CITY OF BOULDER
INFORMATION ITEM FOR:

ENVIRONMENTAL ADVISORY BOARD – June 6, 2018
PLANNING BOARD – June 7, 2018
TRANSPORTATION ADVISORY BOARD – June 11, 2018
OPEN SPACE BOARD OF TRUSTEES – June 13, 2018
WATER RESOURCES ADVISORY BOARD – June 18, 2018
PARKS AND RECREATION ADVISORY BOARD – June 25, 2018

GREENWAYS ADVISORY COMMITTEE AGENDA ITEM
MEETING DATE: June 28, 2018

SUBJECT:
Boulder Creek Arapahoe Underpass Art Project (Arapahoe Underpass Art project) at Boulder Creek and Arapahoe Avenue

REQUESTING DEPARTMENT:
Mandy Vink – Public Art Administrator, Library and Arts Department
Edward Stafford – Development Review Manager, Public Works
Alysha Geiger – Civil Engineer I Development Review, Public Works

PURPOSE: The Arapahoe Underpass Art Project has requested a variance to BRC 9-3-9 to allow lighting of a protected waterway. While this variance is a staff level decision we are seeking input on this request from the various boards through the GAC. It is requested that each board/committee review this full report and forward any comments or concerns regarding this request to your Greenways Advisory Committee representative for discussion at the June 28, 2018 GAC meeting. The project webpage is available at: https://boulderarts.org/public-art/in-progress/arapahoe-underpass/

GREENWAYS ADVISORY COMMITTEE INPUT REQUESTED:
Input from the Greenways Advisory Committee to staff concerning the request for a variance to section 9-3-9 of the Boulder Revised Code, 1981, to allow for the Arapahoe Underpass Art project is requested. Pending GAC input, the project team will make a decision to move forward, or not, with a formal application for a wetland variance for the art project.

The Boulder Creek Arapahoe Underpass Project was previously reviewed by the GAC as a part of the Community and Environmental Assessment Process (CEAP) on May 11, 2017. After the CEAP the public art component of the project was selected using the city’s Policy on Acquisition and Maintenance of Public Art.

Attached is information on a requested variance to the city’s Stream, Wetlands and Water Body Protection code. Input on this item by the Greenways Advisory Committee is being sought prior to staff providing a decision on the variance request.

Attachment A: Input Request from the Boulder Creek Arapahoe Underpass Art project, summarizing the proposed project, the applicable wetland code and the requested variance from the code.
Attachment B: Additional information about the public art project and the selection process provided by the office of Arts and Culture
Input Request from the Boulder Creek Arapahoe Underpass Art project, summarizing the proposed project, the applicable wetland code and the requested variance from the code.

This report documents the request for input from the Greenways Advisory Committee (GAC) regarding a variance to section 9-3-9(c)(3) Table 3-1 21. of the Boulder Revised Code, 1981 (BRC), which prohibits new lighting in the wetland, stream or water body zone (high and low functioning). As provided in Attachment B, the Office of Arts and Culture initiated the commissioning of a new piece of public art for the Arapahoe Underpass along the Boulder Creek Path in 2017. The project is proposing to design and install a “caustic reflection” light installation that utilizes utilizing low temperature and low color temperature LED’s to reflect light patterns onto the ceiling and walls of the underpass.

Boulder Creek is a large wetland defined primarily by the bankfull width of the stream. In its upper reaches, it is dominated by plains cottonwood in the forest overstory, giving way to the alien crack willow in the lower reaches. The streambanks are generally well protected by the roots or trees and shrubs. The presence of perennial water, dense stream-side vegetation, and its length provides abundant habitats for aquatic and terrestrial wildlife. Boulder Creek is heavily used for recreational activities, including fishing, wading, and tubing.

