CITY OF BOULDER
PLANNING BOARD MEETING AGENDA
DATE: June 6, 2023
TIME: 6 p.m.
PLACE: Virtual Meeting

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1. CALL TO ORDER

2. PUBLIC PARTICIPATION

3. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS/CONTINUATIONS

A. CALL UP ITEM: 4910 Nautilus (LUR2022-00028) Use Review for 7,062 sf expansion of exterior restaurant use (Avery Brewing).

B. CALL UP ITEM: Consideration for LUR2023-00014 Use Review for restaurant at 919 Pearl St.

4. PUBLIC HEARING ITEMS

A. AGENDA TITLE: Introduction to the 2024 City of Boulder Energy Conservation Code (CoBECC) Development Project

5. MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY

A. MATTERS: Notice regarding Ordinance 8579

6. DEBRIEF MEETING/CALENDAR CHECK

7. ADJOURNMENT

CITY OF BOULDER PLANNING BOARD
VIRTUAL MEETING GUIDELINES

CALL TO ORDER
The Board must have a quorum (four members present) before the meeting can be called to order.

AGENDA
The Board may rearrange the order of the agenda or delete items for good cause. The Board may not add items requiring public notice.

PUBLIC PARTICIPATION
The public is welcome to address the Board (3 minutes* maximum per speaker) during the Public Participation portion of the meeting regarding any item not scheduled for a public hearing. The only items scheduled for a public hearing are those listed under the category PUBLIC HEARING ITEMS on the Agenda. **Any exhibits introduced into the record must be provided to the Board Secretary for distribution to the Board and admission into the record via email 24 hours prior to the scheduled meeting time**.

DISCUSSION AND STUDY SESSION ITEMS
Discussion and study session items do not require motions of approval or recommendation.

PUBLIC HEARING ITEMS
A Public Hearing item requires a motion and a vote. The general format for hearing of an action item is as follows:

1. Presentations

- Staff presentation (10 minutes maximum*).
- Applicant presentation (15-minute maximum*). Any exhibits introduced into the record at this time must be provided to the Board Secretary for distribution to the Board and admission into the record.
- Planning Board questioning of staff or applicant for information only.

2. Public Hearing

Each speaker will be allowed an oral presentation (3 minutes maximum*). The pooling of time will not be allowed.

- Speakers should introduce themselves, giving name and address. If officially representing a group, homeowners' association, etc., please state that for the record as well.
- The board requests that, prior to offering testimony, the speaker disclose any financial or business relationship with the applicant, the project, or neighbors. This includes any paid compensation. It would also be helpful if the speaker disclosed any membership or affiliation that would affect their testimony.
- Speakers are requested not to repeat items addressed by previous speakers other than to express points of agreement or disagreement. Refrain from reading long documents and summarize comments wherever possible. Long documents may be submitted via email 24 hours prior to the scheduled meeting time and will become a part of the official record.
- Speakers should address the Land Use Regulation criteria and, if possible, reference the rules that the Board uses to decide a case.
- Any exhibits introduced into the record at the hearing must be emailed to the Secretary for distribution to the Board and admission into the record **24 hours prior to the meeting**.
- Citizens can email correspondence to the Planning Board and staff at boulderplanningboard@bouldercolorado.gov, up to **24 hours prior to the Planning Board meeting**, to be included as a part of the record.
- Applicants under Title 9, B.R.C. 1981, will be provided the opportunity to speak for up to 3 minutes prior to the close of the public hearing. The board chair may allow additional time.

3. Board Action

- Board motion. Motions may take any number of forms. With regard to a specific development proposal, the motion generally is to either approve the project (with or without conditions), to deny it, or to continue the matter to a date certain (generally in order to obtain additional information).
- Board discussion. This is undertaken entirely by members of the Board. The applicant, members of the public or city staff participate only if called upon by the Chair.
- Board action (the vote). An affirmative vote of at least four members of the Board is required to pass a motion approving any action. If the vote taken results in either a tie, a vote of three to two, or a vote of three to one in favor of approval, the applicant shall be automatically allowed a rehearing upon requesting the same in writing within seven days.

MATTERS FROM THE PLANNING BOARD, DIRECTOR, AND CITY ATTORNEY
Any Planning Board member, the Planning Director, or the City Attorney may introduce before the Board matters which are not included in the formal agenda.

ADJOURNMENT
The Board's goal is that regular meetings adjourn by 10:30 p.m. and that study sessions adjourn by 10:00 p.m. Agenda items will not be commenced after 10:00 p.m. except by majority vote of Board members present.

VIRTUAL MEETINGS
For Virtual Meeting Guidelines, refer to https://bouldercolorado.gov/government/board-commission/planning-board page for the approved Planning Board's Rules for Virtual Meetings.

*The Chair may lengthen or shorten the time allotted as appropriate. If the allotted time is exceeded, the Chair may request that the speaker conclude his or her comments

MEMORANDUM

TO:	Planning Board
FROM:	Chandler Van Schaack, Case Manager
DATE:	June 6, 2023
SUBJECT:	**Call Up Item**: Use Review for a 7,062 square foot patio expansion of a restaurant use with associated landscape improvements at 4910 and 4920 Nautilus Court North.
ADDRESS:	4910 and 4920 Nautilus Court North
PROJECT NAME:	Avery Brewing
CASE NO:	LUR2022-00028

Provided as **Attachment A** is the Notice of Disposition of Approval for the above-referenced Use Review Application to allow for a 7,062 square foot patio expansion of the approved restaurant use associated with the Avery Brewing facility. The proposed patio expansion would bring the total outdoor seating area for the approved restaurant use to 8,942 square feet. No changes to the existing interior brewing facility or restaurant space are proposed. The proposed expansion was reviewed as a Use Review, subject to the review criteria under the Land Use Code section 9-2-15(e), B.R.C. 1981 (refer to **Attachment B)**. The project plans are provided in **Attachment C.** Planning Board may call up the decision on or before June 8, 2023. Please direct any clarifying questions during the call up period to the case manager at vanschaackc@bouldercolorado.gov.

Figure 1: Vicinity Map

Background. As shown in **Figure 1** above**,** the subject property is located in Gunbarrel, just east of 63rd Street off of Nautilus Court North. It is surrounded on three sides (north, south and west) by Industrial General zoning that has developed with office and warehouse buildings, primarily built in the 1970s, 80s, and 90s. The property east of the site is zoned RH-4 (Residential High – 4) and contains the Boulder Country Day School. Across Nautilus Drive to the southeast is Twin Lakes, a Boulder County Parks and

Open Space area. Twin Lakes is a 42-acre open space property containing two reservoirs that were purchased in 2002 by the Boulder County Parks and Open Space. The reservoirs are used by the Boulder & Left Hand Irrigation Company (B&LHIC) to store and transport agricultural water. There are a number of IG zoned office warehouse buildings, as well as county zoned residential properties, that surround the lakes. The project site is located outside of the area guided by the Gunbarrel Community Center Plan.

The existing Avery Brewing Facility was approved though Site and Use Review in 2012 as a two-phase development that included an 85,638 square foot brewing facility and corporate offices with a 3,000 square foot gift shop, a 5,275 square foot restaurant use and an 1,800 square foot outdoor seating area (case number: LUR2012-00012). The project was granted a 33% parking reduction and deferred construction of 52 parking spaces to allow for 220 parking spaces to be provided where 329 spaces were required. Since that time, all of the improvements included in the original Phase 1 of the project (an amendment to the phasing plan was approved in 2013 to allow for certain elements of the original Phase 1 to be completed as part of Phase 2) have been constructed, including a 65,921 square foot brewing facility and offices, the associated 3,000 square foot gift shop, a 5,275 square foot restaurant and 1,800 square foot outdoor seating as well as the 220 required parking spaces. The 19,683 square foot expansion to the brewing facility approved as part of Phase 2 was never constructed, and the approval for that addition has since expired.

Zoning. The site is zoned Industrial - General (IG), which is defined as "*General industrial areas where a wide range of light industrial uses, including research and development, manufacturing, service industrial uses, media production, storage, and other intensive employment uses are located. Residential uses and other complementary uses may be allowed in appropriate locations.*" (Section 9-5-2(c)(4)(B), B.R.C. 1981). See **Figure 2.**

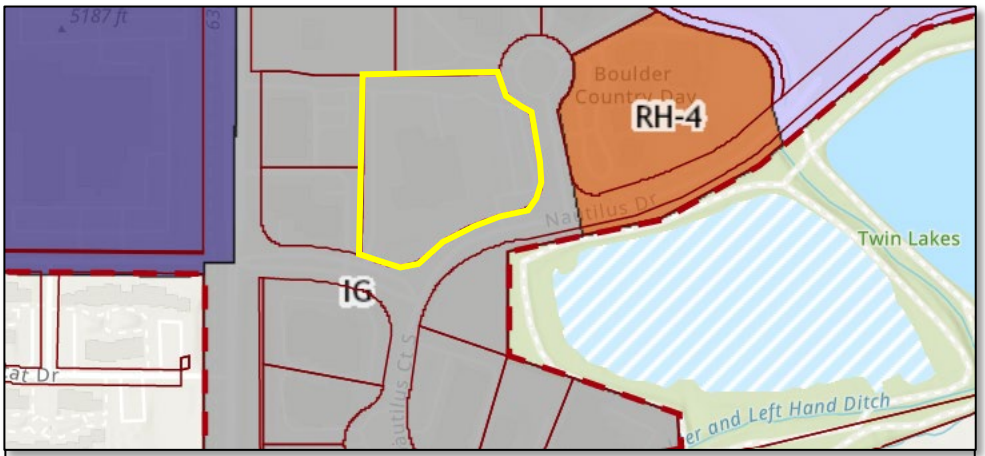


Figure 2: Zoning Map

Project Proposal. As shown in the site plan in **Figures 3 and 4**, the proposed project consists of a new, 7,062 square foot outdoor seating area to be added to the southeast corner of the site, adjacent to the existing outdoor seating area. The proposed expansion would bring the total outdoor seating area to 8,942 square feet and the total non-brewery area in the development (gift shop and restaurant including interior and exterior seating areas) to 17,216 square feet or 23.2% of the total indoor floor area (this complies with Section 9-6-5(b)(1)(A) of the Land Use Code and the definition of "Brewery," which require the total restaurant and taproom area not to exceed 30% of total floor area). The applicant has indicated that the

request to expand the outdoor seating is largely a reponse to changes in the marketplace brought about by the Covid-19 pandemic and the resulting desire among customers for more outdoor seating. No changes to the interior of the existing building are proposed, and no changes to the approved management plan or hours of operation are proposed. The proposed outdoor seating area expansion would bring the total required parking for the development to 314 spaces, which, incorporating the previously approved deferral of 54 parking spaces, results in a 30% parking reduction for the site as whole (consistent with the 33% reduction granted through the original approval). Refer to **Attachment C** for project plans.

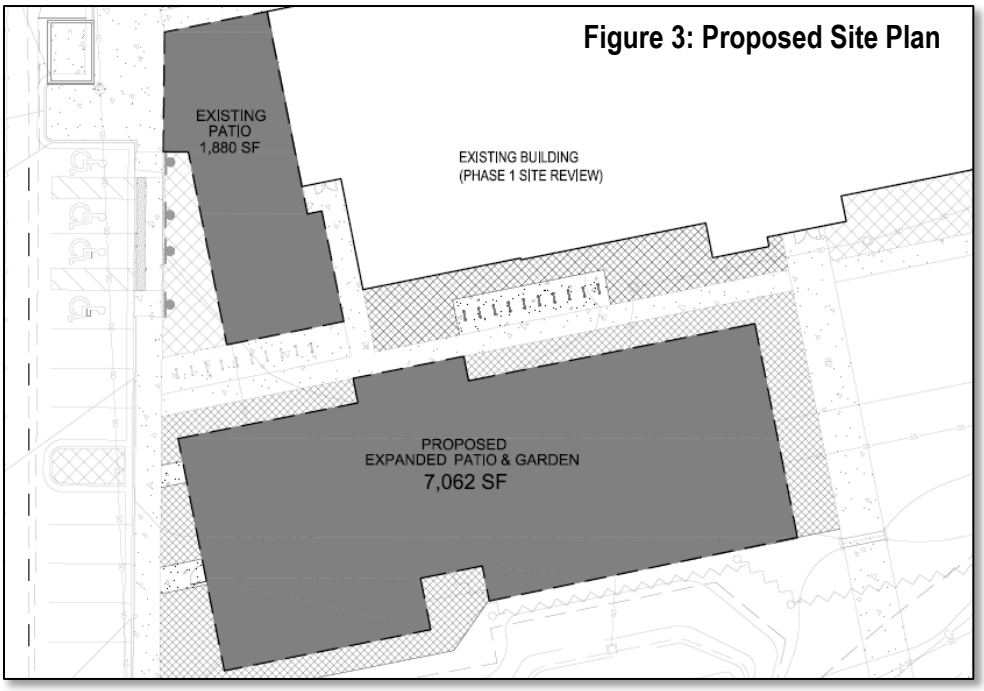


Figure 3: Proposed Site Plan

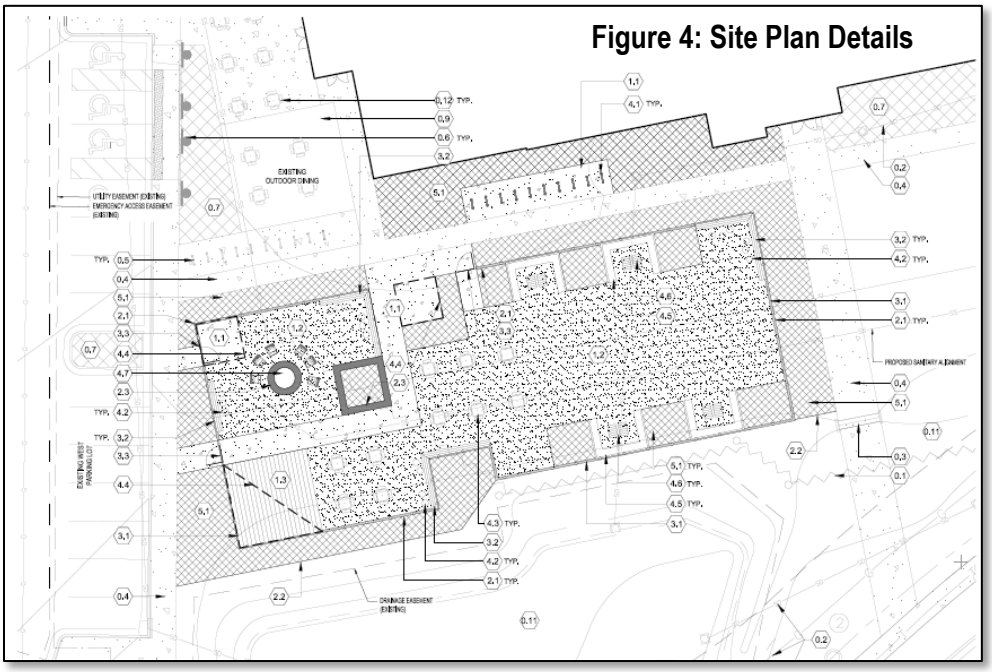


Figure 4: Site Plan Details

Review Process. A Use Review is required in the IG zone for a restaurant with outdoor seating within 500 feet of a residential use module. Because the current proposal represents an expansion of the previously approved restaurant use, a new Use Review is required. The associated changes to the approved site plan are able to be reviewed through an Administrative Minor Modification, which the applicant has submitted and is currently on hold pending approval of this application. Use Review Applications are subject to the Use Review criteria in Section 9-2-15(e), B.R.C. 1981. Refer to **Attachment B** for staff's full analysis of the Use Review Criteria. Per Section 9-2-14(g), B.R.C 1981, Site Review Amendments are subject to call up by the Planning Board.

Analysis. Use Review Applications are subject to the Use Review criteria in Section 9-2-15(e), B.R.C. 1981. The analysis of these criteria is found in **Attachment B**. Staff has found the proposed project to be consistent with the Use Review criteria. Specifically, the proposed expansion of the outdoor seating area provides a direct service to the surrounding area by improving social distancing options for restaurant customers, will have minimal negative impact on the use of nearby properties due to the existing management plan, and will not change the predominant character of the surrounding area, which has supported the existing Avery brewing facility for nearly 10 years. In addition, the proposed expansion will not significantly adversely affect the infrastructure of the surrounding area, as all of the required infrastructure to serve the development is already in place.

Public Comment. Consistent with Section 9-4-3, Public Notice Requirements, B.R.C. 1981, staff provided notification to all property owners within 600 feet of the subject location of the application. Staff has not received any comments or questions on the proposal.

Conclusion. This proposal was approved by Planning and Development Services staff on **May 25, 2023** and the decision may be appealed by the applicant or any interested person or called up by a member of the Planning Board on or before **June 8, 2023**. The applicant or an interested person may appeal the city manager's decision by delivering a written notice of appeal to the city manager. A member of the Planning Board may call up the manager's decision upon written notification to staff or by making a verbal request, on the record, at a regularly scheduled board meeting. Questions about the project or decision should be directed to Case Manager, Chandler Van Schaack at vanschaackc@bouldercolorado.gov. The staff Notice of Disposition is found in **Attachment A**; the analysis with the Review criteria are found in **Attachment B**, and the project plans and applicant's written statement are found within **Attachment C**.

Attachments.

Attachment A: Notice of Disposition
Attachment B: Review Criteria Checklist
Attachment C: Project Plan and Written Statement

City of Boulder
Planning & Development Services

CITY OF BOULDER PLANNING DEPARTMENT
NOTICE OF DISPOSITION

You are hereby advised that the following action was taken by the Planning Department based on the standards and criteria of the Land Use Regulations as set forth in Chapter 9-2, B.R.C. 1981, as applied to the proposed development.

DECISION:	**APPROVED WITH CONDITIONS**
PROJECT NAME:	**AVERY BREWING COMPANY**
DESCRIPTION:	**Use Review for a 7,062 square foot patio expansion of a restaurant use with associated landscape improvements at 4910 and 4920 Nautilus Court North**
LOCATION:	**4910 and 4920 Nautilus Court North**
LEGAL DESCRIPTION:	**See Exhibit A**
APPLICANT:	**Christopher Hoy, Flow Design Collaborative**
OWNER:	**AVERY & AVERY, LLC**
APPLICATION:	**Use Review, LUR2022-00028**
ZONING:	**Industrial – General (IG)**
CASE MANAGER:	**Chandler Van Schaack**
VESTED PROPERTY RIGHT:	**No; the owner has waived the opportunity to create such right under Section 9-2-20, B.R.C. 1981.**

FOR CONDITIONS OF APPROVAL, SEE THE FOLLOWING PAGES OF THIS DISPOSITION.

Approved On: May 25, 2023
Date

By: _____
Brad Mueller, Director of Planning & Development Services

This decision may be appealed to the Planning Board by filing an appeal letter with the Planning Department within two weeks of the decision date. If no such appeal is filed, the decision shall be deemed final fourteen days after the date above mentioned.

Appeal to Planning Board Expires: June 8, 2023

Final Approval Date: June 9, 2023

IN ORDER FOR A BUILDING PERMIT APPLICATION TO BE PROCESSED FOR THIS PROJECT, A SIGNED DEVELOPMENT AGREEMENT AND FINAL PLANS FOR CITY SIGNATURE MUST BE SUBMITTED TO THE PLANNING DEPARTMENT WITH DISPOSITION CONDITIONS AS APPROVED SHOWN ON THE FINAL PLANS. IF THE DEVELOPMENT AGREEMENT IS NOT SIGNED WITHIN NINETY (90) DAYS OF THE FINAL DECISION DATE, THE PLANNING DEPARTMENT APPROVAL AUTOMATICALLY EXPIRES.

Physical Address
1739 Broadway, Third Floor
Boulder CO 80302

Mailing Address
PO Box 791
Boulder CO 80306-0791

BoulderPlanDevelop.net
plandevelop@bouldercolorado.gov
P: 303-441-1880 F: 303-441-4241

Pursuant to Section 9-2-12 of the Land Use Regulations (Boulder Revised Code, 1981), the Applicant must begin and substantially complete the approved development within three years from the date of final approval, or in compliance with the phasing plan if one was approved. Failure to "substantially complete" (as defined in Section 9-2-12) the development within three years or in compliance with the phasing plan, if one was approved, shall cause this development approval to expire.

CONDITIONS OF APPROVAL

1. The Applicant shall ensure that the **development shall be in compliance with all plans** prepared by the Applicant on March 30, 2023 on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval. Further, the Applicant shall ensure that the approved use is operated in compliance with the following restrictions:

    a. Size of the approved exterior restaurant use shall be limited to **8,942 square feet**.

2. The Applicant shall **comply with all previous conditions** contained in any previous approvals, except to the extent that any previous conditions may be modified by this approval, including, but not limited to, the following:

    a. The Development Agreement recorded at Reception No. 03298132; and
    b. The Development Agreement recorded at Reception No. 03366842.

    Phase 2 approved by the Planning Department on December 6, 2013, under LUR2013-00063 was not substantially completed within the required time frame and has expired pursuant to Section 9-2-12, B.R.C. 1981.

3. The Applicant **shall not expand or modify the approved use**, except pursuant to Subsection 9-2-15(h), B.R.C. 1981.

EXHIBIT A

LEGAL DESCRIPTION

(4910 and 4920 Nautilus Court North)

LOT 1B, TWIN LAKES TECHNOLOGICAL PARK - FILING NUMBER FOUR,
COUNTY OF BOULDER, STATE OF COLORADO.

CRITERIA CHECKLIST AND COMMENT FORM

LUR2022-00028 – 4910 Nautilus Ct.
USE REVIEW
SECTION 9-2-15

Criteria for Review: No use review application will be approved unless the approving agency finds all of the following:

_X_ (1) Consistency with Zoning and Non-Conformity: The use is consistent with the purpose of the zoning district as set forth in Section 9-5-2(c), "Zoning Districts Purposes," B.R.C. 1981, except in the case of a non-conforming use;

The project site is located within the IG zone district, defined as "*General industrial areas where a wide range of light industrial uses, including research and development, manufacturing, service industrial uses, media production, storage, and other intensive employment uses are located. Residential uses and other complementary uses may be allowed in appropriate locations,*" Section 9-5-2(c)(4)(B), B.R.C. 1981. Pursuant to Table 6-1, a Brewery over 15,000 square feet that includes a restaurant with outdoor seating within 500 feet of a residential use module is allowed pursuant to a Use Review. Pursuant to Section 9-6-5(b)(1)(A), "*any restaurant within the brewery, distillery, or winery does not exceed thirty percent of the total floor area of the facility, or one thousand square feet, whichever is greater, including any outdoor seating areas*." The existing Brewery and restaurant use was approved in 2012 through Site and Use Review. The proposal to expand the outdoor seating area constitutes an expansion of the approved use and therefore requires approval of a new Use Review. The proposed expansion would bring the total outdoor seating area to 8,942 square feet and the total non-brewery area in the development (gift shop and restaurant including interior and exterior seating areas) to 17,216 square feet or 23.2% of the total indoor floor area (this complies with Section 9-6-5(b)(1)(A) of the Land Use Code and the definition of "Brewery," which require the total restaurant and taproom area not to exceed 30% of total floor area).

_X_ (2) Rationale: The use either:

_X_ (A) Provides direct service or convenience to or reduces adverse impacts to the surrounding uses or neighborhood;

Overall, the proposed outdoor seating expansion will enhance the experience for Avery Brewing Company patrons beyond what is currently being provided by allowing for customers to gather safely in an outdoor environment subject to the existing management plan. Per the applicant's written statement, the request to expand the outdoor seating area is largely a market-driven response to the Covid-19 pandemic, which has permanently changed customer's preferences with regards to social distancing. Avery Brewing has been an iconic local business in Gunbarrel

since it was constructed nearly 10 years ago, and this request seeks to enhance their ability to serve customers in a safe and comfortable manner.

_X_ 3) Compatibility: The location, size, design, and operating characteristics of the proposed development or change to an existing development are such that the use will be reasonably compatible with and have minimal negative impact on the use of nearby properties or for residential uses in industrial zoning districts, the proposed development reasonably mitigates the potential negative impacts from nearby properties;

As an expansion of the approved (LUR2012-00012) Use and Site Review application, the proposed outdoor amenity expansion will improve the experience for customers and will effectively "replace" the previously approved 20,000 square foot building expansion anticipated as part of Phase 2 of the development, thereby reducing the overall parking requirement as well as the overall size of the brewing facility from what was originally approved. The proposed expansion will also reduce the overall water use with a significant reduction of irrigated turfgrass while increasing the amount of shade tree canopy that provides a multitude of environmental benefits to the surrounding community. The layering of said trees and understory plantings will also increase the level of buffering to the nearby properties while improving the outdoor experience for patrons and passersby. Over the nearly 10 years that this facility has been in place, it has proven to be a much loved local business, and draws both local and regional customers. The approved management plan limits the hours of operation for the restaurant use to between 10:00 am and 2:00 am, seven days per week. Given that the majority of the land surrounding the site is industrial in nature and the nearby residential use module contains a school with regular daytime hours, the existing approved hours of operation have not historically caused any negative impacts to surrounding property owners, and it is expected that this trend will continue following the proposed expansion.

_X_ (4) Infrastructure: As compared to development permitted under Section 9-6-1, "Schedule of Permitted Uses of Land," B.R.C. 1981, in the zone, or as compared to the existing level of impact of a non-conforming use, the proposed development will not significantly adversely affect the infrastructure of the surrounding area, including, without limitation, water, wastewater, and storm drainage utilities and streets;

All of the infrastructure required to serve the development is already in place, and the proposed outdoor seating expansion will not require any new infrastructure to be constructed. This application does not propose adding, modifying, or moving any principle or accessory buildings within the approved building envelope. The parking is proposed to remain unchanged. With a significant reduction of irrigated turfgrass the impacts to water needs are also greatly reduced. Detention is handled by the adjacent regional facility, and water quality is handled on-site through a variety of treatment methods. The existing drainage and water quality features were originally designed with intention of all phases of work being completed. Currently there are no plans for the Phase 2 building additions or parking lot expansions. The proposed improvements are largely impervious with a significant reduction of non-pervious surfacing from the previously approved Site Plan – (LUR2012-00012).

_X_ (5) Character of Area: The use will not change the predominant character of the surrounding area or the character established by adopted design guidelines or plans for the area; and

The existing Avery Brewing facility has been in place for nearly 10 years and has become a much-loved local business in the Gunbarrel community. The existing management plan will remain in place, and aside from the expanded outdoor seating area, no other changes to the existing facility operations will occur as a result of this proposal. Overall, the use will not change the character of the surrounding area, which is comprised largely of industrial and office uses with daytime hours.

_N/A_ (6) Conversion of Dwelling Units to Non-Residential Uses: There shall be a presumption against approving the conversion of dwelling units in the residential zoning districts set forth in Subsection 9-5-2(c)(1)(a), B.R.C. 1981, to non-residential uses that are allowed pursuant to a use review, or through the change of one non-conforming use to another non-conforming use. The presumption against such a conversion may be overcome by a finding that the use to be approved serves another compelling social, human services, governmental, or recreational need in the community including, without limitation, a use for a day care center, park, religious assembly, social service use, benevolent organization use, art or craft studio space, museum, or an educational use.

LAND USE REVIEW

4910 NAUTILUS CT.

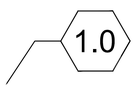
4910 NAUTILUS DRIVE, BOULDER, CO 80301
LOT 1B TWIN LAKES TECH PARK FLG 4
LOT AREA = 243,340 SQUARE FEET = 5.59 AC

LUR2022- 00028

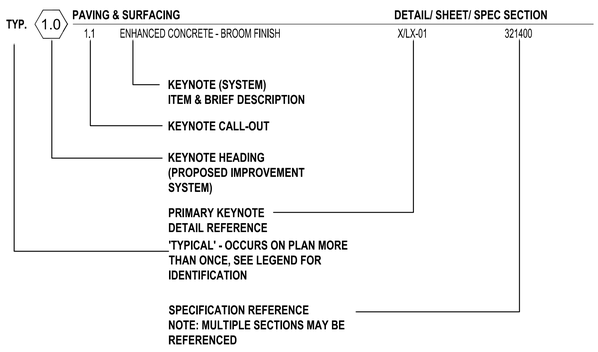
MARCH 30, 2023

USING THE KEYNOTES

SAMPLE KEYNOTE DRAWING CALL-OUT:



SITE DETAIL KEYNOTES:

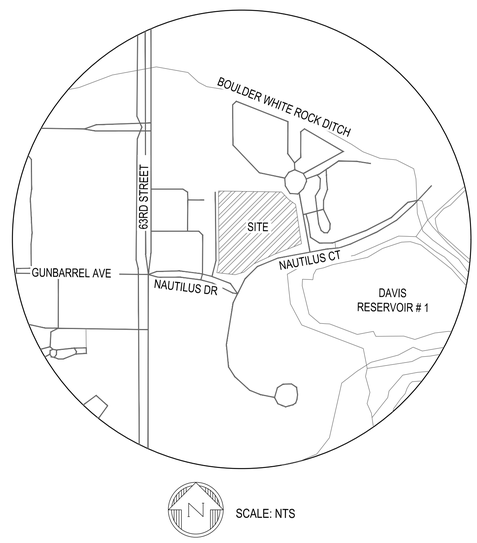


THE FOLLOWING LIST OF KEYNOTE HEADINGS (PROPOSED IMPROVEMENT SYSTEMS) HAVE BEEN INCORPORATED WITHIN THIS DRAWING SET:

0.0 EXISTING CONDITIONS
1.0 PAVING & SURFACING
2.0 WALL, CURBS & EDGERS
3.0 RAILINGS, BARRIERS & FENCING
4.0 SITE FURNISHINGS & SIGNS
5.0 PLANTING & LANDSCAPE
6.0 SITE LIGHTING & ELECTRICAL

NOTE: KEYNOTE LABELS DESCRIBE THE SITE DESIGN. DETAILS ARE PROVIDED WHERE APPLICABLE AND INDICATED AS SUCH IN THE KEYNOTE LEGEND UNDER THE 'DETAIL/ SHEET/ SPEC SECTION'

VICINITY MAP



SHEET INDEX	
CV100	COVER SHEET
LS100	GENERAL NOTES & SCHEDULES
LS101	MATERIALS & LAYOUT PLANS
LS102	OUTDOOR AMENITY AREA PLAN
LS501	SITE DETAILS
LP101	PLANTING PLAN
LP501	PLANTING DETAILS & SCHEDULES

AVERY BREWING BOULDER, CO
4910 NAUTILUS CT
BOULDER, CO 80301

Consultant:
flow DESIGN COLLABORATIVE
LANDSCAPE ARCHITECTURE
301 W 45th Avenue
Denver, CO 80216
www.flowdcla.com

Project Number:
21009

Stamp:

4910 NAUTILUS CT.
LAND USE REVIEW
4910 NAUTILUS CT, BOULDER, CO 80301

Drawn:
CH

Checked:
CH / AB

Revision Record:

No.	Date:	Description:
1	06.07.2022	LUR
2	10.14.2022	2ND SUBMITTAL
3	01.13.2023	3RD SUBMITTAL
4	03.30.2023	4TH SUBMITTAL

LAND USE REVIEW
LUR2022-00028

Contents:

COVER SHEET

Date: 10/14/2022

CV100

CITY OF BOULDER LANDSCAPE NOTES

1. LANDSCAPING SCHEDULE: (A) NOTHING SHALL BE PLANTED BETWEEN OCTOBER 15 AND MARCH 1 WITHOUT PRIOR WRITTEN APPROVAL OF THE CITY. STOCK, OTHER THAN CONTAINER-GROWN STOCK, SHALL NOT BE PLANTED BETWEEN JUNE 1 AND SEPTEMBER 1 WITHOUT PRIOR WRITTEN APPROVAL OF THE CITY. BARE ROOT STOCK SHALL NOT BE PLANTED AFTER APRIL 30 OR IF PLANTS HAVE BEGUN TO LEAF OUT.

2. NOTHING SHALL BE PLANTED DURING FREEZING OR EXCESSIVELY WINDY, HOT, OR WET WEATHER OR WHEN THE GROUND CONDITIONS CANNOT BE PROPERLY WORKED FOR DIGGING, MIXING, RAKING, OR GRADING. (C) NOTHING SHALL BE PLANTED UNTIL THE ADJACENT SITE IMPROVEMENTS, PAVEMENTS, IRRIGATION INSTALLATION AND FINISH GRADING IS COMPLETED. THE CONTRACTOR SHALL TEST THE IRRIGATION SYSTEM IN THE PRESENCE OF THE DIRECTOR. THE IRRIGATION SYSTEM SHALL BE IN APPROVED, OPERATING CONDITION PRIOR TO ANY PLANTING.

3. SITE PREPARATION AND ALL PLANTING SHALL BE COMPLETED, AT A MINIMUM, IN ACCORDANCE WITH THE CITY OF BOULDER DESIGN AND CONSTRUCTION STANDARDS. SITE PREPARATION SHALL INCLUDE TILLING THE SOIL TO A MINIMUM DEPTH OF SIX INCHES BELOW THE FINISHED GRADE, TOGETHER WITH SOIL AMENDMENTS THAT ARE APPROPRIATE TO ENSURE THE HEALTH AND SUSTAINABILITY OF THE LANDSCAPING TO BE PLANTED.

