



TO: Members of Council
FROM: Dianne Marshall, City Clerk's Office
DATE: September 3, 2013
SUBJECT: Information Packet

1. Call Ups

- A. **Use Review**, case no. LUR2013-00020, and **Site Review**, case no. LUR2013-00037. This application involves a request to expand a previous Use Review approval (case no. LUR2012-00011). The expansion would result in a 2,275 square-foot coffee shop with 62 seats (50 indoor and 12 outdoor), open seven days a week from 6 a.m. until 11 p.m., located at 1852 Arapahoe Ave. The expansion of the coffee shop will result in the loss of the existing residential unit. The development proposal also includes a 57 percent parking reduction, which requires a Site Review approval. The restaurant is located within the Residential High-1 (RH-1) zone district.

2. External Information Item

- A. Boulder Housing Partners 2012 Annual Report to the Community

3. Boards and Commissions

- A. Human Relations Commission – August 19, 2013
B. Library Commission – July 10, 2013
C. Open Space and Mountain Parks – August 14, 2013
D. Water Resources Advisory Board – June 17, 2013

4. Declarations

None.



INFORMATION PACKET MEMORANDUM

To: Members of City Council

From: Jane S. Brautigam, City Manager
Paul J. Fetherston, Deputy City Manager
David Driskell, Executive Director of Community Planning + Sustainability
Charles Ferro, Land Use Review Manager
Jessica Vaughn, Planner I

Date: August 12, 2013

Subject: Call-Up Item: Use Review, case no. LUR2013-00020, and **Site Review**, case no. LUR2013-00037. This application involves a request to expand a previous Use Review approval (case no. LUR2012-00011). The expansion would result in a 2,275 square-foot coffee shop with 62 seats (50 indoor and 12 outdoor), open seven days a week from 6 a.m. until 11 p.m., located at 1852 Arapahoe Ave. The expansion of the coffee shop will result in the loss of the existing residential unit. The development proposal also includes a 57 percent parking reduction, which requires a Site Review approval. The restaurant is located within the Residential High-1 (RH-1) zone district.

EXECUTIVE SUMMARY

On August 1, 2013, Planning Board approved 5-0 (A. Brocket and L. May absent) the subject application with the conditions found in the disposition of approval, provided as **Attachment A**.

The applicant's proposal is for the expansion of a previously approved Use Review, case no. LUR2012-00011. The request to expand that approval would result in a 2,275 square-foot coffee shop with 62 seats, open seven days a week from 6 a.m. until 11 p.m. Refer to Table 1 for a summary of the requested expansion. The proposed expansion would also result in the loss of the existing residential unit currently present on the project site.

Table 1: Use Review Expansion Summary		
	Previous Approval (Case no. LUR2012-00011)	Current Proposal (Case no. LUR2013-00021)
Hours	6 a.m. until 9 p.m.	6 a.m. until 11 p.m.
Square Footage	1,475 square feet	2,275 square feet
Interior Seating	24 seats	50 seats

Outdoor Seating	N/A	12 seats
Residential Unit	800 square feet	0 square feet (Removed)
Parking Reduction	30 percent (10 spaces required/7 provided)	57 percent (16 spaces required/7 provided)
Bicycle Parking	10 spaces	14 spaces

Also as part of the development proposal, the applicant is proposing to restore the building back to its circa 1930s storefront as Winter Cigar Company. Refer to Figures 1 and 2 below.



Figure 1: Existing Street Facade



Figure 2: Original Storefront Circa 1930s

The development proposal also includes a 57 percent parking reduction. A parking reduction in excess of 50 percent is required to be reviewed and approved through the Site Review process.

Refer to **Attachment B** for the applicant’s proposed plan set and management plan.

The board’s approval is subject to a 30-day call-up period by City Council. Refer to the city’s website for the staff memorandum to the Planning Board and other related background materials, including the applicant’s supplemental materials and the staff analysis of the Use Review criteria. City Council may call-up the application within the 30-day call-up period which expires on **Monday, September 16, 2013**.

City Council is scheduled to consider this application at its **September 3, 2013** public meeting.

FISCAL IMPACT

Staff time: The Use Review application has been processed through the provisions of a standard review process and is within normal staff work plans.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

Economic: The proposed coffee shop creates an active, neighborhood scale retail use.

Environmental: The location of the proposed coffee shop along a major transit and pedestrian corridor will contribute to the walkability of the surrounding neighborhood by providing a neighborhood scale amenity and gathering place.

Social: The development proposal includes restoration of the existing building façade back to its circa 1930s retail façade, which will restore a current void in the Arapahoe Avenue streetscape. The restoration of the building back to its historic character will create a sense of permanence not only as a cultural resource, but also as a community amenity. In addition, the nature of the proposed use will provide a more active and pedestrian oriented street frontage that will enhance the pedestrian experience.

BACKGROUND

Site Context. The project site is located directly on Arapahoe Avenue on the outer edges of the Goss Grove Neighborhood and within the Residential High-1 (RH-1) zone district (see Figure 3 at the right). Currently, the project site is comprised of one single-family residential unit, however in the past it has been utilized as a variety of nonresidential uses as well as a mixed-use building with one residential unit, including a beauty salon (1970's) as well as a cigar shop (1930's). Most recently, the property was used as a preschool and a single-family dwelling.



Figure 3: Vicinity Map

In close proximity to the site there are a variety of commercial uses, including retail, auto repair and service related businesses, lodging, restaurant and the University of Colorado main campus, Naropa University and Boulder Valley High School as well as single and multi-family residential uses, including student rentals and owner occupied single family residences.

PLANNING BOARD ACTION

At its August 1, 2013 public hearing, the Planning Board approved the subject Use Review and Site Review request with a vote of 5-0, (A. Brocket and L. May absent). Since the board's findings were different from the staff recommendation, the board elected to continue the item to its next business meeting, August 15, 2013, to adopt findings of fact.

At its August 15, 2013 meeting, Planning Board adopted the findings of fact found in **Attachment D**. Below is a summary of Planning Board's application of the Use Review criteria and Site Review criteria as well as a summary of the Board's conclusions.

The Planning Board found the proposed use and development to be consistent with the Use Review criteria and Site Review criteria. Planning Board found the project site to be an appropriate location for the proposed use and the use consistent with the character of the surrounding residential neighborhood. It also found the proposed use to serve a compelling social and recreational need of human interaction and socialization by creating a social meeting space that, currently, does not exist in this neighborhood thereby overcoming the presumption against

the removal of the residential unit in this residential district. Finally, Planning Board found that the proposed development meets the Site Review criteria, including consistency with the Boulder Valley Comprehensive Plan land use map, on balance, with the Boulder Valley Comprehensive Plan policies, and with the criteria applicable to the requested parking reduction.

Refer to the city's website for the Planning Board minutes and audio of the hearing.

City Council may call-up the application within the 30-day call-up period which expires on Monday, September 16, 2013. City Council is scheduled to consider this application for call-up at its **September 3, 2013** public meeting.

INITIAL STAFF ANALYSIS

On balance, the development proposal was found to be consistent with the Use Review and Site Review criteria as well as the parking reduction criteria. However, in completing the initial staff review, staff found that the development proposal was inconsistent with specific criteria, including Use Review Criterion #6, which speaks to preserving existing residential units and Site Review criterion pursuant to section 9-2-14(h)(1)(A), B.R.C. 1981, that speaks to the Boulder Valley Comprehensive Plan land use map, and goals and policies, especially those that speak to the retention/preservation of housing. Therefore, staff could not make a finding that the proposed Use Review and Site Review request was consistent with the applicable review criteria and recommended denial of the requested Use Review, case no. LUR2013-00020, and Site Review, case no. LUR2013-00037.

Refer to **Attachment C** for the complete analysis of the Use Review, Site Review and Parking Reduction criteria.

Use Review Criteria. In completing the Use Review analysis, it was determined that the project site was an appropriate location for the proposed coffee shop use given:

- The location of the project site along both a major transit corridor (Arapahoe Avenue) and a highly traveled pedestrian corridor (19th Street);
- The compatibility with surrounding uses and their intensity, given the neighborhood scale and limited hours of the proposed use; and
- Maintaining consistency with the general character of the area as an active, pedestrian oriented mixed-use neighborhood.

However, staff also found that because the proposal would result in the conversion of the existing residential unit to a non-residential use that ultimately the proposal was not consistent with Use Review Criterion #6, which speaks to preserving residential units, except where a compelling social, human services, governmental, or creational need in the community is found.

Criterion #6 is consistent with the city's recent and past efforts to provide a jobs/housing balance. A "compelling social or human services need" has been identified as an entity or service, such as a non-profit, that provides services to traditionally underserved segments of the

population, including low income households or disabled persons, or an entity that provides needed social services such as a day care center or senior center.

Overall, staff found that the conversion of the existing residence to a non-residential use, specifically a coffee shop that is otherwise permitted, but at a smaller scale under a previous approval (LUR2012-00011), is not consistent with Criterion #6. Therefore, staff could not make a finding that the development proposal is consistent with the Use Review criteria and recommended denial of the Use Review application.

Site Review Criteria. In completing the staff analysis of the Site Review request, the development proposal was found to be generally consistent with the majority of the Site Review criteria, including those that speak to:

- Creating building design that contributes to a safe and vibrant streetscape,
- Landscape that provides an aesthetic enhancement over the existing conditions,
- Minimizing site access points and utilizing a parking design that minimizes vehicle conflicts; and
- Designing open space to be accessible and functional.

However, staff found that the development proposal to convert the existing residential unit to a non-residential use was not consistent with Boulder Valley Comprehensive Plan land use map, and goals and policies. Pursuant to section 9-2-14(h)(1)(A), B.R.C. 1981, which states, “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.” As part of the BVCP, the land use map establishes general land use designation for particular areas as well as definitions. The project site is identified as High Density Residential, which is defined as an area having “more than 14 units per acre,” and where, “within certain residential areas, there is also the potential for limited small neighborhood shopping facilities, offices or services through special review” (page 66, BVCP). Because the proposed conversion of the existing residential use to a nonresidential use is inconsistent with the Use Review criteria, specifically Criterion #6, the development proposal is also inconsistent with the Boulder Valley Comprehensive land use map and land use designations.

In addition, staff also identified the below BVCP goals and policies which speak directly to the preservation/retention of residential units:

- Creating more affordable housing, and mitigating the impacts of traffic congestion. (From BVCP Policy 1.19 Jobs:Housing Balance).
- Providing options for people to live, work and shop within close proximity. (BVCP Policy 2.16 Mixed Use and High Density Development).
- Creating livable residential neighborhoods that offer a different type of living environment than is currently offered in the city. (BVCP 7.10 Balancing Housing Supply with Employment Base).

Therefore, staff could not make a finding that the development proposal is consistent with the Site Review criteria and recommended denial if the Site Review application.

Parking Reduction Criteria. The requested parking reduction was found to be consistent with the parking reduction criteria. Given the location of the project site along a major transit corridor (Arapahoe Avenue) that provides bus service, a highly trafficked pedestrian corridor (19th Street) linking downtown through Goss Grove to the University of Colorado main campus, as well as the parking provided on-site and off-site parking the parking demand generated by the use would be adequately accommodated. In addition, the applicant's Transportation Demand Management techniques would encourage the use of alternative modes of transportation by providing excess bike parking and bus passes for employees, both of which will decrease the overall number of vehicles trips to the project site.

ATTACHMENTS:

- A. Notice of Disposition dated August 15, 2013.
- B. Approved Plans and Management Plan.
- C. Use Review, Site Review and Parking Reduction Criteria Analysis.
- D. Planning Board Adopted Findings of Fact.
- E. Additional Public Comment.



CITY OF BOULDER
Community Planning & Sustainability

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CITY OF BOULDER PLANNING BOARD
NOTICE OF DISPOSITION

You are hereby advised that on August 15, 2013 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: **1852 ARAPAHOE COFFEE SHOP EXPANSION**
DESCRIPTION: **USE REVIEW to expand a previous Use Review approval (case no. LUR2012-00011) from a 1,475 sq. ft. coffee shop with one dwelling to a 2,275 sq. ft. coffee shop resulting in the elimination of the dwelling unit. The remodel will restore the north and east facades to a configuration similar to its historic elevations circa 1930s.**

SITE REVIEW, including a 57 percent off street parking reduction (16 spaces required, 7 spaces provided).

LOCATION: **1852 ARAPAHOE AVE.**
COOR: **N02W05**
LEGAL DESCRIPTION: **See Exhibit A**
APPLICANT: **James Trewitt**
OWNER: **ARAPAHOE MERCANTILE COMPANY LLC**
APPLICATION: **Use Review, LUR2013-00020 and Site Review, LUR2013-00037**
ZONING: **RH-1**
CASE MANAGER: **Jessica Vaughn**
VESTED PROPERTY RIGHT: **NO; the owner has waived the opportunity to create such right under Section 9-2-19, B.R.C. 1981.**

This decision may be called up before the City Council on or before **September 16, 2013**. 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 August 1, 2013 the Planning Board Approved with Conditions the request with the following motion:

On a motion by J. Putnam, seconded by S. Weaver, the Planning Board voted 5-0 (L. May and A. Brockett absent) to approve Use Review#LUR2013-00020 and to approve Site Review #LUR2013-00037 subject to the conditions of approval recommended by staff at today's meeting and conditioned on adoption of final written approval findings by the board at the Board's August 15th, 2013 meeting.

Friendly Amendment by S. Weaver, accepted by J. Putnam, to add the following additional condition of approval:

Condition 8:

The building permit application for the building shall show that the **building meets the energy efficiency requirements** of the 2012 IECC as locally amended. Should the 2012 IECC not have been adopted at the time of building permit application, the building permit application for each building shall show that (1) the building exceeds the energy efficiency requirements of ANSI/ASHRAE/IESNA Standard 90.1 – 2010 Energy Standard for Buildings Except for Low-Rise Residential Buildings by at least 20 percent or (2) the building is designed to meet a set of prescriptive requirements, subject to review and approval of the city manager, that result in a building that is at least 20 percent more energy efficient than the 2012 IECC requires.

