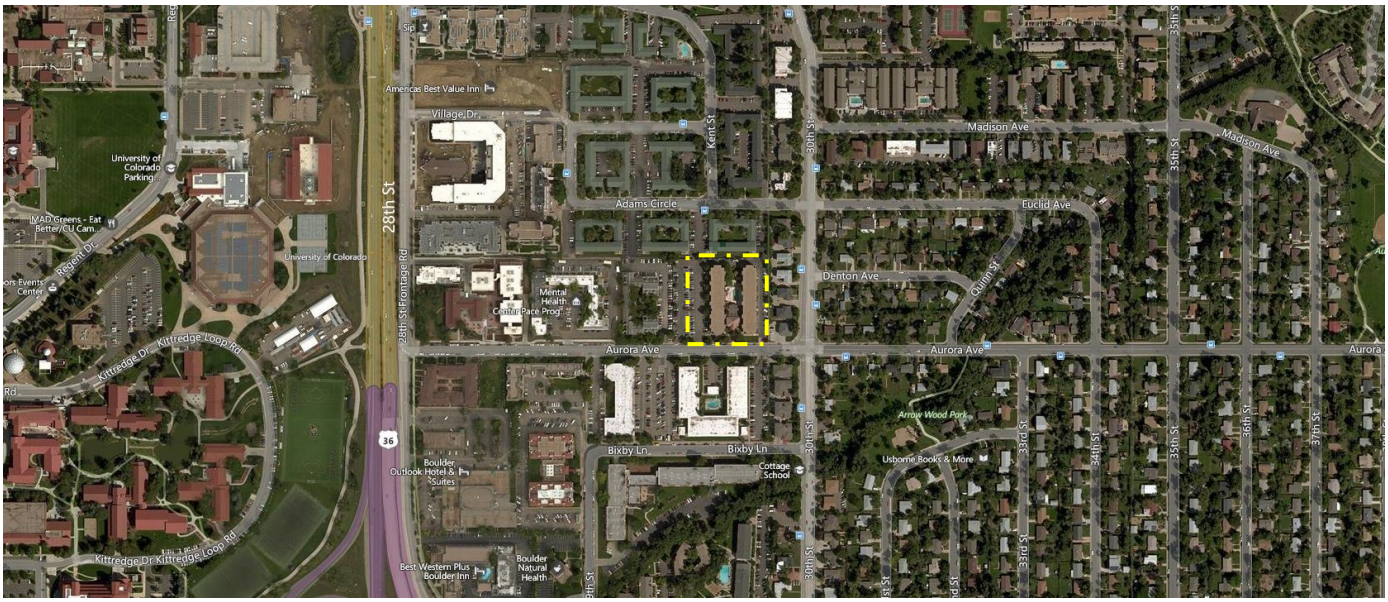
MEMORANDUM

TO: Planning Board
FROM: Elaine McLaughlin Case Manager
DATE: July 27, 2015
SUBJECT: Call Up Item: USE REVIEW (LUR2015-00034): Conversion of the existing Sterling University Peaks Apartment building located at 2985 E. Aurora Ave. with 96, two-bedroom dwelling units to 192 Efficiency Living Units (ELUs) located in the Residential High – 5 (RH-5) zoning district.

Attached is a Notice of Disposition for Use Review approved by staff and subject to call-up consideration by the Planning Board. The application was **approved** by staff on **July 27, 2015** and the decision may be called up before Planning Board on or before **Aug. 10, 2015**. There is one Planning Board hearing scheduled during the required 14 day call-up period on **Aug. 6, 2015.**

Background.

The existing apartment building is located one half block east of 28th Street on Aurora Avenue, location shown below in Figure 1, is considered a "non-conforming use" because the use of the site was developed prior to the current zoning standards and therefore does not meet the parking and residential density requirements of today. The proposed conversion of the units to efficiency living units constitutes an expansion of a nonconforming use, which is defined below, since it will add dwelling units. The added units are planned to be smaller one-bedroom units, rather than two bedroom units so that the occupancy would remain the same.



An efficiency living unit is defined in the land use code (9-16, B.R.C.1981) as "*a dwelling unit that contains a bathroom and kitchen and does not exceed a maximum floor area hundred seventy five square feet."* Two ELUs are equivalent to one dwelling unit per the land use code section 9-8-7, B.R.C. 1981.

The project site is zoned Residential - High 5 (RH-5), which is defined as "*High density residential areas primarily used for a variety of types of attached residential units, including without limitation, apartment*

buildings, and where complementary uses may be allowed" (section 9-5-2(c)(1)(F), B.R.C. 1981).

The subject property was developed in 1964 as a 96-unit apartment complex (University Towers) prior to the intensity standards adopted for the RH-5 zoning district. As a result, the site and building are considered to be non-conforming and non-standard.

A Nonconforming Use Review (#UR-98-6) was approved on April 17, 1998 for the addition of 1,500 square feet to the common area and lobby, which was then referred to as the Buffalo Apartments. The use review approval included landscaping and parking area improvements to the site, including screening of the parking area from Aurora Avenue. That approval included a reduction in the number of parking spaces to 137. That approval also was the first to document the non-conforming use of the site. The 2.40 acre site is considered non-conforming due to the following conditions:

- Density: the minimum lot area per dwelling unit is not met (by-right standard: 1,600 square feet per dwelling unit = 65 dwelling units where 96 units exist today with 192 occupants);

- Density: the number of dwelling units per acre is not met (by right standard: 27.2 dwelling units per acre = 65 dwelling units where 96 dwelling units exist today with 192 occupants);

- Open space: the minimum open space per dwelling unit is 600 square feet per dwelling unit or 57,600 square feet total where there is 25,355 square feet of open space on the site;

- Parking: There are 136 parking spaces existing with 144 required for 96 dwelling units

- Non Standard Building Height: the maximum height for principal buildings permitted is 35 feet and three stories in the RH-5 zoning district where the building is four stories.

Project Proposal.
The applicant intends to convert the existing two-bedroom apartments into small one-bedroom apartments (efficiency living units).

Review Process.
Because the proposal is for conversion to ELUs that will add dwelling units, the proposed project constitutes an expansion of a nonconforming use.

> *"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."*

Nonconforming uses may be upgraded or expanded under section 9-2-15, "Use Review," if the change would not adversely affect the traffic and the environment of the surrounding area or if the change would reduce the degree of the nonconformity or improve the appearance of the structure or site without increasing the degree of nonconformity. The proposal must meet the criteria for use review in subsection 9-2-15(e) and the additional criteria for modifications to nonconforming uses in subsection 9-2-15(f).