4. TURF GRASS SHALL BE LIMITED TO A MAXIMUM OF 25 PERCENT OF ALL LANDSCAPE AREAS ON THE SITE.

5. ALL PLANTING BEDS AND A 3-FOOT DIAMETER RING AT THE BASE OF EACH TREE WITHIN SOD OR SEEDED AREAS SHALL BE MULCHED WITH ORGANIC MULCH AT LEAST 4" DEEP.

6. GRAVEL, ROCK MULCH, OR CRUSHER FINES SHALL NOT BE USED UNDER TREES OR ANY PLANTING AREAS. ROCK OR GRAVEL MAY ONLY BE USED AS A SPECIFIC ORNAMENTAL FEATURE IN LIMITED AREAS (SUCH AS AT THE BOTTOM OF A DRAINAGE SWALE OR DRY RIVER BED) OR AS A PEDESTRIAN PATH OR PATIO.

7. WEED BARRIER FABRIC SHALL NOT TO BE USED IN ANY PLANTING AREAS.

8. ALL PLANTS SHALL BE GROUPED BY WATER NEEDS. A MINIMUM OF 75 PERCENT OF ALL LANDSCAPED AREAS (INCLUDING ANY TURF GRASS) MUST USE LOW TO MODERATE WATER DEMAND PLANTS. THE LANDSCAPE SHALL BE DESIGNED SO THAT, AT MATURITY, NOT MORE THAN 10 PERCENT OF THE LANDSCAPED AREA IS EXPOSED MULCH.

9. ALL LANDSCAPE AREAS SHALL BE WATERED BY AN AUTOMATIC IRRIGATION SYSTEM. THE IRRIGATION SYSTEM MUST BE ZONED TO DELIVER DIFFERENT APPROPRIATE AMOUNTS OF WATER TO DIFFERENT PLANT ZONES. THE SITE SHOULD BE IRRIGATED WITH DRIP IRRIGATION, BUBBLER, OR MICRO-SPRAY SYSTEMS. ALL TREES WILL BE ZONED SEPARATELY FROM TURF GRASS. ALL IRRIGATION ZONES SHALL USE A SMART SYSTEM THAT ADJUSTS FOR RAINFALL, SOIL MOISTURE, AND OTHER WEATHER FACTORS.

10. PROTECTIVE MAINTENANCE: AN APPLICANT FOR CONSTRUCTION APPROVAL SHALL PROVIDE MAINTENANCE AND CARE FOR ALL EXISTING TREES REQUIRED TO BE PROTECTED IN THE PUBLIC RIGHT-OF- WAY ADJACENT TO ANY PROJECT OR CONSTRUCTION SITE DURING CONSTRUCTION ACTIVITIES AND THE PUBLIC IMPROVEMENT WARRANTY PERIOD TO ENSURE THAT EXISTING TREES SURVIVE AND ARE NOT DAMAGED. REFER TO CHAPTER 3 OF THE DESIGN AND CONSTRUCTION STANDARDS FOR ALL TREE PROTECTION REQUIREMENTS. (ONLY APPLICABLE TO EXISTING PUBLIC STREET TREES OR EXISTING PRIVATE TREES THAT WILL MEET THE STREET TREE REQUIREMENTS OF SECTION 9-9-13 BRC 1981)

11. ALL NEW TREES SHALL BE LOCATED A MINIMUM OF 10' FROM ANY EXISTING WATER OR SEWER UTILITY LINES OR FROM LIGHT POLES OR OVERHEAD UTILITY POLES. ALL NEW UTILITY LINES SHALL BE LOCATED A MINIMUM OF 10' FROM ANY EXISTING PUBLIC STREET TREE.

GENERAL LANDSCAPE SITE NOTES

1. A KICK-OFF MEETING WITH THE LANDSCAPE ARCHITECT IS REQUIRED PRIOR TO BEGINNING ANY SITE OR LANDSCAPE WORK.

2. OBTAIN NECESSARY PERMITS FROM ALL JURISDICTIONS AS REQUIRED TO CONSTRUCT THE WORK OF THIS PROJECT. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH PLANS APPROVED BY CITY OF BOULDER

3. REFER TO SURVEY DRAWINGS AND OTHER AVAILABLE DOCUMENTS FOR PROPERTY LIMITS, EXISTING CONDITIONS, AND HORIZONTAL AND VERTICAL CONTROL.

4. PROVIDE AND MAINTAIN UTILITY LOCATES DURING ALL PHASES OF WORK. DO NOT DAMAGE UTILITY LINES/STRUCTURES. NOTIFY OWNER'S REPRESENTATIVE OF ANY DISCREPANCIES BEFORE STARTING ANY WORK. CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATION OF UNDERGROUND UTILITIES OR STRUCTURES, WHETHER OR NOT SHOWN OR DETAILED AND INSTALLED BY ANY OTHER CONTRACT.

5. RESTORATION OF UTILITIES DAMAGED BY THE CONTRACTOR SHALL BE AT THE CONTRACTOR'S EXPENSE.

6. THOROUGHLY REVIEW AND DOCUMENT THE SITE CONDITIONS PRIOR TO CONSTRUCTION.

7. THOROUGHLY REVIEW DRAWINGS, AND TECHNICAL SPECIFICATIONS AND NOTIFY OWNER'S REPRESENTATIVE OF ANY DISCREPANCIES PRIOR TO CONSTRUCTION.

8. CONSTRUCTION INSTALLATION, MATERIALS, TESTING, AND INSPECTION SHALL COMPLY WITH APPLICABLE CODES AND ORDINANCES.

9. TAKE NECESSARY STEPS TO PROTECT AND MAINTAIN ALL FINISHED WORK FOR THE DURATION OF THE CONTRACT UNTIL FINAL ACCEPTANCE.

10. CONTRACTOR SHALL PROVIDE ALL MOCK-UPS, SUBMITTALS AND SHOP DRAWINGS FOR APPROVAL PER SPECIFICATIONS PRIOR TO CONSTRUCTION.

11. THE WORK OF THIS CONTRACT WILL NOT BE CONSIDERED COMPLETE UNTIL ALL AREAS HAVE BEEN CLEANED OF ALL DIRT AND DEBRIS AND ALL DAMAGED ITEMS ARE REPAIRED.

12. THE CONTRACTOR SHALL BE SOLELY AND COMPLETELY RESPONSIBLE FOR THE SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. THE CONTRACTOR SHALL PROVIDE ALL LIGHTS, SIGNS, BARRICADES, FLAGMEN, OR OTHER DEVICES NECESSARY TO PROVIDE FOR PUBLIC SAFETY. THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS.

13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL AND REPLACEMENT OF ALL MATERIALS WITHIN DEDICATED RIGHT-OF-WAYS AND ALL MATERIALS AND WORKMANSHIP SHALL MEET THE ROADWAY DESIGN AND CONSTRUCTION STANDARDS OF THE APPROPRIATE GOVERNING AGENCY.

14. THE CONTRACTOR IS RESPONSIBLE FOR THE REPAIR, AT NO ADDITIONAL COST TO THE OWNER, FOR DAMAGE OF PROPERTY OUTSIDE OF THE LIMIT OF WORK INDICATED ON THE DRAWINGS, AND FOR ANY DAMAGE CAUSED TO SITE ELEMENTS THAT ARE TO BE PROTECTED OR REINSTALLED.

PLANTING NOTES

1. BEFORE CONSTRUCTION, LOCATE ALL PUBLIC AND PRIVATE UNDERGROUND UTILITIES WITH RESPECTIVE UTILITY COMPANIES, AND LOCATE IRRIGATION LINES AND WIRES.

2. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ANY PERMITS OR LICENSES REQUIRED FOR THE PERFORMANCE OF THE WORK AS APPLICABLE TO THIS PROJECT.

3. ALL AT GRADE LANDSCAPE BEDS AND TURF AREAS ARE TO RECEIVE ORGANIC SOIL AMENDMENTS AT A RATE OF 4 CY/1000 S.F. OF LANDSCAPE AREA. AMENDMENTS ARE TO BE TILLED TO A DEPTH OF 6" AND FINE GRADED TO A SMOOTH SURFACE WITH POSITIVE DRAINAGE AWAY FROM ALL STRUCTURES. BUILT IN PLANTERS AND CONTAINERS ON STRUCTURE WILL BE FILLED WITH HYDROTECH LITETOP PLANTING MEDIUM.

4. ALL LANDSCAPE BEDS, PLANTER AND CONTAINERS ARE TO BE MULCHED WITH A 4" MINIMUM LAYER OF SHREDDED CEDAR MULCH PER PLANS AND DETAILS.

5. ALL PLANT MATERIAL SHALL MEET OR EXCEED CURRENT AMERICAN STANDARD FOR NURSERY STOCK ANSI Z60.1 AND THE COLORADO NURSERY ACT AND ACCOMPANYING RULES AND REGULATIONS.

6. STAKE ALL TREES AND SHRUBS BASED ON THESE DRAWINGS. EXACT LOCATIONS OF PLANT MATERIALS TO BE APPROVED BY THE LANDSCAPE ARCHITECT IN THE FIELD PRIOR TO INSTALLATION. LANDSCAPE ARCHITECT RESERVES THE RIGHT TO ADJUST TO EXACT LOCATIONS IN THE FIELD.

7. LANDSCAPE MATERIAL PLACEMENT SHALL NOT BE PLACED OR KEPT NEAR FIRE HYDRANTS, FIRE INLET CONNECTIONS OR FIRE PROTECTION CONTROL VALVES OR KNOX BOXES IN A MANNER THAT WOULD PREVENT SUCH EQUIPMENT OR FIRE HYDRANTS FROM BEING IMMEDIATELY DISCERNABLE. THE FIRE DEPARTMENT SHALL NOT BE DETERRED OR HINDERED FROM GAINING IMMEDIATE ACCESS TO FIRE PROTECTION EQUIPMENT OR HYDRANTS.

LAYOUT NOTES

1. CONTRACTOR TO IMMEDIATELY NOTIFY THE LANDSCAPE ARCHITECT AND PROJECT MANAGER OF ANY DISCREPANCIES BETWEEN THE SITE SURVEY AND ACTUAL SITE CONDITIONS.

2. ADDITIONAL LAYOUT INFORMATION MAY BE PROVIDED TO THE CONTRACTOR PRIOR TO CONSTRUCTION AS NEEDED. ELECTRONIC FILES MAY BE OBTAINED BY THE CONTRACTOR FOR LAYOUT PURPOSES.

3. FINAL LOCATION OF ALL SITE FURNISHINGS TO BE COORDINATED WITH LANDSCAPE ARCHITECT PRIOR TO FINAL INSTALLATION.

4. WRITTEN DIMENSIONS SHALL PREVAIL. DO NOT SCALE DIRECTLY FROM DRAWINGS.

5. ALL PAVED SURFACES SHALL HAVE SMOOTH, CONTINUOUS LINES OR CURVES AS INDICATED ON PLANS AND SHALL CONFORM TO GRADES INDICATED ON THE GRADING PLANS. ALL LINES OF PAVING TO BE PARALLEL UNLESS OTHERWISE NOTED

6. ALL ANGLES TO MATCH THOSE NOTED ON DRAWING

7. ADJUSTMENTS: IF THE CONTRACTOR BELIEVES IT IS NECESSARY TO MAKE AN ADJUSTMENT IN THE LAYOUT OF PROPOSED IMPROVEMENTS, SUCH ADJUSTMENT SHALL BE PROPOSED TO THE OWNER'S REPRESENTATIVE. NO ADJUSTMENTS WILL BE PERMITTED UNTIL IT HAS FIRST BEEN APPROVED BY THE OWNERS REPRESENTATIVE.

PARKING REQUIREMENTS (APPROVED LUR2012-00012)

DEFINED AREA WITHIN BUILDING	SQUARE FOOTAGE APPLIED TO IG PARKING RATIO 1:400	NUMBER OF RESTAURANT SEATS	PARKING SPACES PER C.O.B FLOOR AREA REQUIREMENT (1:400 SF RATIO, BRC TABLE 9-3), OR (1:3 SEATS, BRC TABLE 9-4 AND OUTDOOR REQUIREMENTS (BRC TABLE 9-4 b)	PROVIDED PARKING (LUR2012-00012)	PERCENTAGE DEFERRED PARKING	PERCENTAGE PARKING REDUCTION
INDOOR RESTAURANT SEATING 1ST FLOOR		144	48 SPACES			
INDOOR RESTAURANT SEATING 2ND FLOOR		105	35 SPACES			
TOTAL INDOOR RESTAURANT SEATS		249	83 SPACES			
OUTDOOR SEATING (1ST& 2ND FLOORS)		100	24 SPACES			
FLOOR AREA PHASE I (EXCLUDING RESTAURANT)	68,921 SF		172 SPACES			
FLOOR AREA PHASE II (EXCLUDING RESTAURANT)	19,717 SF		50 SPACES			
PARKING TOTALS			329 SPACES	220 SPACES	24.5% (54 SPACES)	33%
BICYCLE PARKING TOTALS			40 SPACES	40 SPACES		
ACCESSIBLE PARKING TOTALS			8 SPACES	8 SPACES		

PROPOSED PARKING REQUIREMENTS (LUR2022-00028)

DEFINED AREA WITHIN BUILDING	SQUARE FOOTAGE APPLIED TO IG PARKING RATIO 1:400	NUMBER OF RESTAURANT SEATS	PARKING SPACES PER C.O.B FLOOR AREA REQUIREMENT (1:400 SF RATIO, BRC TABLE 9-3), OR (1:3 SEATS, BRC TABLE 9-4 AND OUTDOOR REQUIREMENTS (BRC TABLE 9-4 b)	PROPOSED PARKING (LUR2022-00028)	PERCENTAGE DEFERRED PARKING	PERCENTAGE PARKING REDUCTION
INDOOR RESTAURANT SEATING 1ST FLOOR		144	48 SPACES			
INDOOR RESTAURANT SEATING 2ND FLOOR		105	35 SPACES			
TOTAL INDOOR RESTAURANT SEATS		249	83 SPACES			
OUTDOOR SEATING (1ST& 2ND FLOORS)		229	76 SPACES			
* FLOOR AREA PHASE I (EXCLUDING RESTAURANT)	68,921 SF		172 SPACES			
20% ALLOWABLE OF REDUCTION OF INDOOR SEATING PER C.O.B. SECTION 9-9-8(b)		(50)	(17) SPACES			
REQUIRED PARKING TOTALS			314 SPACES	220 SPACES	24.5% (54 SPACES)	30%
BICYCLE PARKING TOTALS			40 SPACES	76 SPACES		
ACCESSIBLE PARKING TOTALS			8 SPACES	8 SPACES		
*AVERY BREWING DOES NOT HAVE LONG TERM PLANS TO DEVELOP THE PHASE II PORTION AS PROPOSED IN LUR2012-00012						

USE	INDOOR FLOOR AREA (Sq. Ft.)	PERCENT of TOTAL INDOOR FLOOR AREA
BREWERY	65,921 SF	88.8%
INDOOR RESTAURANT	5,274 SF	7.1%
GIFT SHOP	3,000 SF	4%
TOTAL	**74,195 SF**	**100%**
OUTDOOR SEATING AREA		
EXISTING OUTDOOR SEATING	1,880 SF	2.5%
PROPOSED OUTDOOR SEATING	7,062 SF	9.5%
TOTAL	**8,942 SF**	**12%**
TOTAL NON-BREWERY AREA (GIFT SHOP, RESTAURANT INCLUDING INDOOR AND OUTDOOR SEATING	**17,216 SF**	*** 23.2%**
* COMPLIES WITH SECTION 9-6-5(b)(2)(A)(ii) AND DEFINITION OF "BREWERY" WHICH REQUIRE TOTAL RESTAURANT AND TAPROOM AREA NOT TO EXCEED 30% OF TOTAL FLOOR AREA		

AVERY BREWING BOULDER, CO
4910 NAUTILUS CT
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flow DESIGN COLLABORATIVE LANDSCAPE ARCHITECTURE
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Project Number:
21009

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LAND USE REVIEW
4910 NAUTILUS CT, BOULDER, CO 80301

Drawn:
CH

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CH / AB

Revision Record:

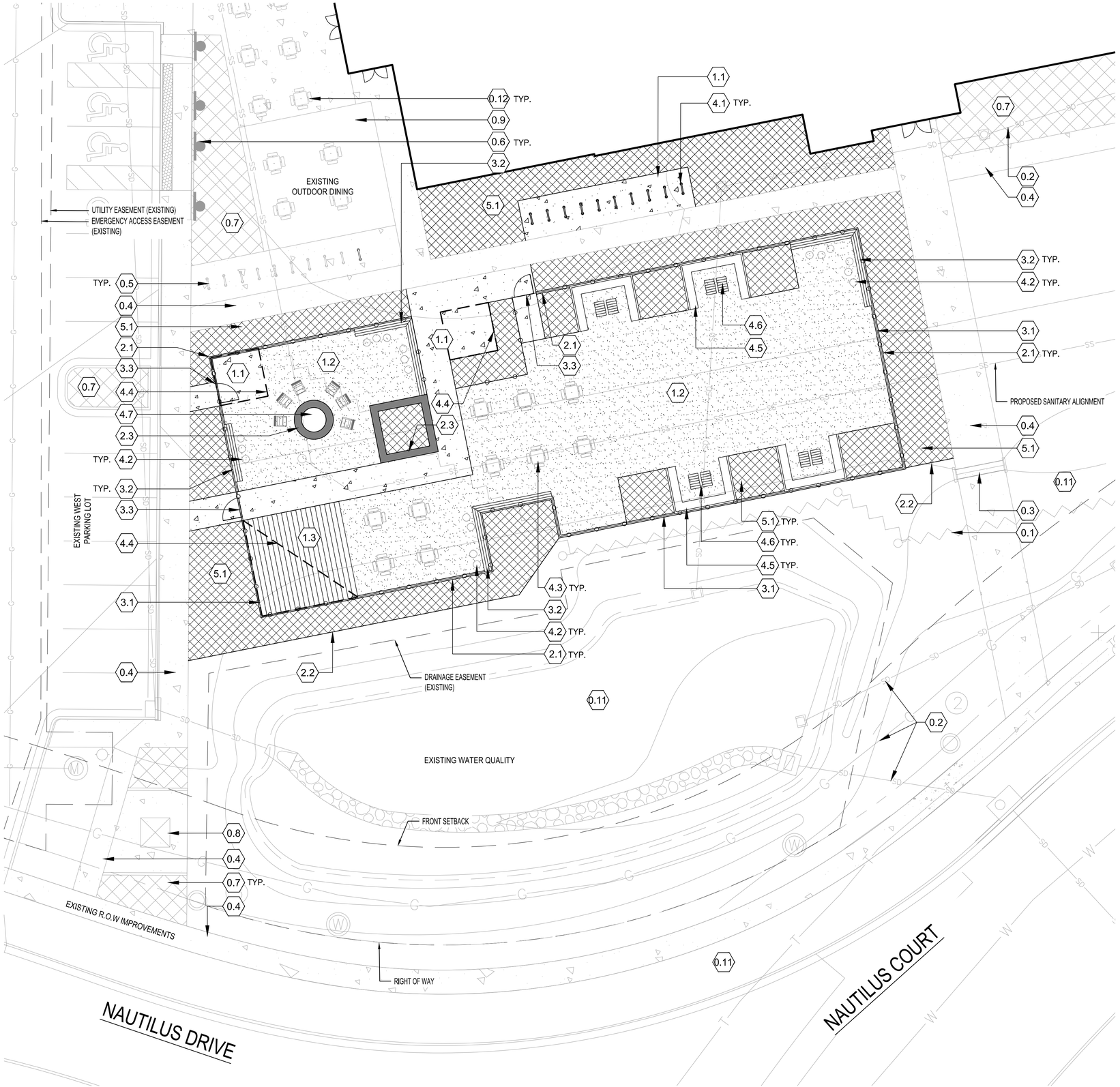
No.	Date:	Description:
1	06.07.2022	LUR
2	10.14.2022	2ND SUBMITTAL
3	01.13.2023	3RD SUBMITTAL
4	03.30.2023	4TH SUBMITTAL

LAND USE REVIEW
LUR2022-00028

Contents:
GENERAL NOTES & SCHEDULE

Date: 10/14/2022

LS100



SITE MATERIALS LEGEND

- ENHANCED CONCRETE PAVING
- EXISTING CONCRETE PAVING
- EXISTING ARTIFICIAL TURF
- CRUSHER FINES SURFACING
- PLANTING AREA
- EXISTING PLANTING AREA
- 6-TOP TABLE SEATING (BY OWNER)
- BUILT-IN SEATING
- BAR STOOLS (BY OWNER)
- LOUNGE CHAIRS (BY OWNER)
- BIKE RACKS
- FENCING

SITE DETAIL KEYNOTES:

0.0	**EXISTING CONDITIONS**	
0.1	DEMO UTILITIES	
0.2	UTILITIES	
0.3	STAIRS	
0.4	STANDARD CONCRETE	
0.5	BIKE RACK	
0.6	PARKING SIGNAGE	
0.7	PLANTING AREA	
0.8	TRANSFORMER	
0.9	ARTIFICIAL TURF	
0.10	BAR SEATING	
0.11	IRRIGATED TURF	
0.12	PICNIC TABLE	
1.0	**PAVING & SURFACING**	**DETAIL**
1.1	CONCRETE PAVING TO MATCH EXISTING	
1.2	CRUSHER FINES	
1.3	WOOD DECK	
2.0	**WALLS, CURBS & EDGERS**	**DETAIL**
2.1	CIP CONCRETE HEADER	
2.2	STEEL EDGER	
2.3	PRE-CAST CONCRETE SEATWALL	RE: C/LS501
3.0	**RAILINGS, BARRIERS & FENCING**	**DETAIL**
3.1	STEEL FENCE (42" HT)	RE: A/LS501
3.2	BAR TOP COUNTER (42" HT)	RE: B/LS501
3.3	EGRESS GATE/ ACCESS GATE	
4.0	**SITE FURNISHINGS & SIGNS**	**DETAIL**
4.1	BIKE RACK	RE: D/LS501
4.2	BAR STOOLS (BY OWNER)	
4.3	PICNIC TABLE (BY OWNER)	
4.4	SHADE STRUCTURE	
4.5	BUILT-IN BENCH	
4.6	BUILT-IN TABLE	
4.7	GAS FIRE PIT	
5.0	**PLANTING & LANDSCAPE**	
5.1	CEDAR MULCH (PLANTING AREA)	
6.0	**SITE LIGHTING & ELECTRICAL**	**DETAIL**
6.X		

SITE PLAN NOTES:

1. FINAL SANITARY SEWER SERVICE LINE LAYOUT TO BE FIELD VERIFIED.

0' 5' 10' 20' NORTH

AVERY DESIGN BUILDER, CO
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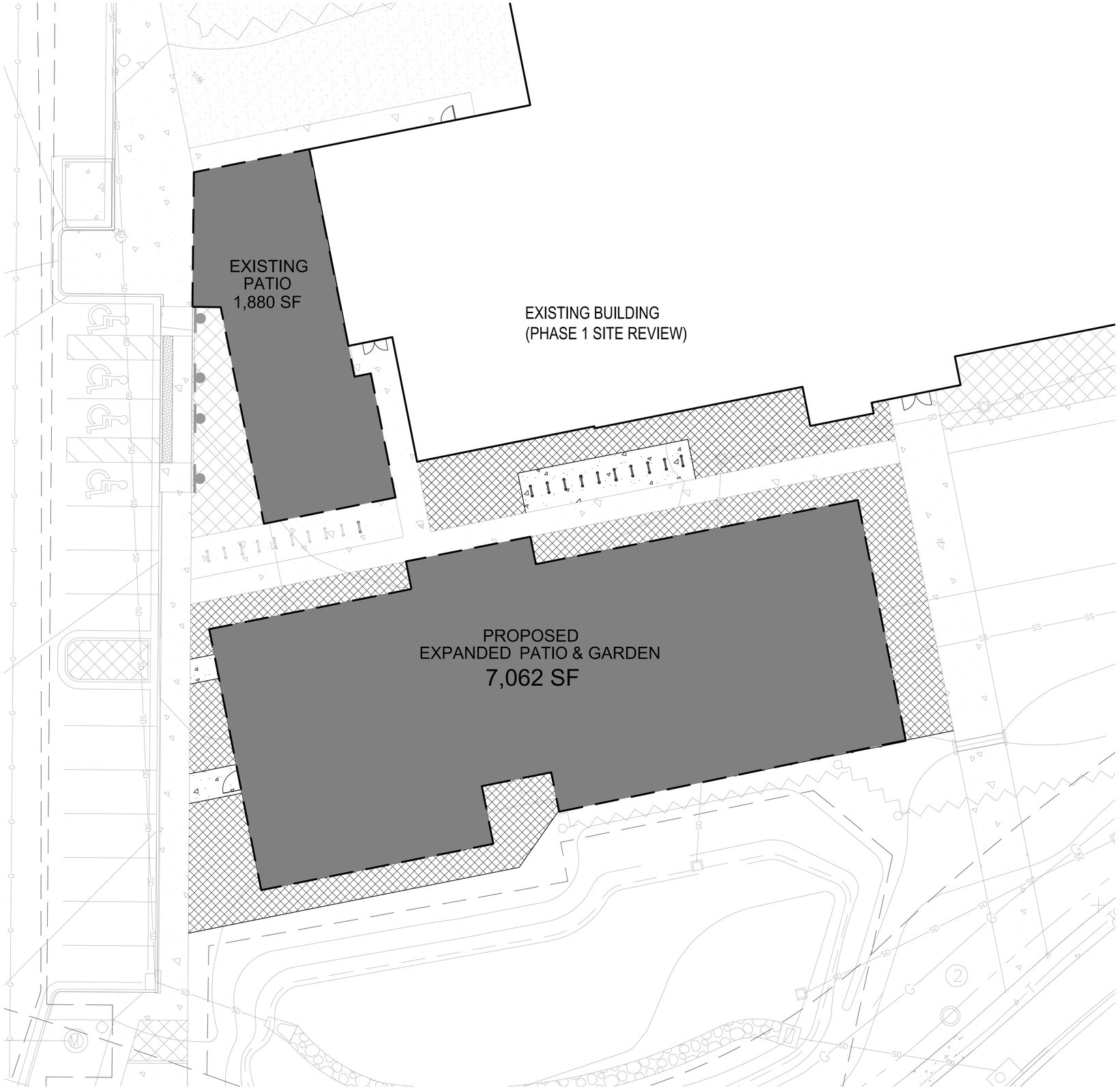
3	01.13.2023	3RD SUBMITTA
4	03.30.2023	4TH SUBMITTA

LAND USE REVIEW
LUR2022-00028

Contents:
SITE & MATERIALS PLAN

Date: 10/14/2022

LS101



USE	INDOOR FLOOR AREA (Sq. Ft.)	PERCENT of TOTAL INDOOR FLOOR AREA
BREWERY	65,921 SF	88.8%
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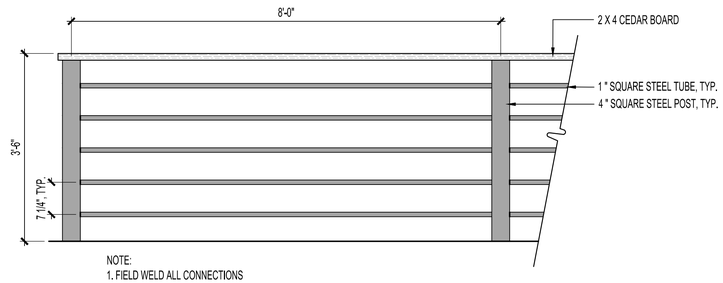
3	01.13.2023	3RD SUBMITTAL
4	03.30.2023	4TH SUBMITTAL

LAND USE REVIEW
LUR2022-00028

Contents:
AMENITY AREA PLAN

Date: 10/14/2022

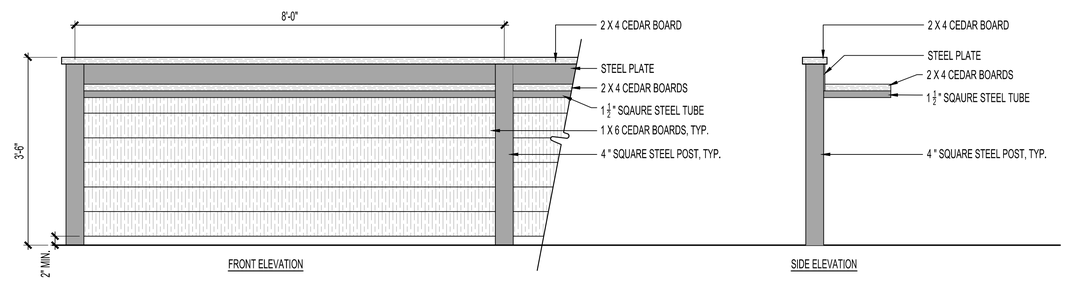
LS102



NOTE:
1. FIELD WELD ALL CONNECTIONS
2. GRIND ALL WELDS SMOOTH
3. FIELD PAINT METAL - MATTE BLACK

A LOW STEEL FENCE

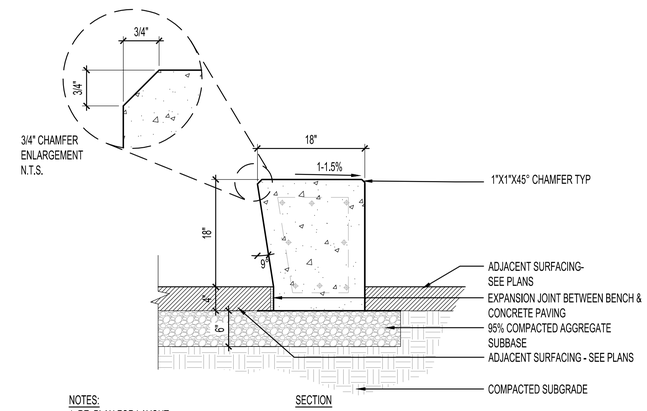
SCALE: 3/4" = 1' -0" FILENAME



NOTE:
1. RE: PLAN FOR LAYOUT
2. FIELD WELD ALL CONNECTIONS
3. GRIND ALL WELDS SMOOTH
4. FIELD PAINT METAL - MATTE BLACK

B BAR COUNTER

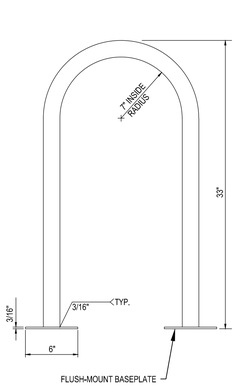
SCALE: 3/4" = 1'- 0" FILENAME



NOTES:
1. RE: PLAN FOR LAYOUT
2. PROVIDE SHOP DRAWINGS

C PRE-CAST CONCRETE WALL

SCALE: 1"-1'-2"



ELEVATION

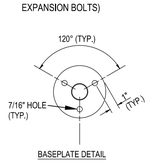
NOTES:

DIMENSIONS:

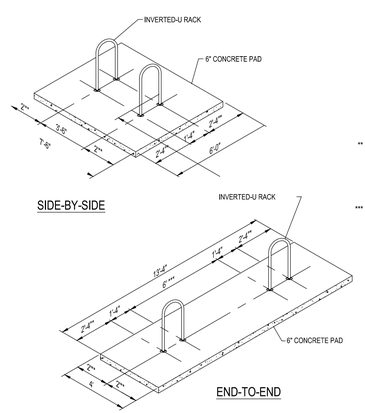
1. HEIGHT-33" FROM THE GROUND
2. CONTINUOUS BEND INSIDE RADIUS=7"

MATERIALS AND CONSTRUCTION:

1. MINIMUM OR 1 1/4" SCHEDULE 40 STEEL PIPE (1 5/8" OUTSIDE DIAMETER)
2. MAXIMUM 1 1/2" SCHEDULE 40 STEEL PIPE (2" OUTSIDE DIAMETER)
3. SOLID ONE-PIECE CONSTRUCTION; CONTINUOUS BEND; LEGS 14"-18" APART
4. BLACK POWDER COAT FINISH
5. FLUSH MOUNTED WITH WELDED BASE PLATES (6" DIAMETER, 3/16" THICK BASE PLATE). HIDDEN OR VANDAL-RESISTANT FASTENERS (SCREWS OR EXPANSION BOLTS)



BASEPLATE DETAIL



TYPICAL ISO VIEW

* 3'-4" MINIMUM WHEN INSTALLED PERPENDICULAR TO A WALL OR CURB.

** 3' MINIMUM WHEN INSTALLED PARALLEL TO A WALL OR CURB. 5' MINIMUM SEPARATION FROM CURB FACE WHEN INSTALLED ADJACENT TO A CURB WITH "HEAD-IN" AUTOMOBILE PARKING.

