



**TO:** Members of Council  
**FROM:** Dianne Marshall, City Clerk's Office  
**DATE:** December 3, 2013  
**SUBJECT:** Information Packet

**1. Call Ups**

- A. Vacation of a 10,788 square foot portion of an existing drainage easement located along the north property line at 5555 Airport Boulevard (ADR2013-00194).
- B. Vacation of a 2,570 square foot portion of a public utility easement located at 2584 Baseline Road (ADR2013-00161).
- C. 1738 Pearl Site Review (LUR2013-00031)

**2. Information Item**

- A. Boulder Junction Implementation Status and TDM District Updates

**3. Boards and Commissions**

- A. Landmarks Board – October 2, 2013
- B. Library Commission – October 2, 2013
- C. Open Space Board of Trustees – November 13, 2013
- D. Water Resources Advisory Board – August 19, 2013
- E. Water Resources Advisory Board – September 30, 2013

**4. Declarations**

- A. Small Business Saturday November 30, 2013



**INFORMATION PACKET  
MEMORANDUM**

To: Members of City Council

From: Jane S. Brautigam, City Manager  
Paul J. Fetherston, Deputy City Manager  
David Driskell, Executive Director of Community Planning & Sustainability  
Charles Ferro, Development Review Manager  
Sloane Walbert, Planner I

Date: November 25, 2013

**Subject: Call-Up Item:** Vacation of a 10,788 square foot portion of an existing drainage easement located along the north property line at 5555 Airport Boulevard (ADR2013-00194).

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**EXECUTIVE SUMMARY:**

The applicant requests vacation of the southerly twenty five feet of an existing fifty-foot drainage easement located at 5555 Airport Blvd. (refer to **Attachment D** for exact location). The fifty-foot drainage easement was dedicated as part of the Lakecentre Subdivision, recorded November 14, 1990. The current industrial tenant on the property would like to locate tanks and other mechanical systems within the area of easement to be vacated to better support their manufacturing process. It has been determined by city staff that the fifty-foot drainage easement is oversized for drainage on the property and there is no public need for the portion of easement to be vacated. The proposed vacation was approved by staff on November 14, 2013. There is one scheduled City Council meeting on December 3, 2013 within the 30 day call-up period.

**CODE REQUIREMENTS:**

Pursuant to the procedures for easement vacations set forth in subsection 8-6-10(b), B.R.C. 1981, the city manager has approved the vacation of a 10,788 square foot portion of an existing drainage easement. The date of final staff approval of the easement vacation was November 14, 2013 (refer to **Attachment E, Notice of Disposition**). This vacation does not require approval through ordinance based on the following criteria:

- It has never been open to the public; and
- It has never carried regular vehicular or pedestrian traffic.

The vacation will be effective 30 days later on December 16, 2013 unless the approval is called up by City Council.

**FISCAL IMPACTS:**

None identified.

**COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS:**

- Economic: None identified.
  
- Environmental: None identified.
  
- Social: None identified.

**BACKGROUND:**

The subject property is a large 193,306 square foot lot located north of and adjacent to Airport Boulevard, south of Boulder Municipal Airport (refer to **Attachment A, Vicinity Map**). The property is located in the Industrial - Manufacturing (IM) zone district and is encumbered by a fifty-foot drainage easement running east-west along the north property line (please refer to **Attachment B, Site Plan**). The easement was originally dedicated as part of the Lakecentre subdivision plat in 1990. The proposed vacation will maintain twenty five feet of drainage easement on the property’s northern boundary. An existing drainage swale will be contained within the remaining portion of easement. The applicant has demonstrated that the area of the remaining easement can support the drainage planned for the swale.

The current tenant, Agilent Technologies, would like to relocate an existing containment tank and sump to the northeast corner of property, within the area of easement to be vacated. Given that there is no public need for the easement for which it was intended, failure to vacate the requested portion of easement would cause hardship to the property owner by limiting the development potential of the property.

**ANALYSIS:**

Staff finds the proposed vacation of a 10,788 square foot portion of an existing drainage easement consistent with the standard set forth in subsection (b) of section 8-6-10, “*Vacation of Public Easements*”, B.R.C. 1981. All agencies having an interest in the easement have indicated that no need exists, at present or in the future, for that portion of the easement to be vacated. Staff has determined that no public need exists for the portion of easement to be vacated due to the fact that a separate easement has been dedicated for public utilities on the property.

No vacation of a public easement shall be approved unless the approving agency finds that:

- ✓ 1. Change is not contrary to the public interest.
- ✓ 2. All agencies having a conceivable interest have indicated that no need exists, either in the present or conceivable future, for its original purpose or other public purpose.
- ✓ 3. Consistent with the Comprehensive Plan and Land Use Regulations.
- ✓ a. Failure to vacate the easement would cause a substantial hardship to the use of the property consistent with the Comprehensive Plan and Land Use Regulations; or  
*Agilent Technologies is interested in relocating an existing containment tank and sump to the northeast corner of property to better serve their manufacturing process. Given that the existing drainage easement is oversized for the purpose for*

*which it was dedicated, the easement reservation unnecessarily limits the development potential of the property. All drainage will be accommodated in the remaining portion of easement. There is no public need for the easement.*

- N/A b. Would provide a greater public benefit than retaining the property in its present status.

**PUBLIC COMMENT AND PROCESS:**

Notice of the vacation will be advertised in the Daily Camera within the 30 day call up period. Staff has received no written or verbal comments adverse to the vacation.

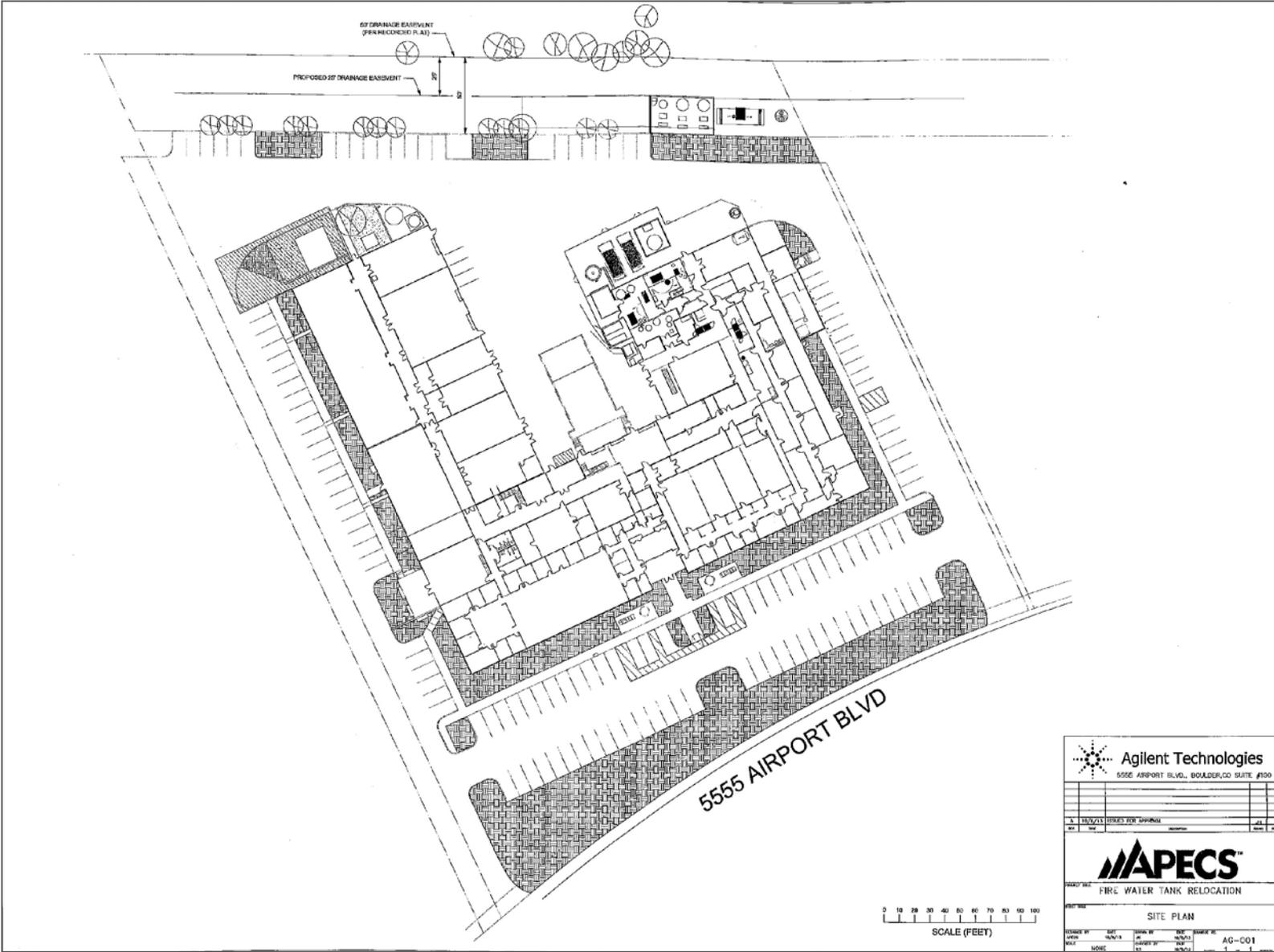
**NEXT STEPS:**

If the requested vacation is not called up by City Council then the Deed of Vacation (**Attachment C**) will be recorded. If the requested vacation is called up, and subsequently denied, the applicant will be limited to development on the property outside of the easement area.

**ATTACHMENTS:**

- Attachment A: Vicinity Map
- Attachment B: Site Plan
- Attachment C: Deed of Vacation
- Attachment D: Exhibit A
- Attachment E: Notice of Disposition





 **Agilent Technologies**  
5555 AIRPORT BLVD., BOULDER, CO SUITE #100

NO.	DATE	DESCRIPTION	BY

 **APECS**<sup>TM</sup>

PROJECT: FIRE WATER TANK RELOCATION

SHEET: SITE PLAN

DESIGNED BY	CHECKED BY	DATE	SCALE

AG-CO1

For Administrative Purposes Only  
Address: 5555 Airport Blvd.  
Case No. ADR2013-00194

**DEED OF VACATION**

The City of Boulder, Colorado does hereby vacate and release to the present owner(s) of the subservient land, in a manner prescribed by Section 8-6-10(b), B.R.C. 1981, the following portion of a drainage easement previously dedicated to the City of Boulder as part of the Lakecentre subdivision plat recorded in the records of the Boulder County Clerk and Recorder at Reception No. 01073973 on the 14th day of November, 1990, located at 5555 Airport Boulevard and as more particularly described as follows:

See Exhibit A attached hereto and incorporated herein by reference.

The within easement vacation and release of said easement shall extend only to the portion and the type of easement specifically vacated. The within vacation is not to be construed as vacating any rights-of-way or easements or cross-easements lying within the description of the vacated portion of the easement.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by the City Manager after having received authorization from the City Council of the City of Boulder, Colorado.

CITY OF BOULDER, COLORADO

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

Attest:

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

Approved as to form:

Hella Pann 11-13-2013  
City Attorney

EXHIBIT A

PAGE 1 OF 2

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF LOT 4, LOT LINE ADJUSTMENT OF LOTS 3, 4 AND 5, LAKECENTRE RECORDED AUGUST 30, 1991 AT RECEPTION NUMBER 1126917 SITUATED IN SECTION 21, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., SAID PARCEL ALSO BEING THE SOUTH 25 FEET OF THE NORTH 50 FEET OF SAID LOT 4, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE NORTH LINE OF SAID LOT 4 BEARS NORTH 89°40'00" WEST BASED UPON SAID LOT LINE ADJUSTMENT;

COMMENCING AT THE NORTHEAST CORNER SAID LOT 4: THENCE ALONG THE EAST LINE OF SAID LOT 4, SOUTH 25°00'46" EAST A DISTANCE OF 27.66 FEET TO THE POINT OF BEGINNING;

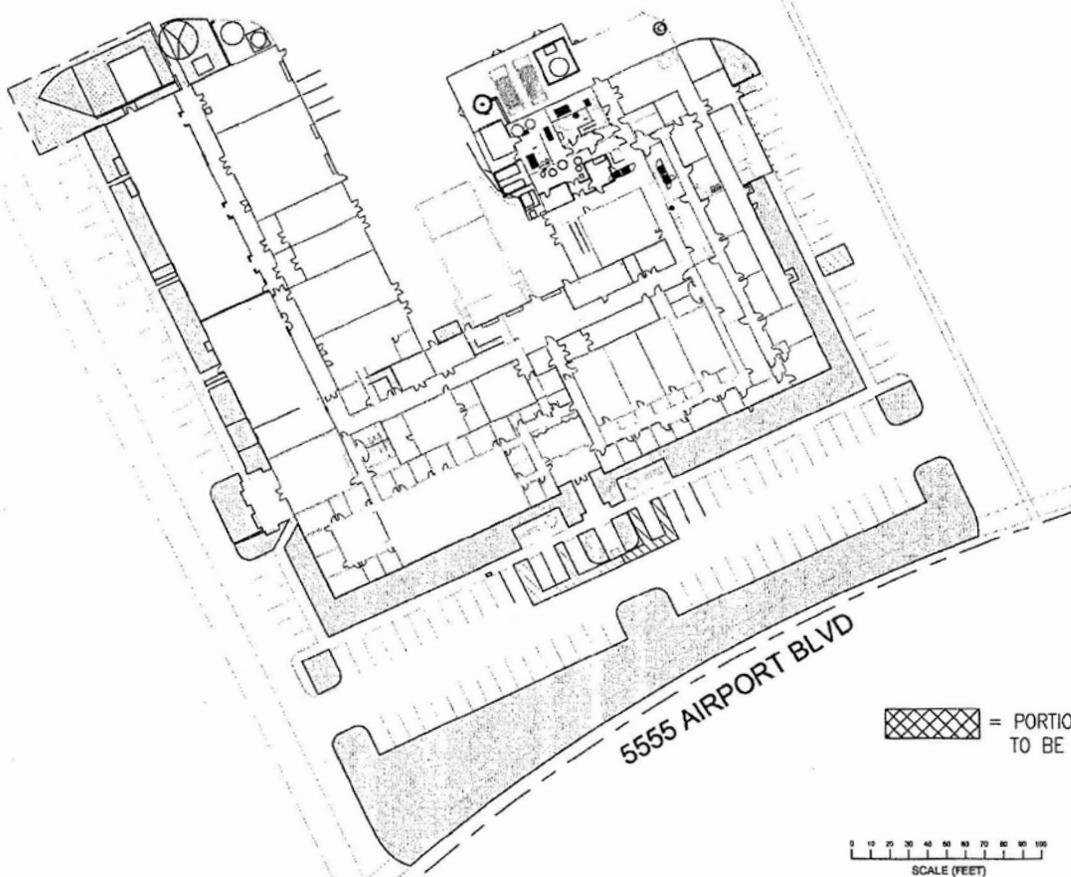
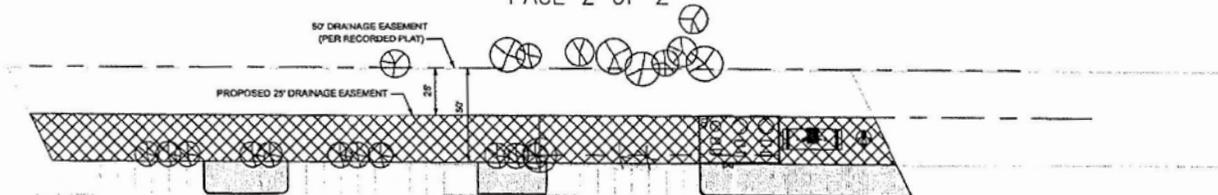
THENCE CONTINUING ALONG SAID EAST LINE SOUTH 25°00'46" EAST A DISTANCE OF 27.66 FEET; THENCE DEPARTING SAID EAST LINE NORTH 89°40'00" WEST A DISTANCE OF 431.53 FEET TO A POINT ON THE WEST LINE OF SAID LOT 4; THENCE ALONG SAID WEST LINE NORTH 25°00'46" WEST A DISTANCE OF 27.66 FEET; THENCE SOUTH 89°40'00" EAST A DISTANCE OF 431.53 FEET TO THE POINT OF BEGINNING.

CONTAINING ±10,788 SQUARE FEET OR ±0.248 ACRES, MORE OR LESS.

PREPARED BY:  
RICHARD B. GABRIEL  
FOR AND ON BEHALF OF  
POWER SURVEYING CO. INC.  
COLORADO PLS 37929



EXHIBIT A  
PAGE 2 OF 2



LEGEND

 = PORTION OF UTILITY EASEMENT  
TO BE VACATED; AREA = 10,788 SQ. FT.

0 10 20 30 40 50 60 70 80 90 100  
SCALE (FEET)



**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 • web [www.bouldercolorado.gov](http://www.bouldercolorado.gov)

**ADMINISTRATIVE REVIEW**  
**NOTICE OF DISPOSITION**

You are hereby advised that the following action was taken by the Planning Department:

**DECISION:** Approved  
**DATE:** November 14, 2013  
**REQUEST TYPE:** Vacation/Easement  
**ADDRESS:** 5555 Airport Blvd.  
**APPLICANT:** Kevin Cushman, APECS  
**CASE #:** ADR2013-00194  
**LEGAL DESCRIPTION:** Lot 4, Lot Line Adjustment of Lots 3, 4, and 5, Lakecentre, City of Boulder, County of Boulder, Colorado

**DESCRIPTION:** EASEMENT VACATION to vacate a 10,788 square foot portion of a drainage easement located along the north property line at 5555 Airport Blvd.

**FINAL DECISION STANDARDS:**

Approved as submitted. This application is approved per the criteria for Vacation of Public Easements as set forth in section 8-6-10, B.R.C. 1981. This approval does not constitute building permit approval.

This approval is limited to the vacation of the southerly twenty five feet of the subject drainage easement (10,788 square feet in area), previously dedicated to the City of Boulder and recorded in the records of the Boulder County Clerk and Recorder at Reception No. 01073973 on the 14th day of November, 1990.

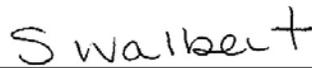
**INFORMATIONAL COMMENTS:**

Pursuant to section 8-6-10(b), B.R.C. 1981, approval of an easement vacation "is not effective until thirty days after the date of its approval. Promptly after approving the vacation, the manager will forward to the city council a written report, including a legal description of vacated portion of the easement and the reasons for approval. The manager will publish notice of the proposed vacation once in a newspaper of general circulation in the City within thirty days after the vacation is approved. Upon receiving such report and at any time before the effective date of the vacation, the council may rescind the manager's approval and call up the vacation request for its consideration at a public hearing, which constitutes a revocation of the vacation."

A fifty-foot airplane slope easement was dedicated on January 1, 1990 in the same area as the subject easement (Film 1612, Reception No. 1025759). The easement was established for the future expansion of a taxiway on the southern portion of the airport property. This airplane taxiway easement was vacated on March 10, 1992, when it was determined that the taxiway would not require expansion or modification to the south. However, the fifty-foot drainage easement remained in place.

This decision is final and may not be appealed. A new request may be considered only as a new application.

Approved By:

  
Sloane Walbert, Planning



**INFORMATION PACKET  
MEMORANDUM**

To: Members of City Council

From: Jane S. Brautigam, City Manager  
Paul J. Fetherston, Deputy City Manager  
David Driskell, Executive Director of Community Planning & Sustainability  
Charles Ferro, Development Review Manager  
Sloane Walbert, Planner I

Date: November 25, 2013

**Subject: Call-Up Item:** Vacation of a 2,570 square foot portion of a public utility easement located at 2584 Baseline Road (ADR2013-00161).

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**EXECUTIVE SUMMARY:**

The applicant requests vacation of a 2,570 square foot portion of a public utility easement located at the Basemar Shopping Center (refer to **Attachment D** for exact location). The easement was dedicated to the City of Boulder as a Grant of Easement, recorded September 4, 1984, to accommodate water services to the shopping center. Whole Foods is remodeling the store at this location and is proposing to construct a new entry vestibule that will conflict with the subject easement. All water meters previously located in the subject easement have been relocated within a new easement or abandoned. There is no public need for the portion of easement to be vacated because a separate 6,646 square foot easement has been dedicated for public utilities that serve this portion of the property (Rec. no. 03341536). The proposed vacation was approved by staff on November 12, 2013. There is one scheduled City Council meeting on December 3, 2013 within the 30 day call-up period.

**CODE REQUIREMENTS:**

Pursuant to the procedures for easement vacations set forth in subsection 8-6-10(b), B.R.C. 1981, the city manager has approved the vacation of a 2,570 square foot portion of a public utility easement. The date of final staff approval of the easement vacation was November 12, 2013 (refer to **Attachment E, Notice of Disposition**). This vacation does not require approval through ordinance based on the following criteria:

- It has never been open to the public; and
- It has never carried regular vehicular or pedestrian traffic.

The vacation will be effective 30 days later on December 12, 2013 unless the approval is called up by City Council.

**FISCAL IMPACTS:**

None identified.

**COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS:**

- Economic: None identified.
  
- Environmental: None identified.
  
- Social: None identified.

**BACKGROUND:**

The subject property is located south of and adjacent to Baseline Road, east of Broadway, in a Business - Community 2 (BC-2) zone district (refer to **Attachment A**, *Vicinity Map*). The existing Whole Foods grocery store on the property would like to remodel the tenant space and construct a new 223 square foot entry vestibule (refer to **Attachment B**, *Site Plan*). The proposed work includes upgrades to the exterior façade of the building and sidewalk and accessibility improvements. The proposed entry vestibule is located in the area of easement to be vacated.