Wetlands play important roles in supporting water supply, maintaining water quality, and supporting plants, animals, and ecosystems. Wetlands store floodwaters and they supply water to both aquifers and streams. Wetlands store and/or transform nitrogen, phosphorous, sediment, and other contaminants. Vegetation in wetlands prevents erosion and further degradation of water quality. Wetlands also provide important habitat for plants, wildlife, and other animals, and they are a vital part of many food chains. Wetland benefits are often degraded by the pressures of development and land management practices that result in stresses such as increased paving, introduction of invasive species, and urban runoff. When wetland functions are lost, cities and taxpayers are left to bear the costs -- including increased water treatment, flood control, erosion control, weed control, and diminished water supplies. Therefore, federal, state, and local governments have recognized the need to protect and mitigate for loss of wetland resources. The legislative intent of Stream, Wetlands, and Water Body Protection code, section 9-3-9(a) of the BRC, is as follows:

1) It is the intent of the city council in enacting this section to preserve, protect, restore, and enhance the quality and diversity of wetlands and water bodies. The council finds that streams, wetlands, and water bodies are indispensable and fragile natural resources with significant development constraints due to high groundwater, flooding, erosion, and soil limitations and that development activities may threaten these resources. The preservation of streams, wetlands, and water bodies under this section is consistent with the goal of wetland protection set forth in the Boulder Valley Comprehensive Plan.

2) The city council finds that many streams, wetlands, and water bodies have been either lost or impaired by draining, dredging, filling, excavating, building, channelizing, polluting, and other acts. Piecemeal and cumulative losses destroy or diminish the functions of the remaining streams, wetlands, and water bodies.

3) The city council finds that it is necessary for the city to ensure protection by discouraging development activities in streams, wetlands, and water bodies and those activities at
adjacent sites that may adversely affect the visibility and functional values of these resources.

(4) The city council finds that it is necessary to ensure no net loss of wetlands, by encouraging avoidance of direct or indirect impacts from activities that destroy or diminish the quantity, quality, and biological diversity of the city's water resources and adjacent buffers.

(5) The city council acknowledges that much of the city was developed prior to awareness of the value of protecting streams, wetlands, and water bodies. The city council seeks to find a reasonable balance between the property owners' desire to make reasonable uses of their properties and the public's interest in preserving and protecting these important water resources. When the destruction or diminution in function of these resources cannot be avoided, the city council finds that impacts on streams, wetlands, and water bodies should be minimized and mitigation provided for unavoidable losses.

(6) Nothing in this section shall be construed to prevent irrigation companies from altering water levels through the diverting, storage, or delivery of water under their historic water rights or owners of such rights from exercising those historic rights.

(7) Nothing in this section shall be construed to prevent compliance with applicable state or federal statutes and regulations.

(8) It is not the intent of this section to prohibit all activities within the regulated area, but rather to encourage avoidance and minimization of regulated activities within the regulated area to mitigate the impact that these activities have on streams, wetlands, and water bodies.

As shown in Figure 1 the proposed project is located in the high functioning wetland area of Boulder Creek. Lighting for the Boulder Creek – Arapahoe and 13th Underpass Transportation CIP project is being provided for the path and is located in the inner/outer high functioning wetland buffer areas, which is exempt from the need of a wetland permit. This project is specifically an art project and is not for the purpose of providing lighting for the multi-use path adjacent to the creek.
Based on the information provided in this report the staff is seeking input from the GAC on whether or not the Arapahoe Underpass Art Project meets the intent of the variance criteria in section 9-3-9(m)(4) of the BRC which states:

For publicly funded projects, a variance may be issued if the city manager finds that the project is in the community interest and part of an approved master plan or capital improvements program.

The underpass project is a part of the city’s capital improvement program and public art is part of the Community Cultural Plan that was adopted on November 17, 2015.

