



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: June 19, 2018

AGENDA TITLE:

Consideration of the following items related to the redevelopment of the property located at 311 Mapleton, 2505 and 2525 4th Street:

1. Introduction, first reading and consideration of a motion to order published by title only, Ordinance 8275 rezoning those areas of the property from Residential – Low 1 (RL-1) to Public (P), consistent with the Boulder Valley Comprehensive Plan Land Use of Public (case no. LUR2017-00028);
2. Site Review for a proposed Congregate Care Facility (Academy at Mapleton Hill) that includes 93 independent living residential units and 12 memory care units, along with a 42-bed subacute rehabilitation facility with a warm water therapy pool open to the public (case no. LUR2016-00065); and
3. Use Review for the Congregate Care Use and Parking as a Principal Use in the “P” zoning district (case no. LUR2017-00027).

The requests for Site and Use Review were called up by City Council on June 5, 2018 and the hearing will be held under quasi-judicial procedures.

Applicant: Michael Bosma

Property Owner: Mapleton Hill Investment Group

PRESENTERS:

Jane S. Brautigam, City Manager

Jim Robertson, Executive Director

Elaine McLaughlin, Senior Planner, Planning Housing + Sustainability

EXECUTIVE SUMMARY

The site proposed to be redeveloped primarily as a Congregate Care use is generally located near the intersection of 4th Street and Mapleton Avenue, and has in the past been the Boulder Memorial Hospital and previously Boulder Sanitarium. Because findings were made by staff that the Site and Use Review requests are consistent with the Site Review criteria of the Land Use Code section 9-2-14(h), B.R.C. 1981, and the Use Review criteria of section 9-2-15(e), B.R.C. 1981, staff recommended that the

Planning Board approve the application with conditions. In addition, because the rezoning application meets the criteria of the Land Use Code section 9-2-19, B.R.C. 1981, staff recommended that the Planning Board forward a recommendation of approval of the rezoning to the City Council. The staff memorandum to Planning Board and other related background materials are available on the city website at the following [link](#).

At the hearing on May 31, 2018, the Planning Board voted 4-2 to approve the Site and Use Review applications with conditions (**J. Gerstle** and **C. Gray** opposed, **L. Payton** recused) as provided in the Notice of Disposition (**Attachment L**); and, the Planning Board voted 5-1 to recommend City Council approve the proposed rezoning application (**C. Gray** opposed, **L. Payton** recused). A summary of the board's discussion and recommendation on the applications can be found below under "Board and Commission Feedback." On June 5, 2018, the City Council voted to call-up the decisions of the Planning Board. At the hearing, Councilmember Young requested that staff also provide the minutes of the Planning Board hearing for the Concept Plan for the Junior Academy, now Trailhead, from around the year 2007. Staff notes that the Junior Academy Area Plan process was occurring about that time and those meeting minutes are provided in **Attachment O**.

For the call-up hearing, City Council will hold a quasi-judicial public hearing under the procedures prescribed by chapter 1-3, B.R.C. 1981. Council's actions on the Site and Use Review requests will be based on the detailed criteria found in the city's Land Use Code (refer to Key Issues 2 and 3 and **Attachment H**). Following the public hearing, council will take one of the following actions on the Site and Use Review applications:

- approve
- approve with conditions, or
- deny the applications

For the rezoning, please refer to the proposed rezoning ordinance, **Attachment A**. In the case of the rezoning, note that there are no conditions of approval as the findings for approval must be based solely on a request meeting the criteria for rezoning.

Criteria for Council's Decision and Staff Recommended Findings

The analysis section of this memo outlines the criteria that council must consider in making its decision on the proposed project and staff's analysis of the degree to which the proposal meets the criteria for each aspect of the requests.

STAFF RECOMMENDATION

Staff requests council consideration of this matter and action in the form of the following motion:

Suggested Motion Language:

1. Motion to introduce on first reading and order published by title only, Ordinance 8275 amending Title 9, "Land Use Code," B.R.C. 1981, to rezone any portion of the property located with Residential – Low 1 (RL-1) zoning district from RL-1 to Public (P) (case no. LUR2017-00028);
2. Motion to approve Use Review application case no. LUR2017-00027 for congregate care and parking as a principal use, incorporating the staff memorandum as findings of fact and subject to the conditions of approval provided within the staff memorandum.
3. Motion to approve Site Review application case no. LUR2016-00065 incorporating the staff memorandum and attached Site Review criteria analysis as findings of fact and subject to the conditions of approval provided within the staff memorandum.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic – The proposed project supports a diverse and sustainable economy by providing residential options for a growing demographic of seniors in the community.
- Environmental – The proposed project is considered an infill parcel within an existing developed parcel that is predominately constrained by surface parking lots and is consistent with city policies promoting infill and compact development. The project was approved with conditions and subject to the Transportation Demand Management (TDM) plan that would encourage alternative modes of transportation. The proposal was found to be consistent with the following Boulder Valley Comprehensive Plan (BVCP) policies related to community environmental sustainability including:
 - BVCP Policy 2.03 Compact Development Pattern
 - BVCP Policy 2.37 Enhanced Design for Private Sector Projects
- Social – The proposed congregate care use helps to support a special needs population. The proposal has been found consistent with the following Boulder Valley Comprehensive Plan (BVCP) policies related to community social sustainability including:
 - BVCP Policy 7.03 Populations with Special Needs
 - BVCP Policy 7.09 Housing for a Full Range of Households
 - BVCP Policy 8.01 Providing for a Broad Spectrum of Human Needs

OTHER IMPACTS

- Fiscal – no fiscal impacts are anticipated
- Staff time – The Site Review, Use Review and Rezoning Applications were done under normal staff time.

BOARD AND COMMISSION FEEDBACK

By a vote of 4-2 the Planning Board approved the applications with conditions and recommended City Council approve the rezoning. Per the Land Use Code section 9-4-4(c), B.R.C. 1981, if the City Council disagrees with the decision of the Planning Board it may call up the application within a 30-day call up period. On June 5, 2018, City Council voted to call up the Site and Use Review applications for consideration on **June 19, 2018** City Council public hearing.

Design Advisory Board (DAB) Review. On Aug. 17, 2018, DAB reviewed and discussed the application on Jan. 8, 2014 and Mar. 12, 2014 at regularly scheduled BDAB meetings, followed by a brief check-in with staff. The BDAB provided the applicant with a written summary of the BDAB review specific to each applicable design guideline within BVRC guidelines along with recommended changes to the building. The applicant implemented the majority of the BDAB and staff recommendations related primarily to simplifying the building finish materials and form.

Open Space Board of Trustees Review of OS-O Mapping Error. At the direction of City Council, the Open Space Board of Trustees (OSBT) met to discuss whether or not that portion of the property that is designated under the Boulder Valley Comprehensive Plan land use map as “Open Space-Other” was a

mapping error. On Feb. 14, 2018, OSBT had recommended to the Planning Board and City Council that *“the OS-O designation of a portion of 311 Mapleton is probably but not clearly a mapping error and the board further recommended that, “Fee title acquisition of the entire OS-O portion of the 311 Mapleton property is not recommended at this time based on the Board’s understanding of the Open Space values of this land.”*

Planning Board Review of OS-O Mapping Error. On Mar. 5, 2018, also at the direction of City Council, the Planning Board deliberated on the OS-O mapping error matter and concluded that the designation was clearly a mapping error.

City Council Review of OS-O Mapping Error. On April 3, 2018, the City Council deliberated on the OS-O mapping error issue and concluded there was no mapping error. A link to the staff memo for that public hearing is provided [here](#). Under the error correction process in the BVCP, both Planning Board and City Council must find that a discrepancy is clearly an error for it to be corrected under this process. Because City Council concluded there was no mapping error, a portion of the 311 Mapleton site remains designated OS-O.

PUBLIC FEEDBACK

Required public notice was given in the form of written notification, newspaper notification, email contacts as well as mailers several separate occasions with dates and purpose of notification as follows:

- Aug. 4, 2016 for notification of receipt of Site Review Application
- Mar. 9, 2017 for notification of Good Neighbor Meeting
- April 21, 2017 for notification of receipt of Use Review and Rezoning Applications
- July 14, 2017 for notification of Good Neighbor Meeting
- Aug. 9, 2017 for notification of Design Advisory Board
- Jan. 2018 for notification of Open Space Board of Trustees public hearing consideration of OS-O
- Feb. 2018 for notification of Planning Board and City Council public hearing consideration of OS-O

While the land use code requires written notification to all property owners within 600 feet of the subject site and a sign was posted on the property for at least 10 days, staff expanded the notification for the first Good Neighbor Meeting to include residents up to Broadway given the size of the site and the public interest. Altogether, a total of approximately 2,800 mailings were sent. In addition, the applicant re-posted the sign on the property on several separate occasions, as either vandalism or weather compromised the original sign postings on the site. A public notice was published in “News From City Hall” on the Daily Camera Newspaper website. Therefore, all notice requirements of [section 9-4-3](#), “Public Notice Requirements,” B.R.C. 1981 have been met.

At the Planning Board hearing there were approximately 32 members of the public who spoke, many spoke in opposition, but nearly as many spoke in support of the project.

BACKGROUND

The 15.77 acre property is located close to the intersection of Mapleton Avenue and 4th Street and contains a number of existing buildings associated with the former privately-owned Boulder Memorial Hospital including two medical office buildings on parcels commonly addressed as 2505 and 2525 4th Street respectively. For purposes of this memo, the entire property is referred to under the address of 311 Mapleton Avenue. The property has had a long history of medical-related uses beginning in 1895 when the Boulder Sanitarium was established on the site by the Seventh Day Adventist Church. In the 1950s, the Boulder Memorial Hospital campus was established on the property and in the late 1980s that became the Boulder Community Hospital which renamed the site Mapleton Center.

Currently, the site is occupied by medical and therapy related uses. Until recently, a warm water therapy pool operated on the site and was open to the public with various physical therapy programmed classes and operations. In November 2015, the Planning Board reviewed the Concept Plan for this project and generally indicated overall support for the application. **Attachment A** provides the board's comments and an analysis of how the applicant responded to those comments. The City Council did not call up the Concept Plan. The minutes of the Planning Board's Concept Plan hearing and a discussion on how the application responded to the Concept Plan comments are provided herein.

The site is surrounded by residential uses to the north, east, and south; and to the west is City of Boulder Open Space with the Centennial and Sanitas Valley trailheads and parking located west of the site on Sunshine Canyon Road. As shown in Figure 1, Site and Surroundings, the Mapleton Hill neighborhood is located east of 4th Street. It was established in the late 1880s at about the same time the Boulder Sanitarium was established with many of the residences built to support the doctors and staff that worked at the hospital. The



Figure 1
Site and Surroundings

The Knollwood neighborhood is to the south of Mapleton Avenue and was built in the 1950s, 60s and 70s. To the north is the Trailhead subdivision, the former site of the Boulder Junior Academy school, that began construction in 2014 with on-going build out on individual lots. Further to the north is the Newlands neighborhood that was built out primarily in the first half of the 20th Century. Mapleton Avenue is classified as a two-lane arterial where on-street parking is permitted adjacent to the site. Mapleton Avenue becomes "Sunshine Canyon Road" just west of the site which ultimately connects to the town of Gold Hill; 4th Street is a two-lane local street and on-street public parking spaces are permitted, aligning the street adjacent to the property. Figure 2 presents images of the surrounding context.

Site History. The site has been privately owned and developed since the late 1800s when the first of many health, wellness and medical-related facilities were built on the site by the Seventh Day Adventist Church. Figure 3a shows several photos and mapping of the original facilities and additions over time. Aside from guest/patient rooms and cottages and the health services, the sanitarium had an on-site dairy and poultry farm, a laboratory, icehouse, powerhouse, and greenhouse. A [1904 brochure for the Boulder-Colorado Sanitarium](#) was used to promote the facility as a health institution where "*the weary pilgrim may find rest from wearing perplexity and relief from sickness and suffering.*" As shown in Figure 3b, the survey of buildings from 1922, there were a total of 33 buildings on the site including the large main sanitarium building and the smokestack. By 1933, the nurses dormitory was built on the highest terrace on the site and remains today.



