

THE CITY OF BOULDER
CITY COUNCIL SPECIAL MEETING
Thursday, May 28, 2015
6 PM
AGENDA

1. CALL TO ORDER AND ROLL CALL

2. PUBLIC HEARINGS

- A. Continuation of the second reading** and consideration of a motion and adopting **Ordinance No. 8029 designating** the building and property at **747 12th St., to be known as the Cowgill Property, as an individual landmark** under the city's Historic Preservation Ordinance

- B. Second reading** and consideration of a motion to adopt **Ordinance No. 8040** amending Title 9, "Land Use Code," B.R.C. 1981, **to allow medical or dental clinics or offices** and addiction recovery facilities as a conditional use in the Industrial General (IG) zoning district **near Boulder Community Health (BCH), Foothills Campus**

- C. Request for Council direction regarding strategies to support more effective enforcement of existing occupancy limits in Boulder**

3. ADJOURNMENT

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**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: May 28, 2015

AGENDA TITLE:

Continuation of the second reading and consideration of a motion amending and adopting Ordinance No. 8029 designating the building and property at 747 12th St., to be known as the **Cowgill Property**, as an individual landmark under the city's Historic Preservation Ordinance.

Owner: 747 Twelfth Street, LLC
Applicant: Landmarks Board

PRESENTERS:

Jane S. Brautigam, City Manager
David Driskell, Executive Director of Community Planning & Sustainability
Susan Richstone, Deputy Director of Community Planning & Sustainability
Tom Carr, City Attorney
David Gehr, Senior Assistant City Attorney
Lesli Ellis, Comprehensive Planning Manager
James Hewat, Senior Historic Preservation Planner
Marcy Cameron, Historic Preservation Planner

EXECUTIVE SUMMARY:

On March 3, 2015 the City Council held a quasi-judicial hearing to determine whether the proposed individual landmark designation of the property at 747 12th St. meets the purposes and standards of the Historic Preservation Ordinance (*Sections 9-11-1 and 9-11-2, B.R.C. 1981*), in balance with the goals and policies of the Boulder Valley Comprehensive Plan.

The City Council continued the public hearing to provide time to visit the property and to allow the property owner/prospective buyer and city staff to meet to explore options to develop the property and preserve the historic resources. The City Council made site visits March 30, 2015 and April 1, 2015. On April 14, 2015 the City Council met to disclose *ex parte* contacts as a result of the site visits and closed the public hearing with an understanding that findings of fact on the case would occur at a later City Council meeting. In the interim, staff has met with the property owners and prospective owners three times to discuss development options for the property.

The owner/prospective owners have indicated they would like to move forward with Option 2 to include landmarking the eastern portion of the property, relocating and landmarking the garage, removing most of the historic northwest addition to the house, be granted a 10' rear setback (where 25' is required) and be assured that they would be able to maximize the floor area ratio (FAR) for the property (see *Attachment A*, Figure 2). If the City Council chooses not to support Option 2, the applicant proposes to withdraw the demolition application on the condition that the City Council deny the current application to Landmark.

Staff is not in support of the owner/prospective owner's preferred option in that it would not adequately protect the historic resources or views into the property from 12th Street, and that it is inconsistent with the standards established for historic resource designation, potentially setting a negative precedent for designations in residential neighborhoods. Please see analysis section of this memo and *Attachment A*.

Staff would support Options 1, 3, or 4 and consider each of these options would meet the intent and purposes of the Historic Preservation Ordinance 9-11-1 and 9-11-2 of the Boulder Revised Code, 1981 (see staff analysis below). Staff's suggested motion below is based upon Option 3 and can be amended as determined by the City Council at its May 28, 2015 meeting.

Suggested Motion Language:

Staff requests the City Council's consideration of this matter and action in the form of the following motion:

Motion to amend and adopt ordinance No. 8029 designating the property at 747 12th St., to be known as the Cowgill Property (as outlined in Option 3 below), as an individual landmark under the City of Boulder's Historic Preservation Ordinance.

Motion to adopt the following findings and conclusions:

FINDINGS AND CONCLUSIONS

The City Council finds, based upon the application and evidence presented, that the proposed designation application is consistent with the purposes and standards of the Historic Preservation Ordinance, in balance with the goals and policies of the Boulder Valley Comprehensive Plan, and:

1. The proposed designation will protect, enhance, and perpetuate a building reminiscent of a past era and important in local and state history and provide a significant example of architecture from the past. Sec. 9-11-1(a), B.R.C. 1981.
2. The proposed designation will maintain an appropriate setting and environment and will enhance property values, stabilize the neighborhood, promote tourist trade and interest, and foster knowledge of the city's living heritage. 9-11-1(a), B.R.C. 1981.
3. The buildings proposed for designation have exceptionally high architectural, historic and environmental significance. The property is associated with Marthana and Josephine Cowgill, who cared for tuberculosis patients in the house prior to purchasing the Mesa Vista Sanatorium; the property possesses a high level of architectural integrity as an example of architecture of that period,

and the property has been identified as contributing resource to the identified potential University Hill local and National Register of Historic Places District. Sec. 9-11-2(a)(1), B.R.C. 1981.

4. In this case, designation over an owner's objection is appropriate because (i) the house and garage are of exceptionally high architectural, historic, and environmental significance; (ii) the house and garage are in need of protection provided through the designation as the buildings are proposed for demolition; and (iii) it has not been demonstrated that the cost of restoration or repair would be unreasonable or that it would not be feasible to preserve the buildings and incorporate them into future development plans.
5. The proposed designation draws a reasonable balance between private property rights and the public interest in preserving the city's cultural, historic, and architectural heritage by ensuring that demolition of buildings important to that heritage will be carefully weighed with other alternatives. Due to the location of the house on the south side of the lot, and the gradual grade change away from the house, redevelopment of the site in a manner that preserves the historic buildings and provides for a modern residential use will be possible if the property is individually landmarked. 9-11-1(b), B.R.C. 1981.
6. The provisions of proposed Ordinance No. 8029 and this Memorandum are incorporated into these findings and conclusions by this reference.

LANDMARKS BOARD ACTION

On October 1, 2014, the Landmarks Board passed a resolution to initiate landmark designation pursuant to § 9-11-3, *Initiation of Designation for Individual Landmarks and Historic Districts*, B.R.C. 1981, finding that it met the criteria for Individual Landmark Designation.

On January 7, 2015, the Landmarks Board voted (4-0, **F. Sheets** absent) to recommend to City Council that the property at 747 12th St., to be known as the Cowgill Property, be designated as a local historic landmark, finding that it meets the standards for individual landmark designations in sections 9-11-1 and 9-11-2, B.R.C. 1981, and is consistent with the criteria specified in section 9-11-5(c), B.R.C. 1981. Staff recommended that the Landmarks Board recommend landmark designation for the property.

PUBLIC FEEDBACK

The property is owned by the 747 12th St., LLC, which is comprised of members of the Johnson family who have owned the property since 1970. The property owners and applicant oppose the landmark designation.

At the March 3, 2015 City Council meeting, a number of people spoke in favor of as well as in opposition to landmark designation of the property.

At the January 7, 2015 Landmarks Board meeting, comments from the owner's representative included that the property does not possess architectural, historic or environmental significance, and that the Cowgill sisters later resided at 2107-2109 Bluff St. and that they also took in boarders there. He stated that the Cowgills built the Terrace-style

building and that the building was more conducive to caring for tubercular patients as the porch extends the width of the façade.

At the January 7, 2015 Landmarks Board meeting, twelve members of the public spoke to the item. Six members of the public, most of whom live in the immediate area, spoke in support of the landmark designation. A representative of Historic Boulder, Inc. also spoke in support of landmark designation. Five members of the public, including two of the property owners and the potential buyer, spoke in opposition of the designation. The board received four letters expressing opposition to landmark designation prior to the hearing.

At the demolition hearing at the September 3, 2014 Landmarks Board hearing, four neighbors spoke in opposition to the demolition of the house and presented a letter in support of its preservation signed by 51 Boulder residents.

At the first reading of the ordinance by the City Council on February 3, 2015 two members of the public spoke in opposition to the designation and five spoke in support of designation.



Figure 1. Façade, 747 12th St., 2014.

BACKGROUND

This designation, initiated by the Landmarks Board, is opposed by the property owners. On October 1, 2014, the Landmarks Board passed a resolution to initiate landmark designation and on January 7, 2015, the Landmarks Board voted (4-0, **F. Sheets** absent) to recommend to City Council that the property at 747 12th St. be designated as a local historic landmark.

The first reading of the ordinance was approved by City Council on Feb. 3, 2015. On March 3, 2015 the City Council held a quasi-judicial hearing to determine whether the proposed individual landmark designation of the property at 747 12th St. meets the purposes and standards of the Historic Preservation Ordinance (*Sections 9-11-1 and 9-11-2, B.R.C. 1981*),

in balance with the goals and policies of the Boulder Valley Comprehensive Plan (see [March 3, 2015 City Council Memo](#)).

- The City Council continued the public hearing to provide time to visit the property and directed staff to explore options for development of the property with the owners. The City Council members made site visits on March 3, 2015 and April 1, 2015.
- On April 14, 2015 the City Council met to disclose *ex parte* contacts as a result of the site visits and closed the public hearing with an understanding that findings of fact on the case at a special City Council meeting to be held at a later date.
- Comprehensive Planning and Sustainability and City Attorney Office staff met with the property owners/prospective buyers on April 7th, April 16th, May 6th and May 14th to discuss development of the property in the context of landmark designation. These discussions were based upon development potential of the property if:
 1. All or part of the site was landmarked and the existing house was to be added to;
 2. All or part of the site landmarked and the property sub-divided to create two non-standard lots (each 6,500 sq. ft. +/- and requiring a special ordinance).
 3. All or part of the site was landmarked, the house added to and a new accessory dwelling unit allowed.
- Three scenarios were examined including designating part of the property providing for limited historic design review of the proposed new construction, designating all of the property and identifying areas of new construction subject to historic review in the designating ordinance, and subdivision of the lot into two non-standard lots. All of these options provided for relief from some zoning standards and the relocation of the garage to provide for development of the maximum floor area for Residential-Low 1 (RL-1) (*see Attachment A*).
- Following discussions on April 16, historic preservation staff created a massing model showing a potential building envelope for an addition that would preserve the house and significant portions of the northwest addition visible from 12th street, while maximizing the Floor Area Ratio (FAR) for the property, meeting height, solar, bulk plane requirements, and requiring only a variance to the required 25' rear yard setback) (*see Attachment A*).
- At the May 6, the property owners/prospective buyers indicated the proposed massing study would not work for their planned development of the property.
- At the May 14 meeting, the property owners/prospective buyers indicated they were not interested in pursuing the subdivision option for the property.
- On May 15, the property owners/prospective buyers indicated that their preferred option is that identified in *Attachment A* as Figure 2, which calls for a portion of the property to be landmarked, removal of most of the northwest addition, retention of the south addition, allowance for an addition to the north and west maximizing the FAR, relocation of the garage to the southwest corner of the lot proposed reduction of the rear yard setback from 25' to 10'.

OPTIONS

Based upon discussions with the property owners/prospective buyers about development of the property in the context of Individual Landmark Designation as outlined in *Attachment A*, staff has identified the following four options for the City Council's consideration:

OPTION 1: Consideration of the Landmark Property as Proposed at March 3rd Hearing

Pros:

- Historic house, garage and property would be preserved and protected.
- Design review through a Landmark Alteration Certificate (LAC) would protect the historic resources and help ensure appropriate new construction on the entire property.
- Ability to take of historic preservation incentives including relief from compatible develop regulations, permit fee waiver and state/federal tax credits.

Cons:

- Property owners/prospective buyers would have less surety as to size, design and configuration of new construction of property.

OPTION 2: Landmark Portion of Property as Proposed By Owner/Prospective Owner (Attachment A, Figure 2).

Pros:

- Portion of house and garage would be preserved and protected.
- Applicant would be able to maximizing FAR in the underlying zoning district.

Cons:

- Allows for removal of a significant amount of historic northwest addition and loss of historic integrity of the property.
- Relocated garage is proposed to be located outside the proposed landmark boundary
- Landmarking only a portion of the property will not protect the immediate context of the house and garage and is inconsistent with precedent for establishing landmark boundaries, especially in residential context.
- Landmarking only a portion of the property could result in new construction that may be incompatible with the historic character of the property highly visible from 12th Street.

OPTION 3: Landmark Property with Modified Ordinance to Assure Maximum FAR, Allow Garage Relocation, and Describes Areas of Flexibility for New Construction (Attachment A, Figures 3, 4 & 5)

Pros:

- Protects garage and historically significant portions of the house including the east wall and most of north wall of the historic northwest addition
- Emphasizes significance of areas of house visible from 12th Street and provides historic design review for portions of new construction visible from that right-of-way
- Provides owner/prospective owner with surety that maximum FAR allowed in the RL-1 zoning district can be achieved and provides for flexibility in design of new construction not visible from 12th Street
- Provides ability to take of historic preservation incentives including relief from compatible develop regulations, permit fee waiver and state/federal tax credits

Cons:

- May allow for more of historic fabric of house to be altered and/or construction of less compatible addition at rear of property

OPTION 4: Owner/Prospective Buyer Withdraws Demolition Application, Requests that the City Council Will Deny the Landmark Designation Application.

Pros:

- Would meet the intent and purposes of the Historic Preservation Ordinance in that imminent threat to the property would be removed as defined in 9-16 *Demolition* (Historic) B.R.C., 1981 if the demolition application were to be withdrawn.

Cons:

- No historic review will be required; possibility that historic integrity of property will be affected by incompatible additions and new free-standing construction or by future proposal to removal portions of the building that do not meet the definition of “Demolition (historic) in Section 9-16, B.R.C., 1981.
- Does not provide applicant with relief from zoning requirements, tax credits or the historic preservation permit fee waiver

ANALYSIS:

OPTION 2 – The Property Owner Proposal

The owner/prospective owner have requested that the City Council landmark a portion of the property with the relocated garage out of the proposed landmark boundary, allow for variances to the rear yard setback so that they potential to build to the maximum FAR (approximately 4,400 sq. ft.)(see *Attachment A*, Figure 1).

Staff considers that this proposal, would not adequately protect the historic resources or views into the property from 12th Street, and that it is inconsistent with the standards established for historic resource designation, and will potentially set a negative precedent for designations in residential neighborhoods.

If the City Council chooses this option, it will need to amend the ordinance passed at first reading with a new legal description, as shown by the applicant. Also, Option 2 includes a request for the ability to construct the principal building within the rear yard setback. This will allow building mass up to 35 feet in height within 10 feet of the rear property line, rather than the 20 height requirement that is the maximum height for accessory buildings that are located in the rear yard principal building setback.

If the City Council selects option 2, the staff will need to bring back a subsequent ordinance that will allow addition principal building construction in the rear yard setback.

OPTION 3 - The Staff Proposed Amendments to the Designation Ordinance.

This option calls for the entire property be landmarked providing for limited design review to the existing house and proposed addition at the rear of the property. In this scenario, the applicant would be assured the ability to relocate the garage on-site, achieving maximum FAR for the property and relief from the rear yard setback (*Attachment A*, Figures 3, 4, & 5).

Subsection 9-11-6 (c), B.R.C. 1981 provides that the ordinance designating a landmark can include both a description of the particular features that should be preserved as well as alterations that would have a significant impact upon or be potentially detrimental to the landmark site. The proposed amendments to the preservation ordinance include a detailed

description of what is important to be preserved as well as areas that are eligible for modifications.

The digital modeling prepared by staff indicates that under this scenario, maximum development of the property could be achieved while appropriately preserving important character defining features of the property including the main house, the historic garage, the majority of the east and north walls of the northwest addition and important views into the property from 12th Street.

Staff considers that this option conforms with the purposes and standards in Section 9-11-1 “Legislative Intent” and 9-11-2 “City Council May Designate Landmarks and Historic Districts” of the Historic Preservation Ordinance in that it draws a fair balance between private property rights by allowing for considerable development on the property and the public interest, while ensuring that important historic character defining features and views into the property from 12th Street are protected.

The ordinance (*Attachment C*) anticipates that change will occur on the property and specifically states that it is not the intent of designation to remove any of the additional building that is allowed on the property. It also provides a great deal of specificity about which architectural components of the building are important from a historic preservation perspective.

OPTION 4 - Withdrawal of Demolition Application, City Council Disapproves Landmark Designation Application

Staff considers that as an alternative to Options 1 and 3, Option 4 would meet the intent and purposes of the Historic Preservation Ordinance in that the imminent threat to the property would be removed as defined in 9-16 *Demolition* (Historic) B.R.C., if the demolition application were to be withdrawn. This recommendation is based upon the disapproval being contingent upon the understanding that a new demolition application not be submitted by any owner of the property within a year of the Landmark designation disapproval.

The City Council may approve, modify or not approve the ordinance designating 747 12th Street as Individual Local Landmark.

ATTACHMENTS:

- A: Options for Redevelopment of Property
- B: Ordinance No. 8029
- C: Ordinance No. 8029 with amendments intended to implement Option 3
- D: March 3rd, 2015 Memorandum to the City Council

ANALYSIS OF DISCUSSED SCENARIOS FOR DEVELOPMENT OF LANDMARKED PROPERTY

The following is a summary of discussions between Comprehensive Planning and Sustainability/City Attorney Office staff and the owner/prospective owners about the potential development of 747 12th Street in the context of landmark designation. These discussions were based upon development potential of the property if:

- 1) All or part of the site was landmarked and the existing house was to be added to;
- 2) All or part of the site landmarked and the property sub-divided to create two non-standard lots (each 6,500 sq. ft. +/- and requiring a special ordinance).
- 3) All or part of the site was landmarked, the house added to and a new accessory dwelling unit allowed;

1) SCENARIO 1: Part of the Property Landmarked and Existing House Added To.

In this scenario, presented by the potential buyer’s architect, a portion of the property including the existing house and garage would be landmarked. To this end, the property owner’s architect submitted the following site plan and proposed the following:

- Removal of the northwest addition and retention of the south addition;
- Propose an addition to the north and west that would maximize the floor area ratio allowed by the RL-1 zoning district;
- Relocation of the garage to the southwest corner of the lot;
- Proposed reduction of the rear yard setback from 25’ to 10’;
- Design Review Committee review of the portion of the property within the landmark boundary and everything within 5’ of the historic portion of the house.

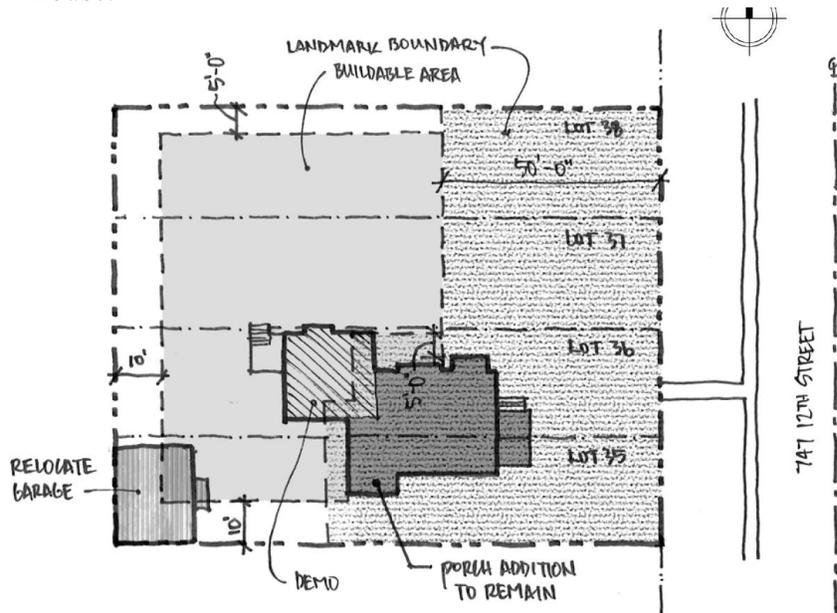


Figure 2. Applicant’s Proposal #1: Addition to Historic Building.

Staff responded that the requested setbacks could likely be supported through a variance from the Board of Zoning Adjustments, but that portions of the historic rear and side additions should be preserved; in particular the east wall and a significant portion of the north

wall of the northwest addition dating from the 1920s. Staff also considered that the historic 1920s garage is important to the integrity of the property and should be preserved and be relocated to facilitate new construction of the property. To this point, the applicant revised the site plan (Fig.2 above) showing the garage relocated to the southwest corner of the lot. Staff commented that the proposed landmark boundary around a portion of the site would make design review difficult and suggested that the boundary should be extended to include the entire property, or possibly be drawn to encompass the southern half of the property (lots 35 & 36) if the garage were moved into this area. Another option discussed was that entire property could be landmarked with the designating ordinance would call out areas in the Landmark boundary that would be exempt from Landmark Alteration Certificate (LAC) review. It was agreed that visibility into the property from the street was most important, and the garage's location along the alley was most important and that it could be moved along the rear property line. Staff also indicated that the floor area ratio (FAR) providing for 4,400 sq. ft. on the property could be achieved and that, if the 396 sq. ft. historic garage was preserved and the property was landmarked, it would not be included in the FAR calculation. Tax incentives for the rehabilitation of the landmarked house and garage could provide for up to a \$50,000 state tax credit. The property owner could apply for a permit fee waiver for up to \$12,500 for exterior materials involved in the construction on a landmarked property. Landmarking could also provide relief from Compatible Development regulations.

In response to this option, Historic Preservation staff prepared a 3D massing model to illustrate that it would be possible to maximum the allowed FAR while preserving the historic house and garage. Below is a Sketch-up model that illustrates a potential building envelope that meets height, solar, bulk plane and side yard setback standards. The only variance required would be to the rear yard setback.

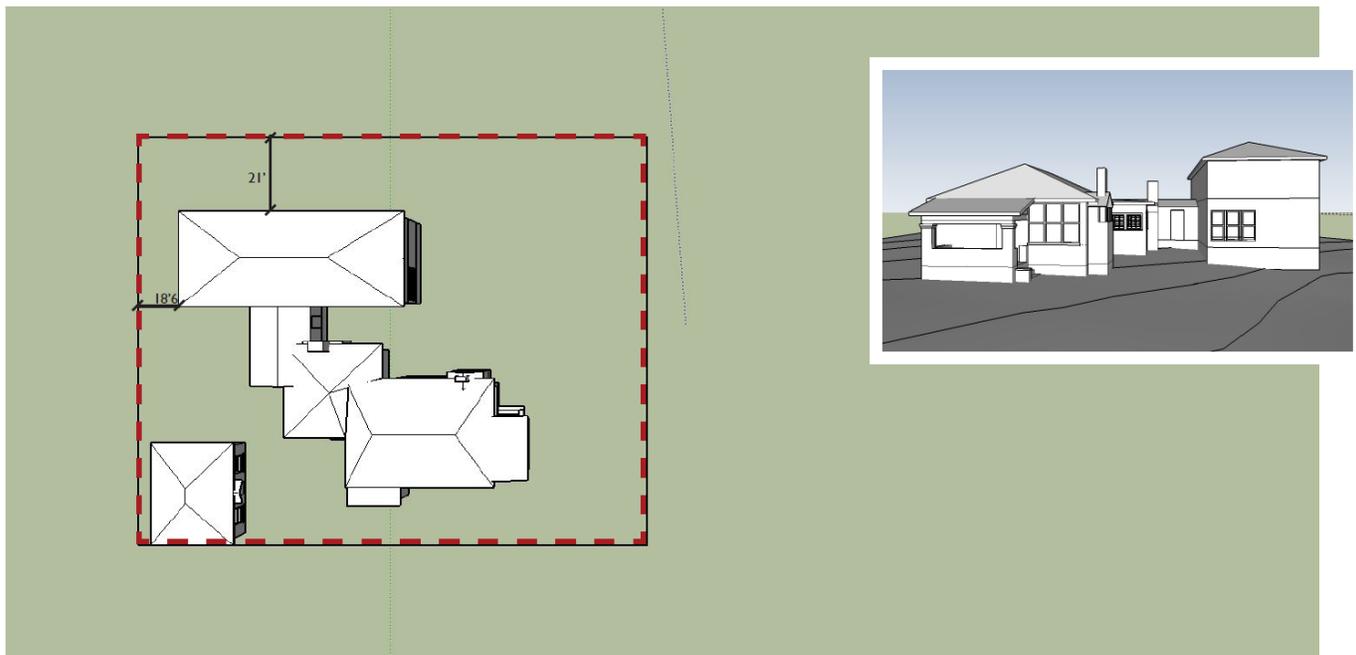


Figure 3. Massing model showing a potential building envelope that would achieve the allowed FAR in the RL-1 zoning district while preserving the historic house and character of the lot.

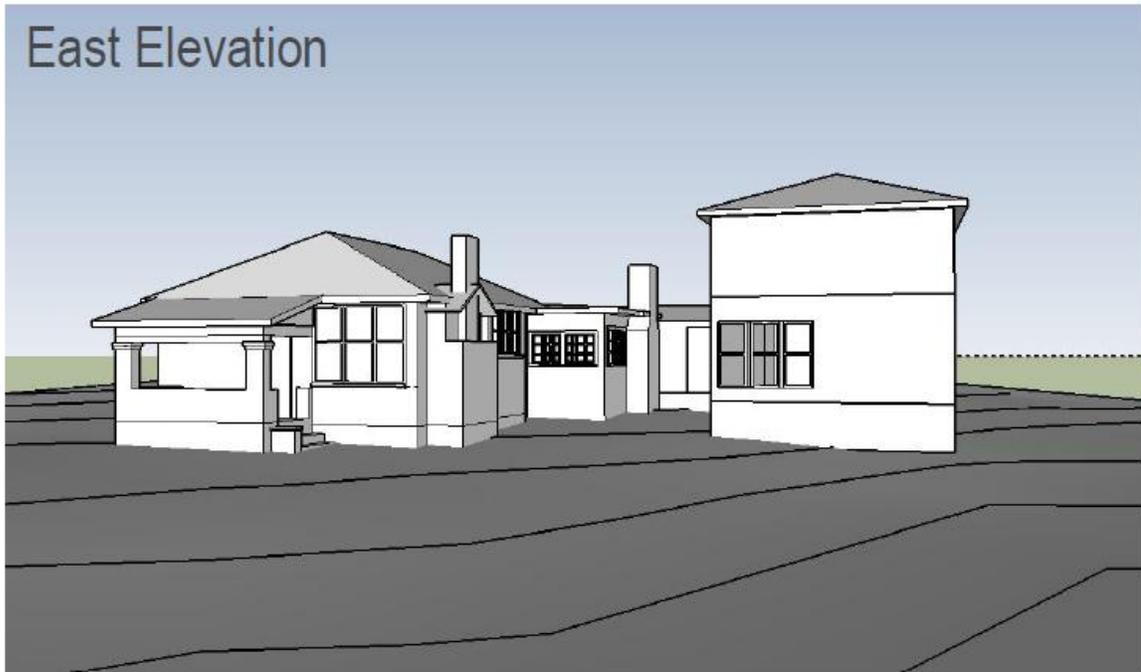


Figure 4. Massing model showing a potential building envelope that would achieve the FAR allowed in the RL-1 zoning district while preserving the historic house and character of the lot.

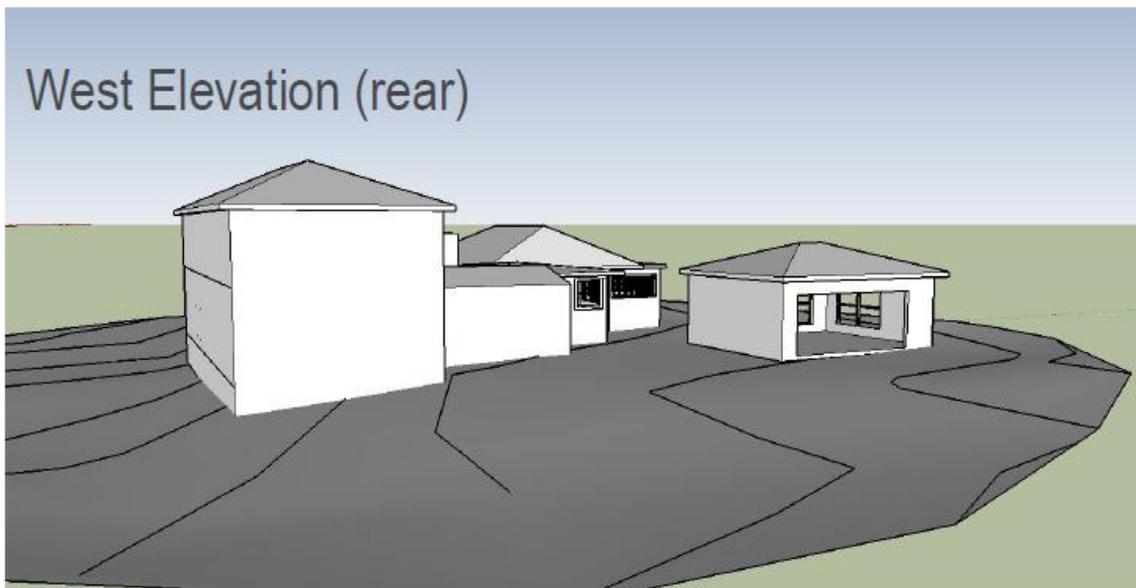
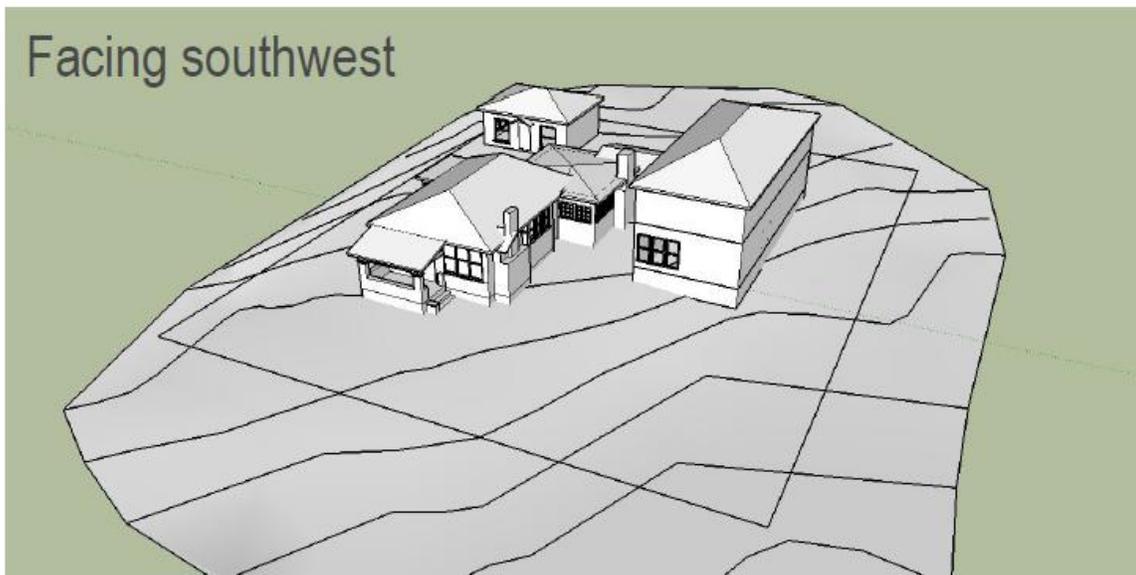


Figure 5. Massing model showing a potential building envelope that would achieve the FAR allowed in the RL-1 zoning district while preserving the historic house and character of the lot.

