

July 19, 2009

To the Boulder City Council:  
Matthew Appelbaum, Suzy Ageton, Macon Cowles, Angelique Espinoza, Crystal Gray, Lisa Morzel,  
Susan Osborne, and Ken Wilson

cc: Susan Richstone, Manager, Long-Range Planning

Re: Junior Academy Area Plan

Dear Mayor Appelbaum and Members of the Boulder City Council:

The Friends of Mt. Sanitas was incorporated as a non-profit organization in the State of Colorado in 2003. The organization was created because of concern for the future of the former Boulder Junior Academy site at 2641 4th Street in Boulder. We currently represent about 150 households.

We appreciate the city's effort to find a workable solution for the former Junior Academy site through the area planning process. We commend the Planning staff, especially Susan Richstone and Charles Ferro, for their responsiveness, accessibility and poise in the face of some very vocal neighborhood opposition.

### **Background**

As we understand it, an Area Plan was proposed because a landowner wanted to develop a property that had conflicting zoning and land use designations. Previous development concepts accompanied by rezoning requests had been turned down by the Planning Board. By taking the area planning route, the community and the landowner could express their vision for the site, and that vision could be codified to some degree via land use and zoning changes, giving everyone more certainty about the future of the site.

The City Council directed the staff to develop an Area Plan that would address the zoning and land use issues, as well as provide guidance regarding housing types, mass and scale, access and circulation patterns.

Three workshops and an open house were held, public issues and concerns were compiled, and a draft Area Plan was developed. The Friends of Mt. Sanitas issued a letter outlining its concerns about the draft plan and the staff responded by making some of the changes that were requested.

The Area Plan that the staff recommended to the Planning Board was based on public input and input from the landowner. Though there is little agreement between the neighborhood and the landowner on the ultimate build-out of the site, the vision for the site from both sides has been residential\*. Therefore, the Planning staff recommended a residential land use and zoning designation for the site.

However, the Planning Board, under the aggressive management of the chairman (which some witnesses have even labeled "bullying"), rejected the staff's recommendation and the public's input and opted for a

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\*In fact, at least half of the proposed uses offered by the neighborhood at the workshops reflected a desire to keep the space as a park, open space, community garden or other very low intensity use. Given that there aren't any entities willing or able to make that happen, the neighborhood has expressed a preference for a Residential designation that would be compatible with the neighborhood as the next best option.

Public land use and zoning designation for the majority of the site. The community was not prepared, nor given the opportunity, to offer comment or testimony regarding this more intensive designation for the property.

To the Planning staff's well-deserved credit, they held a fourth workshop after the Planning Board meeting to help the neighborhood understand the implications of the Planning Board's decision.

## **FOMS Position**

The Friends of Mt. Sanitas views the Public land use and zoning designation proposed by the Planning Board as a route to preventing any intensity standards from applying to the site. The Public zone has no Floor Area Ratio (FAR) standard. During the Planning Board meeting, the chair dismissed concerns about the Public zone with repeated assurances that any development proposal would have to go through Site Review and hence would have to come before the Planning Board. We draw little comfort from that prospect!

In our opinion, the Area Plan proposed by the Planning Board ignores the public process that you requested and fails to address the concerns of the vast majority of the public who participated in the outreach process, offering little guidance to a potential developer. Any hope of a "vision" for the site was dashed because of the broad range of uses allowed in the Public zone either by right or by Use Review. The hard issues will simply come back at Site Review. Under the Planning Board decision, all the effort expended on the Area Plan was for naught.

Also, the city is trying to reserve the Public zone for truly public uses, and not have it be a stand in for Residential. This decision by the Planning Board flies in the face of that trend. Rezoning to Public a parcel privately owned by an individual is unprecedented, according to the Planning staff.

For all the reasons outlined above, we respectfully request that you consider the following changes to the Area Plan:

1) *RL-1 Zoning and Residential land use designations.* We have consistently been opposed to up-zoning the site to accommodate proposals that wouldn't otherwise be permitted by the existing zoning. Converting most of the site to Public allows for much more intensive development of the site. The staff had recommended two zoning options, one with the site zoned entirely residential and one with a "flex zone" that would have allowed other uses on the site than those allowed under RL-1. The neighborhood supports RL-1 without the "flex zone" option.

