

MEMORANDUM

TO: Planning Board
FROM: Jessica Vaughn, Case Manager
DATE: November 14, 2013
SUBJECT: Call-Up Item: NONCONFORMING USE REVIEW request to convert the existing four rooming units located at 1029 Grandview in the north building to one dwelling unit with four bedrooms and construct 350 square feet of additional floor area. The project site will be comprised of three units total; one in the north building and two existing units in the front building, where one would be permitted. The development proposal also includes site improvements, including landscape, parking and eliminating an access from Grandview. **The call-up period expires on November 29, 2013.**

Background. The project site is located roughly two blocks west of Broadway, at the north side of the intersection of Grandview Ave. and 10th Street in the University Hill neighborhood. The project site is within proximity, roughly two blocks, from the Broadway transportation corridor and the University of Colorado campus.

The project site is zoned Residential Mixed-1 (RMX-1), which is defined in the land use code as:

“Mixed density residential areas with a variety of single-family, detached, duplexes, and multi-family units that will be maintained; and where existing structures may be renovated or rehabilitated” (section 9-5-2(c)(1)(D), B.R.C. 1981).

All of properties surrounding the project site are also zoned RMX-1, however, high density residential zoning (Residential High-2) is located within proximity to the project site. The majority of the properties immediately adjacent to the project site are developed as a variety of forms of multi-family residential housing, including apartments, duplexes and triplexes and single-family residential uses; the majority of which serve as student rental housing.

Although the building was originally constructed in the early 1900s making the buildings more than 50 years in age, the proposed renovations do not meet the definition of “demolition” as it pertains to buildings of 50 years or older. Additional review is not required by the Landmarks Design Review Committee.

In 1975, a Nonconforming Use Review approval, case no. NC-75-24, was granted to convert a single-family dwelling unit plus eight rooming units to a duplex and four rooming units. The duplex and rooming units exist on the project site today. Also, as part of the 1975 approval, a parking reduction of two spaces was granted. A total of six parking spaces were approved where eight were required (two spaces for the rooming unit and three spaces for each four-bedroom dwelling).

The project site is comprised to two buildings, a duplex located on the south side of the project site along Grandview Avenue and a north building located along the alley which is comprised of four rooming units.



Figure 1: Vicinity Map



South Building, south
(Grandview) elevation



North Building, south
elevation



South Building, north
elevation



North Building, north (alley)
elevation

Currently the property is nonconforming as to:

- **Density** because the minimum lot area per dwelling unit (6,000 square feet) is not met; two attached dwelling units and four rooming units are existing where one dwelling unit is permitted given the lot size of 7,245 square feet; and
- **Use** because the rooming unit/boarding house use is only permitted through Use Review pursuant to section 9-6, "Use Standards," B.R.C. 1981 in the RMX-1 zone district.

The existing building is also nonstandard because it does not meet the required front yard setback (25 feet required where 21.4 feet exist). In addition, the project site is accessed from both the alley and a nonstandard driveway along Grandview Avenue where only point of access is permitted.

Proposal. The applicant is proposing to convert the four rooming units currently located in the north building to one dwelling unit with four bedrooms. A 350 square-foot addition is proposed; a roughly 287 square-foot addition to the north building in order to provide kitchen, dining and living space in the dwelling unit on the ground floor and an approximately 207 square-foot gabled dormer addition to the south building on the second level to add additional bedroom space.

The development proposal also includes various site improvements, including:

- Updating the landscape to be consistent with the current code requirements pursuant to section 9-9-12, "*Landscaping and Screening Requirements*," and 9-9-13, "*Streetscape Design Standards*," B.R.C. 1981;

- Eliminating the nonstandard curb cut and access point along Grandview Avenue and replacing a portion of the paved area with landscape and patio space;
- Relocating all of the parking to the alley and improving the parking area to meet the current code requirements pursuant to section 9-9-6, "Parking Standards," B.R.C. 1981;
- Renovating and remodeling the dilapidated building exterior façade elements, including windows, doors and materials;
- Providing both short term, public bike parking spaces (nine spaces) and long term, secure spaces (10 spaces); and
- Providing a trash enclosure that is consistent with the current code requirements pursuant to section 9-9-18, "Trash Storage and Recycling Areas," B.R.C. 1981.

The six parking spaces that were approved under the 1975 approval will continue to be provided on the project site.

Refer to [Attachment B](#) for the applicant's proposed plans.

Process. As noted above, the project site is considered a nonconforming use with respect to density. The development proposal is considered an expansion of a nonconforming use as defined in chapter 9-16, "Use Standards," B.R.C. 1981, because the proposal creates dwelling units and floor area:

"Expansion of nonconforming use" means any change or modification to a nonconforming use that constitutes:

- (1) *An increase in the occupancy, floor area, required parking, traffic generation, outdoor storage, or visual, noise, or air pollution;*
- (2) *Any change in the operational characteristics which may increase the impacts or create adverse impacts to the surrounding area including, without limitation, the hours of operation, noise, or the number of employees;*
- (3) *The addition of bedrooms to a dwelling unit, except a single-family detached dwelling unit; or*
- (4) *The addition of one or more dwelling units" (section 9-16, "Definitions," B.R.C.).*

Pursuant section 9-10-3(c)(2), "Standards for Changes to Nonstandard Buildings, Structures and Lots, and Nonconforming Uses," B.R.C. 1981, an expansion of a nonconforming use shall be reviewed for consistency with the Nonconforming Use Review Criteria found in section 9-2-15(e) and (f), B.R.C. 1981. Nonconforming Use Reviews are a staff level decision that is subject to a 14-day Planning Board call-up period.

Analysis. The applicant's proposal to convert the existing rooming unit/boarding house use to a single-family dwelling was evaluated for consistency with the Nonconforming Use review criteria, specifically with regard to improving the general appearance of the project site and decreasing the overall level of nonconformity. As a result of the elimination of the nonconforming boarding house use, the project site is no longer nonconforming as to use.

Overall, the proposal was found to be consistent with the Nonconforming Use Review Criteria based on:

- The elimination of the nonconforming status in terms of use;
- The general improvement to the appearance of the project site in terms of landscaping and exterior building façade as well as providing a trash enclosure; and
- The elimination of the existing nonstandard driveway along Grandview Avenue and the relocation of the site parking to the alley.

Staff finds that the proposed Nonconforming Use Review meets the relevant criteria pursuant to section 9-2-15(e), "Use Review," and 9-2-15(f), "Additional Criteria for Modifications to Nonconforming Uses," B.R.C. 1981 (please refer to [Attachment C](#)).

Public Comment. Required public notice was provided in the form of written notifications to property owners within 600 feet of the subject property. In addition, a public notice sign was posted on the property and therefore, all public notice requirements of section 9-4-3, "Public Notice Requirements," B.R.C. 1981 were met. In response to the public notice, one comment was received that addressed the current dilapidated conditions of the project site, citing the site as a nuisance due to trash, noise and parking. The proposed changes are expected to improve the overall condition of the property.

This proposal was approved by Planning and Development Services staff on November 7, 2013 and the decision may be called up before Planning Board on or before **November 29, 2013**. **There are no Planning Board meetings within the 14-day call-up period.** Questions about the project should be directed to Charles Ferro at 303-441-4012 or via email ferroc@bouldercolorado.gov.

Attachments.

Attachment A: Staff Disposition.

Attachment B: Proposed Plan Set.

Attachment C: Nonconforming Use Review Criteria.



CITY OF BOULDER
Planning and Development Services

1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791
 phone 303-441-1880 • fax 303-441-3241 • web boulderplandevop.net

CITY OF BOULDER PLANNING DEPARTMENT
NOTICE OF DISPOSITION

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

DECISION: **APPROVED WITH CONDITIONS**
PROJECT NAME: **1029 Grandview Ave. Conversion of Rooming Units to Dwelling Unit**
DESCRIPTION: **NONCONFORMING USE REVIEW to add a 349 square feet addition to the north building and to convert the existing four rooming units located in the north building to one dwelling unit with four bedrooms. The project site will be comprised of three units total; one in the north building and two existing units in the front building, where one would be permitted. The development proposal also includes site improvements, including improvements to landscaping, parking and elimination of an access from Grandview.**

LOCATION: **1029 Grandview Avenue**
COOR: **N02W06**
LEGAL DESCRIPTION: **Refer to Exhibit A attached**
APPLICANT: **Rubicon Development**
OWNER: **1029 Grandview, LLC**
APPLICATION: **Nonconforming Use Review, LUR2013-00034**
ZONING: **Residential Mixed-1 (RMX-1)**
CASE MANAGER: **Jessica Vaughn**
VESTED PROPERTY RIGHT: **NO; the owner has waived the opportunity to create such right under Section 9-2-19, B.R.C. 1981.**

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

Approved On: November 15, 2013
 Date

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

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

Appeal to Planning Board expires: November 29, 2013

IN ORDER FOR A BUILDING PERMIT APPLICATION TO BE PROCESSED FOR THIS PROJECT, A SIGNED DEVELOPMENT AGREEMENT MUST BE SUBMITTED TO THE PLANNING DEPARTMENT. IF THE DEVELOPMENT AGREEMENT IS NOT SIGNED WITHIN NINETY (90) DAYS OF THE FINAL DECISION DATE, THE PLANNING DEPARTMENT APPROVAL AUTOMATICALLY EXPIRES.

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

CONDITIONS OF APPROVAL

1. The Applicant shall be responsible for ensuring that the **development shall be in compliance with all approved plans** dated November 5, 2013, on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval.
2. Prior to a building permit application, the Applicant shall construct and complete, subject to acceptance by the City Manager, a pedestrian curb ramp along Grandview Avenue serving the site in conformance with the approved plans and meeting the City of Boulder Design and Construction Standards and Colorado Department of Transportation standards.
3. The Applicant **shall not expand or modify the approved use**, except pursuant to subsection 9-2-15(h), B.R.C. 1981.
4. The Applicant shall comply with all previous conditions contained in any previous approvals, except to the extent that any previous conditions may be modified by this approval, including, but not limited to, the following:
 - a. Planning Board Notice of Disposition dated September 5, 1975 (case no. NC-75-24).

Exhibit A
Legal Description
1029 Grandview

That tract of land described as follows:
Beginning at the Northwest corner of Lot 5, in Block 1,
Grandview Heights, an Addition to the City of Boulder, according
to the recorded Plat thereof,
thence North 75° East a distance of 26.5 feet;
thence South 13° 08' East a distance of 156.5 feet to the North
line of Grandview Avenue, as established by Vacation Ordinance
No. 554, recorded in Book 422 at Page 578, of the records of the
County Clerk and Recorder of Boulder County, Colorado;
thence West, along the North line of said street as established by
said Ordinance, a distance of 52.55 feet;
thence North 13° West to the South line of the alley running East
and West through Block 1;
thence East, along the South line of said alley, a distance of 23.5
feet to the Place of Beginning, County of Boulder, State of
Colorado.

