



CITY OF BOULDER
PLANNING BOARD MEETING AGENDA
DATE: July 16, 2015
TIME: 5 p.m.
PLACE: 1777 Broadway, Council Chambers

1. CALL TO ORDER

2. APPROVAL OF MINUTES

The [February 19, 2015](#), [March 19, 2015](#), [May 21, 2015](#) and [June 4, 2015](#) Planning Board Minutes are scheduled for approval.

3. PUBLIC PARTICIPATION

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

- A. **Call-Up Item:** USE REVIEW (LUR2015-00060) for new tavern with outdoor seating area over 300 square feet in size to be operated in conjunction with “Boulder Food Park” mobile food vehicle sales. The call-up period expires July 20, 2015.
- B. **Call-Up Item:** Floodplain Development Permit (LUR2015-00051) for Boulder Community Foothills Hospital Campus – 4747 Arapahoe, Fitness Equipment. The call-up period expires July 23, 2015.
- C. **Call-Up Item:** USE REVIEW (LUR2015-00041): Request for a new restaurant (“Doug’s Day Diner”) to utilize an existing 815 square foot outdoor patio at 2400 Arapahoe Avenue within the Business - Regional 1 (BR-1) zone district. Hours of operation are 6:00 a.m. to 8:00 p.m., seven days a week. The call-up period expires on July 22, 2015.

5. PUBLIC HEARING ITEMS

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

- A. [Boulder Valley Comprehensive Plan Update](#)
- B. Climate Commitment Update
- C. Medical Office Update
- D. **Information Item:** [Out of City Water Service for Single Family Property in Area III-Planning Reserve \(4400 Peach Court\)](#)

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
February 19, 2015
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:

Aaron Brockett, Chair
Bryan Bowen
Crystal Gray
John Gerstle
Leonard May
Liz Payton

PLANNING BOARD MEMBERS ABSENT:

John Putnam

STAFF PRESENT:

David Driskell, Director of CP&S
Susan Richstone, Deputy Director of CP&S
Hella Pannewig, Assistant City Attorney
Susan Meissner, Administrative Assistant III
Lesli Ellis, Director of Comprehensive Planning
Chris Meschuk, Planner II
Beverly Johnson, Temporary Senior Planner

1. CALL TO ORDER

Chair, **A. Brockett**, declared a quorum at 6:03 p.m. and the following business was conducted.

2. APPROVAL OF MINUTES

On a motion by **C. Gray** and seconded by **J. Gerstle**, the Planning Board approved the January 8, 2015 and January 22, 2015 Planning Board meeting minutes as amended.

3. PUBLIC PARTICIPATION

No one from the public spoke.

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

- A. Call Up:** Kum & Go Store 943 Subdivision (TEC2014-00040). Expires **February 23, 2015**.
- B. Call Up:** Use Review proposal (LUR2015-00002) at 1043 Pearl. Expires **February 26, 2015**.

C. Van Schaack answered questions from the board.

No items were called up.

5. PUBLIC HEARING ITEMS

- A.** Public hearing and recommendation on the Annexation and Initial Zoning of Residential-Rural 2 (RR-2) of 23 properties and right-of-way in the Old Tale Road Neighborhood (LUR2014-00004) including the following property owners and addresses:

Applicants/Owners:

1165 Old Tale Rd., Macinko Exempt Trust
1193 Old Tale Rd., Cynthia and Charles Anderson
1221 Old Tale Rd., Constance Ekrem
1228 Old Tale Rd., Steven Erickson
1245 Old Tale Rd., Harold and Sherlynn Bruff
1270 Old Tale Rd., Jeffrey and Wendy Mortner
1275 Old Tale Rd., Thomas and Barbara Corson
1305 Old Tale Rd., Monty Moran
1310 Old Tale Rd., Raynard A Hedberg Living Trust
1315 Old Tale Rd., Joanne M Simenson
1325 Old Tale Rd., Sarah Kingdom
1402 Old Tale Rd., Kellie Masterson-Praeger
1409 Old Tale Rd., William Dick III
1412 Old Tale Rd., John and Penelope Bennett
1435 Old Tale Rd., Joyce Peterson Thurmer
1436 Old Tale Rd., Thomas Perry
1457 Old Tale Rd., Cameron Bradley Peterson
1462 Old Tale Rd., Conway and Jacqueline Olmsted
1483 Old Tale Rd., Jason and Jennifer Kiefer
1507 Old Tale Rd., Richard and Jeanie Leddon
1510 Old Tale Rd., Mark and Mary Beth Vellequette
1533 Old Tale Rd., Laurie Duncan-McWethy
1566 Old Tale Rd., Stewart and Robin Elliott

Board Disclosures:

J. Gerstle recused himself from agenda item 5A.

A. Brockett, C. Gray and **L. May** received phone calls from neighbors regarding the annexation.

Staff Presentation:

C. Meschuk and **B. Johnson** presented the item to the board.

Board Questions:

C. Meschuk, B. Johnson and **H. Pannewig** answered questions from the board.

Public Hearing:

- 1. Melissa Clymer, 1486 Old Tale Road**, did not participate in the annexation because she did not feel that she should have to pay for the storm water connection. She did not feel that the city gave enough incentives to property owners and was not listening to the neighbors' concerns and needs.
- 2. Wendy Mortner, 1270 Old Tale Road**, was concerned by the easement language and wanted to assure that it was for maintenance and not for a greenway. Assure that homeowners landscaping is not greatly impacted by the easement access.

3. **Jeff Mortner, 1270 Old Tale Road**, explained that neighbors would be more interested in the annexation if the city were more willing to negotiate and more explicit about the terms. He thought 60 feet was too large of an easement for work on the creek. He doubted that the grant money was being used to offset neighbors' fees.
4. **Porche Young, 1548 Old Tale Road**, would be willing to annex if the city made more concessions. She felt that a 60 foot easement was excessive, did not like the options and fees and requested written agreement that a bike path would not be installed on the easement.
5. **Stewart Elliott, 1566 Old Tale Road**, wanted some legal assurance that the city would not put a path along the easement.
6. **Lou Kingdom, 1325 Old Tale Road**, noted that the neighborhood was being charged a capital cost for the storm water hookups but did not think that they would put any real added impact on the system. He thought the neighborhood should be exempted from paying the PIF.
7. **Joanne Simenson, 1315 Old Tale Road**, asked staff to add the cost to applicants and grant amount to the agreement. She was fearful that neighbors would be liable for the full amount should the grant fall through.
8. **Tom Perry, 1436 Old Tale Road**, feared that the city would use the easement for a multiuse path. He was not comfortable with public access through his backyard.
9. **Sarah Kingdom, 1325 Old Tale Road**, expressed concern about the unknown costs involved with the annexation.
10. **Steve Erickson, 1228 Old Tale Road**, will be affected by the easement but was not concerned that the city would add a multiuse path. He thought that 60 feet could be excessive but was not adamantly opposed to it if it were truly necessary to prevent future flooding. He was satisfied with the easement language and felt that it was a good deal.

Board Comments:

- The Planning Board agreed that the annexation was consistent with state statutes pertaining to annexation and the BVCP.
- The board addressed the issues raised by the neighbors, which included the following:
 - The limited ability and time to negotiate the provisions of the annexation agreement;
 - The city's request for a 60 foot flood maintenance easement and allowed uses;
 - The requirement that landowners pay the Stormwater and Flood Management Utility Plant Investment Fee (PIF);
 - The potential draw-down of the water table from the construction of a water main;
 - The triggers for future connection to city water under Option C; and
 - The lack of clarity in the annexation agreement over what the grant is paying for.
- The board recommended that the trigger for connecting to water to not be contingent upon sale of the property or inheritance, especially in the event that the property has its own functioning well. They agreed that it made sense to require a sewer hookup.
- **B. Bowen** recommended that the trigger be changed from a small sink to something larger that could indicate increased occupancy such as the addition of a full or ¾ bathroom.
- Add language to clearly state what the grant will cover and that no additional fees will be incurred.
- Provide assurances that the annexation expenses for neighbors will be capped.

- The board requested that City Council clarify the allowed uses within the 60 foot flood easement, namely that it will not allow bike or multiuse trails.
- The board clarified that structures within the flood easement can remain intact. However, in the event that structures in the easement are damaged or destroyed, they could not be rebuilt.
- The board debated whether to recommend that the easement be reduced from 60 feet. The majority felt that the 60 feet should be left in place for flood mitigation purposes; the neighborhood could potentially apply for an easement vacation in the future if upstream improvements mitigated the flood danger.
- The board requested that staff share the water main engineering analysis with the neighbors and provide materials about the recourse for any property damage to the flood control easement.
- Clay plugs in public right-of-way will be specified by the city but neighbors can choose what plugs they would like on their own property.
- The board debated whether the neighbors should incur storm water fees (PIFs) as they are already connected to the city's system. The majority did not think that storm water fees should be reconsidered; the fees go toward the larger city-wide system and community at large.

Motion:

On a motion by A. Brockett, seconded by L. Payton, the Planning Board voted 5-0 (J. Putnam absent, J. Gerstle recused) to recommend to City Council approval of the proposed annexation of 22 properties (Note: two properties have dropped out of the annexation since the board hearing) and right-of-way in the Old Tale Road neighborhood subject to the annexation conditions in the respective annexation agreements attached to the staff memorandum and approval of an initial zoning for the properties of RR-2 with the following additions:

- Change the trigger for connecting the city water if people take Option C, to not be triggered by sale or inheritance of the property.
- Change the trigger for wet plumbing fixtures to be equivalent to six or more residential fixture units per the plumbing fixture unit calculation worksheet that the city already uses.
- Modify the language to clarify what expenses are being paid by the grant and clarify exact expenses being paid by the homeowners, and
- Clarify that the flood easement does not allow a bike trail.

B. Public Hearing and Consideration of recommendations to City Council regarding an ordinance amending Title 9, "Land Use Code" B.R.C. 1981 by amending the building height regulations and requirements for certain areas of the city.

Staff Presentation:

D. Driskell presented the item to the board.

Board Questions:

D. Driskell answered questions from the board.

Public Hearing:

1. **Lois LaCroix, 2835 Elm Street**, thought the existing ordinance should be enforced. She does not want tall buildings because they block solar access and are not helping affordable housing. She wanted development to pay its own way.
2. **Jane Angulo, 869 Dearborn Place**, did not think that any exemptions should be given until the BVCP is revisited. The height exemptions and density questions should be put to a vote.
3. **Ken Farmer, 345 South 40th Street**, did not think that the city could support the proposed density and infrastructure. Defer exemptions until questions about density are answered in the BVCP update.
4. **Kristen Momme, 375 South 40th Street**, noted that residents love sunlight and mountain views. She would not like for them to be obstructed.
5. **Cliff Harold, 2440 Pearl Street**, proposed a shorter duration and process for special exceptions to the moratorium.
6. **Raymond Bridge, 435 S. 38th Street**, spoke on behalf of PLAN Boulder. He thought that the moratorium should be more comprehensive. Create a better process for creating and enforcing subarea plans. If exceptions, do not grandfather based on concept review. They should only be granted per site review.
7. **Michael Bosma, 1885 Quince Ave.**, pooled with **Gary Berg**, spoke on behalf of the Mapleton Hospital development group. The buildings on their site exceed the regulations. Topographic constraints will greatly impact their height. The height exemption would limit their possibilities for good design; it would create a more sprawling design.
8. **Dorothy Cohen, 2845 Elm Avenue**, did not agree with height variances or added density. She thought Boulder was too large and does not want it to become another Denver.
9. **Mike Marsh, 265 31st Street**, he thought that the exemption should be removed in the proposed areas. He thought there was a disconnect between the community desires and what is happening. He looks to the BVCP update process as an opportunity for the public to comment.
10. **Cosima Krueger-Cunningham, 977 7th Street**, quoted Victor Dover and felt that the proposed ordinance ignores his advice. She requested area plans be accelerated. She did not want any more height exemptions.
11. **Ruth Blackmore, 705 S. 41st Street**, she supported the two year pause but did not agree with the exemption. She quoted Victor Dover and quoted several of his recommendations. Stitch together meaningful area plans.
12. **Tim Johnson, 350 Ponca Place**, the CEO of Frasier Meadows, spoke about the impact of the flood on the building. If it did not have an exemption, they would be out of business and could not provide the community benefit to the senior citizens in Boulder. He endorsed the proposal.
13. **Ron DePugh, 180 S. 34th Street**, would like neighborhood planning to better involve the people. He did not want to see tall buildings in Boulder.
14. **Jan Trussell, 125 S. 36th Street**, requested that the height limit be enforced throughout the city until the BVCP is completed.
15. **Kimberly Campbell, 29th Street**, noted that 29th Street was exempted for 55 foot heights by public vote. The site has been planned for 55 foot building heights for years and this ordinance could greatly affect its ability to bring its plan to fruition. It is a large employer and should be kept where it is currently zoned.

16. **Stephen Haydel, 1935 Grove Street**, felt that most buildings get height exemptions and did not feel that the Goss Grove neighborhood did not get much opportunity for input. He wanted the board to go back on previous decisions in the area.
17. **Lynn Segel, 538 Dewey Street**, wanted to height exemptions except for Frasier Meadows until the BVCP is updated and area plans implemented.
18. **Mary Eldred, 5376 Gunbarrel Circle**, spoke about the changes to Gunbarrel. Consider thoughtful planning with community input, including the surrounding county.
19. **Jyotsna Raj, 803 14th Street**, was happy with the policies that have made Boulder the place that it is today. She asked that they be upheld.

Board Comments:

- **C. Gray** thought the ordinance should be approved for areas that meet the following conditions: Site Review applications that have already been approved by Planning Board, Site Review applications for emergency operations antennae and Concept and Site Review applications for Frasier Meadows given the need and flood damage. Planning Board needs more guidance for Site Review Criteria for height modifications that would help to define community benefit. Improve and clarify criteria for evaluation. There are currently no linkage fees to help provide for affordable housing; if the city limited exclusions temporarily, it could allow time for Council to adopt linkage fees. Consider extending downtown linkage fees to other parts of town.
- **B. Bowen** thought it would be a good idea to pause and look at the BVCP and to talk with the community and neighborhoods. This is a reasonable approach given the options. Council will determine the details and decide which areas to include.
- **A. Brockett** acknowledged and appreciated the public's viewpoints. He noted that the height limit that was adopted in a charter amendment in 1971 and passed by a vote of the people is 55 feet; it does not mention 35 feet. The 55 foot height limit cannot be exceeded except by vote and has been done only once since 29th Street. He thought that a certain level of density within the city's planning framework and in the right locations would be more environmentally sustainable. Areas with higher densities, access to public transit and oriented for pedestrian and biking activity such as downtown significantly reduce GHG emissions. Land use decisions to locate people in strategic activity centers in town are an important tool for combating climate change. The taller buildings approved by the Planning Board in recent years have been in strategic locations; others such as Waterview and Baseline Zero have been discouraged by the public and board. He understood the concerns about the rate of growth but thought it was important to have the community conversation to define where differences lie. The zoning currently blankets the city with a 35 foot height limit. Over the next year of the BVCP update, he would like to have community conversations and come to some agreement about where height is appropriate and not appropriate. He did not support the current ordinance; it was brought about too quickly and needed more community engagement. He hoped to devise an ordinance within the next year.
- **L. May** mostly agreed with the previous comments, especially with the environmental considerations involving density in strategic areas to reduce GHG emissions. The ordinance would pause development to allow important conversations to take place, but the exceptions

would reduce its effectiveness. He applauded staff for the proactive approach but feared that it could be cited as a precedent for policy documents and would erode Planning Board's discretion to evaluate 55 foot proposals. He would prefer to address community concerns about the number of 55 foot buildings and the exceptions to the rules as opposed to the locations of the buildings. The BVCP, Housing Strategy and form-based code should be determined with community input prior to resuming the current development trend. The ordinance should be applied universally to all projects not yet approved in site review or that no longer have a permit. He recommended rejecting the ordinance.

- **J. Gerstle** thought issues such as BVCP update, community benefit, neighborhood and subarea plans, linkage fees and form based code should be in place prior to the consideration of 55 foot buildings. He thought **C. Gray's** recommendation made sense and would accomplish the desired goals.
- **L. Payton** commended staff for being responsive to community reaction to tall buildings but did not think the ordinance as proposed would adequately address the community's concerns. She felt that allowing tall buildings in defined areas could create some inequities. She agreed with **C. Gray's** comments and would support her motion. She is excited by the form-based code pilot. She noted that the Spark development could also be exempted given its mix of different uses and its use as a pilot for form-based code.

Motion:

On a motion by **C. Grey**, seconded by **J. Gerstle**, that the Planning Board voted 4-2 (**A. Brockett** and **B. Bowen** opposed, **J. Putnam** absent) to recommend that City Council adopt Ordinance 8028 amending the building height regulations and requirements of Title 9, "Land Use Code, B.R.C. 1981, for certain areas of the city that meet the following conditions to be considered an exclusion:

- 1) A site review application submitted for site review by January 21, 2015.
- 2) A site review application that is for an upgrade of an emergency operations antennae.
- 3) A concept plan and site review application for Fraiser Meadows.

All other exclusions in Ordinance 8028 are recommended to be removed. Planning Board further recommends that before other exclusions are added to Ordinance 8028 that the following take place:

- 1) City Council considers expanding the Affordable Housing Linkage fees, that are currently only applied in DT zones, to all commercial zones and the fees are at the same rate that are currently applied in the DT zones until a new study is complete and adopted. In addition the Affordable Housing Linkage fees should be for the entire building's square footage.
- 2) City Council considers adoption of site review criteria for height modifications that define community benefit.

B. Bowen noted that there might be some unforeseen and important uses for the 55 foot exclusions. To avoid a legislative process involving a Planning Board hearing and two Council readings, he proposed allowing Council to preserve the right to make some height modifications.

B. Bowen made a motion to amend **C. Gray's** motion that City Council reserve the right to allow height modifications.

This motion to amend failed as it was not seconded.

On a motion to amend by **L. Payton**, seconded by **L. May**, the Planning Board voted 2-4 (**A. Brockett, B. Bowen, J. Gerstle, and C. Grey** opposed, **J. Putnam** absent) to amend the proposed (c)(2) of Section 9-2-14 to read "...may be considered for modification..." instead of "...may be modified..."

The motion to amend failed.

On a motion to amend by **L. May**, seconded by **A. Brockett**, the Planning Board voted 3-3 (**L. Payton, C. Grey, and J. Gerstle** opposed, **J. Putnam** absent) to add an additional exemption where height may be modified item (c)(2)(b) proposed in Ordinance 8028.

The motion to amend failed.

J. Gerstle voted against **L. May's** amendment because he felt that this was already addressed in the ordinance. He did not want to unnecessarily complicate the issue.

L. May discussed the possibility of linking the term of the moratorium to the BVCP revisions. There was some concern as to whether this might unduly complicate matters.

A. Brockett did not vote for **C. Gray's** motion, but did support item number one for affordable housing. He felt it was very important and should be addressed to mitigate Boulder's current housing problems. He would have voted for something similar to the staff proposal.

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

A. Update on the Housing Boulder community engagement process including Code for America

This item was postponed to a future date.

B. Outline of Analysis to be prepared for BVCP foundations, review community engagement strategy ideas

Staff Presentation:

L. Ellis presented the item

Board Questions:

L. Ellis answered questions from the board.

Board Comments:

- Find ways to engage the segments of the public that do not feel directly affected by the BVCP update. The most vocal segments do not represent everyone.
- Direct outreach to neighborhoods, but assure that the groups are not too finely grained.
- Perform community outreach to neighbors within their own neighborhoods. Be sure to

- capture input from mobile home park and affordable housing residents.
- Assure that the first phase of the engagement plan includes information gathering and listening to resident concerns to learn what people care about most.
 - It is important to address and diffuse NIMBY-ism. Couch questions about city goals in terms of what we want for the entire community. Direct dialogue toward how neighborhoods can implement goals to get what they want as opposed to how to keep certain things out.
 - Consider a joint study session between the Planning Board and County Planning Commissioners to discuss the BVCP update process.
 - Perform a formal and scientifically-based poll on key issues to capture the opinion of the silent majority. Educate residents on the issues first.
 - The board supported using visioning as a tool. Create a common vision for what kind of community we want to be.
 - It would be beneficial to adopt the Inter-governmental Agreement and BVCP at the same time. The IGA expires at the end of 2017.

C. Chris Meschuk gave an update on Flood recovery efforts and resilience efforts to aid people still affected by the flood.

L. Payton requested that staff forward the Growing Up Boulder report to the developers of Reve, Armory and SPARK because they all have family housing.

A. Brockett encouraged **B. Bowen** and **L. May** to read the Bank of America item carefully to expedite the second hearing at the following meeting.

6. DEBRIEF MEETING/CALENDAR CHECK

7. ADJOURNMENT

The Planning Board adjourned the meeting at 11:47 p.m.

APPROVED BY

Board Chair

DATE

CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
March 19, 2015
1777 Broadway, Council Chambers

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PLANNING BOARD MEMBERS PRESENT:

Aaron Brockett, Chair
Bryan Bowen
Crystal Gray
John Gerstle
Leonard May
Liz Payton
John Putnam

PLANNING BOARD MEMBERS ABSENT:

None

STAFF PRESENT:

David Driskell, Director of CP&S
Susan Richstone, Deputy Director of CP&S
Hella Pannewig, Assistant City Attorney
Susan Meissner, Administrative Assistant III
Jeff Hirt, Planner II
Sloane Walbert, Planner I
Charles Ferro, Development Review Manager
Heidi Hansen, Civil Engineer II
David Thompson, Civil Engineer II, Transportation
Kendra Tupper, Energy Services Manager
Dave Thacker, Building Services Manager

1. CALL TO ORDER

Chair, **A. Brockett**, declared a quorum at 6:04 p.m. and the following business was conducted.

B. Bowen was sworn in for a second term on the Planning Board.

2. APPROVAL OF MINUTES

On a motion by **C. Gray** and seconded by **J. Putnam**, the Planning Board approved the February 5, 2015 Planning Board meeting minutes as amended.

3. PUBLIC PARTICIPATION

No one from the public spoke.

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

A. Call Up Item: Floodplain Development Permit (LUR2015-00016), Baseline Road Bike/Pedestrian Underpass. Expires February 19, 2015.

B. Call-Up Item: NONCONFORMING USE REVIEW (LUR2015-00001): Request for a cooking school and demonstration kitchen (“Food Lab”) at 1825 Pearl Street. Expires on March 19, 2015.

C. Gray recused herself from item 5B.

H. Hansen answered questions from the board.

L. Payton thanked staff for all of the historical information.

5. PUBLIC HEARING ITEMS

A. Public hearing to consider a recommendation to City Council on a draft ordinance amending Title 9, “Land Use Code,” B.R.C. 1981, to allow medical or dental clinic or office uses and addiction recovery facilities as a conditional use in the Industrial General (IG) zoning district near Boulder Community Health (BCH), Foothills Campus.

Present a proposed schedule and approach for planning for the longer-term needs of area around the Foothills Campus and for potential Phase 2 Title 9 changes.

Staff Presentation:

S. Richstone introduced the item.

J. Hirt presented the item to the board.

Board Questions:

J. Hirt answered questions from the board.

Public Hearing:

1. Darryl Brown, 4747 Arapahoe Ave., represents Boulder Community Health (BCH). They fully support the medical zoning in areas A, B and C.

2. Khemarin Seng, MD, 975 North Street, Suite 201, from Mapleton Orthopedics explained that the surgeons must drive back and forth several times per day from their current location near the old hospital on North Broadway. They are interested in a property at 4700 Pearl near the hospital to make access more convenient to BCH.

3. Jim Rector, 3550 22nd Street, is an orthopedic surgeon and spoke in strong support of expanding the zoning to improve access to the hospital campus area. He was also interested in the 4700 Pearl Parkway property. He would ideally like to see a larger hospital campus but did not think that would be possible given floodplain and ownership limitations.

4. Scott Pudalov, 665 Dakota Blvd, owns a building at the corner of 55th and Arapahoe that has approximately 40,000 sf of medical office space for rent. He thought 4700 Pearl Place made sense and that the remaining demand could be satisfied with the existing zoning.

5. Barbee James, 1800 Commerce Street, has an industrial building at 1800 Commerce. She did not want the current allowed industrial uses to change.

6. Peter Aweida, 1644 Conestoga Street, purchased land in area C in 1978 and has worked with Ball Aerospace. He thought that there was a need for additional medical buildings in the area.

Board Comments:

- The board wanted to accommodate medical uses near the hospital and thought the proposed changes to the use tables would support community goals.
- Members agreed to recommend that City Council include all of Areas A and B in the ordinance and thought it made sense to include 4700 Pearl; it already has a submitted building permit application.
- The board voted to exclude Area C at this time. Some members felt comfortable retaining it in the recommendation if the city could protect existing industrial businesses, but Area C is currently fully leased to industrial tenants and can be added later if there is sufficient demand.
- The board felt that the retention of industrial uses is critical to Boulder's sustainability and vitality; it is okay to relocate them in town but there is little space for them to move if displaced.
- There was some concern about transit connections between Areas A and B and the hospital. Consider allowing alternate transit modes such as electric golf carts on the paths to shuttle patrons. Explore creative ways to enhance transportation without having to make large infrastructure changes.
- Consider the long-term vision for the area and possible means for turning this into a medical campus in the future; assure that these short-term measures will not preclude that formation.
- Collect metrics on permits, occupancy rates and uses to assess the market demand and any impacts on existing businesses.
- Members agreed that buildings in permitting processes should be eligible within Areas A and B.

Motion:

On a motion by C. Gray, seconded by L. May, the Planning Board voted 7-0 to recommend that City Council adopt an ordinance amending Title 9, "Land Use Code," B.R.C. 1981, to conditionally allow medical or dental clinic or office uses and addiction recovery facilities as a conditional use in the Industrial General zoning district in close proximity to the Boulder Community Health Foothills campus and setting forth related details including a recommendation of applying the ordinance in the following areas: Area A and Area B and adding buildings for which a building permit application has been filed by using the alternative language proposed in the memo reading as follows: "(C) The use must be located in an existing building or with a building for which a building permit for new construction was submitted on the lot or parcel on or before June 4, 2015."

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

A. Commercial Energy Code Discussion

Staff Presentation:

D. Thacker and K. Tupper presented the item.

Board Comments:

- The board generally supported the proposed C&I Ordinance and development of an outcome-based energy code. They applauded the data driven, transparent and adaptive approach.
- Consider exempting some buildings from data disclosures due to proprietary and security concerns.
- **L. May** encouraged staff to present this to the Landmarks Board; request feedback in relation to historic buildings.
- Account for embodied energy in calculations/code to ensure that the regulations do not inadvertently encourage the demolition of existing buildings.
- Take a proactive approach with applicants on large projects; address the energy requirements before coming to the Planning Board.
- Solar gardens will be an important in reaching the city's goals. Consider partnering with building owners to locate PV panels.
- Assure that building owners are not deterred from making renovations for fear of triggering codes that are too stringent.
- Code should require that buildings be solar ready and/or incorporate space and possible wiring for PV panels. Retrofits to accommodate this later would be more costly and difficult.
- **B. Bowen** thought that the C&I reporting program was at the correct level; it would be unrealistic to ask for sub-metering data at this point.
- Collect and publish the data on a publically accessible dashboard. The information could create some competition and incentivize property owners to upgrade building systems.
- Consider means for managing the grid tide.

6. DEBRIEF MEETING/CALENDAR CHECK

S. Richstone updated the board on Council's discussion on the height ordinance and linkage fees.

7. ADJOURNMENT

The Planning Board adjourned the meeting at 9:41p.m.

APPROVED BY

Board Chair

DATE

CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
May 21, 2015
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:

Aaron Brockett, Chair
Bryan Bowen
Crystal Gray
John Putnam
John Gerstle
Leonard May
Liz Payton

PLANNING BOARD MEMBERS ABSENT:

STAFF PRESENT:

Hella Pannewig, Assistant City Attorney
Sam Assefa- Senior Urban Designer
Lesli Ellis- Comprehensive Planning Manager
Karl Guiler- Senior Planner
Charles Ferro, Development Review Manager
Elaine McLaughlin- Senior Planner
Heidi Hansen- Development Review Manager for Engineering
Chandler Van Schaack- Planner II
Kurt Bauer-Engineering Project Manager
Annie Noble- Greenways Program Manager
Ward Bauscher- Public Works Project Manager
Jeff Haley- Parks Planning Manager
Joanna Crean- Public Works Project Manager
Jay Sugnet- Senior Housing Planner
Chris Hagelin, Senior Transportation Planner
Kathleen Bracke, GO Boulder Manager
Bill Cowern- Traffic Engineer
Susan Meissner, Administrative Assistant III

STUDY SESSION: 5 – 6 P.M.

The Planning Board and staff discussed findings from the 2015 APA Conference.

1. CALL TO ORDER

Chair, **A. Brockett**, declared a quorum at 6:03 p.m. and the following business was

conducted.

2. APPROVAL OF MINUTES

On a motion by C. Gray and seconded by J. Putnam the Planning Board approved 7-0 the April 16, 2015 minutes.

3. PUBLIC PARTICIPATION

There was no public participation.

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

- A. Call Up Item: USE REVIEW to establish the 82 indoor seat, and 14 outdoor seat restaurant at 2014 10th Street. Case no. LUR2015-00020. Expires: May 30, 2015
- B. Call Up Item: USE REVIEW to establish a restaurant within the Boulder Jaycee's Depot Building at 2366 Junction Pl. Case no. LUR2015-00032. Expires May 30, 2015
- C. Call Up Item: Approval of a Use Review for an Indoor Recreation Facility located at 3012 and 3022 E, Sterling Circle LUR2015-00019. Expires May 30, 2015
- D. Call Up Item: Wetland Permit (LUR2015-00013) Wonderland Creek Flood Improvements – Winding Trail to Foothills Pkwy. Expires May 29, 2015
- E. Call Up Item: Stark Subdivision (TEC2015-00014): FINAL PLAT to subdivide one existing lot located at 445 College Ave. Expires June 1, 2015

None of these items were called up.

5. PUBLIC HEARING ITEMS

A. Public Hearing and Recommendation to City Council on Acceptance of the Boulder Civic Area Master Plan

Staff Presentation:

S. Assefa presented the item to the board.

Board Questions:

S. Assefa, J. Haley and J. Crean answered questions from the board.

Public Hearing:

1. **Ron McMahan, 5709 Independence Road**, a member of BMoCA's board spoke about the museum's programs and needs for expansion. They support the Civic Area plans to date and would be interested in partnering in the future.

2. **Kristin Lewis, 511 Pleasant Street**, thought that the band shell, Atrium, BMoCA and Tea House were a unique assemblage of buildings. She encouraged keeping the band shell but would be open to moving or tweaking it. It is two stories high and belongs closer to Canyon. Consider repurposing the Atrium before planning to demolish it.
3. **Caitlin Berube-Smith, 1055 9th Street**, is on the board of Historic Boulder and works at BMoCA. She expressed concerns about relocating the band shell in front of the museum. She noted that most band shells are in Civic Center locations; sound buffers could be added along Canyon. She encouraged keeping the Atrium building for character and scale. She also would like to see community-building functions as opposed to a hotel use.

Board Comments:

- The board agreed that the proposed Civic Area plan was generally consistent with the BVCP.
- The board would like to see additional emphasis on historic preservation within the Civic Area. Try to find adaptive reuses for existing structures of note including BMoCA, the band shell, the Atrium, Library, Municipal Building, the Riverside building and the ditch; accommodate them in the plan where possible.
- Consider repurposing the Municipal Building for community and arts purposes.
- Create a stronger visual connection between the Library and Municipal Building.
- Incorporate the ditch into the plan but consider removing the diversion structure; it poses a hazard. The board did not want to see the ditch covered. Discuss possible design solutions with the ditch company.
- Some members would like to see the band shell preserved in its original site. Others did not want to dictate the location. **B. Bowen** recommended that it face BMoCA. All agreed that it should remain in the Civic Area and east of Broadway.
- Provide more emphasis on programming and support facilities for the band shell to ensure its viability.
- Some members liked the idea of incorporating senior housing in its current location near the Senior Center while others did not due to the potential flood hazard.
- Consider moving some structured parking to phase 2 to see the realization of the park earlier.
- Activate the east end of the Civic Area and fund structured parking.
- Devise a better financial plan that ties in with the phasing to drive the next steps.
- The creek is at the heart of the Civic Area and must balance multiple competing uses with safety and ecological issues. Assure that the design safely accommodates various demographics and needs.
- More clearly incorporate nature play into the plan; consider adding more traditional play equipment and a tree house.
- Assure that the Civic Area is inclusive and reflective of Boulder and its history. Consider including active features for slacklines, parkour, boulders for climbing, etc.
- Maintain access to the creek for children and adults while preserving the ecosystems.
- The board had mixed opinions regarding the bridge across Canyon but agreed that it should not create a visual barrier.

