

**M E M O R A N D U M**  
**February 3, 2016**

**TO:** Landmarks Board

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**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.

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**STAFF RECOMMENDATION**

Staff recommends the Landmarks Board enact guidelines to revise Section 1, *The Historic District* as proposed in Attachment A, adopting this memo as findings for this decision.

**SUGGESTED MOTION**

*I move that the Landmarks Board adopt 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 and adopt the staff memorandum dated February 3, 2016 as findings of the board.*

**PURPOSE**

Staff requests that the Landmarks Board review and approve the substance of the proposed revisions to Section 1, "The Historic District," of the *Downtown Urban Design Guidelines*. These revisions are part of the update to the *Downtown Urban Design Guidelines*. 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. See Attachment A: Downtown Urban Design Guidelines and Attachment B: Notice of Rule-Making

## SUMMARY

- In 1990, the Landmarks Board adopted the *Secretary of the Interior's Standards for Rehabilitation* as the basis for guidance for reviews of proposed alterations to locally designated historic properties.
- District-specific design guidelines have been developed for seven of Boulder's ten historic districts.
- In 1999, the year the Downtown Historic District was established, the Landmarks Preservation Advisory Board adopted the *Downtown Urban Design Guidelines*.
- The guidelines are part of a Downtown Area Plan and are adopted by Planning Board and City Council with advice from the Design Advisory Board. The Landmarks Board approves guidelines for the Downtown Historic District (Section 1, "The Historic District").
- 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.
- The City Attorney's Office has reviewed the guidelines as to form and legality.
- Three copies of the proposed revision will be filed with the City's Central Records Department on February 4, 2016 and will be published in the Boulder Daily Camera February 4, 2016 to allow for a 15-day public comment period per *Rulemaking*, Chapter 1-4, of the Boulder Revised Code 1981.

## **BACKGROUND:**

The Guidelines have their roots in planning initiatives started in the 1980s and were last updated in 2002. Rationale behind the update included the age of the document, lack of reflection to the current standards, and problematic sections in need of clarification. Over the last few years, the Design Advisory Board (DAB), in its annual letters to City Council, has articulated the need for updating the Guidelines. In late 2014 and early 2015, the DAB discussed specific areas and

items in the Guidelines that it believed needed to be updated and provided staff with its suggested revisions in a form of a redlined copy of the current Guidelines.

The need to update the Guidelines became a priority due to current concerns about design outcomes and as part of the Design Excellence Initiative work that began in 2014. In January 2015, Victor Dover of Dover Kohl & Partners (the firm hired by the city to provide consulting services for the Design Excellence Initiative) provided recommendations for short and long term actions the city should undertake to address design concerns. Recommendations included updating outdated guidelines, such as the Downtown Urban Design Guidelines, and putting a hold on height modifications in all areas except those that have established community vision or until a clear guidance is confirmed through policy revisions.

On March 17, 2015, City Council unanimously approved third reading of the height modification ordinance with a sunset provision that would allow the areas of downtown north of Canyon that are zoned Downtown 4 and 5 (i.e., DT-4 and DT-5) to become automatically eligible for height modifications through the Site Review process upon adoption of the revised Guidelines by the City Council.

The height ordinance (Ordinance No. 8028) includes the following authority in Section 4:

*“Section 4. The council orders the city manager to add those areas north of Canyon Boulevard and within the DT-4 and DT-5 zoning districts, to the map designated as Appendix J, “Areas Where Height Modifications May be Considered,” B.R.C. 1981 after the final completion and adoption by the City Council of amendments that are presently under review for the 2002 Downtown Urban Design Guidelines.”*

In March 2015, the City Council directed staff to update the Guidelines within a six-month time period. In the second quarter of 2015, staff initiated a process (**Attachment D**) for updating the Guidelines and also recommended the formation of a working group. In August of 2015, the Design Guidelines Working Group was formed and tasked with serving in an advisory and authoring capacity for updating the Guidelines. The working group includes the following board and/or commission members:

1. Crystal Gray, PB
2. Bryan Bowen, PB
3. Kate Remley, LB
4. Deborah Yin, LB

5. Jamison Brown, DAB
6. David McInerney, DAB
7. Jerry Shapins, DMC

Upon completion of the working group sessions, staff presented the recommendations and draft guidelines to the public at an open house on December 8th, and to a joint board meeting on December 10, 2015. The joint board meeting included members from Planning Board, Landmarks Board, Design Advisory Board, and the Downtown Management Commission. Staff facilitated review of the draft document and collected feedback during the open house and joint board meeting.

In addition, staff has revised the Appendix J “Areas Where Height Modification May be Considered” to be consistent with the direction of height ordinance (Ordinance No. 8028) to include the DT-4 and DT-5 zoning districts.

