



**CITY OF BOULDER  
PLANNING BOARD MEETING AGENDA**

**DATE:** December 17, 2015

**TIME:** 6 p.m.

**PLACE:** 1777 Broadway, Council Chambers

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**1. CALL TO ORDER**

**2. APPROVAL OF MINUTES**

The [December 3, 2015](#) minutes are scheduled for review.

**3. PUBLIC PARTICIPATION**

**4. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS**

- A. CALL UP ITEM: [Minor Site Review Amendment \(LUR2015-00075\): Minor Amendment to an Approved Site Plan to allow for a 425 sq. ft. addition to Suite 1248 in the Twenty Ninth Street Mall \(Zoe's Restaurant\).](#)** The proposal also includes streetscape improvements and the addition of a new outdoor patio area. The project site is located within the BR-1 zone district.
- B. CALL UP ITEM: [Staff Level Site Review \(LUR2015-00088\): Request to construct a new 3-story, 42,250 sq. ft. office building at 3107 Iris Ave.](#)** within the existing Bank of Boulder office park. The proposal also includes a request for a 16% parking reduction to allow for the reconfiguration of the existing parking area to provide 219 parking spaces where 262 spaces are required for the office park following the addition of the new office building. The project site is located within the BT-1 zone district.
- C. CALL-UP ITEM: [NONCONFORMING USE REVIEW for the addition of bedrooms in the basement of an existing non-conforming duplex at 940 14<sup>th</sup> Street](#)** (case no. LUR2015-00073). The project site is zoned Residential – Low 1 (RL-1). The call-up period expires on December 17, 2015.
- D. CALL UP ITEM: [Minor Site Review Amendment \(LUR2015-00038\): Minor Site Review Amendment of an approved Planned Unit Development \(PUD\) to convert a two story office building to ground floor office with a residential unit above and addition of 194 square feet of floor area at 645 Walnut.](#)** Property is located in the Business-Transitional 2 (BT-2) zone district.

**5. CONTINUATIONS/ACTION ITEMS**

- A. CONTINUATION FROM THE DECEMBER 15, 2015 JOINT MEETING WITH CITY COUNCIL:**  
The Planning Board will deliberate and take action on screening public requests for Area I and Area II Enclaves Properties and policy and text changes to the Boulder Valley Comprehensive Plan (BVCP). Public Hearing was held on December 15, 2015 during the joint meeting with City Council.
- B. AGENDA TITLE: [Continuation of a Public Hearing to consider a motion to approve findings of fact and conclusions of law for the denial of the application for a Minor Amendment to an Approved Site Plan, application no. LUR2015-00092, to amend the approved Dakota Ridge North design standards to allow fences up to 60 inches \(5 feet\) in height that back onto an alley to be built to within 18 inches of the alley with a maximum of 42 inches of solid fence and a minimum of 18 inches of lattice above.](#)**  
Applicant: John McCarthy for the Dakota Ridge North HOA

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

- A. [Pilot Form-Based Code \(FBC\) for Boulder Junction; follow-up on issues raised at Oct. 29th public hearing](#)
- B. Letter to Council Discussion

**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 (10 minutes maximum\*)
- b. Applicant presentation (10 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**  
**December 3, 2015**  
**1777 Broadway, Council Chambers**

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

**PLANNING BOARD MEMBERS PRESENT:**

Bryan Bowen, Chair  
John Putnam  
John Gerstle  
Leonard May  
Liz Payton  
Crystal Gray

**PLANNING BOARD MEMBERS ABSENT:**

**STAFF PRESENT:**

Charles Ferro, Development Review Manager  
Hella Pannewig, Assistant City Attorney  
Cindy Spence, Administrative Specialist III  
Lauren Reader, Administrative Specialist II  
Sloane Walbert, Planner I  
Chandler Van Schaack, Planner I  
David Driskell, Executive Director of Planning, Housing & Sustainability

**1. CALL TO ORDER**

Chair, **B. Bowen**, declared a quorum at 6:05 p.m. and the following business was conducted.

**2. APPROVAL OF MINUTES**

On a motion by **J. Putnam** and seconded by **L. Payton** the Planning Board voted 6-0 to approve the October 29, 2015 and November 19, 2015 minutes as amended.

**3. PUBLIC PARTICIPATION**

No one spoke.

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

**A.** Informational Item: ORDINANCE amending subsection 9-12-2(b), "Prohibition of Sale Before Plan Approval," B.R.C. 1981 to allow the owner of the property at 2180 Violet Ave. to sell a portion of the unplatted parcel to Habitat for Humanity of Boulder Valley, Inc. for the purposes of developing affordable housing. The subject property is zoned

Residential - Medium 2 (RM-2) and Residential - Low 1 (RL-1). Case number LUR2015-00110.

None of the items were called up.

## 5. PUBLIC HEARING ITEMS

- A. AGENDA TITLE: Public hearing and consideration of a Minor Amendment to an Approved Site Plan (LUR2015-00092) to amend the approved Dakota Ridge North design standards to allow fences up to 60 inches (5 feet) in height that back onto an alley to be built within 18 inches of the alley with a maximum of 42 inches of solid fence and a minimum of 18 inches of lattice above. The Dakota Ridge North PUD lies within the RL-2 (Residential – Low 2) and RM-1 (Residential – Medium 1) zoning districts.

Applicant: John McCarthy for the Dakota Ridge North HOA

### 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.

### Applicant Presentation:

None

### Public Hearing:

1. Sharon Schilling, 4938 Dakota Blvd, spoke in opposition to the project specifically that the proposal would eliminate the setbacks and site triangles and the safety of residents would be compromised.

### Board Comments:

**Key Issue:** Is the proposed Site Review Amendment consistent with the criteria for Minor Site Review Amendments to Approved Site Plans as set forth in section 9-2-14(1), B.R.C. 1981?

- L. May agreed with S. Schilling's comments. In regards to the intent of the design of the development, he stated that the proposal would be an erosion of the intent for openness and transparency with the community. He stated that the proposal would be counter to the fence guideline. The proposed fence would create a visual barrier.
- C. Gray agreed with L. May and the original urban design intent. She stated that the proposal would not be warranted to fix the previous approval of the two fences.
- L. Payton agreed with the previous board members' comments regarding the placement of fences along allies. She stated that the alley in question is paved, and if a tunnel of fences were placed along the alley, vehicles could go faster through them.

- **J. Gerstle** agreed previous comments made by the board members. He added that the proposal for the revised fence locations and characteristics was not in keeping with the intent of the design to keep open and public space to the degree possible. He recommended denying the proposal. He stated that just because the city had made a previous mistake in allowing some fence construction that would not be a sufficient basis for changing the rules for the rest of the development.
- **J. Putnam** agreed with **J. Gerstle** that there would not be sufficient reason to make the change because of two previous non-conforming properties. He stated that the intent was to have a public face at the front of the house and to have privacy in the back.
- **B. Bowen** stated that the attempt to maintain the openness by having lattice at the top of the fence would be a well intentioned idea. The vehicular arguments were less serious to him. He stated that the sight lines of being able to view the alley were more important.

**Motion:**

On a motion by **C. Gray**, seconded by **L. May**, the Planning Board voted **6-0** to find that the application for a Minor Amendment does not meet the criteria of section 9-2-14(l), B.R.C. 1981, and therefore denies Land Use Review # LUR2015-00092.

On a motion by **C. Gray**, seconded by **L. May**, the Planning Board voted 6-0 to continue this hearing for the adoption of written findings of fact.

- B. AGENDA TITLE:** Public hearing and consideration of an Amendment to Approved Site Plans to amend the approved fencing standards for the TrailCrossing at Lee Hill residential development located at 820 Lee Hill Drive to allow privacy fences in specific areas. The project site is zoned Residential - Low 2 (RL-2). Case No. LUR2015-00094.

Applicant: Scott Chomiak on Behalf of Trail Crossing at Lee Hill Homeowner Association

Owner: KUH-Lee Hill, LLC (Lots 17, 18, 24, 25 and 31 and Outlot A), Jeremy Epstein and Susan Strife (Lot 1)

**Staff Presentation:**

**S. Walbert** presented the item to the Board.

**Board Questions:**

**S. Walbert** answered questions from the Board.

**Applicant Presentation:**

**Scott Chomiak, Koelbel Urban Homes, 5291 E. Yale Ave., Denver**, the applicant, presented the item to the Board and supports the homeowners' request for the privacy fence.

**Board Questions:**

**S. Chomiak**, the applicant, answered questions from the Board.

### **Public Hearing:**

1. **Susie Strife, 4790 8<sup>th</sup> Street**, the owner of Lot 1, spoke in support to the project and the request for a solid, six-foot privacy fence along Lee Hill Drive. She stated that that it would not ruin the intent of the neighborhood.

### **Board Comments:**

#### **Key Issue: Is the proposed Site Review Amendment consistent with the criteria for Minor Site Review Amendments to Approved Site Plans as set forth in section 9-2-14(m), B.R.C. 1981?**

- **J. Putnam** stated that he would be supportive of the staff proposal. He agreed with an amendment to make the top foot opaque. He stated that generally, less of that type of fencing would be good, but given the history on this particular site, an exception could be made. He stated that development would remain transparent on the rest of the site. He stated that the fencing would not significantly affect the pedestrian experience on Lee Hill Drive. He expressed concern regarding the Outlot A property. He suggested a condition that if the property to the north of the fence were to revert to residential, then the fencing would not be appropriate due to the height and lack of transparency.
- **C. Gray** agreed. She stated that a six-foot fence on Lee Hill Drive would be appropriate; however she stated that the pattern of one-foot solid fencing on top and five-foot fencing below be maintained throughout. She agreed with **J. Putnam's** suggestion regarding a condition for Outlot A.
- **L. May** agreed regarding the Lee Hill Drive part. He stated that he did not see the fence as offering security. He stated the argument for a six-foot fence would be noise buffering since Lee Hill Drive is a significant road way and it would not affect the permeability of the neighborhood. He also agreed with **J. Putnam's** comments regarding a condition for Outlot A.
- **L. Payton** stated that she supports staff's proposal. In her opinion, she stated that an extra foot would not make a difference for safety or security. She stated that it would not be a very attractive entrance into the neighborhood.
- **J. Gerstle** agreed with **L. Payton's** comment that the privacy fence would not add security or beauty to the neighborhood. He stated that he would oppose the change and that the existing split-rail fence was appropriate. He stated that he would not be supporting staff's recommendation as the proposed revised fence characteristics would not allow for integration of the neighborhoods and would be unattractive along a major road.
- **L. May** amended his earlier comment by stating that he supports staff recommendation of a five-foot fence, but with one-foot of lattice on top. He stated he agrees with **J. Gerstle's** argument that the proposed fencing could perpetuate tunneling of major corridors.

- **L. Payton** stated that currently, not many of the homes are occupied; therefore a sense of security may not currently exist. She suggested that this may change in the future when the neighborhood is built out.
- **B. Bowen** stated that the original split-rail fence was an odd choice for Lee Hill Drive. He stated that he agrees with the idea of the neighborhood being open and permeable to the streets. He stated that the neighborhood was designed with the intent to avoid tall fences. He stated that he is compassionate regarding the sense of safety desired. He stated that he likes idea of keeping things open. He agreed that when there are more eyes in the neighborhood (residents), it will become safer.
- **L. May** stated there would be visual privacy, but not so much a security consideration. He suggested that the privacy and noise reduction along a major corridor could be dealt with by landscaping and it would have a different impact than a fence.
- **C. Gray** stated that on Lee Hill Drive, there are construction trucks and lumber trucks and that it is not a very friendly street. She stated that the proposal would be for a small segment to be fenced, not for solid fencing along the entire area. There will still be three other openings (i.e. 10<sup>th</sup> St, the front yard of Lot 17, and Park Lane, and the yard of Lot 1) which would hardly make the neighborhood impermeable. She encouraged the Board to approve a fence that is five-feet with an additional one-foot of lattice on the top. She stated that it would fit in with the neighborhood and create an enhanced living situation.
- **J. Putnam** agreed with **C. Gray**. He stated that a fence may not be a security system, however, in this specific situation, it would give peace of mind and livability in the community. He stated that Lee Hill Drive would not be a great pedestrian experience either way and eyes on the property would come from neighbors which would still remain as transparent as it ever was. He stated that he would support the proposal as an imperfect solution to an imperfect problem. He stated that the decision would not affect any general principles or the pedestrian experience in this particular area.
- **J. Gerstle** stated that unless we start to make Lee Hill Drive a more desirable pedestrian experience, it will not become one. The Board should consider long term consequences of its decisions.
- **L. Payton** stated that she can sympathize with the public. She stated that a six-foot fence is not a solution. She suggested a picket fence would be more appropriate. She stated that she would support the staff recommendation, a five-foot fence with one-foot of lattice on top.
- **B. Bowen** agreed with **J. Putnam's** proposed condition.

**Motion:**

On a motion by **L. Payton**, seconded by **C. Gray**, the Planning Board approved Land Use Review #LUR2015-00094, incorporating the staff memorandum and associated review criteria

as findings of fact and subject to the recommended conditions of approval. Passed 4-2 (J. Gerstle and L. May opposed)

C. Gray moved, seconded by J. Putnam, to amend the main motion to allow the 6 foot fence along Lee Hill on Lot 1 and Lot 17 have the top panel be a solid panel. Failed 2-4 (L. Payton, J. Gerstle, J. B. Bowen, and L. May opposed)

J. Putnam moved, seconded by C. Gray, to amend the main motion to require that the approval of the 6 foot fence on Outlot A be conditioned on the existence of a nonconforming use on the adjacent property. Passed 4-2 (J. Gerstle and L. May opposed).

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

### **A. Letter to Council Discussion**

#### **Staff Presentation:**

**D. Driskell** presented the item to the Board.

#### **Board Comments:**

- **D. Driskell** gave an update regarding the motion that Cowles/Plass developed as a replacement for the Weaver motion from September 14, 2015 which **C. Gray** questioned in an earlier email to the Board. Her questions were the following:
  - i. Can we please get an update on the motion that Cowles/Plass developed as a replacement for the Weaver motion? (Specifically on item “d” and “e” referenced below)
  - ii. Can we also get an update on the height moratorium and what was to be accomplished in the two year moratorium?

He stated that there have been a series of questions regarding Items “d” and “e” which were the following:

- d. Are there changes to Site Review Criteria that would make discretionary review more effective and lead to better buildings, taking into account the roles of both BDAB and Planning Board?
  - e. What has been the role of “community benefit” in obtaining entitlements and does the term need to be defined in the Code?
- **D. Driskell** explained that subsequent to the motion, consultants were engaged, specifically Victor Cole, who distributed a memo to City Council in January 2015 prior to the Council’s retreat. The memo set in motion several different work plan items. One work plan item was the development and approval of a “height ordinance” that identified areas in the city where site modifications could be considered. In addition, the Form Base Code (FBC) pilot was set in motion as well. He stated that in relation to the “height ordinance” there was the update to the Downtown Urban Design Guidelines (DUDG). Downtown was not excluded

in the area of the “height ordinance”. He stated that three major work efforts began earlier in 2015 and are nearing completion. After the completion of the DUDG and the FBC, the definition of community benefit and changes to the site criteria city wide will move forward. In addition, regarding an update on the height moratorium, **D. Driskell** stated that the items just mentioned were a part of that and to be clearer if more intensity of development would be expected. Regarding an update on the BVCP, he stated that areas are being identified for area planning. He stated that the “height ordinance” would be returning to City Council in late 2016.

- **C. Gray** questioned where updating site criteria and defining community benefit are located on the work program.
  - D. Driskell explained those items are scheduled to move forward subsequent to the adoption of the FBC pilot.
- **C. Gray** suggested putting site review and community benefit in the Letter to Council with a different preamble than the 2015 Letter and to reconfirm the items **D. Driskell** mentioned. She suggested that the Planning Board encourage City Council to continue with the work plan and take action.
- **J. Putnam** agreed with **C. Gray** that updating the site criteria and community benefit are priorities.
- **B. Bowen** suggested the Board work through the document “*Draft Topics for Council Letter Identified by Planning Board*”, prepared by **J. Putnam**, to discuss items to be included in the Letter to Council.

The following Items discussed below are topics that appear on the “***DRAFT TOPICS FOR COUNCIL LETTER IDENTIFIED BY PLANNING BOARD***” dated December 2, 2015 included in the December 3, 2015 packet.

**Item 1(a): BVCP Objectives and Strategies**

- **B. Bowen** suggested removing this item since it is currently in progress.
- **C. Gray** added that including the signing of the joint IGA in 2016 would be needed so that it would not expire.
- **L. May** stated that it would be worth including.
- **J. Gerstle** mentioned that the City Council should be aware of the need for the IGA extension.
- **B. Bowen** expressed concern with including items that are already scheduled to occur.

- **D. Driskell** stated that the BVCP is a significant work effort and affects other tasks that can be done and uses significant amount of resources.
- The Board agreed to strike “jointly identify objective and strategies”

**Item 1(b): Housing Boulder**

- **B. Bowen**, in regards to 1(b)(i), questioned if there would be some way to have affordable housing required on site.
- The Board agreed to reword 1(b)(i) to include affordable housing.
  - **D. Driskell** informed the Board that the developers have flexibility regarding affordable housing; however under state law the city cannot require them to do it on developing sites for rentals.
- **L. Payton** suggested for 1(b)(i) that the text be added explaining, from the Planning Board perspective, what the implications would be of the cash in lieu program. More affordable housing developments are being proposed on the fringe of the city and subsequently having to be annexed. She stated it would be beneficial to offer some context from the Planning Board.
- **J. Putnam** stated that there would be value to include this item. If it would be included it could be a mechanism and intensive to get it resolved.
- **C. Gray**, in regards to annexations, suggested having a target “50/30/20” annexation formula (20% (market rate) /30% (middle income) / 50% (affordable housing)) found under 1(b)(vi) .
- **J. Putnam** suggested for the Letter to Council to not offer specific formulas (i.e. the 50/30/20 formula). He added that the general notion of getting significant affordable housing from annexations is a good idea. He suggested the Board should seek solutions to affordable housing; however the Letter should be less concerned with percentage amounts.
- **C. Gray** suggested making 1(b)(xi) a general goal.
- **B. Bowen** suggested structuring the Inclusionary Zoning to expand the top of the affordable housing program, shifting 10% of the homes to a 20% target, and finally adequately funding it.
- **J. Putnam** stated that 1(b)(ix), regarding the buying of mobile home parks and apartment complexes would be a tool, but not certain the city has the money to accomplish this.
- **B. Bowen** stated that item is already occurring and housing partners are currently buying apartment complexes, therefore 1(b)(ix) may not needed.

- **L. May** clarified 1(b)(ix) by explaining that it could be done on a more significant scale and could put a dent in the affordability issue. He explained that it would entail the city issuing bonds through beneficiaries. He stated that the Board would not offer a policy solution, but simply offer it as something for City Council to consider.
- **L. Payton** agreed with the importance of this issue; however it may not be a Letter to Council item because the Planning Board would not be reviewing the purchases or the funding of those mobile home parks or apartment complexes.
- **L. May** stated that they would be land use and housing issues.
  - **D. Driskell** stated that the action plan for Housing Boulder in 2016 does involve middle income housing and a preservation strategy. He explained that it includes how to potentially broaden the pool of dollars to support preservation.
- **L. May** agreed.
- **C. Gray** suggested keeping the wording “mobile home parks”. She stated that this topic is something that City Council should know and that there would be support from Planning Board to keep this type of land use.
- **B. Bowen** clarified that the point would be that the city needs more affordable housing, with an emphasis on preservation, and it should be funded better.
- **C. Gray** stated to include a statement that the city needs more affordable housing which should be funded better, with an emphasis on preserving existing locations and then add bullet points.
- The Board was in agreement.
- In regards to 1(b)(ii), **L. May** suggested to use the language from the 2015 Letter to Council.
- **B. Bowen**, in regards to 1(b)(iii) and 1(b)(iv), stated that those two items should be included to emphasize the problems in housing.
- **C. Gray** questioned where co-ops would fall within their work program.
  - **D. Driskell** stated there would be a study session at the end of January 2016 regarding the existing co-op ordinance and any near-term, easy fixes that may respond to any concerns raised. In addition, in the 2016 Housing Boulder work plan, there is the idea of a neighborhood pilot. Co-op would come forward with an approach to working with the neighborhood they are located in.
- **B. Bowen** stated that they would support the issue of co-ops, ADU and OAU in the Letter.

- **C. Gray** stated that ADU and OAU are two different items. ADU would be located in nearly every residential zone in the city and she suggested that would need to be fixed. OAU are only allowed in very low density locations. She suggested that these two items be separated.
- **B. Bowen** agreed targeting the issues would be fine and listing them separately. He suggested a statement at the beginning and bullets below with brief definitions.
- **C. Gray** explained the description under item 1(b)(x) as a rebalancing of commercial zoning to residential. She stated that if this would be done, then the city should ensure that the new housing area becomes a “15 minute neighborhood”. Currently those neighborhoods are exempt from the growth management system if the zoning is mixed-use.
- **B. Bowen** stated that what **C. Gray** proposed might include changes to the use table which the Board may want to include in the Letter, but he suggested that use table changes may not belong under the Housing Boulder section of the Letter. He stated that the comments regarding “15 minute neighborhood” might fit under Housing Boulder.
- **L. May** stated that **C. Gray’s** proposal may not fit comfortably under Housing Boulder, but is related because the major point would be to look at the rebalancing of overall commercial build outs to residential build outs.
- **B. Bowen** disagreed. He stated that **C. Gray** is referring to a residential project in a commercial area retain some commercial uses to ensure a walkable neighborhood.
- **L. Payton** questioned if rebalancing would be part of the BVCP.
- **J. Putnam** agreed that this topic could fit under Housing Boulder as well as in other sections; however the details could be done at a later time.
  - **D. Driskell** explained that within the Comp Plan process, the balancing of jobs and housing will be reviewed. He stated that there may be other areas of consideration such as the drifting from commercial land use to a residential or mixed-use land use. The details on how the zoning would be written would not happen within the Comp Plan process but with the implementation of policies within the Comp Plan.
- **L. May** suggested that item 1(b)(x) should be a standalone item and mention that it relates to both housing and the Comp Plan.
- **J. Putnam** questioned what would the Planning Board be asking City Council to do with this item from a work plan perspective.

- **C. Gray** stated that the commercial/residential balancing issue is present. She suggested to move forward with the Letter to Council discussion and to revisit this topic at another time.
- The Board agreed.
- **B. Bowen** stated that item 1(c), 1(d) and 1(e) regarding the Design Excellence program, FBC and TDM should be struck since they are work plans that are near completion. He stated that the focus should be on what should be placed on the staff work plan.
- The Board agreed.

### **Item 2: Fixing the Site Review Criteria and Process**

- **B. Bowen** stated that this is a major issue for Planning Board and suggested that all points under Item 2 remain in the Letter.
- **J. Putnam** stated that the only change he would suggest to Item 2 would be making it clear that Site Review Criteria is on the schedule after FBC is completed but express that it needs to stay on track.
- **B. Bowen** stated that the title should remain “Site Review Criteria and Process”.
- **C. Gray** requested that the language state that it is currently in the work program.
- The Board agreed.
- **B. Bowen**, regarding 2(e), explained concept reviews are often are more complex than needed. He suggested having staff let the architects and applicants know that it would not be necessary, in addition to writing that into the submittal applications or concept review packets. For example, he stated that the Board does not require rendered buildings.
- **J. Gerstle** agreed with **B. Bowen’s** comments however, he stated that he did not think it was needed in the Letter to Council.
- The Board agreed to remove Item 2(e).

### **Item 3: More Neighborhood Plans**

- **C. Gray** suggested Item 3 should read as “area plans” rather than “neighborhood plans”. She stated it would be more all-encompassing.
- **L. May** agreed. He stated that the introductory sentence for Item 3 encompasses all of the bullet points. Perhaps some of the bullets could be removed as they are projects that

are already being done and near completion. He suggested keeping the bullets 3(c) and 3(d).

- The Board agreed to keep bullets 3(a)(i), 3(c), and 3(d) in Letter.
- **C. Gray** suggested redefining 3(d) to read as “urban design plan to address the public realm”.
- **L. May** suggested rewording 3(d) as “Downtown urban design plan to inform design and create a vision”.
- The Board agreed to place references to “uses” under Item 4 as it relates to zoning.

#### **Item 4: Zoning Code**

- **L. May** stated that this item includes too much detail. He stated that the 2015 Letter to Council addressed this topic and use tables were defined.
- **B. Bowen** disagreed with **L. May**. He stated that it should outline details. He stated it would be appropriate to include the details as there is a desire to fix the zoning code in relation to urban design.
- **J. Putnam** stated that the introduction could include a general reference similar to the 2015 Letter to Council. He stated that a level of detail is useful, but it is not necessary to hit every point.
- **B. Bowen** stated that examples should be provided in the Letter.
- **J. Putnam** stated that with generalized language, what the Planning Board would like to see could be conveyed.
- **L. May** agreed that general statements should be made. He disagreed with including specifics. He stated that the Letter should address the issue but should not offer solutions.
- **B. Bowen** stated that the Letter should address themes that continue to come up from projects and perhaps they should be written down and requested to be fixed.
- **L. Payton** suggested that if staff has a list of ongoing issues within projects, perhaps it could be attached as an appendix.
- **L. May** stated that the Letter to Council should be about severe issues that should be addressed. He stated the zoning code has a number of issues that should be addressed. The Board should be calling out the most critical to Council. He proposed a limited list of zoning issues.

- A number of Board members disagreed.
- **C. Gray** suggested to the Board that 4(b) be reworded specifically to improve street scape, 4(c) is fine, to remove 4(d) and finally to keep 4(e).
- **L. Payton** stated that within five years, only two modifications to the zoning code have occurred. She stated that City Council should be made aware of that.
- **B. Bowen** stated that including examples would be a benefit and would allow City Council to reflect.
- **L. May** stated that he still does not agree with offering the solution without vetting it.
- **L. Payton** asked that staff provide the list of ongoing issues to the Board.
- **B. Bowen** stated that 4(d) can be struck from the Letter. He stated that 4(h) is fine.
- **J. Putnam**, in regards to 4(e) and 4(f), stated they could be refocused on issues the Board agrees on but not offering a solution.
- The Board agreed.
- The Board agreed on 4(g) to add “electric vehicles”

#### **Item 5: Resilience**

- **B. Bowen** stated that he had no changes or issues with this item.
- **L. Payton**, regarding 5(b), stated the FEMA maps that have been submitted are based on design storms that don’t consider climate change. She stated that this issue should be considered since it encompasses life safety.
- **J. Putnam** suggested as a part of 5(a), adding explicit language to address that climate change is part of the flooding and other events.
- **B. Bowen** stated that there could be number of items that could be added. Food security could be a large part of resilience; however that may be out of Planning Board’s realm.

#### **Item 6: Climate Change**

- **J. Putnam** stated that City Council is committed to municipalization. He stated that the city needs to plan for the contingency that the city cannot municipalize due to barriers. He suggested looking at municipalization with a different approach.
- **L. Payton** suggested placing **J. Putnam’s** comments in a future Letter to Council.

- **C. Gray** agreed.
- **L. May** suggested making a specific statement regarding municipalization, similar to the 2015 Letter to Council, since there are a number of new City Council members.
- **J. Gerstle** agreed with the comments regarding municipalization; however he stated that it is not obvious that municipalization is within the purview of the Planning Board. He stated that he does not see the benefit of including it in the Letter. He stated that the focus should remain on items that are within the Planning Board’s purview.
- The Board agreed.
- **C. Gray** stated that if the Letter includes 6(a), the phrase “climate commitment” and “all planning policies” should be included.
- **B. Bowen** suggested that 6(c) and 6(d) could be combined.
- **L. May** agreed.
- The Board agreed to combine the two and then eliminate 6(c).
- **L. May**, regarding 6(e), stated it offers specific solutions which are currently constrained by Xcel. He suggested that the wording should be more general such as “pursuing all options for green house gas reduction”.
- **J. Putnam** agreed that more things could be accomplished if the city were municipalized.
- **C. Gray** stated that she approves of 6(e).
- **L. May** stated that 6(e) the city needs to be pursuing more effort towards municipalization. He suggested another item to add under the “Climate Commitment” would be the development of a commercial energy conservation ordinance for existing buildings. He stated that the Board has not addressed “owned homes” which needs to be brought up to a new standard. He suggested adding it to Item 6.
- **J. Putnam** suggested adding it to 6(a). He suggested not isolating that issue at this time.

**Item 7: Community engagement**

- **B. Bowen** suggested striking 7(a). He approved of 7(b).
- **J. Putnam** suggested strongly referring back to the 2015 Letter to Council.
- The Board agreed.

### **Item 8: Implement impact fees**

- **J. Putnam** stated that he disagreed with this item. He stated that as currently written, it is placing the policy prescription within it.
- **B. Bowen** suggested that it be reworded.
- **L. May** and **C. Gray** stated that currently there are ongoing efforts to reconsider this item and that a consultant is on board and it will be going to City Council. However, **C. Gray** questioned if Planning Board has every reviewed this type of item.
- **B. Bowen** suggested it be removed.
- The Board agreed.

### **Additional Letter Suggestions:**

- **L. Payton** suggested that a brief discussion or acknowledgment of the responsiveness to items from the 2015 Letter to Council be included in the introduction. She stated that this would display continuity of the annual Letter.
- The Board agreed.
- **L. May** suggested a matrix for possible community benefit and integration with site review criteria from last year's Letter and to include it as an appendix to this year's Letter.
- **J. Putnam** stated that would be getting too far into the detail and not sure if he would be in agreement. He stated that it is important, however if too much specificity were included, then the overall point would be lost and could be denied due to the formula outlined.
- **B. Bowen** stated that he feels as though the conversation has broadened. He stated that it would be a much larger community engagement rather than putting forward a formula or charter.

### **Assignments:**

- **J. Putnam** stated he would put the items together and have the Board perform edits.
- **B. Bowen** stated that the Board should receive a draft a few days before the December 17, 2015 Planning Board meeting from **J. Putnam** and discuss the edits. He instructed the Board to submit additional ideas to **J. Putnam**. Prior to the December 17, 2015 meeting, **J. Putnam** will send the draft and the Board should bring their comments to that meeting for discussion.

### **Pollard Site Discussion:**

- **L. Payton** clarified with the Board that they were unanimous regarding the sale of the Pollard site. She suggested stating that in the Letter.
- **J. Putnam** suggested the Board recommend that the sale of the Pollard site should be reviewed very closely since more information needs to be obtained.
- **J. Gerstle** agreed.
- **L. May** suggested broadening it to not just state the Pollard site, but sites that the city owns.
- **L. Payton** stated that the Pollard site is unique in that if affordable housing were to be built, it would be located next to transit.
- **L. May** argued that the Boulder hospital site would be similar and should be included.
- **B. Bowen** mentioned that what is unique regarding the Pollard site is that the city is currently discussing the sale of it. He stated it would be an opportunity to tell City Council that this would be a great opportunity to hold on to this property and the benefits of doing that.
- **L. Payton** strongly stated that low income housing should not be placed on the fringes of the city where transit may not be available, but Pollard would be a great site for affordable housing and transit is provided. The Pollard site is a potential sale on the horizon unlike the Boulder hospital site.
- **L. May** stated that it would be valuable for the Planning Board to weigh in, that like the Pollard site, opportunities exist if the city maintains control of the site, and then the city can fully capitalize on it.
- **J. Gerstle** stated that the issues are obvious on both sites and nothing needs to be said to City Council. In addition, he added that the Planning Board does not know enough regarding the alternatives available to the city to support such comments.
- **L. May** argued that it would not be obvious to everyone.
- **C. Gray** agreed with **B. Bowen's** comments and would like to see the city do more.
- **J. Putnam** agreed with **J. Gerstle**, that the Planning Board may not have the information to dive into the details of this matter. He stated that focus should be on Pollard to get the point across.
- The Board agreed.

**7. DEBRIEF MEETING/CALENDAR CHECK**

**8. ADJOURNMENT**

The Planning Board adjourned the meeting at 9:27 p.m.

APPROVED BY

\_\_\_\_\_  
Board Chair

\_\_\_\_\_  
DATE

# MEMORANDUM

**TO:** Planning Board  
**FROM:** Chandler Van Schaack, Case Manager  
**DATE:** December 17, 2015  
**SUBJECT:** **Call Up Item:** Minor Site Review Amendment (LUR2015-00075): Minor Amendment to an Approved Site Plan to allow for a 425 sq. ft. addition to Suite 1248 in the Twenty Ninth Street Mall (Zoe's Restaurant). The proposal also includes streetscape improvements and the addition of a new outdoor patio area. The project site is located within the BR-1 zone district.

**Background.** The project site is located within the Twenty Ninth Street PUD within the Business – Regional 1 (BR-1) zone district, defined in the land use code as:

*“Business centers of the Boulder Valley, containing a wide range of retail and commercial operations, including the largest regional-scale businesses, which serve outlying residential development; and where the goals of the Boulder Urban Renewal Plan are implemented.” (section 9-5-2(c)(2)(I), B.R.C. 1981).*



As shown in **Figure 1**, the project site is located just east of the intersection of Canyon Boulevard and 28<sup>th</sup> Street within the Twenty Ninth Street shopping center. Suite 1248 is the westernmost tenant space within the subject building, and is the former location of “Daphne’s” Greek restaurant. The subject suite is located adjacent to a number of other restaurants and numerous retail businesses.

**Proposed Project.** The current proposal is for a 425 sq. ft. addition to the north and west sides of Suite 1248 in association with a new restaurant, “Zoe’s Kitchen.” The proposed addition would entail expanding the existing tenant space by roughly 4 feet to the east, which narrows the existing sidewalk while still maintaining the minimum required widths of five feet for the sidewalk and six feet for the landscape buffer. The proposal also includes a new

outdoor patio area located on the north side of the building as well as improvements to the existing landscaping. The proposed addition is consistent with the Twenty Ninth Street Design Guidelines, and does not affect the existing parking requirements for the shopping center. Refer to **Attachment C** for Applicant's Proposed Plans.

**Project Analysis.** Overall, the proposal was found to be consistent with the criteria for Minor Amendments to Approved Site Plans found in section 9-2-14(l), B.R.C. 1981. Please refer to **Attachment B** for staff's complete analysis of the review criteria.

**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. Staff has not received any comments regarding the proposed project.

**Conclusion.** Staff finds that the proposed project meets the relevant criteria pursuant to section 9-2-14(l), Minor Amendments to Approved Site Plans," B.R.C. 1981 (please refer to **Attachment B**). This proposal was approved by Planning and Development Services staff on December 9, 2015 and the decision may be called up before Planning Board on or before **December 22, 2015**. There is one Planning Board meeting within the 14-day call up period, on **December 17, 2015**. Questions about the project or decision should be directed to Chandler Van Schaack at (303) 441-3137 or [vanschaackc@bouldercolorado.gov](mailto:vanschaackc@bouldercolorado.gov).

#### **Attachments**

- A. Signed Disposition
- B. Analysis of Review Criteria
- C. Applicant's Proposed Plan
- D. Staff Review Comments



**CITY OF BOULDER**  
**Community Planning and Sustainability**

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

**CITY OF BOULDER PLANNING DEPARTMENT**  
**NOTICE OF DISPOSITION**

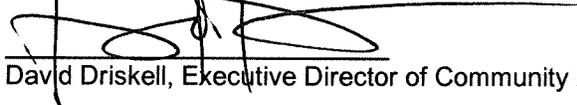
You are hereby advised that the following action was taken by the Planning Department based on the standards and criteria of the Land Use Regulations as set forth in Chapter 9-2, B.R.C. 1981, as applied to the proposed development.

**DECISION:** APPROVED WITH CONDITIONS  
**PROJECT NAME:** Zoe's Kitchen  
**DESCRIPTION:** SITE REVIEW for 425 sq. ft. addition to Suite 1248 for new restaurant.  
**LOCATION:** 1695 29<sup>th</sup> St., Suite 1248  
**COOR:** N03W04  
**LEGAL DESCRIPTION:** Lot 11 Twenty Ninth Street Subdivision,  
County of Boulder, State of Colorado  
**APPLICANT:** Kate Honea  
**OWNER:** U.S. Bank National Association as Trustee of the Charlotte Ball Seymour Trust, f/b/o Charlotte Seymour Lovejoy; Roberta Williamson Seymour, as Co-Trustee of the Seymour-Ball Trust for Lee Seymour and The Seymour-Ball Trust for Alexander Williamson Seymour; and Martin Hall, as Co-Trustee of The Seymour-Ball Trust for Lee Seymour and The Seymour-Ball Trust for Alexander Williamson Seymour  
**APPLICATION:** Site Review, LUR2015-00075  
**ZONING:** BR-1  
**CASE MANAGER:** Chandler Van Schaack  
**VESTED PROPERTY RIGHT:** NO; the owner has waived the opportunity to create such right under Section 9-2-19, B.R.C. 1981.

**APPROVED MODIFICATIONS FROM THE LAND USE REGULATIONS:** None

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

**Approved On:** 12/9/15  
Date

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

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

**Appeal to Planning Board expires:** 12.22.15

**Final Approval Date:** 12.23.15

**Address: 1695 28<sup>th</sup> St. 1248**

IN ORDER FOR A BUILDING PERMIT APPLICATION TO BE PROCESSED FOR THIS PROJECT, A SIGNED DEVELOPMENT AGREEMENT AND THE FINAL PLANS FOR CITY SIGNATURE MUST BE SUBMITTED TO THE PLANNING DEPARTMENT WITH DISPOSITION CONDITIONS AS APPROVED SHOWN ON THE FINAL PLANS. IF THE DEVELOPMENT AGREEMENT IS NOT SIGNED WITHIN NINETY (90) DAYS OF THE FINAL DECISION DATE, THE PLANNING DEPARTMENT APPROVAL AUTOMATICALLY EXPIRES.

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

### CONDITIONS OF APPROVAL

1. The Applicant shall ensure that the **development shall be in compliance with all plans prepared by the Applicant** on November 20, 2015 on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval.
2. 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. Development Agreement recorded at Reception No. 2660078 on January 24, 2005; and
  - b. Subdivision Agreement recorded at Reception No. 2673340 on March 21, 2005.

**Minor Amendments to Approved Site Plans  
Section 9-2-14 (I), B.R.C. 1981**

**(1) Standards:** Changes to approved building location, or additions to existing buildings which exceed the limits of a minor modification, may be considered through the minor amendment process, if the following standards are met:

N/A (A) In a residential zone as set forth in [section 9-5-2](#), "Zoning Districts," B.R.C. 1981, all approved dwelling units within the development phase have been completed;

N/A (B) In residential zones, dwelling unit type is not changed;

N/A (C) The required open space per dwelling unit requirement of the zone is met on the lot of the detached dwelling unit to be expanded, and

N/A (D) The total open space per dwelling unit in the development is not reduced by more than ten percent of that required for the zone; or

N/A (E) If the residential open space provided within the development or an approved phase of a development cannot be determined, the detached dwelling unit is not expanded by more than ten percent and there is no variation to the required setbacks for that lot;

✓ (F) For a building in a nonresidential use module, the building coverage is not increased by more than twenty percent, the addition does not cause a reduction in required open space, and any additional required parking that is provided, is substantially accommodated within the existing parking arrangement;

*The proposed project does not increase the overall building coverage by more than 20 percent, does not cause a reduction in required open space, and does not affect the required parking for the shopping center.*

✓ (G) The portion of any building over the permitted height under [section 9-7-1](#), "Schedule of Form and Bulk Standards," B.R.C. 1981, is not increased;

*The existing building is one-story and does not exceed the 35 foot height limit for the BR-1 zone. No changes to the building height are proposed.*

✓ (H) The proposed minor amendment does not require public infrastructure improvements or other off-site improvements.

*As the project site is located within the completed Twenty Ninth Street PUD, all of the required public infrastructure improvements have already been completed and no further improvements are required.*

**(2) Amendments to the Site Review Approval Process:** Applications for minor amendment shall be approved according to the procedures prescribed by this section for site review approval, except:

✓ (A) If an applicant requests approval of a minor amendment to an approved site review, the city manager will determine which properties within the development would be affected by the proposed change. The manager will provide notice pursuant to subsection [9-4-3\(b\)](#), B.R.C. 1981, of the proposed change to all property owners so determined to be affected, and to all property owners within a radius of six hundred feet of the subject property.

✓ (B) Only the owners of the subject property shall be required to sign the application.

*The owners of the property have signed the application.*

✓ (C) The minor amendment shall be found to comply with the review criteria of subparagraphs (h)(2)(A), (h)(2)(C), and (h)(2)(F) of this section, and

*Standard met. Please see below.*

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

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

*Not applicable, as there is no new open space proposed as part of this project. The project site is located within the Twenty Ninth Street PUD, which is already fully developed and includes several public open spaces approved as part of the original PUD approval.*

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

*Not applicable, as the proposal is for an expansion to an existing restaurant space and does not include a residential component.*

**N/A (iii)** The project provides for the preservation of or mitigation of adverse impacts to natural features, including, without limitation, healthy long-lived trees, significant plant communities, ground and surface water, wetlands, riparian areas, drainage areas and species on the federal Endangered Species List, "Species of Special Concern in Boulder County" designated by Boulder County, or prairie dogs (*Cynomys ludovicianus*), which is a species of local concern, and their habitat;

*Not applicable, as the proposed project is for an addition to an existing building that lies within the already fully-developed Twenty Ninth Street PUD.*

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

*Not applicable, as the proposed project is for an addition to an existing building that lies within the already fully-developed Twenty Ninth Street PUD.*

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

*Not applicable, as the proposed project is for an addition to an existing building that lies within the already fully-developed Twenty Ninth Street PUD.*

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

*Not applicable, as the proposed project is for an addition to an existing building that lies within the already fully-developed Twenty Ninth Street PUD.*

**N/A (vii)** If possible, open space is linked to an area- or city-wide system.

*Not applicable, as the proposed project is for an addition to an existing building that lies within the already fully-developed Twenty Ninth Street PUD.*

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

*Not applicable, as the proposed project is for an addition to an existing building that lies within the already fully-developed Twenty Ninth Street PUD and there is no mixed-use component.*

**N/A (i)** The open space provides for a balance of private and shared areas for the residential uses and common open space that is available for use by both the residential and non-residential uses that will meet the needs of the anticipated residents, occupants, tenants, and visitors of the property; and

**N/A (ii)** The open space provides active areas and passive areas that will meet the needs of the anticipated residents, occupants, tenants, and visitors of the property and are compatible with the surrounding area or an adopted plan for the area.