*** 10' MINIMUM IF MORE THAN TWO "U" RACKS IN A SERIES.

NOTES:

EXPOSED CONCRETE SURFACE TO BE BROOM FINISHED.
PAD SIZE MAY VARY AS DIRECTED BY THE ENGINEER.
PAD IS TO BE CONSTRUCTED WITH CLASS B CONCRETE.
EXCAVATION AND/OR EMBANKMENT REQUIRED FOR PAD CONSTRUCTION WILL NOT BE PAID FOR SEPERATELY, BUT SHALL BE INCLUDED IN THE COST OF THE PAD. CONCRETE SHALL BE SLOPED AT 2% TO DRAIN.

D BIKE RACK - COB DCS DETAILS 2.52A & 2.52B

SCALE: N.T.S

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4	03.30.2023	4TH SUBMITTAL

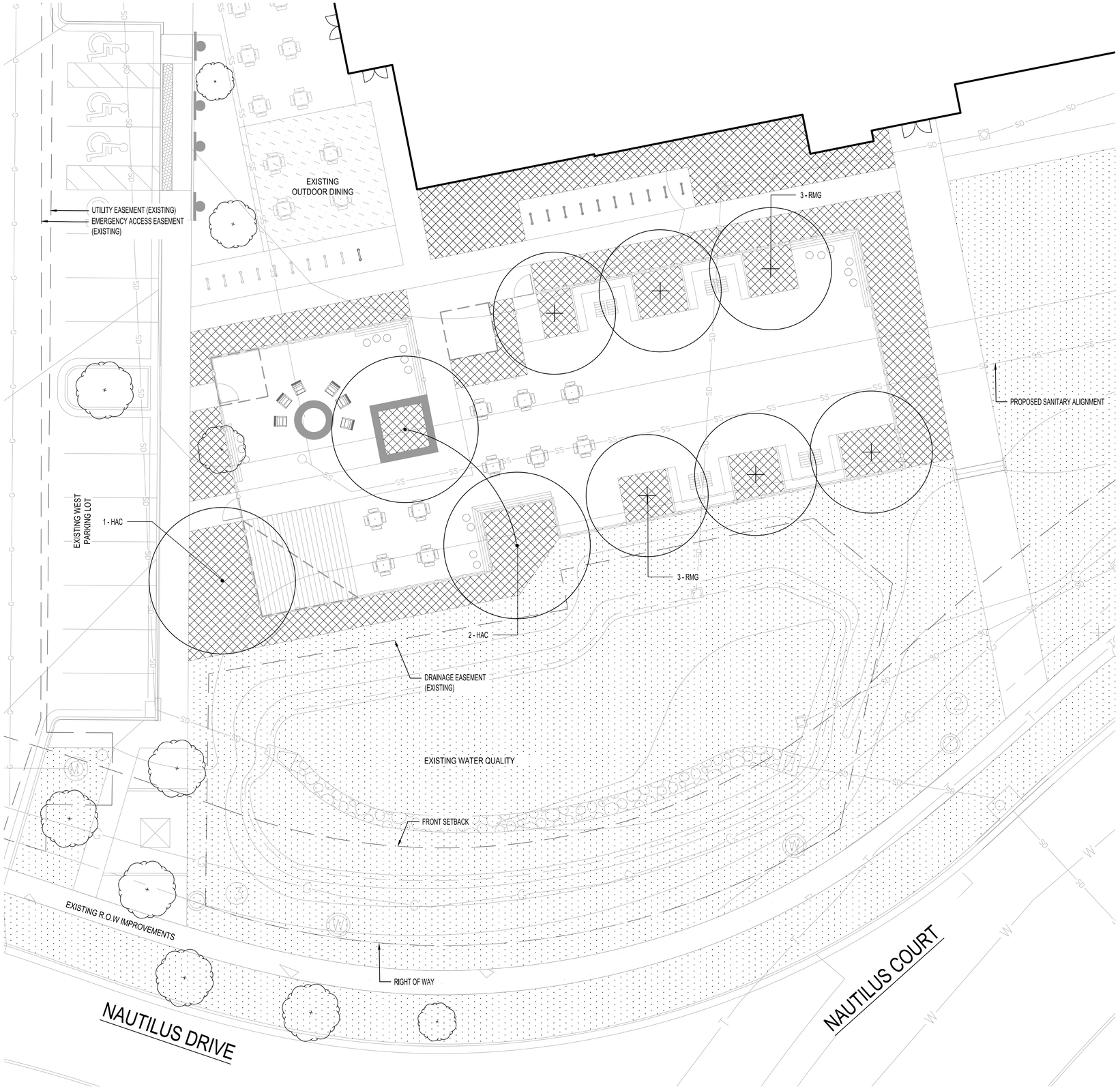
LAND USE REVIEW
LUR2022-00028

Contents:

SITE DETAILS

Date: 10/14/2022

LS501



PLANTING PLAN LEGEND

EXISTING TREE TO BE REMOVED

EXISTING TREE TO REMAIN , PROTECT IN PLACE

PROPOSED TREES

PLANTING AREA (70% SHRUBS, 30% PERENNIALS & GRASSES)

EXISTING IRRIGATED SOD

PLANT TYPE: DECIDUOUS TREES			
Abbr.	No.	Genus	Species
HAC	3	Celtis	occidentalis
RMG	6	Acer	grandidentatum 'Schmidt'
PLANT TYPE: DECIDUOUS SHRUB PALETTE			
Abbr.	No.	Genus	Species
ALP	X	Ribes	alpinum
MKL	X	Syringa	patula 'Miss Kim'
NWR	X	Rosa	x 'Nearly Wild'
PYG	X	Potentilla	fruticosa 'Yellow Gem'
WSC	X	Prunus	besseyi
LMS	X	Spiraea	x bumalda 'Limemound'
GLS	X	Rhus	aromatica 'Grow-Low'
AVG	X	Helictotrichon	sempervirens
BLO	X	Bouteloua	gracillis
RSG	X	Panicum	virgatum 'Shenandoah'
FRG	X	Calamagrostis	acutiflora 'Karl forester'
PLANT TYPE: PERENNIALS PALETTE			
Abbr.	No.	Genus	Species
CFL	X	Echinacea	purpurea
DDY	X	Hemerocallis	'Stella D'Oro'
RGD	X	Rudbeckia	fulgida 'goldsturm'
YAM	X	Achillea	'Moonshine;

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1	06.07.2022	LUR
2	10.14.2022	2ND SUBMITTA
3	01.13.2023	3RD SUBMITTA
4	03.30.2023	4TH SUBMITTA

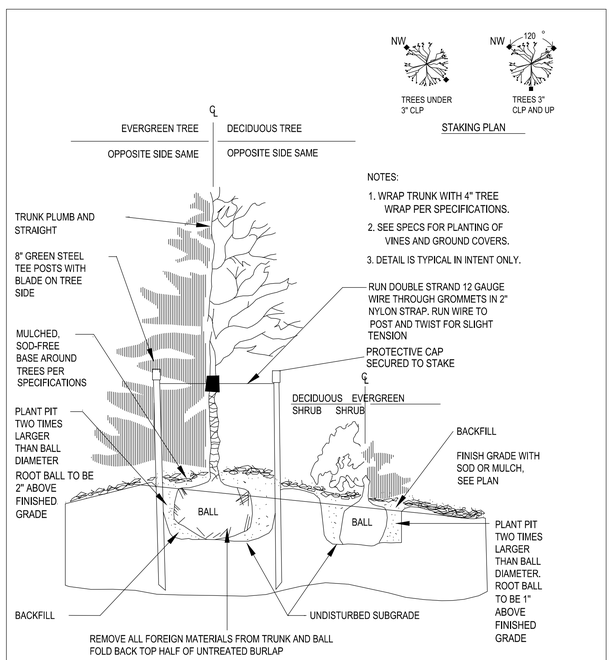
LAND USE REVIEW
LUR2022-00028

Contents:

PLANTING PLAN

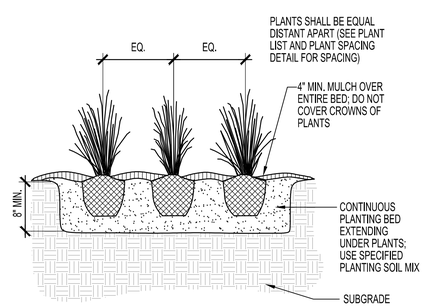
Date: 10/14/2022

LP101



DRAWN BY: JSH CHECKED BY: SRW APPROVED BY: DIRECTOR OF PUBLIC WORKS	CITY OF BOULDER, COLORADO TREES AND SHRUBS PLANTING DETAIL	ISSUED: JULY 2, 1998 REVISED: OCT. 17, 2000 DRAWING NO. 3.02	

A TREE AND SHRUBS PLANTING DETAIL
SCALE: NTS



B ORNAMENTAL GRASS/PERENNIAL PLANTING
SCALE: NTS

PLANT TYPE: DECIDUOUS TREES						
Abbr.	No.	Genus	Species	Common Name	Min. Size	Spacing
HAC	3	Celtis	occidentalis	Western Hackberry	2" Cal	Per Plan
RMG	6	Acer	grandidentatum 'Schmidt'	Rocky Mountain Glow Maple	2" Cal	Per Plan
PLANT TYPE: DECIDUOUS SHRUB PALETTE						
Abbr.	No.	Genus	Species	Common Name	Min. Size	Spacing
ALP	X	Ribes	alpinum	Alpine Currant	5 Gal	Per Plan
MKL	X	Syringa	patula 'Miss Kim'	Miss Kim Lilac	5 Gal	Per Plan
NWR	X	Rosa	x 'Nearly Wild'	Nearly Wild Rose	5 Gal	Per Plan
PYG	X	Potentilla	fruticosa 'Yellow Gem'	Yellow Gem Potentilla	5 Gal	Per Plan
WSC	X	Prunus	besseyi	Western Sand Cherry	5 Gal	Per Plan
LMS	X	Spiraea	x bumalda 'Limemound'	Limemound Spirea	5 Gal	Per Plan
GLS	X	Rhus	aromatica 'Grow-Low'	Gro- Low Fragrant Sumac	5 Gal	Per Plan
AVG	X	Helictotrichon	sempervirens	Blue Avena Grass	1 Gal	Per Plan
BLO	X	Bouteloua	gracillis	Blonde Ambition Blue Grama Grass	1 Gal	Per Plan
RSG	X	Panicum	virgatum 'Shenandoah'	Red Switch Grass	1 Gal	Per Plan
FRG	X	Calamagrostis	acutiflora 'Karl forester'	Karl Forester Feather Reed Grass	1 Gal	Per Plan
PLANT TYPE: PERENNIALS PALETTE						
Abbr.	No.	Genus	Species	Common Name	Min. Size	Spacing
CFL	X	Echinacea	purpurea	Purple Coneflower	1 Gal	Per Plan
DDY	X	Hemerocallis	'Stella D'Oro'	Stella D'oro Daylily	1 Gal	Per Plan
RGD	X	Rudbeckia	fulgida 'goldsturm'	Black Eyed Susan	1 Gal	Per Plan
YAM	X	Achillea	'Moonshine;	Moonshine Yarrow	1 Gal	Per Plan

AVERY BREWING BOULDER, CO

4910 NAUTILUS CT
BOULDER, CO 80301

Consultant:

flow DESIGN COLLABORATIVE
LANDSCAPE ARCHITECTURE

301 W 45th Avenue
Denver, CO 80216
www.flowdcla.com

Project Number:
21009

Stamp:

4910 NAUTILUS CT.
LAND USE REVIEW
4910 NAUTILUS CT, BOULDER, CO 80301

Drawn:
CH

Checked:
CH / AB

Revision Record:

No.	Date:	Description:
1	06.07.2022	LUR
2	10.14.2022	2ND SUBMITTAL
3	01.13.2023	3RD SUBMITTAL
4	03.30.2023	4TH SUBMITTAL

LAND USE REVIEW
LUR2022-00028

Contents:
PLANTING DETAILS & SCHEDULES

Date: 10/14/2022

LP501

June 17, 2022

4910 Nautilus Ct. – Land Use Review

Written Statement

The Land Use Review (LUR) application is for a proposed expansion of the outdoor amenity space. There are no proposed changes to the building. The developments Use Review and Site Review applications (LUR2012-00012) were approved. The proposed outdoor amenity expansion meets the intent of the previously approved plans and is compliant with the requirements found in section 9-2-15(e), listed and justified below.

e) Criteria for Review: No use review application will be approved unless the approving agency finds all of the following:

> ***(1)*** *Consistency With Zoning and Nonconformity: The use is consistent with the purpose of the zoning district as set forth in Section 9-5-2 "Zoning Districts," B.R.C. 1981, except in the case of a nonconforming use;*

The project is Zoned IG. The project was previously approved and is consistent with the prescribed general use as set forth in Section 9-5-2 "Zoning Districts," B.R.C. 1981.

> ***(2)*** *Rationale: The use either:*
>
> > ***(A)*** *Provides direct service or convenience to or reduces adverse impacts to the surrounding uses or neighborhood;*
> > ***(B)*** *Provides a compatible transition between higher intensity and lower intensity uses;*
> > ***(C)*** *Is necessary to foster a specific city policy, as expressed in the Boulder Valley Comprehensive Plan, including, without limitation, historic preservation, moderate income housing, residential and non-residential mixed uses in appropriate locations and group living arrangements for special populations;*
> > ***(D)*** *Is an existing legal nonconforming use or change thereto that is permitted under subsection (f) of this section;*

The proposed exterior improvements will reduce adverse impacts to the surrounding neighborhood by reducing the overall water use with a large reduction in irrigated turf. In addition, the proposed plan increases the overall tree canopy which has numerous proven environmental and sustainable benefits. The layout, organization, access, drainage, and function will remain in conformance with the intent of the approved site plan (LUR2012-00012). From an overall perspective the outdoor expansion will enhance the experience for Avery Brewing Company patrons beyond what is currently being provided while keeping open space intact.

The proposed improvements continue to support the Boulder Valley Comprehensive Plan through the continued support of local business, providing upgrades to existing commercial and industrial areas, and maybe most importantly, a responsiveness to changes in the marketplace. The recent pandemic has quite possibly changed the way businesses operate in the realm of public safety. Development regulations should reflect on the impacts that this pandemic has had on local businesses. The ability to

provide safer spaces for people to gather in an environment that also supports business and improves the overall aesthetic of a community, is a win-win scenario.

(3) *Compatibility: The location, size, design and operating characteristics of the proposed development or change to existing development are such that the use will be reasonably compatible with and have minimal negative impact on the use of nearby properties or for residential uses in industrial zoning districts; the proposed development mitigates the potential negative impacts from nearby properties;*

As an enhancement to an already approved (LUR2012-00012) Use and Site Review application, the proposed outdoor amenity expansion will improve the experience and lessen the impacts to nearby property owners by reducing the overall water use with a significant reduction of irrigated turfgrass while increasing the amount of shade tree canopy that provides a multitude of environmental benefits to the surrounding community. The layering of said trees and understory plantings will also increase the level of buffering to the nearby properties while improving the outdoor experience for patrons and passersby. The proposed expansion is substantially consistent with the intent of the originally approved Site Review and Use Review case number (LUR2012-00012).

(4) *Infrastructure: As compared to development permitted under Section 9-6-1, "Schedule of Permitted Land Uses," B.R.C. 1981, in the zone, or as compared to the existing level of impact of a nonconforming use, the proposed development will not significantly adversely affect the infrastructure of the surrounding area, including , without limitation, water, wastewater, and storm drainage utilities and streets;*

This application does not propose adding, modifying, or moving any principle or accessory buildings within an approved building envelope. The parking is proposed to remain unchanged. With a significant reduction of irrigated turfgrass the impacts to water needs are also greatly reduced. Detention is handled by the adjacent regional facility, and water quality is handled on-site through a variety of treatment methods. The existing drainage and water quality features were originally designed with intention of <u>all</u> phases of work being completed. Currently there are no plans for the Phase 2 building additions or parking lot expansions. The proposed improvements are largely impervious with a significant reduction of non-pervious surfacing from the previously approved Site Plan – (LUR2012-00012).

No changes to the number of parking spaces required is anticipated with the outdoor expansion. The total number of seats currently in use, is less than what was originally anticipated for 'Indoor' and 'Outdoor Dining' with the LUR2012-00012 Site Review Plans. A detailed table is provided in the plans that demonstrates that adequate parking is already provided on site

(5) *Character of Area: The use will not change the predominant character of the surrounding area or the character established and adopted design guidelines or plans for the area; and*

The previously approved open space area will remain unchanged with this proposal. The expansion of the outdoor amenity space will enhance the open space experience by including a mix of sun and shade. Proposed vertical improvements are light and transparent in nature. The layering of proposed trees and understory plantings will increase the level of buffering to the nearby properties while improving the outdoor experience and is consistent with the existing landscape aesthetic.

(6) Conversion of Dwelling Units to Nonresidential Uses: *There shall be a presumption against approving the conversion of dwelling units in the residential zoning districts to nonresidential uses that are allowed pursuant to a use review, or through the change of one nonconforming use to another nonconforming use. The presumption against such a conversion may be overcome by a finding that the use to be approved serves another compelling social, human services, governmental or recreational need in the community, including, without limitation, a use for a daycare center, park, religious assembly, social service use, benevolent organization use, art or craft studio space, museum or an educational use.*

Does not apply.

MEMORANDUM

TO:	Planning Board
FROM:	Alex Pichacz, Case Manager
DATE:	June 6, 2023
SUBJECT:	**Call Up Item:** USE REVIEW (LUR2023-00014) for a new restaurant located at 919 Pearl Street. The total floor area of the business is 2,435 square feet with a 304 square foot outdoor seating area located along Pearl Street. The proposed hours of operation are 11:00 AM - 10:00 PM. The property is in the Downtown 2 (DT-2) zoning district. The call-up period expires on **June 6, 2023.**

Attached is a disposition of conditional approval of a Use Review for Zoe Ma Ma, a restaurant located at 919 Pearl Street. The total restaurant floor area is 2,435 square feet with 304 square feet of outdoor seating located on private property along Pearl Street (see **Attachment A**). Per the Use Standards in Section 9-6-1, B.R.C. 1981, a Use Review application is required in the DT-2 zoning district for restaurants greater than 1,500 square feet in floor area. Refer to **Attachment B** for analysis of the Use Review Criteria.

Background. The subject property is a roughly 11,500 square foot lot located at 919 Pearl Street. Refer to **Figure 1**. The site is located approximately two blocks west of the Pearl Street Mall, on the eastern edge of the Downtown area. This portion of Pearl Street contains a variety of retail, restaurant, residential, and office uses characterized by a compact urban character. The property is not within a historic district but is located within the Central Area General Improvement District (CAGID) and Downtown Boulder Business Improvement District (BID). CAGID provides parking and related improvements and maintenance in a 35-block area encompassing Downtown. The BID provides enhancements and services (economic vitality, marketing, and enhanced maintenance) in roughly the same area as CAGID to supplement services provided by the city.

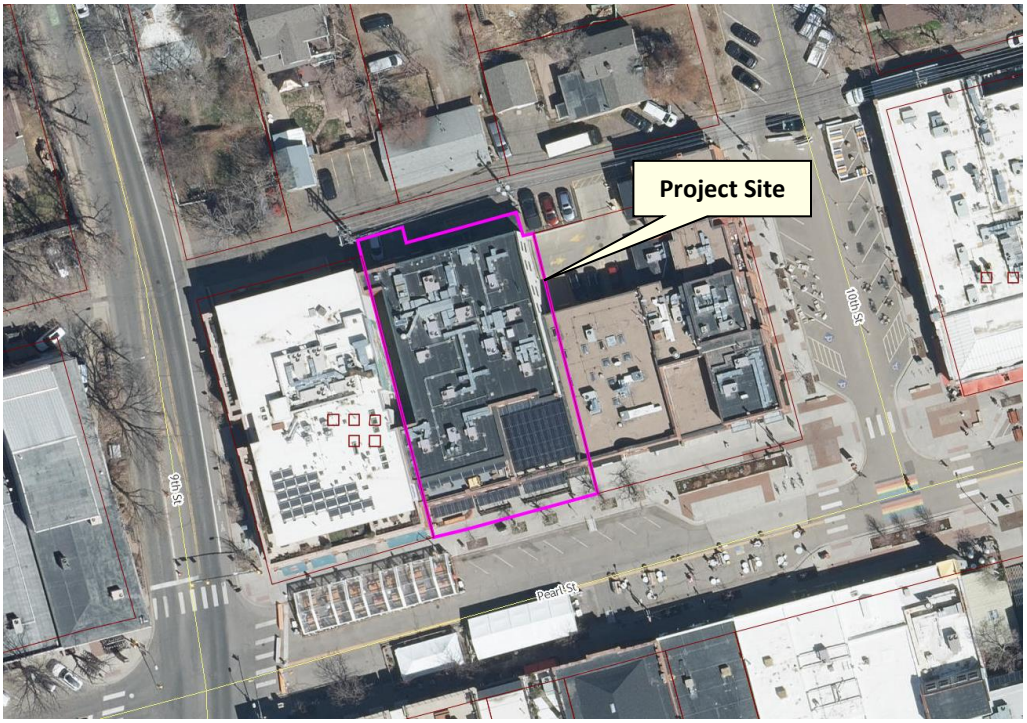


Figure 1: *Vicinity Map*

The site contains one building constructed in 1996. The ground floor is currently vacant but previously housed Chipotle Mexican Grill restaurant. Adjacent to the restaurant, in the same building, is a vacant restaurant space that was formerly Osker Blues Taproom. See **Figure 2.** The second floor is not part of the proposal.

Figure 2: *919 Pearl St. street view*

The project site is zoned Downtown 2 (DT-2) which is described as: *"A transition area between the downtown and the surrounding residential areas where a wide range of retail, office, residential, and public uses are permitted. A balance of new development with the maintenance and renovation of existing buildings is anticipated, and where development and redevelopment consistent with the established historic and urban design character is encouraged"* (Section 9-5-2(c)(3), B.R.C. 1981). Refer to **Figure 3**. Adjacent properties to the north of the site are within the Residential - Mixed 1 (RMX-1) district.

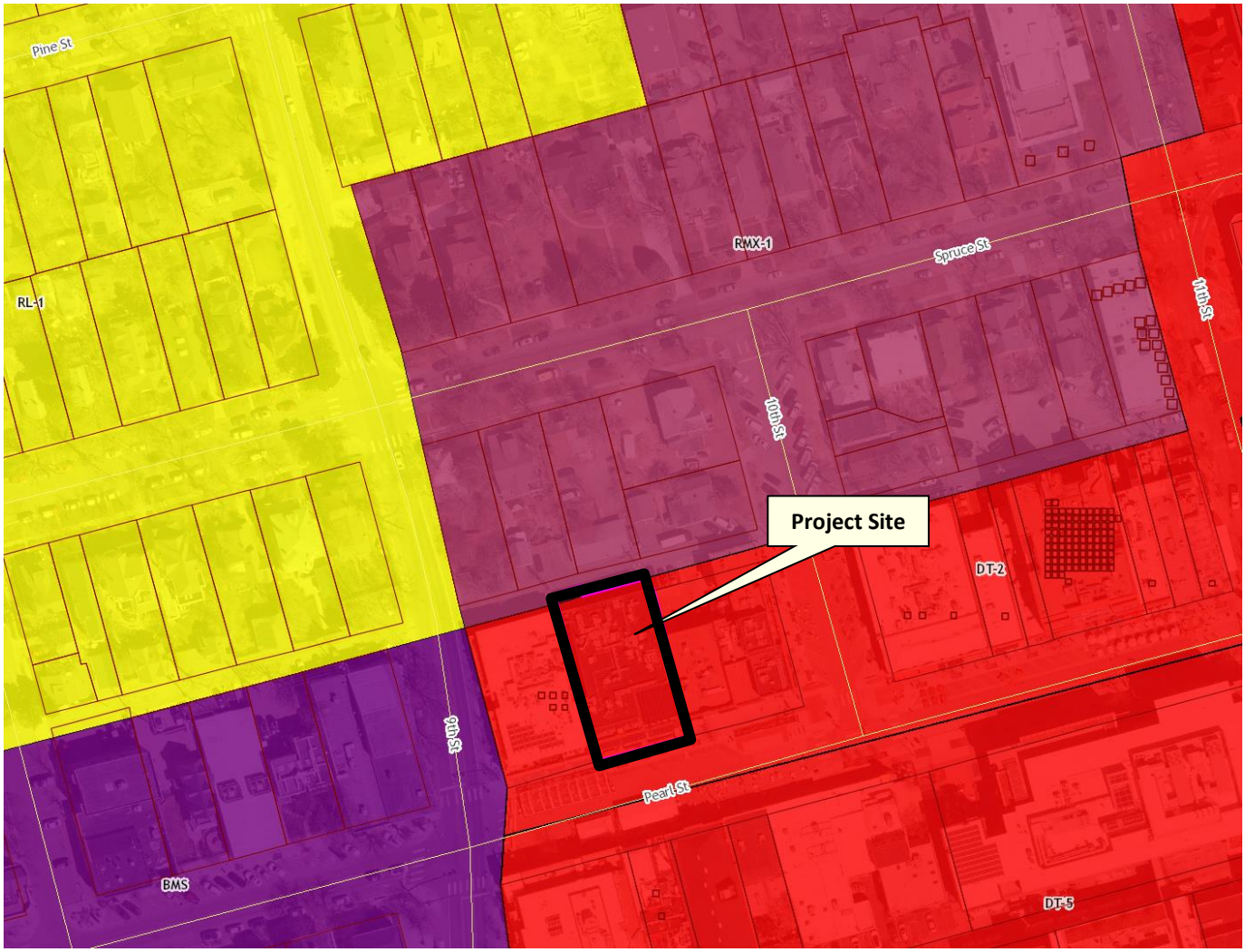


Figure 3: *Zoning Map*

Project Proposal. The applicant is requesting approval of a Use Review to allow a 2,435 square foot restaurant with 304 square feet of outdoor seating to utilize an existing tenant space at 919 Pearl Street. Refer to the proposed plans in **Attachment C**. The applicant will relocate the restaurant from their current location at 2010 10th Street to 919 Pearl Street. Proposed hours of operation are 11:00 a.m. to 10:00 p.m., Monday to Sunday. The use will be limited to 59 indoor seats and 16 outdoor seats. The applicant expects to have five full-time employees and ten part-time employees. Since the site is located within CAGID no parking is required for commercial uses.

An existing 304 square foot outdoor patio is proposed on private property along Pearl Street on the south façade of the building. There are no proposed changes to the existing exterior building materials and/or veneers. There is currently one city standard inverted U bicycle rack located near the front of the building on Pearl Street, and secured bicycle rack for twelve bicycles in the basement of the building for use by the tenant.

Review Process. Per the Specific Use Standards in Section 9-6-5, B.R.C. 1981, restaurants with more than 1,500 square feet of floor area require Use Review in the DT-2 zoning district. A Use Review is also required for outdoor seating areas located within 500 feet of a residential zoning district that exceed 300 feet. The property is adjacent to the RMX-1 residential zone to the north. The purpose of a Use Review is to determine if a particular use and its potential impacts are appropriate for a proposed location. Since the restaurant space was vacant for more than one-year, a new use review is required per Section 9-1-4(e)(3), B.R.C. 1981. Use Review approvals are specific to the

description of the use and the operating characteristics that the applicant details in the written statement. Any future change in these characteristics will require a new land use review application. Per Section 9-4-2, *"Development Review Procedures",* B.R.C. 1981, applications for Use Review are subject to call up by the Planning Board.

Analysis. The proposal was found to be consistent with the relevant Use Review criteria of Subsection 9-2-15(e), "*Criteria for Review*," B.R.C. 1981. The proposed use is consistent with the zoning and will provide a service and convenience to the neighborhood. The use will contribute to the established ground-floor commercial character on the eastern extension of the Pearl Street mall, within downtown zoning. The management plan sufficiently addresses the use's potential effect on residential neighbors, with strategies to mitigate possible negative impacts. Refer to **Attachment B** for staff's analysis of the review criteria.

Public Comment. Required public notice was provided in the form of written notifications to property owners within 600 feet of the subject property. In addition, a public notice sign was posted on the property. All public notice requirements of Section 9-4-3, "*Public Notice Requirements*," B.R.C. 1981 were met. No public comment was received by staff.

Conclusion. Staff finds that the proposed project meets the relevant criteria of Section 9-2-15, "Use Review," B.R.C. 1981 (refer to **Attachment B**). This application was approved by Planning and Development Services staff on May 23, 2023, and the decision may be called-up before Planning Board on or before **June 6, 2022**. There is a Planning Board hearing on June 6, 2023, during the 14-day call-up period. Questions about the project or decision should be directed to Alex Pichacz at pichacza@bouldercolorado.gov.

Attachments:

A. Signed Disposition of Approval
B. Staff Analysis of Use Review Criteria
C. Applicant's Proposed Plans

City of Boulder
Planning & Development Services

CITY OF BOULDER PLANNING DEPARTMENT
NOTICE OF DISPOSITION

You are hereby advised that the following action was taken by the Planning Department based on the standards and criteria of the Land Use Regulations as set forth in Chapter 9-2, B.R.C. 1981, as applied to the proposed development.

DECISION:	**APPROVED WITH CONDITIONS**
DESCRIPTION:	**Use Review for Zoe Ma Ma restaurant to be located at 919 Pearl St.**
LOCATION:	**919 PEARL STREET**
LEGAL DESCRIPTION:	**See Exhibit A**
APPLICANT:	**EDWIN ZOE, CHIMERA INC; BEN WOOLF; MARINE SIOHAN; DANICA POWELL, TRESTLE STRATEGY GROUP**
OWNER:	**WEST PEARL LLC**
APPLICATION:	**Use Review, LUR2023-00014**
ZONING:	**Residential - Mixed 1 (RMX-1), Downtown 2 (DT-2)**
CASE MANAGER:	**Alex Pichacz**
VESTED PROPERTY RIGHT:	**No; the owner has waived the opportunity to create such right under Section 9-20-20, B.R.C. 1981.**

APPROVED MODIFICATIONS FROM THE LAND USE REGULATIONS: None

FOR CONDITIONS OF APPROVAL, SEE THE FOLLOWING PAGES OF THIS DISPOSITION.

Approved On: **May 23, 2023**

By: _____

Brad Mueller, Director of Planning & Development Services

This decision may be appealed to the Planning Board by filing an appeal letter with the Planning Department within two weeks of the decision date. If no such appeal is filed, the decision shall be deemed final fourteen days after the date above mentioned.

Appeal to Planning Board Expires: June 6, 2023

Final Approval Date: June 7, 2023

IN ORDER FOR A BUILDING PERMIT APPLICATION TO BE PROCESSED FOR THIS PROJECT, A SIGNED DEVELOPMENT AGREEMENT AND FINAL PLANS FOR CITY SIGNATURE MUST BE SUBMITTED TO THE PLANNING DEPARTMENT WITH DISPOSITION CONDITIONS AS APPROVED SHOWN ON THE FINAL PLANS. IF THE DEVELOPMENT AGREEMENT IS NOT SIGNED WITHIN NINETY (90) DAYS OF THE FINAL DECISION DATE, THE PLANNING DEPARTMENT APPROVAL AUTOMATICALLY EXPIRES.

Pursuant to Section 9-2-12 of the Land Use Regulations (Boulder Revised Code, 1981), the Applicant must begin and substantially complete the approved development within three years from the date of final approval, or in compliance with the phasing plan if one was approved. Failure to "substantially complete" (as defined in Section 9-2-12) the development within three years or in compliance with the phasing plan, if one was approved, shall cause this development approval to expire.

CONDITIONS OF APPROVAL

1. The Applicant shall ensure that the **development shall be in compliance with all plans prepared by the Applicant** on April 10, 2023, and the Applicant's written statement dated March 17, 2023, all on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval. Further, the Applicant shall ensure that the approved use is operated in compliance with the following restrictions:

a. The Applicant shall operate the business in accordance with the Management Plan dated March 17, 2023, which is attached as Exhibit B to this Notice of Disposition.

b. The approved use may operate from 11:00 a.m. to 10:00 p.m. ("Operating Hours") seven days per week. The approved use shall be closed outside of the Operating Hours.

c. The size of the approved use is limited to 2,435 square feet. The total number of indoor seats for the approved use shall not exceed 59 seats.

d. The patio area will not exceed 304 square feet. The total number of outdoor seats for the approved use shall not exceed 16 seats.

e. All trash located within the outdoor dining area, on the restaurant property, and adjacent streets, sidewalks and properties shall be picked up and properly disposed of immediately before closing.

2. The Applicant **shall not expand or modify the approved use**, except pursuant to Subsection 9-2-15(h), B.R.C. 1981.

3. This approval is **limited to Zoe Ma Ma**, the owner of the restaurant. Any changes in ownership shall be subject to the review and approval of the Planning Director. The purpose of such review shall be to inform such subsequent user of this space that it will be required to operate the restaurant in compliance with the terms of this approval.

