



CITY OF BOULDER
PLANNING BOARD MEETING AGENDA
DATE: January 8, 2015
TIME: 5 p.m.
PLACE: 1777 Broadway, Council Chambers

1. CALL TO ORDER

2. APPROVAL OF MINUTES

3. PUBLIC PARTICIPATION

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

5. PUBLIC HEARING ITEMS

- A. Public hearing and consideration of Site and Non-Conforming Use Review case no. LUR2014-00053 for a proposed 1,600 square foot addition to the Evans Scholars House located at 1029 Broadway, an existing non-conforming residential fraternal organization residential use. The addition and building improvements are intended to add study halls, upgrade infrastructure, improve energy performance, add an enclosed stairway to the east end of the structure, add bicycle storage, and improve ADA access to the house. The site has been historically non-conforming as to parking and density. Site Review analysis includes evaluation of the non-conforming parking as a documented parking reduction along with setback and height modifications (currently a non-standard building). Applicant is also proposing to landmark the existing structure and is seeking to establish vested rights.**

Applicant: Rick Burkett
Property Owner: Evans Scholar Foundation

- B. Consideration of a motion to amend the Cunningham Farm Annexation Agreement for the properties located at 350 and 390 Linden Avenue (Lots 1 and 2, Cunningham Farm Subdivision) in order to modify the Conceptual Design Elements and allow for modern architecture. Case #LUR2014-00087.**

C. REMOVED FROM AGENDA: TO BE RESCHEDULED TO A DATE TBD

Public hearing and Planning Board consideration of the following items:

- (a) Recommendation to City Council on a request to rezone the property at 1900 Folsom Street from BT-2 (Business Transitional – 2) to BR-1 (Business Regional – 1) (application no. LUR2014-00084), and
- (b) Review and comment on a Concept Plan (application no. LUR2014-00085) proposal to redevelop the 1.28-acre property following rezoning with a new 48' tall, four-story, 151,405 sq. ft. mixed-use building with two levels of office space and two levels containing 35 residential units.

Applicant: Adrian Sopher
Property Owner: John Volkmar

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

7. DEBRIEF MEETING/CALENDAR CHECK

8. ADJURNMENT

**CITY OF BOULDER PLANNING BOARD
MEETING GUIDELINES**

CALL TO ORDER

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

AGENDA

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

PUBLIC PARTICIPATION

The public is welcome to address the Board (3 minutes* maximum per speaker) during the Public Participation portion of the meeting regarding any item not scheduled for a public hearing. The only items scheduled for a public hearing are those listed under the category PUBLIC HEARING ITEMS on the Agenda. Any exhibits introduced into the record at this time must be provided in quantities of ten (10) to the Board Secretary for distribution to the Board and admission into the record.

DISCUSSION AND STUDY SESSION ITEMS

Discussion and study session items do not require motions of approval or recommendation.

PUBLIC HEARING ITEMS

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

1. Presentations

- a. Staff presentation (5 minutes maximum*)
- b. Applicant presentation (15 minute maximum*). Any exhibits introduced into the record at this time must be provided in quantities of ten (10) to the Board Secretary for distribution to the Board and admission into the record.
- c. Planning Board questioning of staff or applicant for information only.

2. Public Hearing

Each speaker will be allowed an oral presentation (3 minutes maximum*). All speakers wishing to pool their time must be present, and time allotted will be determined by the Chair. No pooled time presentation will be permitted to exceed ten minutes total.

- Time remaining is presented by a Green blinking light that means one minute remains, a Yellow light means 30 seconds remain, and a Red light and beep means time has expired.
- Speakers should introduce themselves, giving name and address. If officially representing a group, homeowners' association, etc., please state that for the record as well.
- Speakers are requested not to repeat items addressed by previous speakers other than to express points of agreement or disagreement. Refrain from reading long documents, and summarize comments wherever possible. Long documents may be submitted and will become a part of the official record.
- Speakers should address the Land Use Regulation criteria and, if possible, reference the rules that the Board uses to decide a case.
- Any exhibits introduced into the record at the hearing must be provided in quantities of ten (10) to the Secretary for distribution to the Board and admission into the record.
- Citizens can send a letter to the Planning staff at 1739 Broadway, Boulder, CO 80302, two weeks before the Planning Board meeting, to be included in the Board packet. Correspondence received after this time will be distributed at the Board meeting.

3. Board Action

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

MATTERS FROM THE PLANNING BOARD, DIRECTOR, AND CITY ATTORNEY

Any Planning Board member, the Planning Director, or the City Attorney may introduce before the Board matters which are not included in the formal agenda.

ADJOURNMENT

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

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

**CITY OF BOULDER
PLANNING BOARD AGENDA ITEM
MEETING DATE: January 8, 2015**

AGENDA TITLE:

Public hearing and consideration of Site and Non-Conforming Use Review case no. LUR2014-00053 for a proposed 1,600 square foot addition to the Evans Scholars House located at 1029 Broadway, an existing non-conforming residential fraternal organization residential use. The addition and building improvements are intended to add study halls, upgrade infrastructure, improve energy performance, add an enclosed stairway to the east end of the structure, add bicycle storage, and improve ADA access to the house. The site has been historically non-conforming as to parking and density. Site Review analysis includes evaluation of the non-conforming parking as a documented parking reduction along with setback and height modifications (currently a non-standard building). Applicant is also proposing to landmark the existing structure and is seeking to establish vested rights.

Applicant: Rick Burkett
Property Owner: Evans Scholar Foundation

REQUESTING DEPARTMENT:

Community Planning & Sustainability
David Driskell, Executive Director
Susan Richstone, Deputy Director
Charles Ferro, Land Use Review Manager
Elaine McLaughlin, Senior Planner

OBJECTIVE:

1. Hear applicant and staff presentations
2. Hold public hearing
3. Planning Board discussion
4. Planning Board action to approve, approve with conditions, or deny the request to amend the Site and Use Review applications.

SUMMARY:

Proposal: Site Review Amendment and Nonconforming Use Review to allow a 1,600 square foot addition to an existing non-conforming fraternal organization residential building, with non-standard building setbacks, and non-conforming parking, establishing a 91 percent parking reduction.

Project Name: Evans Scholar House

Location: 1029 Broadway

Size of Tract: 12,577 square feet
Zoning: RH-5 (High Density Residential)
Comprehensive Plan: High Density Residential

KEY ISSUES:

Staff has identified the following key issues to help guide the board’s discussion:

1. Does the addition, including its proposed height above 35 feet and - setbacks, meet the Site Review Criteria of Land Use Code section 9-2-14(h), B.R.C. 1981?
2. Does the proposed parking reduction meet the criteria for parking reductions of Land Use Code section 9-2-14(h)(2)(K), B.R.C. 1981?
3. Does the proposed addition meet the criteria of expansion of a non-conforming use due to density per land use code section, 9-10-3, B.R.C. 1981, *“Changes to Nonstandard Buildings, Structures, and Lots and Nonconforming Uses?”*

BACKGROUND:

The 16,940 square foot, four-story fraternal residential building was originally built in 1918 for the Phi Gamma Delta Fraternity. Designed in a Dutch Colonial Revival style that is characterized by the gambrel roof, pedimented dormers and evenly spaced windows, there have been several relatively small additions made on the house over the years; those additions include a small porch on the north, added in 1931 and later enclosed. In 1953, a single story addition was added onto the southeast side of the house that incorporated a stone rubble wall that extends from the buildings foundation.

The house was purchased in 1968 by the Evans Scholar Foundation, which is a non-profit organization that has operated coeducational student housing for scholarship recipients at the site for over fifty years. According to the applicant’s Written Statement (refer to [Attachment E](#)) the foundation, which is sponsored by the Western Golf Association, has provided scholarships to over 10,000 students since its creation in 1930. The Evans Scholar House at University of Colorado offers a four year scholarship along with the housing to student golf caddies who can prove financial need and academic achievement. According to the applicant, the growth of the program at CU has necessitated operational upgrades and modifications to the house to increase safety, ADA accessibility, open space, and livability. Figure 1 illustrates the Evans Scholar House viewed from Broadway.

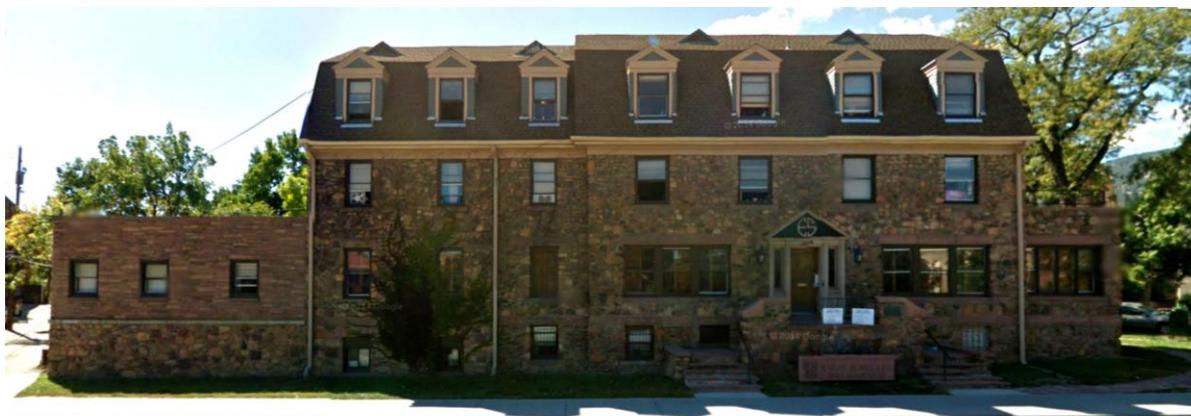


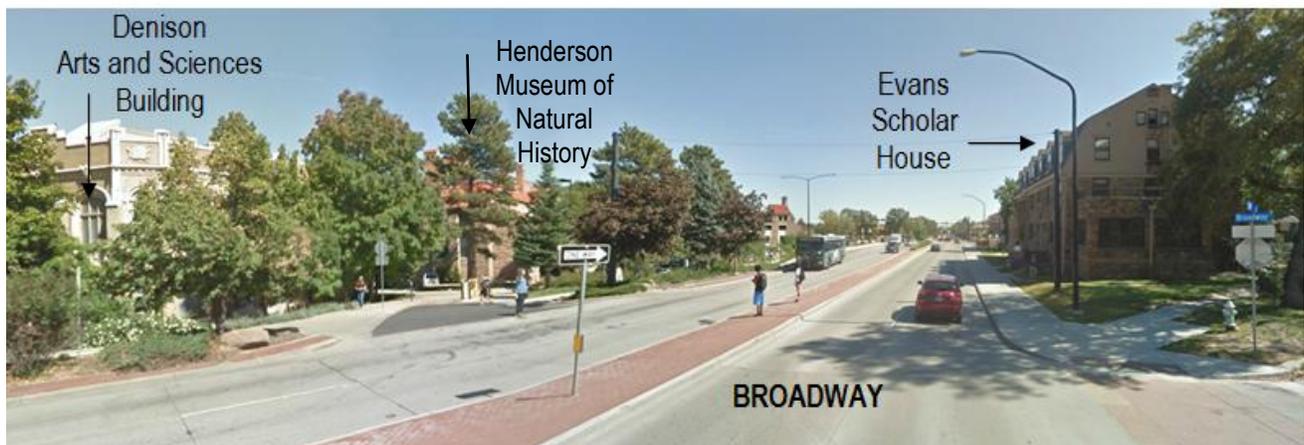
Figure 1: 1029 Broadway: Northeast Elevation facing Broadway Agenda Item 5A Page 2 of 63

CONTEXT

The building is located directly across Broadway from the University of Colorado's main campus including the nearby UMC building and other iconic and historic structures. Figures 2a and 2b shown below provides views from Broadway showing the relationship of the building to the campus. Located one-half block to the south is the below grade bicycle and pedestrian crossing that was part of the Broadway and Euclid transportation improvements completed by the City in cooperation with the university. The two university buildings located directly across the street from the Evans Scholar House, the Henderson Museum of Natural History, and the Denison Arts and Sciences building are shown in figures 3a and 3b. On the west side of Broadway the building is predominately surrounded by historic buildings, both single family and multi-family, that range in heights from 21 to 73 feet with the majority of the residential buildings serving as university student apartments. Figure 4a thru 4n illustrate the overall residential context.



Figures 2a (above) and 2a (below): Proximity of Site to Nearest Buildings on Campus)

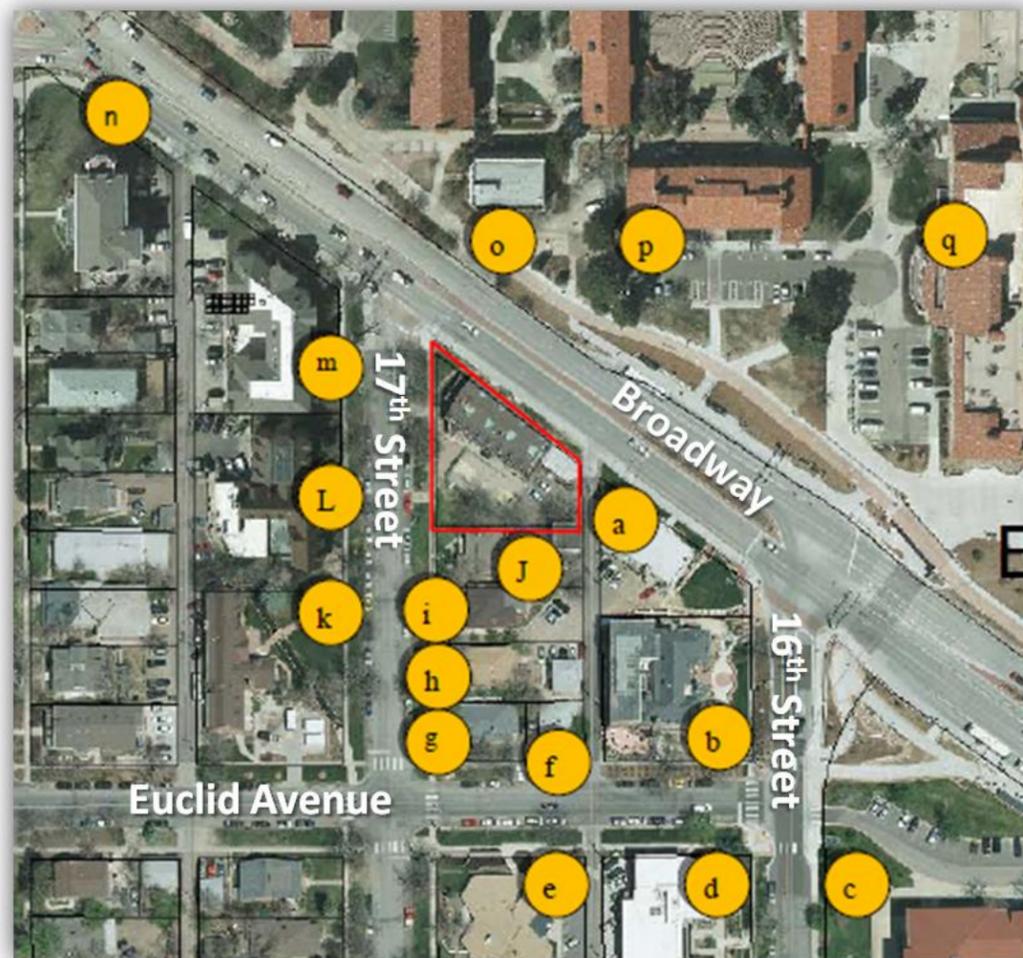
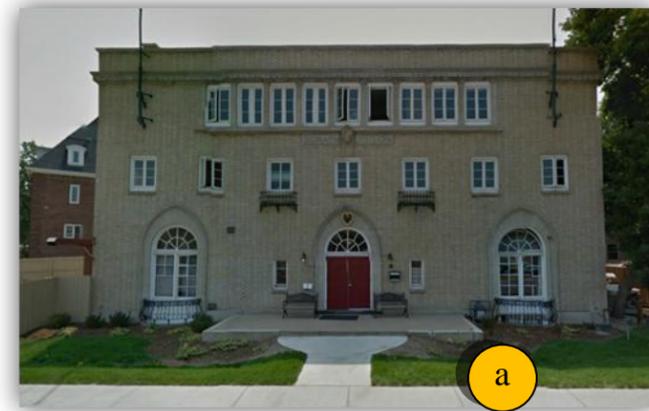


Denison Arts and Sciences Building



Henderson Museum of Natural History

Figures 3a and 3b: Nearest Buildings on Campus to Site



Figures 4a thru 4n: Character of Surroundings



The site is designated “High Density Residential” in the Boulder Valley Comprehensive Plan (BVCP). On page 66 of the BVCP it states,

Residential land use areas on the Boulder Valley Comprehensive Plan, for the most part, reflect the existing land use pattern or current zoning for an area. The highest density areas are generally located close to the University of Colorado or in areas planned for transit oriented redevelopment. Residential densities under the Comprehensive Plan range from very low density (two units or less per acre); low density (two to six units per acre); medium density (six to 14 units per acre); to high density (more than 14 units per acre).

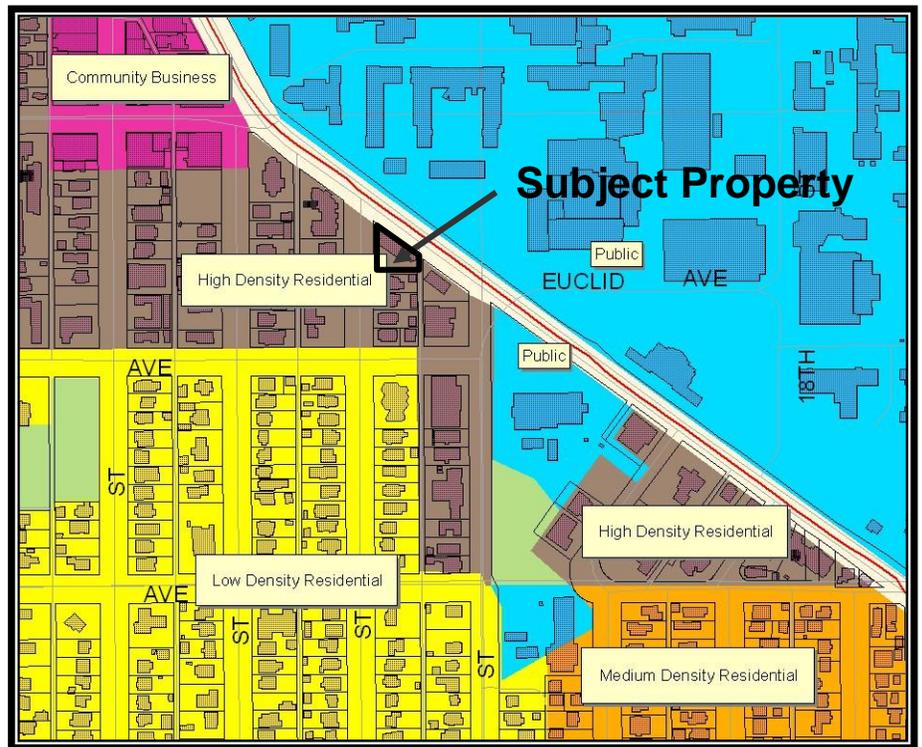


Figure 5:
BVCP Land Use of Subject Property

The site is, in turn, zoned as RH-5 and the purpose of that zoning district is defined in the Land Use code section 9-5-2, B.R.C. 1981 as:

“High density residential areas primarily used for a variety of types of attached residential units, including without limitation, apartment buildings, and where complementary uses may be allowed.”

Because the existing building was constructed in 1914, before the RH-5 zoning was put in place, it is a legal non-conforming use as to density on the site. Refer to page 7 for additional information regarding non-conforming uses.

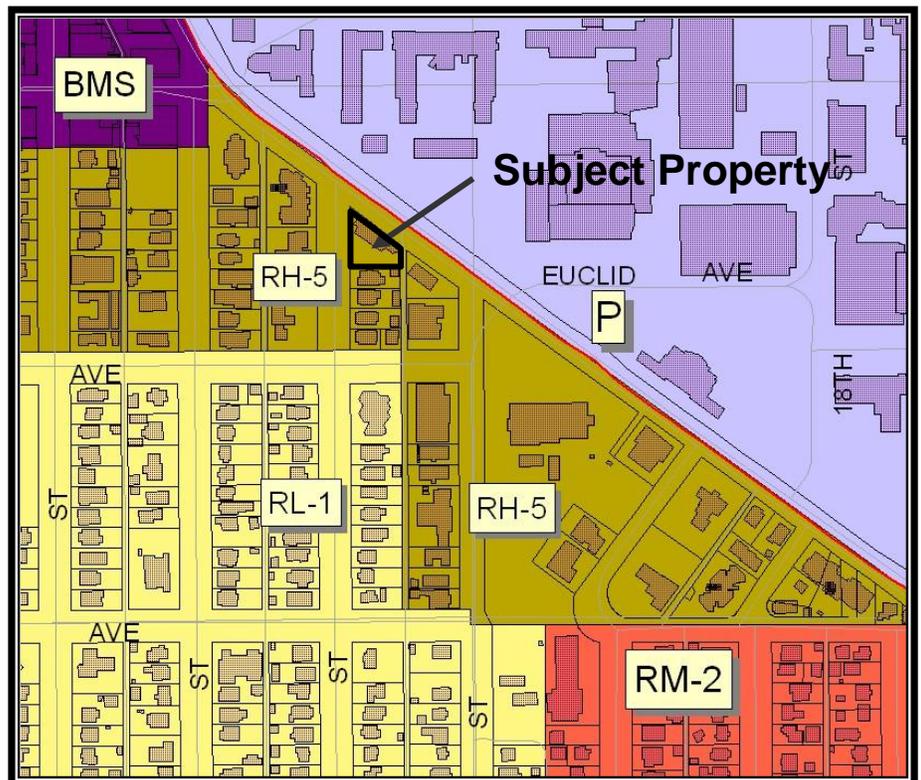


Figure 6:
Zoning of Subject Property

PROPOSED PROJECT:

As shown in the comparison of the existing and proposed Broadway elevations in figures 7a and 7b, the applicant is proposing a two story, 1,600 square foot addition on the southeast side of the building above the existing single story addition for new study space. Other upgrades and improvements proposed include the following:

- New south facing plaza with pervious pavers, landscaping, trees and integrated bench/wall seating
- Streetscape landscaping and onsite landscaping
- Improved drainage and stormwater management
- Relocated basketball court to create more useable onsite open space
- Reduced car parking and construct durable paving surfaces
- ADA accessible entrance the site and first floor
- ADA accessible residence suite on the first floor
- ADA accessible ramp from public right-of-way
- Improved life/safety conditions including exit stairways to all floors
- New study rooms
- Improved building security
- Updated restroom and shower facilities
- Enclosed trash container area
- New energy efficient and historically relevant windows
- New long term internal bike storage and external bike racks
- Internal bike storage and external bike racks
- Site lighting
- New stairs and handrail on west



Figure 7 (above) Existing Broadway Elevation and 5b (below) Proposed Broadway Elevation

Proposed Modifications:

The 1,600 square foot addition to the existing, non-standard building requires a request for modifications to the development standards as follows:

Section 9-7, "Form and Bulk Standards," B.R.C. 1981:

- permitted height from 35 feet to 46'-10" for the addition (50 feet is the Existing Condition)
- maximum number of stories from three to four for the addition (Existing Condition)
- setbacks: front and side yards adjacent to a street
 - Front: 15th Street existing to remain: eight feet where 25 feet is standard (Existing Condition)
 - Side yard adjacent to a street: 0 foot setback where 12 feet is standard (Existing Condition)

Section 9-9, "Development Standards," B.R.C. 1981:

- parking reduction (two spaces where 22 are required: Existing Non-conforming Condition)

PROCESS:

The house is an existing nonconforming use due to density and existing non-conforming parking; the building is non-standard due to setbacks. The non-conforming parking is analyzed and documented as a parking reduction through the Site Review Criteria of land use code section 9-2-14(h)(2)(K), B.R.C. 1981 as are the existing-to-remain setbacks. The application was reviewed through the Landmarks Design Review Committee (LDRC) who found the proposed addition meets the city's *General Design Guidelines for Historic Resources*. The 9.4 percent expansion of the floor area of the non-conforming use is being documented through Use Review herein.

Non Conforming Use Review.

Under Land Use Code section 9-10-1, "Non Conformance Standards Purpose and Scope," B.R.C. 1981, the city provides a means for nonconforming uses to be changed and upgraded without requiring such buildings to be eliminated, particularly in this case given that the building is an historic resource. This is further described under Key Issue 3. As noted, the house is an existing, legal non-conforming use that exceeds density standards. Rental License inspection records indicate that the maximum occupancy has historically been 45 students. Under the occupancy standards noted above, 45 occupants ÷ 3 occupants = 15 dwelling units. Under the intensity standards (section 9-8-1, B.R.C. 1981) seven dwelling units would be permitted on the RH-5 site under the current zoning (0.288 acre or 12,557 square foot lot ÷ 1,600 du per acre = 7.8 dwelling units) rounding down to 7.0 units per the city's municipal code section 1-1-22(a), B.R.C, 1981.

Expansion of the existing legal non-conforming use is permitted under Land Use Code section 9-2-15(f)(5), B.R.C. 1981 which states: "*The change or expansion will not result in a cumulative increase in floor area of more than 10 percent of the existing floor area.*" Given that the existing building is 16,940 square feet in size, the proposed expansion of just under 1,600 square feet (1,593 square feet) equates to 9.4 percent increase, and would therefore be just under the maximum percent of expansion of a non conforming use. No additional residents will be added to the non-conforming use, the expansion is simply to upgrade the building and accommodate greater livability of the building for the existing number of residents, not to exceed 45.

Site Review.

All other aspects of the proposed project, including the height of the addition, the existing-to-remain setbacks and the existing-to-remain limited parking are evaluated through the Site Review process. Refer

to Key Issue 1 and [Attachment A](#) for further discussion on the consistency of the proposed project with the Site Review criteria.

Historic Preservation.

An application for the designation of 1029 Broadway Road is a pending subject to Site Review approval. On August 6, 2014 the Landmarks Board reviewed an application to designate the property and voted 5-0 to recommend designation to City Council, finding that the property meets the standards for individual landmark designation in Sections 9-11-1 and 9-11-2, B.R.C., 1981. The City Council will consider the designation in a public hearing shortly after the Planning Board hearing concludes. The Landmarks Design Review Committee (Ldrc) reviewed proposals for the addition to the historic building over the course of four meetings in 2014. The proposed addition's finish materials which include a combination of wood shingles and stucco, was found to meet "Section 4, 'Additions to Historic Buildings' of the General Design Guidelines for Boulder's Historic Districts and Individual Landmarks." The full Landmarks Board reviewed the proposal to relocate the entrance to the 15th Street face of the building in December 3rd, 2014, but the board considered that location of this entrance was more appropriate at the west face of the north addition. Subsequent review by the Landmarks design review committee on December 17, 2014 resulted in approval of final plans for this aspect of the design in addition to details for rehabilitation of the building and construction of the proposed south addition.

KEY ISSUE 1: Does the proposed addition above 35 feet meet the Site Review Criteria?

[Attachment A](#) provides a comprehensive analysis of consistency with the Site Review Criteria per Land Use Code section 9-2-14(h), B.R.C. 1981. The existing structure is non-standard due to height and setbacks, as the building pre-dates the zoning standards of today. The height of the existing building is 49'-10" and the addition is planned to be 46'-10" to distinguish the addition from the historic resource per Ldrc recommendations).

Because of the pending landmarks designation of the property, the addition is subject to an evaluation of consistency with the General Design Guidelines for Historic Resources, which in turn, informs the Building Design section of the Site Review Criteria.

KEY ISSUE 2: Does the proposed parking reduction meet the Site Review Criteria?

The site has had non-conforming parking for several decades with two parking spaces meeting standards. Recognizing the inability to provide parking on the site, when the Evans Scholar Program took over the ownership of the building, a provision was added to the lease agreement (provided in [Attachment D](#)) that states:

"Each Evans Scholar acknowledges provisions for personal vehicle storage will not be provided by the Evans Scholars Foundation or the Western Golf Association. Each Evans Scholar shall make arrangements for long term vehicle storage directly through the University."

The following are the criteria and analysis for parking reductions.

√ **(K) Additional Criteria for Parking Reductions:** The off-street parking requirements of [section 9-7-1](#), "Schedule of Form and Bulk Standards," B.R.C. 1981, may be modified as follows:

√ **(i) Process:** The city manager may grant a parking reduction not to exceed fifty percent of the required parking. The planning board or city council may grant a reduction exceeding fifty percent.

√ (ii) **Criteria:** Upon submission of documentation by the applicant of how the project meets the following criteria, the approving agency may approve proposed modifications to the parking requirements of section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, if it finds that:

(a) For residential uses, the probable number of motor vehicles to be owned by occupants of and visitors to dwellings in the project will be adequately accommodated;

The Evans Scholar Program has been in operation for nearly 50 years in the same location on a lot with non-conforming parking. As such, the applicant submitted with their written statement, a copy of a lease agreement that each Evans Scholar student must sign that signifies the students understanding that there is no availability on-site for parking and that other arrangements must be made for any student bringing a car to obtain an off-campus university parking permit. Therefore, with the two standard spaces provided on-site, the Evans Scholar students will not be parking on the site. Any visitors to the building have public parking availability directly across Broadway at the Euclid Avenue Parking Lot, shown in Figure 8, approximately two blocks to the east.

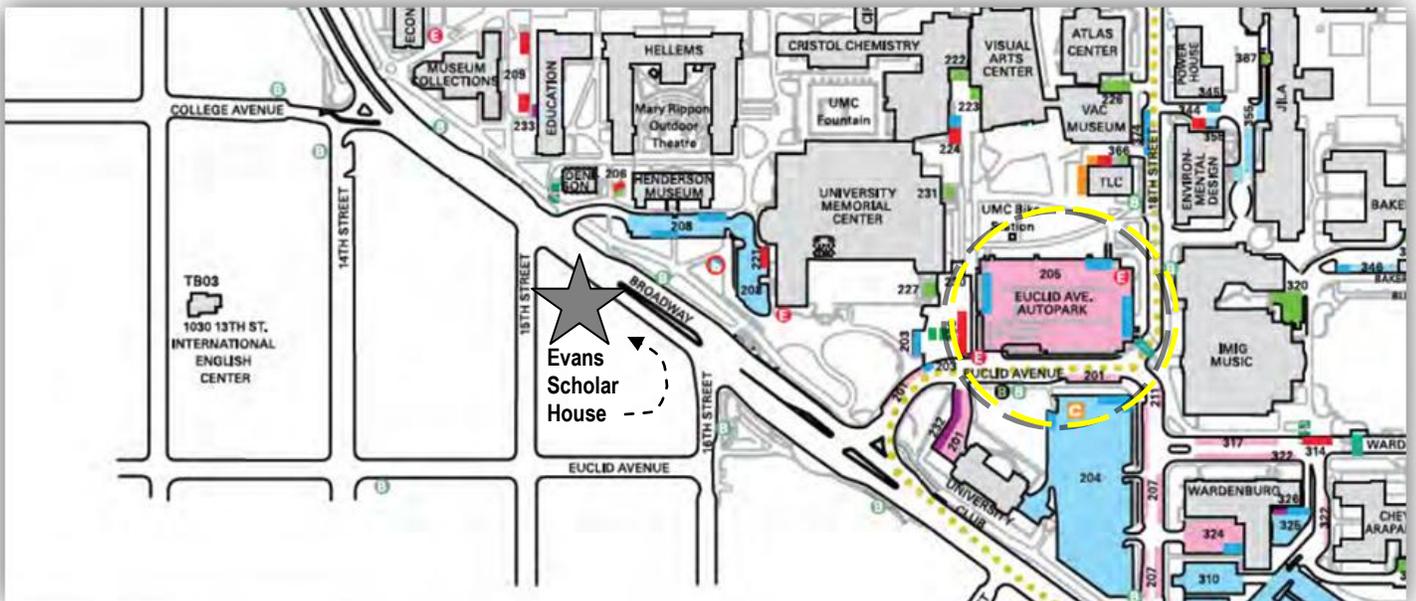


Figure 8: Proximity of Evans Scholar House to Euclid Ave. Autopark public parking for guests

Given the lease agreement, unique to the building as well as the proximity of the building across the street from campus, ½ block to a regional bus stop, and the provision of bike racks and secured bike storage the requested parking reduction, documenting the non-conforming parking, meets this criterion. These measures would meet the needs of the proposed occupants while also addressing a number of comprehensive plan policies such as provision on higher density residential along transit corridors, ensuring a commitment to a walkable city, and managing the parking supply.

