000 square feet the vent openings must be 1,000 square inches. The vents must be placed on two opposite walls.

FINISHED FLOOR ELEVATION (4630.75)

TOP OF FOUNDATION ELEVATION (4629.75)

Z REGULATORY FLOOD DATUM (4629.60)

SZ BASE FLOOD ELEVATION (4628.60)

BOTTOM OF FLOOD VENTS (4626.75)

HIGHEST ADJACENT GRADE (4625.75)

TOP OF BOTTOM FLOOR
ELEVATION (4624.75)

Flood vent - no more than 1
foot above the ground.



COMMUNITY PLANNING AND
DEVELOPMENT DEPARTMENT
211 CHURCH STREET
P.O. BOX 68
BLACK HAWK, CO 80422

AUTHORIZATION FORM

I, (We), _____, give permission to _____
(Owner – please print) (Authorized Agent/Applicant–please print)

to apply for any **Planning, Building, Access or OWTS** permits on our behalf, for the property located at
(address or parcel number) below:

Legal Description: _____ of Section _____, Township _____ N, Range _____ W

Subdivision Name: _____ Lot _____ Block _____

Property Owners Information:

Address: _____

Phone: _____ E-mail: _____

Authorized Agent/Applicant Contact Information:

Address: _____

Phone: _____ E-Mail: _____

Correspondence to be sent to: Owner _____ Authorized Agent/Applicant _____ by: Mail _____ Email _____

Additional Info: _____

Owner Signature: _____ Date: _____

Owner Signature: _____ Date: _____

Article IV of Section C

I have read and understand the Standards in Article IV of Section C of the City of Black Hawk Floodplain Municipal Code. Per my signature below I have received a copy of the Standards and the development in the floodplain that is described in my Floodplain Permit will remain in compliance with the aforementioned section of the City of Black Hawk Municipal Code.

Signature: _____ Date: _____

Name Print: _____

DRAFT

City of Black Hawk Floodplain Standards are in Article IV of Section C

https://library.municode.com/co/black_hawk/codes/municipal_code?nodeId=CO_CH16ZO_ARTIGEPR_S16-6REEXZOHIPRCOFLO

**COUNCIL BILL 5
ORDINANCE 2022-5
AN ORDINANCE
AMENDING CERTAIN
PROVISIONS OF THE
BLACK HAWK
MUNICIPAL CODE
REGARDING OFF STREET
PARKING**

**.STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK**

COUNCIL BILL NUMBER: CB5

ORDINANCE NUMBER: 2022-5

**TITLE: AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE BLACK
HAWK MUNICIPAL CODE REGARDING OFF STREET PARKING**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK,
GILPIN COUNTY:

Section 1. Section 16-261, subsection (d) of the City of Black Hawk Municipal Code
is amended to read as follows:

(d) Because of the historic nature of the downtown area, the intent to
make the best use of the Commercial Gaming District and the desire to emphasize
the pedestrian nature of these areas, off-street parking in these areas may not be
feasible or desirable. In these districts, provisions will be made for a contribution
to a parking fund which will finance construction of nearby and remote City-owned
parking areas ~~lots~~. Contribution will be calculated based upon the uses by area
(square feet) within the given structure. The *fees in lieu of off-street parking spaces*
are addressed in Ordinance 91-10, as amended.

Section 2. Section 16-262, subsections (b) and (e) of the City of Black Hawk
Municipal Code are amended to read as follows:

(b) The proposed method of complying with this Article shall be
indicated on all plans required to be submitted to the Planning Department as a part
of an application and on any ***site plot*** plan submitted for a building permit. No off-
street parking shall be used or occupied without first obtaining a certificate of
occupancy or use. Any off-street parking that was maintained and operated
pursuant to a valid conditional use permit on February 25, 1999, is considered a
legal nonconforming use and is not required to obtain a certificate of use.

* * *

(e) Any change in the use of ***any portion of*** a building, ***structure***, or lot
which increases the off-street parking as required under this Chapter shall be
unlawful and a violation of this Chapter until such time as the off-street parking
complies with the provisions of this Chapter.

Section 3. Section 16-263, subsection (a) of the City of Black Hawk Municipal Code
is amended to read as follows:

(a) All uses shall, at a minimum, provide the number of off-street parking spaces listed below. Buildings with more than one (1) use shall provide parking required for each use.

<i>Use</i>	<i>Number of Spaces Required</i>
Studio or 1 bedroom:	1.5/dwelling unit
2 or more bedrooms:	2/dwelling units
In addition, multi-family dwellings:	1/guest space per 5 dwelling units
Hotels and motels, and any overnight room rentals:	1.12/room, suite/individual exit
Bed and breakfasts and short-term rentals:	1/guest room in addition to those required for related residential use
Schools, academies, colleges, trade or business schools:	1/instructor and/or administrative personnel and 0.5/student
Health & athletic clubs, aerobics, recreational, amusement & entertainment facilities:	1/125 sf.
Theaters & public assembly, places of worship, social clubs, funeral home & crematoriums:	1/space per 3 seats provided within the facility
General office:	1/250 sf. (minimum 3/business)
Medical office, clinic:	1/135 sf.
Hospitals:	1/2 beds & 1/resident doctor & 1/2 employees (full or part-time) per shift
Dining & drinking establishments:	1/75 sf.
If dancing and/or entertainment is provided:	1/50 sf.
Outdoor dining & drinking areas:	1/200 75 sf. x(outdoor dining area) (gross indoor area)
Gaming establishments:	1/75 sf. of gaming area with seating, 1/50 sf of gaming area or 1 gaming device for areas without seating, whichever is more, in addition to those spaces required for other uses in the same building as provided in this Chapter
General commercial and retail sales:	1/300 sf.
Manufacturing & industrial uses, contractors' yards, business services, printing, fabrication plants:	1/500 sf.
Furniture store, warehousing & storage facilities:	1/500 sf. for first 10,000 sf. and 1/5,000 sf. for remaining area
Mini-storage facilities:	1/5,000 sf.
Distillery:	1/500 sf.
Distillery Warehouse:	1/4,000 sf. Minimum 1 space & Maximum 3 spaces
Tasting Room	1/150 sf.

Section 4. Section 16-264, subsection (a)(3)b. of the City of Black Hawk Municipal Code is amended to read as follows:

(3) Measurement of floor area. Floor areas used in calculating the required number of parking spaces shall be gross floor areas of the building calculated from the outside wall without regard to specific inside use. In mixed use facilities:

a. Calculations shall be based on gross square footage of each identifiable use within the building;

b. An *office* shall include general office area, gaming cash count areas and vaults; a *gaming* or *restaurant* use shall include gaming, cashiers, restaurants, kitchens, freezers and bar areas; and a *hotel* use shall include all square footage/*rooms* dedicated solely to the hotel use;

c. Uses which serve more than one (1) of the uses, such as bathrooms, mechanical rooms, stairwells, circulation, air shafts, storage areas and elevators shall be prorated based on the area of each identifiable use; and

d. The total square footage of each identifiable use shall be the same as the gross floor area calculated from outside wall to outside wall.

Section 5. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Black Hawk, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 6. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 7. Effective Date. The City Clerk is directed to post the Ordinance as required by the Charter. This Ordinance shall become effective upon posting by the City Clerk.

READ, PASSED AND ORDERED POSTED this 23rd day of March, 2022.

David D. Spellman, Mayor

ATTEST:

Melissa A. Greiner, CMC, City Clerk

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Black Hawk Board of Aldermen shall hold a public hearing concerning a request for an Amendment to the Black Hawk Municipal Code, Chapter 16, Article XII – Off-Street Parking which proposes minor corrections, clarifications, and the addition of certain uses to Section 16-263 and number of parking spaces required.

The public hearing is to be held before the City of Black Hawk Board of Aldermen on Wednesday, March 23, 2022, at 3:00 p.m. or as soon as possible thereafter. The public hearing shall be held in the City of Black Hawk Council Chambers, located at 211 Church Street, Black Hawk, CO 80422, or at such other time or place in the event this hearing is adjourned.

ALL INTERESTED PARTIES MAY ATTEND

Melissa A. Greiner, CMC
City Clerk

CITY OF BLACK HAWK

REQUEST FOR COUNCIL ACTION

SUBJECT: To consider an amendment to the Off-Street Parking section of the Black Hawk Municipal Code including minor clarifications and the addition of certain uses for determining the number of parking spaces required (P-21-06).

RECOMMENDATION: Staff recommends the following motion to the Mayor and Board of Aldermen:

MOTION TO APPROVE: *AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE BLACK HAWK MUNICIPAL CODE REGARDING OFF STREET PARKING.*

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

In February 2021, the City of Black Hawk received a Site Development Plan (SDP) application for a distillery, tasting room and distillery warehouse proposed along Miners Road on Gregory Hill. Because these proposed uses and parking requirements were not included in Section 16-263 of the Off-Street Parking code, a variance was required in conjunction with the SDP review and approval. In order to allow for distillery uses in the future without the requirement of a parking variance, Staff has prepared a proposed amendment to the Off-Street Parking section of the Zoning Code. As part of this amendment, staff also suggests several minor clarifications to the Off-Street Parking code as outlined in the attached Draft Amendment prepared by Staff and the proposed Ordinance prepared by Council.

AGENDA DATE: March 23, 2022

WORKSHOP DATE: N/A

FUNDING SOURCE: N/A

DEPARTMENT DIRECTOR APPROVAL: [X]Yes []No

STAFF PERSON RESPONSIBLE: Cynthia L. Linker
CP&D Director

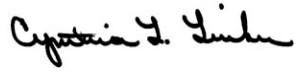
DOCUMENTS ATTACHED: Ordinance 2022-5
Draft Amendment (Staff prepared)

RECORD: [X]Yes []No

CoBH CERTIFICATE OF INSURANCE REQUIRED []Yes [X]No

CITY ATTORNEY REVIEW: [X]Yes []N/A

SUBMITTED BY:



Cynthia L. Linker, CP&D Director

REVIEWED BY:



Stephen N. Cole, City Manager



Vincent Harris, AICP, Baseline Corporation

ARTICLE XII Off-Street Parking

(Draft Amendment)

Sec. 16-261. Purpose.

- (a) The purpose of this Article is to ensure that all land uses are served by an adequate supply of well-planned and designed parking. The off-street parking article provides minimum standards for the development of parking areas in conjunction with the various uses permitted in this Chapter. The purpose of this Section is to require that the owner of a land use provide sufficient quantities of parking for the land use. In the event the owner of a land use cannot or chooses not to provide sufficient quantities of parking on the same site as the land use generating the need for parking, or on other real property owned by the owner of the land use that is located within the Commercial/Business Services or Gaming and Entertaining Districts of the City (the "parking property") which is subject to a Parking Agreement as described in Section 4-113(7) of this Code, the owner of the land use shall provide off-street parking by contribution to a parking fund which will finance the construction of nearby and remote City-owned lots. The construction of nearby and remote City-owned lots will allow for a comprehensive parking and transit shuttle service for the City.
- (b) The intent of these standards is to require attractive, convenient, efficiently developed parking areas which provide sufficient quantities of parking spaces with ample area for fire lanes, maneuvering, snow storage, retention of drainage, landscaping and public safety.
- (c) The standards herein governing the required number of off-street parking spaces are considered to be minimum standards. It is the obligation of the owner of a use which generates the need for parking to provide sufficient quantities of off-street parking for the particular land use.
- (d) Because of the historic nature of the downtown area, the intent to make the best use of the Commercial Gaming District and the desire to emphasize the pedestrian nature of these areas, off-street parking in these areas may not be feasible or desirable. In these districts, provisions will be made for a contribution to a parking fund which will finance construction of nearby and remote City-owned [parking areaslots](#). Contribution will be calculated based upon the uses by area (square feet) within the given structure. The *fees in lieu of off-street parking spaces* are addressed in Ordinance 91-10, as amended.

(Ord. 94-11 §1, 1994; Ord. 97-26 §1)

Sec. 16-262. Application and administration.

- (a) Off-street parking shall be provided as set forth in this Chapter in association with any use generating demand for parking.
- (b) The proposed method of complying with this Article shall be indicated on all plans required to be submitted to the Planning Department as a part of an application and on any [plot-site](#) plan submitted for a building permit. No off-street parking shall be used or occupied without first obtaining a certificate of occupancy or use. Any off-street parking that was maintained and operated pursuant to a valid conditional use permit on February 25, 1999, is considered a legal nonconforming use and is not required to obtain a certificate of use.
- (c) When any addition to or enlargement of an existing building or use or a change in use increases the building or the developed area of the use or the parking requirements of the building or structure, the parking requirements of this Chapter must be met. Moreover, if the addition, enlargement or change in use

increases the building or the developed area of the use, or the required parking by twenty percent (20%) or more in a nonresidential district or thirty percent (30%) or more in a residential district, then the parking for the entire building shall be brought into conformance with all requirements of this Chapter, including required number of spaces, access, landscaping, lighting, screening and other applicable standards. However, the requirement set forth above shall not apply if the owner in a residential district can demonstrate that his or her property is used exclusively for one (1) single-family dwelling unit. Once the owner of a dwelling in a residential district is granted a conditional or special use permit, he or she must immediately comply with this Chapter.

- (d) Whenever a building permit has been granted and the plans so approved for off-street parking, the subsequent use of such property shall be deemed to be conditional upon the unqualified continuance and availability of the parking provisions contained in such plans.
- (e) Any change in the use of [any portion of](#) a building, [structure](#), or lot which increases the off-street parking as required under this Chapter shall be unlawful and a violation of this Chapter until such time as the off-street parking complies with the provisions of this Chapter.

(Ord. 94-11 §1, 1994; Ord. 97-26 §3; Ord. 99-8 §1)

Sec. 16-263. Number of parking spaces required.

- (a) All uses shall, at a minimum, provide the number of off-street parking spaces listed below. Buildings with more than one (1) use shall provide parking required for each use.

<i>Use</i>	<i>Number of Spaces Required</i>
Studio or 1 bedroom:	1.5/dwelling unit
2 or more bedrooms:	2/dwelling units
In addition, multi-family dwellings:	1/guest space per 5 dwelling units
Hotels and motels, and any overnight room rentals :	1.12/room, suite/individual exit
Bed and breakfasts and short-term rentals:	1/guest room in addition to those required for related residential use
Schools, academies, colleges, trade or business schools:	1/instructor and/or administrative personnel and 0.5/student
Health & athletic clubs, aerobics, recreational, amusement & entertainment facilities:	1/125 sf.
Theaters & public assembly, places of worship, social clubs, funeral home & crematoriums:	1/space per 3 seats provided within the facility
General office:	1/250 sf. (minimum 3/business)
Medical office, clinic:	1/135 sf.
Hospitals:	1/2 beds & 1/resident doctor & 1/2 employees (full or part-time) per shift
Dining & drinking establishments:	1/75 sf.
if dancing and/or entertainment is provided:	1/50 sf.
Outdoor dining & drinking areas:	1/ 75 200 sf. *(outdoor dining area) (gross indoor area)
Gaming establishments:	1/75 sf. of gaming area with seating, 1/50 sf. of gaming area or 1 per gaming device for areas without seating, whichever is more, in addition to those spaces required for other uses in the same building as provided in this Chapter.

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General commercial and retail sales:	1/300 sf.
Manufacturing & industrial uses, contractors' yards, business services, printing, fabrication plants:	1/500 sf.
Furniture store, warehousing & storage facilities:	1/500 sf. for first 10,000 sf. and 1/5,000 sf. for remaining area
Mini-storage facilities	1/5,000 sf.
<u>Distillery</u>	<u>1/500 sf.</u>
<u>Distillery Warehouse</u>	<u>1/4,000 sf. Minimum 1 space & Maximum 3 spaces</u>
<u>Tasting Room</u>	<u>1/150 sf.</u>

In Industrial Zone Districts, the applicant may demonstrate to the Board of Aldermen that the required number is too high, in which case, if approved by the Board of Aldermen, the applicant may develop the approved number of spaces but shall provide additional area for expanded parking, and such area shall be landscaped with ground cover.

(Ord. 94-11 §1; Ord. 95-11 §1; Ord. 97-26 §4; Ord. 98-33 §8; Ord. 2001-15 §12; Ord. 2018-10 §5)

Sec. 16-264. Parking area design.

- (a) Calculation of parking space requirements. Where parking facilities are combined and shared by two (2) or more uses:
 - (1) The off-street parking space required for two (2) or more uses having the same or different standards for determining the amount of required off-street parking spaces shall be the sum of the standards of all the various uses.
 - (2) Tandem arrangements of parking shall only be allowed in valet parking lots in commercial zoning districts and in residential zoning districts for structures of four (4) units or less, but shall not be considered as meeting the standards of this Chapter for any other use. Only the first tandem spaces shall be counted towards satisfying the required number of parking spaces in other nonresidential uses.
 - (3) Measurement of floor area. Floor areas used in calculating the required number of parking spaces shall be gross floor areas of the building calculated from the outside wall without regard to specific inside use. In mixed use facilities:
 - a. Calculations shall be based on gross square footage of each identifiable use within the building;
 - b. An *office* shall include general office area, gaming cash count areas and vaults; a *gaming* or *restaurant* use shall include gaming, cashiers, restaurants, kitchens, freezers and bar areas; and a *hotel* use shall include all square footage /-rooms dedicated solely to the hotel use;
 - c. Uses which serve more than one (1) of the uses, such as bathrooms, mechanical rooms, stairwells, circulation, air shafts, storage areas and elevators shall be prorated based on the area of each identifiable use; and
 - d. The total square footage of each identifiable use shall be the same as the gross floor area calculated from outside wall to outside wall.
 - (4) New construction projects with access to Highway 119 and Highway 279 or proposed addition or reconstruction projects which will create an increase of twenty percent (20%) or more in traffic demand utilizing an existing access point to Highway 119 or Highway 279 or which meet other criteria specified by the State Department of Transportation shall require an access permit from the State Department of Transportation.

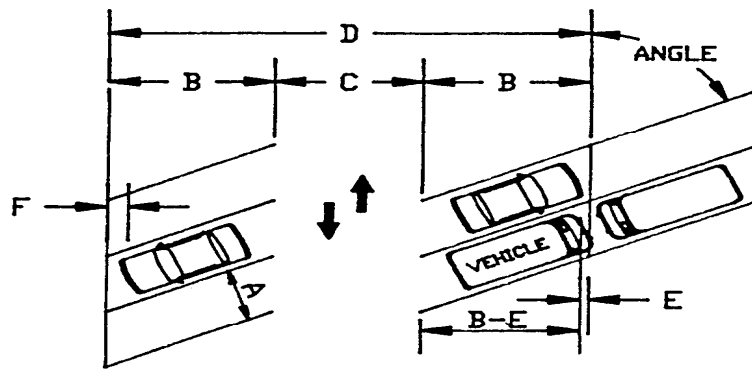
- (b) Parking area design standards. All parking areas, driveways and maneuvering areas shall be constructed to the dimensional standards shown in Figure A. The standard parking space shall measure eight (8) feet six (6) inches by eighteen (18) feet. All parallel parking spaces shall measure eight (8) feet six (6) inches by twenty-two (22) feet. Recreational vehicle parking spaces shall measure ten (10) feet by twenty-four (24) feet.

