



CITY OF BOULDER
PLANNING BOARD MEETING AGENDA
DATE: March 3, 2016
TIME: 5 p.m.
PLACE: 1777 Broadway, Council Chambers

1. CALL TO ORDER

2. APPROVAL OF MINUTES

The [February 2](#) and [February 4, 2016](#) minutes are scheduled for review

3. PUBLIC PARTICIPATION

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

- A. [Call Up Item: Wetland Map Revision \(LUR2016-00005\). Boulder Creek Path at 30th Street.](#) This decision may be called up before Planning Board on or before February 24, 2016.
- B. [Call Up Item: Boulder Creek Path Improvements at 30th Street Underpass, Floodplain Development Permit \(LUR2015-00120\), Wetland Permit \(LUR2015-00116\).](#) This decision may be called up before Planning Board on or before March 11, 2016.
- C. [Call Up Item: Approval of a Use Review to establish an animal kennel \(cat boarding area\) within a cat only veterinary clinic at 1915 28th St. in the Business – Regional 1 \(BR-1\) zone district. Case No. LUR2016-00011.](#)

5. PUBLIC HEARING ITEMS

- A. [AGENDA TITLE: Consideration of a motion to adopt the 2016 Update to the Downtown Urban Design Guidelines \(Guidelines\)](#) incorporating revisions recommended by the Planning Board at its February 4, 2016 hearing. Adoption of the Guidelines will result in inclusion of the DT-4 and DT-5 downtown zone districts in the identified areas where height modifications may be considered through the city's Site Review process, per the height modifications ordinance approved by Council on March 31, 2015.
- B. [AGENDA TITLE: Public hearing and consideration of a Site and Use Review \(LUR2011-00071\) to redevelop the site located at 4403 Broadway Ave. with a new mixed use development.](#) The western portion of the site, zoned RM-1 (Residential – Medium 1) would include twelve 3-story townhome units divided between two buildings. The eastern portion of the site, zoned MU-2 (Mixed Use – 2), would include three new mixed use buildings containing an additional 16 attached residential units above 9,207 sq. ft. of commercial and restaurant space. The proposal includes a request for a height modification to allow for both townhome buildings and two of the mixed use buildings to exceed the 35 foot height limit for the zone (requested heights range from 36'3" to 43'6") as well as a request for a 5% parking reduction to allow for 57 parking spaces where 60 are required. The proposal also includes a Use Review request to allow for three restaurants which close after 11:00 p.m., two of which are over 1,000 sq. ft. in floor area. The applicant is seeking to create vested property rights as provided for in section 9-2-19, B.R.C. 1981.

Applicant: Jeff Dawson
Owner: Emerald Investments I, LLC

- C. **AGENDA TITLE:** Concept Plan (case no. LUR2015-00106) proposal to redevelop the properties located at 4801, 4855, 4865 and 4885 Riverbend Rd. within the Riverbend Office Park with a new 76,000 sq. ft., 55 foot hospital building and a 5-story, 467-stall parking structure with accessory office and retail space. The new facility would house BCH’s relocated inpatient behavioral health, inpatient rehab and neurology department. The proposal includes consolidating the existing properties into one 2.55-acre project site and rezoning the site from BT-2 (Business – Transitional 2) to P (Public). Changes to the existing access and circulation are also proposed.

Applicant: Darryl Brown for Boulder Community Health
Property Owner: Boulder Community Health

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

- A. Planning Board 2016 Retreat

7. DEBRIEF MEETING/CALENDAR CHECK

8. ADJOURNMENT

**CITY OF BOULDER PLANNING BOARD
MEETING GUIDELINES**

CALL TO ORDER

The Board must have a quorum (four members present) before the meeting can be called to order.

AGENDA

The Board may rearrange the order of the Agenda or delete items for good cause. The Board may not add items requiring public notice.

PUBLIC PARTICIPATION

The public is welcome to address the Board (3 minutes* maximum per speaker) during the Public Participation portion of the meeting regarding any item not scheduled for a public hearing. The only items scheduled for a public hearing are those listed under the category PUBLIC HEARING ITEMS on the Agenda. Any exhibits introduced into the record at this time must be provided in quantities of ten (10) to the Board Secretary for distribution to the Board and admission into the record.

DISCUSSION AND STUDY SESSION ITEMS

Discussion and study session items do not require motions of approval or recommendation.

PUBLIC HEARING ITEMS

A Public Hearing item requires a motion and a vote. The general format for hearing of an action item is as follows:

1. Presentations

- a. Staff presentation (10 minutes maximum*)
- b. Applicant presentation (10 minute maximum*). Any exhibits introduced into the record at this time must be provided in quantities of ten (10) to the Board Secretary for distribution to the Board and admission into the record.
- c. Planning Board questioning of staff or applicant for information only.

2. Public Hearing

Each speaker will be allowed an oral presentation (3 minutes maximum*). All speakers wishing to pool their time must be present, and time allotted will be determined by the Chair. No pooled time presentation will be permitted to exceed ten minutes total.

- Time remaining is presented by a Green blinking light that means one minute remains, a Yellow light means 30 seconds remain, and a Red light and beep means time has expired.
- Speakers should introduce themselves, giving name and address. If officially representing a group, homeowners' association, etc., please state that for the record as well.
- Speakers are requested not to repeat items addressed by previous speakers other than to express points of agreement or disagreement. Refrain from reading long documents, and summarize comments wherever possible. Long documents may be submitted and will become a part of the official record.
- Speakers should address the Land Use Regulation criteria and, if possible, reference the rules that the Board uses to decide a case.
- Any exhibits introduced into the record at the hearing must be provided in quantities of ten (10) to the Secretary for distribution to the Board and admission into the record.
- Citizens can send a letter to the Planning staff at 1739 Broadway, Boulder, CO 80302, two weeks before the Planning Board meeting, to be included in the Board packet. Correspondence received after this time will be distributed at the Board meeting.

3. Board Action

- d. Board motion. Motions may take any number of forms. With regard to a specific development proposal, the motion generally is to either approve the project (with or without conditions), to deny it, or to continue the matter to a date certain (generally in order to obtain additional information).
- e. Board discussion. This is undertaken entirely by members of the Board. The applicant, members of the public or city staff participate only if called upon by the Chair.
- f. Board action (the vote). An affirmative vote of at least four members of the Board is required to pass a motion approving any action. If the vote taken results in either a tie, a vote of three to two, or a vote of three to one in favor of approval, the applicant shall be automatically allowed a rehearing upon requesting the same in writing within seven days.

MATTERS FROM THE PLANNING BOARD, DIRECTOR, AND CITY ATTORNEY

Any Planning Board member, the Planning Director, or the City Attorney may introduce before the Board matters which are not included in the formal agenda.

ADJOURNMENT

The Board's goal is that regular meetings adjourn by 10:30 p.m. and that study sessions adjourn by 10:00 p.m. Agenda items will not be commenced after 10:00 p.m. except by majority vote of Board members present.

*The Chair may lengthen or shorten the time allotted as appropriate. If the allotted time is exceeded, the Chair may request that the speaker conclude his or her comments.

CITY OF BOULDER
JOINT MEETING WITH CITY COUNCIL & PLANNING BOARD ACTION MINUTES
February 2, 2016
1777 Broadway, Council Chambers

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

CITY COUNCIL MEMBERS PRESENT:

Suzanne Jones, Mayor
Aaron Brockett
Jan Burton
Lisa Morzel
Andrew Shoemaker
Sam Weaver
Bob Yates
Mary Young

PLANNING BOARD MEMBERS PRESENT:

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

STAFF PRESENT:

Tom Carr, Deputy City Attorney
Jane Brautigam, City Manager
Heidi Leatherwood, Assistant City Clerk
Lynette Beck, City Clerk
Susan Richstone, Deputy Director of Planning, Housing and Sustainability
Lesli Ellis, Comprehensive Planning Manager
Cindy Spence, Administrative Specialist III
Courtland Hyser, Senior Planner, PH&S
Caitlin Zacharias, Associate Planner, PH&S
Joe Castro, Facilities & Fleet Manager

COUNTY STAFF PRESENT:

Abigail Shannon, Senior Planner, Boulder County Land Use
Pete Fogg, Senior Planner, Boulder County Land Use
Therese Glowacki, Boulder County Open Space

1. CALL TO ORDER AND ROLL CALL

Mayor, **S. Jones**, declared a quorum at 6:03 p.m. and the following business was conducted.

2. OPEN COMMENT and COUNCIL/STAFF REPOSE

3. CONSENT AGENDA

4. POTENTIAL CALL-UP CHECK IN

5. PUBLIC HEARING ITEMS

- A. Update and direction on the following item related to the 2015 Major Update to the Boulder Valley Comprehensive Plan (BVCP): Initial Screening of Public Requests for Map Changes in Area II and Area III, Policy and Text Changes.

Staff Presentation:

L. Ellis, C. Hyser and A. Shannon presented the item to the City Council and Planning Board.

City Council and Planning Board Questions and Comments:

L. Ellis and C. Hyser answered questions from the City Council and Planning Board.

Public Hearing:

(Please note that public hearing comments are a summary of actual testimony. Full testimony is available on the web at: <https://www.bouldercolorado.gov/>.)

PART I: REQUESTS RECOMMENDED FOR ADDITIONAL ANALYSIS BY COUNTY

- **Request 25 (3261 3rd Street)**
 1. **Ed Byrne**, requestor, would like this location to be under consideration for annexation. He gave a short history of the lot and to why it has not been annexed and explained no plans to subdivide the property. The owners would like to be able to sell the property which they cannot do because it is an “unrecognized lot” in Boulder County. The building is currently not occupied.
- **Request 29 (2801 Jay Road #1 – Change to MXR)**
 1. **Margaret Freund**, requestor, pooling with **Benita Duran** and **Ali Gifar**, asked for the Council and Planning Board to support continued analysis of this site. Would like the land use changed to a mixed use because there is currently a need for a wide range of housing types. She stated that they would like to do a mixed use rather than affordable housing and would create a mixed income housing that is affordable and of high quality. In addition, they are proposing a café at the southwest corner of the site. This property will define the edge of Boulder and act as a gateway.
 2. **Maureen Taylor** spoke against changing the property designation to MXR because the property is on the fringe of the city and there are still many other areas in the core of the city that could be developed.
 3. **Shawn Barry** spoke in support of the annexation because it will offer opportunities for other families that need affordable housing and to be a part of Boulder.
 4. **Wyley Hodgeson** spoke against the annexation because it would not be compatible with the adjacent land uses and the neighborhood.

5. **Paulina Hewatt** stated that the request does not meet the gateway guidelines therefore she is not in support of the rezoning.
 6. **Matthew Karowe** opposed the rezoning as the surrounding properties are rural and the rezoning of this property would alter the area considerably and would make a precedent for the Area III.
 7. **Heather Hosterman** opposed the rezoning because it would create a noncontiguous and inconsistent boundary for the Area III planning reserve. In addition, it would not maintain an urban/rural corridor for Boulder.
- **Request 35 (6655 & 6500 Twin Lakes Rd., 0 Kalua Rd., #2 – Change to MXR)**
 1. **Willa Williford**, requestor, Deputy Director of Boulder County Housing Authority (BCHA), stated that the school district and BCHA share a goal to provide attainable housing for the community. Together they are seeking approval for the mixed land use residential designation to be studied. This will allow a diversity of housing options for families, school district employees and seniors. In addition, it could create wildlife buffers and trails across the site. BCHA is committed to six-twelve units per acre and is aware of the concerns of the area and also the need for affordable housing.
 2. **Glen Segrue**, requestor, representing the school district stated that the BVSD has an interest in conducting further water and wildlife studies. This property has always been viewed as a buildable site by BVSD. The BVSD is concerned that as the number of teachers and employees who live outside the district rises, they will not have affordable housing within the district. This project could provide housing for teachers. BVSD is exploring options.
 3. **Aria Ratten** spoke in support of affordable housing at Twin Lakes. This would be an opportunity to contribute to our community.
 4. **Andy Coco** spoke in support of the affordable housing project and to continue researching this project.
 5. **Jim Williams**, pooling with **Chris Campbell** and **Maggie Crosswy**, spoke in support of affordable housing project and presented data to show the tremendous need.
 6. **Marty Streim**, pooling with **Jeff Cohen** and **Annie Brook**, asked this item to be tabled. He stated that we need to think about how development should happen in Gunbarrel and not in a piecemeal approach. He stated that development should be consistent with land use patterns.
 7. **Gordon McCurry**, pooling with **Jason Hill** and **Paul Sadauskas**, is a hydrologist who performed an independent study of Twin Lakes. He stated high ground water is present on the site and development will raise the water table in adjacent properties. He stated that it would not be good to build in this neighborhood.
 8. **Samantha Ricklefs** pooling with **Sandra Ireland** and **Kelly Disckson**, requested that the item not be accepted by council and the Planning Board. She stated that BCHA does not understand the needs of Gunbarrel or its residents. Twin Lakes is a rural, residential community and not suitable for higher density housing and does not have the amenities to support it. She cited comp plan policies.
 9. **Brian Lay**, pooling with **Dan Rabin** and **Valerie Hotzcallis**, asked that the item be denied because every other aspect of the request (social, community and the neighborhood aspect) can be satisfied with the current land use designation. MXR and annexation are not needed to meet the needs of housing.

10. **Patrick Madden**, pooling with **Dennis Dickson** and **Dave Dickson** representing the Twin Lakes Action Group, stated that they are not against affordable housing but are not in support of this request. He asked that development be slowed down to address the shortfalls in infrastructure and amenities already present. He proposed a moratorium on development in Gunbarrel to initiate studies and surveys. The goal is a final common long range vision for the future growth of Gunbarrel.
11. **Donna George** pooling with **Dinah McKay** and **Frank Karash** asked that the housing proposal not be considered for further analysis. It lacks contiguity for annexation. The site has provided scenic vistas for decades. Affordable housing should be dispersed. It violates BVCP policies. .
12. **Mike Smith**, pooling with **Kate Chandler** and **Doug Johnson**, stated that Boulder does need affordable housing, and the density is flawed, but it should be built as infill closer to downtown and located closer to infrastructure and consistent with the BVCP. He expressed concerns about hydrology, wildlife, and infrastructure.
13. **Miho Shida**, pooling with **Yvonne Lopez** and **Dave Rechberger**, stated that opposition to this request is community wide. They would like the area to remain open space, and they have an active petition which currently over 700 people have signed. The change in designation and the creation of over 300 rental units would destroy the character of this neighborhood and would be violation of the BVCP.
14. **Jessica Hartung**, pooling with **Jen Murphy** and **Suzan Yeshida**, stated that affordable housing is a critical need yet she opposes the method of this proposed land use change to achieve it. She asked that this request be denied and read Jim Wilson's letter stating this area is not appropriate for development.
15. **Mark George**, pooling with **Jill Skuba** and **Dee George**, stated that he is concerned about hydrology and soil impacts and water that would run off from development and the impact it would have on the existing wetlands.
16. **Susan Lambert**, pooling with **Myrna Besley** and **Karen Looney**, stated that the Open Space Alliance is ready to form an improvement district. A change to the land would alter the character of surrounding neighborhoods. She stated that they would prefer that affordable housing be closer to downtown.
17. **Bill Brown** stated that having high density housing on the outside of the city will not help with carbon reduction. Individuals living in the proposed housing would have long commutes and single occupancy cars.
18. **Rolf Munson**, pooling with **Martha McPherson** and **Caroline Hogue**, stated the request is inadequate and contradicts the BVCP. He stated that no studies have been done, there is no plan for missing services, and the proposal would violate ten sections of the BVCP. He stated that Gunbarrel is not interested in annexation.
19. **Betsy Marten** pooling with **Ian Swallow** and **Penny Hannegan**, representing BHP, stated strong support for housing on the site. She highlighted her experience with affordable housing in the Boulder community over the past 29 years. Look at the evidence of the projects that were opposed where concerns have not borne out. Neighborhood concerns would be addressed by thoughtful development and mitigate hydrology. Compatible development is important.
20. **Audry Gunn**, stated that she is against Request 35 and that she is concerned for the owls' existence that currently live on the land.

21. **Jennifer Johnson** stated that she is in support of affordable housing in this area. The neighborhood already has open space and single family homes. These should not be the reasons to exclude affordable housing and segregate middle and low-income people. She stated that generally fear of the poor underlies much of the opposition.
 22. **Steve Whitehead** stated that he is against the rezoning of the property to a higher density. It would not be appropriate and that higher density should be more centrally located towards the urban areas.
 23. **Doyle McClure** stated that since the flood of September 2013, he noticed a lot of damage along Twin Lakes Road. In addition, he has noticed continual flooding along that road.
 24. **Frank Alexander** stated that affordable housing is the number one community issue. Gunbarrel has the opportunity to develop 20 acres which are needed. He stated that no land parcel is simple to develop.
 25. **Amy Chu** stated that she could be on both sides of the issue. She stated that there is not much diversity in that location in terms of animals and plants so would be a good location for development. As a teacher, she would be in favor of affordable housing.
 26. **Renee Morgan** stated that hydrology concerns are not valid. Affordable housing would offer other people the opportunity to live in that area. The people that are providing the great services in the county cannot afford to live in Boulder County. Women are disproportionately affected.
 27. **Nolan Rosell** spoke on behalf of the Habitat for Humanity board members. He stated that they are in support of the change to support and construct affordable housing. It is the single top priority to be addressed from the BVCP survey. This is a 20 acre site and the opportunity is high.
 28. **Will Toor** stated that he is in favor of affordable housing. Boulder has done a great job at preserving the environment and acquiring open space but has not provided affordable housing. He cited the BVCP survey and election results to support housing. Boulder would have no housing if views of neighbors are only concern.
 29. **Mary Duvall**, CEO of Thistle Communities, stated that it would be appropriate to consider what the community desires. She stated that this parcel of land would be appropriate to be developed and it would be a diverse and inclusive community.
- **Request 36 (6655 & 6500 Twin Lakes Rd., 0 Kalua Rd., #3 – Change to OS)**
 1. **Mike Chiropalos**, requestor, pooling with **Wendy Miller** and **Jerry George**, stated that this would be Gunbarrel's last chance for protecting the parcels. He stated that the three parcels totaling 20 acres warrant permanent protection. The proposed mixed residential use would be inappropriate and must be denied.
 2. **Sandy Stewart** stated that he supports Request 35 affordable housing on the site and is asking for "age restrictive" and high quality development.
 3. **Eliberto Mendoza**, spoke in regards to Request 35, and stated it is currently difficult to find housing in this community. He said that affordable housing would be an investment that would give back to the community.
 4. **Robin Bohannon** said that affordable housing is needed and valuable. She asked council and Planning Board how to make (Request 35) happen. She suggested asking others to give up existing privileges.

5. **Tracey Bernett** stated that this community cherishes open space and yet has seen an increase in homelessness. Boulder is currently lacking in affordable housing. In her opinion, this project would not be a threat to the owls. She stated that there is a need for affordable housing.
6. **Erin Jones** stated she is in support of the land designation change for affordable housing (Request 35). Affordable and stable housing has been linked with improved health, education and economic outcomes for families and children. Affordable housing is a platform and a foundation. She stated that she is concerned that the lack of affordable housing is impacting our local work force.
7. **Mike Stratton** stated that only a few of his co-workers live and work in Boulder. All of them could benefit from moderate income housing. He asked the council and Planning Board to approve the Request 35.
8. **Monica Rotner**, in regards to Request 35, suggested it move forward for further study. She stated that all citizens are all one step away from needing affordable housing.
9. **Daphne McCabe** stated that she is in support of Request 35 (housing) and against the Request 36 for open space.
10. **Kristen Bjornsen**, pooling with **Maryann Bjornsen** and **Michelle Caolo**, spoke in support of Request 36 for open space. The mixed density change would harm animal species of special concern and violates policies of the BVCP.
11. **Lauren Kovsky**, pooling with **Milan Sefcik** and **Jeremy Kalan**, spoke against the development of affordable housing at this location and that it would violate policies of the BVCP.
12. **Juliet Gopinath**, pooling with **John Collis** and **Kristen Aldretti** stated that Request 36 is consistent with the current comp plan values and it is in keeping with the neighborhood. Green spaces and open spaces should be conserved such as those found on the two parcels.
13. **Lisa Sundell**, pooling with **Claudia Coppoli** and **Nancy Thompson**, stated that she is in support of keeping the designation of the three parcels of land as they currently are. Density on this land would not be appropriate due to lack of amenities and transportation options available, this land provides a wildlife corridor and finally the permanently high water table in the area.
14. **Ken Beitel**, pooling with **Lenni Ducanson** and **Matt Ferren**, explained the nature and nurture of the owls at Twin Lakes. No studies were done by County Open Space or the requestors. He suggested erecting an owl preserve.
15. **Carl Boen** voiced opposition to high density development and to preserve the owls' habitat in the proposed area.

PART II: REQUESTS NOT RECOMMENDED FOR ADDITIONAL ANYALYSIS BY COUNTY

- **Request 31 (7097 Jay Road)**

1. **Brent Aanerud**, requestor, stated that his proposal would be to rezone from Open Space-Other (OS-O) to Low Density Residential (LR). He stated that he would want to develop this area for affordable housing.

- **Request 32 (Hogan-Pancost)**

1. **Rich Lopez**, requestor, informed the Council and Planning Board that he would not want the request to change the property from Area II to Area III to be forwarded for any further analysis. He stated that claims in the request are false.
2. **Steve Meyer** stated that the area would be unsuitable for annexation and development. He mentioned that the threats of legal action made by the requestor to the county may have swayed the county's previous decisions. In addition, the information provided by the development group does not give an accurate depiction of what took place on the property during the 2013 flood. This may also have biased the commission's decision. He requested that the city ask the county bodies allow the request to continue through the review process.
3. **Deb Grojean**, pooling with **Lois Hayes** and **Gabriella Sattler**, stated that there has been legal intimidation and threats of being sued for slander for speaking of flood damage. Water has been displaced into homes, and the Hogan-Pancost property flooded. She requested that Boulder County Planning Commission reconsider their denial to proceed with the comp plan change request. The Planning Commission was provided incorrect information regarding the 2013 flood.
4. **Christine Rubin** stated that she wants to have another hearing with the Boulder County Commission and move Hogan-Pancost to Area III. The Commission did not understand the history of the area.
5. **Ari Rubin** informed council and Planning Board that it has been 25 years that developers have been attempting to pave over the wetlands. He asked they help stop this from continually happening.
6. **Suzanne DeLucia** explained that during the 2013 flood her home experienced substantial flooding. She reminded them that shortly after the 2013 flood, the developer pulled their annexation request.
7. **Mireille Key**, pooled with **Jeff Rifken** and **Maryann McWhirter**, stated that at the county meeting the previous week, the developer had claimed the 2013 flood was over by "Thursday morning, September 12th". She stated that was a misrepresentation of the truth and presented pictures from the same area showing flood issues. The developer's claim is false. She stated that she is not in support of the annexation.
8. **Carol Atkinson** informed the Council and Planning Board that over the past 20 years, as development have occurred on the land east of her property; the water table has risen and come closer. She stated that she worries about the next development completely flooding everyone. In addition, she expressed concern regarding the ground water and asked that the county analyze this issue again.
9. **Gene Treppeda** asked council and Planning Board to move this item back to the County Commission for review.
10. **Jim Johnson** informed council and Planning Board that he had 18 inches of water in his home during the 2013 flood which had never happened before and any construction would change things more. He asked that the County reconsider their previous decision.
11. **Robert Prostko** discussed the debris and pick up of debris from the 2013 flood and expressed concern that if high density housing were placed in that area, the debris would be even more.

12. **Alan Taylor** stated that he is a hydrologist retained by the owner to review the floodplain information for this property. He presented information declaring that the property would not be too dangerous to develop.

City Council adjourned for the evening. Planning Board continued deliberations following the Public Hearing.

6. CONTINUED DELIBERATIONS BY PLANNING BOARD

Chair, **B. Bowen**, declared a quorum at 11:09 p.m. of the Planning Board and the following business was conducted.

Board Deliberations:

MAP CHANGES FOR AREA II & AREA III

- **Request 25 (3261 3rd Street)**
 - Based on action taken by the county, the Planning Board recommended support to further consider and analyze the following request for land use map changes.
- **Request 26 (3000 N. 63rd St. & 6650 Valmont Rd.)**
 - Based on action taken by the county, the Planning Board recommended support to further consider and analyze the request for land use map changes.
- **Request 29 (2801 Jay Road #1)**
 - **C. Gray** stated that she was in disagreement with the Planning Commission and staff recommendation and recommends not changing the designation from PUB to MXR as it would be out of character with the surrounding area. The process should be incorporated into the planning reserve.
 - **L. Payton, J. Gerstle** and **L. May** agree with the PUB use designation.
 - **J. Putnam** stated that it should be considered under the BVCP process, even if he is not certain the requested designation for this property is appropriate. This process is the right time to consider.
 - **B. Bowen** added that if we had active analysis of the site, he would be interested in having staff evaluate the area for compatibility and appropriateness for area III.
 - Based on action taken by the county, the Planning Board recommended not further analyzing Request 29.
- **Request 35 (6655 & 6500 Twin Lakes Rd., 0 Kalua Rd., #2 / Request 36 (6655 & 6500 Twin Lakes Rd., 0 Kalua Rd., #3)**
 - **J. Putnam** stated that both Requests 35 and 36 should move forward and deserve further study.
 - **C. Gray** added, in regards to Request 35, to maintain the area as RL-2 to provide flexibility and to be compatible with the area. Therefore she stated that she would be voting no on Request 35 but would like to see Request 36 have further study.

- **L. Payton** added that the location for housing is a concern as it would add a burden of car ownership when housing and services are far from each other. She mentioned that we have crisis of affordable housing and we need to find a solution for on-site affordable housing. She also mentioned ground water, annexation, wildlife corridor, and access to open space as concerns. She did not believe there was much outreach or engagement to neighbors. She stated that she is in support of Request 36 but undecided about Request 35.
- **B. Bowen** stated that we need listen to the neighbors. He was in support of advancing Request 35, yet skeptical regarding Request 36, however he saw no harm to let it move forward.
- **J. Gerstle** was in support of moving ahead with Request 35 and Request 36.
- **L May** stated three issues are at hand: affordable housing, density, and whether development should happen. He expressed concern making a land use change framed around a specific project that in the future may be sold and become a different, bigger project. However, he stated that he would be in support of moving this Request 35 forward for further study in addition to Request 36.
- Based on action taken by the county, the Planning Board recommended support to further consider and analyze the Request 35 for land use map changes.
- Based on action taken by the county, the Planning Board recommended support to further consider and analyze the Request 36 for land use map changes.

Motion:

On a motion by **J. Putnam**, seconded by **B. Bowen**, the Planning Board voted 6-0 to further consider and analyze the following land use map changes for Area II and Area III properties:

- 1) 3261 3rd Street – Request 25
- 2) 3000 N. 63rd Street & 6650 Valmont Road (Valmont Butte) – Request 26

On a motion by **J. Putnam**, seconded by **B. Bowen**, the Planning Board voted 5-1 (**C. Gray** opposed) to further consider and analyze the following land use map changes for Area II and Area III properties:

- 1) 6655 & 6500 Twin Lakes Rd., 0 Kalua Rd., #2 – Request 35

On a motion by **J. Putnam**, seconded by **B. Bowen**, the Planning Board voted 6-0 to further consider and analyze the following land use map changes for Area II and Area III properties:

- 1) 6655 & 6500 Twin Lakes Rd., 0 Kalua Rd., #3 – Request 36

• **Request 32 (Hogan-Pancost)**

- **L. Payton** thought the staff recommendation and neighborhood testimony was compelling. Given the flood of 2013, development of the area is no longer within the public interest.
- **J. Putnam** stated that he will support the motion for further study but is not sure if the area should be moved to Area III. He stated that the city should review this issue.

Motion:

On a motion by L. Payton, seconded by C. Gray, the Planning Board voted 5-1 (B. Bowen opposed) to further consider and analyze Request 32, a service area contraction request, for 5399 Kiwani Drive and 5697 South Boulder Road Hogan-Pancost to change the properties from Area II to Area III.

On a motion by L. Payton, seconded by J. Putnam, the Planning Board voted 5-1 (B. Bowen opposed) to recommend that City Council approve further consideration and analysis of Request 32 and approve a motion to ask the Boulder County Planning Commission and Board of County Commissioners to reconsider their decisions on Request 32.

- **Request 30 (2801 Jay Road #2)**

- L May questioned if this property and possibly moving to Area III would be worth studying. L. Payton stated she would be in support.
- J. Putnam stated that he would not support this as it does not meet the criteria. B. Bowen agreed and stated that public use makes more sense.

Motion:

On a motion by L. May, seconded by C. Gray, the Planning Board voted 4-2 (B. Bowen, J. Putnam opposed) to further consider and analyze Request 30, a service area contraction for 2801 Jay Road #2 change the property from Area II to Area III-Planning Reserve.

On a motion by L. May, seconded by L. Payton, the Planning Board voted 4-2 (B. Bowen, J. Putnam opposed) to recommend that City Council approve further consideration and analysis of Request 30 and approve a motion to ask the Boulder County Planning Commission and Board of County Commissioners to reconsider their decisions on Request 30.

(Note: The Boulder County Planning Commission supported this request and Board of Commissioners voted did not support additional analysis.)

7. DEBRIEF MEETING/CALENDAR CHECK

8. ADJOURNMENT

The Planning Board adjourned the meeting at 12:29 a.m.

APPROVED BY

Board Chair

DATE

CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
February 4, 2016
1777 Broadway, Council Chambers

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

PLANNING BOARD MEMBERS PRESENT:

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

PLANNING BOARD MEMBERS ABSENT:

None

STAFF PRESENT:

David Driskell, Executive Director of Community Planning
Hella Pannewig, Assistant City Attorney
Cindy Spence, Administrative Specialist III
Chandler Van Schaack,
Elaine McLaughlin, Senior Planner
Sloane Walbert, Planner I
David Thompson, Civil Engineer II - Transportation
Kalani Pahoia, Urban Designer
Sam Assefa, Senior Urban Designer

1. CALL TO ORDER

Chair, **B. Bowen**, declared a quorum at 6:06 p.m. and the following business was conducted.

2. APPROVAL OF MINUTES

On a motion by **J. Gerstle** and seconded by **B. Bowen** the Planning Board voted 6-0 to approve the January 21, 2016 minutes as amended,

3. PUBLIC PARTICIPATION

No one spoke.

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

B. Bowen recused himself from the Call Up Items.

- A. Call Up Item: USE REVIEW (LUR2015-00087): Conversion of the former “John’s” restaurant space located at 2328 Pearl St. within the MU-3 zone district to a new restaurant, “River and Woods.” The call-up period expires on February 10, 2016.
- B. Call Up Item: USE REVIEW (LUR2016-00007): Request to allow for a parking lot as a principal use at 2206 Pearl St. in the MU-3 zone district. The call-up period expires on February 10, 2016.

None of the items were called up.

B. Bowen rejoined the meeting.

5. PUBLIC HEARING ITEMS

- A. AGENDA TITLE: Public hearing and consideration of a Use Review application to convert an existing skin care use at 2449 Pine Street to a medical office entitled the Alpine Eyecare Center, an optometry clinic. The building, which is not proposed for expansion, is located within the Residential - Mixed 1 (RMX-1) zoning district. Case no. LUR2015-00105.

Staff Presentation:

E. McLaughlin presented the item to the board.

Board Questions:

E. McLaughlin answered questions from the board.

Applicant Presentation:

Chuck Beatty, the Applicant, introduced himself to the board.

Public Hearing:

No one spoke.

Board Comments:

No discussion

Motion:

On a motion by **J. Gerstle** seconded by **J. Putnam** the Planning Board voted 6-0 to approve the Use Review application LUR2015-00105, adopting the staff memorandum as findings of fact and subject to the recommended conditions of approval.

- B. AGENDA TITLE: Public hearing and consideration of a Nonconforming Use Review for the addition of two bedrooms in the basement of an existing non-conforming duplex at 940 14th Street. The project site is zoned Residential - Low 1 (RL-1). Case No. LUR2015-00073.

Staff Presentation:

S. Walbert presented the item to the board.

Board Questions:

S. Walbert and **H. Pannewig** answered questions from the board.

Applicant Presentation:

Michael Hirsch, the owner's representative, presented the item to the board.

Board Questions:

S. Walbert, **H. Pannewig** and **M. Hirsch**, the owner's representative, answered questions from the board.

Public Hearing:

1. **Ellen Aiken** spoke in opposition to the project. She stated that the broader issue should be the quality of life in this area and the planning policy should not be to increase the number of students in this area. She suggested working with the University to create a better community interwoven with students and residents.
2. **Jyotsna Raj** spoke in opposition to the project. She stated that this area was originally single family homes. She urged to not give this location over to student housing completely. She asked for a balance of students and long-term residents.
3. **Sam Simkin** spoke in opposition to the project. He expressed concern that this would set a precedent to do conversions and ask permission later
4. **Steven Walsh** spoke in opposition to the project. He urged the board to reverse staff's decision to expand based on the concerns that the illegal apartment is unsafe. He expressed concern that if this would be allowed, it may incentivize many other owners.
5. **Lani King** spoke in support of the project. She stated that the owner was not aware that the bedrooms were illegal and explained that the owner had begun the process to conform. Remodels have begun on the interior and better tenants will improve the situation.
6. **Jessica Ramer**, the owner of the property, discovered the bedrooms were illegal after purchasing the property. By making the property conforming, she stated it would not increase the amount of residents. The property would remain two units with three bedrooms each. The amount of people in the unit would not increase. She stated that she encourages her tenants to meet their neighbors. She is attempting to correct the problem.

Board Comments:

Key Issue: Does the proposal meet the criteria for the expansion of a nonconforming use per land use code section 9-2-15, "Use Review," B.R.C. 1981?

- **L. May** stated that the number of legal bedrooms or how the previous owners maintained the property is not the issue. He disagreed with staff on how adding bedrooms could reduce or alleviate the degree of nonconformity, it actually exacerbates it. Therefore, he would not be supporting this issue.

- **C. Gray** agreed and stated that the proposal does not meet the criteria for expansion of a non-conforming use per the Land Use Code. She stated that it increases the nonconformity and does not meet the compatibility criteria. The property becomes more incompatible.
- **J. Putnam** agreed that their analysis should not consider the fault of the prior owner, but should focus on the criteria and City Council's policy. The policy on nonconforming use reviews was created by council to encourage these types of proposals. Given the state of the property, the neighborhood would be better with the improvements, if maintained. He stated that he would need to see some assurance in the form of bonding or letter of credit to make sure the improvements would be maintained. He would lean towards approval with those pieces in place. The precedent discussed by the neighbors was actually created by City Council. They would need to revisit this policy to change the criteria at hand.
- **B. Bowen** stated that the occupancy would not change on the property and that the proposal is a building code issue. They can currently have 3 people in the bottom unit and the number of bedrooms is not the occupancy push. He stated that the issue seems to be whether the occupancy is being violated or enforced.
- **L. Payton** agreed with **C. Gray** and **L. May**. This does not appear to be compatible with the neighborhood and does not reduce the affects of the use. Based on testimony of the neighbors the proposal would not be compatible and would attribute to changing the character of the area. It would encourage more displacement of permanent residents. Overall, this would increase the effect of nonconformity.
- **J. Gerstle** said that it would be appropriate not to consider the past and the new owner should be given the benefit of the doubt. He stated that he agrees with **L. Payton**. The proposal would not alleviate the effects of the nonconformity in the surrounding area and it would not be appropriate to approve the request.
- **L. May** stated that there seems to be a fundamental disconnect between downzoning and application. Downzoning to not add to higher intensity uses. Expanding that would undercut the downzoning. Need to look at code to add clarity on nonconforming use review requests.
- **J. Putnam** stated that we have the code as it is. The criteria are designed to fix up properties like this and the intent was to create an incentive to maintain and improve properties. The proposal is a significant improvement to compatibility. With the current costs and pressure the unit will still have three people. The proposal would improve the property and decrease impacts. There is no potential to be non-student housing in the future. These proposals are needed to keep properties from spiraling out of control. He is against the motion.
- **L. Payton** stated that she is concerned about the condition of back yard. The proposal probably doesn't address. There was no testimony in support of landscape improvements to offset the proposed bedrooms. She is relying on the testimony of neighbors.

- **J. Gerstle** the review should not be a bargain with the city and allow homeowners to allow property to fall into disrepair unless they get what they want. Economic issues and the threat of further degradation should not be a basis for approval.
- **L. May** stated that he is not convinced the improvements will happen if they grant the approval.
- **B. Bowen** said that the improvements would be required.
- **J. Putnam** stated that the tradeoff for improvements has already been made by council. This review is a question of whether the proposal meets the criteria.
- **Gray** stated that the addition of two bedrooms will increase the nonconformity.

Motion:

On the motion by **L. Payton**, seconded by **L. May**, the Planning Board voted 4-2 (**B. Bowen** and **J. Putnam** opposed to deny the nonconforming use review for the addition of two bedrooms in the basement of an existing nonconforming duplex at 940 14th Street.

On a motion by **L. Payton**, seconded by **J. Putnam**, the Planning Board voted 6-0 to continue the hearing to the next scheduled Planning Board meeting and to ask staff to prepare written findings of fact.

- C. AGENDA TITLE: Public hearing to consider a recommendation to City Council on the 2016 Update to the Downtown Urban Design Guidelines.

Staff Presentation:

S. Assefa introduced the item.

K. Pahoa presented the item to the board.

Board Questions:

K. Pahoa, S. Assefa and H. Pannewig answered questions from the board.

Public Hearing:

No one spoke.

Board Comments:

- **B. Bowen** instructed the board to email any edits or comments such as typos to staff. He asked if the board would like to make any substantive comments at this time.
- **C. Gray** complimented the staff on their thoroughness and hard work. She stated that she would support the adoption of the 2016 Update to the Downtown Urban Design Guidelines (DUDG).

- **J. Putnam**, on page 42, in regards to the three zones encompassing sidewalks, street frontage and curb zone, felt that there may be too much focus on either parking or pedestrians and not enough on bikes. The curb zone needs to be transparent for cyclists getting from the street to bike parking. Should be more thought about how the bikes are suppose to move within this realm. The conflict from landscaping and street furniture should be minimized and seamless.
- **L. May** stated that he would support the DUDG. He stated that he was happy to see that the “add views and sun and shade” comments were included in the revised DUDG (*Table 1, Page 6, Item 4 of the packet*), however the language in the current DUDG was more explicit. He mentioned that **L. Payton** had cited some of the current language in the DUDG and he felt it had been diminished in the revision.
- **B. Bowen** added that within the committee discussions it was decided that the establishment of view corridors would be a separate process. He stated that a lot of language was removed that stated the obvious or that did not truly instruct applicants on how to design or reviewers how to review. The language that **L. May** was referring to was a part of that discussion and a simplification of language was conducted.
- **L. May** asked if there had been a consensus among the working group that the language should be de-emphasized. He stated that if there had not been a consensus, then the language should have remained the same. Staff confirmed that there had been a consensus. On another topic regarding the requirement to wrap alley corners with frontage material (*Item 12, Page 7 of the packet*), he stated the language is vague and does not provide guidance and suggested an image. In regards to “stucco surfaces” (*Page 21 of 185*), he suggested that when stucco is addressed in the DUDG, that perhaps “Elastomeric Coating” should be addressed under inappropriate surfaces. He suggested that a different image be used for the Patagonia façade (*Page 23 of 185*). He suggested removing the term “paseo” and replacing with “walkway”.
- **L. Payton** mentioned that the Landmarks DRC is a “committee”, not a “commission”. She questioned how the revised DUDG will advance the design excellence of the downtown area and will better buildings be produced.
- Staff stated that it may not guarantee a better outcome but it will assist with the process.
- **L. Payton** continued by saying that this milestone, revision of the DUDG, must be met before the height moratorium can be lifted for downtown. She questioned why the revised DUDG would be a trigger for lifting the moratorium if it cannot guarantee better buildings. In addition, she pointed out that if images appear in the guidelines, then applicants will use those as a standard, therefore images are critical.
- **J. Putnam** offered a recommendation in regards to images. He suggested adding the language “nor does it guarantee appropriateness or meeting all criteria in a future projects” to the statement on page 3 in the DUDG.

- The board and staff went through a number of images and discussed replacement or removal of them.
- **C. Gray** highlighted that there is a distinction in the interface between the downtown business zones and the downtown residential zones (*Page 40 of 185, section 2.3*). She pointed out that there may be some confusion on the part of applicants as to which guidelines to follow.
- **L. May** reintroduced the topic regarding “views and sun and shade” for open discussion among the board members. He wanted to discuss the idea of whether to include the original language from the 2012 DUDG or use the new language from the revised DUDG. He stated that the original language conveyed a stronger sentiment and gives a clearer direction.
- **L. Payton** suggested that the importance of the views and other ideas could be added within the bullets (*Page 11 of 185 in the sidebar*). **C. Gray** was in favor of giving staff guidance in this area. **L. Payton** suggested adding a sentence regarding the “exceptional mountain views”.
- **J. Putnam** and **B. Bowen** opposed the suggestion based on the notion that the DUDG revision process has been reviewed very thoroughly and carefully and they were not comfortable with altering the document. In addition they did not feel this would help designs to be better. It would be reversing the consensus decision.
- Planning Board requested minor revisions to be incorporated into the draft for City Council:
 1. Page 2, Sidebar Note: Add “West Pearl” to the neighborhood list
 2. Page 3, Sidebar Note: Amend the following note “The design guidelines include photographs and diagrams to illustrate acceptable or unacceptable approaches. These photographs and diagrams are provided as examples and are not intended to indicate the only options.” to include language which stipulates adherence to the photographs and diagrams does not guarantee appropriateness or approval.
 3. Page 7, Figure 2: Correct the diagram reference of the Landmark Design Review Commission Committee.
 4. Page 26, Item 2.1.C.4: Amend the alley material return. Provide clear guidance on the desired design outcome of the material return. Possible solutions could be requiring a minimum distance, or requiring the return to be representative of the structural bay, and/or an illustrative photo.
 5. Page 31, Figure 18: Replace the image with another building that has a commercial use in a residential zone. Add the zoning district to the caption, ex. DT-1.
 6. Page 33, Item 2.3.B – In respect to the construction of residential entries to be above grade modify the language for an exception to at grade porches which includes evaluation of the residential character of the block and matching the porch conditions of the adjacent properties.

7. Page 35, Figure 23 – Replace image with a different contemporary single family residential image.
 8. Page 40-41, Figure 27 – Change “paseos” to “walkways”
 9. Page 42, Item 3.2.C.3 – Add a bullet point for accommodating bicycle circulation with a clear zone area free from obstructions in the curb zone.
- Planning Board suggestions not incorporated into the Draft dated Feb 3, 2016.
 1. Pg. 14 – (*Section 1: The Historic Section*) 1.1.A (2) Amend bullet “EIFS systems or EIFS decorative elements” to include elastomeric stucco, or stucco with plasticizers, or synthetic stucco topcoats. (Currently, the materials list resides in *Section 1: The Historic Section* under the purview of the Landmarks Board. Staff will forward the comment to the Landmarks Board for the *Section 1* revision scheduled to take place later this year.) Planning board opinions on the addition of this item was varied. **L. Payton** stated it may not be necessary to list all the possibilities of “discouraged materials”, **B. Bowen** mentioned the list may not need this addition but including synthetic stucco topcoats as a discouraged material may be a solution, and **L. May** pointed out that while specific stucco finishes generated by application technique are discouraged there is no mention of synthetic stucco as inappropriate material and discouraging EIFS only may not be sufficient.

Motion:

On a motion by **B. Bowen**, seconded by **C. Gray**, the Planning Board voted 6-0 to approve the 2016 Update to the Downtown Urban Design Guidelines with the staff proposed change to paragraph 5 on page 3 to add the word “independently” for the second sentence to read “The Landmarks Board independently approves the guidelines for the Downtown Historic District.”

L. May, seconded by **L. Payton**, moved that the Planning Board amend the main motion to reinstate the original language from the 2002 DUDG from page 9 with regards to views and sun and shade to be included in the sidebar on page 3 of the 2016 revised DUDG. The board voted 3-3 (**B. Bowen, J. Putnam, J. Gerstle** opposed). The motion failed.

L. Payton, given that the 2016 revised DUDG do not provide substantially different guidance to design downtown, moved that Planning Board recommend to City Council that those areas north of Canyon Blvd and within the DT-4 and the DT-5 zoning districts not be added to the map designated as “Appendix J” areas where height modifications may be considered of *Ordinance 8028*. **J. Putnam, B. Bowen** and **J. Gerstle** objected stating that the proposed motion would be outside the scope of what was noticed to the public and that public notification should be done prior to making this type of motion. There was no second on the motion. **L. Payton** withdrew the motion.

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

A. Discussion of Planning Board Recess Dates

Staff Presentation:

C. Spence presented the item to the board.

Board Comments:

- The board agreed the Planning Board 2016 recess would start June 16th and run through July 7th. The first Planning Board meeting back in session would be July 21st.

B. Planning Housing & Sustainability 2016 Work Plan and Council Retreat Session

Staff Presentation:

D. Driskell presented the item to the board.

Board Questions:

D. Driskell answered questions from the board.

7. DEBRIEF MEETING/CALENDAR CHECK

8. ADJOURNMENT

The Planning Board adjourned the meeting at 10:19 p.m.

APPROVED BY

Board Chair

DATE

MEMORANDUM

TO: Planning Board

FROM: Jessica Stevens, Civil Engineer II

DATE: February 17, 2016

SUBJECT: **Call Up Item:** Wetland Map Revision (LUR2016-00005)
Boulder Creek Path at 30th Street

This decision may be called up before Planning Board on or before **February 24, 2016**.

A wetland map revision was approved by Public Works Development Review staff on February 17, 2016 for the Boulder Creek path at 30th Street.

The applicant has applied for a wetland boundary revision to the mapped wetlands area in the vicinity of the Boulder Creek path at 30th Street. The request will remove the concrete path, retaining wall and adjacent upland areas from the regulatory wetlands. Wetland delineation data forms have been provided supporting the requested revision in accordance with the Corps of Engineers Wetland Delineation.

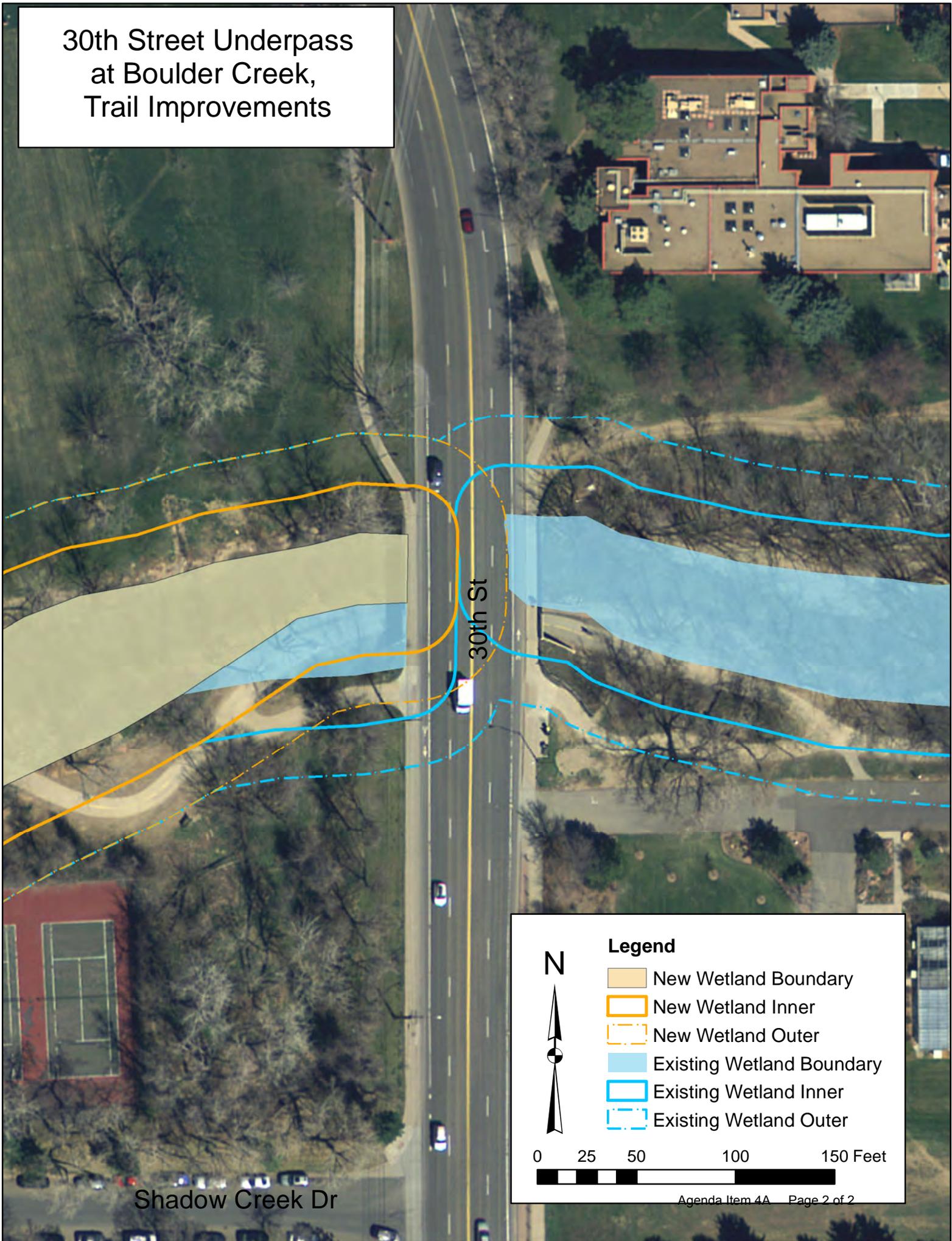
The wetland map revision was approved by Public Works Development Review staff on February 17, 2016 and the decision may be called up before Planning Board on or before March 3, 2016. There is one Planning Board meeting within the 14 day call up period on **March 3, 2016**.

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

Attachments:

A. Wetland Map Revision

30th Street Underpass
at Boulder Creek,
Trail Improvements



Legend

- New Wetland Boundary
- New Wetland Inner
- New Wetland Outer
- Existing Wetland Boundary
- Existing Wetland Inner
- Existing Wetland Outer

0 25 50 100 150 Feet

Agenda Item 4A Page 2 of 2

MEMORANDUM

TO: Planning Board

FROM: Jessica Stevens, Civil Engineer II

DATE: February 26, 2016

SUBJECT: **Call Up Items:** Boulder Creek Path Improvements
at 30th Street Underpass
Floodplain Development Permit (LUR2015-00120)
Wetland Permit (LUR2015-00116)

This decision may be called up before Planning Board on or before **March 11, 2016**.

A floodplain development permit and wetland permit were approved by Public Works Development Review staff on February 26, 2016 for Boulder Creek path improvements at the 30th Street underpass.

The City of Boulder Public Works Department has applied for a floodplain development permit and a standard wetland permit for improvements to the Boulder Creek path at the 30th Street underpass. Currently the underpass floods during times of high creek flows. The proposed project will improve drainage conveyance and the safety of the underpass. The improvements will include widening of the Boulder Creek path along the existing alignment, improving drainage and the replacement of a concrete retaining wall.

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

The underpass improvements will temporarily impact 1,144 square feet of buffer zone and 519 square feet of wetland area. Permanent impacts include 852 square feet within the buffer area. Temporarily impacted areas will be revegetated using a native seed mix. Public Works has proposed to mitigate the buffer zone impacts by removing 427 square feet of existing sidewalk and restoring buffer functions in this area. In addition, a total of 40 native trees will be planted within the buffer zone restoration and enhancement areas between the path and Boulder Creek.

The floodplain development permit and wetland permit were approved by Public Works Development Review staff on February 26, 2016 and the decision may be called up before Planning Board on or before March 11, 2016. There is one Planning Board meeting within the 14 day call up period on **March 3, 2016**.

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

Attachments:

- A. Floodplain Development Permit
- B. Vicinity Map - Floodplain
- C. Wetland Permit
- D. Vicinity Map - Wetland



CITY OF BOULDER
Planning and Development Services

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

Land Use Review Floodplain Development Permit

Date Issued:

Expiration Date:

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

Permit Number:

LUR2015-00120

Contact Information

DEBBIE RITTER
 CITY OF BOULDER PO BOX 791
 BOULDER, CO 80306
 303 441 3253

Project Information

Location:

1505 30TH ST

Legal Description:

E 1/2 NE OF NW 19 ACS 32-1N-70 SCOTT CARPENTER PARK 30TH & A
 RAPAHOE

Description of Work:

Floodplain Dev. Permit Application for modifications to the existing Boulder
 Creek path and retaining wall at the 30th Street Underpass

Type of Floodplain Permit:

Floodplain Review W/ Analysis

Creek Name:

Flood Protection Elevation:

Not applicable

Conditions of Approval

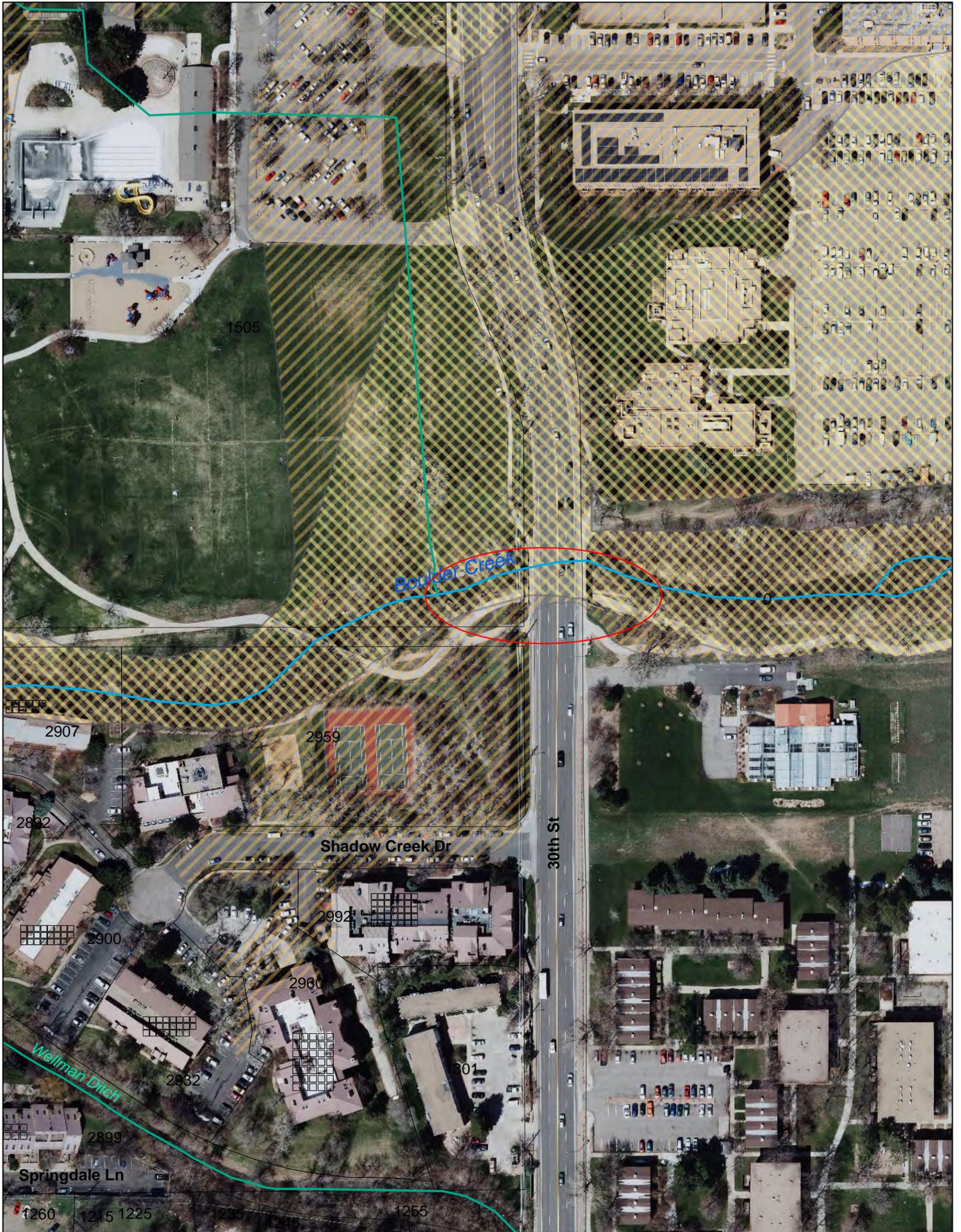
- The proposed project/activity is approved on the basis that it satisfies applicable requirements of Chapter 9-3-3, "Floodplain Regulations," Boulder Revised Code 1981. Other floodplain requirements as set forth in Chapter 9-3-3 which are not specifically outlined in the conditions of approval below remain applicable to this project/activity.
- The applicant shall provide conformation from a licensed Professional Engineer that all improvements have been completed in conformance with this Floodplain Development Permit.
- The applicant shall obtain a site inspection and approval from the City of Boulder Floodplain and Wetlands Coordinator upon completion of the projects.
- Upon completion of the construction, the applicant shall provide an as-built survey to the Floodplain and Wetland Administrator
- Improvements shall be constructed in accordance with the plans submitted as part of the floodplain development permit application.

Inspections

To schedule an inspection, call 303-441-3280 and refer to your permit number (LUR2015-00120).

- Final Floodplain Inspection

Boulder Creek Path Underpass Improvements at 30th Street



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SUBJECT TO REVISION

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

Legend

-  Conveyance
-  100 Year





CITY OF BOULDER
Planning and Development Services

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

Wetland Permit

Date Issued: 2/26/2016 **Expiration Date: February 25, 2019**
 (Pursuant to Subsection 9-3-9(k), B.R.C. 1981)

Permit Number: LUR2015-00116

Contact Information

DEBBIE RITTER
 CITY OF BOULDER PO BOX 791
 BOULDER, CO 80306
 303 441 3253

Project Information

Location: 1505 30TH ST
Legal Description: E 1/2 NE OF NW 19 ACS 32-1N-70 SCOTT CARPENTER PARK 30TH & A RAPAHOE
Description of Work: Standard wetland permit for Boulder Creek Path improvements, including concrete path widening and retaining wall construction.

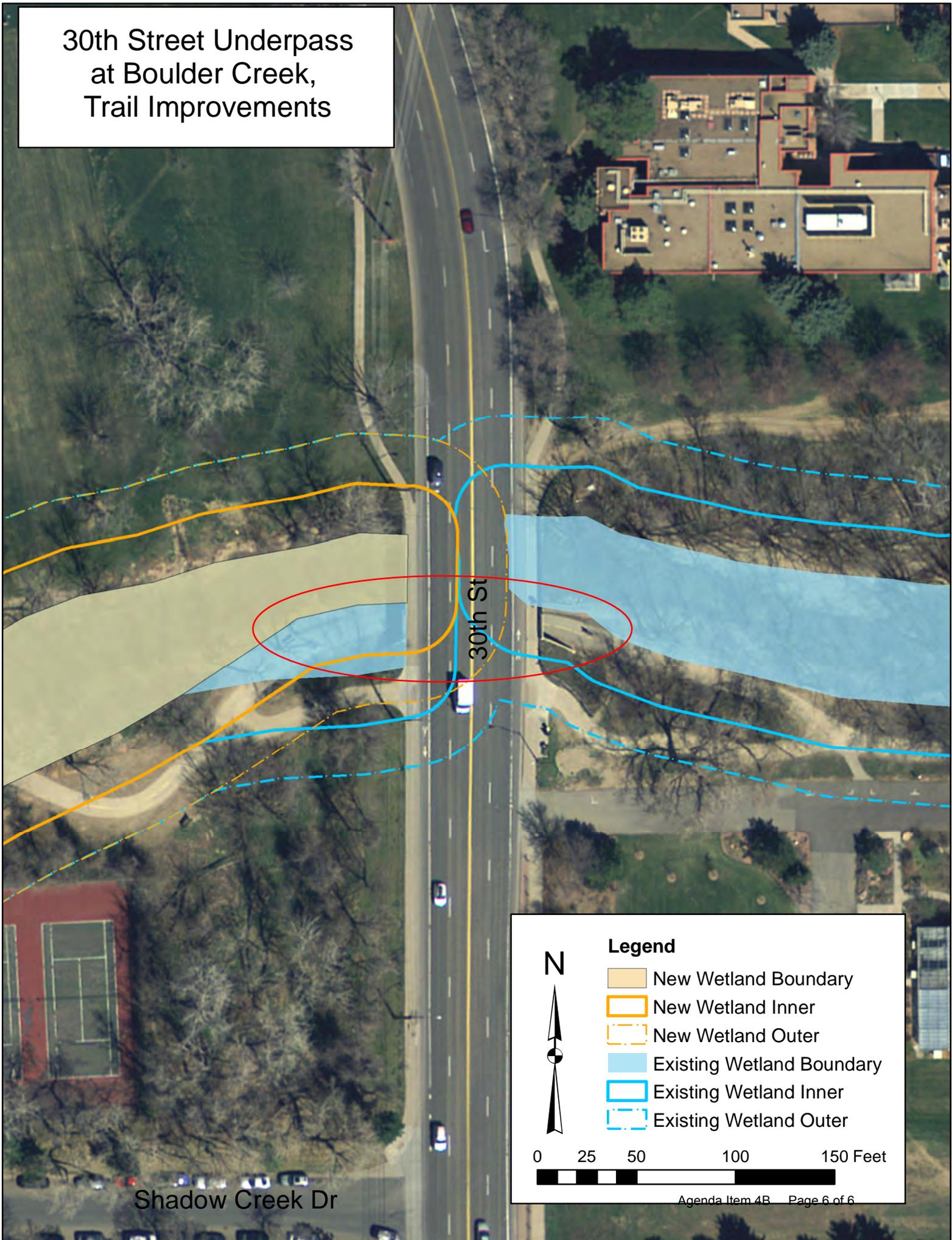
Conditions of Approval

- The proposed project/activity is approved on the basis that it satisfies applicable requirements of Chapter 9-3-9, "Wetlands Protection," Boulder Revised Code 1981. Other wetland requirements as set forth in Chapter 9-3-9 which are not specifically outlined in the conditions of approval below remain applicable to this project/activity.
- The applicant shall obtain a site inspection and approval from the City of Boulder Floodplain and Wetlands Coordinator upon completion of the projects.
- The improvements shall be constructed to minimize and mitigate impacts to the existing wetlands in conformance with the conditions of the City of Boulder Wetland Permit issued for this project.
- The issuance of this Wetland Permit is conditioned upon the approval of the Wetland Mapping Boundary Revision. If the Mapping Revision is not approved, modifications to the permit application materials will be required.

Inspections

To schedule an inspection, call 303-441-3280 and refer to your permit number (LUR2015-00116).

30th Street Underpass
at Boulder Creek,
Trail Improvements



30th St

Shadow Creek Dr

Legend

- New Wetland Boundary
- New Wetland Inner
- New Wetland Outer
- Existing Wetland Boundary
- Existing Wetland Inner
- Existing Wetland Outer

0 25 50 100 150 Feet

Agenda Item 4B Page 6 of 6

MEMORANDUM

To: Planning Board
FROM: Sloane Walbert, Case Manager
DATE: February 26, 2016
SUBJECT: **Call Up Item:** Approval of a Use Review to establish an animal kennel (cat boarding area) within a cat only veterinary clinic at 1915 28th St. in the Business – Regional 1 (BR-1) zone district. Case No. LUR2016-00011.

Attached is the disposition of approval of a Use Review to allow an animal kennel use at the southeast corner of Walnut Street and 26th Street in the Marshall's Plaza Shopping Center (see [Attachment A](#)). Pursuant to Table 6-1: "Use Table", B.R.C. 1981, a Use Review is required for animal kennels within the BR-1 zone district. The associated veterinary clinic does not require a Use Review. Refer to [Attachment B](#) for staff's analysis of the Use Review Criteria.

Background. The subject tenant space is part of the approximately 9.5 acre Marshall's Plaza Shopping Center located in Central Boulder on the west side of 28th Street, within the Boulder Valley Regional Center (BVRC) (refer to [Figure 1](#)). The shopping center contains a variety of service, retail and restaurant uses, including Marshall's, Office Depot, REI, Jason's Deli and Bed Bath & Beyond. The character of the area is predominantly commercial and retail oriented, with Target and the 29th Street Shopping Center located immediately across 28th Street to the east. To the north of the site is a shopping center, which contains a large retail liquor store (Hazel's), a retail mattress store (Denver Mattress) and a financial institution (Bank of America). An office building is located to the northwest of the shopping center, across Walnut St. and 26th St. The Diary Center for the Arts and the Hub Apartments are directly to the west, across 26th St.

A large portion of the city's commercial activity takes place in the BVRC, making this subcommunity a major regional destination area due to its abundance of shopping, restaurants, services, and jobs. Within the BVRC, the development pattern shifts from a grid of streets and alleys west of Folsom to a more auto-oriented pattern to the east featuring longer "super-blocks" lined with retail and surface parking lots.



Figure 1: Vicinity Map

The project site is located within the Business Regional - 1 (BR-1) zone district, defined in the land use code as, “business centers of the Boulder Valley, containing a wide range of retail and commercial operations, including the largest regional-scale businesses, which serve outlying residential development; and where the goals of the Boulder Urban Renewal Plan are implemented” (section 9-5-2(c)(2)(l), B.R.C. 1981). Refer to **Figure 2**.



Figure 2: Zoning Map

The proposed use would occupy a tenant space previously occupied by the Jai Ho restaurant at the far northwest corner of the shopping center. The current configuration of Marshall’s Plaza was originally approved in 1984 as part of a Planned Unit Development (PUD) (#P-84-2) and a Special Review (SR-84-1). Commercial uses on the property pre-date this approval. Refer to **Figure 3** for a historic photograph of the former Woolco department store. A PUD amendment was approved in 1986 (#P-86-8) for Phase 2 of the development, which included the construction of the building at 1945 28th St. (Pad “B”) and the building at 1731 28th St. (Pad “A”) The amendment also included a 4,130 square foot addition to the north side of the main building (Pad “C”) and a 4,380 square foot addition to the northwest corner of the main building (Pad “D”). A number of administrative reviews (e.g., minor modifications) have been granted for the center.



Figure 3: Woolco Store in 1970

The Marshall’s Plaza Shopping Center is over 50,000 square feet of floor area. Less than 30 percent of the floor area is occupied by restaurants, taverns or brewpubs. Per Table 9-4 of the land use code, the total parking required is 652 parking spaces, where 438 are provided. The shopping center was approved for a 15.1% parking reduction in 2012 (case no. ADR2012-00175). Since that time, the former restaurant Baker

Street Pub has been converted to a retail space. With this proposal, the parking demand will be further reduced since a restaurant will be converted to a veterinary clinic. Since this application will not add floor area or increase the parking demand, no parking reduction is necessary.

Project Proposal. The applicant is requesting approval of a Use Review to allow a cat only boarding area, to be fully contained within a cat only veterinary clinic. The boarding area would occupy approximately 200 square feet or about 4.6% of the total square footage of the leased space. The kennel would accommodate 10 to 15 cats for boarding. Per [section 9-16-1](#) of the land use code, an animal kennel is defined as an establishment where domestic animals such as cats and dogs are boarded, trained, bred, or provided daycare.

The proposed hours of operation for the kennel are 6 a.m. to 9 p.m., seven days a week. The addition of the boarding use to the veterinary clinic would add two part-time employees to the anticipated staffing, for a total of four full-time and four part-time employees. The boarding use would not extend outside of the existing building and would have minimal impact on the surrounding areas. Unlike other animal kennels, the use will not have an outdoor run or an outdoor area for animals to relieve themselves. All odors and noise generated by the use will be fully contained inside the leased space. The clinic intends to install an enhanced HVAC system with negative pressure vents installed on each boarding condo to reduce possible odors. Refer to [Attachment C](#) for the applicant's written statement and proposed plans.

Review Process. Pursuant to [section 9-6-1](#), B.R.C., animal kennels are only permitted in the BR-1 zone district with a Use Review approval. Despite being customarily found with veterinary uses, a boarding facility constitutes a second principal use of the premises that will attract separate customers. Per [section 9-4-2](#), B.R.C. 1981, applications for Use Review are subject to call up by the Planning Board. No modifications from the development code have been requested. The proposal meets all of the development standards for the zoning district and does not trigger or require Site Review.

Public Comment. Required public notice was given in the form of written notification mailed to all property owners within 600 feet of the subject property and a sign posted on the property for at least 10 days. All notice requirements of [section 9-4-3](#), "Public Notice Requirements," B.R.C. 1981 have been met. Staff has not received any public comment on the proposal.

Conclusion. Staff finds that the proposed project meets the relevant criteria of [section 9-2-15](#), "Use Review," B.R.C. 1981. The proposed use is consistent with the zoning, will provide a service and convenience to the neighborhood and will have minimal negative impact on the use of nearby properties. Refer to [Attachment B](#) for staff's analysis of the Use Review criteria.

The proposal was **approved** by Planning and Development Services staff on **February 25, 2016** and the decision may be called up before Planning Board on or before **March 10, 2016**. There is one Planning Board hearing scheduled during the required 14-day call-up period on **March 3, 2016**. Questions about the project or decision should be directed to the Case Manager, Sloane Walbert at (303) 441-4231 or at walberts@bouldercolorado.gov.

Attachments:

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



**CITY OF BOULDER
Planning and Development Services**

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

**CITY OF BOULDER PLANNING DEPARTMENT
NOTICE OF DISPOSITION**

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

DECISION: APPROVED WITH CONDITIONS
PROJECT NAME: ANIMAL KENNEL IN MARSHALLS PLAZA
DESCRIPTION: USE REVIEW to establish an animal kennel (cat boarding area) within a cat only veterinary clinic.
LOCATION: 1915 28TH ST
COOR: N03W04
LEGAL DESCRIPTION: See Exhibit A
APPLICANT: BARBARA BOWDEN
OWNER: TEBO/MARSHALL PLAZA, LLC
APPLICATION: Use Review, LUR2016-00011
ZONING: Business Regional – 1 (BR-1)
CASE MANAGER: Sloane Walbert
VESTED PROPERTY RIGHT: NO; the owner has waived the opportunity to create such right under Section 9-2-19, B.R.C. 1981.

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

Approved On: 2/25/2016
Date

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

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

Appeal to Planning Board expires: 3/10/2016

Final decision date: _____

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

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

CONDITIONS OF APPROVAL

1. The Applicant shall ensure that the **development shall be in compliance with all plans prepared by the Applicant on January 29, 2016** and the Applicant's written statement on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval.
2. 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 conditions** contained in any previous approvals, except to the extent that any previous conditions may be modified by this approval, including, but not limited to, the following:
 - a. The Development Agreement recorded at Film No. 1444, Reception No. 00808518;
 - b. The Development Agreement recorded at Film No. 1338, Reception No. 00669299.

Exhibit A

Attached Legal Description

PARCEL A:

ALL THAT PORTION OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 29;
THENCE SOUTH 89 DEGREES 52 MINUTES 38 SECONDS WEST (RECORD SOUTH 89 DEGREES 51 MINUTES 50 SECONDS WEST), 60.30 FEET ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 29 TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF 28TH STREET (U.S. HIGHWAY NO. 36) CONVEYED TO THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO, AS DESCRIBED IN SPECIAL WARRANTY DEED RECORDED IN BOOK 1034 AT PAGE 511 OF THE RECORDS OF BOULDER COUNTY, COLORADO;
THENCE NORTH 00 DEGREES 05 MINUTES 10 SECONDS WEST, 130.00 FEET ALONG THE WEST RIGHT-OF-WAY LINE OF SAID 28TH STREET TO THE SOUTHEAST CORNER OF THAT TRACT OF LAND CONVEYED TO THE CITY OF BOULDER AS DESCRIBED IN RIGHT OF WAY DEED RECORDED ON FILM 1494 AT RECEPTION NO. 00876100 OF THE RECORDS OF BOULDER COUNTY, COLORADO;
THENCE SOUTH 89 DEGREES 52 MINUTES 38 SECONDS WEST, 8.00 FEET ALONG THE SOUTH LINE OF THAT TRACT OF LAND AS DESCRIBED IN SAID FILM 1494 AT RECEPTION NO. 00876100 TO THE SOUTHWEST CORNER THEREOF;
THENCE NORTH 00 DEGREES 05 MINUTES 10 SECONDS WEST, 489.20 FEET ALONG THE WEST LINE OF THAT TRACT OF LAND AS DESCRIBED ON FILM 1494 AT RECEPTION NO. 00876100 TO THE NORTHERLY LINE OF PARCEL A AS DESCRIBED IN INSTRUMENT RECORDED ON FILM 677 AT RECEPTION NO. 922324 OF THE RECORDS OF BOULDER COUNTY, COLORADO AND THE TRUE POINT OF BEGINNING;
THENCE SOUTH 81 DEGREES 43 MINUTES 50 SECONDS WEST, 283.52 FEET ALONG THE NORTHERLY LINE OF SAID PARCEL A TO A POINT OF CURVE TO THE RIGHT;
THENCE WESTERLY, 211.37 FEET ALONG THE NORTHERLY LINE OF SAID PARCEL A AND ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 525.60 FEET, A CENTRAL ANGLE OF 23 DEGREES 02 MINUTES 30 SECONDS AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 86 DEGREES 44 MINUTES 55 SECONDS WEST, 209.95 FEET;
THENCE NORTH 75 DEGREES 13 MINUTES 40 SECONDS WEST, 14.20 FEET ALONG THE NORTHERLY LINE OF SAID PARCEL A TO A POINT ON THE EAST LINE OF THAT RIGHT-OF-WAY CONVEYED TO THE COUNTY OF BOULDER AS DESCRIBED IN QUIT CLAIM DEED RECORDED IN BOOK 1319 AT PAGE 308 OF THE RECORDS OF BOULDER COUNTY, COLORADO;
THENCE NORTH 00 DEGREES 58 MINUTES 0 SECONDS WEST, 181.01 (RECORD 180.93) FEET ALONG THE EAST LINE OF THAT RIGHT-OF-WAY AS DESCRIBED IN SAID BOOK 1319 AT PAGE 308 TO THE NORTHEAST CORNER THEREOF;
THENCE NORTH 81 DEGREES 43 MINUTES 50 SECONDS EAST, 511.95 FEET TO THE WEST LINE OF THAT TRACT OF LAND AS DESCRIBED ON SAID FILM 1494 AT RECEPTION NO. 0876100;

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THENCE SOUTH 00 DEGREES 05 MINUTES 10 SECONDS EAST, 229.37 FEET ALONG THE WEST LINE OF THAT TRACT OF LAND AS DESCRIBED ON SAID FILM 1494 AT RECEPTION NO. 00876100 TO THE TRUE POINT OF BEGINNING,

EXCEPT THAT PORTION DESCRIBED AS FOLLOWS:

A TRACT OF LAND LOCATED IN THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 29;
THENCE SOUTH 89 DEGREES 52 MINUTES 38 SECONDS WEST 60.30 FEET ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 29 TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF 28TH STREET (COLORADO STATE HIGHWAY NO. 36) CONVEYED TO THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO, AS DESCRIBED IN SPECIAL WARRANTY DEED RECORDED IN BOOK 1034 AT PAGE 511 OF THE RECORDS OF BOULDER COUNTY, COLORADO;
THENCE NORTH 00 DEGREES 05 MINUTES 10 SECONDS WEST, 130.00 FEET ALONG THE WEST RIGHT-OF-WAY LINE OF SAID 28TH STREET TO THE SOUTH LINE OF PARCEL A AS DESCRIBED IN INSTRUMENT RECORDED ON FILM 677 AT RECEPTION NO. 922324 OF THE RECORDS OF BOULDER COUNTY, COLORADO;
THENCE SOUTH 89 DEGREES 52 MINUTES 38 SECONDS WEST, 8.00 FEET ALONG THE SOUTH LINE OF SAID PARCEL A;
THENCE NORTH 00 DEGREES 05 MINUTES 10 SECONDS WEST, 562.34 FEET PARALLEL WITH THE WEST RIGHT-OF-WAY LINE OF SAID 28TH STREET TO THE TRUE POINT OF BEGINNING;
THENCE CONTINUING NORTH 00 DEGREES 05 MINUTES 10 SECONDS WEST, 95.67 FEET PARALLEL WITH THE WEST RIGHT-OF-WAY LINE OF SAID 28TH STREET;
THENCE WESTERLY, 19.14 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 34.50 FEET, A CENTRAL ANGLE OF 31 DEGREES 46 MINUTES 58 SECONDS AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 74 DEGREES 02 MINUTES 18 SECONDS WEST, 18.89 FEET;
THENCE NORTH 89 DEGREES 55 MINUTES 46 SECONDS WEST, 61.72 FEET TO A POINT OF CURVE TO THE LEFT;
THENCE SOUTHWESTERLY, 107.23 FEET ALONG THE ARC OF SAID CURVE TO A POINT OF COMPOUND CURVE, SAID ARC HAVING A RADIUS OF 149.50 FEET, A CENTRAL ANGLE OF 41 DEGREES 05 MINUTES 44 SECONDS AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 69 DEGREES 31 MINUTES 22 SECONDS WEST, 104.95 FEET;
THENCE SOUTHERLY, 73.68 FEET ALONG THE ARC OF SAID COMPOUND CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 84.50 FEET, A CENTRAL ANGLE OF 49 DEGREES 57 MINUTES 30 SECONDS AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 23 DEGREES 59 MINUTES 45 SECONDS WEST, 71.37 FEET;
THENCE SOUTH 00 DEGREES 59 MINUTES 00 SECONDS EAST, 2.59 FEET;
THENCE NORTH 89 DEGREES 01 MINUTES 00 SECONDS EAST, 13.00 FEET;
THENCE SOUTH 00 DEGREES 59 MINUTES 00 SECONDS EAST, 15.50 FEET;

THENCE NORTH 89 DEGREES 01 MINUTES 00 SECONDS EAST, 163.00 FEET;
THENCE NORTH 00 DEGREES 59 MINUTES 00 SECONDS WEST, 15.50 FEET;
THENCE NORTH 89 DEGREES 01 MINUTES 00 SECONDS EAST, 31.35 FEET TO THE
TRUE POINT OF BEGINNING.

PARCEL B:

ALL THAT PORTION OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 1 NORTH,
RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO,
DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF THE
SOUTHWEST 1/4 OF SAID SECTION 29;
THENCE SOUTH 89 DEGREES 52 MINUTES 38 SECONDS WEST (RECORD SOUTH 89
DEGREES 51 MINUTES 50 SECONDS WEST), 60.30 FEET ALONG THE SOUTH LINE OF
THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 29 TO A POINT ON
THE WEST RIGHT-OF-WAY LINE OF 28TH STREET (U.S. HIGHWAY NO. 36)
CONVEYED TO THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO, AS
DESCRIBED IN SPECIAL WARRANTY DEED RECORDED IN BOOK 1034 AT PAGE 511
OF THE RECORDS OF BOULDER COUNTY, COLORADO;
THENCE NORTH 00 DEGREES 05 MINUTES 10 SECONDS WEST, 130.00 FEET ALONG
THE WEST RIGHT-OF-WAY LINE OF SAID 28TH STREET TO THE SOUTHEAST
CORNER OF THAT TRACT OF LAND CONVEYED TO THE CITY OF BOULDER AS
DESCRIBED IN RIGHT OF WAY DEED RECORDED ON FILM 1494 AT RECEPTION NO.
00876100 OF THE RECORDS OF BOULDER COUNTY, COLORADO;
THENCE SOUTH 89 DEGREES 52 MINUTES 38 SECONDS WEST, 8.00 FEET ALONG
THE SOUTH LINE OF THAT TRACT OF LAND AS DESCRIBED IN SAID FILM 1494 AT
RECEPTION NO. 00876100 TO THE SOUTHWEST CORNER THEREOF AND THE TRUE
POINT OF BEGINNING;
THENCE NORTH 00 DEGREES 05 MINUTES 10 SECONDS WEST, 489.20 FEET ALONG
THE WEST LINE OF THAT TRACT OF LAND AS DESCRIBED ON FILM 1494 AT
RECEPTION NO. 00876100 TO THE NORTHERLY LINE OF PARCEL A AS DESCRIBED
IN INSTRUMENT RECORDED ON FILM 677 AT RECEPTION NO. 922324 OF THE
RECORDS OF BOULDER COUNTY, COLORADO;
THENCE SOUTH 81 DEGREES 43 MINUTES 50 SECONDS WEST, 283.52 FEET ALONG
THE NORTHERLY LINE OF SAID PARCEL A TO A POINT OF CURVE TO THE RIGHT;
THENCE WESTERLY, 211.37 FEET ALONG THE NORTHERLY LINE OF SAID PARCEL
A AND ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC
HAVING A RADIUS OF 525.60 FEET, A CENTRAL ANGLE OF 23 DEGREES 02
MINUTES 30 SECONDS AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH
86 DEGREES 44 MINUTES 55 SECONDS WEST, 209.95 FEET;
THENCE NORTH 75 DEGREES 13 MINUTES 40 SECONDS WEST, 14.20 FEET ALONG
THE NORTHERLY LINE OF SAID PARCEL A TO A POINT ON THE EAST LINE OF
THAT RIGHT-OF-WAY CONVEYED TO THE COUNTY OF BOULDER AS DESCRIBED
IN QUIT CLAIM DEED RECORDED IN BOOK 1319 AT PAGE 308 OF THE RECORDS OF
BOULDER COUNTY, COLORADO;
THENCE SOUTH 00 DEGREES 58 MINUTES 0 SECONDS EAST, 595.10 (RECORD
595.21) FEET ALONG THE EAST LINE OF THAT RIGHT-OF-WAY AS DESCRIBED IN
SAID BOOK 1319 AT PAGE 308 AND THAT RIGHT-OF-WAY CONVEYED TO THE

COUNTY OF BOULDER AS DESCRIBED IN QUIT CLAIM DEED RECORDED IN BOOK 1316 AT PAGE 586 OF THE RECORDS OF BOULDER COUNTY, COLORADO TO A POINT ON THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 29;

THENCE NORTH 89 DEGREES 52 MINUTES 38 SECONDS EAST (RECORD NORTH 89 DEGREES 51 MINUTES 50 SECONDS EAST) 352.81 FEET ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 29;
THENCE NORTH 00 DEGREES 05 MINUTES 10 SECONDS WEST, 130.00 FEET ALONG A LINE 150.00 FEET WEST OF AND PARALLEL TO THE WEST LINE OF 28TH STREET AS DESCRIBED IN SAID BOOK 1034 AT PAGE 511;
THENCE NORTH 89 DEGREES 52 MINUTES 38 SECONDS EAST (RECORD NORTH 89 DEGREES 51 MINUTES 50 SECONDS EAST), 142.00 FEET ON A LINE 130.00 FEET NORTH AND PARALLEL TO THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 29 TO THE TRUE POINT OF BEGINNING.

PARCEL C:

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 29, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M.;
THENCE SOUTH 89 DEGREES 51 MINUTES 50 SECONDS WEST 60.3 FEET ALONG THE SOUTH LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29 TO A POINT ON THE WEST LINE OF THE COLORADO STATE HIGHWAY DEPARTMENT RIGHT OF WAY AS DESCRIBED IN BOOK 1034 AT PAGE 511, BOULDER COUNTY RECORDS TO THE TRUE POINT OF BEGINNING;
THENCE NORTH 00 DEGREES 05 MINUTES 10 SECONDS WEST 130.00 FEET ALONG THE WEST LINE OF SAID STATE HIGHWAY DEPARTMENT RIGHT OF WAY;
THENCE SOUTH 89 DEGREES 51 MINUTES 50 SECONDS WEST 150.00 FEET ON A LINE 130 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29;
THENCE SOUTH 00 DEGREES 05 MINUTES 10 SECONDS EAST 130.00 FEET ON A LINE PARALLEL TO THE WEST LINE OF SAID STATE HIGHWAY DEPARTMENT RIGHT OF WAY TO A POINT ON THE SOUTH LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29;
THENCE NORTH 89 DEGREES 51 MINUTES 50 SECONDS EAST 150.00 FEET ALONG THE SOUTH LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29 TO THE TRUE POINT OF BEGINNING.

PARCEL D:

A TRACT OF LAND LOCATED IN THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 29;
THENCE SOUTH 89 DEGREES 52 MINUTES 38 SECONDS WEST 60.30 FEET ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 29 TO THE WEST RIGHT-OF-WAY LINE OF 28TH STREET (COLORADO STATE HIGHWAY NO. 36) CONVEYED TO THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO, AS DESCRIBED IN SPECIAL WARRANTY DEED RECORDED IN BOOK 1034 AT PAGE 511 OF THE RECORDS OF BOULDER COUNTY, COLORADO;
THENCE NORTH 00 DEGREES 05 MINUTES 10 SECONDS WEST, 130.00 FEET ALONG THE WEST RIGHT-OF-WAY LINE OF SAID 28TH STREET TO THE SOUTH LINE OF PARCEL A AS DESCRIBED IN INSTRUMENT RECORDED ON FILM 677 AT RECEPTION NO. 922324 OF THE RECORDS OF BOULDER COUNTY, COLORADO;
THENCE SOUTH 89 DEGREES 52 MINUTES 38 SECONDS WEST, 8.00 FEET ALONG THE SOUTH LINE OF SAID PARCEL A;
THENCE NORTH 00 DEGREES 05 MINUTES 10 SECONDS WEST, 562.34 FEET PARALLEL WITH THE WEST RIGHT-OF-WAY LINE OF SAID 28TH STREET TO THE TRUE POINT OF BEGINNING;
THENCE CONTINUING NORTH 00 DEGREES 05 MINUTES 10 SECONDS WEST, 95.67 FEET PARALLEL WITH THE WEST RIGHT-OF-WAY LINE OF SAID 28TH STREET;
THENCE WESTERLY, 19.14 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 34.500 FEET, A CENTRAL ANGLE OF 31 DEGREES 46 MINUTES 58 SECONDS AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 74 DEGREES 02 MINUTES 18 SECONDS WEST, 18.89 FEET;
THENCE NORTH 89 DEGREES 55 MINUTES 46 SECONDS WEST, 61.72 FEET TO A POINT OF CURVE TO THE LEFT;
THENCE SOUTHWESTERLY, 107.23 FEET ALONG THE ARC OF SAID CURVE TO A POINT OF COMPOUND CURVE, SAID ARC HAVING A RADIUS OF 149.50 FEET, A CENTRAL ANGLE OF 41 DEGREES 05 MINUTES 44 SECONDS AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 69 DEGREES 31 MINUTES 22 SECONDS WEST, 104.95 FEET;
THENCE SOUTHERLY, 73.68 FEET ALONG THE ARC OF SAID COMPOUND CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 84.50 FEET, A CENTRAL ANGLE OF 49 DEGREES 57 MINUTES 30 SECONDS AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 23 DEGREES 59 MINUTES 45 SECONDS WEST, 71.37 FEET;
THENCE SOUTH 00 DEGREES 59 MINUTES 00 SECONDS EAST, 2.59 FEET;
THENCE NORTH 89 DEGREES 01 MINUTES 00 SECONDS EAST, 13.00 FEET;
THENCE SOUTH 00 DEGREES 59 MINUTES 00 SECONDS EAST, 15.50 FEET;
THENCE NORTH 89 DEGREES 01 MINUTES 00 SECONDS EAST, 163.00 FEET;
THENCE NORTH 00 DEGREES 59 MINUTES 00 SECONDS WEST, 15.50 FEET;
THENCE NORTH 89 DEGREES 01 MINUTES 00 SECONDS EAST, 31.35 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL E:

A NON-EXCLUSIVE EASEMENT OVER AND ACROSS EASEMENT AREA B FOR THE PURPOSE OF VEHICULAR AND PEDESTRIAN ACCESS, INGRESS AND EGRESS TO



AND FROM THE MACERICH PROPERTY AS CONVEYED TO THE MACERICH PARTNERSHIP, L.P. IN RESTATED AND AMENDED RECIPROCAL EASEMENTS AGREEMENT RECORDED DECEMBER 20, 1996 ON FILM 2175 AT RECEPTION NO. 1665516, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A TRACT OF LAND LOCATED IN THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 29;
THENCE NORTH 89 DEGREES 52 MINUTES 38 SECONDS EAST, 731.16 FEET ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 29;
THENCE NORTH 00 DEGREES 58 MINUTES 00 SECONDS WEST, 771.82 FEET TO THE SOUTHWEST CORNER OF THAT TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN BOOK 1283 AT PAGE 216;
THENCE NORTH 81 DEGREES 43 MINUTES 50 SECONDS EAST, 35.29 FEET ALONG THE SOUTH LINE OF THAT TRACT OF LAND AS DESCRIBED IN SAID BOOK 1283 AT PAGE 216, TO THE EAST RIGHT-OF-WAY LINE OF 26TH STREET AS DESCRIBED IN DEED RECORDED IN BOOK 1292 AT PAGE 562 OF THE RECORDS OF BOULDER COUNTY, COLORADO, AND THE TRUE POINT OF BEGINNING;
THENCE NORTH 00 DEGREES 58 MINUTES 00 SECONDS WEST, 23.50 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF SAID 26TH STREET;
THENCE NORTH 89 DEGREES 55 MINUTES 49 SECONDS EAST, 71.51 FEET;
THENCE NORTH 62 DEGREES 00 MINUTES 12 SECONDS EAST, 163.31 FEET;
THENCE NORTH 89 DEGREES 54 MINUTES 50 SECONDS EAST, 294.28 FEET TO THE EAST LINE OF THAT TRACT OF LAND AS DESCRIBED IN SAID BOOK 1283 AT PAGE 216;
THENCE SOUTH 00 DEGREES 05 MINUTES 10 SECONDS EAST, 26.62 FEET TO THE SOUTHEAST CORNER OF THAT TRACT OF LAND AS DESCRIBED IN SAID BOOK 1283 AT PAGE 216;
THENCE SOUTH 81 DEGREES 43 MINUTES 50 SECONDS WEST, 514.99 FEET ALONG THE SOUTH LINE OF THAT TRACT OF LAND AS DESCRIBED IN SAID BOOK 1283 AT PAGE 216 TO THE TRUE POINT OF BEGINNING.

Attachment B: City Code Criteria Checklist

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

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

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

The project site is zoned Business - Regional 1 (BR-1), which is described as "business centers of the Boulder Valley, containing a wide range of retail and commercial operations, including the largest regional-scale businesses, which serve outlying residential development; and where the goals of the Boulder Urban Renewal Plan are implemented" (section 9-5-2(c)(2)(I), B.R.C. 1981). The Boulder Valley Regional Center (BVRC) is primarily a commercial area. The Boulder Valley Comprehensive Plan describes the BVRC as the highest level of intensity of commercial, entertainment, educational and civic centers. The BVRC is intended to provide a wide range of activities and draw from the entire city as well as the region. Additionally, Policy 2.18 states that the central area "will remain the primary activity center and focal point of the Boulder Valley."

The proposed animal kennel use is consistent with such purpose. Per [section 9-6-1](#), "Use Standards," B.R.C. 1981, animal kennels are allowed if approved through the Use Review process.

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

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

The use is also located on the eastern edge of the Whittier neighborhood. The proposed kennel is located in proximity to residential uses and would provide a service and a convenience for residents to board their animals. In addition, the use is located in the Boulder Valley Regional Center (BVRC), which is a major regional destination. Hence, the boarding use would provide a service to the larger community.

The proposed use would reduce adverse impacts to surrounding uses. The proposal is to convert a tenant space previously occupied by the Jai Ho restaurant with a cat only veterinary clinic with a cat boarding area. The restaurant was generally open from 11:30 AM to 10:00 PM daily. The proposed use will be open 6 AM to 9 PM daily.

All odors and noise generated by the use will be fully contained inside the leased space. The clinic intends to install an enhanced HVAC system with negative pressure vents installed on each boarding condo to reduce possible odors. Unlike other animal kennels, the use will not have an outdoor run or an outdoor area for animals to relieve themselves. The addition of the boarding use to the veterinary clinic would add two part-time employees to the anticipated staffing. The boarding use is expected to have only 2 to 3 visitors each day to pick up or drop off an animal. The expected number of employees and visitors is low in comparison to other uses that can operate in the zone district without Use Review, like restaurants or retail.

N/A (B) Provides a compatible transition between higher intensity and lower intensity uses;
Not applicable. Proposal meets criterion (A).

N/A (C) Is necessary to foster a specific city policy, as expressed in the Boulder Valley Comprehensive Plan, including, without limitation, historic preservation, moderate income housing, residential and non-residential mixed uses in appropriate locations, and group living arrangements for special populations; or
Not applicable.

N/A (D) Is an existing legal nonconforming use or a change thereto that is permitted under subsection (f) of this section;
Not applicable.

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

The proposal is to convert a tenant space previously occupied by the Jai Ho restaurant with a cat only veterinary clinic with a cat boarding area. Given the site's commercial history, its location within the BVRC and the high-intensity regional commercial character of the surrounding area, the proposal to add a small boarding facility is compatible with the use of surrounding properties. The shopping center contains a variety of service, retail and restaurant uses, including Marshall's, Office Depot, REI, Jason's Deli and Bed Bath & Beyond. The center is also located on 28th Street, which serves as a major arterial for the city and a connection to the larger regional area. No exterior changes are proposed to the existing building.

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

The proposed development will not adversely impact the existing infrastructure of the surrounding area. The replacement of a restaurant use with a veterinary clinic and animal kennel use will not introduce new demands on the existing systems.

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

The addition of a boarding facility within a veterinary clinic in an existing tenant space will not alter the character of the area. The shopping center has served a diverse mix of commercial uses over the last 50 years, including retail, office, restaurant and personal services uses.

- N/A (6) Conversion of Dwelling Units to Non-Residential Uses: There shall be a presumption against approving the conversion of dwelling units in the residential zoning districts set forth in [subsection 9-5-2\(c\)\(1\)\(a\)](#), B.R.C. 1981, to non-residential uses that are allowed pursuant to a use review, or through the change of one non-conforming use to another non-conforming use. The presumption against such a conversion may be overcome by a finding that the use to be approved serves another compelling social, human services, governmental, or recreational need in the community including, without limitation, a use for a

day care center, park, religious assembly, social service use, benevolent organization use, art or craft studio space, museum, or an educational use.

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

Cat Maintenance and Repair LLC

Land Use Proposal – Written Statement Narrative

Executive Overview

Cat Maintenance and Repair LLC (CMAR) proposes to install a feline-exclusive (cats only) boutique Animal Kennel / boarding facility at 1915 28th St., Boulder, CO inside a Cats Only Veterinary Clinic (the space is currently occupied by the Jai Ho restaurant). The Veterinary Clinic is an Allowed Use in the BR-1 zoning district and the Cats Only Animal Kennel / boarding facility is Permitted with a Use Review. We are requesting approval of the Cat Only Animal Kennel/boarding area based on the need of such a service in the Boulder community, the lack of any nuisance factor or impact to the surrounding area and being a positive-impact neighbor and a desirable, trend-setting presence to the area.

Facility Use

With the assistance of Animal Arts, the nation's foremost veterinary architecture firm (also located here in Boulder), CMAR will create a quiet, serene cats-only Veterinary Clinic (4338 sq. ft.) and feline-centric boarding facility (~200 sq. ft.); a hospital designed to meet the special needs of cats and their guardians in the city of Boulder and surrounding areas. This will provide a much-needed community service, as there are no feline-exclusive veterinarians practicing in Boulder or within 15 miles of it, and no feline boarding in dog-free environments anywhere in the area.

In addition to upscale, boutique feline boarding, the Cat Clinic (name still TBD) will provide a full array of veterinary services.

While this sounds like (and is) what every veterinary hospital offers, the difference in HOW it is offered is crucial – for optimal outcomes of both veterinary medical practice and boarding experiences, cats require a vastly different environment from dogs, as well as different handling, a different knowledge base and different staff training. We can supply all this for the cats of Boulder and their loving guardians.

Neighborhood Impact Positive

A feline-exclusive practice with boutique boarding has three very important impacts for this land review: 1) Cat hospitals are quiet, odor-free, and nuisance-free to neighboring properties; 2) Cat hospitals in general attract a higher-income and more educated demographic of customers than do general small animal hospitals, which is an advantage to neighboring businesses; and 3) the creation of a cat hospital and boarding facility will meet a widespread community need in Boulder.

Let's address these one at a time.

Quiet, Odor-Free and Nuisance-Free Boarding

Animal hospitals that board dogs have noise problems. The barking of dogs, especially in kennels, can be loud enough to damage hearing. BUT: Cat hospitals are quiet, both because cats are instinctively quiet creatures, and

Cat Maintenance and Repair LLC

because we design the hospital to minimize sound transference in order to keep our feline patients and hotel guests calm and serene.

Animal hospitals which kennel dogs usually have outdoor runs. These are often a nuisance to the neighborhood due to both smell and noise. BUT: Cat hospitals and boarding facilities do not have outdoor runs, and so do not generate either nuisance.

Dog owners visiting general small animal hospitals and/or kennels will often walk their dogs outside the facility to relieve themselves. BUT: In the cat hospital setting, 99+% of patients will come into the hospital in a carrier, so there is no danger of animal waste as a common space nuisance.

Many dogs coming to small animal hospitals and kennels are not well-trained, and some can be quite aggressive to humans they do not know. This can be frightening to passersby and a real problem when it happens in a shopping center. BUT: Cats, being completely enclosed in carriers, do not pose this problem.

Even indoors, the cat hospital is maintained odor-free. As with the suppression of sound transference, this is extremely important for the minimization of our feline patient's stress and therefore for their health and well-being. For this reason, our hospital design includes features specifically to remove odors as soon as they occur. Examples include such things as HVAC air exchange capacity far above and beyond that of any normal business, and negative pressure vents installed on each boarding condo. In addition, our staff procedures will include strict protocols for immediate waste removal and airtight disposal, again mandated by the need to provide an environment that will foster the effective medical care of our feline patients and guests.

Finally, the parking needed to support the Veterinary Clinic and Boutique Boarding will have a limited impact to the overall parking availability. Our cat-only clinic will have, on average, much longer appointment times than one finds in a general small animal hospital. This is necessary both for accurate patient evaluation (cats must have time to become calm first) and for the doctor to obtain a thorough history (cat owners often don't realize that much of what they are seeing as "normal" is not, so feline history-taking is a true art). The implication for the neighboring businesses is that the parking requirement for the cat hospital is minimal compared to that of an average general small animal practice, and in fact compared to that of most small businesses (including the previous restaurant tenant). We expect an additional 2-3 clients per day will bring or pickup their cat for boarding. Since the "Kitty Hotel" will be a comparatively small part of the clinic (4%), we do not anticipate that the boarding service will add significantly to the parking demand.

Cat Hospitals with Boutique Boarding Attract a Desirable Customer Demographic

The clients of feline-exclusive practices tend to be highly educated, affluent, professional people. These people expect the appearance of the facility to be equal to the quality of medicine practiced, and both are expected to be pristine and excellent. Our clients expect not simply cleanliness and lack of odor, but an elegant clinic design. Boutique boarding must be equally elegant.

Our Cat Clinic, with the proposed upscale feline boarding space, will bring new, affluent customers into the shopping center, thereby helping all the other commercial tenants.

The Boulder Community Lacks and Needs a Facility with Expertise in Feline Medicine and Care

Cat Maintenance and Repair LLC

Our Cat Clinic will fill a community need here in Boulder; that of access to one or more practitioners who have devoted their careers, studies and practice exclusively to feline medicine; and to a facility designed specifically for the medical care and boarding care of cats.

“Cats Are Not Small Dogs.” This saying, coined in the late 1970s by the founder of the American Association of Feline Practitioners, is the foundation of feline medicine. Most people are unaware that the needs of the cat for food, environment, monitoring and care are completely different from that of the dog. Even in veterinary colleges, until very recently, most “science” regarding cats was based on the unwarranted assumption that what works for a dog will do just fine for a cat. This could not be farther from the truth (dogs are actually more like humans medically than like cats).

Cats boarded in a facility designed around their needs are much more likely to be content and unstressed during the boarding experience, and return home to satisfied guardians. Cats boarded in conditions stressful to felines (noise, smell, loud music, staff untrained in gentle, “minimal restraint” cat handling, improper paint color choices, lack of vertical spaces and hiding places, separation of litter area from food area, etc.) commonly return home exhausted and ill, having had diarrhea, anorexia and worse in the dog kennel environment.

The medical director and senior veterinarian of the cat clinic, Dr. Fern Slack, has the required expertise to design and provide the proposed facility. She has practiced feline medicine exclusively since 1993. Her continuing education, far exceeding state requirements, has been exclusively in feline medicine. She has served two terms on the Board of Directors of the American Association of Feline Practitioners. During part of that time, she chaired their publications committee, which is responsible for creating the State of the Art documents for feline medical standards, and she contributed to several of those documents herself. Dr. Slack has owned and operated a highly successful and prominent feline hospital and beautiful, upscale boutique feline boarding facility in the past. Dr. Slack and the Cat Clinic team can bring that expertise to the needs of the Boulder cat-owning community.

Facility Hours

6 a.m. to 9 p.m., seven days a week

The hours of operation of the new feline clinic will be on the order of ~~7 am to 7 pm Monday through Friday, with hours for some or all of the day on Saturday and possibly Sunday.~~ After-hours and holiday emergencies will be referred to the local 24-hour critical care center of the client’s choice. Observed holidays will include Memorial Day, Independence Day, Labor Day, Thanksgiving, Christmas, and New Year’s Day. House calls will be available.

Guests in the “Kitty Hotel” will remain in the hospital after business hours. ~~Drop off and pick up of Hotel guests may occur during non-standard business hours in order to increase convenience to our clients.~~

Summary

We expect our new cat-only clinic and boutique “Kitty Hotel” to be a very beneficial, long-term, high-profile and elevating addition to the shopping center. The beautiful interior design of the clinic (to be developed in concert with Animal Arts Architecture) and the complete lack of any nuisance factor will make the feline-exclusive veterinary practice a desirable, trend-setting presence, a positive-impact neighbor, and a much needed addition to the Boulder community .