#### **DESIGN GUIDELINES WORKING GROUP PROCESS**

The city staff facilitated seven sessions with the working group from August 28th through November 16, 2016 which included a chapter by chapter review and discussion of the existing Guidelines, as well as review and consideration of DAB’s suggested revisions. The working group sessions totaled fourteen (14) hours, not including the required independent review of the draft document by working group members.

Prior to each working group session a pdf input form was prepared for the assigned section of the document and circulated to the members. Areas of the document requiring attention, based the DAB’s recommendations and staff assessment, were flagged for the working group evaluation. In addition, individual working group members reviewed the flagged areas and indicated whether the topic warranted discussion during the working group session. If any topic or item was identified by a working group member it was then added to the agenda and discussed during the session. Items identified as needing updates were thoroughly reviewed by the group for content, context, appropriateness, and language. All changes were confirmed through a group consensus, and then incorporated by staff into the review draft after each meeting. The review draft was then forwarded to the group members prior to the next meeting as a record of the meeting. If no consensus could be met with regard to a topic or item in question it was not revised. Thus, some items within the document are carried forward unchanged from the 2002 Guidelines due to either a lack of consensus and/or the change amounted to a substantial alteration to the intent and purpose of the Guidelines.

The update included streamlining the document for usability, removal of redundant items, clarifying language, improving graphics and maps, removing of lengthy code references that are not relevant for inclusion in the Guidelines, and updating the technical information. Several sections were reorganized and/or merged to create a more coherent and easy to use document. This effort was aimed at bringing the 13-year-old document into alignment with the plans, policies and regulations created since the last update.

The following is a summary of the working group changes to the document per section:

### *Introduction*

Review of the Introduction occurred during working group sessions 1 and 2. Upon review of the section, the working group recommended making general corrections to make the acknowledgments current and reorganizing the section for clarity. The revisions included refocusing the document on urban design, creating a new downtown map, updating the introductory questions to include information on how the Guidelines are administered, summarizing the ten downtown strategies with a vision statement and improved images, clarifying and condensing the design review process with a diagram and information linking to the most current application review types, replacing detailed land use and other geographic maps with notation links to the city's databases, and condensing the history subsection to focus on the development history of the area.

### *Section 1: The Downtown Historic District*

Review of Section 1 occurred during working group sessions 2 through 4. Upon review of the section it was found the Guidelines contained and lacked sufficient guidance in for alterations or additions of historic properties. The working group recommended reorganizing the subsections and consolidating guidelines with the same, or similar, requirements.

Reorganization of Section 1 included:

1. Relocating and updating the recommended materials list to the beginning of the chapter;
2. Consolidating all of the Guidelines referencing existing historic properties into a comprehensive subsection of architectural elements with specifics regarding preservation;

3. Creating a new subsection of guidelines for alterations and additions to historic properties which follow the Secretary of the Interior standards and best practices, and
4. Revising the subsection on new construction in historic districts to reinforce the character defining features of the overall historic district.

In addition to the restructuring, the working group and staff recommended revising the maps, images, and diagrams to be more accurate and reflective of the historic properties. This resulted in the creation of new diagrams depicting historic features and two new historic district maps. The first map is an overview map with the Downtown Historic District boundary and the adjacent historic districts, and the second map is an enlarged area of the Historic District which identifies the individually landmarked and contributing historic buildings.

*Section 2: The Non-Historic and Section 3: The Interface Areas*

Review of Sections 2 and 3 occurred during working group sessions 4 and 5. Upon review of the sections, it was determined individual guidelines in Sections 2: The Non-Historic Area and Section 3: The Interface Area primarily addresses non-historic areas of Downtown and would be best served as a single section. The staff and working group identified areas of concern in the general lack of structure in the sections, redundant or unspecific guidelines, and the poor illustrative quality of the images. The working group recommended consolidating the two sections and creating subsections addressing commercial and residential construction in the Non-Historic and Interface areas downtown.

In addition to the restructuring, the working group proposed and reviewed multiple imagery options to better illustrate the intent of the newly consolidated section. Included in these changes was the update to the map identifying the Non-Historic and Interface Area.

*Section 4: Parking Facilities, Section 5: Commercial Signs, and Section 6: Streetscape Improvements*

Review of the Sections 4 through 6 occurred during working group sessions 5 and 6. Review of the structure and individual guidelines in the sections revealed fairly disjointed content and a general restatement of requirements already covered within the Boulder Revised Code. In some instances the Guidelines, Boulder Revised Code (BRC) and the Design and Construction Standards (DCS) were at odds with one another.

The working group recommended merging Section 4: Parking Facilities requirements into the design requirements of Sections 1 and 2, and to merge Sections 5 and 6 into a new “Public Realm” chapter. The rationale behind the creation of a “Public Realm” section was anything within the public right-of-way, including signage, landscaping, and streetscape, could be bundled into a comprehensive chapter and refined to provide more guidance.