Motion:

On a motion by C. Gray, seconded by L. May, the Planning Board voted 7-0 to recommend that City Council accept the updated Boulder Civic Area Master Plan.

Amendment by C. Gray and seconded by L. May, the Planning Board voted 5-2 (B. Bowen and L. Payton opposed) to recommend that existing historic resources be preserved including the Atrium and that the band shell should be kept east of Broadway somewhere in the Civic Area.

L. Payton supported the general preservation goals but did not support moving the band shell.

B. Bowen supported the premise of the motion but did not support limiting the band shell location to the east side of Broadway. He thought there were locations near that library that would be well suited to accommodate the band shell.

Amendment by C. Gray, seconded by J. Putnam, the Planning Board voted 7-0 that the ditch remain open and the safety and utility issues related to the diversion dam be addressed. And that the city work with the ditch companies to address liability issues to maximize potential public use of those facilities.

Amendment by C. Gray and seconded by L. May, the Planning Board voted 7-0 to recommend that City Council adopt the section on family and inclusion and take ideas from Growing Up Boulder including inclusion of a tree house for children.

Amendment by A. Brockett seconded by L. May, the Planning Board voted 7-0 to amend the “How the Plan will be Used” section to say that future developments or improvements in the Civic Area will be required to conform to the plan’s vision and guiding principles. The vision and guiding principles can be amended by the City Council in the future.

B. Public Hearing and consideration of a recommendation to City Council concerning the disposal of park land (permanent easement) pursuant to City Charter Sec. 162, to be conveyed from the City of Boulder Parks and Recreation Department to the Boulder White Rock Ditch and Reservoir Company for the Wonderland Creek project

Staff Presentation:

A. Noble and K. Bauer presented the item to the board.

Board Questions:

A. Noble and K. Bauer answered questions from the board.

Public Hearing:

No one spoke.

Board Comments:

There were no comments.

Motion:

On a motion by **J. Putnam**, seconded by **J. Gerstle**, the Planning Board voted 7-0 to recommend to City Council the disposal of park land at Howard Hueston Park (permanent easement) pursuant to City Charter Sec. 162, to be conveyed from the City of Boulder Parks and Recreation Department to the Boulder White Rock Ditch and Reservoir Company as necessitated for the completion of the city's Wonderland Creek Project.

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

A. Housing Boulder Update

Staff Presentation:

J. Sugnet presented the item to the board.

C. Gray and **L. May** explained their findings from the workshops.

Board Questions:

J. Sugnet answered questions from the board.

Board Comments:

A. Brockett requested that there be latitude for the Planning Board to influence the final Housing Strategy before it goes to City Council. He would like for there to be ample time at the meeting to comment.

B. Staff briefing and Planning Board input regarding the Access Management and Parking Strategy

Staff Presentation:

C. Hagelin presented the item to the board.

Board Questions:

C. Hagelin, B. Cowern, K. Guiler answered questions from the board.

Board Comments:

- The board encouraged staff to implement the plan as soon as possible; the current policy is not effective. Revisit the plan in a few years to fill gaps and catch loopholes.
- The Planning Board recommended removing the time requirement except for abandoned, inoperable cars, large trucks or RVs.
- Members agreed with many of the TDM draft recommendations with a couple of exceptions. Several members did not think that FAR bonuses should be awarded for TDM plans. They felt that parking reductions were already a financial bonus to developers and good practice.
- **A. Brockett** cautioned that basing evaluations on surveys can be overly optimistic.
- **J. Putnam** disagreed with some of the methodology. He thought it would be prudent to collect data, define problems and develop solutions accordingly. He thought it was

premature to devise solutions when problems and the effectiveness of TDM plans have not been defined. Consider implementing a flat employee fee across the city instead. He saw this as having a potential discriminatory effect on new developments that have already started to work on transit issues. Many older buildings have no TDM plans and building owners are on the hook with little control over tenant practices. He questioned whether this is the best use of time and resources.

- **L. May** recommended that staff look at new and existing development to determine means for reaching a holistic reduction. Look at all traffic generation, not just businesses.
- Limit satellite parking to existing parking like the IBM complex. Do not create more parking on the periphery of the city as it encourages bad land use and does not achieve much benefit.
- Satellite parking should be free.
- **L. May** did not like the last mile concept. Consider the last ten miles; expand Park n Ride system to encourage people to take RTD.
- Board members agreed that shared parking is good.
- There was disagreement as to how to best handle the Neighborhood Parking Program.
- Board members agreed that the current code requires too much parking.
- Consider shifting the code to trigger a Planning Board review when an applicant requests a parking reduction of 50% or more.
- Parking reductions are a sensitive issue in town that will require outreach about the ultimate community benefit.
- Consider providing free NPP permits to residents in areas where external parking spillover impacts neighborhoods.
- Conduct surveys and parking counts when school is in session.

A. Information Item: 2016 – 2021 Greenways Capital Improvement Program

J. Putnam and **A. Brockett** said that they would be happy to walk **L. Payton** through the CIP if she has any questions.

B. Information Item: Floodplain mapping revisions for Upper Goose Creek and Twomile Canyon Creek

J. Gerstle noted that the maps currently on the website are outdated. New maps will be posted soon.

The board agreed to appoint **J. Gerstle** and **L. May** to the BVCP Process Committee.

L. Ellis updated the board about Council's discussion regarding 96 Arapahoe.

The June 4th meeting will begin at 5 p.m.

C. DEBRIEF MEETING/CALENDAR CHECK

D. ADJOURNMENT

The Planning Board adjourned the meeting at 11:05 p.m.

APPROVED BY

Board Chair

DATE

DRAFT

CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
June 4, 2015
1777 Broadway, Council Chambers

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PLANNING BOARD MEMBERS PRESENT:

Aaron Brockett, Chair
Bryan Bowen
John Putnam
John Gerstle
Leonard May
Liz Payton

PLANNING BOARD MEMBERS ABSENT:

Crystal Gray

STAFF PRESENT:

Susan Richstone, Deputy Director of CP&S
Charles Ferro, Development Review Manager for CP&S
Hella Pannewig, Assistant City Attorney
Susan Meissner, Administrative Assistant III
Sloane Walbert- Planner I
Karl Guiler- Planner II
David Thompson, Transportation Engineer
Lesli Ellis, Comprehensive Planning Manager for CP&S
Jean Gatza, Community Sustainability Coordinator
Courtland Hyser, Senior Planner
Matt Chasansky, Arts and Cultural Services Manager

1. CALL TO ORDER

Chair, **A. Brockett**, declared a quorum at 6:07 p.m. and the following business was conducted.

2. APPROVAL OF MINUTES

On a motion by **J. Putnam** and seconded by **L. May** the Planning Board approved 6-0 (**C. Gray** absent) the August 28, 2014 minutes.

3. PUBLIC PARTICIPATION

4. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-

UPS/CONTINUATIONS

- A. Information Item: Floodplain mapping revisions for Skunk Creek, Bluebell Canyon Creek and King's Gulch
- B. Call-Up Item: USE REVIEW (LUR2015-00027): Request for the expansion of an existing daycare use ("The Acorn School") at 2845 Wilderness Place within the Industrial General (IG) zone district. Expires: June 11, 2015.

J. Putnam recommended that the city consider critical facilities by rail.

Neither of these items was called up.

5. PUBLIC HEARING ITEMS

- A. Public hearing and Concept Plan Review of a proposal for the expansion and renovation of an existing automobile sales and service facility at 2465 48th Court (Larry H. Miller Toyota), Case No. LUR2015-00026. Proposal includes various site improvements and an approximately 28,500 square foot addition to the north (rear) side of the building, which requires merging the two existing parcels.

Applicant: Alexandra Schuchter, John Mahoney Architects
Property Owner: Miller Family Real Estate LLC

Staff Presentation:

- C. **Ferro** introduced the item.
- S. **Walbert** presented the item to the board.

Board Questions:

- S. **Walbert** answered questions from the board.

Applicant Presentation and Questions:

Alexandra Schuchter, the owners representative, presented the item to the board.

Public Hearing:

No one spoke.

Board Comments:

BVCP Plan

- Board members agreed that the proposal generally complies with the BVCP.

Architecture and Site Design

- The board would prefer to see improved architecture, especially on the southwest corner, if possible. The current design is acceptable but a bit generic.
- The board did not have strong feelings about the materials used in the design of the building; they did not feel that it would be permanent.

- Landscaping upgrades will be triggered by the proposal. Integrate storm water swales into the landscape design. Consider trees and plant choices that are native to the area and that could act as rain gardens. They discouraged the use of sod.
- Include and make conspicuous alternate forms of energy generation. Consider incorporating energy features into the building, carport and site design.
- Include an electric vehicle charging station.

Transportation and circulation

- Improve the circulation for bikes and pedestrians. Provide a designated crossing from the sidewalk on 47th Street to the main building; give pedestrians and bikes precedence over cars.
- Include a bike sharing program such as B-Cycle and make design accommodations for Lift, Uber or other alternative modes of transportation.
- Talk with Go Boulder and Community Cycles to determine the best ways to connect the site with existing bike networks and to Boulder Junction.
- Provide bike racks and other infrastructure to encourage employees to bike to work.
- Though outside of the applicant's purview, the board would like to see improved sidewalk connectivity at Pearl Parkway and 47th Street. Consider widening the sidewalk along 47th Street if possible and creating a pedestrian access point mid-block along Pearl Parkway.
- The TDM plan will be an important tool to work out larger transportation issues. Include bike loans or shared bikes in the plan.

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

J. Gerstle mentioned that Landmarks Board expressed concern about the future of the band shell. They would oppose moving it at all.

L. Payton retracted her suggestion that residential uses for seniors would be appropriate in the Civic Area in the current Senior Center site due to its location in the high hazard flood zone.

- A. Update and Feedback from the Planning Board on the Form-Based Code (FBC) pilot project in Boulder Junction and receive input from the board on the following:**
- 1. Draft Guiding Principles for the pilot FBC area in Boulder Junction (prepared by CodaMetrics).**

Staff Presentation:

K. Guiler presented the item

Board Questions:

K. Guiler answered questions from the board

Board Comments:

- Board members generally supported the Form Based Code pilot.
- Many cautioned against making the Form Based Code language too prescriptive. They did not feel that prescriptive elements would guarantee a good design and could potentially preclude good design.
- **L. May** expressed concern that the public expected Form Based Code to be a panacea to resolve the city's building issues. He felt that it would help to prevent poorly composed buildings but was skeptical that it would ensure good building.
- Consider having more prescriptive elements in relation to the public realm and streetscape.
- Provide clear rules and expectations to ensure that the city gets what it wants.
- **L. May** thought that staff and the board should weigh in more on design issues and deny buildings for poor design.
- Consider means for addressing signature and long buildings.
- Determine criteria to trigger buildings to go before Planning Board. One option would be to allow staff to make the decision.
- The visual preference survey is an interesting tool, but it does not provide conclusive data. Some people vote more than once and the sampling of buildings should be expanded to include examples from other places and current buildings in the city. The survey could be used to identify successful themes that reflect community values.
- Provide more detail about the proposal for the number of stories versus overall building height allowances. **L. May** did not want the allowable building height limit to exceed 55 feet.
- Consider designating the location of towers and other significant architectural elements through FBC.
- The discretionary review process encourages developers to play it safe; it makes for acceptable but not good buildings.

- Consider requiring mock ups of building elements. Build them into the fee structure.
- Address building materials that do not age well like vinyl siding.
- Consider doing away with the FAR and dwelling unit per acre minimums in favor of something more outcome-based. FAR and unit per acre minimums could have unintended consequences that contradict the BVCP.
- Make changes to the land use code to make way for Form Based Code.

B. Boulder Valley Comprehensive Plan 2015 Update – Community Engagement and Foundations Work in Progress

Staff Presentation:

L. Ellis introduced the item.

J. Gatza and **C. Hyser** presented the item.

Board Questions:

L. Ellis answered questions from the board.

Board Comments:

- The board applauded the effort to date. They appreciated the level of data and that their previous comments had been incorporated into the materials.
- They liked the foundations work and offered suggestions for additional data including:
 - Tying into the Climate Commitment, i.e. impacts to open space/trail usage, recycling, construction waste and VMT.
 - Employment, including the number of non-profit jobs,
 - Historic preservation,
 - Mental health,
 - Homeownership. Show how many home owners live offshore; consider imposing higher taxes on them.
 - Include inflation adjustments.
- Include bikeability and walkability data in subcommunity fact sheets.
- The board liked the residential growth management system. Consider taking the growth rate out over a longer period of time.
- **L. May** suggested that “growth pays its own way” could be considered as a core value.

- There was disagreement as to whether it made sense to consider delaying the Housing Strategy until the BVCP update is complete.
- Include more about affordability and inclusivity for both the lower and middle sectors. Include more of an action plan about what can be done to foster inclusivity.
- Foster opportunities to create a shared community vision through this process. Let everyone feel heard.

C. Community Cultural Plan Update

Staff Presentation:

M. Chasansky presented the item to the board.

- The board applauded the plans and depth of community engagement.
- The board appreciated the authentic outreach to Latino community.
- Make participation in cultural activities as free or affordable as possible. Look at models like Governor's Island for allowing programming and removing fees/red tape; this could translate to the band shell.
- Consider means for creating affordable facilities for artists.
- Clear the path and empower people to be able to do public and community art.
- Consider means to foster more capacity building. Organizations, CU and professional groups in the community beyond the creative crowd might be able to contribute or help to incubate artistic endeavors.
- Much cultural activity takes place in private spaces as opposed to public spaces. We're losing some of the more affordable places in town. It is important to find ways to find affordability for those groups.
- Consider planning policies that could help to encourage affordable spaces for art before we lose opportunities.
- Assure that there is space available for different groups at different times on a larger scale. The band shell- programming for those types of spaces are an important part of the overall plan.

- Consider a cultural analogy to landmarking for cultural resources. Help artists to stay afloat despite the rising costs. Develop the arts community by retaining it and fostering new artists. The Potters Guild is a great example of this.
- Access to creativity is a precious thing- unlocking creativity unlocks much more.
- Consider an artist in residence program. Create place that is all about art and that changes constantly. Tie into sense of authenticity and place like the building at Valmont Bike Park.

C. DEBRIEF MEETING/CALENDAR CHECK

Staff discussed the proposed meetings with the County Planning Commission regarding the BVCP update. Meetings are currently scheduled around major milestones and updates every 2 months. Staff will come back with a schedule and will make proposals. One option could be to have liaisons from each board that attend each other's meetings.

The July 16th meeting Will start at 5pm.

D. ADJOURNMENT

The Planning Board adjourned the meeting at 9:48 p.m.

APPROVED BY

Board Chair

DATE

MEMORANDUM

TO: Planning Board
FROM: Chandler Van Schaack, Case Manager
DATE: July 16, 2015
SUBJECT: Call Up Item: USE REVIEW (LUR2015-00060) for new tavern with outdoor seating area over 300 square feet in size to be operated in conjunction with “Boulder Food Park” mobile food vehicle sales. The call-up period expires **July 20, 2015**.

Background. The 83,262 square foot (1.91-acre) project site is zoned Business – Community 1 (BC-1), which is defined in the land use code as *business areas containing retail centers serving a number of neighborhoods, where retail-type stores predominate* (section 9-5-2(c)(4)(B), B.R.C. 1981).

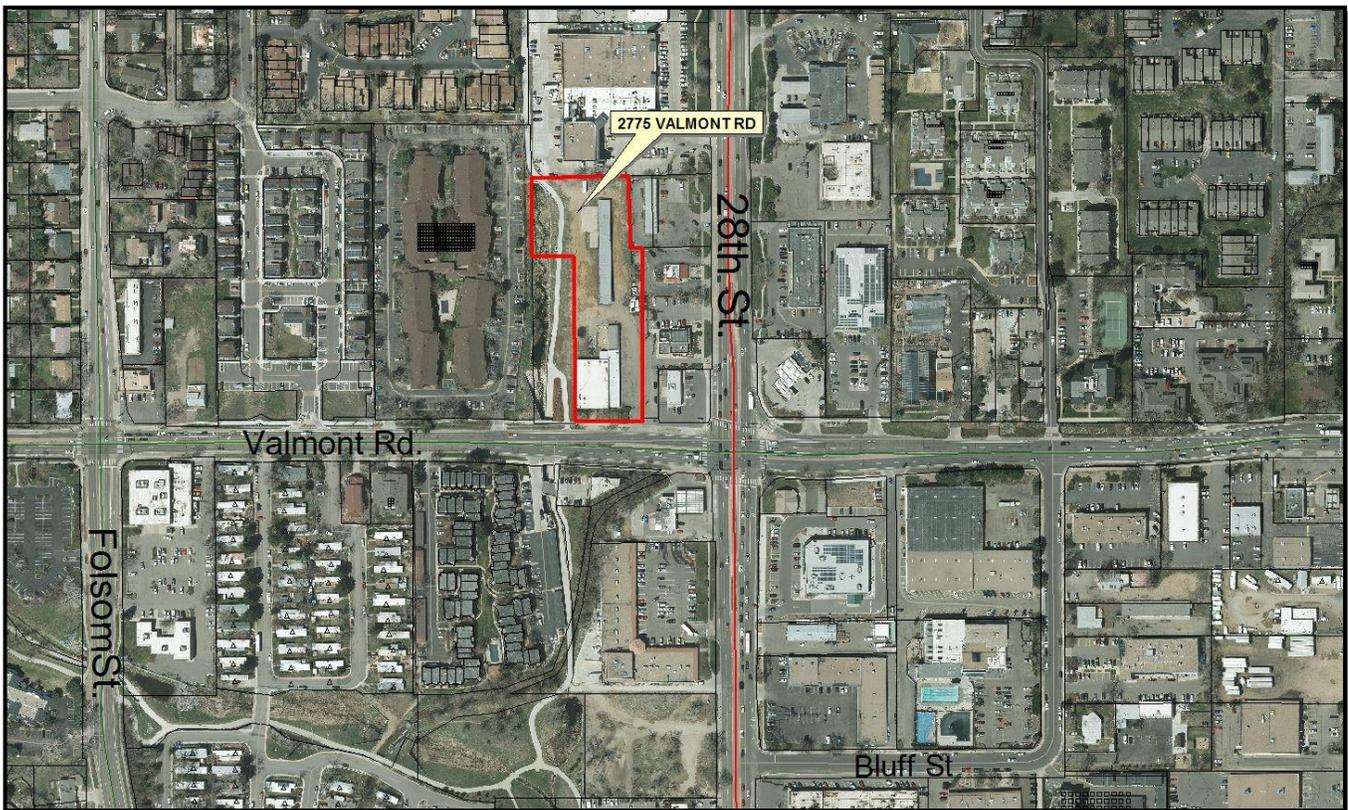


Figure 1: Vicinity Map

The project site is located at 2775 Valmont Road, just west of the intersection of Valmont Rd. and 28th St., as shown above in **Figure 1**, within the Business – Community 1 (BC – 1) zoning district. The existing 1-story, 9,826 sq. ft. building was constructed in 1956, and was the location of the former “Futsal” indoor sports facility. The remainder of the site is a large, partially paved parking area with a canopy structure running north-south down the middle. To the east of the site are several existing commercial properties including a dispensary, a restaurant and a liquor store, all of which lie within a corridor of BC-1 and BC-2 zoning running north-south along both side of 28th Street. The Two Mile Creek multi-use path runs along the west side of the site, and roughly demarcates the boundary of between the BC zoning to the east and a large area of RH-4 zoning to the west. Within the RH-4 zoned area lies the Two Mile Creek apartment complex immediately west of the project site as well as the Shady Hollow condominiums and Mapleton Mobile Home Park across Valmont to the south.

Prior to submitting the subject application, the applicant looked at various sited throughout the city but was unable to find an appropriate location for the use. On June 2, 2015, City Council passed Ordinance #8049 which allows the city manager to grant permission for mobile food vehicles within the BC-1 zone district to locate within 150 feet of an existing restaurant

with written permission from the restaurant owner. Therefore, mobile food vehicles are now allowed to operate on the project site subject to the conditional use standards found in section 9-6-5(d), B.R.C. 1981, and are not within the scope of this review. The use standards found in section 9-6-1, B.R.C. 1981 require a Use Review for the proposed tavern use because it includes an outdoor seating area over 300 sq. ft. in size and is located within 500 feet of a residential use module.

Proposed Project.

The proposal is to redevelop the existing property at 2775 Valmont with two new principal uses: a tavern with an outdoor seating area and mobile food vehicle sales. The proposed tavern would utilize the existing tenant space and would be roughly 7,600 sq. ft. in size, with two new outdoor patio areas and a landscaped outdoor seating area including an area for outdoor games. There is roughly 2,226 sq. ft. of existing office space located in the subject building which would remain following the proposed conversion. The mobile food vehicle sales would occur in a designated area to the north of the tavern, with up to four mobile food vehicles operating at a time. A total of 50 off-street parking spaces will be provided on-site, as well as 30 bicycle parking spaces (22 short-term spaces and 8 long-term spaces).

The proposed hours of operation for the tavern are from 11:00am – 10:00pm, Monday – Friday, 11:00am – 11:00pm on Saturday and 11:00 am – 9:00pm on Sunday. Mobile food vehicles will operate in accordance with the City’s mobile food vehicle regulations (section 9-6-5(d), B.R.C. 1981), which allow for hours of operation from 7:00 a.m. to 9:00 p.m., seven days per week. Outdoor seating will be available for mobile food vehicle patrons for all hours but tavern sales will only occur during the hours specified above. Amplified music will be played in the outdoors area at low volume levels during the regular tavern business hours. Periodically special events will take place where music will be more amplified but will be restricted to hours no later than 9:00 pm. Please see **Attachment C** for Applicant’s Proposed Plans, and **Attachment A** for the Notice of Disposition and attached Management Plan.

Project Analysis. Overall, the proposal was found to be consistent with the Use Review criteria found in section 9-2-15, B.R.C. 1981. Please refer to **Attachment B** for staff’s complete analysis of the review criteria.

Public Comment. 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. The applicant also held a voluntary neighborhood meeting on June 25, 2015, at which they discussed the proposed management plan with several interested neighbors. Feedback from the meeting was largely positive; however, staff has received comments from several neighbors as well as the Two Mile Creek HOA expressing concerns over potential noise, visual and parking impacts from the proposed use. Public comments received by staff are included as **Attachment D**.

Conclusion. Staff finds that the proposed project meets the relevant criteria pursuant to section 9-2-15, “*Use Review*,” B.R.C. 1981 (please refer to **Attachment B**). This proposal was approved by Planning and Development Services staff on July 6, 2015 and the decision may be called up before Planning Board on or before **July 20, 2015**. There is one Planning Board meeting within the 14-day call up period, on **July 16, 2015**. Questions about the project or decision should be directed to Chandler Van Schaack at (303) 441-3137 or vanschaackc@bouldercolorado.gov.

Attachments

- A. Signed Disposition
- B. Analysis of Review Criteria
- C. Applicant’s Proposed Plans
- D. Public Comments



CITY OF BOULDER
Community Planning and 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 PLANNING DEPARTMENT
NOTICE OF DISPOSITION

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

DECISION: **APPROVED WITH CONDITIONS**
 PROJECT NAME: **Boulder Food Park Tavern**
 DESCRIPTION: **USE REVIEW for tavern with outdoor seating area to be operated in conjunction with mobile food vehicle sales.**
 LOCATION: **2775 Valmont Rd.**
 COOR: **N05W04**
 LEGAL DESCRIPTION: **See attached Exhibit A**
 APPLICANT: **Jeff Check**
 OWNER: **Stephen D. Tebo**
 APPLICATION: **Use Review, LUR2015-00060**
 ZONING: **BC-1**
 CASE MANAGER: **Chandler Van Schaack**
 VESTED PROPERTY RIGHT: **NO; the owner has waived the opportunity to create such right under Section 9-2-19, B.R.C. 1981.**

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

Approved On: _____

Date

7.6.15

By: _____

David Driskell, Executive Director of Community Planning and Sustainability

This decision may be appealed to the Planning Board by filing an appeal letter with the Planning Department within two weeks of the decision date. If no such appeal is filed, the decision shall be deemed final fourteen days after the date above mentioned.

Appeal to Planning Board expires: 7.20.15

Final Approval Date: 7.21.15

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

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

CONDITIONS OF APPROVAL

1. The Applicant shall ensure that the **development shall be in compliance with all approved plans** prepared by the Applicant on June 15, 2015 on file in the City of Boulder Planning Department. Further, the Applicant shall ensure that the approved use is operated in compliance with the following restrictions:
 - a. The Applicant shall operate the business in accordance with the Management Plan dated July 7, 2015 which is attached to this Notice of Disposition.
 - b. Size of the indoor tavern use shall be limited to 7,600 square feet, with a total of 180 interior seats. The total outdoor seating area including patios shall not exceed 3,060 square feet, with a total of 36 outdoor seats. All trash located within the outdoor seating area, on the tavern property and adjacent streets, sidewalks and properties shall be picked up and properly disposed of immediately after closing.
 - c. The approved tavern use shall be closed from 10:00 p.m. to 11:00 a.m., Mon. – Fri., before 11:00 a.m. and after 11:00 p.m. on Saturdays, and before 11:00 a.m. and after 8:00 p.m. Sundays.
2. The Applicant **shall not expand or modify the approved use**, except pursuant to Subsection 9-2-15(h), B.R.C. 1981.
3. This **approval shall be limited to the Boulder Food Park Tavern**, operated consistent with the Applicant's Management Plan dated July 7, 2015. Any changes in ownership shall be subject to the review and approval of the Planning Director. The purpose of such review shall be to inform such subsequent user of this space that it will be required to operate the tavern in compliance with the terms of this approval.
4. All **mobile food vehicles shall operate in accordance with the standards** set forth in subsection 9-6-5(d), B.R.C. 1981, except as amended by Ordinance 8049.
5. Prior to a building permit application, the Applicant shall submit an application for and obtain approval of an **Administrative Parking Reduction** consistent with Subsection 9-9-6(f), B.R.C. 1981.
6. Prior to a building permit application, the Applicant shall submit an application for and obtain approval of an **Administrative Landscape Standards Modification** consistent with Subsection 9-9-12(c), B.R.C. 1981.
7. Prior to issuance of a certificate of occupancy, the Applicant shall submit an application for and construct water and sanitary sewer services to the existing structure consistent with Subsections 11-1-13(a) and 11-2-8(a), B.R.C. 1981.

EXHIBIT A: LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 20, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF VALMONT ROAD WHICH IS 995.74 FEET EAST FROM THE SOUTHWEST CORNER OF SAID SECTION 20 AND 332.0 FEET WEST FROM THE SOUTHEAST CORNER OF THE SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 AND 30.0 FEET NORTH, SAID POINT OF BEGINNING BEING THE SOUTHEAST CORNER OF THE PARCEL OF LAND RECORDED AT RECEPTION NO. 865918, FILM 622: THENCE NORTH, PARALLEL WITH THE WEST LINE OF SAID SECTION 20, A DISTANCE OF 350.0 FEET; THENCE WEST, PARALLEL WITH THE SOUTH LINE OF SECTION 20, A DISTANCE OF 80.5 FEET, TO A POINT 915.69 FEET EAST FROM THE WEST LINE OF SAID SECTION 20; THENCE NORTH, PARALLEL WITH THE WEST LINE OF SAID SECTION 20, A DISTANCE OF 168.3 FEET TO THE SOUTHWEST CORNER OF THE PARCEL OF LAND RECORDED IN BOOK 933 AT PAGE 365; THENCE EAST, PARALLEL WITH THE SOUTH LINE OF SAID SECTION 20, A DISTANCE OF 199.1 FEET TO A POINT 175 FEET WEST OF THE WEST LINE OF 28TH STREET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF 28TH STREET, A DISTANCE OF 150.0 FEET; THENCE EAST PARALLEL WITH THE SOUTH LINE OF SAID SECTION 20, A DISTANCE OF 25.0 FEET TO A POINT 150.0 FEET WEST OF THE WEST LINE OF SAID 28TH STREET; THENCE SOUTH, PARALLEL WITH THE WEST LINE OF 28TH STREET, A DISTANCE OF 368.22 FEET TO A POINT ON THE NORTH LINE OF VALMONT ROAD; THENCE WEST, ALONG THE NORTH LINE OF VALMONT ROAD, A DISTANCE OF 145.0 FEET TO THE POINT OF BEGINNING; EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY CONVEYED TO THE CITY OF BOULDER IN THE DEED RECORDED MARCH 6, 1974, AT RECEPTION NO. 95603, FILM 844 AND THE CORRECTORY DEED RECORDED MAY 15, 1974, AT RECEPTION NO. 102856, FILM 853, COUNTY OF BOULDER, STATE OF COLORADO.

Address: 2775 Valmont Rd.

Boulder Food Park

Revised 07-07-2015

Background: Boulder Food Park (BFP) is designed to provide Boulder with an environment where they can enjoy local food, beer, and community. The site will be adaptively reused to have an inviting 6,900 square foot indoor eating, drinking, and event space, with the total floor area of the tenant space not to exceed 7,600 square feet. The outside will be landscaped to create an inviting area for seating, games, and music. The site will host two principal uses: a tavern and mobile food vehicle sales. The mobile food vehicle sales will be located in the mobile food vehicle park which will host 4 rotating food trucks which will provide local food choices to the patrons of Boulder Food Park. The mobile food vehicle sales use will operate in accordance with the City's mobile food vehicle regulations (section 9-6-5(d), B.R.C. 1981). The tavern use will provide beer and wine options, and will include outdoor seating and music for patrons.

Tavern Hours of Operation: Monday – Friday 11:00am – 10:00pm. Saturday 11:00am – 11:00pm. Sunday 11:00 am – 9:00pm.

Food Truck Hours: All week no earlier or later than 7am-9pm as allowed by city law. **Note:** Outdoor seating will be available for mobile food vehicle patrons for all hours but tavern sales will only occur during the hours specified above.

Parking: 50 off-street parking spaces will be provided on-site. Employees will be encouraged to use alternate forms of transportation such as the bike path which connects to the property and RTD (RTD Eco Passes will be provided to all employees of Boulder Food Park). At this time, our number of employees will range from 3-10 starting at the lower end now while the business ramps up, and then increased depending on business traffic, business financials, and security to ensure all areas are being watched. The employees who do choose to drive will be instructed to use on-site parking and not surrounding business or neighborhood parking areas. Food Trucks will be required to park in the designated area shown on the site plan, which has been designed to meet the minimum required separation from adjacent residential zoning and to be separate from the customer parking area.

Deliveries: These will be instructed to drive to the designated food truck staging area out of the way of BFP patrons.

Trash and Recycling: Trash, recycling, and composting receptacles will be provided both indoors and outdoors and maintained by BFP staff. The trash dumpster will be kept on the north end of the property in an area accessible for the trash service. Trash, recyclables, and compostables shall not be collected between the hours of 10:30 p.m. and 7:30 a.m. to avoid noise that may impact surrounding neighborhoods. The entire site will be kept free of unsightly trash and clutter.

Noise: Amplified music will be played in the outdoors area at low volume levels during the regular tavern business hours. Periodically special events will take place where music will be more amplified but will be restricted to hours no later than 9pm. Food Trucks will run on BFP provided electrical outlets and not be allowed to run their generators or engines. The food trucks will not be allowed to play their own music while on site.

Drug and Alcohol Policy: BFP will provide stringent training and established alcohol policies congruent with the Boulder Police Departments and other state certified guidelines for safe and cooled consumption of

alcohol on the premises by patrons at least 21 years of age. The entire property will be fenced in so that alcohol use can be moderated. Designated entries and exits will be noted where alcohol is prohibited.

Neighborhood Outreach and Methods of Future Communication: Before opening a “Neighborhood Meeting” will be heard to address any suggestions or concerns. After operations commence, owners may be reached at info@boulderfoodpark.com and all inquiries will be addressed.

Methods of Dispute Resolution with Surrounding Neighborhood: BFP will uphold its performance as a good neighbor and strive to prevent any disputes. Should a dispute with the surrounding neighborhood arise, the owner or manager will participate in discussions and find resolutions to the problems cited.. An employee meeting will then be scheduled to implement the solutions. Irreconcilable differences will be handled first through mediation, then arbitration, then court proceedings as necessary.

Case #: LUR2015-00060

Project Name: Boulder Food Park

Date: 7/16/15

USE REVIEW CRITERIA

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

(1) Consistency with Zoning and Non-Conformity: The use is consistent with the purpose of the zoning district as set forth in [Section 9-5-2\(c\)](#), "Zoning Districts Purposes," B.R.C. 1981, except in the case of a non-conforming use;

The project site is zoned BC-1 (Business- Community 1), defined in the land use code as: "Business areas containing retail centers serving a number of neighborhoods, where retail-type stores predominate" (section 9-5-2(c)(2)(G)). For the purposes of applying zoning, the proposed use is considered a combination of a "tavern with an outdoor seating area of 300 square feet or more within 500 feet of a residential zoning district," which requires a Use Review to operate in the BC-1 zone, and a "Mobile Food Vehicle" use, which is permitted to operate subject to the conditional use standards found in section 9-6-3(d) of the Boulder Revised Code. It should be noted that on June 2, 2015, City Council adopted ordinance 8049, which allows the proposed food trucks to locate within 150 feet of the existing restaurant to the east (the code previously did not allow this); however, the code still requires a Use Review for the proposed tavern/ outdoor seating area.

