



CITY OF BOULDER  
LAND USE REVIEW RESULTS AND COMMENTS

DATE OF COMMENTS: **October 23, 2013**  
CASE MANAGER: **Elaine McLaughlin**  
PROJECT NAME: **THE WENCEL BUILDING**  
LOCATION: **1301 WALNUT ST**  
COORDINATES: **N03W06**  
REVIEW TYPE: **Site Review**  
REVIEW NUMBER: **LUR2013-00053**  
APPLICANT: **JEFFREY WINGERT**  
DESCRIPTION: **A new 3-story, 54,698 g.s.f. commercial building and 10 parking spaces at grade. The new building will consist of 37,524 g.s.f. above grade on floors 1-3 and 17,174 g.s.f. below grade in the basement.**

REQUESTED VARIATIONS FROM THE LAND USE REGULATIONS:

- §9-7-1: Minimum Rear Yard Setbacks (10 where 15' is standard)**
- §9-7-1: Minimum front yard setback and side yard setback from a street for all principal buildings and uses for third story and above (portions of west and south elevation to 0 where 15' is standard)**
- §9-8-2(e)(4): Floor Area transfer (area within Lots 7 and 8 transferred to the west 38 feet of Lot 10)**

## I. REVIEW FINDINGS

Staff finds the proposal for a new attractive downtown building in a notably underutilized location that contains a surface parking lot to meet many of the goals of the Boulder Valley Comprehensive Plan. Similarly, through the DT-5 zoning, with the city anticipates high intensity and strong urban form in this area of downtown. As was noted in the Concept Plan review of a year ago, the 1301 Walnut property is central to an important connection from the Pearl Street Mall, to the public plaza space of the One Boulder Plaza, on to the Civic Center space with the Central Park, Dushanbe Tea House, and Boulder Museum of Art; and the Boulder Creek linear parkway and University of Colorado connections beyond. As such, staff views the prominence of the 1301 Walnut site as a critical link in downtown Boulder.

However, with the existing building's broad walls that lack significant glazing or storefronts, the building presents little in the way of a pedestrian streetscape for this important link. With the combination of the underutilized properties at 1301 and 1357 Walnut, and the lack of streetscape presence, the proposed redevelopment of these two critical urban properties would help to meet many Boulder Valley Comprehensive Plan policies aimed at sustainable development for the downtown core. The applicant has addressed many of the comments from the Concept Plan review, albeit the plan at that time was somewhat different than the proposed plan. There are remaining issues that need to be addressed prior to a staff level notice of disposition. Therefore, the application does not meet criteria; a revision is necessary within 60 days to remain in active status.

## II. CITY REQUIREMENTS

This section addresses issues that must be resolved prior to a project decision or items that will be required conditions of a project approval. Requirements are organized by topic area so that each department's comments of a similar

topic are grouped together. Each reviewer's comment will be followed by the reviewer's department or agency and telephone number. Reviewers are asked to submit comments by section and topic area (e.g. "City Requirements - Parking" or "City Requirements - Site Design") so that the comments can be more efficiently organized into one document. Topics are listed here alphabetically for reference.

