CITY OF BOULDER
PLANNING BOARD MEETING AGENDA
DATE: March 19, 2015
TIME: 6 p.m.
PLACE: 1777 Broadway, Council Chambers

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1. **CALL TO ORDER**

2. **APPROVAL OF MINUTES**
   The February 5, 2015 minutes are scheduled for review.

3. **PUBLIC PARTICIPATION**

4. **DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS/CONTINUATIONS**
   - **A.** Call Up Item: Floodplain Development Permit (LUR2015-00016), Baseline Road Bike/Pedestrian Underpass. Expires February 19, 2015.
   - **B.** Call-Up Item: NONCONFORMING USE REVIEW (LUR2015-00001): Request for a cooking school and demonstration kitchen ("Food Lab") at 1825 Pearl Street. Expires on March 19, 2015.

5. **PUBLIC HEARING ITEMS**
   - **A.** Public hearing to consider a recommendation to City Council on a draft ordinance amending Title 9, "Land Use Code," B.R.C. 1981, to allow medical or dental clinic or office uses and addiction recovery facilities as a conditional use in the Industrial General (IG) zoning district near Boulder Community Health (BCH), Foothills Campus.

     Present a proposed schedule and approach for planning for the longer-term needs of area around the Foothills Campus and for potential Phase 2 Title 9 changes.

6. **MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY**
   - **A.** Commercial Energy Code Discussion

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 ACTION MINUTES
February 5, 2015
1777 Broadway, Council Chambers

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: http://www.bouldercolorado.gov/

PLANNING BOARD MEMBERS PRESENT:
Aaron Brockett, Chair
Bryan Bowen
Crystal Gray
John Gerstle
Leonard May
Liz Payton
John Putnam

PLANNING BOARD MEMBERS ABSENT:

STAFF PRESENT:
David Driskell, Director of CP&S
Susan Richstone, Deputy Director of CP&S
Charles Ferro, Development Review Manager for CP&S
Hella Pannewig, Assistant City Attorney
Susan Meissner, Administrative Assistant III
Sloane Wlabert, Planner I
David Thompson, Civil Engineer II- Transportation
Lesli Ellis, Director of Comprehensive Planning
Beth Roberts, Housing Planner
Molly Winter, DUHMD Executive Director
Karl Guiler, Senior Planner
Ruth McHeyser, Temporary Senior Planner
Ted Harberg, Comprehensive Planning Intern

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1. CALL TO ORDER
Chair, **A. Brockett**, declared a quorum at 5:07 p.m. and the following business was conducted.

2. APPROVAL OF MINUTES
On a motion by **B. Bowen** and seconded by **L. Payton**, the Planning Board approved the December 18, 2014 Planning Board meeting minutes.

3. PUBLIC PARTICIPATION
No one from the public spoke.

DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS/ CONTINUATIONS

A. Call Up: Floodplain Development Permit (LUR2014-00101) 595 Aurora Avenue Breakaway Fence. Expires 02/06/2015.

B. Call Up: TEC2014-00033: Final plat to combine three separate parcels into one 2.9 acre building site at 1715 and 1725 28th Street for the Eads/Golden Buff redevelopment project approved per application # LUR2013-00066. Expires 02/05/2015.

C. Call Up: (Correction): USE REVIEW for a 3,509 square foot tavern located at 921 Pearl Street with an outdoor patio of no greater than 712 square feet in size, and closing no later than 2:00 a.m. (LUR2014-00081). Proposal will establish a 'tavern' with outdoor seating where there is currently a 'restaurant' with outdoor seating (Bacaro). Property is located in the DT-2 (Downtown 2) zone district. The call-up period expires on Feb. 17, 2015.

C. Gray called up item 4C.

- **C. Gray** expressed concern that only property owners, not tenants, were receiving public notices. She felt that this issue pertained to several projects around town and therefore made a motion to that effect.

On a motion by **L. Payton**, seconded by **J. Gerstle**, the Planning Board voted 6-1 (**J. Putnam** opposed) to request that public notices be sent to all residences, not only property owners, in the notification area.

- Staff currently uses a third party to send public notifications and will look into means for changing the procedure with that company.
- **A. Brockett** agreed that it did not make sense to prioritize property owners over tenants. For consistency, he would like to see this notification process extended to other projects as well.
- **J. Putnam** opposed the motion because he did not know the full consequences or why this should constitute a special case over other projects. He worried about getting ahead of code requirements.

5. PUBLIC HEARING ITEMS

A. CONCEPT PLAN REVIEW AND COMMENT: Request for citizen, staff and Planning Board comment on a proposal to annex and redevelop the property located at 96 Arapahoe Ave. with a combination of single family, duplex and attached dwelling units. A total of nine dwelling units are proposed, consisting of six market rate units and three affordable units that would be developed upon annexation and establishment of an initial zoning of Residential Medium – 3 (RM-3), consistent with the Boulder Valley Comprehensive Plan (BVCP) land use designation of Medium Density

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Residential. Under Concept Plan review, no decision will be made by the Planning Board for approval or denial, rather the intent is to provide the applicant with feedback on the proposal.

Staff Presentation:

E. McLaughlin presented the item to the board.

Board Questions:

E. McLaughlin, **D. Thompson** and **B. Roberts** answered questions from the board.

Applicant Presentation:

Jonathan Warner, the applicant, presented to the board.

Public Hearing:

No one from the public spoke.

Board Comments:

- Board members agreed that the design is generally consistent with the BVCP and land use policies. It still needs some work with relation to the historic elements, the amount of proposed impervious circulation and parking area, and affordable housing.
- Members agreed with the request for a solar exemption; it has virtually no impact.
- Most members were comfortable with obscuring the view of the existing duplex. **A. Brockett** liked the views of the duplex and would prefer that the views, if obscured, be by trees as opposed to buildings.
- Most members did not have an opinion about the architectural style. **L. Payton** would prefer that be a bit more rustic and modest to fit with its context at the edge of the city. **C. Gray** requested non- reflective building materials.
- Preserve the historical features of the site as much as possible, namely the retention walls per preservation guidelines and the barn. Most members agreed that the barn could be moved slightly, but would prefer that it stay close to its current location.
- The board encouraged the applicant to either keep the existing road or to work with the adjacent property to share a driveway and access point. Both options would allow the barn location to be preserved and would greatly reduce the amount of paving on the site.
- Members generally thought that the amount of impervious surface area was excessive. Look for other means to accommodate vehicular access and parking. There is too much parking on the site.
- Board members encouraged the applicant to remove the hammerhead parking area; find another location for a fire truck turnaround.
- **J. Gerstle** suggested that the applicant consider contributing the area above the blue line to Open Space.
- **J. Putnam** cited some potential Open Space issues. He felt that a conservation, not just scenic, easement would be appropriate given the habitat conservation area behind it. Add a condition to the easement to make it difficult for residents to access the Open Space from that area.

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- This will be a wildlife corridor. Consider thoughtful wildlife management strategies and vegetation so as to avoid creating problem bears. Comply with the defensible space recommendations.
- Board members agreed that the site plan currently lacks useable open space. Consider opportunities for common green space in the current hammerhead location.
- **B. Bowen** recommended revisions to the site plan to reduce impervious surfaces and to increase common open space area. Move the larger units toward the back of the property, attach the units and aggregate the parking adjacent to the buildings in the lower third of the site. This would provide space for a common green, maintain the same amount of development potential, preserve the historical buildings, eliminate significant amounts of hardscape, connect better with natural scene above, and create more community connections. It would be important to find a different way to calculate height if the board encouraged attached units.
- The board will need to see more community benefit in Site Review. The amount will depend on the size and scope of the project.
- Consider means for achieving energy savings and strive for near net-zero energy opportunities. This could be a good site for a ground source heat pump system.
- Improve the affordable housing options. There are currently large market-rate units and small affordable units. Make the unit sizes more commensurate.
- The board recommended that the applicant build more and smaller units. Affordability is of primary importance.

B. Public Hearing and Consideration of Recommendations to City Council regarding the University Hill Commercial District moratorium project, including: 1. An ordinance amending the BMS zoning district standards to limit new residential uses within the University Hill Commercial District, except for permanently affordable units or housing for persons 62 years or older; and 2. Other strategies to consider further as part of the on-going Uni Hill Revitalization Strategy and the Community Planning and Sustainability Work Plan.

Staff Presentation:
R. McHeyser introduced the item.
K. Guiler presented the item to the board.

Board Questions:
R. McHeyser, **K. Guiler and M. Winter** answered questions from the board.
Matt Prosser, a consultant from Economic and Planning Systems, answered questions from the board.

Public Hearing:

1. **Rishi Raj, 863 14th Street,** a resident of Uni Hill since 1973, noted that the Hill is already a diverse place where groups work well together. The historic district would

create a synergy. A performing arts or community center, similar to the Dairy Center, with underground parking could bring about change in the way residents and students interact.

2. **John Arndt, 1121 Broadway,** is a business owner and resident of the Hill. He sees more partying occurring in the residential area as opposed to the commercial district. Parking is the biggest deterrent to business on the Hill. He did not think that the proposals would reach the core issues.

Board Comments:

Part 1. An ordinance amending the BMS zoning district standards to limit new residential uses within the University Hill Commercial District, except for permanently affordable units or housing for persons 62 years or older.

- Board members generally supported the ordinance as drafted. They did not think that it was the final solution, but would serve as a good first step in making a change and would have minimal unintended consequences.
- Several members doubted whether seniors would choose to live on the Hill but felt it was harmless to leave it in the ordinance.
- **J. Putnam** questioned whether it made sense to prohibit, as opposed to discourage, uses.
- **C. Gray** thought it made sense to change the land use tables to encourage desired uses. Consider options for developing city-owned sites as well.
- **A. Brockett** was excited by the changes to the BMS zone and hoped thought that they would also benefit Pearl Street and North Boulder.
- **B. Bowen** would prefer to keep all housing types as conditional but would support the ordinance as drafted.

Motion:

On a motion by J. Putnam, seconded by C. Gray, the Planning Board voted 7-0 to recommend that City Council adopt an ordinance to revise the BMS zone district standards for the Uni Hill commercial area to limit new residential uses, except for permanently affordable units or housing for persons 62 years or older.

Part 2. Other strategies to consider further as part of the on-going Uni Hill Revitalization Strategy and the Community Planning and Sustainability Work Plan.

- The board supported the idea of designating the Hill as a local historic district. Focus on outreach efforts to get community support.
- Consider tenants that would provide daytime and nighttime activities not involving alcohol and that would keep within the character of the Hill. Swallow Hill in Denver could provide a good example. The Harbeck House could also provide similar opportunities.
- The board liked the idea of moving some city offices to the Hill.
- **L. May** felt that moving city offices to the Hill would be a viable way for the city to invest in the area. He was skeptical about using public funds to create financial incentives for private enterprise in the absence of economic analysis to assure that the investment would be returned.

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- A possible Public-Private Partnership between the Grandview Conference Center and city parking lot to the north could provide an enormous catalyst for the area.
- Clarify the information about financial incentives and tax credits.
- Holistically integrate desired programmatic elements; an anchor tenant like the Grandview Conference Center, bike lanes, pedestrian interest, transit, scale, and façade improvement should be considered early in the process.
- **J. Putnam** suggested utilizing a design competition and creative partnerships to incentivize desired uses on the Hill. He liked the idea of an event street that engages different groups and pulls people from different parts of town; something like Ciclovia could achieve this aim.

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

- Staff asked board members to notify **S. Meissner** if they were interested in attending the 2015 APA Conference

- **L. May** and **C. Gray** volunteered to serve on the Housing Process Committee.

- Staff will interview consultants for Form Based Code on February 20th from 12 – 4pm. **L. Payton** volunteered to attend.

6. DEBRIEF MEETING/CALENDAR CHECK

7. ADJOURNMENT

The Planning Board adjourned the meeting at 9:52 p.m.

APPROVED BY

_____
Board Chair

_____
DATE

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M E M O R A N D U M

TO: Planning Board

FROM: Heidi Hansen, Floodplain and Wetlands Administrator

DATE: March 5, 2015

SUBJECT: **Call Up Item:** Floodplain Development Permit (LUR2015-00016) Baseline Road Bike/Pedestrian Underpass

This decision may be called up before Planning Board on or before **February 19, 2015.**

A floodplain development permit was approved by Public Works Development Review staff on March 5, 2015 for a bike/pedestrian underpass under Baseline Road between CU and the Basemar shopping center.

The structure will consist of a 24'x8' cast in place concrete opening and will provide access between the University of Colorado campus and the Basemar shopping center. The project also includes improved connector paths on the north and south sides of Baseline Road. Baseline Road will be resurfaced to its existing width with new curb and gutter. The 100-year floodplain of Skunk Creek extends down Baseline Road. The new underpass entrances are located outside of the 100-year floodplain on both sides of Baseline and the profile and curb alignment when Baseline is resurfaced will match the existing condition, therefore, the improvements will not impact the existing regulatory floodplain.

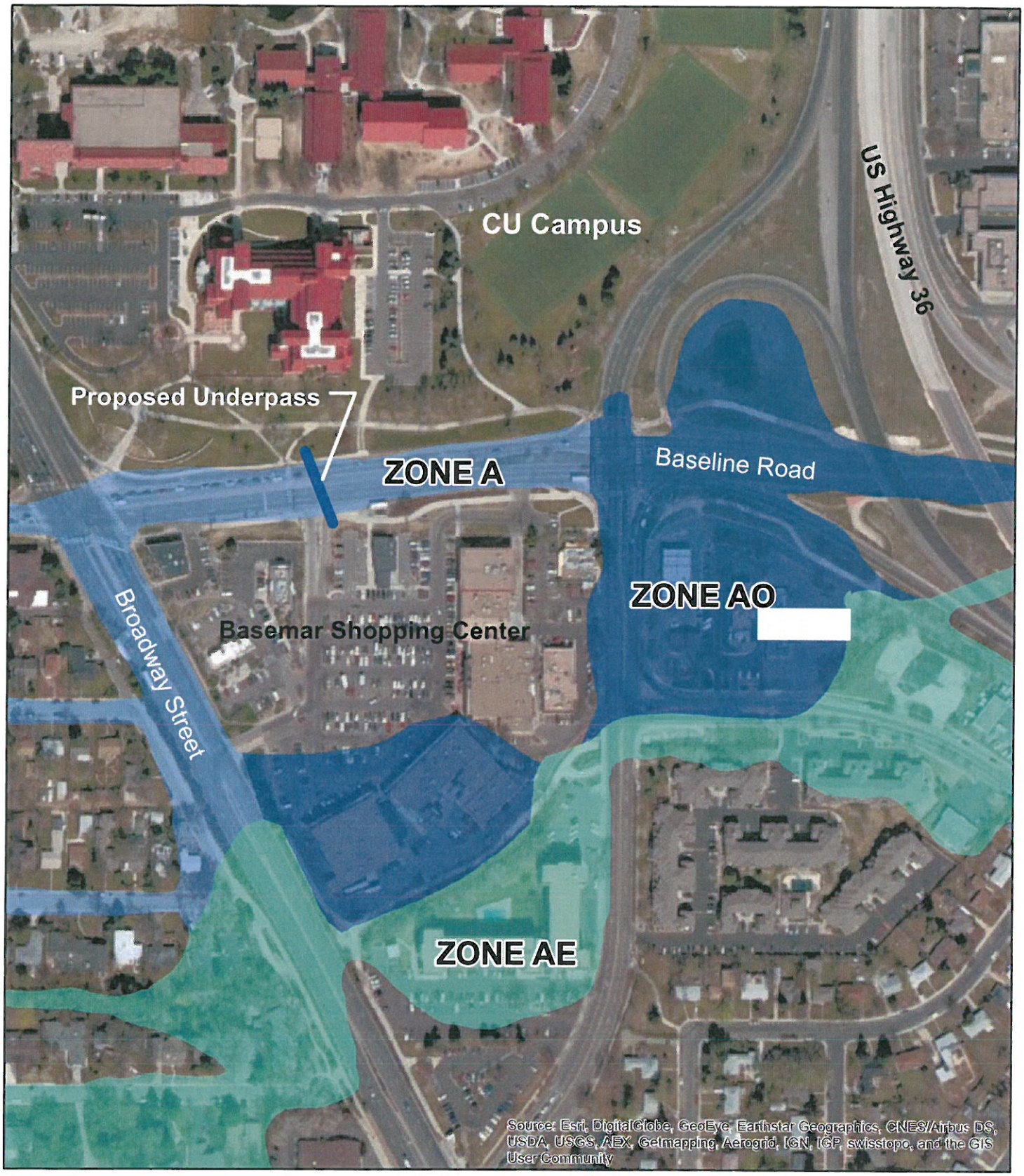
The applicant has demonstrated compliance with the City's floodplain regulations. The project will not adversely impact nearby properties. A copy of the floodplain development permit and a vicinity map showing the location of the improvements is attached.

The floodplain development permit was approved by Public Works Development Review staff on March 5, 2015 and the decision may be called up before Planning Board on or before March 19, 2015. There is one Planning Board meetings within the 14 day call up period on **February 19, 2015**.

Questions about the project should be directed to the Floodplain and Wetlands Administrator, Heidi Hansen at 303-441-3273 or by e-mail at hansenh@bouldercolorado.gov.

