C I T Y O F B O U L D E R
PLANNING BOARD AGENDA ITEM
MEETING DATE: February 4, 2016

AGENDA TITLE: Public hearing and consideration of a Nonconforming Use Review for the addition of two bedrooms in the basement of an existing nonconforming duplex at 940 14th St. The development proposal includes site improvements, including landscape, bike and vehicular parking, and a new trash enclosure, and renovating and remodeling the dilapidated building exterior façade elements. The project site is zoned Residential - Low 1 (RL-1). Case No. LUR2015-00073.

Applicant: Lani King, Michael J Hirsch Companies
Owner: 20th Street Apartments 1 LLC and 20th Street Apartments 2 LLC

REQUESTING DEPARTMENT:
Planning, Housing & Sustainability
David Driskell, Executive Director
Susan Richstone, Deputy Director
Charles Ferro, Development Review Manager
Sloane Walbert, Planner I

OBJECTIVE:
Define the steps for Planning Board consideration of this request:

1. Hear Applicant and Staff presentations
2. Hold Quasi-Judicial Public Hearing
3. Planning Board discussion
4. Planning Board action to approve, approve with conditions or deny

SUMMARY:

Proposal:	NONCONFORMING USE REVIEW for the addition of bedrooms in the basement of an existing nonconforming duplex.
Project Name:	940 14TH ST NONCONFORMING DUPLEX
Location:	940 14th Street
Size of Tract:	0.11-acre
Zoning:	Residential - Low 1 (RL-1)
Comprehensive Plan:	Low Density Residential

BACKGROUND
Existing Site/Site Context
The 0.11-acre project site is located east of and adjacent to 14th St., between Euclid Ave. and Aurora Ave. in the University Hill neighborhood. The property is approximately two blocks west of the Broadway multi-modal transportation corridor and the University of Colorado campus, and a block from the University Hill Business District. Refer to **Figure 1** on the following page for a Vicinity Map.

Figure 1: Vicinity Map

As shown in **Figure 2** on the following page, 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 close proximity to the project site to the north and east (refer to **Figure 2**).

Starting in the late 1920s, the block was zoned "B" Residence, which allowed for single family and two-family residences. In the 1950s the zoning was changed R-2 Residential, which allowed single, two-, three-family units, and in the 1960s to MR-1 (Multi-Family Residence District). Subsequently, the property was zoned MR-E (Medium Density Residential - Established), which was described as *"areas which are primarily used for or permit multi-unit development at duplex, tri-plex or townhouse densities."* The existing duplex use was in compliance with these zoning districts. However, in 1974, downzoning dramatically reduced permitted density west of 9th St. and south of College Ave. The property and surrounding area was downzoned to LR-E (Low Density Residential – Established). Existing multi-family conversions prior to 1974 were grandfathered and there is a high instance of non-conformities within this portion of University Hill. As such, 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, triplexes, and fraternity/sorority uses, the majority of which serve as student rental housing. Refer to **Attachment A** for a survey of the surrounding nonconforming uses.

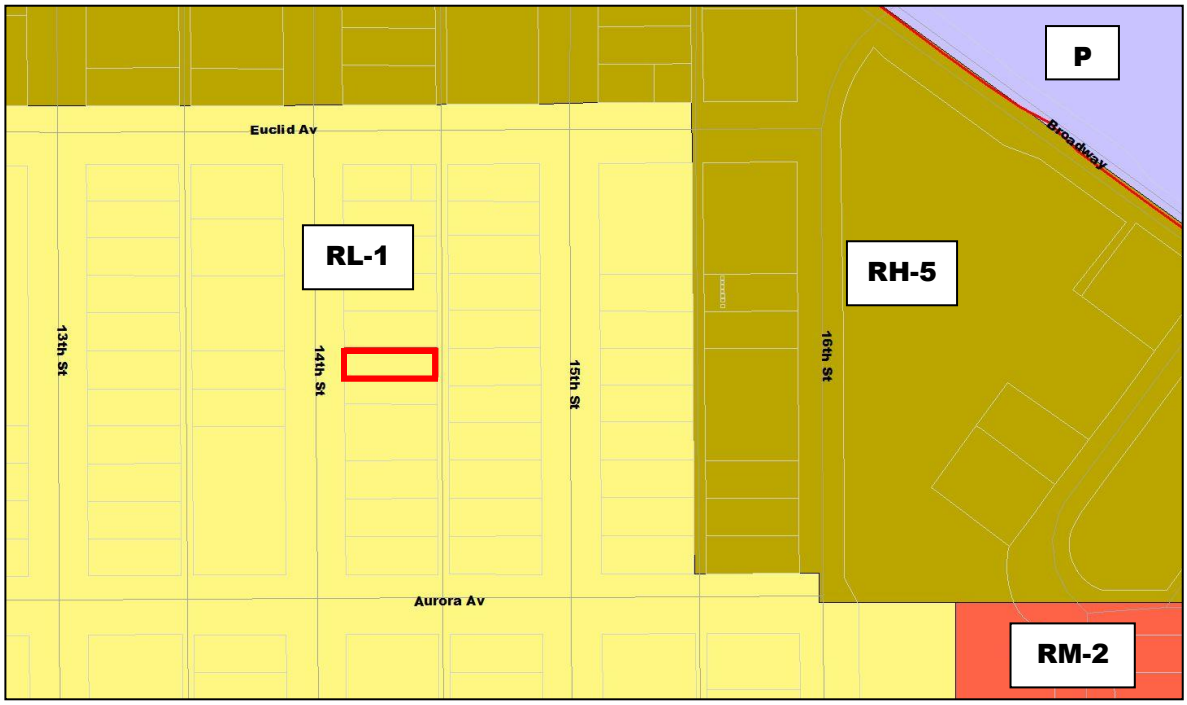


Figure 2: Zoning Map

The site includes a duplex that was legally established prior to the low-density zoning, and thus, is considered nonconforming to the current zoning. 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 dwelling units per acre;
- **Parking** because the site has two off-street parking spaces where three spaces are required. Existing duplexes or multi-family dwelling units in the RL-1 zoning district are required to have the greater of 1.5 spaces per unit or number of spaces required when units were established (Table 9-2, B.R.C. 1981).
- **Use** because attached dwellings are not an allowed use in the RL-1 zone district.

The existing building is also 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 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". 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 (refer to **Figure 3** on the following page).

It is unclear from city records the approved number of bedrooms in the duplex. However, per previous notices in city records, including one dated Mar. 10, 1992, the two rooms on the north side of the basement were to be used for storage only and not as bedrooms. At that time, 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 and bring the basement into conformance with life safety standards.

Figure 3: Front Façade

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 (case no. 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 of 2015, 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 the appropriate review process would be a nonconforming use review. As such, the variance application was withdrawn.

Figure 4: Existing Rear Yard

The applicant received building permits for the stabilization of the structure and reconstruction of the north wall (cases PMT2015-02077 and PMT2015-03448). The property was previously posted as uninhabitable as of Aug. 3, 2015. However, on Jan. 7, 2016, the property passed a structural inspection and the building was deemed habitable. The reconstruction of the exterior façade of the wall is still underway.

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. Life safety upgrades would be made to the basement, including new egress windows and electrical and smoke detection systems. 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 determined by the number of bedrooms (section 9-8-5(a), B.R.C. 1981).

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 D** 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 in the 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 permanent green space to serve as usable open space for the duplex;
- Establishing three head-in paved 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 duplex is required to provide three parking spaces (1.5 spaces per dwelling unit), which would not be affected by the addition of bedrooms. 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. Building improvements also include life safety upgrades, including new egress windows for the rooms located in the basement and electrical and smoke detection systems; 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 add bedrooms.

> *"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."*

A description of the land use regulations in section 9-1-2(g), B.R.C. 1981 states *"adoption of land use controls and changes in zoning have created nonconforming uses, nonstandard buildings and nonstandard lots…In general, the policy of the City is to allow these nonconforming uses and nonstandard buildings to be changed and upgraded without requiring their elimination if the change would not substantially adversely affect the*

surrounding area and if the change would not increase the degree of nonconformity of the use." The standards for changes to nonstandard buildings, structures and lots, and nonconforming uses are located in section 9-10-3(c)(2) of the land use code. The standards state that applications for Nonconforming Use Review must be reviewed for consistency with the criteria set forth in subsection 9-2-15(e) and (f), B.R.C. 1981. Unlike a variance request, the applicant does not need to demonstrate that unusual physical conditions exist or that they did not create any unnecessary hardship. Refer to the 'Key Issues' section below and **Attachment C** for a staff analysis of review criteria.

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. The review process provides flexibility for improving, rehabilitating, and/or expanding nonconforming properties and can promote reinvestment in neglected structures.

City staff approved the application on Dec. 3, 2015 (refer to **Attachment B** for staff disposition). A member of the Planning Board called up the application for a public hearing on Dec. 17, 2015.

KEY ISSUE:
Staff has identified the following key issue for the board's consideration:

Does the proposal meet the criteria for the expansion of a nonconforming use per land use code section 9-2-15, *"Use Review,"* B.R.C. 1981?

As described above, a proposal for an expansion of a nonconforming use must meet the criteria set forth in subsections 9-2-15(e) and (f), B.R.C. 1981. Staff finds that the proposal is consistent with the Use Review criteria based on the following:

- **The proposed addition of bedrooms is reasonably compatible with and will have minimal negative impact on the use of nearby properties.** Many properties in the immediate vicinity contain more than one legally established dwelling unit and are considered legal nonconforming uses. Refer to **Attachment A** for a survey of surrounding nonconforming uses. Properties in the vicinity include various multi-family residential developments, including apartments, duplexes and triplexes. Thus, the proposed addition of bedrooms is compatible with the surrounding area. The allowable occupancy of the property will not increase since occupancy is based on the number of dwelling units, not the number of bedrooms (section 9-8-5(a), B.R.C. 1981). The maximum occupancy per unit in this zone district for unrelated persons is three persons.

  The vehicular parking requirement would not increase with this proposal and the addition of bedrooms will have minimal effects on parking generation. In order to mitigate impacts of the use, 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 property is located approximately 0.25 miles from the campus and a regional bus stop. Findings of a regularly updated student survey prepared by the University of Colorado's Transportation and Parking Services Department support the claim that most students walk or bike to classes, particularly when in close proximity to campus. As summarized in **Figure 5** on the following page, which is taken from the most recent survey, 73 percent of students surveyed walked, biked or rode the bus to campus daily.

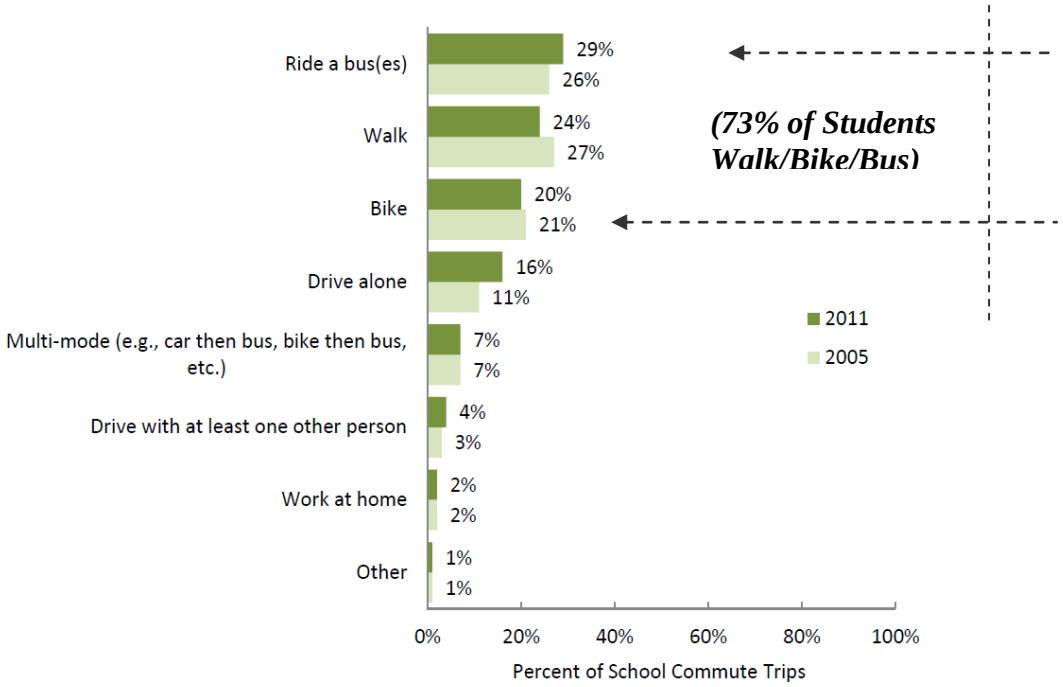


Figure 5: CU Student Commuting Patterns

- **The addition of bedrooms to one unit will not change the predominant character of the surrounding area.** The character of the area is distinguished by residential uses, including student rentals in the form of duplexes and triplexes, fraternities and sororities and single-family residences. No changes are proposed to the outside of the structure that would change the character of the area. In addition, the removal of parking from the rear yard and addition of landscaping gives the appearance of a single-family home. As noted above, the allowable occupancy will not increase with the addition of bedrooms. Additionally, 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 proposal will reduce or alleviate the effects of the nonconformity upon the surrounding area.** The proposal includes several improvements to the site to ensure that the proposed change will not adversely affect the surrounding area. 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. The applicant is proposing to increase the number of conforming off-street parking spaces from two to three and provide a defined paved parking area with wheel stops on the alley. The provision of three spaces will bring the property into compliance with the off-street parking requirements. The proposal also includes the provision of dedicated long-term bike parking in the existing garage and the addition of two u-racks on a concrete pad for short-term bike parking, which will provide spaces in excess of the bike parking requirements. A new trash enclosure with screening should reduce any refuse or junk on the property. Lastly, life safety upgrades are proposed, including new egress windows for the rooms located in the basement and electrical and smoke detection systems.

