CITY OF BOULDER
PLANNING BOARD MEETING AGENDA
DATE: June 2, 2016
TIME: 6 p.m.
PLACE: 1777 Broadway, Council Chambers

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1. **CALL TO ORDER**

2. **APPROVAL OF MINUTES**
   The May 12, 2016 minutes are scheduled for review.

3. **PUBLIC PARTICIPATION**

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

5. **PUBLIC HEARING ITEMS**

A. AGENDA TITLE: Public hearing and consideration of a motion to recommend approval of an ordinance amending section 9-6-5(d) "Mobile Food Vehicle Sales," amending section 9-16-1(c) "Definitions" to redefine "Mobile Food Vehicle" to include human powered vehicles, amending section 7-6-28, B.R.C. 1981 "Bicycle Parking" and setting forth related details.

B. AGENDA TITLE: Public hearing and consideration of a request for a two-story, 766 square foot rear addition to an existing single family home to convert the residence into a tri-plex, located at 2949 Broadway with a request for a 37.5 percent parking reduction and a reduction in lot area per dwelling unit from 3,000 square feet to 2,076 square feet within the RH-2 zoning district. Case no. LUR2014-00097.

Applicant: Michael Bosma
Owner: ALR Investments LLC

C. AGENDA TITLE: Public hearing and consideration of a NONCONFORMING USE REVIEW (LUR2015-00118) request to amend the approved operating characteristics for the Alpine Modern Café at 904 College Ave. within the RL-1 zone district to allow for beer and wine sales during regular business hours, and to extend the closing time from 7:00 p.m. (existing) to 9:00 p.m. (proposed) Mondays through Thursdays. No other changes to the existing operating characteristics are proposed.

Applicant: Lon McGowan
Owner: James Carter

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

7. **DEBRIEF MEETING/CALENDAR CHECK**

8. **ADJOURNMENT**

CITY OF BOULDER PLANNING BOARD
MEETING GUIDELINES

CALL TO ORDER
The Board must have a quorum (four members present) before the meeting can be called to order.

AGENDA
The Board may rearrange the order of the Agenda or delete items for good cause. The Board may not add items requiring public notice.

PUBLIC PARTICIPATION
The public is welcome to address the Board (3 minutes* maximum per speaker) during the Public Participation portion of the meeting regarding any item not scheduled for a public hearing. The only items scheduled for a public hearing are those listed under the category PUBLIC HEARING ITEMS on the Agenda. Any exhibits introduced into the record at this time must be provided in quantities of ten (10) to the Board Secretary for distribution to the Board and admission into the record.

DISCUSSION AND STUDY SESSION ITEMS
Discussion and study session items do not require motions of approval or recommendation.

PUBLIC HEARING ITEMS
A Public Hearing item requires a motion and a vote. The general format for hearing of an action item is as follows:

1. Presentations

a. Staff presentation (10 minutes maximum*)
b. Applicant presentation (10 minute maximum*). Any exhibits introduced into the record at this time must be provided in quantities of ten (10) to the Board Secretary for distribution to the Board and admission into the record.
c. Planning Board questioning of staff or applicant for information only.

2. Public Hearing

Each speaker will be allowed an oral presentation (3 minutes maximum*). All speakers wishing to pool their time must be present, and time allotted will be determined by the Chair. No pooled time presentation will be permitted to exceed ten minutes total.

- Time remaining is presented by a Green blinking light that means one minute remains, a Yellow light means 30 seconds remain, and a Red light and beep means time has expired.
- Speakers should introduce themselves, giving name and address. If officially representing a group, homeowners' association, etc., please state that for the record as well.
- Speakers are requested not to repeat items addressed by previous speakers other than to express points of agreement or disagreement. Refrain from reading long documents, and summarize comments wherever possible. Long documents may be submitted and will become a part of the official record.
- Speakers should address the Land Use Regulation criteria and, if possible, reference the rules that the Board uses to decide a case.
- Any exhibits introduced into the record at the hearing must be provided in quantities of ten (10) to the Secretary for distribution to the Board and admission into the record.
- Citizens can send a letter to the Planning staff at 1739 Broadway, Boulder, CO 80302, two weeks before the Planning Board meeting, to be included in the Board packet. Correspondence received after this time will be distributed at the Board meeting.

3. Board Action

d. Board motion. Motions may take any number of forms. With regard to a specific development proposal, the motion generally is to either approve the project (with or without conditions), to deny it, or to continue the matter to a date certain (generally in order to obtain additional information).
e. Board discussion. This is undertaken entirely by members of the Board. The applicant, members of the public or city staff participate only if called upon by the Chair.
f. Board action (the vote). An affirmative vote of at least four members of the Board is required to pass a motion approving any action. If the vote taken results in either a tie, a vote of three to two, or a vote of three to one in favor of approval, the applicant shall be automatically allowed a rehearing upon requesting the same in writing within seven days.

MATTERS FROM THE PLANNING BOARD, DIRECTOR, AND CITY ATTORNEY
Any Planning Board member, the Planning Director, or the City Attorney may introduce before the Board matters which are not included in the formal agenda.

ADJOURNMENT
The Board's goal is that regular meetings adjourn by 10:30 p.m. and that study sessions adjourn by 10:00 p.m. Agenda items will not be commenced after 10:00 p.m. except by majority vote of Board members present.

*The Chair may lengthen or shorten the time allotted as appropriate. If the allotted time is exceeded, the Chair may request that the speaker conclude his or her comments.

CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
May 12, 2016
1777 Broadway, Council Chambers

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: http://www.bouldercolorado.gov/

PLANNING BOARD MEMBERS PRESENT:
John Gerstle, Chair
John Putnam
Bryan Bowen
Leonard May
Liz Payton
Crystal Gray
Harmon Zuckerman

PLANNING BOARD MEMBERS ABSENT:
N/A

STAFF PRESENT:
Susan Richstone, Deputy Director of Planning Housing and Sustainability
Hella Pannewig, Assistant City Attorney
Lesli Ellis, Comprehensive Planning Manager
Cindy Spence, Administrative Specialist III
Molly Winter, DUHMD Executive Director
Greg Guibert, Chief Resilience Officer
Elaine McLaughlin, Senior Planner
Chandler Van Schaack, Planner II
Chris Hagelin, Senior Transportation Planner
Jean Gatza, Senior Planner

1. **CALL TO ORDER**

Chair, **J. Gerstle**, declared a quorum at 7:04 p.m. and the following business was conducted.

2. **APPROVAL OF MINUTES**

On a motion by **C. Gray** and seconded by **L. May** the Planning Board voted 6-0 (**J. Putnam** absent for this item) to approve the April 21, 2016 and April 28, 2016 minutes as amended,

3. **PUBLIC PARTICIPATION**

1. **Phil Ecklund** spoke in opposition to the Holiday Inn Express proposed at 3365 Diagonal Hwy.
2. **John H. Stewart II** spoke in opposition to the Holiday Inn Express proposed at 3365 Diagonal Hwy.

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3. **Elizabeth Black** spoke concerning the Boulder Valley Comprehensive Plan and Soil Sequestration.

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

A. Call Up Item: (Case # LUR2015-00039)**:** Site Review request to expand the existing Table Mesa Shopping Center PUD to include the 0.63-acre site located at 601 S. Broadway, and to redevelop the subject site with a new, 13,188 sq. ft. Walgreen's pharmacy. The project site is zoned Business – Community 2 (BC-2).

This item was not called up.

At this time, the Planning Board discussed Item 6A under MATTERS.

5. PUBLIC HEARING ITEMS

A. AGENDA TITLE: Public hearing and consideration of a Non-Conforming Use Review application, case no. LUR2016-00014 and simple Site Review, case no. LUR2016-00025 for expansion of the Quality Inn Boulder Creek/Basecamp Motel and 33 percent parking reduction with 43 existing parking spaces where 60 are required. The site is located at 2020 Arapahoe Ave. Because this is an existing non-residential use within a residential zoning district (Residential – High 1), the use is considered non-conforming. The applicant requests to expand the exterior patio from 159 square feet to 346 square feet, and convert existing floor area to increase the room count from 47 to 50 rooms that includes the addition of one fully compliant Americans with Disabilities Association (ADA) room. The applicant is requesting Vested Rights per Land Use Code section 9-2-7(b)(1), B.R.C. 1981.

Applicant: Christian Stroebel
Owner: Boulder Motel Group, LLC

Staff Presentation:
E. McLaughlin presented the item to the board.

Board Questions:
E. McLaughlin answered questions from the board.

Applicant Presentation:
Christian Stroebel, the applicant, presented the item to the board.

Board Questions:
Christian Stroebel answered questions from the board.

Public Hearing:
No one spoke.

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Board Comments:

- The board discussed the staff's suggestion of an additional condition recommending closure hours for the patio. The board did not feel the need for an additional condition restricting the hours of the patio due to noise ordinances that are currently in place. The patio would be self-regulating.

Motion:

On a motion by **C. Gray** seconded by **J. Putnam** the Planning Board voted 7-0 to approve the Site Review application LUR2016-00025 and Use Review application LUR2016-00014 adopting the staff memorandum as findings of fact and subject to the recommended conditions of approval in the staff memorandum.

Friendly amendment made by **C. Gray** to modify the conditions in the staff memorandum to include a new condition 5 to read:

"*The patio shall be closed from 11:00 p.m. until 6:00 a.m. seven days per week.*"

The friendly amendment was not supported by a second.

After this item, the Planning Board discussed Items 6B, 6C, 6D, 6E and 6F under MATTERS.

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

A. AGENDA TITLE: Presentation of Central Area General Improvement District (CAGID) Development and Access Projections

Staff Presentation:

M. Winter presented the item to the board.

Board Questions:

M. Winter, **S. Richstone**, **C. Hagelin, Bill Fox**, with Fox Tuttle Hernandez, and **David Becher**, with RRC Associates, answered questions from the board.

After this item, the Planning Board discussed Item 5A under PUBLIC HEARINGS.

B. AGENDA TITLE: City of Boulder Resilience Strategy

Staff Presentation:

G. Guibert presented the item to the board and asked for suggestions or observations that may be missing from the draft Resilience Strategy.

Board Comments:

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- **J. Putnam** stated that the Resilience Strategy is important to have however the strategy itself seemed hidden and hard to find. It was difficult to find the strategy as opposed to plan and what those things mean. The document needs more detail and the strategy needs to be pulled out. There needs to be a transition from the document to actionable plans. In regards to the Comp Plan and other land use decisions, Site Review decisions have implications for resilience (i.e. floods and fires). These could be opportunities for community or resilience connections. If there are interim pieces along the way to think about, it would be helpful to include more detail.
- **L. May** suggested the paper version of the Resilient Strategy have a companion electronic version with hyper links taking one to the additional detail. The current document seems more promotional. It needs more substance. He discussed a few comments within the document that were important issues but did not see the correlation to resilience.
- **L. Payton** agreed with **L. May**. She stated the focus of the document seems to be more reactive strategies rather than preventive strategies. Prevention should be part of resilience. She stated that the document does not mention any strategies to prevent exposure to wildfires or flooding. Management plans and preventive aspects were not mentioned yet we know there is the potential for these events to happen. The Resilience Strategy should to be embedded in the Code as well as the Comp Plan. Finally, she suggested that the resilience benefits of open space should be included.
- **H. Zuckerman** stated that the document comes across as a prescriptive document. The document is a document of "thought leadership" and should be inspiring. That should be indicated up front. The document did make connections and pointed out ideas of diversity and affordable housing, all which create resiliency. He suggested the idea addressing the fifteen minute neighborhood and fewer vehicles.
- **C. Gray** encouraged people to subscribe to "*100 Resilient Cities*" via email for more information. She approved the mentioning of the social cohesion and the community resilient centers. She observed one missing piece of getting from the Comp Plan and sub-areas (9) in the city to community-area plans. She suggested beginning at the sub-area level to refine the planning process on a neighborhood level and discuss the resilience strategy. Talk with people that live in the neighborhoods. Discussion should be at a smaller level.
- **B. Bowen** observed that co-housing communities currently exist in Boulder which have built-in resilience mechanisms. He suggested they be included in this document.
- **J. Gerstle** suggested that Boulder's plans for resilience should avoid the notion that Boulder is in competition with other cities; Boulder should instead work together with neighboring communities. Economically, Boulder is better off when it works together with other cities. In addition, in regards to fifteen minute neighborhoods, at some point there needs to be consideration of the potential for such policies to weaken Boulder's downtown economy, as they could divert commerce from the center of town and thus weaken our economic sustainability and resilience. He also has observed diminished levels of interaction among neighbors which could have an impact on resilience. Previously, when there was a potentially dangerous or significant event (i.e. fire or flood), one generally knew how to contact their neighbors. Now, due to increasingly common automatic gates and diminished neighborhood interaction, the ability to warn neighbors of potential problems or address issues is diminished. Interaction should be

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encouraged to ensure the ability of neighbors to assist each other in times of need, and perhaps automatic and remotely controlled access gates should allow for emergency assistance by neighbors.

- **J. Putnam**, to help people visualize social connections and what a neighborhood may have to be resilient against, suggested inserting photos of people helping others during the flood in September 2013 or a recent wildfire.

C. AGENDA TITLE: Boulder Valley Comprehensive Plan Update

Staff Presentation:

L. Ellis presented the item to the board and shared the materials that were presented at the BVCP Public Meeting that took place on May 11, 2016.

Board Questions:

L. Ellis answered questions from the board.

D. Charter Height Limit Discussion (Rescheduling)

Board Discussion:

- The board has shown interest in rescheduling a discussion regarding the Charter Height Limit since it was postponed from their agenda at a prior Planning Board meeting.
- **L. May** suggested letting City Council know their interest or placing it on the Planning Board's agenda.
- **H. Pannewig** informed the board that the Planning Board does not have a role under Charter Amendments. The item will go to City Council on May 17, 2016 to ask Council if the matter should be brought back to Planning Board.
- **C. Gray** would like to forward City Council emails received by Planning Board.
- **C. Spence** will compile all emails received by Planning Board and send to City Council regarding the Charter Height Limit.
- **J. Putnam** added that the Planning Board may not need to take any action on this issue.
- After a straw poll, **L. May**, **L. Payton** and **J. Gerstle** would like to inform Council that they are eager to review the Charter Height Limit. The remaining board members would rather have Council take the initiative.
- **S. Richstone** informed the board that if Council on May 17, 2016 indicates they want input from the Planning Board, the item could be added to the June 2, 2016 agenda.

E. Hogan Pancost Withdrawal

Board Discussion:

- The board discussed the circumstances surrounding the withdrawal of the Hogan Pancost annexation application.
- **H. Pannewig** explained that there has not been an official withdrawal of the annexation petition. The applicant has requested that the hearing originally scheduled for May 23, 2016 be continued. The Planning Board procedural rules do allow this if the request comes in 48 hours before the hearing was to occur. Therefore, the hearing was continued. She stated that we believe the applicant may come back with a Concept Plan. Therefore,

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the public hearing on April 28, 2016 was closed. When the applicant resubmits, the public hearing will be reopened, the applicant will have the opportunity to present again and the public will be allowed to make comments. The continuance is neither a staff decision nor a board decision. The procedural rules allow it.

F. Scheduling for the July 21, 2016 Planning Board Meeting:

Staff Presentation:

S. Richstone presented some alternative items for discussion on that date to the board.

Board Comments:

- The board discussed several items that they would like to discuss. They agreed that "*Barriers to Development and Disclosures of Conflict*" would be on the agenda. In addition, perhaps a consultant would be brought in to go over meeting process and management with the board.
- The July 21, 2016 Planning Board meeting will be offsite and not televised.
- The board discussed possible meeting topics for the future to include the following:
  - Groundwater 101
  - Floodplain 101

7. DEBRIEF MEETING/CALENDAR CHECK

8. ADJOURNMENT

The Planning Board adjourned the meeting at 10:43 p.m.

APPROVED BY

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Board Chair

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DATE

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C I T Y O F B O U L D E R
PLANNING BOARD AGENDA ITEM

MEETING DATE: June 2, 2016

AGENDA TITLE: Public hearing and consideration of a motion to recommend approval of an ordinance amending section 9-6-5(d) "Mobile Food Vehicle Sales," amending section 9-16-1(c) "Definitions" to redefine "Mobile Food Vehicle" to include human powered vehicles, amending section 7-6-28, B.R.C. 1981 "Bicycle Parking" and setting forth related details.

REQUESTING DEPARTMENT:
Community Vitality
Jane S. Brautigam, City Manager
Mary Ann Weideman, Deputy City Manager
Tom Carr, City Attorney
Molly Winter, Executive Director, Community Vitality
David Driskell, Executive Director, Community Planning and Sustainability
Sandra M. Llanes, Senior Assistant City Attorney
Caeli Hill, Associate Planner, Planning Housing and Sustainability
Lane Landrith, Business and Special Events Coordinator, Community Vitality
Mishawn Cook, License & Collection Administrator, Finance Department
Teresa Jackson, Events Manager, Parks & Recreation

OBJECTIVE:
1. Hear Staff presentation
2. Hold Public Hearing
3. Planning Board discussion
4. Planning Board recommendation regarding the ordinance in the form of a motion

SUMMARY:
Proposal: Expand the current definition of mobile food vehicles to include non-motorized human powered food vehicles. The same set of application requirements related to mobile food vehicles would apply to non-motorized human powered food vehicles with two exceptions. Instead of requiring a driver's license or auto insurance, the requirement for non-motorized human powered food vehicles would be a valid state issued picture identification and general liability insurance coverage. Sales would still be limited to the existing defined zones and areas but human powered food vehicles would not be able to sell in transit. Lastly, an exception was created to allow for parking of human powered mobile food vehicles in areas where you would normally see a motorized food vehicle parked.

Project Name: Human-powered Mobile Food Vehicle Code Amendment

BACKGROUND:
On April 26, 2011, the Boulder City Council passed an ordinance allowing mobile food vehicles that meet specific criteria, to operate in certain areas of the City of Boulder and subject to a defined set of rules. As of June 1, 2011, in order to legally operate a mobile food vehicle, operators must hold a standard city business license, and apply for and receive a mobile food vehicle license from the City of Boulder Licensing division.

Staff was directed by council to analyze the code to see if it would be possible to allow for human powered mobile food vehicles. Staff has identified that it is possible to allow for this new use but it will require amending the code in the following manner: changes to Chapter 9-6-5, B.R.C. 1981, "Temporary Lodging, Dining, Entertainment, And Cultural Uses," by amending section 9-6-5(d) "Mobile Food Vehicle Sales," Chapter 9-16-1, B.R.C. 1981 "General Definitions" by amending section 9-16-1(c) to redefine "Mobile Food Vehicle" to include human powered vehicles, and amending section 7-6-28, B.R.C. 1981 "Bicycle Parking" to allow for parking of human powered mobile food vehicles.

PROPOSAL:
Staff recommends that Planning Board recommend that City Council approve the proposed ordinance (**Attachment A**) which:

- Expands the definition of mobile food vehicles to allow for non-motorized human powered food vehicles.
- Current application requirements would continue to apply to non-motorized human powered food vehicles with the exception of requiring a driver's license or auto insurance. Instead the requirement would be for a valid state issued picture identification and general liability insurance coverage.
- Allows non-motorized human powered food vehicles to park on a roadway.
- Allows non-motorized human powered food vehicles to be located on a public sidewalk or path (where bicycles are allowed) when traveling from one destination to another but prohibits stopping for sales while in transit.
- Current standards still apply with respect to the areas in which sales are allowed.

ANALYSIS OF KEY ISSUES:
Staff was directed to examine the current code for Mobile Food Vehicles and determine if and how human-powered mobile food vehicles could be included. After an analysis of section 9-6-5(d) "Mobile Food Vehicle Sales", B.R.C. 1981, it was determined that the only regulatory barrier to allowing human-powered vehicles was the definition of mobile food vehicle in 9-16, B.R.C. 1981. By changing this definition, human-powered mobile food vehicles could be allowed. If a change to the definition were allowed, the only other aspect to allowing human-powered mobile food vehicles is to formulate the licensing requirements for this vehicle type, should they vary from those of motorized mobile food vehicles.

The proposed change to the definition of mobile food vehicle in 9-16-1, B.R.C. 1981 is as follows:

> Mobile food vehicle means a readily movable, motorized-wheeled vehicle, a towed vehicle, **<u>or a vehicle propelled solely by human power applied to pedals upon which</u>**

any person may ride having two tandem wheels or two parallel wheels and one forward wheel which are more than fourteen inches in diameter, all designed and equipped to prepare, or serve, and sell food, but which does not include mobile vending carts as defined in Section 4-18-4, "University Hill Mobile Vending Cart Permit," and Section 4-11-12, "Mobile Vending Cart Permit," B.R.C. 1981.

To create an equitable process for the acquisition of a mobile food vehicle license for both human-powered and motorized vehicles, the standards for licensing will be modified to incorporate requirements for human-powered vehicles that are as consistent as possible with the requirements for motorized mobile food vehicles. The proposed changes include the requirement that a human-powered mobile food vehicle operator acquire and maintain a valid state issued picture identification card and insurance coverage pursuit to the requirements of section 4-1-8, "Insurance Required," B.R.C. 1981, rather than requiring a driver's license and auto insurance.

These requirements found in section 9-6-5(d)(1)(D)(i) and (ii), B.R.C. 1981 parallel the requirements for motorized food vehicles and are also the least cost restrictive to those who may choose to operate as a human-powered mobile food vehicle sales operator rather than a typical mobile food vehicle due to costs. In addition, these requirements provide the city with the ability to ensure that these vehicles will operate in a way that protects the public's health, safety and welfare.

Section 9-6-5(d)(1)(A), "Mobile Food Vehicles Sales," B.R.C. 1981 include details about where mobile food vehicles are allowed. Those same standards would apply to non-motorized human powered food vehicles. In keeping with the idea of maintaining equity between motorized and non-motorized food vehicles, staff included a restriction to sales in transit. See section 9-6-5(d)(3)(N), B.R.C. 1981 in Attachment A.

In addition, we included an exception in 7-6-28(a)(4), B.R.C. 1981 that allows non-motorized human powered food vehicles to park where motorized food vehicles can park and an exception in 9-6-5(d)(3)(B), B.R.C. 1981 that allows them to be located upon a public sidewalk within the boundaries of a crosswalk, or within ten feet of an extension of any building entranceway, doorway, or driveway if there are traveling from one destination to another. The proposed exception would allow human-powered vehicles to be located in these areas only when in transit to another location.

The City of Boulder Licensing Office would continue to review and issue licenses for both motorized and non-motorized mobile food vehicles that operate within the City of Boulder. It does not appear that any additional city resources are necessary to accommodate this change. Additionally, this proposed change will allow for an increase in food diversity options.

PROCESS:
Upon the recommendation of Planning board this item will proceed to City Council for a first and second reading of the ordinance.

STAFF FINDINGS AND RECOMMENDATION:
Based on the information presented in this memorandum staff recommends that Planning Board recommend approval of the changes presented herein and in the attached draft ordinance in the form of the following motion:

> Motion to recommend approval of an ordinance amending section 9-6-5(d) "Mobile Food Vehicle Sales," amending section 9-16-1(c) "Definitions" to redefine "Mobile Food Vehicle" to include human powered vehicles, amending section 7-6-28, B.R.C. 1981 "Bicycle Parking" and setting forth related details.

Approved By:

David Driskell, Executive Director
Department of Community Planning and Sustainability

ATTACHMENTS:
Attachment A: Draft Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 9-6-5, B.R.C. 1981, "TEMPORARY LODGING, DINING, ENTERTAINMENT, AND CULTURAL USES," BY AMENDING SECTION 9-6-5(d) "MOBILE FOOD VEHICLE SALES," CHAPTER 9-16-1, B.R.C. 1981 "GENERAL DEFINITIONS" BY AMENDING SECTION 9-16-1(c) TO REDEFINE "MOBILE FOOD VEHICLE" TO INCLUDE HUMAN POWERED VEHICLES, AMENDING SECTION 7-6-28, B.R.C. 1981 "BICYCLE PARKING" AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. Section 7-6-28 "Bicycle Parking," B.R.C. 1981, is amended to read:

7-6-28. - Bicycle Parking.

(a) No person shall park a bicycle or electric assisted bicycle in such a way as to:

(1) Cause an obstruction to or impede the flow of traffic or of pedestrians on public or private sidewalks and paths;

(2) Hinder or restrict access to handrails or ramps;

(3) Lock the bicycle to a tree, parking meter post, or pay station serving a space designated for handicapped parking, or fire hydrant;

(4) Park on a roadway except in an area designated for bicycle parking or unless licensed as a Mobile Food Vehicle pursuant to Section 9-6-5(d), B.R.C. 1981; or

(5) Leave the bicycle locked to a pole or post owned or leased by a public authority for more than twelve consecutive hours.

(b) Persons stopping or parking bicycles or electric assisted bicycles shall obey all the provisions of this chapter regulating those activities on roadways, but are exempt from other provisions of this chapter unless specifically mentioned, notwithstanding their status as vehicles.

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Section 2. Section 9-6-5 "Temporary Lodging, Dining, Entertainment, and Cultural Uses," B.R.C. 1981, is amended to read:

9-6-5. - Temporary Lodging, Dining, Entertainment, and Cultural Uses.

….

(d) Mobile Food Vehicle Sales. The following criteria apply to any mobile food vehicle sales use:

(1) Standards: The city manager will permit mobile food vehicle sales on private property, public property, or in the public right of way if the use is permitted in the applicable zoning district and meets the following standards and conditions:

(A) The use shall be located at least:

(i) one hundred fifty feet from any residential zone districts, except as provided in Subsection (d)(1)(C) of this section;

(ii) one hundred fifty feet from any existing restaurant except as provided in ~~s~~Subsection (d)(1)(F) below; and

(iii) two hundred feet from any other mobile food vehicle with regard to public right of way sales, no more than four mobile food vehicles per private property in the MU-1, MU-2, MU-3, BT-1, BT-2, BMS, BC-1, BC-2, BCS, BR-1, BR-2, DT-1, DT-2, DT-3, DT-4, and DT-5 zone districts, and no limitation on the number of mobile food vehicles per private property with the owner's permission in the Industrial zone districts.

Distances shall be measured by the city on official maps as the radius from the closest points on the perimeter of the applicant's mobile food vehicle to the closest point of the designated residential zone or property of the restaurant. For purposes of this section, the term restaurant shall include "eating places" and "retail bakeries" as defined by the Standard Industrial Classification Manual, the edition of which shall be determined by the city manager. With regard to measurement between two or more mobile food vehicles in the public right of way, measurement shall be in the form of standard measuring devices, including and not limited to, a tape measure.

(B) No person shall operate a mobile food vehicle in a public zone district unless in connection with an organized event pursuant to Section 4-18-2, "Public Property Use Permits," B.R.C. 1981, or at the Boulder Municipal Airport ("Airport") in such areas and manner within the Airport property as approved by the city manager pursuant to Section 11-4-4, "Special Airport Activity Permits," B.R.C. 1981. For purposes of this section, the Airport property shall be defined as Lot 2, Airport South Subdivision.

(C) No person shall operate a mobile food vehicle in a residential zone district except with prior approval by the city manager in the parking lot or the public right of way adjacent to North Boulder Park or in any other park as approved by the manager.

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(D) No person shall operate a mobile food vehicle sales use without a permit or in violation of the conditions of a permit. The permit will be valid for twelve consecutive months, or such other time as the city manager may by rule designate. Such application shall meet the following requirements:

(i) provide proof of, and maintain, a valid driver's license, motor vehicle registration, and current motor vehicle insurance;.

(ii) or in the case of a human powered mobile food vehicle; provide proof of, and maintain, a valid driver's license or state issued picture identification card and evidence of insurance coverage required by Section 4-1-8, "Insurance Required," B.R.C. 1981;

(iii) provide proof of, and maintain, a Colorado retail food license for a mobile unit;

(iv~~ii~~) provide proof of, and maintain, a valid sales use tax license;

(~~i~~v) provide payment of the fee prescribed by Section 4-20-66, "Mobile Food Vehicle Sales," B.R.C. 1981.

(E) As a condition of accepting the permit, the applicant shall sign an agreement, in a form acceptable to the city manager, in which the applicant agrees to meet all requirements under this section and Chapter 4-1, "General Licensing Provisions," B.R.C. 1981, and assume responsibility for the actions and omissions of its agents and employees in the performance of or failure to perform its obligation under the permit.

(F) The city manager may, in his or her discretion, waive the requirements of ~~s~~Subsection (d)(1)(a)(ii) above if the applicant at the time of issuance, and each renewal of the permit, submits to the city manager signed statements supporting the issuance of the permit from every restaurant within 150 feet of the proposed food truck location. The city manager may waive such requirements only for the BC-1 zone district. The city manager may deny a request for waiver for any reason, with or without good cause.

(2) Scope:

(A) In addition to the zoning districts permitted by this section, mobile food vehicle sales may take place in other public property locations, or in the public right of way, but only as part of an approved organized event or street closure permit, and granted pursuant to the authority in Section 4-18-2, "Public Property Use Permits," B.R.C. 1981, or any other relevant code section.

(B) The standards set forth in Subparagraphs (d)(1)(A) and (d)(3) shall not apply to mobile food vehicle sales that meet the criteria as indicated in Subparagraph (d)(2)(A) of this section, but shall be subject to any conditions imposed in connection with the event. All other requirements of this subsection shall apply.

DRAFT

(C) The city manager may, from time to time, prohibit the issuance of additional licenses in specified areas of the city in the interest of avoiding traffic congestion or preserving the public health, safety, and welfare.

(3) Operating Requirements: No person who operates any mobile food vehicle on public property or private property shall:

(A) obstruct the pedestrian or bicycle access or the visibility of motorists, nor obstruct parking lot circulation or block access to a public street, alley, path, or sidewalk;

(B) locate any vehicle, structure, or device upon a public sidewalk within the extended boundaries of a crosswalk, or within ten feet of the extension of any building entranceway, doorway, or driveway;

(C) fail to maintain, and provide proof when requested, of written consent from the private property owner authorizing the property to be used for the proposed use with regard to mobile food vehicle sales on private property;

(D) fail to park legally;

(E) operate before 7 a.m. or after 9 p.m. and for more than a maximum of four hours at any one approved location;

(F) set up any structures, canopies, tables, or chairs;

(G) sell anything other than food and nonalcoholic beverages;

(H) provide amplified music;

(I) place signs/banners in or alongside the public right of way or across roadways. Signs must be permanently affixed to or painted on the mobile food vehicle;

(J) fail to have the vehicle attended at all times;

(K) fail to permanently display to the public in the food handling area of the mobile food vehicle the permit authorizing such use;

(L) fail to provide at least three separate and clearly marked receptacles for trash, recycling, and compost and properly separate and dispose of all trash, refuse, compost, recycling, and garbage that is generated by the use;

(M) cause any liquid wastes used in the operation to be discharged from the mobile food vehicle;

(N) sell in transit. "In transit" as used in this section shall mean traveling from one destination to another either by roadway, sidewalk, or path and in the case of a human powered mobile food vehicle shall also include any stops along the way.

(O~~N~~) fail to abide by all other ordinances of the city.

DRAFT

(4) The general licensing provisions of Chapter 4-1, "Licenses and Permits," B.R.C. 1981, shall apply.

Section 3. Section 9-16-1 "General Definitions," B.R.C. 1981, is amended to read:

9-16-1. - General Definitions.

….

(c) The following terms as used in this title have the following meanings unless the context clearly indicates otherwise:

….

Mobile food vehicle means a readily movable, motorized-wheeled vehicle, a towed vehicle, or a vehicle propelled solely by human power applied to pedals upon which any person may ride having two tandem wheels or two parallel wheels and one forward wheel which are more than fourteen inches in diameter, all designed and equipped to prepare, or serve, and sell food, but which does not include mobile vending carts as defined in Section 4-18-4, "University Hill Mobile Vending Cart Permit," and Section 4-11-12, "Mobile Vending Cart Permit," B.R.C. 1981.

….

Section 3. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

Section 4. The city council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

DRAFT

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY this 19th day of July, 2016.

_____
Mayor

Attest:

_____
City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY this _____ day of _____, 20__.

_____
Mayor

Attest:

_____
City Clerk

DRAFT

C I T Y O F B O U L D E R
PLANNING BOARD AGENDA ITEM
MEETING DATE: June 2, 2016

AGENDA TITLE: Public hearing and consideration of a request for a two-story, 766 square foot rear addition to an existing single family home to convert the residence into a tri-plex, located at 2949 Broadway with a request for a 37.5 percent parking reduction and a reduction in lot area per dwelling unit from 3,000 square feet to 2,076 square feet within the RH-2 zoning district. Case no. LUR2014-00097.

Applicant: Michael Bosma
Owner: ALR Investments LLC

REQUESTING DEPARTMENT:
Planning, Housing + Sustainability
David Driskell, Executive Director
Susan Richstone, Deputy Director
Charles Ferro, Development Land Use Review Manager
Elaine McLaughlin, Senior Planner

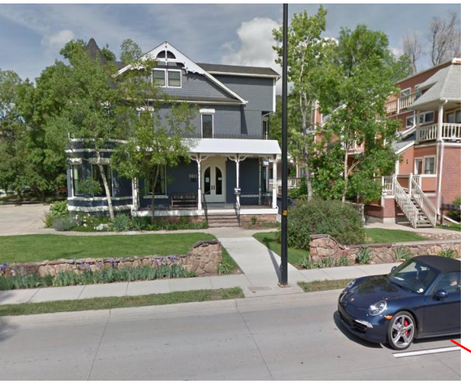
OBJECTIVE:
1. Hear Staff and Applicant presentations
2. Hold Public Hearing
3. Planning Board discussion
4. Planning Board action to approve, approve with conditions, or deny

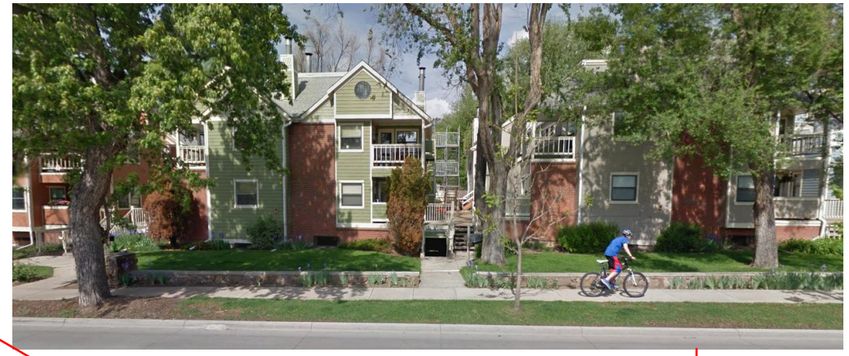
Proposal:	Request for approval of a Site Review for the conversion of a single family residential unit into a triplex with a 37.5 percent parking reduction within the Residential – High 2 (RH-2) zoning district.
Project Name:	2949 Broadway
Location:	2949 Broadway
Size of Tract:	6,228 square feet (0.14 acre)
Zoning:	Residential – High 2 (RH-2)
Comprehensive Plan:	High Density Residential

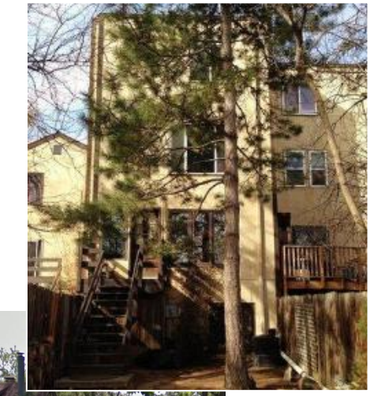
KEY ISSUES:
Staff has identified the following key issues to help guide the board's discussion:

1. Does the project, with its proposed reduction in lot area per dwelling unit meet the Site Review Criteria?
2. Does the 37.5 percent parking reduction meet the review criteria under section 9-2-14(h)(2)(K), B.R.C.?

Existing Context. Located on Broadway near Dellwood Avenue in Central Boulder and the eastern edge of the Newlands Neighborhood, the site's built context is varied. As shown in Figure 1 on the following page, surrounding the site along Broadway are primarily attached and residential buildings including Red Arrow Apartments and Washington Square Condominiums, along with several duplex and triplexes, and across Broadway from a Shell Gas Station, Washington Village Mixed Use and Residential; with nearby uses to the north including the CBIZ Meyers Dining Insurance agency, and a small mixed use building adjacent to the site with office along Broadway and residential in back. To the west is single family residential. Further to the south are the Boulder Community Hospital Campus and medical offices along with retail and other services.