_____ (2) Rationale: The use either:

(A) Provides direct service or convenience to or reduces adverse impacts to the surrounding uses or neighborhood;

The proposed tavern and food truck park will provide a direct service the surrounding uses and neighborhood by re-using an existing vacant space to provide a new family-friendly eating, drinking and event space serving local food and beer. In addition to the proposed 7,600 sq. ft. indoor tavern, the use will include a large outdoor landscaped area for seating, music and games. Being located immediately adjacent to the Elmer's Two-Mile multi-use path and near the intersection of two major roads, Valmont Road and 28th Street, the site is easily accessible by various transportation modes including biking, walking, transit and automobile. In addition, there are several high density residential developments within walking distance of the proposed use that will benefit from having a community-oriented eating and drinking establishment in close proximity.

_____ (B) Provides a compatible transition between higher intensity and lower intensity uses;

_____ (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 non-residential mixed uses in appropriate locations, and group living arrangements for special populations; or

_____ (D) Is an existing legal non-conforming use or a change thereto that is permitted under subsection (e) 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 location, size, design and operating characteristics of the proposed use are such that the use will be reasonably compatible with and have minimal negative impact on the use of nearby properties. In terms of the location, as previously mentioned the site is located near the intersection of Valmont and 28th St., which are classified as an arterial and a highway, respectively, and as such routinely accommodate very high levels of traffic. The surrounding area is currently a mix of high density residential uses to the west along Valmont and higher intensity commercial uses along the 28th Street corridor to the north, east and south. The Elmer's Two-Mile Path runs along the west side of the site and aside from providing direct pedestrian and bicycle access to the site acts as a buffer between the proposed use and the residential uses to the west. Given the ease of access as well as the predominantly retail and service-based character of the nearby area, the proposed site is an appropriate location for the food truck park.

In terms of size and design, the proposed tavern use is to be located in an existing roughly 7,600 sq. ft. tenant space formerly used as the "Futsal" indoor sports facility. Therefore, the size and design of the building are not changing. In terms of the site, the existing conditions are undesirable and include a large dirt parking area almost entirely devoid of landscaping as well as a large, somewhat dilapidated carport structure running up the center of the site. The applicant proposes to pave and stripe the parking area and to create a roughly 3,060 sq. ft. landscaped area for seating music and games, which will greatly improve the overall appearance of the site.

In terms of the proposed operating characteristics, the previous tenant was the Futsal indoor sports facility, which was a by-right use that operated from 7:00 am to 2:00 am, and included numerous sports events with high turnover and large numbers of attendees. The proposed tavern and food truck park will be subject to a Management Plan and will therefore increase the predictability of the use compared to the previous use. Per the Management Plan, the tavern will have hours of operation from 11 am – 10 pm, Mon – Fri, 11 am – 11 pm on Saturdays and 11 am – 8 pm on Sundays. Food trucks will be able to serve between 7:00 a.m. and 9:00 p.m., seven days per week. There will be amplified music during regular tavern business hours, as well as occasional outdoor musical performances which will not be amplified past 9:00 pm. If the Use Review is approved, the applicant will be required to obtain a 25% parking reduction in order to allow for them to provide 50 parking spaces on-site as proposed where 66 are required per section 9-9-6, B.R.C. 1981. The applicant has provided a Travel Demand Management Plan outlining several ways in

which the applicant proposes to reduce the number of vehicle trips to and from the site, including providing a direct paved connection to the bike path from the site, subsidizing eco-passes for employees of the facility, offering periodic discounts to people who travel to the site by alternate modes and holding bicycle-oriented events with local organizations to promote awareness. In addition, the applicant is proposing to provide 30 bicycle parking spaces, including 22 short-term spaces and 8 long-term spaces, where only 8 are required by the land use code. All of the measures combined will significantly reduce the number of vehicles travelling to and from the site, which will reduce the chance the use will have any significant impact on traffic and parking in the surrounding area.

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

The proposed use will re-use an existing building that has been in the current location since 1956. Currently, the site is not served by City water or sewer; however, the site will be required to connect to City utilities through the building permit process. The site will also be required to meet all drainage requirements at time of building permit. The existing utilities in the area are over-sized for the existing and future demand, and are designed to accommodate any additional development that may occur on the site. In addition, the anticipated traffic generated by the site will not adversely affect either of the two streets serving the site, Valmont Rd. and 28th St., which are a major arterial and a state highway, respectively, and are well within acceptable level of service ranges. Therefore, the proposed use will not significantly affect the infrastructure of the surrounding area.

✓ (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

The use will not change the predominant character of the surrounding area, which is a mix of high density residential uses to the west along Valmont and higher intensity retail and service uses to the north, east and south along the 28th Street corridor. Given the building's location on the south side of the site as well as the site's location to the rear (west) of several existing businesses including a restaurant, dispensary and drive-thru liquor store and to the east of the Elmer's Two-Mile path, the proposed outdoor seating area and food truck park will be buffered on three sides and will only be minimally visible from adjoining rights-of-way. In addition, the proposed Management Plan will help ensure ongoing predictability of the use.

N/A (6) Conversion of Dwelling Units to Non-Residential Uses: There shall be a presumption against approving the conversion of dwelling units in the residential zoning districts set forth in [Subsection 9-5-2\(c\)\(1\)\(a\)](#), B.R.C. 1981, to non-residential uses that are allowed pursuant to a use review, or through the change of one non-conforming use to another non-conforming 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 day care center, park, religious assembly, social service use, benevolent organization use, art or craft studio space, museum, or an educational use.

Not applicable, as the subject proposal is for the replacement of a previously existing commercial use with a new commercial use, and does not include any conversion of existing dwelling units to non-residential uses.



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Boulder Food Park
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 Boulder, CO 80304



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 CODES AND ORDINANCES. THE
 CONTRACTOR SHALL REVIEW AND
 UNDERSTAND ALL DOCUMENTS AND SHALL
 NOTIFY THE ARCHITECT IMMEDIATELY OF
 ANY DISCREPANCIES IN THE DRAWINGS,
 FIELD CONDITIONS OR DIMENSIONS.

ISSUED/REVISION SCHEDULE			
#	DESCRIPTION	AUTHOR	CHECKED DATE

USE REVIEW
 06/15/2015

SHEET No.

UR-1
 SITE PLAN

BOULDER FOOD PARK

2775 Valmont Rd. Boulder, CO

PROJECT TEAM

OWNER
 BOULDER FOOD PARK
 2775 VALMONT RD.
 BOULDER, CO
 P: 404-786-9125

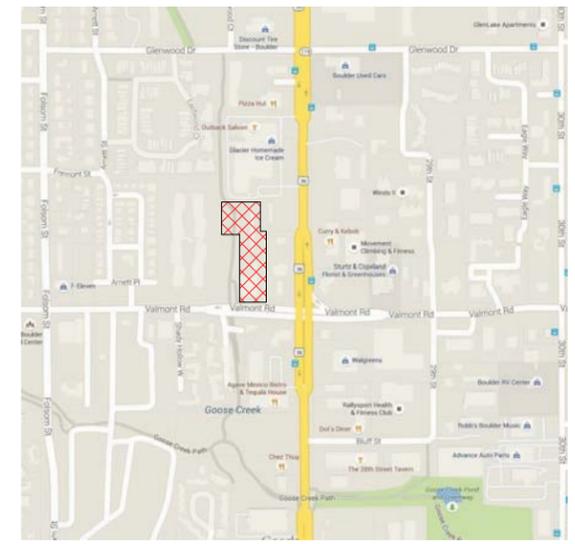
ARCHITECT
 COBURN ARCHITECTURE
 3020 CARBON PLACE #203
 BOULDER, CO
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BUILDING INFORMATION	
SQFT OF TENANT SPACE	7,600 SQFT
SQFT OF BUILDING	9,826 SQFT
TOTAL SQFT FOR SITE	83,262 SQFT
INDOOR SEATING AREA	5,850 SQFT
OUTDOOR SEATING AREA TOTAL	3,070 SQFT
SOUTH PATIO AREA	410 SQFT
NORTH PATIO/DECK AREA	300 SQFT
NORTH LANDSCAPED SEATING AREA	2,360 SQFT
BUILDING HEIGHT	16'-6"
OPEN SPACE	
REQUIRED (@20%)	16,652 SQFT
TOTAL OPEN SPACE SHOWN	29,851 SQFT
PARKING REQUIREMENTS	
EXISTING OFFICE TENANTS (@ 1:300 SQFT)	6
INTERIOR SEATING (180 @ 1:3 SEATS)	60
EXTERIOR SEATING (36 < 20% INTERIOR SEATING)	0
PARKING REQUIRED	66
TOTAL PARKING REQUIRED WITH 25% REDUCTION	50
• ACCESSIBLE SPACES REQUIRED	2 (1 VAN ACC)
• COMPACT SPACES POSSIBLE (50%)	25
STANDARD SPACES SHOWN	26
COMPACT SPACES SHOWN	22
ACCESSIBLE SPACES SHOWN	2
TOTAL PARKING SHOWN	50
BICYCLE PARKING REQUIREMENTS	
TAVERN (1 PER 750 SQFT, MIN OF 4)	10
LONG-TERM BIKE PARKING REQUIRED (25%)	3
TOTAL BICYCLE PARKING SHOWN	30 (8 LONG-TERM)
PARKING LOT LANDSCAPING	
PARKING LOT AREA	22168 SQFT
INTERIOR PARKING LOT LANDSCAPING REQUIRED (5%)	1108 SQFT
TOTAL INTERIOR PARKING LOT LANDSCAPING SHOWN	1608 SQFT

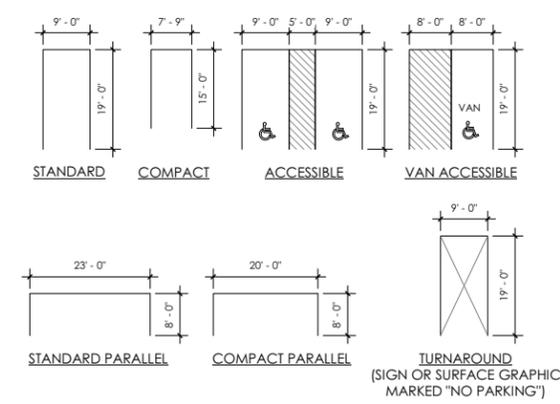
SITE INFORMATION	
LEGAL DESCRIPTION	TR 598-C LESS PT TO CITY 598-C-1 & 598-C-1-A & 598-D & 599-E & 599-E-1 IN 20-1N-70 TOTAL 98 ,843 SF OR 2.27AC M/L, BOULDER, CO
ZONING	BC-1
USE REVIEW	REQUIRED FOR TAVERN IN BC-1

DRAWING INDEX

UR-1	SITE PLAN
UR-2	FLOOR PLAN
UR-3	PRELIMINARY LANDSCAPE PLAN
UR-4	ELEVATIONS



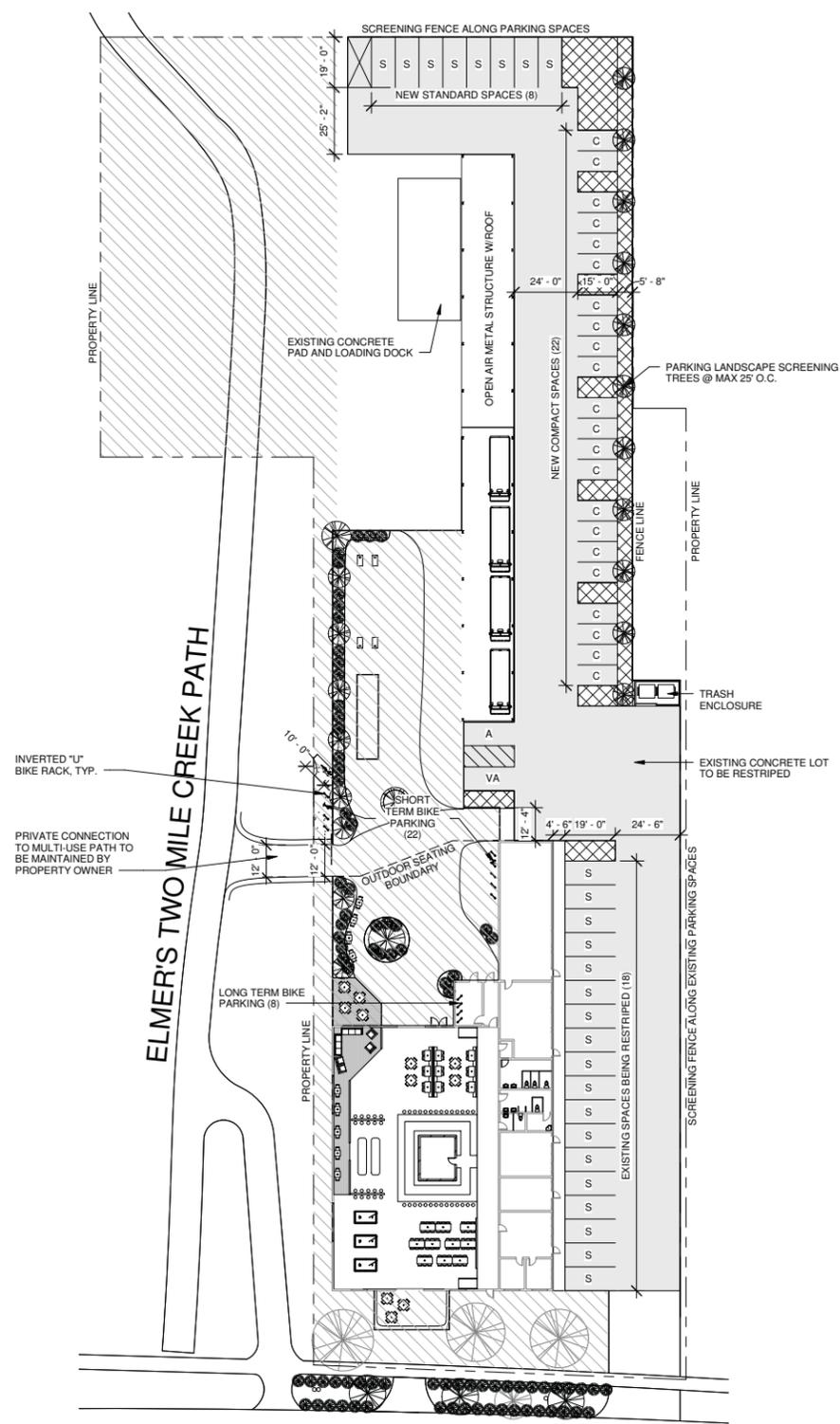
VICINITY MAP
 1" = 40'-0"



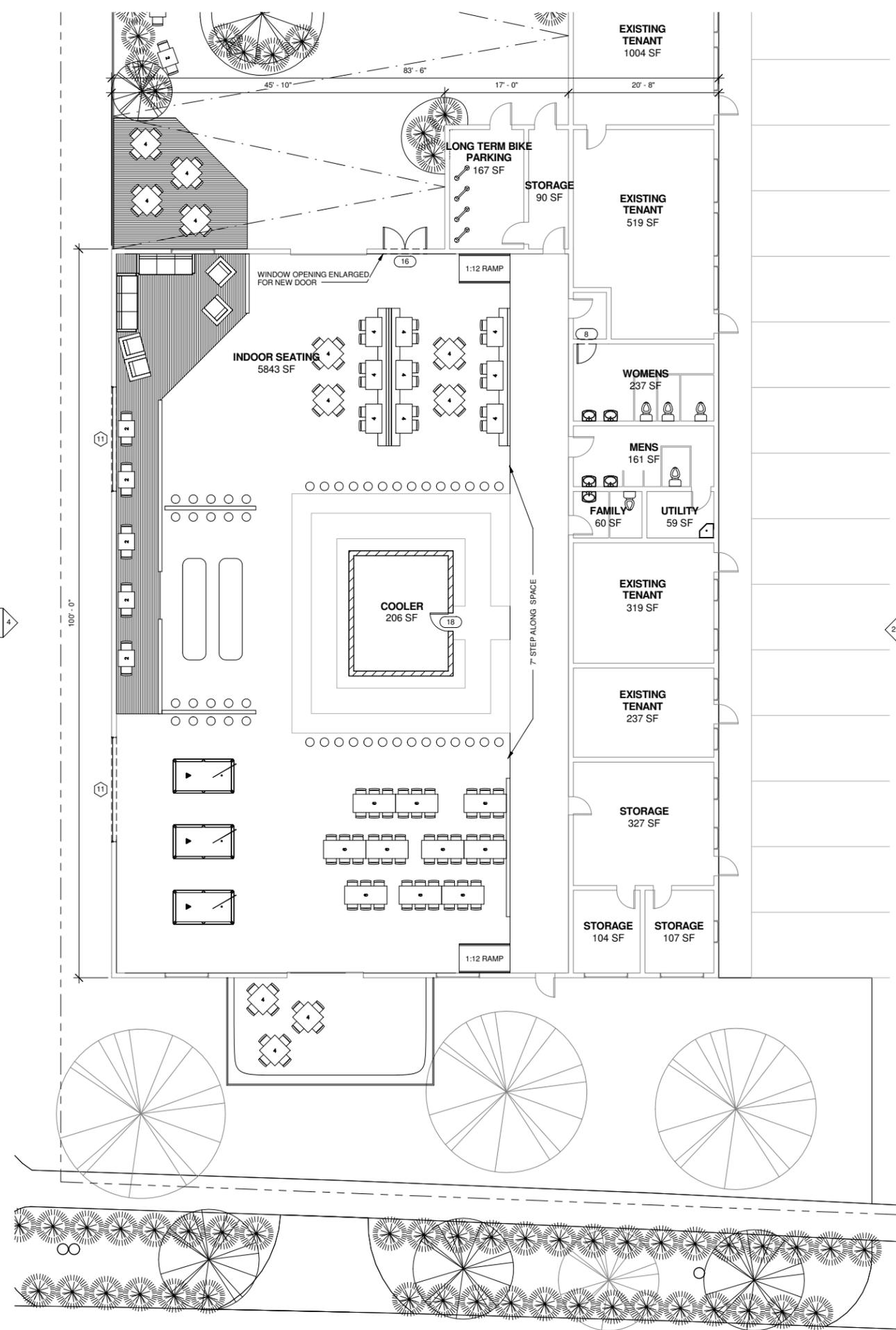
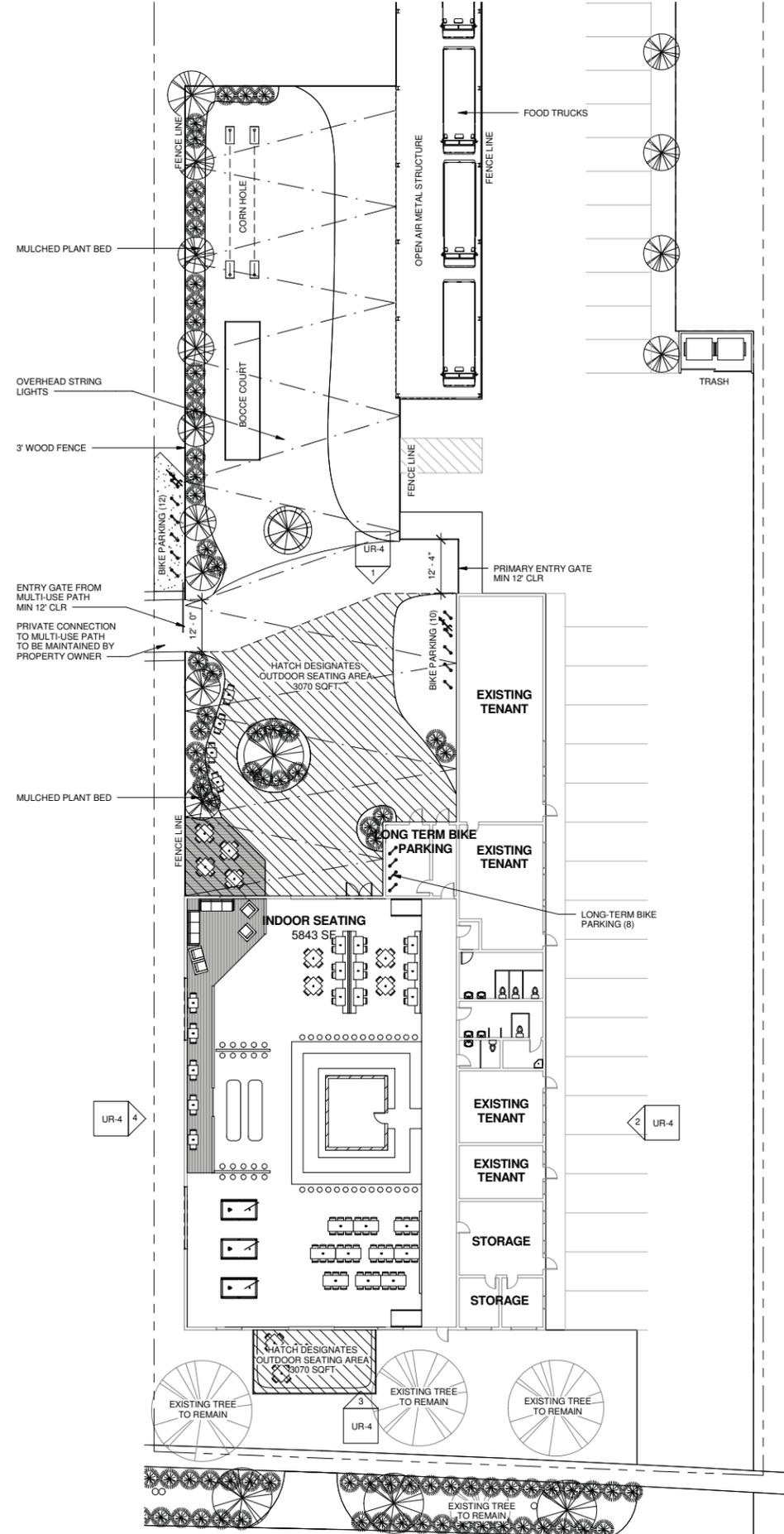
PARKING STALL SIZING
 1/16" = 1'-0"

PARKING SPACE LEGEND	
S	STANDARD PARKING STALL
C	COMPACT PARKING STALL
CP	COMPACT PARALLEL PARKING STALL
A	ACCESSIBLE PARKING STALL
VA	VAN ACCESSIBLE PARKING STALL
T	TURNAROUND
[Hatched]	HATCH INDICATES PARKING LOT LANDSCAPING
[White]	OPEN SPACE

SITE PLAN LEGEND
 1" = 20'-0"



SITE PLAN
 1" = 30'-0"



② AREA LAYOUT
1/16" = 1'-0"

① FLOOR PLAN
1/16" = 1'-0"



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ISSUED/REVISION SCHEDULE

#	DESCRIPTION	AUTHOR	CHECKED	DATE

USE REVIEW
06/15/2015

SHEET No.

UR-2
FLOOR PLAN



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Boulder Food Park

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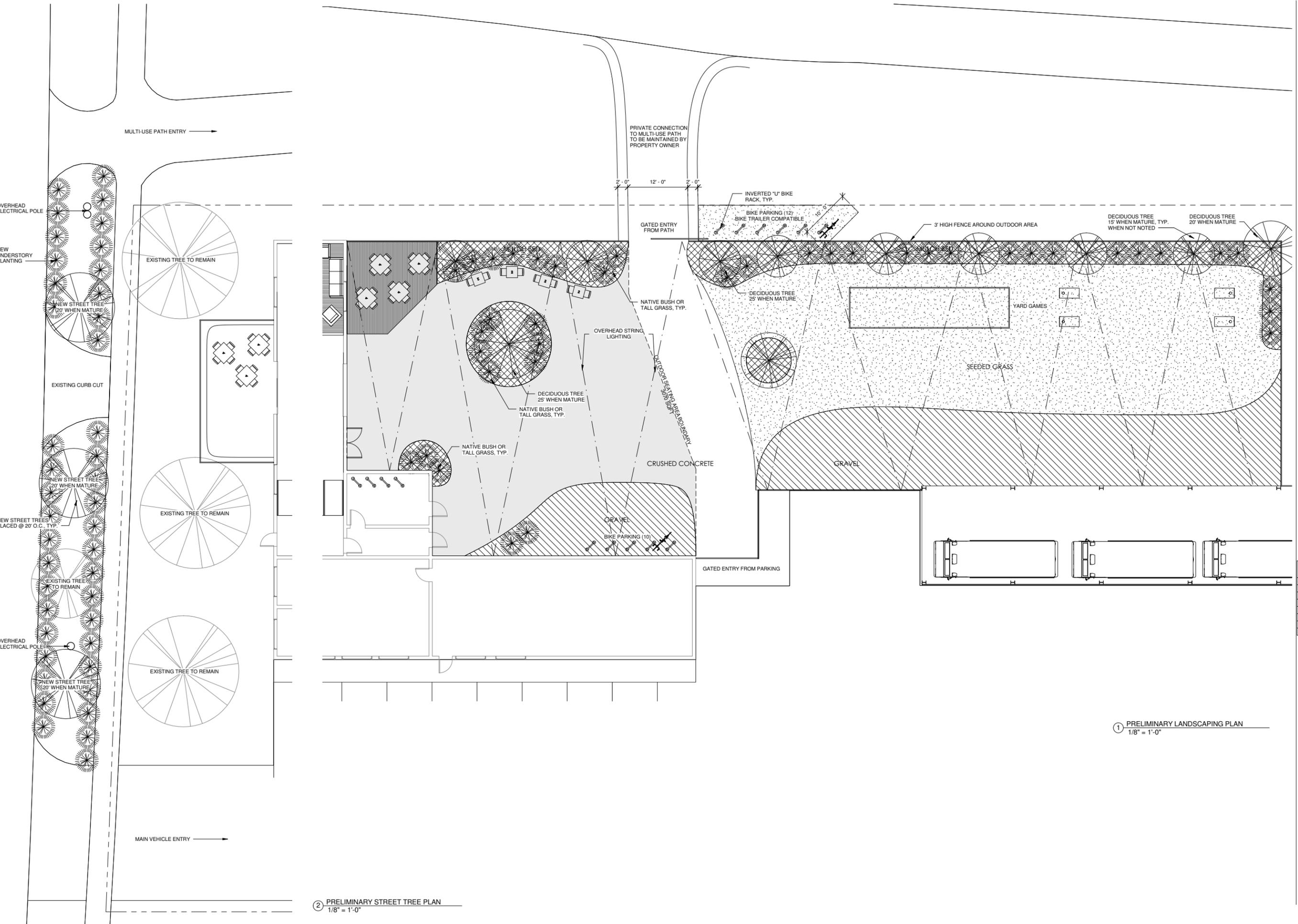
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ISSUED/REVISION SCHEDULE

#	DESCRIPTION	AUTHOR	CHECKED	DATE

1 PRELIMINARY LANDSCAPING PLAN
1/8" = 1'-0"

2 PRELIMINARY STREET TREE PLAN
1/8" = 1'-0"



Agenda Item 4A 14 of 21

USE REVIEW
06/15/2015

SHEET No.

UR-3
PRELIMINARY
LANDSCAPE PLAN



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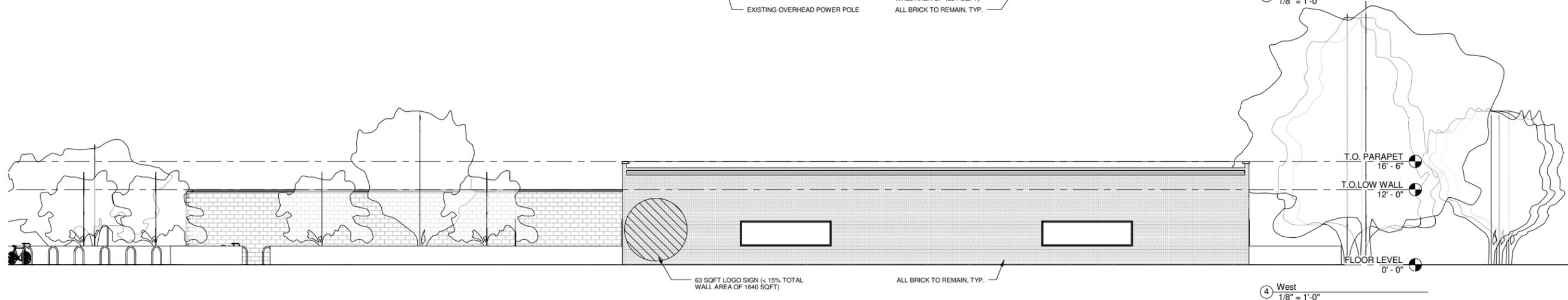
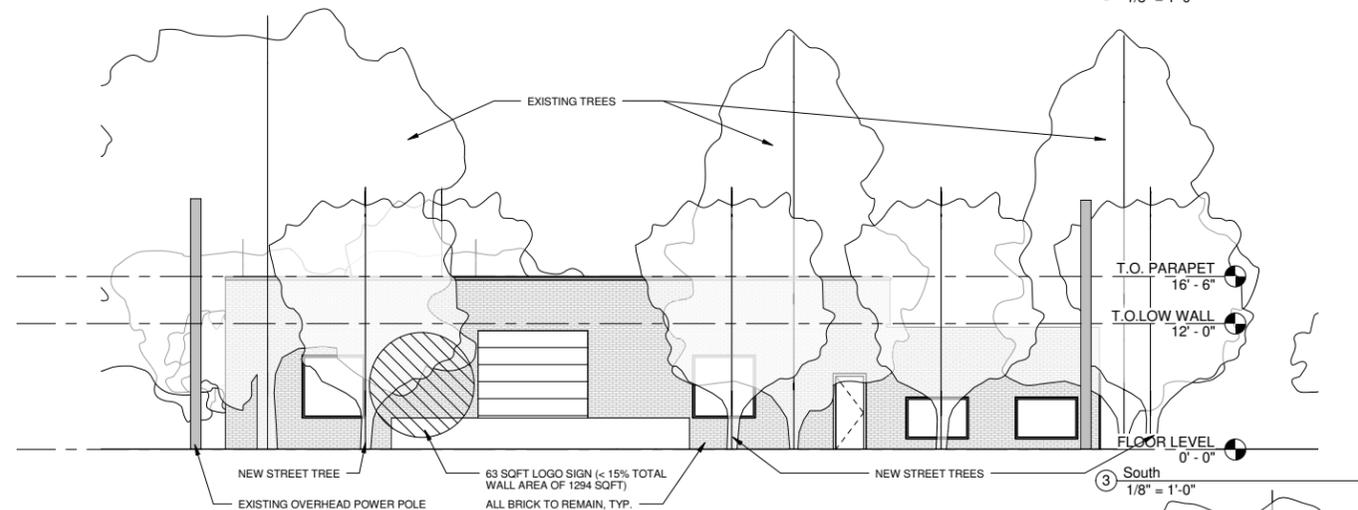
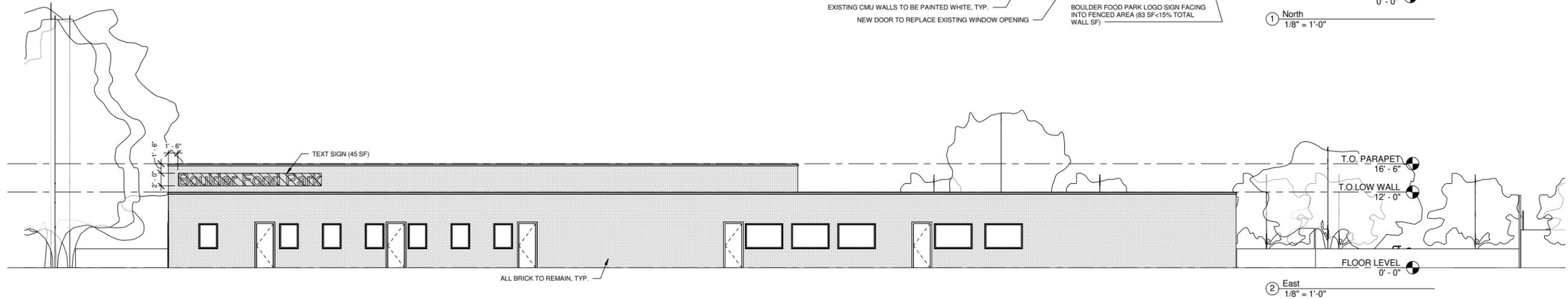
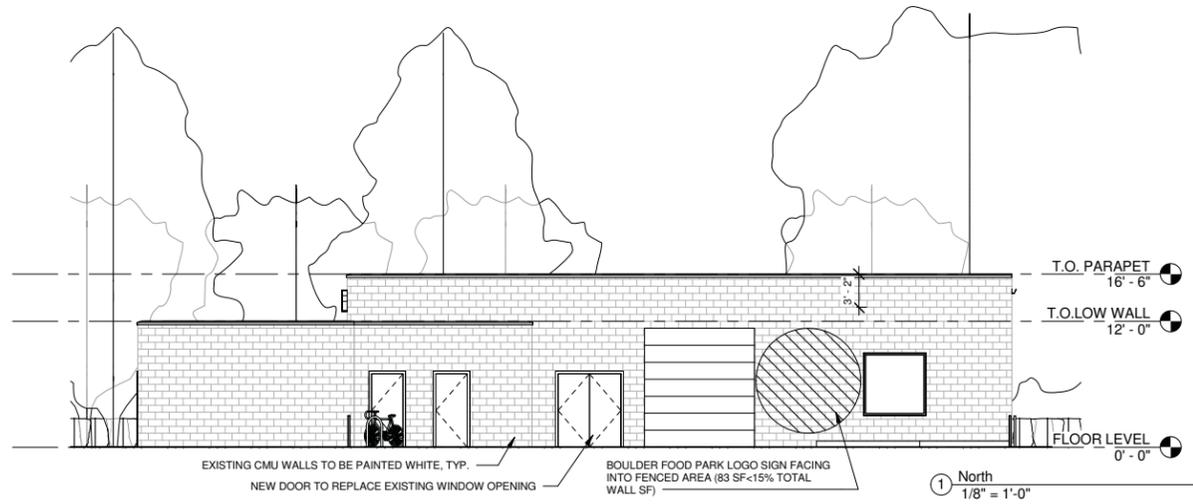
ISSUED/REVISION SCHEDULE

#	DESCRIPTION	AUTHOR	CHECKED	DATE

USE REVIEW
06/15/2015

SHEET No.