“Kitty Condo” Examples

Litter boxes are separate from the living area. Special ventilation and staff diligence eliminates odors.



USE REVIEW WRITTEN STATEMENT

Submit with your application.

For your convenience, this form is also available as an electronic form on the Planning and Development Services web site at www.boulderplandev.com. You may type in your responses in the electronic form, and then print it to attach to your written statement.

KEY INFORMATION

Please provide the following information. Please type or print complete, detailed responses. Please also select use categories from the Boulder Revised Code Land Use Charts (Section 9-6-1(d)).

EXISTING

Use of existing building and land:

The unit at 1915 28th St. is currently occupied by the Jai Ho restaurant who is moving out of the space. Cat Maintenance and Repair LLC is in the final negotiations with TEBO to lease the space for a Cat Only Veterinary Clinic.

Hours of operation:

~~The hours of operation of the new feline clinic will be on the order of 7 am to 7 pm Monday through Friday, with hours for some or all of the day on Saturday and possibly Sunday.~~

6 a.m. to 9 p.m., seven days a week

Number of employees

(Please indicate full and part time)

The clinic team will consist of 4 full time employees plus 2 part time employees

PROPOSED

Proposed use of buildings and land:

The Cat Only Veterinary Clinic would contain a Cat Only Animal Kennel /boarding service, which requires a Use Review. The Animal Kennel/boarding area would occupy approximately 200 sq. ft. of the 4338 sq. ft. unit or 4.5%. The Cat Only Animal Kennel/boarding area would not extend outside of the building and would have no impact on the surrounding areas.

Hours of operation:

~~The hours of operation do not change. Drop off and pick up of boarding clients may occur during non-standard business hours in order to increase convenience to our clients.~~

Number of employees:

(Please indicate full and part time)

With the addition of a cat only Animal Kennel/boarding area we expect to add 2 more part time employees

CRITERIA

In the space provided below, please indicate how the proposal will meet the Use Review criteria.

1. **Consistency with Zoning and Non-conformity** . The use is consistent with the purpose of the zoning district as set forth in Section 9-5-2, "Zoning Districts Established", B.R.C. 1981, except in the case of a non-conforming use;

The proposed Use of a Cat Only Animal Kennel/boarding area inside the Cat Only Veterinary Clinic, is a Permitted Use in the Business - Regional 1 (BR-1) zoning district with an Approved Use Review.

2. **Rationale** . The use either:

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

A Cat-Only Animal Kennel provides a much needed service to the Boulder Community. The traditional Animal Kennel is generally a very stressful environment for a cat. Cats are extremely sensitive to noise and smells and being around barking dogs and other animals all day makes cats very agitated. The Cat Only Veterinary Clinic will provide a quiet, serene boarding space where the cats can relax and rest while they are away from home. Medical care can also be provided during a cat's stay, which provides an added convenience for their guardians.

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

- (C) Is necessary to foster a specific city policy, as expressed in the BVCP, including without limitation, historic preservation, moderate income housing, residential and non-residential mixed uses in appropriate location, and group living arrangements for special populations; OR

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

3. **Compatibility.** The location, size, design, and operating characteristics of the proposed development or change to an existing development are such that the use will be reasonably compatible with and have minimal negative impact on the use of the nearby properties;

Since the proposed Cat Only Animal Kennel/boarding service will be fully contained inside the Cat Only Veterinary Clinic there will be minimal negative impact on the nearby properties. Odors and noise generally associated with all animal kennels is minimized by being fully contained inside the leased space. Special design features and staff training will be built into the Veterinarian Clinic to eliminated any noise or odor.

4. **Infrastructure.** As compared to development permitted under Section 9-6-1, "Permitted Uses of Land", 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 or adversely affect the infrastructure of the surrounding area, including without limitation, water, wastewater, and storm draining utilities and streets.

The existence of a Cat Only Animal Kennel/boarding area within the Permitted Use Cat Only Veterinary Clinic will not affect the infrastructure of the surrounding area. It will be completely contained within an existing lease space. No additional space outside the leased space will be utilized.

5. **Character of Area.** The use will not change the predominant character of the surrounding area.

Because the Cat Only Animal Kennel/boarding area is completely contained within the Permitted Use Cat Only Veterinary Clinic, there will be no change to the character of the surrounding area. No changes to the exterior and surrounding areas will be required.

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

Not Applicable

This section not applicable

ADDITIONAL CRITERIA FOR MODIFICATION TO NON-CONFORMING USES:

A non-conforming use is described as any use of a building or use of a lot that is not permitted under Section 9-6-1, "Schedule of Permitted Uses of Land", B.R.C. 1981, but excludes a conforming use in a non-standard building or on a non-standard lot; a legal existing use that has been approved as a conditional use or a use review use, or a use approved pursuant to a valid special review or a use review approval. A non-conforming use also includes an otherwise conforming use, except a single dwelling unit on a lot, that does not meet the parking and residential density requirements, including, without limitation, the requirements for minimum lot area per dwelling unit; useable open space per dwelling unit, or required off-street parking requirements for Section 9-6-1, "Schedule of Bulk Requirements", B.R.C. 1981.

1. **Reasonable Measures Required:** The applicant has undertaken all reasonable measures to reduce or alleviate the effects of the non-conformity upon the surrounding area, including without limitation objectionable conditions, glare, visual pollution, 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;

2. **Reduction in Non-Conformity / Improvement of Appearance:** The proposed change or expansion will either reduce the degree of non-conformity of the use or improve the physical appearance of the structure or the site without increasing the degree of non-conformity;

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 non-conforming use to another non-conforming use; and

(B) Unless a variance to the setback requirements has been granted pursuant to Section 9-2-3, "Variances", 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; and

4. **Cannot Reasonably be Made Conforming:** The existing building or lot cannot be utilized or made to conform to the requirements of Chapters 9-6, 9-7, 9-8, and 9-9, "Use Standards", "Form and Bulk Standards", "Intensity Standards", and "Development Standards", B.R.C. 1981; and

5. **No Increase in Floor Area Over Ten Percent:** The change or expansion will not result in an increase in floor area of more than ten percent of the existing floor area.

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.

PROJECT FACT SHEET

For Land Use Review Applications

Accurate and complete information about a project is integral to a timely and thorough city review. Please type or print complete answers to the items listed under the boxes that relate to your project. While some of this information may be included on the project site plans or discussed in the written statement, please also enter it here. If you choose to recreate this document, please only include the items that relate to your project. An electronic version of this document is available on the Web at www.boulderplandevlop.net

ALL PROJECTS

Key Information

Subject property address/location: 1915 28th Street Boulder, CO

Owner name and address: TEBO/Marshall Plaza LLC
PO Box T Boulder, CO 80306

Legal Description (or attach): see attached

Age of existing structures: Built in 1987 - the structure is approximately 29 years old

Size of site in square feet and acres.	Gross:	<u>4338 sq. ft.</u>
	Net (after public dedications):	<u>N/A</u>

Current Zoning Designation: BR-1

For rezoning and annexation applications,
 Proposed Zoning Designation: N/A

Boulder Valley Comprehensive
 Plan Land Use Designation: Mixed Use Business

Previous Approvals (specify
 project name, review type): N/A

Solar Access Area Designation (circle one): Area I Area II Area III

Does the project include the demolition of any structures? Yes No
 If yes, what year was the structure built? _____

Please list any requested variations to the land use regulations (specific variance information is requested later in the project fact sheet):

Requesting approval of the permitted use (with Use Review) within zoning district BR-1 for a cat only Animal Kennel/boarding area that would be completely contained inside the cat only Veterinary Clinic which is an allowed use in zone BR-1.

Please indicate with a checkmark if your property is affected by any of the following:

Wetland area	N/A
Airport Influence Zone	N/A
Historic landmark designation/district	N/A
Boulder Valley Regional Center (BVRC)	N/A
100 Year Flood Zone	N/A
North Boulder Subcommunity Plan	N/A
CAGID parking district	N/A
UHGID parking district	N/A
Other local improvement district	

Land Use

Please describe the proposed use(s) of the property, including activities conducted on site, number of seats, number of guest rooms, number of residents, number of employees, hours of operation and any other unique operating characteristics. Also, please specify which land use category(ies) in the Schedule of Permitted Land Uses (Section 9-6-1) that most closely describes the proposed use:

Cat Maintenance and Repair LLC (CMAR) proposes to install a feline-exclusive (cats only) boutique Animal Kennel / boarding facility at 1915 28th St., Boulder, CO inside a Cats Only Veterinary Clinic (the space is currently occupied by the Jai Ho restaurant). The Veterinary Clinic is an Allowed Use in the BR-1 zoning district and the Cats Only Animal Kennel / boarding facility is Permitted with a Use Review. We are requesting approval of the Cat Only Animal Kennel/boarding area based on the need of such a service in the Boulder community, the lack of any nuisance factor or impact to the surrounding area and being a positive-impact neighbor and a desirable, trend-setting presence to the area (more details in the Written Statement Narrative).

We are planning for a clinic team consisting of 4 full time employees and 2 part time employees. The addition of a boarding area will add another 2 part time employees.

6 a.m. to 9 p.m., seven days a week

The hours of operation of the new feline clinic will be ~~on the order of 7am to 7pm Monday through Friday, with hours for some or all of the day on Saturday and Sunday.~~ With the addition of boarding the hours remain the same. ~~However, drop off and pick up of boarding clients may occur during non-standard business hours in order to increase convenience to our clients.~~

Utilities

- Are existing buildings hooked-up to city water? Yes No
- Are existing buildings hooked-up to city sewer? Yes No
- Are there city water mains adjacent the property? Yes No
- Are there city sewer mains adjacent the property? Yes No

Please name any utility districts that currently serve the property: _____

City of Boulder - water and sewer, Xcel Energy - gas and electric

Parking

Total # off-street parking spaces <i>existing</i>	standard size _____ (dimensions: 9' x 19')
	small car _____ (dimensions: 7'9" x 15')
	accessible _____ (dimensions: 12'x19'+3')
	bicycle _____ (type: _____)
	other _____ (dimensions: _____)
TOTAL 438 spaces Approved at Administrative Review ADR2012-00175	
Total # off-street parking spaces <i>proposed</i>	standard size _____ (dimensions: 9' x 19')
	small car _____ (dimensions: 7'9" x 15')
	accessible _____ (dimensions: 12'x19'+3')
	bicycle _____ (type: _____)
	other _____ (dimensions: _____)
TOTAL <u>No change</u>	

Specify % of parking reduction requested 0 _____ % _____ spaces where _____ are required
 Specify % of parking deferral requested 0 _____ % _____ spaces where _____ are required

Setbacks

Certain streets are categorized in the city code as Major Streets and have more restrictive setback requirements.
 Does your property abut a Major Street? Yes No
 What is the setback requirement? _____

Are any setback variations requested? Yes No
 Please specify request: _____ feet for the _____ yard setback, where _____ feet is required
 _____ feet for the _____ yard setback, where _____ feet is required
 _____ feet for the _____ yard setback, where _____ feet is required
 _____ feet for the _____ yard setback, where _____ feet is required

Are you requesting any other variations to the Land Use Regulations? Yes No
 If so, please list the specific variation(s) requested:

Projects with residential dwelling units (existing or proposed)

This section not applicable

	Existing	Proposed
Total # of lots	_____	_____
Size of lots	_____	_____
Total # of buildings	_____	_____
Size of each building	_____	_____
	_____	_____
	_____	_____
Total # of dwelling units	_____	_____
Total # of kitchens	_____	_____
Total floor area	_____	_____
Number of stories	_____	_____
Maximum building height	_____	_____

	Existing	Proposed	Floor Area/unit
Specify the number of units with each bedroom configuration.	_____ ELU*	_____ ELU*	_____ ELU*
	_____ 1 BR	_____ 1 BR	_____ 1 BR
	_____ 2 BR	_____ 2 BR	_____ 2 BR
	_____ 3 BR	_____ 3 BR	_____ 3 BR
	_____ 4 BR	_____ 4 BR	_____ 4 BR
	_____ other	_____ other	_____ other

* efficiency living unit

Project density:	Existing	Proposed
Gross units/acre	_____	_____
Net units/acre	_____	_____
Lot area/unit	_____	_____
Total useable open space	_____	_____
Useable open space/unit	_____	_____
Floor area ratio	_____	_____

Is open space reduction requested***? (If yes, specify %) _____

*** Open space reduction requests may only be made for properties in the RH-1 or RH-2 zoning district.

Projects with non-residential uses (existing or proposed)

This section not applicable

	Existing	Proposed
Total # of lots	_____	_____
Total # buildings	_____	_____
Size of each building	_____	_____
	_____	_____
	_____	_____
Total floor area	_____	_____
Floor area ratio	_____	_____
Total building coverage	_____	_____
Number of stories	_____	_____
Maximum building height	_____	_____
Ratio of non-residential floor area to number of parking spaces	_____	_____
Ratio of non-residential floor area to residential floor area	_____	_____

What type of building code occupancy classification is required? _____

Projects with a mix of non-residential and residential uses

This section not applicable

In addition to the information above, please describe the proposed project, and any project characteristics or requested variations of the mixed-use project.

**CITY OF BOULDER
PLANNING BOARD AGENDA ITEM**

MEETING DATE: March 3, 2016

AGENDA TITLE: Consideration of a motion to adopt the 2016 Update to the Downtown Urban Design Guidelines (Guidelines) incorporating revisions recommended by the Planning Board at its February 4, 2016 hearing. Adoption of the Guidelines will result in inclusion of the DT-4 and DT-5 downtown zone districts in the identified areas where height modifications may be considered through the city's Site Review process, per the height modifications ordinance approved by Council on March 31, 2015.

REQUESTING DEPARTMENTS:

David Driskell, Executive Director of Planning, Housing, + Sustainability (PH+S)
Susan Richstone, Deputy Director of PH+S
Charles Ferro, Development Review Manager, PH+S
Sam Assefa, Senior Urban Designer, PH+S
Kalani Pahoia, Urban Designer, PH+S

OBJECTIVES:

1. Hear Staff presentation
2. Planning Board discussion
3. Planning Board consideration of a motion to adopt the updated Downtown Urban Design Guidelines dated February 16, 2016.

EXECUTIVE SUMMARY:

On February 3, 2016, the Landmarks Board voted 5-0 to adopt *Section 1*, and the on February 4, 2016, the Planning Board voted 6-0 to adopt the *Introduction, Section 2, and Section 3* of the Guidelines. During its February 4 deliberation, the Planning Board recommended additional minor revisions to the guidelines which staff incorporated into the February 16 draft considered and adopted by a vote of 9-0 by the City Council ([Attachment A](#)). These revisions include:

1. Page 2, Sidebar Note: Add "West Pearl" to the neighborhood list.
2. Page 3, Sidebar Note: Amend the following note "The design guidelines include photographs and diagrams to illustrate acceptable or unacceptable approaches. These photographs and diagrams are provided as examples and are not intended to indicate the only options." to include language which stipulates adherence to the photographs and diagrams does not guarantee appropriateness or approval.
3. Page 7, Figure 2: Correct the diagram reference of the Landmark Design Review Commission Committee.
4. Page 26, Item 2.1.C.4: Amend the alley material return. Provide clear guidance on the desired design outcome of the material return. Possible solutions could be requiring a minimum

distance, or requiring the return to be representative of the structural bay, and/or an illustrative photo.

5. Page 31, Figure 18: Replace the image with another building that has a commercial use in a residential zone. Add the zoning district to the caption, ex. DT-1.
6. Page 33, Item 2.3.B – In respect to the construction of residential entries to be above grade modify the language for an exception to at grade porches which includes evaluation of the residential character of the block and matching the porch conditions of the adjacent properties.
7. Page 35, Figure 23 – Replace image with a different contemporary single family residential image.
8. Page 40-41, Figure 27 – Change “paseos” to “walkways”.
9. Page 42, Item 3.2.C.3 – Add a bullet point for accommodating bicycle circulation with a clear zone area free from obstructions in the curb zone.

Planning Board suggestions not incorporated into the Draft dated Feb 3, 2016, but recorded for Landmarks Board consideration include:

Pg. 14 – (*Section 1: The Historic Section*) 1.1.A (2) Amend bullet “EIFS systems or EIFS decorative elements” to include elastomeric stucco, or stucco with plasticizers, or synthetic stucco topcoats. Currently, the materials list resides in *Section 1: The Historic Section* under the purview of the Landmarks Board. Staff will forward the comment to the Landmarks Board for consideration in the *Section 1* revision scheduled to take place later this year.

During Council’s February 16 deliberation it made the following additional recommendations for Planning Board’s consideration:

1. Revising the bulleted list on page 4 to include additional language about views.
2. Allowing solar panels to be visible from the public right-of-way outside of the Historic District.
3. Discouraging surface parking lots throughout the downtown area.

The purpose of this agenda item is to present the updated draft for the board’s review and adoption, including revisions made since the February 4 adoption, and consideration of the additional recommendations by Council.

STAFF RECOMMENDATION:

Staff recommends the Planning Board adopt the updated Downtown Urban Design Guidelines dated February 16, 2016, which incorporates the revisions recommended by Planning Board on February 4, 2016.

Suggested Motion Language:

Staff requests Planning Board consideration of this matter and action in the form of the following motion:

I move the Planning Board adopt the updated Downtown Urban Design Guidelines dated February 16, 2016, as attached to the staff memo dated March 3, 2016.

ATTACHMENTS:

- A** Downtown Urban Design Guidelines 2016 dated Feb 16, 2016.
- B** Planning Board Draft Meeting Minutes February 4, 2016
- C** Appendix J Map "Areas Where Height Modification May be Considered"



DOWNTOWN URBAN DESIGN GUIDELINES

CITY OF BOULDER, CO
FEBRUARY 16, 2016



Acknowledgements

This third edition of the Downtown Urban Design Guidelines is the result of recommendations from a 2015 joint-board working group consisting of representatives from the Landmarks Board, Design Advisory Board, Downtown Management Commission, the Planning Board and City staff.

Much of the basis of this document may be attributed to earlier work by the Downtown Alliance, a group of city boards and commissions, non-profit organizations and neighborhood groups including the city of Boulder Planning Board; the Landmarks Board; the Design Advisory Board; the Downtown Management Commission; Downtown Boulder, Inc.; Historic Boulder; and representatives from the Whittier, West Pearl, Mapleton Hill, Goss Grove, and Flatirons neighborhoods.

Photo Credits:

Cover photo courtesy of Downtown Boulder, Inc. (DBI)

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Note:

The design guidelines include photographs and diagrams to illustrate acceptable or unacceptable approaches. These photographs and diagrams are provided as examples and are not intended to indicate the only options. Adherence to the diagrams and photographs does not guarantee appropriateness of a proposed project, nor does it imply the proposed project meets all the criteria required for an approval.

Note:

In general, these guidelines adhere to Local, State and Federal regulations, but wherever a discrepancy may arise, the higher standard shall be applied.

What is the purpose of the guidelines?

The purpose of this third edition of the Downtown Urban Design Guidelines is to provide a basis for understanding, discussing, and assessing the design quality of proposed preservation, renovation and new construction projects located within the boundaries of the Downtown Historic District, the Non-Historic Area, and the Interface Area.

Through the use of these guidelines, it is anticipated both private and public projects will endeavor to preserve and enhance the unique form, scale, and visual character of Downtown while strengthening the identity of the area through encouraging new, compatible development.

How are the guidelines organized?

The guidelines are organized into three sections. The first two sections address specific geographic areas of the Downtown: the Downtown Historic District and the Non-Historic & Neighborhood Interface Areas. The last section addresses the Public Realm.

The sections are organized around several principal guidelines and a number of "follow-up" guidelines. Within the margins are excerpts marked "Note:" and "Code:" reserved for more in depth references to the subject matter.

How are the guidelines revised?

The guidelines are part of a Downtown Area Plan and are adopted by Planning Board and City Council with recommendation from the Design Advisory Board. The Landmarks Board independently adopts guidelines for the Downtown Historic District.

How are the guidelines administered?

The three review bodies primarily responsible for administering these guidelines are the LB, DAB, and the DMC. Specifically, the LB reviews and applies the Guidelines to all projects located in the Downtown Historic District and individually landmarked properties located outside of the historic district but within the downtown boundaries. DAB reviews and applies the guidelines on all projects with a construction value over \$25,000 in the Non-Historic and Interface Areas, and the DMC applies the Guidelines in review of projects located on the Downtown Boulder Mall. The PB applies these guidelines as part of the site review process.

When this document uses terms such as "encouragement" and "generally", it acknowledges that these guidelines are utilized in a mandatory review and voluntary context; however, in the review of Landmark Alteration Certificates and Site Review applications, the guidelines may be applied with mandatory effect in the analysis of specific review criteria.

DOWNTOWN VISION

Downtown Boulder is characterized by the eclectic, fine grained and compact urban character of the Downtown Historic District nestled in against the natural backdrop of the Rocky Mountains. These qualities are reflected in the traditional buildings associated with the original settlement of the area, the street grid and bustling economy, and civic life of downtown. This is also where the historic fabric is the setting for contemporary, vibrant and active urban life where people are living, working, shopping and recreating in the shadow of a visible history.

The urban design quality becomes a vital part of what makes Downtown Boulder a memorable place. These guidelines are intended to encourage the preservation and enhancement of Downtown's built environment through recognition of design attributes that are intrinsic to its existing character or essential to its ongoing appeal:

- Design innovation and excellence in form and visual character that respects and references the historic architectural context;
- Careful consideration of the urban and natural interface including views, green spaces, and waterways;
- Human-scaled space that results from the designed interplay of enclosing mass, void, and light;
- Street-level design oriented toward the pedestrian in motion; and
- Sustainable design practice with respect to solar access, water, energy and materials.

Photo Credits:
DBI, Anish Palekar (OSMP), City of Boulder



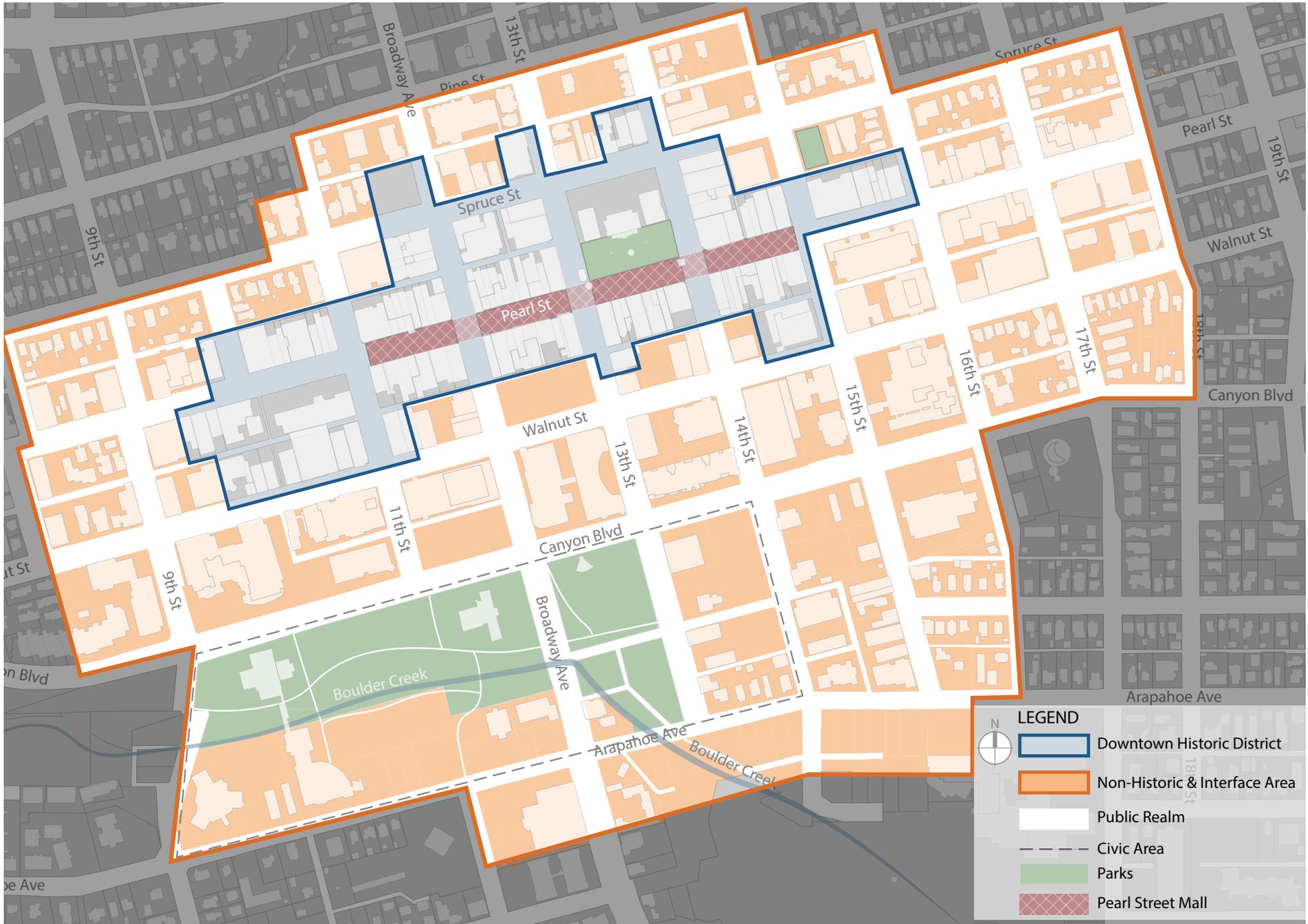


Fig. 1 Map of Downtown Boulder (City of Boulder)



Note:

Scheduling a design review early is important. In addition, scheduling a design review with the appropriate review body is the responsibility of the property owner, developer or their representative. In general, a meeting should be scheduled before a formal application is made to the city for a building permit or development review. For more information regarding the design review and application procedure please contact (303) 441-1880.

Note:

When requested LB or DAB may act in an advisory capacity to the other board.

Note:

For further map data please see the City of Boulder [Zoning Map](#).

THE REVIEW PROCESS

The Landmark Alteration Certificate (LAC) Review Process

Landmark Alteration Certificate (LAC) review through the Historic Preservation Program is required for exterior changes to individually landmarked properties and all properties located within the Downtown Historic District boundaries. The majority of applications are reviewed by the Landmarks Design Review committee (LDRC) that meets each week. Routine changes, such as patios and signage, are reviewed by staff. More complex projects, including demolition or new construction, are reviewed by the Landmarks Board. To find out more or for an application, visit the City of Boulder [Historic Preservation website](#), or call (303) 441-1880.

The Design Advisory Board (DAB) Process

The Design Advisory Board (DAB) reviews projects valued over \$25,000 located in the Non-Historic Area and Interface Area which involve the construction of a new building or exterior work on an existing building. The board provides comments to persons responsible for the design and development, and assures compliance with the most recent Downtown Urban Design Guidelines. DAB also reviews projects that require a discretionary review. To find out more, visit the [DAB website](#), or call (303) 441-1880.

The Downtown Management Commission (DMC) Process

The DMC manages, controls and supervises the business affairs of the Central Area General Improvement District (CAGID) which includes review of projects which extend into the public right-of-way in the Downtown Boulder Pedestrian Mall. Typical projects reviewed by the DMC include outdoor eating areas, signs, awnings, and other elements. To find out more, visit the [DMC website](#), or call (303) 413-7300.

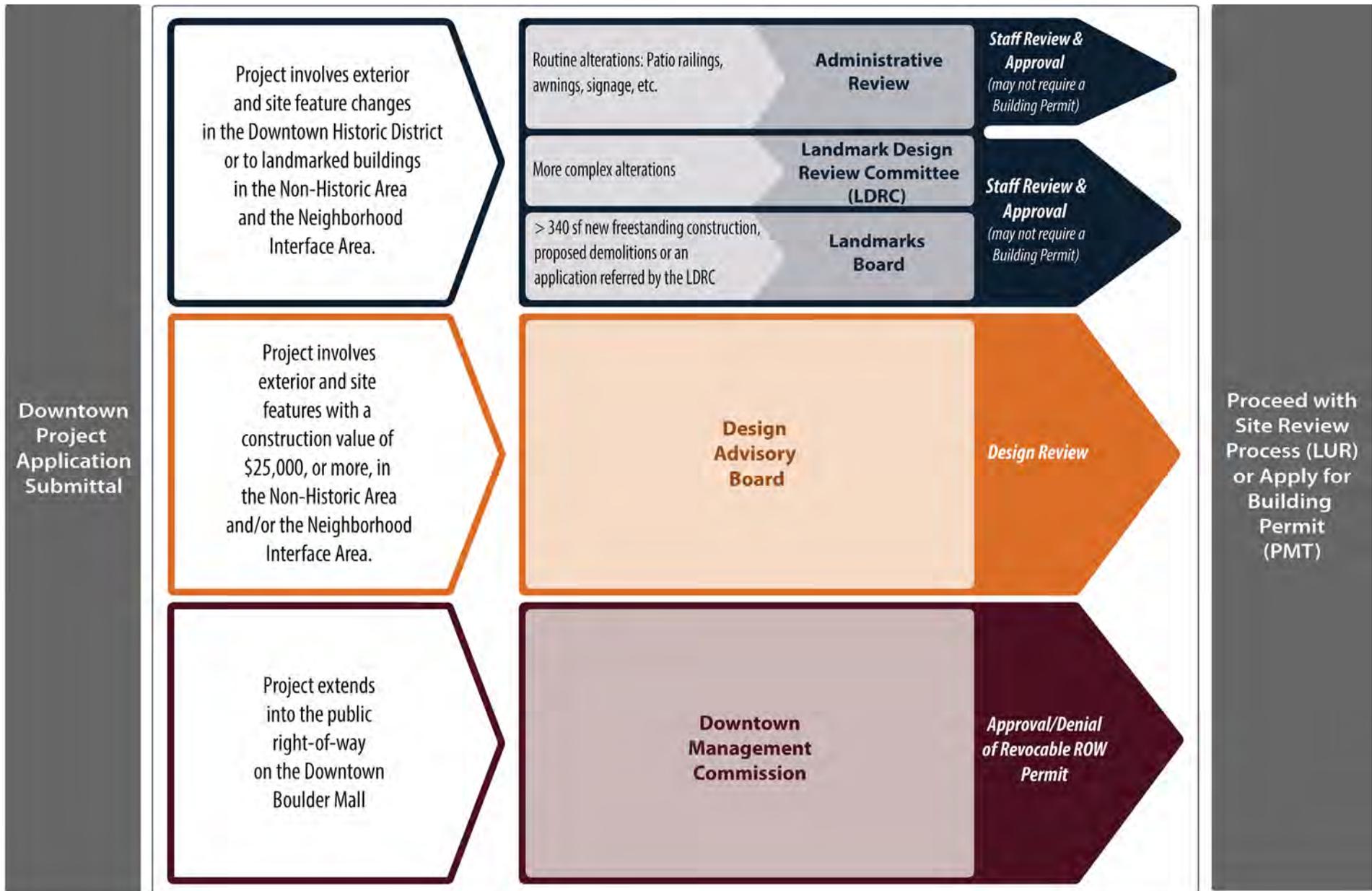


Fig. 2 Application progression for projects within Downtown Boulder



Note:

More information, on the history of Boulder, including historic photographs and other relevant background, is available at the [Boulder History Museum](#) and the [Carnegie Branch Library for Local History](#).

Note:

Please see the National Register of Historic Places "[Downtown Boulder Historic District](#)" nomination for more specific details regarding the historic context and significance as it relates to the architectural history of the area.

Photo Credits:

Carnegie Branch Library for Local History/Boulder Historical Society Collection; City of Boulder

DOWNTOWN HISTORY

In February of 1859, the Boulder City Town Company was organized to establish a supply center for miners going into the mountains in search of gold and silver in the hope that it would grow to "be an important town." Establishment of the two square mile town site followed the discovery of gold near present day Denver, and a resulting flood of prospectors to the area. One such prospector, George R. Williamson recounted that a straight line was laid out for the main street by driving a stake in the ground at the corner of what is now Broadway and Pearl Streets and "a sighting (was made) across this stick to the black spur on the prairie, known as Valmont Butte" made to establish the alignment of Pearl Street.¹ From the beginning Pearl Street has been the nucleus of the community, and its main street. In 1860, the fledgling town was described as containing about sixty log buildings (all with dirt floors), located mainly along Pearl Street. Several years later, upon visiting Boulder the intrepid English visitor described the town as "a hideous collection of frame houses on a burning plain."²

While growth in Boulder was slow until after the end of the Civil War, business generated from the mining camps, together with Boulder's selection as the county seat in 1861, the arrival of the railroad in 1873, and establishment of a state university in 1876, provided the foundation for steady growth and the construction of substantial business blocks in the commercial center of the town. Businesses were established along Pearl Street and adjoining streets to supply the needs of the town, local farmers, and mining camps.

By the 1880s, the commercial area had developed into bustling hub of restaurants, groceries, saloons, liquor stores, liverys, lumber yards, drug stores, dry goods stores, hardware stores, feed and flour stores, barbers, paint shops, and tailors, in addition to fraternal lodges and the county courthouse. An 1880 account of Boulder in the Boulder County News observed, "I've never seen a city of this size with so many saloons (approximately eighteen) and so few drunks."³

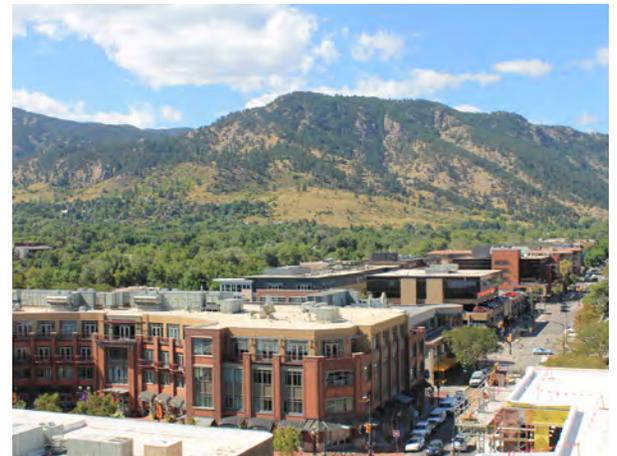
Streetcar service enabled residents in new areas of the city to conveniently shop and conduct business downtown as Boulder transformed from a supply town to a sleepy university city with commercial activities centered on and around Pearl Street. The Denver & Interurban Railroad (an intercity connection with Denver) ran along Pearl Street from 1908 until 1917. During the 1920s, several new commercial buildings were erected, updating the appearance of the downtown with Twentieth Century influences. The first decades of the 1900s also saw a rising awareness of Boulder's potential to draw newcomers and tourists with construction of the Boulderado Hotel in 1909 and the citywide planning for the improvement of Boulder with the Frederick Law Olmsted, Jr. masterplan in 1910. Increasingly, Boulder residents were becoming sensitive to the built and natural environment, leading Saco DeBoer's 1928 zoning proposal establishing the first zoning ordinance creating seven zoning districts and the first height restrictions limiting downtown buildings to seventy-five feet and neighborhood shopping districts to thirty-five feet.

Boulder experienced tremendous growth after World War II as the university grew and the city marketed itself as a perfect place to locate "clean" industry. This led to a number of scientific research institutions and companies locating in the city. The resulting new jobs led to many new residential neighborhoods and automobile-oriented neighborhood shopping areas outside of the core area, creating competition to downtown and leading to the "modernization" of storefronts during the 1950s and 1960s. By the early 1970s, a merchant-led effort to revitalize Pearl Street was underway. Recognizing Boulder's area growth limitations as a result of acquisition of open space around the city, community leaders joined with downtown property owners and merchants to turn the four blocks of Pearl Street between 11th and 15th Streets into a pedestrian mall. The Pearl Street Mall is among the most successful such pedestrian ways in the United States with many restored historic buildings and a vibrant commercial area. In 1980, the Downtown Historic District was listed in the National Register of Historic Places and in 1999 the area was designated a local historic district.

¹ "Boulder in Perspective – From Search for Gold to the Gold of Research", J.B. Schooland, Johnson Pub., 1980, p.136

² "A Lady's Life in the Rocky Mountains", Isabella L. Bird, John Murray Pub., 1879, p.230

³ "Boulder in Perspective – From Search for Gold to the Gold of Research", J.B. Schooland, Johnson Pub., 1980



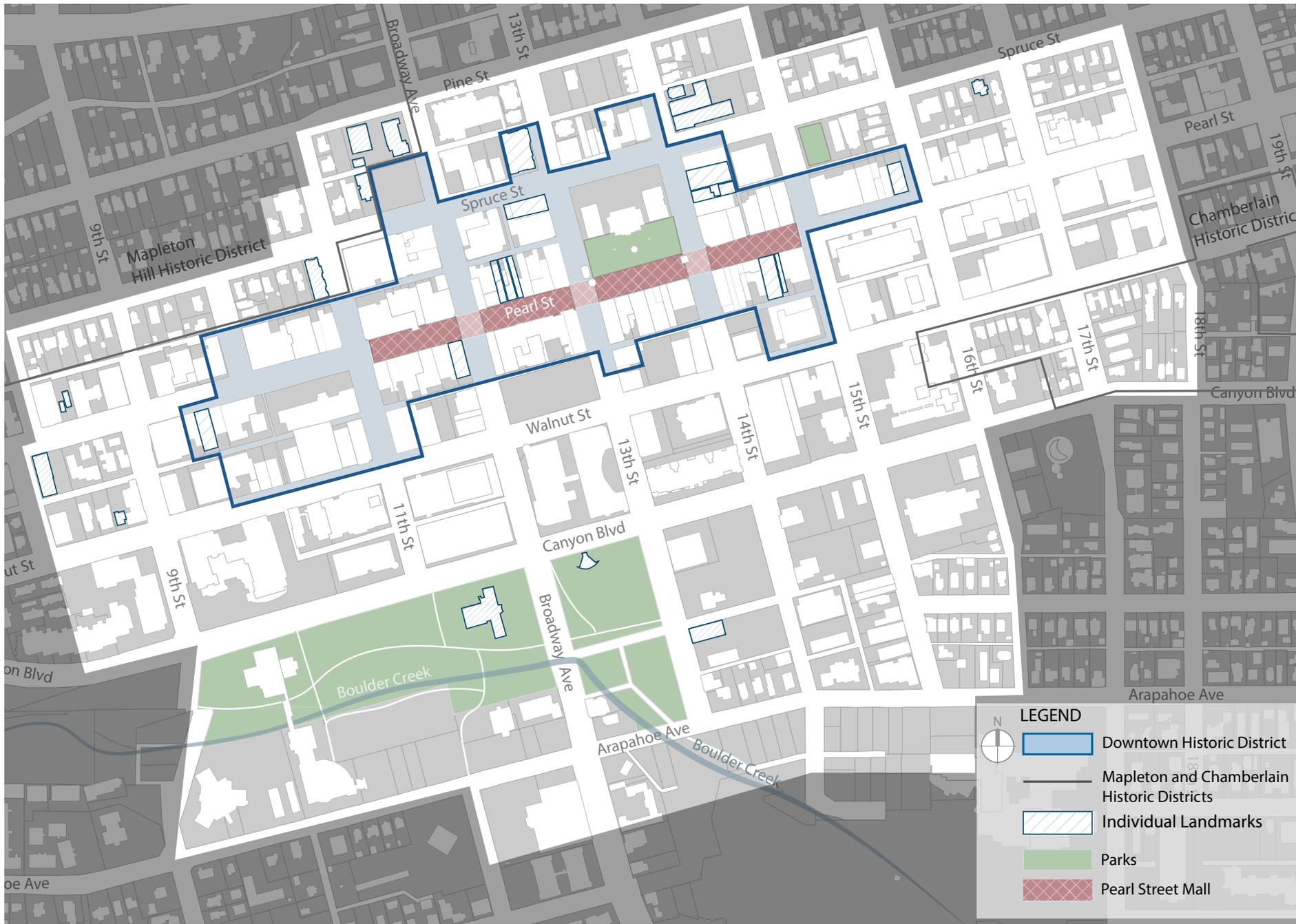


Fig. 2 Downtown Historic District Map (Source: City of Boulder)

SECTION 1 THE HISTORIC DISTRICT

Note:

All buildings in the district have been evaluated for historic significance and are subject to Landmarks Board review when exterior work is involved. Any changes to a building, or site, require a [Landmark Alteration Certificate](#) prior to commencement.

The boundaries of the Downtown Historic District, designated in 1999 with a period of significance from 1858-1946, generally conform to the boundaries of the Downtown Boulder National Register Historic District. The district contains the City's greatest concentration of historic commercial buildings, especially along Pearl Street which forms its central spine. These buildings not only serve as a link with our cultural heritage, they also establish a model for design quality. Such buildings are resources for education, recreation and human enjoyment. They provide Downtown with a rich character and a human scale that are unique assets for both residents and visitors.

Development in the Downtown Historic District must be especially sensitive to issues of compatibility. The economic success of the area is in many ways dependent on maintaining the historic character and quality that sets the it apart from other shopping areas. For this reason, the preservation, restoration, and appropriate rehabilitation of older buildings in this district is of great importance.

The urban design objectives for the Downtown Historic District are to:

- Preserve and restore historic buildings.
- Preserve the integrity of the historic architectural features of individual buildings.
- Ensure that alterations and new construction strengthen and maintain the historic integrity of individual buildings and of the district at large.
- Encourage new development that will respect and enhance the visual character.
- Preserve the central area as a place for intense pedestrian activity.



Note:

The City's planning department maintains a file of each building in the Downtown area more than 50 years in age. The official Inventory/Survey forms on file indicate the level of significance of each building within the Downtown Historic District. For more information please visit the [City of Boulder Historic Preservation website](#) or call (303) 441-1800.

Historic properties are organized into three categories:

- **Local Landmark Buildings** - These buildings are officially designated as City of Boulder local landmarks. They have a special character, historic, architectural, or aesthetic interest or value in Boulder's local history. Landmarked buildings may include contributing properties to the Downtown Historic District. The greatest care must be given to preserving, restoring, and designing additions to these buildings.
- **Contributing Buildings** - Contributing buildings are those built during the district's period of significance (1858 through 1946) that exist in comparatively "original" condition, or that have been appropriately restored, and that clearly contribute to the historic significance and integrity of the area. Such buildings may have additions that are compatible with the historic character of the original building, have original material now covered, or have experienced some alteration, yet continue to convey some sense of history. Rehabilitations and additions should be sensitive and appropriate to the historic building and district.
- **Non-Contributing Buildings** - There are two types of non-contributing buildings in the Downtown Boulder Historic District. First, buildings built during the district's period of significance that have been altered to such an extent that historic information is not interpretable and restoration is not possible. Such buildings should be evaluated on a case by case basis to determine if saving and restoring them is feasible or desirable. Second, buildings erected after 1946 which are not individually significant. For alterations to these buildings, the guidelines for new construction and/or remodel of non-contributing buildings in this section apply.

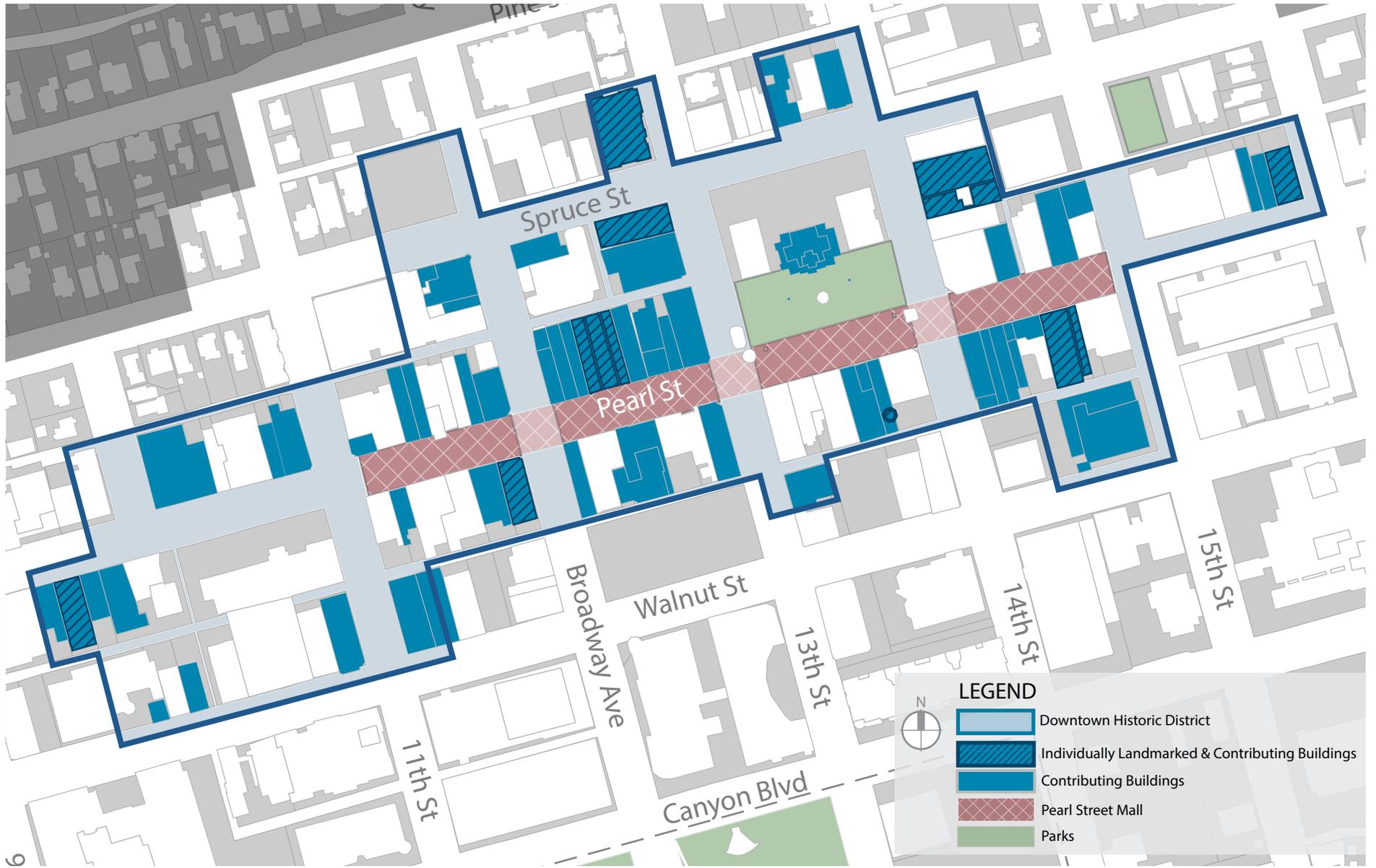


Fig. 3 Downtown Historic District Properties (Source: City of Boulder)



Note:

It is neither the intention of this guideline to recreate the past, nor to encourage theme design in the historic district, if the original building facade or original building materials do not exist. However, if documentary evidence exists, such as photographs, then an acceptable alternative is to reconstruct the facade.

Note: For further information on recommended treatments for historic properties please see [The Secretary of the Interior Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings](#).

1.1 General guidelines for the Historic District

The following guidelines apply to all areas of the Downtown Boulder Historic District.

- A. The use of traditional, durable materials as the primary building material is encouraged to reflect the historic building construction and development pattern within the district. Choose accent materials similar in texture and scale to others in the district.
1. These following materials are generally appropriate:
 - Full dimension brick and stone masonry
 - Finish carpentry details, e.g. cornice molding, door and window casing
 - Finished lumber to achieve traditional patterns, e.g. horizontal siding rather than diagonal
 - Finished, embossed or painted metal and sheet metal
 - Clear or lightly tinted glass
 - Ceramic tiles
 - Brick, clay and ceramic pavers
 - Slate, finished metal, glazed ceramic and tile roofs
 - Brick, concrete or stone lintels
 - Brick, wood or stone columns
 2. The following materials are generally inappropriate:
 - Thin veneer products
 - Vinyl replacement windows
 - EIFS systems or EIFS decorative elements
 - Faux or simulated materials, including composite wood
 - Coarsely finished, “rustic” materials, such as wood shakes, shingles, barn board or stained fir plywood
 - Poorly crafted or “rustic” woodworking and finishing techniques
 - Indoor-outdoor carpeting or astro-turf
 - Corrugated metal and fiberglass (unless used sparingly)
 - Moss rock
 - “Antique” or old brick with partial paint, mottled light variegated brick, oversized brick and white brick mortar
 - Ornate wrought-iron, “New Orleans” style grille and rail work
 - Stucco surfaces that are highly textured such as those sometimes associated with a “hacienda” or “Mediterranean” style
 - Expanded metal
 - Silver or clear anodized aluminum sheets
 - Silver or clear aluminum extrusions for windows and doorways
 - Residential type sliding glass doors
 - Imitation wood siding or stone
 - Flat or molded plastic sheeting in quantities exceeding five square feet when used as primary facade materials
 - Imitation metal “rock work”
 - Plastic molded imitations of any conventional building material
 - Mirror or metalized reflective glass
 - Glass block
- B. Awnings may be used to provide visual depth and shade.
1. Awnings should be designed to fit the storefront opening to emphasize the building’s proportions and have at least an

Note:
For detailed information on historic buildings and preservation information on individual building elements see the [National Park Service \(NPS\) Technical Briefs](#).

Code:
See the Boulder Revised Code (B.R.C.) [Section 9-9-16, "Outdoor Lighting"](#) for lighting requirements.

Code:
See the B.R.C. [Section 9-9-14, "Parking Lot Landscaping Standards"](#) for parking lot screening requirements.

- eight foot clearance from the sidewalk. Awnings should not obscure or damage important architectural details.
- 2. Operable fabric awnings are encouraged. Metal awnings or canopies that are similar in form to fabric awnings may be appropriate when designed as an integral part of the building facade, and do not appear as tacked-on additions. Awning color should be coordinated with the color scheme of the entire building front. Awnings on the upper stories are discouraged.
- C. Select building colors appropriate to the area's historic character.
 - 1. Select a color scheme that will visually link the building to its past as well as to others in the area. Consider colors that are compatible with the building's predominant materials, or do an analysis of colors pre-existing on the building and use one of the colors found.
 - 2. Develop a comprehensive color scheme. Consider the building as a whole as well as the details that need emphasis. Softer muted colors establish a uniform background. Establish a hierarchy for the color palette with one color on similar elements such as window frames. Reserve brighter colors for small special accents to emphasize entry ways and to highlight special structural ornamentation.
 - 3. It is not appropriate to paint unpainted brick. If the brick is already painted, paint removal is preferred. Avoid paint removal procedures that damage the original brick finish such as sand blasting or caustic chemicals. Before removing paint conduct a test to determine detrimental effects. If the existing paint on the brick is in poor condition and paint removal will damage the underlying brick, the brick should be repainted.
- D. Minimize the visibility of mechanical, structural, or electrical appurtenances.
 - 1. Use low-profile mechanical units and elevator shafts that are not visible from the street. If this is not possible, set back or screen rooftop equipment from view. Be sensitive to views from the upper floors of neighboring buildings. Skylights or solar panels should have low profiles and not be visible from the public right-of-way. These features should be installed in a manner which minimizes damage to historic materials.
- E. Improve rear or side alley elevations to enhance public access from parking lots and alleys.
 - 1. Where buildings are built to the alley edge, consider opportunities for alley display windows and secondary customer or employee entries.
 - 2. Screening for service equipment, trash, or any other rear-of-building elements should be designed as an integral part of the overall design. Where intact, historic alley facades should be preserved along with original features and materials. Alterations should be compatible with the historic scale and character of the building and block.
- F. Exterior building lighting should be designed to enhance the overall architecture of the building. Security lighting should be designed for safety, as well as night-time appearance.
- G. Reduce the visual impact of structured and surface parking.
 - 1. Parking structures should be compatible with the historic district, overall block and adjacent buildings. All parking structures should be architecturally screened and/or wrapped with an occupiable use.
 - 2. Surface Parking should be located to the rear of the property and screened from view.
 - 3. Pedestrian routes in structures and parking lots should be easily identifiable and accessed, with clear visual connections to the sidewalks and buildings.
- H. The law requires that universal access be located with the principal public entrance.
 - 1. In existing buildings, where the only route is not accessible from the principal public entrance, a rear or side service entrance route may be considered.
 - 2. Ramps and related accessibility modifications to a historic property should be compatible with the character of the building.



Note:

For detailed information the preservation, rehabilitation and restoration of historic buildings and specific building elements see the [NPS Technical Briefs](#).

1.2 Guidelines for the preservation and restoration of local landmarks and contributing buildings

While it is acknowledged that changes to structures in the Downtown Historic District will occur over time, it is also a concern that these changes not damage the historic building fabric and character of the area. Preservation of the exteriors and storefronts of these buildings will continue their contribution to the unique historic character of the Downtown. Any building renovation or alteration, no matter the planned use, must retain the overall design integrity of the historic building by protecting the original features and materials and respecting the traditional design elements. The following are the guidelines for the preservation and restoration of local landmarks and contributing buildings:

- A. Preserve Original Character, Façades and Materials. Wherever possible retain these elements through restoration and repair, rather than replacement. If portions of the original material must be replaced, use a material similar to the original. The following elements are part of the traditional storefront building typology indicative to the development of Downtown Boulder. These elements include:
 1. Full-dimension bricks, or stone
 2. Display window bulkheads
 3. Large storefront display windows
 4. Recessed and corner entrances
 5. Secondary entrances and detailing
 6. Storefront transom
 7. Sign bands and storefront cornice
 8. Parapet walls, caps, and/or roof cornices
 9. Upper story vertically proportioned windows and/or fenestrations
 10. Columns, pilasters, and piers
 11. Decorative window sills, lintels, window hoods, and other window assembly elements
- B. Avoid concealing or removing original materials. If the original material has been covered, uncover it if feasible.
- C. Maintain the historic building set back line. Preserve the historic relationship of the building to the street or property line. Where buildings are built to the alley edge, consider secondary customer entries if original materials and features are not damaged.

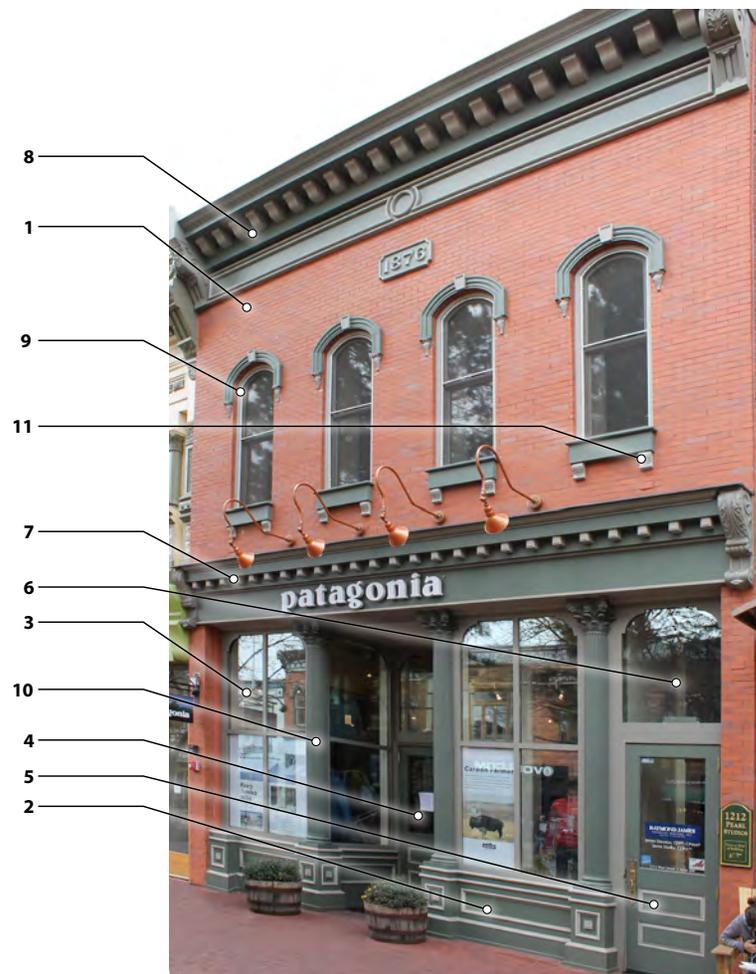


Fig. 4 Historic Building Elements
(Source: City of Boulder)

Code:

See the B.R.C. Section 9-7-1, "Schedule of Form and Bulk Standards" for additional information on height and set back requirements.

1.3 Guidelines for contemporary alterations and additions to local landmarks and contributing buildings

The purpose of this section is to provide guidance for the design of additions or alterations to contributing buildings in order to retain the historic character of the overall district. While renovations and building design is expected to reflect the character of its own time acknowledging the Downtown as a living district, it is important that it also respect the traditional qualities that make the Downtown unique, such as massing, scale, use of storefront detailing, and choice of materials.

- A. Distinguish additions to historic buildings. Additions to historic buildings should be differentiated, yet compatible, from the original while maintaining visual continuity through the use of design elements such as proportion and scale, siting, facade set back, and materials that are of a similar color and texture. When design elements contrast too strongly with the original structure, the addition will appear visually incompatible. Conversely, when the original design is replicated, the addition is indistinguishable and the historical evolution of the building becomes unrecognizable. New additions should be subordinate to the original building form.
- B. For additions to a historic building, retain the original proportions, scale, and character of the main facade. Position the addition so it is subordinate to the original building. Express the difference between the original facade and the addition with a subtle change in color, texture or materials.
- C. Maintain the proportions and the established pattern of upper story windows. In addition, upper floors should incorporate traditional vertically proportioned window openings with less window glazing and transparency than the lower floors. Use windows similar in size and shape to those used historically to maintain the facade pattern of the block.
- D. Maintain the rhythm established by the repetition of the traditional ~25' facade widths for projects that extend over several lots by changing the materials, patterns, reveals, and building set backs in uniform intervals or by using design elements such as columns or pilasters.
- E. Set back vertical additions to historic buildings maintaining the height of the primary, historic facade. Lateral additions should be subordinate and differentiated from the primary historic building. Additions need to demonstrate a harmonious relationship with the historic building height, mass, and scale.



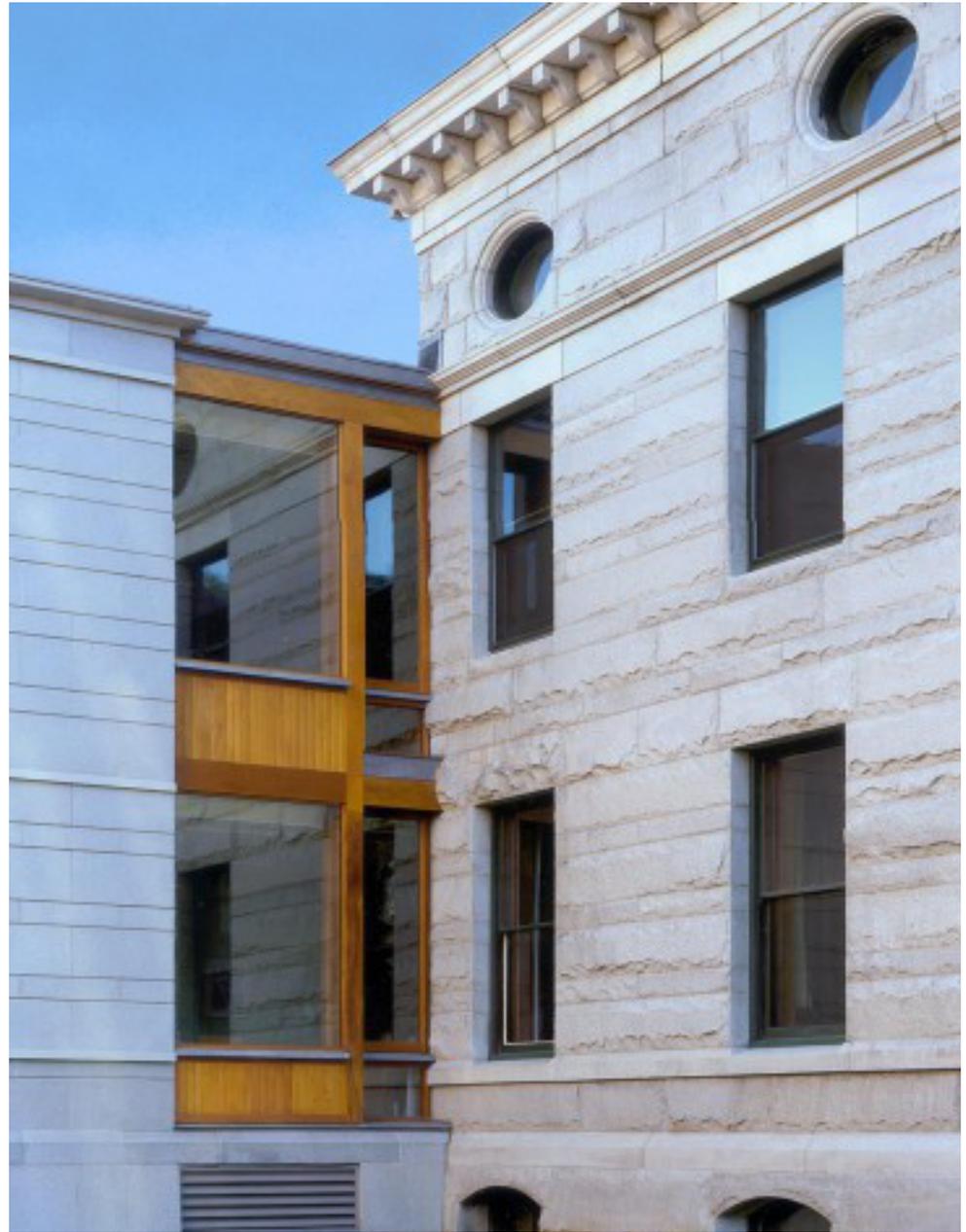
Fig. 5 A new addition to a historic block with compatible scale
(Source: National Park Service)



Fig. 6 Historic pattern of building widths along Pearl Street Mall
(Source: City of Boulder)



*Fig. 7 A non-conforming addition with incompatible materials, massing and window proportioning
(Source: National Park Service)*



*Fig. 8 A new addition demonstrating a differentiated, yet compatible, use of materials
(Source: Gossens Bachman Architects)*

Code:

Objects or building elements extending into the public right-of-way require a revocable right-of-way permit and/or lease agreement, see the B.R.C Section 8-6-6, "Requirements for Revocable Permits, Short-Term Leases and Long-Term Leases" for more information.

1.4 Guidelines for new construction and remodeling non-contributing buildings in the Downtown Historic District

The purpose of this section is to provide guidance for the design of new construction and the renovation of non-contributing buildings in order to retain the historic character of the overall district. While new building design is expected to reflect the character of its own time acknowledging the Downtown as a living district, it is important that it also respect the traditional qualities that makes the Downtown unique, such as massing, scale, use of storefront detailing, and choice of materials.

- A. Incorporate traditional building elements in new design and construction. Careful integration of traditional facade features reinforces patterns and visual alignments that contribute to the overall character of the district. These features may be interpreted in new and contemporary ways. Please see Section 1.2 for a list of historic building elements.
- B. Construct new buildings to maintain the continuity of the historic building relationship to the street, adjacent properties, and/or the block.
- C. Maintain a human scale rather than a monolithic or monumental scale. Smaller scale buildings and the use of traditionally-sized building components help to establish a human scale and maintain the character of Downtown. Standard size brick, uniform building components, and standard window sizes are most appropriate.
- D. Consider the proportioning of the height and mass to the building footprint. In general, buildings should appear similar in height, mass, and scale to other buildings in the historic area to maintain the historic district's visual integrity and unique character. At the same time, it is important to maintain a variety of heights. While the actual heights of buildings are of concern, the perceived heights of buildings are equally important. One, two and three story buildings make up the primary architectural fabric of the Downtown, with taller buildings located at key intersections.
 1. Relate the height of buildings to neighboring structures at the sidewalk edge. For new structures that are significantly taller than adjacent buildings, upper floors should be set-back a minimum of 15' from the front facade to reduce the perceived height.
 2. Consider the effect of building height on shading and views. Building height can shade sidewalks during winter months leading to icy sidewalks and unappealing pedestrian areas
- E. Provide a variation of roof heights and types.
- F. Buildings are expected to be designed on all exposed elevations. Primary facade materials are to extend to secondary elevations, or wrap building corners, a proportionally relevant distance as to portray a sense of depth.
- G. Construct residential units to include entry stoops and/or porches. Residential entry porches are encouraged to extend 18" to 30" above grade. Construct commercial buildings at grade.



*Fig. 9 A compatible renovation with references to adjacent building height and contemporary references to the storefront building typology in a historic district, San Jose, California
(Source: Bruce Damonte/Olson Kundig)*



Fig. 10 New construction with compatible material, scale and window proportioning
(Source: City of Boulder)



Fig. 11 New construction with contemporary, yet compatible, references to historic building elements
(Source: Jorge Mastropietro Architects Atelier)



Fig. 12 New construction with appropriate historic references including materiality and scale (Source: City of Boulder)



Fig. 13 Map of the Downtown Historic District, Non-Historic and the Interface Area (Source: City of Boulder)

SECTION 2 THE NON-HISTORIC & INTERFACE AREAS

Code:

See the B.R.C. Section 9-2-4, "[Good Neighbor Meetings and Management Plans](#)" or contact the DMC at (303) 413-7300.

The boundaries of the Non-Historic & Interface Areas generally conform to the perimeter of Downtown and surround the historic core. The Non-Historic Area is primarily located on the blocks from Pearl Street south towards Arapahoe Avenue. This area includes a mix of retail businesses, urban residential buildings, and a large civic area with buildings, a park, and Boulder Creek. The Interface Area is located on the northern, western and eastern borders of Downtown. The Interface Areas includes a wide variety of residential buildings. The area is composed of the blocks that link the core of the Downtown to the surrounding residential neighborhoods. This area requires special design sensitivities that must be addressed when commercial buildings are located adjacent to residential areas.

The important design elements are 1) the Non-Historic Area's relationship to its surroundings, including the Historic Area, the Civic Park area, and the residential quality of the Interface Area; 2) the pedestrian quality of the area including the Downtown Boulder Pedestrian Mall, East and West Pearl Street, Spruce and Walnut streets, Canyon Boulevard and the north-south streets that connect the Civic Area to the Downtown Boulder Pedestrian Mall area; 3) new building design can reflect the character of its own time and have meaningful juxtapositions, while respecting the integrity, scale, and massing of historic buildings in the surrounding areas; and 4) minimizing impacts to the surrounding residential through careful design in the Interface Area which respects the scale and quality of adjacent residential uses and thoughtfully transitions the commercial and residential areas.

Creative interpretations of traditional design elements, and designs that reflect the character of their time, are encouraged. The designs should be compatible with the surrounding historic context, but distinguishable. These guidelines also discourage projects that create inhospitable pedestrian design, and buildings that are inappropriate in scale and massing to their surroundings.

The urban design objectives for the Non-Historic and Interface Areas are to:

- Reinforce the character of Downtown as a pedestrian place by encouraging architectural solutions that are visually pleasing, reflective of contemporary times yet stylistically appropriate to the context, and compatible in scale and character with their street.
- Encourage sensitive design along the edge where the Downtown commercial area abuts residential neighborhoods.
- Emphasize a clear distinction between the commercial and residential interface areas.
- Maintain the diversity in building type and size, and respect the adjoining residential character.
- Discourage adverse impacts from noise, night lighting, poor building design, and commercial service areas on adjacent residential neighborhoods.



Note:

See Section 3 for encroachments into the public right-of-way discussion on revocable lease and allowable dimensions.

Code:

See the B.R.C. Section 9-9-14, "[Parking Lot Landscaping Standards](#)" for parking lot screening requirements.

Code:

See the B.R.C. Section 9-9-16, "[Outdoor Lighting](#)" for lighting requirements.

Note:

A goal of the city is to make the Downtown as accessible as possible. All accessible design elements must conform to all applicable Federal, State and Local laws and codes. Wherever a discrepancy may arise, the higher standard shall be applied.

2.1 General guidelines for the Non-Historic and Interface Areas

- A. Maintain the historic or predominant building set back line.
 1. Maintain the relationship and continuity of the building wall to the street or property line.
 2. For commercial uses in residential buildings, maintain the predominant residential set back of the block, including any porches.
- B. Minimize the visibility of mechanical, structural, or electrical appurtenances.
 1. Use low-profile mechanical units and elevator shafts that are not visible from the street. If this is not possible, set back or screen rooftop equipment from view.
 2. Be sensitive to views from the upper floors of neighboring buildings. Skylights or solar panels should have low profiles and not be visible from the public right-of-way.
- C. Design all sides of the building including alley elevations.
 1. Well designed rear building entrances, windows, balconies, and planting areas are encouraged.
 2. Improve rear or side alley elevations to enhance public access from parking lots and alleys.
 3. Where buildings are built to the alley edge, consider opportunities for alley display windows and secondary customer or employee entries.
 4. Materials utilized on the primary elevation are to extend, or wrap, around building corners onto the secondary elevations extending back at least the width of a structural bay.
 5. Screening for service equipment, trash, or any other rear-of-building elements should be designed as an integral part of the overall design. Where intact, historic alley facades should be preserved along with original features and materials.
- D. Exterior building lighting should be designed to enhance the overall architecture of the building. Security lighting should be designed for safety, as well as night-time appearance.
- E. Reduce the visual impact of structured and surface parking.
 1. Parking structures should be compatible to the historic district and adjacent buildings. All parking structures should be architecturally screened and/or wrapped with an occupiable use.
 2. Locate any surface parking to the rear of the property. All surface parking must be screened.
 3. Pedestrian routes in structures and parking lots should be easily identifiable and accessed, with clear visual connections to the sidewalks and buildings.
- F. The law requires that universal access be located with the principal public entrance.
- G. Consider the quality of open space incorporated into new and renovated buildings. When appropriate to the context, integrate the surrounding open spaces into the building design. Well programmed plazas, courtyards, outdoor seating and dining areas on or adjacent to open spaces and pedestrian routes are encouraged.



*Fig. 14 A contemporary infill development with appropriate massing and human scale elements
(Source: Joseph Romeo Photography /Beyer Blinder Belle)*



Fig. 15 A contemporary infill development with traditional materials, an innovative approach to historic window proportioning and recessed upper floor
(Source: Jorge Mastropietro Architects Atelier)

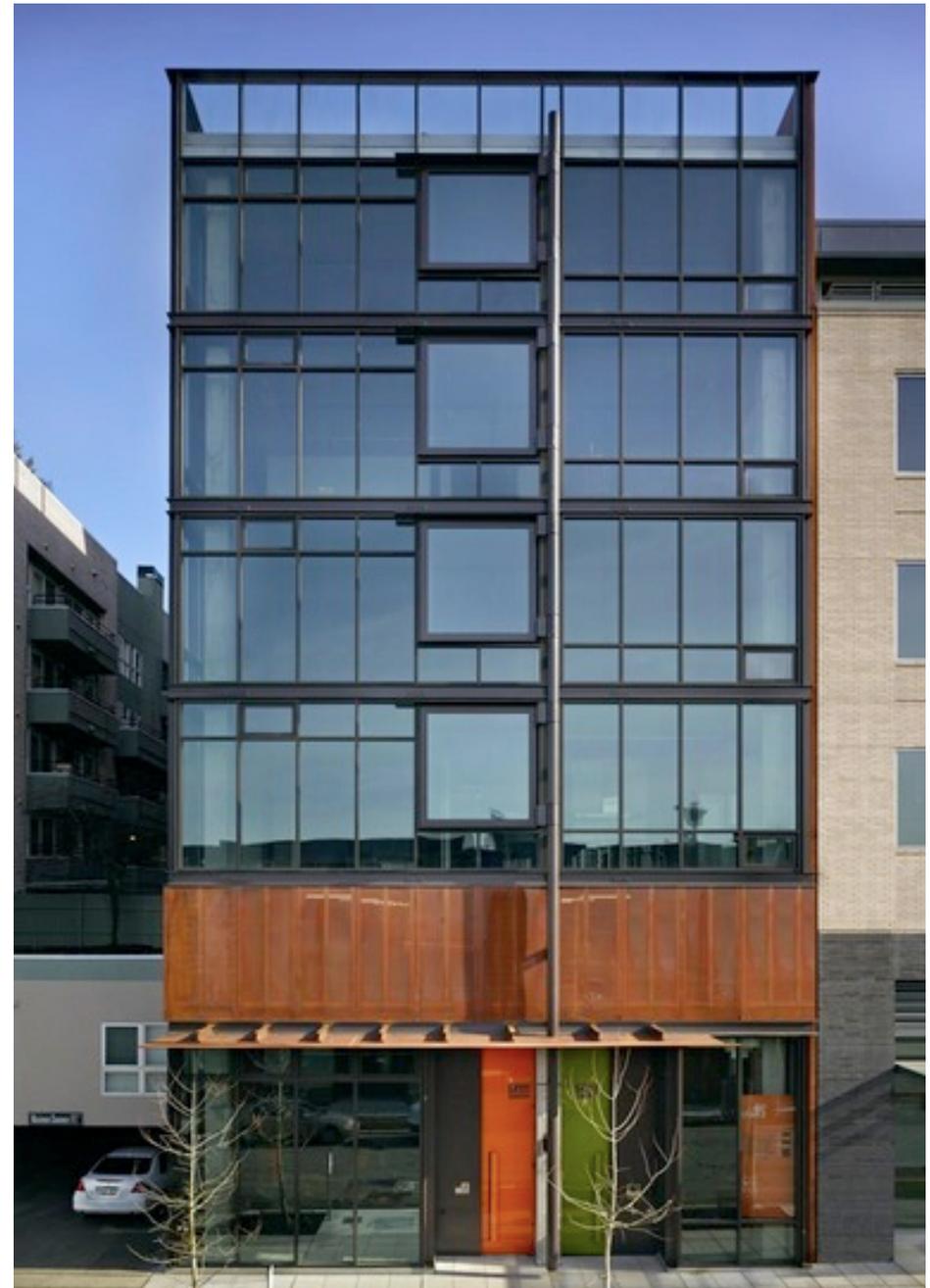


Fig. 16 A contemporary infill development with alternative material choices and a traditional storefront building form
(Source: Ben Benschneider/Olson Kundig)

Code:

See the B.R.C. Section 9-7-1, "Schedule of Form and Bulk Standards" for specific height and set back requirements.

2.2 Commercial buildings in the Non-Historic and Interface Areas

- A. Consider incorporating traditional facade elements in new and contemporary ways. See Section 1: The Downtown Historic District for specific building elements.
- B. Consider the height, mass, and scale of buildings.
 - 1. In general, buildings should appear similar in height, mass, and scale to other buildings in the area. At the same time, it is important to maintain a variety of heights. While the actual heights of buildings are of concern, the perceived heights of buildings are equally important. One, two and three story buildings make up the primary architectural fabric of the Downtown, with taller buildings located at key intersections.
 - 2. Consider the height and proportion of buildings to neighboring structures. For new structures that are significantly taller than adjacent buildings, upper floors should be set-back a minimum of 15 feet from the front facade to reduce the perceived height.
 - 3. Consider the effect of building height on shading and views. Building height can shade sidewalks during winter months leading to icy sidewalks and unappealing pedestrian areas.
 - 4. Maintain the traditional, established breaks between buildings, such as existing paseos.
 - 5. For projects located in the Interface Area, construct buildings three floors or less and consider the adjacent residential height, mass, and scale.
 - 6. Commercial construction on a primarily residential block should be designed to reflect a residential character, e.g. residential set back on a primarily residential street.
- C. Maintain a human scale, rather than monolithic or monumental scale.
 - 1. Avoid large featureless facade surfaces. Include architectural elements and patterns that divide the facade into familiar intervals. A single facade should not exceed a maximum of 75 linear feet.
 - 2. Consider how the texture and pattern of building materials will be perceived. Use traditionally sized building components in a way that incorporates details, textures, and patterns to establish a sense of human scale.
 - 3. Maintain the distinction between ground and upper floors. Develop the first floor facade as primarily transparent. Consider using windows and other architectural features to create a pattern that will reinforce the traditional facade rhythm found on commercial buildings in the Downtown area. Ground floors are generally differentiated by a higher percentage of glazing and transparency than upper floors.
- D. Construct primary entrances at grade.





*Fig. 17 An adaptive reuse building with contemporary materials
(Source: David J. Murray, ClearEyePhoto.com/McHenry Architecture)*



*Fig. 18 An example of a commercial use in an existing residential building in a DT-1 commercial zoning district
Fig. 19 (Source: City of Boulder)*



Fig. 20 A contemporary commercial building with traditional storefront proportioning including delineating the bottom, middle and top sections
(Source: City of Boulder)

2.3 Residential buildings in the Non-Historic and Interface Areas

- A. Maintain the diverse architectural character of the residential buildings in the Interface Area.
- B. Construct residential units to include entry stoops and/or porches. Residential entry porches are encouraged to extend 18" to 30" above grade, except when the context or character of the block demonstrates at grade entries.
- C. When feasible, maintain residential uses in historic residential buildings.



Fig. 21 An alley elevation with an appropriately screened trash enclosure
(Source: City of Boulder)



Fig. 22 A contemporary row house with compatible materials and overall form
(Source: City of Boulder)



*Fig. 23 A contemporary multifamily residential development with compatible materials and vertically oriented exterior detailing reflecting a townhome or rowhouse building type
(Source: Studio Architects)*



*Fig. 24 A contemporary multifamily or duplex with compatible materials and form
(Source: City of Boulder)*



Fig. 23 The Downtown Pedestrian Mall (Source: City of Boulder)

SECTION 3 *THE PUBLIC REALM*

The term “public realm” refers to the entire system of open space, landscaping, signage, streets and sidewalks, by which people circulate through and experience the Downtown. Our image of Downtown Boulder, and the ease and safety with which we move through it, is determined by the quality of the streetscape.

The urban design objectives of the Public Realm Guideline are to:

- Unify the visual image of Downtown by creating a series of public sitting areas, completing the rhythm of street trees and street lighting, and providing landscaping with seasonal color or other qualities of visual interest.
- Create a pedestrian-oriented environment that is safe, accessible, visually pleasing, and comfortable.
- Strengthen Downtown’s visual connections. Visually and functionally connect the Downtown Boulder pedestrian mall and Civic Park, or east and west Pearl Street to the Downtown Boulder pedestrian mall.
- Maintain the visual unity and historic character of the Downtown Boulder pedestrian mall through the use of traditional materials.
- Respect and preserve adjacent residential neighborhoods through the use of residentially appropriate streetscape design.
- Encourage design and sign placement that promotes Downtown businesses while complementing the character and scale of the building.
- Promote signs that are designed as an integral yet noticeable part of a building’s overall design.
- Promote the sign design and placement that is effective individually and harmonious with the overall signage of the block.
- Encourage comfortable spaces by integrating appropriate landscaping and street trees into the public realm.
- Create an overall image in which a building, signage, and site design relate to each other.





Fig. 24 A wall sign with directional lighting (Source: City of Boulder)



Fig. 25 Awning signs and patio extension (Source: City of Boulder)



Fig. 26 A projecting sign (Source: City of Boulder)

Code:

Awnings, signage, patio extensions, and other associated structures or objects extending into the public right-of-way require a revocable right-of-way permit and/or lease agreement, see the B.R.C Section 8-6-6, "Requirements for Revocable Permits, Short-Term Leases and Long-Term Leases" for more information.

Note:

The following is meant as a supplement to the city's Sign Code. Sign permits, obtained through the Planning Department, are required. Signs that extend into the Downtown Boulder pedestrian mall will require review by the Downtown Management Commission. For further information call the DMC at (303) 413-7300 and the Planning Department at (303) 441-1880.

Code:

Signs on historic buildings or in historic districts must comply with the B.R.C. Chapter 9-11 "Historic Preservation" and Section 9-9-21, "Signs" provisions.

3.1 Signs

- A. Commercial signs should function to identify and locate businesses, promote commercial activity, attract customers, provide direction and information, and in some cases create visual delight and architectural interest.
- B. Following are principal sign types that are applicable in the Downtown:
 - 1. Wall Signs:
Wall signs are limited in size and defined as projecting less than 15 inches from the building. Wall signs should be positioned within architectural features such as the panels above storefronts, sign bands, on the transom windows, or flanking doorways. Wall mounted signs should align with others on a block to maintain established patterns.
 - 2. Projecting Signs:
Projecting signs should be positioned along the first floor level of the facade. Projecting signs may take on their own special shape, or create their own symbol within the overall facade design.
 - 3. Awning Signs:
Awnings should be positioned to emphasize special shapes or details of the facade, to draw attention to the shop entrances or to emphasize a display window. Awning signs may be illustrated with letters or symbols.
- C. Signage should be designed as an integral part of the overall building design. In general, signs should not obscure important architectural details. When several businesses share a building, signs should be aligned or organized in a directory.
- D. Use simple signs to clearly convey their messages.
 - 1. Sign materials should be durable and easy to maintain. Appropriate sign materials include painted or carved wood, carved wooden letters, epoxy letters, galvanized sheet metal, stone, specialty or decorative glass, clear and colored acrylic, or neon.
 - 2. Lighting external to the sign surface with illumination directed toward the sign is preferred. External lighting may also highlight architectural features. Internally lit signs are generally discouraged. The light level should not overpower the facade or other signs on the street. The light source should be shielded from pedestrian view. The lighting of symbol signs is encouraged. Internal lighting may be appropriate where only letters are illuminated or neon is used. Neon is acceptable, though restricted in size, if it does not obscure architectural detail or overly illuminate display windows.
 - 3. Signs should be designed in simple, straight-forward shapes that convey their message clearly. Symbols are easily read and enhance the pedestrian quality of the Downtown.
 - 4. Lettering styles should be proportioned, simple, and easy to read. In most instances, a simple typeface is preferred over a faddish or overly ornate type style. The number of type styles should be limited to two per sign. As a general rule, the letter forms should occupy not more than 75% of the total sign panel.



Note:

In general, the predominate material in the Downtown is brick. The use of brick to highlight and define the streetscape zones is especially appropriate in the blocks adjacent to the mall. Other appropriate materials include sandstone, or the use of art work which is stenciled or sandblasted into the concrete surface.

Note:

Colored concrete scored or formed to imitate brick or stone is inappropriate.

3.2 The Streetscape

- A. The existing street hierarchy is the basis for designing the streetscape. The concept of a street hierarchy is based on understanding how various Downtown streets function. For example, Canyon Boulevard and Broadway are major vehicular streets, thus street improvements should provide for large volumes of traffic while buffering pedestrians from traffic impacts. Four types of streets have been identified:
1. The Downtown Boulder pedestrian mall (a vehicle-free pedestrian street):
The Downtown Boulder pedestrian mall, which encompasses Pearl Street from 11th to 15th Streets, is the most intensely used pedestrian zone in the area. As a shopping, festival, and public gathering place it will remain a vehicle free area with a unified brick paving design. Elaborate landscape treatments, including seasonally-varied plants and coordinated street furniture, add to the pedestrian ambiance.
 2. Canyon Boulevard and Broadway (major vehicular through streets):
Canyon Boulevard and Broadway accommodate large volumes of traffic moving through the Downtown. Streetscape features should be designed to buffer pedestrians from traffic impacts, provide greater building set backs and detached sidewalks with planting strips between the sidewalk and curb. The exception is the section of Broadway between Canyon Boulevard and Spruce Street in which attached sidewalks are needed to accommodate more intense pedestrian use. In areas with detached sidewalks, well designed landscaping and street trees shall be provided. On Canyon Boulevard, the use of landscaped median strips and pedestrian safe zones should be designed to minimize pedestrian/vehicular conflicts.
 3. 9th, 10th, 11th, 13th, and 14th Streets (north/south pedestrian connectors):
These five north/south streets provide the main pedestrian connections between the Downtown Boulder pedestrian mall and the Civic Park. Where these streets cross Canyon Boulevard, which is very wide, crosswalk designs that visually link the north and south sides of the boulevard are important. The use of similar materials, intersection gateway features, landscaping, and street furniture will help to visually weave the areas together and promote pedestrian access between these two important Downtown public gathering places.
 4. All other streets in the Downtown (general pedestrian-oriented streets):
In order to create a unified image in the area, all streets should share common features. At minimum, these should include similar sidewalk scoring patterns, similar paving materials, similar street trees and tree grates, coordinated street furniture, the inclusion of sidewalk neck downs and pedestrian safe zones, removal of pedestrian obstructions, and consolidation of streetscape elements such as newspaper vending boxes, other traffic and directional signage, and pedestrian scale street lighting.
 5. Alleyways (minor service-oriented streets):
Alleyways serve as secondary circulation and alternative routes for both pedestrians and vehicles to navigate Downtown. They can provide an alternate means of access to shops, restaurants and other commercial uses. Care must be taken in balancing the service function of the alley and making the street safe for pedestrians.
 6. Walkways/Multiuse paths (vehicles free pathways):
Walkways provide mid-block pedestrian only access. Multiuse paths traverse the civic and park areas. To promote pedestrian circulation throughout the downtown area both should be encouraged in large projects. Design such connections to be interesting places with thoughtful integration into the overall circulation. They should be handicap accessible, illuminated, appropriately landscaped, and paved in materials compatible with their locations and surrounding context.
- B. Use materials that reinforce the continuity and integrity of the overall Downtown district. Any variations from the standard materials and patterns required by the Design and Construction Standards should be based on a streetscape plan that illustrates how the variation adds to the visual unity and improves the downtown streetscape, adjacent properties, and the overall image of the block. The design and materials should be durable, classic, and elegant

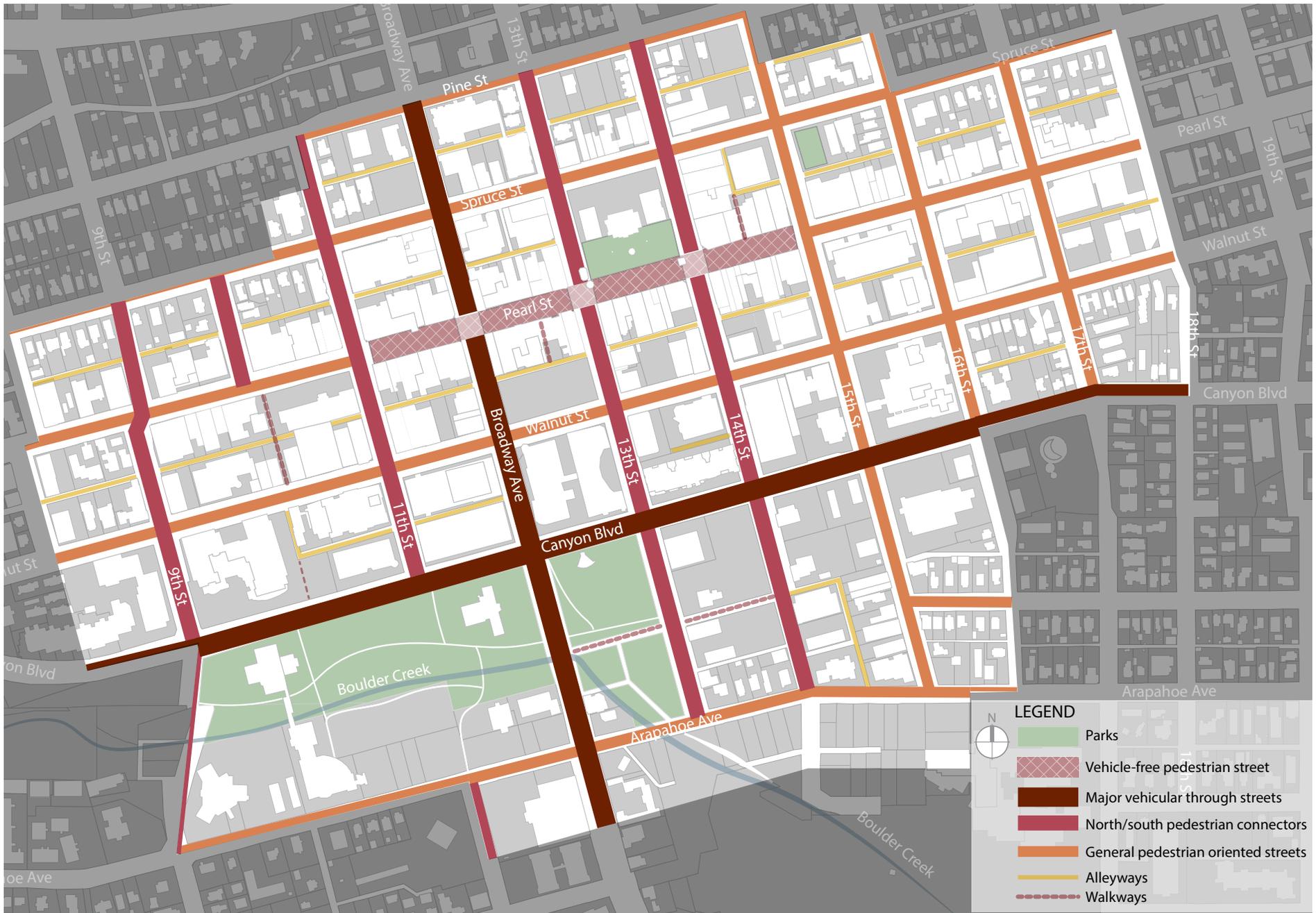


Fig. 27 Street Type Key Map (Source: City of Boulder)



Code:

See the Design and Construction Standards "[Chapter 11 Technical Drawings](#)" and the B.R.C. "[Section 9-9-13, "Streetscape Design Standards"](#)" for additional requirements.

Note:

Permanent kitchen equipment, new basement level extensions, second floor extensions and greenhouses are generally not permitted within the right-of-way.

Note:

Light weight or movable handrails, chains, ropes and unsupported railings are inappropriate railing materials.

Note:

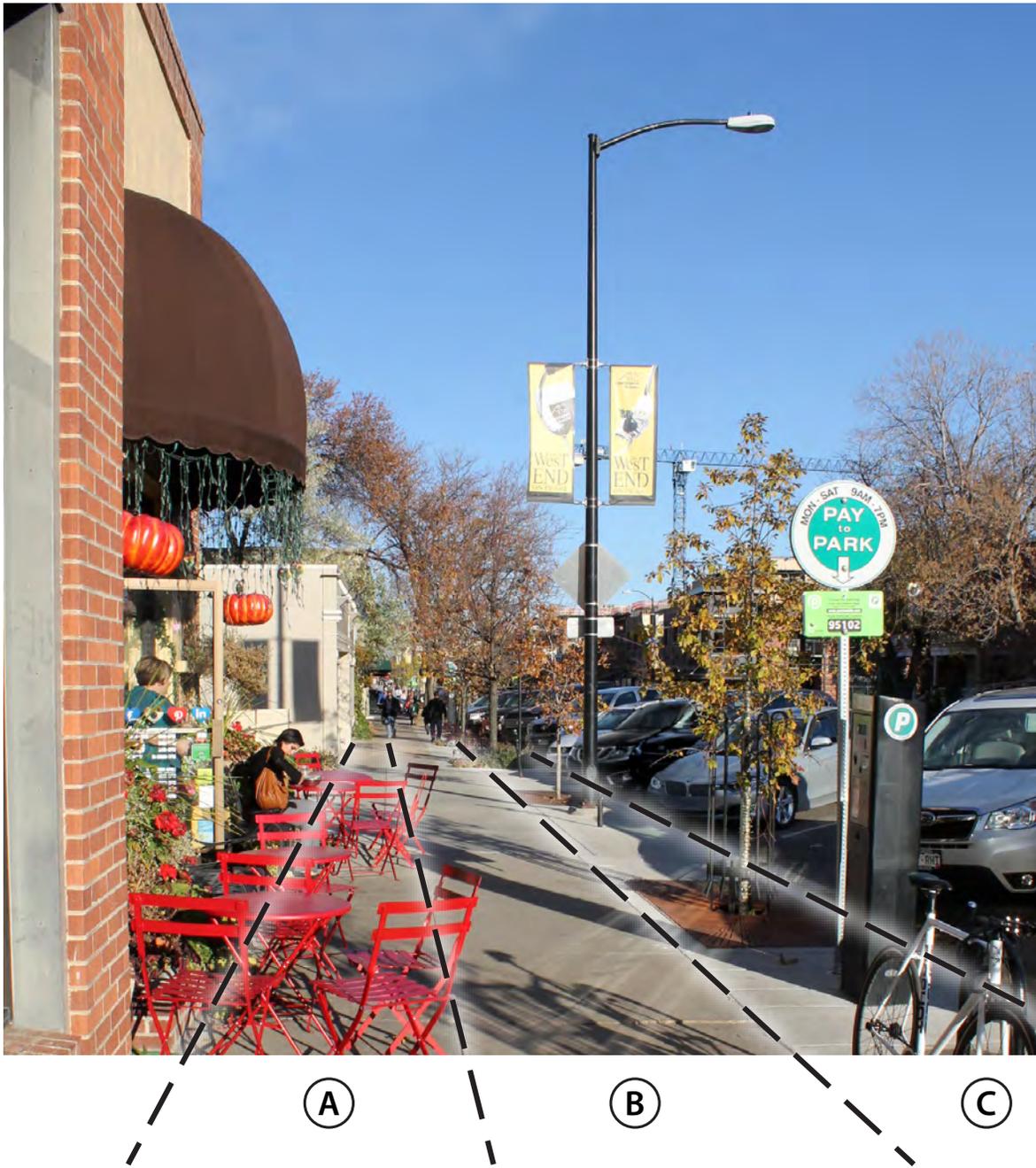
Improvements in the right-of-way shall match the existing materials. Any proposals to differentiate the materials may require approval. For more information visit the City of Boulder [Planning website](#) or contact, (303) 441-1880.

Note:

For more information on patio extensions and cafe seating contact the [DMC](#) at (303) 413-7300.

including:

1. Brick
 2. Sandstone
 3. Scored grey concrete
 4. Black enamel street furniture and utility elements, e.g. right-of-way lighting, benches, trash receptacles, bollards, etc.
 5. Outdoor seating
- C. Use a basic sidewalk design to unify the visual image of Downtown. In most locations throughout the area, sidewalks average 15 feet wide from curb to property line. Streets should incorporate the following basic sidewalk elements:
1. **Frontage Zone**
The frontage zone width may vary by street and allows for extensions into the right-of-way which create comfortable and attractive sitting areas. Included within this zone are projecting signs, awnings, cafe seating, and gated patio encroachments.
 - Design public right-of-way extensions that are visually appropriate to the street character.
 - Seating areas for dining are limited to the width of the building frontage. All tables and chairs are to be removable.
 - Railing designs should reflect an open, transparent feeling. Visually closed-in railings that "box-in" the extension area are not appropriate.
 - Consider building programs and spatial layouts which provide alternative solutions to the need for gated, exterior dining areas. There must be a minimum 7' clearance between the edge of the railing or seating area and any vertical obstruction.
 - Create comfortable and attractive sitting areas, plazas, and small open spaces. Tables and chairs must be movable.
 - Orient seating to take advantage of views, sunshine in the winter, and shade in the summer.
 2. **Pedestrian Zone**
The sidewalk pedestrian-through zone is the travel area designated for pedestrians and must be kept clear of all obstacles.
 - Pedestrian zones walkway surfaces should be delineated from the curb zone or buffer areas.
 3. **Curb Zone**
The curb zone should consist of a 4' wide area measured perpendicular from the inside of the curb.
 - Street elements and landscaping should be organized to allow for pedestrian access to adjacent street parking.
 - On residential transition streets in the Interface Area blocks use landscaping in the curb zone rather than hard surface concrete.
 - Include a travel lane, or clear zone unobstructed by street furniture or landscaping, for bicyclists .
 4. **Corner Zone**
At a minimum, the standard corner zone should include the following elements:
 - A pedestrian area where only essential "regulatory" elements, such as, signal posts, crosswalk signals and lighting are allowed. All other amenities including benches, bike racks, newspaper racks, are prohibited.
 - Corner "amenity areas" are located at either side of the pedestrian area. Elements such as benches and bike racks should be carefully arranged in an attractive and accessible fashion outside of any pedestrian throughways. Benches should be arranged to facilitate social interaction.
 5. **Intersections**
Important streets may require additional material detailing to match adjacent streetscape design and overall block character.
 - Materials include utilizing brick and scored concrete patterning, similar to adjacent pedestrian and curb zones, in the crosswalks and special paving within intersection squares. Important intersections are the areas between the Civic Park and Downtown Boulder pedestrian mall.



(A) Frontage Zone
 On the Pedestrian Mall - 10' maximum extension of into the right-of-way.
 On all other streets - 6' maximum extension into the right-of-way.

(B) Pedestrian Zone
 On the Pedestrian Mall - The unobstructed pedestrian throughway must be no less than 8'. A 9'6" wide throughway is encouraged. Any type of extensions into the right-of-way must allow for the pedestrian circulation requirements.
 On all other streets - An unobstructed pedestrian throughway of no less than 7' wide is required between vertical elements such as trees or poles and buildings.
 Standard surface materials include brushed natural color gray concrete tooled in a maximum 4' x 4' square with brick accents.

(C) Curb Zone
 A minimum 4' curb zone will include trees, bike parking, landscaping strips, furniture, street and/or utility elements.
 Standard surface materials include brushed natural color gray concrete tooled in a 2' x 2' square pattern, possibly with brick accents.

Fig. 28 Diagram of the typical sidewalk zones (Source: City of Boulder)

Code:

For more information on landscaping requirements see the City of Boulder "[Design and Construction Standards](#)" and the B.R.C. Section 9-9-12, "[Landscaping and Screening Standards](#)".

Note:

Unsuitable streets trees not to be placed in the public right-of-way include Cottonwood, Chinese and Siberian Elm, Poplar, Russian Olive, Silver Maple, Tree of Heaven, Willow, evergreens that create sight obstructions, and clump forms or multi-stem trees.

Note:

Tree and landscape maintenance on commercially zoned properties, the maintenance of trees, tree grates, and surrounding hard and soft landscaping located in the public right-of-way is the responsibility of the private property owner. This includes all maintenance and repair of landscaping, trees, irrigation, spraying, fertilizing, and replacing plant materials and tree grates.

Note:

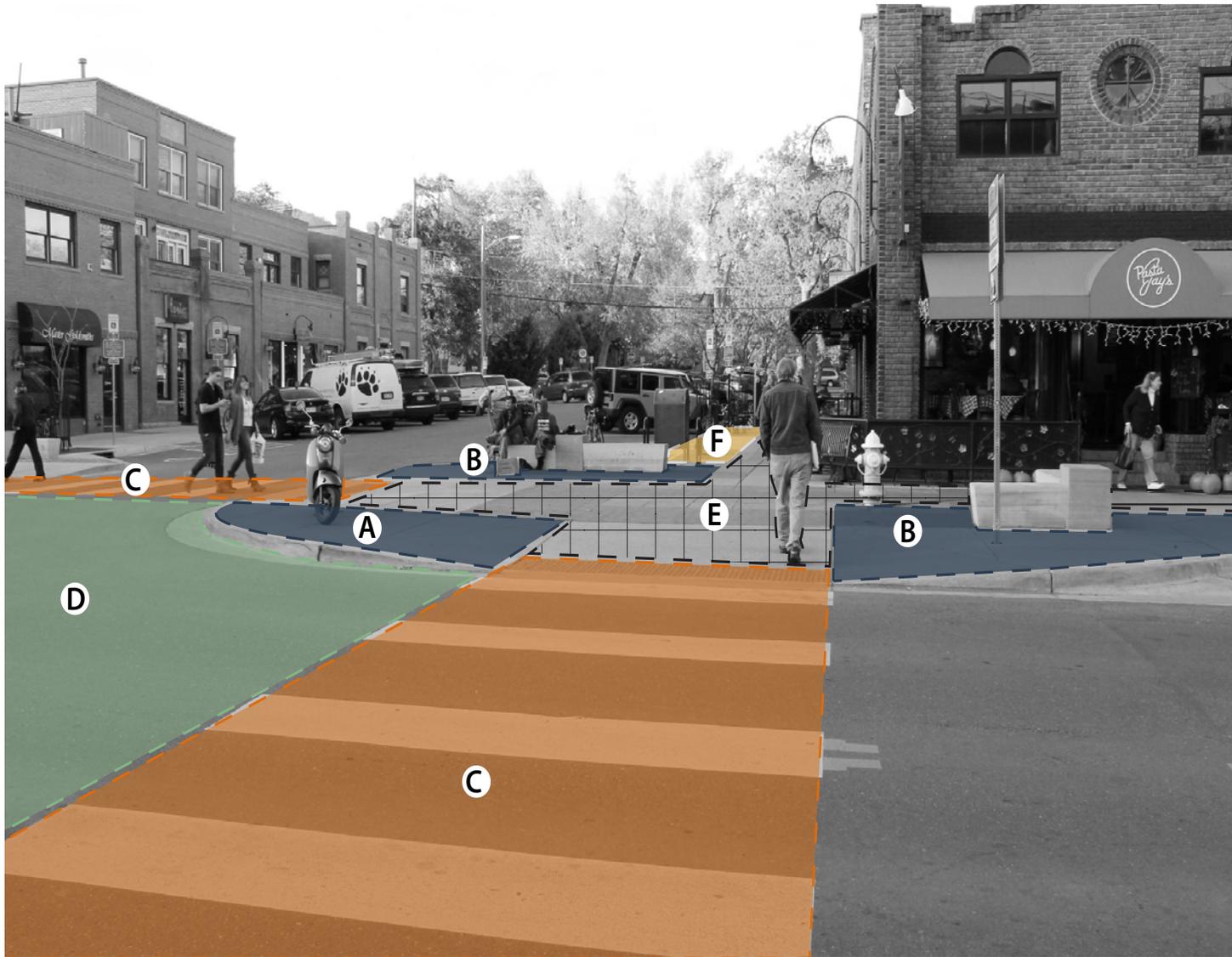
The city provides pruning, removal of street trees in the public right-of-way, safety inspections, and consultation on street trees that may pose a health or safety concern.