2) *Density and mass.* Beyond the zoning and land use designations, we would like to see the Area Plan provide more detail on the number of units and total square footage allowed. According to the staff's neighborhood analysis done in 2005, the gross FAR, calculated from the 27+ acre area surrounding the Junior Academy parcel, is 0.16. If this gross FAR were extended to the 5.8-acre Junior Academy site, only 40,000 sq. ft. of development would be allowed. The school, before it was demolished, was about 30,000 sq. ft. The previous Planning Board, in April 2005, recommended a total build-out of 60-65,000 sq. ft. This seems like a perfectly reasonable guideline to include in an Area Plan and one we have repeatedly requested.

3) *Use.* The Friends of Mt. Sanitas does not support a congregate care use for the site for the following reasons:

a) We don't believe an institutional use is compatible with the neighborhood; in fact, the institutional uses that are nearby are slowly moving their operations east. (Perhaps a larger Area Plan that includes these changing areas should be considered.)

- b) The current code regarding congregate care allows a 3:1 density “equivalency” with a fairly loose definition of congregate care. The age restriction is 60 – this development could simply be luxury condos, at triple the density, for active seniors.
- c) The congregate care that is being proposed will not meet the needs of Boulder’s elderly population. It will be beyond the financial reach of all but the wealthiest residents.
- d) According to research on senior housing options in Boulder, the population most in need of senior housing is 75 to 80 year-olds (primarily widows). Most seniors opt to live in their homes until they are no longer able to manage on their own, at which point they are more likely to need assisted living and memory care than independent living. There may or may not be a demand for luxury condos for 60-year-olds, but please don’t confuse that demand with the needs of the segment of the population for which there truly is a moral obligation to provide care.

4) *Hillside delineation.* We appreciate the suggestion in the Area Plan that the hillside in the northwest portion of the site be preserved and restored and would like to see more specific delineation, in the form of a map and total acreage, of the area to be protected.

5) *Affordable housing.* The neighborhood supports on-site affordable housing and needs more information about how that would be achieved, especially in a congregate care setting, if that use is permitted.

6) *Compatible development application.* Depending on how it is applied, the FAR averaging language that is in the proposed Compatible Development ordinance could allow significantly more total build-out of the site. For example, if a .5 FAR is averaged over the entire 5.8 acre parcel, total build-out could exceed 120,000 sq. ft., about three times more development than would be truly compatible. If the same FAR is averaged over the buildable 7000 sq. ft. lots (excluding the protected hillside, roads, alleys and parking areas), the total build-out would be closer to 90,000 sq. ft., still more than twice what a compatible build-out would be. Please remove this language from the Compatible Development ordinance as it creates a “developer bonus” that is inconsistent with the spirit of the ordinance.

7) *Redevelopment principles.* Because of the uncertain future of the medical buildings to the south, we ask that you delete the recommendation that any large buildings on the site be “consistent in size and height with the buildings to the south.”

8) *Traffic analysis.* Bicycle commuters, runners, dog walkers and parents with small children frequently use 4th St. because it is a relatively safe, clean and quiet route from north Boulder (Linden) all the way to downtown (Pearl St.). All of the routes to and from the site follow older, narrow streets that have parking on both sides of the street. Since this issue has been critical to previous proposals as well, we request a site-specific traffic/access analysis be included in the Area Plan.

We hope you find these comments helpful. Thank you for your consideration.

Best regards,  
Friends of Mt. Sanitas

Board: Catherine Barnes, Nancy Doty, Ken Foelske, Kim Keech,  
Brad Keech, Nancy Kornblum, Liz Payton, and Randi Stroh

and 157 signatures

***Members, neighbors, and supporters:***

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Emanuel Alongi	Bill Howe	Tim Quinn
Greg Althaus	Julie Husband	John & Mikki Rainey
Cate Armstrong	Mitch Jacob	Chandler Reed
Paula Bara	Jean-Jacques & Isabelle Joris	Doug Render
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David Frenette	Claudia Naeseth	Jean Westby
Ron Geary	Joan Nagel	Kirsten Westby
Susan L. Gold	Sharon Norton	Noah Westby
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