



**CITY OF BOULDER
PLANNING BOARD MEETING AGENDA**

DATE: May 1, 2014

TIME: 6 p.m.

PLACE: Council Chambers, 1777 Broadway

1. CALL TO ORDER

2. APPROVAL OF MINUTES

The following minutes are scheduled for approval: [January 30](#), [February 6](#), [February 20](#), [February 27](#), and [April 3](#), 2014.

3. PUBLIC PARTICIPATION

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

- A. [Information Item: TEC2014-00017](#): Final Plat for the elimination of the lot lines between lots 23, 24, and part of lot 25 to create one lot addressed as 2925 4th Street. The project site is zoned Residential - Low 1 (RL-1).

5. PUBLIC HEARING ITEMS

- A. [Public hearing to consider a recommendation to City Council on an ordinance implementing recommended actions of the Economic Sustainability Strategy \(ESS\)](#) by amending Title 9, "Land Use Code," B.R.C. 1981, in particular:

1. Revising the land use regulations to allow, through Site Review, on properties that are subject to right-of-way dedications consistent with adopted right-of-way plans the density and floor area that would be permitted in the absence of such dedications (Action 3.5, ESS), and
2. Updating the land use regulations that require site improvements and upgrades if a project exceeds a certain percentage of the value of any existing structures on the property by allowing the value of existing structures to be established through a professional appraisal of the fair market value of such structures (Action 3.6, ESS).

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

7. DEBRIEF MEETING/CALENDAR CHECK

8. ADJOURNMENT

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
January 16 and 30, 2014
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, Vice Chair
Bryan Bowen
Crystal Gray
Leonard May
John Putnam- present for January 30, 2014 continuation meeting

PLANNING BOARD MEMBERS ABSENT:

John Putnam- absent for January 16, 2014 meeting

PLANNING BOARD MEMBERS ABSENT:

STAFF PRESENT:

Susan Richstone, Deputy Director for CP&S
Hella Pannewig, Assistant City Attorney
Charles Ferro, Development Review Manager for CP&S
Chandler Van Schaack, Planner I
Susan Meissner Administrative Specialist III
David Thompson- Civil Engineer II, Transportation
Scott Kuhna- Development Review Supervisor

1. CALL TO ORDER

Vice-Chair, **A. Brockett**, declared a quorum at 6:08 p.m. and the following business was conducted.

2. APPROVAL OF MINUTES

The December 5, 2013 minutes were scheduled for approval.
On a motion by **C. Gray**, seconded by **L. May**, the Planning Board approved 4-0, (**J. Putnam** absent) the December 5, 2013 Planning Board minutes.

3. PUBLIC PARTICIPATION

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

Staff Level Site Review (LUR2013-00042): 909 Walnut Street. Expires: January 16, 2014

This item was not discussed.

5. PUBLIC HEARING ITEMS

- A. Public hearing to consider Concept Plan, LUR2013-00058, for the redevelopment of a 3-acre site located at the intersection of Baseline Rd. and 27th Way with a new four story, 180,000 square foot office building and a 70,000 square foot, 100-room hotel. The site is zoned Business Community- 2 (BC-2).

Applicant: Bruce Dierking
Property Owner: West Baseline Investors, LLC

Staff Presentation:

C. Ferro introduced the item.

C. Van Schaack presented the item to the board.

Applicant Presentation:

Bruce Dierking, the applicant, presented to the board.

Board Questions:

C. Van Schaack answered the board's questions.

Public Hearing:

1. **Dan King, 255 Manhattan Dr**, the prior owner of the Boulder Outlook Hotel spoke in favor of the project and hotel proposed for the site.
2. **Karl Matz, 4687 Ingram Ct.**, spoke in opposition due to the scale of the project and its impact on the neighborhood.
3. **David Takaahashi, 326 29th Street**, spoke in opposition due to environmental concerns.
4. **John Jugl, 3052 6th Street**, spoke in support of the project. There is demand and this is a viable due to the location and tenant base in Boulder.
5. **Lois Lacroix, 2835 Elm Ave**, spoke in opposition due to the discrepancy in scale between the neighborhood and proposed development and its spillover impact.
6. **Jeff Hohensel, 242 High Lake Dr.**, a representative from Alliance for a Sustainable Colorado spoke in favor of the development per the BVCP, accessibility to public transportation and walkability, and sustainability bias.
7. **Chris Stanley, 1419 E. Dry Creek Rd.**, a representative from the Starwood Hotel group, described the proposed concept for the development.
8. **Jordan Karp, 2850 Baseline Rd.**, spoke in favor of the development. As a business owner in the vicinity, he did not think that the area needed more retail.
9. **Scott Woodard, 3080 Galana Road**, the owner of a building in the Williams Village Center spoke in support of the project and thought that it would improve property values in the area.
10. **Chris Beckman, 3485 Martin Drive**, spoke in opposition and wanted to better understand how it would affect the neighborhood.
11. **Tom Masterson, 250 31st Street**, spoke in opposition. He did not think that the proposed development fits the BC-2 code designation and would be a detriment to the neighborhood.

12. **Raymond Bridge, 435 S. 38th St.**, spoke on behalf of PLAN Boulder County. He noted that the BC-2 zoning should serve the surrounding community. The proposed development would serve the region and adversely affect the existing neighborhood.
13. **Ron DePugh, 180 S. 34th Street** (pooled with **Rafael Bracero, Andrea Bracero**), a representative from the Martin Acres Neighborhood Association (MANA), gave background on the neighborhood and spoke in opposition to the project as proposed.
14. **Scott McCarey, 140 S. 32nd St.** (pooled with **Matt Tucker, Anna Cereti, Jill Marce**), spoke about the neighborhood's traffic concerns.
15. **Jennifer Farmer, 345 S. 40th St.** (pooled with **Leah Corroe-Luzeur, William Farmer, Susie Anderson**), spoke in opposition to the scale and height of the proposed project.
16. **Tim Pegg, 365 S. 42nd Street** (pooled with **Dave Kampert, Kate Fuller**), spoke in opposition due to zoning and use issues with the development.
17. **Gordon McCurry, 12004 Albion Rd.** (pooled with **Nancy McCurry, Lisa Harris**), spoke in opposition from a hydrological perspective.
18. **Ilene Flax, 2836 Elm Ave.** (pooled with **Mercedes Bracero**), spoke in opposition to the project due to parking issues.
19. **Mike Marsh, 265 31st Street** (pooled with **Jeanette Denfeld, Thomas Denfeld, Cecilia Girz**), spoke in opposition to the project due to the omission of retail and neighborhood service uses in the vicinity.
20. **Sara Tucker, 15 South 32nd Street** (pooled with **Laurie Frain**), spoke in opposition due to bike and pedestrian concerns.
21. **Bill Flinchbaugh**, (pooled time with **Carol Anderson**), summed up the neighborhood's comments in opposition of the project.
22. **Kara Godbere, 700 17th Street**, an attorney spoke on behalf of MANA.
23. **Erin Groon, 65 S. 35th St.**, spoke about transportation and access concerns within the neighborhood due to in-commuters from the south.
24. **Zoe Zimmermann, 65 S. 35th Street**, noted that Moorhead Drive is the only means for conveniently accessing Martin Acres. She was concerned about the impacts of the new development.
25. **Bob Porath, 345 27th Street**, was concerned about the loss of neighborhood service uses.
26. **Ed Fuller, 2790 Moorhead Ave.**, will have a veterinarian practice directly across Moorhead from the proposed hotel. He was concerned about parking shortages.
27. **Michelle Leifer, 370 32nd Street**, looks forward to a nice development on that corner but felt that the proposal will not contribute to the neighborhood.
28. **Angelique Espinoza, 2440 Pearl Street**, with the Boulder Chamber, spoke in favor of the project due to the need for such office space in the community. She also noted that some issues brought up by the speakers from the neighborhood need to be addressed.
29. **Shannon Baker, 3845 Elmhurst Place**, spoke on behalf of eight households in the neighborhood that were generally supportive of the project.
30. **Kevin Crouse, 2815 Elm Avenue**, shares some concerns but is generally in support of the project. He would like to see improved bike and pedestrian infrastructure and retail space.

ADJOURNMENT

The Planning Board adjourned the meeting at 9:03 p.m.

CONTINUATION ON JANUARY 30, 2014:

Board Discussion:

Compliance with BVCP and Use

C. Gray requested greater clarification regarding some sections of code from the staff memo as they apply to this application. Per section 2.33 Environmentally Sensitive Urban Design, she asked how the carbon emissions generated by in-commuters will be addressed. Areas that she did not find consistent with the BVCP: 5.03 Diverse Mix of Uses and Business Type, she did not find this consistent with the BVCP. Per 2.05 Design of Community Edges and Entryways, she noted that this building will mark an entry to a residential neighborhood, a condition similar to the Nature Conservancy building. She would like to see a better incorporation of mechanical systems, variety of building heights and less conspicuous materials. 2.10 Preservation and Support for Residential Neighborhoods. She thought that the site should better transition in height and use to the neighborhood. Per 2.13 Protection of Residential Neighborhoods Adjacent to Non-residential Zones, she noted that there were impacts posed by traffic that could adversely affect the neighborhood. Per 2.30 Sensitive Infill and Development, she thought that a mixed use and 15 minute neighborhood would be applicable to this site. There are currently only two uses that do not serve the neighborhood. Per 2.32 Physical Design for People, she did not think that the proposed project had enough of a pedestrian scale. And, per 6.08 Transportation Impact, she thought that it could have a negative impact on the adjacent residential neighborhood.

A. Brockett thought neighborhood-serving retail should be added to the building program. The characterization of the zoning aims to serve a local as opposed to a regional clientele. He understood that the hotel and office are allowable by right but would like the project to include a use that is compatible with the neighborhood.

J. Putnam agreed with **A. Brockett** and expressed concern that the uses are not connected to the neighborhood. He thought that retail could be viable in this location and suggested incorporating uses that could serve office workers, hotel guests, and the neighborhood. Conference rooms could be made available to the community during off hours and/or look into teaming with a community bike organization for a bike share.

B. Bowen agreed with the previous comments and noted that the difference between a regional and neighborhood center is important. He thought the current uses are appropriate but the formal design as a gateway to the city and neighborhood need to be considered. He thought that it would be important to have neighborhood-serving businesses and encouraged the applicant to consider opportunities that could serve both the office workers and neighbors.

L. May asked about what other uses are allowed by-right in the BC-2 zone district and what other zone districts are similar.

Massing, Scale and Height:

B. Bowen did not think that the height or blunt instruments like undulating roofs were necessary. He liked the building design and felt that a 55' building was appropriate for the western portion

of the site, but thought that the mass and scale needed to be stepped down to create an appropriate transition to the neighborhood.

J. Putnam did not feel that he had enough information to judge the height at this point, but noted that there will be a relationship between the allowed height and transportation studies. More important than the height, he felt that the transition to the neighborhood is currently too abrupt.

A. Brockett thought the height issues were relevant to neighborhood compatibility. The site straddles two very different uses and intensities: a major highway and arterial, and a residential neighborhood. He thought that 55 feet was appropriate along the arterial edge but that scale was not appropriate on the neighborhood side. It needs to step down more appropriately.

L. May thought that this was a good location for a larger scale building in some areas but not throughout. He did not want to see a monolithic height of 55 feet; it must respect the character of Boulder and relate to the adjacent neighborhoods per the BVCP.

C. Gray noted that height drives intensity. Intensity of use will have the largest impact on the adjacent neighborhood. Normally the largest buildings are located in our regional centers. She would prefer to see a lower building that transitions into the neighborhood. The Law School building is not perceived as too large because it has a variety of heights.

L. May noted that almost every new commercial development is proposed at 55 feet. We need to look at the trend. A new 55 foot datum will start to dull Boulder's small city ambiance.

Transportation and Proposed Parking Reduction:

C. Gray was concerned by the potential volume of people coming to this site by car. She does not think that the majority will use public transportation when coming to a class A office building and would like to see a traffic study addressing this and the effects on Moorhead. The biggest cut through traffic will be from the office users coming up from the south. Community Cycles noted that the property is currently used to access other bike paths; she thought it would be appropriate to discuss the underpass at Moorhead at this time.

L. May thought that this development will have a big impact on parking in the neighborhood. He noted that there is a conflict between the parking, the traffic burden and the fact that the neighborhood has to pay for any traffic calming improvements. He supported the applicant's request for a parking reduction to disincentivize people from driving. He asked that the applicant address vehicular site access issues and their impacts on pedestrians and bicycles.

A. Brockett supported making driving less convenient but did not think it could be done at the expense of the neighbors. He was concerned about the proposed scope; this is not downtown. Pool the parking between the hotel and office to achieve the proposed ambitious parking reductions. Cut through traffic is of concern. Revise the site plan to encourage access from the 27th Way or Baseline. Provide a right only exit from the office garage and make it inconvenient to turn left onto Moorhead. Reduce the number of curb cuts on Moorhead for bikes and pedestrians. Consider adding a bike route to the east and northeast, or provide a good multi-use path along the south side with attention to the curb cuts. Keep the future underpass in mind.

Change or soften the ramp down to a parking garage that is located directly adjacent to the neighborhood.

J. Putnam thought an underpass at Moorhead was critical and should be considered by the developer and city. Connect the site to the underpass to minimize bicycle, pedestrian and vehicular interactions. Think about how it will be integrated. To justify a parking reduction, he needs to see solid proof that it will be warranted through the traffic study and TDM plan. This is a tough and awkward location for traffic. He is intrigued but skeptical that this can be accomplished. It must be vetted with the city and developer.

B. Bowen requested that the developer study traffic and circulation patterns as thoroughly as possible including the number of curb cuts, the location of the bike path, etc. These will be some of the crux issues due to the geometry of the site.

C. Gray expressed concern about a parking reduction because spillover parking could adversely impact the neighbors. She requested more data regarding the number of cars the hotel would accommodate and noted that residential hotels are different from more typical short-stay hotels. She thought the parking reduction and miles traveled were laudable, but wanted to know how the employees could afford pay parking and where would they actually park. She liked the idea but was afraid that the surrounding neighborhood would bear the brunt. She thought that the neighborhood needed to know that there is a possibility of instating a parking district; there is no fee for a neighborhood parking program but there are annual fees of \$18 for parking hangers.

Energy:

B. Dierking, the applicant, answered questions from the board.

L. May noted that there will be tradeoffs with highly energy efficient buildings. He thought that the board should look closely at the clause 9.2.4.h.f.11 at Site Review and set a performance benchmark to assure that the building will perform better than code.

A. Brockett appreciated the applicant's commitment to sustainability and looked forward to seeing more detail in the future.

J. Putnam applauded the applicant for looking at sustainability this early in the process. In response to **L. May's** comment, he cautioned that we should not seek perfection at the cost of the greater good.

B. Bowen was impressed with YRG's presentation and hopes that they can accomplish what they aspire to do. He suggested that they set an EUI for the project and do a study to see how it could work with the City's new energy code. They have some challenges with shading and passive solar but thought that studies by RMI could improve rents.

C. Gray appreciated the attention to sustainability and wanted to assure that there is a true commitment to it. She noted that Class A office and hotels normally draw in-commuters from further away and asked how that would relate to energy goals.

Flood:

L. May wanted to assure that the board is aware of the implications of allowing buildings in the floodplain. Flood data is based on historical information but that new flood models should show how the displacement of water affects those downstream, even if a project in a floodway is not affected.

J. Putnam noted that much of the city's infrastructure is subject to the City Council's Critical Facilities Ordinance. He thought that the board would reserve judgment until it sees its impacts.