The property is encumbered by a large utility easement, which was dedicated to accommodate water services to the shopping center (please refer to **Attachment A**, *Vicinity Map*). During review of the proposed improvements to the Whole Foods store it was discovered that a portion of water line located west of the store was not located in the utility easement. In order to address this issue, a new utility easement has been dedicated (see Reception no. 03341536). Additionally, six water meters servicing the adjacent stores were either relocated within the new easement or abandoned. There are currently no encroachments into the portion of easement to be vacated. Given that there is no public need for the easement for which it was intended, failure to vacate the requested portion of easement would cause hardship to the property owner by limiting the development potential of the property.

**ANALYSIS:**

Staff finds the proposed vacation of a 2,570 square foot portion of an existing utility easement consistent with the standard set forth in subsection (b) of section 8-6-10, “*Vacation of Public Easements*”, B.R.C. 1981. All agencies having an interest in the easement have indicated that no need exists, at present or in the future, for that portion of the easement to be vacated. Staff has determined that no public need exists for the portion of easement to be vacated due to the fact that a separate easement has been dedicated for public utilities on the property.

No vacation of a public easement shall be approved unless the approving agency finds that:

- ✓ 1. Change is not contrary to the public interest.
- ✓ 2. All agencies having a conceivable interest have indicated that no need exists, either in the present or conceivable future, for its original purpose or other public purpose.
- ✓ 3. Consistent with the Comprehensive Plan and Land Use Regulations.

- ✓ a. Failure to vacate the easement would cause a substantial hardship to the use of the property consistent with the Comprehensive Plan and Land Use Regulations; or
- Whole Foods is interested in making significant improvements to the store located in the Basemar Shopping Center, including a new entry vestibule. The portion of easement to be vacated is not necessary because all utilities are accommodated in a recently dedicated utility easement or in the remaining portion of easement. No public need exists for the portion of easement to be vacated.*
- N/A b. Would provide a greater public benefit than retaining the property in its present status.

**PUBLIC COMMENT AND PROCESS:**

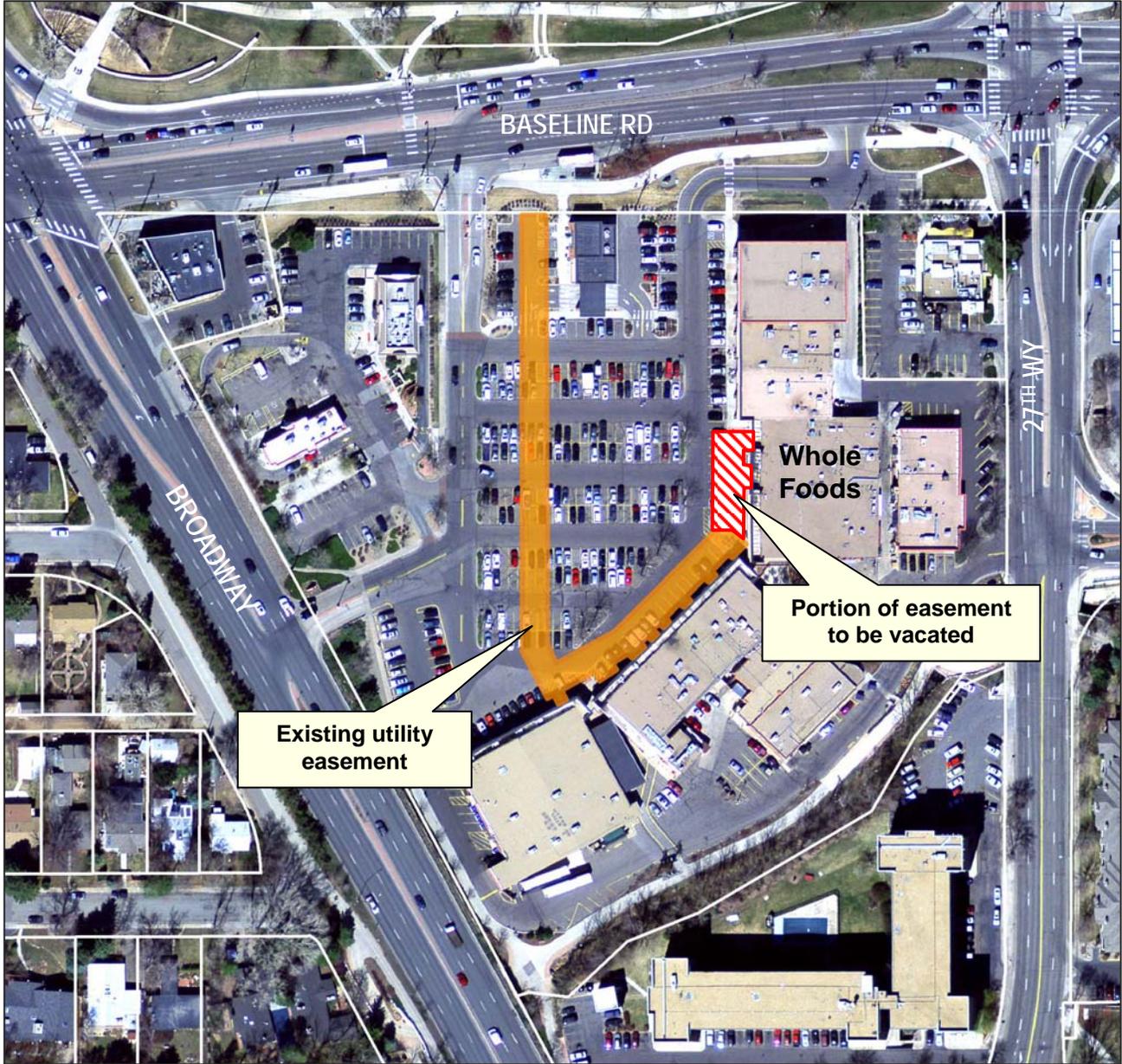
Notice of the vacation will be advertised in the Daily Camera within the 30 day call up period. Staff has received no written or verbal comments adverse to the vacation.

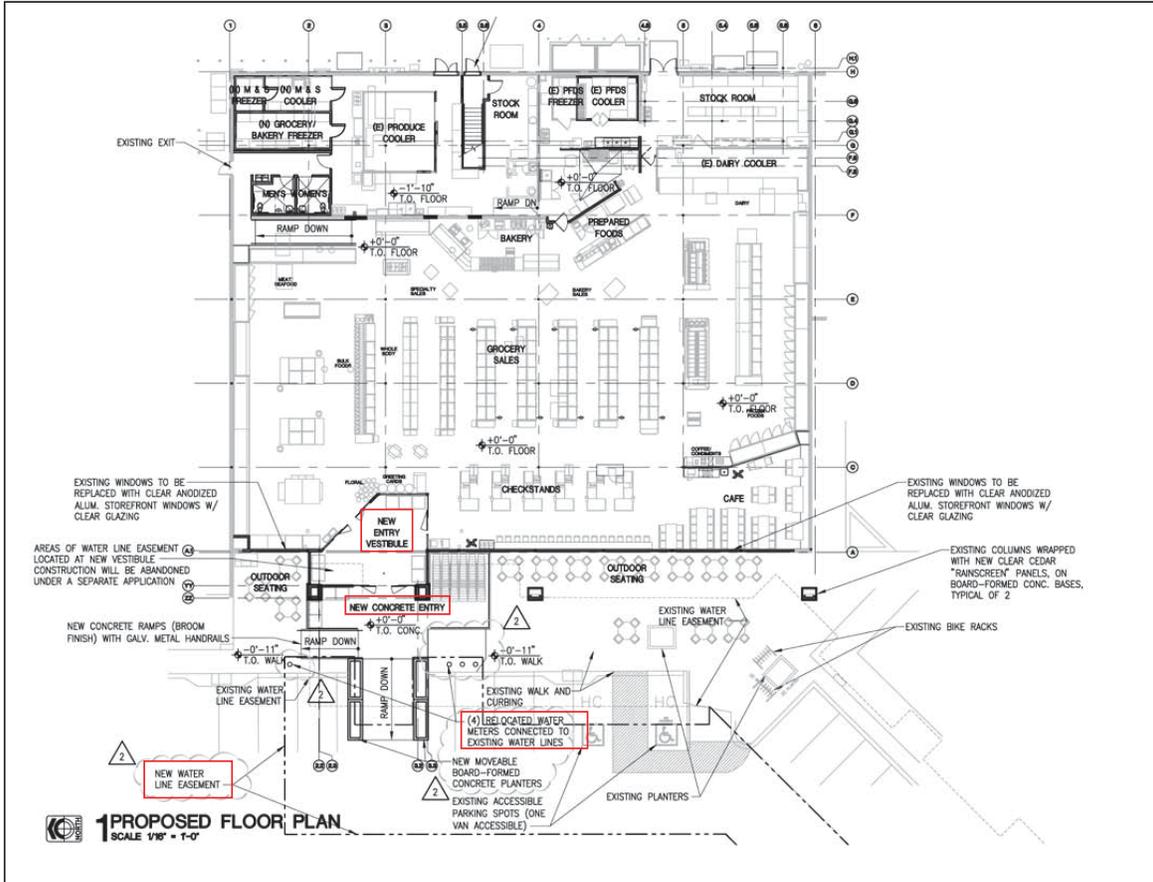
**NEXT STEPS:**

If the requested vacation is not called up by City Council then the Deed of Vacation (**Attachment C**) will be recorded. If the requested vacation is called up, and subsequently denied, the applicant will be limited to development on the property outside of the easement area.

**ATTACHMENTS:**

- Attachment A: Vicinity Map  
Attachment B: Site Plan  
Attachment C: Deed of Vacation  
Attachment D: Exhibit A  
Attachment E: Notice of Disposition





For Administrative Purposes Only

Address: 2584 Baseline Rd.

Case No. ADR2013-00161

**DEED OF VACATION**

The City of Boulder, Colorado does hereby vacate and release to the present owner of the subservient land, in a manner prescribed by Subsection 8-6-10(b), B.R.C. 1981, the following portion of utility easement previously dedicated to the City of Boulder and recorded in the records of the Boulder County Clerk and Recorder at Film No. 1317, Reception No. 640974 on the 17th day of August, 1984 and re-recorded at Film No. 1319, Reception No. 643959 on the 4<sup>th</sup> day of September, 1984, located at 2584 Baseline Road and as more particularly described as follows:

See Exhibit A attached hereto and incorporated herein by reference.

The within easement vacation and release of said easement shall extend only to the portion and the type of easement specifically vacated. The within vacation is not to be construed as vacating any rights-of-way or easements or cross-easements lying within the description of the vacated portion of the easement.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by the City Manager after having received authorization from the City Council of the City of Boulder, Colorado.

CITY OF BOULDER, COLORADO

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

Attest:

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

Approved as to form:

Hila Pennings  
City Attorney's Office

9-11-2013  
Date

# EXHIBIT A

## EASEMENT PORTION VACATION DESCRIPTION:

THAT PORTION OF A WATERLINE EASEMENT RECORDED 08/17/1984 AT RECEPTION NO. 640974 AND RE-RECORDED 09/04/1984 AT RECEPTION NO. 643959 LOCATED IN THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 1 SOUTH, RANGE 70 WEST OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 6;

THENCE S89°57'00"W, 30.00 FEET ALONG THE NORTH LINE OF SAID SECTION 6 TO THE EAST LINE EXTENDED NORTHERLY OF THAT TRACT OF LAND AS DESCRIBED IN INSTRUMENT RECORDED IN BOOK 1111 AT PAGE 264 OF THE RECORDS OF BOULDER COUNTY, COLORADO;

THENCE S00°06'47"W, 30.00 FEET ALONG THE EAST LINE EXTENDED NORTHERLY OF THAT TRACT OF LAND AS DESCRIBED IN SAID BOOK 1111 AT PAGE 264 TO THE NORTHEAST CORNER THEREOF;

THENCE S89°57'00"W, 439.68 FEET ALONG A LINE PARALLEL WITH AND 30.00 FEET SOUTH OF THE NORTHERLY LINE OF THE NORTHEAST QUARTER OF SECTION 6 TO A CORNER OF THE WATERLINE EASEMENT RECORDED 08/17/1984 AT RECEPTION NO. 640974 AND RE-RECORDED 09/04/1984 AT RECEPTION NO. 643959;

THENCE ALONG THE EASTERLY AND NORTHEASTERLY LINES OF SAID EASEMENT THE FOLLOWING FOUR COURSES:

- 1) S00°03'00"E, 419.34 FEET;
- 2) S28°43'02"E, 20.38 FEET;
- 3) N61°16'58"E, 66.23 FEET;
- 4) N45°02'32"E, 139.05 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG THE PERIMETER OF SAID EASEMENT THE FOLLOWING NINE COURSES:

- 1) N00°12'20"E, 93.13 FEET;
- 2) S89°47'40"E, 32.50 FEET;
- 3) S00°12'20"W, 12.00 FEET;
- 4) N89°47'40"W, 7.50 FEET;
- 5) S00°12'20"W, 20.00 FEET;
- 6) S89°47'40"E, 7.50 FEET;
- 7) S00°12'20"W, 16.00 FEET;
- 8) N89°47'40"W, 7.50 FEET;
- 9) S00°12'20"W, 53.06 FEET;

THENCE N44°57'28"W, 11.25 FEET;

THENCE N89°47'40"W, 17.02 FEET TO THE POINT OF BEGINNING, CONTAINING 2,570 SQUARE FEET, MORE OR LESS.

DESCRIPTION PREPARED BY:  
BO BAIZE, COLORADO PLS 37990  
FOR AND ON BEHALF OF HURST & ASSOCIATES, INC.  
2500 BROADWAY, SUITE B  
BOULDER, CO. 80304

**WATERLINE EASEMENT VACATION (PORTION)  
BASEMAR SHOPPING CENTER  
BOULDER, COLORADO  
PAGE 1 OF 2**

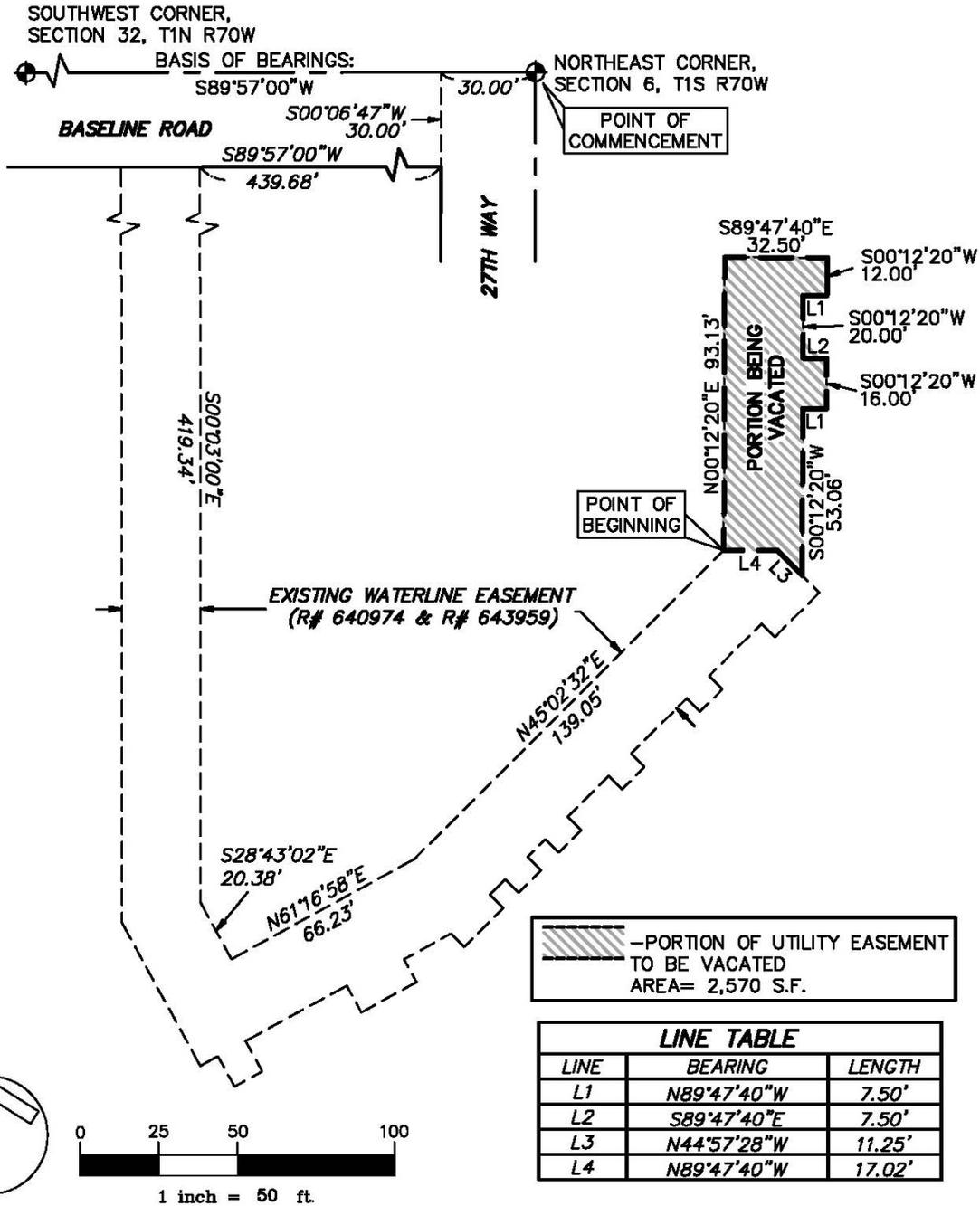
**HURST**  
CIVIL ENGINEERING  
PLANNING  
SURVEYING

2500 Broadway, Suite B  
Boulder, CO 80304  
303.449.9105  
www.hurst-assoc.com

SCALE	HOR. N/A
	VERT. N/A
DESIGN/APPR.	
DRAWN BY	BO
DATE	08/10/13
SHEET	1 OF 2

FILE G:\24422\WATERLINE EASEMENT DOCUMENTS

# EXHIBIT A



NOTE: THIS IS NOT A LAND SURVEY PLAT OR AN IMPROVEMENT SURVEY PLAT. THIS EXHIBIT IS ONLY INTENDED TO DEPICT THE ACCOMPANYING DESCRIPTION.

**WATERLINE EASEMENT VACATION (PORTION)  
BASEMAR SHOPPING CENTER  
BOULDER, COLORADO  
PAGE 2 OF 2**

<b>HURST</b> CIVIL ENGINEERING PLANNING SURVEYING	2500 Broadway, Suite B Boulder, CO 80304	SCALE HOR. 1" = 50' VERT. N/A
	303.449.9105	DESIGN/APPR.
	www.hurst-assoc.com	DRAWN BY BO
		DATE 09/10/13
		SHEET 2 of 2

FILE G: \24422 WATERLINE EASEMENT DOCUMENTS



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

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

**ADMINISTRATIVE REVIEW**  
**NOTICE OF DISPOSITION**

You are hereby advised that the following action was taken by the Planning Department:

**DECISION:** Approved  
**DATE:** November 12, 2013  
**REQUEST TYPE:** Vacation/Easement  
**ADDRESS:** 2584 Baseline Rd.  
**APPLICANT:** Danielle Weaver, CSHQA  
**CASE #:** ADR2013-00161  
**LEGAL DESCRIPTION:** See Exhibit A

**DESCRIPTION:** UTILITY EASEMENT VACATION to vacate a 2,570 square foot portion of a public utility easement located on the property at 2584 Baseline Road.

**FINAL DECISION STANDARDS:**

Approved as submitted. This application is approved per the criteria for Vacation of Public Easements as set forth in section 8-6-10, B.R.C. 1981. This approval does not constitute building permit approval.

This approval is limited to the vacation of a 2,570 square foot utility portion of a utility easement, previously dedicated to the City of Boulder and recorded in the records of the Boulder County Clerk and Recorder at Film No. 1317, Reception No. 640974 on the 17th day of August, 1984 and re-recorded at Film No. 1319, Reception No. 643959 on the 4th day of September, 1984.

No public need exists for the portion of easement to be vacated because a new easement has been dedicated to the City of Boulder for utility services on the property. The easement was modified to accommodate an entry vestibule addition at Whole Foods, which required the relocation of six meter pits within the new easement (Reception No. 03341536).

**INFORMATIONAL COMMENTS:**

Pursuant to section 8-6-10(b), B.R.C. 1981, approval of an easement vacation "is not effective until thirty days after the date of its approval. Promptly after approving the vacation, the manager will forward to the city council a written report, including a legal description of vacated portion of the easement and the reasons for approval. The manager will publish notice of the proposed vacation once in a newspaper of general circulation in the City within thirty days after the vacation is approved. Upon receiving such report and at any time before the effective date of the vacation, the council may rescind the manager's approval and call up the vacation request for its consideration at a public hearing, which constitutes a revocation of the vacation."

This decision is final and may not be appealed. A new request may be considered only as a new application.