Intended only to show possible massing of an addition to the house on a landmarked property, the modelling shows the garage relocated and not included in the FAR calculation. The proposed 2,250 sq. ft. addition connects to the side and rear of the historic northwest addition by way of a connector, preserving most of the historically important east and north walls, including the stone chimney. The proposed addition is shown to be two stories in height, the first floor of the addition on the same level as the existing floor level of the historic house and provides for a courtyard area and entrance to the house between the

historic house and addition. This option provides for a floor area of 4,390 sq. ft. (not including the relocated garage) where the maximum FAR allows for 4,402 sq. ft. of floor area. The modeling shows a variance from the rear yard setback of 25', but meets height, bulk plane and solar envelope for the property. Additional garage space providing for adequate back out space, could be provided at the west side of the addition.

The property owner and prospective owner stated that they did not consider the proposal would work for the development group in that it appears to be two houses, and the floorplan would not work for a single family.

SCENARIO 2: All or part of the property landmarked and the property sub-divided to create two non-standard lots

In this scenario, the existing lot is shown to be subdivided into two 6,500 sq. ft. +/- lots and requiring a special ordinance. The plan shows the northwest addition and the garage to be demolished. This scheme did not include a proposed landmark boundary, but discussion took place in terms of at least the southern portion (lots 35 and 36) being landmarked if the property were to be subdivided. This proposal includes:

- Removal of the northeast addition; retention of the south addition;
- Demolish garage;
- Abide by land use intensity standards separately for each lot;
- Design Review for the house on the south lot; no Design Review for the north lot;
- Proposed reduction of the rear yard setback from 25' to 10';
- Front setback of proposed new house at north lot to align with east wall of existing house.

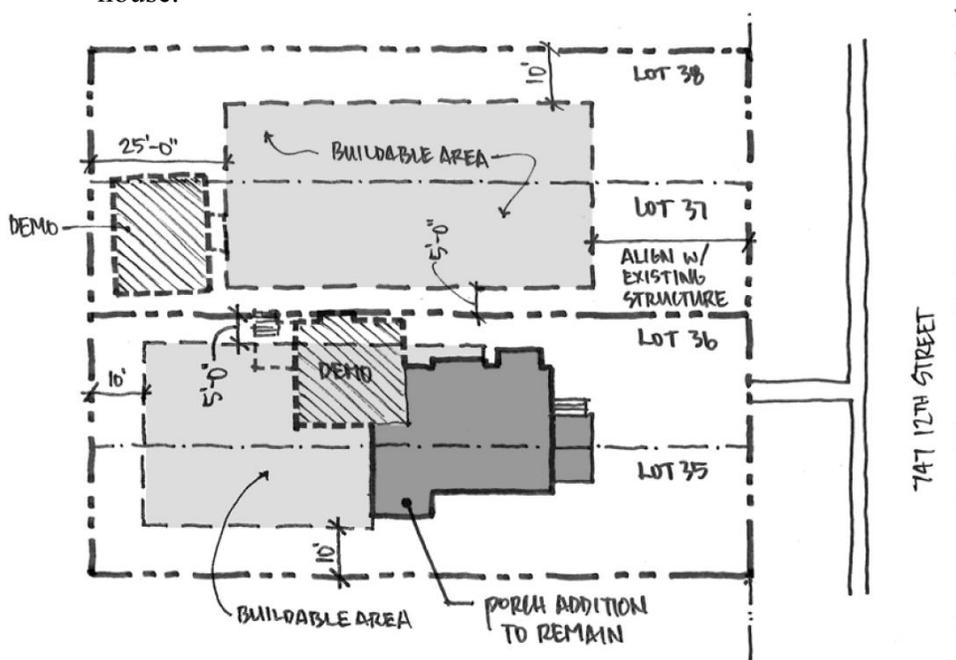


Figure 6. Applicant's Proposal #2: Lot Subdivision.

Scenario 2 would create an additional lot and unit on that property, where current zoning allows for one unit per lot. Staff indicated that should the owners choose to go ahead with subdivision of the lot, it would recommend providing opportunity for neighbors to comment on the proposal prior to presenting it to the City Council.

As with Scenario 1, Historic Preservation staff considers that portions of the historic rear and side additions should be preserved; in particular the east wall and a significant portion of the north wall of the northwest addition dating from the 1920s. Likewise, the historic 1920s garage is important to the integrity of the property and should be preserved, though could be relocated (preferably behind the existing house). City staff emphasized that the degree of public benefit would need to be high to support a subdivision of the lot and would require adoption of a special ordinance by the City Council. To this end, the possibility of relocating a historic house (possibly the building at 1232 Grandview Avenue) to a subdivided south lot was discussed, but broader community input would be needed if this option were to be pursued.

The owner/prospective owner indicated that subdivision of the lot was not a feasible option for development of the property.

ORDINANCE NO. ____

AN ORDINANCE DESIGNATING THE BUILDINGS AND PROPERTY AT 747 12TH ST., CITY OF BOULDER, COLORADO, ALSO KNOWN AS THE COWGILL PROPERTY, A LANDMARK UNDER CHAPTER 9-11, "HISTORIC PRESERVATION" B.R.C. 1981, AND SETTING FORTH DETAILS IN RELATION THERETO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. The council enacts this ordinance pursuant to its authority under Chapter 9-11, "Historic Preservation," B.R.C. 1981, to designate as a landmark a property having a special character or special historic, architectural, or aesthetic interest or value.

Section 2. The council finds that: 1) on or about October 1, 2014, the Landmarks Board passed a resolution to initiate landmark designation for the property at 747 12th St. 2) the Landmarks Board held a public hearing on the proposed designation on January 7, 2015; and 3) on January 15, 2015, the board recommended that the council approve the proposed designation.

Section 3. The council also finds that upon public notice required by law, the council held a public hearing on the proposed designation on February 3, 2015 and upon the basis of the presentations at that hearing finds that the building and the property at 747 12th St. does possess a special character and special historic, architectural, or aesthetic interest or value warranting its designation as a landmark.

Section 4. The characteristics of the subject property that justify its designation as a landmark are: 1) its historic significance is relevant to its construction in 1916, its association with the Cowgill family, who opened a convalescent home for tuberculosis patients and later operated the Mesa Vista Sanatorium, and for its association with the development of Boulder; and 2) its

architectural significance indicative of an example of a bungalow influenced house, and; 3) its environmental significance for its location within the potential University Hill Historic District, which retains its residential historic character.

Section 5. The council further finds that the foregoing landmark designation is necessary to promote the public health, safety, and welfare of the residents of the city.

Section 6. There is hereby created as a landmark the building and property located at 747 12th St., also known as the Cowgill Property, whose legal landmark boundary encompasses a portion of the legal lots upon which it sits:

LOTS 35-38 INC BLK 32 UNIVERSITY PLACE

as depicted in the proposed landmark boundary map, attached hereto as Exhibit A.

Section 7. The council directs that the department of Community Planning and Sustainability give prompt notice of this designation to the property owner and cause a copy of this ordinance to be recorded as described in Subsection 9-11-6(d), B.R.C. 1981.

Section 8. The council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY THIS 3RD DAY OF FEBRUARY, 2015.

Mayor

Attest:

City Clerk

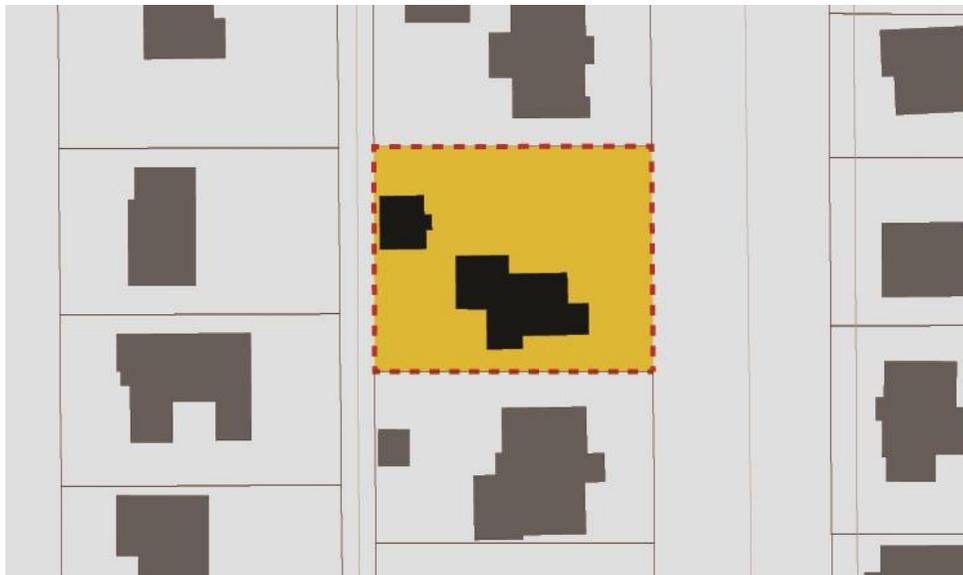
READ ON THIRD READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY
TITLE ONLY THIS _____ DAY OF _____, 2015.

Mayor

Attest:

City Clerk

Exhibit A – Landmark Boundary Map for 747 12th St.



LOTS 35-38 INC BLK 32 UNIVERSITY PLACE

ORDINANCE NO. 8029

AN ORDINANCE DESIGNATING THE BUILDINGS AND PROPERTY AT 747 12TH ST., CITY OF BOULDER, COLORADO ALSO KNOWN AS THE COWGILL PROPERTY, A LANDMARK UNDER CHAPTER 9-11, "HISTORIC PRESERVATION" B.R.C. 1981, AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. The council enacts this ordinance pursuant to its authority under Chapter 9-11, "Historic Preservation," B.R.C. 1981, to designate as a landmark a property having a special character or special historic, architectural, or aesthetic interest or value.

Section 2. The council finds that: 1) on or about October 1, 2014, the Landmarks Board passed a resolution to initiate landmark designation for the property at 747 12th Street; 2) the Landmarks Board held a public hearing on the proposed designation on January 7, 2015; and 3) on January 15, 2015, the board recommended that the council approve the proposed designation.

Section 3. The council also finds that upon public notice required by law, the council held a public hearing on the proposed designation on February 3, 2015 and upon the basis of the presentations at that hearing finds that the building and the property at 747 12th Street does possess a special character and special historic, architectural, or aesthetic interest or value warranting its designation as a landmark.

Section 4. The characteristics of the subject property that justify its designation as a landmark are: 1) its historic significance is relevant to its construction in 1916, its association with the Cowgill family, who opened a convalescent home for tuberculosis patients and later operated the Mesa Vista Sanatorium, and for its association with the development of Boulder; and 2) its architectural significance indicative of an example of a bungalow influenced house,

1 and; 3) its environmental significance for its location within the potential University Hill Historic
2 District, which retains its residential historic character.

3 Section 5. In accordance with the provisions of the landmarks historic preservation
4 ordinance, the city council intends to draw a reasonable balance between private property rights
5 and the public interest to ensure that alterations to historic buildings and structures and new
6 construction will respect the character of each such setting, not by imitating surrounding
7 buildings and structures, but by being compatible with them. The city council intends that any
8 alterations within the landmarked boundary be considered to ensure that the following portions
9 of the individual landmark are adequately preserved. This section implements Section 9-11-6,
10 B.R.C. 1981 by including a description of a description of the particular features that should be
11 preserved, and of the alterations that would have a significant impact upon or be potentially
12 detrimental to the landmark site or the district. This section describes that which could be
13 reasonably developed on the individual landmark property in conformance with Title 9, "Land
14 Use Code," B.R.C. 1981 and to provide the basis for any variances that may be granted pursuant
15 to Section 9-2-3, "Variances and Interpretations," B.R.C. 1981.

17 A. The view of the principal building worthy of preservation is from the 12th
18 Street right of way. The portions of the building visible from 12th Street include without
19 limitation the following elements: The roof, east elevation; the south addition, and that
20 portion of the north addition that includes the wall from the west end of the chimney to
21 the eastern corner of the addition.

22 B. The most important view of the garage is from the alley. The garage is
23 architecturally significant as a building located along the alley. The building may be
24 moved to a different location along the alley frontage and placed in a manner that meets
25 transportation standards for vehicle access and use of the garage.

26 C. The portions of the landmark area that are most able to accommodate
27 change on the property are the western 75 feet of lots 37 and 38. Except for the features
28 described in Subsections A and B above and the east elevations and roof areas of any
29 addition to the principal house, the city council intends to allow for flexibility in design
30 of new construction not visible from 12th Street.

1 D. The property may be added on to in a manner that allows all of the floor
2 area that is permitted by the underlying zoning district requirements.

3 Section 56. The council further finds that the foregoing landmark designation is
4 necessary to promote the public health, safety, and welfare of the residents of the city.

5 Section 67. There is hereby created as a landmark the building and property located at
6 747 12th Street, also known as the Cowgill Property, whose legal landmark boundary
7 encompasses a portion of the legal lots upon which it sits:

8 LOTS 35-38 INC BLK 32 UNIVERSITY PLACE

9 as depicted in the proposed landmark boundary map, attached hereto as Exhibit A.

10 Section 78. The council directs that the department of Community Planning and
11 Sustainability give prompt notice of this designation to the property owner and cause a copy of
12 this ordinance to be recorded as described in Subsection 9-11-6(d), B.R.C. 1981.

13 Section 89. The council deems it appropriate that this ordinance be published by title only
14 and orders that copies of this ordinance be made available in the office of the city clerk for public
15 inspection and acquisition.
16

17
18 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
19 TITLE ONLY this 3rd day of February, 2015.
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21 _____
22 Mayor

23 Attest:

24 _____
25 City Clerk

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READ ON SECOND READING, AMENDED, AND ORDERED PUBLISHED BY

TITLE ONLY this ____ day of _____, 2015.

Mayor

Attest:

City Clerk

READ ON THIRD READING, PASSED, ADOPTED, AND ORDERED PUBLISHED

BY TITLE ONLY this ____ day of _____, 2015.

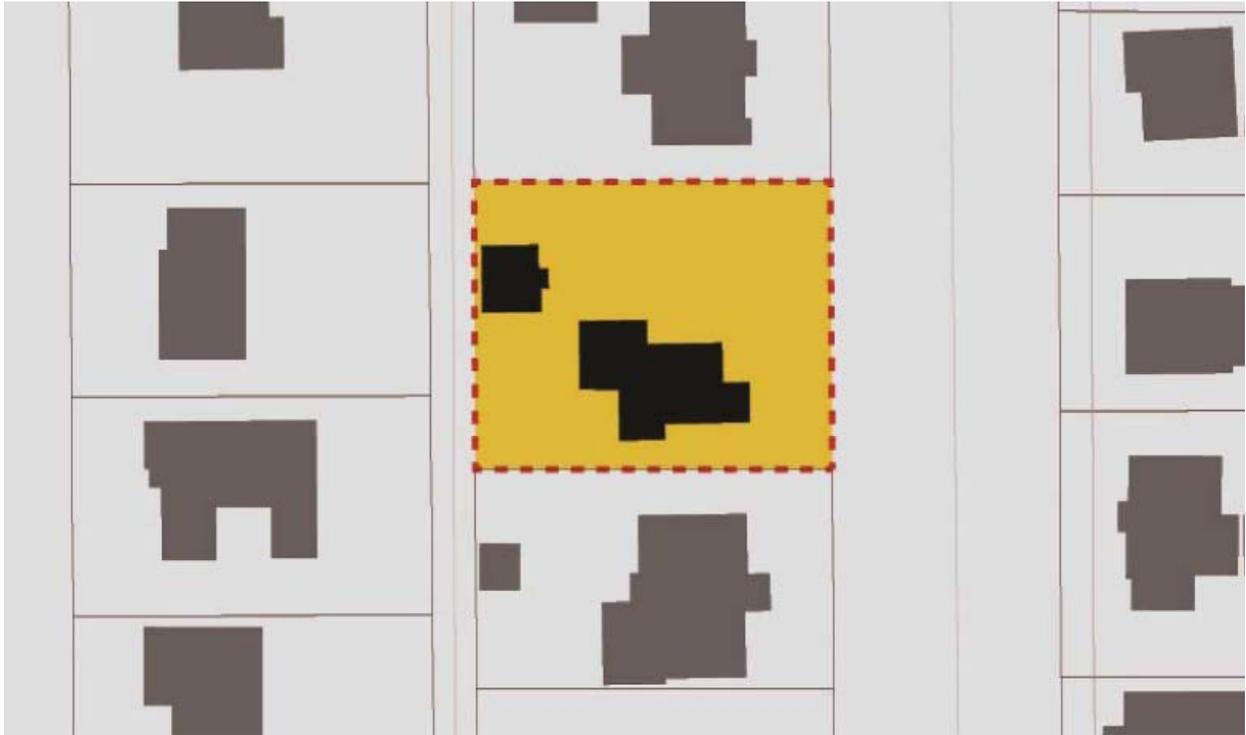
Mayor

Attest:

City Clerk

Exhibit A – Landmark Boundary Map for 747 12th St.

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LOTS 35-38 INC BLK 32 UNIVERSITY PLACE



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: March 3, 2015

AGENDA TITLE:

Second reading and consideration of a motion to adopt Ordinance No. 8029 designating the building and property at 747 12th St., to be known as the **Cowgill Property**, as an individual landmark under the city's Historic Preservation Ordinance.

Owner: 747 Twelfth Street, LLC

Applicant: Landmarks Board

PRESENTERS:

Jane S. Brautigam, City Manager

David Driskell, Executive Director of Community Planning & Sustainability

Susan Richstone, Deputy Director of Community Planning & Sustainability

Debra Kalish, Senior Assistant City Attorney

Lesli Ellis, Comprehensive Planning Manager

James Hewat, Senior Historic Preservation Planner

Marcy Cameron, Historic Preservation Planner

EXECUTIVE SUMMARY:

The purpose of this quasi-judicial hearing is to allow the City Council to determine whether the proposed individual landmark designation of the property at 747 12th St. meets the purposes and standards of the Historic Preservation Ordinance (*Sections 9-11-1 and 9-11-2, B.R.C. 1981*), in balance with the goals and policies of the Boulder Valley Comprehensive Plan, including that:

1. The designation will promote the public health, safety, and welfare by protecting, enhancing and perpetuating buildings, sites, and areas of the city reminiscent of past eras, events, and persons important in local, state, or national history or providing significant examples of architectural styles of the past.
2. The designation will develop and maintain appropriate settings and environments for such buildings, sites, and areas to enhance property values, stabilize neighborhoods, promote tourist trade and interest, and foster knowledge of the city's living heritage.
3. Landmark designation is not intended to preserve every old building in the city but instead to draw a reasonable balance between private property rights and the public interest in preserving the city's cultural, historic, and architectural heritage by

ensuring that demolition of buildings and structures important to that heritage will be carefully weighed with other alternatives and that alterations to such buildings and structures and new construction will respect the character of each setting, not by imitating surrounding structures, but by being compatible with them.

If approved, this ordinance (see **Attachment A**) would designate the house, garage and property as an individual landmark. This designation, initiated by the Landmarks Board, is opposed by the property owners. On October 1, 2014, the Landmarks Board passed a resolution to initiate landmark designation pursuant to § 9-11-3, *Initiation of Designation for Individual Landmarks and Historic Districts*, B.R.C. 1981, finding that it met the criteria for Individual Landmark Designation. The designation hearing was held by the Landmarks Board on January 7, 2015. The board voted (4-0, F. Sheets absent) to recommend the designation to City Council. The first reading of the ordinance was approved by City Council (7-1, G. Karakehian opposed, Shoemaker absent) on Feb. 3, 2015. The second reading for this designation will be a quasi-judicial public hearing.

Suggested Motion Language:

Staff requests the City Council's consideration of this matter and action in the form of the following motion:

Motion to adopt ordinance No. 8029 designating the property at 747 12th St., to be known as the Cowgill Property, as an individual landmark under the City of Boulder's Historic Preservation Ordinance.

FINDINGS

The City Council finds, based upon the application and evidence presented, that the proposed designation application is consistent with the purposes and standards of the Historic Preservation Ordinance, in balance with the goals and policies of the Boulder Valley Comprehensive Plan, and:

1. The proposed designation will protect, enhance, and perpetuate a building reminiscent of a past era and important in local and state history and provide a significant example of architecture from the past. Sec. 9-11-1(a), B.R.C. 1981.
2. The proposed designation will maintain an appropriate setting and environment and will enhance property values, stabilize the neighborhood, promote tourist trade and interest, and foster knowledge of the city's living heritage. 9-11-1(a), B.R.C. 1981.
3. The buildings proposed for designation have exceptionally high architectural, historic and environmental significance. The property is associated with Marthana and Josephine Cowgill, who cared for tuberculosis patients in the house prior to purchasing the Mesa Vista Sanatorium; the property possesses a high level of architectural integrity as an example of architecture of that period, and the property has been identified as contributing resource to the identified potential University Hill local and National Register of Historic Places District. Sec. 9-11-2(a)(1), B.R.C. 1981.
4. In this case, designation over an owner's objection is appropriate because (i) the house and garage are of exceptionally high architectural, historic, and environmental significance; (ii) the house and garage are in need of protection

provided through the designation as the buildings are proposed for demolition; and (iii) it has not been demonstrated that the cost of restoration or repair would be unreasonable or that it would not be feasible to preserve the buildings and incorporate them into future development plans.

5. The proposed designation draws a reasonable balance between private property rights and the public interest in preserving the city's cultural, historic, and architectural heritage by ensuring that demolition of buildings important to that heritage will be carefully weighed with other alternatives. Due to the location of the house on the south side of the lot, and the gradual grade change away from the house, redevelopment of the site in a manner that preserves the historic buildings and provides for a modern residential use will be possible if the property is individually landmarked. 9-11-1(b), B.R.C. 1981.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS:

Economic: Owners of locally designated landmarked properties are eligible for state and local tax credits for approved rehabilitations and repairs, and studies have found that historic preservation adds to economic vitality and tourism. Exterior changes to individually landmarked buildings require a Landmark Alteration Certificate, issued by the Community Planning and Sustainability Department at no charge. The additional review process for landmarked buildings may, however, add time and design expense to a project.

Environmental: The preservation of historic buildings is inherently sustainable. Owners of individually landmarked buildings are encouraged to reuse and repair as much of the original building as possible when making exterior alterations, thereby reducing the amount of building material waste deposited in landfills. City staff can assist architects, contractors and homeowners with design and material selections and sources that are environmentally friendly. Also, the city's Historic Preservation website provides information on improving the energy efficiency of older buildings.

Social: The Historic Preservation Ordinance was adopted to "...enhance property values, stabilize neighborhoods, promote tourist trade and interest, and foster knowledge of the city's living heritage." Section 9-11-1 (a), B.R.C., 1981. The primary beneficiaries of historic designation are the property owners of a historic landmark and adjacent neighbors, who are ensured that the character of the immediate area will be protected through the design review process. The greater community also benefits from the preservation of the community's character and history.

OTHER IMPACTS:

Fiscal: The designation of individual historic landmarks is an anticipated and ongoing function of the Historic Preservation Program.

Staff Time: This designation application is within the staff work plan.

LANDMARKS BOARD ACTION

On January 7, 2015, the Landmarks Board voted (4-0, **F. Sheets** absent) to recommend to City Council that the property at 747 12th St., to be known as the Cowgill Property, be designated as a local historic landmark, finding that it meets the standards for individual

landmark designations in sections 9-11-1 and 9-11-2, B.R.C. 1981, and is consistent with the criteria specified in section 9-11-5(c), B.R.C. 1981. Staff recommended that the Landmarks Board recommend landmark designation for the property.

PUBLIC FEEDBACK

The property is owned by the 747 12th St., LLC, which is comprised of members of the Johnson family who have owned the property since 1970. The property owners and applicant oppose the landmark designation.

At the Jan. 7, 2015 Landmarks Board meeting, comments from the owner's representative included that the property does not possess architectural, historic or environmental significance, and that the Cowgill sisters later resided at 2107-2109 Bluff St. and that they also took in boarders there. He stated that the Cowgills built the Terrace-style building and that the building was more conducive to caring for tubercular patients as the porch extends the width of the façade.

At the Jan. 7, 2015 Landmarks Board meeting, twelve members of the public spoke to the item. Six members of the public, most of whom live in the immediate area, spoke in support of the landmark designation. A representative of Historic Boulder, Inc. also spoke in support of landmark designation. Five members of the public, including two of the property owners and the potential buyer, spoke in opposition of the designation. The board received four letters expressing opposition to landmark designation prior to the hearing.

At the demolition hearing at the Sept. 3, 2014 Landmarks Board hearing, four neighbors spoke in opposition to the demolition of the house and presented a letter in support of its preservation signed by 51 Boulder residents.

At the first reading of the ordinance by the City Council on Feb. 3, 2015 two members of the public spoke in opposition to the designation and five spoke in support of designation.

BACKGROUND:

On January 7, 2015, the Landmarks Board voted 4-0 (F. Sheets absent) to recommend to City Council that the building at 747 12th St. be designated as a local historic landmark, finding that it meets the standards for individual landmark designations in sections 9-11-1 and 9-11-2, B.R.C. 1981, and is consistent with the criteria specified in section 9-11-5(c), B.R.C. 1981. Prior to the designation hearing:

- On Mar. 19, 2014, the applicants submitted a demolition permit application to demolish the house and garage at 747 12th St.
- On Mar. 26, 2014, the Landmarks design review committee (Ldrc) referred the application to the Landmarks Board for a public hearing, finding there was "probable cause to believe that the property may be eligible for designation as an individual landmark."
- On June 4, 2014, the Landmarks Board imposed a stay-of-demolition for a period of up to 180 days in order to seek alternatives to the demolition of the house and garage.
- During the stay-of-demolition, staff and representatives of the Landmarks Board and Historic Boulder, Inc. met with the applicant and owner on several occasions to discuss alternatives to the demolitions, including landmarking, the use of historic preservation tax credits for rehabilitation, and the possibility of constructing an addition to the main

house. During these meetings, the applicants indicated they did not consider the buildings historically or architecturally significant and are were not interested in preserving the buildings.

- On Oct. 1, 2014, the Landmarks Board passed a resolution to initiate landmark designation for the property located at 747 12th St. pursuant to § 9-11-3 , *Initiation of Designation for Individual Landmarks and Historic Districts*, B.R.C. 1981, finding that it met the criteria for Individual Landmark Designation.
- The property needs the protection of the preservation ordinance, as the house and garage are proposed for demolition.
- It has not been demonstrated that it would be unfeasible or cost prohibitive to preserve the house and incorporate it into future development plans.
- Because of its exceptional significance and that the proposal would result in the loss of a very important piece of the Boulder’s heritage, staff and the Landmarks Board found that, in this case, designation over the owner’s objection would be consistent with Section 9-11-1(b) of the historic preservation ordinance, as redevelopment of the site in a manner that preserves the historic buildings and provides for a modern residential use will be possible if the property is individually landmarked.

PROPERTY DESCRIPTION:

The approximately 12,500 sq. ft. property is located on the west side of the 700 block of 12th Street, between Baseline Rd. and Cascade Ave. and located in the identified potential University Hill Historic District (potentially eligible at the local level as well as on the National Register of Historic Places).