(b) The parking needs of any non-residential uses will be adequately accommodated through on-street parking or off-street parking;

Not applicable

(c) A mix of residential with either office or retail uses is proposed, and the parking needs of all uses will be accommodated through shared parking;

Not applicable

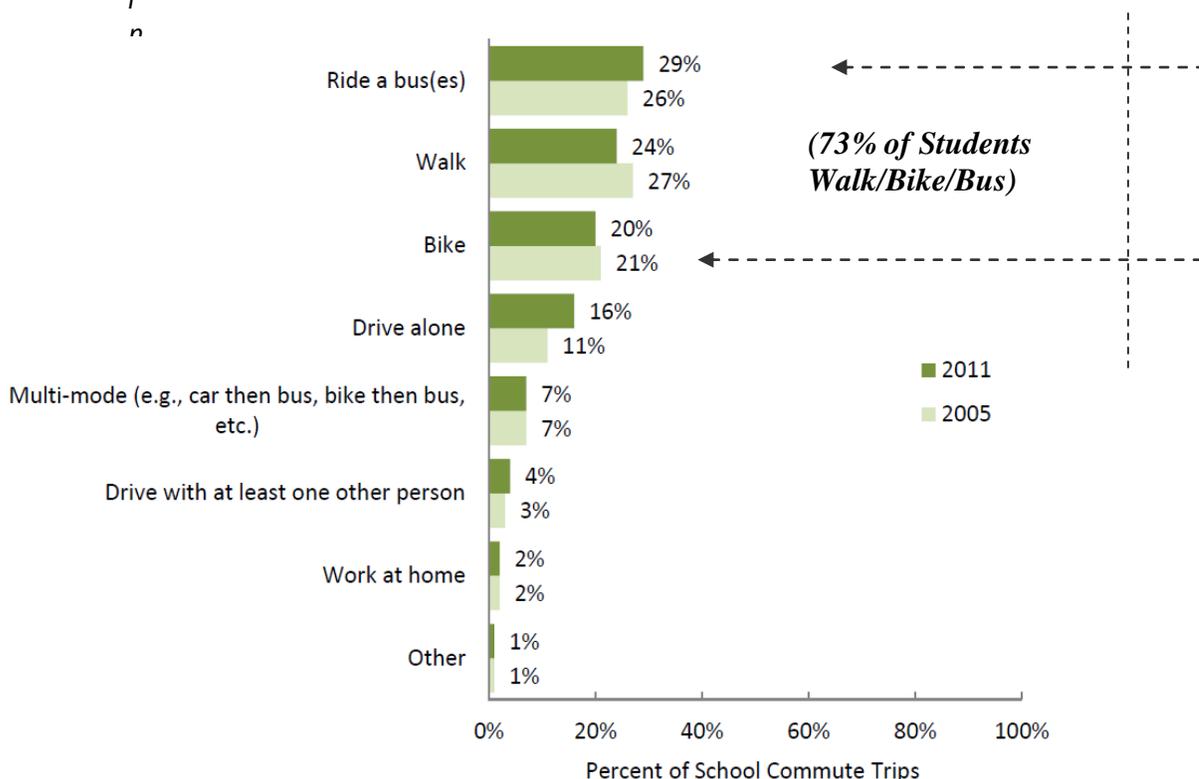
(d) If joint use of common parking areas is proposed, varying time periods of use will accommodate proposed parking needs;

Not applicable

and

(e) If the number of off-street parking spaces is reduced because of the nature of the occupancy, the applicant provides assurances that the nature of the occupancy will not change.

The occupants of the building are Evans Scholar students being housed directly across from the campus. As noted in criterion 11a above, the proposed project will not increase the number of student residents above 45, rather the project is intended as upgrades and new study space. While typically, the nature of occupancy associated student occupants of a building, related to auto parking, is the need for auto storage. Common knowledge of the campus lifestyle of walking and biking to classes, particularly when in close proximity to campus, is supported by findings of a regularly updated student survey prepared by the University of Colorado's Transportation and Parking Services Department. As summarized below in Figure 7, from an excerpt found on page 5 of the most recent survey, it is evident that 73 percent of students surveyed either: walked, biked or rode the bus to campus daily. While it is also noted in the survey that 70 percent of students



ess to a car, with most students not using the vehicle during school days, the survey points to the need for auto storage rather than daily use parking for students. Therefore the number of off-street parking spaces is reduced because of the nature of the Evans Scholar occupancy, and the provision of the lease agreement provides assurances that the nature of the occupancy will not change.

KEY ISSUE 3: Does the proposed addition meet the criteria of expansion of a non-conforming use due to density per land use code section, 9-10-3, *Changes to Nonstandard Buildings, Structures, and Lots and Nonconforming Uses* B.R.C. 1981 and 9-2-15, *“Use Review”* B.R.C. 1981

As described on page 5, the site considered non-conforming use due to density, with an existing, documented maximum of 45 residents equating to 15 dwelling units where the RH-5 zoning code today establishes a maximum of seven dwelling units. The purpose of the Non-Conformance Standards in section 9-10-1, B.R.C. 1981 states:

“Adoption of land use controls and changes in zoning have created nonconforming uses, nonstandard buildings, and nonstandard lots. The purpose of this chapter is to allow these nonconforming uses and nonstandard buildings to be changed and upgraded without requiring their elimination, if the change would not substantially adversely affect the surrounding area and if the change would not increase the degree of nonconformity of the use. Additionally, this chapter sets standards that allow the development of nonstandard lots”

Therefore, the city established standards whereby nonconforming uses such as the Evans Scholar House could be changed and upgraded without eliminating the structure, now identified as a pending historic resource. The application also includes documentation of the non-conforming parking, construction of an addition over the 35 foot height standard, and documentation of non-standard building setbacks as modifications to the Land Use Code. Because the existing building and the proposed addition are over the 35 foot height limit, Land Use Code section 9-10-3(a)(5), B.R.C. 1981, will not permit expansion of the height of the building that exceeds the maximum height standard without a review under 9-2-14, *“Site Review”* B.R.C. 1981. Therefore, the height, setbacks and parking were all evaluated under the Site Review criteria, while the non-conforming use aspect of the building, the density, must be evaluated under the non-conforming use review. In this case, the review is to ensure that the density will not be expanded and that no additional residents will be added to the site through the remodel and addition.

Because the RH-5 (Residential High – 5) zoning district intensity standards are based on number of dwelling units, and not FAR, a non-conforming use can be expanded per the land use code section 9-2-15(f)(5), B.R.C. 1981 (refer to **Attachment B**) by no greater than 10 percent of the existing floor area. The applicant has indicated that the proposed project is intended for upgrades and to provide better study area space for the existing students, and that the addition is not intended for new bedrooms and hence additional students. Based on the plans, staff evaluated the changes proposed to the exiting non-conforming Evans Scholar House based on the criteria of 9-10-3, B.R.C. 1981 found [here](#). This approval would memorialize the existing maximum occupancy of 45.

Per Land Use Code 9-10-3 (c), B.R.C. 1981, staff finds the following criteria were met for this application:

(c) Nonconforming Uses:

 n/a **(1) Nonconforming Changes to Conforming Use Prohibited: No conforming use may be changed to a nonconforming use, notwithstanding the fact that some of the features of the lot or building are nonstandard, or the parking is nonconforming.**

Not applicable. This application is not for a conforming use changing to nonconforming.

√ (2) **Standards for Changes to Nonconforming Uses:** *The city manager will grant a request for a change of use, which is the replacement of one nonconforming use with another, if the modified or new use does not constitute an expansion of a nonconforming use. Any other change of use that constitutes expansion of a nonconforming use must be reviewed under procedures of [section 9-2-15](#), "Use Review," B.R.C. 1981.*

Staff finds the application meets the Use Review criteria, reference [Attachment B](#).

n/a (3) **Nonconforming Only as to Parking:** *The city manager will grant a request to change a use that is nonconforming only because of an inadequate amount of parking to any conforming use allowed in the underlying zoning district upon a finding that the new use will have an equivalent or less parking requirement than the use being replaced.*

Not applicable. The use is non-conforming as to parking, setbacks and density. The parking, setbacks and the addition were evaluated and found to meet the Site Review Criteria, reference [Attachment A](#).

PUBLIC COMMENT AND PROCESS:

Required public notice was given in the form of written notification mailed to all property owners within 600 feet of the subject site and a sign posted on the property for at least 10 days. All notice requirements of Section 9-4-3, "Public Notice Requirements," B.R.C. 1981 have been met. Staff has also contacted the University Hill Neighborhood Association. The representative for UHNA sent an email to staff indicating support for the proposed project, refer to [Attachment C](#). No other public comments were received on the application.

STAFF RECOMMENDATION:

Staff recommends that the Planning Board approve Site and Use Review application # LUR2014-00053 with the conditions listed below and adopting the findings provided in this memorandum and its attachments.

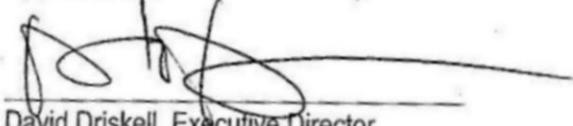
PROPOSED CONDITIONS OF APPROVAL

1. The Applicant shall ensure that the development shall be in compliance with all plans prepared by the Applicant on Dec. 18, 2014 on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval.
2. Prior to Technical Document Review, the Applicant shall submit to the City an application for Individual Landmark designation of the property located at 1029 Broadway.
3. The Applicant shall comply with the terms of the Revised Transportation Demand Management (TDM) Plan dated Dec. 18, 2014 on file in the City of Boulder Planning Department.
4. The Applicant shall ensure through a provision in its lease agreement with each occupant that each occupant with a vehicle shall make arrangements for long term vehicle storage directly through the University of Colorado.

RECOMMENDED CONDITIONS OF USE REVIEW APPROVAL:

1. The Applicant shall ensure that the development shall be in compliance with all plans prepared by the Applicant on Dec. 18, 2014 on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval.
2. The Applicant shall not expand or modify the approved use, except pursuant to subsection 9-2-15(h), B.R.C. 1981.

Approved By:



David Driskell, Executive Director
Department of Community Planning and Sustainability

ATTACHMENTS:

- A. Analysis of Consistency with Site Review Criteria
- B. Analysis of Consistency with the Use Review Criteria
- C. Neighborhood Correspondence Received
- D. Lease Agreement
- E. Applicant's Written Statement and Plans

SITE REVIEW CRITERIA: Staff analysis and findings

No site review application shall be approved unless the approving agency finds that:

(1) Boulder Valley Comprehensive Plan:

√ (A) The proposed site plan is consistent with the land use map and the service area map and, on balance, the policies of the Boulder Valley Comprehensive Plan.

The BVCP designates this site as HR – High Density Residential. The proposed site plan is consistent with the land use map and service area plan. The application to upgrade the Evans Scholar House is consistent with several BVCP policies (found in entirety [here](#)) including:

- 2.03 Compact Development Pattern
- 2.09 Neighborhoods as Building Blocks
- 2.14 Mixture of Complementary Land Uses
- 2.15 Compatibility of Adjacent Land Uses
- 2.30 Sensitive Infill and Redevelopment
- 2.32 Physical Design for People
- 2.37 Enhanced Design for the Building Environment
- 7.07 Preserve the Existing Housing Stock

In addition, because of the historic nature of the building, the BVCP requires that historic resources be protected:

2.24 Preservation of Historic and Cultural Resources

The city and county will identify, evaluate and protect buildings, structures, objects, districts, sites and natural features of historic, architectural, archaeological, or cultural significance with input from the community. The city and county will seek protection of significant resources through local designation when a proposal by the private sector is subject to discretionary development review.”

As such, a condition of approval was included for the applicant to submit an application to the city for Individual Landmark designation of the property, which has already been initiated by the applicant and will conclude once the Site and Use Review applications are approved.

n/a (B) The proposed development shall not exceed the maximum density associated with the Boulder Valley Comprehensive Plan residential land use designation.

The existing density on the site currently exceeds the density allowed under the zoning and the High Density Residential land use designation of the Boulder Valley Comprehensive Plan for this property. The comprehensive plan designation of High Density Residential includes an intent statement of density for “more than 14 dwelling units per acre.” The site is a legal non-conforming use that also exceeds density standards: per land use code, section 9-8-6(a), B.R.C. 1981, three occupants are equivalent to one dwelling unit. Documentation indicates the highest occupancy (as documented through inspection, see attachment) was 45 students, therefore $45/3 = 15$ dwelling units. Per intensity standards of RH-5, a maximum of 7.8 dwelling units per acre are standard for the site: (0.288 acres or 12,557 square feet/1,600 du per acre = 7.8 dwelling units round down to 7 per the municipal code section 1-1 22(a), B.R.C, 1981. The proposed project does not include additional roomers or dwelling units. However, since the existing

density on the site is a legal non-conforming use and this proposal does not add any additional density to the site, this subparagraph is inapplicable.

Additionally, if the density of existing residential development within a three-hundred-foot area surrounding the site is at or exceeds the density permitted in the Boulder Valley Comprehensive Plan, then the maximum density permitted on the site shall not exceed the lesser of:

 n/a (i) The density permitted in the Boulder Valley Comprehensive Plan, or,
See (1)(B) above.

 n/a (ii) The maximum number of units that could be placed on the site without waiving or varying any of the requirements of chapter 9-8, "Intensity Standards," B.R.C. 1981. *See (1)(B) above.*

 √ (C) **The proposed development's success in meeting the broad range of BVCP policies considers the economic feasibility of implementation techniques required to meet other site review criteria.**

The proposed addition is intended to meet historic preservation guidelines for additions to historic structures. The addition is the maximum amount possible as an addition to a non-conforming use: a high density residential building that exceeds density standards. The proposed development considers the economic feasibility of implementation techniques required to meet the site review criteria while meeting a broad range of the BVCP policies and meets.

(2) Site Design: Projects should preserve and enhance the community's unique sense of place through creative design that respects historic character, relationship to the natural environment, multi-modal transportation connectivity and its physical setting. Projects should utilize site design techniques which are consistent with the purpose of site review in subsection (a) of this section and enhance the quality of the project. In determining whether this subsection is met, the approving agency will consider the following factors:

 √ (A) **Open Space:** Open space, including, without limitation, parks, recreation areas, and playgrounds:

 √ (i) **Useable open space is arranged to be accessible and functional and incorporates quality landscaping, a mixture of sun and shade and places to gather;**

Useable open space is designed in the form of outdoor gathering spaces that create outdoor rooms, framed by planters that can also provide shading.

 n/a (ii) **Private open space is provided for each detached residential unit;**

Not applicable, there are no detached residential units within the building.

 √ (iii) **The project provides for the preservation of or mitigation of adverse impacts to natural features, including, without limitation, healthy long-lived trees, significant plant communities, ground and surface water, wetlands, riparian areas, drainage areas and species on the federal Endangered Species List, "Species of Special Concern in Boulder**

County" designated by Boulder County, or prairie dogs (*Cynomys ludovicianus*), which is a species of local concern, and their habitat;

The site has been developed for nearly 100 years. As such, there are no known special status species. There are some long lived trees on the property and within the right of way which will be retained on the site.

 √ **(iv) The open space provides a relief to the density, both within the project and from surrounding development;**

The open space is approximately one-half of the site, and therefore provides relief from the density of the site and surroundings.

 √ **(v) Open space designed for active recreational purposes is of a size that it will be functionally useable and located in a safe and convenient proximity to the uses to which it is meant to serve;**

There is an existing basketball court that will be upgraded on the site as an active recreation amenity to remain that meets this factor..

 √ **(vi) The open space provides a buffer to protect sensitive environmental features and natural areas; and**

There are no known sensitive environmental features or natural areas on the site that has been developed for nearly 100 years.

 √ **(vii) If possible, open space is linked to an area- or city-wide system.**
The site has been developed within the existing street and sidewalk fabric for nearly a century.

 n/a **(B) Open Space in Mixed Use Developments (Developments that contain a mix of residential and non-residential uses)**

 √ **(C) Landscaping**

 √ **(i) The project provides for aesthetic enhancement and a variety of plant and hard surface materials, and the selection of materials provides for a variety of colors and contrasts and the preservation or use of local native vegetation where appropriate;**

There is existing, mature vegetation on the property – some of which will be retained and augmented with additional plant materials and permeable paved patio space.

 n/a **(ii) Landscape design attempts to avoid, minimize, or mitigate impacts to important native species, plant communities of special concern, threatened and endangered species and habitat by integrating the existing natural environment into the project;**

There are no known special status species within the subject site.

√ (iii) The project provides significant amounts of plant material sized in excess of the landscaping requirements of [sections 9-9-12](#), "Landscaping and Screening Standards" and [9-9-13](#), "Streetscape Design Standards," B.R.C. 1981; and

The landscape plan meets this criterion.

√ (iv) The setbacks, yards, and useable open space along public rights-of-way are landscaped to provide attractive streetscapes, to enhance architectural features, and to contribute to the development of an attractive site plan.

The landscape plan meets this criterion.

√ (D) **Circulation:** Circulation, including, without limitation, the transportation system that serves the property, whether public or private and whether constructed by the developer or not:

√ (i) High speeds are discouraged or a physical separation between streets and the project is provided;

The transportation connection of the site is existing and vehicle access is provided off of the alleyway discouraging high speeds and creating a physical separation to the street.

√ (ii) Potential conflicts with vehicles are minimized;

While there are five non-standard parking spaces that exist on the site today, two parking spaces will be available upon redevelopment that meet city standards. These two spaces are accessed off of the alley where vehicle conflicts are minimized.

√ (iii) Safe and convenient connections are provided that support multi-modal mobility through and between properties, accessible to the public within the project and between the project and the existing and proposed transportation systems, including, without limitation, streets, bikeways, pedestrianways and trails;

The site is within an existing urban context with walkways along both Broadway and 15th Street, including a multi-use path along Broadway. The proposed site improvements include walkways through the site that access these existing public rights-of way.

√ (iv) Alternatives to the automobile are promoted by incorporating site design techniques, land use patterns, and supporting infrastructure that supports and encourages walking, biking, and other alternatives to the single-occupant vehicle;

There are a total of 53 bike parking spaces provided on the site: eight visitor spaces and an interior long term bike storage room that accommodates 45 bicycles.

√ (v) Where practical and beneficial, a significant shift away from single-occupant vehicle use to alternate modes is promoted through the use of travel demand management techniques;

The applicant is requesting a comparatively larger parking reduction that is correlated to the lease agreement for the roomers at the Evans Scholar House. A provision of the agreement requires that students understand there is no on-site accommodations for parking vehicles and that students are expected to not bring vehicles or make arrangements to park within university facilities.

 √ **(vi) On-site facilities for external linkage are provided with other modes of transportation, where applicable;**

Walkways planned on-site link to public rights of way on 15th and Broadway.

 √ **(vii) The amount of land devoted to the street system is minimized; and**

There are no new streets planned with the proposed project.

 √ **(viii) The project is designed for the types of traffic expected, including, without limitation, automobiles, bicycles, and pedestrians, and provides safety, separation from living areas, and control of noise and exhaust.**

The project is design for the types of traffic expected: primarily foot and bicycle traffic from student residents of the Evans Scholar program. The addition that is planned is part of the existing house and the separation of autos, bike and pedestrians is already in place. The addition will not impact the types of traffic.

 √ **(E) Parking**

 √ **(i) The project incorporates into the design of parking areas measures to provide safety, convenience, and separation of pedestrian movements from vehicular movements;**

The site has been non-conforming as to number of required parking spaces for decades. The provision of two spaces proposed meets the standards and provide for convenience and separation from pedestrian movements and vehicular movements. The intent of the two standard spaces is to limit what had been unsafe, non-standard parking on the site with up to five or six vehicles.

 √ **(ii) The design of parking areas makes efficient use of the land and uses the minimum amount of land necessary to meet the parking needs of the project;**

See response to (E)(ii) above.

 √ **(iii) Parking areas and lighting are designed to reduce the visual impact on the project, adjacent properties, and adjacent streets; and**

The parking is located where existing parking is located. The reorganization of the parking area will help to reduce the visual impact that exists today.

n/a (iv) Parking areas utilize landscaping materials to provide shade in excess of the requirements in Subsection 9-9-6 (d), "Parking Area Design Standards," and Section 9-9-14, "Parking Lot Landscaping Standards," B.R.C. 1981.

The parking area is not required to provide landscape screening due to the limited number of spaces.

 √ (F) **Building Design, Livability, and Relationship to the Existing or Proposed Surrounding Area**

 √ (i) **The building height, mass, scale, orientation, and configuration are compatible with the existing character of the area or the character established by an adopted plan for the area;**

The existing and historic Evans Scholar House with a height of just under 50 feet, is located in a context that includes a number of high density, taller, student residential buildings including fraternities, sororities and apartment buildings as well as buildings on the University of Colorado's main campus. Figures 4a through 4n on page 4 of the staff memo illustrate the surrounding character of the area. The proposed project is a planned 1,600 square foot addition that is planned to be three feet lower in height than the existing building to distinguish the historic resource.

Many of the historic buildings, like the Evans Scholar House, are non-conforming for a variety of reasons given that they were built prior to the RH-5 standards that are in place today. As such, the land use code permits upgrades to existing, non-conforming structures if the floor area added to the building is no greater than 10 percent of the existing floor area. The addition equates to just under 10 percent of the existing floor area and the height of the addition defers to the existing building as it is planned to be 18 inches to three-feet lower in height from the existing building. The intent in the variation of height, the choice of stucco as a finish material, and the simple gable roof line is intended to distinguish the addition from the historic resource of the Evan's Scholar House. Such changes are required to be evaluated under specific guidelines, as noted on page 85 of the BVCP,

"Exterior changes to landmarks and properties located in historic districts must meet the purposes and standards outlined in the historic preservation code and adopted design guidelines. There are specific guidelines for a number of historic districts, as well as general design guidelines that apply to all designated local districts and individual landmarks."

Landmarks Design Review Committee (Ldrc) that reviews requests for alterations to individual landmarks and alterations to properties within historic district, reviewed the application and concluded that addition meet the General Design Guidelines for Boulder's Historic Districts and Individual Landmarks.

Given the existing context along with the conclusion that the changes were found to meet the guidelines, and the requirement to landmark the building to maintain these characteristics, the addition was found to meet this criterion.

√ (ii) **The height of buildings is in general proportion to the height of existing buildings and the proposed or projected heights of approved buildings or approved plans for the immediate area;**

Consistent with this criteria, refer to page 6 and Use Review criterion 5 that presents the surrounding heights. The existing building is proportional to the surrounding buildings and the proposed addition is planned to be eighteen inches to three feet lower than the existing building height to help distinguish the historic resource.

√ (iii) **The orientation of buildings minimizes shadows on and blocking of views from adjacent properties;**

The orientation of the proposed addition is on the south side of the building, any impacts of shadows created will be on the property itself or onto the adjacent street, in a very limited manner as was demonstrated by the shadow analysis provided.

√ (iv) **If the character of the area is identifiable, the project is made compatible by the appropriate use of color, materials, landscaping, signs, and lighting;**

As illustrated on page 3, the character of the area is varied but primarily consists of a number of historic buildings, many of which are large residential rooming houses or apartment buildings, as well as the university buildings located directly across Broadway from the site. Many of the existing buildings, like the existing Evans Scholar building are constructed with masonry such as brick or stone. The proposed project is the relatively small, 1,600 square foot addition which is planned to be finished using authentic textured stucco. This material choice was intended to help distinguish the relatively small addition from the existing historic resource. In this case, the Landmarks Design Review Committee made findings that the use of the textured, authentic stucco is appropriate for the addition as it is a material that was historically used on similar buildings nearby and it is used as an accent material.

In general, stucco was historically used as an accent material for styles popularized in the early 20th century including Craftsman Bungalow, Tudor Revival and Colonial Revival buildings (like 1029 Broadway and other fraternity and sorority buildings). Several nearby historic buildings are shown below that were built with stucco, in particularly, 1506 Broadway that was built entirely of stucco in 1928, and 1453 Broadway with a combination of stucco and horizontal lap siding, built in 1905. Both examples show historic use of (authentic) stucco as a building finish material that either pre-date or post-date the historic Evans Scholar House building. Through the final Landmarks DRC process, staff will review the final details regarding materiality to ensure they are similar in scale, proportion, texture and finish to historic building materials.



1506 Broadway



1453 Broadway

√ (v) Projects are designed to a human scale and promote a safe and vibrant pedestrian experience through the location of building frontages along public streets, plazas, sidewalks and paths, and through the use of building elements, design details and landscape materials that include, without limitation, the location of entrances and windows, and the creation of transparency and activity at the pedestrian level;

The proposed project is an addition to an existing historic residential building which was built with a portion of the basement level elevated above grade. As such there's little in the way of existing ground floor transparency and activity at the pedestrian level. Most of the pedestrian experience of the historic residential building is from building elements such as the formal entrance on Broadway and design details such as the base stone work. The addition is being constructed where an existing addition is located that also has a base stone plinth that will remain with the new addition. The predominate building streetface along Broadway will be that of the existing building as the addition accounts for less than ¼ of the linear building street frontage along Broadway.

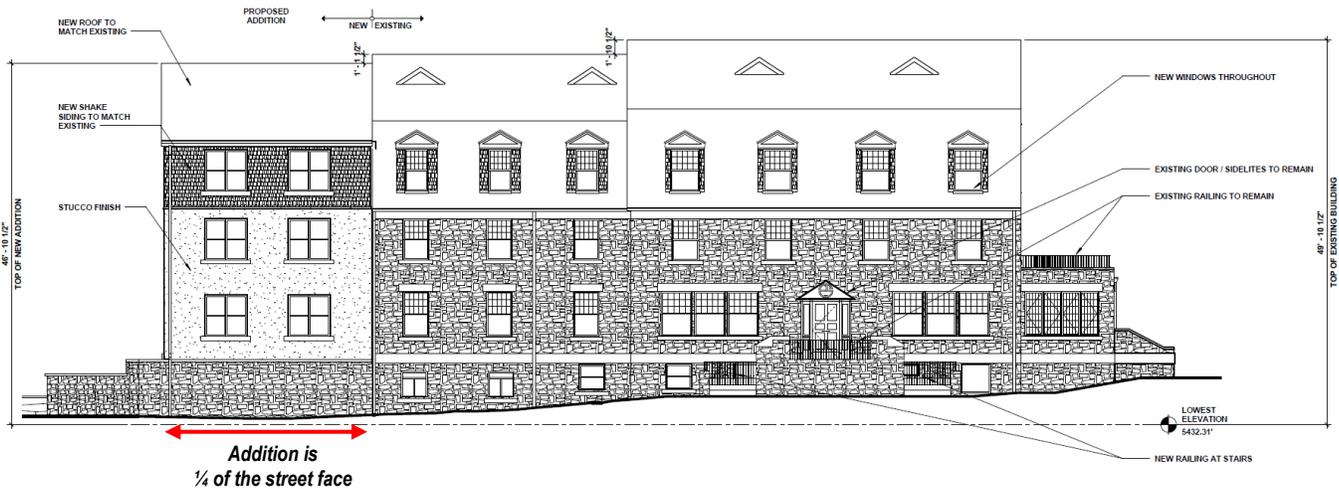


Illustration of the street face along Broadway with the proportionally small addition in that street face

n/a (vi) To the extent practical, the project provides public amenities and planned public facilities;

√ (vii) For residential projects, the project assists the community in producing a variety of housing types, such as multifamily, townhouses and detached single family units, as well as mixed lot sizes, number of bedrooms and sizes of units;

The addition will be used to serve the existing units, not an expansion of units. The rooming house contributes to the variety of residential units in the city.

√ (viii) For residential projects, noise is minimized between units, between buildings, and from either on-site or off-site external sources through spacing, landscaping, and building materials;

The existing building and proposed addition are within an existing noise context. According to the applicant, "the increased landscaping, new windows and building materials will reduce existing noise and external influences.

√ (ix) A lighting plan is provided which augments security, energy conservation, safety, and aesthetics;

According to the applicant, "the proposed lighting creates a safe, well-lit circulation for students of the Evans Scholar house, while meeting Boulder's night lighting criteria.

√ (x) The project incorporates the natural environment into the design and avoids, minimizes, or mitigates impacts to natural systems;

There are several existing street trees within the adjacent Right-of-Way which will remain.

√ (xi) Buildings minimize or mitigate energy use; support on-site renewable energy generation and/or energy management systems; construction wastes are minimized; the project mitigates urban heat island effects; and the project reasonably mitigates or minimizes water use and impacts on water quality.

The upgrades to the building will require compliance with newly adopted energy efficiency standards. Similarly, the addition of permeable pavers will contribute to storm drainage mitigation.

√ (xii) Exteriors or buildings present a sense of permanence through the use of authentic materials such as stone, brick, wood, metal or similar products and building material detailing;

Refer to response to criterion (iv) above.

n/a (xiii) Cut and fill are minimized on the site, the design of buildings conforms to the natural contours of the land, and the site design minimizes erosion, slope instability, landslide, mudflow or subsidence, and minimizes the potential threat to property caused by geological hazards;

n/a (xiv) In the urbanizing areas along the Boulder Valley Comprehensive Plan boundaries between Area II and Area III, the building and site design provide for a well-defined urban edge; and

n/a (xv) In the urbanizing areas located on the major streets shown on the map in Appendix A of this title near the Boulder Valley Comprehensive Plan boundaries between Area II and Area III, the buildings and site design establish a sense of entry and arrival to the City by creating a defined urban edge and a transition between rural and urban areas.

(G) **Solar Siting and Construction:** For the purpose of ensuring the maximum potential for utilization of solar energy in the City, all applicants for residential site reviews shall place streets, lots, open spaces, and buildings so as to maximize the potential for the use of solar energy in accordance with the following solar siting criteria:

 (i) **Placement of Open Space and Streets:** Open space areas are located wherever practical to protect buildings from shading by other buildings within the development or from buildings on adjacent properties. Topography and other natural features and constraints may justify deviations from this criterion.

While no new streets are being proposed, the existing open space area is intended to be upgraded and will provide opportunities for solar access, siting and reduced shading.

 (ii) **Lot Layout and Building Siting:** Lots are oriented and buildings are sited in a way which maximizes the solar potential of each principal building. Lots are designed to facilitate siting a structure which is unshaded by other nearby structures. Wherever practical, buildings are sited close to the north lot line to increase yard space to the south for better owner control of shading.

The proposed addition on the south side of the existing building will not create solar potential impacts.

 (iii) **Building Form:** The shapes of buildings are designed to maximize utilization of solar energy. Buildings shall meet the solar access protection and solar siting requirements of [section 9-9-17](#), "Solar Access," B.R.C. 1981.

The addition is planned onto the configuration of the existing building that is configured in a north-west to south-east orientation. The addition will not unduly impact solar access.

 (iv) **Landscaping:** The shading effects of proposed landscaping on adjacent buildings are minimized.

No proposed landscaping will impact shading of adjacent buildings.

 n/a (H) **Additional Criteria for Poles Above the Permitted Height:** No site review application for a pole above the permitted height will be approved unless the approving agency finds all of the following:

 n/a (I) **Land Use Intensity Modifications:**

 n/a (J) **Additional Criteria for Floor Area Ratio Increase for Buildings in the BR-1 District:**

 (K) **Additional Criteria for Parking Reductions:** The off-street parking requirements of [section 9-7-1](#), "Schedule of Form and Bulk Standards," B.R.C. 1981, may be modified as follows:

√ (i) **Process:** The city manager may grant a parking reduction not to exceed fifty percent of the required parking. The planning board or city council may grant a reduction exceeding fifty percent.

√ (ii) **Criteria:** Upon submission of documentation by the applicant of how the project meets the following criteria, the approving agency may approve proposed modifications to the parking requirements of section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, if it finds that:

(a) For residential uses, the probable number of motor vehicles to be owned by occupants of and visitors to dwellings in the project will be adequately accommodated;

The Evans Scholar Program has been in operation for nearly 50 years in the same location with non-conforming parking. As such, the applicant submitted with their written statement, a copy of a lease agreement that each Evans Scholar student must sign that signifies the students understanding that there is no availability on-site for parking and that other arrangements must be made for any student bringing a car to obtain an off-campus university parking permit. Therefore, with the two standard spaces provided on-site, the Evans Scholar students will not be parking on the site. Any visitors to the building have public parking availability directly across Broadway at the Euclid Avenue Parking Lot, shown in Figure 6, on page 8 of the staff memo, approximately two blocks to the east.

Given the lease agreement, unique to the building as well as the proximity of the building across the street from campus, ½ block to a regional bus stop, and the provision of bike racks and secured bike storage the requested parking reduction, documenting the non-conforming parking, meets this criterion. These measures would meet the needs of the proposed occupants while also addressing a number of comprehensive plan policies such as provision on higher density residential along transit corridors, ensuring a commitment to a walkable city, and managing the parking supply.

(b) The parking needs of any non-residential uses will be adequately accommodated through on-street parking or off-street parking;

not applicable

(c) A mix of residential with either office or retail uses is proposed, and the parking needs of all uses will be accommodated through shared parking;

not applicable

(d) If joint use of common parking areas is proposed, varying time periods of use will accommodate proposed parking needs;

not applicable

and

(e) If the number of off-street parking spaces is reduced because of the nature of the occupancy, the applicant provides assurances that the nature of the occupancy will not change.

The occupants of the building are Evans Scholar students being housed directly across from the campus. As noted in criterion IIa above, the proposed project will not increase the number of student residents above 45, rather the project is intended for upgrades and new study space.

While typically, the nature of occupancy associated student occupants of a building, related to auto parking, is the need for auto storage. Common knowledge of the campus lifestyle of walking and biking to classes, particularly when in close proximity to campus, is supported by findings of a regularly updated student survey prepared by the University of Colorado's Transportation and Parking Services Department. As summarized below in Figure 7, on page 9 of the staff memo, from an excerpt found on page 5 of the most recent survey, it is evident that 73 percent of students surveyed either: walked, biked or rode the bus to campus daily. While it is also noted in the survey that 70 percent of students indicated they have access to a car, with most students not using the vehicle during school days, the survey points to the need for auto storage rather than daily use parking for students. Therefore the number of off-street parking spaces is reduced because of the nature of the Evans Scholar occupancy, and the provision of the lease agreement provides assurances that the nature of the occupancy will not change.

USE REVIEW CRITERIA

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

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

The use is nonconforming due to density as described below under (2)(D).