Analysis. Staff finds that the application satisfies the Use Review criteria pursuant to subsection 9-2-15(e), "*Criteria for Review*," B.R.C. 1981, and the Nonconforming Use Review criteria pursuant to subsection 9-2-15(f), "*Additional Criteria for Modifications to Nonconforming Uses*," B.R.C. 1981. Refer to **Attachment B** for the complete Use Review criteria analysis. The occupancy of the site is proposed to remain the same as the existing occupancy. Given that the non-conforming density will remain on the site as is existing today (192 occupants), and that the site is located within an RH-5 zoning district where there are a number of university student rentals, the expansion of the non-conforming use in terms of number of dwelling units with equivalent occupancy will be compatible in the context. In addition, with the existing non-conforming parking, the applicant is proposing to restripe the parking area such that four spaces would be the net increase in parking: from 136 today to 140 spaces. This would reduce the degree of non-conformity for parking.

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. There were no comments received about the proposed conversion of units.

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 staff on **July 27, 2015** and the decision may be called up before Planning Board on or before **August 10, 2015**. There is one Planning Board hearing scheduled during the required 14 day call-up period on **August 6, 2015.** Questions about the project or decision should be directed to the Case Manager, Elaine McLaughlin at (303) 441-4130 or at mclaughline@bouldercolorado.gov

Attachments:

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

Attachment A: Signed Disposition

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:	**STERLING UNIVERSITY PEAKS APARTMENTS**
DESCRIPTION:	**NON-CONFORMING USE REVIEW to convert 96 dwelling units to 192 Efficiency Living Units for Sterling University Peaks Apartments.**
LOCATION:	**2985 E AURORA AVE.**
COOR:	**N01W04**
LEGAL DESCRIPTION:	**See Exhibit A Attached**
APPLICANT:	**Erin Bagnall**
OWNER:	**Crack Shot LLC; Sterling University Peaks LLC; White Fox LLC; Marletta Properties Two Holdings LLC:**
APPLICATION:	**Use Review, LUR2015-00034**
ZONING:	**RH-5**
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.**

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

Approved on: JULY 27, 2015
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: August 10, 2015

Final Approval Date: August 11, 2015

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 be responsible for ensuring that the **development shall be in compliance with all plans prepared by the Applicant on July 6, 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 not expand or modify the approved use**, except pursuant to subsection 9-2-15(h), B.R.C. 1981.

3. 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: the Development Agreement recorded at Reception No. 1825255 on July 20, 1998 in the Boulder County Clerk and Recorder's Office on November 7, 2012.

Exhibit A: Legal Description

All that land situated in the State of Colorado, County of Boulder, City of Boulder and described as follows:

Parcel A:
The East 250.00 feet of the South ½ of the South ½ of the Northeast ¼ of the Southwest ¼ of Section 32, Township 1 North, Range 70 West of the 6th Principal Meridian, except the Southerly 30.00 feet thereof, County of Boulder, State of Colorado.

Parcel B:
The West 97.00 feet of the East 347.00 feet of the South ½ of the South ½ of the Northeast ¼ of the Southwest ¼ of Section 32, Township 1 North, Range 70 West of the 6th Principal Meridian, except the Southerly 30.00 feet thereof, County of Boulder, State of Colorado

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 Residential - High 5 (RH-5), which is defined as "High density residential areas primarily used for a variety of types of attached residential units, including without limitation, apartment buildings, and where complementary uses may be allowed" (section 9-5-2)(c)(1)(F), B.R.C. 1981).

__√__ (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 non-conforming use or a change thereto that is permitted under subsection (e) of this section;

The existing development is considered a "non-conforming use" because the use of the site was developed prior to the current zoning standards and does not meet the parking and residential density requirements of today. The proposed conversion of the units to efficiency living units constitutes an expansion of a nonconforming use, which is defined below, since it will add dwelling units. An efficiency living unit is defined in the land use code (9-16, B.R.C.1981) as "a dwelling unit that contains a bathroom and kitchen and does not exceed a maximum floor area hundred seventy five square feet." Two ELUs are equivalent to one dwelling unit per the land use code section 9-8-7, B.R.C. 1981.

__√__ 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 occupancy of the site is proposed to remain the same as the existing occupancy. Given that the non-conforming density will remain on the site as is, and that the site is located within an RH-5 zoning district where there are a number of university student rentals, the expansion of the non-conforming use in terms of number of dwelling units with equivalent occupancy will be compatible in the context.

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

The occupancy on the site will remain the same from the existing to the proposed, and therefore there are no impacts to infrastructure.

__√__(5) Character of Area: The use will not change the predominant character of the surrounding area or the character established by adopted design guidelines or plans for the area;

The change in occupancy from two bedroom units to efficiency living units will not change the character of the area, a high density zoning district that currently has a number of apartment buildings primarily rented to university students.

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

Not applicable as the application is not a conversion of residential to non-residential
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9-2-15 (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.

With the occupancy of the site remaining the same, the provision of four additional parking spaces and bike parking will assist in reducing the effects of the non-conforming parking and is considered a reasonable measure given the limits of the parking area.

__√__(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 proposed conversion of each two bedroom units to two efficiency living units will not change the density on the site and the parking will remain non-conforming. In addition, the applicant provided a field inventory that substantiates the use of the parking lot being typically under parked. However, the applicant will restripe the parking with the net outcome being four additional parking spaces, from 136 existing to 140 provided. This reduces the degree of non-conformity.

In addition, the proposed TDM includes the provision of 432 bike parking spaces on the site, including

336 long term bike spaces inside storage areas of the building and provision of bike storage within each unit; along with 96 short term spaces on site to bring the project above current standards which require 384 bike spaces on the site: a provision of 96 more bike parking spaces than are required.

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

(A) Except for a change of a nonconforming use to another nonconforming use; and
Not applicable, it is an expansion of a non-conforming use, not a change from one non-conforming use to another non-conforming use.

(B) Unless a variance to the setback requirements has been granted pursuant to section 9-2-3, "Variances and Interpretations," B.R.C. 1981, or the setback has been varied through the application of the requirements of section 9-2-14, "Site Review," B.R.C. 1981.
Not applicable

√ (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 site cannot be made conforming without redeveloping the site. The existing buildings have operated as non-conforming for decades and have not created impacts.

n/a (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.
There is no increase in floor area proposed.

n/a (6) Approving Authority May Grant Zoning Variances: The approving authority may grant the variances permitted by subsection 9-2-3(d), B.R.C. 1981, upon finding that the criteria set forth in subsection 9-2-3(h), B.R.C. 1981, have been met.
Not applicable

Per Land Use Code 9-10-3 (c), B.R.C. 1981, the following criteria are required to be met for changes to non-conforming uses:

n/a ***(1) Nonconforming Changes to Conforming Use Prohibited: No conforming use may be changed to a nonconforming use, notwithstanding the fact that some of the features of the lot or building are nonstandard, or the parking is nonconforming.***

Not applicable. This application is not for a conforming use changing to nonconforming.

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

The proposed project is not for a change in use as the site will remain multi-family residential.