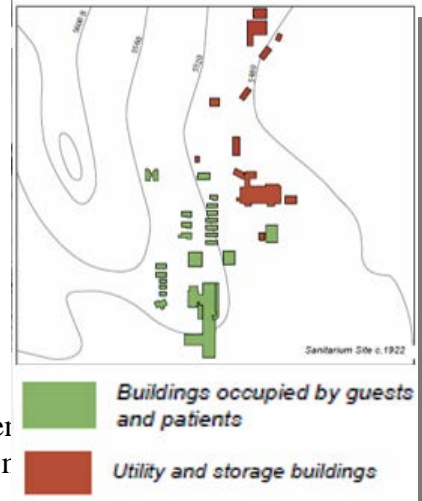


Figure 3a: Original Structures on Property (photos above) and
Figure 3b: Map of Structures as of 1922 (right)

In 1948, the Seventh Day Adventist Church sold the property to Boulder Memorial Hospital. The property was officially annexed in 1955 and in 1958, there was another major addition that, as noted in [the brochure for the event](#), included (then) state of the art features such as “steam heated, arc-lighted ambulance entrance” along with “central nursing stations” and “push button call service” and a “concrete service tunnel – 16 feet underground and several hundred feet long – that can also be used as a shelter in case of civil defense emergency.” Since 1957, there were 10 major additions made to the large hospital building. By the 1960s, there were more than 25 structures on the site and by the end of that decade a 68-bed addition was constructed, shown in Figure 4a. The most recent four-story addition was done in the 1980s as shown in Figure 4b, which remains today



Figure 4a: Existing Hospital Building as Built

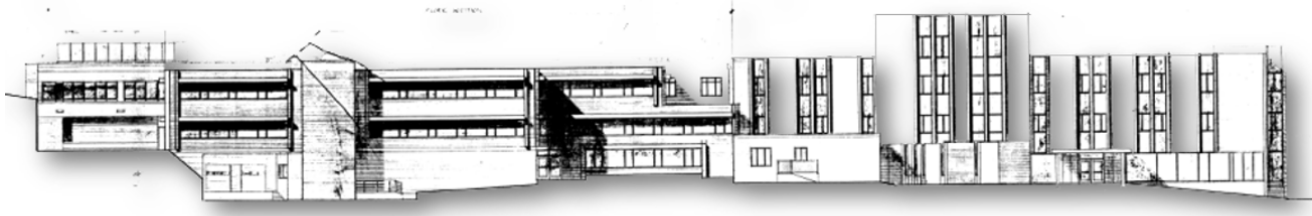


Figure 4b: Elevation of the Existing Hospital Building

Site Characteristics. The overall site today includes the hospital building, medical office buildings, storage and residential buildings. None of the existing buildings date to the time of the original construction as most were torn down over the decades. The applicant provided a [Historical Assessment](#) prepared by Winter & Co. of the existing site. Three historic structures were identified in the assessment as having minor alterations and potentially historic significance: the nurses dormitory and the two duplex cottages. While the assessment did not find the smokestack has historical significance, staff has made findings that it does retain historical significance as does the existing stone wall adjacent to Mapleton Avenue. Figures 5a and 5b are site photos of the various existing buildings on the site, including those associated with the former hospital



Figure 5a Existing Site Photos



Nurses' Home, 1930



Frame Duplex, 1900s



Frame Dwelling, 1940s



Stone Duplex, 1940

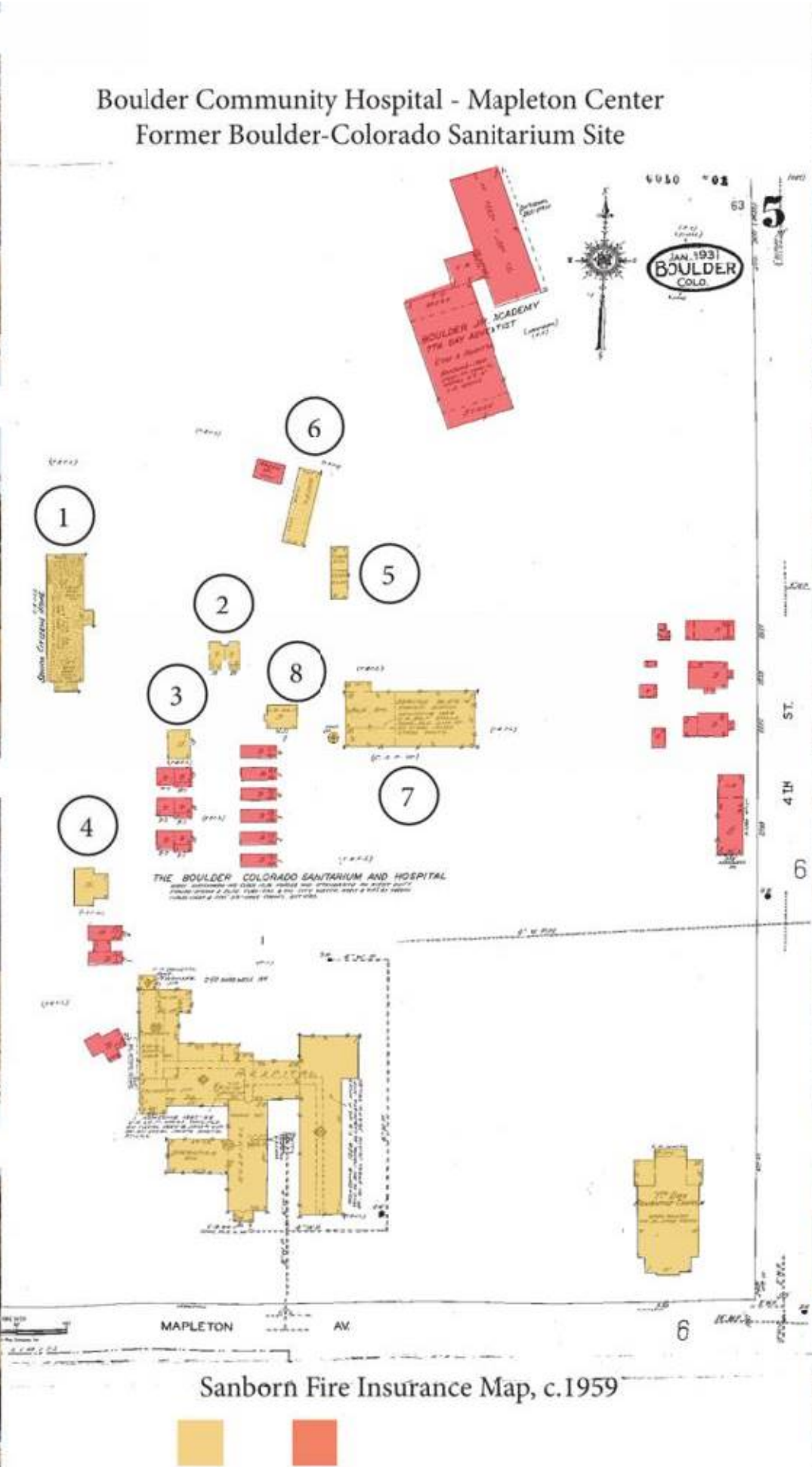


Figure 5b: Buildings Remaining from Hospital



Brick Dwelling, 1950s



Storage, 1920s



Storage, 1920s



Smokestack, 1920s//Powerhouse, 1957

The site topography ranges from a low point elevation of approximately 5460 feet at the north east corner to a high point of approximately 5584 feet on the north west side of the site. As can be seen in the topographic map in Figure 6 the site's has been altered significantly over time with a series of existing terraces upon which existing buildings or surface parking lots are located. Rising above the site, as a part of the mountain backdrop, is an intermediate “hogback” formation above which is punctuated by Mount Sanitas at an elevation of approximately 6,863 feet which can be seen from surrounding properties as well as from broad distances.

Per the city's Pendleton Mapping of Geologic Development Constraint areas, the site along with most of Mapleton Hill is mapped as a Potential Mass Movement Hazard and Consolidation/ Swell Constraint area (see Figure 7 below), which extends to surrounding neighborhoods including Mapleton Hill and Trailhead. These designations are assigned to several areas in the city that are affected by geologic constraints such as unstable soils or steep slopes. Redevelopment of properties affected by these designations requires geotechnical studies to demonstrate that such properties are safe for development and can be mitigated through structural engineering.

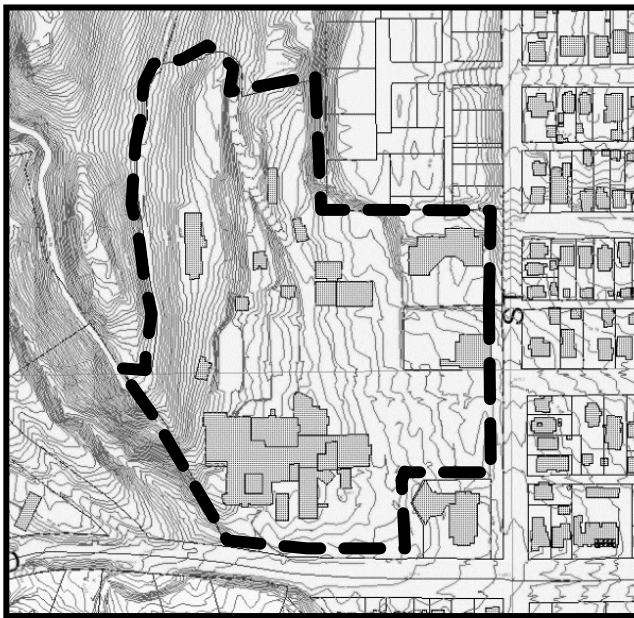


Figure 6: Existing Topography

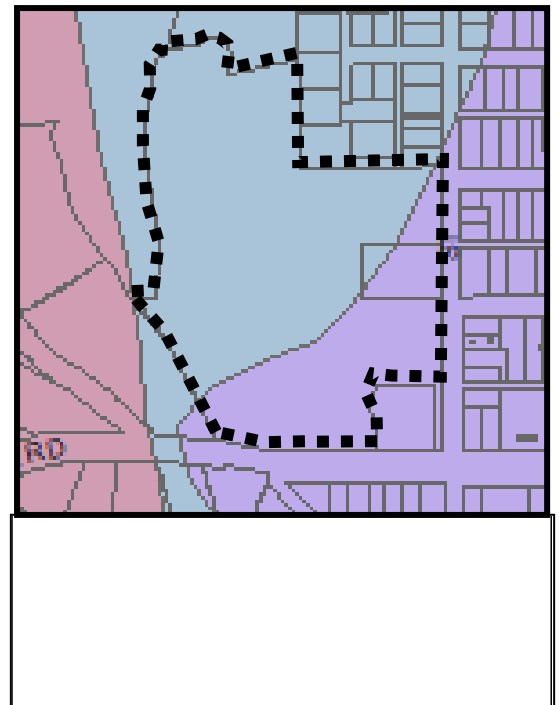


Figure 7: Pendleton Mapping

BVCP Land Use Designation

As shown below in Figure 8, the majority of the project site has a BVCP land use designation of Public, which is defined in the Boulder Valley Comprehensive Plan (BVCP) as follows:

“Public/Semi-Public land use designations encompass a wide range of public and private nonprofit uses that provide a community service. This category includes municipal and public utility services such as the municipal airport, water reservoirs, and water and wastewater treatment plants. Public/Semi-Public also includes: educational facilities, including public and private schools and the university; government offices such as city and county buildings, libraries, and the jail; government laboratories; and nonprofit facilities such as cemeteries, churches, hospitals, retirement complexes and may include other uses as allowed by zoning.”

There is also an approximately 3.7 acre area of property with a land use designation of Open Space – Other, which is defined as:

“Public and private land designated prior to 1981 that the city and county would like to preserve through various preservation methods, including but not limited to intergovernmental agreements, dedications or acquisitions. By itself, this designation does not ensure open space protection.”

In addition, the BVCP notes, “Open Space designations indicate that the long term use of the land is planned to serve one or more open space functions. However, Open Space designations may not reflect the current use of the land while in private ownership.

Zoning

As shown in Figure 9, the project site is split-zoned with the majority of the site being zoned Public (P) and a 2.48-acre area on the northeast corner of the property designated as Residential – Low 1 (RL-1) where two existing medical buildings are located. The ‘P’ zone district is defined as “*public areas in which public and semi-public facilities and uses are located, including without limitation, governmental and educational uses.*” The land use code does not define the terms “public” or “semi-public” under the Land Use Code section 9-6-1, B.R.C. 1981. Uses allowed by right or through Use Review include not only public and semi-public uses but also housing and institutional-type uses such as private universities, hospitals, and medical and dental clinics and offices. A Congregate Care use is allowed in the “P” zoning district through Use Review. That allowance is not defined to be specific to “public” or “semi-public” congregate care uses only.

The RL-1 zone is defined as: “*Single-family detached residential dwelling units at low to very low residential densities*” (section 9-5-2(c), B.R.C. 1981. The existing surgery center in this location was established in the 1980s through a Special Review. As a part of the proposed project the applicant is requesting to rezone those portions of the property that are not consistent with the BVCP land use designation of “Public.” This is further discussed under Key Issue #1.



