

## INFORMATION PACKET MEMORANDUM

To: Members of City Council

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

Date: December 9, 2014

**Subject: Call-Up Item: 2930 Pearl Street (LUR2014-00035) Pearl Place**

### EXECUTIVE SUMMARY

On Dec. 4, 2014, the Planning Board approved with conditions (5-1, Payton opposed, Putnam 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 allows for a three- to four-story, 55-foot maximum height office building within the Business Regional – 1 (BR-1) zoning district.

The Planning Board decision is subject to City Council call-up within 30 days. The call up period expires on Jan. 5, 2015. There is one City Council meeting within this time period for call-up consideration on Dec. 16, 2014. Several conditions of approval were added by the Planning Board that would require removal of approximately 10 percent of the planned floor area (approximately 3,200 square feet) by reducing the size of the fourth story of the building with a fourth story setback of 65 feet along Pearl Street and 30 feet along 30<sup>th</sup> Street wrapping the south side of the building.

The additional conditions of approval also require extension of the terms for EcoPass provision from three to seven years for employees of the tenant; that the applicant provide a walkway from the center of the site to connect the planned multi-use path at the center of the site to Pearl Street on the north; and that the applicant enhance the Transportation Demand Management plan to ensure that all employees are provided with financial incentives not to drive. That may include either a positive or negative incentive with regard to the use of parking spaces such as requiring employees to pay for parking spaces or being provided with some sort of payment not to drive.

The staff memorandum of recommendation to Planning Board and other related background materials are available on the city website for Planning Board, follow the link:

<https://bouldercolorado.gov/boards-commissions/planning-board-agenda>

City Council requested statistics on the amount of Commercial/Industrial square footage constructed in the past decade. This information is included in Attachment B.

## BACKGROUND

The “L” shaped site is located near the southwest corner of 30<sup>th</sup> and Pearl streets. The property spans several addresses: 2095, 2111 and 2121 30<sup>th</sup> Street along with 2920 and 2930 Pearl Street. The site is across 30<sup>th</sup> Street and Pearl Parkway from the new RTD Bus Facility currently under construction. It is also located directly west and across 30<sup>th</sup> Street from the proposed Reve Concept Plan, a mixed use and residential redevelopment that will be discussed by City Council as a Concept Plan on January 18, 2014. Figure 1 illustrates the location of the site in relation to RTD at Boulder Junction, Foothills Expressway to 28<sup>th</sup> Street and the proposed Reve Concept Plan site.



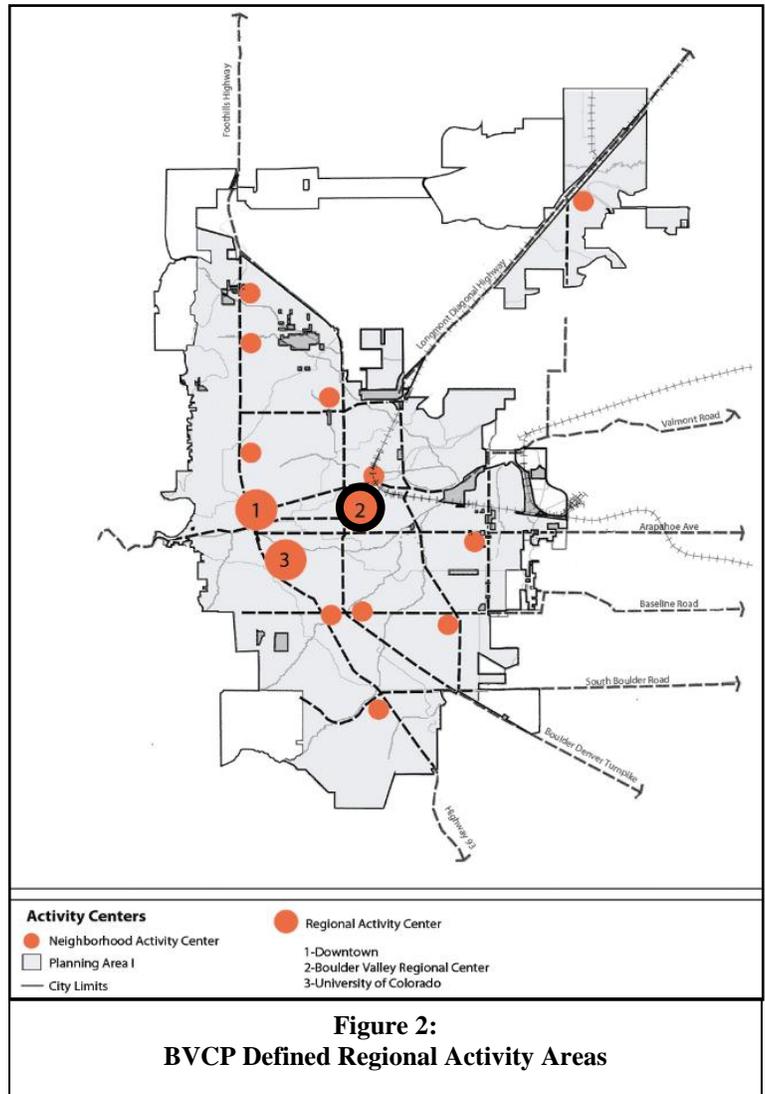
Figure 1: Site in Context

The proposed project consists of removal of several existing structures and construction of a two-phased redevelopment of a “Class A” office building with below grade parking. A total of 320,000 gross square feet is proposed to be developed in two phases (220,000 square feet in initial phase) with maximum 55' building height and three- to four-stories. Site Review case no. LUR2014-00035. The applicant intends to pursue Vested Rights per section 9-2-19, B.R.C. 1981. The application includes extension of a multi-use path from the below-grade bike/pedestrian crossing mid-block on 30<sup>th</sup> Street that was constructed by the city in 2010, to the southwest corner of the property that will connect to the west. There were two Concept Plan review submittals on the project first on Nov. 7, 2013 and the second on Feb. 27, 2014. The Boulder Design Advisory Board reviewed the Site Review application twice: first on July 9, 2014 and second on Sept. 10, 2014, links to the minutes can be found in the Planning Board memo at the link cited above.

Boulder Valley Comprehensive Plan: Regional Activity Center. The site is located within the Boulder Valley Regional Center (BVRC), one of the three Regional Activity Centers identified within the Boulder Valley Comprehensive Plan, shown in Figure 2. As described on page 20 of the Boulder Valley Comprehensive Plan,

*Boulder’s commercial, entertainment, educational and civic centers are focused in concentrated nodes of activities at a variety of scales distributed throughout the community. At the highest level of intensity are the city’s three regional centers. They form a triangle at Boulder’s geographic center: the Historic Downtown, the Boulder Valley Regional Center (BVRC), and the University of Colorado (CU) with the University Hill business district, which also serves as a neighborhood center for the surrounding area. Each regional center has a distinct function and character, provides a wide range of activities and draws from the entire city as well as the region.*

Consistent with the regional activity center designation, the land use under the comprehensive plan is “*Regional Business.*”



Zoning. Located in the highest intensity zoning district of the city, where up to a 4.0 FAR is permitted through Site Review if certain conditions are met, the BR-1 zoning district is defined within the Land Use Code section 9-5-2, B.R.C. 1981 as follow:

*“Business centers of the Boulder Valley, containing a wide range of retail and commercial operations, including the largest regional-scale businesses, which serve outlying residential development; and where the goals of the Boulder Urban Renewal Plan are implemented. Residential uses are also permitted as a use by-right in the BR-1 zone.”*

Boulder Valley Regional Center.

