



TO: Members of Council
FROM: Dianne Marshall, City Manager's Office
DATE: September 12, 2012
SUBJECT: Information Packet

1. Call Ups

- A. Use Review Request No. LUR2012-00035, to convert existing office uses in the Viewpoint Office Park at 4410 Arapahoe Avenue to medical/dental office uses. The Viewpoint Office Park is located within the Residential High-4 (RH-4) zone district.
- B. Site Review for Height Modification and Nonconforming Use Review, LUR2012-00032, for a 731 sq. ft. rooftop deck for the Alpha Chi Omega House located at 1162 12th Street. The proposal includes the installation of a railing that is in excess of the maximum permitted height (35 feet) not to exceed 36 feet. The project site is zoned Residential-High 5 (RH-5).

2. Internal Information Item

- A. Snow and Ice Control Program and Sidewalk Snow Removal Enforcement
- B. Update on the Transportation Pavement Management Program

3. Boards and Commissions Minutes

- A. Arts Commission - August 15, 2012
- B. Landmarks Board – August 1, 2012
- C. Library Commission – September 12, 2012
- D. Planning Board – August 16, 2012
- E. Planning Board – August 23, 2012

4. Declarations

- A. Frank Shorter Appreciation Day – September 10, 2012



INFORMATION PACKET MEMORANDUM

To: Mayor Applebaum and City Council

From: Jane S. Brautigam, City Manager
Paul J. Fetherston, Deputy City Manager
David Driskell, Executive Director of Community Planning + Sustainability
Charles Ferro, Land Use Review Manager
Chandler Van Schaack, Associate Planner

Date: September 18, 2012

Subject: Call-Up Item: Use Review request, no. LUR2012-00035, to convert existing office uses in the Viewpoint Office Park at 4410 Arapahoe Ave. to medical / dental office uses. The Viewpoint Office Park is located within the Residential High-4 (RH-4) zone district.

EXECUTIVE SUMMARY

On August 23, 2012, Planning Board unanimously approved the subject application with the conditions found in the disposition of approval, provided as **Attachment A**.

The board's approval is subject to a 30-day call-up period by City Council. The staff memorandum of recommendation to the Planning Board and other related background materials, including the applicant's supplemental materials and the staff analysis of the Use Review criteria are available on the city website at the following link:

http://www.bouldercolorado.gov/files/PDS/boards/Planning_Board/August/08.23.2012%20Final%20PB%20Packet.pdf

FISCAL IMPACT

Staff time: The Use Review application has been processed through the provisions of a standard review process and is within normal staff work plans.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

Economic: No impacts.

Environmental: No impacts.

Social: No impacts.

PROPOSED PROJECT:

The applicant is proposing to allow for medical and dental office uses at the Viewpoint Office Park located at 4410 Arapahoe Ave. The existing professional office uses would still be allowed, so the transition to medical and dental office uses would likely be gradual. The office park will continue its current hours of operation from 7 a.m. until 6 p.m., but will expand from M-F to seven days per week. No additional floor area or other modifications to the existing buildings are proposed. A Trip Generation Report submitted by the applicant also shows that the peak hour traffic demand would only be affected slightly by the change in uses. Please refer to **Attachment B** for the proposed site plan and written statement. Staff received several comments from neighbors in support of the proposed conversion.

BACKGROUND:

Project Site.

The site is located at the intersection of Arapahoe Avenue and Foothills Parkway immediately to the south of the Boulder Community Foothills Hospital and within the Residential High-4 (RH-4) zone district. Please refer to **Figure 1** for a vicinity map. Currently, the project site is comprised of four buildings containing professional office uses, with the first level of Building A containing 6,978 square feet of medical and dental office uses.

The original Site Review approval for the Office Park from 1988 allowed for four office buildings totaling 49,500 square feet. A subsequent Use Review approval from 1996 allowed for the conversion of one floor of building A from general office uses to medical and dental office uses with hours of operation from 7:00 am to 6:00 pm, M-F, and reduced the total floor area of the office park to 47,400 square feet.

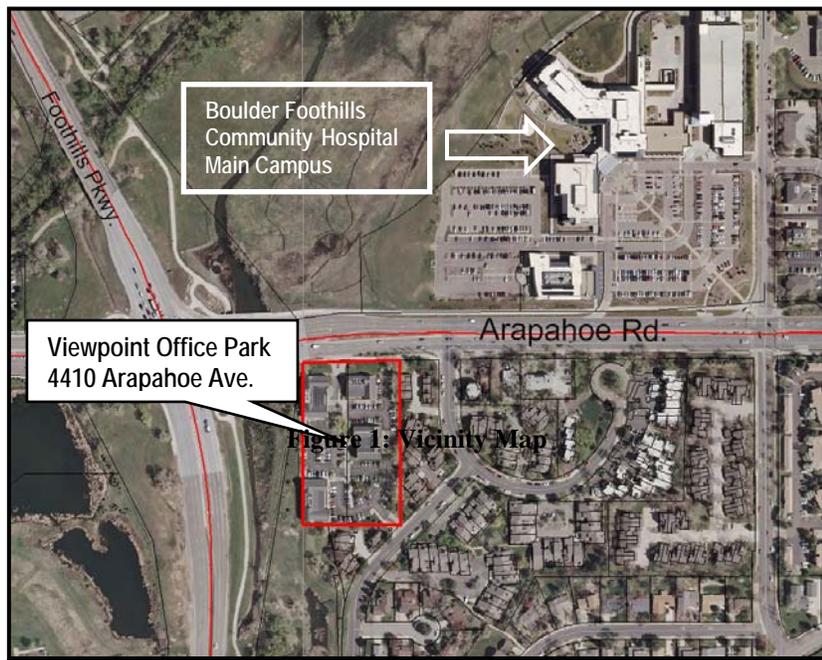


Figure 1: Vicinity Map

Site Context.

As mentioned above, the Boulder Foothills Community Hospital lies immediately across Arapahoe Ave. from the subject site, while the area surrounding the site to the south and

east is made up of high density residential uses. The University of Colorado East Campus lies across Foothills Parkway to the west.

There are currently 164 parking spaces on site where 158 spaces are required per the RH-4 zone district parking standards for nonresidential uses (1 space required per 300 square feet of nonresidential floor area). Access to the site is provided by a right-in/ right-out driveway off of Arapahoe Ave. as well as a driveway on the south end of the site that can be accessed from Arapahoe Ave. via MacArthur Dr. immediately east of the site.

With the recently approved 130,000 square foot expansion of the Boulder Community Foothills Hospital under construction, the Viewpoint Office Park is in a prime location for medical and dental offices based on the close proximity to the new consolidated hospital facilities. While the zoning and the land use designation for Viewpoint Office Park and the surrounding area are currently high-density residential, City Council has recognized the need for planning effort to analyze whether certain land use changes may be warranted in association with the hospital's plan to move the primary functions to the foothills campus beginning in the fall of 2012. This is discussed in more detail in **Attachment C**.

ANALYSIS

The development proposal was found to be consistent with the Use Review criteria pursuant to subsection 9-2-15(e), "*Criteria for Review*," B.R.C. 1981. Refer to **Attachment C** for the complete Use Review analysis.

Use Review Criteria. In completing the Use Review analysis, it was determined that the proposal is consistent with the Use Review criteria based on:

- Compatibility with surrounding uses and their intensity, including the Boulder Community Foothills Hospital and other nearby medical and dental uses; and
- Consistency with the general character of the area given that no changes to the site or buildings are proposed.

The proposed medical and dental office use was found to be compatible with surrounding uses and their intensity given that the existing office park has been in that location for over 20 years with no history of adverse impacts to the surrounding area, and that the current operating characteristics would remain largely unchanged following the conversion to medical and dental office uses.

As indicated in the management plan, the proposed medical and dental office uses would have minimal adverse impacts on the surrounding area, as there is currently an abundance of parking provided on site which will be maintained following the conversion to medical and dental offices, and the expected traffic impacts are not likely to create operational issues at the site accesses or adjacent intersections.

Overall, the project site was found to be an appropriate location for the proposed use.

Planning Board Hearing. At their August 23, 2012 public hearing, the Planning Board unanimously approved the subject Use Review request with a vote of 7-0.

If the City Council disagrees with this decision, it may call up the application within the 30-day call up period which expires on September 24, 2012. City Council is scheduled to consider this application for call-up at its **September 18, 2012** public meeting.

ATTACHMENTS:

- A. Notice of Disposition dated August 23, 2012
- B. Approved Plans and Written Statement
- C. Use Review Criteria Analysis



CITY OF BOULDER
Planning and Development Services

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

CITY OF BOULDER PLANNING BOARD
NOTICE OF DISPOSITION

You are hereby advised that on August 23, 2012 the following action was taken by the Planning Board 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: **VIEWPOINT OFFICE PARK USE REVIEW**
 DESCRIPTION: **USE REVIEW: Convert existing office uses to medical dental offices.**
 LOCATION: **4410-4430 ARAPAHOE AV and 4440-4450 ARAPAHOE AV**
 COOR: **N02W02**
 LEGAL DESCRIPTION: **See Attached Exhibit A**
 APPLICANT: **Vince Porreca, Porreca Associates**
 OWNER: **VIEWPOINT A + B, LLLP and 4440 and 4450 LPA**
 APPLICATION: **Use Review, LUR2012-00035**
 ZONING: **RH-4**
 CASE MANAGER: **Chandler Van Schaack**
 VESTED PROPERTY RIGHT: **NO; the owner has waived the opportunity to create such right under Section 9-2-19, B.R.C. 1981.**

This decision may be called up before the City Council on or before **September 24, 2012**. If no call-up occurs, the decision is deemed final thirty days after the Planning Board's decision.

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

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

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

At its public hearing on August 23, 2012 the Planning Board approved with conditions the request with the following motion:

On a motion by **A. Brockett**, seconded by **D. Powell**, the Planning Board approved (7-0) Use Review No. LUR2012-00035 incorporating this staff memorandum as findings of fact, subject to the recommended Conditions of Approval below:

CONDITIONS OF APPROVAL

1. The Applicant shall ensure that the **development shall be in compliance with all approved plans** dated August 3, 2012 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. Further, the Applicant shall ensure that the approved use is operated in compliance with the following restrictions:
 - a. The Applicant shall operate the business in accordance with the written statement dated August 3, 2012, which is attached as Exhibit B to this Notice of Disposition.
 - b. Size of the approved use shall be limited to 47,400 square feet.
 - c. The approved use shall be closed from 6 p.m. to 7 a.m. seven days per week.
2. The Applicant **shall not expand or modify the approved use**, except pursuant to subsection 9-2-15(h), B.R.C. 1981.

By:



David Driskell, Secretary of the Planning Board

EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL 1:
PARCEL A:

A TRACT OF LAND LOCATED IN THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 33, THENCE SOUTH THIRTY (30) FEET TO THE SOUTHERN EDGE OF THE HIGHWAY, BEING THE TRUE POINT OF BEGINNING, THENCE DUE SOUTH 10 RODS, THENCE EAST PARALLEL TO THE NORTH SECTION LINE OF SAID SECTION 33, 8 RODS, THENCE DUE NORTH 10 RODS TO THE SOUTHERN EDGE OF THE HIGHWAY, THENCE WEST 8 RODS TO THE POINT OF BEGINNING; EXCEPT THAT PORTION AS DESCRIBED IN INSTRUMENT RECORDED MARCH 1, 1968 ON FILM 561 UNDER RECEPTION NO. 808462.

PARCEL B:

A TRACT OF LAND LOCATED IN THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 33, THENCE SOUTH 195 FEET TO THE TRUE POINT OF BEGINNING, THENCE EAST 132 FEET, THENCE SOUTH 323 FEET, THENCE WEST 132 FEET, THENCE NORTH 323 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 2:

PART OF THE EAST 1/2, NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID EAST 1/2 NORTHWEST 1/4; THENCE SOUTH TO THE SOUTH LINE OF PUBLIC HIGHWAY KNOWN AS ARAPAHOE ROAD; THENCE EAST PARALLEL TO THE NORTH LINE OF SAID SECTION 33, A DISTANCE OF 8 RODS TO THE NORTHEAST CORNER OF THAT TRACT OF LAND CONVEYED BY CASSIUS COLE TO ELTON DEINES IN DEED RECORDED NOVEMBER 10, 1936 IN BOOK 623 AT PAGE 553, THE TRUE POINT OF BEGINNING; THENCE EAST PARALLEL TO THE NORTH LINE OF SAID SECTION 33, A DISTANCE OF 146.50 FEET; THENCE SOUTH 488.00 FEET; THENCE WEST 146.50 FEET TO THE SOUTHEAST CORNER OF THAT TRACT CONVEYED BY LAWRENCE CRAWFORD AND ROBERTA CRAWFORD TO JOHN RAYMOND MUNN AND IDA MUNN IN DEED RECORDED MAY 21, 1951 IN BOOK 887 AT PAGE 528; THENCE NORTH ALONG THE EAST LINE OF SAID TRACT DESCRIBED IN BOOK 887 AT PAGE 528, A DISTANCE OF 488.00 FEET TO THE TRUE POINT OF BEGINNING. EXCEPT THAT PART THEREOF CONVEYED BY LAWRENCE CRAWFORD AND ROBERTA CRAWFORD TO THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO, IN DEED RECORDED JULY 28, 1965 ON FILM 540 AS RECEPTION NO. 789681.

August 3, 2012

Viewpoint Use Review Written Statement

This proposed Use Review is to allow medical and dental offices within an existing office park located at 4410-4440 Arapahoe Ave. The proposed uses are categorized as "*Medical or dental clinics or offices or addiction recovery facilities*" in the City's Land Use Regulations. We are *not* proposing any addiction recovery facilities. There will be no increase in the existing floor area of the development occurring as part of this proposal, and the existing hours of operation (7:00 a.m. to 6:00 p.m., 7 days per week) will remain the same. There will be no change in the number of parking spaces currently provided on site.

Currently there is one floor of one building that has been previously approved for medical/dental offices. Since that time that Boulder Community Hospital's (BCH) Foothill Campus has been built across Arapahoe from this site, and recently received approval for a significant expansion. Due to this major addition to this neighborhood we have had an increasing level of interest from prospective tenants wanting to lease space for medical offices. This application is in response to this demonstrated community need in this location.

Non-residential uses in a residential zone are required to gain approval of the Planning Board, and although viewpoint long ago received approval for office uses, we have been advised that a condition of the previous medical office Use Review required that the Planning Board must also approve any additional medical offices.