Figure 8: Existing BVCP Land Use

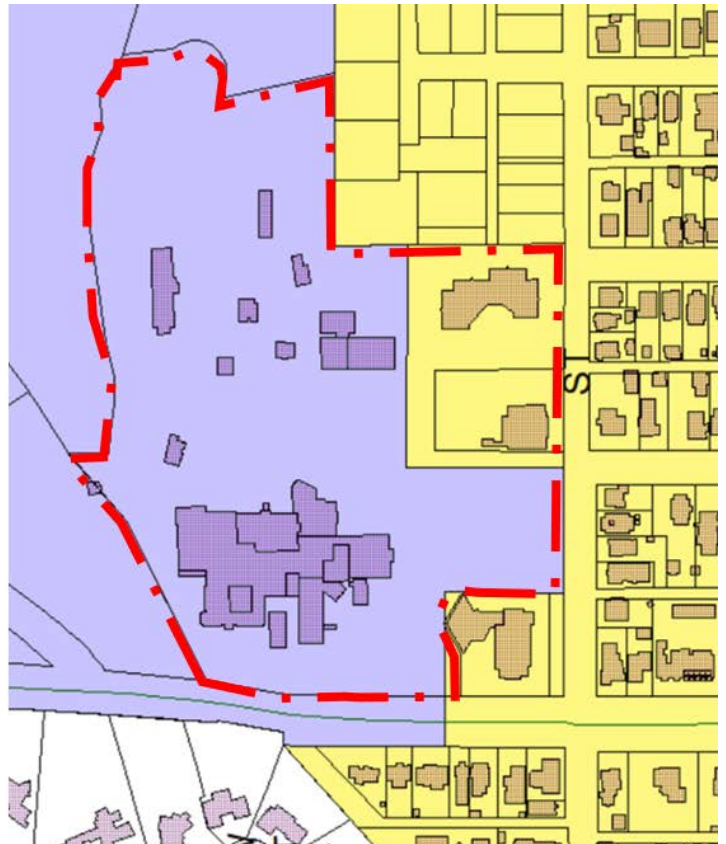


Figure 9: Existing Zoning

SUMMARY OF PROJECT DESCRIPTION

The applicant's proposed project plans are provided in **Attachment B** and the management plan, good neighbor policy and other application documents are provided in **Attachment C**.

The proposed project is planned as a congregate care facility with independent living units and memory care units along with a subacute rehabilitation facility. The planned local operator owns and operates the [Academy Senior Living retirement community on University Hill](#). The proposal consists of the following review applications:

- Rezoning of those portions of the property zoned RL-1 (Residential – Low 1) to P (Public) to bring site into consistency with BVCP Land Use Map per land use code section 9-2-19, B.R.C. 1981, as shown below in Figure 11, a comparison between the BVCP, the existing zoning, and proposed zoning; along with a small “sliver” of land adjacent to the church that is designated inconsistently with the Land Use (Refer to Key Issue 1) and the proposed ordinance **Attachment A**.
- Use Review per land use code section 9-6-1, B.R.C. 1981 for Congregate Care Use and Parking as a principal use for the below grade parking at Building C to be shared with the Seventh Day Adventist Church, per section 9-2-15(e), B.R.C. 1981; and for weekend parking at the existing surgery center for members of the public.
- Site Review per land use code section 9-2-15(h), B.R.C. 1981 for redevelopment of the property with a total of 93 independent living units, including attached and detached units, along with 12 attached memory care units, and a 42-room rehabilitation building along with associated amenity spaces and parking. Site Review is required because the size of the site meets the threshold for mandatory Concept Plan and Site Review.

As a part of the proposal, the applicant plans to landmark several historic resources on the site: the 1930s nurses dormitory; the 1920s white duplex cottage; the 1940s stone duplex cottage; the 1920s stone retaining wall along Mapleton Avenue; and the 1920s smokestack. Those elements will require a separate Landmarks Application process but are included as a condition of approval. The applicant prepared an Historic Resources Assessment as a part of the applications. That assessment is provided in **Attachment D** along with a brochure prepared in 2014 by staff on the historic resources.

As a part of the project, the applicant intends to dedicate public trail easements over areas of the site that contain a portion of the Dakota Ridge Trail that crosses the northwest corner of the site as well as a for the existing maintenance and social trail that is located adjacent to the Silver Lake Ditch on the western edge of the site. Also on the western edge of the site, the applicant intends to place approximately two-acres into a conservation area to protect that vegetated slope from any future development.

As shown in Figure 10, the proposed project is designed around the existing terraces and onto areas of surface parking lots on the site. The “main” building, Building “A” is planned in the location of the existing, large hospital building. Building ‘B’ and the paired buildings of “F” and “G” are planned to the north of the main building “A” that together would enclose a large central open space area.

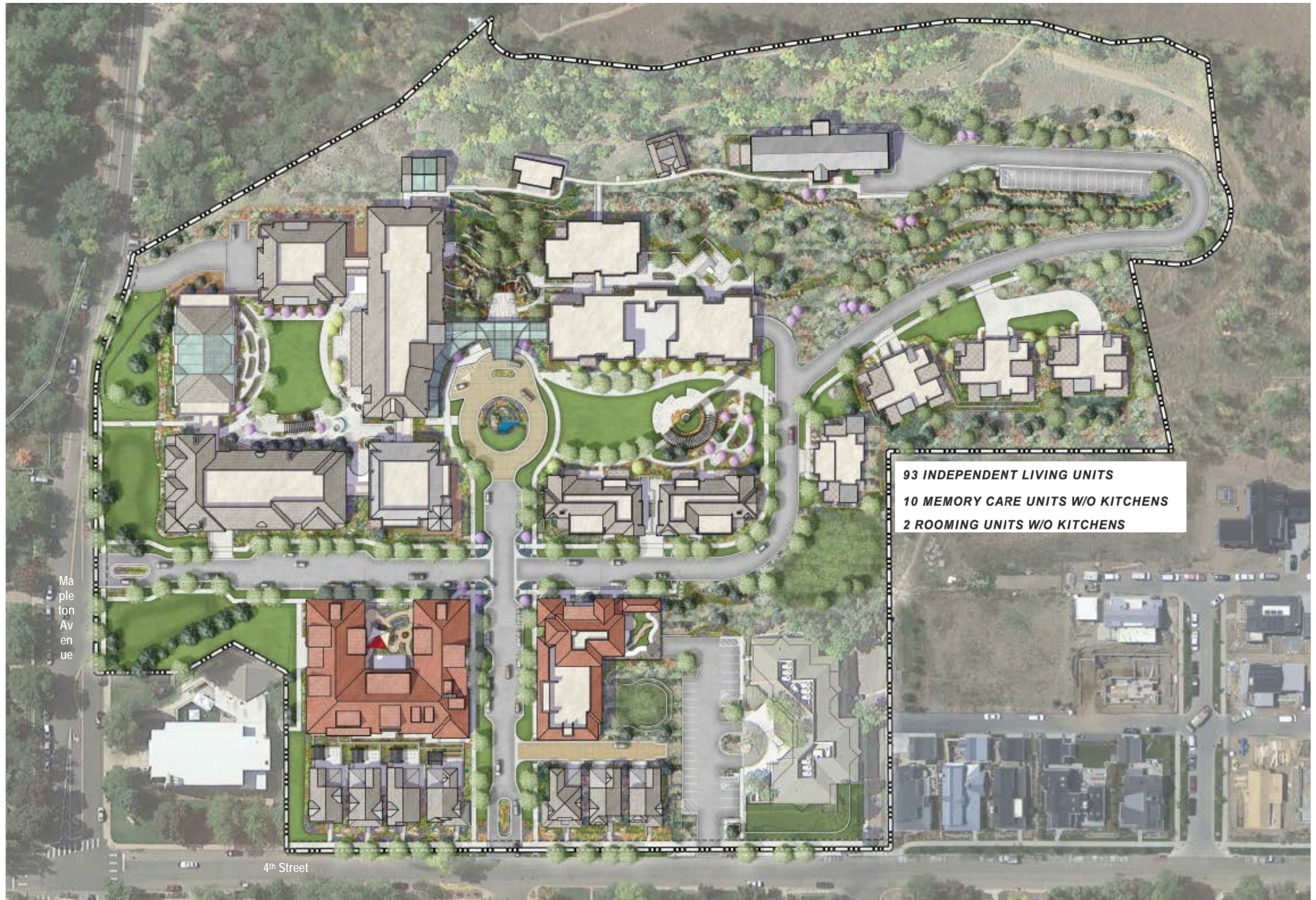


Figure 10: Proposed Project Plan

Referred to on the project plans as “the Village Green” it is planned on the existing broad “plinth” or terrace that today encompasses a large surface parking lot and the former hospital power station building and the smokestack (as can be seen in the photo of Figure 11). The smokestack is proposed to be landmarked and is designed as a focal point within the Village Green. Above this area is Building L, the former nurses dormitory planned to be landmarked and reused as six independent living units. Collectively the A,B,F,G, and L buildings are the planned as the “attached” independent living (IL) units. In each of the IL units kitchens are provided.



Figure 11: View across existing site and generalized location of planned redevelopment

As shown in the project plans in **Attachment B**, Building A is planned with most of the Congregate Care services and amenities including the main dining areas, a grand hall, community room, a fitness center and attached pool building. Building A is planned in three stories with 44 apartments (eight of which are permanently affordable) and below grade parking. The pool building (K) while separately labeled is attached to Building ‘A’ and is designed as a natatorium with broad south- and north-facing windows, high ceilings, and stone work as shown in Figure 12a. While planned essentially for residents, the pool and fitness are planned to be operated to allow for nearby neighbors to use. A rendering of Building A and K as seen from Mapleton Avenue are shown in Figure 12b. Building B is planned to be partially built into the existing slope with a maximum of three stories, below grade parking and 18 apartments as shown in Figure 13. The paired Buildings F and G are planned in a 2½ story configuration with eight apartments and below grade parking as shown in Figure 14. The buildings B, F and G are all planned on the “interior” of the site, they would not be readily visible from public roadways outside of the site.



Figure 12a: Building K (Pool Building) as seen from Mapleton



Figure 12b: Buildings A and K as seen from Mapleton



Figure 13: Proposed Bldg. B (internal to site)

Building 'C' is proposed just north of the existing Seventh Day Adventist Church as the Subacute Rehabilitation Facility. As shown in the elevation in Figure 15, the building is planned as 2 ½ stories in height with 42 beds and below grade parking that would be shared with the church. As noted in the application materials, the rehabilitation facility is intended for post-operative care for patients who can be either residents of the site or are members of the public who require short-term, post-operative therapy and care. It is intended to be managed as a hospital use licensed by the Colorado Department of Public Health and Environment. As a part of Building C, the warm water therapy pool is planned. The pool would also be available for members of the public as well as residents.

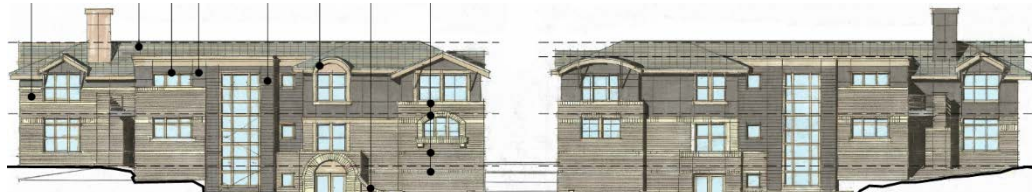


Figure 14: East Elevation of Paired Buildings F & G (internal to the site)



Figure 15: South Elevation of Building C Sub-Acute Rehabilitation (internal to the site)

Building 'D' is proposed north of Building 'C' as the memory care building on the site. Proposed with 12 rooms for residents who require assistance with activities of daily living, including residents with dementia and other cognitive challenges. the building is proposed with an arts and craft space, a kitchen and dining area and a separate, enclosed open space area for the residents. These units do not have separate, individual kitchens unlike the independent living units. The residents of the memory care building also have access to rest of the site amenities. The south elevation is shown below in Figure 16.



Figure 16: South Elevation Proposed Bldg. D Memory Care (internal to site)

There are seven independent living cottages planned to align 4th Street to match the context of the existing streetscape, that provide free-standing, independent living homes. Designed as two-story units, there is a ground floor master bedroom shown for each unit with an upstairs guest room and

den. Parking is below grade, along with the parking for Buildings C and D. Figure 17 illustrates four of the units.



Figure 17: Four of Proposed Cottages East (4th Street) Elevation

There are four independent living duplexes planned on northern most existing terrace where the long garage structure and a furniture storage building are located and are planned as duplex configured buildings in one- and one half-stories with single garages, with an example west and south elevations shown in Figure 18.

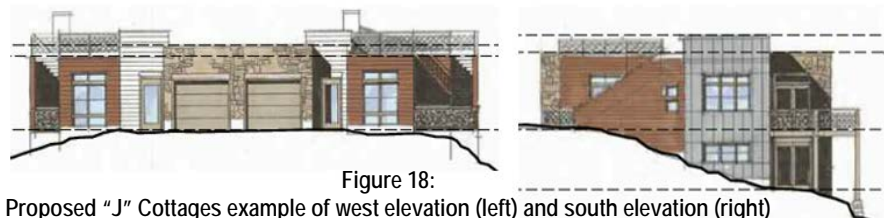


Figure 18:
Proposed "J" Cottages example of west elevation (left) and south elevation (right)

There are three other small buildings shown on the site plan including a small chapel (Building 'P'), shown in Figure 19 that is planned to be attached to Building 'A.' Building 'N' is the historic stone duplex cottage that is planned to be landmarked and rehabilitated along with Building 'O', a small duplex that is planned to be relocated between the other cottage and (former nurses' dormitory) Building 'L,' front elevations are shown below in Figures 20 and 21 respectively. The two historic cottages are planned to be used as administration offices.