The Boulder Valley Regional Center (BVRC) is a subcommunity within Boulder. As noted on page 70 of the BVCP, subcommunity plans are intended to serve the following purposes:

- *Establish the official future vision of an area;*
- *Create a common understanding among residents, business and land owners, and city departments of expected changes in the area;*
- *Determine the appropriate density, character, scale and mix of uses in an area, and identify the regulatory changes needed to ensure or encourage appropriate development compatible with its surrounding area;*
- *Define desired characteristics of an area or neighborhood that should be preserved or enhanced;*
- *Define the acceptable amount of infill and redevelopment and determine standards and performance measures for design quality to avoid or adequately mitigate the negative impacts of infill and redevelopment and enhance the benefits;*
- *Identify the need and locations for new or enhanced pedestrian, bicycle and vehicular connections;*
- *Identify the need and locations for new public or private facilities, such as shopping, child care, schools, parks and recreation, library and transit facilities, so that daily needs are close to where people live and work and to contribute to the livability, enjoyment, and sense of physical and social identity of a subcommunity or area; and*
- *Develop implementation methods for achieving the goals of the plan, which may include: neighborhood improvement, trail, park or street projects; changes to the land use regulations or zoning districts; or changes to the Comprehensive Plan Land Use Map.*



**Figure 3: Site Plan with Phasing**

In 1998, the city adopted the BVRC Design Guidelines to “bring predictability to the development objectives in the BVRC,” while helping to facilitate the development review process by providing clear direction regarding design. The design guidelines articulate, in terms of physical environment, what a “high-quality” center means and how a development project should achieve the design goals in each component of the development, including site design and layout, parking, building orientation, etc. As indicated in Section 1 of the BVRC Design Guidelines, the guidelines are to be used primarily in the Site Review process. The plan also states that some guidelines may be unsuitable for each development and may be modified through the Site Review process as long as the proposed development remains consistent with the intent of the guidelines.

## PROPOSED PROJECT

As shown in Figure 2, the proposed building is intended to be built in two phases with the first phase including the two southern wings of the building, below grade parking, landscape and streetscape improvements and extension of a multi-use path through the site. The second phase is proposed to extend a northern wing of the building up to the Pearl Street right-of-way. The total build out is planned to be slightly less than 320,000 square feet. The planned building is proposed to have a range of finish materials that include red brick in two different finishes with an Along both the Pearl and 30<sup>th</sup> street elevations, the building is planned to be finished in a red brick with an alternating brick pattern. The other materials proposed include natural stone, stainless steel, wood, glass curtain walls and cast in place concrete. Figures 4a and 4b illustrate the proposed brick layup and 4c are the other finish materials respectively. The proposed buildings are contemporary in character, and on the interior of the site, the building is planned to be very transparent with glass and steel walls. Perspective sketches are provided in Figures 5a, b, and c on the following page.

The project plans in their entirety are available in for review in the City Council office of the City Manager's Office.

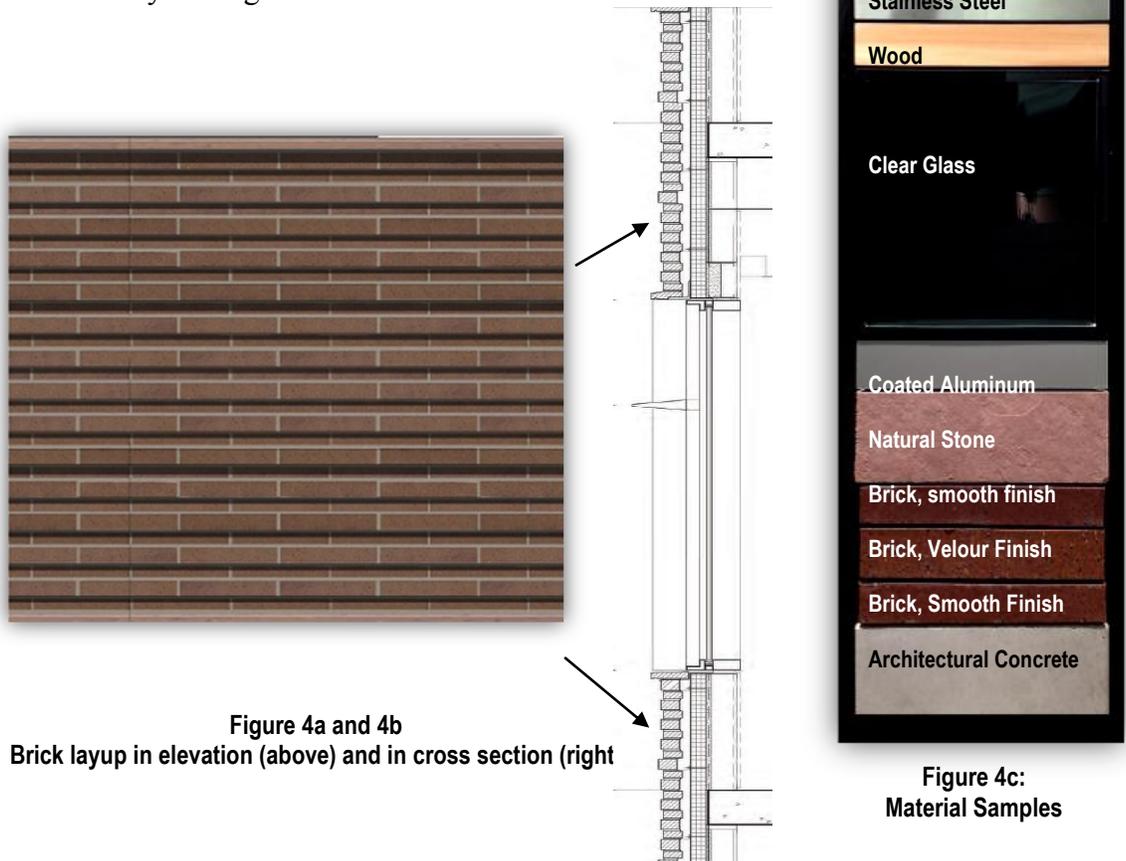


Figure 4a and 4b  
Brick layup in elevation (above) and in cross section (right)

Figure 4c:  
Material Samples



5a: Pearl Street Perspective looking southwest



5b: 30<sup>th</sup> Street Perspective looking southwest



Figure 5c: Streetscape on 30<sup>th</sup> Street with Custom Bus Shelter

**Design Advisory Board Review.** The Boulder Design Advisory Board (BDAB) reviewed and discussed the application twice: first on July 9, 2014 and second on Sept. 10, 2014 at regularly scheduled BDAB meetings. The BDAB provided the applicant with a written summary of the BDAB review specific to each applicable design guideline within BVRC guidelines along with recommended changes to the building. The applicant implemented several of the board's recommendations.

**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 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. A post on the City's Facebook page with a link to the project was also provided where there were several comments, most in opposition to the project's height. Prior to the Planning Board hearing there were no mailed or emailed comments received from members of the public. During the public hearing, five members of the public spoke about the project, four members articulated opposition to the project due to mass and scale, the requested parking reduction as well as concern about the intended tenant of the building, Google. One member of the public spoke in favor of the project.

## **PLANNING BOARD HEARING**

The Planning Board reviewed the application on Dec. 4, 2014. At the hearing, the board discussed following issues:

1. Consistency with BVCP policies
2. Responsiveness to Concept Review Comments
3. Consistency with Site Review Criteria
4. The 24 Percent Parking Reduction Request
5. The three-foot Setback Modification Request on Pearl Street from 20 feet to 17 feet
6. The request for 55 feet and four stories and
7. Consistency with BVCP Design Guidelines

After an extensive discussion, the following actions were taken by the board:

On a motion by **A. Brockett**, seconded by **L. May**, the Planning Board voted 5-1 (**L. Payton** opposed, **J. Putnam** recused) to approve Site Review case no. LUR2014-00035, as described in the staff memorandum incorporating the staff memorandum and the attached Site Review criteria checklist as findings of fact, and subject to the recommended Conditions of Approval found in the memo with the following modifications to the Conditions of Approval:

Condition 2a. shall be revised to read: **2a. Final architectural plans**, including material samples and colors, to ensure compliance with the intent of this approval and compatibility with the surrounding area. The architectural intent shown on the approved plans prepared by the Applicant on Nov. 14, 2014 is generally acceptable. The final plans shall be revised to show an increased building setback at the fourth floor of wings A and C intended to decrease the perception of building height from the public right of way. Specifically, the Applicant shall integrate into the design a 65' setback from the Pearl Street frontage and a 30' setback from the 30th Street frontage starting at the northeast corner and extending south to encompass and wrap the southeast corner for a distance of 80 feet. The Applicant may recover floor area within other areas of the campus that do

not materially change the size, configuration or design of the central common space. The final architectural plans shall also be revised include additional pedestrian interest to the ground floor along Pearl St. and 30<sup>th</sup> St. Planning staff will review plans to assure that the architectural intent is performed.