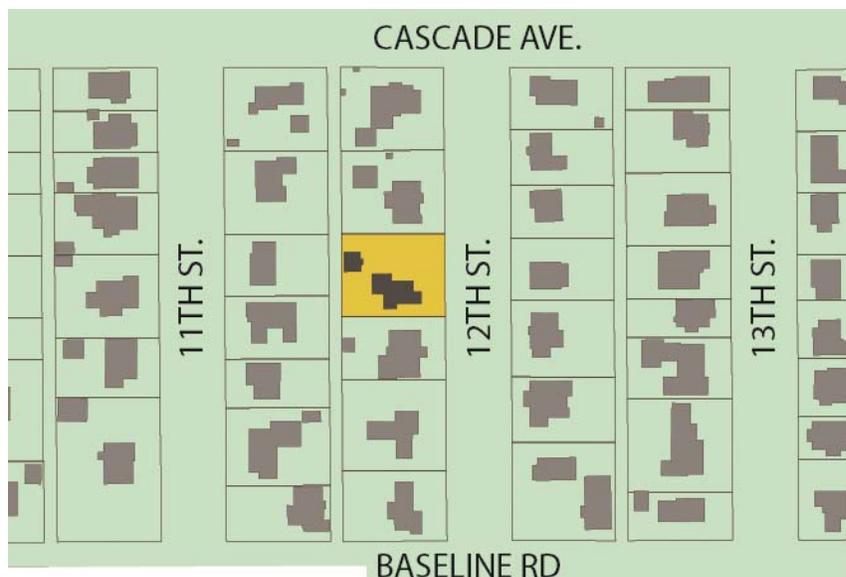


Figure 1. Location Map showing 747 12th St.

The one-story blonde brick main house at 747 12th St. was constructed in 1916 and features a pyramidal hipped roof with overhanging eaves and off-center, open front porch with solid brick walls and brick pillar supports on the east facing facade. The porch is accessed by a set of stairs on the north side, with the front door centered and a group of three, one over one, double-hung windows located to its right. Window surrounds on the house include brick sills. The building rests on a rough faced stone foundation.



Figure 2. Façade, 747 12th St., 2014.



Figure 3. Façade, 747 12th St., 2014.



Figure 4. Façade, 747 12th St., c.1949

The north (side) elevation of the house features a small gable-roofed projection with a large brick corbelled chimney and a group of three windows at the basement and first levels. One-over-one, double-hung windows behind non-historic metal storm windows on all faces of the house appear to be historic.



Figure 5. Bay window and chimney at north elevation, 747 12th St., 2014.



Figure 6. North (side) elevation of house, 747 12th St., 2014



Figure 7. West (rear) Face of House, 747 12th St., 2014

The west (rear) elevation features a low gable roofed addition that is clad in wood shingles. The exact date of construction of the addition is unknown, but it appears on the c. 1938 tax assessor card and is typical of 1920s construction, with wood double-hung windows and wood shingles. A fieldstone chimney is located on the north side of the addition.



Figure 8. West (rear) Face of House, 747 12th St., 2014



Figure 9. Bay window and rear porch at south elevation, 747 12th St., 2014.



Figure 10. West elevation (facing alley) of garage, 747 12th St., 2014.

The south elevation features a bay window with corbelled brick, and two groupings of three double-hung windows, similar to the north elevation. A wooden porch wrapping from the west end of the south face to the west side of the house differs in fenestration from the main body of the house with nine-light casement windows set behind either wood or aluminum storm windows.



Figure 11. East elevation (facing 12th St.) of garage, 2014.

A brick, hipped roof garage is located at the rear of the lot, along the alley. Constructed in 1929, the simply detailed accessory building features over-hanging eaves, exposed rafter tails, and large one-over-one windows on the south and east elevations. A pair of two large

wooden double-hung windows are located on the south (side) elevation with the east elevation (facing 12th St.) featuring a centrally-located wooden paneled door flanked by two double-hung windows with brick sills. A small gable-roofed portico is located above the entrance. Permit research indicates that in 1938 under the ownership of Dr. Oscar Gilbert, a request to convert the garage into living space was denied by the City of Boulder. The garage is identified as an associated building on the Historic Building Inventory Form (1991) and as potentially contributing to a National Register and local historic district on the Cultural Resource Re-evaluation Form (2001).

The house and garage appear to remain largely intact from their original construction with the frame addition at the rear of the house constructed prior to 1938. Building permit records and on-site inspection of the house and garage do not indicate additional changes, other than the installation of aluminum storm windows.



Figure 12. 700 block of 12th St., facing north, 2014.





Figure 13. Examples of houses on the 00 block of 12th St., 2014
(L-R: 707 12th St., 750 12th St., 740 12th St., and 728 12th St.)

The lot slopes to the north and features mature landscaping, including a very large pine tree at the front of the house. The 700 block of 12th St. is notably intact, with examples of an eclectic mix of architecture of the 1910s to the 1930s, including Tudor Revival, Colonial Revival and Craftsman Bungalow houses. Three houses on the block, including one that has been designated as an individual landmark, were designed by noted Boulder architect Glen Huntington. Many of the properties on the block are associated with significant figures to Boulder's history. In addition to the Cowgills, the block was also home to faculty members of the University of Colorado, prominent businessmen and socialites. The 2001 Re-Survey identified buildings that would be contributing and non-contributing to a potential National or Local historic district. 12 of the 14 (85%) primary buildings on the 700 block of 12th St., including the house at 747 12th St., were considered to be contributing to a potential district. The accessory building at 747 12th St. was the only one of the six accessory buildings on the block found to be potentially contributing. Little change appears to have occurred in the past twelve years to affect the historic integrity of the district.

PROPERTY HISTORY

The house at 747 12th St. was purchased shortly after construction in 1916 by Samuel Cowgill for his daughters Marthana and Josephine, who resided there for sixteen years, from 1916 until 1932. They sold the property to Dr. Oscar Gilbert in 1936. The Cowgills and Dr. Gilbert are associated with the Mesa Vista Sanatorium, which provided care for tubercular patients from its establishment in 1918 through the 1960s.

As noted in the Public Feedback section, the applicant's testimony at Jan.7, 2014 Landmarks Board hearing suggested that the Cowgills resided at 2107-2109 Bluff St. after moving from 747 12th St. and that that property had a stronger association with the Cowgills. A 1967 article notes that the Cowgills "operated a nursing home at their residence at 747 12th St. and later at 2107-09 Bluff St.," however, there is no evidence that the Cowgills lived at the house on Bluff St.¹ City directory research indicates that after moving from 12th St., the Cowgills resided at 2121 North St. (Mesa Vista Sanitarium) from 1932 until 1951 and at 2048 Alpine Ave. from 1953 until their deaths in the 1960s. Further, the Bluff St. residence was constructed before 1911, prior to the Cowgill's ownership. It does not appear to have been altered by the Cowgills during their ownership and the front porch is typical of that building

¹ Miss Marthana Cowgill Dies After Long Illness. *Daily Camera*. 7 March 1967.

type. The building was recognized as a Structure of Merit in 1989 as a representative example of the Terrace architecture in Boulder.

While there are other properties in Boulder that are also associated with the theme of health seekers, the property at 747 12th St. is proposed for demolition and is particularly significant for its association with the Cowgill sisters and Boulder's tuberculosis history. It was the first house the Cowgills owned in Boulder, there is evidence that they took in tuberculosis patients in the home prior to operating the Mesa Vista Sanitarium, and that use is expressed in the building's form with rear and side porches added by the Cowgills in the 1920s. Detailed research and analysis indicates the property possesses exceptional architectural and historic significance and integrity, is an important example of early twentieth century architecture modified to function as a convalescent home for tuberculosis patients in the 1920s and is associated with the Cowgill family, which made a significant contribution to the care of tuberculosis patients in Boulder. The Landmarks Board found the property to be of exceptionally high architectural and historic integrity and eligible for individual landmark designation pursuant to Section 9-11-1(a), B.R.C.1981.

The Cowgill Sisters and the Mesa Vista Sanatorium²

Tuberculosis was one of the most common and deadly diseases in the 19th and early 20th centuries. With no identified drug or vaccine, doctors encouraged patients to seek healthier climates, noting that rest, fresh air and a good diet would help strengthen the body's defenses. In the late 19th century, tuberculosis sanatoriums were established across the country. The Battle Creek Sanitarium in Michigan, founded by Dr. John Harvey Kellogg and the Seventh Day Adventists, was one of the most influential.

In 1896, the Boulder-Colorado Sanitarium, a branch of the Battle Creek Sanitarium, opened. First located on University Hill, facilities were soon constructed at 4th and Mapleton Ave. The institution was initially founded to care for tuberculosis patients, but it was "soon found that this was a handicap to the work, for other patients were often afraid to come because of their dread of this disease."³ To meet the need of a tuberculosis facility, smaller treatment centers were opened. In 1918, Dr. Gilbert, a nationally-recognized expert on the disease, founded the Mesa Vista Sanatorium at 2121 North St. (now 2121 Mesa Ave.) specifically for the care of tuberculosis patients. In 1931, Dr. Gilbert sold the facility to Marthana and Josephine Cowgill, who operated the sanatorium until their deaths in the 1960s.

Josephine (b. 1878) and Marthana (b. 1885) Cowgill were born in Cadiz, Indiana, to Samuel C. and Carolyn Macy Cowgill. Samuel owned a number of successful drain tile factories across the country and family later moved from Indiana to San Benito, Texas. The Cowgills had four daughters and two sons, all of whom graduated from Earlham College, a Quaker liberal arts college in Richmond, Indiana.

² *Sanatorium* refers to a hospital designed for treatment of a specific disease. *Sanitarium* refers to a health resort. The terms can be used interchangeably in modern terminology. www.lawprose.org

³ Brief History –Boulder, Colorado Sanitarium. Carnegie Library for Local History. Accessed 19 December 2014. <http://www.boulderlibrary.org/cpdfs/328-145-18.pdf>

During World War I, Josephine pursued a nurse's training program, becoming a registered nurse. Marthana had been a school teacher in Texas until she contracted tuberculosis. According to an interview with Marthana's son, Dr. Joseph Cowgill, Marthana, each of her five siblings, and her parents all contracted the disease at some point in their lives. Marthana's condition was considered severe and in 1915 she traveled to Boulder to stay at the Alps, a summer resident hotel in Boulder Canyon. Soon after, her sister Josephine was sent to the Alps to help care for her.

In 1920, Josephine received a degree from the University of Colorado Nursing School. Following Marthana's recovery, the sisters began operating a convalescent home at their residence at 747 12th St. and later 2107-09 Bluff St.⁴ A 1951 newspaper article about the history of the Mesa Vista Sanatorium notes that the "after the financial difficulties suffered by their father in the 1920-21 depression, [the Cowgill sisters] decided to rent out rooms in their home to other tuberculosis sufferers."⁵ In Dr. Cowgill's interview, he stated that there were about four or five patients that lived at 747 12th St. during this time. In addition to taking care of patients, Josephine began working as an office nurse for Dr. Oscar M. Gilbert at the Mesa Vista Sanatorium.⁶

In the 1920s, Marthana adopted two boys, David and Joseph. Marthana and Josephine also cared for two children of their sister, Louise Whitney, who had died of tuberculosis some years earlier. Later, the sisters also adopted Bergen, an orphaned son of one of their patients. The Cowgill family was active in the Quaker community in Boulder and is cited in a 1960 article as the "backbone of the current Quaker fellowship."

In 1930, Marthana and Josephine took over the management of Mesa Vista Sanatorium from Dr. Gilbert. Dr. Cowgill explained in his interview that during the Great Depression Marthana and Josephine traded the property at 747 12th St. for the sanatorium. After the trade, Marthana, Josephine, and the two boys moved into an old barn-turned-residence that was located on the Mesa Vista property.⁷

Marthana served as president and owner of the sanatorium while Josephine acted as vice president and superintendent of nurses. In 1933, their sister Mary moved to Boulder from Texas and joined the business as secretary-treasurer. During WWI, Dr. Gilbert was enlisted in the military and served as a contract surgeon with the rank of captain. He had retired to consulting practice, but in Sept. 1942, he returned to active practice because of the need at that time for physicians to replace those going into military service. Dr. Gilbert remained associated with the Mesa Vista Sanatorium until he died of a heart attack in 1944. His obituary notes that he was "one of Colorado's most widely known physicians and one of Boulder's most prominent citizens."⁸

⁴ Miss Marthana Cowgill Dies After Long Illness. *Daily Camera*. 7 March 1967.

⁵ Mesa Vista Sanatorium Purchased by The Misses Cowgill In 1930. *Daily Camera*. 13 December 1951.

⁶ Joseph Cowgill, interview by Sue F. Lacey.

⁷ Joseph Cowgill, interview with Sue F. Lacey.

⁸ Dr. O. M. Gilbert Dies in Sleep Early Today. *Daily Camera*. 18 Oct. 1944.



Figure 12. Photograph of Sun Porch at 2121 North St. from Mesa Vista Sanatorium Brochure, c. 1930.



Figure 13. Photograph advertising “one of five bed porches” in a Mesa Vista Sanatorium Brochure, c. 1930.

With the advent of penicillin and the resulting decline of tuberculosis cases after World War II, the Cowgill sisters devoted the institution to treating tuberculosis among the Navajo tribe beginning in 1952. Funding became available through the Bureau of Indian Affairs and Dr. Joseph Cowgill noted that Mesa Vista was the only sanatorium outside of New Mexico that primarily cared for Navajo patients. Members of the Navajo tribal council frequently visited the Mesa Vista Sanatorium. Dr. Cowgill talks briefly in his interview about how Marthana became good friends with Annie Wauneka, a highly influential member of the Navajo tribe.⁹ Wauneka’s 1997 obituary posted in the *New York Times* states that she “received much of the credit for defeating tuberculosis among the Navajo beginning in the 1950s and received national recognition for her role.”¹⁰

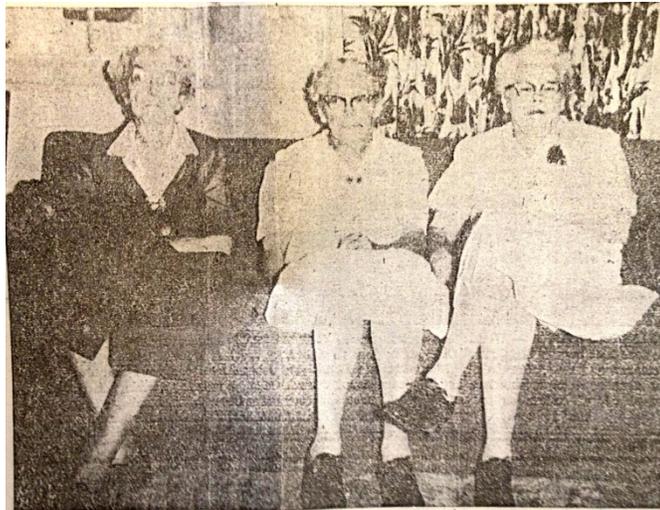
⁹ Joseph Cowgill, interview with Sue F. Lacey.

¹⁰ “Annie d. Wauneka, 87, Dies; Navajo Medical Crusader,” *New York Times* (New York City, NY), Nov 16, 1997.



Figure 13. Navajo children and Ms. Marthana Cowgill at Mesa Vista Sanatorium, c.1950s

By the 1960s, the institution began to expand its services to take care of all types of chronically ill patients, and in 1964 the sanatorium underwent extensive modernization and construction of an addition. The facilities still exist today, and operate as the Terrace Heights Care Center.



*Figure 14. "The Cowgill Sisters – The Misses Mary, Josephine and Marthana."
Daily Camera, July 15, 1960.*

The Cowgill sisters never married. Dr. Cowgill became a prominent Boulder physician, a founding member of the Boulder Medical Center and later vice president of Mesa Vista Sanatorium. Bergen died in the 1950s, and David in the mid-1960s. Josephine died February 1, 1960, and was followed by her sister Mary almost a year later. Marthana died March 7, 1967.

The Cowgill sisters made a significant contribution to the treatment of tuberculosis patients in Boulder. The roots of their efforts can be traced to the property at 747 12th St., where they lived and operated a treatment home in the 1920s. The use as a treatment facility is expressed through its architectural form, with porches constructed at the rear and sides of the house with pocket windows to allow fresh air for the patients. The Mesa Vista Sanatorium, as well as the Boulder-Colorado Sanitarium, were major institutions in Boulder and drew many visitors and residents to Boulder.

Subsequent Residents of 747 12th St.

In 1940, Dr. Gilbert sold to Ralph and Dorothy Feather. Ralph attended the University of Colorado in 1938 and in 1940 worked as a janitor in an office building. The Feathers had three children, Gilbert, Gaynor and Kenneth.

In 1944, the property then passed to Lucile Tandy, who resided there until 1968. Lucile May (née Morrison) Tandy was born 1893 in Rockford, Illinois. She graduated from the University of Colorado in 1917 and also attended the Chicago Institute of Fine Arts. She married Ben G. Tandy in 1918 Worcester, Massachusetts. Her husband died in 1943 and the following year she moved to Boulder from Grand Junction. She was employed as a teacher in various Colorado locations including Louisville, and was a member of the Colorado Education Association, and attended the First Baptist church of Boulder. Lucile died October 2, 1986.

Subsequently, the property passed from Mrs. Tandy to Rex Sheppard, who owned it from 1968 until 1970. From 1970 until 2013, the property was owned by Orval and Nina Johnson. It is currently owned by members of the Johnson family.

The 1991 Historic Building Inventory Form for 747 12th St. identified the main house on the property as being architecturally significant representing a type, period or method of construction, and historically significant for its association with significant persons and events or patterns. The garage is identified as a contributing feature of the property. The 2001 Re-survey indicated the buildings would be contributing to a potential local or National Register historic district, but would not be individually eligible at the local or national level.

ANALYSIS

Code Criteria for Review

Section 9-11-6(b), *Council Ordinance Designating Landmark of Historic District*, B.R.C. 1981, specifies that in its review of an application for local landmark designation, the council must consider “whether the designation meets the purposes and standards in Subsection 9-11-1(a) and Section 9-11-2, *City Council May Designate Landmarks and Historic Districts*, B.R.C., 1981, in balance with the goals and policies of the Boulder Valley Comprehensive Plan. The city council shall approve by ordinance, modify and approve by ordinance, or disapprove the proposed designation.”

Section 9-11-1, *Legislative Intent*, states:

- (a) The purpose of this chapter is to promote the public health, safety, and welfare by protecting, enhancing, and perpetuating buildings, sites, and areas of the city

reminiscent of past eras, events, and persons important in local, state, or national history or providing significant examples of architectural styles of the past. It is also the purpose of this chapter to develop and maintain appropriate settings and environments for such buildings, sites, and areas to enhance property values, stabilize neighborhoods, promote tourist trade and interest, and foster knowledge of the city's living heritage.

- (b) The City Council does not intend by this chapter to preserve every old building in the city but instead to draw a reasonable balance between private property rights and the public interest in preserving the city's cultural, historic, and architectural heritage by ensuring that demolition of buildings and structures important to that heritage will be carefully weighed with other alternatives and that alterations to such buildings and structures and new construction will respect the character of each such setting, not by imitating surrounding structures, but by being compatible with them.
- (c) The City Council intends that in reviewing applications for alterations to and new construction on landmarks or structures in a historic district, the Landmarks Preservation Advisory Board shall follow relevant city policies, including, without limitation, energy-efficient design, access for the disabled, and creative approaches to renovation.

Section 9-11-2, City Council may Designate Landmarks and Historic Districts, states:

- (a) Pursuant to the procedures in this chapter the City Council may by ordinance:
 - (1) Designate as a landmark an individual building or other feature or an integrated group of structures or features on a single lot or site having a special character and historical, architectural, or aesthetic interest or value and designate a landmark site for each landmark;
 - (2) Designate as a historic district a contiguous area containing a number of sites, buildings, structures or features having a special character and historical, architectural, or aesthetic interest or value and constituting a distinct section of the city;
 - (3) Designate as a discontinuous historic district a collection of sites, buildings, structures, or features which are contained in two or more geographically separate areas, having a special character and historical, architectural, or aesthetic interest or value that are united together by historical, architectural, or aesthetic characteristics; and
 - (4) Amend designations to add features or property to or from the site or district.
- (b) Upon designation, the property included in any such designation is subject to all the requirements of this code and other ordinances of the city.

Significance Criteria.

To assist in the interpretation of the historic preservation ordinance, the Landmarks Board has adopted significance criteria to use when evaluating applications for individual landmarks. The criteria are included in *Attachment A: Significance Criteria*. An evaluation of the property's significance in relation to the significance criteria is as follows:

Historic, Architectural, and Environmental Significance

A. Does the proposed application protect, enhance, and perpetuate buildings, sites, and areas of the city reminiscent of past eras, events, and persons important in local, state, or national history or providing significant examples of architectural styles of the past?

The Landmarks Board has found that the proposed application would perpetuate a building and site of the city reminiscent of past eras and persons important in local history. The property has a strong association with evolving health care in Boulder during the 1910s through the 1950s in Boulder, particularly in the treatment and care of tuberculosis patients, many of whom came to Boulder specifically for health reasons. The board considers that the application meets the historic and architectural criteria for individual landmark designation as outlined below.

Historic Significance:

Summary: The house located at 747 12th St. is historically significant under criteria 1, 2 and 4.

1. Date of Construction: 1916

Elaboration: Tax Assessor records indicate that the building was constructed in 1916.

2. Association with Persons or Events: Josephine and Marthana Cowgill

Elaboration: Josephine and Marthana Cowgill, two sisters who operated a tuberculosis sanitarium in Boulder. The house functioned as a convalescent home for tuberculosis patients during the 1920s. From 1930 until the 1960s, the Cowgills owned and operated the Mesa Vista Sanatorium. It is possible and quite likely that the rear porches were constructed during this period to provide outdoor areas for consumptive patients.

3. Development of the Community: Following the Civil War, and construction of the railroads, mountain communities around the country including Boulder, were popular destinations for the treatment of tuberculosis patients and other visitors hoping to improve their health. Opened in 1896, the Boulder Sanitarium stopped accepting tuberculosis patients after WWI citing concerns about contagion to other patients. Apparently responding to a shortage of treatment alternatives to consumptives in Boulder the Cowgill sisters, began taking consumptive convalescents into their house at 747 12th St. beginning about 1920. In association with nationally noted physician Dr. Oscar Gilbert, the Cowgills continued nursing TB patients at the house until 1930 when they took over ownership and management of the Mesa Vista Sanitarium. In 1934, Gilbert bought the house which he sold in 1940. The Cowgill's adopted son Joseph went on to become a doctor and assistant director of Mesa Vista Sanitarium. For more than 50 years the Cowgill family and Dr. Gilbert engaged in innovative treatments of tuberculosis including those that took place at the Boulder-Colorado Sanitarium, 747 12th St. and the Mesa Vista Sanitarium. These efforts represent an important element of Boulder's twentieth-century history and development. The property at 747 12th St. survives as a well preserved reminder of this chapter of the city's past.

4. Recognition by Authorities: Historic Building Survey

Elaboration: The 1991 Historic Building Inventory Form indicates that the house at 747 12th St. is architecturally significant as it represents a type, period or method of

construction, and historically significant as it is associated with significant persons and significant events or patterns. The form states:

This house is significant for its association with Josephine and Marthana Cowgill, two sisters who operated a tuberculosis sanitarium in Boulder. The house functioned as a nursing home, probably for tuberculars, during the 1920s. The house is a well-preserved example of the Bungalow style popular during the early twentieth century, as typified by its hipped roof, brick walls, double-hung windows, and porch with brick pillars and walls.

No changes appear to have taken place to the buildings since the survey was undertaken. The 2001 Re-survey form indicates that the property would be contributing to a potential local or National Register historic district, but would not be individually eligible for listing at the local or national level. The basis for the 2001 determination is unclear. Staff considers that the property meets the significance criteria for individual landmark designation at the local level in terms of architectural, historic and environmental significance.

Architectural Significance:

Summary: The house located at 747 12th St. is architecturally significant under criterion 1.

1. Recognized Period or Style: Bungalow

Elaboration: The house is an unusually well-preserved example of bungalow influenced house construction popular during the early twentieth century, as typified by its hipped roof, brick walls, double-hung windows, and porch with brick pillars and walls. Of particular interest is the use of blonde brick, corbelling at the south bay and north faces, construction of the enclosed rear and side porches of the house indicating early adaptive changes to the building, presumably, in response to use of the house as a convalescence home for consumptive during the 1920s. The garage appears to have been constructed somewhat later than the main house. Both the house and garage appear to be essentially unaltered from their original construction.

2. Architect or Builder of Prominence: None observed.

3. Artistic Merit: None observed.

4. Example of the Uncommon: None observed.

5. Indigenous Qualities: None observed

B. Does the proposed application develop and maintain appropriate settings and environments for such buildings, sites, and areas to enhance property values, stabilize neighborhoods, promote tourist trade and interest, and foster knowledge of the City's living heritage?

The Landmarks Board found that the proposed application would maintain an appropriate setting and environment for the buildings. The property is located within the identified

boundaries of the potential University Hill Historic District of which the 700 block of 12th Street represents one of the best preserved areas of University Hill.

Environmental Significance:

Summary: The house located at 747 12th St. meets environmental significance under criteria 1, 2 and 5.

1. **Site Characteristics:** The house sits on a large lot with mature landscaping, including large pine trees.
2. **Compatibility with Site:** The buildings are representative of the typical building patterns in University Hill and contribute to the residential character of the neighborhood.
3. **Geographic Importance:** None observed.
4. **Environmental Appropriateness:** None observed.
5. **Area Integrity:** The 700 block of 12th Street is located in the identified potential University Hill Historic District and retains a high degree of historic integrity to the original development of that neighborhood. The block is notably intact, with examples of an eclectic mix of architectural styles characteristic of the 1910s to the 1930s, including Tudor Revival, Colonial Revival and Craftsman Bungalow houses. Three houses on the block, including one that has been designated as an individual landmark, were designed by noted Boulder architect Glen Huntington. Many of the properties on the block are associated with significant figures to Boulder's history. In addition to the Cowgills, the block was also home to faculty members of the University of Colorado, prominent businessmen and socialites.

C. Does the proposed application draw a reasonable balance between private property rights and the public interest in preserving the City's cultural, historic, and architectural heritage by ensuring that demolition of buildings and structures important to that heritage will be carefully weighed with other alternatives?

The Landmarks Board has found that this application draws a reasonable balance between private property rights and the public's interest in preserving the city's cultural, historic, and architectural heritage. The property has exceptional historic significance through its association with the Cowgill sisters and the evolution of the care of consumptives in Boulder. Two generations of Cowgills were directly involved in this often overlooked chapter of history that saw momentous changes from the chronic care of consumptive patients, to cure of tuberculosis with the advent of penicillin, to direct and effective efforts to eradicating the disease in the Navajo Nation. To this extent, the property represents a direct link to the Cowgill sisters, Dr. Oscar Gilbert and Dr. Joseph Cowgill.

During the stay-of-demolition, staff and representatives of the Landmarks Board and Historic Boulder, Inc. met with the applicant and owner to discuss alternatives to the demolitions, including landmarking, rehabilitation, and the possibility of constructing an addition to the main house. The applicants have indicated they do not consider the buildings historically or architecturally significant and are not interested in preserving them. It has not been

demonstrated that the cost of rehabilitation and the incorporation of the buildings into future development plans would be unreasonable. The house is located on the southern portion of the lot, which slopes to the north. This configuration would allow for an addition to the north that would not overwhelm the existing house. No major structural issues have been identified, and it has not been demonstrated that the cost of rehabilitation or restoration would be unreasonable. Considerable community support for the proposed designation has been expressed through the demolition review process.

At the June 4, 2014 meeting, Historic Boulder, Inc. spoke in support of imposing a stay on the property to explore alternatives to the demolition. The Landmarks Board has received letters from five neighboring property owners in support of the stay of demolition, and seven neighbors spoke against the demolition of the buildings at the June 4th Landmarks Board meeting.

Four neighbors spoke in opposition to the demolition of the house at the Sept 3rd Landmarks Board hearing and presented a letter in support of its preservation signed by 51 Boulder residents. Oct. 1st meeting, three neighbors spoke in support of landmark designation. In September 2014, an application for historic district designation for the 700 block of 12th St. was received but later withdrawn due to lack of support from the property owners. One property owner has indicated that they will submit an application for individual landmark designation for their property.

In the history of the historic preservation program, individual landmark designations over the owner's objection have occurred very rarely.

Of the 168 designated individual landmarks since 1980 (1974 to 1979 records do not clearly identify the initiator), 157 were initiated by the property owner. Four were initiated by Historic Boulder, one by the Modern Architecture Preservation League (Bandshell), and six by the Landmarks Preservation Advisory Board. Of these designations, five are known to have been initially over the owner's objection:

- 1980: 2032 14th Street – Boulder Theater
- 1990: 646 Pearl St – Arnett-Fullen House
- 1998: 1949 Pearl Street – Campbell Grocery
- 2007: 1936 Mapleton Avenue – Frakes House
- 2007: 3231 11th Street – Chambers Cottage

The historic preservation code states that its purpose is to draw a “reasonable balance between private property rights and the public interest.” In this case, staff considers that initiating landmark designation for this property may be appropriate, as the property possesses exceptional historic and architectural significance of state and local significance. At the same time, it has not been demonstrated that the buildings' incorporation into future development plans would be unreasonable.

The house is located on the south side of the lot, and the grade slopes gradually to the north, allowing for an addition that preserves the mass, scale, location and character-defining features of the house and also accommodates addition space desired for a modern residence. Character-defining features of the house include the hipped roof, blond brick with corbel

details, and the rear porches. An addition that is sympathetic to the historic character of the house could be approved through Landmark Alteration Certificate review if the house were landmarked. For instance, constructing a substantial addition at the north side of the house would likely be feasible if it was setback from the front corner of the historic portion of the house.

OPTIONS:

The City Council may approve, modify or not approve the second reading of this ordinance.