We expect that non-medical offices will continue at Viewpoint, as there are several existing leases. Currently Viewpoint is fully leased so the transition will be gradual. However with the advent of the hospital across the street the inquiries and interest in the offices for medical continues to grow and we want to have the flexibility to accommodate those uses.

August 3, 2012

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Currently there is one floor of one building that has been previously approved for medical/dental offices. Since that time that Boulder Community Hospital's (BCH) Foothill Campus has been built across Arapahoe from this site, and recently received approval for a significant expansion. Due to this major addition to this neighborhood we have had an increasing level of interest from prospective tenants wanting to lease space for medical offices. This application is in response to this demonstrated community need in this location.

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ANALYSIS OF USE REVIEW CRITERIA

Subsection 9-2-15(e), "*Criteria for Review*," B.R.C. 1981.

Criteria for Review: No use review application will be approved unless the approving agency finds all of the following:

- Y (1) **Consistency with Zoning and Non-Conformity:** The use is consistent with the purpose of the zoning district as set forth in Section 9-5-21(c), "Zoning Districts Purposes," B.R.C. 1981, except in the case of a non-conforming use;

The subject site is located in the RH-4 zone district, which is defined in as:

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

Per the use standards for the RH-4 zone district, "medical or dental clinics or offices" are allowed pursuant to a Use Review. The proposal to allow for the conversion of professional office uses to medical and dental office uses (defined per Section 9-16 B.R.C., 1981 below) in the existing Viewpoint Office Park is consistent with the purpose of the RH-4 zone district in that it will provide medical and dental services to surrounding residents and visitors, thereby complementing existing residential uses as well as the nearby hospital.

"Office, professional" means offices of firms or organizations providing professional service to individuals and businesses, including, without limitation, accountants, architects, attorneys, insurance brokers, realtors, investment counselors, and therapists, where a majority of client contact occurs at the office, but not including technical, medical, dental, or administrative offices.

"Medical or dental clinic or office" means the office of physicians, medical doctors, chiropractors, or dentists licensed to practice medicine or dentistry in the State of Colorado, where the primary use is the delivery of health care services, where sale of merchandise is incidental to the delivery of services, and where no overnight accommodations are provided.

- Y (2) **Rationale:** The use either:

- Y (A) Provides direct service or convenience to or reduces adverse impacts to the surrounding uses or neighborhood;

The proposed medical and dental office uses would provide direct service to the surrounding uses. There are currently several medical office uses located in Building "A" of the Viewpoint Office Park (approved through a previous Use Review, case number: UR-94-25); however, overall there is a limited number of medical and dental office uses located in close proximity to the Boulder Community Foothills Hospital. Providing additional office space for physicians,

medical doctors, chiropractors, dentists and other medical professionals in close proximity to the hospital will allow for improved sharing of resources between medical professionals as well as more efficient provision of a variety of medical services to community members in nearby neighborhoods as well as the greater Boulder area.

N/A (B) Provides a compatible transition between higher intensity and lower intensity uses;

Not applicable.

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

Not applicable.

N/A (D) Is an existing legal non-conforming use or a change thereto that is permitted under subsection (e) of this section;

Not applicable.

Y (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 existing Viewpoint Office Park was approved in 1988 through Planned Unit Development case number P-87-57 and Special Review case number SR-87-34. Since then, the original approval has been amended to reduce the floor area from the originally approved 49,500 square feet to 47,400 square feet and to allow for medical and dental office uses in a portion of Building "A." Throughout the roughly 24 years that it has been in its current location, the office park has remained compatible with and has had minimal negative impacts on the surrounding uses, which include the Boulder Community Foothills Hospital immediately across Arapahoe Ave. to the north, industrial uses across Foothills parkway to the northwest, and a variety of high density residential uses to the south and east. No exterior changes to the existing site or buildings are proposed as part of this application; therefore, the new uses will not increase the impact of the existing uses.

With regard to parking, there are currently 164 parking spaces on site where 158 spaces are required per the RH-4 zone district parking standards for nonresidential uses (1 space required per 300 square feet of nonresidential floor area). 158 of the existing spaces are

standard parking spaces with 6 additional ADA spaces provided on site. There would be no additional parking requirement to accommodate the proposed medical and dental office uses.

With the proposed conversion from professional office to medical/dental office there is anticipated to be a change in trips generated and the time of day that these trips will access the site. The proposed medical/dental office is anticipated to generate similar AM and PM peak hour trips to the existing use. The AM peak hour trip generation for the proposed use is anticipated to be 110 trips compared to the existing 104 AM peak hour trips. The PM peak hour trip generation for the proposed use is anticipated to be 147 trips compared to the existing 132 AM peak hour trips. The existing professional office use generates approximately 756 daily trips, with the majority of the trips accessing the site during the AM and PM peak hours when employees get to work and leave work at the end of the day. With the proposed use, there will be a greater number of daily trips accessing the site (approximately 1,741 trips) but these trips will be distributed throughout the day when patients access the site for appointments.

Please refer to the applicant's Trip Generation Letter in **Attachment B** for additional information. The increase in traffic for the proposed use would primarily occur in off-peak hours throughout the day, most likely between the hours of 9am and 4pm. Since traffic on the adjacent streets (Arapahoe, Foothills Parkway) is lower during the off-peak hours than during peak times, it is not likely that the proposed change in land use would create operational issues at the site accesses or adjacent intersections.

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

The infrastructure required to serve the proposed use is existing. No additional infrastructure is required as a result of this proposal.

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

The predominant character of the surrounding area can be identified as a mix of high density residential, public and institutional, and industrial uses. There will be no physical changes to the existing office buildings or site characteristics.

While the zoning and the land use designation for Viewpoint Office Park and the surrounding area are currently high-density residential, City Council has recognized the need for planning effort to analyze whether certain land use changes may be warranted in association with the hospital's plan to move the primary functions to the foothills campus beginning in the fall of 2012. The current proposal to allow for medical and dental office

uses in the Viewpoint Office Park is indicative of the growing demand for such uses near the main hospital campus.

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

Not applicable;



INFORMATION PACKET MEMORANDUM

To: Mayor Applebaum and City Council

From: Jane S. Brautigam, City Manager
Paul J. Fetherston, Deputy City Manager
David Driskell, Executive Director of Community Planning + Sustainability
Charles Ferro, Land Use Review Manager
Jessica Vaughn, Planner I

Date: September 18, 2012

Subject: Call-Up Item: Site Review for Height Modification and Nonconforming Use Review, LUR2012-00032, for a 731 square foot rooftop deck for the Alpha Chi Omega House located at 1162 12th St. The proposal includes the installation of a railing that is in excess of the maximum permitted height (35 feet) not to exceed 36 feet. The project site is zoned Residential-High 5 (RH-5).

EXECUTIVE SUMMARY

On August 23, 2012, Planning Board unanimously approved the subject application with the conditions found in the disposition of approval, provided as **Attachment A**.

The board's approval is subject to a 30-day call-up period by City Council. The staff memorandum of recommendation to the Planning Board and other related background materials, including the applicant's supplemental materials and the staff analysis of the Nonconforming Use Review and Site Review criteria are available on the city website at the following link:

<http://www.bouldercolorado.gov/files/PDS/boards/Planning Board/August/08.23.2012%20Final%20PB%20Packet.pdf>

FISCAL IMPACT

Staff time: The application has been processed through the provisions of a standard review process and is within normal staff work plans.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

Economic: None identified.

Environmental: Given the potential impacts of a rooftop deck and railing to the surrounding properties, including noise and visual impacts, the applicant has focused their management plan on the mitigation of impacts which is reflected in the location of the deck and the operating limitations of the deck imposed as part of the applicant’s management plan, as well as decreasing the level of nonconformity currently present on the site by providing additional on site, private open space as well as installing irrigation to meet the current landscape standards.

Social: None identified.

PROPOSED PROJECT

The applicant’s proposal is for a 731 square foot rooftop deck and railing. The proposed railing will exceed the maximum permitted height in the RH-5 zone district (35 feet) at 36 feet, but not exceed the height of the existing building at 39’-6”. The deck is located in the northeast corner of the roof, along both the 12th Street and Pennsylvania Avenue frontages, away from adjacent residential uses. The proposed railing will be mounted 18-24 inches in back of the existing parapet wall and it will be minimal in style and appearance. The metal railing will extend above the existing parapet wall roughly two feet, which is 33’-8” in height, resulting in a maximum height of 36 feet for the proposed railing.

As reflected in the management plan (**Attachment B**), the applicant is committed to minimizing the adverse impacts of the rooftop deck on the surrounding properties and uses by limiting outdoor music to personal headphones, limiting the hours of use, providing contact information to facilitate direct conflict resolution, and limiting occupancy.

Refer to **Attachment B** for the applicant’s plan set and management plan.

BACKGROUND

Project Site. The project site is located two blocks from Broadway and the University of Colorado main campus at the northeast corner of the intersection of Pennsylvania Avenue and 12th Street. The project site is zoned Residential High-5 (RH-5). The majority of the surrounding properties are also zoned RH-5, with the exception of those properties that are adjacent to the east, located along the alley shared with the project site, which are zoned Business Main Street (BMS).



Figure 1: Vicinity Map

Site Context. The project site is also located immediately adjacent to the University Hill General Improvement District (UHGID) and University Hill Business District, the boundary of which is located along the shared alley to the east. The UHGID provides shared parking and maintenance for the district.

Adjacent to the project site are a variety of both nonresidential and residential uses, including high density residential, mostly in the form of student rentals, restaurant and retail uses.

Site History. Based on city permit records, the building was originally constructed in 1962 as a boarding house that was comprised of 50 rooms on three floors; basement, first and second floors. Zoning inspection records dating back to the 1970's indicate occupancies ranging from 46 occupants to 90 occupants, which is consistent with the most recent records on file.

In 1980, the Alpha Chi Omega sorority purchased the property and remains the current property owner of record. Today, the sorority is comprised of 69 occupants, however given past zoning records the maximum occupancy remains 90.

In 1995, the sorority applied for a Use Review, case no. UR-94-16, to construct a 515 square foot assembly room addition to accommodate group meeting facilities, including dining and a chapter meeting room. At the time of the Use Review request, the property was established as a nonconforming use since the project site was in excess of the maximum permitted density and did not meet the off-street parking or open space requirements. In addition, the building was determined to be nonstandard as the front, interior side and side yard adjacent to street setbacks were not met. Although neither permit records nor plans have been found indicating that the rooftop space was ever permitted for use as a rooftop deck, rooftop access was acknowledged on the roof plan in 1995 and plans have been provided showing the staircase penthouse dating back to the 1960's. The sorority claims to have used the roof as a deck for decades.

In 2011, the sorority was issued a permit to re-roof the building. As part of the re-roof, new decking was installed on the flat roof outside of the permit scope. Upon final inspection of the permit, a compliance citation was issued for the installation of decking on the rooftop. The citation also included a building code violation for not having a safety railing installed. In working with the applicant to resolve the compliance citation, it was determined that a Nonconforming Use Review and a Site Review for Height Modification were required.

ANALYSIS

The development proposal was found to be consistent with the Nonconforming Use Review criteria as well as the Site Review criteria. Refer to **Attachment C** for the complete Use Review and Site Review criteria analysis.

Nonconforming Use Review Criteria. In completing the Nonconforming Use Review analysis, it was determined that the proposal is consistent with the criteria based on:

- The applicant's focus on minimizing impacts, which is reflected in the location of the deck at the north end of the roof, along the 12th Street and Pennsylvania Avenue frontages, away from adjacent uses; and the operating limitations of the deck imposed as part of the applicant's management plan.

- The approval being limited to the existing owner / operator. If the current or a future user wishes to amend the management plan or change the operational characteristics of the deck, a subsequent review and approval would be required.
- Decreasing the level of nonconformity by providing an on site, private, open space amenity, given the limited at grade open space available.
- Installing irrigation to meet the current landscape standards and to help improve the overall appearance and quality of the streetscape adjacent to the property.

Site Review Criteria. In completing the Site Review analysis, it was determined that the proposal is consistent with the criteria based on:

- The location of the rail 18-24 inches behind the existing parapet wall, the visibility of the railing will be minimal from the pedestrian view.
- The rooftop deck and railing will provide a safe, private open space amenity for the residents of the project site where at grade open space is minimal.
- The proposed railing height being generally consistent with the range of building heights in the area (32 feet to 47.5 feet) at 36 feet, and below the building height of the subject building (39 feet).

Planning Board Hearing. At their August 23, 2012 public hearing, the Planning Board unanimously approved the subject Nonconforming Use Review and Site Review request with a vote of 7-0.

If the City Council disagrees with this decision, it may call up the application within the 30-day call up period which expires on September 24, 2012. City Council is scheduled to consider this application for call-up at its **September 18, 2012** public meeting.

ATTACHMENTS:

- A. Notice of Disposition dated August 23, 2012.
- B. Approved Plans and Management Plan.
- C. Nonconforming Use Review and Site Review Criteria Analysis.



CITY OF BOULDER
Planning and Development Services

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

CITY OF BOULDER PLANNING BOARD
NOTICE OF DISPOSITION

You are hereby advised that on August 23, 2012 the following action was taken by the Planning Board 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: **ALPHA CHI OMEGA SORORITY ROOFTOP DECK**
 DESCRIPTION: **NONCONFORMING USE REVIEW and SITE REVIEW for a rooftop deck that includes the installation of a railing that is in excess of the maximum permitted height (35 feet) not to exceed 36 feet.**
 LOCATION: **1162 12TH ST.**
 COOR: **N02W06**
 LEGAL DESCRIPTION: **Lots 1, 2, 3 and the Northerly 15 feet of Lot 4, Block 5, University Terrace, County of Boulder, State of Colorado**
 APPLICANT: **Don Goulart for Alpha Chi Omega**
 OWNER: **NU Chapter House Association**
 APPLICATION: **Site and Use Review, LUR2012-00032**
 ZONING: **RH-5**
 CASE MANAGER: **Jessica Vaughn**
 VESTED PROPERTY RIGHT: **NO; the owner has waived the opportunity to create such right under Section 9-2-19, B.R.C. 1981.**

This decision may be called up before the City Council on or before **September 24, 2012**. If no call-up occurs, the decision is deemed final thirty days after the Planning Board's decision.

