



LANDMARKS BOARD MEETING

DATE: Wednesday, October 14, 2020
TIME: 6:00 p.m.
PLACE: Via video conference

1. Call to Order
2. Approval of minutes from the September 9th, 2020 meeting
3. Public Participation for Non-Public Hearing Items
4. Discussion of Landmark Alteration, Demolition Applications issued and pending
 - Statistical Report for September
5. Public Hearings under the procedures prescribed by chapter 1-3, "Quasi-Judicial Hearing," B.R.C. 1981:
 - A. Public hearing and consideration of a demolition application for the building located at **2111 Arapahoe Ave.**, a non-landmarked building over 50 years old, pursuant to Section 9-11-23 of the Boulder Revised Code, 1981. (HIS2020-00214). Owner: Naropa University / Applicant: Catherine Bean, Element Properties.
 - B. Public hearing and consideration of a demolition application for the house located at **1723 Marine St.**, a non-landmarked building over 50 years old, pursuant to Section 9-11-23 of the Boulder Revised Code, 1981. (HIS2020-00243). Owner: Dirk Stribrny / Applicant: Kenneth Jacques, Jacques Architectural Services.
6. Matters from the Landmarks Board, Planning Department, and City Attorney
 - Proposed changes to Section 2.7 Pools in the *General Design Guidelines*
7. Debrief Meeting / Calendar Check
8. Adjournment

Video conference information

The City of Boulder is committed to its core value of community safety and is proactively taking steps to limit potential social spreading of COVID-19. Because of this, this meeting will be held virtually via video conference. Any and all interested persons may:

- Speak under public comment or observe the public hearing via:
 - Video conference. The conference link will be available 24 hours before the meeting on our website: www.boulderhistoricpreservation.net or via email historic@bouldercolorado.gov.
 - Call in to the public hearing video conference via telephone. Call +1 346-248-7799 and use meeting ID: 910 9131 1680 and passcode: 254244
- Submit written comments at least 48 hours in advance of the hearing to historic@bouldercolorado.gov. Please note that we currently can NOT accept mail. Only email will be received at this time.

If you need Spanish interpretation or other language-related assistance for this meeting, please call 303-441-1905 at least three business days prior to the meeting. Si usted necesita interpretación o cualquier otra ayuda con relación al idioma para esta junta, por favor comuníquese al 303-441-1905 por lo menos 3 días laborales antes de la junta.

For more information, contact Clare Brandt at brandtc@bouldercolorado.gov or (303) 441-1994. You can also access this agenda via the website at: <https://bouldercolorado.gov/historic-preservation>, select "Next Landmarks Board Meeting"

PUBLIC HEARING PROCEDURES

Board members who will be present are:

John Decker, Chair
Abby Daniels, Vice Chair
William Jellick
Ronnie Pelusio
Fran Sheets
Lupita Montoya/Lisa Smith (ex officio Planning Board representatives without a vote)

The Landmarks Board is constituted under the Landmarks Preservation Ordinance (Ordinance No. 4721; Title 9, Chapter 11, Boulder Revised Code, 1981) to designate landmarks and historic districts; review and approve applications for Landmark Alteration Certificates on such buildings or in such districts; review demolition applications for non-designated buildings over 50 years old; and recognize buildings as Structures of Merit.

Public hearing items will be conducted in the following manner:

1. Board members will explain all ex-parte* contacts they may have had regarding the item, if the hearing is quasi-judicial.
2. Those who wish to address the issue (including the applicant, staff members and public) are sworn in, if the hearing is quasi-judicial.
3. A historic preservation staff person will present a recommendation to the board.
4. Board members will ask any questions to historic preservation staff.
5. The applicant will have a maximum of 10 minutes to make a presentation or comments to the board. Electronic presentations should be emailed to the Board Secretary at least 24 hours in advance of the meeting.
6. The public hearing provides any member of the public three minutes within which to make comments.
 - (1) At the chair's discretion, members of the public may pool their time provided all members of the pool are present. Only one member of the pool may speak on behalf of the pool. Maximum pooled time allowed is as follows: 2 people = 5 minutes; 3 people = 7 minutes; 4 people = 9 minutes; 5 or more people = 10 minutes.
 - (2) Members of the public may, at the chair's discretion, use Powerpoint, images, or handouts as part of their presentation. Electronic presentations should be emailed to the Board Secretary at least 24 hours in advance of the meeting. Time limits (above) apply.
7. After the public hearing is closed, there is discussion by board members, during which the chair of the meeting may permit board questions to and answers from the staff, the applicant, or the public.
8. Board members will vote on the matter; an affirmative vote of at least three members of the board is required for approval.

* Ex-parte contacts are communications regarding the item under consideration that a board member may have had with someone prior to the meeting.

All City of Boulder board meetings are digitally recorded and are available from the Central Records office at (303) 441-3043. A full audio transcript of the Landmarks Board meeting becomes available on the city of Boulder website approximately ten days after a meeting. Action minutes are also prepared by a staff person and are available approximately one month after a meeting.