**Access/Circulation** David Thompson, 303-441-4417

1. Staff does not support access off Walnut Street for the private parking stalls proposed. Access from Walnut at the time of Concept Plan was supportable due to the public nature of the spaces. Pursuant to section 9-9-5(c)(1), Boulder Revised Code, (B.R.C.) 1981 only one access point or curb cut is permitted per property and pursuant to section 9-9-5(c)(4), B.R.C. 1981, the access must be taken off of the lowest category street or alley. Revise the site plan to eliminate the curb cut on Walnut Street.  
The parking proposed on the site was nearly doubled in the new plan and the applicant believes this parking and its access off of Walnut will greatly benefit the retail tenants on the first floor of the new building. Access to these retail parking spaces from the alley would not benefit customers unfamiliar with the circuitous route through downtown to get to the east entrance of the alley. Without Walnut access it is likely these retail parking spaces would be unused. For this reason, the applicant encourages staff to support the proposed one-way access off of Walnut and help the applicant promote the development of retail space along Walnut and 13<sup>th</sup> Street.
2. Per the Guide to the Americans with Disabilities Act Accessibility Guidelines (ADAAG Manual), the handicap parking stall must be van assessable and include an adjacent 8-foot wide diagonally-striped aisle. Revise accordingly.  
The van accessible space has been modified in the revised plan to meet ADA requirements.
3. The location of the parking garage exit driveway must provide for a 15'x15' sight triangle as described in section 9-9-7 B.R.C. 1981 where the driveway intersects with the alley. Revise accordingly.  
Sight triangles have been provided in the revised plan as described in 9-9-7.
4. Per the project's Transportation Demand Management (TDM) Plan, the site plan must show the location and design details of the long-term bike parking. Revise the site plan.  
See the basement floor plan for the location of the long term bike parking space as well as the showers for office tenants.
5. Staff does not support the delivery truck pull-off area because it will create ingress and egress safety conflicts with alley traffic and has the potential to be used as a parking stall. Remove the delivery truck pull-off area.  
The delivery/service pull-off area has been removed.
6. The proposed trash enclosure area must be expanded in order to accommodate all the dumpsters currently in the alley which are used by the site review properties. Revise accordingly.  
The trash area for this building will be combined with the existing trash area at the Colorado Building. A new masonry screen wall will be provided. See civil drawings and the architectural site plan for details.
7. The site plan must show the replacement of the five bicycle racks which currently exist along 13<sup>th</sup> Street adjacent to the proposed building. Revise the site plans.  
The five bike racks on 13<sup>th</sup> Street are being replaced and are shown on the revised landscape plan.
8. The preliminary grading and drainage plans must show the existing street light and parking kiosk on Walnut Street in order to evaluate the impacts of the landscaping plan.  
The street light and parking kiosk are now shown on the revised grading and drainage plans. The existing street light and parking kiosk on Walnut Street are to be removed and relocated per City of Boulder Standards.
9. The side-by-side bicycle parking shown on 13<sup>th</sup> Street must be rotated so that the bicycle racks are perpendicular to the street in order to provide useable sidewalk width on 13<sup>th</sup> Street.

Bike rack placement meets the City standard with 8' clear walk – see dimensions on revised plan

10. Pursuant to City of Boulder Design and Construction Standards technical drawing 2.52.B, the side-by-side bicycle parking shown on Walnut Street must be moved in order to accommodate the required 7.5' x 6' concrete pad behind the curb-and-gutter. Revise accordingly.

Bike rack placement meets the City standard with 8' clear walk – see dimensions on revised plan

#### **Affordable Housing** Michelle Allen 303.441.4076

Per District Specific Intensity Standards 9-8-2 (e)(3)(B) B.R.C, to be eligible for the maximum allowable nonresidential floor area, prior to issuance of a building permit the applicant shall contribute to affordable housing by paying a housing linkage fee in the amount of \$9.53 for each additional square foot of floor area above the base floor area ratio.

Understood.

#### **Building Design** Elaine McLaughlin, 303-441-4130, Sam Assefa, 303-441-4277

1. The proposed building is attractive and contextually compatible with the use of brick and the proposed traditional ground floor fenestration. Staff acknowledges the applicant's intent to create a contemporary style that also transitions well to the historic buildings to the north (former James Hotel) and to the east (Colorado Building). Staff also notes, however, that the use of the larger window openings is unusual in the context and inconsistent with the Downtown Urban Design Guidelines as currently proposed. Staff recommends revisiting the window openings and suggests looking to other more historically compatible solutions to the windows to still allow for significant light and air while still ensuring compatibility. In particular, guideline 2.6.C suggests "use of more solid areas than voids and with smaller, vertically oriented windows in a regular pattern."

After discussing this fenestration pattern with BDAB, the applicant was encouraged to use warehouse-type window proportions and patterns on the SW corner of the site. Operable windows were also added to create more interest in the storefront system as well as to add natural ventilation opportunities for the tenants within. See revised elevations and perspectives.

2. The entrance to what is now a nine-space parking garage isn't warranted in breaking up the pedestrian façade in an area of downtown with significant pedestrian traffic, directly across the street from a regional bus facility. Therefore, given the greatly reduced number of parking spaces planned, compared to Concept Plan review, the applicant should revise project plans to access the parking from the alley, and redesign the area of the current access off Walnut Street to become part of the first floor building façade. Shown below is the south elevation superimposed with the Colorado Building and the important pedestrian zone shown in red dash. In redevelopment the overall goal must be to have an unimpeded zone for pedestrian interest.