- **The proposal improves the physical appearance of the 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 trash enclosure will be screened by cedar pickets and painted to match the house. The proposal includes landscape plans prepared by a qualified profession, which demonstrates an improvement in the physical appearance of the property.

Refer to **Attachment C** for staff's complete analysis of the review criteria.

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 E** for public correspondence). Generally, the comments express concerns regarding:

- Occupancy; an increase in density/occupancy should not be allowed, especially considering that over occupancy has historically been an issue on this block.
- 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. There should be penalties for these conversions. Legitimizing the use of the basement would open the floodgates for many other owners in the neighborhood to do the same, further increasing the over occupancy of residences on University Hill.
- Improvements to property; the proposed improvements should be done regardless of the Use Review. Improvements to properties such as this are often not maintained and within a few years the property reverts to its prior condition.
- Nuisances like noise.
- Proposal does not encourage a diverse population of students and long-term residents on the Hill.

STAFF FINDINGS AND RECOMMENDATION:

Staff finds that the proposed project meets the relevant criteria of section 9-2-15, "Use Review," B.R.C. 1981 (refer to **Attachment C**). Therefore, staff recommends that Planning Board approve Land Use Review #LUR2015-00073, incorporating this staff memorandum and associated review criteria as findings of fact and subject to the recommended conditions of approval.

RECOMMENDED CONDITIONS OF APPROVAL:

1. The Applicant shall be responsible for **ensuring that the development shall be in compliance with all approved plans prepared by the Applicant** on Nov. 25, 2015 (site plans) and Oct. 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 approval.

2. The Applicant shall not **expand or modify the approved use**, except pursuant to subsection 9-2-15(h), B.R.C. 1981.

Approved By:

David Driskell, Executive Director
Department of Community Planning and Sustainability

ATTACHMENTS:

A. Surrounding Nonconforming Uses
B. Staff Disposition
C. Staff Analysis of Review Criteria
D. Proposed Plans
E. Neighborhood Correspondence

Attachment A: Surrounding Nonconforming Uses

i 932 14th St – Tri-Plex

j 960 14th St – Duplex

k 972 14th St – Duplex

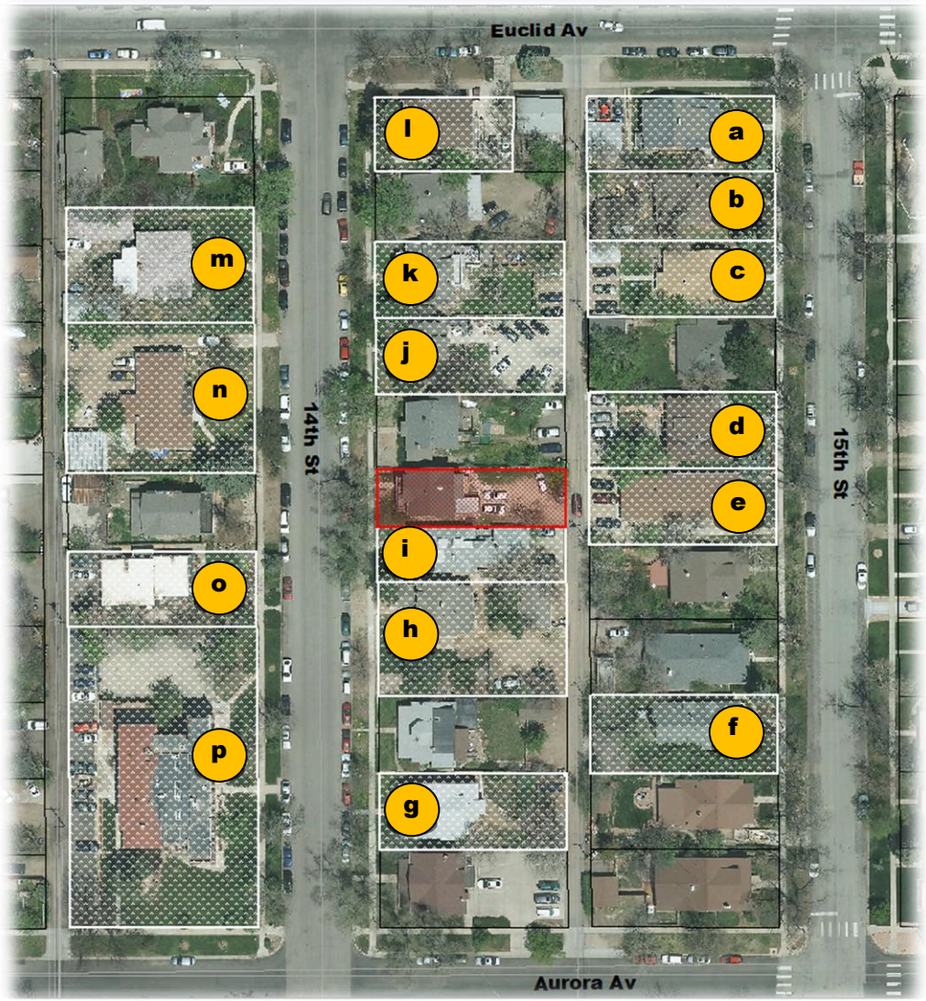
l 994 14th St – Duplex

m 983 14th St – Duplex

n 973 14th St – 6 Units

o 933 14th St – Duplex

p 909 14th St – 1 Unit + Boarding House 27 Rooming Units



a 987 15th St – Duplex + 4 Rooming Units

b 975 15th St – Duplex

c 969 15th St – Duplex

d 951 15th St – Duplex

e 941 15th St – Duplex + 4 Rooming Units

f 921 15th St – Duplex

g 916 14th St – Duplex

h 930 14th St – Tri-Plex

CITY OF BOULDER
Planning and Development Services

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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:	**20th Street Apartments 1 LLC and 20th 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: _____
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.

Address: 940 14th ST

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.

Address: 940 14th ST

Section 9-10-3. Changes to Nonstandard Buildings, Structures, and Lots and Nonconforming Uses:

(c) Nonconforming Uses:

(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.

(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.

(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.

Section 9-2-15(e), B.R.C. 1981, "Use 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 nonconforming 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 (3 spaces required, 2 provided). Existing duplexes or multi-family dwelling units in the RL-1 zoning district are required to have the greater of 1.5 spaces per unit or number of spaces required when units were established (Table 9-2, B.R.C. 1981). The previous requirement under MR-E zoning was also 1.5 spaces per dwelling unit.

In addition, 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 two families or six occupants (three 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 dedicated 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 14th St. between Euclid Ave. and Aurora Ave., 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;

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 nonconforming use to another nonconforming 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. The provision of three parking spaces will bring the property into compliance with the off-street parking requirements.

As no dwelling units are being added to the property and there is no change to the use category (duplex), the degree of these nonconformities is not increasing. 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 trash enclosure will be screened by cedar pickets and painted to match the house. The applicant has submitted landscape plans prepared by a qualified professional, which demonstrates 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.

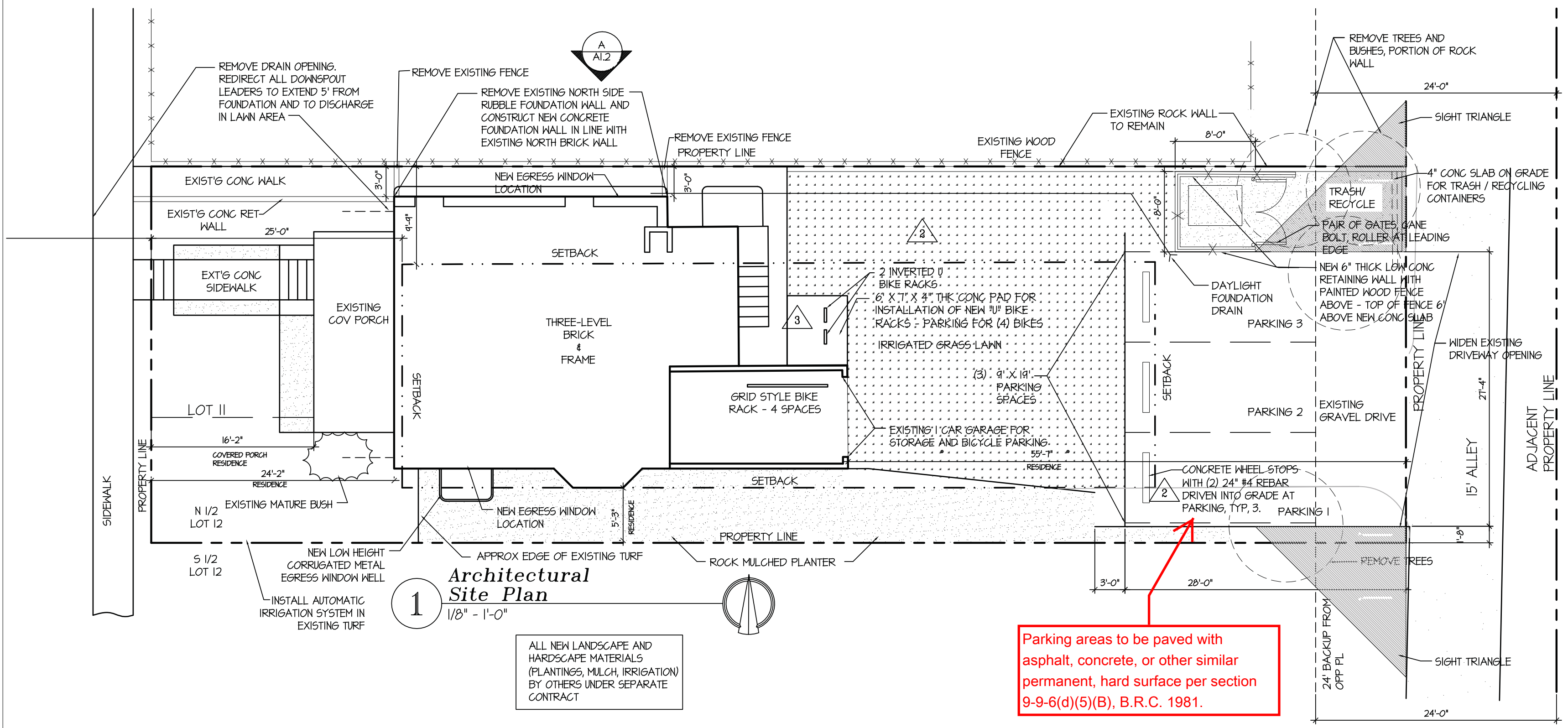
✓ (4) Cannot Reasonably Be Made Conforming: The existing building or lot cannot reasonably be utilized or made to conform to the requirements of chapter 9-6, "Use Standards," 9-7, "Form and Bulk Standards," 9-8, "Intensity Standards," or 9-9, "Development Standards," B.R.C. 1981.