√ (2) **Rationale:** The use either:

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

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

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

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

The site is a legal non-conforming use that exceeds density standards: per land use code, section 9-8-6(a), B.R.C. 1981, three occupants are equivalent to one dwelling unit. Documentation indicates the occupancy (as documented through inspection) was a maximum of 45 students, therefore $45/3 = 15$ dwelling units. Per intensity standards of RH-5, a maximum of 7.8 dwelling units per acre are standard for the site: (0.288 acres or 12,557 square feet/1,600 du per acre = 7.8 dwelling units).

This application is for an expansion of an existing legal non-conforming use that is permitted under subsection (e). Please see non-conforming use review criteria below for analysis of criteria.

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

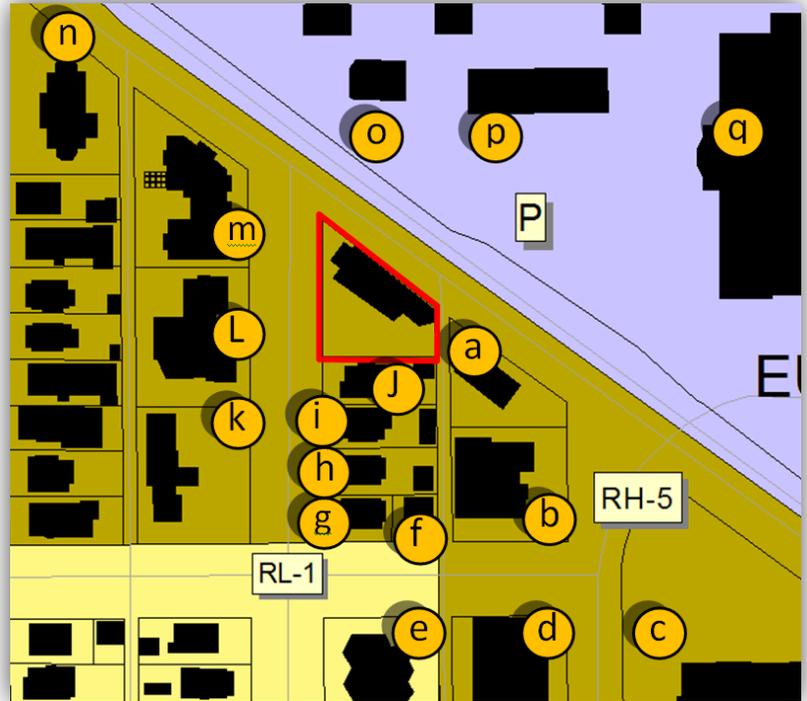
The proposed remodel of the building would be reasonably compatible with, and have minimal negative impact on, the use of nearby properties. The proposed addition would utilize an existing setback and will maintain the existing 45 foot height. The proposed additional does not create any additional density and will primarily house study spaces. Thus, any change to the operating characteristics to this existing development, will be internal and have minimal, if any, negative impact on the use of nearby properties.

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

The proposed expansion will not affect the existing infrastructure compared to the existing level of impact of the non-conforming use. The proposed expansion would have a negligible impact on existing infrastructure.

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

The existing structure on the subject lot was built in 1918, with the small south addition built in 1953. The building is located in an area characterized by residential buildings of varying sizes and occupancies including other group residences such as sororities and fraternities, as well as large multi-family dwelling units including apartments and condominium buildings. Many of these larger residential buildings have been in place for decades, characteristic of the highest density residential zone of RH-5 and the adjacency to the university. Refer to the zoning map below along with the corresponding table that identifies the year the building was built, the height and occupancy that can all help to establish character for the area.



As is shown in the table below, a significant number of the buildings in the area are decades old and range in size from 21 feet up to 73 feet, with the majority of the buildings in the surroundings serving as high density residential or buildings related to the university.

Location on Map	Address	Year built	Height	Building Type
a	1005 Broadway	1923	39 feet	Fraternity/Sorority
b	1011 16 th Street	1936	39 feet	Fraternity/Sorority
c	956 16 th Street	1900	57 feet	Elementary School
d	985 16 th Street	1962/2012	36 feet	Apartment Building
e	1520 Euclid Ave.	1964	27 feet	Religious
f	1527 Euclid Ave.	1907	21 feet	Single family res.
g	1006 15 th Street	1916	20 feet	Duplex/triplex
h	1012 15 th Street	1907	24 feet	Duplex/triplex
i	1020 15 th Street	1905	33 feet	Single Family
j	1026 15 th Street	1914	25 feet	Duplex/triplex
k	1015 15 th Street	1930	39 feet	Fraternity/Sorority
l	1025 15 th Street	1933	45 feet	Fraternity/Sorority
m	1085 Broadway	1988	44 feet	Residential Condominiums
n	1080 14 th Street	1920	50 feet	Fraternity/Sorority
o	950 Regent- CU	--	34 feet	CU- Arts/Sciences
p	950 Regent- CU	--	49 feet	CU- Nat'l. History Museum
q	950 Regent- CU	--	73 feet	CU-Univ. Memorial Center

The images provided on page 3 of the staff memo correlate to the surrounding heights map above to further illustrate the character of the area and that the addition to the third and fourth story of the building will not change the existing high density, historic character.

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

The proposed expansion will not result in the conversion of a dwelling unit to a non-residential use.

(f) **Additional Criteria for Modifications to Non-Conforming Uses:** No application for a change to a non-conforming use shall be granted unless all of the following criteria are met in addition to the criteria set forth above:

√ (1) **Reasonable Measures Required:** The applicant has undertaken all reasonable measures to reduce or alleviate the effects of the non-conformity upon the surrounding area, including, without limitation, objectionable conditions, glare, visual pollution, noise pollution, air emissions, vehicular traffic, storage of equipment, materials, and refuse, and on-street parking, so that the change will not adversely affect the surrounding area;

The site has been non-conforming as to density for decades. There are no records in the file indicating that the non-conforming density has created impacts or effects on the surrounding area. However, the proposed improvements include upgrades to the landscaping on the entire site, including a trash enclosure and a bike storage room for secured, enclosed storage.

√ (2) **Reduction in Non-Conformity/Improvement of Appearance:** The proposed change or expansion will either reduce the degree of non-conformity of the use or improve the physical appearance of the structure or the site without increasing the degree of non-conformity;

The proposed expansion will not increase the degree of nonconformity (no additional bedrooms will be added with the addition and remodel with the number of student residents capped at 45). And, the addition proposed is no greater than 10 percent of the total floor area as permitted by this code section. The proposed remodel will improve the physical appearance of the structure through the process that includes exterior maintenance and improvements along with landscape improvements and a new addition that replaces the older addition, without increasing the degree of non-conformity.

√ (3) **Compliance with this Title/Exceptions:** The proposed change in use complies with all of the requirements of this title:

√ (A) **Except for a change of a non-conforming use to another non-conforming use; and**

The proposal is to maintain the existing legal nonconforming use while expanding the existing building by no greater than 10 percent of the floor area as permitted.

√ (B) Unless a variance to the setback requirements has been granted pursuant to [section 9-2-3](#), "Variances and Interpretations," B.R.C. 1981, or the setback has been varied through the application of the requirements of [section 9-2-14](#), "Site Review," B.R.C. 1981.

The proposed height and setbacks are being approved through a site review. Therefore, the proposed change complies with all of the requirements of this title and section.

√ 4) **Cannot Reasonably be Made Conforming: Cannot Reasonably Be Made Conforming:** The existing building or lot cannot reasonably be utilized or made to conform to the requirements of [chapter 9-6](#), "Use Standards," [9-7](#), "Form and Bulk Standards," [9-8](#), "Intensity Standards," or [9-9](#), "Development Standards," B.R.C. 1981.

The existing nonconforming use cannot reasonable be made to conform to the intensity standards of chapter 9-8. The scope and cost of demolishing the nonconforming use that has been operated in this manner for decades, and within a building that is considered to be historic, is not proportional to the proposal being requested.

√ (5) **No Increase in Floor Area over Ten Percent:** The change or expansion will not result in a cumulative increase in floor area of more than ten percent of the existing floor area; and

The proposed expansion will not result in a cumulative increase in floor area of more than ten percent. Under Land Use Code section 9-10-1, "Non Conformance Standards Purpose and Scope," B.R.C. 1981, the city provides a means for nonconforming uses to be changed and upgraded without requiring such buildings to be eliminated, particularly in this case given that the building is an historic resource. Rental License inspection records indicate that the maximum occupancy has historically been 45 students. Under the occupancy standards noted above, 45 occupants ÷ 3 occupants = 15 dwelling units. Under the intensity standards (section 9-8-1, B.R.C. 1981) seven dwelling units would be permitted on the RH-5 site under the current zoning (0.288 acre or 12,557 square foot lot ÷ 1,600 du per acre = 7.8 dwelling units) rounding down to 7.0 units per the city's municipal code section 1-1-22(a), B.R.C, 1981.

Expansion of the existing legal non-conforming use is permitted under Land Use Code section 9-2-15(f)(5), B.R.C. 1981 which states: "The change or expansion will not result in a cumulative increase in floor area of more than 10 percent of the existing floor area." Given that the existing building is 16,940 square feet in size, the proposed expansion of just under 1,600 square feet (1,593 square feet) equates to 9.4 percent increase, and would therefore be just under the maximum percent of expansion of a non conforming use. No additional residents will be added to the non-conforming use, the expansion is simply to upgrade the building and accommodate greater livability of the building for the existing number of residents, not to exceed 45.

n/a (6) **Approving Authority May Grant Zoning Variances:** The approving authority may grant the variances permitted by subsection [9-2-3\(d\)](#), B.R.C. 1981, upon finding that the criteria set forth in subsection [9-2-3\(h\)](#), B.R.C. 1981, have been met.

Modifications are requested to the parking, setback, and height standards, currently under review through the Site Review criteria.

From: Nancy Blackwood
Sent: Tuesday, October 28, 2014 11:58 AM
To: McLaughlin, Elaine
Cc: 'Lisa Shoemaker'; 'Monique Cole'
Subject: RE: 1029 Broadway-EVANS SCHOLAR HOUSE ADDITION

Hi Elaine.

The University Hill Neighborhood Association (UHNA) supports the proposed addition to the Evans Scholar House (1600 sf exclusively for study rooms and activity space) and requests that the approval be contingent on their pursuing local land marking of the building. The Evans Scholar House is an important historic building in our community and our neighborhood must be afforded this protection. The proposed parking reduction is reasonable given its location on Broadway, across the street from the university and its close proximity to the Euclid Transit Super Stop.

Please feel free to call or email if you have any questions.

Very best,
 Nancy
 UHNA EC Member

Nancy Adams Blackwood
BLACKWOOD & Company
 Urban Design and Planning
 303.440.0805 (W)
 720.201.4746 (C)
nanblackwood@msn.com

From: McLaughlin, Elaine
Sent: Wednesday, October 22, 2014 11:30 AM
To: Nancy Blackwood
Subject: 1029 Broadway

Hi Nancy-

I hope you're doing well! Several months ago I'd sent you a public notice for an addition to the Evans Scholar House on Broadway at 15th. Knowing that you are the contact for UHNA, I wanted to check back to see if you'd heard of any interest in discussing the additions with the neighborhood. I've not received any comments from the immediate neighbors who were notified by mail.

As you may recall, it's a legal non-conforming use (due to density) and they are permitted to add up to 10% floor area (which is equivalent to the 1,600 square feet). They are planning the addition for study rooms and activity space. They also plan to Landmark the property and are currently working through some details in the Landmarks Design Review Committee process.

Let me know if you've heard of any interest in discussing the project in a neighborhood meeting prior to finalizing the plans.

Thanks-
 Elaine

Elaine McLaughlin, Senior Planner

Department of Community Planning + Sustainability
City of Boulder
1739 Broadway, 3rd Floor
Boulder, CO 80306-0791

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

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



EVANS SCHOLARSHIP AGREEMENT

(continued)

8. Compliance with Laws Requirements: Each Evans Scholar shall at all times comply with, all (federal, state, territory, province, city, county or township) laws, ordinances or regulations. In no event shall any Evans Scholar or any of their guests violate such laws, ordinances or regulations, or permit the premises to be used for any purpose or in any manner as shall constitute a violation of the law or the maintenance of a nuisance.
9. Organization Policy Compliance Requirements: Each Evans Scholar shall at all times comply with all written policies, rules and regulations applicable to such individual as an Evans Scholar.
10. Insurance Compliance Requirements: Each Evans Scholar shall at all times comply with all written policies, rules and regulations adopted by the Scholarship House, any insurer of the Scholarship House, the Evans Scholars Foundation or the Western Golf Association.
11. Individual & Joint Obligations: As a member of an Evans Scholarship House, each Evans Scholar understands and agrees that, all collectively and each of them individually, are responsible for and guarantee the performance of all obligations of the Scholarship House as set forth in this Evans Scholar Agreement and the Evans Scholar Code and Creed and in the Rules and Regulations and Policies of the Evans Scholars Foundation and the Western Golf Association. Such responsibilities and guarantees shall be apportioned equally among the Evans Scholars.
12. No Agency: Each Evans Scholar understands and agrees that neither such individual nor any guest of such individual is in any way a subordinate or agent of the Evans Scholars Foundation or the Western Golf Association. Each Evans Scholar hereby agrees that under no circumstances will such individual represent himself or herself as such.
13. Individuals' Responsibility for Insurance: Each Evans Scholar agrees that they alone are responsible for securing their own personal insurance protection. The Evans Scholars Foundation hereby urges each Evans Scholar to secure his/her own personal insurance protection against such things as accident, sickness, injury or death, damage to or loss of their property, and any legal liabilities that may be imposed on him/her for damage to persons or property.
14. Whose Insurance is Primary: Each Evans Scholar agrees, provided that such agreement does not invalidate any policy of insurance, that in the event of any claim being made by or against them for injury to persons or damage to property, that insurance coverage, if any, which may be available to any of them under any insurance secured or maintained by the Evans Scholars Foundation or the Western Golf Association and shall specifically be excess of and shall not contribute with any other insurance available to such individual.
15. Indemnification: Each Evans Scholar acknowledges his/her responsibility or liability for his/her own operations or activities, including, but not limited to, his/her negligent acts, errors, or omissions.
Each Evans Scholar agrees to defend, hold harmless and indemnify the Evans Scholars Foundation and the Western Golf Association, and their respective officers, agents, employees and volunteers, from and against any claims, damages, costs or expenses, including reasonable attorney's fees, arising in any way out of an individual, his/her guests, agents or employees, including, but not limited to, any claims, damages, expenses or liabilities for any financial loss, or for loss or damage to any property, or for injury or death to any person or persons.
An Evans Scholar shall not be obligated under the above to the extent that such claims, damages, costs, expenses or liabilities arise from the negligent acts, errors, or omissions of the Evans Scholars Foundation or the Western Golf Association, or their respective officers, agents or employees.
16. Long Term Vehicle Storage: Each Evans Scholar acknowledges provisions for personal vehicle storage will not be provided by the Evans Scholars Foundation or the Western Golf Association. Each Evans Scholar shall make arrangements for long term vehicle storage directly through the University.
17. Access to Grades and Records: Finally, by means of my signature on Page 1 of this Agreement, I give my Evans Scholar Chapter Advisor and Evans Scholar Foundation staff access to my university grades and university academic records each term while on scholarship.



Danica Powell
 Trestle Strategy Group
danica@trestlestrategy.com
 1350 Pine Street Suite 1, Boulder, CO

Elaine McLaughlin
 City of Boulder
 Community Planning & Sustainability
 1739 3rd Floor
 Boulder, Colorado 80306

October 3, 2014

Dear Elaine,

Attached you will find our resubmittal for the Evans Scholar House Site Review and Use Review for the property located at 1029 Broadway in Boulder. We have made small revisions to the plan in response to the comments we received from Staff on August 8, 2014. In addition we have submitted a Landmark Alteration Certificate for the building entrance. This request for this LAC is scheduled to be heard by the Landmarks Board on December 3, 2014.

Please note that the project components have not changed, rather we have refined the site plan, grading, landscaping, open space and architecture to address the comments received and provide more detailed information.

About the Evans Scholar Foundation

The Evans Scholar Foundation, a non-profit organization, has operated coed student housing for scholarship recipients at 1029 Broadway in Boulder, Colorado for over fifty years. Sponsored by the Western Golf Association, the Evans Scholar Foundation has helped more than 10,000 students attend college since its creation in 1930. The Evans Scholar House at CU Boulder offers a four-year scholarship and housing to student golf caddies who can prove financial need and academic achievement.

The house was originally built in 1917 for the Beta Kappa chapter of the Phi Gamma Delta chapter. The Evans Scholar Foundation purchased the building in 1968. One-story additions are located on the east and west elevations. The west addition was constructed prior to 1931 and appears to have been a porch that was later enclosed. It is constructed of similar stone as the original building and features similar stone lintels and banding. The east extension was constructed in 1953 and incorporated a stone rubble wall that extends from the building's foundation. The house is an example of Dutch Colonial Revival, with the exception of the addition on the east side of the house, and has remained essentially unaltered since that time.

With the growth of the Evans Scholars program, we have more female scholars than in the past. This change along with operational upgrades has caused us to require some modifications to the house to increase safety, accessibility and livability. These improvements include:

Project Description

The proposed updates to the building and site include the following:

- New south facing plaza with pervious pavers, landscaping, trees and integrated bench/wall seating



Danica Powell
Trestle Strategy Group
danica@trestlestrategy.com
1350 Pine Street Suite 1, Boulder, CO

- Streetscape landscaping and onsite landscaping
- Improved drainage and stormwater management
- Relocated basketball court to create more useable onsite open space
- Reduced car parking with durable paving surfaces
- ADA accessible entrance to the site and first floor
- ADA accessible residence suite on the first floor
- Improved Life Safety conditions including exit stairways to all floors
- New study rooms
- Improved building security
- Updated restroom and shower facilities
- Enclosed trash container area
- New energy efficient and historically relevant windows
- Internal Bike Storage, and External bike racks
- Site Lighting
- New fence
- Accessible Ramp
- New stairs and handrail on west
- New iron gate @ existing entry stairs on Broadway
- New trash enclosure

City Review

In order to construct these improvements, we have submitted applications for both Site Review and Use Review. In addition, we voluntarily submitted an application for local historic landmark designation with the City of Boulder in March 2014. The Landmarks Board recommended approval of the designation at the hearing on August 6, 2014. We recently submitted the Landmark Alteration Certificate request on September 25, 2014 to the Landmarks Board and are scheduled for a Landmark Hearing in early December. We have included a copy of our most recent letter to the Landmark Board that describes the improvements which have already been approved by the Design Review Committee, and that details the proposed request for an entrance on 15th Street.

We are excited and ready to implement these improvements to support the current and future scholars of the Evans Scholar House.

Thank you,

A handwritten signature in cursive script that reads "Danica Powell".

Danica Powell
Partner, Trestle Strategy Group

EVANS SCHOLARS HOUSE

LAND USE REVIEW RESPONSE

1029 BROADWAY
BOULDER | CO | 80302
RE-SUBMITTED 12.18.2014

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A1.02	PROPOSED SITE PLAN		
A1.03	SOLAR ACCESS STUDY		
A1.04	EXISTING SET BACK SITE PLAN		
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LANDSCAPE			
L1.0	LANDSCAPE PLAN		
L2.0	DETAILS, COMPLIANCE AND PLANT SCHEDULE		
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C1.02	PRELIMINARY UTILITY PLAN		
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A6.04	EXTERIOR ELEVATIONS		
A6.07	STAIR SECTIONS		
A6.08	BUILDING SECTIONS		
A9.01	EXTERIOR RENDERINGS		

BURKETTDESIGN
ARCHITECTURE INTERIOR DESIGN
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LAND USE/SITE REVIEW RESPONSE
EVANS SCHOLARS HOUSE
1029 BROADWAY
BOULDER, CO 80302

BURKETTDESIGN
DENVER, COLORADO

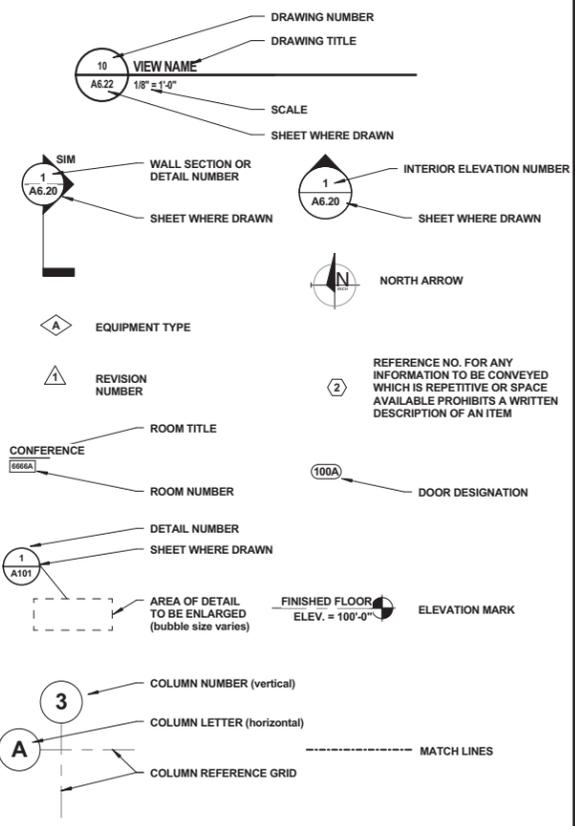
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CONTENTS
COVER SHEET

JOB NO.
07023.001

SHEET NO.
A0.00

GRAPHIC SYMBOLS



CONCRETE	ROUGH WOOD	BRICK & BLOCK IN ELEVATION
STEEL	PARTICLE BOARD	WOOD VENEER IN ELEVATION
ALUMINUM	GLASS, IN ELEVATION	CONCRETE, STUCCO & DRYWALL IN ELEVATION
STONE	BATT INSULATION	CONCRETE, STUCCO & DRYWALL IN ELEVATION PRECAST
CONCRETE BLOCK	RIGID INSULATION	SAND, CEMENT, PLASTER & GYPSUM BOARD
PLYWOOD	MDF	
FINISH WOOD		

PROJECT INFORMATION

1029 BROADWAY
BOULDER | CO | 80302
RE-SUBMITTED 12.18.2014

PROJECT TEAM

ARCHITECT
BURKETTDESIGN, INC.
1899 WYNKOOP ST. SUITE 300
DENVER, CO 80202
PHONE: 303.595.4500
FAX: 303.595.4505

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CIVIL ENGINEER
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MIKE FRIESEN
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LANDSCAPE ARCHITECT
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758 CLUB CIRCLE
LOUISVILLE, CO 80027
PHONE: 303.494.9138

CAROL ADAMS, ASLA, RLA
DIRECT: 303.494.9138
carol@studioterra.net

CODE INFORMATION

ORIGINAL CONSTRUCTION DATE: 1917
CONSTRUCTION TYPE: MASONRY WITH WOOD FRAME
NUMBER OF STORIES: 4 + BASEMENT
OCCUPANCY TYPE: R-2
EXISTING BUILDING AREA: 16,940
NEW CONSTRUCTION AREA: 1,593
CALCULATED OCCUPANT LOAD: 93
ZONING: RH-5
BUILDING HEIGHT - EXISTING: 49'10 1/2" FROM LOWEST POINT
25'-0" AWAY FROM BUILDING
BUILDING HEIGHT - NEW ADDITIONAL: 46'10 1/2" FROM LOWEST POINT
25'-0" AWAY FROM BUILDING

SITE DATA TABLE
NOTE: TOTAL REQUIRED PARKING PER LAND USE CODE SECTION 9-9-6, B.R.C. 1981 (1 SPACE PER (2) ROOMERS; 45/2=22.5 ROUNDING DOWN TO 22. WITH 22 PARKING SPACES REQUIRED, AND 2 STANDARD SPACES PROVIDED, THE PARKING REDUCTION REQUEST IS 91 PERCENT.)

VEHICLE PARKING COUNT
EXISTING 6 (NON LEGAL SIZED PARKING SPACES)
PROPOSED 2 (INCLUDES 1 ADA ACCESSIBLE SPACE)
REQUIRED 22
PARKING REDUCTION REQUESTED 91%

BIKE PARKING COUNT
PROPOSED OUTDOOR 8
INDOOR 45

PROJECT SUMMARY:
RENOVATION TO A FRATERNITY HOUSE WHICH WAS BUILT IN 1917. THE INTERIOR SYSTEMS WILL BE UPGRADED. A SMALL ADDITION WILL BE BUILT ON THE EAST END OF THE BUILDING. SITE IMPROVEMENTS & ADA ACCESSIBILITY WILL BE MADE

SPACE USE SUMMARY

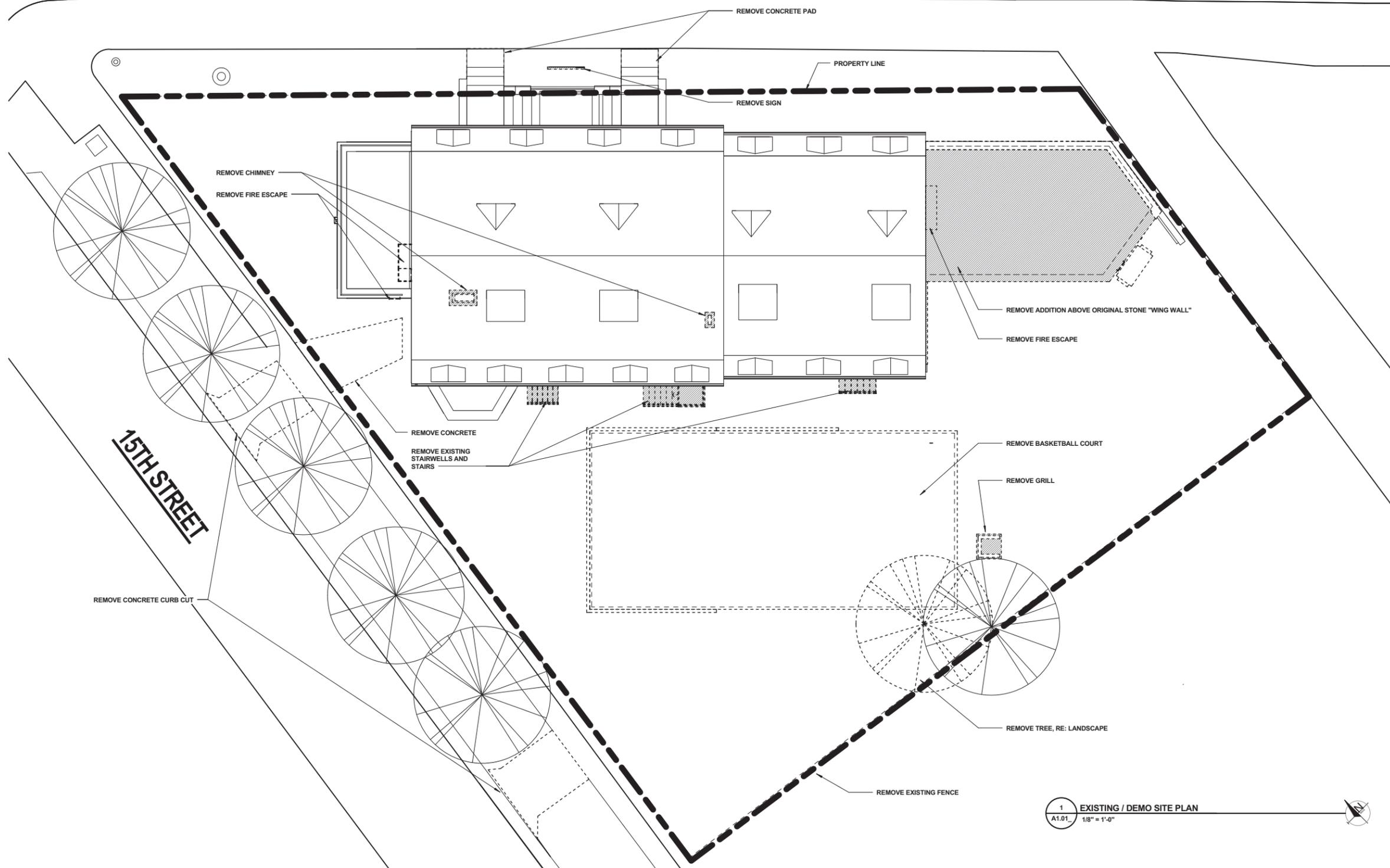
	EXISTING	NEW	TOTAL
BASEMENT	4132	-758	= 3374 SF
1ST FLOOR	4457	772	= 5229 SF
2ND FLOOR	3372	779	= 4151 SF
3RD FLOOR	3357	800	= 4157 SF
4TH FLOOR	1632	0	= 1632 SF
TOTAL	16940 +	1593	= 18533 SF

VICINITY MAP



All drawings and written material appearing herein constitute the original and unpublished work of the architect and the same may not be duplicated, used or disclosed without the written consent of the architect.

BROADWAY



1 EXISTING / DEMO SITE PLAN
A1.01 1/8" = 1'-0"

**LAND USE/SITE REVIEW RESPONSE
EVANS SCHOLARS HOUSE**

1029 BROADWAY
BOULDER, CO 80302

ISSUE	DATE
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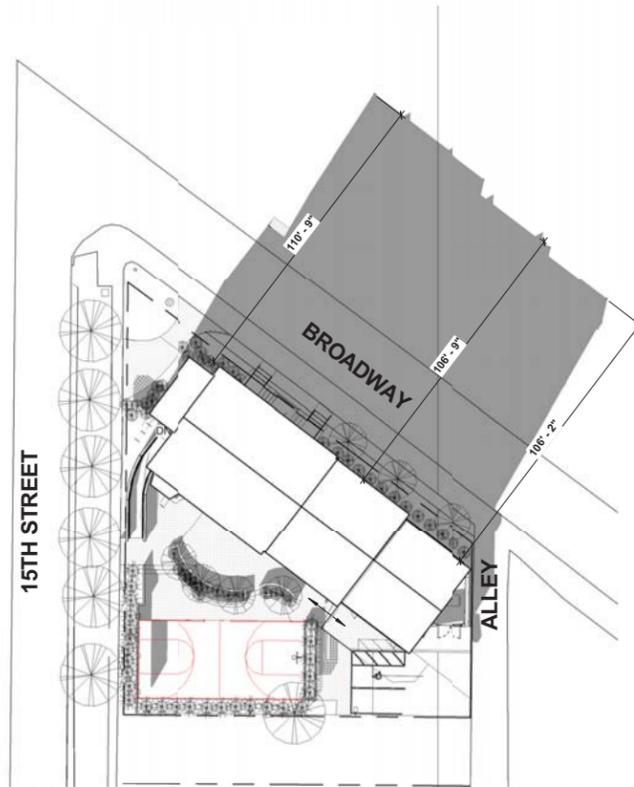
CONTENTS
EXISTING SITE PLAN

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A1.01

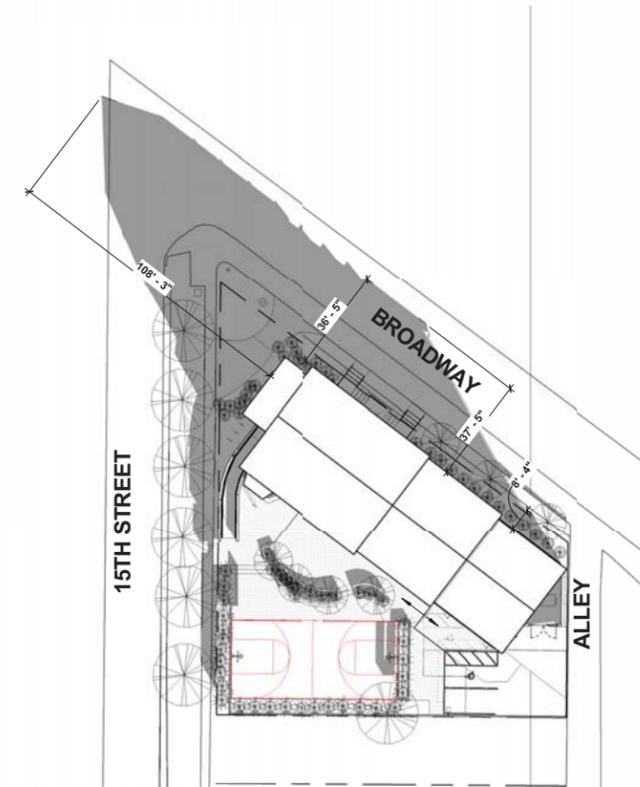
All drawings and written material appearing herein constitute the original and unpublished work of the architect and the same may not be duplicated, used or disclosed without the written consent of the architect.