C. Gray agreed that this project will need to comply with the Critical Facilities Ordinance. She was concerned about the hotel and people trying to leave in cars during a flood event. She thought that the proposal did a good job addressing Skunk Creek.

Summary:

The board thought that there were significant issues with compatibility... listen.

The project site is a good location for office and hotel uses but also needs to incorporate neighborhood-serving uses. Consider food, bike and community uses.

Most board members thought that the 55 foot height was appropriate in at least part of the site.

The board agreed that there needs to be more variation in height and better transition to the neighborhood.

The board expressed concerns about potential cut through traffic and mitigation.

There was interest in parking reduction but skepticism that it can be done well.

Consider creating a connection to proposed Moorhead underpass

The board pointed out potential conflicts between curb cuts and pedestrians and bicycle traffic.

Improve pedestrian and bike circulation patterns.

Consider changing traffic patterns to discourage people from using Moorhead.

Keep the floodplain in mind.

Provide an idea of flood impacts on the surrounding neighborhood.

A. Brockett appreciated the applicant's efforts and looked fwd to seeing it move forward. He thanked the neighbors for their attendance.

C. Gray thanked the neighbors and their presentations. She also appreciated that the applicant plans to do more outreach.

Bruce Dierking, the applicant, thanked the board and neighbors for the feedback. He noted that they wanted to ramp up the community dialogue to find more common ground.

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

The APA request for photo and message from the Planning Board will be addressed once the board gets new members in March.

S. Richstone explained the board's conference opportunities.

7. DEBRIEF/AGENDA CHECK

8. ADJOURNMENT

The Planning Board adjourned the meeting at 7:17 p.m.

APPROVED BY

Board Chair

DATE

DRAFT

CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
February 6, 2014
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, Vice Chair
Bryan Bowen
Crystal Gray
Leonard May
John Putnam

STAFF PRESENT:

Hella Pannewig, Assistant City Attorney
Charles Ferro, Development Review Manager for CP&S
Elaine McLaughlin, Senior Planner
Susan Meissner Administrative Specialist III
David Thompson- Civil Engineer II, Transportation
Heidi Hansen, Civil Engineer I
Jessica Stevens, Civil Engineer II
Chandler Van Schaack- Planner I

1. CALL TO ORDER

Vice-Chair, **A. Brockett**, declared a quorum at 6:06 p.m. and the following business was conducted.

2. APPROVAL OF MINUTES

There were no minutes scheduled for approval.

3. PUBLIC PARTICIPATION

No one from the public spoke.

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

- A.** Wetland Permit (LUR2013-00067) 3100 Nevada Road – OSMP, Expires Feb. 7, 2014
- B.** Wetland Permit (LUR2013-00069) Skunk Canyon Trails – OSMP, Expires Feb. 7, 2014
- C.** Subdivision Replat (TEC2013-00066) 1520 Kalmia, Expires Feb. 14, 2014
- D.** Information Item: ROW Vacation request at 3211 Pearl Street.

None of these items were called up.

5. PUBLIC HEARING ITEMS

- A. CONCEPT PLAN REVIEW AND COMMENT:** Request for public and Planning Board comment on a proposal for the redevelopment of 1750 14th Street. Proposed to include reuse of existing James Travel Building along with residential, commercial and office space.

Applicant: Kyle McDaniel
Owner: B&H, LLC

Staff Presentation:

- C. Ferro** introduced the item.
E. McLaughlin presented the item to the board.

Board Questions:

- E. McLaughlin** answered to questions from the board.
D. Thompson answered questions from the board.

Applicant Presentation:

- Scott Holton**, the applicant, presented to the board.
Rick Epstein, the architect, presented to the board.

Board Questions:

- Scott Holton**, the applicant, answered questions from the board.
Rick Epstein, the architect, answered questions from the board.

- H. Pannewig** recommended that this item be continued to another meeting due to a flaw in the noticing requirements to allow for another opportunity for public comment.

Public Hearing:

Stephen Sparn, 1731 15th Street, owns the property adjacent to this project. He spoke in favor of the project and would like to have this project as a neighbor. He would like to see the existing garage demolished.

Amory Narvaes, 1528 Grove Street, a neighbor living in the Goss Grove neighborhood spoke in support of the project. He applauded the connectivity that the path would provide the neighborhood.

Chris Silvestri, 5301 Bayberry Ct., an entrepreneur in the area spoke in support of the incubator and micro studio concept. He likes the idea of being able to grow into a space.

Richard Polk, 1155 Canyon, spoke in support because it provides affordable rentals without compromising the quality of materials and the experience.

Brady Burke, 5454 Conestoga Ct., was a former neighbor of the project. He spoke in support of the project. He thought the multi-use path would provide a very helpful connection.

Don James, 1920 13th Street, the former owner of the James property and current owner of an adjacent property spoke in support of the project. He thought the walkability of the site and proposed walkway provided great opportunities. He also supported the affordability and thought the density was appropriate.

Board Questions:

J. Stevens answered questions from the board.

Board Discussion:

B. Bowen thought that this was a good project across the board and that most issues have been addressed to date. Establishing the corridor along the farmers ditch will create a great zone fronted by office space. He liked the micro units clustered around open space but cautioned that the way that they front courtyard space needs to allow for a confluence between users in office and residential spaces while respecting privacy. He liked that it does not try to replicate an historic building and thought it fits with the existing context.

L. May generally thought that the project was good and met the city's planning goals. He liked the affordable housing accommodation on site and thought that it warranted the proposed additional height.

J. Putnam agreed with the previous comments. Boulder needs more of this model of affordability, walkability and size.

C. Gray noted that the discussions on issues of density, mass and scale downtown have lacked intensity to date. She has been concerned about the small business spaces in the downtown areas and is pleased to see startup micro office space. She would have liked to see even more. She also thought that the micro housing units hit a need.

A. Brockett also liked the project. He thought there was a need for more of this model downtown and hopes that there will be more of them. He appreciated the contemporary design.

Mass and Scale compatible with existing context

J. Putnam thought the transportation component along the ditch was critical. He thought the shed had lost its context and that it will be important to demolish it to assure security in the area. Look at the fringe along the ditch as an opportunity for congregation for those at the James and the wider community. Assure that it is not so attractive that it causes safety and security issues.

A. Brockett agreed that the shed should be removed.

L. May was reluctant to dispose of the shed. He thought that it could be given a use that would be an asset to the community. He noted that the lack of context should allow for a freer hand on the design.

C. Gray agreed with **J. Putnam's** comments. She referenced emails from the public that requested a bridge be built across the ditch and facilitated crossing at 15th Street. She thought that these connections and opportunities on 14th Street should be considered.

A. Brockett hoped that the applicant and staff would work together to seek opportunities for enhanced connections.

L. May cited 2.4 of the Downtown Guidelines, noting that it is important to maintain a variety of

heights in the downtown area. The height limit breeches will change the character of Boulder and he cautioned against doing it freely. He thought that this project reached the bar to warrant a height variance given the amenities that it provides to the block. He would like to see a bit more variation in the height of this particular project and hopes that future projects be held to this level of development.

C. Gray agreed with **L. May**. She thought that keeping the James building adds interest. She noted that it might be difficult to vary the roofline with the current design but would like to see it if possible. She liked the 14th Street elevation and the fact that the mechanical systems will be hidden from view.

A. Brockett also liked the retention of the James Building.

J. Putnam noted that the interest on all four sides is very important given the fact that it is located in a transitional zone. He thought the existing building provides some interest.

Architecture:

L. May liked the modern aesthetic. He thought that the different architectural vocabulary and treatment of the different sections of the building are good but a little confused at the moment; though they need some tightening, he did not want to dissuade the applicant from going in this direction.

J. Putnam noted that the NW corner felt hard and sharp and asked that it be given some visual relief. He thought the treatment of the garage on the eastern side of the property would be important.

A. Brockett was interested in seeing the treatment of the screening on the west elevation of the building in more detail. The James building is different but nice. It could be good to let it stand out a bit more than it does now. He liked the salvaging of the tree as long as it can survive and the two story entry. He thought that the entry view could be a bit too long as it pulls the pedestrian's attention in a bit too far. He thought that screening on the north and east side would be important. Assure that the wall is not blank as one drives down Canyon. He liked the roofline.

C. Gray liked the NW elevation, the setback on the top level, and exterior open decks. She cautioned that it could be challenging to enliven the interior courtyard and to make it a real place but thought that the concept of a shared community will likely help to enliven it. That would be more of a concern to future residents. She was ambivalent about the screening on the James and cautioned that it be done with care.

J. Putnam liked the project better in the elevation as opposed to the plan and thought there was a lot of room for creativity.

B. Bowen encouraged the applicant to go for it.

L. May thought the screen on the west side seemed too planar and recommended that it be wrapped to the north facade to become more of an element. Provide a small visual break on the

north elevation and interrupt the roofline in the east and west quadrants where the rest of the building breaks.

A. Brockett and **B. Bowen** liked the design of the roofline as it stands and did not think it needed a break.

B. Bowen thought the green screen on the back of the building would be okay and recommended that it become a baseline for green screens that enter the interior of the building as vertical gardens.

Site Plan

A. Brockett suggested adding retail to 14th Street to enliven the streetscape and suggested making the walkway more interesting where it currently doglegs to avoid the tree. He thought that it was important to unbundle the parking. Consider reducing the number of parking spaces in order to provide slightly larger offices.

J. Putnam noted that the parking took a lot of space for one use. He suggested providing some flexibility in the garage through modularity next to the offices. If spaces are not needed for parking at some point, they could provide space for other community or businesses uses. The bike storage could also include racks for tuning up bikes and skis. That could be attractive to tenants and good for fostering community.

B. Bowen echoed **A. Brockett's** idea that the entry plaza location could be supported by the sidewalk jog.

Flood:

C. Gray's concerns were addressed by **J. Stevens**.

L. May thought that this project achieves many of Boulder's objectives better than any other in Boulder.

A. Brockett agreed that this is a great project. He was happy to see micro units.

C. Gray agreed that this was the best project that she has seen to date.

Summary:

- The board felt generally positive about the project
- There was some disagreement on the fate of the shed but most members wanted to get rid of it
- There was interest in making transportation connections where possible but the board felt that it is a compatible project in general
- There was disagreement as to whether the NW corner needed more attention
- Look carefully at the screens on the west facade
- Consider green screens
- Look at revisions to the atrium
- Go for it
- Consider an interruption in the northern roofline

- Consider adding retail along 14th street
- The board liked the idea of repurposing parking spaces
- Consider adding a workshop to the bike room

A. Brockett noted that the applicant does not need to be present for the public hearing continuation.

On a motion by **J. Putnam**, seconded by **C. Gray**, the Planning Board voted 5-0 to continue the Public Hearing portion of the meeting to comply with proper noticing requirements.

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

A. Brockett noted that the Boulder Meadows has a broken connection due to fencing put up by the owner of the mobile home park. Though City Council is working on the issues, he asked if there is anything that the Planning board can do to help.

J. Putnam agreed that the city should look into it to encourage walkability. He liked **L. May's** idea to contact City Council in support of the issue. **A. Brockett** will email Council claiming unanimous support from the board.

A. Brockett asked whether the board would like to get an additional member for the March 6th meeting due to a quasi-judicial. The board members agreed that an additional member would be helpful.

On a motion by **B. Bowen**, seconded by **J. Putnam**, the Planning Board voted 5-0 to request that City Council permit an additional member for the March 6, 2014 Planning Board meeting.

C. Gray asked to see Council's goals for 2014. **S. Meissner** will email copies to the board and mail **C. Gray** a paper copy.

A. Brockett is interested in attending the APA Conference in Atlanta. Other members will let **S. Meissner** know of any interest.

7. DEBRIEF/AGENDA CHECK

8. ADJOURNMENT

The Planning Board adjourned the meeting at 8:14 p.m.

APPROVED BY

Board Chair

DATE

CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
February 20, 2014
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, Vice Chair
Bryan Bowen
Crystal Gray
Leonard May

PLANNING BOARD MEMBERS ABSENT:

John Putnam

PLANNING BOARD MEMBERS ABSENT:

STAFF PRESENT:

Hella Pannewig, Assistant City Attorney
Charles Ferro, Development Review Manager for CP&S
Elaine McLaughlin, Senior Planner
Sara Finrock, Administrative Supervisor
David Thompson- Civil Engineer II, Transportation

1. CALL TO ORDER

Vice-Chair, **A. Brockett**, declared a quorum at 6:04 p.m. and the following business was conducted.

2. APPROVAL OF MINUTES

There were no minutes scheduled for approval.

3. PUBLIC PARTICIPATION

No one from the public spoke.

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

- A. Call-up: Wetland Permit (LUR2014-00004) Fourmile Canyon Creek Realignment. Expires February 21, 2014.
- B. Call-up: Floodplain Development Permit (LUR2014-00005) Fourmile Canyon Creek Realignment. Expires February 21, 2014.
- C. Call-up: Floodplain Development Permit (LUR2014-00006) Bear Canyon Creek Pedestrian Bridge Replacement. Expires February 21, 2014.

D. Call-up: Wetland Permit (LUR2014-00007) Bear Canyon Creek Pedestrian Bridge Replacement. Expires February 21, 2014.

E. Information Item: TECHNICAL DOCUMENT REVIEW: Final Plat for the elimination of the lot lines between Lot 1, 2, and 3, and Lots 4 and 5, (also known as Lots 4 and 5 Fractional Block 65, West Boulder), Block 65, Boulder and Lot 6, Fractional Block 65, West Boulder and the elimination of the lot lines between the east half of Lot 8 and Lots 9 & 10, Block 65 Boulder, to create two lots addressed as 1048 Pearl Street and 1023 Walnut Street respectively. The project site is zoned Downtown – 5 (DT-5). Case no. TEC2013-00084.

None of these items were called up.

A. **Brockett** requested that staff provide flood plain maps with call ups where appropriate in the future.

5. PUBLIC HEARING ITEMS

There were no public hearing items for discussion.

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

H. **Pannewig** asked if the board would like to request an additional member for the February 27th meeting for the Site Review based upon L. **May's** absence.

A. **Brockett** made a motion, seconded by **B. Bowen** 4-0 (**J. Putnam** absent) to request that the mayor allow for an additional Planning Board member for the February 27, 2014 Planning Board meeting.

C. **Gray** has a Planning Board interview scheduled during the March 6th Planning Board meeting. The board agreed to take a recess during her interview.

A. North Boulder Subcommunity Plan Update

Staff Presentation:

J. **Hirt** presented the item.

Board Questions:

J. **Hirt** answered questions from the board.

Public Participation:

Dick Wilson, 1027 Rosewood Avenue, a local business owner in the area, expressed concerns regarding the floodplain and the amount of sand that was carried downstream in the flood and deposited on Open Space will cause future flooding problems. He did not think that North Broadway could handle more traffic. He noted that there is a conflict of interest between industrial and artistic uses in the area.

Board Comments:

C. Gray encouraged staff to meet with artists to determine what zoning issues are standing in the way of their needs. Be creative and look where we can go beyond the current zoning to make it attractive for developers to leverage community benefit. Look at micro loft units, etc. She recommended that the city create a unifying plan to incorporate art into urban design, specifically at the entry points to the city. She would like to see a report or response from transportation reflecting that they are responding to the neighborhood concerns about traffic and connectivity along North Broadway. She would like to see office spaces for small tech-type groups into micro spaces. Their current spaces downtown are slated for redevelopment and this would be a good use for North Boulder. She did not think Class A office space was appropriate for this area.