The project will bring the property into compliance with the parking requirements of section 9-9-6, 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. Therefore, converting the use to a single-family dwelling would not bring the site into compliance. 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.

✓ (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. The area in the basement is currently considered 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.



1 *Architectural Site Plan*
1/8" - 1'-0"

ALL NEW LANDSCAPE AND HARDSCAPE MATERIALS (PLANTINGS, MULCH, IRRIGATION) BY OTHERS UNDER SEPARATE CONTRACT

Planning Information

PROPERTY LINE SETBACKS

	REQUIRED	EXISTING	NOTES
NORTH (SIDE)	9'-9"	3'-0"	FACE OF EXISTING FOUNDATION
SOUTH (SIDE)	5'-3"	5'-3"	FACE OF EXISTING FOUNDATION AT BAY WINDOW
WEST (FRONT)	25'-0"	23'-11"	FACE OF STRUCTURE (NOT COVERED PORCH)
EAST (REAR)	25'-0"	55'-7"	FACE OF ATTACHED GARAGE W/ ROOF DECK

ALL EXISTING SETBACKS TO REMAIN

FLOOR AREA (GROSS = OUTSIDE FACE OF STRUCTURE)

	EXISTING UNFIN.	EXISTING FIN.	NEW UNFIN.	NEW FIN.	TOTAL
BASEMENT	154 SF	493 SF	0 SF	0 SF	647 SF
FIRST FLOOR	0 SF	854 SF	0 SF	0 SF	854 SF
SECOND FLOOR	0 SF	891 SF	0 SF	0 SF	891 SF
GARAGE	180 SF	0 SF	0 SF	0 SF	180 SF
SUBTOTAL	334 SF	2,238 SF		0 SF	2,572 SF
COVERED DECK/PORCH	160 SF	0 SF	0 SF	0 SF	160 SF
OPEN DECK	180 SF	0 SF	0 SF	0 SF	180 SF
TOTAL	340 SF	0 SF	0 SF	0 SF	2,912 SF

FLOOR AREA RATIO (FAR)

PER TABLE 8-3 OF THE BRC, AND LOT SIZE = 4,688 SF, THE MAXIMUM FLOOR AREA IN SQUARE FEET IS CALCULATED BY 0.62:1. ALLOWABLE FLOOR AREA = **2,906 SF** BASEMENT FLOOR AREA IS FACTORED BY THE PERCENTAGE OF LINEAR FEET OF BASEMENT WALL THAT IS > 3' ABOVE SURROUNDING GRADE RELATIVE TO TOTAL LINEAR FEET OF BASEMENT WALL. SEE BELOW CHART FOR BASEMENT FLOOR AREA TO BE INCLUDED IN TOTAL FLOOR AREA CALCULATION:

BASEMENT FLOOR AREA RATIO	WALL LENGTH TOTAL	WALL LENGTH >3' ABOVE GRADE	RATIO	TOTAL FLOOR AREA	COUNTED FLOOR AREA
	146'	90'	62%	647 SF	401 SF

	TOTAL
BASEMENT	401 SF
FIRST FLOOR	854 SF
SECOND FLOOR	891 SF
GARAGE	180 SF
	2,326 SF

THE EXISTING RESIDENCE CONFORMS TO FLOOR AREA RATIO REQUIREMENTS

MAXIMUM BUILDING COVERAGE

PER TABLE 7.2 OF THE BRC, AND LOT SIZE = 4,688 SF, THE MAXIMUM BUILDING COVERAGE IN SQUARE FEET IS CALCULATED BY (LOT SIZE x 0.41). ALLOWABLE BUILDING COVERAGE = **1,922 SF**

BUILDING COVERAGE (EXISTING AND PROPOSED)

COVERAGE ELEMENT	AREA	NOTES
PRIMARY RESIDENCE	1,083 SF	INCLUDES SECOND FLOOR WEST DORMER
COVERED FRONT PORCH	160 SF	
COVERED BACK PORCH	0 SF	
OPEN DECK	0 SF	ABOVE GARAGE - NO ADDED COVERAGE
OPEN DECK	0 SF	ABOVE COVERED FRONT PORCH
SUBTOTAL AREA COUNTED	1,243 SF	
COVERAGE ELEMENT NOT CONSIDERED (DEDUCT FROM SUBTOTAL)		
OPEN DECK < 30" ABOVE GRADE	0 SF	
COVERED FRONT PORCH	160 SF	
COVERED BACK PORCH	0 SF	
ACCESSORY BUILDING	0 SF	
TOTAL BUILDING COVERAGE	1,083 SF	

THE EXISTING RESIDENCE CONFORMS TO BUILDING COVERAGE REQUIREMENTS

SOLAR ACCESS = AREA 1 (12' SOLAR FENCE)

NO CHANGE TO BUILDING HEIGHT / SHADOW CASTING ELEMENTS REMAIN AS IS

PROJECT ADDRESS: 940 14TH STREET, BOULDER, CO 80301

LEGAL DESCRIPTION: LOT 11, NORTH 1/2 LOT 12, BLOCK 15, UNIVERSITY PLACE, CITY OF BOULDER, BOULDER COUNTY, STATE OF COLORADO

ZONING CLASSIFICATION: RL-1

LOT AREA: 4,688 SQ. FT. / .11 ACRE

HEIGHT DETERMINATION
NO CHANGE

MAXIMUM HEIGHT 5566.41

MAXIMUM ALLOWABLE	PROVIDED
35'-0" ABOVE LOW PT.	NO CHANGE

Project Description

THE NORTH EXTERIOR WALL OF THE EXISTING BUILDING IS DEFORMING TO THE NORTH DUE TO AGE AND OTHER FACTORS, AND IS IN NEED OF STRUCTURAL STABILIZATION. THE EXISTING RUBBLE FOUNDATION WALL SUPPORTING THE NORTH EXTERIOR BEARING WALL WILL BE REMOVED AND REPLACED WITH A NEW CONCRETE FOUNDATION WALL. THIS NORTH WALL IS POSITIONED 3' SOUTH OF THE NORTH PROPERTY LINE AND THUS LOCATED WITHIN THE REQUIRED BUILDING SETBACK. THUS NEW CONSTRUCTION WILL TAKE PLACE AT THE IDENTICAL POSITION AS EXISTING CONSTRUCTION, AND WILL BE LOCATED WITHIN THE REQUIRED BUILDING SIDE YARD SETBACK.

SEVERAL ROOMS HAVE BEEN CONSTRUCTED IN THE BASEMENT WHICH ARE BEING USED AS BEDROOMS. THESE ROOMS REQUIRE UPGRADES FOR LIFE SAFETY PURPOSES AND FOR APPROVAL OF THE EXISTING CONSTRUCTION WHICH HAD PREVIOUSLY BEEN EXECUTED WITHOUT THE BENEFIT OF A BUILDING PERMIT. ADDITIONAL UPGRADES WILL BE REQUIRED AS WELL, SUCH AS INSTALLATION OF A NEW STAIR, INFILL OF A DOOR BETWEEN A BEDROOM AND THE MECHANICAL ROOM, ELECTRICAL AND SMOKE DETECTION, AMONG OTHERS.

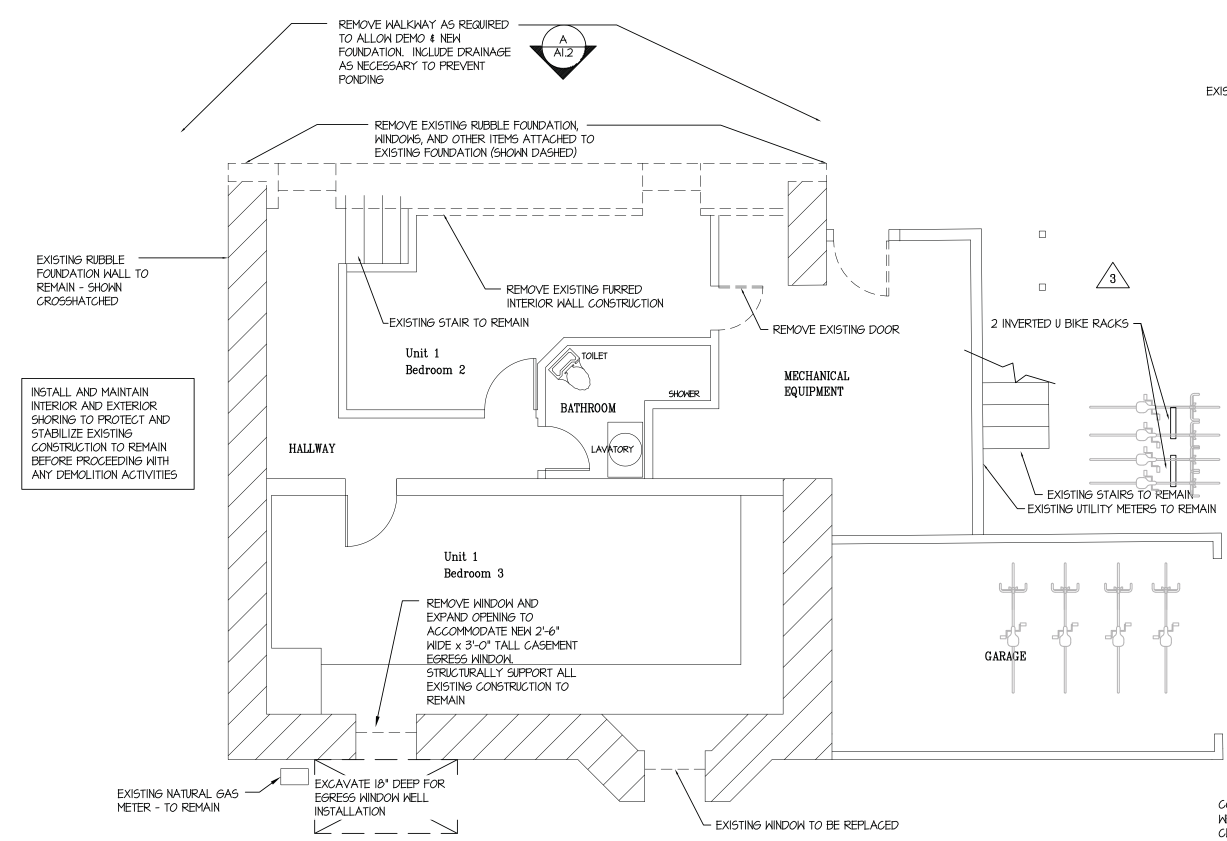
Graphic Symbol Legend

- INTERIOR WOOD STUD WALL, 2x4 FJ WOOD STUDS AT 16" OC, FINISH BOTH SIDES WITH 1/2" DRYWALL EXCEPT AS NOTED ELSEWHERE FOR SPECIFIC CONDITIONS.
- FOUNDATION WALL W/ INTERIOR FURRING - 8" CONC. WALL, 2x6 FJ STUD WALL FRAMED @ 24"oc SET ½" IN FROM FACE OF CONC., INSULATE WITH FULL DEPTH W/ BLOWN FIBERGLASS INSULATION & FINISHED WITH ½" DRYWALL - TEXTURED, AND PAINTED
- DEMOLITION
- EXISTING WALLS TO REMAIN
- EXISTING RUBBLE FOUNDATION WALL TO REMAIN
- PROPERTY LINE
- SETBACK (MIN.)
- EASEMENT