EXHIBIT A

LEGAL DESCRIPTION

PARCEL A:

LOTS 1 AND 2, EXCEPT THE NORTHERLY 10 FEET THEREOF, TOURTELLOT AND SQUIRES ADDITION TO BOULDER, COUNTY OF BOULDER, STATE OF COLORADO.

FURTHER DESCRIBED AS FOLLOWS:

THAT PORTION OF LOTS 1 AND 2, TOURTELLOT AND SQUIRES ADDITION TO BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 1; THENCE SOUTH 14 DEGREES 56 MINUTES 01 SECONDS EAST, ALONG THE EAST LINE OF LOT 1, A DISTANCE OF 10.0 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 14 DEGREES 56 MINUTES 01 SECONDS EAST ALONG THE EAST LINE OF LOT 1, A DISTANCE OF 140.00 FEET TO THE SOUTHEAST CORNER OF LOT 1; THENCE SOUTH 75 DEGREES 00 MINUTES 00 SECONDS WEST, ALONG THE SOUTH LINE OF LOTS 1 AND 2, A DISTANCE OF 100.13 FEET TO THE SOUTHWEST CORNER OF LOT 2; THENCE NORTH 14 DEGREES 57 MINUTES 13 SECONDS WEST, ALONG THE WEST LINE OF LOT 2, A DISTANCE OF 140.00 FEET TO A POINT THAT IS 10.0 FEET FROM THE NORTH LINE OF LOT 2; THENCE NORTH 75 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG A LINE THAT IS PARALLEL AND 10 FEET, AS MEASURED PERPENDICULARLY, FROM THE NORTH LINE OF LOTS 1 AND 2, A DISTANCE OF 100.18 FEET TO THE POINT OF BEGINNING.

PARCEL B:

ALL THAT PORTION OF LOT 3 AND A. WRIGHT'S LOT IN TOURTELLOT AND SQUIRES ADDITION TO BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, ACCORDING TO THE RECORDED PLAT THEREOF RECORDED IN PLAT BOOK 2 AT PAGE 42, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 3, TOURTELLOT AND SQUIRES ADDITION TO BOULDER; THENCE SOUTH 75 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE SOUTHERLY LINE OF SAID LOT 3, A DISTANCE OF 56.04 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3; THENCE CONTINUING SOUTH 75 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE SOUTHERLY LINE OF SAID A. WRIGHT'S LOT IN TOURTELLOT AND SQUIRES ADDITION TO BOULDER, A DISTANCE OF 22.97 FEET TO THE EASTERLY LINE OF A CINDER BLOCK BUILDING KNOWN AS 915 PEARL STREET AND 2020 9TH STREET; THENCE NORTH 14 DEGREES 58 MINUTES 56 SECONDS WEST ALONG THE EASTERLY LINE OF SAID CINDER BLOCK BUILDING AND ALONG SAID EASTERLY LINE EXTENDED NORTHERLY, A DISTANCE OF 140.00 FEET; THENCE NORTH 75 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 79.08 FEET TO THE EASTERLY LINE OF SAID LOT 3; THENCE SOUTH 14 DEGREES 57 MINUTES 13 SECONDS EAST ALONG THE EASTERLY LINE OF SAID LOT 3, A DISTANCE OF 140.00 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH ALL THAT PORTION OF A. WRIGHT'S LOT AND LOT 3, TOURTELLOT AND SQUIRES ADDITION TO BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, ACCORDING TO THE RECORDED PLAT THEREOF RECORDED IN PLAT BOOK 2 AT PAGE 42, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWESTERLY CORNER OF THAT TRACT OF LAND DESCRIBED IN FILM 1550 AS RECEPTION NO. 947165 OF THE BOULDER COUNTY, COLORADO RECORDS; THENCE NORTH 14 DEGREES 57 MINUTES 13 SECONDS WEST, 10.00 FEET TO THE NORTHWESTERLY CORNER OF SAID TRACT OF LAND DESCRIBED IN FILM 1550 AS RECEPTION NO. 947165; THENCE SOUTH 75 DEGREES 00 MINUTES 00 SECONDS WEST, 74.16 FEET ALONG THE SOUTHERLY LINE OF LOTS 6 AND 7 IN SAID TOURTELLOT AND SQUIRES ADDITION TO BOULDER; THENCE SOUTH 15 DEGREES 00 MINUTES 00 SECONDS EAST, 10.00 FEET; THENCE NORTH 75 DEGREES 00 MINUTES 00 SECONDS EAST, 74.15 FEET TO THE POINT OF BEGINNING, COUNTY OF BOULDER, STATE OF COLORADO.

EXHIBIT B

MANAGEMENT PLAN

Zoe Ma Ma | 919 Pearl St

Management Plan

Hours of Operation:
- Sunday through Thursday: 11:00 am - 10 pm
- Friday & Saturday: 11:00 am - 10 pm

Total tenant indoor area: 2,435 sq. ft. in one contiguous space between bar and restaurant area (including kitchen, retail, assembly (seating) etc.)
- Of that, approximately 975 sq. ft. is specific to the dining and bar interior area.
- Seating inside: 59 total

Exterior patio area:
- 304 sq. ft.
- Seating outside: 16 total

Restaurant Characteristics: Zoe Ma Ma is a Chinese home cooking and authentic street food restaurant and bar, that serves handmade potstickers, steamy buns, organic noodles and amazing daily specials.

Trash and Recycling:
- Onsite waste disposal will include recycling and composting.
- Trash pickup is at least two times a week.
- Recycling will be properly disposed of before 10pm.
- All outside trash will be properly disposed of each evening before closing.

Deliveries:
- No deliveries after 5pm.
- No deliveries before 7am.
- All deliveries to occur in the alley behind the restaurant.
- Deliveries shall not block alley access.

Noise:
- Outdoor seating will be concentrated on Pearl Street.
- We plan to use the same footprint as Chipotle. We will have tables & chairs.
- There will be no outdoor speakers or outdoor music provided.
- All mechanical equipment is roof mounted and will remain the same.

CRITERIA CHECKLIST AND COMMENT FORM

USE REVIEW
SECTION 9-2-15

Criteria for Review: No use review application will be approved unless the approving agency finds all of the following:

✓_____ (1) Consistency with Zoning and Non-Conformity: The use is consistent with the purpose of the zoning district as set forth in Section 9-5-2(c), "Zoning Districts Purposes," B.R.C. 1981, except in the case of a non-conforming use;

✓_____ (2) Rationale: The use either:

✓_____ (A) Provides direct service or convenience to or reduces adverse impacts to the surrounding uses or neighborhood;

The proposed use is a restaurant providing direct service and convenience to the surrounding neighborhood.

_____ (B) Provides a compatible transition between higher intensity and lower intensity uses;

_____ (C) Is necessary to foster a specific city policy, as expressed in the Boulder Valley Comprehensive Plan, including, without limitation, historic preservation, moderate income housing, residential and non-residential mixed uses in appropriate locations, and group living arrangements for special populations; or

_____ (D) Is an existing legal non-conforming use or a change thereto that is permitted under subsection (f) of this section;

✓_____ 3) Compatibility: The location, size, design, and operating characteristics of the proposed development or change to an existing development are such that the use will be reasonably compatible with and have minimal negative impact on the use of nearby properties or for residential uses in industrial zoning districts, the proposed development reasonably mitigates the potential negative impacts from nearby properties;

The tenant space was previously approved for restaurant use in 1997 (UR-97-8) and operated as a restaurant until the use was vacated in October 2020. The proposed restaurant will operate in the same space as the previously approved restaurant and does not propose any expansion of floor area. The proposed is consistent with the surrounding restaurants and bars located along Pearl Street.

✓_____ (4) Infrastructure: As compared to development permitted under Section 9-6-1, "Schedule of Permitted Uses of Land," B.R.C. 1981, in the zone, or as compared to the existing level of impact of a non-conforming use, the proposed development will not significantly adversely affect

the infrastructure of the surrounding area, including, without limitation, water, wastewater, and storm drainage utilities and streets;

The existing restaurant space has been in operation for several years, no new infrastructure is necessary nor proposed for the proposed restaurant to operate in the space.

✓_____ (5) Character of Area: The use will not change the predominant character of the surrounding area or the character established by adopted design guidelines or plans for the area; and

The restaurant space is located in a commercial district along the west end of the Pearl Street Mall in an area defined by retail shops and restaurants. The proposed restaurant will be operating in a space that was approved for restaurant use in 1997 and will not create any additional impacts beyond what was previously approved and allowed by the current zoning code standards.

✓_____ (6) Conversion of Dwelling Units to Non-Residential Uses: There shall be a presumption against approving the conversion of dwelling units in the residential zoning districts set forth in Subsection 9-5-2(c)(1)(a), B.R.C. 1981, to non-residential uses that are allowed pursuant to a use review, or through the change of one non-conforming use to another non-conforming use. The presumption against such a conversion may be overcome by a finding that the use to be approved serves another compelling social, human services, governmental, or recreational need in the community including, without limitation, a use for a day care center, park, religious assembly, social service use, benevolent organization use, art or craft studio space, museum, or an educational use.

There are no dwelling units nor conversion of any dwelling units to non-residential units proposed in this Use Review.

Zoe Ma Ma Tenant Renovation

DRAWING INDEX:

ARCHITECTURAL

A1.0 COVER SHEET/ PROJECT DATA
A2.0 EXISTING 1st LEVEL FINISH/ DEMO PLAN
A2.1 EXISTING 1st LEVEL FIXTURE/ FINISH PLAN
A2.2 EXISTING 1st LEVEL RCP PLAN
A3.0 PROPOSED 1st LEVEL FINISH/ FURN PLAN
A3.1 PROPOSED SCHEDULES
A3.2 PROPOSED 1st LEVEL REFLECTED CEILING PLAN
A4.0 INTERIOR ELEVATIONS
A5.0 DETAILS
A6.0 SPECIFICATIONS
A7.0 ENERGY CODE COMPLIANCE SHEET

M1.0 PROPOSED HVAC EQUIPMENT/ CEILING PLAN
M2.0 PROPOSED MECHANICAL PLAN
M3.O PROPOSED MECHANICAL ROOF PLAN & SCHEDULES

E1.0 EXISTING ELECTRICAL POWER PLAN
E2.0 PROPOSED ELECTRICAL POWER PLAN
E2.1 PROPOSED LIGHTING PLAN
E3.0 PROPOSED ELECTRICAL DIAGRAMS & SCHEDULES

P1.0 EXISTING PLUMBING PLAN
P2.0 PROPOSED PLUMBING PLAN
P2.1 PROPOSED PARKING GARAGE CEILING PLUMBING PLAN
P3.0 PROPOSED PLUMBING DETAILS & SCHEDULES

H1 GREASE EXHAUST HOOD & DUCT

CAPTIVEAIRE HOOD SYSTEM #5660835
SHEETS 1, 2, 3, 4, 5 ,6

DISCLAIMER:

NOTE: THESE DRAWINGS WERE PRODUCED FROM FORMER RESTAURANT DRAWING AND BASE SHELL INFORMATION BY OTHERS. ALL WORK IS INTERIOR TO THE SPACE. HOWER ARCHITECTS REVIEWED THE INTERIOR SPACE, BUT DID NOT PERFORM AN INDEPTH SITE SURVEY OF THE EXISTING CONDITIONS AND DOES NOT WARRANT THE ACCURACY OF THE BASE SHELL SPACE.

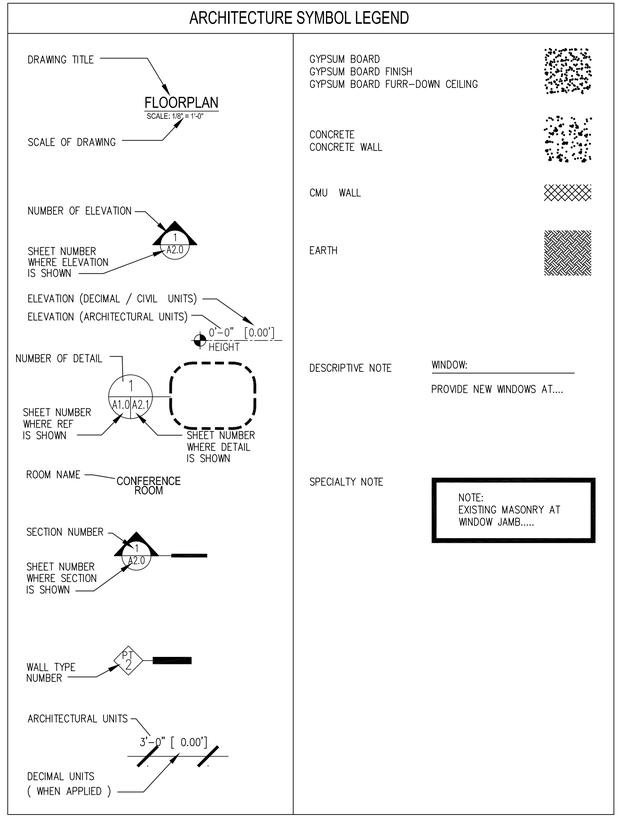
CODE / BUILDING INFORMATION

GOVERNING CODES:	
BUILDING	2018 INTERNATIONAL BUILDING CODE (IBC)
MECHANICAL	2018 INTERNATIONAL MECHANICAL CODE (IMC)
ELECTRICAL	2020 INTERNATIONAL ELECTRICAL CODE (NEC)
	2020 NFPA 70 NEC
	2019 NFPA 13 SPRINKLER SYSTEMS
	2019 NFPA 72 FIRE ALARM AND SIGNAL CODE
PLUMBING	2018 INTERNATIONAL PLUMBING CODE (IPC)
FIRE	2018 INTERNATIONAL FIRE CODE (IFC)
ENERGY	2018 INTERNATIONAL ENERGY CONSERVATION CODE (IECC)
BUILDING INFORMATION:	
ZONE DISTRICT	DT-4
SHELL CONSTRUCTION TYPE	2 - N WITH SPRINKLER SYSTEM
TENANT SPACE INFORMATION:	
SCOPE OF WORK:	TENANT IMPROVEMENT / INTERIOR BUILD OUT
LEASE AREA:	2,435 SF
FIRE PROTECTION:	ALARMED, SPRINKLERED, PORTABLE FIRE EXTINGUISHERS
INTERIOR FINISHES:	TENANT IMPROVEMENT / INTERIOR BUILD OUT
NUMBER OF ELMPLOYEES:	FOUR
OCCUPANCY:	A2 - RESTAURANT:

GENERAL NOTES:

A. GENERAL CONTRACTOR TO VERIFY QUANTITY AND LOCATIONS OF EXISTING FIRE EXTINGUISHERS AND THOSE TO BE SUPPLIED.
B. GENERAL CONTRACTOR TO PROVIDE FIRE DEPARTMENT REQUIRED KEY BOX. COORDINATE LOCATION & TYPE WITH LOCAL AUTHORITIES.
C. SEE MEP DRAWINGS & RESPONSIBILITY SCHEDULE FOR INFORMATION REGARDING SPRINKLER AND FIRE ALARM.SYSTEM.
D. LOCATE EMERGENCY LIGHTING IN DINING AREAS, SUCH THAT THEY DO NOT INTERFERE WITH WALL DECOR.

ARCHITECTURE SYMBOL LEGEND



PROJECT No. 2207
PROGRESS SET
December 14, 2022

PROJECT TEAM

ARCHITECTURE & INTERIOR DESIGN
HOWER ARCHITECTS
43 Arrowleaf Ct, Boulder, CO 80304
303.931.5719 ww.howerarchitects.com

MECHANICAL/ELECTRICAL ENGINEER
HATCHER ENGINEERING ASSOCIATES
2804 Cordry Ct, Boulder, CO 80303
303.442.1144

GENERAL CONTRACTOR
JONOECO CONSTRUCTION
631 O Street, Greeley, Colorado 80631
(720) 353-9453

B A1.0 A1.0 PROJECT / TENANT LOCATION PLAN
SCALE: N.T.S.

NORTH

SIGNED DATE

THIS SIGNATURE VERIFIES THAT OWNER/ DEVELOPER HAS REVIEWED THESE PLANS AND HAS FOUND THEM TO BE IN CONFORMANCE W/ REQUIREMENTS OF BOTH THE OWNER AND THE TENANT. THESE DRAWINGS SHALL NOT BE USED FOR CONSTRUCTION PURPOSED UNLESS THEY BEAR THE SIGNATURE OF THE OWNER/ DEVELOPER.

RESPONSIBILITY MATRIX

NOTE: REFER TO EQUIPMENT SCHEDULE FOR DIVISION OF EQUIPMENT ORDER, SUPPLY AND INSTALLATION RESPONSIBILITY. LL = LANDLORD, T = TENANT, GC = GENERAL CONTRACTOR, EX = EXISTING		FURNISH	INSTALL
FLOOR WORK & DEMO	PENETRATE SLAB FOR INDOOR ELECTRICAL & PLUMBING RUNS	GC	GC
	REPAIR, LEVEL, & SLOPE, FINISHES AND TRANSITIONS	GC	GC
	CEMENT FLOOR WITH A LOAD CAPACITY OF 3500 LBS, PSI	GC	GC
FLOOR COVERING	CERAMIC BASE & GROUT	GC	GC
	QUARRY TILE, GROUT & BASE	GC	GC
INTERIOR PARTITIONS	FRAMING PLYWOOD & GYP BOARD	GC	GC
	GYP BOARD TAPED/SANDED/ JOINTS SEALED & READY TO RECEIVE NEW FINISHES	GC	GC
	PAINTING OR STAINING OF TABLE TOPS	T	GC
FURNISHINGS	MILLWORK, SOLID SURFACE COUNTERS, WALL CAPS, CORNER GUARDS, SNEEZE GUARDS	GC	GC
	FURNITURE	T	GC
	KITCHEN EQUIPMENT, SEE NOTE	T	GC
	OUTDOOR TABLES/ CHAIRS/ UMBRELLAS	T	GC
SIGNAGE	MENU BOARD, TV'S	T	GC
	INTERIOR WALL GRAPHICS	GC	GC
PLUMBING	PLUMBING FIXTURES	GC	GC
	FINAL CONNECTIONS	GC	GC
	WASTE LINE - SEE ELECTRICAL DWGS	GC	GC
ELECTRICAL	SEPARATELY METERED PANEL - PANEL RP-1 -120/208V-3PH, 300AMP MCB, & SUB PANEL RP1-A. SEE ELECTRICAL DRAWINGS	EX	EX
	EQUIPMENT ROUGH-IN & FINISH	GC	GC
	LIGHT FIXTURES, HEAT LAMPS, MOUNTING ACCESSORIES & LAMPS	T	GC
	MUSIC SYSTEM & SPEAKERS	T	GC
	P.O.S. CONDUIT, JACKS & CABLE PULLS	GC	GC
	P.O.S. EQUIPMENT INSTALLATION	T	T
FIRE	PORTABLE FIRE EXTINGUISHERS	EX	GC

SCOPE OF WORK:

NOTE: NO EXTERIOR WORK IS ANTICIPATED AND APPEARS TO BE ADA ACCESSIBLE. ALL NEW WORK WILL INCLUDE INTERIOR FULL HEIGHT & HALF-WALL PARTITIONS, COUNTERTOPS, SNEEZE GUARDS, SHELVING AND SEATING.

NEW EQUIPMENT INCLUDING THE INSTALLATION OF PLUMBING, FLOOR SINKS OR FLOOR DRAINS, NEW HAND SINK, & NEW HOOD. ELECTRICAL WORK INCLUDES EQUIPMENT HOOKUPS, RECEPTACLES, LIGHTING & RADIANT HEATERS.
ADDED VENTING AND DUCTWORK FOR NEW HOOD. SUSPENDED ACOUSTICAL CEILING PANELS. NEW PENDANT LIGHTING.

COMPLETE FIRE ALARM AND FIRE SPRINKLER SYSTEMS ARE IN PLACE.

GENERAL HEALTH DEPARTMENT NOTATIONS

1. ALL PIPING CONDUIT, BX CABLE, AND SIMILAR CONSTRUCTION WILL BE EITHER LOCATED INSIDE A WALL OR INSTALLED WITHIN MINIMUM 3/4" INCH SPACE FROM THE WALL OR SEALED TO THE WALL.
2. ALL DOORS TO THE OUTSIDE ARE EXISTING, SELF-CLOSING, RODENT PROOF, AND OPERATIONAL. ANY NEW DOORS TO BE SOLID CONSTRUCTION DESIGN WITH NO GAPS GREATER THAN 1/4 INCH.
3. A MINIMUM OF 50 FOOT-CANDLES OF SHIELDED LIGHT WILL BE PROVIDED AT ALL WORK SURFACES IN FOOD PREP AREAS, AND A MINIMUM OF 20-FOOT CANDLES OF SHIELDED LIGHT WILL BE PROVIDED AT ALL STORAGE AREAS, TOILET ROOMS, LOCKER ROOMS, GARBAGE AREAS,UTENSIL-WASHING AREAS, AND DINING AREAS DURING CLEANING.
4. BOTH RESTROOMS ARE IN PLACE, EQUIPPED WITH MECHANICAL EXHAUST VENTILATION SIZED AT A MINIMUM RATE OF 2 CUBIC FEET PER MINUTE, PER SQUARE FOOT OF FLOOR AREA, AND EXHAUSTED DIRECTLY TO THE OUTSIDE.
5. ALL FLOOR-MOUNTED EQUIPMENT WILL BE PLACED ON INTERNATIONAL (NSF) APPROVED 5 OR 6-INCH LEGS OR THE EQUIVALENT, AND PROPERLY SPACED FROM ADJACENT EQUIPMENT, OR WALLS, OR PLACED ON NSF APPROVED CASTORS, OR THE EQUIVALENT; OR PROPERLY SEALED TO ADJACENT SURFACES.
6. ALL COUNTER- MOUNTED FOOD SERVICE EQUIPMENT WEIGHING IN EXCESS OF 80 POUNDS WILL BE MOUNTED ON (NSF) APPROVED 4-INCH LEGS.
7. ALL EXPOSED RAW WOOD WILL BE SEALED & PAINTED.
8. ALL ANNULAR OPENINGS IN CONSTRUCTION WILL BE SEALED/CAULKED TO WITHIN 1/32 OF AN INCH.
9. ALL EXHAUST HOODS OVER COOKING EQUIPMENT WILL BE CAPABLE OF CAPTURING AND EXHAUSTING SMOKE GENERATED FROM A 60-SECOND SMOKE BOMB.
10. THE OUTSIDE STORAGE OF REFUSE AND GREASE WILL BE IN RODENT PROOF CONTAINERS LOCATED ON A PAVED SURFACE.
11. ALL SINK INSTALLATIONS WILL BE EQUIPPED WITH HOT AND COLD RUNNING WATER THROUGH A MIXING VALVE OR COMBINATION FAUCET.
12. ALL PAINTING WILL BE WITH LEAD-FREE, NON-METALLIC, EASILY CLEANABLE PAINT OR A HIGH QUALITY VARNISH.
13. WASTEWATER FROM ALL APPLICABLE FOOD SERVICE EQUIPMENT WILL BE INDIVIDUALLY PLUMBED TO AN OPEN SITE DRAIN WITH A MINIMUM 1-INCH AIR GAP.
14. ALL OVERHEAD PLUMBING IN A FOOD SERVICE IN FOOD SERVICE FACILITIES MUST COMPLY WITH COMAR10.15.03, SECTION. 18H(11)(b).
15. NEW OR REMODELED FACILITY AISLE SPACING MUST MEET THE FOLLOWING MINIMUMS: 3' WHERE FOOD PREPARATION OCCURS ON ONLY ONE SIDE OF THE AISLE, 4' WHERE FOOD PREPARATION OCCURS ON BOTH SIDES OF THE AISLE AND EMPLOYEES WORK BACK-TO-BACK, AND 5' WHERE FOOD PREPARATION OCCURS ON BOTH SIDES OF THE AISLE, EMPLOYEES WORK BACK-TO-BACK, AND OTHER EMPLOYEES MUST PASS THROUGH THE AREA.

PLUMBING FIXTURES:

PROVIDED AS PART OF THIS SCOPE OF CONSTRUCTION.
RESTROOM FACILITIES ARE PROVIDED AS PART OF OWNER'S SCOPE OF WORK & SHARED BY FIRST FLOOR TENANTS.

FIRE SPRINKLERS:

PROVIDED AS PART OF THIS SCOPE OF CONSTRUCTION.
RESTROOM FACILITIES ARE PROVIDED AS PART OF OWNER'S SCOPE OF WORK & SHARED BY FIRST FLOOR TENANTS.

CALCULATED OCCUPANT LOAD TENANT SPACE

(BASED ON DINING AREA SQUARE FOOTAGE)

ASSEMBLY AREAS: 15 SF PER OCCUPANT	TOTAL	CALCULATED OCCUPANT LOAD	ACTUAL SEAT COUNT DINING/BAR AREA
DINING & BAR: 15 SF PER OCCUPANT	975 SF	65	59
KITCHEN COMMERCIAL : 200 SF PER OCCUPANT	828 SF	4	4
TOTAL OCCUPANTS: USED FOR RESTROOM PLUMBING FIXTURES		69	
OUTDOOR SEATING:	304 SF	20	16

REQUIRED EGRESS

TOTAL REQUIRED ACCESSIBLE SEATING IN DINING AREA: (5% of total) 63 X .05 = 3	3 PERSONS
TOTAL REQUIRED ACCESSIBLE SEATING IN PATIO AREA: (5% of total) 16 X .05 = 0.8	1 PERSON

NUMBER OF EXITS REQUIRED: 2 (THREE PROVIDED)
TOTAL EGRESS REQUIRED: 69 X .2 = 13.8"
TOTAL EGRESS PROVIDED: (3) 34" CLEAR EXIT DR. LEAFS = 102"

GENERAL NOTES:

ARCHITECTURAL:

1. DO NOT SCALE DRAWINGS

2. REFER TO SPECIFICATIONS:
WHEN SPECIFICATIONS ARE IN CONFLICT WITH DRAWINGS, THE SPECIFICATIONS SHALL OVERRULE.
GENERAL CONTRACTOR MUST REPORT ALL CONFLICTS AND DISCREPANCIES TO ARCHITECT PRIOR TO ANY WORK: DEMOLITION WORK, NEW WORK, ORDERING...ETC.

3. VERIFY ALL DIMENSIONS, CONDITIONS, AND UTILITY LOCATIONS ON SITE PRIOR TO BEGINNING ANY WORK OR ORDERING ANY MATERIALS. NOTIFY ARCHITECT OF ANY CONFLICTS OR DISCREPANCIES IN THE DOCUMENTS IMMEDIATELY.

4. AREAS OF CONFLICT OR DISCREPANCIES MUST BE FULLY RESOLVED WITH WRITTEN APPROVAL FROM THE ARCHITECT BEFORE CONSTRUCTION CONTINUES IN THOSE AREAS.

5. PLAN DIMENSIONS ARE TO FACE OF STUD, FACE OF MASONRY, AND EDGE OF SLAB UNLESS NOTED OTHERWISE.

6. ALL DOORS ARE LOCATED 4" FROM PERPENDICULAR FACE OF FRAMING/WALL SYSTEM UNLESS NOTED OTHERWISE

7. PROVIDE ALL NECESSARY BLOCKING IN STUD WALLS AND CEILINGS. LOCATIONS INCLUDE BUT ARE NOT LIMITED TO CEILING AND WALL MOUNTED FIXTURES, TOILET FIXTURES AND ACCESSORIES, CABINETRY, CASEWORK, SHELVING, CLOSET RODS, LIGHT FIXTURES...ETC.

8. SUBSTITUTION OF "EQUAL" PRODUCTS NOT LISTED WITHIN THESE DRAWINGS SHALL BE SUBMITTED IN WRITTEN FORMAT TO THE ARCHITECT PRIOR TO APPROVAL. SUBSTITUTION OF PRODUCTS FULLY IDENTIFIED SHALL NOT BE ALTERED UNLESS THE INTENDED EQUAL PRODUCT HAS BEEN SUBMITTED TO THE ARCHITECT AND APPROVED.

9. IN THE EVENT ADDITIONAL DETAILS OR GUIDANCE IS NEEDED BY THE GENERAL CONTRACTOR FOR CONSTRUCTION OF ANY ASPECTS TO THIS PROJECT, HE/SHE SHALL IMMEDIATELY NOTIFY THE ARCHITECT.

10. PREFABRICATED CASEWORK UNITS (I.E. BATH VANITY, KITCHEN COUNTERTOPS, SHELVING...ETC.) SHALL BE APPROVED BY OWNER PRIOR TO ORDER AND/OR INSTALLATION.