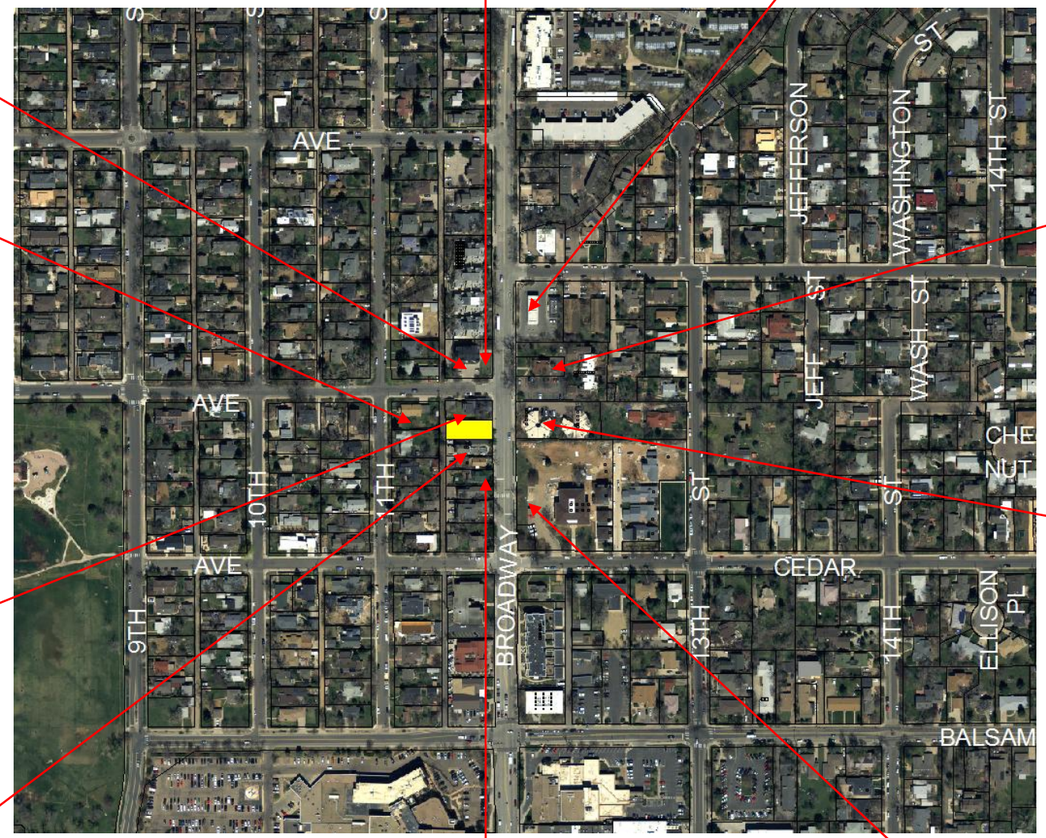
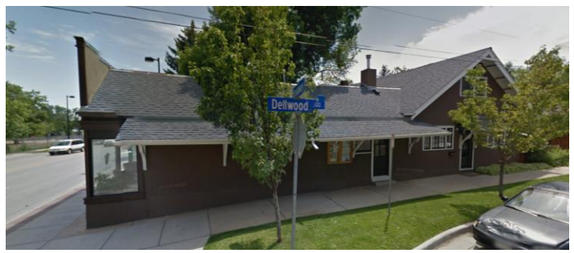
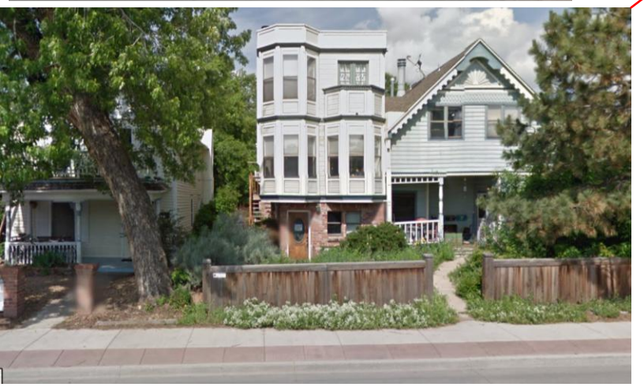
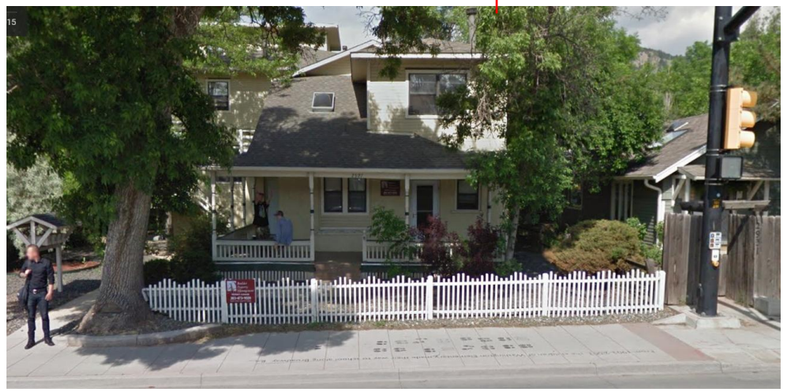


Figure 1: Site's Surrounding Context







These variations in the built context are likely owed to the varied BVCP Land Use and Zoning in this context, as seen in Figures 2 and 3. As can be seen, High Density Residential Land Use aligns Broadway, with Low Density Residential on either side. On page 66 of the BVCP, for High Density Residential the city assumes more than 14 dwelling units per acre. Per land use code section 9-5-2(c)(2)(F) the RH-2 (Residential - High 2) zoning is defined as:

> *"High density residential areas primarily used for a variety of types of attached residential units, including without limitation, apartment buildings, and where complementary uses may be allowed."*

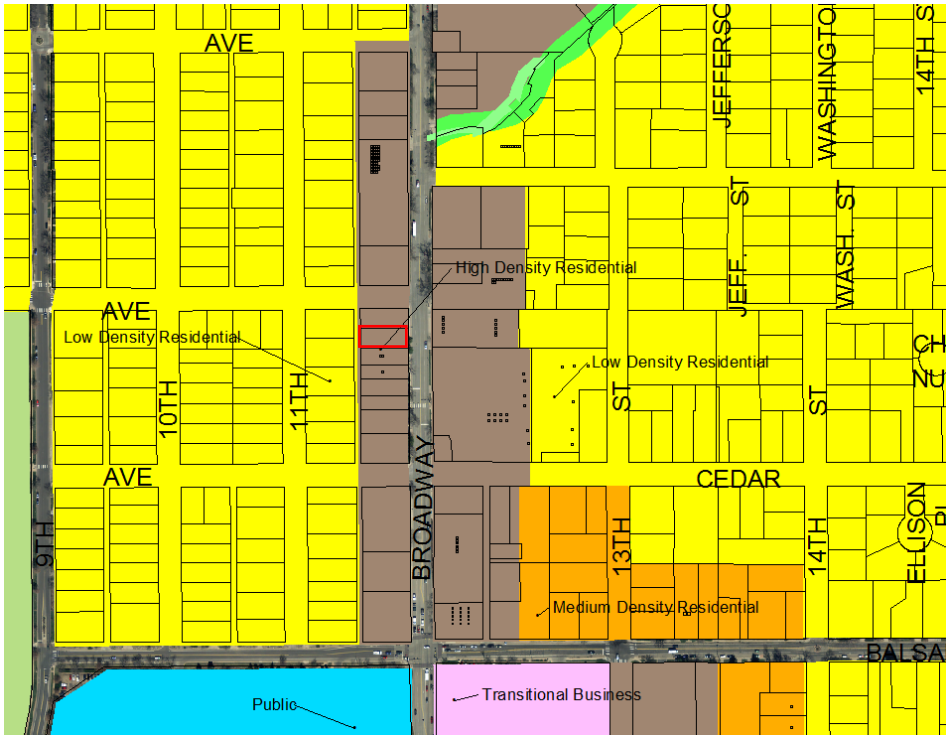


Figure 2: BVCP Land Use Map

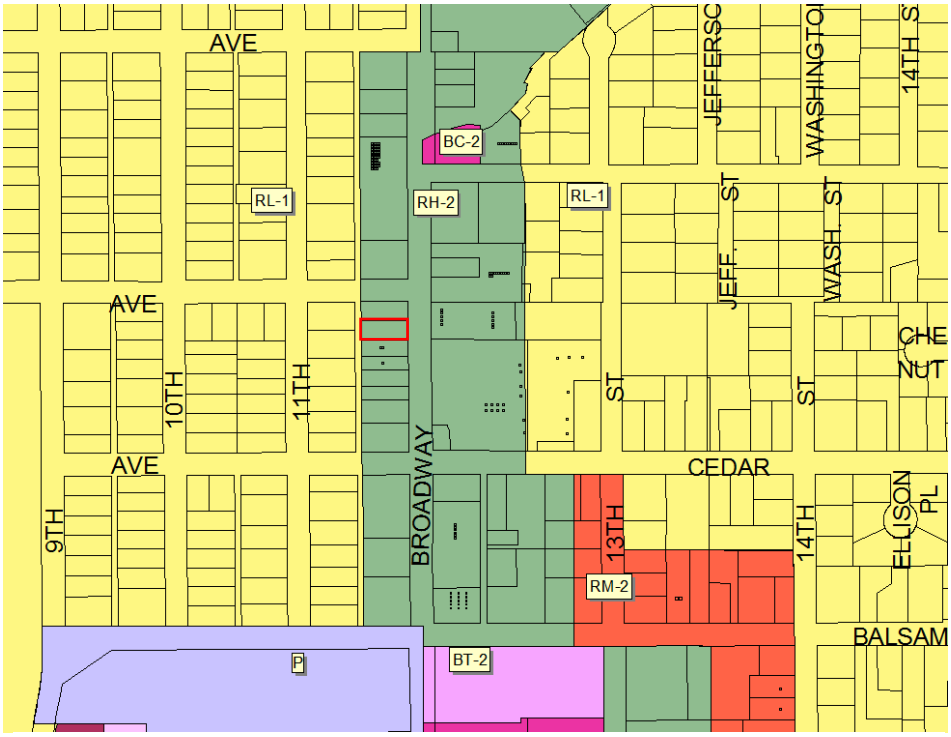


Figure 3: Zoning Map

Landmarking Process. The 6,228 square foot lot contains an existing 1,240 square foot house that was originally constructed in 1913 with Edwardian Vernacular elements that have been largely retained. The house was constructed for Elisha and Mary Hulse, who lived there until 1946. Hulse was engaged in the real estate business and was a Public Notary in Boulder. Figure 4 is a photo from 1949 of the house and Figure 5 is a photo of the house today.

Figure 4. East Elevation: Tax Assessor Card Photo, c. 1949.

Given the historic significance, staff recommended that the applicant submit an application to designate the property as a local historic landmark. The application to landmark was submitted on April 22nd, 2015 with a request that review of the application by the Landmarks Board and the City Council only proceed if Site Review approval is granted. Because the application to designate the property is pending, a Landmark Alteration Certificate request for the rehabilitation of the historic house and the construction of a rear addition was submitted for review by the to the Landmarks Design Review Committee (Ldrc)(HIS2016-00067). On April 13th, 2016, the Ldrc approved the current plans (refer to **Attachment E**) to rehabilitate and add to the house. Revisions to the design would require a new LAC application.

Figure 5. East Elevation, present

Proposed Project. The applicant is proposing to construct a 766 square foot, two-story addition to the rear of the existing house. The resulting floor area would total 2,066 square feet with three units. The applicant requests a reduction in lot area per dwelling unit from 3,000 square feet to 2,076 square feet. The Triplex would be comprised of: one 3-bedroom unit in the front and two units at the rear of the property: a 4-bedroom unit located partially above grade and partially below grade; and a 4-bedroom unit located on a portion of the first floor and on the second floor.

Figure 6 illustrates a perspective sketch of the building from Broadway, and Figures 7, 8 and 9 illustrate floor plans for the basement, first and second floors. There are eight parking spaces per standards, and five proposed, for a 37.5 percent parking reduction request as part of the application.

Figure 6: Perspective Sketch Looking Northwest from Broadway.

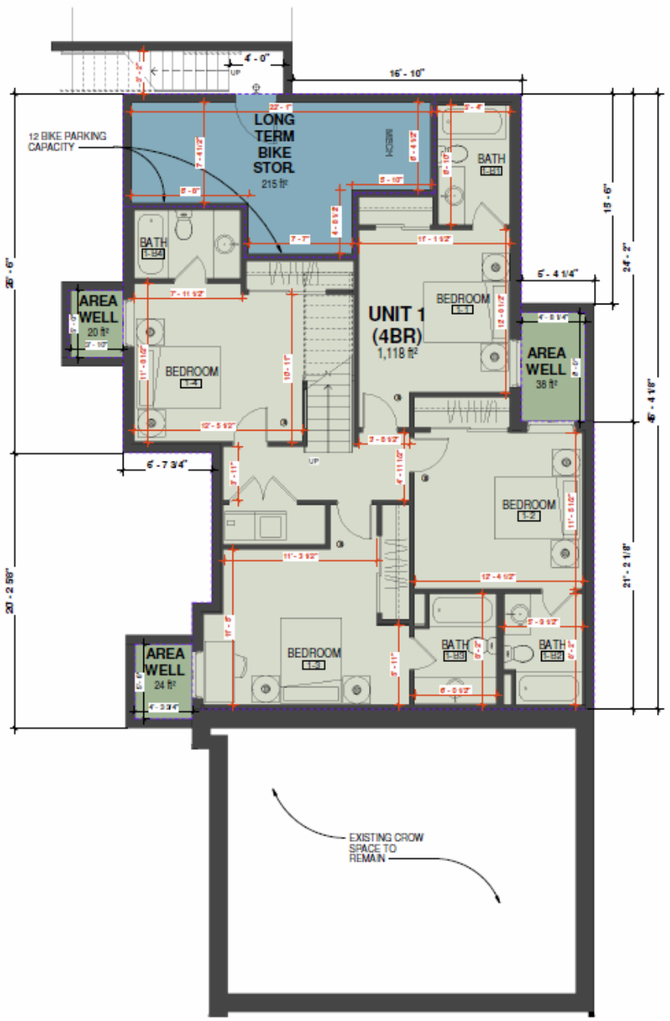


Figure 7: Basement Plan

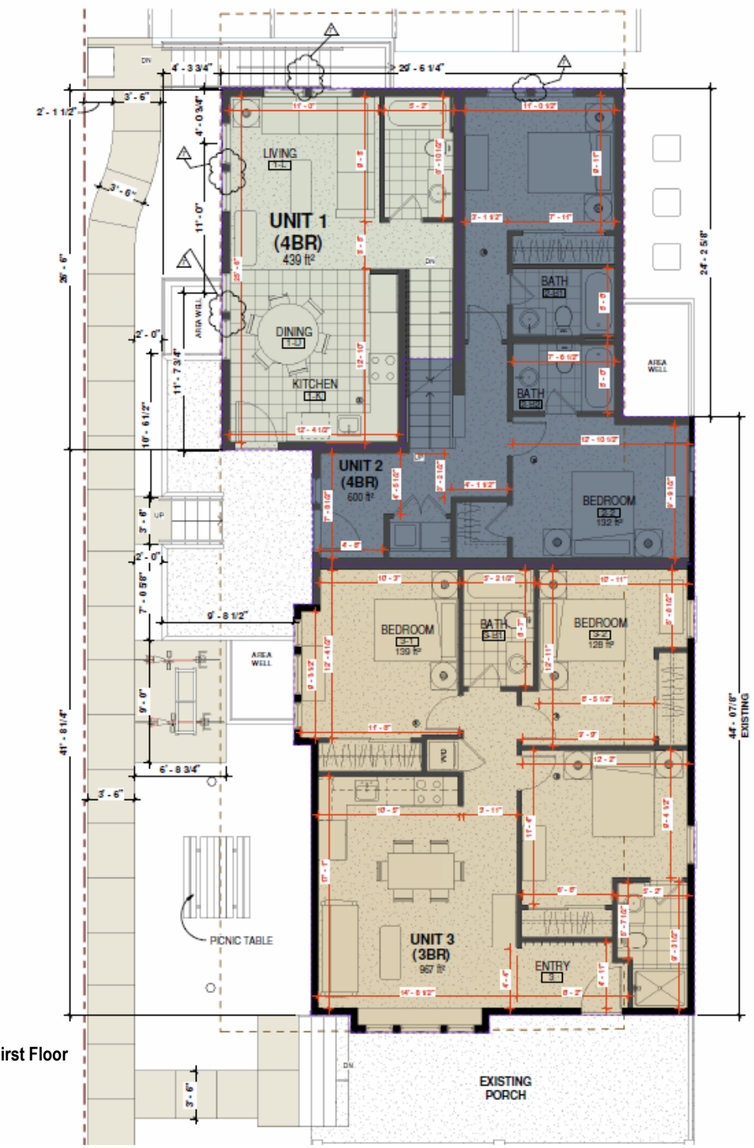


Figure 8: First Floor

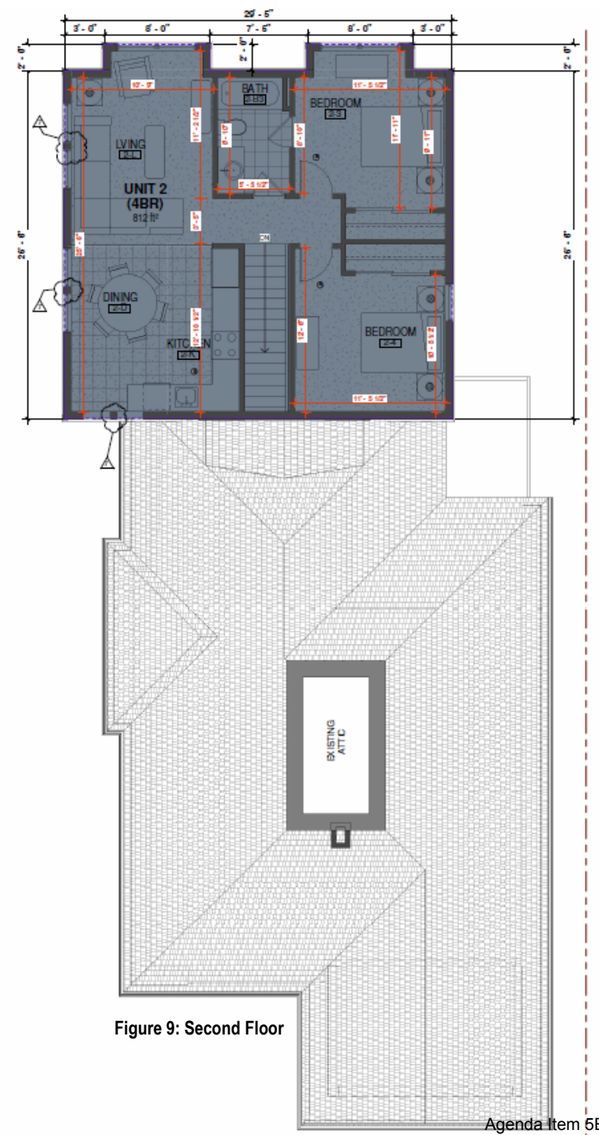


Figure 9: Second Floor

Key Issue 1. Does the project with its proposed reduction in lot area per dwelling unit meet the Site Review Criteria?

Per the Land Use Code section 9-8-3, B.R.C. 1981, the Planning Board may reduce the minimum lot area per dwelling unit of the property zoned RH-2 from 3,000 square feet per dwelling unit to 1,600 square feet of lot area per dwelling unit pursuant to Site Review approval. In this case, the applicant is requesting a reduction in lot area per dwelling unit to 2,076 square feet, for a total of three units on site. Findings were made that the application is consistent with the Site Review Criteria of the Land Use Code section 9-2-14(h), B.R.C. 1981. The analysis of the proposed project's consistency with the Site Review criteria is provided in **Attachment A.** Among the findings were made for the project is consistency with the Boulder Valley Comprehensive Plan (BVCP) as follows:

(1) Boulder Valley Comprehensive Plan:

✓ ***(A) The proposed site plan is consistent with the land use map and the service area map and, on balance, the policies of the Boulder Valley Comprehensive Plan.***

The proposed site plan is consistent with the High Density Land Use category of the BVCP. Regarding the policies of the BVCP, there are a number of policies relevant to the provision of additional residential units in the context, specifically highlighted are the following:"

2.03 Compact Development Pattern
The city and county will, by implementing the Boulder Valley Comprehensive Plan, ensure that development will take place in an orderly fashion, take advantage of existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development within the Boulder Valley. The city prefers redevelopment and infill as compared to development in an expanded Service Area in order to prevent urban sprawl and create a compact community.

As an infill property, the provision of higher density on a site that is already served by urban services, particularly transit and nearby services, the proposed project meets this policy.

2.16 Mixed Use and Higher Density
The city will encourage well-designed mixed use and higher density development that incorporates a substantial amount of affordable housing in appropriate locations, including in some commercial centers and industrial areas and in proximity to multimodal corridors and transit centers.

The RH-2 zoning is a relatively high density zoning district. While this zoning is consistent with the BVCP land use where density of over 14 dwelling units per acre are anticipated; this site can be considered an "appropriate location" for market rate affordable housing as it is close to a number of commercial centers; on a major transit corridor of Broadway that serves several bus lines, and within ¼ mile walking distance of both the North Boulder Recreation Center as well as North Boulder Park. There are two B-Cycle stations within one-quarter mile walking distance to the site. Shown in Figure 9 is the bus map with both ¼ mile and ½ radii from the site.

Figure 9: One-Quarter and One-Half Mile Walking Distance to Site

2.10 Preservation and Support for Residential Neighborhoods
The city will work with neighborhoods to protect and enhance neighborhood character and livability and preserve the relative affordability of existing housing stock. The city will seek appropriate building scale and compatible character in new development or redevelopment, appropriately sized and sensitively designed streets and desired public facilities and mixed commercial uses. The city will also encourage neighborhood schools and safe routes to school.

Through a condition of approval, the applicant must landmark the property and apply and receive a landmarks alteration certificate. Through review with the Landmarks Design Review Committee (Ldrc), the city will ensure compatible character for this edge of the Newlands Neighborhood. In addition, the reduction of lot area per dwelling unit is consistent with the surroundings in that, the adjacent properties to the south that are also located within the Residential- High 2 zoning district have a similar density and character to the proposed project: the immediately adjacent property is a tri-plex with a density of 1,769 square feet of lot area per dwelling unit; further to the south, the property is a duplex with a density of 2,322 dwelling units per acre. The Red Arrow Condominiums across Broadway, also within the RH-2 zoning district, has 10 units with an average density of 2,195 square feet per dwelling unit.

2.12 Preservation of Existing Residential Uses
The city will encourage the preservation or replacement in-kind of existing, legally established residential uses in non-residential zones. Non-residential conversions in residential zoning districts will be discouraged, except where there is a clear benefit or service to the neighborhood.

The applicant intends to ensure the existing residential structure will remain as residential and be augmented with two additional units to preserve existing residential uses in an area where some residential units have been converted to office or other uses over time.

2.24 Preservation of Historic and Cultural Resources
The city and county will identify, evaluate and protect buildings, structures, objects, districts, sites and natural features of historic, architectural, archaeological, or cultural significance with input from the community. The city and county will seek protection of significant resources through local designation when a proposal by the private sector is subject to discretionary development review.

The city identified the existing home as an historic resource (referred to as the “Hulse House”) because it is one of the earlier houses in north Boulder, and is considered an excellent example of the Edwardian Vernacular style popular in Boulder in the early twentieth century. As such, the applicant is required to preserve the existing house through landmarking and will be required to obtain a Landmarks Alteration Certificate.

2.37 Enhanced Design for Private Sector Projects
Through its policies and programs, the city will encourage or require quality architecture and urban design in private sector development that encourages alternative modes of transportation, provides a livable environment and addresses the elements listed below.

a) The context. Projects should become a coherent part of the neighborhood in which they are placed. They should be preserved and enhanced where the surroundings have a distinctive character. Where there is a desire to improve the character of the surroundings, a new character and positive identity as established through area planning or a community involvement process should be created for the area. Special attention will be given to protecting and enhancing the quality of established residential areas that are adjacent to business areas.

The property site that is located along Broadway, which is a major cross-town arterial of the city with upwards of 50,000 daily trips per day. As such, the properties such as this that align Broadway serve as a higher density “transition” to the single family residential to the west and to the east. Given the context and the existing historic resource on the site, the conversion of the property to a tri-plex with a character in keeping with the surroundings, yet distinct from the historic resource is consistent with this policy.

2. Does the 37.5 percent parking reduction meet the review criteria under section 9-2-14(h)(2)(K), B.R.C.?

The applicant is proposing five parking spaces where eight are required and as such, the applicant prepared a Transportation Demand Management (TDM) program to demonstrate that "adequate accommodation" and "nature of occupancy" will be addressed to meet the Site Review Criteria. The Land Use Code section 9-9-6(b)(1), B.R.C. establishes parking standards. These standards can be modified through Site Review. Table 1 below illustrates the proposed parking and parking reduction request; as can be noted, the parking standards are based upon bedroom count, with three spaces required for a four or more bedroom unit; and two spaces required for a three-bedroom unit.

Table 1:
Proposed Parking within RH-2 Zoning District Site at 2949 Broadway

	Parking Standard per section 9-9-6(b)(1), B.R.C. 1981	Required Parking Spaces per Standard	Proposed Parking Spaces	Percentage of Parking Reduction
Proposed Triplex	Unit 1: 3 spaces for 4-bedroom Unit 2: 3 spaces for 4-bedroom Unit 3: 2 spaces for 3-bedroom	8 spaces	5 spaces	37.5 percent

✓ ***(ii) Criteria: Upon submission of documentation by the applicant of how the project meets the following criteria, the approving agency may approve proposed modifications to the parking requirements of Section 9-9-6, "Parking Standards," B.R.C. 1981 (see tables 9-1, 9-2, 9-3 and 9-4), if it finds that:***

✓ ***a. For residential uses, the probable number of motor vehicles to be owned by occupants of and visitors to dwellings in the project will be adequately accommodated;***

The applicant has indicated that there is a possibility that the residential units will be marketed to university students. Given that, a discussion of the "nature of occupancy" follows in criterion (e) below. Knowing that some of the units would be marketed to university students does have implications in the accommodation of motor vehicles by occupants and visitors

At staff's request, the applicant provided a parking study prepared by LSC Transportation Consultants of on-street (public parking spaces), the study is provided in ***Attachment D***). In the study, the applicant provided a "Parking Inventory Survey," that was conducted in the vicinity of the site, on two different week days and on a weekend on an hourly basis from 7:00 AM to 10:00 PM. The applicant noted a total of 90 on-street parking spaces available in the surveyed area, shown in Figure 10.

The survey found that maximum parking demand for the 90 on-street spaces was 61 vehicles during any given hour with an average demand of 48 to 51 vehicles; that there were always at least 29 available on-street parking spaces and an average of about 40 available on-street parking

spaces during the three-day study period. The survey concluded that there is sufficient available on-street parking spaces in the vicinity of the site to accommodate additional vehicles from the site, both as visitors or resident parking. The survey noted "seven additional vehicles" from the proposed development, however, staff noted that this figure could go up or down depending on the demand from future residents and given the context of a transit corridor on Broadway. Staff finds there would be "adequate accommodation" with on-street parking.

n/a **b. The parking needs of any nonresidential uses will be adequately accommodated through on-street parking or off-street parking;**

There are no non-residential uses proposed.

n/a **c. A mix of residential with either office or retail uses is proposed, and the parking needs of all uses will be accommodated through shared parking;**

Not applicable, not a mix of residential or office/retail

n/a **d. If joint use of common parking areas is proposed, varying time periods of use will accommodate proposed parking needs; and**

Not applicable, not a mix of residential or office/retail

✓ **e. If the number of off-street parking spaces is reduced because of the nature of the occupancy, the applicant provides assurances that the nature of the occupancy will not change.**

The applicant has indicated in the written statement, that there is a potential the site will be leased to University students. The nature of occupancy for student renters – that is – the characteristics typically associated with the student occupants (as it relates to parking) has been the high percentage of use of alternative modes of travel. Over the years, the University of Colorado Transportation and Parking Services has, through direct surveys of students, documented that university students in Boulder, by a significant percentage of 77 percent utilize alternative modes of transportation (non-auto) to get to and from the campus. Therefore, the demand for parking would decrease by the nature of occupancy.

Public Comment. Required public notice was provided in the form of written notifications to property owners within 600 feet of the subject property in December 2014 at the receipt of the application; along with notification of the Planning Board hearing on May 11, 2016. In addition, a public notice sign was posted on the property and therefore, all public notice requirements of section 9-4-3, "*Public Notice Requirements*," B.R.C. 1981 were met. There were two comments letters received on the application that are provided in Attachment C that articulated concerns about the parking reduction.

STAFF RECOMMENDATION:

Staff recommends that the Planning Board approve Site Review application # LUR2014-00097 subject to the conditions of approval listed below and adopting the staff memorandum and its attachments as findings of fact.

PROPOSED CONDITIONS OF APPROVAL

1. The Applicant shall ensure that the development **shall be in compliance with all plans** prepared by the Applicant on February 12, 2016 and the Transportation Demand Management (TDM) Plan 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 has filed an application seeking **Individual Landmark designation** of the property located at 2949 Broadway. The Applicant shall pursue such designation in good faith. Prior to a building permit application, the Applicant **shall obtain a final decision on the application for Individual Landmark designation** of the property.

3. Prior to a building permit application, the Applicant shall submit a Preliminary Plat and 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 otherwise approved by the City Manager:

    a. The elimination of the lot line between existing Lot 29 and Lot 30, Block 4, Newland Addition, City of Boulder, County of Boulder, State of Colorado; and

    b. The dedication, to the City, of an 8½- foot wide +/- public access easement for the detached sidewalk along Broadway.

5. 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 insure 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 February 10, 2016 is acceptable. Planning staff will review plans to assure that the architectural intent is performed. The final plans shall illustrate the building to be prewired for future photovoltaic systems, from the roof-top to the primary electrical panel of the building.

    b. A **final site plan** which 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, the CDOT Access Code Standards, and the Manual on Uniform Traffic Control Devices (MUTCD) for all transportation improvements. The final transportation plans must include, but are not limited to, a plan and profile drawing for the detached sidewalk.

    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 insure 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.

    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.

5. Prior to building permit application, 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 residents of the development for three years after the issuance of a certificate of occupancy for each dwelling unit as proposed in the Applicant's Transportation Demand Management (TDM) plan.

Approved By:

David Driskell, Executive Director
Department of Community Planning and Sustainability

Attachments

A. Analysis of Review Criteria
B. Staff DRC Review Comments
C. Correspondence Received
D. Applicant's Parking Study and TDM
E. Applicant's Written Statement and Proposed Plan

CRITERIA FOR REVIEW

No site review application shall be approved unless the approving agency finds that:

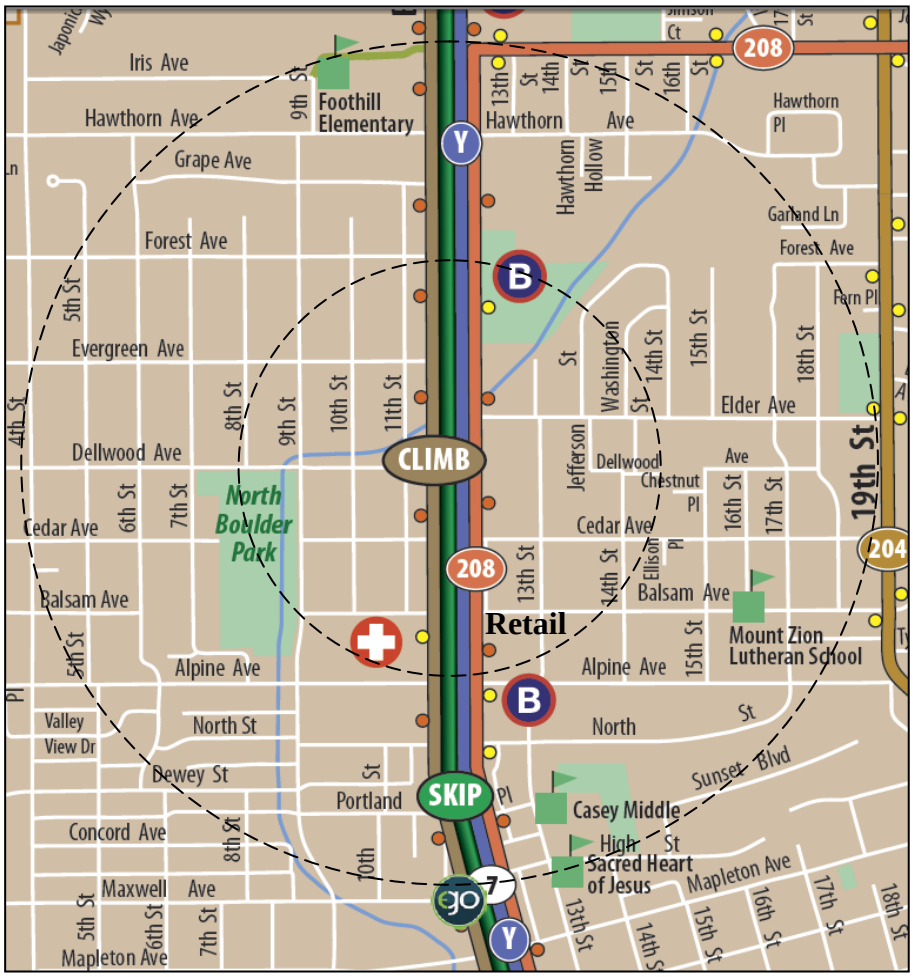
✓ **(A) The proposed site plan is consistent with the land use map and the service area map and, on balance, the policies of the Boulder Valley Comprehensive Plan.**

The proposed site plan is consistent with the High Density Land Use category of the BVCP. Regarding the policies of the BVCP, there are a number of policies relevant to the provision of additional residential units in the context, specifically highlighted are the following:"

2.03 Compact Development Pattern
The city and county will, by implementing the Boulder Valley Comprehensive Plan, ensure that development will take place in an orderly fashion, take advantage of existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development within the Boulder Valley. The city prefers redevelopment and infill as compared to development in an expanded Service Area in order to prevent urban sprawl and create a compact community.

As an infill property, the provision of higher density on a site that is already served by urban services, particularly transit and nearby services, the proposed project meets this policy.

2.16 Mixed Use and Higher Density
The city will encourage well-designed mixed use and higher density development that incorporates a substantial amount of affordable housing in appropriate locations, including in some commercial centers and industrial areas and in proximity to multimodal corridors and transit centers.



One-Quarter and One-Half Mile Walking Distance to Site

The RH-2 zoning is a relatively high density zoning district. While this zoning is consistent with the BVCP land use where density of over 14 dwelling units per acre are anticipated; this site can be considered an "appropriate location" for market rate affordable housing as it is close to a number of commercial centers;

on a major transit corridor of Broadway that serves several bus lines, and within ¼ mile walking distance of both the North Boulder Recreation Center as well as North Boulder Park. There are two B-Cycle stations within one-quarter mile walking distance to the site. Shown in Figure 9 is the bus map with both ¼ mile and ½ radii from the site.

2.10 Preservation and Support for Residential Neighborhoods

The city will work with neighborhoods to protect and enhance neighborhood character and livability and preserve the relative affordability of existing housing stock. The city will seek appropriate building scale and compatible character in new development or redevelopment, appropriately sized and sensitively designed streets and desired public facilities and mixed commercial uses. The city will also encourage neighborhood schools and safe routes to school.

Through a condition of approval, the applicant must landmark the property and apply and receive a landmarks alteration certificate. Through review with the Ldrc, the city will ensure compatible character and building scale for this edge of the Newlands Neighborhood. In addition, the reduction of lot area per dwelling unit is consistent with the surroundings in that, the adjacent properties to the south that are also located within the Residential- High 2 zoning district have a similar density and character to the proposed project: the immediately adjacent property is a tri-plex with a density of 1,769 square feet of lot area per dwelling unit ; further to the south, the property is a duplex with a density of 2,322.5 dwelling units per acre. The Red Arrow Condominiums across Broadway, also within the RH-2 zoning district , has 10 units with an average density of 2,195 square feet per dwelling unit.

2.12 Preservation of Existing Residential Uses

The city will encourage the preservation or replacement in-kind of existing, legally established residential uses in non-residential zones. Non-residential conversions in residential zoning districts will be discouraged, except where there is a clear benefit or service to the neighborhood.

The applicant intends to ensure the existing residential structure will remain as residential and be augmented with two additional units to preserve existing residential uses in an area where some residential units have been converted to office or other uses over time.

2.24 Preservation of Historic and Cultural Resources

The city and county will identify, evaluate and protect buildings, structures, objects, districts, sites and natural features of historic, architectural, archaeological, or cultural significance with input from the community. The city and county will seek protection of significant resources through local designation when a proposal by the private sector is subject to discretionary development review.

The city identified the existing home as an historic resource (referred to as the “Hulse House”) because it is one of the earlier houses in north Boulder, and is considered an excellent example of the Edwardian Vernacular style popular in Boulder in the early twentieth century. As such, the applicant is required to preserve the existing house through landmarking and will be required to obtain a Landmarks Alteration Certificate.

2.37 Enhanced Design for Private Sector Projects

Through its policies and programs, the city will encourage or require quality architecture and urban design in private sector development that encourages alternative modes of transportation, provides a livable environment and addresses the elements listed below.

a) The context. Projects should become a coherent part of the neighborhood in which they are placed. They should be preserved and enhanced where the surroundings have a distinctive character. Where there is a desire to improve the character of the surroundings, a new character and positive identity as established through area planning or a community involvement process should be created for the area. Special attention will be given to protecting and enhancing the quality of established residential areas that are adjacent to business areas.

The property site that is located along Broadway, which is a major cross-town arterial of the city with upwards of 50,000 daily trips per day. As such, the properties such as this that align Broadway serve as a higher density "transition" to the single family residential to the west and to the east. Given the context and the existing historic resource on the site, the conversion of the property to a tri-plex with a character in keeping with the surroundings, yet distinct from the historic resource is consistent with this policy.

✓ ***(B) The proposed development shall not exceed the maximum density associated with the Boulder Valley Comprehensive Plan residential land use designation. Additionally, if the density of existing residential development within a three-hundred-foot area surrounding the site is at or exceeds the density permitted in the Boulder Valley Comprehensive Plan, then the maximum density permitted on the site shall not exceed the lesser of:***

> ✓ ***(i) The density permitted in the Boulder Valley Comprehensive Plan,***
>
> The High Density Land Use category is defined in the BVCP as areas where "more than 14 dwelling units" are permitted. In this case, the three dwelling units on the 6,228 square foot site are equivalent to 21 dwelling units per acre.
>
> **or,**
>
> ***n/a (ii) The maximum number of units that could be placed on the site without waiving or varying any of the requirements of chapter 9-8, "Intensity Standards," B.R.C. 1981.***

✓ **(C) The proposed development's success in meeting the broad range of BVCP policies considers the economic feasibility of implementation techniques require to meet other site review criteria.**

On balance, the proposed development is feasible to meet the broad range of BVCP policies and Site Review criteria.

(2) Site Design: Projects should preserve and enhance the community's unique sense of place through creative design that respects historic character, relationship to the natural environment, multi-modal transportation connectivity and its physical setting. Projects should utilize site design techniques which are consistent with the purpose of site review in subsection (a) of this section and enhance the quality of the project. In determining whether this subsection is met, the approving agency will consider the following factors:

✓ **(A) Open Space: Open space, including, without limitation, parks, recreation areas, and playgrounds:**

✓ **(i) Useable open space is arranged to be accessible and functional and incorporates quality landscaping, a mixture of sun and shade and places to gather;**

Approximately 1939 square feet of useable open space is provided where 1,800 square feet is required: it is designed in the form of an outdoor gathering space with a picnic table along with private deck spaces for each unit. The outdoor deck spaces face south and east, and there are large maturing trees proposed to help shade the spaces.

n/a **(ii) Private open space is provided for each detached residential unit;**

Not applicable, there are no detached residential units within the building.