UR-4
ELEVATIONS



Van Schaack, Chandler

From: Clyda Stafford [clyda@q.com]
Sent: Friday, July 03, 2015 1:43 PM
To: Van Schaack, Chandler
Subject: App. for 2775 Valmont Rd. Tavern

Dear Mr. Van Schaack,

I am emailing my comment on the application to the Planning Dept. for a Food Park and Tavern at 2775 Valmont Rd. Today, I see that the letter from Planning Dept. says to send them before July 3, but when I first read the letter, I had July 3 in my mind as the deadline. Please accept my comment today.

I live in the Willow Brook Townhomes that border on Glenwood Drive on the north, the Two Mile Creek bike path on the east, and Red Oak Park (city public housing) on the southeast. My town home (3120 Eastwood Ct.) is in the southeast corner of our HOA. I am only yards from the bike path, Two Mile Creek condos, and the open space for the bike path extends down to Valmont. Although a tavern at 2775 Valmont would be a block and half away from me, it is in a direct line of open space to my townhouse; therefore, I could hear noise from an outside seating area. Inevitably, there would be noise-- a "tavern" is a bar, especially from music that plays until possibly 2:00 a.m.

Shady Hollow East and Two Mile Creek condos are only yards from that location. All of the area west of that location is very dense residential housing. I already hear noise from 28th St., Valmont Rd., the back of the shopping center to my east that is on 28th (especially the car wash), noise from the back parking lot of Two Mile Creek condos, noise from Red Oak Park (city public housing), noise from my own neighborhood (very dense), and sometimes at night -- even noise from the Elmers's Two Mile Creek bike path. I don't want more noise.

Just because the people who live in all these dense neighborhoods, in condos and townhouses, are living in affordable housing, doesn't mean that the City (especially the Planning department) can assume we have not right to a decent quality of life and the peace and quiet of our own homes. The City (including the Planning department) preaches "affordable housing" and "residential density" as if those ideas are a religion. But, they do not understand what their policies do to the quality of life for the people who live in affordable housing -- after all, they don't live there.

Clyda Stafford
303-443-8313
3120 Eastwood Ct.
Boulder, CO 80304

June 30, 2015

City of Boulder Planning and Sustainability
1739 Broadway
Boulder, CO 80306

TwoMile Creek HOA
2707 Valmont
Boulder, CO 80304

Mr. Van Schaack:

TwoMile Creek (TMC) appreciated the opportunity to attend the developers' meeting regarding the proposed use at 2775 Valmont Road.

We do believe, however, that some concerns need to be "on the record" and written plans in place to deal with the following issues that we believe are likely or probable problems that will result from the project going forward:

- the location of windows (operable or not) facing TwoMile Creek will result in noise transmission from the existing building. We request no windows facing TMC.
- patrons parking in our parking lot; I personally saw many people park there the night of the meeting; it's convenient and I think there is every reason that will be a problem.
- *the extent of effective sound mitigation for not just the outside music, but the noise of scores of people whose volume cannot be "turned down."* This was not discussed at the meeting and is likely to be substantial as people will be drinking---even wine and beer.
- car lights facing TMC will disturb residents (bedrooms face the project) if extensive sight mitigation is not installed *all along the area where cars will be facing TMC.*
- professional security supervision to make sure that we will not have an incursion of vagrants or tavern patrons onto our property when "the party is over" at the tavern site.

We would ask that the city require, and the developers agree, to hiring security to be sure that their customers are not parking in our lot and that their site is cleared completely when they close. We also ask that both sound and sight mitigation measures be **VERY** extensive before the project is allowed to go forward; it is unlikely that changes will be made once approval is gained. Further, we would like to have a specific plan in place to address problems should they occur and would like to see those plans prior to construction.

We ask that the City very seriously consider that TMC's residents will not be able to "go home" to escape noise that is too loud, or car lights too bright, if they are deprived of their parking spaces or if vandalism occurs. This project has the potential to permanently change the quality of their life. We ask that you work with TMC if this project is to go forward.

Suzanne Wong
TwoMile Creek Board President

Van Schaack, Chandler

From: Michael May [mmay303@yahoo.com]
Sent: Tuesday, June 23, 2015 12:48 PM
To: Van Schaack, Chandler
Subject: Boulder Food Park & Tavern

Hi Chandler Van Schaack,
I received your letter about this project in my neighborhood and would like to comment.

In general. I am greatly in favor of this project and think it will be great for Boulder. My two concerns are:

- 1) the noise from this location drifting into my neighborhood if there will be outdoor music. This is primarily of concern during the the last hour that it is open each day as this is getting into the bedtime for children.
- 2) good parking has to be provided for customers so as to not encourage people from parking in the parking lots of neighboring condo and apartment buildings nearby.

Regards,

Michael May
2982 Shady Hollow West
Boulder, CO
President of the Shady Hollow HOA

303-241-0119

Van Schaack, Chandler

From: Tom Wilberding [twilberding@comcast.net]
Sent: Saturday, June 20, 2015 7:23 PM
To: Van Schaack, Chandler
Cc: Barb Wilberding
Subject: 2775 Valmont

In response to your mailing about this project, Boulder Food Park and Tavern, my wife and I vote no—outside taverns are not appropriate next to residential. Inside tavern with zero outdoor tables would be okay with us, subject to their obeying Boulder noise and other ordinances.

Thank you,

Thomas W. Wilberding
Barbara A. Wilberding
3108 Eastwood Court
Boulder, CO 80304-2957

Van Schaack, Chandler

From: Ellen Shriver [ellen.r.shriver@gmail.com]
Sent: Saturday, June 20, 2015 11:40 AM
To: Van Schaack, Chandler
Subject: tavern

since you are listed as project contact on the letterhead stationery from the community planning & sustainability i am directing my questions to you. this letter which included a colorful brochure/invitation from the young investors in the food park project was described in your letter as a good neighbor meeting. however the letter with brochure was inserted into our mail boxes.... u.s. postal boxes, by an unknown hand. some boxes that had enough space around the sides or the bottom for the envelop to slide through got the letter. those boxes which are by their construction too tight for the envelope to slide through did not. first of all who was messing with our mail boxes; second, a hit or miss approach for informing the neighbors is not a formal notification. some residents were informed, some were not. has the city government become so careless as to use a questionable method of informing the public of a meeting that concerns them? to use the u.s. postal mail boxes of the residents at 2707 valmont road rather than taking the time to deliver the notice, since it did not come through the mail, door to door? a letter under the city of boulder letterhead which included a brochure from the aforementioned investors in the food park smacks of tacit support from the city for this business project. what about city support for the densely populated residential area that this business borders? does the city council now make it's decisions based on weather a proposal is "cool" or uncool? it is cause for concern to the public that city government is behaving in such an irresponsible manner as regards this matter. ellen r. shriver, 2707 valmont road.

2707 Valmont Rd. D202
Boulder, CO. 80304
7/1/15

Chandler Van Schaack
P.O. Box 791
Boulder, CO. 80306
RE: Boulder Food Park & Tavern

Dear Mr. Van Schaack,

This letter is my comments on the proposed Boulder Food Park & Tavern Review Number: LUR2015-00060 in response to the notice I received dated June 16, 2015.

I would like to begin by reiterating our telephone conversation. I explained to you the neighborhood meeting invitations were found in our locked mailboxes without address or postage, and not all residents received them. I asked you how this could be a legitimate meeting since not all the residents were invited. Your response was that since they are not required to have a neighborhood meeting there was nothing you could do. You told me you suggested to them that they postpone the meeting and send out proper notice but they refused. This was not fair to the residents who did not know about the meeting, and to the food truck that may have had more customers if the meeting had been properly noticed.

The next item I would like to bring up is conflicting information. It was verbally stated at the meeting that the music would be indoors. On the management plan document we received it states "Amplified music will be played in the outdoors area at low volume levels during the regular business hours of operation. Periodically special events will take place where the music will be more amplified but will be restricted to hours no later than 9pm." I am very confused.

Thirdly, at the meeting one of our homeowners made a request that closing time be earlier. The response was no with no offer of negotiation.

If I were on a review board, I would see the above mentioned behaviors as red flags and would question if these people are capable of running a business.

In regard to noise, even if the music is indoors and under control, what about people's voices? We can hear people talking on the bike path so how is it going to be with people sitting outdoors eating and drinking?

I deserve to have a quiet home without disturbance from neighboring businesses. I am requesting that this application be denied. If my request is denied, they should be required to build a fence with sound proofing material and take full responsibility for any sound seepage.

Please send me notice of your decision.

Sincerely ,



CC Stephen Tebo
Law Office of Riggs, Abney, Neal,
Turpin, Orbison, & Lewis

MEMORANDUM

TO: Planning Board

FROM: Jessica Stevens, Civil Engineer II

DATE: July 9, 2015

SUBJECT: **Call Up Item:** Floodplain Development Permit (LUR2015-00051)
Boulder Community Foothills Hospital Campus – 4747 Arapahoe
Fitness Equipment

This decision may be called up before Planning Board on or before **July 23, 2015**.

A floodplain development permit was approved by Public Works Development Review staff on July 8, 2015 for the addition of a small fitness area located to the west of the existing Boulder Community Foothills Hospital Medical Office Building, known as the Anderson Building. The project will include minor grading, the installation of a six inch high decorative wall and the location of five pieces of fitness equipment within the Conveyance Zone of Boulder Creek.

The proposed fitness equipment is located within the Floodway of Boulder Creek on the effective Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map. The site has been determined to be higher than the effective base flood elevations due to previously permitted modifications to the topography on the hospital site. The City of Boulder has adopted the Boulder Creek Floodplain Mapping Study, prepared in 2013 which removes the location from the 100-year floodplain. The study is currently in the review process for adoption by FEMA.

The applicant has demonstrated compliance with the City's floodplain regulations. The project will not adversely impact nearby properties. A copy of the floodplain development permit and a vicinity map showing the location of the improvements is attached.

The floodplain development permit was approved by Public Works Development Review staff on July 8, 2015 and the decision may be called up before Planning Board on or before July 23, 2015. There is one Planning Board meeting within the 14 day call up period on **July 16, 2015**.

Questions about the project should be directed to the Floodplain and Wetlands Administrator, Jessica Stevens at 303-441-3121 or by e-mail at stevensj@bouldercolorado.gov.

Attachments:

A. Floodplain Development Permit



CITY OF BOULDER
Planning and Development Services

1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791
 phone 303-441-1880 • fax 303-441-4241 • web boulderplandevlop.net

Land Use Review Floodplain Development Permit

Date Issued:

Expiration Date:

(Pursuant to Subsection 9-3-6(e), B.R.C. 1981)

Permit Number:

LUR2015-00051

Contact Information

JAMES LENHART
 1426 PEARL STREET SUITE 300
 BOULDER, CO 80302

Project Information

Location:

4747 ARAPAHOE AV

Legal Description:

TRIANGULAR PT SEC 28-1N-70 N O F ARAPAHOE AVE LESSFOOTHILLS M
 EDICAL BLDG & LESS TABLE MESA MEDICALBLDG CONDOS & LESS TEBO
 MEDICAL PAVILIONBLDG CONDOS & LESS STRIP PER 3249528& LESS
 ANDERSON MEDICAL CENTER CONDOS

Description of Work:

Floodplain Development Permit with-out analysis-Installation of five pieces of
 exercise equipment on the west side of the existing Anderson Building .

Type of Floodplain Permit:

Floodplain Review W/O Analysis

Creek Name:

Boulder

Flood Protection Elevation:

5,236

Conditions of Approval

- The proposed project/activity is approved on the basis that it satisfies applicable requirements of Chapter 9-3-3, "Floodplain Regulations," Boulder Revised Code 1981. Other floodplain requirements as set forth in Chapter 9-3-3 which are not specifically outlined in the conditions of approval below remain applicable to this project/activity.
- Improvements shall be constructed in accordance with the plans submitted as part of the floodplain development permit application.
- The applicant shall confirm in writing that all improvements have been completed in conformance with this Floodplain Development Permit.
- The applicant shall obtain a site inspection and approval from the City of Boulder Floodplain and Wetlands Coordinator upon completion of the projects.
- The equipment shall be securely anchored to resist damage and washing away as debris during flooding events.

Inspections

To schedule an inspection, call 303-441-3280 and refer to your permit number (LUR2015-00051).

Boulder Community Foothills Hospital Campus 4747 Arapahoe



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SUBJECT TO REVISION

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Map produced by the City of Boulder Planning & Development Services Department
For information call (303) 441-3266 or visit us on the web at <http://www.bouldercolorado.gov/pwplan>

Legend

- Flood Conveyence Zone
- City 100 Year Flood Plain



MEMORANDUM

To: Planning Board
FROM: Sloane Walbert, Case Manager
DATE: July 9, 2015
SUBJECT: **Call-Up Item:** USE REVIEW (LUR2015-00041): Request for a new restaurant (“Doug’s Day Diner”) to utilize an existing 815 square foot outdoor patio at 2400 Arapahoe Avenue within the Business - Regional 1 (BR-1) zone district. Hours of operation are 6:00 a.m. to 8:00 p.m., seven days a week. The call-up period expires on **July 22, 2015**.

Attached is the disposition of approval of a Use Review to allow a restaurant with an outdoor seating area of 815 square feet at the southeast corner of Arapahoe Avenue and Folsom Street in the Arapahoe Village Shopping Center (see [Attachment A](#)). Pursuant to [Table 6-1](#): “Use Table”, B.R.C. 1981, a Use Review is required for restaurants or taverns in the BR-1 zone district with an outdoor seating area of 300 square feet or more within 500 feet of a residential zone district. Refer to [Attachment B](#) for analysis of the Use Review Criteria.

Background. The subject tenant space is part of the 13.1 acre Arapahoe Village Shopping Center located in Central Boulder on the south side of Arapahoe Avenue, between Folsom Street and 28th Street. The area to the north and east comprises a regional business area (the Boulder Valley Regional Center). To the northwest, across Folsom Street, is the established Goss Grove residential neighborhood. Refer to **Figure 1** below for a Vicinity Map.



Figure 1: Vicinity Map

The proposed use would occupy a tenant space at the far northwest corner of the shopping center. The current configuration of Arapahoe Village was originally approved in 1979 as part of Planned Unit Development (PUD) (#P-79-33). Records indicate that commercial uses pre-date this approval. A PUD amendment was also approved in the following year (# P-80-5). The subject building currently contains a variety of service, retail and restaurant tenants.

The site is located in the Business - Regional 1 (BR-1) zoning district, which is defined under [section 9-5-2](#), B.R.C. 1981 as, “business centers of the Boulder Valley, containing a wide range of retail and commercial operations, including the largest regional-scale businesses, which serve outlying residential development; and where the goals of the Boulder Urban Renewal Plan are implemented.” Directly across Folsom Street is a restaurant and gas station, also within the BR-1 zone district. The Business - Transitional 1 (BT-1) zone district to the south contains the Millennium Harvest House hotel. Residential uses on the CU campus, which serves family and graduate students from the university, are located to the west in the Public (P) zone district. Refer to **Figure 2** below.

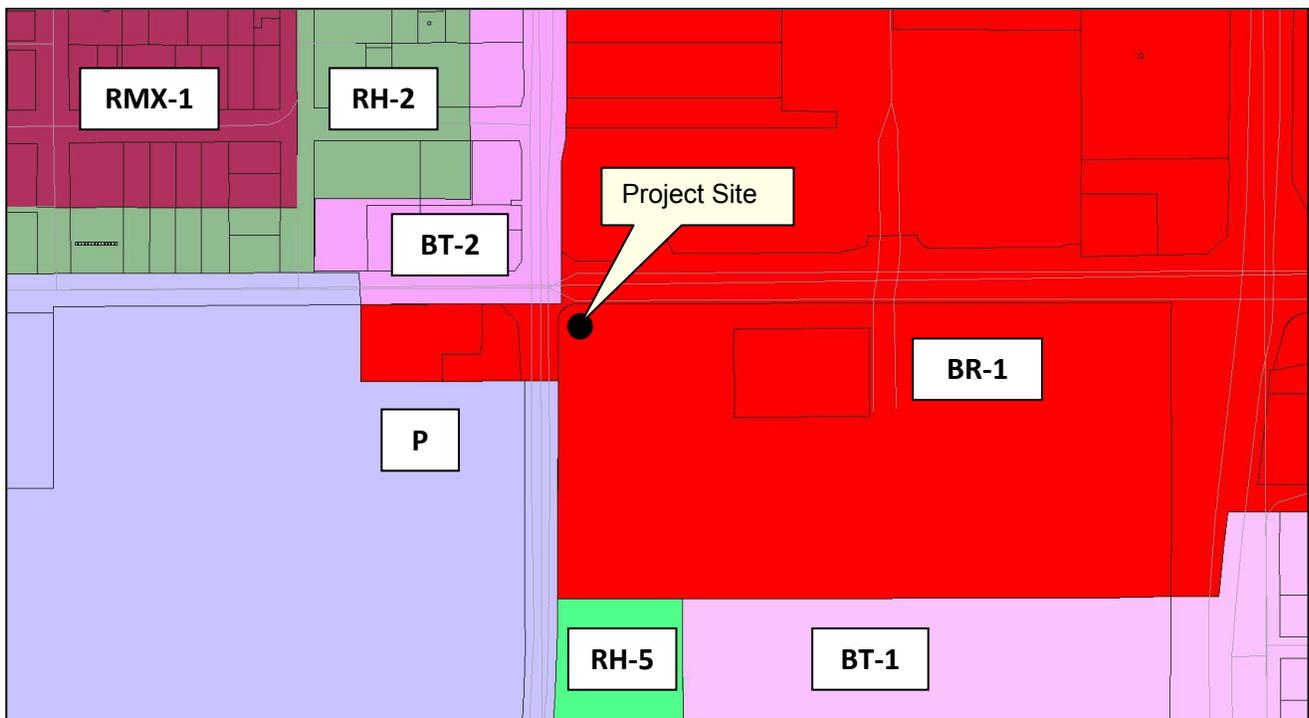


Figure 2: Zoning Map

The Arapahoe Village Shopping Center is over 50,000 square feet of floor area. Based on a parking analysis provided by the applicant, less than 30 percent of the floor area is occupied by restaurants, taverns or brewpubs. Per [Table 9-4](#) of the land use code, the total parking required is 636 parking spaces where 601 are provided. However, since this application will not adding floor area or increasing the parking demand, no parking reduction is necessary.



Figure 3: Existing Patio (Previous Tenant Shown)

Project Proposal. The applicant is requesting approval of a Use Review to allow a 2,746 square foot restaurant “Doug’s Day Diner” to utilize an existing 815 square foot outdoor patio at 2400 Arapahoe Ave. (refer to [Attachment C](#)). Proposed hours of operation are 6:00 a.m. to 8:00 p.m., seven days per week. The existing outdoor patio space and railing were installed in 2012 for a previous restaurant use, which has not operated for more than a year. Associated landscape improvements were also installed to screen the patio from the neighboring streets (see **Figure 3** above). The maximum seating capacity for the patio is 40 persons. No amplified music will be used on the patio.

Review Process. Pursuant to [section 9-6-1](#), B.R.C., restaurants with an outdoor seating area of 300 square feet or more within 500 feet of a residential zoning district are only permitted in the BR-1 zone district with a Use Review approval. Per [section 9-4-2](#), B.R.C. 1981, applications for Use Review are subject to call up by the Planning Board. No modifications from the development code have been requested. The proposal meets all of the development standards for the zoning district and does not trigger or require Site Review.

Public Comment. Required public notice was given in the form of written notification mailed to all property owners within 600 feet of the subject property and a sign posted on the property for at least 10 days. All notice requirements of [section 9-4-3](#), “Public Notice Requirements,” B.R.C. 1981 have been met. The applicant also held a neighborhood meeting in the tenant space on Thursday, June 25, 2015. Staff has not received any public comment and no neighbors attended the meeting.

Conclusion. Staff finds that the proposed project meets the relevant criteria of [section 9-2-15](#), “Use Review,” B.R.C. 1981 (refer to [Attachment B](#)).

The proposal was **approved** by Planning and Development Services staff on **July 8, 2015** and the decision may be called up before Planning Board on or before **July 22, 2015**. There is one Planning Board hearing scheduled during the required 14-day call-up period on **July 16, 2015**. Questions about the project or decision should be directed to the Case Manager, Sloane Walbert at (303) 441-4231 or at walberts@bouldercolorado.gov.

Attachments:

- A. Disposition of Approval
- B. Analysis of Use Review Criteria
- C. Applicant's Proposed Plans



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 PLANNING DEPARTMENT
NOTICE OF DISPOSITION

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

DECISION: **Approved with conditions**
PROJECT NAME: **DOUG'S DAY DINER OUTDOOR PATIO**
DESCRIPTION: **USE REVIEW for a new restaurant (Doug's Day Diner) with an 815 square foot outdoor patio at the northwest corner of the Arapahoe Village shopping center. Hours of operation 6:00 a.m. to 8:00 p.m., seven days a week.**
LOCATION: **2400 ARAPAHOE AVE**
COOR: **N02W04**
LEGAL DESCRIPTION: **See Exhibit A**
APPLICANT: **ERIC CHEKAL, REGENCY CENTERS**
OWNER: **FW CO-ARAPAHOE VILLAGE, LLC**
APPLICATION: **Use Review, LUR2015-00041**
ZONING: **Business - Regional 1 (BR-1)**
CASE MANAGER: **Sloane Walbert**
VESTED PROPERTY RIGHT: **NO; the owner has waived the opportunity to create such right under Section 9-2-19, B.R.C. 1981.**

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

Approved On: 7/8/15
Date

By: [Signature]
David Driskell, Executive Director of Community Planning and Sustainability

This decision may be appealed to the Planning Board by filing an appeal letter with the Planning Department within two weeks of the decision date. If no such appeal is filed, the decision shall be deemed final fourteen days after the date above mentioned.

Appeal to Planning Board expires: 7/22/15

Final approval date: _____

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

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

CONDITIONS OF APPROVAL

1. The Applicant shall ensure that the **development shall be in compliance with all plans prepared by the Applicant on April 13, 2015**, on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval. Further, the Applicant shall ensure that the approved use is operated in compliance with the following restrictions:
 - a. The Applicant shall operate the business in accordance with the management plan dated May 26, 2015, which is attached to this Notice of Disposition.
 - b. The approved use shall be closed from 8 p.m. to 6 a.m. seven days per week.
 - c. Patio area will not exceed 815 square feet. All trash located within the outdoor dining area, on the restaurant property and adjacent streets, sidewalks and properties shall be picked up and properly disposed of immediately after closing.
2. The Applicant **shall not expand or modify the approved use**, except pursuant to Subsection 9-2-15(h), B.R.C. 1981.
3. This approval is limited to Rickey Bruening Inc. d/b/a Doug's Day Diner, the owner of the restaurant. Any changes in ownership shall be subject to the review and approval of the Planning Director. The purpose of such review shall be to inform such subsequent user of this space that it will be required to operate the restaurant in compliance with the terms of this approval.

Exhibit A

LEGAL DESCRIPTION

Parcel A:

A part of the Northwest 1/4 of the Northwest 1/4 of Section 32, Township 1 North, Range 70 West of the 6th Principal Meridian, County of Boulder, State of Colorado, being more particularly described as follows:

Commencing at the Northeast corner of the Northwest 1/4 of the Northwest 1/4 of said Section 32;
Thence South 89°55'30" West along the North line of the Northwest 1/4 of the Northwest 1/4 of said Section 32 a distance of 170.00 feet;
Thence South 00°03'30" East and parallel with the East line of the Northwest 1/4 of the Northwest 1/4 of said Section 32, a distance of 30.00 feet to a point on the West line of a tract of land recorded in Book 895 at Page 399, said point being the Southwesterly corner of the intersection of Arapahoe Avenue and 28th Street and the True Point of Beginning;
Thence South 89°55'30" West along the Southerly right-of-way line of Arapahoe Avenue and parallel with the North line of the Northwest 1/4 of the Northwest 1/4 of said Section 32 a distance of 1121.10 feet to a point on the Easterly right-of-way line of 24th Street;
Thence South 00°07'00" East along the said Easterly right-of-way line and parallel with the West line of the Northwest 1/4 of the Northwest 1/4 of said Section 32, a distance of 550.00 feet;
Thence North 89°55'30" East and parallel with the North line of the Northwest 1/4 of the Northwest 1/4 of said Section 32, a distance of 1120.54 feet to a point on the Westerly right-of-way line of 28th Street;
Thence North 00°03'30" West along the said Westerly right-of-way line and parallel with the East line of the Northwest 1/4 of the Northwest 1/4 of said Section 32 a distance of 550.00 feet to the True Point of Beginning;
EXCEPT that parcel conveyed by University Village, Inc. to Aroe Building, Inc. in Deed recorded November 2, 1962 in Book 1255 at Page 193 and described as follows:

Commencing at the Northeast corner of the Northwest 1/4 of the Northwest 1/4 of Section 32, Township 1 North, Range 70 West of the 6th P.M.;
Thence West along the North line of said Section 32, a distance of 716.89 feet;
Thence South at right angles to said North line, a distance of 80.00 feet to the True Point of Beginning;
Thence West parallel to the North line of Section 32, a distance of 28.00 feet;
Thence South at right angles to said North line, a distance of 161.29 feet;
Thence East parallel to the North line of said Section 32, a distance of 248.00 feet;
Thence North a distance of 161.29 feet to the True Point of Beginning.

Parcel B:

Perpetual and Non-Exclusive Easement for the movement of vehicular and pedestrian traffic over and across the Easterly 10 feet of the following described property granted to Arapahoe National Bank of Boulder by Chandelle Properties, in instrument recorded January 23, 1980 on Film 1101 at Reception No. 380252, to wit
Thence East parallel to the North line of said Section 32, a distance of 248.00 feet;
Thence North a distance of 161.29 feet to the True Point of Beginning.

Commencing at the Northeast corner of the Northwest 1/4 of the Northwest 1/4 of Section 32, Township 1 North, Range 70 West of the 6th P.M.;
Thence West along the North line of said Section 32, a distance of 716.89 feet;
Thence South at right angles to said North line a distance of 80.00 feet to the True Point of Beginning;
Thence West parallel to the North line of Section 32, a distance of 248.00 feet;
Thence South at right angles to said North line, a distance of 161.29 feet;
Thence East parallel to the North line of said Section 32, a distance of 248.00 feet;

Thence North a distance of 161.29 feet to the True Point of Beginning;

County of Boulder,
State of Colorado.

Overall, the project was found to be consistent with the criteria for Use Review set forth in subsection 9-2-15(e), B.R.C. 1981.

(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 Non-Conformity**: The use is consistent with the purpose of the zoning district as set forth in [section 9-5-2\(c\)](#), "Zoning Districts Purposes," B.R.C. 1981, except in the case of a non-conforming use;

The proposed project is located in the BR-1 zoning district that is defined under section 9-5-2, B.R.C. 1981 as,

“Business centers of the Boulder Valley, containing a wide range of retail and commercial operations, including the largest regional-scale businesses, which serve outlying residential development and were the goals of the Boulder Urban Renewal Plan are implemented.”

The site is also located in the Boulder Valley Regional Center (BVRC). Per the use table (table 6-1), a restaurant with an outdoor seating area of 300 square feet or more within 500 feet of a residential zoning district is permitted in the BR-1 zone district with Use Review approval. The intent of the Use Review is to evaluate the impacts of an outdoor patio on adjacent residential uses, including noise, light pollution, traffic and parking. The proposed project is the use of an existing small, outdoor patio where the impacts to any surroundings are minimal. The operation of a restaurant with an outdoor patio is consistent with the intent of the zoning.

- ✓ (2) **Rationale**: The use either:

- ✓ (A) Provides direct service or convenience to or reduces adverse impacts to the surrounding uses or neighborhood;

The proposed restaurant is located in proximity to residential uses on the CU campus and is directly across Folsom Street from the Newton Court Apartments, which serves family and graduate students from the university. The use is also proximate to the eastern edge of the Goss Grove neighborhood. The restaurant will provide dining opportunities for these residential uses. The patio function enhances that experience by providing an outdoor dining option and enhances the pedestrian experience on Folsom Street and Arapahoe Avenue.

- ✓ (B) Provides a compatible transition between higher intensity and lower intensity uses;

The proposed small patio is located near the intersection of Arapahoe and Folsom (an arterial and a collector). As such, any transition space between this outdoor space and the residential neighborhood to the north and west is interrupted by the two busy streets. Therefore, the patio could be considered as a transition from the high intensity traffic and the interior of the shopping center.

- 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 non-residential mixed uses in appropriate locations, and group living arrangements for special populations; or

Not applicable.

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

Not applicable.

- ✓ (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 small size of the restaurant and patio will be reasonably compatible in the context given the intersection of two highly traveled roadways of Arapahoe and Folsom. Implementation of the management plan will mitigate the impacts of an outdoor patio. The small size of the restaurant and patio will be reasonably compatible in the context given the intersection of two highly traveled roadways of Arapahoe and Folsom.

- ✓ (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;

The infrastructure for the existing building is already in place and has been for decades. The restaurant will not create an impact to infrastructure in area.

- ✓ (5) Character of Area: The use will not change the predominant character of the surrounding area;

An active patio use would create an enhanced corner condition along the streetscape of Arapahoe and Folsom since it would create pedestrian interest and activate the street.

- N/A (6) Conversion of Dwelling Units to Non-Residential Uses: There shall be a presumption against approving the conversion of dwelling units in the residential zoning districts set forth in [subsection 9-5-2\(c\)\(1\)\(a\)](#), B.R.C. 1981, to non-residential uses that are allowed pursuant to a use review, or through the change of one non-conforming use to another non-conforming 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 day care center, park, religious assembly, social service use, benevolent organization use, art or craft studio space, museum, or an educational use.

Not applicable, as there are currently no residential units on the subject property.

