



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: October 20, 2020**

**AGENDA TITLE**

Second reading and consideration of a motion to adopt Ordinance 8431 designating the building and a portion of the property at 1770 13<sup>th</sup> St. as an individual landmark per Section 9-11-5 of the Boulder Revised Code, 1981.

Owner: City of Boulder

Applicant: Friends of the Boulder-Dushanbe Teahouse

**PRESENTERS**

Jane S. Brautigam, City Manager

Mary Ann Weideman, Interim Director of Planning & Development Services

Lucas Markley, Assistant City Attorney II

Charles Ferro, Interim Comprehensive Planning Manager

James Hewat, Senior Historic Preservation Planner

Marcy Cameron, Historic Preservation Planner II

**EXECUTIVE SUMMARY**

The purpose of this agenda item is for City Council to consider second reading of an ordinance designating the Boulder-Dushanbe Teahouse and a portion of the property at 1770 13<sup>th</sup> St. as an individual landmark under the city's Historic Preservation Ordinance. The council must determine whether the proposed individual landmark designation of the property meets the purposes and standards of the Historic Preservation Ordinance (*Sections 9-11-1 and 9-11-2, B.R.C. 1981*). This includes that the landmark designation:

- 1. Will promote the public health, safety, and welfare by protecting, enhancing, and perpetuating buildings, sites, and areas of the city reminiscent of past eras, events, and persons important in local, state, or national history or providing significant examples of architectural styles of the past.*

2. *Will develop and maintain appropriate settings and environments for such buildings, sites, and areas to enhance property values, stabilize neighborhoods, promote tourist trade and interest, and foster knowledge of the city's living heritage.*
3. *Will draw a reasonable balance between private property rights and the public interest in preserving the city's cultural, historic, and architectural heritage by ensuring that demolition of buildings and structures important to that heritage will be carefully weighed with other alternatives and that alterations to such buildings and structures and new construction will respect the character of each such setting, not by imitating surrounding structures, but by being compatible with them.*

If approved, this ordinance (see **Attachment A**), would result in the designation of the property as an individual landmark. The findings are included in the ordinance. A second reading for this designation will be a quasi-judicial public hearing.

### **STAFF RECOMMENDATION**

**Suggested Motion Language:**

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

Motion to adopt ordinance 8431 designating the building and a portion of the property at 1770 13<sup>th</sup> St., to be known as the Boulder-Dushanbe Teahouse, as an individual landmark under the City of Boulder Historic Preservation Ordinance.

### **COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS**

- Economic - Studies have found that historic preservation adds to economic vitality and tourism. Exterior changes to individually landmarked buildings require a Landmark Alteration Certificate, issued by the Planning Department at no charge. The additional review process for landmarked buildings may, however, add time and design expense to a project.
- Environmental - The preservation of historic buildings is inherently sustainable. Owners of individually landmarked buildings are encouraged to reuse and repair as much of the original building as possible when making exterior alterations, thereby reducing the amount of building material waste deposited in landfills. City staff assists architects, contractors and homeowners with design and material selections and sources that are environmentally friendly. Also, the Historic Preservation website provides information on improving the energy efficiency of older buildings.
- Social - The Historic Preservation Ordinance was adopted to "...enhance property values, stabilize neighborhoods, promote tourist trade and interest, and foster knowledge of the city's living heritage." Section 9-11-1 (a), B.R.C., 1981. The primary beneficiaries of historic designation are the property owners of a historic landmark and adjacent neighbors, who are ensured that the character of the

immediate area will be protected through the design review process. The greater community also benefits from the preservation of the community's character and history.

### **OTHER IMPACTS**

- Fiscal - The designation of individual historic landmarks is an anticipated and ongoing function of the Historic Preservation Program.
- Staff time - This designation application is within the staff work plan.

### **RESPONSES TO QUESTIONS FROM COUNCIL AGENDA COMMITTEE**

#### **LANDMARKS BOARD ACTIONS & FEEDBACK**

On March 4, 2020, the Landmarks Board voted (5-0) to recognize the applicant, the Friends of the Boulder-Dushanbe Teahouse as a historic preservation organization. At the same meeting, the Landmarks Board voted (5-0) to adopt a resolution to initiate the process to designate the property as an individual landmark. This initiation step is required when the applicant is not the property owner.

On July 8, 2020, the Landmarks Board voted (**5-0**) to recommend that the City Council designate the building and a portion of the property as a local historic landmark, finding that it meets the standards for individual landmark designations in sections 9-11-1 and 9-11-2, B.R.C. 1981, and is consistent with the criteria specified in section 9-11-5(c), B.R.C. 1981.

At the same meeting, the Landmarks Board recommended that the City Council direct staff work with the Friends of the Dushanbe-Teahouse on a maintenance manual to ensure proper methods and stewardship of both in the interior and exterior in the future.

#### **PUBLIC FEEDBACK**

At the March 4, 2020 Landmarks Board Initiation Hearing, five people spoke in support of the designation. At the July 8, 2020 Landmarks Board Designation Hearing, three people spoke in support of the designation. Between Feb. 19, 2020 and July 2020, the Landmarks Board received 21 letters expressing support for landmark designation of the Teahouse.

Since the Landmarks Board Designation hearing, 20 letters have been received in support of the designation, many advocating for the preservation of the interior as well as the exterior (See **Attachment D**).

#### **ANALYSIS**

##### **Code Criteria for Review**

Section 9-11-6(b) *Council Ordinance Designating Landmark or Historic District*, of the historic preservation ordinance specifies that in its review of an application for local landmark designation, the council must consider "whether the designation meets the purposes and standards in Subsections 9-11-1(a) and Section 9-11-2, *City Council May Designate Landmarks and Historic Districts*, B.R.C. 1981, in balance with the goals and

policies of the Boulder Valley Comprehensive Plan.” The City Council shall approve by ordinance, modify and approve by ordinance, or disapprove the proposed designation.

**9-11-1, *Legislative Intent, B.R.C. 1981*** states:

- (a) The purpose of this chapter is to promote the public health, safety, and welfare by protecting, enhancing, and perpetuating buildings, sites, and areas of the city reminiscent of past eras, events, and persons important in local, state, or national history or providing significant examples of architectural styles of the past. It is also the purpose of this chapter to develop and maintain appropriate settings and environments for such buildings, sites, and areas to enhance property values, stabilize neighborhoods, promote tourist trade and interest, and foster knowledge of the city’s living heritage.
- (b) The City Council does not intend by this chapter to preserve every old building in the city but instead to draw a reasonable balance between private property rights and the public interest in preserving the city’s cultural, historic, and architectural heritage by ensuring that demolition of buildings and structures important to that heritage will be carefully weighed with other alternatives and that alterations to such buildings and structures and new construction will respect the character of each such setting, not by imitating surrounding structures, but by being compatible with them.
- (c) The City Council intends that in reviewing applications for alterations to and new construction on landmarks or structures in a historic district, the Landmarks Board shall follow relevant city policies, including, without limitation, energy-efficient design, access for the disabled, and creative approaches to renovation.

**9-11-2, *City Council may Designate Landmarks and Historic Districts, B.R.C. 1981*** states:

- (a) Pursuant to the procedures in this chapter the City Council may by ordinance:
  - (1) Designate as a landmark an individual building or other feature or an integrated group of structures or features on a single lot or site having a special character and historical, architectural, or aesthetic interest or value and designate a landmark site for each landmark;
  - (2) Designate as a historic district a contiguous area containing a number of sites, buildings, structures or features having a special character and historical, architectural, or aesthetic interest or value and constituting a distinct section of the city;
  - (3) Designate as a discontinuous historic district a collection of sites, buildings, structures, or features which are contained in two or more geographically separate areas, having a special character and historical, architectural, or aesthetic interest or value that are united together by historical, architectural, or aesthetic characteristics; and
  - (4) Amend designations to add features or property to or from the site or district.

Upon designation, the property included in any such designation is subject to all the requirements of this code and other ordinances of the city.



*Figure 1. 1770 13<sup>th</sup> St., West Elevation, July 2020.*



*Figure 2. 1770 13<sup>th</sup> St., North Elevation, July 2020.*

## Summary of Significance

To assist in the interpretation of the historic preservation ordinance, the Landmarks Board adopted an administrative regulation in 1975 establishing Significance Criteria for Individual Landmarks (See **Attachment E**). For in depth information on the history and significance of the Teahouse, please reference the [2010 Historic Context Report and Survey](#) (link).

## ANALYSIS:

- A. Does the proposed application protect, enhance, and perpetuate buildings, sites, and areas of the city reminiscent of past eras, events, and persons important in local, state, or national history or providing significant examples of architectural styles of the past (9-11-1(a))?*

The Landmarks Board finds that the proposed designation will protect and preserve a building and site of exceptional significance to the city, state and nation as a remarkable representation of art and architecture during a pivotal point of international relations between the United States and the Soviet Union at the end of the Cold War, preserving an important example of Boulder's historic architecture from the recent past.

**Summary:** The Boulder-Dushanbe Teahouse meets historic significance criteria 1, 3, 4 and 5.

- 1. Date of Construction:** 1988-1990, 1997-1998.

**Elaboration:** From 1988 until 1990, Tajik artists and master-craftsmen constructed the Teahouse in Dushanbe and Khujand, Tajikistan. The building was disassembled and sent to Boulder in 200 wooden crates. From 1997-1998, with the assistance of Tajik artisans, the City reconstructed the Teahouse at its site on 13<sup>th</sup> Street.

If designated, the Boulder-Dushanbe Teahouse (construction completed in 1998), would be the youngest building local landmark in Boulder. In Boulder there is no minimum age for designation, though, typically, properties are 50 years in age, or older, before being considered for landmarking.<sup>1</sup> This is consistent with the [National Register of Historic Places Criteria for Evaluation, which allow for consideration of properties that have achieved significance in the last 50 years if they are of](#) exceptional significance on the local, state, or national level under Special Criteria Consideration G. In their 2010 historic context report and survey of the building, architectural historians Barth and Ramsey recommended that the Teahouse is eligible for listing in the National Register of Historic Places under criterion G for exceptional architectural, artistic and social significance to the City of Boulder.

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<sup>1</sup> While not common, there are several properties in Boulder that were landmarked at less than 50 years in age including the Boulder Theater, constructed in 1936 and designated in 1980, and 44 years old when designated.

Staff concurs with Barth and Ramsay that the Teahouse is eligible for designation as a local landmark (and for listing in the National Register of Historic Places under criterion G) for its exceptional significance to the city, state, and nation as a remarkable representation of art and architecture from the recent past, during a pivotal point of international relations between the United States and the Soviet Union at the end of the Cold War. Staff recommends a period-of-significance for the proposed landmark of 1988-1998 to reflect this history.

The Boulder Theater, constructed in 1936 and designated in 1980, is the second youngest at 44 years old when designated.

- 2. Association with Persons or Events:** None observed.
- 3. Distinction in the Development of the Community:** Soviet Union-United States sister cities.

**Elaboration:** The Teahouse gift of friendship from Boulder’s sister city, Dushanbe, located in the former Soviet Union, is thought to be the only “chaikhona” (Central Asian/Tajik Teahouse), in the Western Hemisphere. At the time of the gift, the Teahouse was the largest gift ever given to an American city by the former Soviet Union, and the only gift of an actual building between the Soviet Union-United States sister cities. “Although the Soviet Union has given other gifts to cities, states and the US government, nothing in the history of Soviet-US exchanges comes even close to this.” (Molly Raymond, U.S. Information Agency, 1988)

- 4. Recognition by Authorities:**  
The Teahouse has been recognized in George Peknik’s book, The Meaning of the Boulder-Dushanbe Teahouse and in a Rocky Mountain Public Broadcasting Network, Inc. DVD video titled “Colorado Spaces, Boulder.” The Teahouse was featured in the Saudi Aramco World magazine and in numerous newspaper articles found in the *Boulder Daily Camera*, the *Denver Post*, the *Boulder Weekly*, the *Boulder Planet* and has been covered by the press in Dushanbe, Tajikistan.