___n/a___ ***(3) Nonconforming Only as to Parking: The city manager will grant a request to change a use that is nonconforming only because of an inadequate amount of parking to any conforming use allowed in the underlying zoning district upon a finding that the new use will have an equivalent or less parking requirement than the use being replaced.***

Not applicable. The site holds non-conforming parking, open space and density. And the building is non-standard as to height.

SOPHERSPARN
ARCHITECTS LLC

MEMORANDUM

To:	Charles Ferro, Land Use Review Manager - CITY OF BOULDER
	Sloane Walbert, Case Manager
From:	Erin Bagnall - SOPHER SPARN ARCHITECTS LLC
Project:	2985 AURORA AVENUE
Date:	6 April 2015

Re: NON CONFORMING USE REVIEW-WRITTEN STATEMENT

SUMMARY

Project intent

To modify an existing apartment complex at the property address, such that the 96 2-bedroom units, are converted into 192 Efficiency Living Units on a 2-for-1 basis. It is the applicant's intention to do this without any significant modifications to the exterior of the project, to the project's size, intensity of use, setbacks or any other significant characteristic that might affect the property's classification as a pre-existing non-conforming density within the RH-5 zone. The applicant would like to bisect the existing 2 bedroom units with a 1 hr rated, 50 STC demising wall. The newly created units would be ± 430 SF.

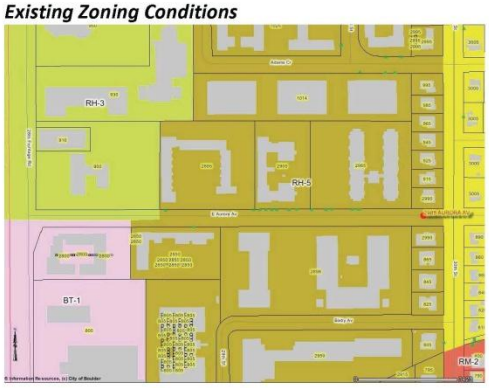
Site Conditions

The 2.4-acre property is located west of the intersection of Aurora & 30th Street, and has for many years served the rental student housing market. Changes proposed to the property, being almost fully internal to the structure, makes almost no change to the property in a manner that might affect neighboring parcels.

Adjacent Properties

- West of the site and south across the street –large scaled multi-unit residential structures, generally serving the rental student market.
- North – Smaller scaled multi-family student rental conversion structures.
- East – Smaller scaled multi-family student rental conversion structures; possibly some owner occupied residents as well.

Existing Zoning Conditions



Sopher Sparn Architects | 1731 15th Street, Suite 250 | Boulder, Colorado 80302 | 303.442.4422

The site is currently zoned RH-5, as is all of the surrounding properties on both Aurora to the east and west, as are the properties backing to the site on the northern property line. Therefore, all properties adjacent to the site either have comparable densities as this site, or are zoned to achieve comparable densities (nonconformance not withstanding).

To the west of the site and within the same superblock is the RH-6 zone of multi-unit student oriented residential structures. To the east across 30th Street, the density scales down to single-family residential zoning.

All properties to the north, west and south reflect the intensity of activity of the Aurora RH-5 corridor, both in the scale of the structures and the intensity of use that their zoning designation allows. The RH-5 zone limits development to 27.2 DU/acre. The site is ±2.4-acres and in its current configuration is nonconforming in various aspects.

Building Organization and Usage
The property currently consists of two 4-story masonry structures and an intervening single story common facility and associated parking and outdoor areas (see attached ALTA Land Survey). The buildings generally sit on the eastern half of the site with common indoor and outdoor spaces between the buildings. The majority of parking is to the west of the structures, with some diagonal parking on the eastern property line.

In each of the 4-story blocks are 48 2-bedroom, 2 bath units (six units on either side of a corridor, on each of four floors). Refer to SHT. A1.0 for Typical Level Floor Plan.

General Description of the Proposed Renovation
Each existing unit has a central independent living/dining/kitchen space that is between the 2-bedrooms (Refer to Sht. A1.0 for Typical Level Floor Plan) totaling ±860sf. The applicant is intending to split the existing 2-bedroom units in the east/west direction along the central axis, thereby splitting the living/dining/kitchen zone of the unit, and then removing the wall separating the bedroom zone from the newly created social zone of the unit.

The existing kitchens would be replaced with two independent kitchens, one for each half of the former 2-bedroom unit, and thereby creating two separate Efficiency Living Units from current configuration, without adding any area to the unit or the building as a whole. Each of the new ELU's will be around 430sf. Please refer to Sht. A1.0 for Proposed Typical Level Floor Plan.

There are no changes proposed that would…
- modify the existing intensity of use on the site, including the addition of bedrooms or rooms that can be construed to be converted into bedrooms
- change the perimeter of the building footprint and the floor area
- exceed the cost of 20% of the building's property value
- change the existing use.

Impacts of Proposed Changes
Unit Count
- Since the new units will not exceed 475sf, they meet the definition of an Efficiency Living Unit. Therefore two ELU's = one dwelling unit, and therefore there will be no increase to the number of dwelling units on site. A maximum of 96 DUs would yield a maximum of 192 ELUs, and there is no increase in the intensity of use on site. There is no increase in the population anticipated
- No impact.

Parking
- Currently there are 136 spaces including 2 handicapped spaces. Preliminary examination of space size indicates that they may not meet the standards width, length or backup in all cases (in particular, the diagonal parking zone on the east side of the site).
- Under current parking requirements with 96 2-bedroom units, 1.5 spaces area required for each 2-bedroom

unit, or a total of 144 spaces. Property is minimally nonconforming in terms of existing dwelling units, in terms of quantity.

- As ELUs, the facility would require 1 parking space per DU, or 192 spaces. Under the proposed plan there will be 140 conforming spaces, an **increase** to the conformity of the parking. The 140 spaces will require a 27% parking reduction, supportable by the TDM plan attached. The applicant has also made an effort to increase the conformity of the parking lot landscaping.
- Given that the property is within one block of four major bus routes, and it sits on a city bike route and links to multiple routes within a block of the site, we feel the parking reduction is justifiable.
- There is no impact on the current parking requirement, given that the numbers of cars needed should not increase, and bike and bus access are readily available to residents (via the 209, the Bound, the HX and the S). See attached TDM Table 2 for field inventory numbers. The existing site is not over-parked, there will be no change in density on the site, so the parking demand should remain the same.

Open Space

- minimum open space of 600sf/dwelling unit over 96 units would require 57,600 sf of useable open space. Property is therefore non-conforming.

Affordable Housing

- We have been informed by Michelle Allen of HHS that even though there are no new dwelling units associated with this change from a Land Use perspective, from an Affordable Housing perspective, if all units were converted, this would constitute 96 new dwelling units, and therefore a contribution of 20% of those additional ±430 sf units (19 micro units) needs to exacted with this change.

Site Utilities

- It is our understanding that there are currently 2-2" water lines serving the building. The plumbing load is expected to increase due to doubling the number of kitchen sinks, plus the potential incremental load increases that are still being contemplated (the possibility of adding dishwashers and washer/dryers at a future date). A new 3" or 4" domestic meter and vault must be set.

