

MEMORANDUM

March 2, 2016

TO: Landmarks Board

FROM: Lesli Ellis, Comprehensive Planning Manager
Deb Kalish, Senior Assistant City Attorney
James Hewat, Senior Historic Preservation Planner
Marcy Cameron, Historic Preservation Planner

SUBJECT: Public hearing and adoption of revisions to Section 1, The Historic District of the *Downtown Urban Design Guidelines* pursuant to the rulemaking procedures set forth in Chapter 1-4, B.R.C. 1981.

SUGGESTED MOTION

If the board accepts the proposed revisions, staff recommends the following motion language:

I move that the Landmarks Board approve as to substance the proposed revisions to Section 1, "The Historic District" of the Downtown Urban Design Guidelines pursuant to the rulemaking procedures set forth in Chapter 1-4, B.R.C. 1981.

PURPOSE

Following the adoption of revisions to Section 1, "The Historic District," of the *Downtown Urban Design Guidelines* at their February 3, 2016 meeting, Landmarks Board members Kate Remley and Deborah Yin drafted proposed revisions and request that the Landmarks Board review and approve those revisions as to substance. See proposed revisions in *Attachment A*. The Feb. 3, 2016, version of the Downtown Urban Design Guidelines is available online at

<https://documents.bouldercolorado.gov/weblink8/0/doc/131284/Electronic.aspx>

If the board approves these revisions as to substance, three copies of the proposed revisions will be filed with the city clerk and the public will be given notice that Section 1 is available for review and comment during a 15-day comment period pursuant to Chapter 1-4, *Rulemaking*, of the Boulder Revised Code 1981.

SUMMARY

- As part of the Design Excellence Initiative, and in response to City Council direction in March of 2015, staff has been working on revisions to the *Downtown Urban Design Guidelines* to improve usability, organization and graphics, remove redundant and outdated items, and bring the 13-year-old document into alignment with the plans, policies and regulations created since the last update.
- The update to the Guidelines was prepared during seven working group sessions facilitated by staff from August through November of 2015. In addition, staff held a joint board meeting and a public open house in December of 2015 to present the draft edits and recommendations from the working group. Reference the February 3, 2016 Landmarks Board Memo for background information on the process and proposed revisions.
- On February 3, 2016, the Landmarks Board approved the revisions to the design guidelines, and offered suggested changes to be considered in the future. See *Attachment B: Draft Minutes from February 3, 2016 Landmarks Board Meeting.*
- Subcommittee members Kate Remley and Deborah Yin state the intended purpose of the revisions is to “restore the removed language that is not covered elsewhere in the City’s ordinance or rules that pertain to the Historic District” and to “address comments made during the Joint Boards meetings of the previous revision exercise, that will the document has been streamlined there was too much removed.”
- The City Attorney’s Office has reviewed and approved the proposed revisions as to form.
- Three copies of the proposed revision will be filed with the City’s Central Records Department on March 3, 2016, and will be published in the Boulder Daily Camera March 18, 2016, to allow for a 15-day public comment period per *Rulemaking*, Chapter 1-4, of the Boulder Revised Code 1981.

NEXT STEPS

March 3-18

Public Comment Period; Notice of Rulemaking published in the newspaper on March 3. If no comments are received, the guidelines will become effective immediately after the public comment period. If comments are received, staff will forward them to the Board for consideration at its April 6 meeting.

March 3

If, after reviewing public comments, the Board makes substantive changes to the proposed revisions to the Guidelines and they are approved as to form by the City Attorney’s Office, staff will publish those changes and a second public comment period will begin. This process

continues until there are no further substantive changes to the rule.

ATTACHMENTS

- A: Proposed revisions by Kate Remley and Deborah Yin following the February 3, 2016 Landmarks Board meeting.
- B: Draft Minutes from February 3, 2016 Landmarks Board Meeting
- C: Notice of Rulemaking for Amendments to the *Downtown Urban Design Guidelines* per Chapter 1-4 of the Boulder Revised Municipal Code, 1981

Attachment A: Proposed revisions by Kate Remley and Deborah Yin following the February 3, 2016 Landmarks Board meeting.

Proposed Revisions to Downtown Urban Design Guidelines

Kate Remley and Deborah Yin

March 2, 2016

The intent of these proposed revisions to the Revised Downtown Urban Design Guidelines is

- To restore removed language that is not covered elsewhere in the City's ordinance or rules that pertain to the Historic District.
- To address comments made during the Joint Boards meeting of the previous revision exercise, that while the document has been streamlined there was too much removed.