#### **ARCHITECTURAL SIGNIFICANCE:**

**Summary:** The Boulder-Dushanbe Teahouse meets architectural significance criteria 1, 2, 3 and 4.

- 1. Recognized Period or Style:** Central Asian (Tajik) Teahouse
- 2. Architect or Builder of Prominence:** Lado Shanidze and Vern Seiereo, AIA. The Teahouse was constructed by master artists of the USSR Artist’s Fund carrying out ancient trade skills, most notably master woodcarvers and joiners Mirpulat Mirakhmadov and Manon Khaidarov; master plaster carver and painter Abdoukodir Rakhimov; and master artist and ceramicist Victor Zabolotnikov.

### 3. Artistic Merit:

The Teahouse is an exceptional example of a traditional Central Asian/Tajik Teahouse, an architectural design tradition dating back to the Silk Road caravanserai of Persian/Tajik culture (2nd – 12th century AD). The Teahouse is a prefabricated structure of about 2100 square feet and is ornately painted in the bright floral and geometric patterns of Central Asia and Persia.

The Boulder-Dushanbe Teahouse displays high artistic value as seen in its intricately hand carved and brilliantly painted wood trim and decorative exterior “faïence” tile panels. Originally designed as a raised open-air pavilion with open roof and coffered painted ceilings above a central pool, the “interior features” were meant to be viewed as “exterior features.”

The fourteen intricate coffered ceilings are hand-carved and painted; no electric power tools were used in its construction. The coffers display images of flowers or foliage representing paradise along with stylized and simplified designs representing infinity. The unpainted carved slender columns, carved from a single tree, resemble a grove of trees and symbolically reach up toward the heavens and paradise.

The Teahouse is an integration of art and architecture as seen through its interior features of carved ganch-kori plaster panels, modern abstract expressionist paintings, central pool with the “Seven Beauties” sculptures, and other items such as hand-carved and brightly painted tables (“topchans”), and hand painted octagon tables and benches. The construction is unusual in that it came halfway across the world as a prefabricated building and then was reassembled in Boulder.

The Teahouse has two parts: the Central Asian/Tajik Teahouse portion of the building and a utilitarian addition to the rear. The original Teahouse portion of the building houses the public restaurant and the addition houses the commercial kitchen, office space and public restrooms. The original open-air Tajik design was modified to enclose the building from weather and to ensure that it would conform to required safety and building codes and structural and handicapped requirements. The original Teahouse portion of the building has large extending shallow bay wood windows on three sides of the building, enclosing the hand-carved wood columns.

Decorative exterior tile panels, framed with beige brick, flank the bay windows. At each corner of the Teahouse, two wood windows meet at a right angle. A roof with a large central skylight covers the interior space and is located directly above the interior pool with statues. The addition to the Teahouse was designed to be subordinate to the exuberantly decorated Teahouse. It features a flat roof and beige colored stucco covers the wood frame walls with minimal fenestration.

The Teahouse Trail that runs along the south edge of the property was a collaborative work between Tajik and Boulder artists and was symbolic of the



unity of the two Sister Cities, Boulder and Dushanbe. Tajik artist Victor Zabolotnikov created the colorful oval ceramic tile panels on the bridge which show scenes of birds that relate in color and subject to the Teahouse. Boulder artist Aprylisa Snyder designed the recessed tile panels in the path itself, some of which are decorated with blue tiles and granite edges, with etched rubaiyat (quatrains) attributed to Omar Khayyam, the eleventh century Persian poet and astronomer.

**4. Example of the Uncommon:** The Teahouse ceiling was constructed using only traditional hand tools and without any electric tools.

**5. Indigenous Qualities:** None observed.

#### **ENVIRONMENTAL SIGNIFICANCE:**

**Summary:** The building at 1770 13<sup>th</sup> St. meets environmental significance criteria 1, 2, 3 and 4.

**1. Site Characteristics:** The Teahouse was sited as part of the City of Boulder’s 1993 Civic Park Master Plan, a comprehensive plan of the civic use and public buildings in the downtown campus area. Plans for the area placed the Teahouse at the center of the Civic Park Plaza which included the Civic Plaza (north of the Teahouse site) used for Farmers Market exhibits and performances and the 13<sup>th</sup> Street Community Plaza (the street west of the Teahouse site) used for public events such as the Boulder Creek Festival and the Farmers Market. South of the Teahouse is the Boulder and White Rock/Left Hand Irrigation Ditch, the Teahouse Trail, and the Boulder Museum of Contemporary Art. East of the Teahouse is a public parking lot.

The Teahouse is slightly elevated above the 13<sup>th</sup> Street grade and its site is highly planned in terms of layout, orientation to the street, walkways, trellises and gardens. Its front door faces 13<sup>th</sup> Street and is approached by a gentle entry ramp flanked by dining areas to the north and south. Both outdoor dining areas are covered with simply constructed trellises. Beautiful planting areas of fragrant roses line the north and south sides of the entry ramp.

The Teahouse features two accessible paths into the building: one through the front door; and, a second, which incorporates ramps and railings, at the north side of the building, leading into the rear addition.

A detailed garden plan was developed for the Teahouse site with two main elements: low water xeriscape and roses. Landscape architect Jim Knopp selected plants that were indigenous or very similar to those grown in Dushanbe and designed the xeriscape portion of the gardens. The owners of Harlequin’s Gardens, Eve Reshetnik and Mikl Broawner, designed the teahouse garden as a demonstration rose garden. The rose garden was intended to look “unplanned” in the Tajik tradition and to have a sensual, perfumed and intimate atmosphere.

Roses were selected that are indigenous to Dushanbe or similar to plants grown in Dushanbe.

Shortly after the chaikhona was erected, the Teahouse Trail, a walking and bike path that runs between the subject property and the Boulder Museum of Contemporary Art to the south, was redesigned to compliment and visually relate to the Teahouse. A collaborative work between Tajik and Boulder artists, the Teahouse Trail “was intended to express the unity of the two sister cities” featuring recessed tile panels in the path and colorful oval ceramic tile panels on the bridges over the path.

2. **Compatibility with Site:** The Teahouse is central to the Civic Park Plaza area. As originally designed, its slightly elevated aspect creates a dominant position. In Central Asia, water and gardens, representing Paradise, are traditional design elements found at teahouse sites. The Boulder-Dushanbe Teahouse’s location adjacent to the irrigation ditch and its beautiful gardens are in keeping with this tradition.
  3. **Geographic Importance:** The Teahouse is significant as the only known “chaikhona” in the Western Hemisphere. Its location in Boulder’s Civic Park Plaza establishes it as an important visual feature of the community. At the time of its completion, it was referred to as a “Boulder Landmark.”
  4. **Environmental Appropriateness:** Since its construction in 1998, the Teahouse has become an important community gathering place. Flanked by Civic Plaza to the north, the 13<sup>th</sup> Street Community Plaza to the west and the Boulder Museum of Contemporary Art (BMoCA) building to the south (designated as an individual landmark), the site is a focal point of the East Civic Area. The Teahouse Trail is part of the Boulder Bike Path system, linking it with Central Park, the Municipal Campus, downtown Boulder, and the university. The Teahouse is situated in a manner particularly suited to its function as a chaikhona which traditionally serve as social and commercial gathering places where friends meet to talk or play chess over a cup of tea. The Boulder-Dushanbe Teahouse serves the community as a year-round gathering place for residents, visitors to Boulder, and those of Persian/Tajik descent for special holidays and celebrations.
  5. **Area Integrity:** The property is not located within an identified potential historic district.
- B. Does the proposed application develop and maintain appropriate settings and environments for such buildings, sites, and areas to enhance property values, stabilize neighborhoods, promote tourist trade and interest, and foster knowledge of the City’s living heritage (9-11-1(b))?***

The Landmarks Board finds that the proposed landmark designation of the property would maintain an appropriate setting and environment, enhance property values, promote tourist trade and interest, and foster knowledge of the City's living heritage.

### **Protection of the Interior**

The Friends of the Boulder-Dushanbe Teahouse advocate for designating the interior of the building, recognizing its design intent as an indoor/outdoor pavilion and protecting its character-defining interior features including (but not limited to) hand-carved columns, brackets, entablature, cornice, ceiling coffers, Ganche-kori carved plaster panels, oil paintings, and central fountain (See **Attachment B**).

At the July 8, 2020 Landmarks Board meeting, Landmarks Board members voiced support for protecting the interior of the building. However, based on guidance from the City Attorney's Office, declined to include a recommendation to designate the interior in their motion. Instead, they included in their recommendation that the City Council direct staff work with the Friends of the Dushanbe-Teahouse on a maintenance manual to ensure proper methods and stewardship of both in the interior and exterior in the future.

Historically, it has not been the practice of the Landmarks Board or City Council to preserve interiors of buildings through landmarking. In the opinion of the City Attorney's Office, the historic preservation ordinance was not intended to apply to the interiors of buildings. As drafted, the ordinance represents a balance between the public interest in preserving buildings and the building owner's interest in autonomy and property rights. While the Teahouse is owned by the city, the historic preservation ordinance does not have any special provisions that would allow for the regulation of the interior of such a building.

As a City-owned building, an additional option to protect the interior would be to specify in lease agreements that any maintenance or alterations to the interior or exterior of the building be reviewed by Facilities Asset Management and the Historic Preservation program.

The Friends of the Dushanbe Teahouse have also proposed applying for a grant application to develop specific design guidelines to help inform future changes to the property.

### **Inclusion of a Portion of an Irrigation Ditch**

On Oct. 6, 2020, the City Council received a letter from Scott Holwick on behalf of the Boulder and Left Hand Irrigation Company, the Boulder and White Rock Ditch and Reservoir Company and the North Boulder Farmers Ditch Company (**Attachment C**). The letter stated that the represented ditch companies oppose the ordinance as drafted.

Since Oct. 6, staff from Planning & Development Services, Public Works, Open Space and Mountain Parks and the City Attorney's Office have met with Mr. Holwick to draft language in the ordinance that would address the ditch companies' concerns and state that a Landmark Alteration Certificate shall not be required for the operation or maintenance

of the ditch, including any necessary repairs or improvements, within the ditch easement. The revised language has been added as Section 5 in Ordinance 8431 (**Attachment A**).

Staff has communicated the proposed change to the applicant, the Friends of the Boulder-Dushanbe Teahouse, and the Landmarks Board. It is anticipated that the Friends of the Boulder-Dushanbe Teahouse will submit a letter with their response to the revised ordinance by Oct. 20.

### **Landmark Name**

Staff and the Landmarks Board recommend this landmark should be known as the **Boulder-Dushanbe Teahouse**. This is consistent with the Landmark Board's *Guidelines for Names of Landmarked Structures and Sites (1988)* and the *National Register of Historic Places Guidelines for Designation*.

### **Boundary Analysis**

The applicant proposed a landmark boundary consistent with the boundary recommended in the 2010 Historic Context Report and Survey. The boundary followed the fence on the west and north portion of the landscaped site, stepped along the east side to include the non-historic additions, and extended south to the edge of the Landmark BMOCA building (1750 13<sup>th</sup> St.).

At the July 8, 2020 Landmarks Board meeting, the Landmarks Board discussed the including the White Rock/Left Hand Ditch and the Teahouse Trail. The board's motion specified that the boundary should include be contiguous with the north property line of the BMOCA to include these features.

At the July 8, 2020, Landmarks Board meeting, the Landmarks Board supported expanding the proposed landmark boundary to align with the property line on the west, a short distance west of the fence in front of the Teahouse. In addition, the Landmarks Board supported expanding the landmark boundary on the south to create a straight line that would coincide with the northern edge of the BMOCA property. The purpose of these changes was to preserve the interface between the public right-of-way and the Teahouse to the greatest extent possible, while at the same time simplifying the landmark boundaries.