Figure 19: Proposed Chapel Building



Fig. 20: Historic Stone Cottage O (Admin.)



Fig. 21: Historic White Cottage N (Admin.)

Proposed Uses:

Congregate Care Use. The proposed Congregate Care Use is permitted in the "P" zoning district through findings of consistency with the Use Review criteria as provided in **Key Issue 2**. The use is defined in the Land Use Code ([chapter 9-16, Definitions, B.R.C. 1981](#)) as follows:

"Congregate care facility means a facility for long-term residence:

- (1) Where at least eighty percent of the occupied units are occupied by at least one person who is sixty-five years of age or older;*
- (2) The facility is in compliance with the requirements of the federal Fair Housing Act, 42 U.S.C. §3601, et seq., and the Colorado Housing Practices Act, § 24-34-501, et seq., C.R.C., with respect to housing for older persons; and*

- (3) *Which shall included without limitation, common dining and social and recreational features, special safety and convenience features designed for the needs of the elderly, such as emergency call systems, grab bars, and handrails, special door hardware, cabinets, appliances, passageways, and doorways designed to accommodate wheelchairs, and the provision of social services for residents which must include at least three of the following: meal services, transportation, housekeeping, linen, and organized social activities.”*

Subacute Rehabilitation Use. The proposed subacute rehabilitation use of Building C, planned with 42 beds for short term post-operative care, will operate as a state licensed hospital use. A hospital use is an allowed use within the “P” zoning district. Under the Land Use Code ([chapter 9-16, Definitions, B.R.C. 1981](#)) a hospital use is defined as:

“Hospital means any building or portion thereof licensed as a hospital by the Colorado Department of Public Health and Environment and used for diagnosis, treatment, surgery, and care of human ailments, including the usual and customary accessory uses and ancillary offices of a hospital.”

As a part of the rehab facility, a warm water therapy pool is proposed with specific, limited hours open to members of the general public; as well as patients under the subacute rehabilitation care.

Existing Medical Office Building – Surgery Center.

The existing medical office building located in the northeast corner of the property currently in use as the Avista Surgery Center building located in the northeast corner of the site is intended to remain. For purposes of Site Review, the applicant was required to include this parcel in the overall development plan; however, as a part of the Site Review application, no changes to the operations or structure of this building are planned. Access to the below grade parking that serves buildings C and D would be through this portion of the site. Rezoning of the parcel for consistency with the land use map is proposed. The medical building was approved as a Special Review (SR-81-19) in 1981. The address of the property is 311 Mapleton Avenue, but is also commonly addressed as 2525 4th Street.

Proposed Density, Setbacks, Height, and Parking.

In the “P” zoning district, density is calculated based on “7,000 square feet of minimum lot area per dwelling unit” and “6.2 dwelling units per acre.” For the 15.77 acre site, the maximum number of dwelling units allowed is 97 units. The proposed Congregate Care residential uses consist of attached and detached independent living (IL) units where there are kitchens in the units; as well as the memory care units that don’t have kitchens. Under the Land Use Code [Section 9-8-6\(e\), B.R.C. 1981](#) there are defined occupancy equivalencies for group residences, including for Congregate Care uses. Under this definition, there are 12 memory care residential units that are proposed to not have kitchens and the equivalency ratio for the sleeping rooms is five sleeping rooms or accommodations is equivalent to 1 dwelling unit; therefore, these units are considered a total of 2.4 dwelling units. In turn, the fractional number is rounded down to 2.0 per section 1-1-22(a) “*Rounding Rule*,” B.R.C. 1981, “*Unless otherwise specifically provided, if it is necessary under this code or any ordinance of the City to determine which whole number a computed fractional number represents, it shall be presumed to represent the lower.*”

An occupancy equivalency of three units to one (3:1) is allowed for attached Independent Living units with kitchens that are an average size of 1,000 square feet and no greater in than 1,200 square feet. In this case, because the average sizes of the Independent Living units is more than one thousand square feet, the applicant cannot take advantage of that “density bonus” using the 3:1 equivalency. All of the detached independent living “cottages” with kitchens (including “duplexes” under the land use code) each count as one dwelling unit, also with no density bonus opportunity. Therefore, all Independent Living residential units that are planned to have kitchens and count as one unit each. Altogether, the memory care units (with an equivalency of two units) plus the independent living units equate to a total of 95 units. A summary of this is provided in Table 1. The subacute rehabilitation facility is not defined as a residential use given that it is for short term, post-operative and subacute rehabilitation stays. Hospital rooms do not qualify under residential density. The remaining buildings (K: Pool; N&O: administration; P: chapel) are not residential units, rather they are support facilities for the congregate care use.

Table 1: Dwelling Units and Density Conversion

Unit Type within Proposed Project	Number of Proposed Units	Density Conversion Ratio	Dwelling Unit Equivalents
Building A: Attached Independent Living Units (with kitchens)	46	1 : 1	46
Building B: Attached Independent Living Units (with kitchens)	18	1 : 1	18
Building D: Memory Care (without kitchens)	10	5 : 1	2
Building F: Attached Independent Living Units (with kitchens)	4	1 : 1	4
Building G: Attached Independent Living Units (with kitchens)	4	1 : 1	4
Building H1&H2: Detached Independent Living Units (with kitchens)	2	1 : 1	2
Building L: Attached Independent Living Units (with kitchens)	6	1 : 1	6
Buildings J1-6: Detached Independent Living Units (with kitchens)	6	1 : 1	6
Buildings R1-7: Detached Independent Living Units (with kitchens)	7	1 : 1	7
TOTAL Dwelling Units	n/a	n/a	95

Setbacks:

The proposed project meets the setback standards for the 'P' zoning district including those of the detached independent living "cottages" planned along 4th Street. Table 2 below summarizes the setbacks.

Table 2: Existing and Proposed Setbacks

	Front (Mapleton Avenue)	Side Adjacent to Street (4 th Street)	Interior Side (West Property Line)	Rear (North Property Line)
Standard per code	25 feet	12.5 feet	10 feet	25 feet
Existing	81-101 feet (existing hospital)	30 feet (existing medical building)	85 feet (existing nurses dormitory "L")	33- 45 feet (existing surgery Center)
Proposed	55-70	25	85 (ex. Bldg	33-45' (ex. Avista) 25' (building H1/2

Height Modification

The standard by-right height maximum within the "P" zoning district is 35-feet and as defined in the land use code section 9-16, "Definitions," B.R.C. 1981,

"Height means the vertical distance from the lowest point within twenty-five feet of the tallest side of the structure to the uppermost point of the roof. The lowest point shall be calculated using natural grade. The tallest side shall be that side whose lowest exposed exterior point is lower in elevation than the lowest exposed exterior point of any other side of the building"

Further, per land use code section 9-7-5(a)(1), B.R.C. 1981,

"if there is evidence that a modification to natural grade has occurred since the adoption of Charter section 84, "Height limit." B.R.C. 1981, on November 2, 1971, the city manager can consider the best available information to determine the natural grade. This may include, without limitation, interpolating what the existing grade may have been using the grade along property lines, topographic information on file with the City, or other information that may be presented to the city manager."

In this case, the low point elevations were based on the information provided in the Topographic Exhibit prepared by Flatirons Surveying which is dated August 29, 2014. Staff finds these conditions are representative of the conditions that were likely present prior to 1971; with subsequent additions over time measured in much the same manner. Modifications to the development standards for height may be considered, subject to Planning Board approval at a public hearing, through Site Review per land use code section 9-2-14(c)(1)(C), B.R.C. 1981 which states,

“The maximum height or conditional height for principal buildings or uses may be modified in any of the following circumstances: (C) In all zoning districts, if the height modification is to allow the greater of two stories or the maximum number of stories permitted in Section 9-7-1 in a building and the height modification is necessary because of the topography of the site.”

In this regard, the site’s topography varies with a 110- to 125-foot grade transition from east to west and therefore, the applicant is requesting height modifications for Buildings where the topography challenges the ability to build the by-right number of stories. The maximum number of stories in the ‘P’ zoning district is three stories per land use code section 9-7-1, B.R.C. 1981. The three-story Building ‘A’ has a building height that, when measured from the lowest point within twenty-five feet of the tallest side of the building, ranges from 41 to 45 feet; and a high point on the corner building element is planned at 52.5 feet. The applicant is also requesting height modifications for several buildings on the north edge of the property where the topography within 25 feet drops from four feet to nearly 29 feet. Buildings “G” along with “H1” and J1, J2, J3, J4, J5 and J6 while all planned at one and one-half to two stories and located on an existing terrace would require a height modification due to the drop in topography.

The overall design intent as indicated by the applicant is to utilize the existing terraces (or “plinths” as referenced in the written statement) to place the buildings on the site. In reviewing this design intent, staff overlaid the existing topography with the proposed building placement, shown in Figure 22. As can be seen, the proposed buildings are placed within existing building footprints, within terraced areas, or where there is a gently sloped area. As can also be seen, the terraced areas also give way to areas with shallower slope (existing parking lots) and in some cases – steeper slopes, which prompted the need for the height modification.

The cross-sections below in Figure 23 illustrate the topographic transition on the site. As can be seen in the third cross-section, the existing building L (former nurses dormitory) would remain the most prominent building on the site, with the peak roof height of that building at elevation 5595.6’ while the peak roof height of the “tallest” building (A) being proposed with a high point elevation of 5,556.5’ or approximately 39 feet lower.