Add to Condition 2.b.: The final site plan shall show a pedestrian connection connecting the multi-use path from the southwest corner of Building C with the Pearl Street right of way.

Revise Condition 5 to read: Prior to a building permit application, the Applicant shall submit a **financial guarantee**, in a form acceptable to the Director of Public Works, in an amount equal to the cost of providing Eco-Passes, Car Share services, B-cycle membership and Guaranteed Ride Home, or, if those do no longer exist, for other equally effective TDM strategies, to the employees of the development for seven years after the issuance of a certificate of occupancy as proposed in the Applicant’s Transportation Demand Management (TDM) plan.

Added by friendly amendment by **J. Gerstle** which was accepted by **A. Brockett**:

Add a Condition 2.f.: Enhance the TDM plan to ensure that all employees are provided with financial incentives not to drive. That may include either a positive or negative incentive with regard to the use of parking spaces such as requiring employees to pay for parking spaces or being provided with some sort of payment not to drive.

In approving the application, the Planning Board found that the proposed project was consistent with the BVCP land use designation and policies, as well as the Business Regional – 1 (BR-1) zoning. The board also found that the application was responsive to comments received at the two previous Concept Plan reviews and that the project was consistent with the BVRC Design Guidelines. Draft minutes from the hearing are provided in Attachment B.

## SUMMARY OF ANALYSIS

In approving the application, a majority of 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 meets the Site Review Criteria for pedestrian oriented building design, high quality building materials, Transportation Demand Management (TDM) measures to reduce dependence on single occupancy vehicles, and consistency with the a number of BVCP policies including:

1.03	Principles of Economic Sustainability	2.32	Physical Design for People
2.03	Compact Land Use Pattern	2.33	Environmentally Sensitive Urban Design
2.17	Variety of Activity Centers	2.34	Importance of Street Trees and Streetscapes
2.21	Commitment to a Walkable and Accessible Community	2.37	Enhanced Design for Private Sector Projects
2.23	Trail Corridors/Linkages	5.02	Regional Job Center
2.30	Sensitive Infill and Redevelopment	5.05	Support for Local Business and Business Retention
		5.06	Industry Clusters

2. The proposed project's massing, scale, design and materials are compatible with the surrounding context where a variety of building heights exist in an area anticipated for higher intensity redevelopment.
3. The application is consistent with the BVCP Design Guidelines:
  - a. The building is located close to the street.
  - b. The building is oriented with entrances to the street with the main façades and entryways located along 30<sup>th</sup> and Pearl streets.
  - c. The building will maintain a human scale with use of standard sized brick in an alternating brick pattern.
  - d. For human scale and visual interest, the mass of the building is articulated vertically and horizontally as conditioned.
  - e. The provision of a new streetscape along with enhancements to the ditch corridor and provision of a new multi-use path will augment pedestrian and bicycle connectivity in the area.
4. The proposed project includes provision of interior bike storage rooms that accommodate bike racks for 263 bikes and exterior bike racks (some covered some uncovered) to accommodate 90 bikes; and given the adjacency to the regional bus facility, the citywide bike path connection; and the mix of uses within ¼ to ½ mile radius of the site, the parking reduction was found to meet the review criteria.

## **CONCLUSION**

By a majority vote (5-1, Payton opposed; Putnam recused) the Planning Board 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 Jan. 5, 2015, and with one City Council meeting during that time, it may consider this application for call-up at its **Dec. 16, 2014** public meeting. City Council requested statistics on the amount of Commercial/Industrial square footage constructed in the past decade which are provided in Attachment B.

## **ATTACHMENTS:**

- A. Planning Board Notice of Disposition dated Dec. 4, 2014
- B. Summary of Commercial/Industrial Square Footage Added 2003-2014
- C. Dec. 4, 2014 Planning Board Hearing Draft Minutes
- D. Project Plans and Written Statement



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

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

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

You are hereby advised that on December 4, 2014 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: PEARL PLACE**  
**DESCRIPTION: SITE REVIEW to redevelop with three, four-story buildings of Class A office in a campus format with below grade parking. Design includes enhanced building architecture, high quality landscaped open spaces, and provision of the east-west running multi-use path as desired by the connections plan. In addition, the existing waterway bisecting site will be modified and improved. A total of 330,000 square feet will occur in 2 phases: the first phase (south) consisting of two office buildings totaling approximately 220,000 square feet, and the second phase (north) will consist of one office building of approximately 110,000 square feet.**  
**LOCATION: 2920 and 2930 PEARL ST; 2095, 2111 and 2121 30<sup>th</sup> ST**  
**COOR: N04W04**  
**LEGAL DESCRIPTION: See Exhibit A Attached**  
**APPLICANT: COLLIN KEMBERLIN**  
**OWNER: PEARL PLACE ASSOCIATES, LLC and PEREGRINE RIDGE LLC**  
**APPLICATION: Site Review, LUR2014-00035**  
**ZONING: BR-1**  
**CASE MANAGER: Elaine McLaughlin**  
**VESTED PROPERTY RIGHT: YES, the applicant is seeking to create vested rights**

**APPROVED MODIFICATIONS FROM THE LAND USE REGULATIONS:**

Section 9-7, "Form and Bulk Standards," B.R.C. 1981:

- 55' building height when 35' is allowed by right
- Four stories when three are allowed by right

Section 9-9, "Development Standards," B.R.C. 1981:

- Parking reduction of 25%

This decision may be called up before the City Council on or before **January 5, 2015**. 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

**Address: 2920 and 2930 Pearl; 2085, 2111 and 2121 30<sup>th</sup> Street**

must begin and substantially complete the approved development in compliance with the approved phasing plan. Failure to "substantially complete" (as defined in Section 9-2-12, Boulder Revised Code 1981) the development in compliance with the approved phasing plan shall cause this development approval to expire.

At its public hearing on December 4, 2014 the Planning Board approved the request with the following motion:

On a motion by **A. Brockett**, seconded by **L. May**, the Planning Board voted 5-1 (**L. Payton** opposed, **J. Putnam** recused) to approve Site Review case no. LUR2014-00035, as described in the staff memorandum incorporating the staff memorandum and the attached Site Review criteria checklist as findings of fact, and subject to the recommended Conditions of Approval found in the memo with the following modifications to the Conditions of Approval:

Condition 2a. shall be revised to read: **2a. Final architectural plans**, including material samples and colors, to ensure compliance with the intent of this approval and compatibility with the surrounding area. The architectural intent shown on the approved plans prepared by the Applicant on Nov. 14, 2014 is generally acceptable. The final plans shall be revised to show an increased building setback at the fourth floor of wings A and C intended to decrease the perception of building height from the public right of way. Specifically, the Applicant shall integrate into the design a 65' setback from the Pearl Street frontage and a 30' setback from the 30th Street frontage starting at the northeast corner and extending south to encompass and wrap the southeast corner for a distance of 80 feet. The Applicant may recover floor area within other areas of the campus that do not materially change the size, configuration or design of the central common space. The final architectural plans shall also be revised to include additional pedestrian interest to the ground floor along Pearl St. and 30<sup>th</sup> St. Planning staff will review plans to assure that the architectural intent is performed.

Add to Condition 2.b.: The final site plan shall show a pedestrian connection connecting the multi-use path from the southwest corner of Building C with the Pearl Street right of way.

Revise Condition 5 to read: Prior to a building permit application, the Applicant shall submit a **financial guarantee**, in a form acceptable to the Director of Public Works, in an amount equal to the cost of providing Eco-Passes, Car Share services, B-cycle membership and Guaranteed Ride Home, or, if those do no longer exist, for other equally effective TDM strategies, to the employees of the development for seven years after the issuance of a certificate of occupancy as proposed in the Applicant's Transportation Demand Management (TDM) plan.