**(C) Landscaping**

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

*The landscape plans include improvements to the existing landscape strip to the west of the subject building. The existing landscape strip is currently gravel and small shrubs. The current proposal includes the addition of 3 street trees and additional planting, which will provide a much greater variety of plant materials than currently exists and will significantly enhance the aesthetics of the streetscape.*

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

*As the site is fully developed, there are no identified important native species, plant communities of special concern, threatened or endangered species or habitat. Not applicable.*

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

*The landscape plans include improvements to the existing landscape strip to the west of the subject building. The landscape strip is currently gravel and shrubs. The current proposal includes the addition of 3 street trees and additional planting to bring the landscaping into compliance with current streetscape standards. Because the landscape strip and adjacent parking entrance are not located in the public right-of-way, the above-referenced standards do not apply; therefore, and additional landscaping is in excess of the landscaping standards.*

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

*The landscape plans include improvements to the existing landscape strip to the west of the subject building. The landscape strip is currently gravel and shrubs. The current proposal includes the addition of 3 street trees and additional planting to bring the landscaping into compliance with current streetscape standards.*

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

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

*The building height, mass, scale, architecture and configuration are compatible with the approved Twenty Ninth Street Design Guidelines. The proposed addition maintains the existing building height, scale, orientation and configuration.*

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

*The proposed addition does not alter the existing building height.*

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

*There will be no impact on other properties following the proposed expansion, as the building is located within the central part of the Twenty Ninth Street PUD.*

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

*The project is compliant with the approved Twenty Ninth Street Design Guidelines in terms of color, materials, landscaping signs and lighting.*

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

*The proposed addition maintains the existing building's material palette and provides visual interest through the use of pedestrian-scale architectural features including extensive storefront windows, lap siding accents and corrugated metal above the metal awnings. As mentioned above, the proposed façade is consistent with the approved Twenty Ninth Street Design Guidelines and will be consistent with the rest of the shopping center in terms of visual interest.*

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

*All of the public facilities required as part of the original Twenty Ninth Street PUD have been constructed, so this criterion is not applicable.*

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

*Not applicable, as the proposal is for the expansion of an existing restaurant space and does not include a residential component.*

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

*Not applicable, as the proposal is for the expansion of an existing restaurant space and does not include a residential component.*

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

*A preliminary lighting plan has been provided, and a final lighting plan will be required at time of building permit.*

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

*As previously mentioned, the subject building is located within the Twenty Ninth Street PUD, which is already fully developed and does not contain any significant natural systems.*

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

*The applicant will be required to meet current energy code requirements for commercial buildings, which include the 2012 International Energy Conservation Code (IECC) standard as well as the 2010 American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE) 90.1 standards, with additional local amendments requiring a 30 percent increase in performance requirements. This requirement is considered aggressive and represents a significant step toward improved energy efficiency in buildings in balance with the cost impact for new construction. As discussed as a part of the adoption process in October, 2013, the recently adopted codes if supported by continued improvements in cost-efficient building and energy management technology, could achieve a "net zero" building code by 2031 (in which buildings, on balance, produce as much energy as they consume).*

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

*The proposed addition maintains the existing building's material palette of brick, metal, lap siding and EIFS accents and provides visual interest through the use of pedestrian-*

*scale architectural features including extensive storefront windows, lap siding accents and corrugated metal above the metal awnings. As mentioned above, the proposed façade is consistent with the approved Twenty Ninth Street Design Guidelines and will be consistent with the rest of the shopping center in terms of materials and colors.*

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

*No cut and fill are required for the proposed building addition. Standard met.*

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

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

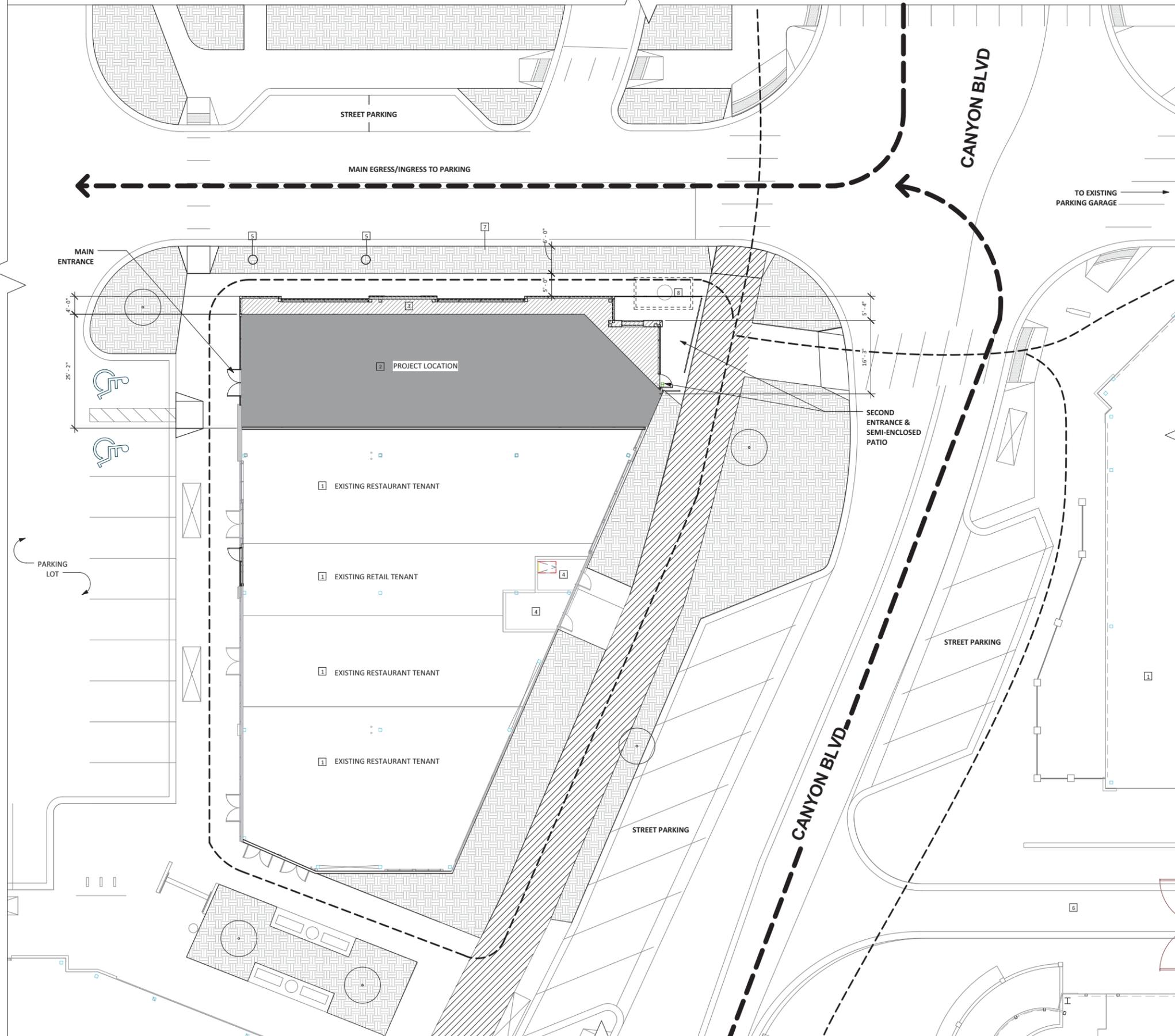
✓ (D) The minor amendment is found to be substantially consistent with the intent of the original approval, including conditions of approval, the intended design character and site arrangement of the development, and specific limitations on additions or total size of the building which were required to keep the building in general proportion to others in the surrounding area or minimize visual impacts.

*The current proposal has been found to be substantially consistent with the intent of the original approval for Twenty Ninth Street. Because the overall character of the face is proposed to remain consistent with the adopted design guidelines, in this case the most significant aspect of the proposed project in terms of staff's analysis of the intent is the streetscape and pedestrian realm. The Twenty Ninth Street Design Guidelines state that "the character of the streets is probably the most important physical aspect of the visitor's experience" (Pg. 4.A1). In addition, the design guidelines describe the intended landscape character as "intensive and decorative, with more of a residential level of horticultural intensity," and support emphasizing "intensity of landscaping near the buildings and the high (pedestrian) traffic areas to create an "arcade" edge with retail being one side, landscaping the other." This has been the primary focus of staff's comments to the applicant, as the original proposal expanded the building by over 700 sq. ft. and included reducing the landscaping strip from 6 feet to 2 feet in width.*

*Following discussions with the applicant and the issuance of staff comments, the applicant reduced the overall size of the proposed addition so that the existing width of the landscape strip would remain unchanged and significant amounts of new landscaping would be added. Thus, staff finds that while the proposal reduces the overall width of the sidewalk from roughly 9 feet to 5 feet in width, the proposal maintains the minimum required sidewalk width while greatly improving the overall quality and appearance of the landscaping. The new outdoor patio area and high-quality façade design will also help to activate the streetscape and will allow the project to continue to meet the Twenty Ninth Street guidelines' intent of creating a high-quality and comfortable pedestrian shopping experience.*



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T: 704 377 5200 F: 704 377 5201  
www.starrdesignteam.com



**LEGEND**

- PEDESTRIAN CIRCULATION
- TRAFFIC CIRCULATION
- EXISTING LANDSCAPE
- EXISTING PUBLIC ACCESS EASEMENT
- EXISTING 4-6" CALIPER TREE TO REMAIN

**KEYNOTES**

- 1 ADJACENT TENANT
- 2 EXISTING TENANT SPACE - PROJECT LOCATION
- 3 PROPOSED BUILDING ADDITION
- 4 BUILDING MASTER UTILITY ROOM
- 5 EXISTING LIGHT POLES
- 6 LOADING AREA
- 7 EXISTING SIDEWALK PLANTER - UNTOUCHED
- 8 EXISTING UTILITY/ELECTRIC MANHOLE COVER & UNDERGROUND VAULT

**SITE SUMMARY**

ZONING BR-1



**CITY RESUBMISSION**  
11/20/2015

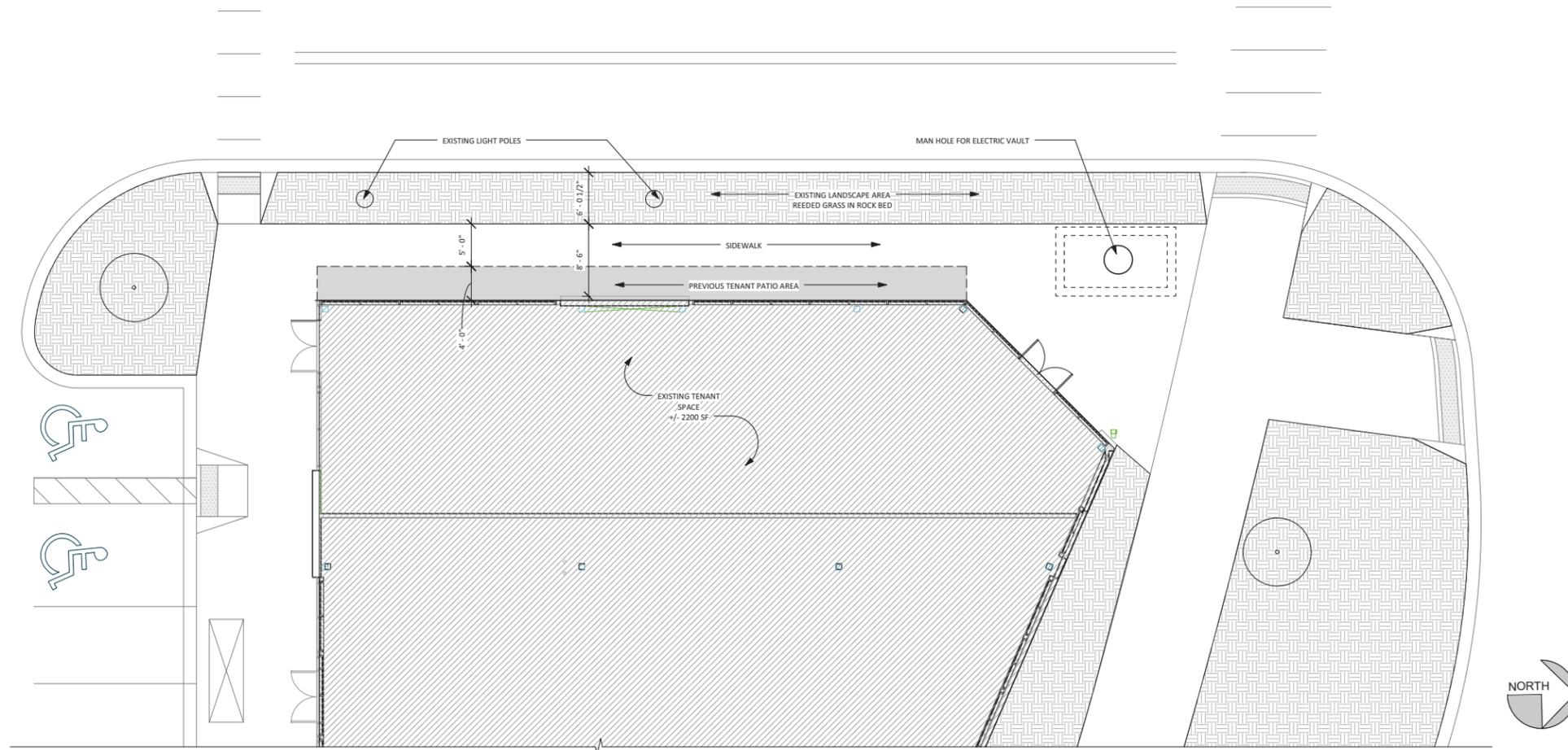
No.	Description	Date

SITE DEVELOPMENT PLAN  
**MA2.0**

project address | name  
client  
designers  
job status  
revisions  
seal  
sheet number | title



2 EXISTING CONDITIONS  
1/12" = 1'-0"



1 SITE PLAN - EXISTING CONDITIONS  
1/8" = 1'-0"

Zoës Kitchen  
BOULDER

1695 29th St, Suite 1248  
Boulder, Colorado 80301

project address | name



client



branded environments

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designers

CITY RESUBMISSION  
11/20/15

job status

No.	Description	Date

revisions

seal

EXISTING  
CONDITIONS &  
BUILDING  
ADDITION  
MA3.0

sheet number | title

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Case # ADR2015-05112  
City of Boulder Planning and Development Services Center  
**RETAIL CENTER PARKING ANALYSIS**  
For retail centers with more than 50,000 square feet of non-residential floor area, under common ownership or management, that contain at least one restaurant and a mix of office, retail, and other uses.

Property Address: 1710 29th St.  
Development Name: Twenty Ninth Street  
Total Number of Parking Spaces Provided: 3,316

Building	Suite	Tenant Name	Area (sq. ft.)	Use
1A North	1000-1016		17,790	Retail
1A South	1020	Starbucks	1,602	Food
1A South	1024-2016		27,311	Retail
1B	1032-2036		63,897	Retail/Office
1C	1068-2048		28,883	Office
1E	1152-1172		9,175	Retail
1E	1154	Five Guys Burgers & Fries	2,785	Food
1E	1172	Panera Bread	5,978	Food
1F	1118-2050		60,020	Retail/Office
1F	1136	Spooner's	1,728	Food
1F	1144	Mad Greens	1,972	Food
1G	1080-1096		46,965	Retail
1H	1080	California Pizza Kitchen	6,016	Food
1H	1104		7,861	Retail
1J	1174	Garbonzo Med. Grill	2,521	Food
1J	1176	Vitamin Shoppe	4,213	Retail
2A	1288	Cantina Laredo	6,307	Food
2B	1264	Available	2,313	Food
2B	1268	Charming Charlie	6,151	Retail
2C	1272	Native Foods	2,030	Food
2C	1280		5,304	Retail
2C	1284	Pel Wei	3,218	Food
2D	1248	Zoe's Kitchen	2,625	Food
2D	1250	Firehouse Subs	1,741	Food
2D	1252		1,637	Retail
2D	1256	Jamba Juice	1,296	Food
2D	1260	Pee't's Coffee	1,935	Food
2E	1224	Chipotle	2,985	Food
2E	1226	Smashburger	1,836	Food
2E	1228	PizzaRev	1,778	Food
2E	1232-1244		12,260	Retail
2F	1200-1204		13,425	Retail
2F	1208	Noodles	2,962	Food
2F	1212	Mod Market	2,500	Food
2F	1216	motomaki	2,521	Food

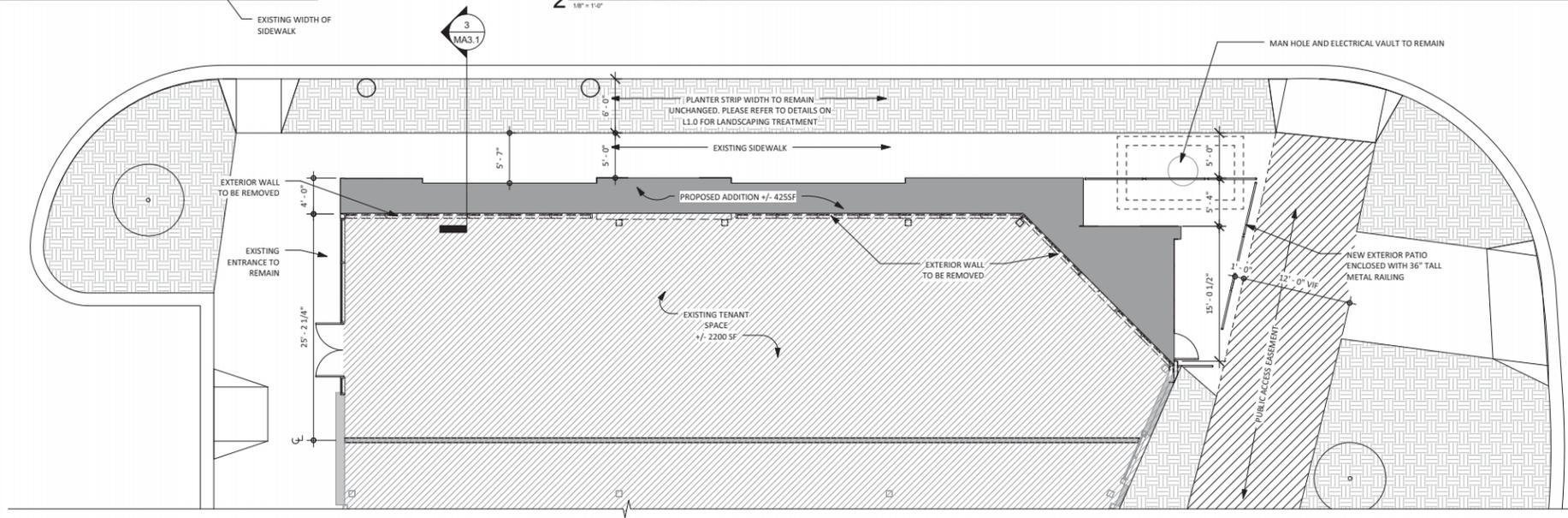
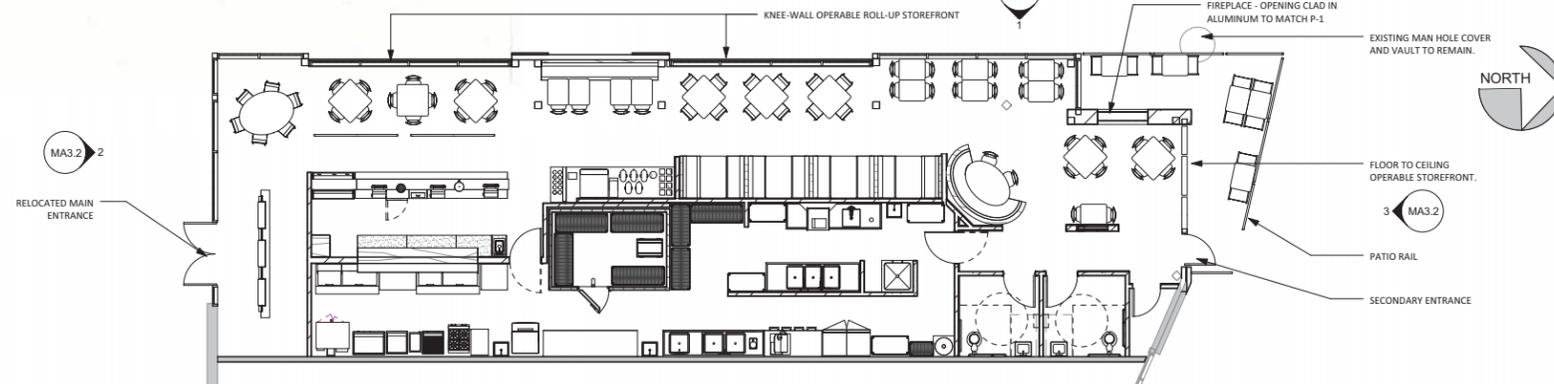
Dept. Store	Area	% Restaurant	
2F	1220 Men's Werhouse	5,892	Retail
2G	1292-1300	59,248	Retail
St Anchor	Home Depot	107,343	Retail
1D	Macy's	147,628	Retail
1D	Athletic Club / Whole Foods	80,950	Office
	Trader Joe's	14,750	Retail
	Wells Fargo	4,941	Office
	B J's Restaurant	10,206	Food
	Century Theatre	50,236	Theatre
Total Area:		843,835	% Restaurant: 8.1%

I, the undersigned, take full responsibility for the accuracy and completeness of the above information.  
Applicant: [Signature] date: 11-16-15  
City Approval: [Signature] date: 11-16-15

STAFF USE ONLY	
Number of Parking Spaces Provided:	3316
Parking Ratio:	
Number of Parking Spaces Required:	3036
Parking Surplus or Deficit:	280

843,835 sf  
- 50,236 sf theater  
793,599 sf / 250 sf = 3174 parking spaces  
2620 theater seats / 3 = 873 parking spaces  
4047 parking spaces  
- 1011 (25% reduction)  
\* 3036 parking spaces [comparable to previous reduction that permitted 3110 parking spaces]

TOTAL AREA: 2625 sq. +/-	
BUILDING SEATS:	72
BUILDING TABLES:	20
AREA: 200 sq. +/-	
PATIO SEATS:	10
PATIO TABLES:	5
TOTAL SEATS:	82
TOTAL TABLES:	25



1 SITE PLAN - PROPOSED ADDITION  
1/8" = 1'-0"

2 PROPOSED FLOOR PLAN  
1/8" = 1'-0"

3 SECTION THROUGH ADDITION & SIDEWALK  
1/4" = 1'-0"

CITY RESUBMISSION  
11/20/15

No.	Description	Date

PROPOSED SITE & FLOOR PLAN  
**MA3.1**

project address | name  
client  
designers  
job status  
revisions  
sheet number | title



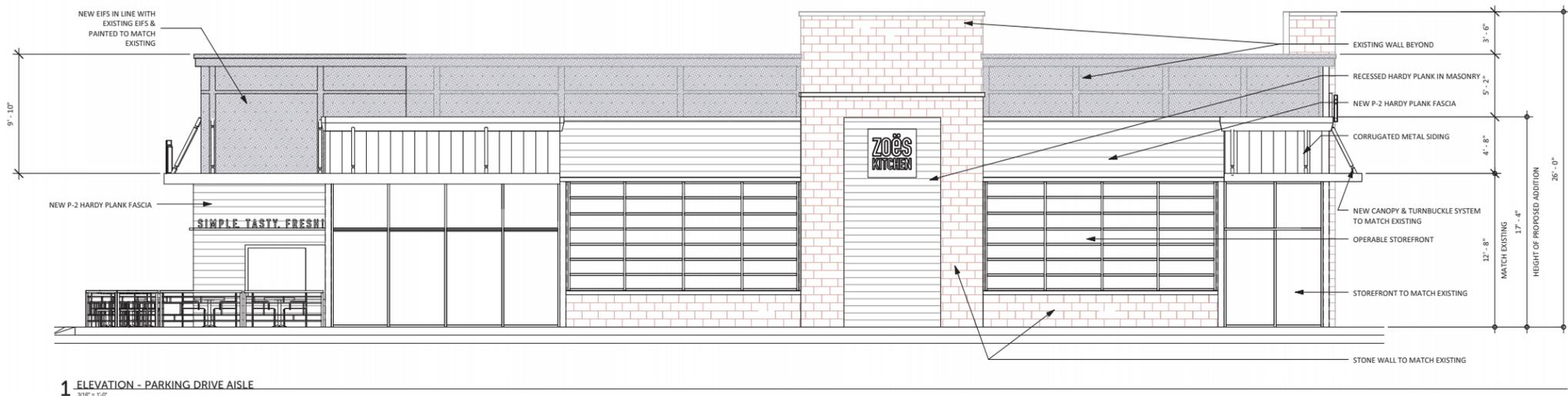
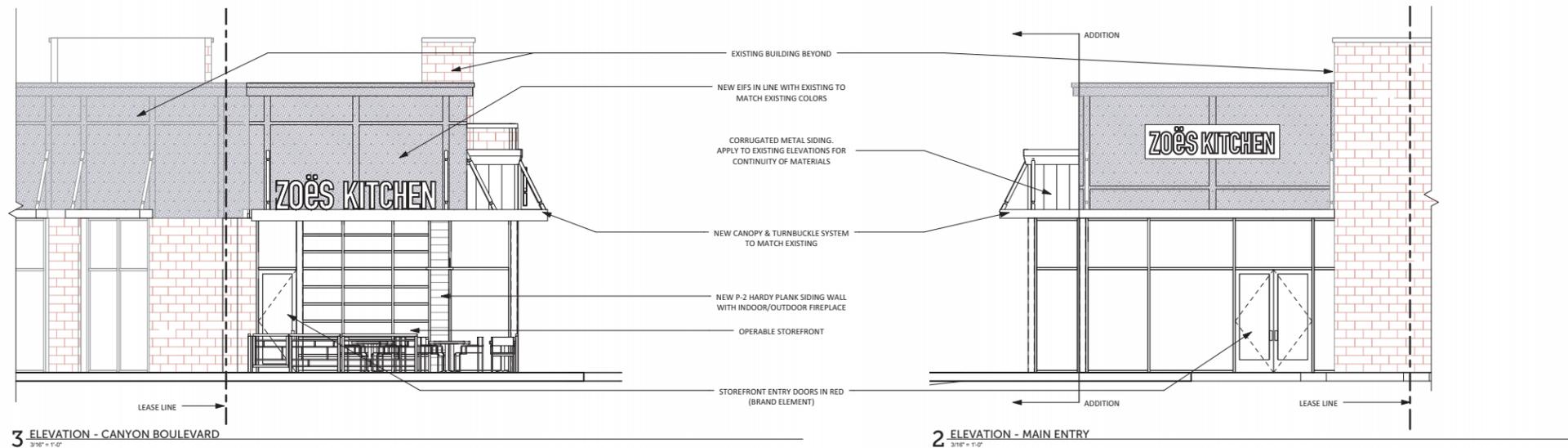
Zoës Kitchen  
BOULDER

1695 29th St, Suite 1248  
Boulder, Colorado 80301



starr  
design

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CITY RESUBMISSION  
11/20/15

No.	Description	Date

ELEVATIONS  
MA3.2

15ZK007 | © Starr Design, PLLC 2015

Zoës Kitchen  
BOULDER

1695 29th St, Suite 1248  
Boulder, Colorado 80301



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Evans, Mechwart, Hamblen & Tilton, Inc.  
Engineers - Surveyors - Planners - Scientists  
301 McCullough Dr, Ste. 102, Charlotte, NC 28202  
Phone: 704.546.0393 Toll Free: 888.775.3646  
emht.com

EXTERIOR FACADE  
DRAFT  
11/20/2015

No.	Description	Date

LEGEND

- PEDESTRIAN CIRCULATION
- TRAFFIC CIRCULATION
- EXISTING LANDSCAPE

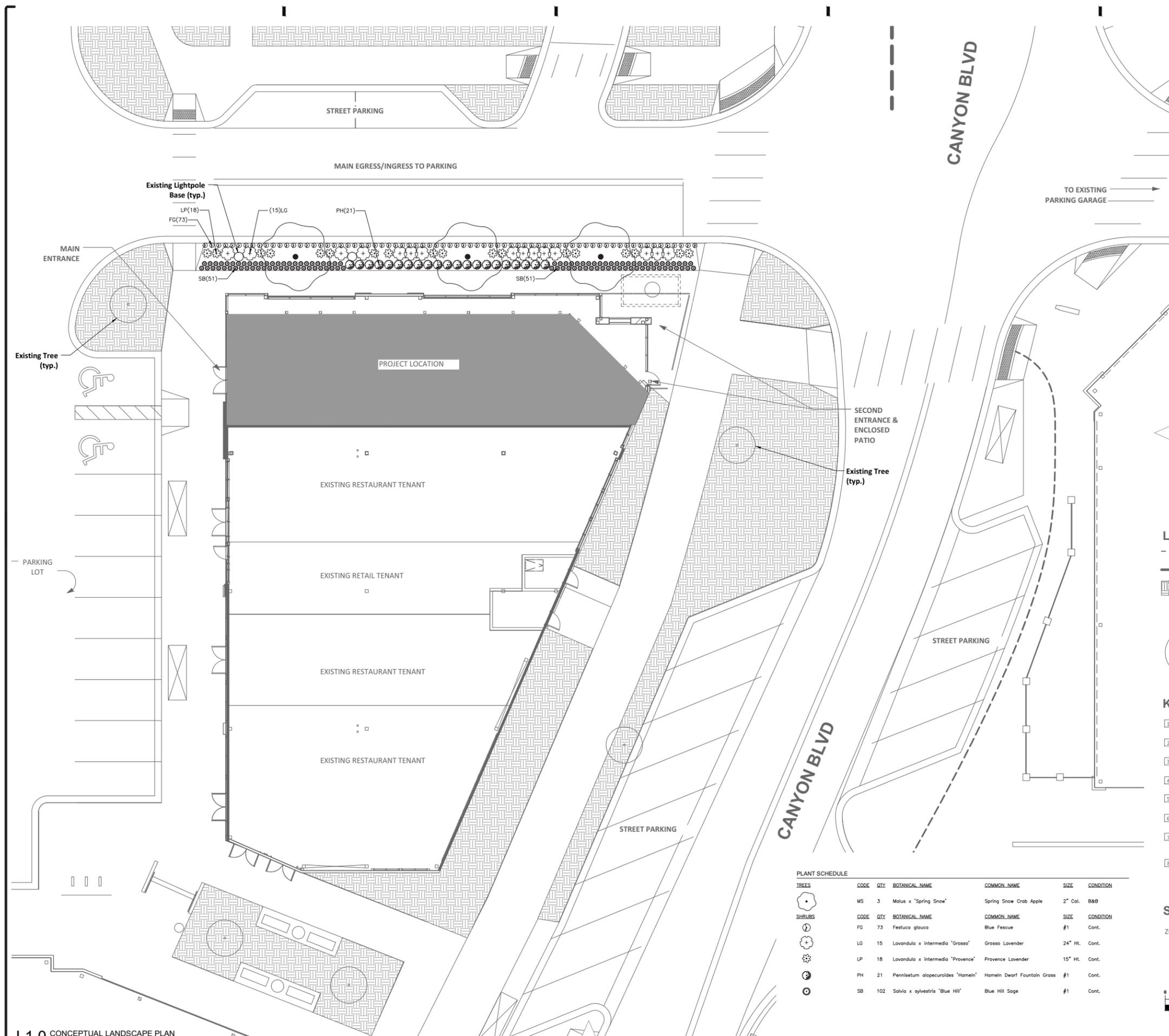
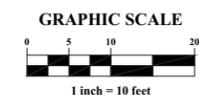
- EXISTING 4-6" CALIPER TREE TO REMAIN

KEYNOTES

- 1 ADJACENT TENANT
- 2 EXISTING TENANT SPACE - PROJECT LOCATION
- 3 PROPOSED BUILDING ADDITION
- 4 BUILDING MASTER UTILITY ROOM
- 5 RELOCATED LIGHT POLES
- 6 LOADING AREA
- 7 REVISED LANDSCAPE AREA TO BE REED GRASSES IN ROCK BED TO MATCH EXISTING CONDITIONS
- 8 EXISTING UTILITY/ELECTRIC MANHOLE COVER & UNDERGROUND VAULT

SITE SUMMARY

ZONING BR-1



PLANT SCHEDULE

TREES	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONDITION
	MS	3	Malus x 'Spring Snow'	Spring Snow Crab Apple	2" Col.	B&B
SHRUBS	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONDITION
	FG	73	Festuca glauca	Blue Fescue	#1	Cont.
	LG	15	Lavandula x intermedia 'Grosso'	Grosso Lavender	24" Ht.	Cont.
	LP	18	Lavandula x intermedia 'Provence'	Provence Lavender	15" Ht.	Cont.
	PH	21	Pennisetum alopecuroides 'Hameln'	Hameln Dwarf Fountain Grass	#1	Cont.
	SB	102	Salvia x sylvestris 'Blue Hill'	Blue Hill Sage	#1	Cont.

project address | name

client

branded environments

designers

job status

revisions

seal

sheet number | title



**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](http://www.bouldercolorado.gov)

**CITY OF BOULDER**  
**LAND USE REVIEW RESULTS AND COMMENTS**

DATE OF COMMENTS: **September 4, 2015**  
 CASE MANAGER: **Chandler Van Schaack**  
 PROJECT NAME: **Zoe's Kitchen**  
 LOCATION: **1695 29TH ST 1248**  
 COORDINATES: **N03W04**  
 REVIEW TYPE: **Minor Site Review Amendment**  
 REVIEW NUMBER: **LUR2015-00075**  
 APPLICANT: **Brie Carlson**  
 DESCRIPTION: **MINOR AMENDMENT: Minor amendment to the Twenty-Ninth Street site review to expand an existing restaurant space for Zoe's Kitchen with an addition of 720 s.f.**

REQUESTED VARIATIONS FROM THE LAND USE REGULATIONS: **None.**

**I. REVIEW FINDINGS**

Overall, the current proposal appears to be very similar to the proposal evaluated through the Pre-Application review process in May 2015 (case # PAR2015-00017). As previously discussed through that process as well as continuing correspondence with staff, the current proposal to reduce the sidewalk and planting strip width in order to accommodate the proposed expansion is not in keeping with the intent of the original approval for the Twenty Ninth Street Shopping District. Nor is it consistent with subsection 9-2-14(I)(2)(D) of the criteria for Minor Amendments to Approved Site Plans, which requires that the project is *"found to be substantially consistent with the intent of the original approval, including conditions of approval, the intended design character, and site arrangement of the development, and specific limitations on additions or total size of the building which were required to keep the building in general proportion to others in the surrounding area or minimize visual impacts."* Therefore, the current proposal is not supportable at this time. The applicant should explore alternative design options that would not reduce the overall size and quality of the existing streetscape. The intent of the original Site Review is discussed further in the 'Site Design' section below.

The issues identified in the comments below will require a revision-level resubmittal. If the proposed changes are not consistent with the intent of the original Site Review, then the application must be revised to be a full Site Review application and the appropriate fee difference paid. Therefore, once the comments below have been addressed, please re-submit **five (5) hard copies** of the revised plans (with a total of **two (2)** copies of the revised drainage report and traffic study) **and digital copies of the plan set in pdf form** to the front counter of the P&DS Service Center prior to the start of a three-week review track. Please note that review tracks commence on the first and third Monday of each month.

Please contact the Case Manager, Chandler Van Schaack, at 303-441-3137 or [vanschaackc@bouldercolorado.gov](mailto:vanschaackc@bouldercolorado.gov) with any questions or to set up a meeting prior to resubmittal. A Planning Board hearing date for this proposal has not yet been scheduled. Following review of the revised plans, staff will contact the applicant to discuss scheduling options.

**II. CITY REQUIREMENTS**

**Fees** Chandler Van Schaack, Case Manager, 303-441-3137

Please note that 2015 development review fees include a \$131 hourly rate for reviewer services following the initial city response (these written comments). Please see the P&DS Questions and Answers brochure for more information about the hourly billing system.

**Landscaping** Elizabeth Lokocz, 303-441-3138

The submittal is incomplete. Additional detailed comments will be provided. Per the application requirements, "a *general*

landscaping plan at the time of initial submission to be followed by a detailed landscaping plan prior to or as a condition of approval, showing the spacing, sizes, specific types of landscaping materials, quantities of all plants and whether the plant is coniferous or deciduous. All trees with a diameter of six inches and over measured fifty-four inches above the ground on the property or in the landscape setback of any property adjacent to the development shall be shown on the landscaping plan.”

Please address the following site review criteria at the next submittal per section 9-2-14(h)(2)(C), “Landscaping”:

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

A two-foot landscape strip, while strictly meeting the open space standards of section 9-9-11, is an extremely difficult area to plant or maintain in the front range climate and offers limited planting options. It does not meet the criterion above.

(ii) *Landscape design attempts to avoid, minimize or mitigate impacts on and off site to important native species, healthy, long lived trees, plant communities of special concern, threatened and endangered species and habitat by integrating the existing natural environment into the project;*

Not applicable.

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

It is unclear if this criterion can be met with the proposal. Will the site plan result in the removal or addition of trees?

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

While public access is not dedicated over this space, it functions as a major pedestrian connection through the site. The existing landscape strip provides separation from the travel lanes. A two-foot landscape strip would not provide functional separation or an opportunity for enhancement.

In summary, the proposal results in a low quality landscape space and undersized walk. Please revise the site plan to provide a high quality open space and address the criteria as described above. Additional low water high interest plant material and if feasible, trees would be one possible approach.

**Legal Documents** Julia Chase, City Attorney's Office, 303-441-3020

The Applicant will be required to sign a Development Agreement, if approved. When staff requests, the Applicant shall provide the following:

- a) An updated title commitment current within 30 days; and
- b) Proof of authorization to bind on behalf of the owners.

**Neighborhood Comments** Chandler Van Schaack, Case Manager, 303-441-3137

Staff has not received any comments regarding the proposed application.

**Parking** Chandler Van Schaack, Case Manager, 303-441-3137

Please revise the written statement to include a parking chart showing the breakdown of the existing uses in the Shopping Center in order to demonstrate how the parking requirement included in the written statement was calculated. The parking chart should be provided on the architectural site plan, and should include size and use information for each of the existing tenant spaces within the Shopping Center PUD.

It appears that the parking calculations in the application may be based on the parking code prior to the land use code amendment adopted in November 2014. Parking must be based on the current requirement of one space for every 250 square feet of floor area. Further, as staff is currently reviewing a parking reduction request under application ADR2015-000163 it would make the most sense to address this proposal in those parking calculations when the revisions are submitted. For any questions on the parking reduction application, contact Karl Guiler at 303-441-4236.

**Site Design** Chandler Van Schaack, Case Manager, 303-441-3137

As indicated in the review summary above, staff finds the current proposal to be inconsistent with the intent of the original site plan approval for the Twenty Ninth Street Shopping District. Specifically, staff finds that the current proposal would

reduce the quality of the existing streetscape by narrowing both the sidewalk and landscaping strip to the minimum widths possible. This would be out of context with the rest of the development, which generally includes 5-foot landscaping strips and 8-foot sidewalks. Considering that the Twenty Ninth Street design guidelines state that “the character of the streets is probably the most important physical aspect of the visitor’s experience” (pg. 4.A1), every effort should be made to maintain or improve the existing streetscape in front of the subject building. The Twenty Ninth Street Design Guidelines also include the following language, which the applicant should consider as they explore alternative design options.

- Landscaping within the interior of Twenty Ninth Street is intensive and decorative, with more of a residential level of horticultural intensity.
- The parking areas have a generous amount of trees and ground cover to break up the expanses of parking.
- There is an emphasis on the intensity of landscaping near the buildings and the high (pedestrian) traffic areas to create an "arcade" edge with retail being one side, landscaping the other.

It should be noted that in order to alter/ revise the stated intent of the PUD, an Amendment to the Approved Site Plan would be required; however, staff would be unlikely to support any changes to the PUD, which would result in an overall reduction in quality.

### III. INFORMATIONAL COMMENTS

**Area Characteristics and Zoning History** Chandler Van Schaack, Case Manager, 303-441-3137  
Planning Board approved application #LUR2004-00007, which permitted the redevelopment of the Crossroads Mall site with the new retail center, Twenty Ninth Street.

**Land Uses** Chandler Van Schaack, Case Manager, 303-441-3137  
The Boulder Valley Comprehensive Plan (BVCP) land use designation for the site is Mixed Use Business. In such areas, business character will predominate, although housing and public uses supporting housing will be encouraged and may be required.

**Review Process** Chandler Van Schaack, Case Manager, 303-441-3137  
A Site Review is required because the site is subject to a previously approved Site Review (i.e., #LUR2004-00007). The criteria pertaining to this application are found in sections 9-2-14(h) of the Land Use Regulations (see Section V of this document below). A decision on this application (approval, denial, or approval with conditions) will be made by the Planning Department. Upon receipt of corrected final sets that address the comments of this document, staff will issue a Notice of Disposition. Within two weeks on the date of decision, it may be called up by the Planning Board or appealed by a citizen. If this occurs, the project will be scheduled for a Planning Board hearing within 60 days.

**Zoning** Chandler Van Schaack, Case Manager, 303-441-3137  
The project site is zoned BR-1, Business Regional - 1. This zoning district is for business centers of the Boulder Valley, containing a wide range of retail and commercial operations, including the largest regional-scale businesses, which serve outlying residential development and where the goals of the Boulder Urban Renewal Plan are implemented.

### IV. NEXT STEPS

The issues identified in the comments above will require a revision-level resubmittal. Therefore, once the comments below have been addressed, please re-submit **five (5) hard copies** of the revised plans (with a total of **two (2)** copies of the revised drainage report and traffic study) **and digital copies of the plan set in pdf form** to the front counter of the P&DS Service Center prior to the start of a three-week review track. Please note that review tracks commence on the first and third Monday of each month.

Please contact the Case Manager, Chandler Van Schaack, at 303-441-3137 or [vanschaackc@bouldercolorado.gov](mailto:vanschaackc@bouldercolorado.gov) with any questions or to set up a meeting prior to resubmittal. A Planning Board hearing date for this proposal has not yet been scheduled. Following review of the revised plans, staff will contact the applicant to discuss scheduling options.

### V. CITY CODE CRITERIA CHECKLIST

A completed criteria checklist will be provided following review of the revised plans.



**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 • email [plandevelop@bouldercolorado.gov](mailto:plandevelop@bouldercolorado.gov)  
[www.boulderplandevelop.net](http://www.boulderplandevelop.net)

**CITY OF BOULDER**  
**LAND USE REVIEW RESULTS AND COMMENTS**

DATE OF COMMENTS: **November 17, 2015**  
CASE MANAGER: **Chandler Van Schaack**  
PROJECT NAME: **ZOE'S KITCHEN**  
LOCATION: **1695 29TH ST 1248**  
COORDINATES: **N03W04**  
REVIEW TYPE: **Minor Site Review Amendment**  
REVIEW NUMBER: **LUR2015-00075**  
APPLICANT: **Brie Carlson**  
DESCRIPTION: **MINOR AMENDMENT: Minor amendment to the Twenty-Ninth Street site review to expand an existing restaurant space for Zoes Kitchen with an addition of approximately 440 s.f.**

REQUESTED VARIATIONS FROM THE LAND USE REGULATIONS: **None.**

**I. REVIEW FINDINGS**

The applicant has addressed staff's primary concerns with regards to the landscape strip and sidewalk along the west side of the site; however, there are a few issues previously identified by staff that have not been addressed in the corrected plan set. These issues are discussed in the comments below and will require a correction-level resubmittal. Therefore, once the issues identified in the comments below have been addressed, please send digital copies of the corrected plans in pdf form directly to the case manager at [vanschaack@bouldercolorado.gov](mailto:vanschaack@bouldercolorado.gov). Corrections are reviewed on a 2-week time track, at the end of which, assuming all of staff's comments have been addressed, staff will request final hard copies of the plan set and will issue an initial approval. Following staff approval of the corrected plans, there will be a 14-day period during which the Planning Board or a member of the public may call the item up for a public hearing. Any decision not called up is final 14 days after the date of staff's initial approval.

Please contact the case manager with any questions.

**II. CITY REQUIREMENTS**

**Fees** Chandler Van Schaack, Case Manager

Please note that 2015 development review fees include a \$131 hourly rate for reviewer services following the initial city response (these written comments). Please see the P&DS Questions and Answers brochure for more information about the hourly billing system.

**Landscaping** Elizabeth Lokocz, 303-441-3138

Staff appreciates the proposed changes. A few alternative plant selections are suggested to respond to the growing conditions and support long term success:

1. Horsetail reed grass (*Equisetum hyemale*) is not an appropriate species for a narrow planting strip. It requires significantly more water than the others species specified and is also likely too tall. Plants should generally be under 30 inches to avoid any sight triangle conflicts.
2. The sargent cherry is a nice ornamental tree, but has not been generally stocked by local nurseries. Verify it is likely to available and consider an alternative higher canopy shade tree such as Turkish Filbert (*Corylus colurna*), Spring snow crabapple or Imperial honeylocust.

**Legal Documents** Julia Chase, City Attorney's Office, 303-441-3020

The Applicant will be required to sign a Development Agreement, if approved. When staff requests, the Applicant shall provide the following:

- a) An updated title commitment current within 30 days; and

b) Proof of authorization to bind on behalf of the owners.

**Parking** Chandler Van Schaack, Case Manager

As previously requested, please revise the written statement to include a parking chart showing the breakdown of the existing uses in the Shopping Center following the proposed addition in order to demonstrate how the parking requirement included in the written statement was calculated. The parking chart should be provided on the architectural site plan, and should include size and use information for each of the existing tenant spaces within the Shopping Center PUD.

Parking must be based on the current requirement of one space for every 250 square feet of floor area. The applicant should note that Twenty Ninth Street just received approval of a 25% administrative parking reduction. The final approved parking calculation chart is attached to these comments for the applicant's review – please note that any increase in the required parking beyond what is shown in the attached chart will require a formal request for a larger parking reduction through the site review process. Please make sure that all materials are consistent with the approved chart unless changes are proposed as part of this application, in which case these changes must be clearly called out and incorporated into a revised parking chart. Please contact Andy Greenwood at [andy.greenwood@macerich.com](mailto:andy.greenwood@macerich.com) with any questions on how best to coordinate parking materials/ calculations.

**Plan Documents** Chandler Van Schaack, Case Manager

There are several inconsistencies shown on the revised plan set which must be fixed. These include incorrect labeling of the width of the proposed addition on Sheet MA2.0 and incorrect labeling of the floor area of the proposed addition on Sheet MA3.1. In addition, please correct Sheet MA3.1 so that rather than showing "existing landscape," on the proposed site development plan, the plan refers to the landscape plan on Sheet L1.0 for details on the proposed landscaping treatment.

**Site Design** Chandler Van Schaack, Case Manager

It appears that the proposed outdoor patio area encroaches into the access easement which borders the north side of the building. No portion of any structure, including a patio railing, may encroach into a public access easement. Please revise the proposed patio so that no portion encroaches into the easement. The revised site plan should also show the existing easement in order to demonstrate that no encroachment is occurring.

**III. INFORMATIONAL COMMENTS**

None at this time.

**IV. NEXT STEPS**

Once the issues identified in the comments above have been addressed, please send digital copies of the corrected plans in pdf form directly to the case manager at [vanschaack@bouldercolorado.gov](mailto:vanschaack@bouldercolorado.gov). Corrections are reviewed on a 2-week time track, at the end of which, assuming all of staff's comments have been addressed, staff will request final hard copies of the plan set and will issue an initial approval. Following staff approval of the corrected plans, there will be a 14-day period during which the Planning Board or a member of the public may call the item up for a public hearing. Any decision not called up is final 14 days after the date of staff's initial approval.

**V. CITY CODE CRITERIA CHECKLIST**

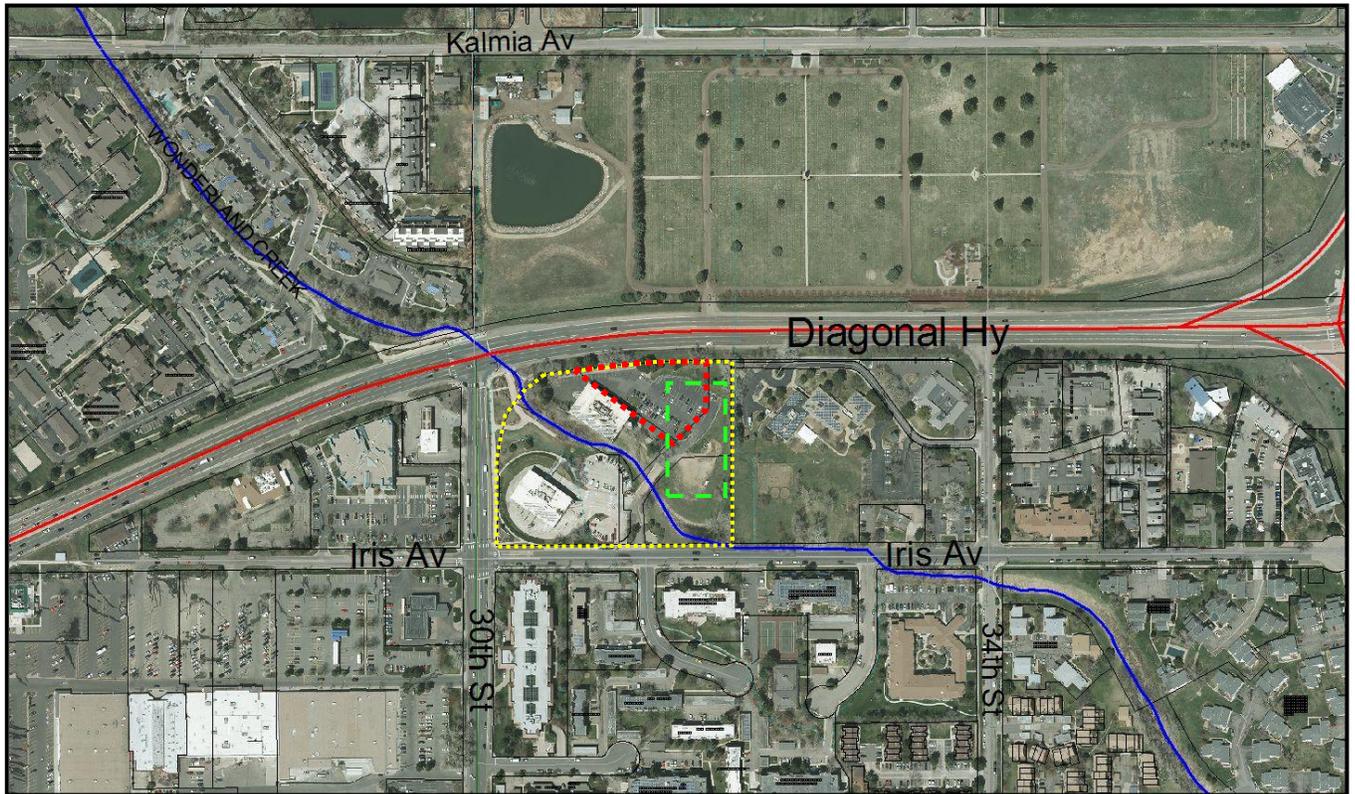
A completed checklist will be provided following review of the corrected plan set.

