



## CITY OF BOULDER

### PLANNING BOARD STUDY SESSION AND MEETING AGENDA

**DATE:** October 10, 2013

**TIME:** Study Session at 5:30 p.m., Meeting at 7 p.m.

**PLACE:** Council Chambers, 1777 Broadway

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**STUDY SESSION: 5:30 - 7 P.M., COUNCIL CHAMBERS, 1777 BROADWAY**

**Topic:** [Board Communication Guidelines](#)

**MEETING: 7 P.M., COUNCIL CHAMBERS, 1777 BROADWAY**

**1. CALL TO ORDER**

**2. APPROVAL OF MINUTES**

The [August 15<sup>th</sup> Planning Board minutes](#) are scheduled for approval

**3. PUBLIC PARTICIPATION**

**4. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS/CONTINUATIONS**

- A. [USE REVIEW \(LUR2013-00040\)](#): Request to allow a new 34,400 square foot recreational sports complex located at 3203 Pearl in the IG zone district. The call-up period expires on **October 11, 2013**.
- B. [Administrative site review \(LUR2013-00047\)](#): redevelopment of site with a new three story mixed use building, ground floor restaurant, under separate application, four residential units and attached parking structure. The call-up period expires on **October 15, 2013**.

**5. PUBLIC HEARING ITEMS**

- A. [Public hearing and consideration of a recommendation to City Council on an ordinance amending Title 9, "Land Use Code," B.R.C. 1981, to modify building setbacks and to defer payment of fees for land use applications and building permits to the earlier of Jan. 1, 2015 or the issuance of a certificate of occupancy, whichever is first to accommodate the relocation of two residential structures from 1220 and 1243 Grandview Ave. to 905 Marine St. and setting forth related details.](#)

Applicant/Property Owner: Christian Griffith

- B. [Public hearing and consideration of a recommendation to City Council regarding amendment to the Benson Annexation Agreement for the 1215 and 1235 Tamarack properties \(Lots 10 and 11, Block 5, Moore's Subdivision\) to modify the requirements pertaining to the construction of 12 ½ Street between Upland and Tamarack Avenue.](#)

Applicant: Michael Marez/ TJM Investment, LLC

Owners: TJM Investment, LLC (Lot 10: 1215 Tamarack Ave.)

James C. Hohmann and Deborah Stabler (Lot 11: 1235 Tamarack Ave.)

**6. MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY**

- A. Update on the draft [Economic Sustainability Strategy](#)

**7. DEBRIEF MEETING/CALENDAR CHECK**

**8. ADJOURNMENT**

## **CITY OF BOULDER PLANNING BOARD MEETING GUIDELINES**

### **CALL TO ORDER**

The Board must have a quorum (four members present) before the meeting can be called to order.

### **AGENDA**

The Board may rearrange the order of the Agenda or delete items for good cause. The Board may not add items requiring public notice.

### **PUBLIC PARTICIPATION**

The public is welcome to address the Board (3 minutes\* maximum per speaker) during the Public Participation portion of the meeting regarding any item not scheduled for a public hearing. The only items scheduled for a public hearing are those listed under the category PUBLIC HEARING ITEMS on the Agenda. Any exhibits introduced into the record at this time must be provided in quantities of ten (10) to the Board Secretary for distribution to the Board and admission into the record.

### **DISCUSSION AND STUDY SESSION ITEMS**

Discussion and study session items do not require motions of approval or recommendation.

### **PUBLIC HEARING ITEMS**

A Public Hearing item requires a motion and a vote. The general format for hearing of an action item is as follows:

#### **1. Presentations**

- a. Staff presentation (5 minutes maximum\*)
- b. Applicant presentation (15 minute maximum\*). Any exhibits introduced into the record at this time must be provided in quantities of ten (10) to the Board Secretary for distribution to the Board and admission into the record.
- c. Planning Board questioning of staff or applicant for information only.

#### **2. Public Hearing**

Each speaker will be allowed an oral presentation (3 minutes maximum\*). All speakers wishing to pool their time must be present, and time allotted will be determined by the Chair. No pooled time presentation will be permitted to exceed ten minutes total.

- Time remaining is presented by a Green blinking light that means one minute remains, a Yellow light means 30 seconds remain, and a Red light and beep means time has expired.
- Speakers should introduce themselves, giving name and address. If officially representing a group, homeowners' association, etc., please state that for the record as well.
- Speakers are requested not to repeat items addressed by previous speakers other than to express points of agreement or disagreement. Refrain from reading long documents, and summarize comments wherever possible. Long documents may be submitted and will become a part of the official record.
- Speakers should address the Land Use Regulation criteria and, if possible, reference the rules that the Board uses to decide a case.
- Any exhibits introduced into the record at the hearing must be provided in quantities of ten (10) to the Secretary for distribution to the Board and admission into the record.
- Citizens can send a letter to the Planning staff at 1739 Broadway, Boulder, CO 80302, two weeks before the Planning Board meeting, to be included in the Board packet. Correspondence received after this time will be distributed at the Board meeting.

#### **3. Board Action**

- d. Board motion. Motions may take any number of forms. With regard to a specific development proposal, the motion generally is to either approve the project (with or without conditions), to deny it, or to continue the matter to a date certain (generally in order to obtain additional information).
- e. Board discussion. This is undertaken entirely by members of the Board. The applicant, members of the public or city staff participate only if called upon by the Chair.
- f. Board action (the vote). An affirmative vote of at least four members of the Board is required to pass a motion approving any action. If the vote taken results in either a tie, a vote of three to two, or a vote of three to one in favor of approval, the applicant shall be automatically allowed a rehearing upon requesting the same in writing within seven days.

### **MATTERS FROM THE PLANNING BOARD, DIRECTOR, AND CITY ATTORNEY**

Any Planning Board member, the Planning Director, or the City Attorney may introduce before the Board matters which are not included in the formal agenda.

### **ADJOURNMENT**

The Board's goal is that regular meetings adjourn by 10:30 p.m. and that study sessions adjourn by 10:00 p.m. Agenda items will not be commenced after 10:00 p.m. except by majority vote of Board members present.

\*The Chair may lengthen or shorten the time allotted as appropriate. If the allotted time is exceeded, the Chair may request that the speaker conclude his or her comments.

## MEMORANDUM

**TO:** Planning Board  
**FROM:** Hella Pannewig, Assistant City Attorney  
**DATE:** October 10, 2013  
**SUBJECT:** Study Session to Consider Planning Board Communication Guidelines

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The purpose of this Planning Board study session is for the Planning Board to consider proposed communication guidelines.

Please find the following items for the Board's consideration at the October 10, 2014 study session attached to this memorandum:

**Attachment A:** [Proposed Planning Board communication guidelines](#)

**Attachment B:** [Proposed email auto response language](#)

## City of Boulder, Planning Board Communication Guidelines, 2013

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### All Board Member Communications:

- **Board members should not discuss a quasi-judicial matter<sup>1</sup> outside of the public hearing on the matter.**
- Any two board members are allowed to discuss planning board related topics that are not quasi-judicial matters.
- Even if a board member has discussed a topic (that is not a quasi-judicial matter) with other board members, there is no limit on the conversation other than to avoid attempting to make a decision outside of a public meeting.
- A board member should avoid representing another board member's opinion to other board members, staff, or the public.
- No votes or consensus should be gathered outside of a public meeting; the only exceptions are administrative decisions (i.e. deciding meeting day, time, place, etc.).
- Any or all board members are permitted to gather outside of scheduled meetings as long as planning board business is not discussed.
- If a planning board decision must be made in a timeframe not permitting discussion at a regular meeting, a special meeting must be scheduled allowing as much public notice as possible (minimum 24 hours).
- **All** planning board business communications are a part of the public record and can be requested by the public at any time.

### Board Member Email Communications:

- Any two board members may exchange email on any topic (other than a quasi-judicial matter); messages containing (non-administrative) planning board business shall not be forwarded to any other board member.
- A board member may send informational emails to the entire planning board; it is good practice to include a reminder in the message not to "reply all" to the message. If any board member wants to respond or discuss the contents of the email, the topic should be added to the next meeting agenda; "reply all" only to ask for this agenda request.

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#### <sup>1</sup> What is a Quasi-Judicial Matter:

The Planning Board often takes action on two common types of matters: "legislative" and "quasi-judicial." Legislative matters create new rules or laws that are applicable throughout the city and are prospective in nature. In quasi-judicial matters the board applies existing rules to a case involving particular individuals and facts; quasi-judicial actions do not have citywide application.

Legislative decisions are often made in a political environment where lobbying and personal investigation by decision-makers are proper; political and social views of the decision makers are an important part of the legislative process.

However, when a local body has to make a quasi-judicial decision, members must act in the manner of impartial judges in a court case. In a quasi-judicial process, decision makers are expected to apply the rules fairly whether or not they agree with them. Procedural due process is critical in quasi-judicial hearings. This includes the right of all directly impacted parties to participate in a pre-decision hearing, their right to present evidence, to see all the evidence that will be considered by the decision making body, and their right to confront adverse evidence. When board members sit as judges in a quasi-judicial hearing, it is essential that they not have made up their minds before hearing the evidence. They must decide the case based upon the evidence presented **at the hearing** and not based upon outside sources. At the beginning of a quasi-judicial hearing, board members should disclose any outside information they have about the case to avoid a due process violation. For the same reason, all email questions relating to quasi-judicial matters and staff email responses to such questions must be made part of the hearing record.

## City of Boulder, Planning Board Communication Guidelines, 2013

### *Examples of all-planning board emails:*

- 1) informational topics to be discussed at our next meeting as "heads up",
- 2) research or public communication to be shared with fellow board members, not as a part of an ongoing discussion
- 3) questions being asked of staff

### **Questions to Staff:**

- When sending a substantive request for information to staff, the planning board as a whole per the boulderplanningboard email list should be copied on the request so that all board members and staff part of the list may be aware of the request.
- If/when staff responds via email or memo to questions from a board member, staff will copy all planning board members on their answer.

### **Boulderplanningboard Distribution List Protocol:**

- The boulderplanningboard distribution list is an email distribution list for use by the member of the Planning Board, staff, and the public.
- Members of the public may use the distribution list to submit their comments on upcoming agenda items. Board members should not respond to these comments through the distribution list and should not respond at all if the comments relate to a quasi-judicial item. Comments on quasi-judicial items should not be read and considered after the public comment on a particular public hearing has been closed.
- Board members can use the distribution list to request specific information from staff regarding city policies and services and to request information regarding upcoming agenda items. The distribution list may also be used to share items of general interest with the board and to share questions board members intend to raise about upcoming agenda items or to put other board members on notice of suggestions that might be made at upcoming meetings in order to avoid surprising colleagues and staff.
- All members of the board will see distribution list questions. Many may be interested in replies to distribution list inquiries. Board members will want to keep this in mind when deciding upon the best mode of communication for a particular matter.
- A series of board members should not comment to one another or on the same topic.<sup>2</sup>

### **Use of Electronic Communication during Board Meetings:**

- During board meetings, board members should refrain from any electronic communications, other than urgent personal matters. Board members should strive to attend urgent personal matters outside of the hearing room or during a recess.
- During board meetings, board members should not read nor respond to electronic communications received during a hearing pertaining to any matters being discussed at the

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<sup>2</sup> **Why to avoid distribution list "discussions:"** A distribution list "discussion" between board members is problematic when email communications turn into an electronic meeting. The problem is that all meetings – electronic or otherwise – need to be preceded by public notice. Distribution list communications to and from staff (even when monitored by all board members) usually avoid issues relating to improperly noticed public meetings. A problem arises if board members discuss or conduct business or take action through an email discussion.

## City of Boulder, Planning Board Communication Guidelines, 2013

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hearing except that board members may receive electronic copies of materials from staff displayed on monitors or that otherwise have already been made available at the meeting.

### **Speaking with the Public as a Board Member:**

- Board members should represent their ideas as personal (not as the planning board) when expressing opinions, unless the planning board has voted on that issue.
- Board members should avoid any types of communications other than questions to staff about quasi-judicial matters that are coming before the board.

**Proposed language for [boulderplanningboard@bouldercolorado.gov](mailto:boulderplanningboard@bouldercolorado.gov) auto response:**

Thank you for your email to the Boulder Planning Board. We appreciate your taking the time to communicate with us. Though the board's guidelines do not allow them to respond to individual emails, please be assured that all messages are read and considered. If you have additional questions regarding a particular agenda item, please contact the board secretary, Susan Meissner: [meissners@bouldercolorado.gov](mailto:meissners@bouldercolorado.gov).

**CITY OF BOULDER**  
**PLANNING BOARD ACTION MINUTES**  
**August 15, 2013**  
**1777 Broadway, Council Chambers**

A permanent set of these minutes and a digital recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: <http://www.bouldercolorado.gov/>

**PLANNING BOARD MEMBERS PRESENT:**

Aaron Brockett, Vice-Chair  
Bryan Bowen  
Crystal Gray  
John Putnam  
Sam Weaver

**PLANNING BOARD MEMBERS ABSENT:**

Leonard May  
Mary Young, Chair

**STAFF PRESENT:**

Hella Pannewig, Assistant City Attorney  
Susan Meissner, Administrative Assistant III  
Charles Ferro, Development Review Director for CP&S  
Karl Guiler, Planner II  
Mishawn Cook

**1. CALL TO ORDER**

Vice-Chair, **A. Brockett**, declared a quorum at 7:06 p.m. and the following business was conducted.

**2. APPROVAL OF MINUTES**

On a motion by **C. Gray** and seconded by **S. Weaver** the Planning Board approved 5-0 (**L. May** and **M. Young** absent) the April 24, 2013 minutes as amended and the June 6, 2013 minutes.

On a motion by **C. Gray** and seconded by **S. Weaver** the Planning Board approved 4-0 (**L. May** and **M. Young** absent, **A. Brockett** abstained) the July 25, 2013 minutes.

**3. PUBLIC PARTICIPATION**

No one from the public spoke.

**4. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL**

## **UPS/CONTINUATIONS**

- A.** Continuation from August 1, 2013 Planning Board meeting: Adoption of final written approval for Use Review, case no. LUR2013-00020, and Site Review, case no. LUR2013-00037.

On a motion by **S. Weaver**, seconded by **J. Putnam**, the Planning Board approved 4-0 (**M. Young** and **L. May** absent, **A. Brockett** abstained) Planning Board findings approving Use Review, case no. LUR2013-00020, and Site Review, case no. LUR2013-00037, and adopting this memorandum as the findings of the Planning Board.

- B.** Nonconforming use review request, case no. LUR2013-00041) for a request to convert an 8-unit apartment building with 18 bedrooms at 2550 9th St. in the RMX-1 zone district to an 18-bedroom co-operative boarding house and two 2-bedroom apartments. The call-up period expires on August 23, 2013.

**B. Bowen** recused himself from the board discussions.

**Lincoln Miller**, Executive Director of Boulder Housing Coalition answered questions to the board. This item was not called up.

- C.** Nonconforming Use Review request, case no. LUR2013-00029, for exterior restoration and interior remodel to an existing nonconforming fourplex on a nonstandard lot located at the southwest corner of Pleasant and 12th streets. The request includes a reduction in the number of units from four to three as well as an increase in floor area (359 square feet) and site improvements, including parking and trash/recycle storage area. Amendment to Nonconforming Use Review case no. NC-88-25. The call-up period expires on August 23, 2013.

This item was not called up.

## **5. PUBLIC HEARING ITEMS**

- A. Public hearing to consider a recommendation to City Council on an ordinance amending Chapter 6-3, "Trash, Recyclables, and Compostables," and Title 9, "Land Use Code," B.R.C. 1981, to update trash removal standards and zoning standards to reduce impacts of hospitality establishments on neighboring properties.**

### **Staff Presentation:**

- C. Ferro** introduced the item.  
**K. Guiler** presented the item to the board.

### **Board Questions:**

- K. Guiler** answered questions from the board.  
**M. Cook** answered questions from the board.

### **Public Hearing:**

- 1. Mark Heinritz, 1165 13<sup>th</sup> Street**, the owner of the Sink and Flanders Brewpub, did not think that the proposed changes are based upon substantive data. He did not think that there was collective will or the ability to enforce the proposed changes. Focus on enforcing the existing laws and ordinances.
- 2. Mark Gelband, 505 College Avenue**, a neighbor on the Hill, thought the greater problem was house parties. He thought that main street zoning should have a lively mix of bars and restaurants. He saw this as discrimination against businesses trying to do something different.
- 3. Chris Schaeffbauer, 6175 Habitat Dr**, thought the 500 foot rule and definitions would cause students more harm than good. This is overregulation and drives away businesses. The highest risk drinking happens at house parties. It is important to have responsible establishments on the Hill.
- 4. John Voorhees (pooled with Kim Voorhees), 655 12<sup>th</sup> Street**, thought that the businesses on the Hill and house parties set an attitude and tone for alcohol consumption. He asked for a sensible recommendation that takes into account the students and the neighborhood.
- 5. Iva Townsend, 5125 5<sup>th</sup> Street**, the community representative for the Big F Restaurant Group doubted that the code changes would have an effect on the culture of the community. She thought the wide net approach could adversely affect the businesses and deter economic vitality on the Hill. House party drinking should be considered before or concurrent with established businesses.
- 6. Stephen Schein, 445 Fountaintree Lane**, spoke in opposition to the proposed code changes. He thought that the blight in the Hill was caused by outspoken and powerful individuals in the city. He was not convinced that there was really a problem.
- 7. Lisa Spalding, 1135 Jay Street**, thought that house parties are a greater problem with underage drinkers but there is also a problem with bars.
- 8. James Pribyl, 805 16<sup>th</sup> Street**, recommended that the Planning Board consider the public interest over economic interest. He thought the high concentration of bars on the licenses on the Hill have led to problems and safety issues.
- 9. Bill Schrum, 2985 Moorhead Drive**, worked with the student group about this issue and was concerned by the results of this process. He thought bars are a safer place for students. None of the other University towns have been successful implementing this type of policy. He thought it was disingenuous to impose a geographic solution to a cultural problem.

### **Board Comments:**

**C. Gray** noted that land use regulations can only dictate an establishment's allowable hours of operation and size. She would like to reserve conditional uses for special cases. The creation of an overlay on East Pearl has made a big difference in the establishments and consequent behavior in the surrounding areas. She does not see the need for the Neighborhood Pub and Bistro use as it would extend the impact on the adjacent neighborhoods. She would like to close the loopholes. She thought alcohol consumption at house parties and bars are separate issues.

**S. Weaver** noted that excessive alcohol consumption is a chronic problem in many college towns and is a larger cultural issue. The Planning Board cannot solve the drinking problem, but it can develop a mitigation strategy to reduce impacts on neighbors and enhance economic vitality of the Hill. Though he thought that closing at earlier hours and concentrating late businesses could be helpful, he felt uncomfortable requiring all businesses on the Hill to close at an early hour. Enforcement issues and management plans should be addressed more aggressively. He was also uncomfortable requiring that establishments maintain an alcohol to food cost ratio and would rather see a ratio based on mass and volume but that would be much more difficult to achieve. He was interested in discussing late night licenses.

**J. Putnam** liked the generalized approach because it is helpful to have definitions and tools. The general concept is on the right track but the details need adjustment prior to adoption to be more congruent with how businesses work. He thought management plan enforcement could help but that the prohibition of additional taverns in the Hill could be difficult. He didn't know how it would apply in reality and thought it could cause unintended spillover into West Pearl Street.

**A. Brockett** noted that the focus of the ordinance needs to be the mitigation of negative impacts. He was concerned about unintended consequences with the broader concept of not allowing late night restaurants in the bulk of the city. One of the characteristics of a vibrant city is to be able to go out late at night for food or drink; these establishments should not be restricted to the downtown and 28<sup>th</sup> Street areas. He was concerned that regulations aimed to crack down on the Hill would make the activities move downtown. He liked the ideas of having management plans available for public viewing and creating minimum requirements for the service of food and water in restaurants until closing. Late night licenses could be a way to focus on the bad actors and provide better enforcement.

**C. Gray** thought a Late Night Bistro use would impact neighbors in the downtown by extending operating hours by one hour. She did not support the conditional use of extending the hours. She wanted to require that Neighborhood Pubs and Bistros be required to undergo Use Reviews in the MU-3, DT-1, DT-2, DT-3 and BMS zones. She recommended that everyone look at Westminster's code pertaining to alcohol because it requires that the applicant establishment pay for the city to conduct a survey of the neighborhood. She thought that the Boulder Liquor Authority could instate many more state-allowed controls.

**J. Putnam** was concerned that **C. Gray's** proposed use review requirements would target specific issues for downtown and the Hill but could cause problems for other areas of town that are lacking in vibrancy. He also did not feel comfortable that all businesses in the BMS zone be required to go through a use review as it could deter businesses from going into an area.

**A. Brockett** would like to establish a baseline of percentages of food to alcohol served at existing establishments in town by dollar amount.

**J. Putnam** thought it would be helpful to know how much changing the percentages of required food to alcohol served would affect designations of restaurant, tavern, etc. It would be helpful to color code the categories and definitions on a map to show the distribution of different types of businesses and the proposed review processes in different parts of town.

**A. Brockett** was concerned that grandfathering a use change could freeze the Hill in its current configuration and prevent positive change. He was not in favor of removing late night restaurants from the Hill entirely.

**J. Putnam** thought that given the population, the Hill would be a good place for late night restaurants if they had a use review component.

**S. Weaver** was interested in exploring the late night licensing option.

**J. Putnam** suggested that late night restaurants in the interface zone be listed separately and required to have a management plan.

**S. Weaver** did not want to prevent restaurants from staying open until 2am because people feared that they would later choose to serve alcohol. It seemed too restrictive. Late night restaurants can currently be added in BMS zoned areas in North, and East Boulder and Boulder Junction, however, the new proposal would disallow their addition in the future. He would like North Boulder to have a separate BMS2 zoning; BMS was not differentiated enough. There are too many conditions to lump these areas into one zoning type.

**A. Brockett** suggested requiring a use review for late night restaurants in MU-1, 2 and 4.

**J. Putnam** would also support putting BMS into the Use Review category.

**S. Weaver** did not feel comfortable requiring a use review for establishments in BMS zones because neighbors would likely not understand the subtleties and see it as a negative.

**C. Gray** thought the BMS designation on the Hill was going in the wrong direction due to the ownership dynamic. She also recommended analysis of creating an overlay district that would require a use review for late night establishments within 300 feet of a residential zone.

### **Motion**

On a motion by **A. Brockett**, seconded by **J. Putnam**, the Planning Board recommend 5-0 (**L. May** and **M. Young** absent) approval of an ordinance that amends chapter 6-3, "Trash, Recyclables, and Compostables," and chapters 9-2, "Review Processes," 9-6, "Use Standards," and 9-16, "Definitions," of Title 9, "Land Use Code" B.R.C. 1981 to address impacts of hospitality establishments on neighboring properties as outlined in out package.

But with the following modifications and additional recommendations:

- Change the conditional use category for the DT-1, DT-2, DT-3, BMS, and MU-3 zoning districts for neighborhood pub or bistros smaller than 1500 square feet to the use review category;
- Change the prohibition of late night restaurants in the MU-1, MU-2, and MU-4 zoning district to the use review category (supported by 4 board members, Gray against)

- Making the requirement for serving solid food until closing stricter where proposed to be required.
- Obtaining more data before imposing a food sales percentage requirements.
- Further exploration of establishing licenses for late night hospitality establishments.

**Comment**

Board member **C. Gray** did not agree with changing the prohibition of late night restaurants in the MU-1, MU-2, and MU-4 zoning districts to the use review category. Board members **J. Putnam, B. Bowen,** and **A. Brockett** supported changing the prohibition of late night restaurants in the BMS zoning district to the use review category. All board members felt that the different areas of the City with the BMS zoning designation should be distinguished from each other.

**Motion**

On a motion by C. Gray, seconded by S. Weaver, the Planning Board requested 5-0 (L. May and M. Young absent) that staff analyze a requirement of a use reviews for hospitality establishments in the DT-5 zoning district within 300 feet of a residential zoning district that stay open beyond 11 p.m.

**5. MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY**

- A. Informational Item: Access easement vacation at 6655 Lookout Road (Boulder Views Apartments). Case number LUR2013-00026.
- B. **H. Pannewig** spoke about the IECC code changes. Many of the Planning Board’s recommendations were included in the ordinance.
- C. **S. Meissner** reported that IT is working to create an auto reply email to the Planning Board distribution list and that correspondence will be compiled and added to the website. The board would like to review the auto reply language before it goes live.

**6. DEBRIEF MEETING/CALENDAR CHECK**

**7. ADJOURNMENT**

The Planning Board adjourned the meeting at 10:23 p.m.

APPROVED BY

\_\_\_\_\_  
Board Chair

\_\_\_\_\_  
DATE

## MEMORANDUM

**TO:** Planning Board  
**FROM:** Chandler Van Schaack, Case Manager  
**DATE:** October 10, 2013  
**SUBJECT:** **Call Up Item: USE REVIEW (LUR2013-00040):** Request to allow a new 34,400 square foot recreational sports complex to include 2 indoor fields, office space, a spectator deck with refreshments bar/cafe, and 1 outdoor field to be added at a later time. The property is located at 3203 Pearl in the IG zone district. The call-up period expires on October 11, 2013.

### Background.

3203 Pearl St. is located adjacent to the Burlington Northern Santa Fe (BNSF) railroad at the terminus of Old Pearl St. and is comprised of a 2.64 acre lot. The site is split-zoned, with the majority of the site zoned IG (Industrial - General) and a small portion of the southern site zoned IS-1 (Industrial - Service 1). The IG zone is defined as "General industrial areas where a wide range of light industrial uses, including research and manufacturing operations and service industrial uses are located. Residential uses and other complementary uses may be allowed in appropriate locations" per section 9-5-2(c)(4)(B), B.R.C. 1981. The IS-1 zone is defined as "Service industrial areas primarily used to provide to the community a wide range of repair and service uses and small scale manufacturing uses" per section 9-5-2(c)(4)(A), B.R.C. 1981. The subject site is surrounded by IG and IS-2 zoning to the north and south, respectively, and sits immediately across the BNSF railroad from the future Boulder Junction area, zoned MU-4. Please refer to Figure 1 for a Vicinity Map.



Figure 1: Vicinity Map

The subject site has never been developed, and is currently vacant. In 2003, a building permit was approved for a by-right development proposal; however, construction of the project was never commenced and the building permit approval has since expired. In April, 2013, staff approved a Use Review application for a similar proposal to construct a new 24,806-square-foot indoor/outdoor sports complex on the subject site; however, the project did not move forward and the approval has since expired.

The current character of the area immediately surrounding the site is a mix of industrial service uses to the south along Old Pearl St. and industrial office, manufacturing and warehouse use to the north across Goose Creek. The Steel Yards mixed-use development lies to the northwest across the railroad, and several of the properties across the railroad to the west are currently being developed as mixed-use in conformance with the adopted 2007 Transit Village Area Plan.

### Project Proposal.

The applicant is requesting approval of a Use Review to allow for a new 34,400 square foot recreational sports complex to include 2 indoor fields, office space, a spectator deck with a refreshments bar/cafe, and 1

outdoor field to be added at a later time. The proposed facility would be used for private soccer games and lacrosse games. The hours of operation for the proposed use would be from 9:00 a.m. to 2:00 a.m., seven days per week. The applicant is requesting a 7% parking reduction to allow for 80 on-site spaces where 86 are required by the IG zone parking standards for non-residential uses, and is also proposing 16 bicycle parking spaces. The proposal includes landscape improvements as well as a new access point off of the existing Old Pearl St. (refer to [Attachment C: Applicant's Proposed Plan](#)).

**Review Process.** Per the use standards found in section 9-6-1, B.R.C. 1981, approval of a Use Review is required for "indoor recreational or athletic facilities" to operate in the IG zone district. Per section 9-4-2, B.R.C. 1981, applications for Use Review are subject to call up by the Planning Board. Pursuant to section 9-9-6(f)(6), B.R.C. 1981, a parking reduction of up to 25% may be requested through the Use Review process. The proposal does not trigger or require Site Review.

**Analysis.** The proposal was found to be consistent with the Use Review criteria found in subsection 9-2-15(e), "Criteria for Review," as well as the Parking Reduction criteria found in section 9-9-6(f), B.R.C. 1981. Refer to [Attachment B](#) for the complete Use Review and Parking Reduction criteria analysis.

**Public Comment.** Required public notice was given in the form of written notification mailed to all property owners within 600 feet of the subject property and a sign posted on the property for at least 10 days. All notice requirements of section 9-4-3, "Public Notice Requirements," B.R.C. 1981 have been met. Staff has not received any public comments.

**Conclusion.** Staff finds that the proposed project meets the relevant criteria of section 9-2-15, "Use Review," B.R.C. 1981 (refer to [Attachment B](#)). The proposal was **approved** by staff on **September 27, 2013** and the decision may be called up before Planning Board on or before **October 11, 2013**. There is one Planning Board hearings scheduled during the required 14 day call-up period on **October 10, 2013**. Questions about the project or decision should be directed to the Case Manager, Chandler Van Schaack at (303) 441-3137 or at [vanschaackc@bouldercolorado.gov](mailto:vanschaackc@bouldercolorado.gov)

**Attachments:**

- A. Signed Disposition
- B. Analysis of Use Review Criteria
- C. Applicant's Proposed Plan
- D. Applicant's Trip Generation Report



**CITY OF BOULDER**  
**Community Planning and Sustainability**

1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791  
 phone 303-441-1880 • fax 303-441-3241 • www.bouldercolorado.gov

**CITY OF BOULDER PLANNING DEPARTMENT**  
**NOTICE OF DISPOSITION**

You are hereby advised that the following action was taken by the Planning Department based on the standards and criteria of the Land Use Regulations as set forth in Chapter 9-2, B.R.C. 1981, as applied to the proposed development.

DECISION: **Approved with Conditions**  
 PROJECT NAME: **Boulder Indoor Sports on Pearl**  
 DESCRIPTION: **USE REVIEW for a new 34,400 square foot recreational sports complex, including 2 indoor fields, office space, spectator deck with refreshments bar/cafe, and 1 outdoor field to be added at a later time.**  
 LOCATION: **3203 Pearl St.**  
 COOR: **N04W03**  
 LEGAL DESCRIPTION: **Lot 1A, Block 1, Replat of a Portion of Pearl Street Auto Subdivision, County of Boulder, State of Colorado.**  
 APPLICANT/OWNER: **BIS Holdings, LLC**  
 APPLICATION: **Use Review, LUR2013-00040**  
 ZONING: **IG**  
 CASE MANAGER: **Chandler Van Schaack**  
 VESTED PROPERTY RIGHT: **NO; the owner has waived the opportunity to create such right under Section 9-2-19, B.R.C. 1981.**

FOR CONDITIONS OF APPROVAL, SEE THE FOLLOWING PAGES OF THIS DISPOSITION.

Approved on:

9.27.13  
 Date

By:

[Signature]  
 David Driskell, Executive Director of Community Planning and Sustainability

This decision may be appealed to the Planning Board by filing an appeal letter with the Planning Department within two weeks of the decision date. If no such appeal is filed, the decision shall be deemed final fourteen days after the date above mentioned.

Appeal to Planning Board expires: 10.11.13

IN ORDER FOR A BUILDING PERMIT APPLICATION TO BE PROCESSED FOR THIS PROJECT, A SIGNED DEVELOPMENT AGREEMENT AND FINAL PLANS FOR CITY SIGNATURE MUST BE SUBMITTED TO THE PLANNING DEPARTMENT WITH DISPOSITION CONDITIONS AS APPROVED SHOWN ON THE FINAL PLANS, IF THE DEVELOPMENT AGREEMENT IS NOT SIGNED WITHIN NINETY (90) DAYS OF THE FINAL DECISION DATE, THE PLANNING DEPARTMENT APPROVAL AUTOMATICALLY EXPIRES.

Pursuant to Section 9-2-12 of the Land Use Regulations (Boulder Revised Code, 1981), the applicant must begin and substantially complete the approved development within three years from the date of final approval. Failure to "substantially complete" (as defined in Section 9-2-12) the development within three years shall cause this development approval to expire.

### CONDITIONS OF APPROVAL

1. The Applicant shall ensure that the **development shall be in compliance with all approved plans** dated September 9, 2013 on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval. Further, the Applicant shall ensure that the approved use is operated in compliance with the following restrictions:
  - a. The Applicant shall operate the business in accordance with the management plan dated August 19, 2013 which is attached to this Notice of Disposition.
  - b. The approved use shall be closed from 2:00 a.m. to 9:00 a.m. seven days per week.
  - c. Size of the approved use shall be limited to 34,400 square feet.
2. The Applicant **shall not expand or modify the approved use**, except pursuant to subsection 9-2-15(h), B.R.C. 1981.
3. Prior to a building permit application, the Applicant shall submit a Technical Document Review application for the following item, subject to the approval of the City Manager: **Final transportation plans** for the road connection between Pearl Street and the property including any necessary roadway transitions. The site access design must comply with the Boulder Revised Code, 1981; City of Boulder Design and Construction Standards; and the American Association of State Highway and Transportation Officials (AASHTO) Roadside Design Guide. The final transportation plans must include, but are not limited to: street plan and profile drawings, street cross-sectional drawings, signage and striping plans in conformance with Manual on Uniform Traffic Control Devices (MUTCD) standards, transportation details drawings, geotechnical soils report and pavement analysis.

Case #: LUR2013-00040

Project Name: Boulder Indoor Soccer

Date: September 4, 2013

**USE REVIEW CRITERIA**

**Criteria for Review:** No use review application will be approved unless the approving agency finds all of the following:

  X   (1) Consistency with Zoning and Non-Conformity: The use is consistent with the purpose of the zoning district as set forth in [Section 9-5-2\(c\)](#), "Zoning Districts Purposes," B.R.C. 1981, except in the case of a non-conforming use;

The site is split-zoned, with the majority of the site zoned IG (Industrial - General) and a small portion of the southern site zoned IS-1 (Industrial - Service 1). The IG zone is defined as "*General industrial areas where a wide range of light industrial uses, including research and manufacturing operations and service industrial uses are located. Residential uses and other complementary uses may be allowed in appropriate locations*" per section 9-5-2(c)(4)(B), B.R.C. 1981. The IS-1 zone is defined as "*Service industrial areas primarily used to provide to the community a wide range of repair and service uses and small scale manufacturing uses*" per section 9-5-2(c)(4)(A), B.R.C. 1981. Pursuant to Chapter 9-6, B.R.C. 1981, "indoor recreational or athletic facilities" are allowed by-right in the IS-1 zone and require approval of a Use Review to operate in the IG zone.

       (2) Rationale: The use either:

  X   (A) Provides direct service or convenience to or reduces adverse impacts to the surrounding uses or neighborhood;

*Boulder Indoor Soccer has been successfully operating in their current location at 2845 29<sup>th</sup> St. since 2003. The current facility has become so popular that they have outgrown their space and are thus looking to build a new, larger facility at the proposed location. The proposed indoor/ outdoor athletic facility would provide a direct service to the surrounding area by providing a larger year-round facility for soccer teams currently using the 29<sup>th</sup> St. facility to practice and play in.*

*The new indoor sports facility will increase amount of space available for practice and tournaments, and will thereby increase convenience for children ages playing in private sports leagues.*

       (B) Provides a compatible transition between higher intensity and lower intensity uses;

       (C) Is necessary to foster a specific city policy, as expressed in the Boulder Valley Comprehensive Plan, including, without limitation, historic preservation, moderate income housing, residential and non-residential mixed uses in appropriate locations, and group living arrangements for special populations; or

       (D) Is an existing legal non-conforming use or a change thereto that is permitted under subsection (e) of this section;

  X   3) Compatibility: The location, size, design, and operating characteristics of the proposed development or change to an existing development are such that the use will be reasonably

compatible with and have minimal negative impact on the use of nearby properties or for residential uses in industrial zoning districts, the proposed development reasonably mitigates the potential negative impacts from nearby properties;

*The location, size, design and operating characteristics of the proposed development are such that it will be reasonably compatible with and have a minimal negative impact on the use of surrounding properties. The subject site is unique in that it is bordered on two sides by land that is essentially undevelopable. On the west is the BNSF railroad, and on the north is the Goose Creek multi-use path and open space area. Both of these areas provide buffers between the subject site and nearby properties. To the south and east of the subject site are primarily light industrial uses, including an auto repair shop and gas storage facility, both of which face away from the subject site towards Old Pearl St.*

*The Applicant is requesting a 7% parking reduction to allow for 80 on-site spaces where 86 are required per the parking standards for nonresidential uses in the IG zoning district. Staff finds that the proposal meets the parking reduction criteria found in section 9-9-6(f)(3) in that the needs of the use will be adequately served through a combination of on-street and off-street parking. Historical data provided by the applicant on their existing facility indicates that many patrons of the proposed facility will opt to travel to the facility by bicycle via the Goose Creek bike path, thereby reducing the number of vehicles travelling to the site. In addition, on-street parking is available along Old Pearl to the south, so additional parking would be available if the 80 on-site spaces were to fill up.*

*The applicant is proposing 16 bicycle parking spaces where 10 are required. The applicant has provided a Trip Generation Report (please see **Attachment D**) which shows that the proposed use would not generate enough peak hour traffic to require a traffic study. At 34,400 square feet, the size of the building is well within the maximum allowable FAR for the zone district (the IG zone district allows for a 0.5 FAR, which would equate to a roughly 59,000-square-foot building on the subject site), and the proposed building height of 33' is within the 40' maximum allowable height. In addition, the proposed nighttime hours of operation would not have any negative impact on nearby uses, as the businesses to the south along Old Pearl have regular daytime business hours and there are currently no residential uses located in proximity to the site.*

  X   (4) Infrastructure: As compared to development permitted under [Section 9-6-1](#), "Schedule of Permitted Uses of Land," B.R.C. 1981, in the zone, or as compared to the existing level of impact of a non-conforming use, the proposed development will not significantly adversely affect the infrastructure of the surrounding area, including, without limitation, water, wastewater, and storm drainage utilities and streets;

*Existing infrastructure is suitable to accommodate the proposed development.*   X   (5) Character of Area: The use will not change the predominant character of the surrounding area; and

*The proposed sports complex is compatible with the surrounding area in terms of building mass and scale, and will add to the diversity of existing uses in the surrounding area.*

*The character of the surrounding area is comprised predominantly of light industrial and service industrial uses. Immediately to the south of the subject site along Old Pearl are several service industrial businesses, including an auto repair shop, a contractor and a veterinary clinic. There is also a gas storage facility and several other light industrial uses. To the north, across the Goose Creek multi-use path, are a number of light industrial, industrial office and warehouse/manufacturing uses around Wilderness Pl. To the northwest is the Steel Yards mixed use development, and immediately across the railroad tracks to the west is the future site of the proposed Bus Rapid Transit Station and mixed use development known as Junction Place.*

  N/A   (6) Conversion of Dwelling Units to Non-Residential Uses: There shall be a presumption

against approving the conversion of dwelling units in the residential zoning districts set forth in [Subsection 9-5-2\(c\)\(1\)\(a\)](#), B.R.C. 1981, to non-residential uses that are allowed pursuant to a use review, or through the change of one non-conforming use to another non-conforming use. The presumption against such a conversion may be overcome by a finding that the use to be approved serves another compelling social, human services, governmental, or recreational need in the community including, without limitation, a use for a day care center, park, religious assembly, social service use, benevolent organization use, art or craft studio space, museum, or an educational use.

*Not Applicable, as there are no residential units existing on site.*

**ADMINISTRATIVE PARKING REDUCTIONS  
SECTION 9-9-6 (f)**

Criteria    Criteria  
Met    Not Met

(1)    **Parking Reduction:** The city manager may grant a parking reduction for commercial developments, industrial developments and mixed use developments to allow the reduction of at least one parking space, with the total reduction not to exceed twenty-five percent of the required parking, if the manager finds that the requirements of paragraph (f)(3) below are met. The city manager may grant a parking reduction exceeding twenty-five percent for those uses that are nonconforming only as to parking, if the manager finds that the requirements of subparagraph (f)(1)(B) of this section have been met. Parking reductions are approved based on the operating characteristics of a specific use. No person shall change a use of land that is subject to a parking reduction except in compliance with the provisions of this subsection.

(A)    Parking Reduction for Housing for the Elderly: The city manager may reduce by up to seventy percent the number of parking spaces required by this chapter for governmentally sponsored housing projects for the elderly.

*Not Applicable.*

(B)    Uses With Nonconforming Parking: The city manager is authorized to approve a parking reduction to allow an existing nonresidential use that does not meet the current off-street parking requirements of subsection (b) of this section, to be replaced or expanded subject to compliance with the following standards:

*Not Applicable.*

\_\_\_\_\_    N/A    (i)    An existing permitted nonresidential use in an existing building may be replaced by another permitted nonresidential use if the new use has the same or lesser parking requirement as the use being replaced.

\_\_\_\_\_    N/A    (ii)    A nonconforming nonresidential use in an existing building may be replaced by a conforming nonresidential use or another nonconforming nonresidential use, pursuant to subsection [9-10-3\(c\)](#), B.R.C. 1981, if the permitted or nonconforming replacement use has the same or lesser parking requirement as the use being replaced

\_\_\_\_\_    N/A    (iii)    An existing or replacement nonresidential use, whether conforming or nonconforming, that does not meet current parking requirements, shall not be expanded in floor area, seating, or be replaced by a use that has an increased parking requirement unless a use review pursuant to [section 9-2-15](#), "Use Review," B.R.C. 1981, and a corresponding parking reduction pursuant to this subsection (f) are approved.

\_\_\_\_\_    N/A    (iv)    Before approving a parking reduction pursuant to this subsection, the city manager shall evaluate the existing parking arrangement to determine whether it can accommodate additional parking or be rearranged to accommodate additional parking in compliance with the design requirements of subsection (d) of this section. If the city manager finds that additional parking can reasonably be provided, the provision of such parking shall be a condition of approval of the requested reduction.

\_\_\_\_\_    N/A    (v)    A nonconforming use shall not be replaced with a use, whether conforming or

nonconforming, that generates a need for more parking.

- (2) **Residential Parking Reductions:** Parking reductions for residential projects may be granted as part of a site review approval under [section 9-2-14](#), "Site Review," B.R.C. 1981.

*Not Applicable, as the subject site is located in the IG zone district and the project does not include a residential component.*

- (3) **Parking Reduction Criteria:** Upon submission of documentation by the applicant of how the project meets the following criteria, the city manager may approve reductions of up to and including twenty-five percent of the parking requirements of this section (see [tables 9-1](#), [9-2](#), [9-3](#) and [9-4](#)), if the manager finds that:

- x        (A) The parking needs of the use will be adequately served through on-street parking or off-street parking;

The applicant has demonstrated that the parking needs of the proposed use will be served through a mix of on-site and off-site parking. The Applicant is requesting a 7% parking reduction to allow for 80 parking spaces where 86 are required by the parking standards for non-residential uses in the IG zone district. The applicant's trip generation report indicates that the proposed use will generate 58 weekday afternoon peak hour trip ends and 98 Saturday peak hour trip ends, which can both be accommodated by the available on-site and off-site parking (there is ample on-street parking available in the Old Pearl right-of-way immediately adjacent to the site, so overflow parking can be accommodated there if needed).