Added by friendly amendment by **J. Gerstle** which was accepted by **A. Brockett**:

Enhance the TDM plan to ensure that all employees are provided with financial incentives not to drive. That may include either a positive or negative incentive with regard to the use of parking spaces such as requiring employees to pay for parking spaces or being provided with some sort of payment not to drive.

## CONDITIONS OF APPROVAL

1. The Applicant shall ensure that the **development shall be in compliance with all approved plans prepared by the Applicant** on Nov. 14, 2014 on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval.
2. Prior to a building permit application, the Applicant shall submit a Technical Document Review application for the following items, subject to the approval of the City Manager:
  - a. **Final architectural plans**, including material samples and colors, to ensure compliance with the intent of this approval and compatibility with the surrounding area. The architectural intent shown on the approved plans prepared by the Applicant on Nov. 14, 2014 is generally acceptable. The final plans shall be revised to show an increased building setback at the fourth floor of wings A and C intended to decrease

the perception of building height from the public right of way. Specifically, the Applicant shall integrate into the design a 65' setback from the Pearl Street frontage and a 30' setback from the 30th Street frontage starting at the northeast corner and extending south to encompass and wrap the southeast corner for a distance of 80 feet. The Applicant may recover floor area within other areas of the campus that do not materially change the size, configuration or design of the central common space. The final architectural plans shall also be revised to include additional pedestrian interest to the ground floor along Pearl St. and 30<sup>th</sup> St. Planning staff will review plans to assure that the architectural intent is performed.

- b. A **final site plan** illustrating the approved site configuration. The final site plan shall show a pedestrian connection connecting the multi-use path from the southwest corner of Building C with the Pearl Street right of way.
  - c. A **final utility plan** meeting the City of Boulder Design and Construction Standards.
  - d. A **final storm water report and plan** meeting the City of Boulder Design and Construction Standards.
  - e. **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: street and multi-use path plan and profile drawings, street and multi-use path cross-sectional drawings, demolition and signage and striping plans in conformance with Manual on Uniform Traffic Control Devices (MUTCD) standards, transportation detail drawings of the median barrier, barrier islands and the multi-use path, geotechnical soils report, and pavement analysis.
  - f. A **detailed landscape plan**, including size, quantity, and type of plants existing and proposed; type and quality of non-living landscaping materials; any site grading proposed; and any irrigation system proposed, to ensure compliance with this approval and the City's landscaping requirements. Removal of trees must receive prior approval of the Planning Department. Removal of any tree in City right of way must also receive prior approval of the City Forester.
  - g. A **detailed outdoor lighting plan** showing location, size, and intensity of illumination units, indicating compliance with section 9-9-16, B.R.C.1981.
3. Prior to a building permit application, the Applicant shall submit a **Final Plat**, subject to the review and approval of the City Manager, and execute a **subdivision agreement** meeting the requirements of Chapter 9-12, "Subdivision," B.R.C. 1981, which provide, without limitation and at no cost to the City, for the following:
- a. The **dedication, to the City, of all easements necessary** to serve the development.
  - b. The **vacation of all easements where vacation is necessary** for construction of the development.
  - c. The **construction of all public improvements** necessary to serve the development.
  - d. A **financial guarantee**, in a form acceptable to the Director of Public Works, in an amount equal to the cost of constructing all public improvements necessary to serve the development.
  - e. The Applicant shall be responsible for and shall ensure, in a form acceptable to the City Manager, the **continued and perpetual maintenance**, and the repair, reconstruction, or replacement, of the proposed non-standard RTD Transit Shelter along 30<sup>th</sup> Street, by property owners in the development. These improvements and their decorative elements shall be kept in good repair, clean, and in a safe and unobstructed condition. This maintenance obligation shall include snow removal from the entire width of said improvements.
4. Prior to a building permit application, the Applicant shall ensure that the owner of the property known as 2800 Pearl Street dedicate **to the City, at no cost to the City and as part of a Technical Document Review application, a drainage and flood control easement** as shown on the approved plans for the realignment of the

Attachment A - Planning Board Notice of Disposition dated Dec. 4, 2014

Boulder Slough, meeting the City of Boulder Design and Construction Standards, the form and final location of which shall be subject to the approval of the City Manager.

5. Prior to a building permit application, the Applicant shall submit a **financial guarantee**, in a form acceptable to the Director of Public Works, in an amount equal to the cost of providing Eco-Passes, Car Share services, B-cycle membership and Guaranteed Ride Home, or, if those do no longer exist, for other equally effective TDM strategies, to the employees of the development for seven years after the issuance of a certificate of occupancy as proposed in the Applicant's Transportation Demand Management (TDM) plan.
6. Prior to a building permit application, the Applicant shall obtain **written approval from the Boulder and Left Hand Ditch and the North Boulder Farmers Ditch Companies** allowing the following: 1) all modifications to the ditches and 2) accepting the discharge of groundwater into the ditches resulting from the development. The Applicant assumes the risk that failure to obtain written approval may require an amendment to this approval.
7. Prior to a building permit application, the Applicant shall ensure that the owner of the property known as 2950 Pearl Street submit to the City and obtain approval of all development review applications necessary to:
  - a. **Remove the approximately 75' x 22' parcel ("Parcel") that is currently part of Site Review #SI-99-21;** and
  - b. **Release of the Parcel from the Development Agreement** between Pueblo Bank and Trust Company and the City recorded in the office of the Boulder County Clerk and Recorder at Reception No. 01970443 on August 11, 1999.
8. Pursuant to subsection 9-2-12(a), "Three Year Rule," B.R.C. 1981, the following **development/phasing plan** is approved:
  - a. Phase I, to construct a 220,000 square foot, 4-story building, shall commence at the date of this approval and shall be substantially completed within three years.
  - b. Phase II, to construct a 110,000 square foot, 4-story story addition, shall commence four years after the expiration of Phase 1 and expires three years thereafter.
9. Prior to building permit application for Phase 2, the Applicant shall obtain **all necessary approvals and authorizations** for the portion of the telecommunication duct bank crossing any City easement or right of way. The Applicant assumes the risk that failure to obtain the necessary approvals and authorizations may require an amendment to this approval.
10. Prior to a building permit application for Phase 2, the Applicant shall obtain **all necessary approvals and authorizations** for the portion of the structure spanning any City easement or right of way. The Applicant assumes the risk that failure to obtain the necessary approvals and authorizations may require an amendment to this approval.
11. Enhance the TDM plan to ensure that all employees are provided with financial incentives not to drive. That may include either a positive or negative incentive with regard to the use of parking spaces such as requiring employees to pay for parking spaces or being provided with some sort of payment not to drive.

By:

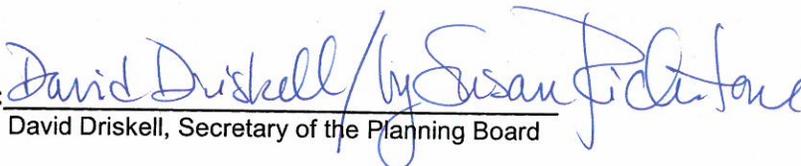
  
David Driskell, Secretary of the Planning Board

Exhibit A: Legal Description

PARCEL DESCRIPTION

(PROVIDED BY STEWART TITLE)

PARCEL I:

A PARCEL OF LAND LOCATED IN THE SE 1/4 OF THE NW 1/4 OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WEST SIDE OF COUNTY ROAD NO. 221B AND THE SOUTH SIDE OF PEARL STREET EXTENDED EASTERLY; THENCE SOUTH 75° WEST, 208.05 FEET ALONG THE SOUTH SIDE OF PEARL STREET EXTENDED EASTERLY, TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 75° WEST, 235.00 FEET ALONG THE SOUTH SIDE OF PEARL STREET EXTENDED EASTERLY; THENCE SOUTH 15° EAST, 150.00 FEET AT RIGHT ANGLES TO THE SOUTH SIDE OF PEARL STREET EXTENDED EASTERLY; THENCE SOUTH 75° WEST, 75.00 FEET PARALLEL TO THE SOUTH SIDE OF PEARL STREET EXTENDED EASTERLY; THENCE SOUTH 15° EAST, 134.74 FEET AT RIGHT ANGLES TO THE SOUTH SIDE OF PEARL STREET EXTENDED EASTERLY; THENCE NORTH 75° EAST, 255.00 FEET PARALLEL TO THE SOUTH SIDE OF PEARL STREET EXTENDED EASTERLY; THENCE NORTH 4°04' WEST, 290.00 FEET TO THE TRUE POINT OF BEGINNING, LESS THE FOLLOWING:

BEGINNING AT THE INTERSECTION OF THE WEST SIDE OF COUNTY ROAD NO. 221B AND THE SOUTH SIDE OF PEARL STREET EXTENDED EASTERLY; THENCE SOUTH 75° WEST, 250.00 FEET ALONG THE SOUTH SIDE OF PEARL STREET EXTENDED EASTERLY TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 75° WEST, 75.00 FEET ALONG THE SOUTH SIDE OF PEARL STREET EXTENDED EASTERLY; THENCE SOUTH 15° EAST, 200.00 FEET AT RIGHT ANGLES TO THE SOUTH SIDE OF PEARL STREET EXTENDED EASTERLY; THENCE NORTH 75° EAST, 75.00 FEET PARALLEL TO THE SOUTH SIDE OF PEARL STREET EXTENDED EASTERLY; THENCE NORTH 15° WEST, 200.00 FEET AT RIGHT ANGLES TO THE SOUTH SIDE OF PEARL STREET EXTENDED, TO THE TRUE POINT OF BEGINNING, AND EXCEPT THAT PARCEL DESCRIBED IN WARRANTY DEED RECORDED NOVEMBER 2, 1961, IN BOOK 1208, AT PAGE 79, AND EXCEPT THAT PARCEL OF LAND DESCRIBED IN WARRANTY DEED RECORDED MARCH 13, 1979, AT RECEPTION NUMBER 326946, COUNTY OF BOULDER, STATE OF COLORADO.

PARCEL II:

THE BENEFICIAL EASEMENT FOR INGRESS, CREATED BY GRANT OF EASEMENT RECORDED JULY 30, 1982, ON FILM 1215, AT RECEPTION NUMBER 505015, COUNTY OF BOULDER, STATE OF COLORADO.

PARCEL III:

LOT 3,  
DAYTON-HUDSON SUBDIVISION,  
COUNTY OF BOULDER,  
STATE OF COLORADO.

PARCEL IV:

A TRACT OF LAND IN THE SE1/4NW1/4 AND THE NE1/4SW1/4 OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:

Attachment A - Planning Board Notice of Disposition dated Dec. 4, 2014

COMMENCING AT THE INTERSECTION OF THE WEST SIDE OF COUNTY ROAD 221B (30TH STREET), AND THE SOUTH SIDE OF PEARL STREET EXTENDED EASTERLY; THENCE S75°00'W, 208.05 FEET ALONG THE SOUTH LINE OF SAID PEARL STREET, EXTENDED EASTERLY TO THE NE CORNER OF THAT TRACT OF LAND CONVEYED TO FREDERIC A. PRUETT AND AS DESCRIBED IN WARRANTY DEED RECORDED IN BOOK 1171 AT PAGE 379, OF THE BOULDER COUNTY RECORDS, BOULDER COUNTY, COLORADO; THENCE S04°04'E, 290.00 FEET ALONG THE EAST LINE OF THAT TRACT DESCRIBED IN BOOK 1171 AT PAGE 379 TO THE SOUTHEAST CORNER THEREOF; THENCE S75°00'W, 32.24 FEET ALONG THE SOUTH LINE OF THAT TRACT DESCRIBED IN SAID BOOK 1171 AT PAGE 379 TO THE APPROXIMATE CENTERLINE OF THE BOULDER AND LEFT HAND DITCH AND THE TRUE POINT OF BEGINNING;

THENCE S71°20'E, 69.03 FEET ALONG THE APPROXIMATE CENTERLINE OF SAID BOULDER AND LEFT HAND DITCH; THENCE N82°05'E, 85.00 FEET ALONG THE APPROXIMATE CENTERLINE OF SAID BOULDER AND LEFT HAND DITCH; THENCE N70°40'E, 66.00 FEET ALONG THE APPROXIMATE CENTERLINE OF SAID BOULDER AND LEFT HAND DITCH TO THE WEST LINE OF COUNTY ROAD NO. 221B; THENCE S00°03'20"E 121.88 FEET ALONG THE WEST LINE OF SAID COUNTY ROAD NO. 221B, TO THE SOUTH LINE OF THAT TRACT OF LAND CONVEYED TO JACK T. THOMPSON AND JANE F. THOMPSON AS DESCRIBED IN WARRANTY DEED RECORDED IN BOOK 1185 AT PAGE 423, OF SAID BOULDER COUNTY RECORDS; THENCE S80°54'W, 401.10 FEET ALONG THE SOUTH LINE OF THAT TRACT DESCRIBED IN SAID BOOK 1185 AT PAGE 423 TO THE SW CORNER THEREOF; THENCE N15°00'W, 120.28 FEET ALONG THE WEST LINE OF THAT TRACT DESCRIBED IN SAID BOOK 1185 AT PAGE 423, TO THE SOUTH LINE OF THAT TRACT DESCRIBED IN SAID BOOK 1171 AT PAGE 379; THENCE N75°00'E, 222.76 FEET, ALONG THE SOUTH LINE OF THAT TRACT DESCRIBED IN SAID BOOK 1171 AT PAGE 379 TO THE TRUE POINT OF BEGINNING,

EXCEPT THE FOLLOWING DESCRIBED PROPERTY, CONVEYED TO THE CITY OF BOULDER:

THAT PORTION OF THE NE 1/4 NE 1/4 SW 1/4 AND THE SE 1/4 SE 1/4 NW 1/4 OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 NORTHEAST 1/4 SOUTHWEST 1/4 OF SAID SECTION 29; THENCE N00°14'20"W, ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 29, A DISTANCE OF 660.77 FEET; THENCE S89°40'40"W, A DISTANCE OF 30.00 FEET TO THE WEST LINE OF 30TH STREET WHICH POINT IS THE SE CORNER OF THAT

TRACT OF LAND CONVEYED BY JACK T. THOMPSON, JANE F. THOMPSON AND W. F. RENO TO JAMES W. KACK BY DEED RECORDED AUGUST 6, 1968, ON FILM 642, AT RECEPTION NUMBER 886448, AND THE TRUE POINT OF BEGINNING;

THENCE N00°14'20"W, ALONG THE EAST LINE OF SAID TRACT OF LAND DESCRIBED ON FILM 642, AT RECEPTION NUMBER 886448 AND PARALLEL WITH THE NORTH-SOUTH CENTERLINE OF SAID SECTION 29, A DISTANCE OF 121.88 FEET TO THE NE CORNER OF SAID TRACT OF LAND DESCRIBED ON FILM 642, AT RECEPTION NUMBER 886448; THENCE S70°29'00"W, ALONG THE NORTH LINE OF SAID TRACT OF LAND DESCRIBED ON FILM 642, AT RECEPTION NUMBER 886448, A DISTANCE OF 11.12 FEET; THENCE S00°14'20"E, PARALLEL WITH THE NORTH-SOUTH CENTERLINE OF SAID SECTION 29, A DISTANCE OF 119.88 FEET TO THE SOUTH LINE OF THE SAID TRACT OF LAND DESCRIBED ON FILM 642, AT RECEPTION NUMBER 886448; THENCE N80°43'00"E, ALONG THE SOUTH LINE OF SAID TRACT OF LAND DESCRIBED ON FILM 642, AT RECEPTION NUMBER 886448, A DISTANCE OF 10.63 FEET TO THE TRUE POINT OF BEGINNING, COUNTY OF BOULDER, STATE OF COLORADO.

