

**CITY OF BOULDER  
PLANNING BOARD ACTION MINUTES  
May 31, 2018  
1777 Broadway, Council Chambers**

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**PLANNING BOARD MEMBERS PRESENT:**

Bryan Bowen, Vice Chair  
David Ensign  
John Gerstle  
Crystal Gray  
Peter Vitale  
Harmon Zuckerman

**PLANNING BOARD MEMBERS ABSENT:**

Liz Payton, Chair (*recused*)

**STAFF PRESENT:**

Lesli Ellis, Comprehensive Planning Manager  
Hella Pannewig, Assistant City Attorney  
Cindy Spence, Administrative Specialist III  
Elaine McLaughlin, Senior Planner  
Edward Stafford, Development Review Manager  
Scott Kuhna, Development Review Supervisor  
David Thompson, Civil Engineer II - Transportation  
James Hewat, Senior Planner  
Kalani Paho, Urban Designer  
Dave Lowrey, Battalion Chief  
Michelle Allen, Planner II  
Bethany Collins, Property Agent

**1. CALL TO ORDER**

Chair, **B. Bowen**, declared a quorum at 6:02 p.m. and the following business was conducted.

**2. APPROVAL OF MINUTES**

None to approve.

**3. PUBLIC PARTICIPATION**

a) **Lynn Segal** spoke regarding her concerns surrounding ADU/OAUs.

**4. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS / CONTINUATIONS**

None to discuss.

## 5. PUBLIC HEARING ITEMS

**A. AGENDA TITLE:** Public hearing and consideration of the following applications for the redevelopment of a 15.77-acre property located at 311 Mapleton Avenue and 2025 and 2525 4th Street:

- 1) Rezoning for that portion of the property currently zoned RL-1 (Residential – Low 1) to P (Public) (case no. LUR2017-00028), consistent with BVCP land use designation of Public;
- 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).

*L. Payton recused herself.*

### **Public Concern Regarding Conflict of Interest:**

- 1) **Randi Stroh** expressed a possible conflict of interest concerning board member **B. Bowen**.
  - **H. Pannewig** questioned **B. Bowen** regarding his relationship to the applicants. **B. Bowen** asserted he has no relationship and that he would be fair and impartial in this matter.

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

- All board members stated they had done numerous and diverse types of site visits such as hiking, parking on site, swimming at the pool and **D. Ensign** said he used **Alan Delamere’s** PowerPoint presentation provided to the board as a guide. **C. Gray** and **B. Bowen** were both present during the presentation of the Concept Review, and **B. Bowen** was also present during the review with the Design Advisory Board as the ex-officio member. All members have reviewed the materials. **J. Gerstle** had engaged in many ex-parte discussions in the past year and a half regarding the site and **C. Gray** mentioned she had a discussion with petitioners regarding ‘OS-O’ but informed them she was a member of Planning Board and did not sign the petition. Most members of Planning Board had received a call from **Evelyn Bassoff** stating her comments, which all members informed her to send her comments to the entire board, which she did.

### **Staff Presentation:**

**L. Ellis** introduced the item.

**E. McLaughlin** presented the item to the board.

### **Board Questions:**

**E. McLaughlin** answered questions from the board.

### **Applicant Presentation:**

**Gary Berg** and **Shirley Berg**, with The Academy, and **Michael Bosma**, with the Mapleton Hill Investment Group, presented the item to the board.

