

To: Golden Community and Economic Development Department
Golden City Council
From: Golden Historic Neighborhoods Association
By: Tom Atkins, President
Date: 04/05/2017

EXECUTIVE SUMMARY

- GHNA strongly supports the City's process to seek specific input and recommendations as to the relationship of the Colorado School of Mines campus as a whole to the community, and the interface of campus edges with nearby residential, commercial, cultural, and recreational uses.
- GHNA believes this public input should be used as the basis for an Inter-Governmental Agreement between Golden and Mines governing development standards throughout the campus and focusing on differentiating between the core of campus and the campus boundaries, which we refer to as "Transition Zones".
- We believe such an IGA is a unique opportunity for each side to show respect for the other and for the neighborhoods surrounding the campus. It would go a long way toward resolving the long-standing differences of opinion as to the right of Golden to enforce its zoning code and other local ordinances and the legal obligation of CSM to conform to those ordinances, all while avoiding the courts.
- We offer specific suggestions as to development standards in the Transition Zones, including building heights and setbacks, traffic, parking, safety, noise, lighting, and other nuisance impacts.

BACKGROUND

The 12th Street Historic District is in the very heart of historic Golden. It contains some of the oldest homes in Golden – some preceding even the founding of the Colorado School of Mines. The long history of the 12th Street Historic District as a neighbor of CSM has given us a unique and important perspective on the relationship between the City and CSM. We were, to the best of our knowledge, the only neighborhood group to negotiate a Memorandum Of Understanding with CSM in order to express our mutual commitment of respect, while alleviating potential development concerns of the neighborhoods.

Since then, with a change of administration on campus, we have experienced a planning process in which Mines has explicitly claimed exemption from Golden's zoning codes; has publicly claimed to City Council little or no impact of proposed developments which have turned out to have serious impacts; and has demonstrated their claim of exemption by constructing, immediately adjacent to the 12th Street Historic District, a building that exceeds zoning limitations after having bypassed Golden's planning process by presenting incomplete plans to the Planning Department.

These conflicts regarding Golden's ability to enforce its own zoning code are detrimental not only to the 12th Street Historic District, but to the entire Golden community.

INTRODUCTION

GHNA understands that it represents only a portion, albeit an important portion, of the Transition Zone around campus. The City's expressed purpose for community input at this time is directed toward *"the relationship of campus as a whole to the community, and the interface of campus edges with nearby residential, commercial, cultural, and recreational uses"*.

We support the negotiation of a comprehensive development agreement between the City of Golden and the Colorado School of Mines. If done properly, this agreement would provide benefits to all constituents and would provide an expedited path to the legal resolution of potential conflicts without either side having to challenge the other's rights or authorities. Because of our first-hand experience with the limitations of either an "agreed-upon process" or a Memorandum Of Understanding, we believe that only an Inter-Governmental Agreement, constituted in the manner proscribed by state statute, will be effective and enforceable.

GHNA member residents have been encouraged to submit the City's online survey, to attend the April 12 public meeting, and to provide input to City staff. We have also gathered specific input from residents, however, and have had conversations about this subject for nearly two years.

It is therefore our desire to provide broad input on our members' views about the purposes, characteristics, and provisions of an agreement that would protect and respect all constituents: the community; the City; and CSM.

PURPOSE

The City of Golden and the Colorado School of Mines have a fundamental difference of opinion as to the right of Golden to enforce its zoning code and other local ordinances and the legal obligation of CSM to conform to those ordinances. In recent years, the two entities have had an "agreed upon process" wherein CSM has agreed to voluntarily comply with Golden's planning and zoning processes. This process broke down nearly three years ago, when CSM designed and built the GRL Annex building, which exceeds the City's zoning code, without following the "agreed upon" planning process. To the best of our knowledge, the City has taken no action to remedy that situation. When the process fails, it is the community that suffers the consequences – in this case, that means portions of the 12th Street Historic District and the neighborhood immediately adjacent to it on Maple. We believe it is the City's responsibility to protect its residents from the consequences of inappropriate or illegal development that causes negative impacts on those residents.

An Inter-Governmental Agreement is an attempt to resolve these conflicts with an enforceable agreement that avoids going to court but provides legal remedies for violations of the agreement. The IGA would spell out conditions, limitations, and freedoms for development on campus that are acceptable to the City, to Mines, and to the community.

