USE REVIEW CRITERIA and STAFF EVALUATION

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

The proposed use review is consistent with the RL-1 zone district and the existing school. The daycare use is permitted with a use review.

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 daycare facility would be a direct benefit for the existing residential neighborhood. It would allow parents to drop several children of different ages at the same location instead of making several trips to different locations. Additionally, the daycare use is complementary to the existing schools located adjacent to the site (Shining Mountain Waldorf High School) and Shining Mountain Waldorf Elementary School (in near proximity).

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 applicant's proposal will limit traffic in a number of ways, including providing a 'one-stop-shop' for parents with children attending various grade levels, and by providing a service that is not currently located in the vicinity. Extraneous traffic into the neighborhood will be limited by the provision of a small, five-car parking lot, and by locating the primary access to the daycare facility off of Locust Avenue on the north, and by providing parking education programs. The applicant's traffic analysis indicated that four off-street parking spaces would be ample. However the applicant is providing additional spaces, seven total, for employee and visitor parking to limit the intrusion of the daycare traffic into the neighborhood.

The residential character of the existing site is not being altered, but enhanced with the restoration of the existing structure to reflect current residential standards and to maintain a typical residential appearance. The existing eastern curb-cut and horseshoe drive will be removed to prevent thru neighborhood traffic and to reduce parking along Union Avenue. Additionally, access from the front of the existing structure will be limited to employees only as the main entrance to the daycare center will be located off of Locust Avenue from the north. The elimination of the horseshoe drive will also enhance the residential character of the existing

structure, as the proposed development will be consistent with the required 25' front yard setback requirement and 25' front yard landscape setback. The existing structure will, for all intensive purposes, appear to be a single-family residence, which is consistent with the predominant character of the surrounding area.

Y (4) Infrastructure: As compared to development permitted under Section 9-3.1-1, "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;

All proposed right-of-way improvements will be in compliance with the Design Construction Standards, including the replacement of a curb-cut with curb, gutter and sidewalk. Final engineering plans will be provided upon building permit application.

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

The existing structure will not be changed in its exterior appearance. It will appear to be a single-family residence, which is consistent with the predominant character of the surrounding area.

Y (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 9-3.1-1(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 proposed use of a daycare facility serves a compelling social and human need.