TO: Mayor and Members of City Council

FROM: Dianne Marshall, City Clerk's Office

DATE: September 20, 2016

SUBJECT: Information Packet

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1. **CALL UPS**
   A. Concept Plan Review 1102 Pearl Street (LUR2016-00058)
   B. Site and Use Review (LUR2016-00056 & LUR2016-00057) proposal to establish a retail store and café use at 1815 Pearl St. The total square footage of the tenant space is 2,642 square feet with 1,984 square feet of retail and 658 square feet of café space with 40 interior seats. A concurrent site review has been submitted for consideration of an 89% parking reduction.
   C. Concept Plan proposal (LUR2016-00059) to develop an existing 1.4-acre property with a residential multifamily permanently affordable housing development developed by Habitat for Humanity consisting of 19 total multi-family units and a central community open space within the RM-2 [Residential Medium – 2] zoning district at 2180 Violet Avenue. Ordinance No. 8095 was approved by City Council in Dec. 2015 to permit sale of a portion of the subject property to Habitat for Humanity.

2. **INFORMATION ITEMS**
   A. Snow and Ice Control Program and Sidewalk Snow Removal Enforcement
   (will be sent as an addendum)

3. **BOARDS & COMMISSIONS**
   A. Board of Zoning Adjustment – August 11, 2016
   B. Transportation Advisory Board – July 11, 2016

4. **DECLARATIONS**
   None

INFORMATION PACKET
MEMORANDUM

To: Members of City Council

From: Jane S. Brautigam, City Manager
David Driskell, Executive Director of Planning, Housing and Sustainability
Susan Richstone, Deputy Director of Planning, Housing and Sustainability
Charles Ferro, Development Review Manager
Elaine McLaughlin, Senior Planner

Date: September 20, 2016

Subject: Call-Up Item: Concept Plan Review 1102 Pearl Street (LUR2016-00058)

EXECUTIVE SUMMARY

On Sept.1, 2016 the Planning Board reviewed and commented on the above-referenced application. City Council may vote to call-up the Concept Plan to review and discuss within 30 days of the Planning Board hearing. The call up period concludes on Oct. 1, 2016, because the end of date of the thirty-days falls on a Saturday, per the land use code, the thirty day call up period concludes on the following Monday, Oct. 3, 2016. The staff memorandum to Planning Board, meeting audio, and the applicant's submittal materials along with related background materials are available on the city website for Planning Board here (or follow the links: *www.bouldercolorado.gov ➔ A to Z ➔Planning Board➔search for past meeting materials planning board➔2016➔9.1.2016 PB Packet).* The draft minutes from the Planning Board hearing are provided in Attachment A.

The proposal on the Concept Plan is to redevelop the existing 7,000 square foot site within the Downtown – 4 (DT-4) zoning district, currently housing the Old Chicago Restaurant. The redevelopment plans include demolition of the existing building and construction of a three story, 38-foot maximum height building of approximately 15,380 square feet with ground floor retail and upper story office uses along with the potential for three or four residential units.

At the Planning Board Hearing, there was one community member who provided comment that was in support of the application. The Planning Board discussed the project plans and an alternative configuration that the applicant presented that evening. The board noted that the use of the site appears to be consistent with the Boulder Valley Comprehensive Plan Regional Business Land Use designation and a number of BVCP policies. The board had several specific design recommendations and noted that the alternative plans were more consistent with the Downtown Urban Design Guidelines than the original Concept Plan. It was also noted that the plans are subject to a Landmarks Alteration Certificate given the location within the Historic District of downtown, including working

with the Landmarks Design Review Committee, as well as Site Review, with both of the board's determinations ultimately subject to call-up by the City Council.

Consistent with the Land Use Code section 9-2-13(a)(2), B.R.C. 1981 City Council shall vote to call up the application to review and comment on the Concept Plan within a 30-day call up period which expires on Oct. 3, 2016.

ATTACHMENT

A. Draft Sept. 1, 2016 Planning Board Minutes

CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
September 1, 2016
1777 Broadway, Council Chambers

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

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

PLANNING BOARD MEMBERS ABSENT:
N/A

STAFF PRESENT:
Charles Ferro, Development Review Manager
Hella Pannewig, Assistant City Attorney
Cindy Spence, Administrative Specialist III
Jessica Stevens, Civil Engineer II
Caeli Hill, Associate Planner
Elaine McLaughlin, Senior Planner
Karl Guiler, Senior Planner/Code Amendment Specialist
James Hewat, Senior Planner, Historic Preservation

1. CALL TO ORDER

Chair, **J. Gerstle**, declared a quorum at 5:07 p.m. and the following business was conducted.

2. APPROVAL OF MINUTES

3. PUBLIC PARTICIPATION

- **John Spitzer** addressed the board regarding the Attention Homes project located at 1550 Pine Street

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

A. Call Up Item: Wetland Map Revision (LUR2016-00048), 236 Pearl Street, 250 Pearl Street and 255 Canyon Boulevard.

B. Call Up Item: Floodplain Development Permit (LUR2016-00049), 5765 Arapahoe Avenue.

C. Call Up Item: Wetland Permit (LUR2016-00061), Chautauqua Trail Improvements.

D. Call Up Item: Wetland Permit (LUR2016-00062), 479 Arapahoe Avenue.

None of the items were called up.

5. PUBLIC HEARING ITEMS

A. AGENDA TITLE: Public hearing and consideration of a Site and Use Review (LUR2016-00056 & LUR2016-00057) proposal to establish a retail store and café use at 1815 Pearl St. The total square footage of the tenant space is 2, 642 square feet with 1,984 square feet of retail and 658 square feet of café space with 40 seats. A concurrent site review has been submitted for consideration of an 89% parking reduction.

Applicant: Vincent J. Porreca
Owner: CCPL Real Estate Group, LLC

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

- **C. Gray** recused herself as she lives within 600 feet of the proposed project.
- **L. Payton** disclosed that she had read an article in the Daily Camera newspaper regarding the proposed project. She informed the board that it would not influence her decision.

Staff Presentation:
C. Ferro introduced the item.
C. Hill presented the item to the board.

Board Questions:
C. Hill and **C. Ferro** answered questions from the board.

Applicant Presentation:
Brendan Quirk, with Rapha North America, presented the item to the board.

Board Questions:
Brendan Quirk, the applicant, answered questions from the board.

Public Hearing:
No one spoke.

Board Comments:

- All board members agreed that the key issues regarding the Use Review and Site Review Criteria had been met, specifically the parking reduction criteria.

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Motion:
Motion by **B. Bowen**, seconded by **J. Putnam**, that Planning Board approve the Site Review application LUR2016-00057 and Use Review application LUR2016-00056, incorporating the staff memorandum and the attached analysis of the Site Review and Use Review criteria as findings of fact and subject to the recommended Conditions of Approval in the staff memo.

Friendly amendment by **L. Payton** to add a condition requiring that if the space in front of the store is adequate to meet City of Boulder standards, the Applicant shall provide for the installation of additional bicycle parking.

Friendly amendment was accepted by **B. Bowen** and **J. Putnam**.

Passed 6:0 (**C. Gray** recused)

B. AGENDA TITLE: CONCEPT PLAN & REVIEW - Concept Plan Review and Comment for redevelopment of 1102 Pearl Street (currently the Old Chicago Restaurant) into a 15,380 square foot, three story retail office building of 38 feet. Reviewed under case no. LUR2016-00058.

Applicant: Jim Bray
Developer: PMD Realty (Phil Day)

Staff Presentation:
C. Ferro introduced the item.
E. McLaughlin presented the item to the board.

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

Applicant Presentation:
Madeline Day, the owner representative, and **Jim Bray**, architect and applicant representative with Bray Architecture, presented the item to the board.

Board Questions:
Jim Bray, the architect, and **J. Hewat** answered questions from the board.

Public Hearing:
1. **Paul Eklund** spoke in support to the project

Board Comments:
- The board agreed to discuss the proposed project in terms of the originally submitted design and the revised design.

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<u>Key Issue #1:</u> Is the concept consistent w/ the BVCP?

- **J. Putnam** agreed the concept is consistent as it fits within the map designations and the BVCP principles identified.
- All board members agreed with **J. Putnam**.
- **L. Payton** added that she does not agree that the project is consistent with all BVCP policies. Due to the fact that the project is in an historic district, she questions if it would be consistent with BVCP policy "*2.39 Sensitive Infill and Redevelopment*." She expressed concern regarding the residential aspects of the new design and compliance with the Comp Plan policy.
- **C. Gray** added that the BVCP policy "*2.40 Physical Design for People*," should be considered when designing an outdoor patio when considering a restaurant in the design. Residential units in that area would be helpful and proposed that staff review a parking reduction so more, smaller units could be incorporated. It would give more eyes on the street and vitality in the area.
- **B. Bowen** agreed with **C. Gray** regarding a possible residential component downtown.
- **J. Putnam** stated that he could support a diversity of units if at least one unit were permanently affordable on-site.
- **B. Bowen** disagreed with **J. Putnam's** comment with having only one unit permanently affordable, however he would be in favor of a multi-unit affordability.
- **J. Gerstle** gave a summary of the board's comments regarding Key Issue #1. He stated that the board felt the concept plan was generally consistent with the BVCP policies with the exceptions mentioned by **L. Payton**. He said that he would support small residential units on the third floor with parking requirement reductions.

<u>Key Issue #2:</u> Is the concept preliminarily consistent w/ the Downtown Design Guidelines?

- **C. Gray** suggested that the proposed corner be designed with a prominent cornice. She supports the change on 11th Street regarding the elevator in terms of the revised treatment and that it breaks up the buildings.
- **L. May** generally agreed with staff comments. The corner element should be accented. The parapet should extend all the way across. The new proposed design does not relate to the overall mass. The window opening articulation is tall and vertical in proportion which relates well. The corner element appears too jumbled. He suggested carrying the glazing pattern to the ground. On the west elevation, the elevator shaft appears awkward. He suggested a higher parapet to the elevator, then step down for the remainder of the building. The new design is better articulated and cleaner. Regarding the slit between the two buildings, he added it reads as an entrance. He suggested it become one.
- **B. Bowen** agreed with **L. May**. The new design is more successful. He likes the transom windows over the awnings and the large operable windows on the corner. He is ambivalent toward a two-story building vs. a three-story. He hopes the project has multiple retail tenants on the main floor. He approves of the artful alley elevation. He suggested adding public art.
- **H. Zuckerman** agreed with the previous comments. The corner of the building needs a stronger cornice to define the roofline of the building like the neighboring traditional buildings. He reminded the applicant that this is the west gateway to the Pearl Street Mall. Perhaps a mitered corner to mirror the building on the north side of the street would create a gateway feature. In the outdoor seating space, the proposed posts are too

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big. He suggested using wrought iron. In addition, he would like to see more street trees to shade the 11th Street sidewalk. In the new design, he approves of the slit on the west elevation as it adds visual interest. He also approves of the second-story awnings and that the building material proposed is brick. He suggested adding a polychromatic look and additional textural elements to the brick to create visual relief on the facade similar to the traditional building.

- **L. Payton** stated that the new design is keeping with the Downtown Urban Design Guidelines for the historic district. She agreed with **H. Zuckerman** regarding his parapet suggestions. The third-story corner element is a good idea however the top windows are not successful. She agreed with the comments regarding making an entrance on 11th Street.
- **J. Putnam** agreed that the third-story design works well but the design needs some refinement.
- **J. Gerstle** agreed with all previous comments.
- **B. Bowen**, regarding the wrapping of the materials, it would be important that they continue all the way around the building.
- **L. May**, regarding the alley issue, the pattern of fenestration should carry around the corner. He added that the third-story element appears too thin and suggested bringing up the parapet. In addition, the change of brick color is not necessary. If the color were the same, it would integrate better with the mass.
- **B. Bowen** suggested the applicant could do some creative design elements too.

Board Summary:
Since this is a Concept Review, no action is required on behalf of the Planning Board.

C. AGENDA TITLE: Public hearing to consider a proposal (LUR2016-00028) to rezone the AirGas site at 3200 Bluff Street, a roughly one-acre property, from Industrial Mixed Service (IMS) to Mixed-Use - 4 (MU-4) and make a recommendation to City Council.

Applicant: Kirsten Ehrhardt, Coburn Development, Inc.
Property Owner: AirGas InterMountain, Inc

Staff Presentation:
C. Ferro introduced the item.
K. Guiler presented the item to the board.

Board Questions:
K. Guiler answered questions from the board.

Applicant Presentation:
Andy Bush, with Morgan Creek Ventures representing the applicant, presented the item to the board.

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Board Questions:
Andy Bush, the applicant's representative, and **Bill Holicky**, with Coburn Development, answered questions from the board.