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

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

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

At its public hearing on August 23, 2012 the Planning Board approved with conditions the request with the following motion:

On a motion by **D. Powell**, seconded by **S. Weaver**, the Planning Board approved (7-0) Site Review and Nonconforming Use Review No. LUR2012-00032 incorporating this staff memorandum and the attached Use Review Criteria Checklist and Site Review criteria checklist as findings of fact, subject to the recommended Conditions of Approval below:

CONDITIONS OF APPROVAL

Site Review:

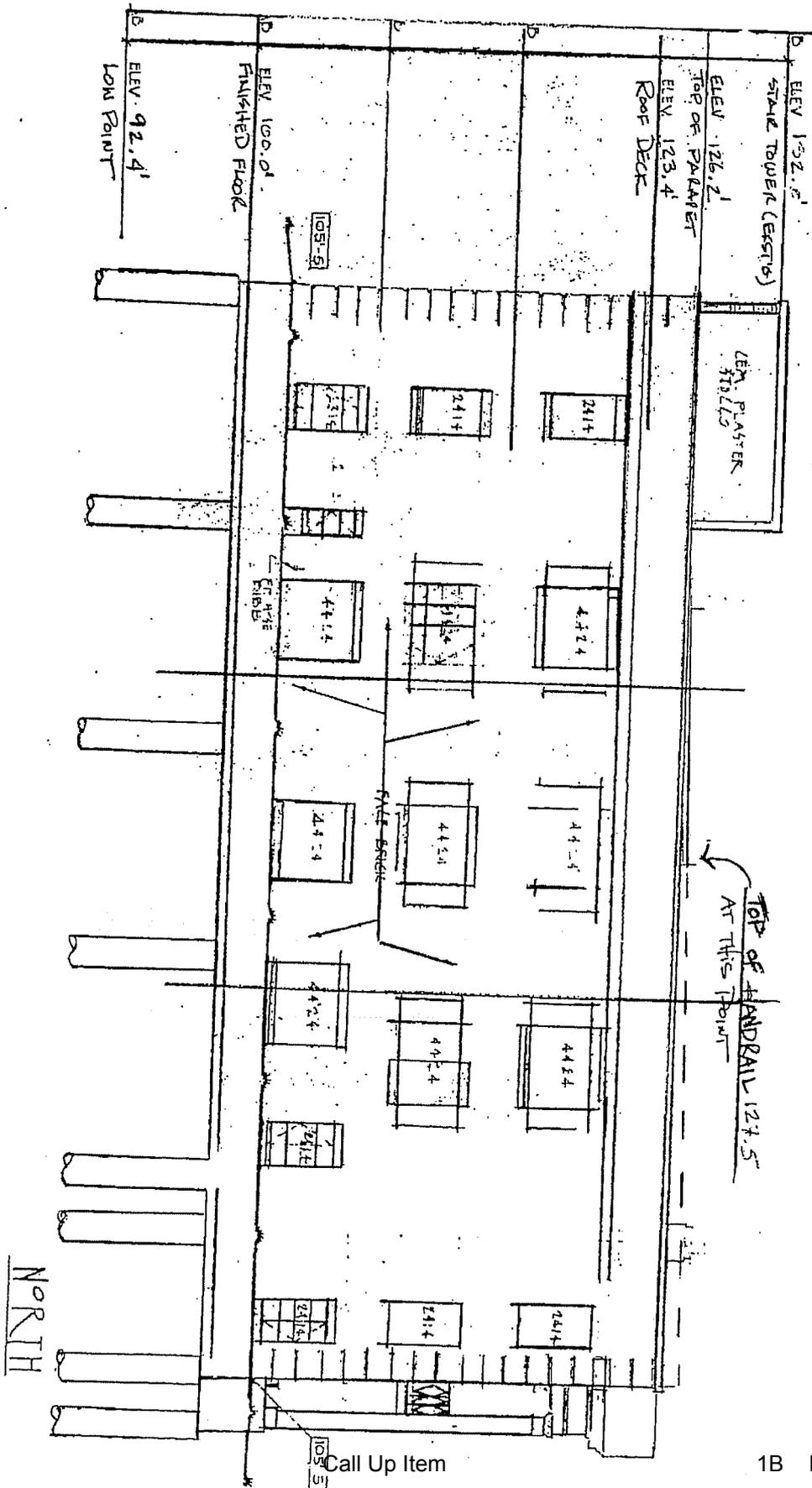
1. The Applicant shall ensure that the **development shall be in compliance with all approved plans** dated August 7, 2012 on file with the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval.
2. The Applicant shall **comply with all previous conditions** contained in any previous approvals, except to the extent that any previous conditions may be modified by this approval, including, but not limited to, the following: the Development Agreement recorded at Film No. 2096 and Reception No. 1570251 in the Boulder County Clerk and Recorder's Office on December 18, 1995.
3. The railing of the rooftop deck **shall not exceed 36 feet in height** as measured pursuant to section 9-7-5, "Building Height," B.R.C. 1981.

Use Review:

4. The Applicant shall ensure that the **development shall be in compliance with all approved plans** dated August 7, 2012 on file with the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval. Further, the Applicant shall ensure that the approved use is operated in compliance with the following:
 - a. The Applicant shall operate the rooftop deck **in accordance with the Applicant's Management Plan** dated August 7, 2012.
 - b. The rooftop deck **use shall be closed from 9 p.m. until 7 a.m.** seven days per week.
 - c. **No outdoor speakers or outdoor amplified sound** shall be permitted on the rooftop deck.
5. The Applicant **shall not expand or modify the approved use**, except pursuant to subsection 9-2-15(h), B.R.C. 1981.
6. The Applicant shall **comply with all previous conditions** contained in any previous approvals, except to the extent that any previous conditions may be modified by this approval, including, but not limited to, the following: the Development Agreement recorded at Film No. 2096 and Reception No. 1570251 in the Boulder County Clerk and Recorder's Office on December 18, 1995.
7. This approval is **limited to NU Chapter House Association**, a Colorado Non-Profit Corporation, f/k/a NU Chapter House Association (Alpha Chi Omega, a Colorado Corporation), the owner of the building located at 1162 12th Street and which includes the rooftop deck. Any changes in ownership shall be subject to the review and approval of the Planning Director. The purpose of such review shall be to inform such subsequent user of this rooftop deck that it will be required to operate the rooftop deck in compliance with the terms of this approval.

By:


David Driskell, Secretary of the Planning Board





Flatirons, Inc.
Surveying, Engineering & Geomatics
655 Fourth Avenue
Longmont, CO 80501
www.flatironsinc.com

SHEET 1 OF 3

PROPERTY ADDRESS

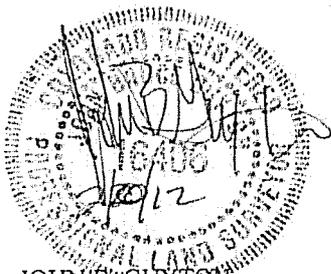
BUILDING HEIGHT*

- | | |
|---|------------------------|
| 1. 1162 12 TH STREET (ALPHA CHI OMEGA HOUSE) | 33.8' (Top of Parapet) |
| 2. 1128 PENNSYLVANIA AVENUE | 47.5' |
| 3. 1149 12 TH STREET | 32.0' |
| 4. 1203 PENNSYLVANIA AVENUE | 40.0' |
| 5. 1146 12 TH STREET | 37.2' |
| 6. 1165 13 TH STREET | 40.8' |
| 7. 1155 13 TH STREET | 38.5' |
| 8. 1162 12 TH STREET (ALPHA CHI OMEGA HOUSE)
Penthouse) | 39.0' (Top of |

*BUILDING HEIGHT WAS DETERMINED USING HIGH POINT OF THE BUILDING STRUCTURE AND LOW POINT WITHIN 25 FEET OF SAID BUILDING.

SURVEYOR'S STATEMENT

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., TO ALPHA CHI OMEGA HOUSE ASSOCIATION, THAT THIS EXHIBIT WAS PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE; THAT SAID EXHIBIT AND THE RELATIVE ELEVATIONS SHOWN HEREON ARE ACCURATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF. THIS EXHIBIT IS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.

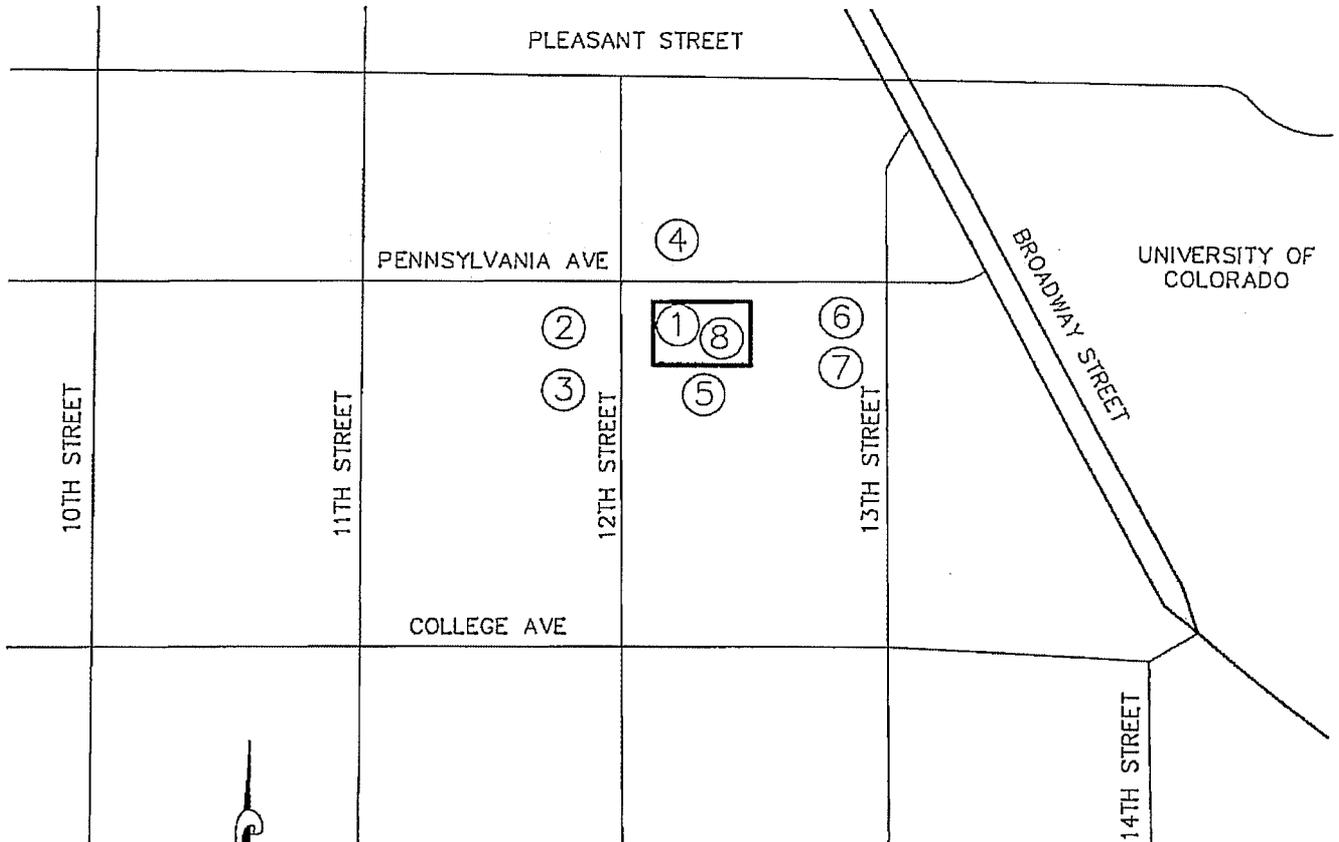


JOHN B. GUYTON
COLORADO P.L.S. #16406
FSI JOB NO. 12-59,255
CHAIRMAN & CEO, FLATIRONS, INC

EXHIBIT "A"

LOCATED IN THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 1 NORTH,
RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN,
CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO

SHEET 2 OF 3
VICINITY MAP



NO SCALE

FSI JOB NO. 12-59,255
DRAWN BY: R. SLAGLE
DATE: FEBRUARY 20, 2012

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. THIS EXHIBIT IS INTENDED TO DEPICT THE ACCOMPANYING PARCEL DESCRIPTIONS. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

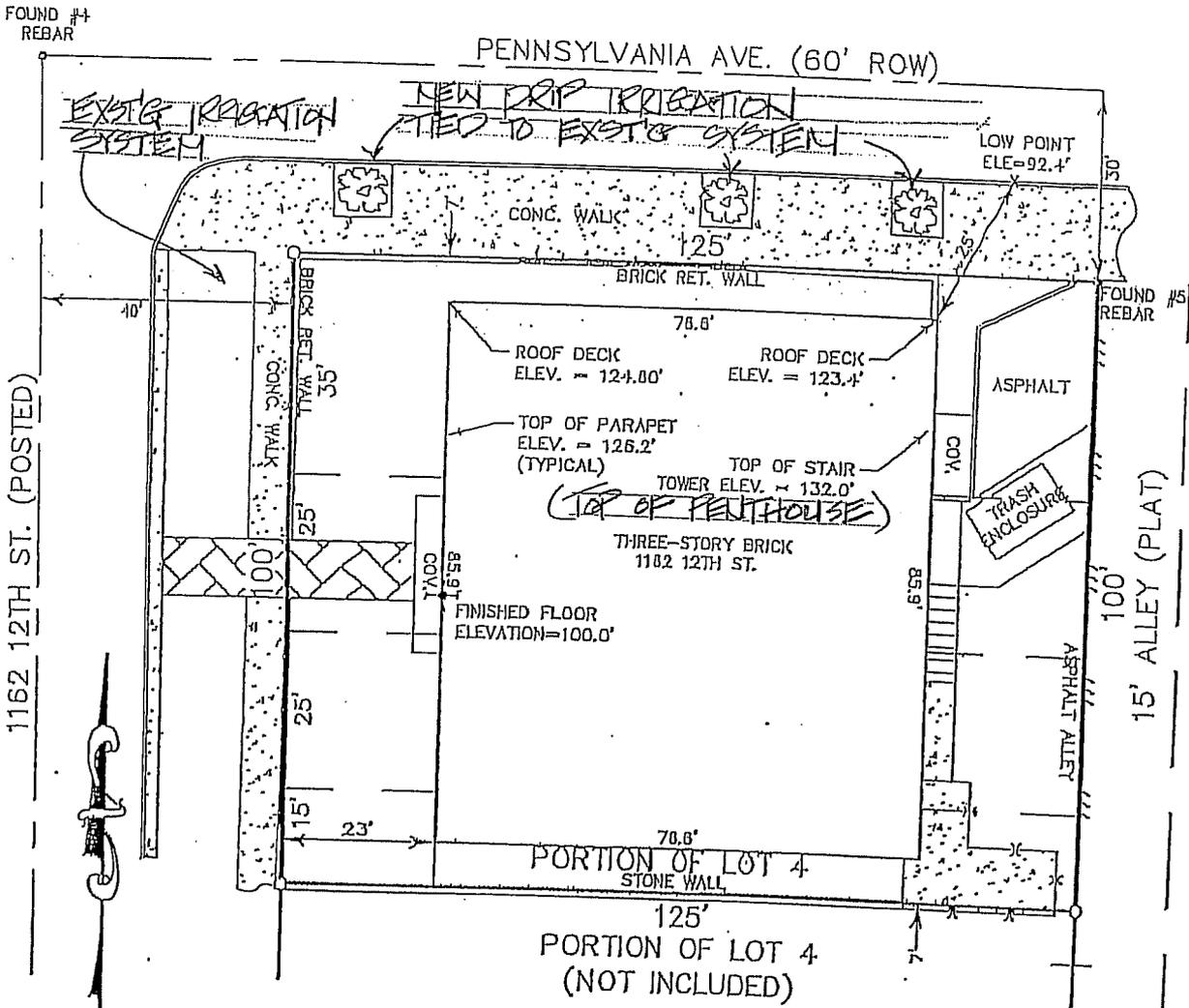
Flatirons, Inc.
Surveying, Engineering & Geomatics

3825 IRIS AVE, STE 395 BOULDER, CO 80301 PH: (303) 443-7001 FAX: (303) 443-9830		655 FOURTH AVE LONGMONT, CO 80501 PH: (303) 776-1733 FAX: (303) 776-4355
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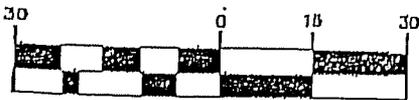
www.FlatironsInc.com

EXHIBIT "B"

LOCATED IN THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 1 NORTH,
 RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN,
 CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO
 SHEET 3 OF 3



GRAPHIC SCALE



(IN FEET)

1 inch = 30 ft.