3 SOLAR ACCESS STUDY | DEC 21 2PM
A1.03 1" = 30'-0"



4 SOLAR ACCESS STUDY | DEC 21 12 NOON
A1.03 1" = 30'-0"



2 SOLAR ACCESS STUDY | SEP 21 9 AM - 3PM
A1.03 1" = 30'-0"

**LAND USE/SITE REVIEW RESPONSE
EVANS SCHOLARS HOUSE**

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BOULDER, CO 80302

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SOLAR ACCESS STUDY

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07023.001

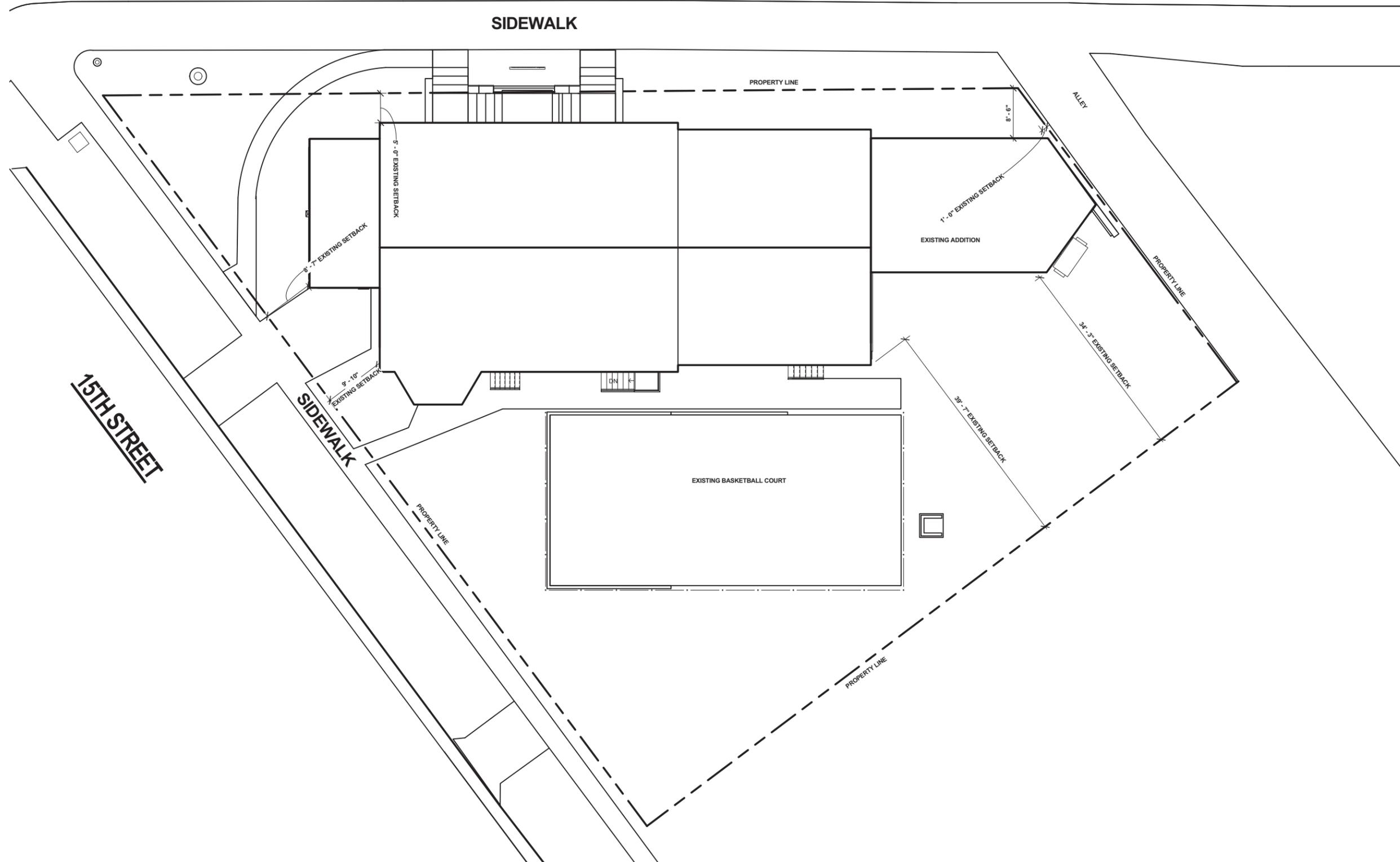
SHEET NO.

A1.03

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BROADWAY

SIDEWALK



**LAND USE/SITE REVIEW RESPONSE
EVANS SCHOLARS HOUSE**

1029 BROADWAY
BOULDER, CO 80302

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EXISTING SET BACK SITE PLAN

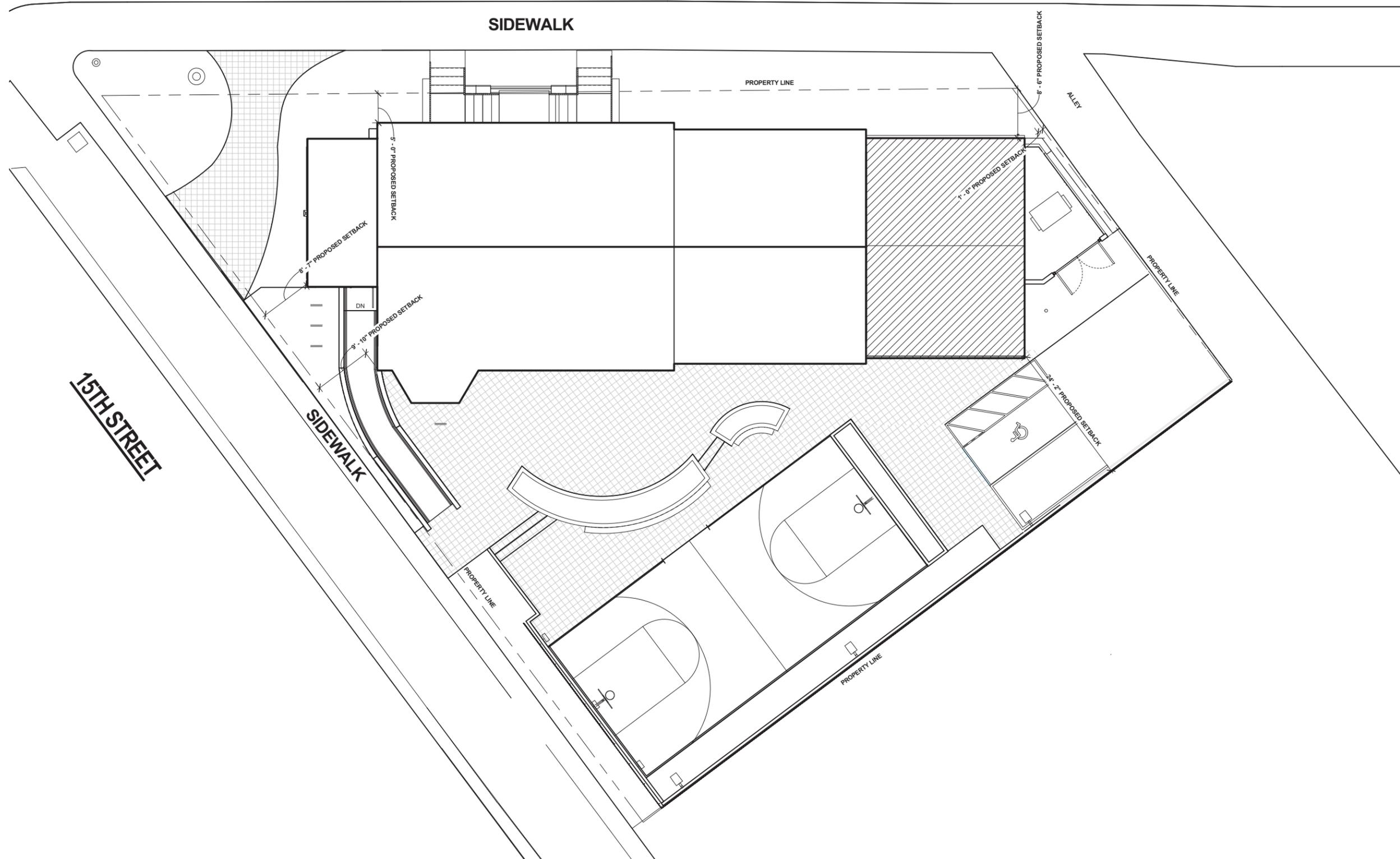
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07023.001

SHEET NO.

1 EXISTING SITE SETBACKS PLAN
A1.04 1/8" = 1'-0"

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BROADWAY



**LAND USE/SITE REVIEW RESPONSE
EVANS SCHOLARS HOUSE**

1029 BROADWAY
BOULDER, CO 80302

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NEW SET BACK SITE PLAN

JOB NO.
07023.001

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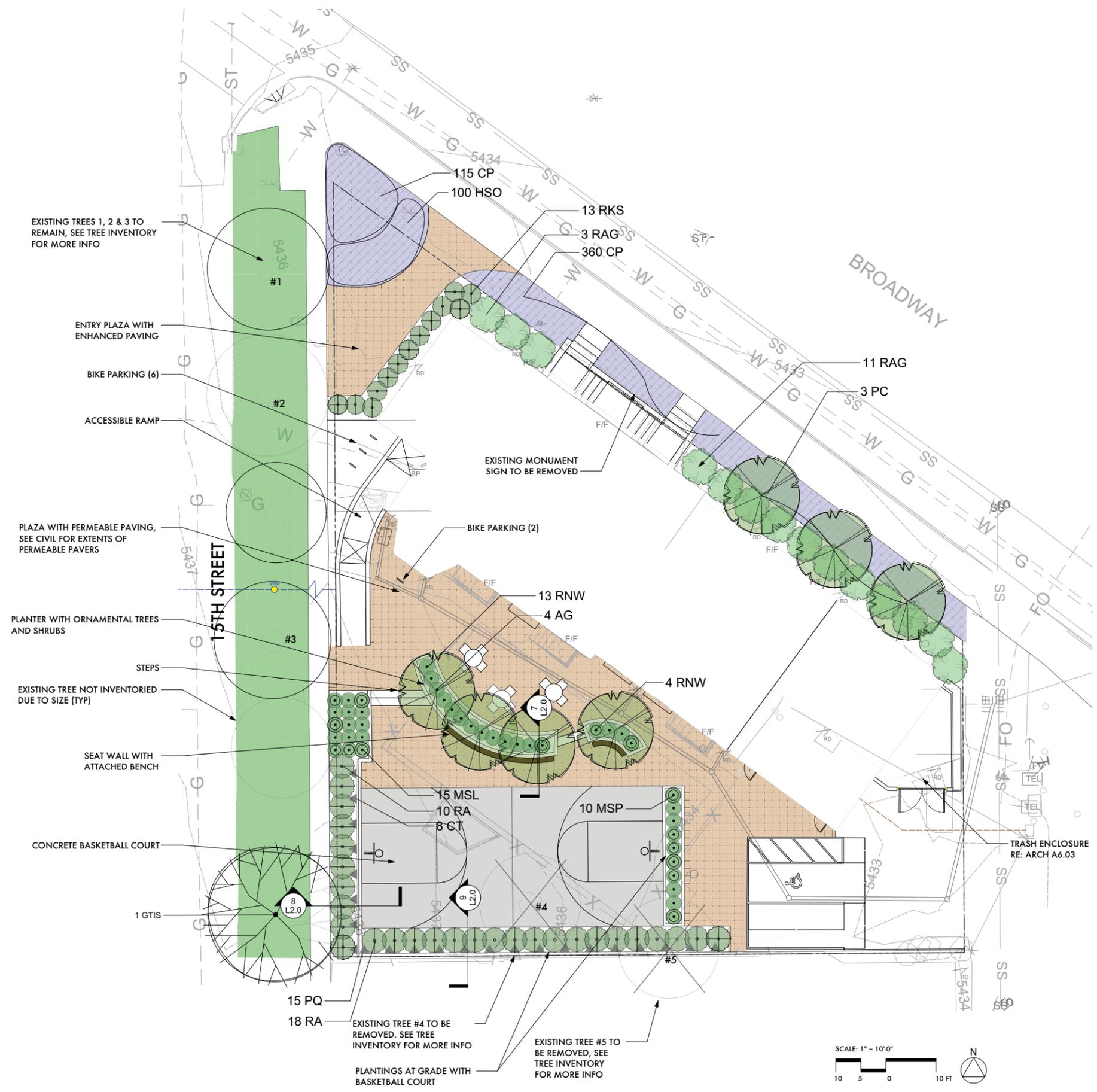
EVANS SCHOLARS HOUSE
 1029 BROADWAY BOULDER, CO 80302

ISSUE	DATE
SITE REVIEW	10.6.14
SITE REVIEW	11.14.14
FOR LAND USE RESUBMITTAL	12.18.14

CONTENTS
 LANDSCAPE PLAN

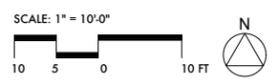
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L1.0



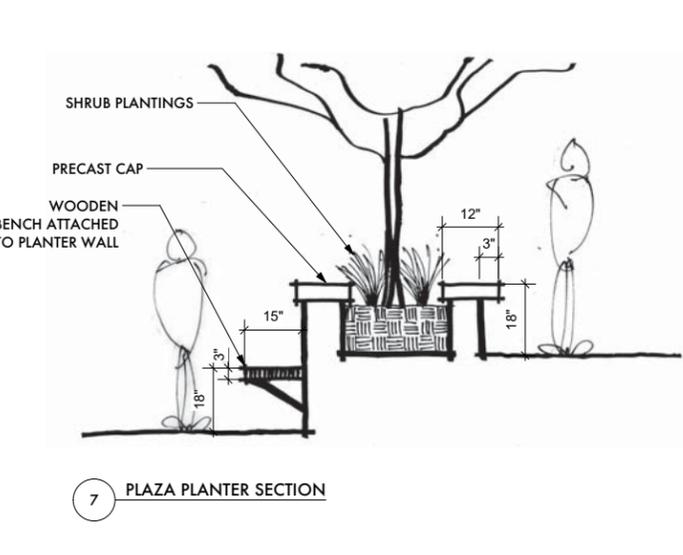
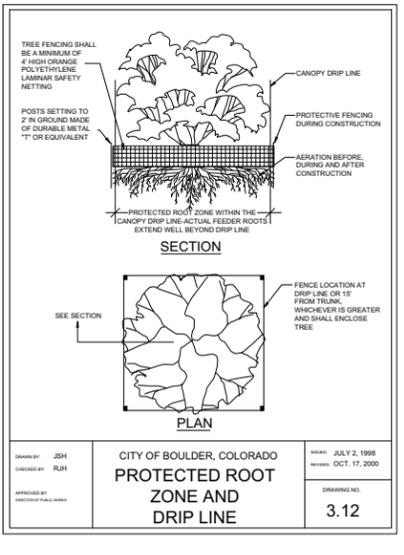
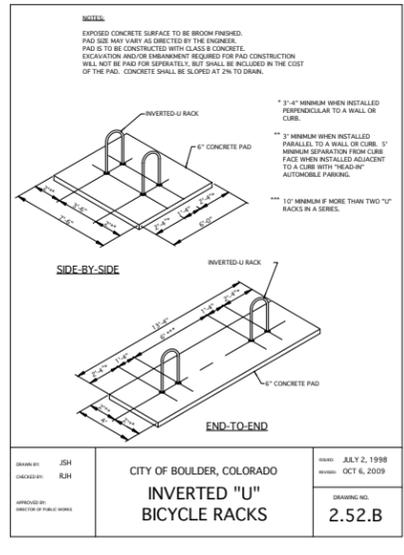
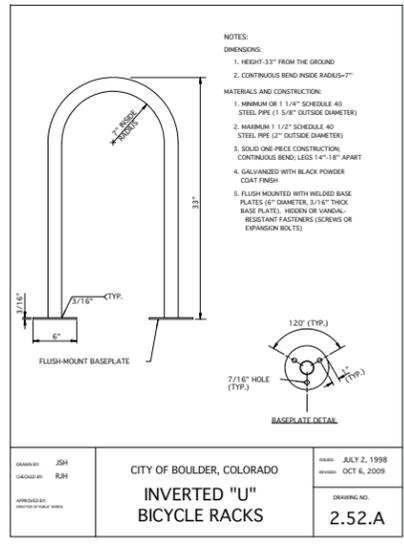
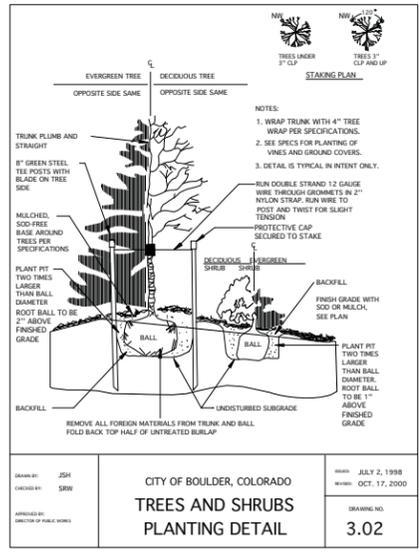
- LEGEND**
- DECIDUOUS TREES - 3" CAL.
 - ORNAMENTAL TREES - 2.5" CAL.
 - SHRUBS - 1 GAL & 5 GAL
 - VINES - 1 GAL
 - GROUNDCOVERS - 1 GAL
 - LOW-WATER DEMAND TURF GRASS - SOD
 - PAVERS
 - U-RACK BIKE RACK
 - SITE FURNISHINGS

- NOTES:**
1. ALL PLANT MATERIAL SHALL MEET SPECIFICATIONS OF THE AMERICAN ASSOCIATION OF NURSERYMEN (AAN) FOR NUMBER ONE GRADE. ALL TREES SHALL BE BALLED AND BURLAPPED OR EQUIVALENT. ALL PLANT MATERIALS SHALL HAVE ALL WIRE, TWINE OR OTHER CONTAINMENT MATERIALS, EXCEPT FOR BURLAP, REMOVED FROM TRUNK AND ROOT BALL OF THE PLANT PRIOR TO PLANTING.
 2. TREES SHALL NOT BE PLANTED CLOSER 10 FEET TO ANY PUBLIC SEWER OR WATER LINE (WITH THE EXCEPTION OF WATER SERVICE LINES WHICH MAY BE AS CLOSE AS 5'). TREE PLANTING SHALL BE COORDINATED WITH PUBLIC SERVICE COMPANY. LOCATIONS OF ALL UTILITIES SHALL BE VERIFIED IN THE FIELD PRIOR TO PLANTING.
 3. ALL SHRUBS SHALL BE PLANTED NO LESS THAN 3' FROM ANY SIDEWALK OR CURB.
 4. GRADES SHALL BE SET TO ALLOW FOR PROPER DRAINAGE AWAY FROM STRUCTURES. GRADES SHALL MAINTAIN SMOOTH PROFILES AND BE FREE OF SURFACE DEBRIS, BUMPS, AND DEPRESSIONS.
 5. OWNERS SHALL ENSURE THAT THE LANDSCAPE PLAN IS COORDINATED WITH THE PLANS DONE BY OTHER CONSULTANTS SO THAT THE PROPOSED GRADING, STORM DRAINAGE, OR OTHER CONSTRUCTIONS DOES NOT CONFLICT NOR PRECLUDE INSTALLATION AND MAINTENANCE OF LANDSCAPE ELEMENTS ON THIS PLAN.
 6. ALL SHRUB BEDS ADJACENT TO TURF AREAS SHALL BE EDGED WITH RYERSON OR APPROVED EQUIVALENT STEEL EDGER.
 7. ALL SHRUB BED AREAS, PERENNIALS AND GROUNDCOVER SHALL BE MULCHED WITH A 4" LAYER OF SHREDDED BARK MULCH. NO WEED BARRIER FABRIC TO BE USED.
 8. PRIOR TO INSTALLATION OF PLANT MATERIALS, AREAS THAT HAVE BEEN COMPACTED OR DISTURBED BY CONSTRUCTION ACTIVITY SHALL BE THOROUGHLY LOOSENEED; ORGANIC SOIL AMENDMENTS SHALL BE INCORPORATED AT THE RATE OF AT LEAST FOUR (4) CUBIC YARDS PER 1000 SQUARE FEET OF LANDSCAPE AREA.
 9. ALL LANDSCAPE (PLANT MATERIALS AND GRASS) WILL BE IRRIGATED WITH AN AUTOMATIC SYSTEM. TURF AREAS WILL HAVE A SPRAY ZONE OR SUB-SURFACE DRIP, SHRUBS AND TREES WILL HAVE A DRIP ZONE AND PERENNIALS/GROUNDCOVERS (PART OF THE DRIP ZONE) WILL HAVE MICRO-JET SPRAYS OR DRIP.
 10. PLANTS ARE GROUPED BY WATER USE ZONE TO CONSERVE WATER.
 11. CONTRACTOR SHALL VERIFY ALL MATERIAL QUANTITIES PRIOR TO INSTALLATION. ACTUAL NUMBER OF PLANT SYMBOLS SHALL HAVE PRIORITY OVER THE QUANTITY DESIGNATED.
 12. REFER TO THE CITY OF BOULDER DESIGN AND CONSTRUCTION STREETSCAPING STANDARDS FOR ALL WORK WITHIN PUBLIC AREAS.
 13. REFER TO THE CIVIL ENGINEER DRAWINGS FOR GRADING AND UTILITY INFORMATION.
 14. THIS PLAN MEETS OR EXCEEDS CITY OF BOULDER LANDSCAPE CODE REQUIREMENTS.
 15. REFER TO THE CITY OF BOULDER DESIGN AND CONSTRUCTION STANDARDS FOR TREE PROTECTION REQUIREMENTS.
 16. REFER TO THE TREE INVENTORY FOR INFORMATION ON TREES TO REMAIN AND TREES TO BE REMOVED.



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EVANS SCHOLARS HOUSE
 1029 BROADWAY
 BOULDER, CO 80302



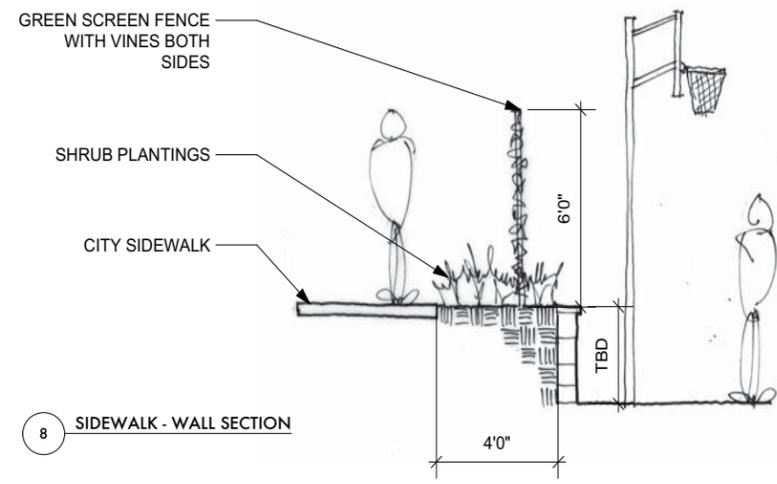
5 SITE LANDSCAPE CALCULATION

STREETScape	LF	TREES		NOTES
		REQUIRED	PROVIDED	
BROADWAY	155	4	0	Cannot plant trees due to attached City sidewalk.
15TH STREET	164	4	6 (1 new, 5 existing)	

6 STREET TREE CALCULATION

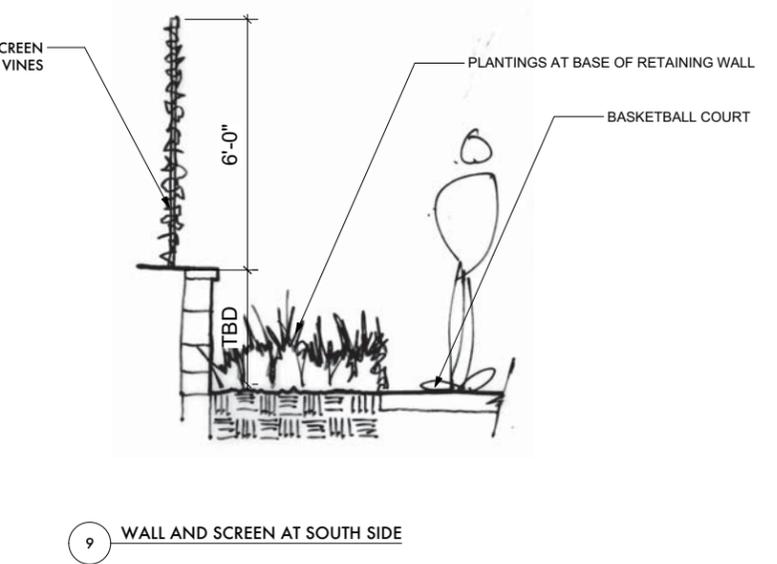
SITE LANDSCAPE	SF	TREES		SHRUBS	
		REQUIRED	PROVIDED	REQUIRED	PROVIDED
NET SITE AREA (NOT COVERED BY BUILDINGS OR PARKING)	7,794	5	7	26	50+

TREES PROVIDED DOES NOT INCLUDE STREET TREES
 1 TREE AND 5 SHRUBS FOR EACH 1500 SF OF "NET SITE AREA"



PLANT SCHEDULE

QUANT	SIZE	PERENNIALS		COMMON NAME	HEIGHT	SPREAD	WATER USE	EXPOSURE	FLOWER COLOR	SEASON
		BOTANICAL NAME	COMMON NAME							
CP	475 1 GAL	CERATOSTIGMA PLUMBAGINOIDES	PLUMBAGO	8-12"	18-24"	LOW	ADAPTABLE	BLUE		MID TO LATE SUMMER
H50	100 1 GAL	HEMEROCALLIS 'STELLA DE ORO'	DWARF GOLD DAYLILLY	12-24"	12-18"	LOW	SUN	YELLOW		LATE SPRING TO LATE SUMMER
575										
ORNAMENTAL GRASSES										
QUANT	SIZE	BOTANICAL NAME	COMMON NAME	HEIGHT	SPREAD	WATER USE	EXPOSURE	FLOWER COLOR	SEASON	
MSL	15 5 GAL	MISCANTHUS SINENSIS 'MORNING LIGHT'	MORNING LIGHT MAIDEN GRASS	4-5'	2-3'	MEDIUM	SUN	BRONZE	LATE SUMMER	
MSP	10 5 GAL	MISCANTHUS SINENSIS PURPURASCENS	FLAME (PURPLE MAIDEN) GRASS	3-4'	2-3'	MEDIUM	SUN	BRONZE TO SILVERY WHITE	LATE SUMMER	
25										
CONTAINER SHRUBS										
QUANT	SIZE	BOTANICAL NAME	COMMON NAME	HEIGHT	SPREAD	WATER USE	EXPOSURE	FLOWER COLOR	SEASON	
RAG	14 5 GAL	RHUS AROMATICA GRO-LOW	SUMAC, DWARF FRAGRANT	2-3'	6-8'	LOW	SUN	YELLOW	EARLY SPRING	
RA	28 5 GAL	RIBES ALPINUM	CURRANT, ALPINE	3-6'	3-6'	LOW	SUN TO FS	YELLOWISH-GREEN	MID-SPRING	
RKS	13 5 GAL	ROSA KNOCK OUT SUNNY	ROSE, SUNNY KNOCK OUT	3-5'	3-4'	LOW	SUN	YELLOW	EARLY SUMMER	
RNW	17 5 GAL	ROSA X NEARLY WILD	ROSE, SINGLE PINK SHRUB	2-3'	2-3'	LOW	SUN	PINK	EARLY TO LATE SUMMER	
72										
DECIDUOUS TREES										
QUANT	SIZE	BOTANICAL NAME	COMMON NAME	HEIGHT	SPREAD	WATER USE	EXPOSURE	FLOWER COLOR	SEASON	
GT5	1 3" CAL.	GLEDITSIA TRIACANTHOS INERMIS SHADEMASTER	HONEYLOCUST, SHADEMASTER	40-50'	30-40'	LOW	SUN	N/A	N/A	
1										
ORNAMENTAL TREES										
QUANT	SIZE	BOTANICAL NAME	COMMON NAME	HEIGHT	SPREAD	WATER USE	EXPOSURE	FLOWER COLOR	SEASON	
PC	3 2.5" CAL.	PYRUS CALLERYANA 'CHANTICLEER'	CHANTICLEER PEAR	20-30'	15-20'	LOW	SUN	WHITE	SPRING	
AG	4 2.5" CAL.	ACER GINNALA 'FLAME'	GINNALA MAPLE	15-20'	15-20'	LOW	SUN	GREENISH-YELLOW	SPRING	
7										
VINES										
QUANT	SIZE	BOTANICAL NAME	COMMON NAME	HEIGHT	SPREAD	WATER USE	EXPOSURE	FLOWER COLOR	SEASON	
PQ	15 1 GAL	PARTHENOCISSUS QUINQUEFOLIA	VIRGINIA CREEPER	N/A	N/A	LOW	SUN TO FS	N/A	FALL	
CT	8 1 GAL	CAMPISIS X TAGLIABUANA 'MADAME GLEN'	MADAME GALEN TRUMPET VINE	N/A	N/A	LOW	SUN	ORANGE	SUMMER	
23										



OBURKETT ARCHITECTURE DESIGN
 DENVER, COLORADO

ISSUE	DATE
SITE REVIEW	10.6.14
SITE REVIEW	11.14.14
FOR LAND USE RESUBMITTAL	12.18.14

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 DETAILS, COMPLIANCE AND
 PLANT SCHEDULE

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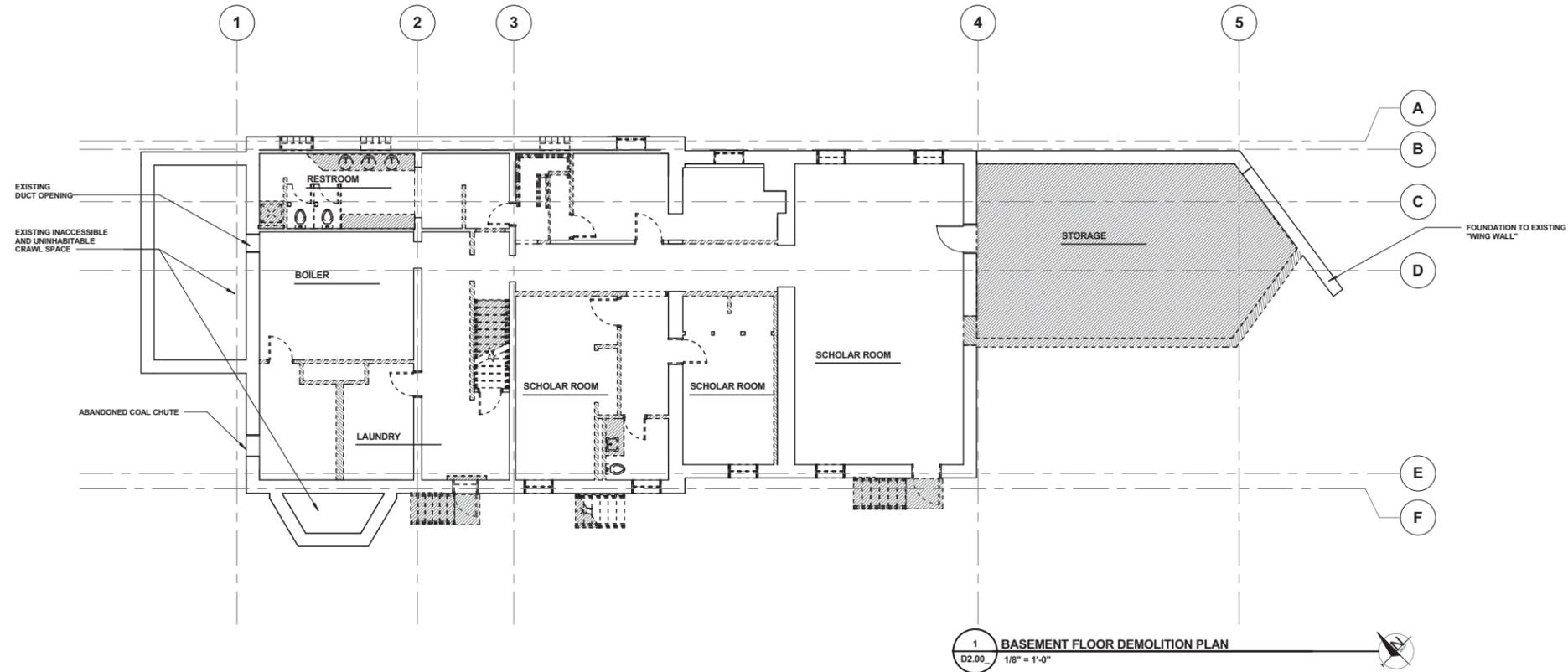
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L2.0

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BROADWAY

15TH STREET



**LAND USE/SITE REVIEW RESPONSE
EVANS SCHOLARS HOUSE**

1029 BROADWAY
BOULDER, CO 80302

SPACE USE SUMMARY

	EXISTING	NEW	TOTAL
BASEMENT	4132	-758	= 3374 SF

DEMOLITION LEGEND	
	EXISTING TO BE REMOVED
	EXISTING TO BE REMAIN

ISSUE	DATE
LAND USE REVIEW RESPONSE	10.06.2014
LAND USE REVIEW RESPONSE #2	11.14.2014
LAND USE RESUBMITTAL	12.18.2014

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DEMO PLAN BASEMENT

JOB NO.
07023.001

SHEET NO.

