CITY OF BOULDER
PLANNING BOARD MEETING AGENDA
DATE: September 1, 2016
TIME: 5 p.m.
PLACE: 1777 Broadway, Council Chambers

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1. **CALL TO ORDER**

2. **APPROVAL OF MINUTES**

3. **PUBLIC PARTICIPATION**

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

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

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

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

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

5. **PUBLIC HEARING ITEMS**

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

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

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

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

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

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

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

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

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.

M E M O R A N D U M

TO: Planning Board

FROM: Jessica Stevens, Floodplain and Wetland Administrator

DATE: August 26, 2016

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

This decision may be called up before Planning Board on or before **September 9, 2016.**

A wetland map revision was approved by Public Works Development Review staff on August 26, 2016 for 236 Pearl Street, 250 Pearl Street and 255 Canyon Boulevard.

The applicant has applied for a wetland boundary revision to the mapped wetlands area on the properties located at 236 and 250 Pearl Street. The properties were annexed into the City of Boulder in early 2016. City data indicates that wetlands were delineated on the property in the original Cooper Wetland Study, but were not remapped in the 2008 Wetland Mapping Update. It is likely that the mapping was not updated because the property was located outside of City of Boulder jurisdiction. The requested mapping boundary revision is consistent with the reach of Sunshine Canyon Creek upstream of the property. Wetland Determination Data Forms and a Preliminary Jurisdictional Determination from the Army Corps of Engineers have been provided supporting the requested revision.

The wetland map revision was approved by Public Works Development Review staff on August 26, 2016 and the decision may be called up before Planning Board on or before September 9, 2016. There is one Planning Board meeting within the 14 day call up period on **September 1, 2016**.

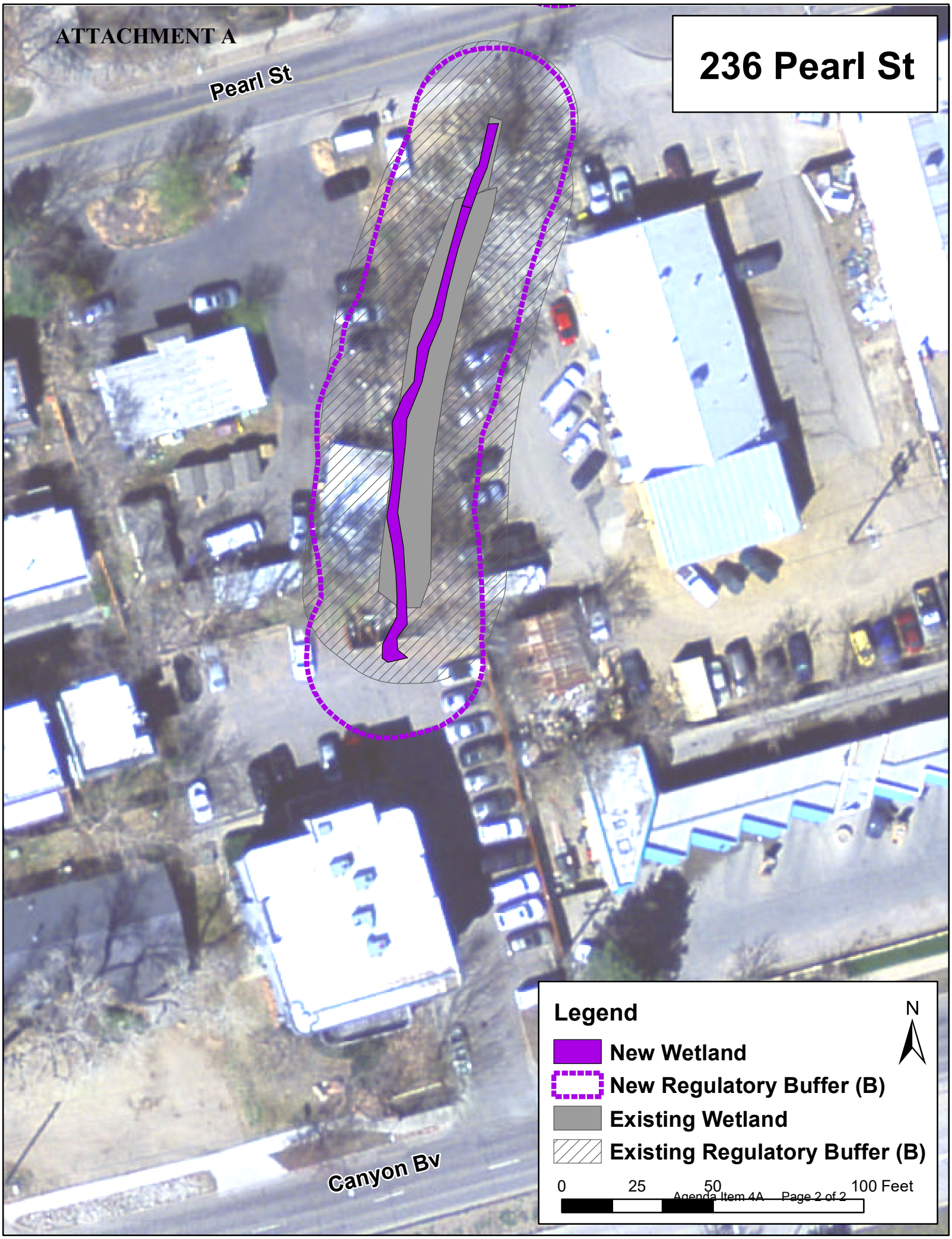
Questions about the project should be directed to the interim Floodplain and Wetlands Administrator, Jessica Stevens at 303-441-3121 or by e-mail at stevensj@bouldercolordo.gov.

Attachments:

A. Wetland Map Revision

ATTACHMENT A

236 Pearl St



M E M O R A N D U M

TO: Planning Board

FROM: Jessica Stevens, Floodplain and Wetland Administrator

DATE: August 26, 2016

SUBJECT: **Call Up Item:** Floodplain Development Permit (LUR2016-00049)
5765 Arapahoe Avenue

This decision may be called up before Planning Board on or before **September 9, 2016.**

A floodplain development permit was approved by Public Works Development Review staff on August 26, 2016 for overlot grading at 5765 Arapahoe Avenue.

The permit proposes to complete overlot grading that was originally permitted in 2008. The previous permit approved the import of 30,000 cubic yards of fill and site grading, including the construction of flood mitigation channels. The permitted fill was stockpiled onsite. Final grading was not completed prior to the expiration of the permit. Completion of the site grading will improve the existing flooding conditions for the site and surrounding properties. No additional fill will be placed on site. The applicant has demonstrated compliance with the City's floodplain regulations. The grading 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 floodplain development permit was approved by Public Works Development Review staff on August 26 and the decision may be called up before Planning Board on or before September 9, 2016. There is one Planning Board meeting within the 14 day call up period on **September 1, 2016**.

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

Attachments:

A. Floodplain Development Permit
B. Vicinity Map

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 boulderplandevelop.net

Land Use Review Floodplain Development Permit

Date Issued: August 22, 2016

Expiration Date: August 23, 2019
(Pursuant to Subsection 9-3-6(e), B.R.C. 1981)

Permit Number: LUR2016-00049

Contact Information

JEFFREY WINGERT
1375 WALNUT SUITE 10
BOULDER, CO 80302
303-442-8687

Project Information

Location: 5675 ARAPAHOE RD

Legal Description: TR 926 LESS PT TO HWY & LESS A 27-1N-70 9.80 AC PER 2110447 - 2110448 1/16/01 BCR

Description of Work: Floodplain review w/o analysis for Watersedge. See LUR2007-00091 for reference.

Type of Floodplain Permit: Floodplain Review W/O 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 obtain a site inspection and approval from the City of Boulder Floodplain and Wetlands Coordinator upon completion of the projects.
- Improvements shall be constructed in accordance with the plans submitted as part of the floodplain development permit application.
- Certification by a Colorado Registered Professional Engineer that the development has been completed in compliance with the approved permit application and that all conditions have been fulfilled must be submitted to the City of Boulder prior to scheduling final inspections.
- Once the proposed work is completed, the applicant shall submit final as-built drawings to Planning and Development Services and shall apply to FEMA for a Letter of Map Revision (LOMR) to modify the regulatory floodplain.
- The applicant/owner shall not import additional fill material to the site.
- Prior to commencement of construction activities the applicant must obtain a Demolition Permit for removal of the existing structure, Grading and Erosion Control Permits and a State of Colorado Construction Stormwater Permit.

Inspections

To schedule an inspection, call 303-441-3280 and refer to your permit number (LUR2016-00049).

5675 Arapahoe Avenue

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M E M O R A N D U M

TO: Planning Board

FROM: Jessica Stevens, Floodplain and Wetland Administrator

DATE: August 26, 2016

SUBJECT: **Call Up Item:** Wetland Permit (LUR2016-00061)
Chautauqua Trail Improvements

This decision may be called up before Planning Board on or before **September 9, 2016.**

A wetland permit was approved by Public Works Development Review staff on August 26, 2016, for Chautauqua Trail improvements.

City of Boulder Open Space and Mountain Parks has proposed to repair portions of the Chautauqua Trail which have been damaged due to use and erosion that occurred during the September 2013 floods. A formalized visitor gathering area will be created at the intersection of the Chautauqua Trail and Ski Jump Trail to limit the impacts to vegetation in this area. The goal of the project is to improve drainage and trail sustainability.

The improvement project will permanently impact 415 square feet within the inner wetland buffer area and 2,721 square feet in the outer wetland buffer. The project impacts will be mitigated through re-routing and restoration of 4,930 square feet of trail currently located within the inner wetland buffer and 3,690 square feet within the outer wetland buffer.

The wetland permit was approved by Public Works Development Review staff on August 26, 2016, 2016 and the decision may be called up before Planning Board on or before September 9, 2016. There are two Planning Board meetings within the 14 day call up period on **September 1, 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@bouldercolordo.gov.

Attachments:

A. Wetland Permit
B. Project Area Map
C. Proposed Trail Improvements and Re-route

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 boulderplandevelop.net

Wetland Permit

Date Issued: 8/24/2016

Expiration Date: August 24, 2019
(Pursuant to Subsection 9-3-9(k), B.R.C. 1981)

Permit Number: LUR2016-00061

Contact Information

ADAM GAYLORD
66 S. CHERRYVALE RD
BOULDER, CO 80303

Project Information

Location: 650 BASELINE RD

Legal Description: PT NE 1/4 1-1S-71 75 AC M/L LA ND UNDER CHAUTAUQUA PARK

Description of Work: Standard Wetland Review for repair and reroute of Chautauqua Meadow Trail (flood damage).

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 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 applicant shall obtain a site inspection and approval from the City of Boulder Floodplain and Wetlands Coordinator upon completion of the projects.
- Best management practices shall be applied to all phases of the project and shall conform to the requirements of the "City of Boulder Wetlands Protection Program: Best Management Practices" adopted July, 1995; and "City of Boulder Wetlands Protection Program: Best Management Practices - Revegetation Rules" adopted July, 1998.
- The restoration site shall be monitored annually for five years. Monitoring reports shall be submitted to the city of Boulder Planning and Development Services prior to September 1st of each year. If it is determined that the mitigation is not successful, then corrective measures will need to be established and implemented to ensure a successful wetland restoration project.
- The following success criteria shall be used for the wetland mitigation:
  Native vegetative cover shall be consistent with surrounding area.
  Invasive species on the Colorado Noxious Weed Inventory list-A shall be 100% eradicated.
  Invasive species on the Colorado Noxious Weed Inventory list-B shall encompass no more than 10% of the total cover of the restoration area.
- The restored buffer areas shall be revegetated using the seed mix and methods outlined in the July 25, 2016 Stream, Wetland and Water Body Permit Narative. The restoration area shall be maintained as required to ensure seed germination and an overall successful restoration.

Inspections

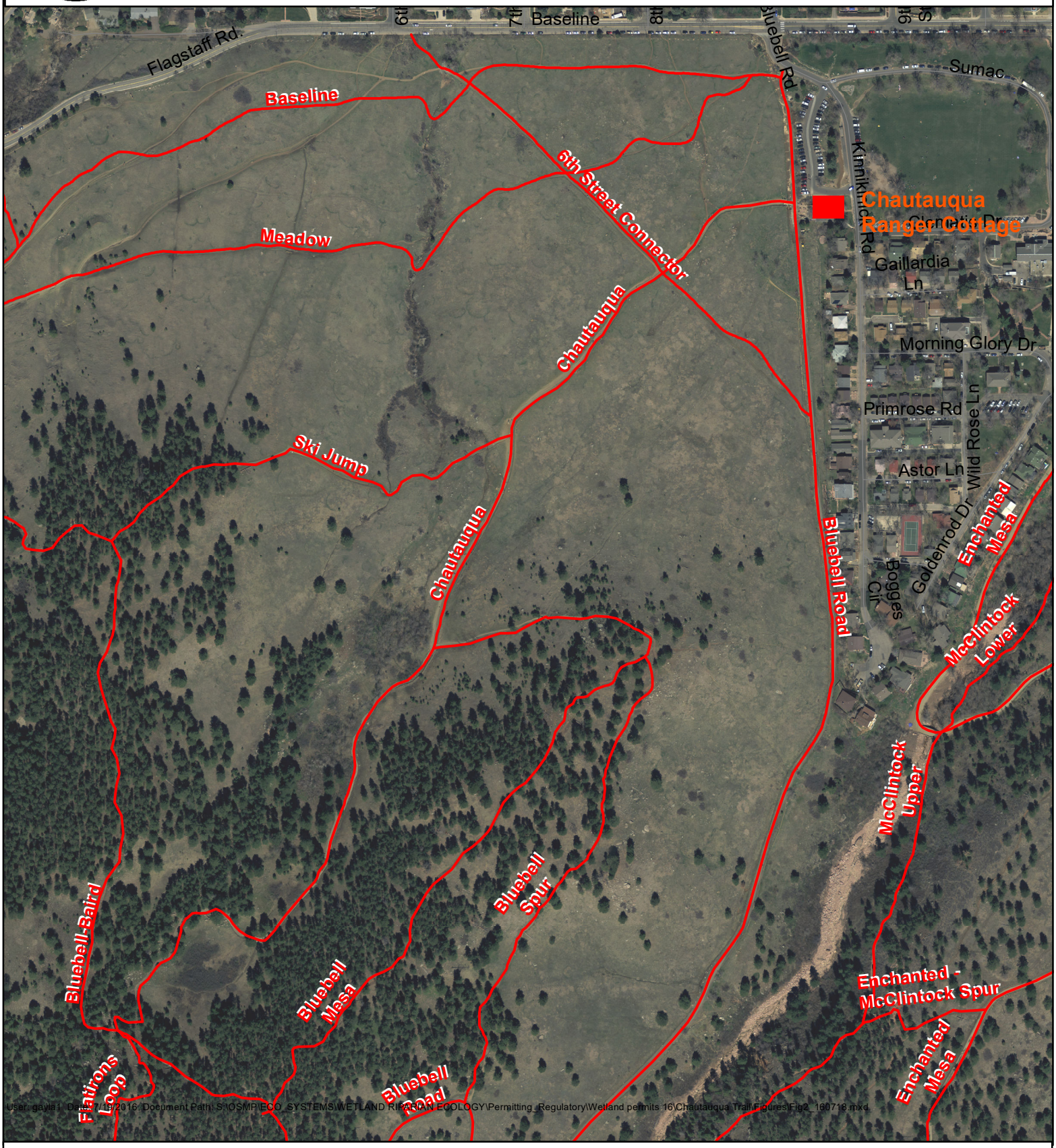
To schedule an inspection, call 303-441-3280 and refer to your permit number (LUR2016-00061).

ATTACHMENT B

Chautauqua Trail Improvement

Figure 2. Project Area

N



Hiking Trail

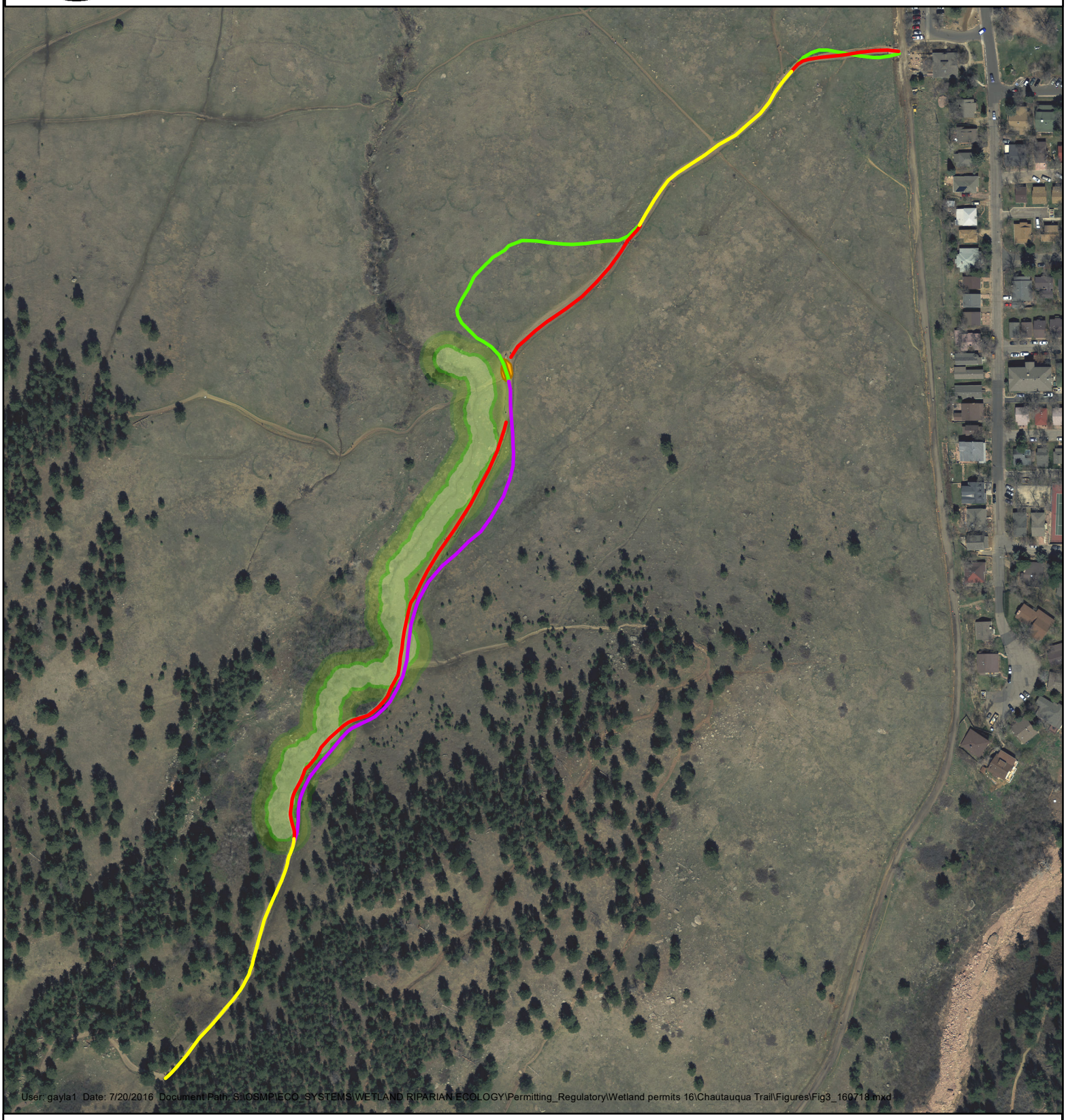
0 350 700 Feet

ATTACHMENT C

Chautauqua Trail Improvement

Figure 3. Proposed Trail Improvements and Re-route

N



Existing Trail to Repair

Existing Trail to Restore

Proposed Trail Re-route

8 foot wide

10 foot wide

Gathering Area

Inner 25ft Buffer

Outer 50ft Buffer

0 200 400 Feet

M E M O R A N D U M

TO: Planning Board

FROM: Jessica Stevens, Floodplain and Wetland Administrator

DATE: August 26, 2016

SUBJECT: **Call Up Item:** Wetland Permit (LUR2016-00062)
479 Arapahoe Avenue

This decision may be called up before Planning Board on or before **September 9, 2016.**

A wetland permit was approved by Public Works Development Review staff on August 26, 2016 for the replacement of an accessory structure at 479 Arapahoe Avenue.