Attachments:

A. Floodplain Development Permit



0 100 200 400 Feet

1 inch = 300 feet

N W E S

Figure 1 - Vicinity Map

CITY OF BOULDER
Planning and Development Services

1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791
phone 303-441-1880 • fax 303-441-4241 • web boulderplandevelop.net

Land Use Review Floodplain Development Permit

Date Issued:

Expiration Date:
(Pursuant to Subsection 9-3-6(e), B.R.C. 1981)

Permit Number: LUR2015-00016

Contact Information

BRYANT GONSALVES
PO BOX 791
BOULDER, CO 80306

Project Information

Location: 2400 BASELINE RD

Legal Description: TRACT 2569-A BOOK 1218 PG 10 T RACT 2569-C & 2569 6-1S-70 & P T LOT 1 PENFOLD TELLEEN LESS E LY 1 FT TO CITY OF BOULDER PER REC 665382

Description of Work: Proposal for construction of bike/pedestrian underpass under Baseline Road.

Type of Floodplain Permit: Floodplain Review W/O Analysis

Creek Name: Skunk

Flood Protection Elevation: Not applicable

Conditions of Approval

- The proposed project/activity is approved on the basis that it satisfies applicable requirements of Chapter 9-3-3, "Floodplain Regulations," Boulder Revised Code 1981. Other floodplain requirements as set forth in Chapter 9-3-3 which are not specifically outlined in the conditions of approval below remain applicable to this project/activity.
- Construction activities must not change existing grades in the floodplain.
- Improvements shall be constructed in accordance with the plans submitted as part of the floodplain development permit application.
- The applicant shall confirm in writing that all improvements have been completed in conformance with this Floodplain Development Permit.

Inspections

To schedule an inspection, call 303-441-3280 and refer to your permit number (LUR2015-00016).

MEMORANDUM

TO: Planning Board
FROM: Sloane Walbert, Case Manager
DATE: March 11, 2015
SUBJECT: **Call-Up Item**: NONCONFORMING USE REVIEW (LUR2015-00001): Request for a cooking school and demonstration kitchen ("Food Lab") at 1825 Pearl Street within the Mixed Use 3 (MU-3) zone district. The use will be limited to 16 students per class and hours of operation from 10 a.m. to 10 p.m. The call-up period expires on **March 19, 2015.**

Attached is the disposition of approval of a Nonconforming Use Review to allow a 2,240 square foot adult education facility "Food Lab" in the existing building at 1825 Pearl Street (see **Attachment A**). Pursuant to Table 6-1: "Use Table", B.R.C. 1981, a Use Review is required for an adult educational facility with less than 20,000 square feet of floor area in the MU-3 zone district. Additionally, the subject property does not meet the required parking for the zone district and is considered nonconforming as to parking only. Hence, the proposal must meet the additional criteria for modifications to non-conforming uses in section 9-2-15(f), B.R.C. 1981. Refer to **Attachment B** for analysis of the Use Review Criteria.

Background. The subject property is a roughly 7,000 square foot lot located in Central Boulder on the north side of Pearl Street, between 18th and 19th Streets. To the east and west of the subject site along Pearl Street between 18th and 24th Streets is a corridor of MU-3 zoning commonly known as the "East Pearl" business district, which contains a variety of retail, restaurant and office uses mixed with residential uses. To the north and south of the East Pearl corridor are primarily residential uses. Refer to **Figure 1** below for a Vicinity Map.

Figure 1: Vicinity Map

The proposed use would occupy the east storefront of the two-story Crystal Market building, which was built circa 1890. The building originally housed the Issac T. Earl Groceries, Dry Goods, Hardware and Tinware Store until 1905 (refer to **Figure 2**). The subject building totals approximately 7,500 square feet in floor area divided into two ground floor tenant spaces and one tenant space on the second level. The west ground floor space currently contains a retail tenant (Cured and Boxcar Coffee Roasters). The second floor will continue to be used for offices.

Figure 2: Historic Photograph taken between 1901 and 1904

The project site is zoned MU-3 (Mixed Use -3), which is defined as *"areas of the community that are changing to a mixture of residential and complementary nonresidential uses, generally within the same building"* (section 9-5-2(c)(2)(C), B.R.C. 1981). The Residential - Mixed 1 (RMX-1) zone district to the north, across the alley, is a mixed residential density district with limited commercial uses. The property is surrounded by the established Whittier neighborhood.

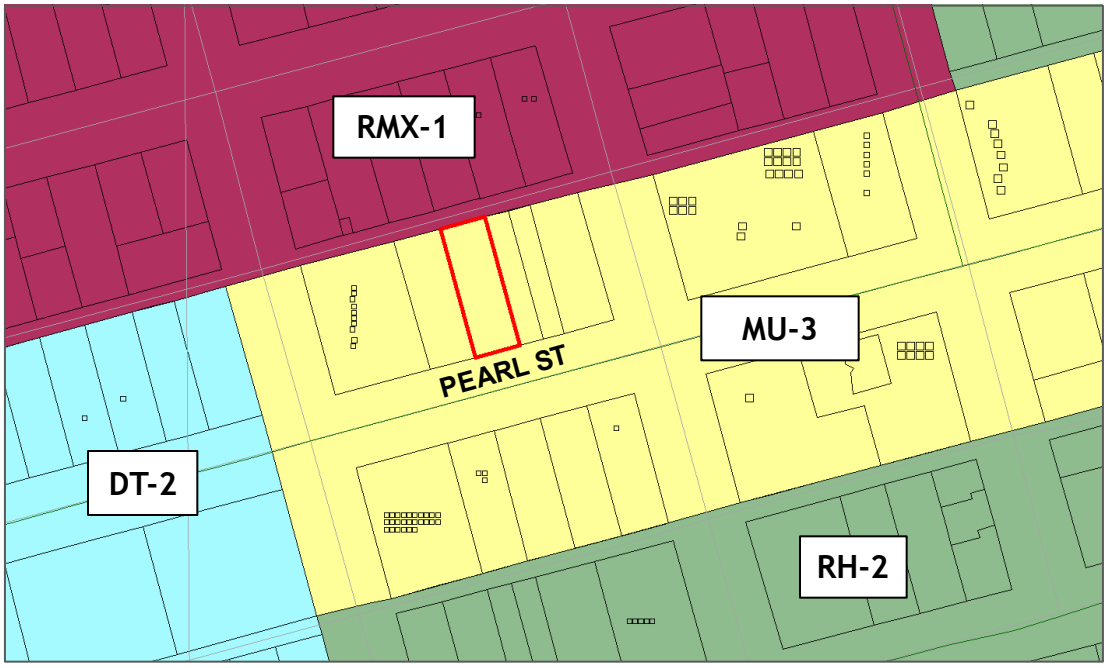


Figure 3: Zoning Map

Per Table 9-3, B.R.C. 1981, 1 space is required per 300 square feet of nonresidential floor area in the MU-3

zone district if residential uses comprise less than 50 percent of the floor area. The project site is located outside of the Central Area General Improvement District (CAGID). As such, the property is nonconforming as to parking because the parking required for the building is not met; two parking spaces are provided where 25 are required given the building size of 7,579 square feet. The tenant space itself is required to have seven parking spaces and has one parking space off the alley.

Project Proposal. The applicant is requesting approval of a Use Review to allow a cooking school and demonstration kitchen "Food Lab" to locate in the existing building at 1825 Pearl St. (refer to **Attachment C**). The hours of operation are 10:00 a.m. to 10:00 p.m., seven days per week. Classes are expected to be offered from 6:00 p.m. to 9:00 p.m. every day and 11:00 a.m. to 2 p.m. on weekends and in the summer months. The business would be open for walk-in class registration, general administration and prep work during all other hours. The majority of students are expected to be adults and class sizes will be limited to 16 people per class. The applicant expects to have one full-time employee and four part-time employees. Each class would typically have one guest chef. No exterior modifications are planned to be made to the building (refer to **Attachment C**). However, the applicant will install two u-bicycle racks within the public right-of-way along Pearl Street as a condition of approval in order to reduce the degree of nonconformity and to alleviate the affects of limited parking on the surrounding area. As part of this proposal, the business will also provide two long-term bike parking spaces within the space.

Figure 4: Tenant Space

As stated above, the property is nonconforming as to parking because the proposed 2,240 square foot use is required to have seven parking spaces, where only one is provided. To ensure that the change of use will not adversely affect the surrounding area, and to meet the criteria for modifications to nonconforming uses, the applicant has entered into an agreement with the City of Boulder Parking Services to validate parking for students and teachers/guest chefs that park in the downtown parking garages. As a condition of approval, the applicant will be required to advertise such option on the business website. The closest garage is located three blocks away at 15th and Pearl Streets. Note that the CAGID ends only one-half block away at 18th Street. Additionally, there is a Neighborhood Parking Permit (NPP) program in the Whittier neighborhood to the north, which limits non-permit parking to 3 hours, Monday through Thursday 8 a.m. to 8 p.m., Friday 8 a.m. to 12:00 a.m., and Saturday 8 p.m. to 12:00 a.m.

Review Process. A cooking school and demonstration kitchen meets the city's definition of an "Adult Education Facility," as defined in section 9-16-1, B.R.C. 1981 (below).

"Adult education facility" means an academic educational use serving a clientele at least fifty percent of which are individuals who are eighteen years of age or older.

Per the use standards found in section 9-6-1, B.R.C. 1981, approval of a Use Review is required for adult education facilities less than 20,000 square feet to operate in the MU-3 zone district. Per section 9-4-2, B.R.C. 1981, applications for Use Review are subject to call up by the Planning Board. No modifications from the development code have been requested. The proposal meets all of the development standards for the zoning districts and does not trigger or require Site Review.

Analysis. The proposal was found to be consistent with the Use Review criteria pursuant to subsections 9-2-15(e) "*Criteria for Review*" and (f) *"Additional Criteria for Modifications to Nonconforming Uses,"* B.R.C. 1981. Refer to **Attachment B** for the complete criteria analysis.

Public Comment. 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 feedback from the Whittier Neighborhood Association and one neighbor. In general, they were in support of the use but had the following concerns:

1. The business being used as an event space rented for private parties.
2. Lack of parking for patrons and lack of enforcement in the adjacent Whittier Neighborhood Parking Program.
3. Cooking odors, especially late at night or early in the morning.
4. Disruptive fan noise.

See **Attachment D** for received public comment. These concerns are addressed in the staff analysis in **Attachment B** and the applicant's written statement in **Attachment C**.

Conclusion. Staff finds that the proposed project meets the relevant criteria of section 9-2-15, "Use Review," B.R.C. 1981 (refer to **Attachment B**).

The proposal was **approved** by Planning and Development Services staff on **March 5, 2015** and the decision may be called up before Planning Board on or before **March 19, 2015**. There is one Planning Board hearing scheduled during the required 14-day call-up period on **March 19, 2015.** Questions about the project or decision should be directed to the Case Manager, Sloane Walbert at (303) 441-4231 or at walberts@bouldercolorado.gov.

Attachments:

A. Disposition of Approval
B. Analysis of Use Review Criteria
C. Applicant's Proposed Plans
D. Public Comment

CITY OF BOULDER
Community Planning & Sustainability
1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791
phone 303-441-1880 • fax 303-441-3241 • web www.bouldercolorado.gov

CITY OF BOULDER PLANNING DEPARTMENT
NOTICE OF DISPOSITION

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

DECISION:	**Approved with conditions**
PROJECT NAME:	**FOOD LAB NONCONFORMING USE REVIEW**
DESCRIPTION:	**NONCONFORMING USE REVIEW for an adult education facility, in particular, a cooking school and demonstration kitchen (Food Lab). Use shall be limited to 16 students per class and hours of operation from 10 a.m. to 10 p.m.**
LOCATION:	**1825 PEARL ST**
COOR:	**N03W05**
LEGAL DESCRIPTION:	**Lot 10, Block 90, East Boulder, City of Boulder, County of Boulder, Colorado**
APPLICANT:	**CASEY EASTON**
OWNER:	**1825 PEARL STREET, LLC**
APPLICATION:	**Use Review, LUR2015-00001**
ZONING:	**Mixed Use 3 (MU-3)**
CASE MANAGER:	**Sloane Walbert**
VESTED PROPERTY RIGHT:	**NO; the owner has waived the opportunity to create such right under Section 9-2-19, B.R.C. 1981.**

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

Approved On: 3/5/15
Date

By: _____
David Driskell, Executive Director of Community Planning and Sustainability

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

Appeal to Planning Board expires: 3/19/15

Final Approval Date:_____

IN ORDER FOR A BUILDING PERMIT APPLICATION TO BE PROCESSED FOR THIS PROJECT, A SIGNED DEVELOPMENT AGREEMENT AND FINAL PLANS FOR CITY SIGNATURE MUST BE SUBMITTED TO THE PLANNING DEPARTMENT WITH DISPOSITION CONDITIONS AS APPROVED

SHOWN ON THE FINAL PLANS, IF THE DEVELOPMENT AGREEMENT IS NOT SIGNED WITHIN NINETY (90) DAYS OF THE FINAL DECISION DATE, THE PLANNING DEPARTMENT APPROVAL AUTOMATICALLY EXPIRES.

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

CONDITIONS OF APPROVAL

1. The Applicant shall ensure that the **development shall be in compliance with all plans prepared by the Applicant on** February 26, 2015 and the Applicant's written statement dated February 7, 2015 on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval. Further, the Applicant shall ensure that the approved use is operated in compliance with the following restrictions:

    a. The approved use shall be closed from 10 p.m. to 10 a.m. seven days per week.

    b. Size of the approved use shall be limited to 2,240 square feet and a maximum of 16 students per class.

    c. The Applicant shall provide validation stamps to any students and teachers who park in the City of Boulder off-street parking facilities and advertise such program through the business website.

    d. The Applicant shall install two (2) City of Boulder standard u-bicycle racks within the public right-of-way along Pearl Street, as directed by the city manager.

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

3. This approval shall be **limited to an adult education facility use** operated consistent with the Applicant's written statement dated February 7, 2015.

Overall, the project was found to be consistent with the criteria for Use Review set forth in subsections 9-2-15(e) and (f), B.R.C. 1981.

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

✓ **(1) Consistency with Zoning and 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 subject property is located in the Mixed Use 3 (MU-3) zone district, which is defined as "areas of the community that are changing to a mixture of residential and complementary nonresidential uses, generally within the same building." Per Table 6-1, B.R.C. 1981, adult educational facilities are allowed through the Use Review process in the MU-3 zone district. section 9-16, B.R.C., 1981 defines an adult education facility as "an academic educational use serving a clientele at least fifty percent of which are individuals who are eighteen years of age or older."

The proposed use is considered a modification to an existing nonconforming use because the historic building is nonconforming due to parking. However, the proposed cooking school and demonstration kitchen is consistent with the intent of complimentary uses contemplated by the MU-3 zone district.

✓ (2) Rationale: The use either:

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

Not applicable. See notes below under criterion (D).

N/A (B) Provides a compatible transition between higher intensity and lower intensity uses;

Not applicable.

N/A (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

Not applicable.

✓ (D) Is an existing legal nonconforming use or a change thereto that is permitted under subsection (f) of this section;

The property is considered non-conforming due to a lack of on-site parking. Please see the response to the criteria in subsection (e) below. However, note that the use also meets criterion (A) by providing a direct service to the surrounding area and reducing adverse impacts. The subject tenant space is currently vacant but was formerly a retail and computer repair use "iSupportU", which was open 10 a.m. to 6 p.m., seven days a week. The proposed use will have less of an impact in terms of noise and traffic generation on the

adjacent residential uses than the previous use because employee and customer traffic is limited and will be during predictable hours.

✓ (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;

There are a variety of retail, restaurant, office, personal service and residential uses in the surrounding area. The existing approximately 7,500 square foot building was constructed circa 1890, and has been home to a variety of uses over the years. There are currently two existing off-street parking spaces located on the property where 25 are required per the MU-3 zone district standards for non-residential uses. The subject use will be allocated one off-street space in the alley. The property is located one-half block from the CAGID boundaries and will validate parking for students and teachers/guest chefs that park in the downtown parking garages. Additionally, there is a Neighborhood Parking Permit (NPP) program in the Whittier neighborhood to the north, which limits non-permit parking to 3 hours Monday through Thursday 8 a.m. to 8 p.m., Friday 8 a.m. to 12:00 a.m., and Saturday 8 p.m. to 12:00 a.m.

No exterior changes to the building are proposed; however, the applicant will install two u-bicycle racks in the public right-of-way adjacent to the property. The proposed hours of operation are from 10:00 a.m. to 10:00 p.m., which is compatible with the surrounding commercial and residential uses. Classes are expected to be offered from 6:00 p.m. to 9:00 p.m. every day and 11:00 a.m. to 2 p.m. on weekends and in the summer months. The business would be open for walk-in class registration, general administration and prep work during all other hours. Overall, the proposed use will remain compatible with and have minimal negative impact on the use of surrounding properties.

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

The existing infrastructure in the area will be adequate to serve the proposed use, and there will be no additional impacts associated with the use.

✓ (5) Character of Area: The use will not change the predominant character of the surrounding area;

As mentioned above, the character of the area immediately surrounding the site is an eclectic mix of retail, restaurant, office, personal service and residential uses. The proposed use will not change the character of the surrounding area, as no exterior changes to the building or site are proposed and the operating characteristics are similar to other existing uses in the area. The proposed use will contribute to the existing culinary and service industries on East Pearl. Staff finds that the proposed use will have little to no effect on the existing character of the surrounding area and is overall an appropriate use for the site.

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.

Not applicable, as there are currently no residential units on the subject property.

(f) "Additional Criteria for Modifications to Nonconforming Uses": No application for a change to a nonconforming 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 nonconformity upon the surrounding area, including, without limitation, objectionable conditions, glare, adverse visual impacts, 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 applicant has taken reasonable measures to arrange and manage off-site parking to help alleviate impacts on the neighborhood. CAGID is located one-half block away on 18th Street. The applicant has entered into an agreement with the City of Boulder Parking Services to validate parking for students and teachers/guest chefs that park in the downtown parking garages. As a condition of approval, the applicant will be required to advertise such option on the business website. The closest garage is located three blocks away at 15th and Pearl Streets. The applicant will install two u-bicycle racks within the public right-of-way along Pearl Street and two long-term bike parking spaces within the space.