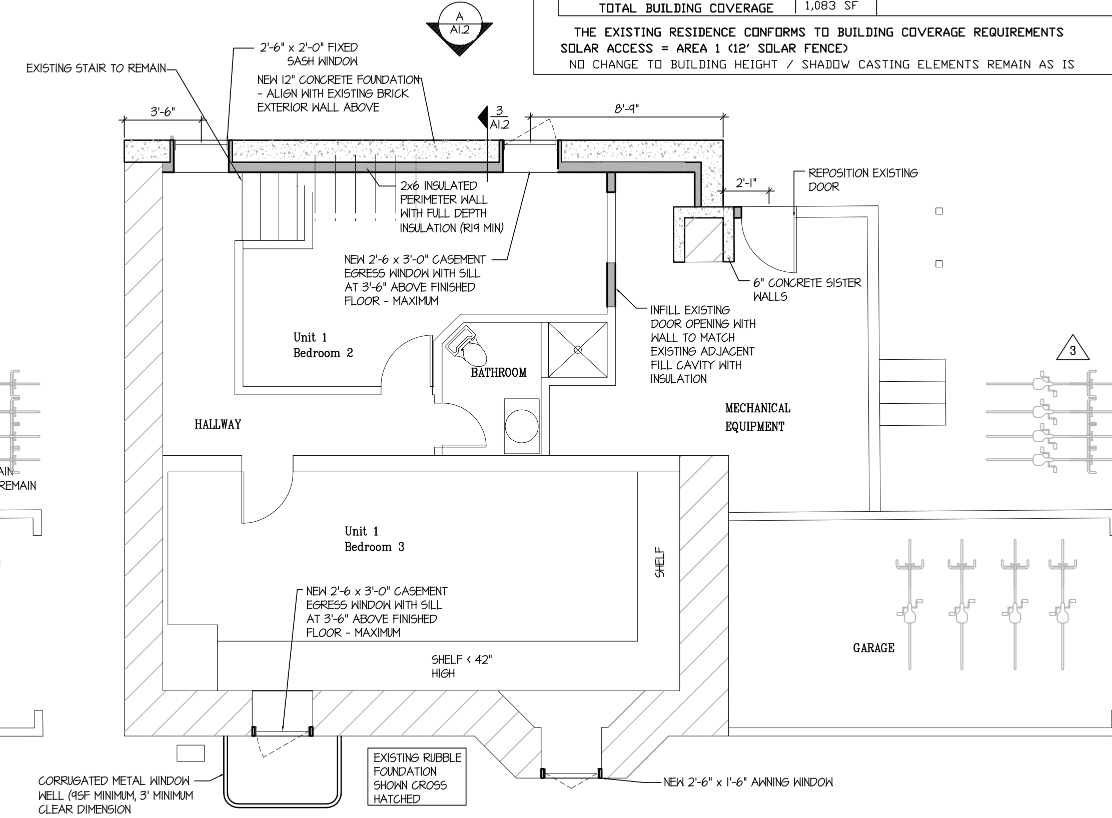
Landscape Material Legend

ALL NEW LANDSCAPE MATERIALS, HARDSCAPE, IRRIGATION BY OTHERS

- NEW IRRIGATED GRASS LAWN
- ROCK MULCH PLANTER - MATCH EXISTING MULCH. INSTALL DRIP IRRIGATION AT TREE AND BUSH LOCATIONS



2 *Basement Demolition Plan*
1/4" - 1'-0"



3 *Basement Construction Plan*
1/4" - 1'-0"

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Kyle Callahan, Architecture Inc.

Kyle Callahan & Associates Architecture
2975 Valmont Road, Suite 100
Boulder, Colorado 80301
Telephone - 303.545.2007
E-mail - kyle@kylecallahan.com

North Wall Reconstruction
LUR 2015-00073
940 14th Street
Boulder, Colorado
Lot 11 & 1/2 Lot 12, Block 15, University Place

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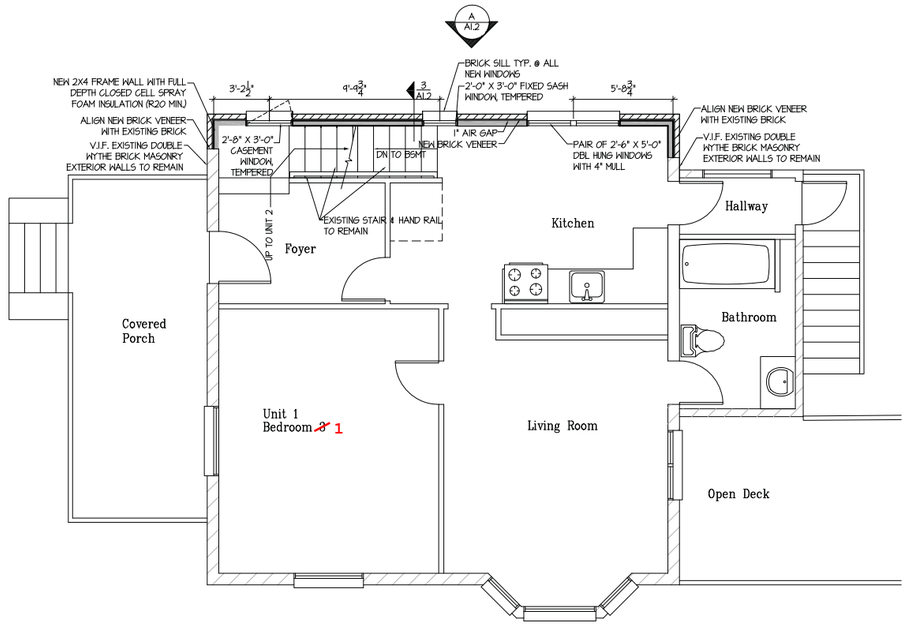
Release of these documents contemplates further cooperation among the owner, his contractor, and the architect. Design and construction are complex. Although the Architect and his consultants have performed their services with due care and diligence, they cannot guarantee perfection. Communication is imperfect and every contingency cannot be anticipated. Any errors, omissions or discrepancy discovered by the user of these documents shall be reported immediately to the Architect. Failure to notify the Architect compounds the misunderstanding and increases construction costs. A failure to cooperate by a simple notice to the Architect shall relieve the Architect from responsibility of all consequences. Changes made from the plans without the consent of the Architect are unauthorized and shall relieve the Architect of responsibility for all consequences. These drawings have been prepared specifically for the project listed in the title block. They are not suitable for use for any other site without express permission of the Architect. Reproduction of this sheet is prohibited without express permission of the Architect.

Issue Date	Purpose
07/20/2015	LUR Submittal
08/03/2015	Structural Design
08/07/2015	Permit, Bid, & Construction
09/02/2015	LUR ReSubmittal
09/25/2015	LUR Re-resubmittal
10/15/2015	LUR Re-resubmittal
11/10/2015	LUR Re-resubmittal
11/25/2015	LUR Re-resubmittal

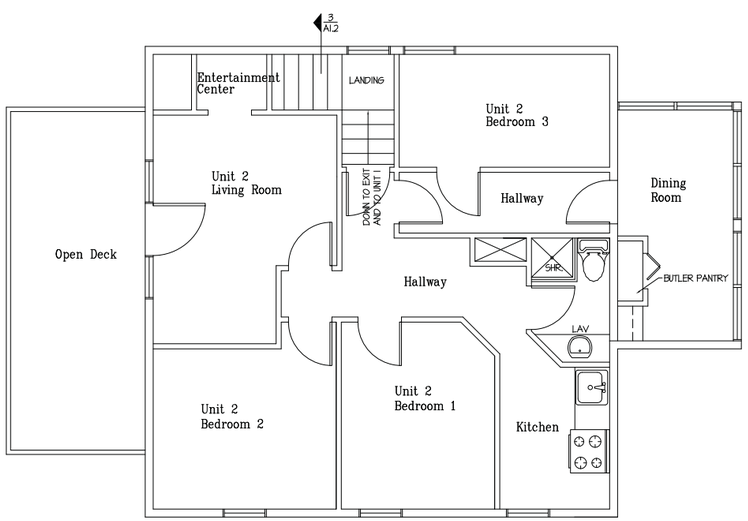
Prepared by: **KC**
Checked by: **kc**

Sheet Content
SITE PLAN & ZONING INFO, GENERAL NOTES, BASEMENT DEMO AND CONSTRUCTION PLANS

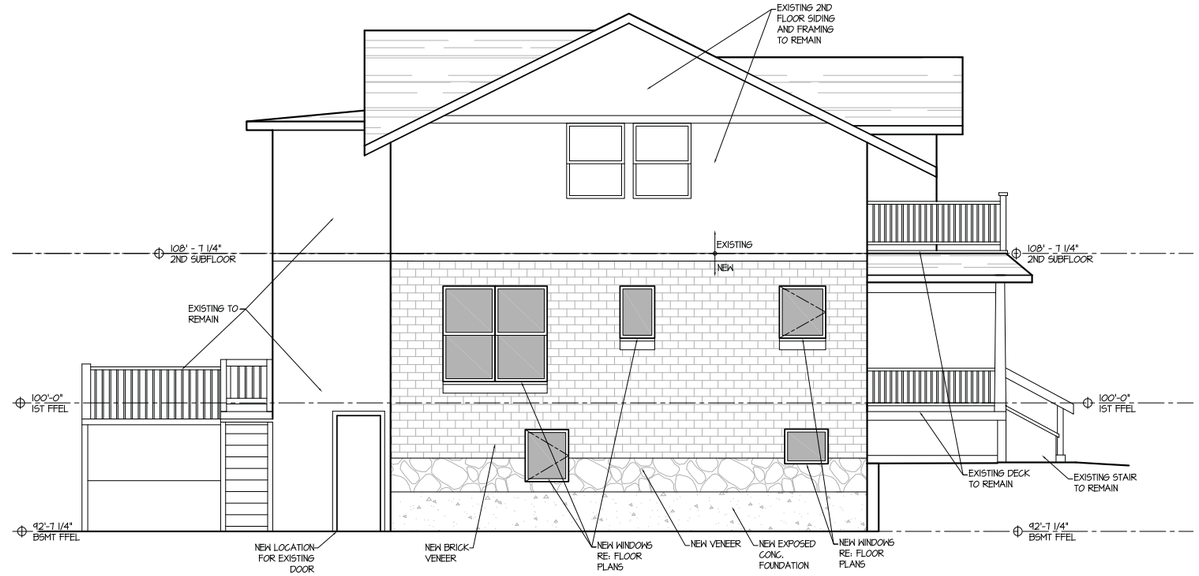
Sheet Number A1.1



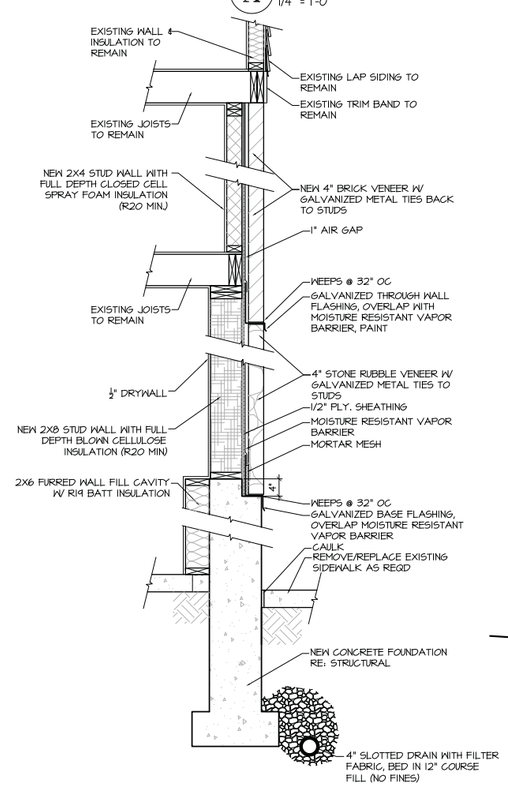
1 Main Floor Construction Plan
1/4" - 1'-0"



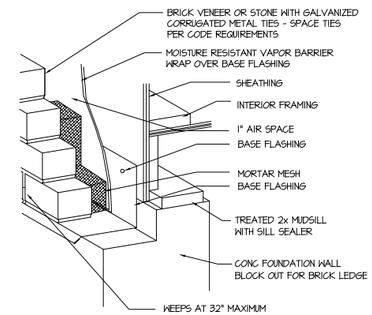
2 Second Floor Plan (No Work)
1/4" - 1'-0"