11. ALL CONSTRUCTION AND NOTATION NOT IDENTIFIED ON THE DEMOLITION DRAWINGS AND/OR PREFIXED WITH THE WORD "EXISTING" SHALL BE CONSIDERED NEW WORK

12. COORDINATE ALL SURFACES TO BE PAINTED WITH TENANT.

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Release of these documents contemplates further cooperation among the owner, his contractor and the architect. Design and construction are complex. Although the architect and his consultants have performed these services with due care and diligence, they cannot guarantee perfection.
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STATE OF COLORADO
ROLAND J. HOWER
200905
12.14.2022
LICENSED ARCHITECT

PROJECT NO.
2207

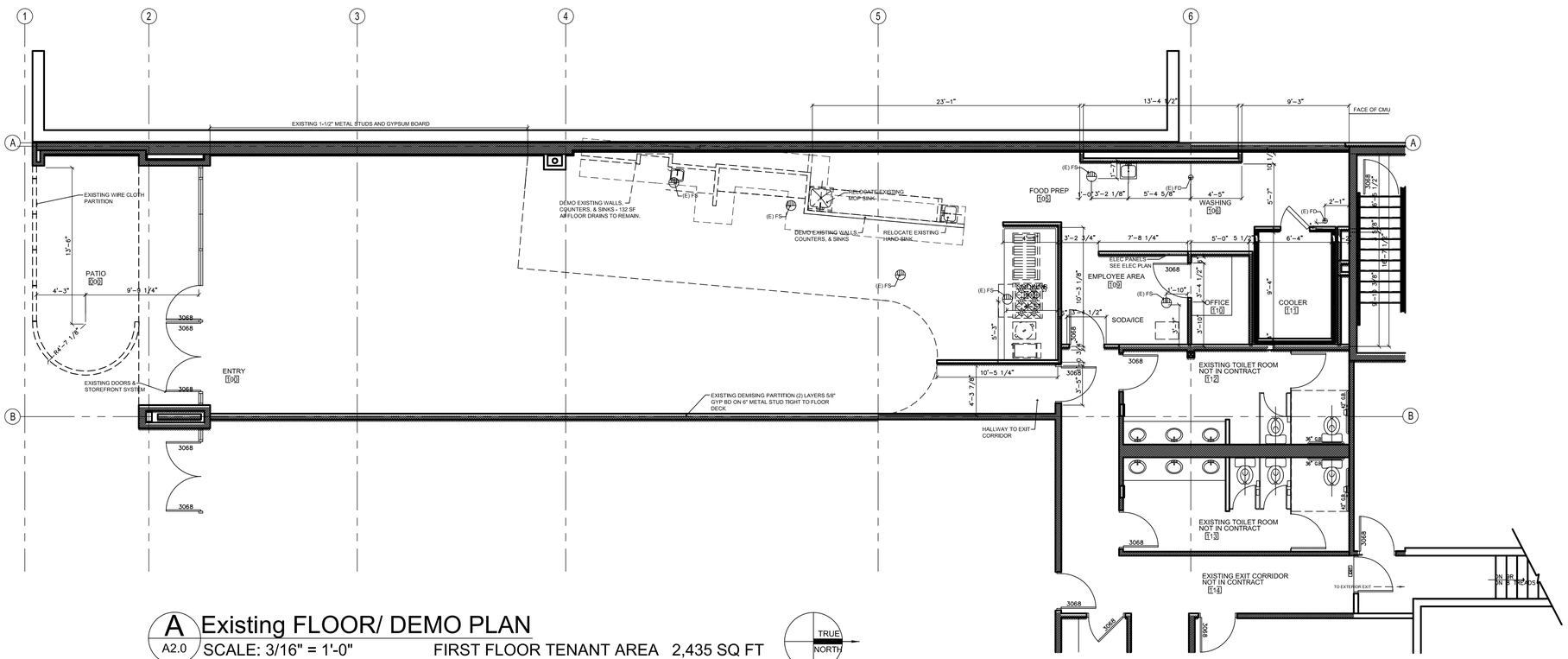
DATE 12.14.2022

REVISIONS

DRAWN BY R. Hower
K. Hertzfeld

SHEET TITLE
COVER SHEET
EGRESS PLAN
DESIGN DATA

SHEET
A1.0



A Existing FLOOR/ DEMO PLAN

A2.0

SCALE: 3/16" = 1'-0"

FIRST FLOOR TENANT AREA 2,435 SQ FT

0' 2' 5' 10'

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LICENSED ARCHITECT

PROJECT NO.
2207

DATE 12.14.2022

REVISIONS

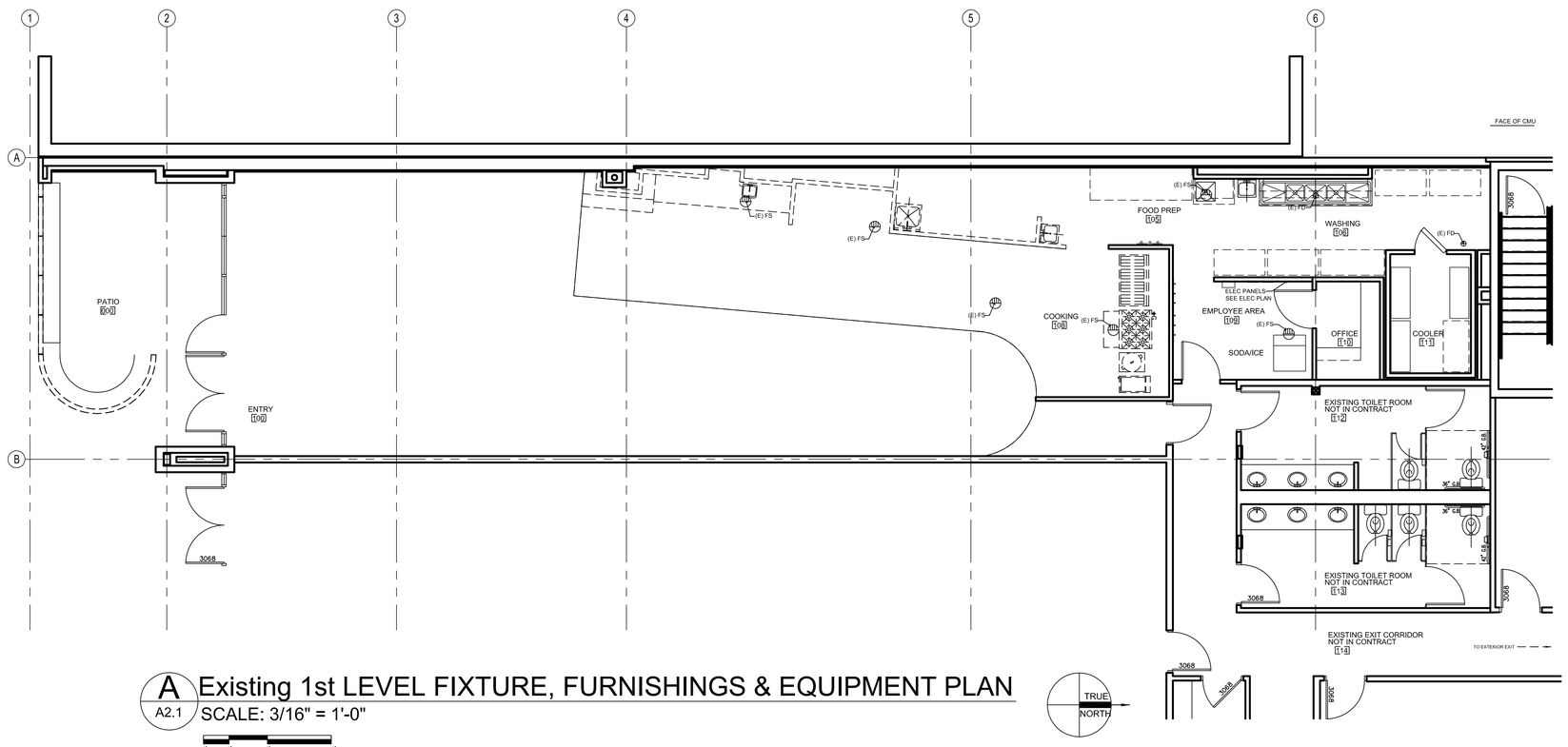
DRAWN BY R. Hower
K. Hertzfeld

SHEET TITLE

EXISTING PLAN : FLOOR/ DEMO PLAN

SHEET

A2.0



A
A2.1

Existing 1st LEVEL FIXTURE, FURNISHINGS & EQUIPMENT PLAN

SCALE: 3/16" = 1'-0"

0' 2' 5' 10'

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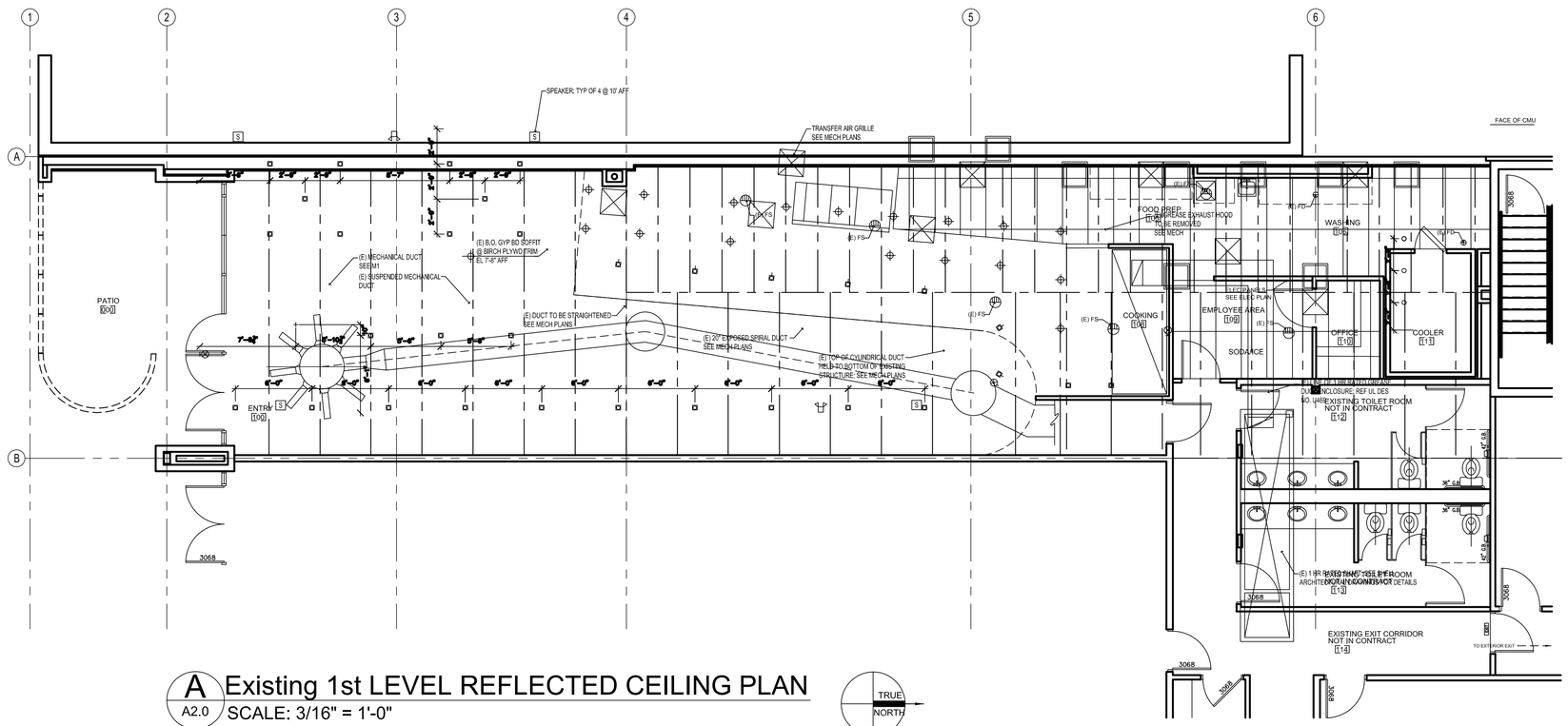
DRAWN BY R. Hower
K. Hertzfeld

SHEET TITLE

EXISTING PLAN :
FIXTURE, FURNISHINGS
& EQUIPMENT PLAN

SHEET

A2.1



A Existing 1st LEVEL REFLECTED CEILING PLAN
A2.0
SCALE: 3/16" = 1'-0"

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11-29-2022
LICENSED ARCHITECT

PROJECT NO.
2207

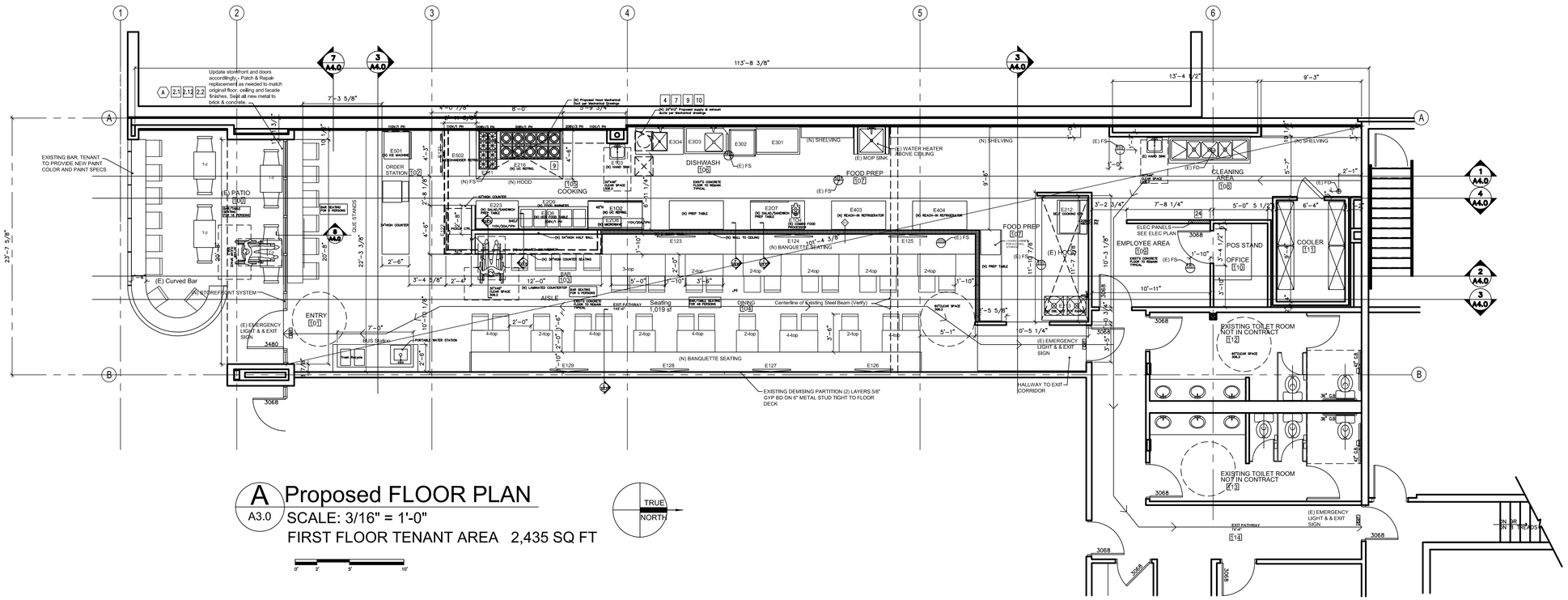
DATE 12.14.2022

REVISIONS

DRAWN BY R. Hower
K. Hertzfeld

SHEET TITLE
EXISTING PLAN : REFLECTED CEILING PLAN

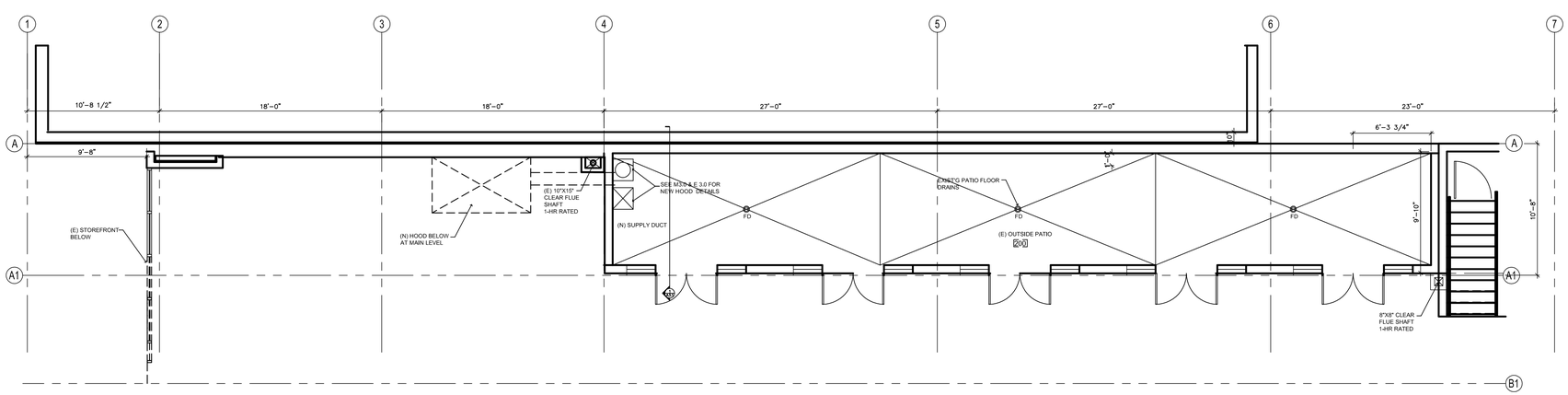
SHEET
A2.2



A3.0 **A Proposed FLOOR PLAN**

SCALE: 3/16" = 1'-0"

FIRST FLOOR TENANT AREA 2,435 SQ FT



A3.0 **A Proposed PARITAL 2ND FLOOR PLAN**

SCALE: 3/16" = 1'-0"

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ROLAND J. HOWER
200905
12.28.2022
LICENSED ARCHITECT

PROJECT NO.
2207

DATE 12.14.2022

REVISIONS

DRAWN BY R. Hower
K. Hertzfeld

SHEET TITLE
PROPOSED PLAN: FLOOR PLAN

SHEET
A3.0

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COMMERCIAL PRESCRIPTIVE MEASURES CHECKLIST KEY

(A) KEYNOTE – PRESCRIPTIVE MEASURE

(A) C402.4 VERTICAL FENESTRATION
(B) C405.3 INTERIOR LIGHTING POWER REQUIREMENTS

COMMERCIAL MANDATORY MEASURES CHECKLIST SUBMITTER NOTES:

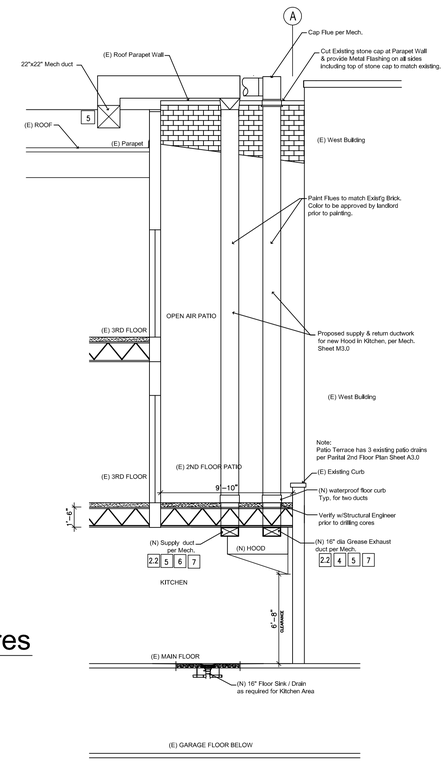
1 KEYNOTE – MANDATORY MEASURE

REFER TO SHEET A4 FOR ENERGY CODE INFORMATION

1 TABLE 3. ALTERATION AND REPAIR COMPLIANCE REQUIREMENTS
C401.2 –ALTERATION LEVEL 1: MUST MEET ALL MANDATORY AND PRESCRIPTIVE REQUIREMENTS OF THE 2020 COBECC AND BUILDING CODE REQUIREMENTS FOR PROJECT SCOPE.
ALTERATIONS AND REPAIR WITH VALUATION <50% OF ASSESSED VALUE OF EXISTING BUILDING.

2.1 C103.2 INSULATION MATERIALS & R–VALUES
2.2 C103.2 FENESTRATION U–FACTORS & HEAT GAIN COEFFICIENTS
2.4 C103.2 MECHANICAL & SERVICE WATER HEATING SYSTEMS AND EQUIPMENT TYPES, SIZES & EFFICIENCIES.
2.7 C103.2 EQUIPMENT AND SYSTEM CONTROLS
2.8 C103.2 FAN MOTOR HORSEPOWER& CONTROLS
2.9 C103.2 DUCT SEALING, DUCT & PIPE INSULATION & LOCATION
2.10 C103.2 LIGHTING FIXTURE SCHEDULE W/ WATTAGE & CONTROL NARRATIVES.
2.12 C103.2 AIR SEALING DETAILS.
3 C303.1.3 FENESTRATION & DOORS.
4 C402.4.6 AIR INTAKES, EXHAUST OPENINGS, STAIRWAYS & SHAFTS
5 C403.2.2 VENTILATION
6 C403.8.4 FRACTIONAL HP FAN MOTOR
7 C403.11 CONSTRUCTION OF HVAC SYSTEM ELEMENTS
8 C403.11.3 PIPING INSULATION
9 C404.3 PIPING INSULATION
10 C404.5 HOT WATER SUPPLY PIPING
11 C404.6 HEATED–WATER CIRCULATING & TEMPERATURE MAINTENANCE SYSTEMS
12 C404.7 DEMAND RECIRCULATION CONTROLS
13 C404.8 DRAIN WATER HEAT RECOVERY UNITS
14 C406.5 MAIN SERVICE PANEL
15 C408.3.1 LIGHTING SYSTEM FUNCTIONAL TESTING

Commercial Energy Measures



A
A4.0

Section Diagram

NOT TO SCALE:

New Hood Ducts Looking West

Proposed Equipment Ledgend

919 PEARL ST. EQUIPMENT MASTER SCHEDULE: DATE: 10-21-2022

KEY	EQUIPMENT & MODEL NUMBER	ELECTRICAL							PLUMBING						PLUMBING REMARKS
		Volts	Amps	PH	KW	HP	NEMA	Hertz	Drain	CW	FW	HW	GAS MBH	LEGS	
E102	AVANTICO Under Counter Refrigerator - Model 178SSUD260R	115	5.1	1	1.2	1/4	5-15P (UL)	60					631		
E103	ADVANCE TABCO - Hand Sink - 7-PS-EC									1-1/2" IPS	1/2" IPS		1/2" IPS		Gooseneck Faucet
E104	ROBO COUP 2 N CLR Combination Processor	120	1 – 7	1	1.2	1	5-15P	60							
E201	AVANTICO - Induction Range / Cooker - Model 1C 35SU	208/240	5.1	1	3.6		6-20P (UL)	60							
E202	AVANTICO - Induction Range / Cooker - Model 1C 35SU	208/240	5.1	1	3.6		6-20P (UL)	60							Countertop
E203	AVANTICO - Induction Range / Cooker - Model 1C 35SU	208/240	5.1	1	3.6		6-20P (UL)	60							Countertop
E204	AVANTICO - Induction Range / Cooker - Model 1C 35SU	208/240	5.1	1	3.6		6-20P (UL)	60							Countertop
E205	AVANTICO - Induction Range / Cooker - Model 1C 35SU	208/240	5.1	1	3.6		6-20P (UL)	60							Countertop
E206	VOLRATH Servewell Hot Food Table - Model 38119, 5-well	208/240	16.6	1	3-4		6-30P (UL)	60						6"	
E207	ADVANTCO -Salad/Sandwich Prep Table -Model 178SSPT48HC	115	7.8	1	600 w	1/4	5-15P	60						casters	
E208	SOLWAVE Commercial Microwave -Model 1800MW1000SS	120		1	1			60						2"	Countertop
E209	HATCO GLO-RAY Infrared foodwarmers - Model GR-48	120 208/240		1	800 w		5-15P	60							
E211	CPG Double Stock Pot Range - Model 351CPGDSPR(LIN)												160,000		
E212	RATIONAL SCC 61E - Self Cooking Center	208/240	30.8	3			3/4" GHT		2"	1/2"	1/2"				Countertop
E213	HAMILTON BEACH Induction Hot Plate - Model EH-PBF				1.8										
E223	ADVANTCO -Salad/Sandwich Prep Table -Model 178SSPT48HC	115	7.8	1	600 w	1/4	5-15P	60							
														casters	
E301	REGENCY Clean Dish Table - Model 600 DDT48														
E302	ECOLAB Vapor Vent Dishmachine - Model ES-2000HT	208	56.5	3	2.5	3/4		60		1/2"		1/2"			Wash Pump w/ PreRinse Assembly
E303	REGENCY Soiled Dish Table - Model 600DDT48RT														
E304	EAGLE One-Compartment Sink - Model 414-24-1-24R								2"	1/2"		1/2"			
E403	AVANTICO Reach-in Refrigerator Freezer - Model 178SS2FHC	115	10.7	1	5.72		5-15P	60		1/2"	NPC	1/2"		casters	
E404	AVANTICO Reach-in Refrigerator Freezer - Model 178SS2FHC	115	10.7	1	5.72		5-15P	60		1/2"	NPC	1/2"		casters	
E501	HOSHIZAKI Ice Machine - KM 231 BMJ	115	8.4	1			5-15P	60	3/4"	1/2"			Yes	6"	
E502	TRUE Merchandiser - GDM-45-HC-LD	115	8.5	1		1/2	5-15P	60							

ROOM FINISH SCHEDULE

ROOM NUMBER	ROOM NAME	FLOOR: PORCELAIN TILE	FLOOR: CONCRETE STAIN	FLOOR: QUARRY TILE	FLOOR: CONCRETE	BASE: PORCELAIN TILE	BASE: CONCRETE	BASE: QUARRY TILE	BASE: VINYL or RUBBER 4"	WALLS DIRECTION #1-N: GYPSUM BOARD - PAINT FINISH	DIRECTION #1-N: TILE TO 5'-0" (OFF BO ADD)	DIRECTION #1-N: STAINLESS STEEL	DIRECTION #1-N: GLASS SCREENCHAIN	DIRECTION #2-E: GYPSUM BOARD - PAINT FINISH	DIRECTION #2-E: TILE TO 5'-0" (OFF BO ADD)	DIRECTION #2-E: STAINLESS STEEL	DIRECTION #2-E: GLASS SCREENCHAIN	DIRECTION #3-S: GYPSUM BOARD - PAINT FINISH	DIRECTION #3-S: TILE TO 5'-0" (OFF BO ADD)	DIRECTION #3-S: FRP	DIRECTION #3-S: STAINLESS STEEL	DIRECTION #3-S: GLASS SCREENCHAIN	DIRECTION #4-W: GYPSUM BOARD - PAINT FINISH	DIRECTION #4-W: TILE TO 5'-0" (OFF BO ADD)	DIRECTION #4-W: STAINLESS STEEL	DIRECTION #4-W: GLASS SCREENCHAIN	CEILING: B & K FIBERMAN ACOUSTIC TILE	CEILING: GYPSUM BOARD - PAINT FINISH	CEILING: ACOUSTICAL CEILING SUSPENSION	REMARKS:
		1	2	3	4	5	1	2	3	4	5	6	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5	1	2	3	
100	OUTDOOR PATIO					X				X			X			X			X						X						NO WORK IN THIS ROOM
101	ENTRANCE					X				X			X			X			X						X						
102	ORDER STATION					X				X			X	X		X	X		X						X						
103	BAR					X				X			X		X	X			X	X		X			X						
104	DINING					X				X			X			X			X			X			X						
105	COOKING					X				X			X			X			X			X			X			X			VINYL TILES THIS AREA
106	DEWASH					X				X			X			X	X		X			X			X			X			VINYL TILES THIS AREA
107	FOOD PREP					X				X			X			X			X	X					X			X			

ADDITIONAL FINISH REMARKS:

REFER TO SPECIFICATIONS FOR PAINT APPLICATIONS AND QUALITY CONTROL

EXISTING, EXPOSED INTERIOR METAL SURFACES (COLUMNS, BEAMS, JOIST,,ETC.) SHALL BE CLEANED PER SPECIFICATIONS AND SEALED IMMEDIATELY FOLLOWING CLEANING PROCESS. REFER TO SPECIFICATIONS.

Zoe Ma Ma

919 Pearl Street
Boulder, CO
80302

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STATE OF COLORADO
ROLAND J. HOWER
200905
11-28-2022
LICENSED ARCHITECT

PROJECT NO.
2207

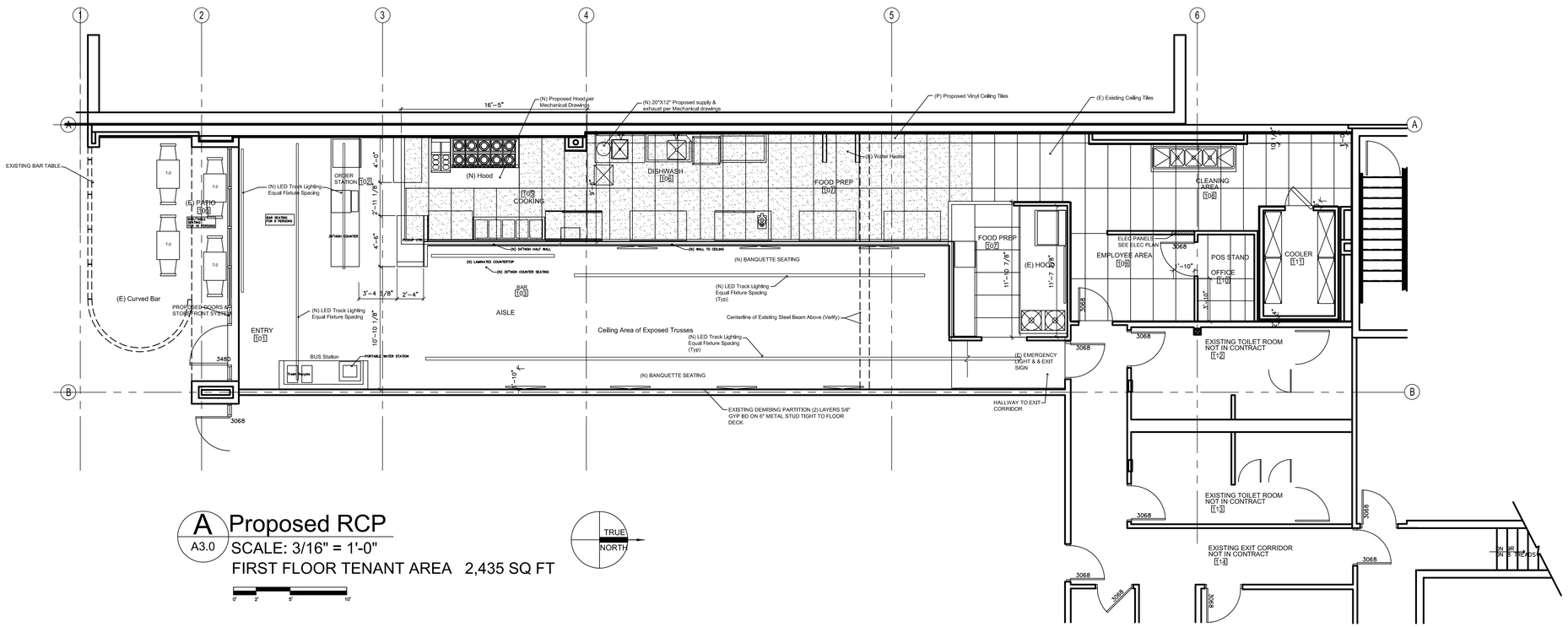
DATE 12.14.2022

REVISIONS

DRAWN BY R. Hower
K. Hertzfeld

SHEET TITLE
PROPOSED PLAN : SCHEDULES

SHEET
A3.1



A Proposed RCP

A3.0

SCALE: 3/16" = 1'-0"

FIRST FLOOR TENANT AREA 2,435 SQ FT

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200905
12.14.2022
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PROJECT NO.
2207

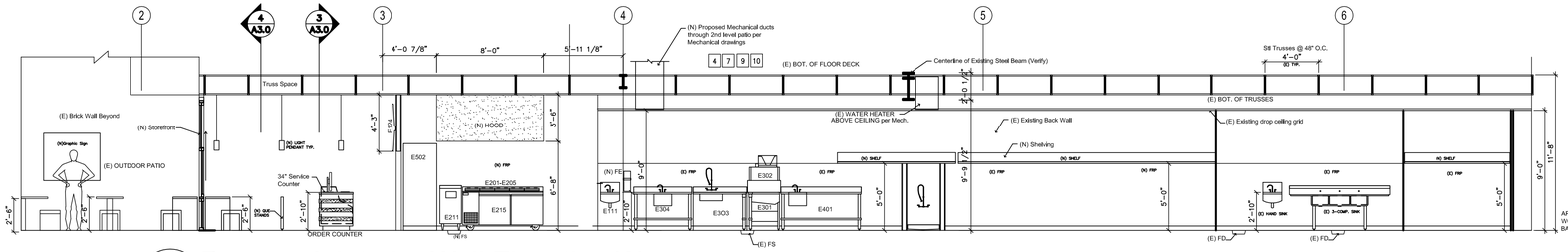
DATE 12.14.2022

REVISIONS

DRAWN BY R. Hower
K. Hertzfeld

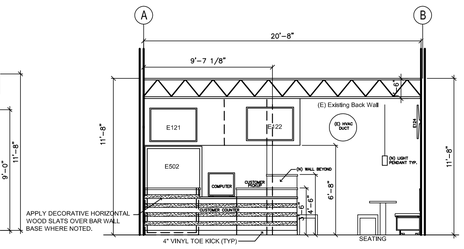
SHEET TITLE
PROPOSED PLAN : REFLECTED CLG PLAN

SHEET
A3.2



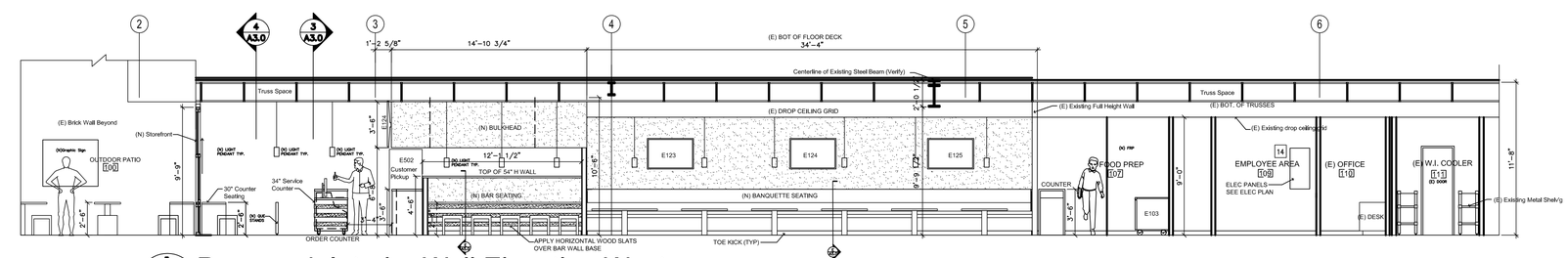
A A4.0 Proposed Interior Wall Elevation West

SCALE: 3/16" = 1'-0" KITCHEN AREA 1 / A4.0



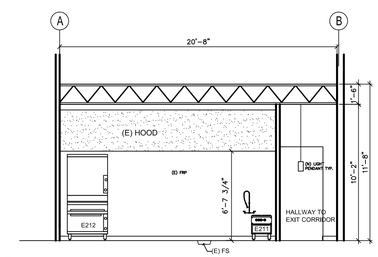
A A4.0 Proposed Interior Elevation

SCALE: 3/16" = 1'-0" ORDER CTR 5/ A4.0



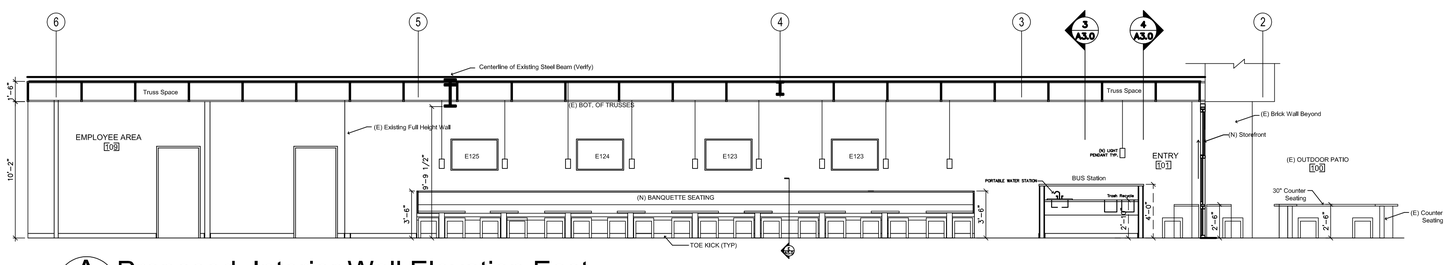
A A4.0 Proposed Interior Wall Elevation West