1. Section 1.1. Add the following

"I. Refer to Section 3 Public Realm for additional guidelines."

***Rationale:** In neither the previous nor the new edition does Section 1 address public realm features such as restaurant seating rails, signage, etc. Currently instructions have been provided by word of mouth and, typically, the public realm chapters were not used in Landmarks Board reviews. Upon review of Section 3 guidelines, it is clear the chapter is applicable to the historic district: nowhere is there language to exclude it, and it specifically makes reference to the historic sections (3.5 Historic Features). To ensure that applicants and DRC members know to go to Section 3 for guidance this sentence should be added.*

2. PP. 14-23: Reorder the subsections in Section 1:

- Section 1.1 becomes Section 1.4
- Section 1.2 becomes Section 1.1
- Section 1.3 becomes Section 1.2
- Section 1.4 becomes Section 1.3

***Rationale:** The current Section 1.2 "The Guidelines for the preservation and restoration of local landmarks and contributing buildings" and Section 1.3 "Guidelines for contemporary alterations and additions to local landmarks and contributing buildings" should be most prominently featured because they address the bulk of the character-defining features in the historic district. In contrast, several of the items listed in the current Section 1.1 "General guidelines for the Historic District," such as awnings and screening of mechanical equipment, are relatively minor.*

3. PP. 14-15: Reinsert original text from Section 1.1.5: "Maintain the Original Size, Shape, and Proportion of Storefront Facades and Openings to Retain the Historic Scale and Character." This text should be inserted in the subsection "General guidelines for the Historic District" because it applies to all construction in the Historic District. Insert the sentence as 1.1.A.. Renumber the subsections following.

***Rationale:** This text was deleted from the revision, representing a substantive change.*

4. P. 17: Remove the following text: "A. Distinguish additions to historic buildings." This is the heading of the old subsection 1.1.11. Revise subsection numbers 1., 2., 3., etc to A., B., C., etc.

Rationale: This is a hanging subsection heading (that is, there is no subsection B). As well, the text in this heading is reflected in the subsections that follow, and the subsections that follow concern both distinguishing additions and making them compatible, so it is no longer accurate.

5. **PP. 17-19, Figs. 5-9: Reduce size, replace, renumber, and reference guidelines in Section 1.3.**

- a. pp 17, omit Figure 5.
- b. pp 18, to remain as is except renumber Figure 6 as Figure 5.
- c. pp 19 - Shall have four figures, 6 through 9. See attached proposed page 19.
- d. Fig. 5 should be referenced from subsection 1.3.D and H.
- e. Fig. 6 should be referenced from subsection 1.3.D.
- f. Fig. 7 should be referenced from subsection 1.3.A.
- g. Fig. 8 should be referenced from subsection 1.3.E.
- h. Figure 9 should reference subsection 3.5.B in the caption.

Rationale: Figure 5 is intended to illustrate the guidelines in Section 1.3, however, it shows a new building in a block, not an addition.. If it were a new addition it is not subordinate (1.3.1), does not retain the proportions of other buildings on the block (it is larger) (1.3.2), does not retain the established pattern or proportion of upper story windows (1.3.3), is not harmonious with the historic building in terms of mass and scale (1.3.5). Additional images are proposed to show the range of acceptable additions, from conservative to modern. Fig. 9 is added to fill the fourth space on the page.

It is confusing to the reader if the figures appear without being referenced from the text.

As the Landmarks Board cannot edit Section 3, the reference for Fig. 9 must be in its caption.

6. **pp 17, 1.3. Restore language to discourage theme design.** Revise the paragraph to read as follows (new material in bold font).

*"The purpose of this section is to provide guidance for the design of additions or alterations to contributing buildings in order to retain the historic character of the overall district. While renovations and building design is expected to reflect the character of its own time acknowledging the Downtown as a living district, it is important that it also respect the traditional qualities that makes the Downtown unique, such as massing, scale, use of storefront detailing, and choice of materials. **Architectural styles that directly copy historic buildings, and theme designs, such as "wild west" are not appropriate.**"*

Rationale: This statement reinforces the Secretary of Interior's intent that new additions or new buildings are to be reflective of current day construction methods & the continuing evolution of styles, rather than replicating or falsifying historical styles. Theme design, like a stage set, is false.