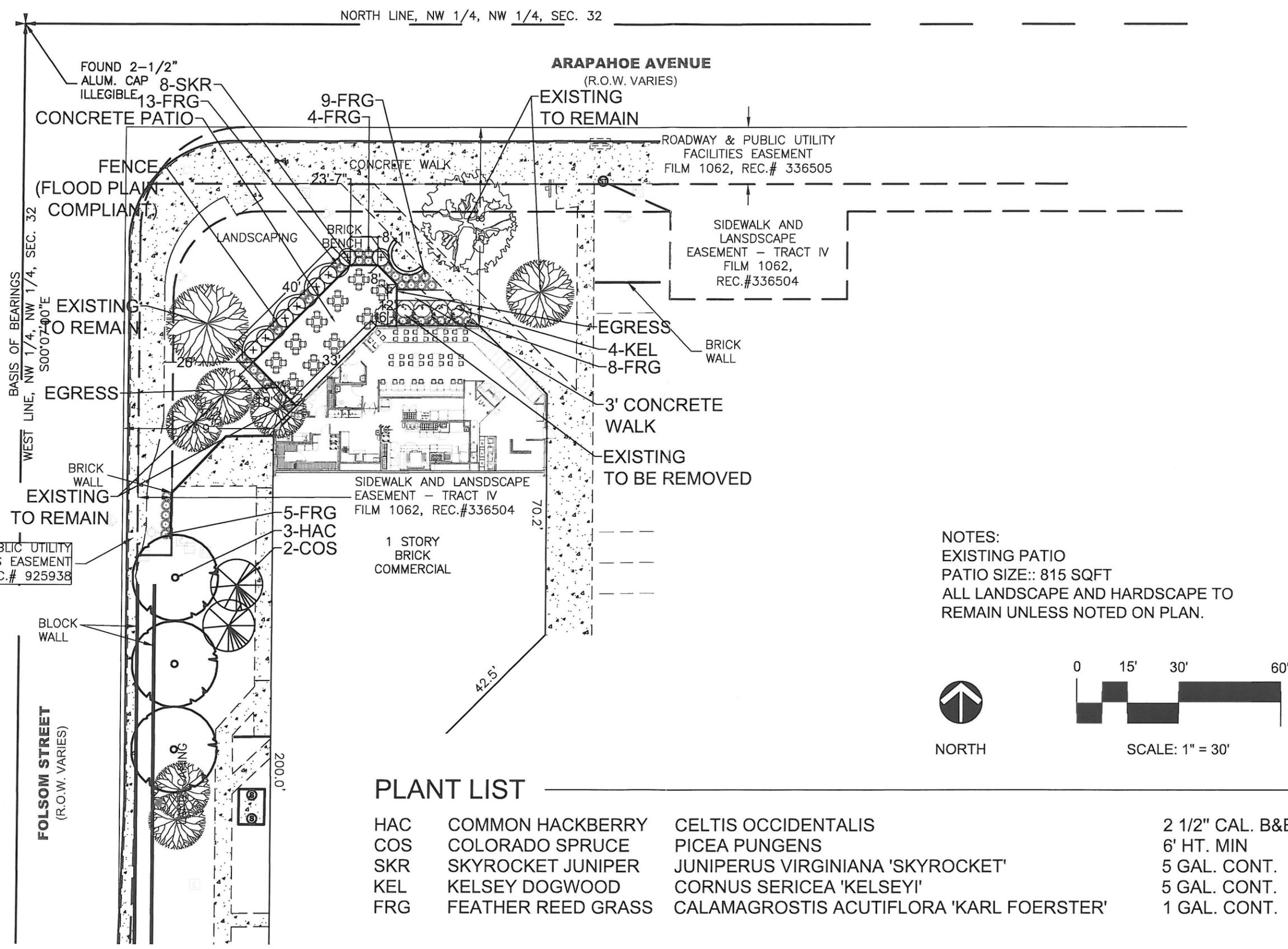
Section 9-6-5(b)(4) "Restaurants, Brewpubs, and Taverns with Outdoor Seating within 500 Feet of a Residential Use Module": The following criteria apply to any outdoor seating area that is within 500 feet (measured from the perimeter of the subject property) of a residential use module.

- ✓ (A) Size Limitations: Outdoor seating areas shall not exceed the indoor seating area or seating capacity of the restaurant or tavern.

- (B) Parking Required: Parking in compliance with Section 9-9-6, "Parking Standards," B.R.C. 1981, shall be provided for all outdoor seating areas except those located in general improvement districts.
There will be no addition of floor area or increase in the parking demand and no parking reduction is necessary.
- (C) Music: No outdoor music or entertainment shall be provided after 11 p.m.
There will be no amplified music or entertainment on the patio.
- (D) Sound Levels: The outdoor seating area shall not generate noise exceeding the levels permitted in Chapter 5-9, "Noise," B.R.C. 1981.
- (E) Trash: All trash located within the outdoor dining area, on the restaurant or tavern property, and adjacent streets, sidewalks, and properties shall be picked up and properly disposed of immediately after closing.



Arapahoe Village Patio
Landscape Plan
Boulder, CO



NOTES:
EXISTING PATIO
PATIO SIZE:: 815 SQFT
ALL LANDSCAPE AND HARDSCAPE TO
REMAIN UNLESS NOTED ON PLAN.



PLANT LIST

HAC	COMMON HACKBERRY	CELTIS OCCIDENTALIS	2 1/2" CAL. B&B
COS	COLORADO SPRUCE	PICEA PUNGENS	6' HT. MIN
SKR	SKYROCKET JUNIPER	JUNIPERUS VIRGINIANA 'SKYROCKET'	5 GAL. CONT.
KEL	KELSEY DOGWOOD	CORNUS SERICEA 'KELSEYI'	5 GAL. CONT.
FRG	FEATHER REED GRASS	CALAMAGROSTIS ACUTIFLORA 'KARL FOERSTER'	1 GAL. CONT.

USE REVIEW
DATE:
USE REVIEW - 4/04/12
USE REVIEW - 5/09/12
USE REVIEW - 5/18/12
resubmittal - 04/13/15
SHEET TITLE:
USE REVIEW
SHEET NUMBER:
UR-01

DOUG'S DINER OUTDOOR PATIO

LUR2015-00041

2400 Arapahoe Avenue

Boulder, CO 80302

22 bike parking spaces

14 bike parking spaces

6 bike parking spaces

9 bike parking spaces

9 bike parking spaces

11 bike parking spaces



AVAILABLE
 LEASED
 NAP (NOT A PART)

5-26-2015

Management Plan-Doug's Day Diner, Boulder

Rickey Bruening Inc dba Doug's Day Diner will be a full service diner specializing in local, fresh and homemade food. We will be located at 2400 Arapahoe Ave Boulder, Colorado. We are not a part of a franchise and we are locally owned and operated. We currently own two additional Doug's Day Diners in different locations in Colorado. The menu we crafted includes homemade and scratch-made food, from the sauces, soups, browns, fries, chips, syrup, jams, pickles and dressings. We provide the customer with the freshest and best tasting food we can possibly create. A copy of our menu is attached below. Our breakfast sales are 80% of are total sales, making it our busiest part of the day.

This establishment will not serve any alcohol and will therefore not require a liquor license. Due to the family atmosphere our restaurant attracts within the community, we are proud to be alcohol-free. Our hours of operation will be from 6 a.m. to 8 p.m. Monday through Friday and 7 a.m.-8 p.m. Saturday and Sunday. We will be closed Thanksgiving and Christmas day, and will close early on Christmas Eve.

Doug's Day Diner is actively involved in the community. We sponsor local high school teams and the local Boy and Girl Scouts troops. Being engaged with the greater community of Boulder County is important to us.

Doug's Day Diner will provide the neighborhood with a social place to gather and visit with family and friends. We have a consistent business during our breakfast hours and have a tendency to slow down after.

Doug's Day Diner plans to use the patio as weather permits. We will not have any music amplified on the patio. All trash will be cleaned off the tables as our customers leave. There will be no outside trash receptacles placed on the patio. There will not be new dumpsters for the restaurant. Doug's Day Diner will share the existing dumpsters and removal service. The patio will seat approximately 30-40 customers.

Doug's Day Diner will use its best efforts to manage and control unruly behavior of its customers entering and leaving the restaurant patio. All of the Doug's Day Diner kitchen staff is SerSafe certified. The rest of our employees (including waiters and hosts) are trained to handle customer complaints and are experienced with proper customer service.

Doug's Day Diner plans to hire close to 15-20 employees for this location. The first shift will start at 5 a.m. The first shift starting Monday through Friday will have 4-6 employees working. On Saturdays and Sundays the first shift will have 8 to 12 employees working. On weekdays we will have 4 to 6 employees working dispersed

shifts throughout the day. All deliveries of food will happen before the restaurant opens for the day (1 a.m. to 5 a.m.) on Tuesday and Thursday.

Doug's Day Diner will maintain the exterior of this premises in a neat and clean manner at all times, including sweeping up cigarette butts and other garbage and removing graffiti. All employees are instructed to pick up any trash and litter within our patio and the adjacent sidewalk as it is discovered throughout the day. All trash will be properly disposed of after closing in the shared dumpsters in the front of the building.

Neighborhood residents are encouraged to contact the Doug's Day Diner Store manager or myself to work to resolve any complaints or issues that may arise. The cell phone number of the store manager and myself will be available to all neighbors. In the event of a complaint about the noise or anything else from the neighborhood residents we want to reassure neighbors to contact the people mentioned above. Doug's Day Diner will work with the neighborhood in good faith, if necessary the use of mediation services recommended by the City of Boulder.

**CITY OF BOULDER
PLANNING BOARD ITEM UNDER MATTERS**

MEETING DATE: July 16, 2015

AGENDA TITLE:

Boulder Valley Comprehensive Plan Update on Work Plan, Focused Topics, Land Use Categories, and Select Community Engagement and Foundations Work Products

REQUESTING STAFF:

David Driskell, Executive Director, Community Planning & Sustainability (CP&S)
Susan Richstone, Deputy Director, CP&S
Lesli Ellis, Comprehensive Planning Manager, CP&S
Courtland Hyser, Senior Planner, CP&S
Jean Gatzka, Sustainability Planner, CP&S

OBJECTIVE:

Update Planning Board on the status of the 2015 update to the Boulder Valley Comprehensive Plan (BVCP), including schedule, community engagement, and foundations work products. Get input from Planning Board on the work plan and schedule, focused topics, service area expansion threshold question, approach to updating land use categories, and 2040 projections.

PURPOSE

The purpose of this packet and agenda item is to provide a briefing to the Planning Board on the status of the BVCP 2015 Update, including schedule, community engagement, and foundations work products. Staff is seeking the board's feedback on the following topics:

1. Overall work plan and schedule including the change request process? (see p. 3 and [Attachment A](#))
2. Focused topics for the update? (see p. 4)
3. Service Area expansion threshold question? (see p. 4 and [Attachment B](#))
4. Approach to updating the BVCP land use categories? (see p. 6 and [Attachment C](#))
5. Projections methods and results? (see p. 6 and [Attachment D](#))

Staff will carry Planning Board feedback to City Council for the July 28 hearing and discussion.

BACKGROUND

Phase 1 of the 2015 BVCP update is wrapping up, with many foundations (technical) work products nearing completion by late July/early August. Regular check-ins with boards and elected officials have helped to shape the work thus far. The most recent updates to Planning Board and City Council occurred on June 4 and June 9, respectively. Preparations for Phase 2 (identify focus topics) and Phase 3 (analyze/update land use & integrate other topics) are in-process and are occurring concurrently with the Phase 1 foundations work. The foundations technical work will wrap up in August, and the public process will launch with a major kickoff event at Chautauqua on August 31.

Planning Board Discussion on June 4 – Summary

On June 4, 2015, Planning Board provided feedback regarding the community engagement plan and in-process foundations work products, including:

- Supported the use of a diverse set of outreach strategies as outlined in the Community Engagement Plan.
- Supported the overall direction of the foundations work products, and specifically the trends report and subcommunity fact sheets.
- Offered specific suggestions for ways to improve the draft foundations work, including the presentation of information, points of clarification, and additional data/indicators to include in the work.
- Discussed the residential growth management system, including questions about the role of exemptions and how the system works in practice.
- Identified the need for further discussion and discourse on the BVCP's core values.

The minutes from that meeting are scheduled for approval at the July 16, 2015 Planning Board meeting.

City Council Study Session on June 9 – Summary

On June 9, 2015, City Council provided feedback and guidance on the BVCP at a study session on the foundations work, focused topics for the update, and upcoming community engagement:

- Confirmed the overall list of focus topics, with some refinements. (See "Focused Topics" section below for additional details.)
- Suggested that the planning process be structured such that "easier" focus topics can be added to the plan without getting bogged down by the more complex ones.
- Expressed support for the overall direction of the foundations work, stressing the importance of presenting information that is relevant and useful.
- Discussed a need to re-evaluate the residential growth management system. Expressed interest in studying the pace of non-residential growth, which is not regulated by the RGMS.
- Indicated support for the outreach strategies articulated in the draft community engagement plan. Stressed the importance of targeted outreach to groups with historically low participation rates.
- Directed staff to administer a statistically-significant survey on a September-October timeframe that follows the BVCP kickoff events, summer vacation schedules, and allows for maximum participation.

The summary of that meeting is scheduled for approval at the July 28, 2015 City Council meeting.

BVCP Process Subcommittee

In addition to regular check-ins with the City Council and Planning Board as well as County Commissioners and Planning Commission (periodic joint meetings) on substance and process, a process committee has been formed with representatives from: the City Council (Macon Cowles and Sam Weaver); City Planning Board (John Gerstle and Leonard May); Board of County Commissioners (Elise Jones); and County Planning Commission (Lieschen Gargano). The first process subcommittee meeting was held on June 10, 2015 and the second on July 15, 2015. Meetings will be held monthly, or more often as needed.

Work Plan and Schedule

Input and guidance received to-date from elected officials, boards and commissions, and the public has resulted in continual refinements to the process and approach for the 2015 BVCP update. A revised timeline summarizing the BVCP work plan and schedule is provided as [Attachment A](#). The new timeline reflects additional detail in Phases 2 and 3 related to the BVCP survey, service area expansion and land use request processes, areas of focus, and other plan products and timing.

Community Engagement

Staff have continued to refine the community engagement plan after input from the community, Planning Board, City Council, county, and Process Subcommittee (on June 15). The latest Community Engagement Plan can be downloaded from the BVCP project webpage [here](#).

Recent refinements to the community engagement approach include:

- **Postcard Mailing**- The BVCP Process Subcommittee recommended moving ahead with a postcard to all Boulder addresses announcing the kickoff for the update and providing information on how to get involved. Staff will work with Boulder County to ensure that the announcement is mailed to addresses in Areas II and III as well as within city limits. The process subcommittee will review a draft postcard at their meeting on 7/15, and we will share a verbal update at the meeting.
- **Kickoff Event**- A communitywide “Boulder 2030” kickoff event will be held on Monday, August 31, from 4 to 8 p.m. at Chautauqua. The event will include videos and presentations about the plan and its importance in the community, information about current conditions and trends, interactive ways of capturing community input, and family activities. More information on the kickoff event as well as input from the process subcommittee will be shared at the meeting.
- **Targeted Outreach to Groups**- Staff is in the process of reaching out to civic and neighborhood organizations and offering to have a city staff member join them to talk about the update process and get input. These meetings will be scheduled from July through September.
- **Pop-Up Meetings**- Staff will be setting up “pop-up” meetings in conjunction with community events and at gathering places around town in August. The purpose of these meetings is to provide information, increase awareness about the plan process, invite people to engage, and ask initial questions about what people love about Boulder and their ideas and concerns for the future.
- **BVCP Videos**- The city has hired Boulder-based Balcony Nine Media to produce two videos that will be shared throughout the update process. The “Our Legacy: Boulder Past and Present” video will help educate community members about important planning decisions that have shaped Boulder today. The “Our Future: Boulder 2030” video will serve as a call to action to encourage Boulder community members to participate in the update.
- **BVCP Survey**- After a competitive bid process, the Boulder-based firm RRC Associates has been selected to conduct a statistically valid survey on planning-related topics to inform the BVCP update. Their proposed approach is to conduct a mailed survey supplemented by follow-up focus groups to delve into the “why” regarding responses given. The process for topic selection and question development is underway. Draft questions will be shared with boards and elected officials in August, with the goal of distributing the survey to the public in September. It is expected that results will be available in November.

Focused Topics

At the June 9 study session, City Council confirmed and refined the following list of focused topics for the 2015 Plan update which have evolved from findings of the consultant report from

late 2014/early 2015 (available [online here](#)) and recent discussions at boards, commissions, BOCC, and City Council.

- Substantive New Topics to be Addressed in the Plan:
 - Growth Management and Urban Form
 - Relevant Housing Strategies
 - Neighborhood Character
 - “21st Century” Opportunities and Challenges, including:
 - Climate Commitment and Energy
 - Resilience / Regional issues
 - Arts and Culture
 - Local Food
- Process Improvements:
 - Improve Community Engagement
 - Make the Plan’s Vision and Values More Compelling
 - Add Stronger Links between Policies and Actions and Implementation
 - Add Metrics
 - Address City/County Intergovernmental Agreement Early

Service Area Expansion

Each BVCP update includes an opportunity for expansion of the city’s service area. The process is described in detail in **Attachment B**. For this update, staff is requesting direction from Planning Board and the three other BVCP review bodies on whether or not a service area expansion assessment should begin as part of the 2015 update, and to further define the process and approach.

Change Request Process – Opportunity for Landowners and General Public

The Amendment Procedures chapter of the BVCP explains the process for updating the land use map or plan polices during the five-year update. It states:

the process “will include an opportunity for landowners and the general public to submit requests for changes to the plan. All submittals for proposed changes will be reviewed at initial public hearings. Staff will provide recommendations and the approval bodies will provide direction on which proposals should go forward and which proposals should receive no further consideration.”

Typically during an update, there may be a few dozen community-initiated requests for changes to the land use map or policies. During this five year update, staff proposes the following schedule:

1. Accepting requests (August through mid October).
2. Initial review of requests (October into early November).
3. Joint screening hearing of the Planning Board and City Council (Nov. 19 or Dec. 10).
The joint hearing will also provide an opportunity for the board and council to review the results of the BVCP survey and identify other areas of focus for the land use map and policies.
4. Joint hearing at the city will be followed by hearing(s) at the county.
5. Continued analysis of changes and other focused area changes to develop a proposed land use map (into early 2016).

According to the BVCP, when a draft land use map is developed with the proposed changes, property owners will be notified about such proposed changes. The city will publish a map indicating where the proposed changes are located and a description of each change when that map is ready.

Other Possible Areas of Focus and Changes to Land Uses

The city and county may also identify other possible changes to the land use map in focused

areas to accomplish other community goals such as housing or growth management (e.g. change some areas from future commercial to future residential, or from higher density residential to medium density residential) or to adjust the jobs and housing mix. Such ideas for focused areas of study are proposed to be discussed at the joint hearings in November and December.

Service Area Expansion Assessment Question

Attachment B provides more detailed explanation about the Service Area expansion process, but a brief description is provided here. The Service Area concept and the creation of Areas I, II, and III are a keystone of the BVCP, and in combination with joint city/county decision-making are a distinguishing feature of the plan. In 1977, Area III was designated as the rural preservation/protection area – the area outside the city that would not accommodate future urban development. In 1993, after extensive evaluation, the 680 acre Area III-Planning Reserve on the north side of Boulder was designated as the only location for potential urban expansion. At that time, the plan's amendment procedures were modified to define a process and criteria for Service Area expansions that would be initiated by the city and county and provide for comprehensive planning of the Area III-Planning Reserve. Service Area expansion, if and when it occurs, should provide a broad range of community benefits and because there are desired community needs that cannot be met within the existing service area.

During each five year review, the city and county must assess whether or not the Service Area should be expanded. The threshold question to begin the expansion process requires all four bodies to determine that “sufficient merit exists to authorize a Service Area expansion plan.” Such a study can take four months to a year to complete. Additionally, the amendment procedures section of the BVCP guides the city and county to notify property owners who would be affected (in the Planning Reserve) if a service area expansion plan is to be developed. The July 28 City Council meeting will be a public hearing to enable property owners and the public to speak to whether the city and county should proceed with consideration of a service area expansion. At that public hearing staff will seek direction from council on whether or not to begin the Service Area Expansion Assessment (study of merit) as part of the 2015 update. Depending on that direction, the next steps of the process could vary as follows:

- **Yes to Study** - If City Council directs staff to move forward, staff will ask the Board of County Commissioners the same threshold question. If the county also says yes, staff would further define the multi-month process to study the range of community needs and how they may or may not be currently met within the existing Service Area. Staff would also invite property owners to participate.
- **No to Study** - If City Council directs staff to not move forward, the next opportunity to consider a Service Area expansion will be during the next five year review.

Since 1993, the city and county have never proceeded beyond this initial threshold step, even though applicants have submitted requests earlier in the planning process. Staff is seeking a recommendation from Planning Board for council consideration on its determination on whether or not to move forward on the Service Area expansion assessment study.

Land Use Categories

An initial review of the BVCP’s land use categories shows that the category descriptions currently in the plan present an inconsistent level of detail from one category to the next. This information is summarized in [Attachment C](#). Staff is seeking Planning Board guidance on the following approach to update the land use category descriptions such that each description contains the following information:

- *Category Name*- The name of the land use category alongside the legend color from the land use map and a representative photo.
- *Characteristics*- A description of the land use category including information such as its purpose, characteristics it is intended to promote or discourage, situations where it is appropriate, etc.
- *General Locations*- A description of where the land use is generally located within the community.
- *Primary Uses*- A list of uses that the land use category is intended to promote.
- *Secondary Uses*- A list of uses that may also be commonly found within the land use category.
- *Density/Intensity*- A description of the density or intensity range that is appropriate within the land use category, expressed dwelling units per acre of commercial square footage ranges.
- *Zone Districts*- A description of the general relationship of the land use category to zoning districts.

2040 Projections

Twenty-five year growth projections are produced as part of the foundations work for each major update to the Boulder Valley Comprehensive Plan. The projections help frame the context of the update, providing an important reference for the policy decisions and conversations about growth and development that are integral to the BVCP. The results of the 25 year projections for dwellings, population, and employment are provided as [Attachment D](#). Current estimates and projected residential and non-residential growth is presented for both subcommunity and service area geographies. The attachment also includes a summary of the projections methodology that was used for the 2015 BVCP forecasts.

A high-level summary of results is presented in the table below. For complete details, please refer to [Attachment D](#).

Geography	2015 Employment	2040 Employment	2015 Dwellings	2040 Dwellings	2015 Population	2040 Population
City Limits	98,510	117,280	44,270	51,410	103,840	118,900
Area II	2,920	3,480	5,710	6,630	12,030	13,970

Overall, residential growth is now projected to be slightly higher and employment growth slightly lower than what was forecasted in the 2010 BVCP projections. These differences are fully attributable to improved methodology resulting in more accurate estimates and modeling.

Since 2002, each BVCP update has incorporated methodology refinements from previous years and introduced new improvements. In 2015, the city slightly refined its methodology and has begun to use CommunityViz software to enhance the capacity calculations. The refinements include:

- A more accurate estimate of current employment using refined source data and calculations

- A more accurate estimate of future residential zoning growth capacity and future growth of mixed use zones due to the modeling capability of CommunityViz

Updates on Other Foundations Technical Work Products

Work on technical foundations tasks is on-going, with several work products nearing completion, and others underway and scheduled for completion prior to the public kickoff event in August. Planning Board will have an opportunity to review completed versions at the Aug. 20 meeting. Specific updates on individual work products are provided below.

- **Community Profile-** The 2015 community profile, partially updated in April, provides a snapshot of the Boulder community. The April update of the community profile can be downloaded [here](#). The community profile is being updated in July to incorporate new information from the 2040 BVCP forecasts. Other updates planned for July include refined information regarding non-residential square footage, data sources, relationship to State Department of Local Affairs demographic information, and other information as requested by city council. An updated draft of the Community Profile will be posted to the [project website](#) upon its completion.
- **Subcommunity and Regional Fact Sheets-** As part of the map inventory updates, a series of ten fact sheets are being prepared: one for each of the nine Boulder subcommunities, and one for Area III (located outside of the city but within the BVCP planning area). The fact sheets share historic information and document existing conditions at the local/neighborhood level. An updated community fact sheet for Central Boulder is included in **Attachment E** as a sample work product. Draft versions of the remaining fact sheets will be posted to the [project website](#) prior to the meeting.
- **Trends Report-** The Trends Report highlights Boulder's trends of today and the recent past and presents this information at the city, county, and regional scales. Work is underway to complete the report, as well as to incorporate input received from elected officials, boards, commissions, and city and county staff. Work on the Trends Report will continue through July and will be completed prior to the community kickoff event in August. Planning Board will have an opportunity to review this work product at the August 20 meeting.

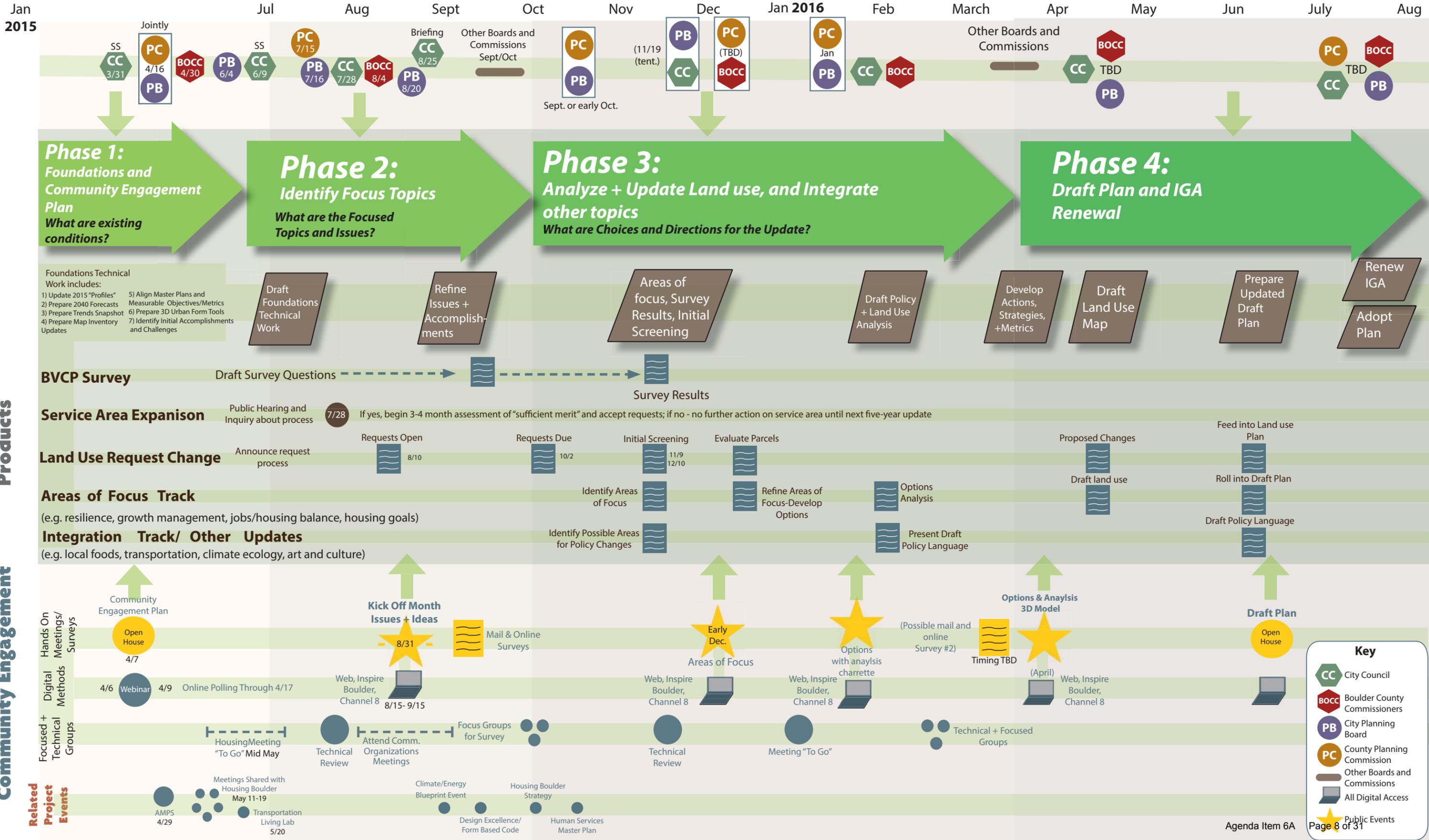
NEXT STEPS

July 28, 2015	City Council BVCP Update and Public Hearing on Service Area Expansion
Aug 4, 2015	Board of County Commissioners Briefing
Aug 19, 2015	BVCP Process Subcommittee (tentative date)
Aug 20, 2015	City Planning Board Update
Aug 25, 2015	City Council Briefing
Aug 31, 2015	Public Kickoff Event at Chautauqua
Sept/Oct, 2015	Joint Planning Commission/Planning Board Briefing (date to be determined)
Sept/Oct, 2015	Updates to other boards and commissions (dates to be determined)

ATTACHMENT(S)

- [BVCP Work Plan Timeline](#)
- [Service Area Expansion Process Summary](#)
- [BVCP Land Use Category Descriptions](#)
- [2040 Projections and Methodology](#)
- [Sample Updated Subcommunity Fact Sheet for Central Boulder](#)

2015 Update: Work Plan



Area III-Planning Reserve and the Service Area Expansion Process

1. Background on the Area III-Planning Reserve

The Service Area concept and the creation of Areas I, II, and III is one of the keystones of the Boulder Valley Comprehensive Plan (BVCP), and in combination with joint city/county decision-making, distinguishes the plan from many others in the state and country. Area I (the city) and Area II (the area planned for annexation and service provision) form the city's service area. Area III was defined in 1977 to not accommodate urban development and that the rural character should be preserved and protected.

The Planning Areas remained as originally defined until 1993, at the conclusion of the Area III Planning Project. The Area III Planning Project was a three-year joint effort of the city and county planning departments. The city and the county had been receiving incremental requests for Area III to Area II changes, particularly along the Jay Road corridor and East Arapahoe, and the plan did not provide guidance as to where such a change would be appropriate. The goal was to determine where and when urban growth might and might not be acceptable in the future, prior to considering Service Area expansions.

The following studies were completed as part of the project:

- (1) Land Use Suitability Analysis;
- (2) Urban Services Feasibility Analysis;
- (3) Vacant, Redevelopable and Underdeveloped Land Inventories in the existing Service Area;
- (4) Potential Service Area Expansion/BVCP Policy Compatibility Analysis; and
- (5) Gunbarrel Policy Analysis.

At the conclusion of the project, city and county decision-makers determined that only a small amount of Area III should be contemplated for future urban expansion, and then only if detailed planning for the area indicates community benefits exceed potential negative impacts. The final report states:

“Service Area expansion is not desirable simply to provide additional land supply for future development; it must provide a broad range of community benefits...conceptual planning should provide an analysis of cumulative impacts and whether the carrying capacity of the Boulder Valley can absorb this additional growth...and should also provide an evaluation of trade-offs in meeting conflicting community goals.”

After a series of public hearings the four approval bodies agreed in the fall of 1993 to:

- Designate 680 acres in the "West Portion-Northcentral Area" site as Area III-Planning Reserve because it presented very limited environmental constraints, was proximate to urban services, and was of sufficient overall size to potentially accommodate the conclusions of the future vacant land needs analysis.
- Designate the remainder of Area III as “Area III- Rural Preservation Area.”

The procedures for amending the plan were changed following the project to set in place a process for service area expansions that would be initiated by the city and county, and provide for comprehensive planning of the Planning Reserve as opposed to incremental changes.

The policy direction for determining the procedures for amending the Area III/II change process was described in 1993 as the following:

1. Consider limited Service Area expansion to include land in the Planning Reserve Area if the benefits to the community outweigh costs and negative impacts.
2. Revise the Area III to II change process to change it from an incremental, reactive, applicant driven process to a process based on comprehensive planning of growth areas and city-initiated Area III/II changes. The revised Area II/II change process and criteria must establish greater community control over the location, type, acreage, and timing of development.
3. Service Area expansion is not desirable simply to provide additional land for future development—it must provide a broad range of community benefits.
4. Area II to II changes should be large enough areas to cohesively plan and annex by neighborhoods (which should have a diversity of land uses) and to build logical increments for infrastructure.
5. In order to achieve community goals and policies, the city should be more directive in determining what actually gets built both for development in the existing Service Area and for any new growth areas (in Area III).
6. Require that new growth (in Area II and Area III) provide needed land uses that are complimentary to existing subcommunities and that implement a broad range of community goals. Development of land in new growth areas should be phased over many years in order to enhance growth management, encourage appropriate infill and redevelopment in the existing Service Area, and preserve development options for the future.

The procedures and text that developed out of this policy direction is still found in the plan today, including:

1. Area II to II changes only apply to lands in the Area III-Planning Reserve, not the Area III-Rural Preservation Area, unless the change can qualify as a minor amendment to the boundary.
2. A process for expanding the Service Area boundary was established
3. A Service Area Expansion Plan process was created, with a list of what the plan must contain, and the criteria that the plan must meet.
4. The role of property owners in the Service Area expansion process is established.

Since the original procedures were adopted into the plan, several minor revisions and re-organizations have occurred, however the key elements of the process remain intact.

Of most significance was the change that occurred in 2005, when additional text was added to define “sufficient merit” to authorize the development of a service area expansion plan, and a new criterion for approval of a service area expansion plan was added requiring that the change provides for a “priority need that cannot be met within

the existing service area.” This was added to strengthen the intent of the service area expansion process as a comprehensive, city initiated process. The result of these two changes was the addition of an initial community process to identify a list of unmet needs prior to considering whether to authorize a service area expansion plan. This process is further explained in the following section.