B. Bowen liked the shift toward the action plan approach. He thought that many small traffic calming devices along Broadway would greatly increase the quality of life for NoBo residents. There is a lot of low hanging fruit. He thought the floodplain mapping would be minimally connected to the village center concept. The neighborhood is already linear in form; lean toward a corridor versus a center and facilitate movement along the corridor.

A. Brockett noted that a corridor as opposed to a singular center has developed in North Boulder; it makes sense to continue with that corridor approach. It might require a slight shift in focus and some potential rezoning but he cautioned against rezoning until the flood and mitigation information has been collected.

L. May did not think that changes to zoning should be dependent on the completion of new floodplain mapping. One can anticipate the new flood area boundaries. It is more important to adopt a plan and/or new design guidelines to assure that development is consistent with the city's goals for the area.

B. Bowen noted that the by-right projects don't often support the city's goals. He thought that the use tables were a culprit. Document the intention of a corridor. He noted that the flood changed the entire landscape above the area.

A. Brockett recommended that staff document the intentions behind rezoning decisions. Consider some kind of code change to make the zoning more flexible. MU-1 cuts down on the economic viability of businesses because the allowed retail component is too small.

C. Gray agreed with **A. Brockett's** comment about loosening the zoning regulations for retail space in the North Boulder area. She recommended that it be done as an overlay so it would not affect other areas with the same zoning.

A. Brockett recommended lowering the community benefit requirement for commercial annexations to make it a bit more attainable.

L. May recommended broadening the definition of community benefit as opposed to lowering the standards.

C. Gray thought that the community benefit requirements for annexations should be met because they serve a purpose in meeting the city's goals and plans.

L. May discussed the village center versus the corridor. He did not think that one was necessarily exclusive of the other. He wanted to know more about the history of the design. He suggested that staff consider a center with a Main Street. He noted that community services are often allowed along main streets in other cities. Services like auto mechanics provide needed uses in the community. Don't focus too much on retail.

B. Bowen thought North Boulder could have a Main Street with several centers; the neighborhood cannot support a mile of storefronts along Broadway.

C. Gray noted that development along East Arapahoe was spurred by reducing parking requirements and changing zoning to allow for more use-by-right development. Developers of housing projects should be encouraged to include a mix of uses.

A. Brockett would like to create a structure to allow new developments to pool parking or create a parking district to make the commercial strip more vibrant. He thought multiple pedestrian crossings would be very important; couple them with interesting, creative solutions and traffic calming devices. Though Broadway is a thoroughfare, traffic needs to slow down for a few blocks to make it viable for pedestrians and to help traffic turn onto Broadway from side streets. Businesses currently struggle along the west side currently.

L. May suggested looking at some of the tools used in Sustainable Streets and Centers. They could be applied fairly readily.

B. Bowen suggested that art might be better incorporated through institutional partnering. He recommended that it be considered for the west side of Broadway.

A. Brockett commended staff for their efforts and noted that art will also be an important component in North Boulder.

L. May agreed that artists are important, but noted that it is important to keep a variety of businesses in that area. Excluding the car mechanics and garden center, etc. would work against the Climate Commitment Goals; people need to have access to local services.

C. Gray noted that people tend to stop and spend time in blocks with articulated street frontages, street trees and moveable or fixed street furniture. She recommended that these factors be considered. She would like to better understand whether zoning changes would cause the current village center to decrease in intensity. She would like to see something that unites the east and west sides of the streets and a means for crossing the road.

A. Brockett was interested in looking at potential zoning changes from Lee Hill Drive to Sumac before the flood information is complete. After the flood mapping is complete, this can be revisited but areas that won't be affected by the mapping exercise can be changed now.

L. May noted that zoning changes may not be required to make this plan come to fruition, but if they are, they should be done soon and prior to the completion of the flood mapping. The purpose of the zoning changes would be to allow for uses such as retail, neighborhood services

and artist studios that support the city's goals and help to make the plan envisioned for the neighborhood come to fruition. Allow retail to have a finer grain and a greater mix of uses.

A. Brockett thought it would be good to take some of the mixed opinions to Council. They will have the ultimate say. It is still murky. Consider changing the land use map in the plan. The RMX zoning south of Violet might be reconsidered though it could be addressed as part of a larger Comp Plan.

C. Gray did not like that the neighbors did not have a say in transitional housing in North Boulder and would like to look at different housing types in the area. She would like to see it addressed in the study area.

B. Bowen agreed with **C. Cray**.

Only limited zoning changes can occur within this 18 month period. Therefore, board would like to see tweaks to the zoning in the short term, such as providing more flexibility within the existing zoning scheme, and was interested in bigger changes after the completion of flood mapping. Larger zoning changes will have to be entertained with other planning tools.

C. Gray requested that the six topics that staff has identified may not be set in stone. She wanted staff to invite public comment as it that would provide opportunities to offer additional suggestions.

L. May noted that the sooner these ideas are vetted and taken into consideration, the better off staff will be for future direction.

2014 Work Plan

S. Richstone explained Council's work plan for 2014 and staff's response.

7. DEBRIEF/AGENDA CHECK

C. Gray will be absent for the first meeting in April, if reappointed to the board.

8. ADJOURNMENT

The Planning Board adjourned the meeting at 10:14 p.m.

APPROVED BY

Board Chair

DATE

CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
February 27, 2014
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, Vice Chair
Bryan Bowen
Crystal Gray
Danica Powell
John Putnam

PLANNING BOARD MEMBERS ABSENT:

Leonard May

PLANNING BOARD MEMBERS ABSENT:

STAFF PRESENT:

Hella Pannewig, Assistant City Attorney
Charles Ferro, Development Review Manager for CP&S
Elaine McLaughlin, Senior Planner
Sara Finfrock, Administrative Supervisor
David Thompson, Civil Engineer II, Transportation
Jessica Stevens, Civil Engineer II
Edward Stafford, Development Review Manager for PW

1. CALL TO ORDER

Vice-Chair, **A. Brockett**, declared a quorum at 5:07 p.m. and the following business was conducted.

2. APPROVAL OF MINUTES

There were no minutes scheduled for approval.

3. PUBLIC PARTICIPATION

No one from the public spoke.

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

There were no items for discussion.

5. PUBLIC HEARING ITEMS

- A.** Continuation for Public Comment Only: Request for public comment on a Concept Review proposal for the redevelopment of 1750 14th Street. Proposed to include reuse of existing James Travel Building along with residential, commercial and office space.

Applicant: Kyle McDaniel
Owner: B&H, LLC

Public Hearing:

No one from the public spoke.

- B. 2nd CONCEPT PLAN REVIEW AND COMMENT:** Request for public and Planning Board comment on a proposal for the redevelopment of 2930 Pearl Street (case no. LUR2014-00011); this is a Second Concept Plan Review, requested by the Planning Board at the first review public hearing was on Nov. 7, 2013 (case no. LUR2013-00045). Proposal is for the redevelopment of the property generally located at the southwest corner of 30th and Pearl Streets (2920 and 2930 Pearl St., 2077-2079 and 2111 30th St.) with three new four story buildings of 100,000 square feet each for a total of 300,000 square feet for corporate offices with below grade parking.

Applicant: Collin Kemberlin, Tryba Architects

Property Owner: Pearl Place Associates, LLC and Peregrine Ridge, LLC

J. Putnam recused himself from the board discussions for Item 5B

Staff Presentation:

C. Ferro introduced the item.

M. McLaughlin presented the item to the board.

Board Questions:

E. McLaughlin answered questions from the board.

Applicant Presentation:

Collin Kemberlin, the applicant, presented the item to the board.

Board Questions:

David Tryba, the project architect, answered questions from the board.

Kevin Foltz, from Forum Real Estate Group, answered questions from the board.

Collin Kemberlin, applicant, answered questions from the board.

Public Hearing:

1. **Sue Prant, 3172 29th Street**, opposed removing the Slough Trail.
2. **Charles Brock, 4057 St. Petersburg Street**, opposed the project due to lack of access for bicyclists, and too many parking spaces.

Board Comments:

C. Gray asked to add the building design to the key issues. She thought that some of the positive elements from first Concept Plan had been taken out. She liked the idea of activating space at rooftop level.

A. Brockett felt that there were positive responses to the original concept plan. He noted the number of access points was reduced but the locations haven't changed. The south side access works great.

D. Powell encouraged that applicant to pick up on other placemaking efforts in the area. She thought the parking-heavy proposal missed an opportunity to encourage people to not drive or park in an already congested area.

C. Gray noted that the area is transit-rich and encouraged the applicant to consider keeping the parking under the south side.

- A. Brockett** was less concerned about the parking because it will be underground, but thought the number of spaces could be reduced.
- B. Bowen** recommended that the office parking garage could be accessed from 29 North. Add a pedestrian way.
- A. Brockett** noted that the applicant could request a parking reduction at Site Review.
- C. Gray** referenced BVCP guideline 3.1.A. She did not think that this was consistent with the Multi-modal connection requirement in the guidelines.
- A. Brockett** recommended that the applicant consider incorporating active uses on ground floor.
- D. Powell** also encouraged the applicant to incorporate active uses on the ground floor; it is a good design quality that will be inviting to the neighborhood. There is a lot of opportunity for restaurant uses on ground floor.
- B. Bowen** supported retail that would be accessed by pedestrians; discourage automobile access.
- D. Powell** did not think that the circle drive in the middle would make a great public space. Many people use the multi-modal path.
- B. Bowen** would prefer that the circle drive be omitted. The Slough provides opportunities for pedestrian use and as a natural resource but it is not currently being tapped.
- A. Brockett** encouraged the applicant to utilize bike access in both directions.
- C. Gray** would like to see more direct east/west access to the Slough.
- B. Bowen** discussed the site design and the importance of activating the central courtyard. People need to engage the space daily to feel familiar with it and to use it. Think about how people move through it efficiently.
- C. Gray** thought the building design concepts are exciting. She liked the idea of breaking the buildings up and thought they should be more exciting, not more of the same. This area should be transit rich and have interesting architecture. The mechanical system should be screened, imbedded, or minimized.
- A. Brockett** agreed that this is an opportunity to do something different, exciting, and modern. The setback doesn't need to be courtyard focused on the west side. Shift the setback on the eastern side of courtyard. The 30th street façade could be set back further.
- B. Bowen** thought that the building should be less trendy; he encouraged more enduring design and materials. Setbacks on upper floors create habitable spaces that are well shaded. The third stories and modulation work well. It's a big, simple, clean building. The bridge connections are a huge opportunity to allow for more whimsical architecture.
- D. Powell** thought the materials were interesting and intriguing. They could set the tone for a "second downtown space".
- C. Gray** asked the applicant to quantify energy goals at Site Review. She would like to see a parking reduction due to the location and an alternative to pulling cars into the site.

A. Brockett thought this site posed an opportunity for a larger employer. He would like to see more protected bike parking.

B. Bowen would like to see resolution on the access to the parking garage and organization of the site. It should be well thought-out and justifiable.

A. Brockett summarized the board's comments:

- Add a path to western side of the site;
- Improve bike permeability;
- Reduce the current amount of parking;
- Add covered bike parking;
- Consider adding retail that caters to people who live and work in the area but wouldn't change above-ground parking demand;
- Consider exciting and different architecture;
- Make it inviting;
- Provide more details on energy.

C. Public hearing and consideration of a Site Review application for 1301 Walnut Street, referred to as the Wencil Building, case no. LUR2013-00053, to redevelop the site including the existing surface parking lot on the site with a new four-story building. The project site includes the existing buildings referred to as the former James Hotel and the former Peyton Insurance Company building, not planned for redevelopment as well as the existing Colorado Building, also not planned for redevelopment but proposed to be landmarked along with a small historic carriage house at the rear of the property.

Applicant: Jeff Wingert

Property Owners: APLZA LLC; 1916 LLC; Lookout LLC; and 1919 Street LLC

Staff Presentation:

S. Richstone introduced the item.

M. McLaughlin presented the item to the board.

Board Questions:

E. McLaughlin answered questions from the board.

Applicant Presentation:

Jeff Wingert, architect, presented the item to the board.

Board Questions:

Jeff Wingert and Bill Reynolds, the architects, answered questions from the board.

D. Thompson answered questions from the board.

Public Hearing:

Scott Sarbaugh, 1320 Pearl, spoke in support of the project

Sean Maher, 3565 Catalina, spoke in support of the project

Conor O'Neill, 1922 13th Street, spoke in support of the project

Board Comments:

Site Review Criteria discussion:

J. Putnam thought that the proposal met the criteria.

C. Gray agreed that it met the Site Review criteria and the requirements of the zone, and considered historic buildings nearby.

D. Powell agreed with **C. Cray** and thought the setbacks create consistency. The buildings are well-designed and the scale is appropriate.

B. Bowen noted that there is nothing in the design to nit-pick; it went through BDAB cleanly. Open the alley for opportunities to create art.

A. Brockett thought it met the Site Review Criteria, makes a strong statement and achieved an appropriate scale. He commended the applicant for working with neighbors to find a successful solution. Lighting and security need to be addressed.

D. Powell thought this project creates complexity and provides a diversity of office space.

J. Putnam said the project is consistent with zoning and livens up that section of downtown; it is friendly to pedestrians and will keep people interested and engaged. It is right at the hub of transit and will anchor the area.

A. Brockett noted BDAB has already covered the requirements for the downtown design guidelines.

C. Gray thought it was a successful design and good way of treating the corner.

D. Powell commented that the building on 13th and Walnut is a strong stoic building; it blends into buildings next to it.

B. Bowen thought this provided an opportunity for a creative retail ground floor.

J. Putnam thought the proposed solution is the best way to handle the site constraints. The “flex” space at the back will help. He appreciated the applicant’s willingness to think about spaces for covered bike spots for visitors. The pedestrian safety issue is important.

C. Gray expressed concern about the curb cut on Walnut and would prefer that it be a one-way turn in. There will need to be work-arounds for trucks needing access to businesses.

A. Brockett agreed with the parking off of the alley given the constraints of the site.

B. Bowen noted that the issues of ingress versus egress is important. He would like to see 16 parking spaces instead of 18 to allow for trees.

D. Powell thought this was a good use of space given the constraints.

B. Bowen suggested that the western strip of parking lot be used for small shared office spaces.

C. Gray thought this project is appropriate for that area, will positively contribute to downtown and benefit the city as a whole. The board likes to approve places, not just projects.

Motion:

On a motion by C. Gray, seconded by J. Putnam, the Planning Board voted 5-0 (L. May absent, D. Powell appointed temporary alternate board member) to approve Site Review No. LUR2013-00053 incorporating the staff memorandum and the attached Site Review Criteria Checklist as findings of fact and subject to the following recommended conditions of approval which are conditions 1, 2, 3, and 4 in the memo.

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

7. DEBRIEF/AGENDA CHECK

8. ADJOURNMENT

The Planning Board adjourned the meeting at 8:23 p.m.

APPROVED BY

Board Chair

DATE

DRAFT

CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
April 3, 2014
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
Bryan Bowen
Crystal Gray
John Putnam
Mary Young, Chair
Sam Weaver
Leonard May

STAFF PRESENT:

Charles Ferro, Development Review Manager for CP&S
David Gehr, Assistant City Attorney
Chandler Van Schaack, Planner I
Karl Guiler, Senior Planner
Heidi Hansen, Engineer I
Elaine McLaughlin, Senior Planner
Susan Meissner, Administrative Assistant III

1. CALL TO ORDER

Chair, **A. Brockett**, declared a quorum at 5:03 p.m. and the following business was conducted.

2. APPROVAL OF MINUTES

There were no minutes scheduled for approval.

3. PUBLIC PARTICIPATION

No one from the public spoke.