Note:

Contact the DMC at (303) 413-7300 for additional information regarding street furniture, trash receptacles, bicycle stands, and bollard variations for the Pedestrian Mall.

3.3 Landscaping

- A. Select street trees that are appropriate to their intended location and function. Plant trees that will tolerate full sun, drought, varying soil pH. Keep in mind that the conditions of various planting sites in the Downtown will vary and should be evaluated for individual landscape objectives and suitability to the specific street on which they are to be planted. The following guidelines should be followed:
 1. Large trees should be located along Canyon Boulevard, wide right-of-way streets, and principal access streets such as Pearl and Walnut Streets. Large trees should also be used to highlight corners, to provide cover for large plazas, or as accents against the skyline.
 2. Large maturing trees may be located on all downtown streets.
 3. Small trees should be used to provide seasonal color and a visual focal point for special locations such as a building entrance, corner area, sitting area, bus stop, or other significant area or view corridor.
 4. Install street trees in tree grates at areas of adjacent parking and high pedestrian traffic, except at locations where they occur in special raised planters in the curb zone, in large planted areas that are integrated with a sidewalk area, and in locations where existing trees located in the curb zones have a root system that has pushed up above grade where the use of a grate will injure the tree.
 5. Maintain at least a 10 foot distance between tree trunk and building line. This refers to the distance between a tree and building, not the distance necessary to maintain an unobstructed pedestrian area between a tree, as a vertical element, and a railing that encloses a sidewalk restaurant
 6. Where tree grates are used they should be aligned with paving pattern score lines and be placed with careful consideration of sidewalk use, such as a sidewalk cafe or curb cuts.
 7. Consider alternative methods to increase tree soil volume, e.g. modular, pre-engineered suspended pavement and structural cell systems.
- B. Select ground level plants that suit their location and function.
 1. Use landscaping, shrubs and ground cover to accent areas.
 2. Limit the use of annuals and high maintenance plants to the planting beds in the Downtown Boulder pedestrian mall. Use drought tolerant, climate appropriate landscaping, including shrubs, flowering perennials, ground cover, and ornamental grasses in planter beds.
 3. Do not use gravel or rough stone in place of ground cover in the curb zone.
 4. Whenever feasible, flowers and ornamental grasses should be used in combination to accent gateway locations and special sites.
 5. Plantings are preferred in natural, at-grade planting beds rather than planter pots or other containers.
 6. Consider maintenance requirements in the placement and design of these features.
- C. Maintain the character of Canyon Boulevard.
 1. Continue the large tree rows on either side of the street and center landscape median.
 2. In general, trees and other plant material should be arranged in an urban linear pattern that parallels the street rather than a less formal random arrangement.
 3. The primary trees along Canyon do not need to be planted with tree grates.
 4. The median should be planted to enhance the "boulevard" quality of the corridor.
 5. Incorporate grasses, paved areas or ground covers within the overall design of tree rows.



- (A) Corner Zone - A pedestrian area or clear zone that is free of obstacles and lined up with the sidewalk pedestrian zone. Standard surface treatment includes brushed natural gray concrete scored in a 2'x 2' square pattern parallel to the street.
- (B) Corner "amenity areas" - The amenity areas may incorporate benches, bike racks, news racks, and similar elements. Standard surface treatment includes brushed natural gray concrete scored in a 4'x 4' square pattern and may have brick detailing.
- (C) Crosswalks - Pedestrian crosswalks should be a minimum of 10' wide with a 1' buffer on either side. Standard surface treatment includes truncated dome ramps and marking the crosswalk zone.
- (D) Intersection Squares - the center area of intersections have the same surface material as the surrounding street surfaces.
- (E) Pedestrian Zone
- (F) Curb Zone

Fig. 29 Diagram of the typical corner and intersection zones (Source: City of Boulder)





Fig. 30 Brick, sandstone, and scored concrete defining a corner zone
(Source: City of Boulder)



Fig. 31 Brick pavers and street features within the Pedestrian Mall
(Source: City of Boulder)

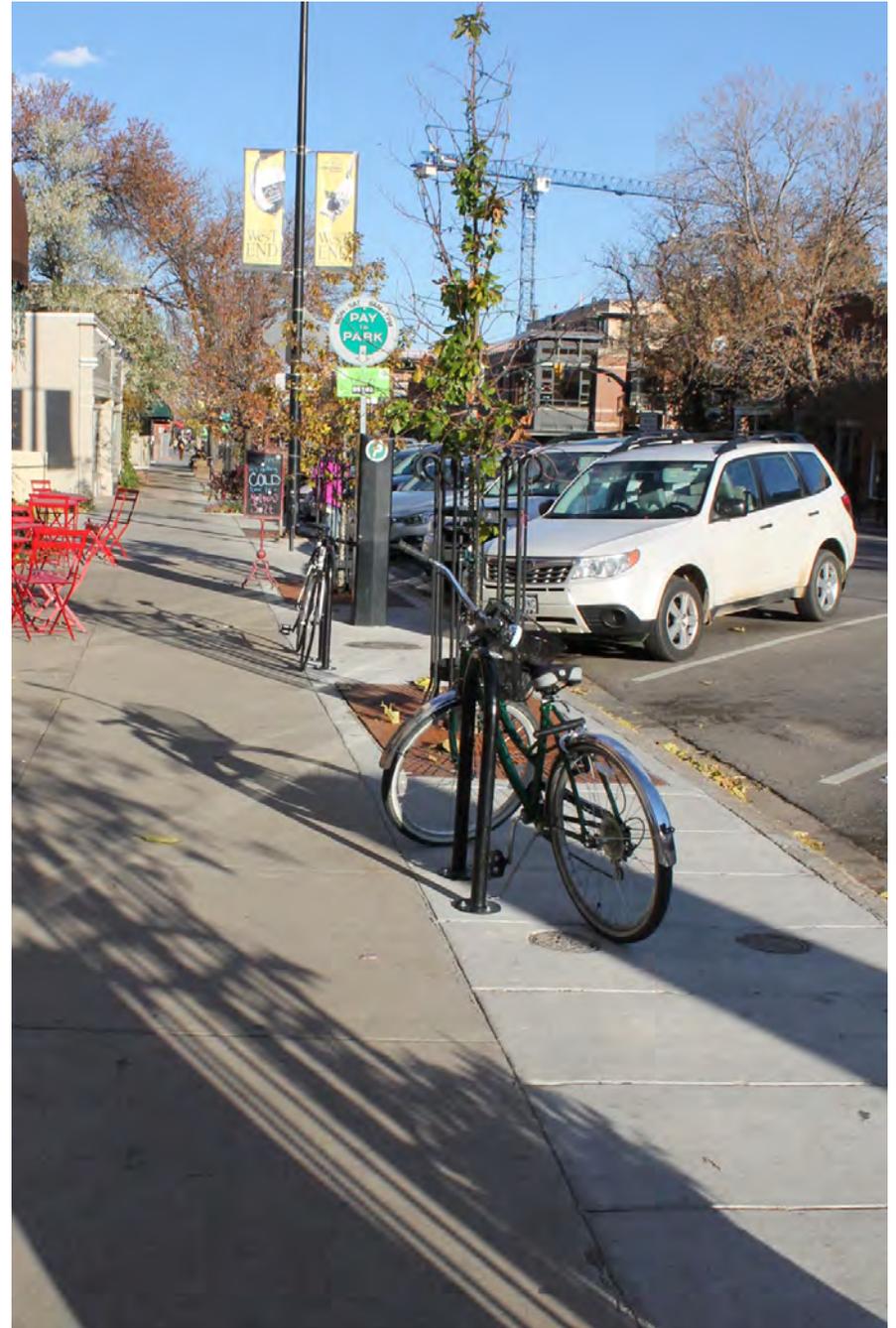


Fig. 32 Typical bicycle rack and tree grate
(Source: City of Boulder)



Fig. 33 View of compatible patio extension with sandstone posts and iron railings
(Source: City of Boulder)



Note:

The Arts Commission, DMC, DAB, and LB are among the groups involved in making public art decisions in the Downtown.

3.4 Street Furnishings

- A. Use street furnishings to create a unified visual appearance in Downtown.
- B. In general, install standard benches, trash receptacles, appropriately sized bollards, pedestrian-scale street lighting, and bike stands in durable black metal to unify the visual quality of the Downtown.
- C. Strategically locate newspaper stands, kiosks and other furniture adjacent high-traffic areas, e.g. bus stops, intersections, etc.
- D. Create attractive, safe and comfortable bus stops crafted in durable and elegant materials.

3.5 Historic Features

- A. Preserve historic features of the streetscape. Whenever possible, preserve, restore, and reuse historic fixtures of the streetscape, such as flagstone sidewalks, globe light fixtures, or any other existing historic features located in the public right-of-way.
- B. Repair or replacement of paving in the Historic District should be consistent with the character of the overall district and requires review by the Historic Preservation Program, in addition to any approvals needed by the DMC.
- C. Historic signs, such as those painted on side walls, should be preserved.
- D. Extensions into the right-of-way involving historic resources should be compatible and not substantially alter the property.

3.6 Public Art

- A. Enrich the downtown with public art and carefully site art within appropriate areas of the public realm. Consider the context, materials, purpose of the artwork at the proposed site.
- B. Freestanding artwork should not obscure building elements. Thoughtfully integrated artwork may be incorporated into the surface or facade design.
- C. Artwork may be utilized as gateway features within discrete areas of Downtown.
- D. Public art should be complementary and subordinate to associated historic properties and complement the period of significance of the building or district.



Fig. 34 West Pearl gateway obelisk (Source: City of Boulder)



CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
February 4, 2016
1777 Broadway, Council Chambers

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

PLANNING BOARD MEMBERS PRESENT:

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

PLANNING BOARD MEMBERS ABSENT:

None

STAFF PRESENT:

David Driskell, Executive Director of Community Planning
 Hella Pannewig, Assistant City Attorney
 Cindy Spence, Administrative Specialist III
 Chandler Van Schaack,
 Elaine McLaughlin, Senior Planner
 Sloane Walbert, Planner I
 David Thompson, Civil Engineer II - Transportation
 Kalani Paho, Urban Designer
 Sam Assefa, Senior Urban Designer

1. CALL TO ORDER

Chair, **B. Bowen**, declared a quorum at 6:06 p.m. and the following business was conducted.

2. APPROVAL OF MINUTES

On a motion by **J. Gerstle** and seconded by **B. Bowen** the Planning Board voted 6-0 to approve the January 21, 2016 minutes as amended.

3. PUBLIC PARTICIPATION

No one spoke.

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

B. Bowen recused himself from the Call Up Items.

- A. Call Up Item: USE REVIEW (LUR2015-00087): Conversion of the former “John’s” restaurant space located at 2328 Pearl St. within the MU-3 zone district to a new restaurant, “River and Woods.” The call-up period expires on February 10, 2016.
- B. Call Up Item: USE REVIEW (LUR2016-00007): Request to allow for a parking lot as a principal use at 2206 Pearl St. in the MU-3 zone district. The call-up period expires on February 10, 2016.

None of the items were called up.

B. Bowen rejoined the meeting.

5. PUBLIC HEARING ITEMS

- A. AGENDA TITLE: Public hearing and consideration of a Use Review application to convert an existing skin care use at 2449 Pine Street to a medical office entitled the Alpine Eyecare Center, an optometry clinic. The building, which is not proposed for expansion, is located within the Residential - Mixed 1 (RMX-1) zoning district. Case no. LUR2015-00105.

Staff Presentation:

E. McLaughlin presented the item to the board.

Board Questions:

E. McLaughlin answered questions from the board.

Applicant Presentation:

Chuck Beatty, the Applicant, introduced himself to the board.

Public Hearing:

No one spoke.

Board Comments:

No discussion

Motion:

On a motion by **J. Gerstle** seconded by **J. Putnam** the Planning Board voted 6-0 to approve the Use Review application LUR2015-00105, adopting the staff memorandum as findings of fact and subject to the recommended conditions of approval.

- B. AGENDA TITLE: Public hearing and consideration of a Nonconforming Use Review for the addition of two bedrooms in the basement of an existing non-conforming duplex at 940 14th Street. The project site is zoned Residential - Low 1 (RL-1). Case No. LUR2015-00073.

Staff Presentation:

S. Walbert presented the item to the board.

Board Questions:

S. Walbert and **H. Pannewig** answered questions from the board.

Applicant Presentation:

Michael Hirsch, the owner's representative, presented the item to the board.

Board Questions:

S. Walbert, **H. Pannewig** and **M. Hirsch**, the owner's representative, answered questions from the board.

Public Hearing:

1. **Ellen Aiken** spoke in opposition to the project. She stated that the broader issue should be the quality of life in this area and the planning policy should not be to increase the number of students in this area. She suggested working with the University to create a better community interwoven with students and residents.
2. **Jyotsna Raj** spoke in opposition to the project. She stated that this area was originally single family homes. She urged to not give this location over to student housing completely. She asked for a balance of students and long-term residents.
3. **Sam Simkin** spoke in opposition to the project. He expressed concern that this would set a precedent to do conversions and ask permission later
4. **Steven Walsh** spoke in opposition to the project. He urged the board to reverse staff's decision to expand based on the concerns that the illegal apartment is unsafe. He expressed concern that if this would be allowed, it may incentivize many other owners.
5. **Lani King** spoke in support of the project. She stated that the owner was not aware that the bedrooms were illegal and explained that the owner had begun the process to conform. Remodels have begun on the interior and better tenants will improve the situation.
6. **Jessica Ramer**, the owner of the property, discovered the bedrooms were illegal after purchasing the property. By making the property conforming, she stated it would not increase the amount of residents. The property would remain two units with three bedrooms each. The amount of people in the unit would not increase. She stated that she encourages her tenants to meet their neighbors. She is attempting to correct the problem.

Board Comments:

Key Issue: Does the proposal meet the criteria for the expansion of a nonconforming use per land use code section 9-2-15, "Use Review," B.R.C. 1981?

- **L. May** stated that the number of legal bedrooms or how the previous owners maintained the property is not the issue. He disagreed with staff on how adding bedrooms could reduce or alleviate the degree of nonconformity, it actually exacerbates it. Therefore, he would not be supporting this issue.

- **C. Gray** agreed and stated that the proposal does not meet the criteria for expansion of a non-conforming use per the Land Use Code. She stated that it increases the nonconformity and does not meet the compatibility criteria. The property becomes more incompatible.
- **J. Putnam** agreed that their analysis should not consider the fault of the prior owner, but should focus on the criteria and City Council's policy. The policy on nonconforming use reviews was created by council to encourage these types of proposals. Given the state of the property, the neighborhood would be better with the improvements, if maintained. He stated that he would need to see some assurance in the form of bonding or letter of credit to make sure the improvements would be maintained. He would lean towards approval with those pieces in place. The precedent discussed by the neighbors was actually created by City Council. They would need to revisit this policy to change the criteria at hand.
- **B. Bowen** stated that the occupancy would not change on the property and that the proposal is a building code issue. They can currently have 3 people in the bottom unit and the number of bedrooms is not the occupancy push. He stated that the issue seems to be whether the occupancy is being violated or enforced.
- **L. Payton** agreed with **C. Gray** and **L. May**. This does not appear to be compatible with the neighborhood and does not reduce the affects of the use. Based on testimony of the neighbors the proposal would not be compatible and would attribute to changing the character of the area. It would encourage more students to rent from more permanent residents. Overall, this would increase the effect of nonconformity.
- **J. Gerstle** said that it would be appropriate not to consider the past and the new owner should be given the benefit of the doubt. He stated that he agrees with **L. Payton**. This does not alleviate the effects of the nonconformity in the surrounding area. Not appropriate to move ahead with an approval.

Motion:

Motion by **L. Payton**, seconded by **L. May** to deny the nonconforming use review for the addition of two bedrooms in the basement of an existing nonconforming duplex at 940 14th Street.

- **L. May** stated that there seems to be a fundamental disconnect between downzoning and application. Downzoning to not add to higher intensity uses. Expanding that would undercut the downzoning. Need to look at code to add clarity on nonconforming use review requests.
- **J. Putnam** stated that we have the code as it is. The criteria are designed to fix up properties like this and the intent was to create an incentive to maintain and improve properties. The proposal is a significant improvement to compatibility. With the current costs and pressure the unit will still have three people. The proposal would improve the property and decrease impacts. There is no potential to be non-student housing in the

future. These proposals are needed to keep properties from spiraling out of control. He is against the motion.

- **L. Peyton** stated that she is concerned about the condition of back yard. The proposal probably doesn't address. There was no testimony in support of landscape improvements to offset the proposed bedrooms. She is relying on the testimony of neighbors.
- **J. Gerstle** the review should not be a bargain with the city and allow homeowners to allow property to fall into disrepair unless they get what they want. Economics should not be the basis of approval. There should not be a threat of further degeneration.
- **L. May** stated that he is not convinced the improvements will happen if they grant the approval.
- **B. Bowen** said that the improvements would be required.
- **J. Putnam** stated that the tradeoff for improvements has already been made by council. This review is a question of whether the proposal meets the criteria.
- **Gray** stated that the addition of two bedrooms will increase the nonconformity.

On the motion by **L. Payton**, seconded by **L. May**, the Planning Board voted 4-2 (**B. Bowen** and **J. Putnam** opposed to deny the nonconforming use review for the addition of two bedrooms in the basement of an existing nonconforming duplex at 940 14th Street.

On a motion by **L. Payton**, seconded by **J. Putnam**, the Planning Board voted 6-0 to continue the hearing to the next scheduled Planning Board meeting and to ask staff to prepare written findings of fact.

C. AGENDA TITLE: Public hearing to consider a recommendation to City Council on the 2016 Update to the Downtown Urban Design Guidelines.

Staff Presentation:

S. Assefa introduced the item.

K. Pahoa presented the item to the board.

Board Questions:

K. Pahoa, S. Assefa and H. Pannewig answered questions from the board.

Public Hearing:

No one spoke.

Board Comments:

- **B. Bowen** instructed the board to email any edits or comments such as typos to staff. He asked if the board would like to make any substantive comments at this time.

- **C. Gray** complimented the staff on their thoroughness and hard work. She stated that she would support the adoption of the 2016 Update to the Downtown Urban Design Guidelines (DUDG).
- **J. Putnam**, on page 42, in regards to the three zones encompassing sidewalks, street frontage and curb zone, felt that there may be too much focus on either parking or pedestrians and not enough on bikes. The curb zone needs to be transparent for cyclists getting from the street to bike parking. Should be more thought about how the bikes are suppose to move within this realm. The conflict from landscaping and street furniture should be minimized and seamless.
- **L. May** stated that he would support the DUDG. He stated that he was happy to see that the “add views and sun and shade” comments were included in the revised DUDG (*Table 1, Page 6, Item 4 of the packet*), however the language in the current DUDG was more explicit. He mentioned that **L. Payton** had cited some of the current language in the DUDG and he felt it had been diminished in the revision.
- **B. Bowen** added that within the committee discussions it was decided that the establishment of view corridors would be a separate process. He stated that a lot of language was removed that stated the obvious or that did not truly instruct applicants on how to design or reviewers how to review. The language that **L. May** was referring to was a part of that discussion and a simplification of language was conducted.
- **L. May** asked if there had been a consensus among the working group that the language should be de-emphasized. He stated that if there had not been a consensus, then the language should have remained the same. Staff confirmed that there had been a consensus. On another topic regarding the requirement to wrap alley corners with frontage material (*Item 12, Page 7 of the packet*), he stated the language is vague and does not provide guidance and suggested an image. In regards to “stucco surfaces” (*Page 21 of 185*), he suggested that when stucco is addressed in the DUDG, that perhaps “Elastomeric Coating” should be addressed under inappropriate surfaces. He suggested that a different image be used for the Patagonia façade (*Page 23 of 185*). He suggested removing the term “paseo” and replacing with “walkway”.
- **L. Payton** mentioned that the Landmarks DRC is a “committee”, not a “commission”. She questioned how the revised DUDG will advance the design excellence of the downtown area and will better buildings be produced.
- Staff stated that it may not guarantee a better outcome but it will assist with the process.
- **L. Payton** continued by saying that this milestone, revision of the DUDG, must be met before the height moratorium can be lifted for downtown. She questioned why the revised DUDG would be a trigger for lifting the moratorium if it cannot guarantee better buildings. In addition, she pointed out that if images appear in the guidelines, then applicants will use those as a standard, therefore images are critical.

- **J. Putnam** offered a recommendation in regards to images. He suggested adding the language “nor does it guarantee appropriateness or meeting all criteria in a future projects” to the statement on page 3 in the DUDG.
- The board and staff went through a number of images and discussed replacement or removal of them.
- **C. Gray** highlighted that there is a distinction in the interface between the downtown business zones and the downtown residential zones (*Page 40 of 185, section 2.3*). She pointed out that there may be some confusion on the part of applicants as to which guidelines to follow.
- **L. May** reintroduced the topic regarding “views and sun and shade” for open discussion among the board members. He wanted to discuss the idea of whether to include the original language from the 2012 DUDG or use the new language from the revised DUDG. He stated that the original language conveyed a stronger sentiment and gives a clearer direction.
- **L. Payton** suggested that the importance of the views and other ideas could be added within the bullets (*Page 11 of 185 in the sidebar*). **C. Gray** was in favor of giving staff guidance in this area. **L. Payton** suggested adding a sentence regarding the “exceptional mountain views”.
- **J. Putnam** and **B. Bowen** opposed the suggestion based on the notion that the DUDG revision process has been reviewed very thoroughly and carefully and they were not comfortable with altering the document. In addition they did not feel this would help designs to be better. It would be reversing the consensus decision.
- Planning Board requested minor revisions to be incorporated into the draft for City Council:
 1. Page 2, Sidebar Note: Add “West Pearl” to the neighborhood list
 2. Page 3, Sidebar Note: Amend the following note “The design guidelines include photographs and diagrams to illustrate acceptable or unacceptable approaches. These photographs and diagrams are provided as examples and are not intended to indicate the only options.” to include language which stipulates adherence to the photographs and diagrams does not guarantee appropriateness or approval.
 3. Page 7, Figure 2: Correct the diagram reference of the Landmark Design Review Commission Committee.
 4. Page 26, Item 2.1.C.4: Amend the alley material return. Provide clear guidance on the desired design outcome of the material return. Possible solutions could be requiring a minimum distance, or requiring the return to be representative of the structural bay, and/or an illustrative photo.
 5. Page 31, Figure 18: Replace the image with another building that has a commercial use in a residential zone. Add the zoning district to the caption, ex. DT-1.

6. Page 33, Item 2.3.B – In respect to the construction of residential entries to be above grade modify the language for an exception to at grade porches which includes evaluation of the residential character of the block and matching the porch conditions of the adjacent properties.
 7. Page 35, Figure 23 – Replace image with a different contemporary single family residential image.
 8. Page 40-41, Figure 27 – Change “paseos” to “walkways”
 9. Page 42, Item 3.2.C.3 – Add a bullet point for accommodating bicycle circulation with a clear zone area free from obstructions in the curb zone.
- Planning Board suggestions not incorporated into the Draft dated Feb 3, 2016.
 1. Pg. 14 – (*Section 1: The Historic Section*) 1.1.A (2) Amend bullet “EIFS systems or EIFS decorative elements” to include elastomeric stucco, or stucco with plasticizers, or synthetic stucco topcoats. (Currently, the materials list resides in *Section 1: The Historic Section* under the purview of the Landmarks Board. Staff will forward the comment to the Landmarks Board for the *Section 1* revision scheduled to take place later this year.) Planning board opinions on the addition of this item was varied. **L. Payton** stated it may not be necessary to list all the possibilities of “discouraged materials”, **B. Bowen** mentioned the list may not need this addition but including synthetic stucco topcoats as a discouraged material may be a solution, and **L. May** pointed out that while specific stucco finishes generated by application technique are discouraged there is no mention of synthetic stucco as inappropriate material and discouraging EIFS only may not be sufficient.

Motion:

On a motion by **B. Bowen**, seconded by **C. Gray**, the Planning Board voted 6-0 to approve the 2016 Update to the Downtown Urban Design Guidelines with the staff proposed change to paragraph 5 on page 3 to add the word “independently” for the second sentence to read “The Landmarks Board independently approves the guidelines for the Downtown Historic District.”

L. May, seconded by **L. Payton**, moved that the Planning Board amend the main motion to reinstate the original language from the 2002 DUDG from page 9 with regards to views and sun and shade to be included in the sidebar on page 3 of the 2016 revised DUDG. The board voted 3-3 (**B. Bowen, J. Putnam, J. Gerstle** opposed). The motion failed.

L. Payton, given that the 2016 revised DUDG do not provide substantially different guidance to design downtown, moved that Planning Board recommend to City Council that those areas north of Canyon Blvd and within the DT-4 and the DT-5 zoning districts not be added to the map designated as “Appendix J” areas where height modifications may be considered of *Ordinance 8028*. **J. Putnam, B. Bowen** and **J. Gerstle** objected stating that the proposed motion would be outside the scope of what was noticed to the public and that public notification should be done prior to making this type of motion. There was no second on the motion. **L. Payton** withdrew the motion.

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

A. Discussion of Planning Board Recess Dates

Staff Presentation:

C. **Spence** presented the item to the board.

Board Comments:

- The board agreed the Planning Board 2016 recess would start June 16th and run through July 7th. The first Planning Board meeting back in session would be July 21st.

B. Planning Housing & Sustainability 2016 Work Plan and Council Retreat Session

Staff Presentation:

D. **Driskell** presented the item to the board.

Board Questions:

D. **Driskell** answered questions from the board.

7. DEBRIEF MEETING/CALENDAR CHECK

8. ADJOURNMENT

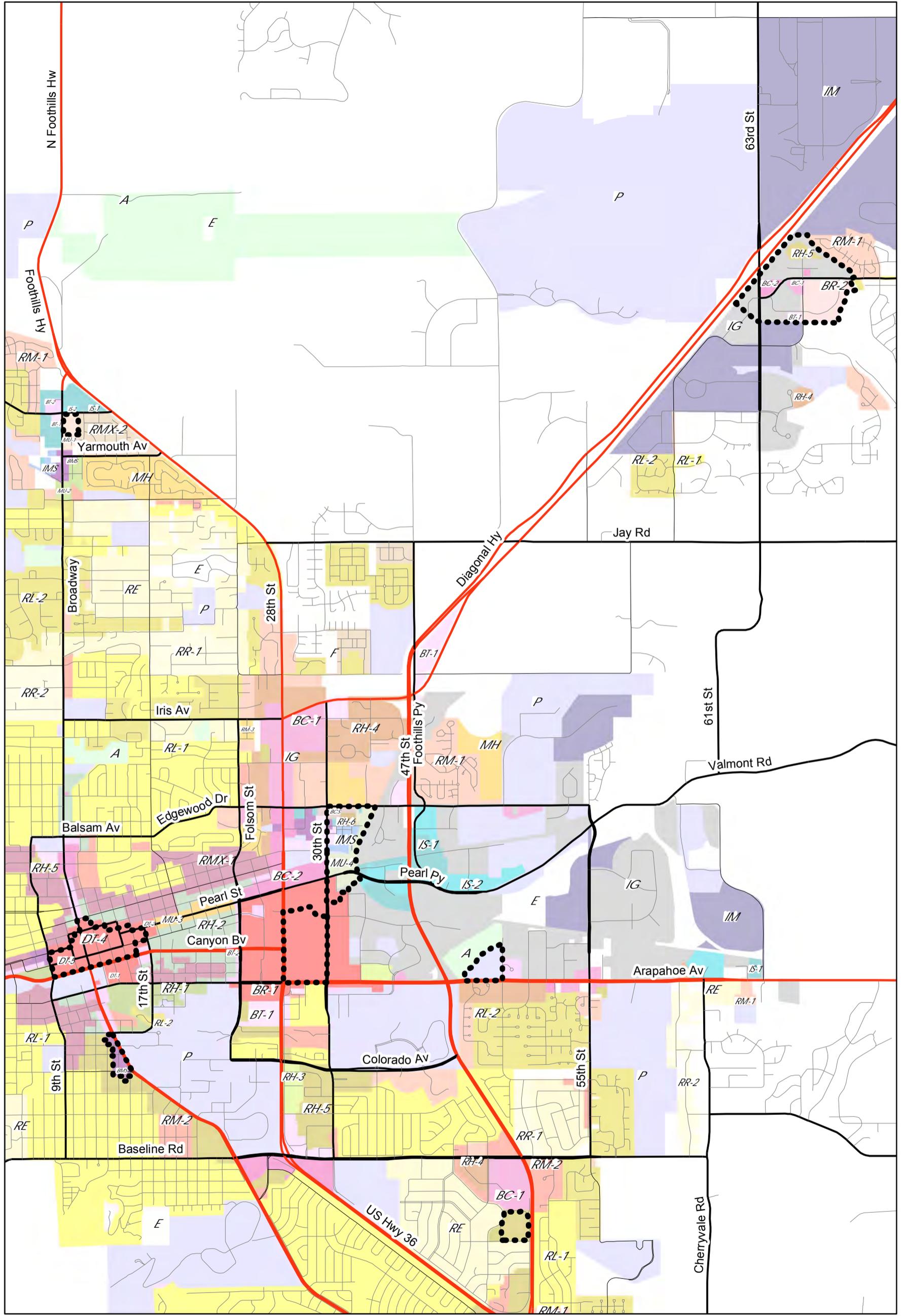
The Planning Board adjourned the meeting at 10:19 p.m.

APPROVED BY

Board Chair

DATE

Appendix J to Title 9 – Areas Where Height Modifications May be Considered



 Areas Where Height Modifications May be Considered



CITY OF BOULDER
PLANNING BOARD AGENDA ITEM
MEETING DATE: March 3, 2016

AGENDA TITLE: Public hearing and consideration of a Site and Use Review (LUR2011-00071) to redevelop the site located at 4403 Broadway Ave. with a new mixed use development. The western portion of the site, zoned RM-1 (Residential – Medium 1) would include twelve 3-story townhome units divided between two buildings. The eastern portion of the site, zoned MU-2 (Mixed Use – 2), would include three new mixed use buildings containing an additional 16 attached residential units above 9,207 sq. ft. of commercial and restaurant space. The proposal includes a request for a height modification to allow for both townhome buildings and two of the mixed use buildings to exceed the 35 foot height limit for the zone (requested heights range from 36’3” to 43’6”) as well as a request for a 5% parking reduction to allow for 57 parking spaces where 60 are required. The proposal also includes a Use Review request to allow for three restaurants which close after 11:00 p.m., two of which are over 1,000 sq. ft. in floor area. The applicant is seeking to create vested property rights as provided for in section 9-2-19, B.R.C. 1981.

Applicant: Jeff Dawson
Owner: Emerald Investments I, LLC

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 the Site Review
5. Planning Board action to approve, approve with conditions or deny the Use Review

SUMMARY:

Proposal:

LAND USE REVIEW: Public hearing and consideration of a Site and Use Review (LUR2011-00071) to redevelop the site located at 4403 Broadway Ave. with a new mixed use development. The western portion of the site, zoned RM-1 (Residential – Medium 1) would include twelve 3-story townhome units divided between two buildings. The eastern portion of the site, zoned MU-2 (Mixed Use – 2), would include three new mixed use buildings containing an additional 16 attached residential units above 9,207 sq. ft. of commercial and restaurant space.

Project Name: 4403 Broadway
Location: 4403 Broadway Ave.
Size of Tract: 108,315 square feet (2.48-acres)
Zoning: RM-1 (Residential – Medium 1) and MU-2 (Mixed Use – 2)
Comprehensive Plan: MR (Mixed Residential) and MUB (Mixed Use Business)

KEY ISSUES:

1. Is the proposed project consistent with the vision for the area as established in the adopted 1997 North Boulder Subcommunity Plan?
2. Is the proposed Site Review consistent with the Site Review criteria as set forth in section 9-2-14(h), B.R.C. 1981?
3. Does the proposed project meet the Use Review criteria as set forth in section 9-2-15(e), B.R.C. 1981?



Figure 1: Vicinity Map

INTRODUCTION AND BACKGROUND:

The project site is located in North Boulder at the northwest corner of the intersection of Violet Ave. and Broadway Ave. within the boundaries of the [North Boulder Subcommunity Plan](#) (NoBo Plan). The NoBo Plan sets forth the official vision for the future of the North Boulder Subcommunity and is the basis for decisions regarding the long-term preservation and development of North Boulder. The site was formerly the location of the Blue Spruce Auto repair shop; however, that use has relocated and the existing building is vacant.

The area encompassed in the NoBo Plan has changed over the years from a largely rural area with a mix of residential and service or industrial uses to nodes of more urban mixed use neighborhoods, guided by the NoBo Plan and the zoning put in place to implement the plan.

Reflecting these changes, the character of the area surrounding the project site is eclectic. The Waldorf School surrounds the site on the south and west, and beyond that to the south and southeast of the site are established residential neighborhoods with predominately traditional single family building scale and style. To the north are the Ponderosa mobile home park and an industrial service shopping center, and further north and across Broadway is the Uptown Broadway development which is characterized by larger buildings with a more contemporary style. Directly across the street is the site of the recently constructed Violet Crossing development, which incorporates a north-south transition from three to two-story buildings, creating an urban edge and street face that is compatible with the mixed use buildings at Uptown Broadway while utilizing materials that are compatible with the adjacent single family neighborhoods.

Project Description

The intent of this proposal is to redevelop the site located at 4403 Broadway Ave. with a new mixed use development. The western portion of the site, zoned RM-1 (Residential – Medium 1) would include twelve 3-story townhome units divided between two buildings. Building 1, located on the westernmost portion of the site fronting onto 10th Street, would contain five units and would be 19,411 sq. ft. in size. Building 2 lies to the east of Building 1 and faces Violet Ave., containing 7 dwelling units with a total floor area of 17,981 sq. ft. All units in both buildings include a 2-car garage that provides access to each unit via a private courtyard. Access to the garages is provided off Violet Ave. via a shared driveway that runs behind the units. Please see **Figure 2** for the proposed site plan.

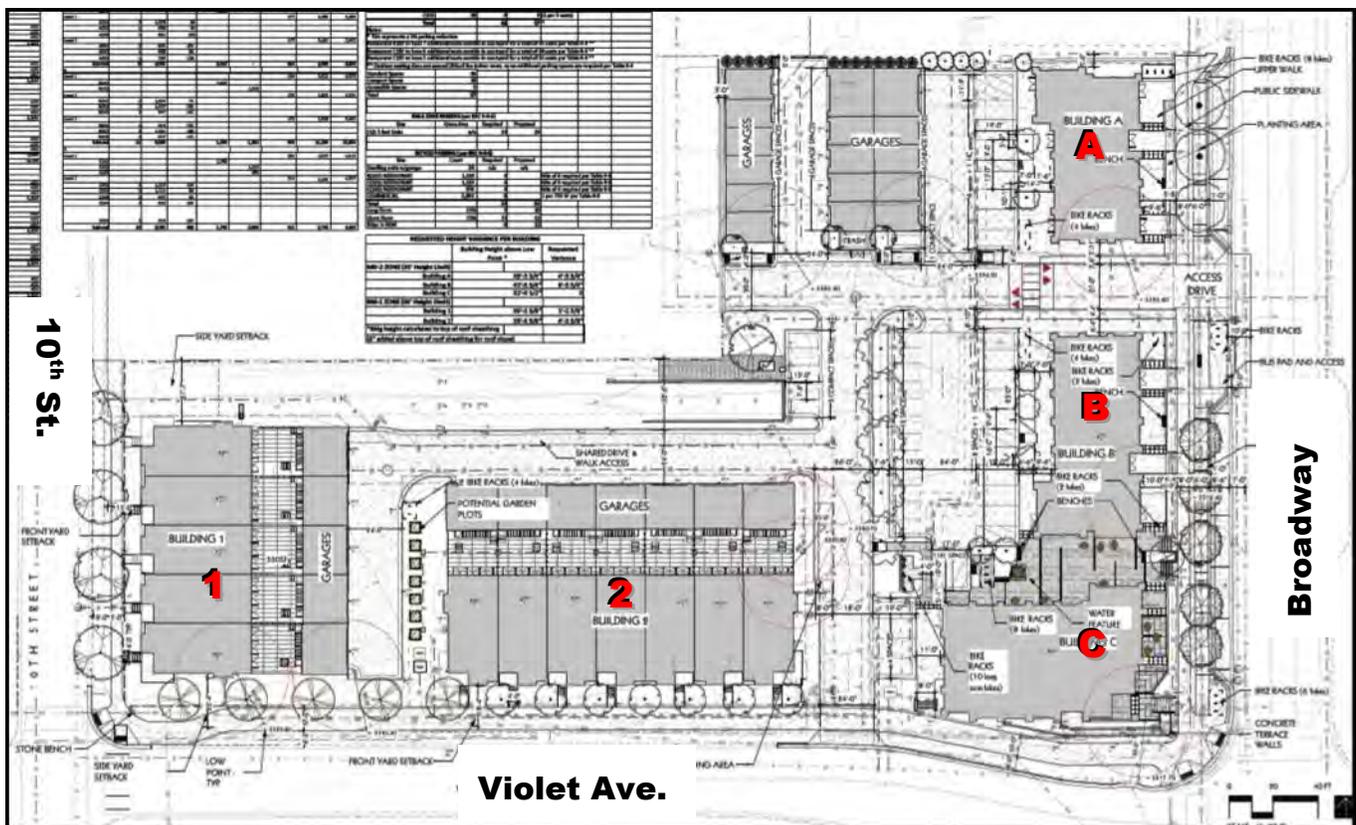


Figure 2: Proposed Site Plan

The architecture of the proposed townhomes is intended to build upon the precedent for the typical brown stone home. The applicant describes the character of these townhomes as a “modern north Boulder vernacular,” with the street-facing facades consisting of contemporary materials such as brick, wood siding, stone, and metal panel, and stucco elements incorporated on the rear elevations of the buildings. Staff has worked with the applicant to refine the design of the facades over several iterations in order to create a simple and elegant visual patterning along both 10th Street and Violet Avenue, with a high degree of transparency and a logical hierarchy of high quality building materials. The first two stories of each building are primarily brick, metal panel and glass, with the third story lofts comprised of wood siding. Each unit is has a front entrance at street level, and the orientation of the buildings deemphasizes the garages to the rear. Please see **Figure 3** below for the proposed Building 1 elevations. The elevations for Building 2 are highly similar and can be found in the applicant’s proposed plans included as **Attachment A**.



Figure 3: Proposed Townhome Elevation (Building 1)

Each townhome includes a variety of private open space, including an entry patio that faces the street, a private courtyard between the townhome itself and the garage, a second story balcony from the master bedroom, a patio above the garage, and a patio on either side of the roof loft offering both sun and shade. The third story lofts will be set back from the face of the building to lower the perceived height of the buildings, which are requested at 36’3” for Building 1 and 39’4” for Building 2, respectively.

The eastern portion of the site, zoned MU-2 (Mixed Use – 2), would include three new mixed use buildings containing an additional 16 attached residential units above 9,207 sq. ft. of commercial and restaurant space. The mixed use buildings along Broadway and Violet are presented in a traditional character using materials such as brick, masonry, and storefront along the street transitioning to stucco and wood siding on the third stories of Buildings A and B. The bay pattern along the street is delineated by changes in material and form from the ground floor to the second floor, which provides for a human scale to the buildings and creates a consistent visual pattern and rhythm on the street. The proposed buildings transition in scale from north to south, with Buildings A and B proposed as 3 stories each with heights of 39’6” and 43’6”, respectively, and Building C proposed as 2 stories at a height of 32 feet. Please see **Figure 4** below for the proposed building elevations along Broadway. Refer to **Attachment B** for staff’s complete analysis of the Site Review criteria, including a discussion of the height modification request.



Figure 4: Proposed Broadway Elevations – Buildings A, B and C (from Right to Left)

The project site slopes significantly downhill from north to south, so in order to minimize slope within the development and allow for consistent floor elevations within each building, the project proposal includes re-grading the site. As such, a tiered walkway is proposed along Broadway, with a wide promenade in front of the buildings separated from a detached sidewalk at street level by integrated planters and stairways. At the southern edge of the project, between Buildings B and C, the applicant is proposing a large plaza area that includes a water feature and outdoor restaurant seating as well as short and long-term bicycle parking. The plaza would be accessible from the parking area to the west of the buildings as well as from Broadway via a pedestrian stairway. The building elevations framing this plaza (the north face of Building C and the south face of Building B) have been designed to continue the visual patterning along Broadway, with the brick patterning continuing around the corner into the plaza. See **Figures 5 and 6** below for perspective drawings of the plaza and terraced planters at the southern end of the site.

**Figure 5:
Perspective Drawing of
Plaza Entry from Broadway**



**Figure 6:
Perspective Drawing of Building C
and Terraced Planters from corner
of Broadway and Violet**

As mentioned above, the project also includes a request for a 5% parking reduction to allow for 57 parking spaces where 60 are required for the MU-2 portion of the site. The parking requirement for the 12 units on the RM-1 portion of the site is being met, with each of the units being provided 2 garage parking spaces for a total of 24 spaces. On the MU-2 portion of the site, for which the parking reduction is being requested, the 16 units in the mixed use buildings are provided with a total of 18 garage spaces (14 single car garages and 2 two-car garages), and 39 spaces including 3 accessible spaces are provided for the commercial and restaurant uses. In terms of operating characteristics, this equates roughly to an 11% parking reduction for the commercial uses, as there would be 39 spaces provided where 44 are required per the non-residential parking requirements for the MU-2 zone; however, the overall parking reduction request is based upon the aggregate parking requirement for all of the proposed uses in the MU-2 zone. The project proposes 38 spaces for bike parking on site, with another 12 bike spaces located in the adjacent right-of-way, for a total of 2.5 times the required amount.

As part of the parking reduction request, the applicant has provided a Travel Demand Management (TDM) Plan that includes strategies for reducing vehicle travel to and from the site, including providing EcoPasses for all employees for a period of at least 3 years. In addition to the requested parking reduction and height modification, other modifications to the land use regulations requested as part of this proposal include a modification to the setback standards to allow for a 15-foot front yard setback along 10th Street where 20 feet is the minimum required for the RM-1 zone, as well as a modification to the parking lot landscaping standards. The proposal also includes a Use Review request to allow for restaurants that are over 1,000 sq. ft. in floor area and which close after 11:00 p.m. Per the Management Plan included as [Attachment A](#), the applicant does not have specific tenants for the 3 proposed restaurant spaces yet, so they have requested maximum flexibility in order to allow for hours of operation from 6:00 a.m. to 12:00 a.m. seven days per week. It is worth noting that because of the site's proximity to the Waldorf School property, none of the restaurant spaces will be eligible to obtain a liquor license.

Zoning Description

The project is split-zoned, with the western portion of the site (roughly 57,000 sq. ft. in size) zoned RM-1 (Residential – Medium 1) and the eastern portion of the site (roughly 50,810 sq. ft. in size) zoned MU-2 (Mixed – Use 2). The areas surrounding the site are a mix of RL-2 to the south and west, MU-2 across Broadway to the east, and County enclave land immediately to the north (Ponderosa). Refer to **Figure 7** below for a Zoning Map.

The RM-1 zone is defined as follows:

Medium density residential areas which have been or are to be primarily used for attached residential development, where each unit generally has direct access to ground level, and where complementary uses may be permitted under certain conditions (§9-5-2(c)(1)(C), B.R.C. 1981).

Intensity in the RM-1 zone is based on a minimum required open space per dwelling unit of 3,000 square feet. There is no maximum FAR in the RM-1 zone. The maximum allowable building height is 35 feet, with no additional limit on the number of stories. Attached dwelling units are allowed uses.

The MU-2 zone district is defined as follows:

Mixed use residential areas adjacent to a redeveloping main street area, which are intended to provide a transition between a main street commercial area and established residential districts. Residential areas are intended to develop in a pedestrian-oriented pattern, with buildings built up to the street; with residential, office, and limited retail uses; and where complementary uses may be allowed (§9-5-

2(c)(2)(B), B.R.C. 1981).

Intensity in the MU-2 zone district is based on a minimum open space requirement of 15% of the site area for residential and/or non-residential uses, a minimum requirement of 60 square feet of private open space per dwelling unit and a maximum FAR of 0.6. The maximum allowable building height is 35 feet, with a maximum of 2 stories per building.

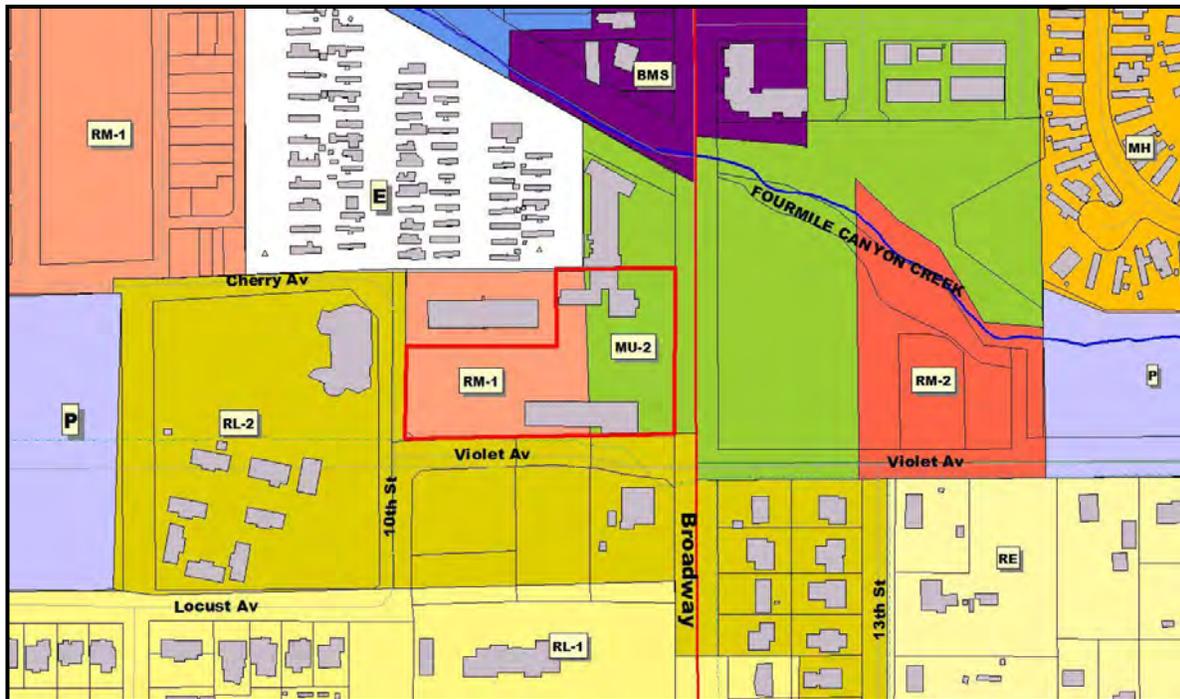


Figure 7: Zoning Map

In accordance with the land use regulations, the project has been designed to comply with the intensity standards for each respective zone district as it applies to the site, with the total allowable intensity for each site based on the area of the portion of the site within the respective zone district. Thus, the required open space for the 12 units in the RM-1 zone (3,000 s.f./ unit x 12 units = 36,000 s.f.) has been provided on that portion of the site. The total area of the MU-2 portion of the site is 50,810 sq. ft., so 7,622 sq. ft. of open space are required (15%) and the maximum allowable floor area for the mixed use buildings is 30,486 sq. ft. For that portion of the site, the project includes a total of roughly 16,000 sq. ft. of open space in the MU-2 zone, and the total building floor area is proposed at 29,492 sq. ft.

Boulder Valley Comprehensive Plan (BVCP) Designation

As shown in **Figure 3** below, the subject property has a mixed land use designation of Medium Density Residential and Mixed Use Business. The Medium Density Residential land use designation anticipates a density of 6 to 14 units per acre on average. The Mixed Use Business designation is defined in the [2010 BVCP](#) as follows:

Mixed Use-Business development may be deemed appropriate and will be encouraged in some business areas. These areas may be designated Mixed Use-Business where business or residential character will predominate. Housing and public uses supporting housing will be encouraged and may be required. Specific zoning and other regulations will be adopted which define the desired intensity, mix, location and design characteristics of these uses.

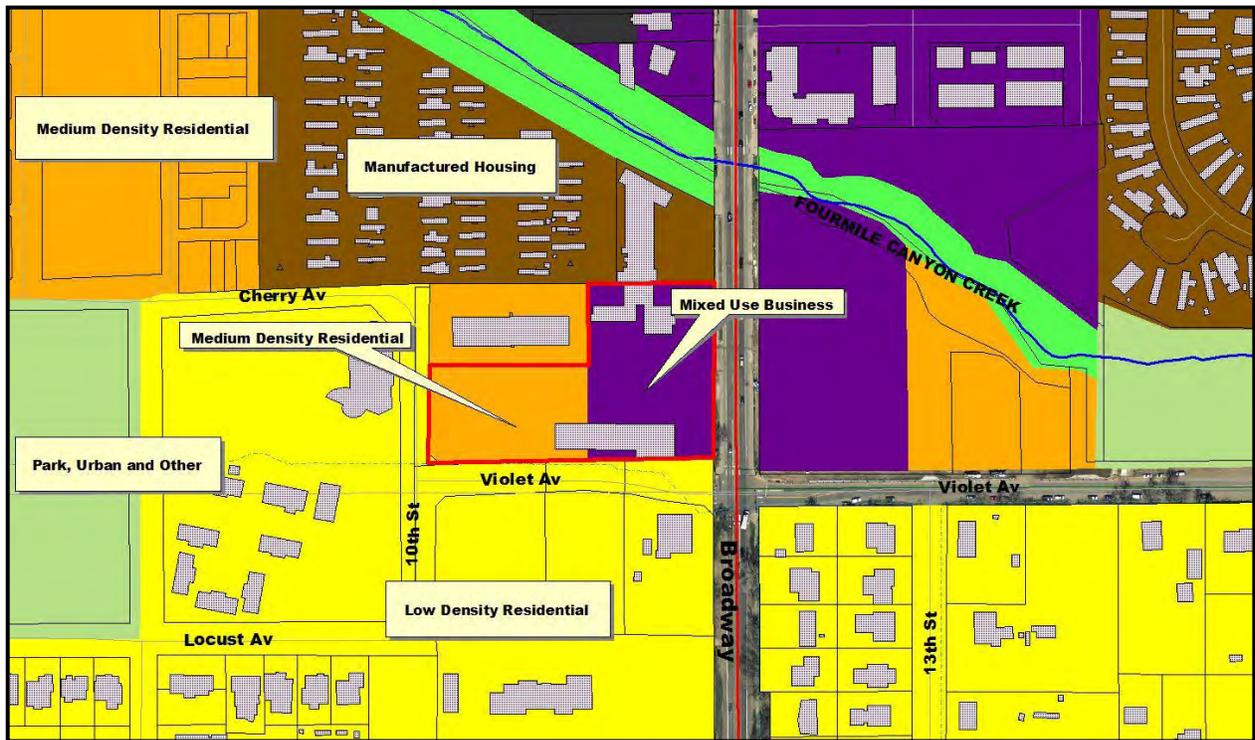


Figure 8: BVCP Land Use Map

North Boulder Subcommunity Plan

As mentioned above, the project site is located within the boundaries of the [North Boulder Subcommunity Plan](#) which sets forth the official vision for the future of the North Boulder Subcommunity and is the basis for decisions regarding the long-term preservation and development of North Boulder. The NBSP provides specific actions to be carried out by the City, other public agencies, and the private sector related to future development. The NBSP was also the basis for re-zoning of a portion of North Boulder in 1997 and establishes a street and pedestrian/ bicycle network. The Plan was adopted by Planning Board and City Council in 1995. It was amended in 1996 and 1997 in relation to the Village Center boundaries and Crestview East and West annexation conditions.

Within the NBSP, the western portion of the site is designated as residential and the eastern portion along Broadway is designated as “Mixed Use Transition to

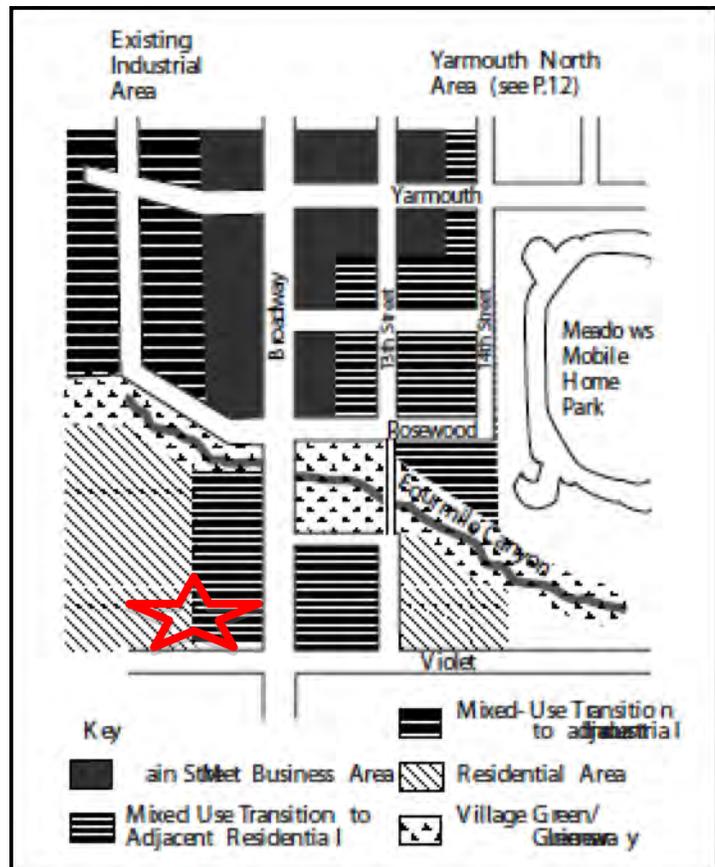


Figure 9: NoBo Plan Land Use Map

Adjacent Residential.” Page 15 of the NBSP defines the intent of Transition Areas generally as:

“The areas adjacent to the Main Street business area should contain a mix of uses in a lower scale of intensity than the uses along Broadway and Yarmouth They should provide a transition between the main street and the adjacent residential and industrial areas.”

The NoBo Plan describes the desired characteristics of a "Mixed Use Transition to Adjacent Residential" area as a transition area *“with residential and office uses, neighborhood serving restaurants, and personal service uses in a pedestrian-oriented pattern with buildings located close to the street and parking in the rear...where people can live and work in close proximity, possibly in the same building.”* Please see **Figure 9** above for a NoBo Plan map depicting Mixed-Use Transition Areas. Staff's analysis of the project's consistency with the NoBo Plan can be found under Key Issue #1 below.

Review Process

Per Table 2-2, "Site Review Threshold Table," section 9-2-14, B.R.C. 1981, the minimum size for voluntary site review in the RM-1 zone is 5 or more units permitted on the property, and there is no minimum size for voluntary site review in the MU-2 zone district. The property has entered into voluntary site review in order to request a height modification for the proposed buildings. Per section 9-2-14(g)(3), B.R.C. 1981, An application for any principal or accessory building above the permitted height for principal buildings set forth in Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, requires a recommendation by staff with a final decision by the Planning Board at a public hearing. Any decision by the Planning Board is subject to a 30-day city council call-up period. A Concept Plan for a similar project on the subject property was heard by the Planning Board on August 2, 2007. The minutes for that meeting are included as **Attachment E**.

Pursuant to section 7 of the Height Ordinance (Ordinance 8028) passed by council in March, 2015, *“complete site review applications that have been submitted to the city prior to January 21 2015 that request additional height in areas that would not permit such height under [the] ordinance will be permitted to continue through the process under the height regulations in place at the time such application is made.”* It should be noted that the application was active in advance of the passage of Ordinance 8028.

Pursuant to section 9-6-1, "Use Standards," B.R.C. 1981, restaurants and taverns over 1,000 square feet in floor area, or which close after 11:00 p.m., or with an outdoor seating area of 300 square feet or more are allowed in the RM-2 zone district only if approved through a Use Review. Approval of a Use Review is also required for retail sales uses with a floor area of 5,000 square feet or less in the MU-2 zone.

KEY ISSUES:

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

1. Is the proposed project consistent with the vision for the area as established in the adopted 1997 North Boulder Subcommunity Plan?

Overall, staff finds that the proposed project is in keeping with many of the goals and objectives of the NoBo Plan. In particular, the project meets the following key concepts related to the project site (please refer to pg. 15 of the NoBo Plan):

- Establishing a mixed use transition from the Village Center to neighborhoods in the surrounding areas, including residential and office uses, neighborhood serving restaurants, and personal service uses;

The proposed project successfully meets this goal by providing a mix of residential and non-residential uses that transition in terms of size and intensity between the MU-2 and RM-1 zoning designations. The proposal includes 3 restaurants as well as 3 commercial tenant spaces totaling roughly 5,800 sq. ft. in size. Because the residential floor area of the mixed use buildings is over 50% of the total floor area, professional and technical office uses are allowed by-right. Personal service uses and convenience retail are also allowed by right.

- Providing pedestrian-oriented, appropriately-scaled neighborhood centers that provide goods and services for neighborhood needs;

The proposed project will offer a smaller-scale, neighborhood-oriented development between the Uptown Broadway area to the north and the residential areas to the south.

- Promoting a pedestrian-oriented development pattern with buildings located close to the street and parking in the rear.

The proposed development incorporates significant pedestrian amenities into the site, including new sidewalks along both Broadway and Violet as well as a new promenade along the storefronts on Broadway. Buildings are close to the street and parking has been located to the rear of the buildings to the extent possible.

Other general goals of the NBSP that the proposed project currently addresses include:

- Except in areas recommended for low density rural-type character, position buildings close to the street to create a more pedestrian friendly atmosphere (Ch. 5, *Neighborhoods*);

Buildings have been oriented to face each of the 3 street frontages surrounding the property. 10th St., Violet Ave. and Broadway will all have primary entrances facing them, with new landscaping and sidewalk connections to improve pedestrian circulation to and around the site.

- Provide high quality building design with attention to detail. Avoid monotonous building designs: include human scale features such as porches, varied building elevations, and varied sizes and styles (Ch. 5, *Neighborhoods*);

Staff has worked with the applicant to refine the design of the facades over several iterations in order to create a simple and elegant visual patterning along the site's three street frontages with a high degree of transparency and a logical hierarchy of high quality building materials.

- Design neighborhood-scale and subcommunity-level centers to foster a sense of community by creating vibrant areas for people to gather. This includes: ease of access, safety, and appropriate scale (Ch. 6, *Employment & Retail Centers*);

With a restaurant anticipated on the first floor of Buildings B and C, an active courtyard space is proposed between the two buildings. This courtyard, contemplated to be

hardscape with many plantings and a fountain to soften the traffic noise of Broadway, will provide outdoor seating for the restaurants, a gathering space for the businesses nearby, and a place of rest for pedestrians. Access to the elevator and stairs to the lofts above is also gained through each building.

- Encourage walking, biking, and transit use by providing safe, comfortable and convenient pedestrian and bicycle path connections (Ch. 8, *Transportation*);

The proposed project includes numerous bicycle and pedestrian improvements, including providing 50 bicycle parking spaces where 20 are required by code. Bike parking is arranged throughout the site to be accessible and functional. The applicant is also proposing to add a new bus pad on Broadway with bike racks and pedestrian access.

2. Is the proposed Site Review consistent with the Site Review criteria as set forth in section 9-2-14(h), B.R.C. 1981?

Section 9-2-14(h), "Criteria for Review," B.R.C. 1981 includes the review criteria for approval of a site review. The proposal was found to be consistent with the site review criteria for found in section 9-2-14(h), B.R.C. 1981. Please refer to [Attachment B](#) for staff's complete analysis of the review criteria.

3. Does the proposed project meet the Use Review criteria as set forth in section 9-2-15(e), B.R.C. 1981?

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

PUBLIC COMMENT AND PROCESS:

The required public notice was given in the form of written notification mailed to all property owners within 600 feet of the subject property and a sign posted on the property for at least 10 days. All notice requirements of Section 9-4-2, B.R.C. 1981 have been met. Initially, staff received questions from nearby property owners as well as comments from two neighbors opposed to the requested height modification. Following submittal of revisions in January, 2015, staff sent out a second public notice and received several additional comments in opposition to the project. The primary concerns expressed in the comments were potential impacts to existing views caused by the requested height modification as well as potential parking impacts caused by the requested parking reduction. Please see [Attachment D](#) for public comments received. Staff sent out additional mailed notice of the public hearing date on February 18, 2016.

STAFF FINDINGS AND RECOMMENDATION

Staff recommends that the Planning Board approve the Site and Use Review application LUR2011-00071, 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:

SITE REVIEW CONDITIONS

1. The Applicant shall ensure that the **development shall be in compliance with all plans prepared by the Applicant** on February 10, 2016 on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval.
2. The Applicant shall **comply with all previous conditions** contained in any previous approvals, except to the extent that any previous conditions may be modified by this approval, including, but not limited to, the following: the Subdivision Agreement recorded in the records of the Boulder County Clerk and Recorder at Reception No. 1953879 on June 25, 1999.
3. Prior to a building permit application, the Applicant shall submit, and obtain City Manager approval of, a Technical Document Review application for the following items:
 - a. **Final architectural plans**, including material samples and colors, to insure compliance with the intent of this approval and compatibility with the surrounding area. The architectural intent shown on the plans prepared by the Applicant on February 10, 2016 is acceptable. Planning staff will review plans to assure that the architectural intent is performed.
 - b. A **final site plan** which includes detailed floor plans and section drawings.
 - c. A **final utility plan** meeting the City of Boulder Design and Construction Standards.
 - d. A **final storm water report and plan** meeting the City of Boulder Design and Construction Standards.
 - e. **Final transportation plans** meeting the City of Boulder Design and Construction Standards and CDOT Access Code Standards, for all transportation improvements. These plans must include, but are not limited to: street/alley plan and profile drawings; multi-use path plan and profile drawings; typical sections for the street, alley and multi-use path signage and striping plans in conformance with Manual on Uniform Traffic Control Devices (MUTCD) standards; transportation detail drawings; transit stop detail drawings, geotechnical soils report, and pavement analysis.
 - f. 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.
 - g. A **detailed outdoor lighting plan** showing location, size, and intensity of illumination units, indicating compliance with section 9-9-16, B.R.C.1981.
 - h. A **detailed shadow analysis** to insure compliance with the City's solar access requirements of section 9-9-17, B.R.C. 1981.
3. Prior to a building permit application, the Applicant shall submit a Land Use Review application for a **Preliminary Plat** and a Technical Document Review application for a **Final Plat**, subject to the review and approval of the City Manager and execute a subdivision agreement meeting the requirements of

chapter 9-12, "Subdivision," B.R.C. 1981 and which provides, without limitation and at no cost to the City, for the following, unless otherwise approved by the City Manager:

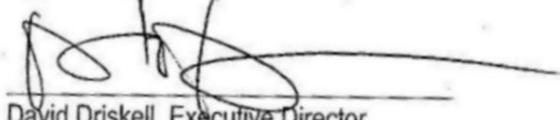
- a. The dedication, to the City, of all right-of-way and easements, including, but not limited to, the following:
 - i. An approximate 1-foot wide right of way dedication running north/south along the east property line and parallel to Broadway;
 - ii. An approximate 6.5-foot wide public access easement dedication (to 1-foot behind the sidewalk) running north/south along the east property line and adjacent to the north/south 1-foot wide right-of-way dedication;
 - iii. An approximate 20-foot wide public access easement dedication running east/west to provide access to Lot #2 of The Plaza Subdivision across the site from Broadway;
 - iv. An approximate 24-foot wide public access easement dedication running north/south from the south property line to the 20-foot wide east/west public access easement and from the 20-foot wide east/west public access easement to the north property line;
 - v. An approximate 9.4-foot wide public access easement dedication (to 1-foot behind the multi-use path) running east/west along the south property line and parallel to Violet Avenue; and
 - vi. An approximate 7.5-foot wide public access easement dedication (to 1-foot behind the sidewalk) running north/south along the west property line and parallel to 10th Street.
 - b. The vacation of all easements where vacation is necessary for construction of the development, including:
 - i. An approximate 25'W x 200'L access easement running east/west which provides access to Lot #2 of The Plaza Subdivision from Broadway; and
 - ii. An approximate 25'W x 50'L access easement running east/west which provides access to Lot #1 of The Plaza Subdivision from 10th Street.
 - c. The construction of all public improvements necessary to serve the development.
 - d. A financial guarantee, in a form acceptable to the Director of Public Works, in an amount equal to the cost of constructing all public improvements necessary to serve the development.
4. 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 residents and employees of the development for three years after the issuance of a certificate of occupancy for each dwelling unit as proposed in the Applicant's Transportation Demand Management (TDM) plan.
5. Prior to final inspection on any building permit that requires a Certificate of Occupancy, the Applicant shall submit the following to the City Manager for review and approval:

- a. An **Elevation Certificate**, prepared by a Colorado registered land surveyor, certifying that the structure has been constructed at or above the flood protection elevation. This certification shall be provided on a standard Federal Emergency Management Agency (FEMA) Elevation Certificate. No Certificate of Occupancy will be issued for any structure where this provision has not been satisfied.
 - b. A **Flood Proofing Certificate**, prepared by a Colorado registered land surveyor, certifying that the structure has been flood proofed to the required flood protection elevation.
6. This approval is contingent upon the Applicant obtaining the necessary **floodplain development permit** pursuant to Chapter 9-3, B.R.C. 1981. The Applicant assumes the risk that failure to obtain any necessary floodway permit or variance may result in the termination of this approval.

USE REVIEW CONDITIONS

1. The Applicant shall ensure that the **development shall be in compliance with all plans prepared by the Applicant** on February 10, 2016, except to the extent that the development may be modified by the conditions of this approval. Further, the Applicant shall ensure that the approved use is operated in compliance with the following restrictions:
 - a. The Applicant shall operate the business in accordance with the management plan dated January 4, 2016 which is attached to this Notice of Disposition.
 - b. The approved uses shall be closed from 12:00 a.m. to 6:00 a.m. seven days per week.
 - c. Size of the approved restaurant use in Building B, Unit 102, shall be limited to 1,318 square feet. The total number of indoor seats for the approved use shall not exceed 38 seats, and the total number of outdoor patio seats shall not exceed 7 seats.
 - d. Size of the approved restaurant use in Building C, Unit 102, shall be limited to 1,110 square feet. The total number of indoor seats for the approved use shall not exceed 32 seats, and the total number of outdoor patio seats shall not exceed 6 seats.
 - e. Size of the approved restaurant use in Building C, Unit 103, shall be limited to 976 square feet. The total number of indoor seats for the approved use shall not exceed 28 seats, and the total number of outdoor patio seats shall not exceed 5 seats.
 - f. All trash located within the outdoor dining area, on the restaurant property and adjacent streets, sidewalks and properties shall be picked up and properly disposed of immediately after closing
2. The Applicant shall **comply with all previous conditions** contained in any previous approvals, except to the extent that any previous conditions may be modified by this approval, including, but not limited to, the following: the Subdivision Agreement recorded in the records of the Boulder County Clerk and Recorder at Reception No. 1953879 on June 25, 1999.
3. The Applicant **shall not expand or modify the approved use**, except pursuant to subsection 9-2-15(h), B.R.C. 1981.

Approved By:

A handwritten signature in black ink, appearing to be 'David Driskell', written over a horizontal line.

David Driskell, Executive Director
Department of Community Planning and Sustainability

ATTACHMENTS:

- A: Proposed Plans
- B: Staff Analysis of Review Criteria
- C: Staff's Development Review Comments
- D: Public Comment Received
- E: 8/2/07 Concept Plan Hearing Minutes

ATTACHMENT A

KEYNOTES	
Key Value	Keynote Text
3.2	PRECAST CONCRETE CAP PROFILE TBD.
4.1	MASONRY FACE BRICK COLOR 1
4.2	MASONRY FACE BRICK COLOR 2
4.3	MANUFACTURED STONE, BUFF COLOR
5.1	POWDER COATED STEEL WITH METAL GRATE BALCONY
5.2	STEEL RAILING POWDER COAT FINISH
5.4	PERFORATED METAL SUNSHADE
5.5	POWDER COATED STEEL WITH RESIN PANEL CANOPY AND 2X CLEAR VERTICAL GRAIN WESTERN RED CEDAR INLAY SLATS
5.7	CORRUGATED METAL MECHANICAL SCREEN
5.8	PAINTED METAL CORNICE
6.1	6" SHIPLAP CLEAR VERTICAL GRAIN WESTERN RED CEDAR
7.1	STUCCO SAND FINISH COLOR 1
7.2	STUCCO SAND FINISH COLOR 2
7.6	STUCCO HEAD DETAIL
7.7	STUCCO CORNICE
8.1	VINYL WINDOW
8.4	STOREFRONT CLEAR ANODIZED FINISH WITH INSULATED GLAZING



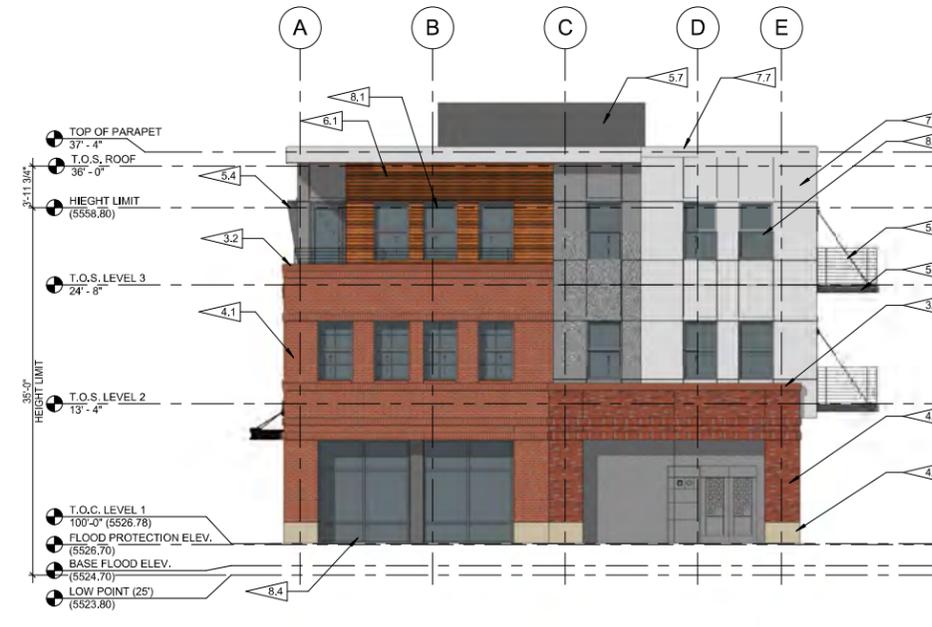
4 BUILDING A - WEST ELEVATION
1/8" = 1'-0"



3 BUILDING A - SOUTH ELEVATION
1/8" = 1'-0"



2 BUILDING A - EAST ELEVATION
1/8" = 1'-0"



1 BUILDING A - NORTH ELEVATION
1/8" = 1'-0"

4403 BROADWAY

4403 Broadway Street
Boulder, Colorado

Site Review
02.10.2016

BLDG A - ELEVATIONS

Emerald Management
4949 Broadway Street
Boulder, CO 80304

SR-A-A4.01



STUDIO architecture
1350 Pine St. Suite 1
Boulder, CO 80302
Project No. 2801

STUDIO
ARCHITECTURE
Agenda Item 5B Page 16 of 150

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7.2	STUCCO SAND FINISH COLOR 2
7.5	METAL FLASHING
7.6	STUCCO HEAD DETAIL
7.7	STUCCO CORNICE
8.1	VINYL WINDOW
8.4	STOREFRONT CLEAR ANODIZED FINISH WITH INSULATED GLAZING
8.5	BUTT GLAZED ALUMINUM STOREFRONT CLEAR ANODIZED FINISH WITH INSULATED GLAZING



④ BUILDING B - NORTH ELEVATION
1/8" = 1'-0"



② BUILDING B - EAST ELEVATION
1/8" = 1'-0"



③ BUILDING B - SOUTH ELEVATION
1/8" = 1'-0"



① BUILDING B - WEST ELEVATION
1/8" = 1'-0"

4403 BROADWAY

4403 Broadway Street
Boulder, Colorado

Site Review
02.10.2016

BLDG B - ELEVATIONS

Emerald Management
4949 Broadway Street
Boulder, CO 80304

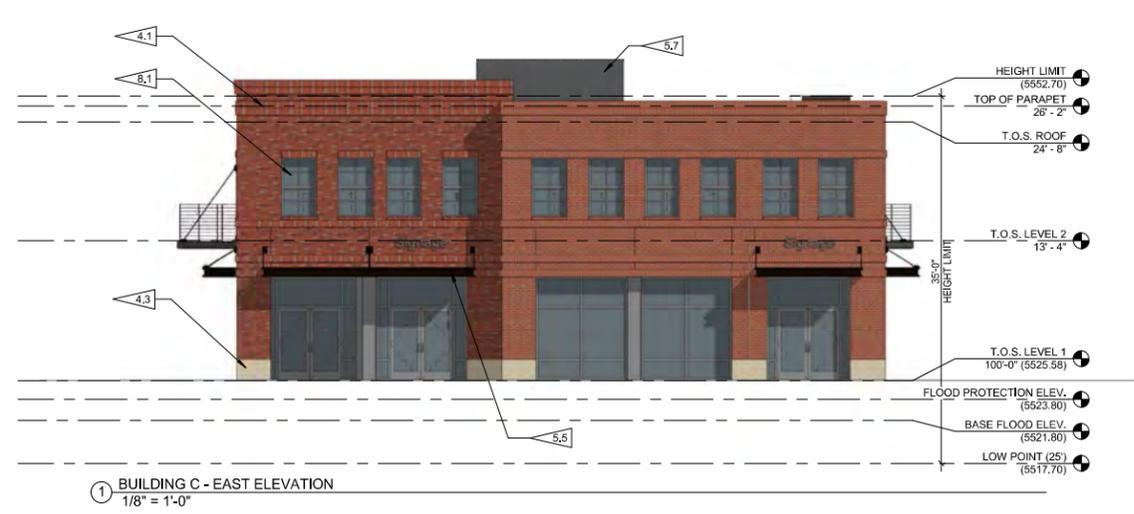
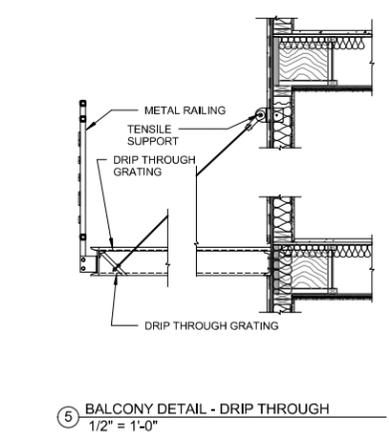
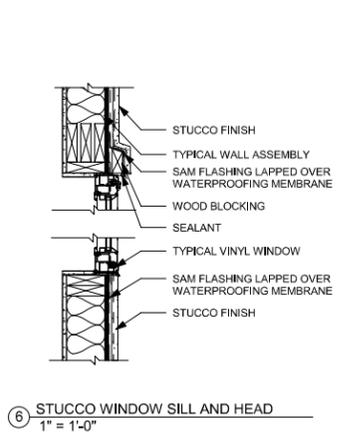
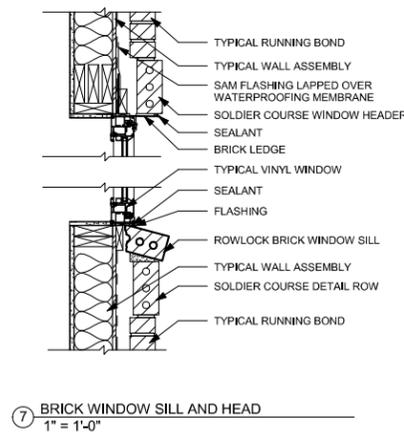
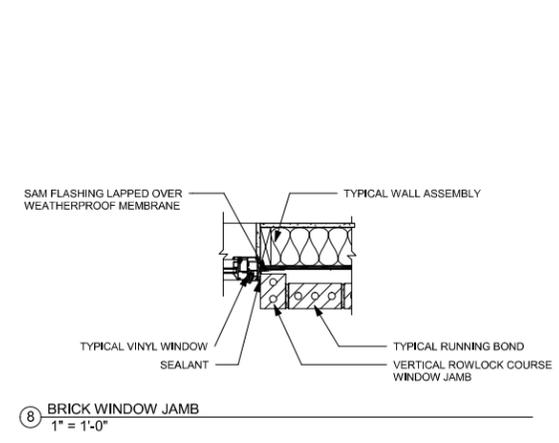
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STUDIO architecture
1350 Pine St. Suite 1
Boulder, CO 80302
Project No.: 2801



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5.8	PAINTED METAL CORNICE
6.1	6" SHIPLAP CLEAR VERTICAL GRAIN WESTERN RED CEDAR
7.1	STUCCO SAND FINISH COLOR 1
7.6	STUCCO HEAD DETAIL
8.1	VINYL WINDOW
8.2	CLAD SWINGING PATIO DOOR
8.4	STOREFRONT CLEAR ANODIZED FINISH WITH INSULATED GLAZING



4403 BROADWAY

BLDG C - ELEVATIONS

SR-C-A4.01

4403 Broadway Street
Boulder, Colorado

EMERALD MANAGEMENT
4949 Broadway Street
Boulder, CO 80304

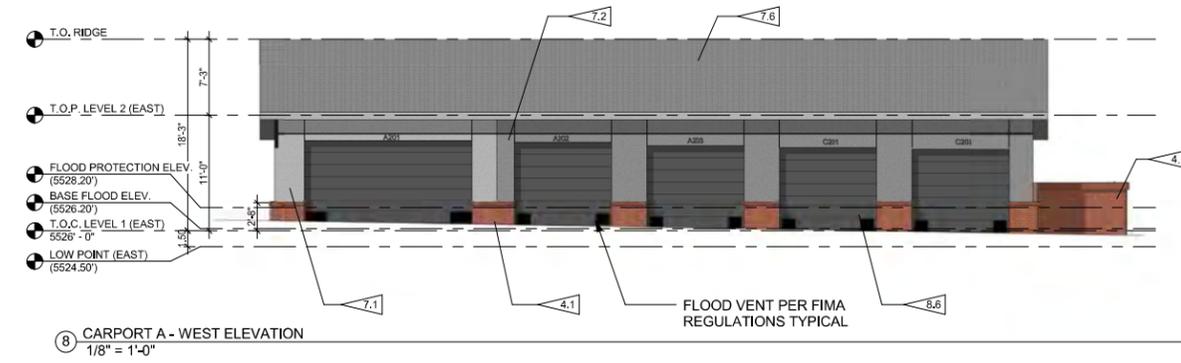
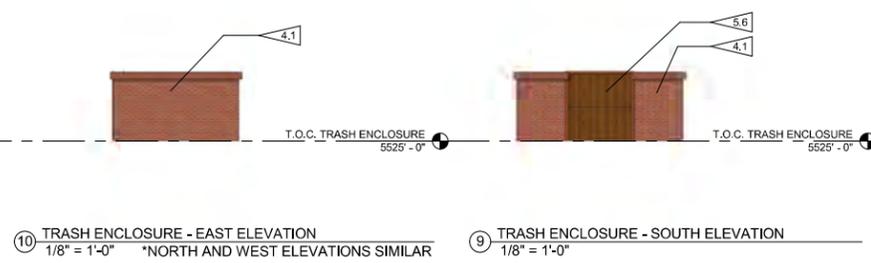
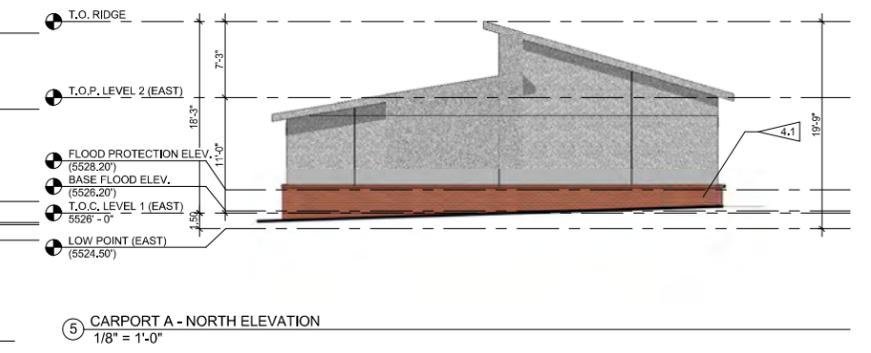
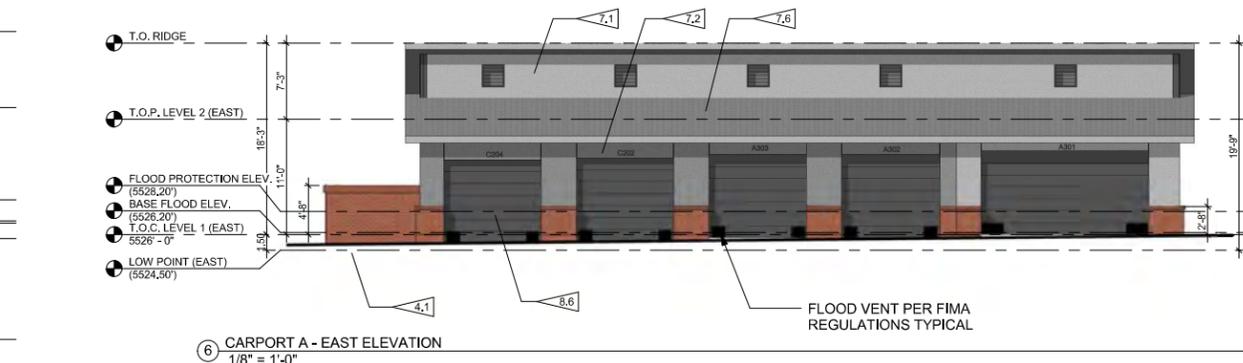
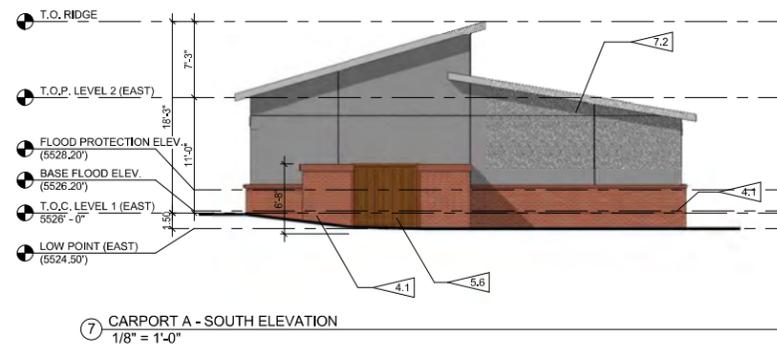
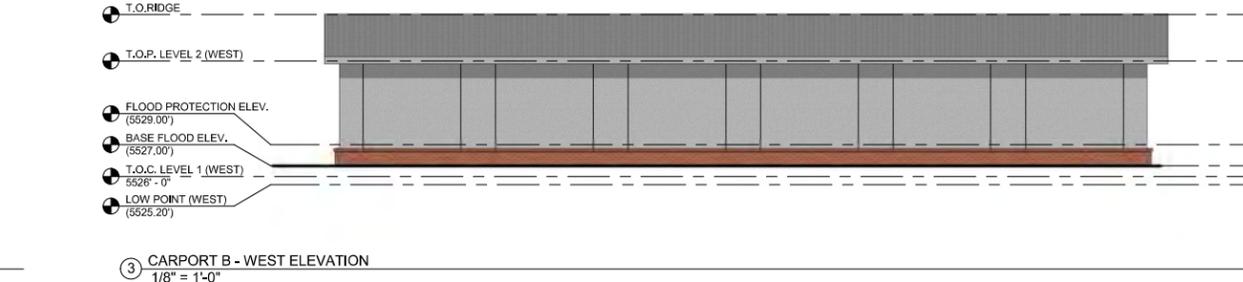
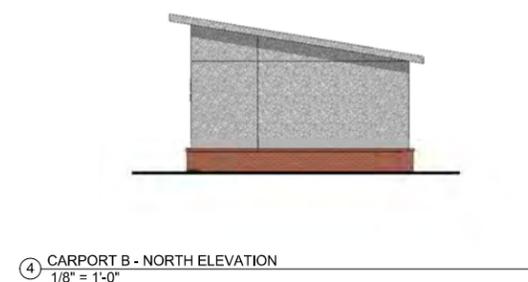
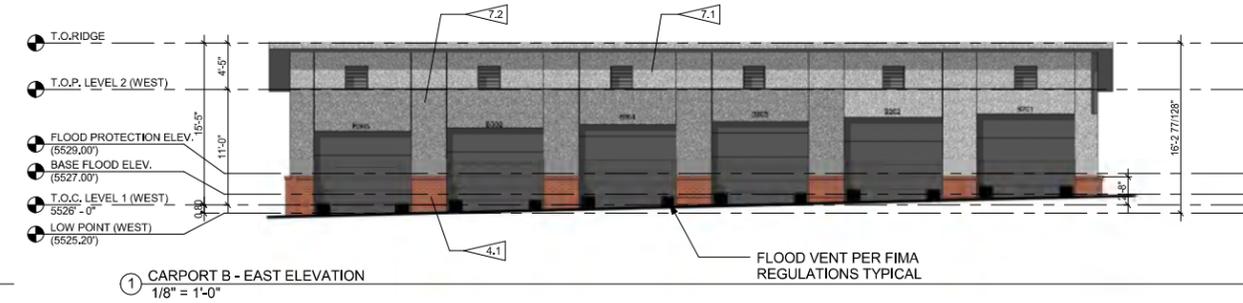
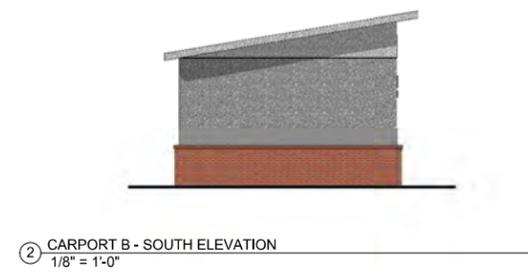
Site Review
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STUDIO architecture
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Project No.: 2801



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Key Value	Keynote Text
4.1	MASONRY FACE BRICK COLOR 1
5.6	STEEL GATE POWDER COAT FINISH
6.1	6" SHIPLAP CLEAR VERTICAL GRAIN WESTERN RED CEDAR
7.1	STUCCO SAND FINISH COLOR 1
7.2	STUCCO SAND FINISH COLOR 2
7.6	STUCCO HEAD DETAIL
8.6	SECTIONAL GARAGE DOOR



4403 BROADWAY

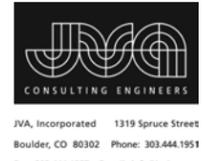
4403 Broadway Street
Boulder, Colorado

Site Review
02.10.2016

CARPORT/TRASH ENCLOSURE ELEVATIONS

Emerald Management
4949 Broadway Street
Boulder, CO 80304

SR-A4.01

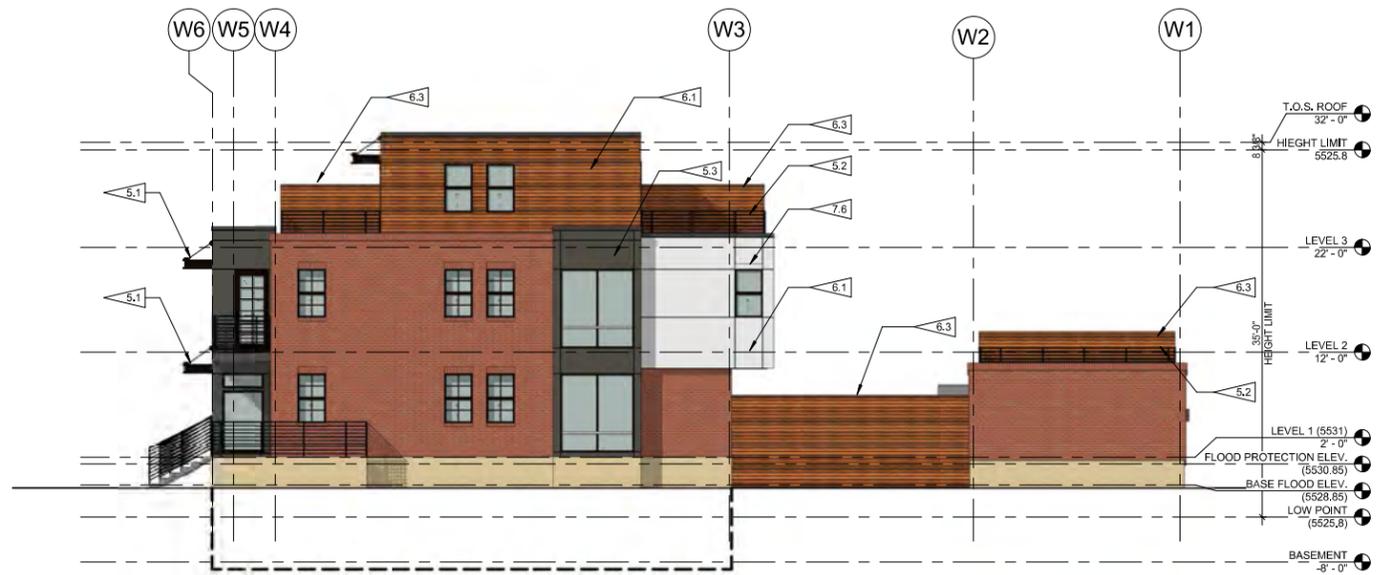


STUDIO architecture
1350 Pine St. Suite 1
Boulder, CO 80302
Project #



KEYNOTES	
Key Value	Keynote Text
4.1	MASONRY FACE BRICK COLOR 1
4.2	MASONRY FACE BRICK COLOR 2
4.3	MANUFACTURED STONE, BUFF COLOR
5.1	POWDER COATED STEEL WITH METAL GRATE BALCONY
5.2	STEEL RAILING POWDER COAT FINISH
5.3	PREFINISHED ALUMINUM METAL PANEL
5.5	POWDER COATED STEEL WITH RESIN PANEL CANOPY AND 2X CLEAR VERTICAL GRAIN WESTERN RED CEDAR INLAY SLATS
6.1	6" SHIPLAP CLEAR VERTICAL GRAIN WESTERN RED CEDAR

KEYNOTES	
Key Value	Keynote Text
6.3	HORIZONTAL WOOD CEDAR FENCE
7.1	STUCCO SAND FINISH COLOR 1
7.5	METAL FLASHING
7.6	STUCCO HEAD DETAIL
8.1	VINYL WINDOW
8.2	CLAD SWINGING PATIO DOOR
8.4	STOREFRONT CLEAR ANODIZED FINISH WITH INSULATED GLAZING
8.6	SECTIONAL GARAGE DOOR



④ SOUTH ELEVATION
1/8" = 1'-0"



② EAST ELEVATION - COURTYARD
1/8" = 1'-0"



③ WEST ELEVATION
1/8" = 1'-0"



① EAST ELEVATION
1/8" = 1'-0"

4403 BROADWAY

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TOWNHOME BUILDING 1 - ELEVATIONS

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CO 80302

SR-1-A4.01



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Project #



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KEYNOTES	
Key Value	Keynote Text
4.1	MASONRY FACE BRICK COLOR 1
4.2	MASONRY FACE BRICK COLOR 2
4.3	MANUFACTURED STONE, BUFF COLOR
5.1	POWDER COATED STEEL WITH METAL GRATE BALCONY
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KEYNOTES	
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6.3	HORIZONTAL WOOD CEDAR FENCE
7.1	STUCCO SAND FINISH COLOR 1
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8.1	VINYL WINDOW
8.2	CLAD SWINGING PATIO DOOR
8.4	STOREFRONT CLEAR ANODIZED FINISH WITH INSULATED GLAZING
8.6	SECTIONAL GARAGE DOOR



2 EAST ELEVATION
1/8" = 1'-0"



1 SOUTH ELEVATION
1/8" = 1'-0"

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TOWNHOME BUILDING 2 - ELEVATIONS

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CO 80302

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JVA, Incorporated 1319 Spruce Street
Boulder, CO 80302 Phone: 303.444.1951
Fax: 303.444.1957 E-mail: info@jvajva.com

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Boulder, CO 80302
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thestudioarchitecture.com 866.520.9130
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KEYNOTES	
Key Value	Keynote Text
4.1	MASONRY FACE BRICK COLOR 1
4.2	MASONRY FACE BRICK COLOR 2
4.3	MANUFACTURED STONE, BUFF COLOR
5.1	POWDER COATED STEEL WITH METAL GRATE BALCONY
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KEYNOTES	
Key Value	Keynote Text
6.3	HORIZONTAL WOOD CEDAR FENCE
7.1	STUCCO SAND FINISH COLOR 1
7.5	METAL FLASHING
7.6	STUCCO HEAD DETAIL
8.1	VINYL WINDOW
8.2	CLAD SWINGING PATIO DOOR
8.4	STOREFRONT CLEAR ANODIZED FINISH WITH INSULATED GLAZING
8.6	SECTIONAL GARAGE DOOR



② NORTH ELEVATION - COURTYARD
1/8" = 1'-0"



① NORTH ELEVATION
1/8" = 1'-0"

4403 BROADWAY

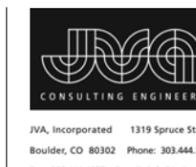
TOWNHOME BUILDING 2 - ELEVATIONS

SR-2-A4.02

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CO 80302



STUDIO architecture
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Boulder, CO 80302
Project #

STUDIO
ARCHITECTURE
866.529.9130

RM-1 ZONE CALCULATIONS					
Building	Bedrooms	Bathrooms	Gross Area	Garage	Open Space
1.1					
Basement			1,019		
Level 1	1	1	1,028	485	470
Level 2	3	2	1,166		425
Level 3	3	2	1,166		425
Subtotal	3	3	3,799	485	1,345
1.2					
Basement			1,073		
Level 1	1	1	1,015	455	470
Level 2	3	2	1,122		425
Level 3	3	2	1,122		425
Subtotal	3	3	3,747	455	1,345
1.3					
Basement			1,073		
Level 1	1	1	1,015	455	470
Level 2	3	2	1,122		425
Level 3	3	2	1,122		425
Subtotal	3	3	3,747	455	1,345
1.4					
Basement			1,073		
Level 1	1	1	1,015	455	470
Level 2	3	2	1,122		425
Level 3	3	2	1,122		425
Subtotal	3	3	3,747	455	1,345
1.5					
Basement			1,019		
Level 1	1	1	1,028	485	470
Level 2	3	2	1,166		425
Level 3	3	2	1,166		425
Subtotal	3	3	3,799	485	1,345
TOTAL	15	15	18,741	2,335	6,725
2.1					
Level 1	1	1	1,017	485	400
Level 2	3	2	1,166		425
Level 3	3	2	1,166		425
Subtotal	3	3	3,749	485	1,275
2.2					
Level 1	1	1	1,004	455	400
Level 2	3	2	1,122		425
Level 3	3	2	1,122		425
Subtotal	3	3	3,668	455	1,275
2.3					
Level 1	1	1	1,004	455	400
Level 2	3	2	1,122		425
Level 3	3	2	1,122		425
Subtotal	3	3	3,668	455	1,275
2.4					
Level 1	1	1	1,004	455	400
Level 2	3	2	1,122		425
Level 3	3	2	1,122		425
Subtotal	3	3	3,668	455	1,275
2.5					
Level 1	1	1	1,004	455	400
Level 2	3	2	1,122		425
Level 3	3	2	1,122		425
Subtotal	3	3	3,668	455	1,275
2.6					
Level 1	1	1	1,004	455	400
Level 2	3	2	1,122		425
Level 3	3	2	1,122		425
Subtotal	3	3	3,668	455	1,275
2.7					
Level 1	1	1	1,017	485	400
Level 2	3	2	1,166		425
Level 3	3	2	1,166		425
Subtotal	3	3	3,749	485	1,275
TOTAL	21	21	18,755	3,245	8,225
RM-1 TOTAL	30	30	37,496	5,580	15,250

MU-2 ZONE CALCULATIONS								
Building	Bedrooms	Area (Net)	Open Space	Commercial Area (Net)	Restaurant Area (Net)	Circulation Area (Net)	Gross Area	FAR Area
Level 1								
A101				2,410			160	3,047
A201	2	1,078	84				177	3,389
A202	1	688	84					
A203	1	851	135					
Level 2								
A301	2	874	199					
A302	1	688	84					
A303	1	799	128					
Level 3								
Subtotal								
B								
Level 1								
B101			1,655		1,318		154	3,622
B102							175	3,870
Level 2								
B201	2	1,054	71					
B202	2	1,067	130					
B203	2	947	142					
Level 3								
B301	1	913	171					
B302	2	1,031	108					
B303	2	987	142					
Level 4								
Subtotal								
C								
Level 1								
C101			1,738			200	4,577	4,512
C102						1,110	3,622	3,573
C103						976	211	5,166
Level 2								
C201	2	1,200	144					
C202	2	1,111	84					
C203	2	977	60					
C204	2	990	100					
Level 3								
Subtotal								
TOTAL								
MU-2 TOTAL								
MU-2 TOTAL								
MU-2 TOTAL								

MU-2 ZONE PARKING (per MMC 9-9-6)			
Use	Required	Proposed	
(16) 1&2 Bed Units	16	18	(1 per 1&2 bed units)
Commercial	5,803	11	6 (1 per 500 sf, rounded down per 9-9-6(e))
Restaurant			
B102	38	13	13 (1 per 3 seats)
C102	32	11	11 (1 per 3 seats)
C103	28	9	9 (1 per 3 seats)
Total	60	57	

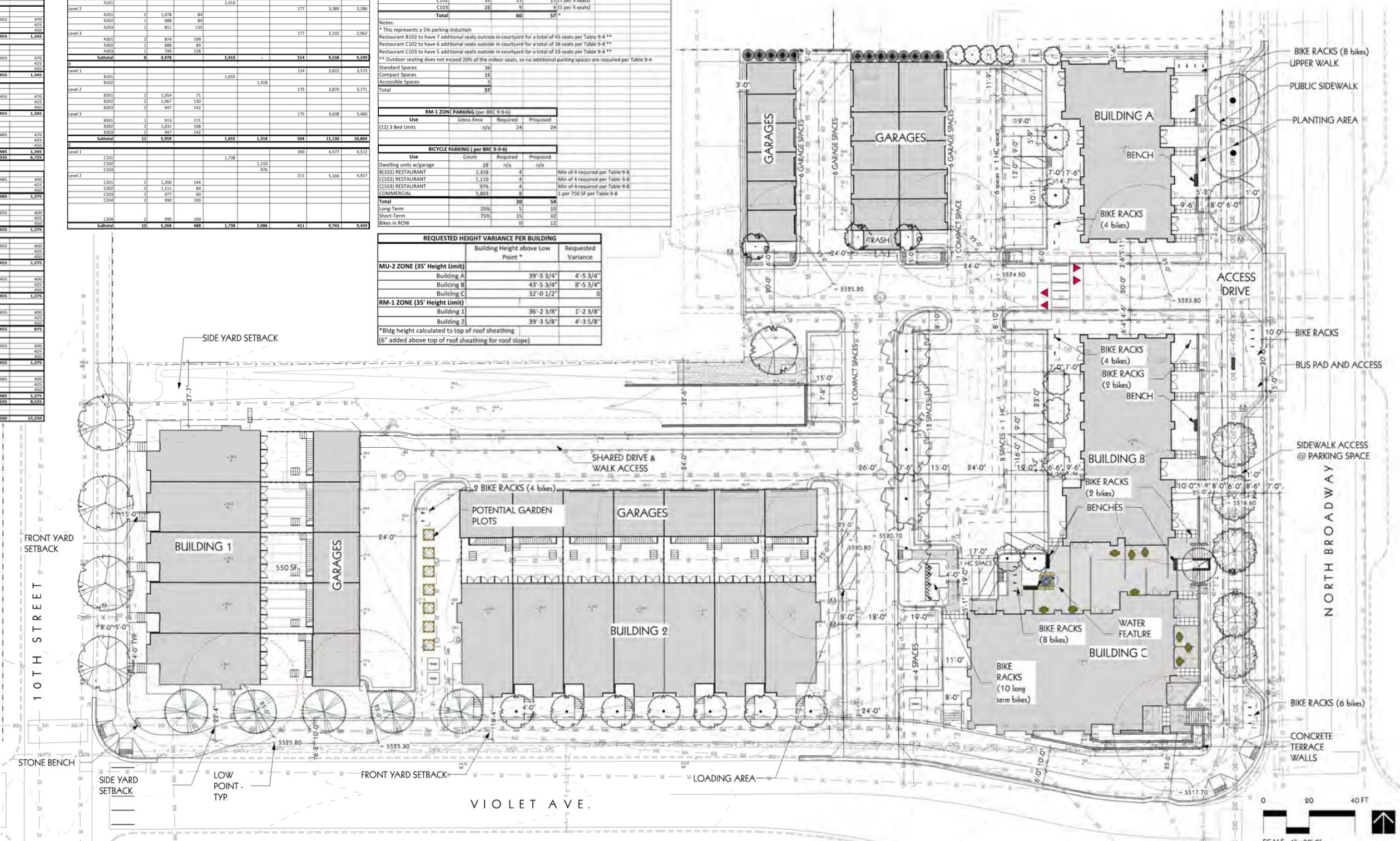
Notes:
 * This represents a 5% parking reduction
 Restaurant B102 to have 7 additional seats outside in courtyard for a total of 45 seats per Table 9-4 **
 Restaurant C102 to have 6 additional seats outside in courtyard for a total of 38 seats per Table 9-4 **
 Restaurant C103 to have 5 additional seats outside in courtyard for a total of 33 seats per Table 9-4 **
 ** Outdoor seating does not exceed 20% of the indoor seats, so no additional parking spaces are required per Table 9-4