Existing Structure's Assessed Value

The city currently has on record, an assessed value for the property of $6,764,300 (per County Assessor's website). The City's website shows that multiple improvements have been made to the property that are carried in public record. However, Chris Toebe of Land Use staff did not feel that the majority of the changes on file should be counted cumulatively against the nonconformance limitations noted above, since they weren't construction related. There was one however, at ±$50,000 (addition to common area?) that might count, still leaving a significant amount left for current renovations. This leaves ±$6.7 million of valuation against which thresholds for the various Land Use Code compliance issues are measured.

The site is considered non-conforming due to the following conditions:

- Density because the number of dwelling units per acre is not met (96 units where 65 units are permitted by-right
- Open space because the minimum open space per dwelling unit does not appear to be provided; 600 square feet per dwelling unit or 57,600 square feet total is required;
- Parking because the required parking is not provided on site; 144 spaces are required and 136 are provided resulting in a 6 percent parking deficiency; and
- Height because the maximum height for principal buildings is 35 feet and 3 stories where the building is 4 stories (height is unknown).

Criteria

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, "Zoning Districts Established", B.R.C. 1981, except in the case of a non-conforming use;

The project site is zoned Residential - High 5 (RH-5), which is defined as "High density residential areas primarily used for a variety of types of attached residential units, including without limitation, apartment buildings, and where complementary uses may be allowed" (section 9-5-2(c)(1)(F), B.R.C. 1981).

Reduction in Non-Conformity / Improvement of Appearance: The proposed change or expansion will either reduce the degree of non-conformity of the use or improve the physical appearance of the structure or the site without increasing the degree of non-conformity;

The proposed project will decrease the non-conformity of the site by the following:

- ***Parking***- Although the applicant will need to ask for a 27% parking reduction with the proposed changes, it should be noted that there will be an increase in the amount of parking provided on site **and** the conformity of the parking spaces. The existing site provides 136 non-conforming parking spaces. The proposed project will reorganize and restripe the entire lot, providing 4 additional spaces that conform to parking standards. The proposed change will not affect the density of the site. There will be no change in bed count, therefore it is reasonable to assume that parking/traffic will not be affected. A parking count of the existing site shows there is ample parking provided for the current residents (see attached TDM Table 2), so the proposed addition of parking should be considered an improvement in the non-conformity of the use. In addition to parking improvements for cars, the applicant is proposing to add ***407*** bike parking spaces to the site to bring the project ***above*** current standards. In addition to long term parking provided within the building in designated areas, each new unit will have a bike rack within the unit. The long term parking count proposed will be 15% over the required current standards. The applicant feels that the aggressive TDM provided and the improvements to the site parking will result in a decrease in the non-conformity of the site.
- ***Landscape***- The applicant has worked hard to improve the interior parking lot landscaping on site. With the increase in parking required the applicant feels that it has arrived at a solution that allows for important landscape improvements. Landscape improvements include parking lot screening on the west side of the site, additional interior parking lot landscape, street trees, and screening the parking lot from the street.
- ***Access-*** The existing site has three curb cuts for access to Aurora Ave. The applicant's proposal will remove one of curb cuts on the west site, creating an internal parking loop. By keeping the remaining curb cuts the fire access to the site is maintained. Although not triggered by this review, the applicant will also introduce a N/S sidewalk through the site pursuant of the City connections plan goals.

PROJECT TEAM:

OWNER / DEVELOPER:

MATT JOHNKE
1630 30th Street #A303
BOULDER, CO 80301
303-589-8500

ARCHITECT:

SOPHER SPARN ARCHITECTS LLC
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303-442-4422
CONTACT: ERIN BAGNALL

CIVIL ENGINEER:

THE SANITAS GROUP
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LOUISVILLE, CO 80027
303-981-9238
CONTACT: LESLIE EWY

LANDSCAPE ARCHITECT:

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JAMESTOWN, CO 80455
303-459-3333
CONTACT: BECKY MARTINEK

TRAFFIC CONSULTANT:

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1889 YORK STREET
DENVER, CO 80206
303-333-1105
CONTACT: CHRIS MCGRANAHAN

SHEET INDEX:

0.0 GENERAL INFORMATION

LANDSCAPE DRAWINGS:

L-1 LANDSCAPE PLAN
L-2 LANDSCAPE PLAN

ARCHITECTURAL DRAWINGS:

A0.0 SITE PLAN
A1.1 TYPICAL FLOOR PLANS

PROJECT INFORMATION

PROJECT ADDRESS:

2985 AURORA AVE
BOULDER, COLORADO

OWNER / DEVELOPER:

MATT JONKE
1630 30th Street #A303
BOULDER, CO 80301
303-589-8500

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO

VICINITY MAP

NOT TO SCALE **1**

SOPHERSPARN ARCHITECTS LLC
SOPHERSPARN.COM

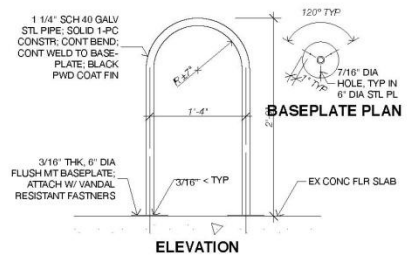
2985 Aurora
Boulder, Colorado 80303
NON-CONFORMING USE REVIEW

GENERAL INFORMATION

N.C. USE REVIEW 6 APRIL 2015
N.C. USE REVIEW RESUBMITTAL 26 MAY 2015 — 1
N.C. USE REVIEW RESUBMITTAL 6 JULY 2015 — 2

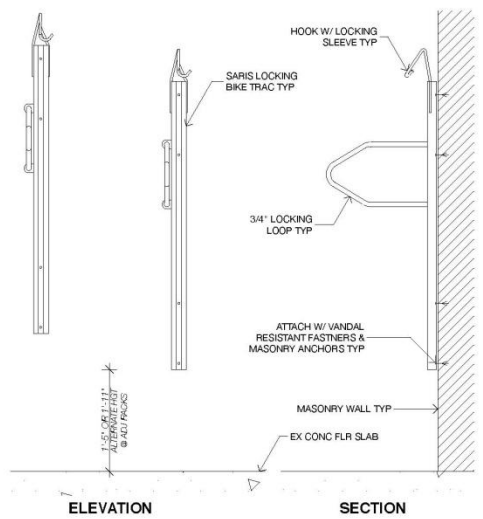
0.0

BY: SSA
JOB: 2985 AURORA



D-01 BIKE RACK-FLOOR MOUNTED

SCALE: 3/4" = 1'-0"