SCALE: 3/16" = 1'-0" SEATING AREA 2 / A4.0



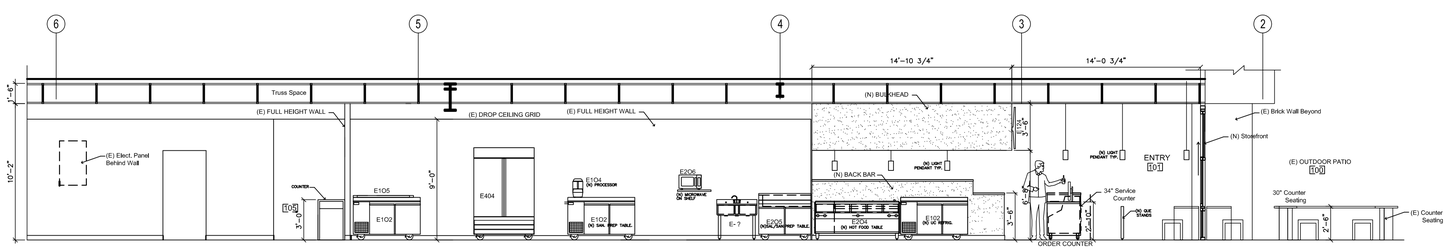
A A4.0 Proposed Interior Elevation

SCALE: 3/16" = 1'-0" Exist'g Hood Equip. 6/ A4.0



A A4.0 Proposed Interior Wall Elevation East

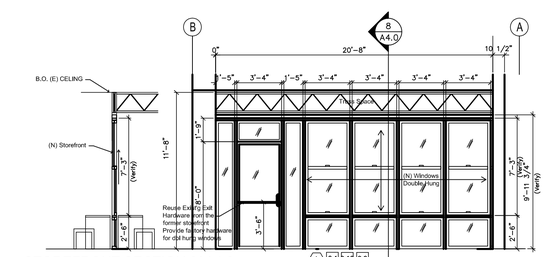
SCALE: 3/16" = 1'-0" SEATING AREA 3 / A4.0



A A4.0 Proposed Interior Wall Elevation East

SCALE: 3/16" = 1'-0" SEATING AREA 4 / A4.0

STOREFRONT PLAN



STOREFRONT SECTION 8/ A4.0

A A4.0 Proposed Elevation

SCALE: 3/16" = 1'-0" STOREFRONT 7/ A4.0

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STATE OF COLORADO
ROLAND J. HOWER
200905
12.9.2022
LICENSED ARCHITECT

PROJECT NO.
2207

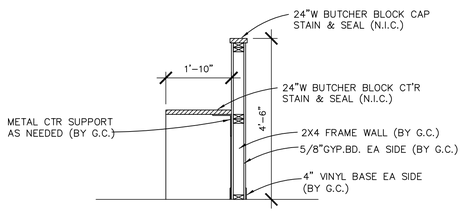
DATE 12.14.2022

REVISIONS

DRAWN BY R. Hower
K. Hertzfeld

SHEET TITLE
PROPOSED PLAN : INTERIOR ELEVATIONS

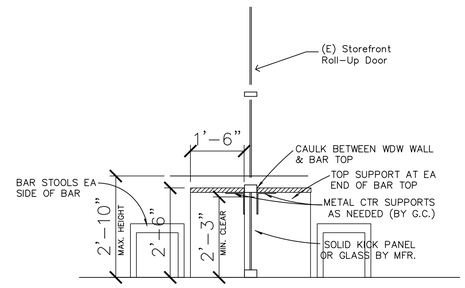
SHEET
A4.0



A A5.0 BAR CTR. DETAIL

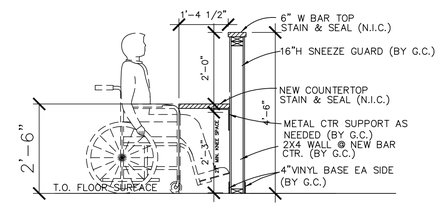
1/2"= 1'-0"

0' 2' 5' 10'



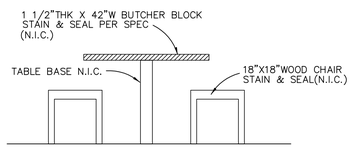
B A5.0 STOREFRONT SEATING DETAIL

1/2"= 1'-0"



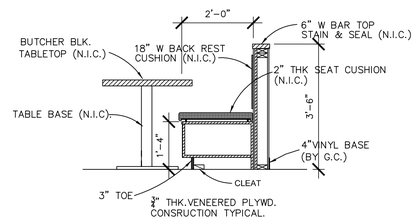
C A5.0 BAR COUNTER ADA DETAIL

1/2"= 1'-0"



D A5.0 TYP TABLE/CHAIR DETAIL

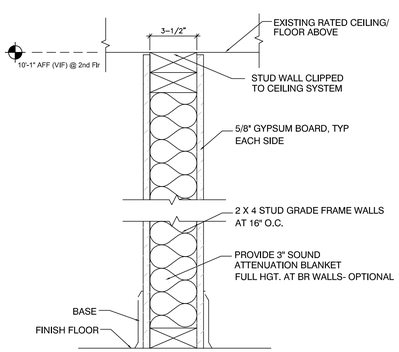
1/2"= 1'-0"



E A5.0 BANQUETTE SECTION

1/2"= 1'-0"

F A5.0 N/A



W1 A5.0 DETAIL AT FULL HEIGHT PARTITION WALL NON RATED ASSEMBLY

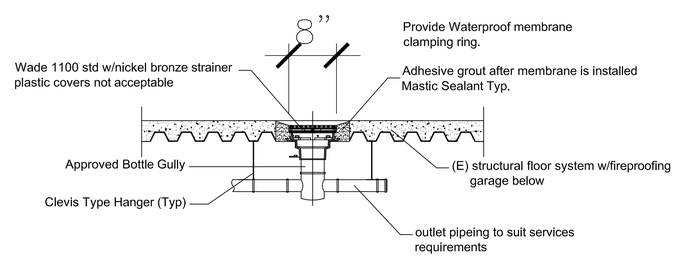
0 3" 6" 1'-0"

SCALE: 3" = 1'-0"

PARTITION TYPE NOTES:

1a. PROVIDE CONTINUOUS SEALANT AROUND ALL PENETRATIONS AND AT PERIMETER ALL GYPSUM BOARD PANELS.

1b. PROVIDE CONTINUOUS SEALANT AT WALL PLATES AND AT PERIMETER OF ALL GYPSUM BOARD PANELS AT SMOKE RATED, STC RATED, OR FIRE RATED ASSEMBLIES.



Firestopping UL 1479, ASTM E814

G A5.0 FLOOR DRAIN / SINK DETAIL

1"= 1'-0"

0' 2' 5'

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ROLAND J. HOWER
200905
11-9-2022
LICENSED ARCHITECT

PROJECT NO.
2207

DATE 12.14.2022

REVISIONS

DRAWN BY R. Hower
K. Hertzfeld

SHEET TITLE
PROPOSED PLAN : DETAILS

SHEET
A5.0

GENERAL NOTES AND STANDARD REQUIREMENTS

GENERAL REQUIREMENTS

Work of this contract is comprised of the tenant improvements of the demised premises within an existing building. Work includes, but is not limited to, selective demolition, general construction, finishes, mechanical and electrical systems as well as other work specifically noted in the contract documents, while respecting the quiet enjoyment of existing tenant spaces.

These documents are prepared to generally describe the contractor's scope of work. Contractor is responsible for providing all required work, complete assemblies and operating systems.

Construct the work under the contract provisions required by the landlord/tenant. Provide insurance, bonds and deposits as required by the landlord/tenant.

Contractor shall coordinate the construction schedule and sequence work in stages as required to ensure the landlord/tenant occupancy requirements.

Contractor's use of the space and construction operations shall be limited to allow for use of the adjacent tenant spaces, common areas, public access and other landlord stipulated functions.

Contractor to provide chemical toilets required to be placed outside. If existing interior toilet rooms are used, return them back to their original operating condition.

Coordinate use of utilities and services during construction with the landlord.

All construction shall comply with all current local governing codes, IBC 2018, ICC/ANSI A117.1 2012 Edition and ADA requirements.

Contractor is responsible for all permits, inspections and associated fees.

Modifications to the contract documents, whether initiated by the landlord, tenant, architect or contractor, are required to be documented and acknowledged in writing prior to commencing work affected by the modification.

EXISTING CONDITIONS

Contractor is responsible for becoming completely familiar with the existing conditions of the space and with the requirements of the base building.

Conditions present at the time of bidding shall be maintained by the landlord to the greatest extent possible. Especially dust and noise, no music will be permitted.

Field verify all conditions and dimensions prior to commencing work, report any discrepancies between the drawings and the field conditions prior to commencing work. Architect shall issue written clarification when required. Commencement of work indicates acceptance of existing conditions.

No modifications to the existing structural components of the building shall be permitted unless specifically requested and authorized by the owner in writing. Contractor shall not penetrate existing floor assemblies without prior investigation, including x-ray, to ensure that the integrity of the floor structure is not compromised.

Protect existing conditions from damage by work of this contract. Protect existing common areas and maintain cleanliness of all areas on a daily basis. Protect existing finished floor areas with heavy-duty cardboard or masonite.

Contractor shall be completely responsible for repairing any and all damage to the existing conditions as a result of work by this contract.

LANDLORD/TENANT PROVIDED WORK

The term "Owner" used in these documents refers to the Building Owner, West Pearl, llc. and the term "Tenant" used in these documents refers to the restaurant tenant, Z-1, dba Zoe Ma Ma.

Work noted as "N.I.C." (not in contract) or as "by others" shall be provided by the landlord/tenant under separate contract(s). Contractor shall coordinate the efforts with those of the other vendors and provide work to complete the installations as required in the contract documents.

The Tenant is responsible for providing kitchen equipment not specifically noted otherwise herein. The General Contractor is responsible for providing for the installation of all kitchen equipment not specifically noted otherwise herein.
All equipment shall be installed in conformance with the " Food Equipment Installation Guide", provided by the Colorado department of Health, and requirements of the City & County of Boulder Health Department.

Work by separate contract(s) includes:
Equipment - not specifically included in the contruction documents -
Communications & Data systems -
Security system including card key system -

Products or materials noted as "furnished by others" shall be furnished and paid for by the landlord/tenant and installed by the contractor. Contractor shall be responsible for products upon delivery.

The Owner is responsible for providing and installing the following scope of work unless noted otherwise herein:
A. Exterior entrances, storefront, and window systems.

B. Roof-top mechanical platforms, structural support, & roof-top, Curb and roof penetrations, new roofing systems for roof-top make-up air unit, and roof-top grease exhaust fan, shall be provided by the General Contractor.

C. Mechanical penetrations via 1-hour shaft enclosure through 2nd floor Patio area for hood exhaust duct terminating at the roof deck, by the General Contractor.

D. 1-hour fire-rated shaft enclosures from penetrations through 2nd floor to termination at roof deck.

E. Gas, water and electrical service utilities to within Tenant Space.

DEMOLITION

Tenant and architect assume no responsibility for the actual condition of areas to be demolished.

The architect has no evidence of hazardous materials present in the existing tenant space. Verify existing conditions and notify landlord if any hazardous materials are present.

Maintain existing utilities indicated to remain, and protect against damage during demolition operation. Maintain utilities and services to all occupied areas not affected by this scope-of-work.

Mark location of disconnected utilities and services. Identify utilities and indicate capping locations on project record documents.

Remove demolished materials from site as work progresses upon completion of work, and leave site in clean condition. Remove all site debris unrelated to new construction in a legal manner.

Demolish in an orderly and careful manner. Maintain operations of adjacent facilities continually during construction.

Remove materials to be reinstalled or retained in a manner to prevent damage. Store and protect as required to prevent damage and to allow for reinstallation.

Protect all areas of the building where the work of this alteration is located as well as areas adjacent to the area of work on this project, so as to prevent damage to life or property as a result of this alteration.

Contractor shall verify all openings in floors with plumbing & electrical contractors. Prior to cutting or coring in concrete slabs, perform a Digital Scanning of the slab to locate post tensioning cables and steel rebar, including accurate detecting of plumbing & electrical conduit or piping.

After demolition and removals are completed, the contractor shall notify the architect, in writing, of any conditions that are made evident that will conflict with requirements of the new scope of work required by the contract.

Contractor shall immediately inform the Architect of discrepancies between the information indicated in the construction documents and the existing project conditions, and of discrepancies between the information indicated on architectural documents, and mechanical and electrical documents.

Scope of demolition shall include all work required to prepare the premises for new work as shown.

PRODUCTS & QUALITY CONTROL

Maintain quality control over suppliers, products, workmanship, etc. to produce work of specified quality.

All products and materials shall be new, unless noted otherwise, free from damage and appropriate for the intended use.

Provide products and materials as specified. Items specified by performance requirements may be of any product that meets or exceeds the requirements. Items specified by manufacturer/brand/model shall be provided as specified. Items specified by example with an "or equal" provision will be subject to approval by the architect upon contractor's submittal.

Substitutions will be considered only when the contractor has submitted appropriate request, with substantiating data, prior to bidding.

Comply with applicable industry standards at a minimum, and more rigid standards when specified.

Comply with manufacturer's instructions and ensure that all products and assemblies meet or exceed the required standards and applicable code requirements.

Provide high quality, commercial grade workmanship that is consistent with the standards established by the base building and existing tenant spaces.

Provide complete installations, assemblies and fully functioning systems that include all required work, preparation, materials, accessories and approvals.

CLOSEOUT

Upon substantial completion of the work, notify the landlord/tenant and architect in writing. Include a preliminary punch list of items to be completed. Landlord/tenant and architect shall review punch list for concurrence or editing based upon observation of the work.

Submit closeout documents including; As-built/Record Documents, Warranties, O & M manuals, copies of submittals, maintenance stock and any other contractual documents to the landlord/tenant.

Contractor may submit for final completion/payment upon completion of the punch list work, final cleaning, submission of closeout materials and landlord/tenant's acceptance of completed work.

SPECIFICATIONS

ROUGH CARPENTRY

Provide blocking as required for all wall mounted items. All wood blocking shall be securely anchored to partition framing/substrate and shall accommodate required loading of mounted item.

All concealed blocking shall be fire-resistive treated.

ROOFING

Coordinate any required roofing work, penetrations, etc. with the landlord. All work associated with the roofing system shall be provided to maintain the integrity and warranty of the existing roof.

FIRE PROOFING/SAFING

Contractor is responsible to protect and maintain the integrity of the existing fire proofing/safing system and for repairing any damage resulting from the work of this project. All openings in the slab shall be properly fire stopped to maintain the original fire separation.

SEALANTS

Provide sealants to comply with ASTM C920 or ASTM C834 as appropriate for the intended use.

Provide mildew resistant silicone sealants at applications in wet areas, including but not limited to plumbing fixtures.

Provide acrylic latex sealants at all interior non-moving joints. Provide sealant materials that can be painted as specified.

Provide elastomeric sealants at moving joints.

Provide fire-stop sealant at all slab penetrations. Reference plan details.

Provide acoustical sealants at detailed locations and at all penetrations of sound attenuation partitions.

Provide appropriate sealant at interfaces of dissimilar materials. Shape and trim sealant for minimum appearance unless specific joint profile/size is required by the type of joint.

DOOR / WINDOW HARDWARE

Install door assemblies per requirements of SDI-105, ANSI A250.11, AWI, DHI, ANSI A117.1 and NFPA 80 as applicable.

Submit shop drawings to the Architect for the proposed storefront change out. Drawings and product date to be included in the submittal, shop drawings and product data to architect for review and approval.
Storefront Hardware: Reuse existing exit door hardware groups. Notify Architect is any of the existing hardware is non-usable. Provide door Exit Cross-bar, pull handle, closer, deadbolt, threshold, weather stripping, dbl hung window locks. Provide Sealants to match.

Provide commercial grade hardware. Hardware items noted on plans indicate general requirements only. Provide complete hardware sets for all doors to accommodate the required function, fire rating and location. Provide Bronze finish finish.

Verify hardware and keying requirements with landlord and tenant.

TOILET ROOM ACCCESSORIES

Existing Toilet room has Toilet, Lavatory, and ADA requirements in place.

PARTITIONS

Comply with applicable requirements of ASTM C840 except where more stringent requirements are specified.

Where fire-rated assemblies are specified or required, comply with applicable code and assembly specifications.

Metal studs; ASTM C645, galvanized sheet metal, 20 gauge minimum. Provide studs per deflection tables. Provide slip track isolation at full height or partial assemblies in contact with overhead structure.

Ceiling framing; 1 1/2" steel channel runners, ASTM A641 hanger wire, required angles and anchors.

Gypsum board; ASTM C36, of type specified, 5/8" thick unless noted otherwise. Provide square-shaped metal corner bead as required.

Provide all required fasteners, trims, adhesives, etc. for complete assembly.

Acoustical insulation; ASTM C655, glass fiber blankets, 3 ½" think, friction fit type, class 25 flame spread per ASTM E84.

Mark all wall layout locations on the floor slab before construction, and review layout with architect and tenant before proceeding with framing the partitions.

Seal all penetrations in the drywall above ceiling and floor at fire-rated or acoustical walls with approved sealant.

All gypsum board shall be taped, mudded and sanded smooth finish ready for paint finish, U.N.O. Provide level 4 finish per GA 214-96.

Isolate partitions from structural elements, exterior wall assemblies, window framing and other on slab bearing building elements. Provide metal trim/edging and flexible joint sealant.

PAINT

Conform to ASTM E84, Class A, 0-25 flame spread rating and applicable V.O.C. restrictions.

Provide best quality, commercial grade products as regularly manufactured by Sherman Williams.

Provide complete finish system including surface preparation, primers and finish coats.

Gloss ratings shall conform to ASTM D523 ratings.

All new walls shall receive paint, U.N.O. Paint existing walls as required.

Apply paint in accordance with manufacturer's specifications.

Prepare all surfaces as specified by manufacturer prior to application of paint.

Gypsum Board: two coats latex enamel over primer, eggshell finish, roller apply.

Painted Wood: 2 coats alkyd enamel over primer, semi-gloss finish. Seal knots and pitch pockets before primer, brush or spray apply.
Butcher Block Countertops: 2 coats Watco Butcher Block oil & Finish with Food Safe formation.

Ferrous Metal: 2 coats alkyd enamel over primer, semi-gloss finish, spray apply.

INTERIOR ARCHITECTURAL WOODWORK

Submit complete cabinet, door, shelving and hardware shop drawings and product data to owner for review.

Products: Provide thermoset decorative overlay; medium-density fiberboard (MDF) with surface with thermally fused, melamine impregnated decorative paper complying with LMA SAT-1.

Provide high pressure decorative laminate; NEMA LD 3, as regularly manufactured by Formica, Wilsonart or Nevamar.

Provide hardwood and Face veneers: HPVAHP-1.

Fire-Retardant Particleboard: Panels with flame-spread index of 25 or less and smoke-developed index of 25 or less per ASTM E84.

Fire-Retardant Fiberboard: Panels with flame-spread index of 25 or less and smoke-developed index of 200 or less per ASTM E84.

Furring, blocking, shims and hanging strips: softwood or hardwood lumber, fire-retardant-treated, kiln-dried to less than 15 percent moisture content.

Plastic-laminate countertops: high-pressure decorative laminate, grade HGS and metal laminates. Colors, patterns, and finishes; as selected from manufacturer's full range.

Metal laminates: veneer over medium density fiberboard backer. Apply with adhesive recommended by manufacturer. Stoller metals.

Core material at sinks: particleboard made with exterior glue.

Refer to Architectural Concrete for custom concrete countertops.

Interior woodwork grade: Custom complying with the referenced quality standard. Condition woodwork to average prevailing humidity conditions in installation areas.

Install glass to comply with applicable requirements in GANA's "Glazing Manual".

Finish architectural woodwork at fabrication shop. Defer only final touchup, cleaning and polishing until after installation.

Install woodwork to comply with AWI Section 1700 for same grade specified in this section for type of woodwork involved. Install woodwork level and plumb, true and straight to a tolerance of 1/8" in 96". Shim as required with concealed shims.

Countertops: anchor securely by screwing through corner blocks of supports into underside of countertop. Caulk space between backsplash and wall with sealant specified in section "Sealants".

Standing and running trim: install with minimum number of joints possible, using full-length pieces to greatest extent possible. Fill gaps, is any, between top of base and wall with appropriate wood filler, sand smooth and finish same as wood base, if finished.

ACOUSTICAL PANEL CEILINGS

Acoustical panels: Comply with ASTM E1264 for Class A materials, when tested per ASTM E84.

Samples: submit samples for each acoustical panel product.

Provide exposed aluminum suspension system. Paint color as selected by Architect/Tenant.

Accessories: Hanger attachment devices sized for 5 times the design load indicated in ASTM C635, Table 1, direct hung, unless otherwise indicated.

Wire hangers, braces, ties: zinc-coated carbon-steel, ASTM A641, Class 1 zinc coating, soft temper. Provide wire diameter sized for yield stress of wire not to exceed 3 times the hanger design load.

Sheet-metal edge moldings and Trim: Manufacturer's standard for edges and penetrations that fit acoustical panel edge details and suspension systems indicated; material and finish matching exposed flanges of suspension system runners.

Secure ceiling tiles at basement level B-1 after completing plumbing & electrical work. Maintain the existing horizontal fire assemblies between fire areas . Insure that the Assemblies are brought back to their original code condition. Replace any lay-in ceiling tiles that are damaged. Insure that the insulation is put back in the original location and replace any insulation that was damaged during construction.

FLOORING

Carpet: Carpet Tiles
Tiles: Porcelain and Quarry

RESILIENT FLOORING & BASE

Base: Provide 4" high V.C.T. or rubber base with toe.

Provide transition strips at flooring changes - No flooring scheduled.

Provide all required accessories, trims, sub-floor filler/leveler, adhesives.

Provide cleaners, sealers and waxes as recommended by manufacturer.

Install all work per manufacturer's instructions.
Install base materials level and tight to walls. Provide pre-molded external corners. Nitre internal corners.

Clean, seal and wax completed installation per manufacturer's instructions.

Closeout materials; provide 20 S.F. of each finish material. Provide leftover cleaners, sealers, waxes and maintenance instructions.

INTERIOR FINISH SCHEDULE

For complete listing of interior finishes, refer to interior finish schedule and specifications prepared under separate cover.

FRP Wall Cladding

Provide best quality, commercial grade products as regularly manufactured by PALClad Pro HYG pvc wall cladding or Equal.

MECHANICAL

See Consultant / Enginered Drawings.

ELECTRICAL

See Consultant / Enginnered Drawings.

PLUMBING

See Consultant / Enginnered Drawings.

SHEET LIST

ARCHITECTURAL
Provided on Cover Sheet.

MECHANICAL
Provided on Cover Sheet

ELECTRICAL
Provided on Cover Sheet.

PLUMBING
Provided on Cover Sheet.

FIRE PROTECTION
N/A

FIRE ALARM
N/A

STRUCTURAL
N/A

PROJECT TEAM

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Contact: Roland Hower

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303.442.1144
Contact: Harry Hatcher, P.E.

CONTRACTOR
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720.353.9453
Contact: Jo Temer

SCOPE OF WORK
THE SCOPE-OF-WORK REPRESENTED BY THESE DOCUMENTS INCLUDES TENANT SPACE IMPROVEMENT ON THE 1ST LEVEL OF THE EXISTING BUILDING AND CEILING.

CODE ANALYSIS

Refer to the Cover Sheet for building code data and design code analysis.

DEFFERED SUBMITTALS

The following systems are a design/build responsibility of the contractor or product manufacturer and will require the deferred submittal of design work to the City of Denver for plan review and permitting:

1.
2.

43 Arrowleaf Ct Boulder Co
80304 303.931.5719
howerarchitects.com
roland@howerarchitects.com

Zoe Ma Ma

919 Pearl Street
Boulder, CO
80302

NOTICE: DUTY OF COOPERATION
Release of these documents contemplates further cooperation among the owner, his contractor and the architect. Design and construction are complex. Although the architect and his consultants have performed these services with due care and diligence, they cannot guarantee perfection. Communication is imperfect and every contingency cannot be anticipated. Any errors, omissions, or discrepancy discovered by the use of these documents shall be reported to the architect. Failure to notify the architect compounds misunderstanding and increases construction cost. A failure to cooperate by simple notice to the architect shall relieve the architect of responsibility of all consequences arriving out of such changes.
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STATE OF COLORADO
ROLAND J. HOWER
200905
11-29-2022
LICENSED ARCHITECT

PROJECT NO.
2207

DATE 12.14.2022

REVISIONS

DRAWN BY R. Hower
K. Hertzfeld

SHEET TITLE
PROPOSED PLAN: SPECIFICATIONS

SHEET
A6.0

Commercial Mandatory Measures Checklist

2020
City of Boulder
Energy Conservation Code

Applies to: All New Buildings, Additions, Alterations and Repairs which require a permit from the City.

Project Address: **919 Pearl St**

Date: 11/28/2022

DIRECTIONS: Compliance with these Mandatory Measures is required whether the project is demonstrating compliance through the Performance or Prescriptive Path. Please complete this checklist and include it on an "Energy Conservation Code" sheet within the plans being submitted for permit application.

Code Section	Focus Area	Code Description	Plan Drawing or Reference # to demonstrate compliance (N/A if not applicable)	Submitter Notes (e.g. if "N/A" Please explain why requirement does not apply or is not demonstrated on plans/specs)	Plans Examiner Notes (in office use)
C401.2	Check compliance path applicable	New Construction >/= $500,000			Mandatory and Performance Modeling
		Addition > 1,000sf			Mandatory and Performance Modeling
		Addition < 1,000sf			Mandatory and Prescriptive Compliance
		Alteration Level 1			Mandatory and Prescriptive Compliance
		Alteration Level 2			Mandatory and Prescriptive Compliance
		Alteration Level 3			Mandatory and Performance Modeling
		Alteration Level 4			Mandatory and Performance Modeling
ADMINISTRATIVE					
C103.2	Construction documents shall clearly indicate the location, nature and extent of the work proposed, and show in detail pertinent data and features of the building, systems and equipment.	1. Insulation materials and their R-values.	A2.1		
		2. Fenestration U-factors and solar heat gain coefficients	A2.2		
		3. Area-weighted U-factor and solar heat gain coefficient (SHGC) calculations.	A2.2		
		4. Mechanical system design criteria.	NA	EXISTING MECHANICAL SYSTEM IN PLACE	
		5. Mechanical and service water heating systems and equipment types, sizes and efficiencies.	P3.0		
		6. Economizer description.	NA	NONE SPECIFIED	
		7. Equipment and system controls.	P2.0		
		8. Fan motor horsepower (hp) and controls.	M4.0		
		9. Duct sealing, duct and pipe insulation and location.	M3.0		
		10. Lighting fixture schedule with wattage and control narratives.	E1.0		
		11. Location of daylight zones on floor plans.	NA		
		12. Air sealing details.	M1.0		
C103.2.1	Building thermal envelope depiction	The building thermal envelope shall be represented on the construction drawings.	NA	INTERIOR SPACE FIT ONLY	
C303.1.3	Fenestration and Doors	U-factors of fenestration products shall be determined for windows, doors and skylights, U-factor ratings in accordance with NFRC 100. Drawings shall indicate NRFC labels or certicates must be provided to the building official prior to Certificate of Occupancy in compliance with NFRC 100.	A3.0 AND A4.0		Building Condition: NFRC Label Certificate
BUILDING ENVELOPE					
C402.5.1	Air Barriers	The entire building envelope shall be designed and constructed with a continuous air barrier.	NA	EXISTING BUILDING	
C402.5.1.1	Air Barrier Design/ Construction	The air barrier shall be designed and noted in an approved manner per the specified code - joints, seams, penetrations, and recessed light fixtures sealed	NA	EXISTING BUILDING	
C402.5.1.2	Building Test	The completed building shall be tested and the air leakage rate of the building envelope shall not exceed 0.40 cfm/ft2 at a pressure differential of 0.3 inches water gauge (2.0 L/s • m2 at 75 Pa) in accordance with ASTM E 779 or an equivalent method approved by the code official.	NA	MINIMAL REVISIONS	Building Condition: Commercial Air Leakage Testing
C402.5.1.3	Dwelling Unit Air Infiltration	A sampling of dwelling units shall be tested and results shall not exceed 0.25cfm/ft2. See code for more details.	NA	NO DWELLING UNITS	Building Condition: Commercial Air Leakage Testing
C402.5.2	Fenestration	Factory-built fenestration and doors are labeled as meeting air leakage requirements	A4.0		
C402.4.6	Air intakes, exhaust openings, stairways and shafts.	Stairway enclosures, elevator shaft vents and other outdoor air intakes and exhaust openings integral to the building envelope shall be provided with dampers in accordance with Section C403.7.7.	M3.0		
C402.5.6	Loading Dock Weather seals	Cargo doors and loading dock doors are equipped with weather seals to restrict infiltration when vehicles are parked in the doorway.	NA	NONE SPECIFIED	
C402.5.7	Vestibules	Building entrances shall be protected with an enclosed vestibule, with all doors opening into and out of the vestibule equipped with self-closing devices	NA	NONE SPECIFIED	
C402.5.8	Recessed lighting	Recessed luminaires installed in the building thermal envelope shall be IC-rated and labeled as having an air leakage rate of not more 2.0 cfm	NA	NO RECESSED LIGHTING SPECIFIED	
HEATING, VENTILATING, AND AIR CONDITIONING					
C403.2.1	Zone isolation required	HVAC systems serving zones that are over 25,000 square feet in floor area or that span more than one floor and are designed to operate or be occupied nonsimultaneously shall be divided into isolation areas.	NA	EXISTING MECHANICAL SYSTEM IN PLACE	
C403.2.2	Ventilation	Ventilation, either natural or mechanical, shall be provided in accordance with Chapter 4 of the International Mechanical Codes.	M3.0 AND M4.0	EXISTING MECHANICAL SYSTEM IN PLACE	
C403.3	Heating and cooling equipment efficiencies	Heating and cooling equipment installed in mechanical systems shall be sized in accordance with Section C403.3.1	NA	EXISTING MECHANICAL SYSTEM IN PLACE	
C403.3.1	Equipment sizing	The output capacity of heating and cooling equipment shall be not greater than that of the smallest available equipment size that exceeds the loads calculated in accordance with Section C403.1.1.	NA	NONE SPECIFIED	
C403.3.2	HVAC equipment performance requirements	Equipment shall meet the minimum efficiency requirements of Tables C403.3.2(1) through C403.3.2(9) when tested and rated in accordance with the applicable test procedure.	NA	EXISTING MECHANICAL SYSTEM IN PLACE	
C403.3.2.1	Water-cooled centrifugal chilling packages	Equipment not designed for operation at AHRI Standard 550/590 test conditions of 44°F leaving chilled-water temperature and 2.4 gpm/ton evaporator fluid flow and 85°F entering condenser water temperature with 3 gpm/ton condenser water flow shall have maximum fullload kW/ton and part-load ratings as identified in Section C403.3.2.1.	NA	NONE SPECIFIED	
C403.3.2.2	Positive displacement (air- and watercooled) chilling packages	Equipment with a leaving fluid temperature higher than 32°F and water-cooled positive displacement chilling packages with a condenser leaving fluid temperature below 115°F shall meet the requirements of Table C403.3.2(7)	NA	NONE SPECIFIED	
C403.4.1	Thermostatic controls	The supply of heating and cooling energy to each zone shall be controlled by individual thermostatic controls capable of responding to temperature within the zone.	NA	EXISTING MECHANICAL SYSTEM IN PLACE	
C403.4.1.1	Heat pump supplementary heat	Heat pumps having supplementary electric resistance heat shall have controls that, except during defrost, prevent supplementary heat operation where the heat pump can provide the heating load	NA	EXISTING MECHANICAL SYSTEM IN PLACE	
C403.4.1.2	Deadband	Where used to control both heating and cooling, zone thermostatic controls shall be configured to provide a temperature range or deadband of not less than 5°F within which the supply of heating and cooling energy to the zone is shut off or reduced to a minimum.	NA	EXISTING MECHANICAL SYSTEM IN PLACE	
C403.4.1.3	Setpoint overlap restriction	Where a zone has a separate heating and a separate cooling control located within the zone, a limit switch, mechanical stop or direct digital control system with software programming shall be configured to prevent the heating setpoint from exceeding the cooling setpoint and to maintain a deadband in accordance with Section C403.4.1.2.	NA	NA	
C403.4.1.4	Heated or cooled vestibules	The heating system for heated vestibules and air curtains with integral heating shall be provided with controls configured to shut off the source of heating when the outdoor air temperature is greater than 45°F	NA	EXISTING MECHANICAL SYSTEM IN PLACE	
C403.4.1.5	Hot water boiler outdoor temperature setback control	Hot water boilers that supply heat to the building through one- or two-pipe heating systems shall have an outdoor setback control that lowers the boiler water temperature based on the outdoor temperature	NA	REPLACE EXISTING DOMESTIC WATER TANK ONLY	
C403.4.1.6	Mechanical system shutoff	Operable wall or roof openings, overhead doors, cargo doors, sliding doors, folding and accordion-style wall systems, and other loading dock-style doors that open to the outdoors shall be equipped with interlock controls that disable the heating, cooling and humidity control equipment that serves the area or zone adjacent to the opening.	NA	EXISTING MECHANICAL SYSTEM IN PLACE	
C403.4.2	Off-hour controls	Each zone shall be provided with thermostatic setback controls that are controlled by either an automatic time clock or programmable control system.	NA		
C403.4.2.1	Thermostatic setback	Thermostatic setback controls shall be configured to set back or temporarily operate the system to maintain zone temperatures down to 55°F (13°C) or up to 85°F	NA	EXISTING THERMOSTAT	
C403.4.2.2	Automatic setback and shutdown	Automatic time clock or programmable controls shall be capable of starting and stopping the system for seven different daily schedules per week and retaining their programming and time setting during a loss of power for not fewer than 10 hours.	NA	EXISTING MECHANICAL SYSTEM IN PLACE	
C403.4.2.3	Automatic start	Automatic start controls shall be provided for each HVAC system.	NA	EXISTING MECHANICAL SYSTEM IN PLACE	
C403.5.5	Economizer fault detection and diagnostics	Air-cooled unitary direct-expansion units listed in Tables C403.3.2(1) through C403.3.2(3) and variable refrigerant flow (VRF) units that are equipped with an economizer shall include a fault detection and diagnostics	NA	EXISTING MECHANICAL SYSTEM IN PLACE	
C403.7.1	Demand control ventilation	Demand control ventilation shall be provided for spaces larger than 500 square feet and with an average occupant load of 25 people or greater per 1,000 square feet of floor area	NA	EXISTING MECHANICAL SYSTEM IN PLACE	
C403.7.2	Enclosed parking garage ventilation controls	Enclosed parking garages shall employ contamination-sensing devices and automatic controls configured to stage fans or modulate fan average airflow rates to 50 percent or less of design capacity, or intermittently operate fans less than 20 percent of the occupied time or as required to maintain acceptable contaminant levels	NA	EXISTING GARAGE	
C403.7.3	Ventilation air heating control	Units that provide ventilation air to multiple zones and operate in conjunction with zone heating and cooling systems shall not use heating or heat recovery to warm supply air to a temperature greater than 60°F (16°C) when representative building loads or outdoor air temperatures indicate that the majority of zones require cooling.	NA	EXISTING MECHANICAL SYSTEM IN PLACE	
C403.7.4	Energy recovery ventilation systems	Where the supply airflow rate of a fan system exceeds the values specified in Table C403.7.4, the system shall include an energy recovery system.	NA	NONE SPECIFIED	
C403.7.5	Kitchen exhaust systems	Replacement air introduced directly into the exhaust hood cavity shall not be greater than 10 percent of the hood exhaust airflow rate	NA	EXISTING SYSTEM	
C403.7.6	Automatic control of HVAC systems serving guestrooms	In Group R-1 buildings containing more than 50 guestrooms, each guestroom shall be provided with controls complying with the provisions of this Section	NA	NO GUEST ROOM	
C403.7.7	Shutoff dampers	Outdoor air intake and exhaust openings and stairway and shaft vents shall be provided with Class I motorized dampers	NA	EXISTING SYSTEM	
C403.8.1	Allowable fan horsepower	Each HVAC system having a total fan system motor nameplate horsepower exceeding 5 hp (3.7 kW) at fan system design conditions shall not exceed the allowable fan system motor nameplate hp (Option 1) or fan system bhp (Option 2) shown in Table C403.8.1(1)	NA	EXISTING MECHANICAL SYSTEM IN PLACE	
C403.8.2	Motor nameplate horsepower	For each fan, the fan brake horsepower shall be indicated on the construction documents and the selected motor shall be not larger than the first available motor size greater than this Section allows.	NA	EXISTING MECHANICAL SYSTEM IN PLACE	
C403.8.3	Fan efficiency	Fans shall have a fan efficiency grade (FEG) of not less than 67, as determined in accordance with AMCA 205 by an approved, independent testing laboratory and labeled by the manufacturer.	NA	EXISTING SYSTEM	
C403.8.4	Fractional hp fan motors	Motors for fans that are not less than 1/12 hp (0.062 kW) and less than 1 hp (0.746 kW) shall be electronically commutated motors or shall have a minimum motor efficiency of 70 percent	M3.0		
C403.10	Walk-in coolers, walk-in freezers, refrigerated warehouse coolers and refrigerated warehouse freezers	Refrigerated warehouse coolers and refrigerated warehouse freezers shall comply with this Section.	NA	COOLERS ARE EXISTING	
C403.11	Construction of HVAC system elements	Ducts, plenums, piping and other elements that are part of an HVAC system shall be constructed and insulated in accordance with Sections C403.11.1 through C403.11.3.1.	M3.0		
C403.11.3	Piping insulation	Piping serving as part of a heating or cooling system shall be thermally insulated in accordance with Table C403.11.3.	M3.0		
C403.12	Mechanical systems located outside of the building thermal envelope	Mechanical systems providing heat outside of the thermal envelope of a building shall comply with Sections C403.12.1 through C403.12.3	NA	NO OUTSIDE HEATER SYSTEM	