The parking proposed on the site was nearly doubled in the new plan and the applicant believes this parking and its access off of Walnut will greatly benefit the retail tenants on the first floor of the new building. Access to these retail parking spaces from the alley would not benefit customers unfamiliar with the circuitous route through downtown to get to the east entrance of the alley. Furthermore, we have integrated the access into the façade in a way that helps to conceal the driveway's impact on the streetscape. For these reasons, the applicant encourages staff to support the proposed one-way access off of Walnut.

3. Staff notes that the access to the interior courtyard being internal to the site has less appeal and pedestrian interest than if it were accessed directly off of Walnut Street. Similarly, the setback of the railing for the space from Walnut Street would also disrupt the pedestrian rhythm. Staff recommends reconfiguring this access into the lower courtyard. Direct access would not only provide a greater appeal and invitation from the public realm into the site, it may also be more defensive space. As it is now, the access is circuitous and the expected "8-to-5" office use of the lower space provides a potential "dead zone" during afterhours. This area still may need to provide other uses in order for it to be viable beyond the daytime use. A restaurant or café could enliven the space, but access should be clear and deliberate from the public right of way.

The applicant agrees with staff and BDAB on this point and has modified the below grade courtyard to provide direct access off of Walnut and to the alley. The railing has also been brought out to the face of the building to

provide a more consistent pedestrian edge along Walnut. See revised site plan for more detailed information.

4. Show context on the color elevations on the west and south to show the relationship of the planned materials and form to the existing historic structures. Staff superimposed an image below, but the applicant must provide to-scale elevations that illustrate all of the site within the Site Review application. In addition, ensure that the materials are compatible with both the historic (former) James Hotel building as well as the Colorado Building. As shown below, the color rendering of the proposed elevation appears to be intense and saturated and more of an "orange" brick color that may not be compatible. In previous discussions with staff, the applicant indicated a desire to return the former James Hotel to its original character. Staff would be supportive of this, but this information should be in the Site Review plan sets to determine if the proposed project will be compatible.

The applicant has revised the elevations to show that adjacent existing context and the brick color was modified to be more red and compatible with the downtown context.

5. Provide a materials sample board illustrating the proposed primary finish materials on the building.

The applicant will provide a sample material board for our second BDAB hearing in January.

6. Provide a 3-D model illustrating the building in context.

A 3-D physical model will be provided for our planning board hearing in February. The applicant would be happy to provide a 3-D computer model for staff's review if that would also be helpful.

#### Drainage, Scott Kuhna, 303-441-4071

1. Page 2 of the *Preliminary Stormwater Report – The Wencel Building (Report)* states that "all three (public) storm sewer systems ultimately flow into Boulder Creek". The public storm sewer in 13<sup>th</sup> Street does flow south into Boulder Creek, but the storm sewers in the alley and in Walnut Street flow southeast into the North Boulder Farmer's Ditch (Boulder Slough). Storm water may be conveyed to either location, but groundwater discharge to the storm sewer in the alley or Walnut Street requires approval from the irrigation ditch company.

JVA has modified the report to incorporate this comment.

2. The "Historic Runoff Coefficient & Time of Concentration Calculations" worksheet in the Appendix of the *Report* uses an initial overland time equation on that does not match the equation shown in Section 7.05(D) of the City of Boulder *Design and Construction Standards (DCS)*. Revise the *Report* as necessary.

JVA has modified the report and calculations to incorporate this comment.

3. The plans show a 45 degree bend in the proposed storm sewer pipe connecting to the existing inlet in the alley. No bends in storm sewer lines within the public right-of-way are permitted without a manhole or inlet at the bend. Revise accordingly.

JVA has modified the plans to incorporate this comment. The storm line has been relocated and the 45 degree bend has been removed.

#### Fees Elaine McLaughlin, 303-441-4130

Please note that 2013 development review fees include a \$131 hourly rate for reviewer services following the initial city response (these written comments). Please see the P&DS Questions and Answers brochure for more information about the hourly billing system.

Noted

#### Fire Protection David Lowrey, 303.441.4356

No issues with the site review.

#### Landscaping Elizabeth Lokocz, 303-441-3138

Staff appreciates the level of detail provided in the plans and attention to the private open space areas. Please respond to the following comments at the next submittal. Contact staff with any concerns or questions.