✓ (2) Reduction in Nonconformity/Improvement of Appearance: The proposed change or expansion will either reduce the degree of nonconformity of the use or improve the physical appearance of the structure or the site without increasing the degree of nonconformity.

The proposal will reduce the degree of nonconformity by purchasing vouchers from the City of Boulder Parking Services and advertising parking validation on their business website. The applicant will also install two u-bicycle racks in the public right-of-way, where only one is necessary to meet the short-term bicycle parking requirements.

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

N/A (A) Except for a change of a nonconforming use to another nonconforming use; and

Not Applicable. The proposed use is permitted within the MU-3 zoning district through Use Review; however, the building is considered nonconforming due to a lack of on-site parking.

N/A (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.

Not Applicable. No variance to the zoning standards has been granted.

✓ (4) 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.

Due to the lack of off-street parking and the lack of available property to create additional off-street parking, the property cannot reasonably be made conforming.

✓ (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.

The current proposal does not include any increase in floor area or other changes to the existing building.

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.

Not Applicable. No variance to the zoning standards has been requested as part of this application.

1825 Pearl Use Review Response
Casey Easton/Owner
February 7, 2015

I am writing in response to the comments for my use review for 1825 Pearl. First I would like to state again what my business it. It is a recreational cooking school and demonstration kitchen. I plan to have recreational hands on classes for adult and some for kids with a limit of 16 per class. The community response has been overwhelmingly positive, after an article in the Daily Camera, local magazines 5280 and Dining Out reached out to me to write articles as well as a few local bloggers. My neighbors next door, Will and Coral Frischkorn are looking forward to having a neighbor that will be symbiotic with their brand and we have talked about how we can work together to provide new and fun things for the community, ie, charcuterie classes, wine classes, etc. People from the Big Red F office to Boulder Brands have expressed their excitement to me about having another great destination spot on the east end of Pearl, as well as Sean Maher of Downtown Boulder. I hear over and over again how there is such a need for this, how people want to learn how to cook and there is finally a locally owned purely recreational cooking school opening up right downtown.

Firstly I would like to approach the subject of parking. I would like to make sure that people park in the correct area and not utilize the Whittier neighborhood parking. I am a homeowner and live next to a public school and can understand how aggravating it can be when you arrive home to blocked driveways or no parking for your own guests! To help mitigate that, I spoke with Kurt Matthews, the Manager of Parking Services for the City of Boulder. We have agreed that a great strategy to reduce the parking will be to validate parking for people who take the classes and park in the CAGID garage. I will be purchasing validation stickers from CAGID and posting the following on my website and class confirmation emails:

Food Lab is happy to validate your parking! Please utilize the city parking garage on the south side of Pearl located between 15th and 16th street. Remember to bring your parking ticket with you so we can validate it. It's a quick and beautiful walk the 2.5 blocks down to Food Lab. There is also street parking in front of Food lab that is hourly, as well as mixed free and pay spots on 19th just south of Pearl. We offer bike racks out front if you choose to use 2 wheels, and the HOP bus stops just a few feet down from our space if you choose the RTD! Carpooling is great for the environment, and more fun than driving alone. Please use these recommended spaces, there are plenty, rather than parking in our adjacent neighborhoods and taking up the homeowners and their guests spots! Much appreciated by all involved.

I will also work with the city to make sure that we have sufficient bike parking both for guests and for employees. I will install two (2) u-racks within the city right-of-way along Pearl Street (1 required by code and 1 additional in support of the parking reduction) and provide two long-term bike parking spaces inside the building in the form of vertical bike parking.

I took some time to look around down by 1825 Pearl and took these notes on the parking situation.

1825 Pearl has a parking spot on premise dedicated to one employee/owner (I will be parking there, or letting an employee)

1825 Pearl is .03 miles from a bus stop on Pearl and 18th, the RTD bus the HOP runs the route.

1825 Pearl is .2 miles away from the closest parking garage downtown, and I will be advising customers to park there and also be validating parking for it.

I have been teaching classes for 5 years at a downtown location and can tell you that people mostly come in pairs. So a full class would be most like 8 cars that need parking from 6-9 pm. The surround businesses hours are as follows:

Title Nine Sports (18th and Pearl) 10-6pm
Buffalo Exchange (18th and Pearl) 10-7pm
Angie Star Jewelry (18th and Pearl) 10-6pm
Box Car and Cured (18th and Pearl) 10-6pm
Vilona Gallery (18th and Pearl) 10-6pm
Vecchios Bicycles (18th and Pearl) 10- 6pm
Mateo (18th and Pearl) 5-10pm
Savvy Hen (19th and Pearl) 10-5pm
Dish Gourmet (19th and Pearl) 10-4pm
HW Home (19th and Pearl) 9-6pm
Full Cycle (17th and Pearl) 9-6pm

The previous business (a computer store) was open during those same daytime hours as most of the businesses listed above. So I would be effectively reducing traffic from the previous owner who was open 10-6.

Here are additional spots available within a block of 1825 Pearl:

20 free parking spots with no limit after 6 pm from on Pearl from 19th street east to 20th

10 free parking spots on south side of Pearl from 18th to 19th and 10 paid parking on north side of Pearl from 18th to 19th.

30 parking spots, with mixture of paid and free parking from Pearl to Walnut on 20th Street.

That is 70 parking spots surrounding 1825 Pearl with only Food Lab and Mateo open during the prime hours of 6-9. These spots in conjunction with Food Lab parking validation, I believe, should be sufficient in people not utilizing the Whittier Neighborhood for parking.

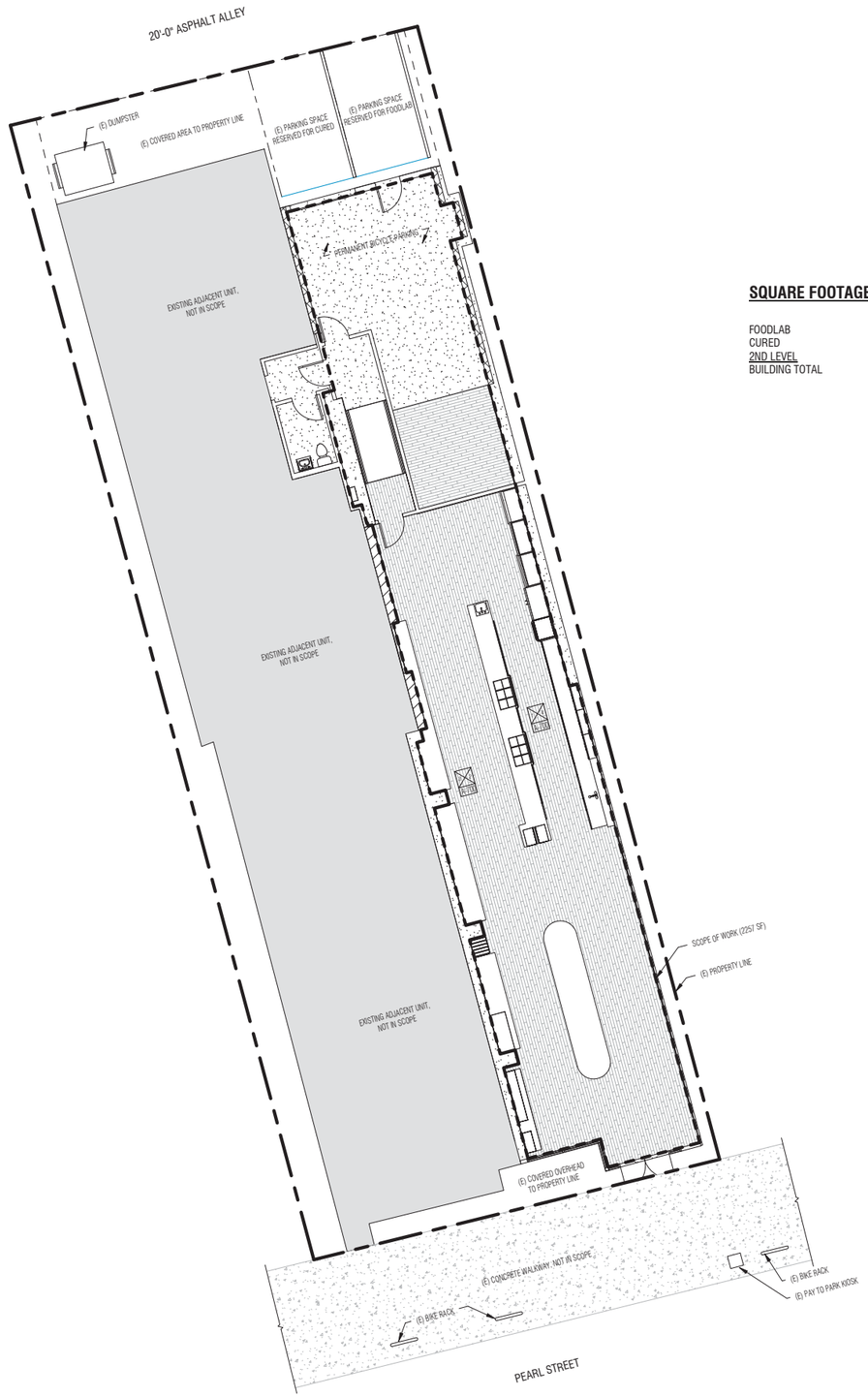
To address the other neighborhood comments:

A concern that we are an event center and will be rented out for parties:
We will have a beer and wine license because people like to drink wine while they cook and eat, as well as use wine in the food. This is a learning facility, not a party place. People may have corporate team building events, bridal showers, birthday parties here, but we will not be renting out the space to people. This kitchen is built with the intention of people learning and gathering, not for keggers. The concept is similar to the places like Sur La Table in 29th Street mall and Posh Splat on 15th and Pearl (the paint and sip places), but obviously food centric rather than painting.

Concern of cooking odors, especially early morning and late at night:
We are a recreational teaching facility. The amount of food we will be cooking is actually minimal. We will not be cooking early in the morning, and we will be done cooking by 9 most nights. We don't have a fryer, which makes most of the smells. Some classes won't even have cooking, like knife skills and sharpening and canning. Most classes would be very low smell, like soups and salads. We will not even come close to putting out the smells that out neighboring restaurant makes.

Anticipated Fan Noise:
We will have a Type 1 hood and fan, similar to all the restaurants in the neighborhood. Since we will be teaching and talking, we looked for a very quiet fan. The cut sheet is attached of the fans we are looking at. I have spoken with the hood companies as well as my GC, they have assured me that they help with meeting city codes and requirements, including the noise reduction. The current fans we are bidding out hover around 14-15 sones, which is within the noise limitations. The fan will also only be run when we are using the cooktop, not an ongoing fan all day. The fan will probably run an hour to two in the evening when we have classes. The fan is also coming out still about 50 feet away from the property line on the roof, which makes it still about 70-80 feet from anyone's property and that will dampen the noise even more for the residents of the Whittier Neighborhood.

This project only improves the east end of Pearl. It is a great space for people to come learn how to cook, go on a date, for businesses to have team building events. I have received so much positive feed back from the neighbors and locals alike. This is a project that I have been building and dreaming of for the last five years. It is a passion of mine and I will be the one in there working and sweating and making this happen. I have lived in Boulder 16 years and would like to now put deeper roots down in the community. Thank you!



SQUARE FOOTAGE BREAK DOWN

FOODLAB	2240 SF
CURED	2950 SF
2ND LEVEL	2389 SF
BUILDING TOTAL	7579 SF

NOTE #1 : INSTALL TWO (2) CITY OF BOULDER STANDARD U-RACKS WITHIN THE PUBLIC RIGHT OF WAY ALONG PEARL STREET, AS DIRECTED BY THE CITY.

NOTE #2 : INSTALL TWO (2) LONG TERM BIKE PARKING SPACES INSIDE THE BUILDING

1 SITE
SCALE: 1/8" = 1'-0"

N

Project:

FOOD LAB

1825 Pearl St
Boulder, CO 80302

Client Contact:

Casey Easton
303-349-5553
caseyjean23@gmail.com

Designer/Builder:

tres birds workshop
3821 Steele Street, Unit B
Denver,CO 80205
303-442-3790 (Main)

Project Team:

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Consultants:

Issue:

PERMIT SET

Date Printed:

12/09/14

Revisions:

SITE PLAN

A-005

From: Crystal Gray
To: Walbert, Sloane
Subject: 1825 Pearl
Date: Wednesday, January 21, 2015 4:56:42 PM

Hello Sloane:

I received notice of the cooking school at 1825 Pearl. I live within 600′ so I will be recusing myself from any Planning Board action and these comments are my own as a property owner.

I noticed that the hours are 10 am to 10 pm, which I was glad to see and is reasonable.

I do have a few questions - can they have private events like parties where they serve (sell) liquor? I want to make sure if the use is a cooking school and demonstration kitchen that it doesn't turn into an event space rented for parties. Did they give you an expectation of the number of patrons per day?

Also, there is a residential parking district in the Whittier Neighborhood adjacent to Pearl but there is little enforcement by Parking Services so I would like to know where the cooking school will have their patrons and employees park. Can you ask Parking Services if they plan on doing enforcement for the hours that are stated on the signs which are 8am to 8 pm M-F and 8 pm-midnight Friday and Saturday. Many of us are concerned that the enforcement is not done after 5 pm on weekdays. I have asked Molly Winter if she enforced until 8 pm weekdays but have never received a reply. It seems if there was some enforcement until 8 pm on the weekdays and also the night time enforcement on a regular basis that parking in the neighborhood would not be an issue.

Thanks for the information.

From: Winter, Molly
To: Crystal Gray
Cc: Walbert, Sloane; Matthews, Kurt
Subject: FW: 1825 Pearl
Date: Friday, January 30, 2015 4:45:39 PM

Dear Crystal,
Sloane forwarded us the email regarding your questions regarding the Whittier nighttime NPP. I am sorry if you sent me an email regarding enforcement of the area and I did not respond. I could not locate one that you sent me.

We do enforce the Whittier nighttime zone. We do it twice a month on a Friday or Saturday night and write between 40 and 60 tickets a night.

If you have any further questions or concerns please let me know. I can be reached at winterm@bouldercolordo.gov.

Thanks.
Best
Molly

From: John Spitzer
To: Walbert, Sloane
Subject: Re: 1825 Pearl Street / Public Notice for Whittier Consideration
Date: Tuesday, January 20, 2015 7:23:23 PM

Sloane —

Thanks for the heads up. Probably fine, but I'll pass it around. Any strong cooking odors expected, esp. if they might occur late at night or early morning? Any "fan noise" anticipated?

John Spitzer

From: Crystal Gray
To: Walbert, Sloane
Subject: Re: 1825 Pearl
Date: Monday, January 26, 2015 5:20:27 PM

Hope you are feeling better!

I have not heard any concerns beyond parking and I think folks generally think this is good fit as long as it doesn't turn into a party place and they know that they back up to a residential neighborhood.

It will fit in to the other food places!

Crystal

C I T Y O F B O U L D E R
PLANNING BOARD AGENDA ITEM

MEETING DATE: March 19, 2015

AGENDA TITLE:
Public hearing to consider a recommendation to City Council on a draft ordinance amending Title 9, "Land Use Code," B.R.C. 1981, to allow medical or dental clinic or office uses and addiction recovery facilities as a conditional use in the Industrial General (IG) zoning district near Boulder Community Health (BCH), Foothills Campus.

Present a proposed schedule and approach for planning for the longer-term needs of area around the Foothills Campus and for potential Phase 2 Title 9 changes.

REQUESTING DEPARTMENTS:
David Driskell, Executive Director of Community Planning & Sustainability (CP&S)
Susan Richstone, Deputy Director, CP&S
Charles Ferro, Development Review Manager, CP&S
David Gehr, Deputy City Attorney
Hella Pannewig, Assistant City Attorney
Lesli Ellis, Comprehensive Planning Manager
Jeff Hirt, Planner II

OBJECTIVES:
1. Present draft ordinance amending Title 9 to allow medical or dental clinic or office uses and addiction recovery facilities as a conditional use in the Industrial General (IG) zoning district near Boulder Community Health (BCH), Foothills Campus.
2. Review and consider a recommendation to City Council on the draft ordinance (**Attachment A**) and hold a public hearing.
3. Discuss schedule and approach for the next phase of planning for the Boulder Community Health Foothills Campus area and potential zoning changes.

EXECUTIVE SUMMARY

In 2014, Boulder Community Health (BCH) completed its transition from the Broadway to the Foothills campus, resulting in increasing demand for medical clinics and offices near the hospital. While the BT-2 zoning district adjacent to the hospital allows medical office, vacancy rates for medical office are very low. The city has recognized the immediate need for medical offices near the Foothills campus.

Following Planning Board and City Council discussions on the topic in fall 2014 and early this year, staff is bringing forward an ordinance (**Attachment A**) that would amend the Land Use Code to allow medical or dental clinic or office uses and addiction recovery facilities as a conditional use in the Industrial General (IG) zoning district near the BCH Foothills campus. The conditional use approach of the ordinance quickly responds to a current need and is limited in scope. It allows medical or dental clinics or office uses and addiction recovery facilities in existing buildings mainly through remodel of existing space. It does not allow for new development or redevelopment and will cause minimal change to built form.

A summary of input is provided herein, as well as a conditions inventory and analysis on the study area and potential properties near BCH in the IG zoning district that could be eligible.