Public Hearing:
No one spoke.

Board Comments:

- The board had no comments regarding the key issues of rezoning to bring the property into conformance with Mixed Use Business BVCP Land Use Designation Map or with the TVAP land use goals.

Motion:
On a motion by **J. Putnam** seconded by **L. Payton** the Planning Board recommended approval (7-0) of the rezoning of the property from IMS to MU-4 having met the criteria for rezoning under Section 9-2-19 (e) and (f).

D. AGENDA TITLE: Public hearing for consideration of a Concept Plan proposal (LUR2016-00059) to develop an existing 1.4-acre property with a residential multifamily permanently affordable housing development consisting of 19 total multi-family units and a central community open space within the RM-2 [Residential Medium – 2] zoning district at 2180 Violet Avenue. The applicant is also requesting preliminary consideration of amendments to annexation agreements that apply to 2180 Violet Ave., 1917 Upland Ave., and 2145 Upland Ave. to permit the transfer of all permanently affordable units from those sites to the 2180 Violet site and other changes.

Applicant: Jeff Dawson, Studio Architecture
Property Owner: Flatirons Habitat for Humanity

Staff Presentation:
C. Ferro introduced the item.
K. Guiler presented the item to the board.

Board Questions:
K. Guiler and **C. Ferro** answered questions from the board.

Applicant Presentation:
Susan Lythgoe, with Flatirons Habitat for Humanity, and **Jeff Dawson**, with Studio Architecture, presented the item to the board.

Board Questions:
Jeff Dawson, the architect, answered questions from the board.

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Public Hearing:

1. **Janet Meyer** spoke in support to the project but in opposition to the number of units proposed and the duration of proposed construction.
2. **Suzanne Wight** spoke in support of the project but in opposition to the number of units proposed and the duration of proposed construction.
3. **Victor Lemus** spoke in support of the project.
4. **Robert Naumann** spoke in support of the project.
5. **Nolan Rosall** spoke in support of the project.

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

- **B. Bowen** disclosed that Habitat for Humanity had been his client in the past and one of the public speakers is currently a client of his, however he could remain impartial.
- **L. May** disclosed that he had worked for Habitat for Humanity serval years ago but it would not affect his ability to remain impartial.

Board Comments:

<u>Key Issue #1:</u> Is the concept consistent with the BVCP/NBSP? And,
<u>Key Issue #2:</u> Is the proposed site and building design consistent with intent of BVCP Policy 2.37 Enhanced Design for Private Sector Projects?

- **B. Bowen** stated that the proposed plan is compliant.
- **C. Gray** stated, regarding the NBSP, that it would be important to make sure the neighborhood is comfortable with the transfer of the units. Her only concern with the BVCP is the neighborhood pattern of townhomes. Home ownership is important.
- **L. May** stated the project is consistent with the BVCP. He has concerns with the integration of affordable housing.
- **H. Zuckerman** approves of the energy efficient building design and the project is consistent with the BVCP/NBSP.
- **L. Payton** agreed. She is concerned where children would play.
- **J. Putnam** stated the buildings should be positioned closer to street.
- **J. Gerstle** stated the board concluded that the project is consistent with the BVCP/NBSP. He added the proposed front doors facing Violet Avenue may not be effectively used.
- **L. May** stated the existing street typology does not support the current NBSP. He suggested focusing on the common open space, rather than the street fronts of the buildings, sliding the buildings closer to the street creating more open space.
- **L. Payton** commented that Violet Avenue has the potential to be a good pedestrian and bike connection, therefore she would lobby making it a nicer street scape.
- **B. Bowen** agreed with both **L. May** and **L. Payton**. Design the project to anticipate on - street parking, pedestrian and bike usage, but also let the back side embrace a commons area.
- **H. Zuckerman, C. Gray** and **J. Gerstle** agreed.
- **B. Bowen** walked the board and applicant through some proposed site organization ideas of the design. The Violet Avenue streetscape should be rich. Setback needs to be tighter on Violet Avenue. Front porches need to be strong with low picket fences. As the units move forward, remove the open space on Violet Avenue. From the backside of the project, line the alley with the parking and carports rather than have it in the commons area. The entire middle of the project would be open for green space. The bike path needs

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to be interesting. He advocated for on-street parking on 22nd Street. He proposed placing the detention pond at the east end.

- The board indicated support for a 24-foot backing distance and centering in the alley.
- **C. Gray** supports **B. Bowen's** proposal.
- **L. Payton** agreed with comments. She would support Violet Avenue to become walkable. She would defer the picket fence until Violet Avenue becomes a heavily walked area.
- **H. Zuckerman** agreed. He stated that the finished floor height of homes with porches needs to be 32 inches minimum.
- **J. Putnam** said that bike access off Violet Avenue and bike storage on the north side should be added. Also, he encouraged carports are prewired for EV.
- **J. Gerstle** suggested that on-street parking should be added to Violet Avenue especially if the parking is done on the alley so front entrances are used.
- **C. Gray** suggested walkways from the alley into the project if the carports are moved to the alley.
- **L. Payton** expressed concern regarding the multi-color units and suggested one color per unit. Materials and elements need to be substantial. She approves of the gable roofs and proportions.
- **L. May** agreed. The color scheme needs to be coherent.
- **B. Bowen** agreed regarding the coloration. Narrow exposures are better. The porches need to be a minimum of seven to eight-foot-deep, with solid roofs and railings.

Key Issue #3: Does the Planning Board preliminary support the proposed changes to the annexation agreement? Specifically, the requested increase in density to 19 units and relocating all permanently affordable units from the three properties to the subject property? Right-of-way adjustments?

Density

- **L. May** stated that integration ties into density, therefore he supports the proposed density.
- **J. Putnam** agreed. He suggested improving the green space and open space.
- **L. Payton** agreed.
- **B. Bowen** approved of the stewardship training. He suggested main floor master units.
- **C. Gray** suggested a mix of bedroom configurations.
- **J. Gerstle** agreed. He suggested having open space between buildings going through to Violet Avenue.
- **L. Payton** disagreed since there may be a number of children living on the project and there may be traffic concerns.

ROW Adjustments

- All board members agreed that that they should be smaller.

Board Summary:
Since this is a Concept Review, no action is required on behalf of the Planning Board.

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

A. Holding BVCP Public Hearings for Plan Policies

Board Comments:

- The board discussed the possibility of holding additional public hearings for discussing the Boulder Valley Comprehensive Plan.
- The board was in support of having public input at Planning Board meetings but also at outreach meetings. Both formats are found to be useful.
- Additional public hearing dates to discuss the BVCP will be discussed with staff.

B. Medium Density Overlay Zone

Board Comments:

- The board asked staff to send them an update to the Code.
- **C. Ferro** informed the board they will need to follow up and get back to the board.

7. DEBRIEF MEETING/CALENDAR CHECK

8. ADJOURNMENT

The Planning Board adjourned the meeting at 9:54 p.m.

APPROVED BY

_____

Board Chair

_____

DATE

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INFORMATION PACKET
MEMORANDUM

To: Members of City Council

From: Jane S. Brautigam, City Manager
David Driskell, Executive Director of Planning, Housing & Sustainability
Susan Richstone, Deputy Director of Planning, Housing & Sustainability
Charles Ferro, Development Review Manager
Caeli Hill, Associate Planner

Date: September 20, 2016

Subject: **Call-Up Item:** Site and Use Review (LUR2016-00056 & LUR2016-00057) proposal to establish a retail store and café use at 1815 Pearl St. The total square footage of the tenant space is 2,642 square feet with 1,984 square feet of retail and 658 square feet of café space with 40 interior seats. A concurrent site review has been submitted for consideration of an 89% parking reduction.

EXECUTIVE SUMMARY

On September 1, 2016, the Planning Board voted 6-0 (**C.Gray** recused) to approve Site and Use Review applications LUR2016-00056 & LUR2016-00057 to allow for the establishment of a 2,642 square foot combined retail and restaurant use with an 89% parking reduction located at 1815 Pearl St. **Attachment A** contains the Planning Board Notice of Disposition with the associated conditions of approval and the management plan for the restaurant use. **Attachment B** includes staff's analysis of the Site Review, Use Review and parking reduction criteria.

Planning Board's decision is subject to call-up by City Council within a 30-day period. There is one City Council meeting within this time period on Sept. 20, 2016.The staff memorandum of recommendation to Planning Board and its attachments, audio from the meeting and other related background materials are available on the city website at this weblink (click on '2016' → '09 SEPT' → '09.01.2016'). Draft minutes from the hearing can be found in **Attachment C**.

FISCAL IMPACT

None identified.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

Economic: The addition of this business will contribute to the city's sales tax base.

Environmental: None identified.

Social: None identified.

BACKGROUND
The subject property is a 6,900 square foot lot located in Central Boulder on the north side of Pearl Street, between 18th St. and 19th St. To the east and west of the subject property along Pearl Street, between 18th St. and 24th St., is a six block corridor of MU-3 zoning commonly known as the "East Pearl" business district which contains retail, restaurant and office uses mixed-with residential uses. This corridor is also included in the Downtown Boulder Business Improvement District (DBBID).

The MU-3 (Mixed-Use 3) zone is defined in 9-5-2(c), B.R.C. 1981 as "areas of the community that are changing to a mixture of residential and complementary nonresidential uses, generally within the same building. (Refer to **Figure 1** for a Vicinity Map)" The areas north and south of the East Pearl corridor are comprised primarily of residential uses. To the east of this property are three retail stores including the adjoining tenant space. To the west is an adult educational facility, a salon, several small restaurants which feature café seating in the public right of way, and a full size restaurant with a large outdoor patio fronting 19th St. The second floor spaces of buildings on this block are occupied by offices.

The Central Area General Improvement District (CAGID) ends only one-half block away at 18th Street. There is a Neighborhood Parking Permit (NPP) program in the Whittier neighborhood to the north, which limits non-permit parking to 3 hours, Monday through Thursday 8:00 a.m. to 8:00 p.m., Friday 8:00 a.m. to 12:00 a.m., and Saturday 8:00 p.m. to 12:00 a.m. There are also two parking garages located within a distance of a quarter mile of the site at 15th St. and Pearl St. and Walnut St. and 14th St.

Project Proposal
The existing single story building located at 1815 Pearl St. is split into two tenant spaces. The current proposal is for the east side of the building located at 1815 Pearl St. Previous uses of the subject tenant space include an antiques store, a photo processing studio and a gallery space. The applicant is requesting approval of a Use Review and Site review to establish a 2,642 square foot combined retail and café use called Rapha Racing (refer to **Attachment A**). The store's hours of operation are 8:00 a.m. to 7:00 p.m. Monday through Saturday and 8:00 a.m. to 6:00 p.m. on

Sundays. The retail portion of the store will be 1,984 square feet while the café portion is 658 square feet, including 40 interior seats café for patrons.

The existing 5,737 square foot building was constructed in 1955 and stands 14 feet in height. The original façade included large storefront windows and a slightly recessed entry feature which were removed in 2010 to create a new glass storefront system. At the same time the building was divided longitudinally into two tenant spaces. A small retail store occupies the western-most tenant space and various retail uses have occupied the subject tenant space throughout its history. The site is fully developed and like most mercantile buildings along Pearl St., does not have any open space and has very little off street parking however, this has been an existing condition since the building was originally built in 1955.

No changes to the building dimensions, floor area or building coverage are proposed, however, minor exterior changes include the installation of a large, storefront bi-fold window facing Pearl St. Additionally; the applicant will install one new u-bicycle rack within the public right-of-way along Pearl St. to provide relief to the high demand of bicycle parking along this block. The applicant will also provide fourteen short-term bicycle parking spaces within the tenant space for patrons, as well as four long-term bicycle parking spaces in the rear of the tenant space for employees. The existing parking in the rear of the property is currently unpaved. As a part of the application, the parking area will be paved and striped (one compact and one standard sized space) in compliance with city standards. A compliant dumpster and recycling area will also be constructed in the rear of the property. Finally, a new street tree with irrigation will be provided along Pearl St.

An 89% parking reduction has been requested. Staff's detailed analysis of the parking reduction criteria can be found in **Attachment B**.

ANALYSIS

The following key issues were identified for the project:

1. **Does the proposal meet the Use Review criteria set forth in 9-2-15(e), B.R.C. 1981?**

2. **Does the proposal meet Site Review Criteria, particularly the parking reduction criteria of 9-2-14(h)(2)(K), B.R.C. 1981?**

<u>Use Review:</u>

Section 9-2-15(e), B.R.C. 1981 includes the procedures and review criteria for approval of a Use Review. Staff find the proposal consistent with the criteria for Use Review found in section 9-2-15(e), B.R.C. 1981. Please refer to **Attachment B** for staff's complete analysis of the review criteria.