REVIEW TYPES

NON-CONFORMING USE AND NON-STANDARD LOTS AND BUILDING

REVIEW NUMBER

LUR2013-00034

APPLICATION REQUIREMENTS

1,3,4,5,6,7,8,18,20,21,29,33

EXISTING ZONING :

RMX-1

UNITS & BEDROOM COUNT:

BEDROOM COUNT SAME AS EXISTING

FRONT BUILDING:

1ST LEVEL: 1 UNIT 4 BEDROOMS
2ND LEVEL: 1 UNIT 4 BEDROOMS

REAR BUILDING: 1 UNIT 4 BEDROOMS

TOTAL: 3 UNITS 12 BEDROOMS

PROJECT DATA

FLOOR AREA TABLE							
SOUTH BUILDING				NORTH BUILDING			
Level	EXISTING AREA	PROPOSED AREA	ADDED AREA	Level	EXISTING AREA	PROPOSED AREA	ADDED AREA
BASEMENT	832.7 SF	832.7 SF	0				
MAIN LEVEL	1,152.1 SF	1,184.7 SF	32.6 SF	MAIN LEVEL	447.1 SF	648.5 SF	201.4 SF
UPPER LEVEL	736.8 SF	911.0 SF	174.2 SF	UPPER LEVEL	399.4 SF	341.2 SF	- 58.2 SF **
	2,721.6 SF	2,928.4 SF	206.8 SF		846.5 SF	989.7 SF	143.1 SF
* NEW COVERED EXTERIOR STAIR TO BASEMENT.				** DEMOLISHED (2) STAIRS ON BOTH SIDE OF THE NORTH BUILDING.			
FOR BOTH BUILDINGS TOTAL: EXISTING 3,568.1 SF PROPOSED 3,918.1 SF ADDED 350 SF							

LAND USE SUMMARY TABLE				
LOT AREA	7,245 SF			
	EXISTING	PROVIDED	REQUIRED	ALLOWED
1. BUILDING COVERAGE	1,602 SF	1,833 SF		2,499 SF
2. OPEN SPACE	3,837 SF	4,002 SF	1,800 SF	
3. PAVED AREA	1,806 SF (1,051sf is gravel)	1,410 SF		
1. + 2. + 3. =	7,245 SF	7,245 SF		
LANDSCAPE AREA	2,453 SF	2,759 SF		

PER CITY OF BOULDER REVISED CODE SECTION 9-7-9, "SIDE YARD BULK PLANE," B.R.C. 1981. 9-7-10, "SIDE YARD WALL ARTICULATION," B.R.C. 1981. SECTION 9-7-11, "MAXIMUM BUILDING COVERAGE," B.R.C. 1981. SECTION 9-8-2, "FLOOR AREA RATIO REQUIREMENT," B.R.C. 1981 ONLY APPLY TO SINGLE-FAMILY DETACHED DWELLING UNITS. AND DON'T APPLY TO THIS PROJECT.

LEGAL DESCRIPTION

PART TRACT 87 & TRI IN SW COR LOT 5 BLK 1 GRAND VIEW HEIGHTS

ALSO KNOWN AS:

1029-1029 1/2 GRANDVIEW AVENUE

1029 GRANDVIEW STREET

BUILDING HEIGHT IMPROVEMENT SURVEY PLAT DATED 8/7/13

SOUTH BUILDING EXISTING ROOF RIDGE HEIGHT IS 5426.8', MEASURED TO 25' RADIUS LOWEST POINT IS 5398.2'
BUILDING HEIGHT IS **28.6'** < 35'

NORTH BUILDING EXISTING ROOF RIDGE HEIGHT IS 5418.4', MEASURED TO 25' RADIUS LOWEST POINT IS 5395.9'
BUILDING HEIGHT IS **22.5'** < 35'

PROJECT TEAM:

ARCHITECT:

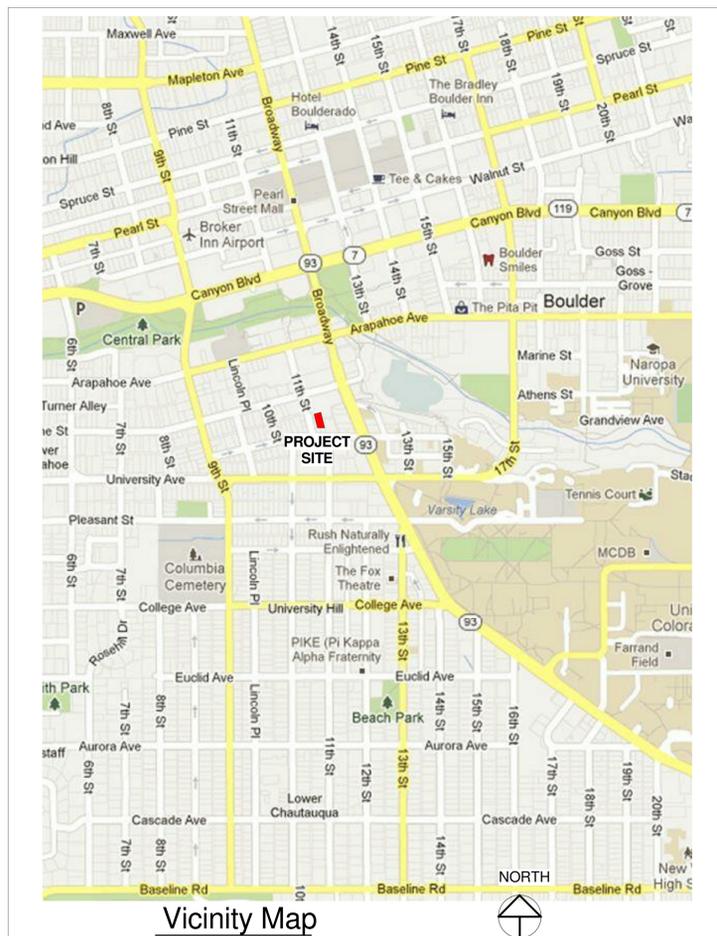
ESA ARCHITECTS. P.C.
1919 7th Street
Boulder CO. 80455

LANDSCAPE:

Nature's Design Associates, LLC
15674 Indiana Gulch Road
Jamestown, CO. 80455

SURVEYOR:

Flatirons, INC.
3825 Iris Ave. Suite 395
Boulder, CO. 80301



SHEETS INDEX

- A001 COVER SHEET
 - A101 SITE PLAN
 - A101E EXISTING SITE CONDITIONS
 - A102 LANDSCAPE PLAN
 - A110 SOUTH BUILDING EXISTING FLOOR PLANS
 - A120 SOUTH BUILDING NEW FLOOR PLANS
 - A130 SOUTH BUILDING EXISTING ELEVATIONS
 - A140 SOUTH BUILDING NEW ELEVATIONS
 - A150 NORTH BUILDING EXISTING FLOOR PLANS AND ELEVATIONS
 - A160 NORTH BUILDING NEW FLOOR PLANS AND ELEVATIONS
 - A901 PREVIOUS AND NEW 3D
 - A902 PREVIOUS AND NEW 3D
 - A903 NORTH BUILDING PREVIOUS AND NEW 3D
- 1 OF 1 UPDATED SURVEY



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Eric Smith Associates, P.C.

REVISIONS

No.	Description	Date
1	PLANNING COMMENTS	2013-SEP-16
2	CITY COMMENTS OCT 11 2013	2013-OCT-31
3	City Comments 11-05-2013	2013-NOV-05

Job Number:	15014
Date:	2013-MAY-31
Drawn By:	J.P.
Checked By:	T.J.

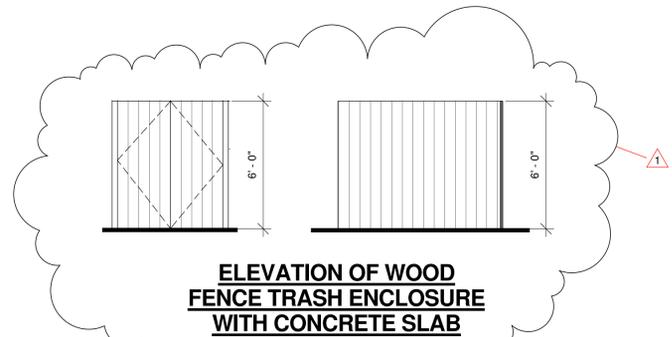
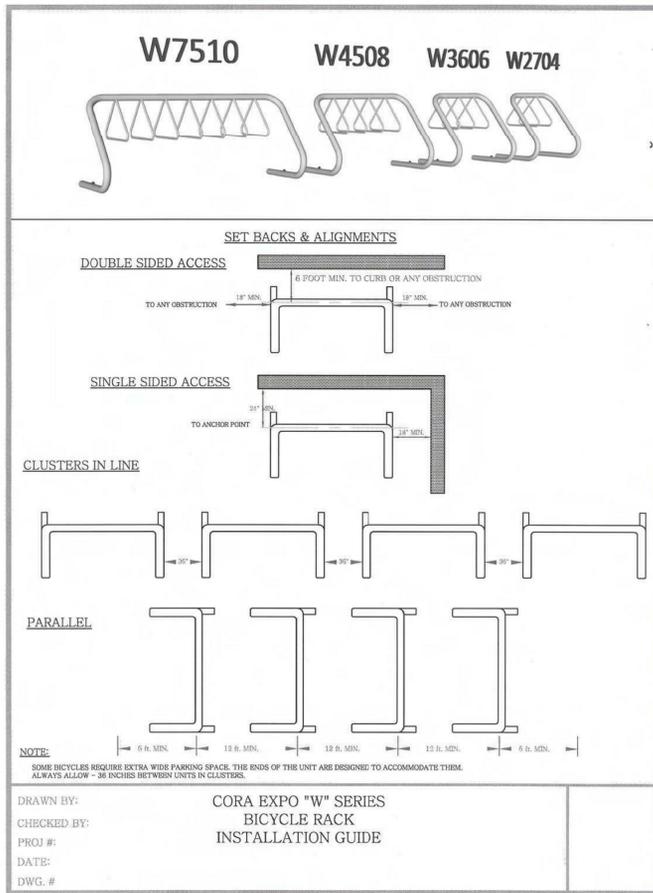
Project Phase
PLANNING SUBMITTAL

Sheet Title
COVER SHEET

Sheet Number

A001

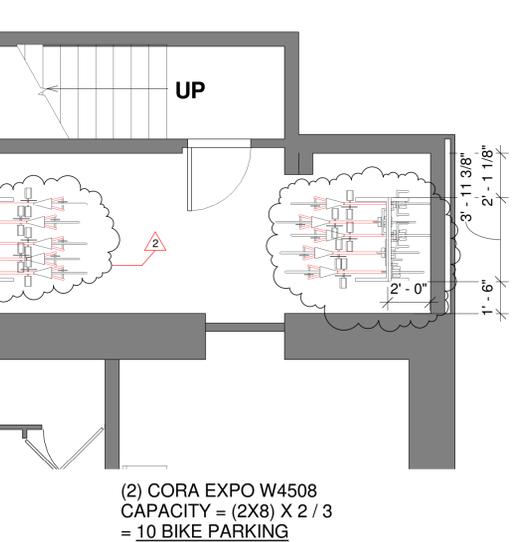
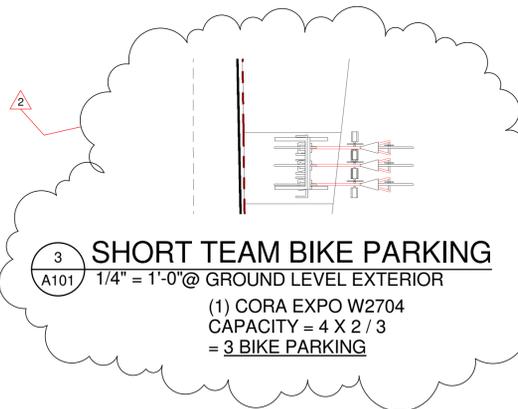
2013-NOV-05



CAR PARKING TABLE

SPACES	REQ'D	EXIST.
	7 *1	6 *2
TOTAL	7	6

NOTE
*1. (2) 4 BEDROOM UNITS X 3 PARKING SPACE REQUIRED PER 4 BR UNIT + 1 DETACHED UNIT = 7 PARKING SPACE REQUIRED
*2. EXISTING PARKING SPACES DO NOT MEET THE CURRENT CITY OF BOULDER REGULATIONS FOR WIDTH AND AISLE DIMENSION.