(1) Dimensional standards:

(The dimensional standards contained within Figure A are located on the next page.)

PARKING AREA DIMENSIONS

Figure A



PARKING DIMENSIONS

Angle	Minimum Stall Width		Vehicle Projection		Aisle		Typical Module		Interlock Reduction	Overhang
	(A)		(B)		(C)		(D)		(E)	(F)
	valet	std.	valet	std.	one way	two way	valet	std.		
PARALLEL	7' 6"	8' 6"	7' 6"	8' 6"	20'	20'	N/A	37' 0"	N/A	2' 0"
45°	7' 6"	8' 6"	16' 0"	17' 6"	20'	20'	84' 0"	55' 0"	2' 0"	2' 0"
60°	7' 6"	8' 6"	16' 0"	18' 6"	20'	20'	84' 0"	57' 0"	1' 4"	2' 2"
75°	7' 6"	8' 6"	16' 0"	18' 8"	20'	20'	84' 0"	57' 2"	0' 8"	2' 5"
90°	7' 6"	8' 6"	16' 0"	17' 6"	20'	20'	84' 0"	55' 0"	N/A	2' 7"

1. RECREATION VEHICLE PARKING SPACES SHALL MEASURE 10' X 24'.
2. PARKING LOTS SHALL COMPLY WITH AMERICANS WITH DISABILITIES ACT.

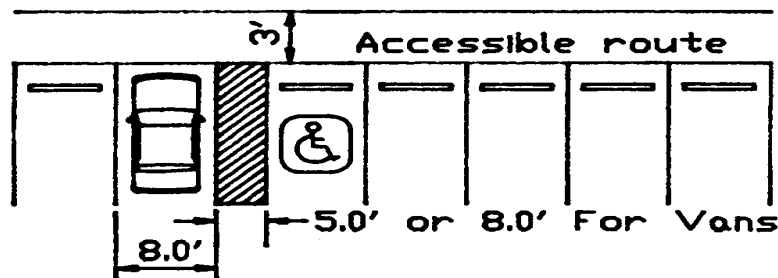
AMERICANS WITH DISABILITIES

ADA JULY 26, 1990

MINIMUM ACCESSIBILITY REQUIREMENTS

TOTAL PARKING IN LOT	REQUIRED MINIMUM NUMBER OF ACCESSIBLE SPACES
1 TO 25	1
26 TO 50	2
51 TO 75	3
76 TO 100	4
101 TO 150	5
151 TO 200	6
201 TO 300	7
301 TO 400	8
401 TO 500	9
501 TO 1000	2 % OF TOTAL
1001 AND OVER	20 PLUS 1 FOR EACH 100 OVER 1000

ACCESSIBLE PARKING SPACE DIMENSIONS



- (2) Setback for on-site parking adjacent to Highway 119. The Colorado Department of Transportation has not established the width or location of that portion of Highway 119 located between the junction of Highway 119 and Black Hawk Street and Chase Street in the City. The width of Highway 119 apparently varies from twenty-eight (28) feet to one hundred (100) feet in width. The width and location of Highway 119 must be established by the Colorado Department of Transportation in order to determine the setback for on-site parking adjacent to Highway 119.
- (3) All parking areas shall be properly graded for drainage, provide on-site detention of run-off from precipitation and surfaced with concrete or asphaltic concrete or other acceptable surfacing, in conformance with specifications on file with the Public Works Department. They shall be maintained in good condition, free of weeds, dust, trash and debris.
- (4) No more than two (2) driveways will be permitted per parcel. In parcels accommodating twenty (20) or more parking spaces, driveways must be separated by at least two hundred fifty (250) feet. In parcels with less than twenty (20) parking spaces, driveways must be separated by at least one hundred (100) feet.

-
- (5) All lights used to illuminate parking spaces, driveways or maneuvering areas shall be so designed, arranged and screened so that the source of lighting shall not be visible from any point on adjoining lots or streets. All lighting fixtures, including security lighting facilities, shall be directed away from adjacent residential uses and public streets and shall not be of an intensity which unreasonably disturbs adjacent residential users or users of public streets and shall not be installed above a maximum height of fifteen (15) feet.
 - (6) Covered parking areas shall have an interior clear dimension of at least seven (7) feet high and shall comply with design specifications approved by the Building Official through the building permit process.
 - (7) Vehicular ingress and egress to public major or minor arterials from off-street parking shall be so combined, limited, located, designed and controlled with flared and/or channelized intersections as to direct traffic to and from such public right-of-way conveniently, safely and in a manner which minimizes traffic friction and promotes free traffic flow on the streets without excessive interruption.
 - (8) Parking spaces shall be marked and maintained on the pavement and any other directional markings or signs shall be installed as permitted or required by the City to ensure the approved utilization of space, direction of traffic flow and general safety.
 - (9) To ensure the proper maintenance and utilization of these facilities, public parking areas shall be designed so that a parked vehicle does not overhang any public property, walkway, landscaped area or bicycle path and shall be a minimum of four (4) feet from any walkway or bicycle path. A concrete or otherwise permanent curb, bumper, wheel stop or similar device shall be installed which shall be adequate to protect the public right-of-way, public sidewalk or planters from vehicular overhangs and to protect any structure from vehicular damage.
 - (10) Landscaping shall be required in accordance with Article XIII of this Chapter.
 - (11) Parking areas shall be enclosed around the circumference of the parking spaces by a fence no lower than forty-two (42) inches. Fencing materials shall be consistent with the provisions contained with the design standards for the City and must be approved by the Council.
 - (12) The parking lot may include one (1) building for parking lot attendants. The building must comply with all code requirements for any other building within the district, including but not limited to requirements for building materials, utilities, construction and maintenance; and the building must be approved by the Council. Plumbing facilities will not be required on the parking lot so long as nearby facilities are available for attendants at all times that a parking attendant is on duty.
 - (13) In the event the use of parking attendants is to be made at any time, there shall be provided, and the plans shall depict on the parking lot for which the application is made, an area for the transfer of the motor vehicle between the parking attendant or valet and the driver of the vehicle. In no event shall such area be in a public street or right-of-way or interfere with vehicular or pedestrian traffic on a public street, sidewalk or other right-of-way.

(Ord. 94-11 §1, 1994; Ord. 99-8 §2; Ord. 2001-15 §13; Ord. 2009-23 §10)

Sec. 16-265. Residential parking permits.

- (a) Permits for on-street parking.
 - (1) The Planning Director may determine that the parking of motor vehicles in residential areas by patrons of nearby commercial, industrial or institutional uses could:

-
- a. Cause hazardous traffic conditions in the residential areas;
 - b. Produce auto emissions, noise, trash and refuse;
 - c. Unreasonably burden residents of the area in gaining access to their residences; or
 - d. Damage the character of those areas as residential districts and diminish the value of property in those areas.

Upon such determination, the Planning Director may post signs pursuant to this Section to limit the duration of or prohibit parking in these areas and, upon application, the Planning Director shall issue permits to residents of such areas who own and/or operate a motor vehicle allowing the vehicle to be parked in the block on which the owner of the vehicle resides as if there were no time limitation restrictions on such parking. The permit shall be affixed to the upper left-hand corner of the front window of the vehicle or in a location on the vehicle approved by the Planning Director.

- (2) A resident permit shall be issued for a vehicle when proof of residence in the appropriate block based upon a current motor vehicle registration for the vehicle is provided and other proof of residence as may be reasonably required by the City. Seasonal residents who own or occupy a residence may obtain a permit by providing proof of ownership or occupancy of the residence. No additional permits shall be issued for a residence until the seasonal resident relinquishes all outstanding permits to the City.

(b) Permits for off-street, off-site parking.

- (1) The Planning Director may determine that the parking of resident motor vehicles in residential areas without designated off-street residential parking for the purpose of accessing those residential areas could:
 - a. Cause hazardous traffic conditions in the residential areas; or
 - b. Unreasonably burden other residents of the area with off-street parking in gaining access to their residences.

Upon such determination, the Planning Director may post signs pursuant to this Chapter to limit the duration of resident parking and upon application, the Planning Director shall issue permits to residents of such areas who own and/or operate a motor vehicle, but who do not possess off-street parking, allowing the vehicle to be parked in the nearest public parking facility as if there were no time limit restrictions on such parking. The permit shall be affixed to the upper left-hand corner of the front window of the vehicle or in a location on the vehicle approved by the Planning Director.

- (2) The City shall issue two (2) guest permits when proof of residence in the appropriate block is provided. A guest is defined as a temporary visitor to a residence who is invited by a resident to receive hospitality, to socialize or to perform services. The permit will allow guests to park their vehicle on the block where the residence is located as if there were no time limit restrictions on such parking.
 - a. It is unlawful for any resident to allow any person other than a guest to use a guest permit. It is unlawful for any person to use a guest permit in a manner not authorized by this Chapter. Guest permits are strictly nontransferable.
 - b. In the event that a resident loses a guest permit and requests a replacement, the City shall charge a replacement fee of fifty dollars (\$50.00) for each such replacement permit requested.
 - c. In the event that a resident desires to hold a social gathering in which greater than two (2) guests shall be in attendance, the resident may obtain special guest permits from the City. Such special guest permits shall state the date and time of the social gathering and the estimated number of guests in attendance. Such special guest permits shall terminate at the conclusion of the social gathering. The number of special guest permits which may be granted shall be based on the

number of parking spaces available on the block where the resident resides, as determined by the Chief of Police.

(Ord. 94-11 §1)

Sec. 16-266. Parking impact fee.

In districts where off-street parking is discouraged because of historic preservation and lot area constraints, developers will be required to pay a parking impact fee in lieu of each required parking space (as determined according to the proposed uses and their respective square footages). The impact fee for an off-site parking space will be determined according to Chapter 4, Article VI of this Code. The City shall not accept conditional use parking as a substitute for the obligation to provide off-street parking by payment of impact fees to a parking fund as provided herein.

Secs. 16-267—16-280. Reserved.

RESOLUTION 19-2022
A RESOLUTION
APPROVING A SITE
DEVELOPMENT PLAN
FOR THE CITY-OWNED
BUILDING LOCATED AT
221 GREGORY STREET

STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK

Resolution No. 19-2022

TITLE: A RESOLUTION APPROVING A SITE DEVELOPMENT PLAN FOR THE CITY-OWNED BUILDING LOCATED AT 221 GREGORY STREET

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, COLORADO, THAT:

Section 1. The City Council hereby determines to approve the Site Development Plan, attached hereto as **Exhibit A**, for the City-owned building located at 221 Gregory Street.

RESOLVED AND PASSED this 23rd day of March, 2022.

David D. Spellman, Mayor

ATTEST:

Melissa A. Greiner, CMC, City Clerk

EXHIBIT A

SITE DEVELOPMENT PLAN



GREGORY STREET COMMERCIAL SITE DEVELOPMENT PLAN

221 GREGORY STREET
BLACK HAWK, CO 80422

PROJECT DIRECTORY

CLIENT:
City of Black Hawk
P.O. Box 68
Black Hawk, CO 80422
Matt Reed
P: (303) 582-2288
MReed@CityofBlackHawk.org

GENERAL CONTRACTOR:
Roche Constructors, INC.
1235 W. 124th Ave. Suite 100
Westminster, CO 80234
Ryan Strub, Project Manager
P: (303) 920-5555
rstrub@rocheconstructors.com
Sean Hawley Estimator
P: 970-350-2527

ARCHITECT:
PEH ARCHITECTS
1720 14th Street, Suite 100
Boulder, CO 80302
P: (303) 442-0408
Peter E. Heinz, AIA, Principal
peheinz@peharch.com

CIVIL ENGINEER:
Baseline Engineering
112 N Rubey Drive, Suite 210
Golden, CO 80403
P: (303) 940-9966
Noah Nemmers
noah@baselinecorp.com
Jordan Plaskowy
jordan.plaskowy@baselinecorp.com

STRUCTURAL ENGINEER:
Moyer-Renn Structural
8573 E. Napa Place
Denver, CO 80237
Natalie Moyer-Renn, P.E.
P: (303) 759-2200
nmoyer-renn@mrrstructural.com

MECHANICAL ENGINEER:
Seward Mechanical Systems
4175 Eldorado Springs Dr.
Boulder, CO 80303
Paul Seward, P.E.
P: (303) 926-9245
seward@steam-engine.com

ELECTRICAL ENGINEER:
JCN Engineering
3281 Routt St.
West Ridge, CO 80033
Jeff Nielsen, P.E.
P: (303) 239-0736
jcneng@comcast.net

SURVEY:
CCS Consultants
4860 Robb St. Suite 101
Weatridge, CO 80033
Weston Spears
P: (303) 403-4706
wspears@ccsconsultantsinc.com
AND
Baseline Engineering
112 N Rubey Drive, Suite 210
Golden, CO 80403
P: (303) 940-9966

PROJECT SUMMARY

BUILDING INFORMATION

PROJECT DESCRIPTION:

ADAPTIVE REUSE AND RENOVATION OF A 6,212 SF TWO-STORY CASINO BUILDING. HISTORICALLY THREE SEPARATE BUILDINGS (ROGERS, RUDOLPH, OYLER BUILDINGS) THAT WERE RENOVATED WITH ADDITIONS IN 1992 TO BECOME TWO CASINOS (EUREKA! & LUCKY STAR). THEN RENOVATED IN 1997 TO BECOME ONE CASINO BUILDING (EUREKA!). CHANGE IN USE TO BECOME FOUR RETAIL SPACES WITH SHARED COMMON AREA WITH RESTROOMS AND ELEVATOR.

RENOVATION TO INCLUDE DEMOLITION WITH LOSS OF 600 SF TO STRUCTURALLY STABILIZE REAR OF BUILDING. ALL OF THE EXTERIOR FINISH WILL BE REPLACED TO INCLUDE WOOD SIDING, TRIM AND DECORATIVE CORNICES/DETAILS; ALUMINUM CLAD WINDOWS, WOOD DOORS AND NEW MEMBRANE ROOFING. REPLACE EXTERIOR REAR EGRESS WALKWAY AND STAIR WITH NEW LOW MAINTENANCE STEEL CONSTRUCTION. INSTALL PERIOD STYLE INTERIOR WOOD TRIM AND REPLACE INTERIOR WALL, CEILING AND FLOOR FINISHES. REPAIR AND REINFORCE WOOD FRAME STRUCTURE AND PROVIDE SPRAY FOAM INSULATION THROUGHOUT. REPLACE HVAC, PLUMBING, AND ELECTRICAL THROUGHOUT TO INCLUDE ROUGH-INS INTO LEASE SPACE FOR FUTURE FLEXIBILITY.

BUILDING JURISDICTION:

CITY OF BLACK HAWK, COLORADO

HISTORIC BUILDING:

PER IBC SECTION 201 THE PROPERTY IS A HISTORIC BUILDING CERTIFIED AS A CONTRIBUTING RESOURCE WITHIN A LOCALLY DESIGNATED HISTORIC DISTRICT.

AREA:

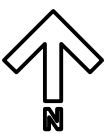
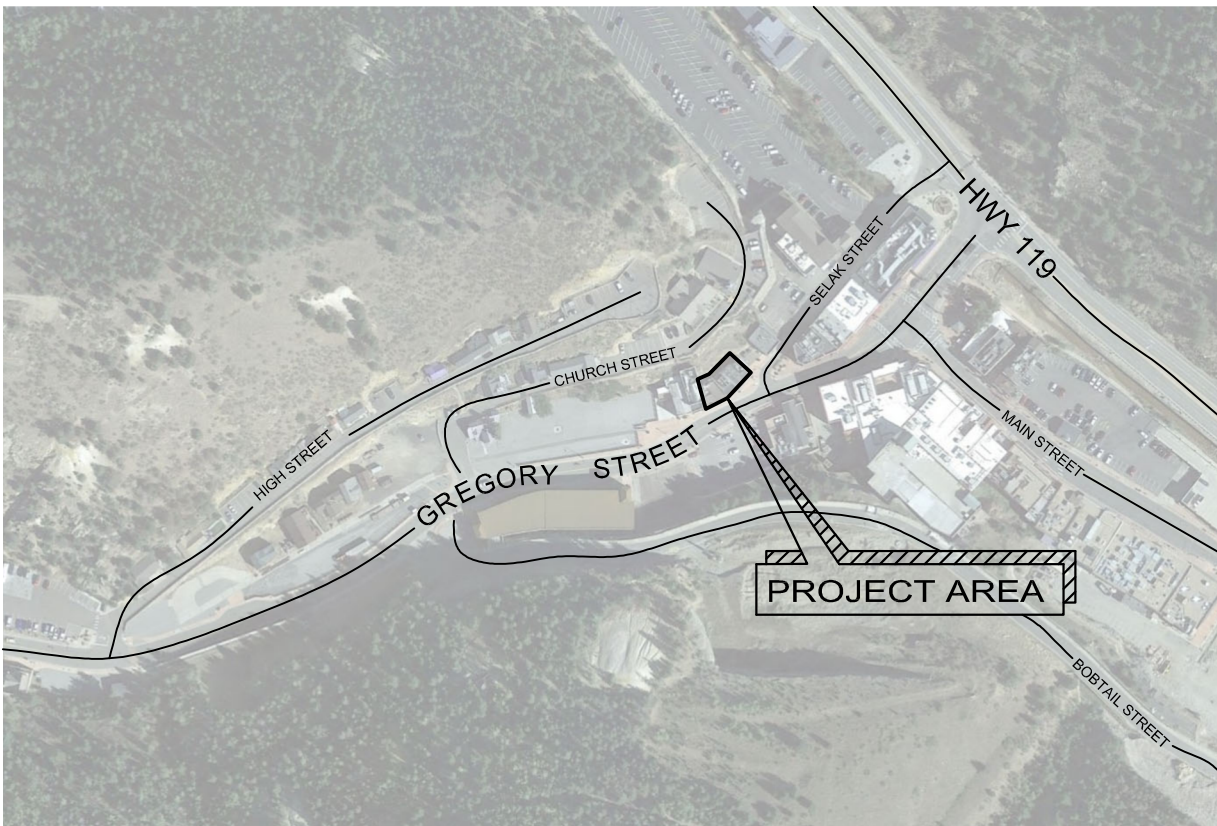
	EXISTING:	PROPOSED:
FIRST FLOOR:	2,985 SF	2,784 SF
SECOND FLOOR:	3,022 SF	2,839 SF
THIRD FLOOR:	205 SF	0 SF
TOTAL:	6,212 SF	5,623 SF
EXTERIOR DECK AND STAIRS:	353 SF	423 SF



2 EXISTING VIEW FROM SOUTH EAST



1 PROPOSED VIEW FROM SOUTH EAST



VICINITY MAP (EXISTING AERIAL PHOTO)
NOT TO SCALE

OWNER'S SIGNATURE:

(SIGNATURE)

NAME: _____

TITLE: _____

STATE OF: _____, COUNTY OF _____

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS _____

DAY OF _____ 20 _____, BY _____

AS _____ OF _____

WITNESS MY HAND AND OFFICIAL SEAL:

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC: _____

ADDRESS: _____

CITY OF BLACK HAWK BOARD OF ALDERMEN CERTIFICATION:

THIS SITE DEVELOPMENT PLAN IS APPROVED AND ACCEPTED BY THE BOARD OF ALDERMEN OF THE CITY OF BLACK HAWK, COLORADO,

THIS _____ DAY OF _____, 20 ____.