<u>Site Review:</u>

Section 9-2-14(h)(2)(K), "Additional Criteria for Parking Reductions," B.R.C. 1981 includes the procedures and review criteria for approval of a parking reduction through site review. Staff find the proposal consistent with the criteria for parking reductions found in section 9-2-14(h)(2)(K), B.R.C. 1981. Please refer to **Attachment B** for staff's complete analysis of the review criteria. Note that the request for the parking reduction is driving the Site Review request and since the building is existing, many of the Site Review criteria are not applicable.

Planning Board Action
At the Sept. 1, 2016 Planning Board hearing, the board heard presentations from staff and the applicant. Additional questions were asked of the applicant and staff following presentations.

Discussion at the meeting focused primarily on the high amount of bicycle traffic on this particular block of Pearl St. and whether or not adequate bicycle parking was being provided. The board amended the motion of approval to include a condition that if adequate space existed, per the city's Design and Construction Standards, an additional bike loop should be installed in the right-of-way.

Ultimately, the board found that the application is consistent with the applicable Site Review and Use Review criteria of section 9-2-14(h) and 9-2-15(e), B.R.C. 1981 and approved the project unanimously subject to conditions of approval.

PUBLIC COMMENT AND PROCESS:
This application is in the Use Review process because, pursuant to section 9-6-1,B.R.C., 1981, uses defined as "Retail less than 5,000 square feet" and uses defined as "Restaurants, Brewpubs, and taverns over 1,000 square feet in floor area, or which close after 11 pm, or with an outdoor seating area of 300 square feet or more" are only allowed by Use Review in the MU-3 zone. The applicant has also submitted a Site Review application to request an 89% parking reduction.

Required public notice was given in the form of written notification mailed to all property owners within 600 feet of the subject site and a sign posted on the property for at least 10 days. All notice requirements of section 9-4-3, B.R.C. 1981 have been met. The applicant also held a neighborhood meeting.

Several comments were received in favor of the project. One comment was received that was critical of the general development pattern of the neighborhood. Lastly, a comment was received from a community group regarding the possibility of installing a bicycle corral in front of the tenant space. No one spoke during the public hearing at the Planning Board meeting.

NEXT STEPS
The Planning Board decision is subject to City Council call-up within 30-days. The site and use review requests are scheduled as an informational call-up item for the Sept. 20 2016 meeting.

ATTACHMENTS:
Attachment A: Planning Board Notice of Disposition dated Sept. 1, 2016
Attachment B: Staff Review Criteria Analysis
Attachment C: Draft Planning Board Minutes

CITY OF BOULDER
Planning and Development Services

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

CITY OF BOULDER PLANNING BOARD NOTICE OF DISPOSITION

You are hereby advised that on September 1, 2016 the following action was taken by the Planning Board 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:	**RAPHA RACING**
DESCRIPTION:	**USE REVIEW & SITE REVIEW for a combined 1,984 square foot retail space including a 658 square foot cafe use with wine and beer service. The proposed hours of operation are 8:00 a.m. to 7:00 p.m. Monday - Saturday and 8:00 a.m. to 6:00 p.m. on Sunday.**
LOCATION:	**1815 PEARL ST**
COOR:	**N03W05**
LEGAL DESCRIPTION:	**LOT 9 BLK 90, Subdivision BOULDER O T EAST & WEST & NORTH City of Boulder, County of Boulder, State of Colorado**
APPLICANT:	**VINCENT PORRECA**
OWNER:	**CCPL REAL ESTATE GROUP**
APPLICATION:	**Use Review- LUR2016-00056; Site Review- LUR2016-00057**
ZONING:	**Mixed- Use 3 (MU-3)**
CASE MANAGER:	**Caeli Hill**
VESTED PROPERTY RIGHT:	**NO; the owner has waived the opportunity to create such right under Section 9-2-19, B.R.C. 1981.**

APPROVED MODIFICATIONS FROM THE LAND USE REGULATIONS:
Section 9-9-6, "Parking Standards," B.R.C. 1981: 89 percent parking reduction to provide 2 spaces provided where 19 are standard.

This decision may be called up before the City Council on or before **October 3, 2016**. If no call-up occurs, the decision is deemed final thirty days after the Planning Board's decision.

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

IN ORDER FOR A BUILDING PERMIT APPLICATION TO BE PROCESSED FOR THIS PROJECT, A SIGNED DEVELOPMENT AGREEMENT AND SIGNED FINAL PLANS 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 BOARD 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.

At its public hearing on September 1, 2016 the Planning Board approved with conditions the request with the following motion:

Motion:

Motion by **B. Bowen**, seconded by **J. Putnam**, that Planning Board approve the Site Review application LUR2016-00057 and Use Review application LUR2016-00056, incorporating the staff memorandum and the attached analysis of the Site Review and Use Review criteria as findings of fact and subject to the recommended Conditions of Approval in the staff memo.

Friendly amendment by **L. Payton** to add a condition requiring that if the space in front of the store is adequate to meet City of Boulder standards, the Applicant shall provide for the installation of additional bicycle parking.

Friendly amendment was accepted by **B. Bowen** and **J. Putnam**.

Passed 6:0 (**C. Gray** recused)

CONDITIONS OF APPROVAL

USE REVIEW – CONDITIONS OF APPROVAL

1. The Applicant shall ensure that the **development shall be in compliance with all plans prepared by the Applicant** on August 19, 2016 and the Applicant's Written Statement and Management Plan dated August 19, 2016 on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval. Further, the Applicant shall ensure that the approved use is operated in compliance with the following restrictions:

   a. The approved use shall be closed from 7:00 p.m. to 8:00 a.m. seven days per week.

   b. Size of the approved use shall be limited to 2,642 square feet (1,984 square foot retail showroom, 658 square foot of café space). The seating area of the restaurant shall have a maximum of 40 interior seats.

   c. Trash and bottles shall not be removed to outside trash containers between the hours of 10:00 p.m. and 8:00 a.m.

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

2. This **approval is limited to** Rapha Racing, LLC, 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.

SITE REVIEW – CONDITIONS OF APPROVAL

1. The Applicant shall ensure that the **development shall be in compliance with all plans prepared by the Applicant** on **August 19, 2016** and the Applicant's Written Statement and Management Plan dated **August 19, 2016** on file in the City of Boulder Planning Department, except to the extent that the development

may be modified by the conditions of this approval.

2. Prior to issuance of a building permit, the Applicant shall submit a **financial guarantee** in a form acceptable to the Director of Public Works in an amount equal to the cost of providing eco-passes to the part-time employees of the development for three years after the issuance of a Certificate of Occupancy.

3. Prior to issuance of a building permit, the Applicant shall submit, and obtain City Manager approval of, a **drainage letter or drainage report** prepared by a Colorado licensed professional engineer and meeting the City of Boulder Design and Construction Standards.

4. Prior to issuance of a building permit, the Applicant shall submit, and obtain City Manager approval of, a **detailed landscape plan**, including size, quantity, and type of plants existing and proposed; type and quality of non-living landscaping materials; any site grading proposed; and any irrigation system proposed, to insure compliance with this approval and the City's landscaping requirements. Removal of trees must receive prior approval of the Planning Department. Removal of any tree in City right of way must also receive prior approval of the City Forester.

5. If the space in front of the store is adequate to meet City of Boulder standards, the Applicant shall provide for the installation of additional bicycle parking.

By: _____

David Driskell, Secretary of the Planning Board

9-2-15- USE REVIEW CRITERIA

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

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

The site is zoned MU-3, per Section 9-5-2, MU-3 is defined as "areas of the community that are changing to a mixture of residential and complementary nonresidential uses, generally within the same building." The proposed retail showroom and cafe offer neighborhood scale services that are compatible with the existing residential and retail uses and are consistent with 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 use provides direct convenience to the neighborhood and will provide an additional retail opportunity / restaurant use and gathering place for the neighborhood and surrounding areas.

N/A (B)Provides a compatible transition between higher intensity and lower intensity uses;

N/A (C)Is necessary to foster a specific city policy, as expressed in the Boulder Valley Comprehensive Plan, including, without limitation, historic preservation, moderate income housing, residential and nonresidential mixed uses in appropriate locations and group living arrangements for special populations; or

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

✓ (3)Compatibility: The location, size, design and operating characteristics of the proposed development or change to an existing development are such that the use will be reasonably compatible with and have minimal negative impact on the use of nearby properties or for residential uses in industrial

zoning districts, the proposed development reasonably mitigates the potential negative impacts from nearby properties;

The use, combined restaurant & retail, is proposed in an existing building that has hosted a number of retail uses over the years. Very minimal exterior changes are planned. The applicant will be required to make some streetscape improvements which will enhance the overall aesthetics of the site. There will be no late night hours of operation.

The applicant is requesting an 89% parking reduction. However, a parking study submitted by the applicant's transportation engineer indicates that there is ample on-street parking that can accommodate the parking needs of the proposed uses creating few, if any, additional impacts on the surrounding neighborhood. A parking study was conducted by LSC Transportation Consultants, Inc. on Saturday, May 21, 2016, Tuesday, May 24, 2016 and Wednesday May 25, 2016. The hourly parking inventory and utilization survey, conducted over the three-day period from 7:00 a.m. to 7:00 p.m., yielded a count of 369 on-street, publicly available spaces. The maximum parking demand during any given hour was 314 vehicles with an average demand of 208 to 241 vehicles leaving at least 55 spaces available for on-street parking at all times during the study period. This indicates that there is ample parking in the direct vicinity of the subject property, 1815 Pearl St., to accommodate the parking needs of the site. Furthermore, there are two parking garages within walking distance located at 15th St. and Pearl St. and Walnut St. and 14th St.

To accommodate those who drive to the site, the applicant will provide two parking spaces- one compact and one standard sized space- off of the alley on the north side of the site. The applicant will provide a few additional services to accommodate drivers including the provision of parking tokens for customers

and parking validation for customers who park in any city parking garage.

Alternative modes of transportation will also be promoted and supported by the applicant. The applicant anticipates that the patrons and employees of this business will bicycle to this location. To accommodate an increased demand for bicycle parking, the applicant is providing 14 parking spaces inside their tenant space and a new u-bicycle parking rack in the Pearl St. right-of way for short-term bike parking. Four long-term bicycle parking spaces will be provided in the store room of the tenant space for employees.

Finally, the applicant has committed to providing Regional Transportation District (RTD) Eco-passes for all employees. This property is located within the Downtown Boulder Business Improvement District (DBBID). A requirement of the DBBIDis to provide all full-time employees, with eco-passes. The applicant will also be required to provide eco-passes for part-time employees.

✓ (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 existing infrastructure is sufficient to serve the proposed use.

✓ (5)Character of Area: The use will not change the predominant character of the surrounding area or the character established by adopted design guidelines or plans for the area; and

The proposed use is consistent with the mixed-use character of the surrounding area. The new uses will compliment and add to

the existing pedestrian oriented uses located in the surrounding area.

N/A (6) Conversion of Dwelling Units to Nonresidential Uses: There shall be a presumption against approving the conversion of dwelling units in the residential zoning districts to nonresidential uses that are allowed pursuant to a use review, or through the change of one nonconforming use to another nonconforming use. The presumption against such a conversion may be overcome by a finding that the use to be approved serves another compelling social, human services, governmental or recreational need in the community, including, without limitation, a use for a daycare center, park, religious assembly, social service use, benevolent organization use, art or craft studio space, museum or an educational use.

***Based on the fact that the building and parking are existing, please note that many of the Site Review criteria are not applicable to the proposed application. Criteria that was found to not be applicable to the subject application have been indicated below with "N/A."**

9-2-14 SITE REVIEW CRITERIA

(h) Criteria for Review: No site review application shall be approved unless the approving agency finds that:

(1) Boulder Valley Comprehensive Plan:

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

The subject property is designated as 'High Density Residential' by the Boulder Valley Comprehensive Plan (B.V.C.P.). This designation allows for 14 dwelling units. The zoning for this property is Mixed- Use 3 (MU-3) which is defined as "areas of the community that are changing to a mixture of residential and complementary nonresidential uses, generally within the same building." The zoning allows for the proposed uses through a Use Review process. The proposal meets the following BVCP Policies:

6.02 Reduction of Single Occupancy Auto Trips- The city and county will support greater use of alternatives to single occupancy

automobile travel. It is the city's specific objective to continue progress toward 'no long-term growth in traffic' from 1994 levels through the year 2025 within the Boulder Valley. Both the city and county are committed to reductions in green house gas emissions. These efforts will include other communities and entities and will include developing and implementing integrated travel demand management programs and new services. Within the city, new developments will be required to include travel demand management to reduce the vehicle miles traveled produced by the development.