Key Issues:

- Is the public art project in the community interest as stated in the variance criteria?
- Should a variance be issued to allow for lighting of the creek when BRC 9-3-9(c)(3) Table 3-1 21 prohibits new lighting?
MEMORANDUM

To: Greenways Advisory Committee
From: Mandy Vink, Public Art Administrator
CC: Bryant Gonsalves, Boulder Creek Path Underpass Project Manager
Matt Chasansky, Office of Arts and Culture Manager
Date: May 3, 2018
Regarding: Wetlands Variance at Boulder Creek Path Underpass: Arapahoe and 13th Public Art Project

Executive Summary
In 2017, the Office of Arts and Culture initiated the commissioning of a new piece of public art for the Arapahoe Underpass along the Boulder Creek Path. This project was one of the first to be run through the updated Boulder Policy on Acquisition and Maintenance of Public Art by the City (Policy). As defined in the Policy’s purpose, commissioning of public art is one of many of the city’s goals: The City will acquire works of art which encourage creativity, contribute to a sense of place, spark conversation, tell our shared stories and capture our moment in time, foster the enjoyment of diverse works of art, and are thoughtfully designed contributions to the urban environment of our vibrant city.

Stewarded through the selection process identified in the Policy, a Request for Qualifications was distributed for artists. 181 applicants submitted their portfolios. The selection panel and technical review committee (TRC) reviewed all applications and narrowed the group to request five proposals. From those proposals, the selection panel made a unanimous recommendation for Michelle Sparks. The project additionally received unanimous approval from the Boulder Arts Commission (Arts Commission) in July 2017, with Michelle Sparks approved to move into contracting and project design by the City Manager’s Office (CMO) on July 24, 2017.

Sparks has joined the Project Management Team (PMT) to integrate her concept of caustic reflections into project design. As the project evolves from preliminary design to final design, we request review and advisory recommendations from the Greenways Advisory Committee to support the feasibility of this project, including a recommendation to the City Manager in regards to a wetlands variance for this project.

Project Concept: Preliminary Design Summary
Michelle Sparks, inspired by the inherent beauty and access of the Boulder Creek, will design and install a “caustic reflection” light installation that utilizes the inherent qualities of the creek flow to reflect light

patterns onto the ceiling and walls of the underpass. This concept’s execution will be subtle, while undoubtedly tie users to place. Working with the design team, the artist will explore further aesthetic treatments to the concrete retaining walls and creek path.

Lighting designs will be responsive to the environment, utilizing low temperature and low color temperature LED’s. Additionally, the project’s run time will be synched with its natural environment through an astronomical timer. Sparks’ project lighting will serve as a complement to the underpass’s required functional lighting.

Sample image of naturally-occurring caustic reflections. The artist wishes to extend this effect through lighting design:

![Sample image of naturally-occurring caustic reflections.](image)

**Project Process Summary**

- March 15, 2017: Arapahoe Underpass Project abstract included in 2017 Public Art Implementation Plan and approved by Arts Commission and CMO
- April 10, 2017: Project orientation meeting; selection panel and TRC draft components of Request for Qualifications (RFQ)/Call for Entry
- May 23, 2017: Review of 181 applicants; 5 artists invited for proposal
- June 26, 2017: Proposals reviewed by TRC for feasibility and comment
- July 10, 2017: Semifinalist presentations to selection panel and TRC; Michelle Sparks receives unanimous vote by selection panel
- July 17, 2017: Project process presented to Arts Commission; approved unanimously
- July 24, 2017: Project memo completed by CMO to advance artist and concept into contracting
- September 20, 2017: Artist received fully executed contract, issued by the City

**Attachments**

- Attachment 1: CMO Memo – Michelle Sparks Approval
- Attachment 2: Arapahoe Underpass Public Art RFQ
Attachment 1: CMO Memo – Michelle Sparks Approval  
Attachment 2: Arapahoe Underpass Public Art RFQ

City of Boulder Office of Arts + Culture  
Library & Arts Department  
www.boulderarts.org

MEMORANDUM

To: Jane Brautigam, City Manager  
From: Matt Chasansky, Boulder Arts Commission Liaison  
Cc: Tanya Ange, Deputy City Manager  
     David Farnan, Library and Arts Director  
     Mandy Vink, Public Art Coordinator  
     Gerrit Slatter, Principal Transportation Projects Engineer  
     Bryant Gonsalvez, Transportation Project Manager  
Date: July 21, 2017  
Regarding: Arts Commission Public Art Recommendation: Arapahoe Underpass

Through the process identified in the public art policy, the Public Art Selection Panel and Boulder Arts Commission unanimously recommend artist Michelle Sparks (Boulder, CO) be commissioned for a public art project to be located within the Arapahoe Underpass. The artist will be integrated into the design team, with the artwork to be installed with the construction of the underpass. The Boulder Arts Commission reviewed the process and proposal, and recommends approval of the project for a contract in the amount of $42,000.