✓ **(iii) The project provides for the preservation of or mitigation of adverse impacts to natural features, including, without limitation, healthy long-lived trees, significant plant communities, ground and surface water, wetlands, riparian areas, drainage areas and species on the federal Endangered Species List, "Species of Special Concern in Boulder County" designated by Boulder County, or prairie dogs (Cynomys ludiovicianus), which is a species of local concern, and their habitat;**

The site has been developed for over 100 years. As such, there are no known special status species. There is a mature spruce tree on the property that is not a good street tree due to the needles on the tree. It will be removed and replaced by three new trees.

✓ **(iv) The open space provides a relief to the density, both within the project and from surrounding development;**

The open space is approximately one-third of the site, and therefore provides relief from the density of the site and surroundings.

✓ **(v) Open space designed for active recreational purposes is of a size that it will be functionally useable and located in a safe and convenient proximity to the uses to which it is meant to serve;**

The property is a relatively small, high density residential site. As such, opportunities for active recreation are limited. However, the open space is functional as designed and the site is within ¼ mile walking distance to both the North Boulder Recreation Center and North Boulder Park.

✓ **(vi) The open space provides a buffer to protect sensitive environmental features and natural areas; and**

There are no known sensitive environmental features or natural areas on the site that has been developed for over 100 years.

✓ **(vii) If possible, open space is linked to an area- or city-wide system.**
The site has been developed within the existing street and sidewalk fabric for over a century.

__n/a___ (B) *Open Space in Mixed Use Developments (Developments that contain a mix of residential and non-residential uses)*

✓ **(C)** ***Landscaping***

✓ **(i) The project provides for aesthetic enhancement and a variety of plant and hard surface materials, and the selection of materials provides for a variety of colors and contrasts and the preservation or use of local native vegetation where appropriate;**

The proposed project includes plans for relandscaping the site to include a variety of plant materials along with private deck space and walkways into the site from the street.

__n/a__ **(ii) Landscape design attempts to avoid, minimize, or mitigate impacts to important native species, plant communities of special concern, threatened and endangered species and habitat by integrating the existing natural environment into the project;**

There are no known special status species within the subject site.

✓ **(iii) The project provides significant amounts of plant material sized in excess of the landscaping requirements of sections 9-9-12, "Landscaping and Screening Standards" and 9-9-13, "Streetscape Design Standards," B.R.C. 1981; and**

The landscape plan meets this criterion.

✓ **(iv) The setbacks, yards, and useable open space along public rights-of-way are landscaped to provide attractive streetscapes, to enhance architectural features, and to contribute to the development of an attractive site plan.**

The landscape plan meets this criterion.

✓ **(D)** ***Circulation:*** **Circulation, including, without limitation, the transportation system that serves the property, whether public or private and whether constructed by the developer or not:**

✓ **(i) High speeds are discouraged or a physical separation between streets and the project is provided;**

The transportation connection of the site is existing and vehicle access is provided off of the alleyway thus discouraging high speeds and creating a physical separation to the street.

✓ **(ii) Potential conflicts with vehicles are minimized;**

While there are six non-standard parking spaces that exist on the site today, five parking spaces will be constructed upon redevelopment, that will meet city standards. These spaces will be accessed off of the alley where vehicle conflicts are minimized.

✓ **(iii) Safe and convenient connections are provided that support multi-modal mobility through and between properties, accessible to the public within the project and between the project and the existing and proposed transportation systems, including, without limitation, streets, bikeways, pedestrianways and trails;**

The site is within an existing urban context with walkways along both Broadway and nearby Dellwood Avenue, in an area where Broadway is a designated bike route and where the applicant intends to construct a detached walk in front the property along Broadway, consistent with the Transportation Management Plan (TMP). The proposed site improvements include a walkway through the site that will access these public rights-of way.

✓ **(iv) Alternatives to the automobile are promoted by incorporating site design techniques, land use patterns, and supporting infrastructure that supports and encourages walking, biking, and other alternatives to the single-occupant vehicle;**

There are a total of 18 bike parking spaces provided on the site: six visitor spaces and an interior long term bike storage room that accommodates 12 bicycles.

✓ **(v) Where practical and beneficial, a significant shift away from single-occupant vehicle use to alternate modes is promoted through the use of travel demand management techniques;**

The applicant is requesting a parking reduction given the location of the site within close proximity of a number of services including medical offices, schools, major retail centers and parks. The site is also located on a major route that includes the SKIP, CLIMB, 208 AND Y bus service. There are two B-Cycle stations located within ¼ mile of the site. The applicant is proposing a TDM plan that includes provision of Eco-Passes to all tenants with a financial guarantee to cover the first three years of provision of Eco-Passes to all non-university students (who are already provided an Eco-Pass).

The TDM provided by the applicant indicates the following techniques to promote a shift from SOV use:

- *Provision of six short term bike parking spaces*
- *Provision of 12 long term bike storage spaces*
- *Provision of Eco Passes for residents*
- *Coordination with GoBoulder on an on-going basis with surveys and welcome kit with information on transit maps and schedules*
- *Location in close walking distance to multiple services and bus transit.*

✓ **(vi) On-site facilities for external linkage are provided with other modes of transportation, where applicable;**

The walkway planned on-site links to the public right of way on Broadway.

✓ **(vii) The amount of land devoted to the street system is minimized; and**

There are no new streets planned with the proposed project.

✓ **(viii) The project is designed for the types of traffic expected, including, without limitation, automobiles, bicycles, and pedestrians, and provides safety, separation from living areas, and control of noise and exhaust.**

The project is design for the types of traffic expected: primarily foot and bicycle traffic given the context. The addition that is planned is part of the existing house and the separation of autos, bike and pedestrians is already in place with the alley. The addition will not impact the types of traffic.

✓ **(E)** ***Parking***

✓ **(i) The project incorporates into the design of parking areas measures to provide safety, convenience, and separation of pedestrian movements from vehicular movements;**

The proposed project provides for five parking spaces where eight are standard. The spaces are intended to be accessed from the rear of the property and the alley where pedestrian movement to and from the parking is via planned sidewalks.

✓ **(ii) The design of parking areas makes efficient use of the land and uses the minimum amount of land necessary to meet the parking needs of the project;**

See response to (E)(i) above.

✓ **(iii) Parking areas and lighting are designed to reduce the visual impact on the project, adjacent properties, and adjacent streets; and**

The parking is located where existing parking is located. The reorganization of the parking area will help to reduce the visual impact that exists today.

✓ **(iv) Parking areas utilize landscaping materials to provide shade in excess of the requirements in Subsection 9-9-6 (d), "Parking Area Design Standards," and Section 9-9-14, "Parking Lot Landscaping Standards," B.R.C. 1981.**

While the proposed project has a parking area for five parking spaces and the Land Use Code section 9-9-14, does not require shading for five spaces or less, the applicant is providing a small shade tree on the south side of the parking area to help shade the parking and as a required alley tree.

✓ **(F)** ***Building Design, Livability, and Relationship to the Existing or Proposed Surrounding Area***

✓ **(i) The building height, mass, scale, orientation, and configuration are compatible with the existing character of the area or the character established by an adopted plan for the area;**

The existing site is located in a context that includes a number of higher density residential buildings including duplex, triplex, condominiums and apartments, consistent with the RH-2 zoning that aligns Broadway. The proposed project is for a planned 766 square foot addition that is planned at the rear of the existing building to a height of two stories in 30'-11" (from the low point two feet lower on the opposite side of the lot). This addition is well within the existing building height, mass, scale and orientation of the existing character of the area.

✓ **(ii) The height of buildings is in general proportion to the height of existing buildings and the proposed or projected heights of approved buildings or approved plans for the immediate area;**

The proposed two story addition at a maximum height of 30 feet (from the low point on the east end of the site that is two feet lower than the location of the addition) is proportional to two- and three-story buildings located both across Dellwood Avenue as well as across Broadway and including the adjacent triplex to the south. In addition, the two story height will help to distinguish the historic resource that is a single story.

✓ **(iii) The orientation of buildings minimizes shadows on and blocking of views from adjacent properties;**

The orientation of the proposed addition is on the west side of the site, and the solar study illustrated that shadows cast by the addition will not extend beyond the hypothetical 25 foot solar fence. Regarding views toward the southwest views and toward the Flatirons, there are no buildings located to the northeast of the site in alignment with the views, there is a parking lot and a gas station in line with the views. The views from an auto or pedestrian traveling along Broadway vary as one moves along the roadway. The addition of a second story addition in this location, as setback from Broadway, minimizes the blocking of views from adjacent properties and Broadway.

✓ **(iv) If the character of the area is identifiable, the project is made compatible by the appropriate use of color, materials, landscaping, signs, and lighting;**

The addition is planned with board and batten and lap siding in a different width and color to distinguish from the existing house that has a narrow lap siding. The addition is required to be evaluated under specific guidelines, as noted on page 85 of the BVCP,

> *"Exterior changes to landmarks and properties located in historic districts must meet the purposes and standards outlined in the historic preservation code and adopted design guidelines. There are specific guidelines for a number of historic districts, as well as general design guidelines that apply to all designated local districts and individual landmarks."*

Landmarks Design Review Committee (Ldrc) that reviews requests for alterations to individual landmarks and alterations to properties within historic district, reviewed the application and concluded that the addition meet the General Design Guidelines for Boulder's Historic Districts and Individual Landmarks.

Given the existing context along with the conclusion that the changes were found to meet the guidelines, and the requirement to landmark the building to maintain these characteristics, the addition was found to meet this criterion.

✓ **(v) Projects are designed to a human scale and promote a safe and vibrant pedestrian experience through the location of building frontages along public streets, plazas, sidewalks and paths, and through the use of building elements, design details and landscape materials that include, without limitation, the location of entrances and windows, and the creation of transparency and activity at the pedestrian level;**

The proposed project is for a rear addition to an existing historic house that has a front porch facing Broadway. The historic home will be enhanced through the Landmarks Alteration Certificate process.

___n/a___ **(vi) To the extent practical, the project provides public amenities and planned public facilities;**

✓ **(vii) For residential projects, the project assists the community in producing a variety of housing types, such as multifamily, townhouses and detached single family units, as well as mixed lot sizes, number of bedrooms and sizes of units;**

The addition will provide three residential units. A tri-plex adds to the housing diversity of the city and in an area where single family residential predominates.

✓ **(viii) For residential projects, noise is minimized between units, between buildings, and from either on-site or off-site external sources through spacing, landscaping, and building materials;**

The existing house and proposed addition are within an existing noise context given the location on Broadway, a highly traveled cross-town arterial. With proposed new landscaping and windows throughout the project, noise from external sources will be reduced. According to the applicant, "

> Noise is minimized between the units based on the location and the configuration of the units, which feature most portions of each unit stacking over the same unit. The building layout also maximizes the exterior unit walls and minimizes the interior common walls between units minimizing the noise between units.

✓ **(ix) A lighting plan is provided which augments security, energy conservation, safety, and aesthetics;**

The site is relatively small and the lighting plan on the site plan that illustrates down lighting for the parking area and walkway. The lighting plan provided at TEC doc will be required to be consistent with the land use code section 9-9-16, B.R.C. 1981.

✓ **(x) The project incorporates the natural environment into the design and avoids, minimizes, or mitigates impacts to natural systems;**

There is one existing large Spruce tree which is located within the front yard. Because of the size of the tree, and the adjacent (planned detached) walkway, the tree was determined to not be a good street tree and will be replaced with three deciduous trees. This will also help to support passive solar by allowing sun in the winter and shade in the summer, where today the Spruce shades the house year around.

✓ **(xi) Buildings minimize or mitigate energy use; support on-site renewable energy generation and/or energy management systems; construction wastes are minimized; the project mitigates urban heat island effects; and the project reasonably mitigates or minimizes water use and impacts on water quality.**

The upgrades to the building will require compliance with newly adopted energy efficiency standards of the IECC 2012 plus 30 percent efficiency and the city's Green Points program. A condition of approval is added to ensure pre-wiring for rooftop photovoltaics for on-site renewable energy generation.

✓ **(xii) Exteriors or buildings present a sense of permanence through the use of authentic materials such as stone, brick, wood, metal or similar products and building material detailing;**

The applicant is proposing wood siding. In addition, given the historic significance, staff recommended that the applicant submit an application to designate the property as a local historic landmark. The application to landmark was submitted on April 22nd, 2015 with a request that review of the application by the Landmarks Board and the City Council only proceed if Site Review approval is granted. Because the application to designate the property is pending, a Landmark Alteration Certificate request for the rehabilitation of the historic house and the construction of a rear addition was submitted for review by the to the Landmarks Design Review Committee (Ldrc)(HIS2016-00067). On April 13th, 2016, the Ldrc approved the current plans (refer to ***Attachment E****) to rehabilitate and add to the house. Revisions to the design would require a new LAC application.*

__n/a___ **(xiii) Cut and fill are minimized on the site, the design of buildings conforms to the natural contours of the land, and the site design minimizes erosion, slope instability, landslide, mudflow or subsidence, and minimizes the potential threat to property caused by geological hazards;**

__n/a___ **(xiv) In the urbanizing areas along the Boulder Valley Comprehensive Plan boundaries between Area II and Area III, the building and site design provide for a well-defined urban edge; and**

__n/a___ **(xv) In the urbanizing areas located on the major streets shown on the map in Appendix A of this title near the Boulder Valley Comprehensive Plan boundaries between Area II and Area III, the buildings and site design establish a sense of entry and arrival to the City by creating a defined urban edge and a transition between rural and urban areas.**

✓ **(G)** ***Solar Siting and Construction: For the purpose of ensuring the maximum potential for utilization of solar energy in the City, all applicants for residential site reviews shall place streets, lots, open spaces, and buildings so as to maximize the potential for the use of solar energy in accordance with the following solar siting criteria:***

✓ **(i)** ***Placement of Open Space and Streets:*** **Open space areas are located wherever practical to protect buildings from shading by other buildings within the development or from buildings on adjacent properties. Topography and other natural features and constraints may justify deviations from this criterion.**

While no new streets are being proposed, open space is south facing. The tri-plex on the adjacent property to the south encompasses much of the yard and therefore, there is already an existing shading of the site. However, the open space in the front yard will continue to receive morning sun and the rear yard will continue to receive evening sun.

✓ **(ii)** ***Lot Layout and Building Siting:*** **Lots are oriented and buildings are sited in a way which maximizes the solar potential of each principal building. Lots are designed to facilitate siting a structure which is unshaded by other nearby structures. Wherever practical, buildings are sited close to the north lot line to increase yard space to the south for better owner control of shading.**

The proposed addition on the west side of the existing building will not create solar impacts over the hypothetical 25 foot solar fence to the adjacent yard.

✓ **(iii)** ***Building Form:*** **The shapes of buildings are designed to maximize utilization of solar energy. Buildings shall meet the solar access protection and solar siting requirements of section 9-9-17, "Solar Access," B.R.C. 1981.**

The addition is planned at the rear (west) side of the property and the applicant has demonstrated through a solar analysis that the addition will not unduly impact solar access.

✓ **(iv)** ***Landscaping:*** **The shading effects of proposed landscaping on adjacent buildings are minimized.**

No proposed landscaping will impact shading of adjacent buildings.

__n/a__ **(H)** ***Additional Criteria for Poles Above the Permitted Height:*** **No site review application for a pole above the permitted height will be approved unless the approving agency finds all of the following:**

__n/a__ **(I)** ***Land Use Intensity Modifications:***

__n/a__ **(J)** ***Additional Criteria for Floor Area Ratio Increase for Buildings in the BR-1 District:***

✓ ***a. For residential uses, the probable number of motor vehicles to be owned by occupants of and visitors to dwellings in the project will be adequately accommodated;***

At staff's request, the applicant provided a parking study prepared by LSC Transportation Consultants of on-street (public parking spaces), the study is provided in ***Attachment D****). In the study, the applicant provided a "Parking Inventory Survey," that was conducted in the vicinity of the site, on two different week days and on a weekend on an hourly basis from 7:00 AM to 10:00 PM. The applicant noted a total of 90 on-street parking spaces available in the surveyed area, shown to the right.*

The survey found that maximum parking demand for the 90 on-street spaces was 61 vehicles during any given hour with an average demand of 48 to 51 vehicles; that there were always at least 29 available on-street parking spaces and an average of about 40 available on-street parking spaces during the three-day study period. The survey concluded that there is sufficient available on-street parking spaces in the vicinity of the site to accommodate additional vehicles from the site, both as visitors or resident parking. The survey noted "seven additional vehicles" from the proposed development, however, staff noted that this figure could go up or down depending on the demand from future residents and given the context of a transit corridor on Broadway. Staff finds there would be "adequate accommodation" with on-street parking.

n/a b. The parking needs of any nonresidential uses will be adequately accommodated through on-street parking or off-street parking;

There are no non-residential uses proposed.

n/a c. A mix of residential with either office or retail uses is proposed, and the parking needs of all uses will be accommodated through shared parking;

Not applicable, not a mix of residential or office/retail

n/a d. If joint use of common parking areas is proposed, varying time periods of use will accommodate proposed parking needs; and

Not applicable, not a mix of residential or office/retail

✓ **e. If the number of off-street parking spaces is reduced because of the nature of the occupancy, the applicant provides assurances that the nature of the occupancy will not change.**

The applicant has indicated intent to lease to a wide variety of tenants from university students to professionals or families. The nature of occupancy may vary over time yet the context on a major transit route and within walking distance to a significant number of services will remain consistent. The parking reduction is not so much based upon the nature of occupancy as it is the unique transit- and service-rich context where residents can easily access transit and are not dependent upon a single occupancy vehicle.

CITY OF BOULDER
Community Planning & Sustainability

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CITY OF BOULDER
LAND USE REVIEW RESULTS AND COMMENTS

DATE OF COMMENTS:	**Dec. 19, 2014**
CASE MANAGER:	**Elaine McLaughlin**
PROJECT NAME:	**2949 Broadway Residential Conversion**
LOCATION:	**2949 BROADWAY**
COORDINATES:	**N04W07**
REVIEW TYPE:	**Site Review**
REVIEW NUMBER:	**LUR2014-00097**
APPLICANT:	**MICHAEL BOSMA**
DESCRIPTION:	**Conversion of single family residential into a three dwelling unit complex with a request for a 33 percent parking reduction and a reduction in lot area per dwelling unit from 3,000 square feet to 2,076 square feet.**

REQUESTED VARIATIONS FROM THE LAND USE REGULATIONS:

- **Section 9-9-6, B.R.C. 1981 Parking Reduction: six spaces where nine are required equating to a 33 percent parking reduction**
- **Section 9-8-3, B.R.C. 1981 Additional Density: reduction in the minimum lot area per dwelling unit of 3,000 square feet to 2,076 square feet**

I. REVIEW FINDINGS

The applicant is acknowledged for providing a very thorough plan set per the application requirements. Because of the request to increase density and reduce parking, findings must be made by staff for consistency with the Site Review criteria prior to conclusion of the review process. For the most part, staff concurs with the applicant's evaluation of the project under the Site Review Criteria. However, given the 100 year old, small, existing house there are additional considerations that must be made with regard to the addition design and how it appears to overwhelm the small existing house. At present, the proposed project does not meet the Site Review criteria particularly with regard to building design and open space. Because the application does not meet criteria; a revision is necessary by within 60 days of this comment letter to ensure that the application will remain in an active status.

II. CITY REQUIREMENTS

This section addresses issues that must be resolved prior to a project decision or items that will be required conditions of a project approval. Requirements are organized by topic area so that each department's comments of a similar topic are grouped together. Each reviewer's comment will be followed by the reviewer's department or agency and telephone number. Reviewers are asked to submit comments by section and topic so that the comments can be more. efficiently organized into one document. Topics are listed here alphabetically for reference.

Access/Circulation David Thompson, 303-441-4417

1. In support of the requested parking reduction and pursuant to section 2.03(I) of the DCS and section 9-2-14(h)(2)(D)(iv) and (v) of the Boulder Revised Code (BRC), 1981 a Transportation Demand Management (TDM) Plan is required to be submitted which outlines strategies to mitigate traffic and parking impacts created by the proposed development and

implementable measures for promoting alternate modes of travel. The TDM Plan must be submitted as a separate document with Site Review re-submittal.

2. Pursuant to Table 9-8 – Off-Street bicycle parking requirements from section 9-9-6 of the BRC, 1981, please revise the site plan and development application to show how long-term parking is being accommodated on the site and the number of short-term bicycle parking spaces being provided. The applicant should consider adding additional long-term and short-term bicycle parking spaces beyond the minimum required in support of the project's TDM / Parking Reduction Plan.

3. Pursuant to section 9-9-8(d) and (g) of the Boulder Revised Code, 1981 and as shown in Table 2-12 of the Design and Construction Standards, please revise the site plan to show the replacement of the existing five-foot detached sidewalk with an eight-foot detached sidewalk. Please note, the construction of an eight foot sidewalk will require dedication of a public access easement.

4. Please revise the grading plan to include the dimensions of the parking stalls, sidewalks, and short-term bike parking area in order to evaluate their compliance with the Boulder Revised Code and Design and Construction Standards.

5. All public right-of-way and easements are required to be dedicated concurrently with the final engineering submittal and prior to the time of building permit. All public right-of-way and easements required to be dedicated to the city must be reviewed and approved through a separate Technical Document Review application. Application materials and requirements are located on the 3rd Floor of the Park Central Building, and can also be found on the city's web-site at: www.bouldercolorado.gov

Building Design Elaine McLaughlin, 303-441-4130

1. This section correlates to the section titled, Historic Preservation found on page 2. As noted, the small existing house was built in 1914 and has remained essentially unaltered in exterior appearance since that time. Given the historicity, and the request for modifications to the land use code for increased density and a parking reduction, a condition of approval at the time the process concludes toward an approval, will require that the applicant landmark the existing house.

2. One of the concerns staff has with regard to the building design criteria is that the proposed addition will significantly overwhelm the small historic house, refer to Historic Preservation comments below. Staff is happy to meet with you to brainstorm approaches to reduce the appearance of the addition.

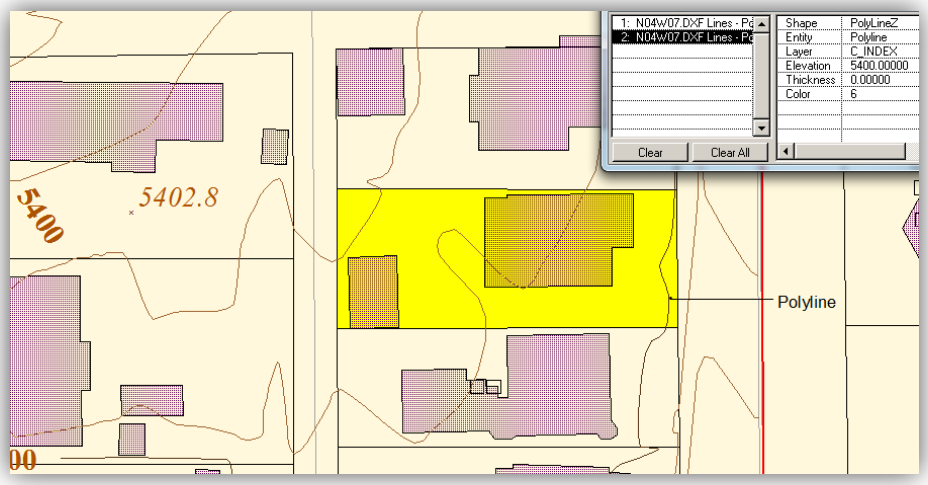
Drainage, Jessica Stevens, 303-441-3121

1. Due to the increase in impervious area and addition of dwelling units the proposed redevelopment will be required to provide detention and water quality in accordance with Sections 7.12 and 7.13 of the City of Boulder Design and Construction Standards. A Technical Document Review for stormwater will be required.

2. It is unclear how the applicant intends to accommodate drainage discharge from the proposed swales and sumped area adjacent to the structure, due to the existence of the curb behind the sidewalk. It may be necessary to provide a connection to the storm drainage system within Broadway to accommodate discharge of the required detention/water quality facilities. Please provide additional details regarding the proposed drainage features.

Engineering, Jessica Stevens, 303-441-3121

1. The Improvement Survey Plat includes a note that states that 5300' should be added to the shown elevations to determine the true elevations. City records indicate that the elevations in this area are approximately 5401' - 5402' (NAVD 88). The survey elevations appear to be off by approximately 90 feet. Please review the elevations and correct the Improvement Survey Plat as necessary. Refer to the graphic on the following page.



2. The survey includes a reference to the vertical datum as NGVD 88. Please clarify which datum was used in the survey NGVD 29 or NAVD 88.

3. The elevations used in determining the low point, first floor and high point elevations should be reviewed based on the updated survey elevations.

Fees
Please note that 2014 development review fees include a $131 hourly rate for reviewer services following the initial city response (these written comments). Please see the P&DS Questions and Answers brochure for more information about the hourly billing system.

Fire Protection David Lowrey 303.441.4356

1. The building will be required to have an NFPA 13R sprinkler system installed due to the conversion from a single family home to a tri-plex. The City of Boulder Fire Code requires any residential greater than a duplex to have a residential type fire sprinkler system installed.

2. The fire sprinkler system will require to be monitored by a UL listed supervising station and notification in accordance with NFPA 72 installed through including low frequency sounders in the sleeping rooms.

Historic Preservation James Hewat 303.441.3207

1. The well-preserved Edwardian Vernacular house at 2949 Broadway Road was constructed in 1914 see historic building inventory form for the property at: http://www.boulderlibrary.org/cpdfs/780_Broadway_2949.pdf.

2. Site Review approval of this project would require the applicant's submittal of a completed application to landmark the property as per policy 2.24 *Preservation of Historic and Cultural Resources* of the Boulder Valley Comprehensive Plan. Staff recommends that this occurs as soon as possible so that we can schedule a designation hearing. This will allow the Landmarks Board to review the proposed landmark in the context of the larger re-development of the property so that the subsequent Planning Board review will include the Landmark Board's comments and recommendations.

3. Historic preservation staff considers that the current proposal for an addition to the house would damage the historic and architectural integrity of this small house and would not be appropriate for a landmarked property. Consideration should be given to reducing the mass, scale and height of the addition and to creating a distinct visual and physical link between the historic and new construction. Please consult Section 4, 'Additions to Historic Buildings' of the *General Design Guidelines for Boulder's Historic Districts and Individual Landmarks* available online at: https://www-static.bouldercolorado.gov/docs/section-t-general-design-guidelines-for-historic-districts-and-individual-landmarks-1-201305201317.pdf .

4. Please note that the historic preservation ordinance (9-11-5(a)) states that once a completed application for landmark designation made by the property owner is received, a public hearing must be heard by the Landmarks Board between 60 & 120 days of the application date. Once an application has been submitted, the proposal can be reviewed by the landmark alteration certificate (LAC) review process. An LAC and building permit issued prior to completion of the landmarking process. Landmarked buildings on the property would potentially be eligible for the Colorado State Historic Preservation Tax Credit and the City's permit fee waiver.

Inclusionary Housing Crystal Launder 303.441.4141

1. Credit will be given for existing single family unit. Cash-in-lieu estimate = 2 new units X 20% IH requirement = 0.4 affordable units required; .4 required units X $87,253 (cash in lieu for 1,200sf attached unit when building 4 or fewer) = $34,901 total cash in lieu.

2. Cash-in-lieu amounts are adjusted annually on July 1. The cash-in-lieu amount in place when the payment is made will apply.

Landscaping Elizabeth Lokocz, 303-441-3138

Please address the following coordination issues at the next submittal. Contact staff with any questions or concerns.

1. Any parking lot over five spaces is required to provide screening. Given the alley access, neighborhood character and requested parking reduction it may be supportable to modify that requirement. Please update the list of requested modifications accordingly and the requirements table on sheet L-1. If it is possible to provide some screening through a fence, being mindful of any sight triangle issues, please add that to the plans.
2. There is a small existing wall adjacent to the Broadway sidewalk and a light pole just off the northeast corner of the lot. The wall effects the grade change at the walk and the light effects the proposed tree location. There is also a water service in the front yard. It may not be feasible to accommodate a large tree, but a smaller tree may still be possible. Please add utilities to the plan to coordinate any other potential conflicts.
3. Please call out and/or illustrate how the trash and recycling shall be screened.
4. Given the few shrubs and very narrow planting beds overall, please specify that no fabric shall be used in any planting bed.
5. The location of the proposed alder is in a very small planting bed surrounded by paving. Is it feasible to shift the sidewalk alignment further north and earlier to provide a large planting area? There is a large existing tree on the adjacent southern lot. Please add it to the plans. Will it be impacted by construction? Does the overhanging canopy influence the tree proposed?
6. Per open space prohibitions (9-9-11), planting beds under 24 inches in width do not contribute to open space. Sheet A102 indicates that the beds south of the porch are included. Please remove them from the calculation or adjust the walkway, building footprint, etc. to meet the minimum width.
7. The scale of the hatches is different between the plan and legend. Is the northern property line swale gravel? Please clarify the legend and consider vegetating the swale for water quality if stone is currently specified.
8. The existing blue spruce in the front yard setback is private and should be evaluated by a licensed arborist, not the city forester. Please update the note on sheet L-2 and provide any information about it preservation or removal.

Legal Documents Julia Chase, City Attorney's Office, Ph. (303) 441-3020

1. The Applicant will be required to sign a Development Agreement, if approved. When staff requests, the Applicant shall provide the following:
   a) an updated title commitment current within 30 days; and
   b) Proof of authorization to bind on behalf of the owners.

Lot Layout

Survey states finished floor elevation is 5213.58 and the low point was in turn determined to be 5209.99. However, city's GIS data indicates that the topography is approximately two feet higher see below. Additional verification of historic topography may be necessary to verify base elevation.

Parking, Elaine McLaughlin, 303-441-4130

Please revise the written statement to include a response to criterion (K)(2)(e) provided in the attachment.

Utilities, Jessica Stevens, 303-441-3121

1. Please include a Utility Plan upon resubmittal.

2. Section 5.10(A)(3)(c) of the City of Boulder Design and Construction Standards requires that no exterior portion of the structure shall be located over 175 feet away from the nearest hydrant. The proposed redevelopment will require the addition of a fire hydrant along Broadway Street.

3. Due to the increase in plumbing fixtures proposed for the redevelopment, the existing water meter will be required to be upsized.

4. The proposed redevelopment will require a separate irrigation service and meter. Please include the irrigation service and meter on the Utility Plan.

III. INFORMATIONAL COMMENTS

This section addresses issues that are for the applicant's reference but are not required to be resolved prior to a project decision or as a condition of approval. Informational Comments are organized by topic area so that each department's comments of a similar topic are grouped together. Each reviewer's comment will be followed by the reviewer's department or agency and telephone number. Reviewers are asked to submit comments by section and topic area (e.g."Informational Comments - Fees" or "Informational Comments - Utilities") so that the comments can be more efficiently organized into one document. Topics are listed here alphabetically for reference.

Access/Circulation David Thompson, 303-441-4417

1. At time of building permit application and pursuant to Section 8-2-23 of the Boulder Revised Code 1981, the applicant will be responsible for paving the alley abutting the property should the property improvements exceed twenty-five percent of the value of the existing building or structure.

2. Consideration should be given to a grading plan which will allow for the elimination of the curb wall adjacent to the Broadway sidewalk.

Building and Housing Codes Kirk Moors 303-441-3172

1. Walls with less than 10 feet of fire-separation distance must be constructed of one-hour, fire-resistive construction (IBC table 602).

2. The location of the A/C condensing units must comply with the noise requirements of B.R.C. chapter 5-9.

3. See IBC sec. 1025 for the requirements related to the exit stairs that serve units 1 and 2.

Drainage, Jessica Stevens, 303-441-3121

1. A Final Drainage Plan and Report will be required as part of the Technical Document Review process. All plans and reports shall be in accordance with the City of Boulder *Design and Construction Standards*.

2. A Utility Plan will be required as part of the Technical Document Review process. All plans shall be in accordance with the City of Boulder *Design and Construction Standards*.

3. At time of Technical Document Review, the applicant shall submit information (geotechnical report, soil borings, etc.) regarding the groundwater conditions on the property, and all discharge points for perimeter drainage systems must be shown on the plan. The applicant is notified that any proposed groundwater discharge to the city's storm sewer system will require both a state permit and a city agreement.

Engineering, Jessica Stevens, 303-441-3121

1. The applicant is notified that any groundwater discharge to the storm sewer system will require both a state permit and a city agreement. The steps for obtaining the proper approvals are as follows:

   Step 1 -- Identify applicable Colorado Discharge Permit System requirements for the site.
   Step 2 -- Determine any history of site contamination (underground storage tanks, groundwater contamination, industrial activities, landfills, etc.) If there is contamination on the site or in the groundwater, water quality monitoring is required.
   Step 3 -- Submit a written request to the city to use the municipal separate storm sewer system (MS4). This submittal should include a copy of the Colorado Department of Public Health and Environment (CDPHE) permit application. The written request should include the location, description of the discharge, and brief discussion of all discharge options (e.g., discharge to MS4, groundwater infiltration, off-site disposal, etc.) The request should be addressed to: City of Boulder, Stormwater Quality, 4049 75th St, Boulder, CO 80301 Fax: 303-413-7364
   Step 4 -- The city's Stormwater Quality Office will respond with a DRAFT agreement, which will need to be submitted with the CDPHE permit application. CDPHE will not finalize the discharge permit without permission from the city to use the MS4.
   Step 5 -- Submit a copy of the final discharge permit issued by CDPHE back to the City's Stormwater Quality Office so that the MS4 agreement can be finalized.

   For further information regarding stormwater quality within the City of Boulder contact the City's Stormwater Quality Office at 303-413-7350. All applicable permits must be in place prior to building permit application.

2. No portion of any structure, including footings and eaves, may encroach into any public right-of-way or easement.

Residential Growth Management System, Sloane Walbert, 303-441-4231

Allocations are required to construct each dwelling unit prior to building permit submittal. Please be advised that an agreement for meeting city affordable housing requirements must be in place before a Growth Management Allocation can be issued.

Review Process, Elaine McLaughlin, 303-441-4130

Note that the request to modify density will require a hearing before the Planning Board. Scheduling for the hearing will occur once the application appears to meet the review criteria and only minor corrections are necessary to the plans.

Utilities, Jessica Stevens, 303-441-3121

1. The applicant is advised that at the time of building permit application the following requirements will apply:
   a. The applicant will be required to provide an accurate proposed plumbing fixture count to determine if the proposed meters and services are adequate for the proposed use.
   b. Water, wastewater and storm Plant Investment Fees and service line sizing will be evaluated.

   c. If the existing water and/or wastewater services are required to be abandoned and upsized, all new service taps to existing mains shall be made by city crews at the developer's expense. The water service must be excavated and turned off at the corporation stop, per city standards. The sewer service must be excavated and capped at the property line, per city standards.
   d. Since the building will be sprinklered, the approved fire line plans must accompany the fire sprinkler service line right-of-way permit application.

2. All water meters are to be placed in City right-of-way or a public utility easement, but meters are not to be placed in driveways, sidewalks or behind fences.

3. Trees proposed to be planted shall be located at least 10 feet away from existing or future utility mains and services.

4. The proposed design will require access to utility mains within Broadway. The applicant is advised that Broadway was reconstructed as a concrete street in 2010. Construction impacts to a new street section paved in concrete will require full concrete panel replacement.

IV. NEXT STEPS

The application does not yet meet the review criteria. Please provide five sets of revised plans along with a jump drive with an electronic file to the project specialists at the front counter of P&DS, 3rd Floor Park Central *prior* to 10 a.m. on the first or third Monday of the month. Note that January 19th is a national holiday, Martin Luther King Jr. Day and the city offices are closed; therefore, Tuesday the 20th will be the submittal date.

V. CITY CODE CRITERIA CHECKLIST

To be provided upon a review of revisions.

VI. Conditions on Case

To be provided upon a review of revisions.

Attachment:
please ensure the written statement is updated to respond to the specific criteria below:

___**(K)** ***Additional Criteria for Parking Reductions:*** *The off-street parking requirements of section 9-9-6,, "Parking Standards," B.R.C. 1981, may be modified as follows:*

___**(i)** *Process:* The city manager may grant a parking reduction not to exceed fifty percent of the required parking. The planning board or city council may grant a reduction exceeding fifty percent.

___**(ii)** *Criteria:* Upon submission of documentation by the applicant of how the project meets the following criteria, the approving agency may approve proposed modifications to the parking requirements of section 9-9-6, "Parking Standards," B.R.C. 1981 (see tables 9-1, 9-2, 9-3 and 9-4), if it finds that:

(a) For residential uses, the probable number of motor vehicles to be owned by occupants of and visitors to dwellings in the project will be adequately accommodated;

(b) The parking needs of any non-residential uses will be adequately accommodated through on-street parking or off-street parking;

(c) A mix of residential with either office or retail uses is proposed, and the parking needs of all uses will be accommodated through shared parking;

(d) If joint use of common parking areas is proposed, varying time periods of use will accommodate proposed parking needs; and

(e) If the number of off-street parking spaces is reduced because of the nature of the occupancy, the applicant provides assurances that the nature of the occupancy will not change.