> ***The applicant is committed to providing opportunities for alternative transportation. It is expected that many of the patrons will bike to this location. The applicant will also ensure that all employees are provided with eco-passes. Eco-passes for full-time employees will be provided by the Downtown Boulder Business Improvement District, eco-passes for part-time employees will be provided by the applicant to help further offset the use of single occupant vehicles.***

6.08 Transportation Impact- Traffic impacts from a proposed development that cause unacceptable community or environmental impacts or unacceptable reduction in level of service will be mitigated. All development will be designed and built to be multimodal, pedestrian-oriented and include strategies to reduce the vehicle miles traveled generated by the development. New development will provide continuous pedestrian, bike and transit systems through the development and connect these systems to those surrounding the development. The city and county will provide tools and resources to help businesses manage employee access and mobility and support public-private partnerships, such as transportation management organizations, to facilitate these efforts.

> ***A parking study was conducted by LSC Transportation Consultants, Inc. on Saturday, May 21, 2016, Tuesday,***

May 24, 2016 and Wednesday May 25, 2016. The hourly parking inventory and utilization survey, conducted over the three-day period from 7:00 a.m. to 7:00 p.m., yielded a count of 369 on-street, publicly available spaces. The maximum parking demand during any given hour was 314 vehicles with an average demand of 208 to 241 vehicles leaving at least 55 spaces available for on-street parking at all times during the study period. This indicates that there is ample parking in the direct vicinity of the subject property, 1815 Pearl St., to accommodate the parking needs of the site. Furthermore, there are two parking garages within walking distance located at 15th St. and Pearl St. and Walnut St. and 14th St. Please see staff analysis under the Parking Reduction criteria below.

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

N/A (i)The density permitted in the Boulder Valley Comprehensive Plan, or

N/A (ii)The maximum number of units that could be placed on the site without waiving or varying any of the requirements of chapter 9-8, "Intensity Standards," B.R.C. 1981.

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

Compliance with this criterion will not affect the economic feasibility of this project.

(2) Site Design: Projects should preserve and enhance the community's unique sense of place through creative design that respects historic character, relationship to the natural environment, multi-modal transportation connectivity and its physical setting.

Projects should utilize site design techniques which are consistent with the purpose of site review in Subsection (a) of this section and enhance the quality of the project. In determining whether this subsection is met, the approving agency will consider the following factors:

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

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

N/A (ii) Private open space is provided for each detached residential unit;

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

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

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

N/A (vi) The open space provides a buffer to protect sensitive environmental features and natural areas; and

N/A (vii) If possible, open space is linked to an area- or city-wide system.

(B) Open Space in Mixed Use Developments (Developments That Contain a Mix of Residential and Nonresidential Uses):

N/A (i) The open space provides for a balance of private and shared areas for the residential uses and common open space that is available for use by both the residential and nonresidential uses that will meet the needs of the anticipated residents, occupants, tenants and visitors of the property; and

N/A (ii) The open space provides active areas and passive areas that will meet the needs of the anticipated residents, occupants, tenants and visitors of the property and are compatible with the surrounding area or an adopted plan for the area.

(C) Landscaping:

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

N/A (ii) Landscape design attempts to avoid, minimize or mitigate impacts on and off site to important native species, healthy, long lived trees, plant communities of special concern, threatened and endangered species and habitat by integrating the existing natural environment into the project;

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

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

The applicant will provide a new street tree, irrigation service and tree grate along Pearl St. to enhance the streetscape along Pearl St.

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

N/A (i) High speeds are discouraged or a physical separation between streets and the project is provided;

N/A (ii) Potential conflicts with vehicles are minimized;

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

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

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

The management plan includes various parking management strategies including parking validation for patrons who park in city facilities, parking tokens for those who use on-street parking and the provision of eco-passes to all employees. An additional 14 short-term and four long-term bicycle parking spaces will be provided within the tenant space. Additionally, one u-bicycle rack will be added in the public right-of-way along Pearl St., All of these items will be advertised on the applicant's website.

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

N/A (vii) The amount of land devoted to the street system is minimized; and

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

(E) Parking:

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

Currently the parking area in the rear of the building is limited to two spaces and unpaved. As a part of the proposal, the existing parking area will be paved and striped in accordance with city standards making the existing parking area safer and more convenient.

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

There are 5 existing alley-loaded spaces provided for the building (shared between two tenants). This project is required to have 19 on-site parking spaces. The parking area is designed to use the minimum amount of land for these spaces. Offsets to on-site parking are being provided through a management plan that includes various parking management strategies including parking validation for patrons who park in city facilities, parking tokens and eco-passes. An additional 14 short-term and four long-term bicycle parking spaces will be provided within the tenant space. Additionally, one u-bicycle rack will be added in the public right-of-way along Pearl St., All of these items will also be advertised on the applicant's website.

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

The existing parking area is located in the rear of the building along the alley which reduces the visual impact on the project, adjacent properties and adjacent streets.

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

Parking lot landscaping cannot be accommodated in this location due to existing conditions. The existing parking is extremely limited in size and is completely built out to city standards with no additional space remaining.

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

N/A (i) The building height, mass, scale, orientation, architecture and configuration are compatible with the existing character of the area or the character established by adopted design guidelines or plans for the area;

N/A (ii) The height of buildings is in general proportion to the height of existing buildings and the proposed or projected heights of approved buildings or approved plans or design guidelines for the immediate area;

N/A (iii) The orientation of buildings minimizes shadows on and blocking of views from adjacent properties;

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

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

While the building is existing and little exterior work is proposed, bi-fold windows will be installed on the south side of the building along Pearl St. which would allow the tenant to open the windows onto the pedestrian realm directly in front of the tenant space creating a more

transparent, inviting and safe condition for the tenant space and the sidewalk area.

N/A (vi) To the extent practical, the project provides public amenities and planned public facilities;

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

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

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

into the design and avoids, minimizes or mitigates impacts to natural systems;

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

No new buildings or structures are being proposed. This site review is focused primarily on the parking reduction. Any changes to building will be compliant with the city's building and energy codes.

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

The glass and stone building façade will remain for the most part, however, the applicant is proposing an updated and inviting storefront design. A large bi-fold window along the Pearl St. wall of the tenant space will be installed to allow the patrons of the café space to engage with the pedestrian environment along the Pearl St. right-of-way. The finishes of the new storefront window system

will match existing finishes. Other updates to the façade include painting the parapet and installing signs (which will be approved through a separate permit process).

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

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

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

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

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

N/A (ii) Lot Layout and Building Siting: Lots are oriented and buildings are sited in a way which maximizes the solar potential of each principal building. Lots are designed to facilitate siting a structure which is unshaded by other nearby structures. Wherever practical,

buildings are sited close to the north lot line to increase yard space to the south for better owner control of shading.

N/A (iii) Building Form: The shapes of buildings are designed to maximize utilization of solar energy. Buildings shall meet the solar access protection and solar siting requirements of, "Solar Access," B.R.C. 1981.

N/A (iv) Landscaping: The shading effects of proposed landscaping on adjacent buildings are minimized.

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

N/A (i) The light pole is required for nighttime recreation activities which are compatible with the surrounding neighborhood, light or traffic signal pole is required for safety or the electrical utility pole is required to serve the needs of the City; and

N/A (ii) The pole is at the minimum height appropriate to accomplish the purposes for which the pole was erected and is designed and constructed so as to minimize light and electromagnetic pollution.

(I) Land Use Intensity Modifications:

(i) Potential Land Use Intensity Modifications:

N/A a. The density of a project may be increased in the BR-1 district through a reduction of the lot area requirement or in the Downtown (DT), BR-2 or MU-3 districts through a reduction in the open space requirements.

N/A b. The open space requirements in all Downtown (DT) districts may be reduced by up to one hundred percent.

N/A c. The open space per lot requirements for the total amount of open space required on the lot in the BR-2 district may be reduced by up to fifty percent.

N/A d. Land use intensity may be increased up to twenty-five percent in the BR-1 district through a reduction of the lot area requirement.

(ii)Additional Criteria for Land Use Intensity Modifications: A land use intensity increase will be permitted up to the maximum amount set forth below if the approving agency finds that the criteria in paragraph (h)(1) through Subparagraph (h)(2)(H) of this section and following criteria have been met:

N/A a. Open Space Needs Met: The needs of the project's occupants and visitors for high quality and functional useable open space can be met adequately;

N/A b. Character of Project and Area: The open space reduction does not adversely affect the character of the development or the character of the surrounding area; and

c. Open Space and Lot Area Reductions: The specific percentage reduction in open space or lot area requested by the applicant is justified by any one or combination of the following site design features not to exceed the maximum reduction set forth above:

N/A 1.Close proximity to a public mall or park for which the development is specially assessed or to which the project contributes funding of capital improvements beyond that required by the parks and recreation component of the development excise tax set forth in chapter 3-8, "Development Excise Tax," B.R.C. 1981: maximum one hundred percent reduction in all Downtown (DT) districts and ten percent in the BR-1 district;

N/A 2.Architectural treatment that results in reducing the apparent bulk and mass of the structure or structures and site planning which increases the openness of the site: maximum five percent reduction;

N/A 3.A common park, recreation or playground area functionally useable and accessible by the development's occupants for active recreational purposes and sized for the number of inhabitants of the

	development, maximum five percent reduction; or developed facilities within the project designed to meet the active recreational needs of the occupants: maximum five percent reduction;
N/A	4.Permanent dedication of the development to use by a unique residential population whose needs for conventional open space are reduced: maximum five percent reduction;
N/A	5.The reduction in open space is part of a development with a mix of residential and nonresidential uses within a BR-2 zoning district that, due to the ratio of residential to nonresidential uses and because of the size, type and mix of dwelling units, the need for open space is reduced: maximum fifteen percent reduction; and
N/A	6.The reduction in open space is part of a development with a mix of residential and nonresidential uses within a BR-2 zoning district that provides high quality urban design elements that will meet the needs of anticipated residents, occupants, tenants and visitors of the property or will accommodate public gatherings, important activities or events in the life of the community and its people, that may include, without limitation, recreational or cultural amenities, intimate spaces that foster social interaction, street furniture, landscaping and hard surface treatments for the open space: maximum twenty-five percent reduction.

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

(i) Process: For buildings in the BR-1 district, the floor area ratio ("FAR") permitted under Table 8-2,Section 9-8-2, "Floor Area Ratio Requirements," B.R.C. 1981, may be increased by the city manager under the criteria set forth in this subparagraph.

(ii) Maximum FAR Increase: The maximum FAR increase allowed for buildings thirty-five feet and over in height in the BR-1 district shall be from 2:1 to 4:1.

(iii) Criteria for the BR-1 District: The FAR may be increased in the BR-1 district to the extent allowed in subparagraph (h)(2)(J)(ii) of this section if the approving agency finds that the following criteria are met:

N/A	a. Site and building design provide open space exceeding the required useable open space by at least ten percent: an increase in FAR not to exceed 0.25:1.
N/A	b. Site and building design provide private outdoor space for each office unit equal to at least ten percent of the lot area for buildings twenty-five feet and under and at least twenty percent of the lot area for buildings above twenty-five feet: an increase in FAR not to exceed 0.25:1.
N/A	c. Site and building design provide a street front facade and an alley facade at a pedestrian scale, including, without limitation, features such as awnings and windows, well-defined building entrances and other building details: an increase in FAR not to exceed 0.25:1.
N/A	d. For a building containing residential and nonresidential uses in which neither use comprises less than twenty-five percent of the total square footage: an increase in FAR not to exceed 1:1.
N/A	e. The unused portion of the allowed FAR of historic buildings designated as landmarks under chapter 9-11, "Historic Preservation," B.R.C. 1981, may be transferred to other sites in the same zoning district. However, the increase in FAR of a proposed building to which FAR is transferred under this subparagraph may not exceed an increase of 0.5:1.

N/A f. For a building which provides one full level of parking below grade, an increase in FAR not to exceed 0.5:1 may be granted.

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

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

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

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

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

A parking study submitted by the applicant's transportation engineer indicates that there is ample on-street parking that can accommodate the parking needs of the proposed uses. A parking study was conducted by LSC Transportation Consultants, Inc. on Saturday, May 21, 2016, Tuesday, May 24, 2016 and Wednesday May 25, 2016. The hourly parking inventory and utilization survey, conducted over the three-day period from 7:00 a.m. to 7:00 p.m.,

yielded a count of 369 on-street, publicly available spaces. The maximum parking demand during any given hour was 314 vehicles with an average demand of 208 to 241 vehicles leaving at least 55 spaces available for on-street parking at all times during the study period. This indicates that there is ample parking in the direct vicinity of the subject property, 1815 Pearl St., to accommodate the parking needs of the site. Furthermore, there are two parking garages within walking distance located at 15th St. and Pearl St. and Walnut St. and 14th St.