This memo confirms that the City Manager has reviewed the process and approves the artist(s)/project.

DESCRIPTION: Sparks will design and install a caustic light installation that utilizes the inherent qualities of the creek flow to project light onto the ceiling and walls of the underpass. Working with the design team, the artist will also explore further aesthetic treatments to the concrete retaining walls and creek path and an audio component.

PROJECT SELECTION PANEL: July 14, 2017 Vote: 5/5 in favor; Community Members Virginia Schick/Lily Geer, Brian Coppom; Artist Matthew Smith, Arts Professional Nicole Diaf-Ray, and Boulder Arts Commission representative Mark Villarreal. The decision of the Project Selection Panel was endorsed by the Project Management Team (non-voting).

PANEL FEEDBACK: Sparks' proposal was the most thoughtful and prepared: she addressed the whole creek context including natural environment and users; proposed an innovative approach to what we might expect in an underpass; addressed all acquisition criteria; presented an opportunity to work with local, up-and-coming artists; connected to community; and proposes a meditative, subtle, understated but dynamic artwork that responds to the site.

BOULDER ARTS COMMISSION: Reviewed July 19, 2017: In a motion by F. Furman seconded by K. McCormick the Boulder Arts Commission (Felicia Furman, Mark Villarreal, Devin Hughes, Kathleen McCormick, and Tamil Maldonado) voted 5-0.

RECOMMENDATION: The Boulder Arts Commission approves this process was properly conducted and recommend that the proposal by artist Michelle Sparks advance to the City Manager for final approval.

[Signature]  
CMO Approval Signature: Jane Brautigam  
Date: July 24, 2017
REQUEST FOR QUALIFICATIONS:
BOULDER CREEK PATH: ARAPAHOE UNDERPASS AT 13TH STREET
PUBLIC ART OPPORTUNITY
BUDGET: $42,000 USD
DEADLINE: Thursday, May 19, 2017, 11:59 pm MST

Introduction

The Boulder Office of Arts + Culture is seeking an artist, or artist team, for a site-specific public art commission to compliment the enhanced Boulder Creek Path: Arapahoe Underpass at 13th Street. This enhanced underpass and confluence point is just one area of the 5.5-mile multi-use Boulder Creek Path in central Boulder, Colorado.

Possible locations and themes for the Boulder Creek Path Arapahoe Underpass have been identified, with particular interest in the retaining walls of the underpass. Additional locations may include the 5-points pedestrian confluence just south of the underpass and the on-street crossing at 13th and Arapahoe. 3D work will not be considered for these locations, however a variety of 2D works and low-relief works will be considered (including murals, mosaics, sound, etc.), as all sites are contained within the floodplain.

This commission is open to artists/artist teams working in all media. The estimated budget of $42,000 USD is all inclusive. The art selection process will be managed by Office of Arts + Culture Public Art Program.
About the Arapahoe Underpass

The Boulder Creek Path is a busy recreational and commuting corridor for pedestrians and bicyclists that parallels Boulder Creek. This section of the Boulder Creek multi-use path is a popular route for a range of users, from the visiting tourist to the avid cyclist. The underpass provides connections to the Civic Area Central Park, Boulder High School, local and regional transit stops, the general downtown including the Pearl Street mall four blocks north and popular cycling routes. The Broadway multi-use path connects to the Boulder Creek multi-use path on the south side of the underpass. The Broadway path provides more distant connections to the University of Colorado-Boulder main campus, the site of the University’s proposed convention center and hotel (Grandview Avenue near Broadway) and to University Hill. This immediate underpass connects the path with a variety of cultural amenities: Boulder County Farmers Markets, Boulder Museum of Contemporary Art, Dushanbe Tea House, and regularly-programmed activities and cultural offerings in Central Park, including the Glen Huntington Band Shell.