RM-1 ZONE PARKING (per BRC 9-9-6)			
Use	Gross Area	Required	Proposed
(12) 3 Bed Units	n/a	24	24

BICYCLE PARKING (per BRC 9-9-6)			
Use	Count	Required	Proposed
Dwelling units w/garage	28	n/a	n/a
B102 RESTAURANT	1,318	4	Min of 4 required per Table 9-8
C102 RESTAURANT	1,110	4	Min of 4 required per Table 9-8
C103 RESTAURANT	976	4	Min of 4 required per Table 9-8
COMMERCIAL	5,803	8	1 per 750 SF per Table 9-8
Total		20	54
Long-Term		25%	5
Short-Term		75%	15
Bikes in ROW		0	12

REQUESTED HEIGHT VARIANCE PER BUILDING			
	Building Height above Low Point *	Requested Variance	
MU-2 ZONE (35' Height Limit)			
Building A	39'-5 3/4"	4'-5 3/4"	
Building B	43'-5 3/4"	8'-5 3/4"	
Building C	32'-0 1/2"	0	
RM-1 ZONE (35' Height Limit)			
Building 1	36'-2 3/8"	1'-2 3/8"	
Building 2	39'-3 5/8"	4'-3 5/8"	

* Bldg height calculated to top of roof sheathing
 (6" added above top of roof sheathing for roof slope)



4403 BROADWAY

SITE PLAN

SR-A1.01

4403 Broadway Street
 Boulder, CO 80303

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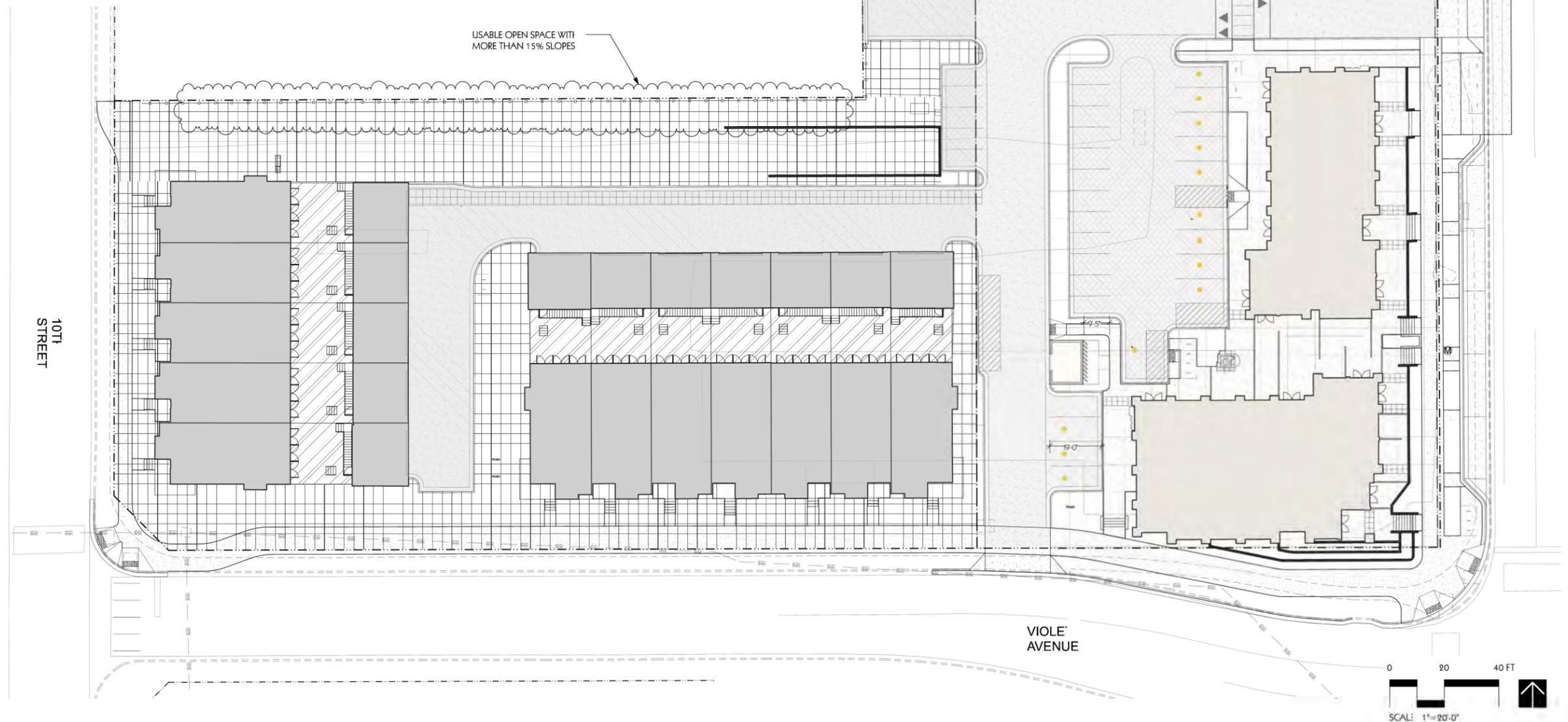


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4403 BROADWAY - Open Space

Required		Area (sf)	DU's	Total (sf)	
Minimum Open Space Required		3,000	12	36,000	100% (per table 8-1 BRC)
Provided		Area (sf)	DU's		
Site Open Space				11,360	32%
Water Quality "Pond" Area				1,070	3%
Water Quality Area < 15%				4,500	13%
Water Quality Area > 15%				3,050	8%
Courtyard Open Space					
Building 1		470	5	2,350	
Building 2		400	7	2,800	
Subtotal				5,150	14%
ROW Open Space				8,000	10% (limited to 10% of total required open space per BR 9-11(f)(4))
Private Open Space					
Garage Roof Decks		380	12	4,560	
Second Floor Balconies		45	12	540	
Third Floor Roof Decks		450	12	5,400	
Subtotal				10,500	25% (limited to 25% of total required open space per BR 9-11(f)(1))
Total Open Space Provided				37,730	105% 1,730 5%

Required		Lot Area	Required	Total (sf)	
Minimum Open Space Required		50,810	15%	7,622	(per table 8-1 BRC)
Provided				16,318	214%



4403 BROADWAY

OPEN SPACE DIAGRAM

SR-A1.02

4403 Broadway Street
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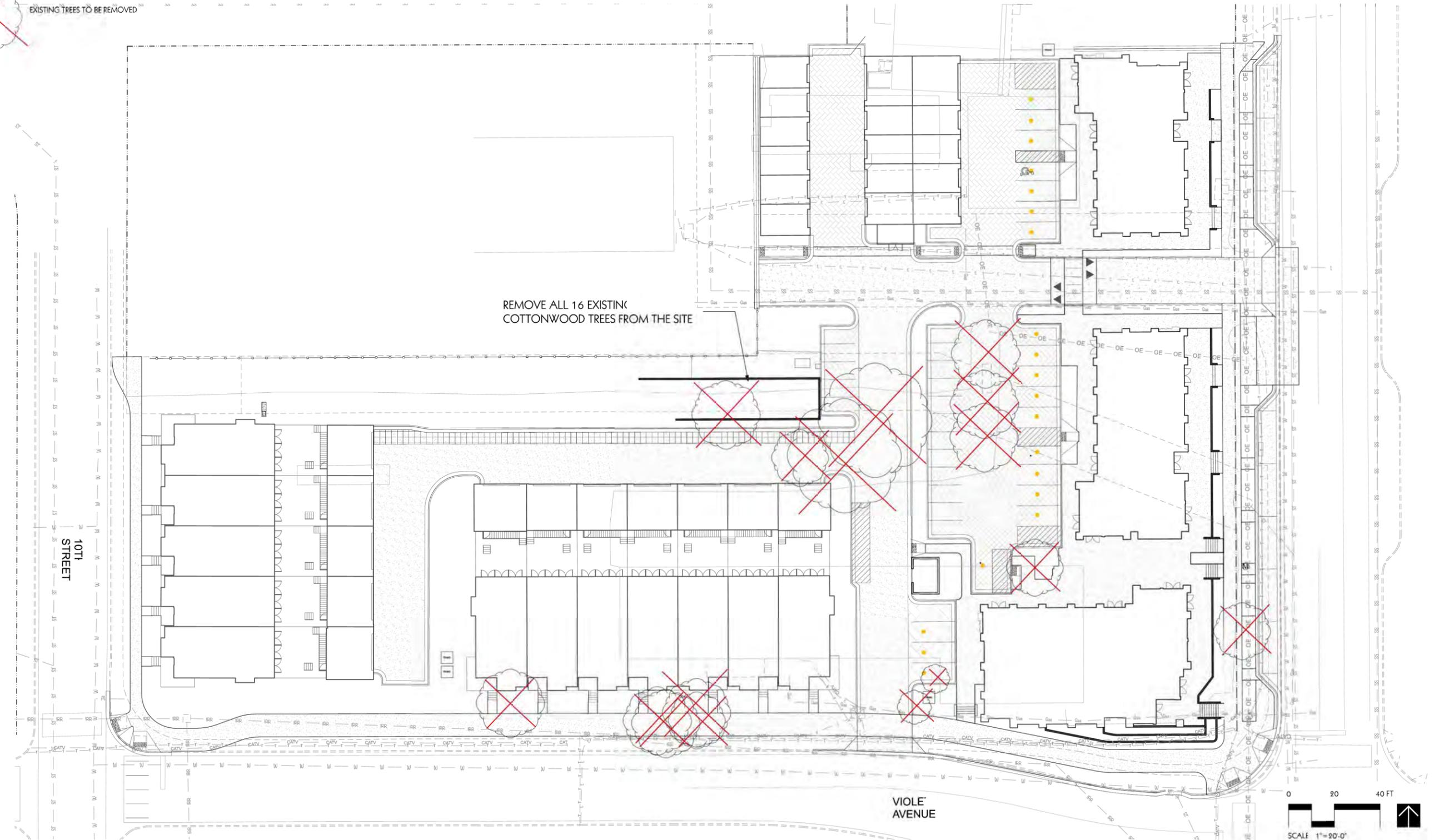
Site Review
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4403 BROADWAY

TREE MITIGATION PLAN

SR-L0.01

4403 Broadway Street
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02.10.2016

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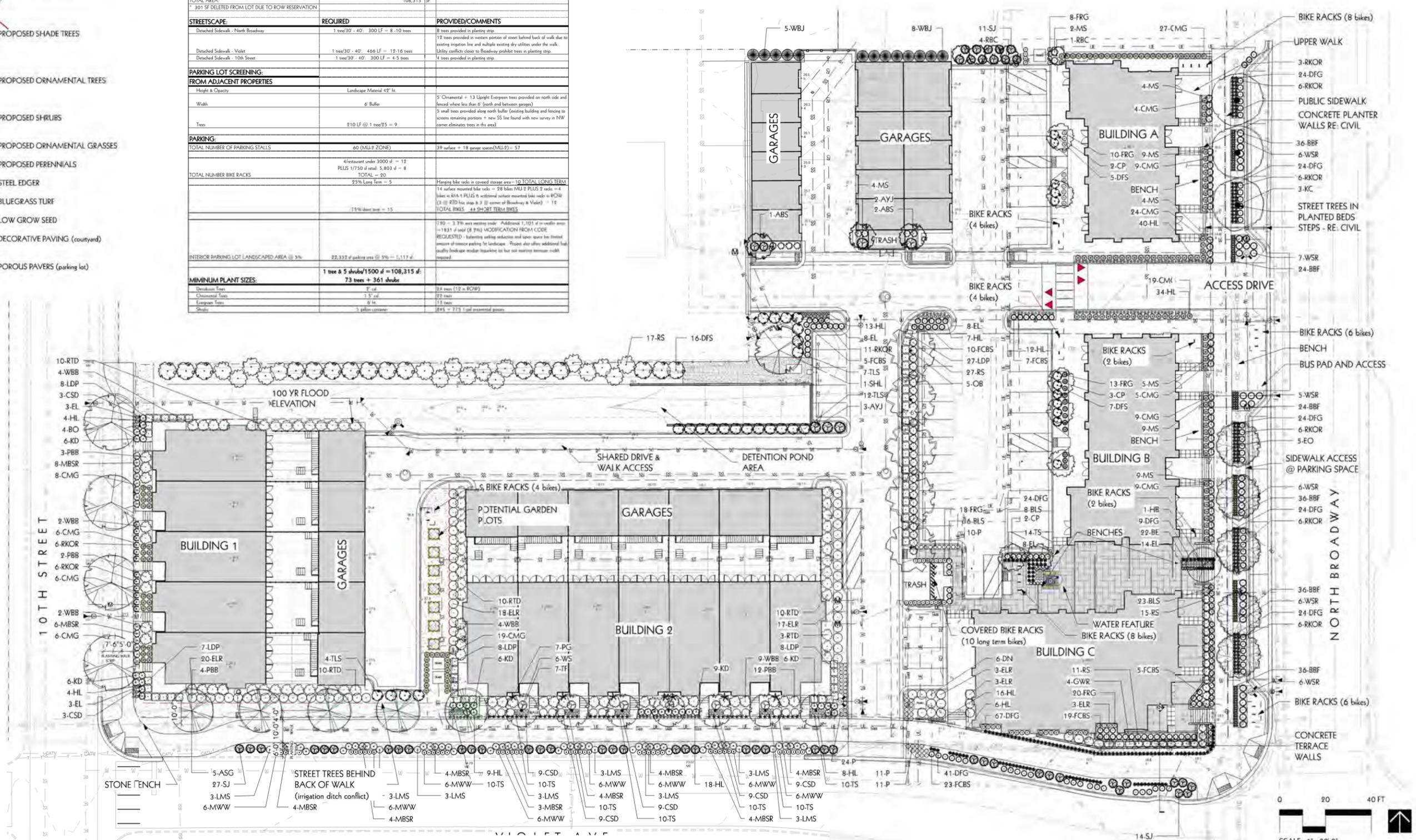
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LEGEND:

- EXISTING TREES (to be removed)
- PROPOSED SHADE TREES
- PROPOSED ORNAMENTAL TREES
- PROPOSED SHRUBS
- PROPOSED ORNAMENTAL GRASSES
- PROPOSED PERENNIALS
- STEEL EDGER
- BLUEGRASS TURF
- LOW GROW SEED
- DECORATIVE PAVING (courtyard)
- POROUS PAVERS (parking lot)

LANDSCAPE REQUIREMENTS: 02/08/16		
OVERALL SITE	REQUIRED	PROVIDED/COMMENTS
LOT AREA - RM zone	57,505 SF	
LOT AREA - MU2 zone*	50,810 SF	
TOTAL AREA:	108,315 SF	
* 301 SF DELETED FROM LOT DUE TO ROW RESERVATION		
STREETSCAPE:	REQUIRED	PROVIDED/COMMENTS
Detached Sidewalk - North Broadway	1 tree/30' - 40' - 300 LF = 8-10 trees	8 trees provided in planting strip.
Detached Sidewalk - Violet	1 tree/30' - 40' - 466 LF = 12-16 trees	12 trees provided in western portion of street behind back of walk due to existing irrigation line and multiple existing dry utilities under the walk. Utility conflicts closer to Broadway prohibit trees in planting strip.
Detached Sidewalk - 10th Street	1 tree/30' - 40' - 300 LF = 4-5 trees	4 trees provided in planting strip.
PARKING LOT SCREENING:		
FROM ADJACENT PROPERTIES		
Height & Opacity	Landscape Material 42" ht	5' Ornamental + 13 Upright Evergreen trees provided on north side and fenced where less than 6' (north end between garages).
Width	6' Buffer	5 small trees provided along north buffer (existing building and fencing to screens remaining portions + new 55 line found with new survey in NW corner eliminates trees in this area).
Trees	210 LF @ 1 tree/25 = 9	
PARKING:		
TOTAL NUMBER OF PARKING STALLS	60 (MU2 ZONE)	39 surface + 18 garage spaces(MU2) = 57
TOTAL NUMBER BIKE RACKS	4/restaurant under 3000 sf = 12 PLUS 1/750 sf retail 5,803 sf = 8 TOTAL = 20 25% Long Term = 5	Hanging bike racks in covered storage area = 10 TOTAL LONG TERM 14 surface mounted bike racks = 28 bikes MU2 PLUS 2 racks = 4 bikes in BKA + 1 PLUS 2 additional surface mounted bike racks in ROW (2 @ RTD line area & 2 @ corner of Broadway & Violet) = 12 TOTAL BIKES 44 SHARED TRAIL BIKES
INTERIOR PARKING LOT LANDSCAPED AREA @ 3%	22,332 sf parking area @ 3% = 1,117 sf	170' x 3.75% area existing under. Additional 1,101' of in-situ area = 18,817 sf and (2) 2" MODIFICATION FROM CODE REQUESTED - existing parking reduction and space space less limited amount of interior parking lot landscape. Project also offers additional high quality landscape modular parking lot but not meeting minimum width required.
MINIMUM PLANT SIZES:	1 tree & 5 shrubs/1500 sf = 108,315 sf: 73 trees + 361 shrubs	
Deciduous Trees	1" cal	24 trees (12 in ROW)
Ornamental Trees	1.5" cal	22 trees
Evergreen Trees	8" ht	13 trees
Shrubs	5" yellow container	845 = 275 1 and ornamental grasses



4403 BROADWAY

LANDSCAPE PLAN

SR-L1.01

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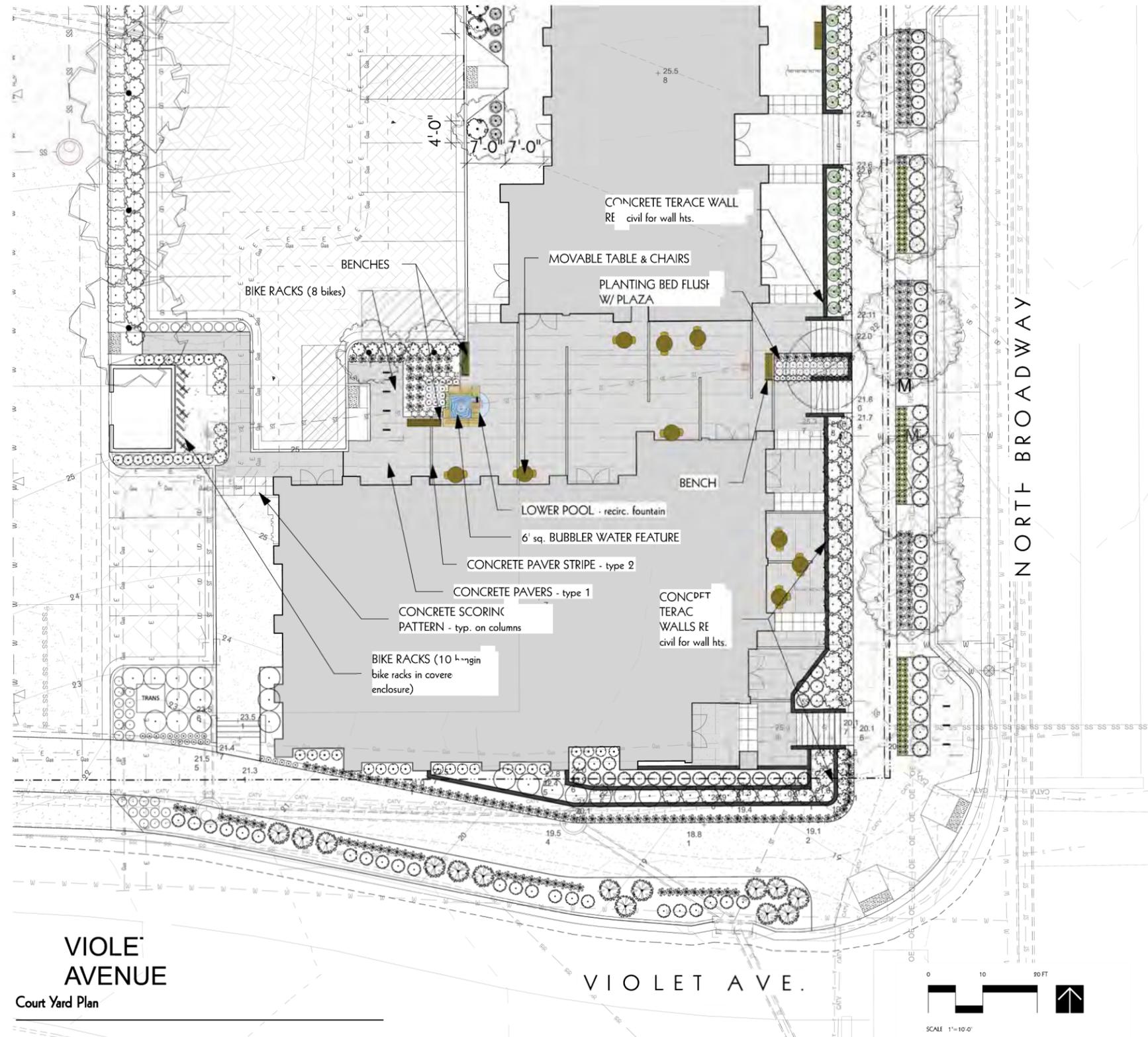
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Project No.: 2801



studiolarchitecture.com 866.529.9130



VIOLET AVENUE
Court Yard Plan

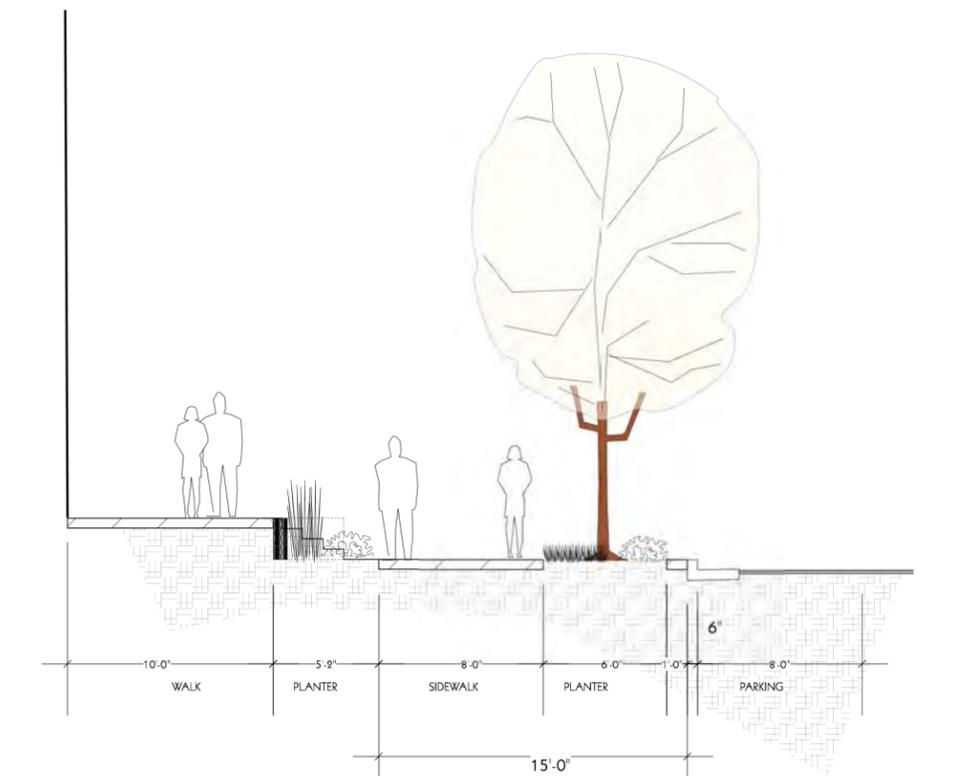
4403 BROADWAY

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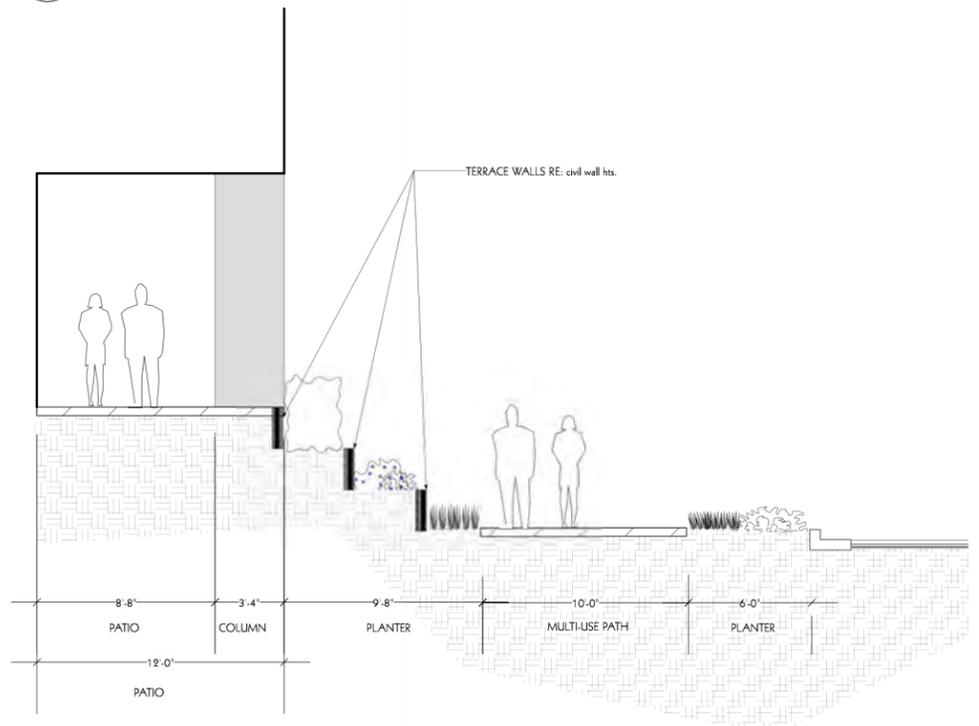
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LANDSCAPE PLAN ENLARGEMENTS

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Boulder, CO 80304



1 Broadway Streetscape Section
scale 1/8" = 1'-0"



2 Violet Streetscape Section
scale 1/8" = 1'-0"

SR-L1.02



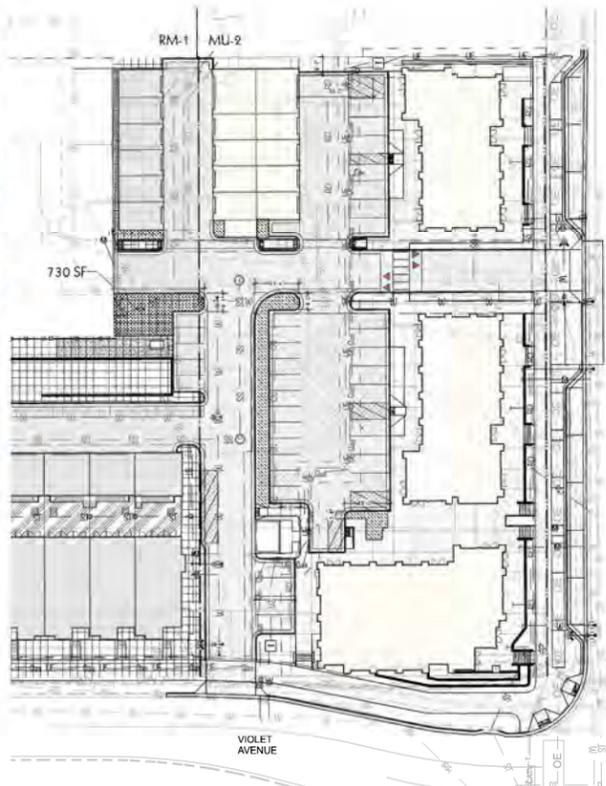
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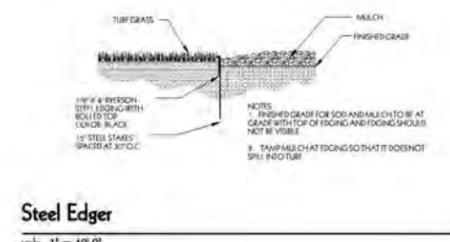
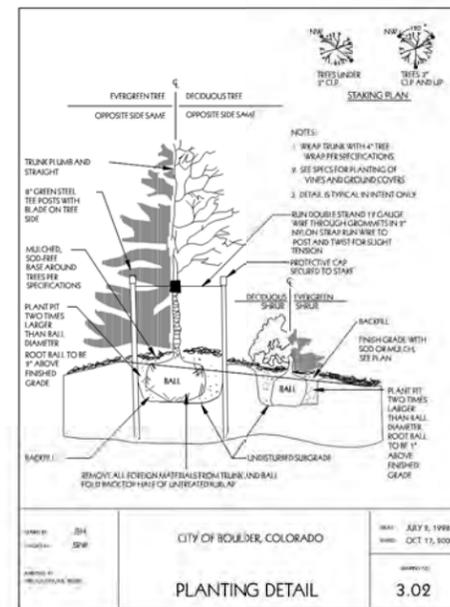
PLANT LIST: 02-05-16					
KEY	QTY	COMMON NAME	SCIENTIFIC NAME	SIZE	O.C. SPACING
SHADE TREES:					
ASG	5	American Sweetgum	<i>Liquidambar styraciflua</i>	8" dip	as shown
BO	4	Bur Oak	<i>Quercus macrocarpa</i>	8" dip	as shown
EO	5	English Oak	<i>Quercus robur</i>	8" dip	as shown
HB	1	Hackberry	<i>Celtis occidentalis</i>	8" dip	as shown
KC	3	Kentucky Coffeetree	<i>Gymnocladia dioica</i>	8" dip	as shown
OB	5	Ohio Buckeye	<i>Aesculus glabra</i>	8" dip	as shown
SHL	1	Shademaster Honeylocust	<i>Gleditsia triacanthos var. inermis 'Shademaster'</i>	8" dip	as shown
TOTAL:	24				
ORNAMENTAL TREES:					
ABS	3	Autumn Brilliance Smoketree	<i>Aamelachia x grandiflora 'Autumn Brilliance'</i>	1.5' dip	as shown
CP	7	Chantrelle Pear	<i>Pyrus calleryana 'Chantrelle'</i>	1.5' dip	as shown
RBC	5	Red Baron Crabapple	<i>Malus Red Baron'</i>	1.5' dip	as shown
TF	7	Turkish Filbert	<i>Corylus colurna</i>	1.5' dip	as shown
TOTAL:	22				
EVERGREEN TREES:					
WBJ	13	Wichita Blue Juniper	<i>Juniperus scopulorum 'Wichita Blue'</i>	4' ht	5' o.c.
TOTAL:	13				
DECIDUOUS SHRUBS:					
BE	29	Blaendy Euonymus	<i>Euonymus fortunei 'Blaendy'</i>	5 gallon	2' o.c.
RL5	37	Buckhead Spirea	<i>Spirea bushiana 'Buckhead'</i>	5 gallon	2.5' o.c.
CMD	15	Carol Mackie Dogwood	<i>Dogwood caroliniana 'Carol Mackie'</i>	5 gallon	3.5' o.c.
DFS	35	Dwarf Fragrant Sunac	<i>Rhus aromatica 'Coco-Lava'</i>	5 gallon	5' o.c.
DN	6	Dwarf Ninebark	<i>Physocarpus opulifolius 'Nanus'</i>	5 gallon	4' o.c.
ELP	64	Easy Living Rose	<i>Rosa x 'Living Easy'</i>	5 gallon	5' o.c.
FCBS	69	First Choice Blue Spirea	<i>Campanula x clandonensis 'First Choice'</i>	5 gallon	2.5' o.c.
GWR	4	Golden Wings Rose	<i>Rosa 'Golden Wings'</i>	5 gallon	5' o.c.
KD	33	Kelley's Dwarf Red-Osier Dogwood	<i>Cornus sericea 'Kelley's'</i>	5 gallon	3.5' o.c.
LDP	58	Ludlowe Privet	<i>Ligustrum vulgare 'Ludlowe'</i>	5 gallon	3.5' o.c.
LMS	24	Linenwood Spirea	<i>Spiraea x humboldt 'Linenwood'</i>	5 gallon	3' o.c.
MBSR	45	Morden Blue Shrub Rose	<i>Rosa x 'Morden Blue'</i>	5 gallon	3' o.c.
MS	50	Mixed Spirea	<i>Spirea japonica</i>	5 gallon	3' o.c.
MWW	48	Midwest Wisteria	<i>Wisteria florida 'Evers'</i>	5 gallon	3' o.c.
PBB	21	Compact Purple Butterfly Bush	<i>Buddleia davidii nanhiensis 'Petite Plum'</i>	5 gallon	5' o.c.
RKOR	56	Rambler Knock Out Rose	<i>Rosa x 'Rambler'</i>	5 gallon	3' o.c.
RS	70	Russian Sage	<i>Perovskia atriplicoides</i>	5 gallon	4' o.c.
PTD	43	Pearl Redtwig Dogwood	<i>Cornus sericea 'Pearl'</i>	5 gallon	5' o.c.
TLS	23	Three Leaf Sumac	<i>Rhus trilobata</i>	5 gallon	5' o.c.
WBB	21	Wanda White Butterfly Bush	<i>Buddleia davidii 'Wanda White'</i>	5 gallon	5' o.c.
WSR	36	White Meibland Landscape Rose	<i>Rosa Meibland White</i>	5 gallon	3' o.c.
TOTAL:	780				
EVERGREEN SHRUBS:					
AYJ	5	Andromeda Youngstown Juniper	<i>Juniperus horizontalis 'Youngstown'</i>	5 gallon	3' o.c.
SJ	54	Scandia Juniper	<i>Juniperus sabina 'Scandia'</i>	5 gallon	5' o.c.
WS	6	Willow Spirea	<i>Picea pungens 'Wildfire'</i>	5 gallon	as shown
TOTAL:	65				
ORNAMENTAL GRASSES:					
BBF	199	Boulder Blue Fescue	<i>Festuca glauca 'Boulder Blue'</i>	1 gallon	15" o.c.
CMG	163	Compact Maiden Grass	<i>Miscanthus sinensis 'Adagio'</i>	1 gallon	30" o.c.
DFG	261	Dwarf Fountain Grass	<i>Pennisetum alopecuroides 'Hansel'</i>	1 gallon	18" o.c.
FRG	69	Forester Feather Reed Grass	<i>Calamagrostis x acutiflora 'Karl Foerster'</i>	1 gallon	24" o.c.
MG	83	Morning Light Maiden Grass	<i>Miscanthus sinensis 'Morning Light'</i>	1 gallon	30" o.c.
PG	7	Plume Grass	<i>Saccharum ravennae</i>	1 gallon	as shown
TOTAL:	775				
PERENNIALS/GROUNDCOVERS:					
CSD	51	Compact Shasta Daisy	<i>Leucanthemum x superbum 'Silver Pinwheel'</i>	1 gallon	18" o.c.
EL	44	English Lavender	<i>Lavandula angustifolia 'Munstead'</i>	1 gallon	15" o.c.
HL	171	Deep Blue Lavender	<i>Lavandula angustifolia 'Hidcote'</i>	1 gallon	15" o.c.
P	56	Plumbago	<i>Carantolisma plumbaginoides</i>	1 gallon	24" o.c.
TS	84	Turkish Spathedell	<i>Veronica beccanensis</i>	1 gallon	18" o.c.
TOTAL:	406				

PLANT NOTES:

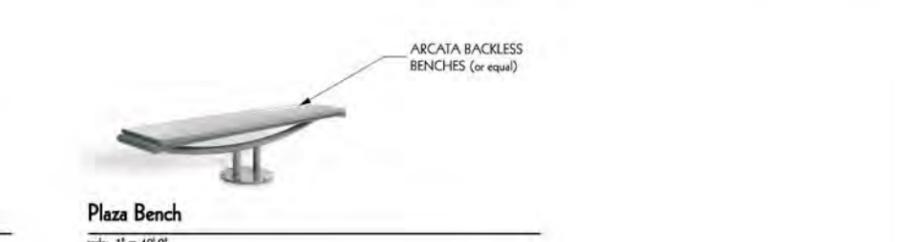
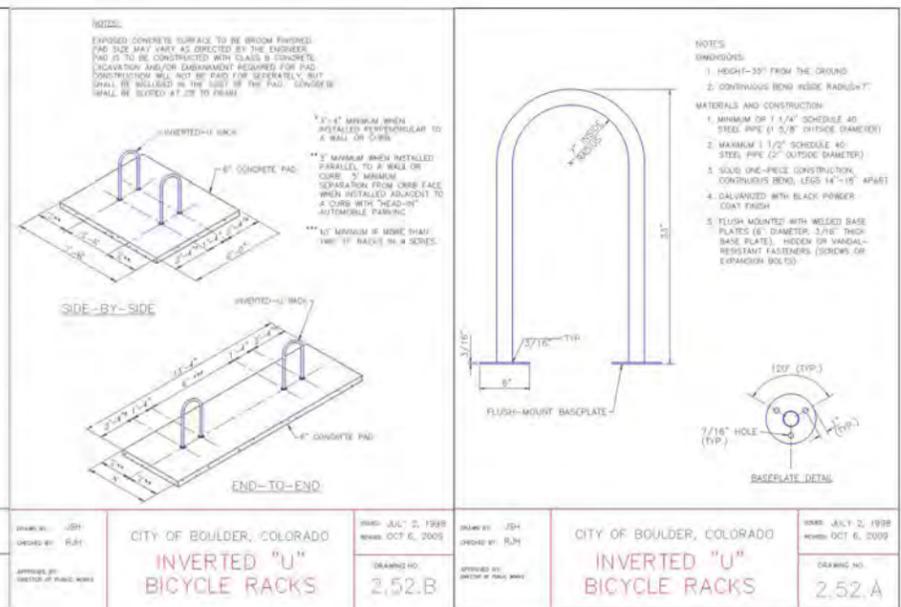
- All plant material shall meet specifications of the American Association of Nurserymen (AAN) for number one grade. All trees shall be balled and burlapped or equivalent. All plant materials shall have all wire, twine or other containment materials, except for burlap, removed from trunk and root ball of the plant prior to planting.
- Trees shall not be planted closer 10 feet to any sewer or water line. Tree planting shall be coordinated with Xcel Energy Company. Locations of all utilities shall be verified in the field prior to planting.
- All shrubs shall be planted no less than 3' from any sidewalk or curb.
- Grades shall be set to allow for proper drainage away from structures. Grades shall maintain smooth profiles and be free of surface debris, bumps, and depressions.
- Developers shall ensure that the landscape plan is coordinated with the plans done by other consultants so that the proposed grading, storm drainage, or other constructions does not conflict nor preclude installation and maintenance of landscape elements on this plan.
- All shrub bed areas shall be mulched with a 4" layer of wood bark mulch. Perennials and groundcover areas shall be mulched with a 4" layer of shredded bark mulch. No fabric to be installed in any ornamental grass, perennial or groundcover areas.
- Prior to installation of plant materials, areas that have been compacted or disturbed by construction activity shall be thoroughly loosened; organic soil amendments shall be incorporated at the rate of at least three (3) cubic yards per 1000 square feet of landscape area in all turf and shrub beds. Incorporate only 1.5 CY in seed areas.
- All lawn areas will be sodded with a fescue blend. Perimeter seed areas to be Low Grow Seed Mix as per Arkansas Valley Seed or equal. Drainage channel to be seeded with wetland seed mix.
- All landscape (plant materials and grass) will be irrigated with an automatic system. Turf areas will have a spray zone. Plants with like water requirements are shown together in order to have an efficient use of water. See Irrigation Plans for detailed information. (to be completed during Tec Docs).
- Contractor shall verify all material quantities prior to installation. Actual number of plant symbols shall have priority over the quantity designated.
- Refer to the City of Boulder Design and Construction Streetscaping Standards for all work within public areas, including tree protection standards. The developer will make every effort possible to protect trees within the site using the same standards.
- Refer to the Civil Engineer Drawings for Grading and Utility information.
- This plan meets or exceeds City of Boulder landscape code requirements when trees are planted behind back of walk.



Parking Lot - Interior Parking Lot Landscape
scale: 1" = 40'-0"



Steel Edger
scale: 1" = 40'-0"



Plaza Bench
scale: 1" = 40'-0"

PARKING LOT LANDSCAPE: 02/08/16			
	REQUIRED	PROVIDED	PERCENTAGE
PARKING LOT	22,332		
INTERIOR PLANTING AREAS - 5% REQUIRED	1,117		
AREAS MEETING MIN. CODE DIMENSIONS		730	3.3%
ADDITIONAL PLANTING AREAS		1,101	
TOTAL:		1,831	8.2%

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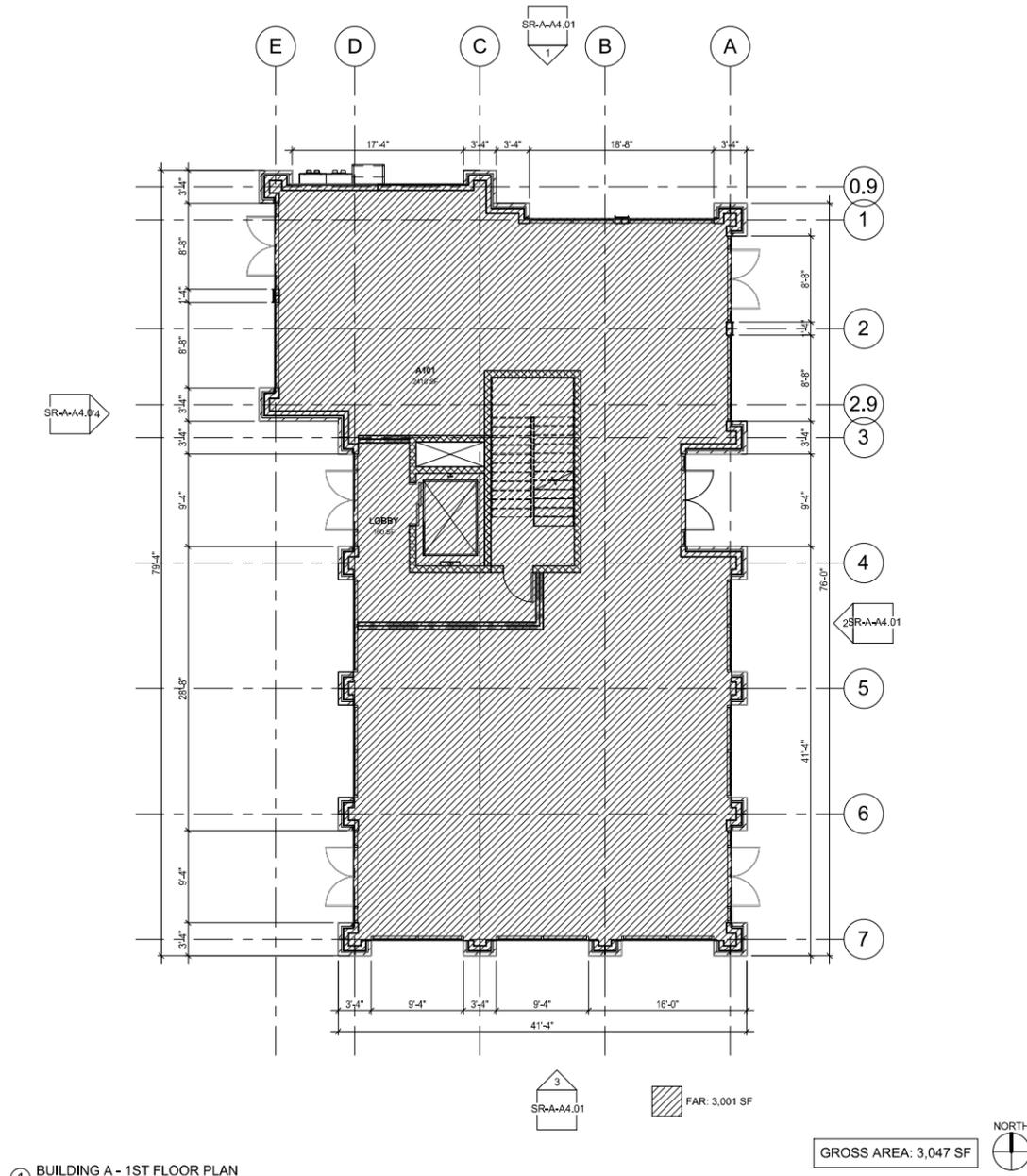
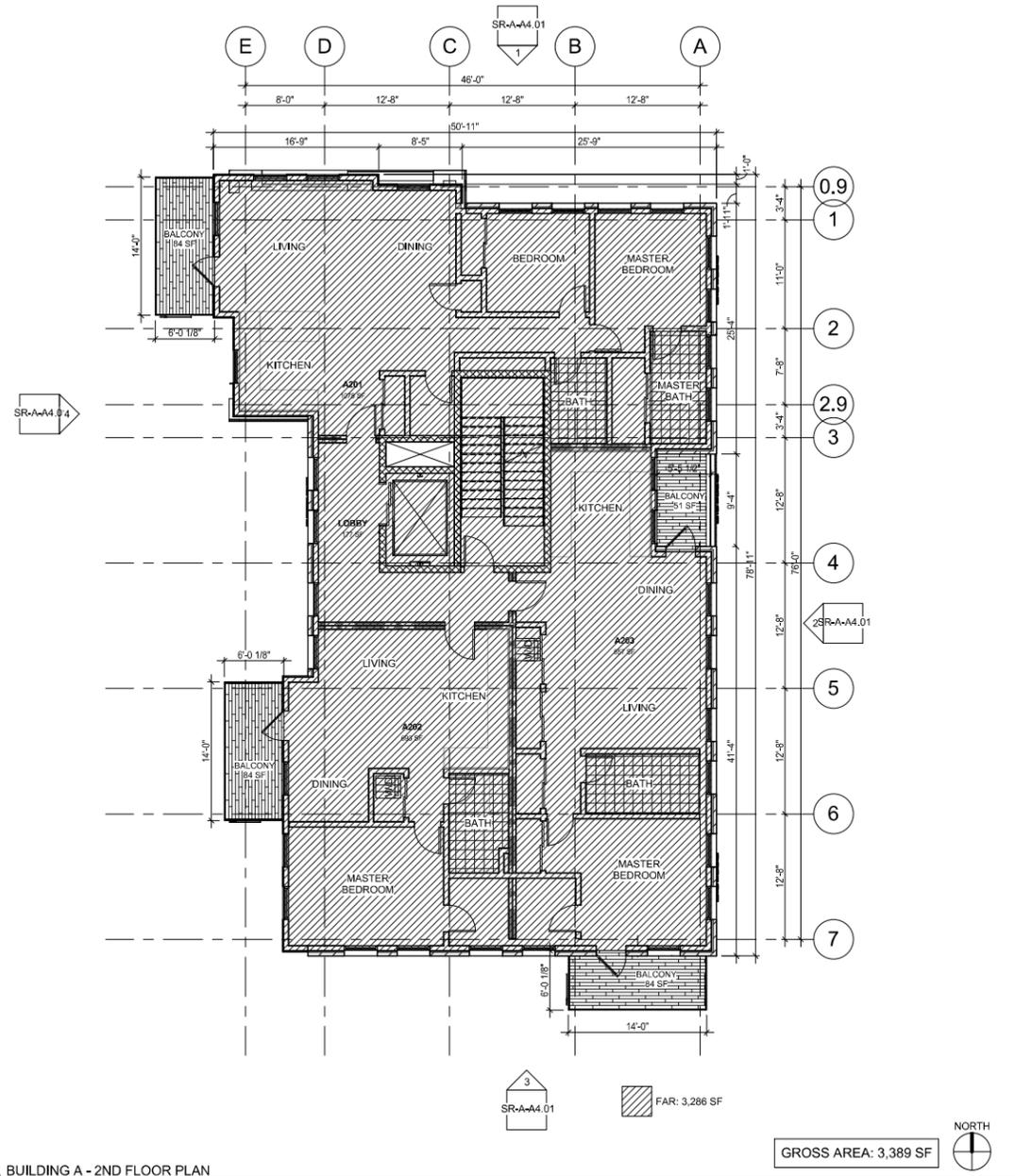
LANDSCAPE NOTES & DETAILS

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SR-L1.03

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west@studioarch.com 866.529.9130



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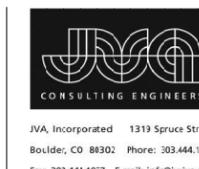
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BLDG A - FLOOR PLANS

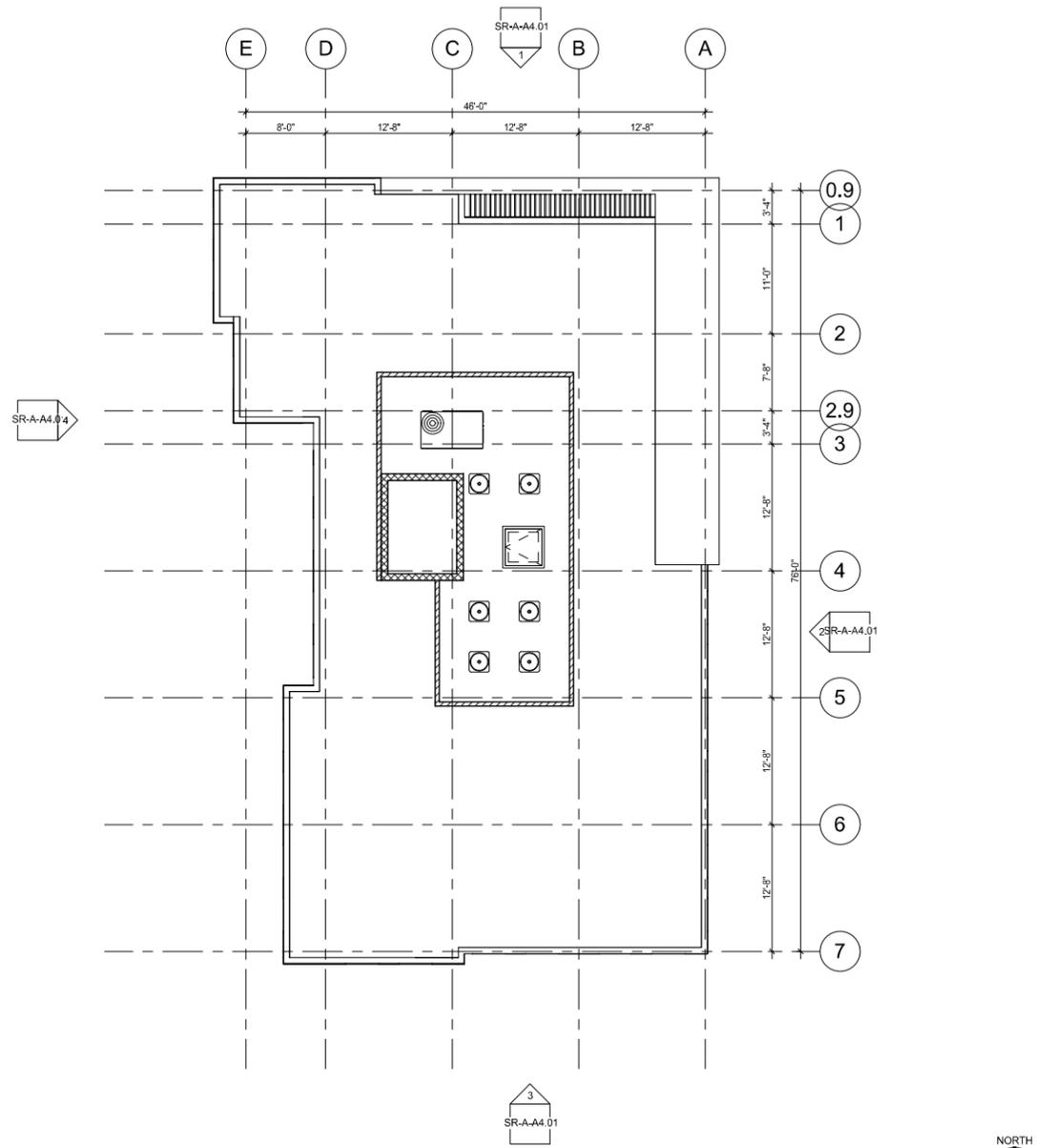
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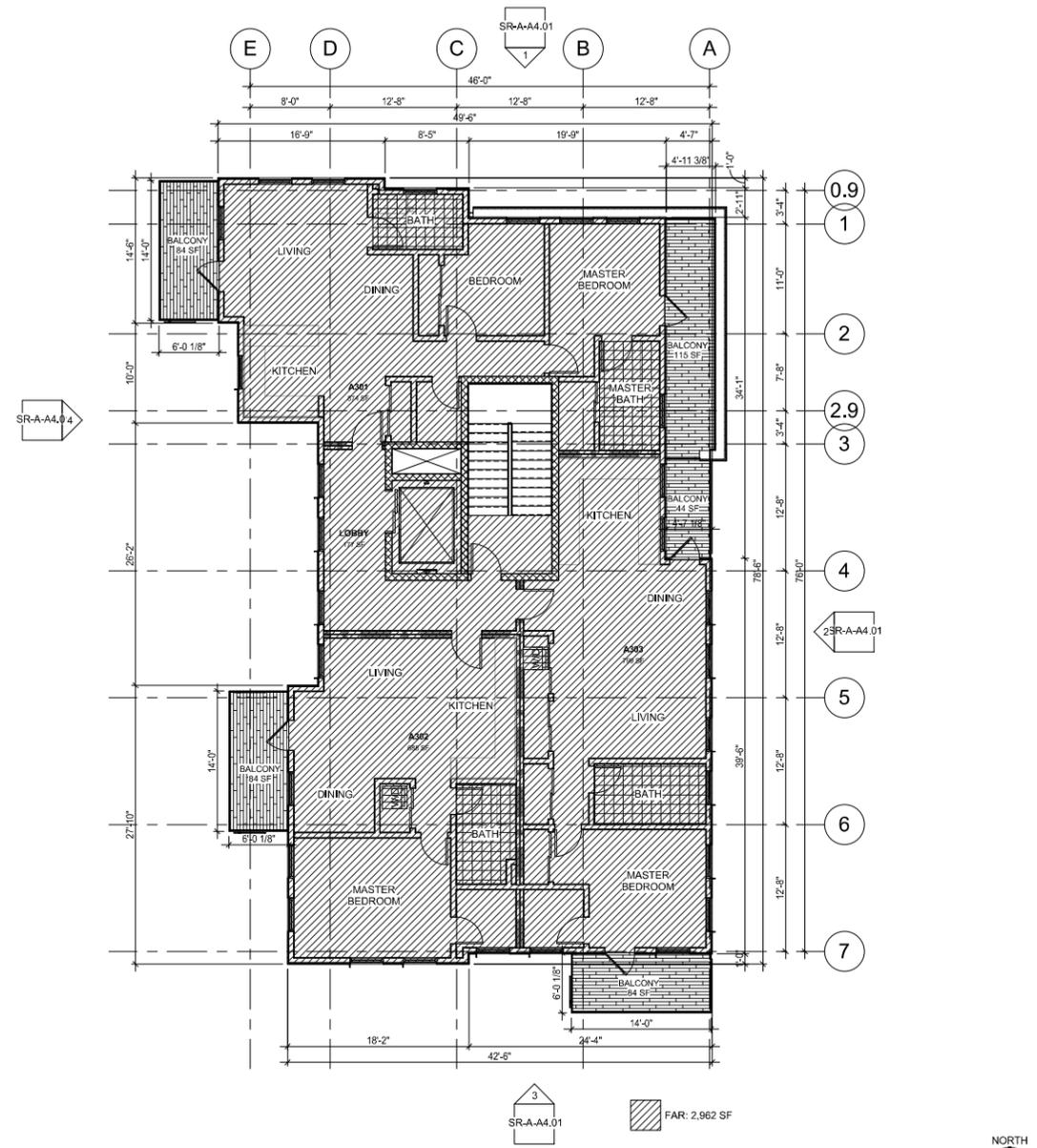


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2 BUILDING A - ROOF PLAN
1/8" = 1'-0"



1 BUILDING A - 3RD FLOOR PLAN
1/8" = 1'-0"

GROSS AREA: 3,102 SF

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BLDG A - FLOOR PLANS

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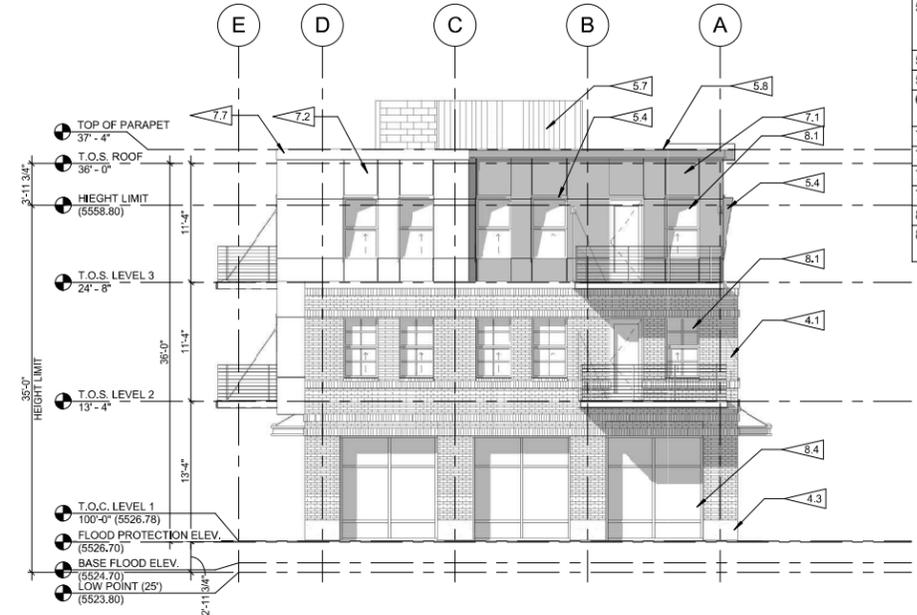


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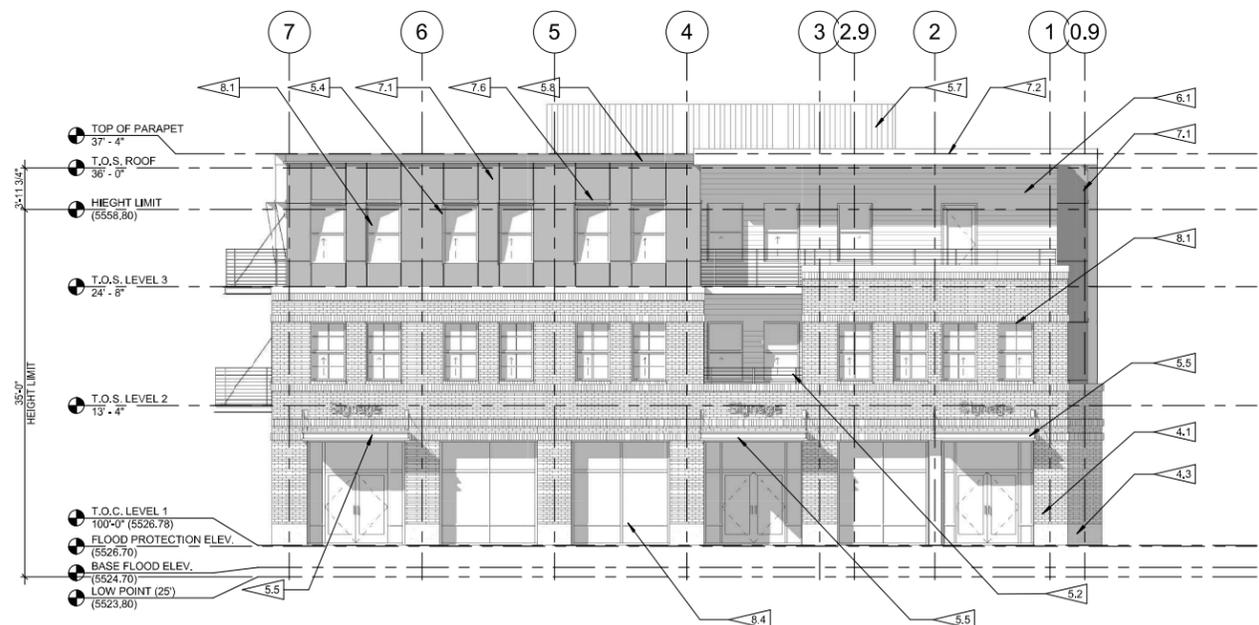
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3.2	PRECAST CONCRETE CAP PROFILE TBD.
4.1	MASONRY FACE BRICK COLOR 1
4.2	MASONRY FACE BRICK COLOR 2
4.3	ARRIS.TILE RENAISSANCE FINISH: SMOOTH COLOR: CHAMPAGNE
5.1	POWDER COATED STEEL WITH METAL GRATE BALCONY
5.2	STEEL RAILING POWDER COAT FINISH
5.4	PERFORATED METAL SUNSHADE
5.5	POWDER COATED STEEL WITH RESIN PANEL CANOPY AND 2X CLEAR VERTICAL GRAIN WESTERN RED CEDAR INLAY SLATS
5.7	CORRUGATED METAL MECHANICAL SCREEN
5.8	PAINTED METAL CORNICE
6.1	6" SHIPLAP CLEAR VERTICAL GRAIN WESTERN RED CEDAR
7.1	STUCCO SAND FINISH COLOR 1
7.2	STUCCO SAND FINISH COLOR 2
7.6	STUCCO HEAD DETAIL
7.7	STUCCO CORNICE
8.1	VINYL WINDOW
8.4	STOREFRONT CLEAR ANODIZED FINISH WITH SOLARBAN 60 INSULATED GLAZING



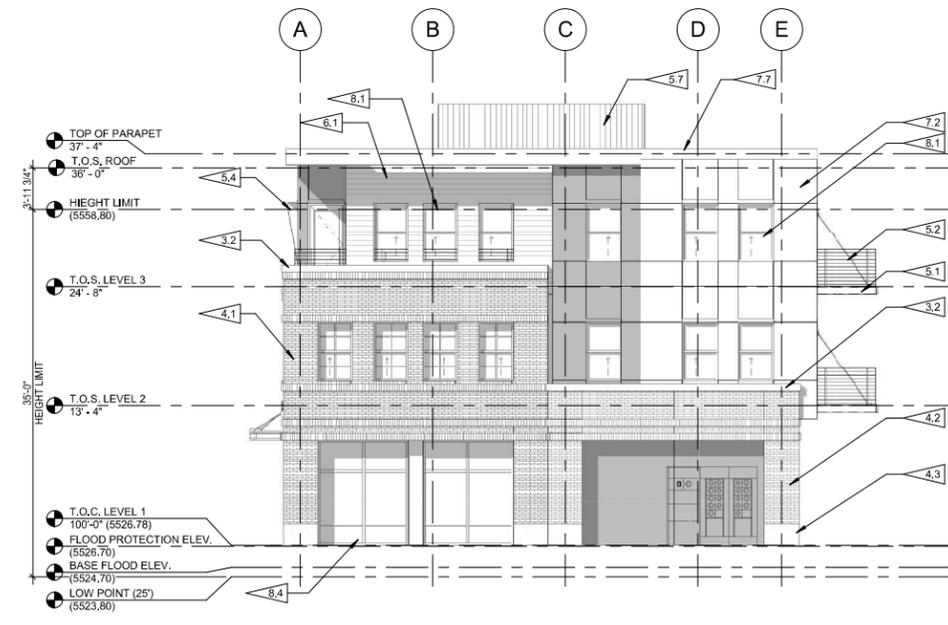
4 BUILDING A - WEST ELEVATION
1/8" = 1'-0"



3 BUILDING A - SOUTH ELEVATION
1/8" = 1'-0"



2 BUILDING A - EAST ELEVATION
1/8" = 1'-0"



1 BUILDING A - NORTH ELEVATION
1/8" = 1'-0"

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BLDG A - ELEVATIONS

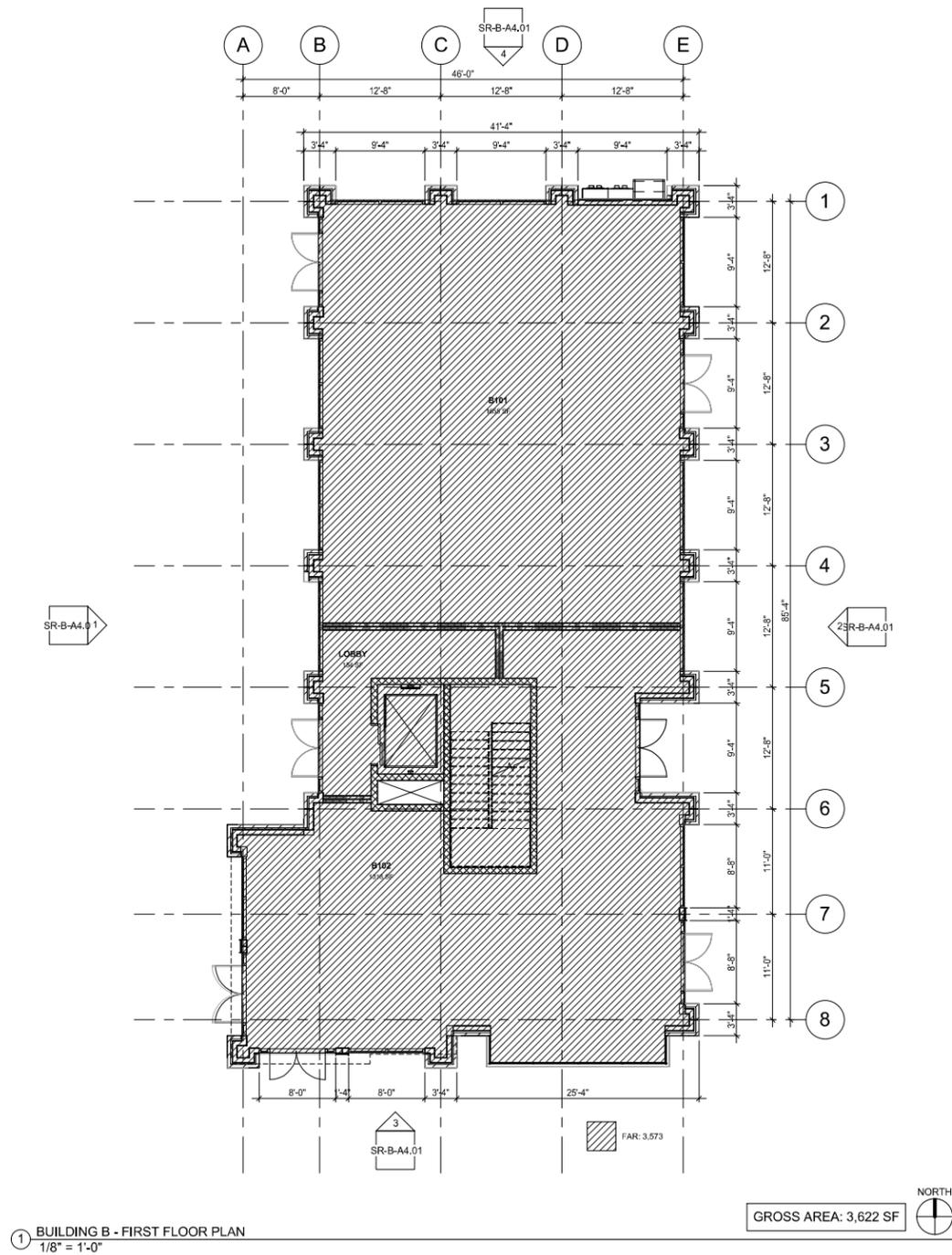
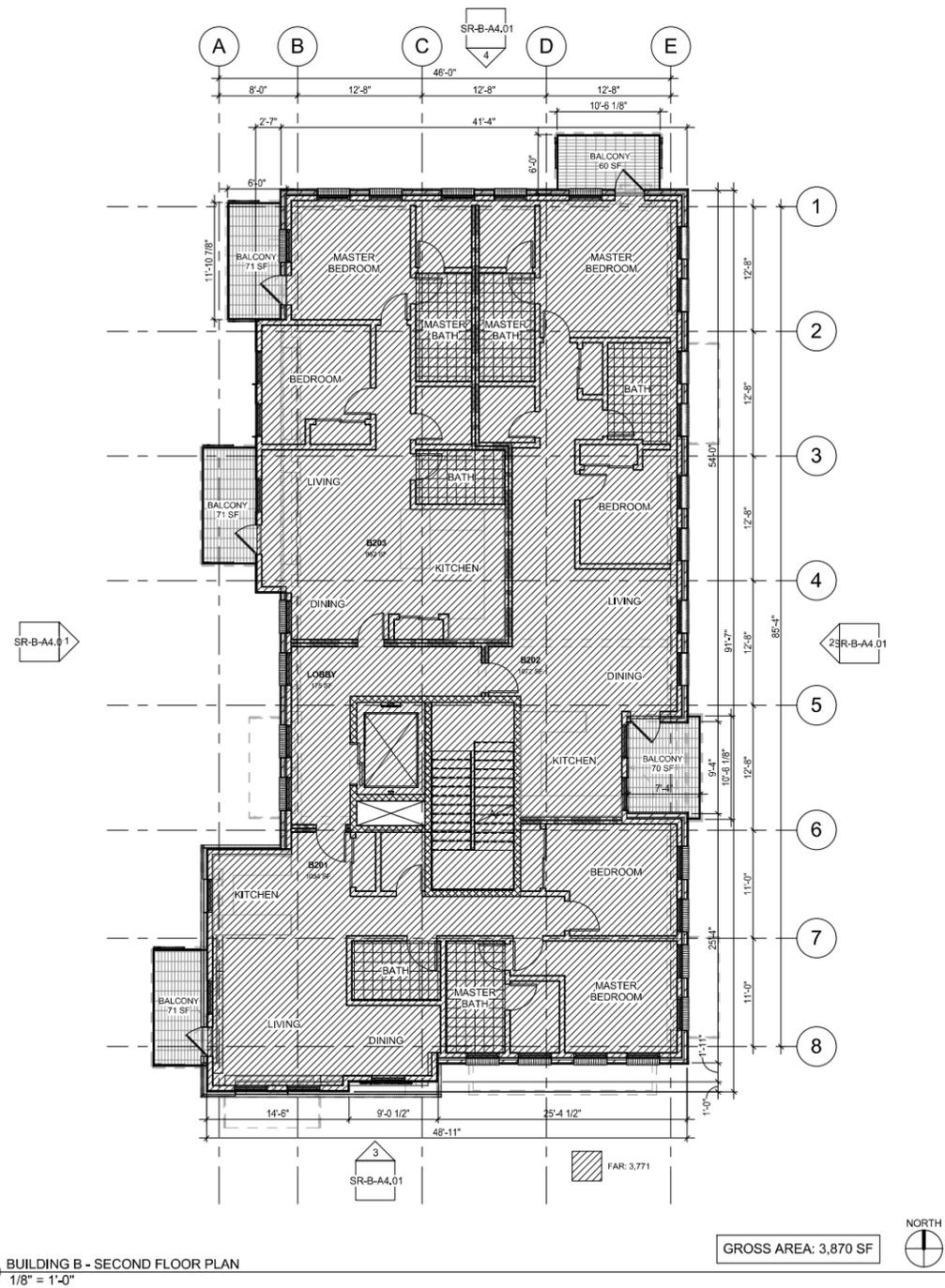
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BLDG B - FLOOR PLANS

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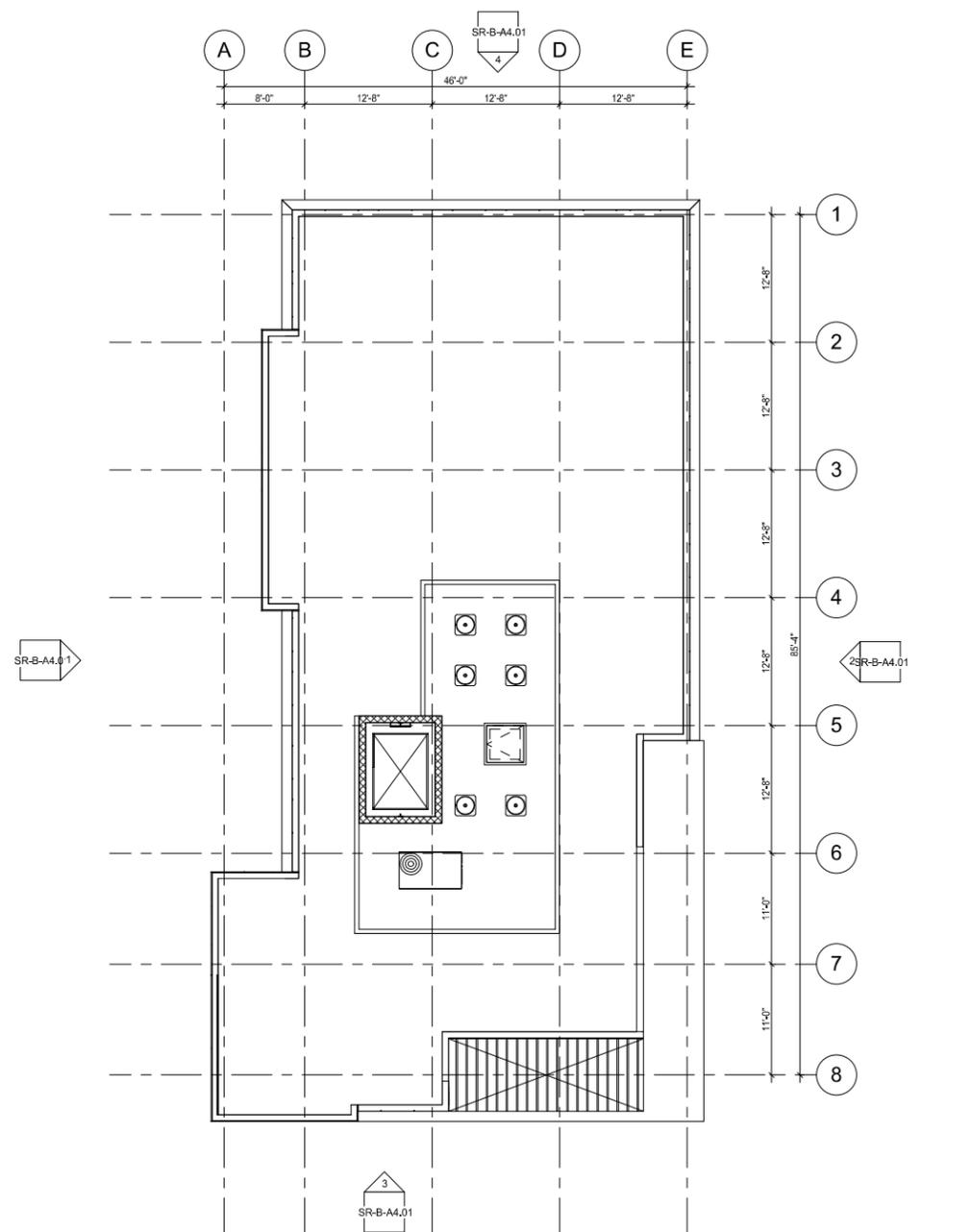


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Boulder, CO 80302 Phone: 303.444.1951
Fax: 303.444.1957 E-mail: info@jvajva.com

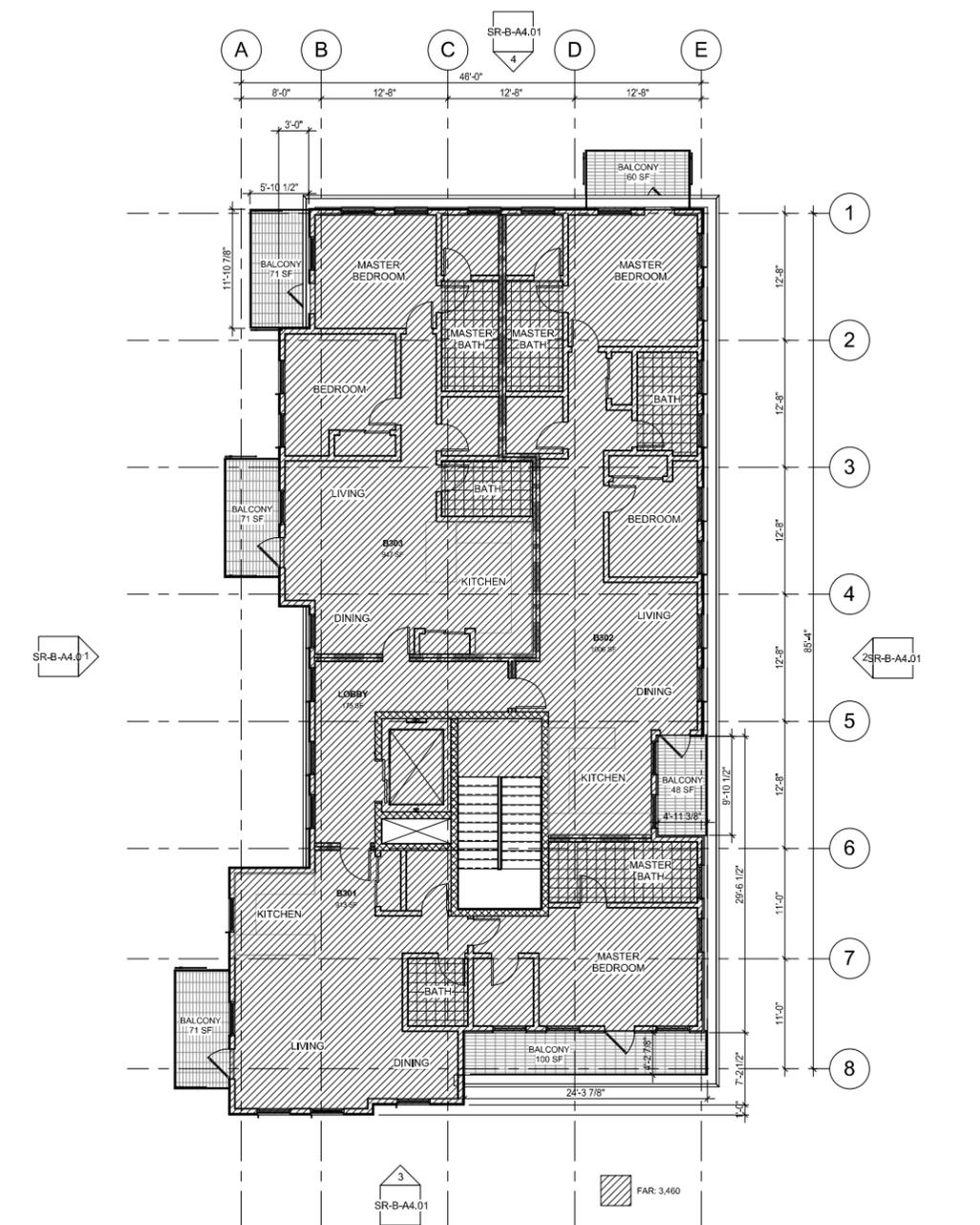
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2 BUILDING B - ROOF PLAN
1/8" = 1'-0"



1 BUILDING B - THIRD FLOOR PLAN
1/8" = 1'-0"

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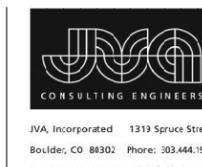
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BLDG B - FLOOR PLANS

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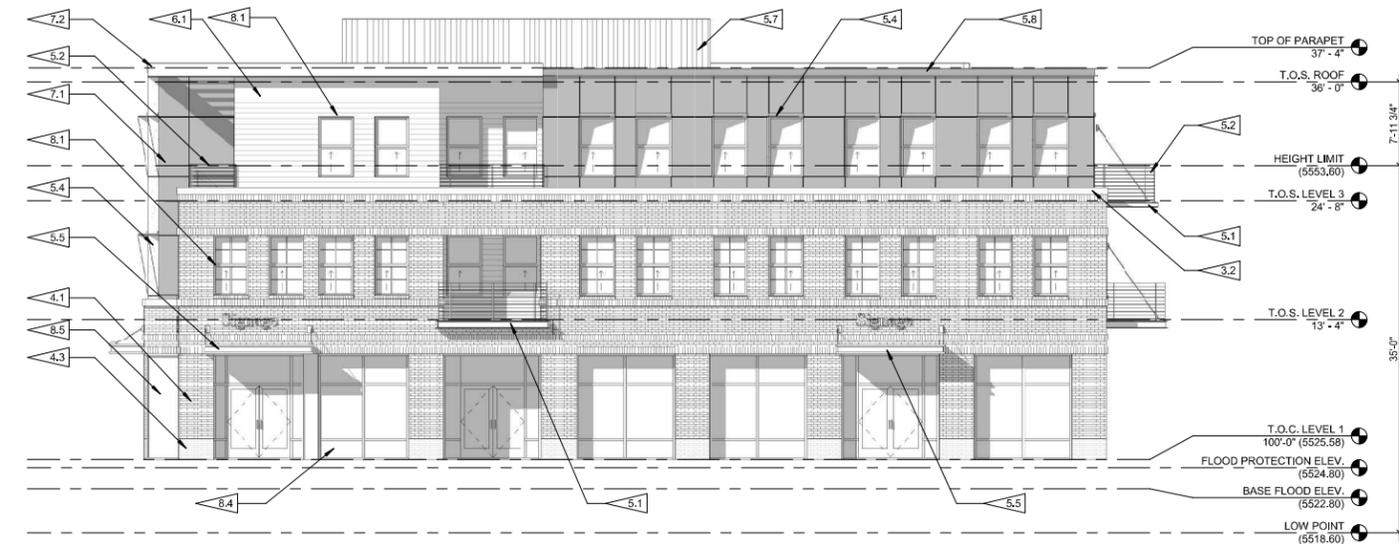
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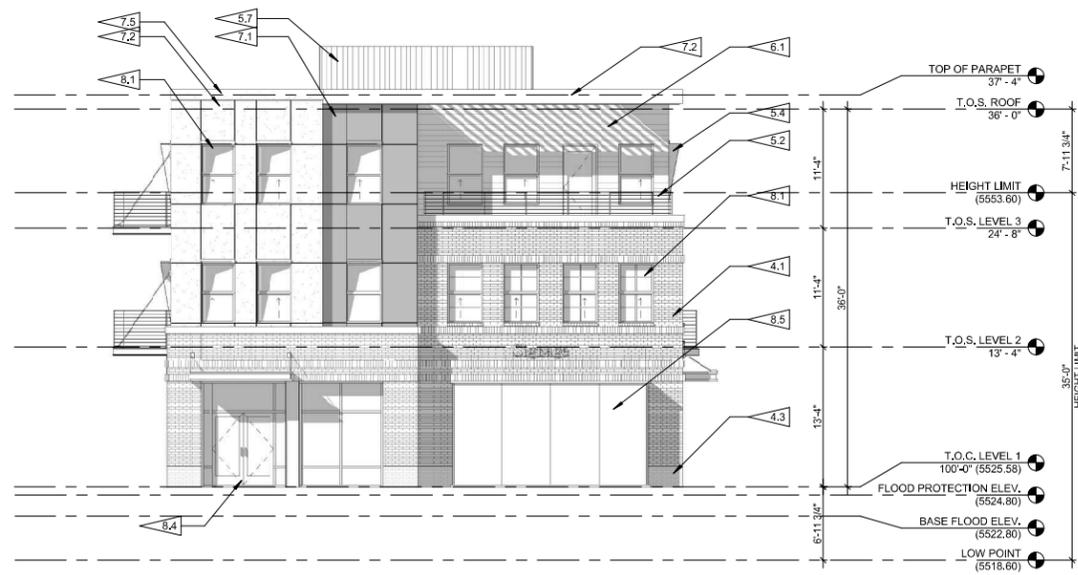
KEYNOTES	
Key Value	Keynote Text
3.2	PRECAST CONCRETE CAP PROFILE TBD.
4.1	MASONRY FACE BRICK COLOR 1
4.3	ARRIS TILE RENAISSANCE FINISH: SMOOTH COLOR: CHAMPAGNE
5.1	POWDER COATED STEEL WITH METAL GRATE BALCONY
5.2	STEEL RAILING POWDER COAT FINISH
5.4	PERFORATED METAL SUNSHADE
5.5	POWDER COATED STEEL WITH RESIN PANEL CANOPY AND 2X CLEAR VERTICAL GRAIN WESTERN RED CEDAR INLAY SLATS
5.7	CORRUGATED METAL MECHANICAL SCREEN
5.8	PAINTED METAL CORNICE
6.1	6" SHIPLAP CLEAR VERTICAL GRAIN WESTERN RED CEDAR
7.1	STUCCO SAND FINISH COLOR 1
7.2	STUCCO SAND FINISH COLOR 2
7.5	METAL FLASHING
7.6	STUCCO HEAD DETAIL
7.7	STUCCO CORNICE
8.1	VINYL WINDOW
8.4	STOREFRONT CLEAR ANODIZED FINISH WITH SOLARBAN 60 INSULATED GLAZING
8.5	BUTT GLAZED ALUMINUM STOREFRONT CLEAR ANODIZED FINISH WITH SOLARBAN 60 INSULATED GLAZING



④ BUILDING B - NORTH ELEVATION
1/8" = 1'-0"



② BUILDING B - EAST ELEVATION
1/8" = 1'-0"



③ BUILDING B - SOUTH ELEVATION
1/8" = 1'-0"



① BUILDING B - WEST ELEVATION
1/8" = 1'-0"

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BLDG B - ELEVATIONS

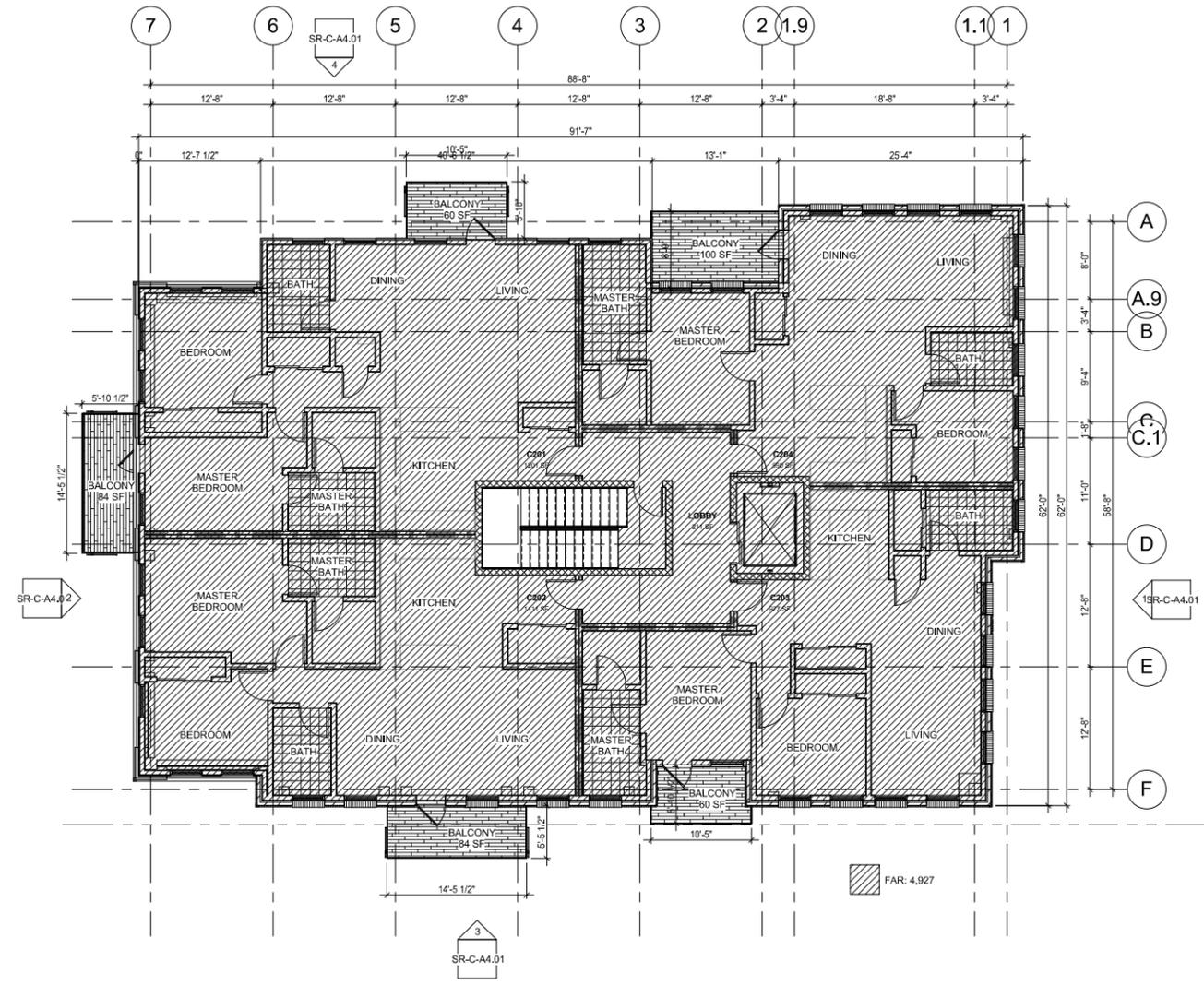
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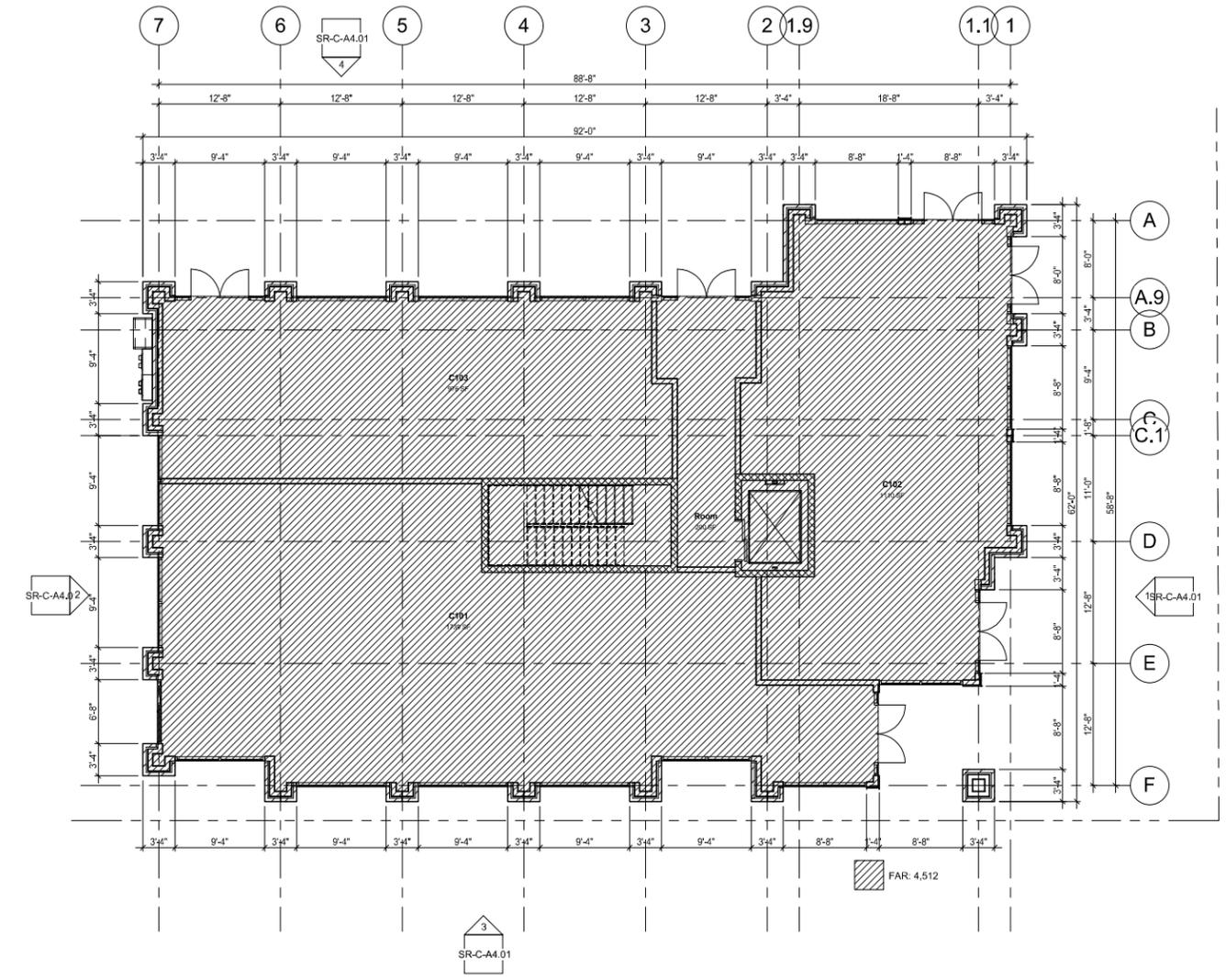


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2 BUILDING C - SECOND FLOOR PLAN
1/8" = 1'-0"



1 BUILDING C - FIRST FLOOR PLAN
1/8" = 1'-0"

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BLDG C - FLOOR PLANS

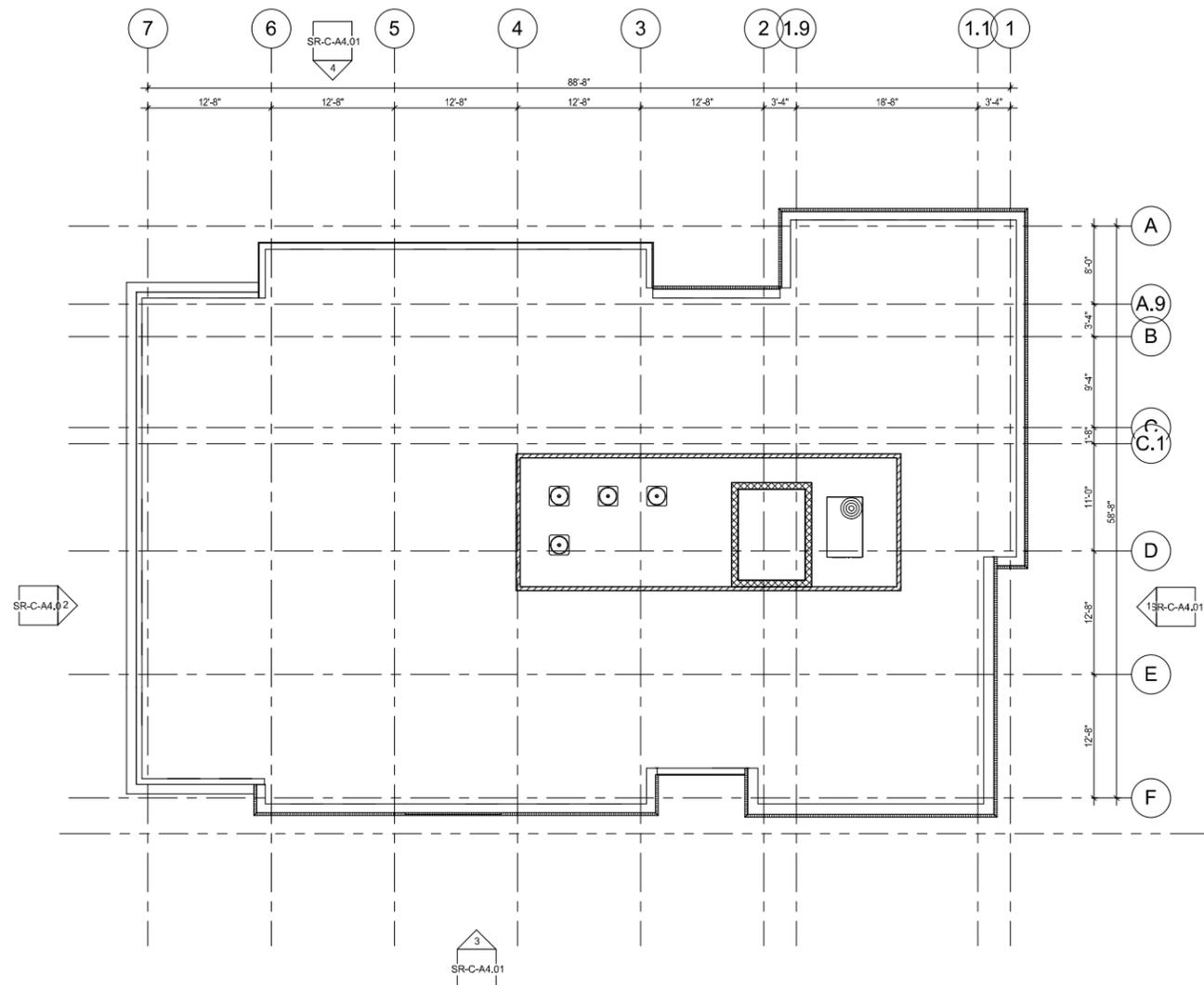
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① BUILDING C - ROOF PLAN
1/8" = 1'-0"

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BLDG C - FLOOR PLAN

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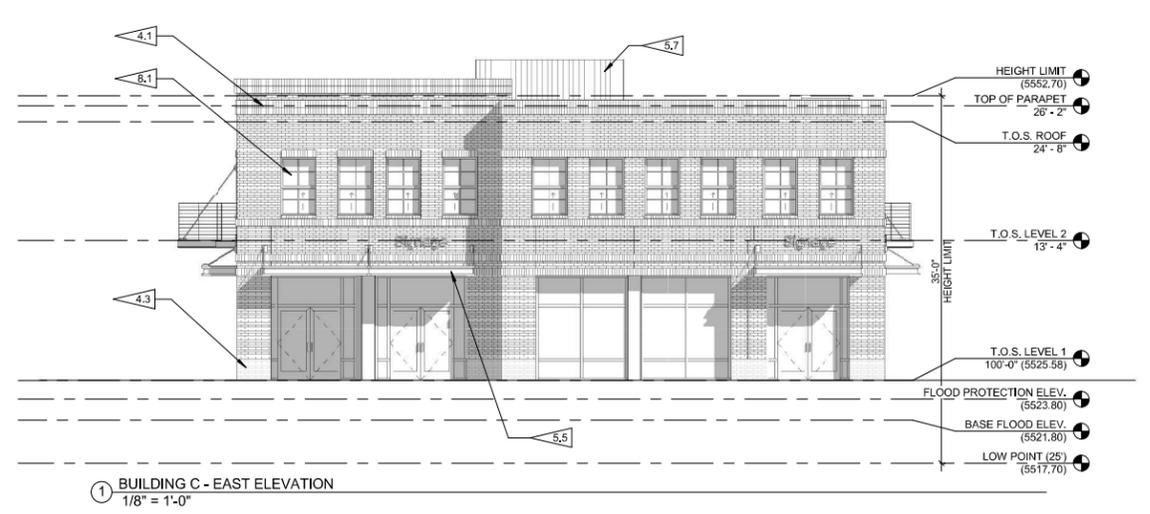
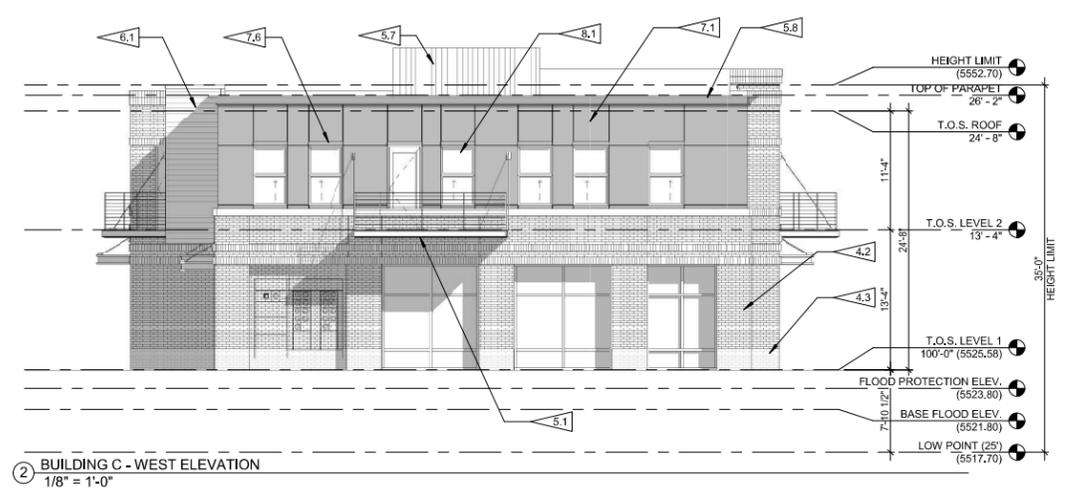
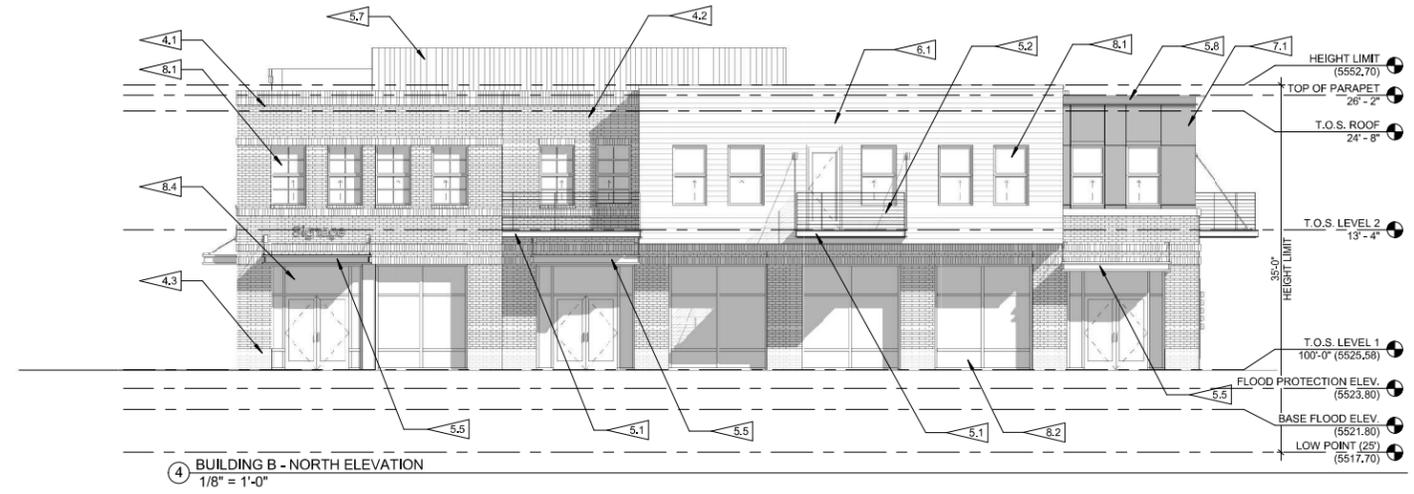
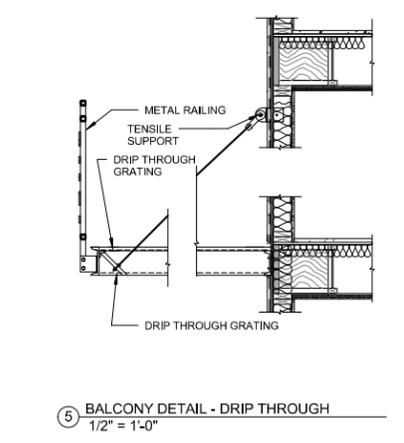
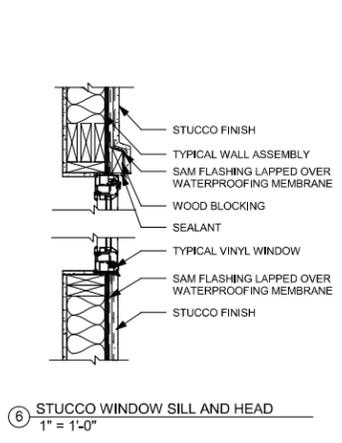
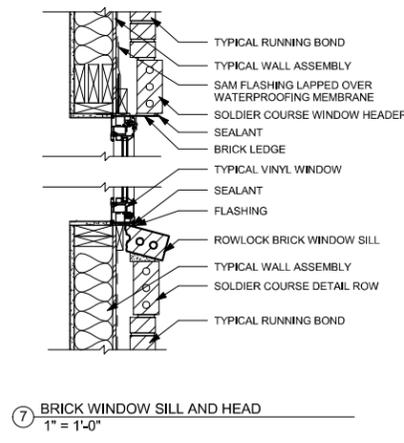
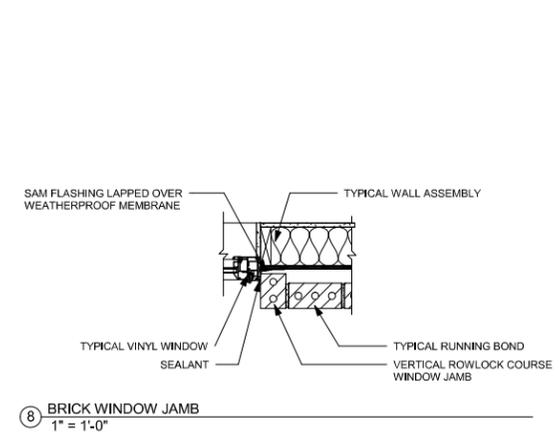