BICYCLE PARKING TABLE
BASED ON 10% OF REQ'D ON SITE PARKING OR (3) SPACES

	REQ'D	EXISTING	PROVIDED
SHORT TERM SPACES	3	6	3
LONG TERM SPACES	-	0	10
SUM	3	6	13
TOTAL			19



CORA BIKE RACK, INC.
1800-354-8624

CORA EXPO W4508

Capacity	Width	Width (w/overhang)	Height	Depth	Weight Carbon	Weight Stainless
8	49 1/2"	47 1/2"	32 1/8"	30 1/2"	66 lbs	72 lbs
Metric	126 cm	120 cm	83.5 cm	77.2 cm	30 kg	33 kg

Construction

- Heavy duty high quality steels
- Mainframe C.R.W. ASTM A53 2 3/8" OD
- Lock support ASTM A108-03 3/4" Cold Rolled Round Bar

Finishes

- Stainless steel
- Hot dipped Galvanized Steel ASTM A123 & A153
- Color powder coated carbon steel

Anchors

- Hot dipped Galvanized or SS 1/2" x 5 1/2" inch Wedge Anchors

Capacity is rated for double-sided access. Single-sided access reduces capacity by one-third.

CORA BIKE RACK, INC.
1800-354-8624

CORA EXPO W2704

Capacity	Width	Width (w/overhang)	Height	Depth	Weight Carbon	Weight Stainless
4	31 1/8"	29 1/8"	32 1/8"	30 1/2"	48 lbs	53 lbs
Metric	81 cm	74.5 cm	83.5 cm	77.2 cm	22 kg	24 kg

Construction

- Heavy duty high quality steels
- Mainframe C.R.W. ASTM A53 2 3/8" OD
- Lock support ASTM A108-03 3/4" Cold Rolled Round Bar

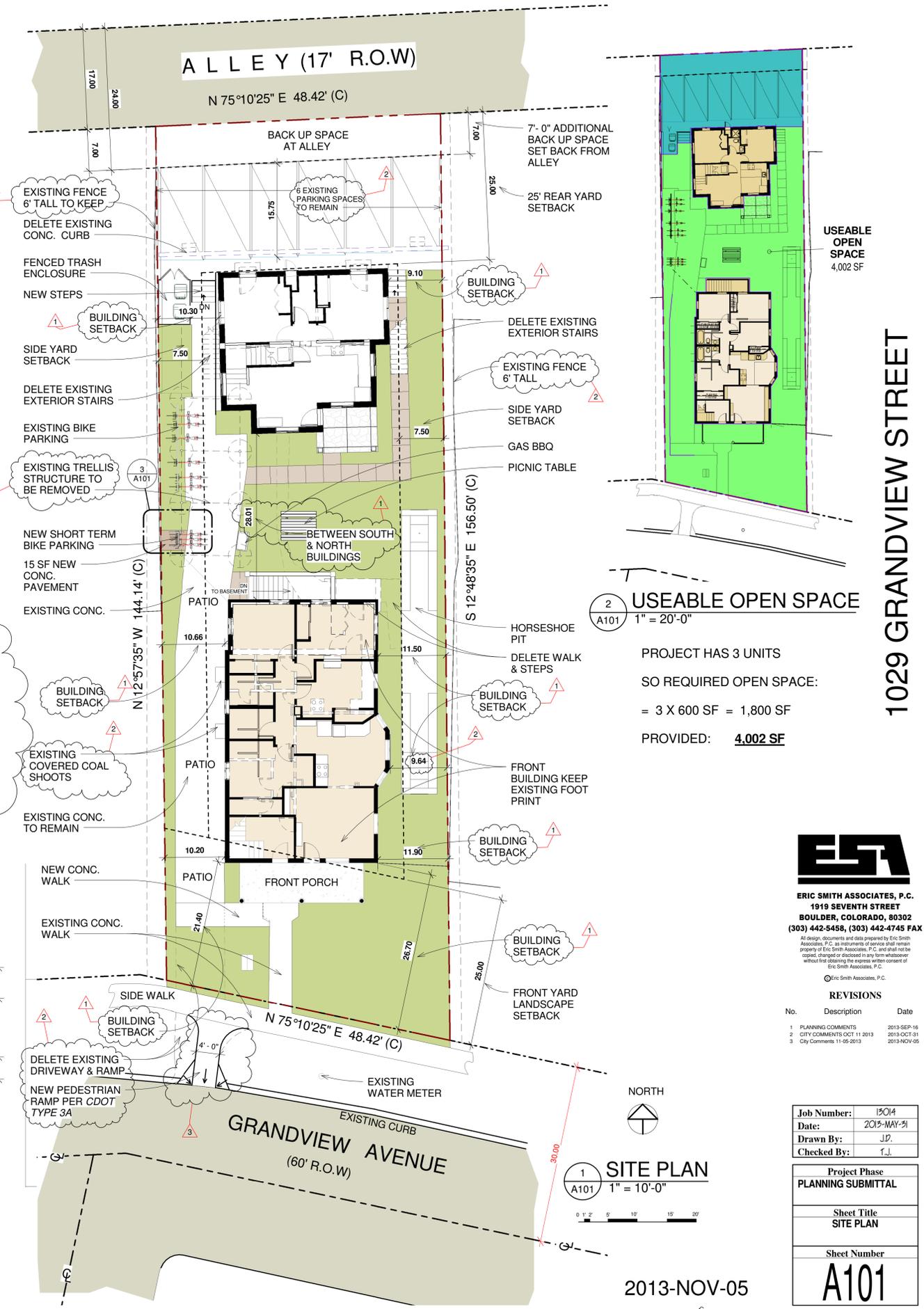
Finishes

- Stainless steel
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- Color powder coated carbon steel

Anchors

- Hot dipped Galvanized 1/2" x 5 1/2" inch Wedge Anchors

Capacity is rated for double-sided access. Single-sided access reduces capacity by one-third.



USEABLE OPEN SPACE
1" = 20'-0"

PROJECT HAS 3 UNITS
SO REQUIRED OPEN SPACE:
= 3 X 600 SF = 1,800 SF
PROVIDED: **4,002 SF**

ESR
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2	CITY COMMENTS OCT 11 2013	2013-OCT-31
3	City Comments 11-05-2013	2013-NOV-05

Job Number:	15014
Date:	2013-MAY-31
Drawn By:	J.P.
Checked By:	T.J.

Project Phase	PLANNING SUBMITTAL
Sheet Title	SITE PLAN
Sheet Number	A101

2013-NOV-05

PLANT NOTES:

1. All plant material meet specification of the American Association of nurserymen (AAN) for number one grade. All trees shall be balled and burlap or equivalent.
2. Trees shall not be planted closer than 4'-0" to any gas or electrical line and no closer than 10'-0" to any water or sewer line. Shrubs shall not be planted closer than 4'-0" to any water or sewer line. tree planting shall be coordinated with Public service Company. Locations of all utilities shall be verified in the field prior to planting.
3. Grade shall be set to allow for proper drainage away from all structures. Grade shall maintain smooth profiles and be free of surface debits, bumps, and depressions.
4. All shrub beds adjacent to turf area shall be edged.
5. During construction, prevent cleaning of equipment, the storage or disposed of waste building materials within the drip-line of any protected trees or group of trees.
6. Prior to installation of plants materials, area that have ben compacted or disturbed by construction activity shall be thoroughly loosened, organic amendmets such as compost, peat, or aged manure shall be thoroughly incorporated at the rate of at least (3) cubic yards of amendmets per 1000 sf feet of landscape area.
7. All sod area unless otherwise noted will be sod with low-water demanding blend. Dry-land / native seed to suit specific soil condition and maintenance requirements.
8. Contractor shall verify all material quantities prior to installation. Actual number of symbol shall have priority over the quantity designated.
9. Refer to the City of Boulder Design and Construction Streetscape Standards.
10. Revise existing irrigation system to comply with city of Boulder irrigation requirements and new landscaping layout.

LANDSCAPE AREA	
L1	2,294 SF
L2	17 SF
L3	334 SF
L4	114 SF
Grand total	2,759 SF

PER CITY OF BOULDER LANDSCAPE STANDARDS REQUIREMENTS 9-9-12

LANDSCAPE AREA: 2,759 SF

1 TREE AND 5 SHRUBS MUST BE PLANTED FOR EACH 1,500 SQ FT OF LOT AREA

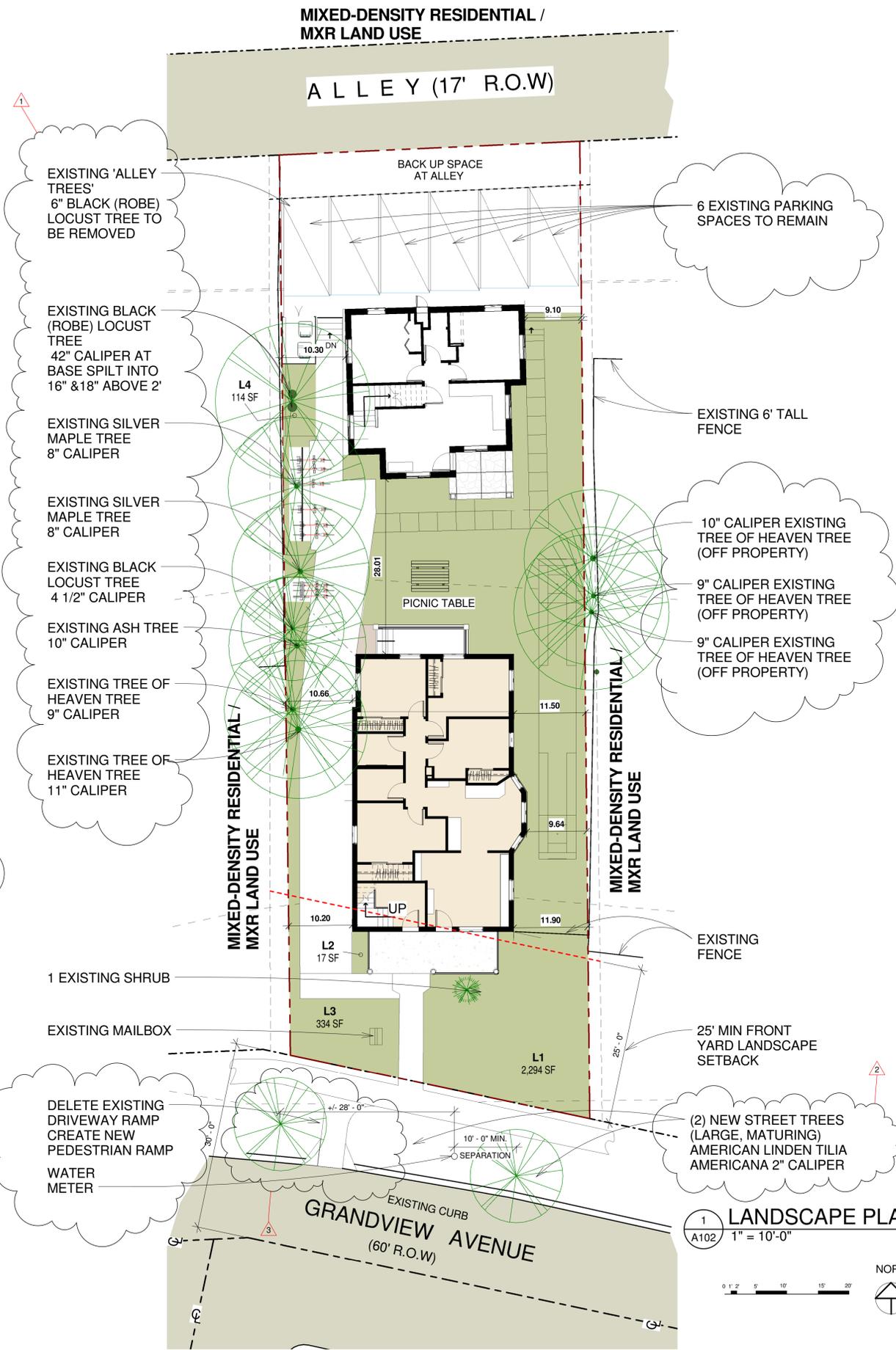
2,759SF / 1,500 SF = 1.84

REQUIRED: 2 TREES
10 SHRUBS

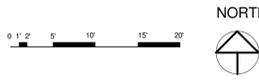
PROVIDED: 8 EXISTING TREES
& 1 EXISTING SHRUB
2 NEW STREET TREES

