



CITY OF BOULDER
Planning and Development Services

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CITY OF BOULDER PLANNING BOARD
NOTICE OF DISPOSITION

You are hereby advised that on May 31, 2018 the following action was taken by the Planning Board based on the standards and criteria of the Land Use Regulations as set forth in Chapter 9-2, B.R.C. 1981, as applied to the proposed development.

DECISION: APPROVED WITH CONDITIONS
PROJECT NAME: THE ACADEMY AT MAPLETON HILL
DESCRIPTION: Redevelopment of a 15.77-acre property located at 311 Mapleton Avenue and 2025 and 2525 4th Street:

- 1) **Site Review for a 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 (LUR2016-00065); and**
- 2) **Use Review for the Congregate Care Use and Parking as a Principal Use in the "P" zoning district (LUR2017-00027).**

LOCATION: 311 MAPLETON AVE. and 2505 and 2525 4TH STREET
LEGAL DESCRIPTION: See Exhibit A attached
APPLICANT: MICHAEL BOSMA
OWNER: MAPLETON HILL INVESTMENT GROUP
APPLICATION: Site Review, LUR2016-00065; Use Review, LUR2017-00027
ZONING: Public (P) and Residential - Low 1 (RL-1)
CASE MANAGER: Elaine McLaughlin
VESTED PROPERTY RIGHT: NO; the owner has waived the opportunity to create such right under Section 9-2-20, "Creation of Vested Rights," B.R.C. 1981.

APPROVED MODIFICATION FROM THE LAND USE REGULATIONS:

Height modification due to topography per land use code section 9-2-14(c)(1)(C), B.R.C. 1981

This decision may be called up before the City Council on or before **July 2, 2018**. If no call-up occurs, the decision is deemed final **July 3, 2018**.

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

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

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

At its public hearing on May 31, 2018 the Planning Board approved with conditions the request with the following motion:

On a motion by H. Zuckerman seconded by B. Bowen the Planning Board voted 5-1 (C. Gray opposed, L. Payton recused) to recommend City Council approve Rezoning case no. LUR2017-00028 to rezone any portions of the property known as 311 Mapleton, 2025 and 2525 4th Street from the RL-1 (Residential Low – 1) to the “P” (Public) zoning district, incorporating the staff memorandum and the attached rezoning checklist as findings of fact.

On a motion by H. Zuckerman seconded by B. Bowen the Planning Board voted 4-2 (J. Gerstle, C. Gray opposed; L. Payton recused) to approve Site Review case no. LUR2016-00065 and Use Review case no. LUR2017-00027 incorporating the staff memorandum and the attached Site Review and Use Review criteria checklists as findings of fact. Adding a condition requiring that the on-site energy efficiency features described in the packet actually be constructed be part of the approval.

Friendly amendment by B. Bowen, accepted by H. Zuckerman, that the project meet current City of Boulder Energy Codes.

Friendly amendment by P. Vitale, accepted by H. Zuckerman and B. Bowen, that the ECO pass requirement for employees be extended from three years to five years.

CONDITIONS OF APPROVAL

Site Review conditions (LUR2016-00065)

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
2. The Applicant shall **comply with all previous conditions** contained in any previous approvals, except to the extent that any previous conditions may be modified by this approval, including, but not limited to Site Review #SR-81-19 for the medical office building at 2525 4th St.
3. 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.
4. 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.
5. 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.
6. 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.

7. 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.
8. 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 five years after the issuance of a certificate of occupancy.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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
14. 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.
15. 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.
16. As part of the building permit application for each building and prior to building permit approval, the Applicant shall demonstrate that the energy efficiency features described in the Applicant's plans dated May 4, 2018, (in particular, the solar panels shown on sheet A-4.15,) will be installed and that each building will meet current City of Boulder energy codes.

Use Review conditions – Congregate Care Use (LUR2017-00027)

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.

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.

By: 

Jim Robertson, Director of the Planning Board