Approved By:

Jane S. Brautigam,
City Manager

ATTACHMENTS:

- A: Ordinance No. 8029
- B: Sections 9-11-1 and 9-11-2, "*Purposes and Intent*," B.R.C., 1981
- C: Significance Criteria for individual landmarks

ORDINANCE NO. 8029

AN ORDINANCE DESIGNATING THE BUILDINGS AND PROPERTY AT 747 12TH ST., CITY OF BOULDER, COLORADO, ALSO KNOWN AS THE COWGILL PROPERTY, A LANDMARK UNDER CHAPTER 9-11, "HISTORIC PRESERVATION" B.R.C. 1981, AND SETTING FORTH DETAILS IN RELATION THERETO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. The council enacts this ordinance pursuant to its authority under Chapter 9-11, "Historic Preservation," B.R.C. 1981, to designate as a landmark a property having a special character or special historic, architectural, or aesthetic interest or value.

Section 2. The council finds that: 1) on or about October 1, 2014, the Landmarks Board passed a resolution to initiate landmark designation for the property at 747 12th St. 2) the Landmarks Board held a public hearing on the proposed designation on January 7, 2015; and 3) on January 15, 2015, the board recommended that the council approve the proposed designation.

Section 3. The council also finds that upon public notice required by law, the council held a public hearing on the proposed designation on February 3, 2015 and upon the basis of the presentations at that hearing finds that the building and the property at 747 12th St. does possess a special character and special historic, architectural, or aesthetic interest or value warranting its designation as a landmark.

Section 4. The characteristics of the subject property that justify its designation as a landmark are: 1) its historic significance is relevant to its construction in 1916, its association with the Cowgill family, who opened a convalescent home for tuberculosis patients and later operated the Mesa Vista Sanatorium, and for its association with the development of Boulder; and 2) its

1 architectural significance indicative of an example of a bungalow influenced house, and; 3) its
2 environmental significance for its location within the potential University Hill Historic District,
3 which retains its residential historic character.

4 Section 5. The council further finds that the foregoing landmark designation is necessary
5 to promote the public health, safety, and welfare of the residents of the city.

6 Section 6. There is hereby created as a landmark the building and property located at 747
7 12th St., also known as the Cowgill Property, whose legal landmark boundary encompasses a
8 portion of the legal lots upon which it sits:

9 LOTS 35-38 INC BLK 32 UNIVERSITY PLACE

10 as depicted in the proposed landmark boundary map, attached hereto as Exhibit A.

11 Section 7. The council directs that the department of Community Planning and
12 Sustainability give prompt notice of this designation to the property owner and cause a copy of
13 this ordinance to be recorded as described in Subsection 9-11-6(d), B.R.C. 1981.

14 Section 8. The council deems it appropriate that this ordinance be published by title only
15 and orders that copies of this ordinance be made available in the office of the city clerk for public
16 inspection and acquisition.

17
18 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE
19 ONLY THIS 3RD DAY OF FEBRUARY, 2015.

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22 Mayor

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Attest:

City Clerk

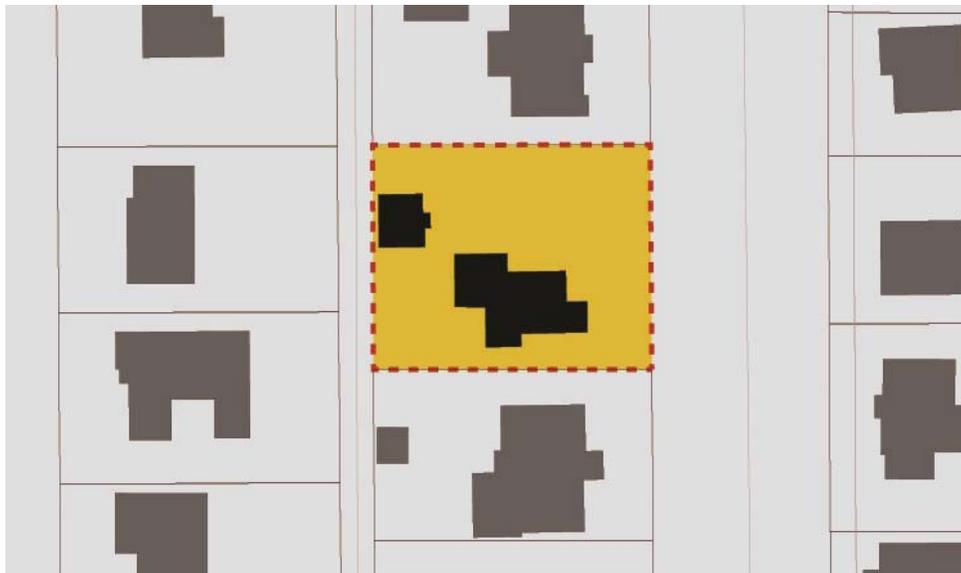
READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY
TITLE ONLY THIS 3RD DAY OF MARCH, 2015.

Mayor

Attest:

City Clerk

Exhibit A – Landmark Boundary Map for 747 12th St.



LOTS 35-38 INC BLK 32 UNIVERSITY PLACE

**9-11-1 & 9-11-2 Purposes and Intent
Boulder Revised Code, 1981**

9-11-1: *Purpose and Legislative Intent* states:

- (a) The purpose of this chapter is to promote the public health, safety, and welfare by protecting, enhancing, and perpetuating buildings, sites, and areas of the city reminiscent of past eras, events, and persons important in local, state, or national history or providing significant examples of architectural styles of the past. It is also the purpose of this chapter to develop and maintain appropriate settings and environments for such buildings, sites, and areas to enhance property values, stabilize neighborhoods, promote tourist trade and interest, and foster knowledge of the city's living heritage.
- (b) The City Council does not intend by this chapter to preserve every old building in the city but instead to draw a reasonable balance between private property rights and the public interest in preserving the city's cultural, historic, and architectural heritage by ensuring that demolition of buildings and structures important to that heritage will be carefully weighed with other alternatives and that alterations to such buildings and structures and new construction will respect the character of each such setting, not by imitating surrounding structures, but by being compatible with them.
- (c) The City Council intends that in reviewing applications for alterations to and new construction on landmarks or structures in a historic district, the Landmarks Board shall follow relevant city policies, including, without limitation, energy-efficient design, access for the disabled and creative approaches to renovation.

9-11-2: *City Council may Designate or Amend Landmarks and Historic Districts* states:

- (a) Pursuant to the procedures in this chapter the City Council may by ordinance:
 - (1) Designate as a landmark an individual building or other feature or an integrated group of structures or features on a single lot or site having a special character and historical, architectural, or aesthetic interest or value and designate a landmark site for each landmark;
 - (2) Designate as a historic district a contiguous area containing a number of sites, buildings, structures or features having a special character and historical, architectural, or aesthetic interest or value and constituting a distinct section of the city;
 - (3) Designate as a discontinuous historic district a collection of sites, buildings, structures, or features which are contained in two or more geographically separate areas, having a special character and historical, architectural, or aesthetic interest or value that are united together by historical, architectural, or aesthetic characteristics; and
 - (4) Amend designations to add features or property to or from the site or district.
- (b) Upon designation, the property included in any such designation is subject to all the requirements of this code and other ordinances of the city.

SIGNIFICANCE CRITERIA

Individual Landmark

September 1975

On September 6, 1975, the City Council adopted Ordinance #4000 providing procedures for the designation of Landmarks and Historic Districts in the City of Boulder. The purpose of the ordinance is the preservation of the City's permitted cultural, historic, and architectural heritage. The Landmarks Board is permitted by the ordinance to adopt rules and regulations as it deems necessary for its own organization and procedures. The following Significance Criteria have been adopted by the board to help evaluate each potential designation in a consistent and equitable manner.

Historic Significance

The place (building, site, area) should show character, interest or value as part of the development, heritage, or cultural characteristics of the community, state or nation; be the site of a historic, or prehistoric event that had an effect upon society; or exemplify the cultural, political, economic, or social heritage of the community.

Date of Construction: This area of consideration places particular importance on the age of the structure.

Association with Historical Persons or Events: This association could be national, state, or local.

Distinction in the Development of the Community of Boulder: This is most applicable to an institution (religious, educational, civic, etc) or business structure, though in some cases residences might qualify. It stresses the importance of preserving those places which demonstrate the growth during different time spans in the history of Boulder, in order to maintain an awareness of our cultural, economic, social or political heritage.

Recognition by Authorities: If it is recognized by Historic Boulder, Inc. the Boulder Historical Society, local historians (Barker, Crossen, Frink, Gladden, Paddock, Schooland, etc), State Historical Society, The Improvement of Boulder, Colorado by F.L. Olmsted, or others in published form as having historic interest and value.

Other, if applicable.

Architectural Significance

The place should embody those distinguishing characteristics of an architectural type specimen, a good example of the common; be the work of an architect or master builder, known nationally, state-wide, or locally, and perhaps whose work has influenced later development; contain elements of architectural design, detail, materials or craftsmanship which represent a significant innovation; or be a fine example of the uncommon.

Recognized Period/Style: It should exemplify specific elements of an architectural period/style, i.e.: Victorian, Revival styles, such as described by *Historic American Building Survey Criteria*, Gingerbread Age (Maass), 76 Boulder Homes (Barkar), The History of Architectural Style (Marcus/Wiffin), Architecture in San Francisco (Gebhard et al), History of Architecture (Fletcher), Architecture/Colorado, and any other published source of universal or local analysis of a style.

Architect or Builder of Prominence: A good example of the work of an architect or builder who is recognized for expertise in his field nationally, state-wide, or locally.

Artistic Merit: A skillful integration of design, material, and color which is of excellent visual quality and/or demonstrates superior craftsmanship.

Example of the Uncommon: Elements of architectural design, details, or craftsmanship that are representative of a significant innovation.

Indigenous Qualities: A style or material that is particularly associated with the Boulder area.

Other, if applicable.

Environmental Significance

The place should enhance the variety, interest, and sense of identity of the community by the protection of the unique natural and man-made environment.

Site Characteristics: It should be of high quality in terms of planned or natural vegetation.

Compatibility with Site: Consideration will be given to scale, massing placement, or other qualities of design with respect to its site.

Geographic Importance: Due to its unique location or singular physical characteristics, it represents an established and familiar visual feature of the community.

Environmental Appropriateness: The surroundings are complementary and/or it is situated in a manner particularly suited to its function.

Area Integrity: Places which provide historical, architectural, or environmental importance and continuity of an existing condition, although taken singularly or out of context might not qualify under other criteria.



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: May 28, 2015

AGENDA TITLE:

Second reading and consideration of a motion to adopt Ordinance No. 8040 amending Title 9, "Land Use Code," B.R.C. 1981, to allow medical or dental clinics or offices and addiction recovery facilities as a conditional use in the Industrial General (IG) zoning district near Boulder Community Health (BCH), Foothills Campus.

PRESENTERS:

Jane S. Brautigam, City Manager
David Driskell, Executive Director of Community Planning & Sustainability (CP&S)
Susan Richstone, Deputy Director, CP&S
Charles Ferro, Development Review Manager, CP&S
David Gehr, Deputy City Attorney
Hella Pannewig, Assistant City Attorney
Lesli Ellis, Comprehensive Planning Manager
Karl Guiler, Senior Planner/Code Amendment Specialist
Jeff Hirt, Planner II

EXECUTIVE SUMMARY

This agenda item is a second reading and consideration of adoption of an ordinance (**Attachment A**) amending the Land Use Code to allow medical or dental clinics or office uses and addiction recovery facilities as a conditional use in the Industrial General (IG) zoning district near the BCH Foothills campus. The conditional use approach of the ordinance is responsive to a current need for medical offices in proximity to the Foothills campus and is limited in scope.

In 2014, Boulder Community Health (BCH) completed its transition from the Broadway to the Foothills campus, resulting in increasing demand for medical clinics and offices near the hospital. Staff is proposing a two phased approach to address the changing conditions near the Foothills campus while being responsive to the immediate need for medical office. The first phase is the ordinance set forth in this memo and **Attachment A**. The second phase will implement Title 9 changes to more comprehensively address the uses and redevelopment potential in a targeted area near the Foothills campus. Staff anticipates completion of this second phase by early to mid 2016.

The phase 1 proposed ordinance amends Title 9 to allow medical or dental clinics or office uses and addiction recovery facilities as a conditional use in the Industrial General (IG) zoning district

near the Boulder Community Health Foothills Campus. It applies to existing buildings with a certificate of occupancy on or before April 7, 2015, or in a building for which a building permit application for new construction was submitted on or before April 7, 2015. It also limits changes to existing buildings to not exceed a cumulative expansion of ten percent of the existing building floor area. It does not allow for new development or redevelopment and will cause minimal change to built form.

Staff analyzed three areas near BCH as noted in the figure below. Planning Board recommended that Areas A (Pearl East) and B (Walnut East/38th and Foothills Parkway) be included in the ordinance but not Area C. Board members were concerned about incompatibility of medical office uses in Area C, which has a more industrial character. The board also recommended the inclusion of buildings for which a building permit application has been submitted on or before June 4, 2015. To prevent development of additional new medical buildings resulting from the proposed ordinance, staff is recommending that a first reading date of April 7, 2015 apply rather than the later June date.

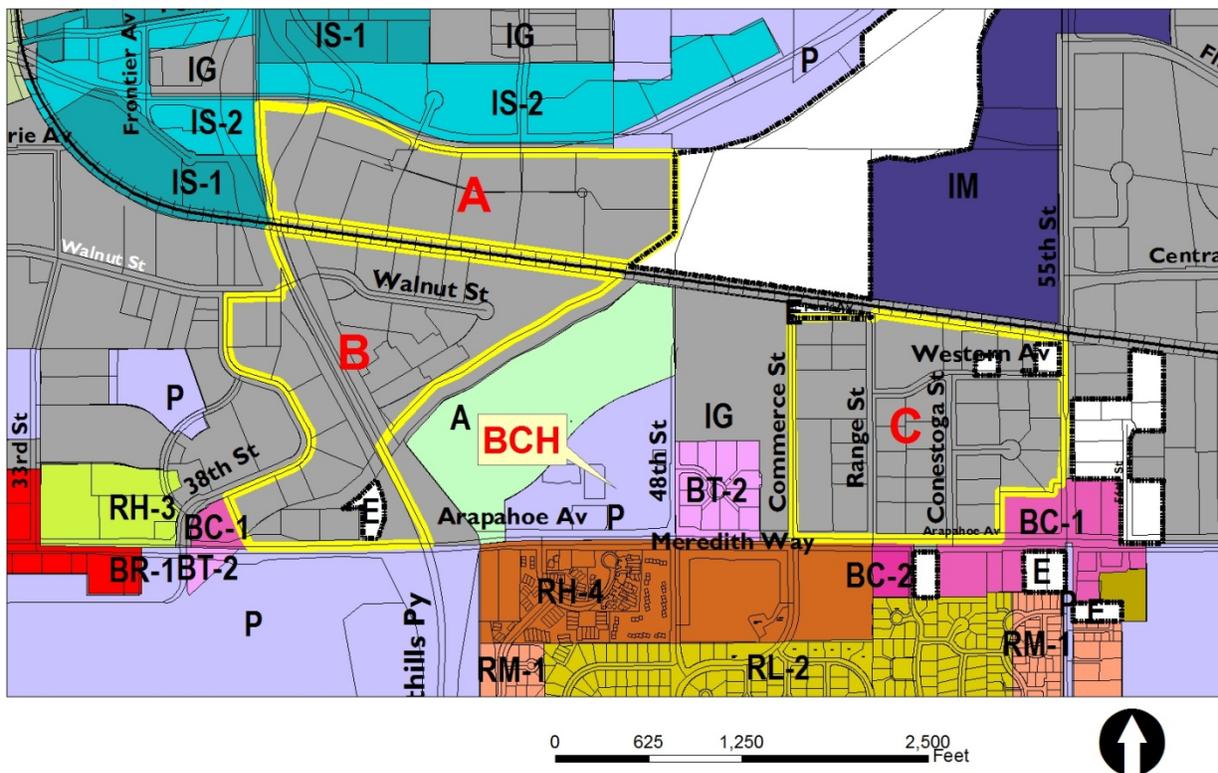


Figure 1: Possible Areas and properties within the IG zoning district where Medical or Dental Clinics or Office Uses or Addiction Recovery Facilities may be located as presented to Planning Board on March 19, 2015. (Note: Boundaries shown in yellow.)

STAFF RECOMMENDATION

Staff recommends that council consider an ordinance (**Attachment A**) that would solve an immediate need and narrowly address the need for medical clinic and office uses in the proximity of BCH. Because the ordinance applies to existing buildings and buildings with a building permit submitted, it will cause limited change and have minimal impact on adjacent businesses and neighborhoods. Overall the ordinance is consistent with community goals as noted in the analysis section of this memo.

The proposed ordinance sets forth changes to Title 9 as follows:

1. **Amending Table 2-1 (Review Processes Summary Chart)** to allow “Medical or dental clinics or office uses and addiction recovery facilities” in the Industrial General (IG) zoning district near the Boulder Community Health Foothills Campus” through the conditional use review process;
 2. **Updating Table 6-1 (Use Table)** to add “Medical or dental clinics or offices and addiction recovery facilities” as a conditional use in the IG zoning district with Specific Use Standards set forth in Section 9-6-7;
 3. **Changing Section 9-6-7**, to add new specific use standards for the IG zoning district applicable to any medical or dental clinics or office use and any addiction recovery facility use to:
 - A. Ensure that the use must be located on a lot or parcel designated in Appendix K (Properties Where Medical or Dental Clinics or Offices and Addiction Recovery Facilities May be Located as Conditional Uses in the IG Zoning District);
 - B. Require the use to be located in a building existing on the lot or parcel with a certificate of occupancy on or before April 7, 2015, or in a building for which a building permit application for new construction on the lot or parcel was submitted on or before April 7, 2015; and
 - C. Limit changes to the building to not result in a cumulative total increase in floor area of more than ten percent of the floor area of building existing or shown in the building permit application.
- **Adds Appendix K**, the map illustrating the properties where such uses may be located within the IG zoning district.

Suggested Motion

Staff requests council consideration of this matter and to take action in the form of the following motion.

Suggested Motion Language:

Motion to adopt Ordinance No. 8040 amending Title 9, “Land Use Code,” B.R.C. 1981, in particular, to allow medical or dental clinics or offices and addiction recovery facilities as a conditional use in the Industrial General (IG) zoning district near Boulder Community Health (BCH), Foothills Campus on properties where such uses may be located within the IG zoning district as illustrated in Appendix K in Title 9.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Economic:** Adding medical or dental clinics or office uses and addiction recovery facilities in the IG zoning district as a conditional use will enhance the options for occupying space in existing buildings and buildings permitted for construction, and therefore the economic viability of these buildings. Keeping such uses contained near BCH in the IG zoning district will minimize impacts on existing businesses, particularly service businesses.
- **Environmental:** The proposed code changes will assist in reducing vehicle miles traveled for health care providers currently driving back and forth to BCH Foothills Campus from their current offices near BCH’s North Broadway campus and other locations.
- **Social:** The proposed code changes support an important community health institution by allowing more flexibility for health care providers to locate nearby.

OTHER IMPACTS

- Fiscal: None identified.
- Staff time: The proposed code changes are within normal staff work plans.

BOARD AND COMMISSION FEEDBACK

On March 19, 2015, the Planning Board reviewed the proposed ordinance and recommended approval on a 7-0 vote (see motion below). The original memo to Planning Board can be found at this link: [Planning Board March 19 memo](#). **Attachment D** contains the complete minutes from the meeting.

The motions were as follows:

C. Gray, seconded by L. May, moved that the Planning Board recommend approval to the City Council of an ordinance to conditionally allow medical or dental clinics or office uses and addiction recovery facilities as a conditional use in the Industrial General zoning district in close proximity to the Boulder Community Health Foothills campus, including a recommendation to apply the ordinance in the following areas: Area A and Area B; and adding that the use must be located in an existing building or with a building for which a building permit for new construction was submitted on the lot or parcel on or before June 4, 2015.

Generally, Planning Board provided the following feedback:

- Some members of the Planning Board expressed interest in including all three areas, including Area C east of BCH, but most members expressed concerns about displacement of existing industrial uses as a primary reason for excluding Area C east of BCH. That area has a higher percentage of industrial uses as compared with Areas A and B, which has more existing office uses.
- The board requested that staff monitor applications for medical and dental offices or clinics and addiction recovery facility conditional uses under the proposed ordinance, and use that information to further understand the demand for these uses near BCH, and any displacement of existing businesses; and
- Board members emphasized the importance of multimodal connections from Areas A and B to BCH, including a suggestion to evaluate new and creative modes of transportation on the multiuse paths (e.g., allowances for electric vehicles appropriate for multiuse paths).

PUBLIC FEEDBACK

The city notified property owners and tenants in the affected area about the draft ordinance. During the next phase, the city will coordinate engagement with the Boulder Valley Comprehensive Plan and will ensure broad and inclusive engagement for both planning and implementation stages.

Public testimony at the Mar. 19, 2015 Planning Board meeting included:

- A BCH representative who spoke in support of the proposed code changes, including support for including Areas A, B, and C and including permitted as well as completed buildings. He also stated that BCH has acquired most properties in the Riverbend Park (BT-2 zoning) area and is considering future redevelopment plans;

- Two medical practitioners spoke in support of the ordinance as presented, including the option for existing and permitted buildings;
- One representative for the property at 5495 Arapahoe indicated that there is space available there for medical office (this property is zoned BC-1, which allows medical office by right); and
- Two representatives from businesses in Area C who asked for clarification that this code change does not change the IG zoning district's current allowances for industrial uses, and expressed concern that introducing medical office in this area could impact existing businesses.

In advance of the Planning Board meeting, staff also heard from two businesses in Area C with the following feedback:

- One business representative requested clarification that this code change would not affect any use allowances other than medical office; and
- One business representative supported the code change, but preferred that medical office be only allowed close to Foothills Parkway.

On Feb. 4, 2015, the city held an open house and workshop as part of the Envision East Arapahoe project and provided information about the medical office topic. During the open house, staff received several supportive comments regarding allowing medical offices near the hospital and the phased approach. The project website (EnvisionEastArapahoe.com) also contained information about the topic. The Boulder Economic Council provided input that the current zoning does not adequately accommodate medical offices near BCH and stated concerns over losing industrial land, particularly land affordable to small and mid-sized companies aiming to stay in Boulder.

Medical practitioners have provided letters to City Council noting their need for clinic and office space near the BCH Foothills Campus now that BCH has completed its relocation of operations, and expressed specific interest in 4700 Pearl and that this proposed building would meet their needs. 4700 Pearl has a submitted building permit application for a new building on a currently vacant, former RTD park and ride site.

BACKGROUND

In 2014, BCH transitioned facilities including the emergency room, new services such as surgery, imaging, laboratory services, and other inpatient services from the Broadway campus to the Foothills campus on East Arapahoe. The transition has resulted in increasing demand for medical offices in close proximity to BCH. The BT-2 area near BCH currently is zoned to allow medical office, but space is limited, with a very low vacancy rate.

The surrounding Industrial General (IG) zoning district is intended for a wide range of industrial uses, research and manufacturing operations, service industrial uses, and other complimentary uses. The IG district allows “technical” offices (e.g., engineers, graphic design, etc.) and “administrative” offices (defined as in support of affiliated industrial uses). However, the IG zoning district does not allow medical clinics or offices.

Health care providers have contacted the city and expressed urgency to lease office space closer to the Foothills campus to avoid multiple daily vehicular trips across the city from the north Broadway campus to the Foothills campus. The Primary Employer Study (2013) noted this

need, and both Planning Board and City Council have provided feedback on this topic. In 2013, the city conducted analysis of medical offices needs in the BCH Foothills Campus area (see link [here](#)).

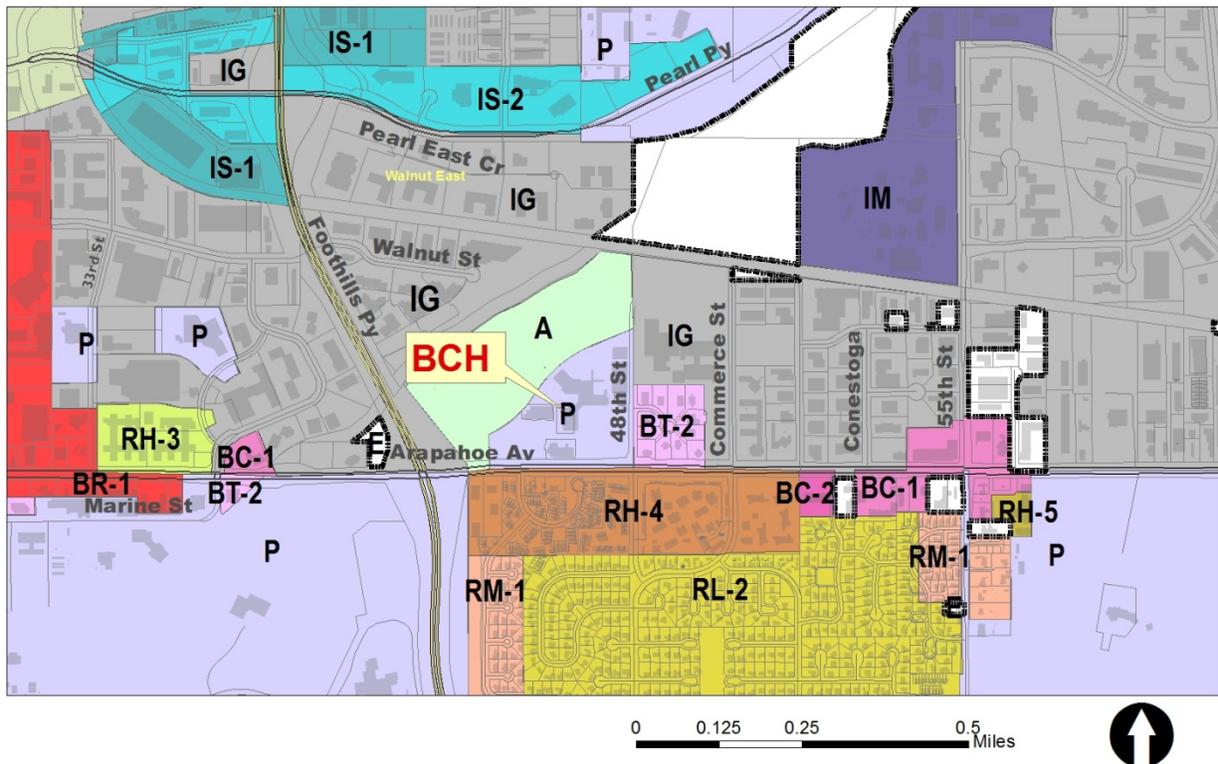


Figure 2: Existing Zoning

Two Phased Approach

Staff is proposing these targeted Title 9 changes to respond to short term medical clinic and office needs while narrowly addressing the issue in a limited area as a first phase of work. This approach builds on the discussions held in January and February 2015 with Planning Board and City Council, and reflects Planning Board’s action on Mar. 19, 2015.

1. This first phase and proposed ordinance includes an immediate modification to the IG zoning district to allow medical or dental clinics or offices and addiction recovery facilities as a conditional use in existing buildings and buildings with a submitted building permit application in close proximity to the hospital.
2. The second phase of work will look at Title 9 changes to address shifting medical related uses closer to BCH and more comprehensively planning for potential redevelopment in a targeted area near BCH. Staff will work with the community, Planning Board, and council to plan for needs and evaluate options.

ANALYSIS

General Analysis

The proposed ordinance and conditional use process solves an immediate need by narrowly addressing the need for medical clinic and office uses in the vicinity of BCH. It applies to existing buildings, so it will cause limited change in built form. It does not allow new development of medical offices in the IG zoning district, so it has minimal impact on existing

neighborhoods and businesses. While the ordinance is narrow in scope, it is consistent with community goals because it:

1. Permits proximity of medical clinics and office uses near BCH for improved multimodal transportation and access, aiming to reduce single occupancy vehicle trips of patients and medical professionals between BCH and supportive offices;
2. Allows for uses that are compatible with the BVCP Light Industrial land use designation and IG zoning district uses, and does not change the zoning districts intended for service businesses (i.e., Industrial Service 1 and 2);
3. Supports a major community health institution by allowing supportive medical uses in the vicinity of BCH (BVCP Policy 8.10); and
4. Has minimal impact on traffic patterns or parking demands because of its limited scope.

Initially staff identified a study area including all properties within an approximately one mile distance from BCH along Arapahoe Ave. **Attachment C** contains a study conducted by Health Connect Properties to assess current medical office space near BCH and supply and demand based on the existing facility. Of note, medical office supply and demand are relatively aligned in the area; however there is no vacancy for medical offices within one-half mile of BCH. The study also confirms that limited square footage is available for medical office space, although a representative of 5495 Arapahoe has indicated there is space available in that building that may be suitable for medical office.

Specific Issues

1: Areas Where Medical Uses could be Allowed in IG Zoning District as Conditional Use

Figure 3 below shows the three possible areas where medical or dental clinic or office uses and addiction recovery facilities could be allowed in the IG zoning district as a conditional use as presented to Planning Board on Mar. 19, 2015. They are (A) Pearl East, (B) Walnut East/38th and Foothills Parkway, and (C) East of Ball Aerospace along Arapahoe Avenue.

Attachment B also provides an overview of each area and an inventory of properties, building space, prior city approvals related to office uses, businesses, and the source of the information. Other areas along East Arapahoe and 55th Street were analyzed and determined to be too distant from BCH or to lack available building space or compatible uses.