- N/A   (B) A mix of residential uses with either office or retail uses is proposed, and the parking needs of all uses will be accommodated through shared parking;

*Not Applicable.*

- N/A   (C) If joint use of common parking areas is proposed, varying time periods of use will accommodate proposed parking needs; or

*Not Applicable.*

- (D) The applicant provides an acceptable proposal for an alternate modes of transportation program, including a description of existing and proposed facilities, proximity to existing transit lines, and assurances that the use of alternate modes of transportation will continue to reduce the need for on-site parking on an ongoing basis.

- (4) **Alternative Parking Reduction Standards for Mixed Use Developments:** The parking requirements in [section 9-9-6](#), "Parking Standards," B.R.C. 1981, may be reduced if the following standards are met. These standards shall not be permitted to be combined with the parking reduction standards in subsections (f)(3) and (f)(5) of this section, unless approved as part of a site review pursuant to [section 9-2-14](#), "Site Review," B.R.C. 1981. A mixed use development may reduce that amount of required parking by ten percent in the BMS, IMS, MU-1, MU-2, MU-3 and RMX-2 zoning districts, or in all other nonresidential zoning districts in [section 9-5-2](#), "Zoning Districts," B.R.C. 1981, a twenty-five-percent parking reduction if the following requirements are met:

*Not Applicable, as the proposed use is not a mixed use.*

- N/A   (A) The project is a mixed use development that includes, as part of an integrated development plan, both residential and nonresidential uses. Residential uses shall comprise at least thirty-three percent of the floor area of the development; and



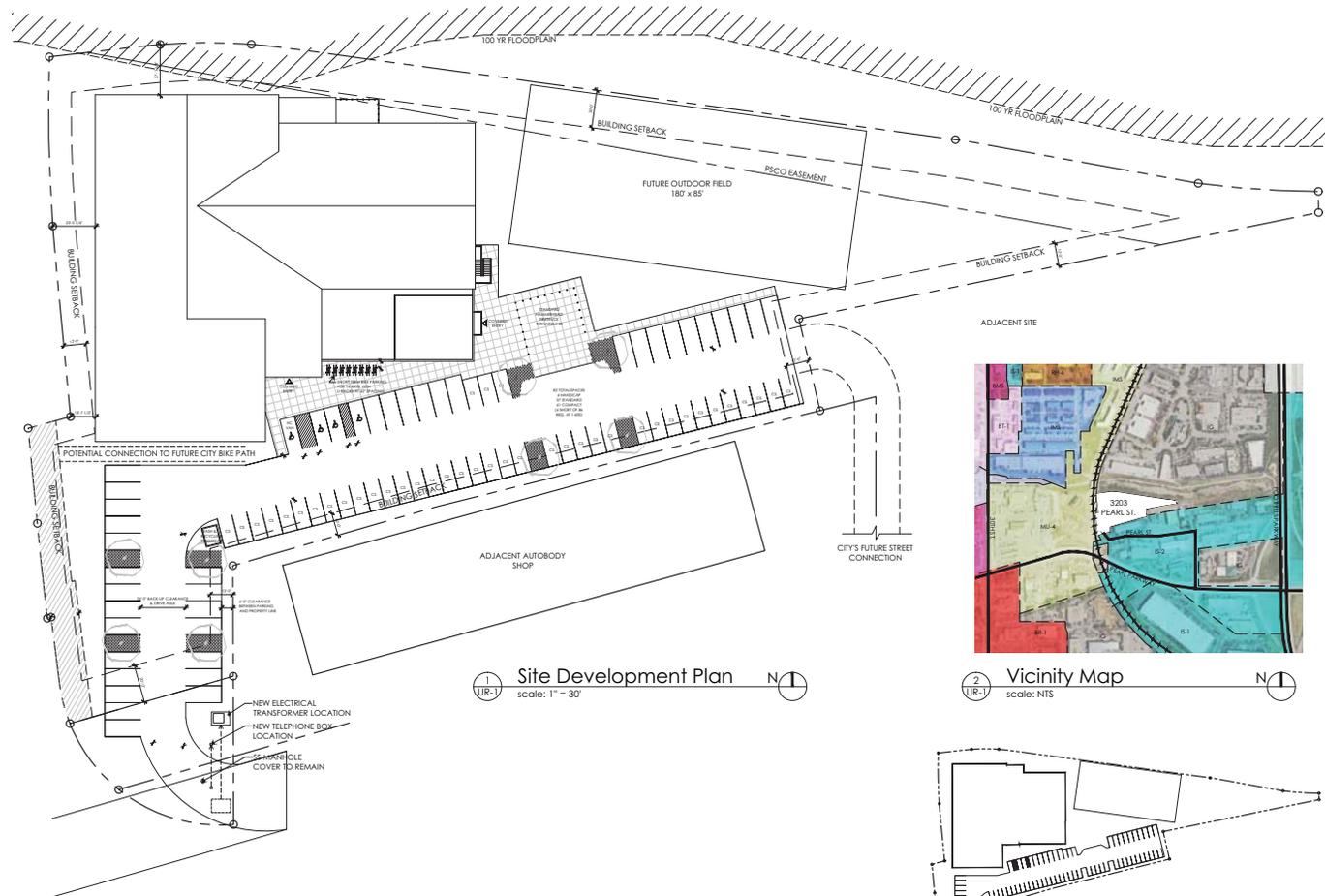


3020 Carbon Place #203  
Boulder, Colorado  
p: 303-442-3351  
f: 303-447-3933

**Boulder  
Indoor Sports  
on Pearl**  
3203 Pearl St.  
Boulder, CO 80301

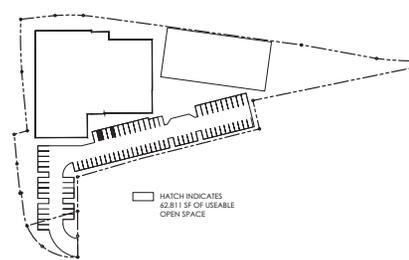
# BOULDER INDOOR SPORTS ON PEARL

3203 Pearl St, Boulder, CO



1 Site Development Plan  
UR-1 scale: 1" = 30'

2 Vicinity Map  
UR-1 scale: NTS



3 Open Space Diagram  
UR-1 scale: 1" = 100'

PROJECT INFORMATION	
OWNER	BOULDER INDOOR SOCCER 2845 29TH ST. BOULDER, CO 80301
APPLICANT	COBURN DEVELOPMENT 3020 CARBON PL. #203 BOULDER, CO 80301
LEGAL DESCRIPTION	LOT 1A, BLOCK 1, REPLAT OF A PORTION OF PEARL AUTO SUBDIVISION, LOCATED IN THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO
ZONING	IG
PROPOSED USE	RECREATIONAL SPORTS COMPLEX TO INCLUDE 2 INDOOR FIELDS, OFFICE SPACE, SPECTATOR DECK WITH REFRESHMENTS BAR, & 1 OUTDOOR FIELD

SITE INFORMATION	
SITE AREA	119,384 SF
MAXIMUM F.A.R.	50%
SQ FOOTAGE ALLOWED	59,692 SF
SQ FOOTAGE PROPOSED	34,400 SF
F.A.R.	28.8%
SITE COVERAGE	25.8%
USEABLE OPEN SPACE	62,811 SF

PARKING INFORMATION	
TOTAL SPACES REQUIRED @1:400	86
STANDARD SPACES	36
COMPACT SPACES	40 (50%)
HANDICAPPED SPACES	4
TOTAL VEHICLE SPACES PROVIDED	80
PARKING REDUCTION	7%
TOTAL BICYCLE SPACES REQUIRED	8.2
BICYCLE PARKING PROVIDED	16



DRAWING INDEX	
UR-1	SITE DEVELOPMENT PLAN
UR-2	ARCHITECTURAL PLANS
UR-3	ARCHITECTURAL PLANS
UR-4	ARCHITECTURAL ELEVATIONS

DISCLAIMER:  
THESE DOCUMENTS ARE PROVIDED BY COBURN DEVELOPMENT INC., FOR THE DESIGN INTENT OF THIS SPECIFIC PROJECT AND ONLY THIS PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONSTRUCTION COORDINATION, METHODS AND MATERIALS REQUIRED FOR THE SUCCESSFUL COMPLETION OF THE PROJECT. THIS INCLUDES BUT IS NOT LIMITED TO THE QUALITY OF WORKMANSHIP AND MATERIALS REQUIRED FOR EXECUTION OF THESE DOCUMENTS AND WORK OR MATERIALS SUPPLIED BY ANY SUBCONTRACTORS. ALL WORK SHALL COMPLY WITH GOVERNING CODES AND ORDINANCES. THE CONTRACTOR SHALL REVIEW AND UNDERSTAND ALL DOCUMENTS AND SHALL NOTIFY THE ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES IN THE DRAWINGS, FIELD CONDITIONS OR DIMENSIONS.

DESCRIPTION	DESIGNER REVIEW	PERMITS OFFICE CHECKED	DATE
USE REVIEW SUBMITTED	NO	NO	7/11/13
USE REVIEW RE-COMPLETED	NO	NO	8/19/13

Land Use Review  
Re-Submittal  
8.19.13

NOT FOR CONSTRUCTION

SHEET NO.  
**UR-1**  
SITE PLAN

**DELICH ASSOCIATES** Traffic & Transportation Engineering  
 2272 Glen Haven Drive Loveland, Colorado 80538  
 Phone: (970) 669-2061 Fax: (970) 669-5034



### MEMORANDUM

**TO:** Bill Holicky/Dan Davis, Coburn  
 David Thompson, Boulder Transportation Engineer

**FROM:** Matt Delich

**DATE:** May 3, 2013

**SUBJECT:** Boulder Indoor Soccer Traffic Assessment  
 (File: 1338ME01)



This memorandum provides a traffic assessment as described in the City of Boulder, Design and Construction Standards, Chapter 2, Transportation Design, Section 2.02(A and B). The purpose of this exercise is to provide trip generation for the proposed land use to determine whether a Traffic Study is required. A Traffic Study is required if the "trip generation from the development during the peak hour of the adjacent street is expected to exceed 100 vehicles for nonresidential application." As requested by David Thompson, Boulder Transportation Engineer, in a previous exercise, "Trip Distribution/Assignment and Modal Split" is also addressed in this memorandum.

Boulder Indoor Soccer is proposing an indoor/outdoor soccer facility at 3203 Pearl Parkway in Boulder. The site location is shown in Figure 1. It is located within a small commercial park in the northwest quadrant of the Pearl Parkway/Foothills Parkway interchange. Access to the site would be via the Pearl Parkway/Frontier Avenue intersection. The site is currently vacant. From available aerial photography, the remainder of the commercial park appears to be fully developed.

Figure 2 shows a site plan of the Boulder Indoor Soccer facility. The site plan shows one building, which will have two indoor soccer fields, along with associated amenities (Lounge, coffee bar, etc.). There is a bicycle storage facility provided. There will also be a large outdoor field east of the building. An office component is also proposed within this building.

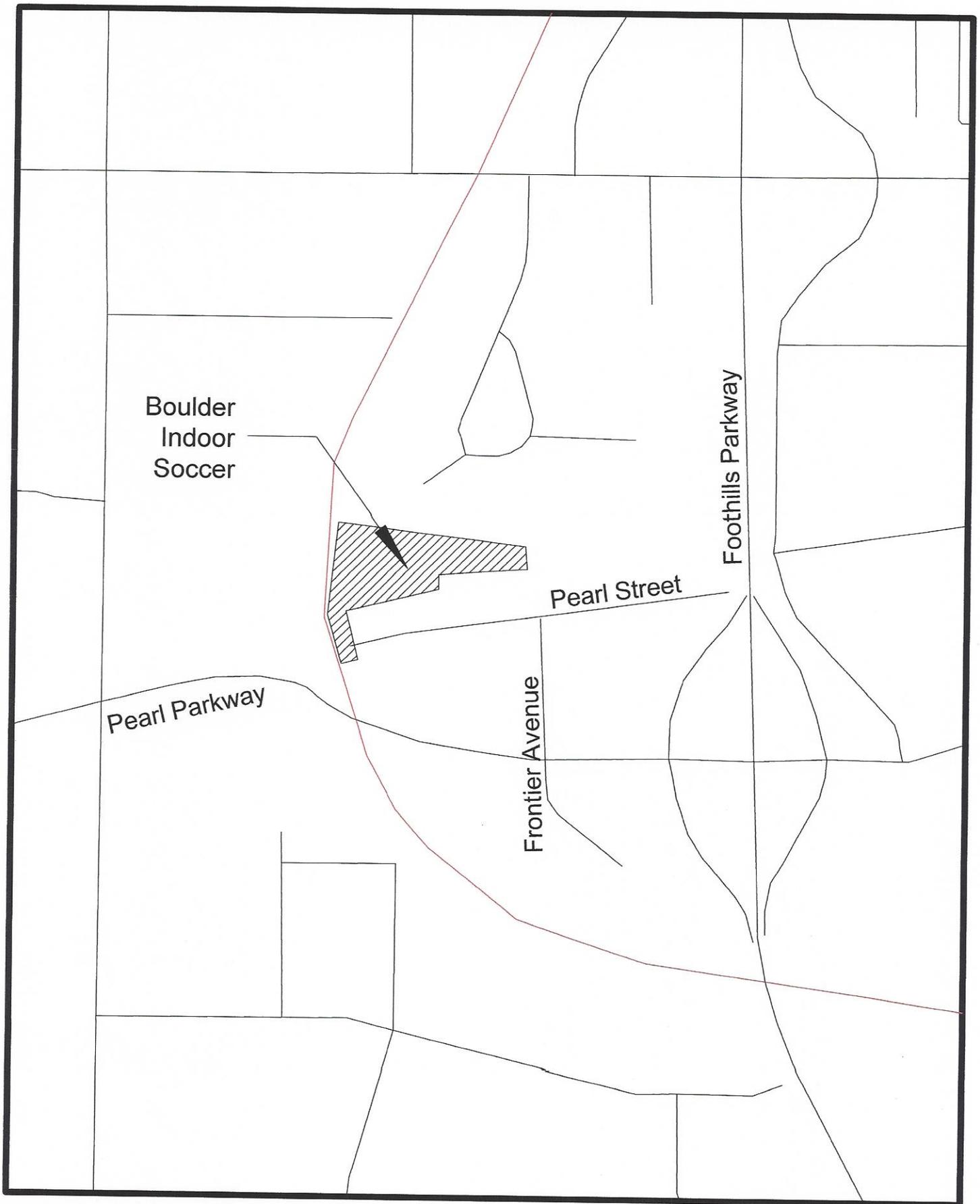
The reference document, Trip Generation, 9<sup>th</sup> Edition, ITE, was used to estimate the weekday, weekday peak hour, Saturday, and Saturday peak hour traffic that would be generated at this site. From that document, Land Use Code 488, Soccer Complex was selected to calculate the vehicular trip generation for the soccer use. The trip generation variable Fields was used. Table 1 shows the calculated trip generation for the Boulder Indoor Soccer facility. It is expected that during the winter, only the two indoor fields would have consistent predictable use. During the summer, all three fields would have consistent predictable use. To be conservative, the office component, within the building, was considered to be separate with its own trip generation. From the cited reference document, Land Use Code 710, General Office was used to calculate the vehicular trip generation for the office component. This is also shown in Table 1. During the summer, the following is the calculated trip generation: 248 weekday trip ends; 8 weekday morning peak hour trip ends; 58 weekday afternoon peak hour trip ends; 360 Saturday trip ends; and 93 Saturday peak hour trips ends (using rates rather than equations). Both the weekday peak hour and Saturday peak hour trip generation will be less than the 100 vehicles (trip ends) for nonresidential applications that would require the applicant to submit a Traffic Study. The calculated trip generation reflects no trip

reductions. It can be expected that some trip reductions could occur due to carpooling, bicycling, and transit. Therefore, the calculated trip generation is considered to be conservatively high.

Given the location of the Boulder Indoor Soccer facility within the City of Boulder, it is expected that the trip distribution would be evenly split at the Pearl Parkway/Frontier Avenue intersection. Figure 3 shows the trip distribution and the traffic assignment of the weekday peak hour and Saturday peak hour trips at the Pearl Parkway/Frontier Avenue intersection.

It is concluded that the Boulder Indoor Soccer facility will not generate enough peak hour traffic to require a Traffic Study. It is respectfully requested that no further transportation analyses be required for the Boulder Indoor Soccer facility. Do not hesitate to contact me if you have questions or require additional information.

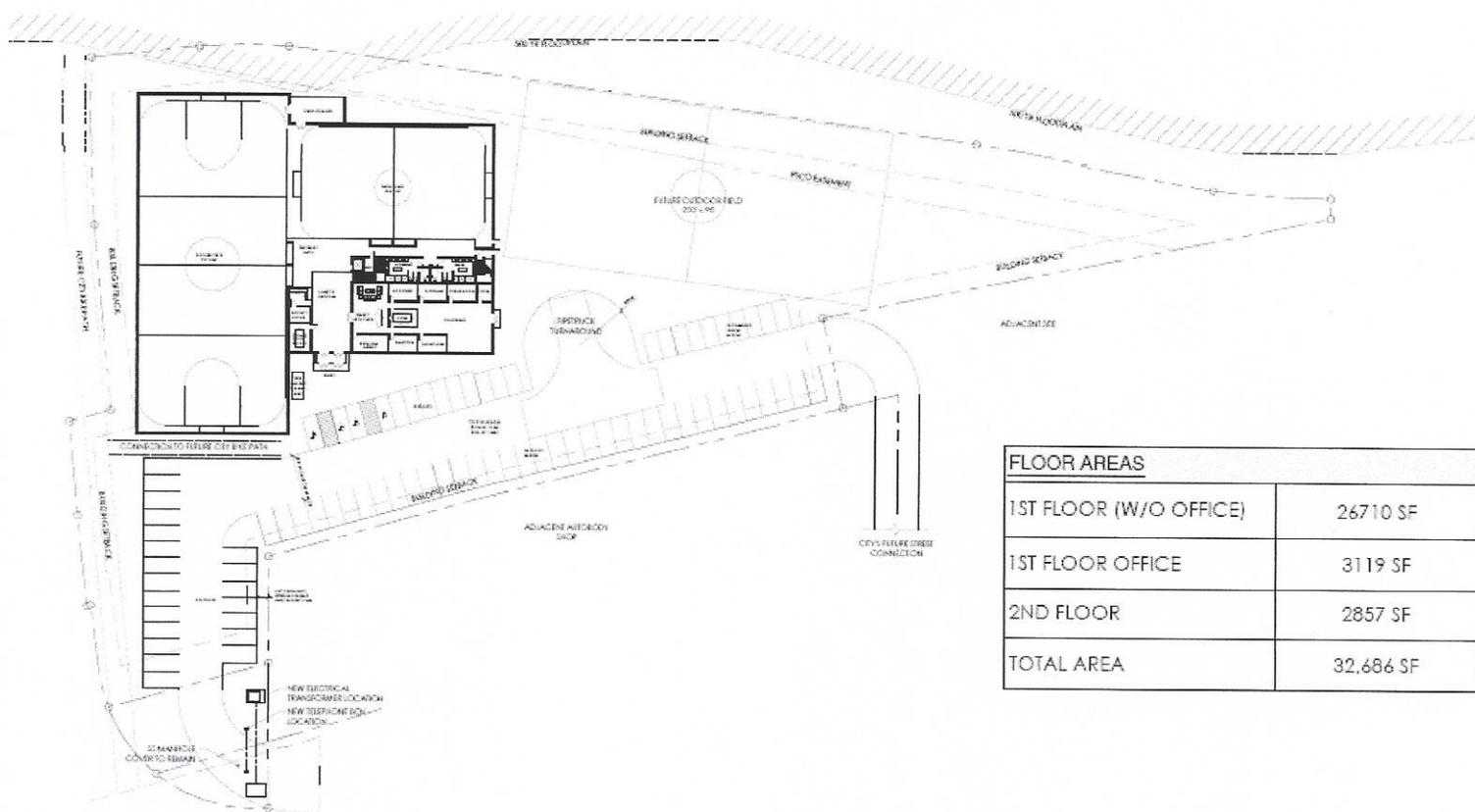
<b>TABLE 1 Trip Generation</b>												
<b>Code</b>	<b>Use</b>	<b>Size</b>	<b>AWDTE</b>		<b>AM Peak Hour</b>				<b>PM Peak Hour</b>			
			Rate	Trips	Rate	In	Rate	Out	Rate	In	Rate	Out
488	Soccer Complex	3 Fields	71.33	214	0.64	2	0.48	1	11.86	36	5.84	17
710	General Office	3.119 KSF	11.03	34	1.37	4	0.19	1	0.25	1	1.24	4
<b>Saturday</b>												
<b>Code</b>	<b>Use</b>	<b>Size</b>	<b>ADTE</b>		<b>Peak Hour</b>							
			Rate	Trips	Rate	In	Rate	Out				
488	Soccer Complex	3 Fields	117.4	352	Eq.	17	Eq.	18				
488	Soccer Complex	3 Fields			14.56	44	15.78	47				
710	General Office	3.119 KSF	2.46	8	0.23	1	0.20	1				



SCALE: 1"=500'

# SITE LOCATION

Figure 1



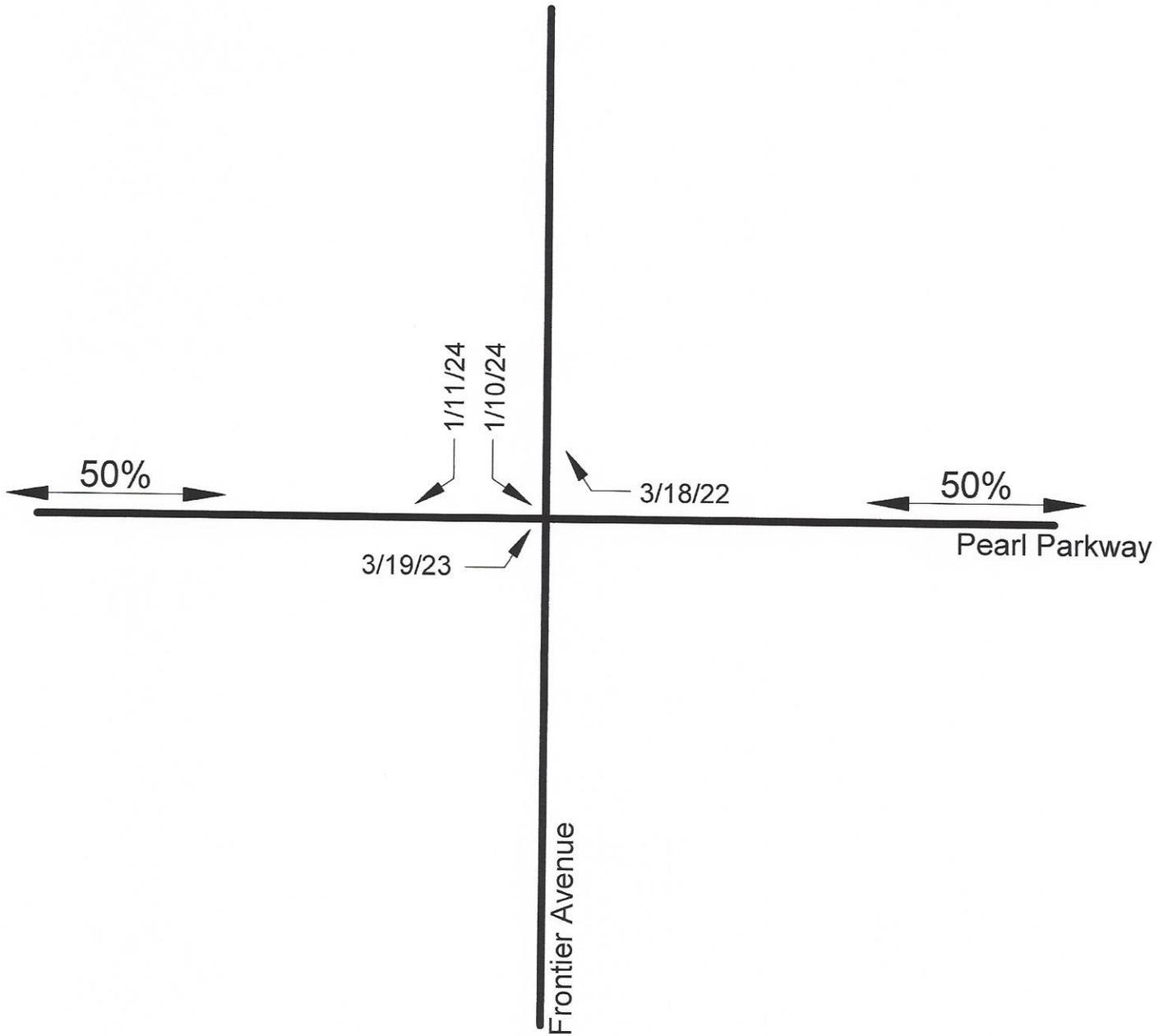
FLOOR AREAS	
1ST FLOOR (W/O OFFICE)	26710 SF
1ST FLOOR OFFICE	3119 SF
2ND FLOOR	2857 SF
TOTAL AREA	32,686 SF

SITE PLAN

Figure 2



← AM/PM/SATURDAY



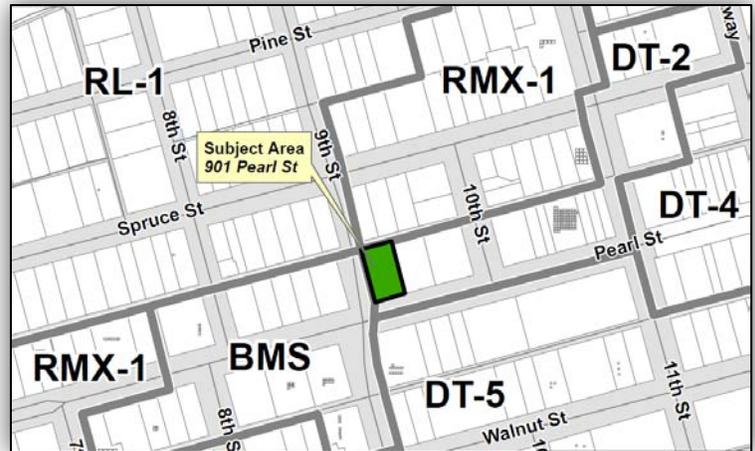
# TRIP DISTRIBUTION AND PEAK HOUR ASSIGNMENT

Figure 3

# MEMORANDUM

**TO:** Planning Board  
**FROM:** Elaine McLaughlin, Case Manager  
**DATE:** October 1, 2013  
**SUBJECT:** Call Up Item: Administrative  
SITE REVIEW: redevelopment of site with a new three story mixed use building, ground floor restaurant, under separate application, four residential units and attached parking structure.

**ADDRESS:** 901 Pearl  
**PROJECT NAME:** 901 Pearl Mixed Use Building  
**CASE NO:** LUR2013-00047



## Introduction and Background

The approximately one-half acre site is located within the Regional Business land use of the Boulder Valley Comprehensive Plan and the Downtown – 2 (DT-2) zoning district at the northwest corner of 9<sup>th</sup> and Pearl streets. A similar project was approved in 2008, but due to the economic downturn, that approval expired. The current proposal is for a three story building within the by-right height standard of 38 feet. Because the applicant is proposing three stories rather than the by-right two stories, the application requires administrative Site Review approval.

A neighborhood meeting was held on Sept. 16, 2013 where there were eight neighbors in attendance and overall, the neighbor comments at the meeting were complementary of the building design and proposed restaurant use. Concerns were mostly with regard to the restaurant management such as hours of operation and duration of construction impacts. The city's Transportation Department is preparing plans for pedestrian and streetscape improvements for the West Pearl Streetscape which will dovetail into the project plans for 901 Pearl, as well as other properties along west Pearl Street. The application was also reviewed by the Design Advisory Board who found it to substantially meet the Downtown Urban Design Guidelines.

Staff finds that the proposed application meets the Site Review criteria and Downtown Urban Design Guidelines. The proposal was *approved* by staff on **Oct. 1, 2013** and the decision may be called up before Planning Board on or before **Oct. 15, 2013**.

Refer to [Attachment A](#) for Notice of Disposition. There is one Planning Board hearings scheduled during the call-up period on **Oct. 10, 2013**.

## Proposed Project

The application is for a three story building, with the first two stories at a zero lot line, and the third story setback of 13 feet for a two foot modification from the standard of a 15-foot setback. The ground floor restaurant is planned to be approximately 5,000 square feet with indoor and outdoor seating. The outdoor seating is recessed below the second story and therefore does not encroach into the public walkway. A modification is requested to the rear yard setback from 15'



Figure 1: Perspective Drawing looking northeast from 9<sup>th</sup> and Pearl Streets

to 0' for a low retaining wall adjacent to the 9<sup>th</sup> Street right of way, in a similar location to the existing retaining wall. The finish materials on the building are planned to be red brick with stone as a base material on the columns in keeping with the predominate character of the area. Refer to [Attachment B](#) for project plans and written statement.

### **Built Context**

Located on the north side of Pearl Streets between 9<sup>th</sup> and 10<sup>th</sup> streets, the subject property contains a vacant single story retail building that was built in 1956. Most recently the building was used for offices and prior to that was the sales and show room for Tesla Motors after Marisol Imports relocated. The Harding Glass Company operated in the building for several decades. At the rear of the property there is a retaining wall of approximately four feet in height on the north and east side of the property. Topographically, from Pearl Street to the rear property line at the alley, there is an approximate six foot grade transition.

The subject property is located within both the "Non-Historic" and "Interface" areas as defined in the *Downtown Urban Design Guidelines* (hereinafter "guidelines"), and in the area referred to as "West Pearl" or the "West End." The block in which the property is located, between 9<sup>th</sup> and 10<sup>th</sup> streets, has one-, two- and three-story buildings on both the north and south sides of Pearl Street. Directly adjacent to the subject property to the east is a three story, 35-foot tall structure built in the 1990s and referred to as the Shonkwiler Building; currently housing two restaurants on the ground floor: Chipotle Mexican Grill and Bacaro, with offices on the second and third floors.

Across Pearl Street to the south is 900 Pearl, a three story, 42-foot tall, mixed use building with ground floor retail and two stories of residential use. Across 9<sup>th</sup> Street, to the west, is the two and one-half story University Bikes building that has a third story for storage. Diagonally across the intersection from the subject property, to the southwest, is a two-story residential condominium building. The subject property backs up to the residential Mapleton Hill Historic District to the north. It is also within the Central Area General Improvement District (CAGID) and therefore no parking is required on-site for commercial uses. Figures 2a through 2e illustrate the immediate context.

### **Boulder Valley Comprehensive Plan (BVCP) Designation**

In keeping with the majority of the central business district of downtown Boulder, the subject property is designated Regional Business under the BVCP. As noted on Page 67 of the BVCP,

*"Within these areas are located the major shopping facilities, offices, financial institutions, and government and cultural facilities serving the entire Boulder Valley and abutting Communities. These areas will continue to be refurbished and upgraded and will remain the dominant focus for major business activities in the region."*

Consistent with the planning context of a "business district" the proposed mixed use project with provision of a restaurant at the ground floor with a transitional use of residential above is consistent with this Regional Business-designated land. The surrounding land uses also include Regional Business, where the DT-5 zone is located; Mixed Residential where the RMX-1 zone district is located; Low Density residential corresponding to the RL-1 zone and General Business corresponding to the BMS zone.

### **Zoning Context**

Located in the DT-2 zone district, the subject property is at an interface of five different zone districts. Across Pearl Street is the DT-5 zone district, considered the most intensive district with the largest scale buildings in the downtown, allowing up to a 2.7 FAR and where heights of up to fifty five feet are anticipated; whereas, across 9<sup>th</sup> Street to the west, the BMS zone has a maximum FAR of 1.0. The RMX-1 zoning district to the north, across the alley is a mixed residential density district where, "a variety of single-family, detached, duplexes and multi-family units will be maintained" and the RL-1 diagonally to the west across 9<sup>th</sup> Street is primarily low density residential district with single family detached dwelling units at low densities.

The DT-2 zone district permits a base Floor Area Ratio (FAR) of 1.5, plus an allowance for on-site, structured parking of up to 0.5 FAR or a 0.5 FAR bonus for provision of residential units. The DT-2 zone district typically has a mix of one-, two-, and three-story structures along with a mix of uses, including ground floor retail and restaurants, with office and residential above. Figures 2a through 2d illustrates the built surroundings within each adjacent zoning district.



2a) North of Site in RMX-1



2b) South of Site in DT-5



2c) East of Site in DT-2



2d) West of Site in BMS

*Figure 2: Images of Surrounding Built Context*

## Consistency Analysis with Criteria and Guidelines

The application was found to be consistent with the Site Review criteria in that, the building's height, mass and scale, and overall appearance is compatible with the surrounding context. Refer to [Attachment B](#) for the complete staff analysis of the proposed project to the Site Review Criteria. The application was also found to be consistent with the following applicable Downtown Urban Design Guidelines for the Non-Historic Area and the Interface Area by both staff and the Design Advisory Board.

The intent of the Non-Historic Area is noted on page 35 of the guidelines as follows:

***“offers unique opportunities for design options and creation of variety in building forms. A focus on pedestrian activity and attention to massing, scale and alignment of building features are important design considerations.*”**

### **2.1 “Consider Incorporating Traditional Façade Elements in New Designs.”**

The building design utilizes a traditional architectural language including repeating patterns of vertically proportioned windows and column openings, a single (red) brick color, bands and belts of limestone colored trim, lintels and other masonry detailing. The entrance is not placed on the corner but rather is centered on the building, given the high traffic intersection of 9<sup>th</sup> and Pearl. However, all other design details of the suggested façade elements are utilized.



**Figure 3: Traditional Design Details on Proposed Building**

## 2.2 “Consider the Alignment of Architectural Features and Established Patterns with Neighboring Buildings”

As can be seen in the elevation in Figure 2, there are elements that align between the proposed project and the adjacent Shonkweiler Building including the first floor storefront window heights, and the horizontal banding of the second story window headers on the proposed building to the top of the second floor parapet on the Shonkweiler Building. While not uniform in alignment, there is compatibility with the building’s features to the Shonkweiler Building and the use of traditional façade elements bridges the proposed building with the existing building.



Figure 4: Pearl Street Elevation shown with Adjacent Shonkweiler Building to the East

### 2.4.B “Relate the height of buildings to neighboring structures at the sidewalk edge. For new structures that are significantly taller than adjacent buildings, upper floors should be setback a minimum of 15-feet from the front façade to reduce the perceived height.”

The proposed building is slightly taller than the Shonkweiler Building owing to the change in the Land Use Code by-right building height standard up to 38 feet. However, the applicant did set the third story back to reduce the perceived height with a request to modify the 15 foot setback to 13 feet given that the building is not significantly taller.

### 2.4.C. “Generally for commercial and residential buildings in the *RB-1X (DT-1)*, *RB-2X (DT-2)*, *RB-1E (DT-4)*, and *RB-2E (DT-3)* the floor to floor heights should be up to 14 feet for the ground level and up to 12 feet for the second floor.”

The first floor height is planned at 14 feet and 11 and 12 feet respectively for the second floor and third floors in keeping with Guideline 2.4.B.

## 2.5 “Maintain a Human Building Scale, Rather than Monolithic or Monumental Scale”

Design details and fenestration are appropriate to the pedestrian scaled context.

## 2.10 “Consider the Scale, Texture, and Pattern of Building Materials

The project plans present a strong expression of the traditional 25 ft bay widths with brick pilasters and by the proportions and rhythms of the window and door openings within these bays in combination with standard scale brick and stone accents.



Figure 5: Elevation with Proposed Finish Materials

The application was also found to be consistent with the Downtown Urban Design Guidelines for the Interface Area:

### 3.1. “In general, construct building of three stories or less. Create a height transition by locating taller portions of buildings toward downtown, or Pearl Street, and lower portions located toward surrounding residential areas.”

The building design also creates a height transition by locating taller portions of building at Pearl Street, with two stories at the rear alley elevation. The transition from three to two stories at the rear of the property is in keeping with the topographic transition from Pearl Street to the alley.



Figure 6: West (9th Street) Elevation

### 3.2 “Create Attractive Rear Alley Facades on Buildings Facing Toward Residential Areas.”

The rear of the building facing the residential area to the north presents a residential character. The trash and recycling will all be contained within a portion of the interior and will not visually impact the neighbors across the alley.

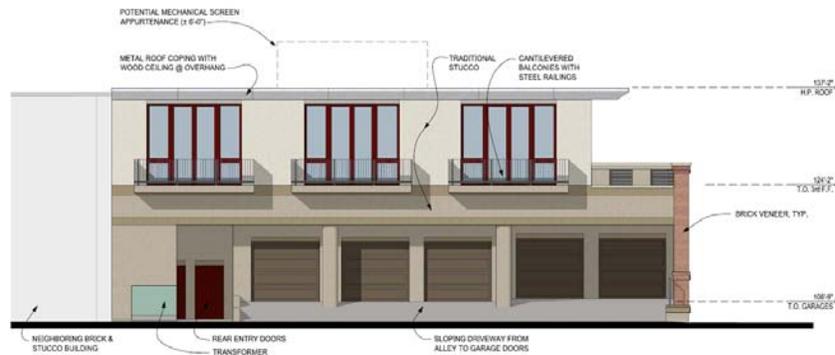


Figure 7: North (Alley) Elevation

**Conditions of Approval.** As a part of the conditions of approval, the applicant has agreed to the energy efficiency condition has also been added to recent applications, as follows:

*“The building permit application for the building addition shall show that the building meets the energy efficiency requirements of the 2012 IECC as locally amended. Should the 2012 IECC not have been adopted at the time of building permit application, the building permit application for each building shall show that (1) the building exceeds the energy efficiency requirements of ANSI/ASHRAE/IESNA Standard 90.1 – 2010 Energy Standard for Buildings Except for Low-Rise Residential Buildings by at least 20 percent or (2) the building is designed to meet a set of prescriptive requirements that result in a building that is at least 20 percent more energy efficient than the 2012 IECC.”*

#### Conclusion.

The proposal was approved by staff on **October 1, 2013** and the decision may be called up before Planning Board on or before **Oct. 15 2013**. There is one Planning Board hearing scheduled during the call-up period on **Oct. 10, 2013**. Questions about the project or decision should be directed to the Case Manager, Elaine McLaughlin at (303) 441-4130 or at the following email address: [mclaughline@bouldercolorado.gov](mailto:mclaughline@bouldercolorado.gov).

#### Attachments

- A. Signed Disposition
- B. Site Plan and Elevations
- C. Correspondence Received and Neighborhood Meeting Summary



**CITY OF BOULDER  
Community Planning & Sustainability**

1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791  
phone 303-441-1880 • fax 303-441-3241 • web www.bouldercolorado.gov

**CITY OF BOULDER PLANNING DEPARTMENT  
NOTICE OF DISPOSITION**

You are hereby advised that the following action was taken by the Planning Department based on the standards and criteria of the Land Use Regulations as set forth in Chapter 9-2, B.R.C. 1981, as applied to the proposed development.

DECISION: **APPROVED WITH CONDITIONS**  
PROJECT NAME: **901 PEARL MIXED USE DEVELOPMENT**  
DESCRIPTION: **Site Review (Simple) to create a mixed use three-story building with a restaurant on first floor under separate Use Review application LUR2013-00047), four attached residential units on the upper two floors.**  
  
LOCATION: **901 PEARL ST**  
COOR: **N03W07**  
LEGAL DESCRIPTION: **See Attached Exhibit A**  
APPLICANT: **JIM BRAY**  
OWNER: **901 ELDRIDGE LLC**  
APPLICATION: **Site Review, LUR2013-00039**  
ZONING: **DT-2**  
CASE MANAGER: **Elaine McLaughlin**  
VESTED PROPERTY RIGHT: **NO; the owner has waived the opportunity to create such right under Section 9-2-19, B.R.C. 1981.**

FOR CONDITIONS OF APPROVAL, SEE THE FOLLOWING PAGES OF THIS DISPOSITION.

Approved on: 10.1.13  
Date

By: [Signature]  
David Driskell, Executive Director of Community Planning and Sustainability

This decision may be appealed to the Planning Board by filing an appeal letter with the Planning Department within two weeks of the decision date. If no such appeal is filed, the decision shall be deemed final fourteen days after the date above mentioned.

Appeal to Planning Board expires: October 15, 2013

IN ORDER FOR A BUILDING PERMIT APPLICATION TO BE PROCESSED FOR THIS PROJECT, A SIGNED DEVELOPMENT AGREEMENT AND FINAL PLANS FOR CITY SIGNATURE MUST BE SUBMITTED TO THE PLANNING DEPARTMENT WITH DISPOSITION CONDITIONS AS APPROVED SHOWN ON THE FINAL PLANS, IF THE DEVELOPMENT AGREEMENT IS NOT SIGNED WITHIN NINETY (90) DAYS OF THE FINAL DECISION DATE, THE PLANNING DEPARTMENT APPROVAL AUTOMATICALLY EXPIRES.

Pursuant to Section 9-2-12 of the Land Use Regulations (Boulder Revised Code, 1981), the applicant must begin and substantially complete the approved development within three years from the date of final approval. Failure to "substantially complete" (as defined in Section 9-2-12) the development within three years shall cause this development approval to expire.