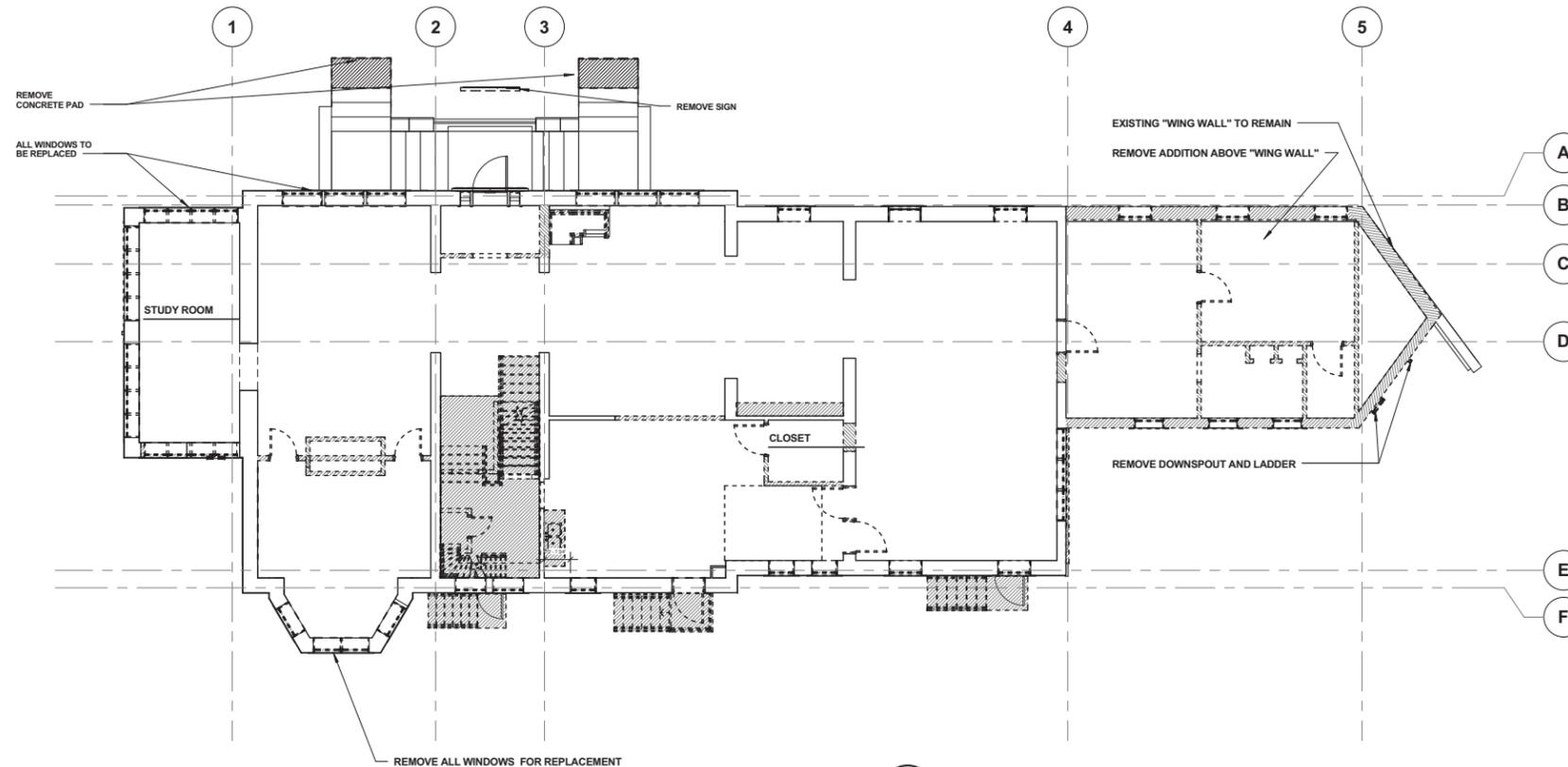
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BROADWAY

**LAND USE/SITE REVIEW RESPONSE
EVANS SCHOLARS HOUSE**

1029 BROADWAY
BOULDER, CO 80302

15TH STREET



1 1ST FLOOR DEMOLITION PLAN
D2.01 1/8" = 1'-0"

SPACE USE SUMMARY

	EXISTING	NEW	TOTAL
1ST FLOOR	4457	772	= 5229 SF

DEMOLITION LEGEND

- EXISTING TO BE REMOVED
- EXISTING TO BE REMAIN

ISSUE DATE

LAND USE REVIEW RESPONSE	10.06.2014
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DEMO PLAN FLOOR 1

JOB NO.

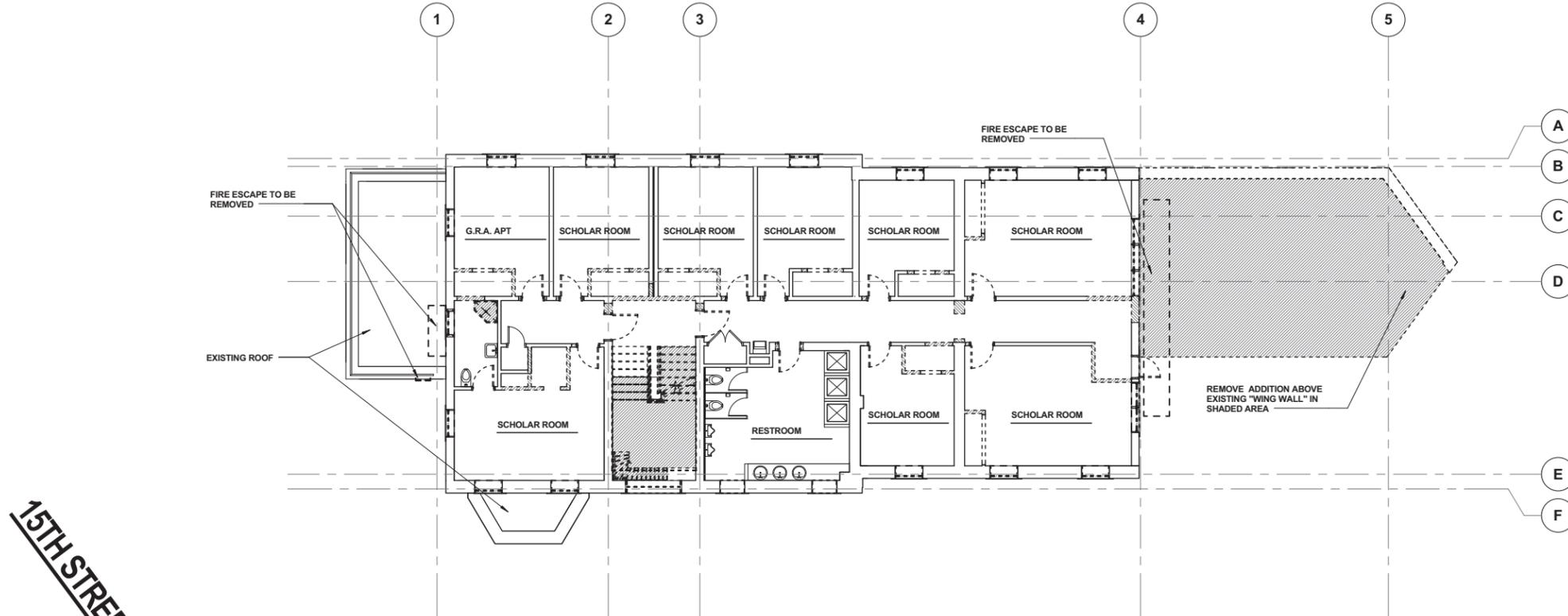
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D2.01

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BROADWAY



1 2ND FLOOR DEMOLITION PLAN
DZ.02 1/8" = 1'-0"

SPACE USE SUMMARY

	EXISTING	NEW	TOTAL
2ND FLOOR	3372	779	= 4151 SF

DEMOLITION LEGEND

-  EXISTING TO BE REMOVED
-  EXISTING TO BE REMAIN

**LAND USE/SITE REVIEW RESPONSE
EVANS SCHOLARS HOUSE**

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DEMO PLAN FLOOR 2

JOB NO.

07023.001

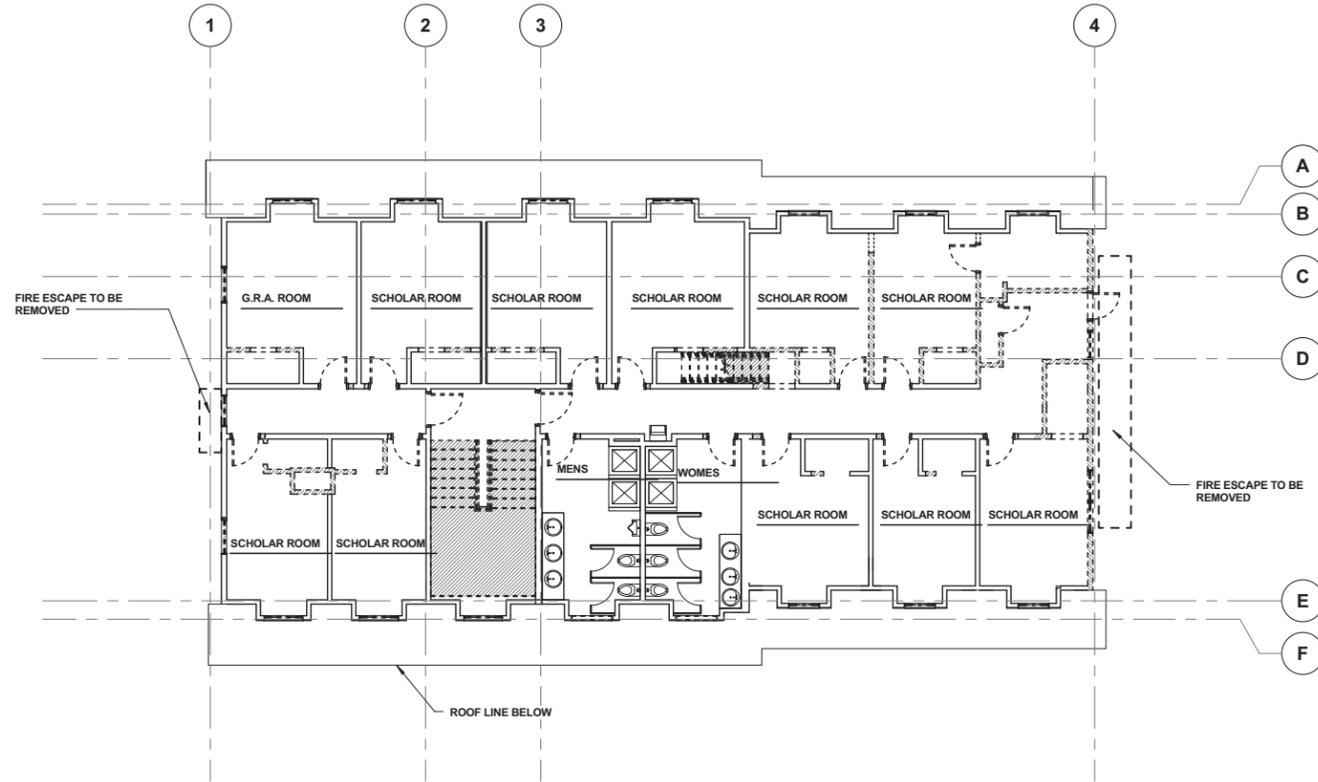
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D2.02

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BROADWAY

15TH STREET



1 3RD FLOOR DEMOLITION PLAN
D2.03 1/8" = 1'-0"

SPACE USE SUMMARY

	EXISTING	NEW	TOTAL
3RD FLOOR	3357	800	= 4157 SF

DEMOLITION LEGEND

-  EXISTING TO BE REMOVED
-  EXISTING TO BE REMAIN

**LAND USE/SITE REVIEW RESPONSE
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DEMO PLAN FLOOR 3

JOB NO.

07023.001

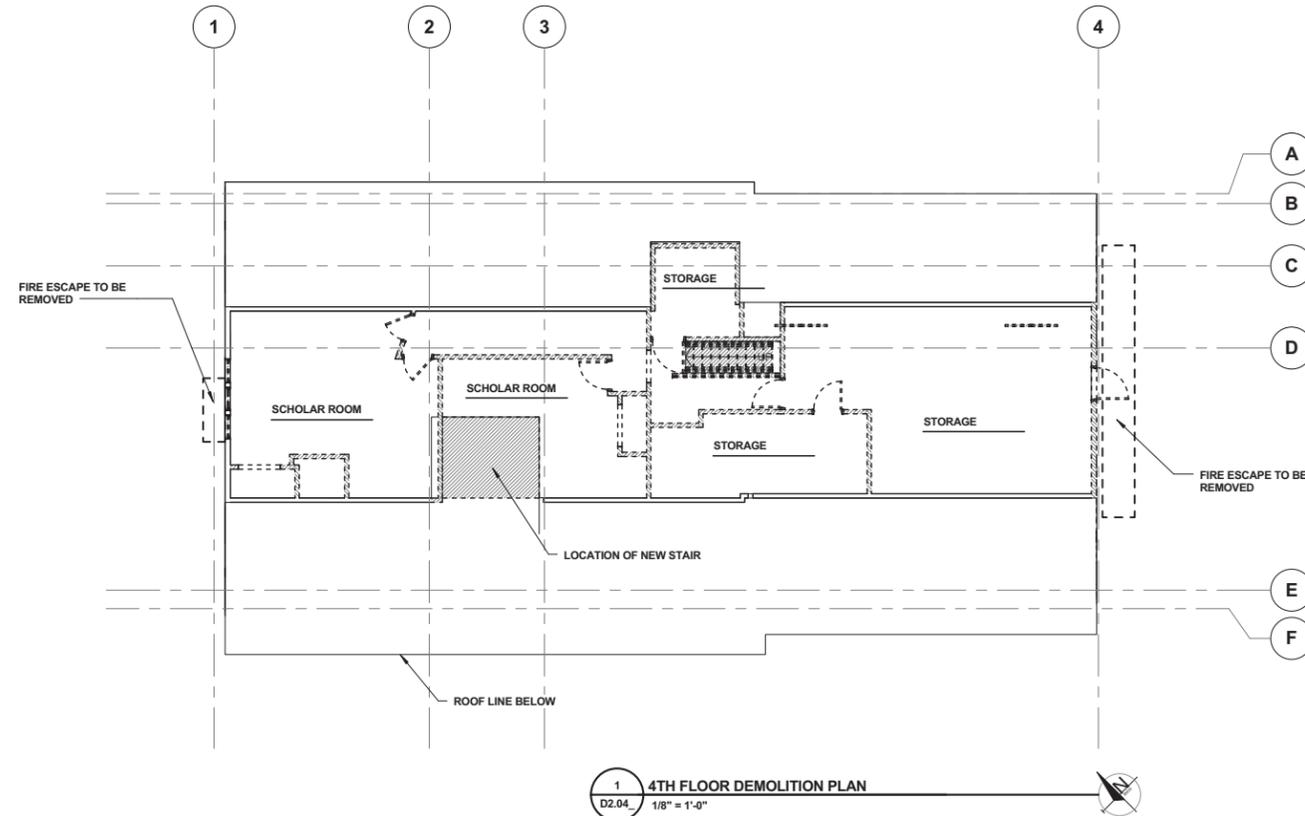
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D2.03

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BROADWAY

15TH STREET



1 4TH FLOOR DEMOLITION PLAN
D2.04 1/8" = 1'-0"

SPACE USE SUMMARY

	EXISTING	NEW	TOTAL
4TH FLOOR	1632	0	= 1632 SF

DEMOLITION LEGEND	
	EXISTING TO BE REMOVED
	EXISTING TO BE REMAIN

**LAND USE/SITE REVIEW RESPONSE
EVANS SCHOLARS HOUSE**

1029 BROADWAY
BOULDER, CO 80302

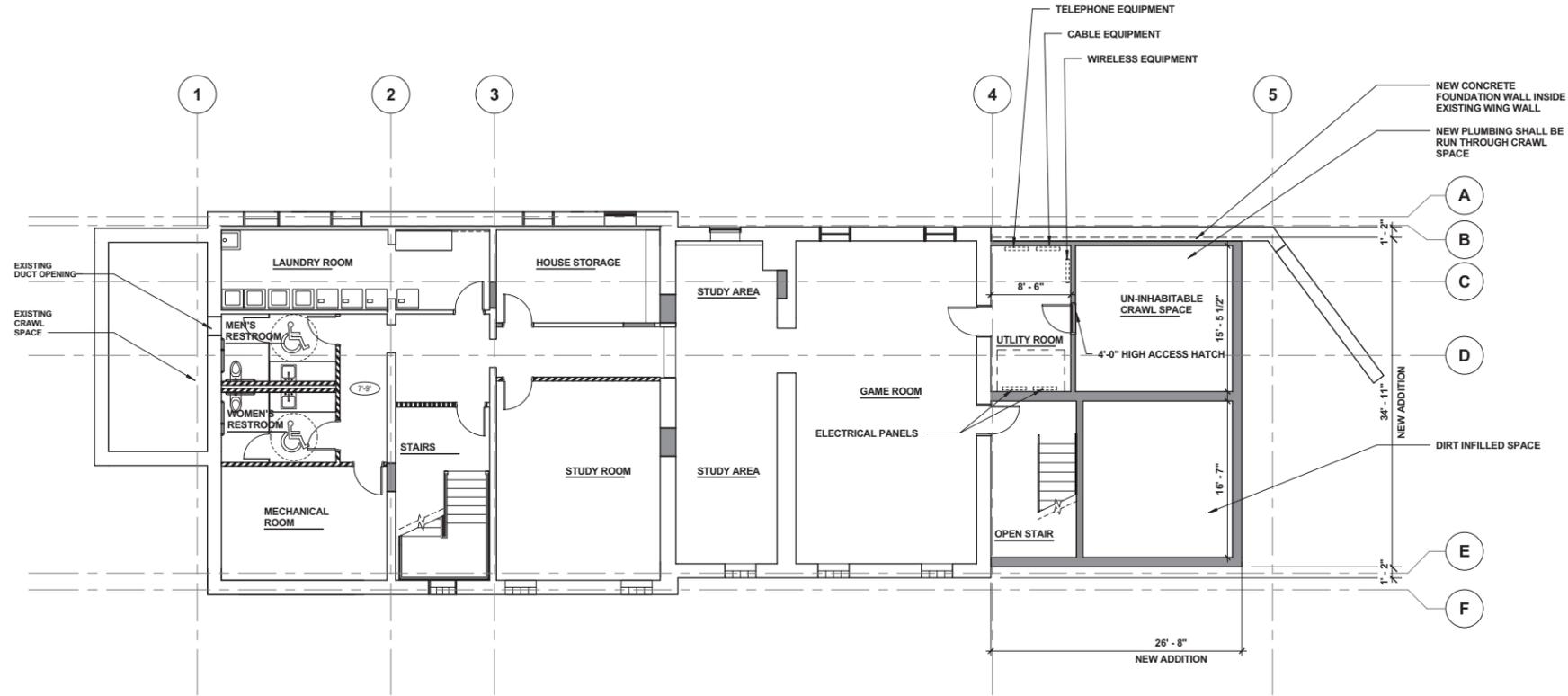
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BROADWAY

15TH STREET



1 BASEMENT CONSTRUCTION PLAN
A2.00 1/8" = 1'-0"

SPACE USE SUMMARY

	EXISTING	NEW	TOTAL
BASEMENT	4132	-758	= 3374 SF

PARTITION LEGEND

	EXISTING PARTITION TO REMAIN
	NEW INTERIOR PARTITION

LAND USE/SITE REVIEW RESPONSE
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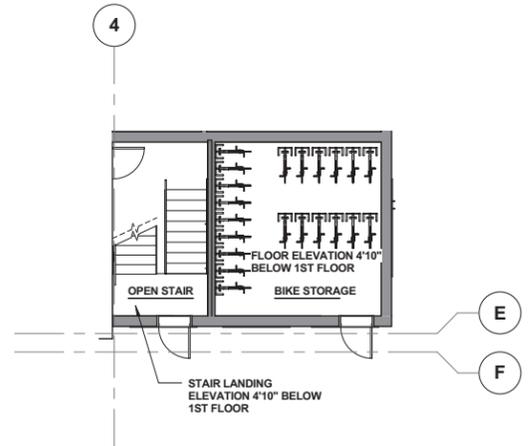
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CONSTRUCTION PLAN - FLOOR 1

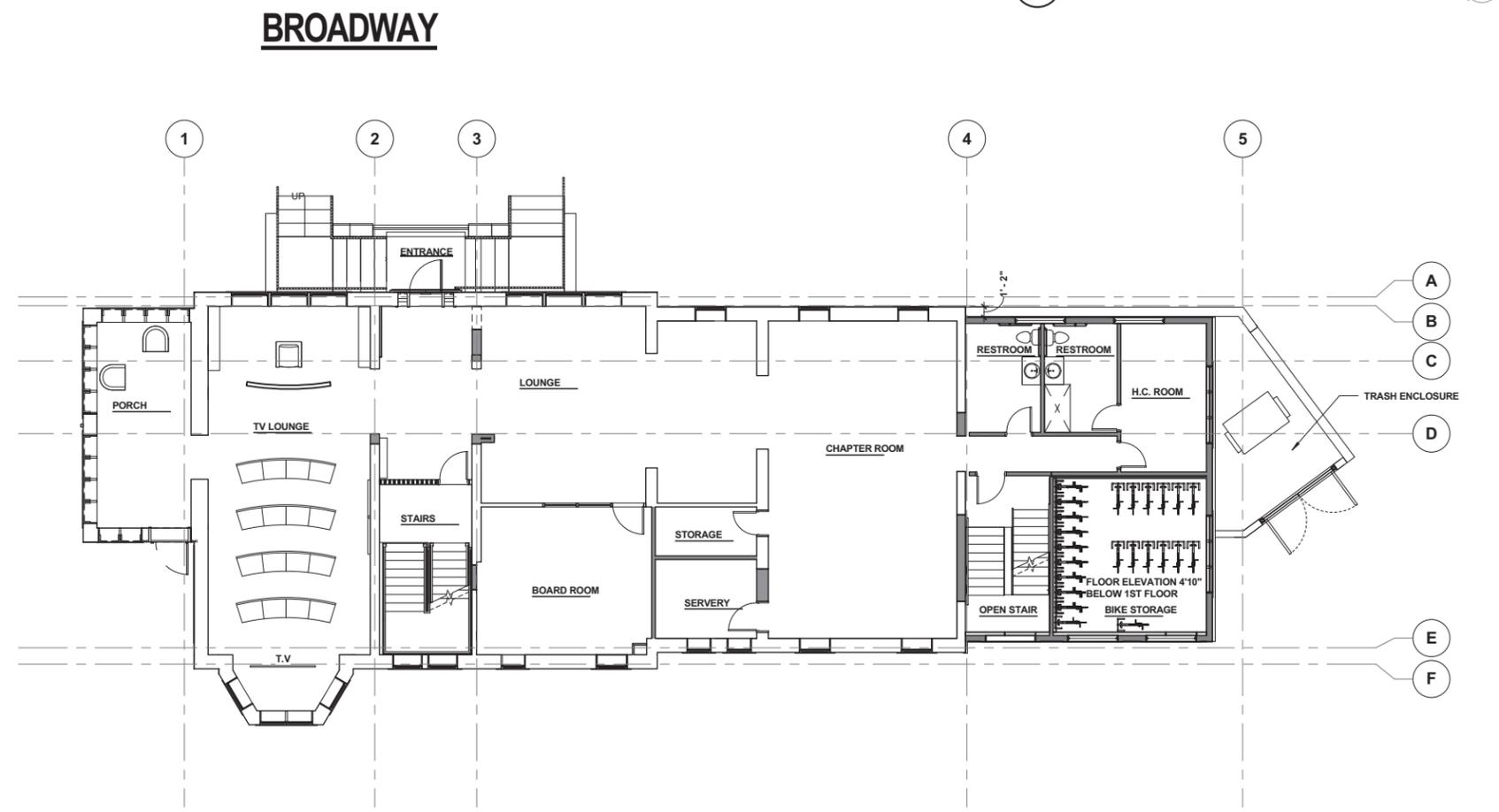
JOB NO.
07023.001

SHEET NO.

A2.01



2 GRADE LEVEL CONSTRUCTION PLAN
A2.01, 1/8" = 1'-0"



1 1ST FLOOR CONSTRUCTION PLAN
A2.01, 1/8" = 1'-0"

SPACE USE SUMMARY

	EXISTING	NEW	TOTAL
1ST FLOOR	4457	772	= 5229 SF

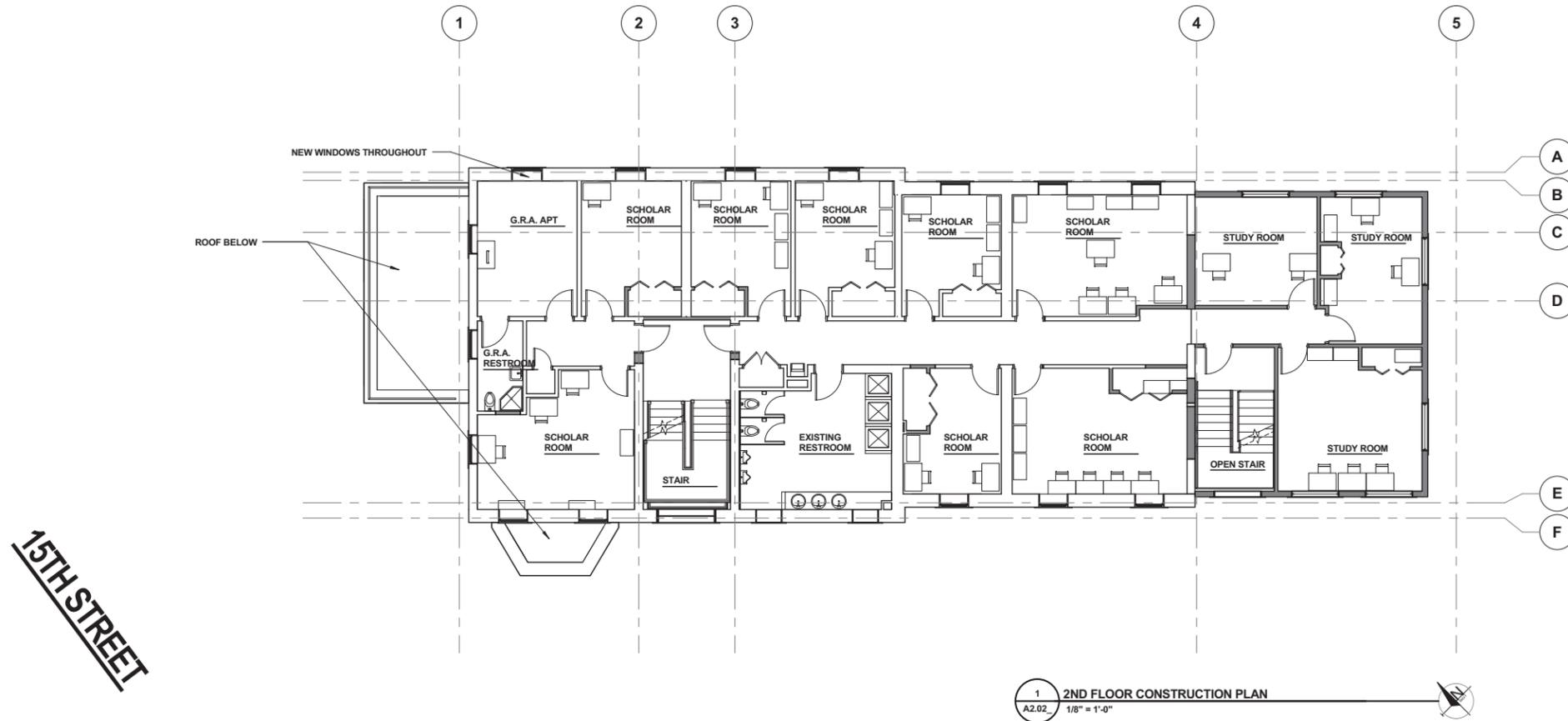
PARTITION LEGEND	
	EXISTING PARTITION TO REMAIN
	NEW INTERIOR PARTITION

15TH STREET

BROADWAY

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BROADWAY



15TH STREET

**LAND USE/SITE REVIEW RESPONSE
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1 2ND FLOOR CONSTRUCTION PLAN
A2.02 1/8" = 1'-0"

SPACE USE SUMMARY

	EXISTING	NEW	TOTAL
2ND FLOOR	3372	779	= 4151 SF

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CONSTRUCTION PLAN - FLOOR 2

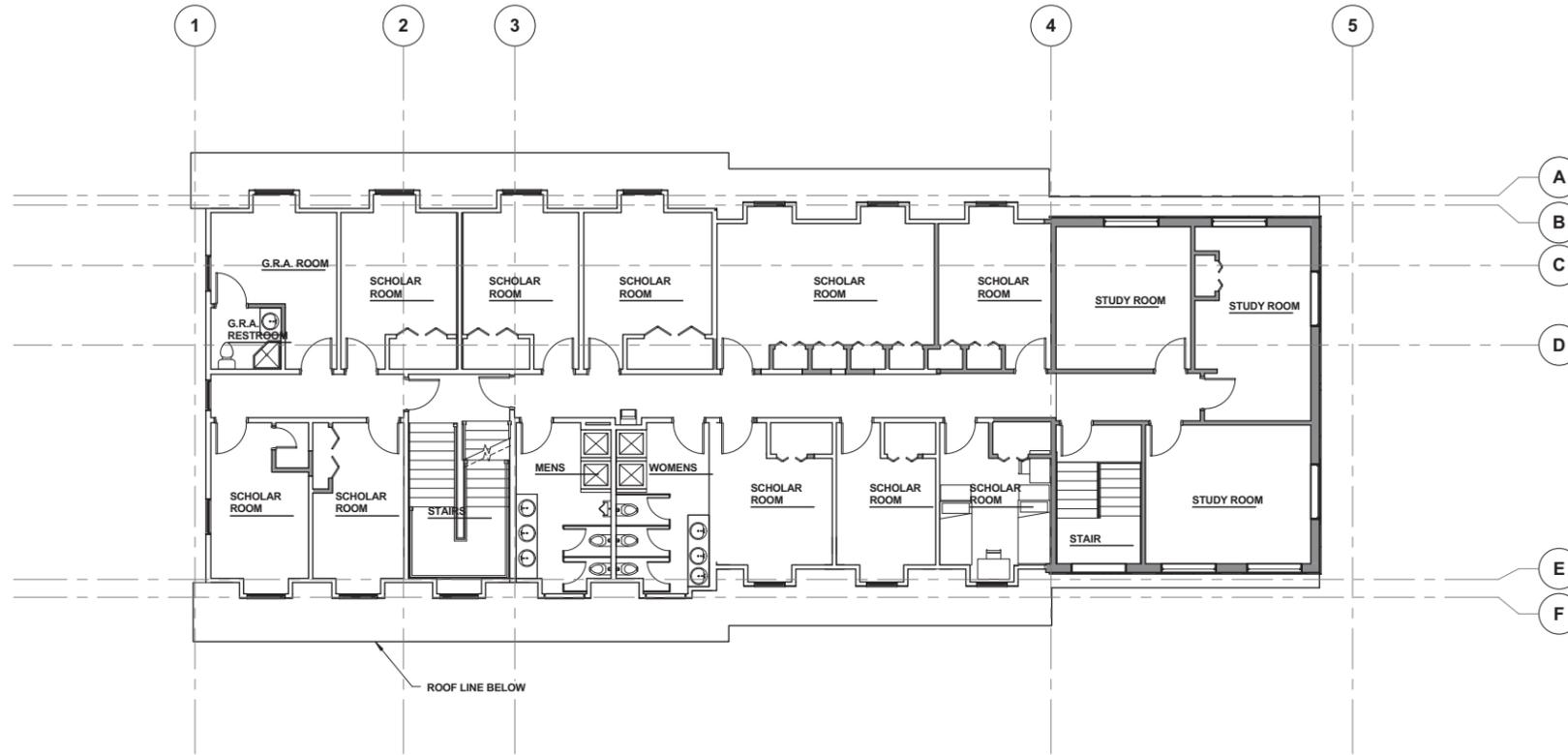
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07023.001

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PARTITION LEGEND	
	EXISTING PARTITION TO REMAIN
	NEW INTERIOR PARTITION

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BROADWAY



15TH STREET

1
A2.03
3RD FLOOR CONSTRUCTION PLAN
1/8" = 1'-0"

SPACE USE SUMMARY

	EXISTING	NEW	TOTAL
3RD FLOOR	3357	800	= 4157 SF

PARTITION LEGEND	
	EXISTING PARTITION TO REMAIN
	NEW INTERIOR PARTITION

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CONSTRUCTION PLAN - FLOOR 3

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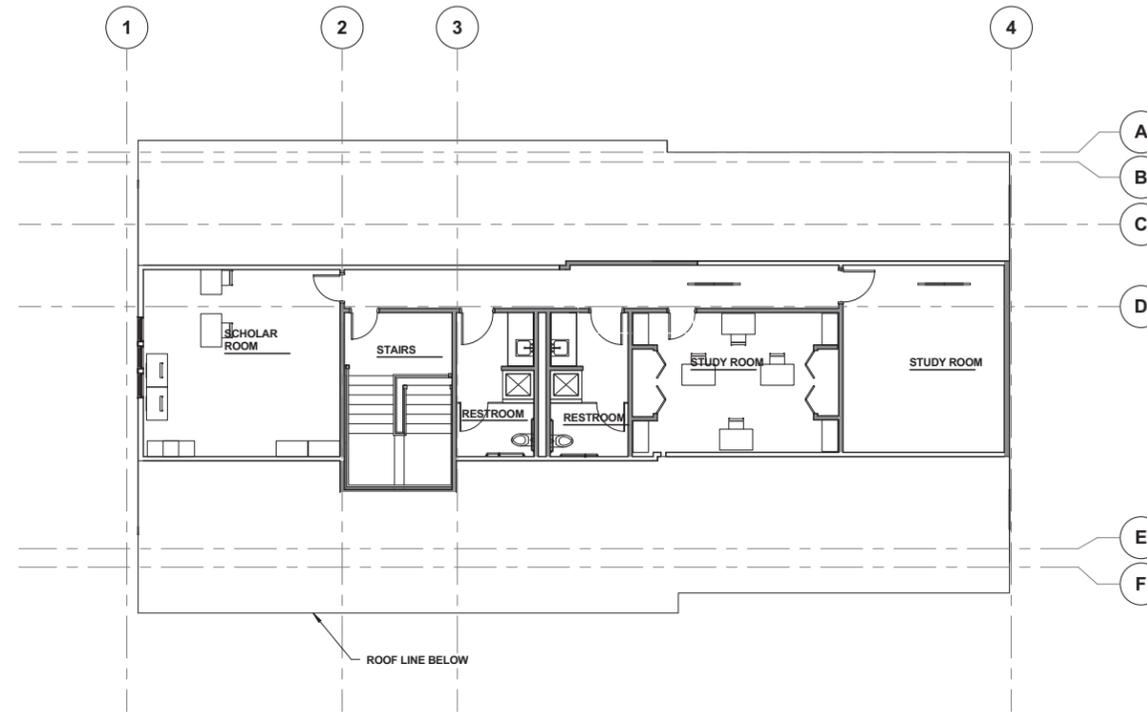
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BROADWAY