COMMERCIAL MANDATORY MEASURES & COMMERCIAL PRESCRIPTIVE MEASURES CHECKLIST SUBMITTER NOTES:

1 KEYNOTE – MANDATORY MEASURE
REFER TO SHEET A3.0, A3.1 AND A4.0

Code Section	Focus Area	Code Description	Plan Drawing or Reference # to demonstrate compliance (N/A if not applicable)	Submitter Notes (e.g. if "N/A" Please explain why requirement does not apply or is not demonstrated on plans/specs)	Plans Examiner Notes (in office use)
SERVICE WATER HEATING					
C404.3	Heat Traps	Water heating equipment not supplied with integral heat traps and servicing noncirculating systems shall be provided with heat traps on supply and discharge pipingt associated with the equipment.	NA	DOMESTIC HOT WATER ONLY	
C404.4	Piping Insulation	For automatic-circulating hot water and heat-traced systems, piping shall be insulated with not less than 1 inch of insulation having a conductivity not exceeding 0.27 Btu per inch/h • ft2 • °F. The first 8 feet of piping in non-hot-water-supply temperature maintenance systems served by circulpment without integral heat traps shall be insulated with 0.5 inch of material having a conductivity not exceeding 0.27 Btu per inch/h • ft2 • °F.	P3.0		
C404.5	Heated water supply piping	Heated water supply piping shall be in accordance with Section C404.5.1 or C404.5.2.	P3.0		
C404.6	Heated-water circulating and temperature maintenance systems	Heated-water circulation systems shall be in accordance with Section C404.6.	P3.0		
C404.7	Demand recirculation controls	Demand recirculation water systems shall have controls that comply with C404.7	P3.0		
C404.8	Drain water heat recovery units	Drain water heat recovery units shall comply with CSA B55.2.			
C404.9	Energy consumption of pools and permanent spas	The energy consumption of pools and permanent spas shall comply with the requirements in Sections C404.9.1 through C404.9.3.	NA	NO POOL OR SPA	
ELECTRICAL POWER & LIGHTING SYSTEMS					
C405.1.1	Lighting for dwelling units	Not less than 90 percent of the luminaires in dwelling units shall be provided by lamps with an efficacy of not less than 65 lm/W or shall be luminaires with an efficacy of not less than 45 lm/W.	NA	NONE SPECIFIED	
C405.2.1	Occupant sensor controls	Occupant sensor controls shall be installed to control lights in the following space types: 1. Classrooms/lecture/training rooms. 2. Conference/meeting/multipurpose rooms. 3. Copy/print rooms. 4. Lounges/breakrooms. 5. Enclosed offices. 6. Open plan office areas. 7. Restrooms. 8. Storage rooms. 9. Locker rooms. 10. Other spaces 300 square feet or less 11. Warehouse storage areas.	NA	NONE SPECIFIED	
C405.2.2	Time-switch controls	Each area of the building that is not provided with occupant sensor controls	NA	NONE SPECIFIED	
C405.2.3	Daylight-responsive controls	Daylight-responsive controls complying with Section C405.2.3.1 shall be provided to control the electric lights within daylight zones	NA	NONE SPECIFIED	
C405.2.6	Exterior lighting controls	Exterior lighting systems shall be provided with controls that comply with Sections C405.2.6.1 through C405.2.6.4.	NA	NO OUTDOOR LIGHTING	
C405.2.7	Parking garage lighting control	Lighting for parking garages shall have controls that comply with C405.2.7	NA	EXISTING GARAGE	
C405.5	Exterior lighting power requirements	The total connected exterior lighting power calculated in accordance with Section C405.4.1 shall be not greater than the exterior lighting power allowance calculated in accordance with Section C405.5.2	NA	NO EXTERIOR LIGHTING	
C405.6	Dwelling electrical meter	Each dwelling unit located in a Group R-2 building shall have a separate electrical meter.	NA	NO DWELLING UNITS	
C405.7	Electrical transformers	Low-voltage dry-type distribution electric transformers shall meet the minimum efficiency requirements of Table C405.7			
C405.11	Electric vehicle (EV) charging for new construction	New building shall be provided with electric vehicle charging in accordance with this C405.11 and the National Electrical Code (NFPA 70).	NA	EXISTING BUILDING	
SOLAR READY BUILDINGS					
C406.2	Solar Zone	All commercial buildings shall dedicate a solar zone, shown on the plans that has a minimum total area per C406.2. The solar zone shall be no less than 80 ft2 and no side shall be less than 5ft in length. The solar zone shall be oriented between 90 deg and 270 deg of true North on steep sloped roofs. No obstructions or shading from vents, architectural features, equipment, etc. shall be located in the solar zone.	NA	EXISTING BUILDING	
C406.2.4	Structural Design Loads	For areas of the roof designated as the solar zone, the structural design loads for the roof dead and live loads shall be clearly indicated on the construction documents. Collateral loads for future solar systems is not required.	NA	NO SOLAR PROPOSED	
C406.3	Interconnection Pathways	The construction documents shall indicate a location for inverters and metering equipment and a pathway for routing of conduit from the solar zone to the point of interconnection of the electrical service.	NA	NONE SPECIFIED	
C406.5	Main Service Panel	The main electrical service panel shall have a minimum busbar rating of no less than 200 Amps and shall have a reserved space to allow for installation of double pane circuit breakers for a future solar electric installation.	E3.0		
SYSTEM COMMISSIONING					
C408.1	Mechanical System Commissioning and Completion Requirements	Prior to the final mechanical and plumbing inspections, the registered design professional or approved agency shall provide evidence of mechanical systems commissioning and completion in accordance with the provisions of this section.	NA	EXISTING SYSTEM	Building Condition: Commissioning
C408.3.1	Lighting System Functional Testing	Prior to passing final inspection, the registered design professional shall provide evidence that the lighting control systems have been tested to ensure that control hardware and software are calibrated, adjusted, programmed and in proper working condition in accordance with the construction documents and manufacturer's instructions.	E3.0		Building Condition: Commissioning

Commercial Prescriptive Measures Checklist

2020
City of Boulder
Energy Conservation Code

Applies to: New Buildings and Additions with a construction valuation of <$500,000 and Level 1 & 2 Alterations

Project Address: **919 Pearl St**

Date: 11/28/2022

DIRECTIONS: Compliance with these measures is required if the project uses the Prescriptive Compliance Path. Please complete this checklist and include it on an "Energy Conservation Code" sheet within the plans being submitted for permit application. Projects complying prescriptively also must meet Mandatory Measures and should include the Mandatory Measures Checklist as well.

Code Section	Focus Area		Code Description	All Other	Group R (Mixed Use)	Plan Drawing or Reference # to demonstrate compliance (N/A if not applicable)	Submitter Notes (e.g. if "N/A" Please explain why requirement does not apply or is not demonstrated on plans/specs)	Plans Examiner Notes (in office use)
BUILDING ENVELOPE								
TABLE C402.1.3	Insulation	Roof	Insulation entirely above deck	Min R-33 continuous	Min R-33 continuous	NA	EXISTING BUILDING	
			Metal buildings (w/R-5 thermal blocks)	Min R-19 + R-11 linear system	Min R-19 + R-11 linear system			
			Attic and other	Min R-53	Min R-53			
		Walls, Above Grade	Mass	Min R-13.3 continuous	Min R-13.3 continuous	NA	EXISTING BUILDING	
			Metal building	Min R-13 + R-19.5 continuous	Min R-13 + R-13 continuous			
			Metal framed	Min R-13 + R-11 continuous	Min R-13 + R-11 continuous			
			Wood framed and other	Min R-13 + R-9 continuous or R-13 + R5 continuous	Min R-13 + R-9 continuous or R-13 + R5 continuous			
		Walls, Below Grade	Below-grade wall	Min R-7.5 continuous	Min R-10 continuous	NA	EXISTING BUILDING	
		Floors	Mass	Min R-15 continuous	Min R-16.7 continuous	NA	EXISTING BUILDING	
			Joist/framing	Min R-30	Min R-30			
		Slab-on-Grade Floors	Unheated slabs	Min R-15 for 24" below	Min R-15 for 24" below	NA	EXISTING BUILDING	
			Heated slabs	Min R-20 for 48" below	Min R-20 for 48" below			
		Opaque Doors	Swinging	Max U-0.37	Max U-0.37	NA	NONE PROPOSED	
			Roll-up or sliding	Min R-4.75	Min R-4.75			
C402.2.6		Radiant Heating	Radiant Panels, associated U-bends, and headers	Min R-3.5		NA	NONE PROPOSED	
C402.4.1	Fenestration	Vertical fenestration	Area	Not to exceed 30% gross above-grade wall area		A4.0		
C402.4			U-factor	Fixed	Max U-0.36			
				Operable	Max U-0.45			
				Entrance doors >50% glass area	Max U-0.63			
			SHGC	Max W 0.51-0.61 / SEW 0.38-0.61				
		Skylights	U-factor	Max U-0.50		NA	NONE PROPOSED	
			SHGC	Max 0.40				
			Area	Not to exceed 3% gross floor area				
			Curb Insulation	Skylight curbs shall be insulated to the level of roofs with insulation entirely above deck or R-5, whichever is less.				
C402.4.2		Minimum Skylight Fenestration	For enclosed spaces greater than 2,500 square feet, directly under a roof with ceiling heights greater than 15 feet, plan submitter must include supporting documentation showing the total daylight zone under skylights shall be not less than half the floor area and shall provide a minimum skylight area to daylight zone under skylights of either: 1. Not less than 3 percent with a skylight VT of at least 0.40; or 2. Provide a minimum skylight effective aperture of at least 1 percent or 3. Provide exception documentation.			NA	NONE PROPOSED	
C402.4.2.2		Haze factor	Skylights in office, storage, automotive service, manufacturing, nonrefrigerated warehouse, retail store and distribution/sorting area spaces shall have a glazing material or diffuser with a haze factor greater than 90 percent when tested in accordance with ASTM D1003.			NA	NONE PROPOSED	
C402.5.3		Rooms containing fuel-burning appliances	Where combustion air is supplied through openings in an exterior wall to a room or space containing a space-conditioning fuel-burning appliance, one of the following shall apply: 1. The room or space containing the appliance shall be located outside of the building thermal envelope. 2. The room or space containing the appliance shall be enclosed and isolated from conditioned spaces inside the building thermal envelope.			NA	NONE PROPOSED	
HEATING, VENTILATING, AND AIR CONDITIONING								
C403.5	Economizer		An air or water economizer shall be provided for the following cooling systems: 1. Chilled water systems with a total cooling capacity, less cooling capacity provided with air economizers Water-cooled Chilled-water Systems 1,320,000 Btu/h or Air-cooled Chilled-water Systems 1,720,000 Btu/h 2. Individual fan systems with cooling capacity greater than or equal to 54,000 Btu/h (15.8 kW) in buildings having other than a Group R occupancy The economizer controls and			NA	NONE PROPOSED	
C403.5.1	Integrated economizer control		Economizer systems shall be integrated with the mechanical cooling system and be configured to provide partial cooling even where additional mechanical cooling is required to provide the remainder of the cooling load.			NA	NONE PROPOSED	
C403.5.2	Economizer heating system impact		HVAC system design and economizer controls shall be such that economizer operation does not increase building heating energy use during normal operation.			NA	NONE PROPOSED	
C403.5.3	Air economizers	Design capacity	Air economizer systems shall be configured to modulate outdoor air and return air dampers to provide up to 100 percent of the design supply air quantity as outdoor air for cooling			NA	NONE PROPOSED	
		Control signal	Economizer controls and dampers shall be configured to sequence the dampers with the mechanical cooling equipment and shall not be controlled by only mixed-air temperature			NA	NONE PROPOSED	
		High-limit shutoff	Air economizers shall be configured to automatically reduce outdoor air intake to the design minimum outdoor air quantity when outdoor air intake will not reduce cooling energy usage.			NA	NONE PROPOSED	
		Relief of excess outdoor air system	Systems shall be capable of relieving excess outdoor air during air economizer operation to prevent over pressurizing the building. The relief air outlet shall be located to avoid recirculation into the building.			NA	NONE PROPOSED	
C403.5.4	Water-side economizers	Design capacity	Water economizer systems shall be configured to cool supply air by indirect evaporation and providing up to 100 percent of the expected system cooling load at outdoor air temperatures of not greater than 50°F (10°C) dry bulb/45°F (7°C) wet bulb.			NA	NONE PROPOSED	
		Maximum pressure drop	Precooling coils and water-to-water heat exchangers used as part of a water economizer system shall either have a waterside pressure drop of less than 15 feet (45 kPa) of water or a secondary loop shall be created so that the coil or heat exchanger pressure drop is not seen by the circulating pumps when the system is in the normal cooling (noneconomizer) mode.			NA	NONE PROPOSED	
INTERIOR LIGHTING								
C405.3	Interior lighting power requirements		A building complies with this section when its total connected interior lighting power calculated under Section C405.3.1 is not greater than the interior lighting power allowance calculated under Section C405.3.2. Indicate if Building Area Method or Space-by-Space Method is used to determine Lighting Power Allowance and included project specific lighting calculations demonstrating compliance on the Lighting Calculations Tab. Alternatively, COMCheeck can be used to demonstrate compliance. Note: select the Boulder 2020 Code on the Project Tab.			E3.0		

Attachment C - Architectural Plans

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STATE OF COLORADO
ROLAND J. HOWER
200905
11-28-2022
LICENSED ARCHITECT

PROJECT NO.
2207

DATE 12.14.2022

REVISIONS

DRAWN BY R. Hower
K. Hertzfeld

SHEET TITLE
PROPOSED PLAN : ENERGY CONSERVATION CODE SHEET

SHEET
A7.0

CITY OF BOULDER
PLANNING BOARD AGENDA ITEM

MEETING DATE: June 6, 2023

AGENDA TITLE: Introduction to the 2024 City of Boulder Energy Conservation Code (CoBECC) Development Project

PRESENTER(S)
Brad Mueller, Director Planning and Development Services
Edward Stafford, Senior Civil Engineering Manager
Rob Adriaens, Chief Building Official
Josh Hanson, Energy Code Compliance Principal Examiner
Carolyn Elam, Sustainability Senior Manager

EXECUTIVE SUMMARY

The Planning Board is requested to offer feedback and recommendations regarding the scope for the development of the 2024 City of Boulder Energy Conservation Code (CoBECC). The City of Boulder's energy conservation code was last revised in 2019-2020, and updates are planned on a three-year cycle. The suggested updates to the code primarily concentrate on enhancing energy performance criteria, specifically emphasizing electrification, as the community aims to achieve a 70% reduction in emissions by 2030 and carbon neutrality by 2035. The project update will also consider revisions to the city's code roadmap, specifically revising the 2031 goal from net zero energy to net zero greenhouse gas (GHG) codes. The roadmap update will also consider targets for embodied carbon reduction.

Proposed areas of focus for the 2024 CoBECC:

- Updated performance targets for both residential and commercial projects.
- Requiring all-electric for space and water heating for new construction and level 4[1] alterations with electric ready requirements for other appliances
- Requiring level 3 alterations[2] to be electric-ready and encourage all-electric through relaxed performance targets.
- Requiring 100% offset of natural gas usage through on-site solar for new construction and level 4 alterations.
- Consideration of the DOE's Zero Energy Ready Home Program for residential new construction and an alternative to the ERI path
- Requirements to analyze and reduce embodied carbon for new commercial construction.
- Compliance with state minimum energy code requirements as required by HB19-1260.

STAFF RECOMMENDATION

Staff are requesting feedback and recommendations from the Planning Board on the focus areas presented for the update to the 2024 City of Boulder Energy Conservation Code.

1. Does the Planning Board agree on the proposed areas of focus for the 2024 CoBECC?
2. Are there other areas of focus that should be included?
3. Does Planning Board have recommendations on the community engagement strategies for this project?

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Economic** – Updating the 2024 City of Boulder Energy Conservation Code may result in higher upfront construction costs. This is due to the requirement for more efficient and superior products to meet the enhanced performance standards. While upfront construction cost may be higher, investments in energy efficiency and reducing dependency on natural gas is expected to lead to reduced lifecycle costs for buildings.
- **Environmental** – This project represents a crucial advancement towards achieving a 70% greenhouse gas (GH) emissions reduction by 2030 and carbon neutrality by 2035. In addition to a focus on operational emissions, efforts are also focused on reducing embodied carbon associated with new construction materials, and with deconstruction and construction waste. Additionally, there will be a continued emphasis on on-site renewable energy sources as the community aims to transition away from fossil fuels. These measures will not only enhance the performance of buildings but also create a healthier indoor environment for

[1] Level 4 Alteration: An alteration where work exceeds 50% of the building area, mechanical and lighting systems are substantially replaced, and the alteration meets the criteria of substantial structural alteration, including fenestration replacement.

[2] Level 3 Alteration: An alteration where work exceeds 50% of the building area.

occupants. Finally, this code update is expected to more aggressively address the environmental and health impacts associated with natural gas use.

- **Social** – One of the objectives of this project is to carefully examine the equity aspect as the city progresses towards achieving carbon neutrality. These updates will prioritize the equitable impact on the community, aiming to make energy efficiency and net zero energy (or zero energy ready) accessible to all. The focus of this code is on improving efficiency, resilience, and sustainability in buildings and thus improving the well-being of the community as a whole (lower utility bills, lower maintenance, cleaner air, etc.). Staff will utilize the racial equity instrument to further evaluate equity impacts and strategies.

OTHER IMPACTS

- **City Resources** – This project is included in the 2023 work plan for Planning and Development Services and is also supported by staff in the Climate Initiatives department. The city is in the process of contracting with a consulting firm to support analysis and code development. Resources will also be allocated in 2024 to provide training to plan review, inspection and code compliance personnel, and to develop and publish templates and other resources for the city website.

PUBLIC FEEDBACK

The scope of this project has been informed by past public engagement, as well as feedback from Planning Board and City Council during the Site Review Criteria update process. The project is also informed by peer exchange with other municipalities and aligns with Boulder County's Code Cohort adopted roadmap. Staff will be conducting community engagement based on the strategies prioritized through discussions with the Planning Board and Environmental Advisory Board, and through the June 22, 2023, City Council Study Session.

BACKGROUND

In 2017, the City of Boulder implemented its inaugural independent energy code, known as the City of Boulder Energy Conservation Code (CoBECC). In July 1, 2020, the first CoBECC revision, the 2020 City of Boulder Energy Conservation Code (CoBECC), went into effect. In developing the 2020 CoBECC, the city partnered with expert consultants and undertook the task of revising the energy code by incorporating elements from the 2018 IECC (International Energy Conservation Code) along with local amendments. The net result was a local Boulder code that was 20% more stringent than the base 2018 IECC.

The city's current code roadmap[3] outlines a pathway to net zero energy, starting first with residential and then achieving it across all new construction by 2031. The roadmap is framed around the approach of imposing the strictest requirements on the largest and/or

[3] City of Boulder Current Energy Road Map – Page 29 Residential, Page 53 Commercial http://lfprod/WebLink/DocView.aspx?id=14131373&

most cost-effective projects first, then gradually increasing the requirements for projects of all sizes with each code update. This approach was established based on the understanding that larger projects have a greater environmental impact and were also best positioned to be able to absorb the incremental cost of the higher efficiency requirements. The net-zero requirement, and more specifically the requirement for on-site solar generation, was prioritized to mitigate the impact of grid electricity emissions and to support local resiliency and economic development priorities.

The city's experience implementing the CoBECC requirements, as well as recent changes at the state level, inform the strategies staff are exploring with the 2024 CoBECC update:

- Grid Emissions: Since the roadmap was originally developed, the State has passed a regulation that requires utilities to reduce their grid electricity emissions by 80% compared to a 2005 baseline. Utilities, including Xcel Energy, the city's electricity provider, are on track to meet or exceed this requirement.
- Construction Market Transformation: During May of 2022, the state of Colorado passed the Building Energy Codes law (HB22-1362 Building Greenhouse Gas Emissions[4]) which requires jurisdictions throughout Colorado to adopt an energy code that is equal to or more stringent than the 2021 IECC, along with state-prescribed electric- and solar-ready requirements during the next code cycle update or by July 1, 2026, whichever is first. This represents a significant acceleration of construction market transformation in the push for net zero energy and carbon neutrality.
- Barriers to On-Site Solar: Lot orientations and neighboring structures can present challenges for achieving net zero energy solely through on-site solar, even with highly efficient homes. This will prove especially challenging for high-density housing, redevelopment of smaller lots and smaller in-fill projects. While the city permits compliance through off-site options, this introduces administrative complexities and may not align with the city's objective of actually reducing greenhouse gas emissions and fostering community resilience, which underpin the net zero energy requirements.
- Equity: While the intention of setting more stringent requirements for larger buildings was to address energy usage, the unintended outcome is that residents of the largest and most affluent homes enjoy the lowest utility bills, while those residing in smaller, low-to-moderate income homes are left exposed to escalating and volatile energy costs. Rather than setting less stringent requirements for smaller homes or commercial projects, there is opportunity to leverage federal, state and local investment to advance equity priorities without sacrificing building performance.

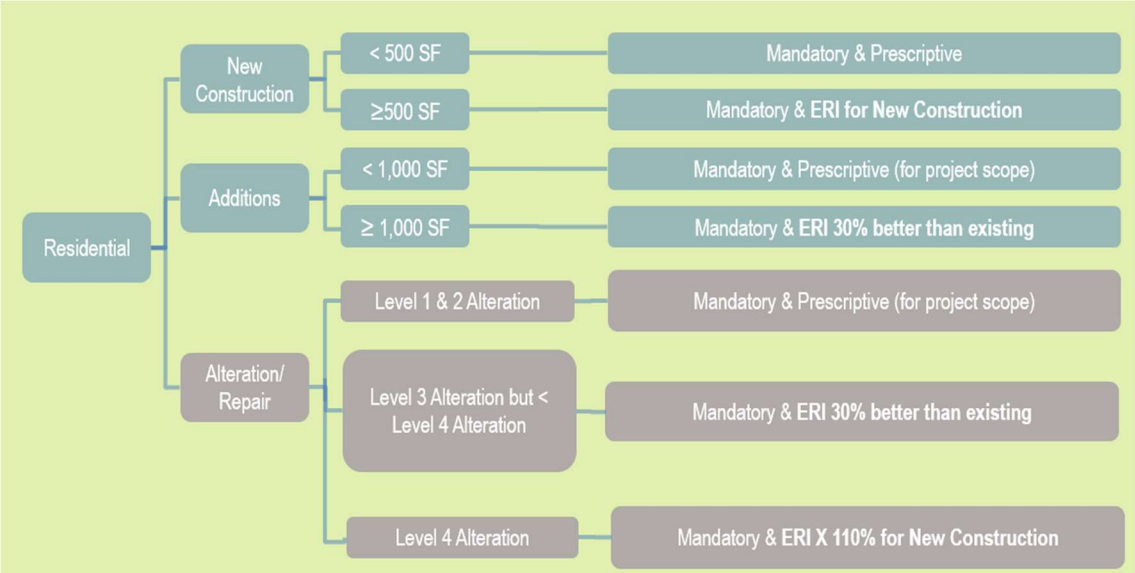
[4] The Colorado General Assembly passed the Building Energy Codes law (HB22-1362 Building Greenhouse Gas Emissions) in May of 2022. The law requires that cities and counties with building codes must adopt at least the 2021 International Energy Conservation Code (IECC) when they update other building codes between July 1, 2023 and July 1, 2026. This adoption must include the electric and solar ready provisions in the model electric ready and solar ready code, which are set to be published by June 1, 2023.

Taking into account these factors, staff will be considering a revision to the city's code roadmap. In particular, staff proposes to transition from a net zero energy focus to a net zero GHG focus that considers grid emissions reductions when imposing requirements on projects. The updated roadmap would also have increased emphasis on embodied carbon reductions targeting strategies that can reduce embodied carbon by as much as 40% as compared to a 2018 baseline.

Residential Energy

With the 2017 CoBECC, the city began requiring new residential buildings 5,000 square feet and larger to be constructed as net zero energy, meaning that on-site solar would produce as much energy as the home consumed on an annual basis. Under the 2017 CoBECC, approximately half of the total new home square footage was constructed to be net zero energy. With the 2020 CoBECC, the net-zero energy threshold was lowered to 3,000 square feet; 3,000 square feet represents the majority of all residential (single family and townhomes) construction in Boulder, with the exception of accessory dwelling units (ADUs) and some permanently affordable housing. Among those homes that were mandated to be net zero energy, about half have been built as all-electric residences. In cases where natural gas infrastructure is present, electricity serves as the main source for space and water heating.

Figure 1 - Residential Energy Code Compliance Path Flow Chart



Level 1 Alteration: Alteration with scope that includes the removal and replacement or the covering of existing materials, elements, equipment, or fixtures using new material, elements, equipment, or fixtures that serve the same purpose.
Level 2 Alteration: Alteration with scope that includes the reconfiguration of space, the addition or elimination of any door or window, the reconfiguration or extension of any system, or the installation of any additional equipment.
Level 3 Alteration: Alteration where the work area exceeds 50% of the building area.
Level 4 Alteration : An alteration where the work area exceeds 50 percent of the building area, mechanical and lighting systems are substantially replaced, and the alteration meets the criteria of substantial structural alteration, including fenestration replacement.
CV: Construction Value as determine per City of Boulder Construction Value Guidance Document. A cost estimate must be provided with permit application.

As depicted in Figure 1, compliance with residential energy codes is determined by the size of the project. For new homes larger than 500 square feet, additions greater than 1,000 square feet, and level 3 or 4 alterations, the Energy Rating Index (ERI) pathway is mandatory for compliance, with ERI score requirements ranging from 50 down to 0 depending on the home's size.[5] Additions greater than 1,000 square feet and level 3 alterations must have an ERI score no greater than 50 OR demonstrate a 30% reduction in the existing building's ERI. Level 4 alterations are required to be modeled as new construction, with a 10% allowance above the required ERI target. The 10% allowance is intended to incentivize preservation of the original structure and the embodied carbon contained within it. Homes equal to or less than 500 square feet, additions equal to or less than 1,000 square feet, and level 1 and 2 alterations have the option to follow either the ERI (total performance outcome) or a prescriptive (defined percent better than code minimum) pathway.

Commercial Energy

Similar to the residential sector, the city has adopted an approach for commercial buildings that establishes performance requirements surpassing the most recent national standards. This ensures the city's commitment to being at the forefront of energy conservation efforts, while considering the cost implications for new construction and significant renovations. With the implementation of the 2020 City of Boulder Energy Conservation Code as of July 1, 2020, the City became one of the pioneers in adopting an Energy Use Index (EUI) compliance approach.[6] The EUI pathway, which is now part of the national code, provides designers with greater flexibility for achieving the performance outcomes, while still preserving critical backstops at design. Under the 2020 CoBECC, new commercial construction projects are mandated to achieve an annual operating energy cost that is 25% lower than the 2016 American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE) 90.1 standard while for major renovations a 10% allowance above the permitted operating expense is allowed.

In addition to prescribed energy performance, new commercial buildings must offset at least 5% of the annual energy use through on-site solar.

[5] The Energy Rating Index (ERI) utilizes an established national standard to measure home performance against a baseline code, where a score of 100 is equivalent to the 2006 IECC and a score of 0 represents net zero energy use on an annual basis.

[6] Energy Use Index (EUI) is measured as total energy use per square foot of gross floor space.

Electric Vehicle (EV) Infrastructure

In addition to mitigating the operational emissions impacts of buildings, CoBECC also advances the community's goals for mitigating transportation-related emissions by supporting electric vehicle (EV) adoption. All new residential and commercial projects must install EV infrastructure as outlined in Table 1, where EV-Ready means there is a fully wired, dedicated circuit terminated at an outlet or junction box, and EV-Capable means there is space in the electric panel and conduit installed to allow a circuit to be added in the future.

Table 1 – Electric Vehicle (EV) Infrastructure Requirements

Building Type	Number of EV-Ready Spaces	Number of EV-Capable Spaces	Number of Spaces Served by Installed EV Charging Equipment
Residential single-family and townhomes	1	0	0
R-2 Occupancies* with 1-25 total parking spaces	1	0	0
R-2 Occupancies* with >25 parking spaces	10% of spaces	40% of remaining spaces	5% of spaces (minimum 1 dual port charging station)
Commercial with 1 parking space	1	0	0
Commercial with 2-25 parking spaces	1	1	0
Commercial with >25 parking spaces	10% of spaces	10% of remaining spaces	5% of spaces (minimum 1 dual port charging station)

*R-2 Occupancies are defined in the International Building Code and include multifamily housing, non-transient congregate living facilities, hotels and live/work motels, and vacation timeshare properties

ANALYSIS

The following summarizes staff's analysis of the primary areas of focus for the 2024 CoBECC update.