CITY OF BOULDER
Community Planning & Sustainability

1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791
phone 303-441-1880 • fax 303-441-3241 • web www.bouldercolorado.gov

CITY OF BOULDER
LAND USE REVIEW RESULTS AND COMMENTS

DATE OF COMMENTS:	**May 11, 2015**
CASE MANAGER:	**Elaine McLaughlin**
PROJECT NAME:	**2949 Broadway Residential Conversion**
LOCATION:	**2949 BROADWAY**
COORDINATES:	**N04W07**
REVIEW TYPE:	**Site Review**
REVIEW NUMBER:	**LUR2014-00097**
APPLICANT:	**MICHAEL BOSMA**
DESCRIPTION:	**Conversion of single family residential into a three dwelling unit complex with a request for a 33 percent parking reduction and a reduction in lot area per dwelling unit from 3,000 square feet to 2,076 square feet.**

REQUESTED VARIATIONS FROM THE LAND USE REGULATIONS:

- **Section 9-9-6, B.R.C. 1981 Parking Reduction: six spaces where nine are required equating to a 33 percent parking reduction**
- **Section 9-8-3, B.R.C. 1981 Additional Density: reduction in the minimum lot area per dwelling unit of 3,000 square feet to 2,076 square feet**
- **Section 9-9-14, B.R.C. 1981 Parking Lot Landscape Standards: eliminate required six foot landscape strip at property lines**

I. REVIEW FINDINGS

The applicant is acknowledged for responding to staff's comments regarding the building mass of the new portion of the building in relation to the existing historic house. As previously noted, because the house was found to be eligible for application to landmark, the applicant must submit a completed application to landmark the property per policy 2.24 *Preservation of Historic and Cultural Resources* of the Boulder Valley Comprehensive Plan prior to the conclusion of the Site Review process. Staff cannot make findings of consistency of the proposed project with the Site Review criteria, until the addition has been evaluated by the Landmarks Board. As staff noted previously, this should occur as soon as possible and the applicant must coordinate with Historic Preservation staff to arrange application and meetings with the Landmarks Design Review Committee. Then, there are several other remaining issues that must be addressed prior to a finding that the application meets the review criteria: note that the Parking Lot Landscape Standards remain a modification as currently shown. Refer to the Landscape comments. Similarly, the detached sidewalk is a requirement of Site Review, refer to Access/Circulation comments.

II. CITY REQUIREMENTS

This section addresses issues that must be resolved prior to a project decision or items that will be required conditions of a project approval. Requirements are organized by topic area so that each department's comments of a similar topic are grouped together. Each reviewer's comment will be followed by the reviewer's department or agency and

telephone number. Reviewers are asked to submit comments by section and topic so that the comments can be more. efficiently organized into one document. Topics are listed here alphabetically for reference.

Access/Circulation David Thompson, 303-441-4417

1. Pursuant to Table 9-3 of the Boulder Revise Code, 1981 and the American with Disabilities Act Accessibility Guidelines (ADAAG) Manual, please revise the site plan to show one van accessible parking stall.

2. Per Table 9-7 of the Boulder Revise Code, 1981 the number of small car stalls must not exceed 40% of the total parking stalls being provided unless the applicant is requesting a variance. Please revise the site plans accordingly.

3. In support of the project's parking reduction and TDM Plan, please revise the number of long term bike parking stalls to match the eleven bedrooms being proposed. The applicant might wish to consider using vertical bike racks rather than the proposed CORA Expo W4508 for long term bike parking.

4. Please revise the site plans to show the required bike parking in accordance with Table 9-8 of the Boulder Revise Code, 1981.

5. Please revise the TDM Plan to require a financial guarantee of $1,170 to provide Eco Passes for three individuals (non-students) for a period of three years.

6. Pursuant to Section 2.11 of the City's Design and Construction Standards (DCS), please revise the site plan to show inverted "u" bicycle racks for the short-term bike parking. In support of the project's parking reduction and the TDM Plan, please revise the site plan to provide six (6) short-term bike parking stalls.

7. Staff does not concur with the applicant's response that providing a detached sidewalk will create a hazardous condition. Per previous comment and pursuant to section 9-9-8(d) and (g) of the Boulder Revised Code, 1981 and as shown in Table 2-12 of the Design and Construction Standards, please revise the site plan to show the replacement of the existing five-foot detached sidewalk with an eight-foot detached sidewalk. Please note, the construction of an eight foot sidewalk will require dedication of a public access easement.

8. All public right-of-way and easements are required to be dedicated concurrently with the final engineering submittal and prior to the time of building permit. All public right-of-way and easements required to be dedicated to the city must be reviewed and approved through a separate Technical Document Review application. Application materials and requirements are located on the 3rd Floor of the Park Central Building, and can also be found on the city's web-site at: www.bouldercolorado.gov

Building Design

Staff acknowledges the applicant's response to previous comments. The addition appears to be a bit more deferential to the existing historic house than the previous iteration. As noted in previous review comments, and in the follow-up meeting with the applicant, staff noted that the existing house is a well preserved Edwardian vernacular house. Because of this, Site Review approval would require submittal of an application to landmark the property.

In the response to comments letter, the applicant noted, "*applicant will apply for landmarking for the existing house once city site review is approved.*" However, for staff to make findings that the project meets the Site Review criteria, the applicant must begin that application process as the Landmarks Design Review Committee must make the assessment that the application is consistent with Section 4, 'Additions to Historic Buildings' of the *General Design Guidelines for Boulder's Historic Districts and Individual Landmarks* available online at: https://www-static.bouldercolorado.gov/docs/section-t-general-design-guidelines-for-historic-districts-and-individual-landmarks-1-201305201317.pdf. With that as a requirement, subsequent design discussions will follow with the Landmarks Design Review Committee, DRC, who would have final input on Building Design.

As noted in the previous comment letter,

> *"Site Review approval of this project would require the applicant's submittal of a completed application to landmark the property as per policy 2.24 Preservation of Historic and Cultural Resources of the Boulder Valley Comprehensive Plan. Staff recommends that this occurs as soon as possible so that we can schedule a designation hearing. This will allow the Landmarks Board to review the proposed landmark in the context of the larger re-development of the property so that the subsequent Planning Board review will include the Landmark Board's comments and recommendations."*

Drainage Scott Kuhna, 303-441-4071

Per Section 3.3.4 of the *UDFCD Drainage Criterai Manual – Volume 2*, "A retention facility (a basin with a zero release rate or a very slow release rate) is used when there is no available formal downstream drainageway, or one that is grossly inadequate. When designing a retention facility, the hydrologic basis of design is difficult to describe because of the stochastic nature of rainfall events. Thus, sizing for a given set of assumptions does not ensure that another scenario produced by nature (e.g., a series of small storms that add up to large volumes over a week or two) will not overwhelm the intended design. For this reason, retention basins are not recommended as a permanent solution for drainage problems. They have been used in some instances as temporary measures until a formal system is developed downstream. When used, they can become a major nuisance to the community duo to problems that may include mosquito breeding, safety concerns, odors, etc." Revisions to the plans and preliminary drainage letter are required.

Fees

Please note that 2015 development review fees include a $131 hourly rate for reviewer services following the initial city response (these written comments). Please see the P&DS Questions and Answers brochure for more information about the hourly billing system.

Historic Preservation James Hewat 303.441.3207

1. The well-preserved Edwardian Vernacular house at 2949 Broadway Road was constructed in 1914 see historic building inventory form for the property at: http://www.boulderlibrary.org/cpdfs/780_Broadway_2949.pdf.

2. Site Review approval of this project would require the applicant's submittal of a completed application to landmark the property as per policy 2.24 *Preservation of Historic and Cultural Resources* of the Boulder Valley Comprehensive Plan. Staff strongly recommends that this occurs as soon as possible so that we can schedule a designation hearing. This will allow the Landmarks Board to review the proposed changes to the house in the context of the larger re-development of the property so that the subsequent Planning Board review will include the Landmark Board's comments and recommendations.

3. Historic preservation staff considers that the current proposal for an addition to this small house is much more in keeping with the *General Design Guidelines for Boulder's Historic Landmarks* but does further steps should be taken to reduce the mass, scale and height of the addition and to detailing fenestration and materials in a manner more compatible with the historic character of the property. Such changes could be reviewed by the Landmarks design review committee once a Landmark designation application has been received. Please consult Section 4, 'Additions to Historic Buildings' of the *General Design Guidelines for Boulder's Historic Districts and Individual Landmarks* available online at: https://www-static.bouldercolorado.gov/docs/section-t-general-design-guidelines-for-historic-districts-and-individual-landmarks-1-201305201317.pdf .

4. Please note that the historic preservation ordinance (9-11-5(a)) states that once a completed application for landmark designation made by the property owner is received, a public hearing must be heard by the Landmarks Board between 60 & 120 days of the application date. Once an application has been submitted, the proposal can be reviewed by the landmark alteration certificate (LAC) review process. An LAC and building permit issued prior to completion of the landmarking process. Landmarked buildings on the property would potentially be eligible for the Colorado State Historic Preservation Tax Credit and the City's permit fee waiver.

Landscaping Elizabeth Lokocz, 303-441-3138
Please address the following coordination related corrections at the next submittal.

1. Please note that an eight foot landscape strip is required with the new sidewalk alignment. It appears that one large maturing street tree is feasible towards the north end of the planting strip maintaining a minimum ten foot separation from the street light and other utilities. Please coordinate any necessary relocation of the street light with the proposed tree(s). It also appears the large blue spruce may still be preserved; however, if grading or other impacts result in its removal, a second street tree will be required. A planted understory is required; consider de-icing and other road impacts when making plant selections.

2. Staff previously commented on the required parking lot screening. This remains a requested modification. Per section 9-9-14(c) B.R.C. 1981 a six foot planting strip and a fence or other form of screening is required.

Legal Documents Julia Chase, City Attorney's Office, Ph. (303) 441-3020
The Applicant will be required to sign a Development Agreement, if approved. When staff requests, the Applicant shall provide the following:

a) an updated title commitment current within 30 days; and
b) Proof of authorization to bind on behalf of the owners.

Utilities Scott Kuhna, 303-441-4071
Easement dedication through the city's Technical Document Review process is required for the proposed utility easement at the northeast corner of the site.

III. INFORMATIONAL COMMENTS

This section addresses issues that are for the applicant's reference but are not required to be resolved prior to a project decision or as a condition of approval. Informational Comments are organized by topic area so that each department's comments of a similar topic are grouped together. Each reviewer's comment will be followed by the reviewer's department or agency and telephone number. Reviewers are asked to submit comments by section and topic area (e.g."Informational Comments - Fees" or "Informational Comments - Utilities") so that the comments can be more efficiently organized into one document. Topics are listed here alphabetically for reference.

Addressing, Susan Meissner, 303-441-4464
The City is required to notify utility companies, the County Assessor's office, emergency services and the US Post Office of proposed addressing for development projects. Please submit a Final Address Plat and list of all proposed addresses as part of the Technical Document Review process.

Drainage, Scott Kuhna, 303-441-4071

1. A Final Drainage Plan and Report will be required as part of the Technical Document Review process. All plans and reports shall be in accordance with the City of Boulder *Design and Construction Standards*.

2. A Utility Connection Plan will be required as part of the Technical Document Review process. All plans shall be in accordance with the City of Boulder *Design and Construction Standards*.

3. At time of Technical Document Review, the applicant shall submit information (geotechnical report, soil borings, etc.) regarding the groundwater conditions on the property, and all discharge points for perimeter drainage systems must be shown on the plan. The applicant is notified that any proposed groundwater discharge to the city's storm sewer system will require both a state permit and a city agreement.

Miscellaneous, Scott Kuhna, 303-441-4071

1. The applicant is notified that any groundwater discharge to the storm sewer system will require both a state permit and a city agreement. The steps for obtaining the proper approvals are as follows:

   Step 1 -- Identify applicable Colorado Discharge Permit System requirements for the site.
   Step 2 -- Determine any history of site contamination (underground storage tanks, groundwater contamination, industrial activities, landfills, etc.) If there is contamination on the site or in the groundwater, water quality monitoring is required.
   Step 3 -- Submit a written request to the city to use the municipal separate storm sewer system (MS4). This submittal should include a copy of the Colorado Department of Public Health and Environment (CDPHE) permit application. The written request should include the location, description of the discharge, and brief discussion of all discharge options (e.g., discharge to MS4, groundwater infiltration, off-site disposal, etc.) The request should be addressed to: City of Boulder, Stormwater Quality, 4049 75th St, Boulder, CO 80301 Fax: 303-413-7364
   Step 4 -- The city's Stormwater Quality Office will respond with a DRAFT agreement, which will need to be submitted with the CDPHE permit application. CDPHE will not finalize the discharge permit without permission from the city to use the MS4.
   Step 5 -- Submit a copy of the final discharge permit issued by CDPHE back to the City's Stormwater Quality Office so that the MS4 agreement can be finalized.

   For further information regarding stormwater quality within the City of Boulder contact the City's Stormwater Quality Office at 303-413-7350. All applicable permits must be in place prior to building permit application.

2. No portion of any structure, including footings and eaves, may encroach into any public right-of-way or easement.

Residential Growth Management System, Sloane Walbert, 303-441-4231

Growth management allocations are required to construct each dwelling unit prior to building permit submittal. Please be advised that an agreement for meeting city affordable housing requirements must be in place before a Growth Management Allocation can be issued.

Utilities, Scott Kuhna, 303-441-4071

1. The applicant is advised that at the time of building permit application the following requirements will apply:
   a. The applicant will be required to provide an accurate proposed plumbing fixture count to determine if the proposed meters and services are adequate for the proposed use.
   b. Water, wastewater and storm Plant Investment Fees and service line sizing will be evaluated.
   c. If the existing water and/or wastewater services are required to be abandoned and upsized, all new service taps to existing mains shall be made by city crews at the developer's expense. The water service must be excavated and turned off at the corporation stop, per city standards. The sewer service must be excavated and capped at the property line, per city standards.
   d. Since the building will be sprinklered, the approved fire line plans must accompany the fire sprinkler service line right-of-way permit application.

2. All water meters are to be placed in City right-of-way or a public utility easement, but meters are not to be placed in driveways, sidewalks or behind fences.

3. Trees proposed to be planted shall be located at least 10 feet away from existing or future utility mains and services.

4. The proposed design will require access to utility mains within Broadway. The applicant is advised that Broadway was reconstructed as a concrete street in 2010. Construction impacts to a new street section paved in concrete will require full concrete panel replacement.

IV. NEXT STEPS

1. Contact Historic Preservation staff for application to landmark the structure.

2. A Landmarks Design Review Committee meeting will be scheduled as soon as the application is received to review the proposed project plans for consistency with the *General Design Guidelines for Boulder's Historic Districts and Individual Landmark.*

3. After review and approval of the proposed addition to the historic structure by the Landmarks DRC, provide five sets of revised plans, and an electronic file along with a letter that indicates how the project plans respond to the comments herein. Provide the resubmittal *prior* to the start of a review track (before the first or third Monday of the month, 10 a.m.) to one of the Project Specialists at the front counter of P&DS offices, 3rd Floor Park Central Building.

V. CITY CODE CRITERIA CHECKLIST

To be completed upon a review of the revisions, and upon a review and comment by the Landmarks DRC.

VI. Conditions On Case

To be completed upon a review of the revisions, and upon a review and comment by the Landmarks DRC.

CITY OF BOULDER
Community Planning & Sustainability

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CITY OF BOULDER
LAND USE REVIEW RESULTS AND COMMENTS

DATE OF COMMENTS:	**Sept. 8, 2015**
CASE MANAGER:	**Elaine McLaughlin**
PROJECT NAME:	**2949 BROADWAY SF CONVERSION**
LOCATION:	**2949 BROADWAY**
COORDINATES:	**N04W07**
REVIEW TYPE:	**Site Review**
REVIEW NUMBER:	**LUR2014-00097**
APPLICANT:	**MICHAEL BOSMA**
DESCRIPTION:	**Conversion of single family residential into a three dwelling unit complex with a request for a 33 percent parking reduction and a reduction in lot area per dwelling unit from 3,000 square feet to 2,076 square feet.**

REQUESTED VARIATIONS FROM THE LAND USE REGULATIONS:

- **Section 9-9-6, B.R.C. 1981 Parking Reduction: <u>five spaces where nine are required equating to a 45 percent parking reduction</u>**
- **Section 9-8-3, B.R.C. 1981 Additional Density: reduction in the minimum lot area per dwelling unit of 3,000 square feet to 2,076 square feet**

I. REVIEW FINDINGS

The application has several remaining corrections. Note that given the removal of an additional parking space, the applicant must provide better substantiation of the now increased parking reduction within the TDM. If the comments listed below are found to be adequately addressed and that the application can meet the reviewer criteria and staff can forward a recommendation of approval on the application to the Planning Board. Note that following a resubmittal of corrections, staff will schedule a tentative date for project review before the planning board. Please refer to "Next Steps" at the end of this letter.

II. CITY REQUIREMENTS

Access/Circulation David Thompson, 303-441-4417

1. Per previous comment and pursuant to Section 2.11(E)(2) of the City's Design and Construction Standards (DCS), please revise the site plan to show three (3) inverted "u" bicycle racks for the short-term bike parking. Staff would support installing three inverted "u" bicycle racks on rails as shown on technical drawing 2.53 of the DCS on a concrete pad.

2. Given the revised parking with one less parking space, the TDM needs to substantiate the 45 percent parking reduction through an evaluation of existing on-street parking for what could be up to 22 residents on the site (if there are 11 beds proposed) while there are only five parking spaces provided. Note that while the TDM did demonstrate that the site context is highly walkable and there is strong bus transit service, there is a likelihood that over-flow parking will be in demand. Therefore, a concise Parking Study must be provided to evaluate availability of on-street parking within close proximity to the site at varying times of day and week. The goal is that the applicant must demonstrate *"the probably*

number of motor vehicles to be owned by occupants of and visitors to dwellings in the project will be adequately accommodated" as well as address each of the other Review Criteria for parking reductions, per the land use code section 9-2-14(h)(2)(K), B.R.C. 1981 as follows:

> ***(K) Additional Criteria for Parking Reductions: The off-street parking requirements of Section 9-9-6, "Parking Standards," B.R.C. 1981, may be modified as follows:***
>
> > ***(i) Process: The city manager may grant a parking reduction not to exceed fifty percent of the required parking. The planning board or city council may grant a reduction exceeding fifty percent.***
> >
> > ***(ii) Criteria: Upon submission of documentation by the applicant of how the project meets the following criteria, the approving agency may approve proposed modifications to the parking requirements of Section 9-9-6, "Parking Standards," B.R.C. 1981 (see tables 9-1, 9-2, 9-3 and 9-4), if it finds that:***
> >
> > > ***a. For residential uses, the probable number of motor vehicles to be owned by occupants of and visitors to dwellings in the project will be adequately accommodated;***
> > >
> > > ***b. The parking needs of any nonresidential uses will be adequately accommodated through on-street parking or off-street parking;***
> > >
> > > ***c. A mix of residential with either office or retail uses is proposed, and the parking needs of all uses will be accommodated through shared parking;***
> > >
> > > ***d. If joint use of common parking areas is proposed, varying time periods of use will accommodate proposed parking needs; and***
> > >
> > > ***e. If the number of off-street parking spaces is reduced because of the nature of the occupancy, the applicant provides assurances that the nature of the occupancy will not change.***

Therefore, please provide evidence that there is adequate accommodations in the surroundings.

Drainage Scott Kuhna, 303-441-4071

1. The last sentence in paragraph 3 of Page 2 of the *2949 Broadway Residence – Preliminary Drainage Report (Report)* that discusses "economic burden to the project" needs to be removed from the *Report*. This is not a criteria item in the City of Boulder *Design and Construction Standards (DCS)*.

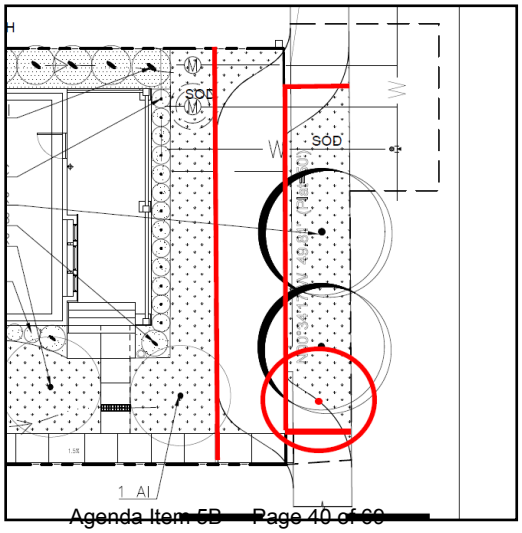
2. A statement that there will be no adverse impact on upstream, surrounding, or downstream properties and facilities needs to be added to the Summary section of the *Report*.

Fees

Please note that 2015 development review fees include a $131 hourly rate for reviewer services following the initial city response (these written comments). Please see the P&DS Questions and Answers brochure for more information about the hourly billing system.

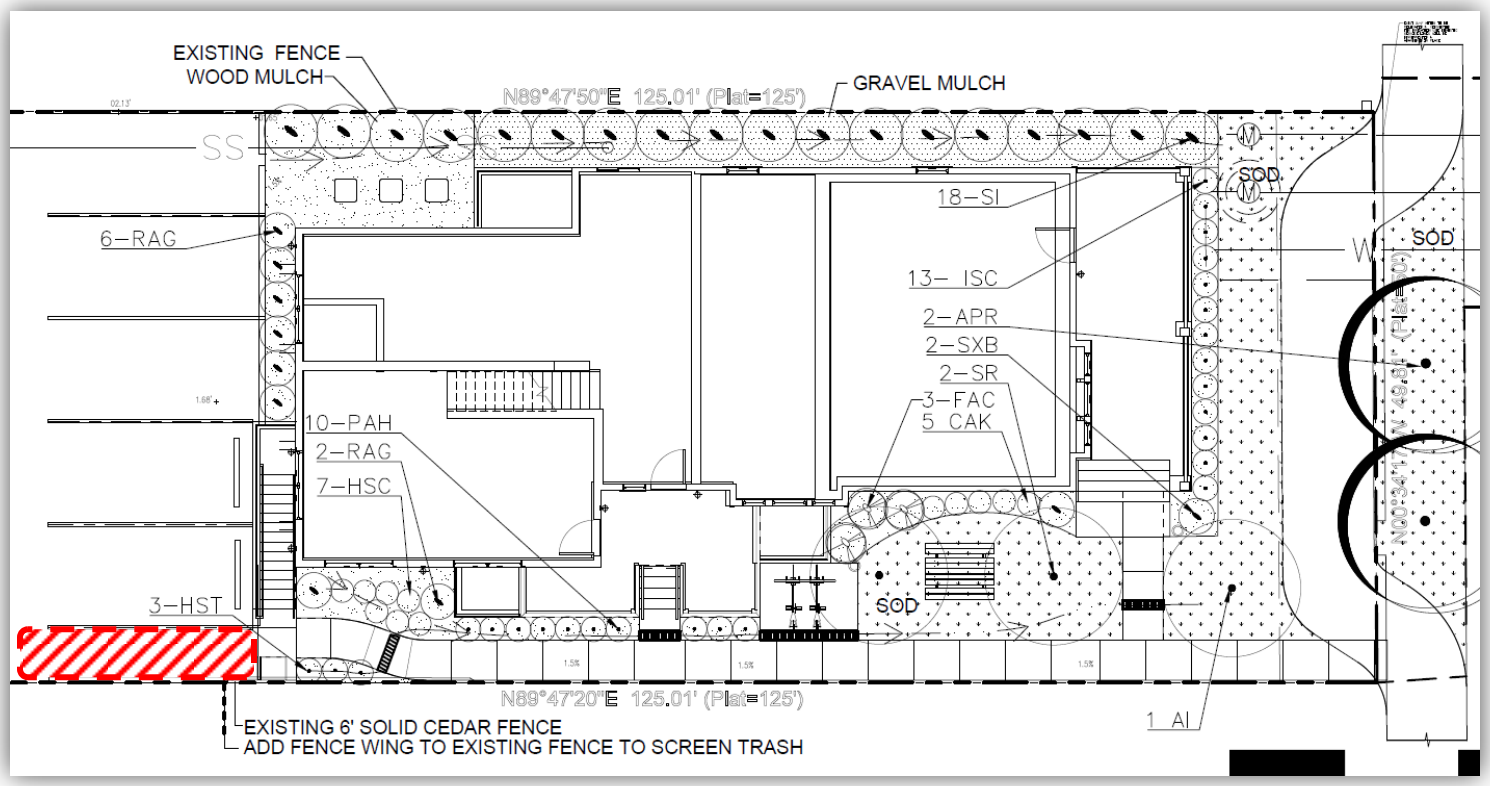
Landscaping Elizabeth Lokocz, 303-441-3138

1. As previously stated, specify one large maturing street tree in the Broadway right of way strip. The Norway maple listed is not in the large maturing category. It may be feasible to plant a second tree with a modification to the proposed detached sidewalk. The new walk shall extend to both north and south property lines with a four foot connector to the adjacent attached walks. This alignment eliminates extra concrete and creates the necessary future connections. It may also allow for a second tree as shown. If spacing is less than 25' a medium sized tree may be specified such as Ohio



Buckeye, Turkish Filbert or an Imperial Honeylocust. Contact staff with any questions.

2. Because the site was slightly redesigned in the parking area to the extent that one parking space was eliminated, please illustrate landscaping on the south side of the parking area.



Legal Documents Julia Chase, City Attorney's Office, Ph. (303) 441-3020
The Applicant will be required to sign a Development Agreement, if approved. When staff requests, the Applicant shall provide the following:

a) an updated title commitment current within 30 days; and
b) Proof of authorization to bind on behalf of the owners.

Plan Documents Elaine McLaughlin, 303-441-4130
Please correct a typo on page 2 of the Project Description, fourth paragraph where the sentence reads, "*The proposed plan has a lot density of 2,067 square feet per dwelling unit…*" correct the area density to be, "2,076 square feet" to be consistent with the project plans, as shown to the right.

Site Data	
Overall Site Size	6,228 SF
Minimuim Lot Area Per Dwelling Unit	3,000 SF
Minimuim Lot Area Per Dwelling Unit w/Review	1,600 SF
Requested Lot Area Per Dwelling Unit	2,076 SF
Additional Lot Area Per Dwelling unit Above Minimuim	476 SF

Utilities Scott Kuhna, 303-441-4071
Easement dedication through the city's Technical Document Review process is required for the proposed utility easement at the northeast corner of the site.

III. INFORMATIONAL COMMENTS

Drainage, Scott Kuhna, 303-441-4071

1. A Final Drainage Plan and Report will be required as part of the Technical Document Review process. All plans and reports shall be in accordance with the City of Boulder *Design and Construction Standards*.

2. A Utility Connection Plan will be required as part of the Technical Document Review process. All plans shall be in accordance with the City of Boulder *Design and Construction Standards*.

3. At time of Technical Document Review, the applicant shall submit information (geotechnical report, soil borings, etc.) regarding the groundwater conditions on the property, and all discharge points for perimeter drainage systems must be shown on the plan. The applicant is notified that any proposed groundwater discharge to the city's storm sewer system will require both a state permit and a city agreement.

Miscellaneous, Scott Kuhna, 303-441-4071

1. The applicant is notified that any groundwater discharge to the storm sewer system will require both a state permit and a city agreement. The steps for obtaining the proper approvals are as follows:

   Step 1 -- Identify applicable Colorado Discharge Permit System requirements for the site.
   Step 2 -- Determine any history of site contamination (underground storage tanks, groundwater contamination, industrial activities, landfills, etc.) If there is contamination on the site or in the groundwater, water quality monitoring is required.
   Step 3 -- Submit a written request to the city to use the municipal separate storm sewer system (MS4). This submittal should include a copy of the Colorado Department of Public Health and Environment (CDPHE) permit application. The written request should include the location, description of the discharge, and brief discussion of all discharge options (e.g., discharge to MS4, groundwater infiltration, off-site disposal, etc.) The request should be addressed to: City of Boulder, Stormwater Quality, 4049 75th St, Boulder, CO 80301 Fax: 303-413-7364
   Step 4 -- The city's Stormwater Quality Office will respond with a DRAFT agreement, which will need to be submitted with the CDPHE permit application. CDPHE will not finalize the discharge permit without permission from the city to use the MS4.
   Step 5 -- Submit a copy of the final discharge permit issued by CDPHE back to the City's Stormwater Quality Office so that the MS4 agreement can be finalized.

   For further information regarding stormwater quality within the City of Boulder contact the City's Stormwater Quality Office at 303-413-7350. All applicable permits must be in place prior to building permit application.

2. No portion of any structure, including footings and eaves, may encroach into any public right-of-way or easement.

Utilities, Scott Kuhna, 303-441-4071

1. The applicant is advised that at the time of building permit application the following requirements will apply:
   a. The applicant will be required to provide an accurate proposed plumbing fixture count to determine if the proposed meters and services are adequate for the proposed use.
   b. Water, wastewater and storm Plant Investment Fees and service line sizing will be evaluated.
   c. If the existing water and/or wastewater services are required to be abandoned and upsized, all new service taps to existing mains shall be made by city crews at the developer's expense. The water service must be excavated and turned off at the corporation stop, per city standards. The sewer service must be excavated and capped at the property line, per city standards.
   d. Since the building will be sprinklered, the approved fire line plans must accompany the fire sprinkler service line right-of-way permit application.

2. All water meters are to be placed in City right-of-way or a public utility easement, but meters are not to be placed in driveways, sidewalks or behind fences.

3. Trees proposed to be planted shall be located at least 10 feet away from existing or future utility mains and services.

4. The proposed design will require access to utility mains within Broadway. The applicant is advised that Broadway was reconstructed as a concrete street in 2010. Construction impacts to a new street section paved in concrete will require full concrete panel replacement.

IV. NEXT STEPS

Provide a PDF of the corrected plans and documents along with a response to comments letter. Once staff reviews the corrections, a hearing before the Planning Board will be scheduled. Please note that at the date of this letter, Planning Board hearings are currently being scheduled for January.

V. CITY CODE CRITERIA CHECKLIST

To be provided upon a review of corrections.

VI. Draft Conditions on Case

To be provided directly to the applicant upon a review of corrections.

From: Tina Marquis [[redacted]]
Sent: Saturday, May 14, 2016 5:24 PM
To: McLaughlin, Elaine
Subject: 2949 Broadway

Dear Elaine,

Thank you for the notice about the application at add an addition to 2949 Broadway. I have concerns about the reduction in parking spaces. While my greatest hope is that we as a community turn to more public transport, walking and biking, I have noticed that isn't happening. Already, we experience the impact of cars parking in front of our home on 11th, presumably from residents on Broadway. I would appreciate considering parking permits on 11th, only issuing them to residents on 11th. While one triplex won't make much of a difference, I imagine this will come up more frequently.

Best,

Tina Marquis

From: McLaughlin, Elaine
Sent: Tuesday, May 17, 2016 3:27 PM
To: 'Tina Marquis'
Subject: RE: 2949 Broadway

Thank you Tina-
I appreciate your input, I'll provide this letter directly to the Planning Board for their deliberation. Parking permits do need to go through a request process, I've attached a link here. If there is interest from your neighbors in participating in such a program, I recommend starting with the website to get more information.

All the best-
Elaine

Elaine McLaughlin, Senior Planner
Department of Planning, Housing + Sustainability
City of Boulder
1739 Broadway, 3rd Floor
Boulder, CO 80306-0791

303-441-4130 (phone)
303-441-3241 (fax)

http://www.boulderplandevelop.net
http://www.bouldercolorado.gov/

From: James A Smith [redacted]
Sent: Saturday, May 14, 2016 4:27 PM
To: McLaughlin, Elaine
Cc: Julie McDonnell
Subject: LUR2014-00097

Ms McLaughlin,

Do we need to be present on June 2nd to voice our concern over the lack of parking for this project? Unfortunately my wife and I will both be out of town for a good friends wedding.

We own a home on Elder Avenue and you only have to be around here during the school year to see how tight parking gets and in particular on these narrow boulder streets the congestion this causes.

I am not against improving the existing homes on broadway and the architecture looks nice but to cut parking by 44.4% and force 4 more cars onto that narrow Dellwood (a street that is heavily traffic'd by pedestrians and cyclists; many of them children coming too and from North Boulder park) we feel creates not only a traffic bottleneck but a dangerous situation given there are no sidewalks or bike paths.

Please let me know if there is any way I can make a more formal protest against the parking being granted such a massive variance.

Kind regards and good luck with this and future planning efforts.

Cheers

James

James A Smith
CFO

From: McLaughlin, Elaine
Sent: Monday, May 16, 2016 7:50 AM
To: 'James A Smith'
Cc: Julie McDonnell
Subject: RE: LUR2014-00097

Hi James-
Thank you for the comment. This can be provided directly to the Planning Board for their consideration on the application.
I appreciate your input –
Elaine

Elaine McLaughlin, Senior Planner
Department of Planning, Housing + Sustainability
City of Boulder
1739 Broadway, 3rd Floor
Boulder, CO 80306-0791
303-441-4130 (phone)
303-441-3241 (fax)
http://www.boulderplandevelop.net
http://www.bouldercolorado.gov/

LSC TRANSPORTATION CONSULTANTS, INC.

1889 York Street
Denver, CO 80206
(303) 333-1105
FAX (303) 333-1107
E-mail: lsc@lscdenver.com

November 11, 2015

Mr. Michael Bosma
1035 Pearl Street, #205
Boulder, CO 80302

Re: 2949 Broadway
Parking Study
Boulder, CO
LSC #151110

Dear Mr. Bosma:

In response to your request, LSC Transportation Consultants, Inc. has prepared this parking study for the proposed 2949 Broadway development in Boulder, Colorado. Figure 1 shows the vicinity of the site.

Parking Requirement and On-Site Supply

The proposed site is required to have eight parking spaces and is providing only five on-site.

Parking Inventory Survey

A parking inventory survey was conducted in the vicinity of the site on Tuesday, October 13, 2015; Wednesday, October 14, 2015; and on Saturday, October 17, 2015 on an hourly basis from 7:00 AM to 10:00 PM. There is a total of about 90 on-street parking spaces available in the surveyed area. Figure 2 shows the boundary of the surveyed area.

Table 1 shows the maximum parking demand was 61 vehicles during any given hour with an average demand of 48 to 51 vehicles. There were always at least 29 available on-street parking spaces and an average of about 40 available on-street parking spaces during the three-day study period. This suggests that there are sufficient available on-street parking spaces in the vicinity of the site to accommodate seven additional parked vehicles from the 2949 Broadway development.

* * *

We trust this information will assist you in planning for the proposed development.

Respectfully submitted,

LSC Transportation Consultants, Inc.