GENERAL NOTE:

1. NATURE'S DESIGN ASSOCIATES LLC. (BECKY MARTINEK) HAS BEEN HIRED TO PROVIDE DETAILED LANDSCAPE PLAN FOR BUILDING PERMIT. SHE HAS IDENTIFIED THE EXISTING TREES AND THEIR CONDITIONS (ALL HEALTHY). SHE HAS ALSO SELECTED THE NEW STREET TREES.
2. EXISTING TREES ALONG EAST PROPERTY LINE ARE OFF PROPERTY AND ARE ALL TREE OF HEAVEN,
3. 6 EXISTING PARKING SPACES.



1 LANDSCAPE PLAN
A102 1" = 10'-0"



2013-NOV-05

1029 GRANDVIEW STREET

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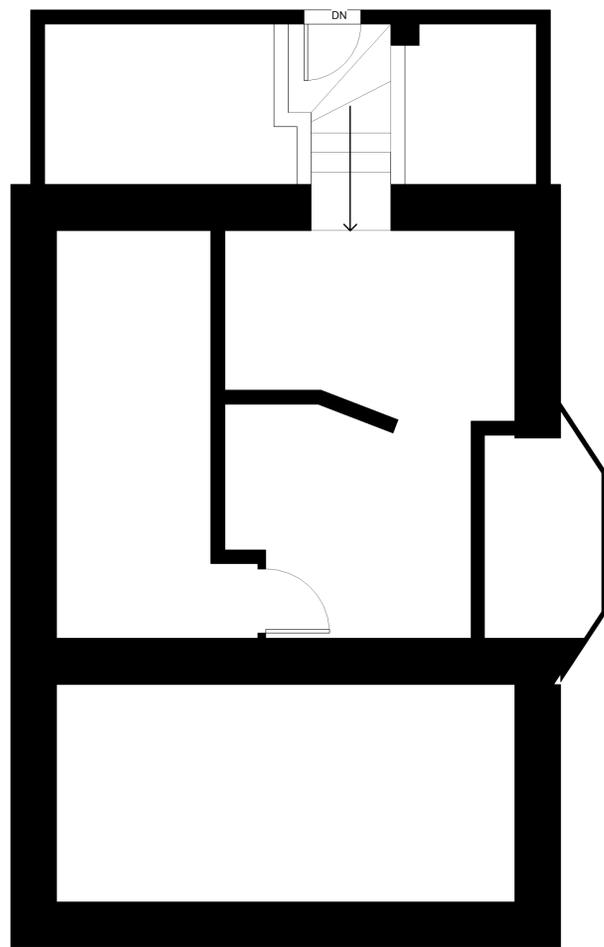
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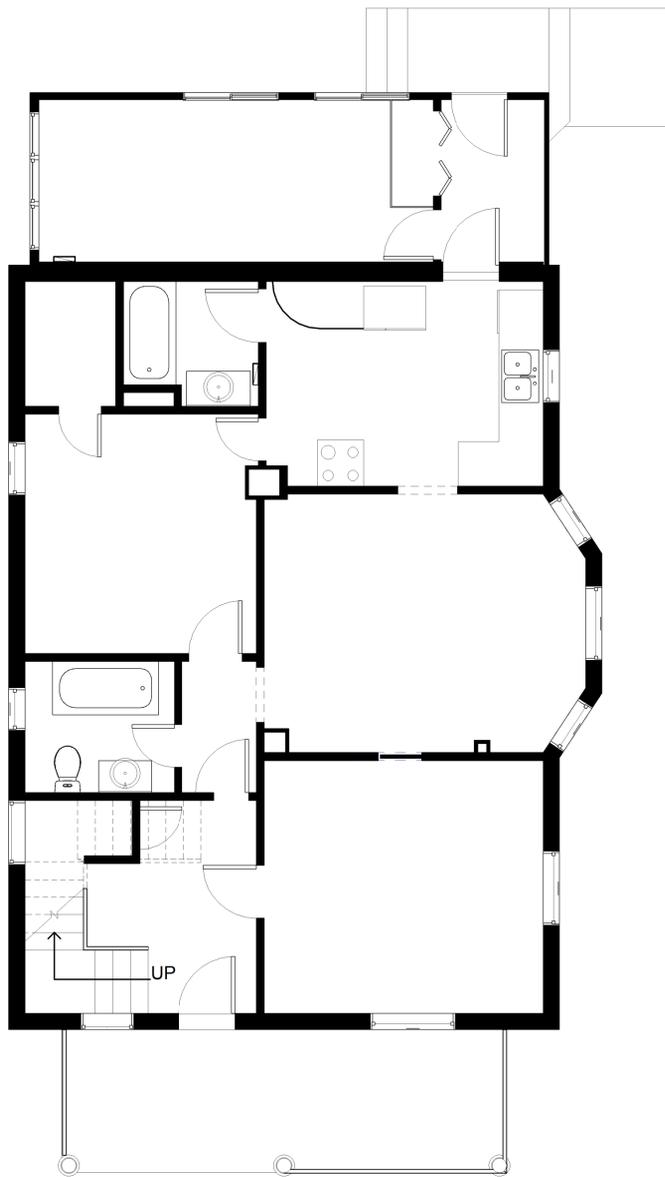
Job Number:	15014
Date:	2013-MAY-31
Drawn By:	J.P.
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Project Phase	PLANNING SUBMITTAL
Sheet Title	LANDSCAPE PLAN
Sheet Number	A102

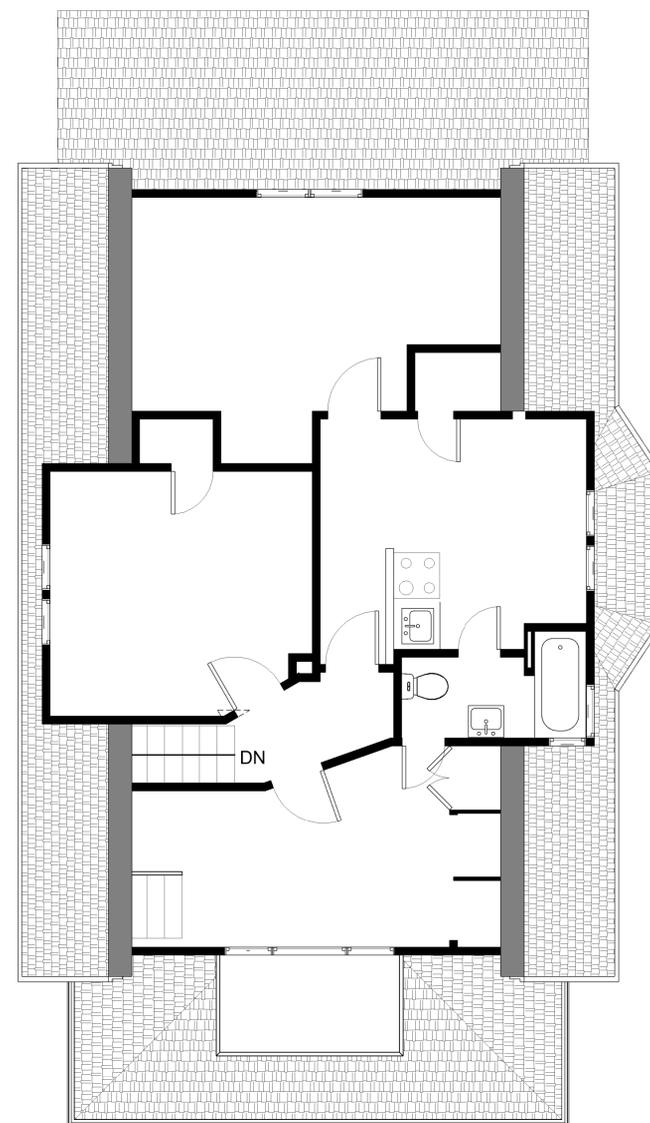
1029 GRANDVIEW STREET
SOUTH BUILDING



2 BASEMENT EXISTING
A110 1/4" = 1'-0"



4 MAIN LEVEL PLAN EXISTING
A110 1/4" = 1'-0"



1 UPPER LEVEL PLAN EXISTING
A110 1/4" = 1'-0"



EXISTING

2013-MAY-31



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Eric Smith Associates, P.C.

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Date:	2013-MAY-31
Drawn By:	J.P.
Checked By:	T.J.

Project Phase	PLANNING SUBMITTAL
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Sheet Title	SOUTH BUILDING EXISTING FLOOR PLANS
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Sheet Number	A110
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A110

1029 GRANDVIEW STREET
SOUTH BUILDING



ERIC SMITH ASSOCIATES, P.C.
1919 SEVENTH STREET
BOULDER, COLORADO, 80302
(303) 442-5458, (303) 442-4745 FAX

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Eric Smith Associates, P.C.

REVISIONS

No.	Description	Date

Job Number:	15014
Date:	2013-MAY-31
Drawn By:	J.P.
Checked By:	T.J.