# MEMORANDUM

**TO:** Planning Board  
**FROM:** Chandler Van Schaack, Case Manager  
**DATE:** December 17, 2015  
**SUBJECT:** **Call Up Item:** Staff Level Site Review (LUR2015-00088): Request to construct a new 3-story, 42,250 sq. ft. office building at 3107 Iris Ave. within the existing Bank of Boulder office park. The proposal also includes a request for a 16% parking reduction to allow for the reconfiguration of the existing parking area to provide 219 parking spaces where 262 spaces are required for the office park following the addition of the new office building. The project site is located within the BT-1 zone district.

**Background.** The 272,466 square foot (6.25-acre) project site is zoned Business – Transitional 1 (BT-1), which is defined in the land use code as:

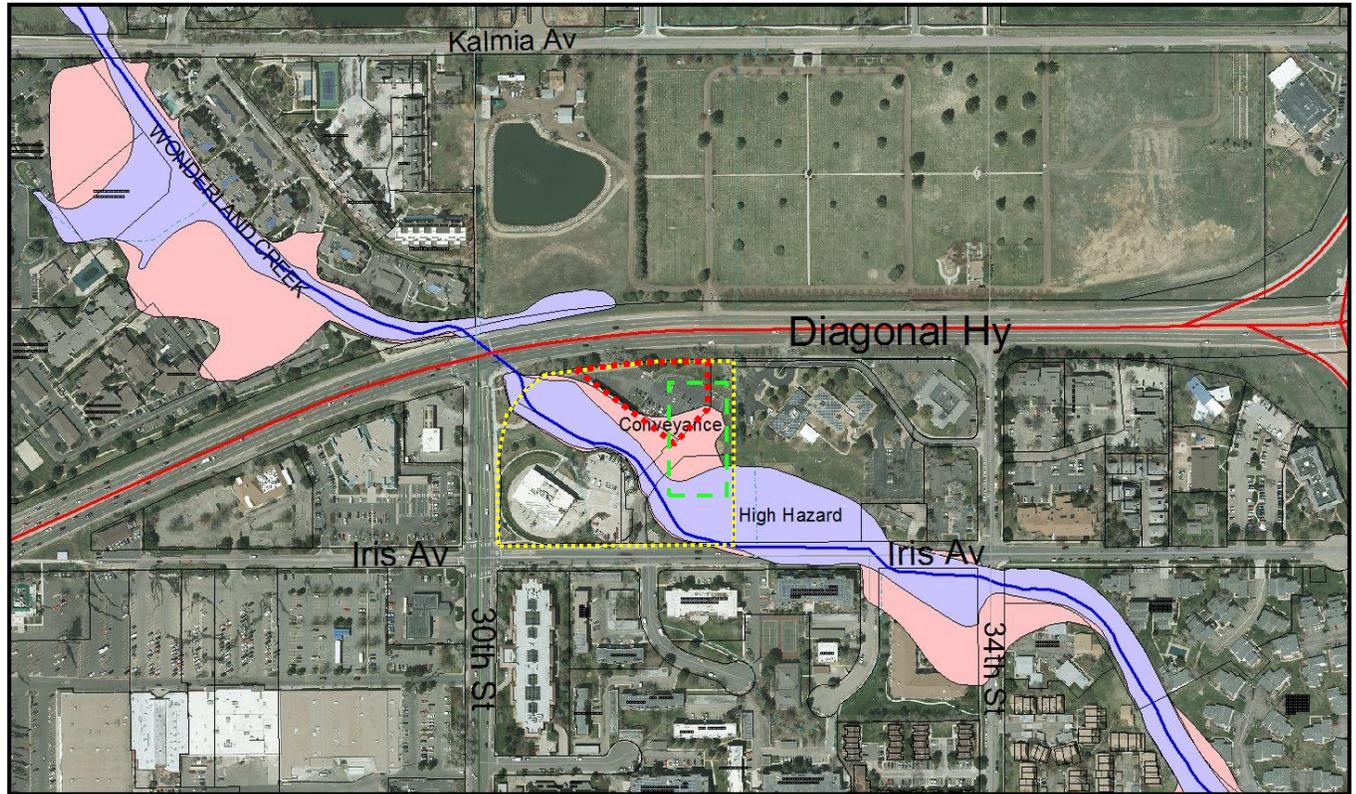
*“Transitional business areas which generally buffer a residential area from a major street and are primarily used for commercial and complementary residential uses, including without limitation, temporary lodging and office uses.” (section 9-5-2(c)(2)(E), B.R.C. 1981).*



**Figure 1: Vicinity map depicting project site (red), Bank of Boulder Park PUD (yellow) and approximate location of originally approved office building (green)**

As shown above in **Figure 1**, the project site (shown in *red*) is located at the northeast corner of the intersection of 30<sup>th</sup> Street and Iris Avenue, just south of the Diagonal Highway. The site is located within the existing Bank of Boulder Park Planned Unit Development (PUD) (shown in *yellow*), which was originally approved in 1975 and then amended in 1989 to allow for a drive-thru bank and two office buildings totaling 78,900 square feet in floor area. Currently, the bank and one of the two approved office buildings have been constructed. The approved plan for the

PUD anticipates a third office building constructed to the east of the existing buildings and adjacent to Wonderland Creek (approximate location shown in green); however, following floodplain revisions which resulted in much of the PUD being placed within the high hazard and conveyance zones (See **Figure 2**), the approved design and location of the third building is no longer viable.



**Figure 2: Aerial map showing High Hazard and Conveyance flood zones shown**

**P**  
**Proposed Project.** The current proposal is to amend the Bank of Boulder Park PUD to relocate the approved third building outside of the high hazard and conveyance zone. The proposed 3-story, 42,250 sq. ft. office building is located on the northeast portion of the site, and is intended to honor the existing character of the development while improving upon the original approval in terms of materials and building design. The proposed building would utilize the existing access off Iris Ave. and bridge over Wonderland Creek, and would reconfigure the existing surface parking to become a mix of smaller, connected surface lots and partially below-grade structured parking within the building.

The proposal also includes a request for a 16% parking reduction to allow for the reconfiguration of the existing parking area to provide 219 parking spaces where 262 spaces are required for the office park following the addition of the new office building. Refer to **Attachment C** for the applicant's proposed plans and Travel Demand Management (TDM) Plan.

**Project Analysis.** Overall, the proposal was found to be consistent with the Site Review criteria found in section 9-2-14, B.R.C. 1981. Please refer to **Attachment B** for staff's complete analysis of the review criteria.

**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. Staff has not received any comments on the proposed project.

**Conclusion.** Staff finds that the proposed project meets the relevant criteria pursuant to section 9-2-14, "Site Review," B.R.C. 1981 (please refer to **Attachment B**). This proposal was approved by Planning and Development Services staff on December 14, 2015 and the decision may be called up before Planning Board on or before **December 29, 2015**. There is one Planning Board meeting within the 14-day call up period, on **December 17, 2015**. Questions about the project or decision should be directed to Chandler Van Schaack at (303) 441-3137 or [vanschaackc@bouldercolorado.gov](mailto:vanschaackc@bouldercolorado.gov).

#### **Attachments**

- A. Signed Disposition
- B. Analysis of Review Criteria
- C. Applicant's Proposed Plan
- D. Staff Review Comments



**CITY OF BOULDER**  
**Planning, Housing & Sustainability**

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

**CITY OF BOULDER PLANNING DEPARTMENT**  
**NOTICE OF DISPOSITION**

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

**DECISION:** APPROVED WITH CONDITIONS  
**PROJECT NAME:** Bank of Boulder Park PUD Amendment  
**DESCRIPTION:** SITE REVIEW for a new 42,250 sq. ft. office building within the Bank of Boulder Park PUD.  
**LOCATION:** 3107 Iris Ave.  
**COOR:** N06W03  
**LEGAL DESCRIPTION:** Lot 2A, Replat of Lots 2 and 3, Bank of Boulder Park, County of Boulder, State of Colorado  
**APPLICANT:** Erik Hartronft  
**OWNER:** DellaCava Family LLC  
**APPLICATION:** Site Review, LUR2015-00088  
**ZONING:** BT-1  
**CASE MANAGER:** Chandler Van Schaack  
**VESTED PROPERTY RIGHT:** NO; the owner has waived the opportunity to create such right under Section 9-2-19, B.R.C. 1981.

**APPROVED MODIFICATIONS FROM THE LAND USE REGULATIONS:**

- Section 9-7-1, "Form and Bulk Standards"
  - Reduction of front yard setback from 20 feet to 15 feet
  - Reduction of rear yard setback from 20 feet to 0 feet
- Section 9-9-6, "Parking Standards" – 16% parking reduction to allow for 219 parking spaces where 262 are required per the nonresidential parking standards for the BT-1 zone.

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

Approved On: 12/14/15  
Date

By: David Driskell  
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: 12/28/15

Final Approval Date: 12/29/15

Address: 3107 Iris Ave.

IN ORDER FOR A BUILDING PERMIT APPLICATION TO BE PROCESSED FOR THIS PROJECT, A SIGNED DEVELOPMENT AGREEMENT AND THE FINAL PLANS FOR CITY SIGNATURE MUST BE SUBMITTED TO THE PLANNING DEPARTMENT WITH DISPOSITION CONDITIONS AS APPROVED SHOWN ON THE FINAL PLANS. IF THE DEVELOPMENT AGREEMENT IS NOT SIGNED WITHIN NINETY (90) DAYS OF THE FINAL DECISION DATE, THE PLANNING DEPARTMENT APPROVAL AUTOMATICALLY EXPIRES.

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

### CONDITIONS OF APPROVAL

1. The Applicant shall ensure that the **development shall be in compliance with all plans prepared by the Applicant** on November 9, 2015 on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval.
2. 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. Annexation Agreement recorded at Film No. 780, Reception No. 00026810 on July 18, 1972;
  - b. Subdivision Agreement recorded at Film No. 913, Reception No. 00165150 on January 27, 1976;
  - c. Subdivision Agreement recorded at Film No. 1116, Reception No. 00394932 on May 9, 1980; and
  - d. Bank of Boulder Office Park PUD dated April 12, 1972, as amended, including # P-90-55.
3. Prior to a building permit application, the Applicant shall submit, and obtain City Manager approval of, a Technical Document Review application for the following items:
  - a. **Final architectural plans**, including material samples and colors, to insure compliance with the intent of this approval and compatibility with the surrounding area. The architectural intent shown on the approved plans dated November 9, 2015 is acceptable. Planning staff will review plans to assure that the architectural intent is performed.
  - b. A **final site plan** which includes detailed floor plans and section drawings.
  - c. A **final utility plan** meeting the City of Boulder Design and Construction Standards.
  - d. A **final storm water report and plan** meeting the City of Boulder Design and Construction Standards.
  - e. **CDOT access permit** meeting the CDOT Access Code Standards, for the closure of the existing access point from State Highway 119.
  - f. A **detailed landscape plan**, including size, quantity, and type of plants existing and proposed; type and quality of non-living landscaping materials; any site grading proposed; and any irrigation system proposed, to insure compliance with this approval and the City's landscaping requirements. Removal of trees must receive prior approval of the Planning Department. Removal of any tree in City right of way must also receive prior approval of the City Forester.
  - g. A **detailed outdoor lighting plan** showing location, size, and intensity of illumination units, indicating compliance with section 9-9-16, B.R.C.1981.



Case #: LUR2015-00088

Project Name: 3107 Iris

Date: December 17, 2015

**CRITERIA FOR REVIEW**

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

**(1) Boulder Valley Comprehensive Plan:**

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

*The Bank of Boulder Park site is within Area 1 of the BVCP and given a combination of General Business and High Density Residential land use designations. The project site itself, Lot 2A has a land use designation of HR. While the proposed office use is not really consistent with the intent of the HR land use map designation to support residential development at a density of over 14 units per acre, the site is zoned BT-1 (Business- Transitional 1), which allows for office uses by-right. Given that the existing zoning allows for the proposed office use and the office park was originally approved through the PUD process, staff finds that the office park and proposed new office building are overall in keeping with the goals and policies of the comprehensive plan. In terms of specific BVCP policies, staff finds the proposal to be consistent with a number of policies including but not limited to:*

**2.17 Variety of Activity Centers**

**2.30 Sensitive Infill and Redevelopment**

**2.37 Enhanced Design for Private Sector Projects**

**4.05 Energy-Efficient Building Design**

**5.02 Regional Job Center**

**5.05 Support for Local Business and Business Retention**

**5.06 Industry Clusters**

N/A (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:

*Not applicable, as the proposal is for a new office building and does not include a residential component.*

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

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

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

*Standard met. The applicant is aware of the costs of the project and has indicated that they will be able to meet a broad range of BVCP policies while implementing the other techniques required to meet other site review criteria.*

**(2) Site Design:** Projects should preserve and enhance the community's unique sense of place through creative design that respects historic character, relationship to the natural environment, multi-modal transportation connectivity and its physical setting. Projects should utilize site design

techniques which are consistent with the purpose of site review in subsection (a) of this section and enhance the quality of the project. In determining whether this subsection is met, the approving agency will consider the following factors:

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

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

*There are existing open space facilities located on the site including a picnic area and several open and shaded seating areas. A portion of the site is also within the Wonderland Creek Greenway which connects to the city-wide trail system. The mature trees which occupy the west, northwest and east sides of the site are to remain. The south-east portion of the site provides for shaded and sun-lit areas throughout the day large enough for gathering.*

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

*Not applicable, as the proposal is for a new office building and does not include a residential component.*

     **✓ (iii)** The project provides for the preservation of or mitigation of adverse impacts to natural features, including, without limitation, healthy long-lived trees, significant plant communities, ground and surface water, wetlands, riparian areas, drainage areas and species on the federal Endangered Species List, "Species of Special Concern in Boulder County" designated by Boulder County, or prairie dogs (*Cynomys ludovicianus*), which is a species of local concern, and their habitat;

*The mature trees which occupy the west, northwest and east sides of the site are to remain. There are no "species of special concern" associated with the site and the proposed building does not interfere with the existing greenway. Standard met.*

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

*The Wonderland Creek Greenway bisects the site and provides a physical and aesthetic separation between buildings and parking areas. The open space surrounding the creek helps to lessen the perceived intensity of the existing and proposed commercial development.*

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

*Not applicable, as the proposed open space is not intended for specific active recreational purposes.*

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

*The site is severely impacted by the floodplain, with the high hazard and conveyance zones surrounding Wonderland Creek on both sides. Therefore, much of the open space is within the floodplain, and acts as a buffer to protect the creek itself.*

     **✓ (vii)** If possible, open space is linked to an area- or city-wide system.

*The Wonderland Creek Greenway crosses through the site and connects to the city-wide trail system.*

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

*Not applicable, as the proposal is for a new office building and does not include a residential component.*

**N/A (i)** The open space provides for a balance of private and shared areas for the residential uses and common open space that is available for use by both the residential and non-residential uses that will meet the needs of the anticipated residents, occupants, tenants, and visitors of the property; and

**N/A (ii)** The open space provides active areas and passive areas that will meet the needs of the anticipated residents, occupants, tenants, and visitors of the property and are compatible with the surrounding area or an adopted plan for the area.

**\_\_\_(C) Landscaping**

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

*The landscape plans illustrate a variety of plant and hard surface materials via the screening, parking lot landscaping, and streetscape requirements. A hardscape plaza has been provided at the building's arrival point with at-grade tree plantings. The landscape plans also illustrate the preservation of mature, healthy trees where possible.*

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

*As the site is largely developed, there are no identified important native species, plant communities of special concern, threatened or endangered species or habitat. Not applicable.*

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

*The project is coordinating all landscaping and screening requirements for the Diagonal Highway right-of-way with the ongoing Capital Improvement Project for the new multi-use path.*

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

*The south and west streetscapes and landscaped setbacks were constructed as part of the original office park approval and will remain unchanged. The northern property frontage will be upgraded to include new street trees. There are also improvements underway along the Diagonal Highway, including a new multi-use path along the south side. The proposed plan includes adding connections to the multi-use path to allow cyclists to enter the site from the north.*

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

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

*The existing development is separated from the adjacent streets and is accessed via one point off of Iris Ave. The interior circulation is designed to discourage high vehicular speeds. The existing and proposed office buildings are accessed via a narrow bridge over Wonderland Creek that slows down traffic significantly.*

✓(ii) Potential conflicts with vehicles are minimized;

*The existing development is separated from the adjacent streets and is accessed via one point off of Iris Ave. The interior circulation is designed to discourage high vehicular speeds and minimize conflicts with vehicles. The existing and proposed office buildings are accessed via a narrow bridge over Wonderland Creek that slows down traffic significantly. In addition, there is a circular sidewalk surrounding the existing bank building which allows pedestrians to access the building directly from the sidewalks on 30<sup>th</sup> and Iris Streets. Following the proposed development, both of the other two buildings will also be accessible by pedestrians directly from the multi-use path on the Diagonal Highway, thereby making it so that all three buildings can be accessed without having to cross the path of a vehicle.*

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

*As mentioned above, the proposed project includes two new connections to the planned multi-use path along the south side of Iris Ave. that will allow bicyclists and pedestrians to access the building and bike parking directly. There exists a 10' multi-use path along the west side of the office campus along 30th Street that also connects internally to an existing underpass along the east side of the 30th Street & Diagonal Highway intersection, providing off-street multi-use path connectivity to the Wonderland Creek path to the north.*

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

*There are 70 total bicycle parking spaces proposed for the project where 52 are required by the land use code, including the existing bank (12 spaces), existing office use (20 spaces) and new office uses (38 spaces). 50 spaces are proposed as long-term, covered spaces with vertical racks and secured behind a fence and locked doors, and 20 spaces are proposed as short-term spaces. The applicant is also providing ECO Passes to employees of the development to further enhance the opportunity for alternate transportation methods and shift away from SOV use. Also refer to the TDM that is part of this submittal.*

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

*Standard met. As part of their request for a 16% parking reduction, the applicant has provided a Travel Demand Management Plan (See **Attachment C**) that has been reviewed by staff and found to be effective at promoting a shift away from single-occupancy vehicle use to alternate modes.*

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

*As mentioned above, the proposed project includes two new connections to the planned multi-use path along the south side of Iris Ave. that will allow bicyclists and pedestrians to access the building and bike parking directly.*

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

*Not applicable, as no new streets are proposed as part of this development.*

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

*The project is designed to accommodate cars, bicycles, and pedestrians. Standard met.*

#### (E) Parking

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

*Much of the existing parking will remain the same, and the new parking areas are designed to provide safety, convenience and separation of movements. Multiple building entrances are provided from the below grade parking area, which will allow pedestrians to enter the building with minimum interaction with vehicular movements.*

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

*By placing the parking under the building, the project minimizes the amount of new surface parking required while also minimizing the aesthetic impacts of the parking area and remaining outside of the high hazard flood zone.*

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

*By placing parking under the building, the project reduces the overall amount of surface parking from existing conditions while also minimizing the aesthetic impacts of the parking area.*

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

*Please refer to landscape drawings for the parking lot landscape being provided which is in accordance with the Parking Lot Landscape Standards per B.R.C. and exceeds internal lot landscaping requirements.*

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

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

*The building height, mass, scale, architecture and configuration are compatible with and draw upon the character of the existing buildings on the campus and as envisioned in the original PUD. The change to the building configuration is primarily a result of the revised floodplain map, which placed the previously approved building within the High Hazard zone. The current plan relocates the building outside of the floodplain while maintaining the height, mass and scale of the other existing buildings in the PUD.*

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

*The proposed building is two stories over a partially below-grade parking structure. The proposed building height is within the 35' height limit for the zone and is compatible with the existing 2-story structures located on the site.*

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

*The proposed building is situated on the northeast side of the site and behind the "view corridor" of the property to the east. To the north is the Diagonal Highway ROW and not buildable. As illustrated in the shadow analysis provided on the drawings, Outlot A creates a buffer to the adjacent property to the east and the shadow analysis demonstrates there is no shadow cast onto the adjacent property.*

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

*The project is designed to be compatible with the existing character of the office park in terms of building form and color, while improving upon the existing materials (largely stucco) by incorporating anodized aluminum siding and a synthetic slate tile base. The proposed landscaping and lighting will be in keeping with the existing buildings.*

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

*The proposed building fronts onto Diagonal Highway while taking access off of Iris Ave.; therefore, the building is designed to have entrances on both the north and south sides. The entrances are demarked by vertical wood elements, which provide visual interest and compliment the metal and slate tile materials palette elsewhere on the building. The base of the building is wrapped in slate tile, which will also enhance the pedestrian experience at ground level. The building incorporates large windows across all frontages which will provide for a high degree of transparency.*

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

*The project provides connections to the planned multi-use path along Diagonal; however, all of the other required public facilities have been constructed as part of the original development.*

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

*Not applicable, as the proposal is for a new office building and does not include a residential component.*

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

*Not applicable, as the proposal is for a new office building and does not include a residential component.*

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

*A preliminary lighting plan has been provided, and a final lighting plan will be required at time of tech doc review.*

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

*As previously mentioned, much of the site is already developed, and the existing open space and circulation are designed around Wonderland Creek as it crosses through the site. These features of the site will remain largely unchanged.*

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

*The proposed building is sited as close to the north property line as possible and is oriented on an east west axis to provide for better solar control and shading as well as a more efficient photovoltaic panel layout. It should be noted that the Owner has already invested capital and has installed photovoltaics to the existing buildings on the site and by situating the proposed building towards the north, will not interfere with the placement of the existing photovoltaics*

*In addition, the applicant will be required to meet current energy code requirements for commercial buildings, which include the 2012 International Energy Conservation Code (IECC) standard as well as the 2010 American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE) 90.1 standards, with additional local amendments requiring a 30 percent increase in performance requirements. This requirement is considered aggressive and represents a significant step toward improved energy efficiency in buildings in balance with the cost impact for new construction. As discussed as a part of the adoption process in October, 2013, the recently adopted codes if supported by continued improvements in cost-efficient building and energy management technology, could achieve a "net zero" building code by 2031 (in which buildings, on balance, produce as much energy as they consume).*

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

*Exterior materials include a synthetic slate tile base course around the building at ground level to provide an interesting texture and materiality. The siding material is shown as anodized aluminum set in a horizontal configuration to complement the horizontal strip windows. The building also features composite panels accenting the vertical circulation elements of the stair and elevator tower, similar to the painted concrete vertical element on the existing building, rendered in a more contemporary fashion. The composite panels would be Exterior Grade Phenolic (EGP) wall panels with wood grain lamination as indicated on the attached drawings.*

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

*As the site is already largely developed, the cut and fill required for the new project are minimal. The existing site conforms largely to the contours of the land.*

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

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

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

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

N/A **(I) Land Use Intensity Modifications:**

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

     **(K) Additional Criteria for Parking Reductions:** *The off-street parking requirements of [section 9-9-6](#), "Parking Standards," B.R.C. 1981, may be modified as follows:*

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

✓ **(ii) Criteria:** Upon submission of documentation by the applicant of how the project meets the following criteria, the approving agency may approve proposed modifications to the parking requirements of [section 9-9-6](#), "Parking Standards," B.R.C. 1981 (see tables 9-1, 9-2, 9-3 and 9-4), if it finds that:

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

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

*The applicant is requesting a 16% parking reduction to allow for 219 parking spaces where 262 are required per the nonresidential parking standards for the BT-1 zone. As part of this request, the applicant has provided a Travel Demand Management Plan which outlines strategies for reducing parking demand. These include providing RTD Eco-passes for all employees of the new building for a minimum of 3 years, and maintaining a transportation information center to provide employees with important travel information including transit maps and schedules, bicycle maps, local and regional marketing campaigns, and information on the commute benefits provided to employees. In addition, there are 70 total bicycle parking spaces proposed for the project where 52 are required by the land use code, including the existing bank (12 spaces), existing office use (20 spaces) and new office uses (38 spaces). 50 spaces are proposed as long-term, covered spaces with vertical racks and secured behind a fence and locked doors, and 20 spaces are proposed as short-term spaces.*

*In addition to the above strategies, the site is situated along two major multi-modal corridors: 30th Street and Diagonal Highway (SH 119). 30th Street extends south from Diagonal Highway to Baseline Road and includes on-street bicycle lanes and segments of off-street multi-use paths. The RTD Bound route stops on the west side of 30th Street just south of Iris Avenue, within 0.15 miles of the project site. Diagonal Highway (and Iris Avenue west of 29th Street) extends from Foothills Parkway to Broadway and includes on-street bicycle lanes. The RTD Bolt route is serviced by transit stops on both sides of Diagonal Highway at 30th Street, within 0.15 miles of the project site. There exists a 10' multi-use path along the west side of the office campus along 30th Street that also connects internally to an existing underpass along the east side of the 30th Street & Diagonal Highway intersection, providing off-street multi-use path connectivity to the Wonderland Creek path to the north.*

*Taking all of the above factors into consideration, staff finds that the parking needs of the office park following construction of the proposed office building will be adequately accommodated through existing on-street and off-street parking.*

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

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

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

**N/A (L) Additional Criteria for Off-Site Parking:** The parking required under [section 9-9-6](#), "Parking Standards," B.R.C. 1981, may be located on a separate lot if the following conditions are met:

# 3107 IRIS OFFICE BUILDING

3107 IRIS AVENUE  
BOULDER, CO 80301

## LAND USE REVIEW

### AMENDMENT TO AN APPROVED SITE PLAN

SEPTEMBER 21, 2005



**HARTRONFT ASSOCIATES**  
A Professional Corporation

Planning  
Architecture  
Interior Design

950 Spruce Street, #2A  
Louisville, CO 80027  
TEL: 303.673.9304  
FAX: 303.673.9319

**3107 IRIS OFFICE BUILDING**  
**BANK OF BOULDER SUBDIVISION**  
 3107 IRIS AVENUE  
 BOULDER, CO 80301

AMENDMENT  
 TO AN  
 APPROVED SITE PLAN

**PROJECT # 095150**  
 DATE: 4/2/15  
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 CHECKED BY: JEH  
 REVISIONS: 10/11/15  
 11/01/15

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**COVER SHEET**

Sheet  
**A0.01**  
 1 of 13 Sheets



CONCEPTUAL VIEW FROM SOUTH

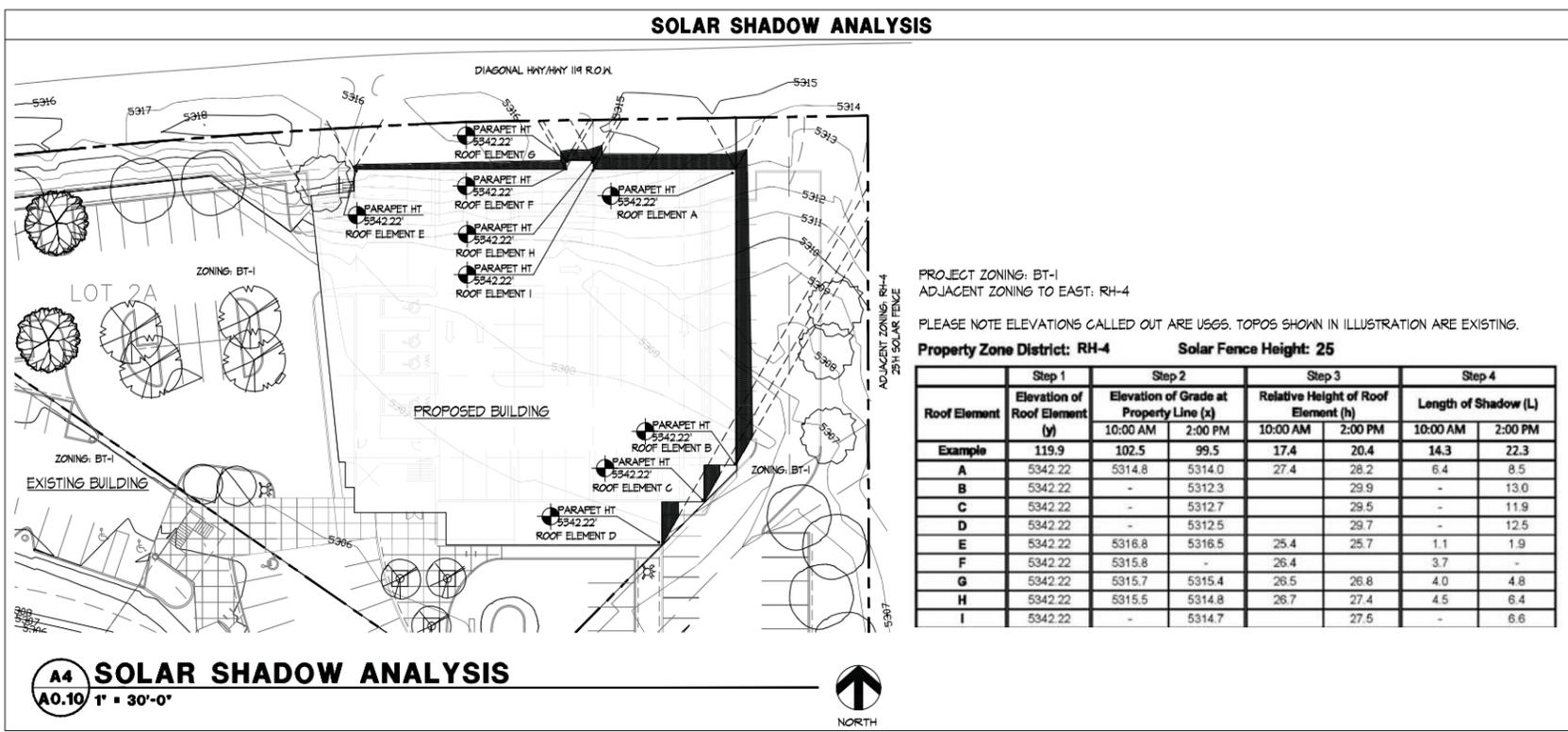


CONCEPTUAL VIEW FROM NORTHWEST ALONG DIAGONAL HWY

PROJECT DIRECTORY	
<b>OWNER</b>	DellaCava Family LLC 2595 Canyon Blvd #230, Boulder, CO 80302 (303) 447-0165 Contact: Lou DellaCava Email: ldellacava@aol.com
<b>ARCHITECT</b>	Hartronft Associates, p.c. 950 Spruce Street, #2A, Louisville, CO 80027 (303) 673-9304 / Fax (303) 673-9319 Contact: J. Erik Hartronft, AIA Email: erik@hapcdesign.com
<b>CIVIL ENGINEER</b>	Scott Cox & Associates, Inc. 1530 55th Street, Boulder, CO 80303 (303) 444-3051 / Fax (303) 444-3387 Contact: Don Ash Email: ash@scottcox.com
<b>LANDSCAPE ARCHITECT</b>	Outside LA, LLC Boulder, CO (303) 517-9256 / Fax (970) 367-5180 Contact: Sandi Gibson Email: osla@me.com

SHEET INDEX	
<b>SHEET</b>	<b>DESCRIPTION</b>
A0.10	Cover Sheet, Solar Analysis, Project Data
ALTA	ALTA/ACSM Land Title Survey Map
1	Topographic Map
<b>CIVIL</b>	
C1.01	Preliminary Drainage, Grading, and Erosion Control Plan
C1.02	Preliminary Utility Plan
<b>LANDSCAPE</b>	
L1.10	Tree Mitigation Plan
L2.10	Landscape Plan
L2.20	Landscape Notes & Details
<b>ARCHITECTURAL</b>	
A1.00	Existing & Proposed Site Plan, Site Section, Conceptual Perspective
A1.10	Site Plan
A1.20	Transportation Connection & Parking Plan
A2.10	Floor Plans
A3.10	Building Elevations

PROJECT DATA	
<b>Project Description</b> To construct a new, roughly 40,000 SF office building on Lot 2A of the Bank of Boulder Subdivision. Approximately 220 parking spaces will be provided to be shared between the lots in the subdivision. Associated landscape improvements also proposed.	
<b>ZONING INFORMATION</b>	
District	BT-1
Use Module	B1
Form Module	f
Intensity	15
<b>Setbacks</b>	
Site Adjacent to a Street	Req'd 15' Provided 15'
(Diagonal)	15' 15'
Rear Yard (East)	20' 0'
Interior Lot Line	0' 0'
(West and South)	

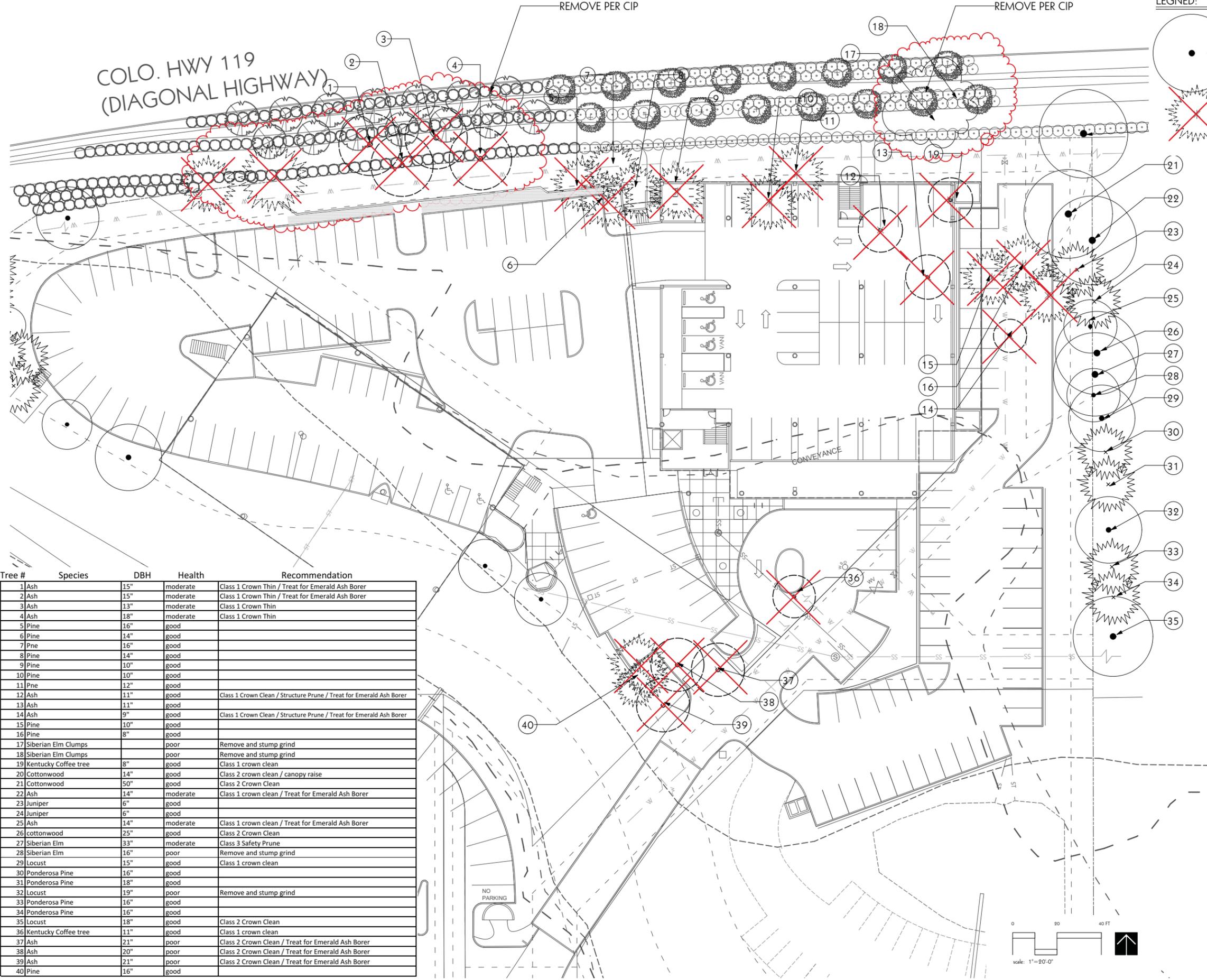
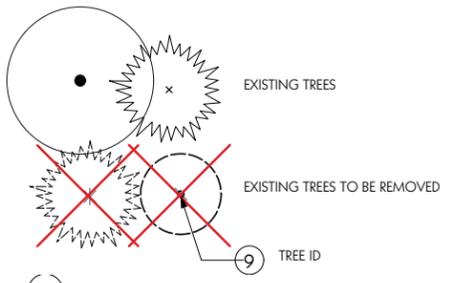


COLO. HWY 119  
(DIAGONAL HIGHWAY)

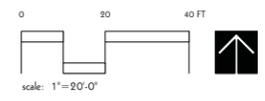
REMOVE PER CIP

REMOVE PER CIP

LEGEND:



Tree #	Species	DBH	Health	Recommendation
1	Ash	15"	moderate	Class 1 Crown Thin / Treat for Emerald Ash Borer
2	Ash	15"	moderate	Class 1 Crown Thin / Treat for Emerald Ash Borer
3	Ash	13"	moderate	Class 1 Crown Thin
4	Ash	18"	moderate	Class 1 Crown Thin
5	Pine	16"	good	
6	Pine	14"	good	
7	Pine	16"	good	
8	Pine	14"	good	
9	Pine	10"	good	
10	Pine	10"	good	
11	Pine	12"	good	
12	Ash	11"	good	Class 1 Crown Clean / Structure Prune / Treat for Emerald Ash Borer
13	Ash	11"	good	
14	Ash	9"	good	Class 1 Crown Clean / Structure Prune / Treat for Emerald Ash Borer
15	Pine	10"	good	
16	Pine	8"	good	
17	Siberian Elm Clumps		poor	Remove and stump grind
18	Siberian Elm Clumps		poor	Remove and stump grind
19	Kentucky Coffee tree	8"	good	Class 1 crown clean
20	Cottonwood	14"	good	Class 2 crown clean / canopy raise
21	Cottonwood	50"	good	Class 2 Crown Clean
22	Ash	14"	moderate	Class 1 crown clean / Treat for Emerald Ash Borer
23	Juniper	6"	good	
24	Juniper	6"	good	
25	Ash	14"	moderate	Class 1 crown clean / Treat for Emerald Ash Borer
26	cottonwood	25"	good	Class 2 Crown Clean
27	Siberian Elm	33"	moderate	Class 3 Safety Prune
28	Siberian Elm	16"	poor	Remove and stump grind
29	Locust	15"	good	Class 1 crown clean
30	Ponderosa Pine	16"	good	
31	Ponderosa Pine	18"	good	
32	Locust	19"	poor	Remove and stump grind
33	Ponderosa Pine	16"	good	
34	Ponderosa Pine	16"	good	
35	Locust	18"	good	Class 2 Crown Clean
36	Kentucky Coffee tree	11"	good	Class 1 crown clean
37	Ash	21"	poor	Class 2 Crown Clean / Treat for Emerald Ash Borer
38	Ash	20"	poor	Class 2 Crown Clean / Treat for Emerald Ash Borer
39	Ash	21"	poor	Class 2 Crown Clean / Treat for Emerald Ash Borer
40	Pine	16"	good	



3107 IRIS OFFICE BUILDING  
BANK OF BOULDER SUBDIVISION  
3107 IRIS AVENUE  
BOULDER, CO 80301

AMENDMENT  
TO AN  
APPROVED SITE PLAN

PROJECT # -  
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REVISIONS: 10/19/15

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TREE MITIGATION  
PLAN

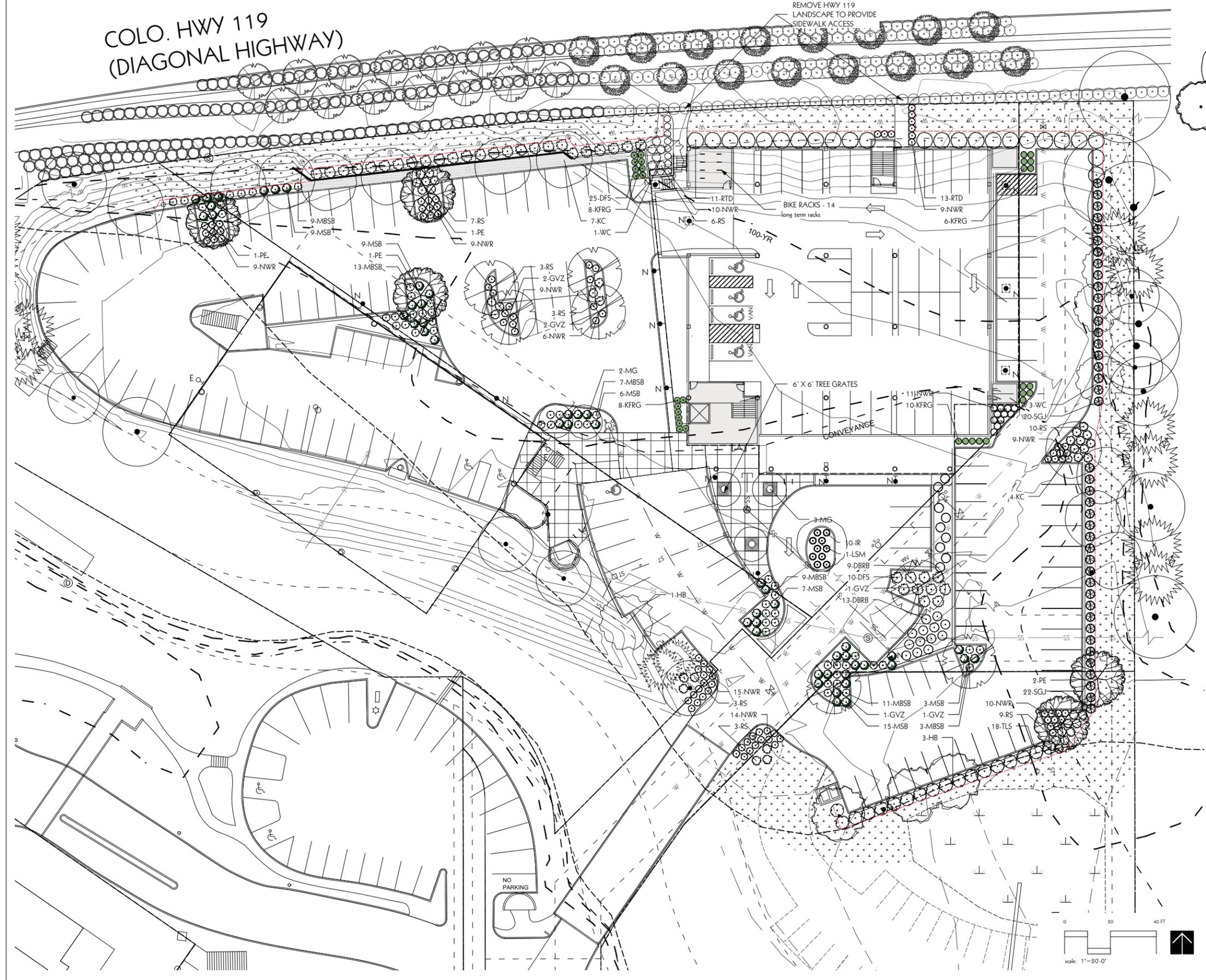
Sheet  
**L1.1**  
of Sheets

COLO. HWY 119  
(DIAGONAL HIGHWAY)

REMOVE HWY 119  
LANDSCAPE TO PROVIDE  
SIDEWALK ACCESS

**LEGEND**

- EXISTING TREES
- PROPOSED TREES
- PROPOSED SHRUBS
- PROPOSED ORN GRASS
- STEEL EDGER
- BLUE GRAMA GRASS SEED
- WETLANDS POND MIX



3107 IRIS OFFICE BUILDING  
BANK OF BOULDER SUBDIVISION  
3107 IRIS AVENUE  
BOULDER, CO 80301

APPROVED  
TO AN  
APPROVED SET PLAN

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LANDSCAPE PLAN

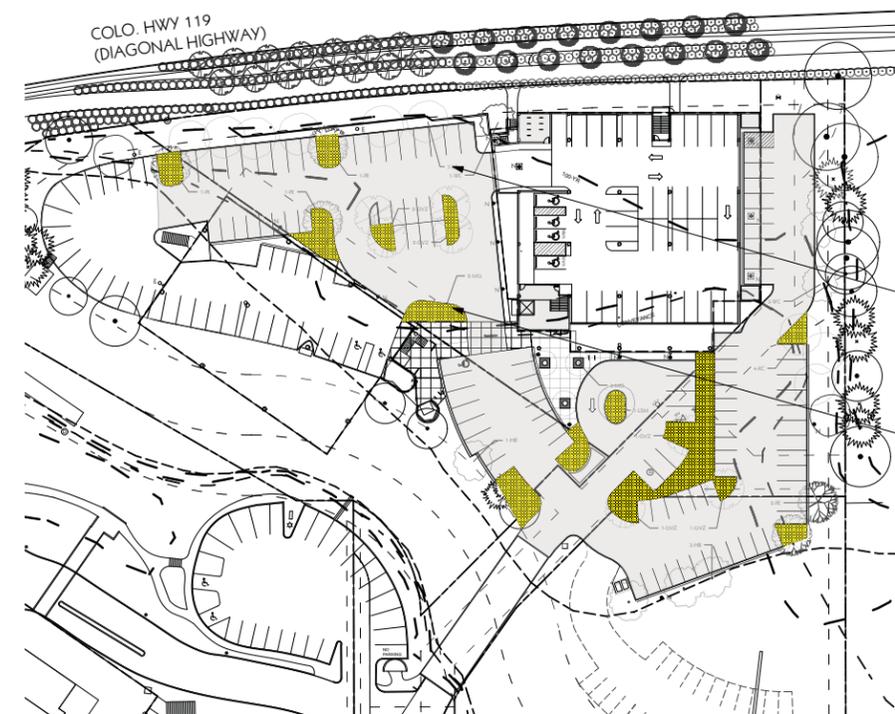
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**L2.1**  
of Sheets

PLANT LIST 10-19-15					
KEY	QTY	COMMON NAME	SCIENTIFIC NAME	SIZE	o.c.
<b>SHADE TREES:</b>					
GVZ	7	Green Vase Zelkova	Zelkova serrata 'Green Vase'	2" clp.	as shown
HB	4	Western Hackberry	Celtis occidentalis	2" clp.	as shown
KC	12	Kentucky Coffeetree	Gymnocladus dioica	2" clp.	as shown
LSM	1	Sugar Maple Legacy	Acer saccharum 'Legacy'	2" clp.	as shown
MG	5	Ginkgo Tree	Ginkgo biloba 'Magyar'	2" clp.	as shown
PE	6	Prospector Elm	Ulmus wilsoniana 'Prospector'	2" clp.	as shown
WC	5	Northern Catalpa	Catalpa speciosa	2" clp.	as shown
<b>TOTAL:</b>	<b>40</b>				
<b>SHRUBS:</b>					
DBRB	23	Dwarf Blue Rabbitbrush	Chrysothamnus nauseosus nauseosus	5 gallon	4.5' o.c.
DFS	36	Dwarf Fragrant Sumac	Rhus aromatica 'Gro-Low'	5 gallon	4' o.c.
IR	11	Iceberg Rose	Rosa x 'Iceberg'	5 gallon	3' o.c.
MBSB	53	Magic Berry Snowberry	Symphoricarpos x doorenbosii 'Magic Berry'	5 gallon	3.5' o.c.
MBS	50	Marlene Snowberry	Symphoricarpos x doorenbosii 'Marlene'	5 gallon	3.5' o.c.
NWR	112	Nearly Wild Rose	Rosa x 'Nearly Wild'	5 gallon	3' o.c.
RS	45	Russian Sage	Perovskia atriplicifolia	5 gallon	4' o.c.
RTD	25	Isanti Red-Osier Dogwood	Cornus sericea 'Isanti'	5 gallon	7' o.c.
SGJ	43	Sea Green Juniper	Juniperus chinensis 'Sea Green'	5 gallon	5' o.c.
TLS	19	Three-Leaf Sumac	Rhus trilobata	5 gallon	6' o.c.
<b>TOTAL:</b>	<b>417</b>				
<b>ORNAMENTAL GRASSES:</b>					
KFRG	33	Korean Feather Reed Grass	Calamagrostis brachytricha	1 gallon	24' o.c.