#### CONDITIONS OF APPROVAL

1. The Applicant shall ensure that the **development shall be in compliance with all approved plans** dated Sept. 27, 2013 on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval.
2. Prior to a building permit application, the Applicant shall submit a Technical Document Review application for the following items, subject to the approval of the City Manager:
  - a. **Final architectural plans**, including materials and colors, to insure compliance with the intent of this approval and the architectural intent shown on the elevation plans dated Sept. 27, 2013. The final architectural plans shall demonstrate that the visibility of mechanical equipment is minimized to the maximum extent possible from surrounding streets and properties. Planning staff will review plans to assure that the architectural intent is performed.
  - b. A **final site plan** illustrating the approved site configuration, including the configuration of the streetscape along Pearl Street right-of-way which must be consistent with the final configuration of the City of Boulder's West Pearl Streetscape Improvements Project. The Applicant shall construct or install or ensure, by participating in the West Pearl Streetscape Improvement Project, the construction or installation of the Pearl Street right-of-way improvements consistent with the final configuration of the West Pearl Streetscape Improvements Project, at a time and in a location and manner acceptable to the City Manager. If participating in the West Pearl Streetscape Improvements Project, the Applicant shall be responsible for providing the City with the value of the public improvements on Pearl Street, including design and construction, associated with the improvements required under the City of Boulder Design and Construction Standards that directly benefit and are necessary to serve the development. The City shall be responsible for any incremental cost associated with upgrading the public improvements beyond current City standards.
  - c. **Final transportation plans** meeting the City of Boulder Design and Construction Standards for all transportation improvements. These plans must include, but are not limited to: plan and profile drawings, signage and striping plans in conformance with Manual on Uniform Traffic Control Devices (MUTCD) standards, transportation details drawings, and geotechnical soils report.
  - d. A **final utility plan** meeting the City of Boulder Design and Construction Standards.
  - e. A **final storm water report and plan** meeting the City of Boulder Design and Construction Standards, including information regarding the groundwater conditions (geotechnical report, soil borings, etc.) on the Property and all discharge points for perimeter drainage systems.
  - f. A **detailed landscape plan**, including size, quantity, and type of plants existing and proposed; type and quality of non-living landscaping materials; any site grading proposed; and any irrigation

system proposed, to insure compliance with this approval and the city's landscaping requirements. Removal of trees must receive prior approval of the Planning Department. Removal of any tree in city right-of-way must also receive prior approval of the City Forester.

- g. A **detailed lighting plan** showing location, size, and intensity of illumination units, showing compliance with Section 9-9-16, B.R.C. 1981.
3. Prior to a building permit application, the Applicant shall submit a **financial guarantee**, in a form acceptable to the Director of Public Works, in an amount equal to the cost of providing eco-passes to the residents and employees of the development for three years after the issuance of a certificate of occupancy for each dwelling unit as proposed in the Applicant's Transportation Demand Management (TDM) plan.
4. Prior to issuance of a certificate of occupancy and prior to placement of the removable planters and canopies, as shown on the approved plans, as projecting into the Pearl and 9<sup>th</sup> Street right of way, the Applicant shall obtain a **revocable right of way permit** pursuant to Section 8-6-6, B.R.C. 1981, for such planters and canopies.
5. Upon the execution of the development agreement required by section 9-2-9, B.R.C., 1981, **this approval supersedes the conditions of approval** contained in Exhibit A (Planning Department Notice of Disposition dated August 19, 2008) to the Development Agreement recorded in the Office of the Boulder County Clerk and Recorder on Reception No. 2959860 and re-recorded on Reception No. 2988561.
6. The building permit application for the building shall show that it meets the **energy efficiency requirement of the 2012 International Energy Conservation Code (IECC)** as locally amended. Should the 2012 IECC, as locally amended, not be in effect at the time of building permit application, the building permit application shall show, subject to review and approval of the City Manager, that the building exceeds the energy efficiency requirements of the 2012 IECC by at least 20 percent.

Exhibit A: Legal Description

Legal Description:

TRACT 313 LESS E 0.97 FT 25-1N-71 1374622 12/93  
BCR SPLIT TO ID 1382/LOT LINE ADJ 1/94

Sec-Town-Range:

25-1N-71

Subdivision:

TR, NBR 158, 160, 162

# 901 Pearl Street

## Site Review Re-Submittal September 27, 2013

### PROJECT DIRECTORY

**OWNER** **901 Eldridge, Inc.**  
2344 Spruce St., Suite B  
Boulder, CO 80302  
(303) 444-6633  
Contact: Phil Shull  
e-mail: pshull@deneuveconstruction.com

**CONTRACTOR** **Deneuve Construction**  
2344 Spruce Street, Suite B  
Boulder, CO 80302  
(303) 444-6633  
Contact: David Garabed  
e-mail: dg@deneuveconstruction.com

**ARCHITECT** **Bray Architecture, Inc.**  
1300-C Yellow Pine Ave.  
Boulder, CO 80304  
(303) 444-1598  
Contact: Jim Bray  
e-mail: jbray@nobs-design.com

**LANDSCAPE ARCHITECT** **Nature's Design Associates, LLC**  
15674 Indiana Gulch Rd  
Jamestown, CO 80455  
(303) 459-3333  
Contact: Becky Martinek  
e-mail: martinek@hughes.net

**CIVIL ENGINEER** **JVA, Inc.**  
1319 Spruce St.  
Boulder, CO 80302  
(303) 444-1951  
Contact: Charlie Hager  
e-mail: chager@jvajva.com



### LEGAL DESCRIPTION

**Legal Description:**  
TRACT 313 LESS E 0.97 FT 25-1N-71 1374622 12/93  
BCR SPLIT TO ID 1382/LOT LINE ADJ 1/94

**Sec-Town-Range:**  
25-1N-71

**Subdivision:**  
TR, NBR 158, 160, 162

### PROJECT DATA

**PROJECT ADDRESS:** 901 Pearl Street  
Boulder, Colorado 80302

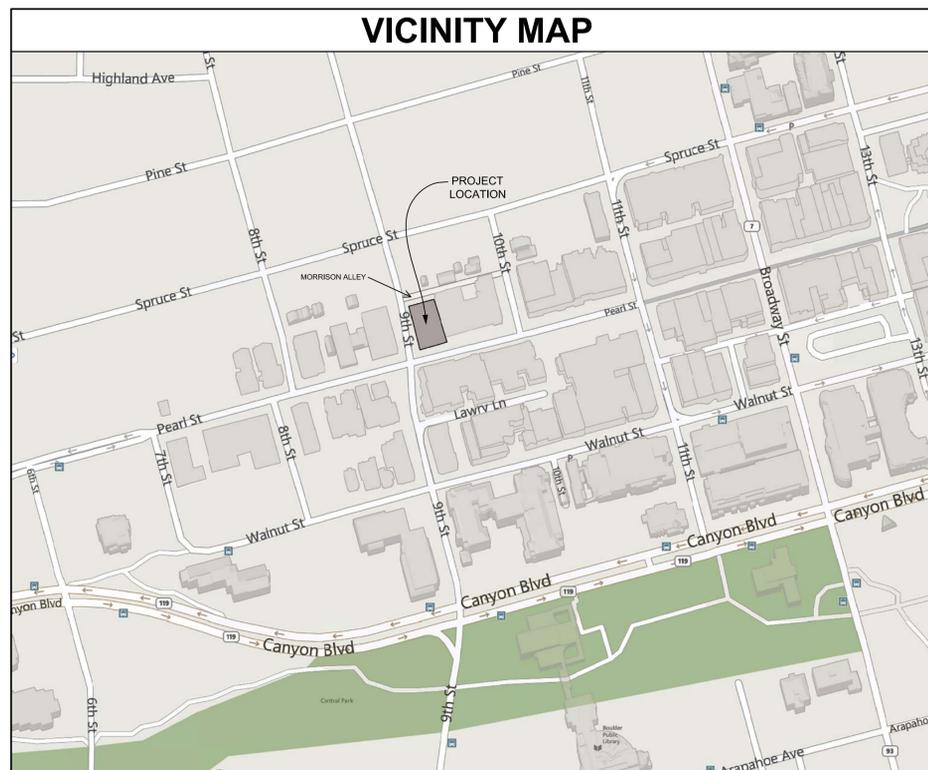
**PROJECT DESCRIPTION:** Demolition of an existing building and construction of a new 3-Story Mixed Use Building

**ZONING:** DT-2

**BUILDING TYPE:** V-B, Fully Sprinkled

**OCCUPANCY:** A-2, R-2 & S-2

### VICINITY MAP



### PROJECT DATA

ZONING		BUILDING AREA	
ZONING DISTRICT	DT-2	MAX F.A.R. FOR DT-2	1.5
MIN. FRONT YARD SETBACK	0'	F.A.R. ADDITIONS	
MIN. SIDE SETBACK - STREET	0'	RESIDENTIAL FLOOR AREA	0.5
MIN. SIDE SETBACK - INTERIOR	0'	ONSITE PARKING	0.5
MIN. REAR YARD SETBACK	15'	MAX ALLOWABLE F.A.R.	2.0
MIN. FRONT SETBACK- 3RD STORY & ABOVE	13'	ALLOWABLE S.F.	21,606
MAX. BUILDING HEIGHT	38'	1st FLOOR	7,119
MAX. No. OF STORIES	2	2nd FLOOR	7,981
		3rd FLOOR	6,504
		TOTAL	21,604
SITE		PARKING	
LOT AREA	10,803	REQUIRED (1 PER DU)	4
OPEN SPACE		PROVIDED	4
REQUIRED OPEN SPACE (15% of LOT AREA)	1,620		
GROUND LEVEL	1,063	BIKE PARKING	
25% RESIDENCE BALCONIES	579	PROVIDED	3
R.O.W. 10% BONUS	65		
TOTAL OPEN SPACE	1,707		
OVERAGE	5.37%		

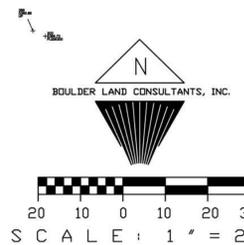
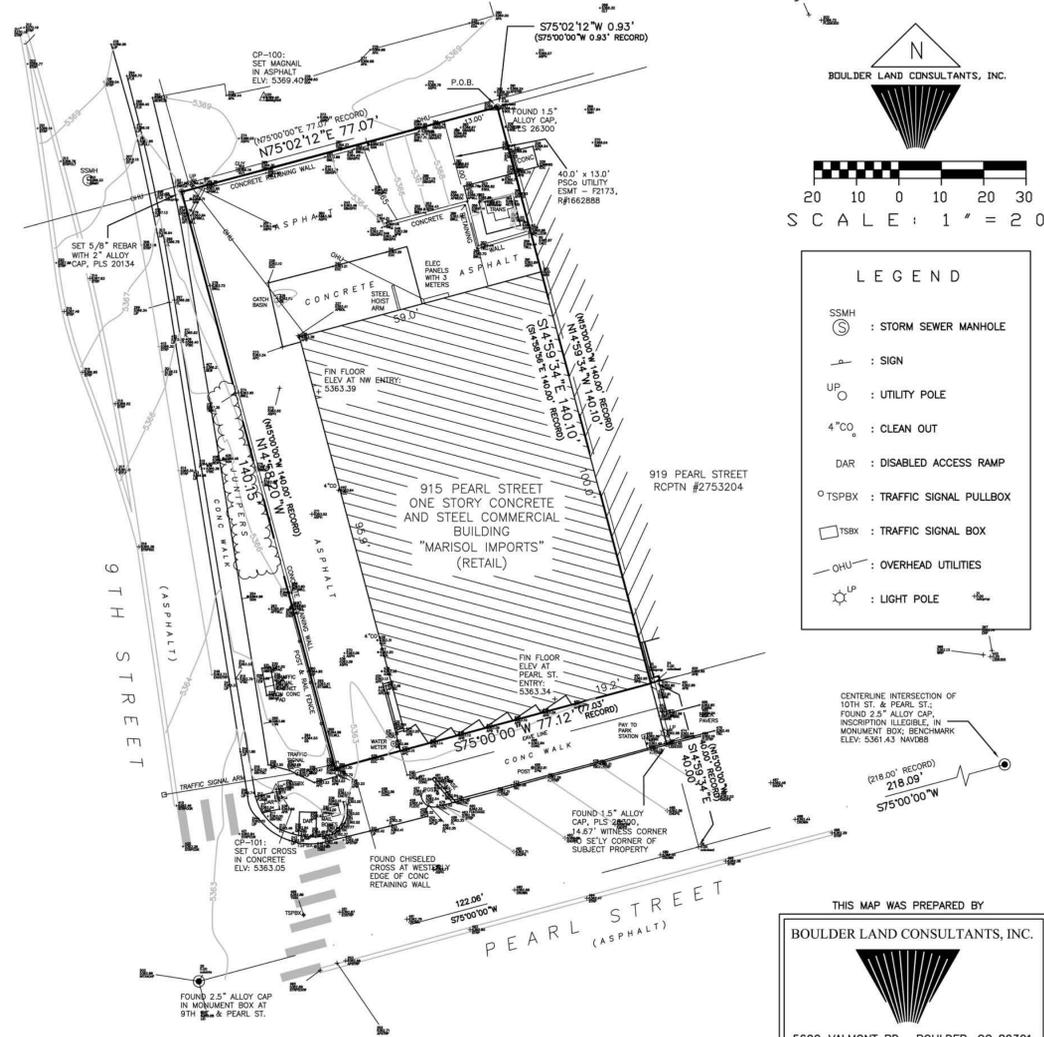
### SHEET INDEX

SHEET	DESCRIPTION
A0.0	Cover Sheet
C0	Site Survey
C1.0	Preliminary Grading/ Drainage Plan
C2.0	Preliminary Utility Plan
L1.1	Landscape Plan
A2.1	Architectural Site / First Floor & Second Floor / Parking Plans
A2.2	Third Floor & Roof Plans
A3.1	Exterior Elevations
A4.1	Solar Shadow Analysis



## AN IMPROVEMENT SURVEY PLAT OF THE 915 PEARL STREET PROPERTY

LOCATED IN THE SE1/4 OF THE SE1/4 OF SECTION 25, T1N, R71W  
OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO  
TOTAL AREA (AS SURVEYED) = 10803 SQ. FT. (0.248 ACRES)



LEGEND	
SSMH	: STORM SEWER MANHOLE
—	: SIGN
UP	: UTILITY POLE
4"CO	: CLEAN OUT
DAR	: DISABLED ACCESS RAMP
○ TSPBX	: TRAFFIC SIGNAL PULLBOX
□ TSBX	: TRAFFIC SIGNAL BOX
— OHU	: OVERHEAD UTILITIES
☀ LP	: LIGHT POLE

**LEGAL DESCRIPTION**

ALL THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:  
COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF 10TH STREET AND PEARL STREET IN THE CITY OF BOULDER, SAID INTERSECTION BEING MARKED BY AN IRON PIN ESTABLISHED BY THE CITY SURVEYOR OF SAID CITY OF BOULDER;  
THENCE SOUTH 75°00'00" WEST ALONG SAID CENTERLINE OF SAID PEARL STREET, 218.00 FEET;  
THENCE NORTH 15°00'00" WEST AT RIGHT ANGLES TO THE CENTERLINE OF SAID PEARL STREET, 40.00 FEET TO A POINT ON THE NORTH LINE OF SAID PEARL STREET, SAID POINT BEING WESTERLY 397.38 FEET FROM THE INTERSECTION OF THE RANGE LINE BETWEEN TOWNSHIP 1 NORTH, RANGE 70 WEST, AND TOWNSHIP 1 NORTH, RANGE 71 WEST, AND THE NORTH LINE OF SAID PEARL STREET;  
THENCE NORTH 15°00'00" WEST AT RIGHT ANGLES TO THE CENTERLINE OF SAID PEARL STREET, 140.00 FEET;  
THENCE SOUTH 75°00'00" WEST PARALLEL TO THE CENTERLINE OF SAID PEARL STREET, 0.93 FEET TO A POINT ON THE EASTERLY LINE OF A CINDER BLOCK BUILDING, KNOWN AS 915 PEARL STREET, EXTENDED NORTHERLY, THE TRUE POINT OF BEGINNING;  
THENCE SOUTH 14°58'56" EAST, 140.00 FEET ALONG THE EASTERLY LINE AND THE EASTERLY LINE EXTENDED NORTHERLY OF SAID CINDER BLOCK BUILDING TO A POINT ON THE NORTHERLY LINE OF SAID PEARL STREET;  
THENCE SOUTH 75°00'00" WEST, 77.03 FEET ALONG THE NORTHERLY LINE OF SAID PEARL STREET;  
THENCE NORTH 15°00'00" WEST AT RIGHT ANGLES TO SAID PEARL STREET, 140.00 FEET;  
THENCE NORTH 75°00'00" EAST PARALLEL WITH SAID PEARL STREET, 77.07 FEET TO THE TRUE POINT OF BEGINNING.

- NOTES**
1. THE PROPERTY SURVEYED AND SHOWN HEREON IS THE SAME PROPERTY AS DESCRIBED IN UNITED TITLE COMPANY TITLE COMMITMENT NO. U0021306, DATED DECEMBER 26, 2006. SAID TITLE COMMITMENT WAS ENTIRELY RELIED UPON FOR THE LEGAL DESCRIPTION AND RECORDED INFORMATION REGARDING RIGHTS-OF-WAY, EASEMENTS AND OTHER ENCUMBRANCES AFFECTING THE SUBJECT PROPERTY. THIS MAP DOES NOT REPRESENT A TITLE SEARCH PERFORMED BY BOULDER LAND CONSULTANTS, INC.
  2. ACCORDING TO SCHEDULE B - SECTION 2 OF THE ABOVEMENTIONED TITLE COMMITMENT, THE PROPERTY DESCRIBED HEREON IS SUBJECT TO THE FOLLOWING RECORDED INSTRUMENTS:  
- EXCEPTION NO. 6: TERMS, CONDITIONS, PROVISIONS, AGREEMENTS AND OBLIGATIONS CONTAINED IN CITY OF BOULDER ORDINANCE NO. 3644 (RECEPTION #955232, 09/23/1970), ORDINANCE NO. 4218 (RECEPTION #308219, 11/06/1978), RESOLUTION NO. 45 OF THE CITY OF BOULDER CENTRAL AREA GENERAL IMPROVEMENT DISTRICT (RECEPTION #445860, 05/13/1981);  
- EXCEPTION NO. 7: AN EASEMENT FOR UTILITY LINES AND INCIDENTAL PURPOSES GRANTED TO PUBLIC SERVICE CO. OF COLORADO (RECEPTION #1662888, 12/09/1996) UPON THE TERMS AND CONDITIONS SET FORTH IN THE INSTRUMENT.
  3. BASIS OF BEARINGS SHOWN HEREON IS THE CENTERLINE OF PEARL STREET, MONUMENTED AS DESCRIBED HEREON, AND ASSUMED TO BEAR S 75°00'00" W.
  4. BENCHMARK FOR THE VERTICAL INFORMATION SHOWN HEREON IS A 2.5" ALUMINUM CAP IN MONUMENT BOX, MONUMENTING THE CENTERLINE INTERSECTION OF 10TH STREET AND PEARL STREET. ELEVATION 5361.43, NAVD83.
  5. NO UNDERGROUND UTILITY LINES ARE SHOWN HEREON.
  6. CERTIFICATION DEFINED: THE USE OF THE WORDS "CERTIFY" OR "CERTIFICATION" BY A REGISTERED PROFESSIONAL LAND SURVEYOR CONSTITUTES AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS AND FINDINGS WHICH ARE THE SUBJECT OF THE CERTIFICATION, AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESSED OR IMPLIED. (PER COLORADO STATE BOARD RULE NO. 6.2.2).
  7. IN ACCORDANCE WITH C.R.S.13-80-105:  
NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

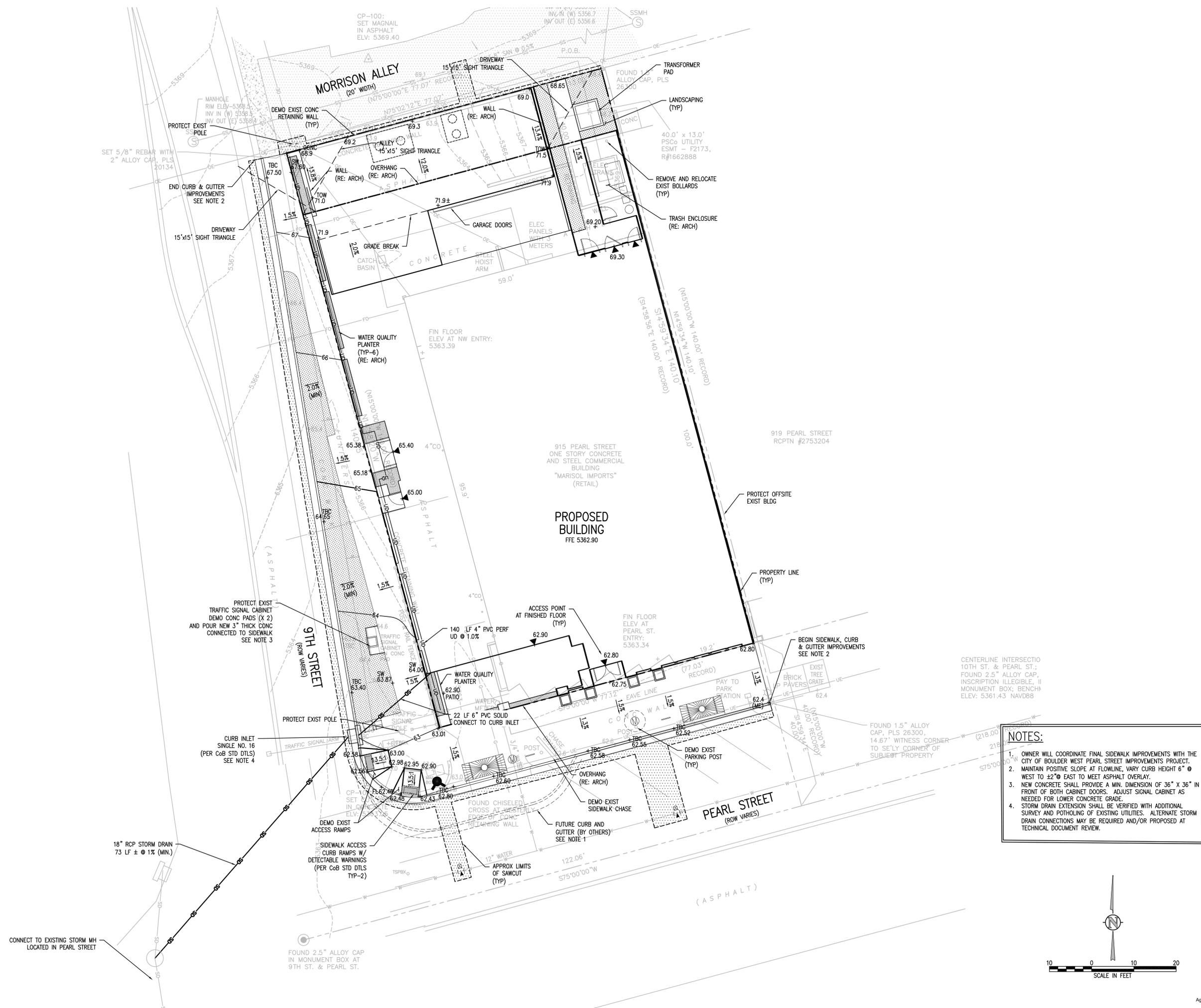
**SURVEYOR'S CERTIFICATION**

I, JASON EMERY, DO HEREBY CERTIFY TO 915 PEARL, LLC, A COLORADO LIMITED LIABILITY COMPANY AND UNITED TITLE COMPANY THAT, SUBJECT TO THE NOTES SHOWN HEREON, A SURVEY OF THE PERIMETER OF PROPERTY DESCRIBED HEREON WAS MADE UNDER MY DIRECT SUPERVISION AND CONFORMS TO ALL APPLICABLE STATE LAWS AS DEFINED IN TITLE 38, ARTICLES 50, 51 AND 53, COLORADO REVISED STATUTES AND THAT THIS IMPROVEMENT SURVEY PLAT ACCURATELY DEPICTS THE RESULTS OF SAID SURVEY.

THIS MAP WAS PREPARED BY  
**BOULDER LAND CONSULTANTS, INC.**  
  
5690 VALMONT RD. BOULDER, CO 80301  
(303) 443-3616

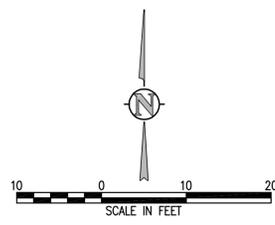
OCTOBER 5, 2007  
JASON EMERY  
COLORADO REGISTERED PROFESSIONAL LAND SURVEYOR  
NO. 20134

DRAWING: 74207SP.DWG  
B.L.C. INC. PROJECT NO. 74207



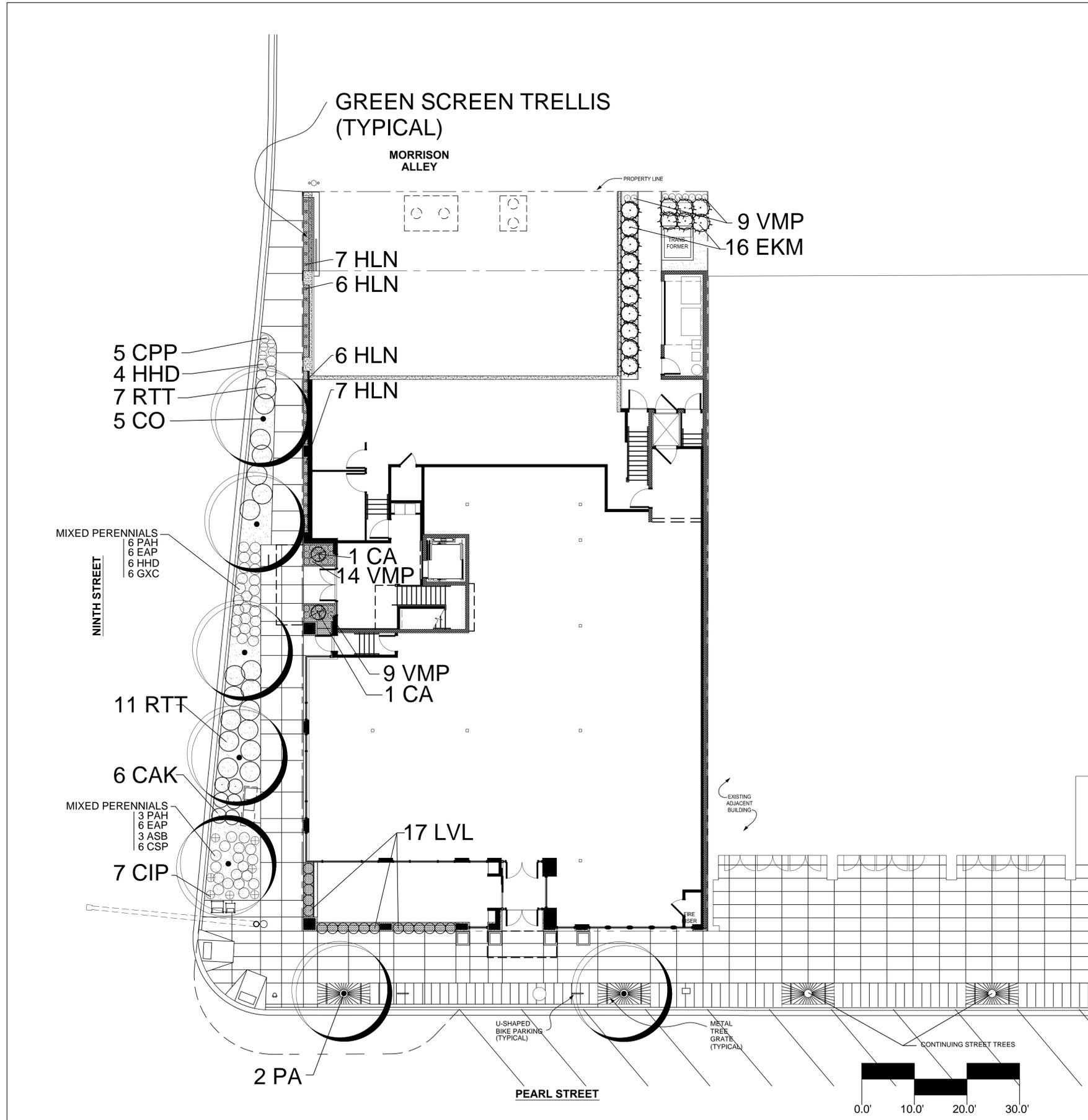
**NOTES:**

- OWNER WILL COORDINATE FINAL SIDEWALK IMPROVEMENTS WITH THE CITY OF BOULDER WEST PEARL STREET IMPROVEMENTS PROJECT.
- MAINTAIN POSITIVE SLOPE AT FLOWLINE, VARY CURB HEIGHT 6" @ WEST TO ±2" @ EAST TO MEET ASPHALT OVERLAY.
- NEW CONCRETE SHALL PROVIDE A MIN. DIMENSION OF 36" X 36" IN FRONT OF BOTH CABINET DOORS. ADJUST SIGNAL CABINET AS NEEDED FOR LOWER CONCRETE GRADE.
- STORM DRAIN EXTENSION SHALL BE VERIFIED WITH ADDITIONAL SURVEY AND POTHOLING OF EXISTING UTILITIES. ALTERNATE STORM DRAIN CONNECTIONS MAY BE REQUIRED AND/OR PROPOSED AT TECHNICAL DOCUMENT REVIEW.



LUR NO:	LUR2013-00039
PROJECT NO:	201309
ISSUE DATE:	7-15-13
REVISIONS:	1 8-19-13
	2 9-27-13
SHEET TITLE:	PRELIMINARY GRADING AND DRAINAGE PLAN
SHEET NUMBER:	C1.0





**PLANT LIST**

note: plant quantities provided as a courtesy only. If discrepancy between plan and plant count exists, plan takes precedence.

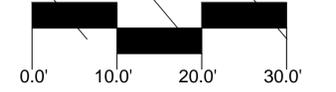
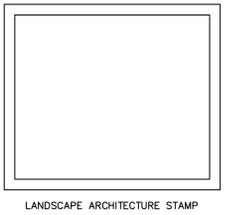
QTY	KEY	BOTANIC NAME	COMMON NAME	SIZE	H2o
<b>SHADE TREES:</b>					
5	CO	CELTIS OCCIDENTALIS	WESTERN HACKBERRY	3"	L
2	PA	PLATANUS X ACERIFOLIA	LONDON PLANE TREE	3"	M
7	<b>TOTAL TREES</b>				
<b>SPECIMEN SHRUBS:</b>					
2	CA	CARAGANA ABORESCENS 'PENDULA'	WEeping SIBERIAN PEASHRUB	1.5"	L
STANDARD					
<b>DECIDUOUS SHRUBS:</b>					
17	LVL	LIGUSTRUM VULGARE LODENSE	LODENSE PRIVET	#5	L
18	RTT	RHUS TRILOBA	THREE LEAF SUMAC		L
<b>EVERGREEN SHRUBS:</b>					
16	EKM	EUNYMIUS KIAUTSCHOVICA 'MANHATTAN'	EUNYMIUS MANHATTAN	#5	M
53	<b>TOTAL SHRUBS</b>				
<b>PERENNIALS AND GROUND COVERS:</b>					
3	ASB	ARTEMISIA STELLERIANA 'SILVER BROCADE'	SILVER BROCADE SAGE	#1	L
6	CAK	CALAMAGROSTIS ACUTIFLORA 'KARL FORESTER'	FEATHER REED GRASS	#1	L-M
7	CIP	CALLIRHOE INVOLUCRATA	PRAIRIE WNECUPS	#1	L
5	CPP	CERASTOIGMA PLUMBAGINOIDES	PLUMBAGO	#1	L
6	CSP	CALYLOPHUS SERRULATUS 'PRAIRIE LODE'	PRAIRIE LODE SUNDROPS	#1	L
12	EAP	ECHINACEA ANGSTIFOLIA	PURPLE PRAIRIE CONE FLOWER	#1	L
6	GXC	GERANIUM X CANADENSIS 'BIOKOVO'	BIOKOVO CRANESBILL	#1	L-M
10	HHD	HEMEROCALLIS 'HYPERION'	DAY LILLY, YELLOW	#1	L
26	HLN	HUMULUS LUPULUS NEOMEXICANUS	NATIVE HOP VINE	#1	L
9	PAH	PENNISETUM ALOPECUROIDES	HAM ELN FOUNTAIN GRASS	#1	L-M
32	VMP	VINCA MINOR	PERIWINKLE	#1	L

- LANDSCAPE NOTES**
- THE FOLLOWING SPECIFICATIONS ARE MEANT TO MEET OR EXCEED THE CITY OF BOULDER DESIGN AND CONSTRUCTION STANDARDS. WHERE DISCREPANCIES OCCUR, THE CITY STANDARDS SHALL TAKE PRECEDENCE.
  - THERE ARE NO VISIBLE TREES OR SHRUBS EXISTING ON THE SITE TO BE SAVED. ALL EXISTING VOLUNTEER TREES AND EXISTING SHRUBS ARE TO BE REMOVED.
  - ALL TREE GRATES TO MATCH SPECIFIED TREE GRATES ALONG PEARL STREET.
  - ELECTROMAGNETIC SPECTRUM LIGHT BULBS APPROPRIATE FOR PHOTOSYNTHESIS OF PLANTS SHALL BE USED IN LIGHT FIXTURES WHERE PLANTINGS ARE UNDER THE BUILDING AND NOT EXPOSED TO ANY NATURAL SUNLIGHT (THE CORNER OF BUILDING).
  - ALL NEW AT-GRADE PLANTING BEDS SHALL BE AMENDED WITH A SOIL MIXTURE COMPRISED OF 1/3 ORGANIC COMPOST, 1/3 EXISTING TOPSOIL, AND 2/3 PLANTERS MIX TO A MINIMUM DEPTH OF 18".
  - ALL NEW ABOVE GRADE PLANTERS SHALL BE BACKFILLED WITH A SOIL MIXTURE COMPRISED OF 1/3 ORGANIC COMPOST, 1/3 CLEAN TOPSOIL, AND 2/3 PLANTERS MIX. ALL DRAINAGE SPECIFICATIONS SHALL TAKE PRECEDENCE OVER LANDSCAPE SPECIFICATIONS. SEE CIVIL ENGINEERING PLANS FOR DRAINAGE SPECIFICATIONS.
  - ALL NEW DECIDUOUS TREES SHALL BE STAKED ACCORDING TO CITY OF BOULDER DESIGN AND CONSTRUCTION STANDARDS.
  - ALL NEW SHRUB BEDS SHALL RECEIVE A 3" LAYER OF NATURAL COLOR GORILLA HAIR MULCH WITH NO FABRIC UNDERLAY.
  - THE PROPERTY OWNER SHALL MAINTAIN THE LANDSCAPING PLAN AS ORIGINALLY APPROVED AND PROVIDE FOR REPLACEMENT OF PLANT MATERIALS THAT HAVE DIED OR HAVE OTHERWISE BEEN DAMAGED OR REMOVED, AND MAINTENANCE OF ALL NON-LIVE LANDSCAPING MATERIALS INCLUDING, BUT NOT LIMITED TO, FENCING, PAVING, AND RETAINING WALLS, FOR A PERIOD OF FIVE YEARS FROM THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY OR CERTIFICATE OF COMPLETION.
  - LABELS THAT IDENTIFY THE BOTANICAL OR COMMON NAME OF THE PLANT MATERIAL SHALL BE ON ALL TREES AT THE TIME OF FINAL INSPECTION.
  - NO TREES SHALL BE PLANTED WITHIN 10' OF A WATER OR SEWER LINE. NO SHRUBS OR TREES SHALL BE PLANTED WITHIN A 10' RADIUS AROUND FIRE HYDRANTS.

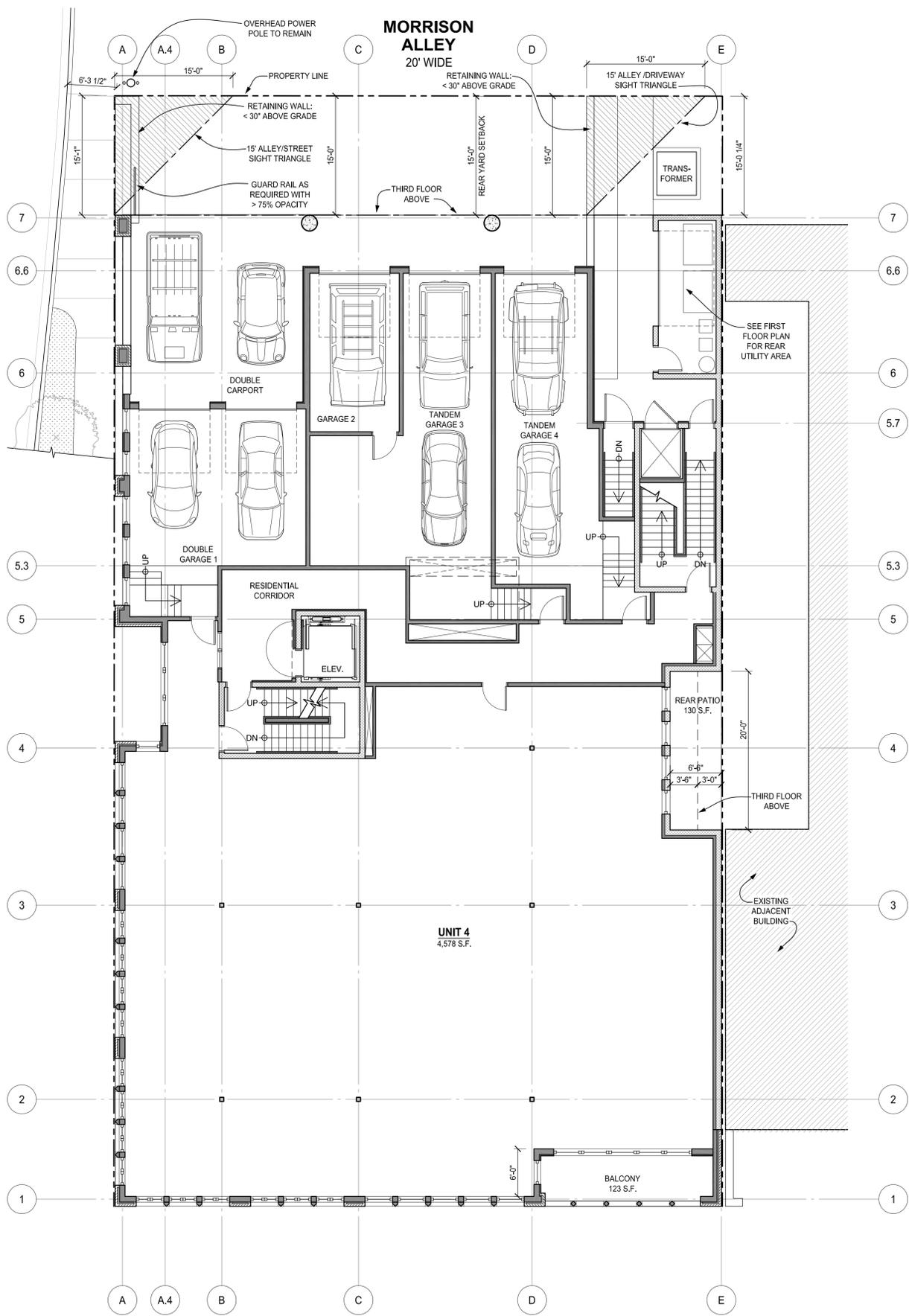
- IRRIGATION NOTES**
- A COMPLETELY AUTOMATIC IRRIGATION SYSTEM SHALL BE DESIGNED AND INSTALLED TO COVER ALL NEW PLANTING BEDS.
  - MOISTURE SENSING DEVICE(S) SHALL BE INSTALLED TO OVERRIDE AND/OR MANAGE THE IRRIGATION SYSTEM.
  - THE IRRIGATION SYSTEM SHALL BE DESIGNED SUCH THAT TREE, SHRUB AND PERENNIAL BEDS WITH DIFFERENT EXPOSURES AND DIFFERENT WATER NEEDS SHALL EACH BE ON SEPARATE VALVES.
  - SYSTEM SHALL FOLLOW CITY OF BOULDER SPECIFICATIONS.