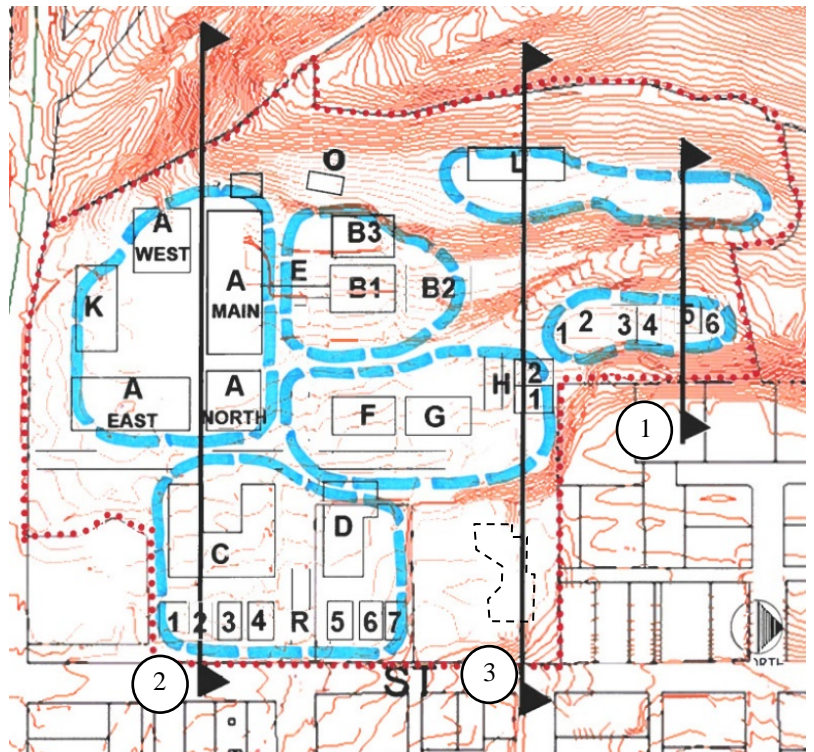


Figure 22:
Existing Terrace Areas & Building Locations

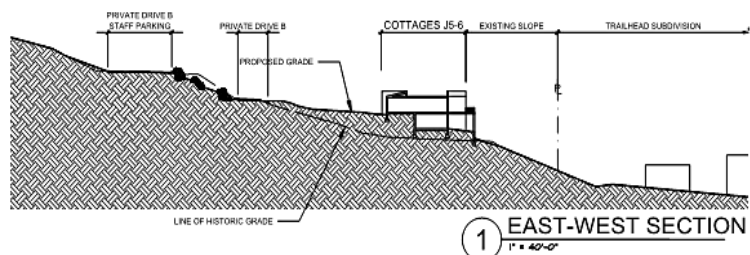
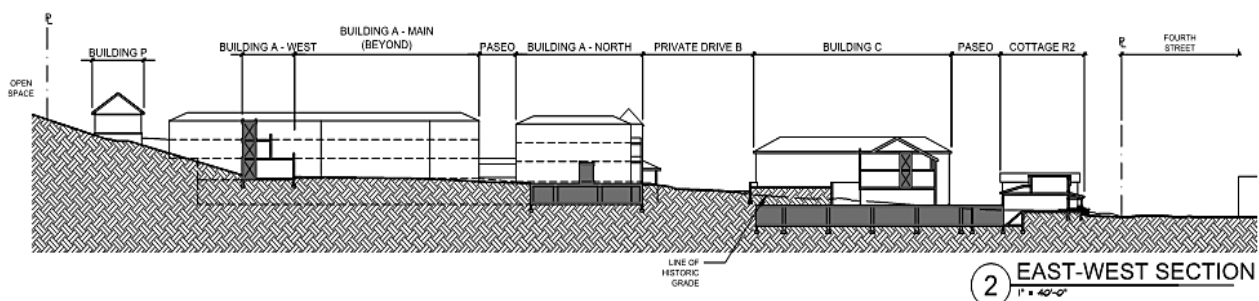
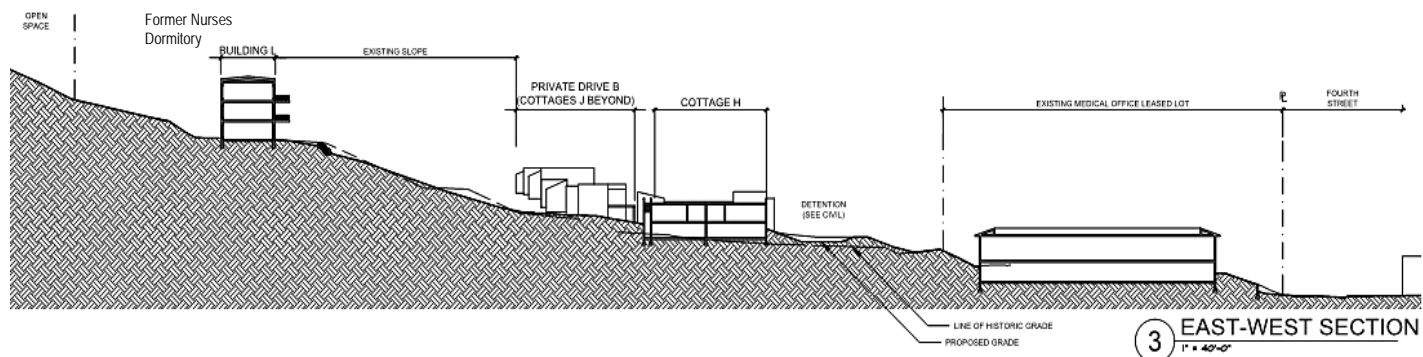


Figure 23:
Cross-section Excerpts from
Project Plans

Proposed Parking. The Table 9-2 of the parking standards for Congregate Care Uses under the Land Use Code [section 9-9-6, “Parking Standards,” B.R.C. 1981](#) indicates, “*Off-street parking appropriate to use and needs of the facility and the number of vehicles used by its occupants, as determined through review.*” In this case, the applicant prepared a parking management plan, found in **Attachment C** that identified parking demand based on standards of the ITE (Institute Transportation Engineers) Parking Generation Manual. The parking study specified the “demand” and an assessment of how that demand would be managed in the various below grade parking structures and along the private internal streets. Included in that demand is parking for residents, staff members, and visitors including guests of residents as well as patients for the subacute rehabilitation facility (that includes the therapy pool), and shared parking for the church.

The structured parking is predominately below grade, with the exception of the attached garages for the J cottages on the northern terrace. The former nurses dormitory that is planned as six dwelling units, will not have parking garages or spaces provided adjacent to the units, but will have parking spaces within the structured parking below Building B. Access to the spaces would be via shuttle or the path to the parking structure. The structured parking is shown below in Figure 24a

with an enlargement provided of the shared parking below Building C in 24b. The parking plans are excerpts from sheet A-4.22 and A4.23 of the project plans in **Attachment B**.

Figure 24a:
Excerpt from Plans Illustrating Proposed
Structured Parking

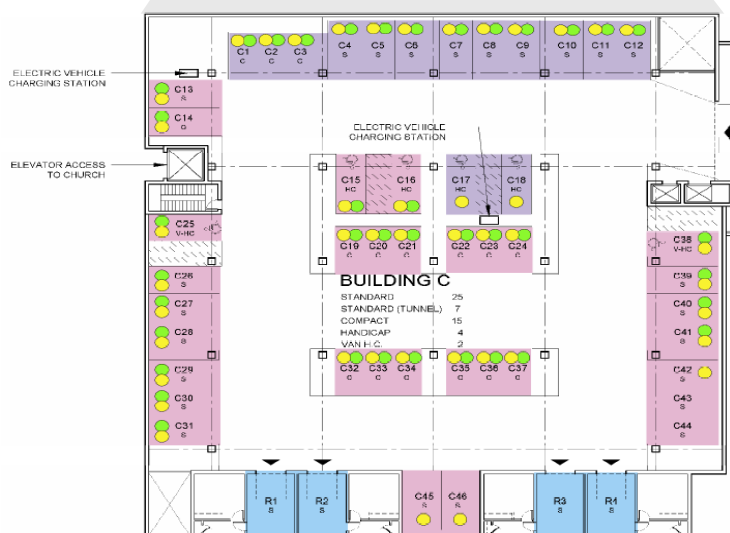


Figure 24b:
Enlargement of Shared
Parking Below Building C

Surface Parking: In keeping with the Concept Plan review comments, the existing surface parking lots are all intended to be removed, with the exception of the existing surgery center parking lot. The intent is to move the parking function predominately below grade consistent with the Comprehensive Plan policies and Site Review criteria. For the surgery center surface parking lot that will remain, the applicant is proposing to provide a total of twenty spaces that would be open to the public on the weekends when the surgery center is typically closed. There are a number of parking spaces on the surface that are also earmarked for the church based on the decades-long agreement to provide parking on 311 Mapleton for the church. Figure 24b illustrates the surface parking

Surrounding Parking: The two public streets immediately adjacent to the 311 Mapleton Ave. property: Mapleton Avenue and 4th Street have over 80 on-street public parking spaces that are often used by church members and nearby trail users but could also be used by other visitors to the site for any special events that may occur.

Parking for the Adjacent Church: The Seventh Day Adventist Church does not have on-site (off-street) parking spaces on their property. Rather, the church has maintained a parking easement with the property owners for 311 Mapleton to share parking. In addition to leasing space, the church attendees also park on 4th Street and Mapleton Avenue. Under the city's land use code, the parking ratio required for religious assemblies created prior to 1993 is 1:300 square feet. For the approximately 13,000 square foot church, 44 spaces are required. The intended shared parking structure below Building C has 44 parking spaces earmarked church use on Sundays with 41 planned spaces earmarked for church use on weekday nights.

Parking as a Principal Use. As shown below in Figure 29, the below grade parking proposed under Building 'C' illustrates the shared parking arrangement. This parking area is also provided for the Subacute Rehab use. Similarly, there is shared parking proposed on the surgery center parking lot with patients and doctors on weekdays and members of the public (predominately) on weekends. Per [Table 6-1 of the Chapter 9-6, "Use Standards," B.R.C. 1981](#), parking that is shared with off-site users is considered "*Automobile parking lots, garages or car pool lots as a principal use*" that is permitted through findings of consistency with the Use Review criteria found in **Key Issue 2**.

As identified in Figure 25, the 44 parking spaces below Building C would have daytime parking for the subacute rehabilitation use and would then be shared by weeknight and weekend parking for the church use. The applicant is proposing to provide on-street parking within the development. Although public streets are not required to be dedicated, the applicant is illustrating two streets that also have on-street parking.



KEY ISSUES:

Staff has identified the following key issues to help guide the discussion of the applications:

- 1) Is the proposed rezoning of that portion of the site currently zoned 'RL-1' to 'P' consistent with the Land Use Code section 9-2-19, B.R.C. 1981?
- 2) Is the proposed Congregate Care and Parking use consistent with the Use Review Criteria of the Land Use Code section 9-2-15(e), B.R.C. 1981?
- 3) Is the proposed project consistent with the Site Review Criteria of the Land Use Code section 9-2-14(h), B.R.C. 1981?

Key Issue #1: Is the proposed rezoning of those portions of the site currently zoned 'RL-1' to 'P' consistent with the Land Use Code section 9-2-19, B.R.C. 1981?

As noted above, there are two parcels located along 4th Street that currently have existing medical facilities on the parcels that have a zoning designation of Low Density Residential that are inconsistent with the "Public" Land Use Designation. In addition, there is a small area of land adjacent to the that was found to be inconsistent with the land use and is viewed as a "clean up item" that can be evaluated through the same rezoning ordinance. The areas proposed for rezoning are shown in Figure 26 and the proposed rezoning ordinance is found in **Attachment A**. As stated under the Land Use Code section 9-2-19(e), "Criteria," B.R.C. 1981:

“The city’s zoning is the result of a detailed and comprehensive appraisal of the city’s present and future land use allocation needs. In order to establish and maintain sound, stable and desirable development within the city, rezoning of land is to be discouraged and allowed only under the limited circumstances herein described. Therefore, the city council shall grant a rezoning application only if the proposed rezoning is consistent with the policies and goals of the Boulder Valley Comprehensive Plan, and, for an application not incidental to a general revision of the zoning map, meets one of the following criteria:”

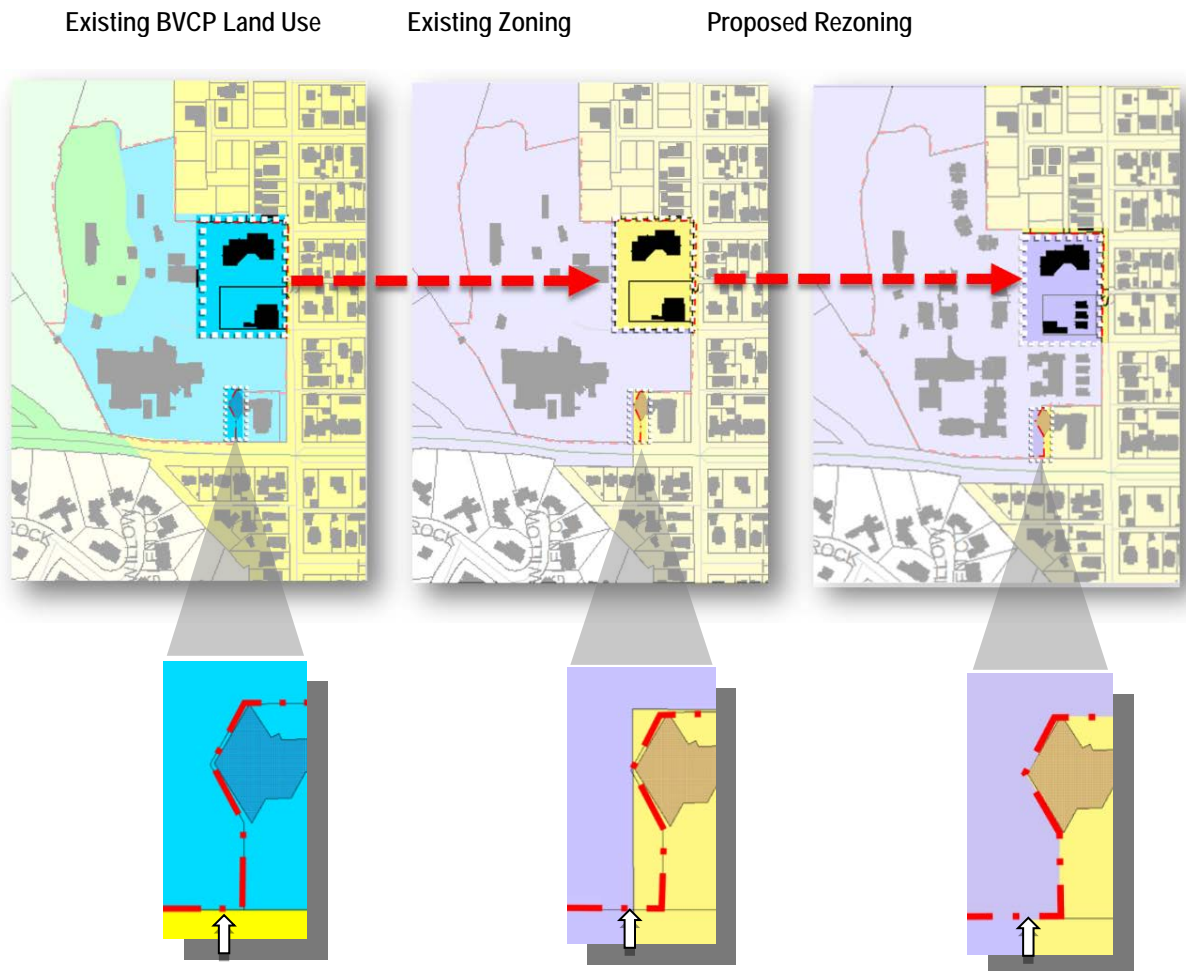


Figure 26: Existing Land Use, Existing Zoning and Proposed Rezoning

In this case, criterion 1 is relevant to the rezoning which states:

The applicant demonstrates by clear and convincing evidence that the proposed rezoning is necessary to come into compliance with the Boulder Valley Comprehensive Plan map;

Given that the Land Use Map identifies the site as “Public” the rezoning of these areas to “Public” would come into compliance with the BVCP map. The “Public” Land Use designation is defined as follows:

“Public/Semi-Public land use designations encompass a wide range of public and private non-profit uses that provide a community service. This category includes municipal and public utility services (e.g., the municipal airport, water reservoirs and water and wastewater treatment plants). It also includes: education facilities (public and private schools and the university); government offices such as city and county buildings, libraries and the jail; government laboratories; and nonprofit facilities (e.g., cemeteries, places of worship, hospitals, retirement complexes) and may include other uses as allowed by zoning.”