The memo contains a suggested motion for Planning Board to recommend to City Council on the draft ordinance. Additionally, staff seeks direction on: (a) which areas or properties near BCH to include within the IG zoning district where the conditional use change would apply, and (b) whether to allow "permitted" buildings in addition to buildings "existing" on the lot or parcel on June 4, 2015.

The memo also contains a proposed schedule for longer term planning and potential Phase 2 Title 9 changes to address the future redevelopment character for a tighter district near the hospital.

BACKGROUND

In 2014, BCH transitioned facilities including the emergency room, new services such as surgery, imaging, laboratory services, and other inpatient services from the Broadway campus to the Foothills campus on East Arapahoe. The transition has resulted in increasing demand for medical offices in close proximity to BCH. The BT-2 area near BCH currently is zoned to allow medical office, but space is limited, with vacancies at zero percent. The surrounding Industrial General (IG) zoning district does not allow medical clinics or offices. Health care providers have contacted the city and expressed urgency to lease office space closer to the Foothills campus to avoid multiple daily vehicular trips across the city from the old Broadway campus to the Foothills campus. The Primary Employer Study (2013) noted this need, and both Planning Board and City council have provided feedback on this topic as noted in the summaries below. In 2013, the city conducted analysis of medical offices needs in the BCH Foothills Campus area (see link here).

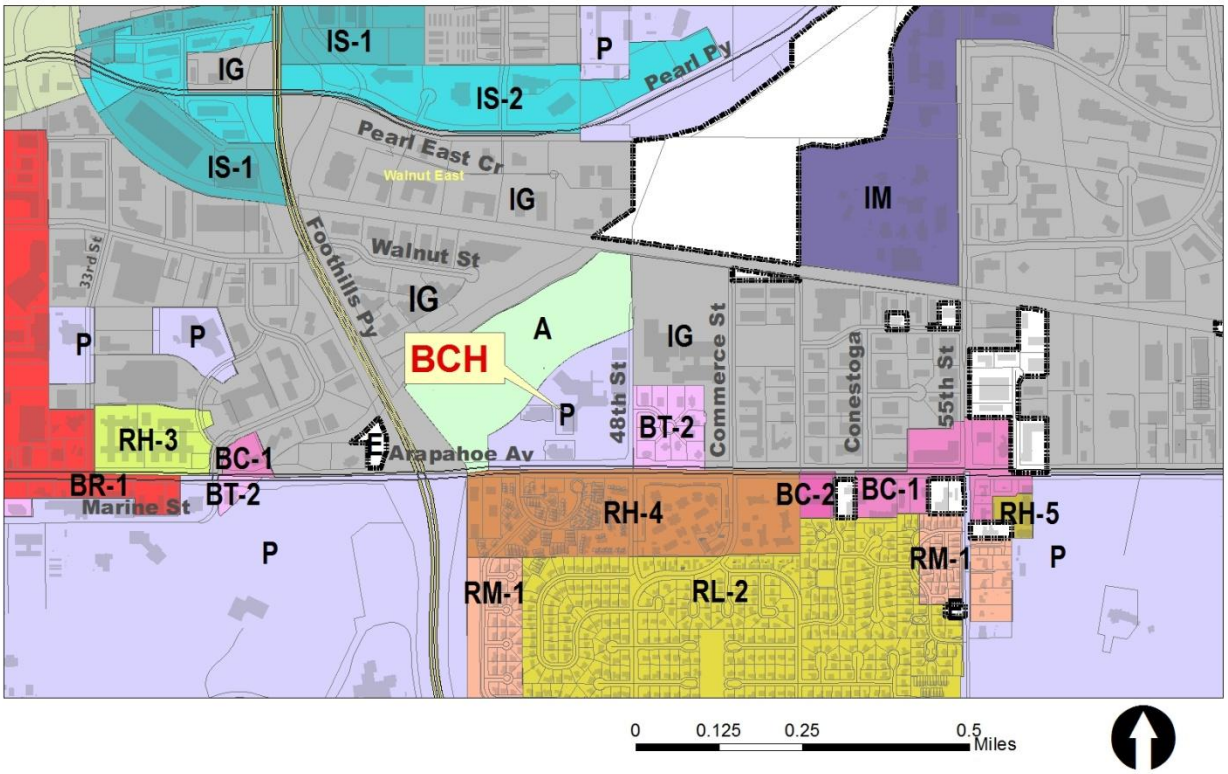


Figure 1: Existing Zoning

The purpose of this agenda item is to present a draft ordinance to amend Title 9, the Land Use Code, to allow medical or dental clinic or office uses and addiction recovery facilities as a conditional use in the Industrial General (IG) zoning district near BCH, with related details set forth in the draft ordinance (**Attachment A**). Three areas within the IG zoning district and near the BCH facility (generally within a mile) are presented for consideration – all or some of which could be included as eligible properties.

Staff is proposing to move forward with these targeted Title 9 changes to quickly respond to short term medical clinic and office needs while narrowly addressing the issue in a limited area as a first phase of work. This approach builds on the discussions held in January and February 2015 with Planning Board and City Council.

1. This first phase and draft ordinance includes an immediate modification to the IG zoning district to allow medical or dental clinic or office uses and addiction recovery facilities as a conditional use in existing buildings in an area in close proximity to the hospital.
2. The second phase of work will look at shifting medical related uses closer to BCH and comprehensively planning for and evaluating longer term land use, form, design, intensity, and potential redevelopment near BCH, including potential Title 9 changes. Staff will work with the community, Planning Board, and council to plan for needs and evaluate options.

The draft ordinance in this first phase does not permit new development or redevelopment and will cause limited change in the built form of the affected areas.

SUMMARY OF INPUT

Planning Board Meeting (Jan. 22, 2015)
Planning Board at a meeting on Jan. 22, 2015 regarding Envision East Arapahoe and the medical office topic provided input generally as follows:

- Reviewed initial ideas regarding Title 9 changes and suggested the two phased approach by first allowing medical offices as a conditional use near BCH, and second planning for and analyzing hospital district zoning needs;
- Emphasized considering existing businesses in the area and potential impacts; and
- Suggested that zoning changes should address future redevelopment and character of the BCH area and ancillary uses as well as medical offices.

City Council Study Session (Feb. 24, 2015)
Council at the study session regarding Envision East Arapahoe provided the following input:

- Generally agreed with the two phase approach to accommodate medical offices, initially allowing the use in the IG zoning district as a conditional use and within existing buildings;
- Discussed keeping the uses contained near BCH and ensuring minimal potential impacts on existing service businesses;
- Addressed the need to plan for the BCH area's urban form, mix of land uses, design, and future street and multimodal connections as part of Phase 2.

Community and Stakeholder Input
Additional feedback includes:

- On Feb. 4, 2015, the city held an open house and workshop as part of the Envision East Arapahoe project and provided posters and information about the medical office topic. During the open house, staff received several supportive comments regarding allowing medical offices near the hospital and the phased approach. The project website (EnvisionEastArapahoe.com) also contained information about the topic.
- BCH representatives have not provided specific input on the draft ordinance but have expressed interest in eventually redeveloping the Riverbend Park (BT-2) area, possibly coordinating with Ball Aerospace to address the future mix and intensity of land uses, parking, and street connections. In addition, BCH would like to explore potential street connections from 48th Street to Walnut Street East and/or north across the railroad to Pearl Street.
- Boulder Economic Council provided input that the current zoning does not adequately accommodate medical offices near BCH and stated concerns over losing industrial land, particularly land affordable to small and mid-sized companies aiming to stay in Boulder.

- Medical practitioners have provided letters to City Council noting their need for clinic and office space near the BCH Foothills Campus now that BCH has completed its relocation of operations.

The city is notifying property owners and tenants in the affected area about the draft ordinance. During the next phase, the city will coordinate engagement about the vision for the future of the area near BCH with the Boulder Valley Comprehensive Plan and will ensure broad and inclusive engagement for both planning and implementation stages.

ANALYSIS

DRAFT ORDINANCE

The draft ordinance (**Attachment A**) sets forth changes to Title 9 as follows:

1. **Amending Table 2-1 (Review Processes Summary Chart)** to allow "Medical or dental clinic or office uses and addiction recovery facilities in the Industrial General (IG) zoning district near the Boulder Community Health, Foothills Campus" through the conditional use review process;
2. **Updating Table 6-1 (Use Table)** to add "Medical or dental clinic or office uses and addiction recovery facilities" as a Conditional Use in the IG zoning district with Specific Use Standards set forth in Section 9-6-7;
3. **Changing Section 9-6-7,** to add new Specific Use Standards for the IG zoning district applicable to any medical or dental clinic or office use and any addiction recovery facility use to:
    A. Ensure that the use must be located on a lot or parcel designated in Appendix K (Properties Where Medical or Dental Clinic or Office Uses may be located in the IG Zoning District);
    B. Require the use to be located in a building existing on the lot or parcel on June 4, 2015 and;
    C. Limit changes to the existing buildings to not exceed a cumulative total increase in floor area of more than ten percent of the existing floor area of the building.
4. **Adds Appendix K**, the map illustrating the properties where such uses may be located within the IG zoning district.

The analysis below notes several topics about which staff seeks Planning Board's direction should the board decide to recommend in favor of the draft ordinance.

GENERAL ANALYSIS

The draft ordinance and conditional use process solves an immediate need by narrowly addressing the need for medical clinic and office uses in the vicinity of BCH. It applies to existing buildings, so it will cause limited change in the built form. It does not allow new development of medical offices in the IG zoning district, so it has minimal impact on existing neighborhoods and businesses. While the ordinance is narrow in scope, it is consistent with community goals because it:

1. Permits proximity of medical clinics and office uses near BCH for improved multimodal transportation and access, aiming to reduce single occupancy vehicle trips of patients and medical professionals between BCH and supportive offices;
2. Allows for uses that are compatible with the BVCP Light Industrial land use designation and IG zoning district uses, and does not change the zoning districts intended for service businesses (i.e., Industrial Service 1 and 2);
3. Supports a major community health institution by allowing supportive medical uses in the vicinity of BCH (BVCP Policy 8.10); and
4. Has minimal impact on traffic patterns or parking demands because of its limited scope.

Initially staff identified a study area including all properties within approximately one mile distance from BCH along Arapahoe. **Attachment C** contains a study conducted by Health Connect Properties to access current medical office space near BCH and supply and demand based on the existing facility. Of note,

medical office supply and demand are relatively aligned in the area; however there is no vacancy for medical offices within one-half mile of BCH. The study also confirms that limited square footage is available for medical office space.

SPECIFIC ISSUES

Two specific issues are important to discuss as part of the draft ordinance, including first the properties for inclusion in Appendix K and second whether to make a small change to Section 9-6-7, for a new standard allowing buildings "permitted" as well as existing.

Issue 1: What Areas Should be Included?

Figure 2 below shows three possible areas where medical or dental clinic or office uses and addiction recovery facilities could be allowed in the IG zoning district as a conditional use. The three areas are not mutually exclusive – any combination could be included. They are shown in Figure 2 and titled as (A) Pearl East, (B) Walnut East/38th and Foothills Parkway, and (C) East of Ball Aerospace along Arapahoe Avenue.

Staff requests that Planning Board consider the implications of including each area as part of the designated area where medical uses may be located and provide direction.

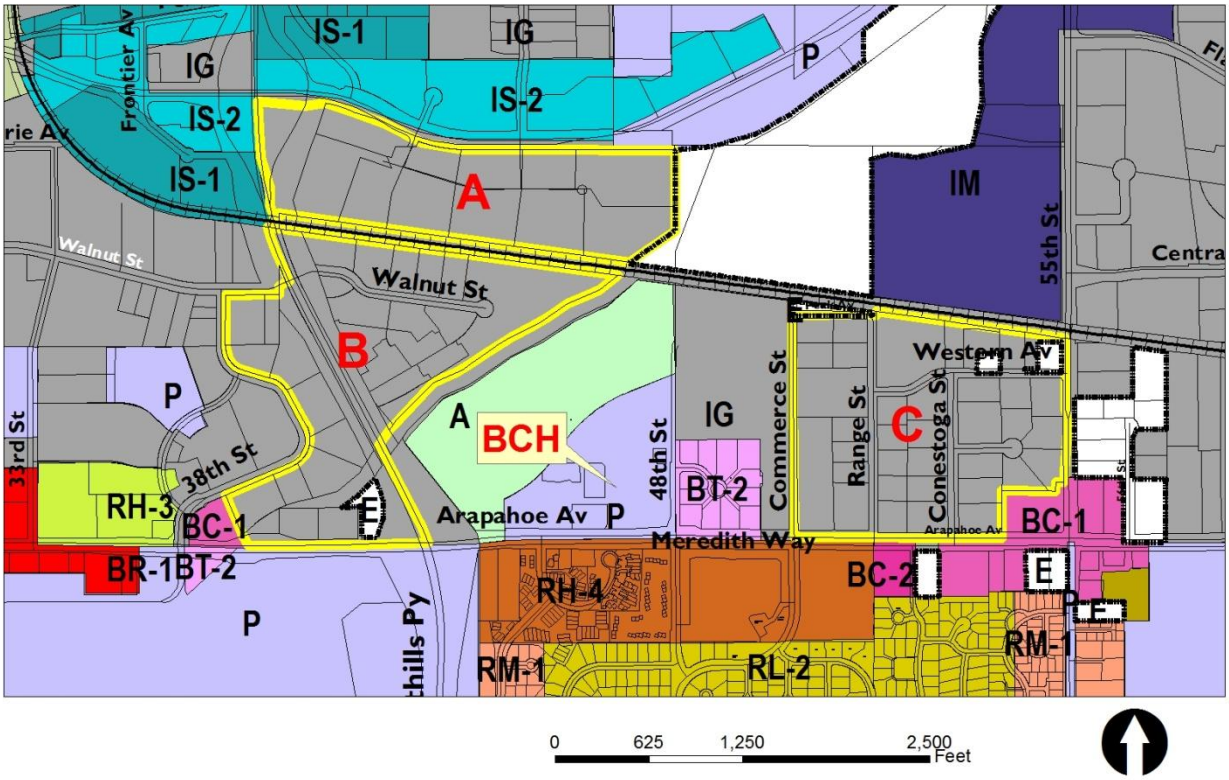


Figure 2: Possible Areas and properties within the IG zoning district where Medical or Dental Clinic or Office Uses or Addiction Recovery Facilities may be located in accordance with the draft ordinance (i.e., Appendix K). (Note: Boundary shown in yellow.)

Attachment B also provides an overview of each area and inventory of properties, building space, and businesses. Other areas along East Arapahoe and 55th Street were analyzed and determined to be too distant from BCH or to lack available building space or compatible uses.

Area A: Pearl East

This area is 38 acres and contains 11 properties. It has 591,849 square feet of building space, with a vast majority in use for general office (81%) and the remainder as lodging (19%). Businesses such as Paychex, Genesis Biofuel, Outdoor Industry Association, Cloud 9 Living, and the US Social Security Administration are located in the area. Other implications of allowing medical clinics or office uses in this area include:

Proximity and Accessibility to BCH: This area is not particularly near or accessible to BCH.

- The average distance of properties from BCH on street is 1.4 miles.
- Walking distance is approximately 0.6 miles via the multi-use path.
- The 206 bus serves Pearl Parkway but does not have direct access to BCH, so travel time by bus is likely 20 minutes or more.

Compatibility with Industrial Uses: Medical clinics and offices are compatible with the area. They would not likely displace manufacturing or service uses, given the existing mix of uses.

Availability of Space: The area contains 35,619 square feet of available *existing* building space. 4700 Pearl awaits building permit approval and has 52,633 square feet of available space listed. A medical provider has noted that the building could suit their needs.

Other Considerations: Past discussion has occurred regarding extending 48th Street across the railroad to connect with Pearl Street and improve overall circulation and access for the area. However, this kind of infrastructure investment would be long range, considerably costly, and necessitate analysis of environmental impacts.

Area B: Walnut East / 38th Street and Foothills Parkway

This area along Foothills Parkway is 62 acres and contains 32 properties. It has 730,551 square feet of building space. The mix of uses includes: general office (51%), industrial office (32%), warehouse and storage (11%), manufacturing (5%), and public/institutional (2%). Some of the businesses in the area include Mike's Motorcycle Parks, Shoyeido Fragrance, and Northwestern Mutual. Other implications of allowing medical clinics or office uses in this area include:

Proximity and Accessibility to BCH: The area is comparable in accessibility to Area A.

- The average distance of properties from BCH on street is 1.5 miles. Driving requires a somewhat indirect route via Exposition Drive and 38th Street.
- Walking distance is approximately 0.6 miles via the multi use path.
- The JUMP bus runs east and west along Arapahoe Avenue providing service to the properties near it, however the Walnut East area is not served by transit.

Compatibility with Industrial Uses: Medical clinics and offices could be compatible with the mix of uses in the area which are about 50% general office and 30% industrial office.

Availability of Space: The area contains 84,002 square feet of available building space, all in the Walnut East area.

Other Considerations: The costs and benefits of extending 48th Street to Walnut East are being considered as part of the East Arapahoe area transportation planning. The capital cost would be considerable.

Area C: Area East of Ball Aerospace along Arapahoe Avenue

This area is 57 acres and contains 38 properties. It has 564,290 square feet of building space, much of which is leased by Ball Aerospace. The mix of uses includes: manufacturing (51%), industrial office (35%), warehouse and storage (7%), general office (3%), public/institutional (2%) and restaurants (1%). Some of the businesses that inhabit the area include Copy Experts, Capco Tile and Stone, Blackbelly

Restaurant, and Kare Products. Other implications of allowing medical clinics or office uses in this area include:

Proximity and Accessibility to BCH: The area is the most accessible to BCH.