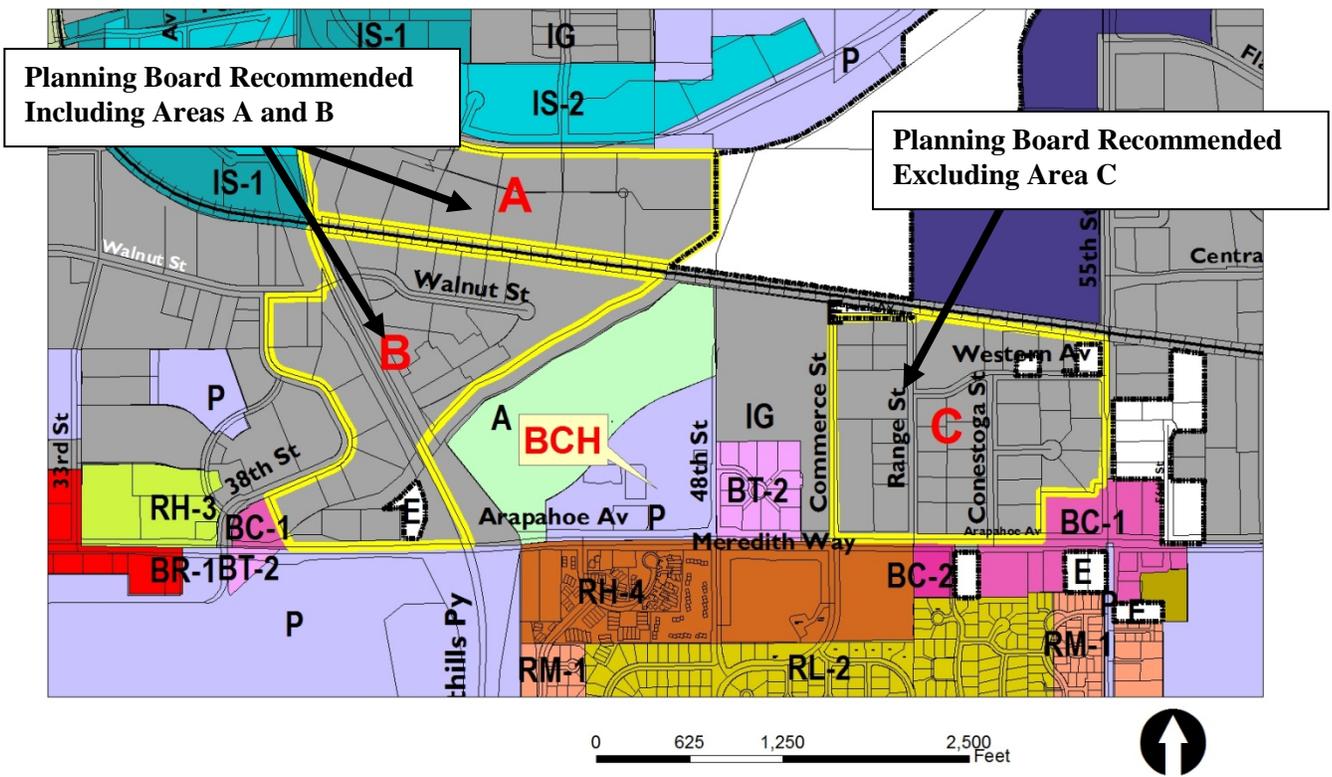


Figure 3: Possible Areas and properties within the IG zoning district where Medical or Dental Clinic or Office Uses or Addiction Recovery Facilities may be located in accordance with the draft ordinance and Planning Board’s feedback on March 19, 2015.

Area A: Pearl East

This area is 38 acres and contains 11 properties. It has 591,849 square feet of building space, with a vast majority in use for general office (81%) and the remainder as lodging (19%), as classified by Boulder County Assessor’s office (*Note: County classifications do not match Title 9 definitions for “office,” but give a general sense of the character of the land use mix within each area.*) Businesses such as Paychex, Genesis Biofuel, Outdoor Industry Association, Cloud 9 Living, and the US Social Security Administration are located in the area. Other implications of allowing medical clinics or office uses in this area include:

Proximity and Accessibility to BCH: This area is not particularly near or accessible to BCH.

- The average distance of properties from BCH on street is 1.4 miles.
- Walking distance is approximately 0.6 miles via the multi-use path.
- The 206 bus serves Pearl Parkway but does not have direct access to BCH, so travel time by bus is likely 20 minutes or more.

Compatibility with Existing Uses: Medical clinics and offices are compatible with the area. They would not likely displace manufacturing or service uses, given the existing mix of uses. Professional offices are allowed in most of this area. The city approved the Pearl East Business Park PUD in 1986 (P-86-49). This approval and subsequent amendments (e.g., UR-93-3) have allowed a variety of land uses (e.g., professional office) in addition to those currently allowed in the IG zoning district. 4700 Pearl, which sits on a former RTD park n ride site, is not part of the 1986 PUD.

Availability of Space¹: The area contains 35,619 square feet of available existing building space. 4700 Pearl awaits building permit approval and has 52,633 square feet of available space. Two medical practitioners have noted that the building could suit their needs.

Other Considerations: Past discussion has occurred regarding extending 48th Street across the railroad to connect with Pearl Street and improve overall circulation and access for the area. However, this kind of infrastructure investment would be long range, considerably costly, and necessitate analysis of environmental impacts.

Area B: Walnut East / 38th Street and Foothills Parkway

This area along Foothills Parkway is 62 acres and contains 32 properties. It has 730,551 square feet of building space. The mix of uses includes: general office (51%), industrial office (32%), warehouse and storage (11%), manufacturing (5%), and public/institutional (2%). Some of the businesses in the area include Mike's Motorcycle Parks, Shoyeido Fragrance, and Northwestern Mutual. Other implications of allowing medical clinics or office uses in this area include:

Proximity and Accessibility to BCH: The area is comparable in accessibility to Area A.

- The average distance of properties from BCH on street is 1.5 miles from the Walnut East area. Driving requires a somewhat indirect route via Exposition Drive and 38th Street.
- Walking distance is approximately 0.6 miles via the multi use path from the Walnut East area.
- The JUMP bus runs east and west along Arapahoe Avenue providing service to the properties near it; however the Walnut East area is not served by transit.

Compatibility with Existing Uses: Medical clinics and offices could be compatible with the mix of uses in the area which are about 50% general office and 30% industrial office. The Eastpark PUD allows professional office in most of the Walnut East area (see **Attachment B**). However, medical and dental offices are specifically prohibited on some properties within this PUD as they are in the IG zoning district. If Area B is included in the conditional use boundary, the city has a process to rescind the Eastpark PUD prohibition on medical and dental offices. About half of the properties included in Area B on the west side of Foothills Parkway (along 38th Street) have prior approvals for professional office, or in one case a chiropractic center.

Availability of Space: The area contains 84,002 square feet of available building space, all in the Walnut East area.

Other Considerations: The costs and benefits of extending 48th Street to Walnut East are being considered as part of the East Arapahoe area transportation planning. The capital cost would be considerable.

Area C: Area East of Ball Aerospace along Arapahoe Avenue

This area is 57 acres and contains 38 properties. It has 564,290 square feet of building space, much of which is leased by Ball Aerospace. The mix of uses includes: manufacturing (51%), industrial office (35%), warehouse and storage (7%), general office (3%), public/institutional

¹ Note: based on analysis done in February 2015.

(2%) and restaurants (1%). Some of the businesses in this area include Copy Experts, Capco Tile and Stone, Blackbelly Restaurant, and Kare Products. Other implications of allowing medical clinics or office uses in this area include:

Proximity and Accessibility to BCH: The area is the most accessible to BCH.

- The average distance of properties from BCH on street is 0.5 miles.
- Walking distance is approximately 0.5 miles on sidewalks.
- The JUMP bus runs east and west along Arapahoe Avenue.

Compatibility with Existing Uses: Medical clinics and offices may be less compatible with the predominant manufacturing and industrial office use character of the area. Additionally, many of the buildings between Commerce and Conestoga Streets are leased by Ball Aerospace. Staff did not find any properties in this area with prior use approvals for professional, medical, or dental offices.

Availability of Space: The area does not currently contain available building spaces.

In the memo to Planning Board, staff recommended including Area C because of its proximity to BCH.

2: Eligibility of Buildings with a Building Permit

For the Mar. 19 discussion with Planning Board, staff recommended that the ordinance would only apply to buildings existing on the lot or parcel on or before June 4, 2015. This was intended to prevent new development of medical buildings. However, as noted in the Pearl East area above, at least one building at 4700 Pearl Parkway has a pending building permit, and the building may be suitable to accommodate medical office needs. While the location is not ideal from a proximity or accessibility standpoint, building space near BCH is very limited and vacancy rates in all the areas are very low.

Planning Board recommended that the ordinance be expanded to include buildings for which a building permit for new construction was submitted on the lot or parcel on or before June 4, 2015. To further the goal of preventing new development of medical buildings, staff is recommending that the June 4, 2015 date be replaced with the first reading date of April 7, 2015.

PHASE 2 - BCH DISTRICT PLANNING AND IMPLEMENTATION

The proposed ordinance and Title 9 changes proposed as part of this agenda item are limited in scope and effect. Therefore, staff will continue to work with the Boulder community, Planning Board, City Council, and stakeholders to plan for the future needs and character near BCH and identify the best zoning approach to implement the desired future district.

Phase 2 is completion is targeted for early to mid-2016. Phase 2-specific considerations and scope items are anticipated to include:

1. Develop a community engagement strategy to include neighbors, property owners, tenants and other people interested in participating. Coordinate with Boulder Community Health and Ball Aerospace.
2. Define a more focused planning area for the future “hospital district” – possibly around Riverbend Park and the BT-2 zoning district.
3. Synchronize with the Boulder Valley Comprehensive Plan (BVCP) 2015 update process to plan for hospital district needs and desired character of future redevelopment.

4. Continue to analyze potential transportation connections in the immediate area, such as 48th Street extension and future Bus Rapid Transit along SH 7/Arapahoe Ave.
5. Begin drafting Title 9 changes, including a possible new zoning district or form based code to implement the hospital district desired form, uses, and character.

NEXT STEPS

The following immediate next steps are proposed:

- **Jul. 16, 2015:** Planning Board discussion of Phase 2 planning issues for BCH and zoning district options.
- Check ins with council on Phase 2 will be coordinated with the BVCP update and council calendar.

ATTACHMENTS:

- A. Proposed Ordinance Amending Title 9, "Land Use Code," B.R.C. 1981.
- B. Area Profiles and Property Inventory
- C. Medical Office Analysis/Boulder Community Health
- D. Draft Minutes from March 19, 2015 Planning Board Meeting

Link: [Area II Analysis Report \(2013\)](#)

ORDINANCE NO. 8040

AN ORDINANCE AMENDING TITLE 9, "LAND USE CODE," B.R.C. 1981, TO ALLOW MEDICAL OR DENTAL CLINICS OR OFFICES AND ADDICTION RECOVERY FACILITIES AS A CONDITIONAL USE IN THE INDUSTRIAL GENERAL ZONING DISTRICT IN CLOSE PROXIMITY TO THE BOULDER COMMUNITY HEALTH FOOTHILLS CAMPUS, AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. Section 9-2-1, B.R.C. 1981, is amended to read:

9-2-1. - Types of Reviews.

- (a) Purpose: This section identifies the numerous types of administrative and development review processes and procedures. The review process for each of the major review types is summarized in Table 2-1 of this section.
- (b) Summary Chart:

TABLE 2-1: REVIEW PROCESSES SUMMARY CHART

I. ADMINISTRATIVE REVIEWS	II. ADMINISTRATIVE REVIEWS - CONDITIONAL USES	III. DEVELOPMENT REVIEW AND BOARD ACTION
Building permits	Accessory Units (Dwelling, Owners, Limited)	Annexation/initial zoning
Change of address	Antennas for Wireless	BOZA variances
Change of street name	Telecommunications Services	Concept plans
Demolition, moving, and removal of buildings with no historic or architectural significance, per Section 9-11-23, "Review of Permits for Demolition, On-Site Relocation, and Off-Site Relocation	Bed and Breakfasts	Demolition, moving, and removal of buildings with potential historic or architectural significance, per Section 9-11-23, "Review of Permits for Demolition, On-Site Relocation,
	Cooperative Housing Units	
	Daycare Centers	

1	of Buildings Not Designated," B.R.C. 1981	Detached Dwelling Units with Two Kitchens	and Off-Site Relocation of Buildings Not Designated," B.R.C. 1981
2			
3	Easement vacation	Drive-Thru Uses	
4	Extension of development approval/staff level	Group Home Facilities	Landmark alteration certificates other than those that may be approved by staff per Section 9- 11-14, "Staff Review of
5		Home Occupations	Application for Landmark
6	Landmark alteration certificates (staff review per Section 9-11-14, "Staff Review of Application for Landmark Alteration Certificate," B.R.C. 1981)	Manufacturing Uses with Off- Site Impacts	Alteration Certificate," B.R.C. 1981
7			
8			Lot line adjustments
9	Landscape standards variance	<u>Medical or Dental Clinics or Offices or Addiction Recovery Facilities in the Industrial General Zoning District near the Boulder Community Health Foothills Campus</u>	Lot line elimination
10	Minor modification		Minor Subdivisions
11	Nonconforming use (extension, change of use (inc. parking))		Out of city utility permit
12			
13	Parking deferral per Subsection 9- 9-6(e), B.R.C. 1981	Neighborhood Service Centers	Rezoning
14			Site review
15	Parking reduction of up to fifty percent per Subsection 9-9-6(f), B.R.C. 1981	Offices, Computer Design and Development, Data Processing, Telecommunications, Medical or Dental Clinics and Offices, or Addiction Recovery Facilities in the Service Commercial Zoning Districts	Subdivisions
16			Use review
17	Parking reductions and modifications for bicycle parking per Paragraph 9-9-6(g)(6), B.R.C. 1981	Recycling Facilities	Vacations of street, alley, or access easement
18			
19	Parking stall variances	Religious Assemblies	
20			
21	Public utility	Residential Care, Custodial Care, and Congregate Care Facilities	
22	Rescission of development approval	Residential Development in Industrial Zoning Districts	
23			
24	Revocable permit	Restaurants, Brewpubs, and Taverns	
25	Right of way lease		

1	Setback variance	Sales or Rental of Vehicles on Lots Located 500 Feet or Less from a Residential Zoning District	
2	Site access variance		
3	Solar exception		
4	Zoning verification	Service Stations	
5		Shelters (Day, Emergency, Overnight, temporary)	
6			
7		Temporary Sales	
8		Transitional Housing	

9
10 . . .

11 Section 2. Section 9-6-1, B.R.C. 1981, is amended to read:

12 **9-6-1. - Schedule of Permitted Land Uses.**

13 The schedule shows the uses which are permitted, conditionally permitted, prohibited, or which
14 may be permitted through use review pursuant to Section 9-2-15, "Use Review," B.R.C. 1981.

15 (a) Explanation of Table Abbreviations: The abbreviations used in Table 6-1 of this section
16 have the following meanings:

- 17 (1) Allowed Uses: An "A" in a cell indicates that the use type is permitted by right in the
18 respective zoning district. Permitted uses are subject to all other applicable regulations
19 of this title.
- 20 (2) Conditional Uses: A "C" in a cell indicates that the use type will be reviewed in
21 accordance with the procedures established in Section 9-2-2, "Administrative Review
22 Procedures," B.R.C. 1981. Conditional use applications shall also meet the additional
23 standards set forth in Sections 9-6-2 through 9-6-9, B.R.C. 1981, for "Specific Use
24 Standards," or other sections of this title.
- 25 (3) Use Review Uses: A "U" in a cell indicates that the use type will be reviewed in
accordance with the procedures established in Section 9-2-15, "Use Review," B.R.C.
1981. Use review applications shall also meet the additional standards set forth in
Sections 9-6-2 through 9-6-9, B.R.C. 1981, for "Specific Use Standards."
- (4) Ground Floor Restricted Uses: A "G" in a cell indicates that the use type is permitted by
right in the respective zoning district, so long as it is located above or below the ground
floor, otherwise by use review only.
- (5) Residential Restricted Uses - M: An "M" in a cell indicates the use is permitted,
provided at least fifty percent of the floor area is for residential use and the

1 nonresidential use is less than seven thousand square feet per building, otherwise by use
2 review only.

3 (6) Residential Restricted Uses - N: An "N" in a cell indicates the use is permitted,
4 provided at least fifty percent of the floor area is for nonresidential use, otherwise by
5 use review only.

6 (7) Prohibited Uses: An asterisk symbol ("*") in a cell indicates that the use type is
7 prohibited in the zoning district.

8 (8) Additional Regulations: There may be additional regulations that are applicable to a
9 specific use type. The existence of these specific use regulations is noted through a
10 reference in the last column of the use table entitled "Specific Use." References refer to
11 subsections of Sections 9-6-2 through 9-6-9, B.R.C. 1981, for "Specific Use Standards,"
12 or other sections of this title. Such standards apply to all districts unless otherwise
13 specified.

14 (9) n/a: Not applicable; more specific use applications apply.

15 (b) Interpretation: The city manager may decide questions of interpretation as to which category
16 uses not specifically listed are properly assigned to, based on precedents, similar situations,
17 and relative impacts. Upon written application, the BOZA may determine whether a specific
18 use not listed in Table 6-1 of this section is included in a specific use category. Any use not
19 specifically listed in Table 6-1 of this section is not allowed unless it is determined to be
20 included in a use category as provided by this section.

21 (c) Multiple Uses of Land Permitted: Permitted uses, conditional uses, and uses permitted by
22 use review may be located in the same building or upon the same lot.

23 (d) Use Table:
24
25

TABLE 6-1: USE TABLE

Zoning District	RR-1, RR-2, RE, RL-1	RL-2, RM-2	RM-1, RM-3	RM X-1	RM X-2	RH-1, RH-2, RH-4, RH-5	RH-3, RH-7	RH-6	MH	MU-3	MU-1	MU-2	MU-4	BT-1, BT-2	BM S	BC-1, BC-2	BC S	BR-1, BR-2	DT-4	DT-5	DT-1, DT-2, DT-3	IS-1, IS-2	IG	IM	IMS	P	A		
Use Modules	R1	R2	R3	R4	R5	R6	R7	R8	MH	M1	M2	M3	M4	B1	B2	B3	B4	B5	D1	D2	D3	I1	I2	I3	I4	P	A	Specific Use Standard	
Office, Medical and Financial Uses																													
Data processing facilities	*	*	*	*	*	*	*	*	*	*	*	*	C	A	G	A	C	A	G	A	A	*	A	A	A	*	*	*	9-6-7
Financial institutions	*	*	*	*	*	*	M	*	*	M	M	M	C	U	A	A	A	A	A	A	A	*	*	*	*	*	*	*	
Hospitals	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	*	9-3-2(i)	
Medical or dental clinics or offices or addiction recovery	*	U	U	U	*	U	U	*	*	M	U	U	C	A	A	A	C	A	G	A	A	*	C	*	*	U	*	9-3-2(i) 9-6-7	

1 U: Use review. See Section 9-2-15 for use review procedures.

2 G: Allowed use provided that it is located above or below the ground floor.

3 M: Allowed use provided at least 50% of the floor area is for residential use and the nonresidential use is less than 7,000 square feet per building, otherwise use
review.

4 N: Allowed use provided at least 50% of the floor area is for nonresidential use, otherwise by use review.

5 n/a: Not applicable; more specific use applications apply.

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Packet Page 70

21

1 Section 3. Section 9-6-7, B.R.C. 1981, is amended to read:

2 **9-6-7. - Office, Medical and Financial Uses.**

3 Offices, Computer Design and Development, Data Processing, Telecommunications, Medical or
4 Dental Clinics and Offices, Medical and Dental Laboratories, Financial Institutions, or Addiction
5 Recovery Facilities: The following criteria apply to the uses and zoning districts specified in this
6 subsection:

7 (1) In the BCS zoning district, the combined total amount of any office, computer design
8 and development facility, data processing facility, telecommunication use, medical or
9 dental clinic or office, or addiction recovery facility shall not exceed fifty percent of the
10 total floor area of the building.

11 (2) In the MU-4 zoning district, any public and private office use providing social services;
12 data processing facility; financial institution; medical or dental clinic or office;
13 addiction recovery facility; medical and dental laboratory; office, administrative; office,
14 professional; and office, other, shall not exceed 20,000 square feet in floor area of the
15 building. The floor area may exceed 20,000 square feet if the use is approved pursuant
16 to a use review and the approving authority finds that the use:

17 (A) Meets the use review criteria in Paragraphs 9-2-15(e)(1), (3), (4), and (5), "Use
18 Review," B.R.C. 1981; and

19 (B) The proposed use will contribute to a diversity of uses in the area and to making the
20 area a lively and engaging place.

21 (3) In the IG zoning district, the following standards and criteria apply to any medical or
22 dental clinics or offices and any addiction recovery facilities:

23 (A) The use must be located on a lot or parcel designated in Appendix K, "Properties
24 Where Medical or Dental Clinics or Offices and Addiction Recovery Facilities
25 May Be Located as Conditional Uses in the IG Zoning District;"

 (B) The use must be located in a building existing on the lot or parcel with a certificate
 of occupancy on or before April 7, 2015, or in a building for which a building
 permit application for new construction on the lot or parcel was submitted on or
 before April 7, 2015; and

 (C) Any changes to the building for the medical or dental clinic or office use or
 addiction recovery facility use shall not result in a cumulative total increase in
 floor area of more than ten percent of the floor area of the building existing on
 April 7, 2015, or shown in the building permit application submitted on or before
 April 7, 2015, as applicable.

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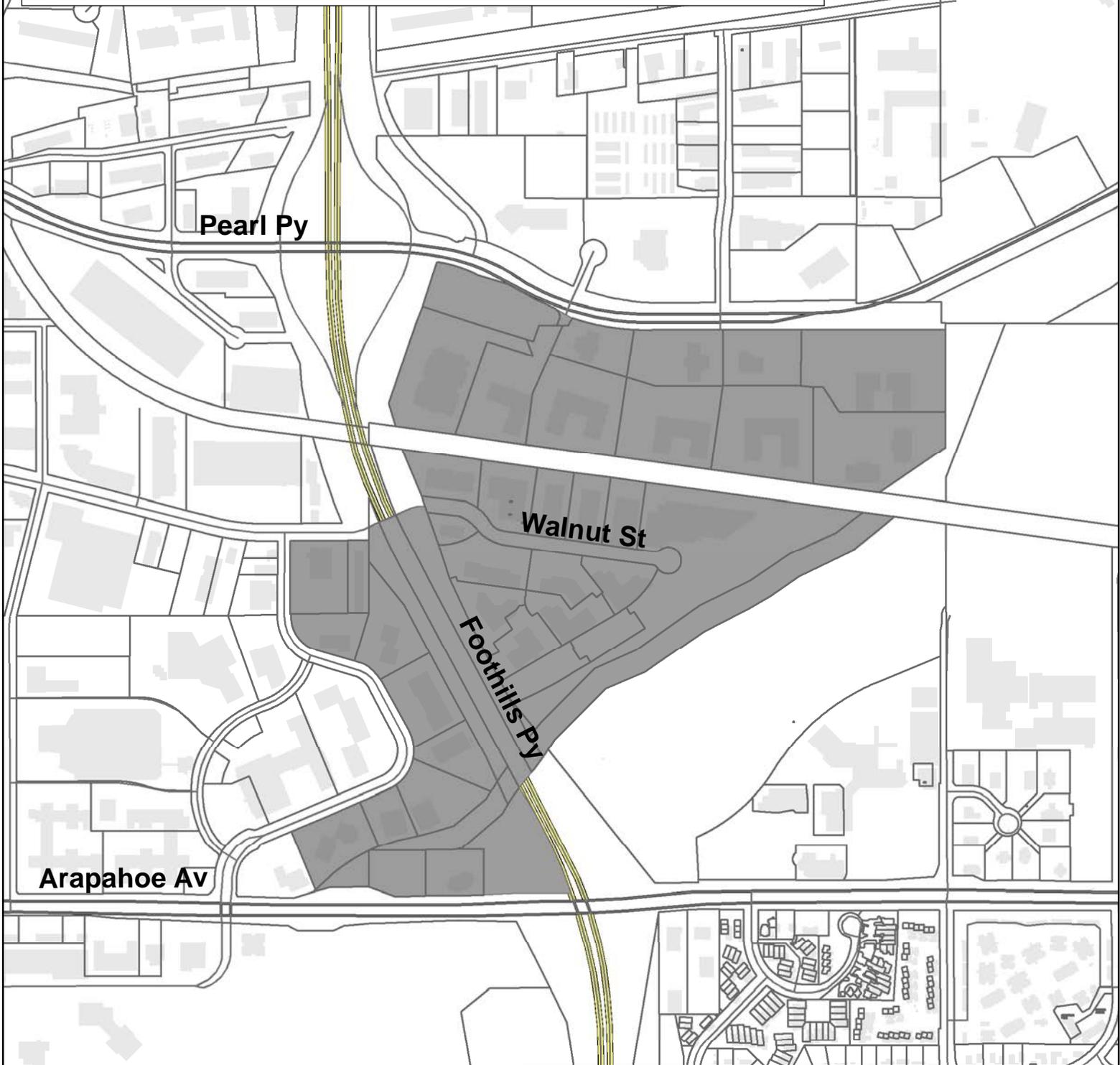
READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED
PUBLISHED BY TITLE ONLY this ____ day of _____, 2015.