The applicant has proposed the replacement of an existing 530 square foot accessory structure, located in the outer wetland buffer of Boulder Creek with a new 413 square foot building within the existing footprint. The project will limit impacts to the wetlands by decreasing the impervious area within the outer wetland buffer and constructing in a currently disturbed location.

Approximately 165 square feet of new temporary buffer impacts will occur during construction. The impacts will be mitigated by planting the reduced footprint area with native vegetation in accordance with the Wetland Protection Program Best Management Practices Revegetation Rules.

The wetland permit was approved by Public Works Development Review staff on August 26, 2016 and the decision may be called up before Planning Board on or before September 9, 2016. There is one Planning Board meeting within the 14 day call up period on **September 1, 2016**.

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

Attachments:

A. Wetland Permit
B. Vicinity Map

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 boulderplandevelop.net

Wetland Permit

Date Issued: 8/22/2016

Expiration Date: August 22, 2019
(Pursuant to Subsection 9-3-9(k), B.R.C. 1981)

Permit Number: LUR2016-00062

Contact Information

MARK GERWING
2805 WILDERNESS PL SUITE 500
BOULDER, CO 80301
303 886 9872

Project Information

Location: 479 ARAPAHOE AV

Legal Description: W 50 FT OF E 100 FT OF LOT 4 B LK A HIGHLAND LAWN

Description of Work: LUR - Standard wetland permit application to review a proposed new accessory building to replace an existing accessory structure that has been requested to be demolished (see PMT2016-03043). The new structure is 413 s.f., the existing structure is 530 s.f. and is located in the outer buffer.

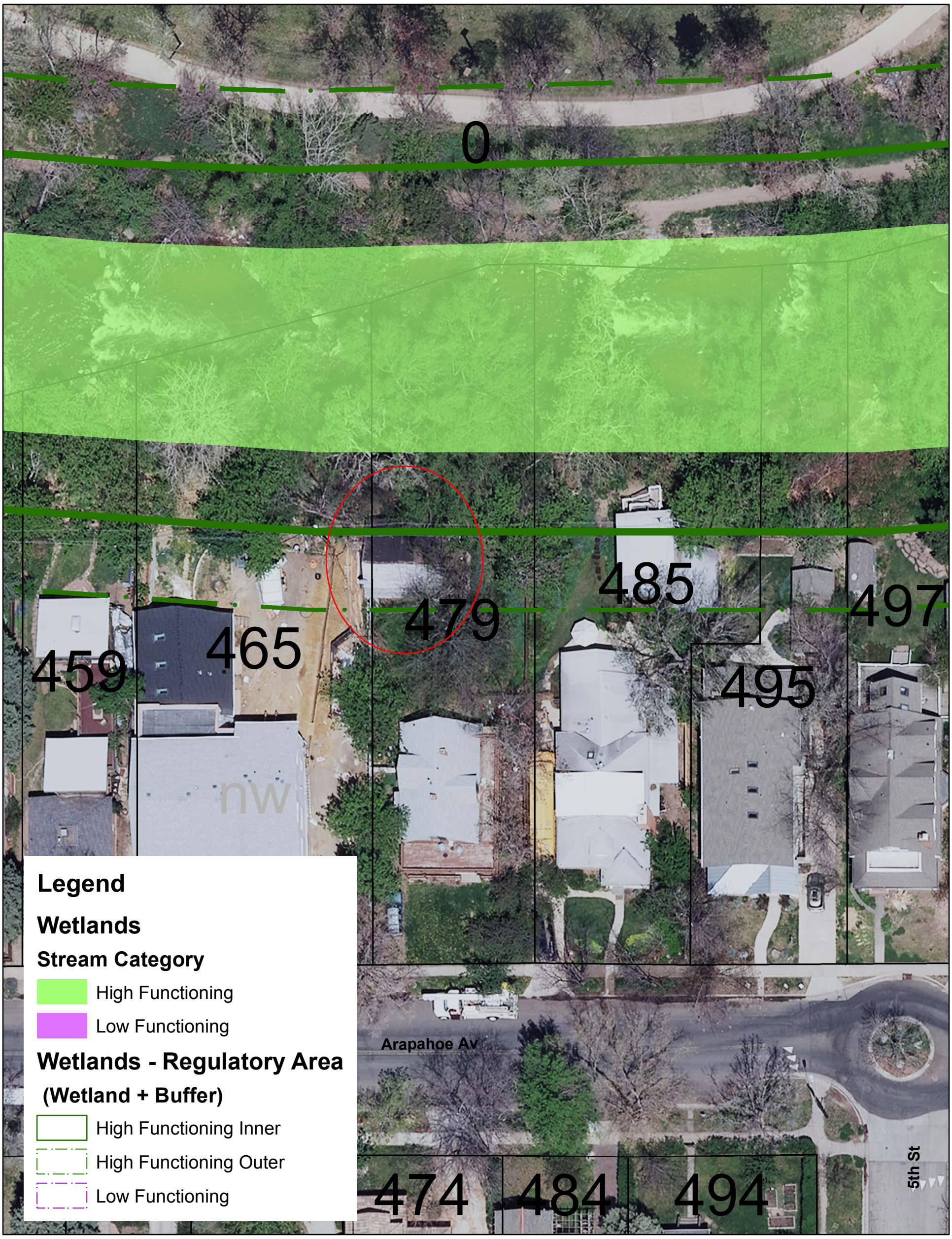
Conditions of Approval

- 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.
- Best management practices shall be applied to all phases of the project and shall conform to the requirements of the "City of Boulder Wetland Protection Program: Best Management Practices" adopted July ,1995.
- Temporary impacts shall be planted with native vegetation in accordance with the Wetland Protection Program Best Management Practices Revegetation Rules.

Inspections

To schedule an inspection, call 303-441-3280 and refer to your permit number (LUR2016-00062).

479 Arapahoe Avenue



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C I T Y O F B O U L D E R
PLANNING BOARD AGENDA ITEM

MEETING DATE: September 1, 2016

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

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

REQUESTING DEPARTMENT:
Planning, Housing & Sustainability
David Driskell, Executive Director
Susan Richstone, Deputy Director
Charles Ferro, Development Review Manager
Caeli Hill, Associate Planner

OBJECTIVE:
Define the steps for Planning Board consideration of this request:

1. Hear Staff presentations
2. Hold Quasi-Judicial Public Hearing
3. Planning Board discussion
4. Planning Board action to approve, approve with conditions, or deny Site Review

SUMMARY

Proposal:	LAND USE REVIEW: Public hearing and consideration of a Site and Use Review (LUR2016-00056 & LUR2016-00057) proposal to establish a retail store and café use at 1815 Pearl St. The total square footage of the tenant space is 2,642 square feet with 1,984 square feet of retail and 658 square feet of café space with interior 40 seats. A concurrent site review has been submitted for consideration of an 89% parking reduction.
Project Name:	Rapha Racing
Location:	1815 Pearl St.
Size of Tract:	6,965 square feet (0.16 acres)
Zoning:	MU-3 (Mixed-Use 3)
Comprehensive Plan:	HR (High Density Residential)

Key Issues for Discussion:

Staff has identified the following key issues regarding the proposal and has provided responses below in the "Analysis" section of this memo.

<u>Key Issue #1:</u>
Does the proposal meet the Use Review criteria set forth in 9-2-15(e), B.R.C. 1981?

<u>Key Issue #2:</u>
Does the proposal meet Site Review Criteria, particularly the parking reduction criteria of 9-2-14(h)(2)(K), B.R.C. 1981.

BACKGROUND

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

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

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

Figure 1. Vicinity Map

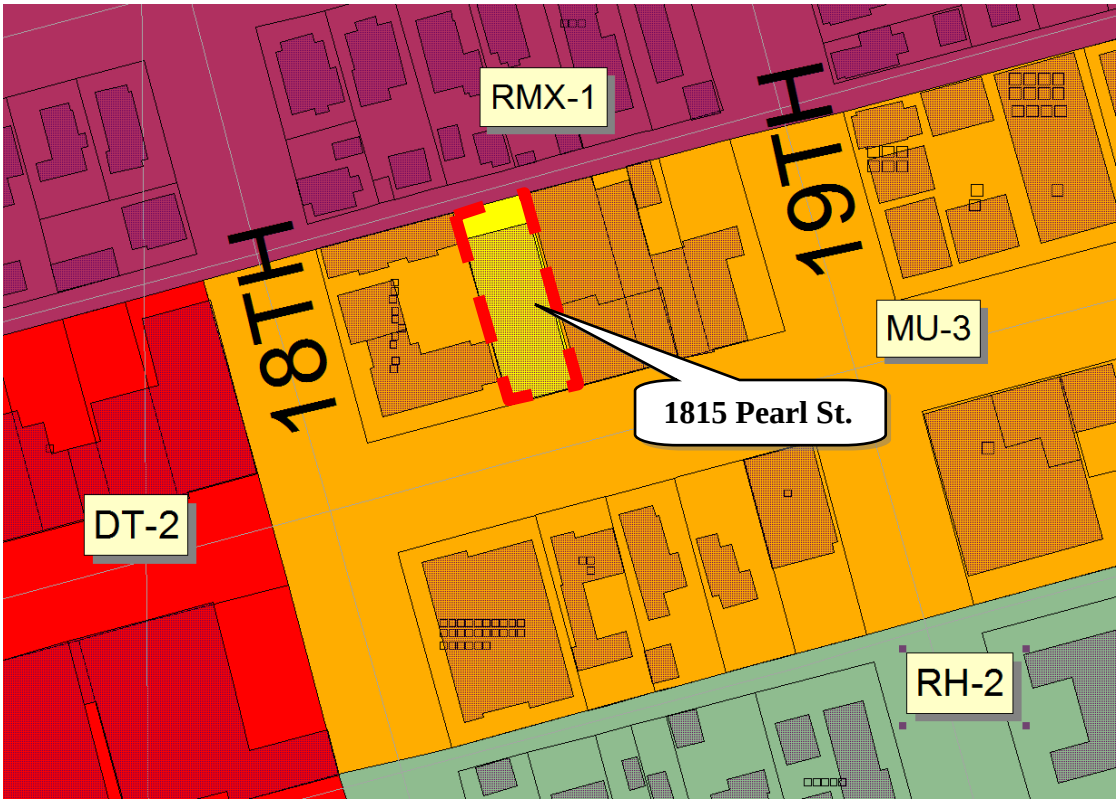


Figure 2. Zoning Map

PROJECT DESCRIPTION

The existing single story building located at 1815 Pearl St. is split into two tenant spaces. Buffalo Exchange occupies 1813 Pearl St., the east side of the building. The current proposal is for the west side of the building, 1815 Pearl St. Previous uses of the subject tenant space include an antiques store, a photo processing studio and a gallery space. The applicant is requesting approval of a Use Review and Site review to establish a 2,642 square foot combined retail and café use called Rapha Racing (refer to **Attachment A**). The retail store will offer high-end cycling apparel while the café offers coffee, beer, wine and a selection of light prepared foods. The store's hours of operation are 8:00 a.m. to 7:00 p.m. Monday through Saturday and 8:00 a.m. to 6:00 p.m. on Sundays. The retail portion of the store will be 1,984 square feet while the café portion is 658 square feet, including 40 interior seats café for patrons. Employees will staff two shifts per day with approximately three people working each shift.

Figure 3. Current Tenant Space

The existing 5,737 square foot building was constructed in 1955 and stands 14 feet in height. The original façade (refer to **Figure 4**) included large storefront windows and a slightly recessed entry feature. In 2010 a

Figure 4. Original Building Façade. (Source: Tax Assessor Photo of 1813-1815 Pearl St., 1955. Photograph courtesy of Carnegie Branch Library for Local History

minor modification was approved (ADR2010-00026) to remove the recessed entryway to accommodate a new glass storefront system. At the same time the building was divided longitudinally into two tenant spaces. As mentioned above, a small retail store occupies the western-most tenant space and various retail uses have occupied the subject tenant space throughout its history. The site is fully developed and like most mercantile buildings along Pearl St., does not have any open space and has very little off street parking however, this has been an existing condition since the building was originally built in 1955.

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

An 89% parking reduction has been requested. Staff's detailed analysis of the parking reduction criteria can be found in **Attachment B**. The applicant's transportation engineer has also prepared a parking study which can be found in **Attachment E**.

REVIEW PROCESSES

Use Review

Pursuant to section 9-6-1,B.R.C., 1981 uses defined as "Retail less than 5,000 square feet" are allowed in an MU-3 zone by Use Review. Further, uses defined as "Restaurants, Brewpubs, and taverns over 1,000 square feet in floor area, or which close after 11 pm, or with an outdoor seating area of 300 square feet or more" are also allowed by Use Review in the MU-3 zone by Use Review.

Site Review

A Site Review application has been submitted, solely to request an 89 percent parking reduction pursuant to the requirements of 9-2-14(h)(2)(K), B.R.C. 1981. Table 9-4, "Use Specific Motor Vehicle Parking Requirements for Nonresidential Uses in All Zones," B.R.C. 1981 requires one parking space for every three seats for restaurants, brewpubs, and taverns outside of retail centers greater than 50,000 square feet. Additionally, the parking requirements for the retail use of this space is set forth in Table 9-3, **"**Nonresidential Motor Vehicle Parking Requirements by Zoning District," which requires one parking space for every 300 square feet of nonresidential floor area if residential areas comprise less than 50 percent of the floor. These sections set forth a parking requirement for the proposed uses of 19 on-site parking spaces. The applicant is providing one standard-sized parking space and one compact parking space, two total, for both uses. The existing and proposed parking has been summarized below:

PARKING REQUIREMENTS			
Land Use	**Requirement**	**Required Parking Spaces**	**Provided Parking Spaces**
Retail ≤ 5,000 square feet (Off street parking spaces per square foot of floor area for non-residential uses and their accessory uses)	1:300 square feet Square footage of retail= 1984	**6 spaces**	**2 spaces (provided for both uses)**
Restaurant, brewpub, or tavern - outside of retail centers greater than 50,000 square feet	1 space per 3 seats for indoor seats. Number of Seats= 40	**13 spaces**	**2 spaces (provided for both uses)**
		Total Parking Provided	**2 spaces (provided for both uses)**
PARKING REDUCTION			
		19 parking spaces	**2 spaces (provided for both uses)**
		Parking Reduction Percentage	**89%**

Figure 5. Parking Requirements and Reduction Calculations

ANALYSIS

Key Issue #1: Does the proposal meet the Use Review criteria set forth in 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. Staff find the proposal consistent with the criteria for Use Review found in section 9-2-15(e), B.R.C. 1981. Please refer to **Attachment B** for staff's complete analysis of the review criteria.

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

PUBLIC NOTIFICATION / COMMENTS
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. The applicant also held a neighborhood meeting regarding the proposal on Wednesday, July 29 at 1815 Pearl St. Several written comments have been received. All feedback has been supportive of the proposed uses. Please see **Attachment D** for public comments received.

STAFF FINDINGS AND RECOMMENDATION
Staff finds that the application satisfies the Site Review criteria pursuant to subsection 9-2-14, B.R.C. 1981, if the conditions listed below are incorporated into the approval of this application.

Staff also finds that the application satisfies the Use Review criteria pursuant to subsection 9-2-15, B.R.C. 1981, if the conditions listed below are incorporated into the approval of this application.

Therefore, staff recommends that the Planning Board approve the Site Review application LUR2016-00057 and Use Review application LUR2016-00056, incorporating the staff memorandum and the attached analysis of the Site Review and Use Review criteria as findings of fact and subject to the recommended Conditions of Approval below.

RECOMMENDED CONDITIONS OF APPROVAL:

USE REVIEW – CONDITIONS OF APPROVAL

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

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

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

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

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

3. This **approval is limited to** Rapha Racing, LLC, the owner of the restaurant. Any changes in ownership shall be subject to the review and approval of the Planning Director. The purpose of such review shall be to inform such subsequent user of this space that it will be required to operate the restaurant in compliance with the terms of this approval.

SITE REVIEW – CONDITIONS OF APPROVAL

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

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

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

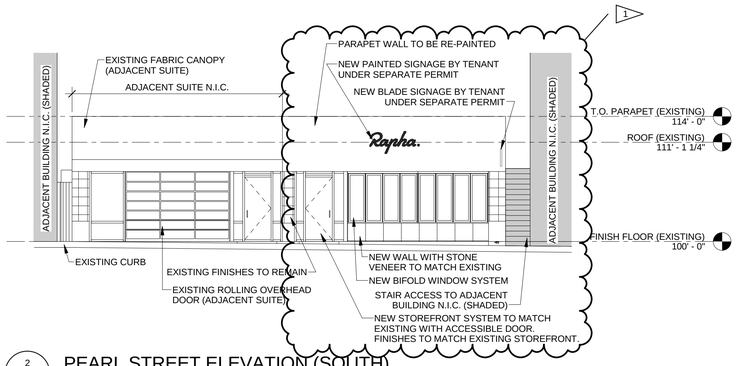
4. Prior to issuance of a building permit, the Applicant shall submit, and obtain City Manager approval of, a **detailed landscape plan**, including size, quantity, and type of plants existing and proposed; type and quality of non-living landscaping materials; any site grading proposed; and any irrigation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

Approved By:

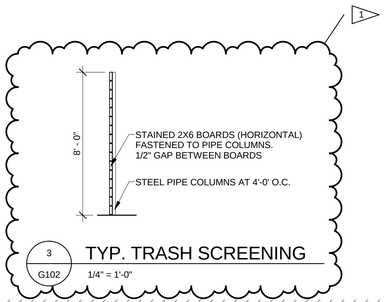
David Driskell, Executive Director
Department of Community Planning and Sustainability

ATTACHMENTS:

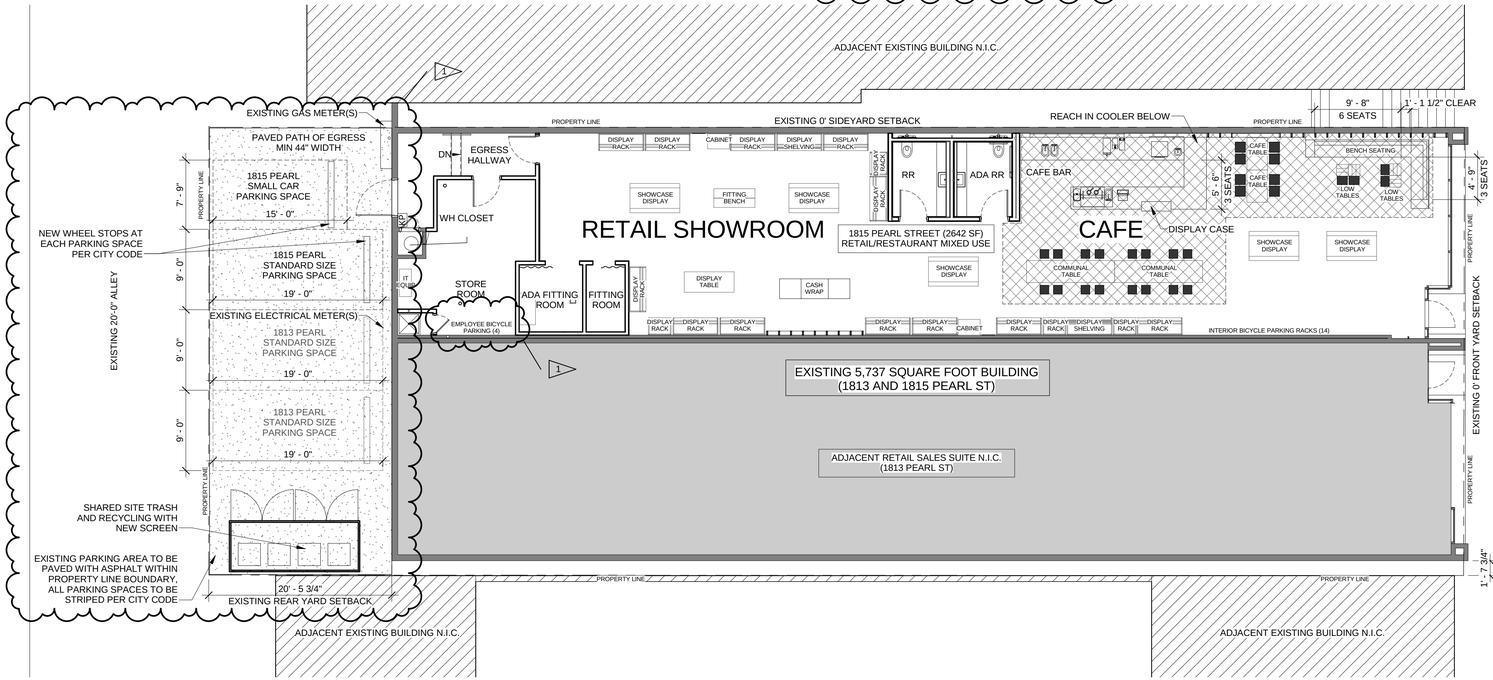
A: Proposed Plans
B: Staff Analysis of Review Criteria
C: Staff's Development Review Comments
D: Public Comments
E: Parking Study
F: Proposed Management Plan