LANDSCAPE REQUIREMENTS: 10-19-15		
PARKING	REQUIRED	PROVIDED/COMMENTS
TOTAL NUMBER BIKE RACKS	1 bike / 5,000 sf = 16 bikes	24 total (14 long term + 10 short term)
INTERIOR PARKING LOT LANDSCAPED AREA @ 5%:	40,065 SF parking lot @ 5% = 2,003 sf	5,237 SF = 13 %
<b>PARKING LOT SCREENING:</b>		
FROM ADJACENT PROPERTIES		
Height & Opacity	Landscape Material 42" ht.	
Width	6' Buffer	
Trees	1 tree/25 = SE Parking Lot = 364 = 15	9 provided (4 existing along PL on site + 11 new)
	Center Lot = 115' = 5	4 provided (3 existing + 1 new)
	NW Parking Lot = 225' = 9	9 provided
<b>STREETSCAPE:</b>		
Existing Detached Sidewalk - Hwy 119	1 tree/40' = 427 LF = 11 trees	0 provided on site, 30 ornamental trees provided along adjacent new bike lane & walk
<b>MINIMUM PLANT SIZES:</b>		
Deciduous Trees	1 tree & 5 shrubs/1500 sf = 30,259 sf = 24 trees + 118 shrubs	
Evergreen Trees	2" cal.	39 trees
Ornamental Trees	6" ht.	0 trees
Shrubs	1.5" cal.	0 trees
	5 gallon container	427 5-gal shrubs

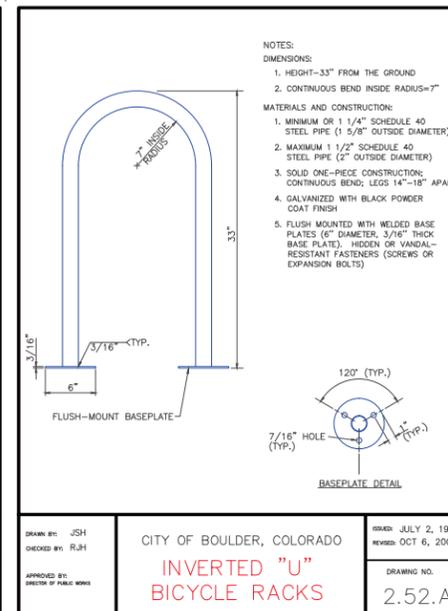
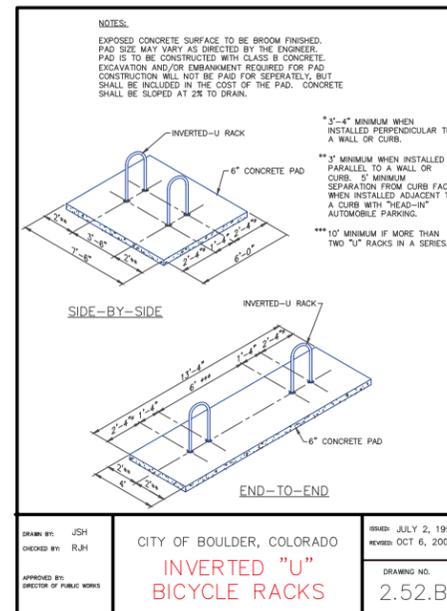
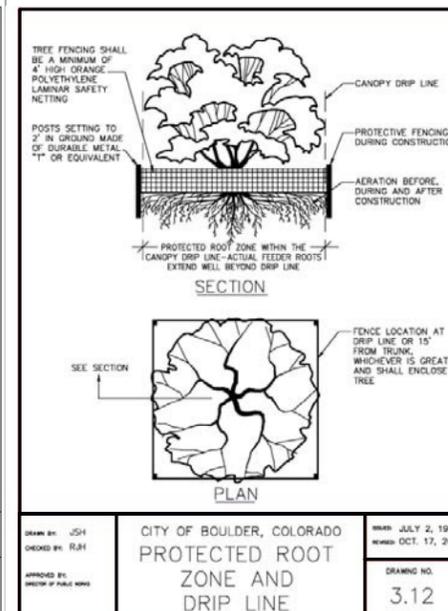
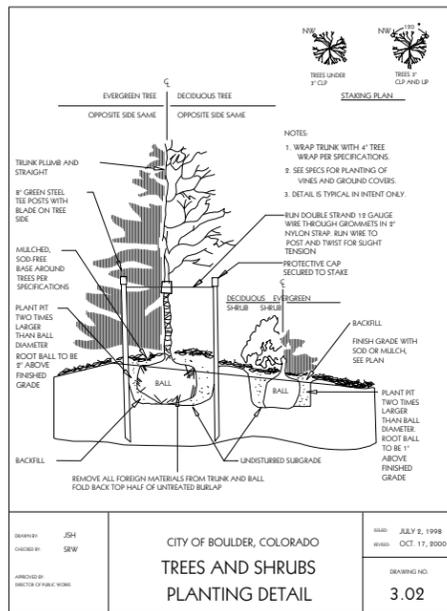
**PLANT NOTES:**

- All plant material shall meet specifications of the American Association of Nurserymen (AAN) for number one grade. All trees shall be balled and burlapped or equivalent. All plant materials shall have all wire, twine or other containment materials, except for burlap, removed from trunk and root ball of the plant prior to planting.
- Trees shall not be planted closer than 10 feet to any sewer or water line. Tree planting shall be coordinated with Xcel Energy. Locations of all utilities shall be verified in the field prior to planting.
- All shrubs shall be planted no closer than 3' from any walk or road edge.
- Grades shall be set to allow for proper drainage away from structures. Grades shall maintain smooth profiles and be free of surface debris, bumps, and depressions.
- Developers shall ensure that the landscape plan is coordinated with the plans done by other consultants so that the proposed grading, storm drainage, or other constructions does not conflict nor preclude installation and maintenance of landscape elements on this plan.
- All shrub beds adjacent to turf or seed areas shall be edged with Ryerson or approved equivalent steel edger.
- All shrub bed areas shall be mulched with a 4" layer of wood mulch. Perennials and groundcover areas shall be mulched with a 3" layer of wood mulch. Landscape fabric to be used in shrub beds only, **do not install fabric below ornamental grasses, perennials or groundcover areas.**
- Prior to installation of plant materials, areas that have been compacted or disturbed by construction activity shall be thoroughly loosened; organic soil amendments shall be incorporated at the rate of at least three (3) cubic yards per 1000 square feet of landscape area in all turf and shrub beds. Incorporate only 1.5 CY in seed areas.
- All lawn areas will be sodded with a fescue blend. Perimeter seed areas to be Low Grow Seed Mix as per Arkansas Valley Seed or equal. Drainage channel and Detention Pond to be seeded with wetland seed mix. All slopes steeper than 3:1 will have erosion control fabric.
- All landscape (plant materials and grass) will be irrigated with an automatic system. See Irrigation Plans & Detail sheets.
- Contractor shall verify all material quantities prior to installation. Actual number of plant symbols shall have priority over the quantity designated.
- Refer to the City of Boulder Design and Construction Streetscaping Standards for all work within public areas. and **Planting/Construction Requirements/Schedule (10.03.C.2) for planting season specifications.**
- Refer to the Civil Engineer Drawings for Grading and Utility information.
- This plan meets or exceeds City of Boulder landscape code requirements.



PARKING LOT & DRIVE AISLE = 40,065 SF

PARKING LOT ISLANDS:  
6' MIN. + 150 SF MIN.  
= 5,237 SF 13%



3107 IRIS OFFICE BUILDING  
BANK OF BOULDER SUBDIVISION  
3107 IRIS AVENUE  
BOULDER, CO 80301

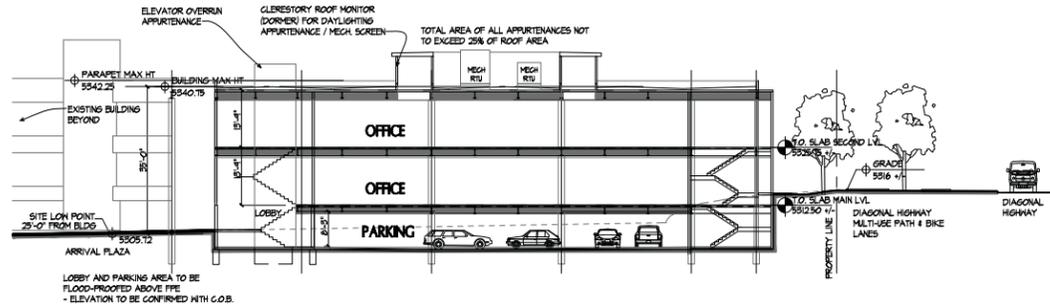
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LANDSCAPE NOTES & DETAILS

Sheet  
**L2.2**  
of Sheets



**D4 EXISTING 2-STORY OFFICE BLDG**  
**A1.00 N.T.S.**



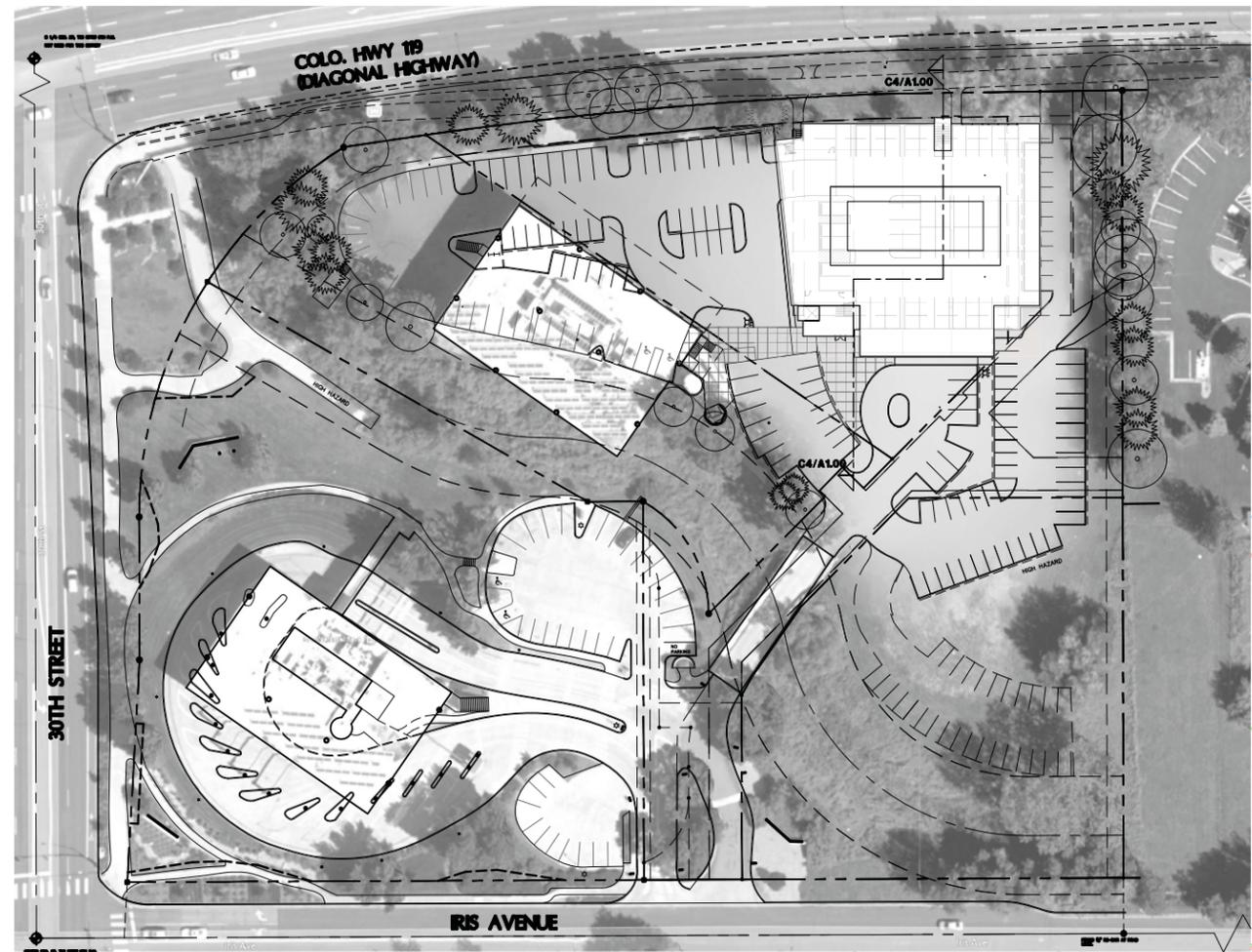
**C4 SITE SECTION**  
**A1.00 1" = 20'-0"**



**C1 CONCEPTUAL AERIAL VIEW OF PROPOSED REDEVELOPMENT**  
**A1.00 N.T.S.**



**A4 EXISTING CONDITIONS**  
**A1.00 1" = 50'-0"**



**A1 PROPOSED SITE PLAN**  
**A1.00 1" = 50'-0"**



**HARTRONIT ASSOCIATES**  
*A Professional Corporation*

Planning  
 Architecture  
 Interior Design

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**3107 IRIS OFFICE BUILDING**  
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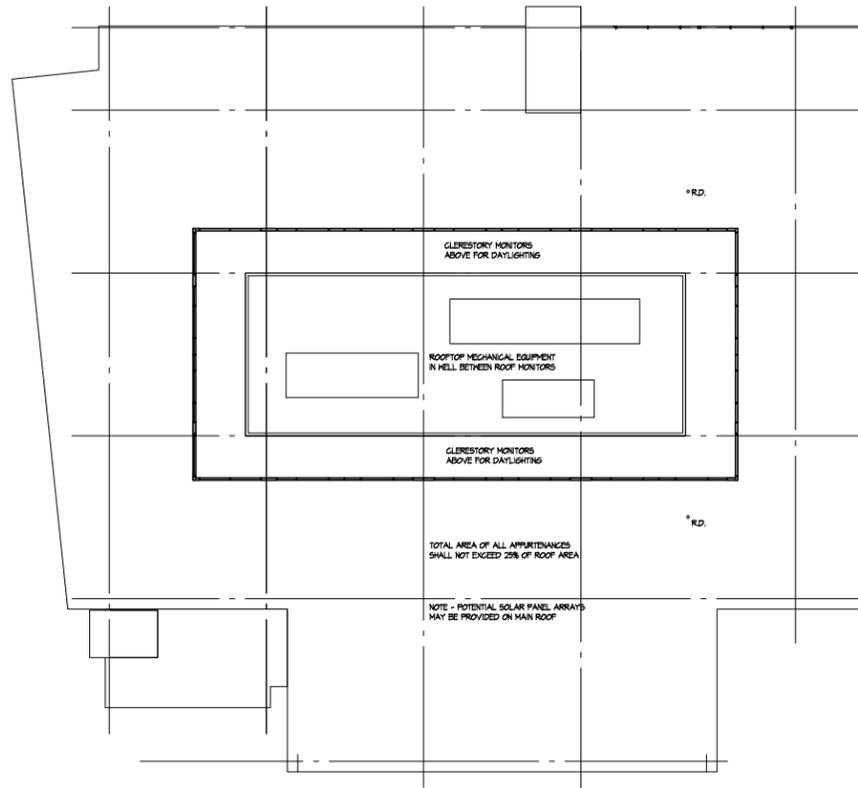
EXSTG SITE PLAN  
 PROPOSED SITE  
 SITE SECTION  
 AERIAL VIEW

Sheet  
**A1.00**

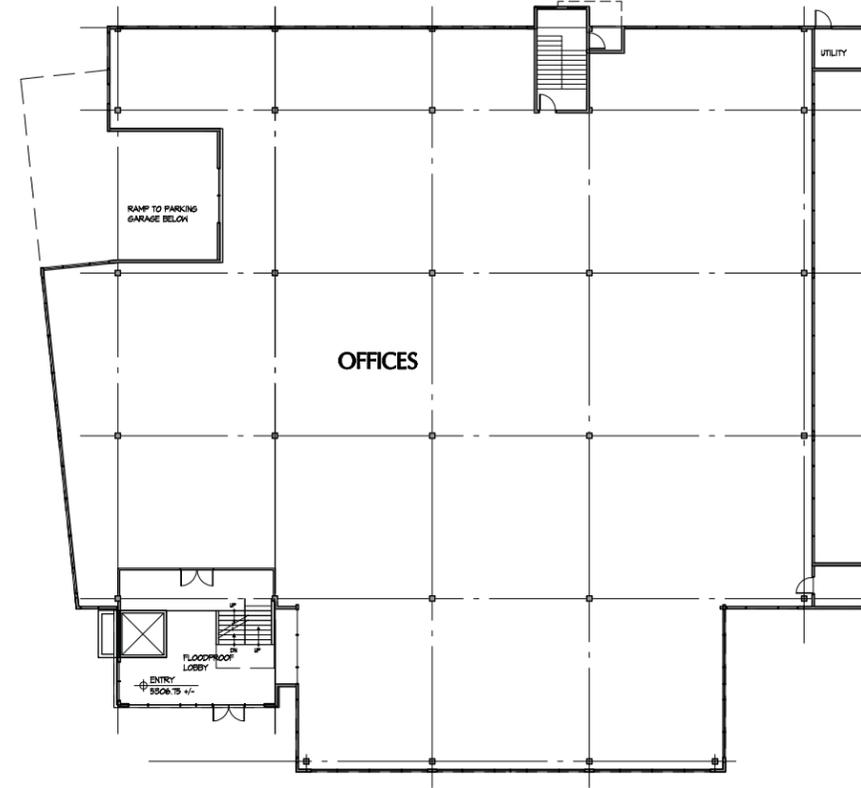
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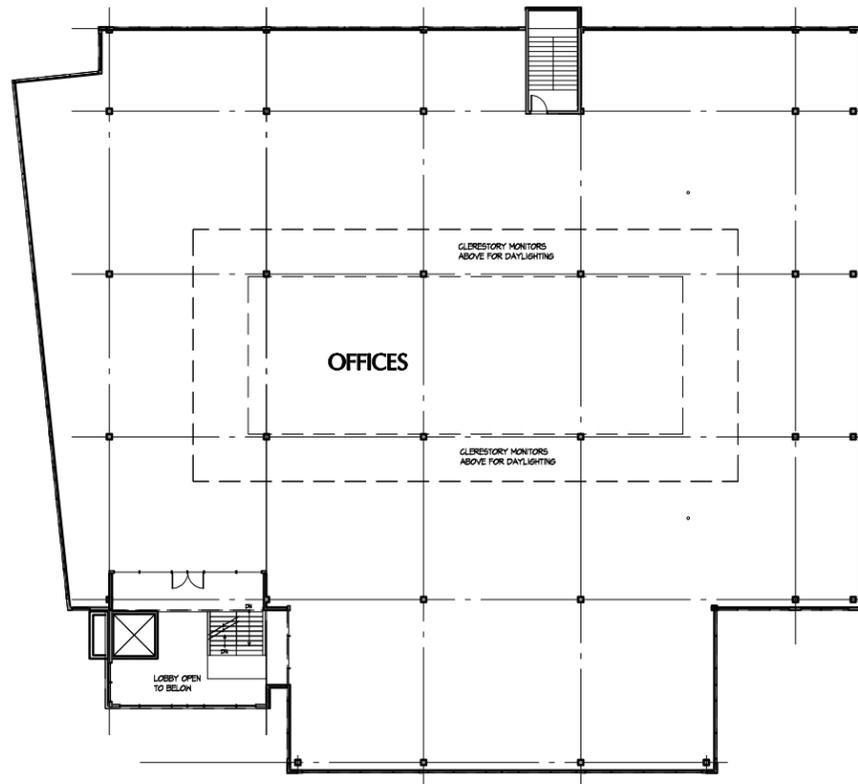




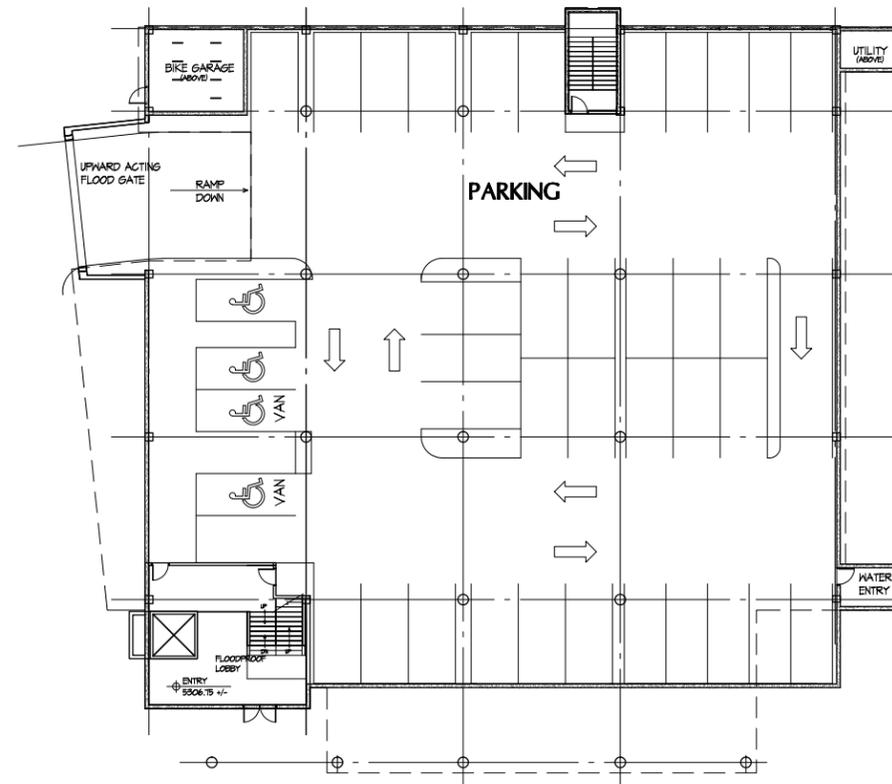
**C3 ROOF PLAN**  
A2.10 1/16" = 1'-0"



**C1 FIRST LEVEL PLAN**  
A2.10 1/16" = 1'-0"



**A3 SECOND LEVEL PLAN**  
A2.10 1/16" = 1'-0"



**A1 LOWER LEVEL PARKING PLAN**  
A2.10 1/16" = 1'-0"



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**PARKING LEVEL  
FIRST LEVEL  
SECOND LEVEL  
ROOF LEVEL  
FLOOR PLANS**

Sheet  
**A2.10**  
12 of 13 Sheets



**EAST**



**NORTH**



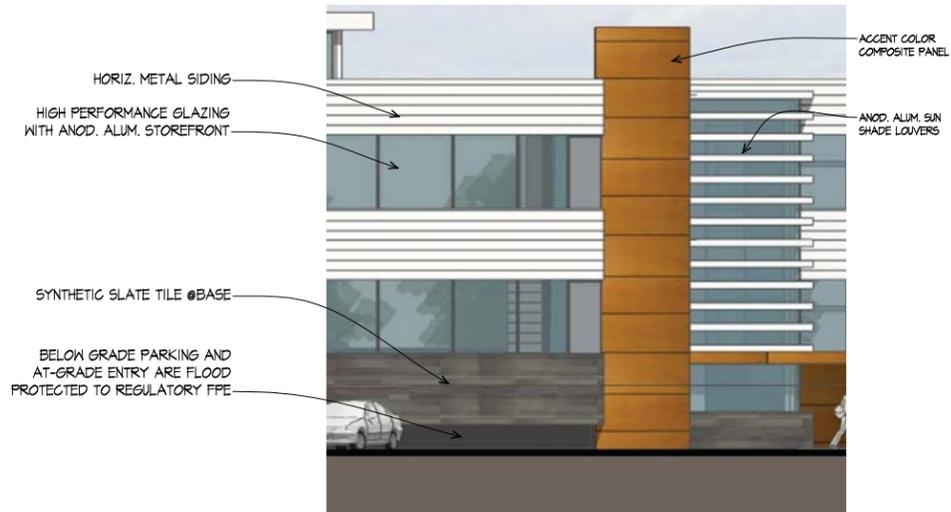
**WEST**



**SOUTH**

**B4 ISOLATED BUILDING ELEVATIONS**

A3.10 1" = 20'-0"



**A4 ELEVATION DETAIL**

A3.10 1/8" = 1'-0"



**D1 EAST ELEVATION**

A3.10 1/16" = 1'-0"



**C1 NORTH ELEVATION**

A3.10 1/16" = 1'-0"



**B1 WEST ELEVATION**

A3.10 1/16" = 1'-0"



**A1 SOUTH ELEVATION**

A3.10 1/16" = 1'-0"



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**3107 IRIS OFFICE BUILDING  
BANK OF BOULDER SUBDIVISION**  
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AMENDMENT  
NO. 1  
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**ELEVATIONS**

Sheet  
**A3.10**

13 of 13 Sheets

**MEMORANDUM**

**To:** Sara King, Hartronft Associates, P.C.  
**From:** Steve Tuttle, PE, PTOE  
**Date:** December 11, 2015  
**Project:** 3107 Iris  
**Subject:** Transportation Demand Management Plan

The Fox Tuttle Hernandez has completed this Transportation Demand Management (TDM) Plan for the 3107 Iris project in the City of Boulder. The project is proposing to construct a two-story, 42,250 square foot (SF) office building at 3107 Iris Avenue. The site is located within an existing office campus that includes an existing 12,266 SF bank and an existing 24,128 SF office building. The new structure will be elevated over an existing parking area, similar to the existing buildings.

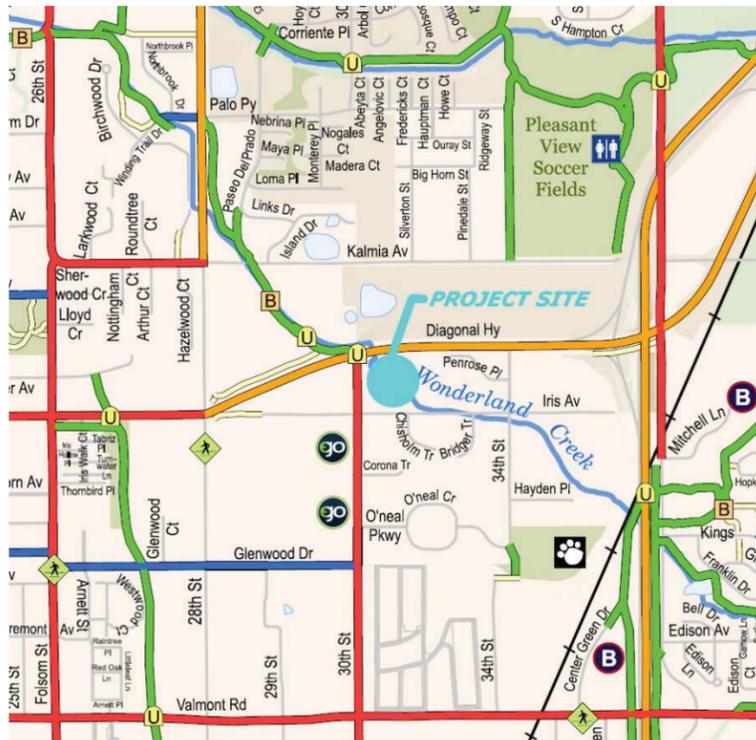
In accordance with the City of Boulder requirements, a Transportation Demand Management (TDM) Plan is necessary to outline strategies to mitigate traffic impacts created by the proposed development and implementable measures for promoting alternate modes of travel to reduce single-occupancy vehicle (SOV) trips.

The project is located at 3107 Iris Avenue and along two major multi-modal corridors: 30<sup>th</sup> Street and Diagonal Highway (SH 119). 30<sup>th</sup> Street extends south from Diagonal Highway to Baseline Road and includes on-street bicycle lanes and segments of off-street multi-use paths. The RTD Bound route stops on the west side of 30<sup>th</sup> Street just south of Iris Avenue, within 0.15 miles of the project site. Diagonal Highway (and Iris Avenue west of 29<sup>th</sup> Street) extends from Foothills Parkway to Broadway and includes on-street bicycle lanes. The RTD Bolt route is serviced by

---

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transit stops on both sides of Diagonal Highway at 30<sup>th</sup> Street, within 0.15 miles of the project site. There exists a 10' multi-use path along the west side of the office campus along 30<sup>th</sup> Street that also connects internally to an existing underpass along east side of the 30<sup>th</sup> Street & Diagonal Highway intersection, providing off-street multi-use path connectivity to the Wonderland Creek path to the north. There exists sidewalks throughout the area serving nearby mixed-use including retail, restaurants, residential and commercial land uses. Internal off-street connections exist, including a pedestrian bridge across Wonderland Creek.

The project will also provide for a connection to the future multi-use path that is proposed as part of a Capital Improvement Project along the Diagonal Hwy on the north side of the site as well the Wonderland Creek multi-use path connection that runs onto the site in the northwest corner. With these existing and proposed bicycle, pedestrian, and transit facilities in place the project has a great opportunity to promote use of these facilities and reduce SOV trips to and from the site.

The following text discusses specific TDM measures proposed within the context of site planning and programming:

**Management and Parking Strategies:** There are currently 172 parking spaces serving the existing bank and office building. The project is proposing a total of 219 spaces to including these and the new office building. This represents a 16% reduction from the 262 parking spaces requirement of the City code. The reduction of available parking is consistent with recent projects in the City of Boulder with the goal of discouraging SOV trips to and from the site.

There are 70 total bicycle parking spaces proposed for the project to include the existing bank (12 spaces), existing office use (20 spaces) and new office uses (38 spaces). 50 spaces are proposed as long-term, covered spaces with vertical racks and secured behind a fence and locked doors. 20 short-term spaces are proposed.

**Table 1** summarizes the City of Boulder parking requirements (per Code) vs. the proposed parking for both automobiles and bicycles.

**Table 1. Required vs. Proposed Parking**

	Lot 1 (Existing Bank)	Lot 1A (Existing Office)	Lot 2a (Proposed Office)	Lot 3 (Vacant)	Outlot A (Parking)	Total
Auto Parking Required	41	80	141			262
Auto Parking Proposed	30	52	84	18	35	219
<b>% Reduction</b>	<b>27%</b>	<b>35%</b>	<b>40%</b>			<b>16%</b>
Long-Term Bike Parking Required	6	12	21			39
Long-Term Bike Parking Proposed	8	12	30			50
<b>% Increase</b>	<b>33%</b>	<b>0%</b>	<b>43%</b>			<b>28%</b>
Short-Term Bike Parking Required	2	4	7			13
Short-Term Bike Parking Proposed	4	8	8			20
<b>% Increase</b>	<b>100%</b>	<b>100%</b>	<b>14%</b>			<b>54%</b>
Total Bike Parking Required	8	16	28			52
Total Bike Parking Proposed	12	20	38			70
<b>% Increase</b>	<b>50%</b>	<b>25%</b>	<b>36%</b>			<b>35%</b>

As shown on **Table 1**, the distribution of proposed long-term and short-term spaces between the three buildings results in all buildings meeting or exceeding required long-term or short-term bicycle parking spaces. The overall provision of 70 spaces represents a 35% increase in bicycle parking over the City of Boulder requirements. This also more than doubles the 16% reduction in automobile parking spaces which will help to meet the TDM goals of this project.

**Bicycle Access:** Bicycle access to the site is provided for by on-street bicycle lanes along the 30<sup>th</sup> Street and Diagonal Highway and with future external and internal improvements, as discussed on the previous page. The design of the site facilitates connections to these facilities.

**Incentives Strategies:** The applicant will implement an Employee Commute Trip Reduction Program to mitigate the impacts of the development on local traffic. This plan will include the following elements:

- **Employee Eco-Passes:** Eco-passes will be purchased for all employees of the new building for a minimum of three years after completion of the project (estimated 179 employees).
- **Transportation Information Center:** The applicant will maintain a Transportation Information Center at the worksite. This center can take a variety of forms, but must serve as means to providing employees with important travel information including transit maps

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and schedules, bicycle maps, local and regional marketing campaigns, and information on the commute benefits provided to employees.

Marketing Strategies:

- Walk and Bike Month takes place in June and is organized by GO Boulder and Community Cycles, a local non-profit that promotes a culture of cycling in Boulder. For at least the first 2 years following its opening for business, the applicant will host a Bike to Work Day Breakfast Station and will actively encourage employees to register and participate in Bike to Work Day (June) or Winter Bike to Work Day (January).
- Orientation packets: Applicant will provide Go Boulder Orientation Packets to residents and employers that will include bus/bike maps and other information on transportation projects.
- TDM Plan evaluation: Applicant will facilitate the distribution of GO Boulder-provided periodic surveys of resident and employee travel behavior to evaluate the TDM Plan. The survey is designed to collect anonymous travel information and takes less than 10 minutes to complete.

/SGT



**CITY OF BOULDER**  
**Community Planning & Sustainability**

1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791  
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**CITY OF BOULDER**  
**LAND USE REVIEW RESULTS AND COMMENTS**

DATE OF COMMENTS: **October 9, 2015**  
 CASE MANAGER: **Chandler Van Schaack**  
 PROJECT NAME: **Bank of Boulder PUD Amendment**  
 LOCATION: **3107 IRIS**  
 COORDINATES: **N06W03**  
 REVIEW TYPE: **Minor Site Review Amendment**  
 REVIEW NUMBER: **LUR2015-00088**  
 APPLICANT: **Erik Hartronft**  
 DESCRIPTION: **MINOR SITE REVIEW AMENDMENT: Amend approved plan to change the building configuration from the original PUD due to floodplain constraints. Proposed building to be 40,000 s.f. in size on Lot 2A, with 220 parking spaces to be shared between lots in the subdivision.**

REQUESTED VARIATIONS FROM THE LAND USE REGULATIONS:

- Section 9-9-6, "Parking Standards," B.R.C. 1981 – Applicant is requesting a 16% parking reduction to allow for 220 shared parking spaces to be provided for the development where 262 are required per the BT-1 zone district standards.

**I. REVIEW FINDINGS**

While overall the proposal appears to be supportable, due to the scope of the proposed changes to the existing Bank of Boulder Park PUD a Site Review Amendment is required (as discussed in detail below under "Review Process"). Prior to resubmittal, the applicant will be required to pay an additional application fee of \$2,580.00 in order to change the application type to a Site Review Amendment. With regards to the project, there are several issues identified by staff below which will require additional documentation and may require changes to the site and building design. Once the comments below have been addressed, please re-submit **five (5) hard copies** of the revised plans (with a total of **two (2)** copies of the revised drainage report and parking study) **and digital copies of the plan set in pdf form** to the front counter of the P&DS Service Center prior to the start of a three-week review track. Please note that review tracks commence on the first and third Monday of each month.

Please contact the Case Manager, Chandler Van Schaack, at 303-441-3137 or [vanschaack@bouldercolorado.gov](mailto:vanschaack@bouldercolorado.gov) with any questions or to set up a meeting prior to resubmittal.

**II. CITY REQUIREMENTS**

**Access/Circulation** David Thompson, 303-441-4417

1. Pursuant to section 9-9-6 of the Boulder Revised Code, 1981, please submit a Parking / Transportation Demand Management (TDM) Study to support the requested parking reduction. Please refer to section 9-9-6(f)(3) of the BRC for the criteria that will be used by staff to evaluate the Parking / TDM Study.
2. Please revise the site plans to locate the short-term bicycle parking fifty-feet or less from the main entrance to the building consistent with section 9-9-6(g)(2) of the BRC.
3. Please revise the site plans to show or describe the location of the nine accessible parking spaces being provided on the site as the site plans only show seven accessible parking spaces.
4. Pursuant to Figure 9-3 of the BRC, please revise the site plan to show an accessible aisle for the accessible parking space being shown in the surface parking lot.

5. Please revise the site plans to detail the number of accessible, standard and compact parking spaces being provided on each lot as well as the dimensions of all the parking spaces on Lot 2A in order to allow staff to evaluate the project's parking proposal with the parking standards found in section 9-9-6 of the BRC.

**Building Design** Chandler Van Schaack, Case Manager

1. Staff finds that while the architecture of the proposed building appears to be in keeping with the existing buildings on the site as well as the intended architecture per the original PUD approval, the proposed materials are not in keeping with the intended design character of the buildings, which is described as *“concrete for the supporting structure and a light weight cantilevered structure above constructed of wood and/or steel, similar to the existing building.”* The applicant should revise the proposal to include materials similar to the existing buildings located on the site. The applicant should also note that in order to meet subsection 9-2-14(h)(2)(F)(xii) of the site review criteria, which requires that *“exteriors of buildings present a sense of permanence through the use of authentic materials such as stone, brick, wood, metal or similar products and building material detailing,”* stucco should be used primarily as an accent material rather than a primary building material as currently shown.

While the Site Review criteria require that the building be *“compatible with the existing character of the area,”* the existing buildings were designed in more of a 1970's suburban vernacular and therefore, staff encourages the applicant to explore ways of maintaining consistency with the surrounding buildings while modernizing and improving on the previous design to better meet the intent of subsection 9-2-14(h)(2)(F)(v), which requires that *“Projects are designed to a human scale and promote a safe and vibrant pedestrian experience through the location of building frontages along public streets, plazas, sidewalks and paths, and through the use of building elements, design details and landscape materials that include, without limitation, the location of entrances and windows, and the creation of transparency and activity at the pedestrian level.”* Given the proposed multi-use path improvements along Diagonal Highway, special consideration should be given to how the proposed project will interact with the pedestrian realm along the northern edge of the property.

2. The current plans show an 8-foot “clerestory monitor” structure on the rooftop surrounding the proposed mechanical equipment. Section 9-16, B.R.C. defines an appurtenance as:

*Appurtenances means:*

- (1) *Architectural features not used for human occupancy, consisting of spires, belfries, cupolas or dormers, silos, parapet walls, and cornices without windows; and*
- (2) *Necessary mechanical equipment usually carried above the roof level, including, without limitation, chimneys, ventilators, skylights, antennas, microwave dishes, and solar systems, and excluding wind energy conversion systems.*

While typically mechanical equipment is able to meet the requirements for an “appurtenance” and is therefore able to exceed the 35 foot height limit, an 8-foot clerestory would not necessarily meet the requirements and may therefore not be allowed to exceed the maximum permitted building height of 35 feet. If the clerestory structure is to exceed 35 feet in height on the revised plans, it will be necessary to demonstrate that it meets the criteria for appurtenances found in [section 9-7-7](#) of the Boulder Revised Code, included below:

*(2) The city manager may approve additions of appurtenances to buildings causing a building height to exceed the maximum permitted height if the following standards are met:*

- (A) There is a functional need for the appurtenance;*
- (B) The functional need cannot be met with an appurtenance at a lesser height; and*
- (C) Visible materials and colors are compatible with the building to which the appurtenance is attached.*

3. The proposed plans also indicate a “Parapet Max Height” of 18 inches above the roof line. Note that in order to include a parapet which exceeds the maximum allowable building height it will be necessary to demonstrate that the parapet *“is necessary to accommodate rooftop drainage or to provide fire protection”* as required by section 9-7-7(a)(5), B.R.C. 1981.

**Drainage,** Erik Saunders, 303 441-4493

The Preliminary Drainage Report (Report) does not include any information regarding the original drainage plan and report for the Bank of Boulder development . There is an existing parking lot detention pond which has not been incorporated into the drainage report. Per section 7.03 of the DCS, the technical report must include a discussion of previous drainage studies for the site and an analysis of the impacts of the development proposal with regard to previous studies and demonstrate conformance with Storm Water Master Plans. Revise Drainage Plan and Report as necessary

Address: 3107 IRIS

Page 2

to incorporate the relevant elements of previous studies.

**Flood Control**, Erik Saunders, 303-441-4493

1. The plans show several structural columns and foundation elements encroaching into the Wonderland Creek conveyance zone. This area of the floodplain is reserved for the conveyance of floodwaters so that flood risks are not increased on adjacent properties and the 100-year floodplain boundaries are not increased. The applicant is required to demonstrate that any structure or obstruction placed within the conveyance zone will not result in a rise in the 100-year floodwater elevation or increase the flood risk to adjacent properties.
2. Please include a description of the floodproofing measures that will be used for this project including protection of the below-grade parking structure and entry lobby.

**Fees**

Please note that 2015 development review fees include a \$131 hourly rate for reviewer services following the initial city response (these written comments). Please see the [P&DS Questions and Answers brochure](#) for more information about the hourly billing system.

The 2015 Schedule of Fees can be found online at the following web link:

<https://www-static.bouldercolorado.gov/docs/PDS/forms/2015-schedule-of-fees.pdf>

**Fire Protection** David Lowrey, 303.441.4356

No issues. Applicant should set a time to ensure emergency access is acceptable and fire hydrant location.

**Landscaping** Elizabeth Lokocz, 303-441-3138

The application is incomplete as submitted. Staff is unable to determine if the proposal meets the required Site Review criteria of a Minor Amendment.

Please submit the following additional information at the next submittal.

1. A plan with sufficient detail to demonstrate site review criteria including:

*(C) Landscaping:*

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

*(ii) Landscape design attempts to avoid, minimize or mitigate impacts on and off site to important native species, healthy, long lived trees, plant communities of special concern, threatened and endangered species and habitat by integrating the existing natural environment into the project;*

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

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

And,

*(E) Parking:*

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

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

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

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

See section 9-9-12(d) for a list of general requirements. This list forms the basis of what is typically included on a landscape plan. The landscape requirements chart if of particular importance and shall call out any requested modifications and justification for the modification. Update the requested modifications section of the application

accordingly. To meet criteria, it appears additional plant material is needed.

2. The plan associated with the tree inventory and information on who performed it. Please note that the removal of public street trees requires approval from the City Forester and will incur mitigation fees per section 6-6-6 B.R.C. 1981.
3. A diagram clarifying all code compliant interior parking lot landscaping per section 9-9-14 B.R.C. 1981. Please note that although structured or covered parking does not contribute to the parking lot area, it is included in the total number of parking lot spaces provided for the project and should not be excluded from the calculations table. If an excess of parking is proposed, it will increase parking lot landscape requirements per section 9-9-14(d)(5) B.R.C. 1981.
4. A plants schedule including all proposed trees and shrubs with quantities, species and size. Proposed perennials, groundcovers, grasses, etc. should be included in the table, but do not require final quantities until the final Site Review approval set.
5. Illustrate all proposed bike racks on the plans.
6. Illustrate all proposed parking lot screening from the street and from adjacent properties per section 9-9-14(c) B.R.C. 1981.
7. Call out and illustrate any proposed trash and recycling enclosures.
8. To determine the potential success of the proposed tree grates, additional detail is required. Does the tree species selected provide clearance? Is it appropriate for a very hot growing environment? Is there an opportunity to design a planter with additional soil volume?