The boundary description in the ordinance follows the intent of the Landmarks Board, the applicant, and the 2010 Historic Context Report and Survey. In order to include the Teahouse Trail, the proposed boundary includes the entire width of the public right-of-way south of 1770 13<sup>th</sup> so that the southern boundary aligns with the northern edge of the Boulder Museum of Contemporary Art. While the White Rock/Left Hand Ditch runs the length of the public-right-way, it is not intended that routine maintenance of the ditch be subject to historic review.

Staff considers the proposed boundary will provide the appropriate level of protection for the Teahouse and character-defining site features but will not affect the surrounding civic buildings and spaces and their related activities.

### **Alternatives**

**Modify the Application:** The City Council may modify the landmark boundary and landmark name.

**Deny the Application:** If the City Council finds the application does not meet the criteria for landmark designation, it would vote to deny the application.

### **ATTACHMENTS**

Attachment A - Ordinance 8431

Attachment B – Letter from Friends of the Boulder-Dushanbe Teahouse dated Sept. 1, 2020

Attachment C – Letter from Ditch Companies Representative

Attachment D – Public Comment Received between July 8 and Oct. 6, 2020

Attachment E - Significance Criteria for Individual Landmarks (1975)

Attachment F – [July 8, 2020 Landmarks Board Memorandum \(link\)](#)

ORDINANCE NO. 8431

AN ORDINANCE DESIGNATING THE PROPERTY AT 1770 13<sup>TH</sup> ST., CITY OF BOULDER, COLORADO, ALSO KNOWN AS THE BOULDER-DUSHANBE TEAHOUSE, A LANDMARK UNDER CHAPTER 9-11, "HISTORIC PRESERVATION" B.R.C. 1981, AND SETTING FORTH DETAILS IN RELATION THERETO.

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

Section 1. The City Council enacts this ordinance pursuant to its authority under Chapter 9-11, "Historic Preservation," B.R.C. 1981, to designate as a landmark a property having a special character or special historic, architectural, or aesthetic interest or value.

Section 2. The City Council finds that: 1) on Jan. 8, 2020, the Friends of the Boulder-Dushanbe Teahouse submitted a landmark designation application for the property; 2) on March 4, 2020 the Landmarks Board adopted a resolution to recognize the Friends of the Boulder-Dushanbe Teahouse as a historic preservation organization; 3) on March 4, 2020 the Landmarks Board held a public hearing and adopted a resolution initiating the landmark designation process; and 4) on July 8, 2020 the Landmarks Board held a public hearing on the proposed designation and recommended that the City Council approve the proposed designation.

Section 3. The City Council also finds that upon public notice required by law, the council held a public hearing on the proposed designation on October 6, 2020 and upon the basis of the presentations at that hearing finds that the property at 1770 13<sup>th</sup> St. possesses special historic and architectural value warranting its designation as a landmark.

Section 4. The characteristics of the subject property that justify its designation as a landmark are: 1) its historic significance for its date of construction of 1988-1990, 1997-1998; for its

1 distinction in the development of the community as the largest gift ever given to an American city  
2 by the former Soviet Union and the only gift of an actual building between the Soviet-Union-  
3 United States sister cities; for its recognition in numerous films, books and newspaper articles; and  
4 2) its architectural significance as a Central Asian (Tajik) Teahouse; as the work of Lado Shanidze,  
5 Vern Seiero and Tajik artisans and craftsman; for its high artistic value as seen in its intricately  
6 hand carved and brilliantly painted wood trim and decorative exterior “faïence” tile panels; for its  
7 construction using only traditional hand tools and without any electric tools; for its Teahouse Trail,  
8 with colorful ceramic tile panels depicting birds, geometric designs, and etched rubaiyat  
9 (quatrains) attributed to Omar Khayyam; and 3) its environmental significance as a visual  
10 landmark on 13<sup>th</sup> Street; for its location within the Civic Area; for its location between the Civic  
11 Plaza and the Teahouse Trail; for its elevated position and highly planned setting with paths and  
12 gardens; for its geographic importance as the only “chaikhona” (Central Asian/Tajik Teahouse) in  
13 the Western Hemisphere; and for its environmental appropriateness as a gathering place in the  
14 Civic Area.  
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16 Section 5. A private irrigation ditch runs along and within the southern landmark  
17 boundary through which multiple decreed water rights are conveyed across the subject property.  
18 The ditch was constructed in the early 1860s and its appurtenant operation and maintenance  
19 easement arose through construction and nearly 160 years of use. The City also uses the ditch  
20 for the conveyance of storm water. The Teahouse Trail runs adjacent to the irrigation ditch and  
21 is partially located within the ditch easement. Although a portion of the irrigation ditch is  
22 located within the landmark boundary, a landmark alteration certificate shall not be required for  
23 the operation or maintenance of the ditch, including any necessary repairs or improvements, so  
24 long as such activities are within the scope of the ditch easement.  
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Section 6. The City Council further finds that the foregoing landmark designation is necessary to promote the public health, safety, and welfare of the residents of the city.

Section 7. There is hereby created as a landmark the building and a portion of the property located at 1770 13<sup>th</sup> St., also known as the Boulder-Dushanbe Teahouse, whose legal landmark boundary encompasses a portion of the legal lots upon which it sits and the right-of-way to the south:

LEGAL DESCRIPTION

THE SOUTHERLY 80 FEET OF LOTS 7, 8 AND 9 OF BLOCK 14, ORIGINAL TOWN OF BOULDER, AND THE ENTIRE WIDTH OF THE PUBLIC RIGHT OF WAY DIRECTLY ADJACENT TO THE SOUTHERN EDGE OF SAID LOTS.

Section 7. The City Council directs that the Planning Department give prompt notice of this designation to the property owner and cause a copy of this ordinance to be recorded as described in Subsection 9-11-6(d), B.R.C. 1981.

Section 8. 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 6<sup>TH</sup> DAY OF OCTOBER, 2020.

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Mayor



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Attest:

\_\_\_\_\_  
City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY  
TITLE ONLY THIS 20<sup>TH</sup> DAY OF OCTOBER, 2020.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

**Exhibit A – Landmark Boundary Map for the Boulder-Dushanbe Teahouse (1770 13<sup>th</sup> St.)**

**1770 13<sup>th</sup> St., Boulder, Colorado, 80302**

The southerly 80 feet of lots 7, 8 and 9 of Block 14, Original Town of Boulder, and the entire width of the public right of way directly adjacent to the southern edge of said lots.



- 1770 13th St. Property Boundary
- 1750 13th St. Property Boundary
- Teahouse Landmark Boundary

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## **Friends of the Boulder-Dushanbe Teahouse**

Dear City Council,

September 1, 2020

'Friends of the Boulder-Dushanbe Teahouse', a City recognized and State registered Colorado Non-profit association, is composed of Boulder preservationists dedicated to protecting and preserving Boulder's Teahouse.

After receiving notice that the environmental mitigation of the area had been completed and monitoring of the site would continue, we started the process of landmarking the Teahouse in January, 2020. Our application to landmark Boulder's beautiful and popular teahouse received unanimous support from the Landmarks Board at the Initiation Hearing on March 4 and at the Designation Hearing on July 8, 2020. We urge the Council to accept the Landmarks Board's recommendation and designate the teahouse as an individual landmark. Additionally, we urge the Council to expand the designation, to include the interior of this truly one of a kind building.

At the July 8 hearing we recommended that designation also include the rich interior of the Teahouse. City Attorney Lucas Markley counseled the Landmarks Board against adding the interior, saying that the City does not include the interior in a landmark designation. We have reviewed Chapter 11- Historic Preservation, of the Municipal Code, and believe that it does not prohibit designating the interior of an historic structure. We believe that the Council has the authority to change or modify the code to include the interior of this City owned property, without establishing a precedent for other private buildings owned by individual owners.

Because the Teahouse is *sui generis*, this is a truly unique situation.

The Landmarks Code provides:

9-11-1.- "*Purpose and Legislative Intent*

*(a) The purpose of this chapter is to promote the public health, safety and welfare by protecting, enhancing and perpetuating buildings, sites and areas of the city reminiscent of past eras, **events and persons important in local, state or national history** or providing **significant examples of architectural styles of the past**. It is also the purpose...to promote tourist trade and foster knowledge of the city's living heritage."*

9-11-2.- "*City Council May Designate or Amend Landmarks and Historic Districts.*

*(a)(1) Designate as a landmark an individual building or **other feature** ...having a **special character and historical, architectural or aesthetic interest or value...***

*(4) Amend designations to **add or remove features** or property to or from the site or district."*

(emphasis supplied)

One of the 'Friends of the Boulder-Dushanbe Teahouse', William Bechhoefer, FAIA, Professor Emeritus of Architecture, University of Maryland, shared his thoughts regarding the Teahouse,

“ ‘Significant examples of architectural styles of the past’ would seem to apply to the living tradition of the Teahouse. In terms of ‘features,’ teahouses were conceived as outdoor pavilions, so it can be said the ‘interiors’ should be thought of as exteriors too. Specific features are the columns, painted coffered ceilings, tile and plaster wall treatments, fountain etc.- all integral to the integrity and continuity of ‘inside’ and ‘outside’ in Central Asian teahouses. The fact that the Teahouse is now enclosed does not alter the original design intention- especially thanks to Vern's understanding.”

## Friends of the Boulder-Dushanbe Teahouse

In the Preface to “An Architecture of Dialogue, Learning from the Boulder Dushanbe Teahouse” (2019) Professor Bechhoefer comments,

“Good buildings stimulate thinking that takes us beyond the immediate pleasure of using them. The sheer sensuous enjoyment of the light, color, and space of the Teahouse might be sufficient for the casual observer. But how not to think about the craftsmanship that is so evident? And how not to wonder about the culture that sponsors the experience? And how not to appreciate and speculate about the contribution that the Teahouse makes to Boulder’s urban experience?”

The Code also states:

9-11-20.-“*Property Maintenance Required.*

*(a) The city council intends to preserve from deliberate or inadvertent neglect the exterior portions of any landmarked building or designated feature and all interior portions thereof whose maintenance is necessary to prevent deterioration of any exterior portion.”*

(emphasis supplied)

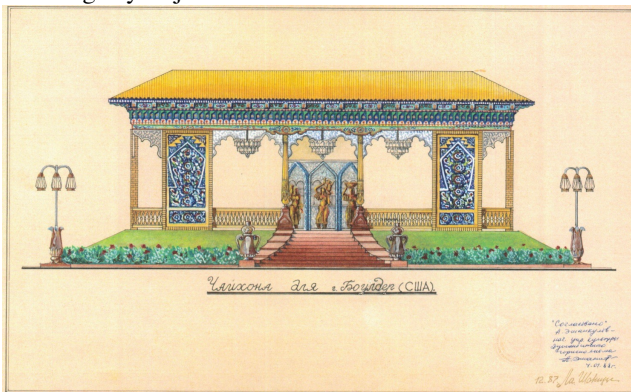
Inappropriate or neglectful future maintenance or remodeling of the interior could irreparably damage the historic and architectural integrity of this unique landmark.

Interior features like the carved Ganch-kori plaster panels and oil paintings that sheath the perimeter poured concrete panels are part of the structure of the building. The Teahouse’s beautiful and complex interior should be protected and included in the landmark designation. In this case the interior of this building is, in fact, indivisible from the exterior... you can’t have one without the other.

We also recommend that the Teahouse interior be a designated feature of the Landmark with structural interior elements called out, including the columns, brackets, entablature, cornice, and ceiling coffers. Ganche-kori carved plaster panels and oil paintings that sheath the interior of the concrete wall panels. On the exterior the structural concrete panels are covered with ceramic faience mosaic tile designs of Central Asian birds and flowers.