COLORADO LICENSED
CHRISTOPHER S. MCGRANAHAN
39018
PROFESSIONAL ENGINEER

By: _____
Christopher S. McGranahan, P.E., PTOE
Principal

11-11-15

CSM/wc

Enclosures: Table 1
Figures 1 and 2

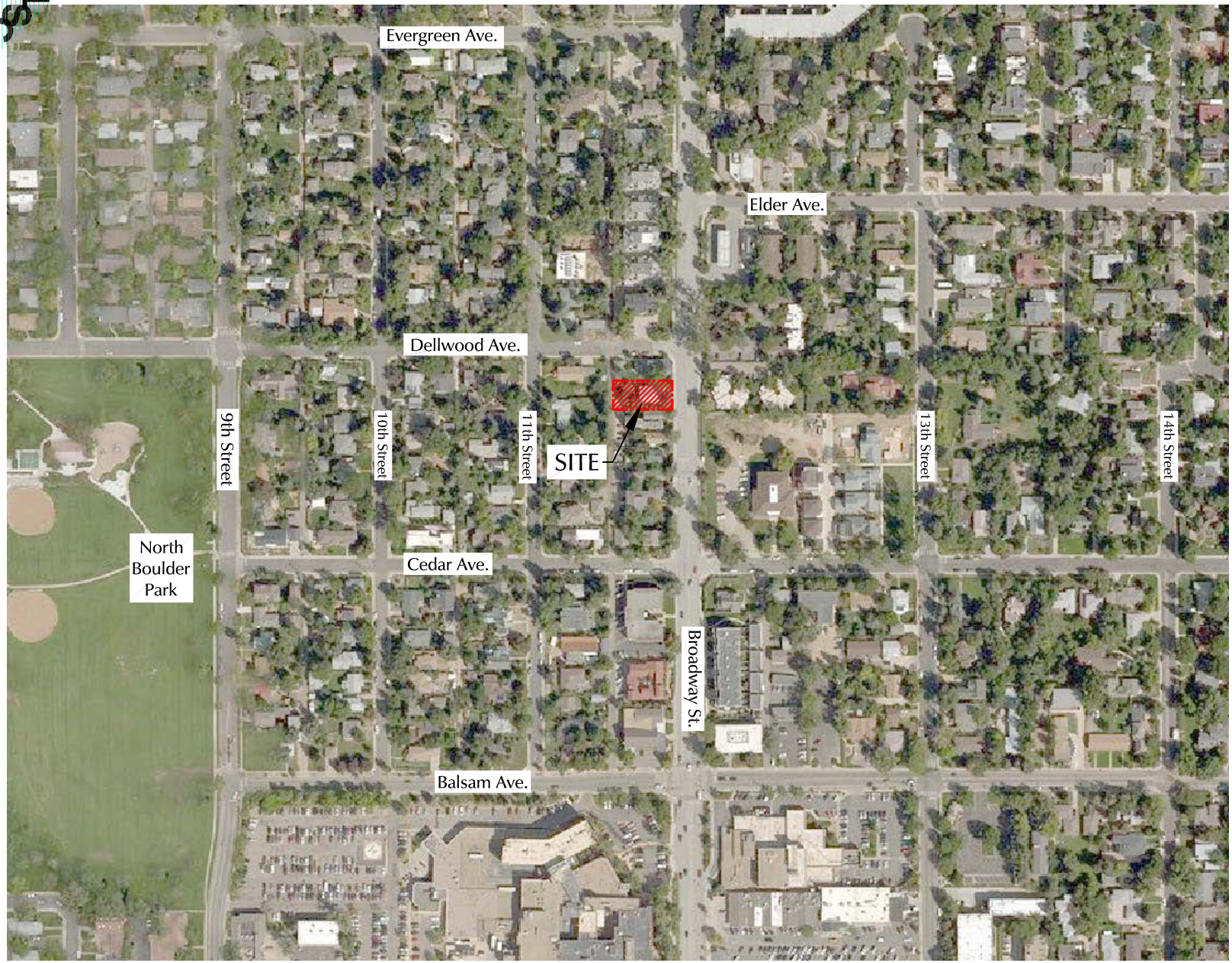
Z:\LSC\Projects\2015\151110-2949BroadwayParking\Report\2949Broadway-111115.wpd

Table 1
2949 Broadway Parking Study
Parking Supply and Demand
November, 2015 (LSC #151110)

Tuesday, October 13, 2015	On-Street Spaces Available	7 AM	8 AM	9 AM	10 AM	11 AM	12 Noon	1 PM	2 PM	3 PM	4 PM	5 PM	6 PM	7 PM	8 PM	9 PM	10 PM	Average Vehicles Parked	Maximum Vehicles Parked
Available Spaces	90	51	41	43	43	47	41	39	35	35	32	31	29	39	39	40	41		
Occupied Spaces		39	49	47	47	43	49	51	55	55	58	59	61	51	51	50	49	50.9	61.0
Available Spaces %		57%	46%	48%	48%	52%	46%	43%	39%	39%	36%	34%	32%	43%	43%	44%	46%		

Wednesday, October 14, 2015	On-Street Spaces Available	7 AM	8 AM	9 AM	10 AM	11 AM	12 Noon	1 PM	2 PM	3 PM	4 PM	5 PM	6 PM	7 PM	8 PM	9 PM	10 PM	Average Vehicles Parked	Maximum Vehicles Parked
Available Spaces	90	45	39	42	42	41	42	44	41	40	40	35	35	34	48	49	45		
Occupied Spaces		45	51	48	48	49	48	46	49	50	50	55	55	56	42	41	45	48.6	56.0
Available Spaces %		50%	43%	47%	47%	46%	47%	49%	46%	44%	44%	39%	39%	38%	53%	54%	50%		

Saturday, October 17, 2015	On-Street Spaces Available	7 AM	8 AM	9 AM	10 AM	11 AM	12 Noon	1 PM	2 PM	3 PM	4 PM	5 PM	6 PM	7 PM	8 PM	9 PM	10 PM	Average Vehicles Parked	Maximum Vehicles Parked
Available Spaces	90	44	39	41	37	40	34	33	34	37	36	37	37	44	46	41	42		
Occupied Spaces		46	51	49	53	50	56	57	56	53	54	53	53	46	44	49	48	51.1	57.0
Available Spaces %		49%	43%	46%	41%	44%	38%	37%	38%	41%	40%	41%	41%	49%	51%	46%	47%		



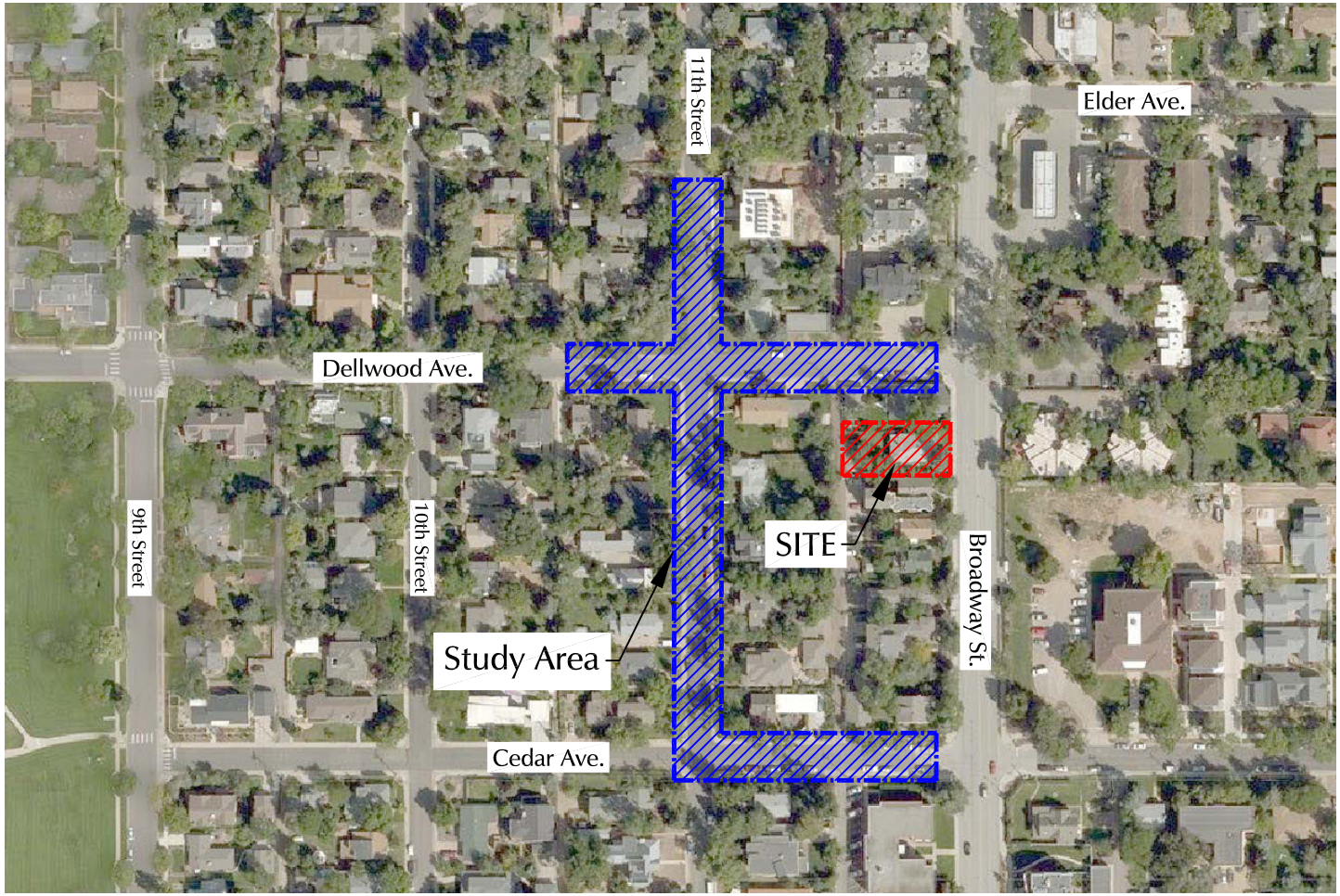
Approximate Scale
Scale: 1"=300'

TRANSPORTATION CONSULTANTS, INC.

Figure 1

Vicinity Map

2949 Broadway Parking Study (LSC #151110)



Approximate Scale
Scale: 1"=200'

Figure 2

Surveyed Parking Area

2949 Broadway Parking Study (LSC #151110)

RUBICON

2949 Broadway
Transportation Demand Management Plan (TDM)

This project is currently a single-family home located directly on Broadway. With the proposed new development plan it is our goal to create 2 additional units for a total of 3 dwelling units. Two of these units will be 4 bedrooms, 1 unit will be a 3 bedroom, for a total occupancy of 11 residents. With our proposed redevelopment we intend to implement short and long term, bike parking on the site, while maintaining the existing on-site parking. The Broadway location makes this site naturally conducive to pedestrian, bus and bike transportation. We feel the proposed site conditions and implemented policies, more than address the minor parking reduction being proposed of 2 on-site parking spots.

1. **Site Conditions**
   - Currently the property has 6 non-compliant parking spots. We have redesigned the parking layout to make 5 conforming parking spots. Of these spots we are providing 2 compact parking spots and 3 standard spots.

   - Currently the site has no on-site bike parking. We plan on significantly improving this situation. Applicant plans on the addition of 6 new short-term parking spaces located in a central, easy to access location for all units. The location of the short-term exterior bike parking is located within 50 ft of a major entrance to each unit. Applicant is also providing 12 additional long term secured parking spots for residents of the building. These spaces will be secured and placed in a location accessible only to building residents. This is a community benefit in that secured long-term bike parking reduces the visibility of bikes, while eliminating the risk of theft and vandalism. We feel the abundance of bike parking, both short and long term will promote

   - As this property is located directly on Broadway, it is an ideal location for walkability and bike use. A natural pedestrian and bike route of less than 1 mile, exists between the property, "Downtown Boulder", and "Pearl Street" which are defined as major "Activity Centers" per the BVCP Chapter 2. Pedestrian sidewalks along Broadway, and a designated bike route less than 2 blocks to the west facilitate this travel route. Additionally located less than a quarter mile directly south is a major shopping center with a neighborhood

grocer again defined as a "Neighborhood Activity Center", which are to be easily accessible by foot, bike, or transit per the BVCP.

- The property is located ½ block from a pedestrian controlled signaled light crossing and major bus stops exist on both the east and west sides of Broadway. Via the use of high frequency and major RTD routes, bus use would be a preferred method of transportation providing quick and easy access to not only Boulder and the surrounding areas, but Denver as well.

2. Additional Plan Policies

This project is located within the Newlands area of the neighborhood Eco pass program (NICO). This allows for the tenants to easily and cheaply acquire ECO passes. If the property were ever to rent to a non-eco pass eligible renter, a bus pass would be provided to this tenant. Applicant will submit a financial guarantee of $956 to cover the first three years of providing eco-passes to non-students (see below). If the applicant can demonstrate that all residents are college students with college passes or qualify for other eco passes incentives then each year the funds for that year will be refunded to the property owner.

	Year 1	Year 2*	Year 3*	Total
Pricing Zone 2	$96.31	$105.94	$116.54	
Units	3	3	3	
Funds Needs	$289	$318	$350	$956

* 10% added in Year 2 and Year 3 to account for possible increases to Eco Pass pricing

- In order to provide additional incentives to use public transportation, the owner will impose an unbundled parking policy for this property. Renters will be required to pay additional fees on top of the base rent of their unit to have on-site parking. This will be administered through a first come-first served basis. One space per unit will be reserved for each unit and then opened up to all residents if the unit declines parking.

- The applicant/property management company will be required to participate in periodic surveys to measure changes in travel behavior of residents. Surveys and analysis will be provided by GO Boulder with online or hard copy options. The applicant/property management's role will be to assist in the distribution surveys to residents.

- Upon occupancy residents will also receive from GO Boulder a welcome kit containing information on alternative transportation, maps, and transit

schedules. It will be the responsibility of the owner to notify GO Boulder of impending occupancies so that welcome kits can be produced and delivered.

- Applicant will also continue to work with City of Boulder staff to implement additional programs that encourage or provide off-site vehicle storage, and alternatives for residents to using a personal vehicle.

REVIEW TYPE:

SITE REVIEW

REVIEW NUMBER

LUR2014-00097

APPLICATION REQUIREMENTS

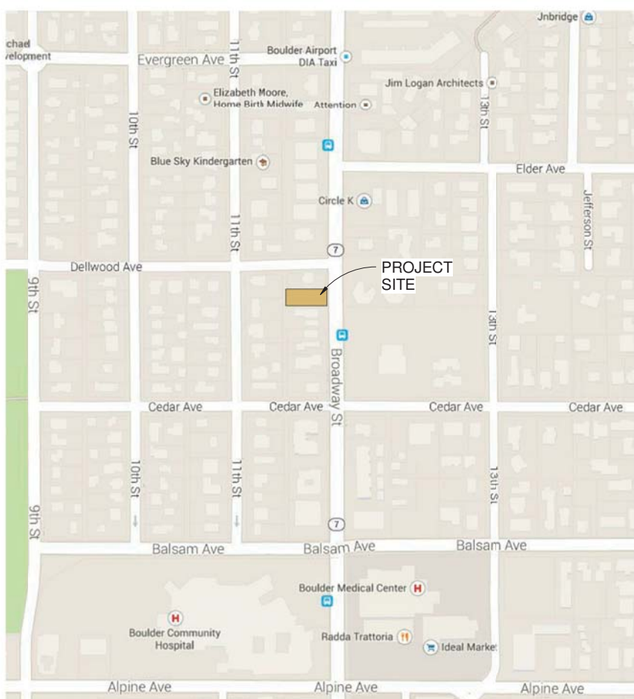
1,3,4,5,6,7,8,11,12,15,18,20,21,24,29,32,33,34

EXISTING ZONING :

RH-2

UNITS & BEDROOM COUNT:

3 UNITS **11 BEDROOMS**



VICINITY MAP

NORTH

LEGAL DESCRIPTION

A portion of the Northeast 1/4 of Section 25, T1N, R71W of the 6th P.M.
Lots 29 and 30, Block 4, Newland Addition,
County of Boulder, State of Colorado.

ALSO KNOWN AS:

2949 BROADWAY

PROJECT TEAM:

OWNER:

AGR investments
1035 Pearl Street, Suite 205
Boulder, Colorado 80302
Phone: 303 245 8688
Fax: 720 528 7840
E-mail:
michealbosma@me.com

ARCHITECT:

Tom Jarmon
ESA ARCHITECTS. P.C.
1919 7th Street
Boulder CO. 80455
Phone: 303 442 5458
Fax: 303 442 4745
E-mail: tom@esapc.com

CIVIL ENGINEER:

Charlie R. Hager
JVA, Incorporated
1319 Spruce Street
Boulder, CO 80302
Phone: 303 444 1951
Fax: 303 444 1957
E-mail:
chager@jvajva.com

LANDSCAPE:

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Phone: 303 459 3333
E-mail:
becky.martinek15674
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SURVEYOR:

Andrew
Patterson Partners
9176 Aljan Ave.
Longmont, CO 80503
Phone: 303 678 7072
Fax: 303 678 9663
E-mail:
andrewjpatterson@comcast.net

2949 BROADWAY
BOULDER COLORADO

SHEETS INDEX

	A001	COVER SHEET
*	A002	PROJECT DATA
	A003	AMENITY MAP & DATA
	A004	NEIGHBORHOOD COMPATIBILITY ANALYSIS
*	A101	SITE PLAN 1
*	A102	SITE PLAN 2
	A110	EXISTING FLOOR PLANS
	A121	NEW FLOOR PLANS - 1
	A122	NEW FLOOR PLANS - 2
	A210	EXISTING ELEVATIONS
	A220	NEW ELEVATIONS
*	A300.	SHADOW ANALYSIS

1 OF 1 SURVEY

C1.0 PRELIMINARY SITE GRADING & DRAINAGE PLAN

L-1 Landscape Plan
L-2 Landscape Details

Sheet with * indicated has been updated.

2016 FEB12

ERIC SMITH ASSOCIATES, P.C.
1919 SEVENTH STREET
BOULDER, COLORADO, 80302
(303) 442-5458, (303) 442-4745 FAX

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REVISIONS

No.	Description	Date
5	Solar access analysis	2016 FEB12

Job Number:	13034
Date:	2015-JUL-15
Drawn By:	J.M.
Checked By:	T.J.

Project Phase
RE: SITE REVIEW SUBMITTAL COMMENTS

Sheet Title
COVER SHEET

Sheet Number
A001

2/11/16 17:47:55

Project Data

Site Data

Overall Site Size	6,228 SF
Minimuim Lot Area Per Dwelling Unit	3,000 SF
Minimuim Lot Area Per Dwelling Unit w/Review	1,600 SF
Requested Lot Area Per Dwelling Unit	2,076 SF
Additional Lot Area Per Dwelling unit Above Minimuim	476 SF

Total Building Coverage

Total Existing Building	1,240 SF
Total Proposed New Building	766 SF
TOTAL (existing + new)	2,006 SF

Building Areas

Basement Level	
Existing Residential	398 SF
Proposed New Residential (existing & new)	**1,118 SF**
Proposed New Long Term Bike Storage	**215 SF**
Proposed New Area Wells	82 SF
1ST Level	
Existing Residential	1,240SF
Proposed New Residential (existing & new)	2,006 SF
Existing Porch	273 SF
Proposed Porch Area (existing & new)	**439 SF**
2ND Level	
Proposed New Residential	**812 SF**

Floor Area Ratio (FAR)

Total Building Area	**4,233 sf**
FAR Allowed	0 per table 9-8
FAR Proposed	0.77

Zoning

Zoning	RH-2
Attached Residential Dwelling Units	Allowed per Table 6-1 B.R.C
RH-2 Zoning Purpose	High density residential areas primarily used for a variety of types of attached residential units, including without limitation, apartment buildings, and where complementary uses may be allowed.

Parking

Auto Parking Required	8 Spaces
Auto Parking Provided	
Standard	3 Spaces
Compact	2 Spaces
Total Provided	5 Spaces
Bike Parking	
5 Long term & 1 short term required	6 total
Provided	
short-term	6 Spaces
long-term	12 Spaces
Total	18 Spaces

Open space

Required	1,800 SF
Provided *see A102	1,939.5SF

2949 BROADWAY
BOULDER COLORADO

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REVISIONS

No.	Description	Date
2	RE City Commen Sep 8	2015NOV2
3	Re City Commen Bike parking	2015DEC10
5	Solar access analysis	2016 FEB12

Job Number:	13034
Date:	2015-JUL-15
Drawn By:	-
Checked By:	-

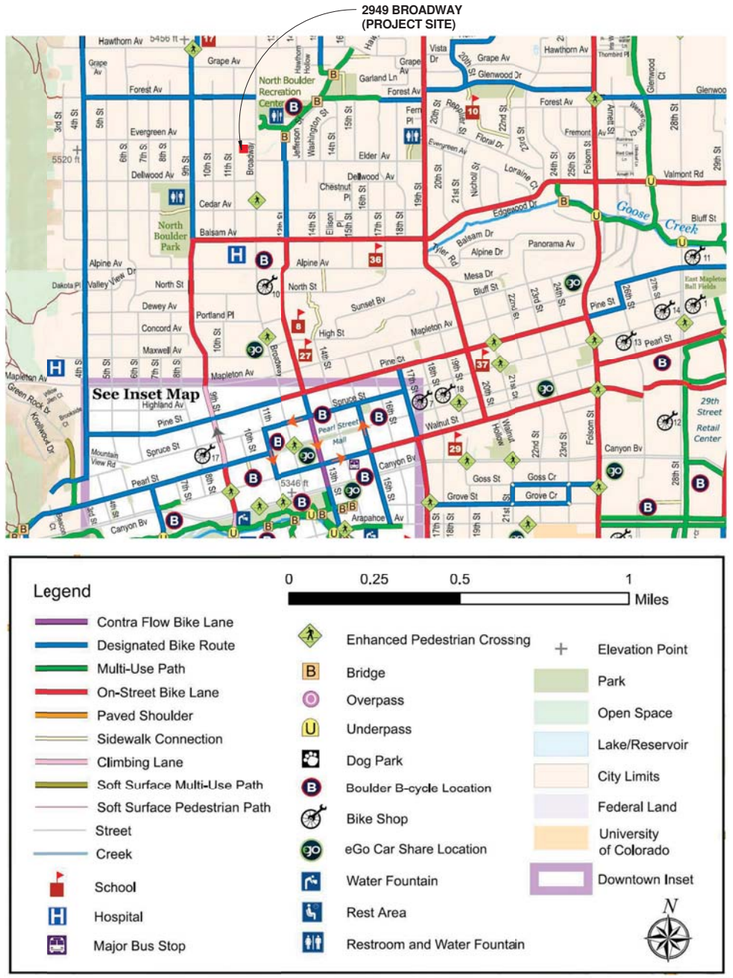
Project Phase
RE: SITE REVIEW SUBMITTAL COMMENTS

Sheet Title
PROJECT DATA

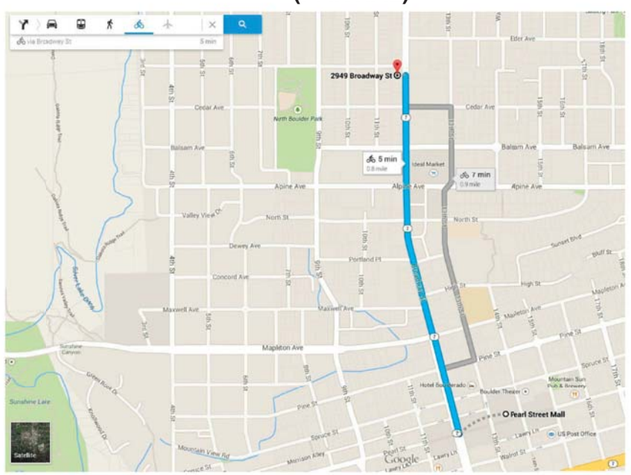
Sheet Number
A002

2016 FEB12

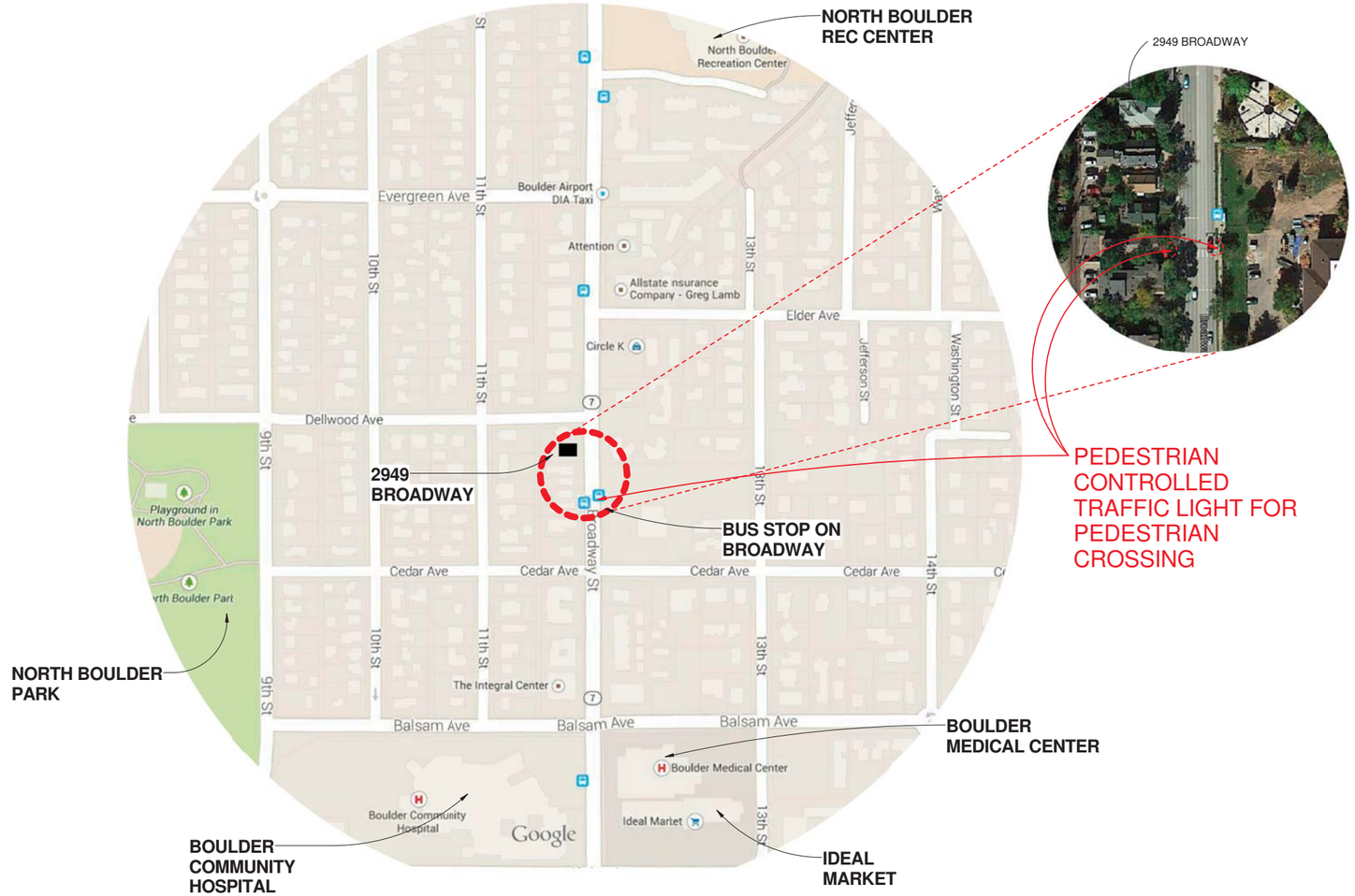
2/11/16 17:50:45



CITY OF BOULDER BIKE MAP
(PARTIAL)



BIKE TO PEARL STREET MALL- 5 MIN
(GOOGLE MAP)



2949 BROADWAY
BOULDER COLORADO

2949 BROADWAY COMMUTE TIME TABLE				
DESTINATIONS	DISTANCE	WALK	BY BICYCLE	BY BUS
BUS STOP ON BROADWAY	131 FEET	1 MINUTE	1 MINUTE	EVERY 10 MIN.
NORTH BOULDER REC CENTER	0.2 MILE	5 MINUTES	3 MINUTES	3 MINUTES
BOULDER MEDICAL CENTER	0.3 MILE	5 MINUTES	3 MINUTES	3 MINUTES
IDEAL MARKET	0.3 MILE	6 MINUTES	3 MINUTES	3 MINUTES
BOULDER COMMUNITY HOSPITAL	0.3 MILE	5 MINUTES	3 MINUTES	3 MINUTES
NORTH BOULDER PARK	0.3 MILE	6 MINUTES	3 MINUTES	3 MINUTES
PEARL STREET MALL	0.8 MILE	16 MINUTES	5 MINUTES	6 MINUTES
BOULDER TRANSIT CENTER	1.1 MILE	21 MINUTES	8 MINUTES	9 MINUTES
BOULDER PUBLIC LIBRARY	1.4 MILE	24 MINUTES	9 MINUTES	11 MINUTES

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REVISIONS

No.	Description	Date
5	Solar access analysis	2016 FEB12

Job Number:	13034
Date:	2015-JUL-15
Drawn By:	ESA
Checked By:	ESA

Project Phase
RE: SITE REVIEW SUBMITTAL COMMENTS

Sheet Title
AMENITY MAP & DATA

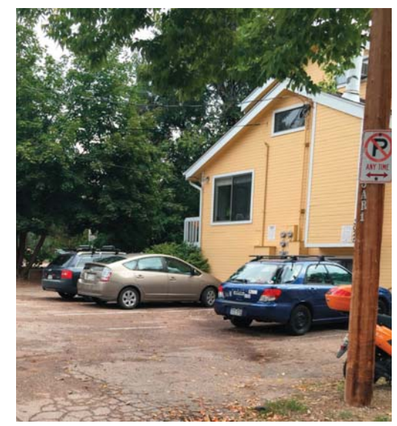
Sheet Number
A003

2016 FEB12

2/11/16 17:50:48

2927 Broadway

3025 Broadway



3075 Broadway

NEIGHBORHOOD COMPATIBILITY ANALYSIS

2949 BROADWAY
BOULDER COLORADO

Attached here are examples of surrounding homes and units in the neighborhood. It is our goal to achieve neighborhood compatibility for 2949 Broadway. As can be seen the following projects are suitable and comparable to these neighboring apartments and homes in the following ways….

- Floor Area
- Massing of the Structures
- Building Height
- Landscaping
- Site Accessibility - Front Porch
- Exterior Character/Building Materials
- Historic Compatibility
- Parking off Alley

2016 FEB12

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REVISIONS

No.	Description	Date
5	Solar access analysis	2016 FEB12

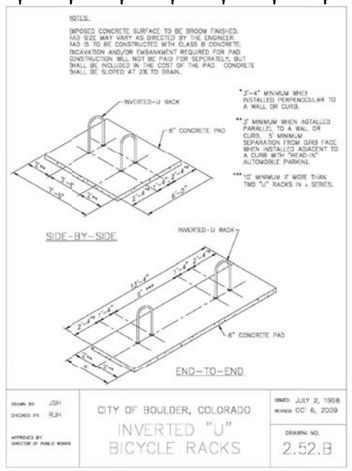
Job Number:	13034
Date:	2015-JUL-15
Drawn By:	Author
Checked By:	Checker

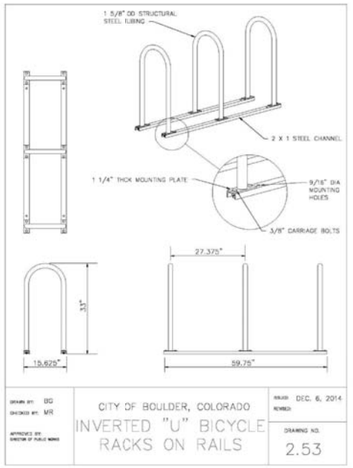
Project Phase
RE: SITE REVIEW SUBMITTAL COMMENTS

Sheet Title
NEIGHBORHOOD COMPATIBILITY ANALYSIS

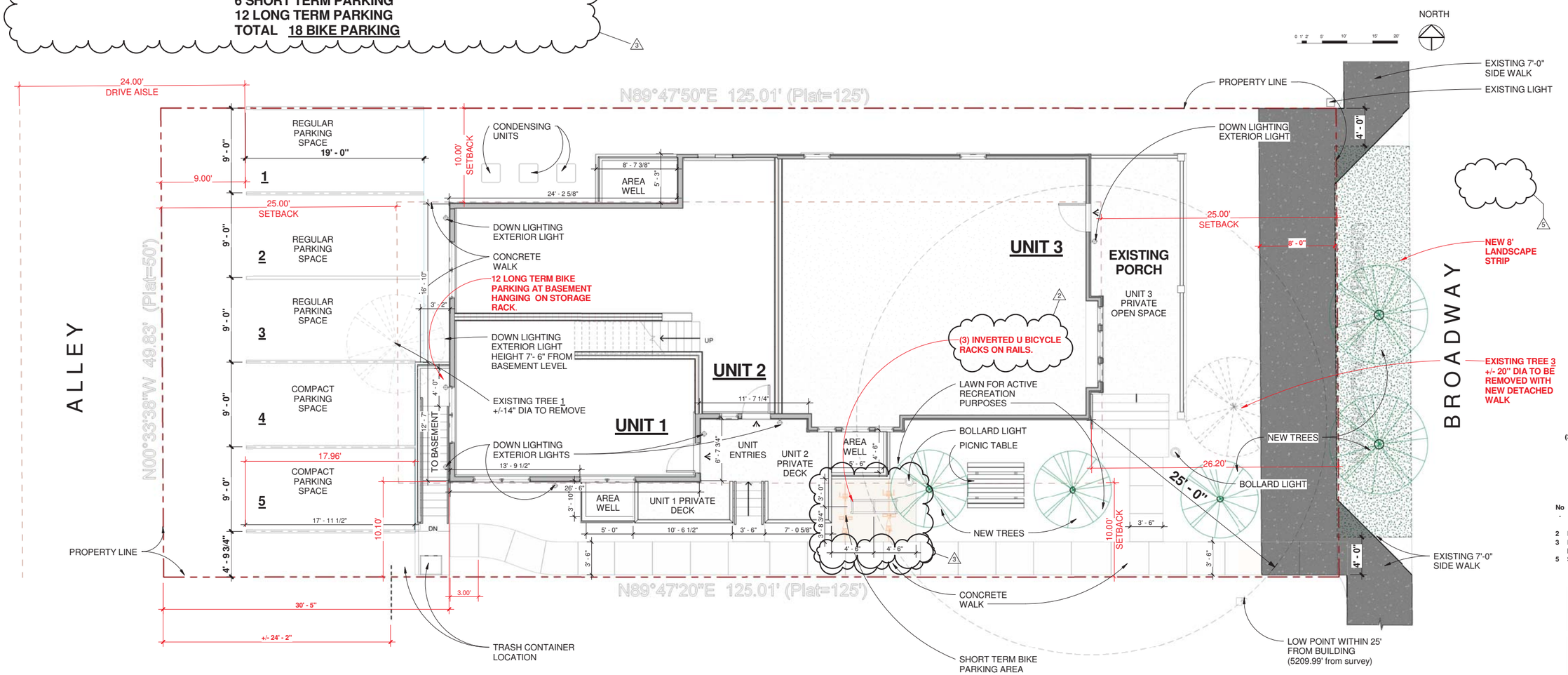
Sheet Number
A004

2/11/16 17:50:49





BIKE PARKING:
6 SHORT TERM PARKING
12 LONG TERM PARKING
TOTAL 18 BIKE PARKING



MAIN LEVEL SITE PLAN -
3/16" = 1'-0"

2949 BROADWAY
BOULDER COLORADO

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REVISIONS

No.	Description	Date
2	RE City Commen Sep 8	2015NOV2
3	Re City Commen Bike parking	2015DEC10
5	Solar access analysis	2016 FEB12

Job Number:	13034
Date:	2015-JUL-15
Drawn By:	J.M.
Checked By:	T.J.

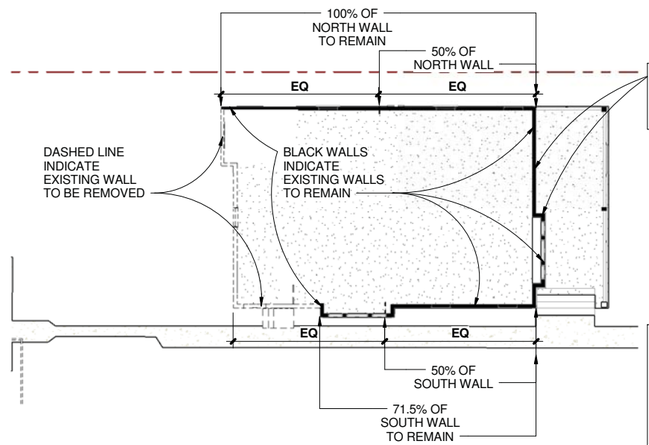
Project Phase
RE: SITE REVIEW SUBMITTAL COMMENTS

Sheet Title
SITE PLAN 1

Sheet Number
A101

REVISION 3
2016 FEB12

2/11/16 17:50:51



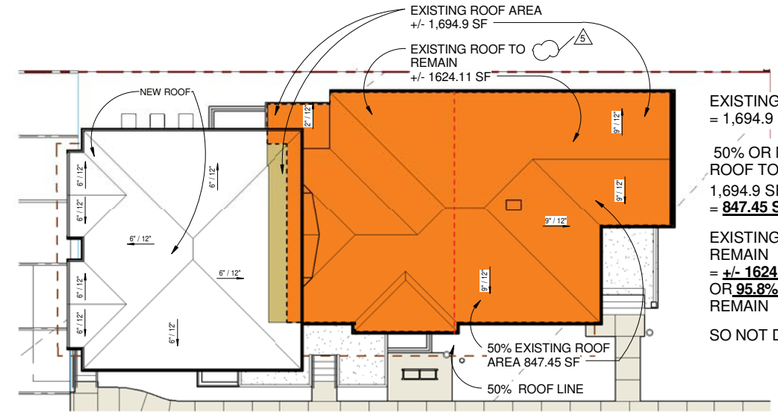
NOTE: ENTIRE EXISTING EXTERIOR WALL FACING BROADWAY TO REMAIN.

EXISTING TOTAL PERIMETER EXTERIOR WALL
= 150 ft
EXISTING PERIMETER EXTERIOR WALL TO REMAIN
= 108.1 ft
OR 72% EXISTING WALL TO REMAIN

EXISTING PERIMETER EXTERIOR WALL TO REMAIN IS GREATER THAN 50% SO DOES NOT MEET CITY DEFINITION OF DEMOLITION. (REVISED CODE SECTION 9-16)

NORTH

EXISTING WALLS TO REMAIN PLAN
1" = 10'-0"



EXISTING ROOF AREA
= 1,694.9 SF

50% OR MORE OF EXISTING ROOF TO REMAIN:
1,694.9 SF X 50%
= **847.45 SF**

EXISTING ROOF AREA TO REMAIN
= **+/- 1624.11 SF**
OR **95.8%** AREA TO REMAIN

SO NOT DEMOLITION

NORTH

EXISTING ROOF AREA TO REMAIN PLAN
1" = 10'-0"

PER CITY OF BOULDER REVISED CODE SECTION 9-16 DEFINITION OF "DEMOLITION" OR "DEMOLISH" . THIS PROJECT ROOF AREA TO BE REMOVED DOES NOT EXCEED MAXIMUM ALLOWED AMOUNT.

2949 BROADWAY
BOULDER COLORADO

FLOOR AREA TABLE

LEVEL NAME	EXISTING	NEW	ADDED AREA
BASEMENT	398 ft²	1,415 ft²	1,017 ft²
MAIN LEVEL	1,240 ft²	2,006 ft²	766 ft²
UPPER LEVEL	0 ft²	812 ft²	812 ft²
TOTAL	1,638 ft²	4,233 ft²	**2,595 ft²**

PER CITY OF BOULDER REVISED CODE SECTION 9-7-9, "SIDE YARD BULK PLANE," B.R.C. 1981. 9-7-10, "SIDE YARD WALL ARTICULATION." B.R.C. 1981. SECTION 9-7-11," MAXIMUM BUILDING COVERAGE," B.R.C. 1981. SECTION 9-8-2, "FLOOR AREA RATIO REQUIREMENT," B.R.C. 1981 THIS ONLY APPLIES TO SINGLE-FAMILY DETACHED DWELLING UNITS AND DOES NOT APPLY TO THIS PROJECT.