CONDITIONS OF APPROVAL

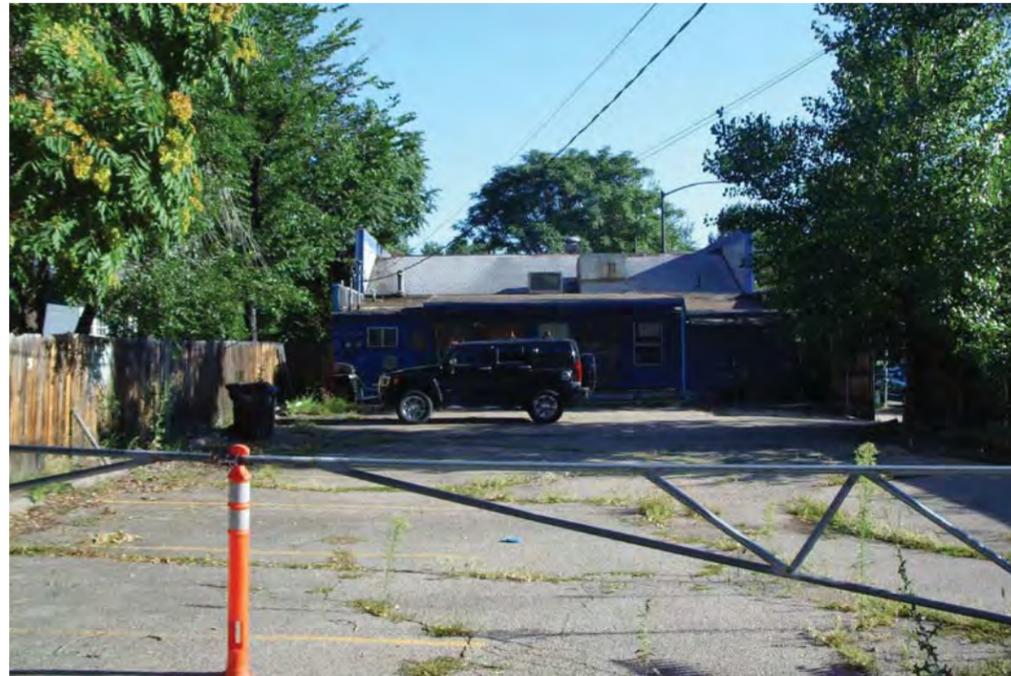
1. The Applicant shall ensure that the **development shall be in compliance with all approved plans** dated July 10, 2013 on file with the city of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval. Further, the Applicant shall ensure that the approved use is operated in compliance with the following restrictions:
 - a. The Applicant shall operate the approved use(s) in accordance with the management plan dated July 11, 2013 which is attached to this Notice of Disposition.
 - b. The approved coffee shop use shall be closed from 11 p.m. to 6 a.m. seven days per week.
 - c. The size of the approved use shall be limited to 2,275 square feet. The total number of indoor seats for the approved use shall not exceed 50. The patio area will not exceed 275 square feet and 12 seats.
2. The Applicant **shall not expand or modify the approved use(s)**, except pursuant to subsection 9-2-15(h), B.R.C. 1981.
3. The Applicant shall **comply with all previous conditions** contained in any previous approval, except to the extent that any previous conditions may be inconsistent with this approval, including, but not limited to, the Development Agreement recorded in the records of the Boulder County Clerk and Recorder at Reception No. 03238543 on July 24, 2012.
4. Prior to a building permit application, the Applicant shall **demonstrate compliance with section 9-9-5, "Site Access," B.R.C. 1981** and shall, if required under the Boulder Revised Code as determined by the City Manager, submit a minor modification administrative application.
5. Prior to building permit application, the Applicant shall submit a Technical Document Review application for the following items, subject to the approval of the City Manager:
 - a. A **final site plan** which includes detailed floor plans and section drawings.
 - b. A **final utility plan** meeting the City of Boulder Design and Construction Standards.
 - c. A **final storm water report and plan** meeting the City of Boulder Design and Construction Standards.

- d. 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.
 - e. A **detailed outdoor lighting plan** showing location, size, and intensity of illumination units, indicating compliance with section 9-9-16, B.R.C.1981.
6. Prior to Certificate of Occupancy, the Applicant shall submit to the City an application for and pursue in good faith an **Individual Landmark designation** of the historic building located at 1852 Arapahoe Avenue with a designation boundary extending from the existing building to the property lines.
 7. Prior to building permit application, the Applicant shall submit a **financial guarantee**, in a form acceptable to the Director of Public Works, in an amount equal to the cost of providing eco-passes to the employees of the development for three years after the issuance of a certificate of occupancy for each employee as proposed in the Applicant's Transportation Demand Management (TDM) plan.
 8. The building permit application for the building shall show that the **building meets the energy efficiency requirements** of the 2012 IECC as locally amended. Should the 2012 IECC not have been adopted at the time of building permit application, the building permit application for each building shall show that (1) the building exceeds the energy efficiency requirements of ANSI/ASHRAE/IESNA Standard 90.1 – 2010 Energy Standard for Buildings Except for Low-Rise Residential Buildings by at least 20 percent or (2) the building is designed to meet a set of prescriptive requirements, subject to review and approval of the city manager, that result in a building that is at least 20 percent more energy efficient than the 2012 IECC requires.

By:



David Driskell, Secretary of the Planning Board



4 EXISTING CONDITIONS | VIEW OF PARKING LOT
SCALE: NTS



3 EXISTING CONDITIONS | VIEW FROM 19th
SCALE: NTS



2 EXISTING CONDITIONS | VIEW TO SOUTH WEST
SCALE: NTS



1 HISTORIC CONDITION | VIEW TO SOUTH WEST
SCALE: NTS

Call Up Item

WINTER CIGAR CO. BUILDING

1852 ARAPAHOE AVENUE
BOULDER CO, 80302
PROJECT NUMBER:
ISSUE DATE: 10 JULY 2013
PHASE:
DRAWN BY: HD
CHECKED BY: JT

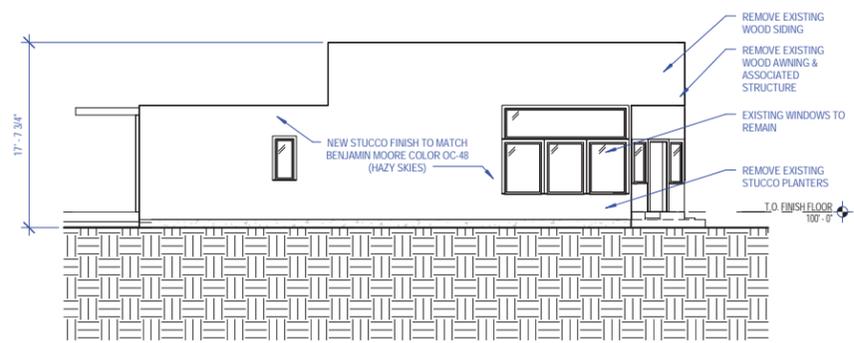
No.	Description	Date

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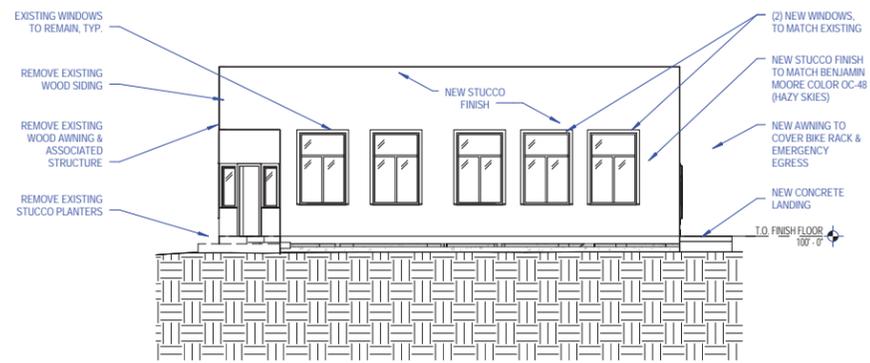
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2/16/2012 9:44:13 AM



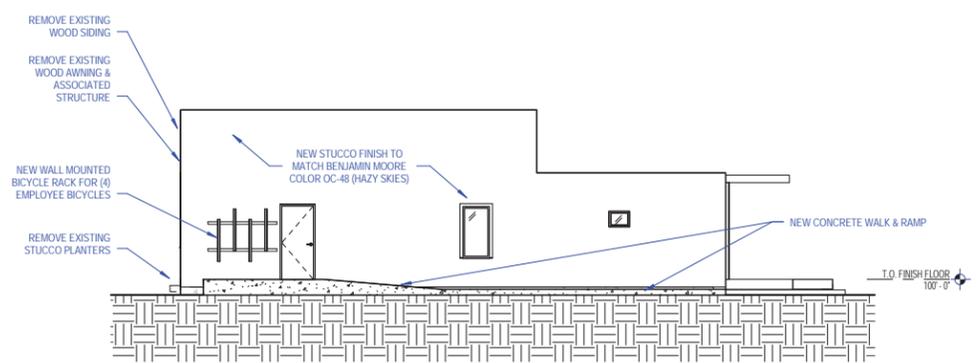
3100 Carbon Place
 Number 100
 Boulder, CO 80301
 303.546.6868 P
 303.443.3910 F
 arch11.com



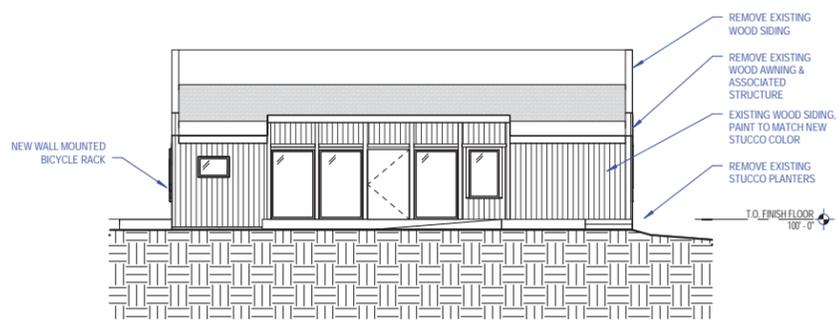
1 PROPOSED EAST ELEVATION
 SCALE: 1/8" = 1'-0"



2 PROPOSED NORTH ELEVATION
 SCALE: 1/8" = 1'-0"



4 PROPOSED WEST ELEVATION
 SCALE: 1/8" = 1'-0"



3 PROPOSED SOUTH ELEVATION
 SCALE: 1/8" = 1'-0"

WINTER CIGAR CO. BUILDING

1852 ARAPAHOE AVENUE
 BOULDER CO, 80302
 PROJECT NUMBER:
 ISSUE DATE: 10 JULY 2013
 PHASE:
 DRAWN BY: HO
 CHECKED BY: JT

SITE REVIEW

No.	Description	Date

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PROPOSED EXT. ELEVATIONS
 SCALE: 1/8" = 1'-0"

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Call Up Item

July 11, 2013
1852 Arapahoe Avenue

Coffee Shop Management Plan

Hours of Operation: 6:00am-11:00pm Monday-Friday
7:00am-11:00pm Saturday; 7:00am-11:00pm Sunday

Shop Size: 2,275 square feet including 'back of house', bar area, bathrooms and seating area.
Seating: 50 inside / 12 outside (275 sq. ft. patio/ deck).

Shop Characteristics: Casual neighborhood coffee shop/cafe, a few tables and counter space. Serve coffees, sandwiches and snacks for here and to-go. Some on-site food preparation. Quiet atmosphere with free internet and occasional live performance/music.

Number of Employees: Full time: 3-4; part time: 1-4.

Patronage: Approximately 250-400 patrons per day.

Parking: 7 spaces located behind the building, including 1 handicap space. Bike rack(s) will be available on site providing 10 spaces for patrons and 4 long term spaces for employees. Most patrons expected to be on foot or bike. Most employees expected/encouraged to walk or ride, ECO passes will be provided to all employees. RTD stops are located on both sides of Arapahoe within a block of the shop.

Trash and Recycling: Weekly pickup of both trash and recycling. Dumpster located in alley.

Deliveries: Pastries and Newspapers between 4:40am-7am daily.
Milk between 6:30am-1:00pm 2-3 times per week.
All others between 10:00am-6pm.
All deliveries will be through parking lot and rear ADA door.

Noise: No live outdoor music, DJs, or bands.
Live performance indoors 1-2 week (music, poetry readings, etc.) no later than 9pm.
Patio will have small outdoor speakers to play music from iPod at low volume, no later than 9pm.

Case #: LUR2013-00020

Project Name: 1852 Arapahoe Coffee
Shop Expansion

Date: July 18, 2013

USE REVIEW CRITERIA

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

Y (1) Consistency with Zoning and Non-Conformity: The use is consistent with the purpose of the zoning district as set forth in Section 9-5-21(c), "Zoning Districts Purposes," B.R.C. 1981, except in the case of a non-conforming use;

The project is within the Residential High-1 (RH-1) zone district, which is defined as:

"High density residential areas primarily used for a variety of types of attached residential units, including, without limitation, apartment buildings, and where complementary uses may be allowed" (section 9-5-2(c)(1)(F), B.R.C. 1981).

The proposed coffee shop is consistent with the definition of the RH-1 zone district as it will be a neighborhood scale service use that is complimentary to the existing and surrounding vibrant pedestrian oriented neighborhood.

Y (2) Rationale: The use either:

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

The proposed coffee shop will provide a direct service/convenience to the neighborhood. Currently, there are a limited number of neighborhood service retail uses in proximity to the existing high density residential development that provide convenience to pedestrians as well as a neighborhood scale gathering place.

As part of the applicant's development proposal, they have included a management plan that intends to mitigate adverse impacts, including limiting the hours of operation to 11 p.m., outdoor music to 9 p.m. and indoor acoustic performances to 9 p.m.

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

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

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

The location, design, and operating characteristics of the proposed coffee shop use are compatible with the active, pedestrian oriented neighborhood. The applicant has proposed a management plan that will help mitigate adverse impacts to the surrounding neighborhood by limiting deliveries to the hours of 10 a.m. to 6 p.m. and indoor performances, including poetry readings and small (one-person acoustic band) music venues to end at 9 p.m.

The project site, located along a major transit corridor and a highly traveled pedestrian corridor, 19th Street, that links the University Colorado main campus to the Goss Grove neighborhood and downtown as well as the adjacent multi-family residential development, is an appropriate location for the proposed coffee shop. Additionally, Boulder High School and the Naropa campuses also generate pedestrian activity in the area.

The coffee shop will maintain hours of operation (6 a.m. to 11 p.m., Monday through Sunday) that are compatible with other neighborhood late night uses in proximity to the site, including the Pita Pit (1509 Arapahoe Ave.) and Jalino's Pizza (1647 Arapahoe Ave.), both of which close after midnight. In addition, there are a number of more traditional neighborhood retail and service uses in the area such as Arapahoe Import Services (1722 Arapahoe Ave.), Rocky Mountain Anglers (1904 Arapahoe Ave.), Arapahoe Motors (1914 Arapahoe Ave.), Boulder Stained Glass (1920 Arapahoe Ave.), and Flippin' Burgers (2000 Arapahoe Ave.), all of which are generally open during daytime hours with early evening closing times.

Since the proposed coffee shop is not considered "a late night" use, it is not anticipated to generate safety concerns or contribute to quality of life impacts on the surrounding residential uses.

As part of the development proposal the applicant is requesting an increase in the parking reduction that was previously granted from 30 percent to 57 percent, which requires Site Review approval. Given the location of the project site along a major pedestrian corridor that links the Goss Grove neighborhood to the University of Colorado main campus, Boulder Valley High School, Naropa University and the adjacent high density residential uses, the proposed coffee shop will cater to a primarily pedestrian, neighborhood based clientele. On-site bicycle parking will be provided in excess of what is required (three spaces required where 14 are provided), in addition to providing bus passes to employees, which will encourage the use of alternative means of transportation.

Because the development proposal includes restoration of the existing building façade back to its circa 1930s retail façade, it will not only improve the existing deteriorating condition of

the building, but also contribute to the historic (and somewhat eclectic) architecture already present along Arapahoe Avenue and within the Goss Grove neighborhood. In addition, the proposed façade changes will result in a building that once again addresses the street and that will enhance the pedestrian experience while contributing to a more engaging street life with a well-pronounced main building entrance at the corner. New street trees will be required and will contribute to the enhancing the streetscape as well.

N/A (4) Infrastructure: As compared to development permitted under Section 9-6-1, "Schedule of Permitted Uses of Land," B.R.C. 1981, in the zone, or as compared to the existing level of impact of a non-conforming use, the proposed development will not significantly adversely affect the infrastructure of the surrounding area, including, without limitation, water, wastewater, and storm drainage utilities and streets;

N/A. The infrastructure required to serve the proposed use is existing. No additional infrastructure is required as a result of this proposal.

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

The predominant character of the area can be identified as vibrant and pedestrian rich based on the mix of residential and educational uses in close proximity to the site, including three main campuses, Naropa, University of Colorado and Boulder Valley High. The site is also located on the outer edge of the Goss Grove neighborhood, where Arapahoe Avenue and 19th Street both serve as direct pedestrian links to the University of Colorado main campus, Naropa's main campus and Boulder High School.

Currently, the corner of Arapahoe Avenue and 19th Street is an inactive space in the Arapahoe streetscape as the current use as a private residence accessed from the alley does not address the street. The residential use does not engage the street as there are no building entries or transparent windows located along the street facing side of the building. The nature of the proposed use being an active, public use will provide a much more vibrant and pedestrian oriented street frontage by providing a public nonresidential neighborhood amenity and gathering place.

In addition, the proposed façade restoration will create an active and enhanced streetscape with the addition of street trees as well as building entrances at the street along a highly traveled pedestrian route; and complement the historic architectural fabric of the Goss Grove neighborhood.