1. Please add the existing tree on Walnut to Sheet A1.00. This 20 inch diameter Honeylocust is currently in good condition and is a significant public street tree in the downtown context. It appears that the parking access will require additional excavation under this tree and the eastern ramp encroaches into the tree planter. This design sets up a strong likelihood for conflicts to arise. Consider flipping the drive aisle and parking to provide adequate space to accommodate all goals. This is very close to the location of one of the existing curb cuts.  
Curb cut has been re-located further west to eliminate potential damage to existing Honeylocust.
2. Please clarify the distance from the curb of the proposed tree grates on Walnut. More than one foot from the curb probably isn't necessary. Is the easternmost tree intentionally lined up with the existing Honeylocust?  
There is an existing water line paralleling the curb in Walnut – we are placing the trees 10' away.
3. Please add two additional street trees in grates on 13<sup>th</sup> Street. Provide the required ten foot separation from the existing water services and space the three trees in grates 30 feet on center. This will also result in 30 feet between the trees in the open planter and first grate.  
Acknowledged. See revised plan.
4. The Concept Plan comments also listed the missing street trees on the eastern portion of the Walnut frontage. Add three additional street trees in grates again spaced 30 feet on center from the existing Honeylocust. This will maintain separation from the existing street light, but may need coordination to relocate the parking kiosk and news boxes at Technical Document Review.  
Acknowledged. See revised plan.
5. On sheet A1.00, resolve the hatch for the bike parking, which appears as solid black.  
Corrected.
6. Move the tree in the open planter on Walnut south to the to open planter and move the bike parking north to the sidewalk area creating a better pedestrian flow and avoiding inserting the bike pad in the landscape bed. Not having a straight row of trees on walnut is not an issue.  
Additional water line and fire hydrant pushed the trees to the east – see revised plan
7. In the second floor roof deck, consider if absorbing the stand along planters into the planter beds as shown in the redlined graphic is a better long term solution. The walls around the trees could be taller with mounded planting mix. The small three by three planters will have a frequent replacement cycle.  
2<sup>nd</sup> floor roof deck has been eliminate
8. Lindens will probably sunscald badly in this location. Staff suggests specifying Common Hackberry on 13<sup>th</sup> Street, Kentucky Coffeetree on the western half of Walnut and Honeylocust on the eastern half of Walnut.  
Acknowledged. See revised plan.
9. Burgundy Carpet Bugle (*Ajuga reptans* 'Burgundy Glow') could be a striking combination with the proposed Bamboo in the lower level planters.  
Acknowledged. See revised plan.

**Legal Documents** Julia Chase, City Attorney's Office, Ph. (303) 441-3020; Elaine McLaughlin, Case Manager

1) Prior to signing the Development Agreement, the Applicant must provide the following (upon request of the case manager):

a) An updated title commitment current within 30 days;

Address: 1301 Walnut Street

- b) Proof of authorization from each owner confirming who has authority to sign the agreement.
- 2) Prior to a building permit application, the Applicant shall address the current lot line configuration through a lot line elimination or the equivalent.

**Neighborhood Comments** Elaine McLaughlin, 303-441-4130

One comment letter and emailed correspondence was received by the property owner of 1320 Pearl Street, provided in Attachment A. Note that the neighbor is requesting additional time to review the proposal prior to formally commenting, which staff agreed with and indicated that comments are taken throughout the review process.

**Parking** Elaine McLaughlin, 303-441-4130

With just nine parking spaces proposed in the structure, reorient the parking to take access off the lowest category street, per the city's standards, in this case the alley.

The parking proposed on the site was nearly doubled in the new plan and the applicant believes this parking and its access off of Walnut will greatly benefit the retail tenants on the first floor of the new building. Access to these retail parking spaces from the alley would not benefit customers unfamiliar with the circuitous route through downtown to get to the east entrance of the one-way alley. Without Walnut access it is likely these retail parking spaces would be used for office uses rather than to support the ground floor retail spaces. For this reason, the applicant encourages staff to support the proposed one-way access off of Walnut to the retail parking.

**III. INFORMATIONAL COMMENTS**

This section addresses issues that are for the applicant's reference but are not required to be resolved prior to a project decision or as a condition of approval. Informational Comments are organized by topic area so that each department's comments of a similar topic are grouped together. Each reviewer's comment will be followed by the reviewer's department or agency and telephone number.