GHNA member neighbors strongly support the needs and purpose of this IGA and urge the City of Golden to actively pursue the agreement with utmost priority. We hope the City will continue to solicit community input and to remain in contact with community constituents throughout the process.

CHARACTERISTICS OF THE IGA:

- Explicitly acknowledge the conflict between the City of Golden and CSM:

- The city of Golden, as a home-rule city, asserts its rights granted under the Colorado Constitution to enforce its municipal ordinances and to supersede any state law in conflict with them.
- The Colorado School of Mines, as a State institution, asserts that it is not subject to Golden’s municipal ordinances.
- Express a spirit of respect and equity to both sides in this conflict.
- Express the importance of Mines to the City of Golden and the importance of the City of Golden to Mines.
- Express the desire of Mines to be a “good neighbor” within the Golden community.
- Acknowledge the impact of campus development on the residential areas surrounding the campus.
- Cite the State Statute, CRS 29-20-105, which explicitly encourages an IGA to resolve inter-governmental disputes regarding land use:
 - “Local governments are authorized and encouraged to cooperate or contract with other units of government pursuant to part 2 of article 1 of this title for the purposes of planning or regulating the development of land including, but not limited to, the joint exercise of planning, zoning, subdivision, building, and related regulations.”
- Define “Transition Zones” around the campus and express the intent to define different development standards in these Transition Zones from those in the Core of Campus. The Transition Zone should include ALL boundaries of campus that border with residentially-zoned areas. This zone should provide a clear visual, harmonious transition between the Mines campus and the adjacent residential areas.
- Express the intent for the City, CSM, and the community to agree upon campus development standards, addressed as different standards in the Campus Core and the Transition Zones, as an alternative to the strict adherence to Golden’s zoning code throughout the campus.

SPECIFIC DEVELOPMENT ISSUES IN THE TRANSITION ZONES

- Standards in the Transition Zones may vary from area to area and should be determined by potential IMPACT on the adjacent neighborhood.
- Height and Setbacks. The impact of building height and setbacks will vary according to:
 - Orientation. Buildings on the south side of homes block the sun more than buildings on the north side of homes. Therefore, buildings on the south side of homes should probably have lower height limits and greater setbacks.
 - Slope. Buildings uphill from homes are taller relative to the home’s property than buildings on the downhill side (or level). Therefore buildings uphill from homes should also have greater setbacks and lower height limits.
 - Height limits should be measured from the adjacent homeowner’s property line, not the customary average around the building (which can make the building appear much taller to residents on the downhill side.)
 - Some neighbors have suggested that building heights should not exceed the height of adjacent residential homes.
 - Setbacks in the Transition Zones should be no less than 24 feet. Setbacks in the Transition Zone should have the purpose of protecting sunlight, views, and aesthetic feel of the adjacent properties.

- Building height limits should be no more than 25 to 35 feet measured from the adjacent property owners' property line on the downhill side of the development.
- Since the IGA will supplant Golden's normal planning and zoning process, there should be no "special permits" or other exceptions to these standards.
- Safety and Nuisance Impacts
 - Traffic on neighborhood streets is both a safety and a nuisance impact. The IGA should recognize that the neighborhood streets are similar to campus streets in that pedestrian traffic is important, but different in that neighborhood streets often have small children crossing, where campus streets have "peak" pedestrian periods determined by class times. For streets that traverse campus, the "Shared Streets" concept could play an important role. For neighborhood streets that are near the Transition Zones, every effort should be made to avoid increasing traffic.
 - Any development on the campus should be done with the goal of no traffic increase in residential areas within or adjacent to the Transition Zones.
 - Any traffic studies required to protect neighborhood streets from traffic impacts should be performed by Golden staff or contractors.
 - Similarly, any parking studies required to study the impact of Mines developments or activities on adjacent City streets should be performed by Golden staff or contractors.
 - If "Site A" is chosen by CSM for their proposed parking garage, we recommend that 14th Street be opened using the existing Golden right-of-way between Illinois and Maple in order to alleviate traffic impacts in the 12th Street Historic District. A commitment to restore 14th Street to the street grid can be a part of the development agreement in the IGA.
 - The development agreement should contain a commitment by CSM to bring the GLA Annex building into compliance with Transition Zone standards by removing the rooftop mechanical equipment after the CoorsTek building is open and operational. This area is often described by nearby neighbors as "an industrial site."
 - One specific comment: "We recommend CSM and the city of Golden coordinate all events in "the neighborhood" together and in advance to insure temporary road closures do not put people or property at risk."
 - Light and noise
 - Development standards should have strict guidelines for light and noise in the Transition Zones.
 - Lighting should always be shrouded and downward-directed and avoid "bleeding out" toward nearby homes, which then constitutes "light pollution".
 - Noise standards should be lower than allowed within the Campus Core. Ideally, a decibel limit should be imposed, measured on the property line of adjacent residences.
 - Effluents should not be detectable as odors on adjacent residential properties.
 - Runoff should be controlled to avoid impact in and around the Transition Zones. Golden should retain the right to require detention ponds or other measures to enforce this requirement.
 - Both gaseous effluents and liquid runoff should be monitored and tested periodically for safety. This is not an unimportant issue: it is a little-known fact