Note that the Landmarks Board adopted the following QUASI-JUDICIAL HEARING ELECTRONIC PARTICIPATION RULE on April 23, 2020.

The Landmarks Board (“Board”) may hold quasi-judicial hearings at a meeting through electronic participation, subject to the procedures set forth in this Rule. To the extent practical, the Board will use its standard meeting procedures, as modified by this Rule. To the extent that this Rule conflicts with the procedural rules of the Board, this Rule is intended to prevail.

QUASI-JUDICIAL HEARING ELECTRONIC PARTICIPATION RULE GENERAL PROCEDURES

- A. Applicant’s Written Request. An applicant may request to have its application for a hearing conducted via electronic participation by completing a written request form provided by the city. The applicant will acknowledge that holding a quasi-judicial hearing by electronic participation presents certain legal risks and involves an area of legal uncertainty, and the applicant will acknowledge that moving forward with a quasi-judicial hearing by electronic participation will be at its own risk.
- B. City Manager to Determine Suitability of Conducting Quasi-Judicial Hearing by Electronic Participation. These procedures create no right in any party to a quasi-judicial matter to a hearing conducted by electronic participation. Upon receipt of a written request, the city manager will determine whether the city has the capability to hold the particular type of hearing by electronic participation, what available form of electronic participation is most appropriate for the type of hearing, and set a date(s) for the hearing(s).
- C. Hearings Open to the Public and Subject to Adequate Technology. Hearings will be open to the public and provide the ability for interested members of the public to join the hearing electronically. The method chosen by the city manager will ensure the public can view or listen to the hearing in real time and interested parties may speak at designated times during the hearing. If at any point the city manager or board chair determines it is not possible or prudent to hold the hearing by electronic participation, whether due to technical issues or an inability to do so while meeting constitutional due process requirements, the hearing will be continued or vacated, and the matter will be held in abeyance until any technical problems can be resolved or in-person meetings have resumed.
- D. Notice Requirements. In addition to the requirements of the Boulder Revised Code, the city will include additional notice about how the hearing will be conducted and how the public can access, observe, and participate in the hearing. The additional notice is intended to reasonably inform interested persons that such hearing will instead be held by electronic participation; provided, however, this additional notice will not be deemed jurisdictional.
- E. Technological Accommodations. The city will make reasonable efforts to accommodate interested parties who lack necessary computer equipment or the ability to access such equipment by providing call-in or telephonic access to the meeting. Interested parties will be encouraged to submit written comments in advance of the hearing, which comments will be made a part of the hearing record.
- F. Hearing Procedures. Hearings are for conducting the business of the City of Boulder. Activities that disrupt, delay or otherwise interfere with the meeting are prohibited. At the onset of the hearing, the board chair will describe the hearing procedures, including how testimony and public comment will be received. The department that supports the Board will moderate the electronic meeting. To the extent practical, any person that wants to attend the meeting will be added to the meeting and will be muted. Any person that wants to testify should inform the moderator. The moderator will unmute such person during the public hearing to testify for three minutes.
 - 1. Any documentary evidence will be provided to the designated secretary of the Board via email at least 48 hours prior to the beginning of the meeting. Documentary evidence includes, without limitation, materials related to specific applications and other documents to be shown electronically during the hearing.
 - 2. Any person testifying, including the applicant, shall be sworn in individually.
 - 3. The applicant will be allowed to speak to its application for 10 minutes. City staff will be allowed to speak to its recommendations for 10 minutes. The applicant or staff may request additional time from the board chair for more complicated applications. Persons wishing to testify will be allowed up to three minutes to

speaking. For electronic hearings, every person will need to testify for themselves. No pooling of time will be allowed.

4. The time for speaking or asking questions is limited to facilitate the purpose of the hearing. No person shall speak except when recognized by the person presiding and no person shall speak for longer than the time allotted. Each person shall register to speak at the meeting using that person's real name. Any person believed to be using a pseudonym will not be permitted to speak.
 5. No video participation will be permitted except for city officials, employees and invited speakers. All others will participate by voice only.
 6. The person presiding at the meeting shall enforce these rules by muting anyone who violates any rule.
 7. Board members, staff, and applicants shall not use chat features of electronic meeting software except for the purpose of asking the board chair procedural questions or to request to be recognized by the board chair to speak.
 8. Applicants will be provided the opportunity to speak for up to three minutes prior to the close of the public hearing.
 9. In order to accurately record board member votes, the board chair will call for a roll call vote on any motions made during the hearing or taking final action.
- G. Record. The secretary of the Board will ensure that all equipment used for the hearing is adequate and functional for allowing clear communication among the participants and for creating a record of the hearing as required by law; provided, however, the secretary will not be responsible for resolving any technical difficulties incurred by any person participating in the hearing.