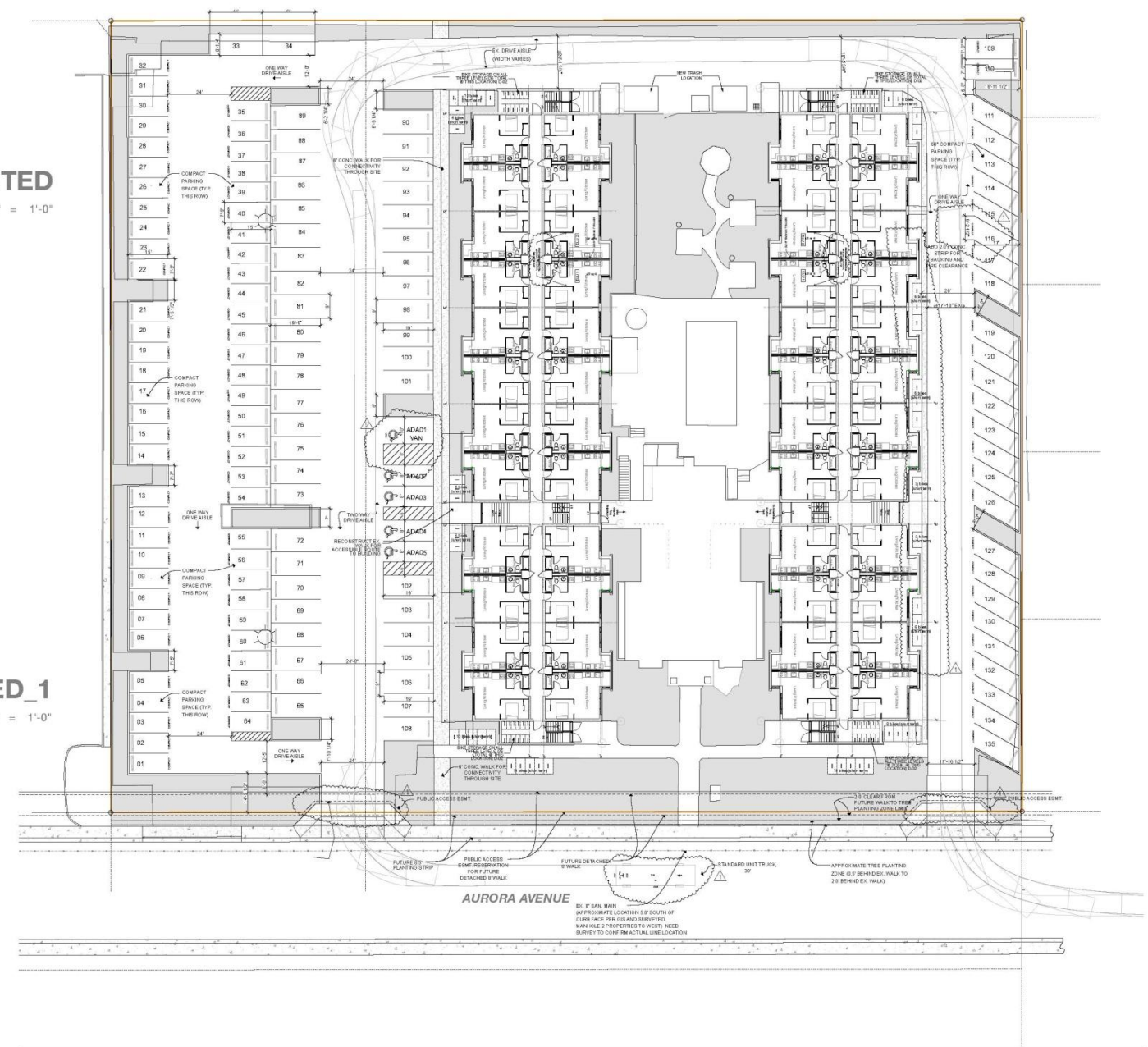


D-02 BIKE RACK-WALL MOUNTED_1

SCALE: 3/4" = 1'-0"

PARKING COUNTS		
EXISTING PARKING (all non conforming)	136	
PROPOSED PARKING		
STANDARD	46	
COMPACT	89	64% of total parking
HANDICAP	5	
TOTAL PARKING	140	
*parking required per B.R.C 9-9-6 Table 9-2 (efficiency units=1 space per DU)	192	
reduction requested	27%	

BIKE PARKING	
EXISTING PARKING	25
PROPOSED BIKE PARKING	
LONG TERM	336
SHORT TERM	96
TOTAL BIKE PARKING	432
*parking required per B.R.C 9-9-6 Table 9-8 (dwelling units=.2 bike spaces per DU)	384



PROPOSED SITE PLAN

SCALE: 1" = 30'

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SITE PLAN

N.C. USE REVIEW 6
APRIL 2015

N.C. USE REVIEW RESUBMITTAL
26 MAY 2015 1

N.C. USE REVIEW RESUBMITTAL
6 JULY 2015 2

A0.0

BY: SSA
JOB: 2985 AURORA

TOTAL USABLE OPEN SPACE:
25,355 SF

OPEN SPACE PLAN

SCALE: 1" = 30'

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NON CONFORMING **USE REVIEW**

OPEN SPACE

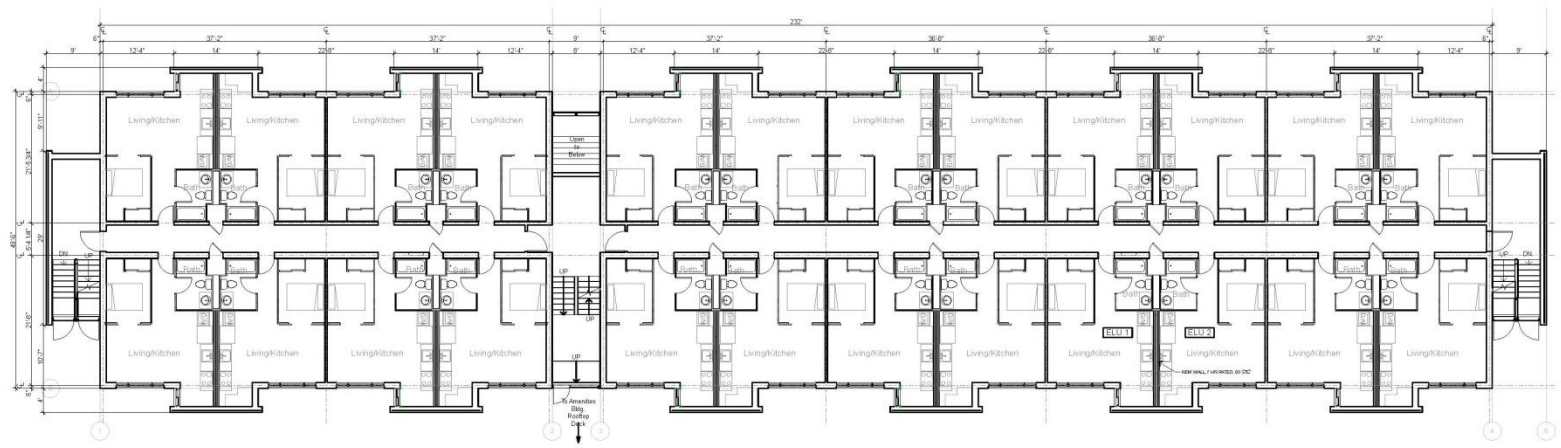
N.C. USE REVIEW 6
APRIL 2015
N.C. USE REVIEW
RESUBMITTAL
26 MAY 2015 1
N.C. USE REVIEW
RESUBMITTAL
6 JULY 2015 2