BY: _____

MAYOR OF THE CITY OF BLACK HAWK

ATTEST: _____

CITY CLERK

THIS PLAN CONSTITUTES A SITE SPECIFIC DEVELOPMENT PLAN AS DEFINED IN §24-68-101, ET SEQ., C.R.S., AND ORDINANCE NO. 98-62 OF THE CITY OF BLACK HAWK.

THE TERMS AND CONDITIONS OF SUCH APPROVAL ARE CONTAINED IN RESOLUTION NO. _____ ADOPTED BY THE CITY ON _____ AND AVAILABLE AT CITY HALL, 201 SELAK STREET, BLACK HAWK, COLORADO.

6	2/11/22	PROPERTY LINE REVISION
5	3/19/20	PERMIT SUBMITTAL R1
4	1/17/20	PERMIT SUBMITTAL
3	11/22/19	50% CONSTRUCTION DOCUMENTS
2	11/01/19	DESIGN DEVELOPMENT
1	2/28/19	SCHEMATIC DESIGN
NO.	DATE	REVISION

PEH ARCHITECTS

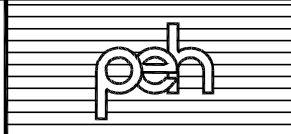
1720 14th Street Suite 100
Boulder, CO 80302
303-442-0408

GREGORY STREET COMMERCIAL

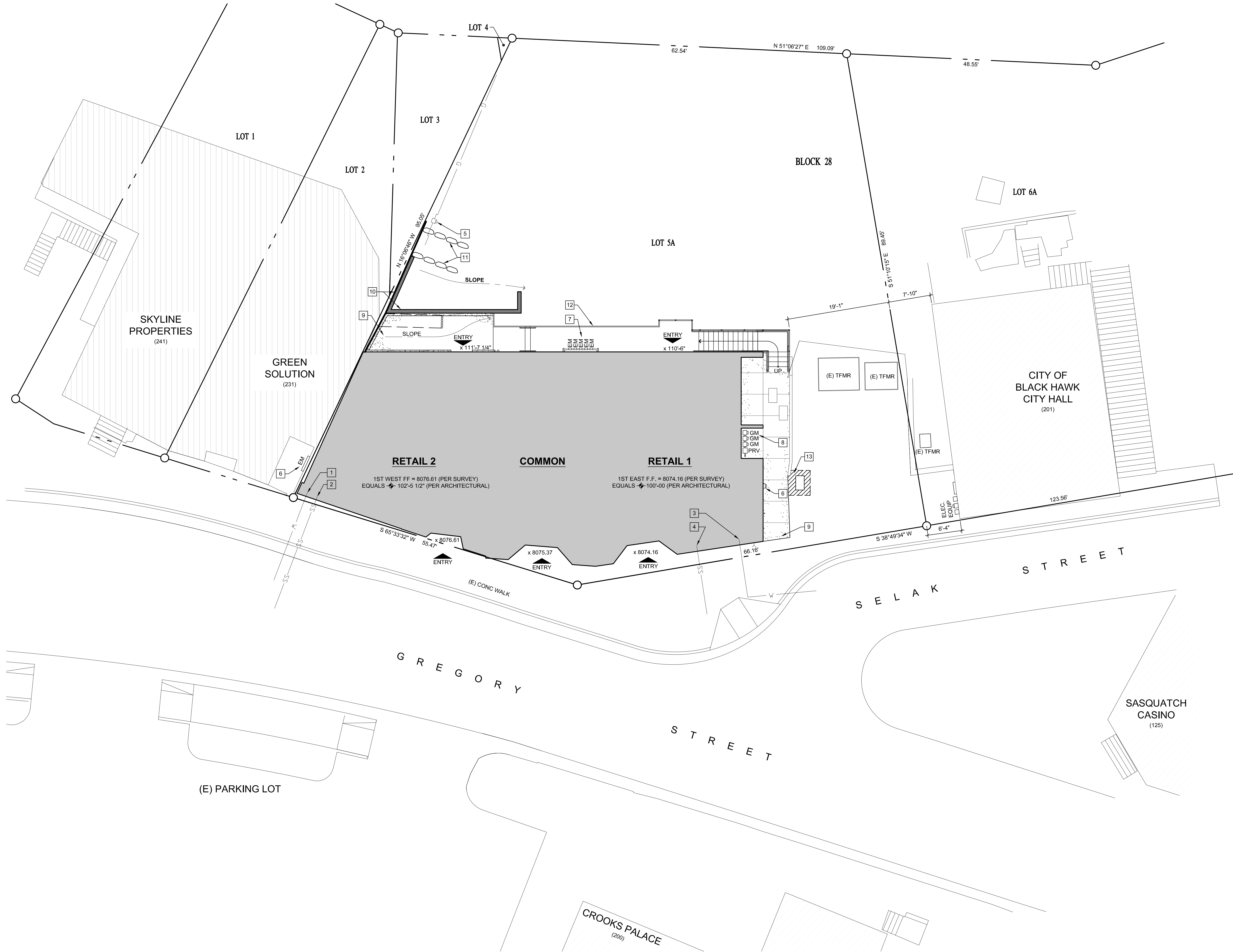
221 GREGORY ST
Black Hawk, CO 80422

SHEET TITLE COVER SHEET & CODE INFORMATION

PROJECT: 2019.01
DATE: 12/14/18
DRAWN BY: JFZ
CHECKED BY: PEH



SHEET NUMBER
A000



EXISTING FLOOR PLAN - GENERAL NOTES:

1. EXISTING BUILDING DRAWINGS WERE CREATED FROM THE "EUREKA" DRAWING SET, DATED 9-21-97, CREATED BY FULGENZI ARCHITECTS. EXISTING SITE INFORMATION WAS BASED ON SURVEY INFORMATION PROVIDED 2-14-19 FROM THE CITY OF BLACKHAWK. GC IS RESPONSIBLE FOR VERIFYING ALL EXISTING CONDITIONS AND DIMENSIONS, AND INFORMING THE ARCHITECT OF ANY DEVIATIONS FROM THE PROVIDED DRAWING INFORMATION.

SITE PLAN - GENERAL NOTES:

1. FIELD VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.
2. REFER TO CIVIL SITE PLAN FOR ADDITIONAL INFORMATION.
3. RESTORE ALL DISTURBED GRADING, PROVIDE EROSION CONTROL MATS, SEED WITH LOW WATER DEMAND NATIVE GRASS MIX, RE: CIVIL.
4. CONTOUR LINES ARE REPRESENTATIVE OF (E) CONDITIONS. (N) CONTOURS ARE PROVIDED ON CIVIL DRAWINGS.
5. GENERAL SLOPE OF SITE PLAN SHOWN FOR REFERENCE. RE: CIVIL DRAWINGS FOR SITE IMPROVEMENTS BEYOND FOOTING OF THE BUILDING.
6. COORDINATE TOP, BOTTOM, AND FLOW LINE ELEVATIONS OF CONCRETE WALKS AND SWALES WITH CIVIL ENGINEER AND DRAWINGS.

SITE PLAN - KEYNOTES:

- 1 CAP (E) 4" PVC WATER SERVICE IN CRAWL SPACE.
- 2 CAP (E) 4" PVC SEWER SERVICE IN CRAWL SPACE. BE AWARE THAT THIS PIPE ALSO SERVES 231 GREGORY AND WILL REMAIN ACTIVE. 231 GREGORY TIES INTO THIS SERVICE LATERAL W/ IN INCHES OF THE EXTERIOR FACE OF THE 221 GREGORY FOUNDATION WALL.
- 3 (E) 4" DIP WATER SERVICE TO PROVIDE DOMESTIC WATER AND FIRE PROTECTION.
- 4 (E) 4" PVC SANITARY SEWER SERVICE TO REMAIN.
- 5 DEMO (E) GAS SERVICE AND METER. COORD. W/ XCEL ON CAPPING REQUIREMENTS.
- 6 DEMO ELEC. METER, EQUIPMENT AND ASSOCIATED CONDUITS BACK TO SOURCE. OR CAP AT/BELOW NEAREST SURFACE TO MAINTAIN FULL CONCEALMENT. RE: ELEC.
- 7 UTILIZE (E) UNDERGROUND CONDUIT. INSTALL 5 (N) ELEC. METERS
- 8 EXTEND (E) GAS SERVICE (BELOW GRADE RE: A204). INSTALL 5 GAS METERS.
- 9 (N) 4" THICK CONC. WALKWAY/SWALE OVER 4" COMPACTED GRAVEL BASE RE: CIVIL.
- 10 (N) CONC. RETAINING WALL RE: STRUCT.
- 11 (E) STONE RET. WALL.
- 12 (N) METAL WALKWAY AND STAIR RE: A101, A204, & A205
- 13 ROUGH IN (N) PULL BOX AND 1" CONDUIT TO HOUSE PANEL. PATCH ASPHALT IN WORK AREA.

LEGAL DESCRIPTION:

- 211 GREGORY
THE EAST 19 FEET OF LOT 3, AND
THE WEST 23 FEET OF LOT 4, AND
THE EAST 15 FEET OF LOT 4, AND
THE WEST 31 FEET OF LOT 5,
BLOCK 28, CITY OF BLACK HAWK
COUNTY OF GILPIN, STATE OF COLORADO
- 221 GREGORY
THE EAST 17 FEET OF LOT 2, AND
THE WEST 21 FEET OF LOT 3,
BLOCK 28, CITY OF BLACK HAWK

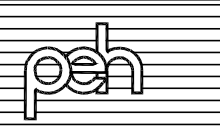
6	2/11/22	PROPERTY LINE REVISION
5	3/19/20	PERMIT SUBMITTAL R1
4	1/17/20	PERMIT SUBMITTAL
3	11/22/19	50% CONSTRUCTION DOCUMENTS
2	11/01/19	DESIGN DEVELOPMENT
1	2/28/19	SCHEMATIC DESIGN
NO.	DATE	REVISION

PEH ARCHITECTS
1720 14th Street Suite 100
Boulder, CO 80302
303-442-0408

**GREGORY STREET
COMMERCIAL**
221 GREGORY ST
Black Hawk, CO 80422

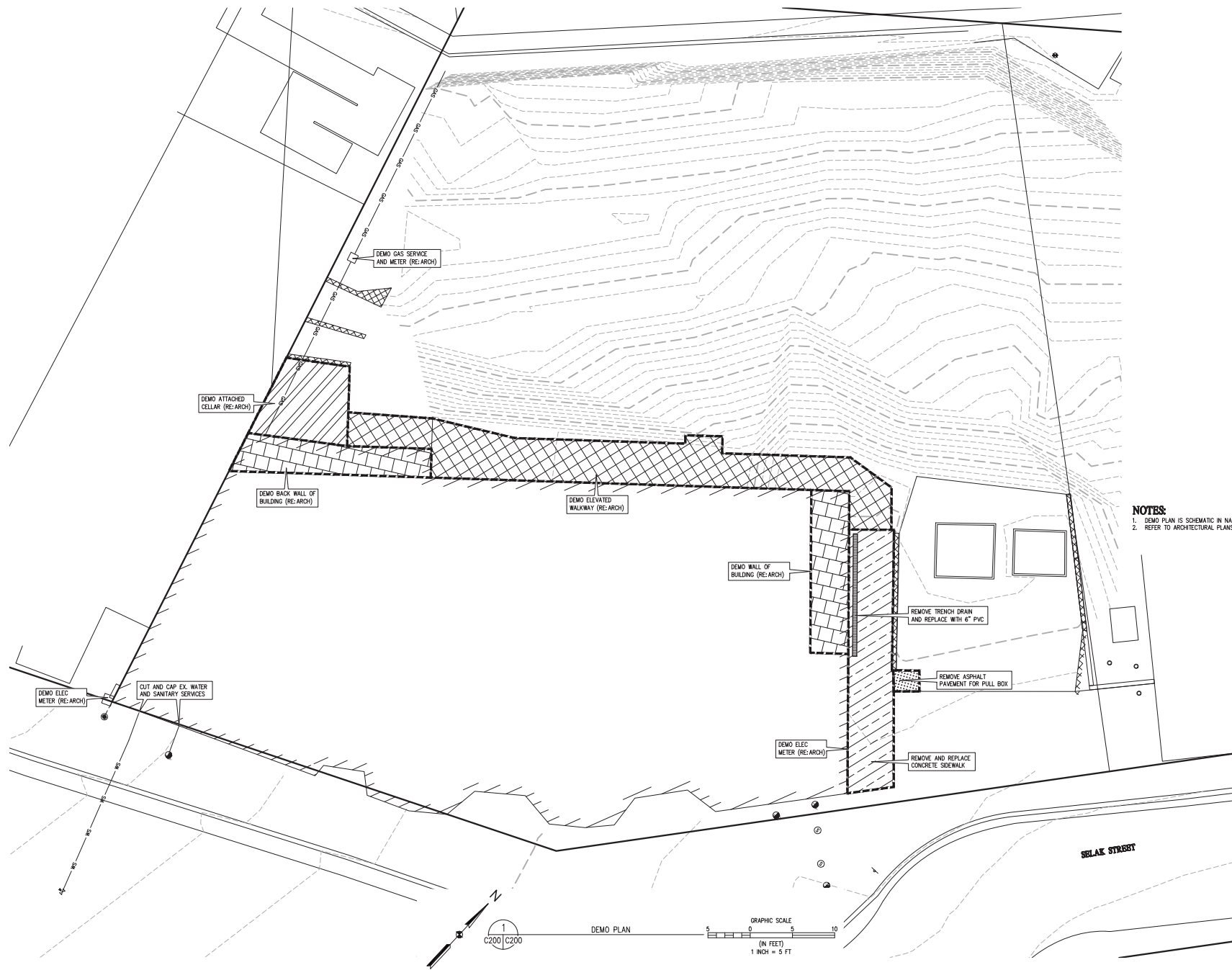
SHEET TITLE
SITE PLAN

PROJECT: 2019.01
DATE: 12/14/18
DRAWN BY: LCH
CHECKED BY: PEH



SHEET NUMBER
A100

N:\C0418 - GREGORY ST COMM. BUILDING\DRAWINGS\CONSTRUCTION DOCUMENTS\1722\20 - DEMO PLAN\1722-20 - Jordan Palkewicz

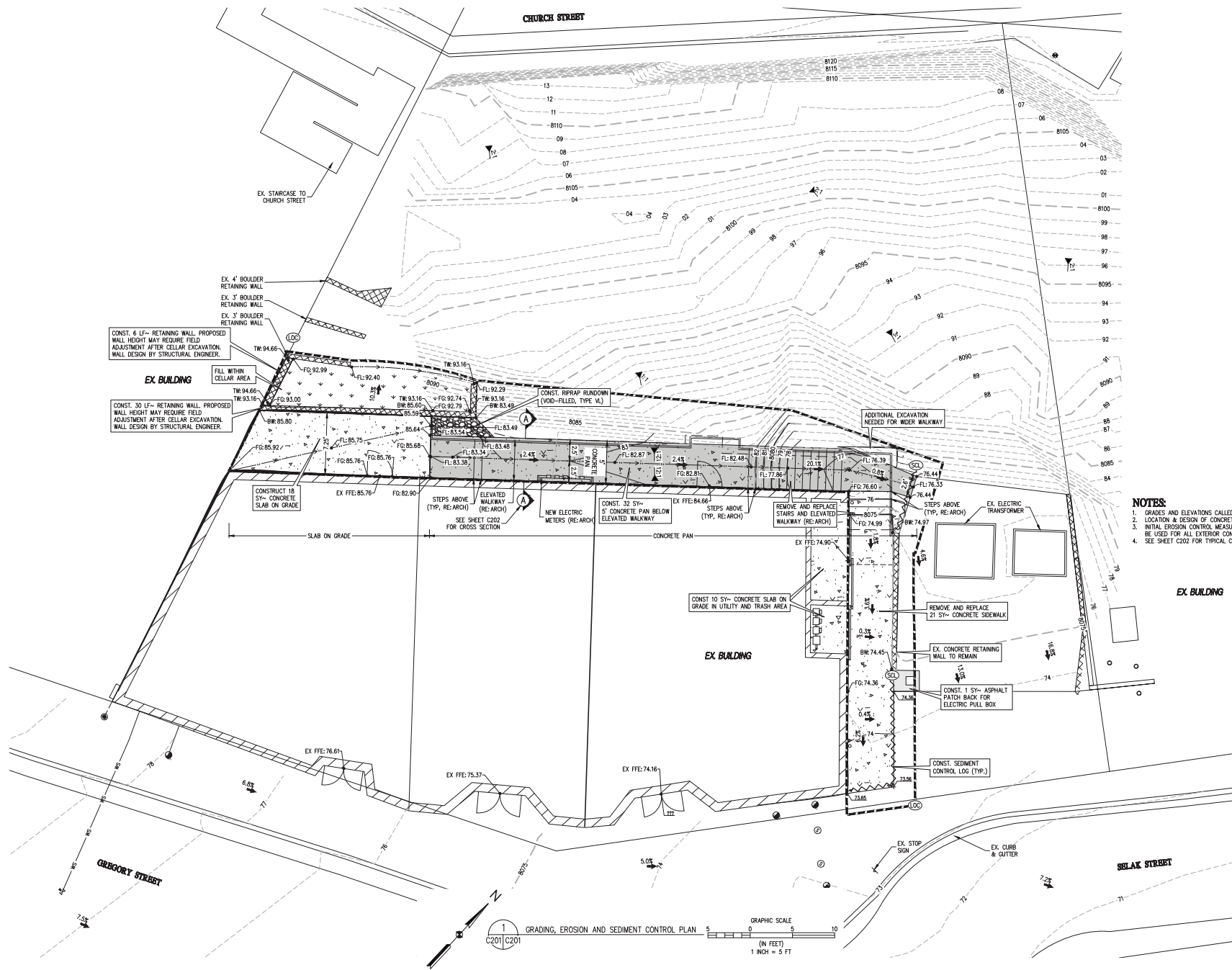


- NOTES:**
1. DEMO PLAN IS SCHEMATIC IN NATURE AND INTENDED TO CLARIFY THE DESIGN TO THE CONTRACTOR.
 2. REFER TO ARCHITECTURAL PLANS FOR FULL DETAILS OF BUILDING AND WALKWAY DEMO.