FSI JOB NO. 12-59,255
 DRAWN BY: R. SLAGLE
 DATE: FEBRUARY 20, 2012

Flatirons, Inc.

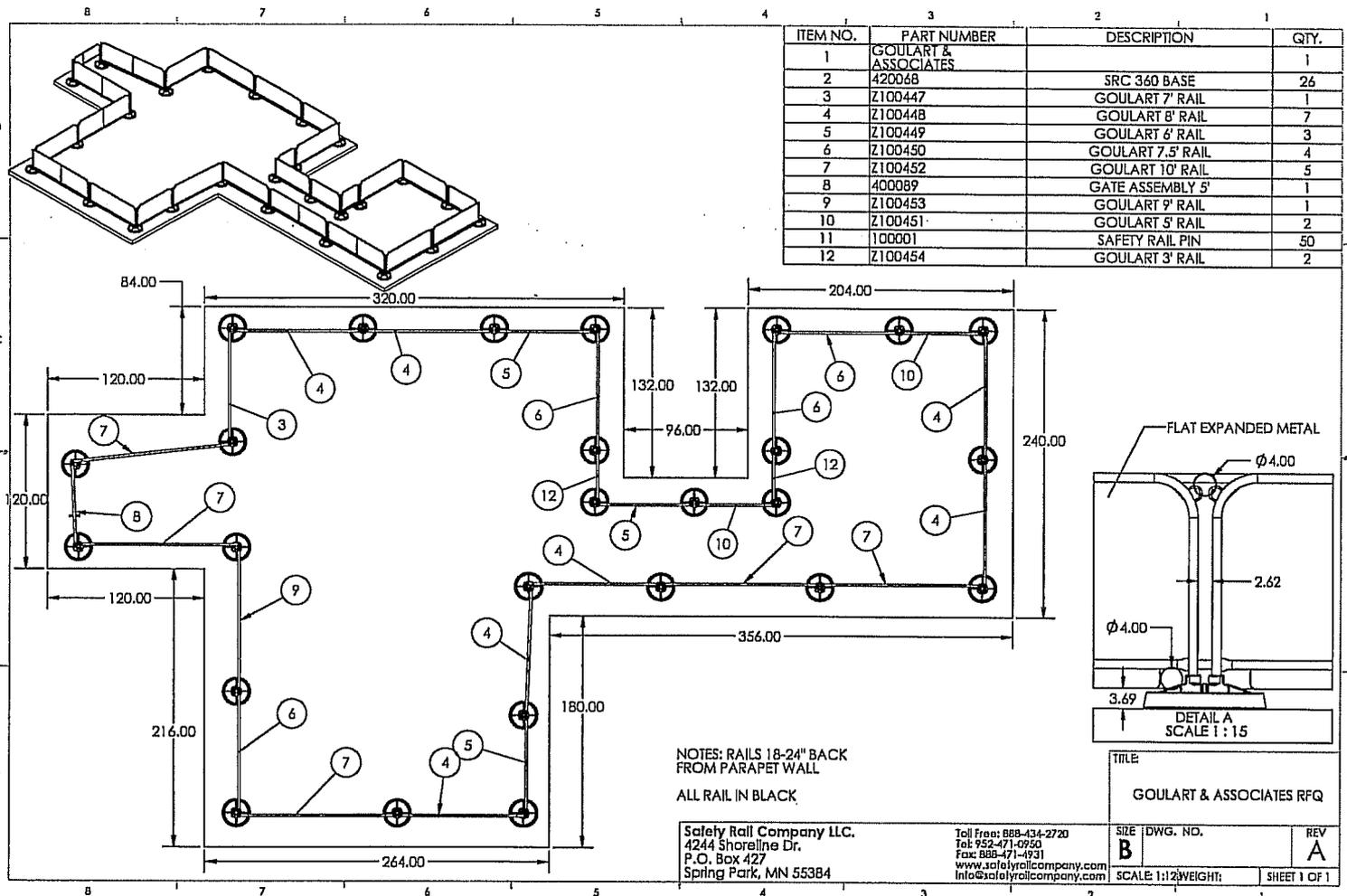
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3825 IRIS AVE, STE 395
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855 FOURTH AVE.
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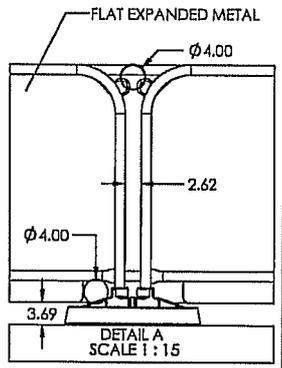


ITEM NO.	PART NUMBER	DESCRIPTION	QTY.
1	GOULART & ASSOCIATES		1
2	420068	SRC 360 BASE	26
3	Z100447	GOULART 7' RAIL	1
4	Z100448	GOULART 6' RAIL	7
5	Z100449	GOULART 7.5' RAIL	3
6	Z100450	GOULART 10' RAIL	4
7	Z100452	GOULART 9' RAIL	5
8	400089	GATE ASSEMBLY 5'	1
9	Z100453	GOULART 5' RAIL	1
10	Z100451	GOULART 3' RAIL	2
11	100001	SAFETY RAIL PIN	50
12	Z100454	GOULART 3' RAIL	2

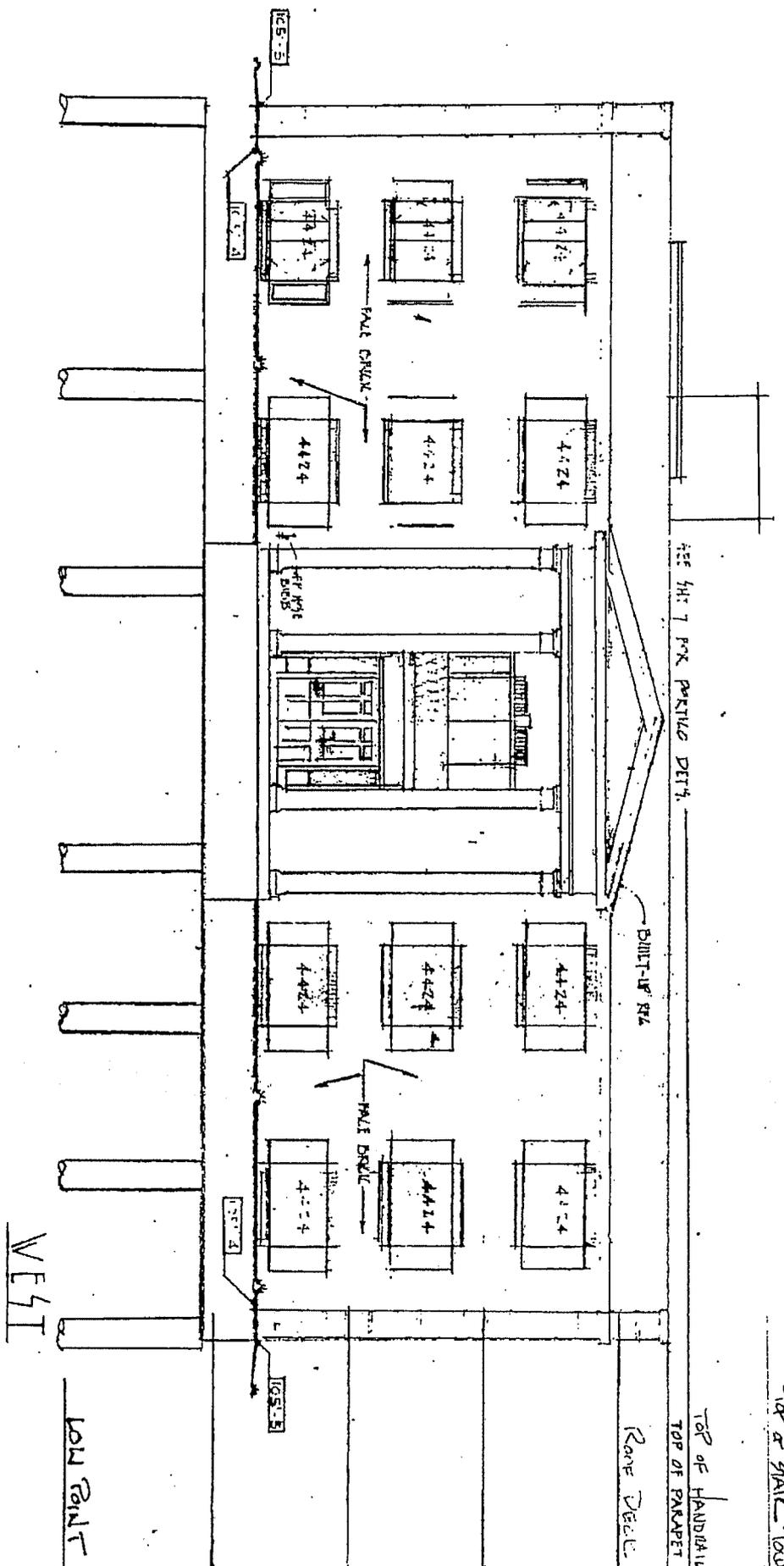
NOTES: RAILS 18-24" BACK FROM PARAPET WALL
ALL RAIL IN BLACK

Safety Rail Company LLC.
4244 Shoreline Dr.
P.O. Box 427
Spring Park, MN 55384

Toll Free: 888-434-2720
Tel: 952-471-0950
Fax: 888-471-4931
www.safetyrailcompany.com
Info@safetyrailcompany.com



TITLE		
GOULART & ASSOCIATES RFQ		
SIZE	DWG. NO.	REV
B		A
SCALE 1:1	WEIGHT:	SHEET 1 OF 1



WEST

LOW POINT

ELEV 92.4'

ELEV 100'

Call Up Item

Roof Deck

ELEV 124'

TOP OF PARAPET

ELEV 126'

TOP OF HANDRAIL

ELEV 128'

TOP OF GRADE TOWER 132.1'

ROOFTOP DECK MANAGEMENT PLAN

1. Limitation on Music: Girls will be allowed to have music on the deck only if using earphones.

2. Limitation on hours: Access to the deck will be limited. Daily hours will be from dawn to dusk. We anticipate that tours will be scheduled during recruitment as a way to promote the Chapter however; a special recruitment event will not be held on the deck.

3. Limitation on the number of people allowed and Guests: Access will be restricted to 50 people (active members and female guests). The 50 people limitation complies with the fire code and will be strictly enforced with no exceptions. Guests are allowed but must be accompanied by an active member of the house. The Chapter has a policy where male guests are only allowed on the first floor therefore male guests will not be allowed on the deck.

4. Limitation on events: Special events will be limited and in all cases the chapter must comply with the maximum number of people allowed on the deck. Any special events held on the deck must obtain approval from the Chapter Advisor and House Association President, to ensure compliance with the usage requirements. We do not anticipate any special events being held.

5. Limitation on alcohol, drugs, and smoking: Alcohol, drugs, and smoking are not allowed on the premises and this is strictly enforced. The House Association completes room check twice a year; once every semester to ensure that no alcohol or drugs are found on the premises.

6. Lighting: Lighting will not be used on the deck.

7. In any situation, if a chapter member is observed violating any of the deck usage requirements, they will be required to attend a Standards (CRS) Board meeting.

8. Contact information regarding issues neighbors or other members of the community wish to bring to Alpha Chi Omega's attention should be directed to the following:

- a) Mary Verti
House Director – Resides on the Property
1162 12th Street
Boulder, CO 80302

Or in the alternative:

b) Cristy Butcher
House Association President
1162 12th Street
Boulder, CO 80302

c) Shelley Johnson
Chapter Advisor
1162 12th Street
Boulder, CO 80302

9. Process for internal dispute resolution: After receiving a complaint or issue, the House Director would investigate the matter and determine the appropriate action to achieve resolution. Any sorority members that were involved in the actions providing the basis for the complaint or issue would be removed from the situation and turned into the Chapter Relations and Standards Board (“CRSB”) for investigation and review of the circumstances and imposition of discipline. The CRSB would follow its normal procedures and guidelines when performing these actions pertaining to any complaint or issue involving the rooftop deck. The CRSB follows national policies and procedures and has the jurisdiction to discipline members by removing privileges, placing members on disciplinary suspension, and can even recommend to the National Council that a member be expelled from the sorority as a whole. The complaint or issue would also be raised at the chapter meeting to all members of the sorority so that all are aware of said issue or complaint.