To accommodate employees who need to drive to the site, the applicant will provide two parking spaces- one compact and one standard sized space- off of the alley on the north side of the site. For customers who drive the applicant will provide parking tokens for those who use parking kiosks or parking validation for those who park in nearby garages.

Alternative modes of transportation will also be promoted and supported by the applicant by providing ample opportunities for bike parking and providing passes for public transportation for employees. All parking opportunities and programs will be advertised on the applicant's website. The applicant anticipates that the patrons and employees of this business will bicycle to this location. To accommodate an increased demand for bicycle parking, the applicant is

providing 14 parking spaces inside their tenant space and a new u-bicycle parking rack in the Pearl St. right-of way for short-term bike parking. Four long-term bicycle parking spaces will be provided in the store room of the tenant space for employees. Finally, the applicant has committed to providing Regional Transportation District (RTD) Eco-passes for all employees. This property is located within the Downtown Boulder Business Improvement District (DBBID). A requirement of the DBBIDis to provide all full-time employees, with eco-passes. The applicant will also be required to provide eco-passes for part-time employees.

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

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

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

(L) Additional Criteria for Off-Site Parking: The parking required under Section 9-9-6, "Parking Standards," B.R.C. 1981, may be located on a separate lot if the following conditions are met:

N/A (i) The lots are held in common ownership;

N/A (ii) The separate lot is in the same zoning district and located within three hundred feet of the lot that it serves; and

N/A	(iii) The property used for off-site parking under this subparagraph continues under common ownership or control

CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
September 1, 2016
1777 Broadway, Council Chambers

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

PLANNING BOARD MEMBERS ABSENT:
N/A

STAFF PRESENT:
Charles Ferro, Development Review Manager
Hella Pannewig, Assistant City Attorney
Cindy Spence, Administrative Specialist III
Jessica Stevens, Civil Engineer II
Caeli Hill, Associate Planner
Elaine McLaughlin, Senior Planner
Karl Guiler, Senior Planner/Code Amendment Specialist
James Hewat, Senior Planner, Historic Preservation

1. CALL TO ORDER

Chair, **J. Gerstle**, declared a quorum at 5:07 p.m. and the following business was conducted.

2. APPROVAL OF MINUTES

3. PUBLIC PARTICIPATION

- **John Spitzer** addressed the board regarding the Attention Homes project located at 1550 Pine Street

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

A. Call Up Item: Wetland Map Revision (LUR2016-00048), 236 Pearl Street, 250 Pearl Street and 255 Canyon Boulevard.

B. Call Up Item: Floodplain Development Permit (LUR2016-00049), 5765 Arapahoe Avenue.

C. Call Up Item: Wetland Permit (LUR2016-00061), Chautauqua Trail Improvements.

D. Call Up Item: Wetland Permit (LUR2016-00062), 479 Arapahoe Avenue.

None of the items were called up.

5. PUBLIC HEARING ITEMS

A. AGENDA TITLE: Public hearing and consideration of a Site and Use Review (LUR2016-00056 & LUR2016-00057) proposal to establish a retail store and café use at 1815 Pearl St. The total square footage of the tenant space is 2, 642 square feet with 1,984 square feet of retail and 658 square feet of café space with 40 seats. A concurrent site review has been submitted for consideration of an 89% parking reduction.

Applicant: Vincent J. Porreca
Owner: CCPL Real Estate Group, LLC

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

- **C. Gray** recused herself as she lives within 600 feet of the proposed project.
- **L. Payton** disclosed that she had read an article in the Daily Camera newspaper regarding the proposed project. She informed the board that it would not influence her decision.

Staff Presentation:
C. Ferro introduced the item.
C. Hill presented the item to the board.

Board Questions:
C. Hill and **C. Ferro** answered questions from the board.

Applicant Presentation:
Brendan Quirk, with Rapha North America, presented the item to the board.

Board Questions:
Brendan Quirk, the applicant, answered questions from the board.

Public Hearing:
No one spoke.

Board Comments:

- All board members agreed that the key issues regarding the Use Review and Site Review Criteria had been met, specifically the parking reduction criteria.

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Motion:
Motion by **B. Bowen**, seconded by **J. Putnam**, that Planning Board approve the Site Review application LUR2016-00057 and Use Review application LUR2016-00056, incorporating the staff memorandum and the attached analysis of the Site Review and Use Review criteria as findings of fact and subject to the recommended Conditions of Approval in the staff memo.

Friendly amendment by **L. Payton** to add a condition requiring that if the space in front of the store is adequate to meet City of Boulder standards, the Applicant shall provide for the installation of additional bicycle parking.

Friendly amendment was accepted by **B. Bowen** and **J. Putnam**.

Passed 6:0 (**C. Gray** recused)

B. AGENDA TITLE: CONCEPT PLAN & REVIEW - Concept Plan Review and Comment for redevelopment of 1102 Pearl Street (currently the Old Chicago Restaurant) into a 15,380 square foot, three story retail office building of 38 feet. Reviewed under case no. LUR2016-00058.

Applicant: Jim Bray
Developer: PMD Realty (Phil Day)

Staff Presentation:
C. Ferro introduced the item.
E. McLaughlin presented the item to the board.

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

Applicant Presentation:
Madeline Day, the owner representative, and **Jim Bray**, architect and applicant representative with Bray Architecture, presented the item to the board.

Board Questions:
Jim Bray, the architect, and **J. Hewat** answered questions from the board.

Public Hearing:
1. **Paul Eklund** spoke in support to the project

Board Comments:
- The board agreed to discuss the proposed project in terms of the originally submitted design and the revised design.

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<u>Key Issue #1:</u> Is the concept consistent w/ the BVCP?

- **J. Putnam** agreed the concept is consistent as it fits within the map designations and the BVCP principles identified.
- All board members agreed with **J. Putnam**.
- **L. Payton** added that she does not agree that the project is consistent with all BVCP policies. Due to the fact that the project is in an historic district, she questions if it would be consistent with BVCP policy "*2.39 Sensitive Infill and Redevelopment*." She expressed concern regarding the residential aspects of the new design and compliance with the Comp Plan policy.
- **C. Gray** added that the BVCP policy "*2.40 Physical Design for People*," should be considered when designing an outdoor patio when considering a restaurant in the design. Residential units in that area would be helpful and proposed that staff review a parking reduction so more, smaller units could be incorporated. It would give more eyes on the street and vitality in the area.
- **B. Bowen** agreed with **C. Gray** regarding a possible residential component downtown.
- **J. Putnam** stated that he could support a diversity of units if at least one unit were permanently affordable on-site.
- **B. Bowen** disagreed with **J. Putnam's** comment with having only one unit permanently affordable, however he would be in favor of a multi-unit affordability.
- **J. Gerstle** gave a summary of the board's comments regarding Key Issue #1. He stated that the board felt the concept plan was generally consistent with the BVCP policies with the exceptions mentioned by **L. Payton**. He said that he would support small residential units on the third floor with parking requirement reductions.

<u>Key Issue #2:</u> Is the concept preliminarily consistent w/ the Downtown Design Guidelines?

- **C. Gray** suggested that the proposed corner be designed with a prominent cornice. She supports the change on 11th Street regarding the elevator in terms of the revised treatment and that it breaks up the buildings.
- **L. May** generally agreed with staff comments. The corner element should be accented. The parapet should extend all the way across. The new proposed design does not relate to the overall mass. The window opening articulation is tall and vertical in proportion which relates well. The corner element appears too jumbled. He suggested carrying the glazing pattern to the ground. On the west elevation, the elevator shaft appears awkward. He suggested a higher parapet to the elevator, then step down for the remainder of the building. The new design is better articulated and cleaner. Regarding the slit between the two buildings, he added it reads as an entrance. He suggested it become one.
- **B. Bowen** agreed with **L. May**. The new design is more successful. He likes the transom windows over the awnings and the large operable windows on the corner. He is ambivalent toward a two-story building vs. a three-story. He hopes the project has multiple retail tenants on the main floor. He approves of the artful alley elevation. He suggested adding public art.
- **H. Zuckerman** agreed with the previous comments. The corner of the building needs a stronger cornice to bracket the end of the building like traditional buildings have done. He reminded the applicant that this is the west gateway to the Pearl Street Mall. Perhaps a mitered corner similar to the building on the north side of the street. In the outdoor seating space, the proposed posts are too big. He suggested more wrought iron. In

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addition, he would like to see more street trees to shade along 11th Street. In the new design, he approves of the slit on the west elevation as it adds visual interest. He also approves of the second-story awnings and that the building material proposed is brick. He suggested adding a polychromatic look to the brick.

- **L. Payton** stated that the new design is keeping with the Downtown Urban Design Guidelines for the historic district. She agreed with **H. Zuckerman** regarding his parapet suggestions. The third-story corner element is a good idea however the top windows are not successful. She agreed with the comments regarding making an entrance on 11th Street.
- **J. Putnam** agreed that the third-story design works well but the design needs some refinement.
- **J. Gerstle** agreed with all previous comments.
- **B. Bowen**, regarding the wrapping of the materials, it would be important that they continue all the way around the building.
- **L. May**, regarding the alley issue, the pattern of fenestration should carry around the corner. He added that the third-story element appears too thin and suggested bringing up the parapet. In addition, the change of brick color is not necessary. If the color were the same, it would integrate better with the mass.
- **B. Bowen** suggested the applicant could do some creative design elements too.

Board Summary:
Since this is a Concept Review, no action is required on behalf of the Planning Board.

C. AGENDA TITLE: Public hearing to consider a proposal (LUR2016-00028) to rezone the AirGas site at 3200 Bluff Street, a roughly one-acre property, from Industrial Mixed Service (IMS) to Mixed-Use - 4 (MU-4) and make a recommendation to City Council.

Applicant: Kirsten Ehrhardt, Coburn Development, Inc.
Property Owner: AirGas InterMountain, Inc

Staff Presentation:
C. Ferro introduced the item.
K. Guiler presented the item to the board.

Board Questions:
K. Guiler answered questions from the board.

Applicant Presentation:
Andy Bush, with Morgan Creek Ventures representing the applicant, presented the item to the board.

Board Questions:
Andy Bush, the applicant's representative, and **Bill Holicky**, with Coburn Development, answered questions from the board.

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Public Hearing:
No one spoke.

Board Comments:

- The board had no comments regarding the key issues of rezoning to bring the property into conformance with Mixed Use Business BVCP Land Use Designation Map or with the TVAP land use goals.

Motion:
On a motion by **J. Putnam** seconded by **L. Payton** the Planning Board recommended approval (7-0) of the rezoning of the property from IMS to MU-4 having met the criteria for rezoning under Section 9-2-19 (e) and (f).

D. AGENDA TITLE: Public hearing for consideration of a Concept Plan proposal (LUR2016-00059) to develop an existing 1.4-acre property with a residential multifamily permanently affordable housing development consisting of 19 total multi-family units and a central community open space within the RM-2 [Residential Medium – 2] zoning district at 2180 Violet Avenue. The applicant is also requesting preliminary consideration of amendments to annexation agreements that apply to 2180 Violet Ave., 1917 Upland Ave., and 2145 Upland Ave. to permit the transfer of all permanently affordable units from those sites to the 2180 Violet site and other changes.

Applicant: Jeff Dawson, Studio Architecture
Property Owner: Flatirons Habitat for Humanity

Staff Presentation:
C. Ferro introduced the item.
K. Guiler presented the item to the board.

Board Questions:
K. Guiler and **C. Ferro** answered questions from the board.

Applicant Presentation:
Susan Lythgoe, with Flatirons Habitat for Humanity, and **Jeff Dawson**, with Studio Architecture, presented the item to the board.

Board Questions:
Jeff Dawson, the architect, answered questions from the board.

Public Hearing:

1. **Janet Meyer** spoke in support to the project but in opposition to the number of units proposed and the duration of proposed construction.
2. **Suzanne Wight** spoke in support of the project but in opposition to the number of units proposed and the duration of proposed construction.

3. **Victor Lemus** spoke in support of the project.
4. **Robert Naumann** spoke in support of the project.
5. **Nolan Rosall** spoke in support of the project.

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

- **B. Bowen** disclosed that Habitat for Humanity had been his client in the past and one of the public speakers is currently a client of his, however he could remain impartial.
- **L. May** disclosed that he had worked for Habitat for Humanity serval years ago but it would not affect his ability to remain impartial.

Board Comments:
<u>Key Issue #1:</u> Is the concept consistent with the BVCP/NBSP? And,
<u>Key Issue #2:</u> Is the proposed site and building design consistent with intent of BVCP Policy 2.37 Enhanced Design for Private Sector Projects?