N (6) Conversion of Dwelling Units to Non-Residential Uses: There shall be a presumption against approving the conversion of dwelling units in the residential zoning districts set forth in Subsection 9-5-2(c)(1)(a), B.R.C. 1981, to non-residential uses that are allowed pursuant to a use review, or through the change of one non-conforming use to another non-conforming use. The presumption against such a conversion may be overcome by a finding that the use to be approved serves another compelling social, human services, governmental, or

recreational need in the community including, without limitation, a use for a day care center, park, religious assembly, social service use, benevolent organization use, art or craft studio space, museum, or an educational use.

The Boulder Valley Comprehensive Plan goals and policies promote creating housing and preserving existing housing including:

- *Creating more affordable housing, and mitigating the impacts of traffic congestion. (From BVCP Policy 1.19 Jobs:Housing Balance).*
- *Providing options for people to live, work and shop within close proximity. (BVCP Policy 2.16 Mixed Use and High Density Development).*
- *Creating livable residential neighborhoods that offer a different type of living environment than is currently offered in the city. (BVCP 7.10 Balancing Housing Supply with Employment Base).*

More recently, the city has launched a new initiative that aims to develop a housing strategy for the next generation and related implementation tools to respond to current and projected housing issues in Boulder. Since the late 1990s, when the city last undertook a comprehensive housing planning effort, the city's affordable housing program has evolved and the local housing market has changed in many ways. To date, City Council has held two related study sessions to establish guiding principles and key assumptions. An interdepartmental team has also analyzed demographic, economic, and housing market data. Several early conclusions from this analysis are that Boulder:

- *Is losing middle income households;*
 - *Continues to see significant housing price increases;*
 - *Has a very low rental vacancy rate that is causing rents to rise;*
- and*
- *Has a single family detached housing stock that is increasingly out of reach for middle income households while remaining affordable in surrounding communities.*

The next steps in this effort are to conduct a more detailed housing assessment that includes a choices analysis (i.e., what specific factors influence different households decision to live in Boulder versus surrounding communities), best practices research, and identification of opportunity areas. Phase 1, "Foundations for Action" will be complete in the fall of 2013. The outcomes of this phase will drive the scope and schedule for Phase 2, Strategic Direction into 2014.

This criterion seeks to preserve residential units, except where a compelling social, human services, governmental, or recreational need in the community is found, which is directly in line with the city's recent and past efforts to provide additional housing and preserve existing housing stock. Staff has identified a "compelling social or human services need" as an entity or service, such as a non-profit, that provides services to traditionally underserved segments of the population, including low income households

or disabled persons, or an entity that provides needed social services such as a day care center or senior center.

Staff finds the conversion of the existing residence to a non-residential use, specifically a coffee shop that is otherwise permitted, but at a smaller scale under a previous approval (LUR2012-00011), is not supportable under staff's interpretation of the use serving a "compelling need."

CRITERIA FOR REVIEW

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

(1) Boulder Valley Comprehensive Plan:

N (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.

As indicated by the map at the right, the property is designated as Residential High (HR) by the [BVCP](#). As noted in the BVCP, areas designated as Residential High are defined as having densities of 14 or more dwelling units per acre.

The project site is zoned Residential High -1 (RH-1) which is defined as:

“High density residential areas primarily used for a variety of types of attached residential units, including, without limitation, apartment buildings, and where complementary uses may be allowed” (section 9-5-2(c)(1)(F), B.R.C. 1981).

The proposed coffee shop is consistent with the definition of the RH-1 zone district as it will be a neighborhood scale service use that is complimentary to the existing and surrounding vibrant pedestrian oriented neighborhood.

That said, the development proposal was not found to be consistent with the BVCP goals and policies that speak to providing housing options and balancing housing supply with employment base. Overall, staff found that the development proposal to convert the existing residential unit to a non-residential use was not consistent with Boulder Valley Comprehensive Plan goals and policies, which speak to:

- *Creating more affordable housing, and mitigating the impacts of traffic congestion. (From BVCP Policy 1.19 Jobs:Housing Balance).*
- *Providing options for people to live, work and shop within close proximity. (BVCP Policy 2.16 Mixed Use and High Density Development).*
- *Creating livable residential neighborhoods that offer a different type of living environment than is currently offered in the city. (BVCP 7.10 Balancing Housing Supply with Employment Base).*

Therefore, staff could not make a finding that the development proposal is consistent with the Site Review criteria.

N/A (B) The proposed development shall not exceed the maximum density associated with the Boulder Valley Comprehensive Plan residential land use designation.

The development proposal is nonresidential only.

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

As a result of the development proposal, no public amenities are required that would render the development proposal economically infeasible.

(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:

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

Y(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;

Open space is provided in excess of what is required (10-20 percent of the roughly 7,000 square-foot lot) with 1,412 square feet. As part of the open space program, the development proposal provides open space areas in a variety of forms and sizes, including a deck providing an outdoor gathering space with covered seating and landscape yards providing screening and separation between uses.

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

The development proposal does not include residential uses.

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 ludovicianus), which is a species of local concern, and their habitat;

There are no natural features present on the project site.

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

The development proposal is not residential in nature.

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

The open spaces provided on site provide for passive recreation opportunities, including a patio area. In addition, the open space amenities are all accessible spaces that encourage connectivity through the site.

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

There are no natural features present on the project site.

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

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

Y (C) Landscaping

Y (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;

Based on the information provided, the landscape proposed will provide an improvement of the dilapidated condition of the existing landscape materials on site, including street trees and landscape side yards.

Prior to building permit submittal 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.

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

Not applicable; there are not native species or plant communities of special concern associated with the project site.

Y (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

Based on the information provided, the landscape proposed will provide an improvement of the dilapidated condition of the existing landscape materials on site, including street trees and landscape side yards.

Prior to building permit submittal 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.

Y(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.

Based on the information provided the general landscape improvements are an improvement over the existing conditions, including street trees.

Prior to building permit submittal 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.

Y(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;

The project site is comprised of one lot. No street connections are proposed.

Y(ii) Potential conflicts with vehicles are minimized;

As part of the development proposal the applicant will be eliminating the curb cut along 19th Street and taking access from the alley, reducing the number of pedestrian vehicle conflicts.

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;

There are no connections through the project site.

Y(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;

As part of the development proposal, the applicant is providing excess bike parking, both short and long term bike parking opportunities as well as EcoPasses for employees.

Y(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;

Given the location of the proposed use along a highly trafficked pedestrian route as well as a major transit corridor with two bus stops within a block of the site, but also in close proximity to high density residential development, the majority of the patronage will likely be pedestrian or bicycle related traffic, significantly decreasing the number of vehicle trips to the site. Given the seven on-site parking spaces, availability of on-street parking as well as the Transportation Demand Management practices, including providing Ecopasses for employees as well as additional bike parking, alternate modes of transportation will be encouraged.

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

There are no connections through the project site.

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

The project site is comprised of one lot. No street connections are proposed.

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.

The project site is comprised of one lot. No street connections are proposed.

Y(E) Parking

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

As part of the development proposal the applicant is eliminating a curb cut from 19th Street, which will result in reducing cut-through traffic as well as minimizing vehicle pedestrian conflicts in proximity to a busy intersection and along a highly trafficked pedestrian pathway.

Y(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;

As part of the development proposal, the applicant is requesting a parking reduction to minimize the area of land dedicated to parking. A total of 16 parking spaces are required

where seven are being provided. Refer to the "Additional Criteria for Parking Reductions below in subsection 9-2-14(h)(2)(K), B.R.C. 1981 for a complete analysis of the criteria.

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

At this time, outdoor lighting is not proposed. Should outdoor lighting be proposed, a photometrical plan meeting the criteria pursuant to section 9-9-16, "Lighting, Outdoor," B.R.C. 1981 will be provided as part of the Technical Document Review.

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

The surface parking lot will be screened from view utilizing fencing and landscape materials.

Prior to building permit submittal 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.

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

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

The building height, mass and scale are not being altered as part of the development proposal.

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 for the immediate area;

The building height, mass and scale are not being altered as part of the development proposal.

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

The building height, mass and scale are not being altered as part of the development proposal.

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

The predominant character of the area can be identified as vibrant and pedestrian rich based on the mix of residential and educational uses in close proximity to the site, including three main campuses, Naropa, University of Colorado and Boulder Valley High. The site is also located on the outer edge of the Goss Grove neighborhood, where Arapahoe Avenue and 19th Street both serve as direct pedestrian links to the University of Colorado main campus, Naropa's main campus and Boulder High School.

Currently, the corner of Arapahoe Avenue and 19th Street is an inactive space in the Arapahoe streetscape as the current use as a private residence accessed from the alley does not address the street. The residential use does not engage the street as there are no building entries or transparent windows located along the street facing side of the building. The nature of the proposed use being an active, public use will provide a much more vibrant and pedestrian oriented street frontage by providing a public nonresidential neighborhood amenity and gathering place.

In addition, the proposed façade restoration will create an active and enhanced streetscape with the addition of street trees as well as building entrances at the street along a highly traveled pedestrian route; and complement the historic architectural fabric of the Goss Grove neighborhood.

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

The project site is located along along a major transit corridor and highly trafficked pedestrian pathway. The development proposal will result in a building that is successfully oriented toward the street by relocating the building entry, and additional glazing along the street.

In addition, an active alley is also provided with landscape and open space amenities, including a deck.

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

The project site is comprised of one lot. No public amenities are proposed.

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;

At this time, outdoor lighting is not proposed. Should outdoor lighting be proposed, a photometrical plan meeting the criteria pursuant to section 9-9-16, "Lighting, Outdoor," B.R.C. 1981 will be provided as part of the Technical Document Review.

N/A (x) The project incorporates the natural environment 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.

Additional information would be required in order to address this criterion.

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

Because the development proposal includes restoration of the existing building façade back to its circa 1930s retail façade, it will not only improve the existing deteriorating condition of the building, but also contribute to the historic (and somewhat eclectic) architecture already present along Arapahoe Avenue and within the Goss Grove neighborhood. In addition, the proposed façade changes will result in a building that once again addresses the street and that will enhance the pedestrian experience while contributing to a more engaging street life with a well-pronounced main building entrance at the corner. New street trees will be required and will contribute to the enhancing the streetscape as well.

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

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

N/A (xv) In the urbanizing areas located on the major streets shown on the map in Appendix A of this title near the Boulder Valley Comprehensive Plan boundaries between Area II and Area III, the buildings and site design establish a sense of entry

and arrival to the City by creating a defined urban edge and a transition between rural and urban areas.

Y (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.

The project site is comprised of one lot. No street or open space connections are proposed.

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.

The building height, mass and scale are not being altered as part of the development proposal. In addition, the improvement proposed will not impact or limit future solar energy collection.

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 section 9-9-17, "Solar Access," B.R.C. 1981.

The building height, mass and scale are not being altered as part of the development proposal. In addition, the improvement proposed will not impact or limit future solar energy collection.

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

Although there are landscaping improvements proposed, the impacts will be minimal to adjacent buildings given the location of the improvements mainly along street frontages.

N/A (H) Additional Criteria for Poles Above the Permitted Height

N/A (I) Land Use Intensity Modifications

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

Y (K) Additional Criteria for Parking Reductions

- (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;

N/A. There are no residential uses associated with the project site.

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

The proposed coffee shop with 62 seats (50 indoor and 12 outdoor) requires a total of 16 on-site parking spaces; seven of which will be provided on site. Given the location of the site adjacent to nearby residential neighborhoods and educational institutions a majority of customers arriving at the coffee shop will be residents or students arriving either by foot or bicycle decreasing the need for 16 parking spaces. The coffee shop is located within a short walking distance of the bus stops on Arapahoe Ave which serve the RTD "Jump" route. The coffee shop is located at the corner of a signalized intersection which makes reaching the coffee shop from the other side of Arapahoe or 19th Street easier. On-street parking is also available along 19th Street with a 115 foot section of 19th Street directly adjacent to the coffee shop signed as twenty-minute parking with supports a majority of the "grab and go" customers.

As part of the development proposal the applicant has proposed Transportation Demand Management practices that will encourage alternative modes of transportation. The applicant is proposing bicycle parking in excess of what is required; only three bicycle parking spaces are required while 14 are provided. The applicant is also providing EcoPasses for employees. Both of which will reduce vehicle trips to the project site.

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. The development proposal is not a mixed use development.

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. The development proposal includes one common parking area.

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.

N/A. The proposed reduction is not being considered based on the proposed occupancy type. Instead the parking reduction support is justified through the pedestrian nature of the location of the project site, on-site and on-street parking provided, additional bicycle parking as well as the project site's location along a major transit corridor.

N/A (L) Additional Criteria for Off-Site Parking

PLANNING BOARD OF THE CITY OF BOULDER, COLORADO

IN THE MATTER OF THE APPLICATION FOR A USE REVIEW AND A SITE REVIEW FOR A 2,275 SQUARE-FOOT COFFEE SHOP WITH 62 SEATS TO BE LOCATED AT 1852 ARAPAHOE AVENUE, USE REVIEW #LUR2013-00020 AND SITE REVIEW #LUR2013-00037

FINDINGS OF FACT

On April 1, 2013, and in accordance with the requirements of Sections 9-2-14 and 9-2-15, B.R.C. 1981, the Boulder Planning Board, (the "Planning Board") held a public hearing after giving notice as required by law on the application for the above captioned use review and site review. This application involves a request to expand a previous Use Review approval (case no. LUR#2012-00011). The expansion would result in a 2,275 square-foot coffee shop that would be open seven days a week from 6 a.m. until 11 p.m. Applications for Use Review are reviewed for consistency with the criteria set forth in Subsection 9-2-15(e), "Criteria for Review," B.R.C. 1981. This application also involves a site review as the Applicant is seeking a 57 percent parking reduction. Applications for Site Review are reviewed for consistency with the criteria set forth in Subsection 9-2-14(h), "Criteria for Review," B.R.C. 1981. These findings of fact represent the Planning Board's findings applying the evidence in the record to the use review and site review criteria. The Planning Board makes the following findings of fact:

1. These findings are based upon a consideration of the entire evidentiary record, including the testimony of city staff at the hearing; the testimony of the Applicant and the Applicant's team members at the hearing, the staff memorandum dated August 1, 2013, including all attachments thereto and material that was linked by way of internet web links; all materials presented to the board and placed in the record at or before the public hearing.
2. James Trewitt, Arch 11, Inc., as the proponent (the "Applicant") of Use Review Application #LUR2013-00020 and Site Review Application LUR#2013-00037 for a coffee shop to be located at 1852 Arapahoe Avenue has the burden of proof to demonstrate that the application meets the requirements of Subsections 9-2-15(e) and 9-2-14(h), B.R.C. 1981.
3. The Applicant demonstrated, based upon a preponderance of the evidence, that the application meets the requirements of Subsections 9-2-15(e) and 9-2-14(h), B.R.C. 1981, including the requirements for a parking reduction under Subsection 9-2-14(h)(2)(K), B.R.C. 1981.
4. In evaluating the credibility and weight to be given to the evidence, the Planning Board considered the entire record, and weighed a number of specific factors. While the

Planning Board did not rely exclusively on any of the following factors, their collective and corroborative weight were considered as follows:

a. Analysis of the Use Review criteria:

Yes (1) Consistency with Zoning and Non-Conformity: The use is consistent with the purpose of the zoning district as set forth in Section 9-5-21(c), "Zoning Districts Purposes," B.R.C. 1981, except in the case of a non-conforming use;

The project is within the Residential High-1 (RH-1) zone district, which is defined as:

"High density residential areas primarily used for a variety of types of attached residential units, including, without limitation, apartment buildings, and where complementary uses may be allowed" (section 9-5-2(c)(1)(F), B.R.C. 1981).

The proposed coffee shop is consistent with the definition of the RH-1 zone district as it will be a neighborhood scale service use that is complimentary to the existing and surrounding vibrant pedestrian oriented neighborhood.