4 01/17/20 PERMIT CONSTRUCTION DOCUMENTS	
3 11/22/19 50% CONSTRUCTION DOCUMENTS	
2 11/01/19 DESIGN DEVELOPMENT	
1 2/28/19 SCHEMATIC DESIGN	
NO.	DATE REVISION
PEH ARCHITECTS 1720 14th Street Suite 100 Boulder, CO 80302 303-442-0408	
GREGORY STREET COMMERCIAL 221 GREGORY ST Black Hawk, CO 80422	
SHEET TITLE DEMO PLAN	
PROJECT: C03418	SHEET NUMBER: C200
DATE: 01/15/20	
DRAWN BY: JTP	
CHECKED BY: NUN	

N:\C0418 - GREGORY ST COMM. BUILDING\DRAWINGS\CONSTRUCTION DOCUMENTS\418 SEDC PLANLINE - 1/27/20 - Jordan Piskewsky



- NOTES:**
1. GRADES AND ELEVATIONS CALLED OUT REFER TO THE FINISHED GROUND AND NOT THE ELEVATED STRUCTURE.
 2. LOCATION & DESIGN OF CONCRETE PAN SUBJECT TO CHANGE BASED ON FIELD EXCAVATION OF NATIVE BOULDERS.
 3. INITIAL EROSION CONTROL MEASURES TO BE INCORPORATED BEFORE COMMENCEMENT OF WORK. CONCRETE WASHOUT TO BE USED FOR ALL EXTERIOR CONCRETE WORK. STAGING AREA TO BE APPROVED BY THE CITY OF BLACK HAWK.
 4. SEE SHEET C202 FOR TYPICAL CROSS SECTIONS AND PROFILE VIEW OF WALKWAY.



4 01/17/20 PERMIT CONSTRUCTION DOCUMENTS	
3 11/22/19 50% CONSTRUCTION DOCUMENTS	
2 11/09/19 DESIGN DEVELOPMENT	
1 2/28/19 SCHEMATIC DESIGN	
NO.	DATE
PEH ARCHITECTS 1720 14th Street Suite 100 Boulder, CO 80302 303-442-0408	
GREGORY STREET COMMERCIAL 221 GREGORY ST Black Hawk, CO 80422	
SHEET TITLE GRADING, EROSION AND SEDIMENT CONTROL PLAN	
PROJECT: C0418	SHEET NUMBER: C201
DATE: 01/15/20	
DRAWN BY: JTP	
CHECKED BY: NUN	

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Black Hawk Board of Aldermen shall hold a public hearing concerning a request for review and approval of a Site Development Plan located on property described in Exhibit A and generally located at 221 Gregory Street, Black Hawk, pursuant to the City of Black Hawk zoning ordinance.

The public hearing is to be held before the City of Black Hawk Board of Aldermen on Wednesday, March 23, 2022, at 3:00 p.m. or as soon as possible thereafter. The public hearing shall be held in the City of Black Hawk Council Chambers, located at 211 Church Street, Black Hawk, CO 80422, or at such other time or place in the event this hearing is adjourned.

ALL INTERESTED PARTIES MAY ATTEND

Melissa A. Greiner, CMC
City Clerk

EXHIBIT A

LOT 5A, CITY OF BLACK HAWK, BLOCK 28 AMENDMENT NO. 1

CITY OF BLACK HAWK
REQUEST FOR COUNCIL ACTION

SUBJECT: To consider a motion to approve the Site Development Plan for 221 Gregory Street (22BH-PL06).

RECOMMENDATION: Staff recommends the following motion to the Mayor and Board of Aldermen:

MOTION TO APPROVE RESOLUTION 19-2022, A RESOLUTION APPROVING A SITE DEVELOPMENT PLAN FOR THE CITY-OWNED BUILDING LOCATED AT 221 GREGORY STREET.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

The City of Black Hawk has received an application request for a Site Development Plan (SDP) from Matt Reed for the City owned property at 221 Gregory Street. The request is a follow up to the Minor Subdivision and Certificate of Architectural Compatibility (COAC) that were approved by the Black Hawk City Council on May 13, 2020 by Resolution 26-2020 and Resolution 27-2020. Because the SDP was not approved in conjunction with the COAC, the City Staff is requesting review/approval prior to the commencement of the renovations on site and building that are proposed to occur this spring.

AGENDA DATE: March 23, 2022

WORKSHOP DATE: N/A

FUNDING SOURCE: N/A

DEPARTMENT DIRECTOR APPROVAL: ☒ Yes ☐ No

STAFF PERSON RESPONSIBLE: Cynthia L. Linker
CP&D Director

DOCUMENTS ATTACHED: Resolution 19-2022
Resolution Exhibit A - Site Development Plan

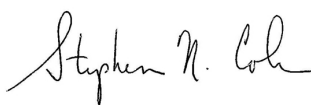
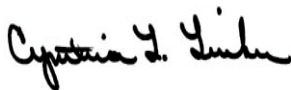
RECORD: ☐ Yes ☒ No

CoBH CERTIFICATE OF INSURANCE REQUIRED ☐ Yes ☒ No

CITY ATTORNEY REVIEW: ☐ Yes ☒ N/A

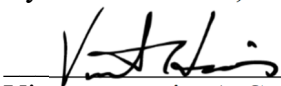
SUBMITTED BY:

REVIEWED BY:



Cynthia L. Linker, CP&D Director

Stephen N. Cole, City Manager



Vincent Harris, AICP, Baseline Corporation

Staff Report

**CITY OF BLACK HAWK
PLANNING / LAND USE**

Date prepared: March 10, 2022
Meeting Date: March 23, 2022

STAFF REPORT: 221 Gregory Street Site Development Plan

For: City Council

Project: 22BH-PL06

Property Address: 221 Gregory Street, Black Hawk, CO 80422

Applicants: Matt Reed, City of Black Hawk

Zoning: History Appreciation Recreation Destination (HARD)

Prepared by: Julie Esterl - Baseline Corporation

Approved by: Vincent Harris, AICP - Baseline Corporation

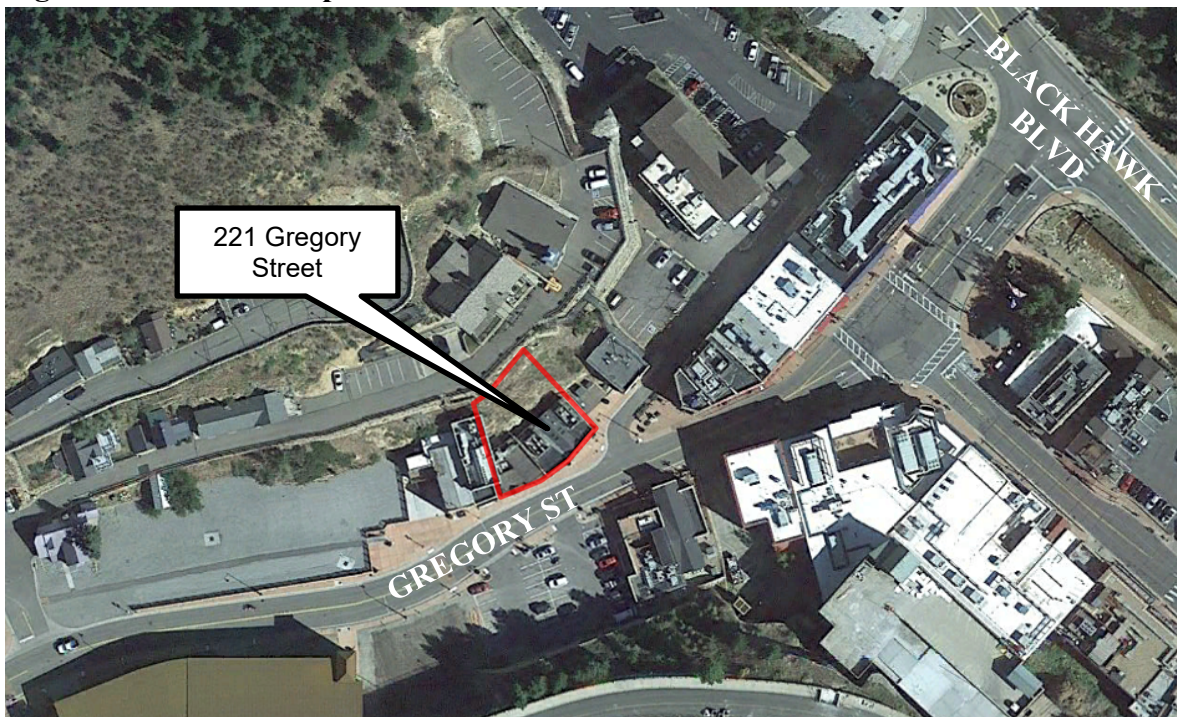
Reviewed by: Cynthia Linker, CP&D Director



BACKGROUND:

On February 14, 2022, the City of Black Hawk received an application request for a Site Development Plan (SDP) from Matt Reed for the City owned property at 221 Gregory Street, Black Hawk. The request is a follow up to the Minor Subdivision and Certificate of Architectural Compatibility (COAC) that were approved by the Black Hawk City Council on May 13, 2020 by Resolution 26-2020 and Resolution 27-2020. Because the SDP was not approved in conjunction with the COAC, the City (collectively staff) is requesting review and approval prior to the commencement of the renovations to the site and building that is proposed to occur this spring. Renovations that were approved with the COAC in 2020 include conversion of the building into four retail spaces with a shared common area including restrooms and an elevator.

Figure 1: Location Map

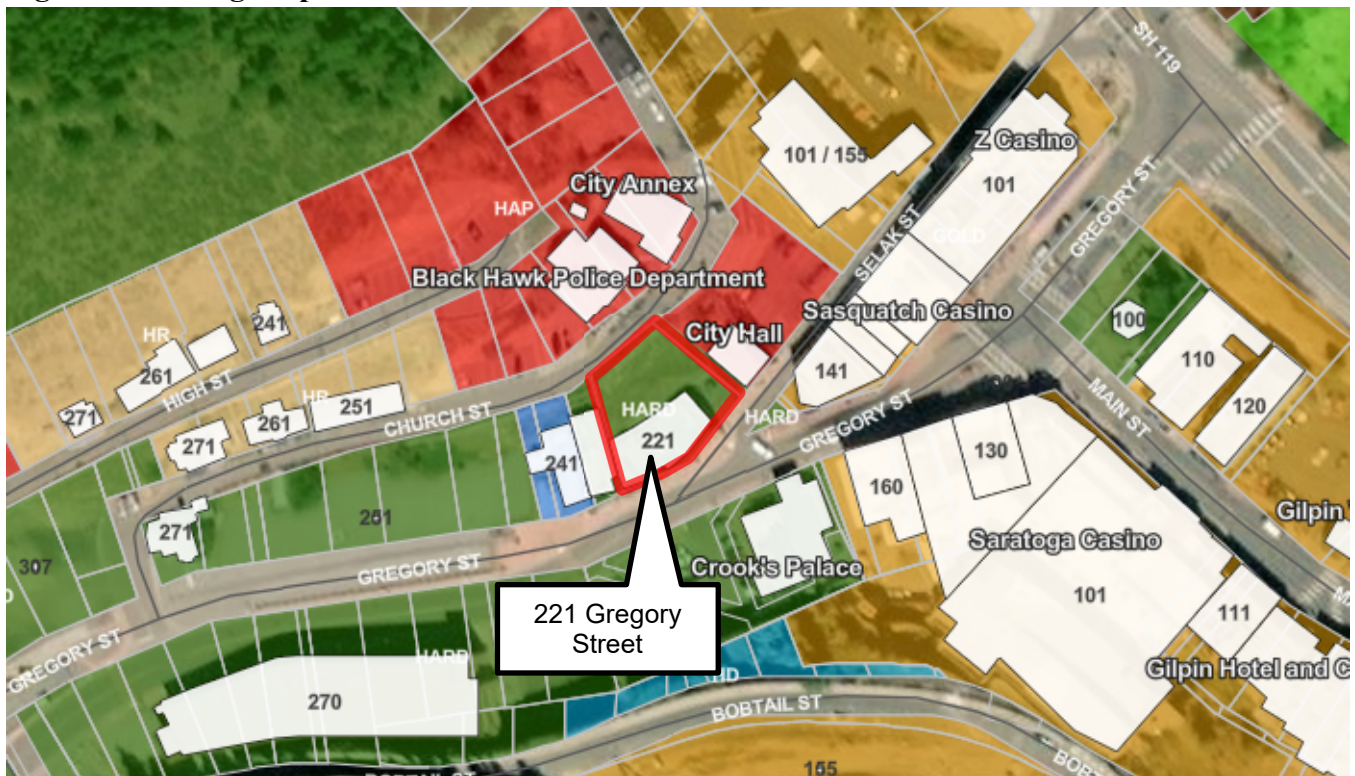


ZONING:

The property is located in the History Appreciation Recreation Destination (HARD) zone district. Retail associated with a public pedestrian mall is an approved use in this zone district. This property is included in the Gregory Plaza corridor, which is a public pedestrian mall.

The property and existing building meet the dimensional regulations of the HARD zone district in regards to lot area, lot width, and setbacks. Off-street parking is provided across the street at the City owned St. Charles Carriage House.

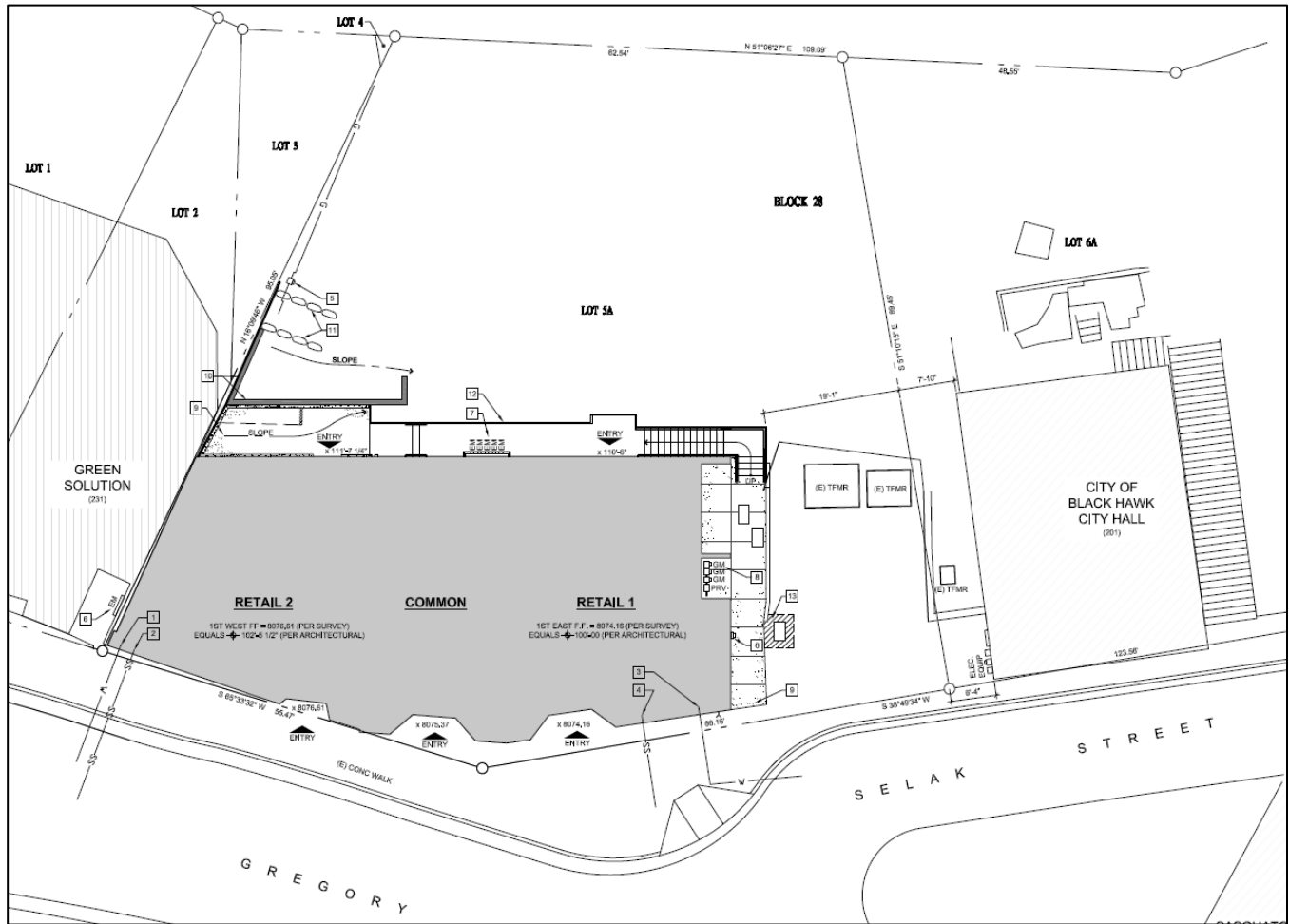
Figure 2: Zoning Map



REQUEST:

The applicant is requesting review and approval of a Site Development Plan (SDP) as the final land use approval associated with the renovations of the building at 221 Gregory Street for which the Certificate of Architectural Compatibility has already been approved. Proposed site improvements include demolition of the rear elevated walkway, construction of retaining walls and grading to improve site drainage. The civil demolition and grading plans were included with the approved COAC, and are attached to this SDP application again for reference.

Figure 3: Site Plan



Applicable City of Black Hawk Regulations

Excerpts from:

***City of Black Hawk
Zoning Code
Chapter 16 – Zoning***

Sec. 16-362. Site development standards and procedures for establishing vested property rights.

16-362(b). General Requirements.

(6) No site development plan will be approved unless all components of the proposed development comply with the Black Hawk Zoning and Subdivision Ordinances and all other applicable ordinances.

Staff comment:

The SDP was reviewed against the development standards for the HARD zone district and other applicable sections of the Zoning and Subdivision Ordinances. Staff suggests that the proposed SDP substantially complies with the Black Hawk Zoning and Subdivision Ordinances.

(8) No vested rights shall be created except by a site specific development plan approved by the Board of Aldermen. If the applicant wishes the approval of the site development plan to create vested property rights pursuant to Article 68 of Title 24, C.R.S., the plan shall include a statement that it is being submitted for designation as a site specific development plan. Failure to include such statement or to comply with any other condition of this Chapter regarding site specific development plans shall result in no vested property rights being created by the approval of the site development plan. Notwithstanding anything herein to the contrary, vested property rights may be created by a development agreement between the City and the applicant or landowner.