Approved By: S Walbert  
Sloane Walbert, Planning

**EXHIBIT A**

**LEGAL DESCRIPTION**

ALL THAT PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 1 SOUTH, RANGE 70 WEST OF THE 6TH P.M., (INCLUDING ALL OF LOT 1, PENFOLD-TELLEEN SUBDIVISION, ACCORDING TO THE RECORDED PLAT THEREOF, LYING NORTH OF THE CENTERLINE OF SKUNK CREEK), LOCATED IN COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

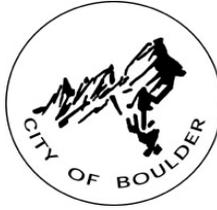
BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 6; THENCE NORTH 89 DEGREES 59 MINUTES 09 SECONDS WEST ALONG THE NORTH LINE OF SAID SECTION 6, A DISTANCE OF 30 FEET; THENCE SOUTH 00 DEGREES 05 MINUTES 51 SECONDS WEST, PARALLEL WITH THE EAST LINE OF SAID SECTION 6, A DISTANCE OF 189 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN INSTRUMENT RECORDED IN BOOK 1111 AT PAGE 264, WHICH IS THE TRUE POINT OF BEGINNING;  
THENCE NORTH 89 DEGREES 59 MINUTES 09 SECONDS WEST, ALONG THE SOUTH LINE OF SAID TRACT DESCRIBED IN BOOK 1111 AT PAGE 264, A DISTANCE OF 138 FEET TO THE SOUTHWEST CORNER OF SAID TRACT; THENCE NORTH 00 DEGREES 05 MINUTES 51 SECONDS EAST, ALONG THE WEST LINE OF SAID TRACT DESCRIBED IN BOOK 1111 AT PAGE 264, A DISTANCE OF 159 FEET TO A POINT WHICH IS 30 FEET SOUTH OF THE NORTH LINE OF SAID SECTION 6; THENCE NORTH 89 DEGREES 59 MINUTES 09 SECONDS WEST, PARALLEL WITH THE NORTH LINE OF SAID SECTION 6, A DISTANCE OF 576.59 FEET TO A POINT ON THE EAST LINE OF A TRACT OF LAND DESCRIBED IN INSTRUMENT RECORDED IN BOOK 929 AT PAGE 94; THENCE SOUTH 12 DEGREES 09 MINUTES 13 SECONDS EAST, ALONG THE EAST LINE OF SAID TRACT DESCRIBED IN BOOK 929 AT PAGE 94, A DISTANCE OF 104.92 FEET TO THE SOUTHEAST CORNER OF SAID TRACT; THENCE WESTERLY ALONG THE SOUTH LINES OF TRACTS OF LAND DESCRIBED IN BOOK 929 AT PAGE 94 AND IN BOOK 924 AT PAGE 546, A DISTANCE OF 111.96 FEET, TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF STATE HIGHWAY NO. 93 (COMMONLY REFERRED TO AS MARSHALL ROAD); THENCE SOUTH 28 DEGREES 08 MINUTES 00 SECONDS EAST, ALONG THE EASTERLY RIGHT OF WAY LINE OF STATE HIGHWAY NO. 93, A DISTANCE OF 674.66 FEET TO THE NORTHWEST CORNER OF LOT 1, PENFOLD-TELLEEN SUBDIVISION ACCORDING TO THE RECORDED PLAT THEREOF; THENCE SOUTH 28 DEGREES 21 MINUTES 43 SECONDS EAST, ALONG THE EASTERLY RIGHT OF WAY LINE OF STATE HIGHWAY NO. 93 AND THE WESTERLY LINE OF LOT 1 OF SAID PENFOLD-TELLEEN SUBDIVISION, A DISTANCE OF 22 FEET TO A POINT ON THE CENTERLINE OF SKUNK CREEK AS THE SAME IS SHOWN ON THE RECORDED PLAT OF PENFOLD-TELLEEN SUBDIVISION; THENCE ALONG THE CENTERLINE OF SKUNK CREEK AS THE SAME IS SHOWN ON THE RECORDED PLAT OF PENFOLD-TELLEEN SUBDIVISION; THENCE ALONG THE CENTERLINE OF SKUNK CREEK AS SHOWN ON THE PLAT OF PENFOLD-TELLEEN SUBDIVISION AS FOLLOWS:

NORTH 74 DEGREES 55 MINUTES 00 SECONDS EAST A DISTANCE OF 11.50 FEET;  
THENCE SOUTH 84 DEGREES 55 MINUTES 00 SECONDS EAST, A DISTANCE OF 38.50 FEET;  
THENCE NORTH 45 DEGREES 05 MINUTES 00 SECONDS EAST, A DISTANCE OF 74.50 FEET;  
THENCE NORTH 72 DEGREES 40 MINUTES 00 SECONDS EAST, A DISTANCE OF 72.50 FEET;  
THENCE NORTH 60 DEGREES 30 MINUTES 00 SECONDS EAST, A DISTANCE OF 189.70 FEET;  
THENCE NORTH 30 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 81.50 FEET;  
THENCE NORTH 37 DEGREES 50 MINUTES 00 SECONDS EAST, A DISTANCE OF 153.00 FEET TO A POINT ON THE EAST LINE OF LOT 1 OF SAID PENFOLD-TELLEEN SUBDIVISION;  
THENCE NORTH 00 DEGREES 05 MINUTES 51 SECONDS EAST, ALONG THE EAST LINE OF SAID

**LEGAL DESCRIPTION**

LOT 1 OF SAID PENFOLD-TELLEN SUBDIVISION, A DISTANCE OF 43.50 FEET TO THE  
NORTHEAST CORNER OF LOT 1 OF SAID PENFOLD-TELLEN SUBDIVISION; THENCE NORTH 00  
DEGREES 05 MINUTES 51 SECONDS EAST PARALLEL WITH THE EAST LINE OF SAID SECTION  
6, A DISTANCE OF 185.31 FEET TO THE TRUE POINT OF BEGINNING,

EXCEPT THAT PART THEREOF DESCRIBED IN BOOK 1002 AT PAGE 280. COUNTY OF BOULDER,  
STATE OF COLORADO.



## INFORMATION PACKET MEMORANDUM

To: Members of City Council

From: Jane S. Brautigam, City Manager  
Paul J. Fetherston, Deputy City Manager  
David Driskell, Executive Director of Community Planning + Sustainability  
Charles Ferro, Development Review Manager  
Elaine McLaughlin, Senior Planner

Date: November 13, 2013

**Subject: Call-Up Item: 1738 Pearl Site Review (LUR2013-00031)**

### EXECUTIVE SUMMARY

On Nov. 7, 2013, the Planning Board approved with conditions (5-1, Young opposed, Gray recused) the above-referenced application as provided in the attached Notice of Disposition (**Attachment A**), finding the project consistent with the Site Review criteria of Land Use Code section 9-2-14(h), B.R.C. 1981. Approval of the application would permit a three story, 38-foot tall addition to an existing two story building, both at the rear of the building and as infill into an existing surface parking lot on the 21,000 square foot lot located in the DT-2 (Downtown -2) zoning district. The proposed application includes requests for three stories where two are allowed by-right. The application also includes modifications for the rear yard setback and the third story side yard setback adjacent to a street. The hearing was based on a call-up of the disposition of approval from an Administrative Site Review.

The Planning Board decision is subject to City Council call-up within 30 days concluding on Dec. 9, 2013. There is one City Council meeting within this time period for call-up consideration on Dec. 3, 2013. The staff memorandum of recommendation to Planning Board and other related background materials are available on the city website for Planning Board, follow the links: [www.bouldercolorado.gov](http://www.bouldercolorado.gov) → A to Z → Planning Board → search for past meeting materials planning board → 2013 → 11.7.2013 PB Packet.

### BACKGROUND

The site is currently occupied by a two-story, 35 foot, L-shaped building that surrounds a surface parking lot on the corner of 18<sup>th</sup> and Pearl streets. While the building was built in 1949, there have been alterations, additions, and improvements to the building over the years. The site currently contains three first floor restaurants: Frasca Food and Wine, Pizzeria Locale, and the Caffe.

There are also several other commercial uses in the rear portion of the building including a stationary store, a medical marijuana business, and a banner graphics company.

**Land Use.** The Boulder Valley Comprehensive Plan land use for the site is Regional Business with the intent as follows,

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

**Zoning.** The DT-2 zoning district is defined within the Land Use Code as follow:

*“A transition area between the downtown and the surrounding residential areas where a wide range of retail, office, residential, and public uses are permitted. A balance of new development with the maintenance and renovation of existing buildings is anticipated, and where development and redevelopment consistent with the established historic and urban design character is encouraged.”*

The DT-2 zoning district permits a by-right height of 38 feet, but requires administrative Site Review for a request of three stories where two stories is by-right. The planned use for the upper stories is large floor plate office space in response to the low, four percent vacancy rate for office space of 5,000 square feet and greater within downtown Boulder. The ground level space will be used as retail or restaurant space.

**Downtown Urban Design Guidelines.** The site is located within the area defined in the Downtown Urban Design Guidelines as the Non-Historic area as well as the Interface Area. A weblink to the guidelines is found on line at [www.bouldercolorado.gov](http://www.bouldercolorado.gov) → A to Z → boards-commissions → bdab. The intent of the Non-Historic Area is noted on page 13 of the guidelines:

*“The Non-Historic Area 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.”*

Among the goals for the Non-Historic District noted in the guidelines are to be,

- *“visually interesting, stylistically appropriate, compatible in scale and character”*
- *“Create pedestrian interest at the street level”*

The intent of the Interface Area, noted on page 41 of the guidelines, is as follows:

*“composed of the blocks that link the core of the downtown to the surrounding residential neighborhoods. This area requires special design sensitivities that must be addressed when commercial buildings are located adjacent to residential areas.”*

Among the objectives and guidelines for the Interface Area are:

- *Encourage sensitive site, building and streetscape design that emphasizes a clear distinction between both commercial and residential areas.*
- *Maintain the diversity in building type and size and respect the adjoining residential character that is important to the area.*
- *In general, construct buildings of three stories or less.*

**Surrounding Context.** The adjacent zoning districts of MU-3 (Mixed Use – 3), DT-5 (Downtown – 5) and RMX-1 (Residential Mixed – 1) all permit buildings of 38 feet and three stories by-right. There are one-, two-, and three-story buildings located within a two block area of the site, including within the Residential High – 2 (RH-2) zoning district to the south and east of the site where there is a five story residential building at Walnut and 20<sup>th</sup> streets. As shown in the photo in Figure 1, directly across Pearl Street is a single story bicycle shop, across the alley to the south are one and two story office buildings along with an approved three story, 38-foot tall residential building at the corner of 17<sup>th</sup> and Walnut streets. As shown in Figure 2, across Pearl to the northeast is a three story mixed use building with ground floor retail and residential above and directly across 18<sup>th</sup> Street to the east is a three story residential building.



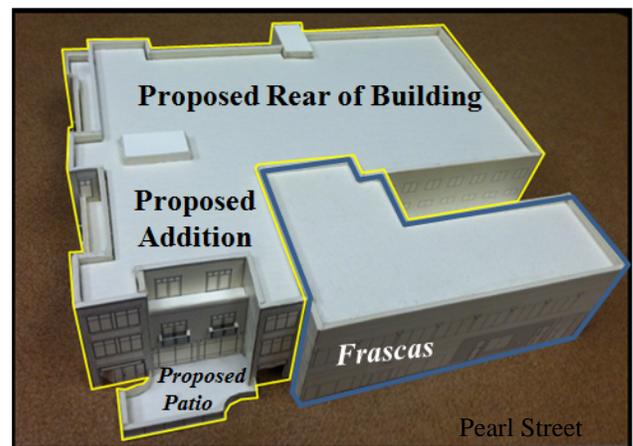
*Figure 1: Across Pearl Street to the north and west, within the DT-2 zoning district where two stories and 38-feet is by-right*



*Figure 2: Across Pearl Street to the north and east (left) and across 18<sup>th</sup> Street to the east (right), both within MU-3 zoning district where three stories and 38 feet height (as proposed) are the by-right standards.*

**Proposed Project.** As shown in Figure 3, the proposed project would infill the existing parking lot with a 38-foot tall, three-story building. The addition is also planned to wrap around the existing building at the rear of the site adjacent to the alley. The ground floor adjacent to Pearl Street is proposed to be a restaurant or retail use with the rear of the building adjacent to the alley, proposed as a 19-space structured parking area. The second and third stories are intended as large floor plate office space. Figure 4 illustrates a perspective sketch as seen from the intersection of 18<sup>th</sup> and Pearl streets. The existing portion of the building where the three existing restaurants are located is proposed only for several simple cosmetic improvements as part of the application.

The building is designed with three projecting building bays, one on the corner and along 18<sup>th</sup> Street and one in a transition to the existing building along Pearl Street. Entry vestibules are located within the first floor of these projecting bays. The third floor is stepped back consistent with the intent of the guidelines, and an outdoor balcony space is created on the second story, by this setback. The proposed materials include red brick, exposed steel beams, and stucco accents within the projecting bays.



· *Figure 3: Comparison of Existing Building and Parking on Left to Proposed Building on Right*



*Figure 4: Perspective Rendering of Proposed Addition*

Along the Pearl Street frontage, adjacent to the existing building, an eight foot building set back is proposed in deference to the existing Frasca Food and Wine restaurant space. Adjacent to the intersection corner, it is planned to be further set back by 19 feet to accommodate an outdoor dining patio. Any future restaurant would be required to apply for a Use Review given the outdoor patio space, and the location and size within 500 feet of a residential zoning district. Therefore, any operating characteristics of a future restaurant will have input of the surrounding neighborhood, adjacent tenants, as well as staff findings of consistency with the Use Review criteria.

**Public Comment and Participation.** Required public notice for Site Review was given in the form of written notification mailed to all property owners within 600 feet of the subject site. A total of 271 property owners were notified twice: first when the application was received and a second mailing was sent for notification of the Good Neighbor Meeting. The Planning Board hearing date was posted in the Daily Camera on Oct. 27, 2013 and on Nov. 3, 2013 and the public notification sign was posted on the property for at least 10 days, per the public notification requirements of Section 9-4-3, B.R.C. 1981. In addition, there was also an article published in the Daily Camera on Nov. 3, 2013 detailing the proposed project and indicating the date and time of the Planning Board Hearing.

During the review process, staff received seven comment letters from five different community members, two community members sending two separate letters. Most of the comment letters articulated concerns about the planned three stories as well as concerns that parking in the area would be impacted by the proposed project. A comment letter from a citizen representative of a group, referring to themselves as the “Coordinating Committee of Patrons of Frasca” articulated concerns about impacts to Frasca Food and Wine from a potential restaurant that could go into the proposed first floor space, as well as from construction impacts. Staff also received a letter from the attorney for Frasca Food and Wine who indicated concerns about visibility of the restaurant from Pearl Street with the addition, and concern about access into the restaurant. The letter also indicated concerns about the application not meeting the review criteria and guidelines. A comment letter was also received that listed a number of properties in the downtown that are available to lease, noting that there wasn’t a need for additional office space in the downtown. Staff also had a phone conversation with another neighbor who expressed concern about the height and the parking.

Although not required to do so by code for a Site Review application, the applicant held a Good Neighbor meeting on July 22, 2013 where there were five attendees. A third party facilitator directed the proceedings of the meeting to ensure all participants were given an opportunity to comment or ask questions and transcribed the discussion onto a flipchart that was then provided to staff as a summary. Comments were primarily related to concerns about the size of the three stories of the building, one attendee articulated concerns about the potential for views blocked from their residential balcony, and several attendees expressed concerns about residents not being able to park in the area where existing on-street parking spaces are often full.

**Design Advisory Board Review.** The Design Advisory Board (DAB) reviewed and discussed the application on May 8, 2013 at a regularly scheduled DAB meeting and provided the applicant with recommended changes to an original building configuration. A written summary of the DAB review specific to each applicable design guideline within the Non-Historic and Interface areas of the downtown was provided by the DAB chair. The applicant implemented the DAB and staff recommendations related primarily to removal of second floor balconies to simplify the building.

## PLANNING BOARD HEARING

**Planning Board Public Comment.** At the Planning Board hearing on Nov. 7, 2013, two members of the public spoke to the item. The first was a citizen representative from a group, the “Coordinating Committee of Patrons of Frasca” who had also sent a letter and indicated concerns about potential impacts to the restaurant from construction and from any future restaurants that may locate into the proposed ground floor space adjacent to the restaurant. The second commentator was an attorney representing Frasca who indicated his client’s concerns about removal of the private dining room access that was part of the lease agreement between the property owners and Frasca, and expressed concerns that the new addition would impinge on the ability to see the restaurant from westbound Pearl Street.

**Applicant Presentation at Planning Board.** During the hearing, the applicant addressed neighbor concerns about potential impacts to Frasca acknowledging the importance of their building’s tenant. The applicant also indicated that the front portion of the building was intentionally set back from the corner in deference to Frasca’s entry and primarily to ensure visibility to the restaurant, as well as to provide outdoor patio space for the addition. It was also acknowledged by the applicant that specific efforts were made to engage the restaurant operators in the design process. The applicant offered a refined building entrance with a vestibule into the restaurant to Frasca ownership if so desired. The applicant also noted that an alternative design has been created for the site of a 38-foot tall, two-story building that could be constructed entirely by-right.

**Planning Board Deliberation.** At the hearing, the board discussed following key issues:

- consistency of the proposed project with the Site Criteria and Downtown Urban Design Guidelines including the proposed setback modifications and plans for energy efficiency;
- the planned three stories in context and surroundings; and
- the need for additional landscaping and screening for the structured parking, adjacent to the public right of way along 18<sup>th</sup> Street.

The board also discussed other issues including the by-right alternative described by the applicant of a two-story, 38 foot tall building. The board noted that the by-right approach would have equivalent mass and scale to a three-story building but would not be as efficient in the use of that mass and scale. The board also noted that the building had undergone review from the Design Advisory Board and that the Site Review process three story result was preferable to a by-right, two-story plan.

The board discussed the concerns brought up during public comment by the community member about potential impacts to Frasca, as well as the concerns brought up by the attorney for Frasca Food and Wine. In particular, the board discussed the potential impacts to Frasca’s visibility and noted that the front setback did allow visibility of the restaurant from Pearl Street. The board discussed the issue posed by the attorney about Frasca’s private dining entrance, as detailed within the lease agreement between the property owners and Frasca, and discussed if there was a means either through BVCP policy or through Site Review criteria to address the concerns. As advised by the City Attorney, there is no legal basis to consider private agreements or leases as a part of the Site Review criteria or BVCP policies. The board requested that the applicant continue the dialog with Frasca Food and Wine representatives to come to an agreement on the best approach to the issues of access as well as construction impact mitigation.

## SUMMARY OF ANALYSIS

In approving the application, the Planning Board found that the proposal to be consistent with the Site Review criteria of the Land Use Code subsection 9-2-14(h), B.R.C. 1981 and Design Guidelines, because:

1. The proposed project's massing, scale, design and materials are compatible with the surrounding context where three stories exist in a varied context.
2. The proposed project meets the Site Review Criteria for pedestrian oriented building design.
3. The application is consistent with the Downtown Urban Design Guidelines for the Non-Historic area for the following reasons:
  - a. The proposed third story is planned to step back from the face of the building from eight to fifteen feet, and is already setback on the corner, as is recommended in the guidelines.
  - b. The building will maintain a human scale with use of standard brick, and provision of pedestrian interest on the first and second stories that will remain the same.
  - c. There is an appropriate traditional rhythm to the proposed building's fenestration particularly on the first floor where a repetition or sequencing of visual interest for the pedestrian is critical. At the rear of the building, where the structured parking is located, there are architectural screens to burnish the appearance of the parking area.
  - d. The proposed building also utilizes other traditional building features including first floor display windows with a kick plate and transom windows, patterning of upper story windows, and a sign band along the front of the building.
  - e. The proposed building is consistent with guideline 2.4.C. which recommends the floor to floor heights: 14 feet for the ground level and up to 12 feet for the upper stories as shown in Figure 5.



*Figure 5: Floor to Floor Heights Consistent with the Guidelines*

4. The application is consistent with the Downtown Urban Design Guidelines for the Interface area for the following reasons:

- a. The proposed project is consistent with guideline 3.1 which states, *“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.”*

While the site backs up to the DT-2 zone, toward the south and east across the alley and across 18<sup>th</sup> street is the RH-2 zoning district where three stories is the by-right standard and where there are a number of three story buildings. However, in response to the guideline, the building does transition in height at the alley from three to two stories as shown in Figure 6.



**Figure 6: The 18<sup>th</sup> Street Elevation Steps Down to Two Stories at the**

- b. The proposed project is consistent with guideline 3.2 which states, *“Create Attractive Rear Alley Facades on Buildings Facing Toward Residential Areas.”*

The rear of the building faces an existing office building. However, the overall appearance of the alley façade will be greatly improved from the existing condition as



**Figure 7: South Alley Elevation in Comparison to Existing Building (above)**

5. The parking on-site helps to address concerns from residential neighbors nearby who indicated concerns about losing the on-site parking and impacts to on-street parking. The findings indicate that while the site is located within the Central Area General improvement District (CAGID), where parking is not required for non-residential uses, the provision of 19 vehicle parking spaces and 19 long-term bike parking spaces within the proposed building's first floor adjacent to the alley provides for future building users.
6. The proposed setback modifications for the first and second floor at the rear and alley building face were found to be consistent in the urban context and given the third story setback from the alley.
7. The proposed third story setback modification along 18<sup>th</sup> Street from 15 feet to seven feet is consistent for the urban context and the relatively narrow building site.

## **CONCLUSION**

By a majority vote (5-1, Young opposed, Gray recused), the Planning Board agreed with the staff analysis and approved the application with conditions. Consistent with the land use code section 9-4-4(c), B.R.C. 1981, if the City Council disagrees with the decision of the Planning Board, it may call up the application within a 30-day call up period which expires on Dec. 9, 2013, and with one City Council meeting during that time, it may consider this application for call-up at its **Dec. 3, 2013** public meeting.