- The average distance of properties from BCH on street is 0.5 miles.
- Walking distance is approximately 0.5 miles on sidewalks.
- The JUMP bus runs east and west along Arapahoe Avenue.

Compatibility with Industrial Uses: Medical clinics and offices may be less compatible with the predominant manufacturing and industrial office use character of the area. Additionally, many of the buildings between Commerce and Conestoga Streets are leased by Ball Aerospace.

Availability of Space: The area does not currently contain available building spaces.

Staff recommends that the ordinance apply to the following areas in order of priority: First, **Area C** should be included because of its proximity and access to BCH even though it does not currently contain available space. Approval of the ordinance may encourage space to become available. Second, **Area A** would be reasonable to include because of the flexible space use configuration and compatibility of medical offices with other office uses in the area. However, access and proximity of Area A to BCH is not optimal except on foot or by bicycle. Third, because **Area B** has poor vehicular and transit access and a mix of uses that is more manufacturing and service oriented than Area A, staff leans away from recommending the ordinance apply to it. However, Area B does contain potentially available office spaces and some medical providers have expressed interest in leasing buildings near 38th Street.

ISSUE 2: SHOULD BUILDINGS "PERMITTED" ON JUNE 5, 2015 BE ELIGIBLE?

The use standard proposed in the draft ordinance (**Attachment A**), new Section 9-6-7(3)(B) is currently written to require a use to be located in a building existing on the lot or parcel on June 4, 2015. This is to prevent new development of medical buildings as part of this first phase of implementation. However, as noted in the Pearl Parkway area above, at least one building at 4700 Pearl Parkway has a pending building permit, and the building may be suitable to accommodate medical office needs. While the location is not ideal from a proximity or accessibility standpoint, building space near BCH is very limited and vacancy rates in all the areas are at zero percent.

Staff is asking Planning Board to consider whether to modify the language of the draft ordinance to add buildings existing and "permitted" on the lot or parcel. The ordinance is drafted for existing buildings. The rationale for this is that they are not necessarily purpose built buildings for medical uses, so they will have greater potential to be converted back to industrial uses in the future. Given that this ordinance is an interim measure, decisions about where new medical office buildings can be built will be analyzed along with the development of an implementation strategy in Phase 2 of the project.

As noted above, a building is under review for a proposed building permit at 47th Street and Pearl Parkway. There has been some interest in medical uses locating in this building. If the board thinks that it would be appropriate to include this building, the recommendation could be modified to read that: "(C) The use must be located in an existing building or with a building for which a building permit for new construction was submitted on the lot or parcel on or before June 4, 2015."

PHASE 2 - BCH DISTRICT PLANNING AND IMPLEMENTATION

The proposed ordinance and Title 9 changes included in this agenda item are limited in scope and effect. Therefore, staff will continue to work with the Boulder community, Planning Board, City Council, and stakeholders to plan for the future needs and character near BCH and identify the best zoning approach to implement the desired future district.

Phase 2 is completion is targeted for early to mid-2016. Phase 2-specific considerations and scope items are anticipated to include:

1. Develop a community engagement strategy to include neighbors, property owners, tenants and other people interested in participating. Coordinate with Boulder Community Health and Ball Aerospace.
2. Define a more focused planning area for the future "hospital district" – possibly around Riverbend Park and the BT-2 zoning district.
3. Synchronize with the Boulder Valley Comprehensive Plan (BVCP) 2015 update process to plan for hospital district needs and desired character of future redevelopment.
4. Continue to analyze potential transportation connections in the immediate area, such as 48th Street extension and future Bus Rapid Transit along SH 7/Arapahoe Ave.
5. Begin drafting Title 9 changes, including a possible new zoning district or form based code to implement the hospital district desired form, uses, and character.

SUGGESTED MOTION LANGUAGE

Staff proposes that Planning Board recommend to City Council on a draft ordinance amending Title 9, "Land Use Code," B.R.C. 1981, to conditionally allow medical or dental clinic or office uses and addiction recovery facilities as a conditional use in the Industrial General zoning district in close proximity to the Boulder Community Health Foothills campus and setting forth related details. (See **Attachment A**.)

Staff also seeks direction from Planning Board regarding these two issues:

1. **Which mapped areas to include in Appendix K (i.e., Properties Where Medical or Dental Clinic or Office Uses or Addiction Recovery Facilities May be Located in the IG Zoning District).** Staff recommends applying the ordinance to the areas in the following ranked order: Area C, then A, then B (leaning against recommendation for B); and
2. **Whether to add buildings "permitted" to the draft ordinance, Section 9-6-7 (Office, Medical and Financial Uses), Section 2 (B).** Staff recommends the language in the draft ordinance but recognizes that including the alternative language noted in the issues section above would have limited impact and may benefit medical providers attempting to lease space in the Pearl East area: Alternative language is as follows: *"(C) The use must be located in an existing building or with a building for which a building permit for new construction was submitted on the lot or parcel on or before June 4, 2015."*

NEXT STEPS

The following immediate next steps relate to this draft ordinance:

Apr. 7, 2015: City Council 1st reading of draft ordinance amending Title 9.
May 5, 2015: City Council 2nd reading of draft ordinance amending Title 9.
Jul. 16, 2015: Planning Board discussion of planning issues for BCH and zoning district options

Phase 2 steps will be coordinated with the BVCP update and City Council calendar.

ATTACHMENTS/LINKS

A. Draft Ordinance Amending Title 9, "Land Use Code," B.R.C. 1981.
B. Area Profiles and Property Inventory
C. Medical Office Analysis/Boulder Community Health

Link: Area II Analysis Report (2013)

ATTACHMENT A

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 9, "LAND USE CODE," B.R.C. 1981, TO ALLOW MEDICAL OR DENTAL CLINIC OR OFFICE USES AS A CONDITIONAL USE IN THE INDUSTRIAL GENERAL ZONING DISTRICT IN CLOSE PROXIMITY TO THE BOULDER COMMUNITY HEALTH FOOTHILLS CAMPUS , AND SETTING FORTH RELATED DETAILS.

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

Section 1. 9-2-1, B.R.C. 1981, is amended to read:

9-2-1. - Types of Reviews.

(a) Purpose: This section identifies the numerous types of administrative and development review processes and procedures. The review process for each of the major review types is summarized in Table 2-1 of this section.

(b) Summary Chart:

TABLE 2-1: REVIEW PROCESSES SUMMARY CHART

I. ADMINISTRATIVE REVIEWS	II. ADMINISTRATIVE REVIEWS - CONDITIONAL USES	III. DEVELOPMENT REVIEW AND BOARD ACTION
Building permits	Accessory Units (Dwelling, Owners, Limited)	Annexation/initial zoning
Change of address	Antennas for Wireless Telecommunications Services	BOZA variances
Change of street name	Bed and Breakfasts	Concept plans
Demolition, moving, and removal of buildings with no historic or architectural significance, per	Cooperative Housing Units	Demolition, moving, and removal of buildings with potential historic or architectural

Section 9-11-23, "Review of Permits for Demolition, On-Site Relocation, and Off-Site Relocation of Buildings Not Designated," B.R.C. 1981 Easement vacation Extension of development approval/staff level Landmark alteration certificates (staff review per Section 9-11-14, "Staff Review of Application for Landmark Alteration Certificate," B.R.C. 1981) Landscape standards variance Minor modification Nonconforming use (extension, change of use (inc. parking)) Parking deferral per Subsection 9-9-6(e), B.R.C. 1981 Parking reduction of up to fifty percent per Subsection 9-9-6(f), B.R.C. 1981 Parking reductions and modifications for bicycle parking per Paragraph 9-9-6(g)(6), B.R.C. 1981 Parking stall variances Public utility Rescission of development approval Revocable permit	Daycare Centers Detached Dwelling Units with Two Kitchens Drive-Thru Uses Group Home Facilities Home Occupations Manufacturing Uses with Off-Site Impacts <u>Medical or Dental Clinics or Offices in the Industrial General Zoning District near the Boulder Community Health Foothills Campus</u> Neighborhood Service Centers Offices, Computer Design and Development, Data Processing, Telecommunications, Medical or Dental Clinics and Offices, or Addiction Recovery Facilities in the Service Commercial Zoning Districts Recycling Facilities Religious Assemblies Residential Care, Custodial Care, and Congregate Care Facilities Residential Development in Industrial Zoning Districts Restaurants, Brewpubs, and	significance, per Section 9-11-23, "Review of Permits for Demolition, On-Site Relocation, and Off-Site Relocation of Buildings Not Designated," B.R.C. 1981 Landmark alteration certificates other than those that may be approved by staff per Section 9-11-14, "Staff Review of Application for Landmark Alteration Certificate," B.R.C. 1981 Lot line adjustments Lot line elimination Minor Subdivisions Out of city utility permit Rezoning Site review Subdivisions Use review Vacations of street, alley, or access easement

Right of way lease Setback variance Site access variance Solar exception Zoning verification	Taverns Sales or Rental of Vehicles on Lots Located 500 Feet or Less from a Residential Zoning District Service Stations Shelters (Day, Emergency, Overnight, temporary) Temporary Sales Transitional Housing	

. . .

Section 2. 9-6-1, B.R.C. 1981, is amended to read:

9-6-1. - Schedule of Permitted Land Uses.

The schedule shows the uses which are permitted, conditionally permitted, prohibited, or which may be permitted through use review pursuant to Section 9-2-15, "Use Review," B.R.C. 1981.

(a) Explanation of Table Abbreviations: The abbreviations used in Table 6-1 of this section have the following meanings:

(1) Allowed Uses: An "A" in a cell indicates that the use type is permitted by right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this title.

(2) Conditional Uses: A "C" in a cell indicates that the use type will be reviewed in accordance with the procedures established in Section 9-2-2, "Administrative Review Procedures," B.R.C. 1981. Conditional use applications shall also meet the additional standards set forth in Sections 9-6-2 through 9-6-9, B.R.C. 1981, for "Specific Use Standards," or other sections of this title.

(3) Use Review Uses: A "U" in a cell indicates that the use type will be reviewed in accordance with the procedures established in Section 9-2-15, "Use Review," B.R.C. 1981. Use review applications shall also meet the additional standards set forth in Sections 9-6-2 through 9-6-9, B.R.C. 1981, for "Specific Use Standards."

(4) Ground Floor Restricted Uses: A "G" in a cell indicates that the use type is permitted by right in the respective zoning district, so long as it is located above or below the ground floor, otherwise by use review only.

(5) Residential Restricted Uses - M: An "M" in a cell indicates the use is permitted, provided at least fifty percent of the floor area is for residential use and the nonresidential use is less than seven thousand square feet per building, otherwise by use review only.

(6) Residential Restricted Uses - N: An "N" in a cell indicates the use is permitted, provided at least fifty percent of the floor area is for nonresidential use, otherwise by use review only.

(7) Prohibited Uses: An asterisk symbol ("*") in a cell indicates that the use type is prohibited in the zoning district.

(8) Additional Regulations: There may be additional regulations that are applicable to a specific use type. The existence of these specific use regulations is noted through a reference in the last column of the use table entitled "Specific Use." References refer to subsections of Sections 9-6-2 through 9-6-9, B.R.C. 1981, for "Specific Use Standards," or other sections of this title. Such standards apply to all districts unless otherwise specified.

(9) n/a: Not applicable; more specific use applications apply.

(b) Interpretation: The city manager may decide questions of interpretation as to which category uses not specifically listed are properly assigned to, based on precedents, similar situations, and relative impacts. Upon written application, the BOZA may determine whether a specific use not listed in Table 6-1 of this section is included in a specific use category. Any use not specifically listed in Table 6-1 of this section is not allowed unless it is determined to be included in a use category as provided by this section.

(c) Multiple Uses of Land Permitted: Permitted uses, conditional uses, and uses permitted by use review may be located in the same building or upon the same lot.

(d) Use Table:

TABLE 6-1: USE TABLE

Zoning District	RR-1, RR-2, RE, RL-1	RL-2, RM-2	RM-1, RM-3	RMX-1	RMX-2	RH-1, RH-2, RH-4, RH-5	RH-3, RH-7	RH-6	MH	MU-3	MU-1	MU-2	MU-4	BT-1, BT-2	BMS	BC-1, BC-2	BCS	BR-1, BR-2	DT-4	DT-5	DT-1, DT-2, DT-3	IS-1, IS-2	IG	IM	IMS	P	A	
Use Modules	R1	R2	R3	R4	R5	R6	R7	R8	MH	M1	M2	M3	M4	B1	B2	B3	B4	B5	D1	D2	D3	I1	I2	I3	I4	P	A	Specific Use Standard
Office, Medical and Financial Uses																												
Data processing facilities	*	*	*	*	*	*	*	*	*	*	*	*	C	A	G	A	C	A	G	A	A	*	A	A	A	*	*	9-6-7
Financial institutions	*	*	*	*	*	*	M	*	*	M	M	M	C	U	A	A	A	A	A	A	A	*	*	*	*	*	*	
Hospitals	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	*	9-3-2(i)
Medical or dental clinics or offices or addiction recovery	*	U	U	U	*	U	U	*	*	M	U	U	C	A	A	A	C	A	G	A	A	*	~~*~~ C	*	*	U	*	9-3-2(i) 9-6-7

facilities																												
Medical and dental laboratories	*	*	*	*	*	*	M	*	*	M	M	M	C	A	A	A	A	A	*	*	*	U	A	*	U	*	*	
Offices, administrative	*	*	*	*	*	*	*	*	*	*	*	*	C	A	A	A	C	A	G	A	A	*	A	A	*	*	*	9-6-7
Offices, professional	*	U	U	U	U	U	M	*	*	M	M	M	C	A	A	A	C	A	G	A	A	*	*	*	*	*	*	9-6-7
Offices, technical; with <5,000 square feet of floor area	*	U	U	U	U	U	M	*	*	M	M	M	A	A	A	A	C	A	G	A	A	A	A	A	A	*	*	9-6-7
Offices, technical; with >5,000 square feet of floor area	*	U	U	U	U	U	M	*	*	M	M	M	U	A	U	A	C	A	G	A	A	*	A	A	A	*	*	9-6-7
Offices - other	*	U	U	U	U	U	M	*	*	M	M	M	C	A	A	A	C	A	G	A	A	*	*	*	*	*	*	9-6-7

A: Allowed use.

C: Conditional use. See Section 9-2-2 for administrative review procedures.

*: Use prohibited.

U: Use review. See Section 9-2-15 for use review procedures.

G: Allowed use provided that it is located above or below the ground floor.

M: Allowed use provided at least 50% of the floor area is for residential use and the nonresidential use is less than 7,000 square feet per building, otherwise use review.

N: Allowed use provided at least 50% of the floor area is for nonresidential use, otherwise by use review.

n/a: Not applicable; more specific use applications apply.

Section 3. 9-6-1, B.R.C. 1981, is amended to read:

9-6-7. - Office, Medical and Financial Uses.

Offices, Computer Design and Development, Data Processing, Telecommunications, Medical or Dental Clinics and Offices, Medical and Dental Laboratories, Financial Institutions, or Addiction Recovery Facilities: The following criteria apply to the uses and zoning districts specified in this subsection:

(1) In the BCS zoning district, the combined total amount of any office, computer design and development facility, data processing facility, telecommunication use, medical or dental clinic or office, or addiction recovery facility shall not exceed fifty percent of the total floor area of the building.

(2) In the MU-4 zoning district, any public and private office use providing social services; data processing facility; financial institution; medical or dental clinic or office; addiction recovery facility; medical and dental laboratory; office, administrative; office, professional; and office, other, shall not exceed 20,000 square feet in floor area of the building. The floor area may exceed 20,000 square feet if the use is approved pursuant to a use review and the approving authority finds that the use:

(A) Meets the use review criteria in Paragraphs 9-2-15(e)(1), (3), (4), and (5), "Use Review," B.R.C. 1981; and

(B) The proposed use will contribute to a diversity of uses in the area and to making the area a lively and engaging place.

(3) In the IG zoning district, the following standards and criteria apply to any medical or dental clinic or office or addiction recovery use:

(A) The use must be located on a lot or parcel designated in Appendix K, " Properties Where Medical or Dental Clinic or Office Uses May Be Located in the IG Zoning District;"

(C) The use must be located in an existing building with a certificate of occupancy on the lot or parcel on or before June 4, 2015; and

(C) Any changes to the existing building for the medical or dental clinic or office or addiction recovery use shall not result in a cumulative total increase in floor area of more than ten percent of the existing floor area of the building.

Section 4. The council adopts the map that is attached to this ordinance as Appendix K to Title 9, "Land Use Code," B.R.C. 1981

Section 5. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

Section 6. The city council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY this ____ day of _____, 2015.