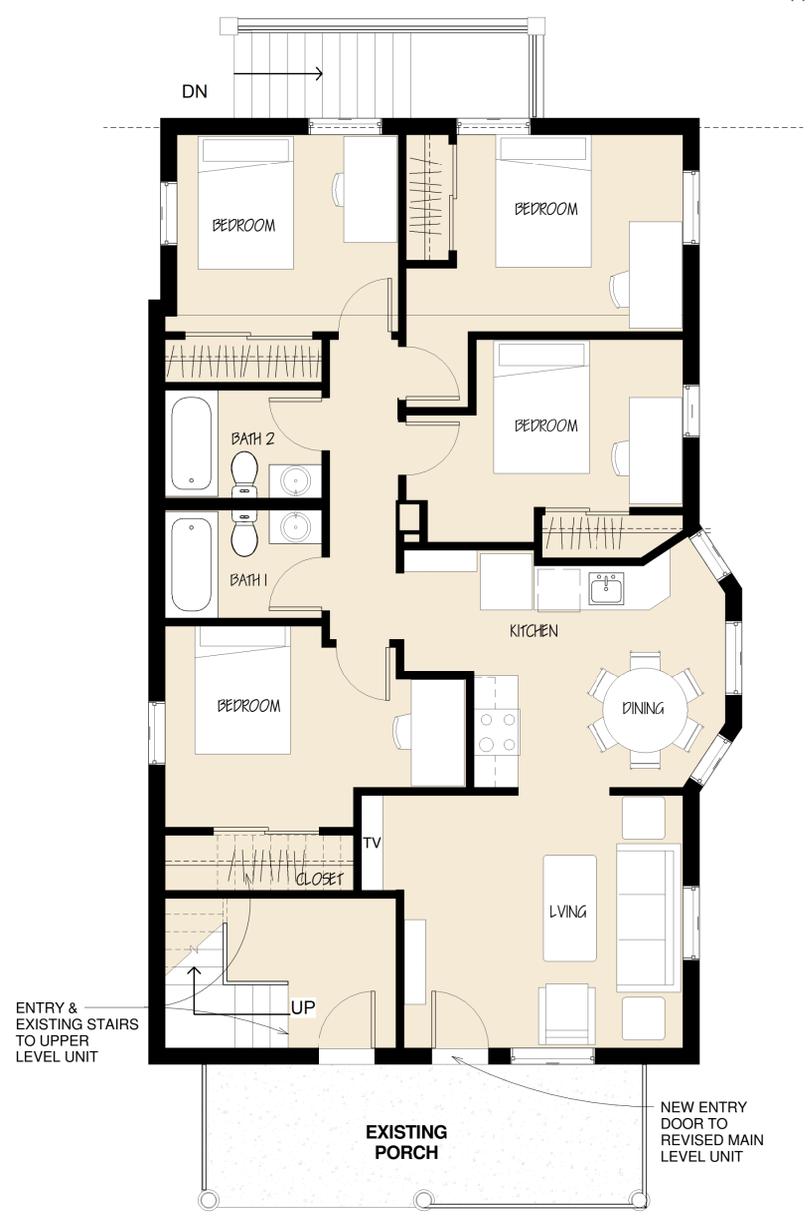
Project Phase	PLANNING SUBMITTAL
Sheet Title	SOUTH BUILDING NEW FLOOR PLANS
Sheet Number	A120



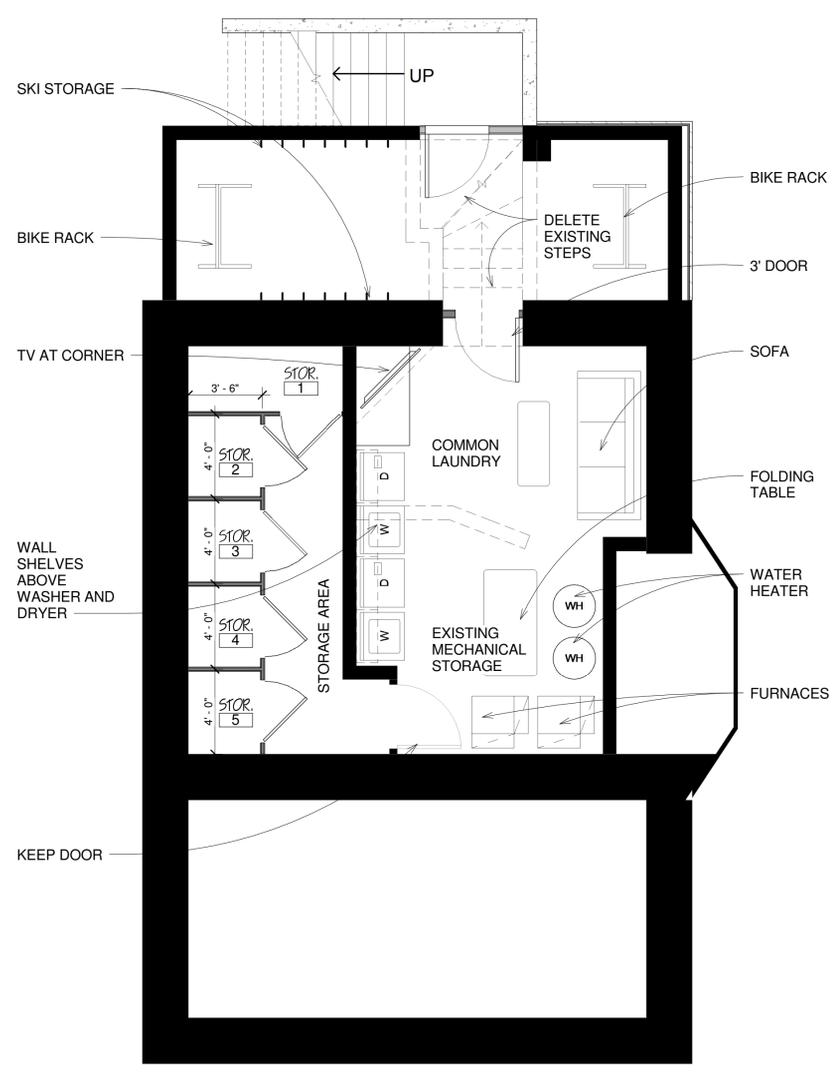
2013-MAY-31



3 UPPER LEVEL PLAN NEW
A120 1/4" = 1'-0"



2 MAIN LEVEL PLAN NEW
A120 1/4" = 1'-0"



1 BASEMENT NEW
A120 1/4" = 1'-0"





2 WEST EXSITING
A130 1/4" = 1'-0"



1 SOUTH ELEVATION EXISTING
A130 1/4" = 1'-0"



3 NORTH ELEVATION EXISTING
A130 1/4" = 1'-0"



4 EAST EXSITING
A130 1/4" = 1'-0"

EXISTING



2013-SEP-16



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Eric Smith Associates, P.C.

REVISIONS

No.	Description	Date
1	PLANNING COMMENTS	2013-SEP-16

Job Number:	15014
Date:	2013-MAY-31
Drawn By:	J.P.
Checked By:	T.J.

Project Phase	PLANNING SUBMITTAL
Sheet Title	SOUTH BUILDING EXISTING ELEVATIONS
Sheet Number	A130



1 WEST ELEVATION NEW
A140 1/4" = 1'-0"



2 SOUTH ELEVATION NEW
A140 1/4" = 1'-0"

03 UPPER CEILING
117' - 11"
02 UPPER LEVEL
110' - 2"
01 MAIN LEVEL
100' - 0"



3 NORTH ELEVATION NEW
A140 1/4" = 1'-0"

BULK PLANE DIAGRAM



4 EAST ELEVATION NEW
A140 1/4" = 1'-0"

EXISTING BRICK

PAINTED TRIM
BRICK MATCH EXISTING

03 UPPER CEILING
117' - 11"
02 UPPER LEVEL
110' - 2"
01 MAIN LEVEL
100' - 0"

EAST ADJACENT PROPERTY HAS MORE THAN ONE DWELLING UNITS PER BOULDER REVISED CODE CHAPTER 9-7-9 (e) (3) BULK PLANE NOT APPLY

1'-6"
SITE MEASURING
PROPERTY LINE

ESA
ERIC SMITH ASSOCIATES, P.C.
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BOULDER, COLORADO, 80302
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Eric Smith Associates, P.C.

REVISIONS

No.	Description	Date
1	PLANNING COMMENTS	2013-SEP-16

Job Number:	15014
Date:	2013-MAY-31
Drawn By:	J.P.
Checked By:	T.J.

Project Phase	PLANNING SUBMITTAL
Sheet Title	SOUTH BUILDING NEW ELEVATIONS
Sheet Number	A140



2013-SEP-16

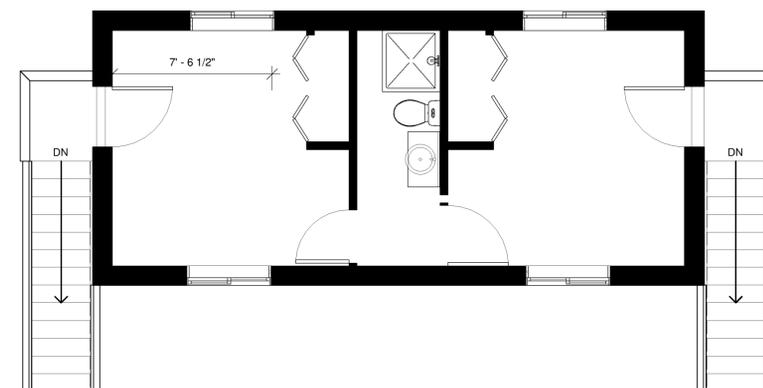
1029 GRANDVIEW STREET
NORTH BUILDING



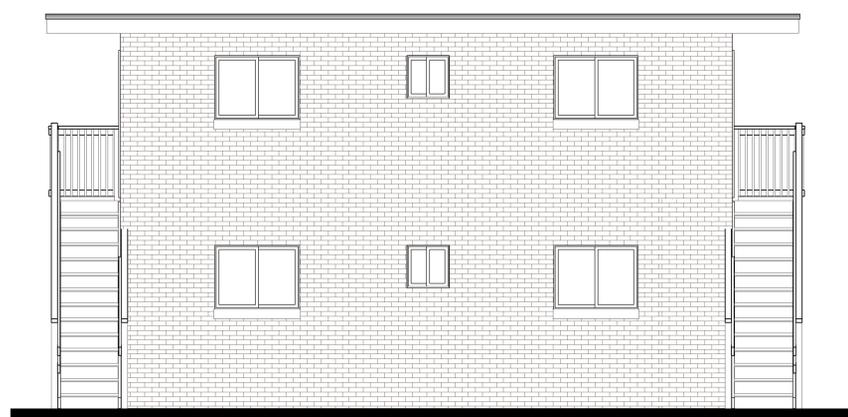
5 WEST ELEVATION EXISTING
A150 1/4" = 1'-0"



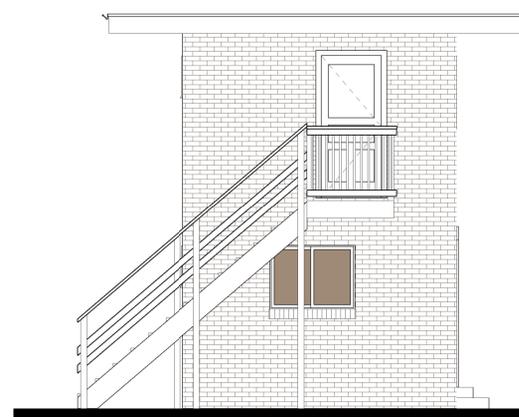
6 NORTH ELEVATION EXISTING
A150 1/4" = 1'-0"



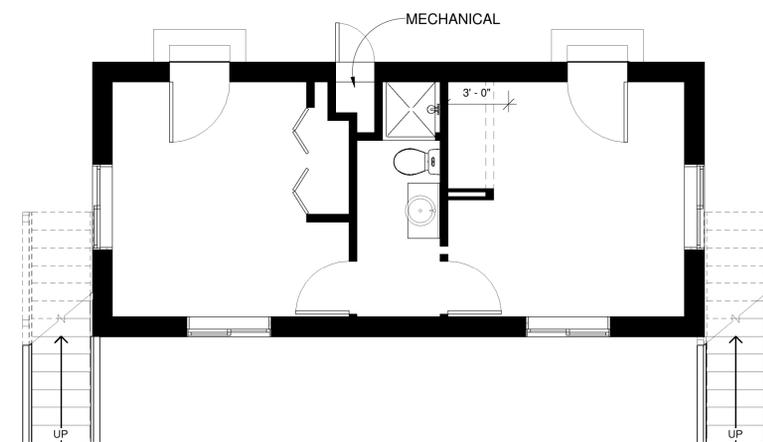
2 2ND LEVEL EXISTING
A150 1/4" = 1'-0"



3 SOUTH ELEVATION EXISTING
A150 1/4" = 1'-0"



4 EAST ELEVATION EXISTING
A150 1/4" = 1'-0"



1 1ST LEVEL EXISTING
A150 1/4" = 1'-0"

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ERIC SMITH ASSOCIATES, P.C.

