

CITY OF BOULDER
PLANNING BOARD AGENDA ITEM
MEETING DATE: April 21, 2016

AGENDA TITLE: Planning Board Input on Potential Charter Amendment Related to City's Height Limit.

REQUESTING DEPARTMENT:

Community Planning & Sustainability

David Driskell, Executive Director

Susan Richstone, Deputy Director

David Gehr, Deputy City Attorney

Charles Ferro, Development Review Manager

OBJECTIVE: Collect Planning Board's input on the following questions regarding a potential charter amendment related to the city's maximum height limit:

- 1) Should rooftop patios above 55' be allowed?
- 2) What are the appropriate uses for public rooftop space?
- 3) What potential impacts or operational characteristics should be considered?
- 4) What building elements should be allowed to extend beyond 55'?

SUMMARY:

[Section 84](#) of the city's Charter limits all buildings and structures to a maximum height of 55 feet. The City Council's Charter Committee is considering the possibility of proposing an amendment to the city's Charter which would be placed on the ballot for the 2016 election. The potential amendment would allow exceptions to the city's 55 foot height limit under certain circumstances. Council is seeking the Planning Board's input on the potential charter amendment in advance of its May 10 study session in which potential ballot items will be considered. The idea for amending the charter resulted from a recent analysis showing that the planned St. Julien project at the Civic Use Pad on Canyon Blvd. would not be able to include a rooftop patio within the city's existing height limit.

BACKGROUND:

Civic Use Pad

An urban renewal plan adopted in 1988 for the 9th and Canyon site in downtown Boulder called for hotel and convention facilities, including retail, restaurants, entertainment, transportation facilities and underground parking. In 1995, City Council modified the plan to include design guidelines for the site, as well as requiring that a minimum of 20 percent of the gross floor area be committed to civic uses.

The two property owners on the 9th and Canyon site – St. Julien Partners and the downtown parking district, Central Area General Improvement District (CAGID) - entered into a Condominium Association and built the project that exists today. The underground CAGID parking garage opened in November 2004 and the St. Julien Hotel opened in February 2005. Incorporated in the mixed use project is an 11,000 square foot pad east of the hotel constructed with a concrete structural deck capable of supporting a building ("the civic use pad").

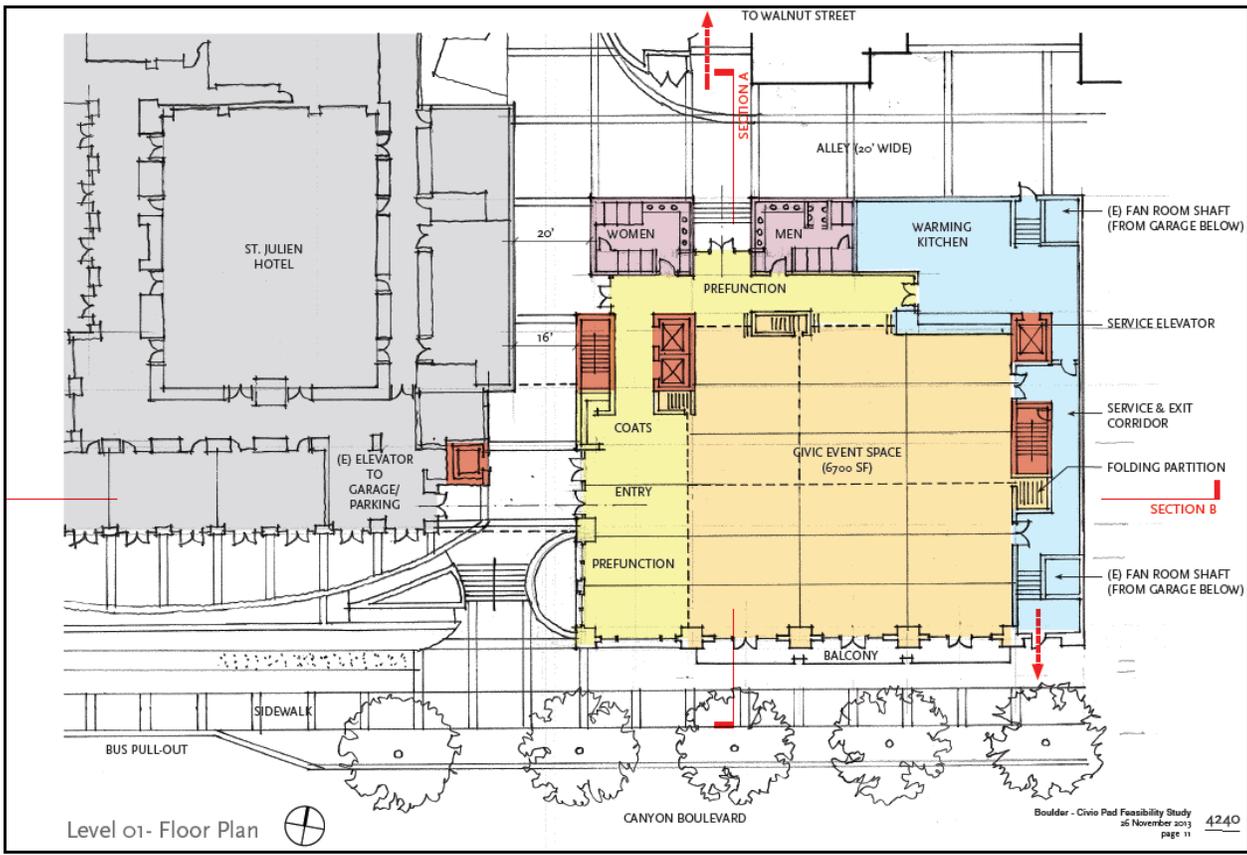
Following an exhaustive 15 year process of exploring civic use options for the pad, it was determined that a collaborative partnership between the city and the St. Julien represents the most workable, exciting and viable path to achieving the requirement for civic use set out in the 9th and Canyon Urban Renewal Plan.