2 G102 PEARL STREET ELEVATION (SOUTH)
1/8" = 1'-0"



3 G102 TYP. TRASH SCREENING
1/4" = 1'-0"



1 G102 LAND USE REVIEW PLAN
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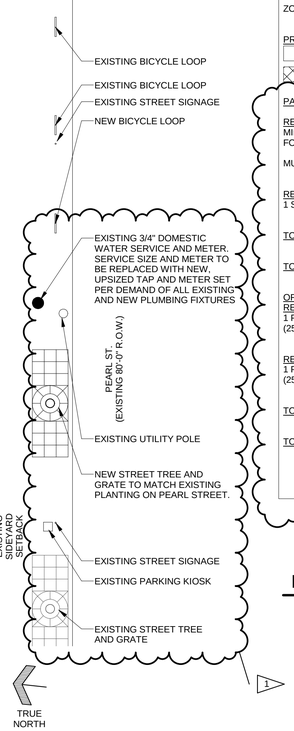

ZONING INFORMATION

PROPERTY INFORMATION

PROPERTY ADDRESS	1815 PEARL STREET
CITY	BOULDER
PARCEL NUMBER	146330410010
SEC-TOWN-RANGE	30 - 1N - 70
SUBDIVISION	BOULDER O T EAST & WEST & NORTH - BO
LEGAL DESCRIPTION	LOT 9 BLK 90 BOULDER O T EAST
PROPERTY SIZE	7,042 SF (0.16 ACRES)
ZONING DISTRICT	MU-3

PROPOSED INTERIOR USES (9-6-1, TABLE 6-1)

☐ RETAIL SALES	1984 SQUARE FEET
☒ RESTAURANT	658 SQUARE FEET

PARKING STANDARDS (9-9-6, TABLE 9-3 AND TABLE 9-4)

RETAIL SALES
MIN OFF-STREET PARKING SPACES PER SQUARE FOOT OF FLOOR AREA FOR NON-RESIDENTIAL USES AND THEIR ACCESSORY USES

MU-3: 1:300 (IF RESIDENTIAL USES COMPRISE LESS THAN 50% OF THE FLOOR AREA)
1984 SF @ 1:300 = **6** SPACES REQUIRED

RESTAURANT
1 SPACE PER 3 SEATS FOR INDOOR SEATS
40 SEATS @ 1 SPACE / 3 SEATS = **13** SPACES REQUIRED

TOTAL OFF-STREET PARKING REQUIRED
(6 + 13) = **19** SPACES

TOTAL OFF-STREET PARKING PROVIDED
2 SPACES (1 STANDARD, 1 SMALL CAR) DEDICATED TO 1815 PEARL

OFF-STREET BICYCLE PARKING (TABLE 9-8)
RETAIL SALES
1 PER 750 SQUARE FEET OF FLOOR AREA, MINIMUM OF 4
(25% LONG TERM, 75% SHORT TERM)
1984 SF @ 1:750 = ~~3~~ 4

RESTAURANT
1 PER 750 SQUARE FEET OF FLOOR AREA, MINIMUM OF 4
(25% LONG TERM, 75% SHORT TERM)
658 SF @ 1:750 = ~~1~~ 4

TOTAL OFF-STREET BICYCLE PARKING REQUIRED
~~4 BICYCLE SPACES~~ 8, 6 short- term spaces; 2 long-term spaces

TOTAL OFF-STREET BICYCLE PARKING PROVIDED
2 BICYCLE LOOPS PROVIDED (1 EXISTING, 1 NEW)
14 INTERIOR BICYCLE SPACES PROVIDED BY TENANT
4 INTERIOR LONG TERM / EMPLOYEE BICYCLE PARKING SPACES PROVIDED BY TENANT

INTERIOR USE LEGEND

RETAIL USE 1984 SF

CAFE USE 658 SF

CTA

1815 PEARL ST, BOULDER, CO 80302

RAPHA CYCLE CLUB TENANT IMPROVEMENT

NOT FOR CONSTRUCTION - PRELIMINARY DESIGN

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SITE AND USE REVIEW

08.19.16
DRAWN BY | KJ
REVISIONS
1 08-19-16 SITE REVIEW COMMENTS

LAND USE PLAN AND INFORMATION

G102

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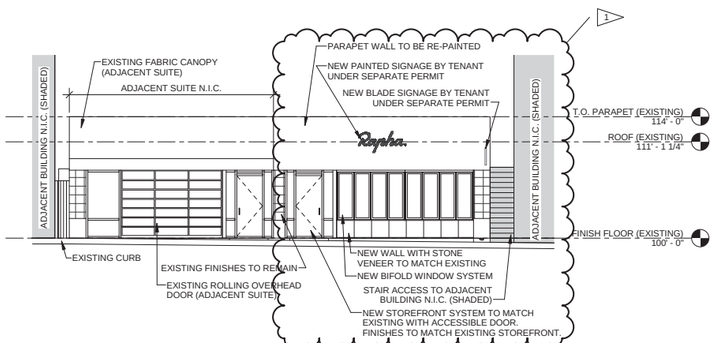

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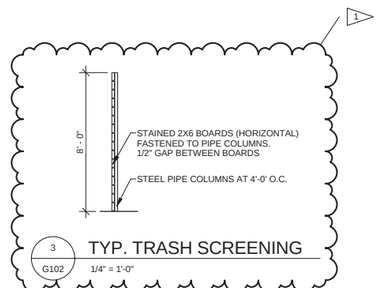

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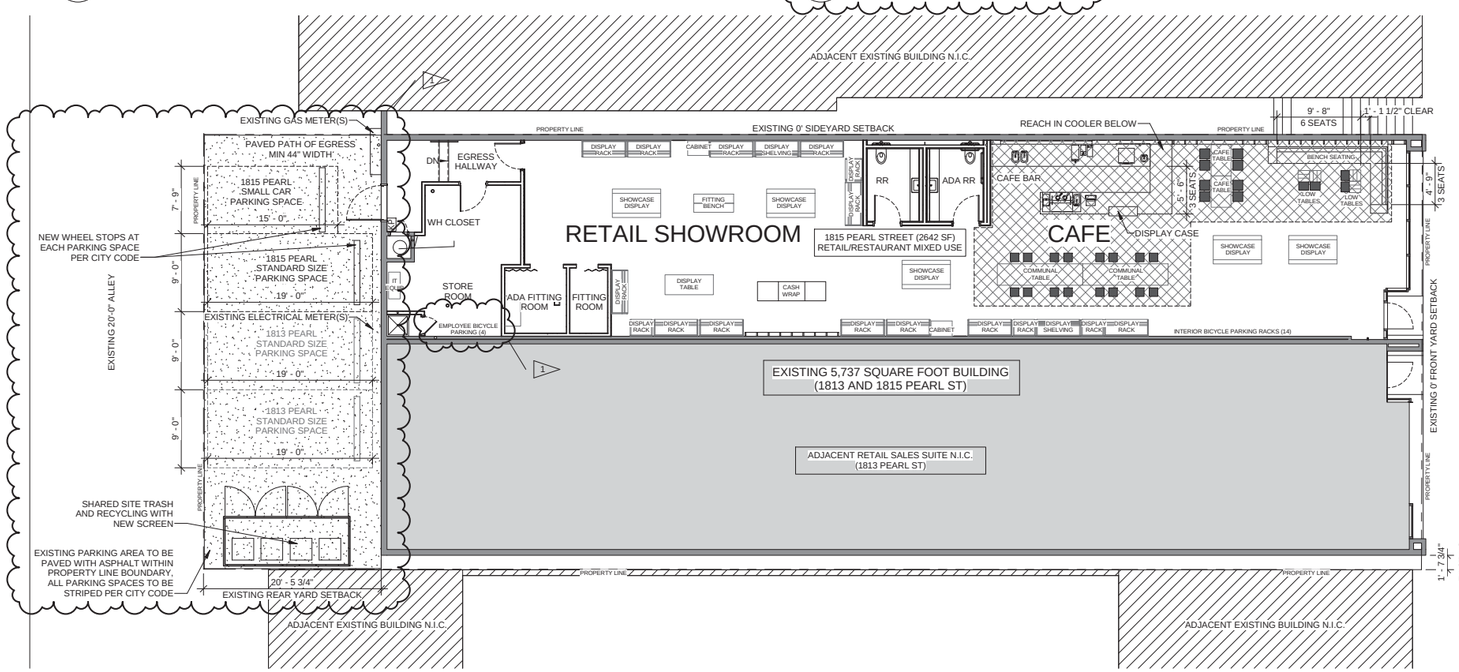

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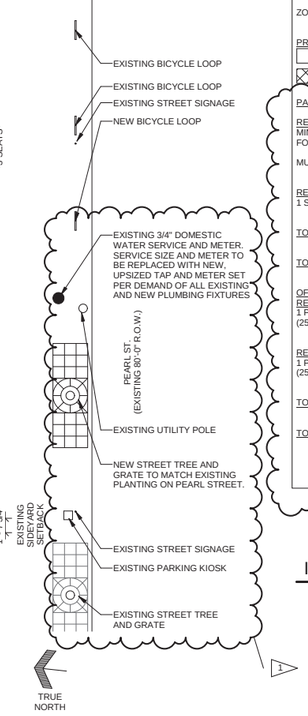

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SITE AND USE REVIEW

08.19.16
DRAWN BY | KJ
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LAND USE PLAN AND INFORMATION

G102

CTA # RCC_BLDR | "L:\RCC\BLDR\BIMCAD\Revit\RCDRarch_Cntr\5.rvt"

9-2-15- USE REVIEW CRITERIA

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

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

The site is zoned MU-3, per Section 9-5-2, MU-3 is defined as "areas of the community that are changing to a mixture of residential and complementary nonresidential uses, generally within the same building." The proposed retail showroom and cafe offer neighborhood scale services that are compatible with the existing residential and retail uses and are consistent with the zoning.

(2)Rationale: The use either:

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

The proposed use provides direct convenience to the neighborhood and will provide an additional retail opportunity / restaurant use and gathering place for the neighborhood and surrounding areas.

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

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

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

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

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

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

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

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

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

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

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

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

The existing infrastructure is sufficient to serve the proposed use.

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

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

the existing pedestrian oriented uses located in the surrounding area.

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

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

9-2-14 SITE REVIEW CRITERIA

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

(1) Boulder Valley Comprehensive Plan:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) Landscaping:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(E) Parking:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(I) Land Use Intensity Modifications:

(i) Potential Land Use Intensity Modifications:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CITY OF BOULDER
Planning and Development Services

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CITY OF BOULDER
LAND USE REVIEW RESULTS AND COMMENTS

DATE OF COMMENTS:	**August 5, 2016**
CASE MANAGER:	**Caeli Hill**
PROJECT NAME:	**RAPHA RACING**
LOCATION:	**1815 PEARL ST**
COORDINATES:	**N03W05**
REVIEW TYPE:	**Site Review and Use Review**
REVIEW NUMBER:	**LUR2016-00056 & LUR2016-00057**
APPLICANT:	**VINCENT J PORRECA**
DESCRIPTION:	**Use Review Request (LUR2016-00056) for Rapha Racing, a combined 1984 square foot retail space with a 658 square foot cafe use with wine and beer service. The proposed hours of operation are 8:00 a.m. to 7:00 p.m. Monday - Saturday and 8:00 a.m. to 6:00 p.m. on Sunday. The associated Site Review is required for the 88% parking reduction request (LUR2016-00057).**

REQUESTED VARIATIONS FROM THE LAND USE REGULATIONS:

- **Section 9-9-6, "Parking Standards," to allow for an 88% parking reduction (2 spaces where 18 are required)**

I. REVIEW FINDINGS

These comments encompass the Use Review and Site Review currently in process for Rapha Racing (LUR2016-00056 & LUR2016-00057). The Use Review is in process to establish both a retail and restaurant use at this location. The Site Review is required due to the parking reduction request. A parking reduction over 50% is requested and therefore this application must automatically be referred to Planning Board for approval. A tentative date for the public hearing has been set for September 1, 2016.

Staff has found that the the Use Review criteria are met, however, corrections are required prior to moving forward to Planning Board review. Primarily, outstanding issues are related to the proposed parking and landscape on the site. There are discrepancies between the project fact sheet, site plans and the Management Plan that need to be addressed relating to the number of parking spaces that are proposed. The Management Plan and the Project Fact sheet states that two spaces will be provided while the site plan shows three. All calculations have been based off of the provision of two parking spaces. There are additional concerns about trash and its required screening and other parking standards beyond the amount of spaces provided. Please see specific comments below.

Please submit corrections and a written statement responding to the comments herein directly to the case manager by dropping them off at the Planning and Development Services Center at 1739 Broadway, Third Floor. Please provide four hard copies and one digital copy of the corrected documents. Staff is happy to meet regarding these comments at your convenience. Please contact the case manager at 303-441-4161 or hillc@bouldercolorado.gov with any questions.

II. CITY REQUIREMENTS

Building and Housing Codes, Jim Gery 303-441-3129

1. Please see informational comments.

Fees , Caeli Hill, Case Manager- 303-441-4161

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.

Landscaping Elizabeth Lokocz, 303-441-3138

This urban site has few criteria related improvements; however, two specific areas require additional information:

1. Label the trash and recycling locations and how they are being screened to meet the minimum requirements (full screening) of section 9-9-12(d)(5) B.R.C. 1981.
2. This stretch of Pearl Street has no existing public street trees. Additional information on existing conditions must be added to the site plan including, but not limited to, location of the water meter, parking kiosk, existing tree to the west and any other dry utilities. It appears that one additional street tree fits into the existing conditions approximately 23 feet on center from the existing tree to the west. The tree shall be in a 4x12 grate consistent with similar planting conditions elsewhere on Pearl. Installation by forestry?

Legal Documents Julia Chase, City Attorney's Office, Ph. (303) 441-3020

1. The Applicant will be required to sign a Development Agreement, if approved. When staff requests, the Applicant shall provide the following:
   a) an updated title commitment current within 30 days; and
   b) Proof of authorization to bind on behalf of the owners.

Parking Caeli Hill, Case Manager- 303-441-4161; David Thompson, Transportation 303-441-4417

9-9-6, "Parking Standards," B.R.C. 1981

Land Use	Requirement	Required Parking Spaces	Provided Parking Spaces
Retail ≤ 5,000 square feet (Off street parking spaces per square foot of floor area for non-residential uses and their accessory uses)	1:300 square feet Square footage of retail= 1984	**6 spaces**	**2 spaces (provided for both uses)**
Restaurant, brewpub, or tavern - outside of retail centers greater than 50,000 square feet	1 space per 3 seats for indoor seats. Number of Seats= 33	**11 spaces**	**2 spaces (provided for both uses)**
		Total Parking Provided	**2 spaces**

Parking Reduction

Required Spaces	Provided Parking Spaces	Parking Reduction Percentage
17 spaces	**2 spaces**	**88%**

1. Pursuant to section 9-9-6(5)(B) of the B.R.C. 1981, please revise the site plan to show the parking area being paved with asphalt concrete or other similar permanent hard surface material.

2. There are discrepancies between the Project Fact Sheet and the plans in regards to the number of parking spaces being provided. The Fact Sheet states that one standard space and one compact space will be provided while the plans show and list 2 standard spaces and 1 compact space. Please clarify and revise the plans accordingly.

3. Pursuant to section 9-2-15 of the B.R.C. 1981 and in support of allowing staff to evaluate the traffic to be generated by the Café use in conjunction with the retail space, please submit a trip generation/trip distribution and assignment letter following the standards found in Section 2.03(J)and (K) of the City's Design and Construction Standards.

4. In following up to the applicant's written statement, staff will contact the applicant and meet if desired to discuss TDM strategies that could be implemented at this site in support of the requested parking reduction and in meeting the site review criterial for circulation found in section 9-2-14(h)(D) of the B.R.C. 1981.

5. In support of the proposed parking reduction and TDM Plan, please revise the site plan to provide a minimum of four long-term bike parking for employees in the store room.

Plan Documents Caeli Hill, Case Manager- 303-441-4161

Site Plan

1. Please remove or ghost in the auto parking spaces that are used by the adjacent tenant.
2. Add a note that auto parking spaces will be striped per city code.
3. Indicate code compliant wheel stops for each parking space.
4. Confirm the exact number of seats for the restaurant use and revise the site plan as necessary.

Management Plan

1. Square footage of the tenant space is referenced as 2,680 while the site plans show 2,642. Please clarify.
2. Confirm the exact number of seats for the restaurant use and revise management plan to reflect the exact number of seats shown on the site plan.
3. Confirm the number of auto parking spaces being provided and revise the management plan as necessary.

Review Process, Caeli Hill, Case Manager- 303-441-4161

1. Please submit corrections and a written statement responding to the comments above directly to the case manager by dropping them off at the Planning and Development Services Center at 1739 Broadway, Third Floor. You do not need to meet with a Project Specialist. Please provide four hard copies and one digital copy of the corrected documents.

Signage Caeli Hill, Case Manager- 303-441-4161

1. Please note that all proposed signs require separate review and permit approval. Signs will not be reviewed as a part of Site Review or Technical Document review unless a specific modification is requested and specifically called out on the plans. Section 9-9-21(k), B.R.C. 1981 allows for the standards dealing with sign setbacks from property lines, spacing between projecting and freestanding signs and sign lettering and graphic symbol height to be varied through the Site Review process; however, any proposed variations to the sign code standards must be specifically referenced in the requested variations to the land use regulations and called out on the plan set in order to be valid following approval of the application
2. While it is preferable to remove all signs from the Site Review and Technical Document plan sets to avoid any potential future confusion, ghosting the images into the set with a notation that it is under a separate permit is acceptable. Please note that illustration of a sign on the plan set does not grant a modification. Please refer to section 9-9-21 B.R.C. 1981 for sign related requirements.
3. A blade sign is proposed on the plans. Please be advised that all blade signs that project into the public Right-of-Way require a revocable permit prior to sign permit submittal and installation.

III. INFORMATIONAL COMMENTS

Building and Housing Codes Jim Gery 303-441-3129

1. The following Building Code comments are intended to be informational only. They are provided here in order to inform the applicant of areas of concern that may require additional documentation and/or changes in plans, methods, and/or materials at the time of building permit application. These comments are intended to aid the applicant by illuminating issues as early as possible with the intention of helping the applicant and applicants' agents avoid unnecessary permit denial related to the information given at this time. They are not intended to be considered as approval or denial of, nor as a comment on the materials provided for the purposes of this specific Land Use Review application. Comments regarding changes necessary for approval of this application, if any, will appear elsewhere.

2. Please be advised that building comments are general in nature and based on the limited information provided for the purposes of this Land Use Review, and in no way constitute a complete or exhaustive review for compliance with any Building, Mechanical, Fuel Gas, Plumbing, Electrical, or Energy Code, accessibility requirements, or the Green Building and Green Points Program; nor may they be construed as approval of any existing or proposed structure for the purposes of a building permit. Documents submitted at the time of building permit application for development or redevelopment will be required to demonstrate compliance with the aforementioned Codes and ordinances and/or any other applicable laws, Codes and Standards in force at the time of application.

3. At the time of permit application, please detail compliance with 2012 IBC section 3411.6 and 3411.7 by surveying the accessibility of the facility and proposing improvements to bring the facility up to current accessibility compliance (see Exception 1 to IBC section 3411.7 limiting compliance to 20% of alteration costs, accessible elements proposed within the remodeled area are allowed to be part of the 20%).

4. 2012 IECC Section C401.1, 'Scope' as amended, states "The requirements contained in this chapter are applicable to new commercial buildings and additions to or remodels of commercial buildings. Commercial buildings shall exceed the energy efficiency requirements of ASHRAE/IESNA Standard 90.1 Energy Standard for Building Except for Low-Rise Residential Buildings by at least 30 percent or other approved equivalent design criteria."