LAND USE SUMMARY TABLE

LOT AREA	6,228 ft² (OR 0.143 ACRES)		
	EXISTING	PROVIDED	REQUIRED
1. USEABLE OPEN SPACE (Provided area see Useable **Open space Area Schedules**)	4,200 ft²	1,939.5 ft² 5	1,800 ft²
2. PAVED AREA (Provided area = Parking 1,237.6ft² + Walk 448.5ft² + Detached Walk 376.7ft² + Bike parking 57.2ft² = 2,120 ft²)	788 ft²	2,120 ft² 5	
3.LANDSCAPE AREA (Provided area = Landscape Area 1~6 1,501 ft² + WALK 448 ft² = 1,949 ft²)	3,916 ft²	1,949 ft² 2	
4.BUILDING AREA	1,240 ft²	2,168.5 ft² *	
1 + 2+ 4 = LOT AREA	6,228 ft²	6,228 ft²	

* Provided area
= Building Floor area 2,006.5 ft²
+ Window well area 162 ft²
= 2,168.5 ft²

Area Legend

1	LANDSCAPE AREA
2	PORCH 1 AREA
3	PORCH 2 AREA
4	BIKE PARKING AREA
6	AREA WELL
10	PARKING AREA
11	DETACHED WALK AREA
17	WALK AREA

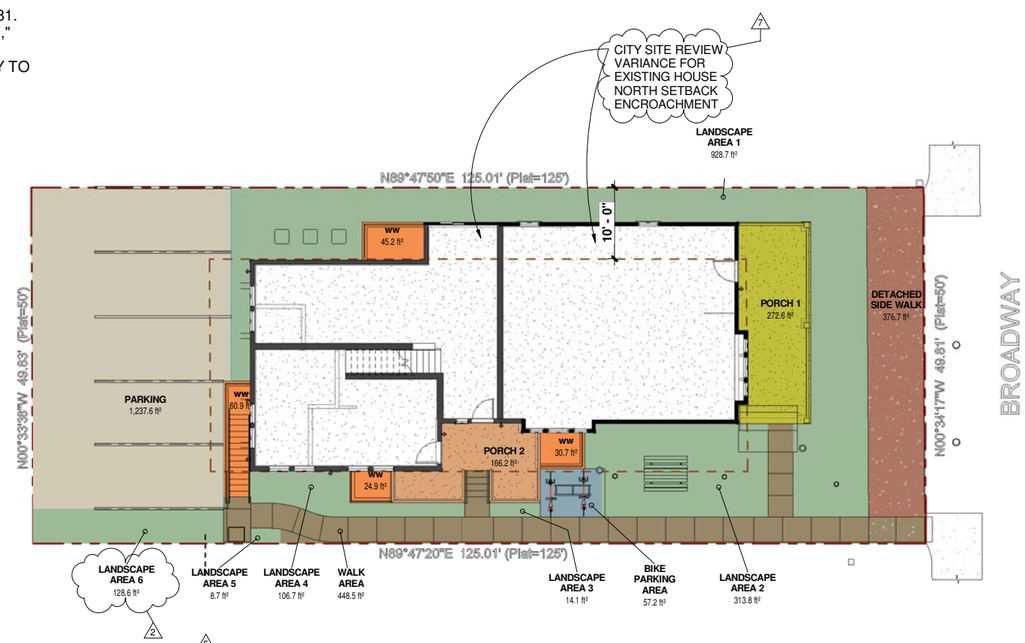
2

Useable Open space Area Schedule 2	
Name	Area
LANDSCAPE AREA 1	928.7 ft²
LANDSCAPE AREA 2	313.8 ft²
LANDSCAPE AREA 3	14.1 ft²
LANDSCAPE AREA 4	106.7 ft²
LANDSCAPE AREA 5	8.7 ft²
LANDSCAPE AREA 6	128.6 ft²
PORCH 1	272.6 ft²
PORCH 2	166.2 ft²
	1,939.5 ft²

5

NOTE:
1. NO WINDOW WELLS OR STAIR WELLS ARE COUNTED IN THE USEABLE OPEN SPACE AREA CALCULATION.
2. (2) PORCHES ARE COUNTED, SINCE THEIR TOTAL AREA IS 439 SF. and THIS TOTAL IS LESS THAN 25% OF THE REQUIRED USEABLE OPEN SPACE, 1,800 SF X 25% = 450 SF.

4



USEABLE OPEN SPACE PLAN -
1" = 10'-0"

NORTH

2016 APR 14

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REVISIONS

No	Description	Date
2	RE City Commen Sep 8	2015NOV2
4	Re Open space	2016JAN15
5	Solar access analysis	2016 FEB12
7	DRB Comments	2016 APR 14

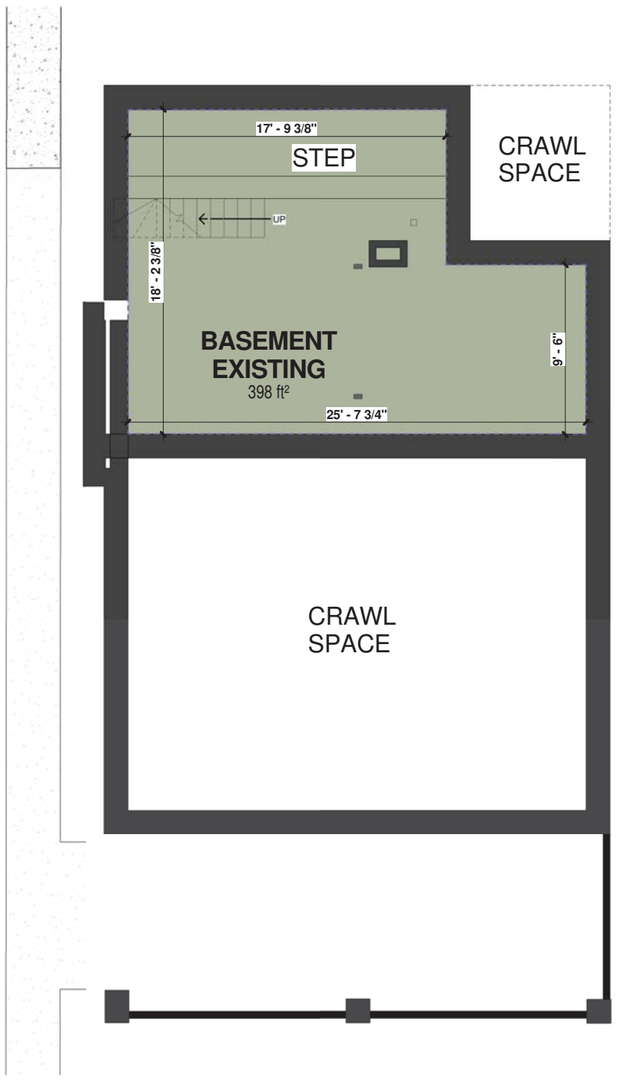
Job Number:	13034
Date:	2015-JUL-15
Drawn By:	J.M.
Checked By:	T.J.

Project Phase
RE: SITE REVIEW SUBMITTAL COMMENTS

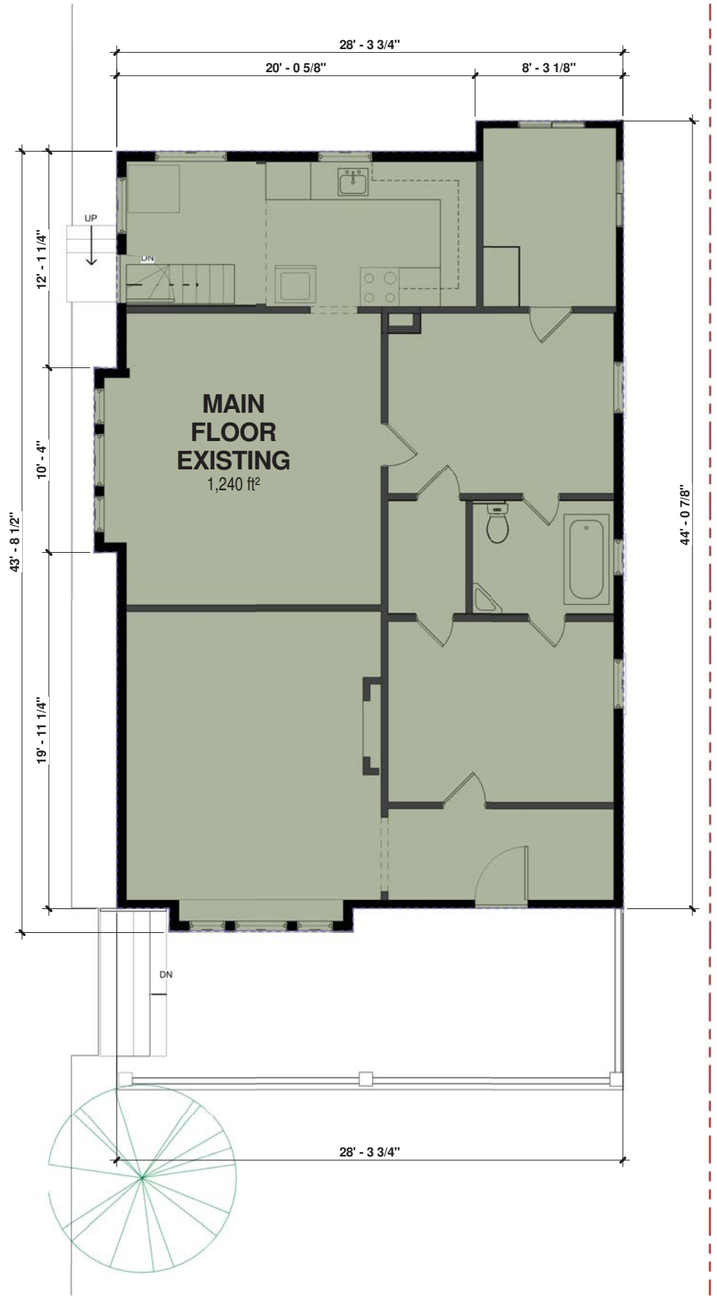
Sheet Title
SITE PLAN 2

Sheet Number
A102

4/14/16 11:49:41



BASEMENT EXISTING
1/4" = 1'-0"



MAIN LEVEL PLAN EXISTING
1/4" = 1'-0"

0 1' 2' 5' 10' 15' 20'

NORTH

EXISTING FLOOR PLANS

2016 FEB12

2949 BROADWAY
BOULDER COLORADO

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REVISIONS

No.	Description	Date
5	Solar access analysis	2016 FEB12

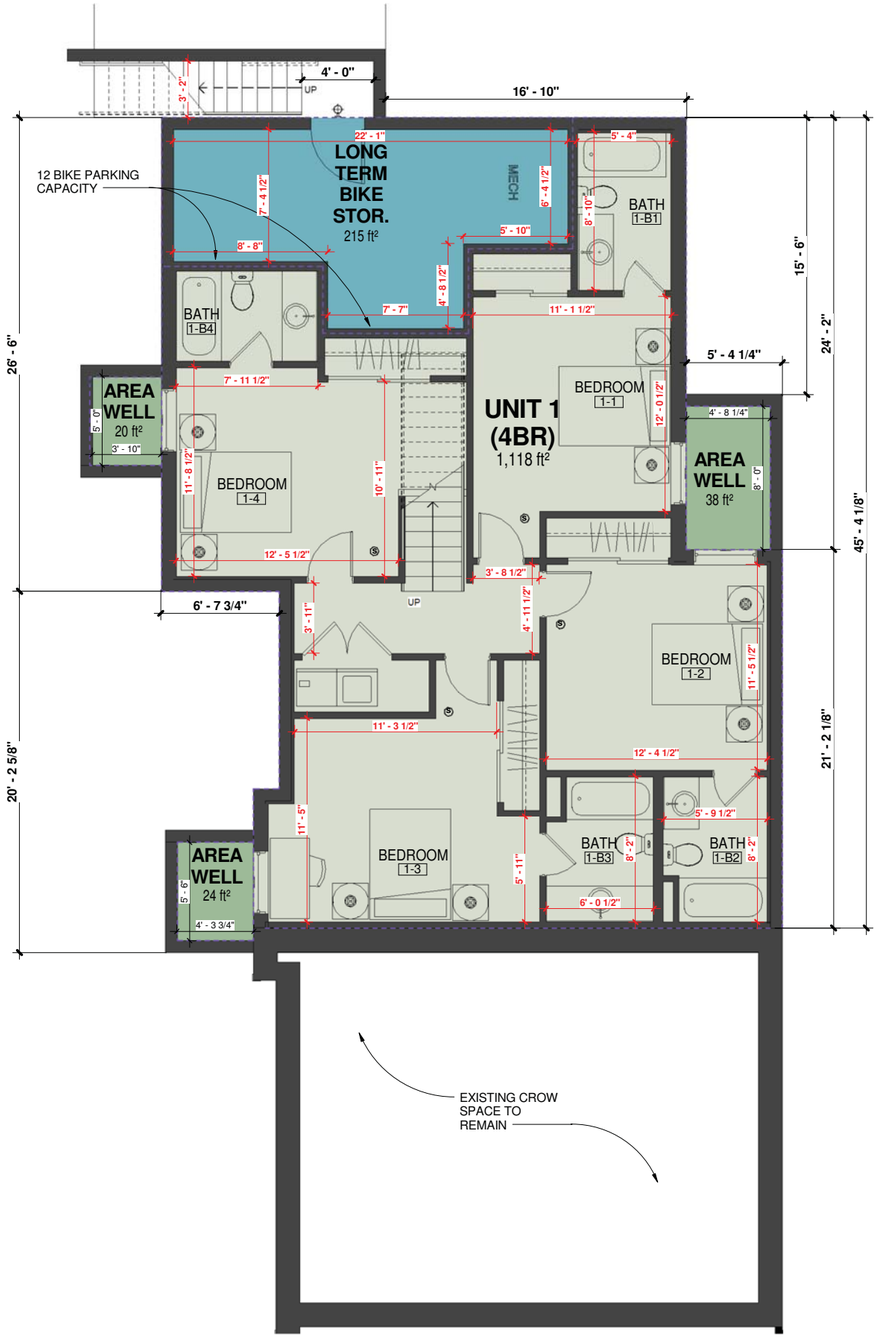
Job Number:	13034
Date:	2015-JUL-15
Drawn By:	J.M.
Checked By:	T.J.

Project Phase
RE: SITE REVIEW SUBMITTAL COMMENTS

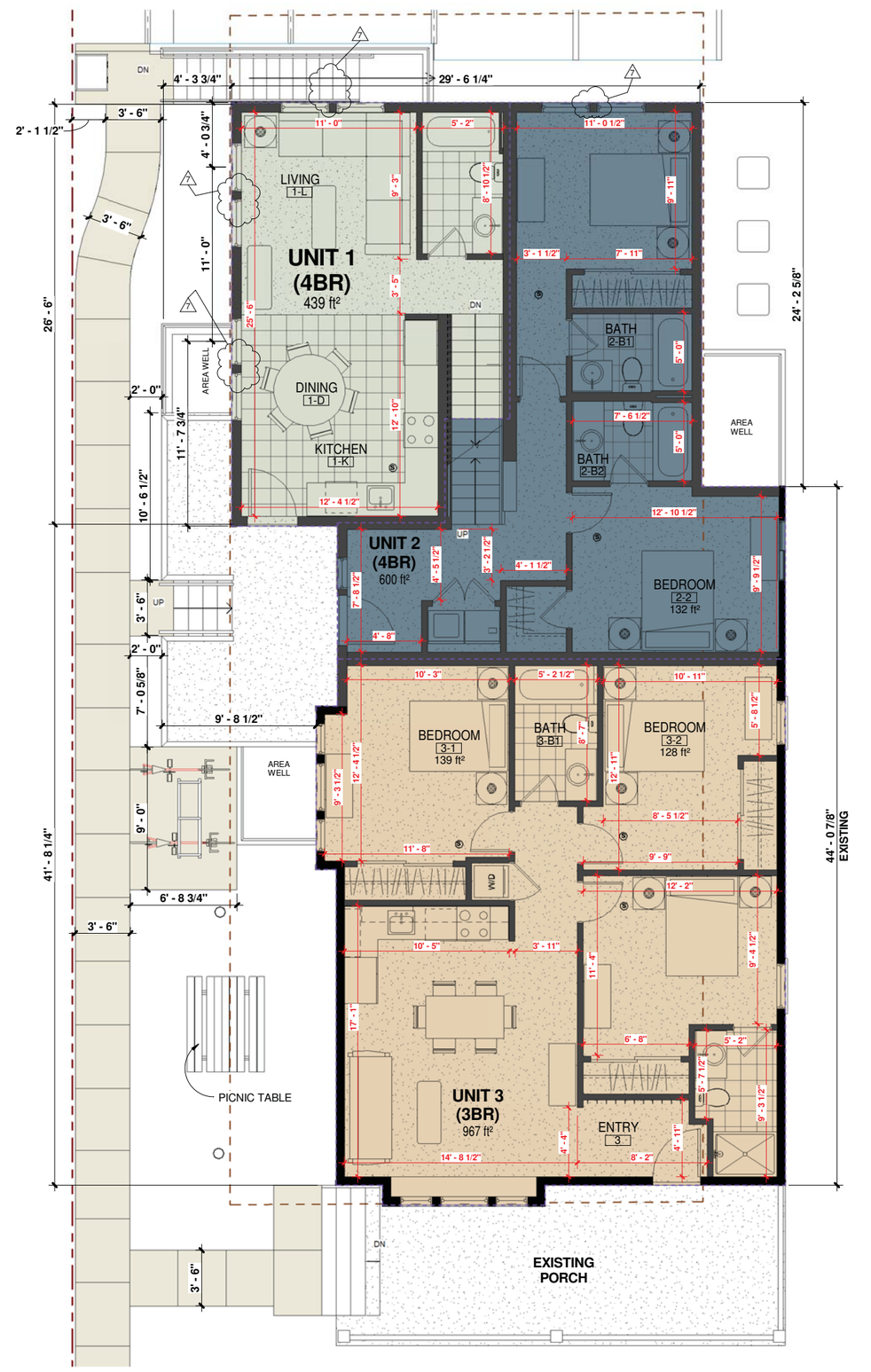
Sheet Title
EXISTING FLOOR PLANS

Sheet Number
A110

2/11/16 17:50:56



BASEMENT FLOOR PLAN - NEW
1/4" = 1'-0"



MAIN LEVEL PLAN - NEW
1/4" = 1'-0"

0 1' 2' 5' 10' 15' 20'

NORTH

2016 APR 14

2949 BROADWAY
BOULDER COLORADO

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REVISIONS

No	Description	Date
5	Solar access analysis	2016 FEB12
7	DRB Comments	2016 APR 14

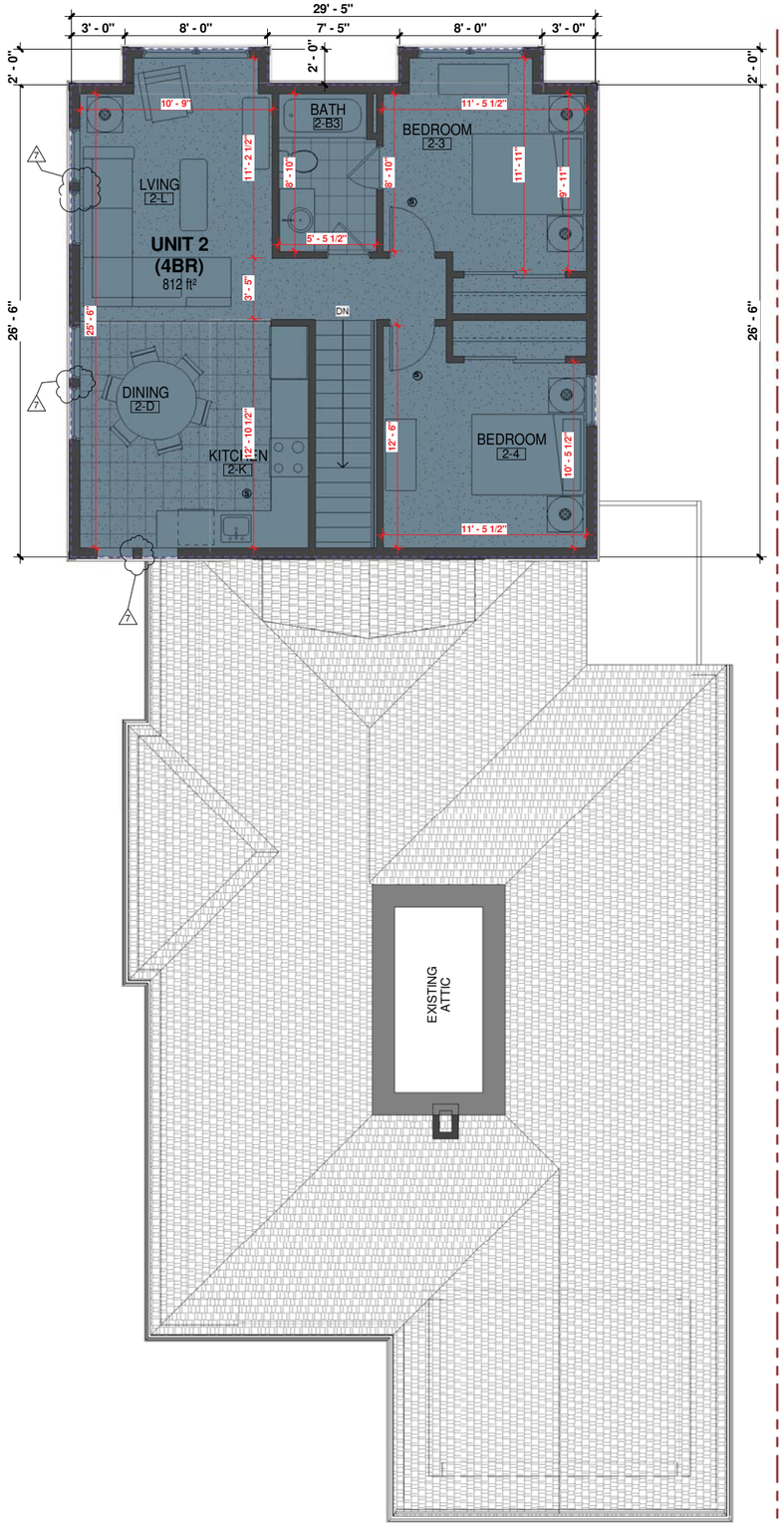
Job Number:	13034
Date:	2015-JUL-15
Drawn By:	J.M.
Checked By:	T.J.

Project Phase
RE: SITE REVIEW SUBMITTAL COMMENTS

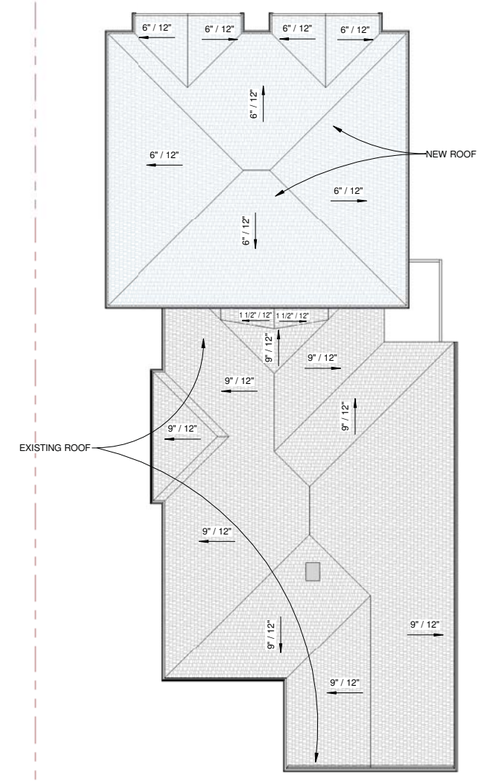
Sheet Title
NEW FLOOR PLANS - 1

Sheet Number
A121

4/14/16 11:49:43



UPPER LEVEL PLAN - NEW
1/4" = 1'-0"



NEW ROOF PLAN-
1/8" = 1'-0"

2949 BROADWAY
BOULDER COLORADO

NORTH

2016 APR 14

ERIC SMITH ASSOCIATES, P.C.
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BOULDER, COLORADO, 80302
(303) 442-5499, (303) 442-4145 FAX

Job Number:	13034
Date:	2015-JUL-15
Drawn By:	J.M.
Checked By:	T.J.

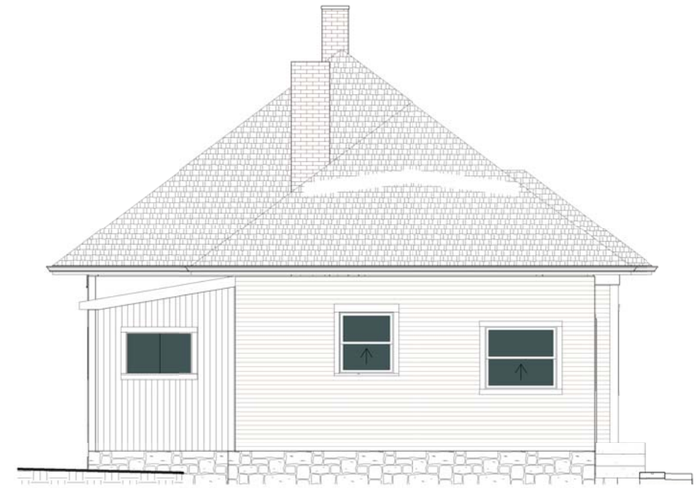
Project Phase
RE: SITE REVIEW
SUBMITTAL COMMENTS

Sheet Title
NEW FLOOR PLANS - 2

Sheet Number
A122

4/14/16 11:49:44

NORTH ELEVATION EXISTING
1/4" = 1'-0"



WEST ELEVATION EXISTING
1/4" = 1'-0"

SOUTH ELEVATION EXISTING
1/4" = 1'-0"

EAST ELEVATION- EXISTING
1/4" = 1'-0"

0 1' 2' 5' 10' 15' 20'

EXISTING ELEVATIONS

2016 FEB12

2949 BROADWAY
BOULDER COLORADO

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REVISIONS

No.	Description	Date
5	Solar access analysis	2016 FEB12

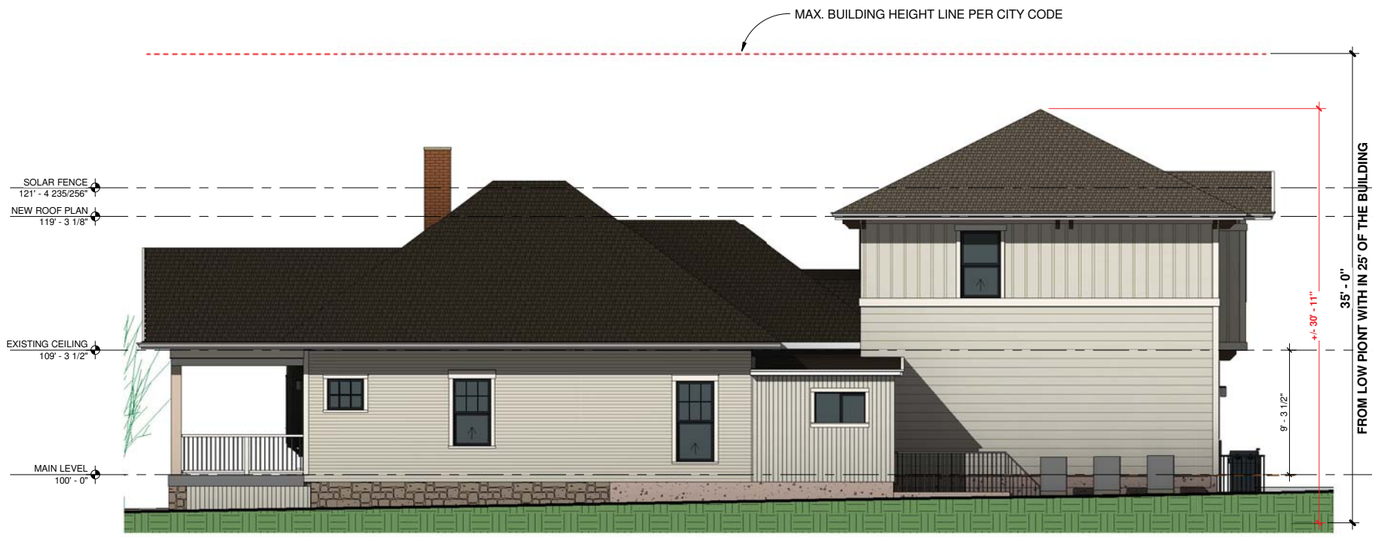
Job Number:	13034
Date:	2015-JUL-15
Drawn By:	J.M.
Checked By:	T.J.

Project Phase
RE: SITE REVIEW SUBMITTAL COMMENTS

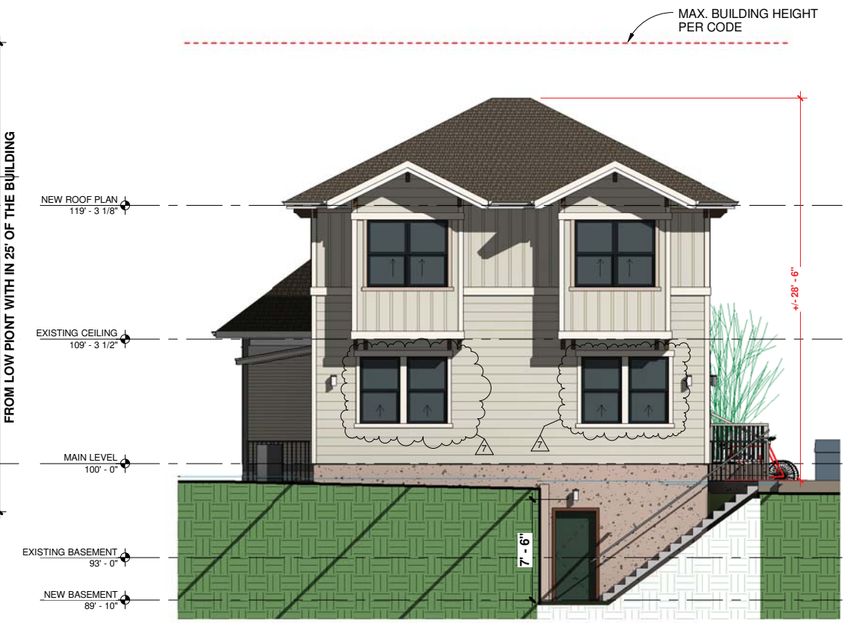
Sheet Title
EXISTING ELEVATIONS

Sheet Number
A210

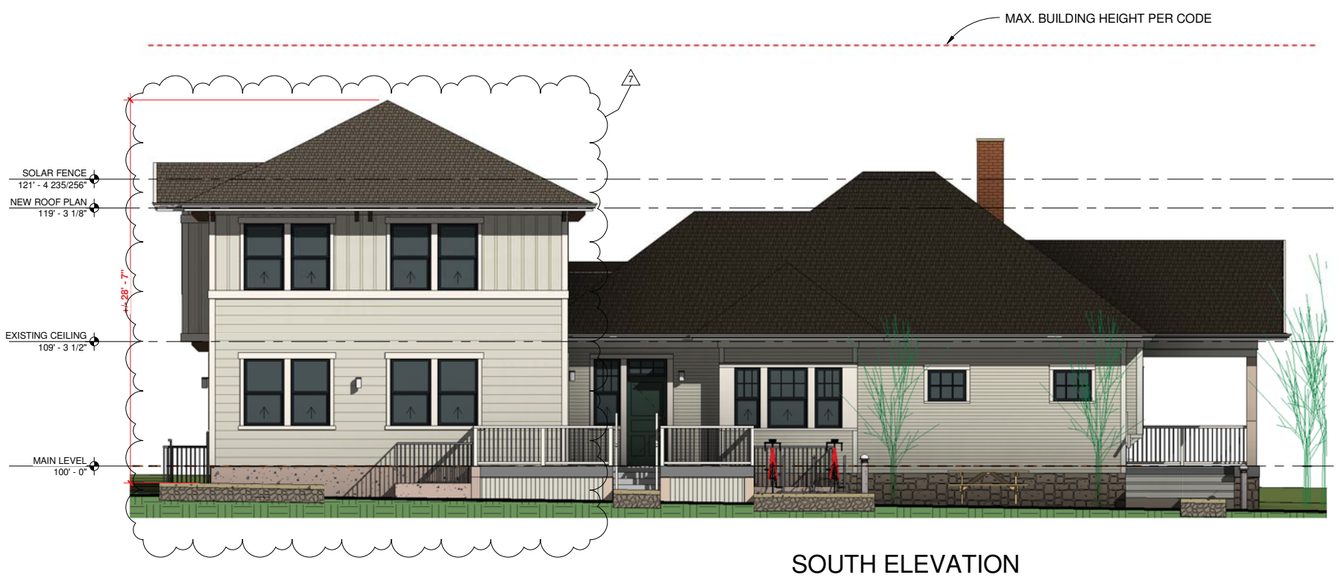
2/11/16 17:51:02



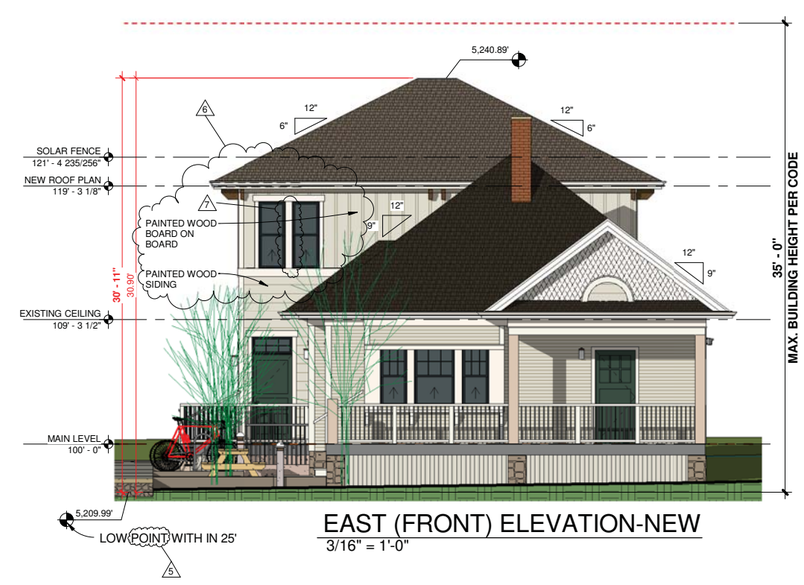
NORTH ELEVATION - NEW
3/16" = 1'-0"



WEST (ALLEY) ELEVATION - NEW
3/16" = 1'-0"



SOUTH ELEVATION
3/16" = 1'-0"



EAST (FRONT) ELEVATION-NEW
3/16" = 1'-0"

0 1' 2' 5' 10' 15' 20'

6:12 ROOF PITCH

2016 APR 14

2949 BROADWAY
BOULDER COLORADO

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REVISIONS

No	Description	Date
5	Solar access analysis	2016 FEB12
6	DRC Comments	2016 MAR 31
7	DRB Comments	2016 APR 14

Job Number:	13034
Date:	2015-JUL-15
Drawn By:	J.M.
Checked By:	T.J.