7. **pp. 21-23, Figs. 9-12: Reduce size, replace, renumber, and reference.** See attached proposed page 21.

- a. Replace images used for Figs. 11 and 12.

- b. Combine Figs. 9-12 onto a single page to reduce the apparent importance of any one style. Renumber as Figs. 10-13.
- c. Reference Fig. 10 from subsection 1.4.D. and F.
- d. Reference Fig. 11 from subsection 1.4.A., B., C., and D
- e. Reference Figs. 10-13 from the introduction to Section 1.4.

Rationale: *In order to avoid promoting one of the many appropriate styles for new construction and renovation in the historic district, a range of styles should be presented (consensus of working group). Reducing the size of the various photos on the page will also contribute to minimizing the importance of any one style. And, as above, it is confusing to the reader if the figures appear without being referenced from the text.*

8. **pp. 20, 1.4.E.** Current language - "Provide a variation of roof heights and types to make apparent mass smaller."
Replace with **"Provide a variation of roof heights in a large building. A variety of roof heights & types within the district is desirable."**

Rationale:

- 1) *A small building should not have a variety of roof heights except as require by land use code. However, a large building's large mass can be broken up into smaller scale units by varying roof height.*
- 2) *A single building should not have a variety of roof types, it should have one or possibly two maximum, if one of those roof forms is flat.*

9. **pp 20. Reinsert paragraph H. re: 25' bays for new construction and remodeling non-contributing buildings,** as follows.

"Maintain the rhythm established by the repetition of the traditional ~25' facade widths for projects that extend over several lots by changing the materials, patterns, reveals, and building setbacks in uniform intervals or by using design elements such as columns or pilasters."

Rationale: *This guideline was in the previous edition and was inadvertently removed (per staff email). New construction, additions and renovation should maintain or create an approx 25' wide bay break down of the façade in order to maintain the historic rhythm of facades.*



Figure 6 Compatible addition (right) to a historic building



Figure 7 Compatible addition (left) to a historic building.



Fig. 8 A non-conforming addition with incompatible materials, massing and window proportioning
(Source: National Park Service)



Figure 9 Preservation of historic signage (per 3.5.B)



Figure 10 A compatible new building in a historic downtown



*Figure 11 New construction with compatible material, scale, and window proportioning
(Source: City of Boulder)*



*Fig. 12 A compatible renovation with references to adjacent building height and contemporary references to the storefront building typology
(Source: Olson Kundig)*



Figure 13 A compatible new building in a historic downtown



alternative image for Figure 13
A compatible new building in a historic downtown



alternative image for Figure 13
A compatible new building in a historic downtown

Attachment B: Draft Minutes from February 3, 2016 Landmarks Board Meeting

- A. Public hearing and consideration of revisions to the Downtown Urban Design Guidelines, Section 1, The Downtown Historic District.

Staff Presentation

Sam Assefa, City of Boulder, Senior Urban Designer, introduced the project to the board.

Kalani Paho, City of Boulder, Urban Designer, presented an overview of the revision process to the Downtown Urban Design Guidelines.

Public Hearing

There were no public speakers for item.

Motion

On a motion by **B. Butler**, and seconded by **G. Clements**, the Landmarks Board voted (5-0) to adopt the proposed revisions to Section 1, "*The Historic District: of the Downtown Urban Design Guidelines*" pursuant to the rule making procedures set forth in Chapter 1-4, B.R.C 1981 and adopted the staff memorandum dated February 3, 2016, including the following as the findings of the Board:

Suggested Revisions:

Section 1 *The Historic District*

1. Kate Remley suggested changing the order of the sub-sections in Section 1 *The Historic District* , to place the general guidelines for the district first, and the minor guidelines (i.e. awnings and building colors) to the last part of the section;
2. Kate Remley suggested changing the wording on page 4, from "Human-scaled space" back to "human-scaled buildings;"
3. Kate Remley suggested changing the wording on page 17, from "differentiated yet compatible" back to "subtlety distinguishable;"
4. Edits to the entire document to increase the sidebar notes column contrast between the background and the white font for improved legibility.
5. Page 17 – 1.3.A changes the bullets to an alphanumeric list and merge with the preceding "A".
6. Page 19 – Figs 7-8 – Fix the figure ordering in the captions.