The “Public” zoning designation is defined as follows: *Public areas in which public and semi-public facilities and uses are located, including without limitation, governmental and educational uses.* The “Residential – Low 1 zoning designation is defined as follows: *Single family detached residential dwelling units at low to very low residential densities.* The RL-1 zoning is not consistent with the “P” land use designation. The “Public” zoning district would make the zoning consistent with the Land Use Map. The Land Use Code section 9-2-15(e), B.R.C. states,

“Each zoning district established in section 9-5-2, “Zoning Districts,” B.R.C. 1981, is intended for a predominant use, but other uses designated in section 9-6-1, “Schedule of Permitted Land Uses,” B.R.C. 1981 may be allowed by use review if a particular use is demonstrated to be appropriate in the proposed location.”

Among the uses that “*may be allowed by use review...*” is Congregate Care. Further in reviewing section 9-6-1, B.R.C.1981, [Schedule of Permitted Uses](#) it can be noted that there is a wider variety of uses permitted in the “P” zoning district rather than the RL-1 zoning district, and medical offices as exist today are *not* permitted uses today. Therefore, staff finds that the rezoning is necessary for the parcel to come into compliance with the land use designation.

Because the application came into the city in 2016, staff reviewed the application based upon the standards in place at the time. Given that the 2015 comprehensive plan update was adopted during the review, staff evaluated consistency of the rezoning based on the relevant policies and goals of both the 2010, and the recently adopted, 2015 BVCP as follows:

- ***Land Use Map Descriptions: The land use designations should be used to guide future zoning decisions. Specific zoning dictates the development standards or specific properties and there may be changes as part of a general rezoning of the city or through the adopted rezoning process in the Land Use Code. (p. 111, v.2010)***

In this case, the land use designation is “Public” which is most consistent with “Public” zoning. The Land Use Map designations are the portion of the BVCP that most directly addresses zoning goals of the city. This is further described under Key Issue 2.

- ***Core Value 2010 and 2015: Compact, contiguous development and infill that supports evolution to a more sustainable urban form.***

The area of the property that is proposed for rezoning is considered an infill site as it has been developed for decades as medical offices and as a part of the larger hospital site. The proposed

rezoning renders the existing uses more consistent with the Land Use Code and BVCP Land Use Map.

- ***Goal - Community Well-Being and Safety (v.2015)***

As noted in the introduction of Section 9, Community Well-Being and Safety,

“Boulder is a fluid and growing community with caging demographics. The city and county proactively anticipate and plan for emerging social trends and issues and consider challenges faced by different demographic and socio-economic groups including: Supporting the ability of a growing older population to age well in our community...”

The rezoning of those areas of the site to “Public” zoning, that permits Congregate Care through Use Review, helps to address the needs of the growing population of older citizens and allow community members an option to remain a resident of Boulder as they age.

- ***Policy 2.03 (v. 2010 and 2015) Compact Development Pattern***

Similar to the Core Value noted above, the intent of this policy is to ensure that, *“development take place in an orderly fashion, take advantage of existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development.”*

Unlike “greenfield development” (land that has never supported development) the property planned for rezoning has been developed for decades as medical offices. The intent is to come into consistency with the land use map that has identified this area for development and redevelopment under a “public” land use designation. The zoning that coincides with this designation is “Public.” The Public zoning permits Congregate Care, the existing and historic medical clinic, medical office and hospital uses as by-right uses or through a Use Review. The analysis for the use is further discussed in Key Issue 2

- ***Policy 7.06 (v. 2010 and 2015) Mixture of Housing Types***

The proposed “P” zoning would allow for a broader variety of housing types than the current RL-1 zoning. In keeping with this policy, the applicant is providing three detached independent living units, that vary from the other attached units planned on the site and are consistent with the intent to, “provide a mix of housing types.”

- ***Policy 8.01 (v. 2010 and 2015) Providing for a Broad Spectrum of Human Needs***

Section 8 of the 2010 BVCP, regarding human services, notes that in Boulder there is an increasingly diverse community and the “aging of the population” and there are stated goals to ensure basic needs are met that include “management of chronic or situational disabilities (e.g., care and treatment).” In this case, the intent of the congregate care use is to provide management of a continuum of care for aging member of the community who may need assistance with daily living over time. In addition, a “P” zone allows for a broader variety of housing types and housing services than RL-1 allowing to meet a broader spectrum of human

needs than single family dwellings that typically dominate the RL-1 zones,

Key Issue #2: Is the proposed project consistent with the Use Review Criteria of the Land Use Code section 9-2-15(e), B.R.C. 1981?

Per Land Use Code section 9-6-1, B.R.C. 1981, a Congregate Care use within the “P” zoning district requires findings of consistency with the Use Review Criteria. The purpose of Use Review is as follows:

“Each zoning district established in section 9-5-2, “Zoning Districts,” B.R.C. 1981, is intended for a predominant use, but other uses designated in section 9-6-1, “Schedule of Permitted Land Uses,” B.R.C. 1981 may be allowed by use review if a particular use is demonstrated to be appropriate in the proposed location.”

Staff finds the Congregate Care use is consistent with the Use Review criteria per Land Use Code section 9-2-15(e), as follows:

✓ **(1) Consistency with Zoning and Non-Conformity: The use is consistent with the purpose of the zoning district as set forth in [Section 9-5-2\(c\)](#), "Zoning Districts Purposes," B.R.C. 1981, except in the case of a non-conforming use;**

The purpose of the “Public” zoning as defined in section 9-5-2, B.R.C. 1981 is as follows:

“Public areas in which public and semi-public facilities and uses are located, including without limitation, governmental and educational uses.”

The primary purpose of the “Public” zoning district is for public and semi-public facilities with governmental and educational uses included without limitation. As noted in the citation of Land Use Code section 9-6-1, B.R.C., 1981 above, there are other uses permitted in the “P” zoning district through Use Review and that includes Congregate Care. The use is planned to be operated with access and benefits to the public. There are specific functions that are a part of the proposed project that are open to the public within the site including:

- Warm Water Therapy Pool and Therapy Gym
- Subacute Rehabilitation Facility (hospital use)
- Public Trail Easement over that area of the Dakota Ridge Trail crossing the upper northwest corner of the property
- Public Trail Easement over the maintenance trail for the Silver Lake Ditch
- Weekend parking within surgery center parking lot
- Good Neighbor Policy that allows access to and through the site open space areas
- Access to guest lectures or concerts
- The upper chapel (Building “P”)

In addition, the applicant intends to landmark several historic resources that provide a benefit to the public by preserving those remaining historic elements of the former hospital including:

- The Former Nurses Dormitory

- The Stone Cottage (Building “O”)
- The White Duplex (Building “N”)
- The Smoke Stack
- The Stone Wall along Mapleton Avenue

As noted in section 9-6-1, B.R.C. 1981 above, while zoning districts were established to identify an intended predominant use, other uses may be permitted. Most of the uses on “P” zoned land in the city are “institutional” types of uses from public and private schools to the university, to governmental offices although there is another privately owned Congregate Care facility within the “P” zoning district in North Boulder, the Sunrise Assisted Living. The proposed facility has similar institutional characteristics as other uses allowed in the “P” zone and provides human services similar to other uses allowed in the “P” zone.

The “P” zoning district permits a wide range of uses including a number of non-governmental uses that are permitted either by-right or through a Use Review within the “P” zoning district. Among the by-right and conditionally permitted uses are a variety of residential and non-residential uses including public and private colleges and universities, transitional housing, detached dwelling units, hospitals, medical offices, day care centers and emergency shelters. A list of uses permitted in the ‘P’ zoning district are found in section 9-6-1, B.R.C. 1981, [Schedule of Permitted Uses](#). It is likely that some of the by-right types of uses would generate greater impacts to the surroundings that the Congregate Care use. The intent of the Congregate Care use is to offer residential opportunities for seniors. There are “independent living” attached apartment units with kitchens within the A,B,F&G buildings. There are seven detached “cottage” independent living units planned along 4th Street. There are four duplex buildings with eight total units in the ‘H’ and ‘J’ “cottages.”

The facility provides assistance for residents that may need help with a few of the activities of daily living that can include dressing, bathing, or meal assistance. The food service and group dining room areas within Building ‘A’ would provide three meals a day. Nurses and staff are also on-call 24 hours per day, seven days per week for all residents. The intent is to allow residents to have a sense of independence while still allowing services such as housekeeping, fitness, and a sense of community. The Memory Care building ‘D’ is intended for a greater level of care and protection. In that case, Building D is planned with 12 rooms that are served by dining facilities and arts and crafts. While a secured building is proposed, the residents of Building D are still permitted access to all of the services and amenities of the site under supervision by a staff member.

The Subacute Rehabilitation function (Building C) is considered a “hospital use” which is a permitted use within the “P” zoning district. Note that the Use Standards don’t specifically state that “Congregate Care” as use must be a public, semi-public, or governmental Congregate Care use. In general, the Public zoning district identifies locations with institutional types of uses such as schools, governmental facilities, hospitals, etc. While congregate care is essentially a residential use, there are aspects of such a use that are arguably “institutional” in it is a “facility” with certain services such as meal services, transportation, and organized social activities for groups.

As the applicant noted, the residents typically have a range of abilities and needs, with some in

need of a lot assistance and services while others are very active and healthy but who wish to be in a residential environment that can accommodate changing needs as they age. The Congregate Care use is to accommodate that continuum of care as a resident ages and abilities and needs change over time.

√ **(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;**

√ **(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**

There are specific city policies within the BVCP for group living arrangements for special populations, in this case, seniors in the community. The planned operator of the Academy at Mapleton Hill is a local operator of a similar congregate care facility in Boulder who has indicated that there is variability among residents as some of the seniors can be very physically active while others may require a greater level of care and that an individual senior's abilities can change over time. In that regard, the proposed congregate care use provides residential opportunities for persons whose health and wellness necessitates a transitioning level of care over time. As a congregate care facility, the design of the units and buildings is required to have convenience features for changing cognitive abilities and mobility; and to include services such as transportation, housekeeping, organized social activities and dining services. The following policies are specific to the goals of providing senior residential use opportunities:

2015 Goal - Community Well-Being and Safety: “*Boulder is a fluid and growing community with changing demographics. The city and county proactively anticipate and plan for emerging social trends and issues and consider challenges faced by different demographic and socio-economic groups including: Supporting the ability of a growing older population to age well in our community...*”

The provision of Congregate Care as a use, supports the ability of a growing older population to age well in the community.

2010 Policy 7.03/2015 Policy 7.04 Populations with Special Needs: “*The city and county will encourage development of housing for populations with special needs including residences for people with disabilities, populations requiring group*

homes or other specialized facilities, and other vulnerable populations where appropriate. The location of such housing should be in proximity to shopping, medical services, schools, entertainment and public transportation. Every effort will be made to avoid concentration of these homes in one area.”

The development of a Congregate Care facility provides residential opportunities for aging persons whose health and wellness necessitates a transitioning level of care over time. The facility is planned to provide independent living units, both attached and detached, with opportunities for a greater level of services and care either within the same independently living unit, or as necessary, with a transition to other greater levels of assistance in the same location.

2010 Policy 7.09 Housing for a Full Range of Households: *“The city and county will encourage preservation and development of housing attractive to current and future households, persons at all stages of life and to a variety of household configurations. This includes singles, couples, families with children and other dependents, extended families, non-traditional households and seniors.”*

This policy specifically addresses development that can be attractive to seniors. As such, the Congregate Care use provides a residential opportunity for development of housing attractive to persons at all stages of life.

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

√ 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;

Staff finds the location of the Congregate Care use – a residential use - to be compatible with surrounding residential uses and open space. Following are findings to specific aspects of this compatibility criterion.

Location. The location of the proposed congregate care use is in the same location as hospital uses have existed for well over 100 years. In terms of reasonable compatibility, noise and traffic generation are a means to evaluate impacts. In this regard, the applicant noted in the written statement, *“The average age of people moving into retirement communities in America tends to be in the low 80’s. In Applicant’s 18 years of experience in running The Academy, these elders tend to be polite, wise, thoughtful, quiet and responsible citizens who make great neighbors and contributing citizens.”* As a baseline for comparison to best understand this statement and the potential for impacts, staff reviewed other local examples of Congregate Care uses to observe the incidence of noise and traffic impacts: Frasier Meadows, the Academy on University Hill, and the Balfour community in Lafayette. All of these local examples are located adjacent to single family residential neighborhoods.