**PROJECT DATA:**

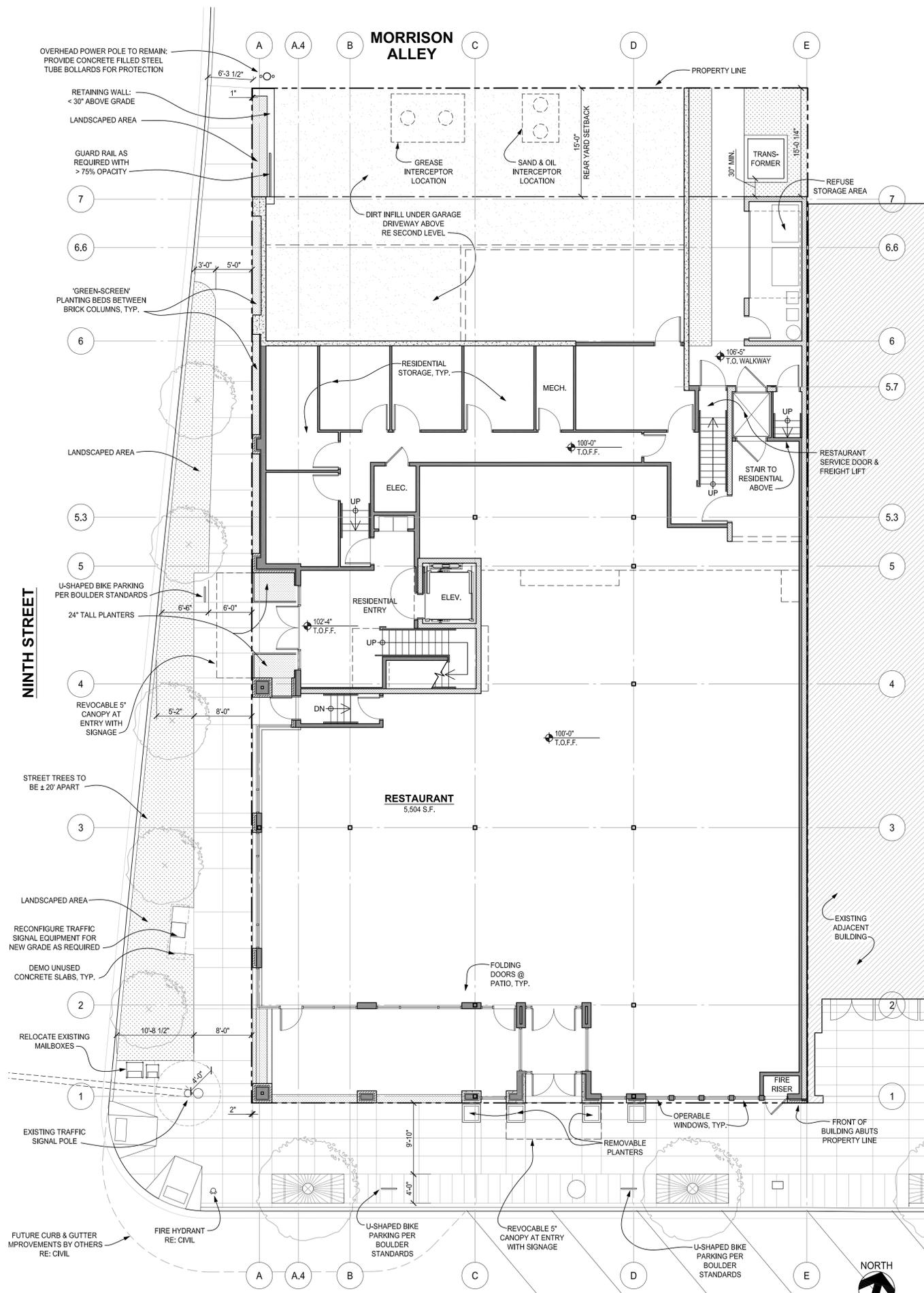
	TOTAL	
TOTAL LOT SIZE	10,803 S.F.	
TOTAL PARKING LOT/DRIVES SIZE	N/A	
TOTAL AREA NOT COVERED BY BUILDING OR PARKING LOT	1,063 S.F.	
	REQUIRED	PROVIDED
1 TREE PER 1500 S.F. C.O.B. STANDARD 9-9-12	1	0
5 SHRUBS PER 1500 S.F. C.O.B. STANDARD 9-9-12	5	33
NOT APPLICABLE TO THIS PROJECT		
TOTAL NUMBER OF STREET TREES PEARL ST. C.O.B. STANDARD 9-9-13	2	2
TOTAL NUMBER OF STREET TREES NINTH ST. C.O.B. STANDARD 9-9-13	5	5
	REQUIRED	PROVIDED
TOTAL QUANTITY OF TREES	8	7
	REQUIRED	PROVIDED
TOTAL QUANTITY OF SHRUBS	5	53



LUR NO: LUR2013-00039  
PROJECT NO: 201309  
ISSUE DATE: 7-15-13  
REVISIONS:  
1 8-19-13  
2 9-27-13  
SHEET TITLE: LANDSCAPE PLAN  
SHEET NUMBER: L1.1

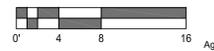


**2 SECOND FLOOR / PARKING PLAN**  
A2.1 1/8" = 1'-0"



**1 SITE / FIRST FLOOR PLAN**  
A2.1 1/8" = 1'-0"

PEARL STREET



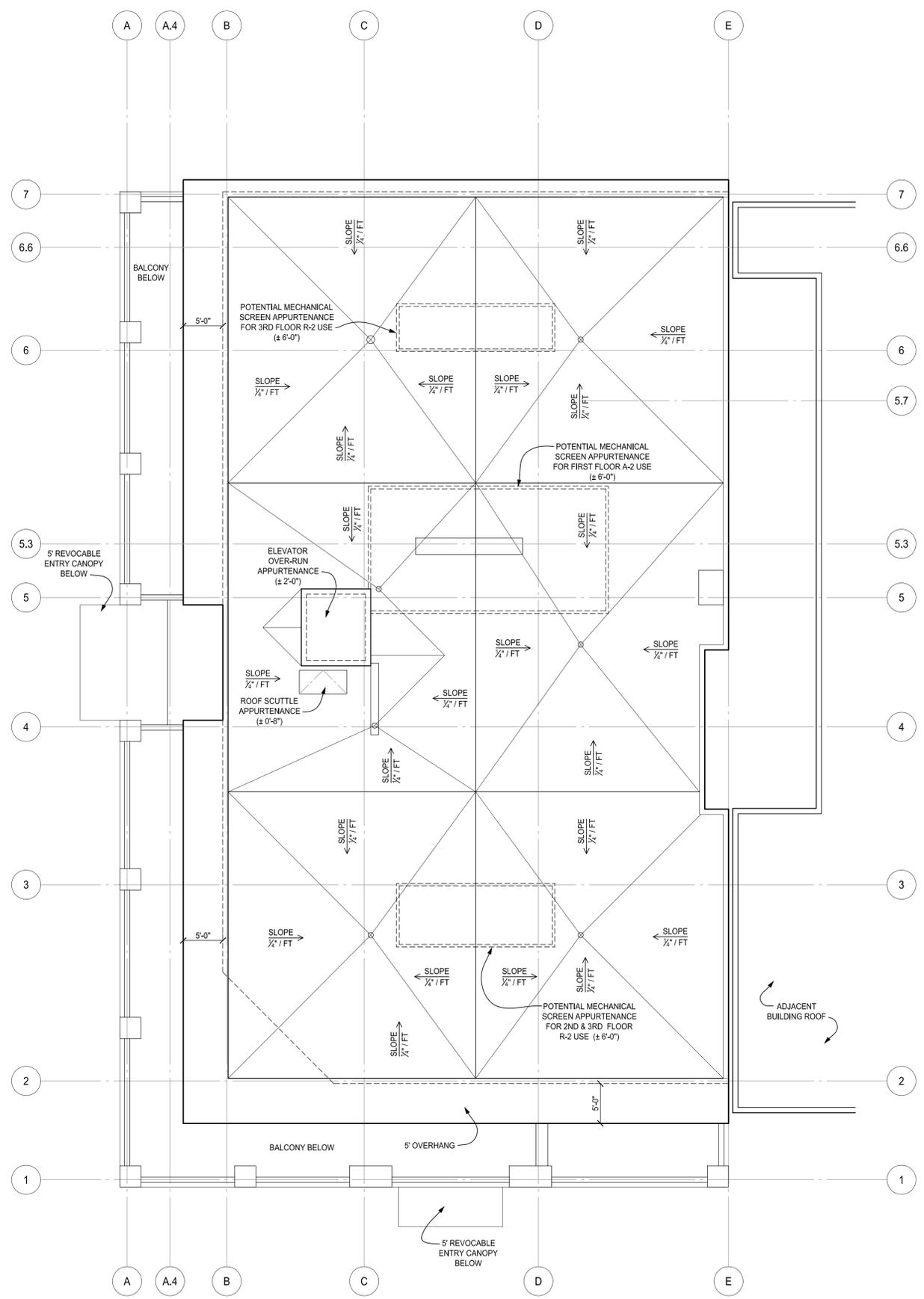
SHEET TITLE: **SITE / FIRST & SECOND / PARKING FLOOR PLANS**  
SHEET NUMBER:

LUR NO:	LUR2013-00039
PROJECT NO:	201309
ISSUE DATE:	7-15-13
REVISIONS:	8-19-13
	9-27-13

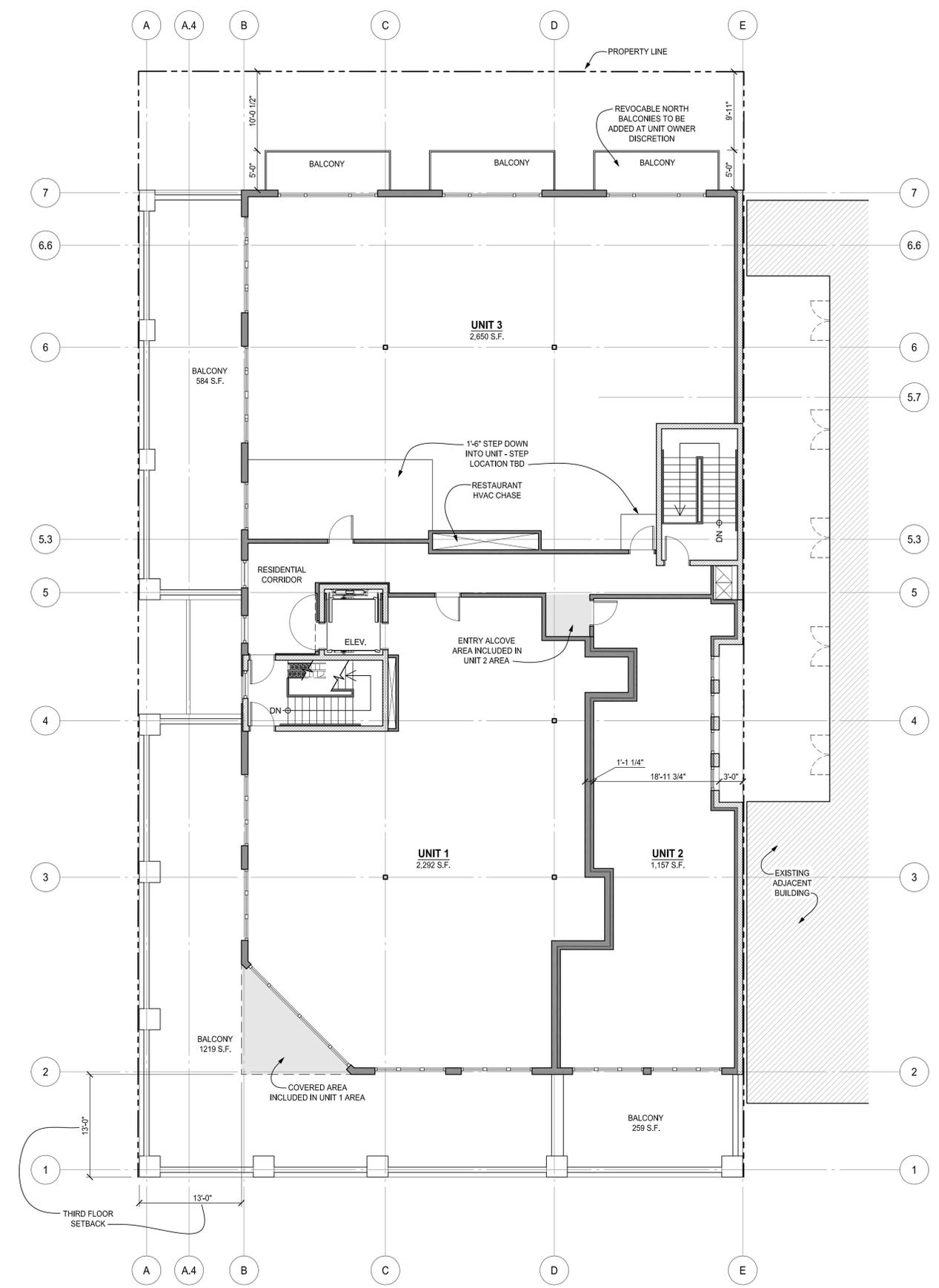
LUR NO:	LUR2013-00039
PROJECT NO:	201309
ISSUE DATE:	7-15-13
REVISION:	1 8-19-13
	2 9-27-13

SHEET TITLE:  
**THIRD LEVEL FLOOR PLAN & ROOF PLAN**  
 SHEET NUMBER:

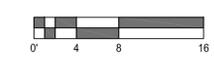
**A2.2**

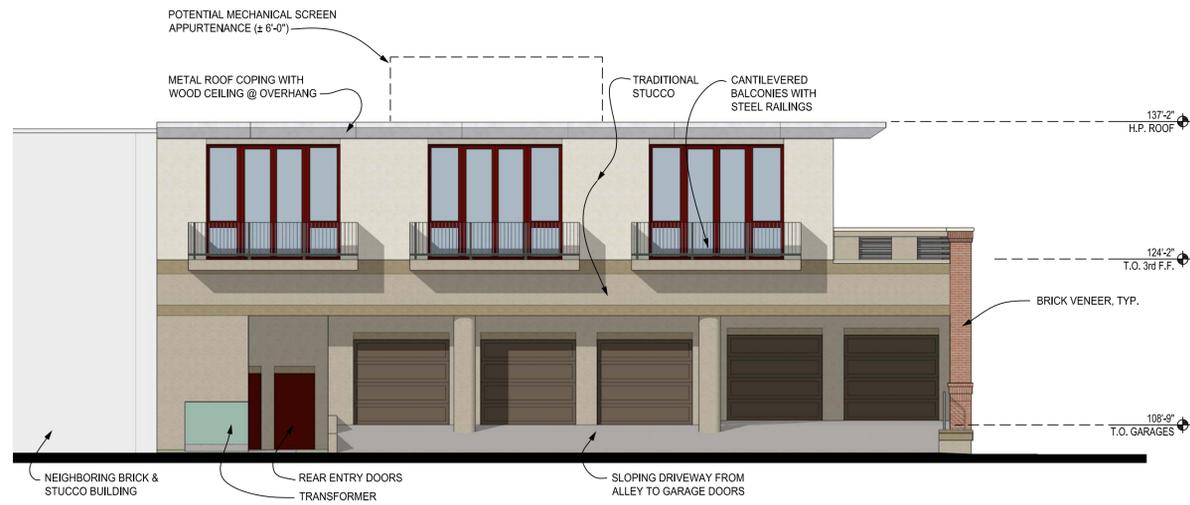


**2 ROOF PLAN**  
 1/8" = 1'-0"

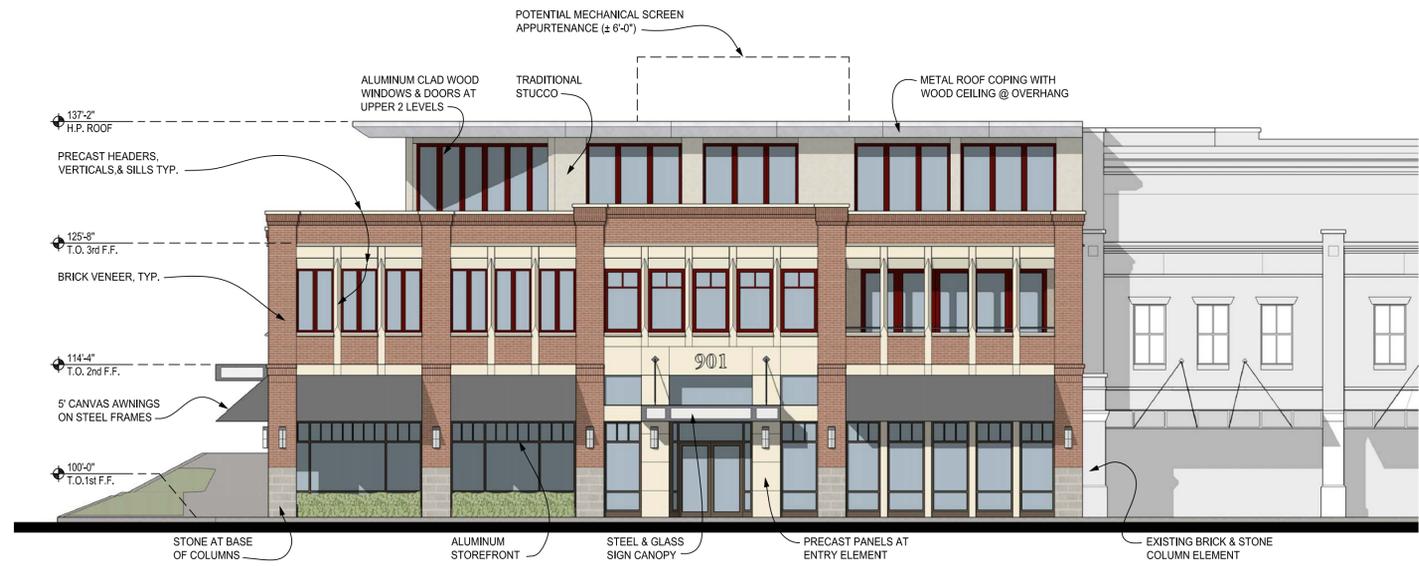


**1 THIRD LEVEL FLOOR PLAN**  
 1/8" = 1'-0"





**3 NORTH ELEVATION (ALLEY)**  
A3.1 1/8" = 1'-0"



**2 SOUTH ELEVATION (PEARL STREET)**  
A3.1 1/8" = 1'-0"



**1 WEST ELEVATION (9th STREET)**  
A3.1 1/8" = 1'-0"

LUR NO:	LUR2013-00039
PROJECT NO:	201309
ISSUE DATE:	7-15-13
REVISIONS:	8-19-13
	9-27-13

SHEET TITLE:  
**EXTERIOR ELEVATIONS**

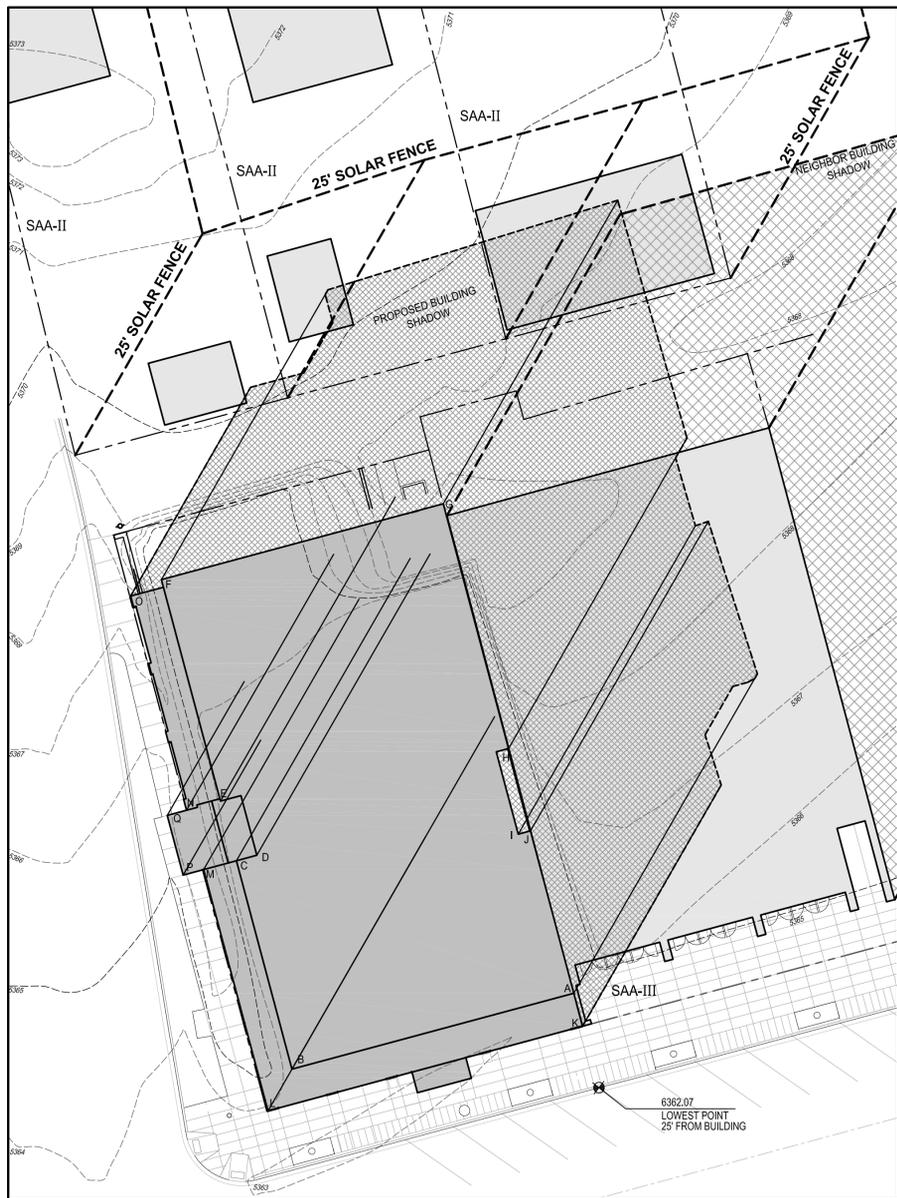
SHEET NUMBER:

**A3.1**

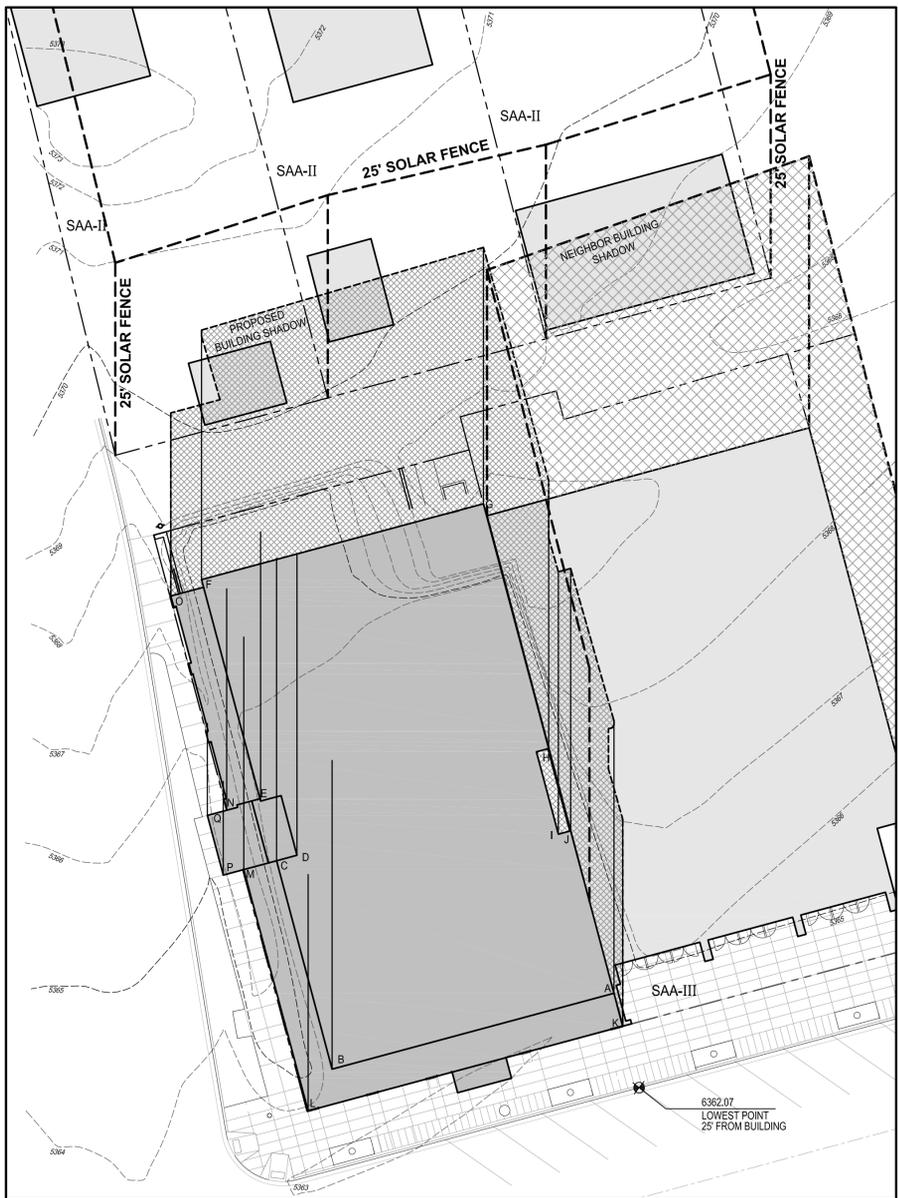
SOLAR ACCESS AT 2 P.M.							
Roof Element	Building Height Above Grade	Shadow Length	Elevation Start	Elevation End	Change in Elevation	Revised Height	Revised Shadow Length
A	36.1	97.4	64	67.4	3.4	32.7	86.6
B	36.3	96.1	63.8	64	0.2	36.1	95.6
C	36.3	96.1	63.8	69.1	5.3	31	82
D	36.3	96.1	63.8	69.2	5.4	30.9	81.7
E	36.3	96.1	63.8	68.9	5.1	31.2	82.5
F	35.3	93.4	64.8	70.4	5.6	29.7	76.9
G	31.1	82.3	69.1	69.1	0	31.1	82.3
H	36	95.3	64.1	68.3	4.2	31.8	84.2
I	36	95.3	64.1	68.5	4.4	31.6	83.6
J	36	95.3	64.1	68.4	4.3	31.7	83.9
K	28.1	74.4	63.5	66.9	3.4	24.7	65.4
L	27.8	73.5	63.8	63.5	-0.3	28.1	74.4
M	25.2	66.8	66.4	63.9	-2.5	27.7	73.3
N	24.9	63.8	66.7	65.4	-1.3	26.2	69.4
O	23.6	62.5	68	70.2	2.2	21.4	56.6
P	11.7	30.9	65.9	63.8	-2.1	13.8	36.6
Q	11.7	30.9	65.9	63.9	-2	13.7	36.3

SOLAR ACCESS AT NOON							
Roof Element	Building Height Above Grade	Shadow Length	Elevation Start	Elevation End	Change in Elevation	Revised Height	Revised Shadow Length
A	36.1	72.2	64	68.1	4.1	32	64
B	36.3	72.6	63.8	64.7	0.9	35.4	71.8
C	36.3	72.6	63.8	64.6	0.8	35.5	71
D	36.3	72.6	63.8	64.7	0.9	35.4	70.8
E	36.3	72.6	63.8	69	5.2	31.1	63.2
F	35.3	71.6	64.8	70.8	6	29.3	58.6
G	31.1	62.2	69.1	70.1	1	30.1	60.2
H	36	72	64.1	68.6	4.5	31.5	63
I	36	72	64.1	69.3	5.2	30.8	61.6
J	36	72	64.1	69.3	5.2	30.8	61.6
K	28.1	56.2	63.5	67.3	3.8	24.3	48.6
L	27.8	55.6	63.8	63.8	0	27.8	55.6
M	25.2	50.4	66.4	64.3	-2.1	27.3	54.6
N	24.9	49.8	66.7	65.6	-1.1	26	52
O	23.6	45.2	68	70.1	2.1	21.5	43
P	11.7	23.4	65.9	66.6	0.7	11	22
Q	11.7	23.4	65.9	66.8	0.9	10.8	21.6

SOLAR ACCESS AT 10 A.M.							
Roof Element	Building Height Above Grade	Shadow Length	Elevation Start	Elevation End	Change in Elevation	Revised Height	Revised Shadow Length
A	36.1	97.4	64	63.9	-0.1	36.2	95.9
B	36.3	96.1	63.8	66.7	2.9	33.4	88.3
C	36.3	96.1	63.8	68.9	5.1	31.2	82.5
D	36.3	96.1	63.8	68.7	4.9	31.4	82.8
E	36.3	96.1	63.8	69.6	5.8	30.5	80.7
F	35.3	93.4	64.8	71	6.2	29.1	77
G	31.1	82.3	69.1	71.1	2	29.1	77
H	36	95.3	64.1	69.8	5.7	30.3	80.2
I	36	95.3	64.1	67	2.9	33.1	87.6
J	36	95.3	64.1	67.5	3.4	32.6	86.3
K	28.1	74.4	63.5	63.5	0	28.1	74.4
L	27.8	73.5	63.8	65.8	2	25.8	68.2
M	25.2	66.8	66.4	67.7	1.3	23.9	63.2
N	24.9	63.8	66.7	68.2	1.5	23.4	61.9
O	23.6	62.5	68	70.3	2.3	21.3	56.4
P	11.7	30.9	65.9	66.2	0.3	11.4	30.1
Q	11.7	30.9	65.9	66.7	0.8	10.9	28.8



**SHADOW ANALYSIS - 2 P.M.**  
SCALE: 1" = 20'



**SHADOW ANALYSIS - 12 NOON**  
SCALE: 1" = 20'



**SHADOW ANALYSIS - 10 A.M.**  
SCALE: 1" = 20'

Lot is Zoned DT-2 - Solar Access Area III



**901 PEARL STREET**  
BOULDER, COLORADO

LUR NO: LUR2013-00039  
PROJECT NO: 201309  
ISSUE DATE: 7-15-13  
REVISIONS:  
1 8-19-13  
2 9-27-13  
SHEET TITLE:  
**BUILDING SHADOW ANALYSIS**  
SHEET NUMBER:

**A4.1**



August 1, 2013

VIA Email and U.S. Mail

Ms. Elaine McLaughlin  
Community Planning + Sustainability  
City of Boulder  
P.O. Box 791  
Boulder, CO 80306

Re: 901 (915) Pearl Street – LUR2013-00039; Public Comments

Dear Elaine:

I am writing to submit comments on the proposed redevelopment of 901 Pearl Street. I am the president of West Pearl LLC, the owner of 929 Pearl Street, which is immediately adjacent to the subject redevelopment site.

It is my understanding that the applicants are seeking several variances from the standards set forth in the Boulder City Code, including: (1) modifications to the by-right number of stories, proposing three stories where two are the by-right standard, (2) modification to the rear yard setback to 0', where 15' is the standard, and (3) modification of the third floor setback to 13', where 15' is the standard.

We have no objections at this time to the first and second variance requests. However, we do object to the proposed modification of the third floor setback on the south side of the building that fronts on Pearl Street. Our building at 929 Pearl has a third floor balcony that fronts on Pearl Street and is set back from the building façade. The proposed variance to the third floor setback on 901 Pearl would have a negative impact on our property, including sunlight and views, which will affect our ability to lease the office suite. 929 Pearl was built according to the code standards and we are respectfully requesting that the construction of 901 Pearl adhere to those same standards. Variances should not be approved if they will have negative impacts on neighboring property values.

Thank you for your consideration. If you have any questions or would like to discuss this matter, please do not hesitate to contact me.

Sincerely yours,

Eli Feldman

**From:** Sybil Smith [mailto:sybilgsmith@gmail.com]  
**Sent:** Monday, September 16, 2013 11:55 AM  
**To:** McLaughlin, Elaine  
**Subject:** 901 Pearl

Dear Ms. McLaughlin,

Thank you for your prompt response to my email concerning 901 Pearl. I put some time and effort into that email and did some research before hand.

I wish that the notice of project review had stated that the proposed buildings rear wall would be set back as required and the exception referred to an existing retaining wall.

I reviewed the Downtown Urban Design Guidelines and attempted to find a description of the DT-2 zoning designation. I realize that 38 feet is use-by-right but 3 stories are not. It would have made more sense to require all downtown development to go through a review process. Allowing 38 feet in height but not 3 stories implies that 2 stories are desirable while 3 stories are not. That aside, I feel that 901 Pearl is NOT a location appropriate for a 3-story building.

There are 4 instances of buildings greater than 2 stories in this DT-2 zoned area: the building adjacent to 901 Pearl on Pearl, the "Darth Vader Building" between 10<sup>th</sup> and 11<sup>th</sup> on Pearl, the city parking garage at 11<sup>th</sup> and Spruce, a small "pop-up" on the roof of the Shonkwiler Building on the 10<sup>th</sup> Street side. The Shonkwiler Building is the only sympathetic building of the four.

Corner lots are an opportunity to provide view corridors. Street intersections provide, at least visual, open space. The building on the south east corner of Pearl and 9<sup>th</sup> is a good example of the problems created by 3-story buildings: very icy sidewalks, no more Flatirons view and a not very successful commercial level. Do we really want an urban tunnel like the 16th Street Mall in Denver?

I know that this location was once approved for 3 stories and 39 feet. I believe that it had to have City Council approval because of strong opposition from the community. I hope that the City Council will be reviewing this proposed project as well. Better yet, that experience has taught that massing at intersections does more harm than good to the Downtown Boulder experience.

I am in favor of a vibrant downtown area and I think the unique location, full of light and air, with occasional views of the Flatirons and amid historic neighborhoods, keeps people coming.

In regard to the restaurant proposal. Are any of the restaurants you mention in DT-2 zoning? The Med is next to a parking garage. The Cheesecake Factory is in the same block as a parking garage. And Fresca has it's own parking lot. I really don't know about Ted's Montana Grill. How close are these restaurants to RL-1 and RMX-1 zoned areas? Bacaro, in DT-2 zoning, is already an established noise problem for surrounding neighborhoods.

I will not be attending the Good Neighbor meeting on Monday. It is a waste of time. A developer's job is profit for their investors. The City Planners and the Planning Board 's job is to represent the best interests of the community. I believe you will do this and I wish you luck.

Sincerely,

Sybil Gillett Smith

**From:** Kit Horton [<mailto:kit@horton.com>]  
**Sent:** Friday, September 13, 2013 12:15 PM  
**To:** McLaughlin, Elaine  
**Cc:** Sandy Hale; Jim Best; Lofton Henderson; Martin Boone  
**Subject:** FW: 901 Pearl Street Site and Use Review

Hi Elaine,

Our neighbor, Sybil, has summed up the concerns of the neighbors on Spruce Street.

This restaurant will be huge and a detriment to the character of the transition zone into our neighborhood. As Sybil stated, this proposed restaurant is more suited to a mall-like location where parking is not a concern. There is no really convenient parking for this very large restaurant, other than the residential streets adjacent to it, namely Spruce, where we already suffer the problems associated with illegal parking and intoxicated patrons.

Further, the massive height of the building, as it abuts the alley between Pearl and Spruce, will negatively impact the view of the properties on the corners of Spruce and 9th Streets, not to mention the increased ice hazard for the parking area for the property located at the southeast corner of 9<sup>th</sup> and Spruce.

We received a notice of a "Good Neighbor" meeting to be held at the existing building at 901 Pearl on Monday. But I want our objections made clear before that meeting.

Best regards,

Katherine Horton  
838 Spruce Street

---

Date Submitted: September 18, 2013  
Submitted By: Tonya Dalhaus

Facilitators: Clay Fong, Tonya Dalhaus

Address/Property Description: 901 Pearl St. Boulder, CO

Date and Time: September 16, 2013

Location: 915 Pearl St. Boulder, CO

Good Neighbor Meeting

RE: Site Review Submittal for the Mixed use Development at 901 Pearl St. Boulder Co.

Background/meeting summary:

Neighbors to the 901 Pearl St. address, expressed concerns regarding the mixed used development project proposed for the site. The site will contain both residential units and a restaurant. Developers, architects and restaurant general manager were at the meeting to answer any questions and concerns regarding the development.

Neighbors raised questions regarding the following:

1. Concerns about the restaurant regarding seating capacity, hours, and targeted demographic: *Maximum capacity will be 220 though the restaurant is looking to stay in the 180 range to create a quieter, more conversational atmosphere. The restaurant will be considered elegant and distinctly different attracting a more mature and sophisticated demographic, interested in peaceful dining. Plates will range from \$18-32, with wine \$8-12 per glass. The name has yet to be chosen but "Perla" is in the running. Restaurant will be open from 11am-10p M-F and Sundays 11am- 9p. A weekend brunch may start at 9am Sundays.*
2. Location of dumpsters and trash management: *Trash will be kept in enclosed trash receptacles behind the building.*
3. General concerns about parking and traffic mitigation; customers and contractors using privately owned, marked traffic spaces located behind the building on Spruce St.; overflow parking taking up spaces in residential areas; and impact of construction on traffic flow and access to alleyway: *The restaurant will offer validated parking for customers. The restaurant will also be vigilant in reminding people to park respectfully. Added notice and disclaimers on menus will be used to help reinforce appropriate parking. The city is currently looking at ways to increase parking in the downtown Boulder area. During construction employees cells will be given to local residents so that issues can be immediately addressed. Signs will be posted for construction parking in areas that won't inhibit local traffic. "Just in Time" deliveries will be practiced to decrease construction traffic. Residents wishing to petition for posted parking blocks are welcome to submit an application. The general waiting time is 3-4 months.*
4. Impact of delivery trucks coming to the restaurant on local traffic and obstruction of alley way: *Deliveries will be made in the alley. The delivery zone is a setback area allowing ample room for cars to pass.*
5. Impact of the new sidewalk on bike path: *Will not impact.*

6. Proposed number of condo units: *5 units will house 4 families (one family has purchased 2 units).*
7. How will the affordable housing requirement be met?: *cash*
8. The length of project and building time frame: *The project is to take 8-9 months starting the end of 2013. The restaurant will hope to open in September of 2014.*
9. General inquiries as to garage windows and lower access: *The garage windows are real windows. Sound proof technology will be installed to mute sounds coming from the building. The side walk will be widened with a slight grade giving access to the lower level. It is not a drive in access.*
10. Type of material used to create outside columns: *Material is still undetermined but columns will be stone like and unpolished. Design application meets required guidelines.*
11. Visibility and noise of mechanics on the roof: *5x5x5 HVAC and exhaust fans will be corralled on the roof in 3 clusters to minimize obstructing the view. The fan is an up blast creating vertical air flow. The fan noise is comparable to a residential fan.*
12. General Comments: *Attractive building, nice design.*

**MEETING DATE:** July 10, 2013

**ADDRESS:** 901 Pearl

**New Construction: Three Story Mixed Use Building**

**APPLICANT:** Phil Shull

**Relevant Guidelines:**

**Downtown Design Guidelines for the Non-Historic and Interface Areas**

**2.1 “Consider Incorporating Traditional Façade Elements in New Designs.”**

- The Board lauded the use of traditional architectural language, the repeating pattern of vertically proportioned windows and column openings, a single (red) brick color, bands and belts of limestone colored trim, lintels and other masonry detailing. The Board unanimously felt that the treatment of the first two stories was handsome, restrained, successful, and a welcome relief from the variation of materials and geometry seen elsewhere recently. The restraint of this project is appropriately contextual.
- Some concern was expressed that the large undivided windows and light colored stucco at the third story might contrast too strongly with the lower two stories. Although many on the Board thought the contrast was successfully moderated by the stucco color chosen. On the whole, treatment of the third story was considered successful. The Board discussed how both harmony and contrast can express the required third floor setback. This setback has few, if any, traditional architectural precedents downtown, and the applicant and Board are challenged to accomplish a meaningful design that reconciles traditional building design with this non-traditional Guideline requirement. Generally, the Board supports the direction this applicant has taken to make the third story both distinct, and in harmony – a very tricky challenge.
- One Board member mentioned the second story façade proportions looking very vertical, especially given the strong casement window mullions, and suggested using one horizontal muntin in the casements, to moderate the verticality, to recall the double hung proportions throughout the district, and noting the patterns in the adjacent building’s facade. It was noted that the subtlety of this muntin suggestion was testimony to how much else these facades are doing successfully.

**2.2 “Consider the Alignment of Architectural Features and Established Patterns with Neighboring Buildings”**

- One Board member questioned whether greater alignment with the building to the east was possible, but the applicant pointed out the ‘by right’ height has changed from 35’ to 38,’ changing the floor to floor heights, and subsequent window sills and heads, between older and newer buildings. Other Board members felt that the corner building should be taller and that taller proportions work well. The Boards also noted that strict horizontal alignments, although suggested in the Guidelines, do not exist uniformly downtown; there is considerable variety of alignments, and that contributes to the character of the district. Trying to force horizontal alignments with the adjacent building was not generally supported.

**2.4.B “Relate the height of buildings to neighboring structures at the sidewalk edge. For new structures that are significantly taller than adjacent buildings, upper floors should be setback a minimum of 15-feet from the front façade to reduce the perceived height.”**

- The Board reiterated past skepticism about the effectiveness or desirability of third story setbacks, but, like the applicant, must follow today’s Guidelines. There was also discussion about “perceived height” from various sidewalks, and whether or not these setbacks are fooling anyone, or whether their distinct geometry, created by the setback itself, was calling more attention to the third story, creating a perceived awkwardness. None of this discussion was provoked by the applicant, but rather by the Guidelines themselves. The Board, as stated above, supports this applicant’s particular response to the third story setback requirement.

**2.4.C. “Generally for commercial and residential buildings in the RB-1X (DT-1), RB-2X (DT-2), RB-1E (DT-4), and RB-2E (DT-3) the floor to floor heights should be up to 14 feet for the ground level and up to 12 feet for the second floor.”**

- This requirement is met.

**2.5 “Maintain a Human Building Scale, Rather than Monolithic or Monumental Scale”**

- This requirement is met very well on the lower two levels, with mixed opinions about the monumentality of the central entry element on Pearl Street. The applicant is continuing to refine the detailing of this element, and shared the Board’s concern. Given the quality of the rest of the façade design, the Board is confident the entry detailing will be refined sufficiently without further review. (This was a subtlety)
- One Board member suggested the chamfered southwest corner at the third floor may be quite a jarring contrast to the architectural treatment of the lower two levels. Some consideration might be given to treating the corner more as a traditional bay. Softening some of the modernist feel of the upper level proportions and detailing, subdividing window areas with mullions or otherwise relating the upper level detailing to the rest of the building. Although the setback and site conditions may hide much of the setback third story from street view.

**2.10 “Consider the Scale, Texture, and Pattern of Building Materials**

- This requirement is met very well. The Board appreciated the strong expression of 25 ft bay widths, expressed with brick pilasters, and by the proportions and rhythms of the window and door openings within these bays. These patterns respond powerfully to the historic patterns and proportions in the surrounding district, and also throughout much of Main Street brick architecture in the American West. This building uses a language of “vernacular urbanism” to relate to many other buildings downtown – it looks as if it belongs there. That quality was discussed and appreciated by the entire Board.
- The Board questioned whether extending the vertical masonry colored striping down into the awnings was too strongly vertical, and maybe too stiff at the retail story, where a lighter touch, with some variety, might make the street level less stiff, and more sympathetic to the whole line of fine grained restaurant detail and variety, seen all along Pearl street, in both directions.

**3.1. “In general, construct building of three stories or less. Create a height transition by locating taller portions of buildings toward downtown, or Pearl Street, and lower portions located toward surrounding residential areas.”**

- This requirement is met.

### **3.2 “Create Attractive Rear Alley Facades on Buildings Facing Toward Residential Areas.”**

- This requirement is well met. There was some discussion about using balcony railings with better screening, to afford more comfort for the residents and for the people in the alley. Less transparent railings would reduce the likelihood that residents will draw their blinds. (Frequently downtown buildings with large amounts of glass are intended to be transparent, but the glass is often reflective and mirror like, and tenants tend to draw their blinds for privacy and sun control. This negates the glass, the transparency, and the feeling of connection with the street.) The Board encourages the applicant to explore more finely detailed, less transparent balcony elements that would screen views both in and out, allowing blinds to be drawn less often, and to enhance the connection with the street, or alley. This is a subtle issue that should not diminish the success of the overall design along the alley.

**CITY OF BOULDER  
PLANNING BOARD AGENDA ITEM**

**MEETING DATE: October 10, 2013**

**AGENDA TITLE:** Public hearing and consideration of a recommendation to City Council on an ordinance (case no. LUR2013-00043) amending Title 9, "Land Use Code," B.R.C. 1981, to modify building setbacks, density and to defer payment of fees for land use applications and building permits to the earlier of Jan. 1, 2015 or the issuance of a certificate of occupancy, whichever is first to accommodate the relocation of two residential structures from 1220 and 1243 Grandview Ave. to 905 Marine St. and setting forth related details.

Applicant/Property Owner: Christian Griffith

**REQUESTING DEPARTMENT:**

Community Planning & Sustainability

David Driskell, Executive Director

Susan Richstone, Deputy Director

Maureen Rait, Director of Public Works

Charles Ferro, Land Use Review Manager

James Hewat, Senior Historic Preservation Planner

Jessica Vaughn, Planner II

**OBJECTIVE:**

1. Hear applicant and staff presentations.
2. Hold public hearing.
3. Planning Board discussion.
4. Planning Board recommendation to City Council to approve, approve with conditions, or deny the request for special ordinance.

## **SUMMARY:**

**Proposal:** Relocate two historically significant houses from 1220 and 1243 Grandview Ave. to 905 Marine St. The relocation can be approved only if modifications to the land use code, including setbacks pursuant to Chapter 9-7, "Form and Bulk Standards," B.R.C. 1981 and density pursuant to Chapter 9-8, "Intensity Standards," B.R.C. 1981, are authorized in an ordinance. As part of the development proposal, the applicant is also requesting to defer payment of land use application and building permit fees until the earlier of Jan. 1, 2015 or certificate of occupancy. The proposal also asks that, for the purposes of reviewing and approving buildings permits, the two houses to be treated as individual landmarks and that the city manager be authorized to waive building code requirements primarily relating to insulating the houses and replacing windows. This memo hereby notifies the Planning Board of the pendency of an ordinance amending Title 10, "Structures," B.R.C. 1981 in that limited regard for the purpose of preserving the two houses. The proposed ordinance would also authorize the city manager to find that the planting of new street trees satisfies the tree removal mitigation requirements of Section 6-6-7, B.R.C. associated with the proposal to remove one tree located in the 9<sup>th</sup> Street right-of-way.