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KEYNOTES	
Key Value	Keynote Text
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4.1	MASONRY FACE BRICK COLOR 1
4.2	MASONRY FACE BRICK COLOR 2
4.3	ARRIS TILE RENAISSANCE FINISH: SMOOTH COLOR: CHAMPAGNE
5.1	POWDER COATED STEEL WITH METAL GRATE BALCONY
5.2	STEEL RAILING POWDER COAT FINISH
5.5	POWDER COATED STEEL WITH RESIN PANEL CANOPY AND 2X CLEAR VERTICAL GRAIN WESTERN RED CEDAR INLAY SLATS
5.7	CORRUGATED METAL MECHANICAL SCREEN
5.8	PAINTED METAL CORNICE
6.1	6" SHIPLAP CLEAR VERTICAL GRAIN WESTERN RED CEDAR
7.1	STUCCO SAND FINISH COLOR 1
7.6	STUCCO HEAD DETAIL
8.1	VINYL WINDOW
8.2	CLAD SWINGING PATIO DOOR
8.4	STOREFRONT CLEAR ANODIZED FINISH WITH SOLARBAN 60 INSULATED GLAZING



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BLDG C - ELEVATIONS

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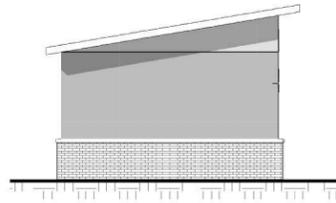
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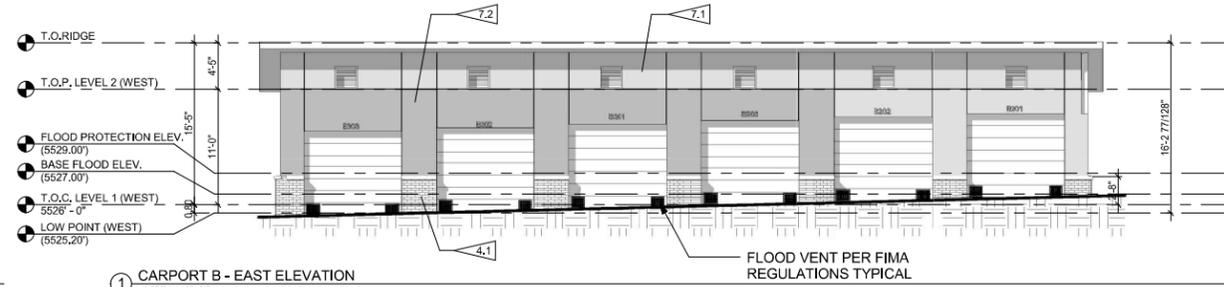
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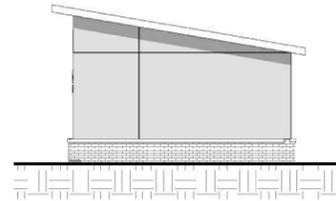
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7.1	STUCCO SAND FINISH COLOR 1
7.2	STUCCO SAND FINISH COLOR 2
7.6	STUCCO HEAD DETAIL
8.6	SECTIONAL GARAGE DOOR



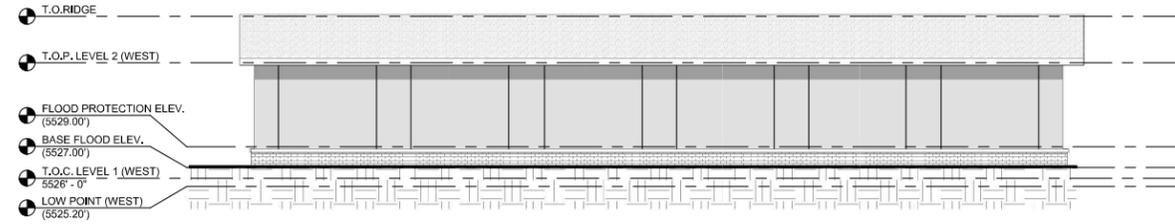
2 CARPORT B - SOUTH ELEVATION
1/8" = 1'-0"



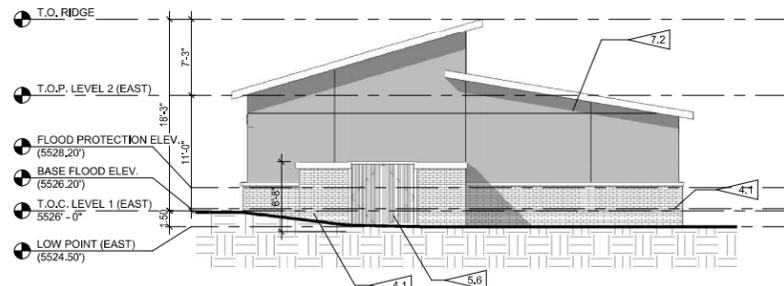
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1/8" = 1'-0"



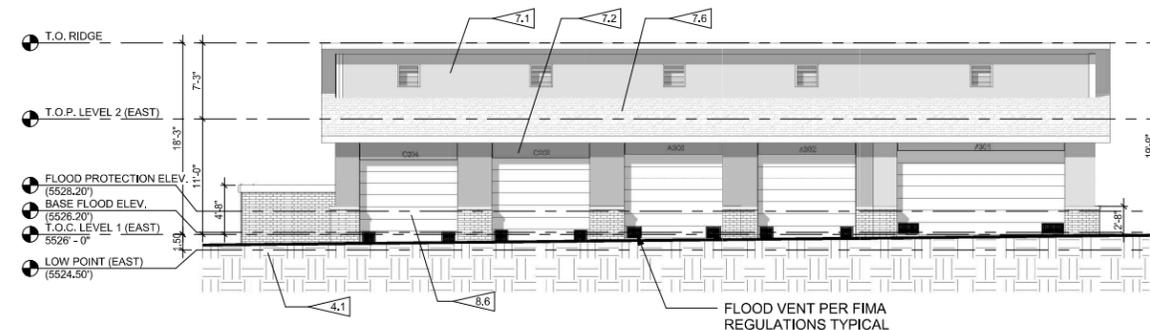
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1/8" = 1'-0"



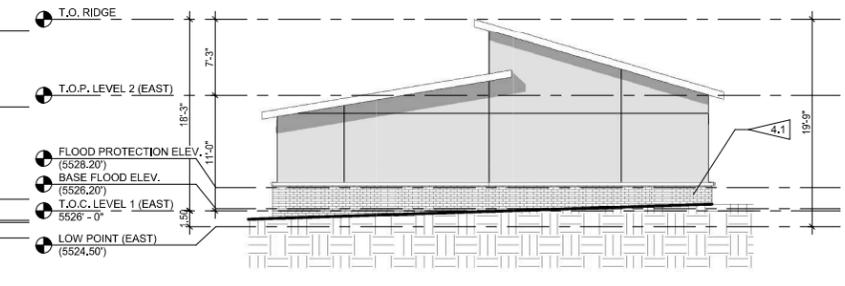
3 CARPORT B - WEST ELEVATION
1/8" = 1'-0"



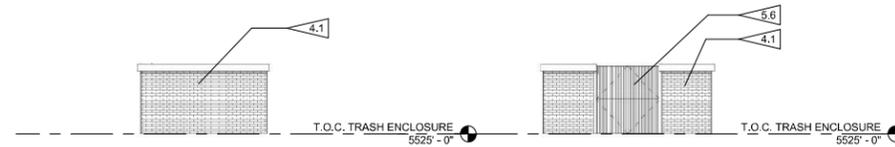
7 CARPORT A - SOUTH ELEVATION
1/8" = 1'-0"



6 CARPORT A - EAST ELEVATION
1/8" = 1'-0"

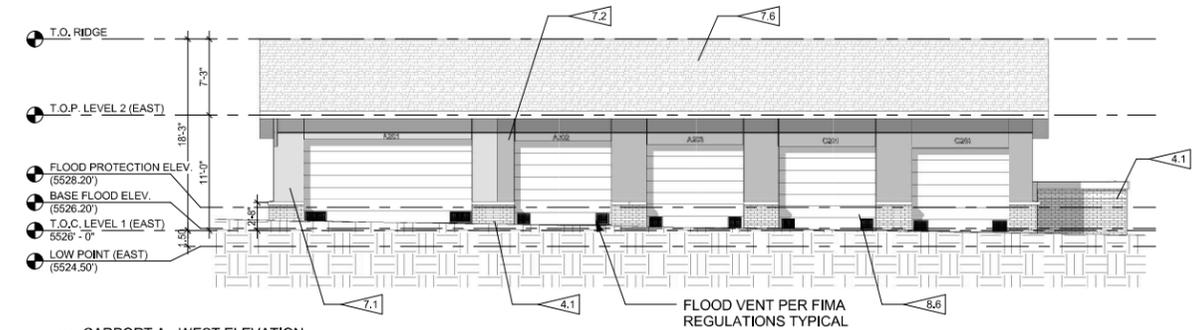


5 CARPORT A - NORTH ELEVATION
1/8" = 1'-0"



10 TRASH ENCLOSURE - EAST ELEVATION
1/8" = 1'-0" *NORTH AND WEST ELEVATIONS SIMILAR

9 TRASH ENCLOSURE - SOUTH ELEVATION
1/8" = 1'-0"



8 CARPORT A - WEST ELEVATION
1/8" = 1'-0"

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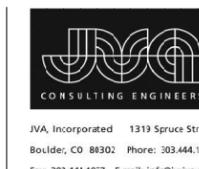
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CARPORT/TRASH ENCLOSURE ELEVATIONS

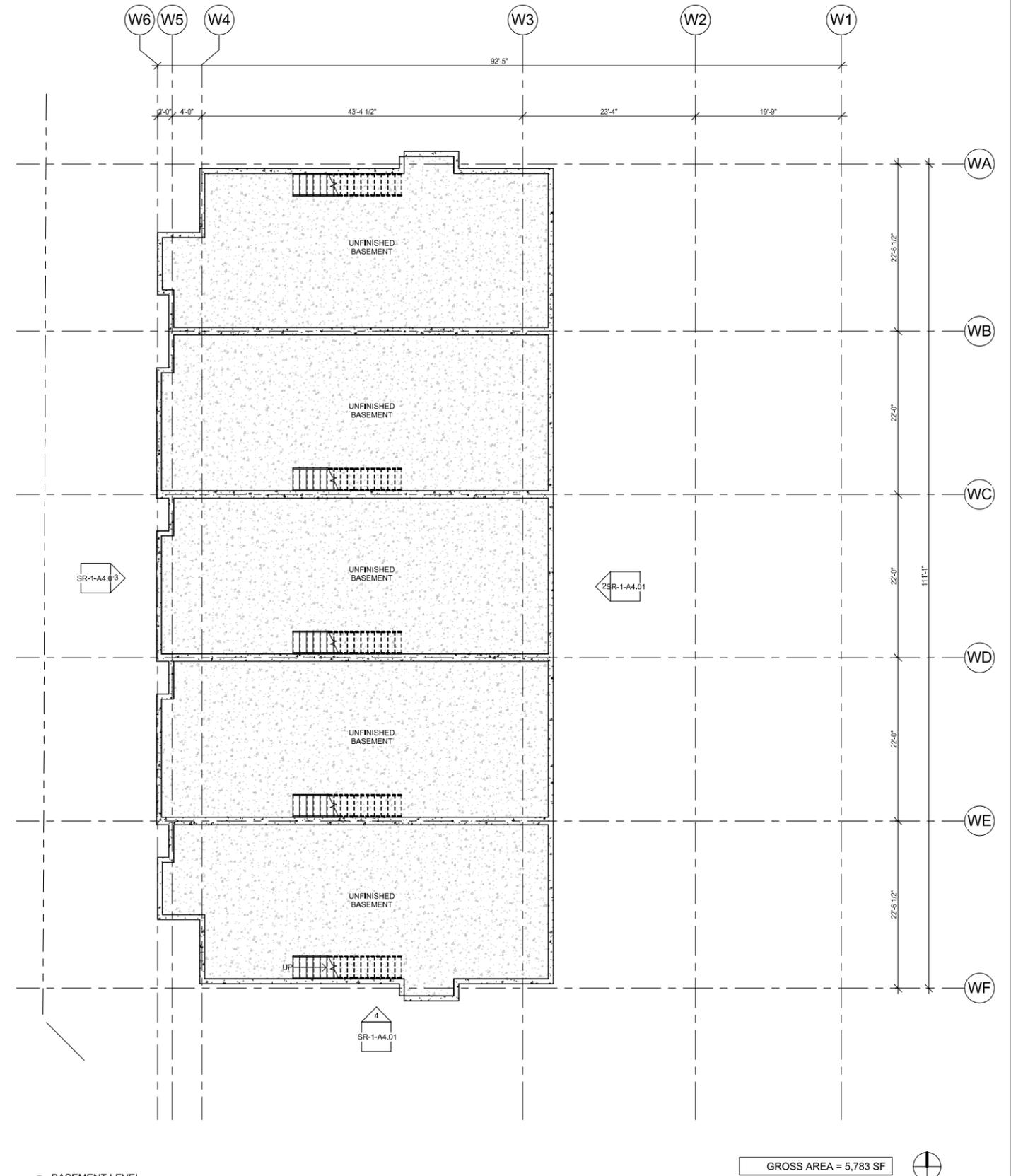
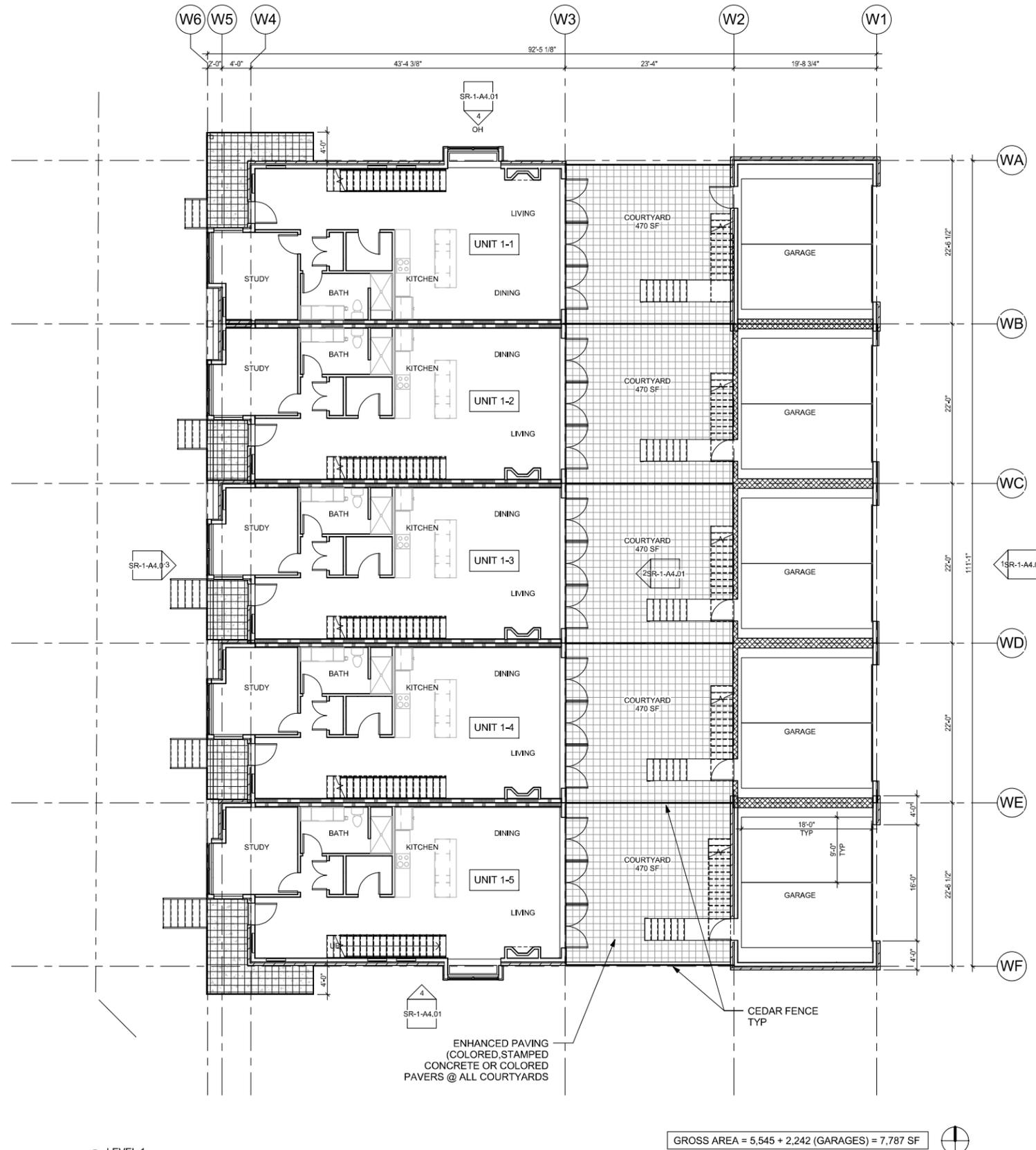
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① LEVEL 1
1/8" = 1'-0"

② BASEMENT LEVEL
1/8" = 1'-0"

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TOWNHOME BUILDING 1 - FLOOR PLANS

SR-1-A2.01

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outside la

landscaps architecture +
urban design +
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Boulder / Steamboat Springs
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JVA CONSULTING ENGINEERS

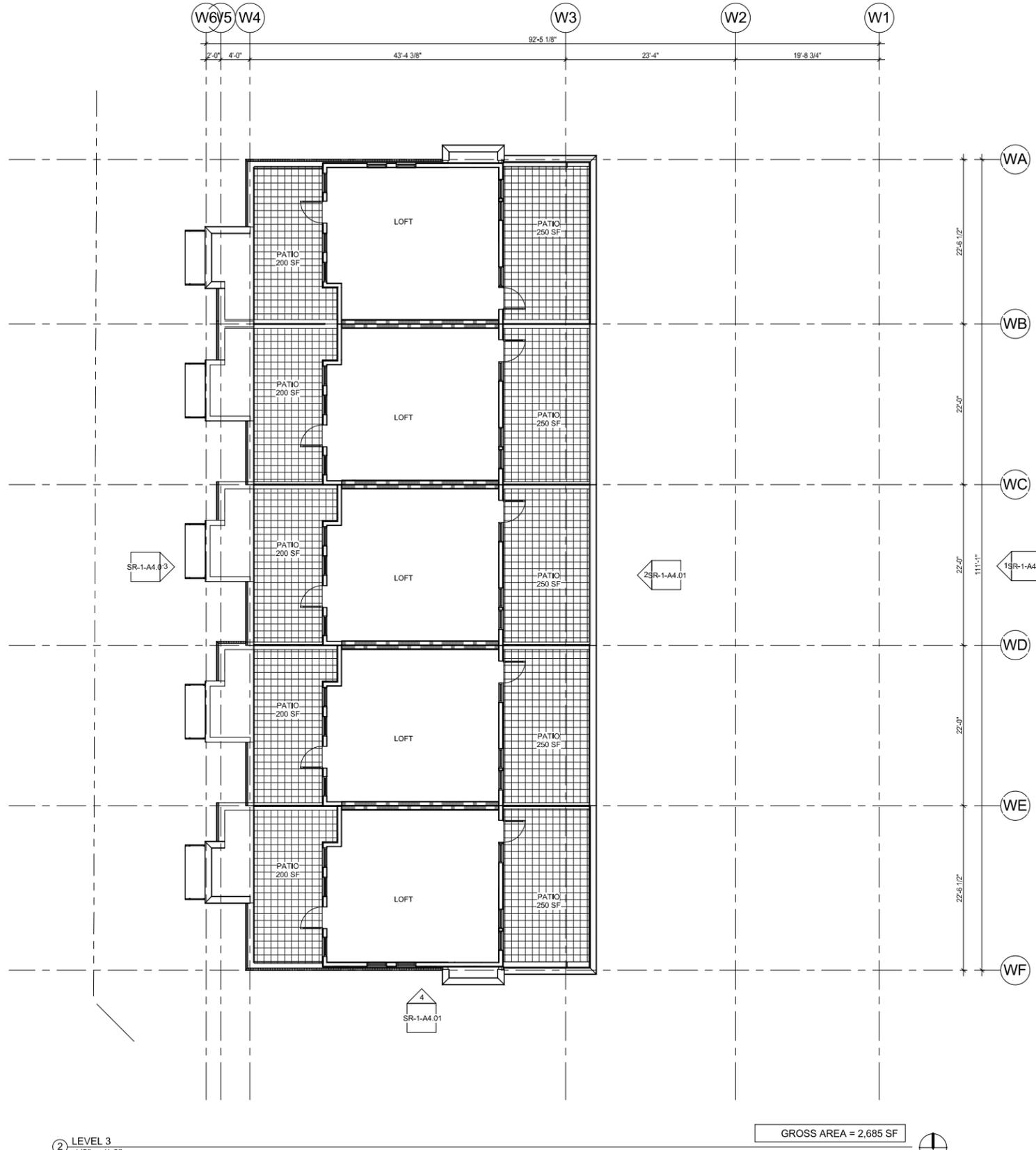
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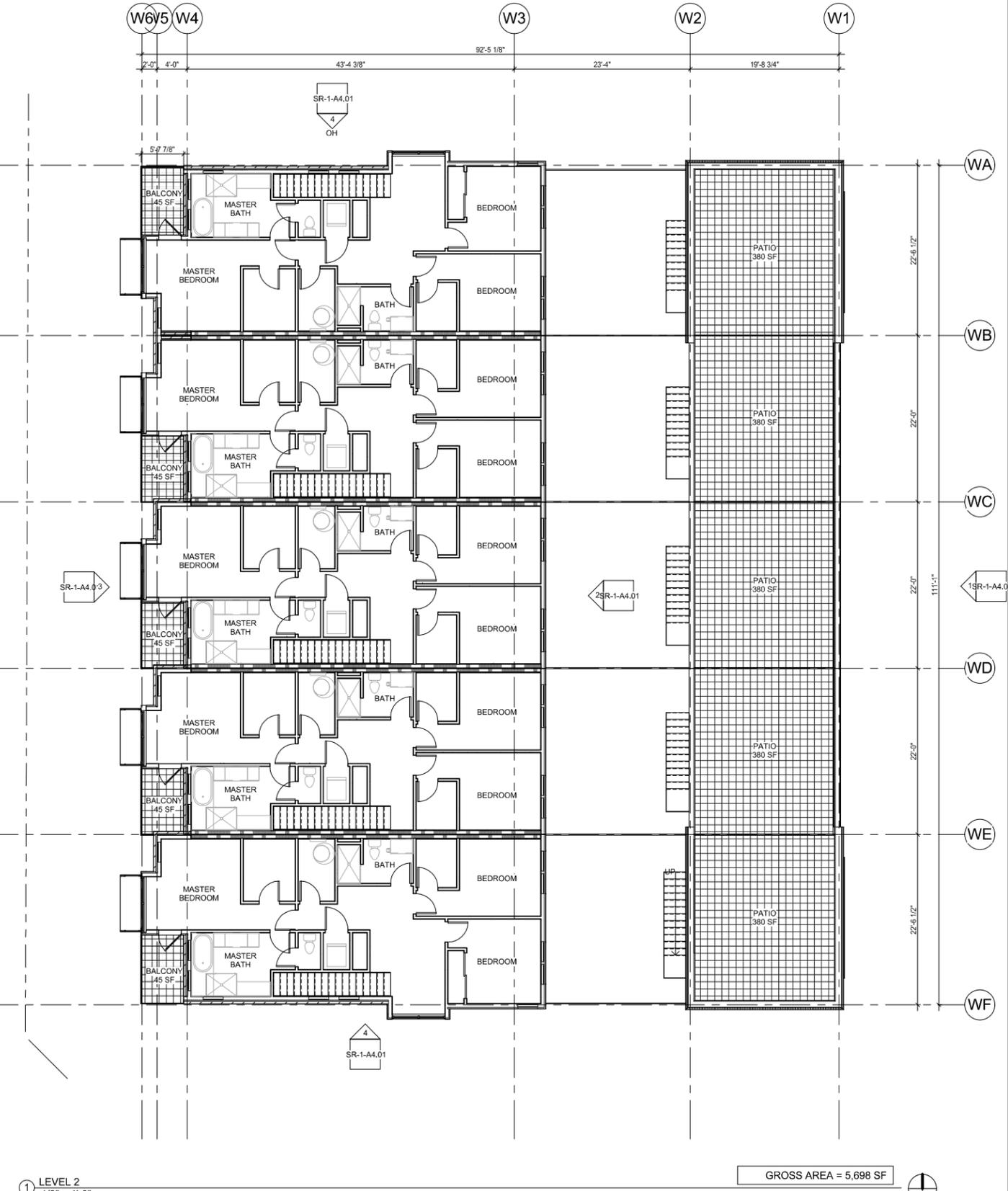
thestudioarchitecture.com 866.529.9130

Agenda Item 5B Page 40 of 150



2 LEVEL 3
1/8" = 1'-0"

GROSS AREA = 2,685 SF



1 LEVEL 2
1/8" = 1'-0"

GROSS AREA = 5,698 SF

4403 BROADWAY

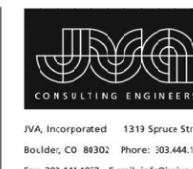
TOWNHOME BUILDING 1 - FLOOR PLANS

SR-1-A2.02

4403 Broadway Street
Boulder, Colorado

Site Review
02.10.2016

EMERALD MANAGEMENT
4403 BROADWAY, BOULDER,
CO 80302



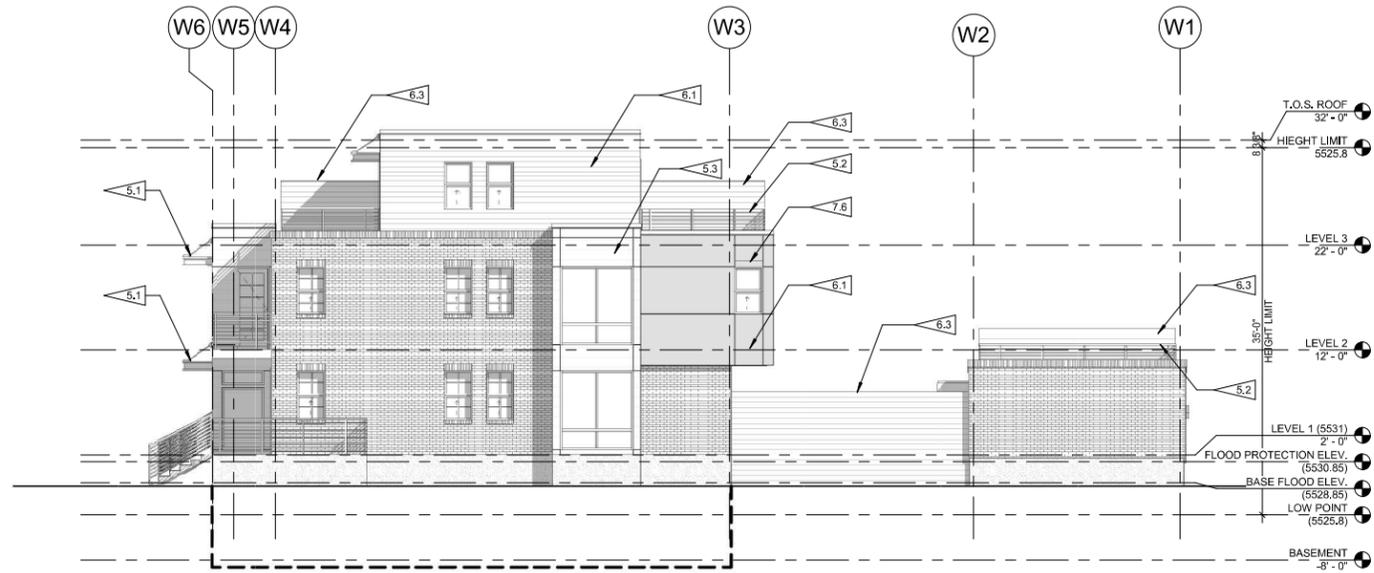
STUDIO architecture
1350 Pine St. Suite 1
Boulder, CO 80302
Project #



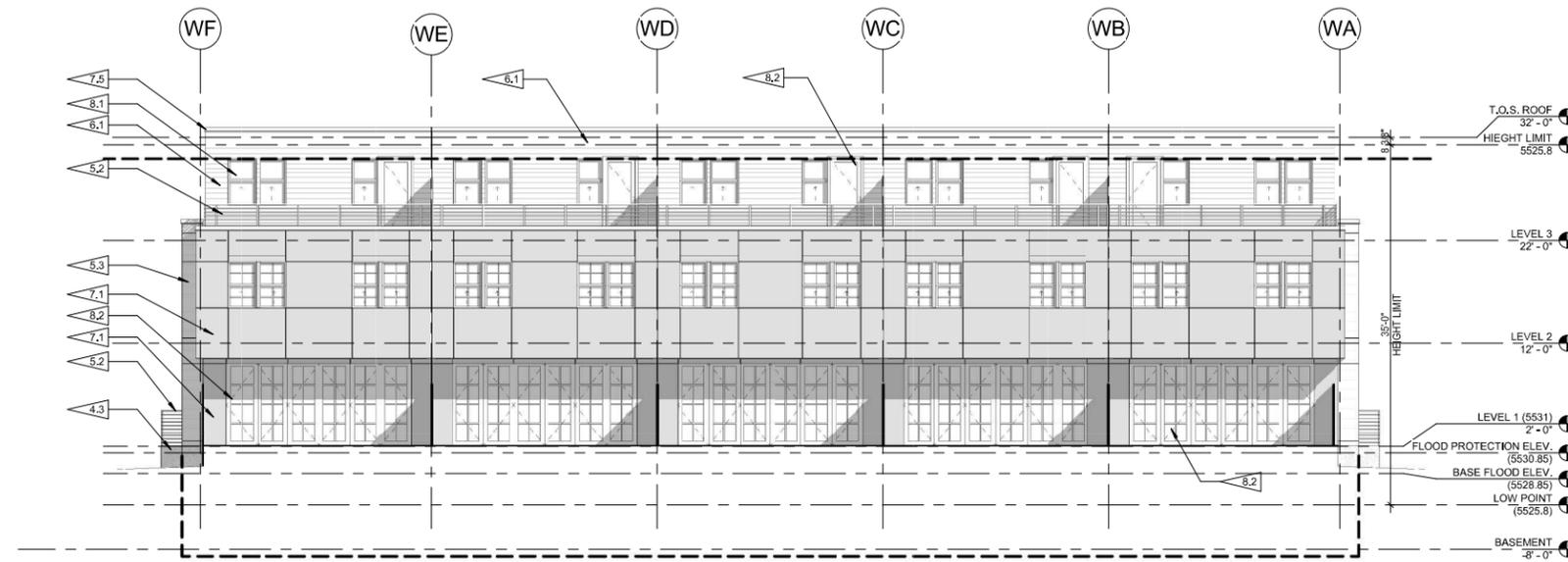
Agenda Item 5B Page 41 of 150

KEYNOTES	
Key Value	Keynote Text
4.1	MASONRY FACE BRICK COLOR 1
4.2	MASONRY FACE BRICK COLOR 2
4.3	ARRIS.TILE RENAISSANCE FINISH: SMOOTH COLOR: CHAMPAGNE
5.1	POWDER COATED STEEL WITH METAL GRATE BALCONY
5.2	STEEL RAILING POWDER COAT FINISH
5.3	FIRESTONE UNA-CLAD FLAT LOCK MTL. PANEL ALUMINUM PREFINISHED
5.5	POWDER COATED STEEL WITH RESIN PANEL CANOPY AND 2X CLEAR VERTICAL GRAIN WESTERN RED CEDAR INLAY SLATS

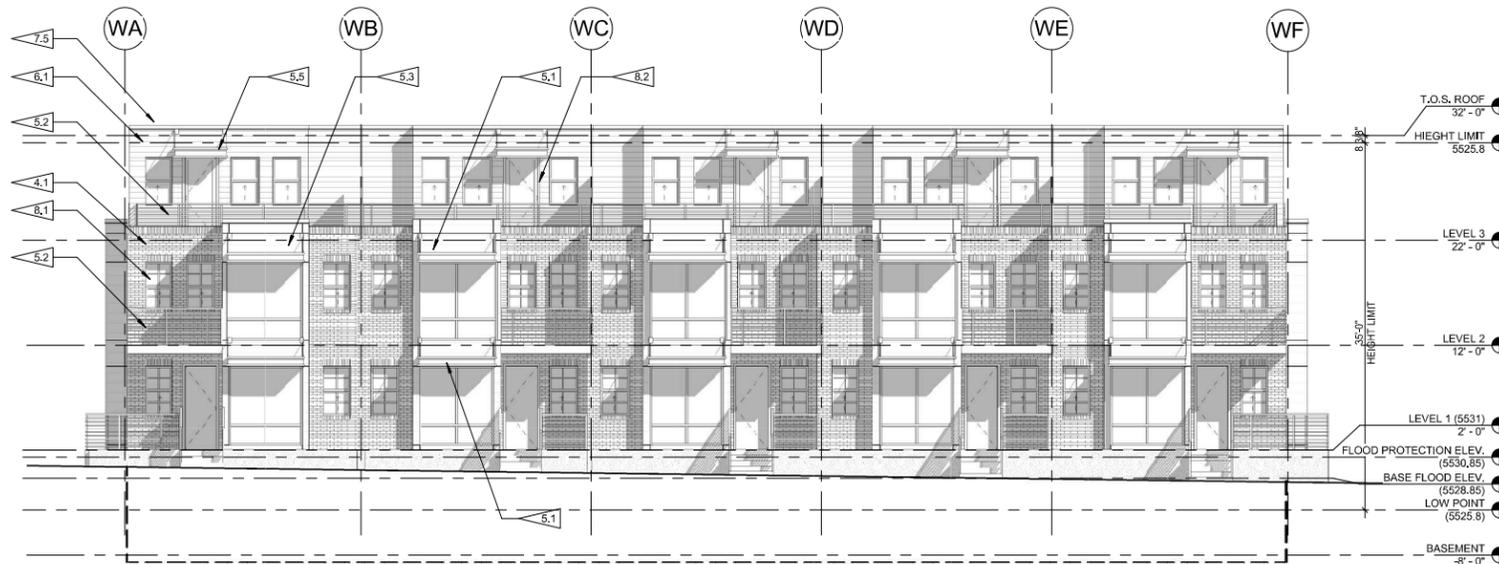
KEYNOTES	
Key Value	Keynote Text
6.1	6" SHIPLAP CLEAR VERTICAL GRAIN WESTERN RED CEDAR
6.3	HORIZONTAL WOOD CEDAR FENCE
7.1	STUCCO SAND FINISH COLOR 1
7.5	METAL FLASHING
7.6	STUCCO HEAD DETAIL
8.1	VINYL WINDOW
8.2	CLAD SWINGING PATIO DOOR
8.4	STOREFRONT CLEAR ANODIZED FINISH WITH SOLARBAN 60 INSULATED GLAZING
8.6	SECTIONAL GARAGE DOOR



④ SOUTH ELEVATION
1/8" = 1'-0"



② EAST ELEVATION - COURTYARD
1/8" = 1'-0"



③ WEST ELEVATION
1/8" = 1'-0"



① EAST ELEVATION
1/8" = 1'-0"

4403 BROADWAY

4403 Broadway Street
Boulder, Colorado

Site Review
02.10.2016

TOWNHOME BUILDING 1 - ELEVATIONS

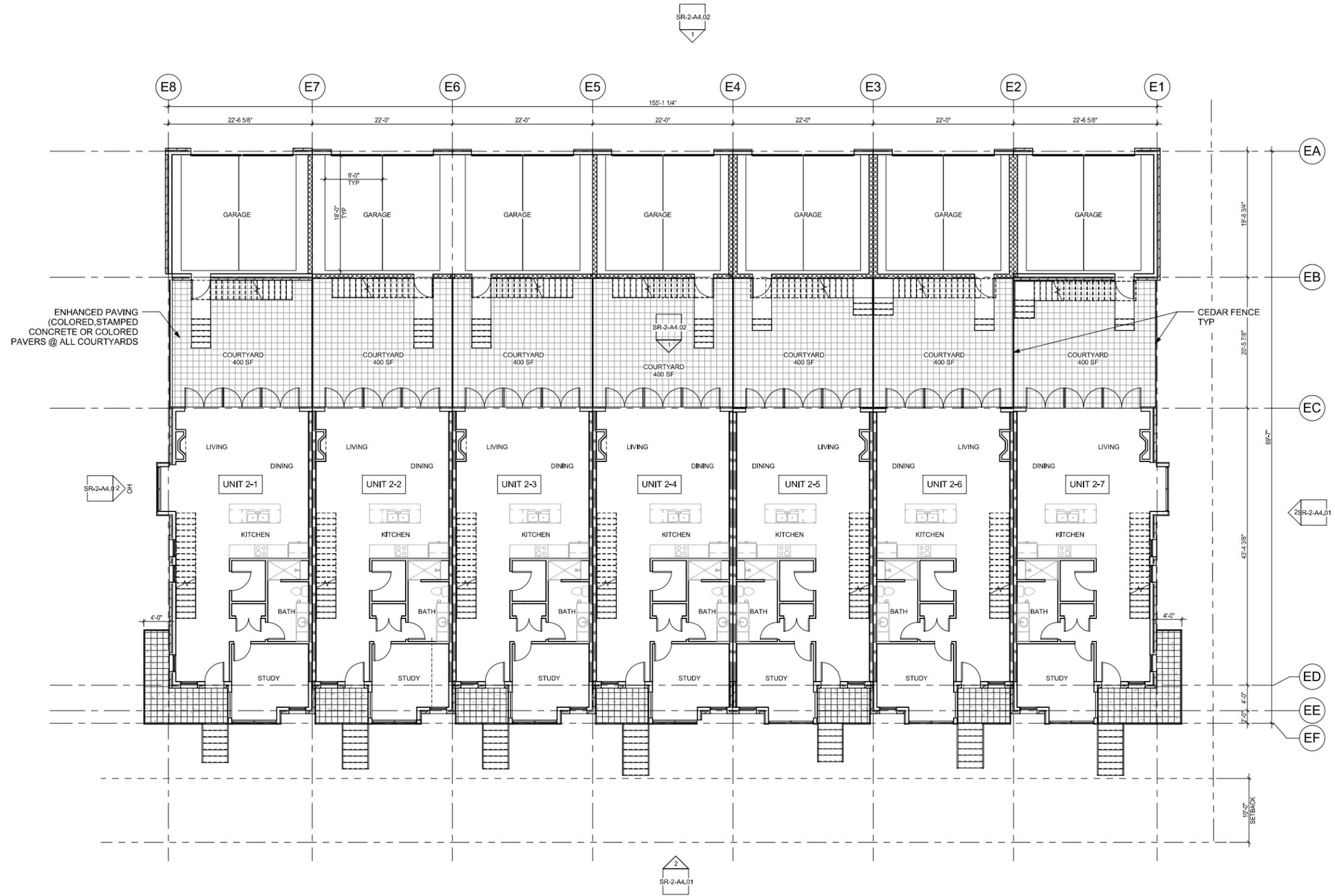
EMERALD MANAGEMENT
4403 BROADWAY, BOULDER,
CO 80302

SR-1-A4.01



STUDIO architecture
1350 Pine St. Suite 1
Boulder, CO 80302
Project #





① LEVEL 1
1/8" = 1'-0"

GROSS AREA = 7,101 + 3,154 (GARAGES) = 10,255 SF

4403 BROADWAY

4403 Broadway Street
Boulder, Colorado

Site Review
02.10.2016

TOWNHOME BUILDING 2 - FLOOR PLANS

EMERALD MANAGEMENT
4403 BROADWAY, BOULDER,
CO 80302

SR-2-A2.01



STUDIO architecture
1350 Pine St. Suite 1
Boulder, CO 80302

Project #



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1 LEVEL 2
1/8" = 1'-0"

GROSS AREA = 7,942 SF

4403 BROADWAY

4403 Broadway Street
Boulder, Colorado

Site Review
02.10.2016

TOWNHOME BUILDING 2 - FLOOR PLANS

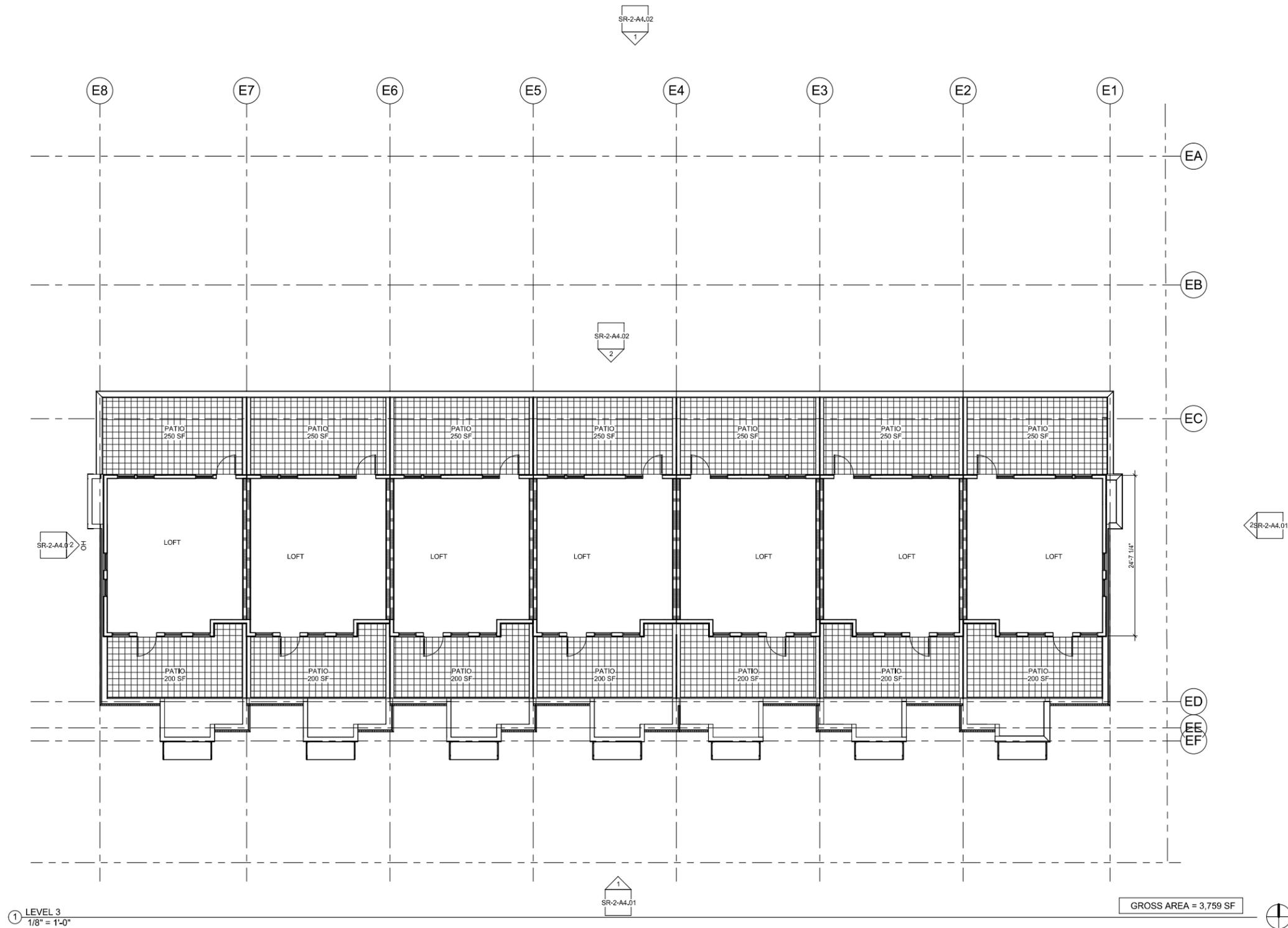
EMERALD MANAGEMENT
4403 BROADWAY, BOULDER,
CO 80302

SR-2-A2.02



STUDIO architecture
1350 Pine St. Suite 1
Boulder, CO 80302
Project #





4403 BROADWAY

4403 Broadway Street
Boulder, Colorado

Site Review
02.10.2016

TOWNHOME BUILDING 2 - FLOOR PLANS

EMERALD MANAGEMENT
4403 BROADWAY, BOULDER,
CO 80302

SR-2-A2.03



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Boulder, CO 80302
Project #



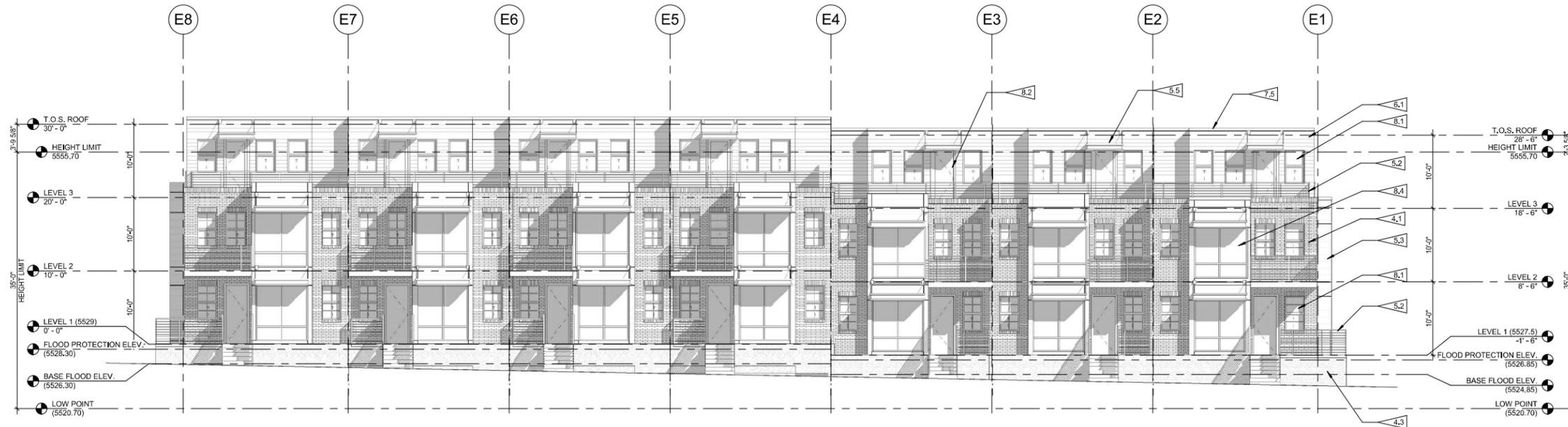
Agenda Item 5B Page 45 of 150

KEYNOTES	
Key Value	Keynote Text
4.1	MASONRY FACE BRICK COLOR 1
4.2	MASONRY FACE BRICK COLOR 2
4.3	ARRIS TILE RENAISSANCE FINISH: SMOOTH COLOR: CHAMPAGNE
5.1	POWDER COATED STEEL WITH METAL GRATE BALCONY
5.2	STEEL RAILING POWDER COAT FINISH
5.3	FIRESTONE UNA-CLAD FLAT LOCK MTL. PANEL ALUMINUM PREFINISHED
5.5	POWDER COATED STEEL WITH RESIN PANEL CANOPY AND 2X CLEAR VERTICAL GRAIN WESTERN RED CEDAR INLAY SLATS

KEYNOTES	
Key Value	Keynote Text
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7.5	METAL FLASHING
7.6	STUCCO HEAD DETAIL
8.1	VINYL WINDOW
8.2	CLAD SWINGING PATIO DOOR
8.4	STOREFRONT CLEAR ANODIZED FINISH WITH SOLARBAN 60 INSULATED GLAZING
8.6	SECTIONAL GARAGE DOOR



2 EAST ELEVATION
1/8" = 1'-0"



1 SOUTH ELEVATION
1/8" = 1'-0"

4403 BROADWAY

4403 Broadway Street
Boulder, Colorado

Site Review
02.10.2016

TOWNHOME BUILDING 2 - ELEVATIONS

EMERALD MANAGEMENT
4403 BROADWAY, BOULDER,
CO 80302

SR-2-A4.01



STUDIO architecture
1350 Pine St. Suite 1
Boulder, CO 80302
Project #



Agenda Item 5B Page 46 of 150

KEYNOTES	
Key Value	Keynote Text
4.1	MASONRY FACE BRICK COLOR 1
4.2	MASONRY FACE BRICK COLOR 2
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KEYNOTES	
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7.5	METAL FLASHING
7.6	STUCCO HEAD DETAIL
8.1	VINYL WINDOW
8.2	CLAD SWINGING PATIO DOOR
8.4	STOREFRONT CLEAR ANODIZED FINISH WITH SOLARBAN 60 INSULATED GLAZING
8.6	SECTIONAL GARAGE DOOR



② NORTH ELEVATION - COURTYARD
1/8" = 1'-0"



① NORTH ELEVATION
1/8" = 1'-0"

4403 BROADWAY

4403 Broadway Street
Boulder, Colorado

Site Review
02.10.2016

TOWNHOME BUILDING 2 - ELEVATIONS

EMERALD MANAGEMENT
4403 BROADWAY, BOULDER,
CO 80302

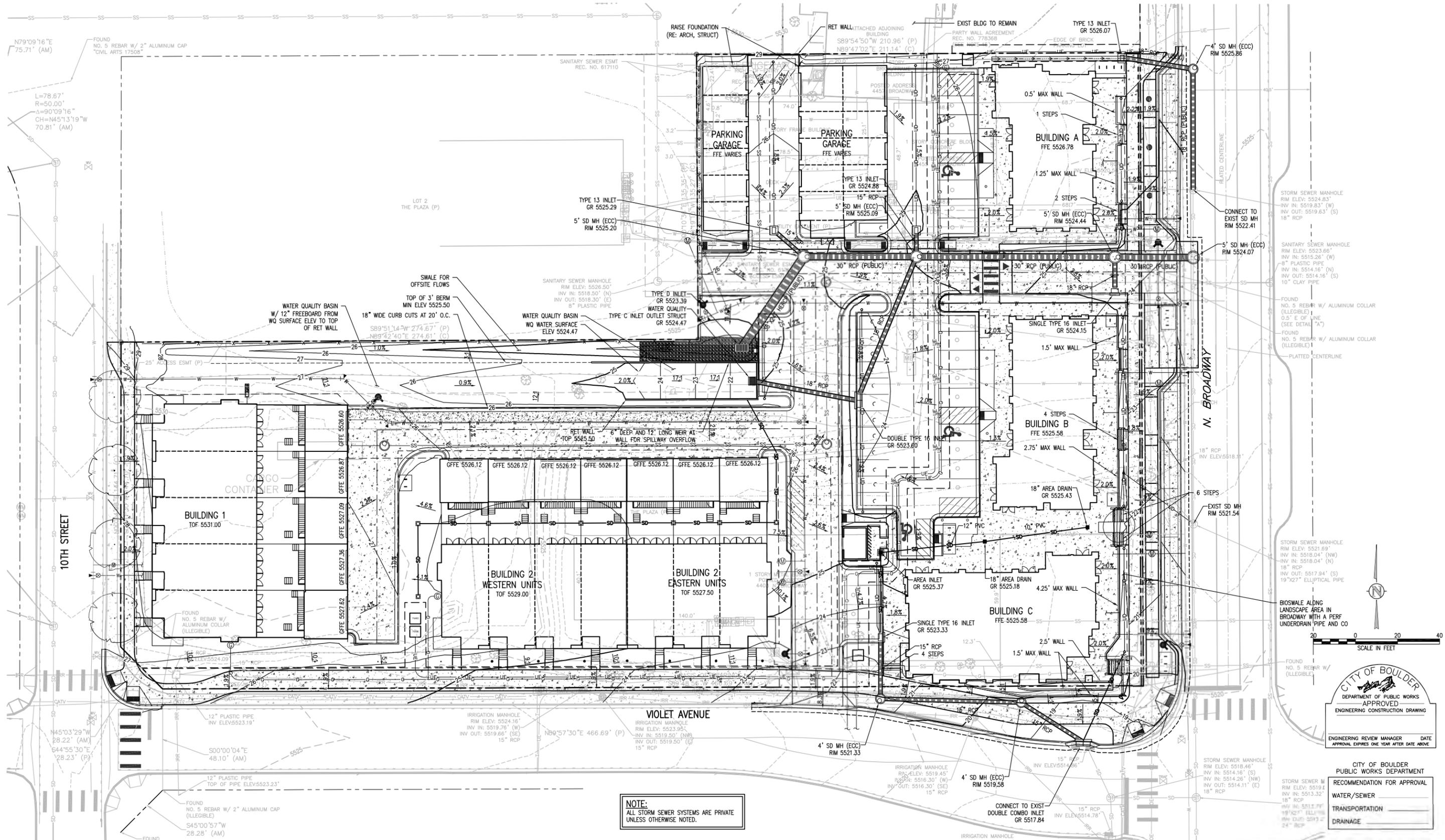
SR-2-A4.02



STUDIO architecture
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Boulder, CO 80302



Project #
Agenda Item 5B Page 47 of 150



4403 BROADWAY

PRELIMINARY GRADING & DRAINAGE PLAN

SR-C1.00

4403 Broadway Street
Boulder, CO 80303

Site Review
02.10.2016

EMERALD MANAGEMENT
4949 Broadway Street
Boulder, CO 80304

STUDIO architecture
1350 Pine St. Suite 1
Boulder, CO 80302
Project No.: 2801

STUDIO
ARCHITECTURE
Agenda Item 5B Page 48 of 150

CITY OF BOULDER
DEPARTMENT OF PUBLIC WORKS
APPROVED
ENGINEERING CONSTRUCTION DRAWING

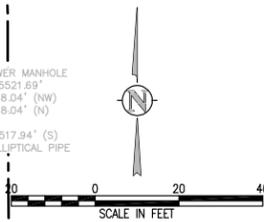
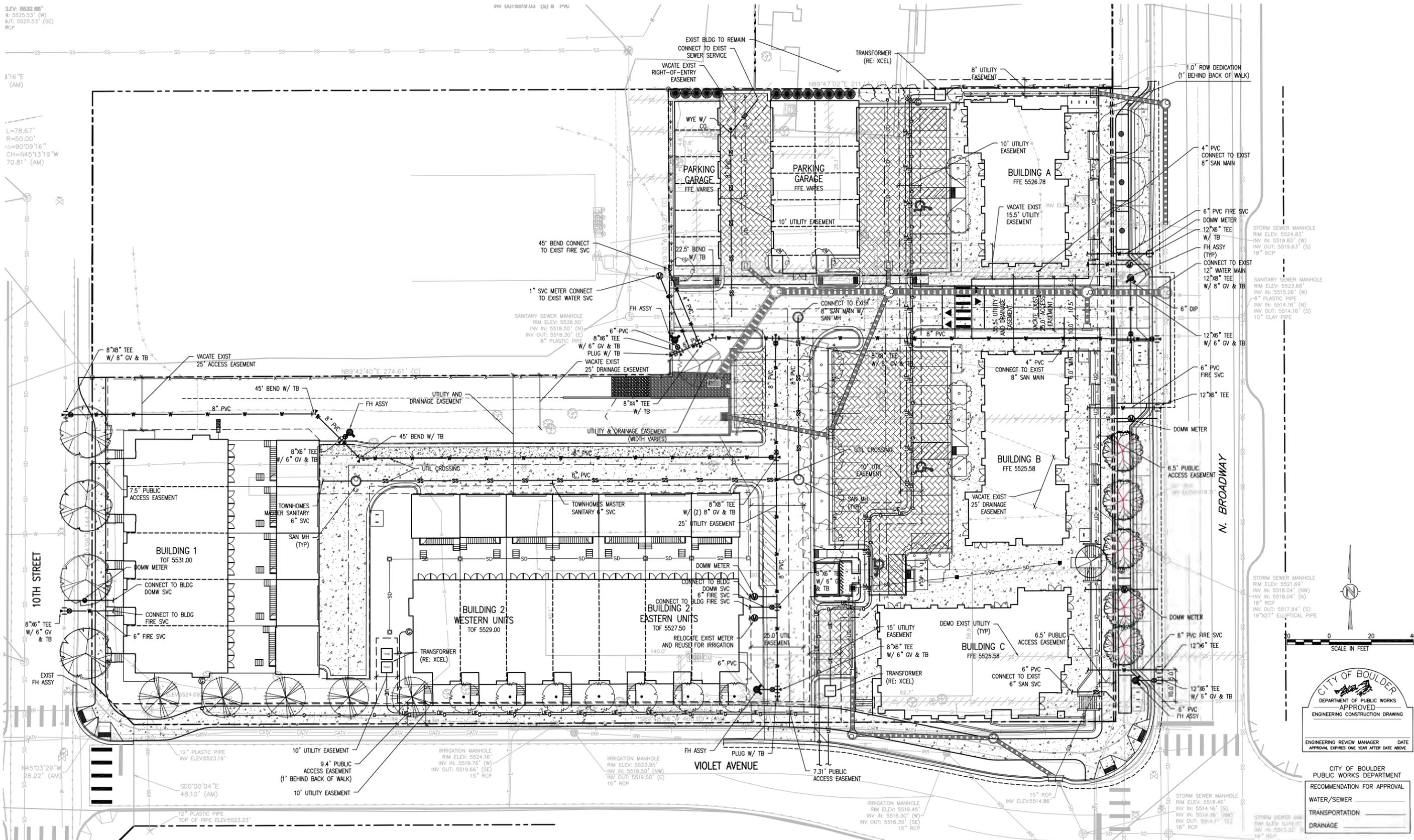
ENGINEERING REVIEW MANAGER DATE
APPROVAL EXPIRES ONE YEAR AFTER DATE ABOVE

CITY OF BOULDER
DEPARTMENT OF PUBLIC WORKS
RECOMMENDATION FOR APPROVAL
WATER/SEWER
TRANSPORTATION
DRAINAGE

3LV: 8632.88'
± 5525.53' (W)
NUT: 5525.53' (SE)
RCP

116°E
(AM)

L=78.67'
R=50.00'
Δ=90°09'16"
CH=N45°13'19"W
70.81' (AM)



CITY OF BOULDER
DEPARTMENT OF PUBLIC WORKS
APPROVED
ENGINEERING CONSTRUCTION DRAWING
ENGINEERING REVIEW MANAGER DATE
APPROVAL EXPIRES ONE YEAR AFTER DATE ABOVE

CITY OF BOULDER
PUBLIC WORKS DEPARTMENT
RECOMMENDATION FOR APPROVAL
WATER/SEWER
TRANSPORTATION
DRAINAGE

4403 BROADWAY

PRELIMINARY UTILITY PLAN

SR-C2.00

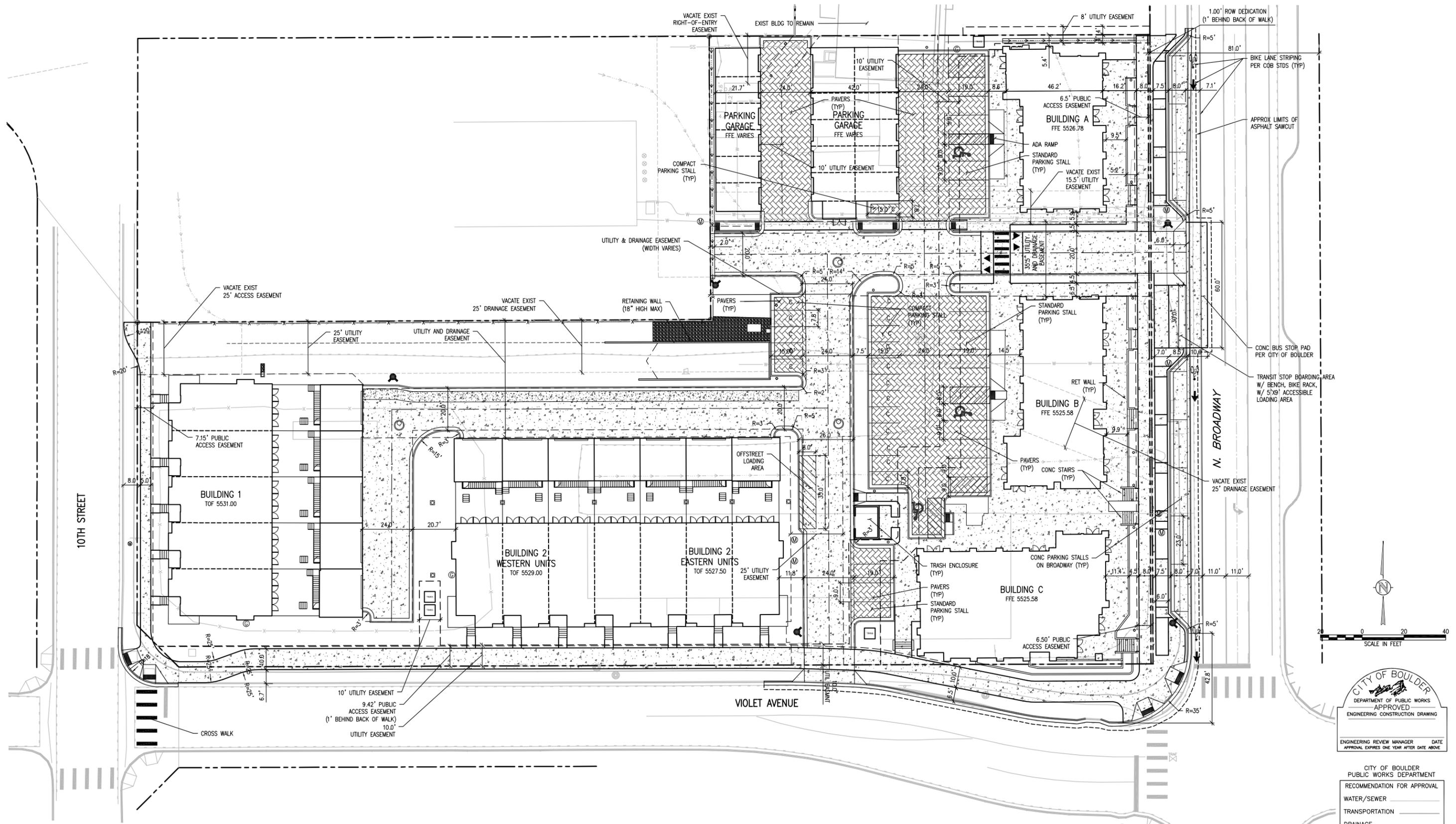
4403 Broadway Street
Boulder, CO 80303

Site Review
02.10.2016

EMERALD MANAGEMENT
4949 Broadway Street
Boulder, CO 80304

STUDIO architecture
1350 Pine St. Suite 1
Boulder, CO 80302
Project No.: 2801

STUDIO
ARCHITECTURE
866.529.9130



4403 BROADWAY

PRELIMINARY HORIZONTAL CONTROL PLAN

SR-C3.00

4403 Broadway Street
Boulder, CO 80303

Site Review
02.10.2016

EMERALD MANAGEMENT
4949 Broadway Street
Boulder, CO 80304

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Boulder, CO 80302
Project No.: 2801

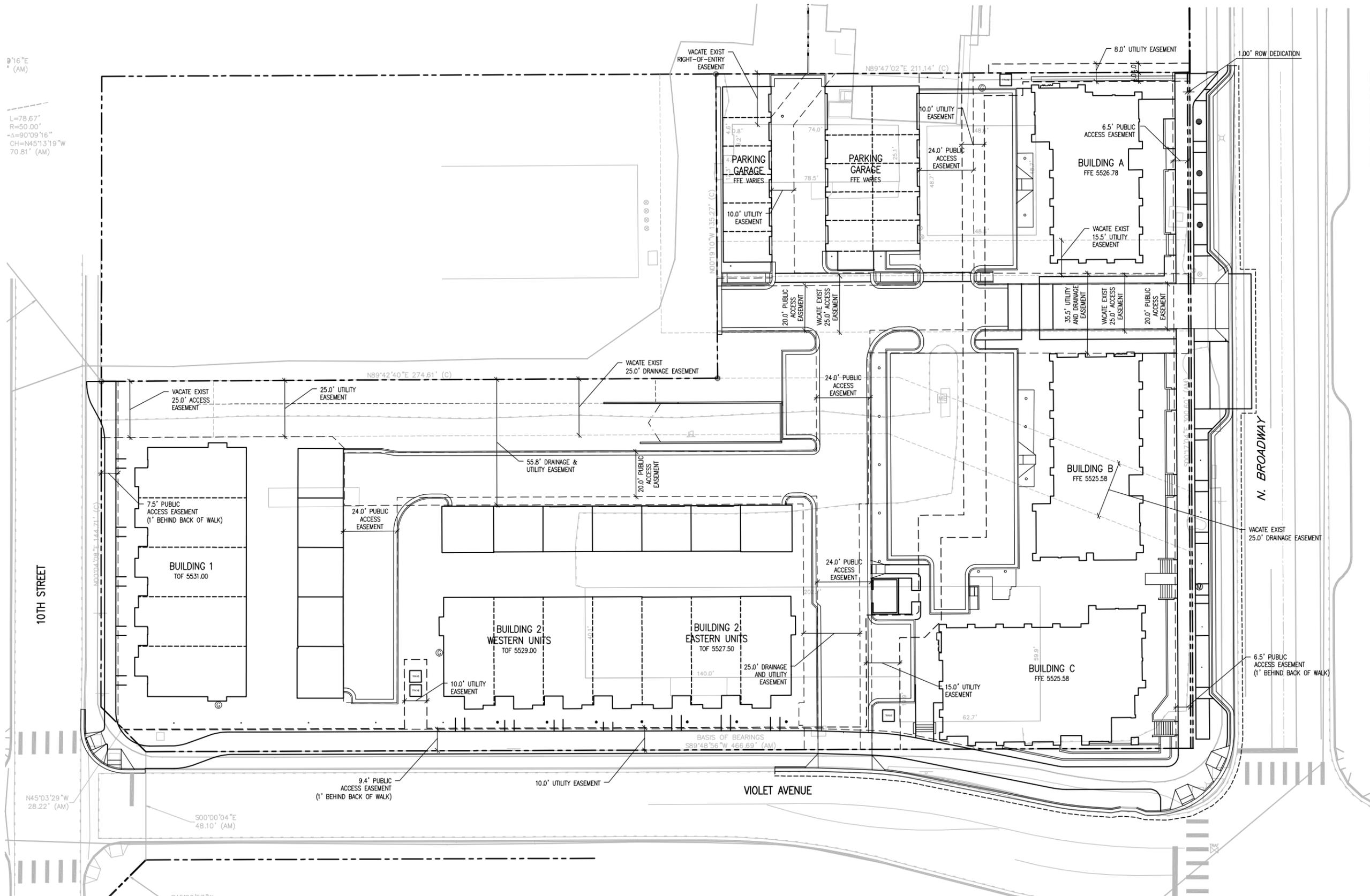


CITY OF BOULDER
DEPARTMENT OF PUBLIC WORKS
APPROVED
ENGINEERING CONSTRUCTION DRAWING

ENGINEERING REVIEW MANAGER DATE
APPROVAL EXPIRES ONE YEAR AFTER DATE ABOVE

CITY OF BOULDER
PUBLIC WORKS DEPARTMENT
RECOMMENDATION FOR APPROVAL
WATER/SEWER _____
TRANSPORTATION _____
DRAINAGE _____

$\theta = 16^\circ E$
 (AM)
 $L = 78.67'$
 $R = 50.00'$
 $\Delta = 90^\circ 09' 16''$
 $CH = N45^\circ 13' 19'' W$
 $70.81'$ (AM)



4403 BROADWAY

PRELIMINARY EASEMENT PLAN

SR-C3.10

4403 Broadway Street
 Boulder, CO 80303

Site Review
 02.10.2016

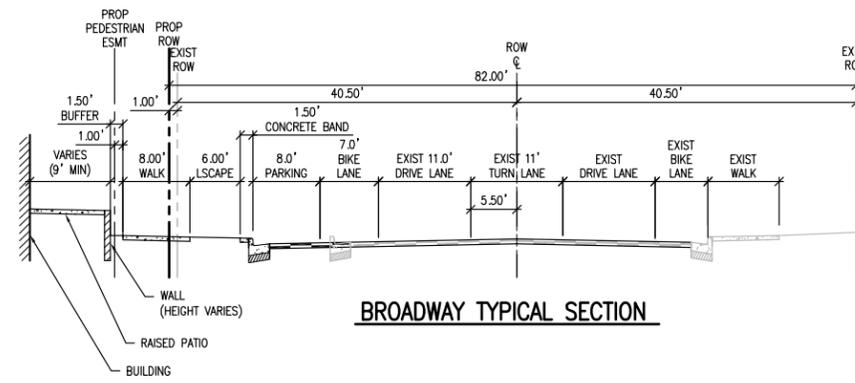
EMERALD MANAGEMENT
 4949 Broadway Street
 Boulder, CO 80304

STUDIO architecture
 1350 Pine St. Suite 1
 Boulder, CO 80302
 Project No.: 2801

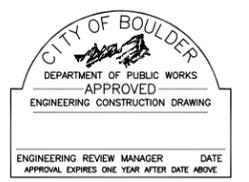


CITY OF BOULDER
 DEPARTMENT OF PUBLIC WORKS
 APPROVED
 ENGINEERING CONSTRUCTION DRAWING
 ENGINEERING REVIEW MANAGER DATE
 APPROVAL EXPIRES ONE YEAR AFTER DATE ABOVE

CITY OF BOULDER	PUBLIC WORKS DEPARTMENT
RECOMMENDATION FOR APPROVAL	
WATER/SEWER	_____
TRANSPORTATION	_____
DRAINAGE	_____



BROADWAY TYPICAL SECTION



CITY OF BOULDER
PUBLIC WORKS DEPARTMENT

RECOMMENDATION FOR APPROVAL

WATER/SEWER _____

TRANSPORTATION _____

DRAINAGE _____

4403 BROADWAY

4403 Broadway Street
Boulder, CO 80303

Site Review
02.10.2016

PRELIMINARY BROADWAY ROAD SECTION

EMERALD MANAGEMENT
4949 Broadway Street
Boulder, CO 80304

SR-C3.20

STUDIO architecture
1350 Pine St. Suite 1
Boulder, CO 80302
Project No.: 2801



Project Name: THE PLAZA (4403 Broadway)
Project Address: 4403 Broadway, Boulder, CO
Review Type: Site and Use Review Resubmittal #2
Review Number: LUR2011-00071
Date: January 04, 2016

RESTAURANT MANAGEMENT PLAN

- 1. A description of the food service offered;**
 At this time, a specific tenant has not been chosen for either of the restaurant spaces. To be consistent with the Traffic Analysis, a coffee shop and a high turn-over restaurant will be assumed for the two restaurant spaces at this time.
- 2. Hours of operation;**
 At this time, without knowing specific tenants, hours of operation ranging from 6am-12am are assumed.
- 3. Client and visitor arrival and departure times;**
 At this time, without knowing specific tenants, hours of operation ranging from 6am-12am are assumed. Please refer to the traffic analysis for more information on client and visitor arrival and departure times.
- 4. Coordinated times for deliveries and trash collection;**
 All trash located within the outdoor dining area, on the restaurant or tavern property, and adjacent streets, sidewalks, and properties shall be picked up and properly disposed of immediately after closing. Trash, recyclables, and compostables shall not be collected between the hours of 10:30 p.m. and 7:30 a.m.
- 5. A description of the type of entertainment provided;**
 At this time, without knowing specific tenants, it is not known if there will be any type of entertainment provided. It is expected that there will be low-level music in the outdoor seating area, which will cease no later than 11:00 p.m. and will not exceed noise levels permitted in Chapter 5-9, "Noise," B.R.C. 1981. The restaurant spaces may include live music indoors on Fridays and Saturdays during regular business hours.
- 6. Size, location, and number of electronic amplifiers;**
 The exact size, location and number of electronic amplifiers is unknown at this time. No outdoor music or entertainment shall be provided after 11 p.m.
- 7. Techniques and strategies to mitigate noise impacts;**
 The outdoor seating area shall not generate noise exceeding the levels permitted in Chapter 5-9, "Noise," B.R.C. 1981.
- 8. A security plan describing security features, including, without limitation, personnel and equipment;**
 We will have interior and exterior surveillance cameras running at all times to prevent loitering and ensure safety. Proper site lighting complying with city lighting standards will be maintained throughout the evening and night hours.
- 9. The facility's drug and alcohol policy;**
 We are not planning to lease to any establishment that sells alcohol due to the restrictions at this time. In case we have a tenant that wants to serve alcohol then they will have to get all governmental approvals by their own initiative.
- 10. Neighborhood Outreach and Methods of Future Communication**
 We will keep all neighbors informed of our construction process and operation schedules once these buildings open.
- 11. Methods of dispute resolution with the surrounding neighborhood**
 The building owners will maintain a friendly relationship with all neighbors. Should a dispute arise, the owner/manager will discuss the issue and promptly find a resolution. Any decisions made that will affect future operations will be conveyed to all facility staff.

Case #: LUR2011-00071

Project Name: 4403 Broadway

Date: March 3, 2016

CRITERIA FOR REVIEW

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

(1) Boulder Valley Comprehensive Plan:

(A) The proposed site plan is consistent with the purposes and policies of the Boulder Valley Comprehensive Plan.

The site is located within Boulder in the area governed by the North Boulder Subcommunity Plan which is intended to, "set forth the official vision for the future of the North Boulder Subcommunity" and which provides guidance to implement the goals and policies within the BVCP. In addition, there are a number of BVCP policies that the proposed project is consistent with including:

- **2.13 Support for Residential Neighborhoods;**

The proposed project is in keeping with this policy in that it provides 25 new residential units, draws from the architectural character of the surrounding area, provides new public facilities such as a new bus stop, sidewalks and open space areas, and provides a mix of uses to enhance and serve the surrounding neighborhood.

- **Policy 2.31 Commitment to a Walkable City;**

The proposed development includes adding new detached sidewalks along both Broadway and Violet Ave. as well as pedestrian paths circulating through the residential portion of the project. Overall, the project will improve the walkability of that portion of Broadway and will provide linkages to public transit as well as off-site pedestrian/ bicycle facilities. Also, its proximity to the Uptown Broadway development will further encourage residents to walk to nearby services.

- **Policy 2.32 Trail Corridor/Linkages;**

This project will provide a new sidewalk along Broadway that will link to the existing sidewalk connecting to the Four Mile Creek multi-use path to the north. The project will also provide a new bus stop, which will facilitate multi-modal travel and enhance connectivity to existing nearby trails and linkages.

- **Policy 2.39 Sensitive Infill and Redevelopment;**

The proposed project is a re-development of an existing under-utilized industrial service parcel, and furthermore is consistent with the desired future land use of the area as set forth in the NBSP. The project will take what is currently somewhat of an eyesore and redevelop it to complement and enhance the surrounding area, including the Violet Crossing development to the east as well as Uptown Broadway development to the north.

- **Policy 7.06 Mixture of Housing Types;**

The proposal includes adding twelve new attached townhome units as well as sixteen new apartment and loft-style units over commercial uses. These new residential units will add diversity to the existing housing stock in the surrounding area, which includes mainly single-family detached dwellings as well as mobile homes and multi-family attached units. In conjunction with the commercial uses, the new units will help achieve the goal for the area set forth in the NBSF to provide "a mixed use transition from the Village Center to neighborhoods in the surrounding areas."

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

The BVCP Land Use designation for the eastern portion of the site zoned RM-1 is medium density residential, with a permitted density of six to fourteen units per acre. The twelve units proposed for the 1.32-acre RM-1 portion of the site result in a net density of 9 dwelling units per acre, which is within the permitted range.

The proposal for the RM-1 portion of the site is also compliant with the intensity standards for the RM-1 zoning district as set forth in Section 9-8-1, "Intensity Standards," B.R.C. 1981, which requires a minimum of 3,000 square feet of open space for each dwelling unit.

For the Mixed Use Business portion of the site, the Comprehensive Plan defers to zoning for density and states,

"Mixed Use Business development may be deemed appropriate and will be encouraged in some business areas. Business character will predominate although housing and public uses supporting housing will be encouraged and may be required. Specific zoning and other regulations will be adopted which define the desired intensity, mix, location and design characteristics of these uses."

The proposal for the MU-2 portion of the site is compliant with Section 9-8-1, B.R.C. 1981, which sets forth a maximum floor area ratio (FAR) for the RM-1 zone district of 0.6 and requires a minimum of 15% open space on lots. 60 square feet of private open space is also provided for each unit.

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

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

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

The development would not be rendered infeasible in meeting the BVCP policies or the site review criteria based upon the requirements and recommendations made within these comments. The proposed project would require no public expenditure and costs for the development would be done by the developer. The redevelopment of the site would enable the possibility for additional tax revenue flows to the City.

(2) Site Design: Projects should preserve and enhance the community's unique sense of place through creative design that respects historic character, relationship to the natural environment, multi-modal transportation connectivity and its physical setting. Projects should utilize site design techniques which are consistent with the purpose of site review in Subsection (a) of this section and enhance the quality of the project. In determining whether this subsection is met, the approving agency will consider the following factors:

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

✓ (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;

The largest area of useable open space in the proposed site plan is located between buildings B and C, at the garden courtyard. Located with access to Broadway, in the middle of the mixed use buildings, and extending toward the townhomes to the east, the garden courtyard is accessible to residents, occupants, tenants, and visitors of the property. This space will be active and functional as a seating area for the adjacent restaurants, as a gathering space for residents, tenants and the public. There is also a variety of open spaces provided for the residential units.

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

Not applicable, as there are no detached residential units included in the proposed development.

✓ (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;

None of the existing trees are proposed to be preserved at this time. There are many weed trees and older cottonwoods. There are no significant plant communities, threatened and

endangered species and habitat or existing ground and surface water, wetlands riparian area or drainage areas on this site to be preserved.

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

Within the Residential portion of this project, the applicant is providing over 60% open space. In the RM-1 portion of the site, the townhome units all include a variety of private open spaces, including balconies, roof decks, private at-grade courtyards and decks on the roof of the garages. There is also an area to the west of Building 2 intended to provide garden plots for residents, and a large turf area to the north of the townhomes intended to serve as both open space and water quality. Within the Mixed-Use portion, the large courtyard area between buildings B and C will provide a place for rest and relief from the density along Broadway, and each of the 16 units has a minimum of 60 square feet of private open space.

✓ (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 largest area of useable open space in the proposed site plan is located between buildings B and C, at the garden courtyard. Located with access to Broadway, in the middle of the mixed use buildings, and extending toward the townhomes to the east, the garden courtyard is accessible to residents, occupants, tenants, and visitors of the property. This space will be active and functional as a seating area for the adjacent restaurants, as a gathering space for residents, tenants and the public.

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

Not applicable, as there are no sensitive environmental features or natural areas of note on this site; however, on the north side of the townhomes, there is a 25' drainage easement that will be used as detention and will be landscaped with native grasses that will provide a buffer between the proposed residential areas from the property to the north.

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

The proposal includes a two tiered walkway along Broadway with a 6 foot planting strip along the street, an 8 foot detached sidewalk, raised planters and a second 9 foot walk along the storefronts. This will provide a new connection between the existing Broadway sidewalk to the south of the property and the existing Four Mile Creek multi-use trail that runs parallel with the northern edge of the property.

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

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

The proposed project includes a balance of both private and public open space with the following:

- *Private patios, balconies and courtyards for each townhome unit*
- *Private balconies for each residential unit in Buildings A, B, & C*
- *The mixed-use portion has an additional public use area in the large courtyard between Buildings B & C with outdoor dining, seating, a water feature, vertical landscape elements and planters.*

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

The central courtyard between Buildings B and C will provide an active, animated environment during outdoor dining times for residents, occupants, tenants, and visitors of the property as well as the opportunity for a quiet, restful experience when it is less full of people. The water feature and planter elements are intended to help buffer the noise of Broadway. Site benches are proposed along Broadway that will offer passive areas for the visitors to rest. The potential garden plots would offer both an active communal space for residents (when it is full), and a passive, contemplative area for residents (when it is less full).

(C) Landscaping

✓ (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;

Landscaping within the site is proposed to be both aesthetic and functional. The specific landscape materials chosen for the development will emphasize a variety of colors, textures and forms in order to provide year-round interest. Per the applicant's written statement, the major landscape objectives are the following:

- i. Provide an attractive urban streetscape along Broadway and Violet Ave. with terraced landscape walls and planter areas, where native plants of differing heights and colors will be placed*
- ii. Visually enhance the architectural features on the corners and entries into the project.*
- iii. Provide a buffer from density and increase visual interest and comfort to the pedestrian areas (in the courtyard, along the storefronts, along the multi-use path).*
- iv. Screen and break up the parking with landscape areas, with native plants and trees that also provide shade, and*

- v. *Provide enclosed, attractively buffered areas for trash and recycling.*
- vi. *Provide a variety of native vegetation in front of every townhome to provide visual interest and a buffer from the street*

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;

There are no important native species, plant communities of special concern, threatened and endangered species and habitat on this site. The proposal includes a landscape palette of xeri and adaptive plants that would work well in the North Boulder micro-climate.

✓ (iii) The project provides significant amounts of plant material sized in excess of the landscaping requirements of Section 9-9-10, "Landscaping and Screening Standards" and Section 9-9-11, "Streetscape Design Standards," B.R.C. 1981; and

With the current design along Broadway, the project provides additional trees and landscape in the raised planters along the back of the public walk. On the western side of the mixed use buildings, additional trees are proposed along Buildings B and C, and additional landscaping is provided in the parking lot. On the SE corner of the development, a large tiered garden is proposed to accent and provide interest to the corner and enrich the outdoor dining experience.

In the Residential portion of the project, the applicant is proposing to continue the shrub plantings within the planting strip and add a variety of native vegetation in front of every townhome. There is an underground irrigation lateral that precludes the installation of street trees, so trees have been moved to behind the walk and will help buffer the residential units from the street.

✓ (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.

As shown in the plan, and mentioned above, the streetscapes along Broadway and Violet are well-landscaped with the addition of planting strips along the street and the planters and small trees along the back of walk. The public courtyard is proposed to have a water feature, seating and small trees and shrub beds. The vegetation in the front yard of each townhome will enhance the experience along the multi-use path along Violet and the sidewalk along 10th Street.

(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:

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

There is currently an existing 20' access lane providing access to the industrial site to the northwest which will be maintained; however, other than that there are no new through streets proposed for the site, so traffic speeds should be minimal. In addition, the tree lawn and sidewalks in the RM-1 zone and the wide, multi use sidewalk and adjacent walkway in front of the mixed use buildings in the MU-2 zone provide a safe physical separation from automobile traffic.

✓ (ii) Potential conflicts with vehicles are minimized;

The buildings and parking areas have been laid out to assure slow speeds, thereby minimizing pedestrian/vehicular conflicts and lessening the effect of automobile noise. By providing detached sidewalks as described in the response to Criterion (C)(iv) above and providing additional trees and other landscaping materials along the western edge of the mixed use buildings, potential conflicts between pedestrians and vehicles traveling both on and off-site will be minimized. A raised connection with proper striping has also been provided between buildings A and B that will both slow traffic, and alert automobiles of the pedestrian crossing

✓ (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;

The bus stop for the SKIP and 204 bus routes along Broadway and detached sidewalks connect to the city system of sidewalks and nearby bike paths. The 10' multi-use path along Violet Ave. is a safe and convenient connection to both the city transportation systems, as well as a safe and convenient connection from the residential areas to the mixed use areas within the project.

✓ (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;

The project's proximity to multiple major bus lines as well as its location within the burgeoning North Broadway corridor in North Boulder both promote alternatives to single occupancy vehicle travel. The new bus stop proposed along Broadway will make travel to and from the mixed use buildings by bus safe and convenient, and the detached sidewalks along Broadway will connect to the existing sidewalk and multi-use path to the north, making walking or biking to nearby shops, restaurants, employment centers, open space, etc. easy and safe.

The paving, shade trees, planters, benches and bike racks all will reinforce the pedestrian-friendly character beginning to develop in this streetscape and will enhance the area

around the bus stop. Bike racks and benches will be conveniently located throughout the site and will encourage bicycle use.

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

The Applicant has provided a Transportation Demand Management Plan (TDM) in support of the requested 5% parking reduction which includes the following strategies:

- *The SKIP and 204 RTD bus routes run along Broadway, and with the adjacent bus stop provided on Broadway, access to the rest of the city by bus is immediate.*
- *The project is located along a major on-street bike lane on Broadway, and is located only a few blocks from bike trails, paths, and multi-use paths that provide bike access to all parts of the city.*
- *The project proposes 38 spaces for bike parking on site, with another 12 bike spaces located in the adjacent Right Of Way, for a total of 2.5 times the required amount.*
- *Some of the bicycle parking spaces allow for bicycles with attached trailers, allowing for and encouraging a wider range of commuter bicycles.*
- *10 covered, long-term bicycle spaces are proposed in the center of the MU-2 zone, at the west edge of the pedestrian plaza between Buildings B and C. This location is visible from employee work areas, located on site within 300' of the buildings it serves, will be provided with adequate lighting, and is located in an area with adequate clearance around racks to give cyclists room to maneuver and prevent conflicts with pedestrians and parked cars.*
- *A 10' wide multi-use path is proposed along Violet Avenue to create a safe connection from Broadway to 10th street that encourages alternate modes of transportation. This path also supports and contributes to the City of Boulder's Safe Routes to School Program, as it provides a safe walking/biking connection to the Waldorf School.*
- *The Applicant will implement an Employee and Resident Commute Trip Reduction Program to mitigate the impacts of the development on local traffic. The Applicant will also provide RTD Eco-Passes for each residential unit and for each employee of the proposed project for a period of three years. This plan will include the following:*
 - *Employee Transportation Coordinator: The applicant will appoint an Employee Transportation Coordinator (ETC) that will act as a liaison to GO Boulder and disseminate transportation information and marketing materials to tenants with the objective of reducing single-occupant vehicle commuting. The ETC should be involved in tenant orientation to communicate the commute benefits available to them and serve as the point of contact for any GO Boulder or regional promotional campaigns that encourage alternative transportation. The ETC will also be encouraged to attend "Connect Boulder" meetings and events.*
 - *Transportation Information Center: The applicant will maintain a Transportation Information Center somewhere in the proposed project that is readily available to tenants and residents. This center can take a variety of forms, but must serve as means to providing tenants and residents with*

important travel information including transit maps and schedules, bicycle maps, local and regional marketing campaigns, and information on the commute benefits provided to tenants and residents.

- *Program Evaluation: The applicant will assist in the dissemination and collection of periodic travel surveys to measure the impact of the Commute Trip Reduction Program. GO Boulder staff will work with the assigned ETC to determine the most efficient methods to distribute and collect the surveys from residents and tenants. The survey is designed to collect anonymous travel information and takes less than 10 minutes to complete.*

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

A bus stop is proposed on the south side of the main entrance off Broadway. There are also multiple pedestrian access points into the site from the perimeter streets. The site is highly connected being along a major bus route and is close to a primary multi-use path. Bike racks are conveniently located at several points along the perimeter of the project as well as at key points within the project to encourage usage.

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

The amount of land dedicated to the street system is minimized, as there are no new streets proposed as part of this project.

✓ (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.

Traffic entering and leaving the townhomes in the RM-1 zone do so using an alley between the townhomes and a shared drive that also serves the MU-2 zone buildings. That shared drive is behind the mixed use buildings and is connected to both Broadway and Violet Ave through two curbs cuts. This minimal amount of interruption of the sidewalk promotes pedestrian safety. The buildings along Broadway will include a laminated glass in the windows of the residential units to mitigate the sounds from Broadway. The sidewalks along Broadway, Violet, and 10th Street are detached from the streets and buffered with a tree lawn. The 10' multi-use path provides a safe east-west connection for residents and the public from Broadway to 10th Street.

(E) Parking

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

Sidewalks of varying widths that include tree plantings border the parking area in the MU-2 zone providing separation from the pedestrian area. An additional sidewalk is proposed on

the north side of the access lane from Broadway to provide a separate and safe pedestrian connection to the existing adjacent commercial property to the northwest of the project site.

✓ (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;

The parking garages for the townhomes in the RM-1 zone are all accessed from a single, shared drive, and all parking stalls in the MU-2 zone utilize the most efficient 90 degree parking layout.

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

The proposed parking areas are to the rear of the buildings, which will reduce the visual impact on adjacent streets. All residential parking is provided in garages, and all surface parking areas are screened from adjacent streets by landscaping. The applicant will be required to provide a lighting plan as part of Tech Doc review to ensure that any new lighting will meet city lighting standards.

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

The applicant is requesting a modification to Section 9-9-14(d) – "Parking Lot Landscaping Standards" – Requesting a reduction from the 5% interior parking lot landscape requirement to 3.3%. Balancing open space, bicycle and car parking requirements has left 3.3% parking lot landscaping that meets City code dimensionally. However, the project proposes a total of 8.2% of high quality landscape throughout the parking lots in the MU-2 zone.

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

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

As mentioned above, the project site is located within the boundaries of the [North Boulder Subcommunity Plan](#) which sets forth the official vision for the future of the North Boulder Subcommunity and is the basis for decisions regarding the long-term preservation and development of North Boulder. Within the NBSP, the western portion of the site is designated as residential and the eastern portion along Broadway is designated as "Mixed Use Transition to Adjacent Residential." Page 15 of the NBSP defines the intent of Transition Areas generally as:

“The areas adjacent to the Main Street business area should contain a mix of uses in a lower scale of intensity than the uses along Broadway and Yarmouth They should provide a transition between the main street and the adjacent residential and industrial areas.”

The NoBo Plan describes the desired characteristics of a "Mixed Use Transition to Adjacent Residential" area as a transition area “with residential and office uses, neighborhood serving restaurants, and personal service uses in a pedestrian-oriented pattern with buildings located close to the street and parking in the rear...where people can live and work in close proximity, possibly in the same building.”

Please refer to staff’s analysis of Key Issue #1 in the staff memorandum for additional details on how the proposed project meets the goals of the NoBo Plan.

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

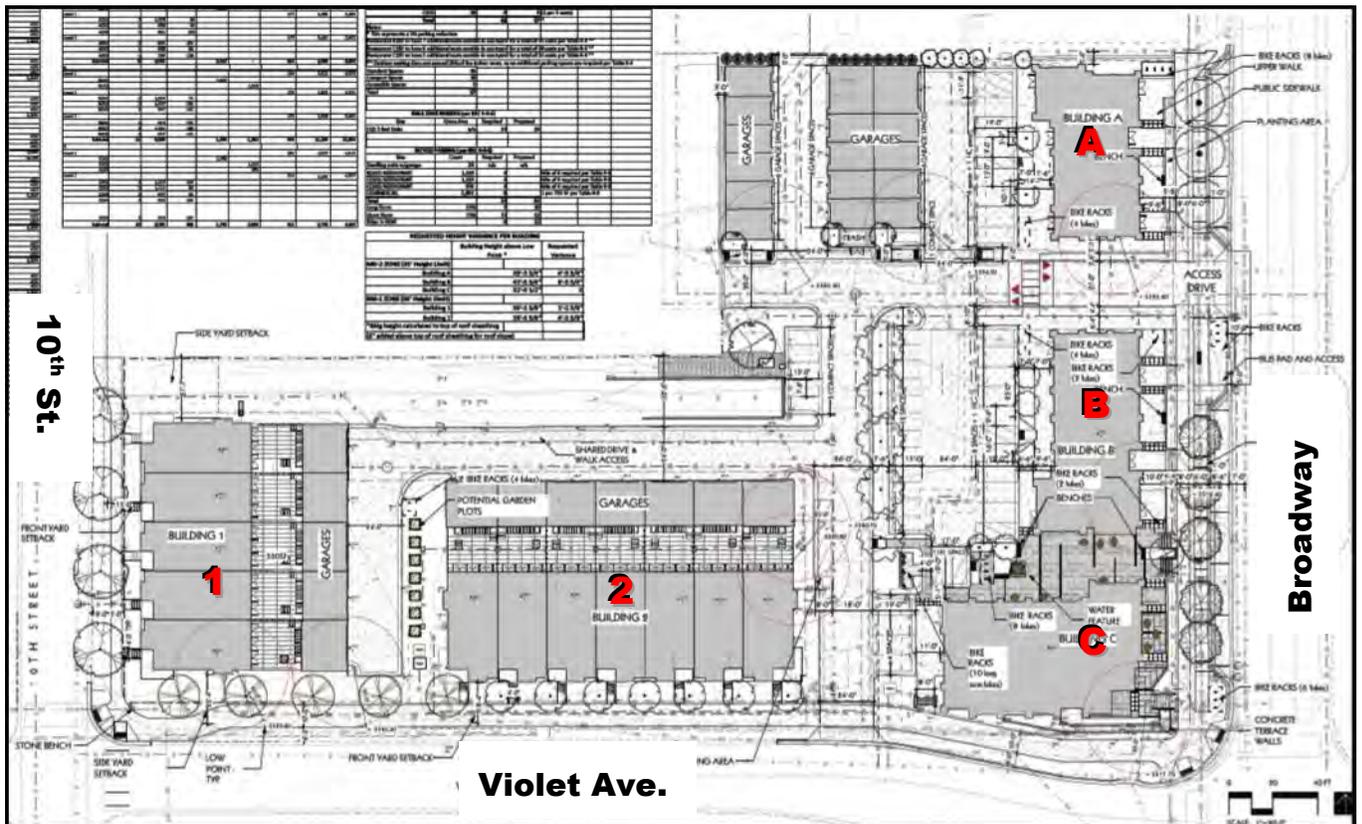


Figure 2: Proposed Site Plan

The project proposal includes a request for a height modification to allow for four of the five proposed buildings to exceed the maximum allowable height. The requested building heights are as follows (please see site plan above for corresponding building labels):

REQUESTED HEIGHT VARIANCE PER BUILDING		
	Building Height above Low Point *	Requested Variance
MU-2 ZONE (35' Height Limit)		
Building A	39'-5 3/4"	4'-5 3/4"
Building B	43'-5 3/4"	8'-5 3/4"
Building C	32'-0 1/2"	0
RM-1 ZONE (35' Height Limit)		
Building 1	36'-2 3/8"	1'-2 3/8"
Building 2	39'-3 5/8"	4'-3 5/8"
*Bldg height calculated to top of roof sheathing		
{6" added above top of roof sheathing for roof slope}		

Overall, staff finds that the proposed building heights are generally proportional to the height of existing buildings in the surrounding area, and that the buildings will be compatible with the character of the area. Across Broadway to the east is the Violet Crossing development, a residential development which includes two 35' three-story buildings on the north side of the site fronting Broadway and two two-story buildings on the south side closer to Violet. Immediately to the north of Violet Crossing is Uptown Broadway, which lies within the BMS zoning district and includes 3-story mixed use buildings up to 44 feet in height (38 feet is the by-right height limit). The overall effect that has been created as the east side of Broadway has redeveloped is a gradual height gradient that transitions from the taller, more intense buildings of Uptown Broadway to smaller scale, 2-story buildings further to the south where Broadway meets Violet. This is consistent with the NoBo Plan goal for the area between Violet and Rosewood to "provide a transition between the main street and the adjacent residential and industrial areas" (see **Figure 9** in staff memo for NoBo Plan Map).

While the west side of Broadway has not undergone the same level of redevelopment, the existing zoning put in place following the adoption of the NoBo Plan will support a very similar transition in building height and intensity. Once redeveloped, it is likely that the BMS-zoned properties north of Rosewood (roughly 300 feet north of the project site) will contain 38-foot buildings and that the MU-2 zoned property immediately to the north of the subject site (where the single-story shopping center is currently located) will contain 3-story, 35 foot buildings. Therefore, the current proposal to have three mixed use buildings along Broadway that transition from 3 stories on the north side of the site to 2 stories on the south side of the site will help to complete a similar height gradient as exists on the east side of Broadway. While Building B, which is the middle building in the proposed development, is proposed to have the greatest measured height of 43'6", the low point from which height is measured is a full 5 feet lower than that of Building A, which, when combined with the gentle downhill grade running north-south on the site, will result in the perceived height of Building B being lower than that of Building A. The elevation below illustrates the perceived height of the buildings from Broadway, taking the proposed site grading into account.



Figure 4: Proposed Broadway Elevations – Buildings A, B and C (from Right to Left)

It should also be noted that the site is located within the 100-yr floodplain, and as such the proposed residential buildings are required to be elevated to the flood protection elevation and the mixed-use buildings are required to be elevated or floodproofed to the flood protection elevation. For the residential townhome Building 1, the low point from which height is measured is a full 5 feet below the flood protection elevation, and for Building 2 it is 4 feet below the flood protection elevation. This means that the finished floor elevations of the townhome buildings are required to be a minimum of 4 to 5 feet higher than the low point from which height is measured, resulting in an automatic “loss” of 4 to 5 feet of building height. For the mixed use buildings along Broadway, the difference between the low point from which height is measured and the flood protection elevation ranges from 3 to 6 feet. Overall, given the existing grade on Broadway, the proposed grading on the site and the proposed transition in building heights, the perceived height of the new buildings will be compatible with existing buildings across Broadway, and will begin the process of completing the streetscape on the west side of Broadway while providing the transition in intensity anticipated by the NoBo Plan.

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

The orientation of the mixed use buildings parallel Broadway, therefore having a minimum shadow impact on the property to the north, as well as a minimum impact on their views to the mountains. By placing the townhomes to the south in the RM-1 zone, there is minimum shadow and view impact to the adjacent property to the north as well.

✓ (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;

As stated above, the character of the area surrounding the project site is somewhat eclectic and still evolving into a mix of contemporary contextual and more traditional structures. Taking this into consideration, the project incorporates high quality building materials and landscaping, and minimizes the use of unnecessary color or lighting. The mixed use buildings along Broadway consist of a brick and masonry base with lighter, more colorful materials of stucco and cedar siding which promote a soft, urban feel, consistent with the goals of the North Boulder Sub Community Plan. The streetscape which includes numerous street trees and gardens will contribute to the evolving character of North Broadway.

✓ (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 3 proposed mixed use buildings are based on an urban typology using substantial materials such as brick, masonry, and storefront along the street and transitioning to stucco and cedar siding on the upper stories. The bay pattern, massing, and play of

transparent and opaque materials along the street provide for a pleasing rhythm at the pedestrian level. The townhomes each have a human scale massing of materials and volumes facing both 10th street and Violet Ave, creating an attractive rhythm to the streetscape. Deep welcoming front porches face both streets, inviting interaction between residents and passersby. Safety of the area is increased due to the types of uses that will have residents, business owners, and employees present at all hours of the day and night.

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

The project will provide a new bus stop on Broadway Ave., and will also provide a public courtyard between the southern mixed use buildings. Additional new public amenities include sidewalks along Broadway and Violet.

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

The residential component of the project provides twelve 3-bedroom townhouse units, and the mixed-use portion of the project provides sixteen 1- and 2-bedroom apartment and loft-style units of varying sizes. Overall, the project adds a variety of housing types not currently found in the immediate area which will conform to the intensity standards for the zoning for each portion of the property as well as the intent of the land use designations found in the NoBo Plan.