A0.1

BY: SSA
JOB: 2985 AURORA

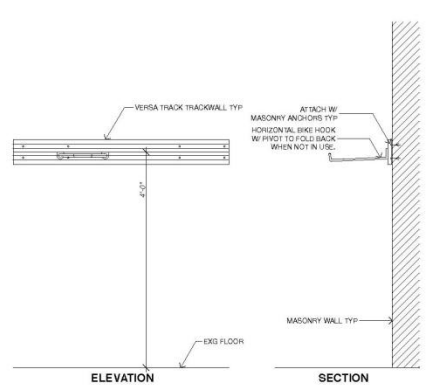
EXISTING BUILDING FLOOR PLAN TYP.

SCALE: 1/16" = 1'-0"

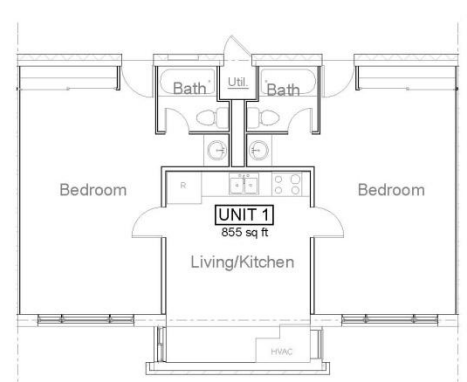


PROPOSED BUILDING FLOOR PLAN TYP.

SCALE: 1/16" = 1'-0"

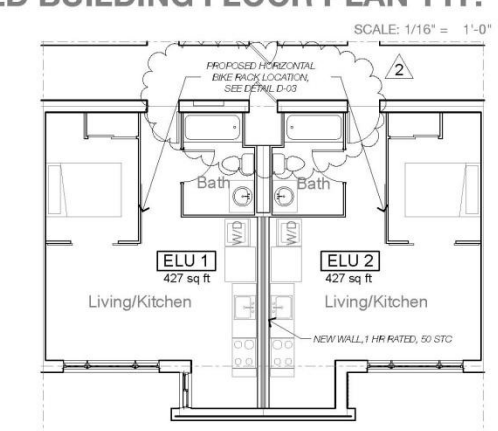


D-03 WALL MOUNTED BIKE RACK



EXISTING UNIT PLAN_TYP.

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



PROPOSED ELU PLAN_TYP.

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

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Boulder, Colorado 80303

NON CONFORMING USE REVIEW

TYPICAL FLOOR PLANS

N.C. USE REVIEW 6 APRIL 2015

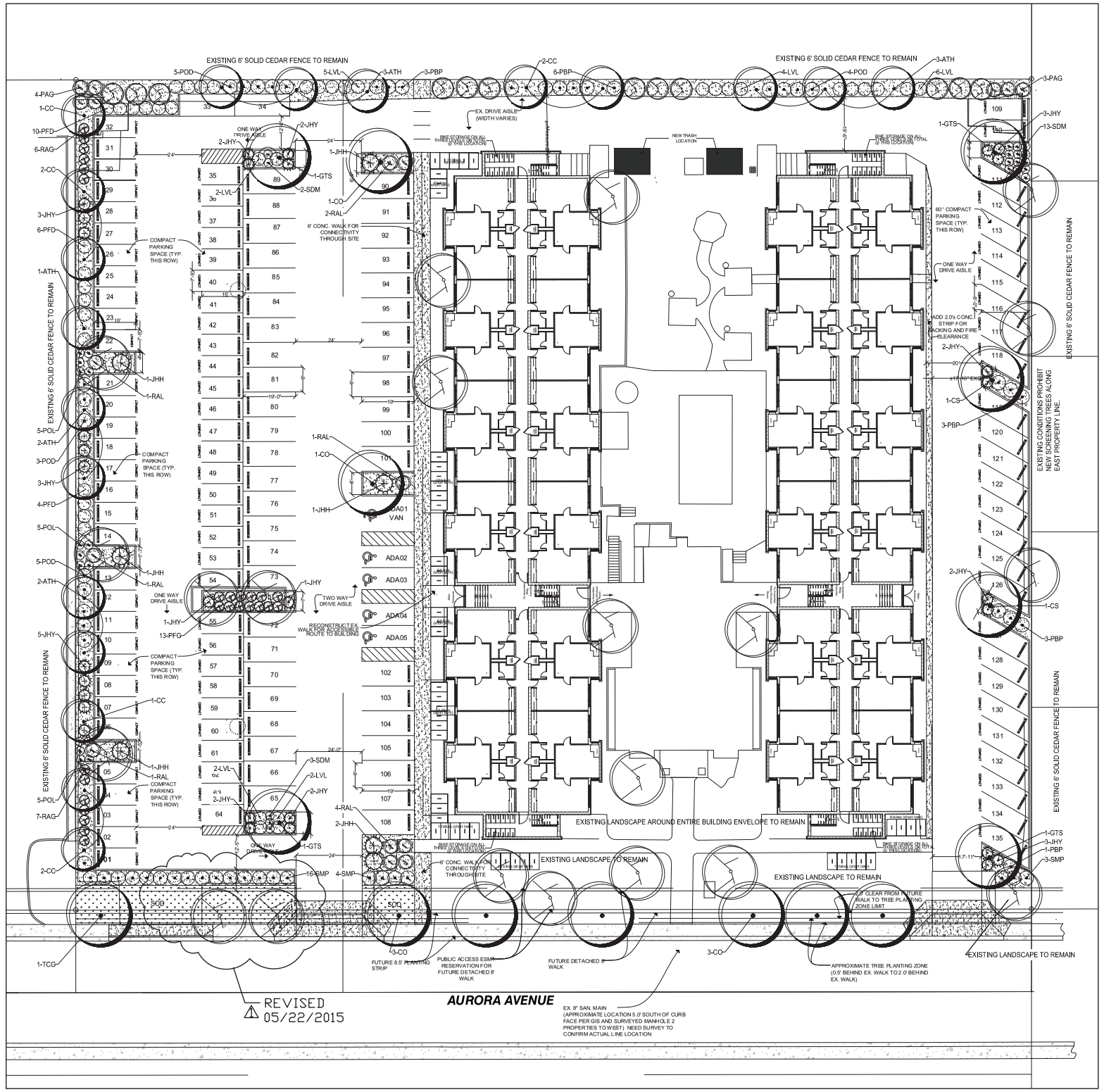
N.C. USE REVIEW RESUBMITTAL 26 MAY 2015 1

N.C. USE REVIEW RESUBMITTAL 6 JULY 2015 2

A1.0

BY: SSA

JOB: 2985 AURORA



CITY OF BOULDER REQUIREMENTS

PROJECT DATA:

TOTAL LOT SIZE	104,610 S.F.	
TOTAL PARKING LOT/DRIVES SIZE	46,202 S.F.	
TOTAL AREA NOT COVERED BY BUILDING OR PARKING	29,610 S.F.	
PARKING STALLS	135	
INTERIOR PARKING LOT LANDSCAPE REQUIRED (5%)	2,310 S.F.	TOTAL PROVIDED: 1,034 S.F.QUALIFYING; 1,129 S.F.NON-QUALIFYING; 2,163 S.F.PROVIDED
PARKING LOT SCREEN	949 L.F.	