**Project Name:** Grandview Bungalow Relocation Project

**Location:** 905 Marine Street

**Size of Tract:** 24,077 square feet (0.56 acres)

**Zoning:** Residential Mixed-1 (RMX-1)

**BVCP:** Mixed Density Residential (MDR)

## **STAFF FINDINGS AND RECOMMENDATION:**

Overall, staff finds that the application as presented would result in a defined community benefit for the city of Boulder as follows:

- The relocation and preservation of the bungalows is consistent with the Boulder Valley Comprehensive Plan (BVCP) goals and policies specifically as they relate to historic preservation and housing in so far as it furthers important historic preservation goals for the city of Boulder and provides additional housing opportunities;
- The applicant has agreed to submit an application for an individual landmark for each of the buildings proposed for relocation pursuant to the city's landmarking process;
- The relocation of the bungalows to 905 Marine St. is generally consistent with the identifiably residential character of the area;
- The proposed setback modifications were found to promote a safer and better subdivision design at it relates to locating residential structures outside of the regulatory floodplain; and
- The proposed increase in density to roughly nine dwelling units per acre was found to be generally consistent with both the range of densities intended for the Mixed Density Residential BVCP land use designation (six-18 dwelling units per acre) and the range of densities currently present in proximity to the project site (9.5-39 dwelling units per acre).

Based on these findings, staff finds that the benefits of the relocation and contribution to the city's historic preservation program outweigh the Land Use Code requirements that will be modified by the approval of the ordinance. Therefore, staff requests Planning Board consideration of this matter and action in the form of the following motion:

Suggested Motion Language:

Motion to recommend to City Council approval of an ordinance amending Title 9, "Land Use Code," B.R.C. 1981, to allow approval of modifications to building setbacks and density standards and deferment of payment of fees for land use applications and building permits, as proposed in the staff memo, to accommodate the relocation of two residential structures from 1220 and 1243 Grandview Ave. to 905 Marine St. and setting forth related details.

**KEY ISSUES:**

Staff has identified the following key issues regarding the development proposal and has provided responses below in the "Analysis" section of this memo.

**Key Issue #1: Is the development proposal to relocate two historic structures to 905 Marine St. consistent with the overarching BVCP goals and policies?**

**Key Issue #2: Is the development proposal to relocate two historic structures to 905 Marine St. consistent with the city's Historic Preservation Ordinance?**

**Key Issue #3: Is the development proposal to relocate two historic structures to 905 Marine St. consistent with the intent of the zone district designation and the general character of the area?**

**PROCESS:**

The requested modifications to the Land Use Code require approval through an ordinance by City Council. In this case, the applicant is requesting an increase in residential density and setback modifications as well as the deferment of the payment of fees, including land use and building permit application fees as a result of not being able to obtain financing until the bungalows are relocated.

A Planning Board recommendation to City Council is required on a proposal for an ordinance that will modify the land use regulations. The proposed ordinance will then be forwarded to City Council for consideration.

**GRANDVIEW AREA HISTORY:**

On Jan. 22, 2001, a Memorandum of Agreement (MOA) was executed between the Regents of the University of Colorado and the City of Boulder. The MOA recognizes the importance of preserving the buildings in the area known as the Grandview area, which is generally described as the area between the eastern boundary of Broadway, northern boundary of University Avenue and southern boundary of the abandoned railroad right-of-way as shown in Figure 1 at the right.



Figure 1: General Grandview Area

The MOA provides protective covenants for buildings both located within an area identified as the Grandview Preserve. The Grandview Preserve is a smaller area within the general Grandview area

that is described as the properties fronting Grandview Avenue between 13<sup>th</sup> and 14<sup>th</sup> streets. The MOA provides protective covenants for the bungalows located within the Grandview Preserve from demolition or relocation for a period of 25 years, until 2026.

While the MOA provides protection for the bungalows located within the Grandview Preserve from demolition or relocation, the MOA does not provide protective covenants for those buildings located within the general Grandview area. Specifically, the MOA states that "...*bungalows not located within the Grandview Preserve, may be demolished or relocated at any time...*" While the MOA has expired as of July 2011, the University of Colorado and the city have continued to work in concert to continue to honor the agreement in an effort to preserve the historic buildings located within the general Grandview area.

To date, a total of two bungalows have been relocated from the general Grandview area that were not located within the Grandview Preserve, to other locations within the city. In 2001, one house, located respectively at 1513 13<sup>th</sup> St. was relocated to Chautauqua Park within the Chautauqua Historic District. In addition, one house, now a duplex with two units, originally located at 1434 15<sup>th</sup> St., was relocated to 905 Marine St., the project site. All of the relocations to date involved the passing of an ordinance modifying city codes, including the land use code. The modifications to the land use code included setbacks, parking and building code requirements.

As part of the ordinance that permitted the relocation of 1434 15<sup>th</sup> St. to 905 Marine St., Ordinance No. 7148, modifications to the land use code were granted, including a reduction of the required side yard setback from five feet to three feet, combine side yard from 15 feet to 13 feet and the front yard setback for covered and uncovered parking in order to locate the parking in the front yard setback. A 20 percent parking reduction (four spaces were required where three were provided) was also granted as part of the ordinance. Finally, a waiver of the building and energy code requirements related to insulating the structure and replacing windows was also granted as part of the ordinance.

In 2001, the project site was originally 23,000 square feet, in 2002 a roughly 2,000 square-foot unplatted piece of property, located between the project site and the adjacent property to the north, 1638 9<sup>th</sup> St., was discovered. The unplatted property was split equally to each of the adjacent property owners and quitclaimed. The portion of the unplatted piece of land, roughly 1,000 square feet that was quitclaimed to the property owner of 905 Marine St. The proposed project would include a subdivision that would include this portion of land in the 905 Marine parcel increasing its size to 24,077 square feet. Today, given the size of the project site, a total of four units would be permitted on the project site, where three units exist.

#### **PROPOSAL:**

The applicant, Christian Griffith, has been awarded the two historic buildings currently located at 1220 and 1243 Grandview Ave., within the general Grandview area, outside of the Grandview Preserve, to relocate to the project site. Once relocated, the applicant is proposing to utilize the buildings as single-family residences. The relocation of the buildings to the project site can only be approved if Land Use Code modifications, including setbacks and density as a result of a subdivision, are authorized by City Council through an ordinance. In addition, given the difficulty in obtaining financing to relocate the bungalows prior to their relocation and City Council approval, as part of the development proposal, the applicant is also requesting deferment of payment of all land use application and building permit fees until the earlier of Jan. 1, 2015 or certificate of occupancy, whichever comes first.

The proposed subdivision of the project site from one lot into three will require several Land Use Code modifications, including setbacks and density, which can only be approved if they are authorized by City Council through an ordinance. Refer to Table 1 below, which details the requested setback modifications.

<b>Yard</b>	<b>Required Setback</b>	<b>Proposed Setback</b>
Rear yard for principal structures, Lot 1	25 feet	13.4 feet
Rear yard for principal structures, Lot 2	25 feet	14 feet
Rear yard for principal structures, Lot 3	25 feet	20 feet
Combined side yards, Lot 2	15 feet	11 feet
Combined side yards, Lot 3	15 feet	11 feet

In addition, as a result of the proposed subdivision, Lot 1, where the three existing structures are currently located, will exceed the permitted density. Development in the RMX-1 zone district is subject to a minimum lot area per dwelling unit, 6,000 square feet. Given the size of the proposed Lot 1 roughly 10,482 square feet, one dwelling unit would be permitted by-right where three are currently existing today. Therefore, the applicant is proposing to modify the permitted density pursuant to section 9-8, "Intensity Standards," B.R.C. 1981, to allow for the three existing units, including the previously relocated historic house, to remain on the Lot 1 portion of the project site. The proposed lots 2 and 3 will meet the lot standards and no modifications will be required.

<b>Lots</b>	<b>Existing</b>	<b>Proposed</b>	<b>Existing No. of Units</b>	<b>Permitted No. of Units pursuant to Land Use Code</b>	<b>Proposed No. of Units</b>
1	24,077 sq. ft.	10,482 sq. ft.	3	4	3
2	N/A	6,150 sq. ft.	N/A	N/A	1
3	N/A	7,445 sq. ft.	N/A	N/A	1
<b>Total</b>		24,077 sq. ft.	3	4	5

All of the required parking will be provided on site for Lots 2 and 3. Pursuant to section 9-9-6, "Parking Standards," B.R.C. 1981, a total of two parking spaces, one for each single-family residence, are required where three will be provided. It is important to note that, as part of the original special ordinance for the relocation of 1434 15<sup>th</sup> St. to 905 Marine St., a parking reduction was granted. A total of five spaces are required where four are provided. That parking reduction will not be changed as part of this proposal.

The proposal also asks that, for the purposes of reviewing and approving buildings permits, the two houses to be treated as individual landmarks and that the city manager be authorized to waive building code requirements primarily relating to insulating the houses and replacing windows. This memo hereby notifies the Planning Board of the pendency of an ordinance amending Title 10, "Structures," B.R.C. 1981 in that limited regard for the purpose of preserving the two houses. The proposed ordinance would also authorize the city manager to find that the planting of new street trees satisfies the tree removal mitigation requirements of Section 6-6-7, B.R.C. associated with the proposal to remove one tree located in the 9<sup>th</sup> Street right-of-way.

Refer to [Attachment A](#) for the applicant's proposed site plan.

**SITE CONTEXT:**

The project site, shown in Figure 2 is a single roughly 24,077 square feet in size, is located the northeast corner of Marine and 9<sup>th</sup> streets. Currently, the property is comprised three residential units, a duplex, (originally addressed 1434 15<sup>th</sup> St., that was located within the Grandview Preserve area and relocated to the project site in 2001), and a single family residence that was originally constructed around the turn of the century.



lot,  
at  
of

Figure 2: Vicinity Map



Figure 3: Flood Map

Unique to the project site is its topography and the presence of the conveyance zone and the 100- year floodplain, the majority of which are all located on the northern portion of the property. Refer to Figure 3 below. It is important to note that all activities located in the 100-year floodplain are not permitted to cause a rise in the flood water depth. In addition, should a new house be located in the 100-year floodplain, it is required to be floodproofed by raising the finished floor elevation above the flood protection elevation and in a manner that the building is watertight. Given the location of the extent of the conveyance zone and the 100-year floodplain on the project site and the development restrictions within each zone, any new buildings to be

located on the northern portion of the lot would have to be setback as much as possible to avoid development in the floodplain and conveyance zone that would cause a rise in the floodwater elevation. A Floodplain Development Permit has been submitted and is in the process of being reviewed through the standard development review process. A Floodplain Development Permit is a staff level decision that is subject to a 14-day Planning Board call-up period. Based on the information provided to date, the development proposal will not impact the floodwater elevation.

The project site also has significant topography. Moving across the project site from south to north, there is roughly 20 feet of grade change, with Marine Street edge being the highest point. Overall, the grade across the project site is roughly 10 percent. Refer to Figure 4 at the right.



Figure 4: Topography

The project site is surrounded primarily by residential development in an area where the general character is identified as residential development with a variety of student rental housing, including apartments, condos and single-family houses. Although the area is primarily residential in nature, nonresidential uses are also located in proximity to the project site. The Emergency Family Assistance Association (EFFA) is located to the east of the project site as well as office and the West Senior Center, both of which are located to the north of the project site at the corner of Arapahoe Avenue and 9<sup>th</sup> Street.



Figure 5: BVCP Land Use Designation

Boulder Valley Comprehensive Plan (BVCP) Land Use Designation. As indicated in Figure 5, the project site is designated as Mixed Density Residential (MDR) by the BVCP. As noted in the BVCP, areas designated as MDR are defined as having densities ranging from six up to 18 dwelling units per acre. Generally, mixed density areas surround the downtown and are located in some areas planned for new development.

Densities within proximity to the project site range from 9.5 dwelling units per acre to roughly 39 dwelling units per acre. The development proposal at roughly nine dwelling units per acre is consistent with the surrounding densities as well as the BVCP range of densities intended to be developed in the MDR land use designation.

Zoning. The project site is zoned Residential Mixed-1 (RMX-1) which is defined as:

*"Mixed density residential areas with a variety of single-family, detached, duplexes, and multi-family units that will be maintained; and where existing structures may be renovated or rehabilitated" (section 9-5-2(c)(1)(D), B.R.C. 1981).*

All of the properties surrounding the project site are zoned RMX-1 with the exception of those adjacent to the northeast, which are zoned Residential High-2.



Figure 6: Zoning

### HISTORIC BUILDING BACKGROUND:

In an effort to prevent demolition of the two historically significant houses located within the Grandview Preserve area, the applicant, Christian Griffith, is proposing to relocate two historic buildings currently located at 1220 and 1243 Grandview Ave., to the project site, 905 Marine St. Below is a brief historic background on each building.

1220 Grandview Ave. The brick and frame house at 1220 Grandview Ave. was constructed in 1906 and is a well-preserved example of the Edwardian Vernacular architecture popular in Colorado during the late nineteenth and early twentieth centuries. The façade features a flat-roof porch with classical columns and a wooden railing. A paneled and glazed door with a transom is located on the west side of the north façade and a large, double-hung window is located on the east side of the same façade. Decorative elements on the front gable include a vent with scalloped louvers, decorative wooden shingles, and a door flanked by double-hung windows with dentil trim and decorative sills. Gabled dormers are located on the east and west elevations and feature shingled walls and paired windows. Small eyebrow vents are located on the east and west roof slopes. An addition, constructed in 1929, is located on the east elevation of the building and features 12-light, steel casement windows with stone sills. A one-car garage is located on the lower level. The west elevation features a two-story bay window. The building rests on an evenly coursed stone foundation.



Figure 7: Reynolds House, 1220 Grandview Ave. c. 1949 (left) and 2012 (right)

The house remains largely intact, although an attached garage was constructed in 1929 at the east elevation of the house. A building permit for “repair of dwelling” was issued in 1933, however, the extent of the alterations is unknown. All original materials, including exterior sheathing, decorative elements and windows and doors remain. The original wood roofing has been replaced with asphalt shingles.

As with many houses in this area, the building at 1220 Grandview Ave. provided housing for a series of University of Colorado professors. In 1910, Wilford Robbins, a biology teacher, and his mother, Jennie, were residents of the house. In 1913, Esther White, a teacher at Washington School and widow of Reverend Edgar White lived in the house. Drs. George F. and Mabel S. Reynolds purchased the house in 1919, the year they joined the University of Colorado faculty. George was a professor and head of the Department of English Literature, while Mabel taught English literature and speech. The Reynolds, along with Professor Wolle, co-founded the Little Theater at the University of Colorado.

In 1962, Mr. Reynolds sold the property to the University of Colorado. He died in 1964 and donated money to the City of Boulder to build its first branch library, located on Table Mesa Drive, which was named in his honor.

The house was converted for office use by the University of Colorado, but has been vacant for the past several years.

1243 Grandview Ave. The building at 1243 Grandview Ave. was constructed in 1909 and is an example of the Craftsman Bungalow influenced style popular during the early twentieth century. The one-and-half story building features a side gable roof with wide, overhanging eaves and exposed rafters. The building rests on a cut fieldstone with brick walls to the sill level and stucco and half-timbering above. A long, shed-roof dormer is located on the north and south roof slopes and each feature five multi-light casement windows. Two windows on the south façade gable and one on the east elevation have been removed for the installation of air conditioning units. The asymmetrical porch features a gable above the entrance with stucco and half-timbering and is supported by wood post supports with arched brackets atop brick pillars. The off-center, paneled and glazed door is located on the east side of the façade. Multi-over-single light double-hung windows are located on the first floor. The west elevation features a shed roofed bay window with paired windows. A small gable-roof addition is located on the east elevation and features paired, double hung windows and a solid wood door on the lower level.



Figure 8: 1243 Grandview Ave. c. 1949 (left) and 2012 (right)

The building is relatively intact. An addition was constructed on the east elevation around 1930. The divided-light wood windows on the shed dormer, evident in the 1987 survey photograph, have been removed and boarded over to accommodate air conditioning units.

Edwin J. and Rosa C. Finch resided in this house from the time of its construction until Mrs. Finch died in 1930. Edwin was a bookkeeper for the Boulder National Bank for 20 years and was also a prominent member of the Freemason Fraternal Organization and active in the Eastern Star Social Organization. Rosa was also active in many social organizations, including the Eastern Star, the Daughters of the American Revolution, the Women's Club and the Garden Club. A 1930 newspaper article notes that the garden at 1243 Grandview was one of the finest in town. Their daughter, Frances, graduated from the State Preparatory School and the University of Colorado.

The next occupants of 1243 Grandview Ave. were Percy and Virginia Paddock. Percy served as postmaster of Boulder. His brother was A. "Gov." Paddock, publisher of the Boulder Daily Camera. Percy worked as a linotype operator for the Boulder Daily Camera until he sustained an eye injury, and was later involved in the Central Colorado Power Company and operated Paddock's Store on University Hill. In 1934 he was appointed postmaster of Boulder and served in this position until his death in 1946. Following Percy's death, Virginia moved to California and later remarried.

From 1946 until 1952 the property was occupied by a series of short-term residents, including Capt. Clifford Fines, a university professor, John and Beverley Thompson, CU students, and in 1953 the fraternity Alpha Epsilon Phi was listed at this address.

In 1954 the house was purchased by Gordon and Miriam Yager. Gordon was an insurance auditor for the K. L. Pearce Company. The Yagers resided in the house until they sold it to the University of Colorado in 1971. For the next forty years, the property was used as offices for the Institute of Behavioral Sciences.

#### **ANALYSIS OF KEY ISSUES:**

As part of the Planning Board's consideration of the special ordinance, it must consider whether the benefit to the city of Boulder, as a result of saving the historic buildings, justifies the land use code modifications that are being requested to facilitate the proposed relocation. Modifications include relief from the required setbacks as listed in Table 1, and an increase in density as described in Table 2. In addition, the applicant is also requesting a deferral of all land use application and building permit fees to be payable on the earlier of Jan. 1, 2015 or issuance of a certificate of occupancy.

As part of the staff analysis, the proposal was evaluated for consistency with the [Boulder Valley Comprehensive Plan](#) (BVCP) goals and policies, the city's Historic Preservation Ordinance and the intent of the underlying zone district and general area character. On balance, the relocation and preservation of the two buildings to 905 Marine St. was found to be consistent with not only the overarching BVCP goals and policies, but also the city's Historic Preservation Ordinance as well as the intent of the underlying zone district and general area character.

**Key Issue #1: Is the development proposal to relocate two historic structures to 905 Marine St. consistent with the overarching BVCP goals and policies?**

Yes, on balance the development proposal was found to be consistent with a wide range of Boulder Valley Comprehensive Plan (BVCP) goals and policies as well as the BVCP land use designation densities. The project site has a BVCP land use designation of Mixed Density Residential, which is identified as areas where densities may range from six up to 18 dwelling units per acre. Given the size of the project site and the proposed number of dwelling units totaling five (two new units and three existing) the density of the project site will be roughly 10 dwelling units per acre which is within the range of densities identified for the MDR land use designation.

The most applicable goals and policies in the BVCP are those that specifically speak to historic preservation found in Section 2 and housing found in Section 7, including policies 2.24 (*Preservation of Historic and Cultural Resources*), 2.27 (Eligible Historic District and Landmarks), 7.07 (Preserve Existing Housing Stock), 7.09 (Housing for a Full Range of Households),

Similarly, the development proposal was found to be consistent with BVCP policies 2.15 (Compatibility of Adjacent Land Uses), 2.21 (Commitment to a Walkable and Accessible City) which are related to compatibility of adjacent land uses and providing housing in proximity to service centers.

**Key Issue #2: Is the development proposal to relocate two historic structures to 905 Marine St. consistent with the city's Historic Preservation Ordinance?**

Yes, the intent of the Historic Preservation Ordinance is to:

*"...promote the public health, safety and welfare by protecting, enhancing and perpetuating buildings, sites and areas of the city reminiscent of past eras, events and person important to local, state or national history or providing significant examples of architectural styles of the past"* (section 9-11-1, "Purpose and Legislative Intent," B.R.C. 1981).

Although the relocation of the buildings will result in a loss of environmental significance, the proposal will preserve two buildings with historic and architectural significance. To this end, staff considers the proposal consistent with the Historic Preservation Ordinance.

As noted above, 1220 Grandview Ave. has architectural significance as a representative example of Edwardian Vernacular architecture, popular during the late nineteenth and early twentieth centuries in the United States. Notable details include the gabled roof, decorative wood shingles, double-hung windows with stone sills and lintels, and classical porch details. The house also has historic significance for its association with notable persons, George and Mabel Reynolds.

The building located at 1243 Grandview Ave. is a representative example of Craftsman Bungalow architecture popular at the beginning of the twentieth century. Notable features include wide, overhanging eaves with exposed rafter tails, half-timbering, multi-light windows, and a prominent porch supported by wooden posts. Its historic significance is based upon its association with persons, Edwin and Rosa Finch as identified above.

It is important to note that an individual landmark designation for each building is required as a condition of the funding provided by the city to assist with the cost of moving the houses. An application for an Individual Landmark designation is required to be submitted following the relocation of each house.

**Key Issue #3: Is the development proposal to relocate two historic structures to 905 Marine St. consistent with the intent of the zone district designation and the general character of the area?**

Yes, on balance the proposal was found to be generally consistent with both the RMX-1 zoning designation and the character of the area. The intent of the RMX-1 zone district is identified as *"Mixed density residential areas with a variety of single-family detached, duplexes and multi-family units that will be maintained and where existing structures may be renovated or rehabilitated"* (section 9-5-2(c)(1)(D), B.R.C. 1981). The proposal to relocate the two buildings to the project site and rehabilitate them for the purposes of utilizing them as single-family residences is generally consistent with the intent of the zone district.

Although the requested setback modifications are required as a result of the proposed subdivision, they were found to be supportable given the development constraints present on the project site, including the conveyance zone and 100-year floodplain. The proposed rear yard setback modifications on the proposed lots 2 and 3 are a result of the presence of the conveyance zone and 100-year floodplain on the majority of the western portion of the project site, requiring the bungalows to be setback to a location outside of the floodplains. In addition, the requested setback modifications, specifically the side yard combined setbacks were found to have minimal adverse impacts to the adjacent properties, given that the impacted setbacks are interior to the overall project site. Given the development constraints located on the project site and the limited impacts to adjacent development, overall, the requested setback modifications were found to provide for a better, safer subdivision design.

In addition, the proposed increase in density, although a result of the proposed subdivision only impacting Lot 1, was also found to be consistent with the range of densities intended to be developed in the BVCP MDR land use designation (six-18 dwelling units per acre) as well as the densities that are currently present within proximity to the project site (9.5-39 dwelling units per acre). The development proposal, overall, will have a density of roughly nine dwelling units per acre. The increase in density will also allow for the existing three dwelling units to be maintained, consistent with the previously approved Ordinance No. 7148, which permitted the relocation of a historic house from the Grandview area to the project site.

Overall, the proposal was also found to be consistent with the general character of the area, which has been identified as primarily residential providing a mix of housing opportunities, including apartments, condos and houses. The proposal will result in additional residential development, consistent and compatible with the general character of the area.

**PUBLIC COMMENT AND PROCESS:**

Required public notice was given in the form of written notification mailed to all property owners within 600 feet of the project site and a sign posted on the property for at least 10 days. All notice requirements of section 9-4-3, B.R.C. 1981 have been met.

In response to the public notice, one comment was received via telephone. The caller expressed concern for the additional density that was being requested. The concerns were generally in terms of the adverse impacts associated with student rentals, including noise, trash and parking.

Approved By:

A handwritten signature in black ink, appearing to read 'David Driskell', written over a horizontal line.

David Driskell, Executive Director  
Department of Community Planning and Sustainability

**ATTACHMENTS:**

[A: Plan Set](#)

PREPARED BY:



**The Sanitas Group**  
 801 MAIN ST., SUITE 210  
 LOUISVILLE, CO 80027  
 720.346.1656  
 PROJECT CONTACT:  
 CURTIS C. STEVENS, P.E.

PREPARED FOR:

**CHRISTIAN GRIFFITH**  
 P.O. BOX 428  
 EL Dorado SPRINGS, CO  
 303.990.3100

PRELIMINARY SITE PLAN FOR:

**905 MARINE STREET  
 SPECIAL ORDINANCE**

NORTHEAST CORNER OF 9TH STREET AND MARINE STREET  
 CITY OF BOULDER, STATE OF COLORADO

ISSUE DATE

CITY REVIEW	8/6/13
CLIENT EDITS	8/8/13
CITY COMMENTS	8/26/13
CITY COMMENTS	8/30/13
PLANNING BOARD	9/3/13

DESIGNED BY:	CCS
DRAWN BY:	CCS
CHECKED BY:	LRE

DRAWING SCALE:  
 HORIZONTAL: 1"=20'  
 VERTICAL: N/A

CIVIL  
 SITE PLAN

PROJECT NO. B1041

**1**

SHEET: 1 OF 1

# PROPOSED SITE PLAN

905 Marine Street  
 located in the northeast 1/4 of Section 36  
 Township 1 North . Range 71 West of the 6th P.M.  
 City & County of Boulder . State of Colorado  
 24,077 SQUARE FEET

## LEGEND

- PROPERTY BOUNDARY .....
- ADJACENT PROPERTY BOUNDARY .....
- PROPOSED LOT LINE .....
- PROPOSED EASEMENT .....
- PROPOSED SETBACK .....
- EXIST ELECTRICAL CABINET ..... SWITCH
- EX. GAS METER ..... GM
- EX. ELECTRICAL METER ..... EM
- PROPOSED DRIVEWAY (ASPHALT OR CONCRETE) .....
- PROPOSED GRAVEL PARKING .....
- PROPOSED CONCRETE .....
- PROPOSED TURF OR SIMILAR .....
- PROPOSED DETENTION POND AREA .....
- EX. TREES (TO REMAIN) .....
- EX. TREES (TO BE REMOVED) .....

## SURVEY & FLOOD INFO NOTES:

- EXISTING ONSITE SURVEY DATA INCLUDING TOPOGRAPHY AND BOUNDARY INFORMATION WAS PREPARED BY FLAGSTAFF SURVEYING, INC. AND PROVIDED TO THE SANITAS GROUP IN CAD FORMAT.
- EXISTING OFFSITE TOPOGRAPHIC INFORMATION IS FROM THE AERIAL SURVEY DATA UTILIZED IN THE GREGORY CANYON CREEK LOMR COMPLETED IN 2010 FOR THE CITY OF BOULDER. CAD DWG OF MAPPING INFORMATION PROVIDED BY CITY OF BOULDER.
- BASIS OF BEARINGS - PER RECORDED PLAT AND DEEDS, I HELD THE BEARING NORTH 15°00'00" WEST, ALONG THE CENTERLINE OF 9TH STREET BETWEEN EXISTING SURVEY MONUMENTS AS SHOWN HEREON.
- ALL UNDERGROUND UTILITIES SHOULD BE FIELD LOCATED BY THE APPROPRIATE AGENCY PRIOR TO ANY CONSTRUCTION OR DIGGING ON OR ADJACENT TO THE SUBJECT PROPERTY.
- THE SUBJECT PARCEL CONTAINS A GROSS AREA OF 24,077 SQUARE FEET.
- ALL ELEVATIONS SHOWN ARE BASED UPON CITY BENCHMARK ID "A-1", A CUT "L" AT THE NORTHEAST CORNER OF MARINE AND 9TH STREET ELEVATION = 5398.56 FEET, NAVD'88 DATUM.
- ZONING INFORMATION - THE SUBJECT PARCEL IS ZONED "RMX-1" (RESIDENTIAL MIXED - 1). SETBACKS ARE PER ORDINANCE NO. 7148: 13 FOOT COMBINED SIDE YARD SETBACK - 3 FOOT MINIMUM.
- FLOOD INFORMATION - THE SUBJECT PARCEL IS LOCATED IN ZONE AE, SHADED ZONE X AND UNSHADED ZONE X, AS SHOWN ON THIS MAP BASED UPON THE FEMA FLOOD INSURANCE RATE MAP NO. 08013C 0393 J, DATED 18 DECEMBER 2012.
- BUILDING FOOTPRINTS FOR RELOCATED HISTORIC RESIDENCES ARE BASED ON INFORMATION PROVIDED BY FLAGSTAFF SURVEY AND THE CLIENT. THE SANITAS GROUP HAS NOT VERIFIED OR PERFORMED A SITE SURVEY OF EXISTING BUILDINGS. PORCH DIMENSIONS AND EAVE SIZES ARE BASED ON APPROXIMATE SITE MEASUREMENTS.

LAND USE SUMMARY TABLE		
SITE AREA: 24,077 S.F.		
BUILDING FLOOR AREA	EXISTING	PROPOSED
<b>LOT 1 (WEST BLDG)</b>		
1ST FLOOR	972	972
2ND FLOOR	972	972
<b>LOT 1 (EAST BLDG)</b>		
1ST FLOOR	1,080	1,080
2ND FLOOR	520	520
FINISHED BASEMENT	1,232	1,232
<b>LOT 1 TOTAL</b>	<b>4,776</b>	<b>4,776</b>
<b>LOT 2</b>		
1ST FLOOR	0	983
2ND FLOOR	0	1,108
BASEMENT	0	362
<b>LOT 2 TOTAL</b>	<b>0</b>	<b>2,453</b>
<b>LOT 3</b>		
1ST FLOOR	0	986
2ND FLOOR	0	836
BASEMENT	0	736
<b>LOT 3 TOTAL</b>	<b>0</b>	<b>2,558</b>
<b>UNITS/BEDROOMS</b>		
LOT 1	3/10	3/10
LOT 2	0	1/4
LOT 3	0	1/4
<b>LOT COVERAGE (BLDG)</b>		
LOT 1	2,204	2,204
LOT 2	0	1,034
LOT 3	0	959
<b>LOT COVERAGE (PORCHES)</b>		
LOT 1	223	223
LOT 2	0	210
LOT 3	0	199
<b>OPEN SPACE</b>		
LOT 1	6,922	6,922
LOT 2	0	3,866
LOT 3	0	4,929
<b>PAVED AREA</b>		
LOT 1	1,133	1,133
LOT 2	0	1,040
LOT 3	0	1,358
<b>LANDSCAPE AREA</b>		
LOT 1	6,527	6,527
LOT 2	6,150	3,866
LOT 3	7,445	4,929

**LOT AREA SUMMARY**

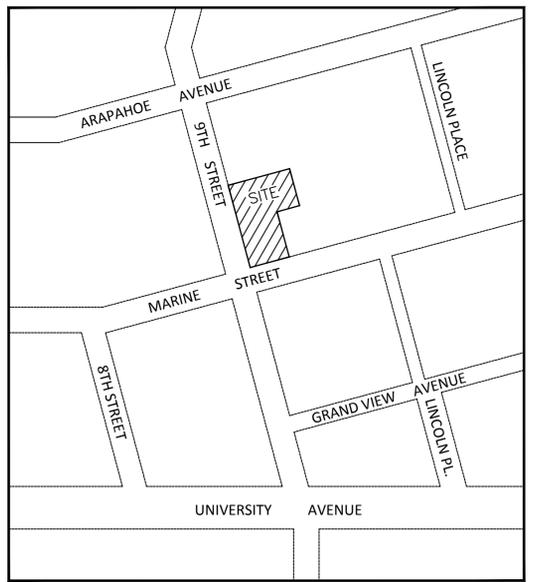
**EXISTING**

PARCEL A: 23,982 S.F.  
 PARCEL B: 95.6 S.F.  
 TOTAL GRIFFITH PARCEL: 24,077 S.F.

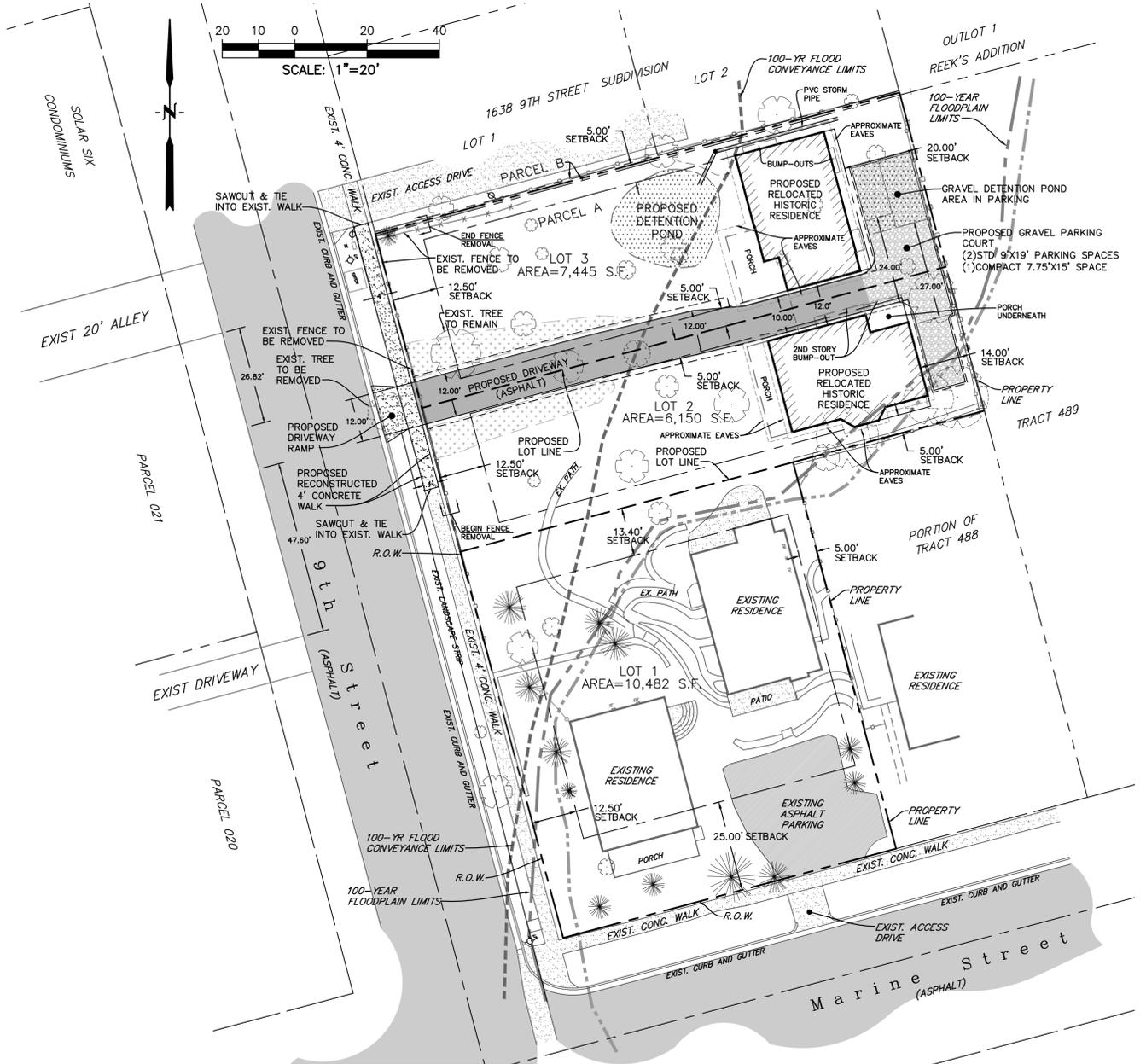
**PROPOSED**

LOT 1: 10,482 S.F.  
 LOT 2: 6,150 S.F.  
 LOT 3: 7,445 S.F.  
 TOTAL: 24,077 S.F.

- Vicinity Map -



SCALE - 1 INCH = 200 FEET



SEE SHEET 2 - DRIVEWAY PLAN & PROFILE FOR PROPOSED SITE IMPROVEMENT DETAILS

SEE SHEET - GRADING & DRAINAGE PLAN FOR PRELIMINARY GRADING AND DRAINAGE DETAILS

**REVIEW ONLY**  
 NOT FOR CONSTRUCTION  
 DATE 9/3/13



**CITY OF BOULDER**  
**PLANNING BOARD AGENDA ITEM**  
**MEETING DATE: October 10, 2013**

**AGENDA TITLE:** Public hearing and consideration of a recommendation to City Council regarding amendment to the Benson Annexation Agreement for the 1215 and 1235 Tamarack properties (Lots 10 and 11, Block 5, Moore's Subdivision) to modify the requirements pertaining to the construction of 12 ½ Street between Upland and Tamarack Avenue. Case number: LUR2013-00036.

**Applicant:** Michael Marez/ TJM Investment, LLC  
**Owners:** TJM Investment, LLC (Lot 10: 1215 Tamarack Ave.)  
James C. Hohmann and Deborah Stabler (Lot 11: 1235 Tamarack Ave.)

**REQUESTING DEPARTMENT:**

Community Planning & Sustainability  
David Driskell, Executive Director  
Susan Richstone, Deputy Director  
Charles Ferro, Land Use Review Manager  
Chandler Van Schaack, Planner I

**OBJECTIVE:**

Define the steps for Planning Board consideration of this request:

1. Hear Staff and Applicant presentations
2. Hold Public Hearing
3. Planning Board discussion
4. Planning Board action to recommend approval, approval with conditions or denial

**SUMMARY:**

**Proposal:** Proposed amendment to the Benson Annexation Agreement for the 1215 and 1235 Tamarack properties (Lots 10 and 11, Block 5, Moore's Subdivision) to modify the requirements pertaining to the construction of 12 ½ Street between Upland and Tamarack Avenues. The proposed amendment would allow for construction of 12 ½ Street between Upland and Tamarack Avenues as a standard twelve foot (12') wide residential alley at the time of any building permit for an additional dwelling unit, but would maintain the existing requirement to construct 12 ½ Street as a full twenty foot (20') wide residential access lane at the time of subdivision.

**Project Name:** 1215 & 1235 Tamarack Annexation Agreement Amendment  
**Size of Parcel:** Roughly 34,000 square feet (.78 acres)  
**Zoning:** Residential Low – 2 (RL-2)  
**Comprehensive Plan:** Low Density Residential

**KEY ISSUE:**

Staff has identified the following key issue regarding the proposed application request:

Is the requested annexation agreement amendment consistent with the intent of the original Crestview West Annexation package with regards to the desired land use and transportation pattern contained in the North Boulder Subcommunity Plan?

**PROCESS:**

Annexation agreement amendments are reviewed pursuant section 9-2-16, "Annexation Requirements," B.R.C. 1981. Pursuant to section 9-4-2, B.R.C. 1981, Planning Board is required to make a recommendation to City Council on applications for annexation.

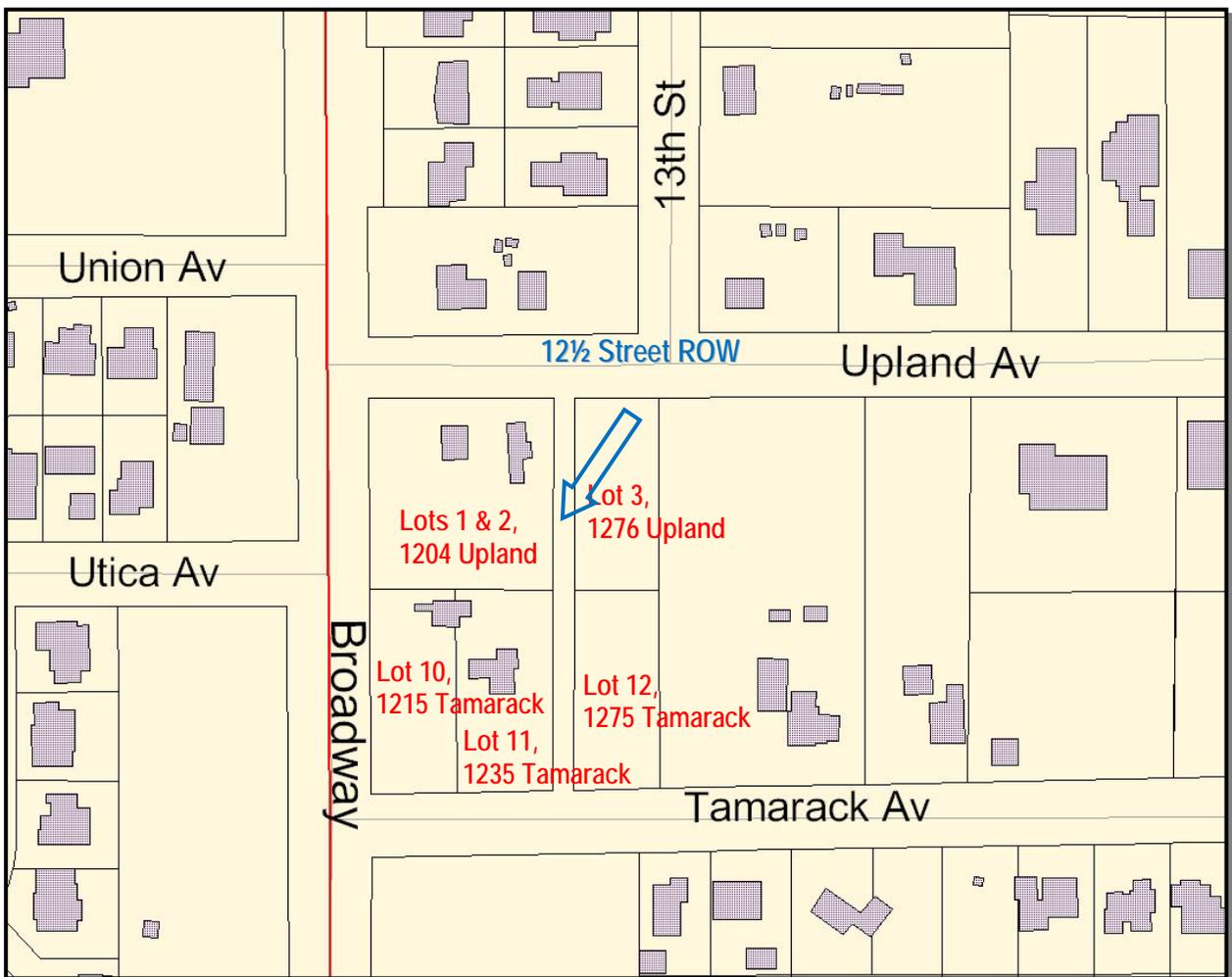


Figure 1: Vicinity Map

**BACKGROUND:**

The project area is located in North Boulder in the Crestview West Neighborhood (generally, the area east of Broadway, south of Violet Avenue, west of 19th Street, and north of vacated Riverside Avenue) within the Residential Low - 2 (RL-2) zone district. Please refer to **Figure 1** above for a vicinity map. Lot 10

(1215 Tamarack) is currently vacant, and Lot 11 (1235 Tamarack) contains an existing single-family home. The neighboring lots to the east, Lots 3 and 12 (1276 Upland and 1275 Tamarack) are both developed with single family homes, and 12½ Street has been constructed as a twelve (12') foot wide residential alley. Below is a summary of the background on the existing annexation agreements affecting the lots east of Broadway and west of 13<sup>th</sup> Street, between Upland and Tamarack Avenues, as well as the status of the 12½ Street connection.