10. The deck is 731 square feet.

Case #: LUR2012-00032

Project Name: Alpha Chi Omega
Rooftop Deck

Date: May 18, 2012

USE REVIEW CRITERIA

Criteria for Review: No use review application will be approved unless the approving agency finds all of the following:

Y (1) Consistency with Zoning and Non-Conformity: The use is consistent with the purpose of the zoning district as set forth in section 9-5-21(c), "Zoning Districts Purposes," B.R.C. 1981, except in the case of a non-conforming use;

The project site is zoned RH-5. This zoning district is defined as:

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

Although a sorority use is permitted by-right in the RH-5 zone district, the existing sorority use is nonconforming because it exceeds the maximum permitted density in the RH-5 zone district (27.2 dwelling units/acre) at 79 dwelling units/acre; does not satisfy the off street parking requirements (46 spaces required, 7 provided); and does not provide the required amount of useable open space per dwelling unit. Given the 23 units on site, a total of 13,800 square feet is required which is more square footage than the actual lot itself (12,500 square feet).

Y (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

Y (D) Is an existing legal non-conforming use or a change thereto that is permitted under subsection (e) of this section;

The existing sorority use is a legal nonconforming use that was established in July 1980 with city records showing a maximum of 90 occupants on the site. Although the existing sorority use is permitted by-right in the RH-5 zone district, it is nonconforming as to density, parking and open space.

Y 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 proposed rooftop deck is compatible and consistent with a residential use as decks and patios are commonly associated residential uses providing private open space opportunities. The rooftop deck will provide an on site private open space amenity given the limited at grade open space available. Since the proposed deck is not visible from the ground level, it will have minimal impacts on adjacent properties.

The project site is located at the southeast corner of Pennsylvania Avenue and 12th Street, less than one block from College Avenue and shares an alley with commercial uses. The proposed rooftop deck is located at the north end of the roof, along the street frontages. The location of the proposed rooftop deck will minimize adverse impacts to the surrounding adjacent residential properties.

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

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

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

Given the project site location at the southeast corner of 12th Street and Pennsylvania Avenue the character of the area is that of student oriented, high density residential neighborhood. The intersection of 12th Street and Pennsylvania provides a transition from the nonresidential uses and University Hill Business District along College Avenue and the residential neighborhoods that extend to the west.

The proposed rooftop deck is consistent with the character of the area in both its location on the roof and use. Commonly associated with residential uses, decks provide a private open space amenity. Given the limited on site open space, the proposed rooftop deck will provide an open space amenity for residents. The location of the deck at the north end of the roof will separate the deck from the adjacent residential units and minimize impacts.

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

Not applicable; the existing sorority use is to remain.

ADDITIONAL CRITERIA FOR MODIFICATIONS TO NONCONFORMING USES, 9-2-15(f)

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:

Y (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 project site is located at the southeast corner of 12th Street and Pennsylvania Avenue, a highly traveled pedestrian corridor, as well as a shared alley with adjacent commercial uses to the east. The surrounding uses are primarily high density student housing to the west and the University Hill Business District to the east. The proposed rooftop deck is located at the north end of the roof along the street frontages and will have minimal visual impacts from grade. The proposed rooftop deck will not increase density, parking demand or intensity on the site as it does not generate additional floor area, bedrooms or occupancy.

Y (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 density, parking and open space. In addition, the building is nonstandard as it does not meet the required front yard, side yard interior and side yard adjacent to street setbacks. The maximum permitted density in the RH-5 zone district is 27.2 dwelling units per acre. Currently, the sorority is comprised of 69 occupants, which translates to 23 dwelling units pursuant to section 9-8-6(a), B.R.C. 1981. Given the occupancy equivalency, the site has a density of 79 dwelling units per acre.

The project site is also nonconforming as to parking. A total of 46 parking spaces are required at a ratio of two spaces per three occupants. Today, only seven parking spaces are provided on site.

Lastly, the project site is nonconforming as to open space. A total of 600 square feet of open space is required per dwelling unit in the RH-5 zone district. Given the number of units on site, a total of 13,800 square feet of open space is required. This requirement exceeds the actual size of the site as the site is only comprised of 12,500 square feet.

The addition of the 731 square foot rooftop deck will not only provide additional on site open space, but will also in its location have limited negative impacts on the adjacent properties.

The applicant is also proposing to plant several street trees and install irrigation along the Pennsylvania Avenue frontage to meet landscape requirements.

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

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

The development proposal is for the addition of a rooftop deck for the sorority use. The existing sorority use will remain.

(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.

No setback variations are being requested as part of this proposal as the existing building footprint is not being altered as part of this proposal.

Y (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.

In order for the existing building to be made conforming, the sorority would have to significantly decrease occupancy of the site. Additionally, compliance with the current parking and open space requirements would be required. Compliance with the current development standards would necessitate the removal of a large portion of the existing building or complete redevelopment of the entire site.

While the proposal does not seek to eliminate the rooming units to make the site conforming, it does seek to decrease the level of nonconformity by providing a private on-site open space amenity.

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

The development proposal will result in an increase in floor area.

CRITERIA FOR REVIEW

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

(1) Boulder Valley Comprehensive Plan:

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

The project site is located at the southeast corner of 12th Street and Pennsylvania Avenue one block from College Avenue and the University Hill Business District. The project site shares an alley with commercial uses and is located on the fringes of the University Hill General Improvement District.

The project site has a BVCP land use designation of High Density Residential which is defined as areas with densities greater than 14 dwelling units per acre. In addition the project site is zoned RH-5, which permits densities of 27.2 dwelling units per acre.

Although the existing sorority use is permitted by-right in the RH-5 zone district, the use is nonconforming as to density, parking and open space. Overall with project site provides student housing in an area that is in near proximity to the University of Colorado as well as a transition between the commercial and lower density residential uses to the west.

Applicable BVCP policies are as follows:

2.15 Compatibility of Adjacent Land Uses

2.32 Physical Design for People

Y(B) The proposed development shall not exceed the maximum density associated with the Boulder Valley Comprehensive Plan residential land use designation. Additionally, if the density of existing residential development within a three-hundred-foot area surrounding the site is at or exceeds the density permitted in the Boulder Valley Comprehensive Plan, then the maximum density permitted on the site shall not exceed the lesser of:

The BVCP defines the high density residential land use designation as areas having a density greater than 14 dwelling units per acre. The project site has a density of 79 dwelling units per acre as calculated utilizing the occupancy equivalency pursuant to section 9-8-6(a), B.R.C. 1981. It is important to note that this equivalency provides an intensity analysis but does not establish a number of units permitted on site. The actual number of units permitted on site would be determined based on the zone district.

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

Given the limited scope of the development proposal, the rooftop deck is consistent with BVCP policies as well as Site Review criteria.

(2) Site Design: Projects should preserve and enhance the community's unique sense of place through creative design that respects historic character, relationship to the natural environment, multi-modal transportation connectivity and its physical setting. Projects should utilize site design techniques which are consistent with the purpose of site review in subsection (a) of this section and enhance the quality of the project. In determining whether this subsection is met, the approving agency will consider the following factors:

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

The proposed rooftop deck will provide an additional private open space amenity on site.

Since the project site is fully developed, there are no other open space opportunities on site.

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

Y(C) Landscaping

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

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

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

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

Since the project site does not currently meet the streetscape standards, as part of the development proposal the applicant is installing additional street trees along Pennsylvania Avenue as well as irrigation.

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

N/A (E) Parking

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

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

The applicant has been requested to verify the height of the existing building. As measured from the top of the stair penthouse, the height of the existing building is 39'-6". Based on the height survey provided in the application materials, the immediate surrounding buildings range in height from 32 feet to 47.5 feet. The proposed safety railing will exceed the maximum permitted height in the RH-5 zone district 35 feet at 36 feet, however will not exceed the height of the building.

The project site is located at the southeast corner of 12th Street and Pennsylvania Avenue, one block from College Avenue, adjacent to the University Hill Business District. The project site shares an alley with the commercial uses adjacent to the east and is located at the fringe of the University Hill General Improvement District. High density residential uses are adjacent to the site on the north, south and east. The general character of the area is that of a highly pedestrian oriented neighborhood with high density residential development, mainly student housing, which provides a transition between the commercial uses to the east and the less dense residential areas to the west.

Private decks and patios are commonly found with residential uses as a private open space amenity. The proposed rooftop deck will provide an additional open space amenity available to the residents of the project site. The location of the deck on the north side of the roof, along the street frontages, will provide ample separation from the adjacent surrounding residential uses and therefore minimize impacts. Additionally, the proposed deck will not be visible from the street.

In addition, the proposed railing will be located 18-24 inches behind the existing parapet wall which is measured to be 33'-8" in height. The proposed railing will extend approximately two feet above the parapet wall, however will have minimal visual impact given the view angle from the pedestrian level. In addition, given the minimalist design of the railing, it will have minimal or no impacts to the existing mass, bulk and height of the existing building.

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

The railing of the proposed roof top deck will exceed the maximum permitted height in the RH-5 zone district (35 feet) at 36 feet, however will be located significantly lower than the existing building height at 39'-6".

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

Not applicable; the orientation of the building is not being altered with the development proposal.

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

Not applicable; although the character of the area is identifiable as a pedestrian oriented, student rental community the proposal for the proposed rooftop deck will not be visible from the street.

The proposed railing will be comprised of materials that will be complementary in nature to the existing building.

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

Not applicable; the site is currently fully developed. No changes to the existing site design result from the development proposal.

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

Not applicable; the provision of public amenities are not associated with the development proposal.

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

Not applicable; the development proposal request provides private open space and will maintain the existing sorority use.

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

The location of the proposed rooftop deck at the north end of the roof, along the street frontages of 12th Street and Pennsylvania Avenue, will provide ample space between the use and the adjacent residential uses. Furthermore, the proposed rooftop deck will not be utilized for social gatherings; only events attended by sorority members.

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

Not applicable; there is no lighting proposed as part of the development proposal.

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

Not applicable; the site is fully developed and there are no changes being made at grade as a result of the development proposal.

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

Not applicable; neither the building exterior facade nor interior space are being altered with this proposal. The addition of the rooftop deck will provide a cooler rooftop surface and help decrease urban heat island effect in the summer months.

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

Not applicable; the building located at 1162 12th St. is existing. The exterior façade materials are brick and will not be altered as a result of this development proposal.

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

Not applicable; the site is fully developed. There is no grading associated with this development proposal.

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

Not applicable; the project site is within the city boundary and within a major activity center.

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

Not applicable; the project site is within the city boundary and within a major activity center.

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

potential for the use of solar energy in accordance with the following solar siting criteria:

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

N/A (I) Land Use Intensity Modifications:

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

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

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



INFORMATION PACKET MEMORANDUM

To: City Council Members

From: Jane S. Brautigam, City Manager
Paul J. Fetherston, Deputy City Manager
Maureen Rait, Executive Director of Public Works
Tracy Winfree, Director of Public Works - Transportation
Mark Beckner, Police Chief
Greg Testa, Deputy Police Chief
Carey Weinheimer, Police Commander
Felix Gallo, Transportation & Utilities Maintenance Coordinator
Jennifer Riley, Code Enforcement Supervisor
Cris Jones, Transportation Planner

Date: September 13, 2012

Subject: Information Item: Snow and Ice Control Program and Sidewalk Snow Removal Enforcement

EXECUTIVE SUMMARY

This year, the city's official "snow season," in terms of operational response preparation, begins Sept. 10, 2012 and lasts until May 27, 2013. With the onset of winter, questions arise from the public regarding the city's snow removal procedures. This memorandum provides City Council with information on the city's snow and ice control program, sidewalk snow removal enforcement and the city's snow information brochure.

The goals of the city's snow and ice control program as related to the Transportation Master Plan are to:

1. Keep primary and secondary streets, on-street bike lanes and the off-street path system open.
2. Respond with enhanced service levels in the event a significant snowfall impedes the mobility of the public in and around residential roads, sidewalks and bus shelters.
3. Use materials and equipment efficiently and effectively to help reduce the dangers of traveling in inclement weather.

4. Enforce the sidewalk snow removal regulations (section 8-2-13, B.R.C. 1981) that require all owners or residents of private property to have the ice and snow hazards cleared from public sidewalks or walkways abutting their property no later than 24-hours after a snowfall (or snowdrift).
5. Communicate any delayed opening or early release decisions in advance for city functions before impending severe weather impacts the ability for residents or employees to safely arrive at their destination within the city.

Snow and ice program information is made available each year in news releases, a utility bill insert, in the city's snow brochure and on the city's website under "Winter Tips" at www.bouldercolorado.gov. The city's snow brochure, which is provided to residents who request additional information, includes information on the Snow and Ice Control Program and provides answers to commonly asked questions about snow operations. A copy of this year's brochure is included in the 2012-2013 City of Boulder Snow & Ice Control Information packets that have been distributed to council members. Information from the packet is posted on the Winter Tips website mentioned above.

A new initiative for this year is a snow and ice control analysis regarding the efficiency and effectiveness of current maintenance operations as well as identifying and putting in to place any short and long term improvements. The analysis is expected to be complete by the end of this year with any identified efficiencies put in place during the snow season for evaluation.

FISCAL IMPACT

Each year, the Transportation Division's budget accounts for snow and ice control operations for normal weather patterns and events. The adopted 2012 budget for snow and ice control is \$872,791. Snow control on city streets is affected by the amount of snow and length of the storm, time of day, temperature and traffic conditions. The City of Boulder does not normally plow residential streets for two primary reasons: (a) most snow melts within a day or two in Boulder's climate and (b) this additional level of service would significantly increase costs and impact the city's ability to perform other high priority services. However, during significant events, snow fall exceeding 12 inches, the city will strategically service neighborhood streets to address known problem areas. Also, during regular snow events, the city deploys a "floater" vehicle to respond to requests from public safety personnel and the community.

Currently, staff is performing an internal service delivery and competitive market analysis to evaluate a number of aspects of the city's snow and ice control program. The evaluation includes, but is not limited to:

- Capturing accurate expenditure information across cost categories and city divisions,
- Considering staff and resource efficiencies beyond those already implemented;
- Developing and evaluating service delivery alternatives;
- Comparing practices with other Front Range communities;
- Comparing service costs with the market place;
- Considering modifications to current practices and materials used; and
- Developing options that address problem areas such as areas with significant steep, grades that don't get much sunshine.

Results from the evaluation will inform potential changes to standard practices, resource and budgetary adjustments, and other potential changes.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Economic:** Mobility of workers, residents and consumers is essential to the overall economic health of Boulder. The inability to maneuver impassable roads, unshoveled sidewalks and/or bus stops affects the city's overall economic health.
- **Environmental:** Snow and ice control operations and sidewalk snow removal efforts support multiple travel choices, which directly impact the environment. The city's street sweeping program and selection of environmentally sensitive products also help achieve air quality and water quality goals for the city and region.
- **Social:** Mobility is key to independence, particularly for those with disabilities, seniors and school children who are adversely impacted when roads are impassable and sidewalks, bus-stops and multi-use paths are not adequately cleared of snow. The involvement of these populations in community activities, including employment, is essential.