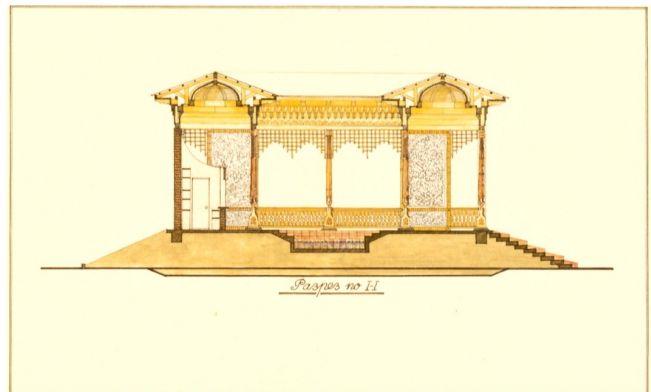
The following original Tajik design drawings illustrate the openness to the sky and surrounding area.

Drawings by Tajik Architect Lado Shanidze



Front Elevation: Open sides. Open top to sky, Faience Tiled Panels

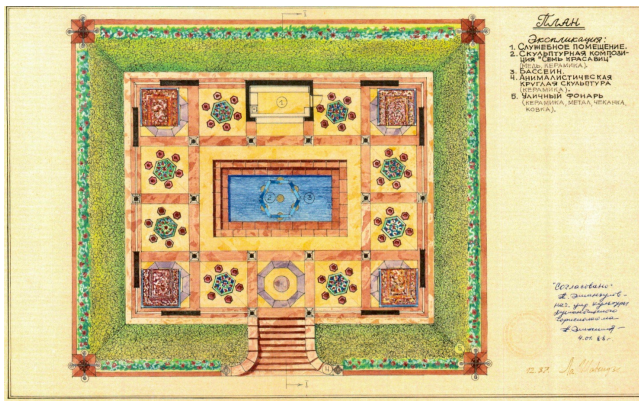
Note: Open areas between the tile panels and the door, columns.



Section: Structural Columns, Entablature, Open sides, Open top to sky

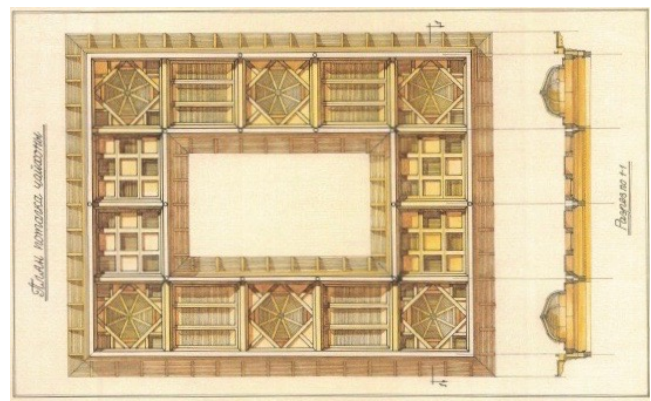
Note: Except for a small tea kitchen on the left, everything is open-air.

## Friends of the Boulder-Dushanbe Teahouse



Plan: Open Pavilion with small kitchen, pool, entry stairs

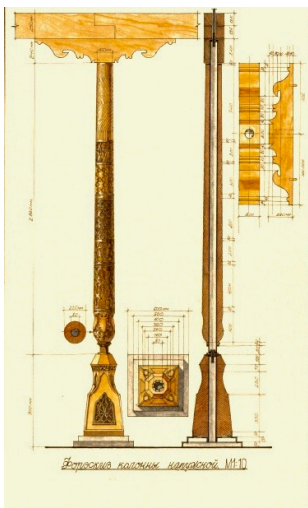
Note: Poured concrete Structural Panels shown are in black above.



Ceiling Plan of Structural Coffers, Entablature and Cornices, open center.

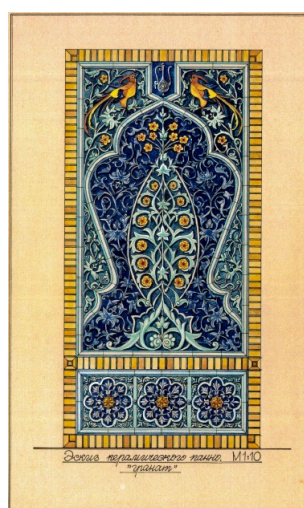
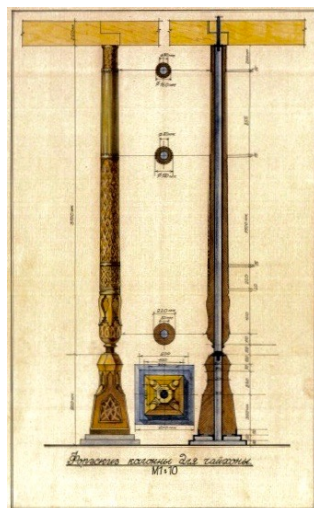
Note: Central open area of the roof, also shown in the Section.

We argue that the interior features of the Teahouse including the Columns, Ganche-Kori Plaster panels, wood painted entablature, cornice and coffers are integral and indivisible parts of the structure of the teahouse and thus do conform to the code directive, “whose maintenance is necessary to prevent deterioration of any exterior portion” See 9-11-20 above.



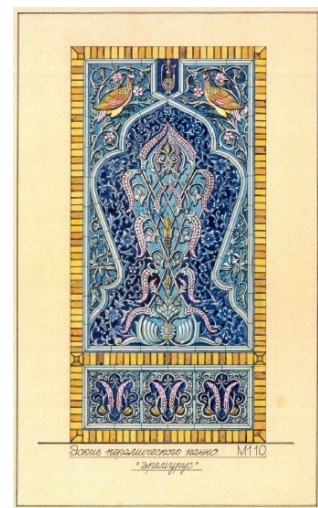
Interior Structural Columns carved from a single Cypress Tree.

Note: Two column styles with structural steel rods going through them.



Exterior Faience Tile Panels with stylized birds and flowers.

Note: Examples of Faience Tile Panels, sheathing the structural wall panels.



We also recommend that design guidelines and a maintenance plan with specifications for the exterior and interior of the building be developed to ensure that careful scheduled work be done for the ongoing preservation of the Teahouse. Boulder’s General Design Guidelines and the Secretary of the Interior’s Standards (National Park Service standards) should inform the specific design guidelines for the Teahouse.

The City’s long standing commitment to bring trained Tajik artisans to work on the Teahouse, both during the original construction and for subsequent repairs and preservation, should be continued into the future.

Friends of the Boulder-Dushanbe Teahouse will continue to support Boulder’s cultural gem, and extraordinary gift to the City. We are interested in participating in grant writing to benefit the Teahouse and helping to develop the requisite design guidelines and a maintenance plan. There is only one building

## **Friends of the Boulder-Dushanbe Teahouse**

and site of this significance in Boulder and, in fact, there is only this one Tajik Teahouse in the entire Western Hemisphere.

Let's do everything we can right now to ensure that many years from now the cultural, artistic and architectural story of the Boulder-Dushanbe Teahouse, and the extraordinary community effort of the Sister Cities Committee, Boulder City elected officials, City Staff and volunteers that was needed to make it a reality, will still be appreciated. And that the building itself, gardens and site and the bordering Teahouse Trail will be preserved and maintained for generations of Boulder citizens.

Thank you for your consideration as you review our request to Designate the Boulder-Dushanbe Teahouse as an Individual Landmark.

Sincerely,

Vern Seieroe AIA, Architect of Record

William Bechhofer, FAIA , Central Asian Expert

Karl Anuta Esq, Attorney, Preservationist

Joe Stepanek, Phd., Sister Cities Board of Directors

Kathryn Howes Barth, AIA, Preservation Architect



**Scott Holwick**  
[sholwick@lyonsgaddis.com](mailto:sholwick@lyonsgaddis.com)  
303-776-9900

October 6, 2020

VIA EMAIL: [council@bouldercolorado.gov](mailto:council@bouldercolorado.gov)  
Boulder City Council

*Re: Proposed Ordinance No. 8418, Landmark Designation of 1770 13<sup>th</sup> Street, Boulder – Consent Agenda Item No. 3.E., Boulder City Council Agenda for its October 6, 2020 meeting*

Dear Mayor Weaver, Mayor Pro Tem Yates, and Members of the City Council:

I submit this letter on the above-referenced matter on behalf of the Boulder and Left Hand Irrigation Company, the Boulder and White Rock Ditch and Reservoir Company, and the North Boulder Farmers Ditch Company (collectively, the “Companies”). Each of the Companies is a Colorado mutual ditch company, formed prior to Colorado statehood.

The Companies own separate vested water rights that divert from the north bank of Boulder Creek at a location just east of the current Broadway Street Bridge. The ditch, which is owned and operated by the Companies (and the owners of the water rights decreed to the Smith and Goss Ditch and the McCarty Ditch), runs east from the diversion headworks through Central Park and the existing box culvert under 13<sup>th</sup> Street where it passes between the Dushanbe Teahouse and the Boulder Museum of Contemporary Art. The separate water rights continue down ditch for use throughout the City and County. The City uses the ditch (a/k/a the Boulder Slough) for stormwater management, and is a shareholder in each of the Companies (using its share water for municipal purposes, including irrigation of City-owned open space lands).

The Companies own an easement for the ditch, created upon the construction and use of the ditch in the early 1860s. Under Colorado law, the Companies may do “whatever is reasonably necessary to permit the full use and enjoyment of the easement including the rights of ingress and egress for maintenance, operation, and repair, within such space as exigency may show.” Under Colorado law, the City may not unilaterally alter the ditch easement without first obtaining consent of the Companies, unless the City first obtains a declaratory determination from a court that the proposed changes will not significantly lessen the utility of the ditch easement, increase the burdens on the Companies, or frustrate the purpose for which the easement was created.

The Companies do not oppose the landmark status for the Teahouse; however, the inclusion of the ditch easement within the proposed landmarked area restricts the full use and enjoyment of the Companies’ property rights. Without modification to protect those rights, the Companies oppose Ordinance No. 8418 as drafted.

Regrettably, the Companies did not receive notice of the landmark process and the ditch easement overlay until September 30<sup>th</sup>. Fortunately, the Companies and the City partner on

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LYONS GADDIS KAHN HALL JEFFERS DWORAK & GRANT, PC

515 Kimbark Street 2nd Floor PO Box 978 Longmont, CO 80502-0978

950 Spruce Street Suite 1B Louisville CO 80027

Longmont 303 776 9900 | Louisville 720 726 3670 | [www.lyonsgaddis.com](http://www.lyonsgaddis.com)



October 6, 2020  
Page 2

many projects, including recent agreements for the City's fiber optic installation and the City's 15<sup>th</sup> Street culvert replacement, and joint and coordinated opposition to the Shores on Plum Creek Metro District's attempted condemnation of the ditch and the Panama Reservoir.

Through the City's interconnectivity with the Companies (Amy Willhite of the City's Open Space and Mountain Parks Division serves on two of the Companies' Boards of Directors), on Friday, the Companies met with representatives from Planning, Utilities, Open Space, and the City's Attorney's Office to begin to brainstorm how to resolve the tension created by the propose landmark overlay. While there is not an obvious quick fix, the Companies will continue to work with staff with the goal of providing City Council with a solution to consider at the second reading in two weeks. The goal will be to allow the landmark designation to proceed while ensuring the Companies' rights remain unaffected.

Thank you, in advance, for the City's continued collaboration with the Companies.

Sincerely,

A handwritten signature in blue ink, appearing to read "S. H. 12/2", is written over a horizontal line.