REGULATION:	REQUIREMENT:	TOTAL REQ.:	TOTAL PROVIDED:
9-9-12	1TREE/5 SHRUBS PER 1500 S.F.	20 TREES 100 SHRUBS	48 TREES 100 SHRUBS
9-9-13	STREET TREES AURORA (347 L.F.) ALLEY TREES	 9 TREES N/A	 9 TREES N/A
9-9-14	TREES 25' O.C. (SHADE) 1 TREE (75% DECIDUOUS) PER 200 S.F. OF INTERIOR PARKING LOT LANDSCAPING SHRUB SCREEN	38 TREES 12 TREES N/A	34 TREES 14 TREES N/A
SHRUBS REQUIRED FOR GROUND COVER		111	111

PROJECT TOTALS:

TOTAL PLANTS REQUIRED:	59 TREES/211 SHRUBS
EXISTING (to remain):	33 TREES/SHRUBS (NOT IN COUNT)
NEW:	34 TREES/211 SHRUBS
TOTAL PROVIDED:	67 TREES/211 SHRUBS

LANDSCAPE PLAN KEY

- EXISTING TREE TO REMAIN
- EXISTING TREE TO BE REMOVED
- NEW 2" CAL. DECIDUOUS SHADE TREE
- NEW 1.5" CAL. DECIDUOUS ORNAMENTAL TREE
- NEW #5 DECIDUOUS SHRUB
- NEW #5 EVERGREEN SHRUB
- SOD
- WOOD MULCH

NORTH
SCALE 1" = 30'0"

BECKY L. MARTINEK 382 01/01/2008 Original Date of Licensure STATE OF COLORADO LICENSED LANDSCAPE ARCHITECT

LANDSCAPE ARCHITECTURE STAMP

NON-QUALIFYING USE REVIEW

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LANDSCAPE PLAN

Sterling University Peaks Apartments

2985 Aurora
Boulder, Colorado

Plan Date:
04/06/2015

Revisions:
05/22/2015
07/06/2015

Sheet Number:
L-1

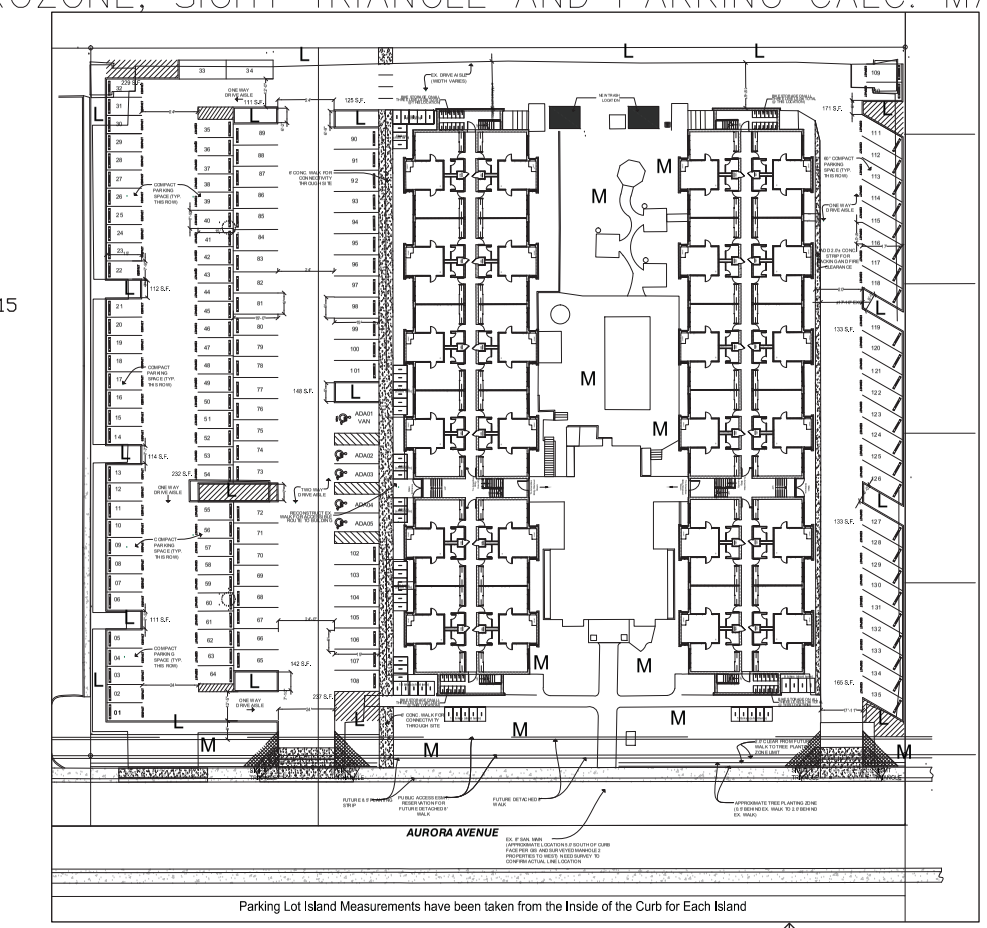
LANDSCAPE NOTES

1. 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 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, PARTICULARLY THE APPROPRIATE SEASONS FOR PLANTING AND WINTER WATERING OF NEW PLANTINGS.
2. ALL EXISTING LANDSCAPING SHALL REMAIN UNLESS SPECIFICALLY NOTED OTHERWISE ON THE LANDSCAPE PLAN. PROTECTION OF EXISTING LANDSCAPE TO REMAIN SHALL BE PUT IN PLACE BEFORE ANY CONSTRUCTION COMMENCES ON SITE.
3. 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.
4. SOD SHALL BE A BLEND OF DROUGHT TOLERANT GRASS SUCH AS 'THERMAL BLUE'.
5. ALL NEW TREES AND SHRUBS SHALL BE BACKFILLED WITH A UNIFORM MIXTURE OF 75% EXCAVATED SOIL AND 25% ORGANIC COMPOST.
6. NEW SHRUB BEDS AS SHOWN ON THE PLAN SHALL RECEIVE A 3" LAYER OF NATURAL COLOR CEDAR WOOD MULCH WITH NO FABRIC UNDERLAY. ⚠ REVISED 05/22/2015
7. EDGING SHALL BE INSTALLED BETWEEN ALL SHRUB BEDS AND SOD AREAS. EDGING SHALL BE 4" METAL WITH ROLL TOP.
8. 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,
9. LABELS THAT IDENTIFY THE BOTANICAL OR COMMON NAME OF THE PLANT MATERIAL SHALL BE ON ALL TREES AT THE TIME OF FINAL INSPECTION.
10. 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.
11. TREES LOCATED IN SITE TRIANGLES SHALL BE MAINTAINED SUCH THAT SITE CLEARANCE UP TO 96" MEASURED FROM ROADWAY SURFACE IS MAINTAINED AS THE TREE GROWS TO MATURITY.