**Addressing**, Sloane Walbert, 303-441-4231

The City is required to notify utility companies, the County Assessor's office, emergency services and the US Post Office of proposed addressing for development projects. A Final Address Plat and list of all proposed addresses should be prepared and submitted in hardcopy and digital (pdf) format to P&DS staff for routing and comment. This is considered part of the Technical Document Review process for a project of this size and scope. Please refer to the attached guidelines for more information on assigning addresses and street names.

**Building Design** Elaine McLaughlin, 303-441-4130

As it stands today, the existing site provides little in the way of a pedestrian-oriented streetscape. As can be seen in the elevation images below, the existing building at 1301 Walnut has no storefront windows and instead small paired punched windows for the first floor. Contextually, the building is located across 13<sup>th</sup> Street from the surface parking lot of the Wells Fargo Bank Building, and adjacent to the surface parking lot of 1357 Walnut (Figure 1). On 13<sup>th</sup> Street, the building is adjacent to a designated landmark structure and also transitions into welcoming storefronts and restaurants leading to the Pearl Street Mall (Figure 2). Similarly, the highly active streetscape and plaza space at the One Boulder Plaza building, located diagonally across the 13<sup>th</sup> and Walnut intersection, provides a strong pedestrian presence with the plaza providing year around activity with the winter ice skating and the summer outdoor dining, as shown in the images in Figures 6 and 7.



Figure 6 (above) existing context in elevation from 13<sup>th</sup> Street to (mid-block) east of 14<sup>th</sup> Street; Figure 7 (below) existing context on 13<sup>th</sup> St. from Walnut to Pearl



As noted in Concept Plan review, the location of the 1301 Walnut building is at a midpoint between One Boulder Plaza, the Farmers Market, and the Pearl Street Mall. Given that important link, an activated streetface and compelling architecture, is important in this key location. The Boulder Valley Comprehensive Plan policies, Site Review Criteria, and Downtown Urban Design Guidelines for the non-historic district uphold the city’s vision that downtown redevelopment should create a streetface for the pedestrian.



*Figure 8: Important site location in downtown urban design linkage*

**Drainage**, Scott Kuhna, 303-441-4071

1. A Final Storm Water Report and Plan will be required as part of the Technical Document Review process. All plans and reports shall be prepared in accordance with the City of Boulder *Design and Construction Standards*.
2. All inlet grates in proposed streets, alleys, parking lot travel lanes, bike paths, or sidewalks shall utilize a safety grate approved for bicycle traffic.

**Groundwater**, Scott Kuhna, 303-441-4071

While the proposed development site is not known to have high groundwater levels, groundwater is a concern in many areas of the city of Boulder. Please be advised that if it is encountered at this site, an underdrain/dewatering system may be required to reduce groundwater infiltration, and information pertaining to the quality of the groundwater encountered on the site will be required to determine if treatment is necessary prior to discharge from the site. City and/or State permits are required for the discharge of any groundwater to the public storm sewer system.

**Historic Preservation**, James Hewat, 303-441-3207

The Colorado Insurance Group Building located at 1919 14<sup>th</sup> Street was constructed in 1955 after designs by noted Boulder Modernist architect, James Hunter. An architectural survey and context of architectural Modernism in Boulder undertaken in 2000 (see attached), has identified this Mies van der Rohe inspired building as the only "big city" high-rise in the city. The survey notes the building's strong Modernist horizontal and vertical forms, curtain wall construction, and high level of craftsmanship displayed as unique in Boulder.

The architectural survey and context also finds James Hunter to be an "acknowledged master of Boulder architecture" and that the Colorado building represents one of his most important commissions of the 1950s. In 2006, the James Hunter designed "Nelson House", located at 1818 Baseline Avenue in Boulder, was individually listed in the State Register of Historic Places. While the building has been moderately altered over the years, the 2000 survey finds the Colorado Building to retain a high degree of historic integrity and to be eligible for listing in the National Register of Historic Places under criterion C (architectural significance), as an exceptional and iconic example of post-WW II, Miesian design in downtown Boulder. Planning staff considers the building would also be eligible for designation as a local historic landmark. Redevelopment of the property requiring discretionary review would likely include conditions of approval requiring the submittal of a completed application to landmark the building as per policy 2.33 Preservation of Historic and Cultural Resources of the Boulder Valley Comprehensive Plan.