## **ATTACHMENTS:**

- A. Planning Board Notice of Disposition dated Nov. 7, 2013
- B. Project Plans and Written Statement



**CITY OF BOULDER**  
**Community Planning & Sustainability**

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1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791  
phone 303-441-1880 • fax 303-441-3241 • web [www.bouldercolorado.gov](http://www.bouldercolorado.gov)

**CITY OF BOULDER PLANNING BOARD**  
**NOTICE OF DISPOSITION**

You are hereby advised that on November 7, 2013 the following action was taken by the Planning Board 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: 1738 PEARL STREET**  
**DESCRIPTION: SITE REVIEW for the infill of an existing surface parking lot with a 3-story addition to an existing building to a by-right height standard of 38 feet. A new parking structure will be constructed within the first level of existing building at the rear. The following modifications to land use standards are approved:**  
**Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C., 1981:**  

- 3 stories when only 2 are allowed by right
- 3<sup>rd</sup> floor setback of 8' to 17' feet; 15' is by-right
- Rear yard setback: 0 where 15' is by-right

**LOCATION: 1738 PEARL ST**  
**COOR: N03W05**  
**LEGAL DESCRIPTION: Lots 1 and 2 and Fractional Lot 3, Block 72, East Boulder, according to the Corrected Enlarged Plat of East Boulder and Fractional Lot 3, Block 72, BOULDER, County of Boulder, State of Colorado**

**APPLICANT: J NOLD MIDYETTE**  
**OWNER: 1738 Pearl Street, LLC**  
**APPLICATION: Site Review, LUR2013-00031**  
**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.**

This decision may be called up before the City Council on or before **December 9, 2013**. If no call-up occurs, the decision is deemed final thirty days after the Planning Board's decision.

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

IN ORDER FOR A BUILDING PERMIT APPLICATION TO BE PROCESSED FOR THIS PROJECT, A SIGNED DEVELOPMENT AGREEMENT AND SIGNED FINAL PLANS 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 BOARD 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, Boulder Revised Code 1981) the development within three years shall cause this development approval to expire.

At its public hearing on November 7, 2013 the Planning Board approved the request with the following motion:

On a motion by **A. Brockett**, seconded by **J. Putnam**, the Planning board voted 5-1 (**M. Young** opposed; **C. Gray** recused), to approve Site Review #LUR2013-00031 incorporating the staff memorandum except that the Site Review Criteria Checklist attached to the staff memo as Attachment A shall be substituted with the Attachment A, Site Review Criteria Checklist, that was provided as a handout during the meeting as findings of fact, and subject to the following recommended conditions of approval with the following addition to condition 3.a.: The screen for parking shall be continuous from the floor to the top of the entrance of the parking garage to create a complete visual barrier.

On a motion by **S. Weaver** and seconded by **B. Bowen**, the board voted 6-0 (**C. Gray** recused) to recommend that the applicant reduce the amount of parking spaces provided in the garage so as to provide for more open public exterior space on Pearl Street.

### CONDITIONS OF APPROVAL

1. The Applicant shall ensure that the **development shall be in compliance with all approved plans** dated 10-8-2013 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. The Applicant shall **comply with all previous conditions** contained in any previous approvals, except to the extent that any previous conditions may be modified by this approval, including, but not limited to, the following: Development Agreement recorded in the records of the Boulder County Clerk and Recorder at Reception No. 2602976 on July 1, 2004.
3. 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 10-8-2013. The screen for parking shall be continuous from the floor to the top of the entrance of the parking garage to create a complete visual barrier.
  - b. 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.
  - 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.
4. Prior to a building permit application, the Applicant shall submit a Technical Document Review application for the following items, subject to approval of the City Manager:
  - a. The building permit application for each building shall show that each building **meets the energy efficiency requirements of the 2012 International Energy Conservation Code (IECC)** as locally amended. Should the building permit application be filed prior to the effective date of the 2012 IECC in the City of Boulder, 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-

Attachment A: Planning Board Notice of Disposition dated Nov. 7, 2013

Rise Residential Buildings by at least 20 percent or (2) the building is designed to meet a set of prescriptive requirements, subject to review and approval of the city manager, that result in a building that is at least 20 percent more energy efficient than the 2012 IECC.

By:   
David Driskell, Secretary of the Planning Board

## WRITTEN STATEMENT

### 1738 Pearl Street Site Review

#### **Existing Project Description:**

The existing building at 1738 Pearl Street is composed of a two story above grade (including partial mezzanine level) mixed use building with retail, and office use. There are 13 surface parking spaces at the corner of 18<sup>th</sup> and Pearl Streets.

- **The existing building consists of:**

Lot area:	21,132 square feet	
Floor area:	25,475 square feet	
	Ground Level:	12,890
	Mezzanine Level:	5,850
	Second Level:	6,735
FAR:	allowable:	1.5:1 (31,698 s.f.)
	actual:	1.21:1 (25,475 s.f.)
Parking:	Surface Parking:	13 Spaces

#### **Project (Proposed) Description:**

##### **18,309 square foot third floor addition – height modification**

1738 Pearl Street proposes a core and shell addition of 16,525 square feet to the existing 25,475 square feet of retail and office space for a total of 42,000 square feet of retail and office space. The proposed new core and shell construction will replace 13 existing surface parking spaces at the corner of 18<sup>th</sup> and Pearl Streets, and will provide 25 “within structure” parking spaces along the southern portion of the site adjacent to the alley between Pearl and Walnut Streets. The project team has worked to ensure that the proposed design is consistent with Downtown Boulder Urban Design Guidelines, and have incorporated feedback and recommendations provided by City staff at pre-application and BDAB meetings into the proposed design. This collaborative process has resulted in a building that is compatible with the character of Pearl Street through the repetition of traditional features, strong articulation of building corners, appropriate height and alignment with existing buildings, and the maintenance of a human scale for pedestrians at street level.

- **The existing building plus proposed new construction will consist of:**

Lot area:	21,132 square feet	
Total Floor area:	42,000	
Ground Level:	11,500	
Mezzanine Level:	300	
Second Level:	17,400	
Third Level:	12,800	
FAR: allowable:	2.0:1	actual: 1.99:1

- **Floor Area Ratio Increase:** Per section 9-8-2(e)(3)(A), B.R.C. 1981: *“In the DT-2 district, the maximum FAR additional components floor area consisting of either residential floor area, parking within the principal building or detached garages that is not including the FAR calculation is 0.5 FAR.”*

The project is proposing that the existing surface parking at the corner of Pearl and 18<sup>th</sup> streets be replaced with 24 “within-structure” parking spaces per the attached proposed site plan in order to achieve the FAR increase of 0.5 as referenced above. The existing allowable FAR for DT-2 is 1.5 to 1, or 31,698 sq. feet for this site. With the FAR increase for parking, the new FAR would be 2.0:1, or 42,264 s.f. The proposed 42,000 square feet of floor area is less than the maximum allowable FAR of 42,264.

- **Number of Stories:** Per table 7.1 for DT-2 zoning, the allowable height is two stories with a maximum height of 38’. The project is proposing a maximum height of 38’ with three stories, and as such is requesting a modification of the allowable number of stories through administrative review.

### **Landscaping Notes:**

The project team met with Patrick Bohin of the City Forestry Department to discuss the condition of the street trees in the right-of way on 18<sup>th</sup> and Pearl Streets. The proposed site/landscape plan has been designed per his recommendations as follows:

- the 16” caliper Honeylocust tree on Pearl Street will be preserved
- The 24” caliper Red Oak on 18<sup>th</sup> Street will be preserved.
- All other trees along 18<sup>th</sup> street will be removed, and will be replaced by 3 new 2.5” caliper Honeylocust trees in a mulched planting strip.

## **General Criteria for all Site Review Applications**

### **I. Boulder Valley Comprehensive Plan:**

#### **A. How is the proposed site plan consistent with the purposes and policies of the Boulder Valley Comprehensive Plan?**

- **Sustainability:** *The redevelopment of 1738 Pearl Street aims to improve both the environmental and economic sustainability of the site. The project is being designed as a high-performance building incorporating a comprehensive approach to sustainable design. The design incorporates both passive and active systems in order to achieve a very high-level LEED certification. Economically, the project aims to increase the amount of high-quality retail and office space available in Downtown Boulder. Previous projects, such as the 1600 Pearl Street 3<sup>rd</sup> Floor addition have assisted in attracting prominent companies to Boulder, such as the natural foods company Smart Balance (now known as Boulder Brands) through the addition of high-quality retail and office space in the Downtown Boulder area. The project also hopes to negotiate the expansion of Frasca restaurant within the proposed additional retail space. Frasca is a nationally renown restaurant, and it has been noted that Frasca’s continuing success is of great economic benefit to the City of Boulder.*
- **Encouragement of compact, contiguous development and a preference for infill and land redevelopment as opposed to sprawl:** *1738 Pearl Street aims to redevelop and infill an existing Urban Downtown Boulder site with the goal of maximizing the allowable density while discouraging sprawl through the following measures:*

- *The project is taking advantage of a 0.5:1 increase in FAR for “within-structure” parking, which increases the allowable FAR from 1.5:1 to 2.0:1.*
  - *The project is proposing a three story building within the maximum allowable height of 38 feet for this zone in order to meet the maximum allowable FAR.*
  - *The project is replacing an existing surface level parking lot on a prominent downtown corner of Pearl Street, replacing it with new corner retail and office space and nearly twice the existing number of parking spaces provided as “within structure parking” towards the alley at the south end of the site.*
- **Provision of quality urban spaces:** *The project aims to improve the urban quality of the site by infilling the existing surface parking lot at a prominent corner in Downtown Boulder with a more appropriate building which reinforces the architectural language of the Downtown Boulder district. This is accomplished through the use of traditional building materials, appropriate height, mass, and scale, and maintaining a human scale at the street level.*

B. How is the proposed site plan consistent with relevant density criteria?

*N/A – there are no residential units in the project.*

## II. Site Design

Projects should preserve and enhance the community’s unique sense of place through creative design that respects historic character, relationship to the natural environment, and its physical setting. Projects should utilize site design techniques which enhance the quality of the project. In determining whether this subsection is met, the approving agency will consider the following factors:

**A. Open Space:** Including without limitation, parks, recreation areas, and playgrounds:

1. How is useable open space arranged to be accessible and functional?

*Proposed open space along pearl (corner of 18<sup>th</sup> and Pearl) is adjacent to public right of way, and will be used for seating for adjacent restaurant retail use, while “alley parks” are adjacent to the alley and supply open areas for retail, restaurant, and office tenants.*

2. How is private open space provided for each residential unit?

*N/A – there are no residential units in the project.*

3. How does the project provide for the preservation of natural features, including healthy long-lived trees, terrain, significant plant communities, threatened and endangered species and habitat, ground and surface water, wetlands, riparian areas, and drainage areas?

*Project has attempted to preserve as many of the existing trees on the property as possible, including a 16” caliper honeylocust and a 24” caliper red oak.*

4. How does the open space provide a relief to the density, both within the project and from surrounding development?

*The project provides outdoor terrace seating and open space where possible.*

5. How does the open space provide a buffer to protect sensitive environmental features and natural areas? *N/A*

6. If possible, how is open space linked to an area- or city-wide system? *N/A*

**B. Open Space in Mixed-Use Developments:** *N/A – no residential units exist in project.*

**C. Landscaping:**

1. How does the project provide for aesthetic enhancement and a variety of plant and hard surface materials, and how does the selection of materials provide for a variety of colors and contrast, and how does it incorporate the preservation or use of local native vegetation where appropriate?

*The project includes a combination of existing trees to be preserved as well as new trees and shrubs. Existing trees have been preserved where possible based on recommendations by the city forester. Trees to be preserved include a 24" caliper Red Oak, and a 16" caliper Honeylocust. A variety of planting materials have also been selected, including Mugho Pae and Artemesia.*

2. How does the landscape and design attempt to avoid, minimize, or mitigate impacts to important native species, plant communities of special concern, threatened and endangered species and habitat by integrating the existing natural environment into the project?

*N/A there are no native, threatened, or endangered species of concern at the site.*

3. How does the project provide significant amounts of plant material sized in excess of the landscaping requirements of sections 9-9-12 and 9-9-13 "Landscaping and Screening Requirements," and "Streetscape Design Standards," B.R.C. 1981?

*The project has proposed new street trees with 2.5" caliper (larger than the minimum requirement of 2" caliper) spaced between 20-30' as recommended by the City Forester. All shrubs are 5 gal. as per section 9-9-12.*

4. How are the setbacks, yards, and useable open space along public rights-of-way landscaped to provide attractive streetscapes, to enhance architectural features, and to contribute to the development of an attractive site plan?

*The applicable open space throughout the site is paved with appropriate unit pavers (brick), planted with native landscaping where possible, and located such that they either receive a combination of both sun and shade, and/or views to Pearl Street.*

**D. Circulation:** *N/A to a Downtown CAGID district single building project*

**E. Parking:** *N/A to a Downtown CAGID district single building project*

**F. Building Design, Livability, and Relationship to the Existing or Proposed Surrounding Area**

1. How are the building height, mass, scale, orientation, and configuration compatible with the existing character of the area or the character established by an adopted plan for the area?

*1738 Pearl's building height, mass, and scale have been employed so as to respect the scale and proportions of existing architecture of Downtown Boulder, and to respond to the Downtown Boulder Urban Design Guidelines. The building utilizes traditional materials and detailing found throughout Downtown Boulder, maintains appropriate height and alignment with adjacent buildings, and an appropriate human scale at street level. The corners of the building are articulated through strong vertical elements, with primary importance placed on the corner of 18<sup>th</sup> and Pearl streets. These strong vertical elements also create an interesting syncopation on the façades, while emphasizing*

*building entrances. In this way, clarity is given to ground floor entrances and overall building massing, while embracing the rhythm and scale of the traditional architecture of Downtown Boulder.*

2. How is the height of building in general proportion to the height of existing buildings and the proposed or projected heights of approved buildings or approved plans for the immediate area?

*1738 Pearl's proposed height of 38 feet is within City of Boulder standards, and this conforms to general proportion, height, and scale of existing architecture.*

3. How does the orientation of buildings minimize shadows on and blocking of views from adjacent properties?

*1738 Pearl Street is stepped back from the southwest corner of 18<sup>th</sup> & Pearl Streets. This intersection is to the northeast of the building, and is the direction most dramatic shadows will be cast. Due to the step back, even on the annual day of greatest solar shading (December 21<sup>st</sup>), adjacent properties will receive very little if any shading.*

4. If the character of the area is identifiable, how is the project made compatible by the appropriate use of color, materials, landscaping, signs, and lighting?

*1738 Pearl will make use of brick, which reinforce the existing character downtown district. Metals, paint colors, and stuccos will also relate existing context. Vertically emphasized window patterns/shapes on the 2<sup>nd</sup> floor will carry the local feel of vertical emphasis up through the building. Recesses at entrances also carry the identity established from existing surrounding architecture.*

5. How do buildings present an attractive streetscape, incorporate architectural and site design elements appropriate to a pedestrian scale, and provide for the safety and convenience of pedestrians?

*An attractive streetscape with wide sidewalks, plantings, and appropriate curb cuts and ramps provide for enjoyable and safe use of sidewalks by pedestrians. Recessed openings at building entrances give a visual cue to pedestrians on where to approach, and this will conveniently pull pedestrians into the space.*

6. To the extent practical, how does the project provide amenities and planned public facilities?

*1738 Pearl contains off street parking that is easily accessible but shielded from streetscape with architectural details including a low wall and columns. Bike parking has also been included within the garage for tenant convenience. Outdoor terrace seating is shown for lower retail space to make the streetscape a more enjoyable environment.*

7. For residential projects, how does the project assist the community in producing a variety of housing types, such as multifamily, townhouses, and detached singly family units as well as mixed lot sizes, number of bedrooms, and size of units?

*There are no residential units in the project and therefore this item is not applicable.*

8. For residential projects, how is noise minimized between units, between buildings, and from either on-site or off-site external sources through spacing, landscaping, and building materials?

*There are no residential units in the project and therefore this item is not applicable.*

9. If a lighting plan is provided, how does it augment security, energy conservation, safety, and aesthetics?

*Not applicable to a Downtown CAGIN district single building project.*

10. How does the project incorporate the natural environment into the design and avoid, minimize, or mitigate impacts to natural systems?

*Not applicable to a Downtown CAGID district single building project.*

11. How are cut and fill minimized on the site, and how does the design of buildings conform to the natural contours of the land, and how does the site design minimize erosion, slope instability, landslide, mudflow or subsidence, and minimize the potential threat to property caused by geological hazards?

*Not applicable to a Downtown CAGID district single building project.*

**G. Solar Siting and Construction:** *N/A – no residential units exist in project*

**H. Additional Criteria for Poles Above the Permitted Height:** *N/A – no residential units exist in project*



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JOB NO.  
 1370

**ADDITION / REMODEL**  
 1738 Pearl Street  
 Boulder, CO 80302

**SITE REVIEW**  
 RESPONSE TO CITY OF BOULDER COMMENTS DATED 4/6/13

NOT FOR CONSTRUCTION  
 CONTENTS:

SHADOW ANALYSIS

DRAWN  
 TRB/PMB/AJC

CHECKED:  
 JNM

ISSUE RECORD:  
 SITE REVIEW 5.31.2013  
 REV A 10.8.13

DATE:  
 10.08.2013

SHEET NO.

**A000**

**1 SHADOW ANALYSIS**  
 SCALE: 1/16" = 1'-0"



# 1738 PEARL STREET



## SHEET INDEX

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 FAX: (303) 443-9920  
 Contact: J. Heidi Midyette

- A001 PROJECT INFORMATION
- A004 SITE PLAN (REPLACES PREVIOUS SHEET A100)
- A004.1 LANDSCAPE PLAN
- A110 FIRST FLOOR PLAN
- A120 SECOND FLOOR PLAN
- A130 THIRD FLOOR PLAN
- A140 ROOF PLAN
- A200 EXTERIOR ELEVATIONS
- A000 SHADOW ANALYSIS

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 FAX: (303) 442-1172  
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**ADDITION / REMODEL**  
 1738 Pearl Street  
 Boulder, CO 80302

**SITE REVIEW**  
 RESPONSE TO CITY OF BOULDER COMMENTS DATED 9/6/13  
 RESPONSE TO CITY OF BOULDER COMMENTS DATED 9/30/13

NOT FOR CONSTRUCTION  
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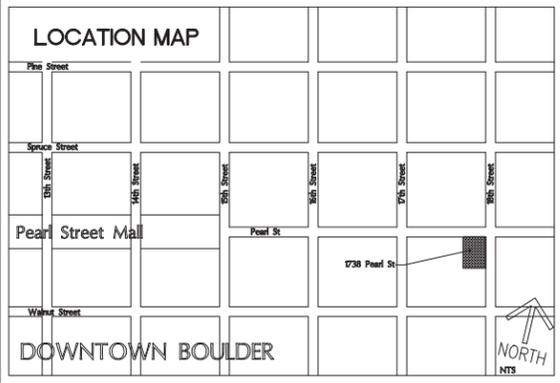
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 CHECKED: JNM  
 ISSUE RECORD:  
 SITE REVIEW 5.31.2013  
 REV 8.12.13  
 REV 9.18.13  
 REV 10.8.13

DATE: 10.08.2013  
 SHEET NO. A001

DATE: 10.08.2013

DATE: 10.08.2013

SHEET NO. A001

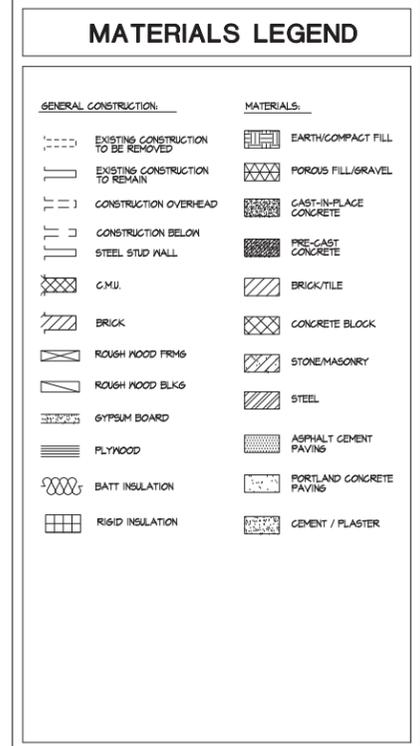
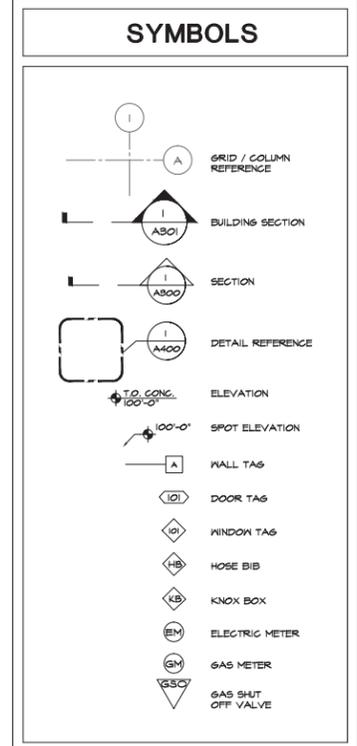


**PROJECT INFORMATION**

**1738 PEARL STREET**

SCOPE OF WORK: CORE & SHELL PROJECT TO INCLUDE ADDITION OF 11,662 SF TO THE EXISTING 24,755 SF OF RETAIL AND OFFICE SPACE. THE PROPOSED NEW RETAIL AND OFFICE SPACE WILL REPLACE 13 EXISTING SURFACE PARKING SPACES AT THE CORNER OF 10th & PEARL STREETS, AND WILL PROVIDE 22 "WITHIN STRUCTURE" PARKING SPACES ALONG THE SOUTHERN PORTION OF THE SITE ADJACENT TO THE ALLEY BETWEEN PEARL & WALNUT STREETS. AS THIS IS A CORE & SHELL CONSTRUCTION PROJECT, ANY FUTURE TENANT IMPROVEMENT WILL BE PERMITTED FOR SPECIFIC LAND USE CATEGORY.