- **B. Bowen** stated that the proposed plan is compliant.
- **C. Gray** stated, regarding the NBSP, that it would be important to make sure the neighborhood is comfortable with the transfer of the units. Her only concern with the BVCP is the neighborhood pattern of townhomes. Home ownership is important.
- **L. May** stated the project is consistent with the BVCP. He has concerns with the integration of affordable housing.
- **H. Zuckerman** approves of the energy efficient building design and the project is consistent with the BVCP/NBSP.
- **L. Payton** agreed. She is concerned where children would play.
- **J. Putnam** stated the buildings should be positioned closer to street.
- **J. Gerstle** stated the board concluded that the project is consistent with the BVCP/NBSP. He added the proposed front doors facing Violet Avenue may not be effectively used.
- **L. May** stated the existing street typology does not support the current NBSP. He suggested focusing on the common open space, rather than the street fronts of the buildings, sliding the buildings closer to the street creating more open space.
- **L. Payton** commented that Violet Avenue has the potential to be a good pedestrian and bike connection, therefore she would lobby making it a nicer street scape.
- **B. Bowen** agreed with both **L. May** and **L. Payton**. Design the project to anticipate on -street parking, pedestrian and bike usage, but also let the back side embrace a commons area.
- **H. Zuckerman, C. Gray** and **J. Gerstle** agreed.
- **B. Bowen** walked the board and applicant through some proposed site organization ideas of the design. The Violet Avenue streetscape should be rich. Setback needs to be tighter on Violet Avenue. Front porches need to be strong with low picket fences. As the units move forward, remove the open space on Violet Avenue. From the backside of the project, line the alley with the parking and carports rather than have it in the commons area. The entire middle of the project would be open for green space. The bike path needs to be interesting. He advocated for on-street parking on 22nd Street. He proposed placing the detention pond at the east end.
- The board indicated support for a 24-foot backing distance and centering in the alley.
- **C. Gray** supports **B. Bowen's** proposal.

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- **L. Payton** agreed with comments. She would support Violet Avenue to become walkable. She would defer the picket fence until Violet Avenue becomes a heavily walked area.
- **H. Zuckerman** agreed. He stated that the finished floor height of homes with porches needs to be 32 inches minimum.
- **J. Putnam** said that bike access off Violet Avenue and bike storage on the north side should be added. Also, he encouraged carports are prewired for EV.
- **J. Gerstle** suggested that on-street parking should be added to Violet Avenue especially if the parking is done on the alley so front entrances are used.
- **C. Gray** suggested walkways from the alley into the project if the carports are moved to the alley.
- **L. Payton** expressed concern regarding the multi-color units and suggested one color per unit. Materials and elements need to be substantial. She approves of the gable roofs and proportions.
- **L. May** agreed. The color scheme needs to be coherent.
- **B. Bowen** agreed regarding the coloration. Narrow exposures are better. The porches need to be a minimum of seven to eight-foot-deep, with solid roofs and railings.

<u>Key Issue #3:</u> Does the Planning Board preliminary support the proposed changes to the annexation agreement? Specifically, the requested increase in density to 19 units and relocating all permanently affordable units from the three properties to the subject property? Right-of-way adjustments?

<u>Density</u>

- **L. May** stated that integration ties into density, therefore he supports the proposed density.
- **J. Putnam** agreed. He suggested improving the green space and open space.
- **L. Payton** agreed.
- **B. Bowen** approved of the stewardship training. He suggested main floor master units.
- **C. Gray** suggested a mix of bedroom configurations.
- **J. Gerstle** agreed. He suggested having open space between buildings going through to Violet Avenue.
- **L. Payton** disagreed since there may be a number of children living on the project and there may be traffic concerns.

<u>ROW Adjustments</u>

- All board members agreed that that they should be smaller.

Board Summary:
Since this is a Concept Review, no action is required on behalf of the Planning Board.

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

A. Holding BVCP Public Hearings for Plan Policies

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Board Comments:

- The board discussed the possibility of holding additional public hearings for discussing the Boulder Valley Comprehensive Plan.
- The board was in support of having public input at Planning Board meetings but also at outreach meetings. Both formats are found to be useful.
- Additional public hearing dates to discuss the BVCP will be discussed with staff.

B. Medium Density Overlay Zone

Board Comments:

- The board asked staff to send them an update to the Code.
- **C. Ferro** informed the board they will need to follow up and get back to the board.

7. DEBRIEF MEETING/CALENDAR CHECK

8. ADJOURNMENT

The Planning Board adjourned the meeting at 9:54 p.m.

APPROVED BY

_____
Board Chair

_____
DATE

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INFORMATION PACKET
MEMORANDUM

To: Mayor and Members of City Council

From: Jane S. Brautigam, City Manager
David Driskell, Executive Director of Planning, Housing and Sustainability
Susan Richstone, Deputy Director of Planning, Housing and Sustainability
Charles Ferro, Development Review Manager
Karl Guiler, Senior Planner

Date: September 20, 2016

SUBJECT -CONCEPT PLAN CALL UP

Concept Plan proposal (LUR2016-00059) to develop an existing 1.4-acre property with a residential multifamily permanently affordable housing development developed by Habitat for Humanity consisting of 19 total multi-family units and a central community open space within the RM-2 [Residential Medium – 2] zoning district at 2180 Violet Avenue. Ordinance No. 8095 was approved by City Council in Dec. 2015 to permit sale of a portion of the subject property to Habitat for Humanity. The memo regarding this ordinance can be reviewed here.

As part of the Concept Plan review, the applicant is requesting preliminary consideration and feedback of amendments to annexation agreements (annexed in 1997) that apply to 2180 Violet Ave., 1917 Upland Ave., and 2145 Upland Ave. that would **1)** permit 19 dwelling units where 14 units would be the maximum per the zoning, **2)** permit the transfer of all permanently affordable units from Violet and Upland properties referenced above to the 2180 Violet site and **3)** allow right-of-way adjustments for the future Vine Street on the subject properties to match what was approved through the Crestview East annexation in 2009. The proposed changes would require amendments to the annexation agreements and City Council action in the future.

EXECUTIVE SUMMARY

On Sept. 1, 2016 the Planning Board reviewed and commented on the above-referenced application. City Council may vote to call-up the Concept Plan to review and discuss within 30 days of the Planning Board hearing. City Council call-up consideration expires on Sept. 30, 2016. The staff memorandum to Planning Board, minutes, meeting audio, and the applicant's submittal materials along with related background materials are available on the city website for Planning Board here (or follow the links: *www.bouldercolorado.gov ➔ A to Z ➔Planning Board➔search for past meeting materials planning board➔2016➔7.14.2016 PB Packet).* The draft minutes from the Planning Board hearing are provided in **Attachment A.**

The Planning Board generally found the proposal consistent with Boulder Valley Comprehensive Plan (BVCP) goals and policies as well as the North Boulder Subcommunity Plan (NBSP). The applicant's proposal for increased density (19 units versus 14 units) was supported by the board in concept based on the deeper level of permanent affordability vis-à-vis the current annexation agreements which total 17 affordable units (only 10 of which would be permanently affordable per the 1997 annexation agreements). The board also expressed support for the right-of-way adjustments. While the board was generally supportive of the proposed site and building design, the board provided the applicant with detailed feedback on improvements that could be made to the design before the applicant returns with a Site Review application.

Consistent with land use code Section 9-2-13(a)(2), B.R.C. 1981 City Council may vote to call up the application to review and comment on the concept plan within a 30-day call up period which expires on **September 1, 2016**.

ATTACHMENT

A. Draft Sept. 1, 2016 Planning Board Minutes

CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
September 1, 2016
1777 Broadway, Council Chambers

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Bryan Bowen
John Putnam
Leonard May
Crystal Gray
Harmon Zuckerman

PLANNING BOARD MEMBERS ABSENT:
N/A

STAFF PRESENT:
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Hella Pannewig, Assistant City Attorney
Cindy Spence, Administrative Specialist III
Jessica Stevens, Civil Engineer II
Caeli Hill, Associate Planner
Elaine McLaughlin, Senior Planner
Karl Guiler, Senior Planner/Code Amendment Specialist
James Hewat, Senior Planner, Historic Preservation

1. CALL TO ORDER

Chair, **J. Gerstle**, declared a quorum at 5:07 p.m. and the following business was conducted.

2. APPROVAL OF MINUTES

3. PUBLIC PARTICIPATION

- **John Spitzer** addressed the board regarding the Attention Homes project located at 1550 Pine Street

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

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C. Call Up Item: Wetland Permit (LUR2016-00061), Chautauqua Trail Improvements.

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Owner: CCPL Real Estate Group, LLC

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Staff Presentation:
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Board Questions:
C. Hill and **C. Ferro** answered questions from the board.

Applicant Presentation:
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Board Questions:
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Public Hearing:
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- **L. Payton** added that she does not agree that the project is consistent with all BVCP policies. Due to the fact that the project is in an historic district, she questions if it would be consistent with BVCP policy "*2.39 Sensitive Infill and Redevelopment*." She expressed concern regarding the residential aspects of the new design and compliance with the Comp Plan policy.
- **C. Gray** added that the BVCP policy "*2.40 Physical Design for People*," should be considered when designing an outdoor patio when considering a restaurant in the design. Residential units in that area would be helpful and proposed that staff review a parking reduction so more, smaller units could be incorporated. It would give more eyes on the street and vitality in the area.
- **B. Bowen** agreed with **C. Gray** regarding a possible residential component downtown.
- **J. Putnam** stated that he could support a diversity of units if at least one unit were permanently affordable on-site.
- **B. Bowen** disagreed with **J. Putnam's** comment with having only one unit permanently affordable, however he would be in favor of a multi-unit affordability.
- **J. Gerstle** gave a summary of the board's comments regarding Key Issue #1. He stated that the board felt the concept plan was generally consistent with the BVCP policies with the exceptions mentioned by **L. Payton**. He said that he would support small residential units on the third floor with parking requirement reductions.

<u>Key Issue #2:</u> Is the concept preliminarily consistent w/ the Downtown Design Guidelines?

- **C. Gray** suggested that the proposed corner be designed with a prominent cornice. She supports the change on 11th Street regarding the elevator in terms of the revised treatment and that it breaks up the buildings.
- **L. May** generally agreed with staff comments. The corner element should be accented. The parapet should extend all the way across. The new proposed design does not relate to the overall mass. The window opening articulation is tall and vertical in proportion which relates well. The corner element appears too jumbled. He suggested carrying the glazing pattern to the ground. On the west elevation, the elevator shaft appears awkward. He suggested a higher parapet to the elevator, then step down for the remainder of the building. The new design is better articulated and cleaner. Regarding the slit between the two buildings, he added it reads as an entrance. He suggested it become one.
- **B. Bowen** agreed with **L. May**. The new design is more successful. He likes the transom windows over the awnings and the large operable windows on the corner. He is ambivalent toward a two-story building vs. a three-story. He hopes the project has multiple retail tenants on the main floor. He approves of the artful alley elevation. He suggested adding public art.
- **H. Zuckerman** agreed with the previous comments. The corner of the building needs a stronger cornice to define the roofline of the building like the neighboring traditional buildings. He reminded the applicant that this is the west gateway to the Pearl Street Mall. Perhaps a mitered corner to mirror the building on the north side of the street would create a gateway feature. In the outdoor seating space, the proposed posts are too

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big. He suggested using wrought iron. In addition, he would like to see more street trees to shade the 11th Street sidewalk. In the new design, he approves of the slit on the west elevation as it adds visual interest. He also approves of the second-story awnings and that the building material proposed is brick. He suggested adding a polychromatic look and additional textural elements to the brick to create visual relief on the facade similar to the traditional building.

- **L. Payton** stated that the new design is keeping with the Downtown Urban Design Guidelines for the historic district. She agreed with **H. Zuckerman** regarding his parapet suggestions. The third-story corner element is a good idea however the top windows are not successful. She agreed with the comments regarding making an entrance on 11th Street.
- **J. Putnam** agreed that the third-story design works well but the design needs some refinement.
- **J. Gerstle** agreed with all previous comments.
- **B. Bowen**, regarding the wrapping of the materials, it would be important that they continue all the way around the building.
- **L. May**, regarding the alley issue, the pattern of fenestration should carry around the corner. He added that the third-story element appears too thin and suggested bringing up the parapet. In addition, the change of brick color is not necessary. If the color were the same, it would integrate better with the mass.
- **B. Bowen** suggested the applicant could do some creative design elements too.

Board Summary:
Since this is a Concept Review, no action is required on behalf of the Planning Board.