Site Review approval of this project would require the applicant's submittal of a completed application to landmark the building and a portion of the property as per policy 2.33 Preservation of Historic and Cultural Resources of the Boulder Valley Comprehensive Plan. Staff recommends that this occurs as soon as possible so that we can schedule a designation hearing. This will allow the Landmarks Board to review the proposed landmark and boundary in the context of the larger redevelopment of the property so that the subsequent Planning Board review will include the Landmark Board's comments and recommendations. Please note that the historic preservation ordinance (9-11-5(a)) states that once a completed application made by the property owner is received, a public hearing must be heard by the Landmarks Board between 60 & 120 days of the application date.

The small brick building at the north side of the property was constructed sometime between 1895 & 1900 as an accessory building for the house that once stood at 1315 Front Street (now Walnut). It is located in and contributing to the Downtown historic district. Any exterior changes will require a landmark alteration certificate. It is unlikely that the Landmarks Board would approve the demolition or relocation of this building. Likewise, the area of the proposed new construction abuts 1916-1922 13<sup>th</sup> Street (James Hotel), which is a contributing to and located in the Downtown Historic District, will need to be reviewed by the Landmarks Board for a landmark alteration certificate.

Tax assessor records indicate that the building at 1301 Walnut Street was constructed in 1949, though a historic building inventory form has not been completed for the property. It does not appear that the building is of historic or architectural

significance. Because the building is older than fifty years in age, if removal of the building is planned, an application for demolition will need to be submitted and reviewed by the historic preservation program per Section 9-11-23 of the Boulder Revised Code.

The proposed new construction abutting the west side of the Colorado Building appears generally consistent with the General Design Guidelines and Downtown Historic District Guidelines. Likewise, the proposed west elevation of the building abutting the historically contributing building at 1916-1922 13<sup>th</sup> Street seems consistent with the guidelines. These areas of the proposed new construction would be subject to review by the Landmarks Board.

#### **Legal Documents** Julia Chase, 303-441-3020

The Applicant will be required to sign a Development Agreement if the project is approved. When staff requests, the Applicant will be required to provide staff with the following:

1. An updated title commitment current within 30 days; and
2. Proof of authorization to sign on behalf of the owner.

#### **Lot Layout** Elaine McLaughlin, 303-441-4130

1. The building lot of the Colorado Building consists of lots 10, 11, and 12. The floor area existing on that building lot on June 3, 1997 is the maximum allowable floor area for lots 10, 11 and 12 unless a floor area transfer is approved under 9-8-2(e)(4)(A-D).
2. Surface parking that is not part of a building, does not count as floor area in the FAR calculation for lots 7, 8, and 9. Any parking facility located completely below grade on all sides of the structure also does not count as floor area in the FAR calculation. For on-site parking provided entirely within the principal structure or in an above grade parking structure, a 0.5 FAR addition can be permitted through Site Review provided that the total FAR for lots 7, 8, and 9 does not exceed 2.7, per Table 8-2 of Section 9-8-2, B.R.C. 1981.
3. Through a floor area transfer, the applicant may request to build the combined maximum allowable floor area of lots 7, 8, and 9 across lots 7, 8, 9 and the west portion of lot 10, essentially up to the face of the Colorado Building. The floor area transfer can be approved only as part of a Site Review process per Section 9-8-2(e)(4)(A-E).
4. No floor area that is allowed on lot 10 under Section 9-8-2(b)(3) can be used to build the new building since it is already included in the floor area of the Colorado Building.
5. The redevelopment of lots 7, 8, 9, and of a portion of lot 10 is proposed. Since no height modification or parking reduction is being requested, this application is not required to be reviewed by the Planning Board; however, staff has the authority to refer the application to the Planning Board. See Subsections 9-2-14(g) and 9-2-7(b), B.R.C. 1981. If not referred to the Board, staff's decision will be subject to potential call up by the Board and appeal by the applicant or any interested person.