Y (2) Rationale: The use either:

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

The proposed coffee shop will provide a direct service/convenience to the neighborhood. Currently, there are a limited number of neighborhood service retail uses in proximity to the existing high density residential development that provide convenience to pedestrians as well as a neighborhood scale gathering place.

As part of the applicant's development proposal, they have included a management plan that intends to mitigate adverse impacts, including limiting the hours of operation to 11 p.m., outdoor music to 9 p.m. and indoor acoustic performances to 9 p.m.

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 non-residential mixed uses in appropriate

locations, and group living arrangements for special populations; or

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

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

The location, design, and operating characteristics of the proposed coffee shop use are compatible with the active, pedestrian oriented neighborhood. The applicant has proposed a management plan that will help mitigate adverse impacts to the surrounding neighborhood by limiting deliveries to the hours of 10 a.m. to 6 p.m., indoor performances, including poetry readings and small (one-person acoustic band) music venues to end at 9 p.m., and limiting outdoor music to end at 9 p.m. There will be no live outdoor music.

The project site, located along a major transit corridor and a highly traveled pedestrian corridor, 19th Street, that links the University Colorado main campus to the Goss Grove neighborhood and downtown as well as the adjacent multi-family residential development, is an appropriate location for the proposed coffee shop. Additionally, Boulder High School and the Naropa campuses also generate significant pedestrian activity in the area.

The coffee shop will maintain hours of operation (6 a.m. to 11 p.m., Monday through Sunday) that are compatible with other neighborhood uses in proximity to the site, including the Pita Pit (1509 Arapahoe Ave.) and Jalino's Pizza (1647 Arapahoe Ave.), both of which close after midnight. In addition, there are a number of more traditional neighborhood retail and service uses in the area such as Arapahoe Import Services (1722 Arapahoe Ave.), Rocky Mountain Anglers (1904 Arapahoe Ave.), Arapahoe Motors (1914 Arapahoe Ave.), and Boulder Stained Glass (1920 Arapahoe Ave.), all of which are generally open during daytime hours with early evening closing times.

Since the proposed coffee shop is not considered "a late night" use, it is not anticipated to generate safety concerns or contribute to quality of life impacts on the surrounding residential uses.

As part of the development proposal the applicant is requesting an increase in the parking reduction that was previously granted from 30 percent to 57 percent, which requires Site Review approval. Given the location of the project site along a major pedestrian corridor that links the Goss Grove

neighborhood to the University of Colorado main campus, Boulder Valley High School, Naropa University and the adjacent high density residential uses, the proposed coffee shop will cater to a primarily pedestrian, neighborhood based clientele. On-site bicycle parking will be provided in excess of what is required (three spaces required where 14 are provided), in addition to providing bus passes to employees, which will encourage the use of alternative means of transportation.

Because the development proposal includes restoration of the existing building façade back to its circa 1930s retail façade, it will not only improve the existing deteriorating condition of the building, but also contribute to the historic (and somewhat eclectic) architecture already present along Arapahoe Avenue and within the Goss Grove neighborhood. In addition, the proposed façade changes will result in a building that once again addresses the street and that will enhance the pedestrian experience while contributing to a more engaging street life with a well-pronounced main building entrance at the corner. New street trees will be required and will contribute to the enhancing the streetscape as well.

N/A (4) Infrastructure: As compared to development permitted under Section 9-6-1, "Schedule of Permitted Uses of Land," B.R.C. 1981, in the zone, or as compared to the existing level of impact of a non-conforming use, the proposed development will not significantly adversely affect the infrastructure of the surrounding area, including, without limitation, water, wastewater, and storm drainage utilities and streets;

N/A. The infrastructure required to serve the proposed use is existing. No additional infrastructure is required as a result of this proposal.

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

The predominant character of the area can be identified as vibrant and pedestrian rich based on the mix of residential and educational uses in close proximity to the site, including three main campuses, Naropa, University of Colorado and Boulder Valley High. The site is also located on the outer edge of the Goss Grove neighborhood, where Arapahoe Avenue and 19th Street both serve as direct pedestrian links to the University of Colorado main campus, Naropa's main campus and Boulder High School.

Currently, the corner of Arapahoe Avenue and 19th Street is an inactive space in the Arapahoe streetscape as the current use as a private residence accessed from the alley does not address the street. The residential use does not engage the street as there are no building entries or transparent windows located along the street facing side of the building. The nature of the proposed use being an active, public use will provide a much more vibrant and pedestrian oriented

street frontage by providing a public nonresidential neighborhood amenity and gathering place.

In addition, the proposed façade restoration will create an active and enhanced streetscape with the addition of street trees as well as building entrances at the street along a highly traveled pedestrian route; and complement the historic architectural fabric of the Goss Grove neighborhood.

Yes (6) Conversion of Dwelling Units to Non-Residential Uses: There shall be a presumption against approving the conversion of dwelling units in the residential zoning districts set forth in Subsection 9-5-2(c)(1)(a), B.R.C. 1981, to non-residential uses that are allowed pursuant to a use review, or through the change of one non-conforming use to another non-conforming use. The presumption against such a conversion may be overcome by a finding that the use to be approved serves another compelling social, human services, governmental, or recreational need in the community including, without limitation, a use for a day care center, park, religious assembly, social service use, benevolent organization use, art or craft studio space, museum, or an educational use.

Based on the evidence presented in form of emails from members of the community and testimony at the quasi-judicial hearing, the Boards finds the human need to congregate and socialize and have human interactions to be a compelling social and recreational need of this and any community and that the proposed use serves that need thereby overcoming the presumption against the conversion of dwelling unit in a residential zoning district to a non-residential use. Testimony demonstrated that this neighborhood is currently lacking a social meeting space for friends, neighbors, colleagues, and citizens to congregate and have human interactions. Based on testimony presented, the Board finds that the initially approved smaller coffee shop was demonstrated to not be economically viable to reliably and consistently provide for this community need, but that this larger coffee shop with indoor and outdoor seating areas will reliably and consistently provide for this community need.

b. Analysis of the Site Review criteria:

(1) Boulder Valley Comprehensive Plan:

Yes (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 (“BVCP”).

The property is located in Area I. Area I is within the city's service area. As indicated by the map in the staff memo, the property is designated as Residential High (HR) by the BVCP. As noted in the BVCP, areas designated as Residential High are defined as having densities of 14 or more dwelling units per acre. The BVCP further notes that within certain residential areas, there is a potential for limited small neighborhood shopping facilities, offices or services through special review.

The project site is zoned Residential High -1 (RH-1) which is defined as:

“High density residential areas primarily used for a variety of types of attached residential units, including, without limitation, apartment buildings, and where complementary uses may be allowed” (section 9-5-2(c)(1)(F), B.R.C. 1981).

The proposed coffee shop is consistent with the definition of the RH-1 zone district and BVCP land use map designation as it will be a neighborhood scale service use that is complimentary to the existing and surrounding vibrant pedestrian oriented neighborhood and meets the applicable use review criteria.

The proposed use is also, on balance, consistent with the BVCP policies by helping create a livable, walkable neighborhood where community interaction occurs, by improving the energy efficiency of an existing building, and by preserving and restoring a building of historic significance. In particular it is consistent with policies that speak to:

- The promotion of the development of a walkable and accessible city by designing neighborhoods and business areas to provide easy and safe access by foot to places such as neighborhood centers (BVCP 2.21 Commitment to a Walkable and Accessible City);
- The fostering of community interaction, community character, and the role of neighborhoods (Policy 2.09 Neighborhoods as Building Blocks);
- The encouragement of well-designed mixed use developments (BVCP 2.16 Mixed Use and Higher Density Development);
- The protection of buildings of historical or cultural significance (BVCP 2.24 Preservation of Historic and Cultural Resources); and
- The improvement of energy efficiency of existing buildings (BVCP 4.05 Energy-Efficient Building Design).

N/A (B) The proposed development shall not exceed the maximum density associated with the Boulder Valley Comprehensive Plan residential land use designation.

The development proposal is nonresidential only.

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

As a result of the development proposal, no public amenities are required that would render the development proposal economically infeasible.

(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:

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

Yes (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;

Open space is provided in excess of what is required (10-20 percent of the roughly 7,000 square-foot lot) with 1,412 square feet. As part of the open space program, the development proposal provides open space areas in a variety of forms and sizes, including a deck providing an outdoor gathering space with covered seating and landscape yards providing screening and separation between uses.

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

The development proposal does not include residential uses.

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 ludovicianus*), which is a species of local concern, and their habitat;

There are no natural features present on the project site.

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

Recognizing that the project site is limited in its open space opportunities given the existing building placement, the size of the lot as well as its location at the corner of 19th Street and Arapahoe Avenue, the development proposal does provide open space consistent with the requirements. Roughly 20 percent of the project site will be dedicated as open space, including at-grade yards as well as a deck (275 square feet) located behind the building that is accessible from a sidewalk from 19th Street as well as the parking area.

Overall, the majority of the open space provided on site will be comprised of landscape areas, including side yards which will provide a buffer for the multi-family residential development to the west. In addition, the location of the proposed deck, located behind the existing building, being closer to 19th Street will also limit noise impacts to the adjacent residential development to the west.

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

The open spaces provided on site provide for passive recreation opportunities, including a patio area. In addition, the open space amenities are all accessible spaces that encourage connectivity through the site.

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

There are no natural features present on the project site.

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

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

Yes C) Landscaping

Yes (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;

Based on the information provided, the landscape proposed will provide an improvement of the dilapidated condition of the existing landscape materials on site, including street trees and landscape side yards.

Prior to building permit submittal the Applicant will have to provide 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.

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

Not applicable; there are not native species or plant communities of special concern associated with the project site.

Yes (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

Based on the information provided, the landscape proposed will provide an improvement of the dilapidated condition of the existing landscape materials on site, including street trees and landscape side yards.

Prior to building permit submittal, the Applicant must submit 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.

Yes (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.

Based on the information provided the general landscape improvements are an improvement over the existing conditions, including street trees.

Prior to building permit submittal, the Applicant will be required to submit 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.

Yes (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;

The project site is comprised of one lot. No street connections are proposed.

Yes (ii) Potential conflicts with vehicles are minimized;

As part of the development proposal the applicant will be eliminating the curb cut along 19th Street and taking access from the alley, reducing the number of pedestrian vehicle conflicts.

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;

There are no connections through the project site.

Yes (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;

As part of the development proposal, the applicant is providing excess bike parking, both short and long term bike parking opportunities as well as EcoPasses for employees.

Yes (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;

Given the location of the proposed use along a highly trafficked pedestrian route as well as a major transit corridor with two bus stops within a block of the site, but also in close proximity to high density residential development, the majority of the patronage will likely be pedestrian or bicycle related traffic, significantly decreasing the number of vehicle trips to the site. Given the seven on-site parking spaces, availability of on-street parking as well as the Transportation Demand Management practices, including providing Ecopasses for employees as well as additional bike parking, alternate modes of transportation will be encouraged.

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

There are no connections through the project site.

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

The project site is comprised of one lot. No street connections are proposed.

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.

The project site is comprised of one lot. No street connections are proposed.

Yes (E) Parking

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

As part of the development proposal the applicant is eliminating a curb cut from 19th Street, which will result in reducing cut-through traffic as well as minimizing vehicle pedestrian conflicts in proximity to a busy intersection and along a highly trafficked pedestrian pathway.

Yes (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;

As part of the development proposal, the applicant is requesting a parking reduction to minimize the area of land dedicated to parking. A total of 16 parking spaces are required where seven are being provided. Refer to the "Additional Criteria for Parking Reductions below in Subsection 9-2-14(h)(2)(K), B.R.C. 1981 for a complete analysis of the criteria.

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

At this time, outdoor lighting is not proposed. Should outdoor lighting be proposed, a photometrical plan meeting the criteria pursuant to section 9-9-16, "Lighting, Outdoor," B.R.C. 1981 will be provided as part of the Technical Document Review.

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

The surface parking lot will be screened from view utilizing fencing and landscape materials.

Prior to building permit submittal, the Applicant will be required to submit 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.

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

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

The building height, mass and scale are not being altered as part of the development proposal.

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 for the immediate area;

The building height, mass and scale are not being altered as part of the development proposal.

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

The building height, mass and scale are not being altered as part of the development proposal.

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

The predominant character of the area can be identified as vibrant and pedestrian rich based on the mix of residential and educational uses in close proximity to the site, including three main campuses, Naropa, University of Colorado and Boulder Valley High. The site is also located on the outer edge of the Goss Grove neighborhood, where Arapahoe Avenue and 19th Street both serve as direct pedestrian links to the University of Colorado main campus, Naropa's main campus and Boulder High School.

Currently, the corner of Arapahoe Avenue and 19th Street is an inactive space in the Arapahoe streetscape as the current use as a private residence accessed from the alley does not address the street. The residential use does not engage the street as there are no building entries or transparent windows located along the street facing side of the building. The nature of the proposed use being an active, public use will provide a much more vibrant and pedestrian oriented street frontage by providing a public nonresidential neighborhood amenity and gathering place.

In addition, the proposed façade restoration will create an active and enhanced streetscape with the addition of street trees as well as building entrances at the street along a highly traveled pedestrian route; and complement the historic architectural fabric of the Goss Grove neighborhood.

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

The project site is located along a major transit corridor and highly trafficked pedestrian pathway. The development proposal will result in a building that is successfully oriented toward the street by relocating the building entry, and additional glazing along the street.

In addition, an active alley is provided with landscape and open space amenities, including a deck.

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

The project site is comprised of one lot. No public amenities are proposed.

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;

At this time, outdoor lighting is not proposed. Should outdoor lighting be proposed, a photometrical plan meeting the criteria pursuant to section 9-9-16, "Lighting, Outdoor," B.R.C. 1981 will be provided as part of the Technical Document Review.

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

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

The approval is conditioned on significant improvement of the energy efficiency of the building.

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

Because the development proposal includes restoration of the existing building façade back to its circa 1930s retail façade, it will not only improve the existing deteriorating condition of the building, but also contribute to the historic (and somewhat eclectic) architecture already present along Arapahoe Avenue and within the Goss Grove neighborhood. In addition, the proposed façade changes will result in a building that once again addresses the street and that will enhance the pedestrian experience while contributing to a more engaging street life with a well-pronounced main building entrance at the corner. New street trees will be required and will contribute to the enhancing the streetscape as well.

As a result of the restoration the existing wood siding will be removed and replaced with additional glazing and a stucco finish that is consistent with the historic, authentic character of the building as a. The additional glazing will create a sense of permeability. In addition, the restoration of the building to its historic character, including the replacement of the existing wood siding with the original façade materials, including stucco and plaster, restores the buildings authenticity and value as a community and cultural resource as well as providing a sense of permanence and community identity.

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

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

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

Yes (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.

The project site is comprised of one lot. No street or open space connections are proposed.

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.

The building height, mass and scale are not being altered as part of the development proposal. In addition, the improvement proposed will not impact or limit future solar energy collection.

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 section 9-9-17, "Solar Access," B.R.C. 1981.

The building height, mass and scale are not being altered as part of the development proposal. In addition, the improvement proposed will not impact or limit future solar energy collection.

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

Although there are landscaping improvements proposed, the impacts will be minimal to adjacent buildings given the location of the improvements mainly along street frontages.

N/A (H) Additional Criteria for Poles Above the Permitted Height

N/A (I) Land Use Intensity Modifications

N/A (J) Additional Criteria for Floor Area Ratio Increase for Buildings in the BR-1

District

Yes (K) Additional Criteria for Parking Reductions

- (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;

N/A. There are no residential uses associated with the project site.

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

The proposed coffee shop with 62 seats (50 indoor and 12 outdoor) requires a total of 16 on-site parking spaces; seven of which will be provided on site. Given the location of the site adjacent to nearby residential neighborhoods and educational institutions, a majority of customers arriving at the coffee shop will be residents or students arriving either by foot or bicycle decreasing the need for 16 parking spaces. The coffee shop is located within a short walking distance of the bus stops on Arapahoe Ave which serve the RTD "Jump" route. The coffee shop is located at the corner of a signalized intersection which makes reaching the coffee shop from the other side of Arapahoe or 19th Street easier. On-street parking is also available along 19th Street with a 115 foot section of 19th Street directly adjacent to the coffee shop signed as twenty-minute parking with supports a majority of the "grab and go" customers.