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

- A. Call up: 2245 Pine Street. Expires April 4, 2014
- B. Call Up Item: Wetland Permit (LUR2014-00018): US 36 Wetlands Mitigation. Expires April 10, 2014.

Neither item was called up.

5. PUBLIC HEARING ITEMS

- A. Public hearing and consideration of a Use Review application, no. LUR2012-00101, for expansion of the Family Learning Center located at 3164 34th St. in the Residential

Medium-One (RM-1) zone district. The proposal includes a new, 2,427 square foot classroom addition as well as site, landscaping and parking lot improvements.

Applicant/Owner: The Family Learning Center

Staff Presentation:

C. Ferro introduced the item.

C. Van Schaack presented the item to the board.

Board Questions:

C. Van Schaack answered questions from the board.

C. Ferro answered questions from the board.

Board Comments:

J. Putnam thought that this item complied with all of the criteria.

A. Brockett thought that this was a great project and organization.

Motion:

On a motion by **J. Putnam**, seconded by **J. Gerstle**, the Planning Board voted 6-0 (**C. Gray** absent) to approve Use Review application No. LUR2012-00101 incorporating the staff memorandum and the attached Site Review Criteria Checklist as findings of fact and subject to the following recommended conditions of approval 1, 2 and 3.

B. Public hearing and consideration of a Use Review application, no. LUR2013-00065, for approval of an 11-space parking lot as a second principal use in addition to a proposed 3-unit residential townhome development at 2360 Grove St. in the RH-2 zone district (see LUR2013-00051 for associated Site Review).

Applicant: Peter Stewart

Owner: Grove 3, LLC

Staff Presentation:

C. Ferro introduced the item.

C. Van Schaack presented the item to the board.

Board Questions:

C. Van Schaack answered questions from the board.

C. Ferro answered questions from the board.

Motion:

On a motion by **J. Putnam**, seconded by **L. Payton**, the Planning Board voted 6-0 (**C. Gray** absent) to approve Use Review application No. LUR2013-00065 incorporating the staff memorandum and the attached Site Review Criteria Checklist as findings of fact and subject to the following recommended conditions of approval 1 and 2.

- C. Public hearing to consider application #LUR2014-00003 to amend the previous Site and Use Review approval (case #LUR2008-00083) for the Washington Village project, located at 1215 Cedar Avenue, which allowed 33 dwelling units and 2,950 square feet of office/commercial space on the ground floor of a new building along Broadway and community facilities on the 3-acre site. The following modifications within the RH-2 (Residential High – 2) zoning district are requested:
- Addition of three dwelling units bringing the site total to 36 dwelling units (30 dwelling on the RH-2 side);
 - Additional floor area within the Broadway Building and North Building totaling 5,059 square feet (1,152 square feet would be above grade with the remaining space in basements and storage).
 - Reconsideration of the previously approved Use Review to change a condition of approval to reduce parking by one parking space in light of a proposed 300 square feet reduction in the commercial space; and
 - A parking reduction of 11 percent.

Applicant: Adrian Sopher, Sopher Architects

Property Owner: Washington School Development Company, LLC

B. Bowen recused himself from this item.

Staff Presentation:

C. Ferro introduced the item.

K. Guiler presented the item to the board.

Board Questions:

K. Guiler answered questions from the board.

C. Ferro answered questions from the board.

Applicant Presentation:

Jim Leach, the developer, presented to the board.

Adrian Sopher, the architect, presented the item to the board.

Board Questions:

K. Guiler answered questions from the board.

Chris McGranahan, parking consultant, answered questions from the board.

D. Gehr answered questions from the board.

Adrian Sopher answered questions from the board.

Jim Leach answered questions from the board.

Public Hearing:

1. **David Carson, 3085 6th Street**, spoke in favor of the application. He and his wife are waiting to move into a Washington Village apartment. He noted that this amendment will allow for more moderately priced residences in the area and open larger housing stock for families.

2. **Kathy Icenogle, 2905 13th Street** (pooled time with **M. Christensen**), a resident of Washington Village, spoke in favor of the project. She spoke to the integrity of the developer and noted that parking should not be an issue. She did not think that the pedestrian path will be an important thoroughfare.
3. **Joan Brody, 2950 Broadway**, spoke in opposition to the project citing the negative impacts from solar shading and increased density. She requested that the developer construct a fence along the northwest edge of the development for safety and privacy.
4. **Stan Kyed, 2945 13th Street**, a neighbor to the north of the development, noted that the conditions of approval from 2009 are very important and encouraged the board not to change them. He opposed the project but could live with the project with the current conditions. He wanted to know the hydrological implications on the neighborhood with more excavation.

Board Comments:

Site Review

L. May thought the proposal was an improvement and highly supportable. It generally fit the site review criteria and city's goals for infill and density around transit corridors. He noted that the trade off in parking between daytime and nighttime use is not relevant to the application as it has already been settled through the previous processes.

J. Putnam agreed with **L. May**. This meets the zoning and provides a good transition between the corridor along Broadway and the adjacent neighborhood. He thought that the reduction of unit size to increase affordability was appropriate and aligned with city goals.

L. Payton encouraged the applicant to address Joan Brody's concerns.

A. Sopher noted that the fence permit has been pulled and must be built on Mr. Kyed's property per condition of approval prior to obtaining a Certificate of Occupancy. He noted that the new construction should not cast a shadow on the Red Arrow property.

L. Payton spoke in favor of the increased number of smaller, affordable units and approval per staff's recommendations and the conditions of approval. She would like to see the fence extended to meet Ms. Brody's request.

A. Brockett thought that this proposal was an improvement from the existing application. He thought the addition of smaller unit better meets the city's goals. The impacts regarding site and bulk meet the site review criteria.

J. Gerstle thought the aesthetic changes to the Broadway building were acceptable given that they will only affect the eastern facade. The continuation of the fence to along the Red Arrow development was a reasonable condition of approval.

L. May thought that the fence should be worked out between the Washington Village and Red Arrow property owners. He did not want to make it a condition of approval.

J. Putnam agreed with **L. May**. He would strongly encourage the property owners to work out a fence solution. He noted that only one resident spoke on behalf of the Red Arrow complex.

J. Gerstle thought that it would be appropriate for the Washington Village to pay for the fence if the majority of Red Arrow residents agreed with Ms. Brody.

A. Brockett agreed with **L. May**. He did not think the fence should be a condition of approval and should be worked out between the property owners.

J. Gerstle thought that the addition of three units was sufficient rationale for the change.

L. May did not feel that there was a strong argument to change the path per site review criteria. He thought the permeability issues could have been better addressed but those issues have already been decided in previous site reviews. He did not think that the pathway was of consequence and should be left up to the applicant.

J. Putnam agreed with **L. May**. He thought that the changes were minor and should be left up to the applicant and staff. He encouraged them to remove the step for better handicap accessibility.

L. Payton supported the path as approved. She thought it was an important remnant of the old school path.

A. Brockett had a minor preference toward the staff recommendation but thought that the impacts of the pathway on the Red Arrow privacy should be taken into account in the final placement decision.

J. Gerstle thought that the staff recommendation was appropriate.

Parking

J. Putnam thought that the parking reduction easily met the requirements, was appropriate and moderate.

L. Payton supported the parking reduction. She noted the importance of neighbors' input because they know the realities better than anyone. She was glad to know that there were reserved parking spaces to alleviate potential problems.

A. Brockett thought that the project could be over-parked but advocated for keeping it as is to avoid any negative impacts on the neighborhood.

J. Gerstle thought the parking, as proposed, was appropriate.

L. May thought the parking reduction was appropriate. He noted that the neighborhood is taking a load from Ideal Market and in-commuter but did not think that Washington Village should be responsible for bearing the external burden. He thought that this should be seen through a prism of climate change; we should make parking more difficult. Neighborhoods will have to bear an interim burden until people drive less.

The board found no issues with the reduction in the amount of commercial space.

Motion:

On a motion by **A. Brockett**, seconded by **J. Putnam**, the Planning Board voted 4-1 (**C. Gray** absent, **B. Bowen** abstained, and **L. Payton** opposed) to approve Site and Use Review No.

LUR2014-00003 incorporating the staff memorandum and the attached Site Review Criteria Checklist as findings of fact and subject to the following recommended conditions of approval which are conditions 1, 2, 3, and 4 in the memo.

On a friendly amendment by **J. Putnam** seconded by **A. Brockett**, proposed to amend the proposed Condition of Approval 3b to say, “A final site plan illustrating the approved site configuration for the environs, the Broadway building, and North building including an adequate path as well the curb ramp to be constructed to the Broadway signal”.

L. Payton opposed because she did not agree with the friendly amendment.

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

A. Brockett will allow for more time in the hearing for the applicant to rebut the public’s comments. This will be left up to the chair.

L. Payton asked for clarification on the role of the Planning Board ex-officio board member on the Landmarks board.

L. May thought that it would be important for the Planning Board to provide more input to Council on the Comprehensive Housing Strategy.

7. DEBRIEF MEETING/CALENDAR CHECK

L. May will represent the Planning Board at the Resilient Cities workshop.

8. ADJOURNMENT

The Planning Board adjourned the meeting at 7:56 p.m.

APPROVED BY

Board Chair

DATE

MEMORANDUM

TO: Planning Board
FROM: Sloane Walbert, Case Manager
DATE: April 16, 2014
SUBJECT: **Informational Item:**

TECHNICAL DOCUMENT REVIEW: Final Plat for the elimination of the lot lines between lots 23, 24, and part of lot 25 to create one lot addressed as 2925 4th Street. The project site is zoned Residential - Low 1 (RL-1). Case no. TEC2014-00017.

Attached is the disposition of staff approval (Attachment A) for a Technical Document Review to allow the elimination of the lot line between Lot 49 (2079 Hardscrabble Drive) and Lot 50 (2069 Hardscrabble Drive) in the Shanahan Ridge Six P.U.D. This replat, Shanahan Ridge Six Replat of Lot 49 and Lot 50 Lot Line Elimination, will dissolve and eliminate the current lot line from the City records and replace the two lots with one 9,870 square foot lot, 49A, as shown in Attachment B. Please refer to the attached plat for more information. A lot line elimination is required to permit development of both lots as one building site.

The subject approval meets all of the requirements of Section 9-12-4, B.R.C. 1981 for a Lot Line Elimination.

Pursuant to section 9-12-4, B.R.C. 1981, staff is required to notify planning board of the disposition of a replat application. The subject approval is not subject to call-up or appeal.

Questions about the project or decision should be directed to Elizabeth Lokocz at (303) 441-3138 or lokocze@bouldercolorado.gov.

Attachments:

Attachment A: [Staff Disposition](#)

Attachment B: [Lot Line Elimination Plat](#)



Vicinity Map

Address: 2069 Hardscrabble Dr



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 section 9-12-3, B.R.C. 1981, as applied to the proposed development.

DECISION:	Approved
PROJECT NAME:	2925 4TH ST
DESCRIPTION:	Lot line elimination - Lots 23, 24, and part of lot 25 (as shown on ILC) to be merged into one lot.
LOCATION:	2925 4TH ST
COOR:	N04W08
LEGAL DESCRIPTION:	Lots 23,24 and 20 feet of 25, Block 46, Subdivision NEWLANDS City of Boulder, County of Boulder, Colorado
APPLICANT:	ERIC AND DENISE SPARKS
OWNER:	ERIC AND DENISE SPARKS
APPLICATION:	TEC2014-00017 Lot Line Elimination
ZONING:	RL-1
CASE MANAGER:	Elizabeth Lokocz

THIS IS NOT A SITE SPECIFIC DEVELOPMENT PLAN APPROVAL AND NO VESTED PROPERTY RIGHT IS CREATED BY THIS APPROVAL.

Approved On: APRIL 16, 2014
Date

By: [Signature]
David Driskell, Executive Director of Community Planning and Sustainability

CONDITIONS OF APPROVAL
none

NEWLAND ADDITION REPLAT – BLOCK 46

FOR THE ELIMINATION OF LOT LINES BETWEEN LOT 23, LOT 24, AND THE SOUTH 20 FEET OF LOT 25, BLOCK 46, NEWLAND ADDITION,
 LOCATED IN THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH P.M.,
 CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO

TOTAL AREA = 8,741 SQ.FT.
 SHEET 1 OF 2

PARCEL DESCRIPTIONS

EXISTING LEGAL DESCRIPTION

LOTS 23, 24, AND THE SOUTH 20 FEET OF LOT 25, BLOCK 46,
 NEWLAND ADDITION
 COUNTY OF BOULDER,
 STATE OF COLORADO.

RESULTING LEGAL DESCRIPTION

ALL OF LOTS 23, 24, AND THE SOUTH 20 FEET OF LOT 25, BLOCK 46,
 NEWLAND ADDITION AS DESCRIBED AT RECEPTION NO 88000077 DATED
 MARCH 27, 1891, BEING A PART OF THE NORTHWEST QUARTER OF SECTION
 25, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE SIXTH PRINCIPAL
 MERIDIAN, CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO,
 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE SOUTH LINE OF BLOCK 46 TO BEAR NORTH 89°51'07"
 EAST, A DISTANCE OF 319.95 FEET BETWEEN A FOUND NO 4 REBAR AND A
 FOUND NO 6 REBAR WITH ALUMINUM CAP "ORTHMAN PLS 15315", WITH ALL
 BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE SOUTHEAST CORNER OF BLOCK SAID BLOCK 46, BEING
 A FOUND NO 6 REBAR WITH ALUMINUM CAP "ORTHMAN PLS 15315",
 THENCE ALONG THE EAST LINE OF SAID BLOCK 46, NORTH 00°29'29"
 WEST, A DISTANCE OF 179.88 FEET TO A POINT ON THE NORTH LINE OF LOT 22,
 BLOCK 46 EXTENDED; THENCE ALONG SAID NORTH LINE EXTENDED, SOUTH
 89°51'07" WEST, A DISTANCE OF 30.00 FEET TO THE NORTHEAST CORNER
 OF SAID LOT 22 AND THE POINT OF BEGINNING;

THENCE ALONG THE NORTHERLY LINE OF SAID LOT 22, SOUTH 89°51'07"
 WEST, A DISTANCE OF 124.95 FEET TO A POINT ON THE EASTERLY ALLEY
 RIGHT-OF-WAY LINE;

THENCE ALONG SAID EAST LINE, NORTH 00°29'29" WEST, A DISTANCE OF
 69.96 FEET TO A POINT 5 FEET SOUTH OF THE NORTHWEST CORNER OF
 LOT 25, BLOCK 46;

THENCE PARALLEL, WITH SAID NORTHERLY LINE, NORTH 89°51'08" EAST, A
 DISTANCE OF 124.95 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF 4TH
 STREET;

THENCE ALONG SAID RIGHT-OF-WAY, SOUTH 00°29'29" EAST, A DISTANCE
 OF 69.96 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 8,741 SQ.FT. OR 0.20 ACRES, MORE OR LESS.



VICINITY MAP
 1" = 500'

OWNERS CERTIFICATE

ANTHONY E. SPARKS AND DENISE M. SPARKS, BEING THE OWNERS OF LOT 23, 24, AND THE SOUTH 20 FEET OF LOT 25,
 BLOCK 46, NEWLAND ADDITION, CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, DO HEREBY APPROVE THIS
 LOT LINE ELIMINATION PLAN AS SHOWN HEREON.