In addition, the following areas require revision:

9. Add the existing and proposed utilities to the landscape plans and coordinate any conflicts. Existing and proposed sanitary sewer need attention.
10. Under General Notes on Sheet L1.00, delete No 1, 3, and 6 which are not applicable. Renumber. Update Note No. 9 regarding mulch to specify that no fabric shall be used. Many of the proposed beds are relatively small and fabric is of no benefit.
11. Coordinate the proposed streetscape with the adjacent capital improvement project (CIP). Contact Jason Fell (303-441-4007; [fellj@bouldercolorado.gov](mailto:fellj@bouldercolorado.gov)) for the final approved plans and illustrate the area that interfaces with the project property. If any part of the project is meeting landscape requirements through the CIP, please call it out in the requirements chart.

**Legal Documents** Julia Chase, City Attorney's Office, Ph. (303) 441-3020

The Applicant will be required to sign a Development Agreement, if approved. Once a final decision has been reached, when staff requests, the Applicant shall provide the following:

- a) an updated title commitment current within 30 days; and
- b) Proof of authorization to bind on behalf of the owner.

**Plan Documents** Chandler Van Schaack, Case Manager

1. Given the visibility of the site from Diagonal Highway, perspective renderings should be provided showing the proposed building from the viewpoint of someone travelling into/ out of the city on the Diagonal Highway. Please note that the project is required to meet subsection 9-2-14(h)(2)(F)(xv) of the Site Review criteria, which states: *"In the urbanizing areas located on the major streets shown on the map in Appendix A to this title near the Boulder Valley Comprehensive Plan boundaries between Area II and Area III, the buildings and site design establish a sense of entry and arrival to the City by creating a defined urban edge and a transition between rural and urban areas."* The perspective drawings can help to demonstrate compliance with the above criterion.
2. At time of resubmittal, the applicant must provide a revised written statement which describes the proposal and addresses how the application meets the applicable criteria for approval found in Section 9-2-14 (h), B.R.C. 1981. The written statement must also address the criteria for parking reductions as set forth in section 9-9-6(f), B.R.C. 1981.

**Review Process** Chandler Van Schaack, Case Manager

1. As noted above, an Amendment to the Approved Site Plan is required. An amendment is required because the proposal does not meet subsection 9-2-14(l)(2)(D), B.R.C. 1981, which requires that a Minor Amendment *"is found to be substantially consistent with the intent of the original approval, including conditions of approval, the intended design character, and site arrangement of the development, and specific limitations on additions or total size of the building which were required to keep the building in general proportion to others in the surrounding area or minimize"*

*visual impacts.*” Because the current proposal effectively changes the building envelope, increases the size of the building beyond the previously approved size for Building 2 or 3, and reconfigures the parking and circulation for the site, staff finds that the project is altering the intent of the original approval and therefore requires a full amendment. Please note that an Amendment to an Approved Site Plan must meet all of the applicable review criteria listed in section 9-2-14(h), B.R.C. 1981. Therefore, the written statement should be revised to include an analysis of the applicable review criteria which clearly demonstrates how the project meets each of the applicable criteria.

Similar to the review process for a Minor Amendment, following review and approval of the revised plan set, if approved, there will be a 14-day call-up period during which time the Planning Board may call up staff’s decision or any interested member of the public may appeal the decision. Any decision not called up by Planning Board within 14 days of the date of decision is final. If called up or appealed, staff will schedule a public hearing before the Planning Board within 60-days. If the decision is not called up, 14 days after the date of the initial decision the property owner will be required to provide an updated title insurance commitment current within 30 days and to sign a Development Agreement. The approval will be final once the signed and notarized Development Agreement has been received and recorded at the Boulder County Clerk and Recorder’s Office.

**Utilities,** Erik Saunders, 303 441-4493

1. Per section 5.10(A), “Fire Hydrants”, of the DCS, fire hydrants must be installed such that there is no more than 350 feet of fire access distance between hydrants and no exterior portion of any building is greater than 175 feet of fire access distance from the nearest hydrant. Fire access distance means the distance, between two fire hydrants or from a fire hydrant to any external portion of any building, measured along public or private (but accessible to fire equipment) roadways or fire lanes, as would be traveled by motorized firefighting equipment. In order to meet these standards an additional fire hydrant(s) and utility easement(s) will be required on site. Revisions to the plans are required to meet the fire access distance standards. Contact Dave Lowrey, City of Boulder Fire Marshal, 303 441-4356, for guidance and information on a suitable location(s).
2. The proposed sanitary sewer service is shown to connect to the existing collection main at manhole. Per section 6.08(B)(3) of the DCS, wastewater service connections shall be tied into the collection main between manholes and must be spaced a minimum of two feet away from any manhole except as provided in section 6.08(B)(4). Revise plans as necessary to meet these standards.
3. The proposed domestic water and irrigation service meters are shown to be placed directly adjacent to the water entry room, outside of the existing utility easement area. All meters are to be placed in city Right-of-Way or a public easement and shall not be placed in driveways, sidewalks or behind fences. Additional easement must be dedicated to accommodate the proposed meter location. The easement must extend a minimum of 5 feet from the centerline of each service and 3 feet beyond the outside of the meter pit/ vault. Revise plans to show the meter placement and required easement in accordance with these standards.

**III. INFORMATIONAL COMMENTS**

**Access/Circulation** David Thompson, 303-441-4417

The applicant is encouraged to provide at least two accessible parking spaces in the surface parking lot adjacent to the plaza area to minimize the distance from the accessible parking stalls to the building’s entrance.

**IV. NEXT STEPS**

Once the comments have been addressed, please re-submit **five (5) hard copies** of the revised plans (with a total of **two (2) copies** of the revised drainage report and parking study) **and digital copies of the plan set in pdf form** to the front counter of the P&DS Service Center prior to the start of a three-week review track. Please note that review tracks commence on the first and third Monday of each month.

Please contact the Case Manager, Chandler Van Schaack, at 303-441-3137 or [vanschaack@bouldercolorado.gov](mailto:vanschaack@bouldercolorado.gov) with any questions or to set up a meeting prior to resubmittal.

**V. CITY CODE CRITERIA CHECKLIST**

A completed checklist will be provided following review of the revised plans and written statement.



**CITY OF BOULDER**  
**Planning and Development Services**

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[www.boulderplandevelop.net](http://www.boulderplandevelop.net)

**CITY OF BOULDER**  
**LAND USE REVIEW RESULTS AND COMMENTS**

DATE OF COMMENTS: **November 6, 2015**  
CASE MANAGER: **Chandler Van Schaack**  
PROJECT NAME: **BANK OF BOULDER PUD AMENDMENT**  
LOCATION: **3107 IRIS AV**  
COORDINATES: **N06W03**  
REVIEW TYPE: **Site Review**  
REVIEW NUMBER: **LUR2015-00088**  
APPLICANT: **Erik J. Hartronft**

DESCRIPTION: **SITE REVIEW (SIMPLE): Amend approved plan to change the building configuration from the original PUD due to floodplain constraints. Proposed building to be 40,000 s.f. in size on Lot 2A, with 220 parking spaces to be shared between lots in the subdivision.**

REQUESTED VARIATIONS FROM THE LAND USE REGULATIONS:

**I. REVIEW FINDINGS**

Staff has held 2 meetings with the applicant to discuss the necessary changes to the site and building design. Following the most recent meeting on October 29, 2015, between the applicant and city staff including urban designers Kalani Pahoa and Sam Assefa, the applicant indicated that they would be re-submitting revised plans based on the feedback provided at the meeting. Once the issues discussed at the October 29 meeting have been addressed, please re-submit five (5) full-sized copies of the revised plans as well as digital copies of the plans in pdf form to the front counter of the P&DS Service Center prior to the start of a 3-week review track. Staff is happy to meet to discuss these comments in further detail prior to resubmittal.

**II. CITY REQUIREMENTS**

**Engineering/ Flood**, Erik Saunders, 303 441-4493

Staff held a meeting with the civil engineering design team on October 29<sup>th</sup>, 2015 regarding Floodplain Development Permit requirements related to the proposed encroachments into the Wonderland Creek conveyance zone and to discuss the drainage concept in light of the discovery of two previous drainage studies for the site. Based on feedback provided at the meeting, revisions to the submitted Drainage Report and Plan are required addressing those issues identified during discussions. In addition, it was determined that a Floodplain Development Permit with analysis of the impacts to the floodway resulting from the proposed encroachments is required at the time of resubmittal. Please revise all plans and reports as necessary.

**Fees**

Please note that 2015 development review fees include a \$131 hourly rate for reviewer services following the initial city response (these written comments). Please see the P&DS Questions and Answers brochure for more information about the hourly billing system.

**Landscaping**

Comments forthcoming.

**Legal Documents** Julia Chase, City Attorney's Office, Ph. (303) 441-3020

The Applicant will be required to sign a Development Agreement, if approved. Once a final decision has been reached, when staff requests, the Applicant shall provide the following:

- a) an updated title commitment current within 30 days; and
- b) Proof of authorization to bind on behalf of the owner.

### **III. INFORMATIONAL COMMENTS**

None at this time.

### **IV. NEXT STEPS**

Once the issues discussed at the October 29 meeting have been addressed, please re-submit five (5) full-sized copies of the revised plans as well as digital copies of the plans in pdf form to the front counter of the P&DS Service Center prior to the start of a 3-week review track. Staff is happy to meet to discuss these comments in further detail prior to resubmittal.

## MEMORANDUM

**To:** Planning Board  
**FROM:** Sloane Walbert, Case Manager  
**DATE:** December 11, 2015  
**SUBJECT:** Call-Up Item: NONCONFORMING USE REVIEW for the addition of bedrooms in the basement of an existing non-conforming duplex (case no. LUR2015-00073). The project site is zoned Residential – Low 1 (RL-1). The call-up period expires on **December 17, 2015**.

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**Background.** The 0.11-acre project site is located east of and adjacent to 14<sup>th</sup> Street, between Euclid Ave. and Aurora Ave. in the University Hill neighborhood. The property is roughly two blocks west of Broadway and the University of Colorado campus, and a block from the University Hill Business District. Refer to *Figure 1* for a Vicinity Map.



*Figure 1: Vicinity Map*

The project site is located in the Residential – Low 1 (RL-1) zone district, which is defined as “single-family detached residential dwelling units at low to very low residential densities.” ([section 9-5-2\(c\)\(1\)\(A\)](#), B.R.C. 1981). All of properties surrounding the project site are also zoned RL-1, however, high density residential zoning (Residential High-2) is located within proximity to the project site to the north and east (refer to *Figure 2* on the following page). A large proportion of the properties immediately adjacent to and in proximity of the project site, including those zoned RL-1, are developed in a variety of forms of multi-family residential housing, including apartments, duplexes and triplexes and fraternity/sorority uses, the majority of which serve as student rental housing. The site includes a duplex, which was legally established prior to the low-density zoning (at least prior to 1971) and thus, is considered nonconforming to the current zoning. See Analysis

section below for more information.

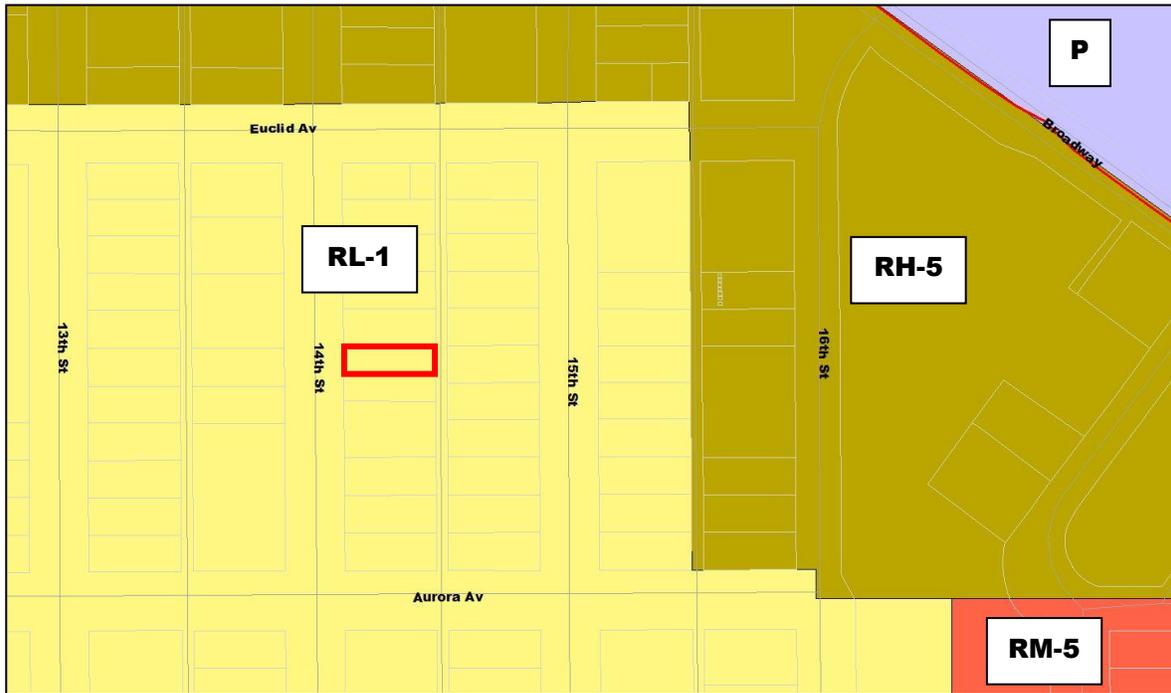


Figure 2: Zoning Map

Currently the property is nonconforming as to:

- **Density** because the minimum lot area per dwelling unit in the RL-1 zone district is 7,000 square feet and the maximum number of dwelling units per acre is 6.2. The lot is 4,688 square feet in area (0.11 acres) and contains two dwelling units and the existing density is 18.7 dwelling units per acre;
- **Parking** because the site has two off-street parking spaces where three spaces are required; and
- **Use** because attached dwellings are not an allowed use in the RL-1 zone district.

The existing building is also nonstandard because it does not meet minimum front setback and side yard setbacks from an interior lot line. The required front yard setback is 25', where 23'-11" is the current setback. The required side yard setback is 5' with a total of 15' for both side yard setbacks, where the existing north side yard setback is 3' and the total is 8'-3".

Per previous notices in city records, including one dated March 10, 1992, the two rooms on the north side of the basement were not to be used as bedrooms but for



Figure 3: Existing Front Façade

Address: 940 14<sup>th</sup> St

storage only. These rooms were deemed uninhabitable space. The basement was illegally converted into two bedrooms at some point in the past and the property owner would like to legally establish the current configuration.

The two-story structure was built in 1909. Per historic preservation records, the house is not a contributing structure but does represent the Edwardian Vernacular style popular at the turn of the century in Colorado, as reflected in the asymmetrical plan, gabled room and restrained ornamentation.

There is an extensive history of enforcement cases on the property since 2000, including furniture stored outdoors (couches, chairs, etc.), over occupancy, noise and accumulation of trash. Most recently, a complaint was received in May regarding major cracks in the masonry wall along the north side of the house (refer to CPL2015-00361). It was determined that repairs were necessary and that a structural engineer must verify the residence as structurally sound in order to be occupied. In June, the applicant applied for a setback variance to make structural repairs to the existing non-standard walls. However, as part of this review the unapproved use of the basement for bedrooms was discovered and it was determined that a non-conforming use review was the appropriate review process. As such, the variance application was withdrawn. The applicant has applied for building permits for the stabilization of the structure on the interior and reconstruct the north wall (refer to PMT2015-02077 and PMT2015-03448). The property has been posted as uninhabitable as of 8/3/2015. The house is currently vacant.

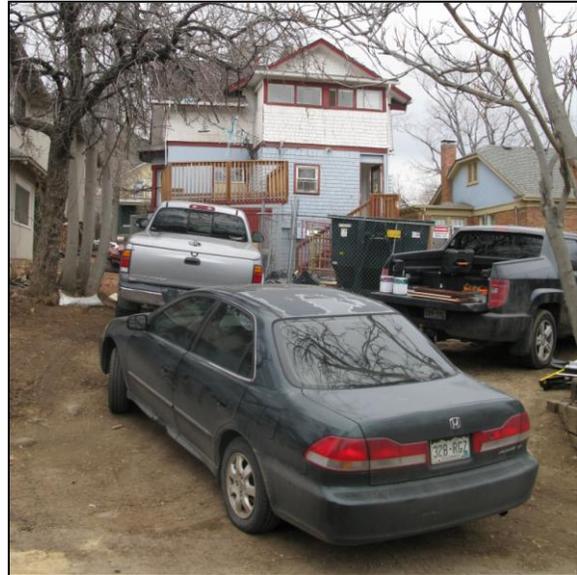


Figure 4: Existing Rear Yard

**Project Proposal.** The applicant is proposing to officially convert the basement of the legal nonconforming duplex, which was previously approved for “utility” and “storage” purposes, into two bedrooms and a bathroom. A small mechanical equipment room will remain. The resulting duplex would have two 3-bedroom units. For zoning purposes, no floor area will be added since the basement is currently considered floor area. In addition, allowable occupancy will not increase since the allowable occupancy is not affected by the number of bedrooms.

In order to meet the criteria for modifications to nonconforming uses, the development proposal also includes several site improvements to improve the physical appearance of the site (refer to [Attachment C](#) for the applicant’s proposed plans). The following is included in the proposal:

- Updating the landscape to exceed 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. The proposal includes the addition of four new trees, including one alley tree, 22 new shrubs, various perennials and new sod for a back yard. The applicant has submitted landscape plans prepared by a qualified professional to ensure a level of predictability following approval;
- Providing both short term, public bike parking spaces (four spaces on two inverted “u” racks) and long term, secure spaces (four spaces on a grid style back rack in the garage). This amount of bike parking exceeds the total requirement of four spaces;

- Replacing a portion of the rear yard currently used for parking with green space to serve as usable open space for the duplex;
- Establishing three head-in parking spaces off 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. The applicant initially proposed providing the required four spaces. However, staff recommended eliminating the drive access and providing usable open space with landscaping in the back yard. Utilizing a large portion of the backyard for parking gives the property the appearance of a multi-family use rather than a low-density residential use. The applicant has provided excess short- and long-term bike parking to reduce the need for vehicular parking;
- Renovating and remodeling the dilapidated building exterior façade elements, including windows, doors and materials, including new egress windows for the bedrooms located in the basement; and
- Providing a trash enclosure on a new concrete slab with screening that is consistent with the current code requirements pursuant to section 9-9-18, "Trash Storage and Recycling Areas," B.R.C. 1981.

**Review Process.** As noted above, the project site is considered a nonconforming use with respect to density, parking and use. The development proposal is considered an expansion of a nonconforming use as defined in chapter 9-16, "Definitions," B.R.C. 1981, because the proposal will increase the required parking and will add bedrooms. City records show that the duplex previously consisted of one 3-bedroom unit and one 1-bedroom unit, which would require three off-street parking spaces. The proposal of two 3-bedroom units requires four off-street spaces.

*"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."*

Pursuant section 9-10-3(c)(2), "Standards for Changes to Nonstandard Buildings, Structures and Lots, and Nonconforming Uses," B.R.C. 1981, applications for Nonconforming Use Review are reviewed for consistency with the criteria set forth in subsection 9-2-15(e) and (f), B.R.C. 1981. Generally, the Nonconforming Use Review criteria are focused on minimizing adverse impacts to surrounding properties, maintaining consistency surrounding uses as well as area character, and improving the appearance of the property and decreasing the level of nonconformity of the site.

**Analysis.** The proposal was found to be consistent with the Use Review criteria pursuant to [subsections 9-2-15\(e\)](#) "Criteria for Review" and (f) "Additional Criteria for Modifications to Nonconforming Uses," B.R.C. 1981. The proposed addition of bedrooms is compatible with the surrounding area. Many properties in the immediate vicinity contain more than one legally established dwelling unit and are considered legal nonconforming uses (refer to *Figure 5* below). The development proposal will not change the predominant character of the area, which is

characterized by residential uses, including student rentals in the form of duplexes and triplexes, fraternities and sororities and single-family residences. The applicant is proposing to increase the number of conforming off-street parking spaces from two to three and provide excess short- and long-term bike parking. The elimination of the drive access and addition of landscaping and open space in the rear yard will reduce adverse visual impacts and noise pollution. Overall, landscape improvements will alleviate the effects of the nonconformity upon the surrounding area. A new trash enclosure with screening will reduce refuse and/or junk on the property. Refer to [Attachment B](#) for the complete criteria analysis.

**Public Comment.** Required public notice was given in the form of written notification mailed to all property owners within 600 feet of the subject property and a sign posted on the property for at least 10 days. All notice requirements of [section 9-4-3](#), "Public Notice Requirements," B.R.C. 1981 have been met. In response to the required public notice, several comments have been received (refer to [Attachment D](#)). Generally, the comments express concerns regarding:

- Occupancy; an increase in density/occupancy should not be allowed.
- Site conditions and management; structure is in disrepair, overgrown landscape, furniture stored on lawn, trash and littering, snow is rarely shoveled, etc.
- Illegal conversion; the city should not allow the applicant to continue to use space that was converted illegally.
- Nuisances like noise.

The proposed changes are expected to improve the overall condition of the property and address many of these concerns.

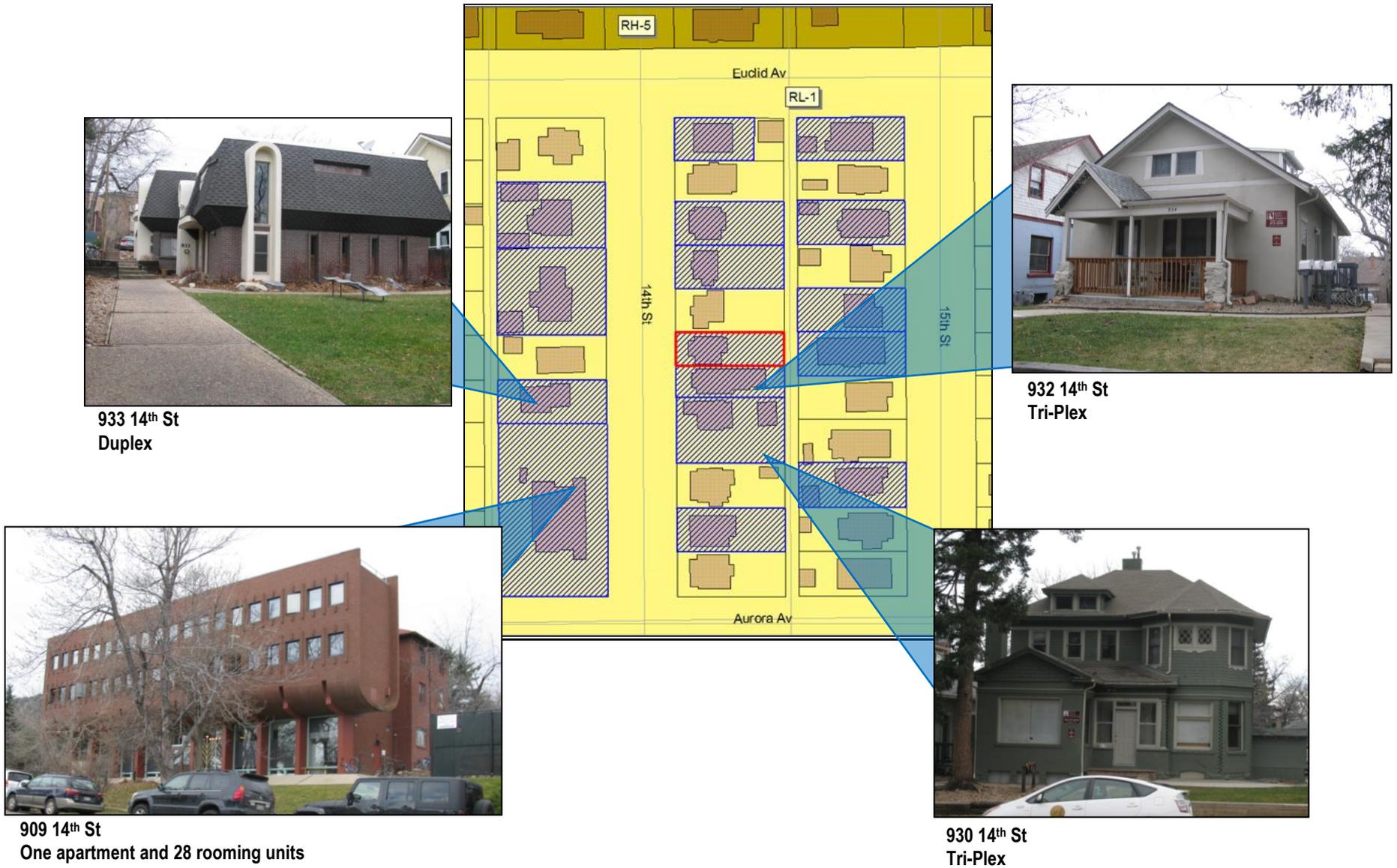
**Conclusion.** Staff finds that the proposed project meets the relevant criteria of [section 9-2-15](#), "Use Review," B.R.C. 1981 (refer to [Attachment B](#)).

The proposal was **approved** by Planning and Development Services staff on **December 3, 2015** and the decision may be called up before Planning Board on or before **December 17, 2015**. There is one Planning Board hearing scheduled during the required 14-day call-up period on **December 17, 2015**. Questions about the project or decision should be directed to the Case Manager, Sloane Walbert at (303) 441-4231 or at [walberts@bouldercolorado.gov](mailto:walberts@bouldercolorado.gov).

**Attachments:**

- A. [Disposition of Approval](#)
- B. [Analysis of Use Review Criteria](#)
- C. [Applicant's Proposed Plans](#)
- D. [Public Comment](#)

Figure 5: Surrounding Nonconforming Uses (Shown Crosshatched)





**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 • email [plandevelop@bouldercolorado.gov](mailto:plandevelop@bouldercolorado.gov)  
[www.boulderplandevelop.net](http://www.boulderplandevelop.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:** 940 14TH ST NONCONFORMING DUPLEX  
**DESCRIPTION:** NON-CONFORMING USE REVIEW for the addition of bedrooms in the basement of an existing non-conforming duplex.  
**LOCATION:** 940 14TH ST  
**COOR:** N01W06  
**LEGAL DESCRIPTION:** Lot 11 and the northerly half of Lot 12, Block 15, University Place, City of Boulder, County of Boulder, State of Colorado  
**APPLICANT:** LANI KING  
**OWNER:** 20<sup>th</sup> Street Apartments 1 LLC and 20<sup>th</sup> Street Apartments 2 LLC  
**APPLICATION:** Nonconforming Use Review, LUR2015-00073  
**ZONING:** Residential – Low 1 (RL-1)  
**CASE MANAGER:** Sloane Walbert

**VESTED PROPERTY RIGHT:** NO; the owner has waived the opportunity to create such right under Section 9-2-19, B.R.C. 1981.

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

**Approved On:** 12/3/15  
Date

**By:** [Signature]  
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:** 12/17/15

**Final decision date:** \_\_\_\_\_

IN ORDER FOR A BUILDING PERMIT APPLICATION TO BE PROCESSED FOR THIS PROJECT, A SIGNED DEVELOPMENT AGREEMENT AND FINAL PLANS FOR CITY SIGNATURE MUST BE SUBMITTED TO THE PLANNING DEPARTMENT WITH DISPOSITION CONDITIONS AS APPROVED SHOWN ON THE FINAL PLANS, IF THE DEVELOPMENT AGREEMENT IS NOT SIGNED WITHIN NINETY (90) DAYS OF THE FINAL DECISION DATE, THE PLANNING DEPARTMENT APPROVAL AUTOMATICALLY EXPIRES.

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

### **CONDITIONS OF APPROVAL**

1. The Applicant shall ensure that the **development shall be in compliance with all plans prepared by the Applicant** on November 25, 2015 (site plans) and October 27, 2015 (landscape plans), on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval.
2. The Applicant shall not **expand or modify the approved use**, except pursuant to subsection 9-2-15(h), B.R.C. 1981.

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

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

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

*The project site is zoned RL-1, which is defined as "single-family detached residential dwelling units at low to very low residential densities" section 9-5-2(c)(1)(A), B.R.C. 1981. Attached dwellings are not an allowed use in the RL-1 zone district. The existing duplex is also nonconforming because it exceeds the maximum permitted density in the zone district (7,000 square feet of lot area per dwelling unit and 6.2 dwelling units/acre) at 18.7 dwelling units/acre and does not satisfy the off street parking requirements (4 spaces required, 2 provided). The structure is considered nonstandard because it does not meet minimum front setback and side yard setbacks from an interior lot line. The required front yard setback is 25', where 23'-11" is provided. The required side yard setback is 5' with a total of 15' for both side yard setbacks, where the existing north side yard setback is 3' and the total is 8'-3".*

- ✓ (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

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

*The existing duplex is a legal nonconforming use that was established at least prior to 1971, with city records showing a maximum of 2 families or 6 occupants (3 per dwelling unit) on the site. The site is nonconforming as to use, density and parking.*

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

*The current use is a legal duplex and the allowable occupancy will not increase with the addition of bedrooms. The addition of landscaping and head-in parking on the alley gives the appearance of a single-family home. The elimination of the drive access and addition of dedicated long-term bike parking also reduces impacts. The vehicular parking requirement would not increase with this proposal. Landscape plans have been submitted to demonstrate that the proposal will reasonably*

*mitigate potential negative impacts to nearby properties and improve the general appearance of the site with regard to landscaping, open space and parking.*

*The proposed addition of bedrooms is compatible with the surrounding area. The property is located on 14<sup>th</sup> Street between Euclid Avenue and Aurora Avenue, less than two blocks from Broadway and the University of Colorado campus and a block from the University Hill Business District. The use is less than one block from the neighboring higher density residential zoning Residential - High 5 (RH-5) to the north and east. The properties in the immediate vicinity include various multi-family residential developments, including apartments, duplexes and triplexes.*

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

*Not applicable; the infrastructure required to provide services to the site exist today. No additional infrastructure is required as a result of the proposal.*

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

*The development proposal will not change the predominant character of the area, which is characterized by residential uses, including student rentals in the form of duplexes and triplexes, fraternities and sororities, and 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.

*Not applicable, the proposal does not include the conversion of dwelling units.*

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

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

*The applicant is proposing to increase the number of conforming off-street parking spaces from two to three and provide dedicated long-term bike parking in the existing garage. The elimination of the drive access and addition of landscaping and open space in the rear yard will reduce adverse visual impacts and noise pollution. Overall, landscape improvements will alleviate the effects of the nonconforming upon the surrounding area. A new trash enclosure with screening should reduce any refuse or junk on the property. The proposal will provide excess short- and long-bike parking.*

- ✓ (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 nonconforming as to use, density and parking. In addition, the building is nonstandard, as it does not meet the required front yard and side yard interior setbacks. The maximum permitted density in the RL-1 zone district is 6.2 dwelling units per acre where 18.7 dwelling units per acre is proposed. The project site is also nonconforming as to parking. A total of 4 parking spaces are required and only two parking spaces are provided on site.*

*The changes made to the site design provide significant outdoor space for residents, provides quality bike parking and additional landscaping. The removal of the drive access and head-in parking off the alley gives the property the appearance of a low density residential use, rather than a multi-family use. The applicant states that trash enclosure will be screened by 1x6 cedar pickets, painted to match the house. The applicant has submitted landscape plans that demonstrate an improvement in the physical appearance of the property.*

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

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

*Not Applicable. The existing duplex use will remain.*

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

- ✓ (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.

*The existing building cannot be made to conform to the intensity standards because the lot does not meet the minimum lot size for a single dwelling unit at 4,688 square feet. The historic home is located in required setbacks and it is not reasonable to remove portions of the structure to meet the form and bulk standards. The existing duplex use is compatible with the character of the surrounding area. See comments above.*

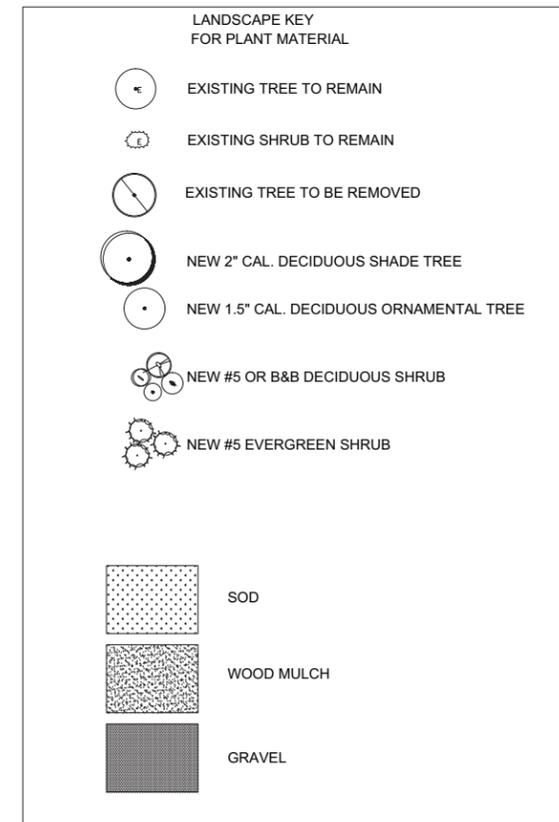
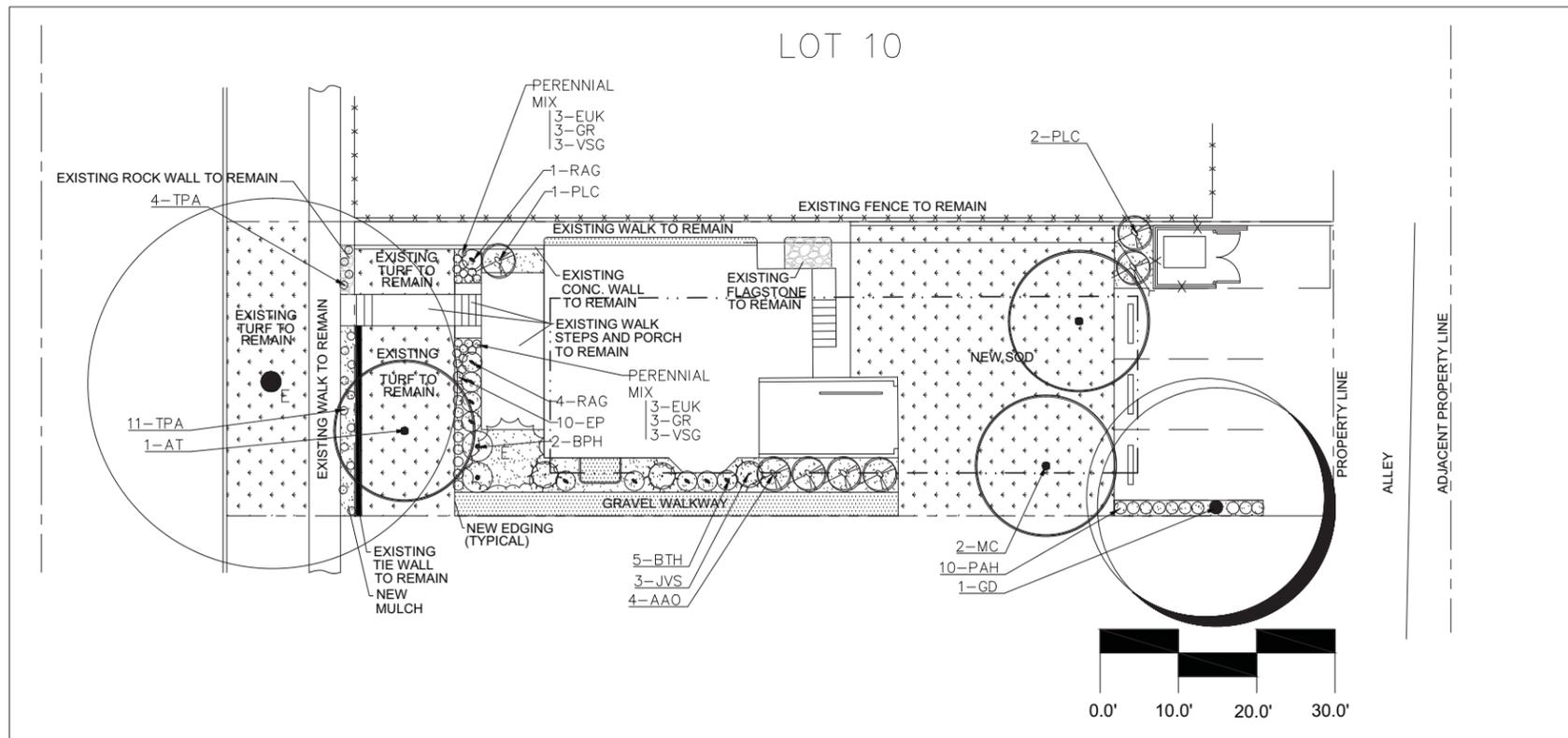
- ✓ (5) No Increase in Floor Area over Ten Percent: The change or expansion will not result in a cumulative increase in floor area of more than ten percent of the existing floor area.

*The proposal will not affect floor area.*

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







**PLANT LIST**

note: plant quantities provided as a courtesy only. If discrepancy between plan and plant

<b>H</b>	<b>High water</b>	<b>18-20 gallons per s.f. per season</b>
<b>M</b>	<b>Moderate water</b>	<b>10 gallons per s.f. per season</b>
<b>L</b>	<b>Low water</b>	<b>0-3 gallons per s.f. per season</b>
<b>V</b>	<b>No additional irrigation water needed after establishment</b>	

QTY	KEY	BOTANIC NAME	COMMON NAME	SIZE	H2o
<b>TREES:</b>					
1	AT	ACER TATARICUM 'HOT WINGS'	HOTWINGS TATARIAN MAPLE	1.5"	L/M
1	GD	GYMNOCLADUS DIOICA 'ESPRESSO'	SEEDLESS KENTUCKY COFFEETREE	2"	L/M
2	MC	MALUS 'CORALBURST'	CORALBURST CRABAPPLE	2"	L/M
<b>SHRUBS:</b>					
4	AAO	AMELANCHIER ALNIFOLIA 'OBELISK'	STANDING OVATION SERVICEBERRY	#5	L
2	BPH	BUDDLEJA 'PURPLE HAZE'	PURPLE HAZE BUTTERFLY BUSH	#5	L
5	BTH	BERBERIS THUNBERGII 'HELM OND PILLAR'	RED COLUMNAR JAPANESE BARBERRY	#5	L
3	JVS	JUNIPERUS SCOPULORUM 'SKYROCKET'	SKYROCKET JUNIPER	#5	L
3	PLC	PHILADELPHUS LEWISII 'CHEYENNE'	CHEYENNE MOCKORANGE	#5	L
5	RAG	RIBES ALPINUM 'GREEN MOUND'	GREEN MOUND CURRANT	#5	L
<b>PERENNIALS/GRASSES/GROUNDCOVERS:</b>					
10	EP	ECHINACEA PURPUREA	PURPLE CONEFLOWER	#1	L
6	EUK	ERIOGONUM UMBELLATUM 'KANNAH CREEK'	KANNAH CREEK SULPHUR FLOWER	#1	L
6	GR	GERANIUM 'ROZANNE'	ROZANNE GERANIUM	#1	L
10	PAH	PENNISETUM ALOPECUROIDES 'HAMELN'	HAMELN FOUNTAIN GRASS	#1	M
15	TPA	THYMUS PRAECOX ARCTICUS	MOTHER OF THYME	#1	L
6	VSG	VERONICA SPICATA 'GOODNESS GROWS'	GOODNESS GROWS SPEEDWILL	#1	L

**LANDSCAPE NOTES**

- THE FOLLOWING SPECIFICATIONS ARE MEANT TO MEET OR EXCEED THE CITY OF BOULDER DESIGN AND CONSTRUCTION STANDARDS. WHERE DISCREPANCIES OCCUR, THE CITY STANDARDS SHALL TAKE PRECEDENCE.
- ALL AREAS TO BE SODDED SHALL RECEIVE 3 CU. YDS. OF COMPOST PER 1000 SF TILLED TO A DEPTH OF 4"-6". ALL AREAS SHALL THEN BE GRADED TO A UNIFORMLY SMOOTH GRADE.
- SOD SHALL BE A BLEND OF DROUGHT TOLERANT BLUEGRASS.
- ALL NEW TREES AND SHRUBS SHALL BE BACKFILLED WITH A UNIFORM MIXTURE OF 75% EXCAVATED SOIL AND 25% ORGANIC COMPOST.
- SHRUB BEDS AS SHOWN ON THE PLAN SHALL RECEIVE A 3" LAYER OF NATURAL COLOR SHREDDED CEDAR WOOD MULCH WITH NO FABRIC UNDERLAY. GRAVEL WALKWAYS SHALL RECEIVE A 3" LAYER OF 1.5" CRUSHED GRANITE OVER POROUS LANDSCAPE FABRIC.
- PERENNIAL AREAS SHALL BE PREPPED WITH 2-3" ORGANIC COMPOST AND SUPER PHOSPHATE TILLED TO A DEPTH OF 6-8" AND MULCHED WITH A 2" LAYER OF NATURAL COLOR SHREDDED CEDAR WOOD MULCH WITH NO FABRIC UNDERLAY.
- THE PROPERTY OWNER SHALL MAINTAIN THE LANDSCAPING PLAN AS ORIGINALLY APPROVED AND PROVIDE FOR REPLACEMENT OF PLANT MATERIALS THAT HAVE DIED OR HAVE OTHERWISE BEEN DAMAGED OR REMOVED, AND MAINTENANCE OF ALL NON-LIVE LANDSCAPING MATERIAL INCLUDING, BUT NOT LIMITED TO FENCING, PAVING, AND RETAINING WALLS, IN PERPETUITY AS PART OF THE DEVELOPMENT AGREEMENT.
- LABELS THAT IDENTIFY THE BOTANICAL OR COMMON NAME OF THE PLANT MATERIAL SHALL BE ON ALL TREES AT THE TIME OF FINAL INSPECTION.
- NO TREES SHALL BE PLANTED WITHIN 10' OF A WATER OR SEWER LINE. NO SHRUBS OR TREES SHALL BE PLANTED WITHIN A 10' RADIUS AROUND FIRE HYDRANTS. NO TREES SHALL BE PLANTED WITHIN 10' OF EXISTING OR PROPOSED UTILITIES. CALL FOR LOCATES BEFORE COMMENCING LANDSCAPE CONSTRUCTION.

**IRRIGATION NOTES**

- A COMPLETELY AUTOMATIC IRRIGATION SYSTEM COVERING ALL PLANT BEDS AND SOD AREAS EXISTS AND SHALL BE MODIFIED TO COVER ALL NEW AND EXISTING PLANTINGS.
- MOISTURE SENSING DEVICE(S) SHALL BE INSTALLED IN THE TURF AREA TO OVERRIDE AND/OR MANAGE THE IRRIGATION SYSTEM.
- THE IRRIGATION SYSTEM SHALL BE MODIFIED SUCH THAT TURF, SHRUBS, AND PERENNIALS SHALL EACH BE ON SEPARATE VALVES.