REVISIONS

No.	Description	Date
1	PLANNING COMMENTS	2013-SEP-16

Job Number:	15014
Date:	2013-MAY-31
Drawn By:	J.P.
Checked By:	T.J.

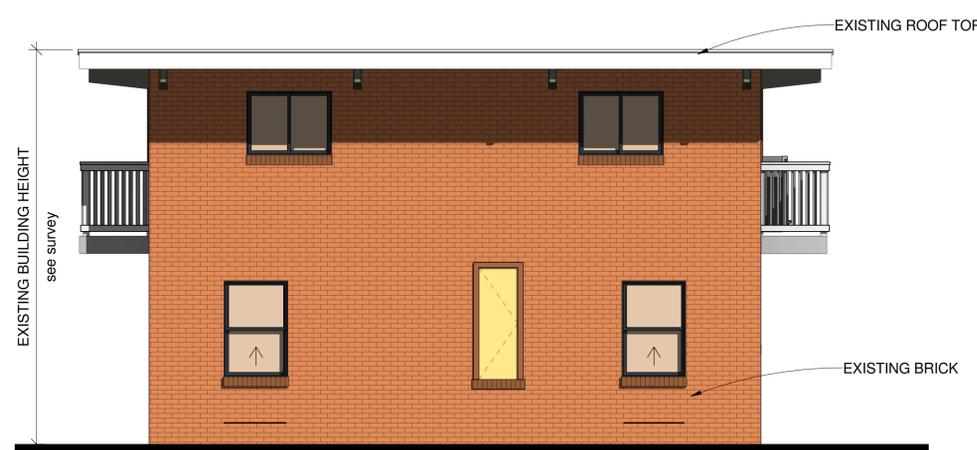
Project Phase	PLANNING SUBMITTAL
Sheet Title	EXISTING FLOOR PLANS & ELEVATIONS
Sheet Number	A150



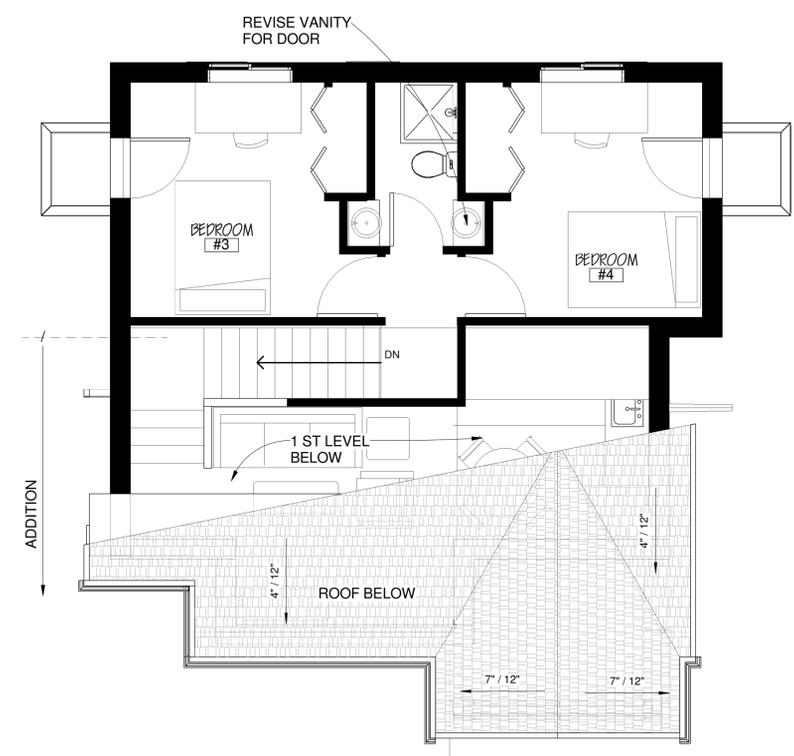
2013-SEP-16



WEST NEW ELEVATION



NORTH ELEVATION NEW



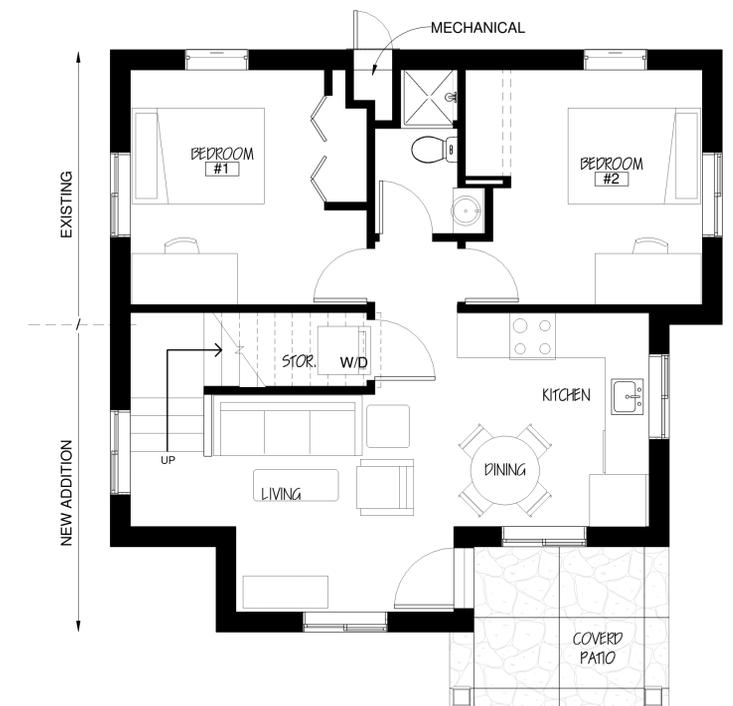
UPPER LEVEL NEW



SOUTH ELEVATION NEW



EAST NEW ELEVATION



MAIN LEVEL NEW

ESA
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REVISIONS

No.	Description	Date
1	PLANNING COMMENTS	2013-SEP-16

Job Number:	15014
Date:	2013-MAY-31
Drawn By:	J.P.
Checked By:	T.J.

Project Phase	PLANNING SUBMITTAL
Sheet Title	NEW FLOOR PLAN & ELEVATIONS
Sheet Number	A160



SW VIEW PREVIOUS



SW VIEW NEW

EXISTING 6' TALL FENCE TO REMAIN. BUT NOT SHOWN IN 3D VIEW. TYPICAL.



SE VIEW PREVIOUS



SE VIEW NEW

2013-OCT-31



ERIC SMITH ASSOCIATES, P.C.
 1919 SEVENTH STREET
 BOULDER, COLORADO, 80302
 (303) 442-5458, (303) 442-4745 FAX

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REVISIONS

No.	Description	Date
2	CITY COMMENTS OCT 11 2013	2013-OCT-31

Job Number:	15014
Date:	2013-MAY-31
Drawn By:	J.P.
Checked By:	T.J.

Project Phase
PLANNING SUBMITTAL

Sheet Title
PREVIOUS AND NEW 3D

Sheet Number
A901



NW VIEW PREVIOUS



NW VIEW NEW



NE VIEW PREVIOUS



NE VIEW NEW

1029 GRANDVIEW STREET



ERIC SMITH ASSOCIATES, P.C.
 1919 SEVENTH STREET
 BOULDER, COLORADO, 80302
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REVISIONS

No.	Description	Date

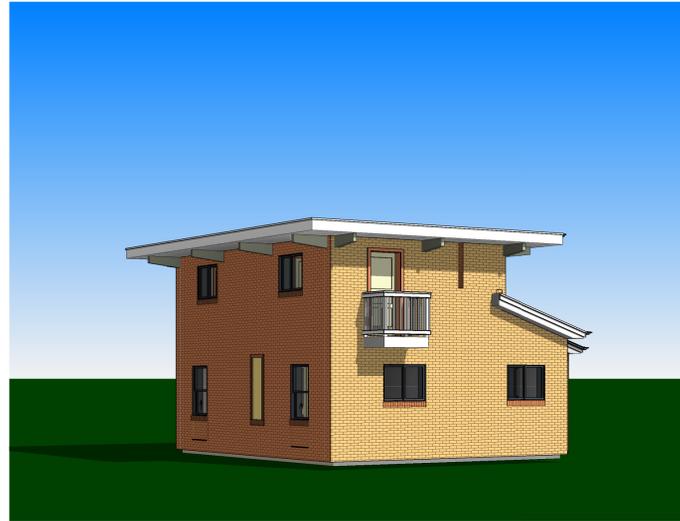
Job Number:	15014
Date:	2013-MAY-31
Drawn By:	J.P.
Checked By:	T.J.

Project Phase	PLANNING SUBMITTAL
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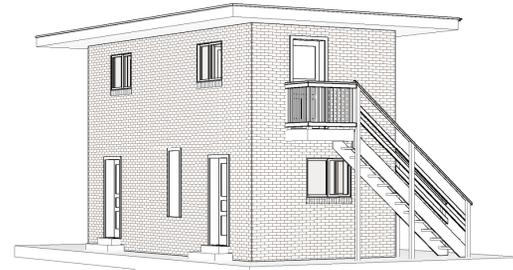
Sheet Title	PREVIOUS AND NEW 3D
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Sheet Number	A902
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PREVIOUS AND NEW 3D VIEWS



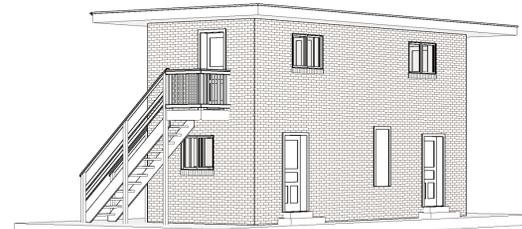
NW NEW



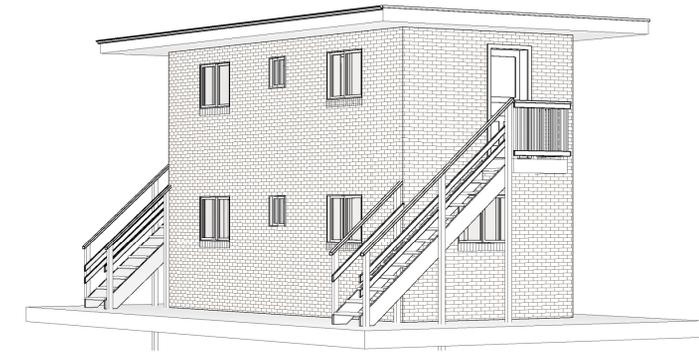
NW PREVIOUS



NE NEW



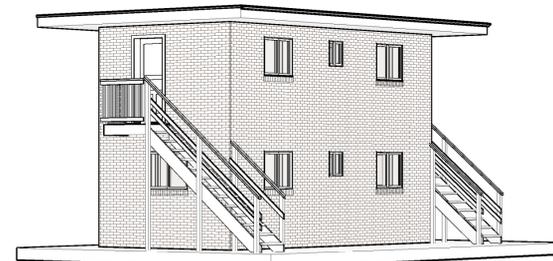
NE PREVIOUS



SE PREVIOUS



SW NEW



SW PREVIOUS



SE NEW

1029 GRANDVIEW STREET
NORTH BUILDING



ERIC SMITH ASSOCIATES, P.C.
1919 SEVENTH STREET
BOULDER, COLORADO, 80302
(303) 442-5458, (303) 442-4745 FAX

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Eric Smith Associates, P.C.