- The subject area is located in the Crestview West Neighborhood, which was unilaterally annexed into the City in October 1997. During the Crestview West Annexation process, a street connection for 12½ Street was required in anticipation of future higher density development on the lots east of Broadway and west of 13<sup>th</sup> Street, between Upland and Tamarack Avenues. Specifically, 12½ Street was intended to provide access to new lots if any of the lots adjacent to Broadway were to be subdivided, thereby precluding new curb cuts from being placed on Broadway (please see **Figure 2** below for anticipated lot configuration and access contained in original Annexation and Initial Zoning proposal).

- Consistent with the NoBo Plan's vision for higher densities along the Broadway corridor, property owners in that area who signed an annexation agreement were given a zoning designation of RL-2. In anticipation of future subdivision, the annexation agreement signed by the owner of Lots 10 and 11 (1215 and 1235 Tamarack) at that time (see **Attachment A**) required the owner to construct 12½ Street as a standard twenty (20') foot access lane with a required turnaround and an eight-foot-wide pedestrian/ bicycle path extending west to Broadway at the time of development or redevelopment of the subject property (see **Figure 2**).

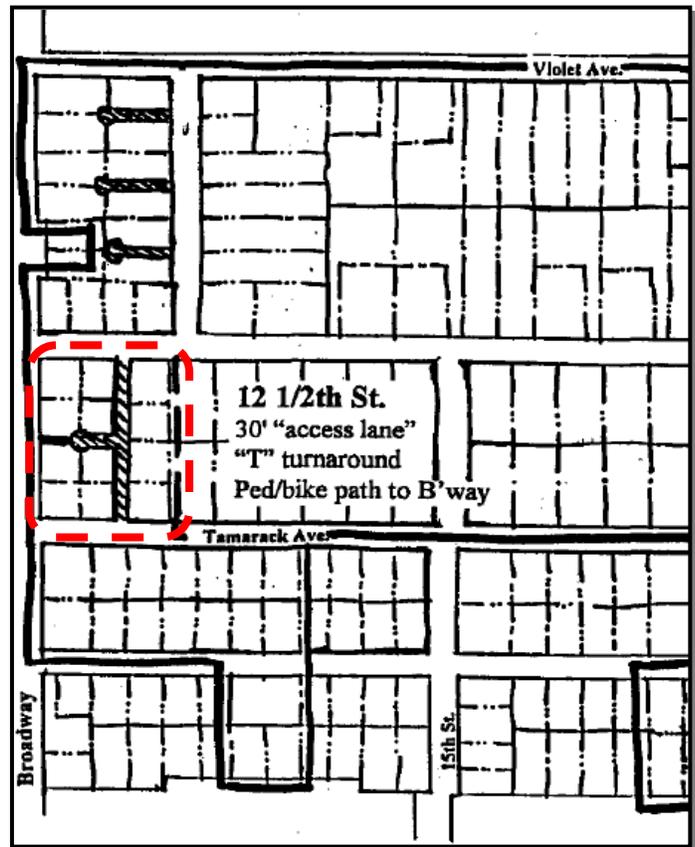


Figure 2: Original 12 ½ Street Proposal

- Later in 1999, following a new redevelopment proposal for Lots 3 and 12 (1276 Upland and 1275 Tamarack) for two duplexes (one on each lot), City Council approved an amendment to the Post-Annexation Agreement for those properties to allow the construction of a twelve (12') foot wide residential alley in place of constructing a twenty (20') foot wide residential access lane for 12½ Street (See **Attachment B**). Several factors were considered as part of council's approval of the amendment, including the fact that the new development proposal was still consistent with the NoBo Plan's vision for higher densities along the Broadway corridor as well as the fact that the proposal included taking direct

access from Upland and Tamarack Avenues and therefore did not require the use of 12½ Street to provide access as originally intended in the Crestview West Annexation Package.

- The proposed project to build duplexes on Lots 3 and 12 was never completed, and Lots 3 and 12 have since been developed as single family homes. As part of the redevelopment of these properties, the owners were required to construct 12 ½ Street as a twelve (12') foot wide alley, consistent with the Post-Annexation Agreement Amendment for those properties. Currently, both properties take access from the alley. Both owners have indicated that they have no intention of subdividing in the future; however, the Post-Annexation Agreement Amendment is still valid today and contains a provision requiring the full twenty (20') foot 12½ Street connection to be constructed in the event that either Lot 3 or 12 were to be subdivided in the future.
- As mentioned above, Lot 10 (1215 Tamarack) is currently vacant, and Lot 11 (1235 Tamarack) contains an existing single-family home which takes direct access from Tamarack Avenue. The original 1997 Annexation Agreement for Lots 10 and 11, which requires the owner to construct 12½ Street as a standard twenty (20') foot access lane with a required turnaround and an eight-foot-wide pedestrian/ bicycle path extending west to Broadway at the time of development or redevelopment of the subject properties is still valid.

#### **PROPOSAL:**

The purpose of the application is to request an amendment to the Annexation Agreement for 1215 and 1235 Tamarack (Lots 10 and 11, Block 5, Moore's Subdivision) to modify requirements pertaining to the construction of 12 ½ Street between Upland and Tamarack Avenues as a requirement of development or redevelopment of the subject properties. The proposed amendment would require construction of 12 ½ Street between Upland and Tamarack Avenues as a standard twelve foot (12') wide residential alley at the time of any building permit for a dwelling unit, which is consistent with the Post-Annexation Agreement Amendment for Lots 3 and 12 (1276 Upland and 1275 Tamarack). Because the twelve (12') foot wide alley has already been constructed, the proposed amendment would allow the owners of Lots 10 and 11 to obtain building permits for new dwelling units on their properties without having to construct any new right-of-way.

The proposed amendment to the subject Annexation Agreement would allow the owners of the Lots 10 and 11 to redevelop their properties without having to construct the 12½ Street right-of-way as a full twenty (20') foot wide residential access lane; however, the amended agreement would maintain the existing requirement to construct 12 ½ Street as a full twenty (20') foot wide residential access lane if either of the lots were to be subdivided in the future. See [Attachment C](#) for the proposed Annexation Agreement Amendment.

#### **ANALYSIS:**

Staff identified the following key issue for discussion regarding the proposed application request:

1. Is the requested annexation agreement amendment consistent with the intent of the original Crestview West Annexation package with regards to the desired land use and transportation pattern contained in the North Boulder Subcommunity Plan?

Staff finds the request to amend the Benson Annexation Agreement for the 1215 and 1235 Tamarack properties (Lots 10 and 11, Block 5, Moore's Subdivision) to be consistent with the intent of the original

annexation package with regards to the NoBo Plan. The specific goals for Crestview West included in the NoBo Plan that are applicable to the subject area include:

***Crestview West Annexation Goals (This area was annexed subsequent to the Plan adoption, in 1997.)***

- *Allow possible higher densities along the Broadway corridor to achieve affordable and diverse housing close to transit.*
- *Consider neighborhood consensus, in balance with other annexation goals.*
- *Help defray the property owners' costs of annexation.*

The proposed annexation agreement amendment is consistent with the goals listed above. The proposed amendment will not affect the existing zoning of the area which allows for higher densities, so the goal of allowing possible higher densities along the Broadway corridor will continue to be met. The RL-2 zoning designation for properties along Broadway was intended to help meet the first goal of "*allow(ing) possible higher densities along the Broadway corridor to achieve affordable and diverse housing close to transit.*" The requirement to construct 12½ Street with a turnaround and a bicycle/pedestrian path to Broadway was predicated upon a redevelopment scenario in which all of the subject properties would subdivide along the east-west axis and redevelop as single family homes (refer to **Figure 2** for intended lot configuration following subdivision), and would therefore require new right-of-way to take access from.

Under current RL-2 zoning standards, density is based upon open space, with a minimum of 6,000 square feet of open space required per dwelling unit. Because each of the two subject lots is large enough to accommodate up to two attached dwelling units under the current zoning standards without subdividing, they could theoretically redevelop at a higher density while keeping direct access from Tamarack Avenue. In the event that any of the lots were to be subdivided, the requirement to construct 12 ½ Street as a twenty (20') foot wide residential street would apply.

With regards to affordable housing, the proposed amendments do not affect the inclusionary housing requirements for the subject properties, so the goals and policies contained in the NoBo Plan relating to the provision of affordable housing will continue to be met. The owners of both Lots 3 and 12 are required to pay the applicable cash-in-lieu fee for the new single-family homes being constructed, and the owners of Lots 10 and 11 will be required to meet inclusionary housing requirements at the time of development or redevelopment of the subject properties.

With regards to neighborhood comments, staff has not received any comments from neighbors expressing opposition to the proposed amendments.

**PUBLIC COMMENT AND PROCESS:**

Required public notice was given in the form of written notification mailed to all property owners within 600 feet of the proposed development, and a sign posted on the property for at least 10 days. All notice requirements of section 9-4-2, B.R.C. 1981 have been met. No public comment was received in response to the notice.

**STAFF FINDINGS AND RECOMMENDATION:**

Staff recommends that Planning Board recommend to City Council approval of the Annexation Agreement Amendment as it is consistent with the overall goals and policies of the Boulder Valley Comprehensive Plan policies pertaining to annexation as well as the intent of the original Crestview West Annexation package

with regards to the desired land use and transportation pattern contained in the North Boulder Subcommunity Plan.

Approved By:

A handwritten signature in black ink, appearing to read 'David Driskell', written over a horizontal line.

David Driskell, Executive Director  
Department of Community Planning and Sustainability

**ATTACHMENTS:**

[Attachment A: 1997 Annexation Agreement for Lots 10 & 11](#)

[Attachment B: Post-Annexation Agreement and Post Annexation Agreement Amendment for Lots 3 & 12](#)

[Attachment C: Requested Amendments to Annexation Agreement Amendments](#)

[Attachment D: Approved Technical Document plans for 12' alley with 20.25' Right-of-Way](#)



ANNEXATION AGREEMENT

This Agreement, made this 19th day of Sept, 1997, by and between the City of Boulder, a Colorado home rule city, hereinafter referred to as "City," and Dolores M. Benson, hereinafter referred to individually or collectively as "Applicant:"

WITNESSETH:

RECIPIENTS

WHEREAS, the Applicant is the owner of Parcel #3, the real property described as:

Lots 10 and 11, Block 5, Moore's Subdivision, recorded in the offices of the Boulder County Clerk and Recorder at Book 5, pages 92-94, County of Boulder, State of Colorado,

also known as 1255 Marack Avenue, which real property shall hereinafter be referred to as the "Subject Property;" and

WHEREAS, the Applicant is interested in obtaining approval from the City of the annexation of the Subject Property in order to provide adequate urban services to said area, particularly city water and sewer; and

WHEREAS, the parties anticipate that annexation, with an initial zoning designation of Low Density Residential - Developing (LR-D), will be consistent with the Boulder Valley Comprehensive Plan; and

WHEREAS, the City is interested in insuring that certain terms and conditions of annexation be met by the Applicant in order to protect the public health, safety and welfare and prevent the placement of an unreasonable burden on the physical, social, economic, or environmental resources of the City.

COVENANTS

NOW, THEREFORE, in consideration of the recitals, promises and covenants herein set forth, and other good and valuable consideration herein received for, the parties agree as follows:

K:\ALPHA\PL\CUA-3.GYR

1. Definitions

“Redevelopment” shall be defined as the subdivision of a property to create a new lot, issuance of a building permit for a new dwelling unit, or issuance of a building permit for additional square footage or other improvement which is twenty-five percent (25%) or more of the market value of the existing structure, except where twenty-five percent (25%) is less than Twenty-Five Thousand dollars (\$25,000) in which case redevelopment shall mean a building permit for a structure whose value is greater than or equal to Twenty-Five Thousand dollars (\$25,000). Successive building permits will be aggregated in determining whether redevelopment has occurred and will be cumulative over any three (3) year period.

Improvements to existing structures to the extent that the improvements are necessary to comply with City’s rental housing requirements will not be counted against the twenty-five percent (25%) or Twenty-Five Thousand dollars (\$25,000) thresholds which define redevelopment and will not trigger payment of outstanding fees.

“Basement” shall be defined as habitable or non-habitable areas below grade enclosed by a foundation wall where no part of the foundation wall exceeds two (2) feet in height above grade, as said grade existed at the time of this agreement. If any portion of the foundation wall projects more than two (2) feet above the grade, the basement area enclosed by the foundation shall count against the total Floor Area Ratio (FAR) permitted on the site and said basement shall be considered a story for purposes of determining the number of permitted stories in a structure.

2. Water

A. Domestic water service will be constructed and paid for by the City pursuant to that agreement between the City of Boulder, the EPA and the other Potentially Responsible Parties (PRPs). Domestic water service to existing residences shall include application fees, main front footage charges, tap fees for a 3/4" tap, Plant Investment Fees (PIFs) for residential use, meter fees and any other fees for water connection to existing residences and will include the filing fee(s) for inclusion into the Northern Colorado Water Conservation District (NCWCD), if necessary, and the Municipal Subdistrict. The City will not pay the annual mill levy of NCWCD.

New units will be required to pay all normal fees and charges for water service at time of construction, except that no front foot assessment for the newly installed water mains will be collected.

B. Applicant shall connect to the City’s water system immediately upon annexation.



- C. Applicant may use existing wells for irrigation purposes. Under no circumstances may existing wells be used for domestic water purposes. No person shall make any cross connections between a well and the City's municipal water supply system.

3. Sewer

- A. If the Subject Property is currently served by an adequate septic system, Applicant will not be required to connect to the City's sanitary sewer system. In order to demonstrate that the septic system is adequate, the Applicant must provide to the City of Boulder confirmation of (1) a valid Boulder County ISDS Permit and (2) an inspection of the septic system confirming there is a four foot (4') separation between the absorption field and the seasonal high groundwater level. If the property does not meet these requirements, Applicant shall connect to the sanitary sewer system within 365 days of the effective date of the annexation ordinance.

- B. Assessments for the costs of construction of the sanitary sewer mains shall be paid by Applicant as a lump sum, at time of connection or redevelopment, unless a property owner applies for connection to the City's sanitary sewer system within sixty (60) days of the effective date of the annexation ordinance. If the application is made within sixty (60) days and the connection made within 365 days after application, the property owner may elect to pay the outstanding assessment in a lump sum payment or pay the prorated amount in ten (10) equal, annual installments amortized at a rate of six and a half percent (6.5%) simple interest per annum beginning on the effective date of the annexation ordinance.

Unofficial Copy

If the property owner does not apply for connection within sixty (60) days of the effective date of the annexation ordinance or fails to connect within three hundred sixty-five (365) days after application, the outstanding balance will accrue interest at a rate of six and a half percent (6.5%) simple interest per annum and must be paid in full at time of connection.

- C. Plant Investment Fees (PIFs) and other connection fees will be determined at time of connection based on the then applicable fee schedule.
- D. Where the City is not required by an existing agreement to collect outstanding assessments for the construction of a sanitary sewer main, such prorated fees will not be collected by City.
- E. Sanitary sewer main assessments and PIFs for the Subject Property must be paid for the entire property at time of redevelopment or connection to the City sanitary sewer



system. Sanitary sewer main assessments and PIFs for individual buildable lots, will be due at the time of redevelopment of each lot.

- F. Low-Income Deferral - Applicant shall be eligible for a low income deferral or payment schedule when a property is required to connect to the sanitary sewer system prior to redevelopment and the property owner meets the criteria set by the City of Boulder Housing Authority and applies in writing to the City Manager for a deferral prior to connection to the sanitary sewer system.

4. Transportation

- A. At or prior to the time of subdivision or redevelopment of the Subject Property, whichever first occurs, Applicant shall sign an agreement to participate in and not to remonstrate against the establishment of a Local Improvement District (LID). Applicant acknowledges that no subdivision will be approved and no redevelopment will be permitted until said agreement to participate is signed.

In the formation of such LID, the City shall pay fifty percent (50%) of the costs to improve the existing pavement sections of the following streets to City of Boulder standards:

- Upland from Broadway to 19th Street;
- Portions of Tamarack from Broadway to Crestview School;
- 13th Street from Upland to Violet; and
- Sumac from Broadway to 19th Street.

The costs of all new improvements, including but not limited to road base, pavement, curb, gutter, sidewalks, and drainage facilities, shall be paid for one hundred percent (100%) by the properties located in the LID for the following improvements:

- 13th Street, between Upland and Violet, as a standard rural residential street with sidewalks on one side;
- 15th Street, between Upland and Tamarack Avenue, as standard rural residential street with sidewalks on one side;

- Upland Avenue as a standard rural residential street with drainage improvements and a sidewalk on one side;
- Tamarack Avenue as a standard rural residential street with drainage improvements;
- Sumac Avenue as a standard rural residential street with drainage improvements and a sidewalk on one side; and
- 17th Street between Upland and Violet as a multi-use path for pedestrians, bicycles, and emergency access for police and fire.

Prior to the formation of any assessment district which includes the construction of 15th or 17th Street, the City will provide the opportunity for the Applicant to have input into the final designs for the street improvements to be built.

B. At the time of development or redevelopment of the Subject Property, Applicant shall be required to construct the following improvements in the location depicted on the attached Exhibit A:

- 12 1/2 Street between Upland Avenue and Tamarack Avenue as a standard thirty foot (30') right-of-way access lane with the required turnaround and with an eight foot wide pedestrian/bicycle path extending west to Broadway

C. Prior to second reading of the annexation ordinance, the Applicant shall:

- Dedicate to the City of Boulder, in fee and at no cost, right-of-way for Broadway such that there is a total of forty and a half feet (40.5') from the centerline which the City agrees is the Section line.

D. The Applicant acknowledges that access to existing and proposed streets shall be limited as follows:

- No new curb cuts or direct access to Broadway will be permitted;
- Existing curb cuts on Broadway shall be closed at time of redevelopment; and
- Shared driveways and curb cuts may be permitted and may be encouraged during subdivision or redevelopment of the Subject Property where such

combined access is consistent with the adopted zoning and infrastructure plan.

- 5. **Flood Control and Stormwater** - At time of redevelopment or sale of the Subject Property, the Applicant shall pay the Stormwater and Flood Control Plant Investment Fee (SFCPIF). If the fee is paid within two (2) years of the effective date of the Annexation Ordinance, the fee will be the amount due on the effective date of the Annexation Ordinance. If the fee is paid later than two (2) years from the effective date of the Annexation Ordinance, the fee will be the amount due at time of payment. The Applicant acknowledges the use of a modified equation for the calculation of SFCPIF that charges each property based on the developed (impervious area) of the site, as follows:

$[X/7000 \times (C5-0.2)/0.2 \times \$1094.78]$   
 where X=Total Impervious Area in square feet;  
 $C5=[0.9Y+0.1(X-2)]/X$ ; and  
 Y=Total Impervious Area in square feet

To accurately determine the SFCPIF due for the Subject Property, the Applicant shall submit an Improvement Location Certificate completed by a licensed surveyor to the Utilities Division of the Public Works Department, prior to sale or redevelopment.

- 6. **Floodplain and Drainage**
  - A. The City has implemented a restudy of the Fourmile Canyon Creek Floodplain and if appropriate, will amend the location of the High Hazard and Conveyance Zones and the boundaries of the Floodplain when the study is complete.
  - B. The City of Boulder floodplain regulations, Chapter 9-9, B.R.C., 1981, as amended, shall apply to all properties located within the regulatory One Hundred (100) Year Floodplain. Existing structures located in the floodplain of Fourmile Canyon Creek may remain, consistent with the aforementioned Section. All new structures, additions, or substantial improvements or modifications will be subject to the City's floodplain regulations.
  - C. Properties shall convey drainage from the site in a manner which does not negatively impact abutting properties.
  - D. At the time of redevelopment, Applicant acknowledges that the Subject Property shall provide drainage improvements needed to serve their property (including detention facilities and an adequate outfall to a major drainage system) in accordance

with the City's design standards. Such detention or other drainage facilities shall be designed and constructed by property owners at time of redevelopment, if the improvements are needed in order to comply with "C" above.

- E. Applicant acknowledges that existing irrigation ditches and/or laterals shall not be used as an outfall point for developed storm water runoff if the storm water discharge is of increased quantity or frequency. The City agrees that there may be certain situations where such releases to ditches or ditch laterals may be appropriate if an adequate hydraulic engineering analysis acceptable to the City Manager is provided to show that the ditch/lateral has sufficient capacity and a positive outfall at a major drainage way. In those cases it will be necessary to obtain the consent of the ditch company to accept the storm water discharge, in a form which is acceptable to the City Attorney.

7. Silver Lake Ditch Water Release and Existing Well

- A. At time of redevelopment or connection to the City's water system, the Applicant shall offer a "First Right of Refusal", consistent with Section 11-1-19, B.R.C., 1983, for any water rights appurtenant to the Subject Property. Said right of refusal shall provide that the Applicant shall give the manager sixty (60) days' advance written notice of Applicant's desire to sell the ditch rights to the City. It is the City's desire to keep for use on the land any water or ditch rights appurtenant to property zoned ER-E and RR-E and for residential lots over 15,000 sq. ft. in size regardless of zoning.
- B. Properties abutting an existing irrigation ditch or lateral shall not relocate, modify, or alter the ditch or lateral until and unless written approval is received from the appropriate ditch company.

8. Miscellaneous Fees / Taxes

- A. Park Fees - For residential dwelling units existing on July 1, 1997, the Applicant may defer the payment of park fees until redevelopment or sale of the Subject Property. The Applicant agrees to pay the then current park fees at the time redevelopment or sale occurs.
- B. Development Excise Tax - For buildings in existence on July 1, 1997, the Development Excise Tax (DET) that would normally be due upon annexation will be deferred until redevelopment or sale occurs. Applicant acknowledges that at the time of redevelopment or sale of the Subject Property, Applicant shall pay the DET



for any existing building or buildings and the new building or addition at the time that a permit is requested for the new building or addition. The rates imposed for this tax will be the rates applicable at that time.

9. Northern Colorado Water Conservancy District

- A. Applicants shall execute the Petition for inclusion of Lands in the NCWCD municipal subdistrict prior to first reading of the annexation ordinance.

10. City Codes and Policies:

- A. Zoning and Allowed Uses The Applicant agrees that the following design guidelines and criteria will apply to the Subject Property after annexation:

General

- Non-residential uses such as personal services, offices, medical and dental offices or clinics, automobile parking lots as a principal use, mobile home parks, convenience stores and outlets, antique stores, and village centers shall not be permitted;
- Site Review or Subdivision (platting, lot layout, housing types) shall not be used to reduce the density below two (2) platted lots;
- All lots must have frontage on a public street; and
- Flaglots shall not be permitted.

Landscaping

- Street trees shall be selected from among the "large maturing" varieties and planted as required by the City Forester at time of redevelopment; and
- Properties shall receive credit, if approved by the City Forester, for existing "large maturing" varieties of street trees.

Fences

- Fences and landscaping berms are permitted in required front yards and side yard abutting a public street (up to the front facade of the principal building

Unofficial Copy



and the side yard building envelope) so long as either or the combination of both does not exceed forty-eight inches (48") in height. However, in no event may a berm exceed thirty-six inches (36") in height;

- For properties abutting Broadway or Front Avenue, a fence which shall not exceed thirty-six inches (36") in height may be located on the top of the thirty-six inches (36") berm; and
- Up to 7 foot fences permitted on interior sideyard or rearyard lot lines equal to or behind the front facade of the principal building.

Buildings

- Two-story maximum above basement;
- At least one "Entry" element including but not limited to, covered and uncovered porches and front doors shall be provided on facades abutting a public street;
- Porches may encroach within a required yard abutting a street consistent with §9-3.2-15(c) and (d), B.R.C., 1981; and
- Attached and detached garages shall be setback at least 10' from the front facade of the principal building; or if side-loaded, may not project beyond the front facade of the building.

**B. Floor Area Ratios (FARs)**

Redevelopment shall be consistent with the following FARs which shall be defined as the total square footage of all levels within the outside walls of a building or portion thereof including attached and detached garages and detached accessory buildings, but which shall not include basements, unenclosed carports, and unenclosed porches and decks:

Lots 6500 - 15000 sq.ft.	0.30:1 FAR
Lots 15001 - 29999 sq.ft.	0.25:1 FAR
Lots >or = 30000 sq.ft.	0.20:1 FAR

Additionally, a 500 square foot increase to the total FAR is available for a detached or attached garage or a detached accessory building.

Properties, upon redevelopment, may transfer up to forty percent (40%) of the total permitted floor area of one lot to another lot within a development in order to create greater diversity of housing types within the development.

C. Non-conforming Buildings, Uses, Animal Ordinances

- The City agrees that its ordinances generally are not applicable to pre-existing non-conforming structures and uses, with the exception of ordinances regarding health and life safety hazards. This means that existing legal non-conforming uses will be allowed to continue and be modified or expanded in accordance with the City's non-conforming review provisions of the Code.
- The City acknowledges that non-standard buildings, established while under County jurisdiction, may be retained and may be modified consistent with the City's zoning and use and other regulations.

The City acknowledges that the application of the Uniform Building Code to Applicant's property will be the same as, and no greater than, its application to any other property in the City limits as of July 1, 1997.

- Signs which are legal under the existing County regulations as of the date of annexation may remain in place without meeting the City's amortization schedule for the removal of non-conforming signs. At the time of redevelopment of the Subject Property, signs shall meet the City Sign Code.

D. Rental Properties

Rental properties shall submit an application to the City for a rental housing license within ninety (90) days of the effective date of annexation; property owners shall comply with the immediate life safety requirements of the rental housing code within 180 days of the inspection report.

E. Design Standards

- The City shall work with utility providers such as Public Service Company and US West to review the design of the provision of services to the Crestview West Annexation Area. Property owners shall relocate or construct any overhead service lines consistent with a redesigned system

upon redevelopment. The City and the respective utility companies may participate in the costs to construct the new distribution system.

- Existing fences not conforming with these guidelines may be retained until redevelopment of the Subject Property. However, new or replacement fences must conform to the standards for fences listed in this agreement.
- Non-residential uses shall be eligible for Site Review whether or not they meet the lot size or dwelling unit thresholds of the City's code.
- The City Manager may approve variances to the berm height, FARs, garage setbacks, fence setbacks, and the two (2) story limit upon a finding that a physical hardship or limitation exists, that the hardship or limitation was not of the Applicant's own making, that the proposed variance is the minimum necessary to reasonably utilize the property.

11. Fire and Life Safety Codes

The City's Fire and Life Safety Code is intended to be retroactive so that buildings and building occupancies or uses should meet the Code shortly after annexation. However, existing buildings and their occupancies or uses will not be required to meet the Fire and Life Safety Code until redevelopment occurs or unless the use of the building is a hazardous use. At the time of redevelopment or change of occupancy to a hazardous use, the building or portion of the building being redeveloped or changed will be required to meet the Fire and Life Safety Code. Building uses that are classified as hazardous uses include those using flammable or combustible liquids, spray paint operations, woodworking shops and similar places generating combustible dusts, and restaurants.

12. Breach of Covenants

In the event the Applicant breaches or fails to perform any required action under or fails to pay any fee specified under Covenants 1, 2, 4, or 7 of this Agreement, the Applicant acknowledges that the City may take all reasonable actions to cure the breach, including but not limited to the filing of an action for specific performance of the obligation to connect to the water and/or sewer system of the City. In the event the Applicant fails to pay any monies due under this agreement or fails to perform any affirmative obligation hereunder, the Applicant agrees that the City may collect the monies due in the manner provided for in Section 2-2-12, B.R.C. 1981, as amended, as if the said monies were due and owing pursuant to a duly adopted ordinance of the City or the City may perform the obligation on behalf of the Applicant, and collect its costs in the manner herein provided. The Applicant agrees to

waive any rights he or she may have under Section 31-20-105, C.R.S., based on the City's lack of an enabling ordinance authorizing collection of this specific debt, or acknowledges that the adoption of the annexation ordinance is such enabling ordinance.

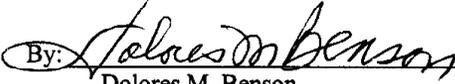
13. Vested Rights

The Applicant hereby waives any statutory vested rights that may have accrued under County jurisdiction, that have not been perfected as common law vested rights. The Applicant acknowledges that nothing herein may be construed as a waiver of the City's powers to zone and regulate land uses for the benefit of the citizens and residents of Boulder.

This Agreement and any document executed pursuant hereto shall be null and void and of no consequence in the event the Subject Property is not annexed to the City of Boulder.

This Agreement and the covenants set forth herein shall run with the land and be binding upon the Applicant, her heirs, successors, and assigns and all persons who may hereafter acquire an interest in the Subject Property, in any part thereof. If it shall be determined that this Agreement contains an interest in land, that interest shall vest, if at all, within the lives of the undersigned plus twenty (20) years and 64 days.

APPLICANT:

By:   
Dolores M. Benson



STATE OF COLORADO )  
 ) ss.  
COUNTY OF BOULDER )

The foregoing instrument was acknowledged before me, Notary Public, this 19<sup>th</sup> day of September, 1997, by Dolores M. Benson.

Witness my hand and official seal.

My commission expires 2000 12/6/97

(seal)



MY COMMISSION EXPIRES  
DECEMBER 6, 2000

Jessi L. Tall  
Notary Public

CITY OF BOULDER

By: [Signature]  
City Manager

Attest:

[Signature]  
Director of Finance and Record  
Ex-Officio City Clerk

Approved As To Form:

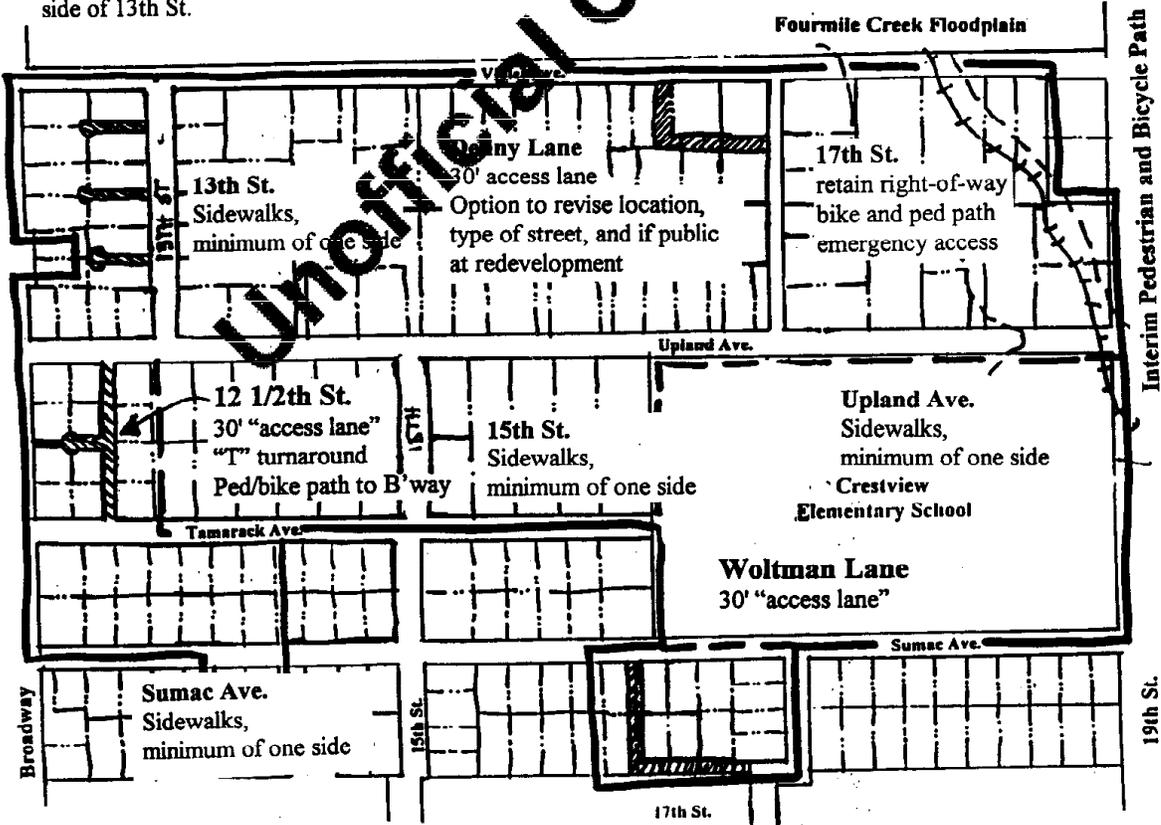
[Signature]  
City Attorney 11-6-97



### EXHIBIT A

**Shared Driveways**  
May exceed length requirement  
w/ City Manager approval  
Max 3 curb cuts on the west  
side of 13th St.

**Future Pedestrian and Bicycle Path**  
Path easement not required at  
annex, path to be constructed  
by City when properties, or portions  
thereof, are purchased for bridge/underpass  
and floodplain improvements



UNOFFICIAL COPY



**POST-ANNEXATION AGREEMENT AMENDMENT**

This Agreement, made this 22<sup>nd</sup> day of ~~October~~ <sup>November</sup>, 1999, by and between the City of Boulder, a Colorado home rule city, (the "City") and Sierra Development, L.L.C., a Colorado limited liability company, (the "Owner") the owner of Property that is generally located at 1276 Upland Avenue and more fully described in Exhibit "A" attached hereto and incorporated herein by reference (the "Subject Property").

RECITALS

WHEREAS, this Post-Annexation Agreement Amendment is intended to amend Post-Annexation Agreement between the City and Aca A. Nasalroad, dated September 9, 1999, and recorded on September 27, 1999 at Reception No. 1985022 with the Boulder County Clerk and Recorder (the "Post-Annexation Agreement"); and

WHEREAS, the Owner of the Subject Property has proposed an alternative method for constructing 12 1/2 Street than was originally contemplated in the Post-Annexation Agreement; and

WHEREAS, said method proposed for the construction of 12 1/2 Street meets the City standards; and

WHEREAS, the Planning Board recommended that the City Council authorize the City Manager to execute this Agreement on October 21, 1999; and

WHEREAS, the City Council authorized the City Manager to execute this agreement on November 9th, 1999.

COVENANTS

NOW, THEREFORE, in consideration of the recitals, promises and covenants herein set forth, and other good and valuable consideration herein receipted for, the parties agree as follows:

A. The Parties agree to amend the Post-Annexation Agreement by repealing and replacing Paragraphs "B" and "C" of Section 5, "Transportation," with the following:

5. Transportation

...

K:\PLCUVA-NASALROAD-AMDNT.GYR

LOB

B. No additional dwelling units may be constructed until the Owner of the Property dedicates three feet (3') of additional right-of-way, for a total of eighteen feet (18') of right-of-way, along the west property line, to the City.

C(1). At time of application for any building permit for an additional dwelling unit on the Subject Property, Owner shall be required to construct the following improvements in the location depicted on Exhibit "B" attached to this agreement:

- 12 1/2 Street between Upland Avenue and Tamarack Avenue as a standard twelve foot (12') wide residential alley placed one foot (1') from the west property line and meeting the City of Boulder's "Design and Construction Standards."

C(2) Prior to, or concurrent with, subdivision of the subject Property, the Owner shall dedicate or secure the dedication of, the entire width of 12 1/2 Street up to the City thirty foot (30') wide right-of-way access lane standard. The Owner shall be required to construct 12 1/2 Street between Upland Avenue and Tamarack Avenue as a standard thirty (30') foot wide right-of-way with an access lane meeting the City of Boulder's "Design and Construction Standards."

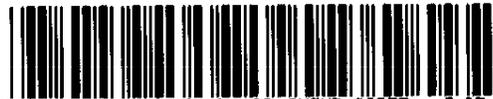
C(3) The City and the Owner Agree that no further Subdivision of the Property will be permitted until 12 1/2 Street has been constructed in accordance with Paragraph C(2) above.

C(4) Owner may receive reimbursement for part or all of the costs of such improvements constructed pursuant to Paragraph C(2) above, in accordance with the terms and conditions of a Public Improvement Extension Agreement that is consistent with Paragraph 9-5-9(e)(1), B.R.C. 1981.

B. The Owner agrees to pay all costs associated with the recording of this Post-Annexation Agreement Amendment.

C. The City and Owner agree that all covenants, conditions and requirements set forth in the Post-Annexation Agreement, more fully described above, except as modified herein, shall remain in full force and effect as written.



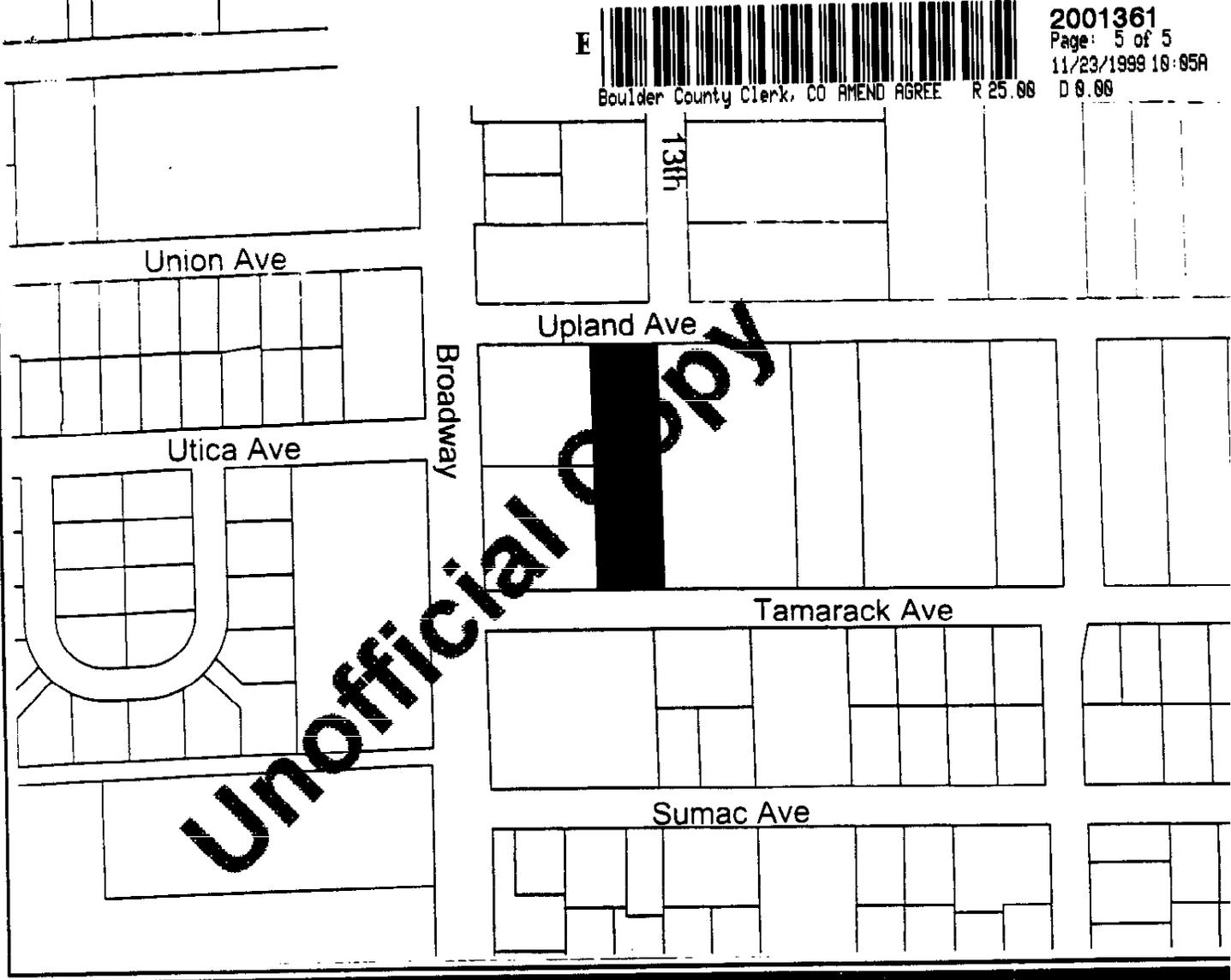


**Exhibit A**

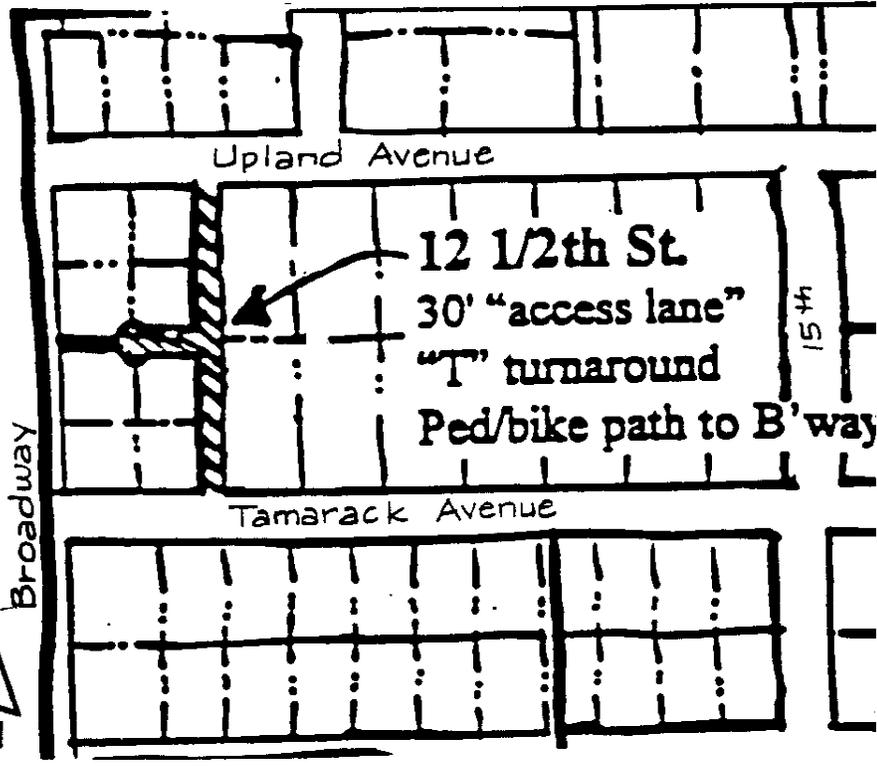
**Legal Description**

Lots 3 and 12, Block 5, Moore's Subdivision, County of Boulder, State of Colorado, excepting therefrom the westerly 15 feet of said Lots 3 and 12, as conveyed by Aca A. Nasalroad to the City of Boulder, a Colorado home rule city, in the warranty deed recorded July 26, 1999 as reception no. 1964274. Also known by street and number as 1276 Upland Avenue, Boulder, Colorado 80304

**Unofficial Copy**



- LOCATION:  
1276 Upland Avenue
- APPLICATION TYPE:  
Amendment to Post Annexation Agreement
- ZONING:  
LR-D Low Density Residential Developing
- APPLICANT:  
Sierra Development LLC,  
Mark Young, manager



For Administrative Purposes Only  
 Address: 1215 and 1235 Tamarack  
 Case No. LUR2013-00036

## ANNEXATION AGREEMENT AMENDMENT

This annexation agreement amendment ("Amendment") made this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by and between the City of Boulder, a Colorado home rule city ("City"); TJM Investment, LLC, a Colorado limited liability company, f/k/a TJM Properties, LLC, a Colorado limited liability company ("TJM Investment"), the owner of the property generally known as 1215 Tamarack and more particularly described on Exhibit A ("1215 Tamarack Property"); and James C. Hohmann and Deborah Stabler, the owners of the property generally known as 1235 Tamarack and more particularly described on Exhibit B ("1235 Tamarack Property"). TJM Investment and James C. Hohmann and Deborah Stabler are hereafter collectively referred to as the "Applicant." The 1215 Tamarack Property and 1235 Tamarack Property and hereafter collectively referred to as "Subject Property."