15TH STREET



1 4TH FLOOR CONSTRUCTION PLAN
A2.04 1/8" = 1'-0"

**LAND USE/SITE REVIEW RESPONSE
EVANS SCHOLARS HOUSE**
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BOULDER, CO 80302

SPACE USE SUMMARY

	EXISTING	NEW	TOTAL
4TH FLOOR	1632	0	= 1632 SF

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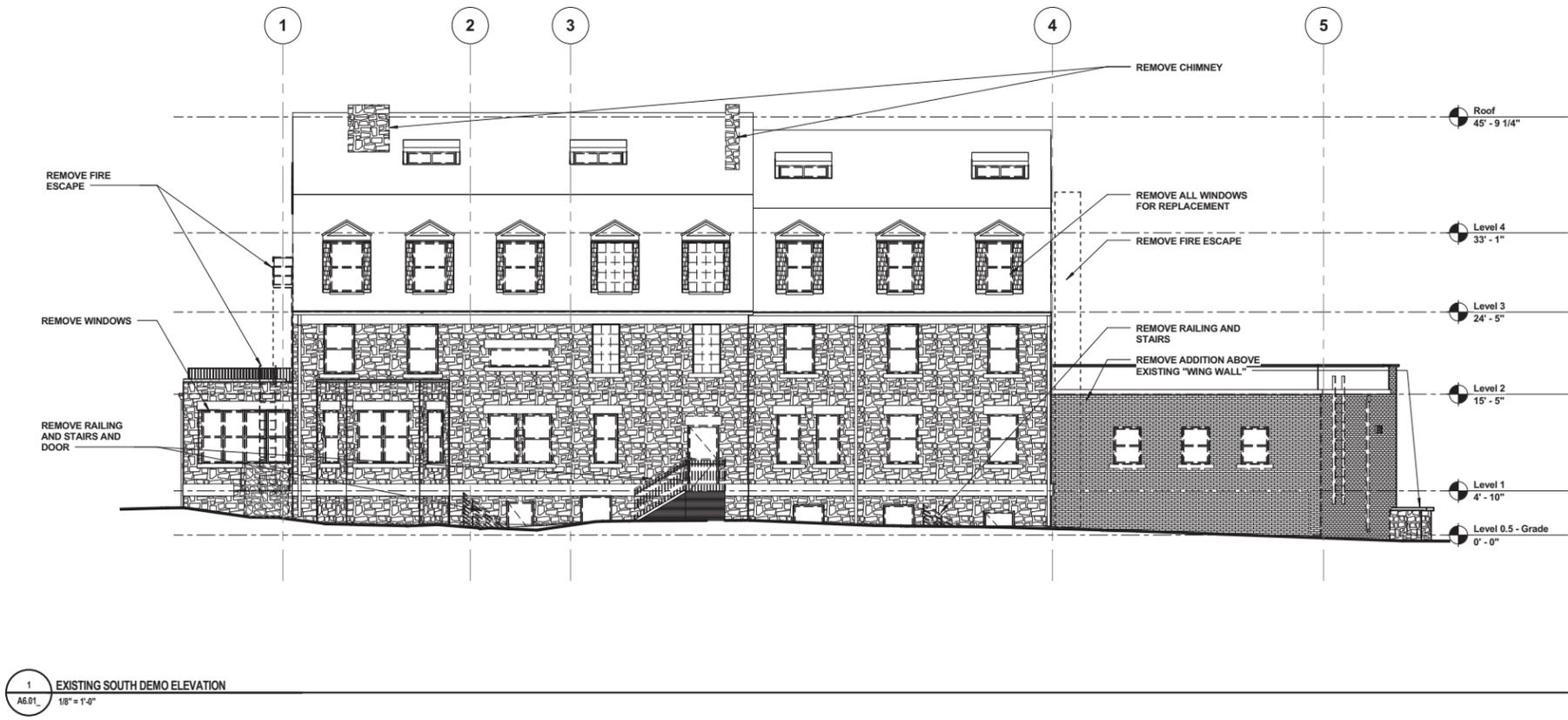
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CONSTRUCTION PLAN - FLOOR 4

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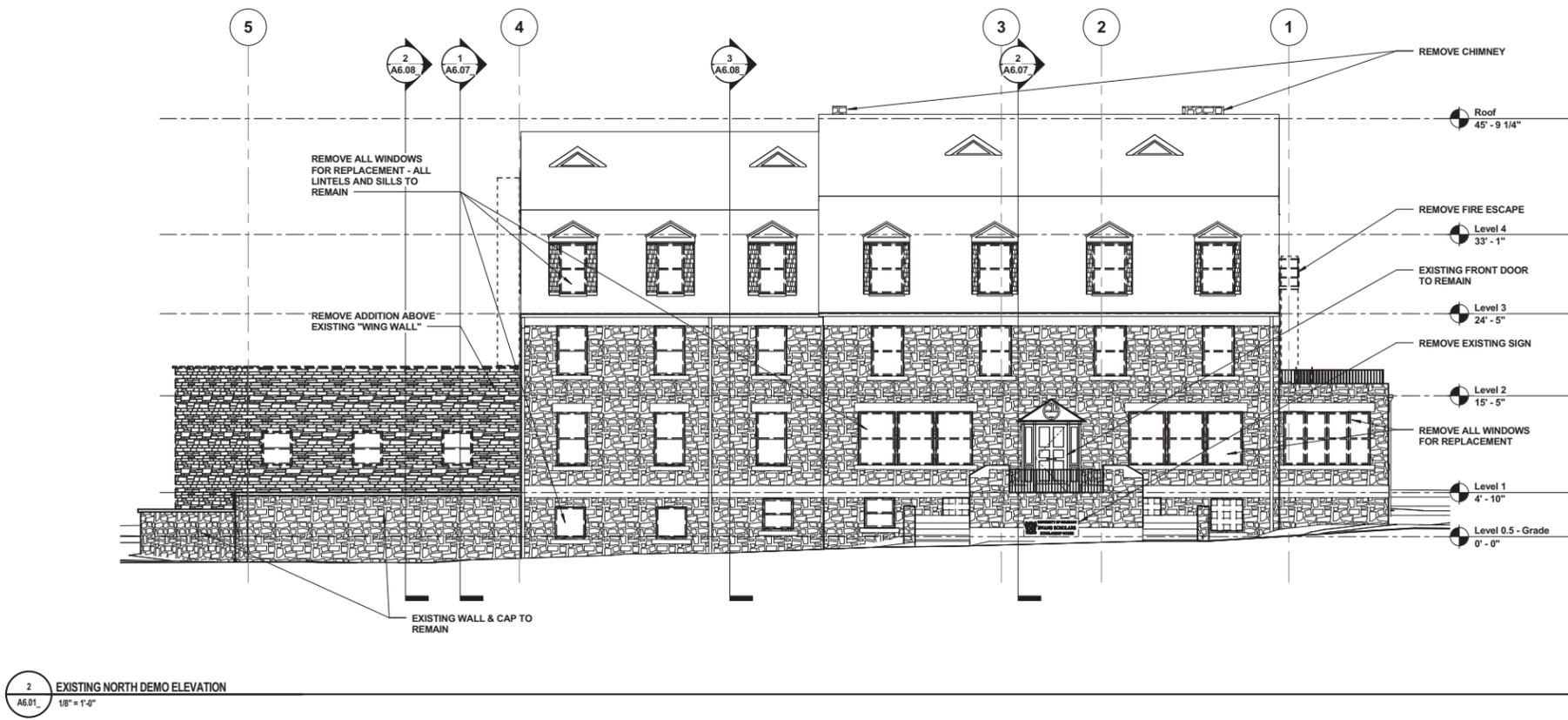
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PARTITION LEGEND	
	EXISTING PARTITION TO REMAIN
	NEW INTERIOR PARTITION

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1 EXISTING SOUTH DEMO ELEVATION
A6.01 1/8" = 1'-0"



2 EXISTING NORTH DEMO ELEVATION
A6.01 1/8" = 1'-0"

LAND USE/SITE REVIEW RESPONSE
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EVANS SCHOLARS HOUSE

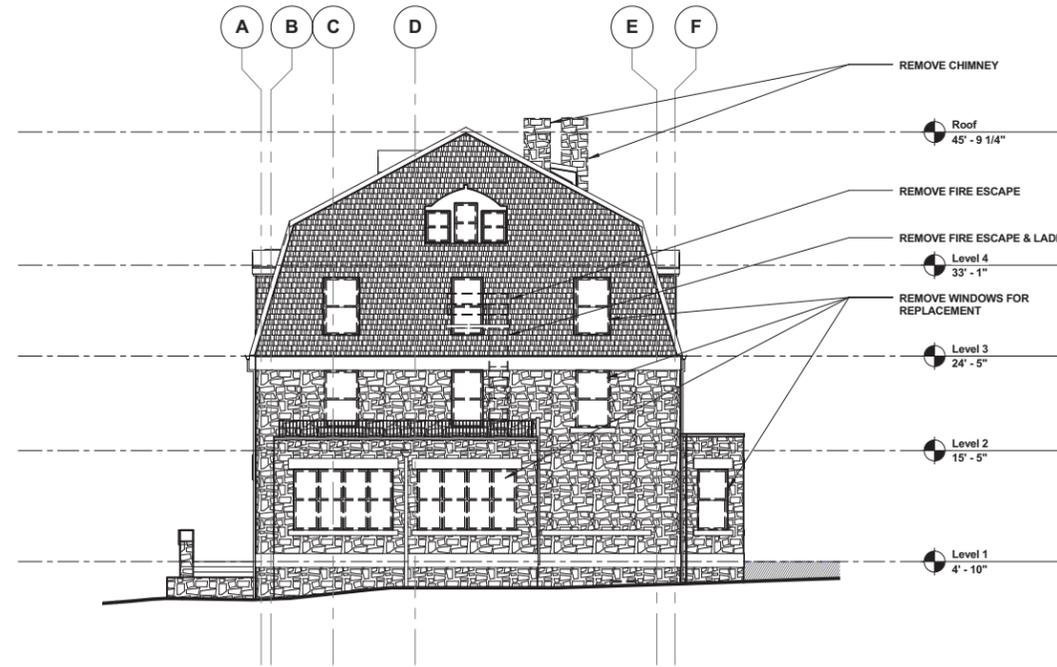
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EXISTING EXTERIOR ELEVATIONS

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2 EXISTING WEST DEMO ELEVATION
A6.02 1/8" = 1'-0"

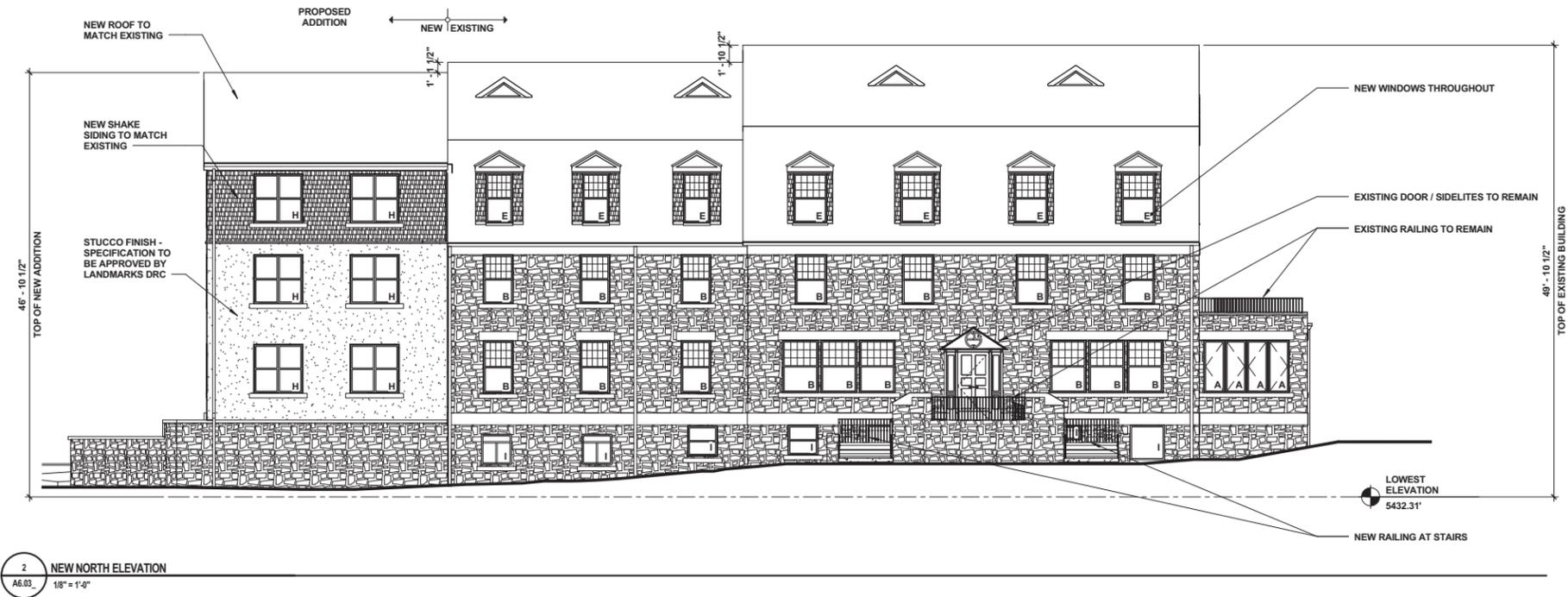


1 EXISTING EAST DEMO ELEVATION
A6.02 1/8" = 1'-0"

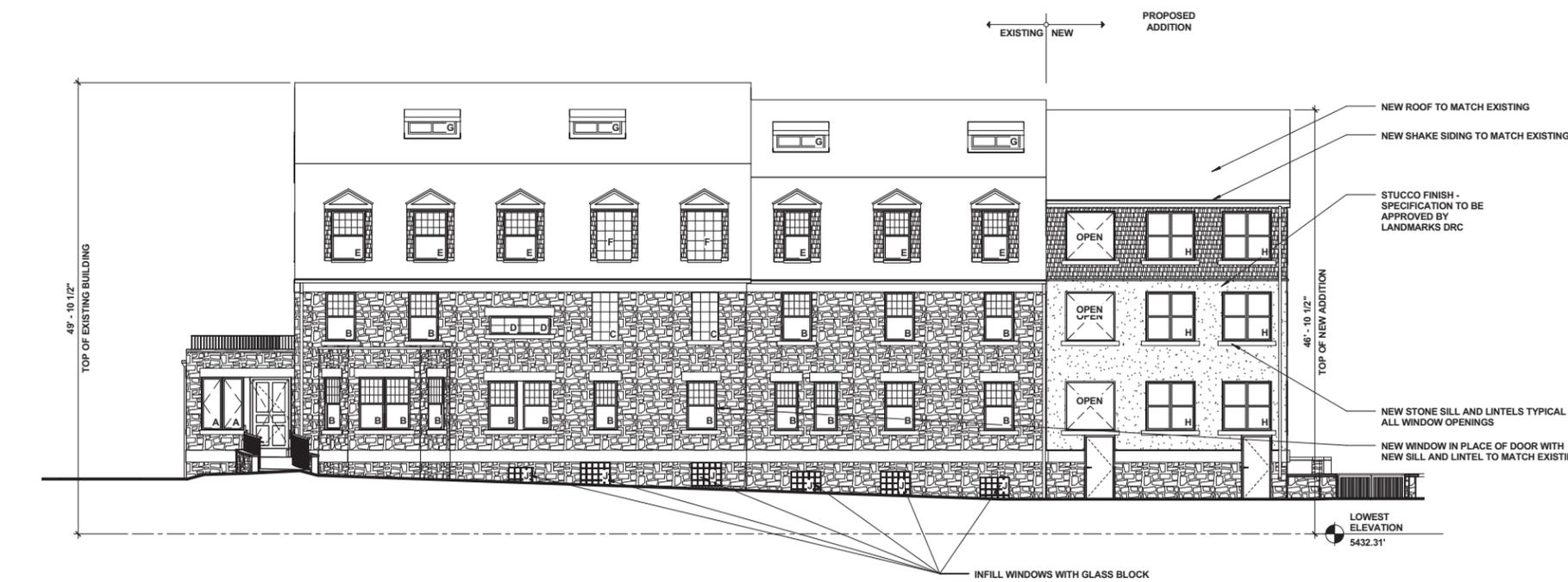
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2 NEW NORTH ELEVATION
A6.03 1/8" = 1'-0"



1 NEW SOUTH ELEVATION
A6.03 1/8" = 1'-0"

- NOTE:**
ALL WINDOWS WILL BE CUSTOM MADE TO REPLICATE THE LOGICAL WINDOWS. FACTORY FINISH STEEL FRAMES BY HOPE'S WINDOWS - SEE EXHIBIT A-3
- WINDOW SCHEDULE:**
- A: EXISTING OPENING, LINTEL AND SILL TO REMAIN OPERABLE SINGLE SITE CASEMENT WINDOWS. FACTORY FINISHED STEEL FRAMES. MFG: HOPE'S WINDOWS STYLE: LANDMARK SERIES
 - B: EXISTING OPENING, LINTEL AND SILL TO REMAIN SINGLE HUNG (15) LITE OVER (1) TO MATCH ORIGINAL WINDOW STYLE. FACTORY FINISHED STEEL FRAMES. MFG: HOPE'S WINDOWS STYLE: LANDMARK SERIES
 - C: FIXED (15) LITE WINDOWS WITH ETCHED GLASS FOR PRIVACY MFG: HOPE'S
 - D: EXISTING OPENING, LINTEL AND SILL TO REMAIN FIXED (4) LITE WINDOWS IN FACTORY FINISHED STEEL FRAMES. MFG: HOPE'S
 - E: EXISTING OPENING, LINTEL AND SILL TO REMAIN SINGLE HUNG (15) LITE OVER (1) TO MATCH ORIGINAL WINDOW STYLE MFG: HOPE'S
 - F: EXISTING OPENING AND STONE LINTEL TO REMAIN FIXED (20) LITE WINDOW WITH ETCHED GLASS FOR PRIVACY @ RESTROOMS MFG: HOPE'S
 - G: EXISTING OPENING AND STONE LINTEL TO REMAIN FIXED WINDOW IN STEEL FRAME MFG: HOPE'S
 - H: SINGLE HUNG 1 OVER 1 LITE IN FACTORY FINISHED STEEL FRAME. NEW STONE LINTEL TO MATCH EXISTING. MFG: HOPE'S
 - I: SINGLE HUNG 1 OVER 1 LITE IN FACTORY FINISHED STEEL FRAME. NEW STONE LINTEL TO MATCH EXISTING. MFG: HOPE'S
 - J: EXISTING OPENING, LINTEL AND SILL TO REMAIN NEW GLASS BLOCK IN EXISTING OPENING

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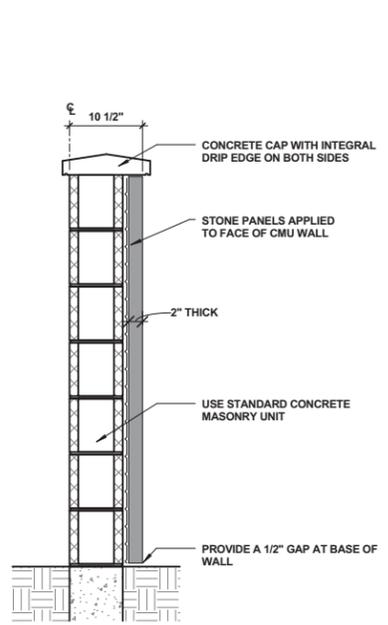
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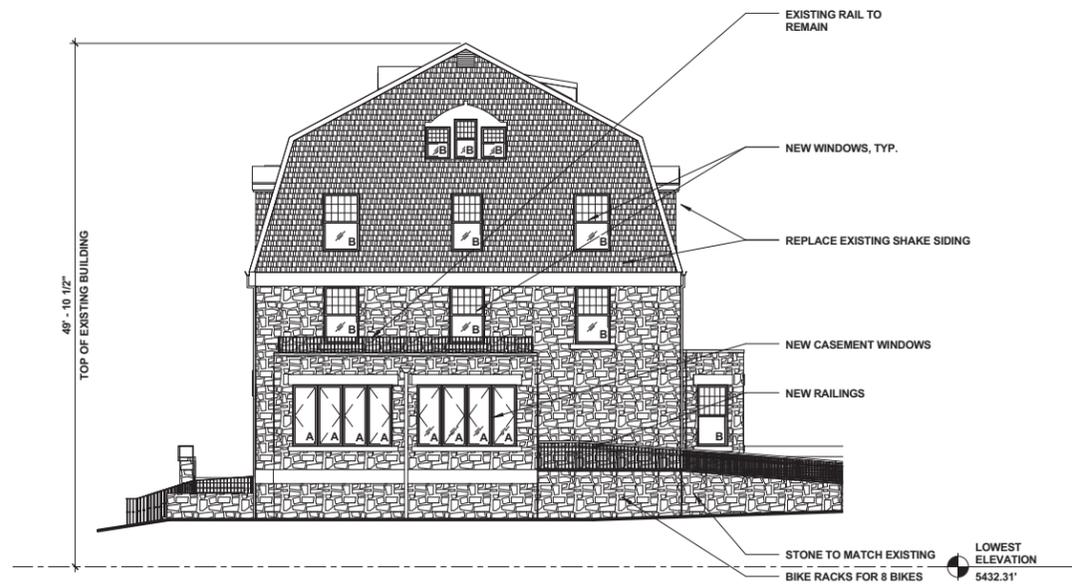
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2 NEW EAST ELEVATION
A6.04 1/8" = 1'-0"



3 TRASH ENCLOSURE WALL
A6.04 1" = 1'-0"



1 NEW 15TH STREET ELEVATION
A6.04 1/8" = 1'-0"

NOTE:
ALL WINDOWS WILL BE CUSTOM MADE TO REPLICATE THE LOGICAL WINDOWS. FACTORY FINISH STEEL FRAMES BY HOPE'S WINDOWS - SEE EXHIBIT A-3

WINDOW SCHEDULE:

- A: EXISTING OPENING, LINTEL AND SILL TO REMAIN OPERABLE SINGLE SITE CASEMENT WINDOWS. FACTORY FINISHED STEEL FRAMES. MFG: HOPE'S WINDOWS STYLE: LANDMARK SERIES
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- E: EXISTING OPENING, LINTEL AND SILL TO REMAIN SINGLE HUNG (15) LITE OVER (1) TO MATCH ORIGINAL WINDOW STYLE. MFG: HOPE'S
- F: EXISTING OPENING AND STONE LINTEL TO REMAIN FIXED (20) LITE WINDOW WITH ETCHED GLASS FOR PRIVACY @ RESTROOMS. MFG: HOPE'S
- G: EXISTING OPENING AND STONE LINTEL TO REMAIN FIXED WINDOW IN STEEL FRAME. MFG: HOPE'S
- H: SINGLE HUNG 1 OVER 1 LITE IN FACTORY FINISHED STEEL FRAME. NEW STONE LINTEL TO MATCH EXISTING. MFG: HOPE'S
- I: SINGLE HUNG 1 OVER 1 LITE IN FACTORY FINISHED STEEL FRAME. NEW STONE LINTEL TO MATCH EXISTING. MFG: HOPE'S
- J: EXISTING OPENING, LINTEL AND SILL TO REMAIN NEW GLASS BLOCK IN EXISTING OPENING

ISSUE	DATE
LAND USE REVIEW RESPONSE	10.06.2014
UPDATE - LAND USE REVIEW	10.06.2014
LAND USE REVIEW RESPONSE #2	11.14.2014
LAND USE RESUBMITTAL	12.18.2014

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EXTERIOR ELEVATIONS

JOB NO.
07023.001

SHEET NO.

All drawings and written material appearing herein constitute the original and unpublished work of the architect and the same may not be duplicated, used or disclosed without the written consent of the architect.

LAND USE/SITE REVIEW RESPONSE
EVANS SCHOLARS HOUSE

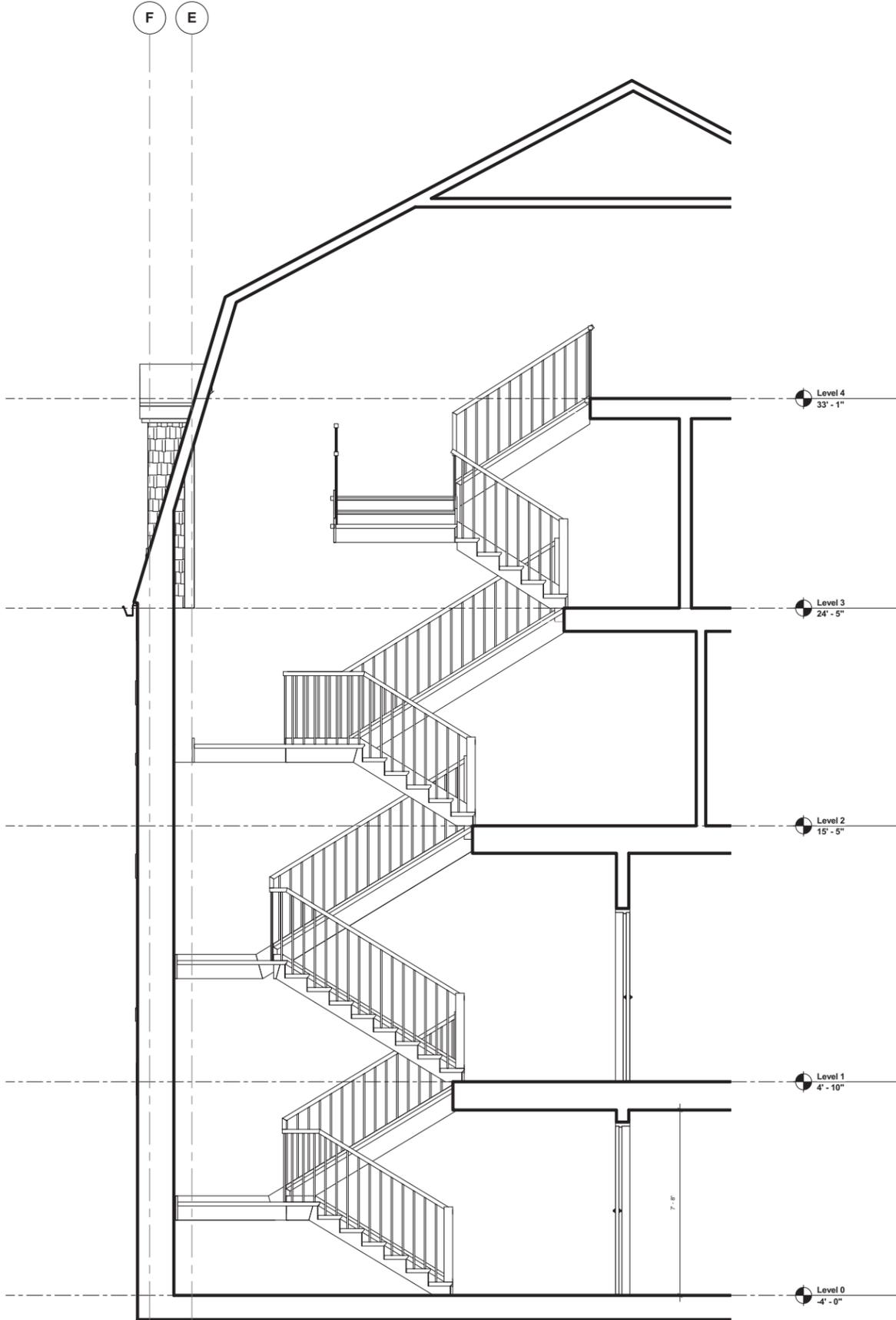
1029 BROADWAY
BOULDER, CO 80302

ISSUE	DATE
30% REVIEW SET	06.30.2014
REVISED	07.10.2014
REVISED	07.14.2014
LAND USE REVIEW RESPONSE	10.06.2014
LAND USE REVIEW RESPONSE #2	11.14.2014
LAND USE RESUBMITTAL	12.18.2014