Engineering Erik Saunders, 303 441-4493

1. The existing ¾" domestic water service and meter serves both tenant spaces within the building and, as such, based on the increased demand of the added fixtures proposed for the café use, the existing service will be required to be removed and capped at the corporation with the main and a new, upsized, service tapped and meter set. The required size of the domestic water service and meter shall be determined at the time of building permit review based on the demand of all existing and proposed plumbing fixtures. Additional water and wastewater plant investment fees (PIFs) may be required to be paid due to the change in meter size. The PIFs due shall be determined based on the selected water budget and the credit for the existing service.

Land Uses, Caeli Hill, Case Manager- 303-441-4161

This property is located in a Mixed- Use 3 (MU-3) zone district. This application is proposing a 2,642 square foot combined retail and restaurant establishment. Pursuant to section 9-6-1, uses defined as "Retail ≤ 5,000 square feet" are allowed in an MU-3 zone only by Use Review. Further, uses defined as "Restaurants, Brewpubs, and taverns over 1,000 square feet in floor area, or which close after 11 pm, or with an outdoor seating area of 300 square feet or more" are allowed in an MU-3 zone only by Use Review.

In order to meet the parking requirements of the restaurant and retail uses, a site review has been submitted to demonstrate how parking will be provided and to demonstrate the need for and request an 88% parking reduction. Parking reduction over 50% can only be granted by Planning Board or City Council.

Neighborhood Comments Caeli Hill, Case Manager- 303-441-4161

A neighborhood meeting was held on Wednesday, July 29 at 5:30 pm. Additionally, several written comments have been received. All are feedback has been supportive of the proposed use.

Open Space- Caeli Hill, Case Manager- 303-441-4161

There is an open space requirement of 15% in Mixed-Use Residential 3 (MU-3) zone districts. Currently, no open space is provided or proposed on the subject property. This property is currently non-conforming as to open space. If floor area or the number of dwelling units is expanded on this property in the future, compliance with open space requirements will be required or a modification to the open space standards will have to be requested pursuant to section 9-2-24(h)(2)(I), "Land Use Intensity Modifications," B.R.C. 1981.

Parking David Thompson, 303-441-4417

Staff would support the removal of a parking space in order to provide space for trash storage and recycling pursuant to section 9-9-18 of the Boulder Revised Code, 1981.

Review Process Caeli Hill, Case Manager- 303-441-4161

Pursuant to section 9-2-14, only Planning Board or City Council may grant a parking reduction exceeding fifty percent. A decision on this application (an approval, approval with conditions, or denial) will be made by Planning Board at a public hearing which is tentatively scheduled for Thursday, September 1, 2016.

IV. NEXT STEPS

1. Submit four hard copies and one digital copy of the corrected plans directly to the case manager.
2. Once corrections have been reviewed and it has been determined that this application meets all criteria, the application will be referred to Planning Board for a decision. The Site and Use Review are tentatively scheduled for a public hearing on September 1, 2016.

V. CITY CODE CRITERIA CHECKLIST

9-2-15- Use Review

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

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

Per Table 6-1, B.R.C. 1981, "Retail ≤ 5,000 square feet" uses and "Restaurants, Brewpubs, and taverns over 1,000 square feet in floor area, or which close after 11 pm, or with an outdoor seating area of 300 square feet or more" uses are only allowed through Use Review.

(2)Rationale: The use either:

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

The proposed use is an adaptive reuse project consisting of a mercantile retailer and cafe located close to Downtown Boulder to provide an upscale retail experience to the neighborhood and surrounding areas.

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

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

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

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

The proposed use, combined restaurant & retail, is proposed in an existing building with very minimal exterior changes planned. The applicant will be required to make some streetscape, and screening improvements which will enhance the overall aesthetics of the site. The applicant is requesting an 84% parking reduction. However, a traffic study indicates that there is ample on-street that can support the parking reduction, creating few additional impacts on the surrounding neighborhood.

✓ (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;

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

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

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

9-2-14 Site Review

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

(1) Boulder Valley Comprehensive Plan:

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

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

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

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

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

Compliance with this criteria will not effect the economic feasibility of this project.

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) Landscaping:

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

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

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

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

Please see landscape comments.

(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;

✓ (ii) Potential conflicts with vehicles are minimized;

✓ (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;

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

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

Please see comments under Parking related to the Transportation Demand Management Plan.

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

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

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

(E) Parking:

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

Parking is existing and meets these standards.

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

There are 5 existing alley-loaded spaces provided for this business and the adjacent business. This project is required to have between 18 and 21 parking spaces (depending on calculation of restaurant seats upon corrections). The applicant is requesting a reduction to these parking standards. If the reduction is approved this condition will be met.

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

Parking is existing and meets these standards.

N/A (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.

(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;

✓ (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;

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

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

Little exterior work is proposed, however, bi-fold windows are suggested which would allow the tenant to open the windows onto the pedestrian realm directly in

front of the tenant space creating a more inviting and safe condition for the tenant space and the sidewalk area.

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

Please see comments under Landscaping.

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

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

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

New lighting proposals will evaluated and addressed at the time of building permit submittal.

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

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

No new buildings or structures are being proposed. This site review is focused primarily on the parking reduction.

✓ (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;

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

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

N/A (xv) In the urbanizing areas located on the major streets shown on the map in Appendix A to this title near the Boulder Valley Comprehensive Plan boundaries between Area II

and Area III, the buildings and site design establish a sense of entry and arrival to the City by creating a defined urban edge and a transition between rural and urban areas.

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

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

✓ (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.

✓ (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.

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

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

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

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

(I) Land Use Intensity Modifications:

(i) Potential Land Use Intensity Modifications:

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

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

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

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

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

✓ 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 or the character of the surrounding area; and

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

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

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

N/A 3.A common park, recreation or playground area functionally useable and accessible by the development's occupants for active recreational purposes and sized for the number of inhabitants of the development, maximum five percent reduction; or developed facilities within the project designed to meet the active recreational needs of the occupants: maximum five percent reduction;

N/A 4.Permanent dedication of the development to use by a unique residential population whose needs for conventional open space are reduced: maximum five percent reduction;

N/A 5.The reduction in open space is part of a development with a mix of residential and nonresidential uses within a BR-2 zoning district that, due to the ratio of residential to nonresidential uses and because of the size, type and mix of dwelling units, the need for open space is reduced: maximum fifteen percent reduction; and

N/A 6.The reduction in open space is part of a development with a mix of residential and nonresidential uses within a BR-2 zoning district that provides high quality urban design elements that will meet the needs of anticipated residents, occupants, tenants and visitors of the property or will accommodate public gatherings, important activities or events in the life of the community and its people, that may include, without limitation, recreational or cultural amenities, intimate spaces that foster social interaction, street furniture, landscaping and hard surface treatments for the open space: maximum twenty-five percent reduction.

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

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

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

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

N/A a. Site and building design provide open space exceeding the required useable open space by at least ten percent: an increase in FAR not to exceed 0.25:1.

N/A b. Site and building design provide private outdoor space for each office unit equal to at least ten percent of the lot area for buildings twenty-five feet and under and at least twenty percent of the lot area for buildings above twenty-five feet: an increase in FAR not to exceed 0.25:1.

N/A c. Site and building design provide a street front facade and an alley facade at a pedestrian scale, including, without limitation, features such as awnings and windows, well-defined building entrances and other building details: an increase in FAR not to exceed 0.25:1.

N/A d. For a building containing residential and nonresidential uses in which neither use comprises less than twenty-five percent of the total square footage: an increase in FAR not to exceed 1:1.

N/A e. The unused portion of the allowed FAR of historic buildings designated as landmarks under chapter 9-11, "Historic Preservation," B.R.C. 1981, may be transferred to other sites in the same zoning district. However, the increase in FAR of a proposed building to which FAR is transferred under this subparagraph may not exceed an increase of 0.5:1.

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

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

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

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

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

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

Parking study submitted by the applicant states that there is ample on-street parking that can accommodate the parking needs of the proposed uses. Additionally, the applicant anticipates that the patrons and employees of this business will bicycle to this location. To accommodate an increased demand for bike parking, the applicant is providing 14 parking spaces inside their tenant space for short-term bike parking.

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

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

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

Occupancy is related to residential properties. This is application is related to a commercial project.

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

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

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

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

VI. Conditions On Case

To be determined.

ATTACHMENT D

From: Ferro, Charles
Sent: Wednesday, July 27, 2016 11:15 AM
To: Hill, Caeli
Subject: FW: 1815 Pearl / Rapha Cycling Cafe Proposal / Letter of Support

-----Original Message-----
From: Scott Holton [mailto:scott@elementproperties.com]
Sent: Wednesday, July 27, 2016 11:14 AM
To: Ferro, Charles
Subject: 1815 Pearl / Rapha Cycling Cafe Proposal / Letter of Support

Charles,

My family and I live less than 3 blocks from the proposed Rapha Cycling Cafe that I received mailed notice on today. We frequent — virtually entirely by foot or bike — many of the establishments in this block of Pearl such as Mateo, Boxcar and Cured. We are entirely in support of the proposed use to support walkable options for families, young professionals and seniors located in the residential areas of downtown. We do not know the applicants, but it looks like an amazing idea and will add to the congenial and walkable atmosphere that is important to retain downtown residents and reduce reliance on auto usage in Whittier and the surrounding neighborhoods.

Please pass my unconditional support along to staff and planning board for this project.

Best,

Scott Holton
2041 Walnut

Hill, Caeli

From: Ferro, Charles
Sent: Wednesday, July 27, 2016 3:23 PM
To: Hill, Caeli
Subject: FW: Rapha Cycling Cafe Proposal - 1815 Pearl / Rapha Cycling Cafe Proposal

-----Original Message-----
From: Angela Topel [mailto:Angela@gibbonswhite.com]
Sent: Wednesday, July 27, 2016 3:19 PM
To: Ferro, Charles
Subject: Rapha Cycling Cafe Proposal - 1815 Pearl / Rapha Cycling Cafe Proposal

Charles,

I love a few blocks from this proposed site and I would love to see it in the neighborhood.

Angela Topel
Senior Broker Associate
Gibbons White Inc.
2305 Canyon Blvd Suite 200
Boulder, CO 80302
P: 303-586-5921
C:303-564-1977

Spence, Cindy

From: Ferro, Charles
Sent: Friday, August 26, 2016 8:50 AM
To: Spence, Cindy
Cc: Hill, Caeli
Subject: FW: 1815 Pearl st- Rapha Cycling

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Cindy, can you please update the on line 9/1 PB Packet and include this in 1815 Pearl item.
Can you also forward this to the board via email?
Thanks!

From: Fran [mailto:taylor.francine@gmail.com]
Sent: Thursday, August 25, 2016 4:54 PM
To: Ferro, Charles
Subject: 1815 Pearl st- Rapha Cycling

Mr Ferro,
Since we don't know whether we will be able to attend the Planning Board hearing, I am writing to express our position about the above zoning variance.

Our apartment home is around the corner on 18th street, (in the Boulder Century condos) and we are objecting due to density and traffic concerns.

We realize that the area is mixed use, and we enjoy that. However, in recent years the surrounding area has become densely developed, and is shifting from mixed use to heavily commercial and very dense. Last year a new commercial building went up on the corner of Pearl and 18th, above Frasca, and the area is heavily developed.
And zoning exceptions are still requested for almost every building. What is the point of having the regulations to keep an area consistent, if so many sites are allowed substantial variance ?

[Another example is the proposed zoning variance at the church property 4 blocks away that will triple the number of allowed apartments and eliminate any sidewalk or setback, etc. which will impact the open space and walkability of the neighborhood and add a large number of vehicles. We are in favor of shelter apartments for young adults and homeless, but within the current zoned requirements- I mention this site because all these variances are affecting the neighborhood density as a whole.]
I don't know what the area conditions were at the time the variance was granted before at this address, but the extreme nature of the requested variance- 85%- is unwarranted at the present time.

This particular parcel- Rapha- will be open every day with wine and beer service, and wants to eliminate the required parking, by 85%. **Access to the Rapha parcel is the alley which runs behind Pearl street for us to use our garage, and the Boulder Century lot, and that alley is routinely blocked so that cars cannot be taken out of garages, or driven from the parking lot. All manner of delivery trucks park there- The trucks do not stay within the loading zone, and block not only Boulder Century, but other residents. Also, the lack of required parking will likely push more employees' and customers' vehicles onto 18th street, which is routinely full with no available parking spaces.**

So while we enjoy the mixed use area, we object to proposed waivers which continue to change the density /character of the neighborhood and make it difficult to reside there.

Francine Taylor

LSC TRANSPORTATION CONSULTANTS, INC.

1889 York Street
Denver, CO 80206
(303) 333-1105
FAX (303) 333-1107
E-mail: lsc@lscdenver.com

June 30, 2016

Mr. Andrew Offierski
Rapha Racing, LLC
1916 NW Kearney Street
Portland, OR 97209

Re: Rapha Site Parking Inventory
and Utilization Study
Boulder, CO
LSC #160680

Dear Mr. Offierski:

In response to your request, LSC Transportation Consultants, Inc. has prepared this memorandum for the proposed Rapha site proposed to be located at 1815 Pearl Street in Boulder, Colorado.

A parking inventory and utilization survey was conducted in the vicinity of the site on Saturday, May 21, 2016, Tuesday, May 24, 2016, and Wednesday, May 25, 2016 on an hourly basis from 7:00 AM to 7:00 PM within the study area shown in Figure 1. There is a total of about 369 on-street publicly available parking spaces in the study area.

Table 1 shows the maximum parking demand over the three-day study period was 314 vehicles during any given hour with an average demand of 208 to 241 vehicles. There were always at least 55 available on-street parking spaces during the three-day survey period. There are sufficient available on-street parking spaces in the immediate vicinity of the site to accommodate the parking needs of the site.

In addition, there are public parking garages located within walking distance of the site at Pearl Street/ 15th Street and Walnut Street/14th Street.

We trust this information will assist you in planning for the proposed development.

Respectfully submitted,

LSC Transportation Consultants, Inc.

COLORADO LICENSED
CHRISTOPHER S. MCGRANAHAN
39018
PROFESSIONAL ENGINEER

By: _____
Christopher S. McGranahan, P.E., PTOE
Principal

6-30-16

CSM/wc

Enclosures: Table 1
Figure 1

Z:\LSC\Projects\2016\160680-RAPHA-Site-Parking\Report\RAPHA-ParkingStudy-063016.wpd

Approximate Scale
Scale: 1"=200'

Figure 1

Study Area

RAPHA Site (LSC #160680)

1815 Pearl St. Written Statement &Management Plan

Background: Rapha Racing LLC, (Rapha) is a wholly owned subsidiary of Rapha Ltd., a leading cycling apparel retailer based in the United Kingdom. Rapha operates 9 Cycle Club retail concept stores around the world and an online webstore at (www.rapha.cc). Rapha hopes to provide Boulder an innovative retail experience that celebrates and embraces the history of road cycling in Boulder and its influence on the sport in the United States. Rapha retail locations have been thoughtfully designed to inspire the road cycling community. Inside the proposed 2,642 sf you will find a retail space stocked with the latest Rapha products, limited edition cycle club items, and café serving fine coffee and light prepared foods. Rapha concept stores are the perfect home for the sport and culture of road racing, offering the ultimate Rapha experience.

Rapha Hours of Operation:

Monday-Saturday: 8am-7pm
Sunday: 8am-6pm

Retail Operations Plan: Rapha intends to run 2 staff shifts per day. Each shift will be comprised of 3 staff members, including store managers and 1-2 baristas to oversee the Café. The team will include 5-6 full time staff members working around 37.5 hours a week, and 6-7 part time staff members working 16 - 24 hours a week. Each shift will report for work approx. 30min - 1hr prior to opening and leave the premises promptly at the conclusion of closing duties approximately 30min after closing our doors to the public. Based on existing Rapha locations, it is estimated 90% of employees commute on bicycles to and from work and we believe Boulder will be no exception.

Employee Drug and Alcohol Policy: Rapha has a strict employee drug & alcohol policy. The use, influence, sale or possession of illegal drugs or controlled substances during work hours will result in immediate termination on the first offense. Possession of paraphernalia used in connection with any drug or substance subject to this policy shall be evident of violation of this policy.

Employees are prohibited from reporting to work under the influence of any drugs or controlled substance of whatever type or legality that impairs your ability to perform your job.

In addition to the cycling culture that Rapha promotes, we have developed a comprehensive plan, to encourage the use of alternative modes of transportation and to reduce car travel to the store location. It includes a number of initiatives to encourage both guests and employees to walk, ride or take public transit. These initiatives include; a) the design integration of bicycle parking for 14 and an additional 2 exterior parking locations, b) eco-passes for employees, c) complimentary merchant parking tokens for use at Downtown parking meters.

Description of Food Service: Rapha believes food and beverage is an important piece of cycling culture and complete the Rapha retail experience. The ability to share fine food and premium drinks with fellow cyclists, before or after cycling rides set Rapha apart as a market leader in experiential retail. Rapha's café component will offer a selection of light fare, coffee drinks, and as permitted Beer & Wine. We estimate the café component to account for approximately ~10% of gross sales as has been the experience at other locations. The Café component is planned to account for all 40 seats.

It is Rapha's intention to apply to the appropriate jurisdictions for a beer & wine liquor licence. All beer and wine & served will be done so in accordance within generally accepted guidelines of fine food establishments. Patrons will be able to choose between self-service or table service.

Deliveries: Deliveries will typically occur via DHL or similar operator, in the non-peak hours approximately mid morning 1-2 times per week. Rapha will determine the best practice to receive product shipment so as not to block the rear-alley or create congestion on Pearl St.

Trash & Recycling: Rapha will partner with landlord to ensure that trash and recycling regularly removed from the premises and general cleanliness of the exterior of the building are maintained.

Noise: Rapha is a locally minded operator, with community-focused business. Rapha noise policies reflect this as we plan to regularly close to the public by 7pm Monday –Saturday and 6pm on Sundays.

Neighborhood Outreach & Future Communication: Although not required for this application, Rapha voluntarily hosted a Good Neighbor Meeting on June 29, 2016, at the site. Invitations were sent out to 221 neighboring properties within a 600' radius of the property (as is normal City practice). Charles Ferro attended the meeting on behalf of the City.

One neighbor attended the meeting (lives directly across Pearl St) and a had questions about Rapha's business plan, however her primary concern was about Rapha's hours of operation, which we provided her, and she was very satisfied with those hours of operation.

Rapha will continue to keep the lines of communication open welcoming feedback from local community and residents. Rapha store managers are available in store, business cards with corporate contact information are available at checkout counters, and the Rapha website all have contact information and actively managed channels to receive feedback. Rapha recognizes their responsibility to be a good neighbor and endeavours to be an active participant in local cycling events, organizations and partner to local businesses.

Parking: Rapha plans to utilize 2 of the existing parking spaces located at the rear of the property accessed by the alley. We will also be applying for a parking reduction as with most uses on this side of Pearl on this block, on site parking is extremely limited.

In order to address this issue, Rapha engaged LCS Transportation Consultants Inc. to conduct a Parking Inventory & Utilization Study that is attached. The study demonstrates that adequate

parking is available in the immediate area to easily accommodate parking for our use during our hours of operation. We will provide eco-passes for all our employees, parking tokens for our customers who use the on-street parking, and will validate parking for patrons that park in downtown parking garages. All parking programs will be promoted on our website. We have been in communication with the City staff about adding at least one more sidewalk bicycle loop in front of the store, and we will also be providing 14 indoor bicycle spaces for our customers. In addition, we believe that most of our employees will bicycle to work.

C I T Y O F B O U L D E R
PLANNING BOARD AGENDA ITEM
MEETING DATE: Sept. 1, 2016

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

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

REQUESTING DEPARTMENT:
Community Planning & Sustainability
David Driskell, Executive Director
Susan Richstone, Deputy Director
Charles Ferro, Development Review Manager
Elaine McLaughlin, Senior Planner

OBJECTIVE:
1. Hear applicant and staff presentations
2. Hold public hearing
3. Planning Board discussion of Concept Plan. No action is required by Planning Board.

SUMMARY:	CONCEPT PLAN & REVIEW – Proposal for a new three story building with ground floor retail and office above.
Location:	1102 Pearl Street
Size of Tract:	7,282 square feet
Zoning:	Downtown - 4 (DT-4)
Comprehensive Plan:	Regional Business
Key Issues:	Staff has identified three key issues for consideration: • Consistency with the BVCP (per Concept Plan Review Criteria); • Concept Plan responsiveness to existing context

I. INTRODUCTION AND BACKGROUND

PROCESS

Concept Plan is required based on comments made to the applicant by staff, given the prominence of the site in the historic district context, and given that the site is eligible for Concept Plan Review. The Concept Plan is an opportunity for the applicant to receive comments from the community about the proposed plan before moving forward. "Concept Plan Review and Comment" requires staff review and a public hearing before the Planning Board. Planning Board, staff and neighborhood comments made at public hearings are intended to be advisory comments for the applicant to consider prior to submitting any detailed plan documents. The Planning Department and Planning Board will review the applicant's Concept Review & Comment plans against the guidelines found in Section 9-2-13(f), B.R.C. 1981. Staff's analysis of the Key Issues identified above can be found in Section III and the Concept Plan criteria can be found in Section IV.