Scott E. Holwick

cc: Boulder and Left Hand Irrigation Company  
Boulder and White Rock Ditch and Reservoir Company  
North Boulder Farmers Ditch Company  
Marcy Cameron, City Planning  
James Hewat, City Planning  
Jessica Pault-Atiase City Attorney  
Lucas Markley, City Attorney  
Kim Hutton, City Utilities  
Amy Willhite, City Open Space



**Public Comment - Landmark Designation of the Boulder Dushanbe Teahouse**

Emails Received Between July 8 and October 15, 2020

**In support of protecting the interior and exterior:**

1. Andrea Beach
2. Marilyn Ruth Brown
3. Joan Dardis
4. Bobbie Ellenburg
5. Beth Karpf
6. Susan Litt
7. Ann Parker
8. Karen Schwimmer
9. Dorothy Thompson
10. Historic Boulder, Inc.
  - a. Tom Carr, CAO response re: designation of the interior
  - b. Mark Wallach, re: Tom Carr's response
  - c. Tom Carr, CAO, re: Mark Wallach's email
11. Jancy Campbell
12. Anne Dyni
13. Scott Nelson
14. Patricia Johnston
15. Karl Anuta
16. Lynn Segal
17. Joan Zimmerman
18. City Councilmember Mark Wallach via HOTLINE
19. Joe Stepanek
20. Paula Muir

**From:** [Ferro, Charles](#)  
**To:** [Cameron, Marcy](#); [Hewat, James](#)  
**Subject:** FW: Dushanbe Teahouse  
**Date:** Monday, September 28, 2020 9:15:13 AM

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-----Original Message-----

From: Andra Beach <[andoriginal@aol.com](mailto:andoriginal@aol.com)>  
Sent: Friday, September 25, 2020 6:32 PM  
To: Council <[council@bouldercolorado.gov](mailto:council@bouldercolorado.gov)>  
Subject: Dushanbe Teahouse

External Sender

To Boulder City Council:

Please protect the interior of the gorgeous and unique Dushanbe Teahouse. It is a treasure which represents something fine that happened between our two sister communities.

Thank you

Andra Beach  
1570 Cress Ct  
Boulder CO

**From:** [Marilyn Ruth Brown](#)  
**To:** [Council](#)  
**Subject:** Dushanbe Teahouse  
**Date:** Friday, September 25, 2020 4:38:09 PM

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External Sender

I ask the City Council and the Landmarks Board to designate both the interior and exterior of the Dushanbe Teahouse a local landmark. The incredible craftsmanship that went into it needs to be preserved for future generations.

Yours sincerely,  
Marilyn R. Brown  
Prof. Emerita, Art History  
CU

**From:** [Cameron, Marcy](#)  
**To:** [Brandt, Clare](#)  
**Subject:** FW: Teahouse  
**Date:** Friday, September 25, 2020 4:30:00 PM

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FYI

-----Original Message-----

From: Joan Dardis <dardis2@icloud.com>  
Sent: Friday, September 25, 2020 4:22 PM  
To: Council <council@bouldercolorado.gov>  
Subject: Teahouse

External Sender

Please Vote to save the exterior and interior of Dushanbe Teahouse.

Joan Dardis  
Sent from my iPhone

**From:** [Cameron, Marcy](#)  
**To:** [Brandt, Clare](#)  
**Subject:** FW: Teahouse  
**Date:** Friday, September 25, 2020 5:23:00 PM

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FYI

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**From:** Ferro, Charles <FerroC@bouldercolorado.gov>  
**Sent:** Friday, September 25, 2020 5:18 PM  
**To:** Cameron, Marcy <CameronM@bouldercolorado.gov>; Hewat, James <HewatJ@bouldercolorado.gov>  
**Subject:** FW: Teahouse

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**From:** [ellenburgb@aol.com](mailto:ellenburgb@aol.com) <[ellenburgb@aol.com](mailto:ellenburgb@aol.com)>  
**Sent:** Friday, September 25, 2020 5:10 PM  
**To:** Council <[council@bouldercolorado.gov](mailto:council@bouldercolorado.gov)>  
**Subject:** Teahouse

### **External Sender**

Greetings,

We feel it is imperative for the interior as well as exterior of the Dushambe Teahouse to be historically designated and preserved. The importance of this is not only for our city, state, and visitors from all states in the US and abroad. It is imperative as an act of respect and reverence to those who created this unique, beautiful gift.

The plan to create a reciprocal gift was held up for an extended period of time; not a sign of respect and reverence.

Now we have an opportunity to make up for that, at least to some extent.

Bobbie Ellenburg and family

**From:** [Beth Karpf](#)  
**To:** [Council](#)  
**Subject:** Dushanbe Teahouse  
**Date:** Friday, September 25, 2020 4:37:32 PM

---

## External Sender

Dear Council:

Dushanbe Teahouse is a special and unique Boulder treasure. It's special for its history, but it is also unique for its *interior*. I've heard that there is a question as to whether gaining historic status would only protect the exterior, or would protect both the exterior *and* the interior. To me, protecting just the exterior would completely miss the point. For many historic buildings in Boulder, all that most people ever see is the exterior. But with the Dushanbe, the experience that makes it so special, both for Boulder residents and the guests we welcome to our city, is the *interior*. Fortunately, the interior is open to the public and we are able to experience this beautiful, tranquil and artistically sensual interior while enjoying some distinctive food. Frankly, I haven't noticed the exterior so much – it's my experience of the interior that is so meaningful.

Please include the interior in the historic protection.

Thank you.

Beth Karpf

**From:** [Ferro, Charles](#)  
**To:** [Hewat, James](#); [Cameron, Marcy](#)  
**Subject:** FW: Dushanbe Teahouse  
**Date:** Monday, September 28, 2020 9:15:49 AM

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-----Original Message-----

From: Susan Litt <[slteach1@gmail.com](mailto:slteach1@gmail.com)>  
Sent: Friday, September 25, 2020 5:23 PM  
To: Council <[council@bouldercolorado.gov](mailto:council@bouldercolorado.gov)>  
Subject: Dushanbe Teahouse

External Sender

Dear Members of the Council,

Please consider landmarking the interior of the Teahouse as well as the exterior. It is so important to maintain this beautiful structure, which is so important to this community.

Susan Litt  
2465 Juniper Ave  
Boulder 80304

**From:** [Ferro, Charles](#)  
**To:** [Cameron, Marcy](#); [Hewat, James](#)  
**Subject:** FW: Dushanbe Teahouse  
**Date:** Monday, September 28, 2020 9:13:29 AM

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**From:** Ann Parker <a.parkerann@gmail.com>  
**Sent:** Saturday, September 26, 2020 7:06 AM  
**To:** Council <council@bouldercolorado.gov>  
**Subject:** Dushanbe Teahouse

**External Sender**

Dear City Council Members:

Please landmark both the interior and exterior of the Dushanbe Teahouse. It is an iconic building, a Boulder treasure, and one that deserves to be protected.

Thank you -  
Ann Parker  
305 Evergreen Ave  
Boulder CO 80304



**From:** [Ferro, Charles](#)  
**To:** [Cameron, Marcy](#); [Hewat, James](#)  
**Subject:** FW: Dushanbe Teahouse  
**Date:** Monday, September 28, 2020 9:13:50 AM

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**From:** Karen Schwimmer <karen@SchwimmerCPA.com>  
**Sent:** Friday, September 25, 2020 9:14 PM  
**To:** Council <council@bouldercolorado.gov>  
**Subject:** Dushanbe Teahouse

**External Sender**

I am e-mailing to request landmark status and protection for the interior as well as the exterior of the Dushanbe Teahouse. The uniqueness of this beautiful structure should be protected in it's entirety.

Thank you,  
Karen Schwimmer  
67 Sunny Drive  
Golden, CO 80403

Sent via the Samsung Galaxy S10+, an AT&T 5G Evolution capable smartphone

**From:** [Ferro, Charles](#)  
**To:** [Hewat, James](#); [Cameron, Marcy](#)  
**Subject:** FW: Please preserve the Dushanbe Teahouse in and out  
**Date:** Monday, September 28, 2020 9:14:04 AM

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**From:** Dot Thompson <thompsondot@hotmail.com>  
**Sent:** Friday, September 25, 2020 7:52 PM  
**To:** Council <council@bouldercolorado.gov>  
**Subject:** Please preserve the Dushanbe Teahouse in and out

**External Sender**

I watched and admired the efforts to bring the Teahouse to Boulder and it is now our destination lunch spot for introducing friends and relatives from around the world to Boulder. I support Historic Boulder's effort to ensure landmarking of the interior of this local icon as well as the exterior. I cannot imagine one without the other. That would create a movie-like facade.

Thank you for listening,  
Dorothy Thompson,  
Boulder resident since 1983



25 September 2020

City Council  
Boulder Colorado

RE: TEAHOUSE LANDMARKING

Dear Members of Boulder City Council,

The Board of Directors of Historic Boulder urges you to landmark both the interior and exterior of the Dushanbe Teahouse. Indeed, it is the unanimous position of the board of Historic Boulder that the one-of-a-kind interior of the Teahouse should be protected.

It is important to note that the City's preservation ordinance does not exclude interiors from being protected through the landmarking process; numerous cities across the country have recognized the importance of preserving unique interiors through landmarking. There is no question that the interior of the Teahouse, rife with original artwork and distinctive materials is more than worthy of landmark designation. The Teahouse is the product of over forty Tajik craftsmen and boasts an ornate hand-carved ceiling and columns, plaster panels, and large oil paintings created by the artist, Kodir Rahkimov. Much of the interior design is in the traditional Persian 'gachbori' style that can be found nowhere else in the United States.

Apparently, a few of the carved wooden columns in the interior of the structure were recently coated with a varnish that has altered their original appearance. It is imperative that no further changes be made to the building without first securing a Landmarks Alteration Certificate to ensure that the original design and integrity of materials be honored. Another possible concern is that a future lessee of the Teahouse may choose to alter aspects of the interior. Without supervision through landmark protection and review, such alterations may forever erase the artistic masterpiece that is the interior of the building.

The City's preservation ordinance also notes the importance regional landmarks play in promoting tourism. While beloved by locals, the Teahouse is also a major tourist attraction – arguably, the interior even more so than the exterior.

For all these reasons, Historic Boulder strongly asks the City Council and the Landmarks Board to designate both the interior and exterior of the Dushanbe Teahouse a local landmark.

The designation is well-deserved.

Thank you for your consideration.

Board of Directors  
Historic Boulder, Inc

[www.historicboulder.org](http://www.historicboulder.org)  
1200 Pearl St Suite 314  
Boulder, CO 80302

**From:** [Carr, Thomas](#)  
**To:** [Cheri Belz](#); [landmarksboard](#); [Cameron, Marcy](#); [Hewat, James](#); [Council](#)  
**Cc:** [cheri belz](#)  
**Subject:** RE: Teahouse Landmarking  
**Date:** Monday, September 28, 2020 9:57:02 AM

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Thank you for your email to the Boulder City Council. I appreciate and share your concern for the Dushanbe Teahouse. Unfortunately, the Boulder Historic ordinance does not provide authority to landmark the interior of a structure. It only authorizes designating an "individual building or other feature." A designated feature is defined as "any structure or object other than a building located on a landmark site or within a historic district that is identified in the ordinance designating the landmark site or historic district. This includes, but is not limited to: bridges, environmental features, landscaping features, memorials, sculptures, signs, towers, engineered products, or items of natural substance." The limits of this language constrains what the city can do under the historic preservation code. Accordingly, the Landmarks Board recommended landmarking the exterior along with protections for the interior in the form of a maintenance manual to ensure proper methods and stewardship for the interior. The approach taken by the Landmarks Board provides an effective way to protect the interior within the bounds of the Historic Preservation Code.

Tom Carr  
Boulder City Attorney

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**From:** Cheri Belz <belz@historicboulder.org>  
**Sent:** Friday, September 25, 2020 8:34 AM  
**To:** landmarksboard <landmarksboard@bouldercolorado.gov>; Cameron, Marcy <CameronM@bouldercolorado.gov>; Hewat, James <HewatJ@bouldercolorado.gov>; Council <council@bouldercolorado.gov>  
**Cc:** cheri belz <belz@belzarch.com>  
**Subject:** Teahouse Landmarking

**External Sender**

Attached please find Historic Boulder's letter in favor of the landmarking of The Teahouse. Thank you for considering this important designation.