#### **Land Use**, Elaine McLaughlin, 303-441-4130

The city's regulatory and guiding policy documents including the Boulder Valley Comprehensive Plan (BVCP), the DT-5 zoning criteria, and the Downtown Urban Design Guidelines point to a clear desire for the city's central core area to be an appropriate location for higher intensity redevelopment particularly, in this case, when located across the street from the downtown regional transit facility. Following are excerpts from the documents:

1. Policies of the BVCP emphasize the city's desire to have a compact city form through infill development, among the policies relevant to this application are the following,

*"2.03 Compact Development Pattern*

*The city and county will, by implementing the Boulder Valley Comprehensive Plan, ensure that development will take place in an orderly fashion, take advantage of existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development within the*



Non-Historic Area of Downtown Boulder:

*“Assure the Long Term Economic Vitality of the Downtown:*

*Downtown Boulder is the heart of the city, the traditional hub of city life. Its future economic vitality is of great importance to the future health of the city. These guidelines will help the city to balance the need for economic vitality with the need to maintain and enhance downtown’s unique “sense of place”.*

*The RB-1X zone (now DT-5) is the area likely to undergo the most significant change while the RB-1E zone, which includes most of the Historic Area, is likely to undergo the least change.”*

**Miscellaneous, Scott Kuhna, 303-441-4071**

1. The applicant is notified that any groundwater discharge to the storm sewer system will require both a state permit and a city agreement. The steps for obtaining the proper approvals are as follows:

Step 1 -- Identify applicable Colorado Discharge Permit System requirements for the site.

Step 2 -- Determine any history of site contamination (underground storage tanks, groundwater contamination, industrial activities, landfills, etc.) If there is contamination on the site or in the groundwater, water quality monitoring is required.

Step 3 -- Submit a written request to the city to use the municipal separate storm sewer system (MS4). This submittal should include a copy of the Colorado Department of Public Health and Environment (CDPHE) permit application. The written request should include the location, description of the discharge, and brief discussion of all discharge options (e.g., discharge to MS4, groundwater infiltration, off-site disposal, etc.) The request should be addressed to: City of Boulder, Stormwater Quality, 4049 75th St, Boulder, CO 80301 Fax: 303-413-7364

Step 4 -- The city's Stormwater Quality Office will respond with a DRAFT agreement, which will need to be submitted with the CDPHE permit application. CDPHE will not finalize the discharge permit without permission from the city to use the MS4.

Step 5 -- Submit a copy of the final discharge permit issued by CDPHE back to the City's Stormwater Quality Office so that the MS4 agreement can be finalized.

For further information regarding stormwater quality within the City of Boulder contact the City's Stormwater Quality Office at 303-413-7350. All applicable permits must be in place prior to building permit application.

2. No portion of any structure, including footings and eaves, may encroach into any public right-of-way or easement.

**Utilities, Scott Kuhna, 303-441-4071**

1. The applicant is advised that any proposed street trees along the property frontage may conflict with existing utilities, including without limitation: gas, electric, and telecommunications, within and adjacent to the development site. It is the applicant's responsibility to resolve such conflicts with appropriate methods conforming to the Boulder Revised Code 1981, the City of Boulder Design and Construction Standards, and any private/franchise utility specifications.
2. The landscape irrigation system requires a separate water service and meter. A separate water Plant Investment Fee must be paid at time of building permit. Service, meter and tap sizes will be required at time of building permit submittal.
3. Floor drains internal to covered parking structures, that collect drainage from rain and ice drippings from parked cars or water used to wash-down internal floors, shall be connected to the wastewater service using appropriate grease and sediment traps.
4. Maintenance of sand/oil interceptors and all private wastewater and storm sewer lines and structures shall remain the responsibility of the owner.
5. The applicant is advised that at the time of building permit application the following requirements will apply:
  - a. The applicant will be required to provide accurate proposed plumbing fixture count forms to determine if the proposed meters and services are adequate for the proposed use.

- b. Water and wastewater Plant Investment Fees and service line sizing will be evaluated.
  - c. Since the buildings will be sprinklered, the approved fire line plans must accompany the fire sprinkler service line connection permit application.
6. All water meters are to be placed in city R.O.W. or a public utility easement, but meters are not to be placed in driveways, sidewalks or behind fences.
7. Trees proposed to be planted shall be located at least 10 feet away from existing or future utility mains and services.

#### **IV. NEXT STEPS**

Ensure that the application is reviewed by the Design Advisory Board. Provide a resubmittal package to the project specialists at the front counter of P&DS, 3<sup>rd</sup> Floor Park Central. Provide five sets of hard copies and one electronic copy on a returnable jump drive within 60 days to ensure that the application is kept active.

#### **V. CITY CODE CRITERIA CHECKLIST**

To be provided with a completed application

#### **VI. Conditions on Case**

To be provided with a more complete application.