Staff comment:

The applicant has included the vested property rights statement on the cover of the site development plan.

Sec. 16-362(c). Application and site development plan submittal requirements.

Staff comment: Section 16-362(c) outlines the required submittal items that must accompany an application for a Site Development Plan. The submitted SDP substantially complies with the necessary submittal materials.

STAFF SUMMARY:

Staff from Baseline Corporation has evaluated the information provided by Matt Reed for this project. The City of Black Hawk Municipal Code allows for land development with the approval of a Site Development Plan and Certificate of Architectural Compatibility. As noted, the COAC was previously approved on May 13, 2020 by Resolution 27-2020. Staff from Baseline Corporation suggests that the Site Development Plan is in substantial compliance with the Zoning and Subdivision chapters of the Black Hawk Municipal Code.

In summary, Staff recommends that the Site Development Plan for 221 Gregory Street be approved.

FINDINGS:

City Council may *approve, conditionally approve, or deny* a Certificate of Architectural Compatibility. To support this proposal, the following findings can be used:

The proposed 221 Gregory Street Site Development Plan meets the criteria outlined in Section 16-362 (Site development standards) of the Municipal Code as noted and evaluated in the staff report presented to City Council.

RECOMMENDATION:

Staff recommends the following motion to the Mayor and Board of Aldermen:

MOTION TO APPROVE RESOLUTION NO. 19-2022, A RESOLUTION APPROVING A SITE DEVELOPMENT PLAN FOR THE CITY-OWNED BUILDING LOCATED AT 221 GREGORY STREET.

ATTACHMENTS:

Resolution Exhibit A - 221 Gregory Street Site Development Plan

RESOLUTION 20-2022
A RESOLUTION
CONDITIONALLY
APPROVING A
CERTIFICATE OF
APPROPRIATENESS FOR
THE EXTERIOR WORK
PROPOSED TO CROOK'S
PALACE LOCATED AT 200
GREGORY STREET

**STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK**

Resolution No. 20-2022

**TITLE: A RESOLUTION CONDITIONALLY APPROVING A CERTIFICATE OF
APPROPRIATENESS FOR THE EXTERIOR WORK PROPOSED TO
CROOK’S PALACE LOCATED AT 200 GREGORY STREET**

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
BLACK HAWK, COLORADO, THAT:

Section 1. The City Council hereby determines to approve the Certificate of
Appropriateness for the exterior work proposed to Crook’s Palace, located at 200 Gregory Street,
on the following conditions:

- A. The work proposed will match the design plans as submitted, dated February 25, 2022; and
- B. The approval of the Certificate of Appropriateness is valid for one hundred eighty (180)
days, and if construction is not commenced within one hundred eighty (180) days, such
approval shall expire.

Section 2. The City Council affirmatively finds that the work proposed does not
remove or alter historic materials on the property. The proposed awning will be constructed to
provide for reversibility, if desired, without damaging the material on the historic portion of the
building. The proposed awning will be differentiated from the historic portion of the building in
both materials and architecture, and will maintain visual permeability allowing visibility of the
historic and non-historic brick construction through the awning over the outdoor dining patio.
Therefore, the work is reflective of the criteria for issuing a Certificate of Appropriateness, and
does not negatively impact the Local Landmark Designation as approved by the City in 2011.

RESOLVED AND PASSED this 23rd day of March, 2022.

David D. Spellman, Mayor

ATTEST:

Melissa A. Greiner, CMC, City Clerk

CITY OF BLACK HAWK

REQUEST FOR COUNCIL ACTION

SUBJECT: To consider a motion to Conditionally Approve the Certificate of Appropriateness for exterior work proposed to Crook's Palace, 200 Gregory Street.

RECOMMENDATION: Staff recommends the following motion to the Mayor and Board of Aldermen:

MOTION TO APPROVE: *Resolution 20-2022 Conditionally Approving a Certificate of Appropriateness for Exterior Work Proposed to Crook's Palace:*

- A. The work proposed will match the design plans as submitted, dated February 25, 2022; and*
- B. The approval of the Certificate of Appropriateness is valid for one hundred eighty (180) days, and if construction is not commenced within one hundred eighty (180) days, such approval shall expire.*

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

The applicant, the City of Black Hawk, has submitted a plan set dated February 25, 2022, containing proposed alterations to Crook's Palace. Photographs were used to establish changes to the building over time and identify the historic or non-historic nature of individual features associated with the building were taken from the City record, namely the 2010 historic survey of the property.

The Historic Preservation Commission reviewed and discussed this application at their March 15, 2022 meeting and arrived at the following conclusions:

- 1. The work proposed does not remove or alter historic materials on the property;
- 2. The proposed awning will be constructed to provide for reversibility, if desired, without damaging the material on the historic portion of the building;
- 3. The proposed awning will be differentiated from the historic portion of the building in both materials and architecture. It will maintain visual permeability allowing visibility of the historic and non-historic brick construction through the awning over the outdoor dining patio; and
- 4. The work is reflective of the criteria contained in the City of Black Hawk Municipal Code, Chapter 16, Section 16-429 for issuing a Certificate of Appropriateness and does not negatively impact the Local Landmark Designation as approved by the City in 2011.

Based on their review and discussion, the Historic Preservation Commission unanimously approved the Certificate of Appropriateness for exterior work proposed to Crook's Palace with the following conditions:

- A. The work proposed will match the design plans as submitted, dated February 25, 2022; and
- B. The approval of the Certificate of Appropriateness is valid for one hundred eighty (180) days, and if construction is not commenced within one hundred eighty (180) days, such approval shall expire.

AGENDA DATE:

March 23, 2022

WORKSHOP DATE:

N/A

FUNDING SOURCE:

N/A

DEPARTMENT DIRECTOR APPROVAL:

☒ Yes ☐ No

STAFF PERSON RESPONSIBLE:

Cynthia L. Linker
CP&D Director

DOCUMENTS ATTACHED:

Resolution 20-2022
Staff Report
Crook's Palace Concept Site Plan
Renderings dated 2.25.2022
2010 Cultural Resource Resurvey
Form

RECORD:

☐ Yes ☒ No

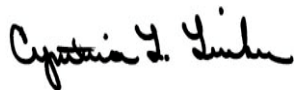
CoBH CERTIFICATE OF INSURANCE REQUIRED

☐ Yes ☒ No

CITY ATTORNEY REVIEW:

☐ Yes ☒ N/A

SUBMITTED BY:



Cynthia L. Linker, CP&D Director

REVIEWED BY:



Stephen N. Cole, City Manager



**CITY OF BLACK HAWK
CITY COUNCIL**

Report Date: March 4, 2022
HPC Meeting Date: March 15, 2022
Council Meeting Date: March 23, 2022

STAFF REPORT:

For: Mayor and Board of Aldermen
Project: Certificate of Appropriateness for Crook's Palace – Exterior Improvements
Property Address: 200 Gregory Street, Black Hawk, Colorado 80422
Property Owner: City of Black Hawk
Zoning: History Appreciation Recreation Destination (HARD) District
Prepared by: Ashley Bushey, Pinyon Environmental, Historic Preservation Consultant
Reviewed by: Cynthia Linker, City of Black Hawk

BACKGROUND:

The applicant, City of Black Hawk (City), is requesting a Certificate of Appropriateness for exterior alterations to the property at 200 Gregory Street, known as Crook's Palace. The City owns the property and intends to engage a tenant to operate a restaurant and bar in the facility.

Crook's Palace was listed as a Black Hawk Local Landmark in 2011. The specific date of construction for the resource is not clear based on the archival record. The property is recorded as a contributing resource in the Central City-Black Hawk National Historic Landmark as Crook's Palace/Skylight Saloon (5GL.7.369); the 1983 site update indicates the building was constructed in 1900 by Tom Crook to replace an earlier frame building on the location. The archival record includes a building on this location as early as the 1860s, which is likely an earlier building. Upgrading from a frame to brick building is a common phenomenon in communities transitioning from the initial buildings constructed in the community. The building includes a non-historic addition, constructed in 2005, to the south and west of the historic portion of the building.

The Local Landmark nomination describes the building as follows:

The historic portion of Crook's Palace is on the east. It is a "one-part commercial block" building that is one-story, brick, and features a centered recessed front entry door, flanked by large display windows with kick plates. There is a transom above the entry door. The façade has a false front, with a corbelled brick cornice at the top forming dentils. A non-historic brick addition is on the west, and is set back from the street. The north elevation of the addition is divided into three distinct sections. There are two double-door entries in the middle section, which have transoms above. The sections on either side have arched windows. There is another door on the west elevation. A false parapet wall is on the front, and forms a balustrade for an upper deck on top of the flat roof. A patio is located within the "ell" formed by the historic building and the new addition. On the east side there is a new one-story addition set back from the front entrance façade.

Figure 1: Location Map



REQUEST:

The City proposes to complete patio renovations in front of Crook's Palace including installation of a new railing and steps leading to the primary, street-facing entrance. The work intends to create a more inviting entrance conducive to attracting pedestrian traffic into the establishment. Work proposed includes replacement of the front/street-facing door on the historic portion of the Crook's Palace Local Landmark, and addition of a permanent awning to accommodate outdoor seating on the site. The awning will physically connect to the building addition, west of the historic portion; the awning will have no mechanical connection to the historic portion of the building.



Figure 2: Site Plan

Work proposed will occur in the green shaded area; the historic portion of the building footprint is outlined in blue (highlighting added by author).

Figure 2: Schematic of Proposed and Existing Conditions



REVIEW:

The City of Black Hawk Zoning Code, Chapter 16 regulates historic preservation within the City. Section 16-429 provides the *Criteria for approval* for issuing a Certificate of Appropriateness (COA) for work proposed on a City of Black Hawk Local Landmark.



APPLICABLE CITY OF BLACK HAWK REGULATIONS

Excerpt from:

Chapter 16

Sec. 16-429, Criteria for approval

- (a) In order for the Commission to grant a COA for ratification by City Council for any application for a COA for a building permit for a locally designated historic landmark or for demolition of a locally designated historic landmark, the Commission shall determine that the application meets the following criteria:
- (1) The proposed work is consistent with and promotes the purposes of this Article;
 - (2) With respect to an existing building, the proposed work will not adversely materially affect the property's historic quality;
 - (3) The proposed work will have no adverse material effect on the historic atmosphere and character of the historic landmark, including state and national designations; and
 - (4) The proposed work is in compliance with all current applicable design guidelines.

Staff Comment:

The work proposed is consistent with the purpose of this Article, which includes protecting the character of each zoned district within the City, conservation of the value of buildings and property, and encouraging appropriate uses of land and buildings within the City.

- (b) In determining compliance with the criteria of this Section with regard to contributing buildings in a locally designated historic district, the Commission shall consider the following:
- (1) The effect upon the general historic and architectural character of the building;
 - (2) The architectural style, arrangement, texture and material used on the existing and proposed buildings and their relation and compatibility with other historic landmarks, including state and national designations;
 - (3) The effects of the proposed work in creating, changing, destroying or otherwise affecting the exterior architectural features of the building upon which such work is done;
 - (4) The effects of the proposed work upon the protection, enhancement and perpetuation of the building;
 - (5) The condition of existing improvements and whether they are a hazard to public health and safety;
 - (6) The compatibility of accessory buildings, structures and fences with the main building and with other historic landmarks; and
 - (7) Substantial compliance with the Secretary of the Interior Standards as they apply to building exteriors only, except those relating to paint color, which shall not apply.

Staff Comment:

The work proposed does not directly affect historic materials associated with the historic portion of the Crook's Palace building.

The project proposes to replace the door in the primary/street-facing entrance on the historic portion of the building.

Historic photographs of the site indicate the subject door was replaced between 2004 and 2010; and had been replaced at least once more between ca. 1910 and 1986. Therefore, the extant door is not a historic feature of the building. No changes are proposed to the size and placement of the door.

The proposed awning over the outdoor seating patio will be constructed so that it could be removed without damage to the historic portion of the building; the new awning feature will be physically connected to the non-historic addition but will have no mechanical connection to the historic portion of the building.

The design is informed by the Secretary of the Interior Standards for Rehabilitation, primarily Standard 10, which stipulates preference for additions that may be reversed or removed.

The design for the covered patio ties the awning structure into the building addition – no mechanical or structural connection will be established between the awning and the historic portion of the building.

The design is also informed by Standard 9, which stipulates that new additions, exterior alterations, or new construction related to the historic building will not destroy historic material and the new work will be both differentiated from the old while being compatible with the massing, size, scale, and architectural features of the historic building.

The proposed awning is an open, not enclosed, structure that maintains a degree of visual permeability allowing visibility of the brick construction of the historic building and its addition.

The proposed awning will be constructed of a steel frame, fiberglass columns, and a low concrete retaining wall with a light stone veneer.

The materials are clearly different from the historic materials, and selection of lighter color materials allows the historic building to retain prominence.

The purpose of the work is to maximize seating capacity for the re-establishment of a restaurant in the building. Providing viable economic life to the building is a component of perpetuation of the building.

Items (5) and (6) do not apply to the subject review; no known health and safety concerns are connected to the work and the work does not concern accessory buildings.

(c) With regard to determining compliance of noncontributing buildings, the Commission shall consider the following:

- (1) Noncontributing buildings should be compatible with contributing buildings;
- (2) Noncontributing buildings should not attempt to mimic or duplicate the historic features of contributing buildings; and

The addition will be architecturally distinct from the historic Crook's Palace building, expressed through complimentary but visually and architecturally distinct materials. The historic building is constructed of red brick and represents a vernacular late nineteenth century/early twentieth century commercial style. The awning addition utilizes stone, steel, and glass materials distinct from the historic building, while maintaining a degree of visual permeability through the covered patio to the historic portion of the building.

- (3) Contemporary designs that creatively draw upon the important characteristics of a historic district are favored.

Staff Comment:

This section does not apply; the building is a local landmark and considered a contributing building in the National Historic Landmark District.

STAFF SUMMARY:

The applicant has submitted a plan set dated February 25, 2022, containing proposed alterations to the building. Photographs used to establish changes to the building over time and identify historic or non-historic nature of individual features associated with the building were taken from the City record, namely the 2010 historic survey of the property. The work proposed does not remove or alter historic materials on the property. The proposed awning will be constructed to provide for reversibility, if desired, without damaging the material on the historic portion of the building. The proposed awning will be differentiated from the historic portion of the building in both materials and architecture, and will maintain visual permeability allowing visibility of the historic and non-historic brick construction through the awning over the outdoor dining patio. The work is reflective of the criteria for issuing a COA contained in the City of Black Hawk municipal code, Chapter 16, Section 16-429.

The Historic Preservation Commission reviewed and discussed the application at their March 15, 2022 meeting.

FINDINGS:

The City Council may **approve, conditionally approve, or deny** the application for a **Certificate of Appropriateness**. Following are findings that may be referred to relate to the criteria in Section 16-249.

- (1) Implementation of the work proposed will not diminish the features of the building causing it to be listed as a City of Black Hawk Local Landmark.
- (2) Implementation of the work proposed will not alter or remove historic materials associated with the Crook's Palace.
- (3) Implementation of the work proposed may be reversed without damage to historic materials associated with the Crook's Palace.
- (4) Implementation of the work proposed reflects the goals and objectives cited in the purpose of Chapter 16 of the City of Black Hawk Zoning Code.



RECOMMENDATION:

The Historic Preservation Commission reviewed and discussed the applicant at their March 15, 2022 meeting and unanimously approved the Certificate of Appropriateness for the exterior work proposed to Crook's Palace with two (2) conditions. The Staff recommendation below is based on their decision.

Staff recommends the following motion to the Mayor and Board of Aldermen:

MOTION TO APPROVE: *Resolution 20-2022 Conditionally Approving a Certificate of Appropriateness for Exterior Work Proposed to Crook's Palace located at 200 Gregory Street:*

- A. The work proposed will match the design plans as submitted, dated February 25, 2022; and*
- B. The approval of the Certificate of Appropriateness is valid for one hundred eighty (180) days, and if construction is not commenced within one hundred eighty (180) days, such approval shall expire.*

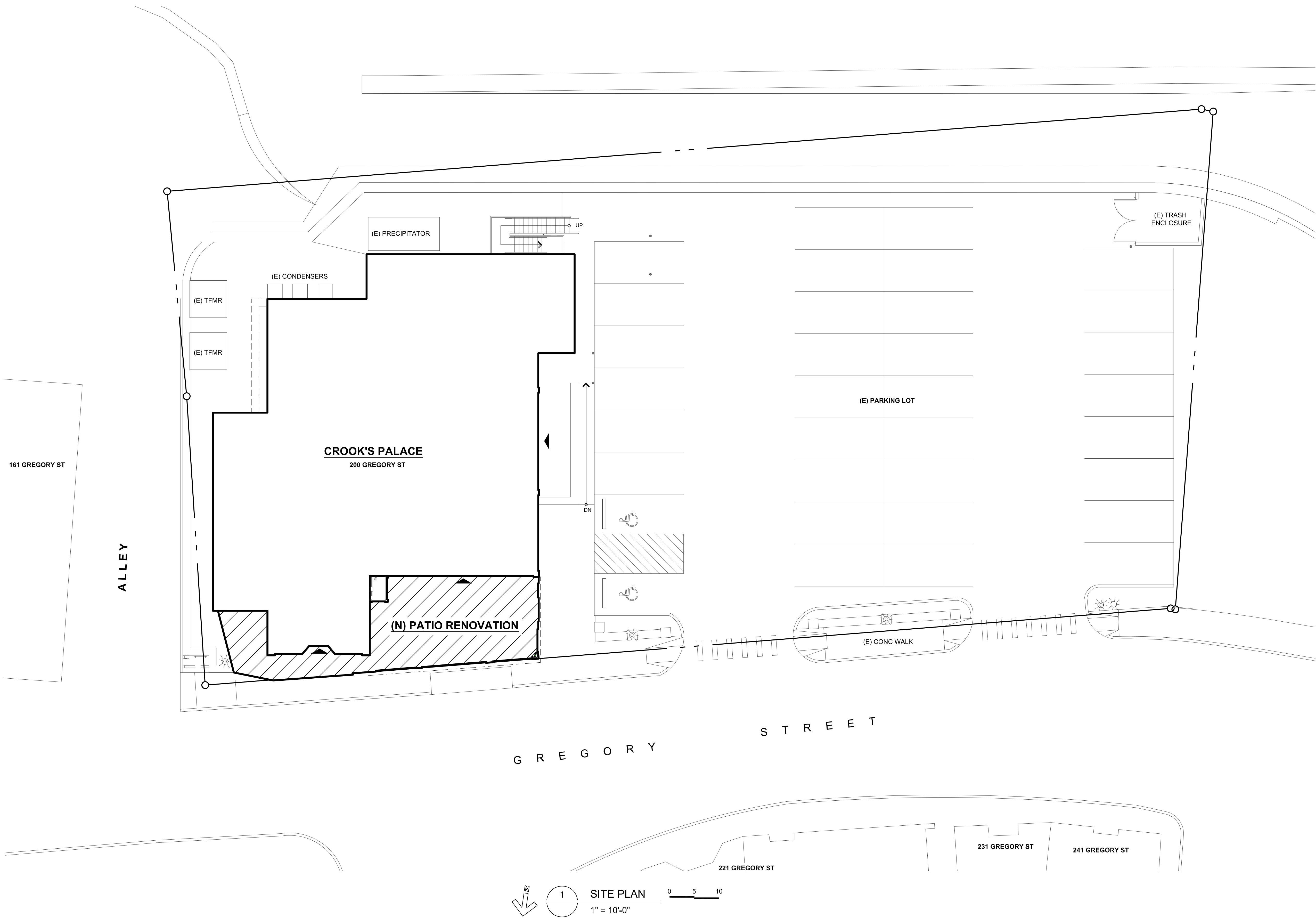
ATTACHMENTS:

- A. Crook's Palace Concept Site Plan Renderings dated 2.25.2022
- B. 2010 Cultural Resource Resurvey Form



ATTACHMENT A

**CROOK'S PALACE CONCEPT SITE PLAN RENDERINGS
DATED 2.25.2022**



1 SCHEMATIC DESIGN02/23/22		
No.	Description	Date
PEH ARCHITECTS 1720 14th Street Suite 100 Boulder, CO 80302 303-442-0408		
CROOK'S PALACE 200 GREGORY ST BLACK HAWK, CO 80422		
SITE PLAN		
Project: Date: Drawn by: Checked by:	2022.02 02/14/22 NAB PEH	 A100



4 PROPOSED DESIGN



3 EXISTING CONDITION



2 PROPOSED DESIGN



1 EXISTING CONDITION

1 SCHEMATIC DESIGN			02/23/22
No.	Description	Date	
PEH ARCHITECTS 1720 14th Street Suite 100 Boulder, CO 80302 303-442-0408			
CROOK'S PALACE			
200 GREGORY ST BLACK HAWK, CO 80422			
PROPOSED RENDERINGS			
Project:	2022.02		A001
Date:	02/14/22		
Drawn by:	NAB		
Checked by:	PEH		



ATTACHMENT B

2010 CULTURAL RESOURCE RESURVEY FORM

BLACK HAWK CULTURAL RESOURCE SURVEY
Cultural Resource Re-evaluation Form
(page 1 of 2)

1. Current Address: **200 Gregory**
2. Resource Number: **5GL.7.369** 3. NHL Resource Number: **B33-1**
4. Resource Name: **Crook's Palace**
5. Purpose of this current site visit (check as many as apply)
- ☐ Site is within a current project area
- ☒ Resurvey
- ☒ Update of previous site form(s)
- ☐ Surface collection
- ☐ Testing to determine eligibility
- ☐ Excavation
- ☐ Other
6. Previous Recordings:
- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> 1986 National Park Service Survey | <input checked="" type="checkbox"/> Photograph | |
| <input checked="" type="checkbox"/> 1991 National Historic Landmark Nomination | No Photographs | <input checked="" type="checkbox"/> Contributing |
| <input checked="" type="checkbox"/> 1998 Re-survey | <input checked="" type="checkbox"/> Photograph | |
| <input checked="" type="checkbox"/> 2004 Photo survey | <input checked="" type="checkbox"/> Photograph | |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Photograph | |
7. Exterior alterations since 1986: **1994 – permit for work on sidewalk, \$3,500. 1996 – Remodel, permit valuation \$6,400. 2005 – Demolition and remodeling, permit valuation \$2,114,800.**
8. Additional historical background: **Thorwald Crook built this 1 story brick building in 1900 to replace his previous 2 story wood frame saloon building, installing a thirty-foot long bar; it is evident in the Nov. 1900 Sanborn map. His establishment was touted as the best “refreshment resort” in the county” advertising “the finest selection of choice wines, liquors, ales, brandies, and cigars are for sale, along with and elegant quality of beer.”**

1900 Construction date ☒ Estimate from 1986 NPS Survey ☐ New estimate

Sources of information: **Digital Image Collection, Western History & Genealogy, Denver Public Library; Guide to Central City & Black Hawk (Pearce)**
Sanborn Maps

- ☒ 1886 *(different building on the lot)*
- ☒ 1890 “
- ☒ 1895 “
- ☒ 1900 *this building is on the lot*

Current Address: **200 Gregory**

(page 2 of 2)

Resource Number: **5GL.7.369**

NHL Resource Number: **B33-1**

9. Changes to Location or Size Information: **Additions to the east and west that did not date from the period of significance have been demolished, and replaced with new additions set back from the front façade in 2005.**
10. Revised National Historic Landmark District- Contributing Building Eligibility Assessment:
Contributing ____ Non contributing **X** Need data
11. National Register - Individual Eligibility Assessment:
Eligible ____ Not eligible **X** Need data ____
12. Is there National Register district potential? Yes ____ No **X**
Discuss: **There is no longer a sufficient concentration of historic buildings on the block.**
13. Local Designation - Individual Eligibility Assessment:
Eligible **X** Not eligible ____ Need data ____
14. Is there Local district potential? Yes ____ No **X**
Discuss: **There is no longer a sufficient concentration of historic buildings on the block.**
15. Photograph Types and Numbers: **Digital, <.jpg> format. 200 Gregory-1.JPG, 200 Gregory-2.JPG**
16. Report Title: **Black Hawk Historic Resource Resurvey: 2009-2010**
17. Recorder(s): **Deon Wolfenbarger**
18. Date(s): **March 20, 2010**
19. Recorder Affiliation: **Three Gables Preservation**
20. Attachments
(check as many as apply)
X Photographs
____ Site sketch map
____ U.S.G.S. map photocopy
X Other _____
____ Other _____
21. Official determination
(OAHF USE ONLY)
____ Determined Eligible
____ Determined Not Eligible
____ Need Data
____ Nominated
____ Listed
____ Contributing to N.R. District
____ Not Contributing to N.R. Dist

Current Address: **200 Gregory**
Resource Number: **5GL.7.369**
NHL Resource Number: **B33-1**

Continuation Sheets

Current Photograph
Date: **03/16/2010**



Current Address: **200 Gregory**
Resource Number: **5GL.7.369**
NHL Resource Number: **B33-1**

Continuation Sheets

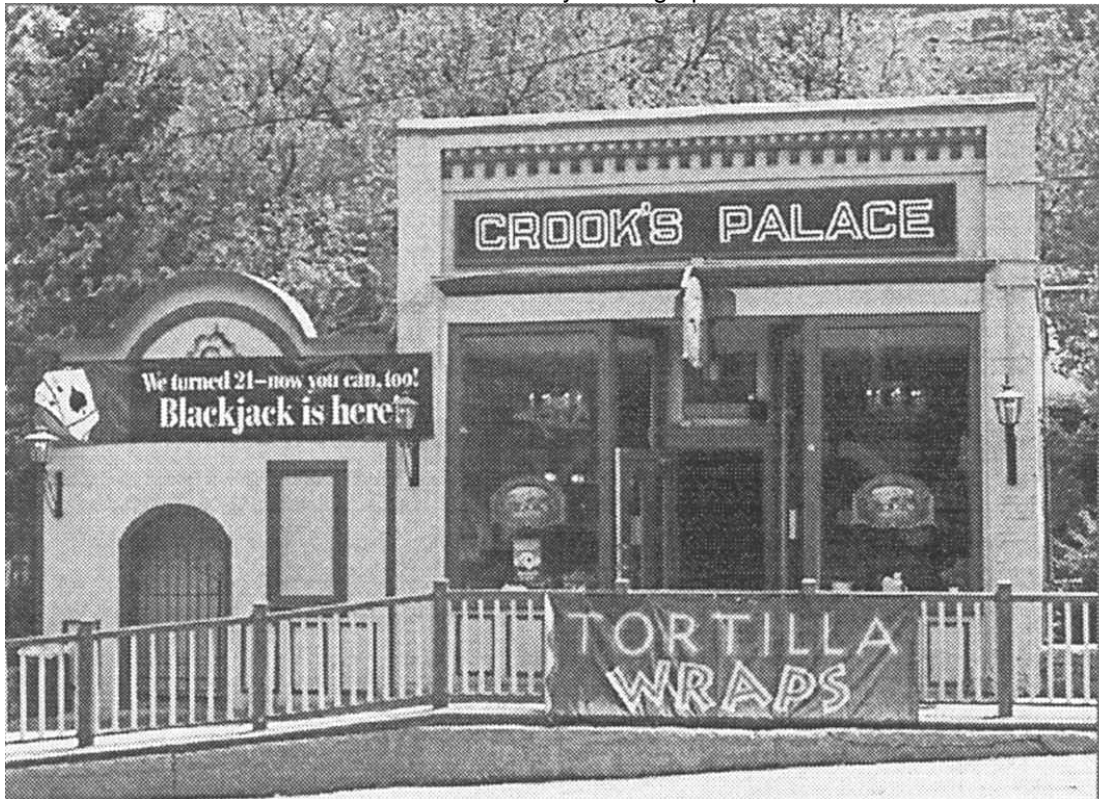
2004 Photographs



Current Address: **200 Gregory**
Resource Number: **5GL.7.369**
NHL Resource Number: **B33-1**

Continuation Sheets

1998 Resurvey Photograph



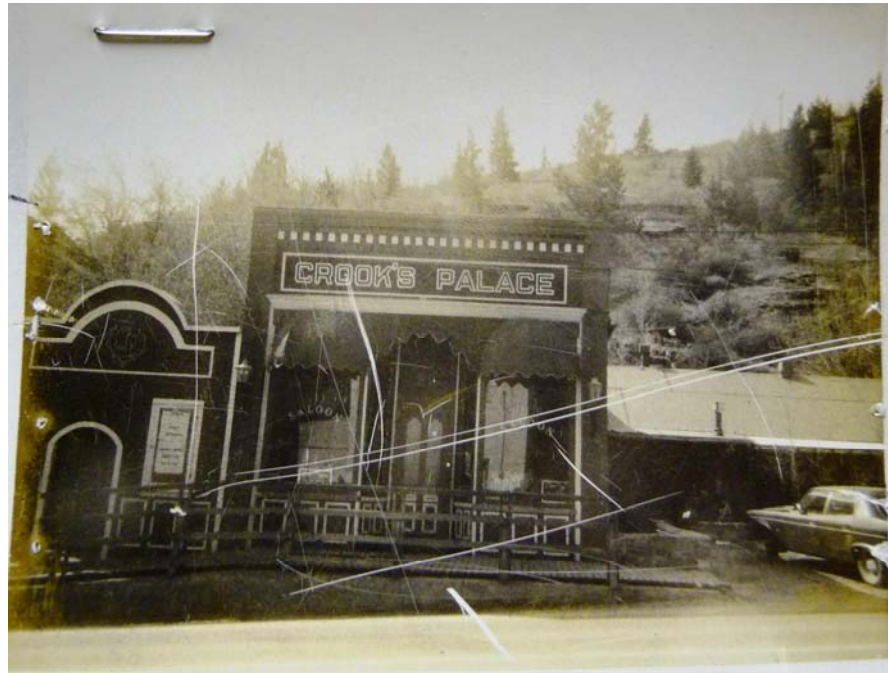
1986 Survey Photograph



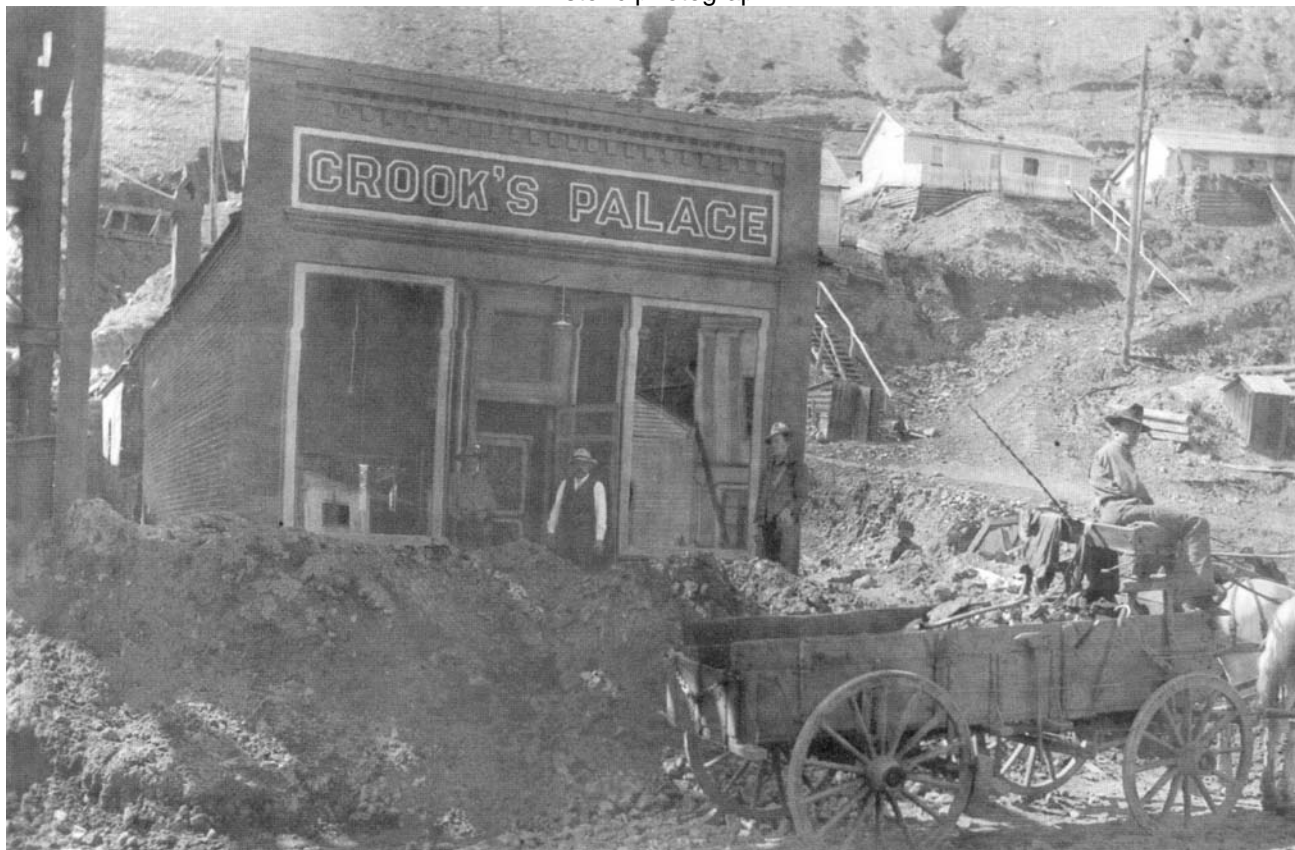
Current Address: **200 Gregory**
Resource Number: **5GL.7.369**
NHL Resource Number: **B33-1**

Continuation Sheets

Gilpin County Assessor's Photographs

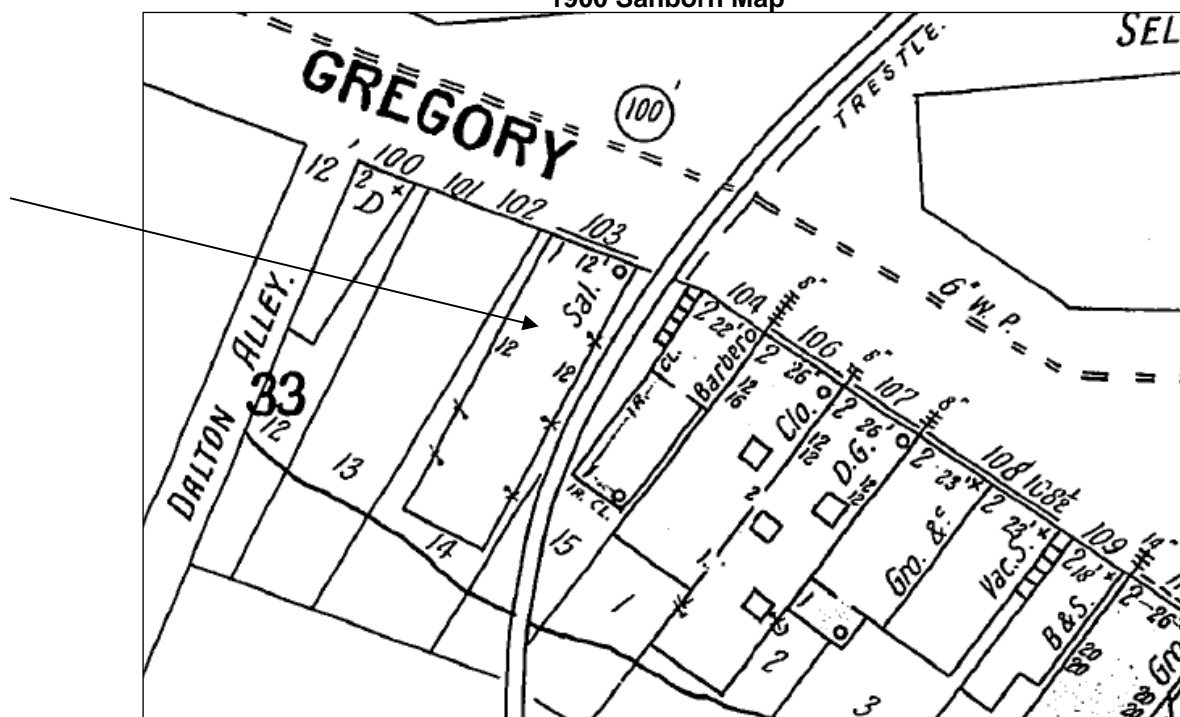


Historic photograph



Ca. 1910

1900 Sanborn Map



RESOLUTION 21-2022
A RESOLUTION
APPROVING A
PROFESSIONAL
SERVICES AGREEMENT
WITH WEECYCLE
ENVIRONMENTAL
CONSULTING, INC. FOR
ENVIRONMENTAL
TESTING AND
ABATEMENT
CONSULTING SERVICES
IN THE AMOUNT NOT TO
EXCEED \$50,000

**STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK**

Resolution No. 21-2022

TITLE: A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH WEECYCLE ENVIRONMENTAL CONSULTING, INC. FOR ENVIRONMENTAL TESTING AND ABATEMENT CONSULTING SERVICES IN THE AMOUNT NOT TO EXCEED \$50,000

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, COLORADO, THAT:

Section 1. The City Council hereby approves the Professional Services Agreement with Weecycle Environmental Consulting, Inc. for environmental testing and abatement consulting services for asbestos, radon, mold, and lead-based paint in the amount not to exceed Fifty Thousand Dollars (\$50,000.00), and authorizes the Mayor to execute the same on behalf of the City.