Project Phase
RE: SITE REVIEW SUBMITTAL COMMENTS

Sheet Title
NEW ELEVATIONS

Sheet Number
A220

4/14/16 11:49:47

SOLAR ACCESS AT 2 P.M.				
ROOF ELEMENT	ELEVATION OF ROOF ELEMENT	ELEVATION OF GRADE AT END OF SHADOW	RELATIVE HEIGHT ROOF ELEMENT	LENGTH OF SHADOW (NO SOLAR FENCE)
A	13.47	0.70	12.77	33.85
B1	20.5	0.87	19.63	52.03
B2	20.5	1.19	19.31	51.18
C1	28.05	1.18	26.87	71.22
C2	28.05	1.21	26.84	71.14
C3	28.05	1.24	26.81	71.06
D1	25.58	1.19	24.39	64.65
D2	25.58	1.35	24.23	64.22
E2	22.65	19.42	3.23	8.56
E3	13.42	1.72	11.70	31.01
F1	23.24	1.71	21.53	57.07
F2	23.24	17.73	5.51	14.60
G	30.9	1.79	29.11	77.16
H	23.24	2.07	21.17	56.11
J	23.24	2.07	21.17	56.11
K2	26.28	23.75	2.53	6.71
N2	26.28	23.87	2.41	6.39

Astronomical Applications Dept.
U.S. Naval Observatory
Washington, DC 20392-5420

BOULDER, COLORADO
o , o ,
W105 16, N40 01

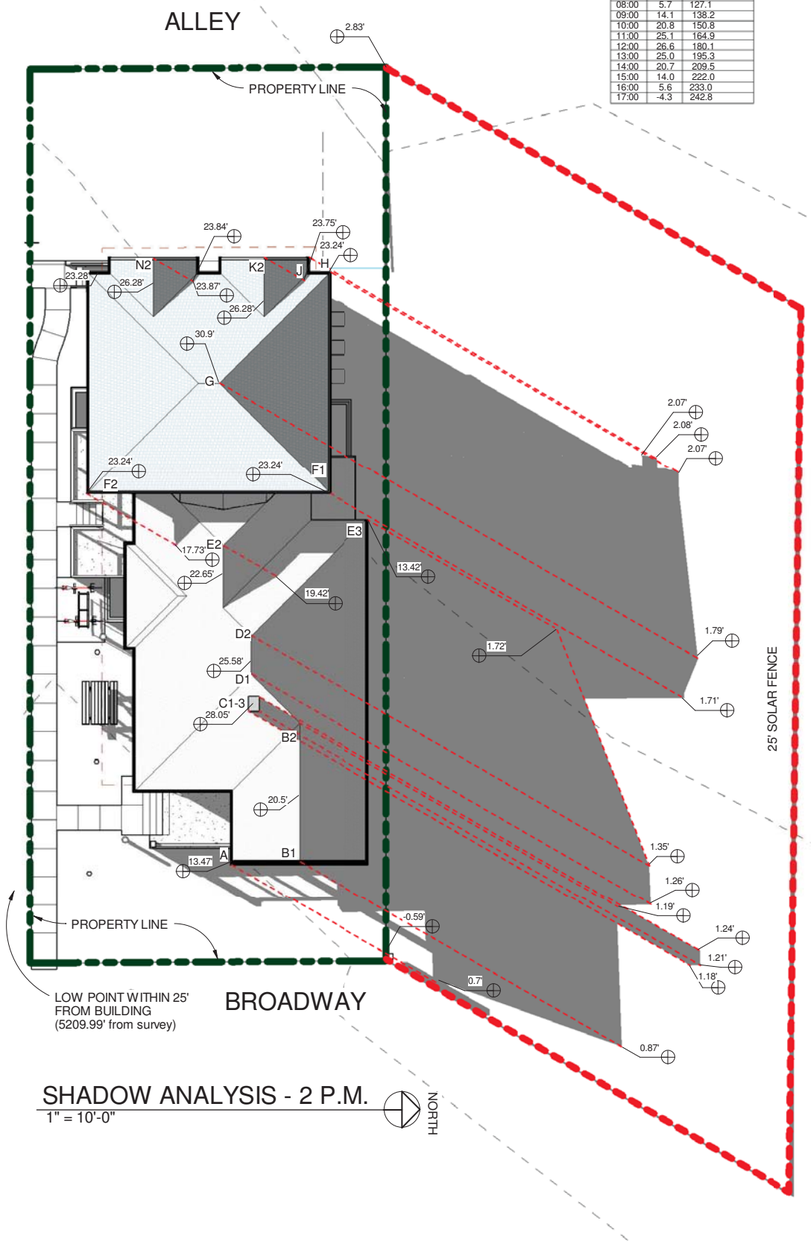
Altitude and Azimuth of the Sun
Dec 21, 2016

Mountain Standard Time

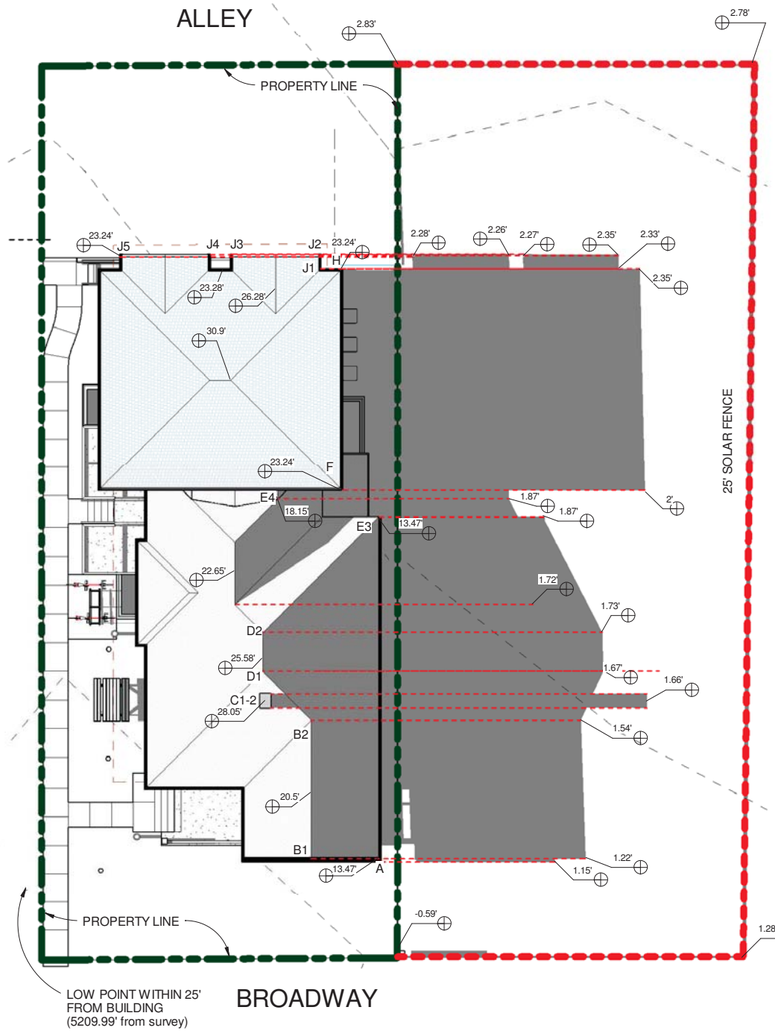
Altitude Azimuth (E of N)		
h m	o	o
07:00	-4.1	117.4
08:00	5.7	127.1
09:00	14.1	138.2
10:00	20.8	150.8
11:00	25.1	164.9
12:00	26.6	180.1
13:00	25.0	195.3
14:00	20.7	209.5
15:00	14.0	222.0
16:00	5.6	233.0
17:00	-4.3	242.8

SOLAR ACCESS AT 12 P.M.				
ROOF ELEMENT	ELEVATION OF ROOF ELEMENT	ELEVATION OF GRADE AT END OF SHADOW	RELATIVE HEIGHT ROOF ELEMENT	LENGTH OF SHADOW (NO SOLAR FENCE)
A	13.47	1.15	12.32	24.60
B1	20.5	1.22	19.28	38.50
B2	20.5	1.54	18.96	37.86
C1	28.05	1.66	26.39	52.70
C2	28.05	1.66	26.39	52.70
D1	25.58	1.67	23.91	47.75
D2	25.58	1.73	23.85	47.63
E3	13.47	1.87	11.60	23.16
E4	18.15	1.87	16.28	32.51
F	23.24	2.00	21.24	42.42
H	23.24	2.00	21.24	42.42
J1	23.24	2.33	20.91	41.76
J2	23.24	2.35	20.89	41.72
J3	23.28	2.27	21.01	41.96
J4	23.28	2.26	21.02	41.98
J5	23.28	2.28	21.00	41.94

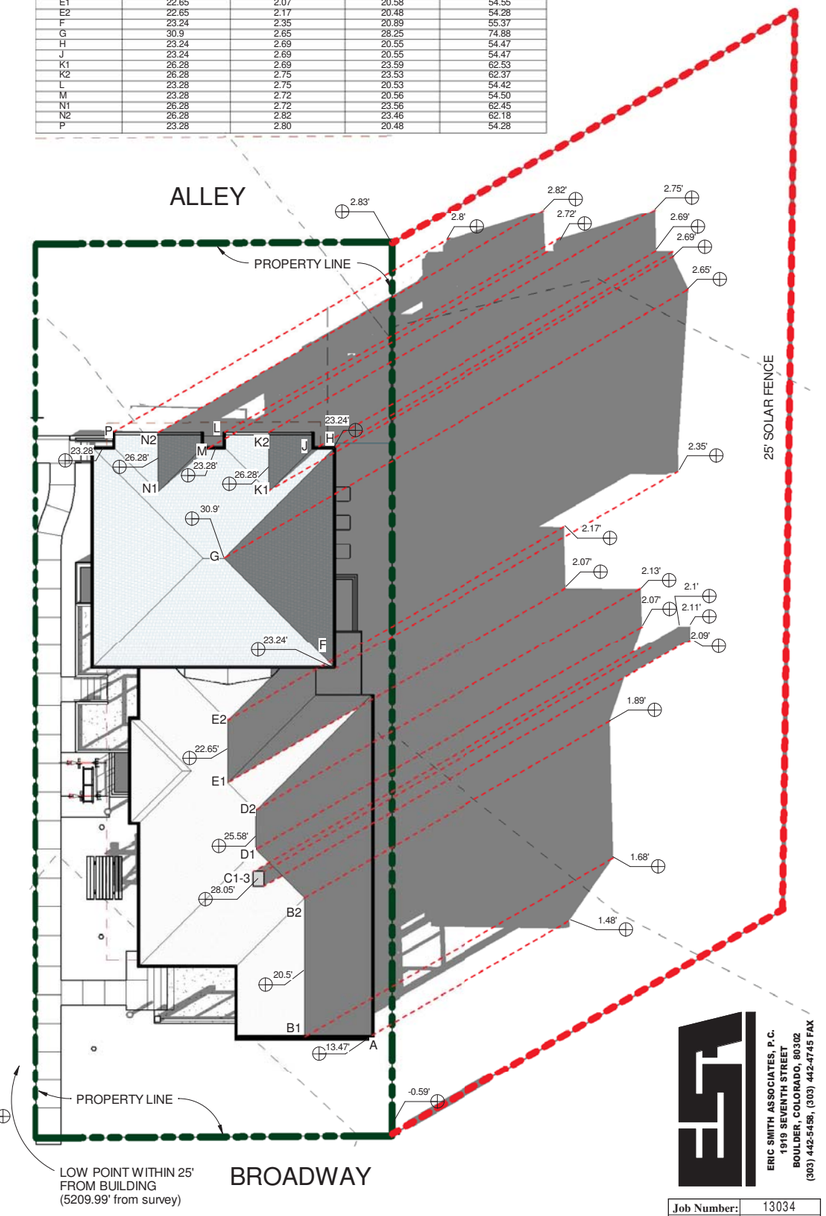
SOLAR ACCESS AT 10 A.M.				
ROOF ELEMENT	ELEVATION OF ROOF ELEMENT	ELEVATION OF GRADE AT END OF SHADOW	RELATIVE HEIGHT ROOF ELEMENT	LENGTH OF SHADOW (NO SOLAR FENCE)
A	13.47	1.48	11.99	31.78
B1	20.5	1.68	18.82	49.88
B2	20.5	1.89	18.61	49.33
C1	28.05	2.09	25.96	68.81
C2	28.05	2.11	25.94	68.76
C3	28.05	2.10	25.95	68.78
D1	25.58	2.07	23.51	62.32
D2	25.58	2.13	23.45	62.16
E1	22.65	2.07	20.58	54.55
E2	22.65	2.17	20.48	54.28
F	23.24	2.35	20.89	55.37
G	30.9	2.65	28.25	74.88
H	23.24	2.69	20.55	54.47
J	23.24	2.69	20.55	54.47
K1	26.28	2.69	23.59	62.53
K2	26.28	2.75	23.53	62.37
L	23.28	2.75	20.53	54.42
M	23.28	2.72	20.56	54.50
N1	26.28	2.72	23.56	62.45
N2	26.28	2.82	23.46	62.18
P	23.28	2.80	20.48	54.28



SHADOW ANALYSIS - 2 P.M.
1" = 10'-0"
NORTH



SHADOW ANALYSIS - 12 P.M.
1" = 10'-0"
NORTH



SHADOW ANALYSIS - 10 A.M.
1" = 10'-0"
NORTH

2949 BROADWAY
BOULDER COLORADO

ERIC SMITH ASSOCIATES, P.C.
1919 SEVENTH STREET
BOULDER, COLORADO, 80302
(303) 442-5499, (303) 442-4745 FAX

Job Number:	13034
Date:	2015-JUL-15
Drawn By:	G.H.
Checked By:	T.J.

Project Phase
RE: SITE REVIEW SUBMITTAL COMMENTS

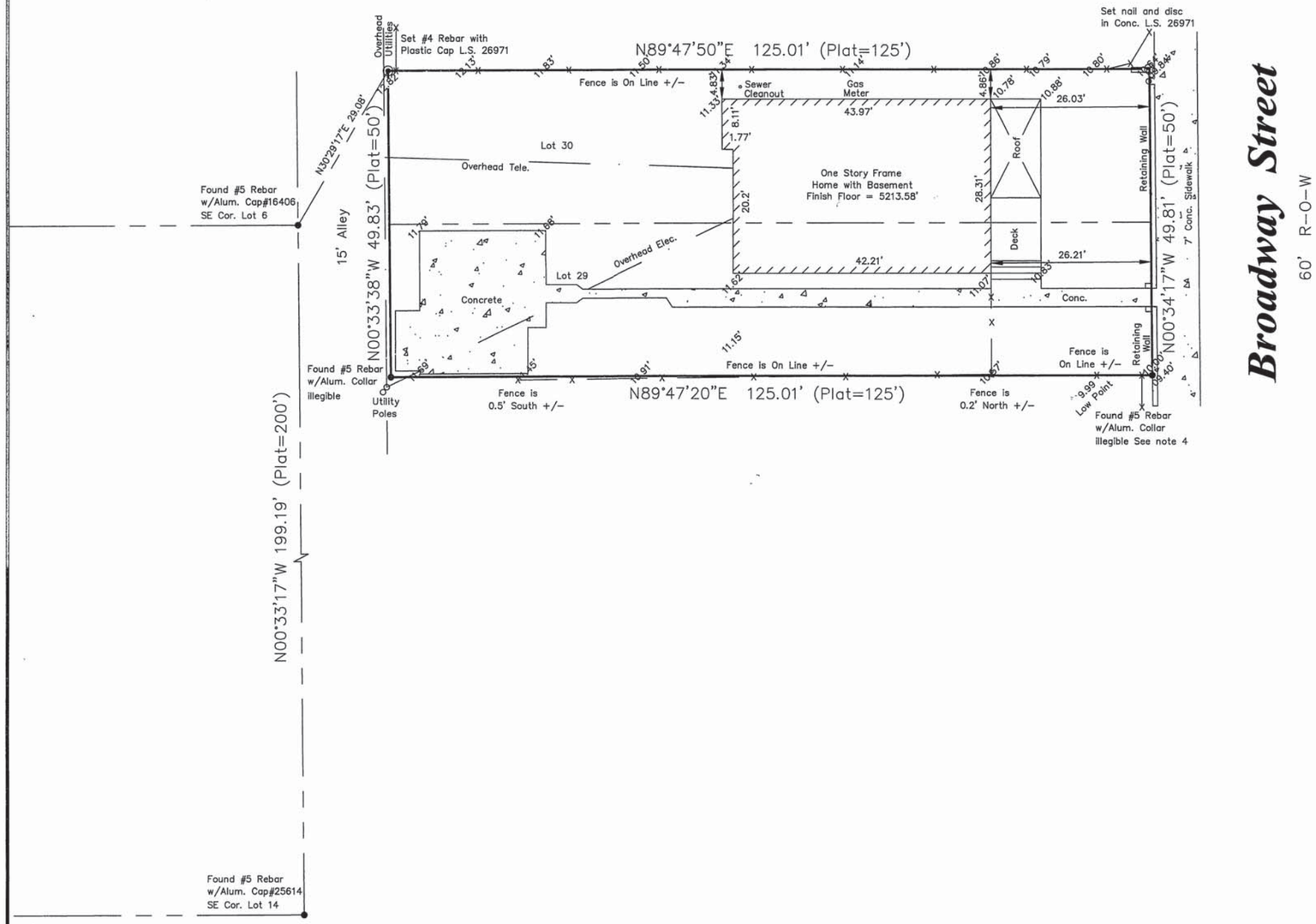
Sheet Title
SHADOW ANALYSIS

Sheet Number
A300.

2/4/2016 10:51:33 AM

Improvement Survey Plat

of a portion of the Northeast 1/4 of Section 25, T1N, R71W
of the 6th P.M. – Lots 29 and 30, Block 4, Newland Addition,
County of Boulder, State of Colorado. (2949 Broadway St., Boulder)



Legal Description

Lots 29 and 30, Block 4, Newland Addition, County of Boulder, State of Colorado.

Containing 6,228 square feet or 0.143 acres, more or less.

Surveyors Statement

In June of 2014, a survey was performed by me of the above described property, under my direct responsibility, supervision and checking.

COLORADO REGISTERED ANDREW J PATTERSON 26971 PROFESSIONAL LAND SURVEYOR
8-7-14

Andrew J. Patterson

Notes

1) Bearings are based on the east line of shown Block 4 as Bearing S 00°34'17" E according to the monuments shown on this drawing and as shown on the recorded Improvement Survey Plat #LS-13-0071 in the Boulder County records..

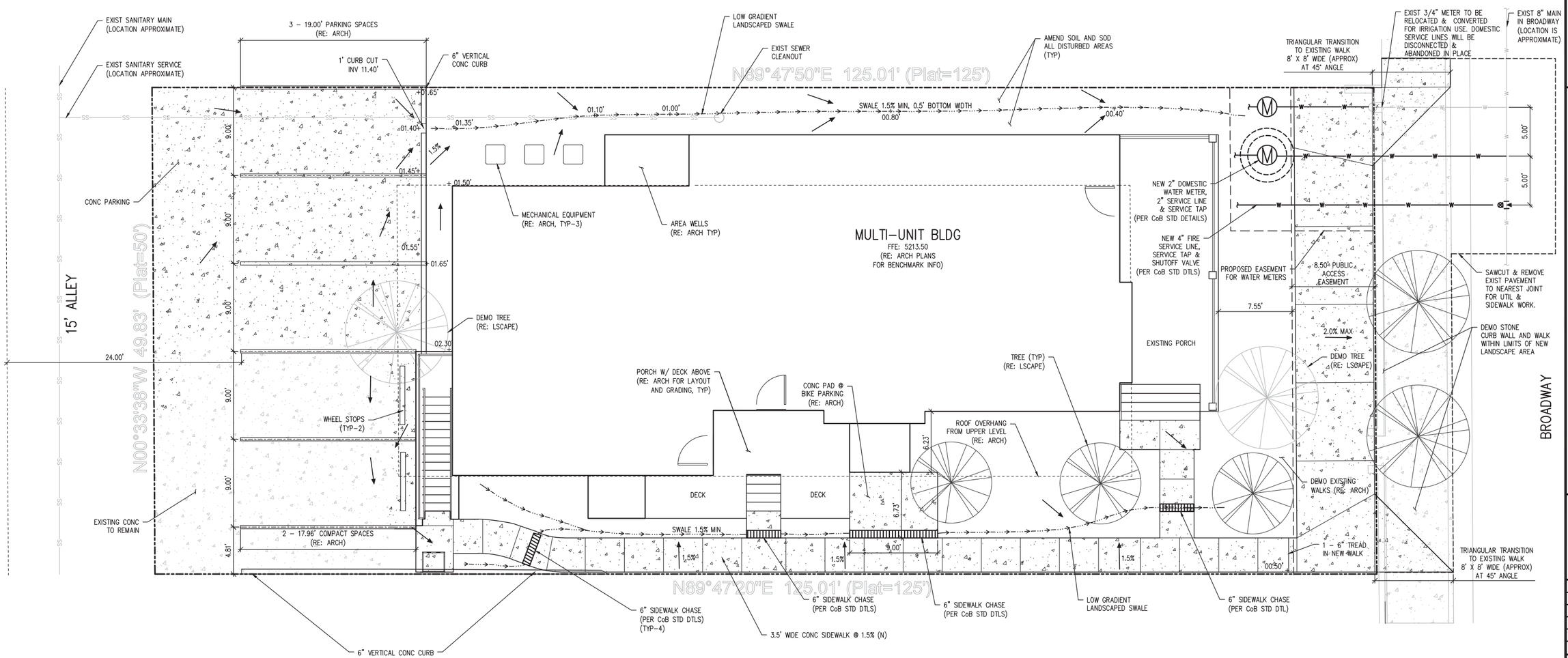
2) Easements were taken from the recorded Subdivision Plat and and Legal Description was provided by the client.

3) Elevations shown were based on City of Boulder Bench Mark #K321 with an elevation of 5398.60' (NGVD 1988 datum). Add 5,300' to shown elevations for true elevation.

4) The found #5 rebar with aluminum collar at the Southeast corner of this property is severely bent and set in concrete. the base of the rebar where it enters the concrete is 0.08' North & 0.06 West of the true corner.

"Notice: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon."

Patterson Partners
9176 Aljan Ave., Longmont, CO 80503
Ph 303-678-7072 Fax 303-678-9663



GRADING NOTES:

1. ALL EARTHWORK AND FINE GRADING TO BE PERFORMED UNDER GUIDANCE OF OWNER, ARCHITECT, CIVIL ENGINEER AND LANDSCAPE ARCHITECT.
2. CONTRACTOR TO STAKE ALL GRADING, CUT AND FILL FOR APPROVAL BY PROJECT TEAM LISTED ABOVE.
3. TOPSOIL WILL BE ADDED TO THE FRONT YARD TO CREATE THE INFILTRATION AREAS. THE OVERFLOWS FROM THE INFILTRATION AREAS WILL BE DIRECTED TO THE EAST.

CONSULTING ENGINEERS
JVA, Incorporated 1319 Spruce Street
Boulder, CO 80302 Phone: 303.444.1951
www.jvajva.com E-mail: info@jvajva.com

NO.	DATE	DESD	DWN	REVISION DESCRIPTION

07/24/2014

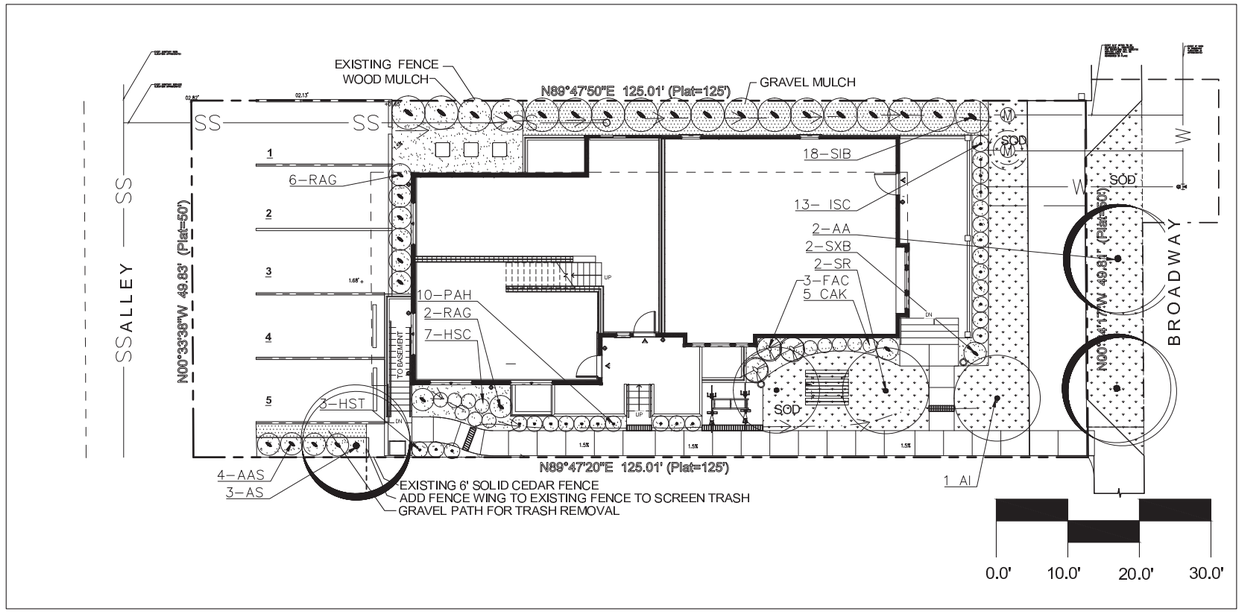
DESIGNED BY:	RLK
DRAWN BY:	JPC
CHECKED BY:	CRH
JOB #:	2288c
DATE:	12/10/2015

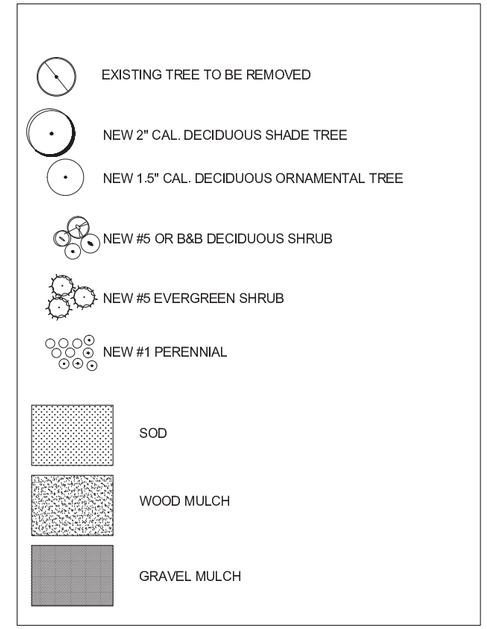
© JVA INC

2949 BROADWAY
BOULDER, COLORADO 80302

PRELIMINARY GRADING, DRAINAGE & UTILITY PLAN

C1.0





NORTH
SCALE 1" = 10'0"

LANDSCAPE NOTES

1. THE FOLLOWING SPECIFICATIONS ARE MEANT TO MEET OR EXCEED THE CITY OF BOULDER DESIGN AND CONSTRUCTION STANDARDS. WHERE DISCREPANCIES OCCUR, THE CITY STANDARDS SHALL TAKE PRECEDENCE.
2. ALL AREAS TO BE SODDED SHALL RECEIVE 3 CU. YDS. OF COMPOST PER 1000 SF TILLED TO A DEPTH OF 4"-6". ALL AREAS SHALL THEN BE GRADED TO A UNIFORMLY SMOOTH GRADE.
3. SOD SHALL BE A BLEND OF DROUGHT TOLERANT BLUEGRASS.
4. ALL NEW TREES AND SHRUBS SHALL BE BACKFILLED WITH A UNIFORM MIXTURE OF 75% EXCAVATED SOIL AND 25% ORGANIC COMPOST.
5. SHRUB BEDS AS SHOWN ON THE PLAN SHALL RECEIVE A 3" LAYER OF NATURAL COLOR SHREDDED CEDAR WOOD MULCH WITH NO FABRIC UNDERLAY. NARROW STRIP CARRYING DRAINAGE ON NORTH SIDE BETWEEN BUILDING AND EXISTING FENCE, AND THE PATHWAY FOR TRASH REMOVAL ON THE SOUTH WEST SIDE SHALL RECEIVE A 3" LAYER OF 1.5" CRUSHED GRANITE WITH NO FABRIC UNDERLAY.
6. PERENNIAL AREAS SHALL BE PREPPED WITH 2-3" ORGANIC COMPOST AND SUPER PHOSPHATE TILLED TO A DEPTH OF 6-8" AND MULCHED WITH A 2" LAYER OF NATURAL COLOR SHREDDED CEDAR WOOD MULCH WITH NO FABRIC UNDERLAY.
7. THE PROPERTY OWNER SHALL MAINTAIN THE LANDSCAPING PLAN AS ORIGINALLY APPROVED AND PROVIDE FOR REPLACEMENT OF PLANT MATERIALS THAT HAVE DIED OR HAVE OTHERWISE BEEN DAMAGED OR REMOVED, AND MAINTENANCE OF ALL NON-LIVE LANDSCAPING MATERIAL INCLUDING, BUT NOT LIMITED TO FENCING, PAVING, AND RETAINING WALLS, IN PERPETUITY AS PART OF THE DEVELOPMENT AGREEMENT,
8. LABELS THAT IDENTIFY THE BOTANICAL OR COMMON NAME OF THE PLANT MATERIAL SHALL BE ON ALL TREES AT THE TIME OF FINAL INSPECTION.
9. NO TREES SHALL BE PLANTED WITHIN 10' OF A WATER OR SEWER LINE. NO SHRUBS OR TREES SHALL BE PLANTED WITHIN A 10' RADIUS AROUND FIRE HYDRANTS. NO TREES SHALL BE PLANTED WITHIN 10' OF EXISTING OR PROPOSED UTILITIES.

IRRIGATION NOTES

1. A COMPLETELY AUTOMATIC IRRIGATION SYSTEM COVERING ALL PLANT BEDS AND SOD AREAS EXISTS AND SHALL BE MODIFIED TO COVER ALL NEW AND EXISTING PLANTINGS.
2. MOISTURE SENSING DEVICE(S) SHALL BE INSTALLED IN THE TURF AREA TO OVERRIDE AND/OR MANAGE THE IRRIGATION SYSTEM.
3. THE IRRIGATION SYSTEM SHALL BE MODIFIED SUCH THAT TURF, SHRUBS, AND PERENNIALS SHALL EACH BE ON SEPARATE VALVES.

CITY OF BOULDER REQUIREMENTS

PROJECT DATA:

TOTAL LOT SIZE	6,228 S.F.
TOTAL PARKING LOT/DRIVES SIZE	1,262 S.F.
TOTAL AREA NOT COVERED BY BUILDING OR PARKING	2,295 S.F.
PARKING STALLS	5
INTERIOR PARKING LOT LANDSCAPE REQUIRED	N/A
PROVIDED	N/A
PARKING LOT SCREEN	N/A

REGULATION:	REQUIREMENT:	TOTAL:
9-9-12	1TREE/5 SHRUBS PER 1500 S.F.	2 TREES 10 SHRUBS
9-9-13	STREET TREES BROADWAY ALLEY TREES	 2 TREES 2 TREES ← 1 ALLEY TREE PROVIDED. CONFLICT WITH SEWER SERVICE AND SITE CONSTRAINTS
9-9-14	TREES 35' O.CO (SHADE) 1 TREE (75% DECIDUOUS) PER 200 S.F. OF INTERIOR PARKING LOT LANDSCAPING SHRUB SCREEN	N/A N/A N/A

PROJECT TOTALS:

TOTAL PLANTS REQUIRED:	6 TREES/10 SHRUBS
EXISTING (to remain): NEW:	0 TREE/0 SHRUBS 6 TREES/35 SHRUBS
TOTAL PROVIDED:	6 TREES/35 SHRUBS

PLANT LIST

note: plant quantities provided as a courtesy only. If discrepancy between plan and plant count exists, plan takes precedence

H	High water	18-20 gallons per s.f. per season
M	Moderate water	10 gallons per s.f. per season
L	Low water	0-3 gallons per s.f. per season
V	No additional irrigation water needed after establishment	

QTY	KEY	BOTANIC NAME	COMMON NAME	SIZE	H2o
		TREES:			
2	AA	AESCULUS 'AUTUMN SPLENDOR'	AUTUMN SPLENDOR BUCKEYE	2.0"	M
1	AI	ALNUS INCANA TENUIFOLIA	THINLEAF ALDER	1.5" STANDARD	M
1	AS	ACER SACCHARUM 'LEGACY'	LEGACY SUGAR MAPLE	2.0"	M
2	SR	SYRINGA RETICULATA	JAPANESE TREE LILAC	1.5"	L
6		TOTAL TREES			
		SPECIMEN SHRUBS:			
3	FAC	FRANGULA ALNUS 'COLUMNARIS'	TALL HEDGE BUCKTHORN	4' BB	L
		SHRUBS:			
4	AAS	AMELANCHIER ALNIFOLIA STANDING OVATION	S.O. SASKATOON SERVICEBERRY	#5	L
8	RAG	RIBES ALPINUM 'GREEN MOUND'	GREEN MOUND CURRANT	#5	L
18	SIB	SALIX IRRORATA	BLUE STEM WILLOW	#5	M
2	SXB	SYRINGA X BAILBELLE	TINKERBELLE LILAC	#5	L
35		TOTAL SHRUBS			
		PERENNIALS:			
5	CAK	CALAMAGROSTIS ACUTIFLORA 'KARL FOERSTER'	FEATHER REED GRASS	#1	L
7	HSC	HEUCHERA SANGUINEA 'SPLENDENS'	RED CORAL BELLS	#1	L
3	HST	HEMEROCALLIS 'SPELLBINDER'	TANGERINE ORANGE DAYLILLY	#1	L
13	ISC	IRIS SIBIRICA "CAESAR'S BROTHER"	SIBERIAN IRIS (BLUE)	#1	L
10	PAH	PENNISETUM ALOPECUROIDES 'HAMELN'	DWARF FOUNTAIN GRASS	#1	M

LANDSCAPE ARCHITECTURE STAMP

Licensed Landscape Architecture
NATURE'S DESIGN ASSOCIATES LLC
15674 Indiana Gulch Rd.
Jamestown, CO 80455
phone: 303-459-3333
fax: 303-459-0644
becky.martinek15674@gmail.com

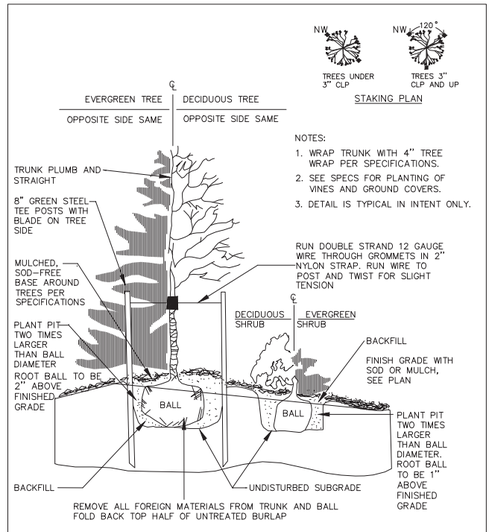
LANDSCAPE PLAN

2949 Broadway
Boulder, Colorado
80304

Plan Date:
11.11.2014

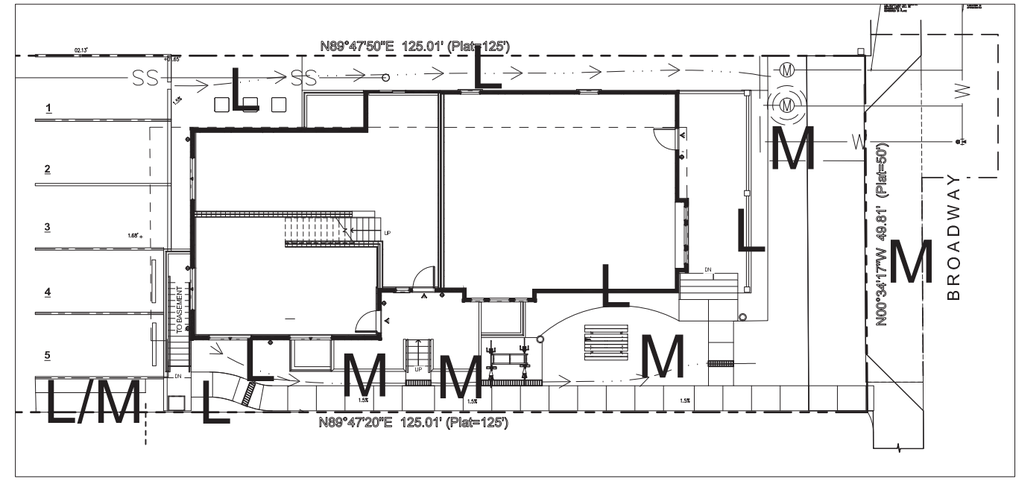
Revisions:
04.06.2015
07.15.2015
11.02.2015

Sheet Number:
L-1



DRAWN BY: JSH CHECKED BY: SRW APPROVED BY: D.A. Rhodes DIRECTOR OF PUBLIC WORKS	CITY OF BOULDER, COLORADO TREES AND SHRUBS PLANTING DETAIL	ISSUED: JULY 2, 1998 REVISED: _____ DRAWING NO. 3.02

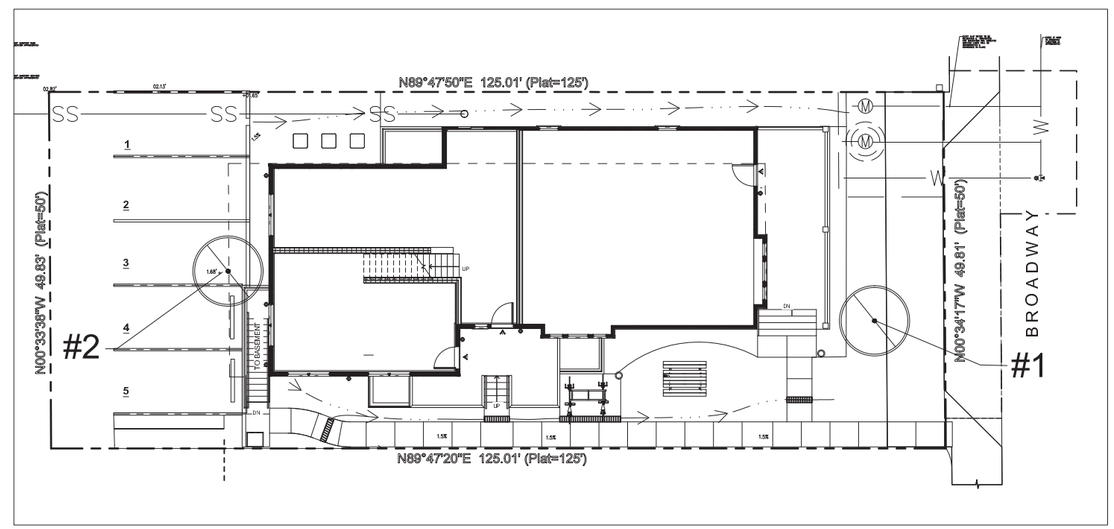
HYDROZONE MAP



H, M, L, AND VL CORRESPOND TO CHART ON PLANT LIST

NORTH
SCALE 1" = 10'0"

EXISTING TREE INVENTORY



NORTH
SCALE 1" = 10'0"

EXISTING TREE INVENTORY CHART

KEY	CAL.	TYPE	NOTE
#1	22"	CO. Blue Spruce	remove: no longer possible to keep tree with sidewalk configuration.
#2	15"	Apple Tree	remove: compromised trunk/undesirable species for parking

All new plantings shall be monitored during the winter season for the first several seasons for additional watering, if necessary. (http://www.ext.colostate.edu/pubs/garden/07211.html).

LANDSCAPE ARCHITECTURE STAMP

Licensed Landscape Architecture
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phone: 303-459-3333
fax: 303-459-0644
becky.martinek15674@gmail.com

LANDSCAPE PLAN

2949 Broadway
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80304

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04.06.2015
07.15.2015
11.02.2015

Sheet Number:
L-2

C I T Y O F B O U L D E R
PLANNING BOARD AGENDA ITEM
MEETING DATE: June 2, 2016

AGENDA TITLE:
Public hearing and consideration of a NONCONFORMING USE REVIEW (LUR2015-00118) request to amend the approved operating characteristics for the Alpine Modern Café at 904 College Ave. within the RL-1 zone district to allow for beer and wine sales during regular business hours, and to extend the closing time from 7:00 p.m. (existing) to 9:00 p.m. (proposed) Mondays through Thursdays. No other changes to the existing operating characteristics are proposed.

Applicant: Lon McGowan
Owner: James Carter

REQUESTING DEPARTMENT:
Planning, Housing + Sustainability
David Driskell, Executive Director
Susan Richstone, Deputy Director
Charles Ferro, Development Review Manager
Chandler Van Schaack, Planner II

OBJECTIVE:
Define the steps for Planning Board consideration of this request:
1. Hear Applicant and Staff presentations
2. Hold Quasi-Judicial Public Hearing
3. Planning Board discussion
4. Planning Board action to approve, approve with conditions or deny

SUMMARY:

Proposal:	USE REVIEW: (LUR2015-00118) request to amend the approved operating characteristics for the Alpine Modern Café at 904 College Ave. within the RL-1 zone district to allow for beer and wine sales during regular business hours, and to extend the closing time from 7:00 p.m. (existing) to 9:00 p.m. (proposed) Mondays through Thursdays. No other changes to the existing operating characteristics are proposed.
Project Name:	Alpine Modern Cafe
Location:	904 College Ave.
Size of Tract:	3,700 sq. ft. (0.08 acres)
Zoning:	RL-1 (Residential – Low 1)
Comprehensive Plan:	Low Density Residential

KEY ISSUE:
1. **Is the proposal consistent with the Use Review criteria including the additional criteria for Modifications to Nonconforming Uses set forth in Sections 9-2-15(e) and (f), B.R.C. 1981?**

BACKGROUND:

Existing Site/Site Context

As depicted below in **Figure 1**, the roughly 3,700 square foot (.08-acre) project site is located at 904 College Ave., at the southeast corner of 9th St. and College Ave. within the Residential – Low 1 (RL-1) zoning district. Per section 9-5-2(c)(1)(A), B.R.C. 1981, the RL-1 zone district is defined as *single-family detached residential dwelling units at low to very low residential densities.*

Figure 1: Vicinity Map

The existing 1-story building was constructed in 1927, and was the former location of Delilah's Pretty Good Grocery, followed by the Second Kitchen Food Cooperative and most recently the Alpine Modern Cafe. The existing retail/ personal service use is considered a legal nonconforming use because it was established prior to the adoption of the current zoning regulations which make the use prohibited under RL-1 zoning. There are currently three off-street parking spaces provided in a paving parking area that is accessed directly off of 9th Street via a large curb cut. A shared driveway south of the building also provides access to the project site and adjacent property to the south.