BY: _____
 ANTHONY E. SPARKS

ACKNOWLEDGMENT

STATE OF _____)
 COUNTY OF _____) SS
 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 20____ BY
 ANTHONY E. SPARKS, OWNER.
 WITNESS MY HAND AND SEAL.
 MY COMMISSION EXPIRES: _____

[SEAL] _____
 NOTARY PUBLIC

BY: _____
 DENISE M. SPARKS

ACKNOWLEDGMENT

STATE OF _____)
 COUNTY OF _____) SS
 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____
 20____ BY DENISE M. SPARKS, OWNER.
 WITNESS MY HAND AND SEAL.
 MY COMMISSION EXPIRES: _____

[SEAL] _____
 NOTARY PUBLIC

NOTES

1. OLD REPUBLIC NATIONAL INSURANCE COMPANY FOR LAND TITLE GUARANTEE COMPANY COMMITMENT NUMBER 00705077121877, DATED OCTOBER 16, 2013 AT 5:00 P.M. WAS ENTIRELY RELED UPON FOR RECORDED INFORMATION REGARDING RIGHTS-OF-WAY, EASEMENTS AND ENCUMBRANCES IN THE PREPARATION OF THIS SURVEY. THE PROPERTY SHOWN AND DESCRIBED HEREON IS ALL OF THE PROPERTY DESCRIBED IN SAID TITLE COMMITMENT.
2. ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
3. THIS SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.
4. BASIS OF BEARINGS: A BEARING OF NORTH 89°51'07" EAST ALONG THE SOUTH LINE OF BLOCK 46, AS SHOWN ON THE PLAN OF NEWLAND ADDITION, RECORDED AT RECEPTION NO 88000077 DATED MARCH 27, 1891 OF THE BOULDER COUNTY RECORDS, BETWEEN A FOUND NO 4 REBAR AT THE INTERSECTION OF THIRD STREET AND CEDAR AVENUE, AND A FOUND NO 6 REBAR WITH ALUMINUM CAP "ORTHMAN PLS 1531" AT THE INTERSECTION OF 4TH STREET AND CEDAR AVENUE, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.
5. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACTS ANY PUBLIC LAND SURVEY MONUMENT AND/OR BOUNDARY MONUMENT OR ACCESSORY, COMETS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE, C.R.S. SEC. 18-4-508.
6. THE DISTANCE MEASUREMENTS SHOWN HEREON ARE U.S. SURVEY FOOT.
7. FLOOD INFORMATION: THE SUBJECT PROPERTY IS LOCATED IN ZONE X UNSHADED, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AND/OR ZONE D, AREAS IN WHICH FLOOD HAZARDS ARE UNDETERMINED, BUT POSSIBLE, ACCORDING TO THE FEMA FLOOD INSURANCE RATE MAP: COMMUNITY-PANEL NO. 08013C0393A, DATED DECEMBER 18, 2012. THE MAP DOES NOT DIFFERENTIATE BETWEEN ZONE X UNSHADED AND ZONE D. FLOOD INFORMATION IS SUBJECT TO CHANGE.
8. DATES OF FIELDWORK: NOVEMBER 26, 2013 (CURRENT); OCTOBER 11, 2012 (FLATRONS SURVEYING JOB #12-60,682).
9. THE WORD "CERTIFY" AS SHOWN AND USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THIS SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.
10. THE TOTAL AREA OF THE SUBJECT PARCELS IS 8,741 SQ.FT. OR 0.20 ACRES, MORE OR LESS. AREA AS SHOWN HEREON IS A RESULTANT FACTOR, NOT A DETERMINATIVE FACTOR, AND MAY CHANGE SIGNIFICANTLY WITH MINOR VARIATIONS IN FIELD MEASUREMENTS OR THE SOFTWARE USED TO PERFORM THE CALCULATIONS. FOR THIS REASON, THE AREA IS SHOWN AS A "MORE OR LESS" FIGURE, AND IS NOT TO BE RELIED UPON AS AN ACCURATE FACTOR FOR REAL ESTATE SALES PURPOSES.
11. PREVIOUS FLATRONS SURVEY (LS-12-0131) FOR BLOCK 45 WAS USED IN CONSIDERATION FOR THE NORTHWEST INTERSECTION POINT OF BLOCK 46.

SURVEYOR'S CERTIFICATE

I, JOHN B. GUYTON, A DULY REGISTERED LAND SURVEYOR, LICENSED IN THE STATE OF COLORADO, HEREBY STATE FOR AND ON BEHALF OF FLATRONS, INC., TO ANTHONY E. & DENISE M. SPARKS THAT A SURVEY OF THE ABOVE DESCRIBED PREMISES WAS CONDUCTED BY ME OR UNDER MY RESPONSIBLE CHARGE ON APRIL 01, 2014, THAT SAID SURVEY ON THE ATTACHED PRINT HEREON WAS MADE IN SUBSTANTIAL COMPLIANCE WITH C.R.S. 38-91-105 "LAND SURVEY PLAT".

JOHN B. GUYTON COLORADO P.L.S. #16408
 CHAIRMAN & CEO, FLATRONS, INC.

APPROVALS

DIRECTOR OF PLANNING _____
 DIRECTOR OF PUBLIC WORKS AND UTILITIES _____

CITY MANAGER'S CERTIFICATE

IN WITNESS WHEREOF, THE SAID CITY OF BOULDER HAS CAUSED ITS SEAL TO BE HEREUNTO AFFIXED BY ITS CITY MANAGER THIS ____ DAY OF _____, 20____

ATTEST:

CITY CLERK _____ CITY MANAGER _____

CLERK AND RECORDERS CERTIFICATE

STATE OF COLORADO) SS
 COUNTY OF BOULDER) I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE AT _____ O'CLOCK, ____ M., THIS ____ DAY OF _____ 20____ AND IS RECORDED AT RECEPTION # _____ FEES PAID \$ _____
 CLERK AND RECORDER _____ DEPUTY _____

REVISION	DATE	BY	FOR
1	04/01/14	JBG	FILE
2	04/01/14	JBG	FILE
3	04/01/14	JBG	FILE
4	04/01/14	JBG	FILE
5	04/01/14	JBG	FILE
6	04/01/14	JBG	FILE
7	04/01/14	JBG	FILE
8	04/01/14	JBG	FILE
9	04/01/14	JBG	FILE
10	04/01/14	JBG	FILE

LOT LINE ELIMINATION
 PREPARED FOR
ANTHONY E. & DENISE M. SPARKS
 &
 Others (See Note 3)

Flatrons, Inc.
 Surveying, Engineering & Geomatics
 www.FlatronsInc.com
 650 FORTUITO AVENUE, SUITE 200
 BOULDER, CO 80505
 PHONE: (303) 443-7000
 FAX: (303) 443-7000
 3640 DENVERING ST
 DENVER, CO 80209
 PHONE: (303) 776-1743
 FAX: (303) 443-8800

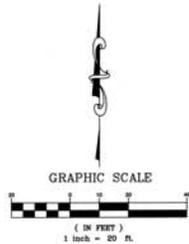
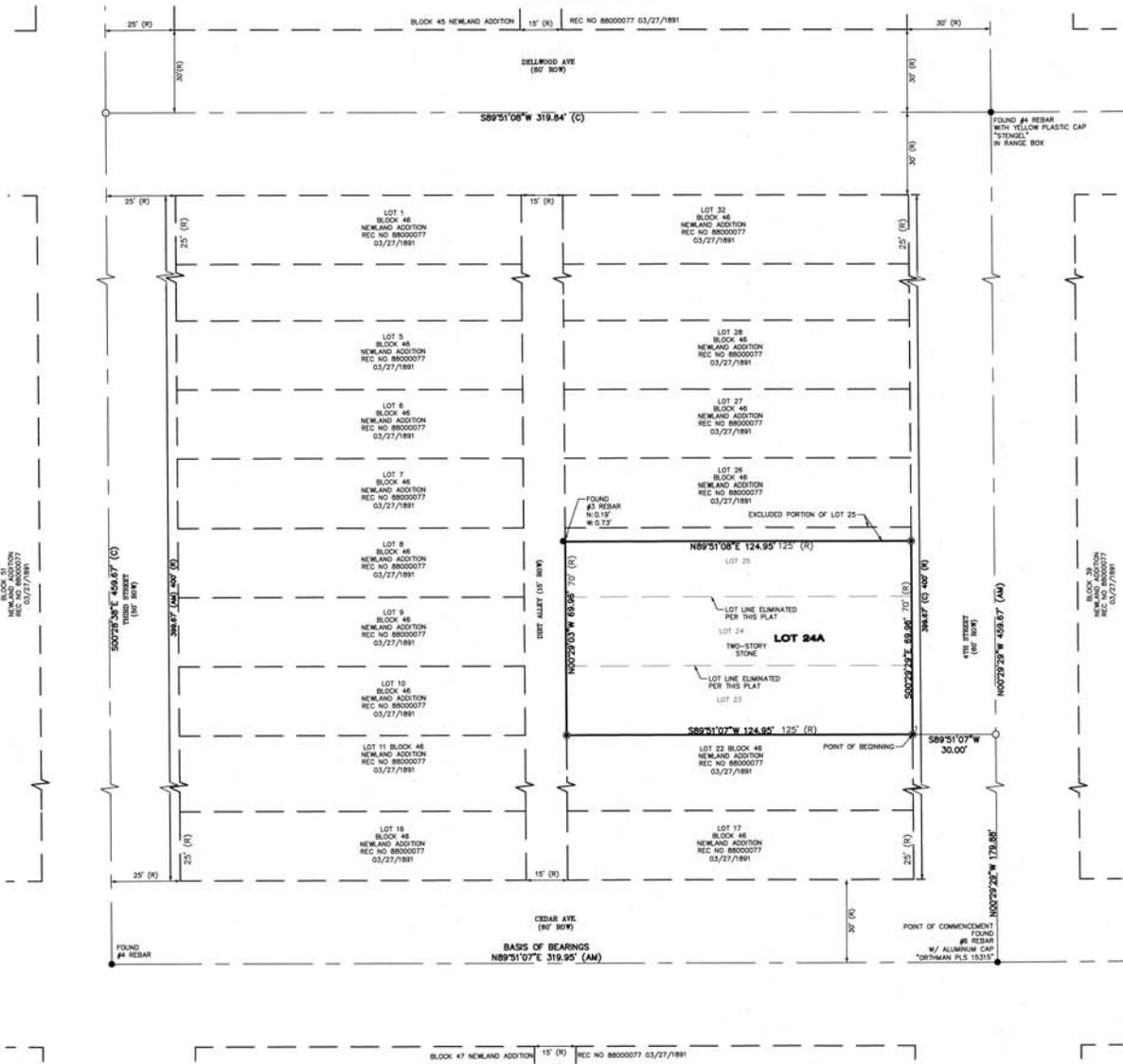


JOB NUMBER:
 13-62,724
 DATE:
 12-18-2013
 DRAWN BY:
 T. COLVIN
 CHECKED BY:
 J20/WW/ETB

NEWLAND ADDITION REPLAT – BLOCK 46

FOR THE ELIMINATION OF LOT LINES BETWEEN LOT 23, LOT 24, AND THE SOUTH 20 FEET OF LOT 25, BLOCK 46, NEWLAND ADDITION,
 LOCATED IN THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH P.M.,
 CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO

SHEET 2 OF 2



EXISTING LOT 23	3,121 SQ. FT.
EXISTING LOT 24	3,121 SQ. FT.
EXISTING SOUTH 20 FEET OF LOT 25	2,499 SQ. FT.
RESULTING AREA OF LOT 24A	8,471 SQ. FT.

- Legend**
- FOUND MONUMENT AS DESCRIBED
 - SET #5 REBAR WITH 1 1/2" ALUMINUM CAP "FLATIRON SURV 16406"
 - SET 3/4" BRASS TAG "TS 16406"
 - CALCULATED POSITION (NOT FOUND OR SET)

Boundary Closure Report

Course: S89°51'07"W	Length: 124.95'
Course: N00°29'03"W	Length: 69.96'
Course: N89°51'08"E	Length: 124.95'
Course: S00°29'29"E	Length: 69.96'

Perimeter: 389.82' Area: 8741 Sq. Ft.
 Error Closure: 0.01 Course: S86°33'24"E
 Error North: -0.001 East: 0.009
 Precision: 1: 38982.00

<p>LOT LINE ELIMINATION PREPARED FOR ANTHONY E. & DENISE M. SPARKS & Others (See Note 3)</p>	<p>FLATIRON SURVEYING, INC. Surveying, Mapping & Geomatics www.FlatironInc.com 655 FOURTH AVE. 3625 865 AVE. STE. 300 2660 DOMINGO ST. BOULDER, CO 80502 BOULDER, CO 80501 DENVER, CO 80202 PHONE: (303) 443-4355 FAX: (303) 443-9630 PH: (303) 938-1997</p>
<p>COULDER LICENSE PROFESSIONAL LAND SURVEYOR</p>	
<p>JOB NUMBER: 13-62,724</p> <p>DATE: 12-18-2013</p> <p>DRAWN BY: T. COLVIN</p> <p>CHECKED BY: JZO/WW/ETB</p>	
<p>SHEET 2 OF 2</p>	

**CITY OF BOULDER
PLANNING BOARD AGENDA ITEM**

MEETING DATE: May 1, 2014

AGENDA TITLE: Public hearing to consider a recommendation to City Council on an ordinance implementing recommended actions of the Economic Sustainability Strategy (ESS) by amending Title 9, "Land Use Code," B.R.C. 1981, in particular:

1. Revising the land use regulations to allow, through Site Review, on properties that are subject to right-of-way dedications consistent with adopted right-of-way plans the density and floor area that would be permitted in the absence of such dedications (Action 3.5, ESS), and
2. Updating the land use regulations that require site improvements and upgrades if a project exceeds a certain percentage of the value of any existing structures on the property by allowing the value of existing structures to be established through a professional appraisal of the fair market value of such structures (Action 3.6, ESS).

REQUESTING DEPARTMENTS:

David Driskell, Executive Director of Community Planning and Sustainability
Susan Richstone, Deputy Director of Community Planning and Sustainability
Charles Ferro, Land Use Review Manager
Karl Guiler, Senior Planner/Code Amendment Specialist
Hella Pannewig, Assistant City Attorney

OBJECTIVES:

1. Hear Staff presentation
2. Planning Board discussion
3. Recommendations on changes to the code

EXECUTIVE SUMMARY

In efforts to implement recommended actions of the [Economic Sustainability Strategy \(ESS\)](#), adopted by City Council on Oct. 29, 2013, and to continually update the Land Use Code to implement the Boulder Valley Comprehensive Plan (BVCP) and achieve high quality design results, staff is proposing the following changes:

1. Add a new intensity standard to Chapter 9-8, "Intensity Standards," B.R.C. 1981, to permit land dedicated as right-of way consistent with either BVCP right-of-way plans or other right-of-way plans approved by City Council to be included in the zoning calculations for lot area to determine allowable density (dwelling units per acre) and Floor Area Ratio (FAR) as well as open space requirements on lots, and
2. Create an additional method of property valuation for the determination of whether proposed work on a property triggers upgrades to lighting, landscaping, site access and non-conforming drive-throughs under the Land Use Code.

The proposed changes, which are discussed in more detail below, are meant to implement specific recommended actions of the ESS and are born out of suggestions from customers to encourage redevelopment in areas subject to right-of-way plans and to provide another, in some cases more accurate, method of valuating structures for purposes of certain upgrade thresholds.

The ESS is found in the web link provided above and the proposed Land Use Code changes are found within the attached draft ordinance ([Attachment A](#)).