BACKGROUND

The snow and ice control program goals are achieved by having full crews available, equipment maintained and ready when needed, and providing a safe environment for employees. Each year, crews are provided with education and training on the use of snow removal materials and equipment, and plow operators are re-certified on the equipment used to perform snow control operations.

In September of each year, two snow crew rosters are developed. During the snow season, mid-September through the end of April, each crew rotates on a weekly basis as the "first call" crew. A Transportation Maintenance employee is on snow standby 24-hours-a-day, seven days a week to track weather conditions and to respond to notification of snow events. Working with the Boulder Police Department patrol officers and dispatchers, the snow standby person is notified when snow conditions occur after normal work hours or on holidays and weekends. Crews are expected to respond as quickly as possible. Crews work rotating 12-hour shifts throughout a storm event.

A standard operating procedure guides communication and assists the City Manager's Office with decision-making regarding city facilities and programming. When an incoming severe weather event is forecasted that may impact the transportation system, Transportation and Utilities maintenance staff assess local roads, investigate the response of other agencies and inform the City Manager's Office with a recommendation if a delayed opening or early release of city functions or public meeting postponement is warranted. The decision to alter city functions or facility hours is made by the City Manager's Office.

An enhanced snow control response is triggered when snow accumulation is in excess of 12 inches (defined as a “significant” snowfall event). Available Transportation maintenance staff is directed to inspect both residential roads and bus shelters for the public’s ability to drive vehicles out of residential areas and safely load and unload onto buses.

During snowstorms, 16 plow trucks are on Boulder streets. Fifteen trucks drive predetermined routes while one “floater” truck responds to problem areas and complaint calls. Six trucks distribute a liquid deicer and four spreader trucks distribute traction materials. Seven trucks have dual systems to distribute either liquid or traction material. The floater truck is either a liquid or a spreader truck depending on the type of storm and type of material needed. Two plow trucks and operators cover the multi-use path system between 4 a.m. and 4 p.m. When path use is decreased, one plow truck and operator covers the path system between 4 p.m. and 4 a.m.

The Transportation Maintenance workgroup utilizes a “real time” Automatic Vehicle Location (AVL) system to track the actual location, speed and plowing operation of the main route snow fleet. This Global Position Satellite (GPS) system allows supervisors to track and verify snow and ice control operations for dispatching efficiency adjustments and for liability purposes.

In order to minimize environmental impacts of snow and ice control, the city uses alternative deicing and traction materials. No sand is used unless alternative deicing materials are not available from the supplier and public safety is an issue. The liquid deicing agent is a magnesium chloride solution. Magnesium chloride, a plant nutrient and soil stabilizer, is less corrosive than other deicing products. In 2008, the city switched to a different formulation of magnesium chloride called “Meltdown Apex”. Meltdown Apex, which costs slightly more than traditional magnesium chloride, is more readily available from the supplier and continues to be effective at lower temperatures. New and less corrosive liquid deicers continue to be analyzed.

The traction material used is a crystallized deicer, made up of complex chlorides, that dissolves over time and does not need to be swept. However, in keeping with the city’s commitment air quality goals monitored by the Regional Air Quality Council (RAQC), the entire snow system is swept within four days of a major storm event. All material used and its impacts on water quality have been reviewed and analyzed by city water quality staff and found to have no significant impact on Boulder’s water sources and distribution system.

Streets are sometimes pretreated with liquid deicer before a storm (depending on weather conditions) to help reduce the buildup of snow and ice. The material or combination of materials used during a storm event depends on existing and predicted weather conditions (i.e., amount of precipitation and humidity) and pavement temperatures.

Standard operating procedures also provide for the proactive application of deicing materials on streets that have certain factors such as steep grades and significant shading, which contribute to more challenging conditions and typically generate a high number of resident requests for attention.

Program Analysis

This year, a snow and ice control analysis was initiated in order to review all aspects of the maintenance operation and compare it to other local municipalities as well as the competitive market. The analysis is expected to be completed by the end of 2012.

While the analysis is still underway, several early indicators have revealed that the city is more similar than not to other local municipalities in:

- The level of service regarding crew staffing and major road coverage
- Not plowing residential roads (unless a major storm has occurred)
- The use of identified chemical de-icing products
- The use of contractual services during a major storm

During the 2011-2012 snow season, the issue was raised regarding the ability of residents to contract directly with private contractors for the snow removal of select residential roads currently not plowed. Staff is analyzing the feasibility of allowing such contracts vs. the ability to protect private and public property from inadvertent damage, controlling the amounts and types of deicing chemicals used, and the administrative costs to the Transportation Division. This practice would also need to be analyzed to ensure that it is socially equitable and affords all members of the community with an opportunity for full participation regardless of social status.

As staff completes the analysis, modifications and changes could be considered such as adjusting standard practices, addressing problem areas, reconciling cost categories, and achieving additional efficiencies.

Operational Efficiencies

The Public Works, Parks and Recreation (P&R), Parking Services and Open Space and Mountain Parks departments continue to investigate operational efficiencies and potential areas of overlap, including snow removal work. To date, some changes in operational responsibilities have been made. For example, because some of the bikeways are in the city's parks, P&R maintenance staff is able to efficiently maintain the mowing, pruning and snow removal along adjacent bikeways in the parks. The Bear Creek bikeway heading north from Martin Street underpass, formerly maintained by Public Works, is now maintained by P&R (landscaping and snow removal). Public Works, in turn, has assumed responsibility from P&R for maintaining the full length of Elmer's Two Mile path from the Goose Creek bikeway to the north limits at Juniper Avenue, in coordination with other related maintenance work in the area.

Staffing efficiencies are also an important aspect of budget management. An operational efficiency was implemented between Transportation and Utilities maintenance crews by requiring some Utilities positions to participate in snow response. This change allows the city to "staff up" for larger events and to have smaller, more efficient crews during off-event periods.

Transit shelter maintenance continues to be a challenge for the city and the Regional Transportation District (RTD). With nearly 1,000 transit stops located within the city, the city and RTD are only able to provide regular maintenance at high-use transit stops to the extent that human and financial resources permit. RTD's Adopt-a-Stop program also utilizes community

volunteers to remove trash and snow from other designated stops. Specifically, snow removal is performed at the remaining RTD transit stops on a limited basis by city staff or city contractors, typically by request only.

SIDEWALK SNOW REMOVAL ENFORCEMENT:

Section 8-2-3, BRC, 1981 requires that sidewalks adjacent to both residential and commercial properties be cleared of snow and ice no later than 24-hours after a snowfall or snowdrift. Property owners, tenants, and property managers can all be held responsible for failure to remove snow under the ordinance. Violation of the ordinance can result in a municipal court summons and fine (\$100 for first offense) or abatement in which the city hires a contractor to clear the sidewalk at the property owner's expense. Enforcement of the sidewalk snow removal ordinance is handled by the code enforcement unit in the Boulder Police Department.

The National Weather Service website, <http://www.nws.noaa.gov/data/obhistory/KBDU.html>, is used as an official resource to get local weather conditions. The information is updated every 20 minutes. If concerned about knowing when the 24-hour time period begins, members of the public can go to the website, look for the "Weather" column and corresponding time. The descriptions in the weather column will include "overcast", "fair", "mostly cloudy", "light snow", and "snow" etc. Code Enforcement could begin enforcing the snow removal ordinance 24-hours after the last mention of snow listed on this website.

Additional code enforcement information can be found on the Boulder Police Department's website under "Find code enforcement information", including a link to the National Weather Service for Boulder.

When a Code Enforcement Officer identifies a violation of sidewalk snow removal, contact is attempted at that location to have the snow removed. If no contact can be made, a 24-hour notice of violation is posted on the front door of the property in violation. After the expiration of the notice, an officer will re-inspect the property to confirm compliance. Should a property still remain in violation, the address will be added to a list that is forwarded daily to a contractor for abatement of the hazard. All charges for snow removal are billed to the property owner.

NEXT STEPS

Snow and ice program information is made available each year in news releases, a utility bill insert, in the city's snow brochure and on the city's website under "Winter Tips" at www.bouldercolorado.gov. The utility bill insert with snow information will be distributed through the utility bill mailing in October. The city's snow brochure, which is provided to residents who request additional information, includes information on the snow program and answers commonly asked questions about snow operations. A copy of this year's brochure is included in the 2012-2013 City of Boulder Snow & Ice Control Information packets that have been distributed to council members. Also included are detailed snow route maps and snow operations information.

As the results of the Snow and Ice evaluation emerge, staff will implement changes and return to Council regarding meaningful budgetary changes or policy issues.

For more information about the snow and ice control program, please contact Felix Gallo at 303-413-7180 or e-mail to Gallop@bouldercolorado.gov.

For more information on the transportation planning effort regarding bus shelter maintenance, please contact Cris Jones at 303-441-3217 or jonesc@bouldercolorado.gov.

For more information on enforcement efforts, please contact Jennifer Riley at 303-441-1877 or RileyJ@bouldercolorado.gov



INFORMATION PACKET MEMORANDUM

To: Members of City Council

From: Jane S. Brautigam, City Manager
Paul J. Fetherston, Deputy City Manager
Maureen Rait, Executive Director of Public Works
Tracy Winfree, Director of Public Works for Transportation
Stephany Westhusin, Engineering Project Management Coordinator
Felix Gallo, Transportation and Utility Maintenance Coordinator
Rod Rindal, Project Manager
Mark Getman, Program Planner
Peter Rosato, Transportation Maintenance Supervisor
Noreen Walsh, Senior Transportation Planner

Date: September 18, 2012

Subject: Information Item: Update on the Transportation Pavement Management Program

EXECUTIVE SUMMARY

This Information Packet is intended to update City Council on the progress made by the Transportation Division's Pavement Management Program (PMP). The last PMP update to council occurred in 2010. The PMP database is now being fully utilized to track pavement condition of the roadway system and annually create pavement maintenance work plans. This process helps to ensure that the appropriate pavement treatment can be applied at the most economical time to prolong the life of the streets.

Maintaining and operating the existing transportation system are core responsibilities of the city. As such, pavement management and repair is in the top quartile of Priority Based Budgeting. The addition of one-time funding from the Capital Improvement Bond, along with the ongoing budget for pavement maintenance enables the city to catch up on deferred pavement repair through 2014.

The city has been looking into various options to address the long term transportation funding gap, including a transportation maintenance fee. Information related to additional funding needs for transportation maintenance and operations can be found at:
www.bouldercolorado.gov/transportation/funding

FISCAL IMPACT

As an update on the PMP, additional funding is not being requested related to this information item. For more information regarding Transportation Funding and Transportation Maintenance Fee discussions, visit www.bouldercolorado.gov/transportation/funding

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Economic:** The safe and efficient movement of goods and people is essential to Boulder's economic sustainability and vitality. The PMP helps keep the street infrastructure in good maintenance condition.
- **Environmental:** The program strives to use the least impactful treatments as possible to prevent extensive repairs and use of raw materials. The city utilizes a 20 percent recycled asphalt material in all of our asphalt mixes.
- **Social:** A well-maintained multimodal transportation system benefits all members of the public.

BACKGROUND

The City of Boulder's street system has more than 49 million square feet and 675 lane miles of paved roads. Maintaining and operating the existing transportation system is a core responsibility of the city, and pavement management and repair is in the top quartile of Priority Based Budgeting. Boulder's largest transportation asset is its street system, which provides the core transportation network for cars, trucks and buses. Bicyclists use most roads as well as pedestrians when they are crossing streets. Pavement Maintenance is the most significant expense in the Transportation Divisions' operations and maintenance budget.

Pavement deteriorates over time due to use and weather, developing cracks and potholes. In order to minimize costs, careful tracking of pavement condition is important. The Transportation Division has developed a PMP to better track and care for this asset. The program includes three sequential steps:

- Creating a database of all the streets in the city;
- Rating the condition of all the street sections; and
- Analyzing the data through an iterative process and creating a plan of pavement treatments that are applied at the most economical time to prolong the life of the streets.

Pavement condition is rated from 1 to 100 (100 being the best) with the commonly used Overall Condition Index (OCI) rating system. A database that is included within the city's Cartograph asset management system has been created to include all city streets and their pavement condition rating. The data is updated and analyzed so a plan of pavement treatments can be applied at the most economical time to prolong the life of the streets. The city's goal is to be within the OCI range of 75-80, which is in line with most other communities. In 2010, staff provided City Council an update on the development of the PMP with two of the three (above steps) having been accomplished at that point.

Progress since 2010:

- *Street Database* – The street database is continually updated with new information, tracking any maintenance or reconstruction work done, including costs, by street segment.

- *Rating the Street Sections* – One-third of the city’s streets are examined and rated each year and this information is updated in the Cartegraph database. The ratings can be easily mapped by condition and can give a quick view of the street conditions and better guide maintenance activities. The current overall OCI of the city’s streets is approximately 75. The 2010 pavement condition reported a rating of 78.
 - Since the original rating of all of the streets in 2007, all of the city’s streets have been re-rated once and the second cycle will begin in 2012.
- *Analyzing the Data* - The street rating data is used to identify appropriate pavement treatments that are applied at the most economical time to prolong the life of the streets. This data was used for the 2012 work plan and a map of the 2012 streets being chip sealed, resurfaced and reconstructed. The map can be viewed at www.BoulderTransportation.net > Ongoing Programs > Street Pavement Maintenance. The map includes repairs to be completed with annual street repair funds as well as additional Capital Improvement Bond funds. Creating annual work plans allows the PMP to better coordinate with other planned improvements such as the city’s waterline replacement program or other planned private utility, capital improvement or development projects.

The data collected is also being utilized to project additional funding needed to maintain the desired overall street condition ratings. Beginning in 2015, it is estimated that an additional \$1.6 million will be needed to maintain an OCI of 78.

- *Additional funding for pavement maintenance work* - The PMP has been supplemented with the following additional funding:
 - Capital Improvement Bond Funding (through March 2015)
 - \$5 million for overlay and surface treatments to supplement the annual program;
 - \$2.5 million for reconstructing lower volume streets generally rated lower than 25. These streets were unfunded in prior years’ programs to focus on repair of higher volume streets; and
 - \$5 million for major street reconstruction to reconstruct Arapahoe Avenue from Folsom to approximately 17th Street (construction occurring in mid/late 2013 to 2014).
 - Annually programmed funding for pavement maintenance work has been increased for the 2012 budget by six percent and an additional 5.7 percent increase is proposed for 2013 due to real and anticipated revenue increases. The 2013 budget also has a proposed one-time addition of \$200,000 for use on pavement maintenance. This matches the funding priorities of the Transportation Master Plan investment priorities, as well as the Priority Based Budgeting, which supports funding system operations, maintenance and travel safety first.
 - The combination of the Capital Improvement Bond funding with the annual maintenance funding is projected to improve overall street OCI to 78 by the end of 2014, returning the overall condition rating to the rating reported in 2010. Without the added investment from the voter-approved bond and added investment from the Transportation Fund, the condition rating would have continued on a downward trend.