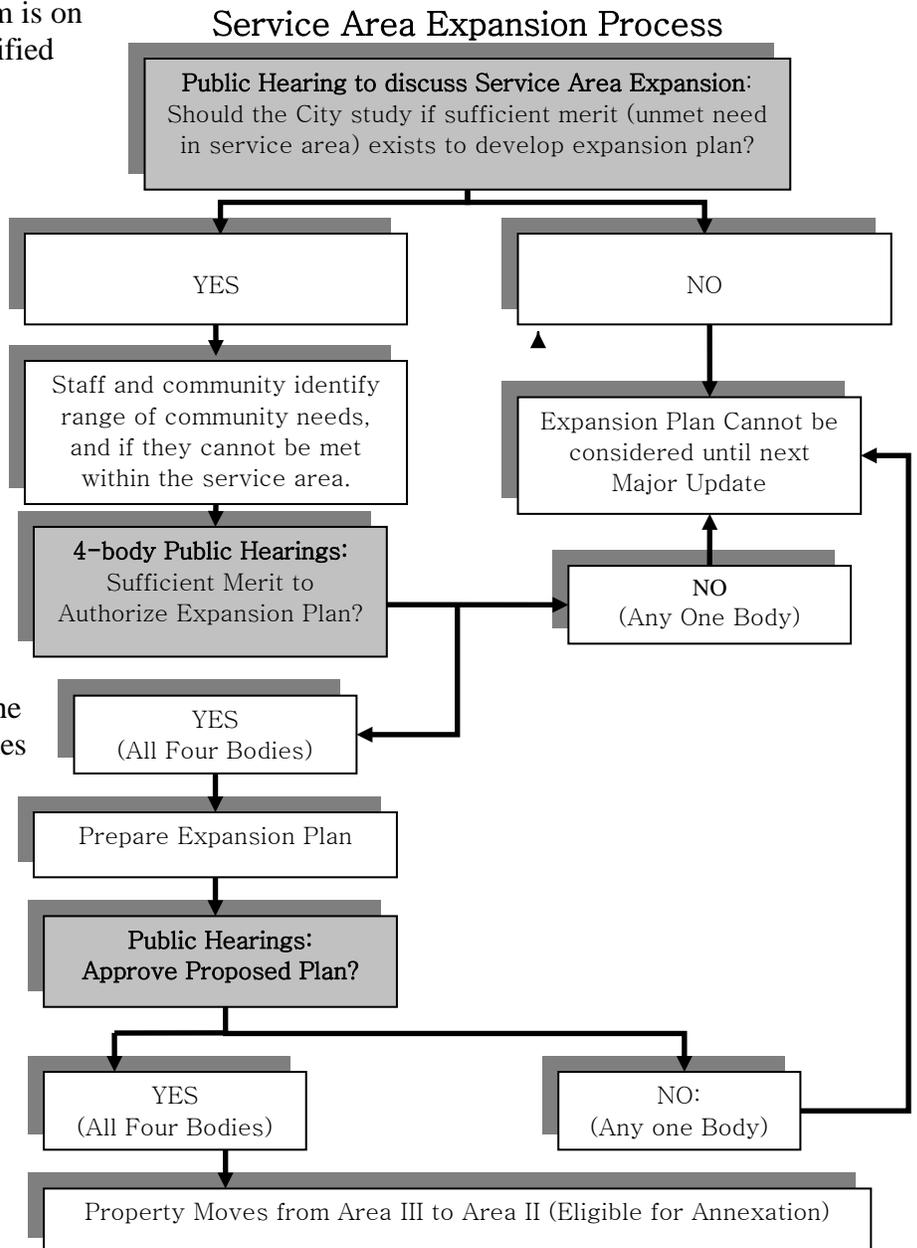
In researching other communities, many utilize an urban service area or growth boundaries, and some have vacant lands designated for specific land uses while others have no future use identified. Of the communities researched, none had a provision for future land reserved for the future needs of the community, such as described in the BVCP.

The closest example of a system similar to that of the Area III-Planning Reserve in the BVCP is the Urban Reserves program recently established by the Oregon Metro Regional Government. Metro’s program is on a regional scale, and has identified lands in

Clackamas, Multnomah and Washington counties that are appropriate for future urban development, and lands for rural preservation. The time horizon of the urban reserves is 50 years. The system was established to eliminate the incremental, site-specific decision making that was required as part of urban growth boundary changes as required by Oregon state law. The guidelines and policies for how an urban reserve can be moved inside the urban growth boundary includes a comprehensive planning process, much like the Service Area Expansion Plan process in the BVCP.

The current process to develop land in the Planning Reserve

The process to develop land in the Area III-Planning Reserve has very distinct steps, and joint decision-



making points. The process is outlined in the flow chart above.

The threshold question to begin the service area expansion process requires all four bodies to determine that “sufficient merit exists to authorize a service area expansion plan.”

In order to find that “sufficient merit exists”, there must be a process where a list of desired community needs is compiled and analyzed to find if there are any community needs that are currently nor being met within the existing service area. The scope and detail of this study could vary, and take anywhere from 4 months to a year to complete.

If all four bodies authorize the development of a service area expansion plan, it is a significant joint city-county planning effort, similar in scope to a subcommunity planning effort. The BVCP outlines what the expansion plan must include, and is estimated to take 1-3 years to develop.

After the expansion plan is completed, all four bodies must review and consider whether to approve the plan, based on criteria listed in the BVCP. If approved, the area included in the plan is moved from Area III-Planning Reserve to Area II. Property owners may then begin the annexation and development process according to the phasing identified in the expansion plan and the extension of city infrastructure. The period of development for the area within the expansion plan is described in the BVCP to occur within 15 years.

BVCP Plan language

1. Considering a service area expansion may only occur at the five-year update.

BVCP Process and Steps

A. Discussions regarding service area expansion only occur during the five-year update.

2. The city and county may assess whether or not sufficient merit exists to authorize a service area expansion, defined by a demonstration that a desired community need cannot be met within the existing service area.

C. The City considers whether to direct staff to identify a desired range of community needs that may not be met within the existing service area. If city **directs staff to identify a range of community needs**, the process continues.

(The city and county have never proceeded beyond this step)

D. The city conducts a public process to identify a range of community needs and how they may or may not be currently met within the existing service area.

E. The Planning Board, City Council, Planning Commission, and County Commissioners hold public hearings to review the identified range of community needs, and determine if sufficient merit exists to authorize a service area expansion plan to be developed. If all four bodies **find that sufficient merit exists**, the process continues.

3. The City and County authorize a planning effort to develop a service area expansion plan

F. The city and county conduct a public process to develop a service area expansion plan for the area identified to be

for the area proposed to be brought into the service area in consultation with the Area III property owners and the public. The plan must address the types of development, key requirements to ensure compliance with community goals and policies, conceptual land use and infrastructure plans, requirements for development impact mitigation and offsets, and the phasing of development.

brought into the service area.

4. Following preparation of the plan, the city and county must determine that the proposed change from Area III-Planning Reserve to Area II meets the following criteria:

- a) Provision of a community need
- b) Minimum size of 40 acres
- c) Minimum contiguity to existing service area of 1/6
- d) logical extension of service area
- e) Compatibility with the surrounding area and comprehensive plan
- f) No major negative impacts
- g) Appropriate timing for annexation within the next 15 years.

G. The Planning Board, City Council, Planning Commission, and County Commissioners hold public hearings to review the service area expansion plan, and **determine if the area proposed to change from Area III-Planning Reserve to Area II meets the criteria in the plan.** If approved, the area is moved to Area II.

H. Annexation and Development occurs in the next 15 years according to the service area expansion plan.

BVCP 2015 Land Use Table – Draft 07/07/15

Note: All black text is from 2010 BVCP. Blue is new.

Land Use Category	Abbr.	Characteristics and Uses	BVCP Density/ Intensity
(Note: For each category, add legend color from map, title of category, and representative photo)		<p><i>Suggested Organization for each Category:</i></p> <p>Characteristics: <i>Appropriate for locations away from business centers and arterial streets where characteristics are traditional larger lot city residential. Low-density residential areas are residential neighborhoods and serve as a transition between higher density residential or agricultural areas. Generally, these neighborhoods are accessed by collector or local streets.</i></p> <p>General Locations: <i>This land use is generally located in...</i></p> <p>Primary uses: <i>Single-family detached residences.</i></p> <p>Secondary uses: <i>Schools, open space, libraries, and other public uses and facilities.</i></p>	1 to 4 units/acre
Residential Categories		<p>Residential land use areas on the Boulder Valley Comprehensive Plan, for the most part, reflect the existing land use pattern or current zoning for an area. Many of the areas developed in the city and the county over the last 30 years are characterized by a mixture of housing types ranging from single-family detached to cluster and patio homes, townhouses and apartments. A variety of housing types will continue to be encouraged in developing areas during the planning period of the Comprehensive Plan.</p> <p>Residential densities under the Comprehensive Plan range from very low density (two units or less per acre); low density (two to six units per acre); medium density (six to 14 units per acre); to high density (more than 14 units per acre). It is assumed that variations of the densities on a small area basis may occur within any particular classification, but an average density will be maintained for that classification. Within certain residential areas, there is also the potential for limited small neighborhood shopping facilities, offices or services through special review.</p>	
Very Low Density Residential	VLR	(Note: add description)	2 du/ac. or less
Low Density Residential	LR	Lower density areas in the older section of the city consist predominantly of single-family detached structures. (Note: add description for newer developing areas)	2 to 6 du/ac.
Manufactured Housing	MH	The manufactured housing designation is applied to existing mobile home parks. The intent of the designation is to preserve the affordable housing provided by the existing mobile home parks.	Var.

Land Use Category	Abbr.	Characteristics and Uses	BVCP Density/ Intensity
Medium Density Residential	MR	Medium density areas are generally situated near community shopping areas or along some of the major arterials of the city.	6 to 14 du/ac.
Mixed Density Residential	MXR	<p>Mixed density areas surround the downtown and are located in some areas planned for new development.</p> <p>Additionally, in older downtown neighborhoods that were developed with single family homes but for a time were zoned for higher densities, a variety of housing types and densities are found within a single block. The city's goal is to preserve current neighborhood character and mix of housing types, and not exacerbate traffic and parking problems. Some new housing units may be added. The average density in the downtown neighborhoods designated mixed density is in the medium density range (six to 14 units per acre). The mixed density designation is also applied in some areas planned for new development where the goal is to provide a substantial amount of affordable housing in mixed density neighborhoods that have a variety of housing types and densities.</p> <p><i>(Note: need to differentiate when RMX-1 vs. 2 apply.)</i></p>	<p>Older areas = 6 to 14 du/ac.</p> <p>For new 6 to 18 du/ac.</p>
High Density Residential	HR	<p>The highest density areas are generally located close to the University of Colorado or in areas planned for transit oriented redevelopment.</p> <p><i>(Note: need to clarify intent of RH-3 and when it applies.)</i></p>	More than 14 du/ac.
Mixed Use Categories			
Mixed Use Business	MUB	Mixed Use-Business development may be deemed appropriate and will be encouraged in some business areas. These areas may be designated Mixed Use-Business where business or residential character will predominate. Housing and public uses supporting housing will be encouraged and may be required. Specific zoning and other regulations will be adopted which define the desired intensity, mix, location and design characteristics of these uses.	
Mixed Use Industrial	MUI	Mixed Use-Industrial development may be deemed appropriate and will be encouraged in some industrial areas where industrial character will predominate. Housing compatible with and appropriate to the industrial character will be encouraged and may be required. Neighborhood retail and service uses may be allowed. Specific zoning and other regulations will be adopted which define the desired intensity, mix, location and design characteristics of these uses.	
Mixed Use Residential	MUR	Mixed Use-Residential development may be deemed appropriate and will be encouraged in some residential areas. These areas may be designated Mixed Use-Residential. In these areas, residential character will predominate, although neighborhood scale retail and	

Land Use Category	Abbr.	Characteristics and Uses	BVCP Density/ Intensity
		personal service uses will be allowed. Specific zoning and other regulations will be adopted which define the desired intensity, mix, location and design characteristics of these uses.	
Industrial Categories		The land use plan projects four classifications of industrial use within the Boulder Valley: General, Community, Light, and Mixed Use-Industrial.	
Community Industrial	CI	The Community Industrial classification is shown for those areas where the predominant uses provide a direct service to the planning area. These uses often have ancillary commercial activity and are essential to the life of the Boulder community. These uses include smaller scale auto-related uses, small printing operations, building contractors, building supply warehouses, small manufacturing operations and similar uses.	
General Industrial	GI	The General Industrial classification is shown where the more intensive and heavy industries are located or planned.	
Light Industrial	LI	The industrial uses considered as 'Light' on the Comprehensive Plan are primarily research and development, light manufacturing, large scale printing and publishing, electronics, or other intensive employment uses. These uses are concentrated primarily in 'industrial parks' located within the Gunbarrel area along the Longmont Diagonal, and along Arapahoe Avenue between 33rd and 55th streets.	
Business Categories		Within the Boulder Valley there are five categories of business land use, based on the intensity of development and the particular needs of the residents living in each subcommunity. The five categories are: Regional, Community, General, Transitional and Mixed Use-Business.	
Community Business	CB	A Community Business area is the focal point for commercial activity serving a subcommunity or a collection of neighborhoods. These are designated to serve the daily convenience shopping and service needs of the local populations. Offices within the Community Business areas should be offices designated specifically for residents of the subcommunity. Where feasible, multiple uses will be encouraged within these centers.	generally < 150,000 to 200,000 sf.
General Business	GB	The General Business areas are located, for the most part, at junctions of major arterials of the city where intensive commercial uses exist. The plan proposes that these areas continue to be used without expanding the strip character already established.	
Transitional Business	TB	The Transitional Business designation is shown along certain major streets. These are areas usually zoned for less intensive business uses than in the General Business areas, and they often provide a transition to residential areas.	

Land Use Category	Abbr.	Characteristics and Uses	BVCP Density/ Intensity
Regional Business	RB	The two major Regional Business areas of the Boulder Valley are the Downtown and the Crossroads Area. Within these areas are located the major shopping facilities, offices, financial institutions, and government and cultural facilities serving the entire Boulder Valley and neighboring communities. These areas will continue to be refurbished and upgraded and will remain the dominant focus for major business activities in the region.	
Service Commercial	SC	Service Commercial areas provide a wide range of community and regional retail and service uses generally not accommodated in core commercial areas and which generally require automotive access for customer convenience and the servicing of vehicles.	
Open Space Categories		<p>Open Space designations include the following three categories: Acquired Open Space, Open Space with Development Restrictions, and Other Open Space.</p> <p>Open Space designations are not intended to limit acquisition, but to be indicative of the broad goals of the program. Other property that meets Open Space purposes and functions should be considered and may be acquired. Open Space designations indicate that the long-term use of the land is planned to serve one or more open space functions. However, Open Space designations may not reflect the current use of the land while in private ownership.</p>	
Open Space, Acquired	OS-A	Land already acquired by the city or Boulder County for open space purposes	
Open Space, Development Rights (or Restrictions)	OS-DR	Open Space - Development Restrictions: Privately owned land with conservation easements or other development restrictions	
Open Space, Other	OS-O	Other public and private land designated prior to 1981 that the city and county would like to preserve through various preservation methods including but not limited to intergovernmental agreements, dedications or acquisitions.	
Other Categories			
Agricultural	AG	An Agriculture land use designation identifies land in the Service Area that is planned to remain in agricultural use. Uses that are auxiliary to agriculture, such as a home, a barn and outbuildings and the incidental sales of farm or horticultural products are expected on land with this designation. Given the urban nature of Boulder, the designation will be used rarely.	
Park, Urban and	PK-	Urban and Other Parks includes public lands used for a variety of	

Land Use Category	Abbr.	Characteristics and Uses	BVCP Density/ Intensity
Other	U/O	active and passive recreational purposes. Urban parks provided by the city include pocket parks, neighborhood parks, community parks and city parks as defined in the <i>Parks and Recreation Master Plan</i> . The specific characteristics of each park depend on the type of park, size, topography and neighborhood preferences. Neighborhood parks typically provide a children’s playground, picnic facilities, benches, walkways, landscaped areas and multi-use open grass areas. Other park uses may include recreational facilities such as basketball or tennis courts, community gardens and natural areas. There are three community park sites (Harlow Platts, East Boulder and Foothills) that are fully or partially developed. Large multi-use city parks are planned for two locations: 1) the Valmont Park site and 2) the Area III - Planning Reserve site, which will be held to meet future recreational needs. The Boulder Reservoir is a regional park that provides opportunities for fishing, swimming, boating, picnicking, etc. Other public recreational facilities, including city recreation centers, a golf course, swimming pools, ballfields, and the Eldorado Canyon State Park are also included in this category.	
Public / Semi-Public	PUB	Public/Semi-Public land use designations encompass a wide range of public and private non-profit uses that provide a community service. This category includes municipal and public utility services such as the municipal airport, water reservoirs, and water and wastewater treatment plants. Public/Semi-Public also includes: educational facilities, including public and private schools and the university; government offices such as city and county buildings, libraries, and the jail; government laboratories; and nonprofit facilities such as cemeteries, churches, hospitals, retirement complexes and may include other uses as allowed by zoning.	
Environmental Preservation	EP	The Environmental Preservation designation includes private lands in Areas I and II with environmental values that the city and county would like to preserve through a variety of preservation methods including but not limited to intergovernmental agreements, dedications, development restrictions, rezonings, acquisitions, and density transfers.	
Natural Ecosystems Overlay		In order to encourage environmental preservation, a Natural Ecosystem overlay is applied over Comprehensive Plan Land Use Designations throughout the Boulder Valley Planning Area. Natural ecosystems are defined as areas that support native plants and animals or possess important ecological, biological or geological values that represent the rich natural history of the Boulder Valley. The Natural Ecosystems overlay also identifies connections and buffers that are important for sustaining biological diversity and viable habitats for native species, for protecting the ecological health of certain natural systems, and to buffer potential impacts from adjacent land uses.	

Land Use Category	Abbr.	Characteristics and Uses	BVCP Density/ Intensity
		<p>A Natural Ecosystems overlay will not necessarily preclude development or human use of a particular area or supersede any other land use designation but will serve to identify certain environmental issues in the area. The overlay will serve to guide the city and the county in decisions about public acquisition, purchase of development rights or conservation easements, promotion of private land conservation practices, density transfers, rezonings, development review, annexations and initial zonings, rezonings, service area boundary changes, and subcommunity and departmental master planning.</p> <p>A description of the criteria used to identify lands suitable for a Natural Ecosystems designation can be found in the environmental resources element of the plan on the web at: www.bouldervalleycompplan.net.</p>	

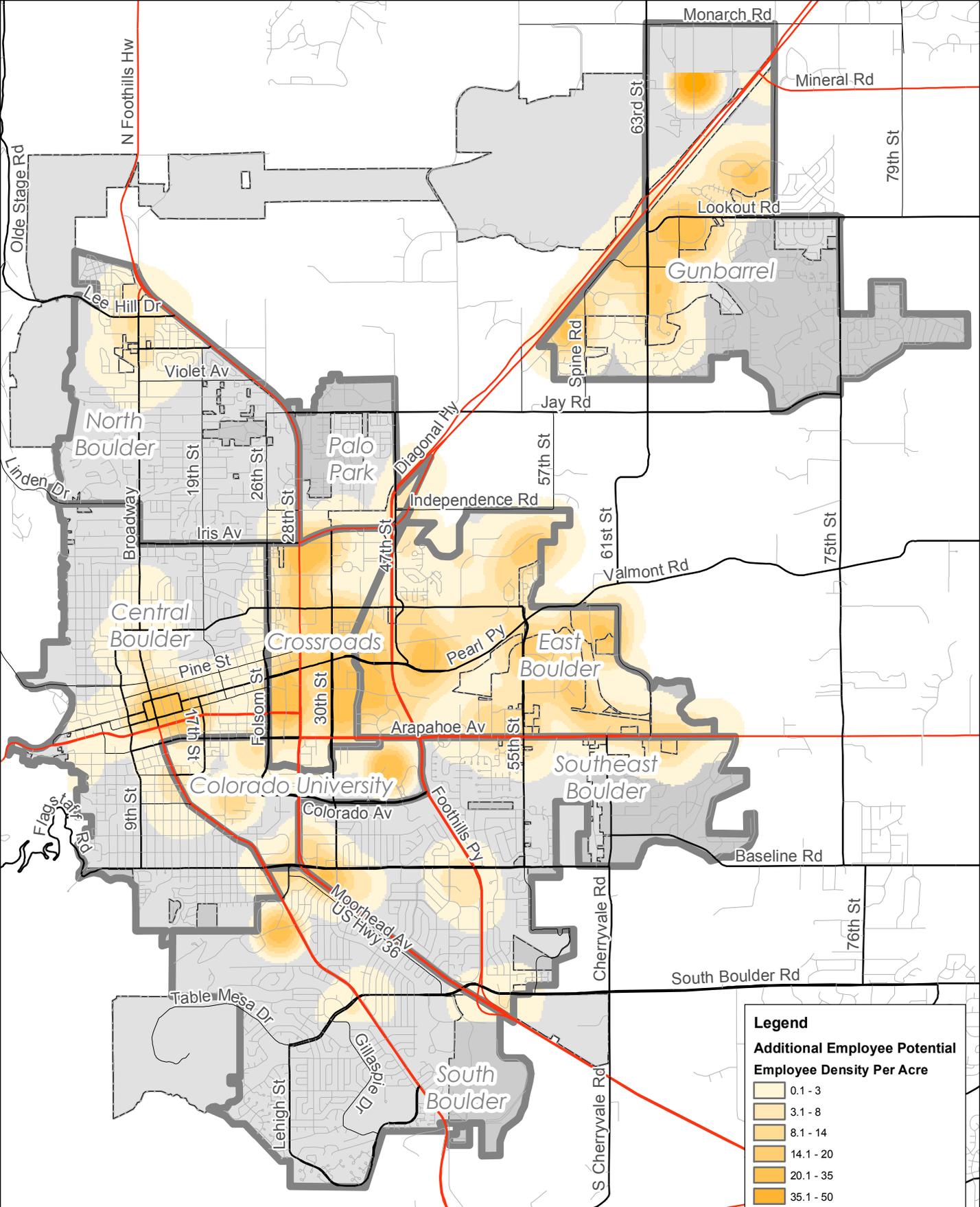
Projections Summary: 2015 to 2040									
Subcommunity*	2040			2040			2040		
	2015 Employees	Additional Employees	2040 Total Employees	2015 Dwelling Units	Additional Dwelling Units	2040 Total Dwelling Units	2015 Population	Additional Population	2040 Total Population
Central Boulder	23,582	3,866	27,448	13,321	2,149	15,470	29,515	4,530	34,045
Colorado University	11,986	2,180	14,166	2,015	325	2,340	9,315	685	10,000
Crossroads	13,853	2,639	16,492	3,849	621	4,470	8,113	1,309	9,422
East Boulder	17,941	3,418	21,359	1,401	155	1,556	3,445	327	3,772
Gunbarrel	12,747	2,429	15,176	5,117	825	5,942	10,786	1,740	12,526
North Boulder	4,381	835	5,216	5,906	953	6,859	12,458	2,008	14,466
Palo Park	789	150	939	1,672	270	1,942	3,643	569	4,212
South Boulder	4,067	775	4,842	7,314	1,180	8,494	15,441	2,487	17,928
Southeast Boulder	10,693	2,037	12,730	9,390	1,515	10,905	23,170	3,193	26,363
Total	100,039	18,329	118,368	49,985	7,992	57,977	115,886	16,847	132,733
Plan Area									
City Limits**	98,507	18,768	117,275	44,271	7,142	51,413	103,841	15,054	118,895
Area II	2,924	557	3,481	5,708	921	6,629	12,032	1,941	13,973

Projections Summary: 2040 to Zoning Capacity									
Subcommunity*	2040			2040			2040		
	2040 Employees	Additional Employees to Zoning Capacity	Total Employees at Zoning Capacity	2040 Dwelling Units	Additional Dwelling Units to Zoning Capacity	Total Dwelling Units at Zoning Capacity	2040 Population	Additional Population to Zoning Capacity	Total Population at Zoning Capacity
Central Boulder	27,448	-	27,448	15,470	343	15,813	34,045	723	34,768
Colorado University	14,166	-	14,166	2,340	638	2,978	10,000	1,345	11,344
Crossroads	16,492	8,349	24,841	4,470	690	5,160	9,422	1,455	10,877
East Boulder	21,359	13,839	35,198	1,556	-	1,556	3,772	-	3,772
Gunbarrel	15,176	10,383	25,559	5,942	241	6,183	12,526	507	13,033
North Boulder	5,216	282	5,498	6,859	717	7,576	14,466	1,512	15,978
Palo Park	939	171	1,111	1,942	431	2,373	4,212	909	5,121
South Boulder	4,842	990	5,832	8,494	265	8,759	17,928	559	18,486
Southeast Boulder	12,730	1,157	13,888	10,905	368	11,273	26,363	776	27,139
Total	118,368	35,172	153,540	57,977	3,694	61,671	132,733	7,786	140,519
Plan Area									
City Limits**	117,275	32,638	149,913	51,413	3,287	54,700	118,895	6,930	125,825
Area II	3,481	1,787	5,269	6,629	354	6,983	13,973	747	14,720

Notes:

*Subcommunities encompass Area I and Area II

**City limits encompass Area I and Area III Annex



Legend

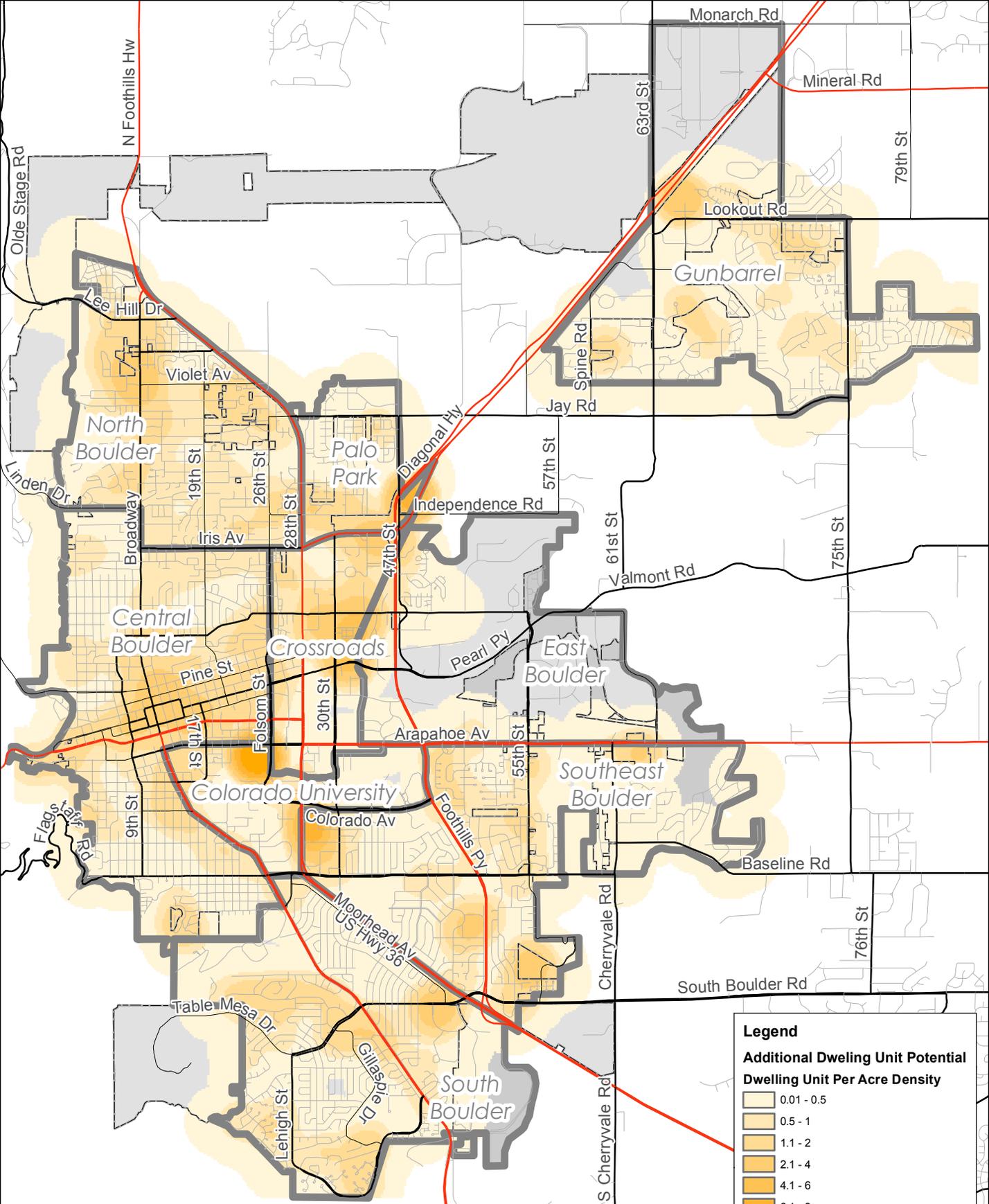
**Additional Employee Potential
Employee Density Per Acre**

- 0.1 - 3
- 3.1 - 8
- 8.1 - 14
- 14.1 - 20
- 20.1 - 35
- 35.1 - 50
- 50.1 - 65

City Limits

Subcommunities

Potential additional is expressed as a per-acre density. Density is calculated across the surface in 80'x80' cells using kernel density. Densities are calculated within a neighborhood resulting in the highest density (darker color) being shown where there is a high value or high concentration of values.



Potential additional is expressed as a per-acre density. Density is calculated across the surface in 80'x80' cells using kernel density. Densities are calculated within a neighborhood resulting in the highest density (darker color) being shown where there is a high value or high concentration of values.

Legend

Additional Dwelling Unit Potential

Dwelling Unit Per Acre Density

	0.01 - 0.5
	0.5 - 1
	1.1 - 2
	2.1 - 4
	4.1 - 6
	6.1 - 9
	9.1 - 15

City Limits

Subcommunities

Boulder Valley Comprehensive Plan – 2015 Housing Unit, Population, and Employment Estimates and Projections Methodology

Growth projections are made to 2040 based on land use “zoning capacity” and growth rate assumptions. The Boulder Valley Comprehensive Plan has a planning timeframe of 15 years, but calls for growth projections to extend 25 years beyond the last update of the plan.

Background

In 2002, as part of the Jobs to Population project, the city developed a new projections methodology. Growth projections before 2002 were done by identifying vacant land, opportunity sites and areas of anticipated growth. A review of the method determined that it was not very accurate. One of the defined roles of the Jobs to Population Task Force was to examine the growth projections, methodology and assumptions, and to offer advice on how to improve the accuracy and quality of the projections. The task force reviewed and provided guidance on developing a new method of projections, using a combination of a “land use model” and an “economic model.” They requested examination of the total non-residential development that could occur under existing zoning. This zoning capacity (or buildout) number is useful to determine whether building under our current zoning regulations results in the amount and mix of development that is desired for the future, and has no time frame associated with it. This land use and economic model method has been used in our growth projections since. The 25-year projections are based upon this zoning capacity information supplemented by growth assumptions and input from DRCOG, the State Demographer’s Office, and local and state economists.

In 2015, the city slightly refined its methodology and has begun to use CommunityViz software to enhance the capacity calculations. The refinements include:

1. A more accurate estimate of current employment using refined source data and calculations
2. A more accurate estimate of future residential zoning growth capacity and future growth of mixed use zones due to the modeling capability of CommunityViz

Projections are published at the subcommunity as well as BVCP Planning Area levels.

Geographic areas smaller than subcommunities are not appropriate for publication because the mathematical calculations as described below are based on averages for entire zoning districts. When the calculations are used for smaller geographic areas the accuracy and confidence in the numbers quickly drops.

Estimating Current (2015) Population and Employment Methodology

The projections begin with establishing an accurate estimate of existing dwelling units, population, and employment. This is done on an annual basis, and is summarized below:

Current Population - Census Bureau Method Applied to City Data

1. An occupancy rate is applied to the existing dwelling units (based on the latest Colorado State Demographer's Office estimate. For 2015 projections the rate used was 97.59%). A persons per household factor is then applied to the occupied dwelling unit number. The current factor is 2.16 persons per household (2010 U.S. Census). These factors are revised and verified with every decennial census.
2. The population living in group quarters facilities is then added, to give a total current population estimate.

Dwelling Units are maintained on a yearly basis in the city's GIS. Boulder County Assessor data is used for Area II dwelling unit numbers. Each year the map of dwelling units is audited using building permit data to account for new units constructed and units demolished. Any dwelling units added via annexations are mapped/verified. Mobile home counts are audited using data provided by the Boulder County Assessor. Unit counts are verified when possible to the rental license and accessory unit databases.