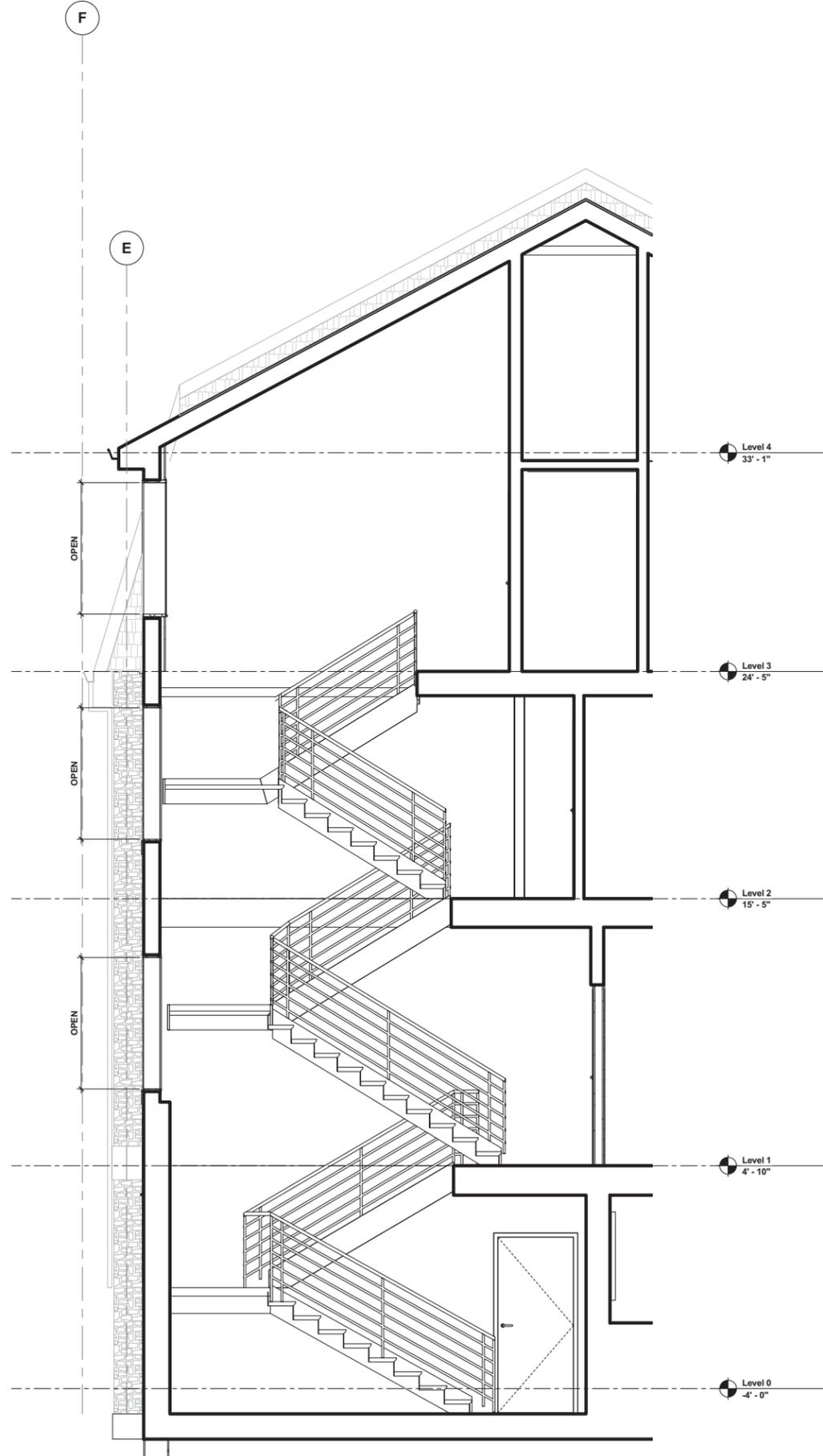
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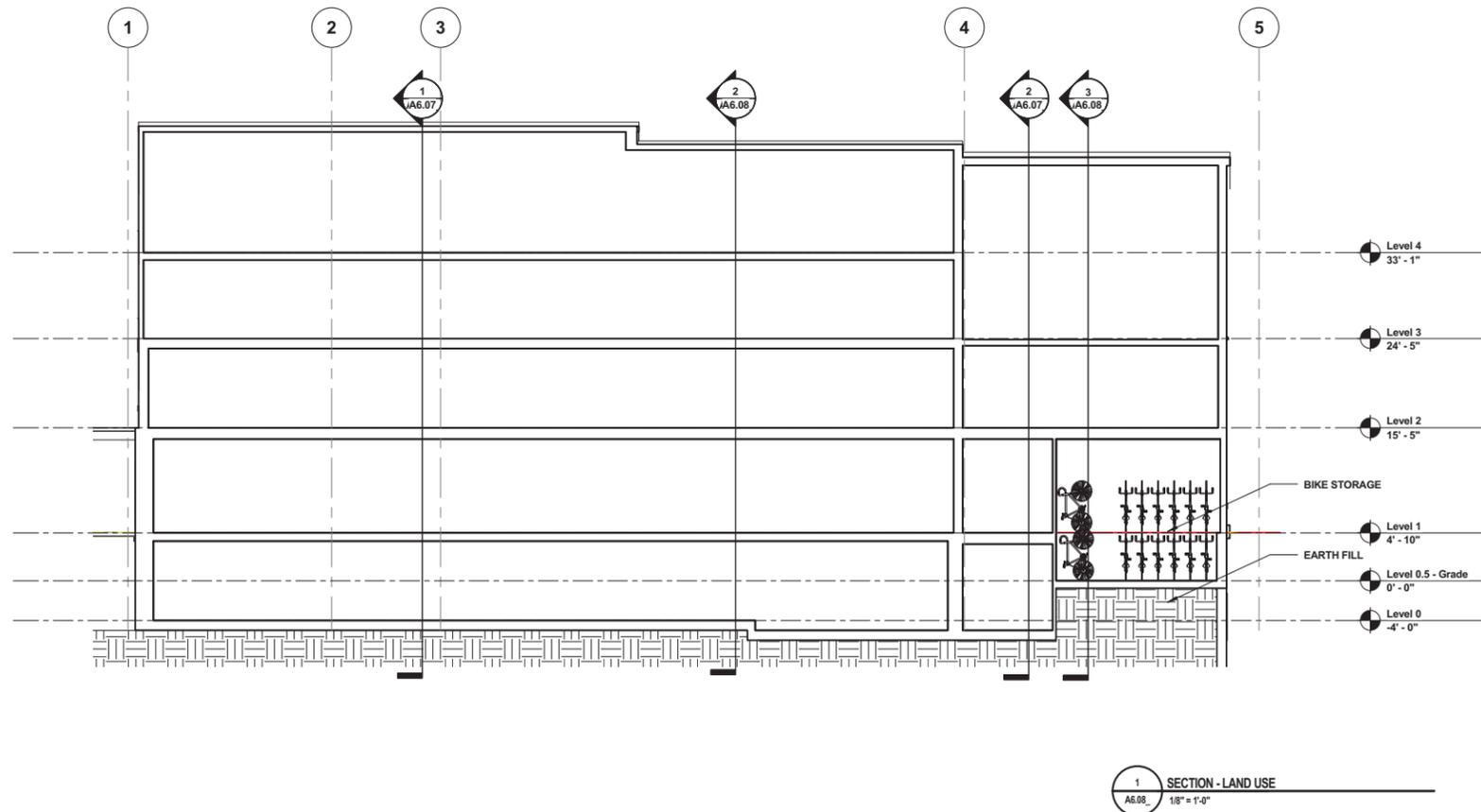
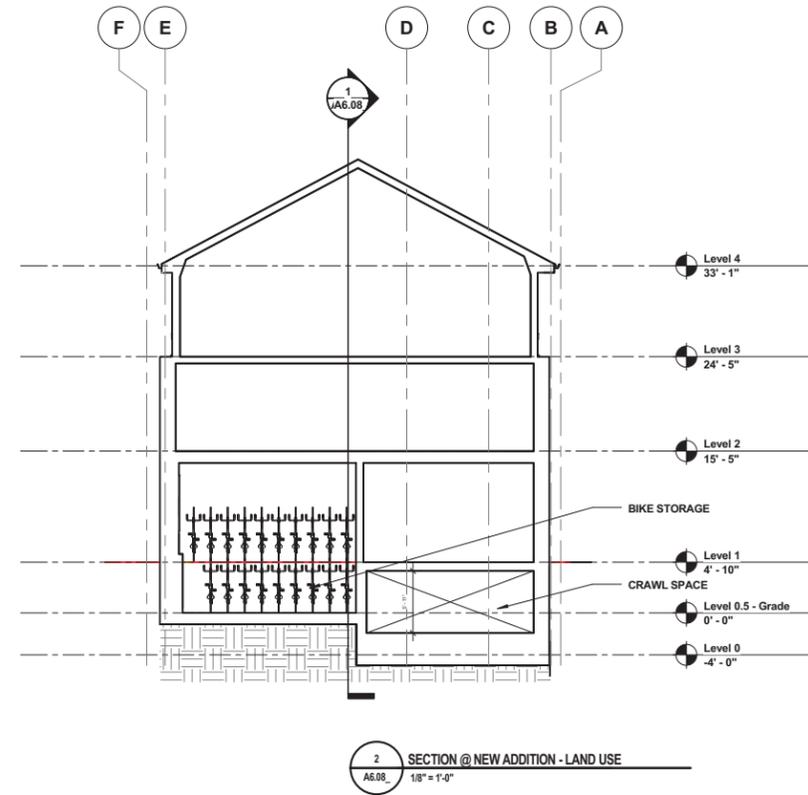
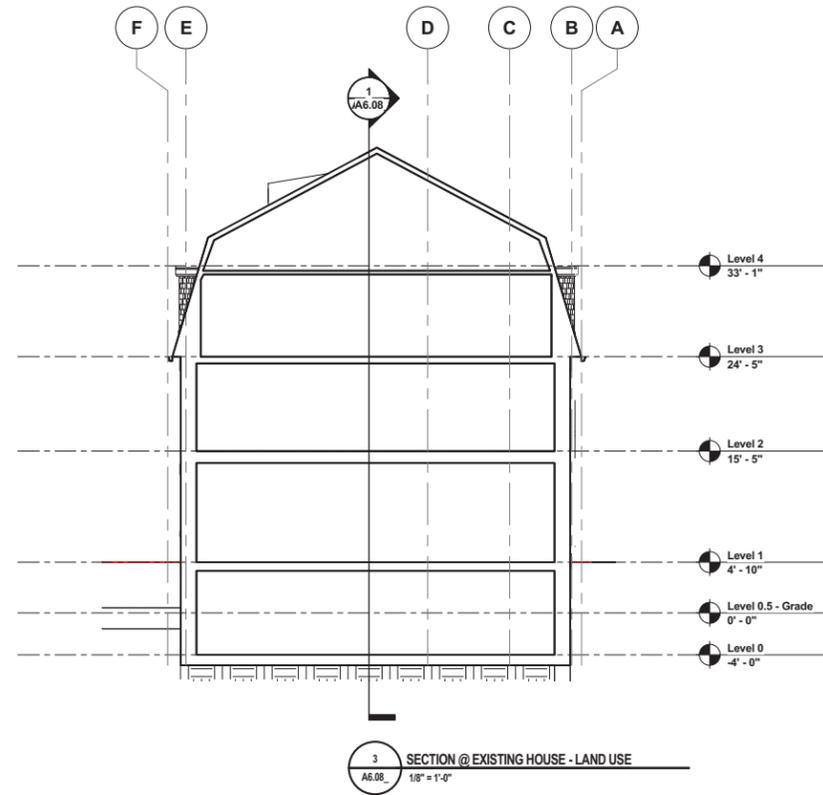


2 WEST STAIR SECTION - LAND USE
A6.07 3/8" = 1'-0"



1 EAST STAIR SECTION - LAND USE
A6.07 3/8" = 1'-0"

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LAND USE/SITE REVIEW RESPONSE
EVANS SCHOLARS HOUSE

1029 BROADWAY
BOULDER, CO 80302

ISSUE	DATE
REVISED	07.10.2014
REVISED	07.14.2014
LAND USE REVIEW RESPONSE	10.06.2014
LAND USE REVIEW RESPONSE #2	11.14.2014
LAND USE RESUBMITTAL	12.18.2014

CONTENTS
BUILDING SECTIONS

JOB NO.
07023.001

SHEET NO.

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1
A9.01 PERSPECTIVE - ENTRANCE @ 15TH STREET



2
A9.01 PERSPECTIVE - LOOKING NORTH @ ALLEY

**LAND USE/SITE REVIEW RESPONSE
EVANS SCHOLARS HOUSE**

1029 BROADWAY
BOULDER, CO 80302

ISSUE	DATE
LAND USE REVIEW RESPONSE	10.06.2014
LAND USE REVIEW RESPONSE #2	11.14.2014
LAND USE RESUBMITTAL	12.18.2014

CONTENTS
EXTERIOR RENDERINGS

JOB NO.
07023.001

SHEET NO.

A9.01

**CITY OF BOULDER
PLANNING BOARD AGENDA ITEM**

MEETING DATE: January 8, 2015

AGENDA TITLE:

Consideration of a motion to amend the Cunningham Farm Annexation Agreement for the properties located at 350 and 390 Linden Avenue (Lots 1 and 2, Cunningham Farm Subdivision) in order to change design requirements to allow for modern architecture. Case #LUR2014-00087.

Applicant: Terence Britton
Owner: Britton Holdings, LLC

REQUESTING DEPARTMENT:

Community Planning & Sustainability
David Driskell, Executive Director
Susan Richstone, Deputy Director
Charles Ferro, Land Use Review Manager
Sloane Walbert, Planner I

OBJECTIVE:

Define the steps for Planning Board consideration of this request:

1. Hear Staff and Applicant presentations
2. Hold Public Hearing
3. Planning Board discussion
4. Planning Board recommendation to approve, approve with condition, or deny the proposed amendment to the annexation agreement.

SUMMARY

Proposal: The applicant proposes to amend language in the Conceptual Design Elements referenced in the existing annexation agreement for the subject property to remove the requirements for “peaked roofs with generous overhangs,” “covered porches,” and “Front Range farmhouse vernacular details” to allow for modern architecture. The proposed amendment would also modify the materials to include high quality materials, including but not limited to stone, wood, brick and glass.

Project Name: Cunningham Farm Annexation Amendment

Location: 350 and 390 Linden Drive (south of and adjacent to Linden Drive at the intersection of Spring Valley Drive, west of 4th Avenue)

Size of Tract: 61,503 square feet (1.4 acres)

Zoning: Residential – Rural 2 (RR-2)

Comprehensive Plan: Very Low Density Residential

PROCESS

Annexation agreement amendments are reviewed pursuant to section 9-2-16, "Annexation Requirements," B.R.C. 1981. Pursuant to section 9-4-2, B.R.C. 1981, Planning Board is required to make a recommendation to City Council on applications for annexation. Following the board's recommendation, the proposed amendment will require approval by City Council.

BACKGROUND

The subject property is located near the southwest corner of Linden Drive and 4th Street and is situated on the western boundary of the City (refer to Figure 1). The site is characterized by its close proximity to city and county open space lands and unimpeded views of the foothills (see Figure 2).

The property is considered a gateway site into the City of Boulder. The site (two lots of a three lot subdivision) has moderate topography and is surrounded by the Spring Valley open space directly to the north, the Cunningham open space directly to the west, and low density single-family residential homes to the south and east.

The 4th Street Path and Linden Path multi-use connections run east and north of the site, respectively, and the Silver Lake ditch is located directly to the southeast of the property as well. Linden Drive west of 4th Avenue is characterized by large tracks of open space lining each side of the street. The property owner has installed dense landscaping along the northern property line along Linden Drive.

A Concept Plan review was submitted in 2003 for the review of a proposal to subdivide the property and develop three residential lots with a shared access drive from Linden Avenue (see LUR2003-00031). During this review surrounding neighbors, as well as a majority of the Planning Board, expressed concerns over the amount of units proposed for the subject property and felt that two units were more appropriate for the site given the context of the surrounding area. The public hearing included discussions regarding the surrounding open space corridors, material types, scale, compatible mass, and density. The primary concerns were access to open space and development density, which resulted in a decision to permit three houses on the property as long as specific design controls, specifically, cluster development, limitation on house size, garage size and building orientation, were written into the

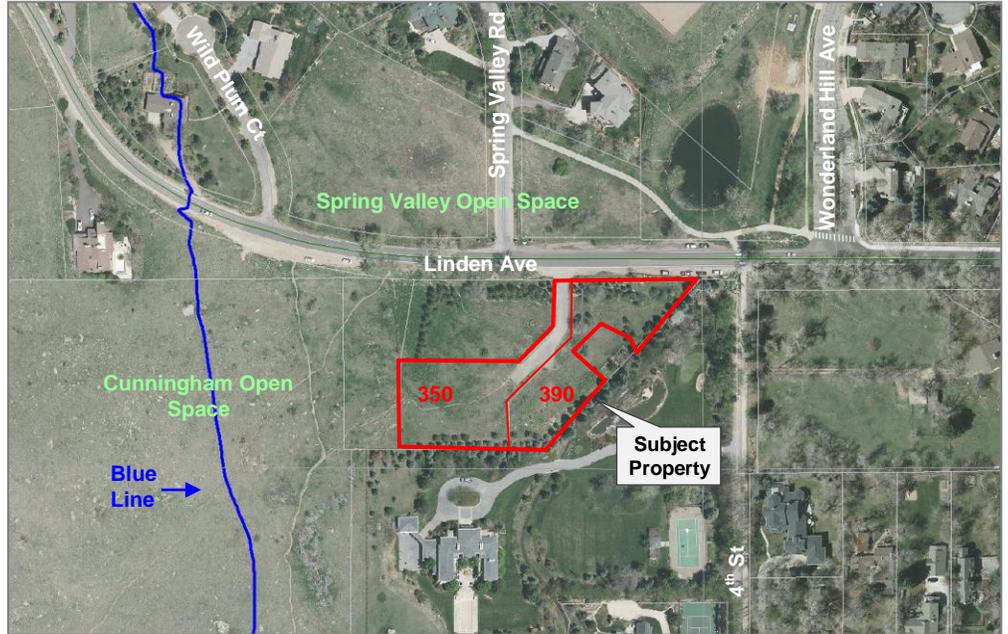


Figure 1: Vicinity Map



Figure 2: View of foothills/open space to the west

annexation agreement to reduce visual impacts on the surrounding open spaces and to maintain structures compatible with the mass and scale of the natural area.

Subsequently, the subject property was annexed into the city in March of 2004. The eastern two acres of the site were zoned Rural Residential-Established (RR1-E) (today, referred to as Residential Rural Two “RR-2”) and the land use designation was changed to Very Low Density Residential. The western portion of the property was dedicated to the city as open space with Agricultural-Established (A-E) zoning (today, referred to simply as Agricultural “A”). A significant portion of the analysis and approval by Planning Board and City Council was based on reduction of impacts on surrounding properties as well as the landscape through the establishment of restrictions on house size, mass, and, scale as contained in the existing annexation agreement. Refer to **Attachment A** for the annexation agreement. The property was subdivided into three residential lots and one outlot under the Cunningham Farm subdivision plat, recorded November 17, 2005.

Paragraph 10 of the annexation agreement currently states the following:

Prior to a building permit application, the Applicant shall submit architectural plans consistent with the Conceptual Design Elements submitted as part of the Applicant’s proposal. The Planning Director will review the plans to ensure compliance with the intent of this approval and to ensure that the view of the structures from Linden Avenue minimizes the view of the garage doors and includes architectural details, articulated building facades, and high quality materials.

The Conceptual Design Elements (refer to **Attachment B**) included the following:

- Peaked roofs with generous overhangs
- Covered porches
- Front range farmhouse vernacular details
- Materials: Stone clad foundation
 Stucco
 Natural Cedar detailing of soffits, fascia, windows, and porches
 “Architectural” asphalt shingles

PROPOSAL

The applicant proposes to revise some of the Conceptual Design Elements referenced in Paragraph 10 to allow for homes on Lots 1 and 2 with a modern architectural style and a focus on more sustainable and eco-friendly design. The homes will continue to be limited to a total of 3,500 square feet in above grade floor area plus a two car garage up to 500 square feet. (Note that based on compatible development standards both lots would be allowed around 7,500 square feet in floor area). In addition, the design must meet the requirement that the view to the structures from Linden Avenue minimizes the view of the garage doors.

The applicant proposes an amendment that will reference revised Conceptual Design Elements. The Planning Director would continue to review the plans prior to submittal to ensure compliance with the intent of the annexation, including review of the architectural details, articulation of building facades and high quality materials.

The applicant proposes the following changes to the Conceptual Design Elements:

- Flat, sloping or peaked roofs
- Removal of the requirement for covered porches

- Removal of requirement for Front range farmhouse vernacular details
- Materials: High-quality materials, including but not limited to, wood, stone, brick and glass
Use of stucco as an accent
Metal or "Architectural" asphalt shingle roofing

Refer to [Attachment C](#) for the requested amendment and [Attachment D](#) for proposed revised Conceptual Design Elements.

The requested revisions will allow the applicant to use sustainable and eco-friendly materials in the construction of the homes on both lots. The applicant proposes the use of the following materials:

- Forest Stewardship Council (FSC) certified wood or resin panel siding, including beetle kill
- Cement fiber lap siding
- Recycled concrete foundation
- Wood aluminum clad windows with fenestration to capitalize on passive solar gain
- Metal roofing

See [Attachment F](#) for the applicant's written statement and proposal.

As a condition of approval for the amendment staff has included a requirement for the design and construction of a 5-foot bike lane along the property's frontage with Linden Avenue at time of building permit. The bike lane is a planned connection in the North Boulder Subcommunity Plan. Staff has been unable to determine why the planned connection was not required when the property originally annexed.

ANALYSIS OF KEY ISSUES

Staff identified the following key issue for discussion regarding the proposed application request:

1. Is the proposed annexation amendment consistent with the BVCP growth and annexation policies?

Although the property has already been annexed, staff finds that the application is consistent with the BVCP policies regarding annexation. In particular, policy 1.24(d) states, *"In order to reduce the negative impacts of new development in the Boulder Valley, the city will annex Area II land with significant development or redevelopment potential only if the annexation provides a special opportunity or benefit to the city."* The requested amendment is minor and does not change the consistency of the annexation with BVCP policies. In addition, the amendment does not create a physical, social, economic or environmental burden on the city. The community benefits required at the time of annexation included the dedication of 0.76 acres of open space, an open space conservation and public access easement along the west side of the property, a public access easement along Linden Ave., payment of two times the applicable cash-in-lieu requirement for inclusionary housing, limitations on size and density, and the single curbcut to serve all three lots. These benefits will remain as a part of the agreement.

2. Is the request to modify the Conceptual Design Elements consistent with the intent of the original annexation approval?

The intent of the original approval was a residential development sensitive to the adjacent open space and view corridors and compatible with the surrounding neighborhood. The intent of the associated design guidelines was to ensure elegant and subdued homes that enhance the natural environment. The proposed amendment will not

modify this intent since the restrictions on house size, orientation, mass, and scale, as contained in the existing annexation agreement, will remain.

As noted above, according to applicant, the originally approved conceptual design elements contain specific styles and materials that have since become undesirable or obsolete in terms of design and construction. At time of initial review, access to open space, development density and compatible scale and massing were the primary concerns. It appears that the general architectural characteristics and materials were proposed by the applicant at concept plan submittal and were not created in response to specific Planning Board or neighborhood concerns. Additionally, the requirement for “Front Range farmhouse vernacular details” is somewhat vague and difficult to interpret. The applicant has proposed to substitute the originally approved materials for other high-quality, natural materials. Additionally, the applicant has proposed the elements to include the use of stucco as an accent material only. The proposed materials are consistent with the intent of the original approval. Refer to [Attachment D](#) for the proposed Conceptual Design Elements and [Attachment F](#) for the applicant’s written statement, including a description of the proposed materials.

3. Will the proposed annexation agreement amendment result in building design compatible with the existing character of the surrounding area?

The surrounding area is characterized by low density single family homes on lot sizes varying from 9,000 to 235,000 square feet. The architecture of the existing homes in the neighborhood includes mostly one and two story homes, some of which are ranch style homes with gradual pitched roofs and other are larger, estate homes with traditional referencing, hip and gabled roofs, and attached front loaded garages.

See images to the right and below for examples of surrounding architectural styles.



Figure 3: Spring Valley Rd



Figure 4: Spring Valley Rd



Figure 5: Wild Plum Ct

Despite the eclectic character, the Wonderland Hill area has a particularly rich inventory of midcentury modern buildings. The Brenton House at 3752 Wonderland Hill Ave. is located approximately a quarter mile from the site

and is considered a structure of merit by Historic Preservation. The home was designed by Charles Haertling in 1969 and can be seen in Figure 6 below. In addition, the Johnson House (1976) by Haertling is located in the vicinity on North Star Ct. (refer to Figure 7).



Figure 6: Brenton House



Figure 7: Johnson House

The proposed building architecture, while more contemporary in nature, draws from a similar building material palette as the surrounding development, where cement or fiber board lap siding, stone, wood and stucco are prevalent (see Figures 3-7 above). Also note that the proposed structures will be required to meet the city's Residential Greenpoints Program. Staff finds the proposal compatible as the homes will utilize high-quality finish materials consistent with that of the surrounding neighborhoods. Refer to [Attachment C](#) for proposed massing and scale.

PUBLIC COMMENT AND PROCESS

Required public notice was given in the form of written notification mailed to all property owners within 600 feet of the subject property and a sign posted on the property for at least 10 days. All notice requirements of section 9-4-3, "Public Notice Requirements," B.R.C. 1981 have been met. Staff received an inquiry from one neighbor about an existing accessory structure on the adjacent property at 310 Linden Ave., which has since been removed.

STAFF FINDINGS AND RECOMMENDATION

Staff recommends Planning Board recommend to City Council approval of the Annexation Agreement Amendment as it is consistent with the overall goals and policies of the Boulder Valley Comprehensive Plan policies pertaining to annexation as well as the intent of the original Cunningham Farm Annexation package with regards to community benefit.

ATTACHMENTS:

- [Attachment A: 2004 Annexation Agreement](#)
- [Attachment B: 2004 Conceptual Design Elements](#)
- [Attachment C: Requested Amendment to Annexation Agreement](#)
- [Attachment D: Proposed Conceptual Design Elements](#)
- [Attachment E: Conceptual Massing and Scale](#)
- [Attachment F: Applicant's Written Statement and Proposal](#)



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ANNEXATION AGREEMENT

This Agreement, made this 13th day of January, 2004, by and between the City of Boulder, a Colorado home rule city, hereinafter referred to as "City," and Eleanor B Snyder, Owner, hereinafter referred to as "Applicant"

WITNESSETH.

RECITALS

WHEREAS, the Applicant is the owner of the real property generally described as "O Linden Drive" and more particularly described in the attached Exhibit A, incorporated herein by reference, which real property shall hereinafter be referred to as the "Property", and

WHEREAS, the Applicant is interested in obtaining approval from the City of a request for the annexation of the Property in order to provide adequate urban services, particularly City water and sewer, and

WHEREAS the parties anticipate that annexation with an initial split zoning designations of Rural Residential-Established (RRI-E) and Agricultural-Established (A-E) are consistent with the Boulder Valley Comprehensive Plan; and

WHEREAS, the City is interested in insuring that certain terms and conditions of annexation be met by the Applicant in order to protect the public health, safety and welfare and prevent the placement of an unreasonable burden on the physical, social, economic, or environmental resources of the City.

COVENANTS

NOW, THEREFORE, in consideration of the recitals, promises and covenants herein set

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forth, and other good and valuable consideration herein receipted for, the parties agree as follows:

1. Prior to first reading of the annexation ordinance, the Applicant shall:
 - (a) File an application, and pay the applicable fees, for inclusion in the Northern Colorado Water Conservation Municipal Subdistrict,
 - (b) Dedicate to the City, in fee and at no cost, that portion of the Property shown as "32,959 sq. ft., (0.76 acres)" as City open space as shown on the attached Exhibit "B";
 - (c) Dedicate to the City, at no cost, a 30' Open Space Conservation and Access Easement on that portion of the Property, as shown on the attached Exhibit "B", subject to the review and approval by the City Manager;
 - (d) Dedicate to the City, at no cost, a 15' Public Access Easement on that portion of the Property as shown on the attached Exhibit "B", subject to the review and approval by the City Manager,
 - (e) Dedicate to the City, at no cost, a Flood Conveyance Easement on that portion of the Property shown within the conveyance flood zone of Two Mile Canyon Creek, consistent with the City of Boulder's detailed Floodplain Regulatory Map for Two Mile Canyon Creek prepared by Love & Associates, dated May, 1993, and adopted by the City in 1995, or based upon the best available information as determined by the Director of Public Works.

2. No fence shall be constructed between the City's open space fee dedication area and the conservation and access easement area. Any fence built along the conservation and access easement area shall be located east and south of the easternmost and southernmost edges of the

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newly dedicated conservation and access easement area, as shown on the attached Exhibit "B" incorporated herein be reference.

3. No structures shall be located within any portion of the property designated as being in the 100-year floodplain, as shown on the City of Boulder detailed floodplain regulatory map for Two Mile Canyon Creek prepared by Love & Associates, dated May 1993, and adopted by the City in 1995, or based upon the best available information as determined by the Director of Public Works, nor shall structures be placed in any other easements being dedicated to the City of Boulder in this Agreement
4. No grading, landscaping, structures, detention ponding or other uses by the lot owners shall be permitted within the newly dedicated 30' Conservation and Access Easement, the 15' Access Easement, or the Flood Conveyance Easement, except for a single shared access drive necessary to access the three lots, and a maintenance access drive to access the detention pond will be allowed to cross the 15' Access Easement
5. The Applicant acknowledges that the dedications and public improvements required herein are rationally related and reasonably proportionate to the projected impact of the development of the Property as set forth in this Agreement
6. Within 30 days after receipt of a bill from the City, the Applicant shall pay its pro rata share for water main extension within the Linden Avenue right of way, as it abuts the Property
7. Prior to issuance of any building permit on the Property, Applicant shall apply for and receive approval for a subdivision as specified by 9-5 B R C , 1981, which will substantially match the presently proposed plats submitted with the annexation application on file with the City's Planning Department Access for all lots shall be

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- provided by one shared access drive, provided by an easement from Linden Avenue
- 8 Each lot will be limited to a total of Three Thousand, Five Hundred (3,500) square feet in above grade floor area, plus a two car garage not to exceed Five Hundred (500) square feet. A basement, defined as "that portion of a building that is totally below grade such that no portion of the space extends more than two feet above natural grade around the perimeter of the building" shall not be included in the above grade floor area.
- 9 Prior to or concurrent with any application for any building permit, the Applicant shall make a cash payment to the City's Housing Trust for twice (2 times) the amount of the applicable cash-in-lieu contribution. By making this payment, the Applicant shall be exempt from further payments or requirements as specified by 9-6 5 B.R.C. 1981, for one (1) dwelling on each lot.
- 10 Prior to a building permit application, the Applicant shall submit architectural plans consistent with the Conceptual Design Elements submitted as part of the Applicant's proposal. The Planning Director will review the ~~plans to insure compliance with the intent of this approval, and~~ to ensure that the view to the structures from Linden Avenue minimizes the view of the garage doors, and includes architectural details and articulation of building facades and high quality materials.
- 11 No gate that limits access shall be allowed to or on the drive that serves the three houses permitted by this annexation.
12. The Applicant shall convey drainage from the Property in a manner that does not materially and adversely affect abutting property owners.
13. Subject to approval of this annexation, Applicant waives any vested property rights that



may have arisen under Boulder County jurisdiction. The Applicant acknowledges that nothing contained herein may be construed as a waiver of the City's police powers or the power to zone and regulate land uses for the benefit of the general public.

- 14. The Property shall be annexed to the City with zoning designations of Rural Residential-Established (RR1-E) zoning classification and Agricultural-Established (A-E) zoning classification, consistent with the Zoning Map attached hereto as Exhibit C and incorporated herein by reference, and except as set forth herein, and shall be subject to all the rights and restrictions associated with those zoning designations.
- 15. In the event that the Applicants breach or fail to perform any required action under or fail to pay any fee specified under the Covenants of this Agreement, the Applicants acknowledge that the City may take all reasonable actions to cure the breach, including but not limited to the filing of an action for specific performance of the obligations herein described. In the event the Applicants fail to pay any monies due under this Agreement or fail to perform any affirmative obligation hereunder, the Applicants agree that the City may collect the monies due in the manner provided for in Section 2-2-12, B R C., 1981, as amended, as if the said monies were due and owing pursuant to a duly adopted ordinance of the City or the City may perform the obligation on behalf of the Applicants, and collect its costs in the manner herein provided. The Applicant agrees to waive any rights he may have under Section 31-20-105, C R S , based on the City's lack of an enabling ordinance authorizing the collection of this specific debt, or acknowledges that the adopting of the annexation ordinance is such enabling ordinance.
- 16. This Agreement and any document executed pursuant hereto shall be null and void and of no

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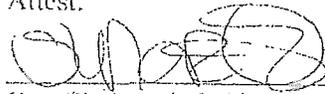
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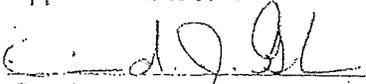
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Attest.



City Clerk on behalf of the
Director of Finance and Record

Approved as to form



City Attorney

Date 1-17-04

ATTACHMENTS

- Exhibit A Legal Description
- Exhibit B Subject Property Map
- Exhibit C Zoning Map

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Exhibit A

Our Order No W363658

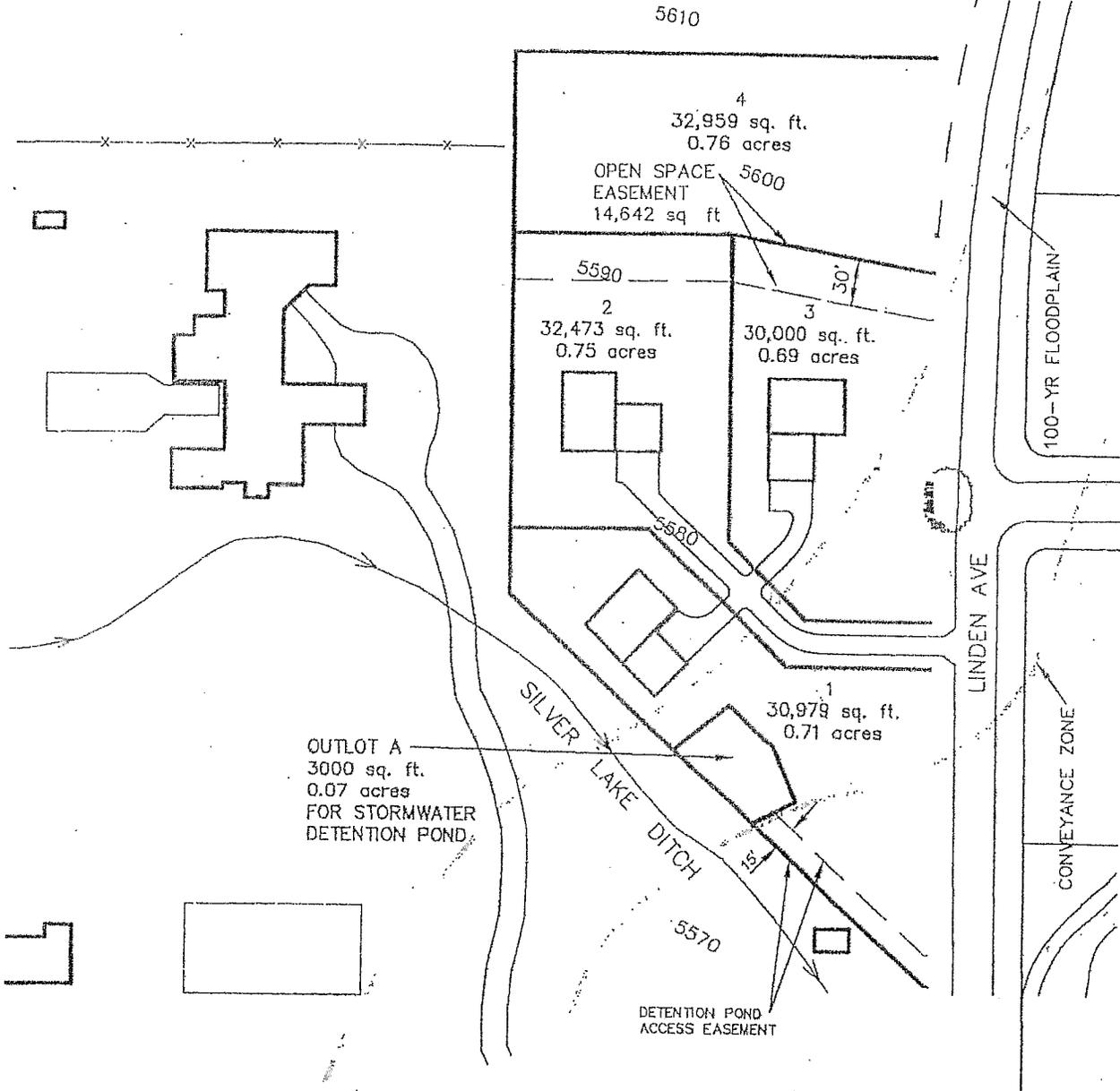
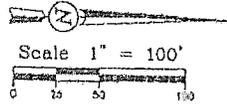
LEGAL DESCRIPTION

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CONCEPT PLAN O LINDEN CITY OF BOULDER



SCOTT, COX & ASSOCIATES, INC.
consulting engineers • surveyors
1530 55th Street • Boulder, Colorado 80503
(303) 444 - 3051

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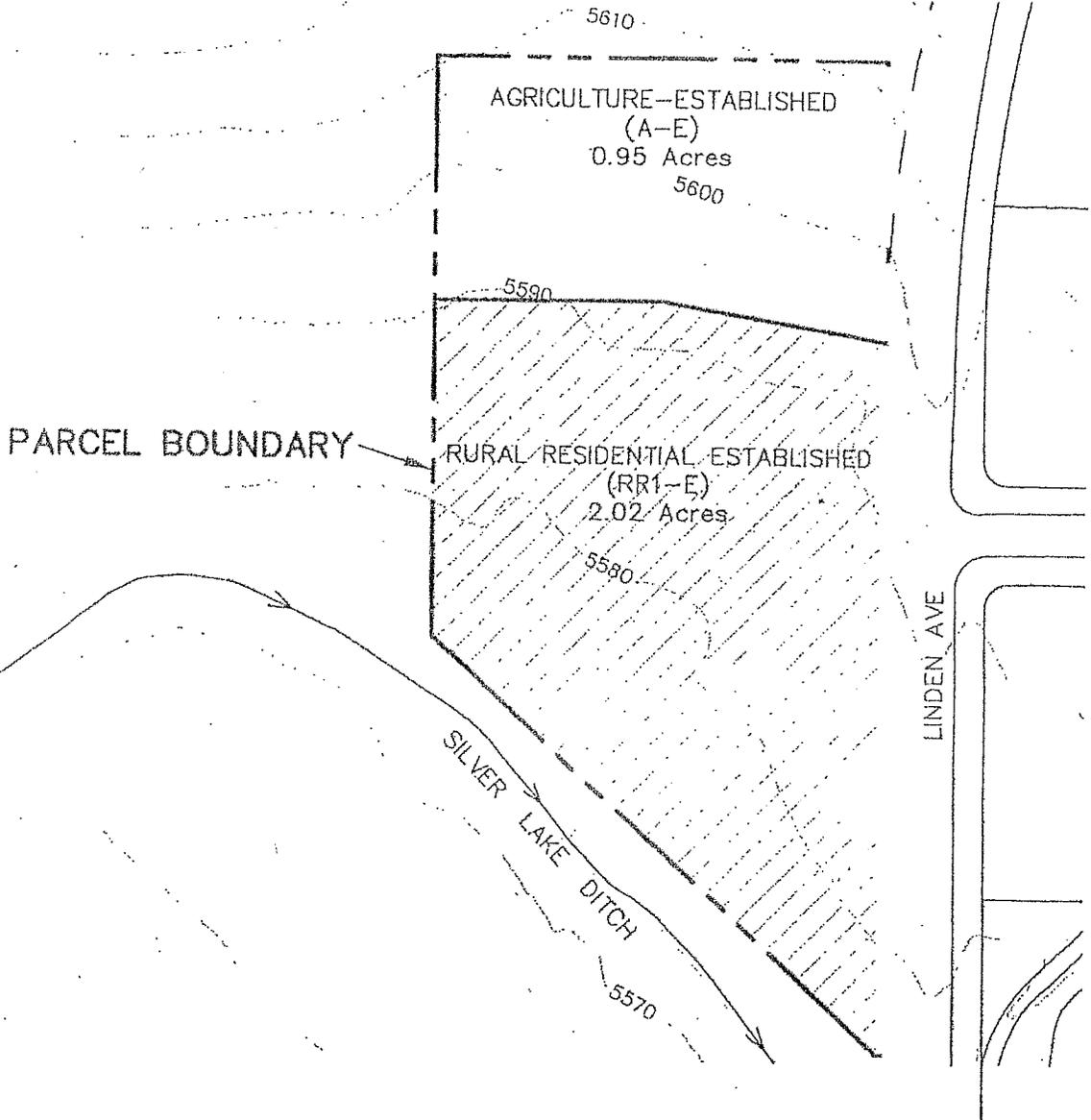
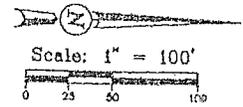


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PROPOSED ZONING MAP

O LINDEN CITY OF BOULDER



SCOTT, COX & ASSOCIATES, INC.
consulting engineers • surveyors
1530 55th Street • Boulder, Colorado 80303
(303) 444 - 3051

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O Linden

Conceptual Design Elements

Simple rectilinear floor plans and facades

Peaked roofs w/ generous overhangs

Covered porches

Front Range farmhouse vernacular details

Attached garage

3500 square foot above grade finished floor space

Passive solar elements

Materials: Stone clad foundation

Stucco

Natural Cedar detailing of soffits, fascia, windows, and porches

"Architectural" asphalt shingle

The three houses will be different floor plans and massing but similar in style and materials

The landscaping will be kept close to the houses. We will try to preserve the current "grassy meadow" quality of the property.