_____
Mayor

Attest:

_____
City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY this _____ day of _____, 2015.

_____
Mayor

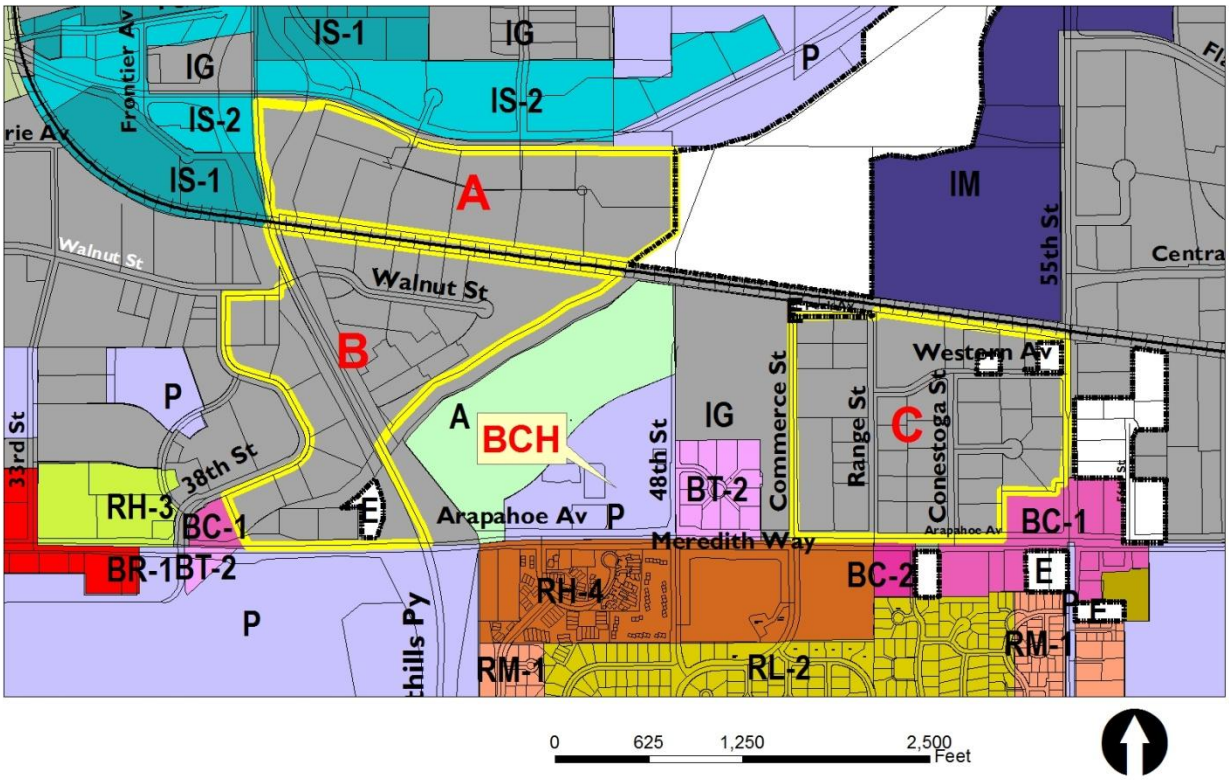
Attest:

_____
City Clerk

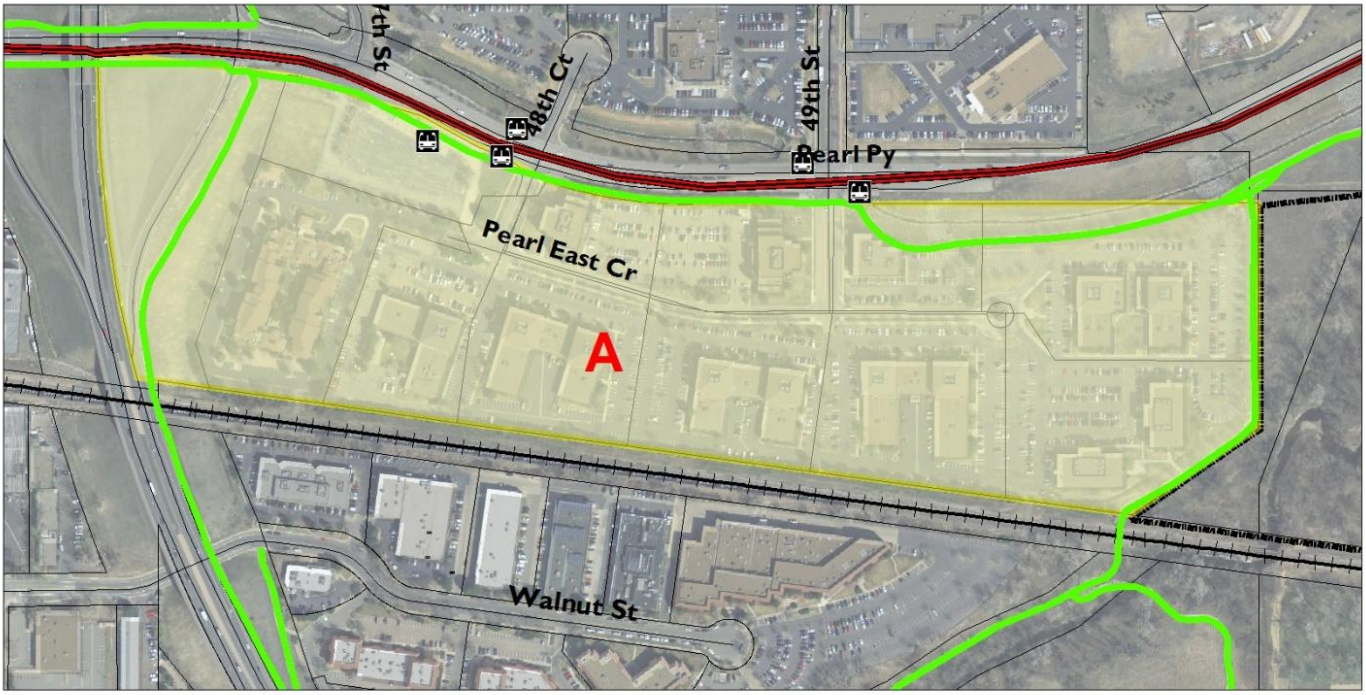
THIS PAGE WILL BE REPLACED BY

ATTACHMENT K TO

TITLE 9, "LAND USE CODE," B.R.C. 1981



ATTACHMENT B: AREA PROFILES AND PROPERTY INVENTORY



Transit Stops

206 Bus

Multi Use Path

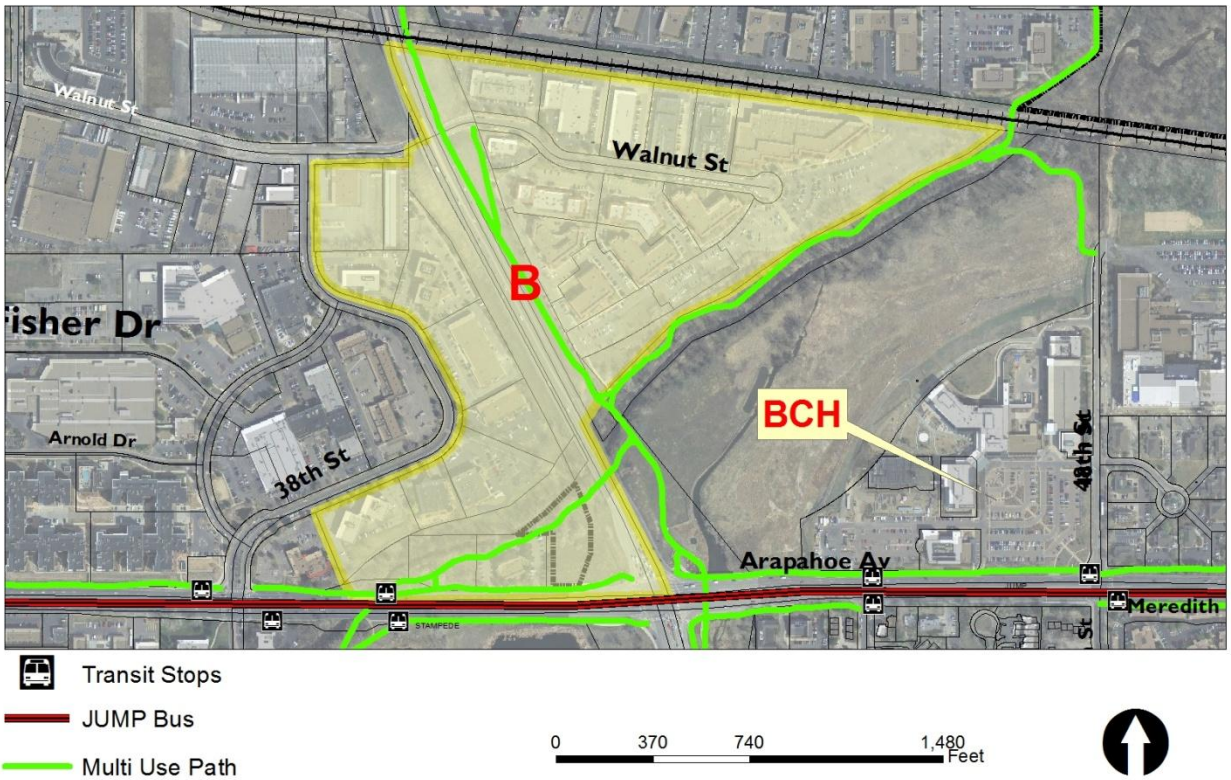
0 260 520 1,040 Feet

Size [1]
38 Acres
11 Properties

Existing Buildings
Total: 591,849 sq ft
General Office: 481,477 (81%)
Lodging: 110,372 (19%)

Available Space [2]
88,252 sq ft

Accessibility and Proximity (approx.) [3]
From 48th Court and Pearl Parkway intersection:
By Car: 1.4 mi/4 min
By Bus: 20 min (Pearl Pkwy served by 206 route)
On Foot: .6 mi/12 min (from intersection of Pearl East Circle and 49th St)

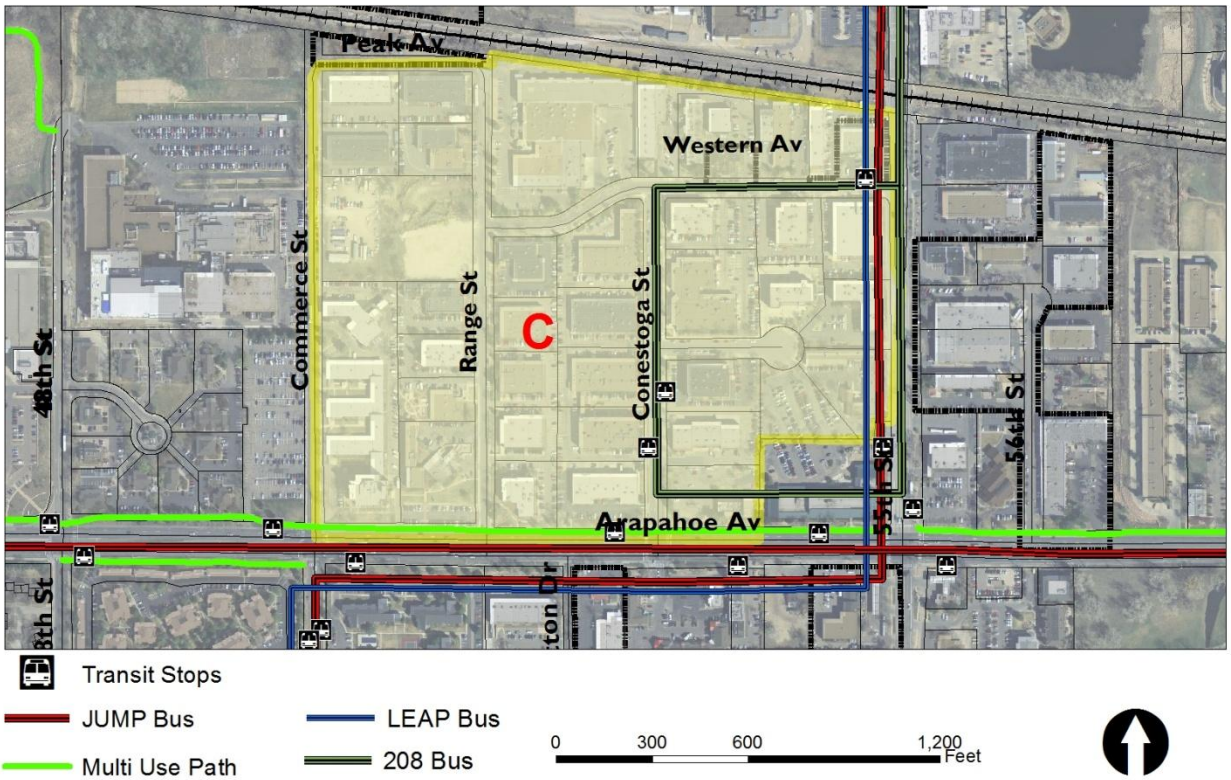


Size [1]
62 Acres
32 Properties

Existing Buildings
Total: 730,551 sq ft
- General Office: 370,319 (51%)
- Industrial Office: 236,357 (32%)
- Warehouse and Storage: 78,466 (11%)
- Manufacturing: 33,903 (5%)
- Public/Institutional: 11,506 (2%)

Available Space [2]
84,002 sq ft (all in Walnut St area east of Foothills)

Accessibility and Proximity (approx.) [3]
From Walnut St east of Foothills cul-de-sac:
- By Car: 1.5 mi/5 min
- By Bus: 5 min (via JUMP)
- On Foot: .6 mi/12 min



Size [1]
57 Acres
38 Properties

Existing Buildings
Total: 564,290 sq ft
- Manufacturing: 290,442 (51%)
- Industrial Office: 196,653 (35%)
- Warehouse and Storage: 38,543 (7%)
- General Office: 19,352 (3%)
- Public/Institutional: 8,814 (2%)
- Restaurants: 6,832 (1%)

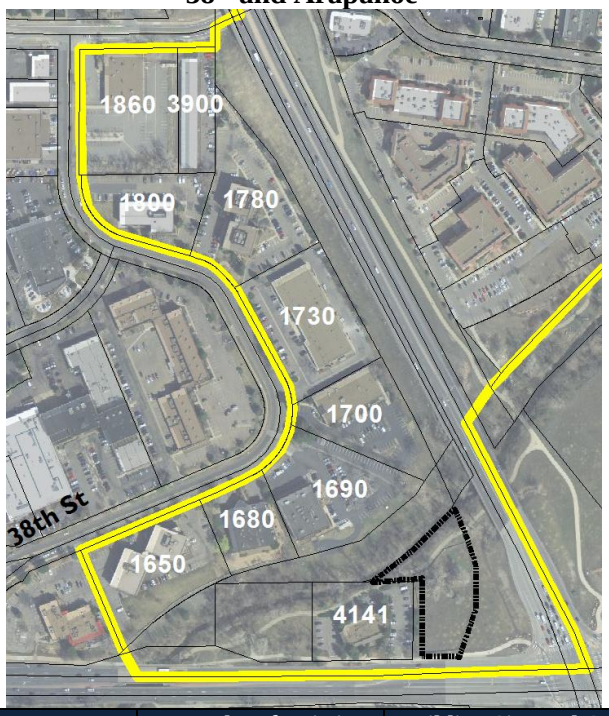
Available Space [2]
0 sq ft

Accessibility and Proximity (approx.) [3]
From Western and Conestoga Intersection:
- By Car: .5 mi/2 min
- By Bus: 5 min (via JUMP)
- On Foot: .5 mi/10 min

Sources: Co Star, Boulder County Assessors
[1] Does not include rights-of-way and open space properties
[2] Taken from Co Star search in February 2015. This number includes all spaces within the related boundaries that are classified as office, flex, retail, or industrial space. Not all spaces may be suitable for medical office.
[3] Source: Google Maps, analysis done for 1:00 on a weekday

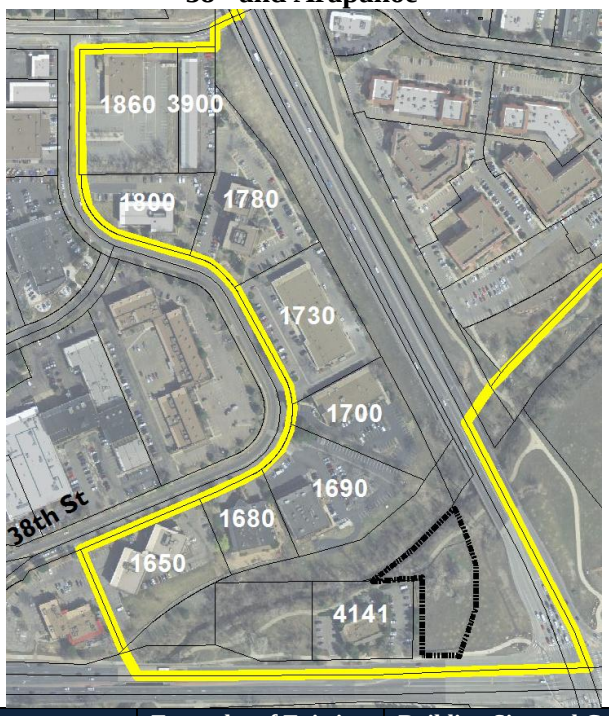
Property Inventory

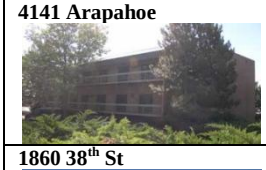
38th and Arapahoe



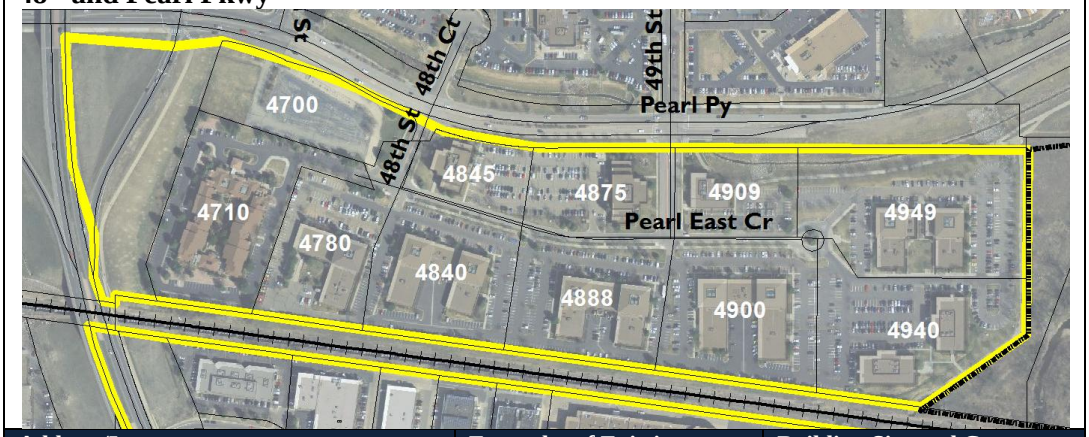
Address/Images	Examples of Existing Businesses	Building Size and County Classification
1800 38th	Unknown at this time	17,464 sq ft, Offices
1780 38th	Northwestern Mutual	62,728 sq ft, Industrial Office
1730 38th	Mike's Motorcycle Parts	35,046 sq ft, Industrial Office
1700 38th	Shoyeido Fragrance	14,113 sq ft, Offices
1690 38th	Unknown at this time	23,964 sq ft, Industrial Office
1680 38th	Unknown at this time	25,925 sq ft, Manufacturing/Processing Improvements