that the campus has caused runoff containing volatile hydrocarbons into the 12th Street Historic District...runoff that then went straight into Clear Creek.

- The City should establish a process for residents to file complaints regarding safety, traffic, parking, or nuisances, and for testing and follow-up to resolve those complaints. This process should be the responsibility of the City of Golden, not CSM.
- City Street Grid
 - The IGA should specifically cite the importance of maintaining the City street grid as it currently exists. Because of the existence of the campus as a large block in the historic heart of Golden, with many streets in the grid already closed or broken to accommodate campus needs, the remaining grid serves a greater purpose in providing alternative routes through the area. This need is exacerbated by the periodic temporary closing of through-streets for City events.
Specific comment: “We feel boxed in.”
 - No new street vacations should be considered within the campus boundaries.
 - The concept of “Shared Streets” can be accommodated after a suitable test period for the “Shared Street” concept, such as 16th Street between Illinois and Cheyenne. The Shared Streets concept seeks to improve walkability and enhance both pedestrian and vehicular safety by reducing the dominance of vehicles, reducing vehicular speeds, and reducing casualty rates, all while maintaining vehicular access and thereby protecting the street grid. Shared Streets could be a desirable accommodation for the pedestrian character of the Mines campus along with the community’s need to protect alternative access routes through the street grid.
 - Streets eligible for “Shared Street” status should be identified within the IGA.
- Parking
 - The IGA should recognize the unique parking circumstances caused by athletic events at the Clear Creek Athletic Center. CSM should agree to make specific good-faith efforts to minimize the impact of those events.
 - The IGA should also recognize the impact of campus student and staff vehicles parking off-campus on City streets and the burden that places on Golden businesses and residents. A cooperative effort should be identified to help minimize those impacts. Many other cities charge annual fees to University campuses for parking on city streets that traverse or surround the campus in order to compensate the community for the impacts of such parking.
- Special Consideration: The tennis courts on Maple.
A good case can be made that the 12th Street Historic District (especially on 12th Street) and Maple Street have been extraordinarily impacted by the Clear Creek Athletic Center, the GRL Annex Building, and probably soon by a parking structure at the corner of Maple and W. Campus Drive, and it is unreasonable to expect those residents to bear further impacts from development on the Tennis Court property. Furthermore, the Tennis Court property sits both on the uphill slope and on the south side of the homes on 12th Street, so development there would have the greatest impact on those homes. That property should remain as an undeveloped “buffer area” between the campus and the 12th Street Historic District.

DEVELOPMENT IN THE CORE OF CAMPUS

Our primary intent is to provide input for development in the “Transition Zones” around the campus. We expect that in return for agreeing to these stricter development standards in the Transition Zones, CSM should be granted greater freedom for development in the core of campus. It will be up to CSM to ask for what they want in the process of negotiating an IGA, but we don’t think it would be unreasonable to remove the requirement that CSM follow Golden’s planning and zoning process in the campus core. That should significantly reduce delays and costs, and give them greater flexibility in their design and development process. The IGA should provide a legal alternative to Golden having to modify its zoning code to accommodate these different development standards.