✓ (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;

Per the applicant's written statement, each of the townhomes and apartments will be constructed using a shaft wall system that has an STC of 57. Each of the apartments in the mixed use buildings will use laminated glass in the windows that face Broadway to reduce sound impacts from the street. The townhomes are set back from the street with a landscape buffer to minimize sound impacts.

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

This will be demonstrated at the technical document phase with a photometric plan, and lighting cut sheets.

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

Please see response to Criterion (C)(vi) above.

✓ (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;

All buildings proposed as part of this project will use highly efficient lighting, appliances, and equipment. The proposed design uses light colored roofing, as well as different types of shading devices (such as roof overhangs, projected balconies, and sunshades over windows) to minimize solar heat gain. HVAC systems will be properly sized and designed to minimize unneeded energy usage.

All of the proposed mixed-use and townhome buildings were designed with flat roofs, which allows for the future addition of photo-voltaic panels. Utility sub-metering will encourage tenants and residents to decrease their electric and water usage.

The applicant proposes to minimize and divert construction waste, demolition debris, and land-clearing debris from disposal by educating contractors and crews on procedures such as sorting and storage methods, removal techniques, and recoverable materials; by having the General Contractor involved early in the process; by looking for a contractor who is experienced in reuse and recovery techniques; by creating a list of materials targeted for reuse, salvage, or recycle; by gathering landfill information; by asking suppliers to eliminate or recycle packaging; and by communicating construction waste reduction goals and by reinforcing them early and throughout the demolition and construction process.

The proposed design includes "cool" roofs that will significantly reflect sunlight and heat away from the buildings; permeable pavers and cooler pavements that will reflect solar energy and enhance water evaporation; the use of trees and vegetation that will act as shading devices for buildings and pavement/parking areas; and the reduction of parking to limit exhaust and heat generation from automobiles. The project proposes to use low-flow plumbing fixtures throughout the project; to use indigenous/native landscaping; to design the plumbing systems to reduce the possibility for leaks; and to educate the tenants and residents about water conservation procedures and techniques.

In addition, the applicant will be required to meet current energy code requirements for commercial buildings, which include the 2012 International Energy Conservation Code (IECC) standard as well as the 2010 American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE) 90.1 standards, with additional local amendments requiring a 30 percent increase in performance requirements. This requirement is considered aggressive and represents a significant step toward improved energy efficiency in buildings in balance with the cost impact for new construction. As discussed as a part of the adoption process in October, 2013, the recently adopted codes if supported by continued improvements in cost-efficient building and energy management technology, could achieve a "net zero" building code by 2031 (in which buildings, on balance, produce as much energy as they consume).

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

The architecture of the proposed townhomes is intended to build upon the precedent for the typical brown stone home. The applicant describes the character of these townhomes as a “modern north Boulder vernacular,” with the street-facing facades consisting of contemporary materials such as brick, wood siding, stone, and metal panel, and stucco elements incorporated on the rear elevations of the buildings. Staff has worked with the applicant to refine the design of the facades over several iterations in order to create a simple and elegant visual patterning along both 10th Street and Violet Avenue, with a high degree of transparency and a logical hierarchy of high quality building materials. The first two stories of each building are primarily brick, metal panel and glass, with the third story lofts comprised of wood siding.

The mixed use buildings along Broadway and Violet are presented in a traditional character using materials such as brick, masonry, and storefront along the street transitioning to stucco and wood siding on the third stories of Buildings A and B. The bay pattern along the street is delineated by changes in material and form from the ground floor to the second floor, which provides for a human scale to the buildings and creates a consistent visual pattern and rhythm on the street.

✓ (xi) 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.

The proposal incorporates the natural grade change on the site into the design of the buildings and open space amenities. The existing grade change on the site presents several constraints that the applicant has addressed through creative use of landscaping and site design.

Cut and fill are minimized by maintaining the existing drainage patterns of the site. The site generally drains from northwest to southeast currently and will continue the same general pattern after development. The site will utilize the current standards and BMPs used to control erosion and sediment. Some of the BMPs that will be used on this project include sediment ponds, silt fencing, erosion control logs, inlet/outlet protection, and construction access tracking control devices, concrete washouts and dust control.

(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:

✓ (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.

All buildings along Violet Ave. will have access to both active and passive solar system integration, and the mixed use buildings along Broadway are designed to allow for active solar system integration.

✓ (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.

By orienting the townhomes on an east-west axis and providing flat roofs on the mixed-use buildings the potential for active solar systems to be incorporated into the buildings by future tenants is maintained. The irregular shape of the lot make sit so that siting buildings close to the northern property lines is impractical.

✓ (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 RM-1 portion of the site is located in Solar Access Area II, which sets a shadow limit equal to or less than 25 foot solar fence, and the MU-2 portion of the site is located in Solar Access Area III, which does not incorporate a solar fence. Both portions of the site are compliant with the respective solar access regulations.

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

None of the proposed landscaping appears to present any significant shading impacts to adjacent properties.

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

Not Applicable. No poles above the permitted height are being proposed.

N/A (I) Land Use Intensity Modifications

Not Applicable. No modifications to the land use intensity standards are being proposed.

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

Not Applicable, as the site is located in the RM-1 and MU-2 zone districts.

(K) Additional Criteria for Parking Reductions: The off-street parking requirements of [Section 9-7-1](#), “Schedule of Form and Bulk Standards,” B.R.C. 1981, may be modified as follows:

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

The applicant is requesting an 5% percent parking reduction to allow for 57 parking spaces where 60 are required.

(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 9-7-1, “Schedule of Form and Bulk Standards,” B.R.C. 1981, if it finds that:

(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;

As mentioned above, the project also includes a request for a 5% parking reduction to allow for 57 parking spaces where 60 are required for the MU-2 portion of the site. The parking requirement for the 12 units on the RM-1 portion of the site is being met, with each of the units being provided 2 garage parking spaces for a total of 24 spaces. On the MU-2 portion of the site, for which the parking reduction is being requested, the 16 units in the mixed use buildings are provided with a total of 18 garage spaces (14 single car garages and 2 two-car garages), and 39 spaces including 3 accessible spaces are provided for the commercial and restaurant uses. Given that the proposed residential uses are all meeting or exceeding the parking requirement, staff finds that the residential parking needs will be adequately accommodated.

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

On the MU-2 portion of the site, for which the parking reduction is being requested, the 16 units in the mixed use buildings are provided with a total of 18 garage spaces (14 single car garages and 2 two-car garages), and 39 spaces including 3 accessible spaces are provided for the commercial and restaurant uses. As part of the parking reduction request, the applicant has provided a Travel Demand Management (TDM) Plan that includes strategies for reducing vehicle travel to and from the site, including providing EcoPasses for all employees for a period of at least 3 years. Additional strategies are listed in the response to criterion (D)(v) above. Overall, given the site’s location along a major transit corridor as well as the bicycle and pedestrian facilities being proposed, staff finds that the proposed parking will be adequate to serve the non-residential uses.

(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;

Not applicable, as no shared parking is proposed.

(d) If joint use of common parking areas is proposed, varying time periods of use will accommodate proposed parking needs; and

Not applicable, as joint use of common parking areas is not proposed.

(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.

No applicable.

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

USE REVIEW CRITERIA

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

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

The project site is zoned MU-2 (Mixed Use – 2) , defined in the land use code as: "Mixed use residential areas adjacent to a redeveloping main street area, which are intended to provide a transition between a main street commercial area and established residential districts. Residential areas are intended to develop in a pedestrian-oriented pattern, with buildings built up to the street; with residential, office, and limited retail uses; and where complementary uses may be allowed" (§9-5-2(c)(2)(B), B.R.C. 1981). For the purposes of applying zoning, the proposed use is considered a restaurant over 1,000 sq. ft. in floor area or which closes after 11:00 p.m. or with an outdoor seating area of 300 square feet or more, which requires a Use Review to operate in the MU-2 zone.

✓ (2) Rationale: The use either:

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

The three proposed small scale, neighborhood restaurants will provide a direct service and convenience to the surrounding residents, business owners, and employees by creating additional places to eat, gather, and socialize in North Boulder, an area that is slowly redeveloping and currently has few restaurant choices available. The proposed uses are consistent with the desired character of the area as expressed by the NoBo Plan. The NoBo Plan describes the desired characteristics of a "Mixed Use Transition to Adjacent Residential" area as a transition area "with residential and office uses, neighborhood serving restaurants, and personal service uses in a pedestrian-oriented pattern with buildings located close to the street and parking in the rear...where people can live and work in close proximity, possibly in the same building."

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;

✓ 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 two small scale neighborhood restaurants are compatible with the surrounding area in size and use and will enhance this area greatly in accordance with the desired character of the area as established by the NoBo Plan. Per the Management Plan included as **Attachment A**, the applicant does not have specific tenants for the 3 proposed restaurant spaces yet, so they have requested maximum flexibility in order to allow for hours of operation from 6:00 a.m. to 12:00 a.m. seven days per week. It is worth noting that because of the site's proximity to the Waldorf School property, none of the restaurant spaces will be eligible to obtain a liquor license.*

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

The proposed restaurant uses will not create any additional infrastructure impacts beyond what would be allowed by-right on the site.

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

The project site is located in North Boulder at the northwest corner of the intersection of Violet Ave. and Broadway Ave. within the boundaries of the [North Boulder Subcommunity Plan](#) (NoBo Plan). The NoBo Plan sets forth the official vision for the future of the North Boulder Subcommunity and is the basis for decisions regarding the long-term preservation and development of North Boulder. The site was formerly the location of the Blue Spruce Auto repair shop; however, that use has relocated and the existing building is vacant.

The area encompassed in the NoBo Plan has changed over the past number of decades from a largely rural area with a mix of residential and service or industrial uses to nodes of more urban mixed use neighborhoods, guided by the NoBo Plan and the zoning put in place to implement the plan.

Reflecting these changes, the character of the area surrounding the project site is eclectic. The Waldorf School surrounds the site on the south and west, and beyond that to the south and southeast of the site are established residential neighborhoods with predominately traditional single family building scale and style. To the north is the Ponderosa mobile home park and an industrial service shopping center, and further north and across Broadway is the Uptown Broadway development which is characterized by larger buildings with a more contemporary style. Directly across the street is the site of the recently constructed Violet Crossing development, which incorporates a north-south transition from three to two-story buildings, creating an urban edge and street face that is compatible with the mixed use buildings at Uptown Broadway while utilizing materials that are compatible with the adjacent single family neighborhoods.

Taking the evolving character of the area into consideration, the proposed uses are consistent with the desired character of the area as expressed by the NoBo Plan. The NoBo Plan describes the desired characteristics of a "Mixed Use Transition to Adjacent Residential" area as a transition area "with residential and office uses, neighborhood serving restaurants, and personal service uses in a pedestrian-oriented pattern with buildings located close to the street and parking in the rear...where people can live and work in close proximity, possibly in the same building."

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

Not applicable.



CITY OF BOULDER
Planning and Development Services

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CITY OF BOULDER
LAND USE REVIEW RESULTS AND COMMENTS

DATE OF COMMENTS: **November 25, 2011**
 CASE MANAGER: **Chandler Van Schaack**
 PROJECT NAME: **The Plaza**
 LOCATION: **4403 BROADWAY**
 COORDINATES: **N08W07**
 REVIEW TYPE: **Site and Use Review**
 REVIEW NUMBER: **LUR2011-00071**
 APPLICANT: **George Watt**

DESCRIPTION: **SITE AND USE REVIEW: Mixed use development on a split-zoned property consisting of 6 residential duplex buildings, 12 units total, on RM-1 portion of site and 3 mixed use buildings including 13 residential units as well as retail, restaurant and office space on MU-2 portion of site. Total proposed commercial floor area to be 13,270 s.f. and proposed residential floor area to be 47,766 s.f. (30,551 s.f. in RM-1 zone and 17,215 s.f. in MU-2 zone).**

REQUESTED VARIATIONS FROM THE LAND USE REGULATIONS:

1) Section 9-9-6, "Parking Standards":

- Applicant is requesting an 18% parking reduction for the MU-2 portion of the site to allow for 54 spaces when 66 are required (staff's analysis indicates that the requested reduction is actually 36% to allow for 42 spaces where 66 are required. Please see 'Parking' comments below for further information).

2) Section 9-7-1, "Form and Bulk Standards" – Maximum Number of Stories:

- Applicant is requesting a variation to the 2-story maximum in the MU-2 zone district to allow for third stories on mixed use buildings 'A' and 'B'.

3) Section 9-7-1, "Form and Bulk Standards" – Setbacks:

- Applicant is requesting a variation to the minimum front yard setbacks for third stories and above (staff's analysis indicates that additional variations to the setback standards may be required. Please see 'Zoning' comments below for further information).

4) Section 9-7-1, "Form and Bulk Standards" – Maximum Building Height:

- Applicant is requesting a variation to the 35 foot height limit in the MU-2 zone to allow for two buildings to reach up to 42 feet 6 inches in height.

I. REVIEW FINDINGS

Overall, staff is in support of this project and considers it an exciting addition to the burgeoning North Boulder Subcommunity. Staff would like to acknowledge the applicant for their efforts in identifying and mitigating potential issues early in the process. While many of the issues identified by staff have been addressed, additional detail is needed on certain aspects of the project to resolve issues that have been identified related to site planning, flood and engineering.

Prior to a recommendation of approval, revisions to the application are required and additional documentation must be provided to show compliance with Site Review criteria. Staff's comments below are meant to help clarify conformance with the land use regulations and site review criteria as well as the design and construction standards. Therefore, please revise the project plans as noted herein and submit five sets of revised plans, along with a disk of revised plans in pdf form to a project specialist at the front counter of P&DS. The submittal must be made prior to the start of a three week review track, by 10:00 a.m. **Please note that December 5 is the final resubmittal period for the year.**

Staff is happy to meet with the applicant's team to discuss staff's comments at your convenience.

II. CITY REQUIREMENTS

Access/Circulation Scott Kuhna, 303-441-4071

Parking/Peds

Address: 4403 N BROADWAY

1. The plans contain the note "Vacate Ex. 25' Access Esmt. And Drainage Esmt.". The existing Drainage Easement runs the entire length of the site (west to east), but the Access Easement only covers the westernmost 50 feet of this area. Revise the notation accordingly. It should be noted that Access Easement vacations require City Council approval and must be reviewed through a separate Land Use Review application.
2. The plans show Parking Garage 1 encroaching into the "Right-of-Entry" easement at the northwest corner of the property. Additional information regarding the easement is required.
3. Curb ramps are required at the intersection of North Broadway and Violet Avenue and at 10th Street and Violet Avenue in accordance with standard Drawing No. 2.07 in the City of Boulder *Design and Construction Standards (DCS)* and per detail M-608-1 of the Colorado Department of Transportation (CDOT) Standard Drawings.
4. A 10' x 60' concrete bus stop pad will be required to be installed in North Broadway directly east of the 8' x 30' transit stop boarding area shown on the plans. Revise accordingly.
5. The full width of North Broadway needs to be shown on one of the engineering drawings to ensure that 80 feet of right-of-way is provided. A 1-foot dedication of right-of-way from this project and the development across the street (Violet Crossing) is necessary to obtain the full 82-foot right-of-way width.
6. A horizontal control plan including parking space dimensions, backing distances, accessible spaces per section 9-9-6(b) of the *Boulder Revised Code*, etc. is required at this time. Per section 4.6.2 of the ADA Accessibility Guidelines, accessible spaces must be dispersed and located closest to the accessible entrances.
7. The southernmost on-street parking space shown along the west side of North Broadway is too close to the intersection and needs to be shifted a minimum distance of 30 feet from street intersections to the north. The minimum parking space dimension for parallel stalls is 8' x 23'.
8. Further information is needed regarding the existing 10' easements along Violet Avenue and 10th Street since access easements are required for the proposed public sidewalks. The sidewalks along North Broadway, Violet Avenue, and 10th Street must be located with public access easements that start at the right-of-way line and extend to 1-foot beyond the back of sidewalk.
9. Emergency access lanes shall be provided in accordance with Section 2.10 of the *DCS*. All access lanes must be shown to accommodate an SU-30 vehicle.
10. Planter box dimensions need to be included on the plans. All planter boxes shall be located a minimum of 18-inches from back of sidewalk or back of required walkway width.
11. The proposed driveway ramp on North Broadway needs to be shifted to the east to line up with existing curb line of the street. See standard Drawing No. 2.22 in *DCS*.
12. It appears that two (2) parking spaces are being proposed in between Parking Garage 1 and Parking Garage 2. Clarification on the plans is necessary.
13. The proposed public sidewalks along 10th Street and along North Broadway are required to transition to the existing conditions north of the site. Revise the plans to show these sidewalk transitions.
14. Turnarounds are required for dead-end parking bays of eight stalls or more. Turnarounds must be identified with a sign or surface graphic and marked "no parking". The space shall be a minimum of 9 feet wide with a depth equal to the adjacent parking stall. See Figure 9-5 of the *Boulder Revised Code, 1981 (Code)*.
15. A 5'x8' accessible loading area shall be provided within the proposed "Bus Stop Pad, Bike Racks, and Bench" on North Broadway and needs to be shown on the plans. All improvements must be in accordance with the RTD Bus Transit Facility Design Guidelines and Criteria.
 - The standard RTD bench is the Victor Stanley Steelsites Series Model# RB-28 in black with back.
<http://www.victorstanley.com/products/?mode=prodDetail&id=1&catId=1>
 - Below is a link to the URL for all RTD Design Guidelines:
<http://www3.rtd-denver.com/elbert/Criteria/index.cfm>

Traffic Impact Analysis

16. A trip generation, trip distribution, and trip assignment analysis is required per Sections 2.03(J) and 2.03(K) of the DCS. A traffic impact study will be required for any residential development that is expected to generate 20 vehicle trips or greater during any single hour and/or for any nonresidential development that is expected to generate 100 vehicle trips or greater during any single hour. If a traffic impact study is warranted by the trip generation, the transportation consultant or engineer preparing the study should contact Scott Kuhna (303-441-4071) to discuss the study parameters prior to initiating the study.

Traffic Demand Management (TDM) Plan

17. A Transportation Demand Management (TDM) plan consistent with section 2.03(I) of the City of Boulder *Design and Construction Standards* and section 9-2-14(h)(2)(D)(iv) and (v) of the *Boulder Revised Code* is required at this time to outline strategies to mitigate traffic impacts created by the proposed development and measures for promoting alternate modes of travel. The applicant should contact Chris Hagelin (303-441-1832), Senior Transportation Planner with GO Boulder, to discuss viable TDM options specific to this project. The TDM plan must be submitted as a separate document with Site Review submittal.

Addressing Chandler Van Schaack, 303-441-3137

The City is required to notify utility companies, the County Assessor's office, emergency services and the US Post Office of proposed addressing for development projects. If new addresses are being proposed for the site, a Final Address Plat and list of all proposed addresses should be prepared and submitted in hardcopy and digital (pdf) format to P&DS staff for routing and comment. This is considered part of the Technical Document Review process for a project of this size and scope and is in addition to the Site Review approval.

Affordable Housing Michelle Allen, 303-441-4076

Each new residential unit developed on the property is subject to 9-13 B.R.C., 1981, "Inclusionary Housing." The general Inclusionary Housing requirement is that all residential developments must dedicate 20% of the total dwelling units as permanently affordable housing. For for-sale housing this requirement should include at least half of the required affordable units on-site. The other half of the requirement may be met by the provision of comparable existing or newly built off-site permanently affordable units, the dedication of land appropriate for affordable housing or by payment of a cash-in-lieu contribution.

The development contains twenty-five attached residential units resulting in an Inclusionary Housing requirement of five (5) affordable units. A minimum of three of the affordable units should be provided on-site; one duplex and two stacked flats.

The 2011-2012 cash-in-lieu amount is calculated as the lesser of \$126,142 per required attached affordable unit or \$105 multiplied by 20% of the total floor area of all dwelling units (to encourage smaller units, the required cash-in-lieu contribution declines when the average floor area of market rate units is under 1,200 square feet). A 50% additional premium is applied to any affordable units required but not provided on-site. Cash-in-lieu amounts are adjusted annually on the first of July and the amount in place when the payment is made will apply.

Per 9-13 B.R.C., 1981, and associated regulations, permanently affordable dwelling units must be proportionate in type (such as detached, attached or stacked units) and number of bedrooms to the market rate units. Attached permanently affordable units must have a floor area equal to at least 80% of the market-rate units. Permanently affordable dwelling units must be functionally equivalent to market rate units and must meet the "Livability Guidelines and Standards for Permanently Affordable Housing."

A Determination of Inclusionary Housing Compliance form and a deed restricting Covenant to secure the permanent affordability of the units must be signed and recorded prior to application for any residential building permit and any applicable cash-in-lieu contribution must be made prior to receipt of a residential building permit. Permanently affordable units must be marketed and constructed concurrent with market-rate units. Additional requirements may be found on-line at www.boulderaffordablehomes.com click on "Are You a Developer".

Building and Housing Codes Kirk Moors, 303-441-3172

1. The third floor of building A must have access to two exits as per IBC table 1015.1.
2. The exit access stairs for buildings A, B and C must be placed a distance apart equal to 1/3rd of the length of the maximum overall diagonal dimension of the area served.

Building Design Chandler Van Schaack, 303-441-3137

1. Staff finds the scale and architectural character of the buildings consistent with the North Boulder Subcommunity Plan as well as the Site Review criteria and appreciates the contemporary designs. The proposed mixed use buildings help frame a pleasant streetscape and present a quality retail frontage along Broadway while effectively transitioning in

mass to the properties to the south. While the compositions rely on several high quality materials, the applicant may consider limiting the palette. While stucco is used as an accent on the buildings that front Broadway, the applicant may consider reducing the use of stucco on the primary facades of the duplex units. Also, it is indicated in the "Architectural Character" section of the Applicant's written statement that the designs depicted for the proposed townhouses are a "starting point," and that the form, materials and color of the proposed townhouses may be varied during the Technical Document process. Please note that Site Review approval includes only those building designs depicted on the approved plan set, and that any changes to the approved site plan, building plans, or landscaping plans will require, at a minimum, review and approval of a Minor Modification to the Approved Site Plan pursuant to section 9-2-14(k), B.R.C. 1981.

If the Applicant wishes to receive approval of multiple townhouse designs through the Site Review process, it will be necessary to include floor plans and elevations for each of the proposed designs and to provide separate zoning information (i.e. floor area, open space, building coverage, etc.) for each proposed design.

2. Staff has some questions related the placement of the detached elevator proposed on the west side of Building C. In conjunction with the two planters on either side, the elevator in its current location occupies a significant portion of the western courtyard and may detract from the overall usability of the space as a public/private realm. If possible, staff recommends exploring design options that would integrate the elevator into the main building and open up the western portion of the courtyard.

Drainage Scott Kuhna, 303-441-4071

1. Vacation of the existing 25-foot wide Drainage Easement through the site is required to allow for construction of several of the buildings. Because the proposed on-site storm sewer system will convey runoff from adjacent properties (in a similar fashion as historic), it will also need to be public and be located within a new 25-foot wide Drainage Easement. Revisions to the plans and reports are required.
2. Page 3 of the *Preliminary Drainage Report – 4403 Broadway (Report)* discusses off-site Basin OS1 which is approximately 7 acres in size and is comprised of mobile homes, gravel parking, and some grassy areas. Basin OS1 is not shown on the *Preliminary Developed Drainage Plan (Figure 2)* and no calculations for the runoff from OS1 are included in Appendix B of the *Report*. Conveyance of off-site runoff through the subject site is a critical component in the design and layout of the development for both the minor and major storm events. The "public" storm sewer system will need to be designed to adequately convey the minor storm event through the site, and there must also be a design to safely convey the major storm event through the site without damage to persons or property. Detailed information and calculations for the off-site basins discharging onto and through the subject site are required at this time.
3. The *Report* and the plans show a proposed permeable pavers system for the walks, outdoor seating, and plaza areas around the commercial mixed use buildings. No details, however, are included on the plans or in the *Report* for the design, outfall, etc. of the underground system. While the permeable pavers system may be able to provide some water quality treatment to the walkways and plaza areas, all of the parking lot runoff will be conveyed off-site with no detention or treatment of any kind. It is also unclear that the structural engineer designing the foundations for the commercial mixed use buildings will be comfortable with permeable pavers surrounding all sides of the buildings. Clarification on the plans and in the *Report* is required.
4. Page 1 of the *Report* states "the proposed grading will provide positive drainage away from proposed structures...". See comment above regarding permeable pavers surrounding the proposed commercial mixed use buildings.
5. The plans show a trash enclosure east of Building 5 on top of the proposed storm sewer line running through the site. The line must also be located in a 25-foot wide Drainage Easement (see above) therefore the structure will need to be relocated. No portion of any structure, including footings and eaves, may encroach into any public right-of-way or easement or across any utility.
6. The existing and proposed storm water basins shown on Figure 1 and Figure 2 of the *Report* do not appear to follow the existing or proposed drainage patterns on-site. Each discharge point (i.e. inlet or outfall point) should have its own drainage basin. These individual basins will then be used to determine the amount of runoff to each inlet or design point, and to show how much of the storm water runoff will discharge from the property untreated and/or undetained.
7. All detention ponds shall include an overflow release feature to spill during storm events larger than the major design storm or when release outlets fail. They shall be designed to release overflows in a direction and manner that will not adversely affect properties downstream of the ponds. Revise the plans accordingly.

8. It is not clear what is proposed for the curb-line near the southwest corner of Building A. It appears that an inlet or chase drain is necessary at the collection point in the landscape peninsula.
9. The plans show a bend in the proposed storm sewer line southeast of Building 4. Manholes are required at each connection with another line and at all changes in grade, slope, alignment, and pipe size.

Flood Control Katie Knapp, 303-441-3273

1. The property is impacted by the 100-year floodplain of Four Mile Canyon Creek per the Letter of Map Revision (LOMR number 06-08-B289P) effective March 28, 2007. The drainage report states that the property is outside of the 100-year floodplain. Revise the drainage report accordingly.
2. The site plan (sheet A1.0) shows a LOMA delineation line that does not match the above referenced LOMR. Please clarify what this line indicates. Another line (that is not labeled on the site plan) appears to match the 100-year floodplain limits per the above referenced LOMR. The residential units 5, 6, 7, and 8, all cross over this line and encroach into the 100-year floodplain. In accordance with Section 9-3-3 (a)(17), B.R.C., all new residential structures within the 100 year floodplain must be elevated so that the lowest level is above the flood protection elevation, therefore, the basements must be removed from these units. Please note that in accordance with Section 9-3-2(c)(2), B.R.C, if any portion of a structure lies partially within the flood fringe area, all of the standards and requirements of the floodplain regulations shall apply to the entire structure.
3. Please indicate if the proposed mixed-use structures will be elevated or floodproofed to the flood protection elevation.
4. Indicate what survey datum the site and proposed finished floor elevations are based on and show the flood protection elevations for each structure.
5. The applicant is showing below grade basement construction for some of the residential structures that are located within a small "island" of 500-year floodplain. These proposed structures are immediately adjacent to and completely surrounded by the 100-year floodplain. In order to protect the future home owners from basement flooding, it is strongly recommended that the proposed structures located within the "island" of 500-year floodplain be constructed in accordance with the 100-year floodplain regulations and that the residential structures be elevated to the flood protection elevation. The location of the proposed stormwater detention pond immediately adjacent to these structures increases the risk of basement flooding.

Fees

Please note that 2010 development review fees include a \$131 hourly rate for reviewer services following the initial city response (these written comments). Please see the P&DS Questions and Answers brochure for more information about the hourly billing system.

Fire Protection David Lowrey, 303.441.4356

1. There appears to be a few buildings where fire access is questionable. Accurate access design could not be determined but the applicant is strongly encouraged to make an appointment with fire to review intended access.
2. Hydrant placement for buildings to the west is incorrect. The hydrant should not be at the end of the buildings, this will block the use to that hydrant for the building located on the south side. This comment has been made before about this project.

Land Uses Chandler Van Schaack, 303-441-3137

1. Pursuant to section 9-6-1, "Use Standards," B.R.C. 1981, restaurants and taverns over 1,000 square feet in floor area, or which close after 11:00 p.m., or with an outdoor seating area of 300 square feet or more are allowed in the RM-2 zone district only if approved through a Use Review. Approval of a Use Review is also required for retail sales uses with a floor area of 5,000 square feet or less in the MU-2 zone. The application addresses the Use Review criteria with regards to one of the proposed restaurants; however, pursuant to section 9-2-15, B.R.C. 1981, each use requiring Use Review approval to operate must demonstrate compliance with the Use Review criteria. Therefore, it is necessary to provide additional documentation demonstrating how each of the three proposed retail uses as well as both of the proposed restaurant uses meet the Use Review criteria as set forth in section 9-2-15(e), B.R.C. 1981.

While staff understands that it is unlikely that tenants have already been secured for the proposed spaces and that detailed Management Plans may thus be impossible to provide, it is important in addressing the Use Review criteria for each of the proposed uses to include as much detail as possible on the proposed operating characteristics, including but not limited to general character, hours of operation, location and schedule of both deliveries and trash removal, etc. The operating characteristics for each proposed use will be included in the Disposition of Approval as

conditions of approval.

Landscaping Elizabeth Lokocz, 303-441-3138

In general, the proposed project has many opportunities for high quality landscape design. Please address the following comments for the next submittal. Several request key information to determine if the proposal meets all relevant Site Review Criteria and other Land Use code requirements. Contact staff with any questions.

1. The overall right of way/sidewalk layout and dimensions are consistent with previous discussions. A few minor changes would improve the overall functionality. Please be sure to coordinate these comments with all transportation related comments.
 - a. Some of the curb lines have been lost on the northern end of Broadway. Please add them to all plans and verify that planter dimensions are to the back of curb (actual planting space) and not to the face of the curb.
 - b. The 13'-6" sidewalk dimension appears to include the planting "strip". Clarify the dimension of the actual walkable surface area of the sidewalk. A pedestrian strip adjacent to the curb should be added a minimum of 12", and as much as 18", to facility pedestrian traffic.
 - c. Increase the right of way planters to at least six feet in width; the raised planters on private property should be decreased to accommodate the larger trees in the right of way if necessary as well as the secondary sidewalk. The primary focus should remain on the public sidewalk and right of way treatment. The raised planters should enhance space without blocking the visual connection of the building façade and glazing from the street.
2. Several landscape modifications are illustrated, but not called out, on the plans including property line screening and interior parking lot screening. Recalculate the interior parking lot screening based on the minimum dimensional standards (eight ft. in any dimension and 150 sq. ft.) and revise the requirements table accordingly. Although staff can support modifications, the proposed narrow planting beds throughout the parking lot are not sufficient to support large maturing trees and will significantly increase irrigation needs. Adjustments across the site to accommodate wider beds should be evaluated at this stage of design; include setbacks, walkway widths and building separation in this analysis.
3. The written statement references living walls. Please clarify the extent and treatment of the proposed walls. Are they only on Building C as labeled on Sheet L1.0? Illustrate the system, label the proposed plants and supply sufficient information to verify the associated soil volume.
4. Please provide additional detail on the materials and future use of the courtyard. Any information on the color and material selection would support the overall quality of the project.
5. Include cross-section(s) of the proposed combined detention pond and pocket park to communicate the side slopes and access into the area. Demonstrate that it can clearly function as both high quality useable open space and the needed detention.
6. There are multiple utility conflicts that appear on the plans at this stage. Adding a utility line legend to the Landscape Plans would be very helpful. Resolve the following conflicts prior to the next submittal:
 - a. Fire hydrant locations on Violet, interior to the site and at the Broadway site access (note that not all are consistently shown on the Landscape and Utility plans.
 - b. Water meter locations on Broadway do not meet minimum separation.
 - c. The sanitary sewer service to Building C does not meet the minimum separation.
7. The trash enclosures do not currently show doors. They will need to be fully screened from rights of way and adjacent properties. Clarify the treatment which will accomplish full screening.
8. At a minimum the proposed tree species shall be called out on the planting plan and total quantities for all trees included in the Plant List. Labels for all proposed shrubs are not needed, but a total must be included in the requirements table. Ideally, all shrubs would be labeled for the final Site Review plans. Minor changes and adjustments may be made at Technical Document review if the quality of the overall plan remains consistent with the Site Review approval.
9. The bicycle parking located on the northern property line and adjacent to the Violet Avenue entrance both have adjacent narrow landscape strips that are likely to be maintenance issues. Extending the parking pad would eliminate these awkward areas.
10. Please illustrate how the two small landscape islands which both contain water meters will be treated adjacent to the eastern duplexes (9/10 and 11/12). Are these landscape islands or something else?

11. It appears that six small maturing trees are proposed for grates west of the mixed use buildings on Broadway. Please clarify the grate size and type if known, the surrounding treatment and any soil enhancements that will be made to support long lived trees. Staff supports alternative methods of urban tree planting that result in larger soil volume. This might be an excellent site to test some of these methods such as paver grates.
12. Autumn Blaze Maple has had limited success in North Boulder in similar planting situations. Staff recommends using it sparingly if at all in parking lot and streetscape applications. Any of the other trees listed on the plan would be an improved selection. In addition, consider Common Hackberry.

Legal Documents Julia Chase, City Attorney's Office, 303-441-3020

1. Pursuant to subsection 9-2-19(b), "Establishing a Vested Property Right," B.R.C., 1981, a public hearing before Planning Board is required to establish vested rights. The Applicant shall state clearly those elements of the site plan for which the applicant seeks to create vested rights, including, without limitation, density, building height, building footprint location and architecture. The Applicant should submit a new vested rights form to more clearly state the elements for which the Applicant is seeking vested rights.
2. Prior to signing the Development Agreement, if approved, the Applicant shall provide the following:
 - a) an updated title commitment current within 30 days of signing the agreement; and
 - b) proof of authorization to sign on behalf of the owner (such as operating agreement or statement of authority).

Lighting Chandler Van Schaack, 303-441-3137

Pursuant to section 9-2-14(h)(2)(F)(ix), B.R.C. 1981, A lighting plan must be provided "which augments security, energy conservation, safety, and aesthetics." Several other Site Review criteria refer to a lighting plan as well. Currently there is no lighting plan for the proposed project. Please include an outdoor lighting plan with the revised plan set.

Miscellaneous Scott Kuhna, 303-441-4071

The applicant is responsible for obtaining approvals for any relocations or modifications to irrigation ditches or laterals from the impacted ditch company. This includes the crossing of any irrigation ditch or lateral for vehicular or utility purposes and the release of stormwater runoff into any ditch or lateral. The applicant is advised that revisions to any approved city plans necessary to address ditch company requirements may require reapplication for city review and approval at the applicant's expense.

Neighborhood Comments Chandler Van Schaack, 303-441-3137

Staff has received several comments from neighbors who feel that the proposed modifications to the building height and setback standards are not in conformance with the NBSP, and an additional comment from a neighbor who feels that the height modification should not be allowed due to the perception that the proposed buildings would block views. Additional requests for project information have also been received.

Open Space Chandler Van Schaack, 303-441-3137

1. Staff recognizes the Applicant's efforts to provide high quality open space features on both portions of the site and is generally in support of both the pocket park and mixed use courtyard. Staff is also in support of providing a rich and functional buffer/ landscaped promenade along Broadway; however, staff finds that additional passive recreational amenities, particularly benches, to certain high-use areas such as the pocket park and upper walkway along Broadway could serve to improve the usability of the spaces and promote a more welcoming pedestrian environment. Please see 'Landscaping' comments above for additional area-specific recommendations.
2. Additional information is needed for the open space calculations included on Sheet L2.0. Please include a full-size open space plan using color labeling and drawn to a common scale and that clearly corresponds to the open space data provided in the table. Additionally, please revise the table to include the required open space for each zone district as well as open space calculations (in square feet and percentages) for each type of open space being provided (i.e., private decks and balconies, landscaped areas, plazas/courtyards, landscaped right-of-way, etc.) as referenced in section 9-9-11, B.R.C. 1981. In revising the open space plan, please take the following comments into consideration:
 - a. **RM-1 Zone:**
 - i. The "Drives and Parking" calculations and the "Buildings and Garages" calculations do not appear to correspond to Sheet A1.0. Staff's preliminary calculations indicate that the areas of the above-referenced categories are significantly larger than shown on the open space table.
 - ii. In addressing the Site Review criteria the Applicant has indicated that the path extending from the pocket park west to 10th St. and east to the shared drive behind the eastern duplex units is meant to provide a pedestrian connection from 10th St. to the mixed use buildings; however, the path does not

connect directly through the park but rather leads to the sidewalk along Violet Ave. to the south. Staff recommends exploring additional design options for a connector path from 10th St. to the MU-2 portion of the site that would allow for a more direct connection through the open space provided on the RM-1 portion of the site.

- iii. Pursuant to section 9-9-11(e)(4), B.R.C. 1981, useable open space includes “landscaped areas, plazas and patios, used as open space, and located adjacent to a street, alley, driveway or parking lot, and protected from vehicular encroachment by a vehicular barrier which may include, without limitation, a bollard, wall, fence or curb.” The landscaped area to the west of the proposed “Parking Garage 1” is included in the open space calculations shown on Sheet L2.0; however, the landscape plan does not show how the space will be treated and there does not appear to be any sort of vehicular barrier protecting the space from vehicular encroachment. If the space is to be counted as usable open space it must be demonstrated that it meets the above-referenced standard.

b. MU-2 Zone:

- i. Pursuant to section 9-8-1, B.R.C. 1981, a minimum of 60 square feet of private open space is required per dwelling unit for residential uses. While the majority of the units meet this standard, the middle unit on the second floor of Building A (Unit A202) as well as the middle units on both the second and third floors of Building B (Units B202 and B302) do not meet this standard, as they do not have access to private open space (the balconies opposite these units are accessible by all residents of the buildings). Please revise the floor plans so that the three units mentioned above all have access to at least 60 square feet of private open space.
- ii. Pursuant to section 9-9-11(i)(2), B.R.C. 1981, a recessed window or doorway of less than twenty-four square feet in ground area and less than three feet in any horizontal dimension may not be counted as usable open space. Currently there are several recessed windows shown on the mixed use buildings that are less than three feet deep and less than twenty four square feet in area which appear to be counted as usable open space in the open space diagram. Please either remove these areas from the open space calculations or adjust the spaces to meet the minimum dimension requirements.

Parking Chandler Van Schaack

1. Pursuant to section 9-9-6(d)(2), B.R.C. 1981, the dimensions for standard parking spaces (90 degree parking angle) are 9 feet width by 19 feet length, and the dimensions for small car parking spaces are 7.75 feet width by 15 feet length. Accessible parking spaces require 8 feet width by 19 feet length with an additional 5 foot wide striped aisle adjacent to the passenger side. Currently all of the parking spaces shown on the MU-2 portion of the property, including both accessible spaces, have a length of 17 feet. Pursuant to section 9-9-6(d)(2)(B), B.R.C. 1981, the maximum allowable small car stalls may not exceed 50 percent of the total number of parking spaces required for the zone district. Please revise the plans so that the number of small car parking spaces does not exceed 50 percent of the required number of spaces and clearly delineate the locations of each proposed space (depict proposed striping).
2. The Parking Tables on Sheet A1.0 appear to be incorrect. The tables list the number of spaces provided on the MU-2 portion of the property as 54 (an 18% reduction) and the number of spaces provided on the RM-1 portion as 24 (78 spaces total); however, the site plan shows 42 parking spaces on the MU-2 portion of the property (a 38% reduction) and 34 spaces on the RM-1 portion (76 spaces total). Please revise Sheet A1.0 accordingly. Staff would like to note that it is possible to request a parking reduction of up to 50% through the current process, and that only a reduction of over 50% requires approval by Planning Board through a public hearing.
3. Additional information is required for the areas labeled on Sheet A1.0 as “Parking Garage 1” and “Parking Garage 2.” If the subject areas are intended to be car ports or some other parking structure it will be necessary to provide additional detail on the site plan as well as detailed elevations of the proposed structures to demonstrate conformance with applicable form and bulk standards for accessory structures as set forth in section 9-7-1, B.R.C. 1981.
4. The two parking spaces shown on the far west end of the access drive from Broadway do not meet parking standards for stall size or drive aisle width. Staff is also concerned about the functionality of the two spaces, as they would be hidden from view by the proposed car ports. Staff recommends considering removing the two spaces or relocating them to a more usable and visible location.

Plan Documents Chandler Van Schaack

1. There are several unlabeled lines shown on Sheet A1.0 that appear to depict the locations of the existing buildings on the site. Please remove these lines.
2. The Applicant’s written statement does not address section 9-2-14(h)(2)(K), “Additional Criteria for Parking

Reductions,” of the Site Review criteria. Please revise the written statement to address each of the criteria contained in this code section.

Review Process Chandler Van Schaack

It is indicated on Sheet A1.0 that the Applicant intends to vacate the existing 25' Access and Drainage Easement located along the northern edge of the RM-1 portion of the site. Please note that pursuant to [section 8-6-9](#), “Vacation of Public Rights of Way and Public Access Easements,” B.R.C. 1981, a public access easement may only be vacated through an ordinance by city council. Because this process can take longer than expected, following Site Review approval, if approved, staff recommends submitting an application for vacation of the access easement early on the in Tech Doc process to avoid holding up the building permit.

Utilities Scott Kuhna, 303-441-4071

1. The plans show Building A projecting 10 feet into an existing 15.5-foot wide Utility Easement. Relocation of the building or relocation of the utilities and easement is required.
2. The plans show Parking Garage 1 projecting 10 feet into an existing 15.5-foot wide Utility Easement. Relocation of the building or relocation of the utilities and easement is required.
3. The plans show a trash enclosure west of Building A on top of existing utilities and within a 15.5-foot wide Utility Easement. Relocation of the trash enclosure or relocation of the utilities and easement is required.
4. The plans show Parking Garage 2 encroaching into the utility easement north of Building 5 and on top of a storm sewer line in the easement. No portion of any structure, including footings and eaves, may encroach into any public right-of-way or easement or across any utility. Revise accordingly.
5. All of the water meters for Buildings 1 through 6 and Building B are shown to be located outside of public utility easements. In addition the service line for Building 2 does not meet the service alignment requirements of Section 5.09(A)(4) of the City of Boulder *Design and Construction Standards (DCS)*. Revisions to the water meter and water service line locations are required.
6. Direct access by maintenance vehicles shall be provided to each manhole. The access drive shall be an all-weather surface (asphalt, concrete, gravel base, or turf block) and shall be capable of supporting maintenance vehicles weighing up to 14 tons. Access to the proposed wastewater manhole northeast of Building 1 needs to be accommodated.
7. Fire hydrants shall be placed no farther than 5 feet behind the curb, outside of any fenced area, and have a 10-foot radius of clearance to adjacent obstacles (fences, walls, shrubs, trees, etc.). The proposed locations for the hydrant and tree southeast of Building 6 need to be revised.
8. “Sanitary service cleanouts” are shown at the connection to the wastewater main for all of the proposed wastewater service lines. Clarification is necessary. Please see standard Drawing No. 6.06 in the *DCS*.
9. Public Utility Easements shall provide a minimum parallel separation of 6 feet between the edge of any utility line and the easement boundary. Changes to the wastewater service main north of Buildings 3 and 5 and east of Buildings 1 and 2 are required.
10. Water service lines shall be installed perpendicular to the distribution main, up to and including the meter and pit. Changes to the proposed irrigation service from Broadway are necessary.
11. The plans show some type of structure encroaching into the utility easement north of Building 5 and on top of a private storm sewer line south of Building 4. No portion of any structure, including footings and eaves, may encroach into any public right-of-way or easement or across any utility. Revise accordingly.
12. Per city standards, trees need to be located at least 10 feet away from existing or future utilities. The following utility lines (or trees) were identified as not meeting separation requirements. The applicant should recheck all separations prior to the next submittal.
 - Proposed tree southeast of Building 3 – Proposed water service line.
 - Proposed trees (4) south of Building 5 – Proposed storm sewer line.
 - Proposed tree northeast of Building 6 – Proposed storm sewer line.
 - Proposed trees (3) south of Building B – Proposed storm sewer line.
 - Proposed tree northeast of Building B – Proposed fire hydrant.

Zoning Chandler Van Schaack, 303-441-3137

1. Please provide clarification on the Building Summary chart shown on Sheet A1.0. Staff is assuming that the "CIRC." Column is meant to represent circulation, but it is unclear, as the areas labeled "Area counted toward FAR for egress on balcony" do not correspond with the "CIRC." numbers shown on the chart. If the 'CIRC.' Calculations are meant to represent stairways, elevators, the portions of all exterior elevated above grade corridors, balconies, and walkways that are required for primary or secondary egress, please indicate that both on the chart as well as the floor plans, and clearly call out the floor area of said areas on the floor plans. In revising the chart, please take into consideration that per section 9-16-1, B.R.C. 1981, "Floor area" is defined as "the total square footage of all levels measured to the outside surface of the exterior framing, or to the outside surface of the exterior walls if there is no exterior framing, of a building or portion thereof, which includes stairways, elevators, the portions of all exterior elevated above grade corridors, balconies, and walkways that are required for primary or secondary egress by [chapter 10-5](#), "Building Code," B.R.C. 1981, storage and mechanical rooms, whether internal or external to the structure, but excluding an atrium on the interior of a building where no floor exists, a courtyard, the stairway opening at the uppermost floor of a building, and floor area that meets the definition of uninhabitable space."
2. The setbacks labeled on Sheet A1.0 are incorrect. While front yard setbacks apply to the frontages on 10th St. and Broadway Ave. pursuant to section 9-7-2(d)(7), B.R.C. 1981, pursuant to the definition of "Yard, front, rear, and side" found in section 9-16-1, the southern property line is considered a side yard adjacent to a street and not a front yard as labeled on the plan set. In addition, the northern property line is considered an interior side yard and not a rear yard as labeled. Finally, the western property line of the northern portion of the site that abuts the neighboring property to the west is subject to RM-1 rear yard setback requirements. Please note that while it is possible to alter the setback standards through the Site Review process, following the above reinterpretation of the yard classifications for this site any modifications to the setback standards set forth in section 9-7-1, B.R.C. 1981 will require formal documentation of the additional requested variations to the land use regulations, both in the application materials as well as the plan set. Additional information on form and bulk standards can be found on-line at: http://www.colocode.com/boulder2/chapter9-7_table7-1.htm. Staff is happy to meet with the Applicant to discuss the above interpretations if there is any question as to how the interpretations were agreed upon.

III. INFORMATIONAL COMMENTS

Access/Circulation Scott Kuhna, 303-441-4071

1. All inlet grates located in street, alley, parking lot travel lane, bike path, or sidewalk must utilize a safety grate approved for bicycle traffic.
2. All existing curb cuts and drives must be closed and removed to City Standards. A contractor who is licensed and bonded to work in the public Right-of-Way (ROW) must perform the work and will be required to apply for and receive a ROW permit for this construction.
3. Final engineering plans will be required for street and sidewalk construction at the time of Technical Document submittal. The engineering plans must include, but are not limited to street plan and profile drawings, cross-sectional drawings, detail drawings, a geotechnical soils report, and a pavement design report in accordance with section 1.03 of the City of Boulder *Design and Construction Standards*.

Area Characteristics and Zoning History Chandler Van Schaack, 303-441-3137

The project site is located within the boundaries of the [North Boulder Subcommunity Plan](#) which sets forth the official vision for the future of the North Boulder Subcommunity and is the basis for decisions regarding the long-term preservation and development of North Boulder. The NBSP provides specific actions to be carried out by the City, other public agencies, and the private sector related to future development. The NBSP was also the basis for re-zoning of a portion of North Boulder in 1997 and establishes a street and pedestrian/ bicycle network. The Plan was adopted by Planning Board and City Council in 1995. It was amended in 1996 and 1997 in relation to the Village Center boundaries and Crestview East and West annexation conditions.

Within the NBSP, the western portion of the site is designated as residential and the eastern portion along Broadway is designated as "Mixed Use Transition to Adjacent Residential." Page 17 of the NBSP defines "Mixed Use Transition to Adjacent Residential" as a transition area (between Business Main Street uses and adjacent Residential areas) "with residential and office uses, neighborhood serving restaurants, and personal service uses in a pedestrian-oriented pattern with buildings located close to the street and parking in the rear."

Overall, staff finds that the proposed project is in keeping with many of the goals and objectives of the NBSP. In particular, the project meets the following key concepts related to the project site (please refer to pg. 15 of the NBSP):

- Establishing a mixed use transition from the Village Center to neighborhoods in the surrounding areas, including residential and office uses, neighborhood serving restaurants, and personal service uses;
- Providing pedestrian-oriented, appropriately-scaled neighborhood centers that provide goods and services for neighborhood needs;
- Promoting a pedestrian-oriented development pattern with buildings located close to the street and parking in the rear.

Other general goals of the NBSP that the proposed project currently addresses include:

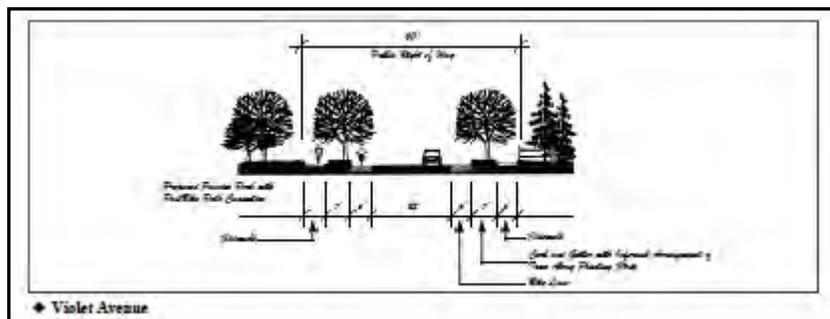
- Except in areas recommended for low density rural-type character, position buildings close to the street to create a more pedestrian friendly atmosphere (Ch. 5, *Neighborhoods*);
- Provide high quality building design with attention to detail. Avoid monotonous building designs: include human scale features such as porches, varied building elevations, and varied sizes and styles (Ch. 5, *Neighborhoods*);
- Provide a complementary, pedestrian oriented mix of public and private facilities to meet the needs of the subcommunity, in order to increase convenience and reduce auto trips (Ch. 6, *Employment & Retail Centers*);
- Design neighborhood-scale and subcommunity-level centers to foster a sense of community by creating vibrant areas for people to gather. This includes: ease of access, safety, and appropriate scale (Ch. 6, *Employment & Retail Centers*);
- Encourage walking, biking, and transit use by providing safe, comfortable and convenient pedestrian and bicycle path connections (Ch. 8, *Transportation*);

While staff's initial review indicates compliance with the above-referenced goals and objectives, there are several important areas of the NBSP for which additional detail would help prepare both staff and the applicant for addressing concerns of North Boulder residents during the review process and public hearing before Planning Board.

Areas for Improvement:

Streetscapes:

While the proposed streetscape along Violet Ave. is generally compliant with the approved streetscape designs contained on Pg. 24 of the NBSP in that it provides detached sidewalks separated from the street by planting strips, the NBSP calls for 7' planting strips along Violet Ave. where the current proposal depicts 6' planting strips (please see below for approved streetscape diagram). While staff understands that there is an underground irrigation lateral that precludes street trees from being planted in the planting strip, the Applicant should make every effort to ensure that the proposed streetscape is as compliant with the approved NBSP streetscape design as possible.



Compatibility with the Surrounding Context:

While the applicant's written statement addresses many of the NBSP goals and Site Review criteria, due to the modifications being requested to the maximum allowable building height and the third story setbacks special attention should be paid to demonstrating the project's compliance with the NBSP goals and objectives relating to compatibility with the surrounding context and preservation of neighborhood character (please refer to Chapters 5 and 6 of the NBSP).

Additional detail on how the project meets the Site Review criteria found under section 9-2-14(h)(2)(F), "Building Design, Livability, and Relationship to the Existing or Proposed Surrounding Area" would also be helpful in addressing these

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issues. Any additional graphic representations of the project that provide a visual comparison to other existing or approved developments in the surrounding area (i.e., Violet Crossing) would be very helpful. Staff also recommends exploring the possibility of creating a graphic representation of the project including the neighboring site to the north following redevelopment (i.e., with 35' buildings at 0' setback, etc.) to further support conformance with the "transition area" standards found in the NBSP.

Additional Recommendations:

While overall staff finds this project to be in conformance with the applicable goals and objectives of the NBSP, due to the prominence of the site, the sensitive surrounding context and the concern over the project already expressed by neighbors, **staff recommends holding a neighborhood meeting with members of the North Boulder Subcommunity to receive feedback and discuss potential ways to enhance the project's conformance with the NBSP.**

Building and Housing Codes Kirk Moors, 303-441-3172

Office space of more than 1500 square feet must meet the separate gender bathroom requirements of IBC sec. 2902.2. Lavatories are not permitted within five feet of a water closet sidewall for bathrooms serving a commercial space (ANSI sec. 604.3.2. Kirk Moors 303-441-3172

Drainage Scott Kuhna, 303-441-4071

1. A Final Storm Water Report and Plan will be required as part of the Technical Document Review process. All plans and reports shall be prepared in accordance with the City of Boulder *Design and Construction Standards*.
2. At time of Technical Document Review, the applicant shall submit information (geotechnical report, soil borings, etc.) regarding the groundwater conditions on the property, and all discharge points for perimeter drainage systems must be shown on the plan. The applicant is notified that any proposed groundwater discharge to the city's storm sewer system will require both a state permit and a city agreement.

Flood Control Katie Knapp, 303-441-3273

1. All development within the 100-year floodplain is subject to the city's floodplain regulations and requires the approval of a floodplain development permit. The application must be submitted prior to or concurrently with the building permit submittal and must demonstrate that all requirements set forth in section 9-3-2 through 9-3-6 of the B.R.C. will be met. A draft of the floodplain development permit application should be submitted with the Technical Document submittal.
2. The floodplain development permit shall contain certified drawings demonstrating that:
 - a. The proposed residential buildings will be elevated to the flood protection elevation.
 - b. The proposed mixed-use buildings will be elevated or floodproofed to the flood protection elevation, have structural components capable of resisting projected hydrostatic and hydrodynamic loads and the effects of buoyancy, be constructed with materials resistant to flood damage and have all residential units elevated at or above the flood protection elevation.
 - c. Dry floodproofed structures will remain substantially impermeable to water. Slight seepage may be allowed if the applicant can demonstrate that the resulting damages would be negligible, the seepage could be easily removed, and seepage rates would not exceed an amount which would result in an accumulation of more than four inches of water depth during a 24-hour period.
 - d. Enclosures, such as crawl spaces, below elevated structures shall meet the requirements B.R.C. 9-3-3 (a)(18 and 19) and FEMA Technical Bulletin 1.
 - e. Any proposed structures or obstructions in the floodplain, including trash enclosures and raised planters, will be properly anchored to prevent flotation, collapse, or lateral movement and be capable of resisting hydrostatic and hydrodynamic loads.
 - f. The buildings will be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities that are designed and located (by elevating or floodproofing) so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - g. Any proposed surface parking is not projected to flood to a depth greater than 18 inches in the event of a one-hundred year flood.

Miscellaneous Scott Kuhna, 303-441-4071

1. The applicant is notified that any groundwater discharge to the storm sewer system will require both a state permit and a city agreement. The steps for obtaining the proper approvals are as follows:

Step 1 -- Identify applicable Colorado Discharge Permit System requirements for the site.

Step 2 -- Determine any history of site contamination (underground storage tanks, groundwater contamination, industrial activities, landfills, etc.) If there is contamination on the site or in the groundwater, water quality monitoring is required.

Step 3 -- Submit a written request to the city to use the municipal separate storm sewer system (MS4). This submittal should include a copy of the Colorado Department of Public Health and Environment (CDPHE) permit application. The written request should include the location, description of the discharge, and brief discussion of all discharge options (e.g., discharge to MS4, groundwater infiltration, off-site disposal, etc.) The request should be addressed to: City of Boulder, Stormwater Quality, 4049 75th St, Boulder, CO 80301 Fax: 303-413-7364

Step 4 -- The city's Stormwater Quality Office will respond with a DRAFT agreement, which will need to be submitted with the CDPHE permit application. CDPHE will not finalize the discharge permit without permission from the city to use the MS4.

Step 5 -- Submit a copy of the final discharge permit issued by CDPHE back to the City's Stormwater Quality Office so that the MS4 agreement can be finalized.

For further information regarding stormwater quality within the City of Boulder contact the City's Stormwater Quality Office at 303-413-7350. All applicable permits must be in place prior to building permit application.

2. No portion of any structure, including footings and eaves, may encroach into any public right-of-way or easement.

Open Space Chandler Van Schaack, 303-441-3137

Please note that pursuant to section 9-9-11(f)(6), B.R.C. 1981, in the BMS, MU, IMS and BR-2 zoning districts, individual balconies, decks, porches and patio areas that will not be enclosed count one hundred percent toward the private open space requirement, provided that such balcony, deck, porch or patio is not less than seventy-two inches in any dimension nor less than sixty square feet in total area.

Utilities Scott Kuhna, 303-441-4071

1. Final Utility Construction Plans will be required as part of the Technical Document Review process. All plans shall be in accordance with the City of Boulder *Design and Construction Standards*.
2. All water mains shall be PVC Class 200 AWWA C900 DR14, unless analysis is provided to demonstrate that Class 52 Ductile Iron will not be affected by corrosive soils. Revise the plan as necessary.
3. The applicant is advised that any proposed street trees along the property frontage may conflict with existing utilities, including without limitation: gas, electric, and telecommunications, within and adjacent to the development site. It is the applicant's responsibility to resolve such conflicts with appropriate methods conforming to the *Boulder Revised Code 1981*, the City of Boulder *Design and Construction Standards*, and any private/franchise utility specifications.
4. Maintenance of sand/oil interceptors and all private wastewater and storm sewer lines and structures shall remain the responsibility of the owner.
5. The applicant is advised that any proposed street trees along the property frontage may conflict with existing utilities, including without limitation: gas, electric, and telecommunications, within and adjacent to the development site. It is the applicant's responsibility to resolve such conflicts with appropriate methods conforming to the Boulder Revised Code 1981, the City of Boulder *Design and Construction Standards*, and any private/franchise utility specifications.
6. The landscape irrigation system requires a separate water service and meter. A separate water Plant Investment Fee must be paid at time of building permit. Service, meter and tap sizes will be required at time of building permit submittal.
7. The applicant is advised that at the time of building permit application the following requirements will apply:
 - a. The applicant will be required to provide accurate proposed plumbing fixture counts to determine if the proposed meters and services are adequate for the proposed use.

- b. Water and wastewater Plant Investment Fees and service line sizing will be evaluated.
 - c. If the existing water and/or wastewater services are required to be abandoned and upsized, all new service taps to existing mains shall be made by city crews at the developer's expense. The water service must be excavated and turned off at the corporation stop, per city standards. The sewer service must be excavated and capped at the property line, per city standards.
 - d. Since the buildings will be sprinklered, the approved fire line plans must accompany the fire sprinkler service line connection permit application.
8. All water meters are to be placed in city R.O.W. or a public utility easement, but meters are not to be placed in driveways, sidewalks or behind fences.
9. Trees proposed to be planted shall be located at least 10 feet away from existing or future utility mains and services.

IV. NEXT STEPS

Please revise the project plans as noted herein and submit five sets of revised plans, along with a disk of revised plans in pdf form to a project specialist at the front counter of P&DS. The submittal must be made prior to the start of a three week review track, by 10:00 a.m. on the first or third Monday of the month.

V. CITY CODE CRITERIA CHECKLIST

Case #: LUR2011-00071

Project Name: The Plaza

Date: November 25, 2011

CRITERIA FOR REVIEW

(A “?” indicates that additional information is required)

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

(1) Boulder Valley Comprehensive Plan:

 x (A) The proposed site plan is consistent with the purposes and policies of the Boulder Valley Comprehensive Plan.

The site is located within Boulder in the area governed by the North Boulder Subcommunity Plan which is intended to, “set forth the official vision for the future of the North Boulder Subcommunity” and which provides guidance to implement the goals and policies within the BVCP. In addition, there are a number of BVCP policies that the proposed project is consistent with including:

- **1.21 Jobs: Housing Balance;**

*“Boulder is a major employment center, with more jobs than housing for people who work here. This has resulted in both positive and negative impacts including economic prosperity, significant incommuting, and high demand on existing housing. The city will continue to be a major employment center and will seek opportunities to improve the balance of jobs and housing while maintaining a healthy economy. **This will be accomplished by encouraging new mixed use neighborhoods in areas close to where people work, encouraging transit-oriented development in appropriate locations, preserving service commercial uses, converting industrial uses to residential uses in appropriate locations, and mitigating the impacts of traffic congestion.**”*

As noted in this policy, the city currently has an imbalance in the number of jobs to the number of residential units which results in impacts such as significant in-commuting for jobs. Consistent with this policy, the proposed project will provide 25 new residential units as well as a mix of non-residential uses such as retail, restaurants, office and other services, as well as the provision of a new bus stop on this major transit route.

- **2.13 Support for Residential Neighborhoods;**

“In its community design planning, the city will support and strengthen its residential neighborhoods. The city will seek

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appropriate building scale and compatible character of new development or redevelopment, desired public facilities and mixed commercial uses, and sensitively designed and sized rights-of way”.

The proposed project is in keeping with this policy in that it provides 25 new residential units, draws from the architectural character of the surrounding area, provides new public facilities such as a new bus stop, sidewalks and open space areas, and provides a mix of uses to enhance and serve the surrounding neighborhood.

- Policy 2.31 Commitment to a Walkable City;

The proposed development includes adding new detached sidewalks along both Broadway and Violet Ave. as well as pedestrian paths circulating through the residential portion of the project. Overall, the project will improve the walkability of that portion of Broadway and will provide linkages to public transit as well as off-site pedestrian/ bicycle facilities. Also, its proximity to the Uptown Broadway development will further encourage residents to walk to nearby services.

- Policy 2.32 Trail Corridor/Linkages;

This project will provide a new sidewalk along Broadway that will link to the existing Four Mile Creek multi-use path to the north. The project will also provide a new bus stop, which will facilitate multi-modal travel and enhance connectivity to existing nearby trails and linkages.

- Policy 2.39 Sensitive Infill and Redevelopment;

The proposed project is a re-development of an existing under-utilized industrial service parcel, and furthermore is consistent with the desired future land use of the area as set forth in the NBSP. The project will take what is currently somewhat of an eyesore and redevelop it to complement and enhance the surrounding area, including the Violet Crossing development to the east as well as Uptown Broadway development to the north.

- Policy 6.13 Neighborhood Street Connectivity;

As mentioned in the response to Policy 2.32 above, the project will add new detached sidewalks along Broadway and Violet Ave., and will provide a pedestrian linkage through the site from 10th St. to Broadway. The net effect of the project will be to substantially increase connectivity in the area to the northwest of the intersection of Broadway and Violet Ave.

- Policy 7.06 Mixture of Housing Types;

The proposal includes adding twelve new duplex units as well as thirteen new apartment and loft-style units over commercial uses. These new residential units will add diversity to the existing housing stock in the surrounding area, which includes mainly single-family detached dwellings as well as mobile homes and multi-family attached units. In conjunction with the commercial uses, the new units will help achieve the goal for the area set forth in the NBSP to provide “a mixed use transition from the Village Center to neighborhoods in the surrounding areas.”

North Boulder Subcommunity Plan (NBSP): The project site is located within the boundaries of the NBSP Plan which sets forth the official vision for the future of the North Boulder Subcommunity and is the basis for decisions regarding the long-term preservation and development of North Boulder. The NBSP provides specific actions to be carried out by the City, other public agencies, and the private sector related to future development. The NBSP was also the basis for re-zoning of a portion of North Boulder in 1997 and establishes a street and pedestrian/ bicycle network. The Plan was adopted by Planning Board and City Council in 1995. It was amended in 1996 and 1997 in relation to the Village Center boundaries and Crestview East and West annexation conditions.

Within the NBSP the western portion of the site is designated as residential and the eastern portion along Broadway is designated as “Mixed Use Transition to Adjacent Residential.” Page 17 of the NBSP defines “Mixed Use Transition to Adjacent Residential” as a transition area (between Business Main Street uses and adjacent Residential areas) “with residential and office uses, neighborhood serving restaurants, and personal service uses in a pedestrian-oriented pattern with buildings located close to the street and parking in the rear.”

Key concepts on pg. 15 of the NBSP related to the project site include establishing:

- a mixed use transition from the Village Center to neighborhoods in the surrounding areas that incorporates residential and office uses, neighborhood serving restaurants, and personal service uses;
- pedestrian-oriented, appropriately-scaled neighborhood centers that provide goods and services for neighborhood needs;
- a small amount of non-service office by use review in neighborhood commercial centers in order to encourage mixed uses and reduce vehicle trips; and
- a pedestrian-oriented pattern with buildings located close to the street and parking in the rear.

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

The BVCP Land Use designation for the eastern portion of the site zoned RM-1 is medium density residential, with a permitted density of six to fourteen units per acre. The twelve units proposed for the 1.32-acre RM-1 portion of the site result in a net density of 9 dwelling units per acre, which is within the permitted range.

The proposal for the RM-1 portion of the site is also compliant with the intensity standards for the RM-1 zoning district as set forth in Section 9-8-1, "Intensity Standards," B.R.C. 1981, which requires a minimum of 3,000 square feet of open space for each dwelling unit.

For the Mixed Use Business portion of the site, the Comprehensive Plan defers to zoning for density and states,

"Mixed Use Business development may be deemed appropriate and will be encouraged in some business areas. Business character will predominate although housing and public uses supporting housing will be encouraged and may be required. Specific zoning and other regulations will be adopted which define the desired intensity, mix, location and design characteristics of these uses."

The proposal for the MU-2 portion of the site is mostly compliant with Section 9-8-1, B.R.C. 1981, which sets forth a maximum floor area ratio (FAR) for the RM-1 zone district of 0.6 and requires a minimum of 15% open space on lots, however the project currently does not meet the requirement to include 60 square feet of private open space per dwelling unit (*please see 'Open Space' comments above*).

There are 3 mixed-use buildings proposed for the 1.17-acre MU-2 portion of the site, which are comprised of 17,215 square feet of residential floor area split between thirteen new residential units as well as 13,270 square feet of commercial floor area that includes retail, restaurant and office uses, resulting in a total floor area of 30,485 square feet and a 0.6 FAR.

There is also 17,187 square feet of open space proposed for the mixed-use portion of the project, equal to 33.8% of the area of the MU-2 portion of the site.

 n/a (i) The density permitted in the Boulder Valley Comprehensive Plan, or,

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

 x (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.

The applicant is acknowledged by staff for their providing a project that is consistent with the site review criteria during challenging economic times. Given the site constraints related to flooding and drainage as well as the split-zoning, it is understood that provision of streetscape elements, pedestrian connections, public/private open space amenities and other development components consistent with the North Boulder Subcommunity Plan is laudable given the challenging economic climate.

(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, and its physical setting. Projects should utilize site

design techniques which enhance the quality of the project. In determining whether this Subsection is met, the approving agency will consider the following factors:

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

There are a variety of open space areas within the proposed project including:

- A large pocket park on the RM-1 portion of the site, approximately 7,150 square feet in area and enclosed by a pedestrian path providing access from the surrounding Duplex units as well as Violet Ave.;
- A landscaped courtyard area between the two southern mixed-use buildings that will provide seating and other amenities and will be easily accessible from Broadway;
- Landscaped sidewalk areas along Broadway and Violet Ave. as well as landscaped pedestrian pathways within the development.

 ? (i) Useable open space is arranged to be accessible and functional;

The proposed project includes 53,440 square feet (49.3 percent of the net site area) as open space.

The RM-1 portion of the site includes 36,253 square feet of open space (63.1 percent of the net area of the RM-1 portion). As noted by the applicant, the primary open space feature in the RM-1 project area is “a courtyard pocket park which, along with detention provisions, will serve as a multiuse open space for gathering, socializing, gardening, etc.” The pocket park can be accessed from Violet Ave., and a pedestrian path provides access to the park from 10th St. as well as the Mixed Use buildings along Broadway Ave.

The MU-2 portion of the site includes 17,187 square feet of open space (33.8 percent of the net area of the MU-2 portion), the focal point of which is a courtyard space proposed between Buildings B and C. Per the applicant’s written statement, this courtyard will include “many plantings (including living walls) and a fountain to soften the traffic noise of Broadway.” The courtyard will also provide “outdoor seating for the restaurants, a gathering space for the businesses nearby, and a place of rest for pedestrians. Access to the elevator and stairs to the lofts above is also gained through this courtyard, contributing to an active environment.”

Certain issues require clarification before this project can be found to be fully compliant with this requirement. Please see ‘Open Space’ comments above for staff recommendations regarding improvement of open space functionality and connectivity.

 n/a (ii) Private open space is provided for each detached residential unit;

All of the proposed residential units are attached units; however, each of the townhouse units has one porch with direct access from the street and a second one that either fronts the park, side street or side yards. Gardens areas will be also provided surrounding the foundations of the duplexes with the intent for the homeowner to add to the plants provided.

 x (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;

Currently there are many weed trees and older cottonwoods on the site, none of which are planned to be preserved at this time. There are no significant plant communities, threatened and endangered species and habitat or existing ground and surface water, wetlands riparian area or drainage areas on this site to be preserved.

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

Within the development, landscaped pathways, a residential pocket park, and a mixed-use outdoor courtyard would provide appropriate relief to the density. Additional relief to the project's density can be found in landscaped parking lot islands as well as a 25' drainage easement along the northern portion of the residential half of the site that will be landscaped with native grasses, trees and a 6' privacy fence to buffer these units from the adjacent property.

As noted above, approximately 63 percent of the RM-1 portion of the site is made up of open space. The proposed pocket park is visible and accessible from Violet Ave., and is also served by a pedestrian path connecting the park to 10th St. as well as the Mixed Use buildings along Broadway Ave. Additionally, the detached 6' sidewalk along Violet will extend pedestrian access into the neighborhood and provide access to the Waldorf School across 10th Street, and the landscaped setback along the southern edge of the duplexes would exceed code requirements, providing relief from the density to surrounding development.

The proposed courtyard space on the eastern half of the site will provide a relief to the urban feel of the mixed use buildings along Broadway and Violet, and will contribute to a human scale and pleasing pattern and rhythm on the street as anticipated in the North Boulder Sub Community Plan. In addition, the planters integrated into the streetscape and buildings along Broadway will soften the street edge and provide for a unique sidewalk while making the development welcoming to pedestrians.

 x (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 proposed pocket park is over 7,000 square feet in size, which is ample space for limited active recreation. The park is surrounded by eight duplex units, and is easily accessible from the other units via a landscaped pathway.

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

While there are no sensitive environmental features or natural areas of note on this site, the pocket park is also serving as the project's Water Quality pond. On the north side of the townhomes is a 25' drainage easement that will be landscaped with native grasses, trees and a 6' privacy fence to buffer these units from the adjacent property.

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

The proposal includes a two tiered walkway along Broadway with a planting strip along the street, a 10' public multi-use path, raised planters and a second 5'-7' walk along the storefronts. This will provide a new connection between the existing Broadway sidewalk to the south of the property and the existing Four Mile Creek multi-use trail that runs parallel with the northern edge of the property.

 x (B) *Open Space in Mixed Use Developments (Developments that contain a mix of residential and non-residential uses)*

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

Most residential units have private open space for their use, however, there are three units that currently do not meet the open space standards set forth in section 9-9-11, B.R.C. 1981. Please see 'Open Space' comments above for further information.

In addition, the pocket park and outdoor courtyard provide ample open space for use of the residents and the greater neighborhood. This results in an appropriate balance for residents and visitors to the property.

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

The central courtyard will provide an active, animated environment during outdoor dining times and a quiet gathering place during less busy times. The pocket park is meant to provide flexible open space with a large area of turf in the center of the park with boulders and planting on the bermed areas next to the walks.

As mentioned above, the sidewalk along Broadway will improve connectivity to the Four Mile Creek multi-use path, which is consistent with the NBSCP goal to provide connections to existing and future pedestrian and bike path systems.

The pocket park will also serve to address several of the groundwater quality goals of the NBSP, including minimizing surface pavement in areas of high groundwater recharge, particularly in high hazard flood zones and floodplains.

9.2(C) Landscaping

Please note that several issues have been raised in the 'Landscaping' comments above. The comments below are thus preliminary in nature and will likely change following resubmittal.

9.2(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;

According to the applicant, the specific landscape materials chosen for the development will emphasize a variety of colors, textures and forms to provide year-round interest. Because the site is largely developed with minimal existing landscaping, the use or protection of the existing materials will be prohibitive.

Among the major landscape objectives described by the Applicant are the following:

- Provide an attractive urban streetscape along Broadway and Violet Ave and a more residential neighborhood style on the western portion of Violet and on 10th Street;
- Visually enhance the architectural features on the corners and entries into the project;
- Provide pedestrian areas in the courtyard, additional walkway along the storefronts, pocket park and pedestrian connection from Broadway thru to 10th Street;
- Screen, and break up the parking with landscape areas, trees to provide shade; and
- Provide enclosed areas for trash and recycling.

Currently, the project does not meet all applicable landscaping and screening standards, and additional information has been requested on the proposed planting and hardscape materials. Please see the 'Landscaping' comments above.

9.2(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;

There are no important native species, plant communities of special concern, threatened and endangered species and habitat on this site. The proposal includes a landscape palette of xeri and adaptive plants that work well in the North Boulder micro-climate.

9.2(iii) The project provides significant amounts of plant material sized in excess of the landscaping requirements of Section 9-9-10, "Landscaping and Screening Standards" and Section 9-9-11, "Streetscape Design Standards," B.R.C. 1981; and

The plan will provide the plant material as sized by code however, the applicant plans to exceed the amount required by providing additional trees and landscaping in the parking lot and on the western side of the mixed use buildings. Additional trees and landscaping are also proposed in the raised planters along the back of the public walk along Broadway.

Please see 'Landscaping' comments above for suggestions regarding tree size and type in relation to the proposed right-of-way along Broadway.

In the Residential portion of the project, the applicant is proposing to continue the shrub plantings within the planting strip. There is an underground irrigation lateral that precludes street trees, so they are proposed for behind the walk where they will help buffer the residential units from the street.

Large trees will be installed along the edges of the pocket park to provide shade to the open areas and smaller ornamental trees are shown along the pedestrian walkway.

 ?(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.

In general, the proposed streetscapes are well designed and compliant with this standard; however, there have been several issues identified relating to the proposed right-of-way dimensions as well as the setback standards that apply to each property line that may require revisions to the current streetscape proposals.

In general, the proposed streetscapes are consistent with the North Boulder Subcommunity Plan. In addition, the grade change on the eastern edge of the site has allowed an opportunity to create a two tiered walkway along Broadway with a planting strip along the street, a public multi-use path, raised planters and a second 5'-7' walk along the storefronts. The public courtyard will have vertical gardens, water features, seating and small trees and shrub beds.

Please see 'Landscaping' comments above for additional information requested regarding proposed right-of-way dimensions.

Along Violet Ave. the project plans illustrate a 6' planting strip along the street and street trees along the back of walk, creating a rhythmic streetscape for pedestrians and providing shading, screening and buffering for the residents. In addition, the residential duplex units will have a garden landscape installed with the opportunity for homeowners to individualize their gardens and enhance the diversity of the streetscape. Finally, the pocket park and pedestrian connection from 10th to Broadway will be landscaped with a mix of large and smaller, ornamental trees to further enhance the streetscape and provide a welcoming environment for pedestrians.

Please also see 'Zoning' comments above for information on setbacks and yard classifications.

 ?(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:

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

There is currently an existing 20' access lane providing access to the industrial site to the northwest which will be maintained; however, other than that there are no new through streets proposed for the site, so traffic speeds should be minimal. In addition, the tree lawn and sidewalks in the RM-1 zone and the wide, multi use sidewalk and adjacent walkway in front of the mixed use buildings in the MU-2 zone provide a safe physical separation from automobile traffic.

 (ii) Potential conflicts with vehicles are minimized;

The buildings and parking areas have been laid out to assure slow speeds, thereby minimizing pedestrian/vehicular conflicts and lessening the effect of automobile noise. By providing detached sidewalks as described in the response to Criterion (C)(iv) above and providing additional trees and other landscaping materials along the western edge of the mixed use buildings, potential conflicts between pedestrians and vehicles traveling both on and off-site will be minimized.

 ?(iii) Safe and convenient connections accessible to the public within the project and between the project and existing and proposed transportation systems are provided, including, without limitation, streets, bikeways,

pedestrian ways and trails;

Pedestrian and bicycle connections have been included in the proposed project site to encourage alternate mode use. The new detached sidewalks along Broadway will connect to the existing Four Mile Creek multi-use path to the north. In addition, a new bus stop with bike racks and seating is proposed in front of Building B, which will provide residents of the development and surrounding area with access to the SKIP and 204 bus routes along Broadway.

Within the project, there is an opportunity for improved connectivity, as the proposed pedestrian path running through the duplex units and pocket park from 10th St. to the mixed use buildings does not connect directly through the park but rather leads around the park to the sidewalk along Violet Ave. to the south. Please see 'RM-1' comments under 'Open Space' comments above.

 x (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;

The project's proximity to multiple major bus lines as well as its location within the burgeoning North Broadway corridor in North Boulder both promote alternatives to single occupancy vehicle travel. The new bus stop proposed along Broadway will make travel to and from the mixed use buildings by bus safe and convenient, and the detached sidewalks along Broadway will connect to the existing sidewalk and multi-use path to the north, making walking or biking to nearby shops, restaurants, employment centers, open space, etc. easy and safe.

The paving, shade trees, planters, benches and bike racks all will reinforce the pedestrian-friendly character beginning to develop in this streetscape and will enhance the area around the bus stop. Bike racks and benches will be conveniently located throughout the site and will encourage bicycle use.

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

The Transportation Demand Management Plan submitted by the Applicant is insufficient for reviewing the proposed travel demand management techniques. The applicant will be required to be involved in the City of Boulder and RTD's ECO Pass Program. Please see "Access/Circulation" comments above.

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

A bus stop is proposed on the south side of the main entrance off Broadway. There are also multiple pedestrian access points into the site from the perimeter streets. A pedestrian path has been provided that will provide access from the duplex units to 10th Street and the Mixed use buildings. The site is highly connected being along a major bus route and is close to a primary multi-use path. Bike racks are conveniently located at several points along the perimeter of the project as well as at key points within the project to encourage usage.

Residents should be informed of the recreational and commercial amenities proximate to the site and the walkable routes to these locations

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

The amount of land dedicated to the street system is minimal due to careful and efficient placement of buildings and parking areas. No internal streets are being dedicated as part of this project.

 x (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 site location was utilized to provide separate entrances on two separate streets; thus reducing the traffic impacts and accessibility needs to one particular public City street. Garages have been incorporated into the rears of the duplex buildings. Traffic entering and leaving the townhomes in the RM-1 zone do so using an alley between the townhomes and a shared drive that also serves the MU-2 zone buildings.

?(E) Parking

Note: The parking for the MU-2 portion of the site as currently shown does not meet the parking standards as set forth in section 9-9-6, B.R.C. 1981. All of the proposed spaces are below the minimum required stall size. Significant reconfiguration of the parking layout will likely be required in order to meet parking and landscaping standards. Please see "Parking" comments above for further information.

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

Landscape islands have been provided, but currently they do not meet interior parking lot screening standards. Please see comment #2 under "Landscaping" above.

? (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;

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

It is unclear at this point the extent to which the parking lot will be lighted. Please see "Lighting" comments above.

? (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 9-9-12, "Parking Lot Landscaping Standards," B.R.C. 1981.

See response to (i) above.

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

x (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 area encompassed in the NBSP has changed over the past number of decades from a largely rural area with a mix of residential and service or industrial uses to nodes of more urban mixed use neighborhoods, guided by the North Boulder Subcommunity Plan (NBSP) and the zoning put in place to implement the plan.

Reflecting these changes, the character of the area surrounding the project site is eclectic. The Waldorf School surrounds the site on the south and west, and beyond that to the south and southeast of the site are established residential neighborhoods with predominately "traditional" single family building scale and style. To the north is a mobile home park and industrial service shopping center, and further north and across Broadway is the Uptown Broadway development that has larger buildings with a more contemporary style. Directly across the street is the site of the recently approved Violet Crossing development, which will incorporate a north-south transition from three to two-story buildings, creating an urban edge and street face that is compatible with the mixed use buildings at Uptown Broadway while utilizing materials that are compatible with the adjacent single family neighborhood.

The proposed mixed use buildings along Broadway will complement the north-south "transition" characterizing Violet Crossing by incorporating two three-story buildings on the north side of the site and stepping down to a two-story building holding the corner at Broadway and Violet. Set opposite Violet Crossing, the mixed use buildings along Broadway will complete the transitional gateway from the

residential neighborhoods to the south into the more urban character of Uptown Broadway. The duplex buildings to the west, ranging from 31' to 33' in height, will further support the horizontal transition from higher intensity uses along Broadway to the more traditional single family residential character of the adjacent neighborhoods.

 x (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;

While the height of the mixed use buildings is greater than the approved plans for Violet Crossing, which include two 35' three-story buildings on the north side of the site fronting Broadway and two two-story buildings on the south side, staff finds that the project maintains general proportionality to Violet Crossing. Similarly to Violet Crossing, the scaling down of the Broadway buildings from 3-stories to 2-stories from north to south provides a transition from the high density mixed-use Uptown Broadway neighborhood to the north to the single family character south of Violet Avenue.

The property immediately to the north of the subject site is zoned also zoned MU-2, although the property currently contains a mix of industrial service uses with relatively low building heights. Upon redevelopment of this property it is likely that the building height will be increased to 35' and that buildings will be brought forward to a 0' setback from Broadway.

The area further to the north across Four Mile Creek is zoned BMS. The BMS zone allows for 3-story buildings with a 38' maximum building height, so it is likely that redevelopment of the site to the north will include higher intensity uses similar to those found in Uptown Broadway. Upon redevelopment of the area to the north the transition function intended for the subject site will be enhanced even further.

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

The buildings have been oriented to minimize shadows on and blocking views of adjacent properties; however, a height modification has been requested to allow for the two northern mixed use buildings to exceed the 35' maximum height limit, therefore, the shadows cast by these buildings will be slightly greater than would be cast by the 25' solar fence.

 ? (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;

Additional information on the proposed landscaping and lighting has been requested. Please see 'Landscaping' and 'Lighting' comments above.

As stated above, the character of the area surrounding the project site is eclectic. Taking this into consideration, the project incorporates high quality building materials and landscaping, and minimizes the use of unnecessary color or lighting.

As stated by the Applicant, the character of the townhomes reflects the residential character of the North Boulder area by portraying a contemporary character utilizing smaller scale massing than the mixed use buildings and residential materials such as cementitious siding, stucco, and stone.

 x (v) Buildings present an attractive streetscape, incorporate architectural and site design elements appropriate to a pedestrian scale, and provide for the safety and convenience of pedestrians;

According to the applicant, the character of the three Mixed Use buildings fronting Broadway and Violet is "derived from the North Boulder context based on an urban typology using substantial materials such as brick, masonry, and storefront along the street and transitioning to stucco and rain screen siding on the upper stories. The bay pattern, massing, and play of transparent and opaque materials along the street provide for a pleasing rhythm at the pedestrian level. This is reinforced by the transition in material and form from the ground floor to the second floor which provides for a human scale to the buildings; a streetscape anticipated in the North Boulder Sub Community Plan."

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

The project will provide a new bus stop on Broadway Ave., and will also provide a public courtyard between the southern mixed use buildings. Additional new public amenities include sidewalks along Broadway and Violet as well as a small pocket park in the RM-1 portion of the site.

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

The residential component of the project provides twelve townhouse units, and the mixed-use portion of the project provides 13 apartment and loft-style units. Overall, the project adds a variety of housing types not currently found in the immediate area which will conform to the zoning for each portion of the property as well as the intent of the land use designations found in the NBSP.

x **(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;

The Residential portion of the project utilizes adequate spacing, landscaping and building materials to minimize noise both on and off-site.

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

A lighting plan is required. Please see 'Lighting' comments above.

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

Please see response to Criterion (C)(vi) above.

x **(xi)** 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.

The proposal incorporates the natural grade change on the site into the design of the buildings and open space amenities. The existing grade change on the site presents several constraints that the applicant has addressed through creative use of landscaping and site design. While certain modifications may be necessary to address drainage issues, overall the proposal is a good example of utilizing creative design solutions to avoid excessive cutting and filling.

x **(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:

x **(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.

All buildings along Violet Ave. will have access to both active and passive solar system integration, and the mixed use buildings along Broadway are designed to allow for active solar system integration.

x **(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.

By orienting the townhomes on an east-west axis and providing flat roofs on the mixed-use buildings the potential for active solar systems to be incorporated into the buildings by future tenants is maintained. The irregular shape of the lot make sit so that siting buildings close to the northern property lines is impractical.

 x (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 RM-1 portion of the site is located in Solar Access Area II, which sets a shadow limit equal to or less than 25 foot solar fence, and the MU-2 portion of the site is located in Solar Access Area III, which does not incorporate a solar fence. Both portions of the site are compliant with the respective solar access regulations.

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

None of the proposed landscaping appears to present any significant shading impacts to adjacent properties.

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

Not Applicable. No poles above the permitted height are being proposed.

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

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

 n/a (I) ***Land Use Intensity Modifications***

Not Applicable. No modifications to the land use intensity standards are being proposed.

 n/a (i) *Potential Land Use Intensity Modifications*:

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

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

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

(d) Land use intensity may be increased up to 25 percent in the BR-1 district through a reduction of the lot area requirement.

n/a (ii) *Additional Criteria for Land Use Intensity Modifications*: A land use intensity increase will be permitted up to the maximum amount set forth below if the approving agency finds that the criteria in Subsection (h)

“Criteria for Review” of this Section and following criteria have been met:

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

(b) *Character of Project and Area*: The open space reduction does not adversely affect the character of the development nor the character of the surrounding area; and

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

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

(ii) Architectural treatment that results in reducing the apparent bulk and mass of the structure or structures and site planning which increases the openness of the site: maximum five percent reduction;

(iii) A common park, recreation, or playground area functionally useable and accessible by the development's occupants for active recreational purposes and sized for the number of inhabitants of the development, maximum five percent reduction; or developed facilities within the project designed to meet the active recreational needs of the occupants: maximum five percent reduction;

(iv) Permanent dedication of the development to use by a unique residential population whose needs for conventional open space are reduced: maximum five percent reduction;

(v) The reduction in open space is part of a development with a mix of residential and non-residential uses within an BR-2 zoning district that, due to the ratio of residential to non-residential uses and because of the size, type, and mix of dwelling units, the need for open space is reduced: maximum reduction fifteen percent; and

(vi) The reduction in open space is part of a development with a mix of residential and non-residential uses within an BR-2 zoning district that provides high quality urban design elements that will meet the needs of anticipated residents, occupants, tenants, and visitors of the property or will accommodate public gatherings, important activities, or events in the life of the community and its people, that may include, without limitation, recreational or cultural amenities, intimate spaces that foster social interaction, street furniture, landscaping, and hard surface treatments for the open space: maximum reduction 25 percent.

n/a (J) *Additional Criteria for Floor Area Ratio Increase for Buildings in the BR-1 District*

Not Applicable, as the site is located in the RM-1 and MU-2 zone districts.

n/a (i) *Process*: For buildings in the BR-1 district, the floor area ratio ("FAR") permitted under [Section 9-7-1](#), "Schedule of Form and Bulk Standards,"

B.R.C. 1981, may be increased by the city manager under the criteria set forth in this Subsection.

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

n/a (iii) *Criteria for the BR-1 District*: The FAR may be increased in the BR-1 district to the extent allowed in paragraph (ii) of this Subsection if the approving agency finds that the following criteria are met:

(a) Site and building design provide open space exceeding the required useable open space by at least ten percent: an increase in FAR not to exceed 0.25:1.

(b) Site and building design provide private outdoor space for each office unit equal to at least ten percent of the lot area for buildings 25 feet and under and at least 20 percent of the lot area for buildings above 25 feet: an increase in FAR not to exceed 0.25:1.

(c) Site and building design provide a street front facade and an alley facade at a pedestrian scale, including, without limitation, features such as awnings and windows, well-defined building entrances, and other building details: an increase in FAR not to exceed 0.25:1.

(d) For a building containing residential and non-residential uses in which neither use comprises less than 25 percent of the total square footage: an increase in FAR not to exceed 1:1.

(e) The unused portion of the allowed FAR of historic buildings designated as landmarks under Chapter 9-11, "Historic Preservation," B.R.C. 1981, may be transferred to other sites in the same zoning district. However, the increase in FAR of a proposed building to which FAR is transferred under this paragraph may not exceed an increase of 0.5:1.

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

?_(K) *Additional Criteria for Parking Reductions*: The off-street parking requirements of [Section 9-7-1](#), "Schedule of Form and Bulk Standards," B.R.C. 1981, may be modified as follows:

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

The applicant is requesting an 18 percent parking reduction, although staff's analysis (included in responses to 'parking' criteria above) indicate that the requested reduction is in fact approximately 36%.

?_(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 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, if it finds that:

Additional documentation is required to demonstrate compliance with the following criteria. Please see 'Traffic Impact Analysis' and 'Travel Demand Management' comments above under "Access/ Circulation" comments above.

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

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

(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;

(d) If joint use of common parking areas is proposed, varying time periods of use will accommodate proposed parking needs; and

(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.

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

9-6(L)(i) The lots are held in common ownership;

9-6(L)(ii) The separate lot is in the same zoning district and located within three hundred feet of the lot that it serves; and

9-6(L)(iii) The property used for off-site parking under this Subsection continues under common ownership or control.

VI. Conditions On Case

Draft conditions of approval will be provided prior to issuance of a Disposition of Approval.



CITY OF BOULDER
Community Planning & Sustainability

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CITY OF BOULDER
LAND USE REVIEW RESULTS AND COMMENTS

DATE OF COMMENTS: **January 23, 2015**
CASE MANAGER: **Chandler Van Schaack**
PROJECT NAME: **THE PLAZA**
LOCATION: **4403 N BROADWAY**
COORDINATES: **N08W07**
REVIEW TYPE: **Site and Use Review**
REVIEW NUMBER: **LUR2011-00071**
APPLICANT: **Jeff Dawson**
DESCRIPTION: **SITE AND USE REVIEW: Revisions to Site & Use Review proposal to construct a mixed-use development including 6 residential duplexes (12 units total), and 3 mixed-use buildings with 16 attached residential units above 9,359 sq. ft. of office and restaurant space.**

REQUESTED VARIATIONS FROM THE LAND USE REGULATIONS:

- **Section 9-9-6, “Parking Standards”** – 11% parking reduction to allow for 56 parking spaces where 62 are required per the MU-2 zone district standards,
- **Section 9-7-1, “Form and Bulk Standards”** – Modification of maximum number of stories from 2 to 3 for buildings in MU-2 zone, and
- **Section 9-7-1, “Form and Bulk Standards”** – Height modification to allow mixed-use building to reach up to 45’ in height and residential duplexes to reach up to 39’6” in height where 35’ is the maximum height permitted by the zoning.

I. REVIEW FINDINGS

Overall, staff finds the current proposal to be an improvement over the initial submittal, particularly in terms of architecture. While some of the issues previously identified by staff have been addressed, there are still significant issues with the proposal, particularly in terms of site access, right-of-way treatment and drainage, which will require a revision-level resubmittal. Therefore, once the comments below have been addressed, please submit **seven (7) hard copies of the revised plan set along with digital copies of the plans in pdf form** at the front desk of the P&DS Service Center prior to the start of a three-week review track.

As some of the issues identified herein may result in significant changes to the site and building layout, staff recommends meeting prior to resubmittal to discuss possible design options. Please contact the Case Manager, Chandler Van Schaack, at vanschaackc@bouldercolorado.gov or 303-441-3137 with any questions or to set up a meeting.

II. CITY REQUIREMENTS

Access/Circulation David Thompson, 303-441-4417

1. Pursuant to section 9-9-8 of the Boulder Revised Code, 1981, the North Boulder Sub-Community Plan and section 2.11 of the City of Boulder Design and Construction Standards (DCS), the applicant is responsible for constructing a 5-foot bike lane (exclusive of the curb pan) on the north side of Violet Avenue between Broadway and 10th Street. Staff can support constructing a 10-foot detached multi-use path on the north side of Violet Ave in-lieu of a bike lane given the existing student pedestrian/bike traffic associated with the Shining Mountain Waldorf School.
2. Pursuant to section 9-9-5(c)(1) of the Boulder Revised Code, 1981, staff does not support two curb cuts on Violet Ave to serve the site because the additional curb cut creates additional conflict points between vehicles and pedestrians / bicyclists that include students traveling to Shining Mountain Waldorf School. Please revise the site plan to eliminate a curb cut on Violet Avenue and centrally locate the other curb cut on Violet Ave to provide better traffic circulation.

3. Staff does not concur with the proposed Transportation Demand Management (TDM) Plan for the project and its effectiveness to shift individuals away from single-occupancy vehicles to other alternate modes of transportation or in support of the requested 11% parking reduction. Please contact David Thompson to schedule a meeting regarding the project's TDM Plan.
4. Please revise the layout of the bike racks for the transit stop from end-to-end to side-by-side in order to provide space for the bench and boarding area.
5. Consistent with the low-stress network bike lane network discussed in the adopted TMP and consistent with staff's review comments on other development projects in North Boulder, please revise the site plan to show a 5-foot bike lane (exclusive of the curb pan) with a 2-foot buffer for a grand total of a 7-foot bike lane facility on Broadway between the southbound through lane and the on-street parking / curb-and-gutter.
6. Please revise the parking charts on Sheet SR-A1.01 to include a table showing the required and proposed number of long-term and short-term bicycle spaces. Note that the current bicycle parking standards are found in [Table 9-8](#), section 9-9-6(g), B.R.C. 1981.
7. In support of the project's TDM Plan, the applicant is encouraged to provide additional long-term and short-term bicycle parking.
8. Please revise the site plan to include a cross-section of Broadway in order to ensure the required right-of-way is being provided along Broadway and adjacent to the site.
9. Consistent with the Guide to the Americans with Disabilities Act Accessibility Guidelines (ADAAG) Manual, an assessable space must be provided in the parking area behind Building "C".
10. Please revise the site plans to show the dedication of a public access easement for the shared access drive. A public access easement must also be dedicated for the drive isle between the garages and parking stalls in order to provide future access to the property to the north in the future.
11. Pursuant to Section 9-9-9 of the Boulder Revised Code, 1981 please revise the site plan to show the off-street loading spaces for the proposed restaurants.
12. The eight-foot sidewalk on Broadway must be extended to the north property line and include an adjacent triangular sidewalk connection to connect the new eight foot wide sidewalk to the existing sidewalk.
13. Per Table 9-8, section 9-9-6, B.R.C. 1981, the bicycle parking requirement for restaurants is 1 space per 750 square feet of floor area, with a minimum of 4 spaces, comprised of 25% long-term and 75% short-term spaces. Based on staff's initial calculation, the three proposed restaurant spaces would each be required to provide the minimum of four bike parking spaces.
14. The location of the required short-term bicycle parking shall be logically dispersed between buildings A, B and C and in accordance with section 9-9-6(g)(3) of the Boulder Revised Code, 1981. Long term bicycle parking shall be located pursuant to section 9-9-6(g)(4) of the BRC, 1981. Please note bicycle parking provided within the City right-of-way does not count towards site's bike parking requirements.
15. There are eight (8) parking stalls which do not have the required twenty-four feet of required backing distance. Please revise the site accordingly.
16. In support of the site review criteria, please revise the site plan to provide an east / west pedestrian sidewalk which connects the residential units to the commercial / restaurants fronting Broadway.
17. Please correct the discrepancy between the numerical total of garages being shown as provided and the number of garages that are being shown. As shown, it appears one residential unit will not have a garage which will require that both long-term and short-term bicycle parking be provided.
18. Please revise the horizontal control plan to:
 - Show the existing curb ramps at the intersection of Violet Ave and 10th Street in order to verify the proposed curb

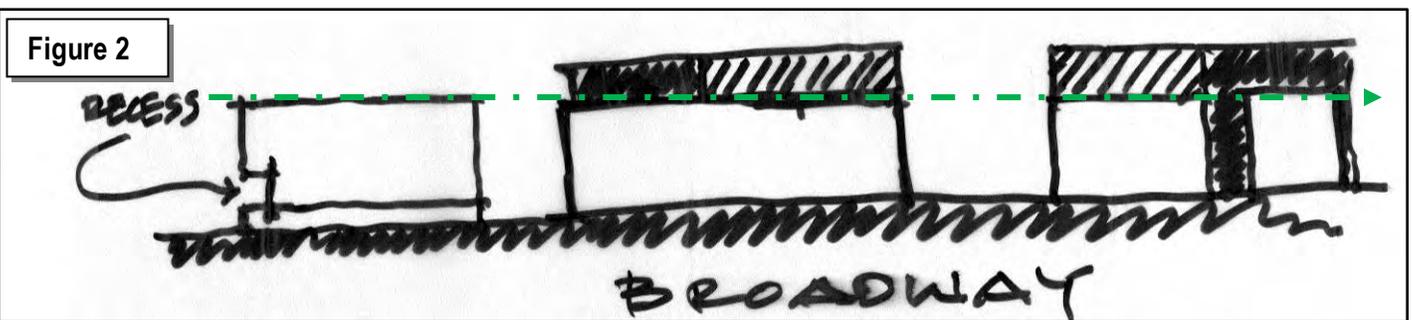
- ramps aligned with the existing curb ramps.
- Remove the concrete section between the transition wings of the curb ramp and the landscape buffer at the Violet Ave and 10th Street intersection.
- Show the width of the landscape buffer on 10th Street
- Label the corner Violet Ave and 10th Street radii in order to evaluate the radius to City standards.
- Show the location of the existing traffic signal pole and associated pull boxes in order to evaluate the location of the proposed curb ramps and corner radii.
- Label the corner Broadway and Violet Ave radii in order to evaluate the radius to City standards and impacts to the existing traffic signal.
- Show and label the 7-foot buffered bike lane on Broadway

19. Please have the traffic consultant contact David Thompson to discuss review comments associated with the project's Traffic Study.

Building Design

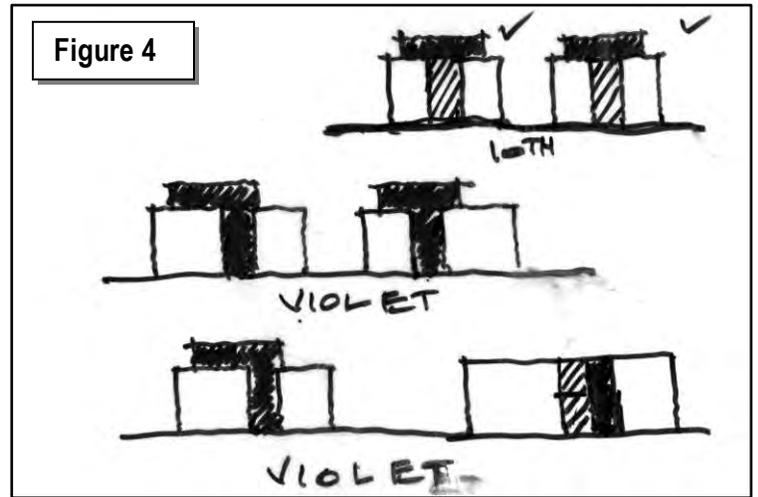
Overall, staff finds the architecture to be greatly improved over the previous submittal; however, there are still some aspects of the proposal that should be modified to better meet the intent of the Site Review criteria. Given the site's prominence, special attention should be paid to the building frontages along Broadway and Violet, both in terms of materials as well as the visual relationship between the buildings. Please see the comments below for additional details.

- Currently, there are certain aspects of the building frontages along Broadway that serve to disrupt the visual patterning. Specifically, the white stucco portion of Building C as well as the second-story stucco portion of the north side of building B (shown in red in **Figure 1** below), visually disrupt the datum created by the brick (shown in green), and add confusion to an otherwise elegant design (an elegance exemplified by building A). In order to enhance the proposed buildings' compatibility with each other and improve the project's sense of human scale and visual interest for both pedestrians as well as people travelling past the site along Broadway, staff recommends simplifying the eastern elevations of buildings B and C by continuing the brick across the entire first two floors of each building. Staff finds that creating a continuous datum of brick across the three buildings and simplifying the third floor materials would help to create a more complete and continuous visual pattern along the Broadway frontage. **Figure 2** shows a general sketch representing an example of the desired "visual patterning" discussed above (brick shown in white, wood in black, and stucco in stripes).



- Regarding the Violet Ave. frontage, there are similar issues with the visual patterning as those discussed above. Staff also finds that the stucco treatment of the garage areas does not meet section 9-2-14(h)(2)(F)(xii), which requires buildings to "present a sense of permanence through the use of authentic materials such as stone, brick, wood, metal or similar products and building material detailing." Staff recommends replacing the stucco with brick, and adding

visual interest to the Violet elevations by incorporating brick courses similar to those found on the mixed-use buildings to the east. The south elevation of building C should also be simplified and made more symmetrical in terms of material treatment. The western elevations of duplexes 1 and 2 provide examples of the visual patterning and general symmetry that should be enhanced along the Violet frontage. Please see **Figures 3 & 4** below for highlighted areas of concern and a general sketch representing an example of the desired “visual patterning” discussed above (brick shown in white, wood in black, and stucco in stripes).



3. Note that this area is outside of the “area of growth” described by the North Boulder Subcommunity Plan. The North Boulder Subcommunity Plan describes this area as a “transition” area that should “*provide a transition between the main street and the adjacent residential uses.*” While the mixed-use buildings along Broadway generally accomplish this feeling of transition, the scale of the proposed duplexes to the west is not in keeping with this pattern. While the properties immediately adjacent to the site to the south and west are not residential in character per se, homes within the nearest residential developments to the project site are generally at or below 35 feet. The applicant should explore ways to reduce the height of the proposed duplexes to be within the 35 foot height limit for the RM-1 zone district unless there are technical grade issues that require relief from the minimum height.