Mayor

Attest:

City Clerk

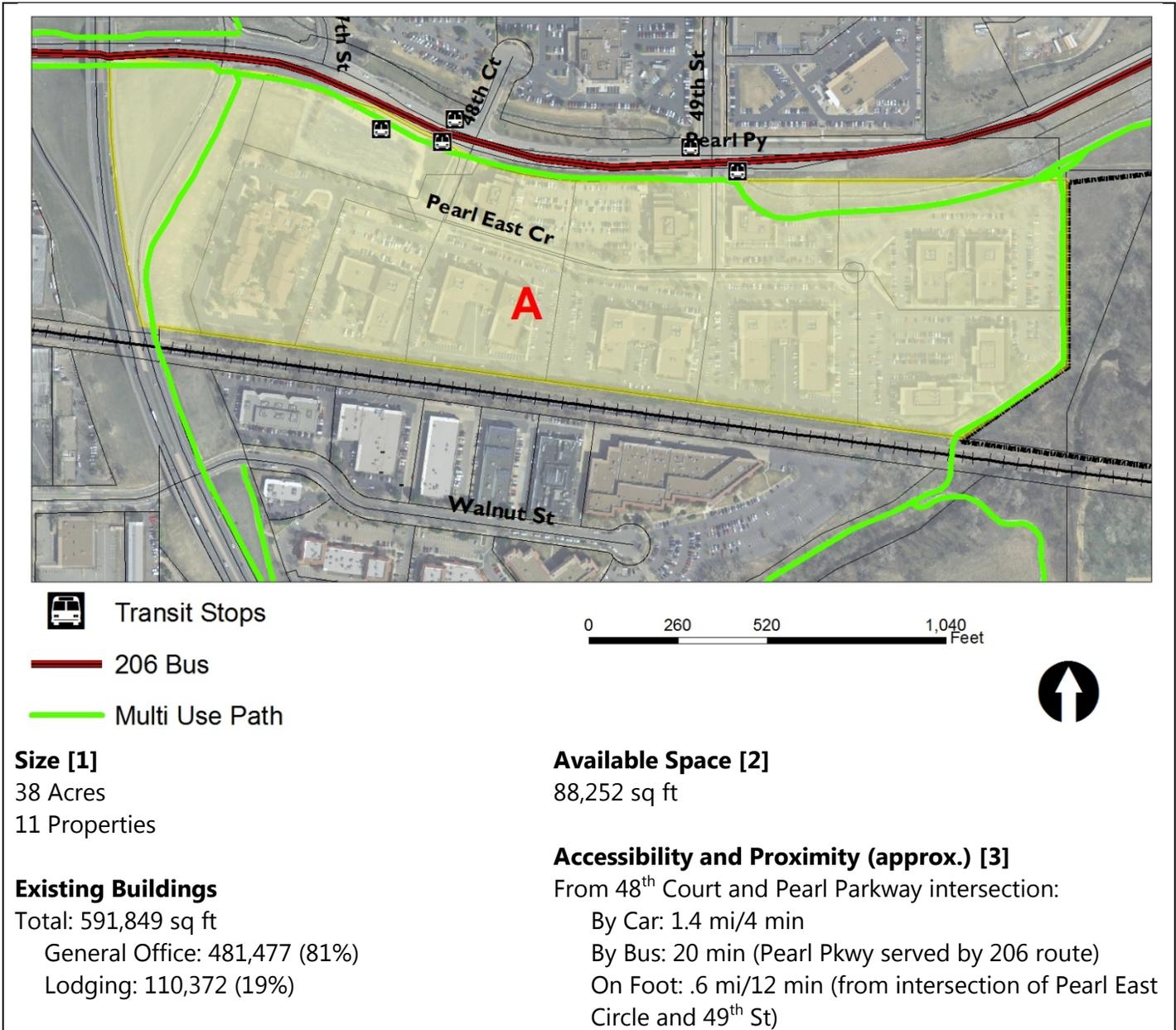
Appendix K: Properties Where Medical or Dental Clinics or Offices and Addiction Recovery Facilities May be Located as Conditional Uses in the IG Zoning District

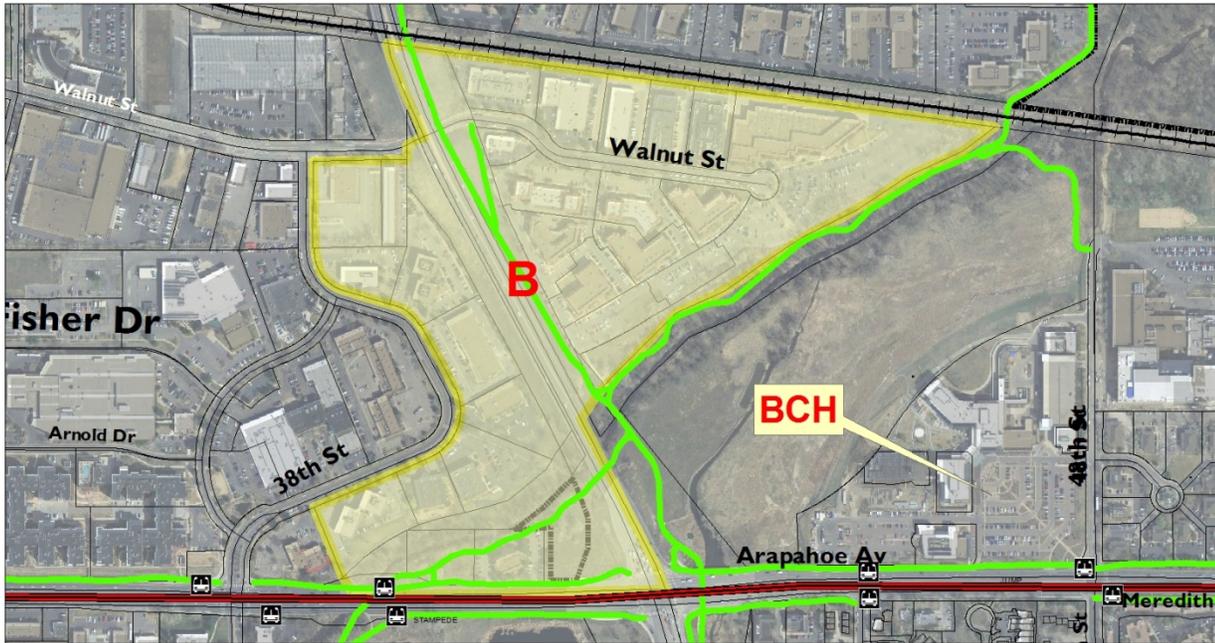


Legend

-  Ownership Parcels
-  Medical or Dental Clinics or Offices and Addiction Recovery Facilities Allowed

ATTACHMENT B: AREA PROFILES AND PROPERTY INVENTORY





-  Transit Stops
-  JUMP Bus
-  Multi Use Path



Size [1]

62 Acres
32 Properties

Existing Buildings

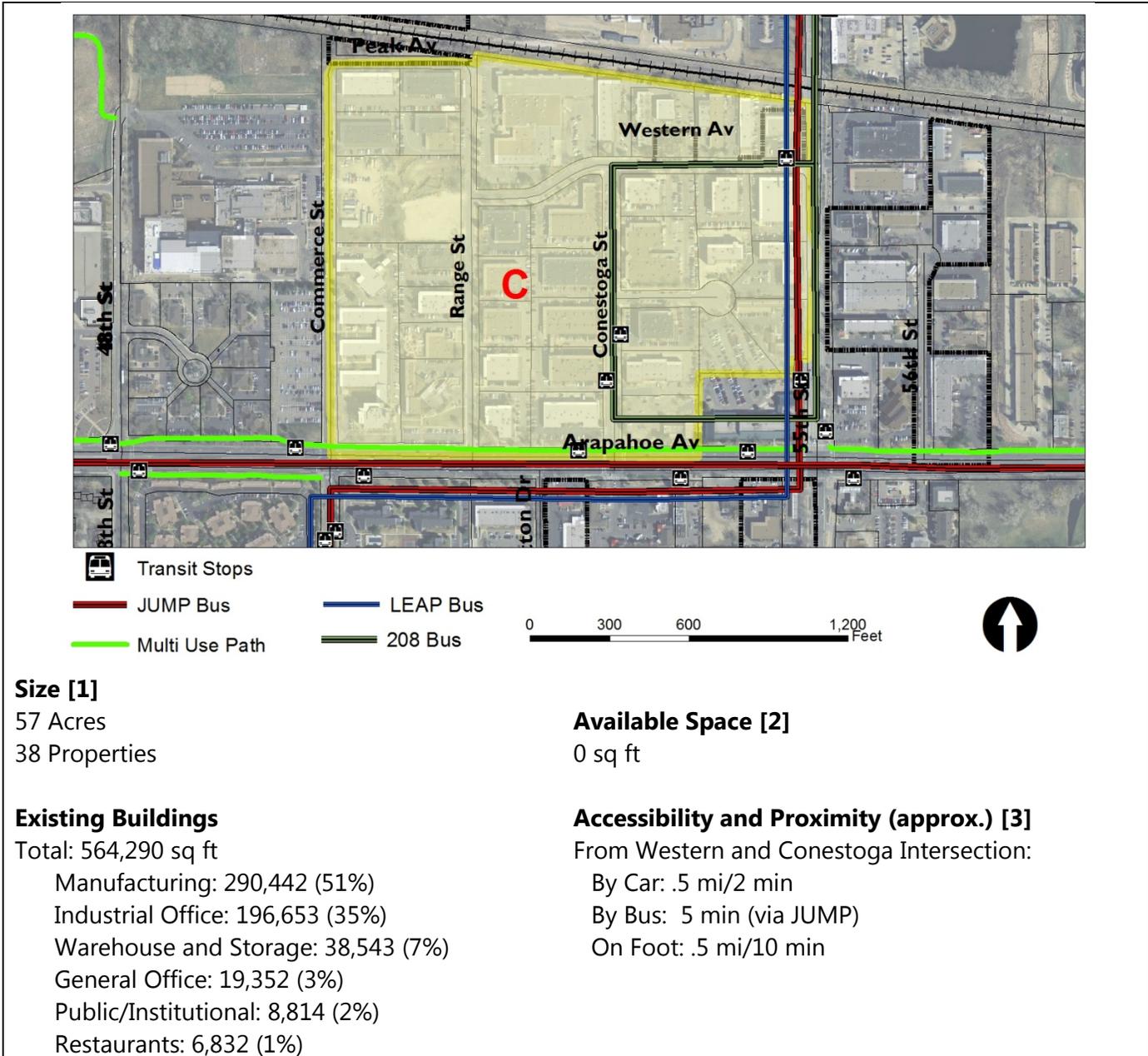
Total: 730,551 sq ft
 General Office: 370,319 (51%)
 Industrial Office: 236,357 (32%)
 Warehouse and Storage: 78,466 (11%)
 Manufacturing: 33,903 (5%)
 Public/Institutional: 11,506 (2%)

Available Space [2]

84,002 sq ft (all in Walnut St area east of Foothills)

Accessibility and Proximity (approx.) [3]

From Walnut St east of Foothills cul-de-sac:
 By Car: 1.5 mi/5 min
 By Bus: 5 min (via JUMP)
 On Foot: .6 mi/12 min



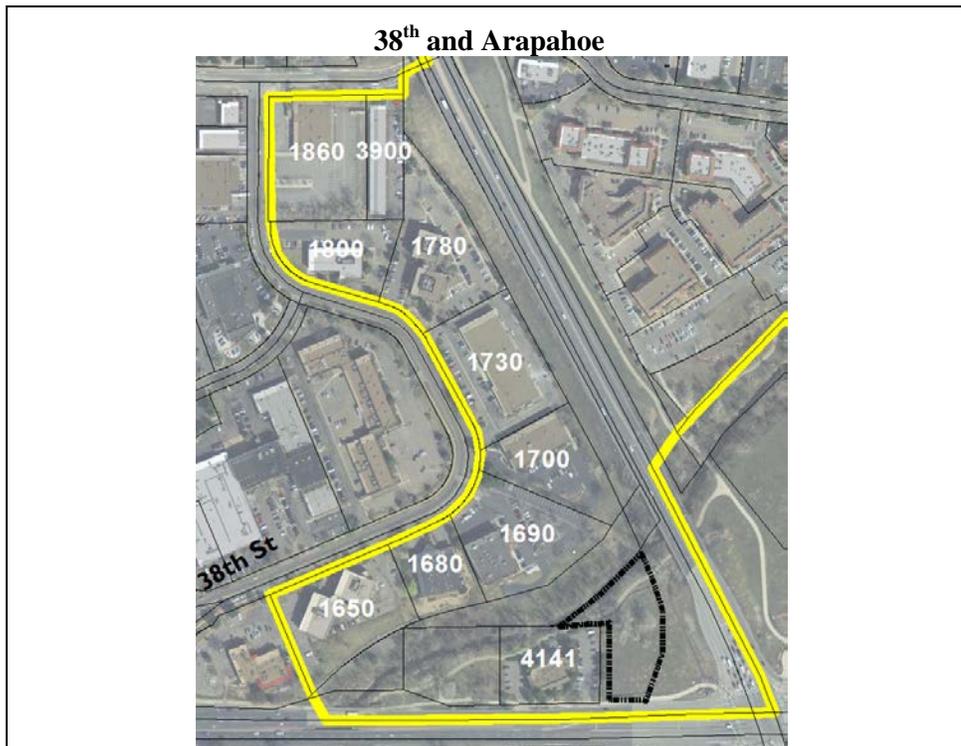
Sources: Co Star, Boulder County Assessors

[1] Does not include rights-of-way and open space properties

[2] Taken from Co Star search in February 2015. This number includes all spaces within the related boundaries that are classified as office, flex, retail, or industrial space. Not all spaces may be suitable for medical office.

[3] Source: Google Maps, analysis done for 1:00 on a weekday

Property Inventory



Address/Images	Examples of Existing Businesses	Building Size and County Classification, Prior City Approvals
1800 38th 	Unknown at this time	17,464 sq ft, Offices
1780 38th 	Northwestern Mutual	62,728 sq ft, Industrial Office
1730 38th 	Mike's Motorcycle Parts	35,046 sq ft, Industrial Office
1700 38th 	Shoyeido Fragrance	<ul style="list-style-type: none"> • 14,113 sq ft, Offices • SR-93-15 –allows approx. 6,000 sq ft of the 13,000 sq ft building for professional office, up to approx. 900 sq ft for accessory retail
1690 38th 	Unknown at this time	<ul style="list-style-type: none"> • 23,964 sq ft, Industrial Office • Allows professional offices and a variety of retail (sporting goods, hobby shops, hardware stores, etc.) (part of Eastpark PUD)
1680 38th 	Unknown at this time	<ul style="list-style-type: none"> • 25,925 sq ft, Manufacturing/Processing Improvements • SR-78-30– office building (part of Eastpark PUD)

38th and Arapahoe		
Address/Images	Examples of Existing Businesses	Building Size and County Classification, Prior City Approvals
1650 38th 	Unknown at this time	<ul style="list-style-type: none"> • 27,516 sq ft, Offices • UR-94-23 – approved use review for chiropractic center
4141 Arapahoe 	Unknown at this time	<ul style="list-style-type: none"> • 14,194 sq ft, Offices • SR-80-14 – professional office approved; medical and dental offices specifically excluded (if medical office becomes allowed, the property has the option to rescind prior approvals or prohibitions with the code change, which is an administrative process)
1860 38th St 	Unknown at this time	14,425 sq ft, Warehouse/Storage
3900 Walnut 	Pete's Garage Breggos	11,680 sq ft, Warehouse/Storage

48 th and Pearl Pkwy		
Address/Images	Examples of Existing Businesses	Building Size and County Classification, Prior City Approvals
4700 Pearl Pkwy 	Former RTD park and ride, currently vacant	No existing building *52,443 sq ft currently available
4710 Pearl East Cir 	Marriot Hotel	<ul style="list-style-type: none"> Hotel, 110,372 sq ft P-86-49, H-86-8, SR-86-22, P-85-41, P-86-49 – prior approvals for hotel and ancillary, related uses
4845 Pearl East Cir 	Professional Offices Project Back to Work Paychex North America Genesis Biofuel Ascent Processing Insurance offices	32,112 sq ft, Offices
4875 Pearl East Cir 		<ul style="list-style-type: none"> 66,800 sq ft, Offices Pearl East Business Park PUD allows professional office on this property
4909 Pearl East Cir 	Outdoor Industry Association Tide Corporation	24,135 sq ft, Offices
4949 Pearl East Cir 	Cloud 9 Living US Social Security Administration	57,252 sq ft, Offices * 6,500 sq feet currently available

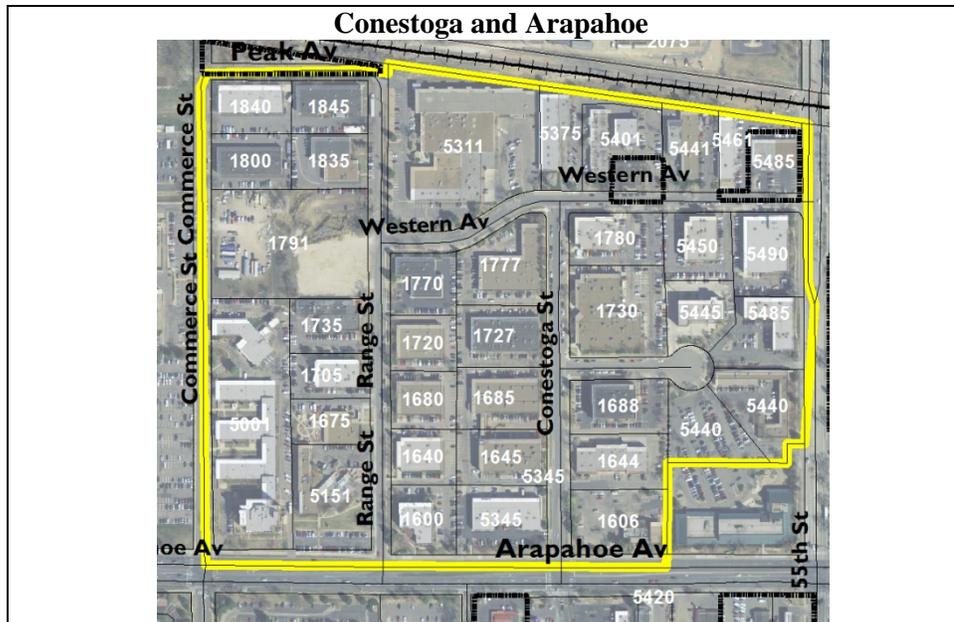
48th and Pearl Pkwy

Address/Images	Examples of Existing Businesses	Building Size and County Classification, Prior City Approvals
<p>4780 Pearl East Cir</p> 	LogRhythm	32,402 sq ft, Offices
<p>4840 Pearl East Cir</p> 	University of Colorado offices	<ul style="list-style-type: none"> • 62,400 sq ft, Offices • *17,700 sq feet currently available • H-88-7 – allows professional office
<p>4888 Pearl East Cir</p> 	Unknown at this time	<ul style="list-style-type: none"> • 60,000 sq ft, Offices • *10,498 sq feet currently available • H-88-7 – allows professional office
<p>4900 Pearl East Cir</p> 	Unknown at this time	<ul style="list-style-type: none"> • 67,200 sq ft, Offices • SI-93-13 – allows professional office
<p>4940 Pearl East Cir</p> 	Unknown at this time	<ul style="list-style-type: none"> • 79,176 sq ft, Offices • *11,388 sq feet currently available • SI-93-13 – allows professional office

Walnut Street East of Foothills		
Address/Images	Examples of Existing Businesses	Building Size and County Classification, Prior City Approvals
4725 Walnut 	Spyder Sports	26,043 sq ft, Offices
4735 Walnut 	Unknown at this time	5,997 sq ft, Commercial Condo
4745 Walnut 	Abos Pizza Montessori of the Rockies Thanasi Foods	20,445 sq ft, Manufacturing/Processing
4755 Walnut 	Eco Products	20,292 sq ft, Industrial Office
4765 Walnut 	Amgen	28,242 sq ft, Industrial Office

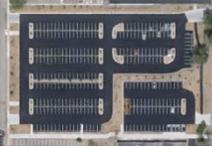
Walnut Street East of Foothills		
Address/Images	Examples of Existing Businesses	Building Size and County Classification, Prior City Approvals
4775 Walnut 	Resolve Funding Foraker Labs Knowledge Factor	<ul style="list-style-type: none"> • 101,130 sq ft, Industrial Office • Eastpark III PUD – allows office uses, on this property, except for medical or dental offices (if medical office becomes allowed, the property has the option to rescind prior approvals or prohibitions with the code change, which is an administrative process)
4700 Walnut 	Broadcast Association/KGNU Radio	<ul style="list-style-type: none"> • 5,952 sq ft, Nonprofit • P-76-25, SR-82-5, P-82-18 – Eastpark PUD, allows “office uses” on this property, except for medical or dental offices
4720 Walnut 	Pure Energy Solutions	<ul style="list-style-type: none"> • 28,101 sq ft, Offices • Eastpark III PUD – allows “office uses” on this property, except for medical or dental offices
4760 Walnut 	Minute Key Vital Network Solutions	<ul style="list-style-type: none"> • 20,491 sq ft, Offices • Eastpark III PUD – allows “office uses” on this property, except for medical or dental offices
4772 Walnut 	Confio Software	<ul style="list-style-type: none"> • 45,488 sq ft, Offices • Eastpark III PUD – allows “office uses” on this property, except for medical or dental offices
4730 Walnut 	Dell Software Boulder Vision Optik Sketch Up Slipstream Sports	<ul style="list-style-type: none"> • 31,261 sq ft, Offices • Eastpark III PUD – allows “office uses” on this property, except for medical or dental offices

Walnut Street East of Foothills		
Address/Images	Examples of Existing Businesses	Building Size and County Classification, Prior City Approvals
4740 Walnut 	University of Colorado Foundation	<ul style="list-style-type: none"> • 65,498 sq ft, Offices • Eastpark III PUD – allows “office uses” on this property, except for medical or dental offices
4750 Walnut 	Space Science Institute	<ul style="list-style-type: none"> • 45,524 sq ft, Offices • Eastpark III PUD – allows “office uses” on this property, except for medical or dental offices
4746 Walnut		Special Purpose (parking area)
4754 Walnut		



Address/Images	Examples of Existing Businesses	Building Size and County Classification, Prior City Approvals
5001 Arapahoe 	Ball Aerospace	<ul style="list-style-type: none"> • 60,954 sq ft, Industrial Office • Planning Board approved site review (7-10-97) that includes administration, offices, lab facilities and parking areas for Ball Aerospace
1800 Commerce 	Whitten Design Group	14,913 sq ft, Industrial Condos
1840 Commerce 	Unknown at this time	15,200 sq ft, Warehouse
5151 Arapahoe 	Dog Spot	<ul style="list-style-type: none"> • 23,343 sq ft, Warehouse • UR-97-2 approved for industrial office (Ball Aerospace), with office use not to exceed 4,850 sq ft
1675 Range 	Center for People With Disabilities	8,814 sq ft, Ex Charitable Non-Res IMPS
1705 Range 	Unknown at this time	20,804 sq ft, Manufacturing

Attachment B - Area Profiles and Property Inventory

<p>1735 Range</p> 	<p>Ball Aerospace</p>	<p>12,800 sq ft, Manufacturing</p>
<p>1791 Range</p> 	<p>Ball Employee Parking</p>	<p>No existing buildings</p>
<p>1835 Range</p> 	<p>Unknown at this time</p>	<p>14,320 sq ft, Manufacturing</p>
<p>1845 Range</p> 	<p>Evol Foods</p>	<p>15,200 sq ft, Manufacturing</p>
<p>1600 Range</p> 	<p>Boulder Digital Arts Blue Canyon Technologies</p>	<p>21,170 sq ft, Industrial Office</p>
<p>1640 Range</p> 	<p>Unknown at this time</p>	<p>13,218 sq ft, Manufacturing</p>
<p>1680 Range</p> 	<p>Ball Aerospace</p>	<p>13,458 sq ft, Manufacturing</p>
<p>1720 Range</p> 	<p>Unknown at this time</p>	<p>13,458 sq ft, Manufacturing</p>
<p>1770 Range</p> 	<p>Unknown at this time</p>	<p>12,063 sq ft, Manufacturing</p>
<p>5311 Western</p> 	<p>Rocky Mountain Theater for Kids Boulder Mary Williams Fine Arts Brewing Market Corporate Office Roundhouse Spirits Distillery</p>	<p>79,983 sq ft, Manufacturing</p>

Attachment B - Area Profiles and Property Inventory

<p>5375 Western</p> 	<p>Unknown at this time</p>	<p>17,152 sq ft, Manufacturing</p>
<p>5401 Western</p> 	<p>Chematox Laboratory Kutandra Center Crescent Moon Snowshoes and Poles</p>	<p>15,396, sq ft, Manufacturing</p>
<p>5421 Western</p> 	<p>Conscious Coffees</p>	<p>Unknown at this time</p>
<p>5441 Western</p> 	<p>Unknown at this time</p>	<p>14,000 sq ft, Industrial Office</p>
<p>5461 Western</p> 	<p>Falafel King Restaurants BolderAuto</p>	<p>9,182, Manufacturing</p>
<p>5345 Arapahoe</p> 	<p>Professional office Copy Experts Bridge House Van Education Center Seth Ellis Chocolatier CAPCO Tile & Stone Inlighten Studios Caruso Kitchens and Design</p>	<p>23,006 sq ft, Commercial Condo</p>
<p>1645 Conestoga</p> 	<p>Ball</p>	<p>26,989 sq ft, Manufacturing</p>
<p>1685 Conestoga</p> 	<p>Unknown at this time</p>	<p>21,112 sq ft, Manufacturing</p>
<p>1727 Conestoga</p> 	<p>Ball</p>	<ul style="list-style-type: none"> • 21,112 sq ft, Manufacturing • SR-79 – approval for one dwelling unit in addition to underlying uses allowed by zoning

Attachment B - Area Profiles and Property Inventory

1777 Conestoga 	Unknown at this time	23,718 sq ft, Industrial Office
1606 Conestoga St 	Quiznos Dizzy's Donuts Blackbelly Restaurant Jamba Juice	<ul style="list-style-type: none"> • 6,832 sq ft, Restaurants • ADR2000-00131 – approved minor modification to Arapahoe East Center PUD to allow additional restaurant (initially approved for just one restaurant)
1644 Conestoga St 	Minuteman Press Pro Photo Rental, Inc Hudgels Carpets Kare Products	15,900 sq ft, Industrial Office
1688 Conestoga 	Unknown at this time	25,925 sq ft, Manufacturing
5440 Conestoga Ct 	Family Bakery and Café House of Motorrad Wild Woods Brewery Royal Distribution Inc	19,004 sq ft, Industrial Office
5485 Conestoga Ct 	Filthy Motorsports Eco Vessel Theatrical Costumes Annex	25,269 sq ft, Commercial Condo
5445 Conestoga Ct 	Unknown at this time	17,956 sq ft, Industrial Office
1730 Conestoga 	Unknown at this time	35,046 sq ft, Industrial Office
1780 Conestoga 	Unknown at this time	62,728 sq ft, Industrial Office
5450 Western 	Daily Camera Colorado Daily Second Story Garage Prairie Mountain Publishing	25,432 sq ft, Industrial Office

Attachment B - Area Profiles and Property Inventory

<p>5490 Western</p> 	<p>Unknown at this time</p>	<p>24,407 sq ft, Manufacturing</p>
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Medical Office Analysis



Boulder Community Health



Presented by



Patricia M. Wassik, CCIM, CPM
Cyndi Stringham, CCIM

February 25, 2015

East Arapahoe Medical Office Analysis Needs

City of Boulder

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City of Boulder - East Arapahoe Medical Office Analysis Needs

I. Analysis

- A. Definition of medical office: (source: CoStar) a special purpose, multi- or single-tenant facility, with more than 50% of the demised space suitable for medical uses such as general practice, dental, surgical or other practices utilizing interior improvements not generally found in business support facilities are known as medical properties. Prominent physical characteristics include a greater number of wet stacks (plumbing) and special power requirements used for laboratory testing and other medical procedures common in doctors' offices. A notably high parking ratio usually accompanies the space.

For the purpose of this report, we have defined medical office buildings as an office building (or office condominium building) occupied by 50% or more of medical tenants.

- B. Common Needs: Boulder Community Health is a regional Hospital servicing the City of Boulder. Due to Boulder's unique community which is somewhat isolated from the main Denver metro area, the population in Boulder benefits from medical services that are located within the City of Boulder as opposed to a service area defined by a radius or drive time.

Based on our experience and knowledge of healthcare real estate, medical offices within a half mile of a Hospital is most convenient for physicians commuting between office visits and surgery or any direct Hospital purposes. Patients can also easily navigate to medical offices near a Hospital because of familiarity and convenience. Direct visibility from a main road is not necessary but easy accessibility is essential. A medical office building has a greater number of visitors and demand of ADA amenities than a general office space. A parking ratio of 5 spaces per 1,000 SF of medical office space is ideal. A standard medical office suite is 1,000-1,200 SF per physician and/or provider (which includes physician assistants and nurse practitioners).

- C. North Broadway Campus Existing Medical Office: Within a half mile radius of 1100 Balsam, there are several medical office buildings consisting of 130,734 SF of space. There is one vacancy of 3,221 SF, resulting in a vacancy rate of 2.46%.
- D. Foothills Campus Existing Medical Office: Within a half mile radius of 4747 Arapahoe, the medical office buildings consist of 257,954 SF of space. These are the Table Mesa Medical Building, Foothills Medical Building, Anderson Medical Center, and a number of small buildings in the Riverbend Office Park. The Tebo Family Medical Building is a 42,000 Cancer Treatment Center, which is not included as medical office space because of the Hospital provided service to acute care patients, which is an extension of the Hospital facility.



- E. Medical Office Vacancy: Typically, we have observed medical office buildings to have 8-10% vacancy rates. Medical office buildings around the campuses of Boulder Community Health have 0-2% vacancy, as shown in the exhibit “Boulder Community Health – Current Medical Office Space”. Within a one mile radius of Boulder Community Health at 4747 Arapahoe, there is a total of 1,397,071 SF of general office space with 345,559 SF currently vacant (approximately 25%).

II. Case Studies

We have identified the following four Hospitals that have one or more traits that are similar to Boulder Community Health: Rose Medical Center at 4567 E. 9th Avenue, Denver; Porter Adventist Hospital at 2525 S. Downing Street, Denver; Avista Adventist Hospital at 100 Health Park Drive, Louisville; and Parker Adventist Hospital at 9395 Crown Crest Boulevard, Parker. The four Hospital systems together have an average number of 260 licensed beds and 192 staffed beds. The amount of medical office space within a half mile radius of these Hospitals averages 1,147 SF per licensed bed and 1,354 SF per staffed bed. The average vacancy rate of medical office space within these buildings is 8.38%.

III. Recommendations

Referring to the “Hospital Bed Analysis” provided in the exhibits, we show our findings of the correlation of number of Hospital beds to medical office space occupied. Applying this to Boulder Community Health Foothills Campus number of licensed and staffed beds, this results in a total of 241,000-304,000 SF of medical office space needed. The current total medical office space within a half mile radius of the Foothills Campus is 258,000 SF with no vacancy. Subsequently, this study demonstrates that the current demand matches the supply, but a 0% vacancy in the medical office buildings is an indicator that there may be a need for additional medical office space to accommodate Boulder Community Health’s specific supplementary physician needs. There is also no capacity for future growth and the Foothills Campus will have a need for at least approximately 20,000-46,000 SF of additional medical office space to accommodate the future needs of Boulder Community Health once all of the licensed beds are fully staffed and utilized.

Boulder Community Health - Current Medical Office Space



<u>Within 1/2 mile of Foothills Campus</u>	<u>Square Feet</u>	
Table Mesa Medical Building	11,897	
Foothills Medical Building	59,058	
Anderson Medical Center	111,031	
4800 Riverbend Rd	5,710	
4801 Riverbend Rd	6,286	
4810 Riverbend Rd	5,568	
4820 Riverbend Rd	5,900	
4840 Riverbend Rd	6,406	
4855 Riverbend Rd	6,420	
4860 Riverbend Rd	5,996	
4865 Riverbend Rd	7,734	
4880 Riverbend Rd	4,780	
4885 Riverbend Rd	8,896	
4890 Riverbend Rd	6,042	
4895 Riverbend Rd	6,230	
Tebo Family Medical Building (Cancer Treatment Center)*	42,000	
Total Medical Office Space:	257,954	0% Vacancy
Total Medical (inc. Cancer Ctr)	299,954	

*Cancer Treatment Centers have not been included in the study of medical office space on any campus because it is a Hospital provided service to acute care patients; therefore, it is an extended Hospital facility rather than "medical office space".