Challenging existing conditions of the Arapahoe Underpass allowed for a construction project to provide a safer, more accessible and less flood prone underpass along the Boulder Creek Path at Arapahoe Avenue, near 13th Street. Enhancements include improved site lines, a widening of the underpass path, reduced approach grades, reduced high-water closures of the underpass, improved lighting, and overall safety improvements.

For more details on the Boulder Creek Path: Arapahoe Underpass at 13th Street, visit the following resources:
Boulder Creek Path: Arapahoe Underpass at 13th Street project website:

Boulder Civic Area Master Plan:
Attachment B: Additional information - public art project, selection process (Office of Arts and Culture)


Public Art: Parameters & Goals

The Selection Panel identified specific goals for this public art with the hope of creating a unique work of art that references the past, present and future of this transit project:

**Appropriate & Unique:** The selection panel seeks a unique, one-of-a-kind artwork.

**Location:** The Arapahoe Underpass is a unique site that features (see highlighted sites in image on p. 2):

- a large retaining wall at the underpass
- a confluence of multiple trails just south east of the underpass
- an on-street pedestrian crossing to the north at Arapahoe and 13th

The selection panel is aware that, within the budget parameters, the project will result in a concentrated focus in one of these areas. However, the panel is interested in the possibility of a work that encourages movement through the various locations included in the above bullets, and work that has presence in multiple locations, if even just hints of a larger artwork within the underpass.

Applicants should be aware that additional public art opportunities are anticipated within and adjacent to the Arapahoe Underpass. These will be separate calls, but will be reviewed in a holistic approach. Immediate, complementary public art projects include temporary and permanent public artworks within the Civic Area, additional opportunities along the Boulder Creek Path, and site-specific opportunities for University Hill.

**Materials & Media:** Due to the project’s location within the floodplain, 3D work will not be considered for these locations. However, a variety of 2D will be considered including murals, mosaics, form liner designs, sound, light-based media etc. The Boulder Creek Path includes multiple modes of transportation, and work should support and encourage safe flow through the site.

**Durability & Maintenance:** All public art projects in Colorado are exposed to weather, physical stresses and subject to vandalism and should be fabricated of highly durable, low-maintenance materials. Semi-finalists are encouraged to consult with a professional conservator or fabricator prior to the submission of a final proposal. Artist proposals awarded contracts will be reviewed by the selection panel, the Office of Arts and Culture, the Technical Review Committee (a project-specific technical group comprised of city staff), the Boulder Arts Commission, and the City Manager’s Office to ensure conformity with city standards of construction, maintenance and durability, and ADA standards. All finalists are expected to stay on budget and to complete work in an approved time frame.

**Applying for these opportunities**

In response to this RFQ, applicants will be asked to submit up to eight digital images, up to 2 video or audio samples, a résumé or CV, and a statement of interest of no longer than 2000 characters via www.callforentry.org (CaFE™). From these applications, the selection panel will choose three to five semi-finalists who will be brought in for an interview with the panel. If a formal proposal is requested, the artist will be provided an honorarium to prepare and present the proposal in person. Semi-finalists are strongly encouraged to conduct a site visit, and will be expected to pay for travel expenses from the honorarium. From the interview or proposal, artist(s) will be selected for this commission.
Eligibility: This project is open to artists, regardless of race, color, creed, gender, gender variance, national origin, age, religion, marital status, political opinion or affiliation or mental or physical handicap. Artists working in any media are eligible to apply. Artists are not required to have previous experience in public art.

Can a team apply?: Applicant(s) may apply as a single artist or multi-person collaboration. In the case of teams, please submit a single résumé for the whole team (see details below).