BACKGROUND

The site is 7,282 square feet in size and located at the southeast corner of 11th Street and the western terminus of the Pearl Street Mall, refer to Figure 1. The site has been developed for approximately 105 years and is within the boundaries of the Downtown Historic District. As such, it is subject to the Downtown Urban Design Guidelines and requires a Landmarks Alteration Certificate consistent with the Land Use Code section 9-1, B.R.C. 1981.

Figure 1: Site Location and Surrounding Context

Since the 1970s the site has been home to the Old Chicago Restaurant, and prior to that, it had been a gasoline service station that was long known as the B.C. Garbarino Sunoco Garage building, refer to Figures 2 and 3. The building was constructed in the 1910s and was altered to the point that it has lost its historic integrity and is considered non-contributing to the historic district. However, assessing proposed demolition and new construction will be subject to review through the Landmark Alteration Certificate process. Additional information about the historic context of the site is provided under Key Issue 1.

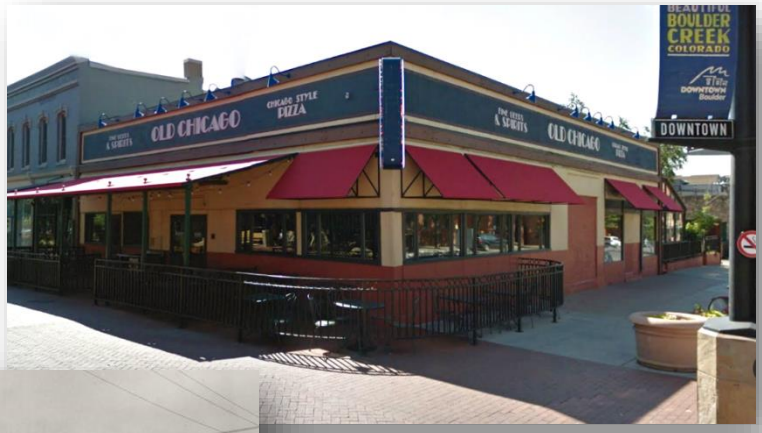


Figure 2: Photo of Existing Site: Old Chicago Restaurant

Figure 3: Historic Photo of Site: B.C. Garbarino Sunoco Garage, c.1930

BVCP Land Use Designation

As shown in the map below, the property is located toward the west side of the Regional Business land use designation of the Boulder Valley Comprehensive Plan (BVCP) land use map. The intent of the Regional Business designation as described on page 63 of the BVRC is as follows:

> *"Within these areas are located the major shopping facilities, offices, financial institutions, and government and cultural facilities serving the entire Boulder Valley and abutting communities. These areas will continue to be refurbished and upgraded and will remain the dominant focus for major business activities in the region."*

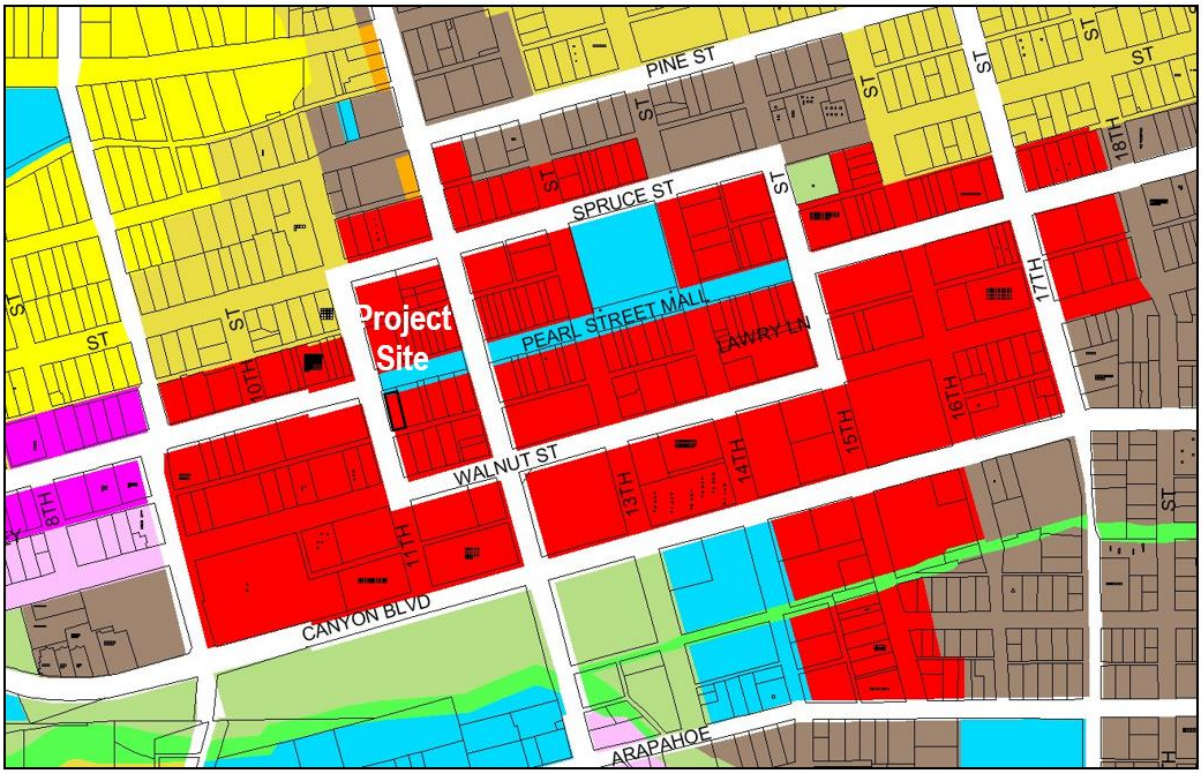
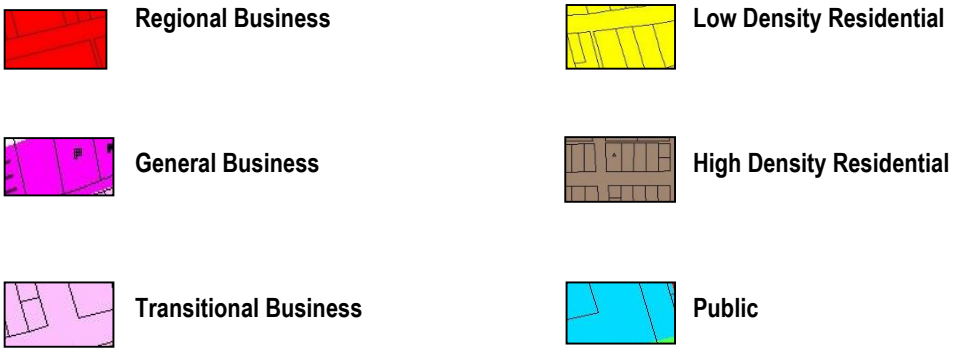


Figure 4: Boulder Valley Comprehensive Plan Land Use Map



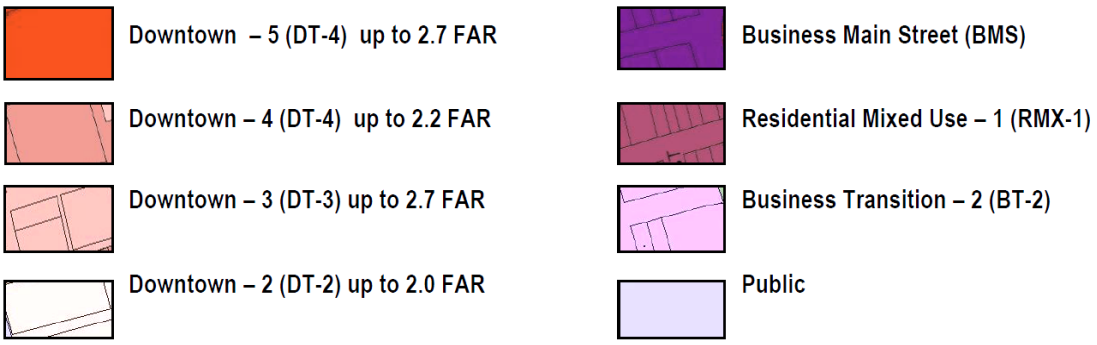
Zoning

As shown in the map below, the property is located toward the west side of the Downtown – 4 (DT-4) zoning district, with. The intent of the Downtown – 5 zoning district is defined in the Land Use Code, section 9-5-2(c)(3)(B) B.R.C. 1981 as follows:

> *"The regional business area of the Boulder Valley known as the Central Business District which includes the downtown mall, where a wide range of retail, office, residential, and public uses are permitted and in which many structures may be renovated or rehabilitated. A balance of new development with the maintenance and renovation of existing buildings is anticipated, and where development and redevelopment consistent with the established historic and urban design character is encouraged.*

The DT-4 zoning district intent emphasizes that the established historic and urban design character is encouraged. While the intent statement for the DT-4 zoning district does acknowledge that development and redevelopment will occur in this zoning district, the emphasis is placed on established historic and urban design character for cues of new development.

Figure 5: Zoning



II. PROJECT DESCRIPTION SUMMARY

For the Concept Plan, the applicant is proposing to demolish the existing building and construct a three story, 38-foot maximum height building of approximately 15,380 square feet with ground floor retail and upper story office uses. The applicant suggested an option of a two story, 11,885 square foot building with the same uses, however in the submittal materials it is not clear if the applicant desires a review of both two and three stories as options. It is important to note that the base floor area ratio (FAR) in the DT-4 zone is 1.7. The applicant is proposing a maximum 2.2 FAR; however, the maximum FAR can only be achieved in the DT-4 zoning district if a 0.5 residential component comprises a portion of the project. The applicant is illustrating the corner of the building to be a restaurant use that wraps the corner, and there are roof decks shown on the third story along both Pearl and 11th streets. Figure 3 illustrates a perspective sketch of the corner of 11th St. and the Pearl Street Mall.

Figure 6: Concept Plan Perspective Sketch: Looking southeast

III. Analysis

<u>Key Issue 1: Consistency Analysis with CONCEPT PLAN REVIEW Criteria per Section 9-2-13</u>

<u>Guidelines for Review and Comment</u>: 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 site has been developed for approximately 105 years and as within the boundaries of the Downtown Historic District, listed in 1980 in the National Register of Historic Places and in 1999 was designated a local historic district. As noted on page 11 of the Downtown Urban Design Guidelines,

"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 mode for design quality… Development in the Downtown Historic District must be especially sensitive to issues of compatibility."

The site is at the western terminus of the Pearl Street Mall. The mall was built in the 1970s after community leaders joined with downtown property owners and merchants to turn 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 as a community gathering space for locals and ranks among the top most visited attractions for visitors to the city within Boulder. As such, the site is considered a prominent location and views of the site are evident from the mall and from West Pearl as shown in Figure 4.

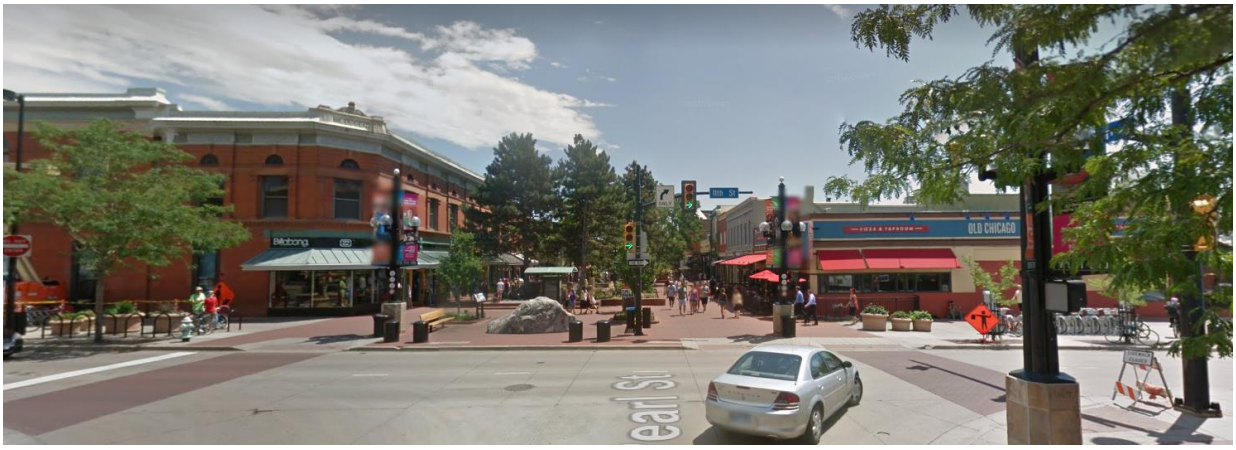


Figure 7: Site at Terminus of Pearl Street Mall

(2) Community policy considerations including, without limitation, the review process and likely conformity of the proposed development with the Boulder Valley Comprehensive Plan (BVCP) and other ordinances, goals, policies, and plans, including, without limitation, sub-community and sub-area plans;

The proposed project will be evaluated through a Site Review process for conformance with and the Regional Business land use designation of the BVCP and the DT-4 zoning along with policies of the BVCP; Site Review criteria of the Land Use Code, and the Downtown Urban Design Guidelines. Because of the location in the historic district, the application will also require concurrent application for Landmark Alteration Certificates evaluated through consistency with the Guidelines for New Construction in the Downtown Historic District, General Design Guidelines for new primary buildings in the Historic District.

The proposed use of the site for office and retail is consistent with the "Regional Business" definition of the BVCP, in that the area is intended for "major" retail and offices "serving the entire Boulder Valley. The definition also indicates the city's expectation that such areas will continue to be redeveloped and a dominant focus for major business activities in the region.

<u>Relevant BVCP Policies:</u>

The following policies have been identified by staff as relevant to the review of the proposed project when it moves into site review and other policies may be identified at the time of Site Review

1.03 Principles of Economic Sustainability.
2.01 Unique Community Identity.
2.04 Compact Land Use Pattern.

2.28 Role of the Central Area.
2.39 Sensitive Infill and Redevelopment.
2.40 Physical Design for People.
2.42 Enhanced Design for the Built Environment

a) The context
b) The public realm
c) Human scale
d) Permeability
e) On-site open spaces
f) Buildings

5.01 Economic Vitality.
5.02 Regional Job Center.
5.03 Support for Local Business.
5.07 Upgrade Existing Commercial and Industrial Areas.

Downtown Historic District and Urban Design Guidelines:

The Downtown Historic District is the city's oldest commercial district, exhibiting a variety of architectural styles reflecting the city's evolution and growth. It was listed on the National Register in 1989 and designated as a local historic district in 1999. Exterior changes, including demolition and new construction, require review and approval through a Landmark Alteration Certificate

The Downtown Historic District that was designated in 1999 with a period of significance dating from 1858 to 1946, generally to conform to the boundaries of the Downtown Boulder National Register Historic District. As noted on page 11 of the Downtown Urban Design Guidelines,

> *"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 mode for* design quality… Development in the Downtown Historic District must be especially sensitive to issues of compatibility."

The existing building located on the site is not considered a contributing building to the Downtown Historic District given the alterations that have occurred over time, as shown in the Downtown Historic District Properties map of Figure 8. The site is surrounded by contributing buildings to the historic district on four sides. Following the map, is a description of the 1100 block of Pearl with a Sanborn Map from 1910 (in Figure 9) depicting the uses on the block along with a description of several of the surrounding buildings.

Figure 8: Downtown Historic District Map

The 1100 block of Pearl Street (the south side of Pearl Street to the east of the site) was predominately developed between 1880 and 1910, as part of the city's commercial core. The 1910 Sanborn Fire Insurance Map below in Figure 8 shows a variety of shops that sold hardware, drugs, hay and feed, meat, jewelry, as well as a moving picture theater, barber and haberdasher. The block is comprised of one and two story masonry buildings. All of the buildings on the south side of the 1100 block of Pearl Street are two-story masonry. A one-story, frame commercial building is located in the middle of the block.

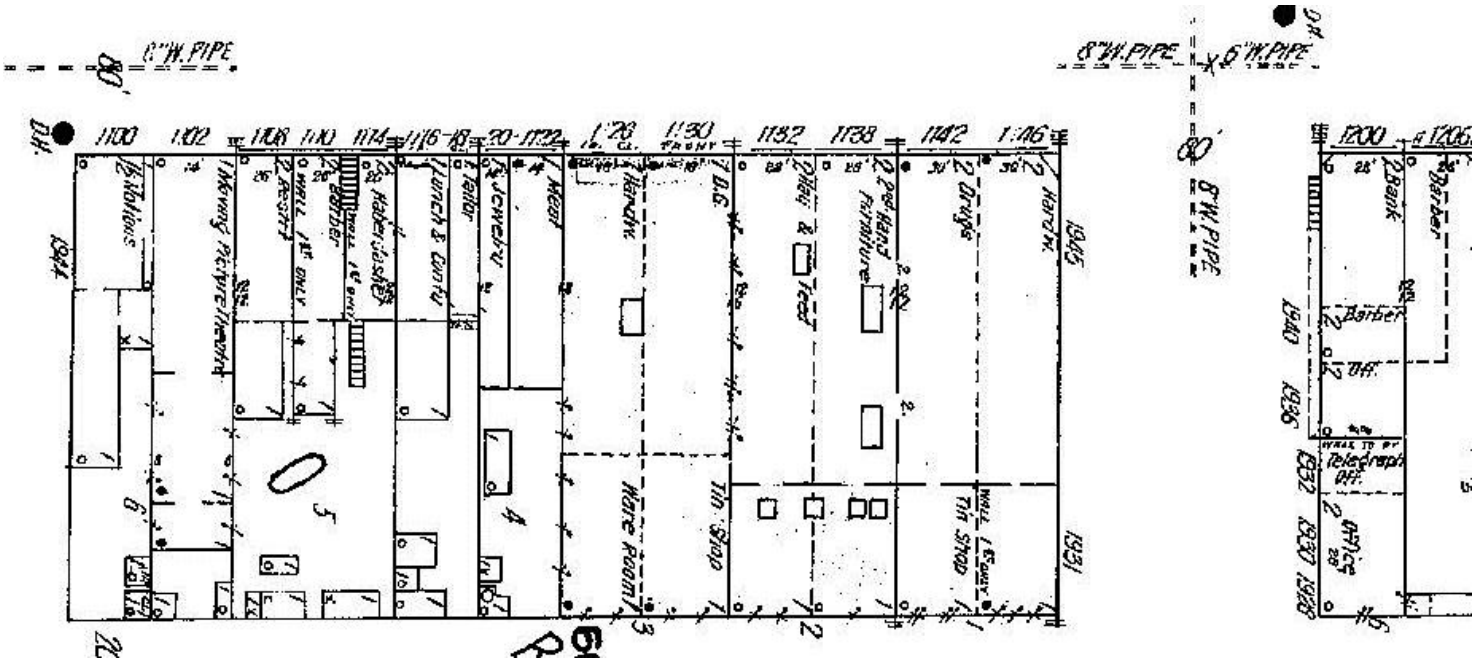


Figure 9: Sanborn Fire Insurance Map c.1910 of the south side of 1100 Block of Pearl St. east of the site

The building at 1108 Pearl St., directly east of the site, was constructed prior to 1883 and is representative of Boulder's early commercial buildings. The two-story masonry building features segmental arched windows with stone sills and cast lintels with keystones. A simple brick cornice adorns the top of the building. The first floor storefronts have been remodeled within the original openings.

The north side of the block is comprised of two-story masonry buildings, dating to the same period of development and include the Buckingham Block at 1001 Pearl St., is located on the northeast corner of 11th and Pearl streets. Constructed in 1898 by Charles Cheney, the president of the First National Bank, the building features red brick with sandstone trim and elegant Classical and Colonial detailing. Floral swags decorate the cornice, and the semi-circular windows with leaded glass add to the visual interest of the building. The first story features cast iron elements.