The concept for the collaborative partnership proposes a facility on the civic use pad built and owned by St. Julien including 8,000 square feet of multi-use space for shared hotel and “civic use” on the first floor and upper floors of hotel uses (see Figures 1 and 2 below). The multi-use space on the first floor is envisioned to be flexible and accommodate a variety of uses including performances and exhibits, meetings, banquet events and conferences. The civic use multi-purpose space is proposed to be built and managed by the St. Julien pursuant to a future management agreement approved by City Council. In May 2015, the city and the St. Julien signed a letter of intent that outlines the key issues, process, and responsibilities for moving forward.

Figure 1 – Aerial View from Southwest



Figure 2 – First Floor Plan



City staff have been working with the St. Julien on some threshold design issues, most notably the potential rooftop patio. An analysis shows that the rooftop patio, as previously imagined through the Civic Use Taskforce process, will not be feasible with the proposed building program. The project as envisioned in the letter of intent—a civic use space on the first floor with three floors of hotel use above—will very nearly hit the legal height limit. Most infrastructure or appurtenances necessary to make the rooftop usable for events, such as elevator/staircase lobby towers, storage spaces, canopies, shade structures, walls, or railings, will push the building over the height limit (See Figures 3 and 4 below).

Figure 1 – Aerial View from Southwest with Height Limit

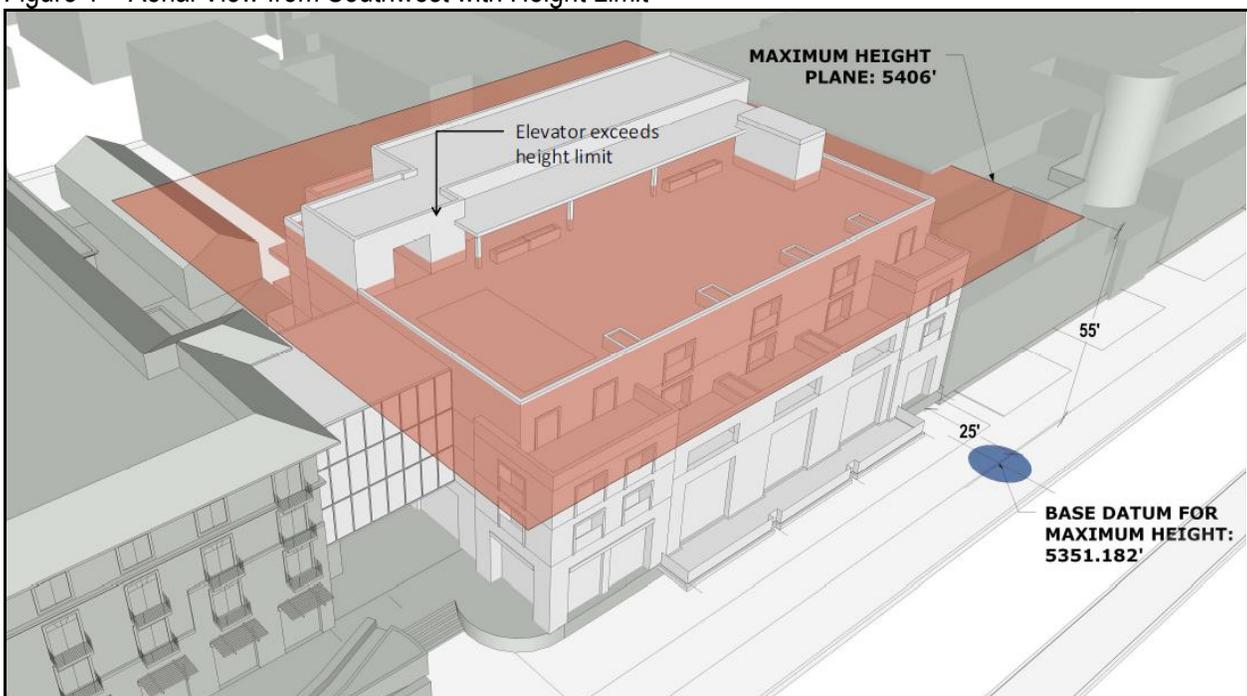
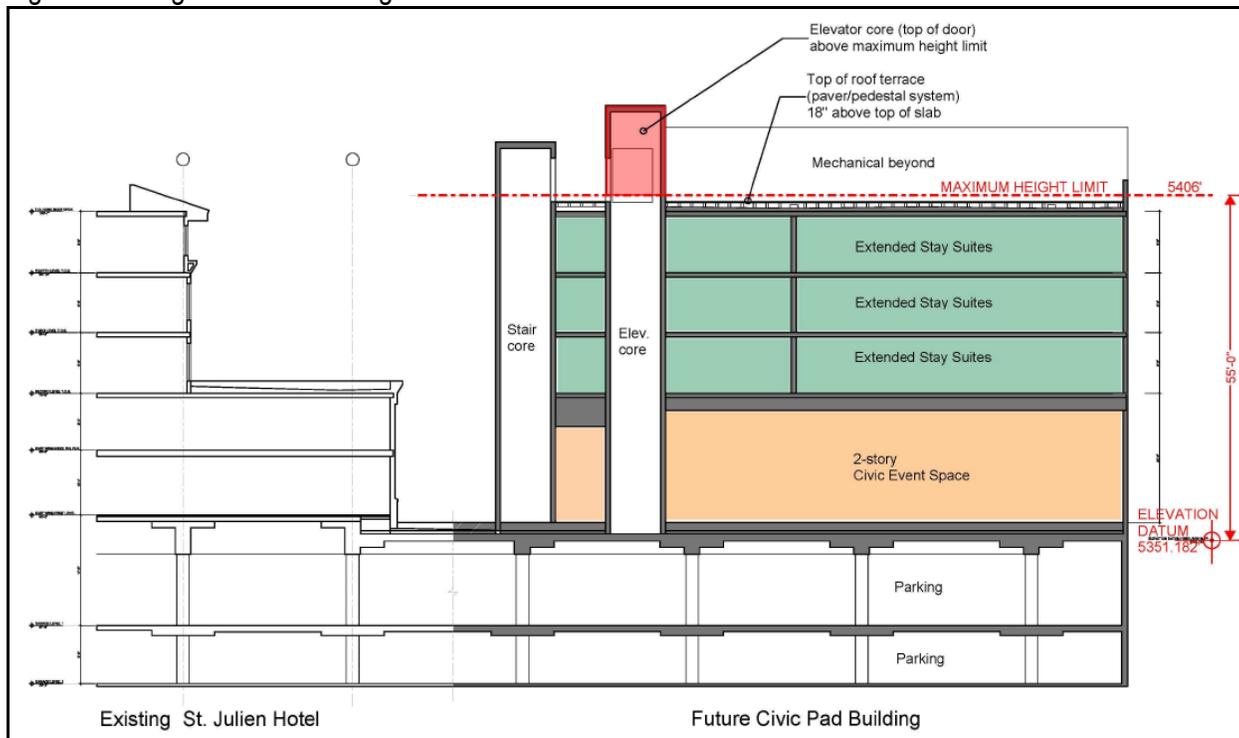


Figure 2 – Diagrammatic Building Section



Some members of council have questioned whether the charter ought to be amended to allow, in limited cases, buildings to exceed the height limit for the purpose of making rooftops accessible to and usable for the general public. The exact details of the potential charter change are to be determined following planning board input.

QUESTIONS FOR THE BOARD'S CONSIDERATION:

- 1) **Should rooftop patios above 55' be allowed?**
- 2) **What are the appropriate uses for public rooftop space?**
- 3) **What potential impacts or operational characteristics should be considered?**
- 4) **What building elements should be allowed to extend beyond 55'?**

NEXT STEPS:

Following Planning Board's discussion, the Charter Committee will further consider the matter at its April 25 meeting. The committee may decide to recommend additional council consideration of the potential charter amendment at the May 10 study session.