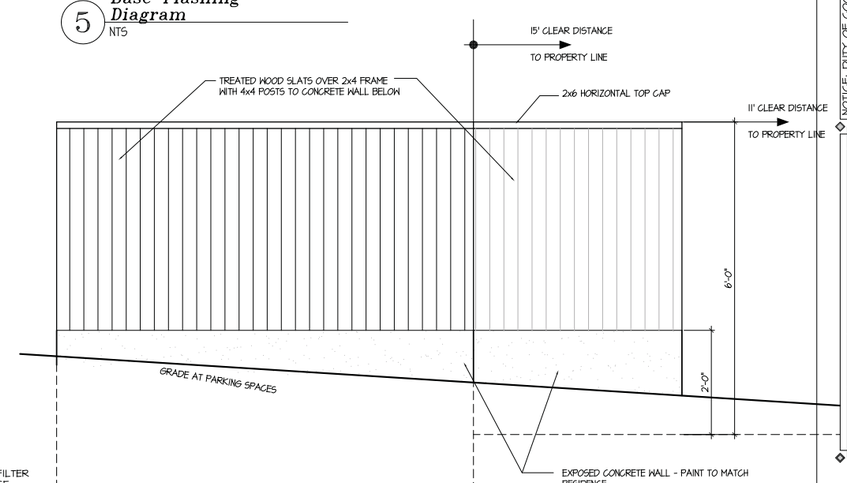
A North Exterior Elevation
1/4" = 1'-0"



3 North Wall Section
3/4" = 1'-0"



5 Base Flashing Diagram
NTS



4 South Elevation Trash Enclosure
3/4" = 1'-0"

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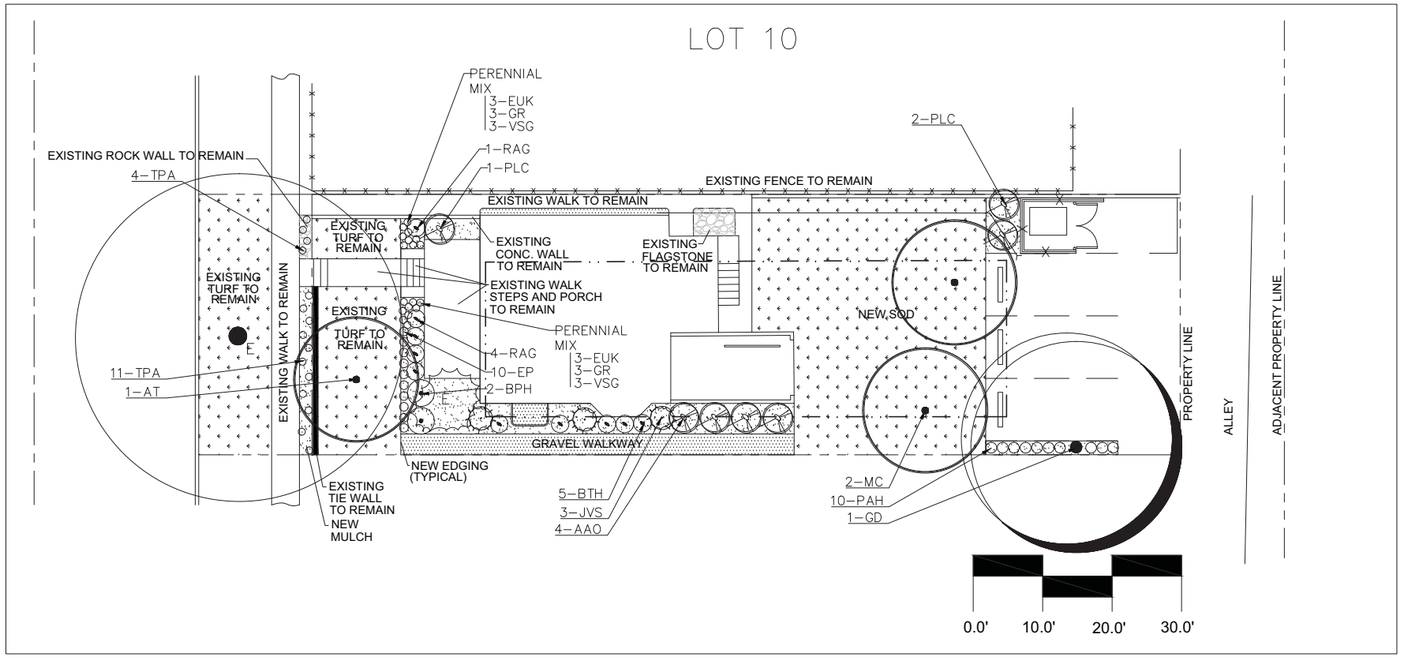
11/10/2015	LUR Re-resubmittal
11/25/2015	LUR Re-resubmittal

Prepared by: **KC**

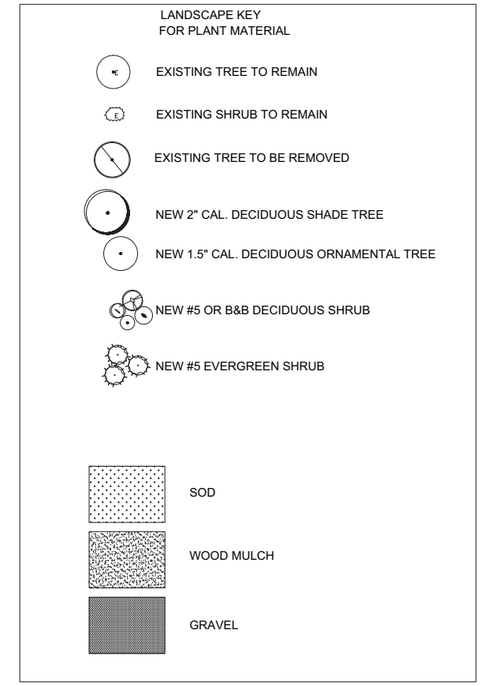
Checked by: **kc**

Sheet Content
MAIN FLOOR CONSTRUCTION PLAN, SECOND FLOOR PLAN, WALL SECTION, DETAILS

Sheet Number
A1.2



NORTH
SCALE 1" = 10'0"



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.
2. 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.
3. SOD SHALL BE A BLEND OF DROUGHT TOLERANT BLUEGRASS.
4. ALL NEW TREES AND SHRUBS SHALL BE BACKFILLED WITH A UNIFORM MIXTURE OF 75% EXCAVATED SOIL AND 25% ORGANIC COMPOST.
5. 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.
6. 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.
7. 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,
8. LABELS THAT IDENTIFY THE BOTANICAL OR COMMON NAME OF THE PLANT MATERIAL SHALL BE ON ALL TREES AT THE TIME OF FINAL INSPECTION.
9. 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

1. A COMPLETELY AUTOMATIC IRRIGATION SYSTEM COVERING ALL PLANT BEDS AND SOD AREAS EXISTS AND SHALL BE MODIFIED TO COVER ALL NEW AND EXISTING 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 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	N/A
PROVIDED	N/A
PARKING LOT SCREEN	N/A

REGULATION:	REQUIREMENT:	TOTAL:
9-9-12	1TREE/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.CO (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

PLANT LIST

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

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:			
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
		SHRUBS:			
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 'HELMOND 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
		PERENNIALS/GRASSES/GROUNDCOVERS:			
10	EP	ECHINACEA PURPUREA	PURPLE CONEFLOWER	#1	L
6	EUK	ERIOGONUM UMBELLATUM 'KANNAH CREEK'	KANNAH CREEK SULPHER 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 ARCHITECTURE STAMP

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

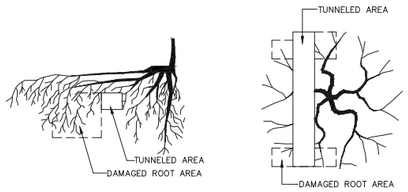
LANDSCAPE PLAN

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

Plan Date:
10/27/2015

Revisions:

Sheet Number:
L-1

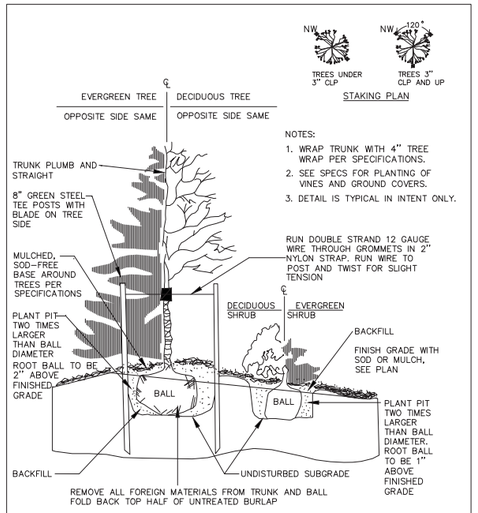


TUNNELING

ACCEPTED PRACTICE

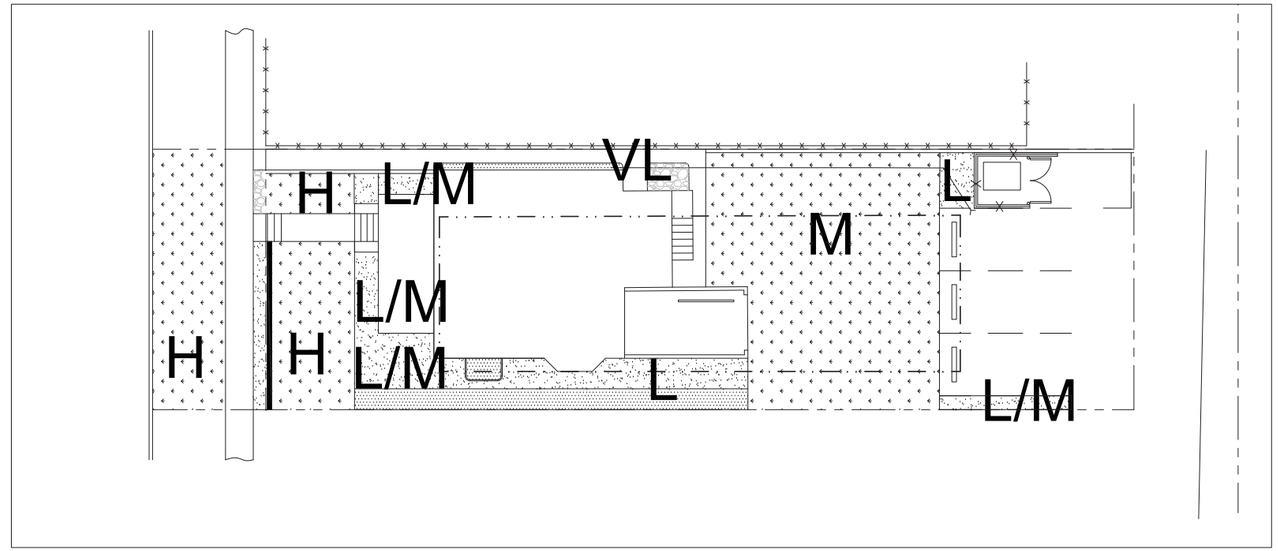
NOTE: AVOID TRENCHING IF POSSIBLE. IF UNAVOIDABLE MAKE CLEAN SHARP CUT.