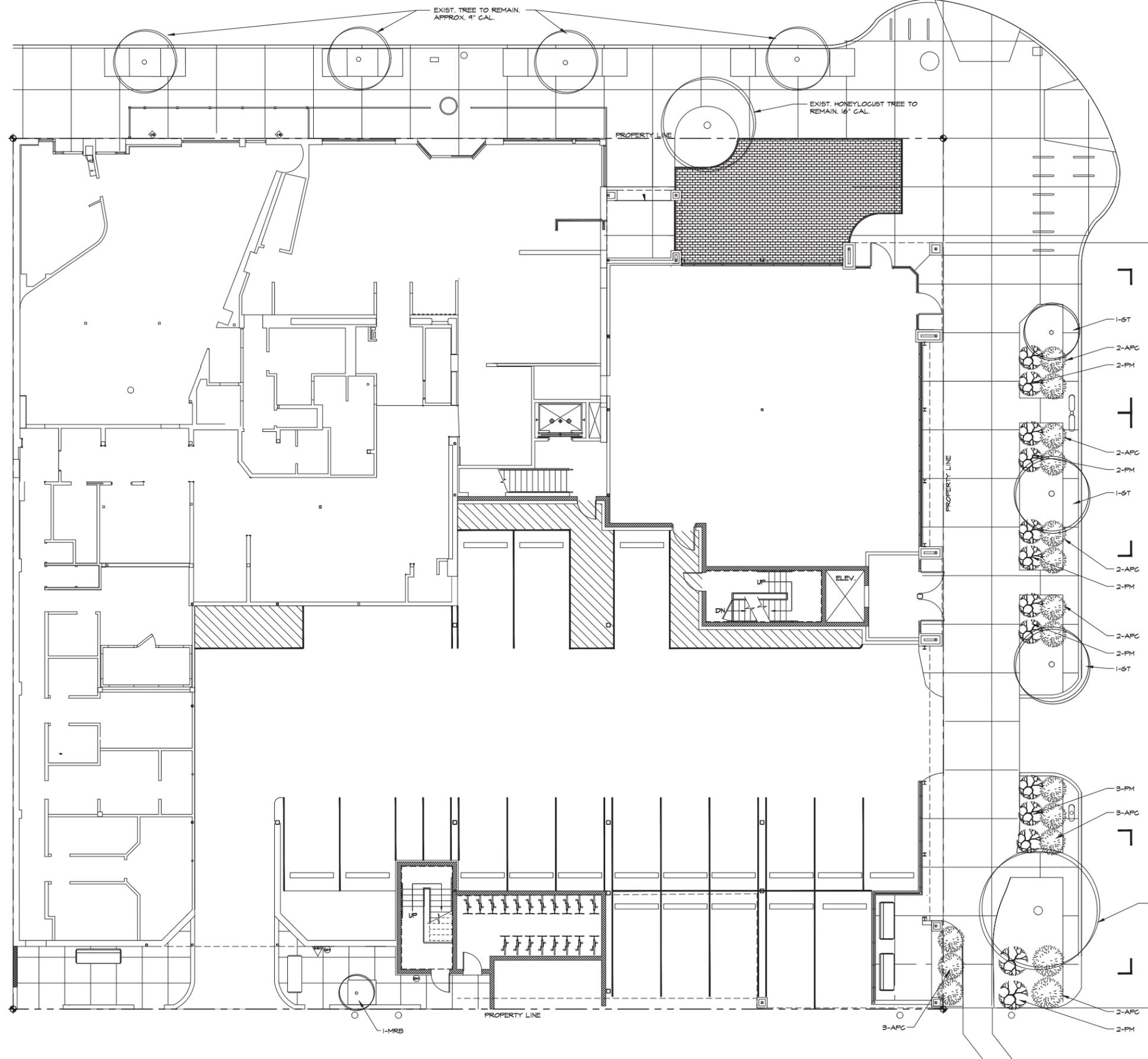
LEGAL DESCRIPTION: LOTS 1, 2, AND FRACTIONAL LOT 3, BLOCK 72, EAST BOULDER, ACCORDING TO THE CORRECTED AND ENLARGED PLAT OF EAST BOULDER AND FRACTIONAL LOT 3, BLOCK 72, BOULDER, ALL IN THE CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO.



**FAR ANALYSIS**

LOT GROSS AREA IN SQ. FT.	21,000 SF
EXISTING BUILDING FLOOR AREA	24,755 SF
ADDITION NET BUILDING FLOOR AREA	17,245 SF
TOTAL BUILDING FLOOR AREA	42,000 SF
OPEN SPACE CALCULATIONS (PER CODE)	3,150 SF
ALLOWABLE FAR	1.5 : 1
FAR INCREASE FOR IN-STRUCTURE PARKING	0.5 : 1
TOTAL ALLOWABLE FAR	2.0 : 1
ZONE DESIGNATION	DT - 2

PEARL STREET R.O.W.



PLAN NOTES:

1. ALL NEW PLANTING STRIPS AND STREET TREES TO BE EQUIPPED WITH DRIP IRRIGATION THROUGHOUT. PLANTINGS SHALL PROVIDE "FULL COVERAGE" PER C.O.B. STANDARDS.
2. PROTECT ALL EXISTING STREET TREES AND PLANTINGS THROUGHOUT DURATION OF CONSTRUCTION PER C.O.B. STANDARDS.
3. DRIP IRRIGATION SHALL BE PROVIDED TO ALL EXISTING STREET TREES AND PLANTINGS THROUGHOUT DURATION OF CONSTRUCTION.

PLANT LIST:

DECIDUOUS TREES:

BOTANICAL NAME	COMMON NAME	SIZE	QUANTITY
ST. GLEBETISIA TRIACANTHOS VAR. INTERMIS	HONEYLOCUST	2 1/2" GAL.	3
MRS. MALUS 'RED BARON'	RED BARON CRABAPPLE	2 1/2" GAL.	1

EVERGREEN SHRUBS:

BOTANICAL NAME	COMMON NAME	SIZE	QUANTITY
PM. PINUS MUGO	MUGO PINE	5 GAL. 5" O.C.	15
APC. ARTEMESIA POWIS CASTLE	ARTEMESIA	5 GAL. 5" O.C.	16

LIMITS OF 18TH STREET SIDEWALK IMPROVEMENTS

EXIST. RED OAK TO REMAIN, APPROX. 24" CAL.

1 LANDSCAPE PLAN  
SCALE: 1/8" = 1'-0"



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JOB NO.  
**1370**

**ADDITION / REMODEL**  
1738 Pearl Street  
Boulder, CO 80302

**SITE REVIEW**  
RESPONSE TO CITY OF BOULDER COMMENTS DATED 4/6/13

CONTENTS:

LANDSCAPE PLAN

DRAWN  
TRB/PWB/AJC

CHECKED:  
JNM

ISSUE RECORD:  
SITE REVIEW 5.31.2013  
REV Δ 8.12.13  
REV Δ 9.18.13

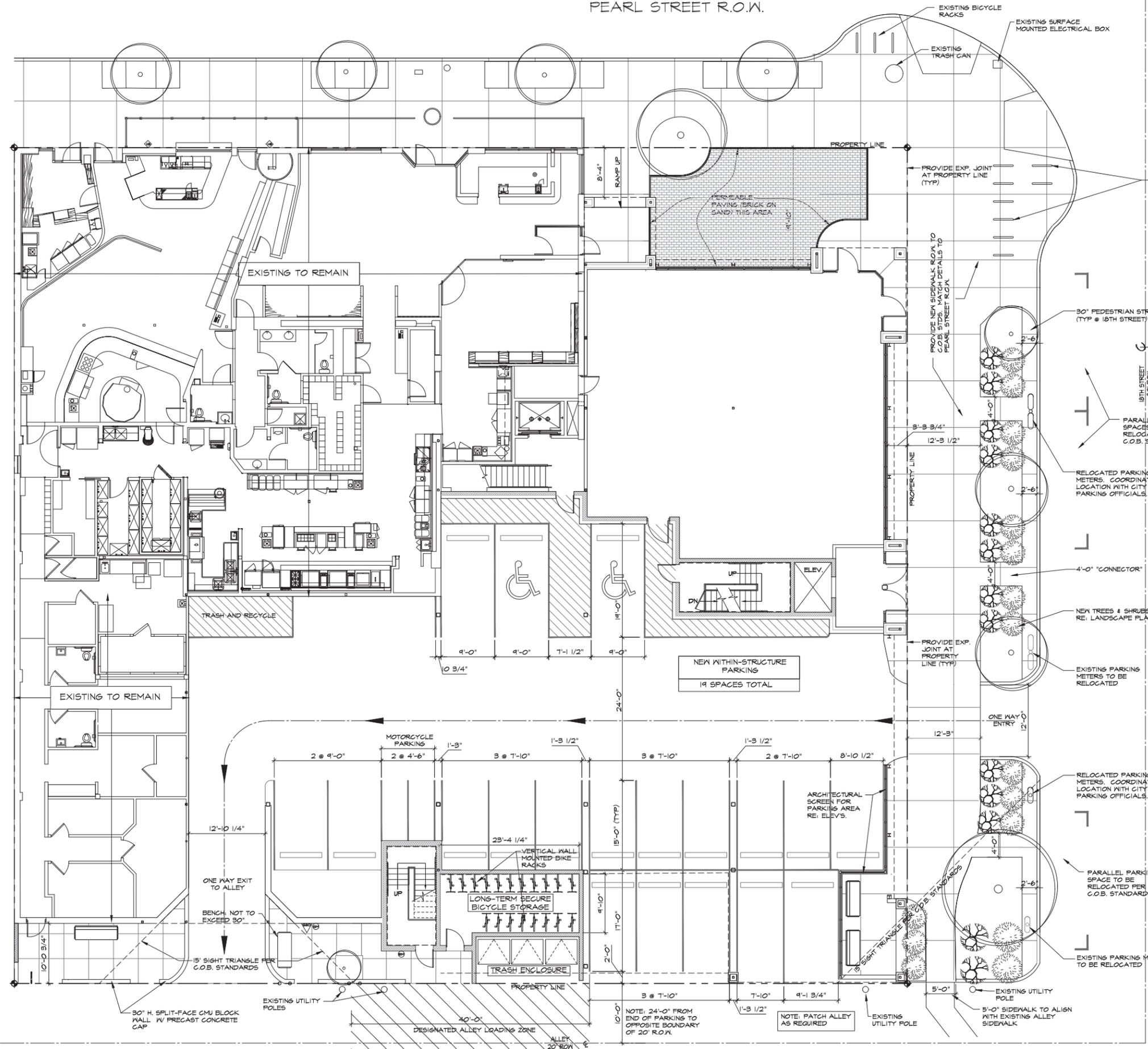
DATE:  
10.08.2013

SHEET NO.

**A004.1**

NOT FOR CONSTRUCTION

PEARL STREET R.O.W.



- PLAN NOTES:
- PATCH AND REPLACE EXISTING R.O.W. AS NECESSARY.
  - RELOCATE PARALLEL PARKING SPACES ALONG 18TH STREET PER C.O.B. STANDARDS.
  - RELOCATE PARKING METERS ALONG 18TH STREET PER C.O.B. STANDARDS. COORDINATE LOCATION WITH C.O.B. PARKING OFFICIALS.
  - THE JOINING PATTERN FOR THE SIDEWALK ON 18TH STREET WILL MATCH THE EXISTING JOINING PATTERN.

EXISTING BICYCLE RACKS

EXISTING BICYCLE RACKS

PARALLEL PARKING SPACES TO BE RELOCATED PER C.O.B. STANDARDS

RELOCATED PARKING METERS. COORDINATE LOCATION WITH CITY PARKING OFFICIALS.

4'-0" "CONNECTOR"

NEW TREES & SHRUBS RE. LANDSCAPE PLAN

EXISTING PARKING METERS TO BE RELOCATED

RELOCATED PARKING METERS. COORDINATE LOCATION WITH CITY PARKING OFFICIALS.

PARALLEL PARKING SPACE TO BE RELOCATED PER C.O.B. STANDARDS

EXISTING PARKING METER TO BE RELOCATED

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JOB NO.  
**1370**

**ADDITION / REMODEL**  
 1738 Pearl Street  
 Boulder, CO 80302

**SITE REVIEW**  
 RESPONSE TO CITY OF BOULDER COMMENTS  
 DATED 4/6/13

CONTENTS:

**SITE PLAN**

DRAWN  
 TRB/PMB/AJC

CHECKED  
 JNM

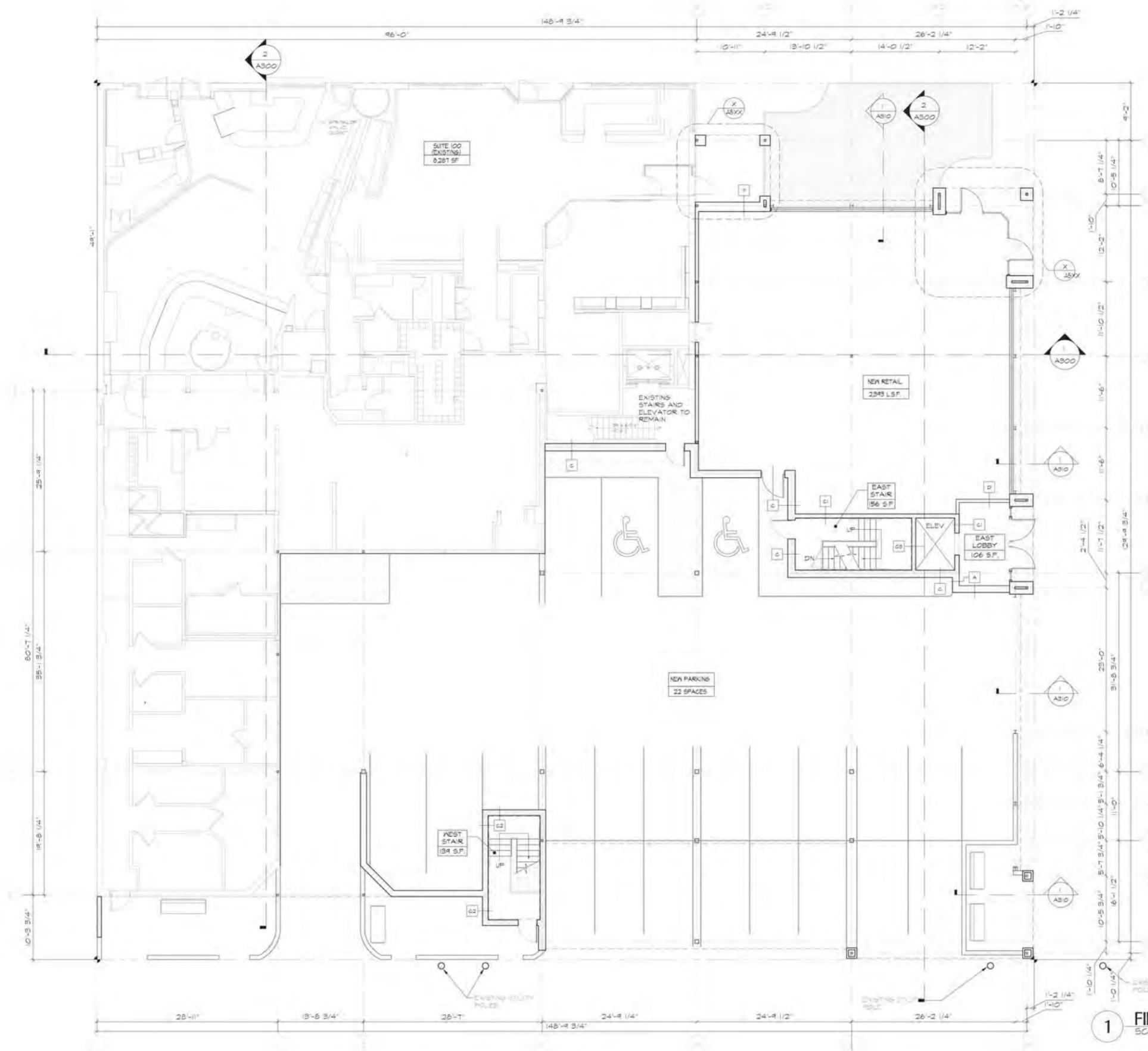
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 REV 8.12.13  
 REV 9.18.13  
 REV 04.30.13

DATE:  
 10.08.2013

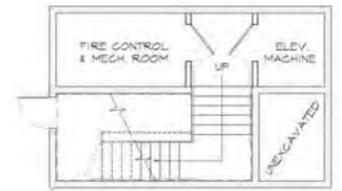
SHEET NO.

**A004**  
 NOT FOR CONSTRUCTION

**1 SITE PLAN**  
 SCALE: 1/8" = 1'-0"



**1 FIRST FLOOR PLAN / NORTH**  
SCALE: 1/8" = 1'-0"



**2 LOWER LEVEL PLAN**  
SCALE: 1/8" = 1'-0"

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DATE: 10.08.2015  
JOB NO: 1370

**ADDITION / REMODEL**  
1738 Pearl Street  
Boulder, CO 80302

SITE REVIEW

CONTENTS:

FIRST & LOWER FLOOR PLANS

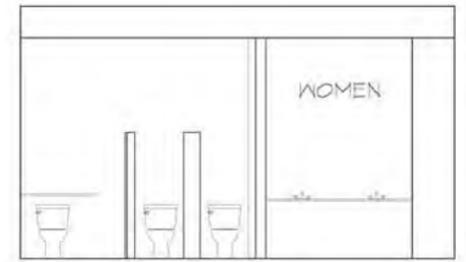
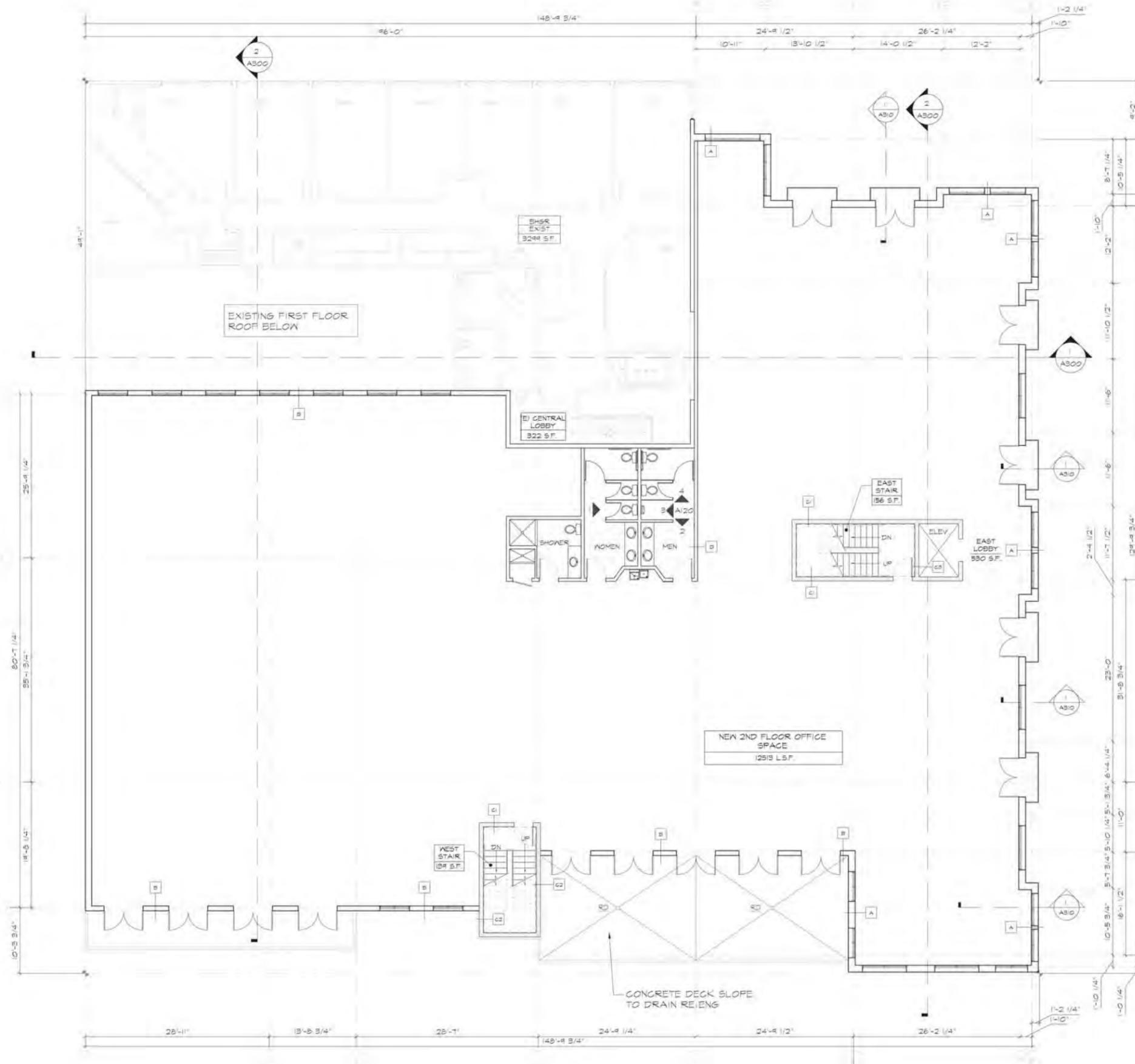
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ISSUE RECORD:  
SITE REVIEW: 5/31/2015  
REV: 8/12/15

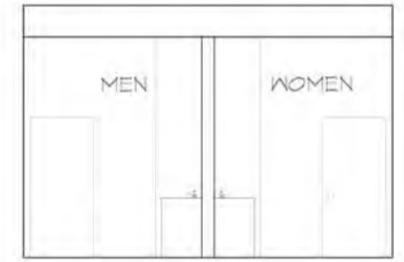
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SHEET NO: **A110**