Attachment A - Planning Board Notice of Disposition dated Dec. 4, 2014

PARCEL V:  
THAT PART OF THE SE 1/4 NW 1/4 OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 70  
WEST OF THE 6TH P.M., DESCRIBED AS  
FOLLOWS:

BEGINNING AT A POINT WHICH BEARS SOUTH 75° WEST A DISTANCE OF 518.05 FEET  
FROM THE INTERSECTION OF THE WEST SIDE OF COUNTY ROAD NO. 221B AND THE  
SOUTH SIDE OF PEARL STREET EXTENDED EASTERLY IN THE CITY OF BOULDER,  
COLORADO; THENCE SOUTH 15° EAST, A DISTANCE OF 150 FEET; THENCE EASTERLY  
AND PARALLEL WITH THE SOUTH SIDE OF PEARL STREET A DISTANCE OF 75 FEET;  
THENCE NORTH 15° WEST, A DISTANCE OF 150 FEET, MORE OR LESS, TO A POINT ON  
THE SOUTH SIDE OF PEARL STREET EXTENDED EASTERLY; THENCE SOUTH 75° WEST  
ALONG THE SOUTH SIDE OF SAID PEARL STREET EXTENDED EASTERLY, A DISTANCE  
OF 75 FEET, MORE OR LESS, TO THE POINT OF BEGINNING,  
(BEING THE SAME PROPERTY EXCEPTED IN THAT CERTAIN WARRANTY DEED FROM  
GORDON ARNOLD AND EVA ARNOLD TO REGINA L. HOWARD DATED SEPTEMBER 16,  
1960, RECORDED OCTOBER 5, 1960, IN BOOK 1158, AT PAGE 255, OF THE RECORDS OF  
BOULDER COUNTY, COLORADO)  
COUNTY OF BOULDER,  
STATE OF COLORADO.

PARCEL VI:  
LOT 2,  
HEFFRON SUBDIVISION,  
COUNTY OF BOULDER,  
STATE OF COLORADO.

PARCEL VII:  
THE BENEFICIAL EASEMENTS FOR INGRESS, EGRESS AND PARKING AS SHOWN ON  
THE PLAT OF HEFFRON SUBDIVISION, RECORDED FEBRUARY 5, 1976, ON FILM 913, AT  
RECEPTION NUMBER 166001,  
COUNTY OF BOULDER,  
STATE OF COLORADO.

PARCEL VIII:  
THE BENEFICIAL EASEMENTS FOR INGRESS AND EGRESS, CREATED BY GRANT OF  
EASEMENT AND RIGHT-OF-WAY AGREEMENT RECORDED MARCH 8, 1979, ON FILM 1053,  
AT RECEPTION NUMBER 326506,  
COUNTY OF BOULDER,  
STATE OF COLORADO.

PARCEL IX:  
THE BENEFICIAL EASEMENTS FOR INGRESS, EGRESS AND PARKING, CREATED BY  
GRANT OF EASEMENT AND RIGHT-OF-WAY AGREEMENT RECORDED MARCH 8, 1979,  
ON FILM 1053, AT RECEPTION NUMBER 326507,  
COUNTY OF BOULDER,  
STATE OF COLORADO.

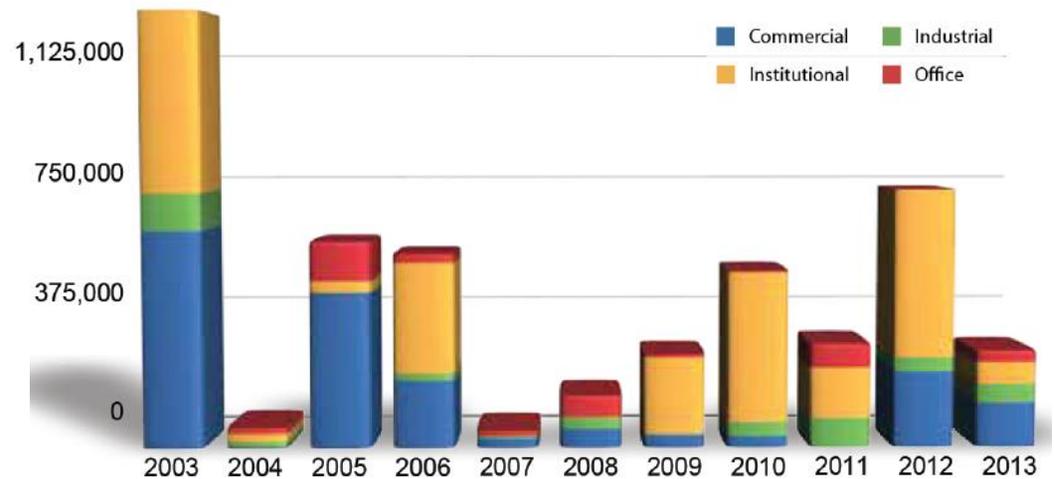
## Attachment B - Summary of Commercial/Industrial Square Footage Added 2003-2014

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	TOTAL
Commercial	615,454	3,762	441,152	192,687	27,587	54,233	37,301	32,802	427	216,231	126,581	1,748,217
Industrial	106,841	15,996	919	20,837	7,698	32,056	2,029	40,070	82,807	40,457	53,814	403,524
Institutional	511,560	23,032	32,569	313,032	-	2,356	218,147	425,583	144,420	474,875	62,481	2,208,055
Office	651	15,804	111,423	24,619	14,364	60,200	8,135	4,775	68,268	461	32,513	341,213
											subtotal	4,701,009
											DEMO*	1,180,364
											TOTAL NET	
											NEW	<b>3,520,645</b>

\* Demolished Square footage 1/1/2003 to 12/31/2013: 1,180,364 square feet. Categories defined based on assessor data.

Note: In 2014 year-to-date, 98,700 square feet of non-residential space has been built, but is not available by assessor category as shown above.

### New Non-Residential Square Footage<sup>11</sup>



11. City of Boulder Department of Community Planning and Sustainability Services. New nonresidential square footage includes University of Colorado (institutional category) but not Boulder Valley School district and federal facilities.

**CITY OF BOULDER  
PLANNING BOARD ACTION MINUTES  
December 4, 2014  
1777 Broadway, Council Chambers**

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

**PLANNING BOARD MEMBERS PRESENT:**

Aaron Brockett, Chair  
Bryan Bowen  
Crystal Gray  
John Putnam  
John Gerstle  
Leonard May  
Liz Payton

**PLANNING BOARD MEMBERS ABSENT:**

John Putnam was recused from item 5B.

**STAFF PRESENT:**

Susan Richstone, Deputy Director, CP&S  
Hella Pannewig, Assistant City Attorney  
Susan Meissner, Administrative Assistant III  
Sam Assefa, Senior Urban Designer  
Charles Ferro, Development Review Manager for CP&S  
Elaine McLaughlin, Senior Planner  
Jessica Stevens, Civil Engineer II  
David Thompson, Civil Engineer II- Transportation

**1. CALL TO ORDER**

Chair, **A. Brockett**, declared a quorum at 5:03 p.m. and the following business was conducted.

**2. APPROVAL OF MINUTES**

On a motion by **C. Gray** and seconded by **J. Gerstle** the Planning Board approved 7-0 the October 16, 2014 Planning Board minutes.

**3. PUBLIC PARTICIPATION**

- 1. Stephen Haydel**, 1935 Grove Street, spoke about the trend toward height variances in Boulder, especially near the transit village area. He expressed concern about added density and traffic.

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

- A. Call Up: Wetland Permit (LUR2014-00091) Dry Creek Flume Repair. Expires December 9, 2014
- B. Call Up: Use Review (LUR2014-00073) 2353 13th Street. Expires: December 12, 2014
- C. Call Up: Site and Use Review (LUR2014-00057) 1955 28th Street. Expires: December 12, 2014
- D. Call Up: Site and Use Review (LUR2014-00055 and LUR2014-00080) 2880 Wilderness Place. Expires: December 12, 2014

**L. Payton** called up item 4C. No other items were called up.

#### **5. PUBLIC HEARING ITEMS**

A. Public hearing regarding Site and Use Review application no. LUR2008-00034, Flatirons Storage Facility located at 5675 Arapahoe Ave., a request to extend the original Site and Use Review approvals for the property beyond the expiration period as permitted by the development code.