DRAWN BY: JSH CHECKED BY: RJH APPROVED BY: DIRECTOR OF PUBLIC WORKS	CITY OF BOULDER, COLORADO ROOT LOSS FROM TUNNELING	ISSUED: JULY 2, 1998 REVISED: OCT. 17, 2000 DRAWING NO. 3.13



DRAWN BY: JSH CHECKED BY: SRW APPROVED BY: D.A. Rhodes DIRECTOR OF PUBLIC WORKS	CITY OF BOULDER, COLORADO TREES AND SHRUBS PLANTING DETAIL	ISSUED: JULY 2, 1998 REVISED: DRAWING NO. 3.02

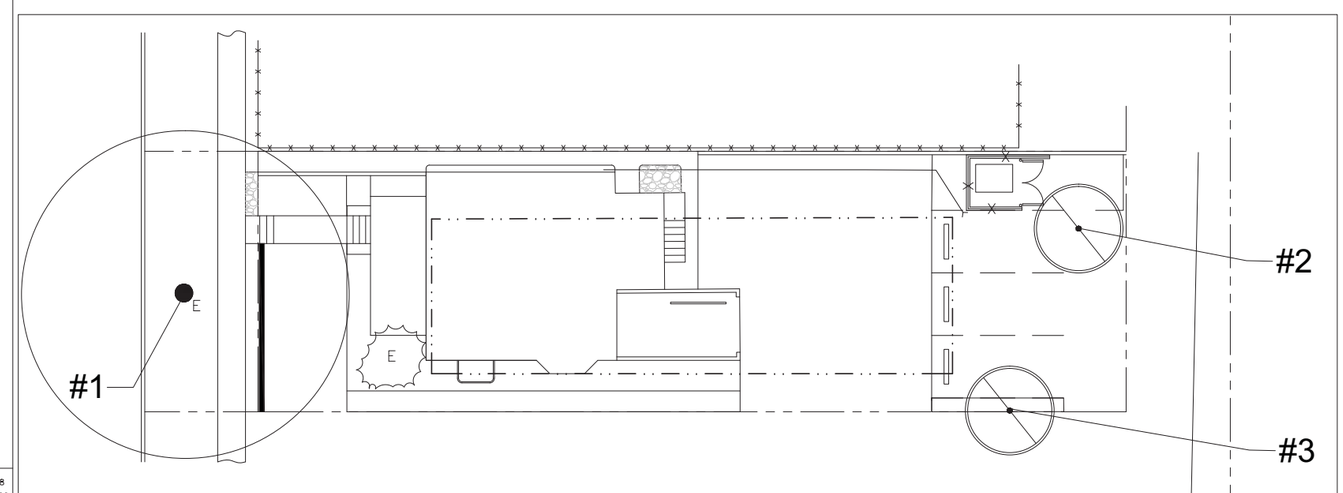
HYDROZONE MAP



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

NORTH
SCALE 1" = 10'0"

EXISTING TREE INVENTORY

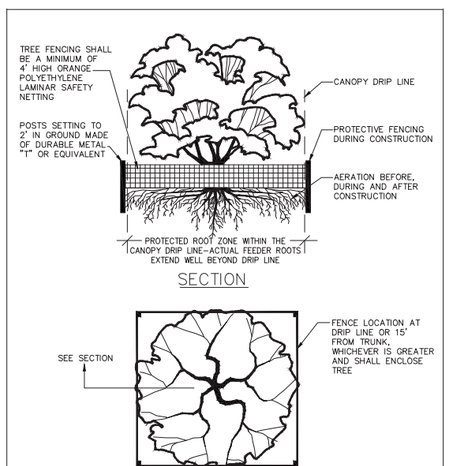


EXISTING TREE INVENTORY CHART

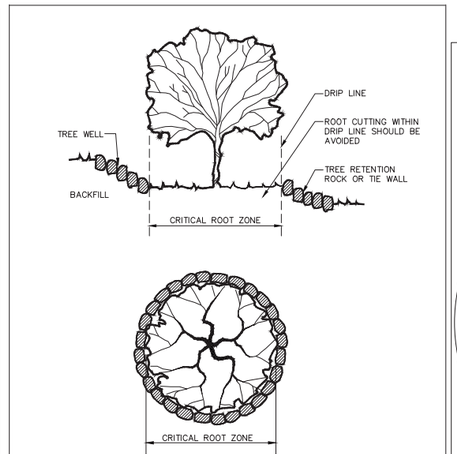
KEY	CAL.	TYPE	NOTE	
#1	42"	Siberian Elm	remain:	schedule inspection with city forester before construction
#2	6"	Tree of Heaven	remove:	undesirable species
#2	6"	Tree of Heaven	remove:	undesirable species

NORTH
SCALE 1" = 10'0"

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).



DRAWN BY: JSH CHECKED BY: RJH APPROVED BY: DIRECTOR OF PUBLIC WORKS	CITY OF BOULDER, COLORADO PROTECTED ROOT ZONE AND DRIP LINE	ISSUED: JULY 2, 1998 REVISED: OCT. 17, 2000 DRAWING NO. 3.12



DRAWN BY: JSH CHECKED BY: RJH APPROVED BY: DIRECTOR OF PUBLIC WORKS	CITY OF BOULDER, COLORADO GRADE CHANGE AROUND EXISTING TREES	ISSUED: JULY 2, 1998 REVISED: OCT. 17, 2000 DRAWING NO. 3.04

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

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).

Licensed Landscape Architecture
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

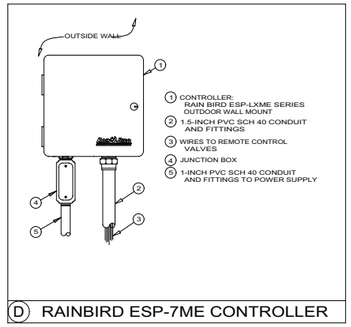
Revisions:

Sheet Number:
L-2

LANDSCAPE ARCHITECTURE STAMP

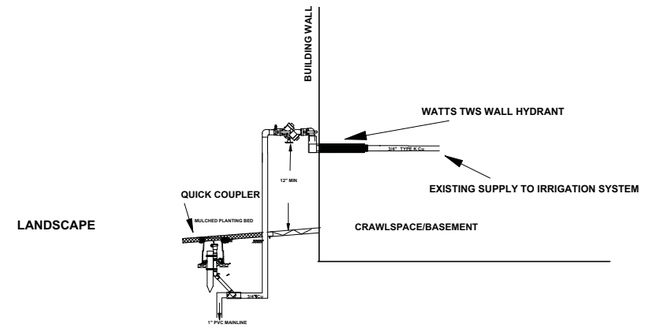
XX WIRELESS RAIN-CLIK

SCALE: 3" = 1'-0" Hunter IRRIGATION DETAIL



D RAINBIRD ESP-7ME CONTROLLER

SUGGESTED TAP AND BACKFLOW CONFIGURATION



WATER USE TABLE 940 14TH ST

ZONE#	GPM	HEADS	GPM/ PSI	PLANT TYPE	PRECIP RATE IN/HR	AVR. IN PER WK	AVERAGE MIN PER WK		# DAYS PER WK		WEEKLY GALLONS AVERAGE	PEAK IN PER WEEK	PEAK MIN PER WEEK	PEAK GALLONS PER WEEK
1	6	S	30	SOD	1.8	1.28	41		3		246	1.80	60	360
2	3	S	30	SOD	1.8	1.28	41		3		123	1.80	60	180
3	7	S	30	SOD	1.8	1.28	41		3		287	1.80	60	420
4	6	R	40	SOD	.40	1.28	192		3		1152	1.8	270	1620
5	2	D	25	DRIP	.35	.68	120		2		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

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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

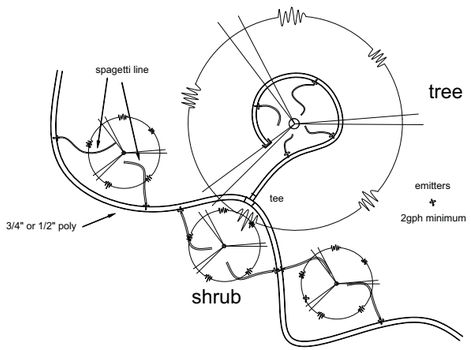
EPA WaterSense PARTNER

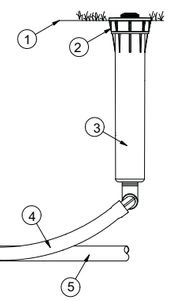
IRRIGATION DETAILS

940 14th St.

Lot 11 & 1/2 Lot 12, Block 15 University Place

Boulder, Colorado



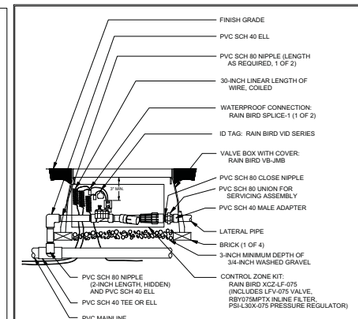


1 FINISH GRADE
2 MODEL PROS-06-PRS40-CV
3 WITH 'CV' OPTION INSTALLED
6 LATERAL TEE OR ELL
5 LATERAL PIPE

SWING JOINT:
HUNTER 'PRO-FLEX' TUBING, HSBE-050 ELBOWS (2), & MARLEX STREET ELBOW (1)

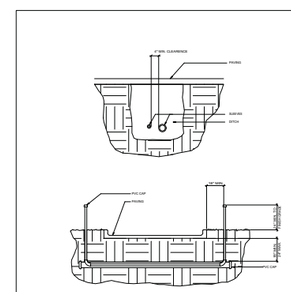
XX PROS-06-PRS40-CV MP ROTATOR SPRINKLER

SCALE: 3" = 1'-0" Hunter IRRIGATION DETAIL



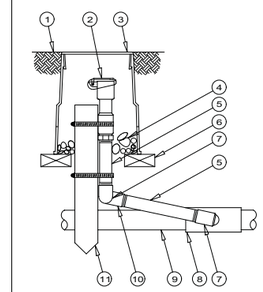
NOTES:
1. TO REPLACE INLINE WYE FILTERS, USE REPLACEMENT FILTER ELEMENTS RAIN BIRD MODELS RBY-100MX, RBY-150MX, OR RBY-200MX FOR FLOWS LESS THAN 3 GPM.

DRIP VALVE ASSEMBLY



NOTES:
1. ALL PVC IRRIGATION SLEEVING TO BE CLASS 200.
2. SLEEVE ENDS TO BE SEALED WITH CONSTRUCTION CAPS.
3. WHERE THERE IS MORE THAN ONE SLEEVE, STRING INSTALLER SLEEVE TO 24" MIN. ABOVE FINISH GRADE.
4. MEASUREMENTS ALL FROM TO MEG PROTECTION.

IRRIGATION SLEEVING

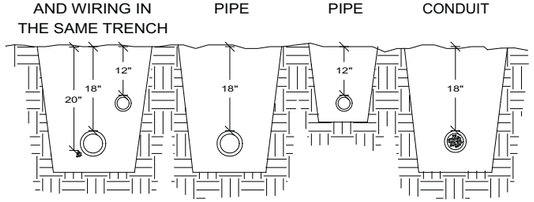


1 FINISH GRADE/TOP OF MULCH
2 QUICK-COUPLING VALVE:
3 VALVE BOX WITH COVER: 6-INCH SIZE
4 3-INCH MINIMUM DEPTH OF 3/4-INCH WASHED GRAVEL
5 PVC SCH 80 NIPPLE (LENGTH AS REQUIRED)
6 BRICK (1 OF 2)
7 PVC SCH 40 STREET ELL
8 PVC SCH 40 TEE OR ELL
9 PVC MAINLINE PIPE
10 PVC SCH 40 ELL
11 2" x 2" REDWOOD STAKE W/ STAINLESS STEEL GEAR CLAMPS OR EQUIVALENT SUPPORT SYSTEM

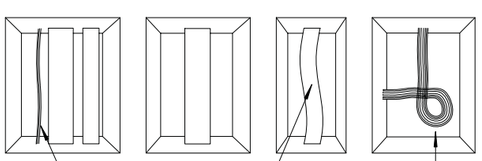
NOTE:
1. FURNISH FITTINGS AND PIPING NOMINALLY SIZED IDENTICAL TO NOMINAL QUICK COUPLING VALVE INLET SIZE.

D QUICK-COUPLING VALVE

SECTION VIEW



PLAN VIEW



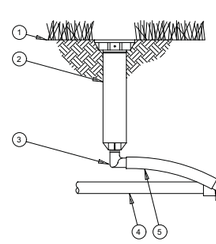
RUN WIRING UNDER MAINLINE, TAPE AND BUNDLE AT 10' O.C.

ALL PLASTIC PIPING TO BE SNAKED IN TRENCH AS SHOWN

TIE A 24" LOOP IN ALL WIRING AT CHANGES OF DIRECTION OF 30ø UNTIE AFTER ALL CONNECTIONS HAVE BEEN MADE.

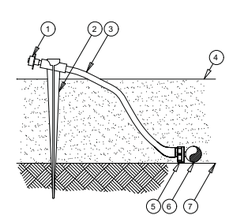
NOTE:
SLEEVE BELOW ALL HARDSCAPE ELEMENTS WITH SCHEDULE 40 PVC 2 TIMES THE DIAMETER OF THE PIPE WITHIN.