7. Fig 9 – Add historic district note to the caption.

Items to be recorded for consideration in a future revision to Section 1 *The Historic District* :

1. Reorganize Section 1: The Historic District subsection order. Move 1.1 general building requirements for all areas of the historic district to end of the section and move 1.2, 1.3 and 1.4 forward in the order. The working group reorganized to move common building elements in front; however, the first few subsections are now the less-important building features (building colors, awnings, mechanical equipment). 1.1 is important, but not the heart of the guidelines (1.2 – 1.4 are the heart). LB consensus to reorganize the subsections.
2. Page 17 – Landmarks Board discussed the revising language regarding "differentiated but compatible" vs. "subtly distinguishable". K. Remley expressed concern that this was a significant . Majority of the board did not want to change the guidelines back to "subtly distinguishable". D. Yin noted "differentiated, yet compatible" fits Secretary of the Interior Standards. Page 17 – Fig. 5 – Figure shows a rather large addition that does not seem subordinate. Comments from the Landmarks Board include the size of the addition, confusion in the differentiation of the new versus original buildings. Landmarks boards expressed a consensus to revise this image or provide a different image. D. Yin suggested possibly showing two images.
3. Page 21 - Fig. 9 - K. Remley commented that in her opinion the figure does not follow any of the guidelines for historic building elements. D. Yin commented that she considers the figure to comply with the guidelines for new construction, and the list of historic building elements is not a checklist for new construction.
4. K. Remley inquired as to why the examples of the Neo-traditional building examples she submitted to the working group were not incorporated. K. Remley requested that it would be helpful to show range of acceptable styles.
5. Pages 19-23 – Figures – D. Yin noted the images are too big and have too much prominence. Consider ~~the~~ resizing the images to four images per page. K. Remley noted this may address concerns regarding Figure 9.
6. The Board agreed that it, if appropriate the Board could make some or all of the changes above to Section 1 of the *Guidelines* through the Rulemaking process after the entire document has been reviewed and adopted by the City Council.

7. Page 4 – K. Remley prefers “human scale buildings” to “human scale space”. The Board agreed that this was not an item it could change as it is not in Section 1 of the *Guidelines* and not subject to its change through the rulemaking processⁱ.

Per 9-11-24, B.R.C., *Landmarks Board and City Manager Authorized to Adopt Rules.*, the landmarks board and the city manager are authorized to adopt rules and regulations under chapter 1-4, "Rulemaking," B.R.C. 1981, that the landmarks board or the city manager determine are reasonably necessary to implement the requirements of this chapter. Ordinance No. 7225 (2002)

Attachment C: Notice of Rulemaking for Amendments to the Downtown Urban Design Guidelines per Chapter 1-4 of the Boulder Revised Municipal Code, 1981

Notice of Rule-Making

The Landmarks Board of the City of Boulder proposes to adopt the following rule by the rulemaking procedures set forth in Chapter 1-4 of the Boulder Revised Municipal Code, 1981.

The Secretary of the Board filed three copies of the proposed rule with the City Clerk, located in the Municipal Building, 1777 Broadway, Boulder, Colorado, on March 3, 2016. Those copies are available for public review and comment until March 18, 2016. Written comments should be submitted to James Hewat at hewatj@bouldercolorado.gov, or the above address, by March 18, 2016.

The proposed rule was approved as to substance prior to publication by the Landmarks Board at its March 2, 2016 meeting.

The proposed rule was approved as to form by the City Attorney's Office on March 1, 2016.

Notice of intent to adopt the rule was published in the Daily Camera on March 3, 2016.

REGULATION/RULE

Revisions to the Downtown Urban Design Guidelines to make minor edits and to restore language that was removed in the revisions adopted by the Landmarks Board in February 2016.

This regulation is established to provide guidance for the review of Landmark Alteration Certificates in the Downtown Historic District to ensure that proposed alterations of designated properties will not adversely affect or destroy their historic character or architectural integrity and that all changes are consistent with the spirit and purpose of Chapter 9-11, Historic Preservation, of the Boulder Revised Code 1981.

The Landmarks Board of the City of Boulder proposes to adopt a regulation to amend Section 1 “The Historic District,” of the *Downtown Urban Design Guidelines*. As proposed, the amended design guidelines will continue to provide guidance in preserving and protecting the historic character of the district. A full and complete copy of the revised guidelines are available for public review at Central Records at the Municipal Building, 1777 Broadway Street 2nd floor, Boulder Colorado, 80302 or online at www.boulderhistoricpreservation.net.