C. AGENDA TITLE: Public hearing to consider a proposal (LUR2016-00028) to rezone the AirGas site at 3200 Bluff Street, a roughly one-acre property, from Industrial Mixed Service (IMS) to Mixed-Use - 4 (MU-4) and make a recommendation to City Council.

Applicant: Kirsten Ehrhardt, Coburn Development, Inc.
Property Owner: AirGas InterMountain, Inc

Staff Presentation:
C. Ferro introduced the item.
K. Guiler presented the item to the board.

Board Questions:
K. Guiler answered questions from the board.

Applicant Presentation:
Andy Bush, with Morgan Creek Ventures representing the applicant, presented the item to the board.

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Board Questions:
Andy Bush, the applicant's representative, and **Bill Holicky**, with Coburn Development, answered questions from the board.

Public Hearing:
No one spoke.

Board Comments:

- The board had no comments regarding the key issues of rezoning to bring the property into conformance with Mixed Use Business BVCP Land Use Designation Map or with the TVAP land use goals.

Motion:
On a motion by **J. Putnam** seconded by **L. Payton** the Planning Board recommended approval (7-0) of the rezoning of the property from IMS to MU-4 having met the criteria for rezoning under Section 9-2-19 (e) and (f).

D. AGENDA TITLE: Public hearing for consideration of a Concept Plan proposal (LUR2016-00059) to develop an existing 1.4-acre property with a residential multifamily permanently affordable housing development consisting of 19 total multi-family units and a central community open space within the RM-2 [Residential Medium – 2] zoning district at 2180 Violet Avenue. The applicant is also requesting preliminary consideration of amendments to annexation agreements that apply to 2180 Violet Ave., 1917 Upland Ave., and 2145 Upland Ave. to permit the transfer of all permanently affordable units from those sites to the 2180 Violet site and other changes.

Applicant: Jeff Dawson, Studio Architecture
Property Owner: Flatirons Habitat for Humanity

Staff Presentation:
C. Ferro introduced the item.
K. Guiler presented the item to the board.

Board Questions:
K. Guiler and **C. Ferro** answered questions from the board.

Applicant Presentation:
Susan Lythgoe, with Flatirons Habitat for Humanity, and **Jeff Dawson**, with Studio Architecture, presented the item to the board.

Board Questions:
Jeff Dawson, the architect, answered questions from the board.

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Public Hearing:

1. **Janet Meyer** spoke in support to the project but in opposition to the number of units proposed and the duration of proposed construction.
2. **Suzanne Wight** spoke in support of the project but in opposition to the number of units proposed and the duration of proposed construction.
3. **Victor Lemus** spoke in support of the project.
4. **Robert Naumann** spoke in support of the project.
5. **Nolan Rosall** spoke in support of the project.

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

- **B. Bowen** disclosed that Habitat for Humanity had been his client in the past and one of the public speakers is currently a client of his, however he could remain impartial.
- **L. May** disclosed that he had worked for Habitat for Humanity serval years ago but it would not affect his ability to remain impartial.

Board Comments:

<u>Key Issue #1:</u> Is the concept consistent with the BVCP/NBSP? And,
<u>Key Issue #2:</u> Is the proposed site and building design consistent with intent of BVCP Policy 2.37 Enhanced Design for Private Sector Projects?

- **B. Bowen** stated that the proposed plan is compliant.
- **C. Gray** stated, regarding the NBSP, that it would be important to make sure the neighborhood is comfortable with the transfer of the units. Her only concern with the BVCP is the neighborhood pattern of townhomes. Home ownership is important.
- **L. May** stated the project is consistent with the BVCP. He has concerns with the integration of affordable housing.
- **H. Zuckerman** approves of the energy efficient building design and the project is consistent with the BVCP/NBSP.
- **L. Payton** agreed. She is concerned where children would play.
- **J. Putnam** stated the buildings should be positioned closer to street.
- **J. Gerstle** stated the board concluded that the project is consistent with the BVCP/NBSP. He added the proposed front doors facing Violet Avenue may not be effectively used.
- **L. May** stated the existing street typology does not support the current NBSP. He suggested focusing on the common open space, rather than the street fronts of the buildings, sliding the buildings closer to the street creating more open space.
- **L. Payton** commented that Violet Avenue has the potential to be a good pedestrian and bike connection, therefore she would lobby making it a nicer street scape.
- **B. Bowen** agreed with both **L. May** and **L. Payton**. Design the project to anticipate on - street parking, pedestrian and bike usage, but also let the back side embrace a commons area.
- **H. Zuckerman, C. Gray** and **J. Gerstle** agreed.
- **B. Bowen** walked the board and applicant through some proposed site organization ideas of the design. The Violet Avenue streetscape should be rich. Setback needs to be tighter on Violet Avenue. Front porches need to be strong with low picket fences. As the units move forward, remove the open space on Violet Avenue. From the backside of the project, line the alley with the parking and carports rather than have it in the commons area. The entire middle of the project would be open for green space. The bike path needs

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to be interesting. He advocated for on-street parking on 22nd Street. He proposed placing the detention pond at the east end.

- The board indicated support for a 24-foot backing distance and centering in the alley.
- **C. Gray** supports **B. Bowen's** proposal.
- **L. Payton** agreed with comments. She would support Violet Avenue to become walkable. She would defer the picket fence until Violet Avenue becomes a heavily walked area.
- **H. Zuckerman** agreed. He stated that the finished floor height of homes with porches needs to be 32 inches minimum.
- **J. Putnam** said that bike access off Violet Avenue and bike storage on the north side should be added. Also, he encouraged carports are prewired for EV.
- **J. Gerstle** suggested that on-street parking should be added to Violet Avenue especially if the parking is done on the alley so front entrances are used.
- **C. Gray** suggested walkways from the alley into the project if the carports are moved to the alley.
- **L. Payton** expressed concern regarding the multi-color units and suggested one color per unit. Materials and elements need to be substantial. She approves of the gable roofs and proportions.
- **L. May** agreed. The color scheme needs to be coherent.
- **B. Bowen** agreed regarding the coloration. Narrow exposures are better. The porches need to be a minimum of seven to eight-foot-deep, with solid roofs and railings.

Key Issue #3: Does the Planning Board preliminary support the proposed changes to the annexation agreement? Specifically, the requested increase in density to 19 units and relocating all permanently affordable units from the three properties to the subject property? Right-of-way adjustments?

Density

- **L. May** stated that integration ties into density, therefore he supports the proposed density.
- **J. Putnam** agreed. He suggested improving the green space and open space.
- **L. Payton** agreed.
- **B. Bowen** approved of the stewardship training. He suggested main floor master units.
- **C. Gray** suggested a mix of bedroom configurations.
- **J. Gerstle** agreed. He suggested having open space between buildings going through to Violet Avenue.
- **L. Payton** disagreed since there may be a number of children living on the project and there may be traffic concerns.

ROW Adjustments

- All board members agreed that that they should be smaller.

Board Summary:
Since this is a Concept Review, no action is required on behalf of the Planning Board.

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

A. Holding BVCP Public Hearings for Plan Policies

Board Comments:

- The board discussed the possibility of holding additional public hearings for discussing the Boulder Valley Comprehensive Plan.
- The board was in support of having public input at Planning Board meetings but also at outreach meetings. Both formats are found to be useful.
- Additional public hearing dates to discuss the BVCP will be discussed with staff.

B. Medium Density Overlay Zone

Board Comments:

- The board asked staff to send them an update to the Code.
- **C. Ferro** informed the board they will need to follow up and get back to the board.

7. DEBRIEF MEETING/CALENDAR CHECK

8. ADJOURNMENT

The Planning Board adjourned the meeting at 9:54 p.m.

APPROVED BY

_____

Board Chair

_____

DATE

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CITY OF BOULDER
BOARD OF ZONING ADJUSTMENT
ACTION MINUTES
August 11, 2016, 5 p.m.
1777 Broadway, Council Chambers

Board Members Present:	David Schafer (Chair), Jill Lester, Michael Hirsch, Ellen McCready
Board Members Absent:	Jill Grano (V. Chair),
City Attorney Representing Board:	David Gehr
Staff Members Present:	Brian Holmes, Robbie Wyler, Cindy Spence

1. CALL TO ORDER:

D. Schafer called the meeting to order at 5:05 p.m.

2. BOARD HEARINGS:

A. Docket No.: BOZ2016-13
Address: 925 37th Street
Applicant: Miguel Arias & Melissa Eaton
Setback Variance: *(Continuance From July 14, 2016 Meeting)* As a part of a proposal for a second story addition and remodel of an existing residence, including a proposal to construct a new attached garage, the applicants are requesting a variance to the front yard (east) setback. The resulting front yard setback will be approximately 19'-0" where 25'-0" is required and where approximately 25.8' exists today. Section of the Land Use Code to be modified: Section 9-7-1, BRC 1981.

Staff Presentation:
R. Wyler presented the item to the board.

Board Questions:
R. Wyler answered questions from the Board.

Applicant's Presentation:
Miguel Arias, the applicant, presented the item to the board.

Board Questions:
Miguel Arias, the applicant, answered questions from the Board.

Public Hearing:
No one from the public addressed the board.

Board Discussion:

- **D. Schafer** stated that the board cannot make decisions regarding the design as it is not within their purview. The applicant has returned to BOZA with solutions addressing the concerns from the previous meeting of July 14, 2016.
- **M. Hirsch** suggested that the proposed "Option 1" would be better for drainage and offers less mass.
- **E. McCready** stated that she would prefer to have the applicant choose an option since it should not be left undecided.
- **J. Lester** stated that she would be inclined to agree on "Option 1". The board should give guidance so that the applicant can move forward with their plans.
- **D. Schafer** mentioned that he would be uncomfortable choosing an option and that the applicant should choose a solution.

Motion:

On a motion by **J. Lester**, seconded by **M. Hirsch**, the Board of Zoning Adjustment approved (4-0, **J. Grano** absent) the application (**Docket 2016-13**) with garage design "Option 1" as submitted at the August 11, 2016 meeting.

B. Docket No.: BOZ2016-16
Address: 2069 Bluff Street
Applicant: James and Leah Brasseur
Side Yard Wall Articulation Variance: As a part of a proposal to remove an existing sunroom and to construct a new entry and 2nd floor room above, the applicants are requesting a variance to the Side Yard Wall Articulation standards for the resulting wall. The proposed wall will be 43' in length where the maximum allowed wall length is 40' (for walls within 14' of the side yard property line that are in excess of 14' in height). Section of the Land Use Code to be modified: Section 9-7-10, BRC 1981.

Staff Presentation:

B. Holmes presented the item to the board.

Board Questions:

B. Holmes answered questions from the Board.

Applicant's Presentation:

James Brasseur, the applicant, and **Peter Stewart**, the architect, presented the item to the board.

Board Questions:

James Brasseur, the applicant, and **Peter Stewart**, the architect, answered questions from the Board.

Public Hearing:

Stuart Naegele, a neighbor, spoke in support of the project.

Board Discussion:

- **M. Hirsch** reiterated that the board is being asked to grant a variance based on a living element (tree) that may not live as long as the house itself. He stated that to grant a permanent variance on a structure based on an element that will change offers no merit and would be inappropriate. The side yard wall articulation is irrelevant since the rule has been adopted and there is no need to breach it. This would be a major variance and there is no merit in granting it.
- **J. Lester** agreed that this is not an ideal situation for the tree. However historically, a PUD was allowed, and currently the house is negatively impacted by walls on either side. The issue is not the tree. The tree is not the hardship but rather the setback of the house relative to the other houses.
- **E. McCready** stated that the concern doesn't seem to be warrented in this situation just because there is support from the neighbor. Views are nice to have, but they are not protected.
- **D. Schafer** agreed with **E. McCready** and stated that a lot of neighbors in the area have walls at 40 feet or longer due to the narrow nature of the lots. Allowing exception to this may be consistent with the neighborhood character. However, the regulation was carefully designed and rules need to be respected. He stated that the existing space is fine and the variance should not be approved.
- **E. McCready** suggested an alternative to jog out to exactly 14 feet to the dimension written in the Code and a by-right solution.
- **M. Hirsch** stated that the applicant mentioned that the view may be more important than the floor plan itself.
- **J. Lester** said that she feels the applicant proposed a common sense solution. The regulation in question is not critical because of the position of this home in relation to the other homes that are also out of compliance. She explained that the houses in the neighborhood are not aligned and the proposed solution would be appropriate. It would not impact the views or access of neighbors. Perhaps the applicant could do a partial solution.
- **D. Schafer** agreed that this case is a minor request, but this board does set precedents for future cases.
- The board discussed the possible withdraw or continuance of the application to accommodate the applicant to redesign their proposal.
- **D. Schafer** reviewed the rules and intent of the Code. Perhaps the proposed plan could be pulled in to break up the massing to avoid a complete denial but give minimal relief.