**CITY OF BOULDER REQUIREMENTS**

PROJECT DATA:		
TOTAL LOT SIZE		4,688 S.F.
TOTAL PARKING LOT/DRIVES SIZE		756 S.F.
TOTAL AREA NOT COVERED BY BUILDING OR PARKING		2,898 S.F.
PARKING STALLS		3
INTERIOR PARKING LOT LANDSCAPE REQUIRED		
PROVIDED		N/A
PARKING LOT SCREEN		N/A
REGULATION: REQUIREMENT: TOTAL:		
9-9-12	1 TREE/5 SHRUBS PER 1500 S.F.	2 TREES 10 SHRUBS
9-9-13	STREET TREES 14TH STREET (37.5 L.F.) ALLEY TREES (37.5 L.F.)	1 TREE 1 TREE
9-9-14	TREES 35' O.C.O (SHADE) 1 TREE (75% DECIDUOUS) PER 200 S.F. OF INTERIOR PARKING LOT LANDSCAPING SHRUB SCREEN	N/A N/A N/A

PROJECT TOTALS:	
TOTAL PLANTS REQUIRED:	3 TREES/10 SHRUBS
EXISTING (to remain):	1 TREE/1 SHRUB
NEW:	4 TREES/22 SHRUBS
TOTAL PROVIDED:	5 TREES/23 SHRUBS



**LANDSCAPE PLAN**

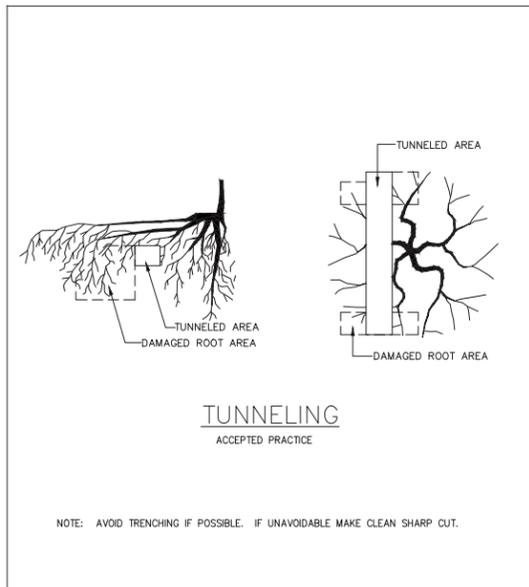
**940 14th Street**  
**Lot 11 & 1/2 Lot 12, Block 15 University Place**  
**Boulder, Colorado**

**Plan Date:**  
10/27/2015

**Revisions:**

**Sheet Number:**

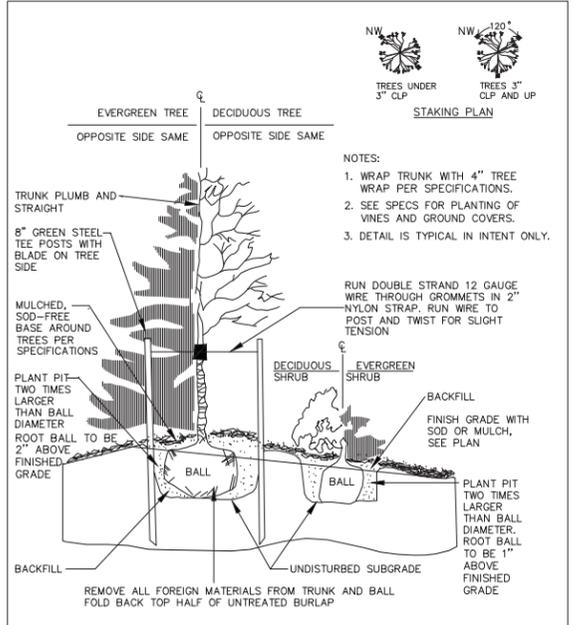
1-1



**TUNNELING**  
ACCEPTED PRACTICE

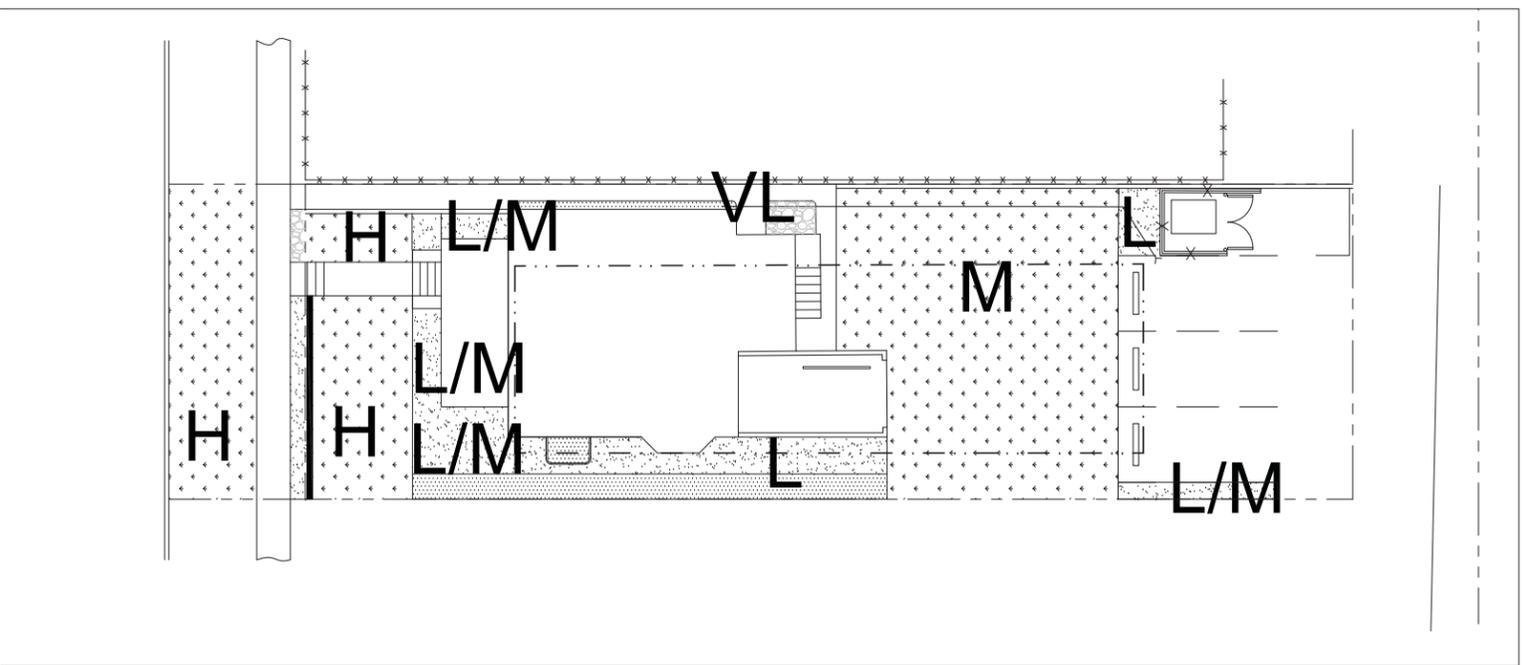
NOTE: AVOID TRENCHING IF POSSIBLE. IF UNAVOIDABLE MAKE CLEAN SHARP CUT.

DRAWN BY: JSH CHECKED BY: R/JH APPROVED BY: DIRECTOR OF PUBLIC WORKS	CITY OF BOULDER, COLORADO <b>ROOT LOSS FROM TUNNELING</b>	ISSUED: JULY 2, 1998 REVISED: OCT. 17, 2000 DRAWING NO. <b>3.13</b>
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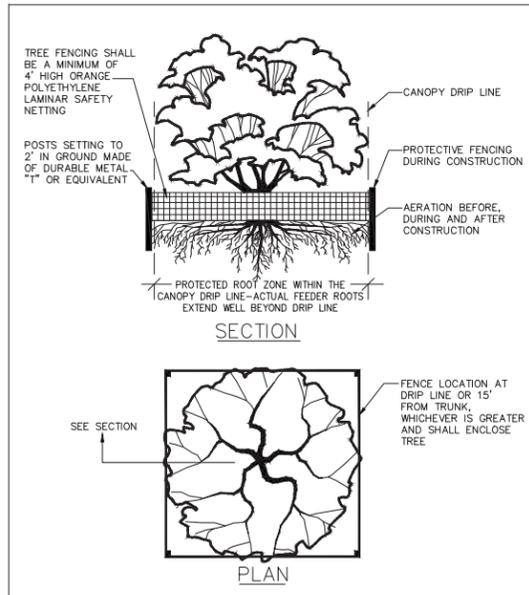
DRAWN BY: JSH CHECKED BY: SRW APPROVED BY: D.A. Rhodes DIRECTOR OF PUBLIC WORKS	CITY OF BOULDER, COLORADO <b>TREES AND SHRUBS PLANTING DETAIL</b>	ISSUED: JULY 2, 1998 REVISED: DRAWING NO. <b>3.02</b>
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**HYDROZONE MAP**

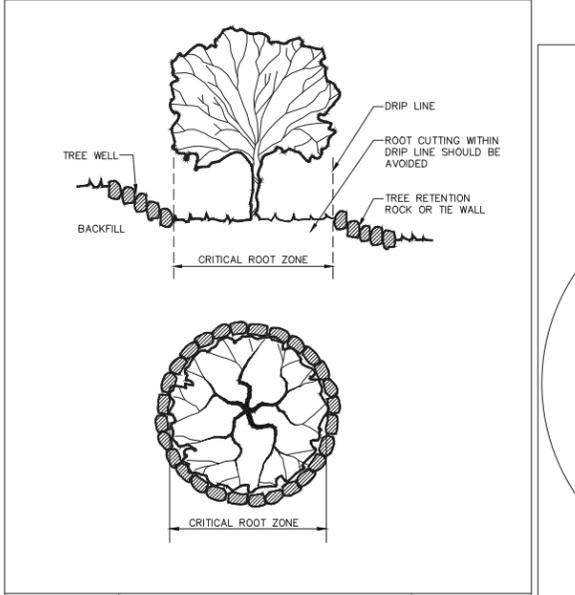


H, M, L, AND VL CORRESPOND TO CHART ON PLANT LIST

NORTH  
SCALE 1" = 10'0"

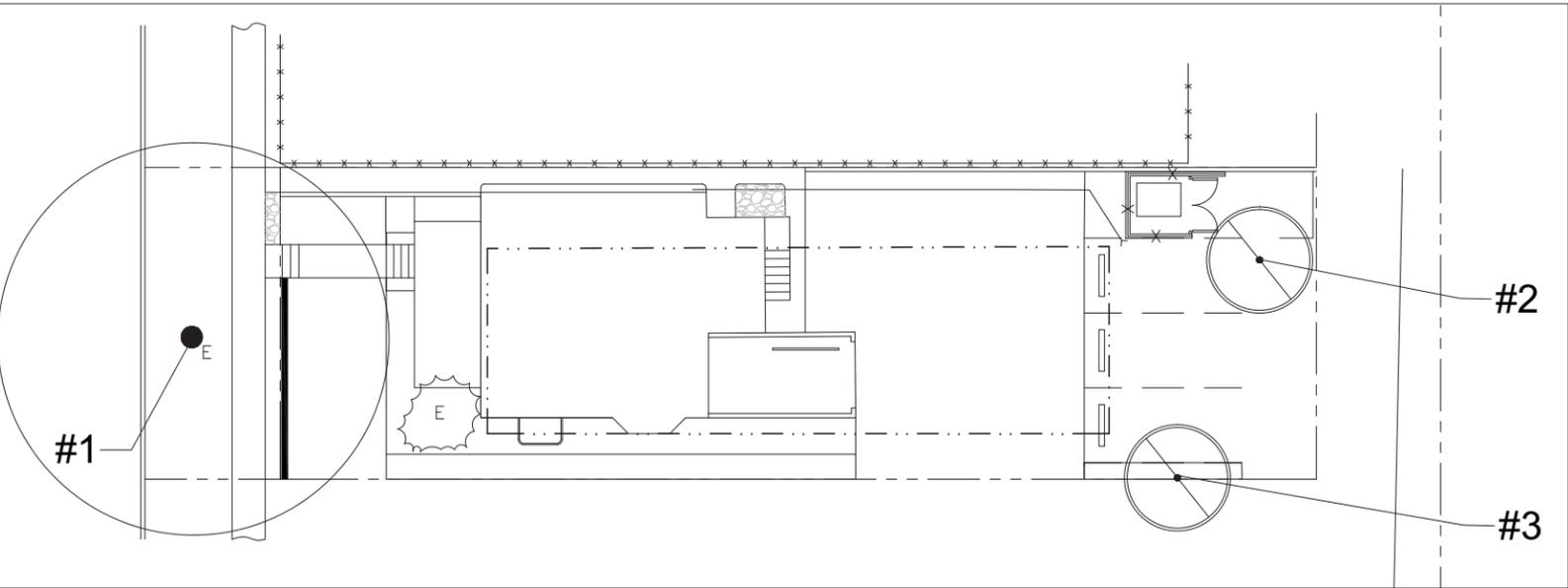


DRAWN BY: JSH CHECKED BY: R/JH APPROVED BY: DIRECTOR OF PUBLIC WORKS	CITY OF BOULDER, COLORADO <b>PROTECTED ROOT ZONE AND DRIP LINE</b>	ISSUED: JULY 2, 1998 REVISED: OCT. 17, 2000 DRAWING NO. <b>3.12</b>
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DRAWN BY: JSH CHECKED BY: R/JH APPROVED BY: DIRECTOR OF PUBLIC WORKS	CITY OF BOULDER, COLORADO <b>GRADE CHANGE AROUND EXISTING TREES</b>	ISSUED: JULY 2, 1998 REVISED: OCT. 17, 2000 DRAWING NO. <b>3.04</b>
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**EXISTING TREE INVENTORY**



KEY CAL.	TYPE	NOTE
#1	42" Siberian Elm	remain: schedule inspection with city forester before construction
#2	6" Tree of Heaven	remove: undesirable species
#3	6" Tree of Heaven	remove: undesirable species

NORTH  
SCALE 1" = 10'0"

All requirements stated in the city of Boulder's Design and Construction Standard, Chapters 3 and 10, particularly as they relate to the review and construction phases of the proposed project shall be strictly followed. Areas of particular concern include the effects of site grading, stockpiling and compaction of soil or other construction materials on existing trees (Chapter 3) and the appropriate seasons for planting (Chapter 10). A general understanding of these specific areas of concern can significantly streamline the project inspection and certificate of occupancy phases.  
DCS Link:  
[http://www.bouldercolorado.gov/index.php?option=com\\_content&task=view&id=209&Itemid=482](http://www.bouldercolorado.gov/index.php?option=com_content&task=view&id=209&Itemid=482)

During construction, the soil moisture of the area around Existing Plant Material to Remain shall be monitored and kept at ideal condition for the long term health of the plant. During extended dry periods, this is especially important, even in winter conditions.

All new plantings shall be monitored during the winter season for the first several seasons for additional watering, if necessary.  
(<http://www.ext.colostate.edu/pubs/garden/07211.html>).

All new plantings shall be monitored during the winter season for the first several seasons for additional watering, if necessary.  
(<http://www.ext.colostate.edu/pubs/garden/07211.html>).



Licensed Landscape Architect  
**NATURE'S DESIGN ASSOCIATES LLC**  
 15674 Indiana Gulch Rd.  
 Jamestown, CO 80455  
 phone: 303-459-3333  
 fax: 303-459-0644  
 becky.martinek15674@gmail.com

**LANDSCAPE PLAN**

**940 14th Street**  
 Boulder, Colorado  
 80302

**Plan Date:**  
 10/27/2015

**Revisions:**

**Sheet Number:**

L-2  
Page 15 of 36



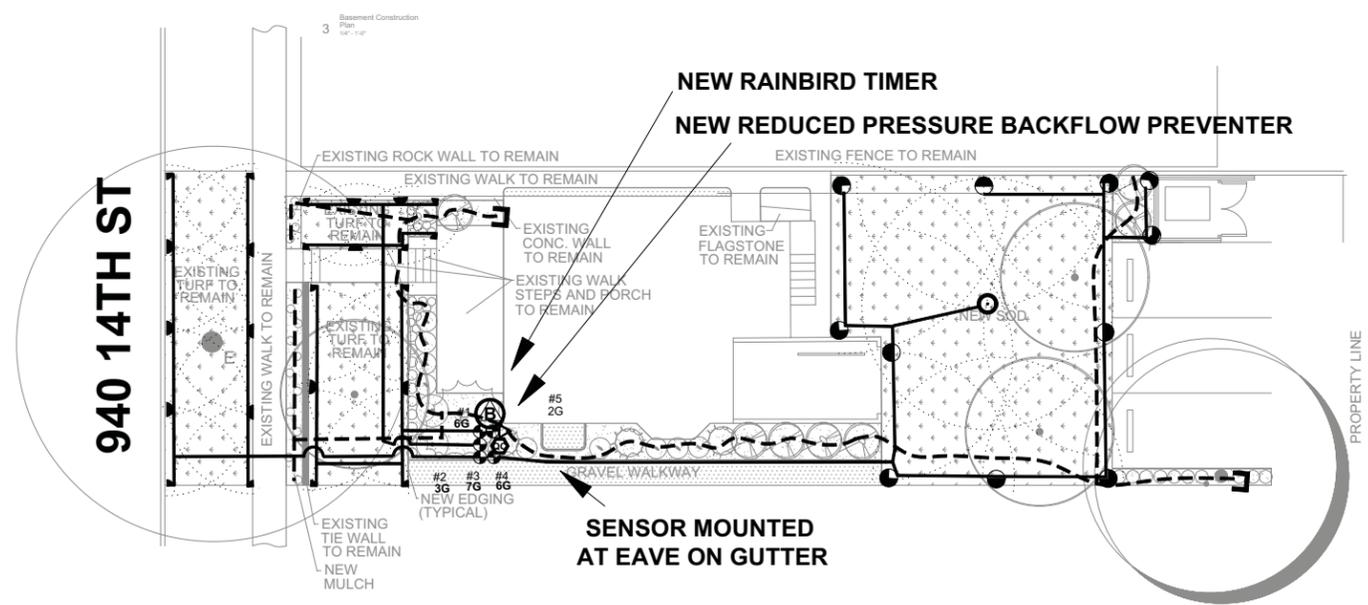
# IRRIGATION NOTES

1. THE IRRIGATION SYSTEM UTILIZES POPUP MP ROTATORS FOR TURF AND A DRIP SYSTEM FOR PLANTINGS.
2. IRRIGATION SYSTEM IS EXISTING AND SHALL BE UPGRADED AS SHOWN.
3. A NEW BACKFLOW PREVENTER SHALL BE OF THE REDUCED PRESSURE TYPE.
4. MAINLINE SHALL BE DRAINABLE AND THE ENTIRE SYSTEM SHALL BE BLOWNOUT PRIOR TO WINTER TEMPERATURES.
5. THE MAXIMUM ZONE SHALL NOT EXCEED 8 GALLONS PER MINUTE(GPM).
6. SYSTEM IS DESIGNED FOR 80PSI. PRESSURE IS REPORTED TO BE 95 PSI AS PER VINNY, BOULDER UTILITIES DEPT, 9-3-15. PRESSURE OF LESS THAN 80PSI SHALL BE REPORTED TO THE CONSULTANT PRIOR TO ONSET OF CONSTRUCTION.

7. SYSTEM SHALL UTILIZE A RAIN SENSOR CAPABLE OF ADJUSTING AND/OR OVERRIDING REGULAR PROGRAMMING OF THE CONTROLLER.
8. SYSTEM UTILIZES A RAINBIRD ESP7ME, 7 STATION CONTROLLER. SYSTEM SHALL BE EQUIPPED WITH RAIN/MOISTURE SENSORS.
9. THE DRIP SYSTEM SHALL CONSIST OF ONE 1 GALLON PER HOUR(GPH) EMITTER PER 1 GALLON SHRUB, TWO 1 GALLON EMITTERS FOR EACH 5 GALLON SHRUB AND FOUR TO SIX 1 GPH EMITTERS FOR EACH TREE DEPENDING ON SIZE AND TYPE.
10. REFER TO CITY OF BOULDER DESIGN AND CONSTRUCTION STREETSCAPING STANDARDS.
11. REFER TO THE CIVIL ENGINEER DRAWINGS FOR GRADING AND UTILITY INFORMATION.

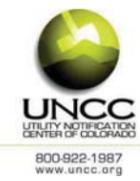
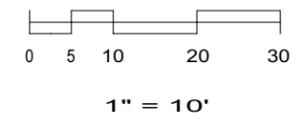
WATER USE TABLE 940 14TH ST

ZONE	AREA	DESK	PLANT TYPE	PIECE RATE	AVERAGE GALLONS PER MIN	#DAYS PER WK	WEEKLY GALLONS AVERAGE PER WEEK	PEAK IN PER WEEK	PEAK MIN PER WEEK	PEAK GALLONS PER WEEK
1	8	S	30	800	1.8	41	248	1.80	60	360
2	13	S	30	1000	1.8	41	225	1.80	60	360
3	7	S	30	800	1.8	41	287	1.80	60	420
4	6	R	40	800	40	192	1160	1.8	270	1620
5	2	D	25	DRIP	.35	68	240	1.00	180	360
6										
LAWN AVERAGE RUN TIME PER WEEK							5.25HRS			
LAWN PEAK RUN TIME PER WEEK									7.5HRS	
AVERAGE GALLONS PER WEEK								2048		
PEAK SEASON GALLONS PER WEEK										2940



# IRRIGATION LEGEND

- | Symbol | Description   |
|--------|---|
|        | HUNTER 4" POPUP SPRAY PROS-04-PRS30-CV NOZZLE AS NOTED                |
|        | 4" POPUP HUNTER MP ROTATORS W/HUNTER PROS-04-PRS40-CV NOZZLE AS NOTED |
|        | Febco 825Y 3/4" (SEE DETAIL)  |
|        | Rain Bird 100 DV  |
|        | Rain Bird XCZ-075   |
|        | RAINBIRD ESP7ME CONTROLLER  |
|        | DRIP END FLUSH ASSEMBLY   |
|        | Rain Bird 33LRC QUICK COUPLER   |
|        | HUNTER WIRELESS RAIN CLICK  |
|        | DRIP 3/4" UV POLYETHYLENE   |
|        | MAINLINE 1" CLASS 200 PVC   |
|        | LATERAL 1" CLASS 200 PVC  |
|        | SLEEVES 2" CLASS 160 PVC  |



1-800-922-1987



IRRIGATION PLAN BY  
**WATER ENGINEERING, INC**  
 17897 W. 53RD DR.  
 GOLDEN, COLORADO 80403  
 303-618-6307 FAX 303-474-3100  
 CARROLLEMAIL@AOL.COM



**NATURE'S DESIGN ASSOCIATES LLC**  
 15674 Indiana Gluch Rd.  
 Jamestown, CO 80455  
 phone 303-459-3333  
 fax 303-459-0644  
 email martinek@hughes.net

IRRIGATION PLAN  
**WATER ENGINEERING, INC**  
 17897 W. 53RD DR.  
 GOLDEN, COLORADO 80403  
 303-618-6307 FAX 303-474-3100  
 CARROLLEMAIL@AOL.COM

**940 14th St.**  
 Lot 11 & 1/2 Lot 12, Block 15 University Place  
 Boulder, Colorado

PLAN DATE  
**11/2/2015**

REVISIONS

DRAWN BY  
 TC  
 CHECKED BY  
 NS

SHEET NUMBER  
**IR-1**

**From:** [Steven Walsh](#)  
**To:** [Walbert, Sloane](#)  
**Cc:** [Riley, Jennifer](#); [Michels, Janet](#); [Scott C Bergquist](#); [Jennifer Bergquist](#); [David Raduziner](#); [Sam Simkin](#); [Ellie DePuy](#); [Guralnick Stanley](#); [Wilson Ken](#); [Clint Folsom](#); [Elissa S Guralnick](#); [Sharon Tuke](#)  
**Subject:** 940 / 942 14th Street / LUR2015-00073  
**Date:** Tuesday, July 28, 2015 10:02:15 AM

---

Dear Sloan,

Here are a few emails from 2010 that I was able to find in an old email folder. They document some nuisance enforcement activity. There has been a lot more trouble with that property since then.

I would ask Janet Michaels and Jennifer Riley (cc'd herein) to be sure to communicate with you regarding this property. It is unfit for any consideration and will have to go a very long way in providing community benefits before the community will support any further erosion of the zoning ordinances.

Thanks,

Steven Walsh

STEVEN WALSH ARCHITECT  
[swalsh@me.com](mailto:swalsh@me.com)  
 303.579.6365  
 915 15th Street  
 Boulder, CO 80302

Begin forwarded message:

**From:** "Johnson, Curtis" <[JOHNSONC@bouldercolorado.gov](mailto:JOHNSONC@bouldercolorado.gov)>  
**Subject:** RE: Fireworks  
**Date:** August 10, 2010 at 4:46:51 PM MDT  
**To:** Steven Walsh <[swalsh@me.com](mailto:swalsh@me.com)>, Hillneighbors <[hillneighbors@yahoogroups.com](mailto:hillneighbors@yahoogroups.com)>  
**Cc:** "Byfield, Jim" <[BYFIELDJ@bouldercolorado.gov](mailto:BYFIELDJ@bouldercolorado.gov)>

All,

2. Fireworks. The fireworks this year have been frustrating both for you and for us in trying to catch them. We seem to be dealing with some smarter than average troublemakers that are only firing off one or two fireworks, then hiding from the responding police. Please be good eyes and ears for us and we will make an effort to catch them. I have communicated with Mr. Walsh frequently about 940 14th Street and we will continue to watch that residence. On some nights we have dedicated officers to that area and no fireworks have been shot off, other nights we are busy dealing with other issues and there are fireworks. We want to put an end to it, so we will keep trying!

CJ

Commander Curt Johnson  
Boulder Police Department  
303-441-4312  
[johnsonc@bouldercolorado.gov](mailto:johnsonc@bouldercolorado.gov)

Begin forwarded message:

**From:** "Michels, Janet" <[MichelsJ@bouldercolorado.gov](mailto:MichelsJ@bouldercolorado.gov)>  
**Subject:** RE: Fireworks Ticket  
**Date:** August 10, 2010 at 8:27:43 AM MDT  
**To:** 'Lisa Spalding' <[yanospalding@comcast.net](mailto:yanospalding@comcast.net)>  
**Cc:** Steven Walsh <[swalsh@me.com](mailto:swalsh@me.com)>

Hi, Lisa,

Thank you for asking about the outcome of this fireworks violation. This year, as in the past several years, the city attorney's office did not make plea offers on fireworks violations. In all but a few cases, offenders had to enter a guilty plea or set their case for trial. The sentencing recommendations we made for all guilty pleas or findings of guilt include a fine, community service, and a "fireworks CVC" that Clay Fong with Community Mediation Services developed for these cases.

In the particular case you referred to, the defendant entered a guilty plea. His sentence included a fine \$140 plus an additional \$75 in court costs, 12 hours of community service, and participation in the fireworks CVC.

Please let me know if I can provide additional information.

Janet

Janet T. Michels  
Assistant City Attorney - Prosecution  
City of Boulder  
303-441-3025  
303-441-1949 (fax)

Begin forwarded message:

**From:** Lisa Spalding <[yanospalding@comcast.net](mailto:yanospalding@comcast.net)>  
**Subject:** Fireworks Ticket

**Date:** August 8, 2010 at 2:36:11 PM MDT  
**To:** Janet Michels <[michelsj@bouldercolorado.gov](mailto:michelsj@bouldercolorado.gov)>  
**Cc:** Steven Walsh <[swalsh@me.com](mailto:swalsh@me.com)>

Janet,

Could you tell me what the court gave as a penalty for the ticket listed below? I'm not sure who handled this case.

Thank you,  
Lisa Spalding  
303-442-2362

### **Enforcement Activity Summary** as of August 06, 2010

**Property Address: 940 14TH**

#### **Boulder Municipal Court Summonses Information**

*Case Status*  
*Issue Date*  
*Citation Number*  
*Charge Key*  
*Statute Number and Description*  
*Finding Description*

139597-1-1  
G21395  
06/18/2010  
Disposed  
940 14TH ST  
Guilty

Exploding Fireworks without a Permit  
5-6-6

Begin forwarded message:

**From:** Steven Walsh <[swalsh@me.com](mailto:swalsh@me.com)>  
**Subject:** 940 14th  
**Date:** August 6, 2010 at 11:01:22 PM MDT  
**To:** Curtis Johnson <[JOHNSONC@bouldercolorado.gov](mailto:JOHNSONC@bouldercolorado.gov)>, Lisa Spalding <[yanospalding@comcast.net](mailto:yanospalding@comcast.net)>

Curtis,

I am almost certain that the source if the loud mortar rockets is 940 14th.

They launch them very intermittently but almost always at 1:50 AM or thereafter coinciding with bar close.

This evening I watched about 15 people partying there and I called it in when it spilled out into the street with open containers. They then left on foot throwing their cans on the ground and tossing around a tv that has been sitting in the right of way all week.

I hope you can get someone to watch that house tonight and catch these guys, everyone in the neighborhood is really upset about being awakened by these very loud explosions.

Steven Walsh  
303.579.6365  
[swalsh@me.com](mailto:swalsh@me.com)  
915 15th Street  
Boulder, CO 80302

**From:** "Johnson, Curtis" <[JOHNSONC@bouldercolorado.gov](mailto:JOHNSONC@bouldercolorado.gov)>  
**Date:** July 29, 2010 3:38:03 PM MDT  
**To:** Lisa Spalding <[yanospalding@comcast.net](mailto:yanospalding@comcast.net)>  
**Subject:** RE: Quick Question

The quote is a little off, I told Scott that we were aware of 940 14th based on your contact with Officer Marquez last week, but we have not yet caught them in the act or in a manner that we can cite them. I told him that we would be wathcing that property closely in an attempt to ticket them.

Reference a search law, that would not likely be possible as we would love to be able to search residences for evidence of a crime after the crime has been committed but the Constitution and case law require us to get a search warrant. We often ask people to relinquish their stash of fireworks and sometimes have success, but current legal requirements won't let us enter a residence. As well, getting a search warrant for fireworks is not likely to occur because municipal judges won't sign warrants and county judges won't enforce municipal laws. As well, we would have to wake a judge up to get the warrant and that won't fly with them. (They don't mind waking up for a homicide case...)

We will do our best to keep the Hill safe this year, but we need your eyes and ears to help us out.

CJ

**From:** Lisa Spalding [<mailto:yanospalding@comcast.net>]  
**Sent:** Thursday, July 29, 2010 3:32 PM  
**To:** Johnson, Curtis  
**Subject:** Quick Question

Hi Commander Johnson,

I just read an email Scott Gibbons sent out that contains the quote below. Could you give me some details on the bust? Was it 940 or 952 14th? Did the officer manage to confiscate their cache of fireworks? I was there the night Steven called in 940 and Dan Berg wrote a ticket. The next week I walked by the house and there was still smoke in the air and the strong smell of fireworks after they had let more off. Please thank all of the officers who are working on this, especially Mike Martinez.

What would you think of trying to get a law passed that grants police the right to search a house for more fireworks if someone is caught setting them off at the address? If nothing else, it might scare all the druggies who don't want police searching their house. If we take care of the stoners, we'd still be left with the drunks, but it might be better than nothing. Thank you for everything you are doing for us.

Lisa

"Fireworks: Police believe they have caught some of the worst fireworks offenders, they live on 14th Street."

7/22/2010

[JOHNSONC@bouldercolorado.gov](mailto:JOHNSONC@bouldercolorado.gov)

Steven,

Lisa Spaulding called dispatch and advised that there were big fireworks at 940 14th, I have an officer there now.

CJ

7/23/2010

Recall that tickets were written there, or was it next door, about a month ago for fireworks. I was the complainant on that one.

Thank you!

Steven Walsh  
303.579.6365  
[swalsh@me.com](mailto:swalsh@me.com)  
915 15th Street  
Boulder, CO 80302

**From:** [David Raduziner](#)  
**To:** [Walbert, Sloane](#)  
**Cc:** [ashoemaker@sgslitigation.com](mailto:ashoemaker@sgslitigation.com)  
**Subject:** 940 14th St application  
**Date:** Tuesday, July 28, 2015 4:38:54 PM

---

Mr. Walberts:

Approval of this request would be a slap in the face to neighborhood residents and law abiding property owners.

The audacity of the owner trying to slip this through is stunning. Codifying an illegal conversion? The whole notion makes my skin crawl particularly given that I've been a neighborhood rental property owner who followed the code, to my detriment at times.

I urge the City to reject this application.

Best,

David Raduziner  
765 14th St  
draduziner@gmail.com  
303-449-0373 o | 303-522-5455 c

**From:** [George Curtis](#)  
**To:** [Walbert, Sloane](#)  
**Subject:** 940 14th st Non conforming use review  
**Date:** Tuesday, July 28, 2015 1:22:45 PM

---

Mr. Walbert: I have noticed quite a bit of construction activity at that location and wonder if the addition is not an accomplished fact. Could you clarify the situation  
George Wm Curtis  
937 15 th at  
Boulder. CO

Sent from my iPad

**From:** [Samuel Simkin](#)  
**To:** [Walbert, Sloane](#)  
**Cc:** [Steven Walsh](#)  
**Subject:** 940 14th Street - LUR2015-00073  
**Date:** Tuesday, July 28, 2015 12:12:07 PM  
**Attachments:** [image001.png](#)

---

Hi Sloane,

I am a neighbor (at 912 15<sup>th</sup> Street) of the property in question in the forwarded email below. Could you please keep me apprised of the timing of Planning Board meetings and other opportunities to comment on the application. I would like to know more about the application, but my initial reaction is that the landowner should not be retroactively rewarded for past illegal activity.

Sam

## **CITY OF BOULDER**

### **Community Planning & Sustainability**

1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791  
phone [303-441-1880](tel:303-441-1880) • fax [303-441-3241](tel:303-441-3241) • web [www.bouldercolorado.gov](http://www.bouldercolorado.gov)

Greetings:

We are writing to notify you that the City of Boulder Planning and Development Services Center has received the following development review application:

LOCATION: PROJECT NAME: DESCRIPTION:

REVIEW TYPE: REVIEW NUMBER: APPLICANT : ZONING:

940 14<sup>th</sup> Street

940 14TH ST NONCONFORMING DUPLEX

NONCONFORMING USE REVIEW for the addition of two bedrooms to the basement of an existing non-conforming duplex. The proposal would result in 2 three-bedroom units, where 1 three-bedroom and 1 one-bedroom unit were originally approved. The basement was illegally converted into two bedrooms at some point in the past and the property owner would like to legally establish the current configuration. The proposal includes the addition of two off-street parking spaces with access from the alley, for a total of four spaces.

Nonconforming Use Review

LUR2015-00073

LANI KING

Residential Low-1 (RL-1)

#### **What is allowed on this property?**

The project site is zoned Residential Low-1 (RL-1), which is defined as *"single-family detached residential dwelling units at low to very low residential densities,"* section 9-5-2(c)(1)(A), B.R.C. 1981. For more information about this zoning, refer to the city's land use regulations at [www.bouldercolorado.gov](http://www.bouldercolorado.gov) (go to City A to Z → B → Boulder Revised Code → Title 9) or contact Planning and Development Services Staff at [303-441-1880](tel:303-441-1880).

**From:** [Eleanor DePuy](#)  
**To:** [Walbert, Sloane](#)  
**Subject:** 940 14th  
**Date:** Tuesday, July 28, 2015 11:09:33 AM

---

Please don't consider expanding the possibility of higher occupancy of 940 14th St. My neighborhood has suffered enough from the increasing density of occupancy and nuisances which follow.

Eleanor DePuy

1509 Cascade Av  
Boulder, 80302.

**From:** [Steven Walsh](#)  
**To:** [Walbert, Sloane](#)  
**Cc:** [Shoemaker, Andrew](#)  
**Subject:** LUR2015-00073  
**Date:** Tuesday, July 28, 2015 9:26:21 AM  
**Attachments:** [page1Image448.png](#)  
[page1Image2488.png](#)  
[page1Image32848.png](#)  
[page1Image33008.png](#)  
[page1Image33168.png](#)  
[page2Image336.png](#)

---

Dear Sloane,

As a neighbor who has been systematically harmed by fireworks, large nuisance parties, and general degradation of my neighborhood for almost twenty years by the behavior of the tenants of this residence and the poor quality of property management all those years, I strongly object and hope that this application will be withdrawn.

Even if the above circumstances were not present I am shocked by the audacity of the applicant who has operated the property outside the provisions of the law and outrageous circumstances of this application. As an income property owner myself who cares about preventing any harms to neighboring properties, abides by zoning regulations, often at a competitive disadvantage to many other income properties; it is my opinion that this property should lose its non-conforming status and rental license and be sued for revenues collected illegally.

A photo of the property taken this morning illustrates the usual condition of the property on any given day: cigarette butts, bottles, cups, and more often the yard is littered far worse, the landscape overgrown with weeds, and in winter the walk rarely shoveled.

Please note that I have vocally supported two large redevelopment projects in my neighborhood that eliminated this type of problem while contributing to the safe and equitable housing needs of the CU population.

Thanks,

Steven Walsh

STEVEN WALSH ARCHITECT  
[swalsh@me.com](mailto:swalsh@me.com)  
303.579.6365  
915 15th Street  
Boulder, CO 80302

<https://www-static.bouldercolorado.gov/docs/PDS/plans/LUR2015-00073/Public%20Notice.pdf>



**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](http://www.bouldercolorado.gov)

Greetings:

We are writing to notify you that the City of Boulder Planning and Development Services Center has received the following development review application:

LOCATION: PROJECT NAME: DESCRIPTION:

REVIEW TYPE: REVIEW NUMBER: APPLICANT : ZONING:

940 14<sup>th</sup> Street  
940 14TH ST NONCONFORMING DUPLEX  
NONCONFORMING USE REVIEW for the addition of two bedrooms to the basement of an existing non-conforming duplex. The proposal would result in 2 three-bedroom units, where 1 three-bedroom and 1 one-bedroom unit were originally approved. The basement was illegally converted into two bedrooms at some point in the past and the property owner would like to legally establish the current configuration. The proposal includes the addition of two off-street parking spaces with access from the alley, for a total of four spaces.  
Nonconforming Use Review  
LUR2015-00073  
LANI KING  
Residential Low-1 (RL-1)

**What is allowed on this property?**

The project site is zoned Residential Low-1 (RL-1), which is defined as "single-family detached residential dwelling units at low to very low residential densities," section 9-5-2(c)(1)(A), B.R.C. 1981. For more information about this zoning, refer to the city's land use regulations at [www.bouldercolorado.gov](http://www.bouldercolorado.gov) (go to City A to Z → B → Boulder Revised Code → Title 9) or contact Planning and Development Services Staff at 303-441-1880.

**Why is this review required?**

The duplex is considered a nonconforming use because a structure that contains two dwelling units would not be permitted in the zone district under the current land use regulations. The duplex was legally established prior to the RL-1 zoning designation in this area. In addition, the property exceeds the maximum permitted density (minimum lot area and number of dwelling units per acre) and the property does not meet the required off-street parking requirement of three spaces. The proposal constitutes an expansion to the nonconforming use and must be reviewed under the procedures of section 9-2-15, "Use Review," B.R.C. 1981.

**What are the criteria for review?**

The Nonconforming Use Review criteria pertaining to this application may be found in subsections 9-2-15(e) and (f), B.R.C. 1981. These criteria can be viewed online at the web link noted above.

**When will a decision be made?**

The Planning Department will review the application based on the criteria noted above. The timing of the development review process depends on several factors, including the complexity of the project and the number of times the proposal is revised. Staff welcomes inquiries and comments from the public throughout the review process. Comments received from you before **August 7, 2015** will be included in the city's initial response to the applicant. A decision on this application (an approval, denial, or approval with conditions) will be made by the Planning Department. Any decision by the Planning Department is subject to call-up by the Planning Board within 14 days after a decision. *If you wish to receive notice of the decision or of any Planning Board hearings, contact the Planning Department's case manager (see below).*

**How can I find out more?**

For more information or to comment on the application, contact the project's staff Case Manager, Sloane Walbert: By Phone: 303-441-4321 By Mail: P.O. Box 791, Boulder, CO 80306

By FAX: 303-441-3241 By e-mail: [walberts@bouldercolorado.gov](mailto:walberts@bouldercolorado.gov)

Or review the project file at the Planning and Development Services Center, 1739 Broadway, 3rd floor during regular office hours.

**July 22, 2015**

On Jul 28, 2015, at 10:14 AM, Steven Walsh <[swalsh@me.com](mailto:swalsh@me.com)> wrote:

Dear Councilors,

I wanted to bring to your attention an egregious request being considered by planning staff in the hope that it is summarily rejected before it even gets processed or wastes the time of the community. I am sure you can imagine the implications if this precedent is established.

"The proposal would result in 2 three-bedroom units, where 1 three-bedroom and 1 one-bedroom unit were originally approved. The basement was illegally converted into two bedrooms at some point in the past and the property owner would like to legally establish the current configuration"

At the bottom I have pasted a few emails from 2010 that I was able to find that give you some insight into the history of this property.

Thanks,

Steven Walsh

STEVEN WALSH ARCHITECT  
[swalsh@me.com](mailto:swalsh@me.com)  
303.579.6365  
915 15th Street  
Boulder, CO 80302

Begin forwarded message:

**From:** Steven Walsh <[swalsh@me.com](mailto:swalsh@me.com)>  
**Subject:** LUR2015-00073  
**Date:** July 28, 2015 at 9:25:55 AM MDT  
**To:** [walberts@bouldercolorado.gov](mailto:walberts@bouldercolorado.gov)  
**Cc:** Shoemaker Andrew <[ashoemaker@sgslitigation.com](mailto:ashoemaker@sgslitigation.com)>

Dear Sloane,

As a neighbor who has been systematically harmed by fireworks, large nuisance parties, and general degradation of my neighborhood for almost twenty years by the behavior of the tenants of this residence and the poor quality of property management all those years, I strongly object and hope that this application will be withdrawn.

Even if the above circumstances were not present I am shocked by the audacity of the applicant who has operated the property outside the provisions of the law and outrageous circumstances of this application. As an income property owner myself who cares about preventing any harms to neighboring properties, abides by zoning regulations, often at a competitive disadvantage to many other income properties; it is my opinion that this property should lose its non-conforming status and rental license and be sued for revenues collected illegally.

A photo of the property taken this morning illustrates the usual condition of the property on any given day: cigarette butts, bottles, cups, and more often the yard is littered littered far worse, the landscape overgrown with weeds, and in winter the walk rarely shoveled.

Please note that I have vocally supported two large redevelopment projects in my neighborhood that eliminated this type of problem while contributing to the safe and equitable housing needs of the CU population.

Thanks,

Steven Walsh

STEVEN WALSH ARCHITECT  
[swalsh@me.com](mailto:swalsh@me.com)  
303.579.6365  
915 15th Street  
Boulder, CO 80302

<https://www-static.bouldercolorado.gov/docs/PDS/plans/LUR2015-00073/Public%20Notice.pdf>

<unknown.jpg>

<page1image448.png>

**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](http://www.bouldercolorado.gov)

<page1image2488.png>

Greetings:

We are writing to notify you that the City of Boulder Planning and Development Services Center has received the following development review application:

LOCATION: PROJECT NAME: DESCRIPTION:

REVIEW TYPE: REVIEW NUMBER: APPLICANT : ZONING:

940 14<sup>th</sup> Street

940 14TH ST NONCONFORMING DUPLEX

NONCONFORMING USE REVIEW for the addition of two bedrooms to the basement of an existing non-conforming duplex. The proposal would result in 2 three-bedroom units, where 1 three-bedroom and 1 one-bedroom unit were originally approved. The basement was illegally converted into two bedrooms at some point in the past and the property owner would like to legally establish the current configuration. The proposal includes the addition of two off-street parking spaces with access from the alley, for a total of four spaces.

Nonconforming Use Review

LUR2015-00073

LANI KING

Residential Low-1 (RL-1)

**What is allowed on this property?**

The project site is zoned Residential Low-1 (RL-1), which is defined as "single-family detached residential dwelling units at low to very low residential densities," section 9-5-2(c)(1)(A), B.R.C. 1981. For more information about this zoning, refer to the city's land use regulations at [www.bouldercolorado.gov](http://www.bouldercolorado.gov) (go to City A to Z → B → Boulder Revised Code → Title 9) or contact Planning and Development Services Staff at 303-441-1880.

**Why is this review required?**

The duplex is considered a nonconforming use because a structure that contains two dwelling units would not be permitted in the zone district under the current land use regulations. The duplex was legally established prior to the RL-1 zoning designation in this area. In addition, the property exceeds the maximum permitted density (minimum lot area and number of dwelling units per acre) and the property does not meet the required off-street parking requirement of three spaces. The proposal constitutes an expansion to the nonconforming use and must be reviewed under the procedures of section 9-2-15, "Use Review," B.R.C. 1981.

**What are the criteria for review?**

The Nonconforming Use Review criteria pertaining to this application may be found in subsections 9-2-15(e) and (f), B.R.C. 1981. These criteria can be viewed online at the web link noted above.

**When will a decision be made?**

The Planning Department will review the application based on the criteria noted above. The timing of the development review process depends on several factors, including the complexity of the project and the number of times the proposal is revised. Staff welcomes inquiries and comments from the public throughout the review process. Comments received from you before **August 7, 2015** will be included in the city's initial response to the applicant. A decision on this application (an approval, denial, or approval with conditions) will be made by the Planning Department. Any decision by the Planning Department is subject to call-up by the Planning Board within 14 days after a decision. *If you wish to receive notice of the decision or of any Planning Board hearings, contact the Planning Department's case manager (see below).*

**How can I find out more?**

For more information or to comment on the application, contact the project's staff Case Manager, Sloane Walbert: By Phone: 303-441-4321 By Mail: P.O. Box 791, Boulder, CO 80306

By FAX: 303-441-3241 By e-mail: [walberts@bouldercolorado.gov](mailto:walberts@bouldercolorado.gov)

Or review the project file at the Planning and Development Services Center, 1739 Broadway, 3rd floor during regular office hours.

**July 22, 2015**

<page1image32848.png> <page1image33008.png> <page1image33168.png>  
<page2image336.png>

## City of Boulder Vicinity Map

Begin forwarded message:

**From:** "Johnson, Curtis" <[JOHNSONC@bouldercolorado.gov](mailto:JOHNSONC@bouldercolorado.gov)>  
**Subject:** RE: Fireworks  
**Date:** August 10, 2010 at 4:46:51 PM MDT  
**To:** Steven Walsh <[swalsh@me.com](mailto:swalsh@me.com)>, Hillneighbors <[hillneighbors@yahoogroups.com](mailto:hillneighbors@yahoogroups.com)>  
**Cc:** "Byfield, Jim" <[BYFIELDJ@bouldercolorado.gov](mailto:BYFIELDJ@bouldercolorado.gov)>

All,

2. Fireworks. The fireworks this year have been frustrating both for you and for us in trying to catch them. We seem to be dealing with some smarter than average troublemakers that are only firing off one or two fireworks, then hiding from the responding police. Please be good eyes and ears for us and we will make an effort to catch them. I have communicated with Mr. Walsh frequently about 940 14th Street and we will continue to watch that residence. On some nights we have dedicated officers to that area and no fireworks have been shot off, other nights we are busy dealing with other issues and there are fireworks. We want to put an end to it, so we will keep trying!

CJ

Commander Curt Johnson  
Boulder Police Department  
303-441-4312  
[johnsonc@bouldercolorado.gov](mailto:johnsonc@bouldercolorado.gov)

Begin forwarded message:

**From:** "Michels, Janet" <[Michels.J@bouldercolorado.gov](mailto:Michels.J@bouldercolorado.gov)>  
**Subject:** RE: Fireworks Ticket  
**Date:** August 10, 2010 at 8:27:43 AM MDT  
**To:** 'Lisa Spalding' <[yanospalding@comcast.net](mailto:yanospalding@comcast.net)>  
**Cc:** Steven Walsh <[swalsh@me.com](mailto:swalsh@me.com)>

Hi, Lisa,

Thank you for asking about the outcome of this fireworks violation. This year, as in the past several years, the city attorney's office did not make plea offers on fireworks violations. In all but a few cases, offenders had to enter a guilty plea or set their case for trial. The sentencing recommendations we made for all guilty pleas or findings of guilt include a fine, community service, and a "fireworks CVC" that Clay Fong with Community Mediation Services developed for these cases.

In the particular case you referred to, the defendant entered a guilty plea. His sentence included a fine \$140 plus an additional \$75 in court costs, 12 hours of community service, and participation in the fireworks CVC.

Please let me know if I can provide additional information.

Janet

Janet T. Michels  
Assistant City Attorney - Prosecution  
City of Boulder  
303-441-3025  
303-441-1949 (fax)

Begin forwarded message:

**From:** Lisa Spalding <[yanospalding@comcast.net](mailto:yanospalding@comcast.net)>  
**Subject:** Fireworks Ticket  
**Date:** August 8, 2010 at 2:36:11 PM MDT  
**To:** Janet Michels <[michelsj@bouldercolorado.gov](mailto:michelsj@bouldercolorado.gov)>  
**Cc:** Steven Walsh <[swalsh@me.com](mailto:swalsh@me.com)>

Janet,

Could you tell me what the court gave as a penalty for the ticket listed below? I'm not sure who handled this case.