38th and Arapahoe



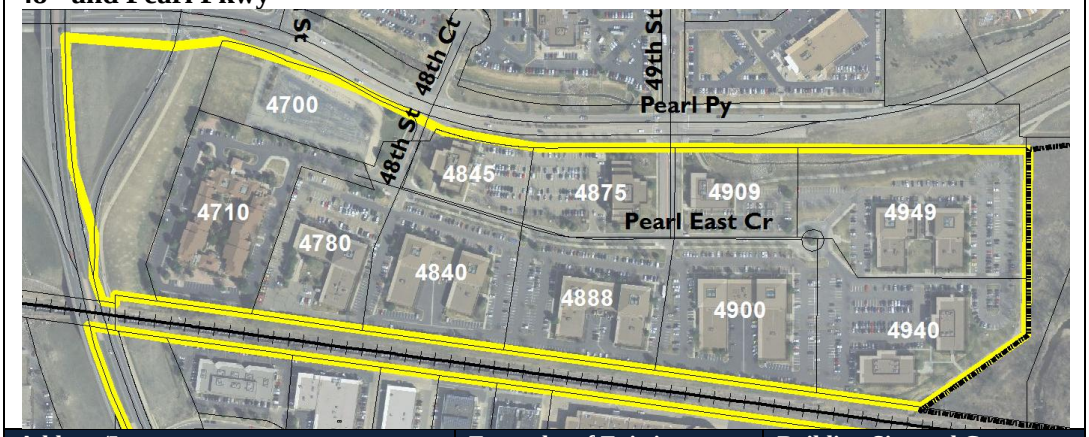
Address/Images	Examples of Existing Businesses	Building Size and County Classification
1650 38th	Unknown at this time	27,516 sq ft, Offices
4141 Arapahoe 	Unknown at this time	14,194 sq ft, Offices
1860 38th St	Unknown at this time	14,425 sq ft, Warehouse/Storage
3900 Walnut	Pete's Garage Breggos	11,680 sq ft, Warehouse/Storage

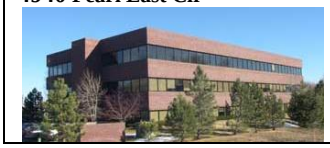
48th and Pearl Pkwy



Address/Images	Examples of Existing Businesses	Building Size and County Classification
4700 Pearl Pkwy	Former RTD park and ride, currently vacant	No existing building *52,443 sq ft currently available
4710 Pearl East Cir	Marriot Hotel	Hotel, 110,372 sq ft
4845 Pearl East Cir	Professional Offices Project Back to Work Paychex North America Genesis Biofuel Ascent Processing Insurance offices	32,112 sq ft, Offices
4875 Pearl East Cir		66,800 sq ft, Offices
4909 Pearl East Cir	Outdoor Industry Association Tide Corporation	24,135 sq ft, Offices
4949 Pearl East Cir	Cloud 9 Living US Social Security Administration	57,252 sq ft, Offices * 6,500 sq feet currently available
4780 Pearl East Cir	LogRhythm	32,402 sq ft, Offices

48th and Pearl Pkwy



Address/Images	Examples of Existing Businesses	Building Size and County Classification
4840 Pearl East Cir	University of Colorado offices	62,400 sq ft, Offices *17,700 sq feet currently available
4888 Pearl East Cir	Unknown at this time	60,000 sq ft, Offices *10,498 sq feet currently available
4900 Pearl East Cir	Unknown at this time	67,200 sq ft, Offices
4940 Pearl East Cir 	Unknown at this time	79,176 sq ft, Offices *11,388 sq feet currently available

Walnut Street East of Foothills

Address/Images	Examples of Existing Businesses	Building Size and County Classification
4725 Walnut	Spyder Sports	26,043 sq ft, Offices
4735 Walnut	Unknown at this time	5,997 sq ft, Commercial Condo
4745 Walnut	Abos Pizza Montessori of the Rockies Thanasi Foods	20,445 sq ft, Manufacturing/Processing
4755 Walnut	Eco Products	20,292 sq ft, Industrial Office
4765 Walnut	Amgen	28,242 sq ft, Industrial Office
4775 Walnut	Resolve Funding Foraker Labs Knowledge Factor	101,130 sq ft, Industrial Office

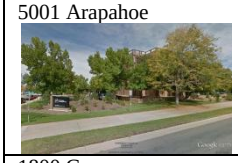
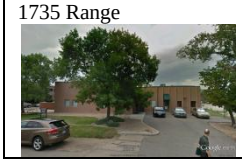
Walnut Street East of Foothills

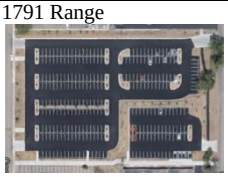
Address/Images	Examples of Existing Businesses	Building Size and County Classification
4700 Walnut	Broadcast Association/KGNU Radio	5,952 sq ft, Nonprofit
4720 Walnut	Pure Energy Solutions	28,101 sq ft, Offices
4760 Walnut	Minute Key Vital Network Solutions	20,491 sq ft, Offices
4772 Walnut	Confio Software	45,488 sq ft, Offices
4730 Walnut	Dell Software Boulder Vision Optik Sketch Up Slipstream Sports	31,261 sq ft, Offices
4740 Walnut	University of Colorado Foundation	65,498 sq ft, Offices

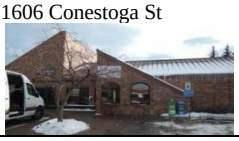
Walnut Street East of Foothills

Address/Images	Examples of Existing Businesses	Building Size and County Classification
4750 Walnut	Space Science Institute	45,524 sq ft, Offices
4746 Walnut		Special Purpose (parking area)
4754 Walnut		

Conestoga and Arapahoe

Address/Images	Examples of Existing Businesses	County Classification
5001 Arapahoe 	Ball Aerospace	60,954 sq ft, Industrial Office
1800 Commerce	Whitten Design Group	14,913 sq ft, Industrial Condos
1840 Commerce	Unknown at this time	15,200 sq ft, Warehouse
5151 Arapahoe	Dog Spot	23,343 sq ft, Warehouse
1675 Range	Center for People With Disabilities	8,814 sq ft, Ex Charitable Non-Res IMPS
1705 Range	Unknown at this time	20,804 sq ft, Manufacturing
1735 Range 	Ball Aerospace	12,800 sq ft, Manufacturing

1791 Range 	Ball Employee Parking	No existing buildings
1835 Range	Unknown at this time	14,320 sq ft, Manufacturing
1845 Range	Evol Foods	15,200 sq ft, Manufacturing
1600 Range	Boulder Digital Arts Blue Canyon Technologies	21,170 sq ft, Industrial Office
1640 Range	Unknown at this time	13,218 sq ft, Manufacturing
1680 Range	Ball Aerospace	13,458 sq ft, Manufacturing
1720 Range	Unknown at this time	13,458 sq ft, Manufacturing
1770 Range	Unknown at this time	12,063 sq ft, Manufacturing
5311 Western	Rocky Mountain Theater for Kids Boulder Mary Williams Fine Arts Brewing Market Corporate Office Roundhouse Spirits Distillery	79,983 sq ft, Manufacturing
5375 Western	Unknown at this time	17,152 sq ft, Manufacturing

5401 Western	Chematox Laboratory Kutandra Center Crescent Moon Snowshoes and Poles	15,396, sq ft, Manufacturing
5421 Western	Conscious Coffees	Unknown at this time
5441 Western	Unknown at this time	14,000 sq ft, Industrial Office
5461 Western	Falafel King Restaurants BolderAuto	9,182, Manufacturing
5345 Arapahoe	Professional office Copy Experts Bridge House Van Education Center Seth Ellis Chocolatier CAPCO Tile & Stone Inlighten Studios Caruso Kitchens and Design	23,006 sq ft, Commercial Condo
1645 Conestoga	Ball	26,989 sq ft, Manufacturing
1685 Conestoga	Unknown at this time	21,112 sq ft, Manufacturing
1727 Conestoga	Ball	21,112 sq ft, Manufacturing
1777 Conestoga	Unknown at this time	23,718 sq ft, Industrial Office
1606 Conestoga St 	Quiznos Dizzy's Donuts Blackbelly Restaurant Jamba Juice	6,832 sq ft, Restaurants

1644 Conestoga St 	Minuteman Press Pro Photo Rental, Inc Hudgels Carpets Kare Products	15,900 sq ft, Industrial Office
1688 Conestoga 	Unknown at this time	25,925 sq ft, Manufacturing
5440 Conestoga Ct 	Family Bakery and Café House of Motorrad Wild Woods Brewery Royal Distribution Inc	19,004 sq ft, Industrial Office
5485 Conestoga Ct 	Filthy Motorsports Eco Vessel Theatrical Costumes Annex	25,269 sq ft, Commercial Condo
5445 Conestoga Ct 	Unknown at this time	17,956 sq ft, Industrial Office
1730 Conestoga 	Unknown at this time	35,046 sq ft, Industrial Office
1780 Conestoga 	Unknown at this time	62,728 sq ft, Industrial Office
5450 Western 	Daily Camera Colorado Daily Second Story Garage Prairie Mountain Publishing	25,432 sq ft, Industrial Office
5490 Western 	Unknown at this time	24,407 sq ft, Manufacturing

Medical Office Analysis

Presented by

Patricia M. Wassik, CCIM, CPM
Cyndi Stringham, CCIM

February 25, 2015

East Arapahoe Medical Office Analysis Needs

City of Boulder

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- **C. Foothills Medical Campus Map**

HEALTH CONNECT PROPERTIES®
3400 E. Bayaud Avenue, Suite 240, Denver, CO 80209

City of Boulder - East Arapahoe Medical Office Analysis Needs

I. Analysis

A. Definition of medical office: (source: CoStar) a special purpose, multi- or single-tenant facility, with more than 50% of the demised space suitable for medical uses such as general practice, dental, surgical or other practices utilizing interior improvements not generally found in business support facilities are known as medical properties. Prominent physical characteristics include a greater number of wet stacks (plumbing) and special power requirements used for laboratory testing and other medical procedures common in doctors' offices. A notably high parking ratio usually accompanies the space.

For the purpose of this report, we have defined medical office buildings as an office building (or office condominium building) occupied by 50% or more of medical tenants.

B. Common Needs: Boulder Community Health is a regional Hospital servicing the City of Boulder. Due to Boulder's unique community which is somewhat isolated from the main Denver metro area, the population in Boulder benefits from medical services that are located within the City of Boulder as opposed to a service area defined by a radius or drive time.

Based on our experience and knowledge of healthcare real estate, medical offices within a half mile of a Hospital is most convenient for physicians commuting between office visits and surgery or any direct Hospital purposes. Patients can also easily navigate to medical offices near a Hospital because of familiarity and convenience. Direct visibility from a main road is not necessary but easy accessibility is essential. A medical office building has a greater number of visitors and demand of ADA amenities than a general office space. A parking ratio of 5 spaces per 1,000 SF of medical office space is ideal. A standard medical office suite is 1,000-1,200 SF per physician and/or provider (which includes physician assistants and nurse practitioners).

C. North Broadway Campus Existing Medical Office: Within a half mile radius of 1100 Balsam, there are several medical office buildings consisting of 130,734 SF of space. There is one vacancy of 3,221 SF, resulting in a vacancy rate of 2.46%.

D. Foothills Campus Existing Medical Office: Within a half mile radius of 4747 Arapahoe, the medical office buildings consist of 257,954 SF of space. These are the Table Mesa Medical Building, Foothills Medical Building, Anderson Medical Center, and a number of small buildings in the Riverbend Office Park. The Tebo Family Medical Building is a 42,000 Cancer Treatment Center, which is not included as medical office space because of the Hospital provided service to acute care patients, which is an extension of the Hospital facility.

E. Medical Office Vacancy: Typically, we have observed medical office buildings to have 8-10% vacancy rates. Medical office buildings around the campuses of Boulder Community Health have 0-2% vacancy, as shown in the exhibit "Boulder Community Health – Current Medical Office Space". Within a one mile radius of Boulder Community Health at 4747 Arapahoe, there is a total of 1,397,071 SF of general office space with 345,559 SF currently vacant (approximately 25%).

II. Case Studies

We have identified the following four Hospitals that have one or more traits that are similar to Boulder Community Health: Rose Medical Center at 4567 E. 9th Avenue, Denver; Porter Adventist Hospital at 2525 S. Downing Street, Denver; Avista Adventist Hospital at 100 Health Park Drive, Louisville; and Parker Adventist Hospital at 9395 Crown Crest Boulevard, Parker. The four Hospital systems together have an average number of 260 licensed beds and 192 staffed beds. The amount of medical office space within a half mile radius of these Hospitals averages 1,147 SF per licensed bed and 1,354 SF per staffed bed. The average vacancy rate of medical office space within these buildings is 8.38%.

III. Recommendations

Referring to the "Hospital Bed Analysis" provided in the exhibits, we show our findings of the correlation of number of Hospital beds to medical office space occupied. Applying this to Boulder Community Health Foothills Campus number of licensed and staffed beds, this results in a total of 241,000-304,000 SF of medical office space needed. The current total medical office space within a half mile radius of the Foothills Campus is 258,000 SF with no vacancy. Subsequently, this study demonstrates that the current demand matches the supply, but a 0% vacancy in the medical office buildings is an indicator that there may be a need for additional medical office space to accommodate Boulder Community Health's specific supplementary physician needs. There is also no capacity for future growth and the Foothills Campus will have a need for at least approximately 20,000-46,000 SF of additional medical office space to accommodate the future needs of Boulder Community Health once all of the licensed beds are fully staffed and utilized.

Boulder Community Health - Current Medical Office Space

HEALTH CONNECT PROPERTIES

Within 1/2 mile of Foothills Campus	Square Feet	
Table Mesa Medical Building	11,897	
Foothills Medical Building	59,058	
Anderson Medical Center	111,031	
4800 Riverbend Rd	5,710	
4801 Riverbend Rd	6,286	
4810 Riverbend Rd	5,568	
4820 Riverbend Rd	5,900	
4840 Riverbend Rd	6,406	
4855 Riverbend Rd	6,420	
4860 Riverbend Rd	5,996	
4865 Riverbend Rd	7,734	
4880 Riverbend Rd	4,780	
4885 Riverbend Rd	8,896	
4890 Riverbend Rd	6,042	
4895 Riverbend Rd	6,230	
Tebo Family Medical Building (Cancer Treatment Center)*	42,000	
Total Medical Office Space:	**257,954**	**0% Vacancy**
Total Medical (inc. Cancer Ctr)	299,954	

*Cancer Treatment Centers have not been included in the study of medical office space on any campus because it is a Hospital provided service to acute care patients; therefore, it is an extended Hospital facililty rather than "medical office space".

Within 1/2 mile of North Broadway Campus		
905 Alpine	8,515	3,221 Vacant
1000 Alpine-Medical Building of Boulder	29,729	
1120 Alpine	5,701	
1136 Alpine	17,909	
1155 Alpine-Medical Pavilion	56,362	
975 North Street	7,590	
1001 North Street	4,928	
Total Medical Office Space:	**130,734**	**2.46% Vacancy**

HOSPITAL BED ANALYSIS
METROPOLITAN DENVER, COLORADO

HEALTH CONNECT PROPERTIES®

February 1, 2015

Available Medical Space to Licensed Beds

(within 1/2 mile of Hospital campus)

Hospital	# of Beds[1]	SF of Medical Office Space[2]	Ratio of Available Medical Office Space per Bed	Vacancy Rate	Occupied SF of Medical Office Space	Ratio of Available Medical Office Space per Licensed Bed (less Vacancy)
Rose Medical Center	422	392,289	930 :1	9.79%	353,884	839 :1
Porter Adventist Hospital	368	280,420	762 :1	16.22%	234,936	638 :1
Avista Adventist Hospital	114	152,458	1337 :1	0%	152,458	1337 :1
Parker Adventist Hospital	134	208,695	1557 :1	7.51%	193,025	1440 :1
AVG:	**259.5**		**1147 :1**	**8.38%**		**1064 :1**

Estimated Medical Office Space Needed:

Hospital	# of Beds	Based on Avg Ratio--SF of Medical Office Space Needed	Based on Avg Vacancy Rate--Future Occupied SF of Medical Office Space
Boulder Community Health Foothills Campus	**265**	**303,848**	**278,386**

1: Source: Colorado Hospital Association

2: CoStar

Available Medical Space to Staffed Beds

(within 1/2 mile of Hospital campus)

Hospital	# of Staffed Beds[1]	SF of Medical Office Space[2]	Ratio of Available Medical Office Space per Staffed Bed	Vacancy Rate	Occupied SF of Medical Office Space	Ratio of Available Medical Office Space per Staffed Bed (less Vacancy)
Rose Medical Center	262	392,289	1497 :1	9.79%	353,884	1351 :1
Porter Adventist Hospital	250	280,420	1122 :1	16.22%	234,936	940 :1
Avista Adventist Hospital	114	152,458	1337 :1	0%	152,458	1337 :1
Parker Adventist Hospital	143	208,695	1459 :1	7.51%	193,025	1350 :1
AVG:	**192.25**		**1354 :1**	**8.38%**		**1244 :1**

Estimated Medical office Space Needed:

Hospital	# of Staffed Beds	Based on Avg Ratio--SF of Medical Office Space Needed	Based on Avg Vacancy Rate--Future Occupied SF of Medical Office Space
Boulder Community Health Foothills Campus	**178**	**241,000**	**220,805**

1: Source: American Hospital Association

2: CoStar

Foothills Medical Campus

1. Anderson Medical Center

Alpine Surgical
- Boulder Breast Center
- Boulder Vein Center

Alpine Urology

Boulder Heart

Boulder Neurosurgical and Spine Associates

Foothills Surgery Center

Charles Jones, M.D. and Susan Skaff Hagen, M.D.