### **Board Questions:**

**Gary Burg** and **Michael Bosma**, representing the applicant, answered questions from the board.

**Public Hearing:**

- 1) **Lauren Folkerts**, representing Design Advisory Board, reviewed their concerns and findings.
- 2) **Wendy BaringGould** spoke in opposition to the proposed development. While she supports elder care, she and her group do not support the proposed mass, density and have concerns regarding the safety of the residents due to the location.
- 3) **Ira Barron** (pooling time with **Samantha Weslon, Toni Stroh**) spoke in opposition to the proposed development specifically regarding height and claimed no waiver is necessary.
- 4) **Betsey Jay** spoke in opposition to the proposed development stating the proposed rezoning from 'RL-1' is not necessary.
- 5) **Russell Henriksen** spoke in opposition to the proposed development and claimed the intensity standards are not being met and are being calculated incorrectly to apply for congregate care.
- 6) **Karen MacClune** (pooling time with **Carl Worthington, Murray McCollum**) spoke in opposition to the proposed development due to the safety and disaster potentials. While the project itself is ideal, the location is not for elder care.
- 7) **Kevin Smith** spoke in opposition to the proposed development specifically if the area were to be rezoned, the Public zone should be used by a non-profit organization. He claimed the proposal was not ADA compliant. He proposed moving the development to the east side of town.
- 8) **Ken Dunn** spoke in opposition to the proposed development stating it is inconsistent with the BVCP and the Land Use Map. He said building on the 'OS-O' designated land would not comply with the code.
- 9) **James Ruger** spoke in opposition to the proposed development specifically that west Maxwell Avenue is a public street.
- 10) **Lee Carlin** spoke in opposition to the proposed development and read a letter from a concerned citizen regarding the safety of the proposed elderly residents.
- 11) **Phil Delamere** (pooling time with **Susan Dubler**) spoke in opposition to the proposed development specifically regarding the sustainability of the project during the construction phase. He encouraged more solar, car-free, save the trees and the re-use of all structures.
- 12) **Vaughn Allison** spoke in opposition to the proposed development as it fails to meet Use Review criteria. He said the institutional scale would impact the dynamics of the neighborhood.
- 13) **Rebecca Trafton** spoke in opposition to the proposed development specifically that it should not be granted to a private organization but that location should belong to the public.
- 14) **Alexia Parks** spoke in opposition to the proposed development and instead proposed a Sanitas Center on the site.
- 15) **Randi Stroh** spoke in opposition to the proposed development stating that the Use Review could not be granted unless all the criteria were met. She said there has not been sufficient debate to support that the criteria has been met.
- 16) **Ginger Hite** gave some historical survey background regarding the Silverlake Ditch. She added that the 'OS-O' label on the map is not an error but a buffer strip and a valid parcel.
- 17) **Molly Beytien**, speaking on behalf of Leslie Parshment Olson, in support of the proposed development.
- 18) **Tom Boice** spoke concerning the proposed construction phase of the development. Regarding the smokestack, he expressed concern if a toxicity report had been done on it and the surrounding earth.
- 19) **Taisiya Colvin** spoke in support of the proposed development.
- 20) **Lynn Segal** spoke in opposition to the proposed development regarding safety concerns and that

the land should belong to the commons, not a private organization.

- 21) **Mary Kate Rejouis** spoke in support of the proposed development and agreed there is a need for senior affordable housing. She said while this site will be developed, this developer is proven to care for people and open space.
- 22) **Ande Bernthal**, speaking on behalf of Catherine Schweiger, in support of the proposed development.
- 23) **Renee Beshurs** spoke in support of the proposed development specifically the proposed quality rehabilitation services.
- 24) **Ken Wood** spoke in support of the proposed development saying it would be a positive addition to the community. He hoped the impact of construction would be addressed.
- 25) **Gretchen King** spoke in support of the proposed development.
- 26) **Leonard Segel** spoke in support of the proposed development. It will continue the historical legacy of wellness in the community and provide affordably senior living.
- 27) **Brian Frey** spoke in support of the proposed development and supports the affordable housing.
- 28) **Donna George** spoke in opposition to the proposed development regarding safety concerns, the land designated 'OS-O' to remain open space, repurposing the existing buildings, and there should be no height variances.
- 29) **Mark Gelband** spoke in support of the proposed development and supports the affordable housing.
- 30) **Elizabeth Hendorf** spoke in opposition to the proposed development regarding safety concerns and the proposed construction phase.
- 31) **Mark McIntyre** spoke in support of the proposed development specifically supporting the affordable housing, senior care, and the project fulfills the community goals.
- 32) **Mark Schoenhall** spoke in support of the proposed development and an effective use of the site.
- 33) **John Pallock** spoke in support of the proposed development

#### **Board Comments:**

#### **General Comments:**

- **D. Ensign** said the project advanced quite a lot since the Concept Review and many concerns were addressed. This community needs housing for the aged and once construction is over, this will be an asset to the public. He does have concerns regarding the construction. It meets the criteria.
- **P. Vitale** said with this development we will be getting a net benefit. While it may not be the perfect solution, we need development to have an equitable community. It is a satisfactory project. The developer has operated in good faith in communicating with the neighborhood and the community needs this project. He would like to see a detailed waste hauling map.
- **C. Gray** said she is concerned regarding the resilience issues and the proposed intensity. She said a rehabilitation center is needed but questioned if this would be the best site.
- **B. Bowen** stated that he approves of sensitive infill development and should be a high priority. He said he does not believe the proposal is too dense. The applicant has done a lot of positive things since the Concept Review. He would like to see all the afford housing on site and possibly a mix of households. He expressed concern regarding a few of the building elevations.
- **H. Zuckerman** stated that currently the site has a lot of asphalt and very few trees. He approves of the proposal to reduce the number of impermeable surfaces. He agreed that a construction map should be done and pre and post road inspections should be completed. He suggested a firm

requirement for solar wiring. He approved of the rezoning request. This proposal has become one of the most compatible and lowest impacts on a neighborhood the board has seen. He appreciated the open permeable design and the landmarking of the three buildings. He was impressed with architectural designs of Buildings C & D.

- **J. Gerstle** stated it seems a reasonable use for the site. He said the intensity should diminish. He disagreed on the proposed height and the land designated 'O-SO' should remain outside the area of construction that is proposed for Building B.

**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?**

- All board members agreed with staff's recommendations that the proposed rezoning from 'RL-1' to 'P' would be consistent with the Land Use Code.