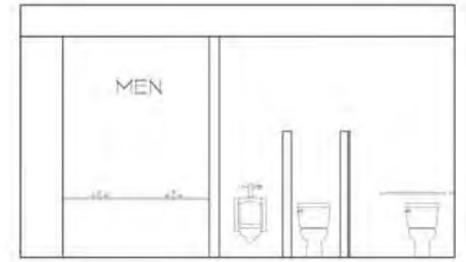


**1 INTERIOR ELEVATION**  
SCALE: 1/8" = 1'-0"

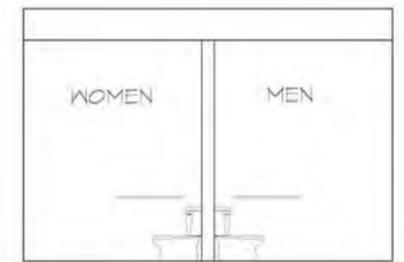
BATHROOM FINISHES FOR PERMIT SET, IBC SECTION 1210 REQUIRES SMOOTH, NONABSORBANT SURFACES



**2 INTERIOR ELEVATION**  
SCALE: 1/8" = 1'-0"



**3 INTERIOR ELEVATION**  
SCALE: 1/8" = 1'-0"



**4 INTERIOR ELEVATION**  
SCALE: 1/8" = 1'-0"

**1 SECOND FLOOR PLAN**  
SCALE: 1/8" = 1'-0" NORTH

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JOB NO.  
**1370**

**ADDITION / REMODEL**  
1738 Pearl Street  
Boulder, CO 80302

SITE REVIEW

CONTENTS:

SECOND FLOOR PLAN

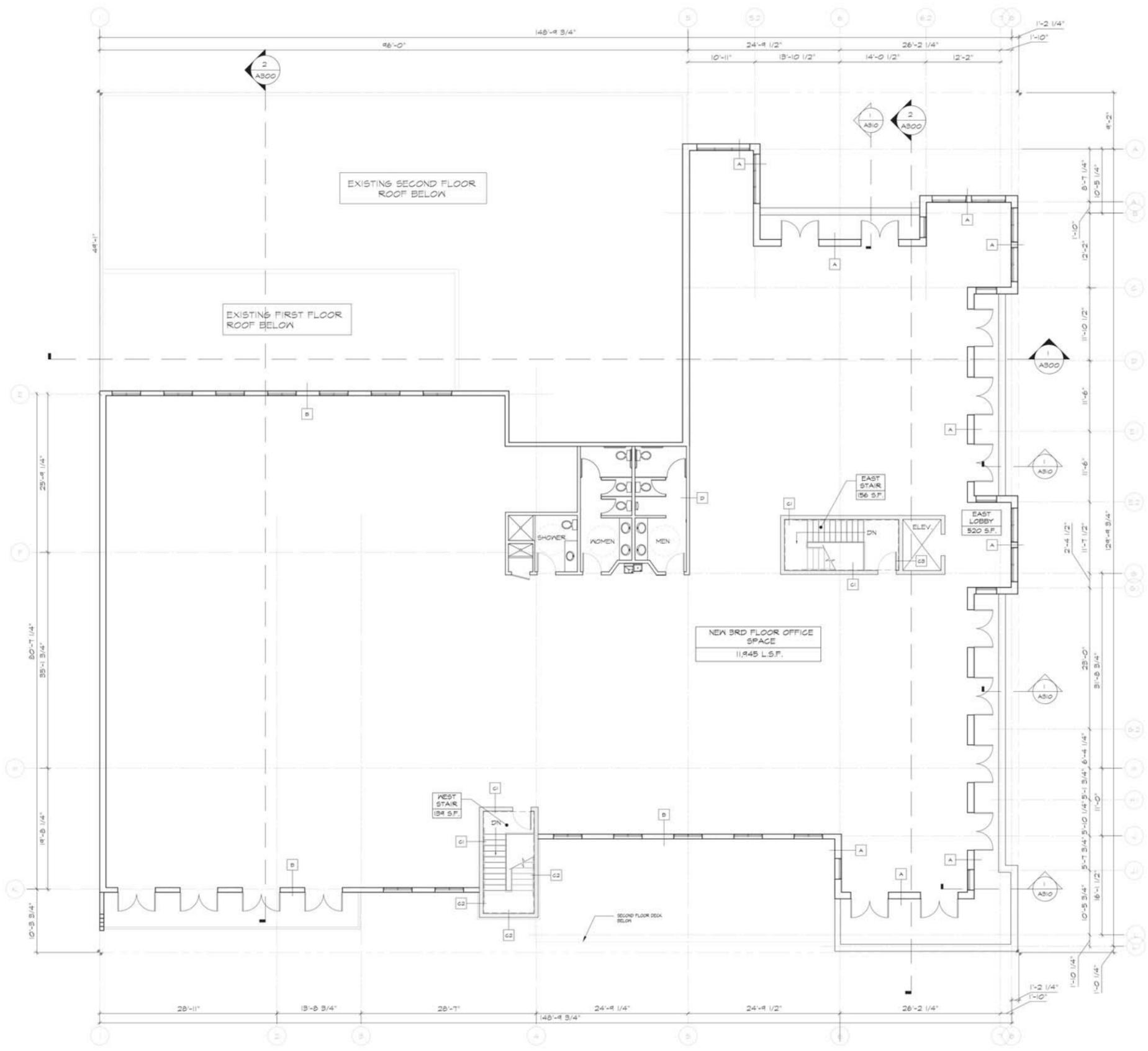
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CHECKED: JNM

ISSUE RECORD  
SITE REVIEW 5.31.2013  
REV 8/2/15

DATE: 10.08.2013

SHEET NO:  
**A120**



1 THIRD FLOOR PLAN  
SCALE: 1/8" = 1'-0"



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JOB NO.  
1370

ADDITION / REMODEL  
1738 Pearl Street  
Boulder, CO 80302

SITE REVIEW

CONTENTS

THIRD FLOOR PLAN

DRAWN: TRB/PAB/AJC  
CHECKED: JNM  
ISSUE RECORD:  
SITE REVIEW 5.31.2013  
REV 8.12.13

DATE:  
10.08.2013

SHEET NO.

A130







## INFORMATION PACKET MEMORANDUM

To: Members of City Council

From: Jane S. Brautigam, City Manager  
Paul J. Fetherston, Deputy City Manager  
Tom Carr, City Attorney  
Maureen Rait, Executive Director of Public Works  
David Driskell, Executive Director of Community Planning and Sustainability  
Tracy Winfree, Director of Public Works for Transportation  
Molly Winter, Director of Downtown and University Hill Management  
Division/Parking Services  
David Gehr, Deputy City Attorney  
Kathy Haddock, Senior Assistant City Attorney  
Jeff Yegian, Acting Manager, Housing Division  
Alex May, Transportation Project Manager  
Noreen Walsh, Senior Transportation Planner  
Elaine McLaughlin, Senior Planner  
Trish Jimenez, Senior Financial Manager

Date: December 3, 2013

**Subject: Information Item: Depot Square and Boulder Junction update**

---

### **EXECUTIVE SUMMARY**

Boulder Junction, specifically the Depot Square development and revitalization project, has been and will continue to be a unique partnership between developers and the city as a property owner and regulator. This information item is to provide City Council with updates on the Depot Square development, status of key public improvements, and other private development activity that is occurring in the Boulder Junction area.

### **FISCAL IMPACT**

Work on these efforts is included in the city's work plan and budget.

## COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic: The Depot Square project will promote a diverse and sustainable economy by housing a 150-room hotel; RTD bus transit station; shared parking structure; 71 affordable residential units; the renovated and reused Boulder Jaycees Depot; and transportation infrastructure to support the new development with an emphasis on pedestrian, bike and transit facilities.
- Environmental: Along with new transportation infrastructure, an aggressive travel demand management plan has been required. All new construction must also meet the City of Boulder's energy code requirements.
- Social: The 71 new residential units within the Depot Square project will provide affordable housing. The transit-oriented development promotes ease of mobility for a broad range of people.

## BACKGROUND

The Depot Square development includes a mix of transit, permanently affordable housing, hotel and commercial activities, and a civic plaza south of the Boulder Jaycees Depot. The integrated, mixed-use development has a number of common facilities that will serve all users of the site, such as a plaza and public parking garage. This development is located north of Pearl Parkway, between 30<sup>th</sup> Street and the BNSF Railroad, and east of the new Junction Place right of way. **Attachment A** provides a vicinity map of the project.

In 2001, Boulder Junction began as a City Council initiative to partner with RTD to acquire a transit anchor in the Boulder Valley Regional Center, years prior to the passage of RTD's FasTracks program. A site selection study in 2001 identified the 11.24-acre Pollard Friendly Motor Company property at 30<sup>th</sup> Street and Pearl Parkway as the preferred location for the transit facility and council directed staff to negotiate the purchase. In 2004, council approved the purchase of the site using housing and transportation funds. This purchase came with the expressed purpose of designing and constructing a "transit-oriented development" that would be located near high-frequency transit service and provide a mix of housing types, including a "significant level" of affordable housing. Of the approximately eight acres of land originally purchased by the city, 5.5 acres were leased to Pollard Friendly Motor Company until October 2014. RTD purchased the remaining 3.2 acres of the site.

On Nov. 8, 2011, council approved a motion granting the city manager authority to enter into a development agreement and lease for the city-owned Boulder Jaycees Depot, and the conveyance of property into the proposed condominium association at Depot Square. On Feb. 21, 2012, council received an update on the Boulder Junction Phase I Implementation Plan and the city's proposed financing mechanisms for the Boulder Junction Access General Improvement District's portion of the parking garage and the affordable housing at Depot Square. On April 17, 2012, council approved a motion granting the city manager authority to approve and execute a cooperation agreement with the Boulder Junction Access General Improvement District-Parking (BJAD-P). Also on April 17, 2012, council approved a motion to authorize the city manager as ex officio general manager of the BJAD-P to approve and execute all documents necessary to purchase 100 parking spaces in the parking structure.

## STATUS UPDATES

## Depot Square Closings

Depot Square will be a mixed-use project that includes a full-service underground RTD bus facility, a 71-unit affordable housing project, a hotel, structured public parking for the Boulder Junction Access General Improvement District, and accessory parking for the housing, RTD, hotel, and Boulder Jaycees Depot uses. Since the Planning Board approved this project in October 2011, the various development entities have continued to work together to get the project under construction. There were a great number of agreements necessary to create the public-private partnership for the Depot Square development.

A series of closings for the project was completed on July 26, 2013. The public parties included the City of Boulder, RTD and the Boulder Junction Access General Improvement District. The private parties include Pedersen Development; 3001 Pearl, LLC; Hyatt Hotels; Adolfson and Peterson Construction; and Great Western Bank. There were 40 documents executed for these closings, including deeds, covenants, declarations and loan documents. The closing documents included some of the highlights listed below.

- The city finalized the subdivision plat and agreement approval for the Depot Square development. This reconfigured the three lots on the property, included the dedication and construction of Junction Place, and defined developer contributions towards key public improvements and other projects. Additionally, a number of easements were either released or granted that were necessary to prepare the site for development.
- In addition to the city subdivision process, the portion of the property east of Junction Place was further subdivided through the use of a Colorado common interest community, often referred to as a condominium. RTD and the city sold land to the developer, who placed it into the common interest community. The condominium includes units for the bus facility, hotel, affordable housing, parking, and the Boulder Jaycees Depot. Each of the units includes parking units that will be built in the parking garage and wrapped by the affordable housing. The common interest community declaration and map were executed to provide legal descriptions for the units and how the various units will be operated together. The declaration, together with the Depot Square Owners Association Bylaws deal, established the relationship among the unit owners in terms of operation and maintenance of the various units and the common areas.
- Immediately upon creation of the condominium units, the RTD Unit bus facility and associated parking was conveyed to RTD, the Depot Unit and associated parking was conveyed to the city, and the BJAD-P Parking Unit was conveyed to the city for BJAD-P. As a result of those conveyances, RTD, the city and BJAD-P are part of the Depot Square Owners Association.
- The unit owners Association also needed to be created. The Depot Square Owners Association is a nonprofit corporation that is responsible for taking care of the common elements. It also includes the governance requirements for how decisions are made with regard to the common interest community including the plaza area. Members of the board include representatives of the unit owners. The association documents define rules related to

conduct of board meetings, voting standards, rules related to officers and employees, and other organizational details.

- There is a parking purchase agreement and associated loan documents, the Boulder Junction Access General Improvement District agreed to purchase a parking unit within the parking garage over time. Also, to guarantee this arrangement, there is a cooperation agreement between the city and the general improvement district where the city agrees to make up the difference between revenues and purchase obligations, to be repaid by the general improvement district in later years as revenues increase and stabilize.
- A parking management agreement for Depot Square describes how the parking garage will be jointly used by the various unit owners. It follows a set of principles establishing that, to the maximum extent possible, all parking should be shared, unbundled and managed (fee-based). The owners association will determine the entity that will be primarily responsible for operating and maintaining the garage. The intent of the agreement is to create a seamless parking management system that will serve the needs of the public and all of the unit owners. Public paid parking will be offered by BJAD-P for the spaces it owns, as well as any other spaces that other unit owners determine to pool for public parking.
- A document memorializing the amendment to the Pollard Friendly Motor Company lease was finalized in early February 2013 and later recorded. Due to Pollard Friendly Motor Company's cooperation, a significant amount of land was released from the Pollard Friendly Motor Company leasehold area (originally 5.5 acres, amended to 4.3 acres) that will allow some of the redevelopment efforts associated with the Depot Square development and several key public improvements (the Pearl Parkway multiway boulevard, Junction Place bridge at Goose Creek, and pocket park grading/path) to occur early and concurrent with the development of the east side of the property.
- Part of the redevelopment effort is to put the Boulder Jaycees Depot to a beneficial use. There is an agreement with Pedersen Development to rehabilitate the Boulder Jaycees Depot building in exchange for the ability to sublet the building to an operator such as a restaurant. The City of Boulder has already approved the alteration certificate for the renovations and the work is expected to be completed in compliance with all city historic preservation guidelines.
- There are also numerous documents related to the creation of permanently affordable rental housing on the property. The city has pledged \$5.4 million of affordable housing funds to be used to construct 71 permanently affordable units on the property. In order to implement that objective, the city entered into an affordable housing agreement with 3001 Pearl, LLC, the developer, and provided the permanent affordability housing covenant recorded at closing. There are also a number of financial agreements such as a promissory note and deed of trust. At the closing, the city paid the developer the first payment of the \$5.4 million for predevelopment activities associated with the affordable housing portion of the project. Progress payments will be made during the course of construction of the affordable housing portion of the development.
- Finally, there are a number of deeds and instruments associated with ensuring that all of the associated land transactions have been completed.

The closing documents are available for council and public review in the City of Boulder Records Archive at [bouldercolorado.gov/central-records/document-archive](http://bouldercolorado.gov/central-records/document-archive).

### Depot Square Construction Status

Adolfson and Peterson Construction is under contract to construct the RTD bus facility, the parking garage, multifamily housing, and site improvements, including Junction Place. A right-of-way and grading permit was issued for this project in late July 2013. Construction of the dewatering system at the RTD bus facility began on Aug. 5, 2013, and excavation for the bus facility and site grading started on Aug. 26, 2013. Exporting excavated materials will continue into early November 2013, and foundation construction is anticipated to immediately follow once the bus facility building permit is issued. Utility, site work, and above-ground structure work will proceed starting in approximately May 2014, following completion of the below-grade portions of the bus facility. Other building permits for the Depot Square project are in the final stages of the review process.

As part of the Depot Square project, a Hyatt Place hotel is being constructed by Milender White Construction Company. Foundation work for the hotel is anticipated to begin in early November 2013.

During the September 2013 flooding, the excavation that had been initiated for the construction of the bus box filled with floodwaters. Combined with elevated groundwater levels and related dewatering system issues, this caused a three week delay in construction activity. The entire Depot Square project has an anticipated completion date of early 2015.

### Pollard Lease

When the city purchased the Pollard Friendly Motor Company property on the northeast corner of 30<sup>th</sup> Street and Pearl Parkway in October 2004, the city leased a portion of the property back to Pollard Friendly Motor Company through Oct. 30, 2014. The term may be extended for two years in the event that Pollard Friendly Motor Company decides to exercise an option to purchase a 6.6-acre parcel of land attached to the Municipal Service Center (often called the Yards) that has frontage on Pearl Parkway. The city has contractual obligations to have the Pollard Friendly Motor Company property prepared for development by the end of the 10-year leasehold period.

The lease agreement between the city and Pollard Friendly Motor Company was amended in February 2013. It reduced the size of the Pollard Friendly Motor Company leasehold area from 5.5 acres to 4.3 acres to allow for the construction of Junction Place and several key public improvements, including the Pearl Parkway multiway boulevard, the Junction Place bridge at Goose Creek, and rough grading and path improvements in the future pocket park. It also formalized boundaries for some previous work that had been completed to construct a path ramp from the sidewalk on 30<sup>th</sup> Street down to the Goose Creek bike path.

Pollard Friendly Motor Company has not yet exercised the option to purchase the Yards subdivision parcel east of the Pearl Parkway auto dealerships. Representatives of Pollard Friendly Motor Company have been in discussions with city planning staff to explore options

associated with relocating to that property, as was anticipated in the lease agreement for the 30<sup>th</sup> Street and Pearl Parkway property and option agreement to purchase the 6.6-acre parcel of land at the city Yards. During the next year, staff expects to work collaboratively with Pollard Friendly Motor Company as it prepares the Yards parcel for sale, as contemplated in the agreements that were entered into as part of the purchase of the Pollard Friendly Motor Company property at 30<sup>th</sup> Street and Pearl Parkway. Staff will provide future updates to council as these discussions continue to explore options for the future use and development (or sale) of the city-owned site.

### Access General Improvement Districts – Parking and Travel Demand Management (TDM)

To realize the goals of the Transit Village Area Plan and create a transit-oriented development, two general improvement taxing districts were created in 2010: a parking district and a travel demand management (TDM) district. They were named the Boulder Junction Access General Improvement District-Parking (BJAD-P) and Boulder Junction Access General Improvement District-TDM (BJAD-TDM). Currently, there are two major projects under construction in the districts, a multi-building apartment complex at 3100 Pearl and the Depot Square project. 3100 Pearl is a 319-unit rental project developed by MKS Residential, LLC and built by its construction company, Reylenn Construction Inc.

At the beginning of 2014, the BJAD-TDM will be issuing Eco Passes and subsidized bike- and car-share memberships to residents of 3100 Pearl. A payment in lieu of taxes (PILOT) agreement defines how the owners of the properties will pay for the initial TDM programs prior to the tax collection, and the first payment is due as a condition of the city's issuance of a certificate of occupancy. The Depot Square project is scheduled for completion in early 2015, including a parking garage that is a public-private partnership between the developer, RTD, the city and BJAD-P.

### Key Public Improvements

There are a number of key public improvements under construction, or soon to be under construction, in the Boulder Junction area. The status of the projects is listed below.

- ***South Side of the Pearl Parkway Multiway Boulevard (30<sup>th</sup> Street to BNSF Railroad)*** – This 2011 Capital Improvement Bond-funded project is constructing the multimodal streetscape improvements on the south side of Pearl Parkway from 30<sup>th</sup> Street to the Burlington Northern Santa Fe (BNSF) railroad. Improvements between 30<sup>th</sup> Street and Junction Place were completed and opened to the public on Oct. 28, 2013.

Construction on the south side of the Pearl Parkway multiway boulevard was minimally affected by the September 2013 flooding. The precipitation forced a temporary work shutdown between Sept. 9 and 15.

The new traffic signal at Pearl Parkway and Junction Place is complete and anticipated to be operational in mid-to-late November 2013, in conjunction with tenant occupation of the western building of the 3100 Pearl apartments. Improvements between Junction Place and the railroad tracks will be completed by the spring of 2014 to coordinate with the completion of the remaining portions of the private development at 3100 Pearl.

- ***Junction Place Bridge at Goose Creek*** – This bond-funded project will construct a new bridge linking Junction Place on the north and south sides of Goose Creek, as well as complete area path connections to the Goose Creek path. Construction is expected to begin in early November 2013 and be completed in the fall of 2014.
- ***North Side of the Pearl Parkway Multiway Boulevard and Multi-use Path Project (30<sup>th</sup> Street to Foothills Parkway)*** - This federal grant-funded project will complete the north half of the multiway boulevard from 30<sup>th</sup> Street to the BNSF railroad and a multi-use path from the railroad to Foothills Parkway. Extensive waterline, sanitary sewer and major drainageway improvements are included in the project, including some to facilitate the development of Depot Square and future Boulder Junction redevelopments. Construction is expected to begin in mid-to-late November 2013 and be completed in the fall of 2014. Work over late fall and winter 2013 will focus on utility and major drainageway box culvert construction.
- ***US 36 Managed Lane/Bikeway Project*** – A design-build project under the oversight of the Colorado Department of Transportation (CDOT) is underway and scheduled to be completed in two phases. This Eisenhower-era highway overhaul is reconstructing aging bridges and pavement, improving safety, and adding one managed lane in each direction, as well as a bikeway. Phase 1 (Pecos to 88<sup>th</sup> streets) is under construction and scheduled for completion by the end of 2014. Phase 2 (88<sup>th</sup> Street to Table Mesa Drive) will go to financial close with a private concessionaire and construction is scheduled for completion by the end of 2015. The highest-priority use of the managed lane is Bus Rapid Transit (BRT), which will have two end-of-line stations in Boulder, one at Depot Square and the other at the Boulder Transit Center at 14<sup>th</sup> and Walnut streets. BRT service is scheduled to begin in January 2016.

#### Other Private Development Activity

There are several other properties within Boulder Junction that are in various stages of the planning review and development process. The properties are primarily located within the mixed use (MU-4) and high-density residential (RH-6) zoning districts.

The construction at 3100 Pearl is well underway and completion of the 319-unit apartment complex in four separate buildings is scheduled for a phased completion, starting in fall 2013 and continuing through early summer 2014. Located directly across Pearl Parkway from Depot Square, the property will primarily be residential, with ground floor retail and a fitness facility. The 5.12-acre site also has below-grade parking and on-site recreational amenities. The project is completing the first section of the new street, Junction Place, south of Pearl Parkway and also fronts onto the Pearl Parkway multiway boulevard. The buildings are designed to address the street with front door access to the units, intended to activate the streetscape and help establish a pedestrian orientation for the area.