2. Foothills Hospital

3. Foothills Medical Building

Alpine Spine Center

Boulder Eye Surgeons

Boulder Medical Center
- General Surgery
- Obstetrics/Gynecology
- Pediatrics

Boulder Valley Center for Dermatology

Boulder Valley Ear, Nose and Throat

Boulder Women's Care

Boulder Women's Clinic

Coffee Kiosk

Laser and Cosmetic Associates of Boulder

The Pediatric Center

Walgreens Pharmacy

4. Parking Garage

5. Patient and Emergency Entrance

6. Riverbend Office Park

7. Table Mesa Medical Building

Gastroenterology of the Rockies

Table Mesa Family Medicine

8. Tebo Family Medical Building

Brandi & Shane Conference Rooms

Center for Integrative Care

Clinical Education

Coffee Kiosk

Core Measures/Quality Data

Employee Health/ Infection Prevention

Health Information Management

Human Resources

IT Training Room

Patient Safety/Quality

Rocky Mountain Cancer Centers

MAP UPDATED JULY 22, 2014

Boulder Community Health
FOOTHILLS MEDICAL CAMPUS

C I T Y O F B O U L D E R
PLANNING BOARD AGENDA ITEM

MEETING DATE: March 19, 2015

AGENDA TITLE: Commercial Energy Code Discussion

REQUESTING DEPARTMENT:
Community Planning & Sustainability/Planning & Development Services
David Driskell, Executive Director for Community Planning and Sustainability
Maureen Rait, Executive Director for Public Works
Susan Richstone, Deputy Director
Charles Ferro, Land Use Review Manager
Kendra Tupper, Energy Services Program Manager
Dave Thacker, Building Services Manager/Chief Building Official

OBJECTIVE:
Planning Board feedback is requested:

- concerning how the current city policies, regulations and practices help reduce energy use, water consumption and greenhouse gas emissions in the built environment, and
- in response to information provided about upcoming proposals for energy related ordinances and amendments.

EXECUTIVE SUMMARY / BACKGROUND:
In 2013, staff and Planning Board began a dialogue regarding energy and greenhouse gas emissions as they relate to the city's Site Review criteria. This dialogue resulted in a study session with Planning Board on Feb. 21, 2013 regarding energy and greenhouse gas emissions in the built environment. The purpose of the study session was to:

- Review where and how the city's current policies, regulations and practices help to reduce energy use, water consumption and greenhouse gas emissions in the built environment;
- Review current work program efforts within that framework and anticipated schedules/outcomes;
- Identify what's working, what's not, and areas where the Board feels additional attention or effort is most critical; and
- Discuss goals for addressing energy, water and GHG emissions within the context of site reviews, and next steps needed to create the necessary policy guidance.

While the session provided an overview of some of major work efforts underway that will have an impact on energy use and GHG emissions in Boulder (e.g., Boulder's Energy Future, SmartRegs implementation, EnergySmart services, Boulder's Climate Commitment, the Transportation Master

Plan update, etc.), a significant portion of the discussion focused on how this goal is advanced through site-level design and decision making in the city's Site Review process. Specifically, the board expressed interest in better understanding how the current Site Review criterion in Section 9-2-14(h)(2)(F)(xi) B.R.C. 1981 (below) can or should be interpreted and applied:

(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.

Staff acknowledged that it is sometimes unclear whether meeting energy conservation regulations already in the city's Building Code is sufficient or whether additional building efficiency requirements can or should be imposed by the Planning Board as part of the Site Review process.

In October 2013, City Council (with significant input from the Planning Board) recommended approval of amendments to the city's building and energy codes (ordinance 7925). The changes went into effect on Jan. 31, 2014. The adopted energy code amendments for commercial buildings incorporated the 2012 International Energy Conservation Code (IECC) standard as well as the 2010 American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE) 90.1 standards, with additional local amendments requiring a 30 percent increase in performance requirements. This requirement is considered aggressive and represents a significant step toward improved energy efficiency in buildings in balance with the cost impact for new construction.

Recognizing that the proposed Building Code changes have established a very high baseline for building energy efficiency, staff committed to clarifying the above criterion and helping draw a better distinction between what energy conservation measures should be addressed by the Building Code amendments and those better addressed in the Site Review Criteria and Land Use Code. Before undertaking any amendments to the Site Review criteria, staff found it appropriate to allow some time for the new energy codes to be implemented, tested and evaluated. Now that the new codes have been effective for a little over a year, staff found that it may be helpful to check in with the Planning Board to discuss the usability, performance, and how the code compares to the energy codes of other peer cities.

This discussion may also inform an upcoming council study session and future energy code changes.

ANALYSIS OF KEY ISSUES

- ***Are Boulder's current Commercial Energy Codes (2012 IECC + 30%) possible to meet? Is it feasible to consider a net zero energy (NZE) requirement above the 38' height limit?***
    - **Summary:** Yes, it is possible to meet Boulder's current codes, but it is extremely challenging for design teams and building owners, and staff is finding it necessary to provide additional support and consultation. For all three of the buildings that have gone through permitting under these new codes, it has not been cost effective to achieve with efficiency alone. With the current price of electricity, design teams have found that it is more cost effective to add rooftop solar to achieve the final 5% or so.

- To date, the Wencel Building (1301 Walnut – PMT2014-02616 submitted for review on June 6, 2014) is the only building larger than 20,000 square feet that has been permitted under the current energy code. This is largely due to the fact that several of the large scale permits currently under construction were submitted under the 2006 codes, prior to the new codes effective date of Jan. 31, 2014.
- The Wencel Building was able to not only meet, but exceed the 30% above code requirements by modeling a building that is 38% above base code. The building was modeled to be 22% better than code with the additional 16% coming from rooftop solar.
- Similarly, two other buildings which will soon be submitted for PMT review have asked for an administrative modification to come in at 25% above code. These projects will most likely be adding additional solar to meet the energy code minimum of 30% above code.
- Finally, staff analyzed the three buildings that will be permitted under the new code and determined that there was physically not enough roof space to have the floors above 38' be net zero. This was expected, as the majority of case studies for NZE commercial buildings are low-rise, with large roof area relative to the total amount of conditioned floor space.

- **How do Boulder's energy codes compare to the rest of the country?**

- **Summary:** While Colorado's state energy code is lagging behind other states (only 12 other states have a less stringent code), Boulder has adopted local codes that are among the most stringent of any state or municipality in the country.
- When new IECC codes are developed, the intent is to require the maximum efficiency that would be deemed cost effective by the Department of Energy (DOE).[1] Boulder is already requiring 30% more efficiency beyond that.
- Boulder's current commercial energy code is ~18% more stringent than California's Title 24 2013 (T24) energy code, often touted as the most stringent in the country.[2]
- Only two other cities, Seattle and San Francisco, have adopted local commercial energy codes that have *components* that could be considered more stringent or innovative than Boulder.
- While Seattle's current code is less stringent than Boulder (~10% more efficient than IECC 2012[3]), it does feature an innovative voluntary compliance path that requires achieving a target energy use after operation (the first outcome based energy code in the U.S.). They also have a "Substantial Alteration" clause, which means that existing buildings undergoing a substantial alteration have to bring ALL building systems up to current code, not just the ones being altered. Things that would trigger this included changing the use and life of the building, etc.

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[1] DOE evaluates energy codes and code proposals based on life-cycle cost analysis over the measure's lifetime, accounting for energy savings, incremental capital investment, and other economic impacts. The value of future savings and costs are discounted to a present value, with improvements deemed cost effective when the net savings is positive.
[2] Title 24 2013 (CA's current energy code) is approximately 12% more stringent than IECC 2012.
[3] "Comparison of the 2012 Seattle Energy Code with ASHRAE 90.1-2010," Mike Kennedy Inc., Prepared for the city of Seattle, June 20, 2014. Online Link (note: IECC 2012 is equivalent to ASHRAE 90.1-2010)

- San Francisco requires all new commercial buildings be 15% more efficient than the minimum state required codes (T24 2013) – this is ~27% more efficient than IECC 2012. Additionally, new commercial buildings of 25,000 square feet or larger must choose one of the following three options (only the last one is more stringent than Boulder's code):
  - Generate 1% of total energy cost on-site with renewables.
  - Buy RECs for 35% of the building's electricity for the first 2 years.
  - Beat Title 24 by a total of 25%

- ***Long Term Strategy for Commercial Energy Codes***

- **Summary**: Our energy codes will need to evolve significantly in the next 10+ years, in order to reach net zero by 2031. In order to prepare for a shift towards outcome based energy codes that utilize the energy benchmarking data from a new ordinance (currently in development for council consideration later this year), staff recommends postponing the next adoption of a new IECC code until 2018, but increasing the required percentage above IECC 2012 an additional 8.7%.[4] This recommendation will be refined and brought forward for consideration during a code update planned for late 2016.

- **Outcome Based Codes**: Outcome-based energy codes go a step beyond prescriptive or performance-based codes by verifying actual energy performance in buildings. Compliance is contingent upon demonstrating that a building's energy use, once the building is occupied, meets or exceeds a specific performance target. Outcome based codes offer a significant advantage because they require buildings to actually achieve the targeted energy performance. Because of this, a transition to outcome based energy codes will be necessary along the path to net zero by 2031. Currently, Seattle is the only city in the country that offers the option of an outcome based compliance path.

- **Link to Rating & Reporting**: Staff is currently developing options and recommendations to bring to City Council for a new Commercial and Industrial (C&I) Energy Efficiency Ordinance that could go into effect as soon as 2016. This ordinance could require commercial building owners to rate and report the energy use of their buildings, and may also require certain energy efficiency actions. Initially, such an ordinance would likely only affect large (>50,000 sf) existing buildings and newly constructed buildings (>10,000 sf), with smaller existing buildings (> 20,000 sf) phased in over time. This will be brought to council in 2015. If adopted, this will provide a dataset to inform the targets that need to be set for outcome based codes, and also provide a method for tracking achievement of the targets in the future.

- **What is Rating & Reporting? What will be required of a building owner?**
  "Rating" is the process of measuring and comparing energy performance metrics (such as the normalized energy use of a building) to other similar buildings. This is done using the nationally recognized, FREE, online tool, ENERGY STAR Portfolio Manager (ESPM). ESPM provides a

[4] IECC 2015 reduces total energy costs by 8.7% compared to IECC 2012

rating system for building performance, similar to miles per gallon (MPG) but using energy use intensity (EUI)[5] instead.

"Reporting" means disclosing the energy use and associated ratings to the city and other various parties (such as the public and/or interested buyers and tenants).

Under the proposed ordinance, building owners would be required to rate and report their buildings once a year. To do this, they must:

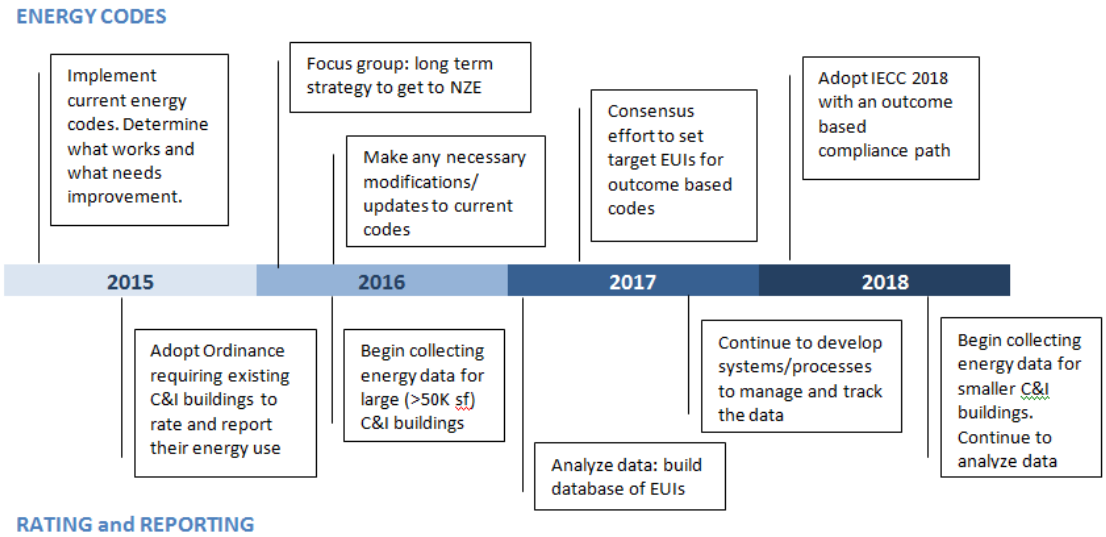
1. Collect whole building energy data
2. Enter or import data into ENERGY STAR Portfolio Manager
3. Share Portfolio Manager account/data with the City of Boulder

- **Next Code Update**: The 2015 IECC codes are available for review and possible future adoption, but there are key concerns around immediately adopting them.
  1. Only one (large commercial) building has gone through the full permitting process with the new codes, making it difficult to determine how feasible it will be for others.
  2. The 2015 IECC is only ~8-9% better than the 2012 IECC[6].
  3. The 2012 codes have only been effective for just under a year, and made dramatic changes in terms of what was required.

  For these reasons, we recommend the 2018 IECC for our next adoption of a new IECC code.7 However, to ensure continued code advancement toward the ultimate goal of a "net zero code," staff recommends increasing the percentage required above IECC 2012 by an additional 8.7% as part of a planned 2016 code update – this will honor our commitment of updating the codes every 3 years, but allow the currently adopted energy code to run for 4 years before a new version is adopted. In 2016, we will also consider a few key amendments as we gather lessons learned from our current code. One option we are considering is to make more of the prescriptive requirements mandatory (such as the sub-metering requirement), so buildings cannot "trade-off" important features through the energy modeling compliance path.

  When the 2018 version of IECC is adopted, amendments will be included to ensure that the code aligns with the rating and reporting ordinance which will come into play in either 2016 or 2017. As we move away from a prescriptive path for code compliance and look toward outcome based codes, we need a few years worth of benchmark data to ensure we are able to establish realistic energy targets.
- **Need for Community Solar Code Options**: When staff analyzed the feasibility of requiring NZE above 38' height, it was determined that none of the buildings would have enough roof space to achieve this. Moving forward, the city will need to make community solar participation an optional pathway for meeting the increasingly stringent energy codes.
- **Timeline for Commercial Energy Codes and Rating & Reporting**

[5] Energy use intensity is measured in terms of annual energy use per square foot.
[6] http://www.energycodes.gov/regulations/determinations
[7] The codes are available one year in advance of the cycle year (i.e., the 2018 codes will be available in Jan. 2017).



PUBLIC COMMENT AND PROCESS

Staff is currently in the middle of an in-depth stakeholder engagement process around the development of options and recommendations for the new Commercial and Industrial (C&I) Energy Efficiency Ordinance, which would require rating and reporting. This process consists of the following three phases:

- Phase 1 – Rating and Reporting Pilot Program (completed in 2012): This city-led pilot program took place in 2012 and explored the development of a standard procedure for rating the energy performance of existing commercial buildings using ENERGY STAR Portfolio Manager, a free, online energy rating and reporting tool developed by the EPA. With about 60 participating commercial buildings, this pilot demonstrated how participating building owners, tenants and the city can better understand energy use in existing commercial buildings and identify opportunities to save businesses and property owners money through energy efficiency upgrades. Please see the Rating & Reporting Pilot Report for more information.
- Phase 2 – Working Group (Oct 2014 - Jan 2015): Over four months, staff convened and facilitated a working group of affected stakeholder (building owners, property managers, service providers, commercial brokers, etc) to help develop options for a commercial energy ordinance. This was an important process to identify aspects of the requirements that cause the most concern for the business community. Please refer to the city's website for all presentations and meeting notes from this working group.
- Phase 3 – Broader Outreach to the Business Community (in process): Following the working group completion, staff presented to a number of business groups in the community including,
  - Downtown Boulder Inc., Feb. 4, 2015
  - Boulder Tomorrow, Feb. 25, 2015
  - Commercial Brokers of Boulder, March 9, 2015
  - The Boulder Group of the International Facility Management Association Denver, April 2, 2015

  The city will also host a one hour webinar on March 18, 2015 for all affected building owners and interested parties.

NEXT STEPS

The city continues to be a leader in energy efficiency for new construction and is looking to move in an even more energy efficient direction with the proposed C&I ordinance and development of an outcome-based energy code. Staff will address the Site Review criteria more comprehensively in late 2015 into early 2016 and will come before the board for input as a part of that process. Moving forward enforcement of the energy code as adopted coupled with the C&I ordinance will provide the necessary information to transition towards net zero energy buildings.