RESOLVED AND PASSED this 23rd day of March, 2022.

David D. Spellman, Mayor

ATTEST:

Melissa A. Greiner, CMC, City Clerk

CITY OF BLACK HAWK

REQUEST FOR COUNCIL ACTION

SUBJECT: A Resolution approving a specific Community Planning and Development Professional Services Agreement for Weecycle Environmental Consulting, Inc. for the calendar year 2022.

RECOMMENDATION: Staff recommends the following motion to the Mayor and Board of Aldermen:

MOTION TO APPROVE: *A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH WEECYCLE ENVIRONMENTAL CONSULTING, INC. FOR ENVIRONMENTAL TESTING AND ABATEMENT CONSULTING SERVICES IN THE AMOUNT NOT TO EXCEED \$50,000.*

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

Community Planning and Development use professional services to supplement City staff time, provide an independent perspective, ensure credibility, and serve as a technical advisor to the department. The Professional Services Agreements are a budgeted item, each with an amount not to exceed Fifty Thousand Dollars (\$50,000) and completed according to the Scope of Work and Schedule of Values. Staff seeks approval for the Weecycle Environmental Consulting, Inc. agreement with an effective date of March 23, 2022, through January 11, 2023. Weecycle staff will assist the City with the 2022 Residential Exterior Paint Program the 2022 Residential Rehabilitation Program, providing testing and abatement consulting services for asbestos, radon, mold, and lead-based paint. Staff recommends approving the Professional Services Agreement for Weecycle Environmental Consulting, Inc., in an amount not to exceed \$50,000.

<u>Entity</u>	<u>Service</u>	<u>Amount</u>
Weecycle Environmental Consulting, Inc.	Environmental	Not to Exceed \$50,000

AGENDA DATE: March 23, 2022

WORKSHOP DATE: N/A

FUNDING SOURCE:

010-1901-4193319 – Prof Svs / Other Consultants
010-1901-4193322 – Prof Svs / Services Billed Out
010-1101-4115813 – Residential Paint Program
203-0000-5025800 – Preservation / Prog Expenses

DEPARTMENT DIRECTOR APPROVAL: ☒ Yes ☐ No

STAFF PERSON RESPONSIBLE: Cynthia L. Linker, CP&D Director

DOCUMENTS ATTACHED:

Resolution 21-2022
Professional Services Agreement
Schedule of Values
Insurance Certificate

RECORD:

[☐]Yes

[☒]No

CoBH CERTIFICATE OF INSURANCE REQUIRED

[☒]Yes

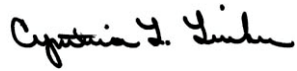
[☐]No

CITY ATTORNEY REVIEW:

[☒]Yes

[☐]N/A

SUBMITTED BY:



Cynthia L. Linker, CP&D Director

REVIEWED BY:



Stephen N. Cole, City Manager

CITY OF BLACK HAWK, COLORADO



**AGREEMENT FOR PROFESSIONAL SERVICES
WEECYCLE ENVIRONMENTAL CONSULTING, INC**

**RESOLUTION 21-2022
MARCH 23, 2022**

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT is made and entered into this **23rd day of March, 2022** by and between the **CITY OF BLACK HAWK**, State of Colorado, a Colorado municipal corporation (hereinafter referred to as the "City") and **WEECYCLE ENVIRONMENTAL CONSULTING, INC.** hereinafter referred to as "Contractor").

RECITALS:

A. The City requires **on-call environmental consulting and abatement services** (the "Project").

B. Contractor has held itself out to the City as having the requisite expertise and experience to perform the required work for the Project.

NOW, THEREFORE, it is hereby agreed for the consideration hereinafter set forth, that Contractor shall provide to the City **on-call environmental consulting and abatement services**.

I. SCOPE OF SERVICES

Contractor shall complete the scope of services as described in **Exhibit A** attached hereto and incorporated herein by this reference. Contractor shall furnish all labor and materials to perform the work and services required for the complete and prompt execution and performance of all duties, obligations, and responsibilities for the Project.

II. THE CITY'S OBLIGATIONS/CONFIDENTIALITY

The City shall provide Contractor with reports and such other data as may be available to the City and reasonably required by Contractor to perform hereunder. No project information shall be disclosed by Contractor to third parties without the prior written consent of the City or pursuant to a lawful court order directing such disclosure. All documents provided by the City to Contractor shall be returned to the City. Contractor is authorized by the City to retain copies of such data and materials at Contractor's expense.

III. OWNERSHIP OF WORK PRODUCT

The City acknowledges that Contractor's documents produced under this Agreement are instruments of professional services. Nevertheless, upon payment to Contractor pursuant to this Agreement, all work, data, drawings, designs, plans, reports, computer programs (non-proprietary), computer input and output, analyses, tests, maps, surveys, or any other materials developed for this Project are, and shall be, the sole and exclusive property of the City. However, any reuse of the documents by the City without prior written authorization by Contractor other than for the specific intended purpose of this Agreement will be at the City's sole risk. Contractor will provide the City with a ten (10) day written notice prior to disposal of Project documents it has retained, during which time the City may take physical possession of same at the storage site.

IV. COMPENSATION

A. Compensation shall not exceed **amounts as described in Exhibit A-1 for the work described in Exhibit A**. Payment shall be made in accordance with the schedule of charges in **Exhibit A-1**. Invoices will be itemized and include hourly breakdown for all personnel and other charges.

B. Contractor may submit monthly or periodic statements requesting payment. Such request shall be based upon the amount and value of the work and services performed by Contractor under this Agreement except as otherwise supplemented or accompanied by such supporting data as may be required by the City.

1. All invoices, including Contractor's verified payment request, shall be submitted by Contractor to the City no later than the twenty-fourth (24th) day of each month for payment pursuant to the terms of this Agreement. In the event Contractor fails to submit any invoice on or before the twenty-fourth (24th) day of any given month, Contractor defers its right to payment pursuant to said late invoice until the twenty-fourth (24th) day of the following month.
2. Progress payments may be claimed on a monthly basis for reimbursable costs actually incurred to date as supported by detailed statements, including hourly breakdowns for all personnel and other charges. The amounts of all such monthly payments shall be paid within thirty (30) days after the timely receipt of invoice as provided by this Agreement.

C. The City has the right to ask for clarification on any Contractor invoice after receipt of the invoice by the City.

D. In the event payment for services rendered has not been made within forty-five (45) days from the receipt of the invoice for any uncontested billing, interest will accrue at the legal rate of interest. In the event payment has not been made within ninety (90) days from the receipt of the invoice for any uncontested billing, Contractor may, after giving seven (7) days written notice and without penalty or liability of any nature, suspend all work on all authorized services specified herein. In the event payment in full is not received within thirty (30) days of giving the seven (7) days written notice, Contractor may terminate this Agreement. Upon receipt of payment in full for services rendered, Contractor will continue with all authorized services.

E. Final payment shall be made within sixty (60) calendar days after all data and reports (which are suitable for reproduction and distribution by the City) required by this Agreement have been turned over to and approved by the City and upon receipt by the City of Contractor's certification that services required herein by Contractor have been fully completed in accordance with this Agreement and all data and reports for the Project.

V. COMMENCEMENT AND COMPLETION OF WORK

Contractor shall commence work upon the execution of this Agreement. This Agreement shall be completed by **January 11, 2023**.

VI. PROFESSIONAL RESPONSIBILITY

A. Contractor hereby represents that it is qualified to assume the responsibilities and render the services described herein and has all requisite corporate authority and professional licenses in good standing, required by law.

B. The work performed by Contractor shall be in accordance with generally accepted professional practices and the level of competency presently maintained by other practicing professional firms in the same or similar type of work in the applicable community.

C. Contractor shall be responsible for the professional quality, technical accuracy, timely completion, and coordination of all designs, drawings, specifications, reports, and other services furnished by Contractor under this Agreement. Contractor shall, without additional compensation, correct or resolve any errors or deficiencies in its designs, drawings, specifications, reports, and other services which fall below the standard of professional practice.

D. Approval by the City of drawings, designs, specifications, reports, and incidental work or materials furnished hereunder shall not in any way relieve Contractor of responsibility for technical adequacy of the work. Neither the City's review, approval, or acceptance of, nor payment for, any of the services shall be construed to operate as a waiver of any rights under this Agreement, and Contractor shall be and remain liable in accordance with applicable performance of any of the services furnished under this Agreement.

E. The rights and remedies of the City provided for under this Agreement are in addition to any other rights and remedies provided by law.

VII. COMPLIANCE WITH LAW

A. The work and services to be performed by Contractor hereunder shall be done in compliance with applicable laws, ordinances, rules, and regulations.

B. Illegal Aliens.

1. Certification. By entering into this Agreement, Contractor hereby certifies that, at the time of this certification, it does not knowingly employ or contract with an illegal alien who will perform work under the Agreement and that Contractor will participate in either the E-Verify Program administered by the United States Department of Homeland Security and Social Security Administration or the Department Program administered by the Colorado Department of Labor and Employment in order to confirm the employment eligibility of all employees who are newly hired for employment to perform work under the Agreement.

2. Prohibited Acts. Contractor shall not:

- a. Knowingly employ or contract with an illegal alien to perform work under this Agreement; or
- b. Enter into a contract with a subcontractor that fails to certify to Contractor that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this Agreement.

3. Verification.

a. Contractor has confirmed the employment eligibility of all employees who are newly hired for employment to perform work under this Agreement through participation in either the E-Verify Program or the Department Program.

b. Contractor shall not use the E-Verify Program or the Department Program procedures to undertake pre-employment screening of job applicants while this Agreement is being performed.

c. If Contractor obtains actual knowledge that a subcontractor performing work under this Agreement knowingly employs or contracts with an illegal alien who is performing work under the Agreement, Contractor shall:

- i. Notify the subcontractor and the City within three (3) days that Contractor has actual knowledge that the subcontractor is employing or contracting with an illegal alien who is performing work under the Agreement; and

- ii. Terminate the subcontract with the subcontractor if within three (3) days of receiving the notice required pursuant to subparagraph (i) hereof, the subcontractor does not stop employing or contracting with the illegal alien who is performing work under the Agreement; except that Contractor shall not terminate the contract with the subcontractor if during such three (3) days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien who is performing work under the Agreement.

4. Duty to Comply with Investigations. Contractor shall comply with any reasonable request by the Colorado Department of Labor and Employment made in the course of an investigation conducted pursuant to C.R.S. § 8-17.5-102(5)(a) to ensure that Contractor is complying with the terms of this Agreement.

5. If Contractor does not currently employ any employees, Contractor shall sign the No Employee Affidavit attached hereto.

6. If Contractor wishes to verify the lawful presence of newly hired employees who perform work under the Agreement via the Department Program, Contractor shall sign the Department Program Affidavit attached hereto.

VIII. INDEMNIFICATION

A. INDEMNIFICATION – GENERAL: The City cannot and by this Agreement does not agree to indemnify, hold harmless, exonerate or assume the defense of the Contractor or any other person or entity whatsoever, for any purpose whatsoever. Provided that the claims, demands, suits, actions or proceedings of any kind are not the result of professional negligence, the Contractor, to the fullest extent permitted by law, shall defend, indemnify and hold harmless the City, its Council members, officials, officers, directors, agents and employees from any and all claims, demands, suits, actions or proceedings of any kind or nature whatsoever, including worker's compensation claims, in any way resulting from or arising from the services rendered by Contractor, its employees, agents or sub-contractors, or others for whom the Contractor is legally liable, under this Agreement; provided, however, that the Contractor need not indemnify or save harmless the City, its Council members, its officers, agents and employees from damages resulting from the negligence of the Council members, officials, officers, directors, agents and employees.

B. INDEMNIFICATION FOR PROFESSIONAL NEGLIGENCE: The Contractor shall, to the fullest extent permitted by law, defend, indemnify and hold harmless the City, its Council members, and any of its officials, officers, directors, and employees from and against damages, liability, losses, costs and expenses, including reasonable attorney's fees, but only to the extent caused by or arising out of the negligent acts, errors or omissions of the Contractor, its employees, agents or subcontractors, or others for whom the Contractor is legally liable, in the performance of professional services under this Agreement. The Contractor is not obligated under this subparagraph VIII.B. to indemnify the City for the negligent acts of the City, its Council members, or any of its officials, officers, directors, agents and employees.

C. INDEMNIFICATION – COSTS: Contractor shall, to the fullest extent permitted by law, defend, investigate, handle, respond to, and provide defense for and defend against, any such liability, claims or demands at the sole expense of Contractor or, at the option of the City, agrees to pay the City or reimburse the City for the defense costs incurred by the City in connection with any such liability, claims or demands. Contractor shall, to the fullest extent permitted by law, defend and bear all other costs and expenses related thereto, including court costs and attorney fees, whether or not any such liability, claims or demands alleged are groundless, false or fraudulent. If it is determined by the final judgment of a court of any competent jurisdiction that such injury, loss or damage was caused in whole or in part by the act, omission or other fault of the City, its Council members, officials, officers, directors, agents and employees, the City shall reimburse Contractor for the portion of the judgment attributable to such act, omission or other fault of the City, its Council members, officials, officers, directors, agents and employees.

IX. INSURANCE

A. The Contractor agrees to obtain and maintain during the life of the Agreement, a policy or policies of insurance against all liability, claims, demands and other obligations assumed by the Contractor pursuant to Section VIII above. Such insurance shall be in addition to any other insurance requirements imposed by the Agreement or by law. The Contractor shall not be relieved of any liability, claims, demands, or other obligations assumed pursuant to Section VIII above, by reason of its failure to obtain and maintain during the life of the Agreement insurance in sufficient amounts, durations, or types.

B. Contractor shall obtain and maintain during the life of the Agreement, and shall cause any subcontractor to obtain and maintain during the life of the Agreement, the minimum insurance coverages listed below. Such coverages shall be obtained and maintained with forms and insurers acceptable to the City. All coverages shall be continuously maintained to cover all liability, claims, demands and other obligations assumed by the Contractor pursuant to Section VIII above. In the case of any claims-made policy, the necessary retroactive dates and extended reporting periods shall be procured to maintain such continuous coverage.

1. **Worker's Compensation Insurance** to cover obligations imposed by applicable law for any employee engaged in the performance of the work under the Agreement, and Employers Liability Insurance with minimum limits of six hundred thousand dollars (\$600,000) each incident, one million dollars (\$1,000,000) disease—policy limit, and one million dollars (\$1,000,000) disease—each employee. Evidence of qualified self-insured status may be substituted for the worker's compensation requirements under this paragraph.

2. **Commercial general liability insurance** with minimum combined single limits of six hundred thousand dollars (\$600,000) each occurrence and one million dollars (\$1,000,000) general aggregate. The policy shall be applicable to all premises and operations. The policy shall include coverage for bodily injury broad form property damage (including completed operations), personal injury (including coverage for contractual and employee acts), blanket contractual products, and completed operations. This policy shall contain a severability of interests provision.

3. **Professional liability insurance** with minimum limits of six hundred thousand dollars (\$600,000) each claim and one million dollars (\$1,000,000) general aggregate.

4. **The policy required by paragraph 2., above, shall be endorsed to include the City and the City's officers, employees, and Contractors as additional insureds.** The policy required in Paragraphs 1 and 2 above shall be primary insurance, and any insurance carried by the City, its officers, its employees, or its Contractors shall be excess and not contributory insurance to that provided by Contractor. No additional insured endorsement to the policy required by paragraph 1., above, shall contain any exclusion for bodily injury or property damage arising from completed operations. Contractor shall be solely responsible for any deductible losses under any policy required above.

5. The certificate of insurance provided for the City shall be completed by Contractor's insurance agent as evidence that policies providing the required coverages, conditions, and minimum limits are in full force and effect, and shall be reviewed and approved by the City prior to commencement of the Agreement. No other form of certificate shall be used. The certificate shall identify this Agreement and shall provide that the coverages afforded under the policies shall not be cancelled, terminated, or materially changed until at least thirty (30) days prior written notice has been given to the City. The completed certificate of insurance shall be sent to:

**City of Black Hawk
P.O. Box 68
Black Hawk, Colorado 80422-0068
Attn: City Clerk**

6. Failure on the part of Contractor to procure or maintain policies providing the required coverages, conditions, and minimum limits shall constitute a material breach of agreement upon which the City may immediately terminate this Agreement, or at its discretion, the City may procure or renew any such policy or any extended reporting period thereto and may pay any and all premiums in connection therewith, and all monies so paid by the City shall be repaid by Contractor to the City upon demand, or the City may offset the cost of the premiums against any monies due to Contractor from the City.

7. The City reserves the right to request and receive a certified copy of any policy and any endorsement thereto.

8. The parties hereto understand and agree that the City, its officers, and its employees, are relying on, and do not waive or intend to waive by any provision of this Agreement, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, Colo. Rev. Stat. §24-10-114 et seq., 13 Colo. Rev. Stat., as from time to time amended, or otherwise available to the City, its officers, its employees, or agents.

X. NON-ASSIGNABILITY

Neither this Agreement, nor any of the rights or obligations of the parties hereto, shall be assigned by either party without the written consent of the other.

XI. TERMINATION

This Agreement shall terminate upon the City's providing Contractor with thirty (30) days advance written notice. In the event the Agreement is terminated by the City's issuance of said written notice of intent to terminate, the City shall pay Contractor for all work previously authorized and completed prior to the date of termination. If, however, Contractor has substantially or materially breached the standards and terms of this Agreement, the City shall have any remedy or right of set-off available at law and equity. If the Agreement is terminated for any reason other than cause prior to completion of the Project, any use of documents by the City thereafter shall be at the City's sole risk, unless otherwise consented to by Contractor.

XII. VENUE

This Agreement shall be governed by the laws of the State of Colorado, and any legal action concerning the provisions hereof shall be brought in the County of Gilpin, State of Colorado.

XIII. INDEPENDENT CONTRACTOR

Contractor is an independent contractor. Notwithstanding any provision appearing in this Agreement, all personnel assigned by Contractor to perform work under the terms of this Agreement shall be, and remain at all times, employees or agents of Contractor for all purposes. Contractor shall make no representation that it is the employee of the City for any purpose.

XIV. NO WAIVER

Delays in enforcement or the waiver of any one or more defaults or breaches of this Agreement by the City shall not constitute a waiver of any of the other terms or obligations of this Agreement.