IRRIGATION NOTES

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

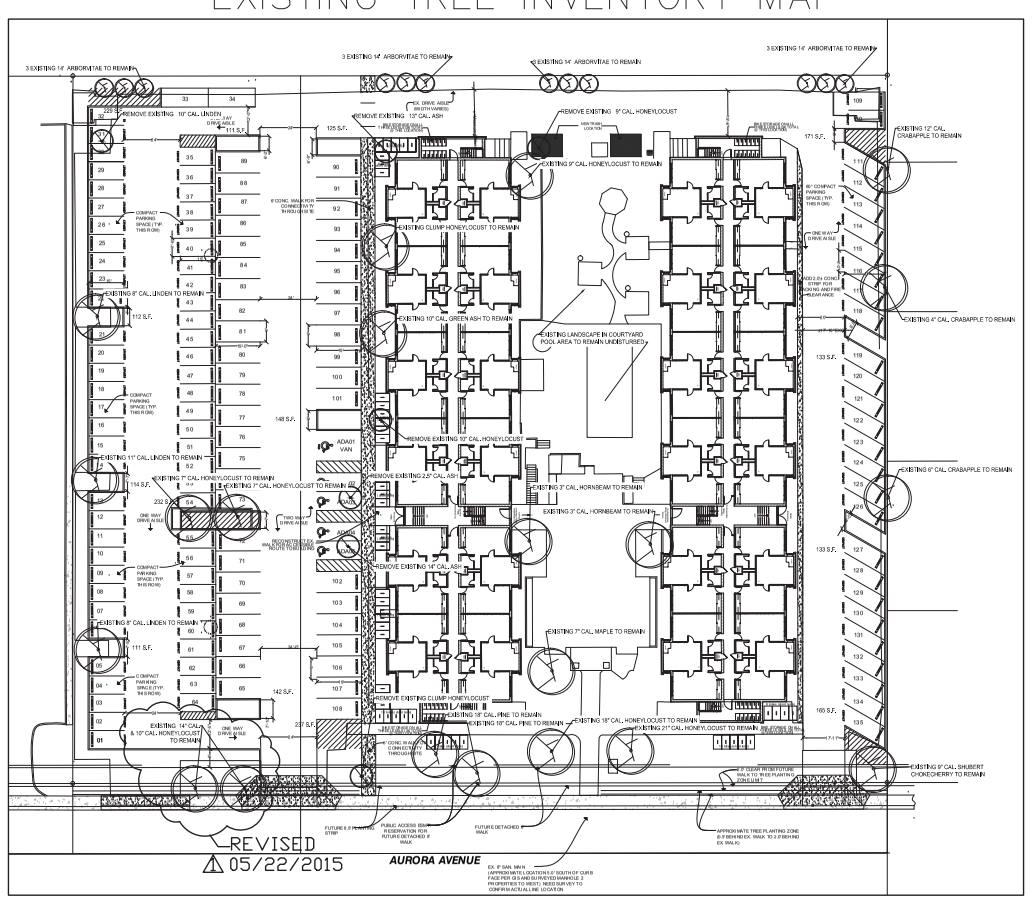
HYDROZONE, SIGHT TRIANGLE AND PARKING CALC. MAP



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

NORTH
SCALE 1" = 50'0"

EXISTING TREE INVENTORY MAP



NORTH
SCALE 1" = 50'0"

PLANT LIST

note: plant quantities provided as a courtesy only. If discrepancy between plan and plant count exists, plan takes precedence

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

QTY	KEY	BOTANIC NAME	COMMON NAME	SIZE	H2o
		TREES:			
11	ATH	Acer tataricum Hot Wings	Hot Wings Tatarian Maple	1.5"	L
8	CC	Crataegus crus-galli inermis	Thornless Cockspur Hawthorn	1.5"	L
8	CO	Celtis occidentalis	Western Hackberry	2.0"	L
2	CS	Catalpa speciosa	Western Catalpa	2.0"	L
3	GTS	Gleditsia tri. inermis Skyline	Skyline Honeylocust	2.0"	L
2	TCG	Tilia cordata 'Greenspire'	Greenspire Linden	2.0"	M
34					
		#5 SHRUBS:			
7	JHH	Juniperus horizontalis 'Hughes'	Hughes Juniper	#5	L
31	JHY	Juniperus horizontalis 'Youngstown'	Andorra Youngstown Juniper	#5	L
21	LVL	Ligustrum vulgare 'Lodense"	Lodense Privet	#5	L
7	PAG	Pyracantha angustifolia Gnome	Gnome Pyracantha	#5	L
16	PBP	Prunus bessyi Pawnee Buttes	Creeping Western Sand Cherry	#5	L
20	PFD	Potentilla fruticosa davurica' Prairie Snow	Prairie Snow Potentilla	#5	L
13	PFG	Potentilla fruticosa 'Gold Finger'	Gold Finger Potentilla	#5	L
17	POD	Physocarpus opulifolius 'Darts Gold'	Dart's Gold Ninebark	#5	L
15	POL	Physocarpus opulifolius Little Devil	Little Devil Ninebark	#5	L
13	RAG	Ribes alpinum 'Green Mound'	Green Mound Current	#5	L
10	RAL	Rhus aromatica 'Gro-Low'	Dwarf Fragrant Sumac	#5	L
18	SDM	Symphoricarpos x doorenbosii 'Magic Berry'	Pink Snowberry	#5	L
23	SMP	Syringa meyeri 'Palibin	Dwarf Korean Lilac	#5	L
211					

BECKY L. MARTINEK 382 01/01/2008 Original Date of Licensure STATE OF COLORADO LICENSED LANDSCAPE ARCHITECT

LANDSCAPE ARCHITECTURE STAMP

NON-QUALIFYING USE REVIEW

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LANDSCAPE PLAN

Sterling University Peaks Apartments
2985 Aurora
Boulder, Colorado

Plan Date: 04/06/2015

Revisions:
⚠ 05/22/2015
07/06/2015

Sheet Number: L-2