As part of the development proposal the applicant has proposed Transportation Demand Management practices that will encourage alternative modes of transportation. The applicant is proposing bicycle parking in excess of what is required; only three bicycle parking spaces are required while 14 are provided. The applicant is also providing EcoPasses for employees. Both of which will reduce vehicle trips to the project site.

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. The development proposal is not a mixed use development.

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. The development proposal includes one common parking area.

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.

N/A. The proposed reduction is not being considered based on the proposed occupancy type. Instead the parking reduction support is justified through the pedestrian nature of the location of the project site, on-site and on-street parking provided, additional bicycle parking as well as the project site's location along a major transit corridor.

N/A (L) Additional Criteria for Off-Site Parking

5. Therefore, the Planning Board finds that the applications meet the requirements of the Boulder Revised Code, for the reasons set forth in these findings and approves the applications for Use Review, case no. LUR2013-00020, and Site Review, case no. LUR2013-00037 on a vote of 5-0 (A. Brockett and L. May absent).

The Planning Board adopts these finding of fact on the above referenced application this 15th day of August, 2013.



Planning Board Chair

City of Boulder
Planning and Development Services
1739 Broadway
PO Box 791 Boulder Co 80306

Will and Jeanne Rutledge
615 Theresa Drive
Boulder, CO 80303
August 2, 2013

Dear Planning Board,

We are writing about the Project Application for 1852 Arapahoe Avenue, Coffee Shop Expansion.
Review number: LUR2013-00020/LUR2013-00037
Applicant: James Trewitt
Zoning: Residential High-1 (RH-1)

We own the 4-plex property directly west of 1852 Arapahoe, and have concerns with the new proposed expansion of this coffee chop facility:

1. The size increase at the expense of required parking spaces seems contrary to Boulder Planning objectives. If employees require parking, very few parking spaces remain for this facility.
2. Neighborhood parking reduced: spaces are at a premium for our residents and other adjacent residential properties. They depend on 19th street unrestricted spaces which usually are available afternoons and evenings after Boulder High School students depart. With the proposal and elimination of required parking, it appears the main source for parking will be the street which is already scarce.
3. The later closing time of 11 PM impacts the quiet enjoyment of the adjacent residences. Additional noise, traffic, and activity for clean-up and closing the store will extend noise well beyond the proposed close time. It's our experience, neighborhoods subjected to late night business attracts activity not suitable for a residential neighborhood.

Thank you for your consideration,

Jeanne Rutledge

2012 Annual Report to the Community



Letter to City Council

Celebrating Excellence

Development

Partnership Highlights

Financial Responsibility

Letter to City Council

August 2013

Dear Mayor Appelbaum and Boulder City Council:

On behalf of Boulder Housing Partners Board of Commissioners and staff, I am pleased to submit our 2012 annual report. Despite challenging times at the federal level, BHP had one of its most productive years ever. A summary of the highlights, organized by the four goals that form the pillars of our organization, is below:

Goal One: Take care of what we own

- We invested more than \$8.6 million in renovation work on our Boulder Affordable Rentals portfolio;
- We completed the \$6 million renovation of Bridgewalk, thus returning this 123 unit property to its full leverage as an income producing asset in our portfolio;
- We had a very successful first year as a Moving to Work demonstration agency;
- We hosted an Environmental Defense Fund intern who built an energy performance tracking database for us;
- We refinanced all of our existing debt, resulting in measurably improved cash flow.

In 2012, we invested more than \$8.6 million in renovation work on our Boulder Affordable Rentals portfolio.

We purchased WestView apartments, adding 34 units of workforce housing to our inventory;



Goal Two: Increase our inventory

- BHP purchased the WestView apartments, adding 34 units of workforce housing to our inventory;
- We completed the Good Neighbor Statement of Operations for 1175 Lee Hill in a consensus recommendation from the community advisory group and won an allocation of 9% tax credits for the project;
- We purchased the land associated with the former Wallace Vacuum business;
- We finalized our financing for High Mar with an allocation of 4% tax credits;
- We secured 25 veterans' vouchers for Boulder County, and assigned our award to Boulder County Housing Authority to administer.

Goal Three: Enrich our housing with services and build community

- We received an award of two Americorps VISTA positions; hired and trained;
- We created a strong system of metrics and benchmarks for the Resident Services Department;
- We recruited and organized 5,050 volunteer hours; in-kind value of \$107,850;
- The BHP Foundation generated \$68,000 in grants and donations, including 8 new grant sources

Goal Four: Strengthen BHP and our role in the community

- Had a very strong year financially, performing better against every metric
- Continued our public relations efforts with unique and identifiable public image for all of BHP communications. In 2012 we issued 122 Tweets; 38 press releases; landed 15 stories in the Daily Camera; have 144 friends on Facebook and 10 on Tumblr.
- We continue to improve our website – 75,533 visitors as of December 2012
- We assisted 14,000 walk-in customers and 21,000 phone calls
- Won the “most improved” award from our insurance company for claims reduction
- Won many awards, including the Urban Land Institute’s global award and the NAHRO national award for excellence

On behalf of the residents, staff and Board, we want to express our appreciation for the strong support Council provides to us as we seek to serve the city of Boulder. Any success we achieve is the result of partnerships with the City and other organizations and individuals that makes our community rich, diverse and economically strong.



Betsey Martens, Executive Director



Angela McCormick, Chair

The BHP Foundation generated \$68,000 in grants and donations, including 8 new grant sources.

Any success we achieve is the result of partnerships with the City and other organizations and individuals that makes our community rich, diverse and economically strong.





Site Map

Public Housing

- 1 Arapahoe Court (14)
951 Arapahoe Ave
- 2 Diagonal Court (30)
3265 30th St
- 3 Iris/Hawthorne (14)
16th St & Iris Ave
- 4 Kalmia (55)
3502 Nottingham Ct
- 5 Madison (34)
1130 35th St
- 6 Manhattan (44)
660 Manhattan Dr
- 7 Northport (50)
1133 Portland Pl
- 8 Walnut Place (95)
1940 Walnut St

Section 8 Project Based

- 27 Orchard House
1603 Orchard St
- 33 WestView (34)
4600 Broadway St
- 22 Broadway East (44)
3110 Broadway St
- 23 Canyon Pointe (82)
700 Walnut St
- 24 Glen Willow (34)
301 Pearl St
- 25 Woodlands (35)
2663 Mapleton Ave

Market Rate

- 26 Flats at
101 Canyon and
Cornell House (6)
101 Canyon Blvd

Affordable Rentals

- 9 Arapahoe East (11)
4610 Arapahoe Ave
- 10 Bridgewalk (12)
602 Walden Cir
- 11 Broadway West (26)
3120 Broadway St
- 12 Dakota Ridge (13)
4912 10th St
- 13 Foothills Community (52)
700 Silver Lake Ave
- 14 Hayden Place (24)
3405 Hayden Place
- 15 Holiday Neighborhood (49)
1312 Yellow Pine Ave
- 16 Midtown (13)
837 20th St
- 17 Red Oak Park (59)
2637 Valmont Rd
- 18 Sanitas Place (12)
3640 Broadway St
- 19 Twin Pines (22)
1700 22nd St
- 20 Whittier (10)
1946 Walnut St
- 21 Vistoso (15)
4500 Baseline Rd

- 10 Bridgewalk (111)
602 Walden Cir
- 13 Foothills
Community (22)
700 Silver Lake Ave

Development Project

- 28 Senior Housing
Community (59)
4990 Moorhead Ave
- 29 1175 Lee Hill (31)
Lee Hill Rd & Broadway St

Land Bank

- 15 Holiday
Neighborhood
2.2 Acres
- 32 Foothills
7 Acres
- 34 2625 Valmont Rd
0.98 Acres
- 30 Poplar Land Lease

BHP Office

- 31 Main Office
4800 Broadway

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Celebrating Excellence

Awards

Urban Land Institute (ULI) Global Award for Excellence

In 2012 Red Oak Park was awarded the ULI's Global Award for Excellence for quality smart growth in neighborhood and community design and infill redevelopment, affordability, and environmental sustainability and energy conservation. It was one of fourteen projects honored from a pool of over 200 applicants from around the world. "This year's 14 ULI Global Award winners are from eight countries and represent a broad array of property types and uses," said Randall Rowe, chair of the ULI Urban Open Space Award Jury and chairman. "They are dramatic examples of the application of ULI best practices to real estate development and their enduring impact on diverse communities across the globe."



Red Oak Park

Red Oak Park Recognition

Red Oak Park won the *2012 Affordable Housing Project Award* by the Colorado chapter of the National Association of Housing and Redevelopment Officials (CoNAHRO). The award recognizes a Colorado project that was completed in an innovative manner and conforms to best practices among housing, redevelopment, and community agencies.

Red Oak Park received the *NAHRO Award of Merit in Housing and Community Development*. The Merit Award serves to give national recognition to innovative housing and development projects provided by NAHRO members.

BHP also received the *2012 NAHRO Agency Award of Excellence* in program innovation for Red Oak Park

Foothills United Way Spirit of Community Award

BHP received the *Spirit of the Community Award for Partnership/Collaboration* in conjunction with the Boulder Shelter for the Homeless for the Boulder County Housing First program. Housing First is a program designed to shrink the chronically homeless population by placing homeless adults in permanent housing with intensive case management support.

Moving to Work Program

In November 2011 BHP became the nation's 33rd Moving to Work (MTW) housing authority through an agreement with the US Department of Housing and Urban Development (HUD). MTW is a demonstration program for housing authorities to design and test local affordable housing strategies that use federal dollars more efficiently, help residents move toward self-sufficiency, and increase housing choices for low-income families. In 2012, we made the recertification process much easier for our households with elderly members and persons with disabilities.



BHP residents at Walnut Place, a Public Housing senior site



Grants

The BHP Foundation launched a campaign to help close the achievement gap by providing internet access to our housing sites

During our fall email campaign, donations totaling over \$12,000 were raised to bring internet technology to our housing sites. In partnership with Boulder Valley School District, our goal is to increase the use of internet technology at home to better access homework, teachers and other resources.

Three Step Parents Making a Difference Funded by the Temple Hoyne Buell Foundation

The Temple Hoyne Buell Foundation provided BHP with a \$10,000 grant to implement the Three Step Parents Making a Difference early childhood education program to help parents prepare their children to be successful in kindergarten. Boulder Housing Partners coordinated this program with the Colorado Statewide Parent Coalition. There were 13 graduates of this 10 week program and we continue the program in 2013.

Family Services Programs

Anschutz Family Foundation (\$5,000), US BANK (\$5,000), and Sam S. Bloom Foundation (\$3,000) provided funds to help low income families achieve greater self-sufficiency. The goal of the family services program is to increase the independence and quality of life for low-income families. The program operates with the following priority areas:

- 1) Enhance Housing Stability
- 2) Increase Economic Development
- 3) Support Educational Advancement for adults, youth, and young children
- 4) Improve Health and Wellness
- 5) Enrich Community Life

Helping Seniors and People with Disabilities Maintain Their Independence and Quality of Life

Grants totaling \$3,000 from the Collins Foundation and the Holland Ladd Family foundation were used to provide emergency support services for people with disabilities and housekeeping services for seniors who need assistance to remain living independently in their homes.

Support the BHP Foundation

Boulder Housing Partners created the non profit 501 (c) 3 Foundation to fund the critical service needs of its residents at a time when many traditional sources of funding are being reduced. The mission of the Boulder Housing Partners Foundation is to help our residents pursue successful, productive and dignified lives by mobilizing resources for supportive, life-enriching, and community building services.

[Donate](#)



Children at Kalmia, a Public Housing family site

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Midge Korczak, President
Bob Walker, Vice President
Neil Littmann, Secretary

Betty Hoyer
Louise Smart
Scott Holton
Rene Brodeur

Employees

Executive Director

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Yolanda Aguilar
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Emily McCluskey
Jeff McBeth
Joshua McVay
Shelly Miezwa
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Gaia Powers
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Emily Reed
Tom Read
Laura Sheinbaum
Nancy Specian
Doug Spellman
Karin Stayton
Gale Stromberg
Martin Teetzel
Laura Valdez
Lidia Vargas
Lisa Vargas
Teena Wells
Liz Wolfert



Betsey Martens, Executive Director



BHP Staff

AmeriCorps VISTA Volunteers

Amanda Maya
Kathy Rivera

Board of Commissioners

Suzy Ageton
Stephen Eckert
Tom Hagerty
Dick Harris
Scott Holton
Karen Klerman, Vice Chair
Angela McCormick, Chair
Valerie Mitchell
Jim O'Neal

Development Projects

Bridgewalk, Phase 3

General Contractor: Palace Construction
Architect: EJ Architecture
Funding: Wells Fargo

BHP completed the last phase of a three part series of complete interior and exterior renovations for the 123 Bridgewalk Apartments.

Cornell House

General Contractor: Deneuve Construction
Architect: Coburn Development
Funding: BHP and Boulder County Historic Landmark Grant

The beautiful Cornell House received historic landmark designation in 2012. It also underwent a complete interior and exterior renovation as well as landscaping improvements.

The Flats at 101 Canyon

General Contractor: Deneuve Construction
Architect: Coburn Development
Funding: BHP

The five-plex building was fully renovated on the exterior and the interior. The work involved refinishing and installing hard wood floors, new kitchens, new appliances, new bathrooms, new paint, air conditioning, a fire protection system, solar panels, decks and site work.

Woodlands

General Contractor: Deneuve Construction
Architect: EJ Architecture
Funding: BHP

The 35 Woodlands Apartments received full interior renovations which included new kitchens, new bathrooms, new flooring, new paint, and air conditioning. BHP also completed site work including a new safety surface on the playground, improved landscaping and irrigation.

Capital Improvements

The Asset Management Team completed many large renovation projects in 2012 for the portfolio. The following work was completed or started in 2012:



Bridgewalk Before



Bridgewalk After



Cornell Before



Cornell After



The Flats @ 101 Before



The Flats @ 101 After



Woodlands Before



Woodlands After

Midtown

General Contractor: Palace Construction
Architect: Coburn Development
Funding: City of Boulder grant and BHP funds

Planning and design work began in 2012 for the full interior and exterior and site renovation of the 13 apartments at Midtown.



Midtown Before



Midtown After

Twin Pines

General Contractor: Palace Construction
Architect: EJ Architecture
Funding: City of Boulder grant and BHP funds

Planning and design work began in 2012 for the full interior, exterior and site renovation of the 22 apartments at Twin Pines.



Twin Pines Before



Twin Pines After

Dakota Ridge

General Contractor: Palace Construction
Architect: EJ Architecture
Funding: City of Boulder grant and BHP funds

Planning and design work began in 2012 for interior and exterior upgrades of the 13 apartments at Dakota Ridge



Dakota Ridge Before



Dakota Ridge After

Whittier

General Contractor: Palace Construction
Architect: Bryan Bowen Architecture
Funding: City of Boulder grant and BHP funds

Planning and design work began in 2012 for the full interior, exterior and site renovation of the 10 apartments at Whittier.



Whittier Before



Whittier After

Public Housing Conversion

BHP continues to plan for the renovation of its 337 units in the public housing portfolio. We are working with HUD to determine the best ways to finance and proceed with comprehensive renovations at these units.