## RECITALS

A. The Annexation Agreement for the Subject Property was between Dolores M. Benson and the City and recorded in the records of the Boulder County Clerk and Recorder on November 18, 1997 at Reception #1748523 ("Annexation Agreement").

B. The Applicant is interested in obtaining approval from the City for this Amendment to modify the requirement set forth in Paragraph 4.B of the Annexation Agreement to construct 12 ½ Street between Upland Avenue and Tamarack Avenue as a standard thirty foot (30') right-of-way access lane with the required turnaround from the time of development or redevelopment to the time of subdivision of the Subject Property.

## COVENANTS

NOW, THEREFORE, in consideration of the recitals, promises and covenants herein set forth, and other good and valuable consideration herein received for, the parties agree as follows:

1. The City and the Applicant agree to amend the Annexation Agreement by repealing and replacing the existing Section 4.B with the following:
  - B.i. At time of application for any building permit for an additional dwelling unit on the Subject Property, the Applicant shall be required to construct the

following improvements in the location depicted on Exhibit C attached to this Amendment:

- 12½ Street between Upland Avenue and Tamarack Avenue as a standard twelve foot (12') wide residential alley placed one foot (1') from the eastern property line and meeting the City of Boulder Design and Construction Standards.
- B.ii. Prior to, or concurrent with, subdivision of the Subject Property, the Applicant shall dedicate or secure the dedication of, the entire width of 12½ Street up to the City thirty foot (30') wide right-of-way access lane standard with the required turnaround and with an eight foot wide pedestrian/bicycle path extending west to Broadway. The Applicant shall be required to construct 12½ Street between Upland Avenue and Tamarack Avenue as a standard thirty foot (30') right-of-way with the required turnaround and with an eight foot wide pedestrian/bicycle path extending west to Broadway meeting the City of Boulder Design and Construction Standards.
- B.iii. The City and the Applicant agree that no further Subdivision of the Property will be permitted until 12½ Street has been constructed in accordance with paragraph B.ii above.
- B.iv. The Applicant may receive reimbursement for part or all of the costs of such improvements constructed pursuant to Paragraph B.ii above, in accordance with the terms and conditions of a Public Improvement Extension Agreement that is consistent with Paragraph 9-12-12(f)(1), "Public Improvement Extension Agreement," B.R.C. 1981.
2. The City and the Applicant also agree that the remaining portions of Section 4 of the Annexation Agreement not affected by this Amendment shall remain in full force and effect.
3. Prior to an application for a building permit for redevelopment of either the 1215 Tamarack Property or 1235 Tamarack Property, the Applicant shall ensure that the accessory building located on the lot line between these properties is removed.

4. This Amendment is contingent upon the approval of the Boulder City Council. If the Boulder City Council does not approve this Amendment, the parties agree that it will have no force or effect.
5. This Amendment shall be recorded in the records of the Boulder County Clerk and Recorder at the expense of the City.

CITY OF BOULDER , COLORADO

By: \_\_\_\_\_  
Jane S. Brautigam, City Manager

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
City Attorney's Office

\_\_\_\_\_  
Date



APPLICANT  
OWNERS OF 1235 TAMARACK PROPERTY

By: \_\_\_\_\_  
James C. Hohmann

STATE OF COLORADO )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2013 by James C. Hohmann.

Witness my hand and official seal.  
My commission expires: \_\_\_\_\_

[SEAL]

\_\_\_\_\_  
Notary Public

By: \_\_\_\_\_  
Deborah Stabler

STATE OF COLORADO )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2013 by Deborah Stabler.

Witness my hand and official seal.  
My commission expires: \_\_\_\_\_

[SEAL]

\_\_\_\_\_  
Notary Public

EXHIBITS

- Exhibit A Legal Description for 1215 Tamarack
- Exhibit B Legal Description for 1235 Tamarack
- Exhibit C Map of the location of the 12½ Street Improvement



**CITY OF BOULDER  
PLANNING BOARD AGENDA ITEM**

**MEETING DATE: Oct. 10, 2013**

**AGENDA TITLE:**

Review and comment on the draft Economic Sustainability Strategy

**REQUESTING DEPARTMENTS:**

David Driskell, Executive Director, Community Planning and Sustainability  
Susan Richstone, Deputy Director, Community Planning and Sustainability  
Liz Hanson, Economic Vitality Coordinator  
Chris Meschuk, Planner II  
Molly Winter, Director, Downtown and University Hill Management Division  
/Parking Services  
Anna Gerstle, Economic Vitality Assistant

**INTRODUCTION:**

The purpose of this item is for the Planning Board to review and provide comments on the Economic Sustainability Strategy prior to consideration for adoption by City Council.

A Primary Employer Study was prepared in 2012 to analyze the needs of primary employers in relation to the city's industrial and commercial areas. At the August 28, 2012 Study Session<sup>1</sup>, City Council received the Primary Employer Study, which included findings from a report authored by the University of Colorado (CU) Leeds School of Business, Business Research Division (BRD), and a survey conducted by the Boulder Economic Council (BEC) and four stakeholder meetings. The results featured a summary of the issues, needs, and challenges of Boulder's primary employers as well as profiles of Boulder's commercial and industrial space and primary employers.

In 2006, the City of Boulder defined "primary employer" by ordinance<sup>2</sup>. Whether primary employers have five or 500 employees, they bring "new money" into the Boulder economy, support local secondary employers (e.g. caterers, printers, restaurants), and pay substantial property taxes, sales and use taxes and permit fees to the city.

The Primary Employer Study revealed four key issues that could potentially slow the ability of companies to be successful contributors to the city's economic vitality:

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<sup>1</sup> The referenced memoranda to City Council can be found at <https://bouldercolorado.gov/pages/economic-vitality-program-updates>

<sup>2</sup> "Primary Employer" means a business or organization of any number of employees that generates more than 50 percent of its revenues from activities outside of Boulder County, and shall include, but is not limited to those facilities of such business and organization devoted to manufacturing, research and development, data processing, telecommunications and publishing, but shall not include hotels, motels, retailers, or food service facilities." – Ordinance No. 7639

1. Limited availability of suitable space for primary employer expansion
2. Lack of flexibility in allowed uses
3. Cost of land/cost of doing business is high
4. Lack of amenities in some parts of the city

During the August 2012 study session, City Council expressed support for the exploration of near-term actions to improve codes and processes that affect primary employers and the development of an Economic Sustainability Strategy (ESS). On December 11, 2012, city staff sent an Information Packet to City Council to provide an update on the proposed framework and work plan for the ESS.

## **OVERVIEW OF THE ECONOMIC SUSTAINABILITY STRATEGY**

Since the first quarter of 2013, city staff has worked with business partners including the Boulder Economic Council (BEC) to develop the ESS. The cross-departmental effort involved staff from the city's Economic Vitality Team, Community Planning and Sustainability, Housing, and Transportation to ensure that the new strategy document is coordinated with other existing and proposed city plans, strategies, and programs.

The proposed ESS document is in [Attachment A](#). The strategy is an integrated approach to Boulder's continued economic vitality. As a key tool to implement the economic vitality strategy area of the city's Sustainability Framework, the ESS is consistent with the Boulder Valley Comprehensive Plan (BVCP) and helps to guide the implementation of adopted BVCP policies (particularly economic policies).

The ESS is based on a "place-based" approach to economic vitality. The place-based approach seeks to create vibrant, amenity-rich business districts that vary in their focus and intensity, and offer environments that support key industry clusters, retain talented workers and enhance a unique and sustainable "Boulder" quality of life. The ESS includes strategies and action items organized into three categories:

- People – social and workforce amenities (addresses arts, culture, etc.)
- Place – physical environment (addresses public realm infrastructure/amenities, buildings, etc.)
- Process – ease of doing businesses (addresses city processes and procedures)

The ESS strategies help to prioritize the action items, which would be updated each year based on resources available (city work plan and budget). Each year's action items would reflect what can realistically be accomplished; 2013/2014 action items are shown in the attached ESS and some items are already in progress. Longer term action items are also listed, for future prioritization and scheduling and to help guide the development of the city-wide annual work plan.

The ESS is intended to be a strategy document for both the Boulder city government and the community. Some of the action items are to be implemented solely by city staff. For other action items, the city would play a supporting or facilitating role. For example, the city would likely play a strong role in implementing "Place" and "Process" action items, while supporting community and business partners for several "People" action items.

## **STAKEHOLDER COMMENTS**

On August 5, staff sent a draft of the ESS to 39 stakeholders in the business community requesting their comments and recommendations on the draft document. The stakeholders included architects, brokers, developers, property owners, and primary employers, as well as representatives from business and partner organizations. Many of the stakeholders also participated in the Primary Employer Study focus groups and/or provided input on the development of the study. Twenty-one stakeholders provided feedback on the draft by either phone or email.

Generally, respondents felt the document successfully captured the key issues related to Boulder's economic sustainability and appreciated the city laying out a strategy. Several noted that people who want to do business here will find a way to do so, but that surrounding areas are catching up with Boulder's "coolness". Overall, there was a sense that the ESS correctly addressed the challenges, but in some cases did not reflect the magnitude of the issues. Frequently raised topics included housing needs and costs, East Boulder commercial areas, redevelopment density, timing of city processes, and city incentives for amenities and upgrades. Detailed stakeholder comments can be found in [Attachment B](#).

## **ATTACHMENTS:**

- A. [Economic Sustainability Strategy](#)
- B. [Summary of Stakeholder Comments on the ESS](#)



# ECONOMIC

# SUSTAINABILITY

# STRATEGY

Draft for Planning Board 10-10-2013



# INTRO

Boulder's highly educated workforce, superb quality of life, high concentration of companies in growing industries, and synergies with the University of Colorado and 14 federal labs are the foundation of its economic success. The city attracts talented entrepreneurs who have created a unique business community focused on cutting edge innovation and vision, earning Boulder recognition as one of the nation's best cities for start ups in 2013. In fact, Richard Florida, author of *The Rise of the Creative Class*, named Boulder the most creative city in the U.S. in 2012 based on a detailed analysis of how more than 350 metro areas ranked in technology (new ideas, inventions, high-tech companies), talent (skilled, ambitious individuals), and tolerance (non-judgmental, open-minded).

This success didn't just happen—many ingredients came together to support Boulder's economic vitality. However, in terms of city-led efforts, many of the most important actions were not undertaken to promote economic development. On the contrary, many were initiated in response to growth pressures and the sense that the community's unique sense of place and quality of life would otherwise be lost. But, from preserving open space to protecting historic buildings in the downtown, many of those same actions have played a significant role in securing Boulder's current economic success. The uniqueness of place, compactness, connectedness and recreational amenities—combined with the innovation engines of CU and the labs—have helped attract and retain a talented and entrepreneurial workforce, fostering the growth of leading edge companies across a range of key industries.

*Economic vitality in the city of Boulder is a public-private collaboration to promote a healthy economy which supports the outstanding quality of life enjoyed by its residents. Boulder is following a sustainable path to economic development, adopting strategies that foster innovation, competitiveness, and entrepreneurship, and maintaining a positive business climate, while enhancing community character and preserving environmental quality.*

## SUSTAINING BOULDER'S ECONOMIC VITALITY

Since 2003, Boulder has had an economic vitality program aimed at working with community partners to create and sustain a favorable business climate. The program focuses in particular on the needs of primary employers—those that are the primary drivers of the city's economic health—helping to ensure that they are supported in their desire to be a growing and continuing part of Boulder's economy and community life. While the city does not focus on business attraction, it has become more proactive in working with partners to understand the needs of employers and respond accordingly. Two Economic Vitality programs—the Flexible Rebates program and Microloan program—are examples of how the city has responded to identified needs.

But while Boulder is fortunate to enjoy economic success today, challenges are on the horizon. The cost and lack of office space that meets contemporary standards; limited opportunities for home-grown businesses to remain in Boulder as their space needs change; and the impact of housing costs on employee retention are often cited as chal-

lenges that could impede Boulder's future economic vitality. Developing a more strategic approach to economic vitality can help respond to today's challenges and help ensure continued economic success in the future.



Boulder Farmers' Market

# CREATING AN ECONOMIC SUSTAINABILITY STRATEGY

The Economic Sustainability Strategy (ESS) is an integrated, cross-cutting approach to Boulder's continued economic vitality. This strategy is not a typical economic development approach, but will support the city's economic vitality by building on its strengths and addressing challenges. This strategy is based on simultaneously maintaining and enhancing the existing community of businesses while also positioning Boulder to grow new segments of its economy associated with larger economic, environmental and social trends. The strategy is focused on Boulder's primary employers. While the retail base cannot be ignored as a significant part of our economic vitality, it is not a focus of this strategy.

Use of the term "economic sustainability" instead of "economic development" or even "z vitality" reflects two key tenets. First, economic sustainability focuses on long-term conditions and outcomes, with a critical look at how current and anticipated issues and trends may affect the community's future economic vitality. It identifies near- and long-term strategies and actions that can help ensure success over time. Second, the application of a comprehensive "sustainability lens" acknowledges that efforts to ensure and enhance economic vitality must be approached and implemented in conjunction with the environmental, social and cultural qualities that are the foundation of Boulder's long-term health and quality of life.

This recognition now includes the acknowledgement that significant and far reaching changes are taking place in climatic systems that are having impacts both globally and locally. These impacts are leading to changes in international, national and state policies that will likely influence both regulatory and market activities. Part of Boulder's economic sustain-

ability strategy is to prepare our community and our businesses to be able to both minimize the impacts of these changes as well as position Boulder as a leader in the emerging market for technical, technological and social innovations, which is an essential element in the orientation of Boulder's new Climate Commitment strategy.



*A Boulder view*

## HOW WILL THE ECONOMIC SUSTAINABILITY STRATEGY BE USED?

The Economic Sustainability Strategy is the key tool to implement the Economic Vitality strategy area of the city's Sustainability Framework. The Sustainability Framework is based on the goals and policies of the Boulder Valley Comprehensive Plan and the city's priority based budgeting process and is used to assess and evaluate plans and programs against the desired outcomes defined by City Council and community. In many cases, priority strategies will be implemented by, integrated with or used to inform other city priorities and processes. For example, the

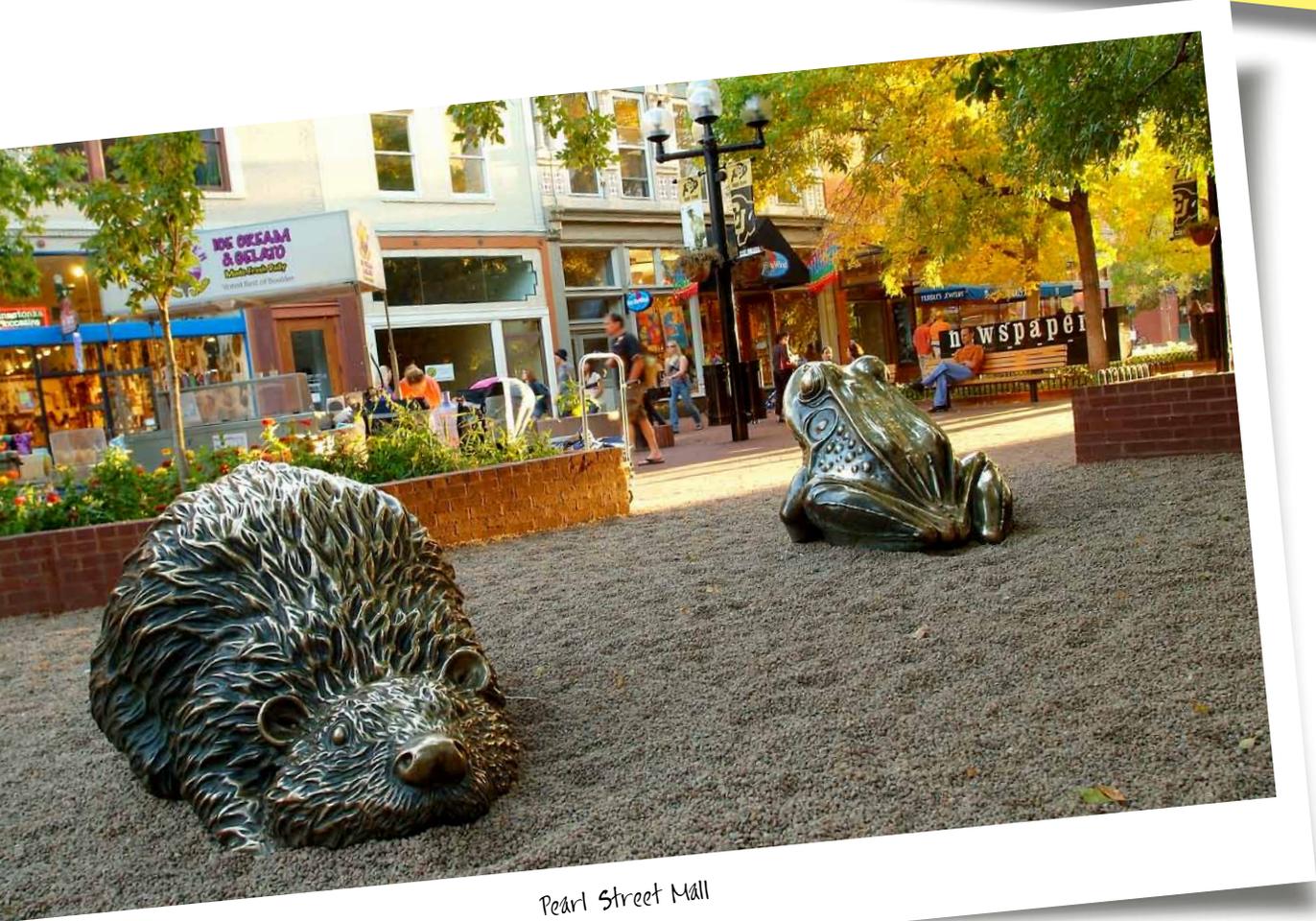
# KEEPING THE ECONOMIC SUSTAINABILITY STRATEGY ALIVE

need for expanded workforce housing opportunities is identified in the Economic Sustainability Strategy as an important need for Boulder's primary employers, and the community's long-term economic health, with that priority being implemented through the Comprehensive Housing Strategy work effort already underway. Identifying the strategic priority in the Economic Sustainability Strategy helps underscore the importance of affordable housing to Boulder's economy, and will help ensure that the economic impacts of housing decisions are given due weight in the housing strategy development process.

Implementation of the Economic Sustainability Strategy will rely on both the city and community partners, including businesses, institutions, commercial property owners and non-profit organizations that work with businesses. While the city plays a central role in the development of "place" (through planning, investment and regulation) as well as in "process" (balancing community perspectives and priorities in the review and approval of new development), those approaches alone will not achieve the vision. Leveraging community assets is critical to maintaining a strong and diverse economy, and many actions surrounding people, workforce, training and collaboration require leadership by community partners.

The Economic Sustainability Strategy is a strategy, not a plan. It is a living document designed to be a flexible tool with actions that are updated annually as community needs and priorities change. It will be regularly evaluated through informal and formal (surveys, focus groups, etc.) feedback to ensure that actions are achieving desired results.

*A "place-based" approach to economic sustainability seeks to create vibrant, amenity-rich business districts that vary in their focus and intensity and provide environments that support key industry clusters, retain talented workers and enhance a unique and sustainable "Boulder" quality of life. Each area of the city is different and a place-based approach looks at Boulder's various employment areas to identify desired change and then develop tailored strategies and actions for achieving that change.*



Pearl Street Mall

# ECONOMIC SUSTAINABILITY STRATEGY VISION

Boulder will continue to be recognized throughout the world as a city where employers and employees innovate, create, and thrive in a manner consistent with Boulder's environmental and social values.

To achieve this vision, the city and its partners will focus on strategies and actions in three inter-related categories:

- PEOPLE** – workforce, quality of life and social issues
- PLACE** – physical environment (infrastructure, amenities, buildings)
- PROCESS** – ease of doing businesses (city processes, programs, codes and procedures)

Strategies describe how the city can best respond to issues raised in the 2012 Primary Employer Study and other research conducted by the city while furthering the Economic Sustainability Strategy vision and the goals articulated in the Boulder Valley Comprehensive Plan (BVCP). The strategies are based on a “place-based” approach to economic vitality, improving city codes and process and addressing broader policy issues.

Action items identify how strategies will be implemented. Some actions can be accomplished by the city through improvements in internal processes and procedures. Others involve coordination with external stakeholders or require further analysis, particularly when an issue to be addressed may lead to policy changes or major program additions or enhancements. Action items are categorized as priority actions to be completed in 2014 or longer term actions that may begin in 2014 but completed at a later date.

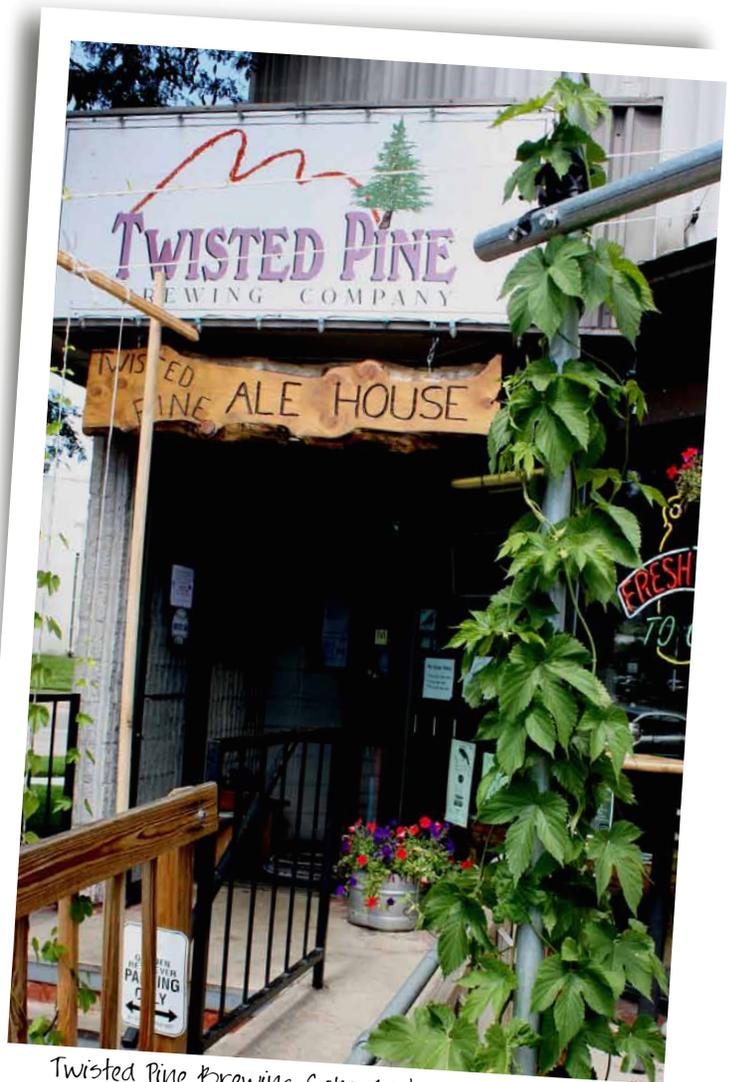
## BOULDER'S ECONOMY

Boulder is a highly desirable place to work, live, and play. The city is an important employment center for the area and has a diverse and healthy economy. Boulder businesses represent a wide variety of industries and the city has a high concentration of aerospace, bio-science, clean tech, data storage, digital media, natural and organic products, outdoor recreation and software companies. While the majority of the city's employers are small businesses, several Fortune 300 corporations have a presence in Boulder. This diversity has contributed to the city's economic vitality and helped mitigate effects of recent economic downturns.

Many people choose to work or live in Boulder because of its high quality of life, sense of place and extensive amenities. Boulder boasts hundreds of miles of bike and walking trails, excellent bus service, easy access to open space and the mountain backdrop, numerous and varied art, cultural, dining, entertainment and

shopping options, excellent schools, and high quality healthcare. These community characteristics have created a strategic economic advantage that is difficult to replicate, but requires careful consideration and planning to ensure its viability into the future.

Boulder is a land-constrained, compact community by design, reflecting the city's commitment to a sustainable urban form while protecting the area's scenic beauty, open space and recreational opportunities. With relatively little undeveloped land available for commercial development, the city is strategic about economic vitality. Boulder's economic sustainability efforts recognize the importance of jobs already in the city; and business retention and support for homegrown companies is a priority. While the Economic Sustainability Strategy is intended to help implement the results of the 2012 Primary Employer Study, Boulder's economic sustainability is much broader. Economic sustainability also results from the unique mix of a successful and healthy tourist industry, partnerships with universities and federal laboratories, and many arts, cultural, entertainment and retail options. The city



*Twisted Pine Brewing Company's newly expanded ale house and outdoor deck*

also recognizes the importance of the primary employers that make up the core of the local economy. Primary employers are defined by city ordinance as:

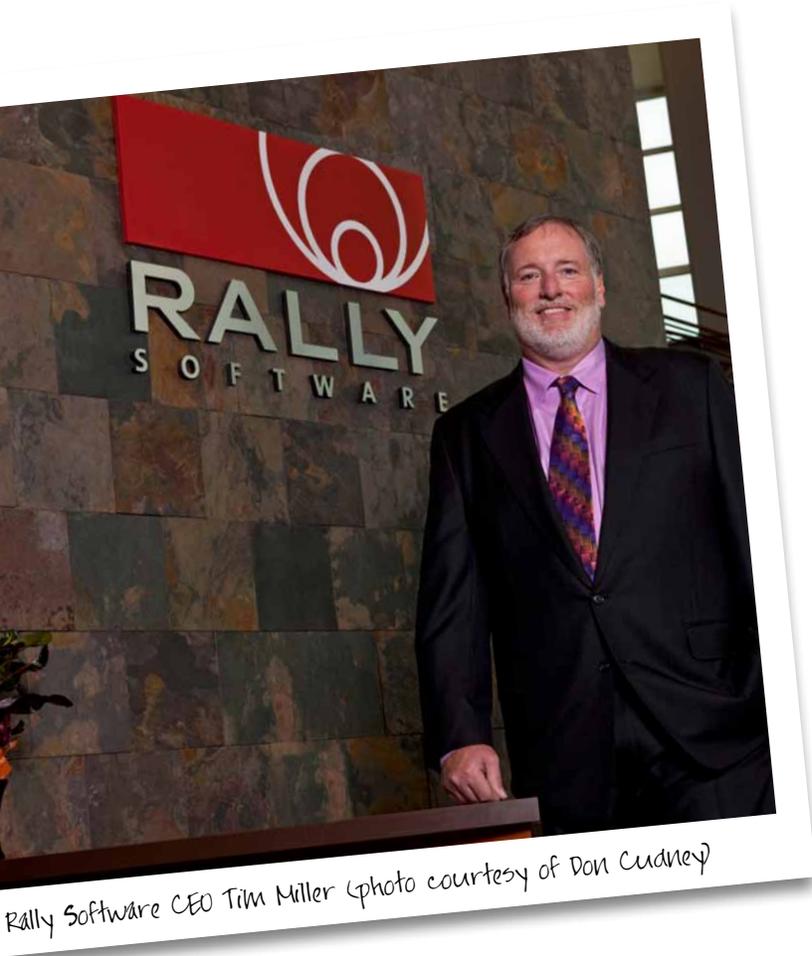
A business or organization of any number of employees that generates more than 50 percent of its revenues from activities outside of Boulder County, and shall include, but is not limited to those facilities of such business and organization devoted to manufacturing, research and development, data processing, telecommunications and publishing, but shall not include hotels, motels, retailers, or food service facilities.

Primary employers bring new money into the local economy, support secondary employers (restaurants, printers, banks, etc.) and pay substantial property taxes, sales and use taxes and permit and development fees to the city. Many of the city's economic vitality efforts, including business outreach and assistance, a flexible rebate program and a microloan program, have focused on primary employers.

In 2012, city staff, along with the University of Colorado Leeds Business Research Division and the Boulder Economic Council, conducted a primary employer study identifying the issues, trends and needs of Boulder's primary employers relative to the city's existing industrial and commercial space.

**Key findings from the 2012 Primary Employer Study include:**

- Boulder has approximately 554 primary employers  
*8.2% of all Boulder employers*
- Boulder's primary employers employ an estimated 26,059 individuals  
*29% of all individuals employed in Boulder (excluding self-employed)*
- Boulder's primary employers occupy approximately:  
*538 commercial buildings (29% of all commercial buildings in city)*  
*7.5 million square feet of commercial space (35% of total)*
- Primary employers are concentrated in three main areas:  
*East Boulder (44%), Gunbarrel (15%) and Downtown (15%).*
- A significant number of primary employers expect to expand in the next few years and many anticipate needing more space and moving to a new location.



**The four key issues identified in the Primary Employer Study were:**

- 1** Availability of suitable space for expansion
- 2** Lack of flexibility in allowed uses
- 3** High cost of land / cost of doing business
- 4** Lack of amenities in some areas of the city

Rally Software CEO Tim Miller (photo courtesy of Don Cudney)

# PEOPLE



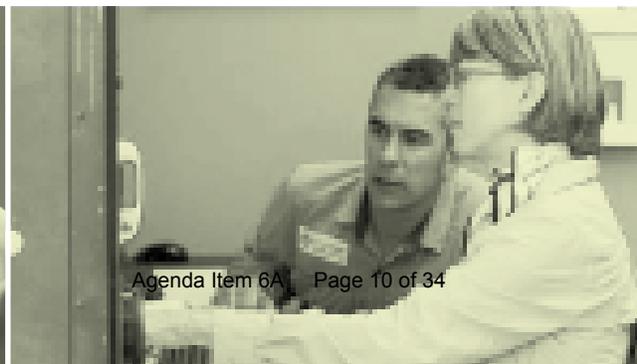
Upslope Brewing's Founder Matt Cutter, Director of Sales and Marketing Henry Wood, and Director of Brewing Operations Dany Pages. In 2012, Upslope opened a new brewery and taproom in Flatiron Park in East Boulder.

Boulder has a well educated, highly skilled and creative workforce. The city has the nation's highest percentage of college graduates and a very high concentration of individuals employed in scientific and technical occupations including aerospace engineers, architects, biochemists, environmental scientists and software developers. This high concentration of talent reflects the presence of the University of Colorado at Boulder, federal labs, and technology-intensive industries which draw companies and entrepreneurs from around the world.

Boulder's workforce draws from several key sources. The desirability of Boulder's quality of life and a collaborative and supportive business climate has attracted people with world-class talent and skills for many

decades, and the workforce includes many who chose Boulder as a place to live and found a job here. The innovation economy workforce also includes technically trained and "creative class" workers drawn to growing Boulder companies, residents who grew up and remained in Boulder and University of Colorado and other area college graduates who find work and careers in the city. City-wide, inflation-adjusted median income has decreased for Boulder households since 2000. Poverty rates and other negative economic indicators are increasing among certain populations (e.g. Latino residents, seniors, children).

Photos from left to right: Eetrex, Rally Software (photo courtesy of Don Cudney), Populus



## ISSUES & CHALLENGES

- 1** An educated, creative and productive workforce has always been vital to Boulder's economic prosperity, and will be even more so in the future as other communities, other states, even other nations cultivate the education, creativity and productivity of their workforces. Workforce training and high quality education needs to be a focus, especially in the Science, Technology, Education and Math (STEM) fields.
- 2** Boulder's workforce is drawn to employment areas with a wide variety of amenities, uses, and services (e.g. restaurants, retail), recreational amenities, the arts, and increased walkability to public transportation, bicycle, and pedestrian facilities. East Boulder and Gunbarrel are primary employment centers that lack the same diversity of amenities that are available to downtown workers.
- 3** Changing work patterns and technology have resulted in more individuals operating small businesses and start-ups from their homes, with occasional visitors or part-time employees. Current city regulations for home occupations do not always reflect these types of home-based businesses that many times are compatible with residential uses. (Note: see Process: 2014 Action chart)
- 4** While most of the individuals who work in Boulder are residents within Boulder County, between half and two-thirds of Boulder employees live outside the city limits. While the city has a high concentration of self employed and residents who work from home, over 59,000 employees commute into the city for work (2013 City of Boulder estimate), using the U.S. 36 Corridor (26%) and the Diagonal Highway 119 (18%) (Boulder Economic Council Commuting Patterns Study 2012). Ongoing transportation challenges include traffic congestion and public transit improvements
- 5** As technology changes, there will be increased demand for workforce with specialized skills. Current K-12 and post K-12 higher education options, including non-university training, professional and technical schools, and community colleges, may need to be expanded and customized to meet the needs of employers, workers and residents. In addition, demographic trends indicate between 2020 and 2025 Colorado will require a significant in-migration of employees to fill vacancies from retirees.

## STRATEGIES

- 1** Expand opportunities for workers to live within the city, including moderately priced market rate housing.
- 2** Expand regional transit alternatives with local partners so that commuters have more transportation options other than single occupant vehicles.
- 3** Work with employers, educators and partners to develop and support programs designed to help attract workers with highly specialized skills and experience, and provide workforce training opportunities.



*EVOL Foods is headquartered at the base of the foothills and manufactures in Boulder.*

*Photos from left to right: Namaste Solar, Seth Ellis Chocolatier*

## PEOPLE



# PEOPLE: 2014 ACTION CHART

	ACTIONS	RESPONSIBLE PARTIES	TIMING
action 1.1	Increase collaboration with employers, universities and colleges, and state and local workforce and economic development partners to <b>support ongoing development of the workforce</b> available to Boulder employers.	Community Planning & Sustainability, Boulder Economic Council	Ongoing
action 1.2	(2014) Ensure that the city's <b>Transportation Master Plan update</b> , city involvement in the <b>RTD Northwest Area Mobility Study</b> , and the city's <b>Access Management and Parking Strategy</b> focus on developing strategies and funding mechanisms for addressing the local and regional commuting challenges and opportunities for Boulder workers.	Public Works - Transportation and Downtown & University Hill Management Division/ Parking Services	In progress - TMP adopted by 2014, AMPS implementation in 2014 and NAMS study will conclude in Spring 2014.
action 1.3	(2014) Through the city's <b>Comprehensive Housing Strategy</b> currently under development, understand and develop approaches for the needs, desires and preferences of Boulder workers who do not live inside the city limits. Expand housing opportunities for those working in Boulder.	Division of Housing and Community Planning & Sustainability	In progress
action 1.4	Support local business and industry organizations to <b>foster "productive collisions"</b> of local workers which provide opportunities for exchanges of ideas and collaboration. Enhance opportunities through civic area, Innovation HQ, and downtown development.	Community Planning & Sustainability, Boulder Economic Council	Ongoing

# PEOPLE: LONGER TERM ACTIONS

- 1 Support areas like Diagonal Plaza to maximize redevelopment opportunities and strengthen economic health.
- 2 Explore incentives and financial tools for commercial property owners to upgrade their building stock, catalyze commercial energy upgrades, and provide employee amenities.
- 3 Through the Sustainable Streets and Centers project and East Arapahoe area planning, study East Boulder and Gunbarrel zoning (e.g. open space, parking, and floor area requirements) and consider updates to reflect current employment trends and needs of primary employers.
- 4 Complete the implementation of Phase 1 of the Transit Village Area Plan, and continue to Phase 2 of implementation.

Photos from left to right: LogRhythm, Boulder Chamber Event, Rally Software Founder and CTO Ryan Martens (photo courtesy of Don Cudney)



# PLACE



*Ligit (photo courtesy of Tres Birds) recently moved into a renovated space on the second floor of Twenty Ninth Street.*

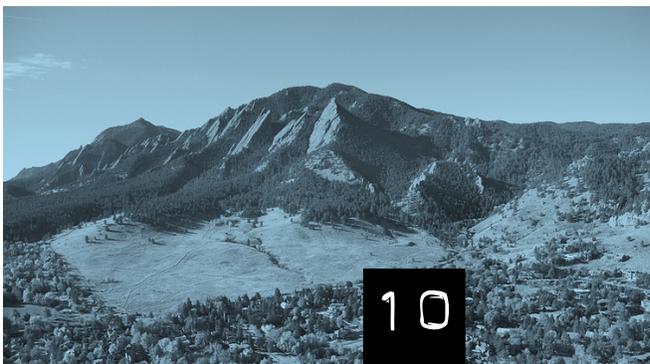
The workplace needs of today's employers are vastly different from those of just a few years ago. The city's employment areas need to make a similar transformation. Each area of the city is different and a more place-based approach would identify desired change and tailored strategies for achieving that change. There is enormous opportunity to improve Boulder's employment areas to provide a greater diversity of uses and services, increased walkability, improved quality of the built environment, and increased access to public transportation, bicycle and pedestrian facilities. Public investment in infrastructure is also a key component.

The city has three major employment centers, generally described as Downtown, East Boulder, and Gunbarrel. Primary employers have also

clustered in other areas like the Twenty Ninth Street area (Crossroads subcommunity), Boulder Junction, the North Boulder subcommunity, as well as smaller commercial centers such as University Hill. However, with the development of the city, those employment areas on the west side of Boulder benefit from the smaller, tighter street grid and pre-war development pattern with a mix of uses, amenities and services. East Boulder and Gunbarrel employment areas were developed in a more post-war pattern with large superblocks, and a lack of a connected street grid, access to nearby restaurants, amenities and services.

The city's urban form is shaped by the location and design of streets, paths and open spaces; the mix of uses and activities that are allowed in each area of the city; and the design and intensity of development

*Photos from left to right: West Pearl Street in downtown Boulder, Boulder's mountain backdrop, numerous recreational options (Copyright © 2012 - Rob O'Dea)*



and public improvements. The city's goal is to evolve toward an urban form that supports sustainability, from a citywide scale down to the "15 minute neighborhood" scale. This "sustainable urban form" is defined with 5 components: Compact; Connected; Complete; Green, Attractive and Distinct; and Inclusive.

For each employment area the same components of a sustainable urban form can be applied. Density should be in appropriate locations to create and support viable commercial opportunities, there should be an integrated multi-modal transportation system, with daily needs within easy access of home, work or school without driving a car.

As the city works towards its climate commitment goals, the built environment, including our commercial and industrial buildings, and the activities within those buildings play a significant role related to energy use and greenhouse gas emissions. Regulatory changes, financial incentives, innovations and education together will help our commercial and industrial buildings become more efficient, attractive, and cost efficient for employers and property owners.

The 2012 Primary Employer Study highlights the unique characteristics and needs of specific Boulder areas where most primary employers are located. Desired public and private amenities like restaurants, shopping, parking, bike paths, and transportation – and the needs of primary employers – differ greatly between Downtown, East Boulder, and Gunbarrel.

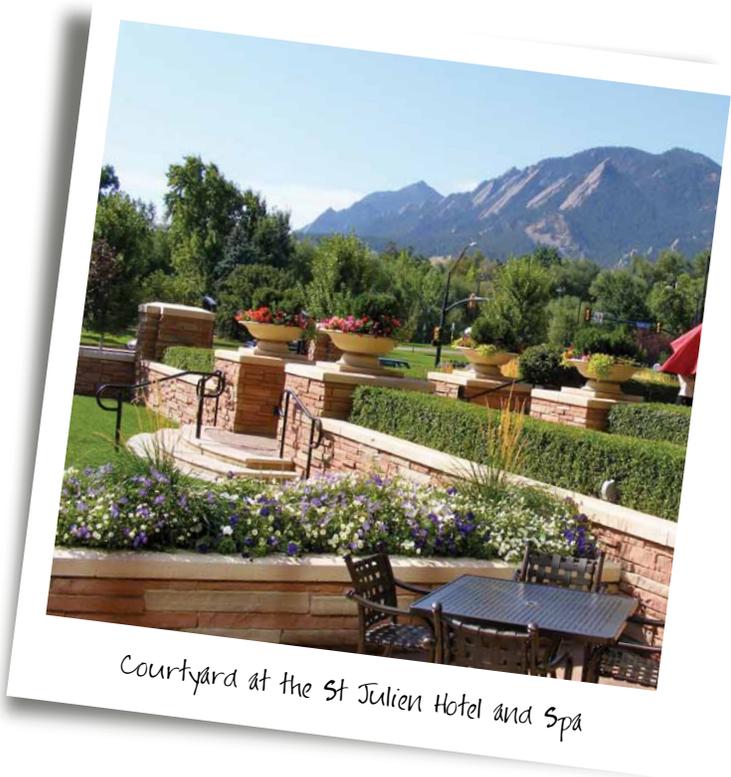
Downtown restaurants, retail, district parking, and the Pearl Street Mall serve downtown employees, residents, and visitors. Downtown zoning includes non-industrial primary employer offices in addition to financial services and other professional offices. Employers love downtown for the many opportunities for "casual collisions" on the mall or in a coffee shop. Some companies find the parking district convenient, while others do not choose a downtown location because they don't want their employees or visitors to pay for parking. High demand has resulted in very limited office space availability. The completion of the vision for the civic area, including office, arts, and event/performance spaces provides the opportunity to explore public private partnerships.

East Boulder houses a mix of manufacturers, research and development, and a wide range of industrial uses, and is the city's largest employment center for primary employers. Free and abundant parking is seen as a plus for most employers. Bike paths and sidewalks provide pedestrian access. There are some lunchtime options within Flatiron Park and in the area of the 55th and Arapahoe intersection, but many employees drive to Twenty Ninth Street, downtown, or other commercial areas for more eating options. Additional amenities such as pedestrian connec-

tions, restaurants and other services are desired. Shuttle buses or other transportation options have been requested.