Regards,

**Cheri Belz**, Architect/Real Estate Broker

**Co-President, Historic Boulder Board of Directors**

601 Kalmia Ave  
Boulder, CO 80304  
[belz@belzarch.com](mailto:belz@belzarch.com)

[www.belzarch.com](http://www.belzarch.com)  
[www.belzresidential.com](http://www.belzresidential.com)

**From:** [Wallach, Mark](#)  
**To:** [HOTLINE](#); [Council](#)  
**Subject:** [BoulderCouncilHotline] Dushanbe Teahouse  
**Date:** Sunday, October 4, 2020 6:47:02 PM  
**Attachments:** [ATT00001.txt](#)

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On September 28 I wrote in support of landmarking the interior of the Dushanbe Teahouse, and I am reiterating that position today. The issue here is not the desirability of doing so; it is fair to say that there is virtually unanimous opinion that the interior elements of the Teahouse are worthy of protection. The only issue, then, is whether we have the legal ability to do so.

The staff memorandum analyzing the landmark request, and relying upon advice from the City Attorney's Office, does not include such interior landmarking, on the theory that the historic preservation ordinance "does not have any special provisions that would allow for the regulation of the interior of such a building."

I believe that this analysis is inverted, and that the language of the ordinance is broad enough to permit interior landmarking **unless** specifically **prohibited** by its terms. In my prior communication I asked whether there was any such restrictive language in the statute; to date no such prohibition has been identified and communicated to me. Unless there is such a restriction in the ordinance itself, it appears to me that the basic reluctance to landmark the interior is that we have not done it before, not that we are barred from doing so.

This approach – particularly in a case where the City owns the property, and would merely be subjecting itself to its own landmarking ordinance – is entirely too restrictive and narrow, and fails to protect important features of the Teahouse. The staff memorandum (see page 8) clearly recognizes the importance of these elements, but fails to protect them based on this rather timid interpretation of the statute.

No one would argue that we may act in contravention of the specific language of an ordinance, but where the ordinance is silent we should be free to interpret it in order to serve its fundamental purposes. Again, I quote the

specific guidance of our City Attorney in other contexts, that in such cases the meaning of a statute “is what the City says it is.” I fail to see how this situation is any different. Is this a departure from prior practice? Yes, it is. But in this year in which our entire lives have been disrupted, a departure from prior practice is, frankly, not a compelling argument for inaction.

It is important to note that there is no suggestion here that the City should have the power to landmark the interior of a property owned by a third party opposing such designation. Clearly, that is not the case in this context. This is essentially a one-off situation where we act to protect the entirety of Boulder’s most iconic structure: we do so because it is our property, because interior preservation is the clear desire of the community, and because there is no specific bar to such designation. Failing to protect the interior of the Teahouse on the basis of the argument that we have never done so before is antithetical to the innovative approach that Boulder strives to take in so many areas. And let us remember that we are not inventing the wheel here. Other jurisdictions have landmarked interiors without complaint or controversy, in recognition that preservation values may apply to more than just the exterior of a structure.

Accordingly, I believe that the option to landmark the interior of the Teahouse should be one of the permitted alternatives presented to Council. If it is not the will of Council to proceed on this basis, all well and good, but that is a decision that should be made by my colleagues and myself.

**From:** [Ferro, Charles](#)  
**To:** [Hewat, James](#); [Cameron, Marcy](#)  
**Subject:** FW: Our Central Asian Teahouse  
**Date:** Monday, September 28, 2020 9:10:13 AM

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**From:** Jancy Campbell <jcampb1004@aol.com>  
**Sent:** Saturday, September 26, 2020 11:44 AM  
**To:** Council <council@bouldercolorado.gov>  
**Subject:** Our Central Asian Teahouse

**External Sender**

I am a part of the small group that brought the Teahouse to Boulder. It has been said that it is the largest example of ancient Persian architecture in our country and the only Central Asian Teahouse in the Western Hemisphere.

The work was done using Central Asian Artisans using ancient skills. Our Boulder Dushanbe Teahouse is rare, and one of this areas top tourist attractions.

I would think City Council would be so remiss not to landmark the building both inside and out . . . Below is a comment on interiors -- from Google:

Yes. Every designated structure, whether it is an individual **landmark** or a **building** in a historic district, is protected under the **Landmarks** Law and subject to the same review procedures. ... when the **interior** has been designated by the **Landmarks** Commission as an **interior landmark**.

In today's world, when peace is so important, the City of Boulder should treasure the outstanding ten Sister Cities we have and protect and honor all they have brought to make Boulder a richer city.

Thank you for your consideration . . . Jancy Campbell

Jancy Campbell|coldwell banker|boulder  
*residential . investment . relocating retirees .*  
*certified by the National Trust in historic real estate*  
303-931-9663| [jcampb1004@aol.com](mailto:jcampb1004@aol.com)  
[www.jancycampbell.com](http://www.jancycampbell.com)

***always there for you***

**From:** [Ferro, Charles](#)  
**To:** [Hewat, James](#); [Cameron, Marcy](#)  
**Subject:** FW: Landmarking Dushanbe Teahouse  
**Date:** Monday, September 28, 2020 9:05:50 AM

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-----Original Message-----

From: Anne Dyni <[adyni@earthlink.net](mailto:adyni@earthlink.net)>  
Sent: Sunday, September 27, 2020 9:47 AM  
To: Council <[council@bouldercolorado.gov](mailto:council@bouldercolorado.gov)>  
Subject: Landmarking Dushanbe Teahouse

External Sender

Having assisted in the landmarking of Boulder County properties for many many years , I am aware of the guidelines used by most preservationists... protection of the exterior only. But the Teahouse is unique because its aspect reveals both the interior and exterior to the viewer - one leading seamlessly into the other. To leave the interior unprotected from future changes would affect the entire aspect of the building. I urge you to require that landmarking include both the interior and exterior of the Dushanbe Teahouse. Anne Dyni

Sent from my iPhone



**From:** [Ferro, Charles](#)  
**To:** [Hewat, James](#); [Cameron, Marcy](#)  
**Subject:** FW: Dushanbe Teahouse  
**Date:** Monday, September 28, 2020 9:04:16 AM

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**From:** Scott Nelson <[snelson.md.74@gmail.com](mailto:snelson.md.74@gmail.com)>  
**Sent:** Sunday, September 27, 2020 9:41 PM  
**To:** Council <[council@bouldercolorado.gov](mailto:council@bouldercolorado.gov)>  
**Subject:** Dushanbe Teahouse

**External Sender**

Dear Councilpeople,

I totally agree with the letter you have received from Historic Boulder. The Teahouse is a unique treasure inside and out, and merits preservation more than most landmarked places.

Scott Nelson

1525 Lodge Court

Boulder, CO 80303

**From:** [Ferro, Charles](#)  
**To:** [Hewat, James](#); [Cameron, Marcy](#)  
**Subject:** FW: Dushanbe Tea House  
**Date:** Monday, September 28, 2020 9:10:31 AM

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**From:** Patricia M Johnston <patmjohnston@gmail.com>  
**Sent:** Saturday, September 26, 2020 9:12 AM  
**To:** Council <council@bouldercolorado.gov>  
**Subject:** Dushanbe Tea House

**External Sender**

Please preserve the interior of the tea house for the future. The tea house needs to be preserved as a whole and not just the exterior. The Dushanbe has such a unique history and also beautiful artwork and architecture on the interior.

Thank you!

Patricia M Johnston

**From:** [Ferro, Charles](#)  
**To:** [Cameron, Marcy](#); [Hewat, James](#)  
**Subject:** FW: Boulder Dushanbe Teahouse -- Landmark designation  
**Date:** Friday, October 2, 2020 11:42:58 AM

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**From:** Karl F. Anuta <karl.anuta@gmail.com>  
**Sent:** Friday, October 2, 2020 10:05 AM  
**To:** Council <council@bouldercolorado.gov>  
**Subject:** Boulder Dushanbe Teahouse -- Landmark designation

**External Sender**

Council members: Please add my support for the designation of the Teahouse as a landmark. Kathryn Barth and others have explained the many historical and special reasons supporting this designation..

There remains the problem of the Teahouse interior. We pressed the Landmarks Board to designate the interior as a Special Feature, to be protected. The City Attorney has opined that such is not permitted under Boulder's ordinance.

Thus we also ask Council to (1) include, in the precatory language of the designation ordinance, statements acknowledging that the interior of the Teahouse is and should be a designated feature, to be protected along with the exterior: and (2) direct the Landmarks Board and the City Attorney to prepare for your future consideration and adoption, an amendment to the Landmark Ordinance allowing designation of interior features (after which we will ask that the designating ordinance be amended to include the Teahouse interior). I should note that landmark ordinances in communities such as Telluride, Colorado, and Baltimore, Maryland, as well as others, allow interior designation. Protection should be granted to such public buildings as the Teahouse.

It would be superfluous for me to attempt to add and elaborate on the many reasons supporting these requests. Others have made much better and clearer presentations than I.

Thank you for your support.

Karl F. Anuta  
4840 Thunderbird, #89, Boulder

**From:** [Ferro, Charles](#)  
**To:** [Cameron, Marcy](#)  
**Subject:** FW: Dushanbe Teahouse  
**Date:** Monday, October 5, 2020 8:56:44 AM

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**From:** lynnsegal7 <lynnsegal7@hotmail.com>  
**Sent:** Sunday, October 4, 2020 9:00 PM  
**To:** Wallach, Mark <WallachM@bouldercolorado.gov>  
**Cc:** vseieroe@aol.com; Council <council@bouldercolorado.gov>  
**Subject:** Re: Dushanbe Teahouse

**External Sender**

If Boulder is so **innovative**, how could you vote for Xcel Energy? Take note of the yellow highlight.

I substitute the wording from your sentence below: "Unless there is such a restriction in the ordinance itself, it appears to me that the basic reluctance to" **municipalize** "is that we have not done it before, not that we are barred from doing so."

You follow Tom Carr's lead on Xcel, but not on Duchambe's interior, eh Mark?

Disclaimer: This is not to say I do not think the CC should exercise it's implicit right to landmark the interior of Dushambe. On the contrary, I think all these beautiful landmarked historic homes in Boulder should have the same requirement on the interior as the exteriors too. Notwithstanding, that legal exclusion needs to be changed. However there is nothing to change with Dushambe under city ownership.

The COB needs to hire competent legal experts. Same goes for municipalization.

You said it Mark, "timid".

Lynn

**From:** [Ferro, Charles](#)  
**To:** [Cameron, Marcy](#)  
**Subject:** FW: Dushanbe Teahouse Landmarking--Interior and exterior simultaneously  
**Date:** Tuesday, October 6, 2020 9:50:28 AM

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**From:** jczimmny@gmail.com <jczimmny@gmail.com>  
**Sent:** Monday, October 5, 2020 8:00 PM  
**To:** Council <council@bouldercolorado.gov>  
**Subject:** Dushanbe Teahouse Landmarking--Interior and exterior simultaneously

**External Sender**

Dear Council Members,

Boulder views itself as a leader in all facets of life. Yet in the landmarking of interior spaces it falls well behind. Even Telluride (population approximately 2,500) has created a simple ordinance to landmark interiors, and landmarked four buildings to date. Major cities, from NY to LA to Cincinnati and Miami Beach, all have provisions to landmark notable interiors ranging from art deco to mid century modern masterpieces..

Even without official guidelines for the landmarking of interiors, Boulder's landmark's statute does note that the "features" of a property may be subject to landmarking. The features of the Teahouse have been well documented by others and are widely recognized as a work of art, hand carved and painted by 40 Tajik craftsmen in a style not found anywhere else in the US. If landmarking special "features" are already envisioned by the statute, the interior of the Teahouse should be eligible to be landmarked .Additonally, under the Criteria for Individual Landmark Designation, these features also qualify for their "artistic merit ..A skillful integration of design, detail, material and color which is of excellent visual quality and/or demonstrates superior craftsmanship." Finally, nowhere in the guidelines is it stated that only exteriors may be landmarked.