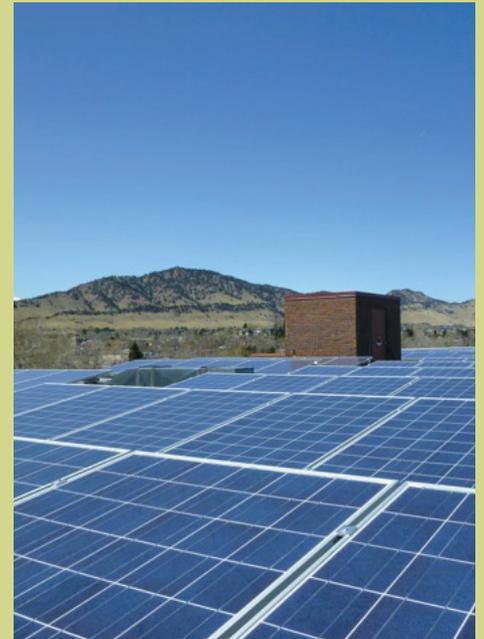
Sustainability

We believe we can minimize our effect on climate change and be a green leader in Boulder by reducing energy and resource use in the multi-family housing sector, building more sustainable housing, and educating residents on resource conservation.

With every new development, property renovation and unit turn, we install energy and water efficient fixtures and appliances, as well as low VOC products. Sustainable features and practices help decrease net energy use and reduce energy bills for both our organization and our residents. Looking towards the future, we will continue to utilize green technology, work to analyze the data concerning the success of our sustainable practices, educate residents on efficient features available to them, and research new ways to bring greater efficiency and savings to our properties.



Red Oak Park Solar Installation



Walnut Place Solar Panels

New Development

Red Oak Park

Red Oak Park is an award-winning 100% permanently affordable, 59 dwelling unit redevelopment of a mid-century deteriorated mobile home park in central Boulder. The redevelopment included a new community center and playground with a program operated by CLACE, Latin American Center for Arts, Science and Education, that provides afterschool and community programs, community wireless internet access, solar panels, highly energy conserving units, and a very traditional neighborhood design.



Red Oak Park Phase I

Red Oak Park Phase II

At the end of 2012, Boulder Housing Partners acquired the old Wallace Sewing Center and Vacuum repair store and property, approximately one acre, immediately west of the two vacant lots along the Valmont Road frontage of Red Oak Park. Planning for the redevelopment of these three parcels will begin at the end of 2013.

1175 Lee Hill

1175 Lee Hill is a proposed two story community consisting of thirty one, one bedroom apartments at the northwest corner of the intersection of Lee Hill Road and Broadway. The building will house men and women who have experienced chronic homelessness using the nationally recognized model known as Housing First. On site services and support will be provided to residents by caseworkers managed by the Boulder Shelter for the Homeless. After an extensive public process, the City Council adopted a motion on April 17, 2012, enabling the project to move forward. Later that summer, BHP was awarded 9% low income housing tax credits which are a key component of the financing for the project. Finally, BHP launched a collaborative process to develop a voluntary Good Neighbor Statement of Operations for the building. That process was completed in early 2013 with construction to begin by the end of that year.

High Mar

High Mar, a planned 59 unit senior facility located at 4990 Moorhead Avenue in South Boulder, began construction in early 2013. BHP worked throughout the year to arrange the financing, manage the due diligence process, and complete the construction documents to break ground in this much needed housing, the first senior affordable project in Boulder since the early 1980's.



Red Oak Park Phase I



Red Oak Park Phase II



Lee Hill Design View I



Lee Hill Design View II



High Mar Design View I

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Partnership Highlights

Service Partners

Boulder Housing Partners would like to thank the following businesses and organizations for their collaboration and support in 2012:

AmeriCorps VISTA
Boulder Community Hospital
Boulder County Community Action Program
Boulder County Area Agency on Aging
Boulder County Community Justice Services
Boulder County Community Protection Division
Boulder County Department of Social Services
Boulder County Emergency Management
Boulder County Family Self Sufficiency (FSS)
Boulder County Genesis Program
Boulder County Headstart Program
Boulder County Housing Counseling
Boulder County Housing and Human Services
Boulder County Public Health
Boulder County Special Needs
Boulder Reads
Boulder Food Rescue
Boulder Public Library
Boulder Shelter for the Homeless
Boulder Valley School District
Calvary Bible Church/Sharefest
Care Connect
Center for People with Disabilities
Circle of Care – Arts for the Elders
City of Boulder Housing and Human Services
City of Boulder Fire Department
City of Boulder Police Department
City of Boulder Senior Services
City of Boulder Youth Services Initiative (YSI)
CLACE
Clinica (People's Clinic)

Colorado Housing Finance Authority
Colorado Statewide Parenting Coalition
CSU SNAP-Ed Boulder County Extension
Community Cycles
Community Food Share/Elder Share/Mobile Food Pantry
Front Range Community College
Community Infant Project at Boulder County Health
Community Mediation Services
El Centro Amistad
Emergency Family Assistance Association (EFAA)
Family Resource Schools
Growing Gardens/La Cultiva
I Have a Dream (IHAD)
Intercambio - Uniting Communities
Lens Crafters
Longmont Housing Authority
Meals on Wheels
Mental Health Partners
New Horizons Preschool
Office of District Attorney, City of Boulder
Origins Christian Church
Parenting Place
Resident Representative Council, Inc.
Safeway
SPAN- Safehouse Progressive Alliance
Tinker Arts Studio
University of Colorado VIA (Special Transit)
Workforce Boulder County
YWCA career center

Partnership Award Winners

The BHP Partnership Award is given to recognize the important work being done by individuals, residents, businesses, nonprofits, and governmental agencies who support BHP's mission and exemplify successful partnership. Recipients in 2012 were:

- Peggy Fernandez
- June Bianchi
- Dave Wyatt & John Wyatt
- Boulder County Care Connect
- Barb and Joe Eberle
- Alex Zinga
- Janet Fulton
- Community Cycles
- Olga Jacoby
- David Shurman and Residents of Presbyterian Manor



Wanda Pelegrina Caldas, Sue Prant, and Rich Points of Community Cycles

Financial Responsibility

BHP Consolidated Financial Statements

Year Ended December 31, 2012 and 2011

BALANCE SHEET SUMMARY

	2012	2011
ASSETS		
CURRENT ASSETS	\$ 6,721,570	\$ 6,300,726
NON CURRENT ASSETS	17,629,261	13,995,292
CAPITAL ASSETS (NET OF DEPRECIATION)	37,818,017	34,635,587
TOTAL ASSETS	\$ 62,168,848	\$ 54,931,605

LIABILITIES AND NET POSITION

CURRENT LIABILITIES	\$ 2,658,052	\$ 2,188,641
LONG-TERM LIABILITIES	29,636,091	23,552,119
NET POSITION	29,874,705	29,190,845
TOTAL LIABILITIES AND NET POSITION	\$ 62,168,848	\$ 54,931,605

SUMMARY STATEMENT OF ACTIVITIES

OPERATING REVENUE

NET TENANT RENTAL INCOME	\$ 4,995,329	\$ 4,737,023
OPERATING GRANTS	9,025,091	8,943,255
OTHER OPERATING REVENUE	1,615,458	2,104,978
TOTAL OPERATING REVENUE	\$ 15,635,878	\$ 15,785,256

OPERATING EXPENSES

SALARIES AND BENEFITS	\$ 3,882,527	\$ 3,617,411
HOUSING ASSISTANCE PAYMENTS	6,753,087	6,293,419
OTHER OPERATING EXPENSES	3,034,335	3,180,792
DEPRECIATION AND AMORTIZATION	2,496,559	1,801,115
TOTAL OPERATING EXPENSES	\$ 16,166,508	\$ 14,892,737

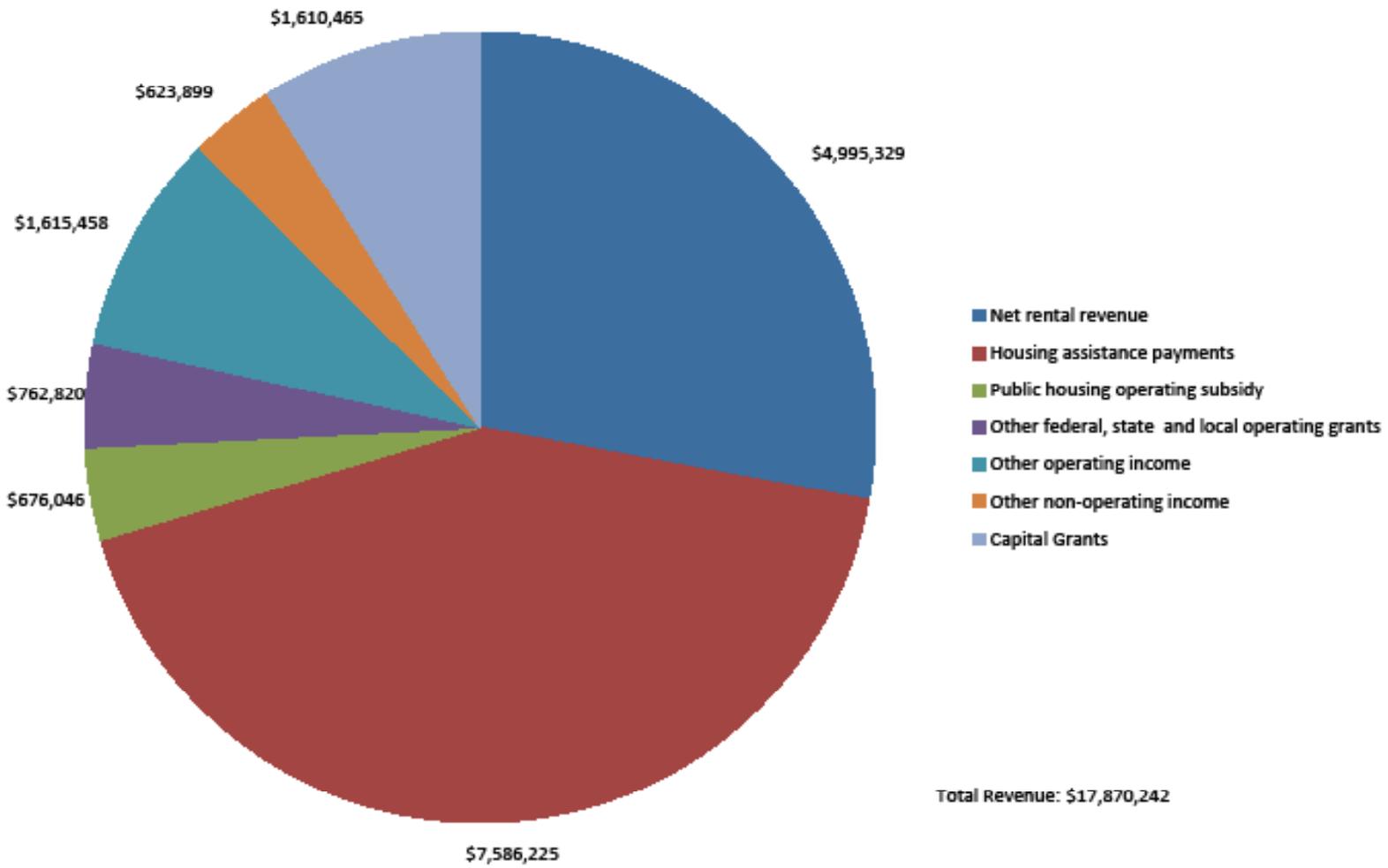
OPERATING (LOSS) INCOME	\$ (530,630)	\$ 892,519
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NON OPERATING (EXPENSE) INCOME

CAPITAL GRANTS	1,610,465	2,541,395
OTHER NON OPERATING (EXPENSE) INCOME	(395,975)	448,729
CHANGE IN NET POSITION	\$ 683,860	\$ 3,882,643

BHP Revenue Details

Year Ended December 31, 2012



City of Boulder
BOARDS AND COMMISSIONS MEETING SUMMARY FORM

NAME OF BOARD/COMMISSION: Human Relations Commission
DATE OF MEETING: August 19, 2013
NAME/TELEPHONE OF PERSON PREPARING SUMMARY: Kelly Williams (303) 441-4003
NAMES OF MEMBERS, STAFF AND INVITED GUESTS PRESENT: Commissioners– Jonathan Dings, Peter Osnes, Emilia Pollauf, Shirley White Staff – Carmen Atilano, Kelly Williams
WHAT TYPE OF MEETING (CIRCLE ONE) [REGULAR] [SPECIAL] [QUASI-JUDICIAL]
AGENDA ITEM 1 - CALL TO ORDER – The August 19, 2013 HRC meeting was called to order at 6:03 p.m. by J. Dings .
AGENDA ITEM 2 – AGENDA ADJUSTMENTS – None
AGENDA ITEM 3 – APPROVAL OF MINUTES – P. Osnes moved to accept the July 17, 2013 minutes. S. White seconded the motion. Motion carries 4-0.
AGENDA ITEM 4 – COMMUNITY PARTICIPATION (non-agenda action items) – None.
AGENDA ITEM 5 – ACTION ITEMS A. Community Impact Fund Proposals <ol style="list-style-type: none"> 1. Americas Latino Festival – Commission requested an itemized budget of expenses prior to next HRC meeting. Proposal will be considered at September 16, 2013 HRC meeting. 2. CU/City Diversity Summit - S. White moved to accept the Request for Proposal in the amount of \$2,500.00. P. Osnes seconded the motion. Motion carries 4-0.
AGENDA ITEM 6 – DISCUSSION/INFORMATIONAL ITEMS A. City Council Chamber Improvements, Facilities Assets Management- HRC was presented with the current design for planned renovations to Council Chambers and asked to provide feedback/suggestions. B. Work Plan Updates: <ol style="list-style-type: none"> 1. Ballot Issue on Board and Commission Qualifications – 3rd reading at City Council on August 20, 2013 and is on the consent agenda. 2. Celebration of Immigrant Heritage – Immigrant Advisory Committee is planning a kick-off event on September 28, 2013 and the different grantees will be promoted throughout the week of October 1-6. Boulder Asian Pacific Alliance had to decline their grant award. 3. Community Foundation TRENDS Report –report will be released on September 20, 2013. Community Foundation would like to attend October HRC meeting to present their report. 4. Council 2013 Work Plan – C. Atilano and Karen Rahn provided HRC with items that City Council would like their feedback on regarding certain issues/items. C. Event Reports – S. White volunteered at the Boulder Asian Pacific Alliance event on Aug 10 and 11. D. Follow Up Tasks – corrections to July minutes, budget for Americas Latino Festival, execute contract for CU/City Diversity Summit, contact CAO regarding ballot participation, update 2013 work plan and invite Human Services Planning division to next HRC meeting.
AGENDA ITEM 8 – Adjournment – P. Osnes moved to adjourn the August 19, 2013 meeting. E. Pollauf seconded the motion. Motion carries 4-0. The meeting was adjourned at 7:08 p.m.
TIME AND LOCATION OF ANY FUTURE MEETINGS, COMMITTEES OR SPECIAL HEARINGS: The next regular meeting of the HRC will be September 16, 2013 at 6:00 p.m. in City Council Chambers, 1777 Broadway.

**Approved Minutes
Boulder Public Library Commission meeting
July 10, 2013
Main Library North Meeting Room**

COMMISSION MEMBERS PRESENT

Anne Sawyer
Celeste Landry
Dan King
Anna Lull

COMMISSION MEMBERS ABSENT

Donna O'Brien

LIBRARY STAFF MEMBERS PRESENT

Valerie Maginnis, Library & Arts Director
Jennifer Miles, Deputy Library Director
Leanne Slater, Administrative Specialist

CITY STAFF MEMBERS PRESENT

Glenn Magee, Facilities Design and Construction Manager
Joe Castro, Facilities & Fleet Manager
Lesli Ellis, Comprehensive Planning Manager
Sam Assefa, Senior Urban Designer
David Mallett, Budget Analyst
Jennifer Bray, Communication Specialist III

PUBLIC PRESENT

Peter Richards
Jacqueline Reid, organizational development consultant (on contract with the city)

BOULDER TEEN ADVISORY BOARD MEMBER PRESENT (BTAB)

Nick Bozik

CALL TO ORDER

The meeting was called to order at 6:06 p.m.

APPROVAL OF AGENDA

The agenda was approved with the additions included below.