North and west of the proposed Junction Place bridge at Goose Creek, along the northern planned extension of Junction Place, is a small urban-style apartment building (known as The Lofts at Boulder Junction) developed by Coburn Development that has received final site review approval. Proposed as a three-story, 22,850 square-foot building with 16 attached apartment units and tuck-under parking at the rear of the site, the building is designed to have front doors that face the street in a zero lot line configuration to help activate this portion of Junction Place.

Technical document and building permit reviews are anticipated in late 2013/early 2014. The city has received no formal submittals for the remaining two undeveloped Steel Yards lots across from this site, abutting the east side of Junction Place.

A property located at 3085 Bluff St., west of the former Sutherlands Lumber property and north of the Steel Yards, completed concept plan review in January 2013 for a 100 percent permanently affordable residential project. An application for site review has not yet been received and the developer, Element Properties, is working to assemble financing.

Representatives for the former Sutherlands Lumber property, located at 3390 Valmont Rd. and within the mixed use (MU-4) zoning district, have submitted a pre-application and discussed possible redevelopment of that property with a concept plan application submittal forthcoming.

#### City-owned Site at 30<sup>th</sup> Street and Pearl Parkway

The city continues to own 5.45 acres total at 30<sup>th</sup> Street and Pearl Parkway and leases 4.3 acres of the property to Pollard Friendly Motor Company as described above. The 1.15-acre difference is a result of the:

- Existing multi-use path access ramp from 30<sup>th</sup> Street to the Goose Creek path;
- Proposed pocket park, and related improvements; and
- Junction Place easements.

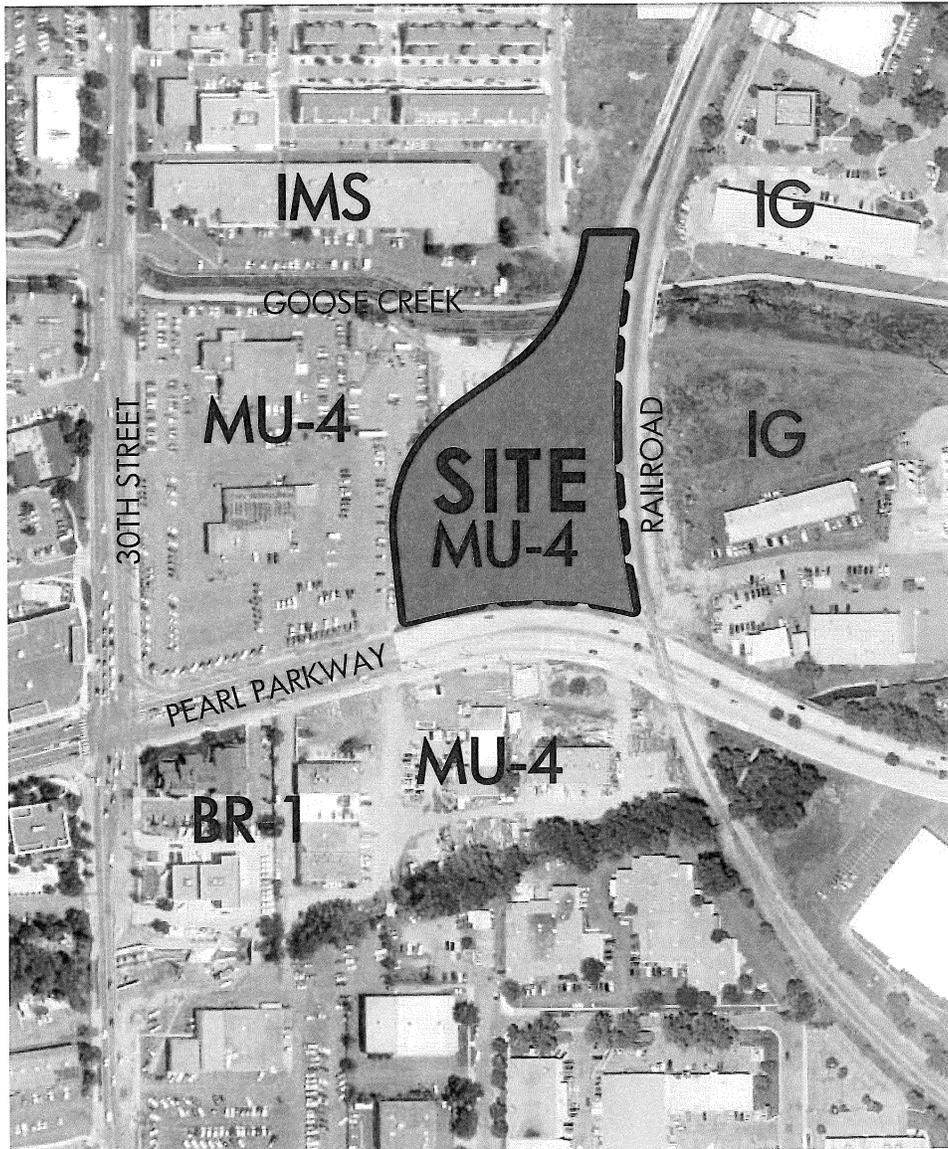
During the July 31, 2012 study session discussions of the [Update on Boulder Junction and the city-owned site at 30<sup>th</sup> and Pearl streets](#), City Council indicated an interest in reevaluating the potential uses of the site in light of the city's goals for Boulder Junction and the realization of nearby development projects. Staff will propose a planning process for the site once the timing of its availability for development is more concrete.

#### **NEXT STEPS**

Staff will continue to provide necessary updates to City Council in 2014 and beyond.

#### **ATTACHMENTS**

A – Vicinity Map



## VICINITY MAP

1" = 300'-0"

**CITY OF BOULDER  
LANDMARKS BOARD  
October 2, 2013  
1777 Broadway, Council Chambers Room  
6 p.m.**

The following are the action minutes of the October 2, 2013 City of Boulder Landmarks Board meeting. A digital recording and a permanent set of these minutes (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). You may also listen to the recording on-line at: [www.boulderplandevlop.net](http://www.boulderplandevlop.net).

**BOARD MEMBERS:**

Mark Gerwing, Chair

Liz Payton

Kirsten Snobeck

Nick Fiore

Kate Remley

\*Bryan Bowen                   *\*Planning Board representative without a vote*

**STAFF MEMBERS:**

Debra Kalish, Senior Assistant City Attorney

Lesli Ellis, Comprehensive Planning Manager

James Hewat, Senior Historic Preservation Planner

Marcy Cameron, Historic Preservation Planner

**1. CALL TO ORDER**

The roll having been called, Chair **M. Gerwing** declared a quorum at 6:00 p.m. and the following business was conducted.

**2. APPROVAL OF MINUTES**

On a motion by **M. Gerwing**, seconded by **L. Payton**, the Landmarks Board approved the minutes (5-0) of the September 4, 2013 board meeting.

**3. PUBLIC PARTICIPATION FOR ITEMS NOT ON THE AGENDA**

**4. DISCUSSION OF LANDMARK ALTERATION AND DEMOLITION APPLICATIONS ISSUED AND PENDING**

- Staff provided an update on the stay of demolition at 428 Pleasant St., including a summary of the meeting with the applicant and two board members to discuss alternatives to demolition. The stay of demolition expires Jan. 6, 2014.

## 5. ACTION ITEMS

- A. Public hearing and consideration of a demolition permit for the building located at 1045 Linden Ave., a non-landmarked building over 50 years old, pursuant to Section 9-11-23 of the Boulder Revised Code (HIS2010-00182). Owner: John and Kathy Steinbaugh.

*Board members were asked to reveal any ex-parte contacts they may have had on this item.*

**M. Gerwing** made a site visit and was at the Ldrc meeting when the application was called up to the full board for review.

**L. Payton** made site visits.

**K. Snobeck** made a site visit.

**N. Fiore** made a site visit.

**K. Remley** made a site visit and was at the DRC meeting when the application was called up to the full board for review.

**B. Bowen** had no ex-parte contacts.

### Staff Presentation

**M. Cameron** presented a PowerPoint presentation to the board.

### Applicant's Presentation

**David Eisenstein**, 225 Canyon Blvd, Boulder, lawyer representing the applicant, spoke in support of issuing a demolition permit for the building.

**John Steinbaugh**, 1075 Linden Avenue, Boulder, property owner, spoke in support of issuing a demolition permit for the building.

### Public Hearing

No one spoke to this item.

### Motion

On a motion by **M. Gerwing**, seconded by **K. Remley**, the Landmarks Board issued (5-0) a stay of demolition for the buildings located at 1045 Linden Ave., for a period not to exceed 180 days from the day the permit application was accepted by the city manager, adopting the staff memorandum with the findings as outlined in the staff memo in order to further explore alternatives to demolishing the buildings.

- B. Public hearing and consideration of a demolition permit for the building located at 3315 4<sup>th</sup> St., a non-landmarked building over 50 years old, pursuant to Section 9-11-23 of the Boulder Revised Code (HIS2010-00197). Applicant: Jack Weise. Owner: Ragan Melton.

On a motion by **M. Gerwing**, seconded by **L. Payton**, the Landmarks Board voted (5-0) to continue the public hearing for the review of 3315 4<sup>th</sup> Street (HIS2013-00197) to the November 6, 2013 Landmarks Board meeting per the tolling agreement.

C. Public hearing and consideration of a Landmark Alteration Certificate to rehabilitate and add 1,030 sq. ft. to the main house linking it with the existing garage and construction of a new 530 sq. ft. free-standing, two-car garage at 3015 Kalmia Ave., per section 9-11-18 of the Boulder Revised Code (HIS2013-00219). Applicant: Markel Homes. Owner: Kalmia Estates Development, LLC.

*Board members were asked to reveal any ex-parte contacts they may have had on this item.*

**All board members** visited the site. **B. Bowen** had no ex-parte contacts.

### **Staff Presentation**

**J. Hewat** made a presentation to the board.

### **Applicant's Presentation**

**Jason Markel**, applicant, 3215 Ouray Ave., Boulder, spoke in support of the Landmark Alteration Certificate application.

**Charles Sanders**, architect, 2055 Culver Dr., Boulder, answered questions from the board and clarified the square footage of the existing and proposed buildings.

### **Public Hearing**

**Abby Daniels**, 1123 Spruce St., Boulder, spoke in support of the Landmark Alteration Certificate application.

### **Motion**

On a motion by **M. Gerwing**, seconded by **K. Snobeck**, the Landmarks Board adopted (4-1, **N. Fiore** objecting) the staff memorandum dated October 2, 2013 in matter 5C (HIS2013-00219) as the findings of the board and approves rehabilitation of the historic house and garage at 3015 Kalmia Ave., construction of an addition at the rear of the main house and construction of a free-standing garage as shown on plans dated 08/29/2013, finding that they generally meet the standards for issuance of a Landmark Alteration Certificate in Chapter 9-11-18, B.R.C. 1981, subject to the following conditions:

- 1) The applicant shall be responsible for constructing the house in compliance with the approved plans dated 08/29/2013, except as modified by these conditions of approval.
- 2) Prior to submitting a building permit application and final issuance of the Landmark Alteration Certificate, the applicant shall submit the following, which shall be subject to the final review and approval of the Landmarks design review committee: final architectural plans that include:
  - a. Revisions to reduce the perceived mass and scale of the proposed rear addition to the main house;
  - b. Dormers and fenestration that have been revised to be more compatible with that of the historic house;
  - c. A smaller attachment of historic house and historic garage, minimizing loss of historic eastern wall of the garage; and
  - d. The reduction of the overall amount of built area on the property to preserve the historically rural character of the property.

- 3) The Landmarks design review committee shall review details regarding the rehabilitation of the historic house, including porch restoration, window and door rehabilitation and replacement; wall materials, doors and window details including moldings, and proposed insets, paint colors, fencing and hardscaping on the property to ensure that the approval is consistent with the *General Design Guidelines* and the historic preservation ordinance.

N. Fiore's vote against the motion was a result of his consideration that some of the conditions of approval were too restrictive.

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

- A. Update Memo
- B. Subcommittee Update
  - Demolition Subcommittee
  - Outreach Subcommittee
  - Potential Districts and Landmarks Subcommittee
  - Historic Preservation Code Subcommittee
- C. Discussion of Flood's Impact on Historic Buildings

**7. DEBRIEF MEETING/CALENDAR CHECK**

**8. ADJOURNMENT**

The meeting adjourned at 9:52 p.m.

Approved on November 6, 2013

Respectfully submitted,

  
\_\_\_\_\_  
Chairperson

**Approved Minutes  
Boulder Public Library Commission meeting  
October 2, 2013  
Main Library North Meeting Room**

COMMISSION MEMBERS PRESENT

Anne Sawyer  
Celeste Landry  
Donna O'Brien  
Anna Lull  
Paul Sutter (new library commissioner, sworn in during this meeting)

COMMISSION MEMBERS ABSENT

None

LIBRARY STAFF MEMBERS PRESENT

Maureen Rait, Executive Director of Public Works and Interim Director of Library & Arts  
Jennifer Miles, Deputy Library Director  
Leanne Slater, Administrative Specialist  
Gwen Holton, Branch Library Specialist

CITY STAFF MEMBERS PRESENT

Glenn Magee, Facilities Design and Construction Manager  
Joe Castro, Facilities & Fleet Manager  
Jennifer Bray, Communication Specialist III  
Peggy Bunzli, Budget Manager

PUBLIC PRESENT

Doris Hass  
Peter Richards  
Alice McDonald  
Margaret Porter  
Amy Tremper

CALL TO ORDER

The meeting was called to order at 6:00 p.m.

APPROVAL OF AGENDA

Sawyer amended the agenda by adding an item as 3A, entitled "Welcome Maureen Rait as Library and Arts Director." She also added an item entitled "Update on the New Library Director Search" after the Consent Agenda.

PUBLIC PARTICIPATION

No public participation.

WELCOME AND SWEARING IN OF NEW COMMISSIONER

Paul Sutter was welcomed as the new library commissioner and Commissioner O'Brien administered his oath of office.

## CONSENT AGENDA

### **A. APPROVAL OF SEPTEMBER 4, 2013 MINUTES**

The Sept. 4, 2013 minutes were unanimously approved as amended (4-0, Sutter abstained as he was not a member of the Library Commission at the Sept. meeting).

### **B. COMMISSION UPDATE (FROM MEMO)**

There were no items that needed to be discussed.

### **C. LIBRARY UPDATE (FROM MEMO)**

Sawyer amended the agenda by adding an item entitled "Proposed North Boulder Library Station," before the Commission Priority Discussion and Input.

### **D. MOTION TO APPROVE WARNER CHARITABLE TRUST DONATION**

Slater shared some information that she compiled with help from the Main Library's reference librarians and Carnegie Branch Manager Wendy Hall, whom also contacted former library director, Marcelee Gralapp. The Warner Charitable Trust is part of Alex H. Warner's estate. Warner was a longtime library patron who passed on in 1990 at the age of 73. He served on the Boulder Library Foundation and on the Library Commission in the late 1980s and early 90s. He was instrumental in supporting sustainability for the Main Library. Warner is survived by his two nephews. Sutter moved, and Lull seconded, that the Library Commission unanimously pass a resolution accepting the annual revenue from the Warner Charitable Trust. This motion passed unanimously (5-0). In addition, the Library Commission agreed to send a letter of gratitude to the Warner Family for this yearly donation.

## UPDATE ON THE NEW LIBRARY DIRECTOR SEARCH

Rait provided an update on the new library director search. She stated that the City Manager's Office has issued a Request for Proposals to executive search firms. She said that five total proposals had been received and that two of the firms specialized in library directors. Rait stated that the proposals are currently being reviewed and that she will provide more details next month on the selected firm and the timeframe for the process.

## PROPOSED NORTH BOULDER LIBRARY STATION (10 MINUTES):

The Library Commission voted unanimously in favor (5-0) of the following motion: The Library Commission requests that City Council increase the 2014 operating budget for the North Boulder Library Station by \$60,000 in order to increase the operating hours from 20 to 40 per week. This would increase the operating budget from \$115,000 to \$175,000 for the year. One-time costs will remain at \$90,000.

## COMMISSION PRIORITY DISCUSSION AND INPUT:

### **A. UPDATE ON FLOOD IMPACT TO LIBRARY FACILITIES (23 MINUTES)**

Castro gave a presentation on the 2013 preliminary flood damages. He reported that 332 of the city's 371 buildings and structures have been assessed for flood damage; and that there has been flood damage assessed to 43 city facilities, so far. The Main Library had sustained some basement flooding but no mold or asbestos had been found. He conveyed that there had been significant flood damage to Reynolds Branch Library and that flood mitigation and repairs are required (therefore, this branch is currently closed due to safety concerns).

- A question was asked about the piano at Reynolds. Miles said that a professional came to appraise the piano as it was severely damaged. She reported that the cost to fully restore it is more than what it was worth before the flood, and that it is considered a total loss. Alice McDonald said that Joanne Arnold gave this piano for the library's first ever concert series and that this is a sad loss.
- Sawyer asked if library insurance would cover this cost. Castro answered that the city's insurance will cover the piano and that the city should get the fair market value for it.

The Meadows Branch Library had some roof leaks that were repaired by the landlord and the Carnegie Branch Library sustained no damage to documents. However, there was water damage to documents that were in storage at the city's 11<sup>th</sup> and Spruce parking garage.

- Sawyer asked about the types of documents that were damaged. Miles responded that she thought the documents were from a couple of recent donations: a former council person's personal papers and a donation from a fire district collection. Sawyer asked if staff were trained in recovering these types of documents and Miles answered that Carnegie staff was indeed trained in this type of recovery.

Castro said the goal is for the Reynolds Branch to reopen by the end of October.

**Update later:** The Reynolds Branch is not anticipated to open until November.

More information can be found at:

<http://boulderlibrary.org/pdfs/commission/2013/handouts/13OctMeetingHandouts.pdf>

#### **B. MAIN LIBRARY RENOVATION PROJECT DESIGN ADVISORY GROUP UPDATE (25 MINUTES)**

Magee presented information regarding the Main Library Renovation Project. He said that the Design Advisory Group is reviewing the 90 percent complete set of construction drawings from Studiotrope. Studiotrope anticipates completing the 100% construction drawings by Oct. 25, and Dec. 7 is the anticipated date for the construction bid opening.

- O'Brien asked if the recent events (flood and recovery) would impact the project in terms of finding contractors. Magee said that he thought that the smaller contractors are all booked; however, the larger firms probably have more stable contractors. He said that there may still be some effects on the construction process but that he was mostly concerned about the costs of materials being affected.
- Lull asked if any of the damage that occurred will affect the flood mitigation that the city had planned. Magee said that the mitigation work that had been done pretty much worked as anticipated. He added that it (the flood) reinforced what needs to be done in preparation for a large event.

- In relation to contractor and materials being in high demand at this time and while knowing that there is a responsibility to do and complete the bond project in a specific timeframe, Sawyer stated that she had some concern about it possibly being the wrong time to start an optional project and she stated her desire for the library not to be perceived as a bad neighbor, as the library's project is not a crisis project. Magee responded that he thought it was the right time for the library's project as the demand for construction and materials will most likely get worse. He said that he thinks it is the right thing to move forward, especially with the monies for the project having to be spent by March 15, 2015.
- Sawyer had previously stated (in a prior meeting) that she had a concern about the third phase of the project and the adult fiction collection being unavailable for 20 weeks. Miles responded that this is also a concern for staff, and that due to the size of this collection, it will need to be relocated offsite. She explained that patrons will still be able to borrow items from the branch libraries and the FLC (Flatirons Library Consortium) and staff also will be looking at other options for patrons. Another question that Sawyer had asked was whether closing off one of the collections temporarily would impact the library's participation in Prospector. Miles answered no, since it is only temporary. If the library was going to be closed, then Boulder Public Library (BPL) would need to go off Prospector temporarily. She added that the current phasing for the project does not include the library closing.
- Sawyer announced that Oct. 7 will be the kick-off meeting regarding the public art selection panel and process.

### **C. RENOVATION PROJECT IDEAS FOR POSSIBLE FUNDING BY BOULDER LIBRARY FOUNDATION**

Sawyer suggested that staff compile various alternate item packages, in connection with the renovation project which are also related to library programming, for possible funding by the Boulder Library Foundation (BLF). The packages suggested are as follows:

- Café and bridge
- Technology maker space (includes the technology and equipment for the room)
- Audiovisual (AV) enhancements to one or more meeting rooms
- "Lower Rapids" informal meeting area

## MATTERS FROM THE COMMISSION

### **A. LIBRARY COMMISSION WEB PAGES (10 MINUTES)**

Commission discussed the two different versions of their webpages: one library-based and one city-based.

- O'Brien said that the library-based webpage was more user-friendly and other library commissioners agreed.

- Lull suggested that staff maintain a full library-based webpage and maintain a pared down city-based webpage.
- For efficiency, Sawyer suggested posting the Library Commission's documents on only one location (webpage) and then linking to that document's location from the other webpage.
- Sawyer suggested removing the Library Commission's picture from the city-based webpage in order to create a more official/government aesthetic.
- Sawyer asked that when contacting the commission from the city-based webpage, is there any way to avoid the message that you are leaving the city's website as this may be perceived as a bit intimidating.
- Landry asked if there were any proposals to change the city's website.
- Landry encouraged the future director's photo on the library's website.

Staff agreed to follow up on these questions and feedback.

#### MATTERS FROM THE DEPARTMENT

##### **A. REVIEW BOULDER LIBRARY FOUNDATION (BLF) FALL PROGRAM FUNDING REQUESTS (12 MINUTES)**

Sawyer stated that there had been some discussion about other possible fall program funding requests. However, she said with the change in directorship and some other things happening right now, the requests are limited right now. And Miles responded by saying that the foundation has funded a number of programs this year and that fall is generally lighter in terms of requests and new ideas that staff may have, in relation to programming.