For Administrative Purposes Only

Case No. LUR2014-00087

ANNEXATION AGREEMENT AMENDMENT

This annexation agreement amendment ("Amendment") is entered into this _____ day of _____, 20____, by and between the CITY OF BOULDER, a Colorado home rule city ("City") and BRITTON HOLDINGS, LLC, a Colorado limited liability company ("Britton Holdings, LLC"), as the owner of the properties generally known as 350 and 390 Linden Avenue and more particularly described respectively as Lot 2 and Lot 1 of Cunningham Farm Subdivision, County of Boulder, State of Colorado. Britton Holdings, LLC is hereinafter referred to as "Applicant." Lots 1 and 2 of Cunningham Farm Subdivision, County of Boulder, State of Colorado, are hereafter referred to as the "Property."

RECITALS

A. On January 13, 2004, Eleanor B. Synder, a previous owner of the Property, entered into an Annexation Agreement with the City regarding the Property recorded in the records of the Boulder County Clerk and Recorder on April 7, 2004 at Reception #2573553 ("Annexation Agreement").

B. The Applicant and the City desire to revise Paragraph 10 and add a new Paragraph 18 to the Annexation Agreement.

COVENANTS

NOW, THEREFORE, in consideration of the recitals, promises and covenants herein set forth, and other good and valuable consideration herein receipted for, the parties agree as follows:

1. The City and the Applicant agree to replace Paragraph 10 of the Annexation Agreement with the following:

Prior to a building permit application, the Applicant shall submit architectural plans consistent with the Conceptual Design Elements attached as **Exhibit A** to this Amendment. The Planning Director will review the plans to ensure compliance with the intent of this approval and to ensure that the view of the structures from Linden Avenue minimizes the view of the garage doors and includes architectural details, articulated building facades, and high quality materials.

2. The City and the Applicant agree to add the following as Paragraph 18 to the Annexation Agreement:

Prior to issuance of any building permit for the Property, the Property Owner of the lot for which a building permit is being sought shall cause the design and

construction of a 5-foot bike lane along the frontage of said lot on Linden Avenue consistent with the City of Boulder Design and Construction Standards.

3. The City and the Applicant agree that the remaining portions of the Annexation Agreement are not affected by this Amendment and shall remain in full force and effect.

4. This Amendment shall be recorded with the records of the Boulder County Clerk and Recorder by the City at its own expense.

5. The Applicant retains the right to withdraw from this Amendment up until the time that City Council votes on a motion that would approve this Amendment. The Applicant's right to withdraw shall terminate upon a City Council vote on a motion approving this Amendment. In the event that the Applicant withdraws from this Amendment in the manner described above, this Amendment shall be null and will have no effect.

CITY OF BOULDER

By: _____
Jane S. Brautigam, City Manager

Attest:

City Clerk

Approved as to form:

City Attorney's Office

Date

Exhibit A
350-390 Linden Avenue
Conceptual Design Elements

Simple rectilinear floor plans and facades

Flat, sloping, or peaked roofs

Attached garage

3,500 square foot above grade finished floor space

Passive solar elements

Materials: High-quality materials, including but not limited to, wood, stone, brick and glass
Use of stucco as an accent
Metal or "Architectural" asphalt shingle roofing.

The three houses will have different floor plans and massing but will be similar in style and materials

The landscaping will be kept close to the houses and the current "grassy meadow" quality of the Property will be preserved.



641WEST DESIGN
delangestudio
810 College Ave.
Boulder, CO 80302

BRITTON
HOLDINGS, LLC

THE MEADOW HOUSE
390 LINDEN BOULDER, CO (LOT01)

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FRONT VIEW



REAR VIEW



BIRDS EYE VIEW

concept
design

11/12/2014

PERSPECTIVE
VIEWS

A100

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641WEST DESIGN
delangestudio
810 College Ave.
Boulder, CO 80302

**BRITTON
HOLDINGS, LLC**

THE VIEW HOUSE
350 LINDEN BOULDER, CO (LOT 02)



FRONT VIEW



REAR VIEW



BIRDS EYE VIEW

**concept
design**

11/12/2014

**PERSPECTIVE
VIEWS**

A100

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641WEST DESIGN
delangestudio
810 College Ave.
Boulder, CO 80302

BRITTON
HOLDINGS, LLC



VIEW FROM DRIVING UP FAR



VIEW FROM DRIVING UP

COMBINED VIEWS
350 & 390 LINDEN BOULDER, CO (Lot 02 & Lot 01)

concept
design

11/12/2014

COMBINED VIEWS

A100.1

LAND USE REVIEW APPLICATION
WRITTEN STATEMENT
(October 1, 2014)

Description of Proposal: The Applicant proposes a minor amendment to the existing Annexation Agreement dated January 13, 2004 and recorded on April 7, 2004 in the office of the Boulder County Clerk and Recorder at reception number 2573553 (see Attachment A) ("Annexation Agreement") by deleting the first sentence of paragraph 10 of the Annexation Agreement which required Eleanor B. Snyder, the defined applicant thereunder, to submit architectural plans consistent with the Conceptual Design Elements (See Attachment B for a copy of same) to be submitted as part of her proposal prior to a building permit application.

Key Issues:

1. How will the proposed Annexation Agreement amendment affect future building on the site?
2. Is the request to omit the Conceptual Design Elements ("CDEs") consistent with the intent of the original annexation approval?
3. Will the proposed Annexation Agreement amendment result in building design compatible with the existing character of the surrounding area?

Background:

Site:

The subject property is located near the southwest corner of Linden Drive and 4th Street and is situated on the western boundary of the City. The site is located on the south side of Linden, just west of Wonderland Hill Avenue. The subject property (subdivided into three lots) is oriented toward Linden Drive. Views from this site are spectacular requiring the home design to be carefully considered. The site has moderate topography and is surrounded by the Spring Valley open space directly to the north, the Cunningham open space directly to the west, and low density single-family residential homes to the south and east. The Wonderland Creek trail connection is adjacent to the subject property and runs north and east of the site. Linden Drive west of 4th Avenue is characterized by large tracks of open space lining each side of the street. Additionally, the subject property owner has installed more than \$100,000 in dense landscaping, including dozens of mature pine trees, along the eastern property line and along Linden Drive.

History:

In June, 2003, the Planning Board reviewed a concept plan application for the subject property. Planning Board recommended a total above grade floor area of approximately 3,500 square feet as well as a lot clustering pattern to reduce impacts to the surrounding properties and preserve the open, natural character of the area. In November, an application was submitted for annexation to the City, a Boulder Valley Comprehensive Plan (BVCP) map amendment, and establishment of initial zoning. Subsequently, the BVCP land use designation was changed from Open Space-Other to Very Low Density Residential, Rural Residential Established-One zoning was established (now known as RR-2), and the requested annexation was approved through an annexation agreement with limitations on building size to control impacts on the surrounding

area (see Attachment A for a copy of the Annexation Agreement). As part of the approved annexation and in keeping with the applicable Annexation Ordinance (B.R.C. 9-2-16(b)), the special opportunity and benefit provided to the City included the following:

- 1) Fee dedication to the City as open space 32,959sf (0.76 acres) of the subject property, at no cost, to preserve the mountain backdrop, view corridors and environmental resources;
- 2) 30' open space conservation and access easement dedication, at no cost, equaling approximately 8,248sf;
- 3) 15' public access easement dedication to the City;
- 4) Two times the applicable inclusionary zoning cash-in-lieu requirement for affordable housing at the time of building permit for each of the three lots;
- 5) Each lot would be limited to a total of 3,500sf of above grade living space, plus a two car garage, not to exceed 500sf in size;
- 6) Preventing the installation of new private septic systems in support of the County Board of Health's policy discouraging same where a potential pollution and health hazard would be created;
- 7) No effect on the City's Capital Improvement Program;
- 8) A floodplain easement for the area of the subject property within the conveyance zone flood area;
- 9) A single curbcut on Linden Avenue; and
- 10) No structures being located in the floodplain.

In November, 2005, the subject property was subdivided into three approximately 30,000 square foot lots (see Attachment C for the Final Plat of Cunningham Farm).

Proposed Amendment Revision:

The Applicant is currently proposing a minor amendment to paragraph 10 of the Annexation Agreement to be revised to read as follows (requested language to be deleted struck):

~~*Prior to a building permit application, the Applicant shall submit architectural plans consistent with the Conceptual Design Elements submitted as part of the Applicant's proposal. The Planning Director will review the plans to insure compliance with the intent of this approval, and to ensure that the view to the structures from Linden Avenue minimizes the view of the garage doors, and includes architectural details and articulation of building facades and high quality materials.*~~

The one-page Conceptual Design Elements describe a list of conceptual design elements that were apparently suggested at some point, it is not clear when, during the concept design review in 2003 and were given very little attention or focus by Staff, Planning Board and City Council in the various approval memorandums since, but which apparently made their way in to the final recorded Annexation Agreement via a mere reference and nothing more. A copy of the CDEs was not even attached to the recorded Annexation Agreement as an exhibit. Specifically, the CDEs contain the following list of elements: simple rectilinear floor plans and facades, peaked roofs w/ generous overhangs, covered porches, front range farmhouse vernacular details, attached garage, 3,500sf above grade finished floor space, passive solar elements, materials: stone clad foundation, stucco, natural cedar detailing of soffits, fascia, windows, and porches, “architectural” asphalt shingle, the three houses will be different floor plans and massing but similar in style and materials, and the landscaping will be kept close to the houses. We will try to preserve the current “grassy meadow” quality of the property.

While the Applicant is not opposed to many of these CDE items, and, moreover, the Applicant has incorporated the vast majority of them in to their architectural designs as you can see by reviewing Applicant’s Architectural Drawings for 350 and 390 Linden dated October 1, 2014 (the “Architectural Drawings”) (see Attachment D) and the Annexation Agreement Compliance Table (see Attachment E), some of these elements, since 2003, have become close to obsolete because they were unique styles for that timeframe and/or are being used less and less in Boulder because they are not sustainable or eco-friendly. Further, by keeping these CDEs as part of the Annexation Agreement, these CDEs will likely not withstand the test of time and continue to become more and more obsolete in to the future and become nothing more than an overly restrictive covenant limiting an owner’s real property rights thereby potentially reducing the property values. The elements that are not obsolete, i.e. max square footage and attached 500sf garage are covered elsewhere in the Annexation Agreement, so eliminating the CDEs would not affect these elements.

Analysis:

1. How would the proposed minor amendment to the Annexation Agreement affect future building on the site?

The primary concerns expressed in the prior approvals related predominately to restrictions on the house and garage square footage and restricting the mass and scale of the proposed structures and the impact on the surrounding open spaces. As approved under the existing Annexation Agreement, development would still be limited to 3,500 square feet of above grade floor area plus a 500 square foot two-car garage resulting in the same means to control scale and mass and ensure compatibility with the surrounding area.

Accordingly, the proposed minor amendment to omit the requirement to comply with the CDEs would not affect the future building on the site other than to allow the Applicant to use more current design and sustainable and eco-friendly materials for the construction of the houses and the garages in accordance with Applicant’s Architectural Drawings (see Attachment D) and consistent with the core values of the BVCP.

2. Is the request to omit the CDEs consistent with the intent of the original Annexation approval?

In 2003, there were lengthy discussions regarding the surrounding open space corridors, building compatibility, scale, mass, and density and public concern which predominately related to flood hazards, density, lot size, traffic, open space, community benefit and neighborhood compatibility. Thereafter, the decision was made by Planning Board and City Council to permit three houses on the subject property as long as specific restrictions were instituted to address the foregoing concerns (I.e. cluster development, limitation on house size, garage size and building orientation, see below for detailed list of Restrictions) were written into the Annexation Agreement to reduce visual impacts on the surrounding open space and to maintain structures compatible with the mass and scale of the surrounding natural area.

Restrictions: To demonstrate compliance with the direction provided by Planning Board at concept review and to provide additional community benefit, the Applicant agreed to the following restrictions:

- 1) No fencing in certain areas
- 2) No structures in the 100-year floodplain
- 3) No grading, landscaping, structures, detention ponding or other uses being permitted within the Conservation and Access Easement, the Access Easement or the Flood Conveyance Easement, except a shared drive and maintenance drive for the detention pond
- 4) A shared access drive with no gates
- 5) Max of 3,500sf above grade floor area and a two car garage not to exceed 500sf
- 6) View to structures from Linden Avenue minimizes the view of the garage doors and includes architectural details and articulation of building facades and high quality materials

The foregoing development restrictions contained in the approved Annexation Agreement were established to further the overall objectives of the BVCP regarding community design by preserving the existing open character of the area and establishing criteria for structures that would maintain a compatible mass and scale with the area, and Applicant's request to omit the CDEs does not negate these objectives.

Further, deleting the CDEs would not avoid any of the restrictions regarding cluster development, limitation on house size, garage size and building orientation or the public's concerns as demonstrated in the Architectural Drawings (see Attachment D). On the contrary, the CDEs, other than the ones enumerated in the foregoing list of restrictions above, relate to very specific styles and materials (I.e. farmhouse vernacular, stucco, natural cedar detailing of soffits, fascia, windows and porches, and asphalt shingles) that have since either become

obsolete, high maintenance, non-sustainable or non-eco-friendly. As such, we find it difficult to conceive that the intent of the Annexation Agreement was to require the use of non-sustainable and non-eco-friendly materials in the construction of the homes and garages. This is further illustrated by the fact that certain of the items set forth in the list of the CDEs were expressly detailed elsewhere in the Annexation Agreement (I.e. 3,500sf above grade max and 500sf max garage), but certain of these very specific purely stylistic elements were not detailed in the Annexation Agreement or even attached as an exhibit to the Annexation Agreement. Even paragraph 10 of the Annexation Agreement focuses the intent of the Annexation Agreement on “ensur[ing] that the view to the structures from Linden Avenue minimizes the view of the garage doors, and includes architectural details and articulation of building facades and high quality materials”.

By reviewing the Architectural Drawings (see Attachment D) and the Annexation Agreement Compliance Table (see Attachment E), you will see that Applicant has taken great care and consideration to ensure that Applicant has complied with all other design-related provisions in the Annexation Agreement including but not limited to ensuring that the view to the structures from Linden Avenue minimizes, if not eliminates, the view of the garage doors and includes many unique architectural details and articulation of building facades. Less than 10% of each Lot will be actively landscaped. Maintaining most of the native grasses and using semi permeable paving or road base allow for less extreme water run offs. Careful planting or moving of a few native trees (spruce, pine) will strengthen the native feel of the property and could provide shading of the houses during the summer. The Architectural Drawings also incorporate many high quality, sustainable and eco-friendly materials including, but not limited to:

- 1) Foundation: The use of recycled concrete
- 2) Siding: The use of stucco and FSC certified wood T&G siding or T&G Beetle kill; panelized rain screen: Trespa or other resin panel FSC certified; cement fiber lap siding: multiple green, LEED and sustainable properties, extreme durability
- 3) Windows: Wood Aluminum clad: Wood is sustainably harvested; aluminum is very recyclable, and most aluminum is recycled or high recycled content. Careful window placement capitalizes on passive solar gain. Low U values and will maximize the solar heat gain coefficient by having a very low coefficient.
- 4) Active Solar: Both houses will have 6-10KW PV arrays
- 5) Interior & Exterior Paint: Water based, low or no VOC
- 6) Roof: TPO roofing, white mitigates urban heat island effect and is recyclable, comes with long warranty and is most recycled building material; metal standing seam, no toxic run off (compared to asphalt shingles)

- 7) Systems: The houses will have efficiency forced air furnaces with the potential for easy AC or evaporative cooling hookup. On demand water heaters & LED lights to preserve energy use & lag times in water heating

In the Staff and Planning Board memorandums regarding the annexation petition request, there was significant discussion, analysis, focus and intention placed on whether the desired annexation would provide special opportunity and benefit to the City and this was likewise consistently memorialized in the Annexation Agreement by including in detail the following benefits to the City as requirements:

- 1) a fee dedication to the City as open space 32,959sf (0.76 acres) of the subject property, at no cost, to preserve the mountain backdrop, view corridors and environmental resources;
- 2) a 30' open space conservation and access easement dedication, at no cost, equaling approximately 8,248sf;
- 3) 15' public access easement dedication to the City;
- 4) two times the applicable inclusionary zoning cash-in-lieu requirement for affordable housing at the time of building permit for each of the three lots;
- 5) each lot being limited to a total of 3,500sf of above grade living space, plus a two car garage, not to exceed 500sf in size to minimize the impact on the surrounding open space;
- 6) no installation of new private septic systems in support of the County Board of Health's policy discouraging same where a potential pollution and health hazard would be created;
- 7) no effect on the City's Capital Improvement Program;
- 8) a floodplain easement for the area of the subject property within the conveyance zone flood area;
- 9) a single curbcut on Linden Avenue; and
- 10) no structures being located in the floodplain. Accomplishing these goals was the primary intention of the annexation discussions and approvals, not to dictate a particular potentially outdated architectural style and building materials. Additionally, minimal discussion, focus or intent was placed on the CDEs, such that they were not even attached to the Annexation Agreement other than a mere mention.

Therefore, given all of the foregoing, omission of the CDEs is consistent with the intent of the original Annexation approval.

- 3. Will the proposed minor amendment to the Annexation Agreement result in building design compatible with the existing character of the surrounding area?**

As mentioned above, at the concept plan review and annexation stages, a great deal of analysis on behalf of Staff, Planning Board, and the public was conducted to arrive at a site plan that responded to the existing character of the area. The Applicant's proposal to omit the CDEs and to construct the homes and garages in accordance with the Architectural Drawings is more current, sustainable, eco-friendly and compatible with the existing character of the surrounding area. Moreover, it does not increase the mass and scale of the proposed structures, nor does it create a greater perceived building mass from Linden Drive.

Conclusion:

The proposed minor amendment to the Annexation Agreement to eliminate the CDEs is consistent with the intent of original annexation approval and the policies of the BVCP regarding quality community design and benefit. Further, the proposed amendment does not impact the scale and mass of the proposed houses, garages or impact the surrounding open space areas. Therefore, we request that Staff, Planning Board and City Council, if required, approve this minor amendment to the Annexation Agreement.

ATTACHMENTS:

- Attachment A: Annexation Agreement dated January 13, 2004 and recorded on April 7, 2004 in the office of the Boulder County Clerk and Recorder at reception number 2573553 ("Annexation Agreement")
- Attachment B: Conceptual Design Elements ("CDEs")
- Attachment C: Final Plat Cunningham Farms September 27, 2005 and recorded November 17, 2005 at reception number 2738188 ("Final Plat")
- Attachment D: Applicant's Architectural Drawings for 350 and 390 Linden dated October 1, 2014 ("Architectural Drawings")
- Attachment E: Annexation Agreement Compliance Table

ATTACHMENT E: ANNEXATION AGREEMENT COMPLIANCE TABLE

ANNEXATION AGREEMENT PROVISIONS		
§	Item	Proposed Design Complies
2	No fence between City's open space conservation & access easement area	YES
3	No structures located within any portion of the property within the 100-yr floodplain	YES
4	No grading, landscaping, structures, detention ponding or other uses by the Lot owners within the 30' Conservation & Access Easement (1(c)), the 15' Access Easement (1(d)), or the Flood Conveyance Easement (1(e)), except for a shared access drive	YES
8	≤ 3,500sf in above grade floor area, plus a 2-car garage ≤ 500sf. A basement "defined as "that portion of a building that is totally below grade such that no portion of the space extends > 2' above natural grade around the perimeter of the building" shall not be included in the above grade floor area.	YES
10	Ensure that the view to the structures from Linden Ave. minimizes the view of the garage doors; includes architectural details & articulation of building facades & high quality materials; & Architectural plans consistent with the CDEs	YES, views from Linden of the garages are minimized, if not eliminated. YES, includes architectural details & articulation of building facades & high quality materials [See below for specific compliance details] YES, in part, the Architectural plans are consistent with the CDEs [See below for specific compliance details]
11	No gates that limit access on the drive	YES
CONCEPTUAL DESIGN ELEMENTS ("CDEs")		
1	Simple rectilinear floor plans and facades	YES
2	Peaked roofs w/ generous overhangs	YES, generous overhangs, but not peaked roofs
3	Covered porches	YES
4	Front Range farmhouse vernacular details	NO
5	Attached garage	YES
6	3500sf above grade finished floor space	YES
7	Passive solar elements	YES, plus active solar via 6-10KW PV arrays
8	High Quality Materials (I.e. eco-friendly & sustainable) -Stone clad foundation -Stucco -Natural Cedar detailing of soffits, fascia, windows, and porches -"Architectural" asphalt shingle	YES, to: <ol style="list-style-type: none"> 1) <u>Foundation</u>: Use of recycled concrete 2) <u>Siding</u>: Use of Stucco & FSC certified wood T&G siding or T&G Beetle kill; panelized rain screen: Trespa or other resin panel FSC certified; cement fiber lap siding: multiple green, LEED & sustainable properties, extreme durability 3) <u>Windows</u>: Wood Aluminum clad: Wood is sustainably harvested; aluminum is very recyclable, & most aluminum is recycled or high recycled content. Window placement capitalizes on passive solar gain. Low U values & will maximize the solar heat gain coefficient 4) <u>Interior & Exterior Paint</u>: Water based, low or no VOC 5) <u>Roof</u>: Metal roof mitigates urban heat island effect & is recyclable & comes with long warranty 6) <u>Systems</u>: The houses will have efficiency forced air furnaces with the potential for easy AC or evaporative cooling hookup. On demand water heaters & LED lights to preserve energy use & lag times in water heating NO, as to asphalt shingle, which can have toxic runoff
9	The houses will be different floor plans & massing but similar in style and materials	YES
10	The landscaping will be kept close to the houses. We will try to preserve the current "grassy meadow" quality of the property	YES, less than 10% of each Lot will be actively landscaped. Maintaining most of the native grasses & using semi permeable paving or road base allow for less extreme water run offs. Careful planting or moving of a few native trees (spruce, pine) will strengthen the native feel of the sites & could provide shading of the houses during summer.

SUPPLEMENT TO WRITTEN STATEMENT
FOR
350 & 390 LINDEN AVENUE
LUR2014-00087
(November 14, 2014)

In response to:

- 1) the City of Boulder's Planning & Development Services Staff's comments dated October 24, 2014 ("City's Comments");
- 2) a meeting with Charles Ferro and Sloane Walbert on November 6, 2014; and
- 3) the subsequently provided additional comment dated November 7, 2014 regarding the new requirement for Applicant to design and construct a 5-foot bike lane as well as curb-and-gutter along the property's frontage with Linden Avenue,

Applicant submits this Supplement to Written Statement for LUR2014-00087 for the Property located at 350 & 390 Linden Avenue.

LUR PURPOSE: The goal and purpose here is simply get the Architectural Drawings previously submitted for the design of the two single-family homes to be built on the Property (one at 350 Linden and the other at 390 Linden), which we believe has brought us to the point where we find ourselves now over 10-years after the Annexation Agreement was adopted (wrestling with some outdated Conceptual Design Elements (the "CDEs")). Applicant is simply seeking to build the two proposed single-family homes in accordance with the basic massing depicted on the drawings attached hereto as **ATTACHMENT A.**

Keeping in mind the intent of the Annexation Agreement, Applicant has gone to great lengths and expense to design simple, elegant and high quality homes with eco-friendly and sustainable materials being sensitive to the open space to the west.

After receiving the comments from the Staff and subsequently meeting with Charles Ferro and Sloane Walbert, Staff has encouraged us to revise our request for minor amendment to the Annexation Agreement to not omit the CDEs entirely, but to simply revise the list of CDEs since Staff has determined that Applicant's current architectural drawings presently comply with several of the CDEs. As such, Applicant hereby revises its prior request to simply revise the CDEs in accordance with Staff's recommendations and as set forth in the revised CDEs attached hereto as **ATTACHMENT B.**

CITY REQUIREMENTS: To address the City's Comments, Applicant provides the below responses.

- **Building Design:** As Applicant will uphold durability and consistency through a sense of solidity and permanence, by constructing simple and elegant homes and incorporating high-quality, natural materials, including, but not limited to the use of masonry and stone elements and stucco and siding will be minimized and as more particularly described on the Materials List attached hereto as **ATTACHMENT C.**
- **Flood Control:** We agree to dedicate a new easement for the conveyance zone and vacating the existing easement based upon the best available information.
- **Neighborhood Comments:** Please note a correction to City's Comments regarding a metal structure erected was not on Applicant's Property (I.e. Lot 1), but was actually located on Lot 3 (310 Linden Avenue). Nonetheless, it has since been removed so is a moot point.
- **Access/Circulation:** As enumerated in the October 1, 2014 Written Statement, Applicant has already expended substantial amounts of money to provide the below benefits to the City in exchange for the Property being annexed. Nonetheless, it appears that the City is now instituting another requirement for Applicant to design and construct a 5-foot bike lane as well as curb-and-gutter along the Property's frontage with Linden Avenue. Applicant agrees to design and construct a 5-foot bike lane as well as curb-and-gutter along the Property's frontage, but seeks assurance that new additional requirements will not be subsequently added.

CITY BENEFITS CONFERRED BY APPLICANT IN EXCHANGE FOR ANNEXATION

- Fee dedication to the City as open space 32,959sf (0.76 acres) of the subject property, at no cost, to preserve the mountain backdrop, view corridors and environmental resources;
- 30’ open space conservation and access easement dedication, at no cost, equaling approximately 8,248sf;
- 15’ public access easement dedication to the City;
- Two times the applicable inclusionary zoning cash-in-lieu requirement for affordable housing at the time of building permit for each of the three lots;
- Each lot would be limited to a total of 3,500sf of above grade living space, plus a two car garage, not to exceed 500sf in size;
- Preventing the installation of new private septic systems in support of the County Board of Health’s policy discouraging same where a potential pollution and health hazard would be created;
- No effect on the City’s Capital Improvement Program;
- A floodplain easement for the area of the subject property within the conveyance zone flood area;
- A single curbcut on Linden Avenue; and
- No structures being located in the floodplain.

CONCLUSION:

A proposed minor amendment to the Annexation Agreement to: (A) modify the existing CDEs to update and incorporate more current, sustainable and eco-friendly elements; or (B) eliminate the CDEs entirely because the Annexation Agreement itself contains the limitations on mass, scale, etc. and is consistent with the intent of original annexation approval and the policies of the BVCP regarding quality community design and benefit as well as the use of sustainable and eco-friendly materials. Further, the proposed amendment does not impact the mass and scale of the proposed houses, garages or impact the surrounding open space areas. Therefore, we request that Staff, Planning Board and City Council approve the foregoing minor amendment to the Annexation Agreement in the form of (A) or (B) above.

ATTACHMENTS:

- ATTACHMENT A: Architectural Drawings dated 11/12/14 for: (1) 350 Linden, (2) 390 Linden, and (3) Combined 350 & 390 Linden
- ATTACHMENT B: Amended Conceptual Design Elements (“CDEs”)
- ATTACHMENT C: Materials List

ATTACHMENT C

MATERIALS LIST

General Description:

The designs will have a high-end look and feel that strengthens the current design variety in the neighborhood around the lots. The designs are rich, anchored to the site and location, and are representative of Boulder as a small modern city that is environmentally conscious, progressive and innovative.

Additional Items describing the designs:

Systems: The Designs will have high efficiency heating with the potential for easy AC or evaporative cooling hookup. On demand water heaters and LED lights to preserve energy use and lag times in water heating. Both houses will get active solar systems (such as PV arrays) and/or geothermal systems

It is our goal to exceed the current required energy codes.

The proposed series of materials and material choices reflect durability, quality and sustainability. The current CDE's refer to asphalt shingles and stucco.

Flat Roofs: White TPO roofing, white roofing mitigates urban heat island effect and is recyclable. The roof surfaces will be hardly visible from the adjacent neighborhood homes.

Sloped roofs: Metal standing seam, no toxic run off (compared to asphalt shingles)

Metal is most recycled building material and comes with extensive warranty

Very durable and reflective of high end material choices.

Siding: The designs will have only a handful of material choices that reflect durability, sustainability and high-end look and feel. In addition, the material palette will compliment the site and surrounding.

Woods and wood composites: FSC certified, rain screen application for cladding under soffits, north or less sun exposed areas. Wood species, warm, local or very durable (pine, jarrah)

Trespa, Prodema or other resin panel (compressed wood fibers, FSC certified) comes in amazing subdued and earth tone colors. Extremely durable and has high recycled content.

Stone and Masonry: Masonry in rich, earth tones and contemporary stone patterns.

Sparsely used as accent materials: Stucco and Fiber cement board.

Windows: Wood Aluminum clad: Wood is sustainably harvested, Aluminum is very recyclable, and most Aluminum is recycled or high recycled content. Placement of windows to capitalize on passive solar gain. Window U values and Solar Heat Gain Coefficient will exceed current energy code requirements.

Interior and Exterior paint: Water based, low or no VOC paints.

Foundations and flatwork: Use of recycled concrete in the cast in place concrete for the foundation(s) and flatwork.

Landscaping: The Lots are approximately 30,000+ SF but only a small portion (less than 10%) will be actively landscaped. Maintaining most of the native grasses and using semi permeable paving or road base allow for less extreme water run offs. Carefully planting and/or moving some of the native trees (spruce, pine) will strengthen the native feel of the sites and could provide shading of the houses during the summer.