Applicant: WW Reynolds  
Owner: LJD Enterprises

##### **Staff Presentation:**

**C. Ferro** introduced the item.

**E. McLaughlin** presented the item to the board.

##### **Board Questions:**

**E. McLaughlin** answered questions from the board.

**E. Stafford** answered questions from the board.

##### **Applicant Presentation:**

**Jeff Wingert**, the applicant, presented to the board.

##### **Board Questions:**

**Jeff Wingert**, the applicant, answered questions from the board.

##### **Public Hearing:**

No one from the public spoke.

##### **Board Comments:**

There were no comments from the board.

**Motion:**

On a motion by C. Gray, seconded by J. Putnam, the Planning Board voted 7-0 to approve the extension for the development approval of case no LUR2008-00034 based on the condition that the applicant begin and substantially complete the construction process within three years of the date of the Planning Board hearing, December 4, 2014.

**A. SITE REVIEW** for the proposed removal of existing structures and a two-phased redevelopment with three, four-story buildings of Class A office in a campus format with below grade parking for the property located at 2095, 2111 and 2121 30<sup>th</sup> Street along with 2920 and 2930 Pearl Street. Design includes enhanced building architecture, high quality landscaped open spaces, and provision of the east-west running multi-use path as consistent with the City's adopted connections plan. In addition, the existing ditch bisecting site will be modified and improved. A total of 330,000 gross square feet in two phases (200,000 square feet in initial phase) with maximum 55' building height and four-stories is requested. Site Review case no. LUR2014-00035. The applicant intends to pursue Vested Rights per section 9-2-19, B.R.C. 1981

Applicant: Collin Kimberlin

Property Owners: Pearl Place Associates, LLC

**Board Disclosures:**

- **J. Putnam** recused himself from the item.
- **A. Brockett, B. Bowen** and **J. Gerstle** disclosed that they read the Daily Camera article that discussed the potential tenant for space; they did not feel that it would affect their ability to make an impartial decision.
- **L. Payton** disclosed that she owns some Google stock but that it would not affect her ability to make an impartial decision.

**Staff Presentation:**

**C. Ferro** introduced the item.

**E. McLaughlin** presented the item to the board.

**Board Questions:**

**E. McLaughlin** answered questions from the board.

**C. Ferro** answered questions from the board.

**D. Thompson** answered questions from the board.

**Applicant Presentation:**

**Kevin Foltz**, from Forum Investment Group, presented to the board.

**Collin Kimberlin** the applicant, presented the item to the board.

**Scott Green**, a representative from Google, spoke to the board.

**Board Questions:**

**Collin Kimberlin**, the applicant, answered questions from the board.

**Leslie Ewe**, from the Sanitas Group, answered questions from the board.

**Emily Glutner**, the transportation consultant, answered questions from the board.

**John Pawlowski**, the chairman for the TDM board for Boulder Junction, answered questions from the board.

**David Tryba**, the architect, answered questions from the board.

**Public Hearing:**

1. **Mike Marsh, 265 31<sup>st</sup> Street**, pooled with **Catherine Dawson-Latamboise, 215 31<sup>st</sup> Street**, expressed concerns about the impact that this project could have on rents and affordable housing. There needs to be a balance of work and living spaces in town.
2. **Clif Harald, 2440 Pearl Street**, spoke in support of the project and felt that it complied with all city policies. The Boulder Economic Council supports the project.
3. **Patrick Dillard, P.O. Box 7978, Boulder**, expressed concerns about housing ratios and recommended that the developer pay impact fees for affordable housing. He also supported the Community Cycles recommendation to add a multi-use path through the site.
4. **Stephen Haydel, 1935 Grove Street**, noted that site access will be restricted to Google employees for security purposes. The only access point is along 30<sup>th</sup> Street and could be problematic. The development on the other side of the street will also be 55 feet.
5. **Ruth Blackmore, 705 S. 41<sup>st</sup> Street**, wanted to know how many of the 1,500 employees will be incommuting. She would like to see job linkage fees for commercial spaces to add affordable housing. She cautioned about the traffic and groundwater.
6. **Paul Walmsley, 1630 30<sup>th</sup> Street**, is a computer programmer and thought it was exciting that Google wants to relocate in Boulder. He opposed the existing proposal because it will not have any public uses and this area is becoming a new heart for Boulder. Redesign to host public uses on the ground floor or relocate the project to a light industrial site.

**Board Comments:**

**General Impressions and Consistency with BVCP Policies:**

**L. Payton** discussed the environmental, social, economic sustainability impacts of the project. She thought the proposal would have a negative impact on the community's environmental sustainability due to increased car trips and use of materials for construction. Economically, she noted that it would increase jobs in Boulder but also cited negative impacts on the small, local businesses displaced by this development. Social sustainability would be adversely impacted by increasing housing demand and costs. With regard to the BVCP, she cited several incompatibilities including its stress on the jobs/housing balance, lack of transit and pedestrian-oriented features, overabundance of parking, and lack of attention to the neighborhood context due to the insular, commercial office park feel. She thought that the density was excessive, the height would block views, and the streetscape was insufficient and lacked a human scale; add pedestrian interest and more of a tree lawn buffer along 30<sup>th</sup> Street. She liked the reference to Boulder High School, multi-use path and open space.

**J. Gerstle** generally agreed with L. Payton's comments on BVCP policies. He disapproved of the setback reduction along 30<sup>th</sup> Street because it would be inadequate for pedestrian life. He thought the multiuse pathway along the western boundary should be completed to the northern edge of the site. He expressed concern about the development's impact on traffic, incommuting and housing in the community.

**B. Bowen** disagreed with **L. Payton** and **J. Gerstle**. He thought the proposal generally complied with the BVCP policies. He expressed some concern that it does not contain retail, that it lacks permeability and that it may impact local housing costs; he wished that there were a mechanism for balancing the housing issue. He noted that this parcel has been designated for high density development and therefore thought the proposed intensity was appropriate. He sympathized that it is difficult to watch the city and businesses change.

**A. Brockett** agreed with **B. Bowen** and thought that the proposal was fundamentally in line with BVCP policies. He noted that this is one of three areas in the city slated for intense development and saw this as a positive urban infill project that would move away from more suburban land use in the transit rich area. He thought the proposal had improved enormously since the first concept review. He liked the circulation; cars move underground quickly, the central open space is positive, and the multi-use path will be a great public amenity. He thought the development would be good for the economic sustainability of the city; companies bring in money from out of town and reinvest in our city. It is important to have users that need larger floor plates in transit-rich areas of town so people can commute by bus, walking or bike. This will have lower transportation impacts than large office campuses like NCAR and IBM. He shared concerns about possible impacts on housing costs and recommended that the city implement a linkage fee to support affordable housing for future projects. He would prefer to see retail on the ground floor but understood the constraints and noted that there is other retail in the area. He thought the two story portion of the building on Pearl Street would add to pedestrian interest.

**C. Gray** thought the project was consistent with the BVCP policies but not was consistent with the neighborhood policies. She liked the architecture and that it was distinct from downtown. The buildings have a sense of permanence in an area where the nearby buildings feel more temporary. She was concerned that the area could start to feel suburban if all buildings create a 55 foot datum. She would prefer to reduce the Pearl and 30th Street facades to two stories and to add retail to enhance the pedestrian experience. Connect the path to Pearl Street. Though she noted that the board does not have jurisdiction over the use, she was happy for Google to occupy the space and did not feel concern that the tech sector would overwhelm the area; there is already a diverse and solid base of employment. She thought a linkage fee would have been beneficial but are not feasible for this project. Look at the cumulative impacts of the project to assure that proposed projects are meeting the vision for the area.

**L. May** thought this proposal was much improved but was not convinced that the project generally complied with the BVCP policies. He agreed with Community Cycles letter, liked the architecture, thought that the path was acceptable as shown, and felt the open space would provide a good amenity. He found discrepancies with the BVCP concerning mass and scale, pedestrian elements and lack of mixed use elements. He also noted that it would create increased demand for services and affordable housing; though not the fault of the applicant, it would work

against the city's larger housing goal and displace local businesses without providing opportunities for their relocation on site. It also fell short on core values such as providing views of mountains, and finer grained architecture as opposed to monolithic structures. The Regional Center Guidelines call for mixed use tightly woven into project; instead, this has 800 feet of dead sidewalk. He did not find it consistent with stated goals for the area.