PUBLIC PARTICIPATION

No public participation.

CONSENT AGENDA

PRESENTATIONS

A. CIVIC AREA PLAN UPDATE – LESLI ELLIS, COMPREHENSIVE PLANNING MANAGER, AND SAM ASSEFA, SENIOR URBAN DESIGNER (43 MINUTES)

The Civic Area Plan Visioning Group will present their draft at a City Council study session on July 30. In addition to the presentation to Library Commission, there will be a similar presentation at a final public meeting on July 11.

The Civic Area is from 9th Street to 14th Street and from Arapahoe Ave to Canyon Blvd. A primary goal of the Civic Area Plan is to relocate some of the buildings and parking out of the high-hazard flood zone. Other features of the plan include:

- Outdoor seating for a café in front of library's north wing
 - Commission Concern – Library entrance would turn into a café.
 - Commission Question – Public seating or just for café customers? Possible model is Dushanbe Tea House – seating for customers.
- Parking for library on the west side, possibly with a bridge from parking to the 1992 wing
 - Commission Question – How would bridge work with upcoming renovation? Moving parking is dependent on many variables and probably won't happen for at least 10 years.
 - Commission Comment – Underground parking won't go over well with the public given the floodplain issues.
 - Commission Concern – Keep or move the book drop-off pull-in. Don't eliminate it.
- Options under consideration for the library's north wing include keeping the auditorium and gallery or turning the space into a performance arts center or a museum.
 - Commission Concern – The library would lose programming space if the north wing is repurposed. Commission asked to be consulted before any change of the current status of the north wing becomes a part of the Civic Area plan.
 - Commission Comment – The commission is researching the possibility of a library district. A district would have an impact on library facilities.
- Access and mobility to areas within and exterior to the Civic Area
- Park concept
 - Market Hall for the Farmers' Market
 - Senior Center and Boulder Housing Partners sites west of the library may relocate or redevelop
 - Bandshell is a historic structure. Current plan is to relocate it.
 - Commission Concern – Noise from the proposed amphitheater. There isn't yet a proposed maximum decibel level for the amphitheater area.
 - Commission Concern – Amphitheater programming could conflict with library programming.
 - Public art
 - Commission Question – How can the park area be more family friendly? More activities for families, working with homeless organizations, more enforcement, clearing out brush and hiding areas, percentage of transients will diminish with increased use of area.
 - Commission Comment – Keep some natural places for kids to play. Don't have an over-formalized park.

Next steps include developing a roadmap and figuring out a financing strategy. Some items like the outdoor library café could happen in the next two years, but the entire

project will likely take 20 years. In terms of ballot issues, there could be a ballot issue as soon as 2014 with a second one around 7 years out. There is usually a limited time to spend money raised via ballot measures.

(More information can be found at:

<http://boulderlibrary.org/pdfs/commission/2013/handouts/13JulMeetingHandout.pdf>).

B. FLOOD ASSESSMENT AND OPTIONS – JOE CASTRO, FACILITIES AND FLEET MANAGER (16 MINUTES)

The definition of “high hazard zone” (HHZ) is unique to Boulder. It is the area in the 100-year floodplain with the greatest risk of loss of life. A flood and structural analysis was done as part of the Civic Area. The HHZ touches parts of the Main Library, particularly entrances and exterior mechanical equipment. The library bridge, though elevated, is also in the HHZ.

Facilities and Asset Management (FAM) has requested \$400K for Main Library flood protection from the 2014 Capital Improvements Program Facility Renovation and Replacement Funds. The goal is to floodproof to 2 feet higher than flood elevation. (Another FAM request for \$147K is to reconstruct the library’s North Plaza as part of the Civic Area project.) FAM would coordinate with the Civic Area and Main Library renovation projects. If approved, planning and design would happen in 2014.

The interior floor levels don’t need to be raised to meet floodproofing requirements, but floodproof doors and glass glazing are under consideration. FAM doesn’t want to install floodwalls but is proposing floodgates to the Arapahoe entrance which accounts for a large part of the \$400K. It isn’t feasible to floodproof the air system as part of the library renovation. Adding the flood gates during the renovation is a possibility, but Glenn Magee has concerns about trying to do both projects at once.

(More information can be found at:

<http://boulderlibrary.org/pdfs/commission/2013/handouts/13JulMeetingHandout.pdf>).

COMMISSION PRIORITY DISCUSSION AND INPUT

A. MAIN LIBRARY RENOVATION PROJECT DESIGN ADVISORY GROUP UPDATE – GLENN MAGEE, FACILITIES DESIGN AND CONSTRUCTION MANAGER (43 MINUTES)

Glenn Magee provided an update on the Main Library renovation project and responded to Commission questions from the June meeting :

- Teen area will be closed in
- The trees will be removed because of disease but it is a good opportunity for public art in those areas; a nationally renowned public art consultant is being contracted to help us find and broker great art for the library. A public art committee will be formed as defined by city’s Public Art Policy.
- Look & Feel - colors and textures are just starting to be reviewed with studiotrope.
- Technology plan for the main entrance - discussing touchscreen, smart boards, but LCD

monitors at a minimum based on budget.

- Shelving plan document is still in the works.

A suggestion was made to contact local companies and partner with them in order to create something truly innovative for the technology wall proposed for the library's Arapahoe entrance. An issue was raised to not limit ideas, based on current funding, and to get a sense of what evolving technologies may be developing in the field. Magee responded that this was something to look into for the future.

A comment was made that stated the importance of providing a sink in the teen area, especially in light of the fact that the teens are intending to be green and not use a lot of paper products.

There was a question about whether the two library commissioners can be on a subcommittee for public art. Maginnis responded that she would get back to the commission about that.

(More information can be found at: <http://news.boulderlibrary.org/>).

B. LIBRARY PROGRAM PRIORITIES AND LONG-RANGE PLANNING (20 MINUTES)

Staff provided a draft of current services and programs for the Facilities and Community Space Goals. Landry questioned whether some items under Point 1 (current services) should actually be under Point 3 (considered for implementation if funding is available). The Library Program Prioritization Subcommittee (Sawyer and Lull) will look at a better way to capture this information and will come back with recommendations.

1. Community Space Goal – Point 1

Sawyer wanted to ensure that the library renovation isn't considered the solution to meeting all goals. For instance, the "Leading Edge Center for Information Technology" goal covers a lot more than what will be addressed by the renovation.

Sawyer wondered why the Meadows and Reynolds renovations of teen space have not previously been brought to the attention of Commission. Miles responded that the branch teen communities have been involved.

Landry asked for more detailed metrics on the Responsive Service Delivery goal, e.g., book turnaround time. Maginnis said that staff is going to be coming out with a 21st-century vision for service delivery in the coming months.

2. Facilities Goal – Point 1

Sawyer asked if the library is meeting FAM Division Action Plan standards for custodial services mentioned in the 2007 Master Plan. Library staff needs to find out what those standards are in order to answer that question. Custodial needs are not expected to change with the renovation. Currently, the city is not financially meeting its maintenance goals.

Miles said that in the last few years the library has been using money for salaries for vacant positions to replace furnishings. From the renovation project going forward, furnishings will

have a replacement fund. Mallett stated that Miles and Maginnis have both embraced the concept of taking care of what we have and maintaining a certain level of service.

Landry suggested that if commissioners want to learn more about the Main Library Expansion goal, they may reference pgs. 80-81 of the Facilities and Sustainability Study: http://boulderlibrary.org/masterplan/docs/BPL%20Facilities_Sustainability_Study_Final_Report_03-09.pdf).

Sawyer suggested that we partner with other city departments in regards to meeting room schedules during the renovation, specifically to perhaps use a meeting room at the WestView Apartments, located on the northeast corner of Broadway and Yarmouth. Maginnis responded that she would need to speak to Boulder Housing Partners about this possibility beforehand.

3. Points 2-4

This is not a comprehensive list. Joe Castro has not had a chance to review the list yet.

Just as a review of points 2-4 for the Community Space and Facilities goals were combined, Landry was in favor of combining the two goals in the revised Master Plan goal.

MATTERS FROM THE COMMISSION

A. REALLOCATION OF CITY SALES TAXES

Commission discussed this topic. King presented a proposed letter to City Council in support of Councilmember Becker's plan to reduce Open Space dedicated taxes to their Vision Plan level and release the excess monies for use by other city departments, like the library. Prior to the meeting, Landry emailed commissioners, Maginnis and Miles a possible alternate statement which included examples of services and programs listed in the 2007 Master Plan that BPL could provide with additional funding. King said that one of the library's needs that could use this additional funding, that has some community and Council support, is the operations of a North Boulder Branch Library. There was some discussion about this idea.

Sawyer stated that she had a problem taking a stand on this issue because she didn't feel it was the purview of the Commission to weigh in on funding amounts for other departments. She also felt that, because there are multiple plans being considered for how to use this money and multiple proposals that could be taken to the voters, the Commission didn't have the data or time for analysis to recommend one position over another.

King stated that he felt a letter to request additional funding for the library based on the fact that the library has been operating on a shoestring budget would be appropriate. Sawyer agreed

that the Commission does have the responsibility to advocate for the library to Council, but was uncomfortable taking a stand as the Library Commission in this case especially in short order.

King made a motion that the commission “send a letter to City Council as yet to be crafted supporting releasing of excess funds for other city purposes.” This motion was not seconded. (For more information, please see the July 2013 Commission Memo found here: <http://boulderlibrary.org/pdfs/commission/2013/packet/JulyComplete%20Packet.pdf>).

Clarification, later: The issue of whether some of the OSMP sales tax funds would be redirected to other city departments is one that City Council is considering putting before voters in the fall 2013 election.

B. UPDATE ON THE COMMISSION WORKSHOP

The commission workshop has been postponed. A new date and time is to be determined.

MATTERS FROM THE DEPARTMENT

A. PATRON SURVEY INFORMATION AND TIMELINE

Maginnis reminded everyone that Commission has been discussing having a patron survey sooner rather than later. She said that there had been some internal staff discussion regarding the next library patron survey and how it might be more efficient and fiscally relevant to conduct it in collaboration with the Library’s Master Plan update process, perhaps in late 2014. She offered that some “spot [or targeted] surveying” could possibly be done in the interim. Miles added that this recommendation was also made considering that patron feedback given after the renovation might be more useful, rather than receiving patron recommendations for things that have already been incorporated within the renovation project.

Landry pointed out that the library has had patron surveys in every 2 years from 2002 to 2008. She feels that this survey is quite overdue. Perhaps the library could do surveys before and after the renovation. Since a consultant would do the survey, perhaps there would be less work for the staff. Also many of the questions would stay the same, but if we go to a phone survey – a new method – that would change the survey. Unfortunately, the library has not set aside money for a future survey.

There was a statement made about how the commission has delayed some items in which they have been passionate about, and that the survey might provide useful information that could be relevant to other important items (e.g., the hiring of the special programs coordinator so that there can be more literary, library programming.) Sawyer said that we may want to ask questions that we need answers to now. Landry pointed out that a survey is a great step toward meeting the library’s public relations goal. Maginnis is concerned about making assumptions about what the public thinks. Landry asked what the marginal cost of asking more questions is if we are already surveying, say, 1000 people. Landry also stated that the current survey is rather bland and doesn’t say very much.

The Library Commission requested more information from staff: 1) costs for various kinds of surveys, 2) a proposed timeline for creating and conducting the survey for both Option A (spot/targeted survey) and Option B (full/complete survey), and 3) the manner of survey delivery (cell phone vs website vs snail mail and how many people to be surveyed).

This discussion will continue at the August meeting.

B. UPDATE ARTS AND CULTURAL ASSESSMENT ADDENDUM

The report including the addendum will be made public after incorporation of the 2004 Boulder Library Foundation by-laws and the president of the foundation has reviewed the draft addendum. [Note later: A meeting of staff, Commission and Foundation members to discuss the assessment had to be postponed from July to August 9.]

CONSENT AGENDA, CONTINUED

C. APPROVAL OF JUNE 5, 2013 MINUTES

The June 5, 2013 minutes were unanimously approved as amended (3-0, King abstained as he was absent from the June meeting, and O'Brien was absent from this meeting.) Commission requested information about participating in the Hennen's American Public Library Ratings. Director Maginnis said she would get back to the commissioners with information about Hennen's.

ITEMS FOR INCLUSION IN THE ACTION SUMMARY

Commission discussed items for the Action Summary.

NEXT COMMISSION MEETING (ROLLOVER ITEMS AND DATE)

The next Library Commission meeting will be held at 6 p.m. on Wednesday, Aug. 7, 2013 at the Main Library in the North Meeting Room and will include the following agenda items: Main Library renovation project Design Advisory Group update, Review 2007 Master Plan funding goal information, North Boulder Library Station Timeline update.

Announcement: Sawyer announced a community input meeting for the North Boulder Library Station is scheduled for Saturday, July 13, 2013 from 5-9 p.m. in the North Boulder Holiday Park.

Meeting adjourned at 8:52 p.m.

Approved By _____ Date _____

Please note: Commissioner Sawyer approved these minutes on Aug. 21, 2013.



CITY OF BOULDER
Boards and Commissions Minutes

NAME OF COMMISSION: Open Space Board of Trustees			
DATE OF MEETING: August 14, 2013			
NAME/EXTENSION OF PERSON PREPARING SUMMARY: Leah Case x2025			
NAMES OF MEMBERS, STAFF AND INVITED GUESTS PRESENT:			
MEMBERS: Allyn Feinberg, Tom Isaacson, Shelley Dunbar, Molly Davis			
STAFF: Mike Patton Jim Reeder Dean Paschall Eric Stone Kacey French Phillip Yates Dave Kuntz Leah Case Michele Gonzales			
GUESTS: Glenn Magee, Facilities Design and Construction Manager			
TYPE OF MEETING:	<u>REGULAR</u>	CONTINUATION	SPECIAL
SUMMATION:			
AGENDA ITEM 1- Approval of the Minutes Tom Isaacson moved to approve the minutes from July 10, 2013 as amended. Frances Hartogh seconded. The motion passed unanimously.			
AGENDA ITEM 2- Public Participation Both Andrew Shoemaker and Susan Douglass spoke in regards to the USA ProCycle Race.			
AGENDA ITEM 3- Director's Updates FAM presentation – Council Chambers Audiovisual Upgrades Glenn Magee, Facilities Design and Construction Manger, gave an update to the Board regarding a project identified to increase the usability of the Municipal Building Council Chambers with a focus on replacing outdated audio-visual presentation equipment to enhance the user and public experience. The map showing changes is saved in S:OSMP\admin\OSBT\Minutes\Minutes 2013.			
Open Space and Mountain Parks and Boulder County Parks and Open Space Joint Property Management: Superior Associates Property Management Plan Kacey French, Environmental Planner, gave a presentation to the Board regarding the Superior Associates Property Management Plan. The primary purpose of the plan is to document how Open Space and Mountain Parks (OSMP) will manage the jointly-owned property and to provide Boulder County Parks and Open Space (BCPOS) with a plan describing OSMP's management. This presentation is saved in			

AGENDA ITEM 4- Matters from the Board

Pro Cycle

The Board held a discussion regarding the 2014 USA Pro Cycle Challenge, and the questions:

A) whether Flagstaff Summit Drive is Open Space, because as part of Open Space, Charter Section 176 restricts allowed uses to passive recreation, which this race is not; and

B) whether the permits required to hold the race are “exclusive” or “non-exclusive”, since if they are “exclusive”, they are governed by Charter Section 177, which requires an affirmative vote of the OSBT.

AGENDA ITEM 5 – Recommendation to designate the ERTL property as a Habitat Conservation Area*

Eric Stone, Resource Systems Division Manager, gave a presentation regarding the ERTL Property. With the purchase of the Energy Resource Technology Land, Inc. (ERTL) parcel, located east of the Weiser property and west of 95th Street along Boulder Creek, OSMP has a contiguous ownership and the opportunity for consistent management of the Boulder Creek Floodplain and White Rocks ecosystems. The property has never been open for public access and will remain closed until a management plan is developed. This memo describes the rationale for designating ERTL as a Habitat Conservation Area (HCA) to provide guidance for future management of the property.