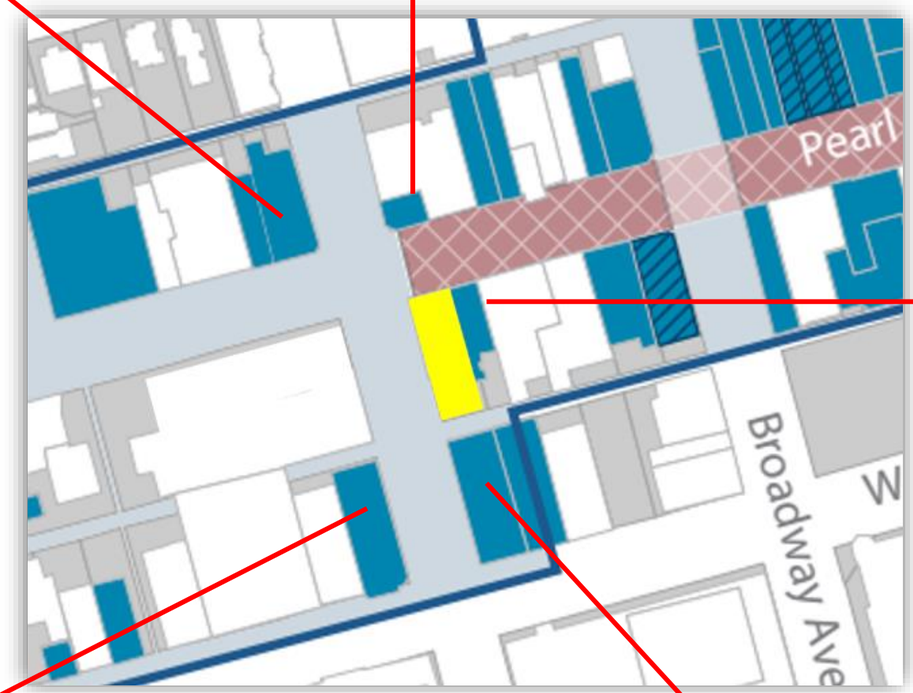
The building located to the northwest of the site, across the intersection of 11th and Pearl streets at 1047 Pearl Street is the Trezise/Tom's Tavern Building built in1880 and historically contributing to the district.

The building located to the southwest of the site, at 11th and Walnut streets was built in 1900 as the Stoddard Warehouse Building today housing the Walrus Bar and Nightclub.

To the south of the site is a former Service Station building at 1101 Walnut St., constructed in 1920 and currently housing the Rio Restaurant. These surrounding contributing buildings are shown in Figure 10.

Trezies/Tom's Tavern Building built in 1880

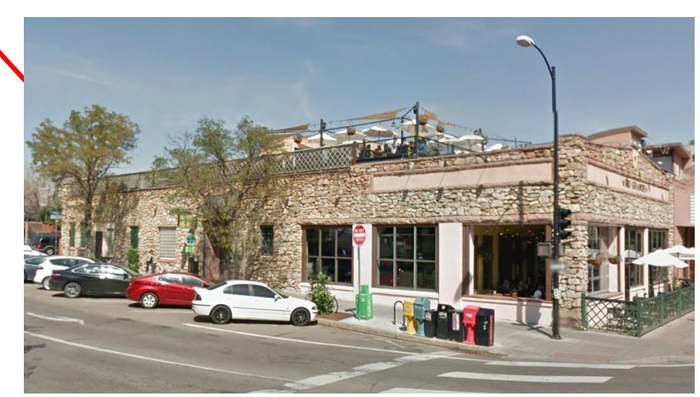
Buckingham
Block
built in 1898



Building east of the site c. 1883

Stoddard Building c. 1900

Figure 10: Surrounding Historic Context



Building south of the site c. 1920

(3) Applicable criteria, review procedures, and submission requirements for a site review;
Note that a Site Review application will be required if the applicant is proposing additional FAR, setback modifications or an open spacer reduction. The Site Review criteria of section 9-2-14(h), B.R.C. 1981 would apply; along with consistency with the Downtown Urban Design Guidelines.

As currently proposed, the project would require a Site Review process for conformance with the DT-4 zoning and the Regional Business land use designation of the BVCP along with policies of the BVCP; Site Review criteria of the Land Use Code, and the Downtown Urban Design Guidelines. Because of the location in the historic district, the application will also require concurrent application for Landmark Alteration Certificates evaluated through consistency with the Guidelines for New Construction in the Downtown Historic District the General Design Guidelines for new primary buildings in the Historic District, and the Standards for Issuance of a Landmark Alteration Certificate, section 9-11-18, B.R.C. 1981.

If proposing, by-right one or two stories (no setback modifications or additional FAR or open space reduction), prior to submission for review of a Landmarks Alteration Certificate application by the Landmarks Board in a public hearing.

Because of its key location on the mall, staff strongly recommends that after Planning Board's discussion of the Concept Plan, the applicant then meet with staff to discuss design development and refinements (height, mass, scale, etc.), prior to submittal for review by the Landmarks Board.

(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;

A Landmarks Alteration Certificate application process will be required prior Site Review approval. Use Review may be required for certain types of restaurant uses, if proposed on the site. Technical Document Review will be required prior to Building Permit application.

(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;

As an existing, fully developed site most of the infrastructure serving the existing and future site is already in place. However, as noted in the reviewer comments, a traffic impact study is required for any nonresidential development that is expected to generate 100 vehicle trips or greater during any single hour. A traffic study will be a requirement of the Site Review submittal.

(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;

Because the site is situated in an urban context and has been developed for over 130 years, there are no known wildlife corridors, wetlands, natural hazards, endangered, or protected species or other habitats within the subject property.

(7) Appropriate ranges of land uses; and (8) the appropriateness of or necessity for housing.

Under Land Use Code section 9-8-1, B.R.C. 1981, a base FAR of 1.7 is permitted by-right and an additional 0.5 FAR can be achieved only through provision of residential for an addition of 0.5 FAR. The provision to allow an FAR addition for residential floor area was created in 2000 to encourage construction of residential in the downtown. As currently proposed, the application is not clear on the additional 0.5 FAR being used for residential however, that is the only way to achieve the maximum 2.2 FAR in the DT-4 zoning district.

Key Issue 2: Preliminary Design Consistency with Downtown Design Guidelines.

The Concept Plan Review Criteria of section 9-2-13(g)(2) of the Land Use Code, which requires, among other criteria, an evaluation of the community policy considerations including the Downtown Urban Design Guidelines to be used as a "basis for understanding, discussing and assessing the design quality." Therefore, at this concept level of detail, the guidelines are intended as an aid for appropriate design and not as a checklist of items for compliance. Staff's cursory review of the Concept Plan with the Downtown Urban Design Guidelines and Section 6.0 of the General Design Guidelines under the historic preservation ordinance is provided following in a matrix format. The following is a summary of several key design issues that were identified through the consistency analysis with the guidelines.

- Historically, the property has contained very simple low one or one and one-half story buildings reflective of the gritty, utilitarian character of west Pearl Street until the 1960s. Recognizing this, staff encourages the applicant to consider a simple, yet elegantly designed building that depends on scale, proportion and subdued materiality.

- A simple brick form, with transparency at the storefront level reflecting the Garbarino Garage may translate well to retail/restaurant uses in a building and referencing the history of the site. Per the *Downtown Historic District Design Guidelines* and *General Design* Guidelines, simplicity is key in designing a building that enhances the historic character of the streetscape and becomes an elegant background building rather than one that dominates. This does not mean that the property does not provide an exciting opportunity for creative contemporary design, but the design must respond to and be compatible with the historic character of the site and district depending on form and proportion rather than architectural detail.

- While the building that exists on the site itself was not found to be contributing to the historic district given the extent of the alterations to the building over time, there are design cues that should be taken from the original building. While staff notes the applicant has shown some similarities to the original building, including the graduated "stepping" of the parapet, the resulting parapet on the second story appears too tall at the highest point to be proportional to the rest of the building. Refer to Figures 11a and 11b. Staff notes that there may be other ways to pay homage to the building rather than utilize the tall parapet.

Figure 11a (original building)

Figure 11b (proposed concept)

As project plans progress, staff recommends the following, in keeping with the Downtown Urban Design Guidelines:

- Consider alternative means to accentuate the corner rather than the tall parapet. One consideration is to move the three story building mass to the corner and be honest about the third story in this prominent intersection location. While the code standard is a 15-foot setback, corners can hold the height within the downtown. The example precedents (while much taller) are the new PearlWest across 11th Street as well as the corners of Broadway and Pearl. In this location three stories would be compatible in the context to punctuate the terminus of the Pearl Street Mall, and at the corner rather than setback. This is a consideration that must take careful thought and discussion with staff. Refer to Attachment A and a preliminary consistency analysis with the design guidelines.

- The tall parapet at the corner does not appear proportional to the rest of the building and creates an appearance of a very tall second story.

- The retractable doors on the ground floor aren't historically consistent in this context and wouldn't meet guideline1.3.A (refer to the discussion in the following matrix).

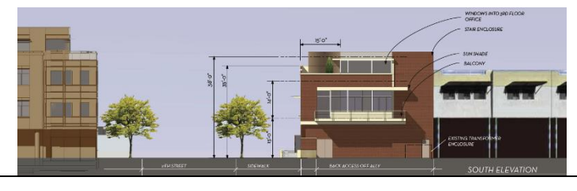
- Utilize a more consistent pattern of traditionally proportional and vertically oriented window openings; as currently shown, the window openings on Pearl Street are primarily square to horizontal, this would not meet guideline 1.3.A.

- Consider eliminating the consistent banding across the tops of the windows which creates a more horizontal appearance, using more traditional sills.

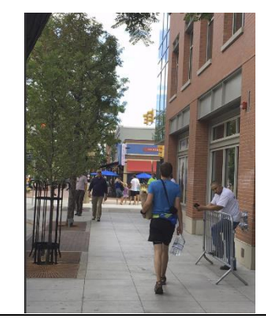
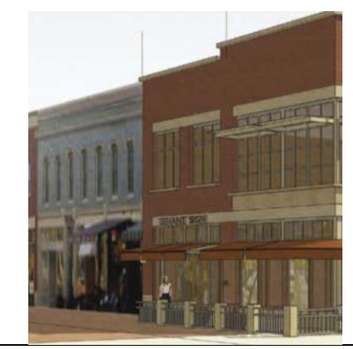
- The columns proposed appear to be too large and out of proportion inconsistent with guideline 1.3.A

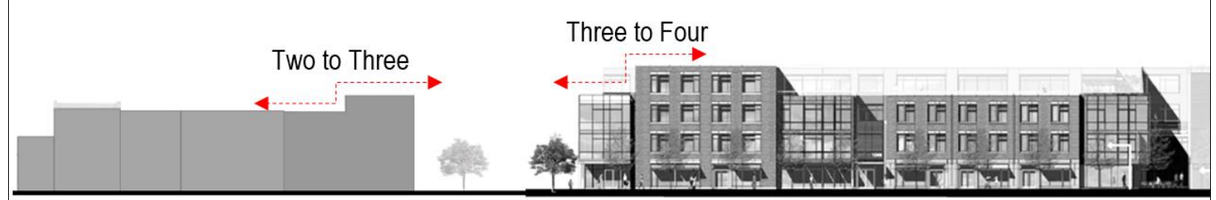
The format of the matrix below is intended to provide a concise response to the questions of consistency with the guidelines. Where findings have been made that the current concept plans don't respond or "maybe" respond to the guidelines, an image is provided to emphasize the points made in the response. In some cases, staff is providing precedent images of built projects as examples, and in other cases, the images from the concept plan are illustrated to demonstrate the inconsistency. Note that additional review for consistency with section 6.0 of the *General Design Guidelines* for new primary buildings will be conducted at the time of application for a Landmarks Alteration Certificate.

DOWNTOWN DESIGN GUIDELINES

1.1	General Guidelines for the Historic District			
	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 façade or original building materials do not exist. However, if documentary evidence exists, such as photographs, then an acceptable alternative is to reconstruct the facade.			
	GUIDELINE:	**ANALYSIS:**	**CONFORMS**	**IMAGES**
1.1 A.	***The use of traditional durable materials as the primary building material is encouraged to refelct the historic building constgruction and development pattern within the distric. Choose accent materials simiarl in texture and scale to others in the district***	While the plans are conceptual in nature, the applicant appears to be proposing red brick with stone accents	preliminarily	
1.1.B	***Awnings may be used to provide visual depth and shade.***	Awnings are shown.	Preliminarily	
1.1.C	***Select buidling colors appropriate to area's historic character***	While Red Brick appears to be a dominant material in the 1100 block of Pearl Street, not all buildings are red brick.; some historic buildings are a blond brick and some have had the brick painted over, including the adjacent building to the east of the site. However, the applicant is illustrating a red brick in keeping with much of the historic character of downtown Boulder which was established by the particular red clay soils of the region.	Preliminarily	
1.1.D	***Minimize the visibility of mechanical, structural, or electrical appurtenances***	Not currently illustrated, applicant should consider low profile mechanical or embedding mechanical into building	unknown	----------
1.1.E	***Improve rear or side alley elevations to enhance public access from parking lots and alleys***	The conceptual sketch of the alley elevation does appear to address enhancements, however, the applicant should consider display windows and secondary customer alley access	partially	

	GUIDELINES:	**ANALYSIS:**	**CONFORMS**	
1.1.F.	***Exterior building lighting should be deisgned to enhancwe the overall architecture of the building.***	This guideline should be considered at site review.	Unknown at this time	----------
1.1.G	***Reduce the visual impact of structured and surface parking***	A planter is shown against a screen wall adjacent to 11th Street. The applicant may want to consider a more robust means of screening alley parking in this location.	partially	Parking Screening Proposed
1.1.H	***The law requires that universal access be located with the principal public entrance***	Applicant appears to have addressed this.	yes	----------

1.3	***Guidelines for new construction and remodeling non-contributing buildings I 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.			
	GUIDELINES:	**ANALYSIS:**	**CONFORMS**	
1.3.A	***Incorporate traditional building elements in new design and construction. Please see Section 1.1 for a list of historic buiidling elements:*** ***(1.2.A):*** 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 12. 25' Historic Bay	The proposed concept plan, while early in the design process does illustrate elements that appear to be consistent with the traditional elements listed. One exception to this is that the corner of Pearl and 11th has retractable windows. This treatment wouldn't be considered consistent with the traditional elements of the downtown. Similarly, the very tall "freeboard" and parapet walls are not traditionally scaled or proportional to the buildings. The tall parapet creates an appearance of a much taller building for the two story portion than would be proportional for a two story building. The paired windows shown on the second story of 11th Street are more in keeping with the traditionally vertically proportioned windows. The window openings on Pearl are more square than vertical	partially	
	GUIDELINES:	**ANALYSIS:**	**CONFORMS**	**IMAGES**
1.3.B	***Construct new buildings to maintain the continuity of the historic building relationship to the street, adjacent properties, and/or the block.***	The building is shown to maintain the historic relationship of a zero lot line along both Pearl and 11th streets. With the former Daily Camera site returned to its original urban configuration along the street, the new building will retain the urban configuration as shown.	yes	 

1.3.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.***	The concept plan has building components that are outsized and contribute to an appearance that wouldn't meet this guideline. Among the considerations is the tall parapet height which would also not meet the land use code. Similarly, the window openings on Pearl Street second story are more square than vertically proportioned.	Not yet	1. Parapet height is out of proportion with building and traditionally scaled elements 2. Window openings are not vertically proportioned 3. Ground floor window at corner with retraction is not traditionally formed 4. Corner second story windows don't align 5. Columns are outsized for height of building
1.3.D 1.3.E	***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*** ***Provide a variation of roof heights in a large building. A variety of roof heights and types within the district is desirable.***	The guideline notes that the primary architectural fabric of the downtown is one, two and three stories, with taller buildings located at key intersections. The guideline also speaks to maintaining variety in heights. Across the street from the site, is the DT-5 zoning district where the largest buildings of downtown are located and where the new PearlWest building stands. The corner of the PearlWest building was, through the design process, held at a three story height to transition to the DT-4 zone where the site is located. Staff considers the site to be located at a key intersection with the terminus of the Pearl Street Mall. Therefore, consider moving the three story mass to the corner. The two stories could still be located on the east side of the building to relate to the adjacent contributing building, as shown in the figure to the right. This relationship is similar to other historic patterns on the Pearl Street Mall particularly at the corner of Broadway and Pearl.	Not yet	  **DT-4 zoning** **DT-5 zoning**

	GUIDELINES:	ANALYSIS:	CONFORMS	IMAGES
1.3.F	***Buildings are expected to be designed on all exposed elevations. Primary facade materials are to extend to secondary elevations, or wrap building corners, at a proportionally relevant distance as to portray a sense of depth.***	The building does utilize brick on all exposed facades including the alley façade.	yes	
1.3.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.***	The applicant is not illustrating any residential units at this time. However, to achieve the maximum 2.2 FAR in the DT-4 zoning district, the only means is by providing on-site residential for a 0.5 FAR.	N/A	----------
1.3.H	***Maintain the rhythm established by the repetition of the traditional 25' (approximate) facade widths for projects that extend over several lots by changing the materials, patterns, reveals, and building setbacks in uniform intervals or by using design elements such as columns or pilasters. See Figure 6.***	*There is a rhythm of façade widths along the south side of the 1100 block of Pearl Street that vary from approximately 14 feet in width up to 25 feet. the proposed project conceptually appears to establish a similar patterning of façade widths.* *The intent in the repetition is to serve as a continuing pedestrian experience along the street, and in a context where many of the lot widths along Pearl Street are 50 feet. It's a means to, not only permit demising walls with meaningful sized retail spaces but to provide maximum ground floor openings to continue the pedestrian experience.*	*MAYBE*	

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 9-4-10(g), B.R.C. 1981 have been met. Two comment letters were received, refer to **Attachment A** for those letters.

PLANNING BOARD ACTION:

No action is required by Planning Board. Planning Board, Public and staff comments will be documented for use by the applicant. Concept Plan review and comment is intended to give the applicant preliminary feedback on the development concepts, and direction for site review applications.

Approved By:

David Driskell, Executive Director
Department of Community Planning and Sustainability

Attachments

Attachment A: Public Comments Received
Attachment B: Link to Development Review Comments
Attachment C: Concept Plan Submittal

-----Original Message-----
From: Irwin Neulight [mailto:irwinneulight@gmail.com]
Sent: Saturday, July 23, 2016 3:46 PM
To: McLaughlin, Elaine <McLaughlinE@bouldercolorado.gov>
Subject: 1102 Pearl Street Concept Plan Review

To whom it may concern - We appreciate the heads-up per your letter dated July 20 received today.

The paint isn't even dry, so-to-speak, on the former 'Camera' Building" just across 11th Street from this proposed structure - and the City is already considering allowing another over-sized building.

It is one thing to have a huge office / retail complex on the West side of 11th St at Pearl, but to have a similar 3-story structure on the Pearl Street Mall itself - replacing a 1-story restaurant - is outrageous. When does it stop!

You are not-so-slowly but surely destroying the character and charm that attracted us to Boulder 7 years ago.
At the rate you are going Downtown Boulder will be just one huge office complex with restaurants and a few shops interspersed.

The Plan apparently offers no underground parking but yet it will house almost 10,000 sq. ft of offices which will easily accommodate 100-200 people who will be commuting to their office - primarily by car - notwithstanding the City's 'dream' that everyone would bike to work. That will undoubtedly put an even greater strain on available Downtown parking and just be another addition to the 60,000 commuters already entering Boulder on a daily basis.

I implore you to NOT APPROVE this concept proposal / ultimate building application.

Thank you for considering our comments.

Irwin & Barbara Neulight
1045-C Spruce Street
Boulder, CO 80302
Tel: 303-443-3036
Fax: 303-443-3058

From: Friedman, Craig
Sent: Monday, August 01, 2016 3:40 PM
To: 'McLaughine@bouldercolorado.gov'
Cc: Aizenman, Daniel
Subject: FW: Old Chicago

Hi Elaine

Attached please find suggestions sent to Bray Architects for increasing light into our office windows.

Regards,
Craig

From: Aizenman, Daniel
Sent: Monday, August 01, 2016 3:33 PM
To: brayarch@comcast.net
Cc: Friedman, Craig
Subject: Old Chicago

Jim,
Attached are suggestions for increasing light into our windows. We are suggesting two things:

1. Lightwell to bring light to our offices (you could request a variance and add the lost GLA at the top floor of your building)
2. Make the exit stair in the back an open stair like the one in the photos attached. This will help us conserve more views and light from the corner of our office.