Drainage Scott Kuhna, 303-441-4071

1. The proposed detention pond needs to be located within a City of Boulder drainage easement. This creates an issue with the proposed underground electric line and Xcel easement that is shown running through the middle of the pond. Revisions are required.
2. It is not clear from the plans or from the *Preliminary Drainage Report for 4403 Broadway (Report)* how the sunken area between Building 5 and Building 6 interacts with the detention pond. Based on the contours and the elevation of the spillway for the pond it appears that storm water could back up into Buildings 5 or 6 if the downstream storm sewer is clogged. Clarification on the plans and in the report is necessary.
3. The *Report* discusses underdrains for the porous paver design; however, nothing is shown on the plans. Revise accordingly.
4. A discussion of existing and future groundwater conditions is required to be included in the *Report*.
5. Page 6 of the *Report* states that “drainage from the mixed-use building’s roof will be discharged directly into the public storm system... without water quality treatment”. These three (3) buildings have quite large roof areas to go untreated. Revisions to include some form of water quality treatment for these areas are necessary.
6. The *Report* states that Flowmaster© was used to design the storm sewer system, however, no data, calculations, etc. are included in the *Report*.
7. Page 7 of the *Report* discusses a “drainage channel... east of the parking garage located at the northwest corner of the site”. Clarification is necessary.
8. The Storm Water Management Plan section of the *Report* states that “the proposed plans include a water quality

basin and rain gardens". Clarification is required.

9. Only Sheet 1 of 4 for the Design Procedure Form: Extended Detention Basin (EDB) is included in the *Report*.
10. The plans show an inlet and storm sewer line between Building B and Building C which stops at the right-of-way line. Revise accordingly.
11. The plans need to be revised to clearly label what will be public storm sewer and what will be private storm sewer.
12. The existing irrigation/storm sewer piping across 10th Street and across Violet Avenue needs to be shown on the Utility Plan.

Engineering Scott Kuhna, 303-441-4071

Please see the site design comments regarding the proposed retaining walls in the public right-of-way near the southeast corner of the site. These retaining walls cannot be permitted in the public right-of-way.

Flood Control Jessica Stevens, 303-441-3121

1. The property is impacted by the 100-year floodplain of Fourmile Canyon Creek. Development will be subject to the requirements of Section 9-3-3 of the *Boulder Revised Code, 1981 (BRC)*.
2. The duplex floor plans propose unfinished basement areas. Section 9-3-3(a)(17)(A) of the BRC requires that new residential structures shall elevate the lowest floor, including basement to or above the flood protection elevation. The flood protection elevation is defined as two feet above the 100-year flood elevation. The proposed basement areas cannot be permitted within the 100-year floodplain.
3. The Site Plan, Sheet SR-A1.01 and the Preliminary Grading & Drainage Plan, Sheet SR-C1.00 show an area which has been determined by the *Federal Emergency Management Agency (FEMA)* to be located outside of the 100-year floodplain, based on additional elevation data provided through a Letter of Map Amendment. The grading plan proposes modifications to grade in this area which may impact this determination. The applicant must demonstrate that the proposed grading will not impact the 100-year floodplain boundary.
4. Duplex units 1, 2, 3 and 4 have been proposed to be located within the area which was removed from the 100-year floodplain. As previously indicated, these proposed structures are immediately adjacent to and completely surrounded by the 100-year floodplain. In order to protect the future home owners from basement flooding, it is strongly recommended that the proposed structures located within the "island" of 500-year floodplain be constructed in accordance with the 100-year floodplain regulations and that the residential structures be elevated to the flood protection elevation. The location of the proposed stormwater detention pond immediately adjacent to these structures increases the risk of basement flooding.
5. The applicant is required to provide verification of compliance with the floodplain development regulations for the duplexes prior to Site Review approval. Please include the base flood elevation and the flood protection elevation on the elevation drawings to determine any potential impacts that the elevation requirements will have on the overall height of the structures.
6. All flood proofing measures, including flood vents for garages and crawl spaces should be shown on the elevation drawings for architectural review purposes.
7. For floodplain development purposes a mixed use structure is defined as a structure with both residential and non-residential uses where no less than twenty-five percent of the finished floor area contains non-residential uses. Please indicate whether the proposed mixed use structures will be elevated or flood proofed. If the applicant would like to propose flood proofing of the mixed use structures, verification of compliance with the above definition must be provided prior to Site Review approval.
8. The applicant is advised that the Federal Emergency Management Agency has provided updated guidance for flood proofing certification for flood insurance purposes. The flood proofing certification requirements are as follows;
 - Written verification that the building envelope is watertight
 - Written certification that the Engineer of Record's design and construction are in accordance with American Society of Civil Engineers ASCE 24-05 requirements to meet FEMA criteria
 - A comprehensive Maintenance Plan for the entire structure including the materials used for floodproofing, shields, gates, etc.
 - An Emergency Action Plan for the installation of flood shields and other measures

- Written certification that all components and systems when installed meet the requirements of ASCE 24-05
 - Documentation or certification from the Authority Having Jurisdiction (permitting official) that they have reviewed and inspected the structure with all floodproofing measures in place and provide evidence of approved final inspection and certificate of occupancy.
9. The Preliminary Grading & Drainage Plan calls out a flood protection elevation which is one foot above the 100-year water surface elevation. The City of Boulder flood protection elevation requirement is two feet above the 100-year water surface elevation. The top of foundation elevations which have been provided do not meet the floodplain development regulations. Please revise the design accordingly.
 10. The elevations shown on the Preliminary Grading & Drainage Plan, Sheet SR-C1.00 are not consistent with the base flood elevations provided by *FEMA*. Please indicate which survey datum the site and proposed finished floor elevations are based. It is staff's preference that the North American Vertical Datum of 1988 is used for review purposes. If the applicant wishes to use another vertical datum, a datum conversion must be provided for this location for review purposes.

Fees

Please note that 2015 development review fees include a \$131 hourly rate for reviewer services following the initial city response (these written comments). Please see the P&DS Questions and Answers brochure for more information about the hourly billing system.

Inclusionary Housing Beth Roberts 303-441-1828

1. Each new residential unit developed on the property is subject to 9-13 B.R.C., 1981, "Inclusionary Housing." The general Inclusionary Housing (IH) requirement is that residential developments must dedicate 20 percent of the total dwelling units as permanently affordable housing. For for-sale housing this requirement may be met through the provision of at least half of the required affordable units on-site. The other half of the requirement may be met by providing comparable existing or newly built permanently affordable units off-site, the dedication of land appropriate for affordable housing or by payment of a cash-in-lieu (CIL) contribution. Rental projects do not have an on-site requirement and may meet the entire requirement by providing comparable existing or newly built permanently affordable units off-site, dedicating land appropriate for affordable housing or with a cash-in-lieu (CIL) contribution. The applicant is proposing to build 12 for-sale attached duplex units and 16 attached rental units.
2. The resulting IH requirement is 5.6 affordable units: 2.4 affordable attached duplex units and 3.2 affordable attached rental units. For this development one duplex unit is required to be provided on site (half of the 2.4 for-sale units = 1.2 units rounded to one unit).
3. The applicant has indicated that a cash contribution to the affordable housing fund will be made for all 5.6 required affordable units. Please be aware that a premium of 50% additional CIL is required for the one for-sale affordable duplex unit required but not provided on-site.
4. The 2014-2015 cash-in-lieu amount for attached housing is calculated as \$130,880 per required affordable unit when the average floor area of all units is 1,200 sf. or greater. To encourage smaller units, the required contribution declines when the average floor area is below 1,200 square feet. Cash-in-lieu amounts are adjusted annually on the first of July and the amount in place when the payment is made will apply. The cash-in-lieu contribution must be made prior to issuance of a residential building permit.
5. In order to determine the exact amount of CIL due, please provide unit information consistent with your submittal by filling out and sending the Affordable Housing Unit Data Spread Sheet.
6. The Affordable Housing Unit Data Spread Sheet, 2014-2015 Cash-in-lieu chart, and additional information about the Inclusionary Housing program may be found on-line at www.boulderadffordablehomes.com. Click on Inclusionary Housing and on the right side bar, Inclusionary Housing Program Details.
7. Developments with rental units that meet more than half of the IH requirement with a cash contribution are required to execute an "Agreement for Costs Due on Sale: Affordable Housing Restrictive Covenant and Deed Restriction" (aka Conversion Agreement) and may be required to provide the associated Deed of Trust and Promissory Note which are used for notification purposes only. The Inclusionary Housing ordinance requires that for-sale developments pay an additional 50 percent CIL premium in the event that they do not provide affordable units on-site. Accordingly, if you choose to convert the rental units to for-sale units within five years you will be required to pay the difference between the rental and for-sale CIL amounts. The Conversion Agreement and associated Deed of Trust and \$10 Promissory

Note are required prior to calling for final inspections pursuant to the issuance of a temporary of final Certificate of Occupancy and will be sent to you for signature once the cash-in-lieu has been paid.

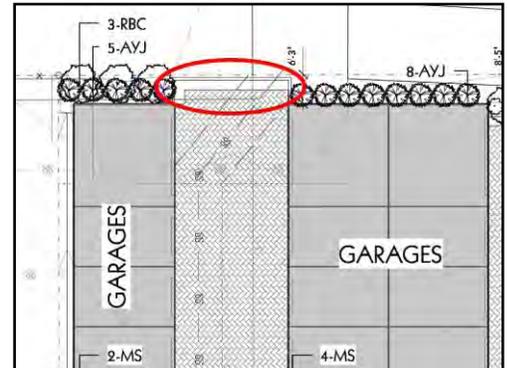
8. A Determination of Inclusionary Housing Compliance form which documents these requirements will be provided for your signature once the exact amount of CIL due has been determined. The form must be executed prior to application for any residential building permit.

Landscaping Elizabeth Lokocz, 303-441-3138

Please respond to the following comments at the next submittal. Contact staff with any questions or concerns.

1. Recalculate the interior parking lot screening based on the minimum dimensional standards (eight ft. in any dimension and 150 sq. ft.) and revise the requirements table accordingly. The graphic on sheet L.1.03 and the requirements table on sheet L1.01 have different total square footages for interior landscaping as well. Update the diagram illustrating the interior landscape as well.

2. The north end of the western garage drive aisle (see the image to the right) continues to show that a modification to property line screening is required. If a fence or alternative method can be used to functionally screen the parking lot, please do so. Please call this modification out in the Requirements Table.



3. The cumulative impacts of the existing utilities are a significant barrier to designing a high quality streetscape. Analysis is needed to understand if alternatives are feasible. Neither the streetscape on Violet nor Broadway can meet minimum street tree standards due to existing utility locations. It is also highly questionable if they can meet site review criterion (C)(iv) regarding attractive streetscapes.

- a. Overhead electric on Broadway – the proposed street trees are directly under the existing overhead lines. Only small maturing trees are permitted. Due to the adjacent parallel parking, width of the planting beds and width of the sidewalk, low branching trees are highly likely to have ongoing conflicts and are not supported by staff. Nor do they meet the city’s goals regarding the importance of street trees and streetscapes, urban canopy or heat island mitigation. A cost benefits analysis is needed to understand the potential of undergrounding the existing overhead lines.
- b. Storm on Violet – verify the location and dimension the separation between the proposed trees and existing storm sewer on Violet. Evaluate the feasibility of a wider planting strip, Design and Construction Standards (DCS) variance request, or utility relocation to allow for large maturing street trees to be planted for all the reasons listed above and to provide separation from the adjacent travel lane. An eight foot landscape strip is the requirement if any of these solutions is determined to be feasible.

4. Please clarify the response to the previous comment #11 (below). The trees appear to have been deleted, although some good locations exist for planters (preferably without grates). Consider fewer, but larger, planters and trees than the previous six proposed.

11. It appears that six small maturing trees are proposed for grates west of the mixed use buildings on Broadway. Please clarify the grate size and type if known, the surrounding treatment and any soil enhancements that will be made to support long lived trees. Staff supports alternative methods of urban tree planting that result in larger soil volume. This might be an excellent site to test some of these methods such as paver grates. *Acknowledge – see revised landscape plan that has enlarged planting areas.*

5. Coordinate the planting plan with the site design comments regarding the walls in the right of way on Violet. At grade landscape should be substituted. This may require some significant redesign to the building given the grade different between the first floor elevation and adjacent right of way.
6. With the identification of emerald ash borer (EAB) in Sept. 2013 the city has increased concerns regarding tree species diversification for public and private tree selections. Please incorporate the following recommended revisions into the plan if a solution allowing larger trees is reached. Other alternatives may be proposed; please contact staff to discuss options if needed.
 - a. Honeylocust is heavily planted as a public street tree and in parking lots. Instead, consider using both Kentucky coffeetree and English oak for the trees in the Broadway and Violet planting strips in a 3-5-3 pattern. If only small trees can be planted on Broadway, they too should be mixed.
 - b. Staff is concerned the crimson king Norway maple will be very susceptible to sun scald with the full southern

exposure. Consider Turkish filbert (*Corylus colurna*) and sweetgum (*Liquidambar styraciflua*) as alternatives. Sweetgum has rarely been planted locally, but with the warming trends it appears to be a viable option in the right location. With its generally upright form and striking fall color, consider it a worthwhile trial.

7. Please add the total number of parking lot trees to the requirements table and verify that at least 75% are medium or large maturing trees per the requirements of section 9-9-14(d)(6) B.R.C. 1981. See the additional species comments below.
8. The parking lot trees do not appear to meet minimum size requirements (see comment above). The islands would support larger trees in staff's opinion. The low branching columnar forms proposed may also have visibility and snow storage implications. Substitute the serviceberry and crimson spire oak with medium or large varieties. Reducing the overall number to accommodate the size change is acceptable. Species to consider include hackberry, bigtooth maple (*A. grandidentatum* - single stem form) or others previously suggested.

Legal Documents Julia Chase, City Attorney's Office, Ph. (303) 441-3020

1. Please see previous Legal Documents comment regarding submitting a new vested rights form to more clearly state the elements for which the Applicant is seeking vested rights. This should be provided at the time of resubmittal.
2. Prior to signing the Development Agreement, if approved, the Applicant shall provide the following (upon request of the case manager):

An updated title commitment current within 30 days of signing the agreement; and
Proof of authorization to sign on behalf of the owner (such as a statement of authority).

Neighborhood Comments Chandler Van Schaack, Case Manager

Staff has received comments from several neighbors in opposition to the proposed development. Several people have expressed concerns over the proposed modifications to building height and number of stories, and are worried that the proposed buildings will be out of character with existing buildings on the west side of Broadway and will negatively impact existing views to the west. There have also been concerns raised over the proposed parking reduction based on the feeling that lack of parking is already an issue in the area, as well as concerns that the project will exacerbate existing traffic issues at the intersection of Broadway and Violet. Written public comments are included as **Attachment A**.

Staff has also fielded questions from several community members who are not opposed to the proposed development.

Open Space Chandler Van Schaack, Case Manager

1. Per section 9-9-11(f)(1), individual decks may only be counted as open space "if the minimum size of such individual balcony, deck or patio is not less than thirty-six square feet and not less than forty-eight inches in any dimension" Currently, the decks shown on Duplex C do not meet this minimum size requirement. Therefore, please remove them from the Open Space calculations on Sheet SR-A1.02. In addition, please note that individual balconies, decks and patio areas may count for no more than 25% of the required usable open space. Please revise the open space table so that such areas are counted for no more than 9,000 sq. ft. (25% of the required open space for the proposed duplex units). Decks and patios counted as open space should be clearly labeled on the open space diagram.
2. Please note that per section 9-9-11(f)(3), landscaped areas of the public right-of-way may count for up to ten percent of the required usable open space. However, the proposed sidewalk along Violet may not be counted as usable open space, as it cannot meet the standards for exterior paved surfaces as set forth in section 9-9-11(e)(5). Please revise open space calculations and diagram accordingly.

Plan Documents Chandler Van Schaack, Case Manager

1. Please provide a revised written statement for the project which addresses the Site Review criteria as well as the Use Review criteria. While all applicable criteria should be clearly addressed, special consideration should also be given to providing detailed descriptions of how the project meets the following criteria:

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

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

(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;

(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.

(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;

2. The applicant should also provide the following application materials, as required by section 9-2-14(e), "Additional Application Requirements for Height Modification," B.R.C. 1981:

(4) A shadow analysis, as described in the solar analysis instructions provided by the city manager, that shows the shadow cast by a thirty-five-foot building located at the required setback and the shadow cast by the proposed building;

(5) A list of the height of each principal building located or known to be proposed or approved within one hundred feet of the proposed project;

(6) A written statement and drawings which describe the way in which the proposal accommodates pedestrians, including, without limitation, uses proposed for the ground level, percent of transparent material at the ground level, and signage and graphics; and

(7) A detailed plan showing the useable open space and a written statement of how it serves the public interest.

3. At the next submittal, please include a cover sheet listing all 24x36" plans and attach those plans in an orderly format by discipline (i.e. all architecture, landscape, civil, etc.) preferably bound. Do not duplicate sheets.
4. Please note that for the purposes of calculating the non-residential parking requirement for the MU-2 buildings (1:400 if residential uses comprise less than 50 percent of the floor area; otherwise 1:500), all residential floor area, including lobbies, stairways, and elevators should be included in the total floor area. Please revise the MU-2 Zone Calculations Table to include all floor area within the buildings (the percentages listed at the bottom should equal 100%).
5. Please note that the scale on Sheet SR-A1.01 is incorrect (it currently reads 1:60 when the scale is 1:20). Please revise.

Site Design Chandler Van Schaack, Case Manager

1. Staff is concerned that the proposed elevation difference between the Violet and Broadway corner and first floor of building C creates a significant disconnect to the adjacent sidewalk, which is inconsistent with criterion 9-2-14(h)(2)(C)(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.*

Retaining walls in the right of way are also considered encroachments and are not likely to meet the standards for a possible revocable lease per section 8-6-6 B.R.C. 1981 due to the existing utilities and inability to remove the structures. Redesign the site plan such that retaining walls over 18 inches in height are not located in the right of way. The applicant should consider pulling the retaining walls back to the property line and recessing the south side of the first floor of Building C slightly to allow for pedestrian movement along that frontage without having to reduce the overall building size too much and while maintaining a strong corner presence with the second story.

2. As previously mentioned, staff is generally in support of both the pocket park and mixed use courtyard, but finds that additional passive recreational amenities, particularly benches, to certain high-use areas such as the pocket park and upper walkway along Broadway could serve to improve the usability of the spaces and promote a more welcoming pedestrian environment. In addition, staff recommends adding an east / west pedestrian sidewalk through the connecting the residential units to the commercial / restaurants fronting Broadway.

Utilities Scott Kuhna, 303-441-4071

1. The plans show what appear to be proposed Xcel Easements for gas mains running down the middle of proposed city easements (separating the city water and wastewater mains). Relocation of the proposed gas mains and services and easements are required.
2. The Utility Plan (Sheet SR-C2.00) shows the private wastewater service line for Building 6 running parallel to and in the same easement as the proposed water main. The line that is parallel to the main shall be a wastewater main

terminating at a manhole with the service line to Building 6 crossing perpendicular to the water main.

3. The water service lines for Building 1, 2, and 4 are shown beyond the fire hydrant on the dead-end main. All terminal mains shall have a fire hydrant at the terminus with no water services beyond the hydrant. Revise accordingly.
4. The relocated water service and fire service lines for the existing building at 4439 Broadway are shown on the end of dead-end water main with no fire hydrant. See comment above regarding terminal water mains.
5. Vacation of the "Right-of-Entry Film 1673, Rec. No. 01104034" easement along the north edge of the property is required. There appears to be conflict between the relocated easement for the relocated wastewater service line serving the property to the north and the proposed garages. No portion of any structure, including footings and eaves, may encroach into any right-of-way or easement. Clarification is required.
6. Per city standards, trees need to be located at least 10 feet away from existing or future utilities. The following utility lines (or trees) were identified as not meeting separation requirements. The applicant should recheck all separations prior to the next submittal.
 - Proposed street trees(2) at southeast corner of site – Proposed storm sewer line
 - Proposed street trees(3) at south of Building 6 – Proposed storm sewer line
7. A separate drawing clearly showing all of the easements is necessary to determine if there are encroachments or conflicts between public and private easements. No portion of any structure, including footings and eaves, may encroach into any right-of-way or easement.

III. INFORMATIONAL COMMENTS

Access/Circulation

At time of technical document review the concrete pan adjacent to the new curb ramps at the Violet Ave and 10th Street Intersection will need to be replaced as they were poured monolithically with the curb ramps.

Drainage Scott Kuhna, 303-441-4071

1. A Final Storm Water Report and Plan will be required as part of the Technical Document Review process. All plans and reports shall be prepared in accordance with the City of Boulder *Design and Construction Standards*.
2. At time of Technical Document Review, the applicant shall submit information (geotechnical report, soil borings, etc.) regarding the groundwater conditions on the property, and all discharge points for perimeter drainage systems must be shown on the plan. The applicant is notified that any proposed groundwater discharge to the city's storm sewer system will require both a state permit and a city agreement.

Flood Control Jessica Stevens, 303-441-3121

1. All development within the 100-year floodplain is subject to the City's floodplain regulations and requires the approval of a floodplain development permit. The application must be submitted prior to or concurrently with the building permit submittal and must demonstrate that all requirements set forth in section 9-3-2 through 9-3-6 of the B.R.C. will be met. A draft of the floodplain development permit application should be submitted with the Technical Document submittal.
2. The floodplain development permit shall contain certified drawings demonstrating that:
 - a. The proposed residential buildings will be elevated to the flood protection elevation.
 - b. The proposed mixed-use buildings will be elevated or floodproofed to the flood protection elevation, have structural components capable of resisting projected hydrostatic and hydrodynamic loads and the effects of buoyancy, be constructed with materials resistant to flood damage and have all residential units elevated at or above the flood protection elevation.
 - c. Dry floodproofed structures will meet the updated flood proofing requirements provided by *FEMA* in Flood Control comment #8.
 - d. Enclosures, such as crawl spaces, below elevated structures shall meet the requirements of Section 9-3-3 (a)(18 and 19) of the *BRC* and *FEMA* Technical Bulletin 1.

- e. Any proposed structures or obstructions in the floodplain, including trash enclosures and raised planters, will be properly anchored to prevent flotation, collapse, or lateral movement and be capable of resisting hydrostatic and hydrodynamic loads.
- f. The buildings will be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities that are designed and located (by elevating or floodproofing) so as to prevent water from entering or accumulating within the components during conditions of flooding.
- g. Any proposed surface parking is not projected to flood to a depth greater than 18 inches in the event of a one-hundred year flood.

Miscellaneous Scott Kuhna, 303-441-4071

1. The applicant is notified that any groundwater discharge to the storm sewer system will require both a state permit and a city agreement. The steps for obtaining the proper approvals are as follows:

Step 1 -- Identify applicable Colorado Discharge Permit System requirements for the site.

Step 2 -- Determine any history of site contamination (underground storage tanks, groundwater contamination, industrial activities, landfills, etc.) If there is contamination on the site or in the groundwater, water quality monitoring is required.

Step 3 -- Submit a written request to the city to use the municipal separate storm sewer system (MS4). This submittal should include a copy of the Colorado Department of Public Health and Environment (CDPHE) permit application. The written request should include the location, description of the discharge, and brief discussion of all discharge options (e.g., discharge to MS4, groundwater infiltration, off-site disposal, etc.) The request should be addressed to: City of Boulder, Stormwater Quality, 4049 75th St, Boulder, CO 80301 Fax: 303-413-7364

Step 4 -- The city's Stormwater Quality Office will respond with a DRAFT agreement, which will need to be submitted with the CDPHE permit application. CDPHE will not finalize the discharge permit without permission from the city to use the MS4.

Step 5 -- Submit a copy of the final discharge permit issued by CDPHE back to the City's Stormwater Quality Office so that the MS4 agreement can be finalized.

For further information regarding stormwater quality within the City of Boulder contact the City's Stormwater Quality Office at 303-413-7350. All applicable permits must be in place prior to building permit application.

2. No portion of any structure, including footings and eaves, may encroach into any public right-of-way or easement.

Review Process Chandler Van Schaack, Case Manager

On Jan. 20, 2015, City Council approved first reading of an ordinance that would limit height in certain areas of the city. This site is outside of the exempted area; however, since there is an active Site Review application in process, the application will be allowed to proceed through the process with the proposed height modification. A copy of the staff memo and the ordinance has been included as **Attachment B**.

Utilities Scott Kuhna, 303-441-4071

1. Final Utility Construction Plans will be required as part of the Technical Document Review process. All plans shall be in accordance with the City of Boulder *Design and Construction Standards*.
2. All water mains shall be PVC Class 200 AWWA C900 DR14, unless analysis is provided to demonstrate that Class 52 Ductile Iron will not be affected by corrosive soils. Revise the plan as necessary.
3. The applicant is advised that any proposed street trees along the property frontage may conflict with existing utilities, including without limitation: gas, electric, and telecommunications, within and adjacent to the development site. It is the applicant's responsibility to resolve such conflicts with appropriate methods conforming to the *Boulder Revised Code 1981*, the City of Boulder *Design and Construction Standards*, and any private/franchise utility specifications.
4. Maintenance of sand/oil interceptors and all private wastewater and storm sewer lines and structures shall remain the responsibility of the owner.
5. The applicant is advised that any proposed street trees along the property frontage may conflict with existing utilities, including without limitation: gas, electric, and telecommunications, within and adjacent to the development site. It is the applicant's responsibility to resolve such conflicts with appropriate methods conforming to the *Boulder Revised Code 1981*, the City of Boulder *Design and Construction Standards*, and any private/franchise utility specifications.

Address: 4403 Broadway

6. The landscape irrigation system requires a separate water service and meter. A separate water Plant Investment Fee must be paid at time of building permit. Service, meter and tap sizes will be required at time of building permit submittal.
7. The applicant is advised that at the time of building permit application the following requirements will apply:
 - a. The applicant will be required to provide accurate proposed plumbing fixture counts to determine if the proposed meters and services are adequate for the proposed use.
 - b. Water and wastewater Plant Investment Fees and service line sizing will be evaluated.
 - c. If the existing water and/or wastewater services are required to be abandoned and upsized, all new service taps to existing mains shall be made by city crews at the developer's expense. The water service must be excavated and turned off at the corporation stop, per city standards. The sewer service must be excavated and capped at the property line, per city standards.
 - d. Since the buildings will be sprinklered, the approved fire line plans must accompany the fire sprinkler service line connection permit application.
8. All water meters are to be placed in city R.O.W. or a public utility easement, but meters are not to be placed in driveways, sidewalks or behind fences.
9. Trees proposed to be planted shall be located at least 10 feet away from existing or future utility mains and services.

IV. NEXT STEPS

Once the comments have been addressed, please submit **seven (7) hard copies of the revised plan set along with digital copies of the plans in pdf form** at the front desk of the P&DS Service Center prior to the start of a three-week review track.

As some of the issues identified herein may result in significant changes to the site and building layout, staff recommends meeting prior to resubmittal to discuss possible design options. Please contact the Case Manager, Chandler Van Schaack, at vanschaackc@bouldercolorado.gov or 303-441-3137 with any questions or to set up a meeting.

V. CITY CODE CRITERIA CHECKLIST

A completed checklist will be provided following review of the revised plans.

CITY OF BOULDER
Planning and Development Services

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

CITY OF BOULDER
LAND USE REVIEW RESULTS AND COMMENTS

DATE OF COMMENTS: **November 11, 2015**
CASE MANAGER: **Chandler Van Schaack**
PROJECT NAME: **4403 BROADWAY**
LOCATION: **4403 N BROADWAY**
COORDINATES: **N08W07**
REVIEW TYPE: **Site and Use Review**
REVIEW NUMBER: **LUR2011-00071**
APPLICANT: **Jeff Dawson**
DESCRIPTION: **SITE AND USE REVIEW REVISION SUBMITTAL: Revisions to Site & Use Review proposal to construct a mixed-use development including 6 residential duplexes (12 units total), and 3 mixed-use buildings with 16 attached residential units above 9,359 sq. ft. of office and restaurant space. Requested modifications to development standards include: 11% parking reduction to allow for 56 parking spaces where 62 are required per the MU-2 zone district standards, modification of maximum number of stories from 2 to 3 for buildings in MU-2 zone, and height modification to allow mixed-use building to reach 45' in height and residential duplexes to reach 39'6" in height where 35' is the maximum height permitted by the zoning.**

REQUESTED VARIATIONS FROM THE LAND USE REGULATIONS:

- **Section 9-9-6, "Parking Standards"** – 9% parking reduction to allow for 55 parking spaces where 59 are required per the MU-2 zone district standards,
- **Section 9-7-1, "Form and Bulk Standards"** – Modification of maximum number of stories from 2 to 3 for buildings in MU-2 zone, and
- **Section 9-7-1, "Form and Bulk Standards"** – Height modification to allow mixed-use building to reach up to 43' in height and residential duplexes to reach up to 38'6" in height where 35' is the maximum height permitted by the zoning.
- **Vested Property Rights** – The applicant is seeking to pursue the creation of vested property rights as provided for in Section 9-2-19, B.R.C. 1981.

I. REVIEW FINDINGS

Overall, the current submittal is a major improvement on previous iterations and has addressed many of the issues previously identified by staff; however, there are still some remaining issues, specifically with regards to landscaping, [access / circulation](#), and building design, which must be addressed through an additional round of revisions in order for staff to move forward with a recommendation of approval to the planning board. Therefore, once the comments below have been addressed, please re-submit five (5) hard copies of the revised plans as well as digital copies of the plans in pdf form to the front counter of the P&DS Service Center prior to the start of a 3-week review track.

Staff is happy to meet with the applicant to discuss these comments in further detail prior to resubmittal. Contact the case manager to schedule a meeting.

II. CITY REQUIREMENTS

Access/Circulation David Thompson, 303-441-4417

1. Pursuant to the PLAT for the Plaza subdivision, please revise the site plans to show the 25'W x 50'L access easement at the west end of the site and the 25'W x 211'L +/- access easement at the east end of the site as public access easements.
2. Pursuant to staff's previous comment, please revise the site plan to show a public access easement for the north / south drive aisle between the garages and parking stalls in order to provide future access / connection to the northern property in order to meet the site review criteria requirements for circulation as described in section 9-2-14(h)(D)(iii) of the Boulder Revised Code, 1981 (BRC).
3. The revised Transportation Demand Management (TDM) Plan has not addressed staff's previous comments because the TDM Plan is not include sufficient parking, transit or bicycle strategies to support the requested parking reduction or promote alternate modes of travel. Please contact David Thompson to schedule a meeting regarding the project's TDM Plan.
4. Staff appreciates the revisions made to the site's short-term bicycle parking; however, given that it appears multiple tenants will occupy each of the buildings fronting Broadway, please revise the site plan to provide short-term bicycle parking in the front and back of each individual building in support of the project's TDM Plan.
5. Please revise the TDM Plan to discuss how the proposed ten long-term bicycle spaces will meet the criteria for long-term parking as discussed in section 9-9-6(g)(4) of the BRC.
6. Pursuant to staff's previous comment on providing additional short-term bicycle parking and in support of the project's TDM Plan, please revise the site plan to include dispersed short-term bicycle parking for the residential units.
7. Pursuant to staff's previous comment and in support of meeting the site review criteria for circulation as described in section 9-2-14(h)(D)(iii) of the BRC, please revise the site plan to provide a pedestrian connection from the edge of the residential area to the commercial / restaurant buildings fronting Broadway.
8. Please revise the site plans to show the 10th Street sidewalk transition occurring on the site rather than the property to the north as currently shown on the site plans.
9. Please revise the horizontal control plan to address the conflicting information being shown for the public access easement to be dedicated along Violet Avenue for the multi-use path. Staff concurs that the public access easement dedication should extend one-foot beyond the edge of the multi-use path.
10. Staff will provide review comments on the revised Traffic Impact Study to the applicant by Friday, November 13th.

Addressing, Caeli Hill, 303.441.4161

The City is required to notify utility companies, the County Assessor's office, emergency services and the US Post Office of proposed addressing for development projects. Please submit a Final Address Plat and list of all proposed addresses as part of the Technical Document Review (Final Plat) process.

Building Design Kalani Pahoia, Urban Designer 303-441-4148 & Chandler Van Schaack, Case Manager

1. Overall, staff finds the revised design to be a continuation of the improvement over previous submittals. In particular, the changes to the Broadway frontage have been improved significantly and have addressed previous staff's concerns. However, regarding Buildings A, B and C, staff has remaining concerns regarding the change in quality on several of the other frontages in terms of materiality and rhythm. While staff understands that not all sides of each building are equally important in terms of how they affect the pedestrian experience and interact with the public realm, each side of the building must still meet the intent of section 9-2-14(h)(2)(F)(xii), which requires buildings to "*present a sense of permanence through the use of authentic materials such as stone, brick, wood, metal or similar products and building material detailing.*"
 - a. Specifically, the south elevation of Building A, which will be highly visible from Broadway, is predominantly stucco. Given that there is no change in plane along the southern elevation, staff finds the façade would be greatly improved in terms of material quality by continuing the brick to the west by at least one bay (or 2 windows-width), and by replacing the white stucco shown wrapping the corner on the 2nd and 3rd stories with the cedar siding. The cedar siding should then wrap around to the west elevation and continue to at least the corner/ edge of patios. Similarly, the applicant should explore other opportunities to extend the brick and

replace stucco with cedar siding in any other areas where there is currently an in-plane material change proposed. Overall, the building should display a clear established hierarchy of materials, with changes in material serving a specific aesthetic function (such as delineating the upper walls from the lower walls or transitioning between architectural features). Please note that staff is not encouraging additional changes to the plane/ dimensions of the building face itself.

- b. Regarding Building B, the north elevation presents similar concerns given its visibility. The applicant should reduce the amount of stucco, ideally by continuing the brick across the second story and wrapping it around to the patio area on the west side of the building. The south elevation of Building B is perhaps even more important, as it will help to frame the outdoor courtyard and restaurant seating area. The applicant should reduce the number of materials shown by continuing the brick to the west and wrapping it around onto the west elevation or by replacing existing stucco elements with cedar siding. The in-plane material change shown on the west elevation should be eliminated.
 - c. Regarding the north elevation of Building C, the applicant should strive for the same level of material quality as shown on the south elevation. This may entail switching the stucco and wood elements or replacing the wood with brick and the stucco with wood.
2. Elegant brick returns and reveals around the windows will help to establish a sense of permanence and demonstrate use of high quality materials that would meet the Site Review criteria for Building Design. Therefore, provide details of these elements to help articulate how they would be accomplished on the Architectural Elevation plans.
 3. On all exposed balconies, ensure that the underside of the balconies are finished in an aesthetic manner and if constructed of wood, that the underside not show any exposed floor joists and hangers.
 4. Provide a detail of the balconies and the visible underside on the building elevation sheets. Provide a detail of the stucco color as well as the stucco joints; high quality construction of the joints will be critical.
 5. Add shadow lines to the black and white elevations to show reveals and changes in plane on all elevations. Color elevations should also be provided for all elevations.
 6. Please provide physical material samples to show how each material will be treated, with images clearly corresponding to the material labels.
 7. In order to more fully show how the development will interact with the public realm, realistic perspective drawings from certain key locations should be provided. This will facilitate discussions with the Planning Board regarding certain building and site features that are difficult to show via architectural elevations only. Key perspectives include: the townhouses as seen from the sidewalk on the north side of Violet Ave. (preferably with the garage area and drive aisle included); the Broadway frontage as seen from the intersection of Broadway and Violet; and the courtyard area as seen from the Broadway entrance. Please note that perspective drawings will become a part of the approved plan set, if approved, and should therefore reflect as accurately as possible all proposed site and building features including window reveals, balconies, materials, etc.
 8. Regarding the townhouse buildings, overall staff finds the design to be largely consistent with the desired “visual patterning” discussed in previous staff review comments. In order to more fully meet the intent of the Site Review criteria for Building Design, the applicant should consider replacing the stucco shown for the third story lofts with cedar siding. In addition, staff has concerns regarding how the proposed lofts and rooftop decks will appear from the public realm. Specifically, the current spacing of the lofts and railings breaks up the façade and makes the buildings read as a series of separate units rather than as a cohesive building. The applicant should explore ways of making the loft patterning more cohesive and continuous, possibly through connecting railings across gaps and/or the addition of wood or metal trellis structures between lofts. As discussed above, details for the proposed balconies and window treatments should be provided.

Drainage Scott Kuhna, 303-441-4071

1. The *Preliminary Drainage Report for the 4403 Broadway (Report)* uses the sum of the “direct runoff” from the sub-basins to determine the total historic runoff rates, but then uses a “total runoff” method of calculation for the total developed runoff rates. Consistency in the methodologies is required.
2. Previously the *Report* stated that Flowmaster© was used to design the storm sewer system, however, no data, calculations, etc. were included in the *Report*. Now no method, software, etc. was used to determine the sizing of the storm sewer system. Clarification is necessary.

3. The "Pond Volume Calculations – Stage/Storage" worksheet in the Appendix of the *Report* has columns referencing the 10-year pond volume and the 100-year pond volume; however, earlier in the *Report* it states that no detention is required. Revisions to the worksheet are required.
4. The plans show a conflict between a proposed storm sewer inlet and proposed dry utilities at the northeast corner of the site. Revisions are required.
5. No underdrains for the proposed porous pavers between the two Parking Garages at the north end of the site are shown on the plans. Revise accordingly.
6. The underdrain for the proposed rain gardens east of Building B is not shown connecting to any storm sewer line.
7. Per Section 7.12(E) of the City of Boulder *Design and Construction Standards (DCS)* all detention ponds shall include an overflow release feature to spill during storm events larger than the major design storm or when release outlets fail. This feature shall be designed to release overflows in a direction and manner that will not adversely affect properties downstream of the detention pond.

Flood Control Scott Kuhna, 303-441-4071

Per previous comments from city staff, all flood proofing measures, including flood vents for garages and crawl spaces should be shown on the elevation drawings for architectural review purposes. No flood vents for the garages for Building 1 or Building 2 are shown on the elevation drawings. Revise accordingly.

Fees

Please note that 2015 development review fees include a \$131 hourly rate for reviewer services following the initial city response (these written comments). Please see the P&DS Questions and Answers brochure for more information about the hourly billing system.

Irrigation Ditches, Scott Kuhna, 303-441-4071

The applicant is responsible for obtaining approvals for any relocations or modifications to irrigation ditches or laterals from the impacted ditch companies (Violet Lateral of the Silver Lake Ditch). This includes the crossing of any irrigation ditch or lateral for vehicular or utility purposes and the release of stormwater runoff into any ditch or lateral.

Land Uses Chandler Van Schaack, Case Manager

Please note that a management plan is required for the proposed restaurant uses.

Landscaping Elizabeth Lokocz, 303-441-3138

The site plan addresses many of staff's previous comments. Please address the following comments at the next submittal:

1. Discrepancies exist between the mature sizes of some of the proposed plants, their spacing as called out in the plant schedule and the plan resulting in a plan that will not achieve full coverage, a minimum landscape standard. Review the plan overall and ensure that all landscape beds will achieve full coverage. Additional comments on plant selection and spacing may be provided at Technical Document Review. Specifically update the following:
 - a. The nearly wild rose is called out at 3 feet, but shown as three to five on a grid. Evaluate if this is the best alternative for the right of way strip. It is a wonderful plant, but requires consistent annual pruning.
 - b. The Wichita blue juniper has a spread of 4-6 feet. Interplant it with something else or reduce the spacing accordingly. Call out the spacing rather than "as shown".
 - c. The Kelseyi dogwood is a great choice, but reaches only 2-3 feet in width. Adjust the symbols in plan and increase the overall number as needed.
 - d. The Isanti dogwood, three-leaf sumac, and Nano

white butterfly bush are all correctly called out as having a 5 foot spacing, but illustrated at six to seven; revise accordingly.

2. Review and update the interior parking lot landscape chart on sheet SR-L1.03 to accurately call out all dimensions. ALL landscape related dimensions are in reference to soil volume and may not include curbs.
Update the layout and civil plans as needed. Do not dimension curbs. Most of the landscaping currently included does not appear to meet minimum standards, either because it is not 8 foot in width per section 9-9-14(d)(8) B.R.C. 1981, or because it is actually perimeter landscaping which does not contribute for parking lots of this size. Please note the minimum interior landscaping is 5 percent.
3. Verify the proposed tree and transformer separation is supportable adjacent to Violet.
4. Revise the proposed right of way planting strip on 10th street to meet the minimum required 8 feet; do not count curb.
5. Please label all buildings.
6. Adjust the proposed Turkish filbert to maintain a minimum of four, and preferably five, feet from the edge of pavement.
7. Clarify the minimum pad dimensions around the two transformers between the townhome buildings.
8. Evaluate if the proposed sidewalk alignment at the corner of 10th and Violet can avoid the irrigation conflict and provide a softer transition from attached to detached.
9. Please review and coordinate the civil plans with all landscape requirements. It would be helpful if the horizontal control plan included dimensions for parking lot landscaping to ensure all standards are met.

Legal Documents Julia Chase, City Attorney's Office, 303-441-3020

1. Prior to signing the Development Agreement, if approved, the Applicant shall provide the following:
 - a) an updated title commitment current within 30 days of signing the agreement; and
 - b) proof of authorization to sign on behalf of the owner (such as operating agreement or statement of authority).

Open Space Chandler Van Schaack, Case Manager

Please note that pursuant to section 9-9-11(i), B.R.C. 1981, land area with a slope in excess of fifteen percent may not be counted as usable open space unless approved through Site Review. The detention pond as proposed exceeds fifteen percent in certain areas and does not appear to be a usable open space amenity; therefore, staff finds that any areas within the detention pond with slopes over fifteen percent should be labeled and excluded from open space calculations.

Plan Documents

1. There are currently several incorrectly labeled balconies shown on the plan set which must be corrected to reflect their actual areas (which are in most cases significantly smaller than indicated). These include: the south and west 2nd and 3rd floor balconies on Building A; the north and west 2nd and 3rd floor balconies on Building B; and three of the five 2nd floor balconies on Building C. In addition, all of the townhouse courtyards between the units and the garages as labeled on the Site Plan (Sheet SR-A1.01) are inconsistent with the floor plans (again, labeled as significantly larger than they are). Revise the Site Plan to reflect the accurate areas of the courtyards, and revise the open space calculations included in the main table accordingly.
2. Revise the floor plans to show the parking stall dimensions within each of the garages. Stalls must comply with the parking stall design standards found in section 9-96, B.R.C. 1981.
3. Revise the Open Space Plan provided on Sheet SR-A1.02 to include a breakdown of the types of private open space being counted towards the 25% of the required area using the revised numbers as discussed above. The table should provide a total area for the garage decks as well as the courtyard areas and any other private decks or balconies being included. The open space diagram also has several inconsistencies which should be fixed. These include showing several individual townhouse decks as "site open space," including stairways as "private open space," and not labeling the garage decks.
4. On the floor plans, please label all areas that are being exempted from FAR calculations, and include the area of the space being exempted. These numbers should be consistent with the calculations included on the main table.

5. The parking calculations for the development are somewhat misleading, as the table indicates that 16 spaces are provided for the residential units and 39 for the commercial uses whereas 19 of the proposed spaces are clearly designed for residents, with 18 garage spaces that would not be open to the public and one compact space located adjacent to the garage. If parking spaces are to be counted towards meeting the commercial requirement, they must be clearly open to the public and located so as not to “appear” to be restricted to residents.
6. The western garage is incorrectly labeled as holding 7 parking spaces. Please revise.
7. There appear to be several labels/ layers that are leftover from previous site plan iterations still included on the plans. These appear to be mainly within the main parking area behind Building B. Please remove and ensure that no other unnecessary labels are included on the site plan.

Utilities Scott Kuhna, 303-441-4071

1. The plans show the proposed water main (and hydrant) north of Building 1 in the proposed water quality pond. No existing or proposed public mains may be located within (under) any proposed or existing detention/water quality ponds.
2. Per Section 4.06 of the City of Boulder *Design and Construction Standards (DCS)* the required minimum separation between wastewater mains and storm sewer mains is 10 feet. Only 6 feet of separation between the existing wastewater main and the proposed storm sewer main running east/west through site is shown.
3. As previously noted in comments from city staff, the relocated water service and fire service lines for the existing building at 4439 Broadway are shown on the end of dead-end water main with no fire hydrant. All terminal mains shall have a fire hydrant at the terminus with no water services beyond the hydrant. Revise accordingly.
4. The plans show the proposed wastewater main serving Building 1 extending south to Violet Avenue. Building 1 will only have one wastewater service for the building, so the extension to the south is unnecessary. Service into a terminal manhole would be allowed in this situation per the *DCS*. Revise accordingly.
5. Per city standards, trees need to be located at least 10 feet away from existing or future utilities. The following utility lines (or trees) were identified as not meeting separation requirements. The applicant should recheck all separations prior to the next submittal.
 - Proposed street trees(2) east of Building C – Proposed domestic and irrigation meters
 - Proposed street tree southeast of Building B – Proposed storm sewer line

III. INFORMATIONAL COMMENTS

Access / Circulation David Thompson, 303-441-4417

1. At time of technical document submittal, please adjust the curb radii as necessary in order to align the proposed curb-ramps on both Broadway and Violet Avenue with the existing curb ramps on the opposite side of the road.
2. At time of technical document submittal, please provide three-feet of separation from the face of the roadway curb to the center of the signal pole at the southwest quadrant of the Broadway / Violet Avenue intersection.
3. At time of technical document submittal, please include a construction detail for the raised crosswalk shown on the east / west access drive to allow staff to evaluate the design is compatible for emergency access.

Drainage Scott Kuhna, 303-441-4071

1. A Final Storm Water Report and Plan will be required as part of the Technical Document Review process. All plans and reports shall be prepared in accordance with the City of Boulder *Design and Construction Standards*.
2. At time of Technical Document Review, the applicant shall submit information (geotechnical report, soil borings, etc.) regarding the groundwater conditions on the property, and all discharge points for perimeter drainage systems must be shown on the plan. The applicant is notified that any proposed groundwater discharge to the city’s storm sewer system will require both a state permit and a city agreement.

Flood Control Scott Kuhna, 303-441-4071

1. All development within the 100-year floodplain is subject to the City's floodplain regulations and requires the approval of a floodplain development permit. The application must be submitted prior to or concurrently with the building permit submittal and must demonstrate that all requirements set forth in section 9-3-2 through 9-3-6 of the B.R.C. will be met. A draft of the floodplain development permit application should be submitted with the Technical Document submittal.
2. The residential units in Building 1 are proposed to be located within the area which was removed from the 100-year floodplain. As previously indicated, this structure is immediately adjacent to and completely surrounded by the 100-year floodplain. In order to protect the future home owners from basement flooding, it is strongly recommended that the proposed structures located within the "island" of 500-year floodplain be constructed in accordance with the 100-year floodplain regulations and that the residential structures be elevated to the flood protection elevation. The location of the proposed stormwater detention pond immediately adjacent to these structures increases the risk of basement flooding.
3. The floodplain development permit shall contain certified drawings demonstrating that:
 - a. The proposed residential buildings will be elevated to the flood protection elevation.
 - b. The proposed mixed-use buildings will be elevated or floodproofed to the flood protection elevation, have structural components capable of resisting projected hydrostatic and hydrodynamic loads and the effects of buoyancy, be constructed with materials resistant to flood damage and have all residential units elevated at or above the flood protection elevation.
 - c. Dry floodproofed structures will meet the updated flood proofing requirements provided by *FEMA* in Flood Control comment #8.
 - d. Enclosures, such as crawl spaces, below elevated structures shall meet the requirements of Section 9-3-3 (a)(18 and 19) of the *BRC* and *FEMA* Technical Bulletin 1.
 - e. Any proposed structures or obstructions in the floodplain, including trash enclosures and raised planters, will be properly anchored to prevent flotation, collapse, or lateral movement and be capable of resisting hydrostatic and hydrodynamic loads.
 - f. The buildings will be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities that are designed and located (by elevating or floodproofing) so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - g. Any proposed surface parking is not projected to flood to a depth greater than 18 inches in the event of a one-hundred year flood.

Miscellaneous Scott Kuhna, 303-441-4071

1. The applicant is notified that any groundwater discharge to the storm sewer system will require both a state permit and a city agreement. The steps for obtaining the proper approvals are as follows:
 - Step 1 -- Identify applicable Colorado Discharge Permit System requirements for the site.
 - Step 2 -- Determine any history of site contamination (underground storage tanks, groundwater contamination, industrial activities, landfills, etc.) If there is contamination on the site or in the groundwater, water quality monitoring is required.
 - Step 3 -- Submit a written request to the city to use the municipal separate storm sewer system (MS4). This submittal should include a copy of the Colorado Department of Public Health and Environment (CDPHE) permit application. The written request should include the location, description of the discharge, and brief discussion of all discharge options (e.g., discharge to MS4, groundwater infiltration, off-site disposal, etc.) The request should be addressed to: City of Boulder, Stormwater Quality, 4049 75th St, Boulder, CO 80301 Fax: 303-413-7364
 - Step 4 -- The city's Stormwater Quality Office will respond with a DRAFT agreement, which will need to be submitted with the CDPHE permit application. CDPHE will not finalize the discharge permit without permission from the city to use the MS4.
 - Step 5 -- Submit a copy of the final discharge permit issued by CDPHE back to the City's Stormwater Quality Office so that the MS4 agreement can be finalized.

For further information regarding stormwater quality within the City of Boulder contact the City's Stormwater Quality Office at 303-413-7350. All applicable permits must be in place prior to building permit application.

2. No portion of any structure, including footings and eaves, may encroach into any public right-of-way or easement.

Review Process Chandler Van Schaack, Case Manager

Please note that in order to obtain vested property rights for the project, several additional steps will be required. These steps are laid out in section 9-2-19, B.R.C. 1981:

9-2-19. - Creation of Vested Rights.

- a) *Site Specific Development Plan: For the purpose of this title and [article 68](#) of title 24, C.R.S., as amended, the term site specific development plan means any project which requires a use review or site review. For the purposes of § 24-68-102.5, C.R.S., an application shall be deemed submitted upon the application for a use review, pursuant to [section 9-2-15](#), "Use Review," B.R.C. 1981, or a site review, pursuant to [section 9-2-14](#), "Site Review," B.R.C. 1981.*
- b) *Establishing a Vested Property Right: In order to establish a vested property right as defined in § 24-68-102(5), C.R.S., for a site specific development plan, the applicant shall meet all of the following requirements:*
 - 1) *Public Hearing Required: For those site specific development plan approvals not requiring a public hearing before the planning board, the applicant shall request, in writing, that its application be referred to the planning board for hearing under the city manager's discretionary power pursuant to paragraph [9-2-7\(b\)\(1\)](#), B.R.C. 1981. The city manager will refer any such requested application to the planning board for public hearing pursuant to Subsection [9-4-4\(d\)](#), B.R.C. 1981.*
 - 2) *Elements of Plans to Be Vested: The applicant shall state clearly in its application those specific elements of the plan in which the applicant seeks to create vested rights, including, without limitation, type of use, density, building height, building footprint location and architecture.*
 - 3) *Notice of Approval: If a site specific development plan is approved by the planning board, the applicant shall cause a notice advising the general public of the site specific development plan approval and the creation of a vested property right to be published in a newspaper of general circulation no later than fourteen days following final approval. Further, the applicant shall provide the city manager with the newspaper's official notice of said publication no later than ten days following the date of publication.*
 - 4) *Compliance With Conditions of Approval: The applicant shall meet and maintain all conditions of final approval for the site specific development plan.*
- c) *Void: An applicant's failure to meet all of the above requirements renders the site specific development plan approval void and results in the waiver of the applicant's right to create a vested property right pursuant to § 24-68-103(1), C.R.S.*
- d) *Applicability of Ordinances That Are General in Nature: The establishment of a vested property right shall not preclude the application of City ordinances or regulations which are general in nature and are applicable to all property subject to land use regulation including, without limitation, the provisions of chapter 9-3, "Overlay Districts," section [9-9-17](#), "Solar Access," chapters 9-12, "Subdivision," 9-13, "Inclusionary Housing," and 9-14, "Residential Growth Management System," B.R.C. 1981, and the City's building, fire, plumbing, electrical and mechanical codes. Approval of a site specific development plan shall not constitute an exemption from or waiver of any other provisions of this code pertaining to the development and use of property.*
- e) *City Council Approval: The three-year vesting period for site specific development plan approvals shall not be extended to a longer time period, including by amendments to such approvals, unless such extensions are included in the development agreement and adopted by ordinance of the city council.*

Utilities Scott Kuhna, 303-441-4071

1. Vacation of the "Right-of-Entry Film 1673, Rec. No. 01104034" easement along the north edge of the property is required, as well as dedication of a new easement for the service line at time of Technical Document Review.
2. Vacation of the existing utility, drainage, and access easements will be required at time of Technical Document Review.
3. Final Utility Construction Plans will be required as part of the Technical Document Review process. All plans shall be in accordance with the City of Boulder *Design and Construction Standards*.
4. All water mains shall be PVC Class 200 AWWA C900 DR14, unless analysis is provided to demonstrate that Class 52 Ductile Iron will not be affected by corrosive soils. Revise the plan as necessary.
5. The applicant is advised that any proposed street trees along the property frontage may conflict with existing utilities, including without limitation: gas, electric, and telecommunications, within and adjacent to the development site. It is

the applicant's responsibility to resolve such conflicts with appropriate methods conforming to the *Boulder Revised Code 1981*, the City of Boulder *Design and Construction Standards*, and any private/franchise utility specifications.

6. Maintenance of sand/oil interceptors and all private wastewater and storm sewer lines and structures shall remain the responsibility of the owner.
7. The applicant is advised that any proposed street trees along the property frontage may conflict with existing utilities, including without limitation: gas, electric, and telecommunications, within and adjacent to the development site. It is the applicant's responsibility to resolve such conflicts with appropriate methods conforming to the Boulder Revised Code 1981, the City of Boulder Design and Construction Standards, and any private/franchise utility specifications.
8. The landscape irrigation system requires a separate water service and meter. A separate water Plant Investment Fee must be paid at time of building permit. Service, meter and tap sizes will be required at time of building permit submittal.
9. The applicant is advised that at the time of building permit application the following requirements will apply:
 - a. The applicant will be required to provide accurate proposed plumbing fixture counts to determine if the proposed meters and services are adequate for the proposed use.
 - b. Water and wastewater Plant Investment Fees and service line sizing will be evaluated.
 - c. If the existing water and/or wastewater services are required to be abandoned and upsized, all new service taps to existing mains shall be made by city crews at the developer's expense. The water service must be excavated and turned off at the corporation stop, per city standards. The sewer service must be excavated and capped at the property line, per city standards.
 - d. Since the buildings will be sprinklered, the approved fire line plans must accompany the fire sprinkler service line connection permit application.
10. All water meters are to be placed in city R.O.W. or a public utility easement, but meters are not to be placed in driveways, sidewalks or behind fences.
11. Trees proposed to be planted shall be located at least 10 feet away from existing or future utility mains and services.

IV. NEXT STEPS

Once the comments below have been addressed, please re-submit five (5) hard copies of the revised plans as well as digital copies of the plans in pdf form to the front counter of the P&DS Service Center prior to the start of a 3-week review track. Staff is happy to meet with the applicant to discuss these comments in further detail prior to resubmittal. Contact the case manager to schedule a meeting.

V. CITY CODE CRITERIA CHECKLIST

A completed criteria checklist will be provided following review of the revised plan set.



CITY OF BOULDER
Planning and Development Services

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

CITY OF BOULDER
LAND USE REVIEW RESULTS AND COMMENTS

DATE OF COMMENTS: **January 22, 2016**
CASE MANAGER: **Chandler Van Schaack**
PROJECT NAME: **4403 BROADWAY**
LOCATION: **4403 N BROADWAY**
COORDINATES: **N08W07**
REVIEW TYPE: **Site and Use Review**
REVIEW NUMBER: **LUR2011-00071**
APPLICANT: **Jeff Dawson**
DESCRIPTION: **SITE AND USE REVIEW REVISION SUBMITTAL: Revisions to Site & Use Review proposal to construct a mixed-use development including two townhouse buildings containing 6 units each, and 3 mixed-use buildings with 16 attached residential units above 9,207 sq. ft. of commercial and restaurant space. Requested modifications to development standards include: 5% parking reduction to allow for 57 parking spaces where 60 are required per the MU-2 zone district standards, modification of maximum number of stories from 2 to 3 for buildings in MU-2 zone, and height modification to allow mixed-use building to reach 43'6" in height and residential duplexes to reach 39'6" in height where 35' is the maximum height permitted by the respective zoning districts.**

REQUESTED VARIATIONS FROM THE LAND USE REGULATIONS

- **Section 9-9-6, "Parking Standards"** – 5% parking reduction to allow for 57 parking spaces where 60 are required per the MU-2 zone district standards,
- **Section 9-7-1, "Form and Bulk Standards"** – Modification of maximum number of stories from 2 to 3 for buildings in MU-2 zone, and
- **Section 9-7-1, "Form and Bulk Standards"** – Height modification to allow mixed-use building to reach up to 43' in height and residential duplexes to reach up to 38'6" in height where 35' is the maximum height permitted by the zoning.
- **Vested Property Rights** – The applicant is seeking to pursue the creation of vested property rights as provided for in Section 9-2-19, B.R.C. 1981.

I. REVIEW FINDINGS

Overall, the applicant has addressed the majority of staff's concerns and made significant improvements to the project as a whole. That being said, there are still a few minor corrections required before staff can move forward with a recommendation of approval. The applicant should re-submit digital copies of the corrected plans directly to the case manager at their earliest convenience. At this point, the public hearing for the application has been tentatively scheduled for **March 3, 2016**, so the applicant must re-submit the final corrections no later than **February 10, 2016** in order to meet the necessary deadlines. Please contact the case manager, Chandler Van Schaack, at 303-441-3137 or vanschaackc@bouldercolorado.gov with any questions.

II. CITY REQUIREMENTS

Access/Circulation David Thompson, 303-441-4417

1. Pursuant to previous comments, please revise the site plan to show the dedication of a 20' wide east / west public access easement for access to Lot #2 and a 20' wide north / south public access easement between the parking stalls and the garages for future access to the north property.
2. Pursuant to previous comments, please revise the layout of the bike racks for the transit stop from end-to-end to side-by-side in order to provide space for the bench and the multiple boarding areas.
3. Staff appreciates the revisions made to the site's short-term bicycle parking; however, given that it appears multiple tenants will occupy each of the buildings fronting Broadway, please revise the site plan to provide short-term bicycle parking in the front of building "B" in support of the project's TDM Plan.

Flood Control Scott Kuhna, 303-441-4071

Per previous comments from city staff, all flood proofing measures, including flood vents for garages and crawl spaces should be shown on the elevation drawings for architectural review purposes. No flood vents for the garages for Building 1 are shown on the elevation drawings (Sheet SR-1-A4.01). Revise accordingly.

Fees

Please note that 2016 development review fees include a \$131 hourly rate for reviewer services following the initial city response (these written comments). Please see the P&DS Questions and Answers brochure for more information about the hourly billing system.

Inclusionary Housing Beth Roberts, 303 441-1828

1. Each new residential unit developed on the property is subject to 9-13 B.R.C., 1981, "Inclusionary Housing." The general Inclusionary Housing (IH) requirement is that all residential developments must dedicate 20 percent of the total dwelling units as permanently affordable housing.

For rental projects this requirement may be met through the provision of on-site affordable rental units or comparable existing or newly built off-site permanently affordable rental units or through the dedication of land appropriate for affordable housing or by payment of a cash-in-lieu contribution.

For for-sale housing this requirement may be met through the provision of at least half of the required affordable units on-site. The other half of the requirement may be met by providing comparable existing or newly built permanently affordable units off-site, the dedication of land appropriate for affordable housing or by payment of a cash-in-lieu contribution (CIL). The city will consider requests to contribute cash-in-lieu for all of the required affordable units however, any such approval is subject to a 50% additional CIL premium for any units required but not provided on site

2. Based on the submittal applicant is required to provide the following as affordable units:
 - a. 2.4 for-sale units (based on 12 market rate units)
 - b. 3.2 rental units (based on 16 market rate units)
3. Applicant has indicated a preference to provide off-site affordable units and is exploring this option. Acceptance of off-site affordable units is dependent on the following factors:
 - Agreement on the number and details of the off-site units;
 - Represent a proportional mix of unit type and unit size with the development that created the requirement. Attached affordable units may be no smaller than 80% the average size of the similar type as the development that created the requirement;
 - Timing; concurrency, whether constructed, rehabbed, (or other options presented by applicant), and marketed with the development that created the requirement;
 - Provision of security to ensure performance.
4. Per Colorado Statute 38-12-301, affordable rental units must be owned all or in part by a Housing Authority or similar agency. Applicant will need to meet the provision of 38-12-301 by creating an ownership structure that includes a Housing Authority or similar agency.
5. If the applicant determines they will meet the IH requirement with a cash-in-lieu contribution to the Affordable Housing Fund. The estimate for CIL required, if paid before 7/1/16, is \$742,853.00. Please note that CIL is due no later than residential building permit issuance. The amount in place when paid will apply. CIL amounts are updated annually on July 1. A Determination of Inclusionary Housing Compliance form which documents these requirements will be

provided for your signature once the exact amount of CIL due has been determined. The form must be executed prior to application for any residential building permit.

6. Conversion Agreement - The Inclusionary Housing ordinance requires that for-sale developments pay an additional 50 percent CIL premium in the event that they do not provide affordable units on-site. Accordingly, if you choose the CIL option and then convert the rental units to for-sale units within five years you will be required to pay the difference between the rental and for-sale CIL amounts. Rental developments that meet the inclusionary requirement with a cash contribution are required to execute an "Agreement for Costs Due on Sale: Affordable Housing Restrictive Covenant and Deed Restriction" (aka Conversion Agreement) and may be required to provide a Deed of Trust and \$10 Promissory Note which are used for notification purposes only.
7. Required documents to meet the IH requirement when providing affordable units off-site.
 - a. Determination of Inclusionary Housing Compliance form, due prior to application for building permit;
 - b. Deed Restricting Covenant, due prior to application for building permit;
 - i. Deed of trust good to within 30 days of signing the covenant
 - ii. Authorization to sign for LLC's
 - c. Conversion Agreement (A Deed of Trust and \$10 Promissory Note may also be required), due prior to building permit issuance;
 - d. Livability Standards for Permanently Affordable units, check-list part 1, due at site review submittal.
8. Required documents to meet the IH requirement when paying CIL.
 - a. Determination of Inclusionary Housing Compliance form, due prior to application for building permit;
 - b. Conversion Agreement (A Deed of Trust and \$10 Promissory Note may also be required), due prior to building permit issuance.
9. Additional information about the Inclusionary Housing program including the 2015-2016 cash-in-lieu amounts may be found on-line at www.boulderaffordablehomes.com.

Landscaping Elizabeth Lokocz, 303-441-3138

The comments were generally well addressed. A few corrections remain for the final approval set:

1. The six kelseyi dogwood (KD) south of Building 2 were not adjusted for spacing. Nine or ten should be proposed.
2. The Wichita blue juniper was correctly adjusted in the plan for spacing, but the plant list still call out as shown for spacing. Update per the previous comment and plan.
3. Update the interior parking lot numbers on both sheets. The area east of Building B does not technically meet the minimum requirements resulting in only the single 730 square foot island. The landscape requirements chart need only call out the required 5%, not 10%, and should call out the requested modification and total additional landscape per the graphic and chart on sheet SR-L1.03. Note that the total parking lot size is inconsistent between sheets.

Legal Documents Julia Chase, City Attorney's Office, 303-441-3020

1. Prior to signing the Development Agreement, if approved, the Applicant shall provide the following:
 - a) an updated title commitment current within 30 days of signing the agreement; and
 - b) proof of authorization to sign on behalf of the owner (such as operating agreement or statement of authority).

Parking Chandler Van Schaack, Case Manager

The parking stall dimensions shown in the townhouse garages are 9' x 18', which does not meet the minimum required parking stall dimensions per section 9-9-6. The garage spaces need to be 9' x 19' at a minimum, and the garages should measure 20' from interior wall to interior wall.

Plan Documents Chandler Van Schaack, Case Manager

1. On Sheet SR-A1.01, the at-grade patio areas are still mislabeled. Please be sure that these correspond with the final patio dimensions shown on the floor plans as well as the calculations included in the tables.
2. On Sheet SR-A1.01, the MU-2 zone parking chart is mislabeled. The required parking should be shown as 60 spaces rather than 59. Similarly, the footnotes should be corrected to reflect the request for a 5% parking reduction rather than a 3.5% reduction. Also, please indicate on the chart how many standard and small car spaces are proposed.

Utilities Scott Kuhna, 303-441-4071

1. The plans show porous pavers over a section of proposed water main to the northwest of Building B at the parking lot

Address: 4403 N BROADWAY

entry. The porous pavers need to be removed from this area (a minimum of 6 feet on each side of the water main).

2. The proposed wastewater manhole east of Building 1 should be shifted to the east approximately 10 feet to allow easier access for maintenance personnel.

III. INFORMATIONAL COMMENTS

Drainage Scott Kuhna, 303-441-4071

1. A Final Storm Water Report and Plan will be required as part of the Technical Document Review process. All plans and reports shall be prepared in accordance with the City of Boulder *Design and Construction Standards*.
2. At time of Technical Document Review, the applicant shall submit information (geotechnical report, soil borings, etc.) regarding the groundwater conditions on the property, and all discharge points for perimeter drainage systems must be shown on the plan. The applicant is notified that any proposed groundwater discharge to the city's storm sewer system will require both a state permit and a city agreement.

Flood Control Scott Kuhna, 303-441-4071

1. All development within the 100-year floodplain is subject to the City's floodplain regulations and requires the approval of a floodplain development permit. The application must be submitted prior to or concurrently with the building permit submittal and must demonstrate that all requirements set forth in section 9-3-2 through 9-3-6 of the B.R.C. will be met. A draft of the floodplain development permit application should be submitted with the Technical Document submittal.
2. The residential units in Building 1 are proposed to be located within the area which was removed from the 100-year floodplain. As previously indicated, this structure is immediately adjacent to and completely surrounded by the 100-year floodplain. In order to protect the future home owners from basement flooding, it is strongly recommended that the proposed structures located within the "island" of 500-year floodplain be constructed in accordance with the 100-year floodplain regulations and that the residential structures be elevated to the flood protection elevation. The location of the proposed stormwater detention pond immediately adjacent to these structures increases the risk of basement flooding.
3. The floodplain development permit shall contain certified drawings demonstrating that:
 - a. The proposed residential buildings will be elevated to the flood protection elevation.
 - b. The proposed mixed-use buildings will be elevated or floodproofed to the flood protection elevation, have structural components capable of resisting projected hydrostatic and hydrodynamic loads and the effects of buoyancy, be constructed with materials resistant to flood damage and have all residential units elevated at or above the flood protection elevation.
 - c. Dry floodproofed structures will meet the updated flood proofing requirements provided by *FEMA* in Flood Control comment #8.
 - d. Enclosures, such as crawl spaces, below elevated structures shall meet the requirements of Section 9-3-3 (a)(18 and 19) of the *BRC* and *FEMA* Technical Bulletin 1.
 - e. Any proposed structures or obstructions in the floodplain, including trash enclosures and raised planters, will be properly anchored to prevent flotation, collapse, or lateral movement and be capable of resisting hydrostatic and hydrodynamic loads.
 - f. The buildings will be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities that are designed and located (by elevating or floodproofing) so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - g. Any proposed surface parking is not projected to flood to a depth greater than 18 inches in the event of a one-hundred year flood.

Miscellaneous Scott Kuhna, 303-441-4071

1. The applicant is notified that any groundwater discharge to the storm sewer system will require both a state permit and a city agreement. The steps for obtaining the proper approvals are as follows:

Step 1 -- Identify applicable Colorado Discharge Permit System requirements for the site.

Step 2 -- Determine any history of site contamination (underground storage tanks, groundwater contamination,

industrial activities, landfills, etc.) If there is contamination on the site or in the groundwater, water quality monitoring is required.

Step 3 -- Submit a written request to the city to use the municipal separate storm sewer system (MS4). This submittal should include a copy of the Colorado Department of Public Health and Environment (CDPHE) permit application. The written request should include the location, description of the discharge, and brief discussion of all discharge options (e.g., discharge to MS4, groundwater infiltration, off-site disposal, etc.) The request should be addressed to: City of Boulder, Stormwater Quality, 4049 75th St, Boulder, CO 80301 Fax: 303-413-7364

Step 4 -- The city's Stormwater Quality Office will respond with a DRAFT agreement, which will need to be submitted with the CDPHE permit application. CDPHE will not finalize the discharge permit without permission from the city to use the MS4.

Step 5 -- Submit a copy of the final discharge permit issued by CDPHE back to the City's Stormwater Quality Office so that the MS4 agreement can be finalized.

For further information regarding stormwater quality within the City of Boulder contact the City's Stormwater Quality Office at 303-413-7350. All applicable permits must be in place prior to building permit application.

2. No portion of any structure, including footings and eaves, may encroach into any public right-of-way or easement.

Utilities Scott Kuhna, 303-441-4071

1. Vacation of the "Right-of-Entry Film 1673, Rec. No. 01104034" easement along the north edge of the property is required, as well as dedication of a new easement for the service line at time of Technical Document Review.
2. Vacation of the existing utility, drainage, and access easements will be required at time of Technical Document Review.
3. Final Utility Construction Plans will be required as part of the Technical Document Review process. All plans shall be in accordance with the City of Boulder *Design and Construction Standards*.
4. All water mains shall be PVC Class 200 AWWA C900 DR14, unless analysis is provided to demonstrate that Class 52 Ductile Iron will not be affected by corrosive soils. Revise the plan as necessary.
5. The applicant is advised that any proposed street trees along the property frontage may conflict with existing utilities, including without limitation: gas, electric, and telecommunications, within and adjacent to the development site. It is the applicant's responsibility to resolve such conflicts with appropriate methods conforming to the *Boulder Revised Code 1981*, the City of Boulder *Design and Construction Standards*, and any private/franchise utility specifications.
6. Maintenance of sand/oil interceptors and all private wastewater and storm sewer lines and structures shall remain the responsibility of the owner.
7. The applicant is advised that any proposed street trees along the property frontage may conflict with existing utilities, including without limitation: gas, electric, and telecommunications, within and adjacent to the development site. It is the applicant's responsibility to resolve such conflicts with appropriate methods conforming to the *Boulder Revised Code 1981*, the City of Boulder *Design and Construction Standards*, and any private/franchise utility specifications.
8. The landscape irrigation system requires a separate water service and meter. A separate water Plant Investment Fee must be paid at time of building permit. Service, meter and tap sizes will be required at time of building permit submittal.
9. The applicant is advised that at the time of building permit application the following requirements will apply:
 - a. The applicant will be required to provide accurate proposed plumbing fixture counts to determine if the proposed meters and services are adequate for the proposed use.
 - b. Water and wastewater Plant Investment Fees and service line sizing will be evaluated.
 - c. If the existing water and/or wastewater services are required to be abandoned and upsized, all new service taps to existing mains shall be made by city crews at the developer's expense. The water service must be excavated and turned off at the corporation stop, per city standards. The sewer service must be excavated and capped at the property line, per city standards.

d. Since the buildings will be sprinklered, the approved fire line plans must accompany the fire sprinkler service line connection permit application.

10. All water meters are to be placed in city R.O.W. or a public utility easement, but meters are not to be placed in driveways, sidewalks or behind fences.

11. Trees proposed to be planted shall be located at least 10 feet away from existing or future utility mains and services.

IV. NEXT STEPS

The applicant should re-submit digital copies of the corrected plans directly to the case manager at their earliest convenience. At this point, the public hearing for the application has been tentatively scheduled for **March 3, 2016**, so the applicant must re-submit the final corrections no later than **February 10, 2016** in order to meet the necessary deadlines. Please contact the case manager, Chandler Van Schaack, at 303-441-3137 or vanschaackc@bouldercolorado.gov with any questions.

V. CITY CODE CRITERIA CHECKLIST

VI. Conditions On Case

Van Schaack, Chandler

From: Liesel A. Ritchie [liesel.ritchie@Colorado.EDU]
Sent: Monday, February 02, 2015 6:08 PM
To: Van Schaack, Chandler
Subject: Review # LUR2011-00071

Dear Mr. Van Schaack -

I am writing in regard to the review for the property at 4401 Broadway, Project 4403 Broadway. Briefly and primarily, I am concerned about the requested changes in zoning insofar as they involve increasing the height of the buildings and in that there is also a request for reductions in parking.

As a current resident of north Boulder, owning a condo in the Uptown on Broadway (4580, #223), I am opposed to any increase in the height of the buildings as I believe they would significantly degrade my viewscape -- which was one of the primary reasons I purchased this home. I did some research prior to buying this residence 6 years ago, and noted that the zoning that had potential to block my views of the foothills to the south of me was only two stories. I believe that the approval of a 3rd story would limit my views and, relatedly, reduce the value of my property.

I am also concerned that the facility would be reducing parking, yet seeming to increase the need for it.

Please confirm that you have received this message. Thank you in advance for passing this along to the review committee.

Sincerely,

Liesel

Liesel Ashley Ritchie, PhD

Associate Director
Natural Hazards Center

Institute of Behavioral Science

Phone: 303.492.4181

Fax: 303.492.2151

Web: www.colorado.edu/hazards

"Nobody rises to low expectations." ~ Calvin Lloyd

Van Schaack, Chandler

From: George West [gswest@chemicalintelligence.com]
Sent: Monday, February 02, 2015 5:46 PM
To: Van Schaack, Chandler
Subject: Opposition letter to 4403 Broadway Project

Hello,

How is the best way to voice our opposition to the variances proposed in the 4403 Broadway project? We own a property facing the foothills at 4250 Broadway #207 that will be impacted by a building blocking the view and to allow it to rise another 7.5 feet beyond what is currently allowed will materially affect the value of our property. The rules regarding the height of buildings are in place for a reason – they insure the natural beauty of the area is maintained and the value of existing structures are also preserved. When we bought our property we were informed of the Boulder City ordinance against building anything over 35 feet on Broadway and we relied on the City to protect the current residents of North Boulder by not wavering from its zoning rules. Both my wife and I want to voice our extreme opposition to the variance requested by the developer with regard to building height. I only just received this notice from a neighbor having never received one by mail. Please let me know if this email will suffice or whether a written hardcopy is needed to mail in.

Sincerely,

George and Sandra West
4250 Broadway, Unit 207, Boulder CO 80304
(281) 948-8944

Van Schaack, Chandler

From: pizzamail@comcast.net
Sent: Saturday, November 12, 2011 4:51 PM
To: Van Schaack, Chandler
Subject: 4403 Broadway Site review

Follow Up Flag: Follow up
Flag Status: Completed

Dear Chandler,

We have reviewed the site plan and the request for a height variance. We do not feel this is okay. The 35' foot height limit must remain. The tall buildings will absolutely make north Boulder feel closed in. The views will be blocked and if the variance is allowed then all subsequent applications for development may receive the same approval.

Please say no and make the developer construct the project within the parameters that are already established.

We wish to be notified as to when the planning board meeting will be.

Thank you,
Pam Proto
Ashley Syms

Van Schaack, Chandler

From: Jeff Hindman [jah@cottonwoodcustombuilders.com]
Sent: Friday, January 23, 2015 4:23 PM
To: Van Schaack, Chandler
Cc: Cottonwood Custom Builders, Inc.
Subject: 4401 & 4403 Broadway
Attachments: pastedGraphic.pdf

Mr. Van Schaack -

As a property owner in the existing commercial condo building at 4439 N Broadway, Suite E, I have several concerns and objections to the variances and modifications being requested in the development review application for the properties at 4401 and 4403 Broadway.

- 1) Allowing the buildings to be higher than current zoning allows will be a serious detriment to the existing property owners in our building and other surrounding properties. I bought my property knowing that I agreed with what was allowed in our neighborhood. To allow a significant up zoning modification to this without any compelling hardship for that property is simply a windfall for the property owner / developer at the expense of those other existing properties around the site. It seems that the only justification for the extra height requested is so the developer can add more square footage and increase the value of his property. I believe in respecting property rights and to me that means approving something that matches existing zoning regulations and not changing them to fit whatever the developer wants to build. I will also point out that the residential portion of this property was filled with approximately 5-7 feet of fill a few years ago and the current grade on the west portion of the property is not what should be used to determine any building height. There is also an existing flood plain very close to this property and by installing the fill the property owner greatly increase the chance that our building would flood.
- 2) We already have a shortage of parking spaces in this area of Boulder and people park in the lot for our building for events at the auditorium and the Waldorf school all the time. Allowing the developer the 11% parking reduction will only make this problem worse. Again, I see not justification for reducing the parking except to allow for more developed square footage and increase the developers value at the neighborhood's expense.
- 3) There is an existing access easement for our Condo building's access to Broadway that needs to be preserved in its current alignment.
- 4) There is a current pedestrian pathway from the trailer park to the school to the south that goes between the MU-2 portion of the property and the RM-1 portion. It would be nice if the proposed development allowed for the continuation of this pedestrian traffic in the future. Otherwise the school kids will be forced to go out to Broadway and around that would decrease the safety of their walk to and from school. When we repaired the fence between our building and the trailer park several years ago, we installed a gate at the east end to allow pedestrians to access this travel path and not have to go out to Broadway. Pedestrian connectivity is a very important concept in Boulder and hopefully, this can be taken into account by the developer.
- 5) I would also hope that the City has some mechanism to regulate the architectural quality of the proposed development. The recent development on the east side of Broadway north of Violet is very poor quality, in my opinion. It looks like something I would see out on 287 or Arapahoe in Erie. With the current values for Boulder real estate, the quality of the design and materials should be up to that level.

Thanks for the notice about this project and please keep us on the list for future new about the progress of this project. We will hope to be able to be present and voice our concerns at the future public meetings on this development.

Jeff Hindman - President
Cottonwood Custom Builders, Inc.
4439 N Broadway, Suite E
Boulder, CO 80304

Van Schaack, Chandler

From: Eric Scholz [ericscholz@yahoo.com]
Sent: Friday, January 23, 2015 10:28 AM
To: Van Schaack, Chandler
Cc: Trina Scholz
Subject: 4401 Broadway - LUR2011-00071

Dear Mr Van Schaak,

I am writing to submit comments on the proposed development on the corner of Violet and Broadway.

My wife and I have owned units in the commercial units at 4439 Broadway, which will be surrounded by this development, since 2001. So, we have an excellent understanding of the neighborhood and its community. North Boulder has been our community since 1981 and have seen many changes over those years. I appreciate having the opportunity to comment on these projects, for which I have been mostly supportive. Lately however, there seems to be a trend which, along with this application, compelled a response.

While I am supportive of the existing land owners use-by-right, I am specifically opposed to the variances requested in this proposal for the following reasons:

- 11% parking reduction: I am highly opposed to this variance because it will have a direct impact on the parking around our building when people poach spaces. We already struggle towing everything from junk cars to part-time camper residents and do not want to fence off our entire property with signs and such. I also believe disincentives like these as a public policy do not work. I can remember the discussion of using traffic lights along foothills parkway instead of overpasses, and that left us with nothing but more traffic and tons of result pollution and time wasted. Furthermore, it increases density in this town. Does this new density come with water? No. It comes from the rest of us. I am highly opposed to these non-sustainable patterns of growth. If new density comes, it should come without reducing our water share.

- Additional story on building: I am highly opposed to this variance for two reasons. One, is the issue of density I mentioned above. The second is that there is no provable benefit to the existing citizens to warrant this variance.

- Height variance: I am highly opposed to this variance for to main reasons. I assume these buildings will be placed along the street with parking in back. This development pattern in this location creates wintery caverns on Broadway where there once was sun and views. The Holiday Inn, set back as it is with three stories and a landscaped berm, creates a much more pleasant and sunny street and walkscape, and if you notice, you can still see the mountain backdrop - the reason we all live here in the first place. Reason two is the new density issue and its impact I outlined above. Finally, its not clear where the height would be measured from, since much of the lot to the south is recent fill and not original grade.

Since there was no building layout plan, it is hard to say what other comments we might have. I hope the owner recognized and designed around our easement to Broadway and the development wont change the flood plain. Our building is currently out of the flood plan and suffered no damage in the recent flood. Hopefully this will not be impacted by this development.

Otherwise, if the developer chose to simply build within the existing zoning limits without variances, we would likely support his endeavor.

Sincerely,

Eric and Trina Scholz, unit D and H. Plaza Commercial Condominiums, 4439 N. Broadway.

Van Schaack, Chandler

From: Anita Schwartz [bouldergas@hotmail.com]
Sent: Thursday, January 22, 2015 10:03 AM
To: Van Schaack, Chandler
Subject: 4401/4403 Broadway

Dear Chandler,

Thanks for talking with me about the development proposed for 4401 Broadway.

As previously stated, I support redevelopment of the lot--but I do not support a modification of the height standards. Buildings that tall will block what is left of the mountain view. The height restrictions exist for good reason and should be followed. We moved to the neighborhood for the views and with the foothills being smaller than some of Boulder's other mountains, the height restriction is especially important.

I am also opposed to the proposed parking reduction. We have had a huge amount of development in North Boulder. With Violet Crossing not even fully leased, we are already getting overflow parking on 13th Street. With that much density coming into the neighborhood, adequate parking will be essential.

Thank you for your consideration.

Anita Schwartz
303-359-5872

Van Schaack, Chandler

From: Anupam Barlow [anupam.barlow@gmail.com]
Sent: Thursday, January 22, 2015 8:07 AM
To: Van Schaack, Chandler
Subject: 4401-3 Broadway Review Number LUR2011-00071

This is to oppose the site and use revision for the proposed development by Emerald Investment 1, LLC at 4401 Broadway.

One of the main reasons I chose to move to Boulder 30 years ago is because of its natural beauty, together with zoning laws that prohibit anyone from destroying or blocking the beautiful foothills and landscape. Over the years I have watched how buildings in North Boulder particularly have systematically destroyed the views in and around where I live.

I cannot think of one reason for requesting that more buildings be built above the current maximum height allowance of 35', nor for there to be even more crowding in terms of the number of units built and the increased traffic to the area, other than pure greed on the part of the investment company. And I cannot think of one valid reason for approving such a request by the City of Boulder.

I will continue to fight this at every possible opportunity, and would ask that you keep me informed of all stages of this review process.

Sincerely,

Anupam Barlow

Van Schaack, Chandler

From: Wolfgang Reitz [wreitz443@gmail.com]
Sent: Wednesday, January 21, 2015 10:01 PM
To: Van Schaack, Chandler
Subject: 4403 Broadway comment

Greetings Mr. Van Schaak

I have lived in Boulder since 1972 and in North Boulder since 1985. In that time I have seen a lot of growth. I have also seen that our streets can't support the traffic. In general I like the idea of mixed use in this area. I think development should happen as written in the rules and not by excesses that many developers push for! Parking on North Broadway is already not sufficient. Our height limits were put in place and should not be exceeded! Boulder is turning into a place that I and most of the people I know don't like!

Thank you for listening,
Wolfgang Reitz
1665 Orchard Ave.
303.443.5612

Van Schaack, Chandler

From: Eric Ponslet [ericponslet@gmail.com]
Sent: Wednesday, January 21, 2015 10:34 AM
To: Van Schaack, Chandler
Subject: LUR2011-00071

Dear Mr Van Schaack:

I am writing to voice my concerns about some aspects of the proposed development application referenced above (4401/4403 Broadway).

While I am not opposed to new development on that corner, I find the requested variations to the zoning for that area to be seriously objectionable. The land in question is - as you know - zoned RM-1 (for about 2/3rds of the area) and MU-2 for the remaining third. Zoning regulations for these classifications restrict the type and size of buildings to maintain the residential/commercial character of the area and the view shed of neighboring properties.

While the east side of north Broadway has been developed into a more urban style with multi-story buildings, the east side has largely remained true to its mixed use and residential designation and consists primarily of low commercial buildings which ensure (1) a much needed diversity in the neighborhood (lower end commercial uses), and (2) an unobstructed view of the foothills from the street and adjacent properties.

The accumulation of "deviations" from zoning requirements that are requested by the applicant amount to complete disregard for these rules. I am particularly opposed to any deviation from the maximum height limit of 35 feet and the maximum number of allowed stories. You'll note that the applicant is requesting a variation to bring that height limit up to 42.5 ft, an increase of 7.5 feet! Also note that every one of the 9 building proposed exceeds the height limit. This makes all the difference between a construction that fits within the character of the West side of North Broadway, and one which will completely overwhelm that street corner, is clearly out of character with neighboring commercial properties or the school on the south side, and will block the view of the foothills for many residents on the East side of Broadway.

Zoning rules exist for a reason: they indicate to existing and potential property owners the nature of future developments that may be built in the area and what they can expect that area to look like in years to come. Minor deviations from those rules are often needed to accommodate the realities of development projects. However, what has been requested in this particular case is not a minor variance, but instead an accumulation of fundamental deviations from the very spirit of the zoning areas in question.

I adamantly oppose these variations.

Sincerely,

Dr. Eric Ponslet,
4520 Broadway St, Unit 206
Boulder, CO 80304
ericponslet@gmail.com

Van Schaack, Chandler

From: zak k [zak1080@gmail.com]
Sent: Tuesday, January 13, 2015 12:12 PM
To: Van Schaack, Chandler
Subject: Review number: LUR2011-00071 Project name: 4403 Broadway

I own and live at 4551 13th St. unit D. I have many concerns about this project. I will list them below.

1) Parking reduction request. This is absolutely not acceptable. Parking on Rosewood East of Broadway and 13th and 14th st. is already overcrowded. I suspect the developers here also got a reduction in parking. I often have to drive around looking for a spot. This will only add to this problem as the streets I mention above are the closest place to park for overflow. Parking is a serious issue in this neighborhood already, please don't let them get by with a reduction.

2) Height Modifications: Why would this even be considered? There are units north and east whose view will be blocked as a result. We have height restrictions in Boulder for very good reasons. We should not start violating these principles just because we are in the north end of town.

3) Modification to number of stories. Same reasons as above. These developers are trying to step all over the regulations that have made Boulder what it is. This will set a precedent that will be difficult to turn back. North Boulder will be nothing like the rest of Boulder.

Please do not allow any of these modifications to our regulations which protect our property values.

Sincerely,
Zak Keirn

Van Schaack, Chandler

From: Dennis Robertson [dennyr@indra.com]
Sent: Monday, January 12, 2015 6:13 PM
To: Van Schaack, Chandler
Cc: Dennis Tuma
Subject: 4403 Broadway PROJECT REVIEW

Good evening Chandler,

Thank you for including us in the mailing regarding this project.

I am a new resident in this area of town, though my husband has lived here for 6 years. It certainly is developing rapidly, and traffic is intensifying almost daily.

Even without this development, we need a traffic light at Yarmouth and Broadway. It is a treacherous intersection. HELP!

The proposed parking reduction seems ill advised, especially given proposed restaurant use. Dining will regularly invite new drivers to the area who are unfamiliar with street and parking options in the north Broadway corridor, many to a table in my dining experience. If possible, the parking requirement should be increased for restaurant use.

The maximum height limits must be affirmed, for this and every development in this prominent corridor, for a number of reasons:

1. Don't set a bad example that every other development to follow will expect to have granted to them.
2. Don't block ANY of the afternoon Sun we need on these dark winter days, to melt snow and ice accumulation.
3. Don't block the mountain/foothills views for projects already completed, including businesses and residents who were assured their views were protected by City zoning laws.

Thanks for including our concerns in this Review.

Sincerely,

Denny Robertson, and husband Dennis Tuma
4500 19th Street #537, Boulder CO 80304
303-885-3257

APPROVED ON SEPTEMBER 6, 2007

CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
August 2, 2007
1777 Broadway, Council Chambers

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

PLANNING BOARD MEMBERS PRESENT:

Elise Jones, Chair
 Willa Johnson
 Andrew Shoemaker
 Phil Shull, Vice-Chair
 Richard Sosa
 Bill Holicky

PLANNING BOARD MEMBERS ABSENT:

Adrian Sopher

STAFF PRESENT:

Brent Bean, Senior Planner
 Juliet Bonnell, Administrative Specialist
 Charles Ferro, Planner II
 David Gehr, Assistant City Attorney
 Heidi Joyce, Administration Supervisor
 Michelle Mahan, Engineering Specialist
 Robert Ray, Land Use Review Manager
 Molly Winter, Director of Downtown University Hill Management Division of Parking Services

1. CALL TO ORDER

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

2. APPROVAL OF MINUTES

No minutes were scheduled for approval.

3. PUBLIC PARTICIPATION

No one addressed the board.

4. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS

No items were scheduled for discussion.

5. ACTION ITEMS

A. Continuation of public hearing and consideration of non-conforming Use Review #LUR2006-00067, etown, for the property located at 1535-1539 Spruce Street, in the Residential High-2 (RH-2) zoning district. The proposal includes use of the existing building for

broadcast and recording uses, office use, audio editing, post production, community meetings, workshops, and live musical performances with up to 200 audience members, up to 12 times per month until 9:00 p.m. The Planning Board will consider the final conditions of approval and findings of fact.

Applicant: Nick Forster
Owner: Tebo Partnership, LLLP
Case Manager: Charles Ferro

Applicant/Owner Presentation

Nick Forster presented the item to the board. He commented that the language stipulated in Condition 3C regarding "printed information on tickets or an announcement attached to tickets" is not under his control, but is up to the discretion of the Boulder Theater. He said he will make every effort to meet the intent of the condition, but cannot guarantee the outcome.

Molly Winter spoke about definite availability of parking permits.

Staff Presentation

C. Ferro presented the item to the board.

Public Hearing

The public hearing was held at the July 5, 2007 Planning Board meeting. No further public hearing was conducted at the August 2, 2007 Planning Board meeting.

Board Discussion

Motion

On a motion by **W. Johnson**, seconded by **P. Shull**, the Planning Board approved (5-0, **A. Sopher** absent, **B. Holicky** abstained) Use Review #LUR2006-00067, etown, for the property located at 1535-1539 Spruce Street adopting the staff memorandum dated August 2, 2007 as findings of the board subject to the following conditions of approval:

CONDITIONS OF APPROVAL

1. The Applicant shall be responsible for ensuring that the development shall be in compliance with all approved plans and written statements dated June 11, 2007 on file in the City of Boulder Planning Department, except as modified by these conditions of approval.
2. Per Section 9-2-11(a), B.R.C., 1981, prior to the issuance of a building permit or a certificate of completion for use review approval, the City Manager will determine the provisions of the development agreement and these conditions of approval have been met.
3. The Applicant shall ensure that the broadcasting and recording facility is operated in compliance with the following restrictions:
 - a. Live performances to include musical performances, lectures, community meetings, workshops, classes, and presentations shall be limited to 12

times per month with a maximum of 200 audience members and shall end by 9:00 P.M.

- b. The applicant shall secure 8 commuter parking permits for regular, full-time employees from Parking Services for the Whittier Neighborhood Parking Program and shall renew them as required by that program.
 - c. Parking for live tapings and performances shall be accommodated at the public parking garage at 1500 Pearl Street or other off-street public parking facility in the downtown area **wherever possible**. In an effort to reduce parking impacts on the neighborhood, the applicant shall include printed information on tickets or an announcement attached to tickets directing patrons to park at the public parking garage at 1500 Pearl Street or other off-street public parking facility in the downtown area wherever possible. Public parking information shall also be posted on the e town website as well as within the venue. Additionally, all marketing information or public advertisements for live performances shall include information directing patrons to park in the public parking garage at 1500 Pearl Street or other off-street public parking facility in the downtown area.
- 4. The applicant shall provide Eco passes for all employees.
 - 5. The applicant shall provide dedicated bicycle parking for a minimum of 6 bicycles.
 - 6. Prior to issuance of a certificate of completion, the applicant shall prepare construction documents and a report from an acoustical engineer acceptable to staff that demonstrates use of acoustical doors, windows, and a retrofitted HVAC system designed to attenuate sound transmission from the property.
 - 7. The Applicant shall not expand or modify the approved broadcast and recording facility use except pursuant to Subsection 9-4-9(g), B.R.C. 1981.
 - 8. Any changes in the broadcast and recording facility use tenant shall be subject to the review and approval of the Planning Director. The purpose of such review shall be to inform such subsequent user of this space that it will be required to operate the broadcast and recording facility use in compliance with the terms of this approval.

P. Shull offered a friendly amendment to change condition 3.a. as follows:

- a. Live performances to include musical performances, lectures, community meetings, workshops, classes, and presentations **in excess of 25 guests** shall be limited to 12 times per month with a maximum of 200 audience members and shall end by 9:00 P.M.

W. Johnson accepted the friendly amendment.

E. Jones offered a friendly amendment to change condition 3.c. as follows:

- c. Parking for live tapings and performances shall be accommodated at the public parking garage at 1500 Pearl Street or other off-street public parking facility in the downtown area. In an effort to reduce parking impacts on the neighborhood, the applicant shall include ~~printed information on tickets~~ or an announcement attached to tickets directing patrons to park at the public parking garage at 1500 Pearl Street or other off-street public parking facility in the downtown area wherever possible. Public parking information shall also be posted on the e town website as well as within the venue. Additionally, all marketing information or public advertisements for live performances shall include information directing patrons to park in the public parking garage at 1500 Pearl Street or other off-street public parking facility in the downtown area.

W. Johnson and P. Shull accepted the friendly amendment.

B. Public hearing and consideration of Concept Plan Review and Comment #LUR2007-00015, Blue Spruce Automobile Sales redevelopment, for the property located at 4403 N. Broadway. The proposal includes development of 25 residential units and 12,491 square feet of retail / office space on 2.49 gross acres, in the Mixed Use-Two (MU-2) and Residential Medium-One (RM-1) zoning districts.

Applicant / Owner: Gary Calderon
Case Manager: Charles Ferro

Applicant/Owner Presentation

George Watts presented the item to the board.

Staff Presentation

C. Ferro presented the item to the board.

Public Hearing

Charisa Boutay, 4400 Broadway

Board Discussion

Board members made the following comments:

Two story/three story transition

- North Boulder Subcommunity Plan guidelines should be followed on this issue.
- Building height of 35-38 feet is reasonable for buildings A and B, but should not be exceeded. Building C should not exceed two stories or 35 feet.
- Building height should be stepped up gradually from the south side of the site.
- Corner tower element should not exceed height for district. Other design treatments should be considered to hold and define the corner.
- Building design should incorporate techniques to help reduce the mass, scale, and vertical nature of the taller structures. A significant third floor setback is recommended to help reduce building mass.

Use Review for locally owned breakfast/lunch and lunch/dinner restaurants (2000 square feet and 1800 square feet)

- Concern about parking impacts from larger restaurants.

- One new restaurant might be more appropriate to location than two restaurants or possibly one slightly larger restaurant and one smaller restaurant.
- Concern about impact on the area (more noise, traffic, etc.).
- Restaurant spaces should cater to local business if possible.
- Restaurants should be neighborhood scale to serve those who live in the area.
- A parking reduction will likely not be supported to accommodate larger restaurants.

Open space site plan

- Pedestrian pathway needs to be strengthened and continued further (not terminating in parking spaces or the dumpster area).
- Add pedestrian access along the southern portion, by the ditch.
- Pond crossing should be permanent. The applicant may consider a bridge crossing.

Bridge/Elevator

- Remove bridge and attach elevator to building in a less awkward location.
- Address the issue of floor area.
- Bridge / elevator should not dominate or consume the courtyard space.

Building architecture

- Proposed contemporary contextual design of Broadway buildings is acceptable yet not as interesting or unique as they could be. Make design of Broadway buildings more unique- Planning Board looks forward to more refined plans.
- Brick and other high quality materials are supported.
- Vibrant, primary colors should not be used on outside of buildings.
- Keep buildings within height and square footage limits.
- Large unbroken flat roof expanses should be broken.
- Duplex designs appear supportable although the footprints and designs could be varied more.

Summary

The applicant's preparations, level of detail, questions, and desire for feedback were appreciated by the board. The board said the applicant is headed in the right direction.

Bus Stop

- Bus stop should be located on north intersection to prevent it from being directly outside the restaurant area and courtyard if possible.

The board recessed at 7:59 p.m. and reconvened at 8:17 p.m.

C. Public hearing and consideration of Concept Plan Review and Comment, LUR2006-00083, 1725 28th Street, replacing the Golden Buff Motel and Ead's News buildings located at the northwest corner of 28th Street and Canyon Boulevard. The proposal includes development of a 309,000 square foot four-story retail, office and limited residential building with a maximum height of 55 feet, in the BR-1 zoning district.

Applicant: Urban Frontiers and Ace Holdings LLC
 Owner: Golden Buff Motel INC and Ace Holding LLC
 Case Manager: Brent Bean

Applicant/ Owner Presentation

Steve Moyoski and Bill Branen presented the item to the board.

Eric Hartraub presented the design elements of this item to the board.

Jeff Dawson (standing in for Rick Peterson) discussed massing and transportation.

Staff Presentation

B. Bean presented the item to the board.

W. Johnson – asked FAR of Water Street and orientation of setbacks

B. Bean – FAR is under 1

P. Shull – applicant proposes to meet parking requirements- that changes depending on the use (commercial or residential)

B. Bean – when they come in for Use Review the use will be better defined.

A. Shoemaker – type of jobs vs. cost of housing in locations?

B. Bean – more jobs than housing

P. Shull – traffic generation, parking requirements, loading/unloading, warehousing

B. Bean – off site warehousing for big retailers, parking 1-300- parking reduction might be necessary?

P. Shull – impacts on location

B. Bean – transportation study should answer access and impact questions

R. Sosa – look at the grander scheme of things. How accessible will this be to pedestrians?

Public Hearing

Frances Draper, Executive Director of Boulder Economic Council

Board Discussion

Board members made the following comments:

Massing

- The applicant will need to develop the plan to be more consistent with the intent of the Boulder Valley Comprehensive Plan (BVCP), Boulder Valley Regional Center Plan (BVRC) and the Boulder Plaza Subarea Plan (BCSP).
- This project is setting a new direction for development within the BVRC planning area. Support of this intense of a plan will create a more “Urban” development pattern over what is currently present within the BVCP area.
- Density and massing of this project should be scaled back to make it blend better with existing buildings and general development.
- Four stories along the 28th Street frontage are not in character with this area. The buildings fronting onto 28th should be two stories. Four story elements should be considered within the central, northwestern portions of the site.
- Permeability and pedestrian connectors need to be a strong element of this plan. 26th Street has been designated a pedestrian corridor on the BCSP. The BVRC plans show strong pedestrian corridors running north/south through the center of the site and an east/west corridor running along the north boundary of the property.
- Building design should blend better within the current building context in this area.
- Underground parking at this location is appropriate, but consideration of access above and below grade parking lots must work within the existing street structure. A traffic study should be completed to determine the most appropriate locations for parking garage access points in light of existing street limitations.

- Building should not be connected by bridge. Two or three structures placed above a below grade parking structure are more appropriate at this location.
- Corners of buildings need restraint- should be less than four stories with unique design (eye-catching elements).
- The building to be constructed at the corner of 28th and Canyon should become an “Icon”, creating a unique identifying structure.

Transportation

- 26th Street should be preserved as a pedestrian corridor.
- Traffic flow on 26th Street should not be constrained by an entry/exit to below grade parking.

Housing

- Job and housing issues must be balanced according to the BVCP.
- Integration of office and residential space is essential in this project. A minimum of 60 to 70 residential units should be developed on this site in the north and western portions of the site.
- Enhance the 26th Street pedestrian corridor with residential space on the corner of 26th and Canyon.
- Differentiate design of buildings from other buildings within the Canyon Blvd. corridor.
- The edges of the proposed development will need to limit solar impacts for surrounding buildings.
- Street tree placement needs to be considered for all future plans.

Architectural character

- Must follow the BVCP.
- Permeability is the antidote to density- enhance pedestrian pathways.
- Must be compatible with the streetscape.
- Corner building should be eye-catching and prominent through material, articulation, and design quality – not necessarily taller, but “Iconic” in nature.

E. Jones recommended (with the support of all present Planning Board members) that the applicant return for a second Concept Plan before Site Review to provide more details and development including the following changes:

Lower the building floor area, provide pedestrian corridors, add residential housing, and make the corners of the building prominent, but not tall.

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

B. Holicky requested that copies of project applications be included in Planning Board packets.

P. Shull requested that board members dine together at a restaurant before each meeting. Planning Board members agreed to make an effort to attend pre-meeting dinners.

D. Gehr suggested catered meals instead of restaurant meals prior to meetings.

W. Johnson requested information on buildings/square footage/jobs (jobs/housing balance) because board decisions are driven by this model following the BVCP.

P. Shull suggested that other properties in town might serve Golden Buff applicants better than this property.

E. Jones wanted to know whether businesses have left Boulder due to cost of living, cost of space or unavailability of space.

W. Johnson noted that the Washington School meeting was difficult because two senior board members were absent.

R. Ray reminded Planning Board members that there will be no meeting on August 9 for Hogan Pancost.

P. Shull noted that it is difficult when applicants bring in more than one option for design.

7. DEBRIEF/AGENDA CHECK

8. ADJOURNMENT

The Planning Board adjourned the meeting at 10:33 p.m.

APPROVED BY

A handwritten signature in black ink, appearing to read "L. B. Jones", written over a horizontal line.