Natural Gas

Natural gas combustion appliances in buildings significantly contribute to GHG emissions, urban air pollution and poor indoor air quality. As seen particularly this past year, the reliance on natural gas appliances also leaves building occupants vulnerable to volatile fuel costs as well as unforeseen health problems. Achieving carbon and urban air quality goals, as well as mitigating future energy cost burdens, necessitates the elimination of natural gas use, at least in any application for which there is a technically viable and economically feasible electric alternative.

The current CoBECC has several embedded strategies to reduce GHG emissions and air pollution through attractive standards for all-electric or largely electric construction compliance options. For example, residential mixed-fuel buildings and commercial mixed-fuel buildings have more stringent requirements than all-electric buildings. Despite these incentives aimed to promote electrification and reduce GHG emissions, projects continue to incorporate natural gas combustion systems. With the 2024 update, staff expects to propose one or more strategies to further incentivize reduction or elimination of natural gas use.

One strategy that some jurisdictions have employed is to prohibit natural gas infrastructure within a new building and on a new building's property (past the gas meter). This strategy was first implemented by Berkeley, California (the Berkeley Ordinance). The Berkeley Ordinance was not part of Berkeley's building and energy code, but part of Title 12 of Berkeley's Municipal Code which concerns Health and Safety and adopted in reliance on Berkeley's general police power. The Ordinance stated that it attempts to address the global impacts caused by the combustion of natural gas. The Berkley ordinance was challenged by the California Restaurant Association (CRA). CRA alleged that Berkeley's ordinance was preempted by federal law, in particular the Energy Policy and Conservation Act (EPCA). EPCA establishes energy efficiency standards for certain consumer and commercial appliances and expressly preempts state and local regulations "concerning the energy efficiency" and "energy use" of the products for which energy conservation standards are established pursuant to EPCA. The ordinance was initially upheld at the federal district court level where the court found that Berkeley's ordinance was not preempted as it regulates natural gas piping and does not directly regulate the energy use or energy efficiency of appliances covered by EPCA. On appeal, the 9th Circuit Court of Appeals disagreed and held that EPCA preempts the Berkeley Ordinance finding that EPCA's preemption encompasses an ordinance that effectively eliminates the "use" of an energy source. The court stated "EPCA preemption extends to regulations that address the products themselves and the on-site infrastructure for their use of natural gas. The 9th Circuit Court of Appeals decision was issued on April 17, 2023. The City of Berkeley could petition the U.S. Supreme Court to

hear its case, which would have to be submitted within 90 days of the court of appeals final judgment.

Other jurisdictions, such as Crested Butte and Denver have adopted all-electric construction requirements, with exceptions for certain applications, such as commercial kitchens. Public feedback engagement conducted by both municipalities suggested less resistance to all-electric requirements limited to space and water heating. Staff is not aware of any legal challenge of a local all-electric construction requirement. However, such a requirement as it relates to products covered by EPCA could also be challenged as preempted by EPCA. In the 9th Circuit Court of Appeals decision on the Berkeley Ordinance the judge wrote that "EPCA no doubt preempts an ordinance that directly prohibits the use of covered natural gas appliances in new buildings." Based on that decision, a significant risk of litigation and finding of preemption also exists with this approach.

At a minimum, the 2024 CoBECC will need to meet state minimum requirements,[7]which mandate electric-ready in new construction. Electric ready refers to construction having adequate electrical service, breakers, wiring and outlets to easily be converted to electric from natural gas. Staff expects to propose extending these requirements to Level 4 alterations and potentially to Level 3 alterations, as well. Staff also is exploring to further incentivize all-electric design options.

GHG Offset vs. Net-Zero Energy

Even buildings built to the highest level of efficiency possible may not be able to achieve net zero energy with on-site resources alone. Lot orientations and adjacent structures can limit solar access. Multi-story commercial buildings and high-density multi-family housing may not have adequate roof or ground space available to them. While off-site solutions, such as solar gardens, can be an option, given the rapidly increasing share of renewables on the grid and the state's grid-emissions reduction trajectory, the cost and administrative complexity of utilizing off-site solutions likely far exceeds the incremental benefits. For this reason, staff is considering shifting from a net-zero energy strategy to instead focus on future GHG emissions. Specifically, staff is considering preserving the current minimum percent of energy use that must be supplied by on-site solar, but then require that any new mixed fuel building offset 100% of their natural gas use with on-site renewables. Under the proposed provision, off-site renewables would not be allowed to serve as an offset. Extending this same requirement to Level 4 alterations is also a consideration.

Updated Performance Targets

Consistent with the city's policy of adopting energy conservation codes that are more stringent than the national baseline code, the 2024 CoBECC will build upon the current code while incorporating elements of the 2021 and potentially the 2024 IECC, and adding a target of 15-25% greater energy efficiency than the 2021 IECC.

Outcome Verified Performance

While modeled building performance continues to evolve and be refined, post-occupancy energy use can often be far different than was predicted. Outcome-verified code compliance is an emerging strategy and one the city sought to pilot through the 2020 CoBECC. Unfortunately, no projects elected to pursue the pilot option, and, therefore, the methodology for implementing outcome verified code compliance is not yet established.

Staff is considering a proposal for this code update to require outcome verified performance for one or more commercial building types. Since 2016, new commercial buildings over 10,000 square feet have been required to annually report their energy use, beginning after their first full year of occupancy. Staff will analyze this data and will propose one or more commercial building types to become subject to verified performance.

Embodied Carbon

In addition to regulating operational energy use through building codes, jurisdictions have begun tackling embodied carbon. Currently, CoBECC sets requirements for deconstruction and construction waste minimization. Based on Board and Council feedback during the Site Review Criteria update process, this project will develop new requirements for larger construction projects to target embodied carbon in construction materials. This may include requirements for low carbon concrete and other strategies to lower embodied carbon. Requirements for projects to conduct a full carbon accounting and demonstrate steps that are being taken to reduce embodied carbon may also be proposed in this code update.

DOE Zero Energy Ready Home Program Alternative

Since 2013, the Department of Energy's (DOE) Zero Energy Ready Home (ZERH) program has been setting the highest Federal standards for the U.S. Housing industry to pursue. With over 12,000 homes certified across the country, they are often seen to be 40-50% more efficient than a typical new home. The program requires compliance with the ENERGY STAR® program as well as the EPA's Indoor airPLUS to achieve certification.

Currently CoBECC sets performance targets based on the size of the home with homes 3,000 square feet and larger to have a maximum Energy Rating Index (ERI) of zero or less; and homes less than 3,000 square feet having a required ERI determined by the home size with smaller homes having more relaxed targets, up to an ERI of 50. Staff is proposing that this code update analyze ZERH program as an alternative pathway for code compliance. This alternative would be available to all homes with the requirement that those 3,000sqft and larger still need to be net zero. An added benefit of the ZERH is that some utilities, including Xcel, as well as the federal government, provide tax credits or other incentives to help offset the cost of the implementing ZERH, which helps homeowners take the next step from solar ready to solar active.

NEXT STEPS

- Meeting scheduled with the Environmental Advisory Board on June 7, 2023, to gather feedback and recommendations, similar to the request made to the Planning Board.
- City Council Study Session on June 22, 2023.
- Conduct engagement with designers, developers and the community and incorporate feedback into the analysis and draft code package.
- Return to Planning Board and Environmental Advisory Board with draft code package for further input, refinement and/or concurrence, as applicable.
- Initial public reading targeted for early November, followed by subsequent readings as required with goal of an effective code date of not later than March 1, 2024

The purpose of this agenda item is to solicit feedback and recommendations from the Planning Board as we embark on the process of reviewing and updating the existing City of Boulder Energy Conservation Code. Staff will use this feedback to finalize the scope of the project and in the development of the proposed 2024 CoBECC

CITY OF BOULDER
PLANNING BOARD INFORMATION ITEM

TO: Planning Board

FROM: Hella Pannewig, Senior Counsel

DATE: May 23, 2023

SUBJECT: Notice regarding Ordinance 8579

EXECUTIVE SUMMARY
The purpose of this item is to provide notice to the Planning Board that City Council will be considering action on Ordinance 8579 titled "An ordinance amending Title 9, "Land Use Code," B.R.C. 1981, by granting exemptions to the city's land use code standards for properties located at 2050 Mesa Drive and 2049 Bluff Street to allow development of 2050 Mesa Drive with a detached single-family dwelling unit and setting forth related details." The ordinance is scheduled for introduction and first reading on June 1, 2023, and for second reading on June 15, 2023. The ordinance is proposed in order to settle a lawsuit between the property owner of 2050 Mesa Drive and the city.

This notice serves to meet the requirements of Charter Section 79, Notice of pending plans or ordinances.

For more information on Ordinance 8579, I am attaching the City Council Memorandum which includes the ordinance itself as Attachment A to this information item.

This notice is for informational purposes and does not require Planning Board action.

If you have any questions or concerns, please contact me at pannewigh@bouldercolorado.gov.

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: June 1, 2023

AGENDA TITLE

Introduction, first reading and consideration of a motion to order published by title only Ordinance 8579 amending Title 9, "Land Use Code," B.R.C. 1981, by granting exemptions to the city's land use code standards for properties located at 2050 Mesa Drive and 2049 Bluff Street to allow development of 2050 Mesa Drive with a detached single-family dwelling unit; and setting forth related details. This ordinance is proposed in order to settle a lawsuit between the property owner of 2050 Mesa Drive and the city.

PRESENTERS

Nuria Rivera-Vandermyde, City Manager
Sandra Llanes, Deputy City Attorney and Co-Acting City Attorney
Luis Toro, Senior Counsel
Hella Pannewig, Senior Counsel
Brad Mueller, Planning and Development Services Director
Charles Ferro, Development Planning Senior Manager

EXECUTIVE SUMMARY

The city council is being asked to exempt a Planned Unit Development, PUD-86-35 (the "PUD") from certain standards of the Land Use Code by adoption of the attached ordinance in order to settle a lawsuit between the owners of the PUD property and the city. The PUD includes property generally known as 2050 Mesa Drive and 2049 Bluff Street.

Approval of the attached proposed ordinance will assist the city in settling the pending litigation.

STAFF RECOMMENDATION

Suggested Motion Language:

Staff requests council consideration of this matter and action in the form of the following motion:

Motion to introduce and order published by title only Ordinance 8579 amending Title 9, "Land Use Code," B.R.C. 1981, by granting exemptions to the city's land use code standards for properties located at 2050 Mesa Drive and 2049 Bluff Street to allow development of 2050 Mesa Drive with a detached single-family dwelling unit; and setting forth related details.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Economic** – This settlement will not involve a payment from the City to Mr. Dean.
- **Environmental** – Environmental impacts are not anticipated beyond those typically associated with the construction of a single-family dwelling.
- **Social** – Settlement of this lawsuit will enable construction of an additional dwelling unit in the city, contribute to the city's inclusionary housing fund, and the potential protection of a historic resource within the PUD.

OTHER IMPACTS

- **Fiscal** – Settlement of this lawsuit will be implemented through existing staff resources.
- **Staff time** – Settlement of this lawsuit will be implemented through existing staff resources.
- **Settlement** – This action will help the city settle a legal dispute.

BACKGROUND

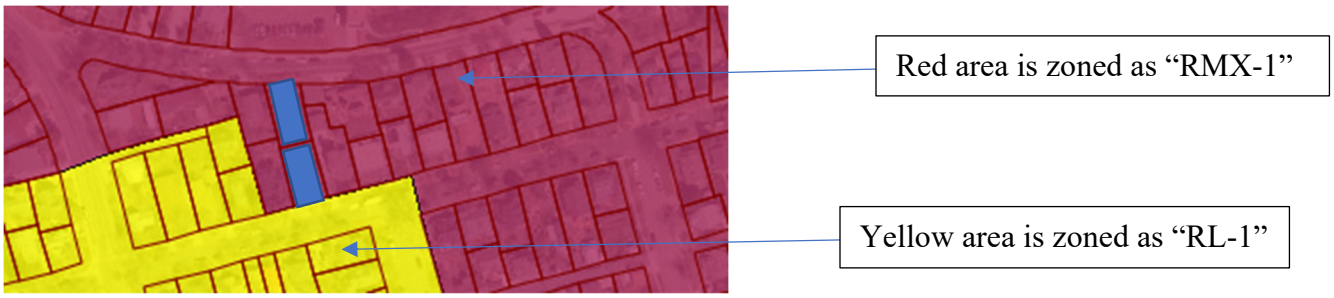
In 2022, the city was sued by Calisle S. Dean, the owner of the PUD property at 2050 Mesa Drive and 2049 Bluff Street seeking a declaration by the court that he can develop a single-family dwelling unit at 2050 Mesa Drive, or alternatively, just compensation for a taking under the United States and Colorado constitutions. The background to this litigation is as follows:

On October 1986, the city approved a PUD for property now generally known as 2050 Mesa Drive and 2049 Bluff Street, but at the time known only as 2049 Bluff Street. At the time of the PUD approval, a detached dwelling unit existed on the property, and the PUD permitted construction of a second detached dwelling unit and subdivision of the property into two lots. Following the PUD approval, the city approved the Upland Subdivision which split the PUD property and created Lot A (2050 Mesa Drive) and Lot B (2049 Bluff Street). The existing single-family house is located on Lot B and, today, is considered to have historical value. The second detached dwelling unit that was approved under the PUD was to be located on Lot A, 2050 Mesa Drive. This second detached dwelling unit has never been constructed and 2050 Mesa Drive remains vacant. Mr. Dean owns and has owned both lots since 1987.

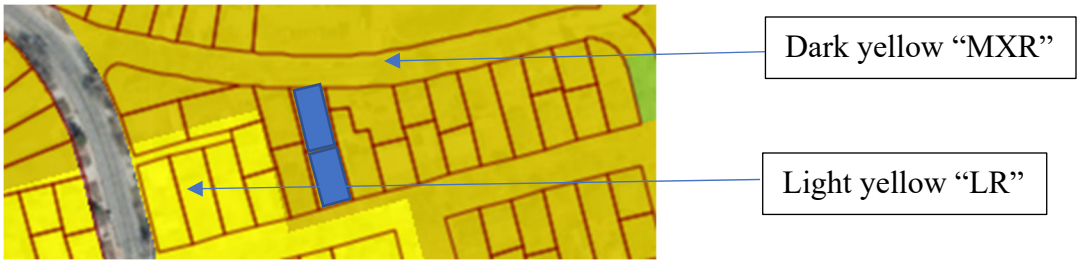
Pursuant to Section 9-4-8, B.R.C. 1981, as in effect at the time of the PUD approval, the PUD approval expired three years after the date of final approval because no building permit or certificate of occupancy was issued for the PUD development within that time frame.

Lot A was platted 4,403 square feet in size. Lot B was platted 4513 square feet in size. Both lots are zoned RMX-1 and have a land use designation of MXR. Neither lot meets the 6000 square feet minimum lot size requirement for the RMX-1 zone.

Aerial of 2050 Mesa Drive and 2049 Bluff Street.



Map of Zoning of 2050 Mesa Drive and 2049 Bluff Street.



BVCP Land Use Map showing land use designation of 2050 Mesa Drive and 2049 Bluff Street.

With the expiration of the PUD, the Boulder Revised Code considers the two lots to be nonstandard lots and merged as one building lot per Section 9-9-2(c), "Parcel as Buildings and Merger of Nonstandard Lots or Parcels." B.R.C. 1981. The merger provisions of the Boulder Revised Code are intended to bring nonstandard lots into conformance with today's Land Use Code standards. Today, the Boulder Revised Code no longer allows for approval of two lots in in the RMX-1 zone as they were created under past Boulder Revised Code standards.

Mr. Dean disagrees with the city's interpretation of the Boulder Revised Code and contends that the lots are not nonstandard lots. In addition, Mr. Dean contends that if the lots were considered merged, the city owes him compensation for a taking under the United States and Colorado constitutions asserting that the city's refusal to permit development of 2050 Mesa drive deprives him of substantially all value of that lot.

City staff and Mr. Dean have been working on coming to an agreement regarding the development of a detached dwelling unit at 2050 Mesa Drive. Mr. Dean and staff have executed the attached memorandum settlement agreement (**Attachment B**) in an effort to resolve the dispute. The proposal is to exempt the PUD approval from certain Land Use Code standards to allow for development of a detached dwelling unit at 2050 Mesa Drive while the owner of 2050 Mesa Drive and 2049 Bluff Street provides community benefits to the city beyond those otherwise required by the underlying zoning. The ordinance would require satisfaction of the new dwelling unit's inclusionary housing requirement by making a cash-in-lieu contribution to the city's inclusionary housing fund in an amount that his 150% of the cash-in-lieu that would otherwise be required (but not to exceed $70,500) and filing of an application for designation of the existing detached single-family dwelling unit at 2049 Bluff Street as an individual landmark.

DISCUSSION

The city continues to disagree with Mr. Dean's position in this lawsuit; however, while the city has good arguments in this litigation, all litigation comes with a risk. In this case, the risk involves a finding that the city owes payment of just compensation for the value of Lot A. In addition, staff finds the outcome of the proposed settlement to be consistent with and in furtherance of the goals and policies of the Boulder Valley Comprehensive Plan.

Proposed Ordinance Terms

The ordinance would modify the past expiration of the PUD and effectively give the PUD a new approval date. The new approval date would be the date the settlement is approved by the Boulder District Court. The PUD would allow for Lot A (2050 Mesa Drive) to be developed as a separate building lot with a new detached single-family dwelling and to be sold separately from Lot B (2049 Bluff Street). The ordinance would also allow for construction of the new dwelling unit under the minimum setbacks and the height approved for the PUD but would not require the design to be consistent with what was approved in 1986. The new dwelling unit would have to meet floor area ratio standards that apply under today's Boulder Revised Code, that did not yet exist when the PUD was approved in 1986.

The ordinance would require provision of enhanced community benefit. Mr. Dean agreed to payment of a cash-in-lieu contribution to the city's affordable housing fund for the new dwelling unit in an amount that is 150% of the amount that is otherwise required under the Boulder Revised Code, but not to exceed $70,500. In addition, Mr. Dean agreed to file an application for designation of the existing detached single-family house on Lot B (2049 Bluff Street) as an individual landmark and to pursue the landmarking in good faith.

Consistency with BVCP:

The PUD property is designated Mixed Density Residential (MXR) on the Boulder Valley Comprehensive Plan land use map and defined as follows:

Land Use Category	Characteristics, Uses & BVCP Density/Intensity
Mixed Density Residential (MXR)	**Characteristics and Locations:** MXR areas surround downtown in the Pre-World War II older neighborhoods and are located in some areas planned for new development. Additionally, in older downtown neighborhoods that were developed with single-family homes but for a time were zoned for higher densities, a variety of housing types and densities are found within a single block. The city's goal is to preserve the current neighborhood character and mix of housing types and not exacerbate traffic and parking problems in those older areas. Some new housing units may be added. For areas designated for new development (outside of the Pre-WWII neighborhoods), the goal is to provide a substantial amount of affordable housing in mixed-density neighborhoods that have a variety of housing types and densities. **Uses:** Consists of single-family and multi-family residential units. May include some complementary uses implemented through zoning. **BVCP Density/Intensity:** 6 to 20 dwelling units per acre

The designation is found in older downtown neighborhoods that were developed with single-family homes but for a time were zoned for higher densities and may include a variety of housing types and densities within a single block. The city's goal is to preserve the current neighborhood character and mix of housing types and not exacerbate traffic and parking problems. The designation anticipates some new housing units to be added. The proposed ordinance would allow for the addition of one housing unit in a block where most properties have been subdivided and developed similarly to the

development approved and anticipated in the PUD. The addition of one single-family dwelling unit on Lot A (2050 Mesa Drive) would be consistent with the MXR land use designation and existing character of the area and would not exacerbate traffic and parking problems in the area. In addition, this ordinance would create additional housing in the community and provide enhanced community benefit through an increased payment into the city's affordable housing fund and pursuit of landmarking of the existing historic single-family home on Lot B (2049 Bluff Street).

Relevant BVCP policies include:

> ***1.11 Jobs: Housing Balance***
> *Boulder is a major employment center, with more jobs than housing for people who work here. This has resulted in both positive and negative impacts, including economic prosperity, significant in-commuting and high demand on existing housing. The city will continue to be a major employment center and will seek opportunities to improve the balance of jobs and housing while maintaining a healthy economy. This will be accomplished by encouraging new housing and mixed-use neighborhoods in areas close to where people work, encouraging transit- oriented development in appropriate locations, preserving service commercial uses, converting commercial and industrial uses to residential uses in appropriate locations, improving regional transportation alternatives and mitigating the impacts of traffic congestion.*
>
> ***1.12 Enhanced Community Benefit***
> *For land use or zoning district changes that result in increases in the density or intensity of development beyond what is permitted by the underlying zoning or for added height that increases intensity, the city will develop regulations and incentives so that the new development provides benefits to the community beyond those otherwise required by the underlying zoning. Any incentives are intended to address the community economic, social and environmental objectives of the comprehensive plan. Community objectives include without limitation affordable housing, affordable commercial space, spaces for the arts, community gathering space, public art, land for parks, open space, environmental protection or restoration, outdoor spaces and other identified social needs and services. Community objectives also may be identified through other planning or policymaking efforts of the city.*
>
> ***2.27 Preservation of Historic & Cultural Resources***
> *The city and county will identify, evaluate and protect buildings, structures, objects, districts, sites and natural features of historic, architectural, archaeological or cultural significance with input from the community. The city and county will seek protection of significant historic and cultural resources through local designation when a proposal by the private sector is subject to discretionary development review.*

2.30 Eligible Historic Districts & Landmarks
The city has identified areas that may have the potential to be designated as historic districts. The Designated and Identified Potentially Eligible Historic Districts map shows areas with designation potential as well as areas that are already designated as historic districts (see Figure 6-1 on page 132). These potential historic areas and historic survey information will continue to be assessed and updated. There are also many individual resources of landmark quality both within and outside of these eligible areas. Additional historic district and landmark designations will be encouraged in accordance with the Plan for Boulder's Historic Preservation Program. Such resources may contribute to cultural and heritage tourism values.

7.01 Local Solutions to Affordable Housing
The city and county will employ local regulations, policies and programs to meet the housing needs of low, moderate and middle-income households. Appropriate federal, state and local programs and resources will be used locally and in collaboration with other jurisdictions. The city and county recognize that affordable housing provides a significant community benefit and will continually monitor and evaluate policies, processes, programs and regulations to further the region's affordable housing goals. The city and county will work to integrate effective community engagement with funding and development requirements and other processes to achieve effective local solutions.

Adoption of this proposed ordinance would allow the city attorney and city manager to settle the litigation filed by Mr. Dean consistent with the Memorandum Settlement Agreement at minimal cost to the city.

NEXT STEPS

If the ordinance is adopted, the Memorandum of Settlement Agreement provides that the lawsuit will be dismissed with prejudice, each party to bear their own attorneys' fees and costs. If the ordinance is not adopted, the litigation will continue.

ATTACHMENTS

Attachment A – Proposed Ordinance 8579
Attachment B – Memorandum Settlement Agreement

ORDINANCE 8579

AN ORDINANCE AMENDING TITLE 9, "LAND USE CODE," B.R.C. 1981, BY GRANTING EXEMPTIONS TO THE CITY'S LAND USE CODE STANDARDS FOR PROPERTIES LOCATED AT 2050 MESA DRIVE AND 2049 BLUFF STREET TO ALLOW DEVELOPMENT OF 2050 MESA DRIVE WITH A DETACHED SINGLE-FAMILY DWELLING UNIT AND SETTING FORTH RELATED DETAILS.

WHEREAS, THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, FINDS AND RECITES:

A. The city approved planned unit development (P-86-35) called "Upland PUD" on October 15, 1986 (the "PUD") for the property described as Lot A and Lot B, Upland Subdivision, City Boulder, County of Boulder, State of Colorado (the "Property"). Lot A has an address of 2050 Mesa Drive, and Lot B has an address of 2049 Bluff Street. A detached single-family dwelling unit existed on the Property at the time of the PUD approval and the PUD permitted construction of a second detached single-family dwelling unit and subdivision of the Property.

B. On June 29, 1987, the city approved the Upland Subdivision, City of Boulder, County of Boulder, State of Colorado (the "Subdivision"). The Subdivision split the PUD Property and created Lot A and Lot B, Upland Subdivision ("Lot A" and "Lot B" respectively).

C. The existing detached single-family home is located on Lot B and is considered to have historical value.

D. The second detached single-family dwelling unit that was approved under the PUD was approved to be located on Lot A but has not been constructed. Lot A remains vacant.

E. Pursuant to Section 9-4-8, B.R.C. 1981, as in effect at the time of the PUD approval, the PUD approval expired three years after the date of final approval because no building permit or certificate of completion was issued for the PUD development within that time frame.

F. Lot A and Lot B have both been owned by Calisle S. Dean (the "Owner") since December 21, 1987, and are zoned RMX-1.

G. Lot A was platted 4,403 square feet in size. Lot B was platted 4,513 square feet in size. Neither lot meets the 6,000 square feet minimum lot size requirement for the RMX-1 zone.

H. The city contends that the Boulder Revised Code considers Lot A and Lot B as nonstandard lots and, pursuant to Section 9-9-2(c), "Parcel as Building Lots and Merger of Nonstandard Lots or Parcels," B.R.C. 1981, deems them merged as one building lot preventing both sale of Lot A separate from Lot B and construction of a detached single-family dwelling unit on Lot A. The current Boulder Revised Code no longer allows approval of a subdivision as approved under the PUD in 1986.

I. The Owner disagrees with the city's interpretation of the Boulder Revised Code and contends that Lot A and Lot B are not nonstandard lots. In addition, the Owner contends that if the lots were considered merged, the city owes the Owner compensation for a taking under the United States and Colorado constitutions

asserting that the city's refusal to permit development of Lot A deprives him of substantially all value of Lot A.

J. The Owner filed Civil Action captioned *Dean v. City of Boulder*, 2022CV30805 (Colo. 20th Dist. Boulder County) (the "Litigation"), seeking declaratory relief in the form of a determination that the Owner can develop a single-family dwelling unit on Lot A in compliance with the current code and, in the alternative, just compensation for a taking under the United States and Colorado constitutions.

K. The city and the Owner wish to resolve their differences regarding future redevelopment of Lot A.

L. The city council is of the opinion that the city's interest will continue to be protected through the adoption of this ordinance, that adoption of this ordinance is consistent with the goals and policies of the Boulder Valley Comprehensive Plan, and that it is in the public interest to settle the Litigation by approving exemptions to Title 9, "Land Use Code," B.R.C. 1981.

M. In particular, this ordinance would allow development consistent with the BVCP land use designation of the Property of Mixed Density Residential (MXR) which is a designation found in older downtown neighborhoods that were developed with single-family homes but for a time were zoned for higher densities and may include a variety of housing types and densities within a single block. The city's goal is to preserve the current neighborhood character and mix of housing types and not exacerbate traffic and parking problems. The designation anticipates some new housing units to be added. This ordinance allows for addition of one housing unit in a block where most properties have been subdivided and developed similarly to

the development approved and anticipated in the PUD. Addition of one single-family dwelling unit on Lot A would be consistent with the MXR land use designation and existing character of the area and would not exacerbate traffic and parking problems in the area. In addition, this ordinance would create additional housing in the community and provide enhanced community benefit through an increased payment into the city's affordable housing fund and pursuit of landmarking of the existing historic single-family home on Lot B consistent with BVCP policies 1.11, 1.12, 2.27, 2.30, and 7.01.

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

Section 1. The city council hereby exempts the PUD from the past expiration under the Boulder Revised Code and effectively reapproves the PUD with a new approval date that shall be the same date as the date of approval of a settlement agreement by the Boulder District Court in the Litigation. This shall allow Lot A to be developed as a separate building lot with a detached single-family dwelling unit and sold separately from Lot B. The detached single-family dwelling unit on Lot A may be built with a principal building setback to the Mesa Drive lot line of no less than 2 feet, a principal building side yard setback to the west lot line of no less than 4 feet and to the east lot line of no less than 9 feet, and a principal building height of no more than 35 feet (as determined under the Boulder Revised Code), but shall otherwise be subject to standards in Title 9, "Land Use Code," B.R.C. 1981, as in effect at the time of the filing of any future application, including floor area ratio standards and the requirements for development progress for site reviews under Section 9-2-12, B.R.C. 1981. Construction of a detached single-family dwelling unit on Lot A shall not require a site review amendment nor

review by the board of zoning adjustment, even if the design differs from that approved in 1986, provided that the development meets by-right standards of the Boulder Revised Code except as specifically modified by this ordinance. This ordinance shall not prevent the Owner from filing a site review or variance request to modify or vary Title 9, "Land Use Code," B.R.C. 1981, standards that may be modified under those review processes.

Section 2. The exemptions from Title 9, "Land Use Code," B.R.C. 1981, granted in Section 1 of this ordinance shall be conditioned upon the following: **Prior to issuance of a building permit** for a new detached single-family dwelling unit on Lot A:

(1) The Owner shall satisfy the inclusionary housing requirement under Chapter 9-13, "Inclusionary Housing," B.R.C. 1981, as appliable at that time, for said new detached dwelling unit by making a cash contribution to the city's affordable housing fund in an amount that is 150% of the cash-in-lieu amount that is otherwise required pursuant to the standards of Chapter 9-13, B.R.C. 1981, except that in no event shall this increased cash-in-lieu contribution requirement exceed $70,500; and

(2) The Owner shall file an application with the city for and thereafter pursue in good faith designation of the existing detached single-family house on Lot B as an individual landmark pursuant to the standards of Chapter 9-11, "Historic Preservation," B.R.C. 1981.

Section 3. This ordinance shall become effective upon the Boulder District Court's approval of a settlement agreement in the Litigation, but under no circumstances until thirty days after final passage.

Section 4. To the extent that this ordinance conflicts with any previously adopted ordinance of the city, such ordinances are suspended for the limited purpose of implementing this ordinance. For the limited purpose of implementing this ordinance, such suspension shall include a suspension of the provision of Section 9-1-5(a), B.R.C. 1981. This ordinance shall be an amendment to Title 9, "Land Use Code," B.R.C. 1981. Nothing in this ordinance shall be construed as a waiver of the city's police power.

Section 5. The city council adopts the recitals as part of this Ordinance.

Section 6. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city and covers matters of local concern.

Section 7. The city council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY this 1st day of June 2023.

_____
Aaron Brockett,
Mayor

Attest:

_____
Elesha Johnson,
City Clerk

READ ON SECOND READING, PASSED AND ADOPTED this 15th day of June 2023.

_____
Aaron Brockett,
Mayor

Attest:

_____
Elesha Johnson,
City Clerk

MEMORANDUM SETTLEMENT AGREEMENT

This agreement is between Calisle Dean on the one side, and the City of Boulder ("City") on the other side. It is effective on the last date signed below and is intended to resolve all claims in the lawsuit captioned *Dean v. City of Boulder*, No. 2022CV30805 (Colo. 20th Dist. Boulder County) or related to the proposed development of the properties located at 2049 Bluff Street and at 2050 Mesa Drive in Boulder, Colorado. This agreement was negotiated through mediation on 27 April 2023. The mediator was Andrew Shoemaker. The parties agreed on the following terms.

1. The City staff shall recommend reapproval of the 1986 PUD for the 2050 Mesa Drive property, limited in terms of floor area by TABLE 8-3: MAXIMUM FLOOR AREA RATIO FOR RESIDENTIAL LAND USES.

2. No site review or Board of Zoning Adjustment (BOZA) application will be required.

3. The City staff recommendation shall be provided to City Council to be on the Consent Agenda.

4. Dean will pay 150% of Inclusionary Housing (IH) requirement for in-lieu, not to exceed $70,500.

5. Dean will make Initiation Application to initiate the designation of an individual landmark for house at 2049 Bluff Street.

6. This agreement is contingent upon approval by the City Council via special ordinance or otherwise. The first reading of any special ordinance shall be presented to City Council at its June 1, 2023, meeting, with second reading to be heard at the following meeting.

7. The parties shall jointly request a stay of the lawsuit pending approval and performance of the terms described herein. Upon approval and performance of all requirements, the lawsuit shall be dismissed with prejudice, each party to pay his or its own attorney fees and costs.

8. The parties shall coöperate in completing any additional tasks reasonably necessary to complete the foregoing.

9. This memorandum settlement agreement is intended to form a settlement contract and is admissible in any Court action to enforce these terms under C.R.S. § 13-22-308. The terms of this agreement shall survive dismissal of the lawsuit.

Calisle Dean

4/27/23

Signature *Date*

City of Boulder

4/27/2023

Signature *Date*

By: CHARLES FERRO