The project site lies within the University Hill neighborhood, and is surrounded primarily by low-density single-family homes. The Columbia Cemetery sits diagonally adjacent to the site across the intersection of 9th and College. A few blocks to the east is the University Hill General commercial district. The existing coffee shop use has been in operation since 2014.The existing use is the most recent substitution in a series of nonconforming retail/personal service uses that have occupied the site continuously over the last 90 years, and currently maintains the historic hours of operation of 7:00 a.m. to 7:00 p.m., Monday through Thursday, and from 8:00 a.m. to 10:00 p.m., Friday through Sunday.

Project Description

The proposal is to amend the approved operating characteristics for the Alpine Modern Café to allow for beer and wine sales during regular business hours, and to extend the closing time from 7:00 p.m. (existing)

to 9:00 p.m. (proposed) Mondays through Thursdays. No other changes to the existing operating characteristics are proposed, and the weekend hours of operation will be maintained. The proposal includes several site improvements, including the addition of 7 new bike parking spaces (6 short-term and 1 long-term), new street trees along College Ave., and the removal of the existing noncompliant access off of 9th St. through the addition of a new split-rail metal fence to the west of the parking area. Following the addition of the new fence, access to the site and parking area will be taken from the alley south of the building, and it will no longer be possible for cars to back directly across the sidewalk out of the parking area onto 9th Street.

As mentioned above, the proposed hours of operation for the use are from 7:00 a.m. to 9:00 p.m., Monday through Thursday, and 8:00 a.m. to 10:00 p.m., Friday through Sunday. Outdoor seating will be available for patrons during regular business hours. Noise will be kept to a minimum as no amplified music will be played outdoors on the patio, at any time. Please see **Attachment A** for Applicant's Proposed Plans and Management Plan. These commitments have also been memorialized in the recommended conditions of approval included in this memorandum. If this application is approved, any future changes to the conditions of approval, the management plan or the operational characteristics would require a new Use Review.

Process

The property is currently considered non-conforming as to parking and use. While the current proposal would not increase the degree of non-conformity with regards to parking because no floor area is being added, the proposal to allow alcohol sales constitutes an expansion of the existing nonconforming use because it is a "*change in the operational characteristics which may increase the impacts or create adverse impacts to the surrounding area*" (section 9-16-1, B.R.C. 1981). Pursuant to section 9-10-3(c)(2), B.R.C. 1981, any request for a change of use that constitutes expansion of a nonconforming use must be reviewed under procedures of section 9-2-15, "Use Review," B.R.C. 1981. Pursuant to section 9-2-15(d)(1), B.R.C. 1981, applications for a use review of a non-residential use in a residential zone district require a recommendation by staff with a final decision by the Planning Board at a public hearing.

KEY ISSUES:

Staff has identified the following key issues for the board's consideration:

1. **Is the proposal consistent with the Use Review criteria including the additional criteria for Modifications to Nonconforming Uses set forth in Sections 9-2-15(e) and (f), B.R.C. 1981?**

   Sections 9-2-15(e) and (f), B.R.C. 1981 include the procedures and review criteria for approval of a Nonconforming Use Review. The proposal was found to be consistent with the applicable review criteria, staff's analysis of which is included below:

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

_✓_(1) Consistency With Zoning and Nonconformity: The use is consistent with the purpose of the zoning district as set forth in section 9-5-2, "Zoning Districts," B.R.C. 1981, except in the case of a nonconforming use;

The existing use is considered nonconforming as to use and parking. The project site is located within the RL-1 zone district, defined in section 9-5-2(c)(1)(A) of the land use code as "Single-family detached

residential dwelling units at low to very low residential densities." Pursuant to section 9-6-1, "Schedule of Permitted Land Uses," B.R.C. 1981, "Convenience retail sales" and "Personal service uses" are prohibited in the RL-1 zone district. Because the use was legally established prior to the adoption of the existing regulations that make such use prohibited, the use is considered to be a legal non-conforming use. Pursuant to section 9-10-3(c)(2), "*Any…change of use that constitutes expansion of a nonconforming use must be reviewed under procedures of section 9-2-15, "Use Review," B.R.C. 1981."*

(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;

_N/A_ (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 nonresidential mixed uses in appropriate locations and group living arrangements for special populations; or

_✓_ (D) Is an existing legal nonconforming use or a change thereto that is permitted under subsection (f) of this section;

The existing retail/ personal service use is considered a legal non-conforming use, as the use was legally established prior to the adoption of the existing regulations that make such use prohibited in the RL-1 zone district. The proposed expansion of the use is permitted pursuant to 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;

The existing 1-story building was constructed in 1927, and was the former location of Delilah's Pretty Good Grocery, followed by the Second Kitchen Food Cooperative and most recently the Alpine Modern Cafe. The existing use is the most recent substitution in a series of nonconforming retail/personal service uses that have occupied the site continuously over the last 90 years. The existing use has been in operation since 2014 and has become a popular establishment for the surrounding neighborhood, which contains a mix of student rental housing and single-family homeowners. The Alpine Modern Café currently maintains the historic hours of operation of 7:00 a.m. to 7:00 p.m., Monday through Thursday, and from 8:00 a.m. to 10:00 p.m., Friday through Sunday. In addition to the request to allow for the sale of beer and wine, the applicant is also requesting a later closing time of 9:00 p.m. Mondays through Thursdays (the use currently closes at 7:00 p.m. on those days). Aside from these requests, no other changes to the existing operating characteristics are proposed as part of this application. Given that the use is already a popular establishment with the neighborhood and that the existing hours of operation have been in place since 1927, adding beer and wine to the menu while extending those hours slightly on weekdays will allow the use to remain compatible with and have minimal negative impact on the use of nearby properties. In addition, the applicant has indicated in their written statement (see **Attachment A**) that no

amplified music will be played outside at any time.

In addition, the applicant is proposing to make several site improvements which will improve the overall site design, particularly with regards to access and landscaping. Specifically, the existing noncompliant access to the site off of 9th Street will be closed so that access to the site will be taken from the existing shared alley south of the building, and street trees will be added to the front of the lot along College Ave. to bring the site into compliance with city landscaping standards. Thus, staff finds that no new impacts will be created by the proposed changes, and that the overall site design will be improved, thereby reducing potential negative traffic safety and visual impacts on surrounding properties.

_✓_(4) Infrastructure: As compared to development permitted under section 9-6-1, "Schedule of Permitted Land Uses," B.R.C. 1981, in the zone, or as compared to the existing level of impact of a nonconforming 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;

Standard met. The proposed project will not significantly adversely affect the infrastructure of the surrounding area compared to the existing level of impact of the nonconforming use.

_✓_(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

As mentioned above, the existing building has contained some form of retail and/or personal service use since it was constructed in 1927. As such, the presence of a retail/ personal service use at this site has become an integral part of the predominant character of the area. The existing use currently operates under the historic operating characteristics, which most notably include the limited hours of operation of 7:00 a.m. to 7:00 p.m., Monday through Thursday, and from 8:00 a.m. to 10:00 p.m., Friday through Sunday. Similar to the previous uses that have occupied the site, the current use includes an outdoor seating area and is a popular hub for neighborhood residents. The owner wishes to maintain the existing operating characteristics but to allow for the sale of beer and wine on their menu and extend the closing time to 9:00 p.m. Mondays through Thursdays. Given the popularity of the establishment and the overall community support for the proposal (see **Attachment B** for correspondence from the University Hill Neighborhood Association in support of the proposed project) as well as the limited hours of operation (restaurants on the Hill serving alcohol are allowed to remain open until 11:00 p.m. seven days per week), staff finds that the current request to allow for beer and wine sales will not change the predominant character of the surrounding area and will indeed improve a use that has been a popular neighborhood establishment for many years.

_N/A_(6) Conversion of Dwelling Units to Nonresidential Uses: There shall be a presumption against approving the conversion of dwelling units in the residential zoning districts to nonresidential uses that are allowed pursuant to a use review, or through the change of one nonconforming use to another nonconforming 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 daycare center, park, religious assembly, social service use, benevolent organization use, art or craft studio space, museum or an educational use.

Not applicable, as the request does not include a change from a residential use to a nonresidential use.

(f) Additional Criteria for Modifications to Nonconforming Uses: No application for a change to a nonconforming use shall be granted unless all of the following criteria are met in addition to the criteria set forth above:

_✓_(1) Reasonable Measures Required: The applicant has undertaken all reasonable measures to reduce or alleviate the effects of the nonconformity upon the surrounding area, including, without limitation, objectionable conditions, glare, adverse visual impacts, noise pollution, air emissions, vehicular traffic, storage of equipment, materials and refuse, and on-street parking, so that the change will not adversely affect the surrounding area.

The applicant has indicated in their written statement that the intent is to maintain a low-noise environment on the outdoor patio area, and that there will be no amplified music played outdoors at any time. In addition, the applicant has met with the University Hill Neighborhood Association to explain the proposal, and has received a letter expressing their support of the proposed changes. In terms of vehicular traffic, the applicant will be decreasing the impacts to the surrounding area by removing the existing noncompliant access point off of 9th Street, thereby eliminating the current unsafe condition of having cars back directly onto 9th Street from the parking area on-site. In addition, the applicant is proposing to add street trees to the north side of the property along College Ave., which will not only bring the site into compliance with current streetscape standards but will also help to mitigate potential visual and noise impacts on surrounding properties.

_✓_(2) Reduction in Nonconformity/Improvement of Appearance: The proposed change or expansion will either reduce the degree of nonconformity of the use or improve the physical appearance of the structure or the site without increasing the degree of nonconformity.

The proposed change will reduce the degree of nonconformity with regards to site access and parking while improving the physical appearance of the site. The use is considered nonconforming as to parking because it does not meet current parking standards. 3 parking spaces are provided where 5 parking spaces are required for the 1,404 square foot building, and the existing parking spaces do not meet current code standards. The current proposal includes adding a new split-rail fence to the western side of the property to block off the existing noncompliant access to the parking area and reconfiguring the parking so that three spaces are maintained and code-compliant backing distances are provided. While the use will remain nonconforming as to parking, overall the parking and access to parking will become significantly more code compliant as a result of the proposed changes. The site is also considered nonconforming as to bike parking due to the fact that the existing bike parking does not meet current city standards. The current proposal includes the addition of new short- and long-term bike parking in accordance with city standards, which will reduce the degree of nonconformity in that regard. Finally, in terms of improving the appearance of the site, the applicant is proposing to add new street trees along College Ave. as well as new landscaping on the north side of the building. Both of these additions will improve the appearance of the site and will also help to bring the site into compliance with city landscaping standards.

_✓_(3) Compliance With This Title/Exceptions: The proposed change in use complies with all of the requirements of this title:

_✓_(A) Except for a change of a nonconforming use to another nonconforming use; and

The current proposal is for a change to a nonconforming use. While the existing use will remain nonconforming after the proposed changes, the proposed changes to the site access, parking configuration and landscaping will bring the site into compliance with a number of code standards which it currently does not meet.

_N/A_ (B) Unless a variance to the setback requirements has been granted pursuant to section 9-2-3, "Variances and Interpretations," B.R.C. 1981, or the setback has been varied through the application of the requirements of section 9-2-14, "Site Review," B.R.C. 1981.

_✓_ (4) Cannot Reasonably Be Made Conforming: The existing building or lot cannot reasonably be utilized or made to conform to the requirements of chapter 9-6, "Use Standards," 9-7, "Form and Bulk Standards," 9-8, "Intensity Standards," or 9-9, "Development Standards," B.R.C. 1981.

The existing building has been used as a grocery store and neighborhood service use since it was constructed in 1927. The only way to make the building conform to the RL-1 zone standards would be to discontinue the existing use and convert the building to a single family residence. Therefore, staff finds that the use cannot reasonably be made conforming.

_✓_ (5) No Increase in Floor Area Over Ten Percent: The change or expansion will not result in a cumulative increase in floor area of more than ten percent of the existing floor area.

The current proposal does not include any expansion of the existing floor area.

_N/A_ (6) Approving Authority May Grant Zoning Variances: The approving authority may grant the variances permitted by subsection 9-2-3(d), B.R.C. 1981, upon finding that the criteria set forth in subsection 9-2-3(h), B.R.C. 1981, have been met.

No zoning variance has been requested or granted through this application.

PUBLIC COMMENT AND PROCESS:

Required public notice was provided in the form of written notifications to property owners within 600 feet of the subject property. In addition, a public notice sign was posted on the property and therefore, all public notice requirements of section 9-4-3, "*Public Notice Requirements*," B.R.C. 1981 were met. Staff has received comments from several individuals opposed to the request based on concerns over noise and other potential impacts, and has also received comments from individuals as well as the University Hill Neighborhood Association Executive Committee expressing strong support for the proposal. Public comments received by staff are included as **Attachment B**.

STAFF FINDINGS AND RECOMMENDATION:

Staff recommends that the Planning Board approve the Use Review application LUR2015-00118, adopting the staff memorandum as findings of fact, including the attached analysis of review criteria, and subject to the recommended conditions of approval.

RECOMMENDED CONDITIONS OF APPROVAL:

1. The Applicant shall ensure that the **development shall be in compliance with all plans prepared by the Applicant on May 1, 2016 and the Applicant's written statement dated May 9, 2016** 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 hours of operation for the approved use shall be from 7:00 a.m. to 9:00 p.m. Monday – Thursday and from 8:00 a.m. to 10:00 p.m. Friday – Sunday. The use shall be closed outside of these hours of operation.

2. The Applicant **shall not expand or modify the approved use**, except pursuant to subsection 9-2-15(h), B.R.C. 1981.

3. The Applicant **shall comply with all previous standards or conditions** contained in any previous approvals, except to the extent that any previous standards or conditions may be modified by this approval, including, but not limited to, the Final Decision Standards contained in the Administrative Review Notice of Disposition of approval for ADR2014-00137 dated August 5, 2014.

4. This approval **shall be limited to a coffee shop use** operated consistent with the Applicant's written statement dated May 9, 2016.

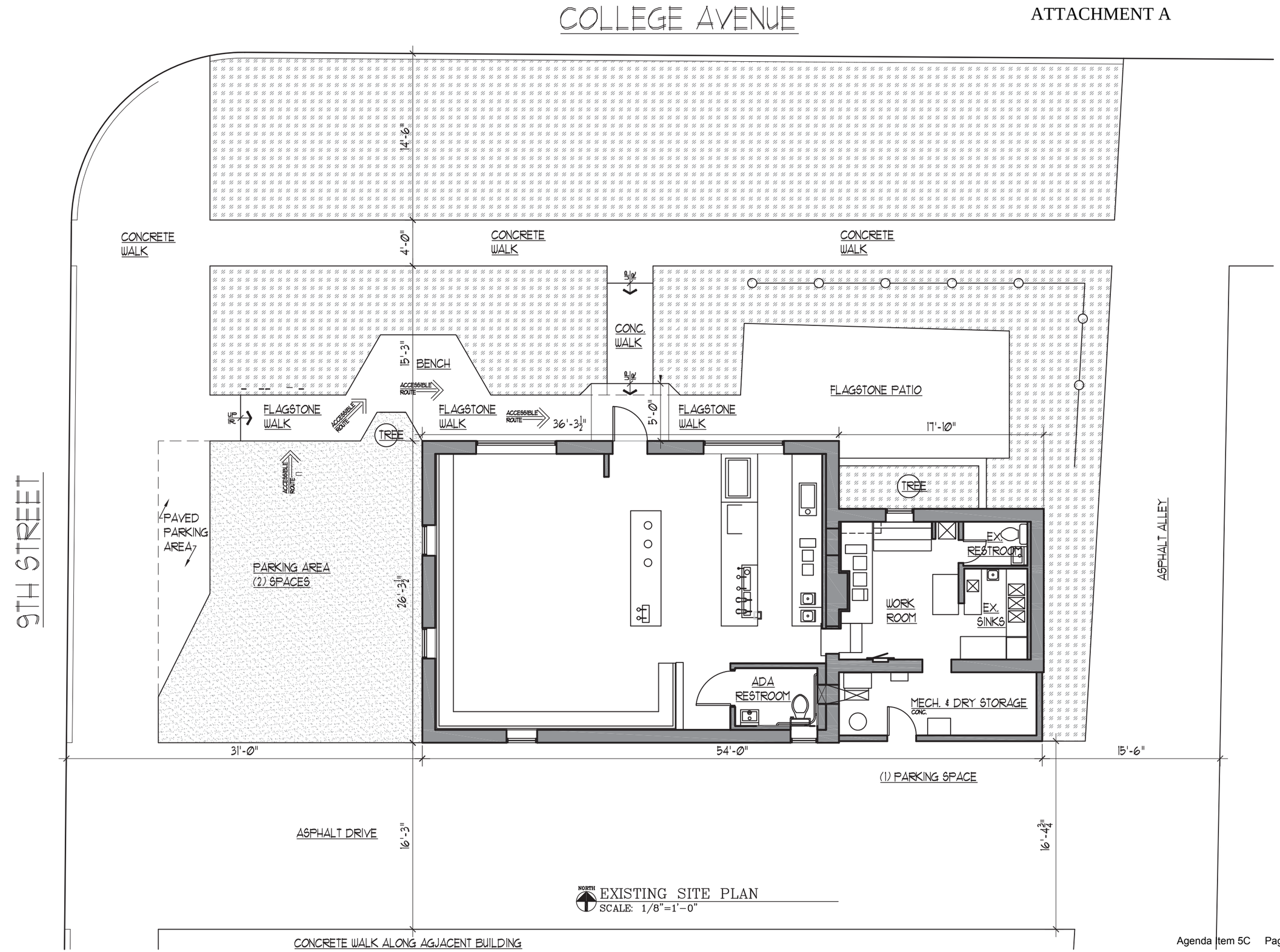
Approved By:

David Driskell, Executive Director
Department of Community Planning and Sustainability

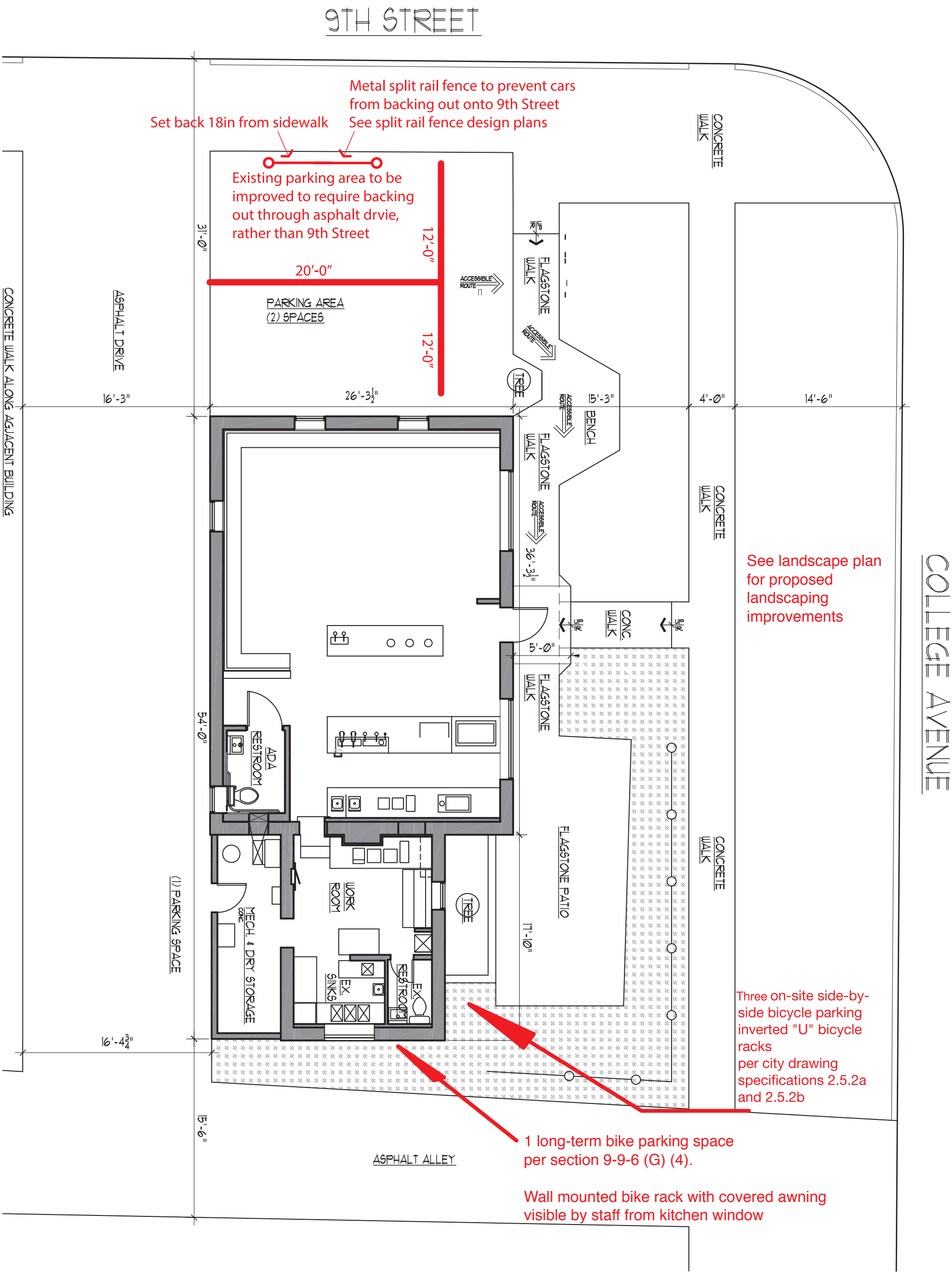
ATTACHMENTS:

A: Applicant's Proposed Plans and Written Statement
B: Neighborhood Comments

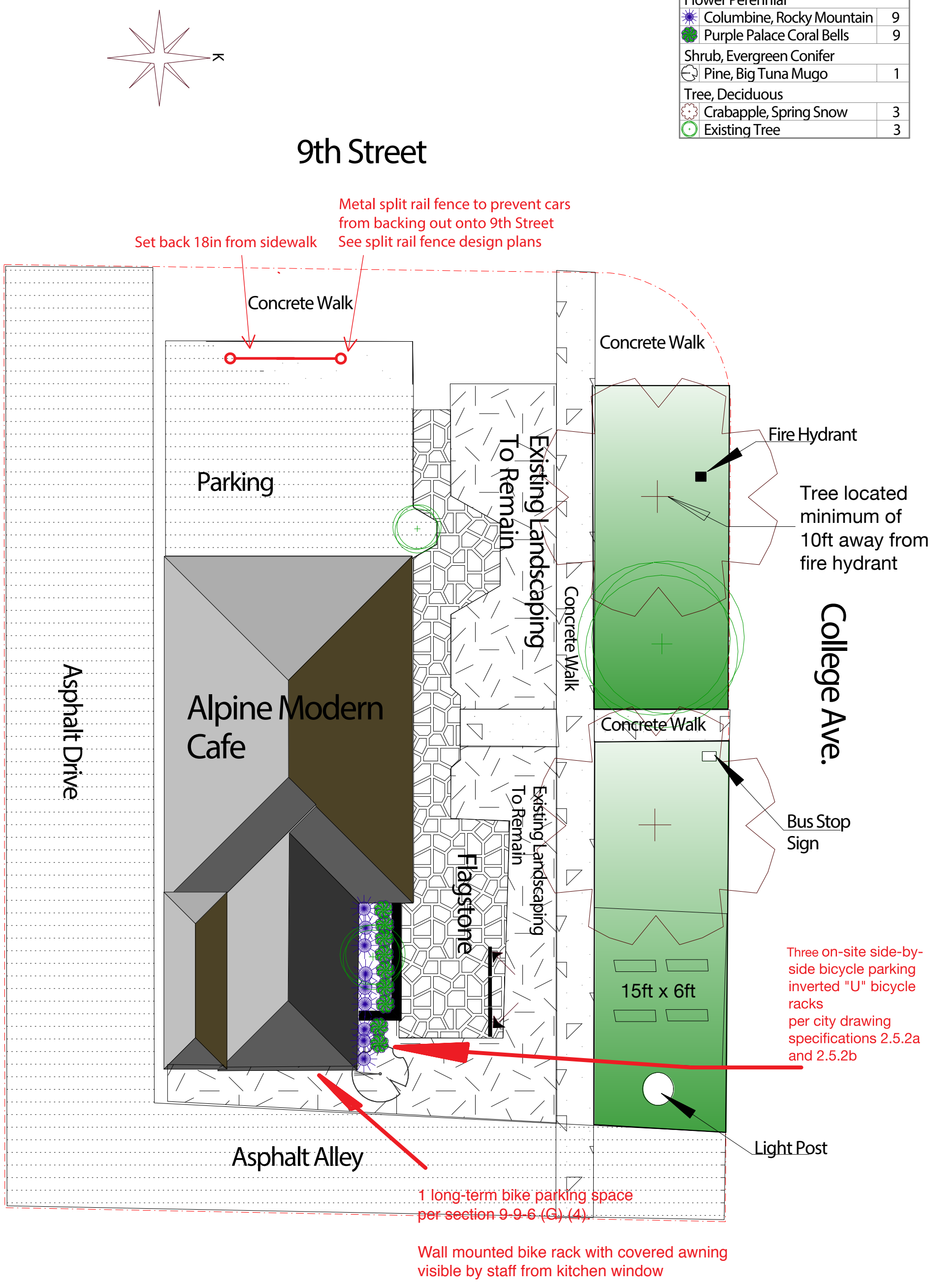
Existing Site Plan



Proposed Site Plan



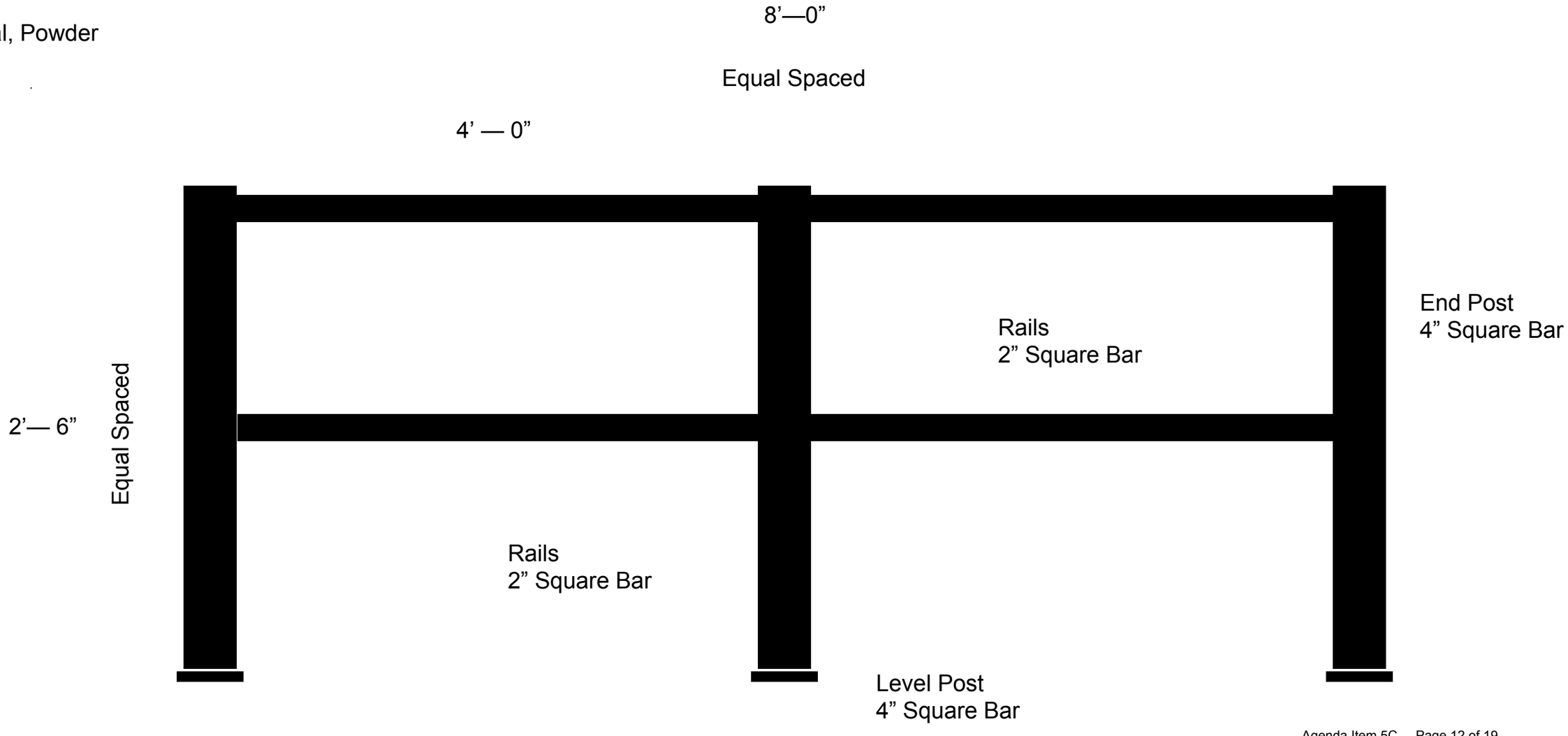
Legend		
	Common Name	Qty
Flower Perennial		
	Columbine, Rocky Mountain	9
	Purple Palace Coral Bells	9
Shrub, Evergreen Conifer		
	Pine, Big Tuna Mugo	1
Tree, Deciduous		
	Crabapple, Spring Snow	3
	Existing Tree	3



Scale: 1″ = 10″	Landscape Plane: 1 904 College Ave	Landscape Design By: LR Bowman Custom Landscaling, Inc

904 College
LUR2015-0118
Split Rail Fence Design

Material: Metal, Powder Coated Black



City of Boulder
Alpine Modern Cafe - Written Statement & Management Plan
Original Letter : December 7, 2015
Revised: May 9, 2016

Also see Use Review Comments Reply Letter for additional information.

Re: 904 College Ave LUR2015-00118

We are requesting a Change of Nonconforming Use to allow for the conversion of the former grocery store to a cafe with the ability to sell (and apply for a license to sell) wine and beer for consumption on-site. No changes to the site or building are being proposed. A previous approval for the use of this site as a cafe was already approved on 8/5/14. This request is for the same use and details, outlined below, but with the addition of the sale of wine and beer to be consumed on-site. Essentially, we are simply adding a menu item (wine and beer) and wish to be able to apply for a wine and beer license.

We have asked many citizens in our neighborhood if they would support this location selling wine and beer and we have received a resounding, yes. This location exists to serve its neighborhood and this is a service with which the neighborhood is in favor of having.

In reviewing the operations of the grocery store, our cafe has had, and we project it will continue to have, less impact on the surrounding neighborhood. The grocery store offered, among other items, coffee, pastries, and pre-made sandwiches. We have and would continue to offer these same items. However, we do not stock the general assortment of goods and prepacked fresh foods that the grocery did.

Because we are asking for a change of nonconforming use we will address the following for your understanding:

Occupancy: There is no change to the size of the floor plan that would increase the space and therefore will not create any expansion in the occupancy.

Floor Area: We do not intend to expand the existing floor area in any way.

Required Parking and Traffic:

- We have already created three dedicated off-street parking spaces for customers. These parking spaces were not open to the public when the grocery store was open.

- Traffic comes from local neighbors that live within walking distance to the location. Our customer base will not change. There will be no impact in regards to parking or traffic with this change.
- The former grocery store received multiple deliveries, daily, because of its requirement for fresh produce and other dry goods from multiple commercial distributors. We have and will continue to have less impact with our less frequent deliveries (3-4 per week)
- The former grocery previously made off-site deliveries. We would not be making any off site deliveries of any kind and therefore decrease the impact.

Outdoor Storage: No changes to the outdoor storage.

Hours of Operation: We wish to increase the hours of operation to 7am—9pm every day. Noise will be kep to a minimum as no amplified music will be played outdoors on the patio, at any time. Signs will be posted asking customers to keep noise levels down. Our outdoor patio area will be closed promptly at 9:00 pm every night. We have strong relationships and open dialogue with our immediate neighbors which will will continue to foster even with the increased hours.

Number of Employees: The former grocery operated with 3-4 staff members per shift. We will maintain the same level of staff at the cafe of 3-4 staff members per shift, thereby not creating any impact.

Exterior Changes: No exterior changes to the building or site are being planned or requested.

Thank you for your consideration. Best regards-

Lon McGowan
Owner
Alpine Modern Cafe (Tenant)

Van Schaack, Chandler

From: Kirstin Jahn [Kirstin@jahnlaw.com]
Sent: Wednesday, December 30, 2015 10:09 AM
To: Van Schaack, Chandler
Subject: 904 College Planning Review comment

Dear Mr. Van Schaack,

I am the property owner of 1091 Lincoln Place, the property across the alley from 904 College Avenue. I object to the sale of liquor at this coffee shop establishment.

This is a neighborhood and that lot used to house a neighborhood grocery store. There is no other commercial establishments located within our neighborhood. The noise and rowdyness from college partying is already a huge problem on the Hill. This would create a significant problem for our neighborhood and for my property in particular, which will, no doubt, decrease in value. My property is a no smoking property with adherence to a 24 hour no noise ordinance.
Just a couple weeks ago their were tire tracks on the corner of Lincoln & College up to and past the sidewalk -- the area is already fraught with college partying, throwing up and loud after hour discussions when mostly students walk through the streets at night. Allowing a drinking establishment in our neighborhood would create a significant increase in these issues which already plague our neighborhood.

Further, this establishment is very close to the Flatiron elementary school, which is just a couple blocks away.

I vehemently object to this establishment receiving a liquor license.

Please place me on the contact list for the public hearing concerning this property.

Sincerely,
Kirstin Jahn
1091 Lincoln Place

Van Schaack, Chandler

From: Karen Simmons [Karen.Simmons@lasp.colorado.edu]
Sent: Thursday, December 17, 2015 3:11 PM
To: Van Schaack, Chandler
Cc: Karen Simmons
Subject: review number LUR2015-00118

I am responding to the mailing regarding an application for a beer and wine license for the Alpine Modern Cafe at 904 College. I do NOT support this request.

I own the property at 1070-9th and recently sold my home at 1080-9th due to the noise and congestion at the College and 9th St vicinity. Since the Cafe opened we have had a worsening parking problem in an area already at the western end of the residential parking permit so 9th is extensively used for student parking. Resident parking is a real hassle already. The cafe provides at the most 3 parking spaces while the streets around the cafe are either bus pickup locations or no parking areas. My tenant repeatedly comments that that parking near his home has gotten worse since the grocery closed and the cafe opened.

Party noise continues to be a problem in this Hill location and I cannot help but believe a beer and wine license two doors away is going to exasperate this problem. There are plenty of drinking establishments a few blocks away on the Hill, we do not need one in a residential neighborhood.

Sincerely,
Mrs. Karen Simmons
901 Dellwood Ave
Boulder
owner of 1070-9th St

Van Schaack, Chandler

From: dsixjws@cox.net
Sent: Monday, December 14, 2015 10:02 PM
To: Van Schaack, Chandler
Cc: dsixjws@cox.net
Subject: 904 College Ave - Alpine Modern Cafe

Dear City of Boulder Planning and Development:

Our family owns a home on the corner of College and 10th Street, approximately one block away from the location of the Applicant.

I understand that the City of Boulder Planning and Development Services Center is currently reviewing an application made by Alpine Modern Cafe to allow for the sale of wine and beer. Alpine Cafe is a coffee shop located in a residential area with single family detached homes all around. It is open daily from 7am to 4pm.

As the cafe is in an area zoned residential (RL-1) and there is already significant alcohol related problems in this neighborhood due to private parties, fraternities and others, I believe that allowing alcohol sales in the neighborhood setting is contrary to the intent of the zoning, and will only increase the alcohol related problems (intoxication, drunk driving, etc.) and should be denied.

For a coffee shop to need to sell alcohol is questionable to begin with. To do so in an area that is zoned residential will only cause more problems to an area already under seige on a daily basis by intoxicated people walking along College Avenue and causing disturbances, noise and occasional destruction of private property.

I strongly object to allowing this nonconforming use at this specific residential location. However, if the City does decide to allow alcohol sales at the cafe, then it should only allow alcohol sales under the condition that there is no changes (as a condition of acceptance of the application) to the existing hours of operation of the cafe. That would mean that the cafe could not under any condition sell alcohol after 4pm (the current closing time for the Alpine Modern Cafe).

I hope that the City will consider the impact alcohol currently has on this specific neighborhood in Boulder, and the greater needs of the citizens and community and reject this application. Thank you for forwarding my comments to the Planning Board for their review and determination.

Sincerely,

John Wilson
1093 10th Street, Boulder CO

Van Schaack, Chandler

From: Eric Cornell [cornell@jila.colorado.edu]
Sent: Friday, February 19, 2016 11:24 AM
To: Van Schaack, Chandler
Subject: Alpine Modern Cafe

I heard about Alpine cafe's plane to serve wine/beer. I really enjoy the Alpine cafe, feel it adds to the neighborhood. I'd be happy to be able to have a glass of wine there sometimes. So, consider me in favor. I live/own at 745 University Ave.

Eric Cornell
3034404395

University Hill Neighborhood Association
www.hillneighbors.com

February 25, 2016

Chandler Van Schaacke
Case Manager
Boulder City Planning Department

Re.: 904 College Avenue, Alpine Modern Café proposal

Dear Chandler,

The University Hill Neighborhood Association - Executive Committee met with Lon McGowan this week to discuss his proposed changes at the Alpine Modern Café. We fully support his application to expand his offerings to include wine and beer sales as well as the extension of operation hours until 9pm.

We have spoken to many neighbors. All love having the Alpine Modern Café in our neighborhood and so appreciate the effort they have made in renovating the building and improving the site with new landscaping. The outdoor patio is delightful. The proposed changes will help make the café a long-term viable business and continue to enhance our neighborhood. The Alpine Modern Café is the kind of business that is needed to bring together the diverse groups of our neighborhood.

Thank you for your consideration.

Sincerely,

UHNA-EC

Scott Thomas
Nancy Blackwood
Ellen Aiken