

MEMORANDUM

TO: Planning Board
FROM: Chandler Van Schaack, Case Manager
DATE: April 16, 2015
SUBJECT: Continuation of a Public Hearing to consider a motion to approve findings of fact and conclusions of law for the denial of the Site Review application for a Height Modification only, application no. LUR2014-00090, to construct a 1,146 square foot addition to an existing single family home at 2030 Vassar Dr. in the RL-1 zone district at a height of 39'5" where 35' is the maximum principal building height allowed by the zone district standards.

Summary.

On April 2, 2015, the Planning Board held a quasi-judicial hearing to review the proposed Site Review application for 2030 Vassar Drive described above. On a motion by **C. Gray**, seconded by **L. May**, the Planning Board voted 5-2 (**B. Bowen** and **J. Putnam** opposed) to deny the Site Review 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.

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 April 2, 2015, held a public hearing after giving notice as required by law on the application for the above captioned Site Review.

Kyle Callahan, as the proponent (The "Applicant") of the application for a Site Review Height Modification, is seeking approval for the construction of a 1,146 square foot addition to an existing single family home at 2030 Vassar St. in the RL-1 zone district at a height of 39'5" where 35' is the maximum principal building height allowed by the zone district standards (Site Review Application # LUR2014-00090) (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.

Summary of Findings.

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:

1. Site Design: The project preserves and enhances 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, and that the project utilizes site design techniques which are consistent with the purpose of site review in subsection (a) of §9-2-14, B.R.C. 1981, and enhance the quality of the project. §9-2-14(h)(2), B.R.C. 1981.
2. Boulder Valley Comprehensive Plan. The proposed plan is, on balance, consistent with the policies of the Boulder Valley Comprehensive Plan. §9-2-14(h)(1)(A), 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. Site Design: §9-2-14(h)(2), B.R.C. 1981. The Applicant failed to demonstrate, based on a preponderance of evidence, that the project preserves and enhances the community's unique sense of place through creative design that respects historic character, relationship to the natural environment, and its physical setting, and that the project utilizes site design techniques which are consistent with the purpose of site review in subsection (a) of §9-2-14, B.R.C. 1981, and enhance the quality of the project. Further,

The building height, mass, scale, orientation, architecture and configuration are not compatible with the existing character of the area or the character established by adopted design guidelines or plans for the area (§9-2-14(h)(2)(F)(i), B.R.C. 1981); and,

The height of the building is not in general proportion to the height of existing buildings and the proposed or projected heights of approved buildings or approved plans or design guidelines for the immediate area (§9-2-14(h)(2)(F)(ii), B.R.C. 1981).

2. Boulder Valley Comprehensive Plan: §9-2-14(h)(1)(A), B.R.C. 1981. In order to be approved, a project must demonstrate that it is consistent, on balance, with the policies of the Boulder Valley Comprehensive Plan. The Boulder Valley Comprehensive Plan has specific policies related to neighborhood compatibility. The Planning Board finds the following Comprehensive Plan policies are relevant to this application:

2.09 Neighborhoods as Building Blocks. The Planning Board finds that the Applicant failed to demonstrate that the project would be compatible with the existing neighborhood character and identity.

2.10 Preservation and Support for Residential Neighborhoods. The Planning Board finds that the Applicant failed to demonstrate that the project would be of an appropriate building scale and would be compatible with the existing neighborhood character.

2.30 Sensitive Infill and Redevelopment. The Planning Board finds that the Applicant failed to demonstrate that the project would avoid or adequately mitigate negative impacts and enhance the benefits of redevelopment to the neighborhood.

2.37 Enhanced Design for Private Sector Projects, Section (a), The Context. The Planning Board finds that the Applicant failed to demonstrate that the project would become a coherent part of the neighborhood in which it would be placed, and would preserve and enhance the existing character of the area.

On balance, the Project is not consistent with the policies of the Boulder Valley Comprehensive Plan.

Discussion.

The Project is located in the RL-1, Residential-Low 1 zoning district. The area is subject to steep slopes which set the character of the neighborhood and affect design and height of its buildings.¹ The context along Vassar Drive is unique in that in addition to the significant slope of the street as it runs from west to east, most of the lots on both

¹ The height measurement under the land use code considers sloped properties and, measures height as the vertical distance from the lowest point within twenty-five feet of the tallest side of the structure to the uppermost point of the roof. The lowest point shall be calculated using the natural grade. The tallest side shall be that side whose lowest exposed exterior point is lower in elevation than the lowest exposed exterior point of any other side of the building. See Section 9-1-16, Definitions, B.R.C. 1981.

sides of the street slope steeply downward away from the street. From the street, the character of Vassar Drive is that of modest 1- or 2- story homes; some of those homes have a split-level configuration with a walk-out basement or some other partially below-grade story. The perceived height of the existing buildings in the immediate area from the street is generally low -- that of 1- to 2- story homes. Many of the existing structures near the Project were constructed in the 1960's.

The Applicant is proposing to add a 1,146 square foot addition to an existing 2,860 square foot split-level home with an attached garage. The current height of the structure as measured by the land use code is roughly 34 feet. The Project would be 4,006 square feet and 39'5" in height, where 35 feet of height are allowed by right. The Project would add two new levels to the interior of the home for a total of three stories on the east side of the home and two stories on the west side of the home, with an appearance on the street of a 2 ½ story home. Due to the steep slope of the lot, the perceived height of the existing building from the street is 17' 8", while the perceived height of the Project would be 27' 8" and of a 2 ½ story home. The size of the building as perceived from the street would be larger than the building mass of most or all of the buildings in the immediate area.

The proposed height of the project is the sole reason this Project is in the site review process, rendering the site review criteria and Boulder Valley Comprehensive Plan policies relating to compatibility of the Project with the existing neighborhood character and proportionality of height of the Project to the height of existing buildings in the immediate area the most important considerations in this review. The Project's height and 2 ½ story appearance at the street are not in general proportion to the height of existing buildings in the immediate area which are less than the proposed Project and are those of 1- to 2-story homes. The Applicant did not demonstrate that the Project, with its proposed height and proposed number of stories at the street would be compatible or consistent with its immediate area and with the existing character of the area.

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 2030 Vassar Drive site review application in the form of the following motion:

The Planning Board finds that application no. LUR2014-00090 fails to meet the requirements of the Boulder Revised Code, denies the application, and adopts the staff memorandum dated for the April 16, 2015 Planning Board meeting as findings of fact and conclusions of law .