Given the dissenting opinions, **A. Brockett** polled the board to determine how or if the board could reach a consensus to approve the project. The remaining discussion aimed to identify and craft conditions to address the following elements that some members identified as non-compliant with the review criteria:

- Monolithic 55 foot height, specifically the building height along Pearl and 30th Streets
- Setbacks along Pearl and 30th Streets
- Lack of pedestrian interest and/or mixed use elements
- Connection between western multi-use path and Pearl Street
- Impacts on traffic and TDM requirements
- Impacts on housing

#### Site Review Criteria:

- **Building Height**
  - **L. Payton, L. May, J. Gerstle and C. Gray** expressed concern that the consistent 55 foot height was excessive and felt too monolithic. They felt that the cumulative effect of this and other buildings in the area were incompatible with Boulder's small town character and blocked views to the mountains. Most felt that this would be approvable if the heights were reduced and/or more varied on the buildings fronting Pearl and 30<sup>th</sup> Streets. Break up the monoliths and step upper stories back along the street to preserve views and create a better pedestrian experience. Consider both the pedestrian experience and the building as viewed from a block away. These members thought it would be acceptable for the southern-most building to be taller. Do not significantly alter the character of the open space with floor area replaced from the removed fourth floors.
  - **Bowen and A. Brocket** felt that the 55 foot height was appropriate for the Transit Village area. They noted that it is one of three areas in town zoned and intended for high intensity development. They generally liked the design of the buildings and the tradeoff between FAR and open space; the proposed buildings have a 2.0 FAR where 4.0 FAR is allowed.
  - Reduced building heights would likely require the applicant to make up for the lost floor area in other locations, namely the open space.
  - The applicant explained their agreement with the tenant is contingent upon a specific amount floor area. They could reduce the floor area up to, but no more than 10%.

- **Setbacks and Pedestrian Interest**

- **J. Gerstle** and **L. Payton** felt that the proposed setbacks, especially along 30<sup>th</sup> Street, were insufficient. The setbacks did not need to be pushed back to the zoning requirement, but could be increased to allow for more of a pedestrian buffer from the street; add a larger tree lawn with trees on either side.
- **B. Bowen** noted that the proposed setbacks are in response to BDAB's comments; the applicant complied with BDAB's recommendations about the building program and design. There is a large discrepancy between the direction that BDAB and Planning Board are giving to applicants. He was hesitant to ask the applicant to rework a good piece of architecture that had already responded to multiple iterations of board comments. Leave the first floor as designed.
- Several members expressed concern that there was not more pedestrian interest and would have liked to see more public retail or restaurant uses on the ground floor. The board recognized that it could not dictate use but asked the applicant to consider means for activating the ground floor spaces through art, a community space or other public uses. Avoid the creation of a dead zone, especially along 30<sup>th</sup> Street.
- The applicant clarified that a gym would be located on the first floor with views to 30<sup>th</sup> Street. Board members felt that this would enhance the pedestrian experience.
- **A. Brockett** noted that a portion of the Pearl Street façade is already two stories and could support a retail use in the future if conditions became appropriate and feasible.

- **Multi-use Path Connections**

- **J. Gerstle**, **C. Gray** and **L. Payton** would like to see the multi-use path connect with Pearl Street.

- **TDM Plan and Traffic Impacts**

- **J. Gerstle**, **L. May** and **L. Payton** felt that the applicant had not done enough analysis on the traffic impacts of the development. Expand the analysis to better understand the impacts beyond Arapahoe and to calculate the number of commuters. Given the proximity to the new Transit Center, they thought that the development should strive to have a near zero impact on traffic. **L. Payton** thought 600 parking spaces was excessive.
- **Brockett** and **B. Bowen** did not think that it was reasonable to request a near zero impact on traffic from this development. This area of Boulder is still in transition from a car-oriented area to one with more access to alternate means of transportation. They saw traffic as a sign of a healthy and vibrant urban environment; demand will incentivize and ensure the success of a more bike, pedestrian and bus-oriented design. They did not think that 600 spaces for 1,500 employees was excessive; the supply will naturally limit car traffic.

- The majority of members would support a more aggressive TDM Plan. Provide a more integrated plan that would allow Pearl Place to provide more aggressive financial incentives/deterrents for on-site parking without adversely affecting neighbors. Extend mandatory Eco Passes for employees beyond the required three year period. Most members did not want to reduce the number of parking spaces.
- **L. May** requested that the board get a better understanding of the methodologies used in traffic studies for future projects. He would support a more robust TDM plan as opposed to reducing the number of parking spaces.
- **J. Gerstle** recommended diminishing the magnitude of the project. Fewer employees would reduce impacts on traffic and housing.
- The parking consultant explained that all strategies for reducing parking demand are being employed shy of charging for parking. Any additional strategies would not be effective. The tenant does not believe in charging for parking and would prefer to provide positive incentives for using alternate means of transit.

**Housing:**

The board expressed concern that this project would contribute to the housing imbalance and cost increases in Boulder. Members recognized that the board did not have the jurisdiction to request a housing linkage fee but would like to have the ability to consider this for future projects.

**Process Moving Forward:**

The applicant will not need to return to BDAB.

**Motion:**

On a motion by **A. Brockett**, seconded by **L. May**, the Planning Board voted 5-1 (**L. Payton** opposed, **J. Putnam** recused) to approve Site Review case no. LUR2014-00035, as described in the staff memorandum incorporating the staff memorandum and the attached Site Review criteria checklist as findings of fact, and subject to the recommended Conditions of Approval found in the memo with the following modifications to the Conditions of Approval:

Condition 2a. shall be revised to read: 2a. Final architectural plans, including material samples and colors, to ensure compliance with the intent of this approval and compatibility with the surrounding area. The architectural intent shown on the approved plans prepared by the Applicant on Nov. 14, 2014 is generally acceptable. The final plans shall be revised to show an increased building stepback at the fourth floor of wings A and C intended to decrease the perception of building height from the public right of way. Specifically, the Applicant shall integrate into the design a 65' stepback from the Pearl Street frontage and a 30' setback from the 30th Street frontage starting at the northeast corner and extending south to encompass and wrap the southeast corner for a distance of 80 feet. The Applicant may recover floor area within other areas of the campus that do not materially change the size, configuration or design of the central

common space. The final architectural plans shall also be revised include additional pedestrian interest to the ground floor along Pearl St. and 30<sup>th</sup> St. Planning staff will review plans to assure that the architectural intent is performed.

Add to Condition 2.b.: The final site plan shall show a pedestrian connection connecting the multi-use path from the southwest corner of Building C with the Pearl Street right of way.

Revise Condition 5 to read: Prior to a building permit application, the Applicant shall submit a financial guarantee, in a form acceptable to the Director of Public Works, in an amount equal to the cost of providing Eco-Passes, Car Share services, B-cycle membership and Guaranteed Ride Home, or, if those do no longer exist, for other equally effective TDM strategies, to the employees of the development for seven years after the issuance of a certificate of occupancy as proposed in the Applicant's Transportation Demand Management (TDM) plan.

Added by friendly amendment by **J. Gerstle** which was accepted by **A. Brockett**:

Enhance the TDM plan to ensure that all employees are provided with financial incentives not to drive. That may include either a positive or negative incentive with regard to the use of a parking space such as requiring employees to pay for parking spaces or being provided with some sort of payment not to drive.

5. MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY
  - A. DEBRIEF MEETING/CALENDAR CHECK
  - B. ADJOURNMENT

The Planning Board adjourned the meeting at 12:25 p.m.

APPROVED BY

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

\_\_\_\_\_  
DATE

*Note: Due to the size and number of pages of the plan set, Attachment B was too large to include in the memo. Therefore, a complete set of plans is available in the City Council office of the City Manager's Office.*