- *Staffing* – There is now an engineering project manager dedicated full-time to the PMP work. A fixed term civil engineer was hired due to the increased work load from the 2011 voter approved Capital Improvements Bond.

CONCLUSION AND NEXT STEPS

The annual pavement maintenance work plans will continue to be drafted and finalized using PMP data. The addition of one-time funding from the Capital Improvement Bond, along with the ongoing budget for pavement maintenance will enable the city to catch up on deferred pavement repair through 2014 and help to maintain the OCI target between 75-80. Once the bond funding is fully expended, the estimated unfunded need for pavement maintenance is \$1.6 million annually, beginning in 2015. If the additional funding is not obtained, the overall OCI rating will decrease over time.

The city has been looking into various options to address the long term transportation funding gap, including a transportation maintenance fee. Information related to additional funding needs for transportation maintenance and operations can be found at:

www.bouldercolorado.gov/transportation/funding .

At the Nov. 15, 2012 City Council meeting, there will be an update via Matters from the City Manager on the work from the Transportation Maintenance Fee Task Force. In March 2013, a Study Session is scheduled to discuss the Transportation Maintenance Fee as a potential 2013 ballot item.



CITY OF BOULDER
Boards and Commissions Minutes

NAME OF COMMISSION: Boulder Arts Commission
DATE OF MEETING: August 15 , 2011
NAME/EXTENSION OF PERSON PREPARING SUMMARY: Gregory Ravenwood (x4113)
MEMBERS: Brandy LeMae, Linda Haertling, Anna Salim, Ann Moss, Richard Turbiak STAFF: Greg Ravenwood, Sam Assefa, Mary Wohl Haan, Mary Fowler COMMUNITY MEMBERS: Deana Miller, Carla Selby, Barbara Neal, Amy Tremper, Amanda Berg Wilson, Randee Toler, Margot Brauchli, Stephanie Wendell, Jennifer Shriver, Lauren Shepard, Zachary Wilkinson, Cindy Sepucha
TYPE OF MEETING: REGULAR
SUMMATION: Call to Order & Approval of Minutes: The meeting was called to order at 5:33 p.m. The July 18 minutes were approved. Information and Discussion Items: Civic Area Master Plan: Sam Assefa gave an overview of the Civic Area Plan process and suggested that the BAC should submit its ideas and suggestions as a board by the end of September. Arts & Cultural Programs Assessment Project Update: Deana Miller gave a brief review of progress and next steps. Grant Project Contract Revision: The commission reviewed and provided change requests to the grant contract. Arts & Business Collaborative Grant Proposals: The Commission reviewed and provided commentary on grant proposals from: Lisa Bell, (DBA Crescendo) with Boulder International Film festival, Frequent Flyers and The Catamounts, for the project MMMMMBoulder!; Boulder Museum of Contemporary Art with Denver Botanic Gardens, Exhibitions, Art & Library Collections for the project Community-Supported Art Colorado; The Catamounts with Alive Brewing, Agnes & Hoss Design Studio and 63 rd Street Farm for the project FEED Integration and Expansion; Center for ReSource Conservation with Tinker Art Studio and Boulder Valley School District for the project Sustainable Materials + ART Initiative; and Ana Maria Hernando with Innisfree Poetry Bookstore & Café for the project Twenty-Four Questions. The proposals from BMoCA and The Catamounts received favorable votes allowing those applicants to proceed to the final round of consideration for grant funds. Advancement Program Reports: The report for David Dadone's Americans for the Arts convention Scholarship was approved. The report for Lisa Bell's Scholarship for SBDC Leading Edge Entrepreneurship Series/Growth Venture Series was approved. Grant Budget Reports: The reports for Colorado Film Society's 2011 Arts in Education Grant project, CFS/BIFF Educational Outreach Program; Colorado Shakespeare Festival's 2010 Arts and Business Collaborative Grant project, Shakespeare a la Carte; Kehoe's 2012 Mini-Grant project, Youth Services Initiative Art Show; and the Upstart Crow's 2012 Mini-Grant project, Fast, Loud and Overplayed were approved. Adjournment: The meeting was adjourned at 7:23 p.m.
ATTACH BRIEF DETAILS OF ANY PUBLIC COMMENTS: Carla Selby spoke to Boulder's reputation in relation to the numerous scientific agencies and facilities in the area, leading into her recommendation for collaboration between the scientific community and the artistic community. Amy Tremper made an announcement about the North Boulder Little Libraries project.
TIME AND LOCATION OF ANY NEXT MEETINGS: 4:30 p.m., Wednesday, September 19, 2012 in the North Meeting Room, Boulder Public Library, 1001 Arapahoe Avenue.

**CITY OF BOULDER
LANDMARKS BOARD
August 1, 2012
1777 Broadway, Council Chambers Room
6 p.m.**

The following are the action minutes of the August 1, 2012 City of Boulder Landmarks Board meeting. A digital recording and a permanent set of these minutes (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). You may also listen to the recording on-line at: www.boulderplandevlop.net.

BOARD MEMBERS:

Kurt Nordback

Liz Payton

Mark Gerwing, Chair

John Spitzer

Kirsten Snobeck

*Leonard May **Planning Board representative without a vote*

STAFF MEMBERS:

Debra Kalish, Assistant City Attorney

James Hewat, Historic Preservation Planner

Marcy Cameron, Historic Preservation Planner

1. CALL TO ORDER

The roll having been called, Chair **M. Gerwing** declared a quorum at 6:03 p.m. and the following business was conducted.

2. APPROVAL OF MINUTES

On a motion by **K. Nordback**, seconded by **K. Snobeck**, the Landmarks Board approved (5-0) the minutes of the June 6, 2012 board meeting.

3. PUBLIC PARTICIPATION FOR ITEMS NOT ON THE AGENDA

4. DISCUSSION OF LANDMARK ALTERATION AND DEMOLITION

935 Lincoln Place, Stay-of-Demolition, Expires September 30, 2012

K. Nordback expressed interest in holding an initiation hearing. There was consensus that this should occur at the September Landmarks Board meeting.

5. ACTION ITEMS

LANDMARK ALTERATION CERTIFICATE

A. Public hearing and consideration of a Landmark Alteration Certificate to construct a retaining wall at the south and east sides of the property at 703 Pine Street in the Mapleton Hill Historic District, per Section 9-11-18 of the Boulder Revised Code (HIS2012-00094) Applicant: Matt Corley Owner: Bernice M. Edens

Board members were asked to reveal any ex-parte contacts they may have had on this item.

M. Gerwing made site visits and reviewed the project at a Design Review Committee meeting.

K. Nordback made a site visit.

L. Payton made a site visit and received an email.

K. Snobeck made a site visit and reviewed the project at a Design Review Committee meeting.

J. Spitzer made a site visit and received an email.

Applicant's Presentation

Matt Corley, contractor representing property owner, Bernice M. Edens.

Public Hearing

No one from the public spoke to this item.

Motion

On a motion by **K. Nordback**, seconded by **K. Snobeck**, the Landmarks Board approved (5-0) the application for a Landmark Alteration Certificate to construct a retaining wall at the south and east sides of the Landmark property at 703 Pine St. in the Mapleton Hill Historic District, as requested in the application dated April 23, 2012, finding that it does meet the standards for issuance of a Landmark Alteration Certificate in Section 9-11-18, B.R.C. 1981, and is substantially consistent with the *Mapleton Hill Historic District Design Guidelines*. The board adopted the memo dated 8.1.2012 as findings for its decision.

Conditions of Approval:

1. The Applicant shall propose stone color, pattern and specific height dimensions to ensure the southeast corner of the wall is constructed as low as possible and that these conditions be reviewed by for acceptability by the Landmarks design review committee prior to the issuance of a Landmark Alteration Certificate.

LANDMARK ALTERATION CERTIFICATE

B. Public hearing and consideration of a Landmark Alteration Certificate to re-roof the non-contributing house at 2111 4th Street in the Mapleton Hill Historic District with standing seam roofing material, per Section 9-11-18 of the Boulder Revised Code (HIS2012-00120) Applicant: Billy Schweiger & Megan Bowes, Builder: Buckner Construction

Board members were asked to reveal any ex-parte contacts they may have had on this item.

M. Gerwing made site visits and reviewed the project at a Design Review Committee meeting.

K. Nordback made a site visit.

L. Payton made site visits, reviewed the project at a Design Review Committee meeting, received emails, read a newspaper article about this project, and received a Mapleton Hill listserv email from the applicant's mother to the neighborhood.

K. Snobeck made a site visit, received emails, and observed the review of the project at a Design Review Committee meeting.

J. Spitzer made site visits, received emails, and reviewed the project at a Design Review Committee meeting.

L. May mentioned that the property owner approached him several years ago about designing the addition, but he did not design it.

Applicant's Presentation

Billy Schweiger, 2111 4th Street, owner, spoke in support of the project.

Ed Byrne, 250 Arapahoe Avenue, attorney, spoke in support of the project.

Jeff Troutman, 710 Concord, designer of project, spoke in support of the project.

Public Hearing

Catherine Schweiger, 628 Maxwell, spoke in support of the project.

Mary Ann Giuletto, 3060 6th Street, spoke in support of the project, particularly regarding mitigating fire risk.

Motion

On a motion by **M. Gerwing**, seconded by **K. Snobeck**, the Landmarks Board approved (5-0) the application for a Landmark Alteration Certificate request to re-roof the non-contributing house at 2111 4th St. in the Mapleton Hill Historic District with standing-seam metal roofing material, as requested in the application dated May 29, 2012, finding that it meets the standards for issuance of a Landmark Alteration Certificate in Chapter 9-11-18, B.R.C. 1981 and is substantially consistent with the *Mapleton Hill Historic District Design Guidelines*. The board adopted the staff memo dated 8.1.2012 as findings for its decision.

Condition of Approval:

1. The applicant must submit a metal and profile sample of the panel proposed to staff for review to see that it conforms with staff's original recommendation prior to the issuance of a Landmark Alteration Certificate.

6. MATTERS FROM THE LANDMARKS BOARD, PLANNING DEPARTMENT AND CITY ATTORNEY

- A. Civic Area Project Update, Sam Assefa, Lesli Ellis
- B. Goose Creek Bridge Update
- C. Follow-up discussion about proposed changes to the Demolition Ordinance
- D. Update on Landmarks Board subcommittees
- E. Update Memo

7. DEBRIEF MEETING/CALENDAR CHECK

8. ADJOURNMENT

The meeting adjourned at 9:32 p.m.

Approved on September 5, 2012

Respectfully submitted,



Chairperson

CITY OF BOULDER, COLORADO
BOARDS AND COMMISSIONS MEETING ACTION SUMMARY FORM

NAME OF BOARD/COMMISSION: LIBRARY COMMISSION

DATE OF MEETING: September 5, 2012

NAME/TELEPHONE OF PERSON PREPARING SUMMARY: Leanne Slater, 303-441-3106

LIBRARY COMMISSION MEMBERS PRESENT: Annette Mitchell, Anne Sawyer, Celeste Landry, Donna O'Brien, and Dan King.

LIBRARY STAFF MEMBERS PRESENT: Valerie Maginnis, Jennifer Miles, Kathleen Janosko, Leanne Slater, Melinda Mattingly, Antonia Gaona, Gwen Holton, Mary Jane Holland, Wendy Hall, Linda Cumming, and Donna Klopff.

CITY STAFF PRESENT: Joe Castro, Maureen Rait, Glenn Magee, Sam Assefa, Lesli Ellis, David Mallett, and Jennifer Bray.

PUBLIC PRESENT: Alice McDonald, Doris Hass, and Nicholas Bozik.

Call to order: The meeting was called to order at 5:57 p.m.

Approval of Agenda:

Public Participation:

Consent Agenda:

Approval of Aug. 9, 2012 Minutes:

Library Update (from memo):

- Boulder Public Library records in Worldcat- Commission discussed pros and cons of participating in Worldcat and staff will follow up with more information.
- Library support for NoBo Little Libraries Initiative- Commission discussed NoBo Little Libraries Initiative and some commissioners may participate, along with the director, in delivering donated or de-accessioned library materials on Sunday, Sept. 23.

Commission Update (from memo):

Items for Action:

Matters from the Department:

A. Boulder Civic Area Plan Presentation (24 minutes):

Lesli Ellis, senior planner, and Sam Assefa, senior urban designer, presented the timeline for the Boulder Civic Area Project and asked the commission for feedback on the project.

B. Main Library Renovation (19 minutes)

- Update on responses to RFQ (Requests for Qualifications):
The Project Team updated the commission on the responses to the RFQ and asked the commission for feedback.
- Feedback on RFP (Requests for Proposal) scope, scoring matrix, and weighting
Commission was pleased with the report on the RFP process and felt that it was moving forward in an expeditious, thorough, and transparent manner.

C. 2013 Budget Update (41 minutes): Mallett, Maginnis, and Miles updated the commission on the City of Boulder 2013 City Manager's Recommended Budget.

Items for Discussion/Information:

A. Short-term and long-term implementation of Library Commission priorities:

Commission clarified priorities and assigned teams composed of two commissioners each to take lead on the respective priorities.

B. Communication guidelines draft:

Commissioners gave feedback on first draft of communication guidelines that will be consistent with open meeting laws.

Next Commission meeting (rollover items):

October meeting Priority Discussion topic(s): To be determined.

Adjournment – The meeting was adjourned at 8:20 p.m.

ATTACH BRIEF DETAILS OF ANY PUBLIC COMMENTS (LIMIT TO ONE PAGE):

TIME AND LOCATION OF ANY FUTURE MEETINGS, COMMITTEES OR SPECIAL HEARINGS:

The October meeting will be held on Wednesday, Oct.3, 2012 at the Carnegie Branch Library, 1125 Pine St., at 6 p.m.

CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
August 16, 2012
1777 Broadway, Council Chambers

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

PLANNING BOARD MEMBERS PRESENT:

Bryan Bowen
Aaron Brockett
Leonard May
Danica Powell
Mary Young, Vice-Chair

PLANNING BOARD MEMBERS ABSENT: Sam Weaver, Bill Holicky, Chair (partial absence)

STAFF PRESENT:

David Driskell, Director of Community Planning and Sustainability
Susan Richstone, Deputy Director of Community Planning and Sustainability
Hella Pannewig, City Attorney
Charles Ferro, Land Use Review Manager
Karl Guiler, Planner II
Katie Knapp, Floodplain and Wetland Administrator
Liz Hanson, Economic Vitality Coordinator
Cassie Milestone, Planner II
Sue Erickson, Administrative Specialist III

1. CALL TO ORDER

Chair, **M. Young**, Vice Chair, declared a quorum at 6:03 p.m. and the following business was conducted.

2. PUBLIC HEARING ITEMS

M. Young addressed the public participants that based on recommendations from staff the Board move to remove Agenda Item 5A from today's agenda.

- A. Public hearing to consider a resolution concerning the proposed development of the properties located at 5399 Kewanee Drive and 5697 South Boulder Road commonly referred to as the Hogan-Pancost site.**

Staff Presentation

D. Driskell addressed the board and requested to remove from the agenda the proposed Resolution item regarding the Boulder Creek Commons Area. He noted that the Planning Department prides itself on listening to the views of the boards, applicants and community and committed to a process that is as fair and balanced as possible. As a result, he explained the recommendation and the procedural background to recommend the motion and what staff's future plans would be.

The board made the decision to have a public hearing on the Resolution and consider making the motion to remove the item from the agenda afterwards.

Public Hearing

1. **Jeff McWhirter, 5435 Illani Way** pooled time with **James Johnson: 130 Manhattan Dr., Ron and Jean Craig: 260 Cimarron Way, Karen Lewinn: P.O. Box 18238.** Presented a PowerPoint presentation to the board on analysis related to the flood impacts. Frustrated at the lack of communication in the process.
2. **Harry Holland, 5323 Aztec Dr.** – Read letter written by **Steve Tellene, 225 Cimarron Way** (a resident of the neighborhood) strongly differs with the premise of the Resolution. Planning board should take this opportunity to examine why the Planning staff had not already commissioned a consultant to further effectively examine data interpretation.
3. **Ruth Blackmore, 705 S. 41st Street** – Citizens of Boulder do research of items that impact them and their community. Supports the resolution being pulled from agenda.
4. **Mike Boyers, 2487 Mapleton Ave.,** Applicant for Boulder Creek Commons project. Supports Resolution, but suggests some of the language needs to be modified. Applicant has been presented with no technical data or studies from public hired specialist.

Board Discussion on Motion

A. Brocket expressed concerns in the beginning and is glad that the item is being tabled to be able to address the technical analysis of the item. He wants to see more outside expertise and time to digest the information and noted the resolution did not capture that and he was not comfortable with the way it was worded.

L. May did not understand the parameters of the City's third party review. He stated there was not enough good information to make a decision on the validity of the concept.

D. Powell echoed **A. Brockett's** comments but somewhat disagreed with **L. May** in that there is space within the process of a review within timeframes for the citizens need to have the opportunity to respond. She is looking forward to getting the item resolved, possibly by impartial third or fourth party before the items come to public hearing.

B. Bowen stated that it is clear that the board cannot make decisions based on conflicting factual information. He noted he doesn't know what the right process is but everyone needs to work together toward resolution.

M. Young saw no need for the resolution. She felt strongly that this project should not be held to a different standard than any other neighborhood project. She noted there were conflicting

facts brought up during the hearing that essentially presented new evidence, so there needs to be a different method of bringing forth a resolution of conflicting facts.

On a motion by **A. Brockett**, seconded by **L. May**, the Planning Board approved 5-0 (**S. Weaver** and **B. Holicky** absent) approved to amend the agenda of today's Planning Board meeting to remove agenda item 5A., titled "Public Hearing to consider a resolution concerning the proposed development of the properties located at 5399 Kewanee Drive and 5697 South Boulder Road commonly referred to as the Hogan-Pancost site."

L. May suggested spending 5 to 10 minutes in **MATTERS** to discuss ideas on how to make process better.

3. APPROVAL OF MINUTES

On a motion by **M. Young**, seconded by **A. Brockett**, the Planning Board approved by unanimous vote (5-0, **S. Weaver** and **B. Holicky** absent) to approve the July 19 Planning Board minutes.

4. PUBLIC PARTICIPATION

1. **Elizabeth Allen, Boulder**, spoke to agenda item 6B-Boulder Civic Area Project and believes it is disingenuous to public. She felt there is no need for new Civic Area; that no one really wants this. She wants Planning Board to guide Planning staff in better direction.
2. **Steven Wallis, 2525 Arapahoe Avenue**— Spoke regarding organized public events. Has been organizing events such as Boulder Creek Festival and Farmer's Market for many years. The Boulder Market has not been given the opportunity to serve its purpose. Without warning, the police were called and notified that the market planned for August 25th in the First United Methodist Church parking lot was against zoning laws and shut the event down. Believes process is completely unfair. Demands that the public has input and demands a clear and transparent process on what applies and what does not.

5. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS

- A. **Floodplain Development Permit (LUR2012-00042) and Wetland Permit (LUR2012-00043), Goose Creek Restoration**

The board did not call this item up.

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

- A. **Update on Primary Employer Study - L. Hansen and C. Milestone** presented the item to the board.
- B. **Boulder Civic Area Project Update and Discussion - S. Assefa** presented the item to the board. **B. Holicky** noted that as this gets taken online one issue has been familiarity of the place and sense of location. The size of the area is important and users of the area it will impact. He would like to figure out how the plan will work, how it information will be presented to jurors and how to guide their response. He emphasized the need to ensure that this is designed around the people, with real use

and functionality in mind. He likes the outreach of the project. **M. Young** noted that the designing for people struck a chord with her. She suggested looking at it as how others would use the space.

- C. **Hogan-Pancost Discussion** - The board chose to spend approximately 5 minutes discussing the other options that might be considered on how resolution might be addressed. **D. Powell** noted that it is important for both sides to establish deadlines and that questions must be answered at the site review. She highlighted the need for science and fourth party consultant to clarify issues. She recommended that notifications being clear, timely and efforts be made to work better with the neighborhood. **M. Young** stated that there too high of an expectation to expect the public to respond the same as the applicant and staff who are getting paid for doing that level of work. **L. May** followed that it is more difficult to respond to someone else's product if you didn't generate the product idea or thought evolution. **B. Holicky** felt an evidentiary hearing on scientific issues would be helpful as part of a two-part meeting. **L. May** agreed. He felt it would be a mistake to have a third party consultant because it would put the third party on the defensive and suggested a fourth party review for impartial, expert feedback. **B. Holicky** and **M. Young** agreed.
- D. Ex-officio Landmarks Board member. **B. Bowen** will assume this position.
- E. **D. Powell** updated the board that Trader Joes came through Boulder Design Advisory Board (BDAB) in addition to the Goose Creek Bridge last week.

DEBRIEF/AGENDA CHECK

7. ADJOURNMENT

The Planning Board adjourned the meeting at 8:36 p.m.

APPROVED BY



Board Chair

9.6.12
DATE

CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
August 23, 2012
1777 Broadway, Council Chambers

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PLANNING BOARD MEMBERS PRESENT:

Bryan Bowen
Aaron Brockett
Bill Holicky, Chair
Leonard May
Danica Powell
Mary Young
Sam Weaver

PLANNING BOARD MEMBERS ABSENT:

STAFF PRESENT:

Susan Richstone, Deputy Director of Community Planning and Sustainability
Charles Ferro, Land Use Review Manager
Hella Pannewig, Assistant City Attorney
Jessica Vaughn, Planner II
Chandler Van Schaack, Associate Planner
Debbie Fox, Administrative Specialist III

TRACK 1

1. CALL TO ORDER

Chair, **B. Holicky**, declared a quorum at 6:04 p.m. and the following business was conducted.

2. APPROVAL OF MINUTES

3. PUBLIC PARTICIPATION

4. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS

- A. USE REVIEW (LUR2012-00055): Nonconforming Use review to raise roof and walls on existing single-family residence for increased ceiling height.
- B. SITE REVIEW MINOR AMENDMENT (LUR2012-00024): for site and building modifications associated with the conversion of the former September School arts building to three attached residential units.

The board did not call these items up.

5. PUBLIC HEARING ITEMS

- A. **Public hearing and consideration of a Use Review request, no. LUR2012-00035, to convert existing office uses in the Viewpoint Office Park to medical / dental office uses. The Viewpoint Office Park is located within the Residential High-4 (RH-4) zone district.**

Applicant: Vince Porreca, Porreca Associates
Owner: Viewpoint A + B, LLLP

Staff Presentation

C. Van Schaack presented the item to the board.

Applicant Presentation

The applicant did not present to the board, but was available for questions.

Public Hearing

No one from the public spoke to the board.

Board Discussion

M. Young noted that the staff analysis noted there will not be an impact from the increase in cars, but there will be two and half times the car trips, therefore two half times the carbon dioxide emissions.

On a motion by **A. Brockett**, seconded by **D. Powell**, the Planning Board approved (7-0) Use Review No. LUR2012-00035 incorporating this staff memorandum as findings of fact, subject to the recommended Conditions of Approval below:

1. The Applicant shall ensure that the development shall be in compliance with all approved plans dated August 3, 2012 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. Further, the Applicant shall ensure that the approved use is operated in compliance with the following restrictions:
 - a. The Applicant shall operate the business in accordance with the written statement dated August 3, 2012, which is attached to this Notice of Disposition.
 - b. Size of the approved use shall be limited to 47,400 square feet.
 - c. The approved use shall be closed from 6 p.m. to 7 a.m. seven days per week.
 - d. The Applicant shall not expand or modify the approved use, except pursuant to subsection 9-2-15(h), B.R.C. 1981.

- B. **Public hearing to consider Site Review for Height Modification and Nonconforming Use Review, LUR2012-00032, for a 731 square foot rooftop deck for the Alpha Chi Omega House located at 1162 12th St. The proposal includes the installation of a railing that is in excess of the maximum permitted height (35 feet) not to exceed 36 feet. The project site is zoned Residential-High 5 (RH-5).**

Applicant: Don Goulart for Alpha Chi Omega

Property Owner: Nu Chapter House Association Alpha Chi Omega

Staff Presentation

J. Vaughn presented the item to the board.

Applicant Presentation

Amanda Bertrand, attorney for Alpha Chi Omega, spoke on behalf of the applicant.

Public Hearing

No one from the public spoke to the board.

Board Discussion

On a motion by **D. Powell**, seconded by **S. Weaver**, the Planning Board approved (7-0) approved Site Review and Nonconforming Use Review No. LUR2012-00032 incorporating this staff memorandum and the attached Use Review Criteria Checklist and Site Review criteria checklist as findings of fact, subject to the recommended Conditions of Approval below:

Site Review:

1. The Applicant shall ensure that the **development shall be in compliance with all approved plans** dated August 7, 2012 on file with the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval.
2. The Applicant shall **comply with all previous conditions** contained in any previous approvals, except to the extent that any previous conditions may be modified by this approval, including, but not limited to, the following: the Development Agreement recorded at Film No. 2096 and Reception No. 1570251 in the Boulder County Clerk and Recorder's Office on December 18, 1995.
3. The railing of the rooftop deck **shall not exceed 36 feet in height** as measured pursuant to section 9-7-5, "Building Height," B.R.C. 1981.

Use Review:

4. The Applicant shall ensure that the **development shall be in compliance with all approved plans** dated August 7, 2012 on file with the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval. Further, the Applicant shall ensure that the approved use is operated in compliance with the following:
 - a. The Applicant shall operate the rooftop deck **in accordance with the Applicant's Management Plan** dated August 7, 2012.

- b. The rooftop deck **use shall be closed from 9 p.m. until 7 a.m.** seven days per week.
 - c. **No outdoor speakers or outdoor amplified sound** shall be permitted on the rooftop deck.
5. The Applicant **shall not expand or modify the approved use**, except pursuant to subsection 9-2-15(h), B.R.C. 1981.
 6. The Applicant shall **comply with all previous conditions** contained in any previous approvals, except to the extent that any previous conditions may be modified by this approval, including, but not limited to, the following: the Development Agreement recorded at Film No. 2096 and Reception No. 1570251 in the Boulder County Clerk and Recorder's Office on December 18, 1995.
 7. This approval is **limited to NU Chapter House Association**, a Colorado Non-Profit Corporation, f/k/a NU Chapter House Association (Alpha Chi Omega, a Colorado Corporation), the owner of the building located at 1162 12th Street and which includes the rooftop deck. Any changes in ownership shall be subject to the review and approval of the Planning Director. The purpose of such review shall be to inform such subsequent user of this rooftop deck that it will be required to operate the rooftop deck in compliance with the terms of this approval.

7. MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY

1. **C. Ferro** gave an update on the Alcohol Land Use Code Changes presented to Council.
2. **C. Ferro** gave an update on the Hogan Pancost process.
3. **C. Ferro** provided a review of the upcoming planning calendar.
4. **S. Weaver** noted that Heather Bailey will provide an update on the Energy Future project at Tuesday, August 28 study session.
5. **B. Bowen** will be out of the country in December.

8. DEBRIEF/AGENDA CHECK

9. ADJOURNMENT

The Planning Board adjourned the meeting at 6:55 p.m.

APPROVED BY



 Board Chair

9.6.12

 DATE

**Frank Shorter Appreciation Day
September 10, 2012**

WHEREAS, Frank Shorter moved to Boulder early in 1970 and has lived and trained here since; and

WHEREAS, Frank Shorter logged thousands of miles on local roads and trails in becoming one of the best long-distance runners of all time; and

WHEREAS, Frank Shorter won the Olympic marathon gold medal in Munich on September 10, 1972, a win that is credited with sparking the *Running Boom*; and

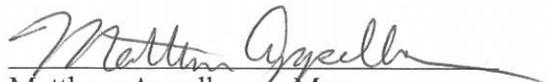
WHEREAS, Frank Shorter has been a great ambassador for the City of Boulder, being a magnet that has drawn scores of fellow Olympians and world-class athletes here to train; and

WHEREAS, Frank Shorter, called *The Man Who Invented Running*, has contributed in many ways to Boulder County becoming a national and world center of endurance sports; and

WHEREAS, Frank Shorter continues to volunteer his time and expertise to the community

NOW, THEREFORE, BE IT DECLARED by the City Council of the city of Boulder, Colorado, that September 10 is declared

Frank Shorter Appreciation Day


Matthew Appelbaum, Mayor

