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

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

Applicant: Lon McGowan
Owner: James Carter

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

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

SUMMARY:

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

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

BACKGROUND:

Existing Site/Site Context

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

Figure 1: Vicinity Map

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

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

Project Description

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

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

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

Process

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

KEY ISSUES:

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

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

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

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

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

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

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

(2) Rationale: The use either:

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

_N/A_ (B) Provides a compatible transition between higher intensity and lower intensity uses;

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

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

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

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

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

amplified music will be played outside at any time.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PUBLIC COMMENT AND PROCESS:

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

STAFF FINDINGS AND RECOMMENDATION:

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

RECOMMENDED CONDITIONS OF APPROVAL:

1. The Applicant shall ensure that the **development shall be in compliance with all plans prepared by the Applicant on May 1, 2016 and the Applicant's written statement dated May 9, 2016** on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval. Further, the Applicant shall ensure that the approved use is operated in compliance with the following restrictions:

    a. The hours of operation for the approved use shall be from 7:00 a.m. to 9:00 p.m. Monday – Thursday and from 8:00 a.m. to 10:00 p.m. Friday – Sunday. The use shall be closed outside of these hours of operation.

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

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

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

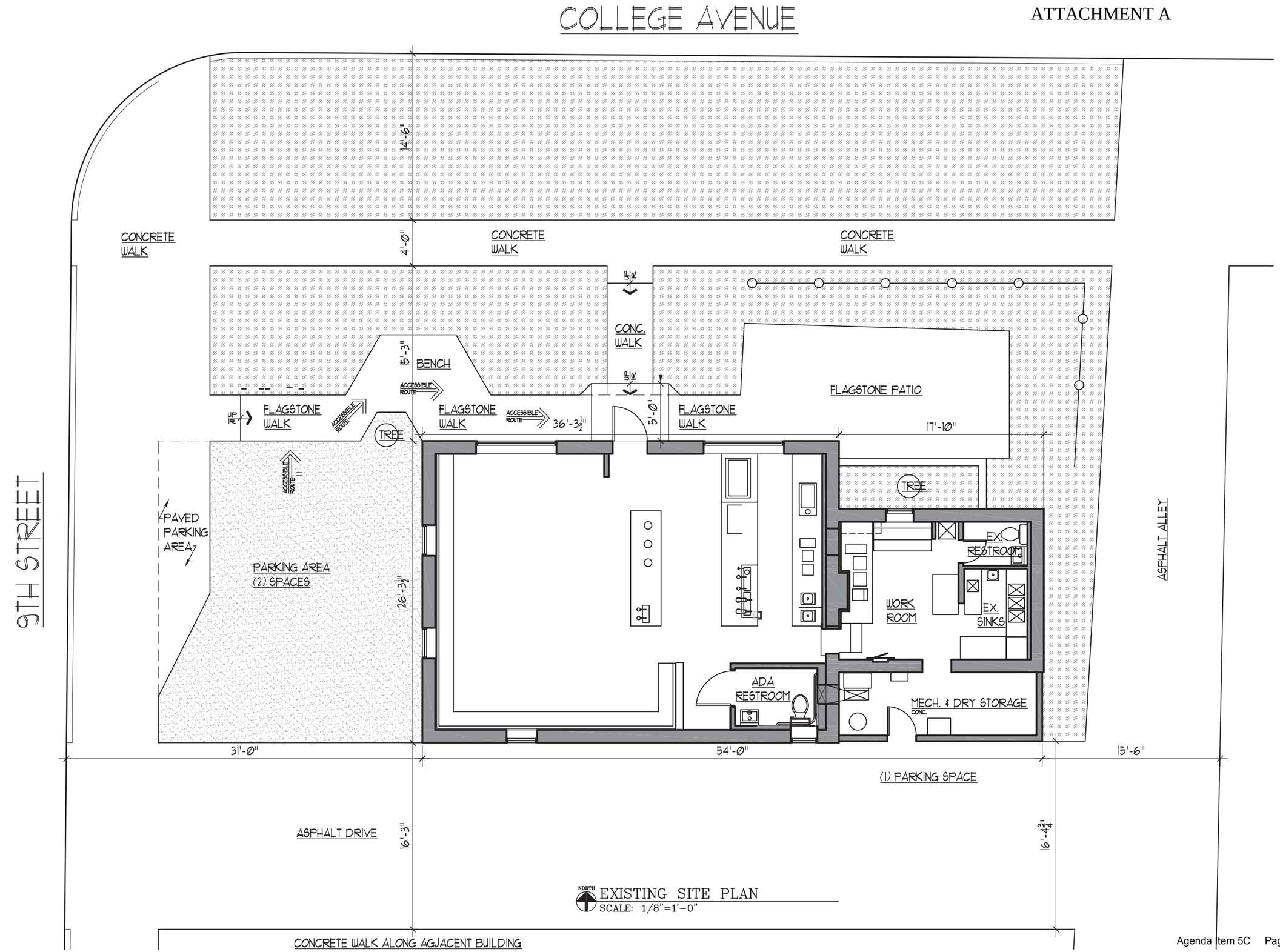
Approved By:

David Driskell, Executive Director
Department of Community Planning and Sustainability

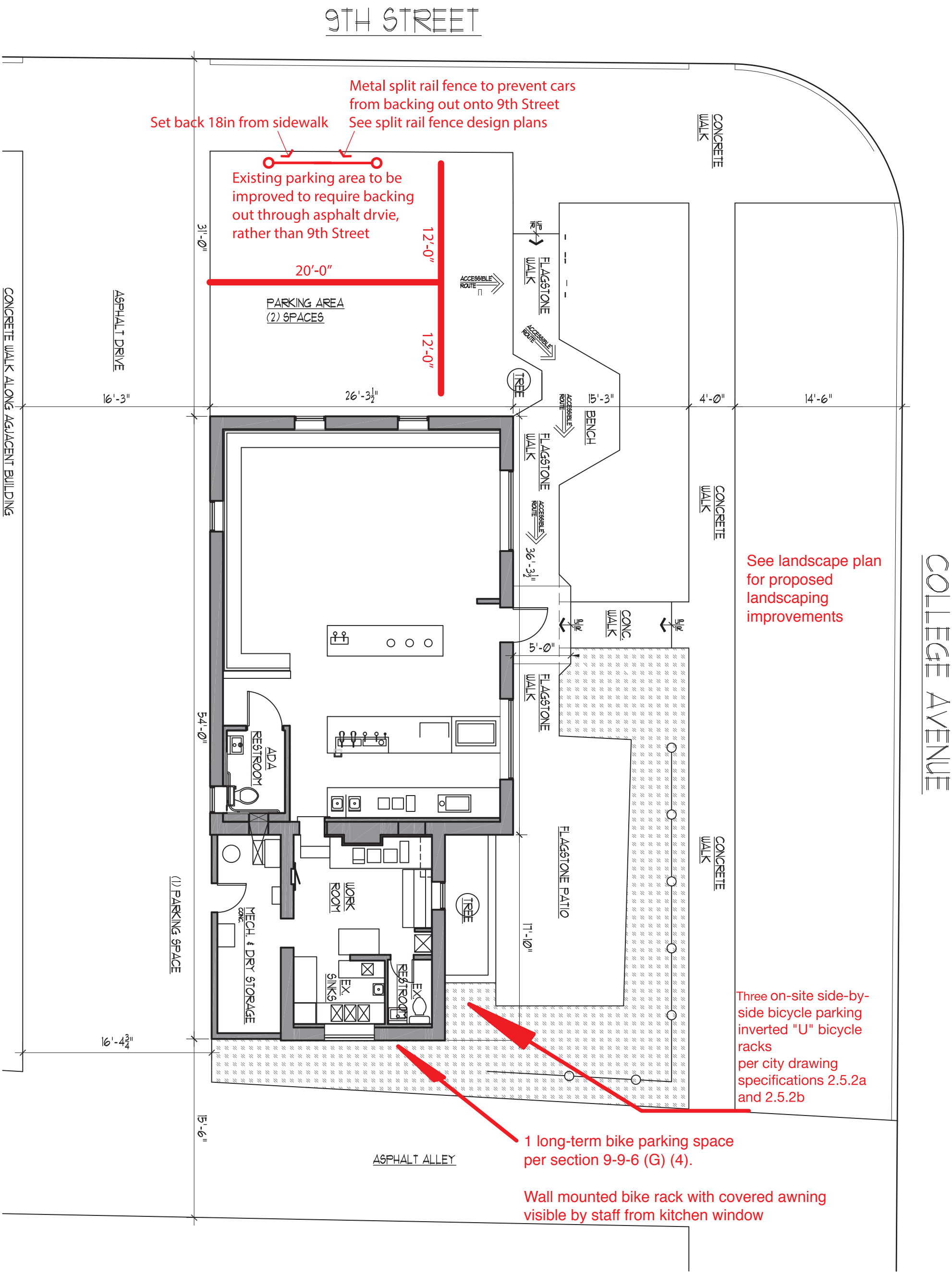
ATTACHMENTS:

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

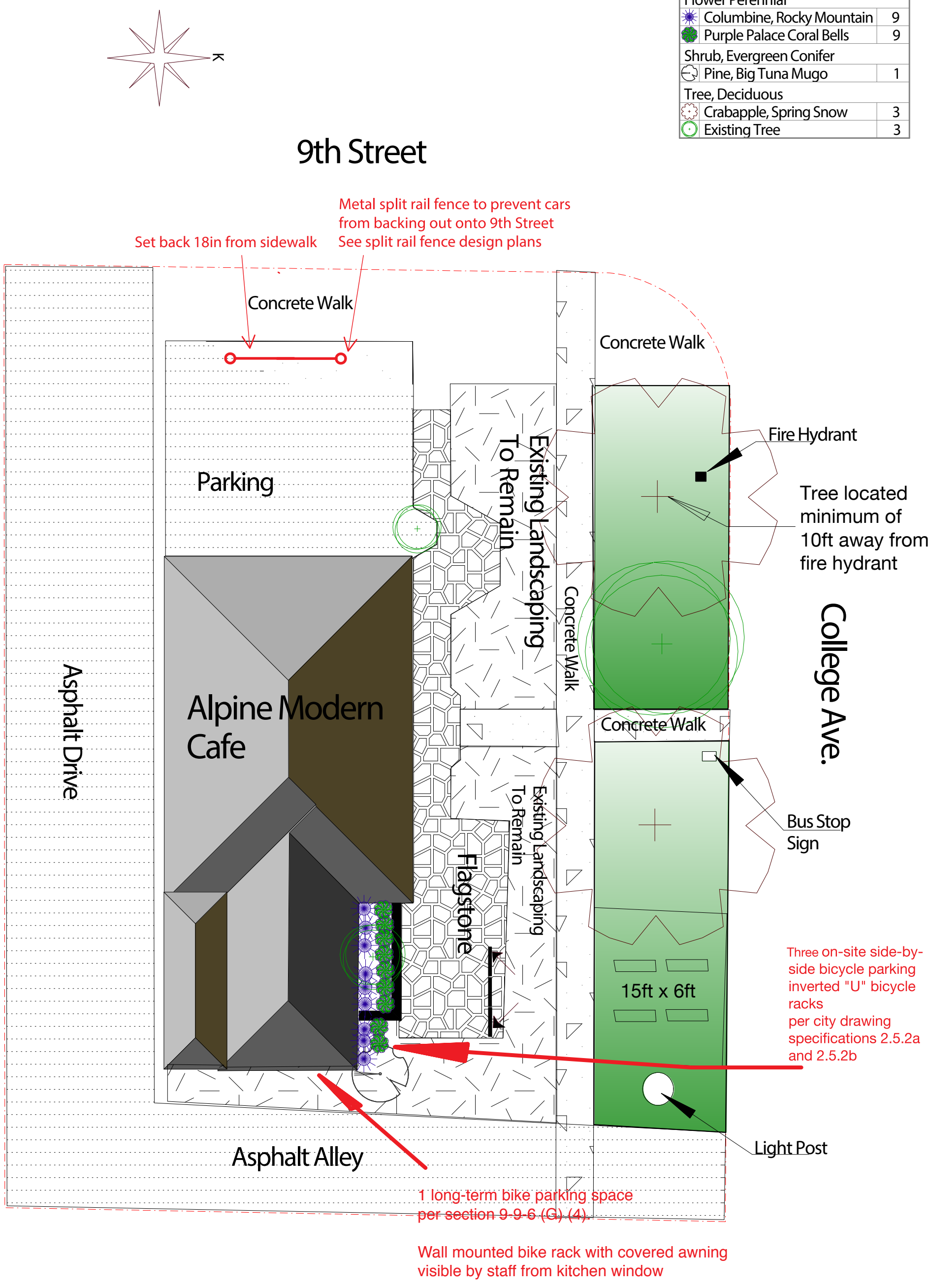
Existing Site Plan



Proposed Site Plan



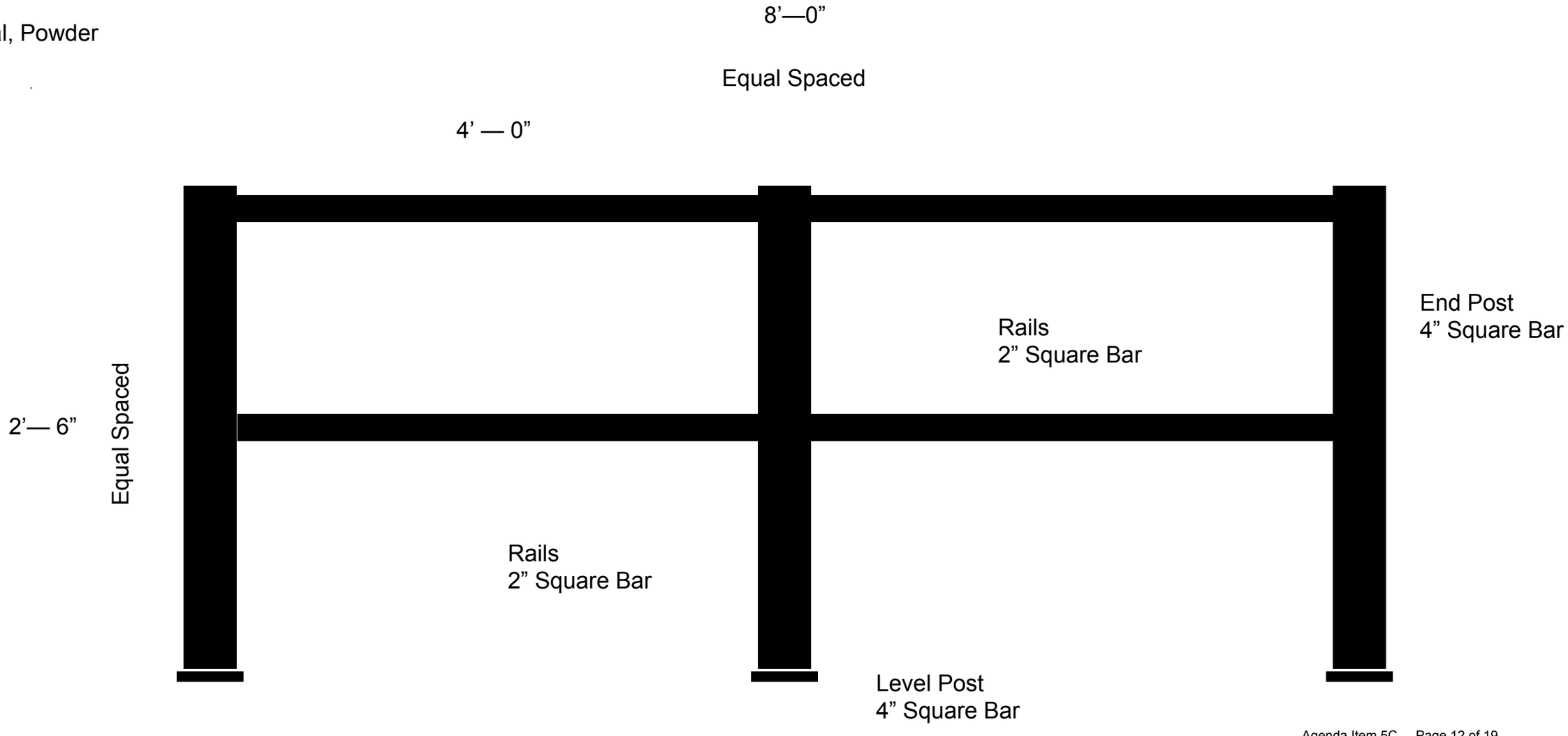
Legend		
	Common Name	Qty
Flower Perennial		
	Columbine, Rocky Mountain	9
	Purple Palace Coral Bells	9
Shrub, Evergreen Conifer		
	Pine, Big Tuna Mugo	1
Tree, Deciduous		
	Crabapple, Spring Snow	3
	Existing Tree	3



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

904 College
LUR2015-0118
Split Rail Fence Design

Material: Metal, Powder Coated Black



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

Also see Use Review Comments Reply Letter for additional information.

Re: 904 College Ave LUR2015-00118

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

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

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

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

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

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

Required Parking and Traffic:

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

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

Outdoor Storage: No changes to the outdoor storage.

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

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

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

Thank you for your consideration. Best regards-

Lon McGowan
Owner
Alpine Modern Cafe (Tenant)

Van Schaack, Chandler

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

Dear Mr. Van Schaack,

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

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

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

I vehemently object to this establishment receiving a liquor license.

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

Sincerely,
Kirstin Jahn
1091 Lincoln Place

Van Schaack, Chandler

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

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

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

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

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

Van Schaack, Chandler

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

Dear City of Boulder Planning and Development:

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

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

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

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

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

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

Sincerely,

John Wilson
1093 10th Street, Boulder CO

Van Schaack, Chandler

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

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

Eric Cornell
3034404395

University Hill Neighborhood Association
www.hillneighbors.com

February 25, 2016

Chandler Van Schaacke
Case Manager
Boulder City Planning Department

Re.: 904 College Avenue, Alpine Modern Café proposal

Dear Chandler,

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

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

Thank you for your consideration.

Sincerely,

UHNA-EC

Scott Thomas
Nancy Blackwood
Ellen Aiken