Gunbarrel is evolving, with new housing, retail, brewery/restaurant, and hotel development all under construction. Gunbarrel is home to many larger companies, and employers desire more eating options and services in this portion of Boulder. As in East Boulder, parking is free for employees and visitors. More Gunbarrel housing options – in type and price – would allow more Gunbarrel workers to consider living closer to work.

As a mature, compact city with little remaining vacant land, the city has an opportunity to revitalize areas of the city that are not reaching their full potential. Strategic planning to address the unique needs and priorities of each employment area and ensure that economic sustainability and place-making is a primary outcome is the essence of the place-based approach. While supporting and sustaining these vibrant places, the city can help to retain and attract primary employers as well as enhance the unique character of Boulder's subcommunities and advance other community sustainability goals. Strategic planning has been done in downtown, 28th St. and Boulder Junction. The new buildings proposed and under construction are fulfilling the vision of the planning efforts for the area, and helping to address needed office space for employers. The primary employer study identified that additional demand for office space remains strong, even with these new developments.



Photos from left to right: Spectra Logic's Boulder headquarters, interior of a W.W. Reynolds building (photo courtesy of Britt Augustine), Pearl Street Mall



# ISSUES & CHALLENGES

- 1 Main employment centers of East Boulder and Gunbarrel lack a diversity of amenities, uses, and services (e.g. restaurants, retail), increased walkability, recreational amenities, the arts, and increased access to public transportation, bicycle, and pedestrian facilities to meet the needs of Boulder's workforce.
- 2 As an older community, Boulder has an older commercial building stock as compared to newer, remodeled space in neighboring or similar cities. As a result, "tired" buildings may not provide the amenities or upgrades desired by employers.
- 3 There is limited availability of high quality, large floor plate commercial space to meet the demand of growing Boulder larger primary employers. Many larger employers look for the efficiencies provided by larger floor plates.
- 4 The very low supply (low vacancy rate) of downtown office space presents a challenge due to the high desirability and demand for downtown space (and its numerous amenities and concentration of companies) by Boulder primary employers.

# STRATEGIES

- 1 Support the vitality of Boulder's varied employment areas throughout the community (e.g. Twenty Ninth Street, South Boulder, and North Boulder) through a place-based approach that builds upon the unique amenities to those areas, in addition to the city's main employment centers.
- 2 Enhance the East Boulder employment area to create a more desirable place for companies and workers with desired amenities and mixed use: eating and drinking places, retail services, the arts, and increased multi-modal access to public transportation and bicycle and pedestrian facilities.
- 3 Continue the efforts in the Gunbarrel community center, to create a more inviting and diverse place for companies and workers, with desired amenities and increased access to public transportation and bicycle and pedestrian facilities.
- 4 Ensure Downtown Boulder's continued success as a vibrant, desirable location for a rich mix of uses by finding opportunities to upgrade and create additional space for key industries as well as high quality outdoor spaces, including implementation of the civic area plan.
- 5 Encourage and incentivize the upgrading of Boulder commercial buildings in appearance, tenant amenities, energy efficiency, and other sustainability measures.
- 6 Support a multi-pronged, community development based strategy to maximize the unique assets and opportunities of University Hill.



Downtown Boulder is home to Bing's maps team and imagery processing office

# PLACE

Photos from left to right: Chautauqua Park (photo courtesy of LogRhythm), Amgen's Boulder headquarters



# PLACE: 2014 ACTION CHART

	ACTIONS	RESPONSIBLE PARTIES	TIMING
action 2.1	<b>Implement the Civic Area Plan Phase 1</b> including investment strategies, financing tools, capital improvements, flood protection, safety improvements, and feasibility planning for future phases.	City Manager's Office, Finance, Community Planning & Sustainability, Public Works, Parks & Recreation, Library and Arts	Begin early 2014
action 2.2	Work to support public and private investment in amenities in the East Boulder employment area through the <b>East Arapahoe area planning effort</b> .	Community Planning & Sustainability, Public Works – Transportation	In progress – Scoping to City Council in 1st Quarter 2014
action 2.3	Examine the <b>mix and type of businesses located in and around North Boulder</b> as part of the Subcommunity Plan update, including analysis of the feasibility of fully developing the Village Center.	Community Planning & Sustainability	In progress - Adoption by 3rd Quarter 2014
action 2.4	In partnership with <b>the Hill</b> stakeholders, provide resources and coordination for the implementation of the <b>Residential Service District and the innovation district concept</b> . Develop a cross departmental Hill team to ensure coordination of and communication about Hill programs and activities.	Downtown & University Hill Management Division	In progress – implementation through 2014
action 2.5	<b>Continue implementation of Boulder Junction</b> to support economic development, and community goals for transit-oriented development.	Community Planning & Sustainability, Transportation Division, Housing Division	Ongoing

# PLACE: LONGER TERM ACTIONS

- 1 Support areas like Diagonal Plaza to maximize redevelopment opportunities and strengthen economic health.
- 2 Explore incentives and financial tools for commercial property owners to upgrade their building stock, catalyze commercial energy upgrades, and provide employee amenities.
- 3 Through the Sustainable Streets and Centers project and East Arapahoe area planning, study East Boulder and Gunbarrel zoning (e.g. open space, parking, and floor area requirements) and consider updates to reflect current employment trends and needs of primary employers.
- 4 Complete the implementation of Phase 1 of the Transit Village Area Plan, and continue to Phase 2 of implementation.

Photos from left to right: Entrance to Lijit's new office (photo courtesy of tres birds), The Hill, Google's Boulder office



# PROCESS



A collection of code books

Many issues related to primary employers' space, location, and expansion are purely defined by the market. To support the retention and attraction of today's talented workforce and progressive employers, however, the city can make it easier to do business in Boulder and have a direct influence on a number of important issues:

- The city's comprehensive plan sets broad economic policy and land use direction.
- The city's zoning districts define the uses allowed in different areas occupied by primary employers.
- Developing new space or upgrading existing buildings require review and permits by the city.
- Business retention, expansion, outreach, and incentives through the city's economic vitality program.

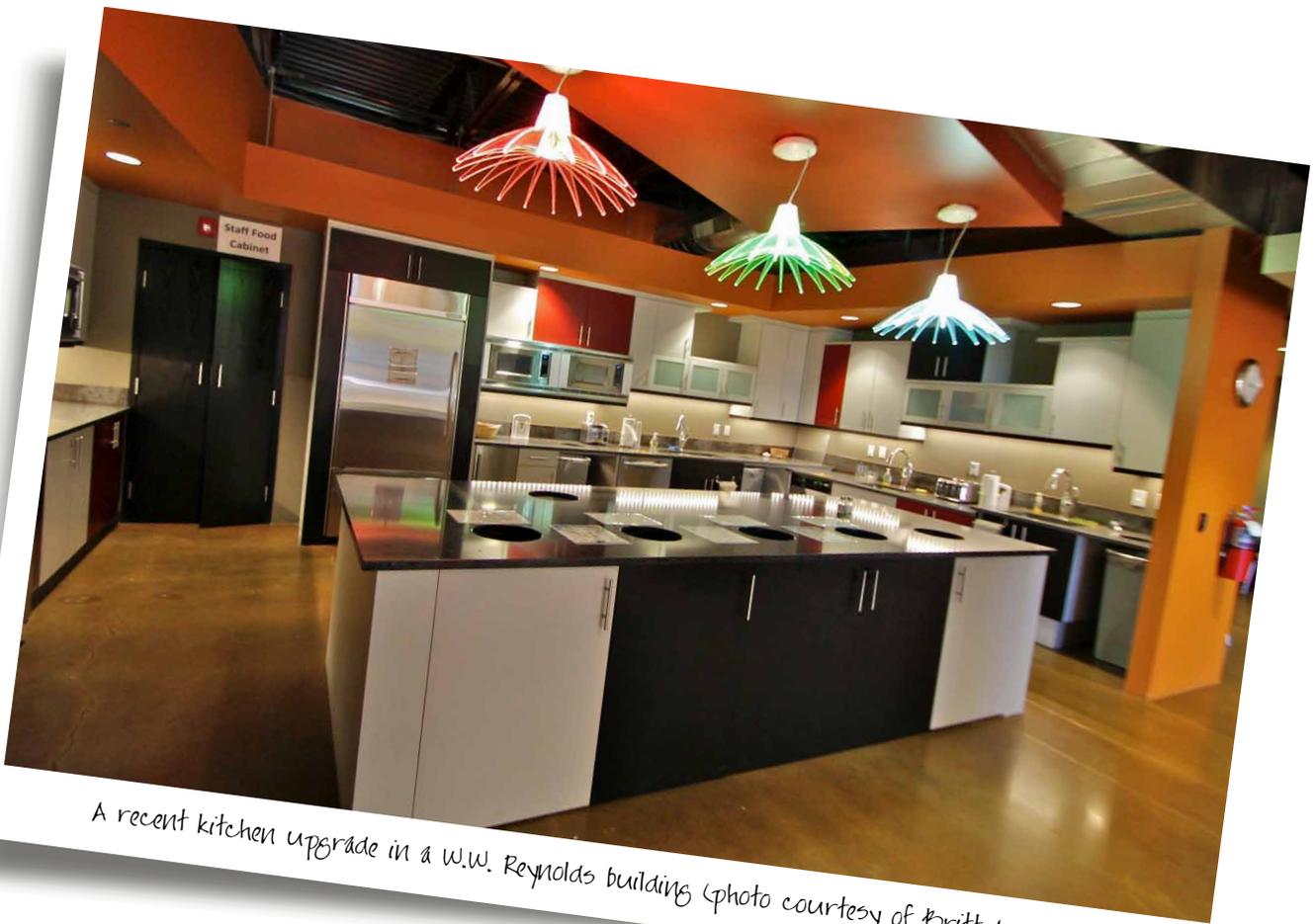
Photos from left to right: Seth Ellis Chocolatier, Mobile Assay, LogRhythm



The comprehensive plan recognizes that land use regulations impact the ability of businesses to evolve. One of the city's largest roles in supporting and fostering economic sustainability is through land use authority. Therefore, the city's regulations and review processes need to provide flexibility to allow businesses to be responsive to emerging technologies and evolving industry sectors. There are daily interactions between employers and Boulder's city government. These occur when companies get services from the city and are subject to city regulations and programs. These include licensing and taxing, permitting and development review, the adoption of legislation, and business assistance and business retention services provided by the Economic Vitality program. Over the past few years, the city has placed additional focus on the improvement of these business services, as part of the city's vision to strive for service excellence. Efforts implemented and underway include expanded economic vitality services, a web business portal, and new ways to communicate about city news and projects that matter to businesses.

Many Boulder primary employers lease their space. They often grow quickly and move frequently, triggering remodeling to meet tenants' needs. Remodeling construction requires some combination of city development review and permits. Timing windows are routinely affected by lease timing and company operations. As companies plan their moves from space to space (often every few years), the cost, predictability, and timing of building improvement projects and permits (including code-triggered upgrades) become key factors in their decisions to stay and grow in Boulder.

The city's economic vitality program provides support for business relocation, retention, and expansion. One tool is the flexible rebate business incentive program in which the city manager can approve customized rebates of sales and use taxes and permit and development review fees to key primary employers. A microloan program provides an additional funding source for Boulder small businesses.

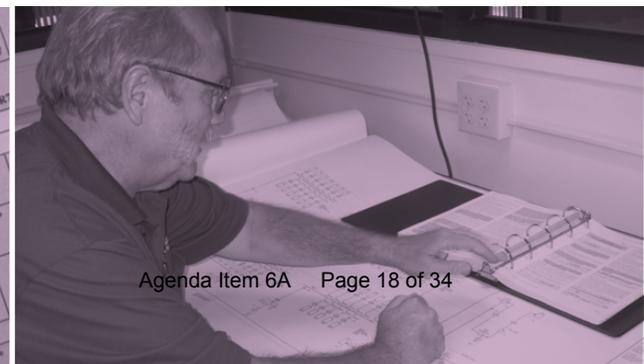


A recent kitchen upgrade in a W.W. Reynolds building (photo courtesy of Britt Augustine)

Photos from left to right: TIGON Enertec, Zoning use chart, City permit reviewer/inspector

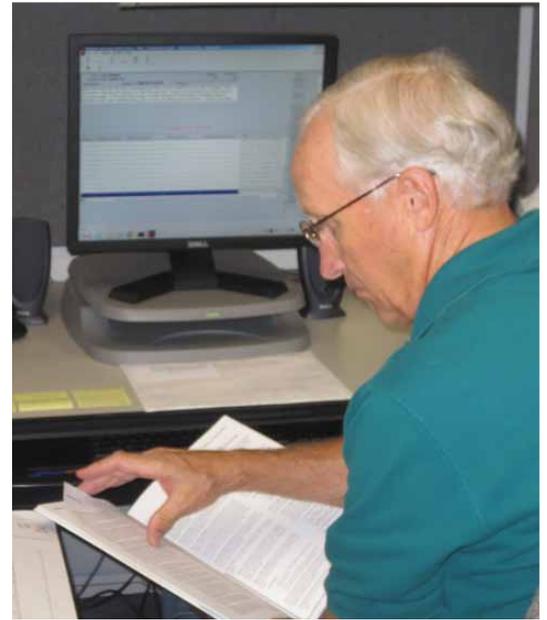


Zoning District	RR-1, RR-2, RE, RL-1	RL-2, RM-2	RM-1, RM-2, RM-3	RMX-1	RMX-2	RH-1, RH-2, RH-3, RH-4, RH-5, RH-7	R7
Use Modules	R1	R2	R3	R4	R5	R6	R7
Commercial, Retail and Industrial Uses (Cont'd)							
Industrial Uses (cont'd):							
Manufacturing uses <13,000 square feet		*	*	*	*	*	*
Manufacturing uses >13,000 square feet							
Manufacturing uses >100,000 square feet							



# ISSUES & CHALLENGES

- 1 The city's discretionary review process can result in a wide range of outcomes which can increase the level of risk and associated costs (which affects the ability to build the development potential according to the zoning code).
- 2 Because most primary employers are lessees (81 percent) and move frequently, employers and property owners may not invest capital in building upgrades.
- 3 Certain city zoning regulations on the uses of commercial space (and size of uses) may unnecessarily limit use flexibility.
- 4 Upgrading older buildings can result in significant building improvement requirements (e.g. energy code, accessibility, wiring, utilities) that may be unexpected to a property owner or a business tenant.
- 5 Land cost is a significant factor; Boulder's commercial land cost is generally higher than surrounding communities and this affects decisions to upgrade and develop commercial property.



City building official / permit reviewer

# STRATEGIES

- 1 Ensure that Boulder's land use and other codes respond to changes that support 21st century employer needs for flexibility in commercial uses and employee workplaces.
- 2 Encourage owners of Boulder's industrial and commercial building stock to update their buildings so that they become models of 21st century energy efficiency.
- 3 Make doing business with the city easier, through improved application and permitting processes.
- 4 Continue and expand the city's economic vitality efforts in business retention and expansion, outreach, incentives, and assistance.



Twisted Pine Brewery's expanded ale house

# PROCESS



Photos from left to right:  
Community engagement outreach event held by the city, Planning and Development Services Center

# PROCESS: 2014 ACTION CHART

	ACTIONS	RESPONSIBLE PARTIES	TIMING
action <b>3.1</b>	<b>Update commercial and industrial zoning use charts and definitions to provide more flexibility</b> for space options, respond to the dynamic nature of Boulder's primary employers, and to allow and encourage desired amenities.	Community Planning & Sustainability	In progress
action <b>3.2</b>	Continue to improve the <b>commercial tenant finish permit process</b> to make it more timely and predictable (with predictable requirements) for applicants and property owners.	Public Works and Community Planning & Sustainability	In progress
action <b>3.3</b>	<b>Update home-based occupation regulations</b> to reflect current industries and businesses, the use of the Internet, and to balance potential impacts to residential neighborhoods while allowing flexibility for home-based businesses.	Community Planning & Sustainability	Complete by end of 2014
action <b>3.4</b>	<b>Continue to improve energy efficiency in commercial buildings and business operations</b> through the implementation and evaluation of voluntary programs' evaluation and implementation. Work with building owners and businesses on the 2014 pilot with Pecan Street which will further policy and strategy development aimed at reducing energy waste in commercial buildings.	Community Planning & Sustainability	Ongoing
action <b>3.5</b>	Revise the land use regulations to allow, through Site Review, the <b>density and floor area that would otherwise be permitted prior to the dedication of land for public right-of-way</b> in areas where the city has adopted connections plans.	Community Planning & Sustainability	In progress
action <b>3.6</b>	Update the land use regulations for required site improvements and upgrades by <b>changing how the assessed value is calculated</b> , by allowing the option of using the professionally appraised fair market value of the structure.	Community Planning & Sustainability	In progress

# PROCESS: LONGER TERM ACTIONS

- 1 Evaluate updates to zoning bulk and intensity methods (height, stories, FAR, building size, open space, setbacks, parking).
- 2 Examine policies and regulations around complementary uses and amenities in employment centers, such as eating establishments, retail and services.
- 3 Consider increased funding for flexible rebate incentives.
- 4 Modify/enhance development review processes (review thresholds, review times, fees, predictability).

Photos from left to right: City permit reviewer, LogRhythm, Interior of Advanced Thin Films



## Summary of Stakeholder Comments on the ESS

### 1. Introduction/General Comments

#### Architects:

- Good plan, overall.
- It's great. I appreciate the emphasis on developing the housing and building stock.

#### Brokers:

- This looks great to me!
- This looks really good. From my perspective, this addresses all of the commercial real estate challenges that we have discussed in the past.
- The word sustainable is used in various places, including the mission statement, but never defined. What are we hoping to sustain?
- It doesn't sound like the U [CU] is getting a lot of play here. I personally feel its influence is enormous and could be played up to a larger degree.

[8.2% of all employers are primary employers is] lower than I would have guessed.

#### Partner Organizations:

- Generally looks good.
- It would be better to **address up front the assumption that we all make that Boulder will host and nurture start-up companies and that those who really make and need substantial space will most likely need to move to surrounding communities.**
- I have always been a little fuzzy on the goals of economic vitality, what it is and how the [my organizations] fits into it. I think this document is a good attempt at bridging the reality of what Boulder is today to a vision of what it is aiming at in the future.
- In short . . . this is great!

- There is a lot to like about this straightforward report. The analysis of primary employers and their needs is especially good. Of course the report's strategies could use more tactics.

Thanks for leading on this topic. It's a big, important one, and I like the way you have broadened it from business to incorporate housing and transportation.

- My critique is that **there is not a mitigation strategy for all of the identified issues and challenges; or there is a strategy where issues and challenges are omitted.**

Primary Employers:

- I am extremely pleased that Gunbarrel is gaining additional amenities (such as the Hampton Inn hotel) and lower cost housing options (the mixed use community east of King Soopers).
- Overall, this document is very well written. It's clear and understandable, so as a "draft", it seems to me like it's in pretty good shape. The comment and thoughts I'm listing are just some points that the group considering the strategy may want to consider. I respect that these thoughts may not be in line with conventional Boulder thinking.

I don't know if these ideas are helpful or not, but I believe it is important that the strategies the City considers should support the needs of business, in conjunction with the environmental and social goals, not subservient to those goal.

- This is a very well written document. The content is concise and stated clearly. However, it is cumbersome and not a nimble document that is easily "consumed" by Boulder stakeholders. Distill it to a 'manifesto', one pager summary and allow for detail as a supplemental document. The intro does not achieve this. A manifesto has pizzazz, energy and a bit of marketing savvy.

And here's a whammy.....this reads well as I said, but it can easily be assessed as government mumbo jumbo. What I mean, is there needs to **be more 'meat' behind why this is important, how is the city staff participating and innovating, how can the community engage, how/why will businesses benefit.** What is the tone at the top? For instance:

- We have a local hero on conscious capitalism, Bud Sorenson; he can help summarize much of the energy/purpose that I take from the ESS presentation.
- Shared 'Fate'...we're in this together, we're fair, think through how this impacts all stakeholders. Not maximizing financial returns, but optimizing stakeholder interests
- The city should 'activate' a slate of mentors, strategic influencers...and share results with complete transparency

- Out of 28 companies that practice conscious capitalism, their 10 year ROI from 96-2006 was 1026%...S&P same time period = 122%

Since you asked for my opinion, I'd love to see **more behind 'WHY' and less emphasis on who/how**. Regarding Boulder's competitive advantage, we all want a healthy, vibrant, improving quality of life.

- First of all, I completely agree with the 4 primary issues [that came out of the Primary Employer Study].
- Overall, I thought it was excellent - it was very well organized and touched on the key issues for each of the three major employment centers.

#### Property Owners:

- Seems like a solid overview of most of the drivers of economic development as they pertain to primary employers.
- We appreciate the opportunity you've given us to comment on the draft City of Boulder Economic Sustainability Strategy, [the company has] significant commercial real estate investments in East Boulder, Longmont and the Denver CBD that influence our views on the issues discussed in the paper. Overall, we are very much in agreement with the paper's description of Boulder's strengths, weaknesses and the resulting areas of focus for Boulder's economic sustainability strategy.

While the City of Boulder is unique, **Denver is closing the "coolness" gap very rapidly** and increasingly attracting the types of employers typically associated with Boulder. Denver is certainly unlikely to achieve Boulder's status but Denver has its own unique advantages such as scale, central location relative to the employment base, developed and expanding transportation system, proximity to DIA and, most importantly, rapidly expanding amenities and housing in and near the urban core. The implication for Boulder in our opinion is that it **doesn't have the luxury of time to make the adjustments necessary to retain and attract the primary employers** that are vital to achieving Boulder's economic sustainability strategy.

We welcome the opportunity to stay involved in the dialog as the economic sustainability strategy progresses.

- First impression: thorough, well presented, good work. The ESS says "work with stakeholders"; they will be cooperative, but the city may not (the city is agenda-driven; some CC members are anti-growth, anti-jobs). Will the strategy be flexible? How will it be used, adapted? It needs to be an enabling document. Boulder is not an easy place to do business - intersection of past programs & process.

Boulder doesn't really recognize the need to improve tired buildings. Council approval of zoning changes is the key regarding the high cost of land. **If the city is attractive & welcoming, companies will afford to be here.** The key is to let companies grow in place.

- Put a lot of work into it, hopefully turns into a useful template.

## 2. People

### Architects:

- Regarding the importance of affordability of housing, I'd like to highlight that **low and high priced housing is being adequately addressed, but the City needs to enable the creation of more moderate priced market rate housing.** My interns can find roommates in Martin Acre houses, and my mid-level staff qualify for the City's Affordable Housing program, but my senior staff have to move to Longmont or Broomfield in order to buy an actual house, townhome or newer condo. The City's Affordable Housing Consultant's report was dead-on - we have been intentionally creating an inverse bell-curve supply of housing. **Boulder desperately needs more moderate price market rate housing.**

There are many ways to achieve this and it will take a quiver of new policies to support that idea. Here are a few possibilities:

1. **Create a new by-right zoning designation called Pocket Neighborhoods.** It would allow for substantially increased unit density for houses under 1500 square feet, and would allow for Pocket Neighborhood mini-PUD's to be created on what are currently single family parcels. This program is being successfully used here and in other communities:
  - [http://www.solarvillagehomes.com/case\\_studies/turnkey/Thistle-C.php](http://www.solarvillagehomes.com/case_studies/turnkey/Thistle-C.php)
  - <http://www.pocket-neighborhoods.net/>
2. Eliminate the Inclusionary Housing fee for all new units smaller than 1500 square feet. These homes are already affordable due to their size.
3. Eliminate the Inclusionary Housing fee for all apartments. Apartments are by their very nature where one goes if you need affordable housing.

### Brokers:

- The current residential conditions in the city speak volumes about where the market is taking us (**there is no house available for sale less than \$600,000 west of Broadway**). If the city wants a diverse housing stock it must get aggressive about densification. The city must actually lead on this. There are only approximately 65,000 total units in the city and without assistance no one making less than \$160,000 can afford to own.

- Can you provide an example of one of these [workforce training] programs? I'm a little skeptical about this.

Partner Organizations:

- The thing that made the biggest single impression on me was the fact that **there will need to be an in-migration in the 2020 – 2025 timeframe to supply the talent needed for “retirement” of current employees.** Just about every week I speak with people thinking about moving to Boulder. I think you capture pretty well in the first third of this document the reasons people are attracted to the community. I did not see much in the plan about how best to attract these folks over the next 10+ years. **I am not sure that STEM, job training, housing, which I view as more tactical than strategic, and while important, will attract the best and the brightest to Boulder.** I do think the amenities, open spaces, outdoor options, CU, and the view that somehow the community fosters the creation and growth of new successful companies [can help attract a high quality work force]. I would **think about whether or not some kind of ongoing messaging aimed at attracting these folks to Boulder should be part of the future economic vitality plan.**
- It would be great if you could mention the **Innovation HQ concept for co-locating many of Boulder’s business support organizations,** providing greater efficiency in our support of businesses (i.e. one-stop for support services, which could include a city liaison office) as well as enhanced collaboration on economic initiatives.

Primary Employers:

- Most of Boulder's workforce is already very well educated in their field and most of them received their education prior to arriving in Boulder. Once they get here, the companies they work for are best suited for determining what additional training is required. It seems to me that it will be **very difficult for bureaucrats to determine and foster the "right" training for the non-governmental workforce.** At the surface this sounds like a good idea, but it seems to me that the **specialized training needed by Boulders technical elite will be missed by this Action Plan.**

While the "strategy" to cooperate with RTD is listed here, the reality is that even our little company has people commuting in from south of Castle Rock to Fort Collins. While RTD will occasionally help some of these people, they will continue to drive single or double occupancy vehicles. Since the concept of a single occupant vehicle appears to be considered an environmental disaster by the politically correct in Boulder, **it seems that policies will be developed to "encourage" people to not drive, and "punish" them if they do. Ultimately this will encourage good people to find employment in other places that do not punish them.**

**Most of the Boulder housing plans seem to promote increasing density.** Most of the people that work in Boulder are professionals who are at the point in their lives where they

would like to have their own, single family residence, and would like at least a small yard where their families to grow up. **Since these single family homes are very expensive compared to the surrounding cities, the workforce chooses to commute.** If Boulder continues to simply promote the increased density, I'm sure the apartments and condos will fill up, but most of the people who will live in these places will have to commute out of Boulder to the surrounding cities, where the trades and manufacturing jobs are located. This will only increase the commute trips. The professionals will still do the math and determine they can buy twice the house in Broomfield.

- Productive or 'casual' collisions ([currently] under Place, but should be highlighted within Boulder government/People) occur when groups have the opportunity to cross pollinate and share perspectives. This should be baked into the Boulder City approach to staffing and articulating vision docs like this. Innovate with more diversity of talent.

Regarding working with employers on workforce training opportunities, it goes back to productive collisions. Strategic partners that are empowered, yet work with the City initiatives. I'm building an Institute with area key stakeholders; this may be a strong mutual opportunity.

#### Property Owners:

- Action 1.3 (housing strategy): I question the commitment to do that [develop approaches for the needs and preferences of Boulder workers who don't live in the city]. Why don't we have small affordable housing units?

### **3. Place**

#### Architects:

- I was hoping there would be **more focus on the Transit Village.** This area is going to be where I think a lot of action can happen fairly quickly to satisfy needs for central Boulder office space, and some retail, arts, and housing (although I know housing is not germane to this plan). If for no other reason than just to allow for this plan to assist that area in the future, I think you should **add the Transit Village to the "Longer Term Action" section.**
- Better yet, I'd love to see a **"2.5" under Action Plan to "monitor activity in the Transit Village to support economic development, BJAD, and community goals for transit-oriented development."**
- I've been hearing a popular idea that everyone can get behind, which is that Boulder should be this **"15-minute" city** -- where you can get anywhere alt-modes of transport (walk, bike, bus) and do basically anything (work, shop, play) in 15 minutes. Supporting that would be huge.

Brokers:

- **Retail needs to be directly addressed.** After all it is retail tax dollars that pay for so much of the city's amenities. Love or hate the new WalMart it's going to help raise the quality of everything the city can do. The ignorance around this link is mind boggling.
- **East Boulder and Gunbarrel regulations must be adjusted to allow for retail additions.** This will reduce driving and encourage neighborhood gathering.

Partner Organizations:

- I would **add the potential for even higher density mixed use opportunities** that include housing options, with the potential to create something that I think will address many community/business needs (e.g. more office space, affordable housing, better promote transit and create a walkable environment) while relieving Pearl Street development pressures.
- **I wouldn't isolate the innovation district concept to the Hill.** Instead, I think we should **promote innovation districts in strategic areas throughout the community** where you can accommodate the mix of assets that makes Boulder such an innovation hub, including CU and federal laboratory research facilities, businesses activity space/offices, and the opportunity for more intense walkable mixed use development that promotes creative collisions (e.g. near the 30<sup>th</sup> Street and Arapahoe area).
- I agree with the ULI TAP analysis that the **Innovation District on the Hill, with its small spaces and relatively high rents, is a tough goal to achieve.** On the other hand, maybe things have changed since March 2011. Walking through the Hill just yesterday, I noticed a lot more vacancies, mainly among small storefront.

Of course **I like the call for more housing for skilled workers and more mixed-use in East Boulder commercial areas.**

- *[Regarding the above comment about there not being a mitigation strategy for all of the identified issues and challenges or there being a strategy for which issues and challenges are omitted.]* For instance, **I did not see a strategy that addresses the following downtown Boulder item:**
  - Ensure Downtown Boulder's continued success as a vibrant, desirable location for a rich mix of uses by finding opportunities to upgrade and create additional space for key industries as well as high quality outdoor spaces, including implementation of the civic area plan.

Also, **I wonder what tasks would be associated with some of these actions** (e.g., tasks to support a multi-pronged University Hill strategy). Should these actions be articulated in the report?

Primary Employers:

- As a business owner, I believe **a much better approach, rather than "incentivizing" owners, is to simply "get out of the way", and reduce the burdens that the City places on people who are actively working toward improvements.** I can list several items where the City rules required that our business makes unnecessary modification to our building, and quite honestly, this used up all of the budget that we could have used in making our building more environmentally friendly. When we're required to spend hundreds of thousands of dollars for things that are not needed, we couldn't invest in solar.

Additionally, as we invest in improving buildings within the City, our sales & use taxes increase significantly. We have made choices to not make certain investments and improvements knowing that our long-term, ongoing, monthly tax burden will increase.

Property Owners:

- It seems like the elephant in the room is downtown density. The report is focused on creating a high-end building stock and complementary amenities to attract and retain primary employers while pointing out limited space. However, **there's virtually no mention of the need to re-evaluate downtown density.** I do not think there is a danger of Boulder becoming a metropolis with skyscrapers, but it's nearly impossible to retain growing start-ups with severe space constraints. **I do not think the report should advocate for increasing density, but merely advocate for the need to evaluate the possibility.**

The report repeatedly mentions primary employers needing to frequently move due to growth. At some fairly early point, many companies growth exceeds what downtown Boulder can supply. However, many of these companies attract top talent with their location and instead of going to East Boulder or Gunbarrel, will move to Denver, Seattle, or San Francisco. While Boulder will never house the Facebooks and Amazons of the world, **considering slightly increased density downtown could help Boulder hold on to some of these companies for a bit longer** – a situation that creates greater and longer-lasting revenue, decreased road congestion and transportation issues, as well as a stable community – all drivers of economic development.

- Given that 1) **East Boulder** represents 44% of primary employers in Boulder and 2) it is the largest office and industrial real estate submarket in Boulder and has the highest vacancy rate of any submarket in the city it **should be the area receiving the greatest immediate attention from the city.** There is broad agreement on many issues that could be addressed immediately versus waiting for years for a study to be completed. Examples include:
  - Need for a larger, more dynamic retail amenity base in East Boulder in and around Flatiron Park. Upslope Brewing/Ozo Coffee Roasters have been exceptionally well received. There should be city **incentives to encourage and pave the way to create amenities.**

- **Encouraging multifamily development in East Boulder** would be helpful relative to both amenity development as well as locating housing near a major employment center. Need for **a circulator bus/shuttle** to easily transport East Boulder workers and residents to downtown/central Boulder.
- More **incentive/rebate programs to encourage owners to update/upgrade landscaping and lighting to updated code**, as well as incentives to encourage building facade upgrades to improve the aesthetics of the existing building stock.

We also would also like to understand more about the East Arapahoe area planning effort and would be pleased to be involved in that effort.

➤ **East Boulder** - major area of opportunity; allowed FAR is too low.

"Boulder recognizes the need to renovate old, tired buildings" - Really? **Zoning & incentives don't reflect need to renovate tired buildings.**

I would like to **see an implementable plan that has commitment & funding behind it for certain city zoning regulations & size, if spaces may limit use flexibilities.** The code that governs East 30th Street hasn't changed. What are the incentives for property owners to upgrade?

#### 4. Process

##### Architects:

➤ The only thing that I might add is that the general perception among architects and developers is that Boulder is exceedingly controlling (no surprise); however, that has directly resulted in the Wall of Buildings on Canyon that Council has routinely disparaged (that may be a surprise). By that I mean that because everything is codified and controlled, **architects feel that they have little freedom to create great designs (the landmarks of the future) and developers carefully follow the formulas (like the Downtown design guidelines)** that the City puts out. Essentially we walk on eggshells in order to navigate the highly uncertain process. **We react instead of create.**

Some of the best spaces in Boulder (the Centro and West End patios) were largely illegal (incrementally enclosed) – very few property owners or architects are willing to risk getting denied or fined.

By contrast, in Denver you get Taxi. Much of Taxi (including bridges, the pool, some of the mixture of uses, and the landscaping) are wildly illegal (and in many cases simply unpermitted). But Denver's attitude is "we want to create projects like this", so they let it fly.

In the Highlands there are four-story, zero setback apartment buildings right next to one story bungalows. Is that okay? Did it destroy the quality of life? Quite the opposite. People LOVE it. **Boulder touts diversity and “keep Boulder weird”, but we are actually very conservative. If we have no diversity of our building stock, we won’t have much diversity of uses or demographics.**

A client hired me to do a feasibility analysis on putting an 8 bed micro-senior care facility (group home or assisted living) in a downtown residential neighborhood. It would have been a perfect use on the site. The city process was so daunting and uncertain that they decided to abandon the project (there are **three nearly identical zoning categories for assisted living, but two of the three were prohibited and there was no way to pre-determine which category the city would designate our project until we submitted for permit**).

It essentially comes down to how to the question **“how do we create an atmosphere of freedom and innovation in order to encourage the creation of a physical environment that supports the highest quality of life”**.

How can Boulder make this change? I’m not sure. Architects and Developers need to see precedents of approved projects before they start taking similar risks. **If Boulder wants great and innovative architecture it needs to officially go out of its way to encourage and approve it.**

“First we create our buildings. Then they create us.” - Winston Churchill

Brokers:

- [Uses of commercial space (and size of uses) that may unnecessarily limit use flexibility] is a huge issue.

Another issue is the **timing of building permits**, currently running 8 weeks in Boulder.

The planning department is now adversarial to commercial and residential real estate business, and this harms employers.

Primary Employers:

- While I believe in being a good environmental steward, it seems that **environmental strategies should work in conjunction with the realities that Boulder businesses face every day**, rather than working against them. For example, in order to get a permit to improve my building, I was forced to remove several parking spaces at significant cost. While I don't have a parking shortage now, it is conceivable that I could run out of parking spaces long before I run out of desks to seat workers. In this case, it seems that the City's rules needlessly penalized a new local business in hopes that there would be some sort of

environmental improvement, without actually considering that the rule helped nothing, but cost my business significantly.

**Action 3.3** seems to imply that the City will improve the situation by "facilitating" home based business. **There is little incentive for home-based businesses to get "legal" with the city; it will only result in increased scrutiny and taxes.** It seems to me that most small home-bases businesses will simply continue to stay underground.

Regarding the Flexible Rebates, while I am honored and happy that my company received the Flexible Rebate, it seems that most of the local business owners that I talk with would **prefer a reduced tax burden over a process that provides kickbacks.** If Boulder seriously wants to attract more businesses, it seems that it would be wise to explore ways to **make it easier to do business in the city,** rather than simply providing rebates after a business has succeeded.

It seems to me that **revisiting zoning to support growth of amenities** in areas that are traditionally not rich in amenities is a great idea.

- I think that "softening" the codes as addressed in the strategy will help in all 4 areas [that came out of the Primary Employer Study)
- Under the manufacturing near-term section of improvements. What is meant by "more contemporary business models"? Expanding on this would help.

I have felt that the city doesn't really know what to do with **breweries.** It's mostly due to the fact that they're **both a manufacturer and a retailer under one roof.** They also serve alcohol which has its own impact on the surrounding communities. I heard recently that Ft. Collins is creating some kind of a "brewery district" that will allow those uses, and similar uses, in those areas. Might be worth a phone call to see what they are doing. At Flatiron Park we had to go through extensive use reviews for our silo, the patio, and the change of use from office space to tap room "restaurant space".

- The "Process" challenges were articulated well and touch on our key concerns as a primary employer moving into Boulder – lack of available office space generally, tough review process with the City which leads to uncertainty and the inability to plan, etc. I don't know the facts, but it would be interesting to know what percentage of leasable square feet of commercial space in Boulder is controlled by one or two landlords (Unico/Midyette and Reynolds). The tight control on the available commercial properties makes it challenging as the landlords seems to have the ability to demand onerous terms on tenants. When that factor is compounded with the challenges in dealing with the City, it is not a pretty picture.

Property Owners:

- In the final section (“Process”), the report calls out **energy codes as a deterrent or obstacle to improving the commercial building stock. I tend to think that numerous cities similar to Boulder have recently proved this to be just the opposite.** Seattle, Denver, and Pittsburgh (not a comprehensive list) are showing that **achieving greater energy efficiency is actually driving economic development.** Energy efficient commercial buildings are cheaper to occupy, healthier, and generally more modern and nicer. As such, these buildings attract companies that market both their companies and facilities/cities to potential employees. Seattle’s energy efficiency goals through their 2030 District have been a huge economic development boon to the city and we’re hoping that a Denver 2030 District (launching soon) will be just the same.

That being said, implemented in a top-down sort of manner, I can see how energy codes can become an obstacle, and I think this is an important nuance to point out. Like many cities, Boulder has lofty environmental and efficiency goals. **Whether those goals inhibit or encourage economic vitality is more a matter of implementation than simple existence.** I agree that Boulder’s current implementation and enforcement has been primarily a hindrance, but for that reason I think we have a significant opportunity to encourage economic vitality through energy codes, but through a different means of implementation. I’m happy to brainstorm/expand on these other means in a different email/conversation (and spare you the essay here).

- There is broad agreement on many issues [in East Boulder] that could be addressed immediately versus waiting for years for a study to be completed. Examples include:
  - **Need to update the prohibitive zoning in East Boulder to remove restrictions on certain office user groups** (professional services, medical, etc.) as well as **allow more density to encourage redevelopment of older existing sites** to create larger more modern floor plate buildings.
- Process - ease of doing these process & code changes?
- Shared a quote from an architect re: Boulder code review:
  - Most complicated existing zoning code in Front Range
  - Obstructionist
  - Meant to deter development
  - Need high level degree to understand it and contemplate a rational solution for a client
  - 3 weeks to get an answer as to what the city would support for zone change (good answer)
  - City is mired by civic plan, municipalization – difficult to get responses

No useful hierarchy in the city (i.e. when people go on vacation). Understand that it has been addressed. The municipal process is difficult to navigate.

Statement that bothers me – encouraging owners to make their properties 21<sup>st</sup> century energy efficient

- Could try, but would make it even more difficult, as cost/rates for various properties are very high.
- If you require upgrades, it adds another layer of bureaucracy.
- Costs are already high, people from out of town's jaws drop when see rates. When they compare to alternatives in metro area, the response is "well Boulder is Boulder".
- Additional requirements would just make it harder and more expensive.
- Boulder is already requiring things far in excess and is already pushing the limit for energy codes.

**Technical document review (TEC) and permitting process are challenging.** Must go through discretionary approval if it is a major project, and then it may get called up to Planning Board or Council. Then there is a new process to jump into. Other costs come in the TEC process, exactions & other costs scare people and the results are unpredictable results.

Also, it is very frustrating because it drags out project many months, aside from code issues. **Once the code issues are figured out, you have to jump into new process that has to happen consecutively rather than concurrently.** You wait a long time before you can start – all kinds of costs and levels of detail emerge at that point, so it is very difficult to get things done

In a particular case, it was hard to transition from temporary uses. It is also very **challenging to match the tenants lead time (3-4 mo) with the city process times (a year)**, especially when a tenant plan, drawing, and approval is necessary.

ESS adequately captured the comments, but wanted to embellish them in order to help show things from his side.

## 5. Is there something missing that should be added or mentioned?

### Architects:

- In terms of adding other aspects, I think there are few opportunities to get buy-in politically for **public-private-partnerships (PPP)**. To a fault, Boulder is skeptical of these. This document could be a soft introduction to the idea that ESS could begin to explore PPP's where appropriate.

Partner Organizations:

- **Traffic management is not addressed in any detail.** A commitment to moving people into and out of East Boulder and Gunbarrel would be a comfort to people considering locating here.
- With respect to elements I wonder if the strategy document could address, here are some general thoughts:
  - Consistent with the **Innovation Blueprint 3.0**, is this the place to suggest initiatives to **support marketing Boulder as an innovation capital** (i.e. to recruit startup businesses and creative class employees), **support efforts to draw in capital investment resources** (e.g. we are working on some pretty creative strategies for getting the attention of coastal finance companies), and giving even a mention to that gosh darn **conference center** (i.e. as part of the effort to continue drawing creative innovators to our community).
  - One thing that I continue to hear about is the need to invest in our **fiber system** and I think it warrants a mention as a key missing piece of infrastructure.
  - I think, in general, it would be great to make a plug for **more city investment in our innovation economy**. This includes support for things I mention in the first bullet, but also things like Startup Week and programs that competitor communities always seem to seed with funding.

Primary Employers:

- [My company] is **extremely concerned about the City of Boulder's municipalization effort, which is not covered in your report.** Although we are extremely efficient, [the company] employs a lot of people and uses electricity to design, build and manufacture and ship our data storage machines. We believe that the added energy cost and substantial risk of interruption of service from municipalization will force us to relocate much of our employment to other counties or countries. Certainly with the extreme level of uncertainty we will be cautious about future expansion and investment in Boulder.

I have personally heard the same concerns from multiple large Boulder based employers—therefore I am surprised that it is not covered in the report.

Perhaps supply **more detailed information about public transportation.**

- One topic that was not addressed was **the level of crime** in each of the 3 employment centers. What are the differences, if any, in crime rates between Downtown, Gunbarrel and 29<sup>th</sup> St.? How do crime rates in Boulder compare to other cities in CO (Denver, Fort Collins) and US?