ANALYSIS

The ESS was developed as a result of the Primary Employer Study and was adopted by City Council on Oct. 29, 2013. The ESS is a cross-cutting and “place-based” approach to economic vitality. It seeks to create vibrant, amenity-rich business districts that vary in their focus and intensity, and offer environments that support key industry clusters, retain talented workers and enhance a unique and sustainable “Boulder” quality of life. The strategies and actions are organized into three sections:

- **People** – social and workforce amenities (addresses arts, culture, etc.)
- **Place** – physical environment (addresses public realm infrastructure/amenities, buildings, etc.)
- **Process** – ease of doing businesses (addresses city processes and procedures)

The strategies describe how the city can best respond to issues and challenges raised while furthering the Economic Sustainability Strategy vision and the goals articulated in the Boulder Valley Comprehensive Plan (BVCP). The strategies are based on a “place based” approach to economic vitality, improving city codes and process and addressing broader policy issues.

The strategies help to prioritize the action items, which would be updated each year based on resources available (city work plan and budget). The ESS includes a number of different holistic recommended actions with Page 17 listing recommended actions specific to changes to the Land Use Code. Four in particular relate to changes to the code and all are in progress at this time – two of which are addressed in the attached ordinance. The two proposed changes are meant to implement the following actions:

1. Action 3.5, page 17, ESS - Revise the land use regulations to allow, through Site Review, the density and floor area that would otherwise be permitted prior to the dedication of land for public right-of-way in areas where the city has adopted connections plans.
2. Action 3.6, page 17, ESS - Update the land use regulations for required site improvements and upgrades by changing how the assessed value is calculated by allowing the option of using the professionally appraised fair market value of the structure.

Each proposed change is described as follows.

New land use intensity standard

The following code change is intended to implement recommended Action 3.5. In recent years following adoption of the North Boulder (NoBo) Subcommunity Plan, the Transit Village Area Plan (TVAP) and other adopted transportation network plans, redevelopment of sites has been somewhat constrained by required dedications of rights-of-way for new streets, alleys, sidewalks and paths for pedestrians and bicycles in areas subject to right-of-way plans. Area plans and transportation network plans include connection plans

to realize a more gridded, interconnected pattern of streets and paths. Areas designated in right-of-way plans for right-of-ways must be reserved and cannot be developed with any structures. Where dedication of such areas as right-of-way is necessary to adequately serve the proposed development with public infrastructure or is roughly proportionate in scope and nature to infrastructure impacts generated by a development, dedication will be required as part of the development approval. That is frequently the case for projects in the Site Review process and much less frequently the case for smaller projects.

Figure 1 below shows adopted area plans within Boulder. Most of the plans that have connection plans associated with them are in areas outside of downtown or University Hill where more large lot, large block areas are intended to be broken up with more street connections. Figure 2 shows adopted transportation network connection (TNP) plans outside of area plans. These areas are effectively in redeveloping areas along 28th Street.

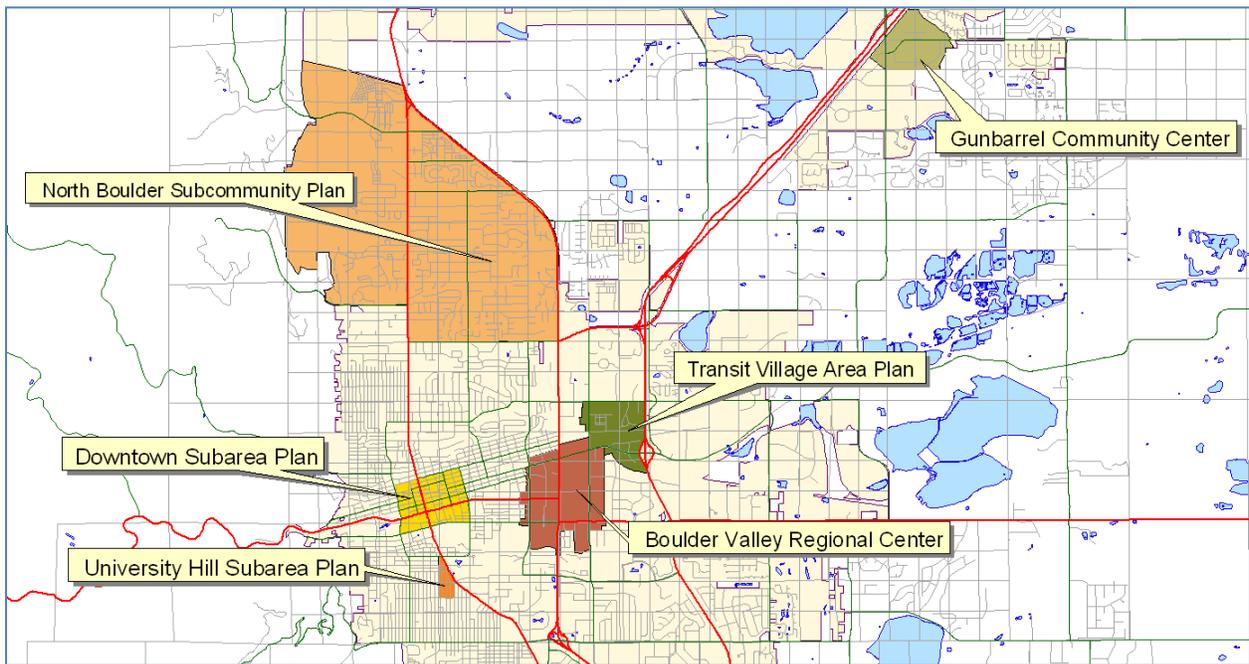


Figure 1- Adopted area plans in Boulder.

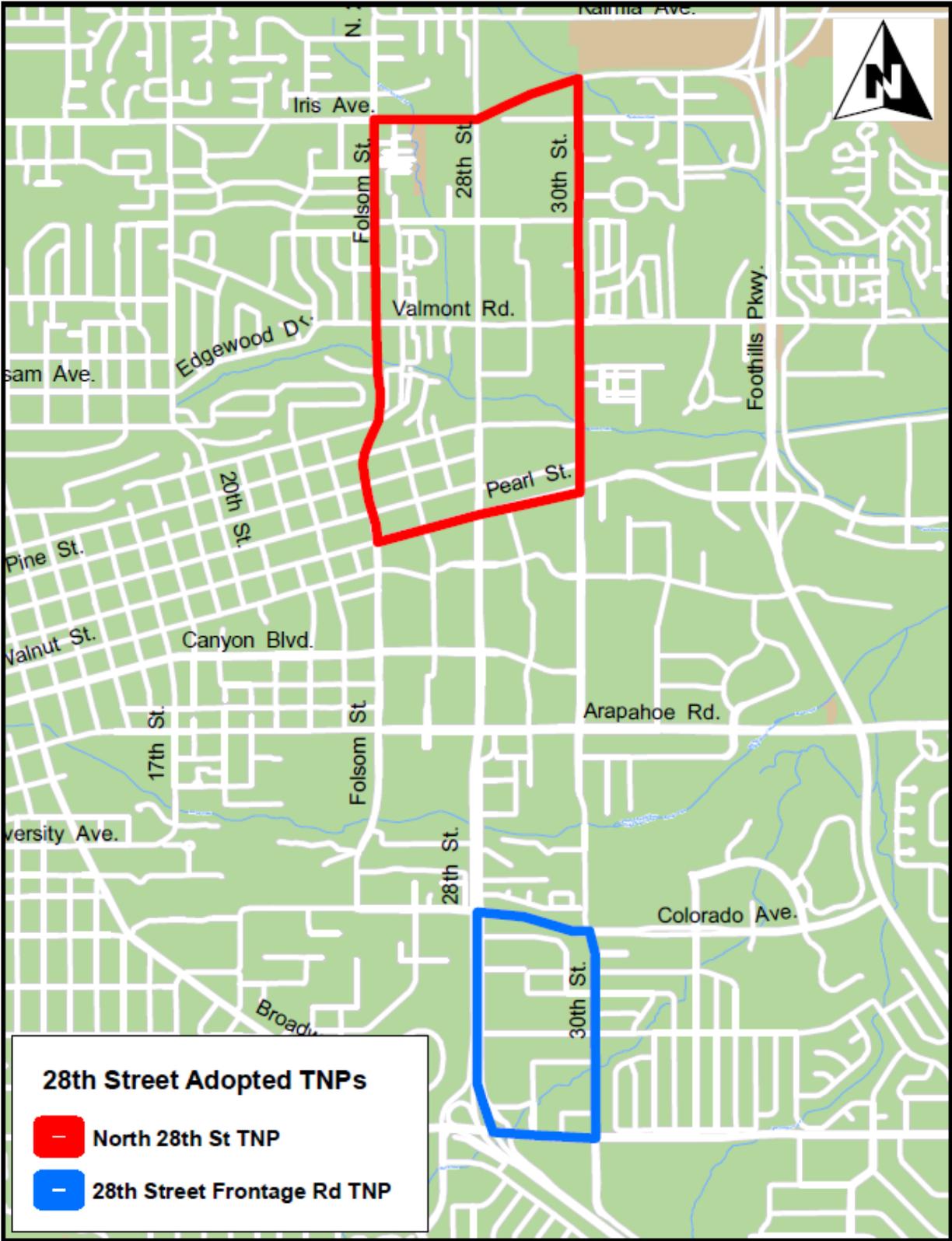


Figure 2- Transportation Network Plans (TNP) outside of area plans.

Because dedications can result in significantly smaller project sites, the dedication requirements can be a disincentive for redevelopment. These deductions effectively reduce allowable density (dwelling units per acre) and/or the allowable floor area of a development. Without incentives it makes it difficult for the city to realize the connections envisioned within the adopted plans. In some zoning districts, lot area governs the number of units permitted and the total permitted FAR.

To present an idea of how much land is necessary for dedication in area plan areas, staff has analyzed the following projects to provide a reference:

Table 1: Percentage of land dedicated in example projects.

Project	Zoning district	Type of density limitation	Percentage of land dedicated
Gunbarrel Center	BR-2 (Business Regional – 2)	Open space	14%
Dakota Ridge	RM-1 (Residential Medium – 1)	Open space	28%
Holiday	RMX-2 (Residential Mixed – 2)	Open space	30%
Uptown Broadway	BMS/MU-2 (Business Main Street/Mixed Use – 2)	Open space	27%
1000 Rosewood	RM-1 (Residential Medium – 1)	Open space	35%
820 Lee Hill	RL-2 (Residential Low – 2)	Open space	17%
Violet Crossing	RM-2 (Residential Medium – 2)	Lot area	3%
4051 Broadway	RL-2 (Residential Low – 2)	Open space	17%
Kalmia Estates (Harper Hollow)	F (Flex)	Open space	31%
Pearl Place	MU-4 (Mixed Use – 4)	Open space	21%
Depot Square	MU-4 (Mixed Use – 4)	Open space	18%

As the majority of large projects are occurring in developing areas, the applicable zoning districts tend to use open space to determine density as opposed to older zoning districts in established areas that are based on lot area. However, as some BR-1 areas like Twenty Ninth Street or the Village may redevelop in the future, those calculations would be related to lot area.

Based on Table 1 above, the percentage of land dedicated in projects ranges from 3 percent to 35 percent and averages 22 percent. Through pre-application meetings on other yet to be redeveloped project sites, staff has heard concerns about the extent of land dedications – particularly in the Boulder Junction area. For example, it was determined through one pre-application submission that over 42 percent of one project site would have to dedicate land to public right-of-way in order to redevelop. Staff has included a diagram that shows the extent of dedication on the site (i.e., 3085 Bluff) in [Attachment B](#). Attachment B is also accompanied by a letter from the developer seeking code flexibility to develop the site. Another site (i.e., 2700 Bluff) would require potentially over 50 percent of its land area in dedications.

Recognizing the impact that dedications have on the feasibility of redevelopment and to encourage redevelopment in areas that are expected to change as anticipated by adopted land use plans and right-of-way connections plans, staff is proposing a new standard within chapter 9-8, “Intensity Standards,” B.R.C. 1981, which would enable developers to count land that they are required to dedicate into the lot area calculations for the purposes of calculating density and floor area.

Depending on the zone district, density (e.g., dwelling units per acre) can be determined by either minimum lot area per dwelling or by minimum open space per dwelling. Some examples are RM-1, which requires 3,000 square feet of open space per dwelling unit and RL-2, which requires 6,000 square feet of open space per dwelling unit. Open space also generally determines building intensity by virtue of the amount of land needed to meet a minimum percentage of open space.

The proposed code section would enable an applicant to count up to 70 percent of any right-of-way to be dedicated as open space. The allowance to count up to 70 percent of the land being dedicated from an open space perspective enables an increase in density of up to 30 percent, which is a reasonable incentive and ensures that the density increase is commiserate with the amount of land being dedicated. The resulting density would also have to conform with the BVCP Land Use Designation limitations per Site Review criterion 9-2-14(h)(1)(B), B.R.C. 1981, which states:

(B) The proposed development shall not exceed the maximum density associated with the Boulder Valley Comprehensive Plan residential land use designation. Additionally, if the density of existing residential development within a three-hundred-foot area surrounding the site is at or exceeds the density permitted in the Boulder Valley Comprehensive Plan, then the maximum density permitted on the site shall not exceed the lesser of:

(i) The density permitted in the Boulder Valley Comprehensive Plan, or

(ii) The maximum number of units that could be placed on the site without waiving or varying any of the requirements of [chapter 9-8](#), "Intensity Standards," B.R.C. 1981.

Some examples of how the proposed code changes would have affected the allowed density in projects that were recently approved, had the proposed code changes been in effect at the time of approval of such projects, are contained within Table 2 below:

Table 2- Examples of possible densities in projects if new standards were in place.

Project	Zone District	Allowed density per code	Possible density through proposed change
Dakota Ridge	RM-1	412 units (7.2 du/ac)	571 units (10 du/ac)
1000 Rosewood *	RM-1	16 units (6.8 du/ac)	24 units (10.5 du/ac)
820 Lee Hill	RL-2	31 units (5 du/ac)	36 units(5.8 du/ac)
4051 Broadway	RL-2	8 units (3.2 du/ac)	10 units (4 du/ac)

*1000 Rosewood was permitted to have 18 dwelling units per special ordinance to reduce open space requirements.

The proposed change would only permit the alternate intensity calculation as part of any Site Review project and therefore, projects would have to meet the Site Review criteria and ultimately demonstrate that building design and massing as well as overall site design would be consistent with the character of the area and open space on the site would continue to be high quality and useable to residents and visitors.

The new language can be found in [Attachment A](#) and an excerpt of the specific modification is provided below:

(1) Public right-of-way, including but not limited to streets, alleys, sidewalks, bike paths, paths, and

landscaped areas, may be counted as lot area and useable open space as specified in paragraphs (1)(A) and (1)(B) below, if the criteria of paragraph (2) are met:

(A) Lot area to meet the minimum lot area and minimum lot area per dwelling unit requirements and to calculate allowed floor area under the floor area ratio standards of Chapter 9-8, "Intensity Standards," B.R.C. 1981; and

(B) Useable open space to meet the open space per dwelling unit and minimum open space on lots requirements of Table 8-1 of Section 9-8-1, "Intensity Standards," B.R.C. 1981. Such dedicated areas shall constitute no more than 70 percent of the required useable open space.

(2) Criteria for qualification:

(A) The property is not in the RR-1, RR-2, RE, RL-1, A, and P zoning districts;

(B) The land is dedicated to the city as designated in the Boulder Valley Comprehensive Plan or other right-of-way plan approved by city council and as part of the project under review;

(C) The dedication is recorded with the Boulder County Clerk and Recorder's office after , 2014;

(D) The project under review is a new development project or a redevelopment project exceeding one hundred percent of the value of any existing structures based on their actual value assessed by the Boulder County Assessor or their fair market value determined by a real estate appraiser licensed in Colorado; and

(E) The project is approved through a site review pursuant to Section 9-2-14, "Site Review," B.R.C. 1981.