Attachment: Correspondence Received

**From:** Scott Sarbaugh [<mailto:scott@sarbaugh.com>]  
**Sent:** Wednesday, October 23, 2013 1:33 PM  
**To:** McLaughlin, Elaine  
**Cc:** Ferro, Charles; Andy Simpson  
**Subject:** LUR2013-00053

Elaine, Please find attached a letter requesting to please meet with you and go over the application.  
Thank you-  
Scott Sarbaugh, 1320 Pearl Street.

**PONDEROSA RANCH LLLP**  
**1320 Pearl Street #102**  
**Boulder, CO 80302**

Management 303-443-3939 Billing 303-442-0696 Fax 303-443-0636

October 23, 2013

Elaine McLaughlin  
Case Manager  
P.O. Box 791  
Boulder, CO 80306

Dear Ms. McLaughlin:

I am contacting you in regard to Land Use Review 2013-00053. An administrative site review for the project known as the Colorado Building West at 1301 Walnut Street. The application was submitted by Jeffrey Wingert.

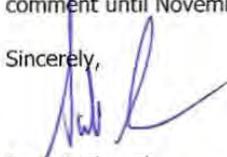
I am the General Partner representing Ponderosa Ranch, LLLP, the building owner at 1320 Pearl Street. We have been active in the review and have commented on previous applications to the City of Boulder on the subject site.

At the present time we are asking for an extension on the time period to respond and submit public comment which under the notice mailed is due October 23, 2013. We have a lot of comments, but based upon the complexity of the location, the proposed project, and the history of the legal issues associated with the property, it is a time consuming and cumbersome process to be able to submit quality, thoughtful comments by the October 23, 2013 date.

We have had two preliminary meetings with Jeffrey Wingert and Mr. Bill Reynolds. They have forwarded us a pdf and we were able to print full size drawings for review. Additionally, we would like the opportunity for Andy Simpson, my partner, and me to set up a meeting to review the existing application with you as it relates to the Land Use Code and understanding of the application within the Land Use Code. We understand that the current application is essentially a staff level review and the decision on the application is being made by the Planning Director. We find it critical that we have the appropriate amount of time to give input to the Planning Director for such an important decision.

I could be available at your convenience to meet on Thursday, October 24, Friday, October 25 or any time next week that you might have an opening and an opportunity to review the application with Andy and me. Thank you for your time and consideration of this request for an extension to comment until November 6, 2013.

Sincerely,



Scott Sarbaugh  
Cell - 303-995-1618  
Ponderosa Ranch, LLLP  
General Partner

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**Sent:** Wednesday, October 23, 2013 3:12 PM  
**To:** Scott Sarbaugh  
**Cc:** Ferro, Charles; Andy Simpson  
**Subject:** RE: LUR2013-00053

Hello!

I appreciate your letter. Please note that staff takes in comments on the application throughout the review process, even up until the date that a notice of disposition is forwarded to the Planning Board. The October 23<sup>rd</sup> date provided in the public notice letter was to allow any comments received from the public to be placed into the initial staff comment letter that goes to the applicant in response to the initial application submittal.

In terms of meeting times, next week is our best bet and Charles and I are available Tuesday at 1:00 p.m. for a half hour or Friday at 2:00 p.m. for a full hour. Please let us know your preference.

Best Regards-  
Elaine

**Elaine McLaughlin, Senior Planner**  
Department of Community Planning + Sustainability  
City of Boulder  
1739 Broadway, 3rd Floor  
Boulder, CO 80306-0791

303-441-4130 (phone)  
303-441-3241 (fax)

<http://www.boulderplandevlop.net>  
<http://www.bouldercolorado.gov/>



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**From:** Scott Sarbaugh [<mailto:scott@sarbaugh.com>]  
**Sent:** Wednesday, October 23, 2013 3:36 PM  
**To:** McLaughlin, Elaine  
**Cc:** Ferro, Charles; Andy Simpson  
**Subject:** RE: LUR2013-00053

Elaine-  
Andy and I would like to meet in the Tuesday time slot.

Thanks for making time, we will be prepared to be able to complete within the allotted 1/2 hour. We certainly don't want to comment prior to meeting with you and fully understanding the application. Since that time is past the Oct. 23 date, will a staff report be available before Tuesday? If so, could you please e-mail to me the staff report, or City initial comments in whatever form, so we can be "up to speed"?

Look forward to Tuesday. -Scott