<u>Within 1/2 mile of North Broadway Campus</u>		
905 Alpine	8,515	3,221 Vacant
1000 Alpine-Medical Building of Boulder	29,729	
1120 Alpine	5,701	
1136 Alpine	17,909	
1155 Alpine-Medical Pavilion	56,362	
975 North Street	7,590	
1001 North Street	4,928	
Total Medical Office Space:	130,734	2.46% Vacancy

HOSPITAL BED ANALYSIS
METROPOLITAN DENVER, COLORADO



February 1, 2015

Available Medical Space to Licensed Beds
(within 1/2 mile of Hospital campus)

Hospital	# of Beds ¹	SF of Medical Office Space ²	Ratio of Available Medical Office Space per Bed	Vacancy Rate	Occupied SF of Medical Office Space	Ratio of Available Medical Office Space per Licensed Bed (less Vacancy)
Rose Medical Center	422	392,289	930 :1	9.79%	353,884	839 :1
Porter Adventist Hospital	368	280,420	762 :1	16.22%	234,936	638 :1
Avista Adventist Hospital	114	152,458	1337 :1	0%	152,458	1337 :1
Parker Adventist Hospital	134	208,695	1557 :1	7.51%	193,025	1440 :1
AVG:	259.5		1147 :1	8.38%		1064 :1

Estimated Medical Office Space Needed:

Hospital	# of Beds	Based on Avg Ratio-- SF of Medical Office Space Needed	Based on Avg Vacancy Rate-- Future Occupied SF of Medical Office Space
Boulder Community Health Foothills Campus	265	303,848	278,386

1: Source: Colorado Hospital Association

2: CoStar

Available Medical Space to Staffed Beds
(within 1/2 mile of Hospital campus)

Hospital	# of Staffed Beds ¹	SF of Medical Office Space ²	Ratio of Available Medical Office Space per Staffed Bed	Vacancy Rate	Occupied SF of Medical Office Space	Ratio of Available Medical Office Space per Staffed Bed (less Vacancy)
Rose Medical Center	262	392,289	1497 :1	9.79%	353,884	1351 :1
Porter Adventist Hospital	250	280,420	1122 :1	16.22%	234,936	940 :1
Avista Adventist Hospital	114	152,458	1337 :1	0%	152,458	1337 :1
Parker Adventist Hospital	143	208,695	1459 :1	7.51%	193,025	1350 :1
AVG:	192.25		1354 :1	8.38%		1244 :1

Estimated Medical office Space Needed:

Hospital	# of Staffed Beds	Based on Avg Ratio-- SF of Medical Office Space Needed	Based on Avg Vacancy Rate-- Future Occupied SF of Medical Office Space
Boulder Community Health Foothills Campus	178	241,000	220,805

1: Source: American Hospital Association

2: CoStar

Foothills Medical Campus



1. Anderson Medical Center

Alpine Surgical

- Boulder Breast Center
- Boulder Vein Center

Alpine Urology

Boulder Heart

Boulder Neurosurgical and Spine Associates

Foothills Surgery Center

Charles Jones, M.D.
and Susan Skaff Hagen, M.D.

2. Foothills Hospital

3. Foothills Medical Building

Alpine Spine Center

Boulder Eye Surgeons

Boulder Medical Center

- General Surgery
- Obstetrics/Gynecology
- Pediatrics

Boulder Valley Center for Dermatology

Boulder Valley Ear, Nose and Throat

Boulder Women's Care

Boulder Women's Clinic

Coffee Kiosk

Laser and Cosmetic Associates of Boulder

The Pediatric Center

Walgreens Pharmacy

4. Parking Garage

5. Patient and Emergency Entrance

6. Riverbend Office Park

7. Table Mesa Medical Building

Gastroenterology of the Rockies

Table Mesa Family Medicine

8. Tebo Family Medical Building

Brandi & Shane Conference Rooms

Center for Integrative Care

Clinical Education

Coffee Kiosk

Core Measures/Quality Data

Employee Health/Infection Prevention

Health Information Management

Human Resources

IT Training Room

Patient Safety/Quality

Rocky Mountain Cancer Centers

ATTACHMENT D: MARCH 19, 2015 PLANNING BOARD DRAFT SUMMARY

CITY OF BOULDER PLANNING BOARD ACTION MINUTES March 19, 2015 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 Gerstle
Leonard May
Liz Payton
John Putnam

PLANNING BOARD MEMBERS ABSENT:

None

STAFF PRESENT:

David Driskell, Director of CP&S
Susan Richstone, Deputy Director of CP&S
Hella Pannewig, Assistant City Attorney
Susan Meissner, Administrative Assistant III
Jeff Hirt, Planner II
Sloane Walbert, Planner I
Charles Ferro, Development Review Manager
Heidi Hansen, Civil Engineer II
David Thompson, Civil Engineer II, Transportation
Kendra Tupper, Energy Services Manager

PUBLIC HEARING ITEM 5A:

Public hearing to consider a recommendation to City Council on a draft ordinance amending Title 9, "Land Use Code," B.R.C. 1981, to allow medical or dental clinic or office uses and addiction recovery facilities as a conditional use in the Industrial General (IG) zoning district near Boulder Community Health (BCH), Foothills Campus.

Present a proposed schedule and approach for planning for the longer-term needs of area around the Foothills Campus and for potential Phase 2 Title 9 changes.

Staff Presentation:

S. Richstone introduced the item.

J. Hirt presented the item to the board.

Board Questions:

J. Hirt answered questions from the board.

Public Hearing:

1. Darryl Brown, 4747 Arapahoe Ave., represents Boulder Community Health (BCH). They fully support the medical zoning in areas A, B and C.

2. Khemarin Seng, MD, 975 North Street, Suite 201, from Mapleton Orthopedics explained that the surgeons must drive back and forth several times per day from their current location near the old hospital on North Broadway. They are interested in a property at 4700 Pearl near the hospital to make access more convenient to BCH.

3. Jim Rector, 3550 22nd Street, is an orthopedic surgeon and spoke in strong support of expanding the zoning to improve access to the hospital campus area. He was also interested in the 4700 Pearl Parkway property. He would ideally like to see a larger hospital campus but did not think that would be possible given floodplain and ownership limitations.

4. Scott Pudalov, 665 Dakota Blvd, owns a building at the corner of 55th and Arapahoe that has approximately 40,000 sf of medical office space for rent that may be suitable for medical office. He thought 4700 Pearl Place made sense and thought the remaining demand could be satisfied with the existing zoning.

5. Barbee James, 1800 Commerce Street, has an industrial building at 1800 Commerce. She did not want the current allowed industrial uses to change.

6. Peter Aweida, 1644 Conestoga Street, purchased land in area C in 1978 and has worked with Ball Aerospace. He thought that there was a need for additional medical buildings in the area.

Board Comments:

- The board wanted to accommodate medical uses near the hospital and thought the proposed changes to the use tables would support community goals.
- Members agreed to recommend that City Council include all of Areas A and B in the ordinance and thought that including 4700 Pearl which has a submitted building permit application made sense. While some felt comfortable retaining Area C in the recommendation if the city could put protections for existing industrial businesses in place, the board voted to exclude it at this time. Area C is currently fully leased to industrial tenants and can be added later if there is sufficient demand.
- The board felt that the retention of industrial uses is critical to Boulder's sustainability and vitality; it is okay to relocate them in town but there is little space for them to move if displaced.
- Some members considered excluding Area B to the east of Foothills Parkway. They reconsidered after hearing staff's explanation of the existing spaces available that may be suitable for medical office, and nonvehicular access to BCH.
- There was some concern about transit connections between Areas A and B and the hospital. Consider allowing alternate transit modes such as electric golf carts on the paths to shuttle patrons. Explore creative ways to enhance transportation without having to make large infrastructure changes.

- Consider the long-term vision for the area and possible means for turning this into a medical campus in the future; assure that these short-term measures will not preclude that formation.
- Collect metrics on permits, occupancy rates and uses to assess the market demand and any impacts on existing businesses.
- Members agreed that buildings in permitting processes should be eligible within Areas A and B.
- **C. Gray** requested that the minutes be included in the memo to City Council.

Motion:

On a motion by **C. Gray**, seconded by **L. May**, the Planning Board voted 7-0 to recommend that City Council adopt an ordinance amending Title 9, "Land Use Code," B.R.C. 1981, to conditionally allow medical or dental clinic or office uses and addiction recovery facilities as a conditional use in the Industrial General zoning district in close proximity to the Boulder Community Health Foothills campus and setting forth related details including a recommendation of applying the ordinance in the following areas: Area A and Area B and adding buildings for which a building permit application has been filed by using the alternative language proposed in the memo reading as follows: "(C) *The use must be located in an existing building or with a building for which a building permit for new construction was submitted on the lot or parcel on or before June 4, 2015.*"



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: May 28, 2015

AGENDA TITLE: Request for Council direction regarding strategies to support more effective enforcement of existing occupancy limits in Boulder.

PRESENTERS

Jane S. Brautigam, City Manager

Tom Carr, City Attorney

Maureen Rait, Executive Director, Public Works

David Driskell, Executive Director, Community Planning and Sustainability

Susan Richstone, Deputy Director, Community Planning and Sustainability

Charles Ferro, Development Review Manager

Brian Holmes, Zoning Administrator

EXECUTIVE SUMMARY

At the 2015 Council retreat, Council directed staff to explore ways in which the city's occupancy limits could be enforced more effectively, including the possibility of removing the "grand-fathering" provision. The purpose for this agenda item is to present potential options to Council and seek feedback and direction on which steps Council would prefer.

The options identified are as follows:

1. Require posting of legal occupancy at all rental locations.
2. Require notation of legal occupancy on all rental licenses.
3. Encourage the use of administrative remedies for over-occupancy violations, by increasing sanctions and modifying defenses.

4. Prohibit advertisement for either sales or rental of occupancy in excess of the occupancy set forth in the rental licensing database.
5. Require proof of any nonconforming occupancy to be made at time of rental license application or renewal. In the absence of proof, occupancy would be set at the base occupancy for the zone district.
6. Eliminate the non-conforming occupancy provision in § 9-8-5(c), B.C.R. 1981 (“Occupancy of Dwelling Units”).
7. In the alternative, add a condition to section 9-8-5(c) restricting application to units that were legally occupied and licensed for rental during the entire period of nonconforming occupancy.

These options are not intended to be exclusive and staff welcomes Council’s direction to consider others as well. Staff will also seek input on whether the Council wishes staff to pursue any public process other than the legislative process.

The proposed options have different requirements for staffing, training and implementation. Thus, there may be more lead time for some than others.

BACKGROUND & ANALYSIS

The city’s current occupancy provision is somewhat complex. The basic rule is simple. Occupancy is limited to three unrelated persons in P, A, RR, RE, and RL zones and four unrelated persons in MU, RM, RMX, RH, BT, BC, BMS, BR, DT, IS, IG, IM, and IMS zones. In addition to the basic rule, an unlimited number of family members can live together. Each family can have two “roomers.” Finally, two people can live together with all of their children.

In addition to the basic legal occupancy, there is a provision for non-conforming occupancy. Section 9-8-5(c) provides as follows:

- (c) Nonconformity: A dwelling unit that has a legally established occupancy higher than the occupancy level allowed by Subsection (a) of this section may maintain such occupancy of the dwelling unit as a nonconforming use, subject to the following:
 - (1) The higher occupancy level was established because of a rezoning of the property, an ordinance change affecting the property, or other city approval;
 - (2) The rules for continuation, restoration, and change of a nonconforming use set forth in Chapter 9-10, "Nonconformance Standards," B.R.C. 1981, and Section 9-2-15, "Use Review," B.R.C. 1981;

- (3) Units with an occupancy greater than four unrelated persons shall not exceed a total occupancy of the dwelling unit of one person per bedroom; and
- (4) The provisions of Chapter 10-2, "Property Maintenance Code," B.R.C. 1981.

§ 9-8-5 B.R.C. 1981 ("Occupancy of Dwelling Units).

Non-conforming occupancy results mostly from previous down-zones. That is, when the city down-zoned a neighborhood, property owners were permitted to keep the then-existing occupancy. There are a total of 1,258 properties identified in the city's rental licensing database as potentially having legal non-conforming occupancies.¹ The properties make up 5,419 dwelling units and 1,174 rooming units. Of these, 1,205, or 96%, are properties listed as having a non-conforming occupancy based upon a prior down-zoning. The other 53 properties, or 4%, have non-conforming occupancies for other reasons. This is likely because they have rooming units. Those 53 properties make up 535 rooming units and 325 dwelling units.

Many of the properties, which have non-conforming occupancies based on down-zoning, are on University Hill. The hill's medium-density residential area has been gradually reduced over the years, giving way to lower-density residential zoning west of 9th and south of College. The 1974 down-zoning dramatically reduced permitted density west of 9th and south of College. At the time of the 1974 down-zoning there were existing multi-family conversions, which would not be permitted today. The multi-family units exist because they were grandfathered after the 1974 down-zoning. In 1997, there was a down-zoning from HR-E to MXR-E, which further reduced permitted density north of University. Existing apartment buildings and multi-family conversions were again grandfathered.

Before 1993, occupancy of dwelling units in down-zoned areas was treated as a non-conforming use. The maximum number of occupants could be different for each dwelling unit. The city maintained records to reflect these differences. Before the 1993 code change, at each rental license inspection, the inspector checked the number of occupants against the non-conforming occupancy record to insure that occupancy had not increased. Also, if the property owner ceased to keep the property occupied at the higher level, the property lost this non-conforming occupancy and was required to comply with the legal occupancy level. In 1993, Council effectively eliminated non-conforming occupancy by adding the following provision to the code:

Although the number of dwelling units may be a non-conforming use, subject to discontinuance pursuant to Chapter 9-3.5 Non-conforming Uses and Nonstandard Buildings and Lots, B.R.C. 1981, the number of

¹ The city's online rental licensing database represents all rental licenses issued in the city. The database includes occupancy information. It is important to note, however, that this data is not all verified. That is, some of what is recorded is what the owner reported and in other cases, the data has been verified by city staff. The database can be found at <http://gisweb.ci.boulder.co.us/agswebsites/pds/rentalinquiry/>.

occupants in a dwelling unit is not a non-conforming use and all occupancies in the city are subject to the restrictions set forth in this title.

Council added this section to address the same situation that the Council is working on now. That is, how to create a more uniform system of occupancy. The code change was intended to set a uniform occupancy throughout the city regardless of prior down-zonings. The high and medium density districts allowed a maximum occupancy of four unrelated persons or a family plus two others. After the down-zone, the owners were allowed a maximum occupancy of three unrelated or a family plus two roomers per dwelling unit. This amendment had an impact on both landlords and tenants because it required the number of occupants in some dwelling units to be reduced.

This code change was implemented through the rental housing inspection process. Upon rental inspection, landlords of non-conforming units were informed about the code amendment which changed the maximum occupancy limit.

Staff determined that the most equitable way to bring these non-conforming properties into compliance was to allow the existing occupants to remain until the end of their current lease or the expiration of the rental license, whichever came last. At that time, the property owner would have to reduce occupancy to adhere to the occupancy limits in the zone where the property was located.

Landlords objected to the code change and its implementation. Landlords argued that reducing occupancies would place a financial hardship on them by reducing the potential rental income and would reduce the available housing stock in the rental market. In some cases, they believed that this would cause units to have empty bedrooms that had previously been rented. Landlords also stated that with reduced occupancies, tenants would be forced to pay increased rents to allow landlords to meet operating expenses. The landlords requested that City Council and staff evaluate the possibility of allowing non-conforming occupancies to be maintained at historic levels.

In 1997, Council responded and asked staff to look at the issue and propose appropriate alternatives. Staff reviewed the previous down-zonings of residential areas from higher zoning district classifications to lower zoning district classifications, the city's history of regulating occupancy and the approaches Boulder's peer cities use to regulate occupancy of residential units.

On March 3, 1998, Council adopted ordinance 5970, which replaced the language quoted above, with the current non-conforming occupancy language in section 9-8-5. It is worth noting that the planning board recommended that the change include a sunset provision. The city attorney's office recommended against including a sunset clause, noting that Council could change the language at any time. The ordinance has remained unchanged since 1998.

The city's tight rental market combined with significant and increasing demand has driven some property owners to maximize the value of their properties by allowing

occupancy in excess of legal limits. Over the years, council members have heard community concerns about the adverse affects of illegal over-occupancy. There has been significant pressure for staff to engage in effective occupancy enforcement. Occupancy enforcement is challenging for several reasons. There is an administrative remedy for an occupancy violation, which has not been used. Enforcement cases have been brought as criminal violations. This presents several challenges. First, it can be difficult to establish the legal occupancy for a dwelling unit. The broad language in the city's nonconforming occupancy provision provides extensive leeway for an owner to argue for an increased occupancy. It also can be difficult to demonstrate how many people are actually occupying a dwelling unit. Owners have been known to avoid including on a lease tenants in excess of the legal occupancy limit.

Two identical properties can have different occupancies. Without a time-consuming records search, it is difficult to know what the legal occupancy is for a particular property. As noted above, enforcement requires staff to first establish how many people are living in a particular property. This in itself can present difficulties.

Another code section impacting enforcement of over-occupancy violations is the specific defense to such violations created in Section 9-15-9(c). Section 9-15-9(c) provides as follows:

- (c) Specific Defenses to Alleged Violations Related to Occupancy of a Unit Which Is a Rental Property: The following shall constitute specific defenses to any alleged violation of subsection 9-8-5(a), B.R.C. 1981, relating to the occupancy of units:
 - (1) It shall be a specific defense to an alleged violation of subsection 9-8-5(a), B.R.C. 1981, that a defendant is a nonresident landlord or nonresident property manager and:
 - (A) Prior to the initiation of the prosecution process, the defendant undertook and pursued means to avoid over-occupancy violations by engaging in active and diligent property management practices that were reasonable under the circumstances; or
 - (B) The defendant had no actual knowledge of the over-occupancy of the relevant rental housing property prior to the initiation of the prosecution process. However, this specific defense shall not apply when a defendant reasonably should have been aware of the occupancy violation through the use of active and diligent property management practices.

- (C) For the purposes of this subsection, the initiation of a prosecution process occurs when any of the following events occurs:
 - (i) A potential defendant is first contacted by a city investigator in connection with the investigation of an occupancy violation;
 - (ii) A summons and complaint alleging an occupancy violation is served upon a defendant; or
 - (iii) A criminal complaint is filed against a defendant alleging an occupancy violation.
 - (D) For purposes of this subsection, a nonresident landlord or nonresident property manager means a person who is neither a full-time nor part-time resident of the property that he or she owns or manages.
- (2) For the purpose of this subsection, active and diligent management practices means those practices that, under the circumstances, are reasonably likely to prevent or correct any over-occupancy violations. The following factors will be considered in determining whether or not a nonresident landlord or nonresident property manager utilized diligent and active management practices. However, the existence or nonexistence of any single one of these factors shall not, of itself, be determinative:
- (A) Written leases or other writings that document the maximum permitted number of occupants in each rental housing unit, the names of such occupants, the procedures required to add additional occupants, and a description of the potential consequences that may apply in any case of over-occupancy;
 - (B) Annual inspections of rental premises and more frequent inspections when tenants change or when there is any indication of problems at a rental housing site;
 - (C) The use of periodic written communications to remind tenants of applicable occupancy rules;

- (D) Investigation and prompt action, where appropriate, when there are indications that occupancy violations may be occurring. Such indications may include, but are not limited to, the following:
 - (i) Receipt of a rent or lease payment from any person not listed on the lease or approved as an agent of the resident;
 - (ii) Receipt of a complaint or information from any source regarding alleged occupancy violations;
 - (iii) Receipt of a complaint or information from any source related to excess parking, excess trash, excess noise or of any other condition or impact associated with a rental housing site that would put a reasonable property manager on notice that additional investigation related to occupancy is appropriate;
 - (iv) Receipt of a complaint or information from any source suggesting that conditions at the rental housing site are less than safe or habitable; or
- (E) Any other reasonable steps taken to ensure compliance with applicable code provisions with regard to levels of occupancy.

It is possible for landlords to meet the requirements of the affirmative defense even if the landlord is permitting over-occupancy. Some landlords go to great length to ensure their leases state the occupancy limits and that checks are written indicating compliance with the law. Tenants are instructed by some landlords that only a certain number of people can be listed on the lease for code reasons while indicating that the landlord is ok with more residents than those listed on the lease. There have also been cases where tenants were instructed to not speak to and to not invite code enforcement officers into the house. Council may wish to consider eliminating or modifying the specific defense under 9-15-9(c).

The enforcement history reflects the challenges presented by the current code provisions. In the period between January 1, 2011 and September 12, 2014, zoning enforcement opened 133 over-occupancy cases. During that period zoning enforcement closed 127 of those cases, while 6 remain open. In 83 cases, or 65%, there was no violation found.

Criminal prosecution has been much less frequent. The following chart shows criminal cases for the last 10 years:

Year	Cases	Charges
2006	4	4
2007	4	10
2008	0	0
2009	4	4
2010	1	25
2011	3	3
2012	5	19
2013	6	48
2014	2	2
2015	0	0

Part of the reason for these statistics is that not everything that appears to be over-occupancy is actually illegal. Moreover, it is not clear that the excessive density is caused only by illegal occupancy. Addressing illegal occupancy will not address density issues caused by multiple dwelling units in what might appear to be a single family home.

One example of this issue is demonstrated by the block of 10th Street between College and Pennsylvania. There are 18 residences on this street. The zoning is RH-5, which would allow four unrelated persons to live in each structure. Of the 18 residences, 17 have rental licenses. The 17 rentals include 8 duplexes, 4 triplexes and one four-plex. There are four single unit rentals. Each of the dwelling units in the multiple dwelling unit properties has a listed occupancy of four unrelated, except for one unit with a listed occupancy of three unrelated. This allows 127 unrelated individuals to reside in these thirteen properties, which if occupied as single family homes would have a maximum occupancy of 52 unrelated persons. The block can be represented as follows:

Pennsylvania Avenue		
1165 10 th Legal Non-Conforming Occupancy: Yes Dwelling Units: 3 Rooming Units: 0 <u>Maximum Unrelated Occupants</u> 01 Dwelling Unit 4 02 Dwelling Unit 4 03 Dwelling Unit 4	10 th Avenue	1164 10 th Legal Non-Conforming Occupancy: Yes Dwelling Units: 3 Rooming Units: 0 <u>Maximum Unrelated Occupants</u> 01 Dwelling Unit 4 02 Dwelling Unit 4 03 Dwelling Unit 4
1155 10 th Legal Non-Conforming Occupancy: No Dwelling Units: 1 Rooming Units: 0		1150 10 th Street Legal Non-Conforming Occupancy: Yes Dwelling Units: 2 Rooming Units: 0 <u>Maximum Unrelated Occupants</u> 01 Dwelling Unit 4 02 Dwelling Unit 4
1151 10 th Legal Non-Conforming Occupancy: No Dwelling Units: 1 Rooming Units: 0		1146 10 th Street Legal Non-Conforming Occupancy: Yes Dwelling Units: 2 Rooming Units: 0 <u>Maximum Unrelated Occupants</u> 01 Dwelling Unit 3 02 Dwelling Unit 4
1145 10 th Legal Non-Conforming Occupancy: No Dwelling Units: 1 Rooming Units: 0		1140 10 th Street Legal Non-Conforming Occupancy: Yes Dwelling Units: 2 Rooming Units: 0 <u>Maximum Unrelated Occupants</u> 01 Dwelling Unit 4 02 Dwelling Unit 4
1137 10 th Legal Non-Conforming Occupancy: Yes Dwelling Units: 3 Rooming Units: 0 <u>Maximum Unrelated Occupants</u> 01 Dwelling Unit 4 02 Dwelling Unit 4 03 Dwelling Unit 4		1134 10 th Legal Non-Conforming Occupancy: Yes Dwelling Units: 3 Rooming Units: 0 <u>Maximum Unrelated Occupants</u> 01 Dwelling Unit 4 02 Dwelling Unit 4 03 Dwelling Unit 4
1135 10 th Legal Non-Conforming Occupancy: Yes Dwelling Units: 4 Rooming Units: 0 <u>Maximum Unrelated Occupants</u> 01 Dwelling Unit 4 02 Dwelling Unit 4 03 Dwelling Unit 4 04 Dwelling Unit 4		1130 10 th Legal Non-Conforming Occupancy: Yes Dwelling Units: 2 Rooming Units: 0 <u>Maximum Unrelated Occupants</u> 01 Dwelling Unit 4 02 Dwelling Unit 4
1125 10 th Legal Non-Conforming Occupancy: Yes Dwelling Units: 2 Rooming Units: 0 <u>Maximum Unrelated Occupants</u> 01 Dwelling Unit 4 02 Dwelling Unit 4		1120 10 th Private residence No rental license
1113 10 th Legal Non-Conforming Occupancy: Yes Dwelling Units: 2 Rooming Units: 0 <u>Maximum Unrelated Occupants</u> 01 Dwelling Unit 4 02 Dwelling Unit 4		1110 10 th Street Legal Non-Conforming Occupancy: Yes Dwelling Units: 2 Rooming Units: 0 <u>Maximum Unrelated Occupants</u> 01 Dwelling Unit 4 02 Dwelling Unit 4
1107 10 th Legal Non-Conforming Occupancy: No Dwelling Units: 1 Rooming Units: 0		1100 10 th Street Legal Non-Conforming Occupancy: Yes Dwelling Units: 2 Rooming Units: 0 <u>Maximum Unrelated Occupants</u> 01 Dwelling Unit 4 02 Dwelling Unit 4
College Avenue		

The following is a photograph of the houses at 1140 and 1146 10th Street. Both of these homes are listed as duplexes with a total of 15 unrelated persons permitted. It would be difficult for a passerby to know that the density is legal, based on the outward appearance of the buildings.



This is just one block chosen at random, albeit one in an area used intensively for student housing. Spot checks throughout the hill demonstrated that density often has been increased through multi-unit development, most likely grandfathered because of prior down-zonings.

Options Identified by Staff

1. Require posting of legal occupancy at all rental locations.

Posting of legal occupancy is relatively simple expedient. One of the challenges of occupancy enforcement is that the remedy can be harsh for the renter. Posted occupancy would provide the prospective renter with fair warning that a proposed lease would violate Boulder law. Such signage could be particularly influential for parents looking to rent accommodations for college students.

2. Require notation of legal occupancy on all rental licenses.

Requiring a notation of the permitted occupancy on all rental licenses also is a relatively simple expedient means to avoid future disputes over occupancy. Such a requirement, however, would require the same preparations as suggested below for requiring proof at the time of rental licensing or renewal.

3. Increase the use of administrative remedies by increasing the minimum fines for over-occupancy violations or modifying the affirmative defenses.

Administrative sanctions are civil in nature and therefore do not require the standard of proof necessary for a criminal conviction. The utility of having a criminal sanction is that incarceration is an option. Of course, there are few, if any, circumstances in which incarceration would be appropriate in most regulatory circumstances. Thus, there is no real reason to rely upon criminal sanctions. In the rental licensing context, the use of administrative remedies has proven to be an effective tool to encourage licensing of properties. The lower standard of proof simplifies the investigation process. That is, it is much easier to investigate a case, if the city only needs to prove by a preponderance of the evidence that an owner is renting as opposed to demonstrating such a circumstance beyond a reasonable doubt. The use of administrative remedies also could be helpful with respect to occupancy violations. Under the administrative remedies section applicable to over-occupancy violations the maximum fine for a first offense is \$100. Absent a significant sanction, an administrative violation would not serve as a sufficient deterrent. Council also could consider revising or eliminating the affirmative defense set forth in section 9-15-9(c) as explained above.

4. Prohibit advertisement for either sales or rental of occupancy in excess of the occupancy set forth in the rental licensing database.

A prohibition on advertising of excessive occupancy would simplify enforcement and address a common community complaint. Currently, in any prosecution, the city must prove actual illegal occupancy. Even with a system of registration as suggested above, the city would still need to prove that more people were living in the unit than the number allowed by law. A prohibition on advertising excessive occupancy would allow the city to charge a violation with only proof of the maximum occupancy and an advertisement offering a property for greater occupancy. Such a change would address the issue that arises when a community member sees an advertisement, for either sale or rental that misrepresents the permitted occupancy. To be effective, such a prohibition would require a sanction that is adequate for compliance.

5. Require proof of any non-conforming occupancy to be made at time of rental license application or renewal. In the absence of proof, occupancy would be set at the base occupancy for the zone district.

If Council decides to retain the non-conforming occupancy provision, Council could consider an ordinance requiring property owners to provide proof of non-conforming occupancy at the time of rental licensing application or renewal. Such a requirement would increase enforcement efficiency by eliminating the situation in which the property owner asserts the right to an increased occupancy based on so a previously undisclosed document. For such a provision to be effective, the city manager would need to establish rules for acceptable documentation and counter staff would need training to verify the appropriateness of the documentation. This would involve both a significant commitment of resources and policy decisions regarding what constitutes valid proof of

legal over-occupancy. It also would be useful to have an appeal process for property owners who sought to challenge staff's determination.

6. Eliminate the non-conforming occupancy provision in § 9-8-5(c), B.C.R. 1981 ("Occupancy of Dwelling Units").

Elimination of the non-conforming occupancy provision would simplify enforcement of the city's occupancy limits. It appears that at least Planning Board intended that this would be a temporary provision allowing for property owners to adjust to reduced occupancies. Thus, it would seem appropriate for Council to consider whether the provision remains necessary. Nevertheless, it also is likely to be the change that will cause the most significant controversy. Additional occupancy is a valuable commodity in Boulder. Elimination of non-conforming occupancy will reduce revenue and property values for affected property owners.

7. Add a condition to section 9-8-5(c) restricting application to units that were legally occupied and licensed for rental during the entire period of nonconforming occupancy.

Instead of eliminating the non-conforming occupancy provision, Council could consider limiting its application to those who complied with the city's rental licensing regulations during the entire period of non-conforming occupancy. This change is a smaller step than elimination of non-conforming occupancy completely. It is not clear, however, whether there is any correlation between non-conforming occupancy and failure to obtain a rental license. Thus, it is difficult to predict what effect such a change would have on occupancy levels.

Questions for Council

1. Do council members have any other options that they would like staff to explore?
2. Which, if any, of the staff proposed options would Council like staff to bring forward as proposed ordinances?
3. Does Council want staff to pursue any public process?
4. Does Council want staff to seek the planning board's input?