Motion:

On a motion by **D. Schafer**, seconded by **M. Hirsch**, the Board of Zoning Adjustment voted (4-0, **J. Grano** absent) to continue the application **(Docket 2016-16)** for 30 days, to be presented at the next Board of Zoning Adjustments meeting, September 8, 2016.

C. Docket No.: BOZ2016-17
Address: 3212 9th Street
Applicant: Karl and Carrie Poehls

Setback Variance: As a part of a proposal for a remodel and four new dormers above an existing two-story non-standard residence, and a new two story addition to the rear; in a circumstance where portions of the existing structure (walls and roof sections that are located within the minimum required setbacks) were impacted by demolition work that included the removal of exterior wall siding and interior sheathing (plaster, drywall, paneling, etc.) along with roof sheathing and shingles; the applicants are requesting a variance to the front yard (west) setback. The variance request applies to the lower and upper level west facing wall and portions of the side walls (along the north and south sides of the residence that run west to east) existing roof sections and new dormers all within the front yard 25' setback. More specifically, the proposal is associated both with all impacted portions of the non-standard building and two of the new dormers that are located between the existing 19.41' front yard setback and the minimum 25' front yard setback requirement of the RL-1 zoning district. Section of the Land Use Code to be modified: Section 9-7-1, BRC 1981.

Disclosures:
J. Lester and **M. Hirsch** disclosed that they have worked with the architect on this application, **David Waugh**, but it would not impair them from acting impartially on this matter.

Staff Presentation:
R. Wyler presented the item to the board.

Board Questions:
R. Wyler answered questions from the Board.

Applicant's Presentation:
David Waugh, the architect, **Dan Drury**, the builder, and **Karl Poehls**, the owner, presented the item to the board.

Board Questions:
David Waugh, the architect, and **Dan Drury**, the builder, answered questions from the Board.

Public Hearing:
No one from the public addressed the board.

Board Discussion:
- **M. Hirsch** said in his opinion that the walls had been rebuilt entirely. The walls should be rebuilt where they were before. The dormers need to be built according to the plans. Penalty is not necessary.
- **J. Lester** agreed. The rules are detailed and the demolition should not have happened in the first place. The wall is being rebuilt.
- **E. McCready** questioned if the dormers were removed, would it impact the floor plan. The building is far along at this point. She stated that this should be approved.
- **D. Schafer** stated that BOZA is not a punitive board. An undue hardship would be created by BOZA if they asked to the dormers to be rebuilt in the proper location. The

builder and applicant agree with the Landmarks Board to restore the walls as best they can. The neighborhood is not affected by the dormers as built therefore there is no need to reconstruct.

Motion:
On a motion by **M. Hirsch**, seconded by **J. Lester**, the Board of Zoning Adjustment approved (4-0, **J. Grano** absent) the application (**Docket 2016-17**) as submitted.

3. **GENERAL DISCUSSION:**
   A. **Approval of Minutes**
   On a motion by **D. Schafer**, seconded by **J. Lester**, the Board of Zoning Adjustments voted 4-0 (**J. Grano** absent) to approve the July 14, 2016 minutes.

   B. **Matters from the Board**
   There were no matters from the Board.

   C. **Matters from the City Attorney**
   There were no matters from the City Attorney.

   D. **Matters from Planning and Development Services**
   B. Holmes informed the board that at the September 8, 2016 meeting, **R. Wyler** will not be in attendance. In addition, Council Member, **Jan Burton**, will attend the first 15 minutes of the meeting to give a short presentation.

4. **ADJOURNMENT:**
There being no further business to come before the board at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED AT 7:28 P.M

APPROVED BY

Board Chair

9/8/16

DATE

CITY OF BOULDER
BOULDER, COLORADO
BOARDS AND COMMISSIONS MEETING
MINUTES

Name of Board/ Commission: Transportation Advisory Board

Date of Meeting: July 11, 2016

Contact Information Preparing Summary: Meredith Schleske 303.441.3204

Board Members Present:, Bill Rigler, Chair; Dom Nozzi, Anna Reid, Jennifer Nicoll, Zane Selvans
Board Members Absent:

Staff Present: Michael Gardner-Sweeney, Director of Public Works for Transportation
Bill Cowern, Acting Principal Traffic Engineer
Shannon Young, Transportation Engineer
Gerrit Slatter, Principal Transportation Projects Engineer
Melanie Sloan, Transportation Planner
Bryant Gonsalves, Transportation Project Engineer
Meredith Schleske, Board Secretary

Type of Meeting: Advisory/ Regular

Agenda Item 1: Call to Order **[6:00 p.m.]**
The meeting was called to order at 6:00 p.m.

Agenda Item 2: Approval of minutes from June 2016 **[6:06 p.m.]**
Move to approve minutes with correction of listing Bill Rigler as Chair.
Motion: Nozzi Second: Reid
5:0:0 Motion Passes

Agenda Item 3: Public Participation **[6:07 p.m.]**
Following a moment of silence in memory of Bill Davis, the following speakers made comments:

- Chris Malley – Safe Streets – distributed questions and comments, has been a resident 26 years over which he deems safety to have decreased from A to B-.
- Steve Watts – Safe Streets – executive director of the Boulder Mountainbike Alliance (BMA). They are currently developing regional trails to get bikes off streets. BMA focuses on education, building community and solving issues. There are many biking organizations, providing an opportunity for input. Hopes TAB reaches out to them.
- David Robinson – Safety – walks five miles per day, much on multi-use paths but crossing streets is dangerous for disabled pedestrians, although Boulder drivers generally yield. Winter storms are difficult as crosswalks are not always cleared. Be mindful of disabled population needs.
- Peter Richards – longtime Boulderite. He recently received a warning from NOAA regarding safety concerns turning into NIST.
- Eric Budd pooled time with Chris and with Chelsea Rogers. He is a community advocate and encourages communication. There has been a 7.7% increase in multimodal collisions over 2015; Boulder needs to take steps. Suggested considerations include road design, signaling, Jay Road, Folsom and Canyon, dedicated crossing signals, turning radius and a vulnerable user law. Many crashes are preventable.
- Scott Hatfield – 60% of motorists are interested in biking but don't trust traffic, creating a large impact to our carbon budget. Denver has implemented a crash dashboard and crash analysis and outlawed cycling on sidewalks.
- Michele Moffat – has three young children who ride bikes to school but there are a lot of places they cannot go. Encourages more protected bike lanes so her children learn they can ride on streets. Suggestions include more laws for the vulnerable community, distracted driving and impaired drivers. Create a dedicated office to which violations may be reported.
- Sandy Morrissey – moved here for cycling, 15-year old daughter is now riding on Hwy. 36 and other busy routes. No information regarding motorist-cyclist safety is given with issue of Colorado driver's license. Boulder is the most educated community in the country – we should form a think tank and education should be provided through the Department of Motor Vehicles (DMV).
- John Mansell – representing Rally Sport and the larger cycling community. Feels endangered, will forward suggestions. Wife Rhonda Mansell read a statement from Bill Davis' wife addressing cyclists' safety and intoxicated drivers.
- Don McIntosh – new to Boulder, supports Bill Davis and friends. Concern re Jay Road, familiar with traffic engineering, now feels safer cycling in Chicago.

- Elizabeth Rowley – resident since 2000. TAB should think about communications, issues, Folsom Living Labs, infrastructure and cohesion, North-South cycling route, safety on 28th Street, message that riding on sidewalks sends, vulnerable user and traffic laws, enforcement.
- Tila Duhaine pooled time with Ann Haebig – thanked TAB for reaching out, worked in New York City on traffic safety. Supports Vision Zero for no transportation fatalities. Cyclists and pedestrians are hurt more than their share, mostly due to speed and distraction. Focus on current tools, demand implementation, need protected lanes, speed control. Summary: Consider the cost of mistakes on our streets; the community is willing to slow down to save lives; change is hard but we can do it.
- Dan Miller – 15-year resident, cycles around foothills. Awareness via more signage, three-foot law, "share the road" signage. Mowing operations force bikes into roadways – a sweeper should follow.
- Gary Sprung – some have accused the city of war on cars; more like cars war on people but speedy traffic is a priority. Example: Broadway and Linden during a snow event – lights change to flashing yellow with no crosswalk signals.
- Robert Kiser – 40-year resident, hyper concerned bike commuter, terrified on street at this time. Recounted his March 14th collision with a car, sustained concussion and broken bones, driver pled careless driving charge down to defective vehicle with a minimal fine. Please think about speed limit.
- Scott Fliegelman – 20-year, thanked TAB. Introduced road riding to many new cyclists through his sport training company. Flashing lights should be standard equipment for cyclists.

Also signing in in support of further safety efforts were Martin Nuss, Beth Servaites and Frank Smith.

Agenda Item 4: Discussion of Boulder's efforts making Boulder's street safer through the Safe Street's Boulder Report (Cowern) **[6:55 p.m.]**

Bill Cowern was joined by Shannon Young and David "DK" Kemp, authors of the Safe Streets Boulder report, updated May 2016 and available at www.bouldercolorado.gov .

Board discussion: **[7:05 p.m.]**

- Question regarding the differences in how pedestrians and cyclists use crosswalks.
- Question regarding traffic engineering tools available and how TAB can help with implementation.
- Observation that the most effective way to slow traffic is to narrow the roadway and that best practices in design standards are issued by many organizations.
- Discussion of standards, road width, design specifications, City of Boulder usage and types of roads (city, county, state).
- Questions regarding cell phone usage, police training and jurisdictions.
- Suggestions to review actual collision citations and whether they are appropriate to the situation, DMV and court processes, funding to narrow streets.
- Observation that there is safety in numbers and compliance increases substantially with more users in crosswalks.
- Statement that TAB is committed to pursue safety.

Agenda Item 5: Staff briefing and TAB input regarding the Boulder Creek/Arapahoe/13th Underpass project (Sloan) **[7:39 p.m.]**

Melanie Sloan and Bryant Gonsalves reviewed the project process to date, defined the scope and presented two (2) design options. Parks and Recreation Advisory Board (PRAB) and TAB input will be solicited followed by a recommendation on the CEAP process. If approved, a PRAB/TAB joint meeting will be scheduled.

Board feedback:

- Questions regarding the length of the underpass and path route around the bandshell.
- Discussion regarding options for North-South bike travel.
- Request to consider other options to awkward crossing at 13th Street.
- Request for TAB site visit.
- Encouragement to delineate bike corridors separately from pedestrian walkways and clarity at crossings.

Agenda Item 6: Matters **[8:30 p.m.]**

A. Matters from the Board

- Updates re: collaboration with other city boards – there is a joint board workshop 8/29/2016 regarding the Boulder Valley Comprehensive Plan (BVCP). It was questioned whether during the CEAP process is the right time to be talking with PRAB or if there should be a preliminary concept meeting. Staff will explore.

- Debrief from TAB Retreat
  - Suggestion that TAB should operationalize in various areas including a redesign of the TAB website, recognizing that there are City constraints. Add clarity on TAB's purpose.
  - Comment that the meeting notes are disappointing and should better reflect the work accomplished.
  - Comment that tonight's outreach was a good step towards community engagement.
  - A suggestion to pursue venues for TAB meetings in the community that are pertinent to that area. Suggestion to cover each quadrant over next nine months and potentially conduct the August 8th meeting along the east Arapahoe corridor.
  - Suggestion to invite the East Arapahoe Working Group to the August 8th TAB meeting.
  - Expression of a desire to continue to pursue advocacy via op-eds and other outreach vehicles.

B. Matters from the Staff/ Non-Agenda **[8:58 p.m.]**

- Living Lab Phase II Update
- RTD/Regional studies update (Gardner-Sweeney)
- Other matters - TAB meetings scheduled downtown will be moved to the 1777 West Conference Room on first floor.

Agenda Item 7: Future Schedule Discussion **[8:58 p.m.]**

Agenda Item 8: Adjournment **[8:59 p.m.]**

There being no further business to come before the board at this time, by motion regularly adopted, the meeting was adjourned at 8:58 p.m.

Motion: moved to adjourn: Nozzi **Seconded by: Selvans**

Motion passes 5:0

Date, Time, and Location of Next Meeting:

The next meeting will be a regular meeting on Monday, 8 August 2016 in the 1777 West Conference Room, 1st floor of the Municipal Building, at 6 p.m.; unless otherwise decided by staff and the Board.

APPROVED BY:

Board Chair

8 Aug 2016

Date

ATTESTED:

Board Secretary

8/8/16

Date

An audio recording of the full meeting for which these minutes are a summary is available on the Transportation Advisory Board web page.