Sawyer spoke highly of the luncheon that BLF hosted last week, in which they invited library staff, all of the foundation members and the Library Commission. She said that she heard lots of good conversations about new programming opportunities at that luncheon. Doris Hass, founder's chair of the BLF, stated the desire to connect with library staff, especially the newer employees, and discuss what the foundation does, as well as getting staff's ideas for creative programming.

Miles suggested an efficient way of communicating with staff in regards to programming may be for the BLF to compose a letter to staff. This letter could perhaps outline what the foundation is about, and explain the types of ideas/programming that the foundation is looking for, and could be given to the programming staff to which it applies.

##### **B. PLAN FOR TARGET PATRON SURVEY ON LIBRARY PROGRAMMING**

Staff agreed to come back to the Library Commission with a beta version of a proposed patron target survey.

- Lull suggested that the survey questions be brief and concise. O'Brien agreed.
- Sawyer said that programming is an important piece to learn about. She suggested asking about demographics as well as questions related to collection development or service-oriented items (such as the eLearning resources or Overdrive and Freegal, etc.) She quoted a question from a Mamie Doud Eisenhower Public Library, "Mark all areas in which you would like to see the collection improve." And Sawyer said that underneath that question could include a listing of genres such as general nonfiction, fiction, science fiction, romance, etc.
- Sawyer said the demographics information could be:
  - Male or female
  - How many children under age 10 in the household
  - How many children ages 10-18 in the household
  - Whether they reside within the city limits
  - Branch that the survey taker uses most often
  - Library hours
- Miles said that she wondered if the question about library hours would be perhaps better suited for the larger patron survey as part of the master plan. Sawyer said that she was okay with that.
- O'Brien agreed with the demographics questions.
- In light of the goal to increase programming participation, Landry suggested that there be a survey question such as "What is the best way to inform me [the patron] about programming offerings? O'Brien suggested that there be a blank for "Other" that could serve as an opportunity for people to write in their own unique suggestions.

#### ITEMS FOR INCLUSION IN THE ACTION SUMMARY

Commission discussed items for the Action Summary.

#### NEXT COMMISSION MEETING (ROLLOVER ITEMS AND DATE)

The next Library Commission meeting will be held at 6 p.m. on Wed., Nov. 6, 2013 at the Main Library, in the North Meeting Room, 1001 Arapahoe Ave. and will include the following agenda items: Shelley Sullivan, BoulderReads! manager, will present the Janet Driskell Turner-Outstanding Adult Learner award, library's renovation update regarding the contractor selection process and review of the public art selection panel recommendations, funding goal with information and vision information in relation to the library's master plan, update on the approved 2014 Library & Arts budget, begin prioritization of Library Commission goals in preparation of sending the commission's letter to City Council in December,

report on Boulder Library Foundation's grants, and an update on securing a recruitment firm for the library and arts director search, and possibly information on a target patron survey iteration.

Meeting adjourned at 7:52 p.m.

Approved By \_\_\_\_\_ Date \_\_\_\_\_

Please note: Commissioner Sawyer approved these minutes on Nov. 18, 2013.



CITY OF BOULDER  
Boards and Commissions Minutes

NAME OF COMMISSION: Open Space Board of Trustees			
DATE OF MEETING: November 13, 2013			
NAME/EXTENSION OF PERSON PREPARING SUMMARY: Leah Case x2025			
NAMES OF MEMBERS, STAFF AND INVITED GUESTS PRESENT:			
MEMBERS: Allyn Feinberg, Tom Isaacson, Shelley Dunbar, Frances Hartogh, Molly Davis			
STAFF: Mike Patton    Jim Reeder    Dean Paschall    Eric Stone    Annie McFarland    Phillip Yates Mike Orosel    Lauren Kolb    Kacey French    Don D'Amico    Todd Doherty    Dave Kuntz Mark Gershman    Leah Case    Michele Gonzales			
GUESTS: Tim Plass, City Council Member			
TYPE OF MEETING:	<b><u>REGULAR</u></b>	CONTINUATION	SPECIAL
SUMMATION:			
<b>AGENDA ITEM 1- Approval of the Minutes</b> Tom Isaacson moved to approve the minutes from October 9, 2013 as amended. Shelley Dunbar seconded. This motion passed unanimously.			
<b>AGENDA ITEM 2- Public Participation</b> Three members from the public spoke. They all thanked staff and the Board for their work on opening up the Open Space system. Two people said the Beech Management Plan needs to have more information and descriptions included.			
<b>AGENDA ITEM 3- Director's Updates</b> Council Member Plass gave an overview of a project he and Council Member Ageton have been working on to enhance Boards and Commissions within the City of Boulder. The sample recruitment video that was shown to the Board is saved in S:OSMP\admin\OSBT\Minutes\Minutes 2013\ November.			
Kacey French, Environmental Planner, gave an update to the Board about the Beech Property Management Plan. This plan was completed in fulfillment of a requirement in the "Boulder County and City of Boulder Jointly Owned Open Space Management Intergovernmental Agreement." The primary purpose of the plan is to document how Open Space and Mountain Parks (OSMP) will manage the jointly-owned property and to			

provide Boulder County Parks and Open Space (BCPOS) with a plan describing OSMP's management.

Annie McFarland, Visitor Access Coordinator; Don D'Amico, Ecological Systems Supervisor; Lauren Kolb, Natural Resource Specialist; and Mark Gershman, Environmental Planning Supervisor, gave a collective update to the Board on the status of OSMP land after the flood. Their presentation is saved in S:OSMP\admin\OSBT\Minutes\Minutes 2013\November.

**AGENDA ITEM 4- Matters from the Board**

The Board asked for an update on e-bikes. Mike gave a summary of City Council's discussion on this topic.

ADJOURNMENT: The meeting adjourned at 8:23 p.m.

ATTACH BRIEF DETAILS OF ANY PUBLIC COMMENTS:

**TIME AND LOCATION OF ANY FUTURE MEETINGS, COMMITTEES OR SPECIAL HEARINGS:**

The next OSBT meeting will be at 66 S. Cherryvale Rd. December 11, 2013 at 6:00 p.m.

**CITY OF BOULDER, COLORADO  
BOARDS AND COMMISSIONS MEETING MINUTES**

<b>Name of Board / Commission:</b> Water Resources Advisory Board	
<b>Date of Meeting:</b> 19 August 2013	
<b>Contact Information of Person Preparing Minutes:</b> Laurel Olsen-Horen; 303-441-3203	
<b>Board Members Present:</b> Chuck Howe, Dan Johnson, Ed Clancy, Mark Squillace <b>Board Members Absent:</b> Vicki Scharnhorst	
<b>Staff Present:</b> Jeff Arthur, Director of Public Works for Utilities Bret Linenfelter, Water Quality and Environmental Services Manager Chris Douville, Wastewater Treatment Manager Russ Sands, Water Conservation Coordinator Laurel Olsen-Horen, Board Secretary <b>Consultants Present:</b> Larry Barber: US Geological Survey Alan Vajda: University of Colorado	
<b>Meeting Type:</b> Regular/ Early Start Time	
<b>Agenda Item 1 – Call to Order</b>	<b>[6:19 p.m.]</b>
This meeting was called to order at 6:19 p.m.	
<b>Agenda Item 2 – Facility Overview and Tour of the Wastewater Treatment Facility</b>	<b>[6:19 p.m.]</b>
Chris Douville presented item to the board. Power point presented for this item.	
The board received a brief overview of the wastewater treatment facility, including the recent upgrades made which the board members will view on their tour.	
The board asked some clarifying questions during the staff presentation to better understand the function of the facility.	
<b>Agenda Item 3 – Approval of the 15 July 2013 Meeting Minutes:</b>	<b>[7:32 p.m.]</b>
Motion to approve the 15 July minutes as amended by: Johnson; Seconded by: Howe <b>Motion Passes; 3:0</b> – Board member Squillace was not present at the July meeting	
<b>Agenda Item 4 – Public Participation and Comment</b>	<b>[7:36 p.m.]</b>
<b>Public Comment:</b> None	
<b>Agenda Item 5 – Information Item – WWTF Activated Sludge Upgrades and Removal of Emerging Contaminants</b>	<b>[7:36 p.m.]</b>
Chris Douville, Larry Barber, and Alan Vajda presented the item. Power point presented for this item	
<b>Executive Summary from the Packet Materials:</b> Emerging Contaminants and Endocrine Disrupting Compounds (EDCs) in particular, are a growing concern within water quality and wastewater treatment. Some of these compounds, such as steroid hormones and pharmaceuticals, have been discovered in various water environments including treated wastewater effluent, and have been shown to cause negative impacts to the reproductive systems of aquatic life. A significant amount of water quality research has been performed on Boulder Creek, with attempts to understand the implications of the wastewater effluent which makes up the majority of the creek flow during most of the year. A long-standing collaboration between the City of Boulder (city), United States Geologic Survey (USGS), and the University of Colorado (CU) has resulted in significant findings related to the impacts of wastewater effluent from the city's 75 <sup>th</sup> Street Wastewater Treatment Facility (WWTF).  Summarized in a 2012 publication from Environmental Science and Technology, research has shown that the endocrine-disrupting effects of the wastewater effluent have been significantly reduced following the WWTF upgrade to activated sludge treatment in 2008. Prior to the upgrades, the WWTF utilized a process technology called trickling filter/solids contact and the documented estrogenic effects to fish in Boulder Creek were very pronounced. After the upgrades went online, repeat studies were conducted where fish were exposed to various amounts of Boulder Creek water and wastewater effluent. Physiological fish data, as well as chemical data from laboratory analysis, confirm that the activated sludge upgrades have	

significantly reduced the endocrine-disrupting effects of the final effluent.

The city has learned additional information about EDCs in wastewater effluent from participation in other research studies. The purpose of this information item is to highlight the important work with USGS and CU. Highlights from participation in other research efforts will be discussed at a future meeting.

This item is being presented as an information item to provide the WRAB with context for future recommendations on capital projects at the WWTF. No formal action by the WRAB is requested at this time.

**WRAB Discussion Included:**

[8:32 p.m.]

Board member Squillace left at 8:07 p.m.

- Are there any recommendations to get these types of contaminants out of the source water?
- The findings other communities/municipalities have discovered from doing studies similar to this.
- Source control and should the city prioritize source removal in the near future.
- Whether or not increased amounts of residential composting has had a measureable difference in the treated load at the facility.
- Will the six other discharge facilities be looked into in regards to their permits?

**Agenda Item 6 – Matters**

[9:01 p.m.]

**From the Board:**

Board member Clancy brought up the below matter(s):

- Would like to hear about the six industrial sites and how they deal with contaminants.
- Has the legalization of marijuana made any differences in the ability to treat water? Staff response: not really. Only hydroponics facilities have run-off. It's not really a focus right now, but may be in the future.

Board member Howe brought up the below matter(s):

- Jane Munson wrote a letter about the Twomile flood remapping. NFIP grandfathering of her flood insurance rates could potentially increase her rates. Staff response: FEMA has directed the NFIP to become financially sound. Currently the NFIP pays out more money than it takes in.
- Will the city revisit fluoridation? Staff response: If WRAB would like the city to we can bring it back. Ultimately, it would be a ballot issue to have it removed.

Board member Johnson brought up the below matter(s):

- Water Congress meeting is this week. How does Boulder participate? Staff response: our outside legal counsel and some select staff are involved.
- Is the city always actively looking for grant opportunities? Staff response: there generally aren't too many available, especially in the wastewater realm. We have a couple of great grants that the city is utilizing.

**From Staff:**

[8:23 p.m.]

- **New runoff values in Four Mile** – the city has dialed back the flood watch warning levels for the area.
- **New watershed repeaters** – were installed. Now we have fairly complete radio monitoring of the entire watershed.
- **Water Supply Status/Revenue** – The city is coming in low on wastewater revenues. We're a little off on the water side. Staff is keeping an eye on revenues. Likely be off by a couple of percent. In spite of the late spring snow storms, the city has not come into priority as much as we thought we would. The city has had to use its CBT water on exchange on a larger degree than was anticipated necessary.

**Agenda Item 8 – Discussion on Future Schedule**

[9:30 p.m.]

**Agenda Item 9 – Adjournment**

[9:30 p.m.]

There being no further business to come before the Board at this time, by motion regularly adopted, the meeting was adjourned at 9:30 p.m.

**Motion to adjourn by: Clancy; Seconded by: Johnson**

**Motion Passes 3:0**

**Date, Time, and Location of Next Meeting:**

The next WRAB meeting will be a Regularly Scheduled meeting on 16 September at 7:00 p.m., in the 1777 West Conference Room located in the Municipal Building

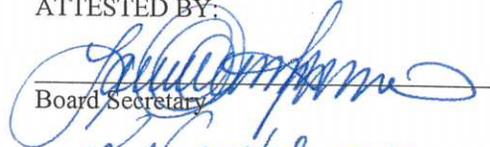
APPROVED BY:



Board Chair

11/18/13  
Date

ATTESTED BY:



Board Secretary

18 November 2013  
Date

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An audio recording of the full meeting for which these minutes are a summary, is available on the Water Resources Advisory Board web page.

**CITY OF BOULDER, COLORADO  
BOARDS AND COMMISSIONS MEETING MINUTES**

<b>Name of Board / Commission:</b> Water Resources Advisory Board	
<b>Date of Meeting:</b> 30 September, 2013	
<b>Contact Information of Person Preparing Minutes:</b> Kaaren Davis; 303-441-3233	
<b>Board Members Present:</b> Chuck Howe, Dan Johnson, Mark Squillace , Ed Clancy <b>Board Members Absent:</b> Vicki Scharnhorst,	
<b>Staff Present:</b> Jeff Arthur, Director of Public Works for Utilities Bret Linenfelser, Water Quality and Environmental Services Manager Bob Harberg, Principal Utilities Engineer Joanna Crean, Public Works Projects Coordinator Kaaren Davis, Board Secretary	
<b>Meeting Type:</b> Regular	
<b>Agenda Item 1 – Call to Order</b>	<b>[7:10 p.m.]</b>
This meeting was called to order at 7:10 p.m. Howe introduces a commendation for staff which reads: Whereas a record flood has hit Boulder, causing extensive damage to all sectors of the City including the infrastructure systems; Whereas the staff of our Water Utility responded courageously and responsibly to the crisis, working many hours of overtime, often in hazardous situations to maintain basic services and to correct damages to the water, wastewater and stormwater systems, Therefore the Water Resources Advisory Board commends all the Water Utility Staff for dedication to the duty far beyond ordinary expectations and sends the thanks of all of Boulder for their vital services.	
<b>Motion by Howe; Seconded by Squillace: to forward the commendation to Council.</b> <b>Vote: 4-0</b>	
<b>Agenda Item 2 – Approval of the 19 August 2013 Meeting Minutes:</b>	<b>[7:16 p.m.]</b>
<b>Motion to approve the 19 August minutes as with requested corrections: Johnson; Seconded by: Squillace</b> <b>Motion Passes; 4:0</b>	
<b>Agenda Item 3 – Public Participation and Comment</b>	<b>[7:22 p.m.]</b>
<b>Public Comment:</b> None	
<b>Agenda Item 4 – Information Item – Utility Rate Studies</b>	<b>[7:23 p.m.]</b>
Jeff Arthur presented the item.	
<b>Executive Summary from the Packet Materials:</b> Customer billings comprise the majority of revenues within the Water, Wastewater and Stormwater/Flood Management Utilities. The rates and changes for these services are reviewed periodically to ensure that they are sufficient to meet ongoing Utility needs and also meeting other intended purposes such as equity, stability and other considerations that will be discussed below. Staff is beginning the process of conducting rate studies for utilities. This item is presented to provide background and context for rate studies and give WRAB members the opportunity to provide initial input on rate considerations and updates.	
<b>WRAB Discussion Included:</b>	
<ul style="list-style-type: none"> <li>• Definition of the enterprise and the difference between carrying reserves and carrying an excess fund balance.</li> <li>• Discussion on the idea that 90% of costs are fixed and rate structures have little to do with operations. There may be some benefit to ensuring that the general population understands this.</li> <li>• A suggestion that more detailed metering across both water and energy would be beneficial in order to be able to detect what does and does not change people’s usage behaviors.</li> <li>• Relation of PIF charges to the current charge structure.</li> <li>• Questions about available means to modify the formula for tiers, as tier 4 and 5 users seem to be carrying a lot of the load.</li> </ul>	

- Whether the rapid growth of breweries affects the water supply or wastewater volumes.
- Percentage of total revenue that comes from blocks 4 and 5.
- How important conservation is to the rate structure policy.
- Consideration in rate study of proven methods of modifying human behaviors.

Staff is seeking board feedback on the following questions:

1. Does WRAB have any questions or input related to what to consider in the rate studies?
2. Does WRAB have any input on what information they would like to see through the process of the rate studies?
3. Does WRAB have any comments on the sequencing of rate studies with the Water Conservation Futures study update and Commercial/Industrial/Institutional water budget benchmarking study?

No official action was requested of the board at this time. Questions will be referred to Ken Baird and addressed in a more complete presentation of the item at a later meeting.

**Agenda Item 5 – Matters**

[7:48 p.m.]

**From the Board: (8:50 p.m.)**

- Clancy raised the following matters:
  - Suggested a collection program to allow people to take un-used pharmaceuticals to the Police Department (both CU and Boulder Police Departments).
- Johnson raised the following matters:
  - Questions about how efforts to line the sewer system affected sewer line infiltration by ground water, which seemed to be a major contributing factor in the flood damage issues.

**From Staff:**

[7:48 p.m.]

- Jeff Arthur presented an overview of the effects of flooding on the city's infrastructure. And preliminary assessments for recovery.
  - Water Resources - no apparent significant damage;
  - Water Treatment – During the event both facilities lost power. There were difficulties getting fuel and chemicals to Betasso, but it has remained operational with full treatment. 63<sup>rd</sup> stayed offline after power was restored due to source water turbidity in the reservoir and canal. It is still being drained and cleaned and needs to have some electronic equipment repaired and replaced. When treatment resumes it will be from Boulder Reservoir since the feeder canal from Carter Lake expected to be offline until spring due to flood damage;
  - Water Transmission/ Distribution: System pressure retained throughout, no boil order required, only two main breaks since the event. Transmission mains in Boulder Canyon were exposed by the flooding however and are being stabilized. Some extra measures have had to be taken to keep up the chlorine residual in Gunbarrel because of the distance between Betasso and Gunbarrell. Access to several treated water reservoirs has been cut off, though reservoirs are operational;
  - Wastewater Treatment- Flood berm functioned well.. Facility is fully operational and influent flow rate is slowly coming down.. Automated bar screens were destroyed.. One bar screen was fabricated from the two damaged screens and is now functional. Anaerobic digester had damage to lid. Some grit/ sediment removal is in order. Widespread issues with backups, largely due to the very high volume of water in the system. As volume of water in the system recedes, the system is recovering well;
  - Stormwater System and Major Drainage ways - Crews are currently out jetting and vacuuming stormwater system to get the system back to being able to function in the event of another precipitation. Significant debris removal and restoration to be done on all drainage ways.
  - Flow Modeling – Scale of the event varied depending on the area. Overall modeling looks to be fairly accurate in the early stages of assessment.
  - Preliminary Damage Estimates: Water \$3.3 M, Wastewater \$2.5 M, Stormwater & Flood Management \$13.9 M.

**Agenda Item 8 – Discussion on Future Schedule**

[9:03 p.m.]

- October – WW pre-treatment and flood CIP check-in. Information items only.

**Agenda Item 9 – Adjournment**

[9:07 p.m.]

There being no further business to come before the Board at this time, by motion regularly adopted, the meeting was adjourned at 9:44 p.m.

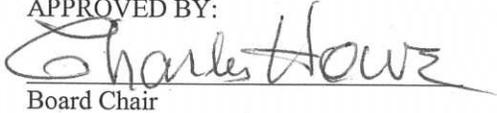
**Motion to adjourn by: Squillace ; Seconded by: Johnson**

**Motion Passes 4:0**

**Date, Time, and Location of Next Meeting:**

The next WRAB meeting will be October 21, 2013 at 7:00 p.m., in the West Conference Room, 1<sup>st</sup> floor of the municipal building, 1777 Broadway.

APPROVED BY:

  
Board Chair

Date

11/18/13

ATTESTED BY:

  
Board Secretary

Date

18 November 2013

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An audio recording of the full meeting for which these minutes are a summary, is available on the Water Resources Advisory Board web page.

**Small Business Saturday  
November 30, 2013**

**WHEREAS**, the City of Boulder celebrates our local small businesses and the contribution they make to our local economy and community; according to the United States Small Business Administration, there are currently 28 million small businesses in the United States; they represent more than 99% of American companies, create two-thirds of the net new jobs, and generate half of private gross domestic product; and

**WHEREAS**, small businesses employ 50% of the employees in the private sector in the United States and 89% of consumers in the United States agree that small businesses contribute positively to the local community by supplying jobs and generating tax revenue; and

**WHEREAS**, 93% of consumers in the United States agree that it is important for people to support the small businesses that they value in their community and 90% of consumers in the United States are willing to pledge support for a *buy local* movement; and

**WHEREAS**, the City of Boulder supports our local businesses that create jobs, boost our local economy and preserve our neighborhoods; and

**WHEREAS**, advocacy groups and public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

**NOW, THEREFORE, BE IT DECLARED** by the City Council of the city of Boulder, Colorado that November 30 is

**SMALL BUSINESS SATURDAY**

And we urge the residents of our community to support small businesses and merchants on Small Business Saturday and throughout the year.



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**Matthew Appelbaum, Mayor**