Group quarters population is taken from the city's annual census of group quarter facilities. Group quarters include dormitories, sororities and fraternities, jail, skilled nursing facilities, and group home shelters.

Current Employment

Current employment is comprised of the total number of wage and salary jobs occurring geographically inside the city limits and Area II plus an estimate of self employed jobs based on a percentage of the employed labor force.

Wage and Salary Jobs

The city uses Bureau of Labor Statistics data from the Colorado Department of Labor and Employment to establish the base employment. This data is from the Quarterly Census on Employment and Wages (QCEW, formerly ES-202), which is reported by 98% of all businesses. The data is mapped using the supplied latitude/longitude values and basic Q/C is performed for the historically known employers for which the map coordinates are incorrect. For the most part this geographic correction constitutes the Federal Labs. For firms that do not have latitude/longitude values supplied the address is geocoded in the GIS to garner a coordinate pair. Firms that do not have an address that can be geocoded are discarded. This constitutes about 1.4% of distinct firm locations for Boulder County. The employment numbers are aggregated as a 12 month average for each distinct firm location. This 12 month average is used to summarize the current employment for each geography reported.

Self Employment

Self employment is estimated using the U.S. Census Bureau American Community Survey (ACS) methodology applied to city numbers. The self employed number is obtained by multiplying each year's self employed percentage to the resident employed labor force. The city uses the annual unemployment rate for Boulder County published by the Colorado Department of Labor and Employment. This is the smallest geography for which the rate is published. The assumption is as follows: $((\text{Population} \times \text{Percent of Population 16 and older}) \times \text{Percent of 16 and Older In Labor Force}) \times \text{Percent of Labor Force Employed}) \times \text{Percent Self Employed}$

The city is using the definition of self employed as used in the American Community Survey (for more information please see <http://www.census.gov/programs-surveys/acs/> referenced on 6-25-2015) The number arrived at may not include all self employed jobs for which a person conducts business inside the city limits or Area II nor does this number account for residents whom are self employed but conduct all of their business outside the city limits or Area II. By default all self employed jobs are tied geographically to the address for which the person resides regardless of where the business is conducted. This is one limitation on estimating self employed jobs. For projections purposes the city has determined that the ACS methodology is statistically solid and reproducible over time (forward and backward).

An important note on the self employed estimate is that the city does not include all "non-employer" jobs in the self employment estimate. These are jobs that generate income for which an individual is required to file federal income taxes (such as a sole proprietor or someone who files a Schedule C with their taxes). The limitation on this data is that it includes all jobs for which receipts of \$1,000 or greater are reported (greater than \$1 for construction jobs) and the data is only available at the county level. One cannot add non-employer numbers to wage and salary numbers, as it will result in an inaccurately high estimate. For additional information on non-employer jobs please see the Census Bureau's web page (<http://www.census.gov/econ/nonemployer/index.html> referenced on 6-25-2015).

Estimating Future Population and Employment Methodology

Projecting future population and employment uses a detailed set of assumptions and methodologies, based off of the existing estimates, current property information, development constraints, historic growth rates, zoning districts and land use code.

Dwelling unit and Population Projection Methodologies

Zoning Capacity Methodology for Dwelling Units

Future dwelling unit potential is identified by examining properties where residential use is allowed under current land use regulations, approved area plans and anticipated development projects. For BVCP Area II, future land use is converted to equivalent city zoning districts. A dwelling unit per acre factor and residential to commercial/industrial development mix factors for zones that allow residential uses is then applied to each area where residential use is allowed. These factors are based on city code and historic development patterns. These site-specific and geographic estimates are then used to give an estimate of the total number of additional dwelling units possible taking into account existing dwelling units and existing commercial/industrial development where there is a mix of uses. Additional on-campus student housing planned by the University of Colorado Boulder as identified in the campus master plan is included in this estimate. This establishes the assumed total capacity for future dwelling units under current land use policies and facility plans.

25-year (2040) Projection Methodology for Dwelling Units

The city uses a historic growth rate (0.6%, roughly 268 units per year) to project additional dwelling units into the future, until the zoning district capacity is reached as described above. For some subcommunities, this maximum number of units is anticipated to be reached within the 25 year projections timeframe. Using the same occupancy rate and persons per household factor as current population estimates, a total population count is developed.

Employment Projection Methodologies

Zoning Capacity Methodology for Employment

Future employment potential is identified by examining properties where commercial or industrial use is allowed under current zoning regulations. For BVCP Area II future land use is converted to equivalent city zoning districts. The zoning capacity is generally developed using the following process:

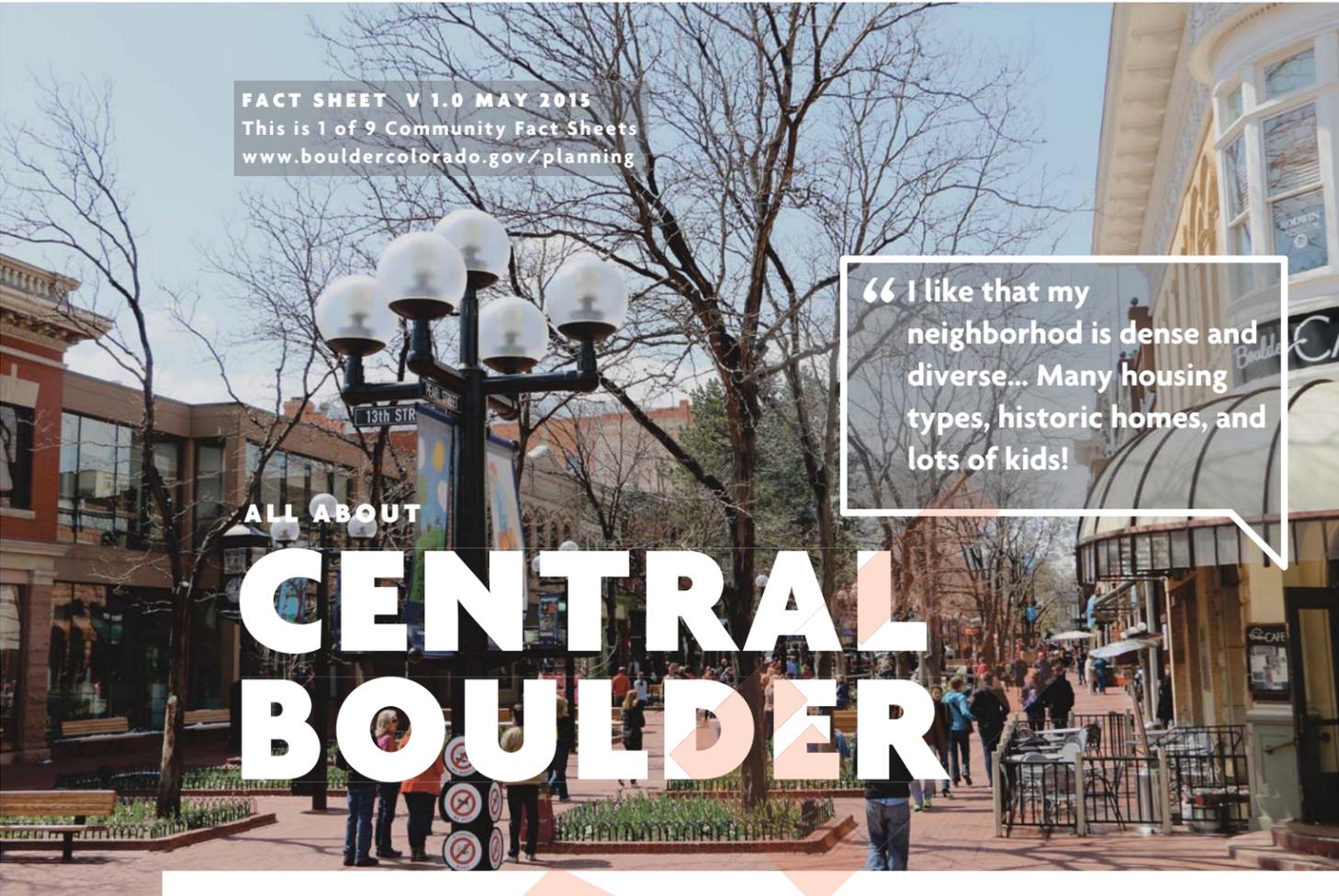
1. Attribute all parcels where projections should not be made (public land, parks, open space, rights-of-way, etc).
2. Add development constraints into model. Assumption is the conveyance and high hazard flood zones, regulatory wetlands and outlots where no development will occur.
3. Attribute unique parcels which require individual assessment and calculation based on individual property assumptions developed by the city and others.
4. Calculate the existing square footage based on Boulder County assessor data.
5. Calculate existing dwelling units using existing mapping.

6. Calculate remaining capacity. Square footage is calculated using an assumed future floor area ratio (FAR) by zone. FAR assumptions are based on zoning district standards and recent development trends. In areas where redevelopment trends are close to the maximum FAR allowed in the zoning district (e.g., downtown), a figure close to the maximum FAR is used for zoning capacity. In other areas where redevelopment trends vary (e.g., the Boulder Valley Regional Center), the assumed FAR for zoning capacity is significantly reduced, based on city assumptions developed in 2002. For example, in the BVRC the maximum FAR allowed under existing zoning is 2:1, whereas the projections assume redevelopment up to a maximum of only 0.7:1.
7. Factor the percentage of properties that will redevelop over time (city typically assumes 95%).
8. Calculate an assumed square footage per employee, which was developed with consulting resources and field-verified by city staff (varies from 285 to 600 square feet/employee). (This factor is not used for special projection sites, see #2)
9. Factor in a vacancy rate.

This process results in the zoning capacity (buildout) of employment and dwelling units. This is the “land use model” portion of the projections.

25-year Projection Methodology for Employment

To establish our 25-year projections the city uses an “economic model.” An annual growth rate is applied to the existing employment to project into the future. This growth rate is developed as an economic model with input and information from state economists, the State Demographer’s office, and DRCOG’s regional model. For estimating growth between 2015 and 2040, the assumed annual average growth rate is 0.7%.



FACT SHEET V 1.0 MAY 2015
This is 1 of 9 Community Fact Sheets
www.bouldercolorado.gov/planning

“ I like that my neighborhood is dense and diverse... Many housing types, historic homes, and lots of kids!

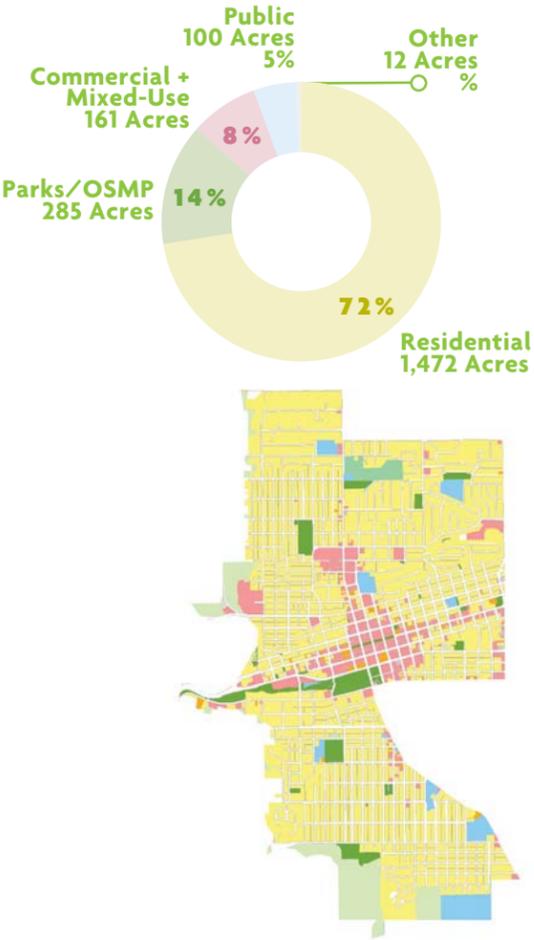
ALL ABOUT CENTRAL BOULDER

Located in the heart of the city, Central Boulder is a dynamic and diverse place. The area is rich with iconic Boulder locations, including Downtown and the Pearl Street Mall, University Hill, Boulder Creek, and Chautauqua. As such, Central Boulder offers some of the best shopping, restaurants, services, entertainment and recreation opportunities in the state. It is a hub of civic activity and a central gathering place for the community and the region, and a variety of iconic events such as the Farmers' Market, Boulder Creek Festival, and many others, are hosted here. Central Boulder is also one of the oldest and most historic parts of the city. Nearly all of Boulder's designated historic districts are located in this area, and many more neighborhoods and districts are potentially eligible for designation. Well-connected to the rest of the city and with a diverse collection of places to explore and things to do, Central Boulder stands out as the civic and cultural core of the community.

**OUR LEGACY.
OUR FUTURE.**
BOULDER VALLEY COMPREHENSIVE PLAN

LIFESTYLE

EXISTING LAND USE



PARKS & OPEN SPACE

- 17 parks
- 1 recreation center
- 1 senior center
- 1 pottery lab
- 4 trailheads
- 1 pedestrian mall (Pearl St.)
- 1 community center
- 1 outdoor pool
- 1 studio

BVSD SCHOOLS

- Foothills Elementary
- Columbine Elementary
- Whittier Elementary
- Flatirons Elementary
- University Hill Elementary

Casey Middle

New Vista High

GETTING AROUND

BIKE LANES & TRAILS

32.69 miles
203.81 miles in Boulder Valley
28% % of subcommunity within 1/4 mile of a trailhead

NEIGHBORHOOD ACCESS

To be included in next draft

SIDEWALK GAPS

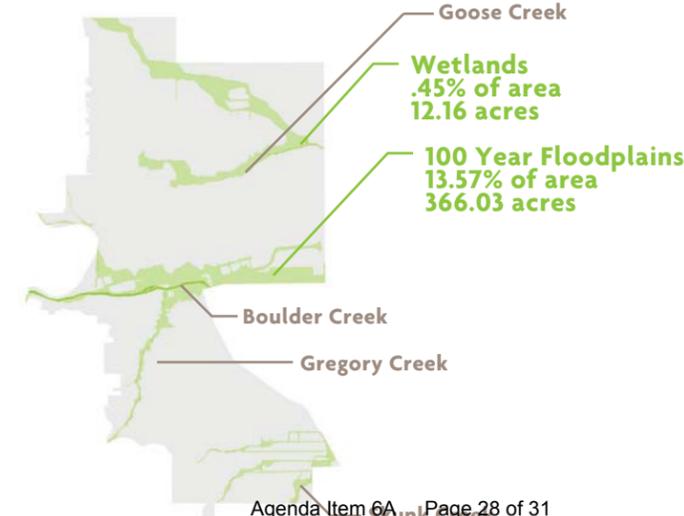
1.48% of missing sidewalk links
5% (city average)

TRANSIT

84 % of subcommunity within 1/4 mile of transit

NATURE & CLIMATE

WATER FEATURES



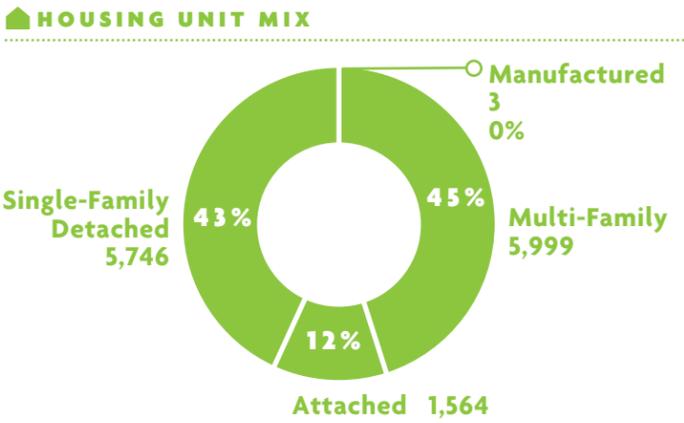
ALL ABOUT
CENTRAL BOULDER



EXISTING LAND USE

DRAFT

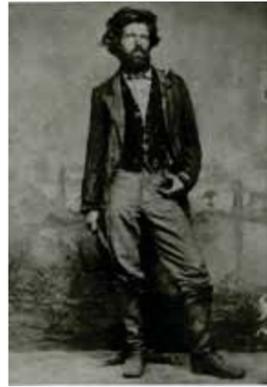
PEOPLE & HOUSING



OUR LEGACY. OUR FUTURE.

BOULDER VALLEY COMPREHENSIVE PLAN

A majority of the historic districts, and much of the city's history, exists within Central Boulder.



1860
Abner Brown builds the first schoolhouse in what would become the state of Colorado.



1865
Boulder's first County Courthouse is built.



1876
Central School graduates its first high school class, the same year that CU is established.



1882
Whittier School opens. It is the longest continually operating school in Colorado.



1894
The Boulder-Colorado Sanitarium is established.



1898
Construction begins on the Texas-Colorado Chautauqua. The park's most prominent building, the auditorium, is constructed in less than eight weeks.



1921
1. The Boulder Community Hospital opens in the former Ben Hagman House at 2705 Broadway.
2. Boulder's first auto park opens on what is presently known as Eben G. Fine Park.



1937
Boulder High School on Arapahoe Ave. is designed by Glen Huntington.



1918
CDr. O.M. Gilbert establishes the Mesa Vista Sanatorium.



1938
The Boulder Lions Club erects a Bandshell in Central Park. Architect Glen Huntington designs the structure & Saco DeBoer is the landscape architect.



1850
1. The Boulder City-Town Company is established.
2. The First Methodist Church is founded as Boulder's first faith community.

1870
The first burial at Columbia Cemetery takes place.

1880s
Goss Grove, Whittier, and Mapleton Hill, Boulder's earliest neighborhoods, begin to develop.

1892
Mount St. Gertrude Academy is established.

1897
Crystal Springs Brewing and Ice Company takes over Boulder City Brewery near 9th St. and Arapahoe Ave.

1906
Boulder builds the Carnegie Library, the city's first public library.

1919
The Switzerland Trail train ends its service from Boulder to Ward.

1931
Boulder's electric streetcars stop running as automobiles take over.

1952
The tanks belonging to the Federal Gas Company building that opened in 1904 are demolished at 13th and Canyon Blvd.



1910
1. Nearly 280 homes are already constructed in the Mapleton Hill neighborhood with a couple hundred more to come in the following decades.
2. Frederick Law Olmsted, Jr. writes "The Improvement of Boulder Colorado," which helped to create a plan for Boulder's future.



1932
The first Boulder County Courthouse burns down.



LOOKING BACK AT THE LEGACY OF CENTRAL BOULDER

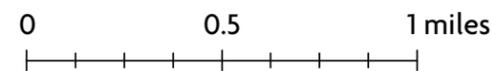
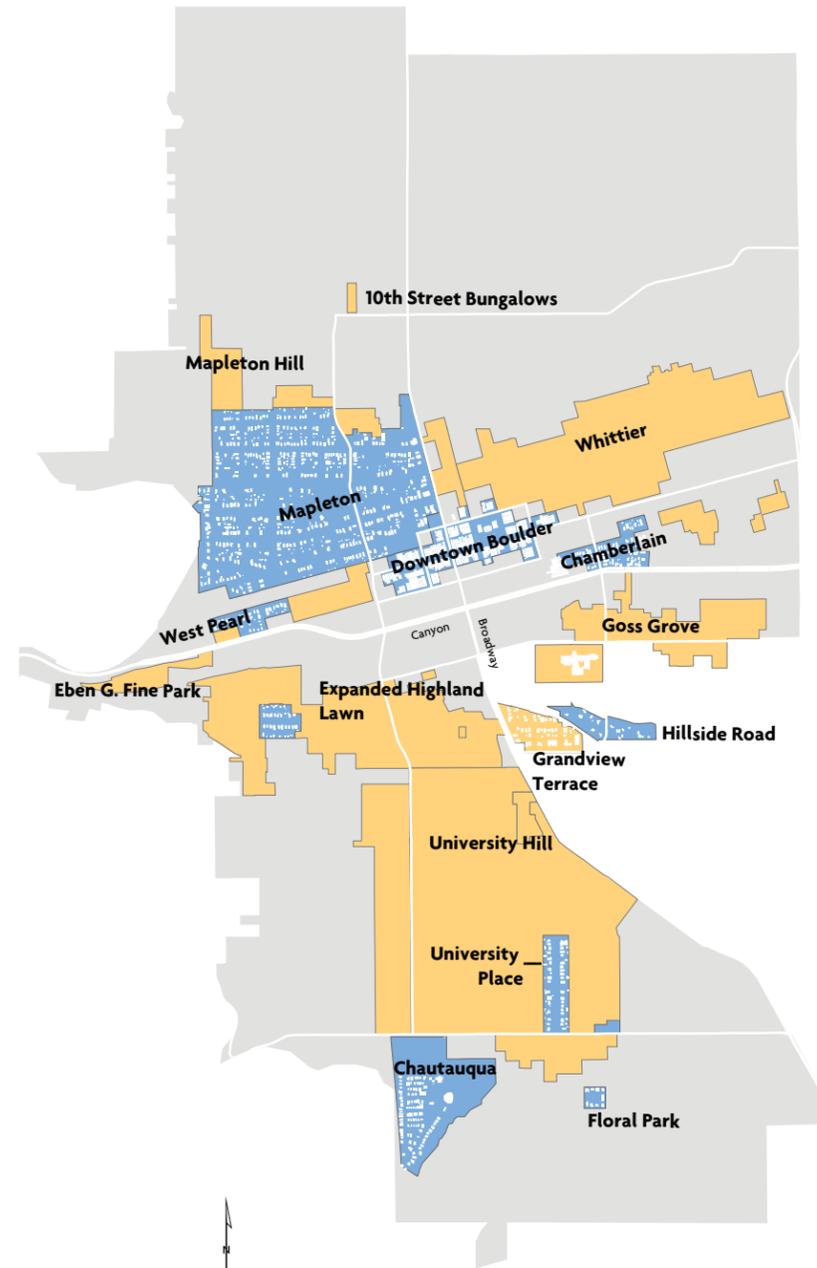
DRAFT

Historic Districts

- Designated Local Historic Districts
- Potential Local Historic Districts

Subcommunities

- Central Boulder



1954
The Boulder Junior Academy has a school built on 4th Street.



1959
PLAN-Boulder implements the "Blue-line" to stop development in Boulder's foothills.

1967
Midland Federal and Savings Company announces plans to build a branch office designed by modernist architect Hobart Wagener at 13th St. & Canyon Blvd.



1955 1960 1970 1980 1990 2000 2010

1971
Boulder enacts a building height limitation.



1972
Central School is demolished.



1976

- The pedestrian mall on Pearl Street is established and soon becomes a national example of successful outdoor malls.
- On February 2nd, Boulder designates its first three landmarks: the Squires-Tourtellot House, the First Congregational Church, and the Armory Building.



1982
The Mapleton Hill Historic District is designated.



1987
Boulder History Museum opens its new location "on the Hill" at the Harbeck House on Euclid Ave.



1998
Assembly of the Boulder Dushanbe Teahouse is completed.



Downtown is designated as an historic district.



2010



The Hannah Barker House is donated to Historic Boulder, Inc. The organization intends to rehabilitate the house.

James Hunter designs a new public library for Boulder at 9th St. and Canyon Blvd.

1961



Construction on the nine-story Colorado building at Walnut and 14th is complete.

1957



City Council adopts a historic preservation ordinance.

1974



Boulder's first liquor license is issued to the Hotel Boulderado.

1969



Mt. Saint Gertrude Academy reopens as The Academy, a retirement community.

1980



Boulder Public Library expands across Boulder creek to 10th St. and Arapahoe Ave.

1992



The Boulder Chautauqua is designated as a National Historic Landmark District, one of only 24 in Colorado.

2006



1978

- Chautauqua is designated a local historic district and placed on the National Register of Historic Places. With support from the State Historic Fund, the Chautauqua buildings are restored.
- Floral Park is designated as Boulder's first historic district.
- A House near 6th Pine St. becomes the television home for the popular "Mork and Mindy" series.



Photographs and historic facts courtesy of the Boulder Carnegie Branch Library, City of Boulder, Denver Public Library Western History & Genealogy Department Digital Collections, and Stephen H. Hart Library and Research Center Collections.

**CITY OF BOULDER
PLANNING BOARD INFORMATION ITEM**

TO: Planning Board

FROM: Susan Richstone, Deputy Director, Community Planning and Sustainability (CP&S)
Hella Pannewig, Assistant City Attorney
Lesli Ellis, Comprehensive Planning Manager
Edward Stafford, Development Review Manager, Public Works
Scott Kuhna, Development Review Supervisor
Jeff Hirt, Planner II

DATE: July 16, 2015

SUBJECT: Information Item: Out of City Water Service for Single Family Property in Area III-
Planning Reserve (4400 Peach Court)

The purpose of this memo is to inform Planning Board of the proposed extension of city water service to an existing 6.5 acre single family property in Area III-Planning Reserve at 4400 Peach Court. Boulder County has approved an expansion of the existing house for a larger single family home.

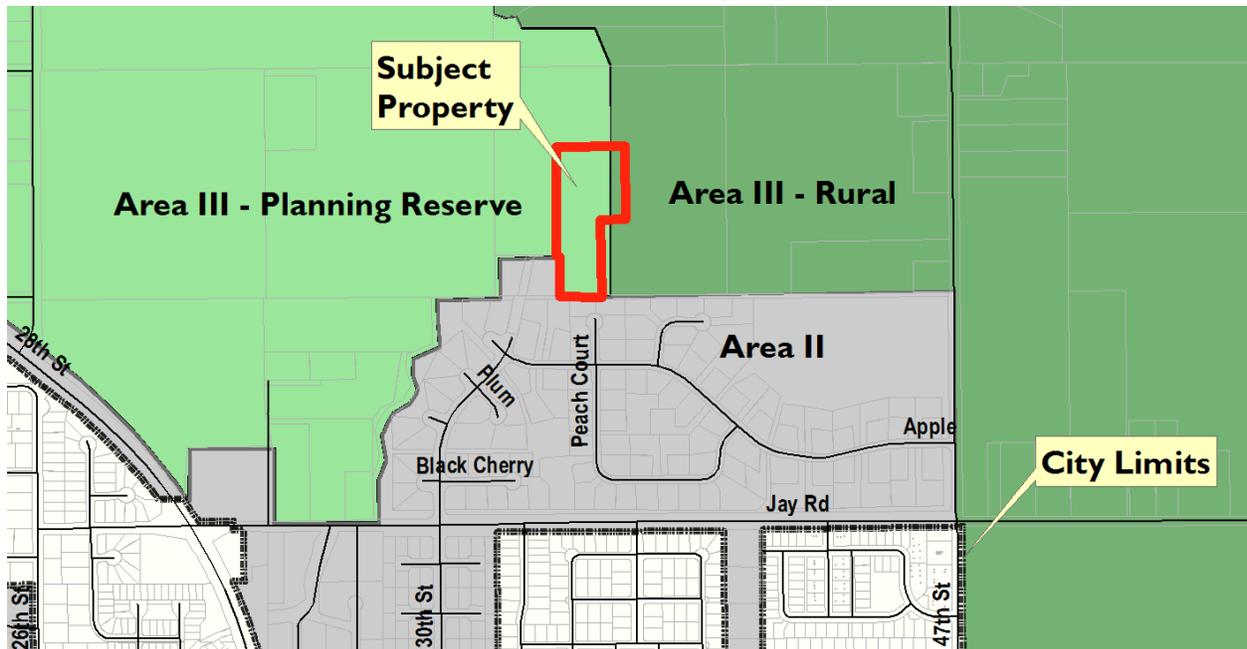
The property owner requested water service through the Left Hand Water District (District) in 2013. Pursuant to the city's Intergovernmental Agreement (IGA) with the District ([Attachment C](#)), the city received this referral as the property is in the Boulder Valley Planning Area. The city objected to granting of the tap request through the District because it was inconsistent with the Boulder Valley Comprehensive Plan (BVCP). Specifically, because the property is in Area III-Planning Reserve, there is the potential for future city service area expansion that may create overlapping service between the city and the District.

As a result, the property owner has requested city water service. The ordinance is required primarily because the property is in Area III, and the Boulder Revised Code (BRC) Sec. 11-1-15 (Out of City Water Service) regulates only out of city water service to properties in Area II.

Staff is recommending that council consider an ordinance ([Attachment A](#)) that would enable the subject property to obtain city water service through an agreement executed by the City Manager for the following reasons:

1. BVCP Sec. 1.20 states that the city and county intend to maintain the option of future service area expansion in Area III-Planning Reserve;
2. BVCP Sec. 1.36 (b) supports extending limited utility service in Area III when it furthers BVCP goals;
3. To avoid the potential of overlapping service between the city and District water supply within the City of Boulder Service Area; and
4. The request is limited to one approved single family dwelling unit and accessory structures directly related to the single family use. The request will not result in additional development potential.

Please submit any comments or questions to Jeff Hirt (hirtj@bouldercolorado.gov) by Friday, July 24.



BACKGROUND

The Left Hand Water District is a special district that provides treated water to about 6,500 homes in Boulder and Weld Counties. The City of Boulder and the District entered into the 1995 Amended and Restated Agreement (IGA, see [Attachment C](#)) that provides a process for the city to comment on requests for new service or changes in service to existing District water customers in the Boulder Valley Comprehensive Plan (BVCP) area. The city’s review of the requests focuses on whether the District has the capacity to serve the new customers and whether the request is consistent with the BVCP.

The city and the district have a long history of coordinating utility services within the BVCP area. Special districts like Left Hand are quasi-municipal corporations and political subdivisions under state law. While there are a number of special districts that provide various services within the Boulder Valley, the city and Boulder County have discouraged expansion of such districts, to discourage urban development outside of the urban municipalities. Since the early 1970s, the city and the District have worked to prevent conflicts and overlaps between the city and District water service and to ensure that any utility service within the Boulder Valley is done in a manner consistent with the BVCP.

Within the past few years, the District has replaced a 2-inch water line with an 8-inch water line to service an area generally located north of Independence Road, east of North 55th Street, south of Jay Road, and west of 63rd Street. The District has also replaced an undersized 2 ½ inch waterline with a 6-inch water line between the intersection of 47th Street and Apple Way, extending 2,685 feet north along 47th Street to the intersection with Pleasant Ridge Road.

Application History

The chronology below summarizes the city’s involvement in this application since 2013:

- March 2013 – City received referral from Left Hand Water District for single family water service at 4400 Peach Court.
- June 2013 – City informed District of objection to District’s referral due to inconsistency with BVCP policies.
- May 2014 – City received request for out of city utility permit from 4400 Peach Court property owner for water service.

- June 2014 – City provided comments on application that include the need to join the Northern Colorado Water Conservancy District and the requirement for a special ordinance and agreement due to the property’s Area III-Planning Reserve status.
- July 2014 to present – City and applicant discussions and finalization of components of special ordinance and agreement.

Existing Conditions and Boulder County Approvals

The subject property contains a single family house and accessory buildings (see [Attachment B](#)). The property is also known as the Poor Homestead, a historic farming complex first settled in the 1880s. Boulder County Land Use reviewed and approved expansion of the existing house in 2013 (Case No. SPR-13-0013). This approval was for expansion of the existing house for a 2,693 sq. ft. residence. The approved house stays under the maximum permissible size of a residence on the property of 2,706 sq. ft. per Boulder County regulations. The property has several existing accessory buildings totaling 4,715 sq. ft.

Select Components of Ordinance and Agreement

The proposed ordinance and agreement contain the following provisions that would allow city water service to the property, as BRC Sec. 11-1-15 currently does not allow city water to the property:

- City Manager authorization to execute an Out of City Utility Agreement and Revocable Permit for 4400 Peach Court.
- City Manager authorization to approve changes to the Agreement provided those changes meet the standards of BRC Sec. 11-1-15 “Out of City Water Service”.
- Clarification in both the ordinance and agreement that city water service is limited to one dwelling unit and accessory structures only directly related to the single family use and a 1-inch water meter.
- A statement that the property owner must connect to city water service within six months of City Manager approval.
- That the owner is fully responsible for the costs of the connection and obtaining required approvals for easements and any affected ditch companies for city water service.

ANALYSIS

This section provides further analysis of the application relative to the out of city utility permit provisions in BRC Sec. 11-1-15 (b).

(1) The property is located within Area II of the Boulder Valley Comprehensive Plan, unless the facility to be served is a publicly owned facility that because of its nature is most appropriately located outside Area II and because of the general public interest should be served by water service

The property is in Area III – Planning Reserve and contains an existing single family residential structure and several accessory buildings. BRC Sec. 11-1-15 does not regulate water service to Area III properties. In order for the property to receive city water service, the city must approve the ordinance set forth in [Attachment A](#). Staff supports extension of city water to the property because it is consistent with BVCP Policies 1.20 & 2.07(b) – “the city and county intend to maintain the option of limited future Service Area expansion” and 1.36 – “the city and county agree that it is appropriate for the city to extend limited utility service in Area III and Area II in circumstances that further Boulder Valley Comprehensive Plan goals”. In this case, the goal is to maintain the option of future Service Area expansion and avoid potentially overlapping service boundaries with the Left Hand Water District in that area. IGA Recital #2 also states that the city and District seek to “insure development consistent with good planning and the Boulder Valley Comprehensive Plan”.