As indicated by the code language above, the proposed standards would only apply to limited areas that are expected to see change as anticipated through area plans and would not be possible in more established areas for which no right-of-way plans have been adopted. This is reflected within the proposed ordinance that would prohibit such modifications in the following rural and low density residential and public and agricultural zones: RR-1, RR-2, RE, RL-1, A, and P. Most of these zones require large minimum lot sizes and permit very low density, so dedications have a lesser impact on total density. Further, these zones typically are within established residential areas that are more insulated from change and are not generally in areas where redevelopment is occurring.

RL-2, a low density residential zone, is included in the zones where the modification can be requested, because the density is determined by open space. Typically, these types of zones are in areas where redevelopment is occurring around the perimeter of the city limits. Further, RL-2 properties are distinguished by the fact that RL-2 zones permit a diversity of housing types (e.g., townhomes, multi-family dwellings) in addition to single-family dwellings (unlike other low density zoning districts) and often have common open space areas similar to what can occur in other developing zones subject to area plans. RL-2

is also in the R2 Use Module, which is more in the medium density range. The residential zoning districts cited above are all R1 Use Module.

Conclusion

Staff finds that the proposed density standard will encourage redevelopment in areas expected to see redevelopment with additional density and intensity and recommends the proposed change as the most effective way to carry out Action 3.5 of the ESS.

Valuation update

The following code change is intended to implement recommended Action 3.6. The Land Use Code ties certain site improvement requirements, such as landscaping and outdoor lighting upgrades, for properties that are being redeveloped to the size of an expansion or value of the planned improvements relative to the value of existing structures on the site. For instance, certain site improvements like landscaping and outdoor lighting upgrades would be required if the value of a project exceeds a specified percentage of the value of the existing structure on the site. Oftentimes, the extent of required upgrades is dependent on this percentage. The web links below show the applicable sections where valuations are used and the thresholds that determine the level of upgrade:

- ⇒ [Site Access Control](#) (see section 9-9-5, B.R.C. 1981)
- ⇒ [Landscaping](#) (see section 9-9-12(b), B.R.C. 1981)
- ⇒ [Outdoor lighting](#) (see section 9-9-16(c), B.R. C. 1981)
- ⇒ [Nonconformance standards](#) (see section 9-10-2, B.R.C. 1981)

The code uses the actual Boulder County assessed value as the comparative figure to the development project cost. Some customers have pointed out that the value assessed by the County Assessor does not accurately represent the fair market value of a structure as the Assessor assesses the value of a structure for tax purposes while, in reality, the fair market value of a structure is typically higher. This has led to inconsistent property improvements over time. The fair market value determined by an appraiser is already used to determine whether the threshold for improvements required under the city's floodplain regulations has been met. These can be accessed at the following web link: [floodplain regulations concerning valuation](#)

The proposed changes to the code would add this option to other parts of the Land Use Code. Staff finds that it is appropriate to allow this alternative method of valuation, because city codes are already considered aggressive in what is required from a qualitative perspective. Even minor changes to a building may trigger expensive site upgrades that can become cost prohibitive and may discourage building retrofits. The site improvements and adjustments may not be proportionate to the level of work proposed for the building when assessing against the Boulder County Assessor figures. Of greatest concern is that such standards may discourage ordinary upkeep and maintenance of buildings and thus, can make leasing difficult.

Staff has been working with property owners to better understand the issue. Tebo Development has provided some examples of where building values (see [Attachment C](#)), created for tax purposes, is accessed at a low value relative to the overall property value – in some cases only around 2 percent of the total land value. With these low accessed values for buildings, the trigger for more expensive improvements on a site is often easily triggered. If expensive site improvements become required for relatively modest upgrades to buildings, improvements may be deferred or canceled.

Therefore, staff has proposed the following new language that would add this assessment figure as an option to the applicable sections discussed above:

For purposes of this paragraph (1), the applicant may demonstrate the value of the existing structure by submitting, in the discretion of the applicant, either the actual value assessed by the Boulder County Assessor or the fair market value determined by a real estate appraiser licensed in Colorado.

Attachment A includes the specific sections with the proposed language within their context and reflect the recommended action specified in the ESS.

STAFF RECOMMENDATION (MOTION LANGUAGE)

Staff recommends that Planning Board recommend approval to the City Council of an ordinance implementing recommended actions of the Economic Sustainability Strategy (ESS) by amending Title 9, "Land Use Code," B.R.C. 1981, in particular:

1. Revising the land use regulations to allow, through Site Review, on properties that are subject to right-of-way dedications consistent with adopted right-of-way plans the density and floor area that would be permitted in the absence of such dedications (Action 3.5, ESS), and
2. Updating the land use regulations that require site improvements and upgrades if a project exceeds a certain percentage of the value of any existing structures on the property by allowing the value of existing structures to be established through a professional appraisal of the fair market value of such structures (Action 3.6, ESS).

Approved By:



David Driskell, Executive Director

Department of Community Planning and Sustainability

ATTACHMENTS

- A. [Draft ordinance](#)
- B. [Diagram of 2700 Bluff showing extent of dedications required](#)
- C. [Tax assessment figures provided by Tebo development](#)

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 9, "LAND USE CODE," B.R.C. 1981, TO AMEND DENSITY AND INTENSITY STANDARDS FOR SITE REVIEW PROJECTS INVOLVING DEDICATION OF RIGHT-OF-WAY CONSISTENT WITH ADOPTED RIGHT-OF-WAY PLANS AND TO ADD A VALUATION METHOD FOR EXISTING STRUCTURES FOR DETERMINATION OF UPGRADE REQUIREMENTS UNDER TITLE 9, B.R.C. 1981, AND SETTING FORTH RELATED DETAILS.

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

Section 1. Table 8-1 of Section 9-8-1, "Schedule of Intensity Standards," B.R.C. 1981, is amended to read:

TABLE 8-1: INTENSITY STANDARDS

Zoning District	Intensity Module	Minimum Lot Area (in square feet unless otherwise noted) ^(c)	Minimum Lot Area Per Dwelling Unit (square feet) ^(c)	Number of Dwelling Units Per Acre	Minimum Open Space Per Dwelling Unit (square feet) ^(c)	Minimum Open Space on Lots (Residential Uses) ^(c)	Minimum Open Space on Lots (Nonresidential Uses) ^{(a)(c)}	Minimum Private Open Space (Residential Uses) (square feet)	Maximum Floor Area Ratio ^(c)
					See Section 9-9-11 for additional open space requirements. For mixed use developments, use the requirements of either the residential or nonresidential standards that result in the greatest amount of open space				
A	1	5 acres	5 acres	0.2	0	–	10 - 20%	0	0
RR-1, RR-2	2	30,000	30,000	1.4	0	–	10 - 20%	0	See Table 8-3
RE	3	15,000	15,000	2.9	0	–	10 - 20%	0	See Table 8-3
RL-1	4	7,000	7,000	6.2	0	–	10 - 20%	0	See Table 8-3
P	5	7,000	7,000	6.2	0	–	10 - 20%	0	0
RL-2	6	0	0	–	6,000	–	10 - 20%	0	See Table 8-3
RMX-1	7	6,000	6,000	7.3	600	–	10 - 20%	0	See Table 8-3
RMX-2	8	0	0	10 (up to 20 by	0	15%	15%	60	0

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

				review)					
RM-1	9	0	0	–	3,000	–	10 - 20%	0	0
IS-2	10	0	0	–	600	–	10 - 20%	60	0.5:1
IS-1	11	7,000	0	–	0	–	10 - 20%	60	0.5:1
RH-1	12	0	0	–	1,600	–	10 - 20%	0	0
RH-2	12.5	6,000	3,000	14 (up to 27.2 by review)	600	–	10 - 20%	0	0
RM-2, RM-3	13	6,000	3,500	12.4	–	–	10 - 20%	0	0
RH-3, RH-7	14	0	0	–	0	60% ^(b)	60% ^(b)	60	0
RH-4, BT-1, BC-1	15	0	0	–	1,200	–	10 - 20%	0	0
BR-2	16	0	0	–	0	40%	10 - 20%	60	0
BMS	17	0	0	–	0	15%	15%	60	0.67 (1.85 if within CAGID or UHGID)
RH-6	17.5	–	1,800	–	600	–	–	–	–
MU-1, MU-2, IMS	18	0	0	–	0	15%	15%	60	0.6:1
RH-5, BC-2	19	6,000	1,600	27.2	600 (400 by site review if in a mixed use development)	–	10 - 20%	0	0
IM	20	7,000	1,600	27.2	600	40% (20% if within a park service area)	10 - 20%	60	0.4:1
BT-2	21	6,000	1,600	27.2	600	–	10 - 20%	0	0.5:1
IG	22	7,000	1,600	27.2	600	40% (20% if within a park service area)	10 - 20%	60	0.5:1
BR-1	23	6,000	1,600	27.2	0	–	10 - 20%	0	2.0:1
MU-3	24	0	0	–	0	15%	15%	60	1.0:1
MU-4	24.5	0	0	–	0	15%	15%	60	2.0
DT-1	25	0	0	–	0	–	10 - 20%	60	1.0:1
DT-2	26	0	0	–	0	–	10 - 20%	60	1.5:1
DT-3, DT-4, DT-5	27	0	0	–	0	–	10 - 20%	60	1.7:1
BCS	28	–	–	–	–	–	10 - 20%	–	–

Footnotes:

- (a) This requirement may increase based on building height pursuant to Subsection 9-9-11(c), B.R.C. 1981.
- (b) Open space may be reduced using the standards in Sections 9-8-3, "Density in the RH-1, RH-2, RH-3 and RH-7 Districts," and 9-9-11, "Useable Open Space," B.R.C. 1981.

1 (c) Lot area, open space, and floor area ratio may be calculated according to the standards in Section 9-8-8, “Density and Intensity Standards on
2 Properties subject to Right-of-Way Plans,” B.R.C. 1981.

3
4 Section 2. Chapter 9-8, “Intensity Standards,” B.R.C. 1981, is amended by the addition
5 of a new section to read:
6

7 **9-8-8 Density and Intensity Standards on Properties subject to Right-of-Way Plans.**

8 (a) Public right-of-way, including but not limited to streets, alleys, sidewalks, bike paths, paths,
9 and landscaped areas, may be counted as lot area and useable open space as specified in
10 paragraphs (a)(1) and (a)(2) of this section if the criteria of subsection (b) of this section are
11 met.

12 (1) Lot area to meet the minimum lot area and minimum lot area per dwelling unit
13 requirements and to calculate allowed floor area under the floor area ratio standards of
14 Chapter 9-8, “Intensity Standards,” B.R.C. 1981; and

15 (2) Useable open space to meet the open space per dwelling unit and minimum open space
16 on lots requirements of Table 8-1 of Section 9-8-1, “Intensity Standards,” B.R.C. 1981.
17 No more than seventy percent of the total area dedicated may count as useable open
18 space.

19
20 (b) Criteria for qualification:

21 (1) The property is not located in the RR-1, RR-2, RE, RL-1, A, and P zoning districts;

22 (2) The land is dedicated to the city as designated in the Boulder Valley Comprehensive Plan
23 or any other right-of-way plan approved by city council and as part of the project under
24 review;
25

1 (b) Access for Properties Subject to Annexation: Each parcel of land under a single ownership at
2 the time of its annexation will be reviewed in terms of access as one parcel (regardless of
subsequent sales of a portion) unless the property is subdivided at the time of its annexation.

3 (c) Standards and Criteria for Site Accesses and Curb Cuts: Any access or curb cut to public
4 rights-of-way shall be designed in accordance with the City of Boulder Design and Construction
Standards and the following standards and criteria:

5
6 (1) Number of Access Points Permitted: One access point or curb cut per property will be
7 permitted, unless a site plan or traffic study, approved by the city manager, demonstrates
8 that additional access points and curb cuts are required to adequately address
accessibility, circulation, and driveway volumes, and only where additional accesses and
curb cuts would not impair any public use of any public right-of-way, or create safety or
operational problems, or be detrimental to traffic flow on adjacent public streets.

9
10 (2) Access Restrictions: On arterial and collector streets, or if necessary for the safe and
11 efficient movement of traffic, all accesses shall be designed and constructed with
12 physical improvements and appropriate traffic control measures to assist or restrict
13 turning movements, including, without limitation, acceleration or deceleration lanes,
access islands, street medians, and signage, as may be required of the development if the
city manager finds that they are necessary to preserve the safety or the traffic-carrying
capacity of the existing street. The city manager shall determine the length and degree of
the required access restriction measures for the property.

14
15 (3) Residential Access to Arterial and Collector Streets Restricted: No residential
16 structures shall have direct access onto an arterial. However, if no alternative street
17 access is possible, an access may be permitted subject to the incorporation of any design
18 standards determined to be necessary by the city manager to preserve the safety and the
19 traffic-carrying capacity of the arterial or collector.

20
21 (4) Access From Lowest Category Street Required: A property that has frontage on more
22 than one street, alley or public access shall locate its access or curb cut on the lowest
23 category street, alley or public access frontage. If more than one access point or curb cut
24 is necessary, an additional access or curb cut will be permitted only where the proposed
25 access or curb cut satisfies the requirements in this section.

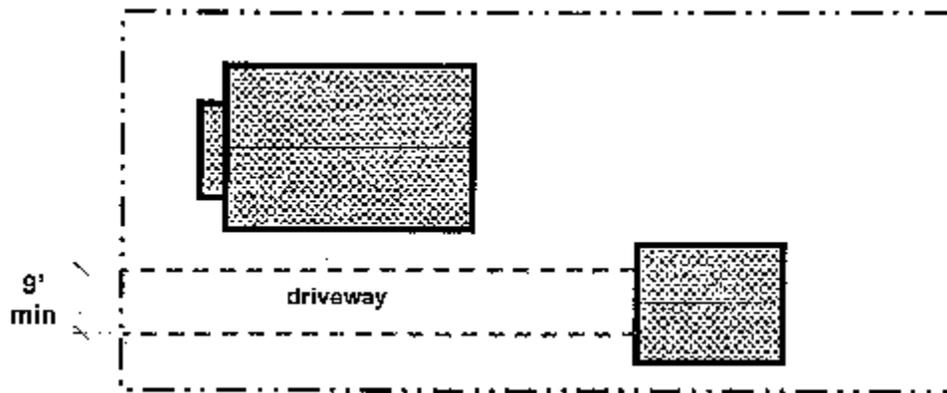
(5) Property Right to Access: If a property cannot be served by any access point or curb
cut that satisfies this section, the city manager will designate the access point or curb cut
for the subject property based on optimal traffic safety.

(6) Multiple Access Points for Single-Family Residential: The city manager will permit
multiple access points on the same street for single-family residential lots upon finding
that there is at least one hundred linear feet of lot frontage adjacent to the front yard on
such street, the area has a limited amount of pedestrian activity because of the low
density character, and there is enough on-street parking within three hundred feet of the
property to meet the off-street parking needs of such area. The total cumulative width of

1 multiple curb cuts shall not exceed the maximum permitted width of a single curb cut.
2 The minimum spacing between multiple curb cuts on the same property shall not be less
3 than sixty-five feet.

4 (7) Shared Driveways for Residential Structures: A detached single-family residential lot
5 that does not have frontage on the street from which access is taken may be served by a
6 shared driveway that meets all of the standards and criteria for shared driveways set forth
7 in the City of Boulder Design and Construction Standards.

8 (8) Minimum Driveway Width: The minimum width of a driveway leading to an off-
9 street parking space shall not be less than nine feet. A driveway, or portion of a driveway,
10 may be located on an adjacent property if an easement is obtained from the impacted
11 property owner. (See figure 9-1 of this section.)