Staff notes that Frasier Meadows has roughly double the population of the proposed project on a similar sized property, the Academy on University Hill has approximately half of the population of the proposal, and Balfour has approximately three times the number of residents of the proposed project thus providing a spectrum from which to compare. In that regard, staff observed that these Congregate Care residential uses have, in general, very few noise and traffic impacts. Observing these local examples helps to affirm the relatively quiet characteristics of a Congregate Care use.

In contrast it should be noted that there are by-right uses (those not requiring a Use Review) within the “P” zoning district that would much more likely be greater generators of noise and traffic than the proposed Congregate Care use such as schools, transitional housing, and hospitals. Traffic and trip generation is further discussed under “operating characteristics.”

Size. As described under “Proposed Project” the project’s size is measured through permitted density for the “P” zoning district that allows 6.2 dwelling units per acre on the 15.77 acre. In this case, the 93 planned residential units meet the density standards permitted under the “P” zoning district and the equivalency standards for units without kitchens. The project’s size is also established through the form and bulk standards of the “P” zoning district for setbacks and overall height. In this case, the proposed project meets the setbacks on the site and the requested height modification is based both on topography as well as the appropriate use of a residential pitched roofline to meet Site Review criteria.

Design. Staff finds the proposed project’s design is compatible in the context as it appropriately reflects the residential surroundings. As described below under the “Character of the Area” (criterion 5), the development would primarily be perceived by the public at the interface with two public streets of 4th Street and Mapleton Avenue.

At the interface with 4th Street and Consistent with the recommendations made by Planning Board at Concept Plan review, as well as *Policy 2.10 – Preservation and Support for*

Residential Neighborhoods, the property adjacent to 4th Street is currently surface parking lots and a medical office building which are planned to be redeveloped with seven, well-designed, detached independent living “cottages.” The intent is to

“*protect and enhance neighborhood character*” by mirroring the residential character and replacing the office building with residential units that would be compatible with the single family residential to the east. This can be seen in the images in figures 28a and 28b.



Figure 28a: Existing Medical Building (left) Proposed IL Residential (right)



Figure 28b: Compatibility of Existing residential homes across 4th Street from IL cottage

Along Mapleton Avenue, the proposed Buildings A and K are set back from the street to, not only retain the existing mature trees in this location but also to maintain the existing park-like setting. This was refined through the Site Review process, and guided by Concept Plan, to not only reduce the mass from one large building to a series of building bays, but also remove the existing surface parking lot in this location. As can be seen in the perspective below, the applicant is proposing “Building K” which is a “natatorium-like” pool building attached to Building A. In this regard, the height of the buildings adjacent to Mapleton Avenue are modulated, with the approximately 10- to 25-foot tall pool building occupying the majority of the Mapleton Avenue streetscape along with a three-story wing of Building A. While Building ‘A’ is the largest building on site, it is designed with pitched rooflines to help establish compatibility with the residential context. This contrasts with the tall, box-like shape of the more institutional hospital building that exists on the site today as can be seen in Figure 29 and the comparison below where planned Building ‘A’ is designed to “read” as a residential building in contrast to the institutional buildings of the former hospital that exist on the site today. This more residential character would create greater compatibility in the context.



Figure 29: Comparison of institutional character of the existing hospital building to Building ‘A’ residential appearance

Operating Characteristics: Traffic: The project is projected to generate an average of 524 daily trips. A Transportation Demand Management (TDM) Plan has been prepared by the Applicant that includes strategies to be implemented to reduce single-occupant vehicle use by both residents and employees.

- Provision of a total of 112 bike parking spaces including both short-term and long term bike parking (in excess of required)
- Provision of showers and changing facilities for employees
- Provision of electric vehicle car-sharing program for residents and employees, including charging stations on-site
- On-site dining services for residents, guests and employees
- Provision of eco-passes for employees
- Provision of a private on-call shuttle bus/van and car service for residents and employees with regularly scheduled trips to various destinations, including nearby bus stops

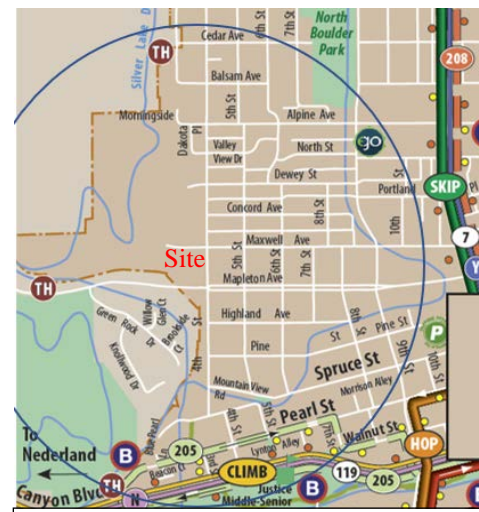


Figure 30: ½ Mile Proximity to Bus Transit

- *The applicant prepared a “Good Neighbor Policy” that includes strategies to be implemented during the construction period such as employing a Neighborhood Liaison and consultation with the neighborhood group to help identify construction routes.*

RTD Bus service: as shown in Figure 30, in the vicinity there are several RTD routes: 205, 208, N, SKIP, CLIMB, and Y. Some of the routes are within a ½ mile walking distance to the site, the applicant is proposing shuttle service to transport employees to/from these routes. Staff received comments from neighbors who expressed concern that the on-street parking adjacent to their homes would be impacted by employees. However, in that regard, staff notes that the provision of parking on-site along with the TDM aspects would likely lessen the demand for on-street parking by employees.

Operating Characteristics: Trash/Recycling Collection and Deliveries: The applicant’s management plan indicated that trash, recycling and composting collection will occur by the same company from the central collection/loading area located where the existing loading area is today. This would occur on the same day rather than separate collection times and locations throughout the site. The applicant’s management has indicated that deliveries would likely occur on a daily basis and would involve one or more delivery trucks of varying sizes. The loading area proposed on the southwest corner in the same location as the loading/delivery that exists on the site today would be utilized.

√ (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;

Infrastructure is provided to the site as has been the case with the hospital that previously occupied the site, the proposed development will not significant adversely affect the infrastructure of the surrounding area in terms of water and wastewater. In addition, staff finds the applicant’s proposed stormwater infrastructure, and provision of landscaping in areas formerly occupied by broad surface parking lots would help mitigate stormwater runoff and heat island effect.

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

The predominant character of the surrounding area is single family residential. Over the course of the Site Review, the applicant has redesigned the site to help create a better interface with the public streets surrounding the site and the single family residential that is located on those streets. In particular, Building A is designed to read as a residential building rather than like the institutional hospital building that exists on the site today in the interface with Mapleton Avenue. In addition, the applicant has proposed to maintain the large landscaped setback adjacent to Mapleton Avenue where the existing mature trees in this location can be preserved and augmented with new trees.

The variation in the design of the larger residential buildings includes use of pitched rooflines to help establish compatibility in the context. This was affirmed in the Design Advisory Board (DAB) review of the application (summary provided in **Attachment G**). The overall DAB feedback was positive regarding the site planning and village concept, general approach to the building form and scale, the types and quality of outdoor spaces, the street network on the site, the building placement and orientation, and the 4th Street elevation. As shown in Figure 31 below left the surface parking lots that dominate most of the south east half of the site create a relative sense of “openness” that would become more enclosed with the Independent Living cottages planned along 4th Street and the Subacute Rehab Building (C) planned to the west of the cottages.

While there are no identified protected public viewsheds along 4th Street toward the mountains, the terminus of the viewshed from 4th Street and Maxwell Avenue would remain open as the applicant designed the terminus to be a single-story entry porte cochere. The existing stone cottage (O), planned to be landmarked and repurposed for administration, would remain above the entry porte cochere and backdropped by the mountains.



Figure 31: Existing and proposed Perspective Looking West from 4th Street and Maxwell into the site

USE REVIEW CRITERIA: PARKING AS A PRINCIPAL USE

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

✓ (1) **Consistency with Zoning and Non-Conformity:** The use is consistent with the purpose of the zoning district as set forth in [Section 9-5-2\(c\)](#), "Zoning Districts Purposes," B.R.C. 1981, except in the case of a non-conforming use;

Parking as a principal use is required to be analyzed under the Use Review criteria due to the proposal to share the structured parking below Sub Acute Rehab Facility, Building C, with the

adjacent Seventh Day Adventist Church; and the intent to utilize parking within the Surgery Center for trail users on the weekend. For Building C, the church has had a private access and parking agreement with the different private property owners of 311 Mapleton for decades. The purpose of the “Public” zoning as defined in section 9-5-2, B.R.C. 1981 is as follows:

“Public areas in which public and semi-public facilities and uses are located, including without limitation, governmental and educational uses.”

The parking use will support the church as well as provide 20 spaces on the weekend for members of the public, including those who wish to use the trail system within the Open Space areas. Both of these uses are by-right uses in the “P” zoning district. With the proposed project, the applicant has signed an interim agreement with the church to continue to provide and share parking on the site.

√ (2) **Rationale:** The use either:

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

The proposed shared parking at Building C would continue a direct service to church members who’ve had a shared agreement with the different property owners for 311 Mapleton Avenue over several decades. The on-going shared parking will continue to offer direct convenience to the neighborhood and help to reduce adverse impacts to the surrounding neighborhood public streets due to parking spillover. Similarly, the applicant intends to provide public parking on weekends within the existing surface parking lot of the Surgery Center that augments public parking on the streets surrounding the site.

n/a (B) **Provides a compatible transition between higher intensity and lower intensity uses;**

√ (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;**

The ability for the church to continue to have shared parking with the property owners of 311 Mapleton will allow on-going use of the church that can in-turn remain in Boulder an important cultural and community asset.

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

√ 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 parking is below grade for Building C, and will not be visible from the surrounding public streets; and the Surgery Center parking lot is existing that is also proposed to with augmented landscaping.

√ **(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 establishment of below grade parking in an area that is currently surface parking lots will not impact the infrastructure of the surrounding area. The weekend use of the existing surgery center parking lot will not affect infrastructure.

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

The character of the area will be improved by converting a surface parking lot to a well-designed, well integrated building with parking below grade. The character of the area from weekend use of the surgery center parking lot will not change.

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.

Key Issue #3: Is the proposed development consistent with the Site Review Criteria of the Land Use Code section 9-2-14(h), B.R.C. 1981?

The Land Use Code establishes the purpose of Site Review under Section 9-2-14(a), B.R.C. 1981:

The purpose of site review is to allow flexibility and encourage innovation in land use development. Review criteria are established to promote the most appropriate use of land, improve the character and quality of new development, to facilitate the adequate and economical provision of streets and utilities, to preserve the natural and scenic features of open space, to assure consistency with the purposes and policies of the Boulder Valley Comprehensive Plan and other adopted plans of the community, to ensure compatibility with existing structures and established districts, to assure that the height of new buildings

is in general proportion to the height of existing, approved, and known to be planned or projected buildings in the immediate area, to assure that the project incorporates, through site design, elements which provide for the safety and convenience of the pedestrian, to assure that the project is designed in an environmentally sensitive manner, and to assure that the building is of a bulk appropriate to the area and the amenities provided and of a scale appropriate to pedestrians

The proposed project was found to be consistent with the Site Review Criteria of section 9-2-14(h), B.R.C. 1981 in that it would provide a well-designed residential neighborhood with elegant materials and scale that is compatible to the existing setting. As a part of a consistency analysis with Site Review criteria, the project is found to be consistent with a significant number of BVCP policies (the Site Review Criteria Analysis can be found in entirety in **Attachment H**. As noted in the BVCP, “Many of the key policies in the Boulder Valley Comprehensive Plan stem from long-standing community values and represent a clear vision of our community.” The analysis of the consistency with the many Site Review criteria demonstrates that the proposed project can implement many relevant BVCP policies. In a general summary, the following findings were made by criteria topic area:

- ✓ **Consistency with BVCP:** the proposed project is in keeping with the city’s commitment to environmental, economic, and social sustainability for a “welcoming and inclusive community” where housing for a full range of households and special needs populations contributes to a sustainable community; while also ensuring protection of the mountain backdrop.
- ✓ **Site Design:** The project plans establish a unique sense of place by converting the existing institutional setting and broad surface parking lots into a village context with buildings and streetscaping that blends with the surroundings, provides a buffer to city open space; and draws upon the grid like pattern of streets nearby for transportation connectivity.
- ✓ **Landscaping:** The project provides for aesthetic enhancement through provision of a variety of materials, preservation of long lived healthy trees where possible, and use of low water and native plant materials. In the interface with public rights-of-way, the landscape plan both augments and reestablishes a well-designed landscape context that is attractive to the pedestrian and enhances architectural features.
- ✓ **Circulation:** The transportation that serves the property will help to discourage high speeds through the site by creating an efficient street cross-section that emphasizes the pedestrian with detached walkways and tree-lawns. A robust TDM is proposed to shift away from single-occupant vehicle use, that is tailored toward the senior residents and staff, emphasizes pedestrian enhancements; an on-site shuttle bus/van/car service; Ecopasses for employees; and 112 bike parking spaces (including short- and long-term) for residents, employees and visitors.
- ✓ **Parking:** The amount of land devoted to the street system is minimized with the minimum amount of land necessary to meet the parking needs of the project and the majority of parking placed below grade for a more aesthetic and pedestrian friendly plan.