Yet without landmark protection, the interior of the Teahouse could be altered by a maintenance person, well-meaning staff, or a future lessee, even unwittingly, but it would still destroy the remarkable handiwork of so many craftspeople.

Who amongst this Council has not taken guests to the Teahouse? Or met colleagues or friends for breakfast, tea, or drinks and basked in the surroundings? The Teahouse is beloved by locals and tourists, and open to all. I urge this Council to think expansively, and protect the Teahouse by simultaneously landmarking the interior as well as the exterior and preserve it for future generations to savor.

Thank you.

Joan Zimmerman

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**From:** Wallach, Mark <[WallachM@bouldercolorado.gov](mailto:WallachM@bouldercolorado.gov)>

**Sent:** Sunday, October 4, 2020 6:45 PM

**To:** HOTLINE <[HOTLINE@bouldercolorado.gov](mailto:HOTLINE@bouldercolorado.gov)>; Council <[council@bouldercolorado.gov](mailto:council@bouldercolorado.gov)>

**Subject:** [BoulderCouncilHotline] Dushanbe Teahouse

On September 28 I wrote in support of landmarking the interior of the Dushanbe Teahouse, and I am reiterating that position today. The issue here is not the desirability of doing so; it is fair to say that there is virtually unanimous opinion that the interior elements of the Teahouse are worthy of protection. The only issue, then, is whether we have the legal ability to do so.

The staff memorandum analyzing the landmark request, and relying upon advice from the City Attorney's Office, does not include such interior landmarking, on the theory that the historic preservation ordinance "does not have any special provisions that would allow for the regulation of the interior of such a building."

I believe that this analysis is inverted, and that the language of the ordinance is broad enough to permit interior landmarking **unless** specifically **prohibited** by its terms. In my prior communication I asked whether there was any such restrictive language in the statute; to date no such prohibition has been identified and communicated to me. **Unless there is such a restriction in the ordinance itself, it appears to me that the basic reluctance to landmark the interior is that we have not done it before, not that we are barred from doing so.**

This approach – particularly in a case where the City owns the property, and would merely be subjecting itself to its own landmarking ordinance – is entirely too restrictive and narrow, and fails to protect important features of the Teahouse. The staff memorandum (see page 8) clearly recognizes the importance of these elements, but fails to protect them based on this rather **timid** interpretation of the statute.

No one would argue that we may act in contravention of the specific language

of an ordinance, but where the ordinance is silent we should be free to interpret it in order to serve its fundamental purposes. Again, I quote the specific guidance of our City Attorney in other contexts, that in such cases the meaning of a statute “is what the City says it is.” I fail to see how this situation is any different. Is this a departure from prior practice? Yes, it is. But in this year in which our entire lives have been disrupted, a departure from prior practice is, frankly, not a compelling argument for inaction.

It is important to note that there is no suggestion here that the City should have the power to landmark the interior of a property owned by a third party opposing such designation. Clearly, that is not the case in this context. This is essentially a one-off situation where we act to protect the entirety of Boulder’s most iconic structure: we do so because it is our property, because interior preservation is the clear desire of the community, and because there is no specific bar to such designation. Failing to protect the interior of the Teahouse on the basis of the argument that we have never done so before is antithetical to the innovative approach that Boulder strives to take in so many areas. And let us remember that we are not inventing the wheel here. Other jurisdictions have landmarked interiors without complaint or controversy, in recognition that preservation values may apply to more than just the exterior of a structure.

Accordingly, I believe that the option to landmark the interior of the Teahouse should be one of the permitted alternatives presented to Council. If it is not the will of Council to proceed on this basis, all well and good, but that is a decision that should be made by my colleagues and myself.

**From:** [Carr, Thomas](#)  
**To:** [Wallach, Mark](#); [Cheri Belz](#); [landmarksboard](#); [Cameron, Marcy](#); [Hewat, James](#); [Council](#)  
**Cc:** [cheri belz](#)  
**Subject:** RE: Teahouse Landmarking  
**Date:** Monday, September 28, 2020 1:29:06 PM

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Mark,

The language you refer to is generally read to include similar things. All of those things are exterior features. It would take an expansive reading of that language to include interiors. I agree that the interior of the Teahouse is a treasure and should be preserved. The Historic Preservation Code has never been interpreted to include interiors and to my knowledge, no interior has ever been landmarked. Doing so is such a significant departure from past precedent that I would recommend a specific amendment to the code to support such a step. I do not believe that it is necessary to achieve the goal of protecting the interior. I believe that the steps taken by the Landmarks Board will protect the interior without having to change the code or stretch the interpretation of the language.

Tom

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**From:** Wallach, Mark <WallachM@bouldercolorado.gov>  
**Sent:** Monday, September 28, 2020 12:38 PM  
**To:** Carr, Thomas <CarrT@bouldercolorado.gov>; Cheri Belz <belz@historicboulder.org>; landmarksboard <landmarksboard@bouldercolorado.gov>; Cameron, Marcy <CameronM@bouldercolorado.gov>; Hewat, James <HewatJ@bouldercolorado.gov>; Council <council@bouldercolorado.gov>  
**Cc:** cheri belz <belz@belzarch.com>  
**Subject:** Re: Teahouse Landmarking

Tom, I am perplexed. Is there specific prohibitory language in the statute that excludes the landmarking of an interior? Where the statute says landmarking applies to an "individual building or other feature" those other features are set forth in a list that is qualified by the phrase "including **but not limited to**" the specific examples enumerated (emphasis is mine). What is the point of this language if not to grant the potential for expansion? How can the unique and historic elements of the Teahouse interior be regarded as anything **but** a feature of the structure? On a number of occasions you have pointed out that, in the absence of specific statutory language prohibiting a contemplated action, the meaning of a statute "is what the City says it is." I believe that there is no better case for an expansive reading of the statute than this one. Let us remember that the City is contemplating subjecting **itself** to the landmarking statute on a property that it already owns. On what specific basis can the City



be prohibited from doing so? The argument that we have always done it this way is really not compelling. A number of other cities have taken the more advanced view that interiors may be landmarked (Grand Central Station and the interior of the Chrysler Building are prime examples). If this were a situation where we were contemplating landmarking the interior of a structure owned by a private party a different argument might be made in opposition to doing so (although I would argue that even here the landmark statute could be held to apply, at least when the owner is cooperative), but that is certainly not the case in this instance.

In addition, it is quite clear that the most important features of the Teahouse are its interior elements, which at one point were apparently exterior elements. Given the almost unanimous agreement concerning the importance of landmarking the entirety of this building, I believe we should be straining to achieve this end, not taking a narrow view of the statute to frustrate it. I know there are other ways to substantially achieve this goal, such as imposing a Declaration of Use on the property (credit Bob Yates for this suggestion), but there is nothing as clear-cut and definitive as designating the Teahouse – all of the Teahouse - as a landmark, and an ineradicable part of Boulder's history. I strongly urge a reconsideration of your analysis and your ultimate determination.

---

**From:** "Carr, Thomas" <[CarrT@bouldercolorado.gov](mailto:CarrT@bouldercolorado.gov)>  
**Date:** Monday, September 28, 2020 at 9:57 AM  
**To:** Cheri Belz <[belz@historicboulder.org](mailto:belz@historicboulder.org)>, landmarksboard <[landmarksboard@bouldercolorado.gov](mailto:landmarksboard@bouldercolorado.gov)>, "Cameron, Marcy" <[CameronM@bouldercolorado.gov](mailto:CameronM@bouldercolorado.gov)>, "Hewat, James" <[HewatJ@bouldercolorado.gov](mailto:HewatJ@bouldercolorado.gov)>, Council <[council@bouldercolorado.gov](mailto:council@bouldercolorado.gov)>  
**Cc:** cheri belz <[belz@belzarch.com](mailto:belz@belzarch.com)>  
**Subject:** RE: Teahouse Landmarking  
**Resent-From:** <[council@bouldercolorado.gov](mailto:council@bouldercolorado.gov)>

Thank you for your email to the Boulder City Council. I appreciate and share your concern for the Dushanbe Teahouse. Unfortunately, the Boulder Historic ordinance does not provide authority to landmark the interior of a structure. It only authorizes designating an "individual building or other feature." A designated feature is defined as "any structure or object other than a building located on a landmark site or within a historic district that is identified in the ordinance designating the landmark site or historic district. This includes, but is not limited to: bridges, environmental features,

landscaping features, memorials, sculptures, signs, towers, engineered products, or items of natural substance." The limits of this language constrains what the city can do under the historic preservation code. Accordingly, the Landmarks Board recommended landmarking the exterior along with protections for the interior in the form of a maintenance manual to ensure proper methods and stewardship for the interior. The approach taken by the Landmarks Board provides an effective way to protect the interior within the bounds of the Historic Preservation Code.

Tom Carr  
Boulder City Attorney

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**From:** Cheri Belz <[belz@historicboulder.org](mailto:belz@historicboulder.org)>  
**Sent:** Friday, September 25, 2020 8:34 AM  
**To:** landmarksboard <[landmarksboard@bouldercolorado.gov](mailto:landmarksboard@bouldercolorado.gov)>; Cameron, Marcy <[CameronM@bouldercolorado.gov](mailto:CameronM@bouldercolorado.gov)>; Hewat, James <[HewatJ@bouldercolorado.gov](mailto:HewatJ@bouldercolorado.gov)>; Council <[council@bouldercolorado.gov](mailto:council@bouldercolorado.gov)>  
**Cc:** cheri belz <[belz@belzarch.com](mailto:belz@belzarch.com)>  
**Subject:** Teahouse Landmarking

**External Sender**

Attached please find Historic Boulder's letter in favor of the landmarking of The Teahouse. Thank you for considering this important designation.

Regards,

**Cheri Belz**, Architect/Real Estate Broker

**Co-President, Historic Boulder Board of Directors**

601 Kalmia Ave  
Boulder, CO 80304  
[belz@belzarch.com](mailto:belz@belzarch.com)

[www.belzarch.com](http://www.belzarch.com)

[www.belzresidential.com](http://www.belzresidential.com)

303-995-6111

"One's HOME is the merging of the spirit of the place with the spirit of the person."

**From:** [Wallach, Mark](#)  
**To:** [Carr, Thomas](#); [Cheri Belz](#); [landmarksboard](#); [Cameron, Marcy](#); [Hewat, James](#); [Council](#)  
**Cc:** [cheri belz](#)  
**Subject:** Re: Teahouse Landmarking  
**Date:** Monday, September 28, 2020 12:37:33 PM

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Tom, I am perplexed. Is there specific prohibitory language in the statute that excludes the landmarking of an interior? Where the statute says landmarking applies to an “individual building or other feature” those other features are set forth in a list that is qualified by the phrase “including **but not limited to**” the specific examples enumerated (emphasis is mine). What is the point of this language if not to grant the potential for expansion? How can the unique and historic elements of the Teahouse interior be regarded as anything **but** a feature of the structure? On a number of occasions you have pointed out that, in the absence of specific statutory language prohibiting a contemplated action, the meaning of a statute “is what the City says it is.” I believe that there is no better case for an expansive reading of the statute than this one. Let us remember that the City is contemplating subjecting **itself** to the landmarking statute on a property that it already owns. On what specific basis can the City be prohibited from doing so? The argument that we have always done it this way is really not compelling. A number of other cities have taken the more advanced view that interiors may be landmarked (Grand Central Station and the interior of the Chrysler Building are prime examples). If this were a situation where we were contemplating landmarking the interior of a structure owned by a private party a different argument might be made in opposition to doing so (although I would argue that even here the landmark statute could be held to apply, at least when the owner is cooperative), but that is certainly not the case in this instance.

In addition, it is quite clear that the most important features of the Teahouse are its interior elements, which at one point were apparently exterior elements. Given the almost unanimous agreement concerning the importance of landmarking the entirety of this building, I believe we should be straining to achieve this end, not taking a narrow view of the statute to frustrate it. I know there are other ways to substantially achieve this goal, such as imposing a Declaration of Use on the property (credit Bob Yates for this suggestion), but there is nothing as clear-cut and definitive as designating the Teahouse – all of

the Teahouse - as a landmark, and an ineradicable part of Boulder's history. I strongly urge a reconsideration of your analysis and your ultimate determination.