12
13
14
15 **Figure 9-1: Minimum Driveway Width**

16 (9) Exceptions: The requirements of this section may be modified under the provisions of
17 [section 9-2-14](#) ~~Section 9-2-14~~, "Site Review," B.R.C. 1981, to provide for safe and
18 reasonable access. Exceptions to this section may be made if the city manager determines
19 that:

20 (A) The topography, configuration of a lot, or other physical constraints makes
21 taking access from the lowest category street, alley or public access frontage
22 impractical, or the character of the existing area is such that a proposed or existing
23 access to the street, alley or public access frontage is compatible with the access
24 of properties in such area;

25 (B) The site access and curb cuts would not impair public use of the public right-
of-way; create safety or operational problems or be detrimental to traffic flow on
adjacent public streets; and

(C) The site access and curb cuts will minimize impacts to the existing on-street
parking patterns.

1 ...

2 Section 4. Section 9-9-12, "Landscaping and Screening Standards," B.R.C. 1981, is

3 amended to read:

4

5 **9-9-12 Landscaping and Screening Standards.**

6 ...

7 (b) Scope: This section and Section 9-9-14, "Parking Lot Landscaping Standards," B.R.C. 1981,
8 apply to all nonresidential and multi-family residential developments unless expressly stated
9 otherwise.

10 (1) The standards in this section and Sections 9-9-13, "Streetscape Design Standards,"
11 and 9-9-14, "Parking Lot Landscaping Standards," B.R.C. 1981, shall be met prior to a
12 final inspection for any building permit for:

13 (A) New development;

14 (B) Redevelopment involving expansion of the total building floor area which
15 exceeds twenty-five percent of the ~~Boulder County Assessor's actual~~-value of the
16 existing structure for any use except a property with three or fewer attached
17 dwelling units;

18 (C) Redevelopment involving the expansion of the total floor area for a property
19 that has three or fewer attached dwelling units, shall meet the landscaping
20 standards as follows:

21 (i) Redevelopment valued at more than twenty-five percent, but less than
22 fifty percent of the ~~Boulder County Assessor's actual~~-value of the existing
23 structure shall require compliance with the street and alley tree
24 requirements and the trash and parking screening requirements;

25 (ii) Redevelopment valued at fifty percent or more, but less than seventy-
fifty percent of the ~~Boulder County Assessor's actual~~-value of the existing
structure shall require compliance with the street and alley tree
requirements and the trash and parking screening requirements and the
front yard landscape requirements; and

1 (iii) Redevelopment valued at seventy-five percent or more of the ~~Boulder~~
2 ~~County Assessor's actual~~-value of the existing structure shall require
3 compliance with the landscape regulations.

4 (D) Redevelopment exceeding one hundred percent of the ~~Boulder County~~
5 ~~Assessor's actual~~-value of the existing structure and not involving expansion of
6 the total building floor area; or

7 (E) The addition of a dwelling unit.

8 For purposes of this paragraph (1), the applicant shall demonstrate the value of the
9 existing structure by submitting, at the discretion of the applicant, either the actual
10 value assessed by the Boulder County Assessor or the fair market value
11 determined by a real estate appraiser licensed in Colorado.

12 (2) When additional parking spaces are provided, or for a change of use where new off-
13 street parking spaces are provided, the provisions of Section 9-9-14, "Parking Lot
14 Landscaping Standards," B.R.C. 1981, shall be applied as follows:

15 (A) When the number of additional parking spaces that will be provided exceeds
16 twenty-five percent of the number of existing parking spaces on the site, all
17 standards in Section 9-9-14, "Parking Lot Landscaping Standards," B.R.C. 1981,
18 shall be met for the entire parking lot (existing and new portions) prior to the final
19 inspection for a change of use or concurrent with the addition of the parking
20 spaces.

21 (B) When the number of additional parking spaces that will be provided is less
22 than twenty five percent of the number of existing parking spaces on the site, the
23 standards in Section 9-9-14, "Parking Lot Landscaping Standards," B.R.C. 1981,
24 shall be met for the new portions of the parking lot prior to the final inspection for
25 a change of use or concurrent with the addition of the parking spaces.

...

Section 5. Section 9-9-16, "Lighting, Outdoor," B.R.C. 1981, is amended to read:

9-9-16 Lighting, Outdoor.

...

(c) Scope: This section shall apply to all exterior lighting, including illumination from outdoor signs that impact the outdoor environment. No person shall install any light fixture unless such fixture meets the requirements of this section.

1 (1) Conformance at the Time of Building Permit Application: Compliance with the
2 requirements of this chapter shall be required for all new development. The following
3 outdoor lighting improvements shall be installed prior to a final inspection for any
4 building permit for any redevelopment which exceeds the following thresholds:

5 (A) When development or redevelopment exceeds twenty-five percent of the
6 ~~Boulder County Assessor's actual~~ value of the existing structure, then all existing
7 unshielded exterior light fixtures shall be retrofitted with shielding to prevent light
8 trespass.

9 (B) When development or redevelopment exceeds fifty percent of the ~~Boulder
10 County Assessor's actual~~ value of the existing structure, then:

11 (i) All exterior lighting, except existing parking lot lighting, shall be
12 brought into conformance with the requirements of this section; and

13 (ii) All existing parking lot light fixtures shall be retrofitted with shielding
14 to prevent light trespass.

15 (C) When development or redevelopment exceeds seventy-five percent of the
16 ~~Boulder County Assessor's actual~~ value of the existing structure, then all exterior
17 lighting fixtures shall be brought into full conformance with the requirements of
18 this section.

19 (D) For purposes of this paragraph (1), the applicant shall demonstrate the value
20 of the existing structure by submitting, at the discretion of the applicant, either the
21 actual value assessed by the Boulder County Assessor or the fair market value
22 determined by a real estate appraiser licensed in Colorado.

23 (2) Replacement of Fixtures: If an existing light fixture is removed, it shall only be
24 replaced with a conforming light fixture.

25 ...

Section 6. Section 9-10-2, "Continuation or Restoration of Nonconforming Uses and
Nonstandard Buildings, Structures and Lots," B.R.C. 1981, is amended to read:

**9-10-2 Continuation or Restoration of Nonconforming Uses and Nonstandard Buildings,
Structures and Lots.**

...

1 (d) Drive-Thru Facilities: A drive-thru facility that was established prior to July 31, 1986, on a
2 property not abutting Canyon Boulevard in the DT zoning districts, and has not expired pursuant
3 to subsection (a) of this section, shall be considered a nonconforming use, and may:

4 (1) Be renovated or remodeled, by improvements the cumulative total of which increases
5 the structure's fair market value by no more than twenty-five percent of the ~~Boulder
County Assessor's actual~~ value of the structure, without meeting the criteria for drive-thru
6 uses in ~~subsection-Subsection~~ 9-6-9(c), B.R.C. 1981;

7 (2) Be renovated or remodeled by improvements the cumulative total of which increases
8 the facility's structure's fair market value by more than twenty-five percent of the ~~Boulder
County Assessor's actual~~ value of the structure; or be relocated on site if the development
9 meets the criteria for drive-thru uses in ~~subsection-Subsection~~ 9-6-9(c), B.R.C. 1981; or

10 (3) Be relocated off site or expanded on site, subject to the conditional use requirements
11 for drive-thru uses. For the purposes of this paragraph, "expanded" means creation of an
12 additional drive-thru bay, lane, or teller window.

13 (4) For purposes of this subsection (d), the applicant shall demonstrate the value of the
14 existing structure by submitting, at the discretion of the applicant, either the actual value
15 assessed by the Boulder County Assessor or the fair market value determined by a real
16 estate appraiser licensed in Colorado.

17 Section 7. This ordinance is necessary to protect the public health, safety, and welfare of
18 the residents of the city, and covers matters of local concern.

19 Section 8. The City Council deems it appropriate that this ordinance be published by title
20 only and orders that copies of this ordinance be made available in the office of the city clerk for
21 public inspection and acquisition.
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
TITLE ONLY this ____ day of _____, 20__.

Mayor

Attest:

City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED
PUBLISHED BY TITLE ONLY this ____ day of _____, 20__.

Mayor

Attest:

City Clerk

Guiler, Karl

From: Adrian Sopher [asopher@sopherarchitects.com]
Sent: Monday, November 25, 2013 10:17 AM
To: Guiler, Karl
Cc: Erin Sink Bagnall; Scott Holton; Kevin Knapp
Subject: 3085 Bluff
Attachments: SP.0.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Karl.

Attached is the analysis done from the pre-app, showing the required connections per the TVAP Connections Plan. 42.4% of gross area would have been required per that adopted plan. This was in part due to the inability to share the connections with adjacent properties, which I think will be standard for any early property developer.

Here, in the case where RH-6 density is a function of site area, this is a direct loss of allowed units. 3085 being an affordable housing project, the implicit impacts on the ability to fund the project with these kinds of exactions in both site area / density, as well infrastructure costs, are prohibitive.

But beyond that, any connection shared with the Service Commercial zone property will likely never be shared with that adjacent parcel, since the SC zone does not benefit from TVAP up-zoning, and therefore has no incentive to provide the exaction at all. Likewise, those properties will not likely allow for the termination of the required TVAP connections on their site, because all that occurs for them is the loss of site area. And since they cannot then improve their properties beyond the threshold amount, they can be expected to essentially leave these properties pretty much as they are, in perpetuity, otherwise the infrastructure would be exacted. This is a major flaw in the logic of the Connections Plan altogether, in my opinion.

Call me if you'd care to discuss.

Also, we would like to be informed of any hearing on this matter with either TAB or Planning Board.

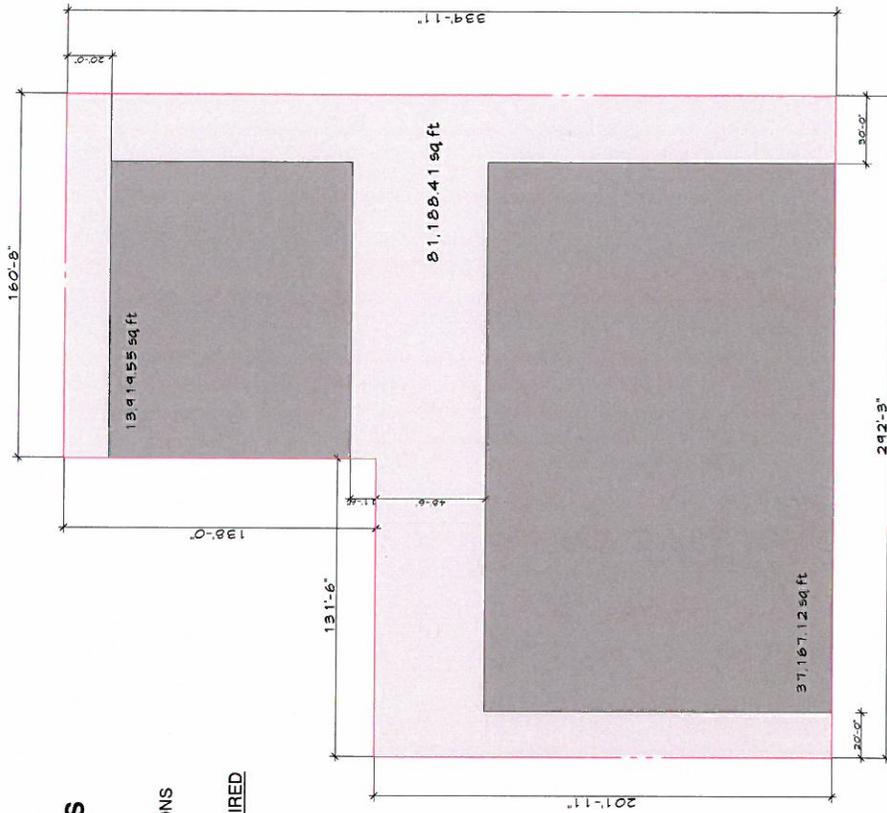
Thanks Karl,

Adrian

PS
Please note new email address.

SITE AREA CALCULATIONS

81,188 SF GROSS SITE AREA
 51,087 SF NET SITE AREA
 30,101 SF RIGHT-OF-WAY DEDICATIONS
 42.4% SITE DEDICATED TO ROW
 1,800 SF NET SITE AREA / DU REQUIRED
 28.38 DUs ALLOWABLE



MEMORANDUM

TO: City of Boulder Housing and Planning Staff

FROM: Element Communities

DATE: June 6, 2013

RE: Tandem at Boulder Junction (3085 Bluff St.) - Request for Density Bonus

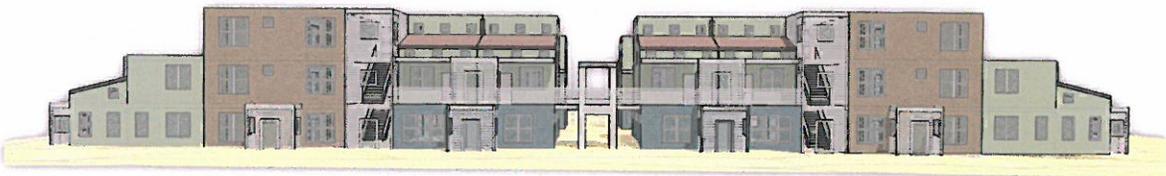
Element Communities, in collaboration with Mental Health Partners (MHP), has proposed a 41 unit development at 3085 Bluff Street to provide workforce and supportive housing for very low income members of the Boulder community. This project has been planned in accordance with the goals of Boulder's Transit Village Area Plan (TVAP) which we feel provides many land use amenities that are attractive to the diverse uses and incomes levels that the City anticipates for this area.

The currently proposed plan is consistent with the RH-6 zoning that requires 1,800 square feet of lot area and 600 square feet of open space per dwelling unit. We feel these restrictions unnecessarily constrain the property from meeting many of the diverse income goals of the TVAP. In particular, the project is penalized for including many smaller units that have proven to be most successful for the special needs population that Tandem intends to serve. Secondly, the necessary transit connections and infrastructure installations create an unrealistic financial burden for a development that intends to provide high quality affordable housing in accordance with the TVAP.

To allow for a financially feasible project, Element proposes a density bonus consistent with the following language found on page 18 of the TVAP:

A density bonus will be given to projects that exceed the affordable housing inclusionary zoning requirement in certain zones, which could increase the total affordable units.

The density bonus that Element proposes is to reduce the land area per dwelling unit and open space per unit by one-third. The resulting lot area requirement of 1,200 square feet and open space obligation of 400 square feet will allow for additional homes while the development remains 100% affordable. Element believes this density bonus, along with the intended use of the land, is consistent with Boulder's adopted vision, goals and objectives for the transit village. We appreciate staff's consideration and guidance as we prepare for the July 1 Low Income Housing Tax Credit application deadline.



Summary of info from Assessment Information Reports

7-Apr-14

			<u>structure</u> <u>sf</u>	<u>actual value</u> <u>from assessment</u>	<u>% of actual</u> <u>value</u>	<u>structure</u> <u>value psf</u>
Account#: 0004324	1580 Canyon	land		\$1,316,000.00	97.79%	
		structure	6528	\$29,800.00	2.21%	\$4.56
		total		\$1,345,800.00	100.00%	
Account#: 0033583	236 Pearl	land		\$686,181.00	98.37%	
		structure	1248	\$11,400.00	1.63%	\$9.13
		total		\$697,581.00	100.00%	
Account#: 0069297	2633 30th	land		\$314,600.00	38.57%	
		structure	10408	\$501,100.00	61.43%	\$48.15
		total		\$815,700.00	100.00%	