Council Working Agreements

Council Process:

- The council will work on general discipline in being prepared to ask questions and make comments.
- The council asks the mayor to intervene if discussion on agenda items extends beyond a reasonable time frame.
- The council will engage in the practice of colloquy to fully explore the different sides of a specific point.
- The mayor will ask the city clerk to set the timer lights for council members if discussions begin to exceed efficient debate. Members should respect the lights as a time reminder, but will not be bound by them as absolute limits.
- Rather than restating a point, council members should simply say "I agree."
- The council agenda committee may, with advance notice, adjust each public speaker's time to two rather than three minutes during public hearings for items on which many speakers want to address the council.
- Council members will grant each other permission to mentor and support each other on how each person contributes to the goal of being accountable for demonstrating community leadership.
- In order to hear each other respectfully and honor the public, council will avoid body language that could convey disrespect, side conversations, talking to staff, whispering to neighboring council members, passing notes, and leaving the council chambers.
- Regarding not revisiting past discussions, the council should check-in with fellow members periodically to ensure that this is not an issue.
- During a council meeting, any form of electronic messages, including emails and texts, that relate to matters being considered and which arrived at any time during that meeting shall not be read by council members, nor shall any messages on matters under consideration be sent by council members.

Council Communication:

- Council members agree to keep quasi-judicial roles scrupulously separate between members of boards and members of council, avoid expressing ideas to board members on things coming before the board, and carefully disclose or recuse themselves when there is involvement with board members on a topic.
- Council agrees to e-mail the city manager about issues that they run into that staff or boards may be working on so that the manager can be actively involved in managing issues and keeping the full council informed well in advance of items coming before council for action.
- Members will keep the full council informed on issues from committees, public groups or other agencies that they are following, through hot line e-mails, brief verbal reports at the end of council meetings or other means.
- The council will find ways to support majority council decisions and adequately inform the public, through responsive letters that explain how divergent points of view were heard and honored in decisions, via standard e-mail responses for hot issues, by occasional council Letters to the Editor to clarify the facts, or by seeking out reporters after meetings to explain controversial decisions.

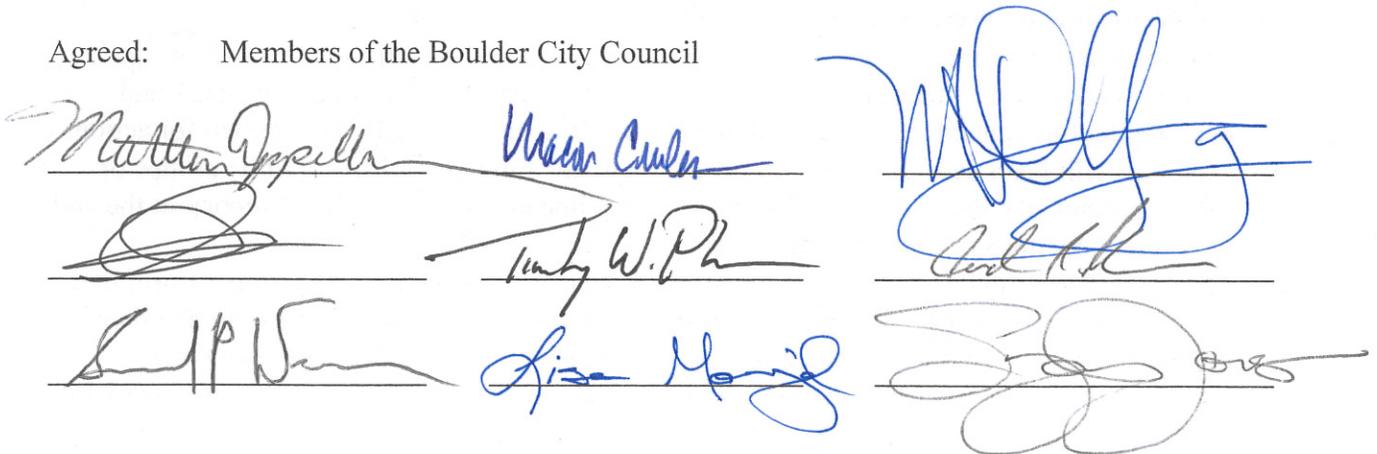
Council Committees:

- Council committee meetings will be scheduled to accommodate the council members on the committee.
- Notice of the times and places for each committee meeting will be noticed once per month in the Daily Camera.
- The council agenda will include time for reports from committees under Matters from Members of Council, noting that written communications from the committees are appropriate as well.

Selection of Mayor and Mayor Pro Tem:

- Council members will make a good faith effort to select the mayor and mayor pro tem in an open and transparent process.
- After the council election, members seeking election as mayor or mayor pro tem should:
 - make their interest in the positions known to their fellow members as soon as possible;
 - focus their communication with other council members on the positive attributes the member brings to the positions; and
 - refrain from any negative remarks about any person seeking election as mayor or mayor pro tem.
- Nominated individuals' presentations may include, but need not be limited to the following:
 - the skills and attributes the member would bring to the mayoral position;
 - the member's ability to efficiently run council meetings, respect the views of the minority while allowing the majority to rule, and perform other mayoral duties;
 - how the member would represent the city and city council and mayor position at gatherings outside of city council meetings
 - how the member would serve on and appoint other council members to regional and national boards and commissions; and
 - how the member would promote trust of the community and other council members.
- Council members should work to avoid divisiveness by being inclusive during the mayoral selection process.

Agreed: Members of the Boulder City Council



The image shows nine handwritten signatures in blue ink, arranged in three rows and three columns. Each signature is written over a horizontal line. The signatures are: Row 1: Matthew Appella, Warren Cullen, [unclear]; Row 2: [unclear], Andy W. Ph..., [unclear]; Row 3: [unclear], Lisa M..., [unclear].

Approved by Council: January 21, 2014

City of Boulder 2015 Work Plan

(Tentative as of December 16, 2014)

	Project		1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
Climate and Energy	Energy Future and Associated Projects	Council	CC: Open Access Transmission Tariff			
			SS: Power Supply	SS (2): Rates, Energy Services, Power Supply	Project update	Project update
		Staff Activities	Budget update	Budget update	Budget update	Budget update
	Climate Commitment	Council	Municipalization Transition Plan	Municipalization Transition Plan	Municipalization Transition Plan	Municipalization Transition Plan
			Staff Activities	Launch action plan	SS: Review interim goals, targets and strategies Energy system transformation; blue print convening	Implementation based on action plan
		Staff Activities	Briefing	SS (2)		
Housing/Land Use Planning	Comprehensive Housing Strategy (Housing Boulder)	Council	Housing Matters launch event, engagement activities	Draft strategy development	Implementation based on adopted strategy	Implementation based on adopted strategy
		Staff Activities	SS: Direction of preferred scenario	SS : Draft plan and action plan		
	Sustainable Streets and Centers/ East Arapahoe	Council		Next Corridor - 30th St or Colorado		
		Staff Activities	Develop East Arapahoe action plan			
	Resilience	Council	SS	Direction or IP	Direction or IP	Direction or IP
		Staff Activities	Develop scoping plan	Strategy analysis and development	Strategy analysis and development	Strategy analysis and development
	Boulder Valley Comprehensive Plan	Council		SS	Direction or IP	Direction or IP
		Staff Activities	Issues identification	Strategy analysis and development	Strategy analysis and development	Strategy analysis and development
Transportation	Transportation Master Plan Implementation	Council	Update and coordinate with BVCP		Update and coordinate with BVCP	
		Staff Activities				
	Regional Travel	Council		Briefing		Briefing
		Staff Activities	Staff and elected official activities ongoing			
	Access Management and Parking Strategy (AMPS)	Council		SS : Review options & Update; including recommendations for TDM tool kit for new development	Council action on TDM Tool Kit for new development	Recommendations including planning code changes
						SS: Review options and update
		Staff Activities	Ongoing work plan in 7 focus areas	Ongoing work plan	Ongoing work plan	Ongoing work plan
			Alternatives analysis and specific option development		Specific option development/refinements	
	Joint Board workshop & public engagement		Joint Board workshop & public engagement			

City of Boulder 2015 Work Plan

(Tentative as of December 16, 2014)

	Project		1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
Civic Area	Civic Area Implementation	Council	SS: Parkland Concepts Plan	CC: Approval of Concept Plan		
		Staff Activities	Outreach to community & partners; create delivery plan for spring, summer, fall events	Deliver spring events	Deliver summer activities and events	Review 2015 activation; compare lessons from 2014 and revise for 2016
			Draft of parkland concept plan options for public workshop, Boards, Council review	Board/Commission input on Concept Plan	Begin detailed design work on park improvements	Complete detailed design work for bidding
			Develop overall site master plan concepts, begin to formulate major capital projects	Initial feasibility planning on major capital projects	Continue to develop capital projects, identify potential partners, explore financing options	Continue to develop capital projects, identify potential partners, explore financing options
Local Food	Sustainable Agriculture and Local Foods	Council	IP and local meals for Council Pilot		Council consideration of Local Food Procurement Policy; Review and acceptance of Ag Resources Management Plan	Council consideration of Local Food Procurement Policy; Review and acceptance of Ag Resources Management Plan
		Staff Activities				
Livability	University Hill Moratorium	Council	SS: Review options		IP	
			CC: Public Hearing and Decision			
		Staff Activities	Recommendation & development of ordinances, changes and recommend other strategies to address Moratorium goals	Follow up on other strategies & coordination with Hill Reinvestment Strategy; incorporate strategies into other work plan		
			Board review & public engagement		Board review & public engagement	
	University Hill Reinvestment Strategy	Council		Direction on 14 th Street redevelopment proposal		SS
				SS: Update on strategy		
		Staff Activities	Residential service district (RSD) pilot program	RSD pilot program	RSD pilot program	RSD pilot program
			Work plan implementation	Work plan implementation	Work plan implementation	On-going work plan implementation
			Establish benchmarks and evaluation criteria	Commercial district: Eco Pass Study & Commercial bear dumpsters	Implement volunteer program for clean up	Evaluate existing programs
			14 th Street Lot public/private partnership redevelopment options re: work force affordable housing	14 th Street Lot public/private partnership redevelopment options re: work force affordable housing	Research options for sustainable governance & funding	Develop options for sustainable governance & funding
	Stakeholder engagement	Stakeholder engagement	Stakeholder engagement	Stakeholder engagement		
Homeless Action Plan	Council	IP: 2014 Accomplishments	SS: As part of Human Services strategy update		IP - Services and Regional coordination update	
	Staff Activities					
Community Cultural Plan	Council	Council update and input on testing phase	Briefing	SS: Adoption of Community Cultural Plan		
	Staff Activities	Research phase complete. Drafting phase complete. Testing phase begins	Testing phase complete. Certification phase begins	Implementation begins. New public art policy drafting	Public Art Policy drafting	

City of Boulder 2015 Work Plan

(Tentative as of December 16, 2014)

	Projects		1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
Other	Boulder Junction	Council				
		Staff Activities	Ongoing redevelopment coordination	North Side of Pearl and Goose Creek bridge landscaping install. Bridge opens		Depot Square opens
	Capital Projects Activity	Council	Ongoing and Wastewater Collection System Rehabilitation program begins	Ongoing	SS: 2016-2021 CIP	Ongoing
		Staff Activities				
	CityWide Special Events	Council	Report on 2015 City Events			Summary of 2015 City Events
		Staff Activities	Implement new events application and internal review process	Refine systems as needed	Refine systems as needed	Improve events application for new online Landlinks System in 2016
	Community Broadband	Council	SS			SS
		Staff Activities	Broadband Action Group formation and consultant assessment	Consultant assessment continued	Consultant assessment continued	Present findings and recommendations
	Design Excellence	Council	SS: Staff Recommendations design tools/process changes	IP	CC: Draft recommendations/Adopt strategy	
		Staff Activities	Issues identification/ preliminary work on design tools/ process changes	Technical analysis /develop options	Draft recommendations	
			Public engagement	Boards/public engagement	Boards/public engagement	
	Flood-related Annexations	Council				
		Staff Activities	Flood Annexations - Individual	Flood Annexations - Old Tale Rd	Ongoing	Ongoing
	Human Services Strategy	Council		SS		Public Hearing
		Staff Activities				
	Flood Management	Council			IP: Stormwater Master Plan and Wastewater Collection System Master Plan consideration	
		Staff	Stormwater Master Plan and Wastewater Collection System Master Plan updates continue	Stormwater Master Plan and Wastewater Collection System Master Plan updates continue		
	Smoking Ban - Implementation	Council	CC: Second reading			
		Staff Activities	Education campaign	Enforcement begins	Monitor Outcomes	Monitor Outcomes
	Vacation Rental by Owner (VRBO)	Council	SS			
Staff Activities		Research regulations and possible fees or taxes				

COUNCIL MEMBERS

Matthew Appelbaum	Mayor
Suzanne Jones	Mayor Pro Tem
Macon Cowles	Council Member
George Karakehian	Council Member
Lisa Morzel	Council Member
Tim Plass	Council Member
Andrew Shoemaker	Council Member
Sam Weaver	Council Member
Mary Young	Council Member

COUNCIL EMPLOYEES

Thomas A. Carr	City Attorney
Jane S. Brautigam	City Manager
Linda P. Cooke	Municipal Judge

KEY STAFF

Mary Ann Weideman	Assistant City Manager
Bob Eichen	Chief Financial Officer
Alisa D. Lewis	City Clerk
Patrick von Keyserling	Communications Director
David Driskell	Executive Director of Community Planning and Sustainability and Acting Director of Housing
Molly Winter	Downtown, University Hill Management & Parking Services Director
Heather Bailey	Executive Director of Energy Strategy and Electric Utility Development
Michael Calderazzo	Fire Chief
Joyce Lira	Human Resources Director
Karen Rahn	Human Services Director
Don Ingle	Information Technology Director
Eileen Gomez	Labor Relations Director
David Farnan	Library and Arts Director
James Cho	Acting Municipal Court Administrator
Tracy Winfree	Acting Open Space and Mountain Parks Director
Yvette Bowden	Parks and Recreation Director
Greg Testa	Police Chief
Maureen Rait	Executive Director of Public Works
Cheryl Pattelli	Director of Fiscal Services
Mike Sweeney	Acting Transportation Director
Jeff Arthur	Utilities Director

2015 City Council Committee Assignments

INTERGOVERNMENTAL ORGANIZATIONS

Beyond the Fences Coalition	Morzel, Plass (Castillo – staff alternate)
Boulder County Consortium of Cities	Young, Morzel (alternate)
Colorado Municipal League (CML) – Policy Committee	Jones, Cowles (Castillo – staff alternate)
Denver Regional Council of Governments (DRCOG)	Jones, Plass
Housing Authority (Boulder Housing Partners)	Shoemaker
Metro Mayors Caucus	Appelbaum
National League of Cities (NLC)	Appelbaum, Cowles
Resource Conservation Advisory Board	Morzel (at large seat), Plass
Rocky Flats Stewardship	Morzel, Plass (1 st alternate), Castillo (2 nd alternate)
University of Colorado (CU)/City Oversight	Cowles, Shoemaker, Weaver
US36 Mayors and Commission Coalition	Appelbaum
US36 Commuting Solutions	Karakehian, Morzel (alternate)
Urban Drainage and Flood Control District	Jones

LOCAL ORGANIZATIONS

Boulder Museum of Contemporary Art (BMoCA)	Young
Boulder Convention and Visitors Bureau	Plass, Cowles (alternate)
Dairy Center for the Arts	Jones
Downtown Business Improvement District Board	Weaver, Young

INTERNAL CITY COMMITTEES

Audit Committee	Cowles, Morzel, Shoemaker
Boards and Commissions Committee	Plass, Shoemaker
Boulder Urban Renewal Authority (BURA) Mayoral Appointment	Karakehian
Charter Committee	Karakehian, Morzel, Weaver
Civic Use Pad/ 9 th and Canyon	Karakehian, Morzel, Young
Council Employees Salary Review	Cowles, Shoemaker
Council Retreat Committee	Jones, Morzel
Evaluation Committee	Morzel, Plass
Housing Strategy Process Sub-Committee	Morzel, Shoemaker, Young
Legislative Committee	Jones, Karakehian, Weaver
School Issues Committee	Morzel, Plass, Shoemaker

SISTER CITY REPRESENTATIVES

Jalapa, Nicaragua	Jones
Kisumu, Kenya	Morzel
Llaza, Tibet	Shoemaker
Dushanbe, Tajikistan	Weaver
Yamagata, Japan	Plass
Mante, Mexico	Young
Yateras, Cuba	Karakehian, Cowles (alternate)
Sister City Sub-Committee	Morzel, , Karakehian

2015 Study Session Calendar

	A	B	C	D	E	F	G	H	I
1	Date	Status	Topic		Location	Contacts	Materials Due	Draft Summary Due	Final Summary Due
36									
37		Approved	Briefing: Form Based Code	5:30-6:30 PM	Chambers	Sam Assefa/Melinda Melton			
38	05/26/15	Approved	Update on the Community Cultural Plan	6:30-7:30	Chambers	Matt Chasansky/Carrie Mills	05/14/15	06/04/15	06/10/15
39		Approved	AMPS Update	7:30-9PM	Chambers	Molly Winter/Ruth Weiss	05/14/15	06/04/15	06/10/15
40									
41	06/09/15	Approved	Housing Boulder	6-7:30 PM	Chambers	Jay Sugnet/Edy Urken	05/28/15	06/18/15	06/24/15
42		Approved	BVCP/Resilience	7:30-9 PM	Chambers	Lesli Ellis/Melinda Melton			
43									
44	06/23/15		Council Recess June 17-July 12						
45	06/30/15		Council Recess June 17-July 12						
46									
47	07/14/15	Approved	Ballot Measures	6-7:30 PM	Chambers	Elena Lazarevska/Bob Eichem	07/02/15	07/23/15	07/29/15
48		Approved	Discussion on Potential Head Tax	7:30-9 PM	Chambers	Elena Lazarevska/Bob Eichem			
49									
50			Briefing: Civic Area Park Site Plan Update	5:30-6 PM	Chambers	Jeff Haley/Melinda Melton	N/A	N/A	N/A
51	07/28/15	Approved	Climate Commitment Goal and Strategy Proposal	6-7:30 PM	Chambers	Brett KenCairn/Melinda Melton	07/16/15	08/06/15	08/12/15
52			West Fourmile area (Ponderosa MHP) planning grant	7:30-9 PM	Chambers	Chris Meschuk/Melinda Melton	07/16/15	08/06/15	08/12/15
53									
54	08/11/15	Approved	2016 CIP Study Session	6-7:30 PM	Chambers	Elena Lazarevska/Bob Eichem	07/30/15	08/20/15	08/26/15
55		Approved	Form-Based Code Pilot	7:30-9 PM	Chambers	Sam Assefa/Melinda Melton	07/30/15	08/20/15	08/26/15
56									
57		OPEN	Briefing:	5:30-6 PM	Chambers		N/A	N/A	N/A
58	08/25/15	Approved	TMP Implementation Follow Up (pending first check-in on 2/24)	6-7:30 PM	Chambers	Randall Rutsch/Rene Lopez	08/13/15	09/03/15	09/09/15
59		Approved	Envision East Arapahoe Transportation Analysis and Phase II Medical Office Use	7:30-9 PM	Chambers	Randall Rutsch/Rene Lopez	08/13/15	09/03/15	09/09/15
60									
61	09/08/15	Approved	2016 Budget Study Session	6-7:30 PM	Chambers	Elena Lazarevska/Bob Eichem	08/27/15	09/17/15	09/23/15
62		Approved	Emerald Ash Borer	7:30-9 PM	Chambers	Kathleen Alexander/Sally Dieterich	08/27/15	09/17/15	09/23/15
63									
64	9/17/2015	OPEN	Briefing:	5:30-6 PM	Chambers		N/A	N/A	N/A
65	(tentative)	Approved	2016 Budget Study Session	6-7:30 PM	Chambers	Elena Lazarevska/Bob Eichem	09/10/15	10/01/15	10/07/15
66		Approved	Mobile Home Parks	7:30-9 PM	Chambers		09/10/15	10/01/15	10/07/15
67									
68	09/29/15		No Meeting	6-7:30 PM	Chambers		09/17/15	10/08/15	10/14/15
69				7:30-9 PM	Chambers				
70									
71		Approved	Resilience Strategy Study Session	6-7:30 PM	Chambers	Greg Guibert/Melinda Melton	10/01/15	10/22/15	10/28/15
72	10/13/15	Approved	30th and Pearl City-owned Site Options (moved from 7/28, 9/29)						
73		OPEN		7:30-9 PM	Chambers				
74									
75		OPEN	Briefing: Boulder Energy Future	5:30-6 PM	Chambers	Heather Bailey/Heidi Joyce	N/A	N/A	N/A
76	10/27/15		Human Services Strategy Update	6-7:30 PM	chambers	Karen Rahn	10/15/15	11/05/15	11/11/15
77			Homelessness	7:30-9 PM	Chambers	Karen Rahn	10/15/15	11/05/15	11/11/15
78									
79			AMPS Update	6-7:30 PM	Chambers	Molly Winter/Ruth Weiss	10/29/15	11/19/15	11/25/15
80	11/10/15		Broadband Working Group Status Update	7:30-9 PM	Chambers	Don Ingle			
81									
82	11/24/15		Thanksgiving Holiday Week						
83									
84	12/08/15	Approved	Utility Rate Study: Preliminary Findings	6-7:30 PM	Chambers	Eric Ameigh/Jeff Arthur/Rene Lopez	11/25/15	12/17/15	12/23/15
85			Hill Reinvestment Strategy Update	7:30-9 PM	Chambers	Molly Winters/Ruth Weiss	11/25/15	12/17/15	12/23/15
86									
87	12/22/15		Christmas Holiday Week						
88	12/29/15		New Years Holiday Week						

June 2, 2015 Start Time: 6:00 PM Business Meeting Location: Council Chambers, 1777 Broadway				CAO to Prepare Ord.?	Power Point	Contact Preliminary: 5/21 :: Final 5/27
Agenda Section	Item Name	Time	Minutes			
SPECIAL PRESENTATIONS			Minutes			
OPEN COMMENT		45	Minutes			
CONSENT	Notice of Sale for Stormwater/Flood Bonds	15	Minutes		no	Bob Eiche/Elena Lazarevska
	Study Session Summary for 5/12 Commercial and Industrial Energy Efficiency Ordinance Options			no	no	Kendra Tupper/Melinda Melton
	Study Session Summary 4/14: Fire Dept Operations					Mike Calderazzo/Laurie Ogden
	Study Session Summary 4/28: Human Services Strategy			no	no	Todd Jorgensen/Linda Gelhaar
	Study Session Summary 5/12: Resilience Item			yes	no	Greg Guibert/Melinda Melton
	20-year lease for ROW encroachment (portion of historic garage) at 1900 Bluebell Ave					Sloan Walbert/Melinda Melton
	Four items related to Authorization of Parks Disposal and conveyance of city easements to BWRD Co			no	no	Kurt Bauer/Erin Raney
PUBLIC HEARINGS	1st Rdg Ordinance Regulating Short Term Rentals	90	Minutes			Tom Carr/Heather Hayward
	2nd Reading Ordinance 8045 for Zero Waste Requirements	90	Minutes	yes	yes	Kara Mertz/Melinda Melton
	2nd Rdg re Food Truck Ordinance	60	Minutes	yes	no	Tom Carr/Heather Hayward
MATTERS FROM CITY MANAGER						
MATTERS FROM CITY ATTORNEY						
MATTERS FROM MEMBERS OF COUNCIL						
CALL-UPS	Potential Call-up for concept plan review for a proposed mixed-use development (Alexan Flatirons) located at McKenzie Junction, 3600 Hwy 119.					Elaine McLaughlin /Melinda Melton
	Total Estimated Meeting Time (Hours:Minutes)	5:00				

June 16, 2015 Start Time: 6:00 PM Business Meeting Location: Council Chambers, 1777 Broadway				CAO to Prepare Ord.?	Power Point	Contact Preliminary: 6/4 :: Final 6/10
Agenda Section	Item Name	Time	Minutes			
SPECIAL PRESENTATIONS			Minutes			
OPEN COMMENT		45	Minutes			
CONSENT	Study Session Summary: 5/12 - Boulder Energy Future	15	Minutes			Heather Bailey/Heidi Joyce
	Study Session Summary: 5/12 Proposed Commercial & Industrial Energy Efficiency					Kendra Tupper/Melinda Melton
	Study Session Summary : 5/12 Resilient Boulder					Greg Guibert/Melinda Melton
	Study Session Summary: 4/14 Finance					Bob Eiche/Elena Lazarevska
	Bond Ordinance - Sale of the Stormwater/Flood Bonds				no	Bob Eiche/Elena Lazarevska
	Disposal of a Utility Easement					Jim Schmidt/Cecil Fenio
	Lefthand Canyon property disposal and construction easement					Jim Schmidt/Cecil Fenio
	Ordinance re Council Pay Ballot Measure			yes		Tom Carr/Heather Hayward

	Reimbursement Resolution-Water and Sewer Revenue Bonds			yes	no	Bob Eichen/Elena Lazarevska
	Ordinance re Charter Revisions for the Library			yes		Dave?
PUBLIC HEARINGS	Public Hearing and Acceptance of Updated Civic Area Master Plan/Discussion of BCH (Boulder Community Hospital Property)	120	Minutes		yes	Joanna Crean/Melinda Melton
	Living Laboratory Phase II Complete Streets pilot projects	60	Minutes	no	yes	Marni Ratzel/Erin Raney
MATTERS FROM CITY MANAGER	Consideration of Guiding Principles for the Form Based Code (FBC)	45	Minutes	no	yes	Karl Guiler/Melinda Melton
	Neighborhood Grant Guidelines	10	Minutes	no	no	Mary Ann Weideman/Dianne Marshall
MATTERS FROM CITY ATTORNEY						
MATTERS FROM MEMBERS OF COUNCIL						
CALL-UPS						
	Total Estimated Meeting Time (Hours:Minutes)	4:55				

Council Recess - June 17 to July 12

July 21, 2015 Start Time: 6:00 PM Business Meeting Location: Council Chambers, 1777 Broadway				CAO to Prepare Ord.?	Power Point	Contact Preliminary: 7/9 :: Final 7/15
Agenda Section	Item Name	Time	Minutes			
SPECIAL PRESENTATIONS			Minutes			
OPEN COMMENT		45	Minutes			
CONSENT	Study Session Summary for 6/9 BVCP/Resilience item	15	Minutes			Lesli Ellis/Melinda Melton
	Study Session Summary for 6/9 Housing Boulder item					Jay Sugnet/Melinda Melton
	2nd Rdg Ordinance re Regulating Short Term Rentals					
	1st Rdg Ordinance re Short Term Rental Tax			yes		Tom Carr/Heather Hayward
	1st Rdg Ordinance re Acquisition of prop 28th st fm Pearl to Glenwood for Transportation Improvement projects					Noreen Walsh/Erin Raney
	1st Rdg Ordinance re Occupancy Extension Tax			yes		Tom Carr/Heather Hayward
PUBLIC HEARINGS	BVCP schedule, work plan, and process for landowners and the general public to submit requests for changes to the plan	45	Minutes	no	yes	Lesli Ellis/Melinda Melton
	Flood Mapping Studies for Upper Goose and Twomile Canyon Creek and Skunk, King's Gulch and Bluebell Creeks	50	Minutes	no	yes	Annie Noble/Erin Raney
	Community Cultural Plan Final Review	90	Minutes	no	yes	Matt Chasansky/Carrie Mills
MATTERS FROM CITY MANAGER						
MATTERS FROM CITY ATTORNEY			Minutes			
MATTERS FROM MEMBERS OF COUNCIL			Minutes			
CALL-UPS			Minutes			
	Total Estimated Meeting Time (Hours:Minutes)	4:05				

August 4, 2015 Start Time: 6:00 PM Business Meeting Location: Council Chambers, 1777 Broadway				CAO to Prepare Ord.?	Power Point	Contact Preliminary: 7/23 :: Final 7/31
Agenda Section	Item Name	Time	Minutes			
SPECIAL PRESENTATIONS			Minutes			
OPEN COMMENT		45	Minutes			
CONSENT		15	Minutes			
PUBLIC HEARINGS	South Boulder Creek Mitigation Plan	120	Minutes	no	yes	Annie Noble/Erin Raney
	Ballot Measures Placeholder	90	Minutes	yes		
MATTERS FROM CITY MANAGER			Minutes			
MATTERS FROM CITY ATTORNEY			Minutes			
MATTERS FROM MEMBERS OF COUNCIL			Minutes			
CALL-UPS			Minutes			
Total Estimated Meeting Time (Hours:Minutes)		4:30				

August 18, 2015 Start Time: 6:00 PM Business Meeting Location: Council Chambers, 1777 Broadway				CAO to Prepare Ord.?	Power Point	Contact Preliminary: 8/6 :: Final 8/12
Agenda Section	Item Name	Time	Minutes			
SPECIAL PRESENTATIONS			Minutes			
OPEN COMMENT		45	Minutes			
CONSENT	Water and Sewer Bonds Notice of Sale	15	Minutes			Bob Eiche/Elena Lazarevska
	Study Session Summary for July 28 Climate Commitment					Brett KenCairn/Melinda Melton
	Motion to approve 20 yr water lease to CU's Mountain research station			na	na	Joe Taddeucci/Laurel Olsen-Horen
PUBLIC HEARINGS	Final Reading Ballot measures	60	Minutes			
			Minutes			
MATTERS FROM CITY MANAGER	Key Questions and Guiding Principles for the Utility Rate Structure Analysis (moved from 6/16)	45	Minutes	no	yes	Eric Ameigh/Erin Raney
MATTERS FROM CITY ATTORNEY			Minutes			
MATTERS FROM MEMBERS OF COUNCIL	Update from Council Employee Evaluation Committee	30	Minutes	no	no	Aimee Kane
CALL-UPS			Minutes			
Total Estimated Meeting Time (Hours:Minutes)		3:15				