Revisions to the new “Public Realm” sections included revising the language to provide urban design requirements without creating conflicts with other regulating documents, removing all the extensive code language, removing the extensive landscaping lists available in the code, and editing the section to illustrate the design requirements which are special to Downtown. In addition, the revision includes reworking the streetscape map and an extensive editing of the section imagery.

#### Appendix A & B

The appendix was deleted from the document. The working group and staff did not find enough cause to continue to keep a redundant list of the guideline subsection titles or zoning information.

### **WORKING GROUP’S PROPOSED FUTURE RECOMMENDATIONS**

The working group concluded that while the current revisions and recommendations would improve the usability and general guidance of the document, there is a need for a more substantial focus for developing a visionary urban design plan and addressing and improving the development review process.

In addition to updating the current guidelines, the working group has proposed future recommendations to the City Council focused on the following deficits identified in the current guidelines:

#### **1. Urban Design**

- Develop a downtown urban design plan;
- Provide more guidance for new construction in the historic district;
- Engage multiple stakeholders in developing a vision for downtown, as it is the heart of the city;
- Consider a Form-Based Code for the downtown area; and,
- Define the desirable downtown building forms and character.

#### **2. Land Use**

- Update the land use code and the DCS (Design and Construction Standards) to reflect the Guidelines and any newly identified urban design outcomes;
- Define the streetscape requirements;
- With the assistance of a consultant, complete a comprehensive update of the sign code and include signage in historic districts;
- Update the fencing and wall code;
- Revise the land use code use tables to consider compatibility between the use and the street activation; and,
- Revise the zoning districts to resolve issues of split block zoning and cross street compatibility.

### **3. Design Review Process**

- Improve and foster cross-board communication and collaboration;
- Include BDAB earlier in the development review process; and,
- Use 3D modeling in the design review process and encourage 3D massing models at the concept review.

### **PUBLIC OUTREACH AND JOINT BOARD MEETING INPUT**

Staff conducted public outreach with an informational, open house session. Members of the public were presented the proposed changes to the Guidelines. In addition, staff supported online feedback forum and provided an informational session with Downtown Boulder Inc (DBI). General feedback from members of the public who attended the open house was positive. Currently, no feedback has been received from the online input forum.

DBI expressed concerns regarding the update of the Guidelines and lack of addressing the issue of parking requirements, lack of available parking in downtown, and the impact, and/or possible hardship to the development industry generated by additional requirements of updated Guidelines. Staff clarified with DBI the scope of the 2016 update does not involve substantive changes to the document. In addition, staff reiterated that in respect to parking the Guidelines do not regulate actual parking inventory, but rather focus on the design attributes of parking associated structures and surface lots.

Input from the Joint Board Meeting scheduled December 12 included the review of Downtown Urban Design Guidelines Draft (Attachment D) and was limited to the “Introduction”, “Section 1: The Historic District”, and a limited review of “Section 2: The Non-Historic & Interface Areas”. Board members present discussed the following list of summarized items:

**Table 1 - Summary of December 10, 2015 Joint Board Input**

	<b>Comments</b>	<b>Reviewed By Staff</b>	<b>Included in Final Draft Revision</b>
1.	Improve the vision statement		✓
2.	Add a photo collage representative of downtown		✓
3.	Revise the maps to include more information, e.g. Civic Area, Bike Paths, Boulder Creek		✓
4.	Add "Views" and "Sun and Shade"		✓
5.	Revise the maps and color coding of the document layout to be more functional and associated with the chapters		✓
6.	Revise the Review Process Chart, add "inappropriate" illustrative images, consolidate paired imagery		✓
7.	Provide additional information in the History subsection		✓
8.	Review the details for windows, bulkheads, entrance and of the condensed bullets for the anatomy	✓	
9.	Add note to distinguish commercial at grade entrances		✓
10.	Add clarity in 1.3.2 regarding additions to historic buildings and referencing the scale and roof patterning of the overall block		✓
11.	Review the use of "soft" terms, e.g. consider, in general, etc	✓	
12.	Add requirement to wrap alley corner with frontage material		✓
13.	Add note to 1.4.4 to consider the relationship between height and footprint		✓
14.	Make universal edit from "handicap" to "universal access"		✓
15.	Edit language in respect to Sec. of Interior Standards and "differentiated yet compatible"		✓

**NEXT STEPS:**

February 16

City Council 1<sup>st</sup> Reading

February 7-19

Public Comment Period; Notice of Rulemaking published in the newspaper on Feb. 7. 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 March 3<sup>rd</sup> meeting.

March 3

If, after reviewing public comments, the Board makes substantive changes to the proposed revisions to the Guidelines, staff will publish those changes and a second public comment period will begin.

**ATTACHMENTS:**

A: *Downtown Urban Design Guidelines* Draft

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

C: Working Group Process Timeline

D: Board Member Input