(2) There is no main extension involved for such service beyond one hundred feet or in violation of the main extension limit, whichever is less

There is no main extension involved with this request.

(3) The city planning department has determined that the proposal does not constitute new urban development and is consistent with the comprehensive plan

The water service requested is for an approved single family residential home and accessory buildings subordinate to the single family use and will not result in any new urban development.

(4) The City has referred the application to the Boulder County Planning Department under the referral provisions of the comprehensive plan

The city referred the application to the Boulder County Planning Department. The county indicated they had approved expansion of the single family home and has no conflicts with this out of city water service request.

(5) The service is to be extended to a structure, which contains a legal use, that existed on the effective date of this chapter or to a platted single-family lot existing on the effective date of this chapter

The service is to be extended to a Boulder County-recognized single family residential structure and outbuildings built in 1880 and 1960, respectively. The ordinance also allows future water service to accessory buildings directly related to the single family use within 1-inch water tap limitations.

(6) The property is located below the "Blue Line"

The property is located below the Blue Line.

(7) The property owner agrees in an agreement running with the land to annex to the City as soon as the property is eligible for annexation

The property has signed an Out of City Utility Agreement ([Attachment A](#)) that indicates this in Sec. 4.h.

(8) The property has an existing permitted out of city sewer connection or has applied for such permit in accordance with the requirements of section 11-2-10, "Out of City Sewer Service," B.R.C. 1981, and agreed to connect to sanitary sewer when eligible.

The property has a county-approved septic system and it not eligible to connect to city sewer service at this time.

NEXT STEPS

This item is scheduled for first reading before council on July 28, 2015 and second reading on Tuesday, August 18. Once the ordinance is final, the City Manager will be asked to sign the Out of City Utility Agreement and Revocable Permit in [Attachment A](#). The applicant will then be required to obtain all necessary approvals to connect to city water that may include an easement and right of way permit. The agreement stipulates that the applicant must connect to city water within 6 months of City Manager approval.

ATTACHMENTS/LINKS:

- A. [Ordinance and Agreement for Out of City Utility Service](#)
- B. [4400 Peach Site Plan](#)
- C. [1995 City and Left Hand Water District IGA](#)

PROPOSED ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 11-1, "WATER UTILITY," B.R.C. 1981, AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT RELATING TO THE PROVISION OF OUT-OF-CITY WATER SERVICES WITH THE OWNER OF 4400 PEACH COURT AND SETTING FORTH RELATED DETAILS.

THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO FINDS AND RECITES THE FOLLOWING:

A. The property generally described as 4400 Peach Court (the "Property") and more particularly described as Lot 1, POOR NUPUD, County of Boulder, State of Colorado, is located in Area III-Planning Reserve Area of the Boulder Valley Comprehensive Plan.

B. It is in the interest of the public's health, safety, and welfare to extend limited water utility service to the Property.

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

Section 1. The city council authorizes the city manager to execute on behalf of the City of Boulder, Colorado, an Out-of-City Utility Agreement and Revocable Permit for the Property, generally in the form attached to this ordinance as Exhibit A. The city manager is authorized to sign an Out-of-City Utility Agreement and Revocable Permit after the property owner has completed the appropriate technical reviews and satisfied the conditions contained herein that are required pursuant to Chapter 11-1, "Water Utility," B.R.C. 1981, for outside of the City utility services except as those may be modified herein. The city manager is authorized to approve changes to the Out-of-City Utility Agreement and Revocable Permit provided those changes meet the standards of this ordinance and of Section 11-1-15, "Out-of-City Water Service," B.R.C. 1981, except as modified by this ordinance.

Section 2. The city council of the City of Boulder finds that: 1) making water available to the Property is fair and equitable; 2) it is in the interest of the public's health, safety, and welfare to extend limited water utility service to the Property; 3) providing water service to the Property is consistent with the Boulder Valley Comprehensive Plan's policy 1.20 that states that the City and County intend to maintain the option of future Service Area expansion in Area III-Planning Reserve Area; and 4) making water available to the Property is consistent with Boulder Valley Comprehensive Plan Policy 1.36 "Out-of-City Utility Service," which supports extending utility service to Area III in circumstances that further Boulder Valley Comprehensive Plan goals. Extension of the City water service to the Property would be limited to one existing dwelling unit and accessory structures that are located on the same lot as the single family dwelling unit, are subordinate to and customarily found with the single family dwelling unit, and are operated and maintained for the benefit or convenience of the occupants of or visitors to the single family dwelling unit. There is no additional development potential beyond one dwelling unit.

Section 3. To the extent that this ordinance conflicts with any previously adopted ordinance of the City, including Subsections 11-1-15(b)(1), 11-1-15(b)(5), and 11-1-15(b)(8), B.R.C. 1981, such ordinances are suspended for the limited purpose of implementing this ordinance. This ordinance shall be considered an amendment to Chapter 11-1, "Water Utility," B.R.C. 1981.

Section 4. The owner of the Property has applied for out-of-city water service to the dwelling unit and its accessory structures on the Property and shall actively seek approval of such application in a manner that is consistent with Subsection 9-2-6(e), B.R.C. 1981. If the applicant fails to keep the application active, then it shall be considered withdrawn and this

6-15-15

ordinance shall be of no further force or effect. If the owner of the Property does not connect to the out-of-city water service within six months after the Out-of-City Utility Agreement and Revocable Permit is approved by the City Manager, then the permit shall expire and this ordinance shall be of no further force or effect.

Section 5. 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 6. The 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.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
TITLE ONLY THIS ___ DAY OF _____, 201_.

Mayor

Attest:

City Clerk

READ ON SECOND READING, ADOPTED AND ORDERED PUBLISHED BY
TITLE ONLY THIS ___ DAY OF _____, 201_.

Mayor

Attest:

City Clerk

6-15-15

EXHIBIT A TO ORDINANCE

For Administrative Purposes Only

Address: 4400 Peach Court

Owner: Idle Acre Land Company LLC

Case No. LUR2014-00039

OUT-OF-CITY UTILITY AGREEMENT AND REVOCABLE PERMIT

This Agreement and Permit ("Agreement"), issued this ____ day of _____, 201_, by and between Idle Acre Land Company LLC, a Colorado limited liability company ("Owner"), the owner of certain property, generally located at 4400 Peach Court and more particularly described as Lot 1, POOR NUPUD, County of Boulder, State of Colorado ("Property") and the City of Boulder, a Colorado municipal corporation ("City").

RECITALS

- A. The Owner has applied to the City for water service for a proposed residential use on the Property.
- B. The Property is located in Area III-Planning Reserve Area of the Boulder Valley Comprehensive Plan.
- C. The Property is already located within the Northern Colorado Water Conservancy District.
- D. The Property has been included in the Municipal Subdistrict of the Northern Colorado Water Conservancy District by the Weld County District Court's order dated October 6, 2014 in Case No. 1937CV9454-S1.
- E. The City Council of the City of Boulder (the "City Council") concludes the following: 1) making water available to the Property is fair and equitable; 2) it is in the interest of the public's health, safety, and welfare to extend limited water utility service to the Property; and 3) making water available to the Property is consistent with Boulder Valley Comprehensive Plan policies that support extending city utility service to Area III in circumstances that further Comprehensive Plan goals, including policy 1.20 that states that the city and county intend to maintain the option of future Service Area expansion in Area III-Planning Reserve.
- F. The City Council passed Ordinance No. _____ which authorizes the City of Boulder to provide municipal water utility service to the Property which is located outside the City limits of the City of Boulder for such uses under such terms and conditions as set forth by the said ordinance and the B.R.C. 1981.
- G. The City Council has determined that said service should be granted subject to the terms and conditions set forth herein.

Agreement

NOW, THEREFORE, in consideration of the recitals, promises, covenants herein set forth, and other good and valuable consideration herein receipted for the parties agree as follows:

1. That the City will make available to the Owner, City of Boulder water service conditioned upon the Owner meeting and keeping the terms and conditions hereinafter contained. Such service is to be made available for use on that portion of the Property, outside the City limits of the City of

6-15-15

Boulder, which is not now eligible for annexation to the City of Boulder under the laws of the State of Colorado.

2. The water service herein authorized is to be restricted exclusively to the Property and to a 1-inch water meter for a single family dwelling unit and accessory structures that are located on the same lot as said single family dwelling unit , are subordinate to and customarily found with the single family dwelling use, and are operated and maintained for the benefit or convenience of the occupants of or visitors to said single family dwelling unit. No enlargement, increase, or modification of said service shall be made without prior written approval of the City through the appropriate official. The Owner agrees that it shall be a violation of this Agreement if the Owner uses any City water service for any use that is not the single family use of the Property or that is not subordinate to and customarily found with the single family dwelling use and operated and maintained for the benefit or convenience of the occupants of or visitors to the single family use of this Property.
3. Both parties agree that the water service is provided under an Out-of-City Utility and Revocable Permit, that rates for the said service may be increased and if they are, the Owner will pay them, and that the service may be discontinued if the Owner fails to perform as required or if the needs of the City residents require.
4. Owner agrees to fulfill all of the following conditions:
 - a. To use the service only for the qualifying use as a single family dwelling unit. Water service shall be limited to a 1-inch water meter for a single family dwelling unit and accessory structures that are located on the same lot as said single family dwelling unit, are subordinate to and customarily found with the single family dwelling use, and are operated and maintained for the benefit or convenience of the occupants of or visitors to said single family dwelling unit;
 - b. At Owner's sole cost, to make the connection at such point or points and obtain any necessary easements or ditch company approvals as the City Manager prescribes;
 - c. Prior to connection to the City water service, the Owner shall pay all fees prescribed in Section 11-1-15, "Out-of-City Water Service," B.R.C. 1981;
 - d. To pay the outside City rates until such time as the Property is annexed;
 - e. At Owner's sole cost, to install and maintain the devices necessary to measure the use of the services for the purposes of assessing the charges therefor, if the City Manager finds it is necessary;
 - f. To apply to the City for a new Out-of-City Utility Agreement and Revocable Permit and any other necessary approvals before enlarging the service authorized herein or before altering, changing, enlarging or extending in any manner whatsoever the type of use for which water service is authorized herein;
 - g. To furnish a current title memorandum showing that title to the Property is vested in the Owner's name or to reimburse the City for obtaining such title memorandum and to pay any recording costs incurred;

h. At any time after the Property becomes eligible for annexation to the City and upon request by the City, the Owner shall file with the City a valid annexation petition for the Property or, if requested, shall do all things necessary to further the annexation of said Property to the City, and shall agree to annex subject to the terms and conditions normally imposed upon annexations under the same or similar circumstances to include at least the following:

- (1) payment of the applicable development fees and taxes;
- (2) participation in a public improvement assessment program; and
- (3) dedicate to the City public improvement and right-of-way easements normally required of properties under same or similar circumstances.

5. Under no circumstances may existing wells be used for domestic water purposes for the single family use. No person shall make any cross connections to the City's municipal water supply system.
6. Owner agrees to comply with all laws and regulations applicable to the Property and its development.
7. This Agreement will become effective thirty days after the date of its issuance unless the city council schedules a hearing thereon.
8. The City is of the opinion that it has the legal authority to enter into the within contract and the powers and authority to perform all obligations herein imposed upon it. However, the City cannot anticipate what challenges, if any, might be made by any persons. Therefore, in the event this Agreement, or any step or steps taken by the City to perform any of its obligations hereunder, is challenged in a lawsuit or lawsuits, the City shall have no obligation to perform further, and the City shall have the option to rescind the within.
9. The covenants contained herein shall run with the land and be binding upon Owner, its successors and assigns, and all owners now or hereafter of the land hereby served by the City Water Utility.
10. Owner has read the above and understands its terms and conditions, and now by its representative's signature below does evidence its desire and intent to accept said service subject to the terms and conditions set forth herein.
11. If this Agreement creates an interest in land, that interest shall vest, if at all, within the lives of the undersigned, plus twenty years and three hundred sixty-four days. However, if Owner does not connect to water utility system within six months of the date of this permit, this permit shall expire and this Agreement will be null and void.

Executed on the day and year first above written.

IDLE ACRE LAND COMPANY LLC,
a Colorado limited liability company

By: _____

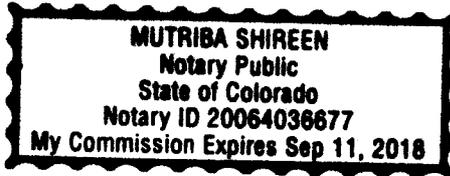
Finnius Ingalls, Managing Member

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this 23 day of JUNE, 2015 by Finnius Ingalls as Managing Member of Idle Acre Land Company LLC, a Colorado limited liability company.

Witness my hand and official seal.
My commission expires: SEPT. 11, 2018

(seal)



M. Shireen
Notary Public

CITY OF BOULDER, COLORADO

By: _____
Planning Director

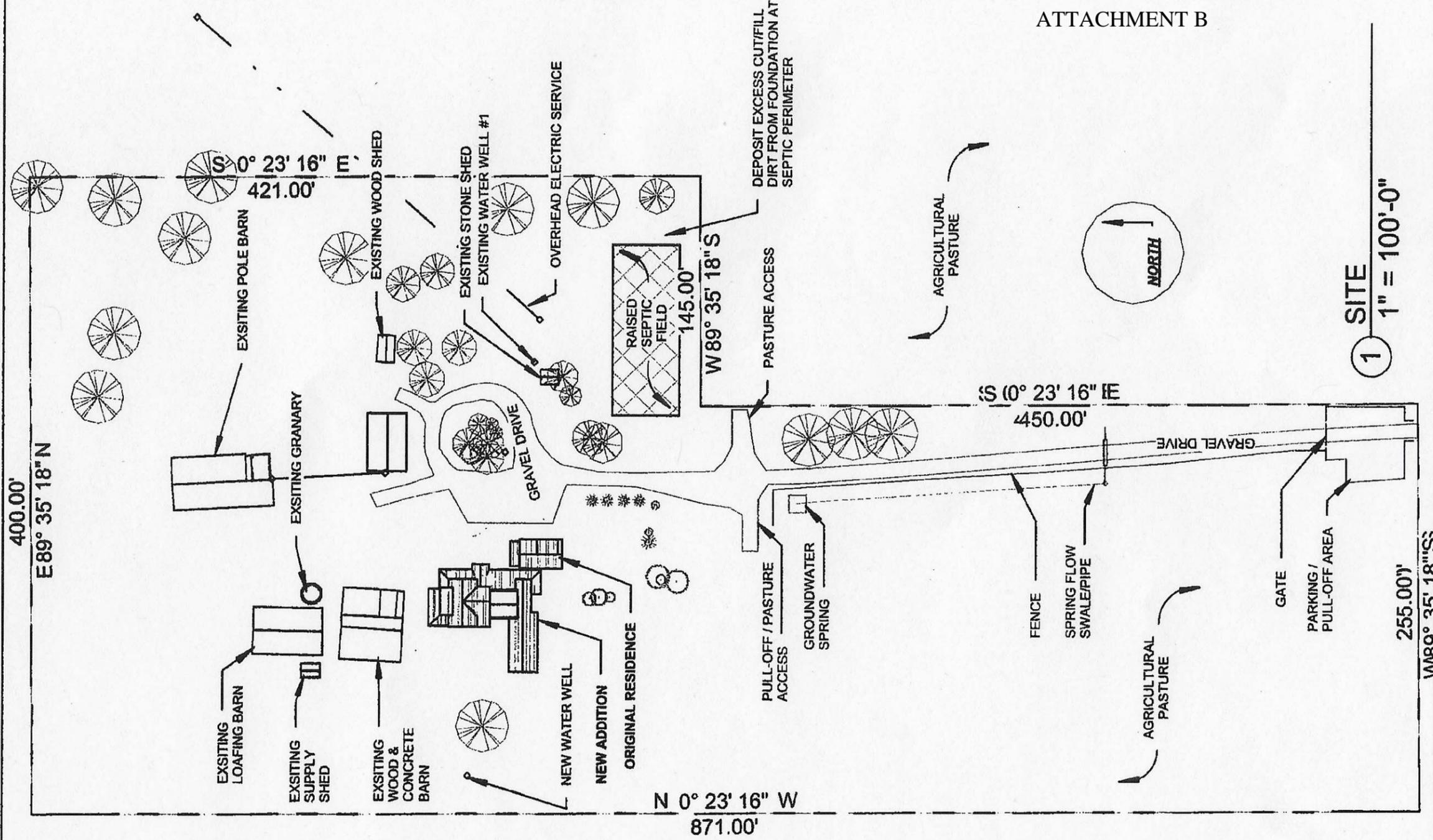
ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney's Office

Date



1 SITE
1" = 100'-0"

SITE PLAN

**4400 Peach Ct,
Boulder, CO**

**IDLE ACRE
LAND CO**

Project number	0001
Date	2/26/13
Drawn by	FFI
Checked by	

AA1

Scale 1" = 100'

2/27/2013 9:29:56

#01513796 05/02/95 01:18 PM REAL ESTATE RECORDS
F2049 CHARLOTTE HOUSTON BOULDER CNTY CO RECORDER

AMENDED AND RESTATED AGREEMENT

THIS AGREEMENT, made this 11th day of April, 1995, by and between the City of Boulder, Colorado ("City"), and Left Hand Water District ("District"),

RECITALS:

WHEREAS, the Boulder Valley as defined in the Boulder Valley Comprehensive Plan jointly adopted by the City and the County, as amended to the date of this agreement ("Boulder Valley"), overlaps with areas now served by the District; and

WHEREAS, the City and the Left Hand Water Supply Company ("Company"), predecessor to the district, entered into an agreement, as of May 24, 1972, which sought (1) to eliminate overlapping service between the City's and the Company's water supply utilities and thereby eliminate potential conflicts generated by such overlapping, and (2) to insure development consistent with good planning and the Boulder Valley Comprehensive Plan; and

WHEREAS, the Company had filed a service plan with the County preliminary to the filing of a petition for the formation of a proposed special water district, pursuant to Section 32-1-201, et seq., C.R.S. 1973, as amended; and

WHEREAS, on March 24, 1980, the County conducted a public hearing, at which time the County recessed the hearing for a period of time in order to provide the Company with an opportunity to enter into negotiations with any municipalities which would be affected by the service plan; and

WHEREAS, the Boulder Valley Comprehensive Plan, as revised and updated, had been approved by the County Planning Commission and Board of County Commissioners and by the City Planning Board and the City Council; and

WHEREAS, the provision of water service as described in the proposed service plan submitted by the Company impacted upon the concerns addressed in the Boulder Valley Comprehensive Plan and the parties agreed that such provisions should be coordinated in accordance with that Plan; and

8.2

WHEREAS, the City and the Company entered into an agreement on July 18, 1984 to restate the general principles of the May 24, 1972 agreement and to amend it to recognize the effect of the proposed formation of the District; and

WHEREAS, that July 18, 1984 agreement was ratified by the City and the Company shortly after the formation of the District; and

WHEREAS, the City and the Company had previously entered into a water supply agreement on December 4, 1979, in order to provide for a cross connection between the parties water systems in order to provide peak use service to the Company's customers located within a small portion of the Boulder Valley along N. 51st Street; and

WHEREAS, in their 1984 agreement, the parties provided for the provisions of the 1979 agreement remaining in effect; and

WHEREAS, the City and the District now desire to change the provisions of their 1979 agreement; and

WHEREAS, the cross connection provided for in the 1979 agreement is no longer necessary as adequate pressure now exists in the looped mains in 51st Street and the parties deem it desirable to create a cross connection on 47th Street north of Jay Road in order to provide adequate pressure to existing District customers and developed properties within the District; and

WHEREAS, the City and the District as political subdivisions of the state, are encouraged and authorized to cooperate and contract with each other and other units of government pursuant to Part 2 of Article 1 of Title 29, C.R.S. 1973, for the purpose of making the most efficient and effective use of their respective powers including but not limited to the provision of any function, service, or facility lawfully authorized to each;

COVENANTS

NOW THEREFORE, in consideration of the recitals above and for other good and valuable consideration, the City and the District hereby agree as follows:

1. The District and the City shall exert their best efforts to eliminate all water supply utility service being provided by the Company within that portion of the Boulder Valley (as that term is defined in the Boulder Valley Comprehensive Plan as amended to the date of this Agreement) designated as Area I under the Boulder Valley Comprehensive Plan, as amended (with the exception of those subdivisions known as Valhalla and Gunbarrel Estates), as soon as practicable.
2. Water service may be provided by the District until an area is designated as Area I. Upon such designation, the City shall have the sole and absolute discretion to incorporate the area within the City's domestic water system.
3. The District shall not expand its water supply utility and in particular shall not grant any water supply tap, enlarge or extend any water main, or exercise the power of eminent domain within the Boulder Valley (as depicted on the attached "Exhibit A" incorporated herein by reference) , without first requesting, receiving, and giving due consideration to the City's comments, including a full hearing before the District's Board of Directors upon request by the City. any replacement, enlargement, or extension of the company's water supply utility within the Boulder Valley shall be designed and constructed to meet or exceed the then applicable requirements of the City. This paragraph specifically includes and is applicable to properties currently serviced by the District as well as those which may be included in the District. In the event the District decides to provide a water tap to an existing use or parcel, the District agrees to provide such tap solely by means of a service contract with the District, not by an expansion of the District. Also, the District will require such owners to covenant that additional requests for service for new taps or units will not be made during the term of the service contract.
 - a. The District and the City will follow the process described in Exhibit B hereto, when requesting and reviewing service expansions under Paragraph 3, above.
4. The parties shall exert their best efforts to insure that all areas served by the District shall be developed in a manner consistent with good planning and the Boulder County Comprehensive Plan, as amended, and the Boulder Valley Comprehensive Plan, as amended.
5. In the event of a transfer of water services from the District to the City, the

District shall approve a petition for exclusion of the property from the District's service area in accordance with the then applicable laws concerning such exclusions, and the District shall pay to the City the plant investment fee assessed by the City at that time on the customer, up to the value of one unit of Northern Colorado Water Conservancy District ("Big Thompson") water per dwelling unit (as defined as of the date of this Agreement) at that time. Upon conversion, exclusion from the District's service area, and payment of the plant investment fee to the city, the District shall retain all raw water equipment, and funds theretofore conveyed by the customer to the District or the Company.

6. Upon conversion, the District may retain whatever easements it may reasonably require, if any, for the continued operation of its remaining water supply system.

7. Upon conversion, each customer converting to service by the City: (a) shall also pay the additional fees required by the City, including, without limitation, applicable front foot assessments; (b) shall petition for inclusion in the Northern Colorado Water Conservancy District, and/or the Municipal Subdistrict, if required by the City; (c) shall sell any and all water and ditch rights used on or appurtenant to the customer's land to the City at the fair market value thereof, as provided in the Boulder Revised Code, as amended; and (d) shall provide and dedicate to the City a meter and meter pit conforming to then current City specifications.

8. The District and the City shall exercise their best efforts to develop and maintain a standard meter installation acceptable to both parties.

9. The District shall refer any proposals for inclusion or exclusion in its service plan for any lands within the Boulder Valley as shown on "Exhibit A" hereto to the County for review and approval pursuant to the service plan and this agreement incorporated therein. In conjunction with such review, the County shall refer any such proposal to the City for review. Proposals for inclusion of land shall not be granted by the District in the absence of permission from the County, provided that neither the City nor the County shall be able to obligate the District to provide water service outside of the areas expressly included in its service plan.

10. The District shall include the provisions of this agreement as a replacement for the July 18, 1984 and the April 7, 1990 agreements as a part of the district formation and amendment documents and shall file such documents of record in the office of the Clerk of the County of Boulder.

11. The City and the District specifically revoke the provisions of the water supply agreement dated December 4, 1979, except as such provisions are restated herein and replace said agreement with the following provisions:

- a. The parties shall disconnect the existing crosstie at 51st and Jay by closing valves and/or removing the meter and install a new crosstie at 47th and Apple Way.
- b. Upon notice to the City, Lefthand may provide new taps, up to the maximum line capacity of 26 taps¹, in the following order of priority:
 - i. Existing houses within district
 - ii. Existing vacant lots and parcels within the district (at the rate of one tap per existing parcel or per existing lot)
 - iii. Existing houses built prior to May 1972 not in the district
 - iv. Existing houses built between May 1972 and March 1978 not in the district
 - v. Existing houses built between March 1978 and June 1982 not in district
 - vi. Existing houses built between June 1982 and the date of district formation, not in the district
 - vii. Existing houses not in the district built after the date of district formation
 - viii. Existing vacant lots and parcels not in the district (at the rate of one tap per parcel or lot)

In the case of categories iii through vii (all existing houses not in the district), the date of tap request will take precedence over the date of house construction in determining the order of priority.

In the case of categories iii through viii, if insufficient taps exist to serve all requests in any individual category, priority would be given to those existing houses with a demonstrated health risk from a contaminated water supply.

- c. Over some period of time to be agreed upon by the parties, the City would take over the Left Hand/Pleasant Ridge line and provide service directly to customers on that line consistent with the terms of paragraphs 5, 6 and 7, above.

¹ The maximum number of taps is based upon the line capacity with the crosstie to provide 30 psi pressure at ground elevation (which is 10 psi lower than City service standards) at the end of the line on the western edge of the Pleasant Ridge subdivision. The agreement would reflect that if after two years of testing during peak usage periods it is demonstrated that there is additional line capacity for several additional taps, the number would be increased from 26. It is anticipated that maintaining a water pressure of thirty pounds per square inch will increase reliability and service for the existing twelve taps as well as the additional taps.

12. This agreement integrates all understandings between the City and the DISTRICT as of its date, and no prior, contemporaneous or subsequent agreement, amendment, or novation shall have any effect unless embodied in an express written agreement executed by the parties to be bound thereby.

13. This agreement shall be binding upon the successors and assigns of the parties hereto, and shall be subject to amendment only upon the written mutual agreement of all parties authorized by the governing body of each.

14. The parties agree that the objectives of this agreement can be obtained only if all parties substantially perform their obligations and that damages are an inadequate remedy for breach. The parties therefore agree that if there is a substantial failure of performance by any party, any other party may seek specific performance.

15. If a court of competent jurisdiction at any time holds that a portion of this agreement is invalid or unenforceable, the remainder shall not be affected thereby and shall continue in full force and effect.

IN WITNESS WHEREOF, the parties have duly executed this agreement this 11th day of April, 1995.

ATTEST:

Alisa D. Lewis
Director of Finance and Record
Ex-Officio City Clerk

CITY OF BOULDER

Wesley Jay
Mayor

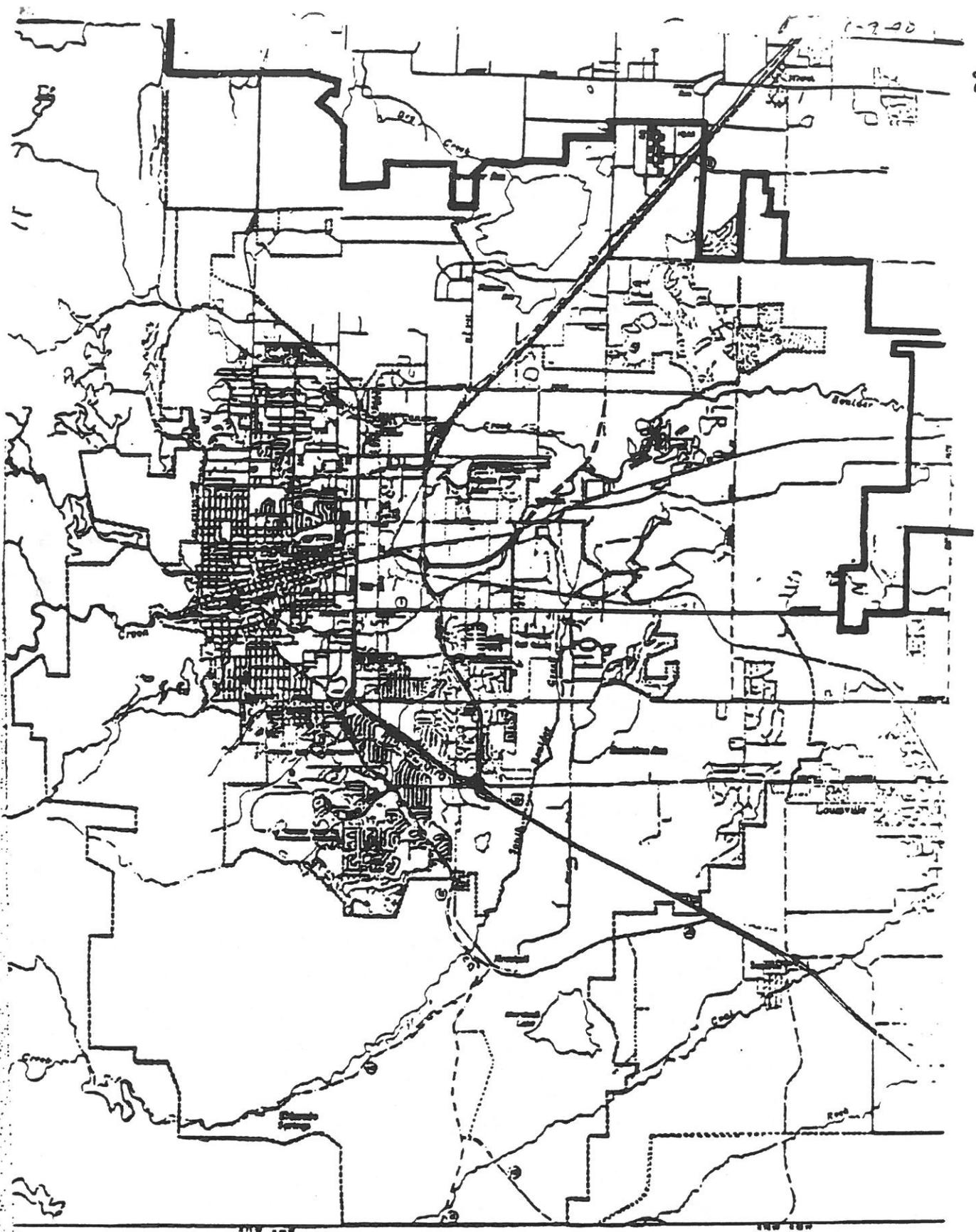
ATTEST:

Earl Juhl
Secretary

LEFT HAND WATER DISTRICT

[Signature]
President

pwwaaee
a-lfthn3



----- Boulder Valley Comprehensive Plan boundary
 ————— Left Hand Water District boundary



EXHIBIT A

8-8

EXHIBIT B

REFERRAL PROCESS/LEFTHAND WATER DISTRICT

Under the Lefthand Agreement with the City of Boulder, the District agrees not to expand its water supply utility into the Boulder Valley without first requesting, receiving, and giving due consideration to the City's comments, including a full hearing before the District's board upon request by the City. The following referral process was agreed upon in the fall of 1991 by the Lefthand District representatives, the City staff, and the City Manager's Office.

1. The District General Manager should submit a letter request to the City Manager requesting the City's comments. The District's letter should specifically describe the property to be served either by inclusion of a map or a legal description of the area. The proposed service extension should also indicate the number of new taps to be provided, as well as whether or not the taps will be provided to existing or proposed development. The District's letter should be copied to the City's Planning Director and Public Works Director, who will then refer it to the appropriate persons in their departments for processing. A copy should also be provided to the City Attorney's Office.

2. The City Manager will provide a copy of the letter requesting service to City Council members in their non-agenda material to assure that they are aware of the request in the event they wish to raise any questions or voice any concerns about the proposal, which would trigger a request by the City for a formal hearing before the District board.

3. The Planning Director will appoint a project manager for these Lefthand requests, which project manager will take the request through the DRC review process. Planning Department will schedule these requests on a two-week rather than a three-week DRC review.

4. After all DRC comments are received, and prior to a response to the Lefthand District, the item will be scheduled for a Policy Resolution Group meeting to ensure that all possible policy issues have been addressed. Policy Resolution Group will determine if the matter should be referred to the City Manager prior to responding to the Lefthand District. In evaluating Left Hand's requests, the City will not oppose Left Hand providing a water tap to a residence which was in existence prior to June 11, 1982 which has requested water service as a result of the residence's existing well having been determined to be unpotable by the Boulder County Health Department.

5. The City Attorney's Office will prepare a response to the Lefthand District for the City Manager's signature, which response shall incorporate the DRC comments as may be modified by the Policy Resolution Group, any City Manager comments, and any Council member comments.

6. The City Manager signs and sends the response to Lefthand and copies all City Council members in non-agenda material.

PW WA AEE