Thank you,  
Lisa Spalding  
303-442-2362

**Enforcement Activity Summary**  
as of August 06, 2010

**Property Address: 940 14TH**

**Boulder Municipal Court Summonses Information**

*Case Status  
Issue Date  
Citation Number  
Charge Key  
Statute Number and Description  
Finding Description*

139597-1-1  
G21395  
06/18/2010  
Disposed  
940 14TH ST  
Guilty

Exploding Fireworks without a Permit  
5-6-6

Begin forwarded message:

**From:** Steven Walsh <[swalsh@me.com](mailto:swalsh@me.com)>  
**Subject:** 940 14th  
**Date:** August 6, 2010 at 11:01:22 PM MDT  
**To:** Curtis Johnson <[JOHNSONC@bouldercolorado.gov](mailto:JOHNSONC@bouldercolorado.gov)>, Lisa Spalding <[yanospalding@comcast.net](mailto:yanospalding@comcast.net)>

Curtis,

I am almost certain that the source if the loud mortar rockets is 940 14th.

They launch them very intermittently but almost always at 1:50 AM or thereafter coinciding with bar close.

This evening I watched about 15 people partying there and I called it in when it spilled out into the street with open containers. They then left on foot throwing their cans on the ground and tossing around a tv that has been sitting in the right of way all week.

I hope you can get someone to watch that house tonight and catch these guys, everyone in the neighborhood is really upset about being awakened by these very loud explosions.

Steven Walsh  
303.579.6365  
[swalsh@me.com](mailto:swalsh@me.com)  
915 15th Street  
Boulder, CO 80302

**From:** "Johnson, Curtis" <[JOHNSONC@bouldercolorado.gov](mailto:JOHNSONC@bouldercolorado.gov)>  
**Date:** July 29, 2010 3:38:03 PM MDT  
**To:** Lisa Spalding <[yanospalding@comcast.net](mailto:yanospalding@comcast.net)>  
**Subject:** RE: Quick Question

The quote is a little off, I told Scott that we were aware of 940 14th based on your contact with Officer Marquez last

week, but we have not yet caught them in the act or in a manner that we can cite them. I told him that we would be watching that property closely in an attempt to ticket them.

Reference a search law, that would not likely be possible as we would love to be able to search residences for evidence of a crime after the crime has been committed but the Constitution and case law require us to get a search warrant. We often ask people to relinquish their stash of fireworks and sometimes have success, but current legal requirements won't let us enter a residence. As well, getting a search warrant for fireworks is not likely to occur because municipal judges won't sign warrants and county judges won't enforce municipal laws. As well, we would have to wake a judge up to get the warrant and that won't fly with them. (They don't mind waking up for a homicide case...)

We will do our best to keep the Hill safe this year, but we need your eyes and ears to help us out.

CJ

---

**From:** Lisa Spalding [<mailto:yanospalding@comcast.net>]  
**Sent:** Thursday, July 29, 2010 3:32 PM  
**To:** Johnson, Curtis  
**Subject:** Quick Question

Hi Commander Johnson,

I just read an email Scott Gibbons sent out that contains the quote below. Could you give me some details on the bust? Was it 940 or 952 14th? Did the officer manage to confiscate their cache of fireworks? I was there the night Steven called in 940 and Dan Berg wrote a ticket. The next week I walked by the house and their was still smoke in the air and the strong smell off fireworks after they had let more off. Please thank all of the officers who are working on this, especially Mike Martinez.

Thank you for everything you are doing for us.

Lisa

"Fireworks: Police believe they have caught some of the worst fireworks offenders, they live on 14th Street."

7/22/2010

[JOHNSONC@bouldercolorado.gov](mailto:JOHNSONC@bouldercolorado.gov)

Steven,

Lisa Spaulding called dispatch and advised that there were big fireworks at 940 14th, I have an officer there now.

CJ

7/23/2010

Recall that tickets were written there, or was it next door, about a month ago fir fireworks. I was the complainant on that one. Thank you!

Steven Walsh  
303.579.6365  
[swalsh@me.com](mailto:swalsh@me.com)  
915 15th Street  
Boulder, CO 80302

improve the general appearance of the project site and/or reduce the degree of nonconformity. I will keep you informed of the status of the review and the Planning Board hearing.

Regards,

**Sloane Walbert**

Planner I, Department of Community Planning and Sustainability  
City of Boulder  
1739 Broadway, 3rd Floor  
P.O. Box 791  
Boulder, CO 80306-0791  
(303) 441-4231 Direct  
[WalbertS@bouldercolorado.gov](mailto:WalbertS@bouldercolorado.gov)

---

**From:** Samuel Simkin [<mailto:samuel.simkin@colorado.edu>]  
**Sent:** Wednesday, August 19, 2015 12:32 PM  
**To:** Walbert, Sloane  
**Cc:** Steven Walsh  
**Subject:** RE: 940 14th Street - LUR2015-00073

Dear Sloane,

Thank you very much for your reply and for the plans. I am a bit puzzled by your clarification. Based on the portion of the proposal description that reads “The proposal would result in 2 three-bedroom units, where 1 three-bedroom and 1 one-bedroom unit were originally approved,” that certainly sounds like an increase from 4 bedrooms to 6 bedrooms. Wouldn’t the addition of two bedrooms increase the allowable occupancy? In addition, given that the proposal is requesting additional off-street parking, that too sounds like something that one could reasonably assume was associated with an increase in allowable occupancy. Am I missing some other piece of information?

Given that I still haven’t heard any argument from the applicant about why “the basement was illegally converted into two bedrooms at some time in the past”, you can now put me solidly in the category of opposing their proposal. Could you please let me know about the timing of Planning Board hearings and any decisions that are made.

Thank you,

Sam

---

**From:** Walbert, Sloane [<mailto:WalbertS@bouldercolorado.gov>]  
**Sent:** Wednesday, August 19, 2015 12:04 PM  
**To:** Samuel Simkin  
**Cc:** Steven Walsh  
**Subject:** RE: 940 14th Street - LUR2015-00073

Dear Sam,

My apologies for the delay in getting back to you. To clarify the request, the property contains a legal duplex. The non-conforming use review is for a proposal to add bedrooms to the basement of the home. There would be no increase to the allowable occupancy. I have attached the proposed plans for your reference. Please let me know if you have any feedback to be taken into consideration during staff's review and/or to be forwarded to Planning. I will also keep you updated on the project's process. Staff is planning to send initial review comments later this week.

Thank you,

**Sloane Walbert**

Planner I, Department of Community Planning and Sustainability  
City of Boulder  
1739 Broadway, 3rd Floor  
P.O. Box 791  
Boulder, CO 80306-0791  
(303) 441-4231 Direct  
[WalbertS@bouldercolorado.gov](mailto:WalbertS@bouldercolorado.gov)

---

**From:** Samuel Simkin [<mailto:samuel.simkin@colorado.edu>]  
**Sent:** Tuesday, July 28, 2015 12:12 PM  
**To:** Walbert, Sloane  
**Cc:** Steven Walsh  
**Subject:** 940 14th Street - LUR2015-00073

Hi Sloane,

I am a neighbor (at 912 15<sup>th</sup> Street) of the property in question in the forwarded email below. Could you please keep me apprised of the timing of Planning Board meetings and other opportunities to comment on the application. I would like to know more about the application, but my initial reaction is that the landowner should not be retroactively rewarded for past illegal activity.

Sam

**CITY OF BOULDER**  
**Community Planning & Sustainability**

1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791  
phone [303-441-1880](tel:303-441-1880) • fax [303-441-3241](tel:303-441-3241) • web [www.bouldercolorado.gov](http://www.bouldercolorado.gov)

Greetings:

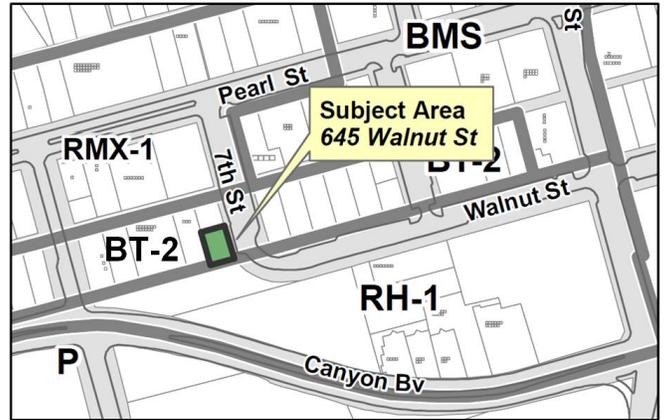
We are writing to notify you that the City of Boulder Planning and Development Services Center has received the following development review application:

LOCATION: PROJECT NAME: DESCRIPTION:

REVIEW TYPE: REVIEW NUMBER: APPLICANT : ZONING:

**MEMORANDUM**

**TO:** Planning Board  
**FROM:** Elaine McLaughlin, Case Manager  
**DATE:** Dec. 8, 2015  
**SUBJECT:** **Call Up Item:** MINOR SITE REVIEW AMENDMENT (LUR2015-00038): Minor Site Review Amendment of an approved Planned Unit Development (PUD) to convert a two story office building to ground floor office with a residential unit above and remodel the interior.



**Figure 1: Vicinity Map**

**Background.** Located at the northwest corner of Walnut and 6<sup>th</sup> street and fronting onto Canyon Pointe Park, the approximately 3,800 square foot site is zoned BT-2, Business - Transitional 2 defined in the Land Use Code (section 9-5-2, B.R.C. 1981) as areas which, “generally buffer a residential area from a major street and are primarily used for commercial and complementary residential uses, including temporary lodging and office uses.” The property includes an existing office building that had been converted in 1981 from residential to office through a Planned Unit Development (PUD), which is now referred to as “Site Review.” At that time the property was also subdivided and an attached duplex building was also constructed to the north, that portion of the building is not a part of this application. Because the applicant is requesting a change of use on the top floor from office to residential and a replacement of the roof with the addition of dormers, it modifies the original approval and exceeds the threshold for a Minor Modification. This necessitates review as a Minor Site Review Amendment. The review criteria for the minor amendment will be applied, focused specifically on Landscaping, Building Design and Open Space, per Section 9-2-14(l), B.R.C.1981.

While the exact date of the building’s original construction is not known, the front south portion of the building was likely constructed in the 1890s. The house retains elements that are representative of an Edwardian Vernacular residence, common in Boulder at the turn of the twentieth century. The house has been extensively modified from its original construction, particularly to the second level and in the construction of a large addition on the north. As a result, a demolition permit was issued on the house for the request for a new roof and addition of dormers. On Feb. 4, 2015 Landmarks Board approved the demolition based on findings that that due to a loss of architectural integrity, the property is not eligible for landmark designation.



**Proposed Project.**

The proposed project includes a new roof of the same roof angle along with the the addition of dormers to the roof structure to provide additional head room on the upper floor and conversion of the second floor from office back to residential. Existing approved modifications to the front, side and rear yard setbacks will remain as the existing building will not be moved.

**Project Analysis.** The Minor Amendment was found to be consistent with the Site Review Minor Amendment criteria and helps improve the overall appearance of the building and site. Please refer to **Attachment B** for staff's complete analysis of the review criteria. During the review process, the applicant had proposed a distinctly different roof pitch. Working with the applicant, staff encouraged them to retain the same roof pitch to be in keeping with the original building and maintain the appearance in the context. The applicant was open to the suggestion and has since revised the project plans.



**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. Staff received a voicemail message from one neighbor who indicated support for the project.

**Conclusion.** Staff finds that the proposed project meets the relevant criteria pursuant to section 9-2-14(l), “*Minor Amendments to Approved Site Plans*,” B.R.C. 1981 (please refer to **Attachment B**). This proposal was approved by Planning and Development Services staff on Dec. 8, 2015 and the decision may be called up before Planning Board on or before Dec. 22, 2015. There is one Planning Board meeting within the 14-day call up period, on **Dec. 17 2015**. Questions about the project or decision should be directed to Elaine McLaughlin at (303) 441-4130 or [mclaughline@bouldercolorado.gov](mailto:mclaughline@bouldercolorado.gov).

**Attachments**

- A. Signed Disposition
- B. Analysis of Review Criteria
- C. Applicant's Proposed Plans



**CITY OF BOULDER**  
**Community Planning & Sustainability**

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

**CITY OF BOULDER PLANNING DEPARTMENT**  
**NOTICE OF DISPOSITION**

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

**DECISION:** APPROVED WITH CONDITIONS  
**PROJECT NAME:** 645 WALNUT OFFICE/RESIDENTIAL  
**DESCRIPTION:** Minor Site Review Amendment of an approved Planned Unit Development (PUD) to convert a two story office building to ground floor office with a residential unit above and addition of 194 square feet of floor area.  
**LOCATION:** 645 WALNUT ST  
**COOR:** N03W07  
**LEGAL DESCRIPTION:** South 75 feet of Lot 12, Block 61, West Boulder, County of Boulder, State of Colorado  
**APPLICANT:** JENNIFER CAMPBELL  
**OWNER:** EDWARD M. PARENT  
**APPLICATION:** Minor Site Review Amendment, LUR2015-00038  
**ZONING:** BT-2  
**CASE MANAGER:** Elaine McLaughlin  
**VESTED PROPERTY RIGHT:** NO; the owner has waived the opportunity to create such right under Section 9-2-19, B.R.C. 1981.

**APPROVED MODIFICATIONS FROM THE LAND USE REGULATIONS:** None

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

**Approved on:** 12-18-15  
Date

**By:** [Signature]  
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:** 12-22-15

**Final Approval Date:** 12-23-15

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

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

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

### **CONDITIONS OF APPROVAL**

1. The Applicant shall ensure that the **development shall be in compliance with all plans prepared by the Applicant** on August 8, 2015, on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval.
2. 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: NC-76-2; NC78-29; P-81-35.

Minor Amendments to Approved Site Plans

Section 9-2-14 (I), B.R.C. 1981

(1) **Standards: Changes to approved building location, or additions to existing buildings which exceed the limits of a minor modification, may be considered through the minor amendment process, if the following standards are met:**

N/A (A) In a residential zone as set forth in [section 9-5-2](#), "Zoning Districts," B.R.C. 1981, all approved dwelling units within the development phase have been completed;

*Not Applicable, the property is located in the BT-2 zoning district.*

N/A (B) In residential zones, dwelling unit type is not changed;

*Not Applicable, the property is located in the BT-2 zoning district.*

N/A (C) The required open space per dwelling unit requirement of the zone is met on the lot of the detached dwelling unit to be expanded, and

*Not Applicable, as the building being expanded is not a detached dwelling unit.*

X (D) The total open space per dwelling unit in the development is not reduced by more than ten percent of that required for the zone; or

*There is no reduction in open space per dwelling unit occurring as part of this proposal.*

N/A (E) If the residential open space provided within the development or an approved phase of a development cannot be determined, the detached dwelling unit is not expanded by more than ten percent and there is no variation to the required setbacks for that lot;

*Not Applicable, as the building being expanded is not a detached dwelling unit.*

X (F) For a building in a nonresidential use module, the building coverage is not increased by more than twenty percent, the addition does not cause a reduction in required open space, and any additional required parking that is provided, is substantially accommodated within the existing parking arrangement;

*The proposed remodel of the building that includes the conversion of the second story from office to residential will not cause an increase in building coverage or a reduction in required open space, and parking will be accommodated on-site in an existing parking area.*

X (G) The portion of any building over the permitted height under [section 9-7-1](#), "Schedule of Form and Bulk Standards," B.R.C. 1981, is not increased;

*No portion of the existing building exceeds the 35' maximum permitted height for the BT-2 zone, rather the maximum height of the building will be 26 feet.*

X (H) The proposed minor amendment does not require public infrastructure improvements or other off-site improvements.

*The proposed minor amendment is for the site and building changes associated with the conversion of the existing office into a mixed use building with ground floor office and residential above.*

**(2) Amendments to the Site Review Approval Process: Applications for minor amendment shall be approved according to the procedures prescribed by this section for site review approval, except:**

**X (A) If an applicant requests approval of a minor amendment to an approved site review, the city manager will determine which properties within the development would be affected by the proposed change. The manager will provide notice pursuant to subsection [9-4-3\(b\)](#), B.R.C. 1981, of the proposed change to all property owners so determined to be affected, and to all property owners within a radius of six hundred feet of the subject property.**

*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.*

**X (B) Only the owners of the subject property shall be required to sign the application.**

*The owner of the property signed the application.*

**X (C) The minor amendment shall be found to comply with the review criteria of subparagraphs (h)(2)(A), (h)(2)(C), and (h)(2)(F) of this section, and**

*The minor amendment has been found to meet the Open Space, Landscaping and Building Design and Livability standards found in the Site Review criteria. The proposed removal of the existing parking lot represents a substantial improvement to the existing open space on site, and the proposed landscaping has been reviewed and approved by staff as meeting the intent of the Landscaping standards. Only minor changes to the existing building are proposed, all of which serve to improve the livability and relationship to the surrounding area compared to the previously approved design.*

**X (D) The minor amendment is found to be substantially consistent with the intent of the original approval, including conditions of approval, the intended design character and site arrangement of the development, and specific limitations on additions or total size of the building which were required to keep the building in general proportion to others in the surrounding area or minimize visual impacts.**

**X (E) The city manager may amend, waive, or create a development agreement.**

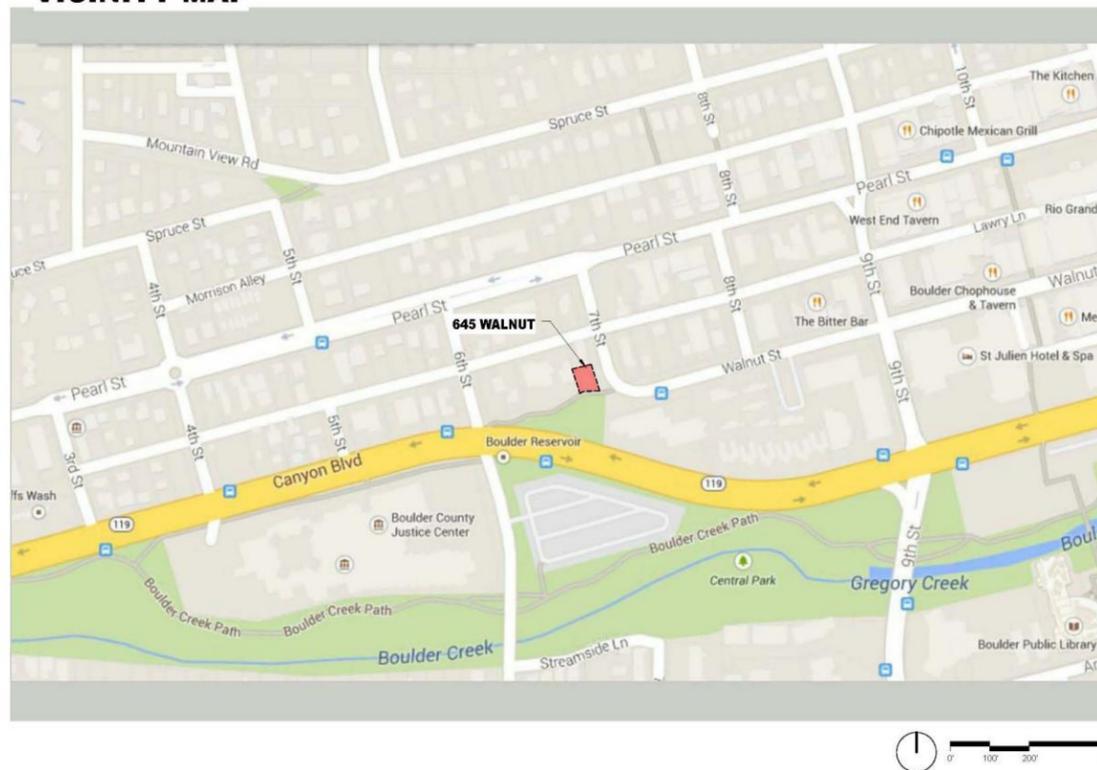
*The applicant will be required to sign a development agreement.*

SHEET INDEX	
SHEET NUMBER	SHEET NAME
A0.00	COVER SHEET
A0.01	SOLAR AND BULK PLANE ANALYSIS
A0.02	PROPERTY ZONING ANALYSIS
A1.01	SITE PLAN
A2.01	FLOOR PLAN
A3.01	BUILDING SECTIONS
A3.02	BUILDING SECTIONS
A4.01	REFLECTED CEILING PLAN
A5.01	EXTERIOR ELEVATIONS
A6.03	DOOR AND WINDOW SCHEDULES
A7.01	EXTERIOR DETAILS
A8.01	FIREPLACE SPECS



**PROPOSED RENDERING**

**VICINITY MAP**



**EXISTING PROPERTY PHOTO**



PROJECT NO. 14042.000

**359**  
DESIGN

**PARENT RESIDENCE** BOULDER, COLORADO  
**645 WALNUT**

**OWNER**

EDWARD PARENT  
645 WALNUT STREET  
BOULDER, CO 80302

**ARCHITECT**

359 DESIGN  
710 W. COLFAX  
DENVER, COLORADO 80204

**GENERAL CONTRACTOR**

ROBLUCKETT BUILDERS  
2607 6TH STREET  
BOULDER, CO 80304

**STRUCTURAL ENGINEER**

GEBAU, INC.  
1121 BROADWAY, SUITE 201  
BOULDER, CO 80302

**OWNER**

ED PARENT  
645 WALNUT STREET, BOULDER, CO 80304

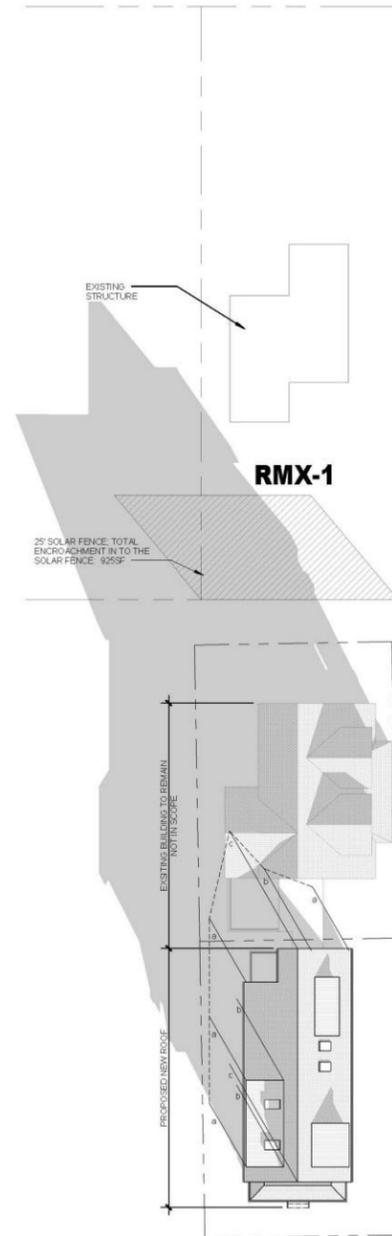
**GENERAL CONTRACTOR**

ROB LUCKETT BUILDERS  
2807 6TH STREET, BOULDER, CO 80304  
www.robluckettbuilders.com  
PAUL EDWARDS - 303-448-9231 (OFFICE)

**STRUCTURAL ENGINEER**

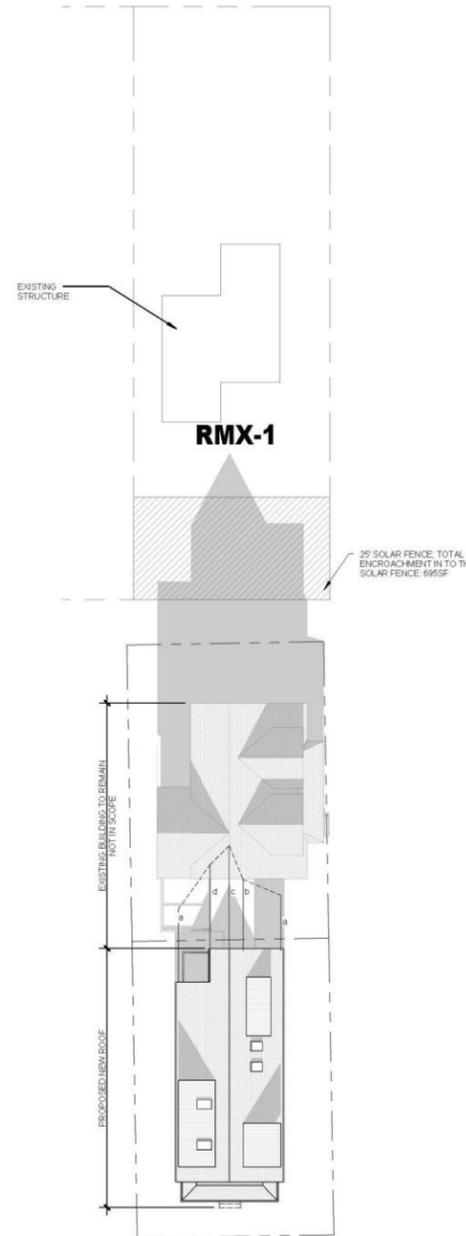
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JOEL AMBROSINO - 303-444-8545

**PARENT RESIDENCE**  
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BOULDER, CO 80302



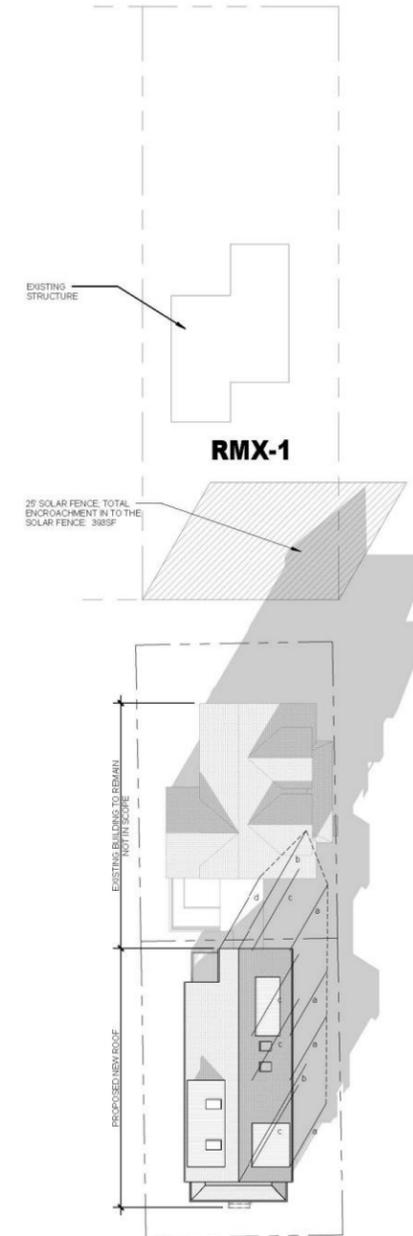
ACTUAL SHADOW LENGTHS  
ON DEC. 21 AT 10AM  
a. 18.6' (19' @ Bottom of Dome)  
b. 23.9' (21' @ Top of Dome)  
c. 34.5' (25' @ Top of Roof)  
d. 21.2' (20' @ Roof)

**03 SOLAR SHADOW ANALYSIS- 10AM DEC. 21**  
1" = 20'-0"  
TRUE NORTH



ACTUAL SHADOW LENGTHS  
ON DEC. 21 AT 12PM  
a. 14' (19' @ Bottom of Dome)  
b. 18' (21' @ Top of Dome)  
c. 26' (25' @ Top of Roof)  
d. 16' (20' @ Roof)

**02 SOLAR SHADOW ANALYSIS- 12PM DEC. 21**  
1" = 20'-0"  
TRUE NORTH



ACTUAL SHADOW LENGTHS  
ON DEC. 21 AT 2PM  
a. 18.6' (19' @ Bottom of Dome)  
b. 34.5' (25' @ Top of Roof)  
c. 23.9' (21' @ Top of Dome)  
d. 21.2' (20' @ Roof)

**01 SOLAR SHADOW ANALYSIS- 2PM DEC. 21**  
1" = 20'-0"  
TRUE NORTH

KEY PLAN

REVISION

No.	Description	Date
1	CITY OF BOULDER COMMENTS	07/10/2015

PROJECT NUMBER 14049  
ISSUE DATE AUG 08 2015

ISSUE

**MINOR SITE REVIEW AMENDMENT**

SHEET TITLE

**SOLAR AND BULK PLANE ANALYSIS**

SHEET NO.

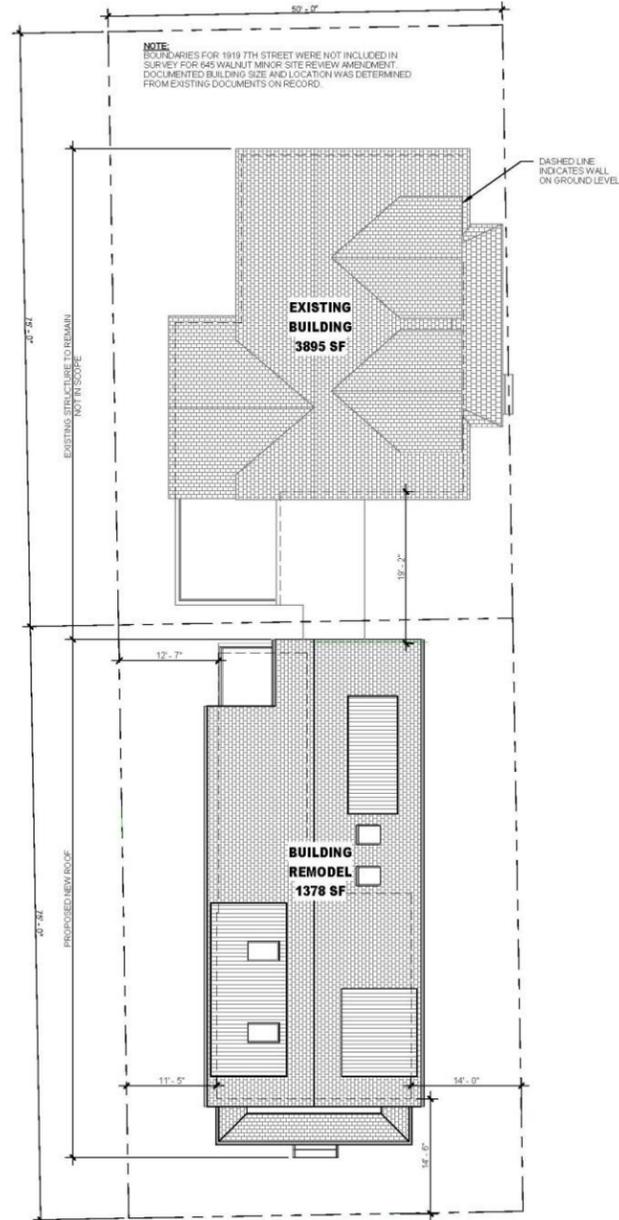
**A0.01**



**ORIGINAL PUD AREAS:**

AREAS OF LEVELS AS ORIGINAL PUD		EXISTING SQUARE FEET	PROPOSED SQUARE FEET
1919 7TH ST. OVERALL SQUARE FOOTAGE	OFFICE RESIDENTIAL	3895 SF 0 SF	0 SF 0 SF
TOTAL SQUARE FOOTAGE @ 1919 7TH ST.		3895 SF	0 SF
645 WALNUT OVERALL SQUARE FOOTAGE	OFFICE RESIDENTIAL	1378 SF 0 SF	523 SF 855 SF
TOTAL SQUARE FOOTAGE @ 645 WALNUT		1378 SF	1378 SF
TOTAL FLOOR AREA FOR PUD		5273 SF	0 SF
TOTAL SITE AREA FOR BOTH LOTS ( SF )		6000 SF	
MAXIMUM FLOOR AREA RATIO FOR SITE ( 0.5 : 1 )		4000 SF	

\*\*\* NOTE THAT THE EXISTING STRUCTURES EXCEED THE FAR REQUIREMENT OF 0.5 FAR



**03 OVERALL ORIGINAL PUD AS MODIFIED**  
1" = 10'-0"



**645 WALNUT ZONING STUDY:**

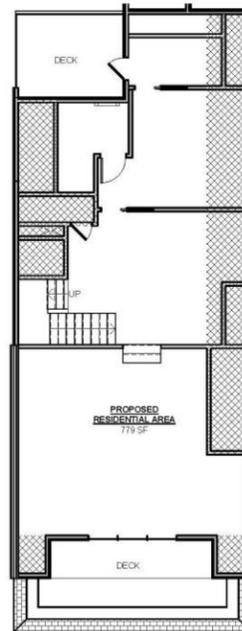
**SITE:**  
LOT SIZE: 75' x 50' = 3,750 SF  
ZONING DISTRICT: BT-2  
LAND USE: TB  
MAXIMUM FAR: 0.5:1  
FLOOD PLAIN: 100 YEAR ZONE

**MAXIMUM BUILDING COVERAGE:**  
BUILDING AREA: ( 0.5 : 1 FAR ) 3,750 x .5 = 1,875 SF  
MAXIMUM ALLOWABLE BUILDING COVERAGE: 1550

**SITE CONSTRAINTS:**  
MAX. BUILDING HEIGHT: 30'-0"  
SIDE YARD SET BACK: 15'-0"

**AREA LEGEND:**

- MECHANICAL
- OFFICE
- RESIDENTIAL
- BELOW 6' HEAD HEIGHT



**02 PROPOSED AREA DIAGRAM - LEVEL 2**  
1/8" = 1'-0"



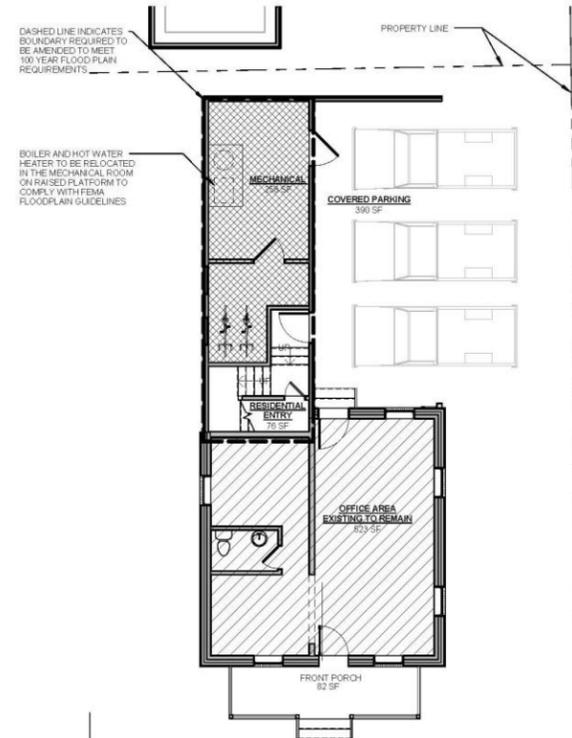
**AREA AND SITE COVERAGE TABLES**

FLOOR AREA	EXISTING SQUARE FEET	PROPOSED SQUARE FEET
GROUND LEVEL		
OFFICE	523 SF	523 SF
RESIDENTIAL	0 SF	76 SF
*MECHANICAL	*334 SF	*259 SF
*EXCLUDED: UNHABITABLE SPACE	*334 SF	*259 SF
GROUND LEVEL - TOTAL FLOOR AREA	523 SF	599 SF
LEVEL 2		
OFFICE (EXISTING)	855 SF	779 SF
RESIDENTIAL (REMODEL)		
SECOND LEVEL - TOTAL FLOOR AREA	855 SF	779 SF
TOTAL BUILDING FLOOR AREA INCLUDED	1378 SF	1378 SF
SITE AREA ( SF )	3760 SF	
MAXIMUM FLOOR AREA RATIO ( 0.5 : 1 )	1875 SF	
AMOUNT OF SF UNDER MAX FAR:	497 SF	497 SF

\* INDICATES DERIVATION OF "SUPPLEMENTAL FLOOR AREA" PER CHAPTER 9.16.B.R.C. 1981 "UNHABITABLE SPACE" TABLE 8-2

BUILDING COVERAGE	EXISTING SQUARE FEET	PROPOSED SQUARE FEET
BUILDING FOOT PRINT (FOUNDATION)	931 SF	931 SF
COVERED PARKING	390 SF	390 SF
FRONT PORCH	*82 SF	*82 SF
*EXCLUDED: AREA (PORCH < 30" HIGH)	82 SF	82 SF
TOTAL BUILDING COVERAGE	1321 SF	1321 SF

\*EXCLUDE UNCOVERED DECK, STOODS, PATIOS, TERRACES AND STAIRWAYS ALL LESS THAN THIRTY INCHES HIGH



**01 PROPOSED AREA DIAGRAM - LEVEL 1**  
1/8" = 1'-0"



**359 DESIGN**

710 W. COLFAX, DENVER, CO 80204

**OWNER**  
ED PARENT  
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JOEL AMBROSINO - 303.444.8545

**PARENT RESIDENCE**  
645 WALNUT STREET  
BOULDER, CO 80302

KEY PLAN

No.	Description	Date
1	CITY OF BOULDER COMMENTS	07/10/2015
2	CITY OF BOULDER COMMENTS 2	07/28/2015

PROJECT NUMBER 14049  
ISSUE DATE AUG 08 2015

ISSUE  
**MINOR SITE REVIEW AMENDMENT**  
SHEET TITLE  
**PROPERTY ZONING ANALYSIS**

SHEET NO.

**A0.02**

**Notes:**

- No changes to site plan are intended in the proposed modifications

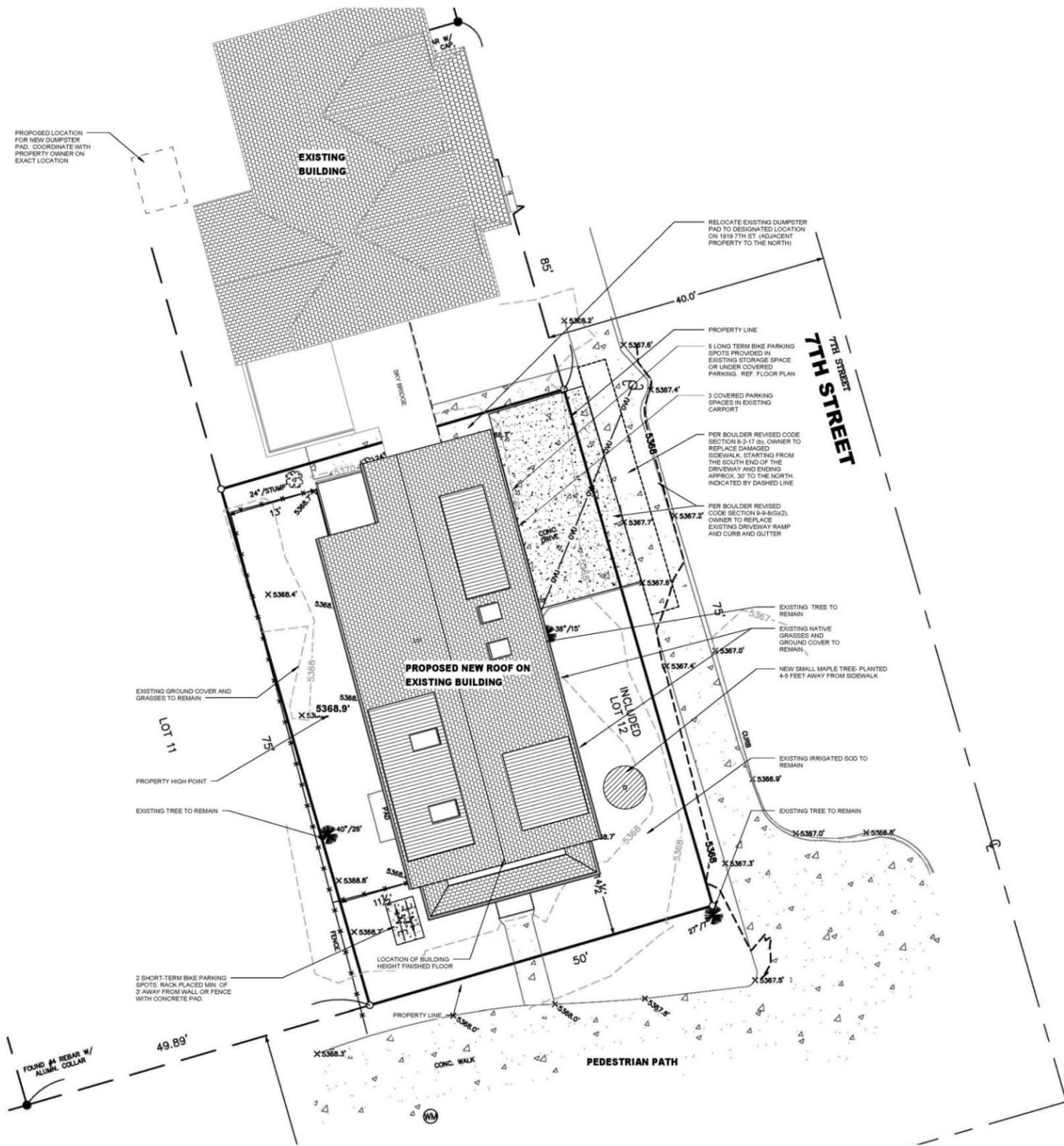
Flood Development Case Number: LUR-2015-00015

CAR AND BIKE PARKING SPACES					
CAR PARKING SPACES (a,b)		LONG TERM BICYCLE PARKING SPACES (c,d)		SHORT TERM BICYCLE PARKING SPOTS (e,f)	
REQUIRED	PROVIDED	REQUIRED	PROVIDED	REQUIRED	PROVIDED
3	3	5	5	1	2

- a. TABLE 9-1 OF THE BOULDER REVISED CODE: BASED ON RT-2 ZONING DISTRICT, 1 PARKING SPACE REQUIRED PER 1 BEDROOM DWELLING UNIT, 1 PARKING SPACE REQUIRED FOR RESIDENTIAL USE.
- b. TABLE 9-3 OF THE BOULDER REVISED CODE: BASED ON RT-2 ZONING DISTRICT, 1 PARKING SPACE REQUIRED FOR EVERY 300 SQ. FT. OF NON-RESIDENTIAL BUILDING USES, TOTAL OF 570 SQ. FT. OF OFFICE SPACE PROVIDED, THEREFORE 2 PARKING SPACES REQUIRED FOR OFFICE USE.
- c. TABLE 9-8 OF THE BOULDER REVISED CODE: 3 BICYCLE PARKING SPACES REQUIRED FOR DWELING UNITS WITHOUT A PRIVATE GARAGE = 2 PER UNIT. 75% OF THESE SPACES NEED TO BE LONG-TERM, THEREFORE 2 LONG-TERM BICYCLE PARKING SPACES PROVIDED FOR RESIDENTIAL USE.
- d. TABLE 9-8 OF THE BOULDER REVISED CODE: 1 BICYCLE PARKING SPACE PER 1,500 SQ. FT. OF FLOOR AREA, MINIMUM OF 4 BICYCLE PARKING SPACES REQUIRED, 75% OF BICYCLE PARKING SPACES NEED TO BE LONG-TERM, TOTAL OF 570 SQ. FT. OFFICE SPACE PROVIDED, THEREFORE 3 LONG-TERM BICYCLE PARKING SPACES AND 1 SHORT-TERM BICYCLE PARKING SPACE REQUIRED FOR OFFICE USE.