XV. NOTICE

Any notice or communication between Contractor and the City which may be required, or which may be given, under the terms of this Agreement, shall be in writing and shall be deemed to have been sufficiently given when directly presented or sent pre-paid, first class United States Mail, addressed as follows:

The City:

**City of Black Hawk
P.O. Box 68
Black Hawk, Colorado 80422-0068
Attn: Cynthia Linker
Community Planning & Development Director**

The Contractor:

**Weecycle Environmental Consulting, Inc.
1208 Commerce Court, Suite 5B
Lafayette, Colorado 80026
Attn: Judith E. Sawitsky, President**

XVI. ENTIRE AGREEMENT

This Agreement and the attached exhibits constitute the entire Agreement between Contractor and the City, superseding all prior oral or written communications. None of the provisions of this Agreement may be amended, modified, or changed, except as specified herein.

IN WITNESS WHEREOF, the parties hereto each herewith subscribe the same in duplicate.

CITY OF BLACK HAWK, COLORADO

By: _____
David D. Spellman, Mayor

ATTEST:

Melissa A. Greiner, CMC
City Clerk

APPROVED AS TO FORM:

Corey Y. Hoffmann, City Attorney

Weecycle Environmental Consulting, Inc.

By: _____
Judith E. Sawitsky

Its: President

Date: _____

**PROSPECTIVE CONTRACTOR'S CERTIFICATE REGARDING EMPLOYING OR
CONTRACTING WITH AN ILLEGAL ALIEN**

FROM: WEECYCLE ENVIRONMENTAL CONSULTING, INC.

**TO: CITY OF BLACK HAWK
P.O. BOX 68
BLACK HAWK, COLORADO 80422-0068**

Project Name:
ON-CALL ENVIRONMENTAL CONSULTING AND ABATEMENT SERVICES

Bid Number: N/A

Project Number: N/A

As a prospective Contractor for the above-identified bid, I (we) do hereby certify that, as of the date of this certification, I (we) do not knowingly employ or contract with an illegal alien who will perform work under the Agreement and that I (we) will confirm the employment eligibility of all employees who are newly hired for employment to perform work under the Agreement through participation in either the E-Verify Program administered by the United States Department of Homeland Security and Social Security Administration or the Department Program administered by the Colorado Department of Labor and Employment.

Prospective Contractor: **WEECYCLE ENVIRONMENTAL CONSULTING, INC.**

Weecycle Environmental Consulting, Inc.

By: _____
Judith E. Sawitsky

Its: President

Date: _____

NO EMPLOYEE AFFIDAVIT
This Page Not Applicable

1. Check and complete one:

☐ I, _____, am a sole proprietor doing business as _____. I do not currently employ any individuals. Should I employ any individuals during the term of my Agreement with the City, I certify that I will comply with the lawful presence verification requirements outlined in that Agreement.

OR

☐ I, _____, am an owner/member/shareholder of _____, a _____ [specify type of entity-*i.e.*, corporation, limited liability company], that does not currently employ any individuals. Should I employ any individuals during the term of my Agreement with the City, I certify that I will comply with the lawful presence verification requirements outlined in that Agreement.

2. Check one.

☐ I, _____, am a United States citizen or legal permanent resident.

The City must verify this statement by reviewing one of the following items:

- *A valid Colorado Driver's license or a Colorado identification card*
- *A United States military card or a military dependent's identification card*
- *A United States Coast Guard Merchant Mariner card*
- *A Native American tribal document or*
- *In the case of a resident of another state, the driver's license or state-issued identification card from the state of residence, if that state requires the applicant to prove lawful presence prior to the issuance of the identification card*
- *Any other documents or combination of documents listed in the City's "Acceptable Documents for Lawful Presence Verification" chart that prove both the contractor's citizenship/lawful presence and identity.*

OR

☐ I am otherwise lawfully present in the United States pursuant to federal law.

Contractor must verify this statement through the federal systematic alien verification of entitlement program, the "SAVE" program, and provide such verification to the City.

Signature

Date

DEPARTMENT PROGRAM AFFIDAVIT

**(To be completed if Contractor participates in the
Department of Labor Lawful Presence Verification Program)**

I, **JUDITH E. SAWITSKY OF WEECYCLE ENVIRONMENTAL CONSULTING, INC.**, as a public contractor under contract with the City of Black Hawk (the “City”), hereby affirm that:

1. I have examined or will examine the legal work status of all employees who are newly hired for employment to perform work under this public contract for services (“Contract”) with the Town within twenty (20) days after such hiring date;

2. I have retained or will retain file copies of all documents required by 8 U.S.C. § 1324a, which verify the employment eligibility and identity of newly hired employees who perform work under the Agreement; and

3. I have not and will not alter or falsify the identification documents for my newly hired employees who perform work under the Agreement.

Weecycle Environmental Consulting, Inc.

By: _____
Judith E. Sawitsky

Its: President

Date: _____

ACCEPTABLE DOCUMENTS FOR LAWFUL PRESENCE VERIFICATION

Documents that Serve to Prove Citizenship/Lawful Presence and Identification:

- Colorado Driver's License or Identification Card
- Out of State drivers license from: AL, AZ, AR, CA, CT, DE, DC, FL, GA, ID, IN, IA, KS, KY, LA, ME, MN, MS, MO, MT, NV, NH, NJ, NY, ND, OH, OK, PA, RI, SC, SD, VA, WV, WY
- A United States Military Card of a Military Dependent's Identification Card
- A United States Coast Guard or Merchant Mariner Card
- A Native American Tribal Document
- Certificate of Naturalization with Photograph
- Certificate of U.S. Citizenship with Photograph
- U.S. Passport (less than 5 years old)
- Northern Mariana Identification Card with Photograph

OR

Documents that Only Serve to Prove Citizenship/Lawful Presence:

- U.S. Birth Certificate
- Certification of Report of Birth from Department of State
- Report of Birth Abroad of a U.S. Citizen
- U.S. Citizen Identification Card
- Final Adoption Decree
- Evidence of U.S. Civil Service Employment before June 1, 1976
- Statement Provided by U.S. Consular Officer Certifying Citizenship
- Religious Records Recorded in the 50 states, D.C., or a U.S. Territory Showing Birth Date or Child's Age and Location of Birth in U.S.
- Early School Records
- Census Records
- Other Documents that Establish a U.S. Place of Birth or in Some Way Indicates U.S. Citizenship

AND

Documents that Serve to Prove Identification:

- A Driver's License or Identification Card Regardless of the State of Issuance
- School Identification Card with Photograph
- Identification Card Issued by Federal, State or Local Government
- A Driver's License Issued by a Canadian Government Authority

EXHIBIT A

2022 - SCOPE OF SERVICES WEECYCLE ENVIRONMENTAL CONSULTING, INC.

Services and responsibilities may include, but not necessarily be limited to, the following:

1. Asbestos Inspection, Testing, Oversight, Project Management, and Worker Certification Verification.
2. Mold / Indoor Air Quality Inspection, Testing, Oversight, Project Management, and Worker Certification Verification.
3. Lead-Based Paint Inspection, Testing, Oversight, Project Management, and Worker Certification Verification.
4. Radon Air Monitoring Inspection, Testing, Oversight, Project Management, and Worker Certification Verification
5. Hazardous Waste Removal.
6. Advise Black Hawk City Staff of current environmental laws and the development and implementation of new technologies.

The **City of Black Hawk** shall provide a **Scope of Work** to **Weecycle Environmental Consulting, Inc.** on a project-by-project basis.

Weecycle Environmental Consulting, Inc. shall provide a quote based on the attached **Schedule of Charges - Exhibit A-1** and **Scope of Work** provided by the **City of Black Hawk** on a project-by-project basis.

EXHIBIT A-1
2022 - SCHEDULE OF CHARGES
WEECYCLE ENVIRONMENTAL CONSULTING, INC.

**EXHIBIT A-1
SCHEDULE OF CHARGES**

<u>CATEGORY</u>	<u>BILLING RATE (per/hr)</u>
Project Manager	\$ 110.00
Geologist	\$ 145.00
Environmental Scientist	\$ 85.00
Senior Technician	\$ 65.00
Environmental Technician	\$ 55.00
Lead Inspector/Lead Risk Assessor	\$ 85.00
Lead Supervisor	\$ 85.00
Asbestos Project Designer	\$ 110.00
Asbestos Project Manager	\$ 95.00
Asbestos Inspector	\$ 85.00
Air Monitoring Specialist	\$ 70.00
Drafting	\$ 80.00
Document preparation/Word Processing/Clerical	\$ 50.00

<u>LEAD BASED PAINT (LBP) SERVICES</u>	<u>BILLING RATE (per/hr)</u>
Lead Survey + Samples	\$425.00
Lead Hazard Screen	\$275.00
Risk Assessment	\$425.00
Pre-renovation Testing	\$275.00

<u>ASBESTOS SERVICES</u>	<u>BILLING RATE (per/hr)</u>
Asbestos Survey + Samples	\$525.00
Daily Rate – Project Over-Site	\$650.00/Day
Daily Rate – (Set & Collect)	\$375.00
Final Visual Inspection & Air Monitoring Clearances	\$475.00
Weekend Rate	\$575.00
Out of Town Rate	\$675.00

<u>ENVIRONMENTAL ASSESSMENTS</u>	<u>BILLING RATE</u>
Phase I Environmental Assessments	<u>(Item)</u> \$1600 - \$2800
Phase II Environmental Assessments	\$ 95.00/hr
Wetland/NEPA Compliance	\$550 - \$700/site

LABORATORY	BILLING RATE (Sample)
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Lead

Wipe/Soil Samples (Lead)	
6 hr rush	\$ 50.00/sample
24 hr	\$ 28.00/sample
Bulk Chip Samples (Lead)	
24 hr	\$ 30.00/sample

Asbestos

PCM Analysis Asbestos	\$ 12.00/sample
Bulk Asbestos (PLM)	
2 hr rush	\$ 35.00/sample
24 hr	\$ 25.00/sample
3-5 day	\$ 12.00/sample
Point Count	
6 hr	
24 hr	
3 day	

INDOOR AIR QUALITY

Bulk Samples	\$ 55.00/sample
Air-O-Cell	\$ 55.00/sample

SAFETY GEAR**PER PERSON/DAY**

Level A	\$500.00
Level B	\$250.00
Level C	\$ 50.00
Level D	\$ 25.00

TRAVEL

Car Mileage	\$ 0.65/Mile
Truck & Equipment Trailer	\$175/100 mile roundtrip
Travel	\$ 50.00/hour

FIELD INSTRUMENTS	RATES/DAY	RATES/WEEK
--------------------------	------------------	-------------------

Photo Ionization Detector	\$ 85.00	\$260.00
PH/Temp Meter	\$ 30.00	\$ 80.00
Conductivity/pH/Temp Meter	\$ 57.00	\$140.00
Water Level Indicator	\$ 35.00	\$ 92.00
Peristaltic Pump	\$ 40.00	\$115.00
Submersible Pump	\$235.00	\$520.00
Generator	\$ 86.00	\$230.00
Radiation Detector	\$ 45.00	\$155.00

OTHER EXPENSES	COST
Miscellaneous Expenses	Cost + 10%
Project Supplies	\$ 35.00/project
Laboratory Analysis (not listed)	Cost + 10%
Mileage	Current IRS Rate
Camera	\$ 10.00/day
Cell Phone	\$ 10.00/day
Black & White Copies	\$ 0.10/page
Color Printing	\$ 0.75/page
Per Diem	\$ 65.00 - \$125.00 (Geographically Dependent)

**CERTIFICATES OF INSURANCE
WEECYCLE ENVIRONMENTAL CONSULTING, INC.**



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

1/5/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Van Oppen & Co. 2, Inc. VOCO 2 Insurance & Risk Control Services P.O. Box 793 Teton Village WY 83025	CONTACT NAME: Brenda Todd PHONE (A/C, No, Ext): 800-746-0048 E-MAIL ADDRESS: service@vanoppenco2.com	FAX (A/C, No):
INSURED Weecycle Environmental Consulting, Inc. 1208 Commerce Ct #5B Lafayette CO 80026	INSURER(S) AFFORDING COVERAGE INSURER A : Homeland Insurance Company of New York INSURER B : INSURER C : INSURER D : INSURER E : INSURER F :	NAIC # 34452

COVERAGES

CERTIFICATE NUMBER: 811353943

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> CPL (Pollution) GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y	Y	793-00-78-72-0001	4/11/2020	4/11/2022	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB EXCESS LIAB DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y / N	N / A				PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Professional Liab "Claims Made"			793-00-78-72-0001	4/11/2020	4/11/2022	Each Claim 2,000,000 Aggregate 2,000,000 Subject to GL Agg

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The City of Black Hawk is included as additional insured on the general liability as required by written contract.

CERTIFICATE HOLDER**CANCELLATION**City of Black Hawk
Attn: City Clerk
PO Box 68
Black Hawk CO 80422

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – OWNERS, LESSEES OR CONTRACTORS – SCHEDULED PERSON OR ORGANIZATION – FORM I

This endorsement only modifies coverage provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
CONTRACTORS ENVIRONMENTAL LIABILITY COVERAGE PART

SCHEDULE

Name of Person or Organization:

Any person or organization that the "Named Insured" agreed to add as an additional insured in a written contract or written agreement that was fully executed by the "Named Insured" prior to the performance of the "Named Insured's" work that is the subject of such written contract or written agreement. Coverage afforded to such person or organization will not be broader than the scope of insurance agreed to by the "Named Insured" in such written contract or written agreement.

(If no entry appears above, information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

- A. **SECTION II – WHO IS AN INSURED** is amended to include as an insured the person or organization shown in the SCHEDULE above, but only with respect to liability arising out of your ongoing operations performed for that insured.
- B. With respect to the insurance afforded to these additional insureds, the following exclusion is added:

2. Exclusions

This insurance does not apply to **bodily injury, property damage or environmental damage** occurring after:

- (a) All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the site of the covered operations has been completed; or
- (b) That portion of **your work** out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.

All other terms and conditions remain the same.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – OWNERS, LESSEES OR CONTRACTORS – COMPLETED OPERATIONS

This endorsement only modifies coverage provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
CONTRACTORS ENVIRONMENTAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s):	Location And Description Of Completed Operations:
Any person or organization that the "Named Insured" agreed to add as an additional insured in a written contract or written agreement that was fully executed by the "Named Insured" prior to the performance of the "Named Insured's" work that is the subject of such written contract or written agreement. Coverage afforded to such person or organization will not be broader than the scope of insurance agreed to by the "Named Insured" in such written contract or written agreement.	Any location, and completed operations at such location, where required by the written contract or written agreement between the Named Insured and the person or organization qualifying as an additional insured under this endorsement.

(If no entry appears above, information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

SECTION II – WHO IS AN INSURED is amended to include as an additional insured the person(s) or organization(s) shown in the SCHEDULE above, but only with respect to liability for **bodily injury, property damage or environmental damage** caused, in whole or in part, by **your work** at the location designated and described in the SCHEDULE above performed for that additional insured and included in the **products-completed operations hazard**.

All other terms and conditions remain the same.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

PRIMARY AND NON-CONTRIBUTORY ENDORSEMENT

This endorsement modifies coverage provided under the following:

**COMMERCIAL GENERAL LIABILITY COVERAGE PART
CONTRACTORS ENVIRONMENTAL LIABILITY COVERAGE PART**

SECTION IV - CONDITIONS, 8. Other Insurance, is amended by adding the following paragraph:

This insurance will be considered primary to, and non-contributory with any other insurance issued directly to a person or organization added as an additional insured under this policy, only if you specifically agree, in a written contract or agreement, that this insurance must be primary to, and non-contributory with, such other insurance.

All other terms and conditions remain the same.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

WAIVER OF TRANSFER OF RIGHTS OF RECOVERY AGAINST OTHERS TO US

This endorsement only modifies coverage provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
CONTRACTORS ENVIRONMENTAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Person Or Organization:

Any person or organization that the "Named Insured" agreed to waive its rights of recovery against in a written contract or written agreement that was fully executed by the "Named Insured" prior to the performance of the "Named Insured's" work that is the subject of such written contract or written agreement. Such waiver will not be broader than the scope of the waiver agreed to by the "Named Insured" in such written contract or written agreement.

SECTION IV – CONDITIONS, 13. Transfer of Rights of Recovery Against Others To Us is deleted and replaced with the following:

13. Transfer of Rights of Recovery Against Others To Us

If the insured has rights to recover all or part of any payment we have made under this policy, those rights are transferred to us. The insured must do nothing to impair them. At our request, the insured will bring suit or transfer those rights to us and help us enforce them. Any recovery will be paid first to us until all amounts we have spent on a **claim or suit** have been reimbursed. The insured expressly waives the right to be made whole by any such recovery.

We waive any right of recovery we may have against the person or organization shown in the SCHEDULE above because of payments we make for injury or damage arising out of your ongoing operations or **your work** done under a contract with that person or organization and included in the **products-completed operations hazard**. This waiver applies only to the person or organization shown in the SCHEDULE above.

All other terms and conditions remain the same.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
06/01/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Pinnacol Assurance 7501 E. Lowry Blvd. Denver, CO 80230-7006	CONTACT NAME:	
	PHONE (A/C, No, Ext):	FAX (A/C, No):
INSURED Weecycle Environmental Consulting Inc 1208 Commerce Ct Suite 5B Lafayette, CO 80026	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A : Pinnacol Assurance	NAIC # 41190
	INSURER B :	
	INSURER C :	
	INSURER D :	
	INSURER E :	
	INSURER F :	

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	COMMERCIAL GENERAL LIABILITY						
	<input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR						EACH OCCURRENCE \$
							DAMAGE TO RENTED PREMISES (Ea occurrence) \$
							MED EXP (Any one person) \$
							PERSONAL & ADV INJURY \$
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE \$
	<input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						PRODUCTS - COMP/OP AGG \$
	OTHER:						\$
	AUTOMOBILE LIABILITY						
	<input type="checkbox"/> ANY AUTO						COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS						BODILY INJURY (Per person) \$
	<input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						BODILY INJURY (Per accident) \$
							PROPERTY DAMAGE (Per accident) \$
							\$
	UMBRELLA LIAB						EACH OCCURRENCE \$
	EXCESS LIAB						AGGREGATE \$
	DED RETENTION \$						\$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			3444333	06/01/2021	06/01/2022	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y / N	N / A				<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. EACH ACCIDENT \$ 1,000,000
							E.L. DISEASE - EA EMPLOYEE \$ 1,000,000
							E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required) Unless otherwise stated in the policy provisions, coverage in Colorado only.

CERTIFICATE HOLDER	CANCELLATION
2057175 City of Black Hawk PO Box 68 Black Hawk, CO 80422-0068 Attn: City Clerk	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE Pinnacol Assurance

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CERTIFICATE HOLDER COPY

City of Black Hawk
PO Box 68
Black Hawk, CO 80422-0068

IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT (CONT)