PIPE & WIRE TRENCHING



1 FINISH GRADE/TOP OF MULCH
2 POP-UP SPRAY SPRINKLER: RAIN BIRD 1804 SAM PRS OR HUNTER POP-UP ULTRA AS SHOWN
3 1/2-INCH MALE NPT x .490 INCH BARB ELBOW: RAIN BIRD MODEL SBE-050
4 PVC LATERAL PIPE
5 SWING PIPE, 12-INCH LENGTH: RAIN BIRD MODEL SP-100
6 PVC SCH 40 TEE OR ELL

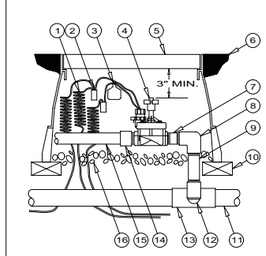
D POP-UP SPRAY SPRINKLER



1 DIFFUSER BUG CAP: RAIN BIRD DBC-025
2 1/4-INCH TUBING STAKE: RAIN BIRD TS-025
3 1/4-INCH VINYL DISTRIBUTION TUBING: RAIN BIRD DT-025
4 TOP OF MULCH
5 SINGLE-OUTLET EMITTER: RAIN BIRD
6 PE PIPE: RAIN BIRD
7 FINISH GRADE

NOTE:
1. USE RAIN BIRD BUG GUN MODEL EMA-BG TO INSERT EMITTER DIRECTLY INTO XERI-TUBE OR RAIN TUBE TUBING.

D EMITTER INTO XERI-TUBE



1 30-INCH LINEAR LENGTH OF WIRE, COILED
2 WATER PROOF CONNECTION (1 OF 2)
3 ID TAG
4 REMOTE CONTROL VALVE: RAIN BIRD PES-B
5 VALVE BOX WITH COVER: 12-INCH SIZE
6 FINISH GRADE/TOP OF MULCH
7 PVC SCH 80 NIPPLE (CLOSE)
8 PVC SCH 40 ELL
9 PVC SCH 80 NIPPLE (LENGTH AS REQUIRED)
10 BRICK (1 OF 4)
11 PVC MAINLINE PIPE
12 SCH 80 NIPPLE (2-INCH LENGTH, HIDDEN) AND SCH 40 ELL
13 PVC SCH 40 TEE OR ELL
14 PVC SCH 40 MALE ADAPTER
15 PVC LATERAL PIPE
16 3.0-INCH MINIMUM DEPTH OF 3/4-INCH WASHED GRAVEL

D REMOTE CONTROL VALVE

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

PLAN DATE
11/2/2015

REVISIONS

DRAWN BY TC
CHECKED BY NS

SHEET NUMBER

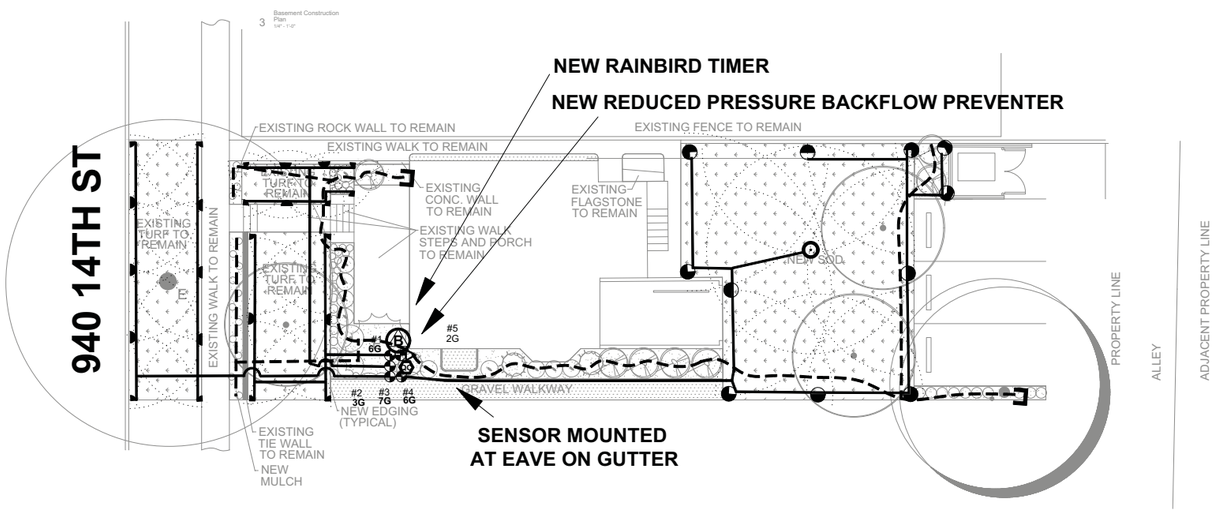
IR-2

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 OVERIDING 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#	GPM	# EMIT	SPEED PSI	PLANT TYPE	PRECIP RATE IN/HR	AVR. PRECIP RATE IN/HR	AVERAGE GALLONS PER MIN		# DAYS PER MIN		WEEKLY GALLONS AVERAGE	PEAK IN PER WEEK	PEAK MIN PER WEEK	PEAK GALLONS PER WEEK
1	6	S	30	SOD	1.8	1.28	41		3		246	1.80	60	360
2	3	S	30	SOD	1.8	1.28	41		3		123	1.80	60	180
3	7	S	30	SOD	1.8	1.28	41		3		287	1.80	60	420
4	6	R	40	SOD	.40	1.28	192		3		1152	1.8	270	1620
5	2	D	25	DRIP	.35	.68	120		2		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



0 5 10 20 30

1" = 10'

N

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
B	Febco 825Y 3/4" (SEE DETAIL)
	Rain Bird 100 DV
	Rain Bird XCZ-075
C	RAINBIRD ESP7ME CONTROLLER
	DRIP END FLUSH ASSEMBLY
QC	Rain Bird 33LRC QUICK COUPLER
S	HUNTER WIRELESS RAIN CLICK
	DRIP 3/4" UV POLYETHYLENE
	MAINLINE 1" CLASS 200 PVC
	LATERAL 1" CLASS 200 PVC
	SLEEVES 2" CLASS 160 PVC

UNCC UTILITY NOTIFICATION CENTER OF COLORADO
800-922-1987
www.uncc.org

1-800-922-1987

CALL UTILITY NOTIFICATION CENTER OF COLORADO
CALL 2 BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR LANDSCAPE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.

IRRIGATION PLAN BY
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CARROLLEMAIL@AOL.COM

EPA WaterSense PARTNER

IRRIGATION PLAN

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

Written Statement

940 14th Street Use Review

July 17, 2015

This structure is grandfathered as a duplex. All County Assessor records refer to this structure containing two - three bedroom units, each with a kitchen. Our research indicates that this has been used in this configuration for a long period of time. This use includes the two bedrooms which currently exist in the basement as part of unit #1.

Upon a code enforcement inspection from the City, it was noted that complete and undisputable information was not on record as to if these two bedrooms associated with unit #1 were previously approved.

The applicant/owner acquired the property in 2013 with the warrants that the current configuration was a legal grandfathered use. The loss of these bedrooms would be fiscally disastrous to the owners financial structure.

This application is to allow the basement of this structure to be habitable as bedrooms.

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 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
303.579.6365
915 15th Street
Boulder, CO 80302

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

From: David Raduziner
To: Walbert, Sloane
Cc: 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 15th 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

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: 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
303.579.6365
915 15th Street
Boulder, CO 80302

From: Steven Walsh
To: Walbert, Sloane
Cc: Brautigam, Jane; George Karakehian; Young, Mary; Macon Cowles; Plass, Tim; Lisa Morzel; Shoemaker Andrew; Sharon Tuke; David Raduziner; Sam Simkin; Jennifer Bergquist; Scott C Bergquist; Ellie DePuy; Wilson Ken; Michels, Janet; Riley, Jennifer; Elissa S Guralnick; Guralnick Stanley; Clint Folsom
Subject: LUR2015-00073 -- 940/942 14th Street
Date: Wednesday, August 05, 2015 11:14:14 AM

Dear Sloane,

I have not heard back from anyone at the city (other than code enforcement and the courts who were also interested in the outcome of this inquiry).

A courtesy of a reply would be appreciated so that I can confirm that my objection was received.

I also note that a building permit has been issued for this property and also an "unstable structure — do not enter" notice has been posted. I hope this is not going to become a case of demolition through neglect.

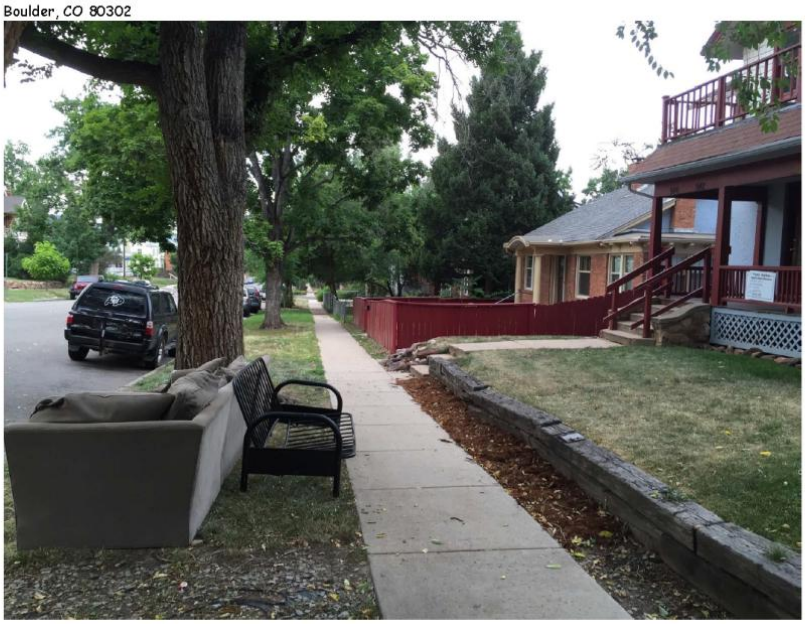
In any case, given the history of this house (as documented below) and the egregious flouting of the law, this home should lose all grandfathered rights and be limited to three unrelated occupants from this date moving forward.

Please note that I am attaching a new picture from a few days ago showing that the house has a great deal of indoor furniture stored on the lawn. I note this because any furniture left on the street overnight is an almost guarantee of it being set on fire. This just happened the night before last on the corner of 15th & Aurora. A couch was left out with a free" sign on it overnight and the next morning it was ashes and a scorch mark on the street.

Thanks,

Steven Walsh

STEVEN WALSH ARCHITECT
swalsh@me.com
303.579.6365
915 15th Street
Boulder, CO 80302



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: Samuel Simkin
To: Walbert, Sloane
Subject: RE: 940 14th Street - LUR2015-00073
Date: Monday, August 24, 2015 9:09:46 AM
Attachments: image001.png

Thank you for the additional information. I encourage you and other staff that handle the application to reject the application. Please do keep me informed of the status of the review and other opportunities to express my opposition to the application. In my view it would be a bad precedent for the landowner in question to break the rules and then get retroactive permission for what they already did. It's still not clear to me when the nonconforming use began, but it sounds like it was at least a few years ago? Were fines levied for the nonconforming use? I haven't seen the applicant's rationale for the non-conforming use, so I can only assume that it is for additional rental income. Private gain (rental income) at the expense of public loss (increased likelihood of nuisance parties, etc.) does not seem fair to the applicant's neighbors. Furthermore, others with rental income properties seem to mostly follow the rules, so it seems unfair to them that this particular applicant wants permission to break the rules.

Sincerely,

Sam Simkin

From: Stephen Morgan
To: Walbert, Sloane
Subject: 940 14th St
Date: Thursday, December 17, 2015 4:11:13 PM

Dear Ms. Walbert,

I just received information that the Department of Planning, Housing and Sustainability staff recommends to the Planning Board approval of the proposed addition of legal bedrooms to 940 14th St. and am responding to your invitation for additional feedback. I have live on the 800 block of 14th St for 15 years. I have neighbors/friends that have lived here for over 40 years. This email summarizes our thoughts on the topic of 940 14th st.

I would like to register my strong objection to approving the addition of two additional bedrooms at this site and ,indeed in this neighborhood.

I have the pleasure of sitting on another advisory board for the city. In that capacity, I usually support staff's recommendations an logic. However, I am in total dismay concerning this issue. The facts as they present them on your analysis are:

- The current owners bough the house knowing that two bedrooms were deemed "uninhabitable" as well as non-conforming and did continued to rent them
- The property has a history of enforcement cases against the students occupying the property
- The owner did not volunteer to bring the property up to code. A recent complaint about a structural problem led to the owner vacate the property and address the two nonconforming rooms
- The backyard has been maintained as a dirt mess
- The exterior is "dilapidated".