LANDSCAPING TABLE							
Total Lot Size	Total Parking Lot Size	Total Parking Stalls		Total Interior Parking Lot Landscaped Area		Total Perimeter Parking Lot Landscaping	
		Required	Provided	Required	Provided	Required	Provided
3,750 sf	598sf	3	3	1	1		
				In Compliance with Section 9-9-14(d)(1) Lots With Fewer Than Fifteen Spaces: No interior parking lot landscaping is required for parking lots with fifteen or fewer spaces, calculated using three hundred square feet (gross) per space.		In Compliance with Section 9-9-14(a) This Section shall apply to all surface parking lots with more than five parking spaces. Our site has 3 provided parking spaces, and therefore is not required to have perimeter parking lot landscaping.	
		Total Number of Street Trees		Total Quantity of Plant Material			
		Required	Provided	Required	Provided		
		1	1	n/a	n/a		
Sidewalk Condition: Attached; Planting Strip Width: Trees must be planted 4-5 feet from the sidewalk. Trees may be planted on private property if there is not adequate right of way.; Utility Location: Overhead; Tree Type: Small; Minimum Planting Interval: 15'-20'							

EXISTING SITE LANDSCAPING INVENTORY			
	Quantity	Type	Total Sq Ft.
Trees	3	Pine	-
Shrubs	3	Various Native Plantings	-
Grass	-	Native Lawn Grass	1,120 sf
Ground Cover	-	Various Perennials and Native Species	1,063sf



**01 PROPOSED SITE PLAN**  
 1/8" = 1'-0" SCALE: 1/8" = 1'-0"  
 0' 4' 8' 16' 32'

**359 DESIGN**  
 710 W. COLFAX, DENVER, CO 80204

**OWNER**  
 ED PARENT  
 645 WALNUT STREET, BOULDER, CO 80304

**GENERAL CONTRACTOR**  
 ROB LUCKETT BUILDERS  
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**PARENT RESIDENCE**  
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 BOULDER, CO 80302

KEY PLAN

No.	Description	Date
1	CITY OF BOULDER COMMENTS	07/10/2015

PROJECT NUMBER 14049  
 ISSUE DATE AUG 08 2015

ISSUE  
**MINOR SITE REVIEW AMENDMENT**  
 SHEET TITLE  
**SITE PLAN**

SHEET NO.  
**A1.01**

**OWNER**  
ED PARENT  
645 WALNUT STREET, BOULDER, CO 80304

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## PARENT RESIDENCE

645 WALNUT STREET  
BOULDER, CO 80302

KEY PLAN

REVISION

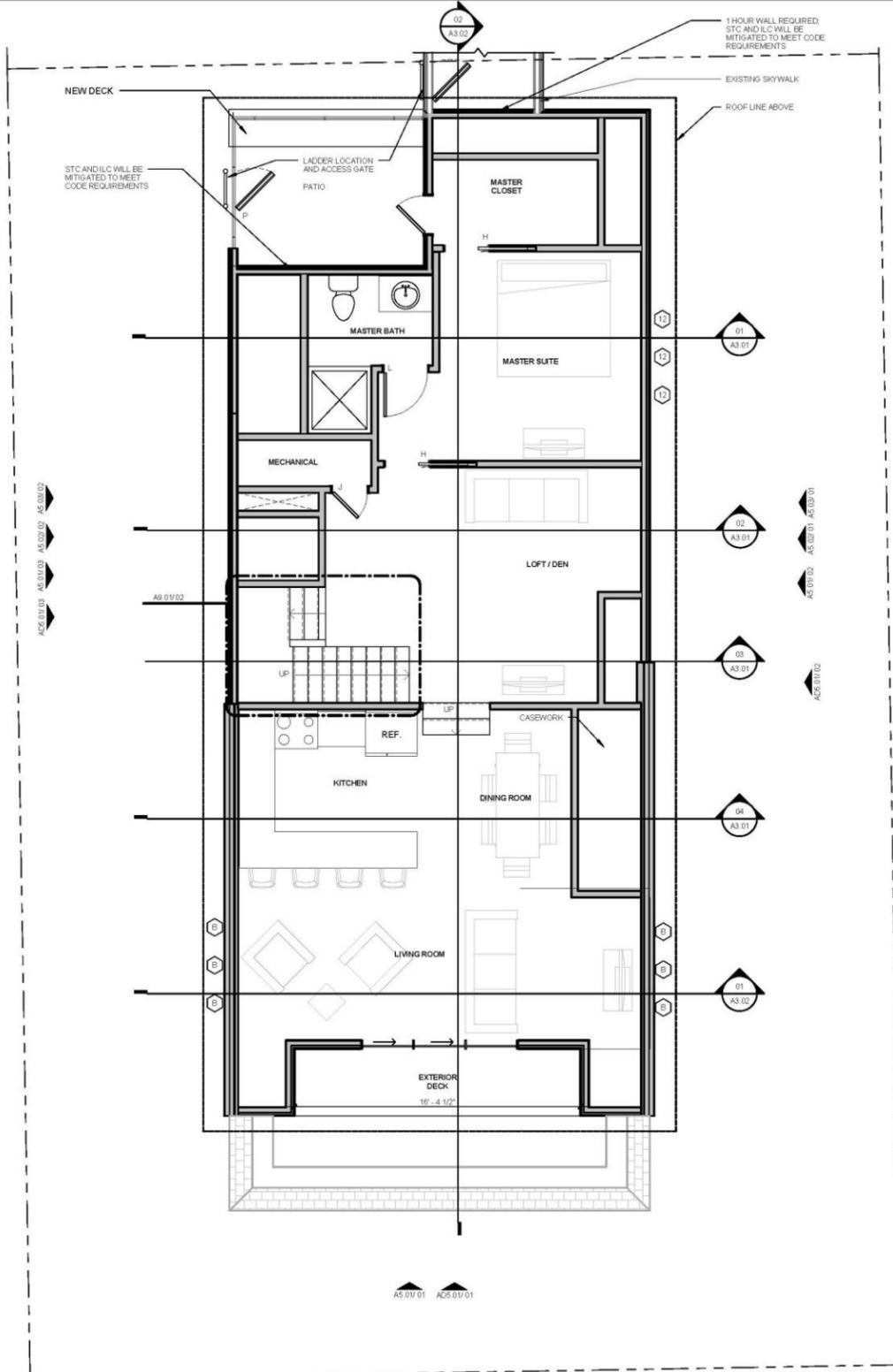
No.	Description	Date
1	CITY OF BOULDER COMMENTS	07/10/2015

PROJECT NUMBER 14049  
ISSUE DATE AUG 08 2015

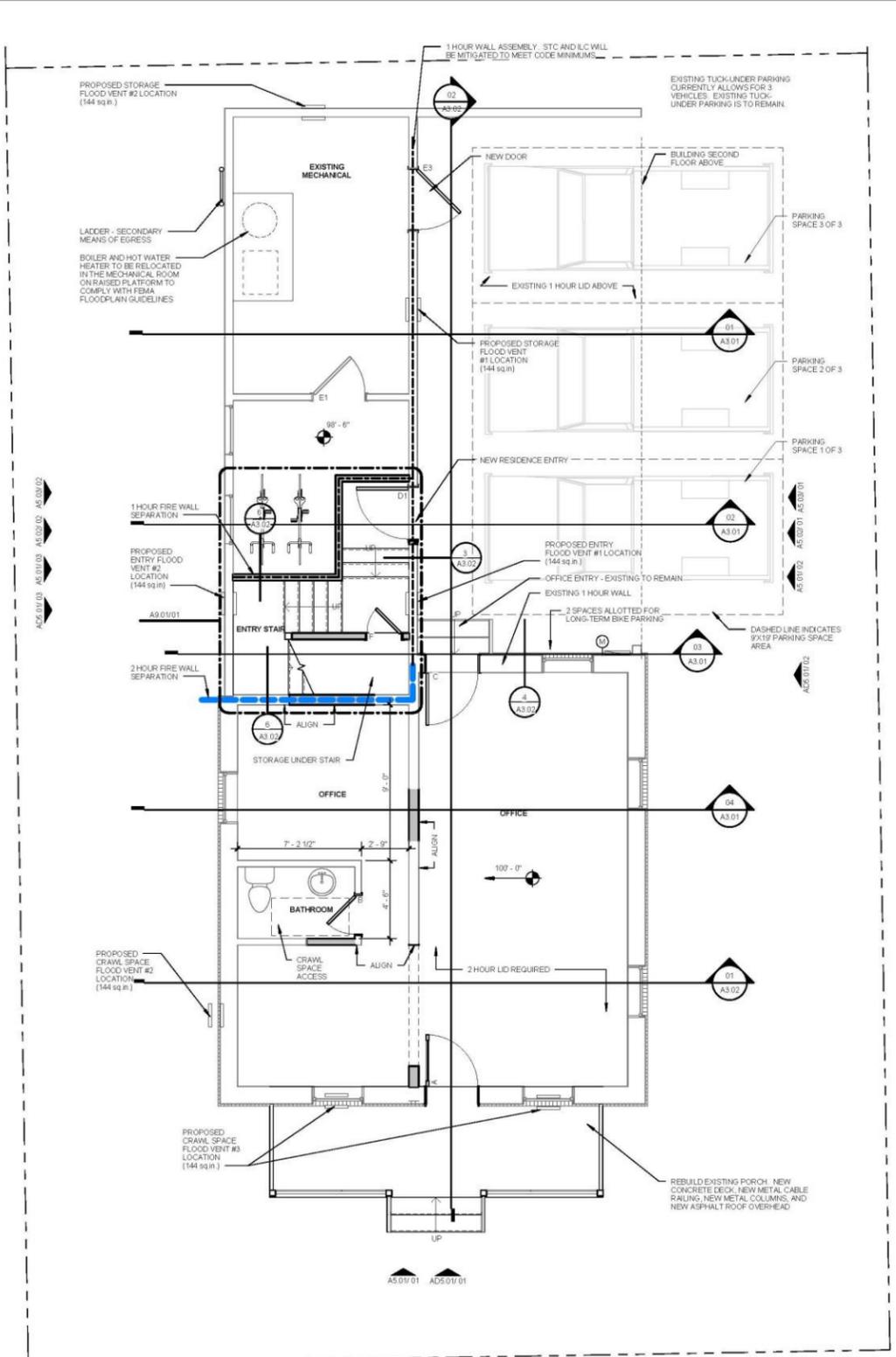
ISSUE  
**MINOR SITE REVIEW AMENDMENT**  
SHEET TITLE  
**FLOOR PLAN**

SHEET NO.

# A2.01



**02 LEVEL 2 FLOOR PLAN**  
1/4" = 1'-0"  
PLAN NORTH



**01 LEVEL 1 FLOOR PLAN**  
1/4" = 1'-0"  
PLAN NORTH





# 359 DESIGN

710 W. COLFAX, DENVER, CO 80204

**OWNER**

ED PARENT  
645 WALNUT STREET, BOULDER, CO 80304

**GENERAL CONTRACTOR**

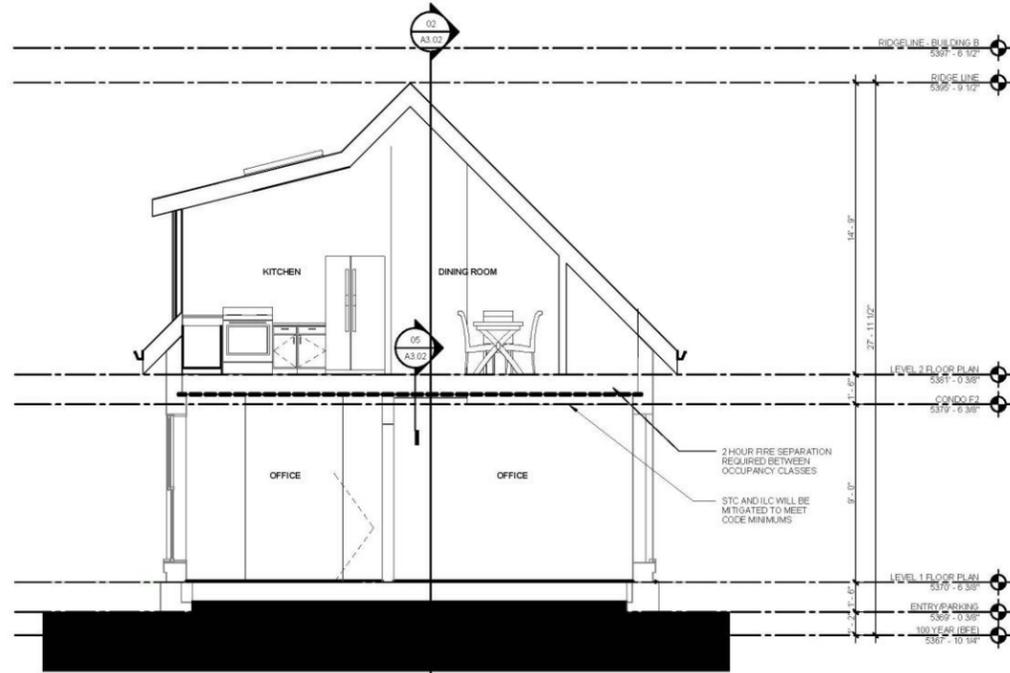
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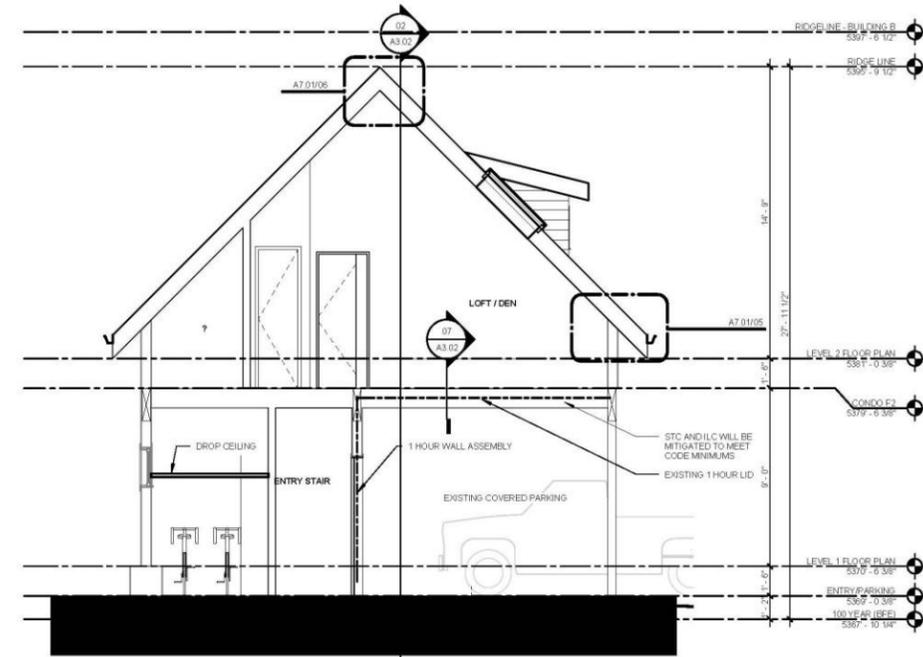
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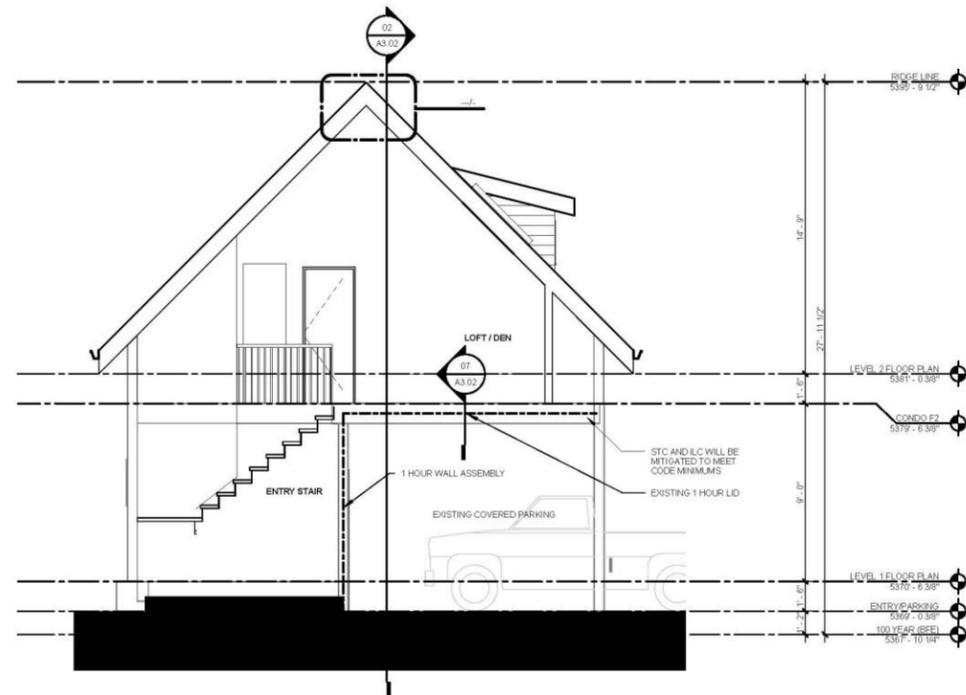
645 WALNUT STREET  
BOULDER, CO 80302



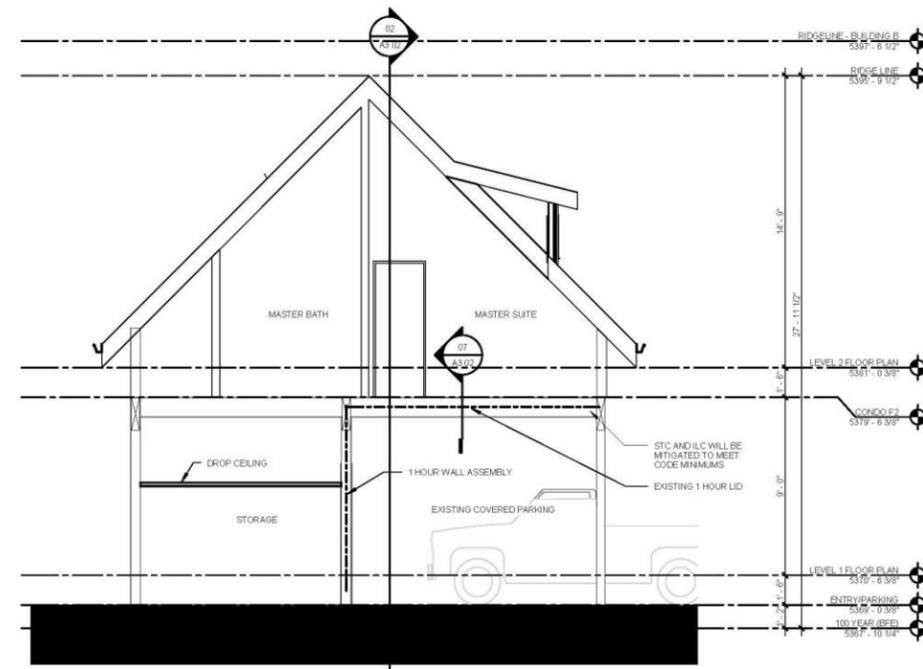
**04 TRANSVERSE SECTION 2**  
1/4" = 1'-0"



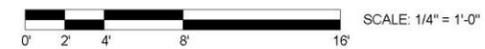
**02 TRANSVERSE SECTION 02**  
1/4" = 1'-0"



**03 TRANSVERSE SECTION 03**  
1/4" = 1'-0"



**01 TRANSVERSE SECTION 01**  
1/4" = 1'-0"



KEY PLAN

REVISION

No.	Description	Date

PROJECT NUMBER: 14049  
 ISSUE DATE: AUG 08 2015

ISSUE

**MINOR SITE REVIEW AMENDMENT**

SHEET TITLE

**BUILDING SECTIONS**

SHEET NO.

# A3.01



# 359 DESIGN

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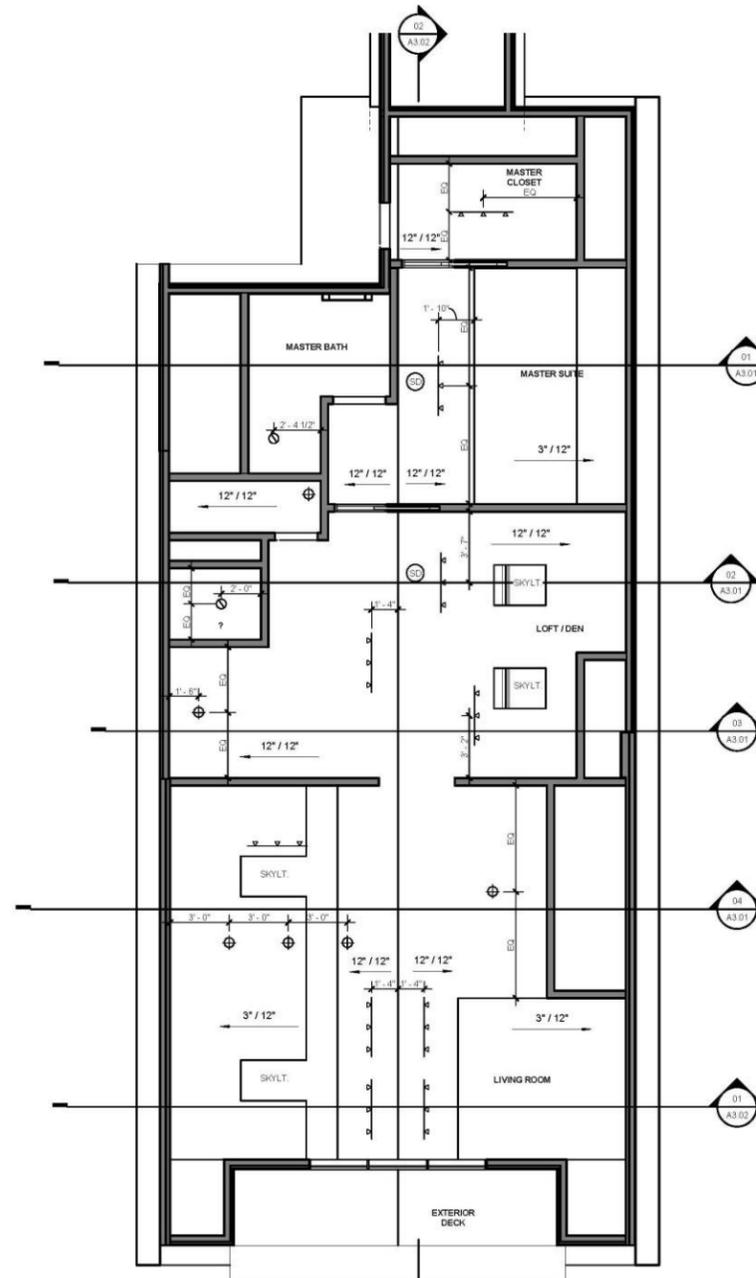
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BOULDER, CO 80302

**REFLECTED CEILING PLAN GENERAL NOTES**

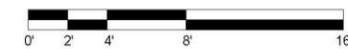
1. ALL CEILINGS SHALL BE 9'-0" ABOVE FINISH FLOOR, UNLESS INDICATED OTHERWISE WITH OWNER-FURNISHED VENDOR BRANNINGS AND EQUIPMENT.
2. IN THE CASE OF MINOR DISCREPANCIES BETWEEN MEP AND ARCHITECTURAL DOCUMENTS IN THE LOCATION OF CEILING MOUNTED COMPONENTS, THE ARCHITECTURAL REFLECTED CEILING PLAN SHALL GOVERN. IN THE CASE OF MAJOR DISCREPANCIES, THE ARCHITECT SHALL BE NOTIFIED AS SOON AS THE DISCREPANCY IS DISCOVERED PRIOR TO PROCEEDING WITH THE WORK.
3. REFERENCE MECHANICAL AND ELECTRICAL DRAWINGS FOR MOUNTING LOCATIONS OF ITEMS WHERE NO CEILING IS REQUIRED OR INDICATED.
4. ALL CORRIDOR SPRINKLER HEADS SHALL BE ALIGNED IN THE SAME LOCATION PARALLEL TO THE WALL WITHIN EACH SPECIFIC CEILING CONSTRUCTION. SPRINKLER HEADS SHOWN ON THIS SHEET ARE WHERE ARCHITECTURALLY SIGNIFICANT AND FOR DESIGN INTENT ONLY.
5. ACCESS DOOR LOCATIONS IN GYP/SUM BOARD CEILINGS ARE INDICATED ON RCP'S ONLY WHERE ARCHITECTURALLY SIGNIFICANT. REFERENCE SPECIFICATIONS AND MEP DRAWINGS FOR OTHER ACCESS DOOR LOCATIONS.
6. REFLECTED CEILING LIGHTING FIXTURES WILL BE DESIGN-BUILD AND SELECTED BY THE S.G. COORDINATING WITH THE OWNER.

**RCP SYMBOLS**

- ⊙ RECESSED CANNELED LIGHT
- ⊕ PENDANT LIGHT
- A — TRACK LIGHTING



**01 LEVEL 2 RCP**  
1/4" = 1'-0"  
PLAN NORTH



SCALE: 1/4" = 1'-0"

KEY PLAN

REVISION

No.	Description	Date

PROJECT NUMBER 14049  
ISSUE DATE AUG 08 2015

ISSUE

**MINOR SITE REVIEW  
AMENDMENT**

SHEET TITLE

**REFLECTED CEILING PLAN**

SHEET NO.

**A4.01**





# 359 DESIGN

710 W. COLFAX, DENVER, CO 80204

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BOULDER, CO 80302



**02 OVERALL WEST ELEVATION - COLOR**  
3/16" = 1'-0"



**01 OVERALL EAST ELEVATION - COLOR**  
3/16" = 1'-0"



KEY PLAN

REVISION

No.	Description	Date

PROJECT NUMBER 14049  
ISSUE DATE AUG 08 2015

ISSUE

**MINOR SITE REVIEW  
AMENDMENT**

SHEET TITLE  
**OVERALL BUILDING  
ELEVATIONS - COLOR**

SHEET NO.

**A5.03**

**CITY OF BOULDER**  
**PLANNING BOARD AGENDA ITEM**  
**MEETING DATE: December 17, 2015**

AGENDA TITLE: Continuation of a Public Hearing to consider a motion to approve findings of fact and conclusions of law for the denial of the application for a Minor Amendment to an Approved Site Plan, application no. LUR2015-00092, to amend the approved Dakota Ridge North design standards to allow fences up to 60 inches (5 feet) in height that back onto an alley to be built to within 18 inches of the alley with a maximum of 42 inches of solid fence and a minimum of 18 inches of lattice above.

Applicant: John McCarthy for the Dakota Ridge North HOA

**REQUESTING DEPARTMENT:**

Community Planning & Sustainability

David Driskell, Executive Director

Susan Richstone, Deputy Director

Charles Ferro, Development Review Manager

Chandler Van Schaack, Planner II

**OBJECTIVE:**

1. Planning Board action to adopt the findings of denial, as proposed, or modify and adopt the findings of denial.

Proposal: MINOR AMENDMENT to an Approved Site Plan (LUR2015-00092) to amend the approved Dakota Ridge North design standards to allow fences up to 60 inches (5 feet) in height that back onto an alley to be built to within 18 inches of the alley with a maximum of 42 inches of solid fence and a minimum of 18 inches of lattice above. The Dakota Ridge North PUD lies within the RL-2 (Residential – Low 2) and RM-1 (Residential – Medium 1) zoning districts.

**Project Name:** Dakota Ridge North Design Code Amendment  
**Location:** 0 Dakota Blvd.  
**Zoning:** RL-2 (Residential – Low 2) and RM-1 (Residential – Medium 1)  
**Comprehensive Plan:** Low and Medium Density Residential

**Summary.**

On December 3, 2015, the Planning Board held a quasi-judicial hearing to review the proposed application for a Minor Amendment to an Approved Site Plan at 0 Dakota Blvd. described above. On a motion by **C. Gray**, seconded by **L. May**, the Planning Board voted unanimously to deny the application and to continue the hearing to its next meeting for preparation and consideration of draft findings of fact. The Planning Board is required to make findings within 30 days of the hearing. Staff has prepared the following draft findings of denial:

## **FINDINGS OF FACT**

### **Introduction**

In accordance with the requirements of Chapter 9-2-14, B.R.C. 1981, the City of Boulder Planning Board (the "Planning Board"), on December 3, 2015, held a public hearing after giving notice as required by law on the application for the above captioned Site Review.

John McCarthy, President of the Dakota Ridge North Homeowners Association, as the proponent (The "Applicant") has submitted an application for a Minor Amendment to an Approved Site Plan, seeking an amendment to the approved Dakota Ridge North design standards that would allow fences up to 60 inches (5 feet) in height that back onto an alley to be built to within 18 inches of the alley with a maximum of 42 inches of solid fence and a minimum of 18 inches of lattice above. (Site Review Application # LUR2015-00092) (the "Project"). The Applicant has the burden of proof to demonstrate that the application meets the requirements of the Boulder Revised Code. Subsection 1-3-5(h). B.R.C. 1981.

### **Criteria**

The review criteria for a minor amendment to an approved site plan can be found in Subsection 9-2-14(l), Minor Amendments to Approved Site Plans," B.R.C. 1981, and read as follows:

Minor Amendments to Approved Site Plans:

(1) Standards: Changes to approved building location or additions to existing buildings, which exceed the limits of a minor modification, may be considered through the minor amendment process if the following standards are met:

- (A) In a residential zone as set forth in Section 9-5-2, "Zoning Districts," B.R.C. 1981, all approved dwelling units within the development phase have been completed;
- (B) In residential zones, dwelling unit type is not changed;
- (C) The required open space per dwelling unit requirement of the zone is met on the lot of the detached dwelling unit to be expanded; and
- (D) The total open space per dwelling unit in the development is not reduced by more than ten percent of that required for the zone; or
- (E) If the residential open space provided within the development or an approved phase of a development cannot be determined, the detached dwelling unit is not expanded by more than ten percent and there is no variation to the required setbacks for that lot;
- (F) For a building in a nonresidential use module, the building coverage is not increased by more than twenty percent, the addition does not cause a reduction in required open space, and any additional required parking that is provided is substantially accommodated within the existing parking arrangement;
- (G) The portion of any building over the permitted height under Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, is not increased;
- (H) The proposed minor amendment does not require public infrastructure improvements or other off-site improvements.

(2) Amendments to the Site Review Approval Process: Applications for minor amendment shall be approved according to the procedures prescribed by this section for site review approval, except:

- (A) If an applicant requests approval of a minor amendment to an approved site review, the city manager will determine which properties within the development would be affected by the proposed change. The manager will provide notice pursuant to Subsection 9-4-3(b), B.R.C. 1981, of the proposed change to all property owners so determined to be affected, and to all property owners within a radius of 600 feet of the subject property.
- (B) Only the owners of the subject property shall be required to sign the application.
- (C) The minor amendment shall be found to comply with the review criteria of Subparagraphs (h)(2)(A), (h)(2)(C), and (h)(2)(F) of this section.
- (D) The minor amendment is found to be substantially consistent with the intent of the original approval, including conditions of approval, the intended design character, and site arrangement of the development, and specific limitations on additions or total size of the building which were required to keep the building in general proportion to others in the surrounding area or minimize visual impacts.
- (E) The city manager may amend, waive, or create a development agreement.

To approve a minor amendment to an approved site plan application, the Planning Board must find that the Applicant has proven by a preponderance of the evidence that all of the applicable criteria have been met.

#### **Summary of Findings**

1. Based on a consideration of the entire evidentiary record, the Planning Board makes the following findings of fact. The Applicant failed to demonstrate, based upon a preponderance of evidence, that the minor amendment is substantially consistent with the intent of the original approval, including conditions of approval, the intended design character, and site arrangement of the development, and specific limitations on additions or total size of the building which were required to keep the building in general proportion to others in the surrounding area or minimize visual impacts. §9-2-14(l)(2)(D), B.R.C. 1981.

#### **Findings of Fact and Conclusions of Law**

In evaluating the credibility and weight to be given to the evidence, the Planning Board considered the entire record (which included materials provided by the Applicant, Planning staff, and the public and testimony and information produced at the public hearing), and weighed a number of specific factors, the collective and corroborative weights of which were considered as follows:

1. Consistency with PUD Intent: §9-2-14(l)(2)(D), B.R.C. 1981. The Applicant failed to demonstrate, based on a preponderance of evidence, that the project would be substantially consistent with the intent of the original approval, in particular, the intended design character. The board determined that the intent of the approved design code is to ensure openness and transparency in the alleyways, and that the proposal to allow for fences up to five feet in height to be set back 18 inches from the rear property line would be inconsistent with this intent, as it would reduce transparency and openness.

#### **Discussion**

The Applicant is requesting to amend the adopted Dakota Ridge North Design Code (Design Code) to allow, for those properties abutting an alley, a rear yard setback of 18 inches for fences up to 60 inches in height composed of a maximum of 42 inches of solid fencing and a minimum of 18 inches of open lattice above.

The Dakota Ridge North PUD is located in North Boulder, north of Lee Hill Dr. and west of Broadway. The Dakota Ridge North PUD was originally approved by Planning Board in July, 1997 (Site Review #SI-96-17) as a residential project containing 66 mixed-density housing units and a neighborhood park. The approval included a Design Code. The Design Code's introduction on page 1 reads as follows:

*"The primary intent of this design code is to create a community with characteristics similar to those of a traditional "town." Parks are a focus for public activity. Hopefully, this can be a place where its residents and visitors can rediscover the community of a small town. Dakota Ridge North consists of a variety of single-family homes, attached homes, and a small park. The configuration of these elements in Dakota Ridge North and the following code are meant to enhance the feeling of community, user convenience, and identity. The plan and the code also seek to create a pedestrian and bicycle-oriented community that provides for the realities of the automobile, but does not let it dominate the street or the neighborhood."*

The primary intent of the Dakota Ridge North development was to create a traditional, town-like setting where automobiles are de-emphasized and with a feeling of community, user convenience, identity, and activity and interest at the pedestrian level. The standards of the Design Code are drafted to achieve this desired traditional, town-like setting. The Design Code includes architectural, open space, and landscape standards but also standards for fences, walls and privacy screens to achieve the desired character. The current Design Code standards require that any fence over 42 inches in height or with a solid design be set back at least 15 feet from the rear property line when abutting an alley. Such privacy fences and walls are also required to be set back a minimum of 30 feet from the front property line. Privacy screens are similarly restricted and are allowed only within the building setback, which is 25 feet from the rear property line. Fences that do not exceed 42 inches in height and are of an open design (split rail, post and rail, or wood frame with vinyl coated or painted metal fabric) are allowed along or very close to sidewalks, right of ways and alleys. These standards, including the standard that restricts fences over 42 inches in height or with a solid design to be set back at least 15 feet from the rear property line when abutting an alley, are clearly intended to create an open design character at the rear of the property where abutting an alley to create activity and interest at the pedestrian level and a feeling of community and identity.

Evidence presented at or for the hearing shows that solid fences of up to five feet in height with an additional 18 inches in lattice above set back only 18 inches from the alley would not create the intended open design character that creates activity and interest at the pedestrian level and a feeling of community and identity of the neighborhood. The proposed amendment would decrease transparency, interest, activity and the feel of community along the alley by walling off yards along the alley into private, secluded spaces contrary to the intent of the original approval.

### **Conclusion**

For these reasons, the Planning Board finds that the applicant has failed to establish that the proposal is substantially consistent with the intent of the original approval and has failed to establish that the application meets the requirements for Minor Amendments to Approved Site Plans of the Boulder Revised Code.

### **Planning Board Options.**

Planning Board may adopt the findings of denial, as proposed, or modify and adopt the findings of denial.

### **Staff Recommendation.**

Staff recommends that Planning Board adopt this memorandum as findings of denial for the 0 Dakota Blvd. site review application in the form of the following motion:

The Planning Board finds that application no. LUR2015-00092 fails to meet the requirements of the Boulder Revised Code, denies the application, and adopts the staff memorandum dated for the December 17, 2015 Planning Board meeting as findings of fact and conclusions of law.



**CITY OF BOULDER**  
**Planning, Housing & Sustainability**

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**MEMORANDUM**

**To: Planning Board**

**From: Karl Guiler, Senior Planner/Code Amendment Specialist**

**Re: Pilot Form-Based Code (FBC) for Boulder Junction; follow-up on issues raised at Oct. 29<sup>th</sup> public hearing**

**Date: December 17, 2015**

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Planning Board discussed the pilot Form-Based Code (FBC) for Boulder Junction at a public hearing on Oct. 29<sup>th</sup> and provided substantial input on the content of the FBC. The consultant and staff have been working on revisions to bring back to the board for consideration with an ordinance to adopt and make the FBC part of the Land Use Code. Staff is working towards returning to Planning Board on Jan. 28, 2016.

At the Oct. 29<sup>th</sup> hearing, Planning Board requested follow-up on the following topics:

- Consideration of incorporating new energy/sustainability measures into the FBC that go above and beyond current requirements; and
- Investigation on whether on-site permanently affordable units can be required in the FBC.

These topics are discussed further below. Staff is checking with the Planning Board on these topics to get direction before returning with the final draft of the FBC.

**Special energy/sustainability measures**

**Topic:** Some board members expressed concern that the FBC does not include standards requiring energy efficiency and solar siting, which are factors reviewed in Site Review. Board members requested that staff look into the possibility of incorporating new energy/sustainability measures into the FBC that go above and beyond current requirements.

**Staff analysis:** To achieve this objective, one option would be to incorporate similar criteria as found in the current Site Review criteria related to minimizing and mitigating energy and water use and encouraging designs conducive to solar systems in the FBC. The solar siting piece does pose some challenges because the FBC is more prescriptive on where buildings should be located whereas the solar siting criteria is meant to inform the placement of buildings (typically within subdivisions) in a way that may increase spacing between buildings or increase setbacks to optimize access to passive solar and to not impede placement of solar energy systems. To encourage solar installations, special requirements may have to be added to the FBC “Cap Types” section of the FBC to encourage or require solar system installation.

Another option, or in addition to the first option, would be to adopt more definitive requirements related to energy use. Such requirements could be guided by standards that exist in the 2015 International Green Construction Code (IgCC), which staff is currently evaluating for eventual adoption (at the earliest in 2017).

Staff has considered the following energy/sustainability measures that go above and beyond current requirements and has provided comments next to each on their feasibility:

Option	Staff comment
1. Pre-wiring buildings to be solar ready;	Possible to add to FBC, but more appropriate to incorporate into the city's building code
2. Smart systems in residential, such as automatic timers for lights, computer reporting of energy use;	Possible to add to FBC, but more appropriate to incorporate into the city's building code
3. Sub-metering of each commercial tenant space and residential unit, and real time energy use tracking and reported on a "dashboard";	Possible to add to FBC, but more appropriate to incorporate into the city's building code
4. Low-flow water fixtures;	Possible to add to FBC, but more appropriate to incorporate into the city's building code
5. Require buildings to perform 5 to 10 percent better (on an annual energy cost basis) than current commercial energy code;	This may be overly expensive and could deter redevelopment
6. Green roof requirements;	Recommended
7. Electric vehicle (EV) charging stations; and	Recommended.
8. Bike facilities/amenities (ex. bike repair, showers for employees etc.)	Recommended.

While the IgCC is not yet adopted, the city's current energy code has arguably the most rigorous energy requirements in the country. Singling out this small area for special requirements could create confusing implementation problems in the future once newer standards are adopted. Further, many of these standards would be more appropriate adopted into the city's building code as opposed to incorporation as zoning regulations.

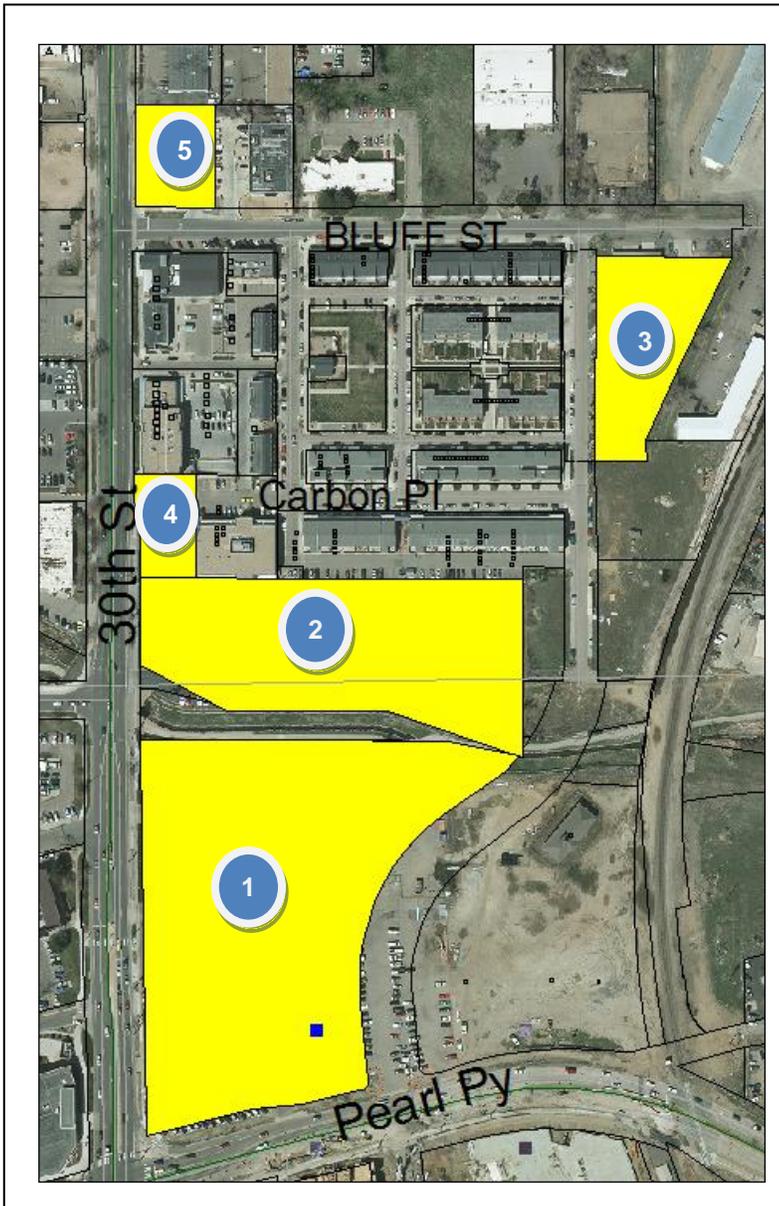
**Staff recommendation:** If the Planning Board wanted to require certain energy efficiency requirements as part of the FBC, staff would then recommend Options 6 through 8 at this time. These options could be required for each development and would work towards achieving the goals of TVAP to be a transit-rich, bikeable, walkable neighborhood.

**On-site permanently affordable units**

**Topic:** Planning Board requested that staff investigate whether on-site permanently affordable units can be required in the FBC as opposed to allowing off-site or cash in-lieu options.

**Staff analysis:** Current city wide inclusionary housing requirements mandate that all residential developments contribute to the provision of affordable housing in the city. The requirement may be met in different ways, including provision of affordable units on-site or off-site, payment of an in-lieu fee, land dedication or a combination of options.

As part of this analysis, staff presents the sites that would be most informed by the FBC as they have not yet redeveloped and have development potential. The analysis also describes the land use and anticipated housing on each as specified by the Transit Village Area Plan (TVAP).



The aerial shows the core of the Boulder Junction Phase I area and highlights parcels that would be most informed by adoption of the FBC. They include:

1. 30<sup>th</sup> & Pearl, city owned formal Pollard site;
2. 2438 30<sup>th</sup>, industrial building just north of the Goose Creek multi-use path;
3. AirGas site;
4. 2480 30<sup>th</sup>, Safelite Autoglass site; and
5. 3005 30<sup>th</sup>.

The FBC would supersede current floor area and open space requirements with respect to development intensity, but has been crafted to be consistent with the land use plan and intended intensities in TVAP. A discussion about anticipated land use intensity per TVAP follows.

The 30<sup>th</sup> and Pearl (1) and the AirGas site (3) are designated in the Boulder Valley Comprehensive Plan (BVCP) and TVAP as *Mixed Use 2*. These sites, zoned MU-4 (Mixed Use -4), have the highest development potential where up to a 2.0 FAR (Floor Area Ratio) is anticipated along with “three to four story mixed-use buildings. Predominant use may be business or residential. Mostly structured or first-floor parking; may have some surface parking.”

2480 and 3005 30<sup>th</sup> Street (4 and 5 respectively) are similar in terms of land use to the properties discussed above, but with a lower development intensity of 1.0 FAR. Their land use designation is *Mixed Use 1*.

2438 30<sup>th</sup> (2) is an important site north of the Goose Creek path and city site that is currently zoned IMS (Industrial Mixed Services) – the mixed-use zone that applies to most of Steel Yards. The current IMS zoning permits up to 0.6 FAR on this site. However, per BVCP and TVAP the land use designation is *High Density Residential 2*, which permits a higher intensity with no FAR limit and anticipates “stacked flats and lofts with underground or structured parking at two to five stories.” With lower parking requirements, rezoning of the site to this land use is incentivized by joining the Boulder Junction Transportation Demand

Management (TDM) and Parking District. In this case, a rezoning to RH-7 (Residential High – 7) is anticipated.

While mixed-use is essential for an active, walkable neighborhood and commercial uses are certainly desired in the Boulder Junction area, the adopted TVAP vision is for a predominantly residential neighborhood in Boulder Junction to help offset the jobs:housing imbalance. When the city's inclusionary housing program (IH) was adopted, a strong desire existed that the required affordable housing be provided on site; the system ultimately incorporated a number of policy considerations and was carefully drafted with potential legal challenges in mind. IH was envisioned to create both for-sale and rental affordable units. However, Colorado's rent control statute significantly complicates the creation of on-site affordable rental units through regulatory requirements such as IH.

Through its control of 30<sup>th</sup> and Pearl the city can achieve on-site affordable housing directly through a voluntary agreement and thus support the affordable housing goals of TVAP. The plan on page 14 notes that *"up to half of the homes built on the city housing site (i.e., Pollard site) will be permanently affordable."* The process of discussing what the city will do with the site is already under way and City Council will be discussing the site at a study session in the spring of 2016. The remaining sites shown in the diagram will continue to be subject to the city's Inclusionary Housing requirements and opportunities for additional on-site units may be possible.

The FBC pilot, if adopted, will apply to only a few properties (discussed above) as much of the area is either developed or approved for redevelopment. A requirement of providing the IH affordable units on site for these very few properties and not in the rest of the city would need to be based on a rational basis. At this time it is unclear what, if any, basis for such a distinction could be supported. If the city were to require on-site affordable units, there would also need to be more intensive public outreach with affected property owners. In the current housing market most property owners are choosing to build rental housing and not for-sale condominium units. Due to the limitations of Colorado's rent control statute, IH requirements for rental developments cannot be met on or off site unless the units are owned, at least in part, by a housing authority or similar agency or are developed pursuant to a voluntary agreement between the owner and the city. If the IH requirements were required to be provided on site, the "voluntariness" of such an agreement regarding rental units may become questionable.

**Staff recommendation:** In light of the complexity of issues of requiring on-site affordable units, staff recommends against requiring on-site affordable units as part of the FBC for the following reasons:

1. There are few remaining sites for redevelopment in Boulder Junction Phase I that would be impacted by the pilot FBC;
2. The legal risk of implementing legislation that differs from the citywide application is not equivalent to the time, effort and potential gain of the limited sites that remain; and
3. The process to implement an on site affordable housing requirements would likely delay the FBC project where its implementation is important before new submittals are received in the area and where its effectiveness can be evaluated through the pilot project..
4. Obtaining more affordable units in the area per the goals of TVAP would be more effective through the city's control of the 30<sup>th</sup> and Pearl site as opposed to crafting special regulations in the FBC.

### Conclusion

Based on this information, staff is hoping to get more guidance on these topics before finalizing the draft of the FBC for Planning Board consideration in January 2016. While not explicitly related to energy conservation and affordable housing, another option as additional amenities in projects in Boulder Junction

is requiring or incentivizing accessible roof top decks. This is something that was discussed at the Oct. 29<sup>th</sup> hearing given the prominent viewlines of the Flatirons from the area. Staff is looking to get feedback on this point in addition to the analyses in this memorandum.

Staff is moving forward with the review process option that enables Planning Board call-up of all projects (some projects may be exempted from call-up if they are very small in nature) in the Boulder Junction Phase I area per direction from the board on Oct. 29<sup>th</sup>. Each project would be staff level, require review by the Design Advisory Board (DAB) similar to current Site Review projects where an area plan or design guidelines exist and would be subject to call-up by Planning Board. Evaluation of projects would be based on general compliance with the regulations within the FBC as well as any specified exception criteria.