I will be here tomorrow, but real busy in meetings. I could sneak a call tomorrow or tonight. Craig in our office will follow up with you either way.

Daniel Aizenman
Principal - Visioning, Brands, Experiences
Stantec
1112 Pearl Street Boulder CO 80302-5112
Phone: (303) 625-0366
Cell: (979) 739-8422

Fax: (303) 440-7096
daniel.aizenman@stantec.com

Stantec

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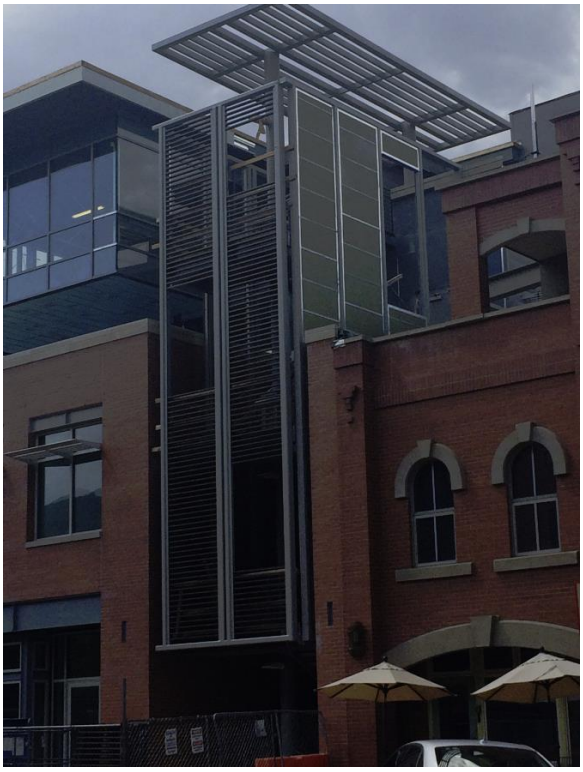
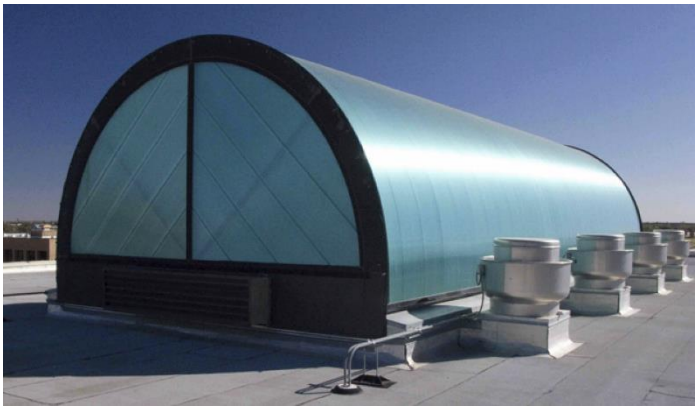
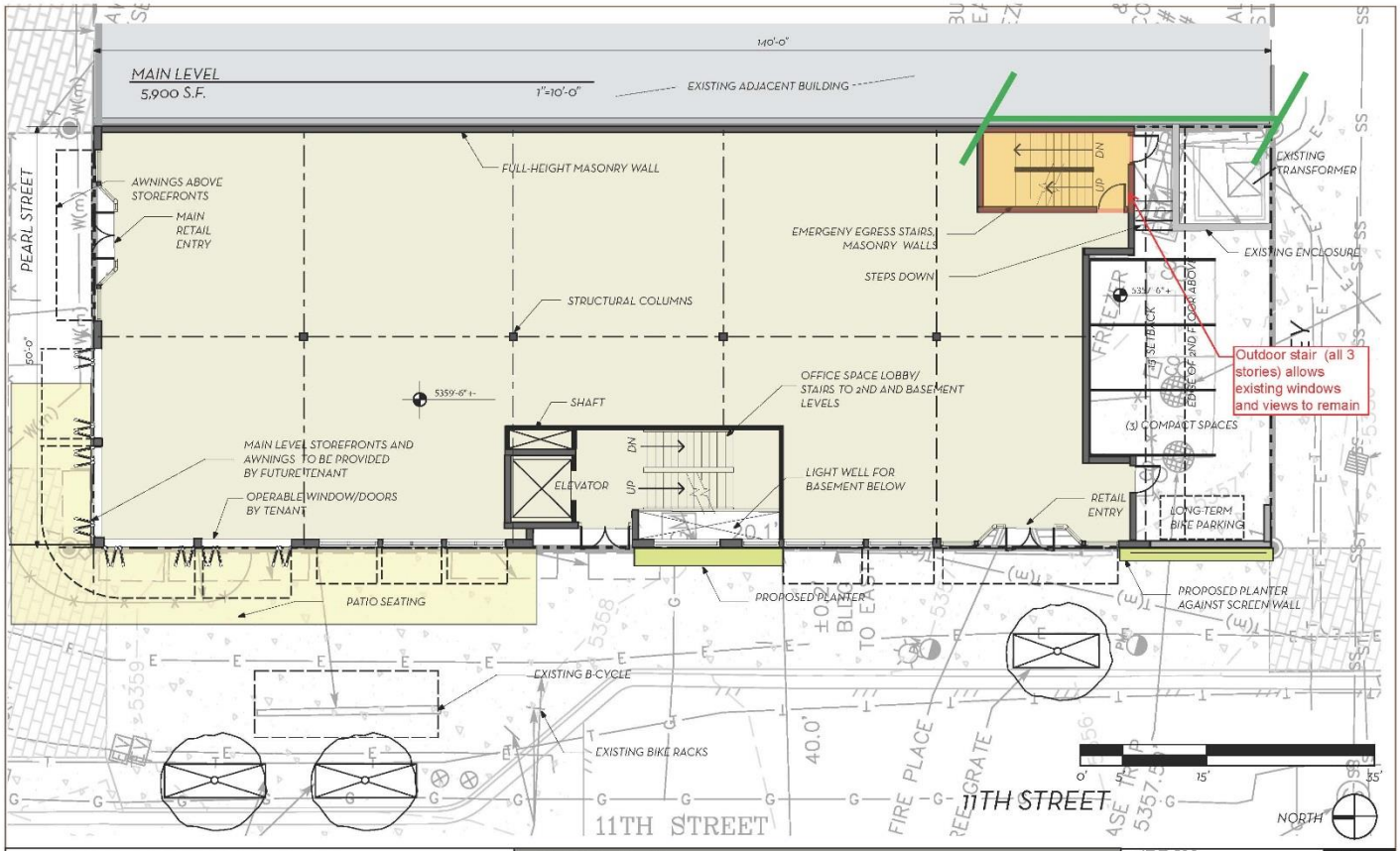
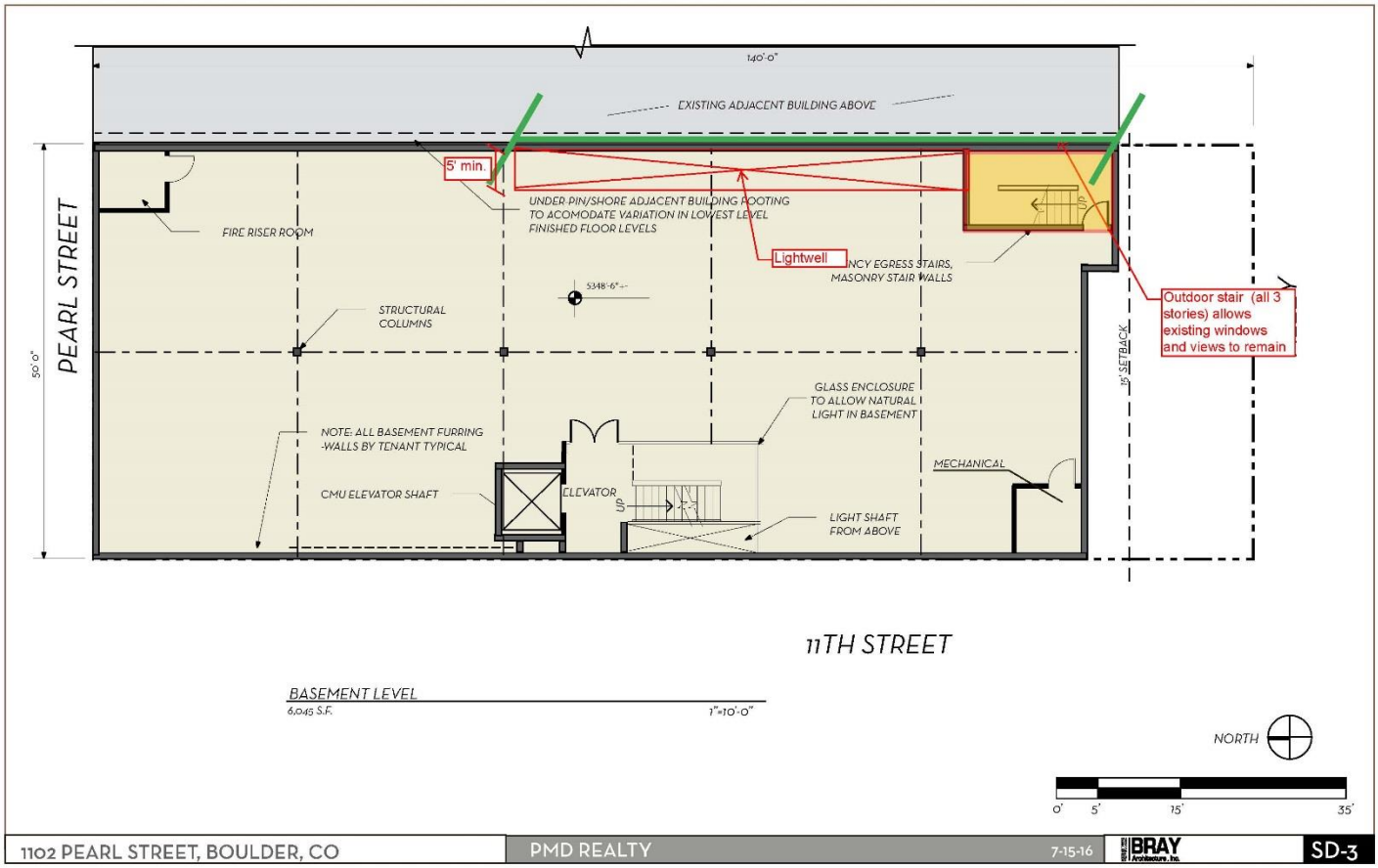


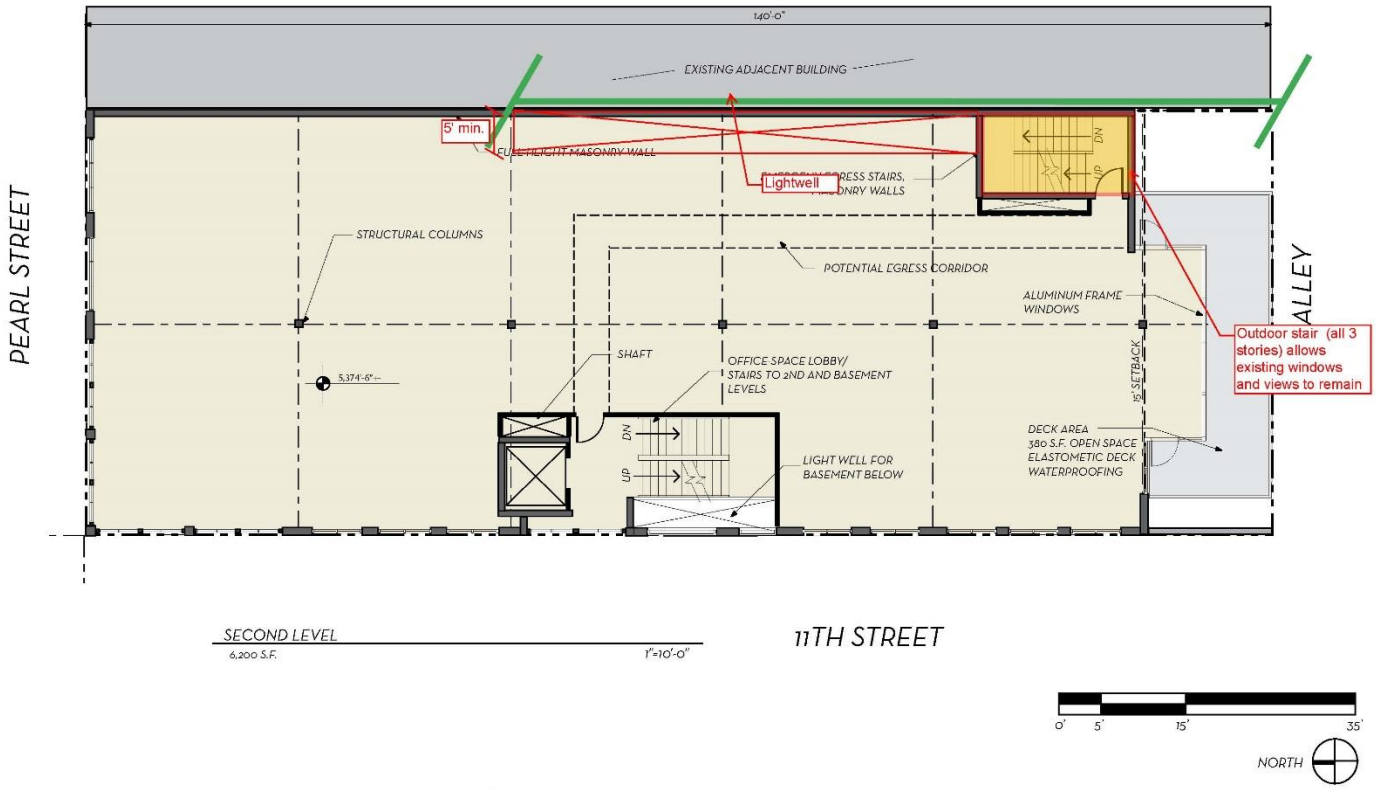




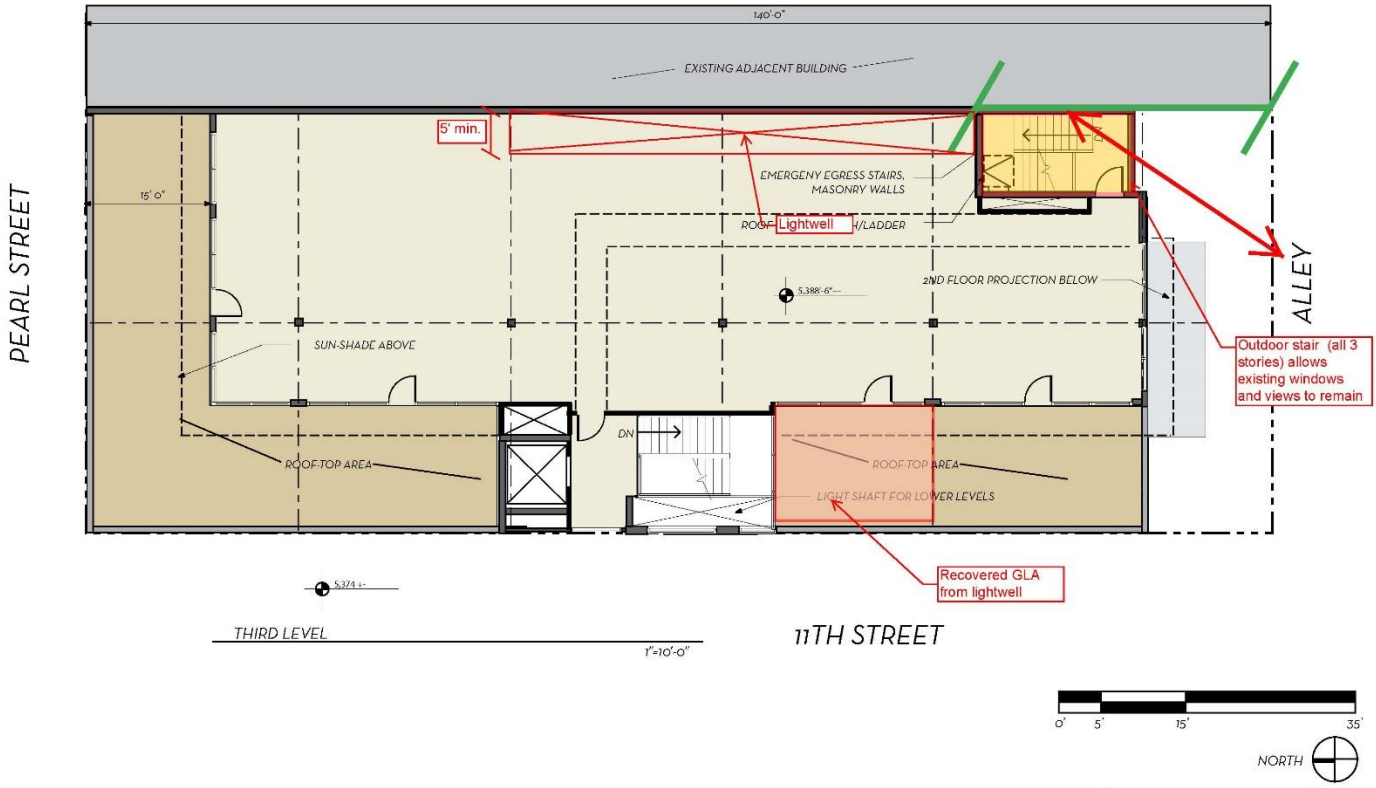
1102 PEARL STREET, BOULDER, CO | PMD REALTY | 7-15-16 | BRAY Architecture, Inc. | SD-2



1102 PEARL STREET, BOULDER, CO | PMD REALTY | 7-15-16 | BRAY Architecture, Inc. | SD-3



1102 PEARL STREET, BOULDER, CO | PMD REALTY | 7-15-16 | BRAY Architecture, Inc. | SD-4



1102 PEARL STREET, BOULDER, CO | PMD REALTY | 7-15-16 | BRAY Architecture, Inc. | SD-5

1102 PEARL STREET, BOULDER, CO | PMD REALTY | 7-15-16 | BRAY Architecture, Inc. | SD-7

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: **August 12, 2016**
CASE MANAGER: **Elaine McLaughlin**
PROJECT NAME: **1102 Pearl Street**
LOCATION: **1102 PEARL ST**
COORDINATES: **N03W06**
REVIEW TYPE: **Concept Plan Review & Comment**
REVIEW NUMBER: **LUR2016-00058**
APPLICANT: **PHIL DAY**
DESCRIPTION: **Concept Plan Review and Comment for redevelopment of Old Chicago parcel into a 15,380 square foot, three story retail office building of 38 feet.**
REQUESTED VARIATIONS FROM THE LAND USE REGULATIONS:
Section 9-7-1: Two stories to three stories
Section 9-9-11: Open Space Reduction (land use intensity modification).

The application is tentatively scheduled before the Planning Board as a Concept Plan review on September 1, 2016. Note that preliminary comments found herein will be the basis for the staff memo to the board in which Key Issues for discussion will be presented. There are no expectations for revisions based on these comments prior to Planning Board rather these comments are intended to inform the discussion and any subsequent Site Review application.

II. CITY REQUIREMENTS

This section addresses issues that must be resolved prior to a project decision or items that will be required conditions of a project approval. Requirements are organized by topic area so that each department's comments of a similar topic are grouped together. Each reviewer's comment will be followed by the reviewer's department or agency and telephone number. Reviewers are asked to submit comments by section and topic area so that the comments can be more efficiently organized into one document. Topics are listed here alphabetically for reference.

1. At time of Site Review the following elements of the plans must be addressed:

   - Show the required 15' x 15' sight triangle as shown in figure 9-7 of the Boulder Revised Code, 1981 (B.R.C.) where the alley intersects 11th Street adjacent to the site.

   - Provide a narrative on where the off-street deliveries/loading space will be and how it's expected to operate for both the restaurant and commercial uses. Staff concurrence is required if the applicant proposes to use the existing alley to meet the site's off-street loading standards pursuant to section 9-9-9 of the B.R.C. 1981. Currently only the east end of the alley is signed for deliveries / loading in this block. Also, the location of the delivery / loading space can't block or obstruct any public street, parking area, parking area circulation, sidewalk or pedestrian circulation area.

- Show the location for the trash storage and recycling areas to be provided on the site pursuant to section 9-9-18 of the B.R.C. 1981.

2. Should off-street parking be provided, please show the off-street parking meeting the design standards for parking pursuant to Section 9-9-6 of the B.R.C. 1981 to include providing the required standard parking spaces, labeling the dimensions of the parking spaces and providing the required 24-feet for the backing distance exclusive of the width allocated in the alley for the dumpsters.