Board Chair

9/6/07

DATE

CITY OF BOULDER
PLANNING BOARD AGENDA ITEM
MEETING DATE: March 3, 2016

AGENDA TITLE: Concept Plan (case no. LUR2015-00106) proposal to redevelop the properties located at 4801, 4855, 4865 and 4885 Riverbend Rd. within the Riverbend Office Park with a new 76,000 sq. ft., 55 foot hospital building and a 5-story, 467-stall parking structure with accessory office and retail space. The new facility would house BCH's relocated inpatient behavioral health, inpatient rehab and neurology department. The proposal includes consolidating the existing properties into one 2.55-acre project site and rezoning the site from BT-2 (Business – Transitional 2) to P (Public). Changes to the existing access and circulation are also proposed.

Applicant: Darryl Brown for Boulder Community Health
Property Owner: Boulder Community Health

REQUESTING DEPARTMENT:

Planning, Housing and Sustainability

David Driskell, Executive Director

Susan Richstone, Deputy Director

Charles Ferro, Development Review Manager

Chandler Van Schaack, Planner II

OBJECTIVE:

1. Planning Board hears applicant and staff presentations.
2. Hold Public Hearing.
3. Planning Board to ask questions of applicant, the public, and staff.
4. Planning Board discussion and comment on Concept Plan. No action is required by Planning Board.

SUMMARY:

Proposal: Redevelop the properties located at 4801, 4855, 4865 and 4885 Riverbend Rd. within the Riverbend Office Park with a new 76,000 sq. ft., 55 foot hospital building and a 5-story, 467-stall parking structure with accessory commercial space. The new facility would house BCH's relocated inpatient behavioral health, inpatient rehab and neurology department.

Project Name: BCH Riverbend Medical Center

Location: 4801, 4855, 4865 and 4885 Riverbend Rd.

Size of Tract: 2.55 acres (111,322 sq. ft.)

Zoning: Business – Transitional 2 (BT-2)

Comprehensive Plan: Transitional Business

Key Issues:

Staff has identified the following key issues:

1. Is the Concept Plan proposal compatible with the goals, objectives and recommendations of the Boulder Valley Comprehensive Plan (BVCP)?

2. Are the proposed Rezoning and amendment to the BVCP Land Use Designation appropriate for the surrounding context?

I. INTRODUCTION AND BACKGROUND

PROCESS

Because there is an existing site review approval for the Riverbend Office Park, a Concept Plan review is not required for the proposed project. Given the scope of the proposed project, the applicant has voluntarily submitted an application for Concept Plan Review in order to receive feedback on the proposal prior to submitting a formal Site Review Amendment application.

The purpose of the Concept Plan review is to determine the general development plan for a particular site and to help identify key issues in advance of a Site Review submittal. This step in the development process is intended to give the applicant an opportunity to solicit comments from the Planning Board as well as the public early in the development process as to whether a development concept is consistent with the requirements of the city as set forth in its adopted plans, ordinances and policies (section 9-2-13, B.R.C. 1981). Concept Plan review requires staff review and a public hearing before the Planning Board.

Following completion of the Concept Plan Review process, the applicant has indicated that their intent is to amend the existing Site Review approvals for both the BCH Foothills campus and the Riverbend Office Park in order to remove the subject parcels from the Riverbend Office Park and incorporate the new medical center facility and parking structure into the BCH Foothills campus. Because the project would include a request for a height modification, an ordinance granting an exception to the 2015 height moratorium would be required. In order to allow for the proposed hospital use, which is prohibited in the BT-2 zone district, it will also be necessary to rezone the project site from BT-2 (Business – Transitional 2) to P (Public). This will also require a change in the BVCP land use designation for the site from Transitional Business to Public, which can be requested concurrently with the Rezoning application.

BACKGROUND

BCH will be moving all services from its Broadway location by December 2017. This will include the relocation of its inpatient behavioral health, inpatient rehab and neurology department. BCH has selected the Riverbend Office Park as the new location for the relocated inpatient behavioral health facilities due to its proximity to the existing BCH Foothills emergency room facility at the corner of Arapahoe and Foothills Parkway. Per the applicant, co-location of the emergency room with inpatient behavioral health is a significant benefit for the treatment of patients. The BCH Foothills hospital was approved in 2001 to construct up to 420,000 square feet of floor area in six phases for a period up to 10 years. Currently, the BCH Foothills hospital has been built up to 261,430 square feet with some of the later phases yet unconstructed. This figure does not include roughly 173,000 square feet for the existing parking garage. The BCH Foothills campus provides a total 993 parking spaces on the site with additional spaces anticipated in conjunction with the eventual development of the western parking lot, which was approved as deferred parking, and the subterranean parking within a new west wing of the hospital approved for construction per the 2001 approval.

As depicted below in **Figure 1**, the 2.55-acre project site is located off of Arapahoe Ave. immediately to the east of the Boulder Community Hospital Foothills campus. The site is currently the location of the Riverbend Office Park, which was originally annexed and approved as a PUD with an initial zoning designation of Industrial – Developing (“IG” under current code standards). The original approval also included a Special Review (now called Use Review) approval for an office use. Over the years, several additional use reviews were approved for additional office uses on specific sites within the PUD, and several other office uses were established or converted without the benefit of City review. In 2000, the Riverbend Office Park was rezoned from Industrial to Transitional Business in acknowledgment of the fact that the proliferation of office uses within the development, many of which were nonconforming or prohibited, had resulted in the development no longer being consistent with the Industrial zoning designation. Currently, the 12 existing one and two-story buildings within the Riverbend

Office Park contain a mix of medical/dental, professional and technical offices and personal service uses, all of which are allowed uses in the BT-2 zone district.



Figure 1: Vicinity Map

A variety of BVCP land use designations surround the site and reflect the diversity of land uses in the area. Most land east and north of the site are designated light industrial, whereas uses south of Arapahoe are predominantly designated medium to high density residential with low density residential neighborhoods further from Arapahoe. As mentioned above, the project site is located immediately to the east of the existing BCH Foothills campus at the corner of Arapahoe and Foothills, which has a BVCP land use designation of Public. The lands southwest of Foothills and Arapahoe owned by the University of Colorado have a Public land use designation as well. **Figure 2** depicts the surrounding BVCP land use designations.

BVCP Land Use Designation

As shown below in **Figure 2**, the project site has a BVCP land use designation of Transitional Business, which is defined in the [2010 BVCP](#) as follows:

The Transitional Business designation is shown along certain major streets. These are areas usually zoned for less intensive business uses than in the General Business areas, and they often provide a transition to residential areas.

The change in the site's land use designation from Industrial to Transitional Business in 2000 was largely to acknowledge the change in character that had resulted from the proliferation of medical and professional office uses on the site. Under the current proposal, the land use designation would need to be changed again from Transitional Business to Public, which is defined in the 2010 BVCP as follows:

Public/Semi-Public land use designations encompass a wide range of public and private non-profit uses that provide a community service. This category includes municipal and public utility services such as the municipal

airport, water reservoirs, and water and wastewater treatment plants. Public/Semi-Public also includes: educational facilities, including public and private schools and the university; government offices such as city and county buildings, libraries, and the jail; government laboratories; and nonprofit facilities such as cemeteries, churches, hospitals, retirement complexes and may include other uses as allowed by zoning.



Figure 2: BVCP Land Use Map

The current proposal presents an opportunity to evaluate whether the existing land use designation for the project site should be changed to become consistent with the adjacent BCH site.

Site Zoning.

The project site is zoned BT-2 (Business – Transitional 2). The BT-2 zone district is defined as “*Transitional business areas which generally buffer a residential area from a major street and are primarily used for commercial and complementary residential uses, including without limitation, temporary lodging and office uses*” (section 9-5-2(c), B.R.C. 1981). Please see **Figure 3** below for a zoning Map of the site and surrounding area. As part of this project, the applicant would request a rezoning of the project site from BT-2 to P (Public) in order to allow for the proposed hospital use, which is prohibited in the BT-2 zone district but allowed by right within the P zone district per section 9-6-1, B.R.C. 1981. As discussed above, this would also require a change to the underlying BVCP land use designation.

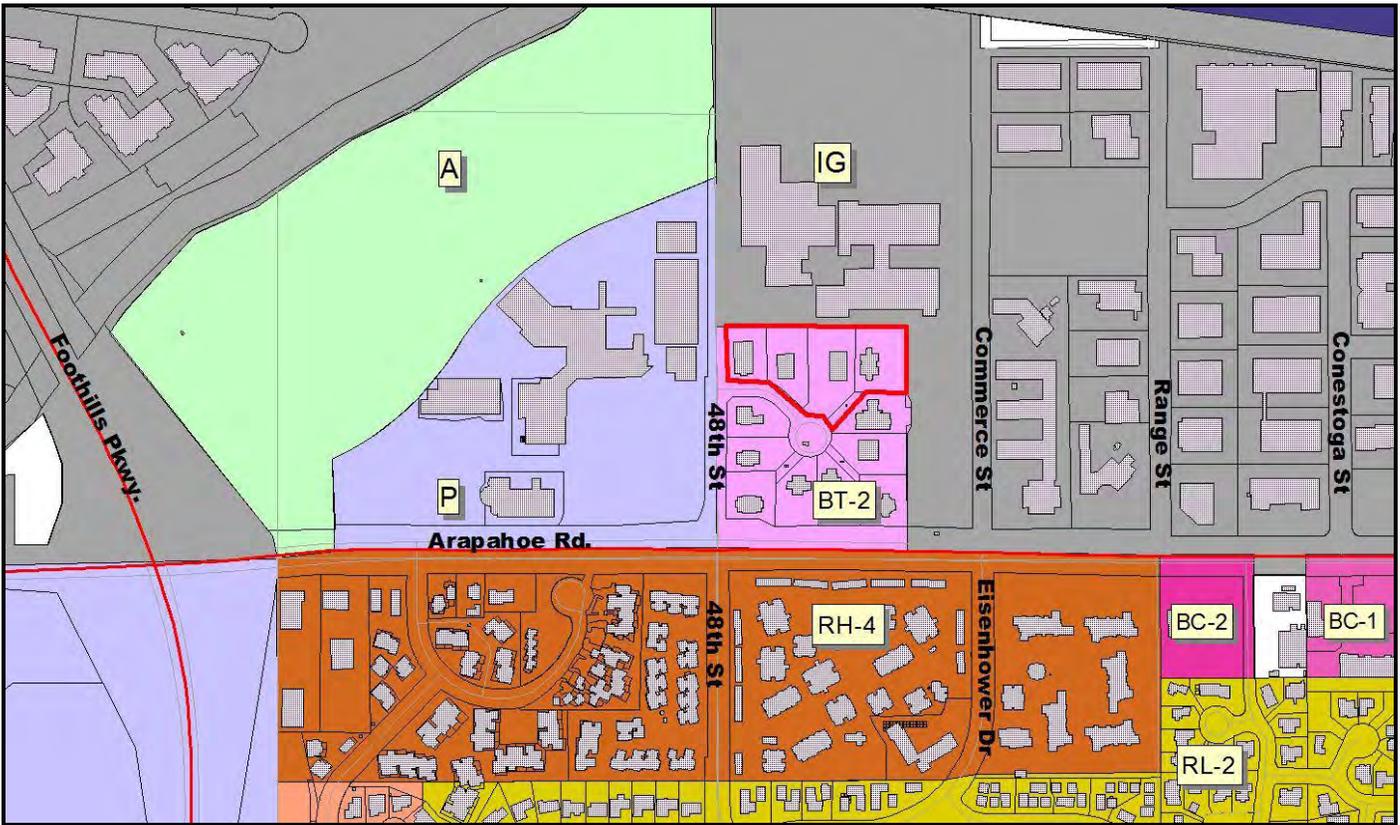


Figure 3: BVCP Land Use Map

Additional Site Characteristics

The project site has a number of unique characteristics that will need to be taken into consideration during the Site Review process. As shown below in **Figure 4**, the site is impacted by the 100-year floodplain and as such any new development will require a floodplain development permit. In addition, because the proposed facility is considered a critical facility per section 9-16, B.R.C. 1981, an Emergency Management Plan would be required.

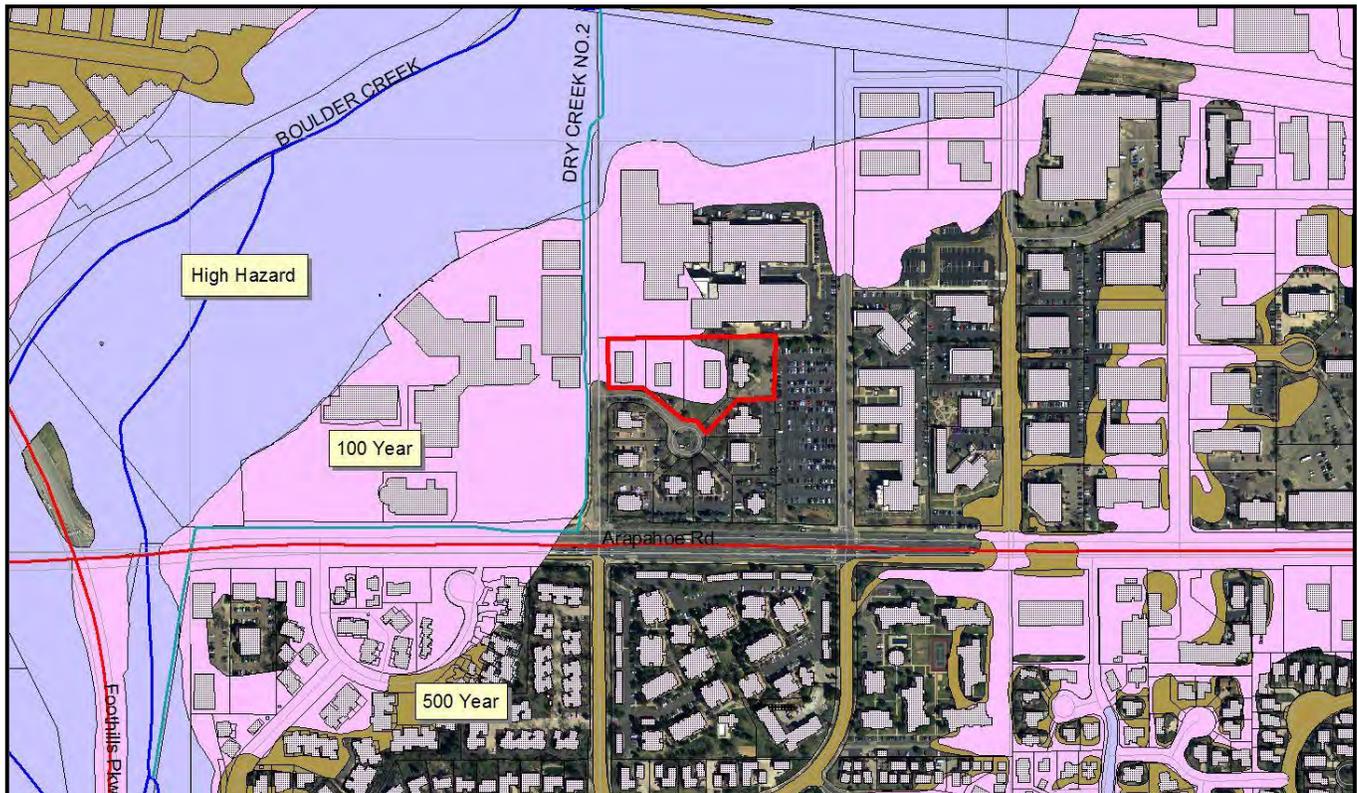


Figure 4: Floodplain Map

It is also worth noting that the Federal Emergency Management Agency (FEMA) is considering the adoption of updated floodplain maps for Boulder Creek. These maps were previously adopted by the Boulder City Council on Sept. 18, 2012, but have not yet been incorporated into FEMA's Flood Insurance Rate Maps. FEMA held an Open House meeting to present the proposed mapping on Wednesday, Sept. 16, 2015.

The new floodplain mapping was adopted by City Council on Sept. 18, 2012 and is currently regulatory. FEMA began reviewing the mapping on Oct. 30, 2012. Final project documentation was submitted to FEMA in September 2013. In November 2013, FEMA indicated that they accepted the results of the study and will be adopting the new mapping through the Physical Map Revision process, which is a multi-year process. The process was delayed due to the September 2013 flooding. FEMA released Preliminary Flood Insurance Rate Maps (FIRMs) on July 23, 2015. These maps are available on FEMA's website: <http://msc.fema.gov/portal>

The new FIRMs are anticipated to become effective in December 2016, although this schedule is subject to change. Please see the link to the FEMA fact sheet for more information. The existing floodplain mapping and the revised floodplain mapping are both regulatory until FEMA adopts the new mapping. For additional information please visit: <https://bouldercolorado.gov/flood/boulder-creek-floodplain-mapping-update>.

II. PROJECT DESCRIPTION SUMMARY

The proposed Concept Plan is for redevelopment the properties located at 4801, 4855, 4865 and 4885 Riverbend Rd. within the Riverbend Office Park with a new 76,000 sq. ft., 55 foot hospital building and a 5-story, 467-stall parking structure with accessory office and retail space. The new medical center would house BCH's relocated inpatient behavioral health, inpatient rehab and neurology department. The proposal includes consolidating the existing properties into one 2.55-acre project site and rezoning the site from BT-2 (Business – Transitional 2) to P (Public). Changes to the existing access and circulation are also proposed.



Figure 5: Proposed Site Plan

As shown in **Figure 5**, the proposed site plan would reconfigure the north side of the Riverbend Office Park, including replacing the existing office buildings with two new buildings and reconfiguring the existing access and circulation to accommodate the proposed hospital use while maintaining access to the other properties within the development. The medical center building is sited on the west side of the property, to provide a visual link to the main Foothills Hospital campus. A parking garage containing 467 parking spaces is located on the east side of the property with accessory commercial space proposed at the ground floor level. Per the applicant's written statement (see **Attachment A**), the parking volume is intentionally above the minimum required parking of 1 space per 300 sq. ft. to support occasional overflow from the Foothills Hospital Campus.

The primary access point would remain in its current location off of 48th St., with a new access to be added to the north side of the property for ambulance traffic entering the facility. The proposal includes narrowing Riverbend Rd. by removing existing on-street parallel parking and adding a new landscape strip and detached sidewalk. Sidewalks have been provided on-axis with the existing Foothills Campus paths to provide a visual and physical connection across 48th street to the main hospital campus. The development also proposes adding curb 'bulb-outs' at the intersection of 48th St. and Riverbend to make the crosswalk more visible and encourage a reduction in vehicle speeds. 13 new surface parking would be provided on the new loop road within the development. This one-way loop road is intended to provide a clear traffic pattern to all of the Riverbend outlots and has also been designed to potentially connect to Commerce Dr. through the adjacent Ball property to the east. A curb-protected landscape island is proposed to allow pedestrian circulation to the north and south via marked crosswalks. An additional 10 surface parking spaces are proposed in a new surface lot to the east of the loop road, and 5 accessible spaces are shown in the drop off zone in front of the medical center building. Per staff's initial review comments (see **Attachment B**), the proposed access and circulation will require additional refinement at time of Site Review.

In addition to the proposed landscaping along Riverbend Rd., the proposal includes adding new landscaping to the parking access and drop off areas as well as around the perimeters of the buildings. A landscaped courtyard garden is provided between the medical center building and parking garage. The courtyard is intended to provide a healing setting for patients, families and visitors, and will provide paved connections between the medical office building and parking garage, and neighboring facilities.

In terms of building design, the new proposed buildings are intended to respond to the existing BCH Foothills campus architecture while also providing a unique identity to the new facility. Per the applicant's written statement,

"The medical center facade will be articulated by punched openings and ribbon windows composed in a way to balance the three stories and provide appropriate daylighting needs for the interior spaces. The main lobby entry and the west corner of the building have been articulated with glass volumes and copper elements which establish a simple hierarchy in the design. Horizontal roof planes organize the massing and provide shading for the interior spaces. These roof planes playfully overlap to emphasize the horizontal and end at the main entry volume. The architecture at the main entry is expressed as vertical overlapping volumes which stretch up to meet the sky uninterrupted, establishing its prominence within the entire building language" (Sheet CP.3 of Concept Plan Package, included as **Attachment A**).

In terms of materials, brick, copper and glass will be the dominant materials on the medical center building and the parking garage will be primarily concrete and brick with artistic metal panel screens. The medical center building would be 3 stories tall, with a largely transparent southern façade made primarily of glass with upper story copper and brick elements on either side. The first floor accessory commercial uses in the parking garage would consist of storefront glass, making the whole frontage of the development largely transparent at ground level. Refer to **Figures 6-8** for architectural renderings of the proposed project. Refer to **Attachment A** for project plans and the full applicant submittal.



**Figures 6 – 8:
Architectural renderings of
the proposed project as
seen from Riverbend Rd.**



It is worth noting that the current proposal would involve a request for a height modification to allow for both of the buildings to exceed the 35 foot height limit for the P zone district. This applicant has requested that this Concept Plan review process be used to provide feedback from staff, Planning Board and City Council as to whether a request for a height modification would be supportable through the Site Review process. On September 14, 2015, city council gave a 'nod of five' to BCH acknowledging that the proposed project would include a request for two buildings to exceed the height limit and that the Concept Plan review process is the appropriate process through which to receive feedback on such a request. Following

Concept Plan review, a Site Review would be required as well as an ordinance to allow for the exception to the height moratorium. The video from that meeting can be found [here](#).

An analysis of the Concept Plan Review criteria as found in section 9-2-13, B.R.C. 1981 is included below, followed by a discussion of the key issues identified by staff. The analysis is intended to help guide the board's discussion of the project; however, the board may choose to identify additional key issues for discussion if desired.

III. Concept Plan Review Criteria for Planning Section 9-2-13(e), B.R.C. 1981

CONCEPT PLAN REVIEW AND COMMENT Section 9-2-13

(g) Guidelines for Review and Comment: The following guidelines will be used to guide the planning board's discussion regarding the site. It is anticipated that issues other than those listed in this section will be identified as part of the concept plan review and comment process. The Planning Board may consider the following guidelines when providing comments on a concept plan:

- (1) Characteristics of the site and surrounding areas, including, without limitation, its location, surrounding neighborhoods, development and architecture, any known natural features of the site including, without limitation, mature trees, watercourses, hills, depressions, steep slopes and prominent views to and from the site;**

The project site is located in East Boulder near the intersection of 48th Street and Arapahoe Avenue, just east of the Boulder Community Hospital Foothills Campus (shown below in **Figure 9**). The Foothills Campus site, owned by Boulder Community Hospital, is the location of the Boulder Community Foothills Hospital, which was constructed as a branch hospital providing medical services to an expanded area and to take pressure off the main hospital on Broadway, which is considered at capacity. The existing hospital site is nearly 50 acres in size and contains large areas designated for environmental preservation with wetlands and open space areas around Boulder Creek, which runs on the north side of the site and adjacent to the Ball Aerospace property to the north and east.



Figure 9: BCH Foothills Campus from corner of 48th & Arapahoe

Currently, the project site is the location of the Riverbend office park, which consists of twelve individual properties containing a variety of professional and medical office uses. The park is arranged as a series of 2-story office buildings arranged around a cul-de-sac with surface parking provided on each lot. The site is surrounded by large, mature trees, which gives it a somewhat secluded feel. The character of the area surrounding the site is somewhat eclectic, with the hospital facilities immediately to the west and the large, industrial buildings of the Ball Aerospace campus immediately to the north and east. The site is bordered on its east side by a large surface parking lot serving Ball Aerospace. The area across Arapahoe to the south consists of high density residential development characterized by 2 to 3-story buildings setback from the street with detached parking garages along the major frontages. The project site as seen from within Riverbend Office Park at the existing roundabout is shown in **Figure 10** below, with the Ball Aerospace building in the background. **Figure 11** shows the project site as seen from Commerce St. across the Ball Aerospace parking lot to the east of the site.



Figure 10: Project Site from within Riverbend Office Park



Figure 11: project site as seen from Commerce St. across the Ball Aerospace parking lot to the east

- (2) **Community policy considerations including, without limitation, the review process and likely conformity of the proposed development with the Boulder Valley Comprehensive Plan and other ordinances, goals, policies, and plans, including, without limitation, sub-community and sub-area plans;**

The proposed project presents a number of community policy considerations. First, the proposed project would require rezoning the subject properties from BT-2 (Business – Transitional 2) to P (Public) in order to accommodate the proposed hospital use, which is prohibited in all zoning districts except for the P zone district.

Rezoning. The Rezoning Criteria are found in [section 9-2-18](#) of the Boulder Revised Code, and are listed below. Applications for a rezoning are required to meet one of the following six criteria.

Criteria: The city's zoning is the result of a detailed and comprehensive appraisal of the city's present and future land use allocation needs. In order to establish and maintain sound, stable and desirable development within the city, rezoning of land is to be discouraged and allowed only under the limited circumstances herein described. Therefore, the city council shall grant a rezoning application only if the proposed rezoning is consistent with the policies and goals of the Boulder Valley Comprehensive Plan, and, for an application not incidental to a general revision of the zoning map, meets one of the following criteria:

- 1) *The applicant demonstrates by clear and convincing evidence that the proposed rezoning is necessary to come into compliance with the Boulder Valley Comprehensive Plan map;*
- 2) *The existing zoning of the land was the result of a clerical error;*
- 3) *The existing zoning of the land was based on a mistake of fact;*
- 4) *The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils and inadequate drainage;*
- 5) *The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area;*
or
- 6) *The proposed rezoning is necessary in order to provide land for a community need that was not anticipated at the time of adoption of the Boulder Valley Comprehensive Plan.*

BVCP Land Use Map Change. Rezoning from BT-2 to P would also require a change to the BVCP land use designation for the subject properties from Transitional Business (TB) to Mixed Use Business (MUB). Changing the BVCP land use designation on Lot 2 from Public (P) to Community Business will require a BVCP future land use map amendment. BVCP amendment procedures can be found at:

<https://www-static.bouldercolorado.gov/docs/ii-amendment-procedures-1-201307121131.pdf>.

BVCP land use map changes may be considered at any time as part of a rezoning request. Either way, the application must meet all of the following criteria to be eligible for a BVCP land use map amendment:

- 1) *The proposed change is consistent with the policies and overall intent of the comprehensive plan.*
- 2) *The proposed change would not have significant cross-jurisdictional impacts that may affect residents, properties or facilities outside the city.*
- 3) *The proposed change would not materially affect the land use and growth projections that were the basis of the comprehensive plan.*
- 4) *The proposed change does not materially affect the adequacy or availability of urban facilities and services to the immediate area or to the overall service area of the City of Boulder.*
- 5) *The proposed change would not materially affect the adopted Capital Improvements Program of the City of Boulder.*
- 6) *The proposed change would not affect the Area II/Area III boundaries in the comprehensive plan.*

Staff finds that there are several community policy considerations related to the proposed rezoning and land use map change. Specifically, the current proposal raises questions as to the long-term desired character of the site and surrounding areas, and whether it is appropriate to consider the requests as part of a single project or whether there should be a more comprehensive discussion regarding the office park and surrounding area as a whole. Given that the office park contains 12 properties which share access from Riverbend Rd., staff finds that any changes to the zoning and land use on the project site (which consists of the 3 northernmost properties) should take the future development of the other 9 properties to the south into consideration to the extent possible.

Overall, if the rezoning and land use map change are approved and the project moves forward, staff finds that the proposed hospital use would be largely consistent with the “P” Land Use Designation for the site, as well as with many of the general goals found in Chapter 5, “Economy” and Chapter 8, “Community Well-Being,” particularly those related to quality of life and provision of services to populations with special needs. There are also several BVCP Policies that apply to the project which will require additional information at the time of Site Review in order for staff to determine consistency.

Please see staff’s analysis of **Key Issue #1** below for a detailed discussion of the project’s conformance with BVCP Policies.

East Arapahoe Transportation Plan. The city is also working on land use and transportation projects in the area that the applicant should be aware of and the city would welcome BCH’s participation in. First is the East Arapahoe Transportation Plan. The city’s transportation staff has preliminarily identified the Arapahoe street section in front of Boulder Community Health, Foothills campus as a focus area for more detailed analysis as part of a larger plan for multimodal improvements along the corridor. The city is also currently assessing policy and regulatory changes to better accommodate ancillary land uses and redevelopment near the foothills campus but does not have a detailed scope and schedule yet. More information about the project can be found here: <https://bouldercolorado.gov/goboulder/east-arapahoe-transportation-plan>

Height Modification. On March 31, 2015, City Council approved a height ordinance that establishes a two-year period during which modifications to the by-right height for new buildings will only be considered through the Site Review process in specific parts of the city or in particular circumstances. As the applicant is aware, the project site is not included in the list of exempted areas; therefore, a request to exceed the 35 foot height limit for the zone district would require a new ordinance by council. Clearly, whether the proposed project should be granted a de facto exemption from the height ordinance is a significant policy consideration that warrants further discussion as the project plans progress. Please see staff’s analysis of **Key Issue #2** below for further discussion of this topic.

(3) Applicable criteria, review procedures, and submission requirements for a site review;

As stated above, a Site Review application would be required and would be subject to all the criteria in Section 9-2-14(h) of the Land Use Regulations. Submission requirements would be the same as any other Site Review and would have to satisfy the requirements of sections 9-2-6 and 9-2-14(d). Development of the site would also have to be found consistent with the Design and Construction Standards (DCS).

Applications for Site Review are submitted to the Planning and Development Services Center and are reviewed through the Land Use Review process. SUltimately, if the project is designed to include a height modification request, a public hearing and recommendation by the Planning Board followed by approval of an ordinance by City Council would be required.

(4) Permits that may need to be obtained and processes that may need to be completed prior to, concurrent with, or subsequent to site review approval;

In addition to the required Concept Plan and Site Review, the applicant will be required to complete the following processes:

- Rezoning/ Land Use Map Change – to rezone the property from BT-2 to P and change the BVCP land use designation for the site from Transitional Business to Public. These processes may be run concurrently and follow the standard land use review process. A rezoning requires a recommendation by the Planning Board followed by approval of an ordinance by City Council.
- Subdivision – a subdivision is required in order to consolidate the three existing properties into one property to allow for the proposed development. The subdivision process follows the standard land use review process and is a staff-level subject to call-up by the Planning Board. A subdivision must be completed prior to approval of a building permit application.
- Ordinance – to request a height modification to allow for the proposed building to exceed the 35 foot height limit for the BT-2 zone. The ordinance does not have a separate review process and must be requested through the Site Review process. Approval of an ordinance requires a recommendation by Planning Board followed by two readings at City Council.
- Technical Document Review – following Site Review and Rezoning approval, if approved, the applicant is required to submit an application for Technical Document (TEC doc) Review prior to application for building permit. The intent in the TEC doc review is to ensure that technical details are resolved such as drainage and transportation issues that may require supplemental analyses.

(5) Opportunities and constraints in relation to the transportation system, including, without limitation, access, linkage, signalization, signage, and circulation, existing transportation system capacity problems serving the requirements of the transportation master plan, possible trail links, and the possible need for a traffic or transportation study;

The proposed project presents an opportunity to improve existing circulation patterns within the site as well as pedestrian safety at the intersection of 48th St. and Riverbend Rd. In addition, the proposed one-way loop drive within the development has been designed to potentially provide a connection to Commerce St. through the Ball Aerospace property to the east if that property is redeveloped in the future or an agreement with Ball is obtained. While the applicant has not indicated that there are any concrete plans to provide this connection, the potential for a connection is worth noting, as it would greatly improve circulation and connectivity in the broader area.

As discussed in staff's initial review comments to the applicant (included as [Attachment B](#)), staff has identified several issues with the project's access and circulation as proposed. Staff has also identified additional documentation that will be required in order to evaluate the proposed project's transportation impacts. Additional information on the proposed parking structure and how it will fit into the broader parking plan for the existing hospital will be required.

(6) Environmental opportunities and constraints including, without limitation, the identification of wetlands, important view corridors, floodplains and other natural hazards, wildlife corridors, endangered and protected species and habitats, the need for further biological inventories of the site and at what point in the process the information will be necessary;

The site is impacted by the 100-year floodplain, and as such a floodplain development permit will be required for all development within the 100-year floodplain. Please see staff review comments under "Flood," included as [Attachment B](#), for additional information.

As mentioned above, there are numerous healthy, mature trees located on the site. These will need to be taken into consideration as project plans move forward. Additional detail is provided in the staff review comments under “Landscaping” in [Attachment B](#).

(7) Appropriate ranges of land uses; and

Given the project site’s proximity to the existing Boulder Community Hospital Foothills Campus emergency room facility as well as the hospital’s overall need to relocate existing facilities from the Broadway campus, staff acknowledges the project site as an appropriate location for the proposed hospital use. As mentioned above, the applicant will be required to complete a rezoning and BVCP land use map change in order to allow for the proposed use. During these processes, the applicant will be responsible for demonstrating that the proposed rezoning and land use map change meet the applicable review criteria. The proposed rezoning and land use map change should also include a discussion of the existing and proposed uses located on the site as well as a discussion of surrounding uses in order to determine the appropriateness of the range of land uses proposed.

Additional information on the proposed accessory uses and parking garage will be required at time of Site Review. It should be noted that retail uses as a principal use are prohibited in the P zoning district, and that the uses will need to meet the definition of “Accessory Use” found in section 9-16 of the Boulder Revised Code in order to be approvable. In addition, detailed information on the proposed parking garage will be required in order to determine whether it may be considered a second principal use. It should be noted that a parking garage as a principal use is only allowed in the P zone district pursuant to a Use Review approval.

(8) The appropriateness of or necessity for housing.

Not applicable, as no new housing is proposed as part of this development.

Key Issue #1: Is the proposed concept plan compatible with the goals, objectives and recommendations of the Boulder Valley Comprehensive Plan (BVCP)?

Overall, staff finds the proposed Concept Plan to be largely consistent with the goals, policies and objectives of the 2010 Boulder Valley Comprehensive Plan (BVCP). Specifically, staff finds that the proposed hospital use would be largely consistent with the “P” Land Use Designation for the site, as well as with many of the general goals found in Chapter 5, “Economy” and Chapter 8, “Community Well-Being,” particularly those related to quality of life and provision of services to populations with special needs, . The tables below offer an initial analysis of the project’s consistency with BVCP policies, and are intended to provide potential discussion points for the Planning Board during their review of the project.

BVCP Policy	Excerpt from BVCP	How the Proposal is <u>Consistent</u> with BVCP Policies
<p>1.03 Principles of Economic Sustainability</p> <p>1.04 Principles of Social Sustainability</p>	<p>1.03 – “... strive to develop and maintain a healthy, adaptable economy that is vital to the community’s quality of life and high level of services...”</p> <p>1.04 – “...strive to promote a healthy community and address social and cultural inequities by...ensuring the basic health and safety needs of all residents are met...”</p>	<p>The project represents a needed expansion of a vital community health institution. The relocation of facilities from the North Broadway BCH campus to the Foothills campus has created a need for additional facilities in close proximity to the Foothills campus. A BVCP land use change and rezoning appear to be the most logical path forward to accommodate the proposed development.</p> <p>Better enabling a concentration of BCH-related uses near the Foothills campus will help ensure the community’s basic health needs are being met, and continued high quality of life.</p>
<p>2.03 Compact Development Pattern</p>	<p>“...ensure that development will take place in an orderly fashion, take advantage of existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development...”</p>	<p>The request will enable a concentration of BCH-related land uses for a more contiguous development pattern near the Foothills campus. Without enabling this concentration of land uses, BCH-related uses (e.g., medical offices) may, over time, locate in a more disconnected, spread out pattern from the Foothills campus.</p>
<p>2.17 Variety of Activity Centers</p>	<p>“... support a variety of regional, subcommunity and neighborhood activity centers where people congregate for a variety of activities such as working, shopping, going to school or day care, accessing human services...”</p> <p>“Good multimodal connections to and from activity centers and accessibility for people of all ages and abilities will be encouraged”</p>	<p>Enabling a concentration of BCH related land uses near the Foothills campus supports BVCP goals and policies around accessibility to activity centers.</p>
<p>2.21 Commitment to a Walkable and Accessible City</p>	<p>“promote 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, community facilities, transit stops or centers, and shared public spaces and amenities”</p>	<p>East Arapahoe is a multimodal corridor, with an active transportation planning project underway (see comments below under BVCP policies in Chapter 6). Many land uses typically ancillary to a hospital decide to locate there due to numerous trips back and forth to the hospital (e.g., doctor rounds, referrals, etc.). Enabling a better concentration of these uses will also support a reduction in vehicle miles traveled.</p>
<p>2.22 Improve Mobility Grid</p>	<p>“The walkability, bikeability and transit access should be improved in parts of the city that need better connectivity and mobility, for example, in East Boulder. This should be achieved by coordinating and integrating land use and transportation planning and will occur through both public investment and private development.”</p>	<p>Enabling a better concentration of these uses will also support a reduction in vehicle miles traveled.</p>

BVCP Policy	Excerpt from BVCP	How the Proposal is <u>Consistent</u> with BVCP Policies
6.01 All-Mode Transportation System 6.02 Reduction of Single Occupancy Auto Trips 6.05 Accessibility 6.06 Mobility Services	6.01 – “safe and convenient connections between modes” 6.02 – “support greater use of alternatives to single occupancy automobile travel” 6.05 – “develop a complete all-mode transportation system that accommodates all users, including people with mobility impairments, as well as youth, older adults and low income persons” 6.06 – “increase their support for mobility services for older adults and people with disabilities to reflect the expected increases in these populations”	The East Arapahoe Transportation Plan project is currently underway. The Plan’s purpose is to “address existing and future transportation needs in the East Arapahoe Corridor, including local and regional travel, and facilitate safe travel and access by people using all modes—walk, bike, transit, and auto”. The Plan’s conceptual design alternatives include enhanced multimodal facilities that would integrate well with an intensification of the Foothills campus for BCH-related uses. The section of East Arapahoe in front of the Riverbend Office Park and Foothills campus is getting particular attention in assessing opportunities to integrate land use and transportation planning.
6.09 Integration with Land Use	In multimodal transportation corridors, “develop a highly connected and continuous transportation system for all modes identify locations for mixed use and higher density development integrated with transportation functions through appropriate design”	
8.01 Providing for a Broad Spectrum of Human Needs	“develop and maintain human service programs that provide for the broad spectrum of human needs”	
8.07 Physical Health	“strive to ensure that this community continues to be a leader in promoting physical health and welfare of community members”	
8.10 Support for Community Facilities	“recognize the importance of educational, health and non-profit community agencies that provide vital services to the residents of the Boulder Valley and will work collaboratively with these agencies to reasonably accommodate their facility needs and consider location based on transportation accessibility	BCH is a vital community institution with a need to expand its Foothills campus operations and concentrated BCH-related activities in one area. A BVCP land use amendment and zoning change supports related health policies in BVCP Chapter 8.

There are also several BVCP Policies that apply to the project which will require additional information at the time of Site Review in order for staff to determine consistency. Policies which should be given special consideration as the project moves forward include:

- BVCP Policy 2.30, Sensitive Infill and Redevelopment;
- BVCP Policy 2.34, Importance of Street Trees and Streetscapes;
- BVCP Policy 2.35 Outdoor Lighting/Light Pollution
- BVCP Policy 6.08 Transportation Impact

Key Issue #2: Would the project be compatible with the character of the surrounding area?

The comments below represent staff’s initial findings regarding various aspects of the project’s compatibility with the surrounding area, including mass and scale, site design, building materials and other design

considerations. These comments are intended to provide the planning Board with a starting point for further discussions regarding project compatibility.

Building Design

Overall, staff finds the conceptual building design to be a strong first iteration. Staff is supportive of the applicant's stated intent to design the medical center building to fit in with the existing BCH Foothills family of buildings while also providing a new and unique "front door" to the medical center property. Staff also finds that the proposed design would be consistent with the existing hospital campus and would not detract from the existing character of the office park. While additional details will be required at time of Site Review, as shown the proposed building design appears to be consistent with a number of Site Review criteria pertaining to Building Design, in particular those criteria addressing compatibility with the existing character of the area and use of high quality, authentic materials.

Mass and Scale

Site Review requires that *"the height of buildings is in general proportion to the height of existing buildings and the proposed or projected heights of approved buildings or approved plans or design guidelines for the immediate area."*

Staff finds that this criterion is partially met, because the proposed medical building is proposed at a comparable height to the existing BCH building and will be no taller than three-stories. The new medical building would be no taller than what exists on the BCH Foothills site and would not appear out of character with the area, which contains taller buildings – most notably the Ball Aerospace building, which exceeds 55 feet. The perceived height of the existing and proposed buildings would be less than the 55 foot limit as the site slopes downward to the north, making the buildings appear closer to the 45 foot range from Arapahoe Ave.

While staff finds that a 3-story medical facility is a logical use for which to request a height modification given the specialized space needs, staff is uncertain that a 5-story, 467-stall parking structure warrants the same degree of consideration. As discussed in staff's review comments to the applicant ([Attachment B](#)), it is unclear that such a large parking structure is actually required to provide for overflow parking from the BCH Foothills campus to the west. Indeed, given that the BCH Foothills project included a 16% parking deferral with plans to build additional parking on the western portion of the lot and underneath the approved west wing, staff finds that the parking needs of the BCH complex as a whole should be carefully analyzed to ensure that the development is providing no more parking than is necessary. Given the large, somewhat blank expanses (in terms of transparency and activity) shown on the parking garage, it would be preferable to have that structure be less than the proposed 55 feet in height so as not come across as overly monolithic compared to other buildings on the site.

Building Materials

As discussed above, staff finds that the conceptual design largely utilizes high quality building materials that are consistent with Site Review criteria and also respond to the existing material palette at the nearby BCH Foothills campus. At time of Site Review, details of important building elements, including windows and reveals; exposed eaves, awnings and soffit; and material joints will be necessary to help articulate how they would be accomplished on the Architectural Elevation plans. In addition, color details and physical material samples will be required.

Site Design

While overall the proposed site plan includes many high quality and well thought out design elements, staff has concerns regarding the site plan as proposed. Specifically, staff would prefer to see a more

comprehensive plan for the entire office park, which could be a future phase or any desired land use changes that would promote a more holistic plan for the entire site while providing flexibility for the site to adapt over time. If the future desired use of the office park is not known at this time, the applicant could also provide one or more scenarios at the time of Site Review to demonstrate possible future development configurations.

PUBLIC COMMENT AND PROCESS:

Required public notice was given in the form of written notification mailed to all property owners within 600 feet of the subject site and a sign posted on the property for at least 10 days. All notice requirements of section 9-4-3, B.R.C. 1981 have been met. Staff did not receive any comments regarding the proposal following mailing of the public notice. The applicant also held a neighborhood meeting on Feb. 10, 2016, which had two attendees who asked questions about the development. Overall, the attendees were largely in support of the proposal, especially the addition of new parking, but expressed concerns related to potential traffic impacts at the corner of 48th St. and Arapahoe.

STAFF FINDINGS AND RECOMMENDATION:

No action is required on behalf of the Planning Board. Public comment, staff, and Planning Board comments will be documented for the applicant's use. Concept Plan Review and comment is intended to give the applicant feedback on the proposed development plan and provide the applicant direction on submittal of the Site Review plans.

Approved By:



David Driskell, Executive Director
Department of Community Planning and Sustainability

ATTACHMENTS:

- A: [Concept Plan Submittal](#)**
- B: [Initial Staff Review Comments to Applicant](#)**

Concept Plan Review Submittal

for

Boulder Community Health Riverbend Medical Center & Parking Garage

Riverbend Rd & 48th St, Boulder, Colorado

November 2, 2015



SHEET INDEX

- CP1 - CONTEXT MAP (With Written Statement)
- CP2 - SITE DEVELOPMENT
- CP3 - ARCHITECTURAL CHARACTER
- CP4 - EXTERIOR ELEVATIONS
- CP5 - EXTERIOR ELEVATIONS

RELATED ATTACHMENTS

- TRIP GENERATION ANALYSIS



WRITTEN STATEMENT

GENERAL DESCRIPTION:

Boulder Community Health (BCH) is actively pursuing the completion of its move from the Broadway complex with redevelopment of its properties in the Riverbend site at Arapahoe and 48th St. This site was chosen to be developed by BCH because of its proximity to the existing Foothills Hospital Campus. The Riverbend development will allow for BCH to relocate crucial patient departments currently in the Broadway Campus to Riverbend and consolidate their patient services to a common area.

The proposed development is a 76,000sf, 3-story medical center with a garden level and exterior public courtyard. The services that will be provided at the new medical center include inpatient behavioral health, inpatient rehab and neurology department. These are the patient care departments that currently reside at the Broadway facility and need to be relocated. In addition, a 5-level parking structure will be constructed with a small area of accessory uses that may include additional offices and small campus oriented service retail.

Summary of Proposed Actions for Relocation to Riverbend:

- A. Revise BVCP Land Use Map and Rezone properties 4801, 4855, 4865, 4885 from BT-2 to Public.
- B. Request a Height Variance to allow buildings up to 55'-0".
- C. Amend existing PUD to accommodate this project, which will include improved pedestrian connections (including the crossing of 48th St.), rear yard setback variance to 10'-0", revised easements, and new 20'-0" Riverbend Road section.
- D. Replat 4801, 4855, 4865 & 4885 to a single parcel. Replat Riverbend Road.
- E. Confirmation of critical facility ordinance language governing garden level uses to allow BCH to plan accordingly.

A) TECHNIQUES AND STRATEGIES FOR ENVIRONMENTAL IMPACT AVOIDANCE, MINIMIZATION OR MITIGATION:

The project is planned for a previously developed site. Lighting for the site will comply with the City of Boulder Illumination Ordinance. Drainage design for the project will minimize directly connected impervious area and provide water quality enhancement per current City standards. Furthermore, existing surface parking will be replaced with covered structured parking and new landscaped areas will be provided. These measures will improve stormwater quality over existing conditions. Landscape irrigation for the project will include water conservation measures, including an emphasis on drip irrigation application, smart ET controllers and wind, rain and leak sensor application. Plant selection will include native and low water demand plants. In the event of drought restrictions the irrigation will be designed to distribute minimal water to high priority plants while sacrificing low priority ones like lawn areas. The new facilities will be provided with recycling containers. The rooftops of both structures will be "solar ready" for future panel installation.

B) TECHNIQUES AND STRATEGIES FOR PRACTICAL AND ECONOMICALLY FEASIBLE TRAVEL DEMAND MANAGEMENT TECHNIQUES, INCLUDING, WITHOUT LIMITATION, SITE DESIGN, LAND USE, COVENANTS, TRANSIT PASSES, PARKING RESTRICTIONS, INFORMATION OR EDUCATION MATERIALS OR PROGRAMS THAT MAY REDUCE SINGLE-OCCUPANT VEHICLE TRIP GENERATION TO AND FROM THE SITE:

There are multiple RTD stops along Arapahoe Avenue which are within walking distance from the site. In addition to this, there is a B-Cycle station within a short distance from the site. Multiple bike racks and an enclosed bike locker unit will be provided for visitors and staff. Developing this site into a Medical Center will allow for BCH staff and patients local access to multiple services without the need for vehicle transport between the facilities, nor will it impact the current vehicle circulation of the Foothills campus.

C) PROPOSED LAND USES AND IF IT IS A DEVELOPMENT THAT INCLUDES RESIDENTIAL HOUSING TYPE, MIX, SIZES, AND ANTICIPATED SALE PRICES, THE PERCENTAGE OF AFFORDABLE UNITS TO BE INCLUDED; SPECIAL DESIGN CHARACTERISTICS THAT MAY BE NEEDED TO ASSURE AFFORDABILITY:

BCH is in the final stages of moving all of its facilities to the Foothills/Riverbend sites on East Arapahoe and in conjunction with that we have submitted a BVCP Land Use Map Revision request for the Riverbend properties 4801, 4855, 4865 & 4885 at the northeast corner of Arapahoe and 48th Street. Our request is for the BVCP Land Use map to be revised for those properties (4801, 4855, 4865, 4885) to a Public Land Use Designation. Under the City's Land Use Regulations the only Zoning District that allows hospitals is the P (Public) zone. We will be following up this change with several Land Use Review applications, one of which will be a proposed rezoning to Public and having the BVCP Land Use Designation as Public will allow us to meet one of the fundamental tests that support a rezoning.

The BVCP Policies are rather sparse regarding hospitals, however here are a few Policies, along with a section of the Plan which apply: Policies 1.04 b), 1.18, 8.07, 8.10 and the Public/Semi-Public Land Use Designations section of the Plan.

The proposed development would be an extension of BCH patient services and will be the facility that will house the services that currently remain at the Broadway campus. These services include, but are not limited to, inpatient rehabilitation, inpatient behavioral health and a neurology clinic. Some departments provide extended in-patient occupancy and are licensed under BCH and therefore are considered to be under the 'hospital' designation although a majority of the building will be otherwise classified as general medical office use.

There has been much public discussion about the changes in zoning and land uses in the vicinity BCH's Foothills Hospital site that will result in additional, and more varied uses over time. Some of those changes have already occurred, such as allowing medical uses throughout the office park at the southeast corner of Arapahoe and Foothills.



PROPERTY DEVELOPMENT

LOT SIZE	111,322 sf
PROPOSED ZONING	P
PROPOSED LAND USE	P
OPEN SPACE REQUIRED: (per 9-9-11(c)(3))	20%
PROVIDED:	23%*

*Potential green roof opportunities could increase this number

BUILDING DEVELOPMENT

MEDICAL CENTER BUILDING	76,000 Total sf
GARDEN LEVEL	18,000 sf
FIRST FLOOR	18,000 sf
SECOND FLOOR	20,000 sf
THIRD FLOOR	20,000 sf
BUILDING HEIGHT	55'-0" max
ACCESSORY USE BUILDING AREA	5,000 sf
PARKING GARAGE HEIGHT	55'-0" max

PARKING

PARKING REQUIRED (1:300)	254 STALLS
PROPOSED SURFACE PARKING	5 STALLS
PROPOSED GARAGE PARKING	467 STALLS
	LL0 89
	L1 67
	L2 86
	L3 86
	L4 86
	L5 53
PROPOSED RIVERBEND RD ON-STREET PARKING	13 STALLS

BCH Riverbend Medical Center - Concept Plan

Riverbend Rd & 48th St, Boulder, Colorado

November 2, 2015



CP1

CONTEXT MAP



SCALE: 1" = 40'-0"

SITE DEVELOPMENT

GENERAL DESCRIPTION:

The proposed development is a 76,000sf, 3-story medical center and a 5-level parking garage with accessory use space, to provide patient services and support for Boulder Community Health. The proposed development would be an extension of BCH patient services and will be the facility that will house the departments that currently remain at the Broadway campus. These services include, but are not limited to, inpatient rehabilitation, inpatient behavioral health and a neurology clinic.

SITE DESIGN:

The medical center building is sited on the west side of the property, to provide a visual link to the main Foothills Hospital campus as well as establish a strong corner to the entrance of the Riverbend development. The parking garage is located on the east side of the property with accessory use space available at the ground floor level. The accessory use space breaks up the mass of the parking garage and activates the pedestrian activity with spill-out space to the south and to the west.

The Riverbend Road street section has been narrowed and brought down to a more human-scale. The on-street parallel parking has been removed and has been replaced by more landscaped areas and generous pedestrian paths detached from the street. The surface parking has been relocated to a new loop road that can be used by all Riverbend properties. This one-way loop road provides a clear traffic pattern to all of the Riverbend outlots and a protected north-to-south pedestrian path through the site.

The pedestrian circulation was an important design consideration in the site development. Sidewalks have been provided on-axis with the existing Foothills Campus paths to provide a visual and physical connection across 48th street to the main hospital campus. The development proposes adding curb 'bulb-outs' at the intersection of 48th St. and Riverbend to make the crosswalk more visible and encourage a reduction in vehicle speeds. In addition, a north-south sidewalk through the center of the Riverbend Development has been designed to aid in this circulation and bring the public toward the medical center, accessory spaces as well as the landscaped courtyard.

LANDSCAPE DESIGN:

The landscape design establishes a strong north-south and east-west axis that connects the development to the adjacent neighbors, 48th street, the main hospital campus and public realm. Anchoring the north-south axis, between the medical center building and parking garage is a landscaped courtyard garden. The courtyard will provide a healing setting for patients, families and visitors. It will provide a variety of spaces to sit, congregate, relax and enjoy the outdoors. The courtyard will provide safe, paved connections between the medical office building and parking garage, and neighboring facilities.

South of the courtyard garden and drop-off entry plaza, the existing loop-road circular island has been extended towards the medical center building and garage. The island will be landscaped to complement the courtyard. Sidewalks around the island will improve pedestrian circulation through the site from Arapahoe Avenue and encourage use of the courtyard garden. A covered walkway is proposed, connecting the Parking Garage with the Medical Center.

The overall landscape and planting design will be developed to complement and enhance the existing environment and proposed development. It will be based on principles of sustainable landscape design and construction including water-wise plant selection, efficient irrigation and soil management.

PARKING:

Off-street parking has been provided in a new parking garage with 467 stalls. This volume is intentionally above the 1:300 required by Development Standards, to support the occasional overflow at the Foothills Hospital Campus.

There are also 5 surface spaces dedicated to needs of the new medical center and an additional 13 on-street parking spaces that are available to all Riverbend properties.

BCH Riverbend Medical Center - Concept Plan

Riverbend Rd & 48th St, Boulder, Colorado

November 2, 2015





SOUTHWEST CORNER OF THE PARKING GARAGE & ACCESSORY USE SPACES



SOUTHWEST CORNER OF THE MEDICAL CENTER - VIEW TO THE EAST DOWN RIVERBEND ROAD



SOUTHEAST CORNER OF THE MEDICAL CENTER - VIEW TOWARDS FRONT ENTRY & EXTERIOR COURTYARD

EXTERIOR BUILDING DESIGN

BUILDING DESIGN:

The buildings on the BCH Foothills Hospital campus each have a unique character however are linked to each other through the use of a common material palette. The same approach is proposed in the design at Riverbend. The new building and parking garage will feel familiar enough that it fits within the BCH family but unique in its own right to establish the new 'front door' to the medical center in Riverbend. Brick, Copper and Glass will be the dominant materials on the medical center building and the parking garage will employ concrete, brick and metal panel screens.

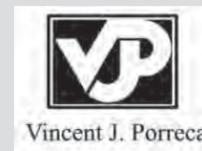
The form of the building engages the public at the ground level through the use of storefront glass and the placement of an exterior courtyard garden between the lobby and retail spaces. This space encourages public gathering and flow between the buildings and throughout the site. The building mass is broken up to respond to interior spatial planning needs as well as addressing site context. The golden section proportions are used in several locations around the building to balance the massing horizontally as well as vertically. The medical center facade will be articulated by punched openings and ribbon windows composed in a way to balance the three stories and provide appropriate daylighting needs for the interior spaces. The main lobby entry and the west corner of the building have been articulated with glass volumes and copper elements which establish a simple hierarchy in the design. Horizontal roof planes organize the massing and provide shading for the interior spaces. These roof planes playfully overlap to emphasize the horizontal and end at the main entry volume. The architecture at the main entry is expressed as vertical overlapping volumes which stretch up to meet the sky uninterrupted, establishing its prominence within the entire building language.

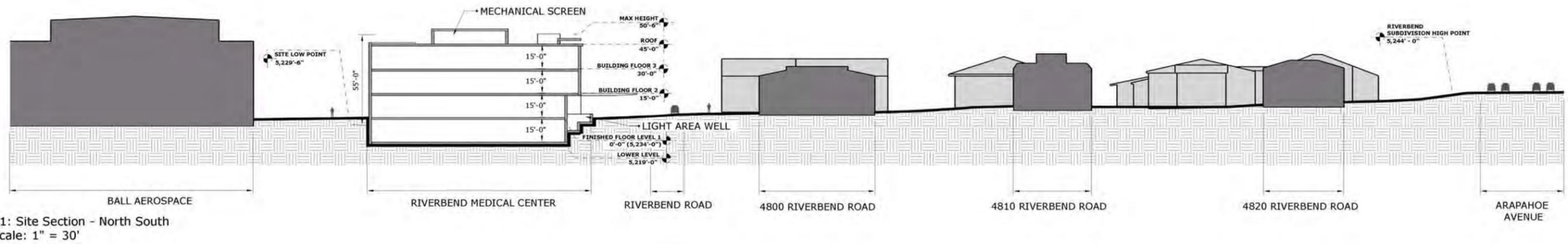
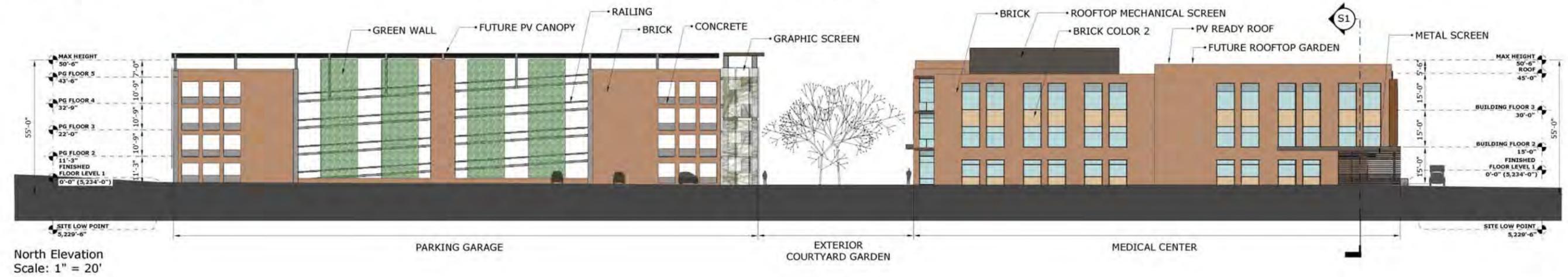
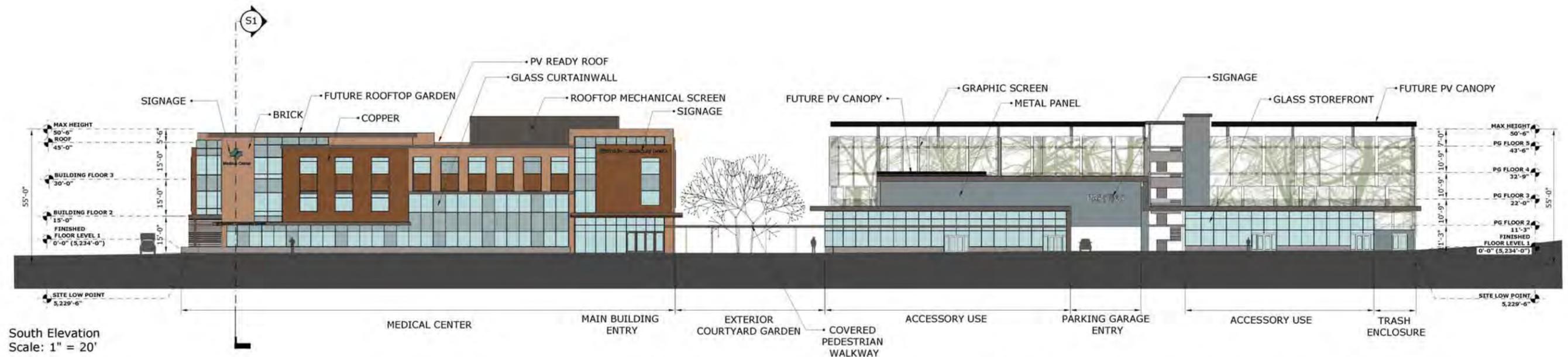
The building height maximum will be 55' for this property. The proposed building will help transition from the scale of the Ball Aerospace building to the smaller Riverbend structures to the south. The Riverbend development slopes significantly from south to north which positions the building's first floor elevation 10'-0" below the traffic along Arapahoe Avenue.

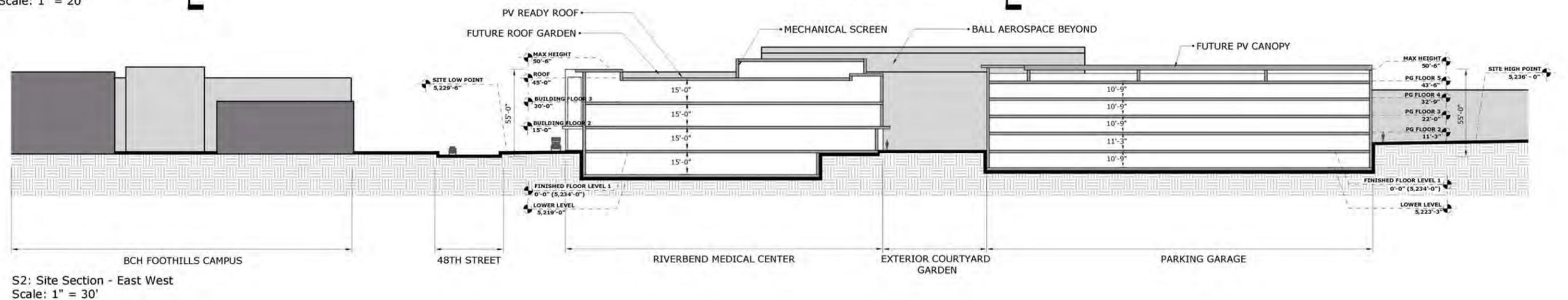
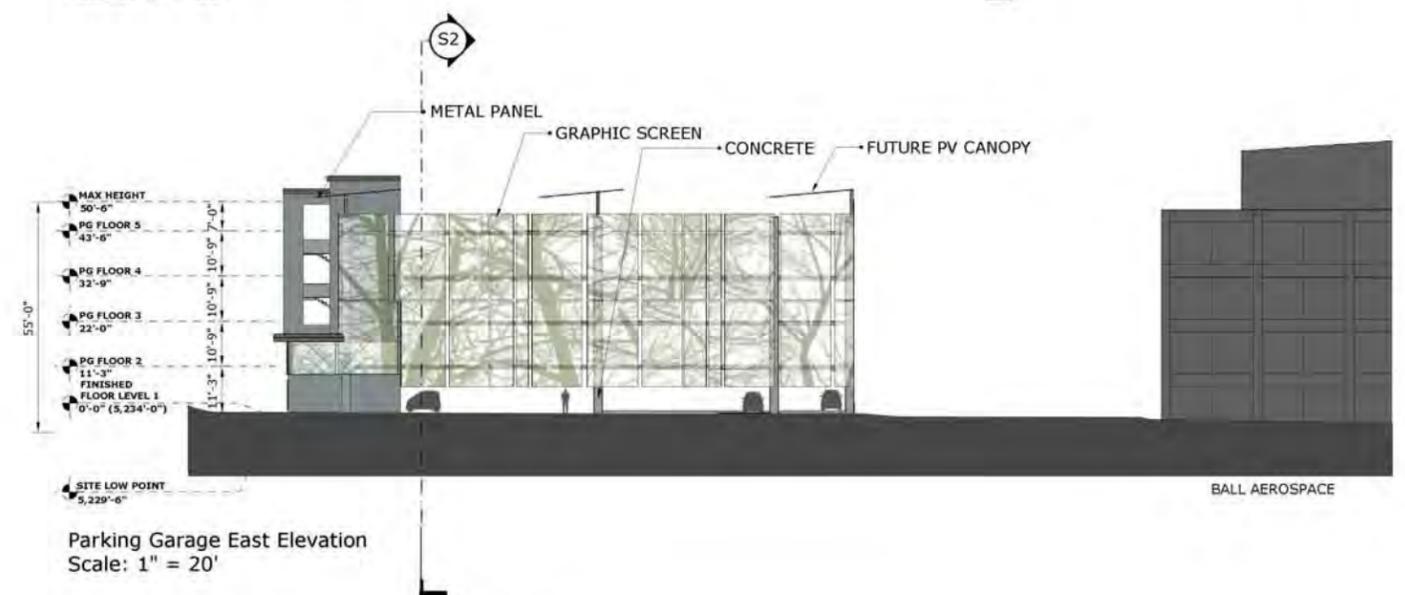
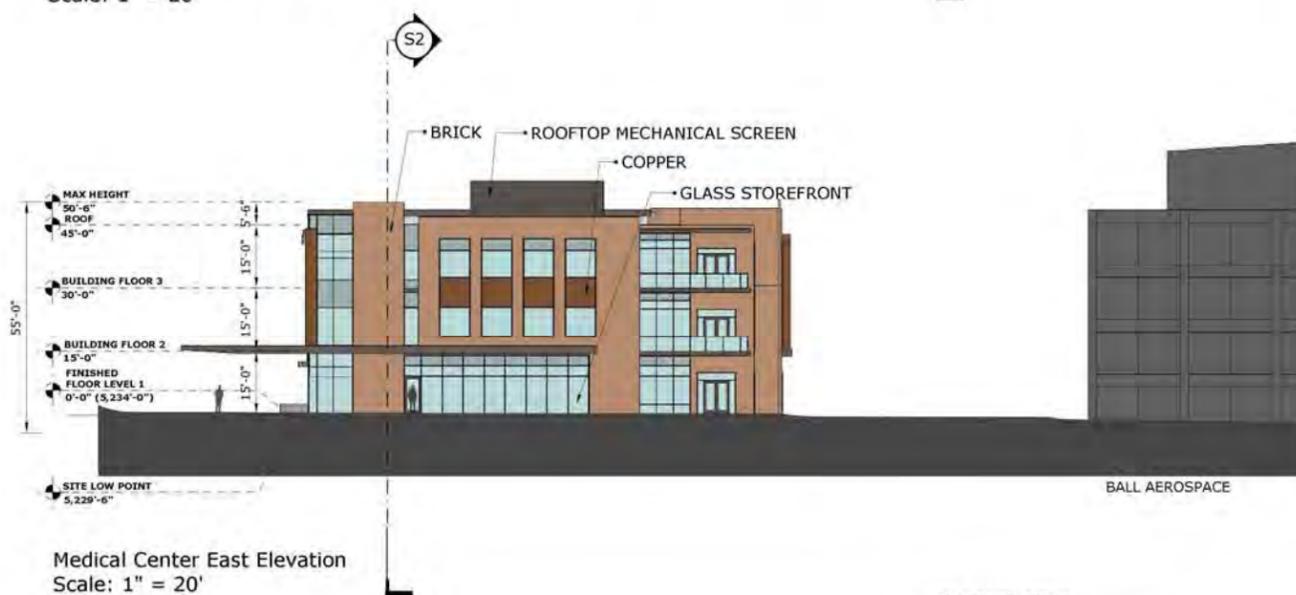
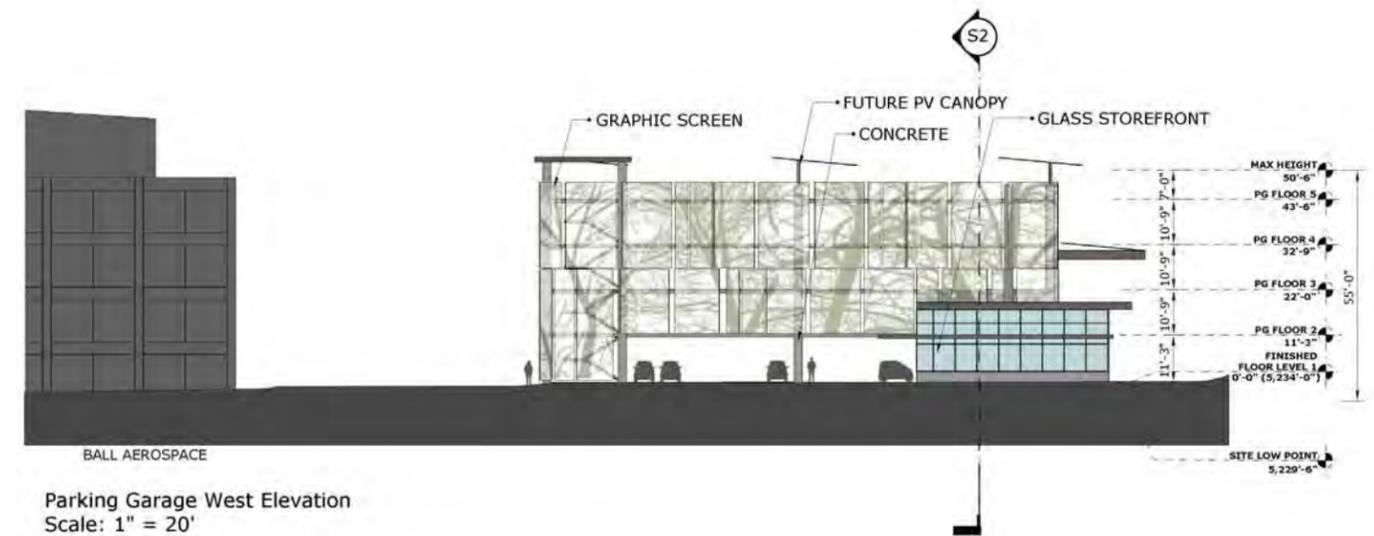
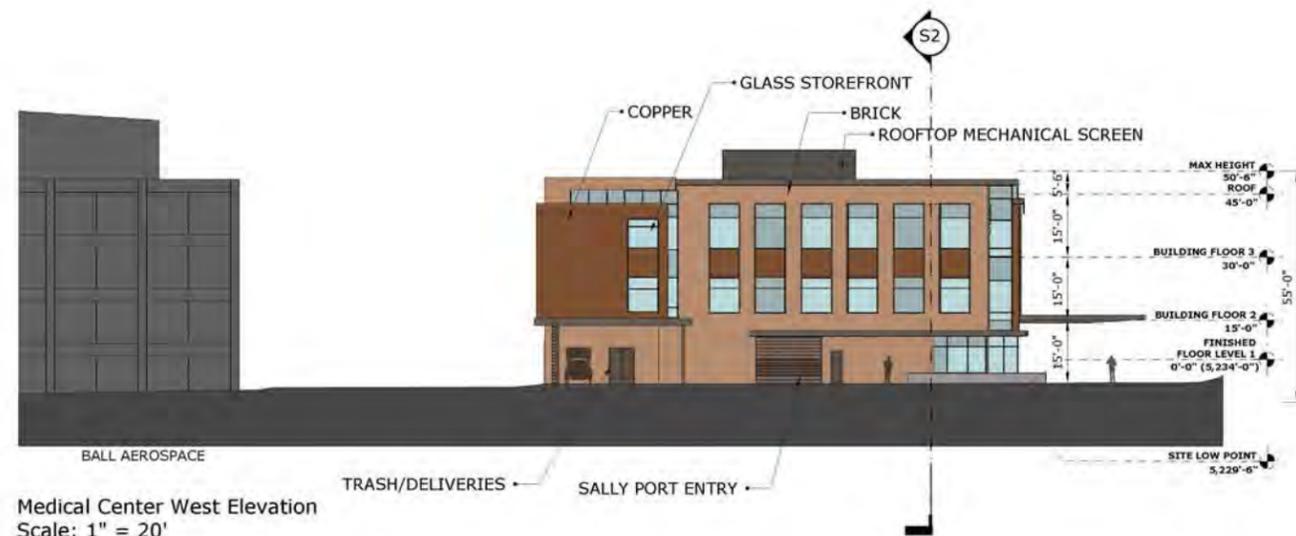
BCH Riverbend Medical Center - Concept Plan

Riverbend Rd & 48th St, Boulder, Colorado

November 2, 2015









CITY OF BOULDER
Planning and Development Services

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CITY OF BOULDER
LAND USE REVIEW RESULTS AND COMMENTS

DATE OF COMMENTS: **November 30, 2015**
 CASE MANAGER: **Chandler Van Schaack**
 PROJECT NAME: **BCH Riverbend Medical Center**
 LOCATION: **4801 RIVERBEND RD**
 COORDINATES: **N03W01**
 REVIEW TYPE: **Concept Plan Review & Comment**
 REVIEW NUMBER: **LUR2015-00106**
 APPLICANT: **Vince Porreca**
 DESCRIPTION: **Concept Plan Review and Comment for redevelopment on four parcels on Riverbend Road. Proposed project includes a three story building plus basement (approx. 76,000 sqft) and a separate 467 stall parking structure with 5000 sqft of retail/ancillary use wrap.**

I. REVIEW FINDINGS

Overall, staff finds the current Concept Plan to be a logical consolidation of the existing hospital facilities. Staff understands that the proposed use would help address a major healthcare need and that proximity to the existing hospital emergency room facilities is a key component of the project. That said, there are a number of subsequent processes which must be completed in order for the project to move forward. These include Site Review; Rezoning; a BVCP land use map change; an ordinance to allow for the proposed building height to exceed the 35 foot height limit; subdivision of the properties to consolidate them into one parcel; and tech doc/ building permit. Please note that processes that require an ordinance (rezoning, land use map change and height modification), will require a recommendation by the Planning Board followed by two readings and final approval by City Council. Ultimately, the discussion around the current Concept Plan application will help to inform future process decisions as the project moves forward. A Planning board hearing date for discussion of the Concept Plan has been tentatively scheduled for **March 3, 2015**.

The comments below are based on staff's preliminary review of the proposed Concept Plan. Staff will likely have additional comments at the time of the Planning Board hearing. Please contact the case manager, Chandler Van Schaack, at 303-441-3137 or vanschaackc@bouldercolorado.gov with any questions or comments prior to the hearing.

II. CITY REQUIREMENTS

Access/Circulation David Thompson, 303-441-4417

1. Staff has concerns with the proposed realignment being shown for Riverbend Road given the non-standard one-way couplet being proposed along with the diagonal parking, numerous curb cuts and absence of a continuous detached sidewalk with a landscape buffer. It is staff's preference should Riverbend Road be realigned as part of this project that the alignment of the new road should be a predominantly east / west alignment that allows for a future connection of Riverbend Road to Commerce Street should the adjacent site redevelop.
2. Staff has concerns regarding the number of access points (curb-cuts) being proposed for the property given the impacts of curb-cuts on pedestrian and bicycle safety. At time of site review and in accordance with [section 9-9-5\(c\)](#) of the Boulder Revised Code which limits the number of access points serving the property, look for opportunities through land use design to reduce the number of curb-cuts being shown.
3. In support of Section 9-2-14(h)(D) of the BRC with respect to the multi-modal circulation, at time of site review submittal, please revise the site plans to provide pedestrian and bicycle circulation/connections within the site and connecting to the adjacent sites at each end of the site.
4. At the time of Site Review:

Address: 4801 RIVERBEND RD

Page 1

- a. Pursuant to [section 2.02](#) of the DCS, a Traffic Impact Study is required since the development's trip generation is shown to exceed the nonresidential development threshold of 100 vehicles trips or greater during any single hour in the peak period. The transportation consultant preparing the Traffic Impact Study should contact staff after the project is heard by Planning Board and City Council to discuss staff's review comments on the trip assessment letter and the study parameters of the study prior to initiating the work.
- b. A Transportation Demand Management (TDM) plan consistent with [section 2.03\(l\)](#) of the DCS and [section 9-2-14\(h\)\(2\)\(D\)\(iv\) and \(v\)](#) of the BRC is required to be submitted which outlines strategies to mitigate traffic impacts created by the proposed development and implementable measures for promoting alternate modes of travel and any proposed parking reduction request.
- c. Please show the location and number of the short-term and long-term bicycle parking spaces to be provided on the site following the requirements found in [Table 9-8 and section 9-9-6\(g\)](#), of the BRC.
- d. Please provide bicycle and vehicle parking tables to show the required compact, standard and accessible parking compared to the compact, standard and accessible vehicle parking being provided on the site as well as the required long-term and short-term bicycle parking required compared to what is being provided on the site.

Building Design Chandler Van Schaack, Case Manager

Overall, staff finds the conceptual building design to be a strong first iteration. Staff is supportive of the applicant's stated intent to design the medical center building to fit in with the existing BCH Foothills family of buildings while also providing a new and unique "front door" to the medical center property. While additional details will be required at time of Site Review, as shown the proposed building design appears to be consistent with a number of Site Review criteria pertaining to Building Design, in particular those criteria addressing compatibility with the existing character of the area and use of high quality, authentic materials. At time of Site Review, details of important building elements, including windows and reveals; exposed eaves, awnings and soffit; and material joints will be necessary to help articulate how they would be accomplished on the Architectural Elevation plans. In addition, color details and physical material samples will be required.

Drainage, Scott Kuhna, 303-441-4071

All proposed projects and developments over 1 acre in size shall provide Water Quality Capture Volume and a Water Quality Outlet in accordance with the *UDFCD Drainage Criteria Manual*. It is unclear where this feature will be located based on the submitted site plan.

Flood Control Scott Kuhna, 303-441-4071

1. A floodplain development permit will be required for all development within the 100-year floodplain. The floodplain development permit shall contain certified drawings demonstrating:
 - Any new nonresidential structure will have all lodging units within the structure elevated to or above the flood protection elevation and be floodproofed in a manner requiring no human intervention or have the lowest floor elevated, including the basement, to or above the flood protection elevation.
 - Any new critical facility shall meet the construction requirements of Section 9-3-2(i)(4) of the *Boulder Revised Code*.
 - The proposed buildings will have structural components capable of resisting projected hydrostatic and hydrodynamic loads and the effects of buoyancy, and be constructed with materials resistant to flood damage.
 - Any proposed structures or obstructions in the floodplain, including trash enclosures and raised planters, will be properly anchored to prevent flotation, collapse, or lateral movement and be capable of resisting hydrostatic and hydrodynamic loads.
 - The buildings will be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities that are designed and located (by elevating or floodproofing) so as to prevent water from entering or accumulating within the components during conditions of flooding.
2. An Emergency Management Plan meeting the requirements of Section 9-3-2(i) of the *Boulder Revised Code* will be required as part of the floodplain development permit:
 - To protect the health, safety, and welfare of the public and of employees, visitors, residents, guests, contractors, and others at risk from hazards at the facility;

- To minimize interruptions or disruptions of operations of critical facilities;
- to protect buildings, physical assets, and electronic information; and
- to prevent environmental contamination.

Fees

Please note that 2015 development review fees include a \$131 hourly rate for reviewer services following the initial city response (these written comments). Please see the P&DS Questions and Answers brochure for more information about the hourly billing system.

Groundwater, Scott Kuhna, 303-441-4071

Groundwater is a concern in many areas of the city of Boulder. Please be advised that if it is encountered at this site, an underdrain/dewatering system may be required to reduce groundwater infiltration, and information pertaining to the quality of the groundwater encountered on the site will be required to determine if treatment is necessary prior to discharge from the site. City and/or State permits are required for the discharge of any groundwater to the public storm sewer system.

Irrigation Ditches, Scott Kuhna, 303-441-4071

The applicant is responsible for obtaining approvals for any relocations or modifications to irrigation ditches or laterals from the impacted ditch company. This includes the crossing of any irrigation ditch or lateral for vehicular or utility purposes and the release of stormwater runoff into any ditch or lateral (Dry Creek ditch No. 2). The applicant is advised that revisions to any approved city plans necessary to address ditch company requirements may require reapplication for city review and approval at the applicant's expense.

Landscaping Elizabeth Lokocz, 303-441-3138

As the project plans become more refined, a landscape plan is required that is consistent with, and exceeds, city code requirements. See Sections 9-9-11, 12, 13 and 14, B.R.C. 1981 for all applicable requirements. More specifically:

1. Parking areas containing more than 5 cars are required to be screened from the street and adjacent lots per 9-9-14(b) and (c) BRC 1981. The proposed parking lot adjacent to Table Mesa does not seem consistent with current design practices and a building forward solution. Evaluate if the Site Review Criteria of section 9-2-14(h)(2)(E) can be better addressed especially relevant to efficiency of the parking layout, separation of pedestrian movements and impacts on adjacent properties.
2. A detailed tree inventory including the species, size and condition of all existing trees on the site will be a requirement at Site Review (see 9-2-14(h)(2)(iii), B.R.C. 1981) and should be submitted with the initial application. The proposed site plan acknowledges the existing mature trees on the site, but does not appear to include them as elements worthy of preservation. Special attention should be given to incorporating any healthy mature tree into the overall layout and circulation plan.
3. Please note that all landscape strips are dimensioned from the back of curb not flowline; soil volume is the primary focus. All new landscape strips between curb and sidewalk shall be eight feet consistent with the Design and Construction Standards (DCS) and shall be planted with large maturing street trees.
4. The proposed screening around the parking structure should be a high quality long lasting material complimentary of the overall materials palette. During previous reviews, staff has received information stating that vinyl screening last only ten years in our climate. Evaluate more enduring material options.
5. Previous hospital planting designs have not consistently taken into account the very high levels of de-icing chemicals and necessary sight triangles with the numerous pedestrian and vehicular crossings. As the design develops, please keep these potential issues in mind.

Neighborhood Comments

Staff has not received any comments on the proposed Concept Plan.

Parking, David Thompson, 303-441-4417

Staff has concerns on the amount of excess off-street parking being shown for the site in order to support the occasional overflow at the Foothills Hospital Campus. It is staff's preference that transportation demand management strategies be implemented within the site in order to allow for parking reductions. At time of site review, please include a parking study to support providing off-street parking in excess of what is required by the Boulder Revised Code.

Review Process Chandler Van Schaack, Case Manager

Please see the staff response to the Concept Plan Review guidelines below for information on required review processes.

Site Design Chandler Van Schaack, Case Manager

Please see staff comments under "Access/ Circulation" above for site design comments. In addition, staff's analysis of the Concept Plan Review guidelines below includes some considerations for site design moving forward. As mentioned in staff's comments below, staff would prefer to see a more comprehensive plan for the entire office park, which could be a future phase or any desired land use changes that would promote a more holistic plan for the entire site while providing flexibility for the site to adapt over time. If the future desired use of the office park is not known at this time, the applicant could also provide one or more scenarios at the time of Site Review to demonstrate possible future development configurations.

Utilities, Scott Kuhna, 303-441-4071

1. Fire hydrants will need to be installed to meet the coverage requirements outlined in Section 5.10 of the DCS. Per the standards, no portion of any building shall be over 175 feet of fire access distance from the nearest hydrant. Fire access distance is measured along public or private (fire accessible) roadways or fire lanes, as would be traveled by motorized fire equipment. All fire hydrants and public water lines will need to be located within public utility easements.
2. On-site and off-site water main and wastewater main construction per the City of Boulder *Design and Construction Standards (DCS)* as necessary to serve the development will be required. All proposed public utilities for this project shall be designed in accordance with the *DCS*.
3. Vacation of the existing utility and drainage easements will be required for the proposed development of the lots.

III. INFORMATIONAL COMMENTS

Drainage, Scott Kuhna, 303-441-4071

1. Storm water runoff and water quality treatment are issues that must be addressed during the Site Review Process. A Preliminary Storm Water Report and Plan in accordance with the City of Boulder *Design and Construction Standards (DCS)* is required at time of Site Review application. The required report and plan must also address the following issues:
 - Storm water detention
 - Water quality for surface runoff using "Best Management Practices"
 - Minimize Directly Connected Impervious Areas (MDCIA)
 - Water Quality Capture Volume (WQCV)
 - Storm sewer construction
 - Groundwater discharge
 - Erosion control during construction activities
2. Discharge of groundwater to the public storm sewer system may be necessary to accommodate construction and operation of the proposed development. City and/or State permits will be required for this discharge. The applicant is advised to contact the City of Boulder Storm Water Quality Office at 303-413-7350 regarding permit requirements. All applicable permits must be in place prior to building permit application. Additionally, special design considerations for the properties to handle groundwater discharge as part of the development may be necessary.
3. Floor drains internal to covered parking structures, that collect drainage from rain and ice drippings from parked cars or water used to wash-down internal floors, shall be connected to the wastewater service using appropriate grease and sediment traps.
4. A construction storm water discharge permit is required from the State of Colorado for projects disturbing greater than 1 acre. The applicant is advised to contact the Colorado Department of Public Health and Environment.

Review Process Chandler Van Schaack, Case Manager

Per section 9-2-14(b)(1), B.R.C. 1981, Concept Plan and Site Review are required for projects located in the P zone district that are over 5 acres in size or include over 100,000 square feet of floor area, and projects over 2 acres in size are eligible for voluntary Site Review. Per section 9-2-13(b), B.R.C. 1981, an applicant for a development that exceeds the "Site Review Required" thresholds shall complete the concept review process prior to submitting an application for site review.

Once the Planning Board has reviewed a Concept Plan application and provided comments at a public hearing as required by section 9-2-13(f), B.R.C. 1981, a Site Review will be required. The Site Review application form can be found online at: <http://www.bouldercolorado.gov/www/publications/forms/208.pdf>. Please note that a request for a Height

Modification to allow for the proposed buildings to exceed the 35' height limitation will require Planning Board approval at a public hearing.

Applications for Site Review are submitted to the Planning and Development Services Center and are reviewed through the Land Use Review process. This review process takes approximately three to four months to complete. Site Review approvals are valid for three years, after which they expire if they have not been implemented.

Utilities, Scott Kuhna, 303-441-4071

1. A water system distribution analysis will be required at time of Site Review in order to assess the impacts and service demands of the proposed development. Conformance with the city's *Treated Water Master Plan, October 2011* is necessary.
2. A collection system analysis will be required at time of Site Review to determine any system impacts based on the proposed demands of the development. The analysis will need to show conformance with the city's *Wastewater Collection System Master Plan, March 2009*.
3. The applicant is notified that, though the city allows Xcel and Qwest to install their utilities in the public right-of-way, they generally require them to be located in easements on private property.
4. The applicant is advised that any proposed street trees along the property frontage may conflict with existing or proposed utilities, including without limitation: water, wastewater, storm drainage, flood control, gas, electric, telecommunications, drainageways, and irrigation ditches, within and adjacent to the development site. It is the applicant's responsibility to resolve such conflicts with appropriate methods conforming to the Boulder Revised Code 1981, the City of Boulder *Design and Construction Standards*, and any private/franchise utility specifications.
5. The landscape irrigation system requires a separate water service and meter. A separate water Plant Investment Fee must be paid at time of building permit. Service, meter and tap sizes will be required at time of building permit submittal.

IV. NEXT STEPS

A Planning Board hearing has been scheduled for March 3, 2016. Concept Plan Review is not an iterative process; therefore, no response to these comments or changes to the plan set are required. If the applicant wishes to provide additional supporting documentation for the Planning Board hearing, it should be provided to the case manager no later than February 15, 2016.

V. CITY CODE CRITERIA CHECKLIST

Case #: LUR2015-00106

Project Name: Riverbend Medical Center

Date: November 30, 2015

CONCEPT PLAN REVIEW AND COMMENT

Section 9-2-13

(g) Guidelines for Review and Comment: The following guidelines will be used to guide the planning board's discussion regarding the site. It is anticipated that issues other than those listed in this section will be identified as part of the concept plan review and comment process. The Planning Board may consider the following guidelines when providing comments on a concept plan:

- (1) **Characteristics of the site and surrounding areas, including, without limitation, its location, surrounding neighborhoods, development and architecture, any known natural features of the site including, without limitation, mature trees, watercourses, hills, depressions, steep slopes and prominent views to and from the site;**

The project site is located in East Boulder near the intersection of 48th Street and Arapahoe Avenue, just east of the Boulder Community Hospital Foothills Campus and adjacent to the Ball Aerospace property to the north and east. Currently, the site is the location of the Riverbend office park, which consists of twelve individual properties containing a variety of professional and medical office uses. The park is arranged as

a series of 2-story office buildings arranged around a cul-de-sac with surface parking provided on each lot. The site is surrounded by large, mature trees, which gives it a somewhat secluded feel. The character of the area surrounding the site is somewhat eclectic, with the hospital facilities immediately to the west and the large, industrial buildings of the Ball Aerospace campus immediately to the north. The site is bordered on its east side by a large surface parking lot serving Ball Aerospace. The area across Arapahoe to the south consists of high density residential development characterized by 2 to 3-story buildings setback from the street with detached parking garages along the major frontages.

(2) Community policy considerations including, without limitation, the review process and likely conformity of the proposed development with the Boulder Valley Comprehensive Plan and other ordinances, goals, policies, and plans, including, without limitation, sub-community and sub-area plans;

The proposed project presents a number of community policy considerations. First, the proposed project would require rezoning the subject properties from BT-2 (Business – Transitional 2) to P (Public) in order to accommodate the proposed hospital use, which is prohibited in all zoning districts except for the P zone district.

Rezoning. The Rezoning Criteria are found in [section 9-2-18](#) of the Boulder Revised Code, and are listed below. Applications for a rezoning are required to meet one of the following six criteria.

Criteria: The city's zoning is the result of a detailed and comprehensive appraisal of the city's present and future land use allocation needs. In order to establish and maintain sound, stable and desirable development within the city, rezoning of land is to be discouraged and allowed only under the limited circumstances herein described. Therefore, the city council shall grant a rezoning application only if the proposed rezoning is consistent with the policies and goals of the Boulder Valley Comprehensive Plan, and, for an application not incidental to a general revision of the zoning map, meets one of the following criteria:

- 1) *The applicant demonstrates by clear and convincing evidence that the proposed rezoning is necessary to come into compliance with the Boulder Valley Comprehensive Plan map;*
- 2) *The existing zoning of the land was the result of a clerical error;*
- 3) *The existing zoning of the land was based on a mistake of fact;*
- 4) *The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils and inadequate drainage;*
- 5) *The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area; or*
- 6) *The proposed rezoning is necessary in order to provide land for a community need that was not anticipated at the time of adoption of the Boulder Valley Comprehensive Plan.*

BVCP Land Use Map Change. Rezoning from BT-2 to P would also require a change to the BVCP land use designation for the subject properties from Transitional Business (TB) to Mixed Use Business (MUB) Changing the BVCP land use designation on Lot 2 from Public (P) to Community Business (will require a BVCP future land use map amendment. BVCP amendment procedures can be found at:

<https://www-static.bouldercolorado.gov/docs/ii-amendment-procedures-1-201307121131.pdf>.

BVCP land use map changes may be considered at any time as part of a rezoning request. Please also note that the city is currently updating the 2010 BVCP, which brings with it an opportunity to request future land use map changes as part of that process. If you would like to pursue the land use map change separate from other applications, please contact Comprehensive Planning Division staff.

Either way, the application must meet all of the following criteria to be eligible for a BVCP land use map amendment:

- 1) *The proposed change is consistent with the policies and overall intent of the comprehensive plan.*

- 2) *The proposed change would not have significant cross-jurisdictional impacts that may affect residents, properties or facilities outside the city.*
- 3) *The proposed change would not materially affect the land use and growth projections that were the basis of the comprehensive plan.*
- 4) *The proposed change does not materially affect the adequacy or availability of urban facilities and services to the immediate area or to the overall service area of the City of Boulder.*
- 5) *The proposed change would not materially affect the adopted Capital Improvements Program of the City of Boulder.*
- 6) *The proposed change would not affect the Area II/Area III boundaries in the comprehensive plan.*

Staff finds that there are several community policy considerations related to the proposed rezoning and land use map change. Specifically, the current proposal raises questions as to the long-term desired character of the site and surrounding areas, and whether it is appropriate to consider the requests as part of a single project or whether there should be a more comprehensive discussion regarding the office park and surrounding area as a whole. Given that the office park contains 12 properties which share access from Riverbend Rd., staff finds that any changes to the zoning and land use on the project site (which consists of the 3 northernmost properties) should take the future development of the other 9 properties to the south into consideration to the extent possible. At time of Site Review, if possible, it would be helpful to explore a more comprehensive development plan for the entire office park, which could be a future phase or any desired land use changes that would promote a more holistic plan for the entire site while providing flexibility for the site to adapt over time. Implementing these changes now may be a more efficient way of addressing the future use of the entire Riverbend Office Park, rather than having to come back with future incremental applications. Staff recognizes that the site is not currently held in common ownership and that the future desired use of the office park may not be known at this time.

Overall, if the rezoning and land use map change are approved and the project moves forward, staff finds that the proposed hospital use would be largely consistent with the “P” Land Use Designation for the site, as well as with many of the broader policy goals contained in the BVCP. In addition to the meeting many of the general goals found in Chapter 5, “Economy” and Chapter 8, “Community Well-Being,” particularly those related to quality of life and provision of services to populations with special needs, some additional BVCP policies with which the current Concept Plan proposal appears consistent include:

BVCP Policy	Excerpt from BVCP	How the Proposal is <u>Consistent</u> with BVCP Policies
1.03 Principles of Economic Sustainability 1.04 Principles of Social Sustainability	1.03 – “... strive to develop and maintain a healthy, adaptable economy that is vital to the community’s quality of life and high level of services...” 1.04 – “...strive to promote a healthy community and address social and cultural inequities by...ensuring the basic health and safety needs of all residents are met...” .	The project represents a needed expansion of a vital community health institution. The relocation of facilities from the North Broadway BCH campus to the Foothills campus has created a need for additional facilities in close proximity to the Foothills campus. A BVCP land use change and rezoning appear to be the most logical path forward to accommodate the proposed development. Better enabling a concentration of BCH-related uses near the Foothills campus will help ensure the community’s basic health needs are being met, and continued high quality of life.
2.03 Compact Development Pattern	“...ensure that development will take place in an orderly fashion, take advantage of existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development...”	The request will enable a concentration of BCH-related land uses for a more contiguous development pattern near the Foothills campus. Without enabling this concentration of land uses, BCH-related uses (e.g., medical offices) may, over time, locate in a more disconnected, spread out pattern from the Foothills campus.

BVCP Policy	Excerpt from BVCP	How the Proposal is <u>Consistent</u> with BVCP Policies
2.17 Variety of Activity Centers	<p>“... support a variety of regional, subcommunity and neighborhood activity centers where people congregate for a variety of activities such as working, shopping, going to school or day care, accessing human services...”</p> <p>“Good multimodal connections to and from activity centers and accessibility for people of all ages and abilities will be encouraged”</p>	<p>Enabling a concentration of BCH related land uses near the Foothills campus supports BVCP goals and policies around accessibility to activity centers. East Arapahoe is a multimodal corridor, with an active transportation planning project underway (see comments below under BVCP policies in Chapter 6). Many land uses typically ancillary to a hospital decide to locate there due to numerous trips back and forth to the hospital (e.g., doctor rounds, referrals, etc.). Enabling a better concentration of these uses will also support a reduction in vehicle miles traveled.</p>
2.21 Commitment to a Walkable and Accessible City	<p>“promote 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, community facilities, transit stops or centers, and shared public spaces and amenities”</p>	
2.22 Improve Mobility Grid	<p>“The walkability, bikeability and transit access should be improved in parts of the city that need better connectivity and mobility, for example, in East Boulder. This should be achieved by coordinating and integrating land use and transportation planning and will occur through both public investment and private development.”</p>	
6.01 All-Mode Transportation System 6.02 Reduction of Single Occupancy Auto Trips 6.05 Accessibility 6.06 Mobility Services	6.01 – “safe and convenient connections between modes” 6.02 – “support greater use of alternatives to single occupancy automobile travel” 6.05 – “develop a complete all-mode transportation system that accommodates all users, including people with mobility impairments, as well as youth, older adults and low income persons” 6.06 – “increase their support for mobility services for older adults and people with disabilities to reflect the expected increases in these populations”	<p>The East Arapahoe Transportation Plan project is currently underway. The Plan’s purpose is to “address existing and future transportation needs in the East Arapahoe Corridor, including local and regional travel, and facilitate safe travel and access by people using all modes—walk, bike, transit, and auto”.</p> <p>The Plan’s conceptual design alternatives include enhanced multimodal facilities that would integrate well with an intensification of the Foothills campus for BCH-related uses. The section of East Arapahoe in front of the Riverbend Office Park and Foothills campus is getting particular attention in assessing opportunities to integrate land use and transportation planning.</p>
6.09 Integration with Land Use	<p>In multimodal transportation corridors, “develop a highly connected and continuous transportation system for all modes identify locations for mixed use and higher density development integrated with transportation functions through appropriate design”</p>	
8.01 Providing for a Broad Spectrum of Human Needs	<p>“develop and maintain human service programs that provide for the broad spectrum of human needs”</p>	<p>BCH is a vital community institution with a need to expand its Foothills campus operations and concentrated BCH-related activities in one area. A BVCP land use amendment and</p>

BVCP Policy	Excerpt from BVCP	How the Proposal is <u>Consistent</u> with BVCP Policies
8.07 Physical Health	“strive to ensure that this community continues to be a leader in promoting physical health and welfare of community members”	zoning change supports related health policies in BVCP Chapter 8.
8.10 Support for Community Facilities	“recognize the importance of educational, health and non-profit community agencies that provide vital services to the residents of the Boulder Valley and will work collaboratively with these agencies to reasonably accommodate their facility needs and consider location based on transportation accessibility	

There are also several BVCP Policies that apply to the project which will require additional information at the time of Site Review in order for staff to determine consistency. Policies which should be given special consideration as the project moves forward include:

- BVCP Policy 2.30, Sensitive Infill and Redevelopment;
- BVCP Policy 2.34, Importance of Street Trees and Streetscapes;
- BVCP Policy 2.35 Outdoor Lighting/Light Pollution
- BVCP Policy 6.08 Transportation Impact

East Arapahoe Transportation Plan. The city is also working on land use and transportation projects in the area that the applicant should be aware of and the city would welcome BCH’s participation in. First is the East Arapahoe Transportation Plan. The city’s transportation staff has preliminarily identified the Arapahoe street section in front of Boulder Community Health, Foothills campus as a focus area for more detailed analysis as part of a larger plan for multimodal improvements along the corridor. The city is also currently assessing policy and regulatory changes to better accommodate ancillary land uses and redevelopment near the foothills campus but does not have a detailed scope and schedule yet. More information about the project can be found here: <https://bouldercolorado.gov/goboulder/east-arapahoe-transportation-plan>

Height Modification. On March 31, 2015, City Council approved a height ordinance that establishes a two-year period during which modifications to the by-right height for new buildings will only be considered through the Site Review process in specific parts of the city or in particular circumstances. As the applicant is aware, the project site is not included in the list of exempted areas; therefore, a request to exceed the 35 foot height limit for the zone district would require a new ordinance by council. Clearly, whether the proposed project should be granted a de facto exemption from the height ordinance is a significant policy consideration that warrants further discussion as the project plans progress.

(3) Applicable criteria, review procedures, and submission requirements for a site review;

As stated above, a Site Review application would be required and would be subject to all the criteria in Section 9-2-14(h) of the Land Use Regulations. Submission requirements would be the same as any other Site Review and would have to satisfy the requirements of sections 9-2-6 and 9-2-14(d). Development of the site would also have to be found consistent with the Design and Construction Standards (DCS).

Applications for Site Review are submitted to the Planning and Development Services Center and are reviewed through the Land Use Review process. This review process takes approximately three to four months to complete. Site Review approvals are valid for three years, after which they expire if they have not been implemented. Ultimately, if the project is designed to include a height modification request, a public hearing and recommendation by the Planning Board followed by approval of an ordinance by City Council would be required.

(4) Permits that may need to be obtained and processes that may need to be completed prior to, concurrent with, or subsequent to site review approval;

In addition to the required Concept Plan and Site Review, the applicant will be required to complete the following processes:

- Rezoning/ Land Use Map Change – to rezone the property from BT-2 to P and change the BVCP land use designation for the site from Transitional Business to Public. These processes may be run concurrently and follow the standard land use review process. A rezoning requires a recommendation by the Planning Board followed by approval of an ordinance by City Council.
- Subdivision – a subdivision is required in order to consolidate the three existing properties into one property to allow for the proposed development. The subdivision process follows the standard land use review process and is a staff-level subject to call-up by the Planning Board. A subdivision must be completed prior to approval of a building permit application.
- Ordinance – to request a height modification to allow for the proposed building to exceed the 35 foot height limit for the BT-2 zone. The ordinance does not have a separate review process and must be requested through the Site Review process. Approval of an ordinance requires a recommendation by Planning Board followed by two readings at City Council.
- Technical Document Review – following Site Review and Rezoning approval, if approved, the applicant is required to submit an application for Technical Document (TEC doc) Review prior to application for building permit. The intent in the TEC doc review is to ensure that technical details are resolved such as drainage and transportation issues that may require supplemental analyses.

(5) Opportunities and constraints in relation to the transportation system, including, without limitation, access, linkage, signalization, signage, and circulation, existing transportation system capacity problems serving the requirements of the transportation master plan, possible trail links, and the possible need for a traffic or transportation study;

Please see comments under “Access/ Circulation” above. Staff has identified several issues with the project’s access and circulation as proposed. Staff has also identified additional documentation that will be required in order to evaluate the proposed project’s transportation impacts. Additional information on the proposed parking structure and how it will fit into the broader parking plan for the existing hospital will be required.

(6) Environmental opportunities and constraints including, without limitation, the identification of wetlands, important view corridors, floodplains and other natural hazards, wildlife corridors, endangered and protected species and habitats, the need for further biological inventories of the site and at what point in the process the information will be necessary;

The site is impacted by the 100-year floodplain, and as such a floodplain development permit will be required for all development within the 100-year floodplain. Please see staff comments under “Flood” above for additional information.

As mentioned above, there are numerous healthy, mature trees located on the site. These will need to be taken into consideration as project plans move forward. Please see staff comments under “Landscaping” above for additional considerations.

(7) Appropriate ranges of land uses; and

Given the project site’s proximity to the existing Boulder Community Hospital Foothills Campus as well as the hospital’s need to relocate existing facilities from the Broadway campus, staff acknowledges the project site as an appropriate location for the proposed hospital use. As mentioned above, the applicant will be required to complete a rezoning and BVCP land use map change in order to allow for the proposed use. During these processes, the applicant will be responsible for demonstrating that the proposed rezoning and land use map change meet the applicable review criteria. The proposed rezoning and land use map change should also include a discussion of the existing and proposed uses located on

the site as well as a discussion of surrounding uses in order to determine the appropriateness of the range of land uses proposed.

Additional information on the proposed accessory uses and parking garage will be required at time of Site Review. It should be noted that retail uses as a principal use are prohibited in the P zoning district, and that the uses will need to meet the definition of "Accessory Use" found in section 9-16 of the Boulder Revised Code in order to be approvable. In addition, detailed information on the proposed parking garage will be required in order to determine whether it may be considered a second principal use. It should be noted that a parking garage as a principal use is only allowed in the P zone district pursuant to a Use Review approval.

(8) The appropriateness of or necessity for housing.

Not applicable, as no new housing is proposed as part of this development.