This item spurred one motion:

Tom Isaacson moved the Open Space Board of Trustees approve and recommend that the City Council pass a motion approving the designation of approximately 655 acres of the 685-acre ERTL property (8323 Valmont Road, Boulder, CO), shown in Attachment B, as part of the Lower Boulder Creek Habitat Conservation Area. Molly Davis seconded. This motion passed unanimously.

AGENDA ITEM 6 – Consideration of a motion to approve disposal of OSMP land described as a permanent easement on approximately 34,747 square feet or about 0.798 acres to Public Service Company of Colorado and Century Link to place power poles on the East Rudd property for the purpose of facilitating the construction of the planned Community Ditch Trail underpass at State Highway 93. This is a disposal of Open Space land under City Charter Section 177. *

Jim Reeder, Land and Visitor Services Division Manager, gave a presentation regarding the disposal facilitating the construction of the underpass at State Highway (SH) 93. Currently, Public Service Company (PSCo) of Colorado has an electric power line and supporting poles that cross the area where the planned Community Ditch Trail underpass at SH 93 will be constructed. There are three poles that need to be relocated onto the OSMP property known as East Rudd. The poles cannot be relocated within Colorado Department of Transportation (CDOT) right-of-way (ROW) due to the grade differences and tight layout that will exist between the ditch, trail, underpass and retaining walls. Also, the highway itself will be widened to accommodate bike paths on both sides of the highway. At the present time, Century Link has a buried fiber cable in the CDOT ROW on SH 93. The building of the trail underpass will require this cable to be realigned and strung on the new power poles which PSCo will erect for its power line.

This item spurred one motions:

Tom Isaacson moved the Open Space Board of Trustees approve, and recommend that City Council pass a motion approving, the disposal of Open Space land described as a permanent easement approximately 34,747 square feet, or about 0.798 acres, on the East Rudd Open Space property to Public Service Company of Colorado and Century Link for the placement of power poles for an electric power line and media cable across the East Rudd property in order to facilitate the construction of the planned Community Ditch Trail underpass at State Highway 93. Shelley Dunbar seconded. This motion passed unanimously.

ADJOURNMENT: The meeting adjourned at 8:33 p.m.

ATTACH BRIEF DETAILS OF ANY PUBLIC COMMENTS:

None.

TIME AND LOCATION OF ANY FUTURE MEETINGS, COMMITTEES OR SPECIAL HEARINGS:

The next OSBT meeting will be at 1777 Broadway in the Council Chambers September 11, 2013 at 6:00 p.m.

**CITY OF BOULDER, COLORADO
BOARDS AND COMMISSIONS MEETING MINUTES**

Name of Board / Commission: Water Resources Advisory Board	
Date of Meeting: 17 June 2013	
Contact Information of Person Preparing Minutes: Kaaren Davis; 303-441-3233	
Board Members Present: Chuck Howe, Dan Johnson, Vicki Scharnhorst, Mark Squillace, Ed Clancy Board Members Absent: None	
Staff Present: Jeff Arthur, Director of Public Works for Utilities Bob Harberg, Engineering Project Management Coordinator Bret Linenfelser, Water Quality and Environmental Services Coordinator Joe Taddeucci, Water Resources Manager Russ Sands, Water Conservation Manager Kurt Bauer, Engineering Project Manager Ken Baird, Financial Manager Andy Taylor, Water Quality Inspector - Stormwater Kaaren Davis, Board Secretary	
Attending Consultant: Lee Rozaklis and Courtney Black of AMEC	
Meeting Type: Regular	
Agenda Item 1 – Call to Order	[7:00 p.m.]
This meeting was called to order at 7:00 p.m.	
Agenda Item 2 – Approval of the 20 May 2013 Meeting Minutes:	[7:00 p.m.]
Motion to approve the 20 May minutes with requested corrections by: Squillace; Seconded by: Johnson	
Motion Passes; 5:0	
There was a small amount of follow-up by staff on how the floodplain subject will be treated both in staff work and with regards to future meetings. WRAB comments/concerns were:	
<ul style="list-style-type: none"> • Exploration of the idea that the city could be more flexible/ adaptable to mid-course corrections throughout the process. How to organize the plan to allow the addition of new information to the process and make this option clear to members of the public who might be looking at the plan. Questions about FEMA LOMR and LOMA processes. Staff: this flexibility exists within the process and has been used previously. Links to the processes are on the website. • When the LiDAR data is collected and used to inform the mapping, some revisions could be made. There may be new people moved both in and out of the conveyance zone. Make sure that those affected are adequately informed and work with them in advance. • Concerns that modeling is imprecise and the need to adequately relay this to the public. Will the LiDAR go beyond the ability of the 2D model to adapt to? Staff: The LiDAR data should be more accurate and usable in the 2D modeling effort. 	
Agenda Item 3 – Public Participation and Comment (General)	[7:22 p.m.]
Public Comment:	
None	
Agenda Item 4 – Public hearing and Consideration of a Motion regarding the 2014 Utilities 6-year Capital Improvement Program:	[7:23 p.m.]
Ken Baird Presented the Item.	
Executive Summary from the Packet Materials:	
As part of the city's annual budget process, Utilities staff develops a six-year planning budget, this year for the time period of 2014 through 2019. Utilities staff has formulated revenue and expenditure projections for each of the three utility funds through the year 2019. Within the budget process council approves and appropriates funds only for the first year, 2014.	
At the April 15 and May 20, 2013 WRAB meetings, staff presented the preliminary 2014 Utilities budget including the six-year capital improvement program. Since the May 20 meeting, the following change within the Water Utility CIP has been incorporated into the Capital budget:	
\$1,600,000 was moved from 2018 to years 2014-2016 for acquisition of easements for the NCWCD Conveyance – Carter Lake Pipeline project.	
This packet contains information concerning the Preliminary 2014 Utilities Budget and the 2014-2019 Utilities CIP. The attached fund financials (Attachment A – Water Utility, Attachment B – Wastewater	

Utility and Attachment C -Stormwater / Flood Management Utility) reflect actual revenues and expenditures for 2012, updated revenue projections/rate increases for the planning period and updated CIP. Staff requests a recommendation from the WRAB concerning the 2014 Utilities Budget including the 6-year Capital Improvement Program (CIP) and Monthly Utility Rates. Staff will submit the CIP to the Planning Board which will meet to discuss the CIP and make a recommendation to City Council on Aug 1. City Council study sessions are currently scheduled for August 13, 2013 concerning the proposed city-wide 2014-2019 CIP and on September 10 on the preliminary 2014 city-wide budget.

WRAB Discussion Included:

- Concerns about Northern Water and the Carter Lake Pipeline and corridor, including the long term value of the relationship with Northern Water, cost-benefit of the pipeline with regards to both water supply and rate increases required to fund it. Staff, Scharnhorst, Howe and Johnson: The expenditures budgeted in the CIP are only concrete for the next year. The full document is an extrapolation of potential projects which will require the gathering of funds over time to complete, as well as a context for projects being imminently funded. Recommending approval of the CIP is not approval of all long term projects mentioned in the CIP. It is recommended approval for 2014 with additional opportunity to discuss longer term projects each year.
- Some general questions regarding the current status of some of the projects listed in the CIP.
- Concerns about arsenic levels in the wastewater, dewatering problems at Betasso, nutrient content for wastewater, and the fact that these issues are not addressed in the CIP. Staff and Scharnhorst: These issues are actually addressed in the CIP under regulation 85 (in the out years of the CIP) and regulation 31. Many of the construction based solutions are in the 20 year CIP as well. Infrastructure solutions to these issues require a great deal of capital and time to build and implement. Recognizing this is an issue for a number of communities, the State of Colorado has granted an extension of its previous temporary modifications (of Regulation 38) for arsenic until the end of 2021. Augmentation of the wastewater rate percentage increase to deal with these issues has been discussed in prior WRAB meetings and incorporated in the CIP as presented.

Public Comment:

- **Mike Ashford:** Is there a fixed cost and variable costs analysis behind the rate increase that reflects the projected capital costs versus the operating costs through the rate structure that may enable water conservation measures or others to be reflected in the actual usage over time? Staff: percentages are technically revenue increases that get plugged into the block rate structure and fixed fees. They do not necessarily translate into an across the board increase. Those who conserve will still be in the lower block rates and less impacted.

Motion: Scharnhorst, Seconded by Johnson:

The Water Resources Advisory Board recommends approval of the 2014-2019 CIP for the Water, Wastewater, and Flood/Stormwater Utilities including proposed rate adjustments to support 2014 revenue increases of 4% in the water utility, 5% in the wastewater utility, and 3% in the stormwater and flood control utility.

Vote: 3-2, Motion Passes

Minority Opinions:

Clancy: Wastewater issues (arsenic and nutrients) need to be better addressed in the shorter term.
Squillace: Though there are benefits to the Carter Lake pipeline, there is not yet sufficient information to assure that the benefits outweigh the substantial costs.

Agenda Item 5 – Information Item – Water Conservation Futures Study Updates [8:15p.m.]
Russ Sands and consultants Lee Rosaklis and Courtney Black of AMEC presented the item.

Executive Summary from Packet Materials:

The 2000 Water Conservation Futures Study (WCFS) set water use reduction goals for the City of Boulder (city), reshaping the city's Water Conservation Program (WCP). In 2012, staff initiated a contract with AMEC Environment & Infrastructure (AMEC) to update the now 13-year old WCFS. The WCFS update will evaluate if new water use reduction goals should be set, identify

how any additional saved water could be used, and make recommendations for future WCP efforts.

This Water Resource Advisory Board (WRAB) Information Item provides an update on the status of the WCFS update and draft information (see Attachment A). The Information Item is also intended to give WRAB an opportunity to provide comments prior to completing a final draft of the WCFS update, to be presented in October 2013.

WRAB Discussion Included:

- Clarifying questions regarding a potential ballot initiative to amend the Blue Line.
- What role if any reclaimed/reusable water plays in the analysis.
- Impacts of increased incomes on domestic supplies and how this, combined with the water rate/budget system might function in a drought conservation situation.
- Results already achieved in other communities.
- The potential to make green spaces water efficient by use of native/low water species.
- The need to make changes in outdoor use a community effort.

No board action was requested at this time.

Agenda Item 6 – Information item – Boulder Creek E. coli TMDL and Marine Street Basin Pilot E. coli Reduction Project Update. [9:26 p.m.]

Bret Linenfelser and Andy Taylor presented the item.

Executive Summary from Packet Materials:

In 2006, the Colorado Water Quality Control Division (Division) listed Segment 2b of Boulder Creek (from North Boulder Falls to the confluence with South Boulder Creek) on the 303(d) list for “impaired waters” due to high *Escherichia coli* (*E. coli*) bacteria levels. Impaired waters are bodies of water that fail to meet water quality standards set by the Division or the U.S. Environmental Protection Agency (EPA).

Once a water body has been listed as impaired, discharges to the water body are subject to a Total Maximum Daily Load (TMDL). The primary objective of a TMDL is to calculate the maximum amount of a pollutant that the water body can assimilate and define what level of pollutant reduction is required to meet the instream water quality standard. In January 2011, city staff developed a third party *E. coli* TMDL which was submitted to the Division and EPA for approval and the TMDL was approved in September 2011. Since the city is responsible for stormsewer outfalls through the state-issued Municipal Separate Stormsewer System (MS4) discharge permit, the city is also responsible for reducing associated *E. coli* discharges to Boulder Creek.

After TMDL approval, city staff initiated the next step in the TMDL process, which is to develop an Implementation Plan. The Implementation Plan outlines options for evaluating sources of *E. coli*, identifies how *E. coli* reduction requirements could be met and also prioritizes stormsewer outfalls. Prior to fully initiating the Implementation Plan, staff conducted a pilot project focusing on reducing *E. coli* in the “Marine Street Basin”, located in the eastern portion of Boulder. Based on historic *E. coli* monitoring, stormsewer outfall discharges from the Marine Street Basin had elevated *E. coli* concentrations. Through a comprehensive evaluation it was determined that the presence of wildlife, specifically raccoons, was likely creating elevated *E. coli* levels since raccoons were residing in the stormsewer system. Historically, raccoons had easy access to the stormsewer system through the end of the stormsewer pipe where it discharges to Boulder Creek. After removing the raccoons from the stormsewer system, and installing a mechanical device to keep raccoons from re-entering the stormsewer, monitoring showed a substantial reduction in *E. coli* concentrations.

Since the Marine Street Basin *E. coli* reduction pilot project was successful in substantially reducing *E. coli* discharges city staff will initiate a similar, but large scale, project in 2013, called the “Basin 2 Project. Staff will keep WRAB informed of the progress of the Basin 2 Project, and status of achieving compliance with the *E. coli* TMDL, at future meetings.

Funding is included in the draft 2014 through 2019 Stormwater and Flood CIP to support the Basin 2 Project and staff will be requesting WRAB provide a final recommendation concerning the proposed 2014 Utilities budget at the June 17 meeting.

WRAB Discussion Included:

- Process for inlet and grate replacement.

- This is a very useful study and should be published in professional journals, etc.
- What the cost of being on the 303 contamination list is, short term and long term.

This agenda item was an informational item only. No board action requested at this time.

Agenda Item 7 – Matters

[9:55 p.m.]

From the Board: (9:55 p.m.)

- Johnson raised the following matters:
 - Pleased that staff took the initiative in finding alternatives for selling power (specifically to Tri-state) in a new 5 year contract.
- Scharnhorst raised the following matters:
 - As the WRAB representative to the GAC, Scharnhorst reports on the results of the meeting on the 13th specifically the approval and recommendation to Planning Board and Council of the Greenways CIP.
- Howe raised the following matters:
 - Water conservation board has a new director.
 - Will be talking to staff about arranging a tour with water managers from the Middle East.

From Staff:

[10:01 p.m.]

- **Fire in Rocky Mountain:** Staff is monitoring potential effects of the fire on CBT water quality.
- **Staffing Changes for Board Secretary Duties:** Kaaren Davis assuming board secretary duties for the time being.
- **Water Treatment Manager Position:** Steve Folle and Mike Emarine will jointly manage the duties of this position during the hiring process to replace Randy Crittenden.

Agenda Item 8 – Discussion on Future Schedule

[10:05 p.m.]

- Twomile Canyon Creek flood mapping (and other flood mapping issues) will be moved back to January 2014 to allow for the incorporation of the LiDAR data. There will also be additional public process resulting from the addition of that data.
- July- Water treatment overview (Arsenic, Fluoride, CIP, etc.)
- July-Hydroelectric operations and opportunities
- Items further along in the year will come before the board as they are ready for presentation. Schedule subject to change.
- November-December the board generally puts forth recommendations to Council. This year there may be some changes in the means of submission to streamline the submission process and align the boards' recommendations with Council and overall city priorities.

Agenda Item 9 – Adjournment

[10:12 p.m.]

There being no further business to come before the Board at this time, by motion regularly adopted, the meeting was adjourned at 10:12 p.m.

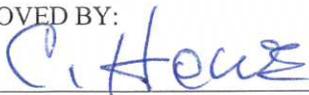
Motion to adjourn by: Clancy ; Seconded by: Johnson

Motion Passes 5:0

Date, Time, and Location of Next Meeting:

The next WRAB meeting will be July 15, 2013 at 7:00 p.m., in the 1777 West Conference Room of the city Municipal Building located at 1777 Broadway, unless otherwise decided by staff and the Board.

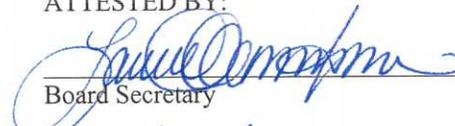
APPROVED BY:



Board Chair

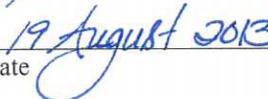
Date

ATTESTED BY:



Board Secretary

Date



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