REVISIONS

No.	Description	Date

Job Number:	15014
Date:	2013-MAY-31
Drawn By:	J.P.
Checked By:	T.J.

Project Phase	PLANNING SUBMITTAL
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Sheet Title	NORTH BUILDING PREVIOUS AND NEW 3D
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Sheet Number	A903
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Parcel Description
(PROVIDED BY CLIENT)

THAT TRACT OF LAND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 5, IN BLOCK 1, GRANDVIEW HEIGHTS, AN ADDITION TO THE CITY OF BOULDER, ACCORDING TO THE RECORDED PLAT THEREOF, THENCE NORTH 75° EAST A DISTANCE OF 26.5 FEET; THENCE SOUTH 13°08' EAST A DISTANCE OF 156.5 FEET TO THE NORTH LINE OF GRANDVIEW AVENUE, AS ESTABLISHED BY VACATION ORDINANCE NO. 554, RECORDED IN BOOK 422, PAGE 578, OF THE RECORDS OF THE COUNTY CLERK AND RECORDER OF BOULDER COUNTY, COLORADO; THENCE WEST, ALONG THE NORTH LINE OF SAID STREET AS ESTABLISHED BY SAID ORDINANCE, A DISTANCE OF 52.55 FEET; THENCE NORTH 13° WEST TO THE SOUTH LINE OF THE ALLEY RUNNING EAST AND WEST THROUGH BLOCK 1; THENCE EAST, ALONG THE SOUTH LINE OF SAID ALLEY, A DISTANCE OF 23.5 FEET TO THE PLACE OF BEGINNING, COUNTY OF BOULDER, STATE OF COLORADO, ALSO KNOWN BY STREET AND NUMBER AS 1029-1029½ GRANDVIEW AVENUE, BOULDER, COLORADO 80302.

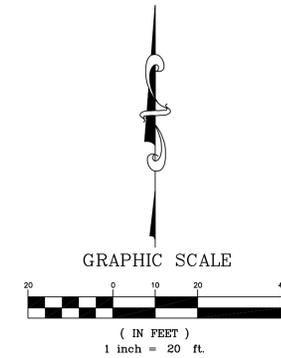
IMPROVEMENT SURVEY PLAT

A PORTION OF BLOCK 1, GRANDVIEW HEIGHTS SUBDIVISION, LOCATED IN THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 1

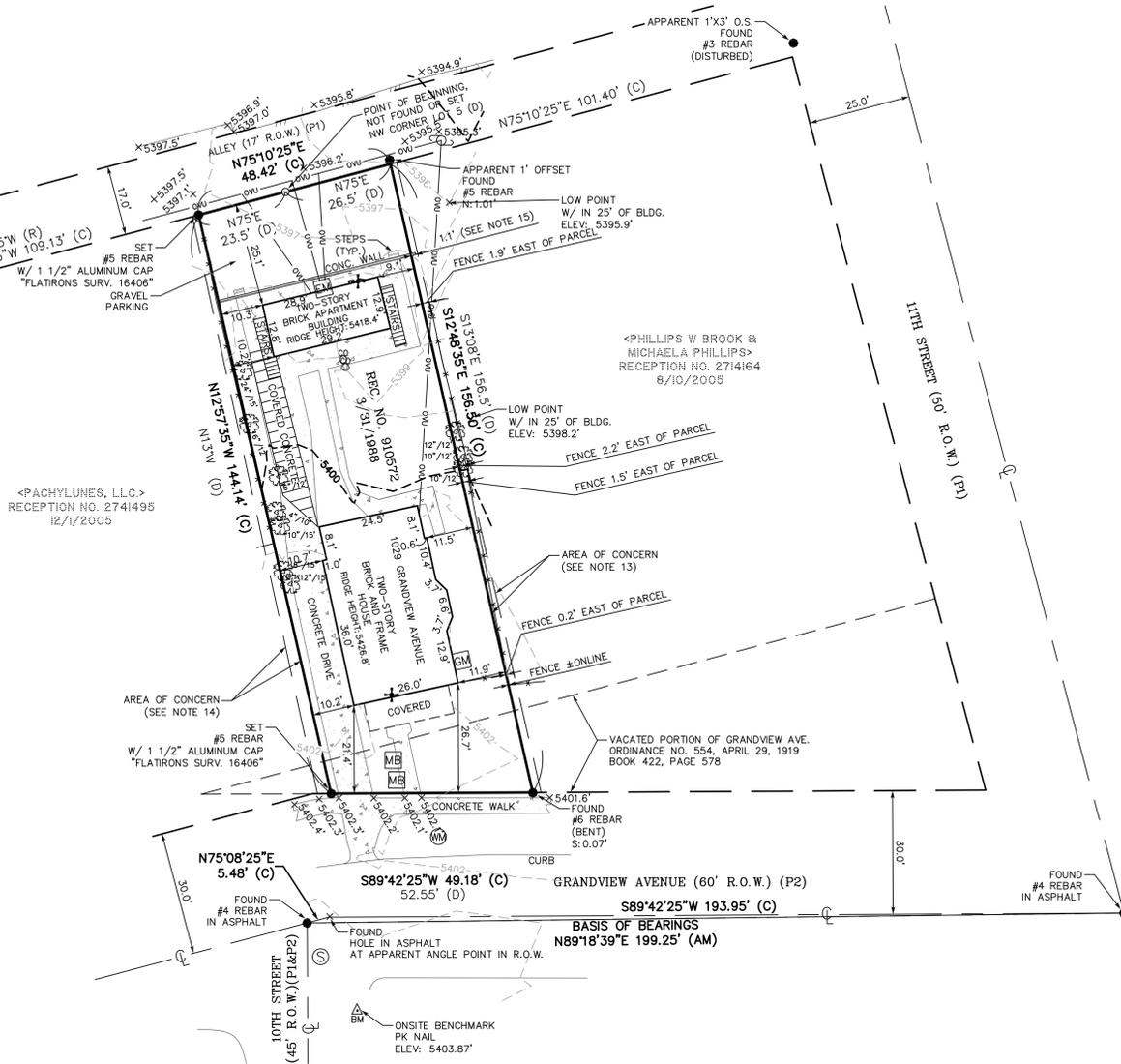
Notes

- THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT AND DOES NOT CONSTITUTE A TITLE SEARCH BY FLATIRONS, INC. TO DETERMINE TITLE OR EASEMENTS OF RECORD. THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS THAT WERE VISIBLE AT THE TIME OF MAKING THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND-USE REGULATIONS; AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
- 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.
- THIS IMPROVEMENT SURVEY PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF AGR BUILDING, NAMED IN THE STATEMENT HEREON. SAID STATEMENT DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS STATEMENT BY THE SURVEYOR NAMING SAID PERSON.
- THIS SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.
- BASIS OF BEARINGS: AN ASSUMED BEARING OF N89°18'39"E BETWEEN MONUMENTS IN GRANDVIEW AVENUE, BETWEEN A FOUND #4 REBAR IN ASPHALT AT THE INTERSECTION OF GRANDVIEW AVENUE AND 10TH STREET AND A FOUND #4 REBAR IN ASPHALT AT THE INTERSECTION OF GRANDVIEW AVENUE AND 11TH STREET AS SHOWN HEREON. ALL BEARINGS SHOWN HEREON ARE RELATIVE THERETO.
- ONLY SURFACE EVIDENCE OF UTILITIES VISIBLE AT THE TIME OF THE FIELD WORK IS SHOWN HEREON. ALL UNDERGROUND UTILITIES MUST BE FIELD LOCATED BY THE APPROPRIATE AGENCY OR UTILITY COMPANY PRIOR TO ANY EXCAVATION, PURSUANT TO C.R.S. SEC. 9-1.5-103.
- ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT AND/OR BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE C.R.S. SEC 18-4-508.
- THE DISTANCE MEASUREMENTS SHOWN HEREON ARE U.S. SURVEY FOOT.
- SUBSURFACE BUILDINGS, IMPROVEMENTS OR STRUCTURES ARE NOT NECESSARILY SHOWN. BUILDINGS AND OTHER IMPROVEMENTS OR STRUCTURES ON ADJACENT PROPERTIES THAT ARE MORE THAN FIVE (5) FEET FROM ANY OF THE PROPERTY LINES OF THE SUBJECT PROPERTY ARE NOT NECESSARILY SHOWN.
- DATES OF FIELDWORK: APRIL 3, 2013 AND OCTOBER 7, 1983
- THE TOTAL AREA OF THE SUBJECT PROPERTY IS 7,245 SQ. FT. OR 0.17 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.
- FENCES ARE NOT COINCIDENT WITH LOT LINES AS SHOWN HEREON.
- AREA OF CONCERN (EAST FENCELINE). THE AREA OF CONCERN IS THE AREA BETWEEN THE LINE OF THE FOUND MONUMENTS ON THE EASTERLY LINE AND THE APPARENT OCCUPATION LINE BASED ON THE CURRENTLY EXISTING FENCE. TITLE RIGHTS MAY HAVE RIPPENED TO THIS AREA. CONSULTATION WITH A REAL ESTATE ATTORNEY REGARDING THIS AREA IS RECOMMENDED.
- AREA OF CONCERN (WEST FENCELINE). THE AREA OF CONCERN IS THE AREA BETWEEN THE CURRENTLY EXISTING FENCE AND THE DEEDED DESCRIPTION (BASED ON FOUND MONUMENTS AS SHOWN HEREON). THIS REPRESENTS A SHORTAGE OF AREA BASED ON THE DEED TO WHICH THERE MAY BE A CLAIM OF TITLE. ALTHOUGH TITLE RIGHTS MAY HAVE RIPPENED TO THE BENEFIT OF THE ADJOINER WEST OF THE CURRENTLY EXISTING FENCE. CONSULTATION WITH A REAL ESTATE ATTORNEY REGARDING THIS AREA IS RECOMMENDED. IF REQUESTED A BOUNDARY LINE AGREEMENT PREPARED BY THE SURVEYOR CAN BE UTILIZED TO RESOLVE THIS ISSUE.
- CONCRETE WALL EXTENDS ACROSS LINE AS SHOWN HEREON.
- THE CONTOURS REPRESENTED HEREON WERE INTERPOLATED BY AUTOCAD CIVIL 3D (DIGITAL TERRAIN MODELING) SOFTWARE BETWEEN ACTUAL MEASURED SPOT ELEVATIONS. DEPENDING ON THE DISTANCE FROM A MEASURED SPOT ELEVATION AND LOCAL VARIATIONS IN TOPOGRAPHY, THE CONTOUR SHOWN MAY NOT BE AN EXACT REPRESENTATION OF THE SITE TOPOGRAPHY. THE PURPOSE OF THIS TOPOGRAPHIC MAP IS FOR SITE EVALUATION AND TO SHOW SURFACE DRAINAGE FEATURES. ADDITIONAL TOPOGRAPHIC OBSERVATIONS MAY BE NECESSARY IN SPECIFIC AREAS OF DESIGN. TOPOGRAPHY SHOWN HEREON COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS.
- BENCHMARK INFORMATION: A GPS DERIVED ELEVATION WAS ESTABLISHED AT AN ONSITE BENCHMARK AT THE INTERSECTION OF 10TH STREET AND GRANDVIEW AVENUE, BEING A PK NAIL WITH AN ELEVATION OF 5403.87 FEET. A CHECK SHOT, 0.1", WAS TAKEN ON CITY OF BOULDER BENCHMARK POINT S-7, BEING A 1/2" PIN IN RANGE BOX LOCATED IN THE INTERSECTION OF UNIVERSITY AVENUE AND 10TH STREET APPROXIMATELY 370 FEET FROM SITE, WITH A PUBLISHED ELEVATION OF 5418.18 FEET (NAVD88). NO DIFFERENTIAL LEVELING WAS PERFORMED TO ESTABLISH THIS ELEVATION.