**Key Issue #2: Are the applications for the Use Review for the Congregate Care Use and the Parking Use consistent with the Use Review Criteria of the Land Use Code section 9-2-15(e), B.R.C. 1981?**

- **J. Gerstle** stated that the use and a congregate care facility are reasonable. He has concern with the potential intensity of development on the site.
- **H. Zuckerman** said the project meets the requirements of the Use Review criteria for both congregate care and parking and it meets the BVCP policies.
- **B. Bowen** said it does meet the criteria for the Use Review.
- **C. Gray** stated when one combines the Use Review with the height modification and the intensity, then the proposal does not meet compatibility.
- **P. Vitale** said that congregate care makes sense and he was impressed with the amount of open space proposed, in terms of intensity.
- **D. Ensign** stated that the proposed use would provide a direct use to the public. The proposal would be compatible with the neighborhood. The direct service and rehab center speaks to service provided for the community.

**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?**

- **D. Ensign** approved of the smokestack as a center piece. He liked of the proposed pitched roofs. In terms of intensity, he is not concerned with it as the site and residents can support it. He said he was sympathetic regarding the existing slopes and that we need to be flexible with height. He said the proposed buildings are not taller than the existing, just configured differently. Regarding evacuation plans, he mentioned that an 'Emergency Management Plan' is referenced, but he is wondering if it is sufficient for the surrounding community.
- **P. Vitale** said he would like to see more detail regarding the energy plans and sustainability. These things are mandated by the BVCP.
- **C. Gray** questioned if the intensity of the site is warranted in that location because it would be up next to the open space and wildfire area. The proposal would be lacking a mix of housing income. She would like to see Buildings A and B scaled down. She said she was worried about what type of mechanical systems might be installed on the buildings with flat roofs. Regarding the proposed rehab center, she did not approve of putting those types of facilities on that site. She approved of placing the memory care facility on site, but not the wellness center as it would add to the intensity. The slope on the west side of Building B should be graded down because it is too

large. She would like to see a map which has the easements and access as part of the good neighbor policy defined on the landscaping plans.

- **B. Bowen** said, regarding Site Review criteria, the building proportions are appropriate for the site conditions and he would be comfortable with the height modifications. He supports the smokestack.
- **H. Zuckerman** said the criteria for open space are served with the conservation easement. There is compatibility with neighborhood infill and design. The demolition of the hospital would remove one of the most non-compliant buildings for mass and height. The below-grade parking would allow for more landscaped area and other impermeable surfaces. Regarding height, mass and scale, he approved of the nods to the architecture to the surrounding neighborhood. He said the requested height modifications are not huge based on the topographical needs and the applicant's design of the pitched roofs. He added that the design of the project should protect against large mechanical equipment on the roofs.
- **J. Gerstle** said height modifications would not be appropriate. Regarding the 'OS-O' zone, he said Building B should not be built on that. The proposal for Building L is reasonable. With respect to access to the site, he agreed that daylight access is reasonable. He disagreed with staff's assessment on Maxwell Avenue west and believes it is a city street. He would like further review.
- **D. Ensign** said he would be comfortable with buildings encroaching on the 'OS-O' land because in exchange the city would be getting conservation areas in perpetuity.
- **H. Zuckerman** explained that in the land use designations, the associations with zoning districts, there are none for 'OS-O'. It does not have an associated zoning district. Consequently, one must look at what the overlying zoning district is, which in this case would be 'P'. Therefore, construction should not be prohibited on the 'OS-O'.
- **J. Gerstle** said 'OS-O' means open space and inappropriate to violate it.
- **D. Ensign** explained that with this project, there is no open space that is being claimed that doesn't already have something on it.

#### **Key Issue #4: Wildfire Mitigation and Emergency Evacuation Plans**

- **D. Lowrey** informed the board of the emergency evacuation plan and the wildfire mitigation plan for the site and that a more detailed plan will be forthcoming when the project has been approved.

#### **Key Issue #5: Construction Management Plan**

- **P. Vitale**, with the Fire Department, approved of the concept of swapping out routes to the vendors.
- **D. Ensign** mentioned possibly bonding for any road damage.

#### **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.

On a motion by **C. Gray** seconded by **J. Gerstle** the Planning Board voted 2-4 (**H. Zuckerman**, **B. Bowen**, **D. Ensign**, **P. Vitale** opposed; **L. Payton** recused) to amend the main motion to exclude portions of Buildings B2 and B3 from the OS-O area.

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

- A. INFORMATION ITEM: LAND USE REVIEW:** Vacation of two permanent multi-use easements related to REVE project. Case No. LUR2017-00084 & LUR2017-00085.

## **7. DEBRIEF MEETING/CALENDAR CHECK**

## **8. ADJOURNMENT**

The Planning Board adjourned the meeting at 11:33 p.m.

APPROVED BY

\_\_\_\_\_  
Board Chair

\_\_\_\_\_  
DATE