- ✓ **Building Design, Livability, and Relationship to the Existing or Proposed Surrounding Area:** There is a diversity of housing types and units proposed throughout the site from different sized attached units in varyingly sized buildings to detached duplex and freestanding homes. At the interface with the public rights of way of Mapleton Avenue and 4th Street, the building mass and configuration is compatible with the existing context. The interface with Mapleton Avenue utilizes a comparable existing landscape setback as exists today with a lower building height than the existing hospital building. The interface with 4th Street has cottages of compatible mass and scale to the neighborhood. Buildings at the interface areas utilize building articulation, such as pitched roofs, and fenestration that is in keeping with the pedestrian and residential context. Cut and fill on the site are minimized to the extent practical to allow below grade parking that fulfills other criteria. On-site energy generation is proposed through the use of rooftop solar panels on the majority of buildings.

PUBLIC NOTIFICATION

Required public notice was given in the form of written notification, newspaper notification, email contacts as well as mailers on four separate occasions with dates and purpose of notification as follows:

- Aug. 4, 2016 for notification of receipt of Site Review Application
- Feb. 25, 2017 for notification of receipt of the Use Review and Rezoning
- April 21, 2017 for notification of first Good Neighbor Meeting
- July 14, 2017 for notification of second Good Neighbor Meeting

While the land use code requires written notification to all property owners within 600 feet of the subject site and a sign was posted on the property for at least 10 days, staff expanded the notification for the first Good Neighbor Meeting to include residents up to Broadway given the size of the site and the public interest that appeared to be occurring. Altogether, approximately 2,812 mailings were sent. In addition, the applicant re-posted the sign on the property on several separate occasions, as either vandalism or weather compromised the original sign postings on the site. A public notice was published in “News From City Hall” on the Daily Camera Newspaper website. Therefore, all notice requirements of Section 9-4-10(g), B.R.C. 1981 have been met.

In the written statement, the applicant indicated that they held 18 separate meetings with several neighborhood groups including the Mapleton Hill Steering Committee, Goose Creek Neighborhood Group, Knollwood, and Trailhead; and the applicant had regular meetings with members of the Seventh Day Adventist Church.

Over the 20-month course of the development review process, staff received a number of comment letters, phone calls and had a number of meetings with different neighbors. Two Good Neighbor Meetings at the Seventh Day Adventist Church, adjacent to the site. The first was to provide a summary of the project plans and the revisions made; and the second Good Neighbor Meeting was to review the management plans. There were approximately 100 attendees at the first meeting and approximately 75 at the second meeting.

The written comments received are provided in **Attachment J** and in **Attachment I** (and at the end of staff development review comment letters to the applicant). **Attachment K** provides summaries of the Good Neighbor Meetings hosted by the applicant.

The commenters concerns can be summarized into specific categories as follows: access to open space; cut and fill; construction traffic and noise; compliance with density bonus requirements for congregate care use; height and mass; compatibility to homes across 4th Street; tree removal and preservation; and increased traffic after construction.

Staff finds that, through the Site and Use Review processes, the neighbor comments and involvement helped to shape and inform key refinements to the project plans including:

- *Better modulation of the building height and massing overall;*
- *Greater compatibility with homes across 4th Street;*
- *Preservation of additional mature trees;*
- *Reconfiguration of units to address concerns about the density;*
- *Reduced density: number of planned independent living units on the site from 150 to 95;*
- *Refined the plans to separate subacute rehab facility and memory care for better public access to the subacute rehab and warm water therapy pool, and in-turn greater security for memory care;*
- *Better definition the subacute rehab facility as a licensed hospital; and*
- *Provision of public weekend parking on the site.*

CONCLUSION

Staff finds that the applications meets the Site Review criteria found in Land Use Code (B.R.C, 1981) section 9-2-14(h), the Use Review criteria of section 9-2-15(e), and the Rezoning criteria of section 9-2-19 and recommends the following conditions of approval.

RECOMMENDED CONDITIONS OF APPROVAL -SITE REVIEW

The Applicant shall ensure that the **development shall be in compliance with all plans and the written statement prepared by the Applicant** on May 4, 2018, the Parking Management Plan dated May 7, 2018, and the Transportation Demand Management Plan dated March 21, 2018 (TDM Plan) all 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

1. 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 Site Review #SR-81-19 for the medical office building at 2525 4th St.
2. Upon execution of the development agreement required by Section 9-2-9, B.R.C., 1981, this approval **supersedes** the following approvals:
 - a. Height Exception #H-79-12 for existing hospital;
 - b. Development Agreement recorded at Reception #670490 (pertaining to H-84-16 for the existing hospital building); and
 - c. Planned Unit Development #P-89-31 for the modular buildings.
3. Prior to a building permit application, the Applicant shall submit, and obtain City Manager approval of, a Technical Document Review application for the following items:
 - a. **Final architectural plans**, including material samples and colors, to ensure compliance with the intent of this approval and compatibility with the surrounding area. The architectural intent shown on the plans prepared by the Applicant on May 4, 2018 is acceptable. Planning staff will review plans with Boulder Design Advisory feedback to ensure that the architectural intent of the approval is met.
 - b. A **final site plan** that includes detailed floor plans and section drawings.
 - c. A **final utility plan** meeting the City of Boulder Design and Construction Standards.
 - d. A **final storm water report and plan** meeting the City of Boulder Design and Construction Standards.
 - e. **Final transportation plans** meeting the City of Boulder Design and Construction Standards for all transportation improvements. These plans must include, but are not limited to: plan drawings for the site access (driveway ramps) and sidewalk improvements, relocation of the existing street lights, signage and striping plans in conformance with Manual on Uniform Traffic Control Devices (MUTCD) standards, and transportation detail drawings.
 - f. A **detailed landscape plan**, including size, quantity, and type of plants existing and proposed; type and quality of non-living landscaping materials; any site grading proposed; and any irrigation system proposed, to ensure compliance with this approval and the City's landscaping requirements. Removal of trees must receive prior approval of the Planning Department. Removal of any tree in City right of way must also receive prior approval of the City Forester. The final landscaping plan shall demonstrate that the conservation area shown on the approved plans include only native vegetation and be kept and maintained in a natural condition. No building, road, path, or trail shall be constructed or established in the conservation area.

- g. A **detailed outdoor lighting plan** showing location, size, and intensity of illumination units, indicating compliance with section 9-9-16, B.R.C.1981.
 - h. A **detailed shadow analysis** to ensure compliance with the City's solar access requirements of section 9-9-17, B.R.C. 1981.
4. Prior to a building permit application, the Applicant shall submit a Technical Document Review application for a Final Plat, subject to the review and approval of the City Manager, and execute a subdivision agreement meeting the requirements of Chapter 9-12, "Subdivision," B.R.C. 1981, and which provides, without limitation and at no cost to the City, for the following, unless an equivalent arrangement to meet the Boulder Revised Code is approved by the City Manager:
- a. The **elimination of the parcel lines** for Parcel B (excepted from Parcel A at Rec. No. 2172778).
 - b. The **dedication, to the City, of all right-of-way and easements** shown on the approved plans or necessary to serve the development.
 - c. The **dedication, to the City, of a twenty-foot wide emergency access easement** for the emergency access lane and turnaround meeting the City of Boulder Design and Construction Standards.
 - d. A **financial guarantee**, in the form of a deposit in escrow of funds with the City or an irrevocable clean sight draft or letter of credit acceptable to the Director of Public Works, in an amount equal to the cost of constructing all public improvements necessary to serve the development.
 - e. The **construction of all public improvements** necessary to serve the development.
5. Prior to a building permit application, the Applicant shall dedicate to the City, at no cost, a **public trail easement** generally along the west property line, the form and final location of which shall be subject to the approval of the City Manager.
6. Prior to a building permit application, the Applicant shall submit to the City (an) application(s) for and pursue in good faith through completion of the review process **Individual Landmark Designation** of the historic buildings (buildings O, N and L on the approved site plan), smokestack, and stone wall located to protect the cultural resources of the Property consistent with policy 2.27 *Preservation of Historic and Cultural Resources* of the Boulder Valley Comprehensive Plan. The application shall propose landmark boundaries that, at a minimum, encompass the areas shown on Exhibit A to the Conditions of Approval.
7. Prior to issuance of a certificate of occupancy, the Applicant shall submit a **financial guarantee**, in a form acceptable to the Director of Public Works, in an amount equal to the

cost of providing eco-passes to the employees of the development for three years after the issuance of a certificate of occupancy.

8. For a period of three years, beginning with the issuance of a certificate of occupancy for any building on the Property, the Applicant shall establish an **Alternative Transportation Fund**, which, each year, shall provide funds of no less than \$250.00 per resident to support transportation alternatives to the single-occupant vehicle. Prior to issuance of a certificate of occupancy for any building, the Applicant shall submit a plan for the management of the fund, subject to review and approval of the city manager.
9. Prior to the issuance of a building permit and as part of a Technical Document Review application, the Applicant shall **demonstrate compliance** with Section 9-9-10, "Easements," B.R.C. 1981, as it relates to any easements existing on the Property, including but not limited to any parking easement benefitting the Boulder Seventh-Adventist, subject to review and approval of the city manager.

10. Prior to issuance of any certificate of occupancy for this development, the existing **Avista Surgery sign along 4th Street shall be relocated** outside of the 15' x 15' sight triangle as measured from the public easement line.
11. Prior to submittal of a Technical Document Review application, the Applicant must obtain City Council approval of the proposed rezoning of those portions of the Property currently zoned Residential Low- 1 zoning district to the Public zoning district. If no rezoning is approved, a Site Review Amendment shall be required that illustrates consistency with RL-1 zoning on these sites.
12. As part of a Technical Document Review application and prior to building permit application, the Applicant shall demonstrate that the proposed buildings meet the requirements of Section 9-7-1, B.R.C. 1981, as may be modified by this approval
13. Prior to issuance of a building permit, the Applicant shall provide a **financial guarantee**, in a form acceptable to the city manager, in an amount of not less than 50 percent of the valuation of all trees on the Property approved for preservation to ensure proper protection and maintenance of these trees for a period of at least three years. Such time may be extended by the city manager if the tree protection plan has not been properly implemented.
14. To ensure permeability of the Property, to link the Property's open space to the City Open Space, and to meet the recreational needs of residents, occupants, and visitors to the site, the Applicant shall manage access to the streets, sidewalks, and open space areas of the Property and access through the Property to the Dakota Trail consistent with The Academy on the Mapleton Hill "Good Neighbor Policy" dated May 7, 2018 and on file in the City of Boulder Planning Department.

RECOMMENDED CONDITIONS OF APPROVAL – USE REVIEW CONGREGATE CARE USE

1. The Applicant shall ensure that the **development shall be in compliance with all plans and the written statement prepared by the Applicant** on May 4, 2018, the Parking Management Plan dated May 7, 2018, and the Transportation Demand Management Plan dated March 21, 2018 (TDM Plan) all 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 management plan dated May 7, 2018 which is attached to this Notice of Disposition.
2. The Applicant **shall not expand or modify the approved use**, except pursuant to subsection 9-2-15(h), B.R.C. 1981.

RECOMMENDED CONDITIONS OF APPROVAL – USE REVIEW FOR PARKING AS A PRINCIPAL USE WITHIN BUILDING C and ON STREETS “A” AND “B” FOR SHARED PARKING WITH ADJACENT SEVENTH DAY ADVENTIST CHURCH

1. The Applicant shall ensure that the **development shall be in compliance with all plans and the written statement prepared by the Applicant** on May 4, 2018, the Parking Management Plan dated May 7, 2018, and the Transportation Demand Management Plan dated March 21, 2018 (TDM Plan) all 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 Parking Management Plan dated May 7, 2019 which is attached to this Notice of Disposition.
2. The Applicant **shall not expand or modify the approved use**, except pursuant to subsection 9-2-15(h), B.R.C. 1981.

ATTACHMENTS:

- A. Proposed Rezoning Ordinance 8275
- B. Project Plans
- C. Management Plans, Good Neighbor Policy, Church Parking Agreement, Sustainability Statement
- D. Historic Assessment by Applicant and City Staff Historic Preservation Brochure Link
- E. Geotechnical Report
- F. Trip Generation and Transportation Demand Management
- G. Design Advisory Board Minutes and Analysis of Responses
- H. Site Review Criteria Analysis Link
- I. Staff’s Development Review Comments
- J. Public Comments Received
- K. Neighborhood Meeting Summaries
- L. Planning Board Notice of Disposition dated May 31, 2018
- M. Planning Board May 31, 2018 Meeting Minutes
- N. Concept Plan Review –Analysis of Response to Comments and Planning Board Minutes
- O. Planning Board Minutes of the April 21, 2005, Boulder Junior Academy

Exhibit A to Conditions of Approval: Preliminary Landmarks Boundary and Conservation Area