Selected artists for the commission will collaborate with the Arapahoe Underpass Project Management Team and Arapahoe Underpass Area Technical Review Committee when finalizing their designs for installation. Public art commissions must go through applicable review and permitting processes.

Applicants are encouraged to review a sample public art contractual agreement prior to applying for any public art opportunities. The draft contract can be found here: https://boulderarts.org/wp-content/uploads/2017/04/Sample-Public-Art-Contract-2016-2220.pdf

Budget

The budget for this commission is approximately $42,000 USD which will be allocated to the artists/team selected by the selection panel. This contract amount is inclusive of all costs associated with the project including, but not limited to, honorariums for semi-finalists, the artist’s design fee, other consultation fees such as structural engineering, insurance, including Colorado Workers Compensation, small tools, materials, fabrication, transportation and installation. Including any building or site modification required, travel to and from the site, per diem expenses, project documentation, contingency to cover unexpected expenses and any other costs of any kind. For all work done on city property, prevailing wage requirements will be applied. The project timeline reflects a project that will be integrated within existing construction. Budget will need to include all foundational and infrastructural supports.

Tentative Time Line

(Except for online application deadline, timeline is subject to adjustments):

Friday, May 19, 2017, 11:59 p.m. MDT    Deadline for entry (via CaFE™ system)
May 22 - 30, 2017    Semi-Finalist Selection
June 1, 2017    Notify Semi-Finalists
June 1 – June 19, 2017    Proposal Development and Site Visit (to be scheduled)
Week of June 26, 2017    Semi-Finalists present Proposals, Community Engagement
August, 2017    Finalist Notification

Project Selection Panel
The Arapahoe Underpass Public Art Selection Panel is comprised of five voting members. The Technical Review Committee is comprised of roughly ten additional non-voting advisors.

Selection Process

Between three to five artists/artist teams will be selected as semi-finalists, and will receive a $1,000 honorarium. Those selected will receive more specific information regarding the site and have the opportunity to meet with the Selection Panel and Technical Review Committee during a site visit. The Selection Panel will interview and/or review proposals from the semi-finalists and recommend finalists for the commission.

Additionally, community engagement is a vital component in Boulder’s decision-making process. Semi-finalists should be prepared to present or have their proposals presented to the public in some fashion during the decision-making process. The final recommendation of the Selection Panel will be presented to the Boulder Arts Commission and the city manager for final approval.

Materials to be Submitted

Please read this section carefully. Incomplete applications will NOT be considered without exception. The applicant’s name must appear on all materials submitted.

All materials must be submitted online, via the CaFE™ website (www.callforentry.org). There is no application fee to apply or to use the CaFE™ online application system.

Digital images: To be considered for this project, the applicant must electronically submit up-to eight digital images of previously completed artworks through the CaFE™ system. Artists who wish to submit kinetic, sound or media works may include up-to two videos and up-to two audio attachments.

Instructions on how to format images to CaFE™ specifications can be found at http://www.callforentry.org/imaging_tips.phtml. Assistance in using the CaFE™ system is available during regular business hours by calling 303-629-1166 or 1-888-562-7232, or e-mail cafe@westaf.org. If you do not have access to a computer, call 303-441-4342 to make arrangements to use the Office of Arts and Culture computer.

Statement of Interest: Please submit a statement of interest that briefly outlines your interest in the Boulder Creek Trail: Arapahoe Underpass at 13th Street project and experience working on projects of this kind (2000 character maximum) via CaFE™.

Résumé/CV: Submit a one- to two-page current résumé or CV, via CaFE™ that highlights your professional accomplishments as an artist. Please name your résumé file accordingly: Last name.First Initial (i.e. Smith.J.doc). Résumés over two pages will not be downloaded. If applying as a team, please submit one résumé with one to two pages per team member.

Questions about the project: Please contact Mandy Vink, Public Art Coordinator and Arapahoe Underpass Public Art Project Manager: 303-441-4342 or vinkm@boulderlibrary.org