Legend

- FOUND MONUMENT AS DESCRIBED
- ⊙ SET #5 REBAR WITH 1 1/2" ALUMINUM CAP "FLATIRONS SURV 16406"
- CALCULATED POSITION (NOT FOUND OR SET)
- (D) AS PER DEED RECORDED AT RECEPTION NO. 910572, 3/31/1988
- (C) CALCULATED FROM RECORD AND AS MEASURED INFORMATION
- (P1) AS PER THE PLAT OF HEIRS OF MARINUS G. SMITH, DEC., RECORDED AT PLAT BOOK 2, PAGE 189 RECORDED MAY 17, 1902
- (P2) AS PER THE PLAT OF RE-PLAT OF A PORTION OF GRANDVIEW HEIGHTS ADD., RECORDED IN PLAT BOOK 4, PAGE 33 RECORDED ON JUNE 12, 1920
- CONCRETE
- ==== EDGE OF ASPHALT
- FENCE
- ⊙ SANITARY SEWER MANHOLE
- ⊙ CLEANOUT
- EM ELECTRICAL METER
- OVERHEAD UTILITY LINE
- ⊙ UTILITY POLE
- GM GAS METER
- MB MAILBOX
- ⊙ CENTERLINE
- ⊙ WATER METER
- X"/X' DECIDUOUS TREE (TRUNK DIAMETER/DRIP LINE RADIUS)



Boundary Closure Report

Course: S89°42'25"W Length: 49.18'
 Course: N12°57'35"W Length: 144.14'
 Course: N75°10'25"E Length: 48.42'
 Course: S12°48'35"E Length: 156.50'

Perimeter: 398.24' Area: 7245 Sq. Ft.
 Error Closure: 0.00 Course: N25°59'48"E
 Error North: 0.002 East: 0.001

Precision 1: 398240000.00

Depositing Certificate

SUBMITTED TO BOULDER COUNTY LAND USE FOR RECORDING ON THIS _____ DAY OF _____ 20____

REVISION	DATE
1. PINS SET ON 4-18-13	APRIL 18, 2013
2. ADDED CONTOURS, TREES, SPOTS, LOW PT.	AUGUST 7, 2013 WRKKT

IMPROVEMENT SURVEY PLAT
 PREPARED FOR
 AGR BUILDING
 COPYRIGHT 2013 FLATIRONS, INC.

Flatirons, Inc.
 Surveying, Engineering & Geomatics
 www.FlatironsInc.com
 3825 IRLS AVE, STE. 395 3660 DOWNING ST
 BOULDER, CO 80301 UNIT E DENVER, CO 80205
 PH: (303) 443-7001 PH: (303) 443-9830
 PH: (303) 776-1733 PH: (303) 443-9830
 PH: (303) 776-4355



JOB NUMBER:
13-61,473
 DATE:
4-11-2013
 DRAWN BY:
W. BECKETT
 CHECKED BY:
JZG/ETB/WW

SHEET 1 OF 1

BY:BBECKETT FILE:161473-ISF-REV2.DWG DATE:8/12/2013 4:04 PM

Case #: LUR2013-00034

Project Name: 1029 Grandview Rooming Unit
Conversion to Dwelling Unit

Date: November 7, 2013

USE REVIEW CRITERIA

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

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

The project site is zoned Residential Mixed-1 (RMX-1), which is defined in the land use code as:

"Mixed density residential areas with a variety of single-family, detached, duplexes, and multi-family units that will be maintained; and where existing structures may be renovated or rehabilitated" (section 9-5-2(c)(1)(D), B.R.C. 1981).

The RMX-1 zone district requires a minimum lot area per dwelling unit of 6,000 square feet, minimum open space per dwelling unit of 600 square feet and a minimum lot area of 6,000 square feet.

Today, the project site is nonconforming because it does not meet the density requirements and because the boarding house use is only permitted through Use Review in the RMX-1 zone district.

Pursuant to section 9-16, "Definitions," B.R.C. 1981:

"Nonconforming use means any use of a building or use of a lot that is not permitted by section 9-6-1, "Schedule Of Permitted Land Uses," B.R.C. 1981, but excludes a conforming use in a nonstandard building or on a nonstandard lot; a legal existing use that has not been approved as a conditional use or a use review use, or a use approved pursuant to a valid special review or use review approval. A nonconforming use also includes an otherwise conforming use, except a single dwelling unit on a lot, that does not meet the parking and residential density requirements, including, without limitation, the requirements for minimum lot area per dwelling unit; useable open space per dwelling unit, or required off-street parking requirements of section 9-7-1, "Schedule Of Form And Bulk Standards," B.R.C. 1981."

The development proposal includes the conversion of the four rooming units currently located in the north building to one dwelling unit with four bedrooms. A 349 square-foot addition is also proposed for the north building in order to provide kitchen, dining and living space in the dwelling unit on the ground floor.

Overall, the development proposal will result in the project site becoming more consistent with the underlying zone district's development standards especially with regard to use and site development standards. The proposal was found to be generally consistent with the general intent of the zone district because detached residential units are permitted by-right in the zone district.

Y _____ (2) Rationale: The use either:

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

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

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

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

In 1975, a Nonconforming Use Review approval, case no. NC-75-24, was granted to convert a single-family dwelling unit plus eight rooming units to a duplex and four rooming units. The duplex and rooming units exist on the project site today.

Also, as part of the 1975 approval, a parking reduction of two spaces was granted. A total of six parking spaces were approved where eight were required (two spaces for the rooming unit and three spaces for each four-bedroom dwelling).

Pursuant to section 9-10, "Nonconforming Use," B.R.C. 1981,

"The city manager will grant a request for a change of use, which is the replacement of one nonconforming use with another, if the modified or new use does not constitute an expansion of a nonconforming use. Any other change of use that constitutes expansion of a nonconforming use must be reviewed under procedures of section 9-2-15, "Use Review," B.R.C. 1981."

The development proposal to add additional floor area and dwelling units to the existing north structure is considered an expansion pursuant to section 9-16, "Definitions," B.R.C. 1981:

"Expansion of nonconforming use" means any change or modification to a nonconforming use that constitutes:

(1) An increase in the occupancy, floor area, required parking, traffic generation, outdoor storage, or visual, noise, or air pollution;

(2) Any change in the operational characteristics which may increase the impacts or create adverse impacts to the surrounding area including, without limitation, the hours of operation, noise, or the number of employees;

(3) The addition of bedrooms to a dwelling unit, except a single-family detached dwelling unit; or

(4) The addition of one or more dwelling units.”

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

Today, the project site is comprised to two buildings, a duplex located on the south side of the project site along Grandview Avenue and a north building located along the alley which is comprised of four rooming units.

The properties immediately adjacent to the project site include various multi-family residential uses, including apartments, duplexes and triplexes as well as single-family uses. The project site is within two blocks of Broadway and the University of Colorado campus as well as in proximity to downtown and the University Hill Business District.

The purpose of Nonconforming Use review is to permit nonconforming uses to continue, as well as to mitigate adverse impacts of nonconforming uses on adjacent properties by bringing them closer to conformity with the underlying zone district standards.

As part of the development proposal the applicant is proposing various site improvements, including:

- *Updating the landscape to be consistent with the current code requirements pursuant to section 9-9-12, “Landscaping and Screening Requirements,” and 9-9-13, “Streetscape Design Standards,” B.R.C. 1981;*
- *Eliminating the nonstandard curb cut and access point along Grandview Avenue and replacing a portion of the paved area with landscape and patio space;*
- *Relocating all of the parking to the alley and improving the parking area to meet the current code requirements pursuant to section 9-9-6, “Parking Standards,” B.R.C. 1981;*
- *Renovating and remodeling the dilapidated building exterior façade elements, including windows, doors and materials;*
- *Providing both short term, public bike parking spaces (nine spaces) and long term, secure spaces (10 spaces); and*

- *Providing a trash enclosure that is consistent with the current code requirements pursuant to section 9-9-18, "Trash Storage and Recycling Areas," B.R.C. 1981.*

All of which bring the project site closer to compliance with the underlying zone district and development standards.

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

The infrastructure required to serve the proposed development presently exist.

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

Given the project site's location in close proximity to the University of Colorado Campus, the character of the immediately surrounding area is that of student rental housing.

Overall, the development proposal will not change the predominant character of the area, which is adjacent to multi-family residential uses, including student rentals in the form of duplexes and triplexes as well as single family residences.

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

The development proposal involves a change of one residential use to another.

NONCONFORMING USE REVIEW CRITERIA

No application for a change to a nonconforming use shall be granted unless all of the following criteria are met in addition to the criteria set forth above:

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

The applicant will be implementing a number of reasonable measures to reduce or alleviate the effects of the nonconforming use upon the surrounding area, including:

- *Updating the landscape to be consistent with the current code requirements pursuant to section 9-9-12, "Landscaping and Screening Requirements," and 9-9-13, "Streetscape Design Standards," B.R.C. 1981;*
- *Eliminating the nonstandard curb cut and access point along Grandview Avenue and replacing a portion of the paved area with landscape and patio space;*
- *Relocating all of the parking to the alley and improving the parking area to meet the current code requirements pursuant to section 9-9-6, "Parking Standards," B.R.C. 1981;*
- *Renovating and remodeling the dilapidated building exterior façade elements, including windows, doors and materials;*
- *Providing both short term, public bike parking spaces (nine spaces) and long term, secure spaces (10 spaces); and*
- *Providing a trash enclosure that is consistent with the current code requirements pursuant to section 9-9-18, "Trash Storage and Recycling Areas," B.R.C. 1981.*

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

The project site is currently nonconforming as to density and use. The maximum number of dwelling units that would be permitted on the project site is one unit where two dwelling units and eight rooming units existing today.

The project site is also nonconforming as to use. The existing boarding house/rooming unit use is only permitted pursuant to Use Review approval in the RMX-1 zone district.

Although the applicant's proposal will eliminate a nonconforming use, it will also add a dwelling unit. That said single-family detached units are permitted by-right in the RMX-1 zone district. The overall level of nonconformity on the site will be decrease and the project site will no longer be nonconforming as to use.

In addition, the applicant is also proposing to improve the general appearance of the project site with regard to landscaping, site access as well as providing bike parking and a trash enclosure. All of which will bring the project site in to closer compliance with the development standards in Title 9.

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

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

The development proposal consists of replacing one nonconforming use with another.

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

Although no setback modifications are requested as part of the development proposal, the existing building is nonstandard as it does not meet the required front yard setback (25 feet is required where 21.4 exists).

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

While the proposal will not eliminate the nonstandard condition of the existing building as it relates to setbacks, it will eliminate the nonconforming status of the project site as it relates to use.

Y (5) No Increase in Floor Area Over Ten Percent: The change or expansion will not result in a cumulative increase in floor area of more than ten percent of the existing floor area.

The development proposal will result in an increase in floor area, approximately 350 square feet for an addition to the north building to create kitchen, living and dining space which will not in excess of the 10 percent permitted through Nonconforming Use review (391 square feet).