The owners now propose:

- Cleaning up the exterior
- Bring landscaping up to standard
- Add bike racks
- Cleaning up the backyard
- Providing a standard trash enclosure

And for those changes- ones that should be done regardless- the staff recommends granting a non-conforming use of two additional bedrooms.

It should also be noted that in your analysis you point out that 100% of the neighborhoods comments about the property and the proposed non-conforming use were negative.

I do not understand!

Twenty year sago the 900 block of 14th street was a vibrant block of families, professionals and University professors. Within a few years, history shows that one staff member granted non-conforming use for most of the block. This lifted the 1971 low density zoning status and allowed up to 9 students to legally occupy a house. I am sure some staff member did not think it would affect the block, as well as the surrounding community as much as it did.

Recently, council recommended enforcing occupancy standards in two Boulder neighbors including the Hill.

Under this recommendation those who knowing broke the law- would be fined, not rewarded.

As council member Andrew Shoemaker wrote in a 12/5/2015 Daily Camera editorial,
" I and many other citizens voted against Ballot Measure 300 because we expect City Council to preserve neighborhoods and balance the needs of the neighborhoods with those of the City as a whole. The tailoring of the occupancy limits ordinance was a step in that direction."

I must admit I did not vote for the ballot measure because history told me that sometimes staff fails to see the forest thru the trees. The city council opposes over occupancy and you propose to make thi cover occupancy legal!

This investor, who does not live in the neighborhood, has proven to be a bad owner for years. Now you are proposing to take his word that things will be better. You have decided to go against the city council occupancy ordinance. I am asking you to reconsider your recommendation for the good of the neighborhood, recognize the problems with the past on this block and tonight recommend that this proposal be denied.

Sincerely,

Stephen W Morgan 830 14th St Boulder, CO 80302 (720)353-1620 (mobile) (303)544-6040 (office)

From: Ellen Aiken
To: Walbert, Sloane; Council
Cc: Nancy Blackwood; Lisa Nelson; Lisa Shoemaker; Scott gmail; Monique Cole; External-Steve Morgan; Steven Walsh; David Raduziner; Jyotsna Raj
Subject: Approval of Bedroom Additions to 940 14th St
Date: Thursday, December 17, 2015 9:42:26 AM

Dear Mr. Walbert,
I just received information that the Department of Planning, Housing and Sustainability staff has approved the proposed addition of legal bedrooms to 940 14th St. and am responding to your invitation for additional feedback. I live in the Hill neighborhood, teach at CU and have served on the Executive Committee of the University Hill Neighborhood Association for the past 3 years.

I would like to register my strong objection to a process that legalizes the illegal conversion of a basement storage space into two bedrooms. Approving the illegal addition of bedrooms in this case violates every principle that the citizens of Boulder have entrusted the Department of Planning, Housing and Sustainability to uphold. Planning requires a deliberative, public process through which all stakeholders are consulted and have a voice and sustainability in the University Hill neighborhood requires a mix of students and families. Approving an illegal addition of bedrooms after the fact is inconsistent with the principles of planning and sustainability.

Sustaining a livable University Hill neighborhood requires a shift in planning policy. The 900 block of 14th Street is among the most troublesome blocks on the Hill. Lax enforcement of occupancy limits on the Hill in general and steadily increasing numbers of students has put this historically significant neighborhood at risk. Young professionals and families hesitate to live here. Younger folks who do buy here often move out when they have children because, as one father who moved out told me, they don't want their children "growing up hearing *#*# every other word." I have been harassed by drunken students as I walk to and from work at the University. Graduate students and many seniors don't want to live on the Hill because of the disruptive behavior of the sophomores who live on the Hill and the freshman who flock to the Hill to attend house parties.

The University Hill Neighborhood Association and the Office of Off-Campus Housing have worked hard to mitigate the negative effects of the student-heavy population on the Hill. Neighbors deliver Welcome Bags to students each fall, take the time to get to know and even mentor students, and volunteer to participate in restorative justice conferences. I, and many Hill residents, appreciate the mix of students and permanent residents on the Hill. I work hard to build a sense of community that bridges differences by, for example, facilitating dialogues between students and permanent residents. Permanent residents do this kind of work year after year with each new group of students in order to maintain the fabric of community in the Hill neighborhood. Still, as long as the numbers of students on the Hill remain out of balance with the numbers of homeowners and families, community stability remains fragile. Landlords and the University benefit. Permanent residents pay the price in terms of quality of life in the neighborhood and the City of Boulder bears the cost of policing the neighborhood.

The attitude seems to be that nothing can be done in the blocks that have already turned over--those blocks are treated as sacrifice zones. Once a neighborhood is viewed as one "largely occupied by students" (see map on CU Off-Campus Housing

site: https://www.google.com/maps/d/viewer?mid=zVhq_w91SGbk.kIv4hkqF6tVI&oe=UTF-8&ie=UTF8&hl=en&msa=0&ll=40.001583%2C-105.258293&spn=0.031559%2C0.054932&z=14&source=embed), the will to maintain a balance between students and permanent residents weakens. This attitude is reflected in the decision to approve the additional bedrooms at 940 14th. The decision-makers in this case may have viewed approval as a common-sense solution to the problem of illegally converted bedrooms and, viewed narrowly, perhaps it is. But viewed within the larger context of planning policy, the decision supports a process of student housing "creep" that, over time, has engulfed whole blocks.

What if the attitude of city planners were to shift toward supporting a gradual increase in the number of permanent residents in this block? 904 14th St. belongs to St. Thomas Aquinas Catholic Church. 916 14th St. is occupied by a young family. Across the street, the Schaeffer Chabad House provides housing and services to CU's Jewish student community. This block is not yet lost. Could the Neighborhood Association, the City of Boulder and CU work together to create and support policies that would make it possible for professors to occupy some of the houses on this block? Or for the rabbis who serve the Jewish student community to live on the block?

Is converting the Hill to student housing the policy we want to pursue? Or do we want a demographic mix that promotes stability, preserves the neighborhood's character and historic assets and creates conditions for permanent residents and students to build positive relationships. As a permanent resident of the Hill neighborhood, I want the latter. Let's have that conversation as part of a deliberative planning process open to all the residents of the University Hill neighborhood. Let's not create create policy through ad hoc decision-making that circumvents the public process and undermines community values. As a Boulder citizen and neighborhood resident, I ask that the Planning Board's decisions remain consistent with the root principles of planning and sustainability.

Sincerely,
Ellen S. Aiken
819 14th St.

Dr. Ellen S. Aiken
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Co-Director, CU Dialogues Program
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UCB 353 Boulder, CO 80309-0353
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Ellen.Aiken@Colorado.Edu

From:	Jyotsna Raj
To:	Walbert, Sloane; Council
Cc:	Nancy Blackwood; Lisa Nelson; Lisa Shoemaker; Scott gmail; Monique Cole; External-Steve Morgan; Steven Walsh; David Raduziner; Ellen Aiken
Subject:	Re: Approval of Bedroom Additions to 940 14th St.
Date:	Wednesday, December 23, 2015 5:03:39 PM

Dear Mr. Walbert,

I was dismayed to learn last week that the Department of Planning, Housing and Sustainability staff has approved the proposed addition of legal bedrooms to 940 14th St. I believe this decision is at odds with the avowed City policy to address over-occupancy on the Hill and create a more diverse population of students and other longer term residents in our neighborhood. I serve on the UHCAMC and as a part of the revitalization of the Hill commercial area we would like to see more diverse retail and dining options and increased office space on the Hill and I believe City Council supports this as well. How does this accord with allowing illegal bedrooms to be converted to legal ones, further accelerating the increasingly student-centric nature of our community?

I live on the 800 block of 14th St. and my neighbor Phyllis Klein who has lived on 14th St. for 50+years can name the families of professors and other young professionals who used to live on the 900 block. Instead of seeing this as a sacrifice zone, let us see it as a recovery zone, where CU could facilitate young faculty living on the Hill in what are erstwhile single-family homes, many of them historically significant. My husband is a professor at CU and we welcome students in our neighborhood, but we feel that a better mix of academics and other permanent residents would have a moderating influence on student behavior.

Please consider the concerns of those of us who live on the Hill and would like to maintain our neighborhood as a pleasant place to live, as well as respecting the historic character of many of the homes on the Hill, and do not facilitate this or any other further conversions of this nature.

Sincerely,
Jyotsna Raj
863 14th St.
303-447-8831

From:	David Raduziner
To:	Ellen Aiken; Walbert, Sloane; Council
Cc:	Nancy Blackwood; Lisa Nelson; Lisa Shoemaker; Scott gmail; Monique Cole; External-Steve Morgan; Steven Walsh; Jyotsna Raj
Subject:	Re: Approval of Bedroom Additions to 940 14th St.
Date:	Thursday, December 17, 2015 10:11:01 AM
Attachments:	Attached Message.msg

Thank you Ellen for this very thoughtful response to the surprising approval of the illegal bedroom additions at this site. I also applaud the response from Sam Simkin (attached).

How can codifying an illegal conversion of bedrooms serve the public interest? It sets a harmful precedent and functions simply as a gift by city staff to the property owner of $20,000 per year in additional income and $250,000+ in property value. And the notion that the negative effects of over occupancy and further marginalization of the block can be offset with some landscaping and basic repairs? So surprising...and disappointing.

David

David Raduziner
765 14th St

From: Nancy Blackwood
To: Walbert, Sloane
Subject: RE: Nonconforming Use Review - 940 14th St
Date: Tuesday, December 15, 2015 8:43:29 PM

Hello Sloane,
Thank you very much for passing this on to me. I am surprised this is the first the UHNA EC has heard of this project.

I have read the contents of the packet and am compelled to request the Planning Board call this project up for review. After passing this on to a couple of people I know in that part of the neighborhood I have found that there is strong support for the Planning Board to take a very close look at this. The letters you have received are clear evidence of this.

What is the process for requesting the Planning Board to call this up? Is this considered a Public Hearing or do we need to speak at Public Participation? Should we write a letter to the Planning Board directly?

Please let me know right away.

Thank you.
Regards,
Nancy

Nancy Adams Blackwood
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nanblackwood@msn.com

From: Samuel Simkin
To: Walbert, Sloane; swalsh@me.com; draduziner@gmail.com; georgewcurtis@gmail.com; eleanor.depuy@gmail.com
Subject: RE: Nonconforming Use Review - 940 14th St
Date: Tuesday, December 15, 2015 5:54:58 PM

For the record, my primary complaint, summarized as illegal conversion on page 5 of item 4c, was not addressed. Furthermore, occupancy is highly likely to increase from its last legal configuration, unless one assumes that three people shared a single bedroom in the duplex unit that had a single bedroom prior to the illegal conversion of the basement. Third, I am highly skeptical that nuisance noise will be significantly abated by simply planting grass in the driveway leading to the garage and then planting four trees with a diameter of 2" or less (including a non-native Acer tataricum) along with some shrubs and herbaceous plants. The fourth summary comment on page 5 of item 4c that the "structure is in disrepair" seems to already be in the process of being addressed on the ground (before the decision on the proposal was even made?), but I would not come to the overall conclusion that the proposed changes "address many of these concerns."

I'm not an architect, but in the drawings it looks like Bedroom 3 of Unit 1 on the first floor (page 13 of item 4c) was supposed to be labeled as Bedroom 1 of Unit 1 (One of the bedrooms in the basement that has been illegal is already labeled as Bedroom 3 of Unit 1). If that is in fact an error, it is a pretty basic one that I would have thought would be caught in a thorough review.

The architectural drawings on pages 12 and 13 of item 4c are dated 2014, which again implies to me that little consideration was given to public comments made this year (2015).

Sincerely,

Sam Simkin

From: George Curtis
To: Walbert, Sloane
Subject: Re: Nonconforming Use Review - 940 14th St
Date: Monday, December 14, 2015 12:52:10 PM

Thank you very much for the update. My only concern is "By how many tenants will this renovation imply? Will adequate parking be provided?

Sincerely, George Wm Curtis

Sent from my iPhone