---

**From:** "Carr, Thomas" <CarrT@bouldercolorado.gov>  
**Date:** Monday, September 28, 2020 at 9:57 AM  
**To:** Cheri Belz <belz@historicboulder.org>, landmarksboard <landmarksboard@bouldercolorado.gov>, "Cameron, Marcy" <CameronM@bouldercolorado.gov>, "Hewat, James" <HewatJ@bouldercolorado.gov>, Council <council@bouldercolorado.gov>  
**Cc:** cheri belz <belz@belzarch.com>  
**Subject:** RE: Teahouse Landmarking  
**Resent-From:** <council@bouldercolorado.gov>

Thank you for your email to the Boulder City Council. I appreciate and share your concern for the Dushanbe Teahouse. Unfortunately, the Boulder Historic ordinance does not provide authority to landmark the interior of a structure. It only authorizes designating an "individual building or other feature." A designated feature is defined as "any structure or object other than a building located on a landmark site or within a historic district that is identified in the ordinance designating the landmark site or historic district. This includes, but is not limited to: bridges, environmental features, landscaping features, memorials, sculptures, signs, towers, engineered products, or items of natural substance." The limits of this language constrains what the city can do under the historic preservation code. Accordingly, the Landmarks Board recommended landmarking the exterior along with protections for the interior in the form of a maintenance manual to ensure proper methods and stewardship for the interior. The approach taken by the Landmarks Board provides an effective way to protect the interior within the bounds of the Historic Preservation Code.

Tom Carr  
Boulder City Attorney

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**From:** Cheri Belz <belz@historicboulder.org>  
**Sent:** Friday, September 25, 2020 8:34 AM  
**To:** landmarksboard <landmarksboard@bouldercolorado.gov>; Cameron, Marcy <CameronM@bouldercolorado.gov>; Hewat, James <HewatJ@bouldercolorado.gov>; Council <council@bouldercolorado.gov>  
**Cc:** cheri belz <belz@belzarch.com>  
**Subject:** Teahouse Landmarking

**External Sender**

Attached please find Historic Boulder's letter in favor of the landmarking of The Teahouse. Thank you for considering this important designation.

Regards,

**Cheri Belz**, Architect/Real Estate Broker

**Co-President, Historic Boulder Board of Directors**

601 Kalmia Ave

Boulder, CO 80304

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303-995-6111

"One's HOME is the merging of the spirit of the place with the spirit of the person."

**From:** [Ferro, Charles](#)  
**To:** [Cameron, Marcy](#)  
**Subject:** FW: Support for Land Marking our now-famed Tajik Tea House  
**Date:** Monday, October 5, 2020 9:13:36 AM

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-----Original Message-----

From: Stepanek <jcvstep@infionline.net>  
Sent: Friday, October 2, 2020 5:18 PM  
To: Council <council@bouldercolorado.gov>  
Subject: Support for Land Marking our now-famed Tajik Tea House

External Sender

Dear Council Members

I am very pleased to write in support of our Tajik Tea House.

Little did I know then, hitch hiking through the Khyber Pass in 1961, that I'd come to savor - in my own hometown - a unique gift from Central Asia.

Decades later, retiring home to Boulder, I savored this Asian gift, having enjoyed this art and architectural style spread across the world

- from Morocco to Java - and now to Boulder.

Having joined a group of Boulder visitors for a 2008 ribbon cutting ceremony - for our return gift of a Cyber Cafe, designed by Boulder's David Barrett - Caroline and I have come to fully appreciate the art, architecture and sense of community this gift has already represented for centuries across Central Asia.

Bravo!

With appreciation, Joe Stepanek 720 11th St. Boulder, CO 80302  
303-544-0881



**Scott Holwick**  
[sholwick@lyonsgaddis.com](mailto:sholwick@lyonsgaddis.com)  
303-776-9900

October 6, 2020

VIA EMAIL: [council@bouldercolorado.gov](mailto:council@bouldercolorado.gov)  
Boulder City Council

*Re: Proposed Ordinance No. 8418, Landmark Designation of 1770 13<sup>th</sup> Street, Boulder – Consent Agenda Item No. 3.E., Boulder City Council Agenda for its October 6, 2020 meeting*

Dear Mayor Weaver, Mayor Pro Tem Yates, and Members of the City Council:

I submit this letter on the above-referenced matter on behalf of the Boulder and Left Hand Irrigation Company, the Boulder and White Rock Ditch and Reservoir Company, and the North Boulder Farmers Ditch Company (collectively, the “Companies”). Each of the Companies is a Colorado mutual ditch company, formed prior to Colorado statehood.

The Companies own separate vested water rights that divert from the north bank of Boulder Creek at a location just east of the current Broadway Street Bridge. The ditch, which is owned and operated by the Companies (and the owners of the water rights decreed to the Smith and Goss Ditch and the McCarty Ditch), runs east from the diversion headworks through Central Park and the existing box culvert under 13<sup>th</sup> Street where it passes between the Dushanbe Teahouse and the Boulder Museum of Contemporary Art. The separate water rights continue down ditch for use throughout the City and County. The City uses the ditch (a/k/a the Boulder Slough) for stormwater management, and is a shareholder in each of the Companies (using its share water for municipal purposes, including irrigation of City-owned open space lands).

The Companies own an easement for the ditch, created upon the construction and use of the ditch in the early 1860s. Under Colorado law, the Companies may do “whatever is reasonably necessary to permit the full use and enjoyment of the easement including the rights of ingress and egress for maintenance, operation, and repair, within such space as exigency may show.” Under Colorado law, the City may not unilaterally alter the ditch easement without first obtaining consent of the Companies, unless the City first obtains a declaratory determination from a court that the proposed changes will not significantly lessen the utility of the ditch easement, increase the burdens on the Companies, or frustrate the purpose for which the easement was created.

The Companies do not oppose the landmark status for the Teahouse; however, the inclusion of the ditch easement within the proposed landmarked area restricts the full use and enjoyment of the Companies’ property rights. Without modification to protect those rights, the Companies oppose Ordinance No. 8418 as drafted.

Regrettably, the Companies did not receive notice of the landmark process and the ditch easement overlay until September 30<sup>th</sup>. Fortunately, the Companies and the City partner on

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October 6, 2020  
Page 2

many projects, including recent agreements for the City's fiber optic installation and the City's 15<sup>th</sup> Street culvert replacement, and joint and coordinated opposition to the Shores on Plum Creek Metro District's attempted condemnation of the ditch and the Panama Reservoir.

Through the City's interconnectivity with the Companies (Amy Willhite of the City's Open Space and Mountain Parks Division serves on two of the Companies' Boards of Directors), on Friday, the Companies met with representatives from Planning, Utilities, Open Space, and the City's Attorney's Office to begin to brainstorm how to resolve the tension created by the propose landmark overlay. While there is not an obvious quick fix, the Companies will continue to work with staff with the goal of providing City Council with a solution to consider at the second reading in two weeks. The goal will be to allow the landmark designation to proceed while ensuring the Companies' rights remain unaffected.

Thank you, in advance, for the City's continued collaboration with the Companies.

Sincerely,

A handwritten signature in blue ink, appearing to read "S. Holwick", is written over a horizontal line.

Scott E. Holwick

cc: Boulder and Left Hand Irrigation Company  
Boulder and White Rock Ditch and Reservoir Company  
North Boulder Farmers Ditch Company  
Marcy Cameron, City Planning  
James Hewat, City Planning  
Jessica Pault-Atiase City Attorney  
Lucas Markley, City Attorney  
Kim Hutton, City Utilities  
Amy Willhite, City Open Space



**From:** [Ferro, Charles](#)  
**To:** [Hewat, James](#); [Cameron, Marcy](#)  
**Subject:** FW: Dushanbe Teahouse  
**Date:** Wednesday, October 14, 2020 11:07:02 AM

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**From:** Paula Muir <[pmuir747@gmail.com](mailto:pmuir747@gmail.com)>  
**Sent:** Wednesday, October 14, 2020 10:35 AM  
**To:** Council <[council@bouldercolorado.gov](mailto:council@bouldercolorado.gov)>  
**Subject:** Dushanbe Teahouse

**External Sender**

Dear Council,

I support interior landmarking for the Dushanbe Teahouse. Obviously the interior is as important as the exterior. I hope you will all support it.

Thank you,  
Paula Muir  
Boulder, Colorado

**SIGNIFICANCE CRITERIA**  
**Individual Landmark**  
**September 1975**

On September 6, 1975, the City Council adopted Ordinance #4000 providing procedures for the designation of Landmarks and Historic Districts in the City of Boulder. The purpose of the ordinance is the preservation of the City's permitted cultural, historic, and architectural heritage. The Landmarks Board is permitted by the ordinance to adopt rules and regulations as it deems necessary for its own organization and procedures. The following Significance Criteria have been adopted by the board to help evaluate each potential designation in a consistent and equitable manner.

**Historic Significance**

The place (building, site, area) should show character, interest or value as part of the development, heritage, or cultural characteristics of the community, state or nation; be the site of a historic, or prehistoric event that had an effect upon society; or exemplify the cultural, political, economic, or social heritage of the community.

Date of Construction: This area of consideration places particular importance on the age of the structure.

Association with Historical Persons or Events: This association could be national, state, or local.

Distinction in the Development of the Community of Boulder: This is most applicable to an institution (religious, educational, civic, etc) or business structure, though in some cases residences might qualify. It stresses the importance of preserving those places which demonstrate the growth during different time spans in the history of Boulder, in order to maintain an awareness of our cultural, economic, social or political heritage.

Recognition by Authorities: If it is recognized by Historic Boulder, Inc. the Boulder Historical Society, local historians (Barker, Crossen, Frink, Gladden, Paddock, Schooland, etc), State Historical Society, The Improvement of Boulder, Colorado by F.L. Olmsted, or others in published form as having historic interest and value.

Other, if applicable.

**Architectural Significance**

The place should embody those distinguishing characteristics of an architectural type specimen, a good example of the common; be the work of an architect or master builder, known nationally, state-wide, or locally, and perhaps whose work has influenced later

development; contain elements of architectural design, detail, materials or craftsmanship which represent a significant innovation; or be a fine example of the uncommon.

Recognized Period/Style: It should exemplify specific elements of an architectural period/style, i.e.: Victorian, Revival styles, such as described by *Historic American Building Survey Criteria*, Gingerbread Age (Maass), 76 Boulder Homes (Barkar), The History of Architectural Style (Marcus/Wiffin), Architecture in San Francisco (Gebhard et al), History of Architecture (Fletcher), Architecture/Colorado, and any other published source of universal or local analysis of a style.

Architect or Builder of Prominence: A good example of the work of an architect or builder who is recognized for expertise in his field nationally, state-wide, or locally.

Artistic Merit: A skillful integration of design, material, and color which is of excellent visual quality and/or demonstrates superior craftsmanship.

Example of the Uncommon: Elements of architectural design, details, or craftsmanship that are representative of a significant innovation.

Indigenous Qualities: A style or material that is particularly associated with the Boulder area.

Other, if applicable.

### **Environmental Significance**

The place should enhance the variety, interest, and sense of identity of the community by the protection of the unique natural and man-made environment.

Site Characteristics: It should be of high quality in terms of planned or natural vegetation.

Compatibility with Site: Consideration will be given to scale, massing placement, or other qualities of design with respect to its site.

Geographic Importance: Due to its unique location or singular physical characteristics, it represents an established and familiar visual feature of the community.

Environmental Appropriateness: The surroundings are complementary and/or it is situated in a manner particularly suited to its function.

Area Integrity: Places which provide historical, architectural, or environmental importance and continuity of an existing condition, although taken singularly or out of context might not qualify under other criteria.