3. Pursuant to 9-9-8(g) of the B.R.C. 1981 the applicant will be responsible for replacing the width of the existing concrete alley adjacent to the site with a new concrete section. At Site Review, please show the removal and replacement with concrete for the alley width adjacent to this property.

4. Show the required short-term and long-term bicycle parking to be provided on the site pursuant to Table 9-8 of the B.R.C. 1981 to include how and what type of long-term bike parking to be provided on the site.

Building Design and Historic Preservation, Elaine McLaughlin, (303) 441-4130

1. The applicant is illustrating a maximum 2.2 FAR for the site, however, the maximum cannot be achieved in the DT-4 zoning district without provision of 0.5 FAR of residential only. There is no mechanism to request an increase in FAR for this zoning district except through the provision of residential, and the project plans appear to indicate office and retail uses only. Therefore, as the project moves forward to site review, the applicant must either reduce the maximum FAR to 1.7 or provide residential within the project.

2. The following comments are a combined effort of urban design and historic preservation planner comments from the following reviewers in addition to the case manager: Kalani Pahoa, James Hewat, Marcy Cameron. Please contact Elaine McLaughlin for any specific questions.

    - The site is located within the boundaries of the Downtown Historic District that was designated in 1999 with a period of significance dating from 1858 to 1946, generally to conform to the boundaries of the Downtown Boulder National Register Historic District. As noted on page 11 of the Downtown Urban Design Guidelines,

        "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 mode for design quality… Development in the Downtown Historic District must be especially sensitive to issues of compatibility."

    - While the building that exists on the site itself was not found to be contributing to the historic district, there are design cues that should be taken from the original building. Similarly, the building located directly across Pearl Street from the site at 1101 Pearl Street (The Buckingham Block), as well as the building directly adjacent to the east of the site at 1108 Pearl Street are both contributing buildings (shown below in relation to site).

Therefore, the site should be consistent with the Downtown Urban Design Guidelines for mass and scale as well as fenestration and materials. At this Concept Plan stage of review, staff has provided a "preliminary consistency analysis" with the guidelines as Attachment A. Please refer to the comments and recommendations herein and in the guidelines as the project plans move forward to Site Review.

- Because of its key location on the mall, staff strongly recommends that after Planning Board's discussion of the Concept Plan, the applicant then meet with staff to discuss design development and refinements (height, mass, scale, etc.), prior to submittal for review by the Landmarks Board.

- Historically, the property has contained very simple low one or one and one-half story buildings reflective of the gritty, utilitarian character of west Pearl Street until the 1960s. Recognizing this, staff encourages the applicant to consider a simple, yet elegantly designed building that depends on scale, proportion and subdued materiality. A simple brick form, with transparency at the storefront level reflecting the Garbarino Garage may translate well to retail/restaurant uses in a building and referencing the history of the site. Per the *Downtown Historic District Design Guidelines* and *General Design* Guidelines, simplicity is key in designing a building that enhances the historic character of the streetscape and becomes an elegant background building rather than one that dominates. This does not mean that the property does not provide an exciting opportunity for creative contemporary design, but the design must respond to and be compatible with the historic character of the site and district depending on form and proportion rather than architectural detail.

- The proposed three story building has attractive attributes that are somewhat in keeping with the guidelines requirement for traditional detailing and building elements. As project plans progress, staff recommends the following:

    i. Consider alternative means to accentuate the corner rather than the tall parapet. One consideration is to move the three story building mass to the corner and be honest about the third story in this prominent intersection location. While the code standard is a 15-foot setback, corners can hold the height within the downtown. The example precedents (while much taller) are the new PearlWest across 11th Street as well as the corners of Broadway and Pearl. In this location three stories would be compatible in the context to punctuate the terminus of the Pearl Street Mall, and at the corner rather than setback. This is a consideration that must take careful thought and discussion with staff. Refer to Attachment A and a preliminary consistency analysis with the design guidelines.

    ii. The tall parapet at the corner does not appear proportional to the rest of the building and creates an appearance of a very tall second story.

    iii. The retractable doors on the ground floor aren't historically consistent in this context and wouldn't meet the guidelines (Refer to Attachment A- preliminary review of consistency with guidelines).

    iv. Utilize a more consistent pattern of traditionally proportional and vertically oriented window openings.

    v. Consider eliminating the consistent banding across the tops of the windows which creates a more horizontal appearance, using more traditional sills.

    vi. The columns proposed appear to be too large and out of proportion.

Drainage, Erik Saunders, 303 441-4493

1. Storm water quality enhancement and detention ponding 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)* must be provided by the applicant at time of Site Review application. The applicant should note that additional storm water quality requirements have been recently added to the *DCS*. The required report and plan must also address the following issues:

    - Water quality for surface runoff using "Best Management Practices"
    - Minimize Directly Connected Impervious Areas (MDCIA)
    - Detention ponding facilities
    - Water Quality Capture Volume (WQCV)
    - Storm sewer construction
    - Irrigation Ditches and Laterals
    - Groundwater discharge
    - Wetland mitigation
    - 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

Engineering, Erik Saunders, 303 441-4493
The plans show operable windows/doors at the ground level storefronts that encroach into the public right-of-way (ROW). Operable panels of doors and windows are not permitted to swing or protrude into the ROW and, as shown, do not meet the criteria for eligibility for a Revocable Permit or Lease as set forth in section 8-6-6, B.R.C. 1981. A revised configuration must be shown at the time of Site Review.

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.

Groundwater, Erik Saunders, 303-441-4493
Groundwater is a concern in many areas of the City of Boulder and downtown. 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.

Historic Preservation (James Hewat, 303-441-3207)
While the existing the B.C. Garbarino Sunoco Garage building constructed in the 1910s appears to be have been altered to the point that it has lost its integrity and it may be considered non-contributing to the historic district, assessing proposed demolition and new construction will be subject to review through the Landmark Alteration Certificate process.

B.C. Garbarino Sunoco Garage, c.1930

Landmark alteration certificate review (LAC) will focus on location, mass, scale, height and fenestration assessing the proposed building as measured against the *Guidelines for New Construction in the Downtown Historic District* and the *General Design Guidelines* for new primary buildings. It will be critical to clearly articulate how the building is consistent with the guidelines and why, in some instances, divergence from them is appropriate.

Staff suggests that the Planning Board's input following Concept Review should be used to modify the design, along with staff input and discussion prior to review by the Landmarks Board in a public hearing. The LAC process would require a conditional approval prior to Site Review application; with a condition specifically requiring the Site Review process and approval. In that process, the applicant will also meet with the Design Advisory Board prior to Planning Board.

Landscaping, Jessica Andersen, 303-441-4416
Consider the following comments and Site Review criteria (shown "*italicized")* as design development begins.

1. *(C)(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;*

   While, this downtown location has limited opportunity for landscaping and planting, the applicant should consider variety of colors and contrasts within the design of the public realm. Cues should be taken from the surrounding, recently redeveloped lots in terms of street tree locations, tree grates, tree guard and planting and hardscape materials. The screen wall at the alley will be a key landscape feature in relating the 11th street frontage to Pearl street. Refer to the Downtown Urban Design Guidelines for additional information and requirements.

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

   A detailed tree inventory prepared by a licensed arborist is a Site Review submittal requirement. Consider including any large healthy trees into the open space design. With the identification of emerald ash borer (EAB) in 2013, the preservation of existing healthy trees has become increasingly important to support the city's environmental goals (urban heat island reduction, stormwater management, air quality, etc.) and their many aesthetic benefits.

   Please note that removal of any public street tree will require permission of the City Forester and may include mitigation.

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

   At the time of Site Review submittal, include a landscape plan with landscape requirements table as described in section 9-9-12(d)(1)(J). This table will clearly demonstrate the projects minimum requirements and the proposed material.

4. *(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*.

   Cues should be taken from the surrounding, recently redeveloped lots in terms of street tree locations, tree grates, tree guards and hardscape materials. The screen wall at the alley will be a key landscape feature in relating the 11th street frontage to Pearl street. Refer to the Downtown Urban Design Guidelines for additional information and requirements.

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

   Thoughtful coordination of parking, building access, and long-term bike parking will meet the intent of this criterion. Refer to access and circulation requirements.

6. *(E)(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.*

   Staff anticipates that the screen wall with planting at the alley will address this criterion. Special attention should be given to plant selection that will thrive long-term in the narrow planter. An automatic irrigation system will be required for all landscaping.

7. Modifications – Please be aware that per the Site Review criteria, this project should exceed the by-right landscaping standards of section 9-9-12, "*Landscaping & Screening*" and section 9-9-13, "*Streetscape Design*," B.R.C. 1981, in quantity and size. Any requested modifications should be called out and an explanation of how the project continues to meet the Site Review criteria included. At the time of site review a landscape plan will be required. Details of the planters and screen wall should be submitted. An irrigation plan will be required at the time of TEC DOC submittal.

Review Process

Because of the site location, the application is evaluated on three separate guideline documents, and ultimately the Land Use Code Site Review Criteria:

- *Guidelines for New Construction in the Downtown Historic District*
- *General Design Guidelines for new primary buildings in the Historic District.*
- *Downtown Urban Design Guidelines.*
- *Site Review Criteria*

Attachment A provides a flow chart of next steps regarding applications for Site Review and Landmarks Alteration Certificate.

Utilities, Erik Saunders, 303 441-4493

1. 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.
2. 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.

III. INFORMATIONAL COMMENTS

This section addresses issues that are for the applicant's reference but are not required to be resolved prior to a project decision or as a condition of approval. Informational Comments are organized by topic area so that each department's comments of a similar topic are grouped together. Each reviewer's comment will be followed by the reviewer's department or agency and telephone number. Reviewers are asked to submit comments by section and topic area so that the comments can be more efficiently organized into one document. Topics are listed here alphabetically for reference.

Area Characteristics and Zoning History
Refer to Concept Plan review criterion 9-2-13(g)(2), B.R.C. 1981 in the attached criteria checklist.

Access/Circulation, David Thompson, 303-441-4417

1. Pursuant to section 2.02(A) of the City's Design and Construction Standards, a traffic study will not be required as part of site review since the trips generated by this nonresidential development during the peak hour does not exceed a 100 vehicles.

Utilities, Erik Saunders, 303 441-4493

1. The applicant should note that trees are not permitted within ten feet of underground utility lines. At Site Review, the applicant will need to demonstrate that their plans can meet both landscaping and utility requirements.

IV. NEXT STEPS

A hearing before the Planning Board is tentatively scheduled for September 1, 2016. Prior to the hearing, staff will request additional plan sets and coordinate with the applicant on presentations before the board. There is no expectation that any comments provided herein for Concept Plan be provided a response prior to the Planning Board.

V. CITY CODE CRITERIA CHECKLIST

See attached checklist(s).

CONCEPT PLAN REVIEW AND COMMENT
Section 9-2-13(g)

<u>Guidelines for Review and Comment</u>: 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 site has been developed for approximately 105 years and as within the boundaries of the Downtown Historic District that was designated in 1999 with a period of significance dating from 1858 to 1946, generally to conform to the boundaries of the Downtown Boulder National Register Historic District. As noted on page 11 of the Downtown Urban Design Guidelines,

> *"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 mode for design quality… Development in the Downtown Historic District must be especially sensitive to issues of compatibility."*

Given the site's location at the terminus of the Pearl Street Mall, the site has a prominent location. Views of the site are evident from eastbound Pearl Street (in the West Pearl district) and views from the site are toward the Flatirons. There are views in front of the site toward the mouth of the canyon and Mount Sanitas.

(2) Community policy considerations including, without limitation, the review process and likely conformity of the proposed development with the Boulder Valley Comprehensive Plan (BVCP) and other ordinances, goals, policies, and plans, including, without limitation, sub-community and sub-area plans;

The proposed project will be evaluated through a Site Review process for conformance with the DT-4 zoning and the Regional Business land use designation of the BVCP along with policies of the BVCP; Site Review criteria of the Land Use Code, and the Downtown Urban Design Guidelines. Because of the location in the historic district, the application will also require concurrent application for Landmark Alteration Certificates evaluated through consistency with the Guidelines for New Construction in the Downtown Historic District, General Design Guidelines for new primary buildings in the Historic District.

<u>Zoning:</u> As shown in the map below, the property is located toward the west side of the Downtown – 4 (DT-4) zoning district, with. The intent of the Downtown – 5 zoning district is defined in the Land Use Code, section 9-5-2(c)(3)(B) B.R.C. 1981 as follows:

> "*The regional business area of the Boulder Valley known as the Central Business District which includes the downtown mall, where a wide range of retail, office, residential, and public uses are permitted and in which many structures may be renovated or rehabilitated. A balance of new development with the maintenance and renovation of existing buildings is anticipated, and where development and redevelopment consistent with the established historic and urban design character is encouraged.*

The DT-4 zoning district intent emphasizes that the established historic and urban design character is encouraged. While the intent statement for the DT-4 zoning district does acknowledge that development and redevelopment will occur in this zoning district, the emphasis is placed on established historic and urban design character for cues of new development.

ZONING MAP:

Downtown – 5 (DT-4) up to 2.7 FAR

Downtown – 4 (DT-4) up to 2.2 FAR

Downtown – 3 (DT-3) up to 2.7 FAR

Downtown – 2 (DT-2) up to 2.0 FAR

Business Main Street (BMS)

Residential Mixed Use – 1 (RMX-1)

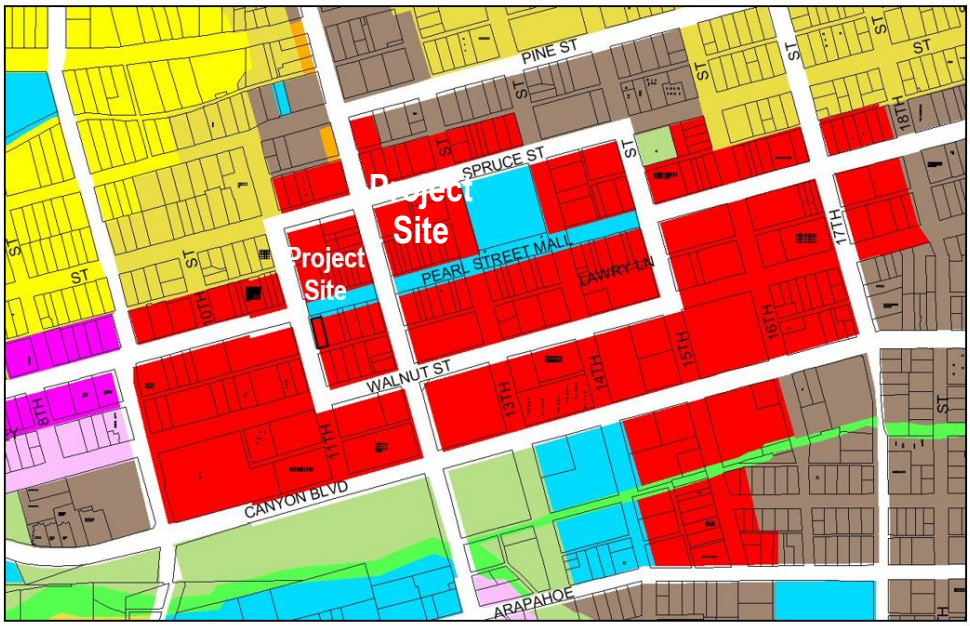
Business Transition – 2 (BT-2)

Public

<u>BVCP Land Use Designation:</u> As shown in the map below, the property is located toward the west side of the Regional Business land use designation. The intent of the Regional Business designation as described on page 63 of the BVRC is as follows:

> *"Within these areas are located the major shopping facilities, offices, financial institutions, and government and cultural facilities serving the entire Boulder Valley and abutting communities. These areas will continue to be refurbished and upgraded and will remain the dominant focus for major business activities in the region."*

BOULDER VALLEY COMPREHENSIVE PLAN LAND USE MAP



Regional Business

Low Density Residential

General Business

High Density Residential

Transitional Business

Public

The proposed use of the site for office and retail is consistent with the "Regional Business" definition of the BVCP, in that the area is intended for "major" retail and offices "serving the entire Boulder Valley. The definition also indicates the city's expectation that such areas will continue to be redeveloped and a dominant focus for major business activities in the region.

<u>Relevant BVCP Policies:</u>

The following policies have been identified by staff as relevant to the review of the proposed project when it moves into site review and other policies may be identified at the time of Site Review

1.03 Principles of Economic Sustainability.
2.01 Unique Community Identity.
2.04 Compact Land Use Pattern.
2.28 Role of the Central Area.
2.39 Sensitive Infill and Redevelopment.
2.40 Physical Design for People.
2.42 Enhanced Design for the Built Environment

a) The context
b) The public realm
c) Human scale
d) Permeability
e) On-site open spaces
f) Buildings

5.01 Economic Vitality.
5.02 Regional Job Center.
5.03 Support for Local Business.
5.07 Upgrade Existing Commercial and Industrial Areas.

Downtown Urban Design Guidelines:

Attachment A of this comment letter has the preliminary review of consistency with the guidelines. This analysis will be expanded at the time of Site Review.

(3) Applicable criteria, review procedures, and submission requirements for a site review;

- *If proposing by-right (no setback modifications or additional FAR or open space reduction), prior to submission for review of a Landmarks Alteration Certificate application by the Landmarks Board in a public hearing.*
- *If proposing three stories: complete the Concept Plan and Site Review process prior to submission for review of a Landmarks Alteration Certificate application by the Landmarks Board in a public hearing.*

Because of its key location on the mall, staff strongly recommends that after Planning Board's discussion of the Concept Plan, the applicant then meet with staff to discuss design development and refinements (height, mass, scale, etc.), prior to submittal for review by the Landmarks Board.

A
As currently proposed, the project would require a Site Review process for conformance with the DT-4 zoning and the Regional Business land use designation of the BVCP along with policies of the BVCP; Site Review criteria of the Land Use Code, and the Downtown Urban Design Guidelines. Because of the location in the historic district, the application will also require concurrent application for Landmark Alteration Certificates evaluated through consistency with the Guidelines for New Construction in the Downtown Historic District the General Design Guidelines for new primary buildings in the Historic District, and the Standards for Issuance of a Landmark Alteration Certificate, section 9-11-18, B.R.C. 1981.

(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;

A Landmarks Alteration Certificate application process will be required prior Site Review approval. Use Review may be required for certain types of restaurant uses, if proposed on the site. Technical Document Review will be required prior to Building Permit application.

(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;

As an existing, fully developed site most of the infrastructure serving the existing and future site is already in place. However, as noted in the reviewer comments, a traffic impact study is required for any nonresidential development that is expected to generate 100 vehicle trips or greater during any single hour. Generation study, a traffic impact study will be a requirement of the Site Review submittal.

(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;

Because the site is situated in an urban context and has been developed for over 130 years, there are no known wildlife corridors, wetlands, natural hazards, endangered, or protected species or other habitats within the subject property.

(7) Appropriate ranges of land uses; and (8) the appropriateness of or necessity for housing.

Under Land Use Code section 9-8-1, B.R.C. 1981, a base FAR of 1.7 is permitted by-right and an additional 0.5 FAR can be achieved only through provision of residential for an addition of 0.5 FAR. The provision to allow an FAR addition for residential floor area was created in 2000 to encourage construction of residential in the downtown. As currently proposed, the application is not clear on the additional 0.5 FAR being used for residential however, that is the only way to achieve the maximum 2.2 FAR in the DT-4 zoning district. Regarding Residential Land Uses and necessity for housing, there is a known need for additional residential units in the City of Boulder to balance the number of jobs that exist today.

VI. ANALYSIS OF PROPOSED PROJECT CONSISTENCY WITH DESIGN GUIDELINES

Consistency of project with the Downtown Urban Design Guidelines. The Historic Preservation Ordinance sets forth the standards the Landmarks Board must apply when reviewing a request for a Landmark Alteration Certificate. The Board has adopted Section 1.2 of the *Downtown Urban Design Guidelines, New Construction and Remodeling Non-Contributing Buildings in the Downtown Historic District* and the *General Design Guidelines 6.0* per the historic preservation ordinance and section 9-11-18 B.R.C

With Concept Plan review is based on the criteria of the Land Use Code, section 9-2-13(g)(2) which requires, among other criteria, an evaluation of the community policy considerations including the Downtown Urban Design Guidelines to be used as a "basis for understanding, discussing and assessing the design quality."

Therefore, at this concept level of detail, the guidelines are intended as an aid for appropriate design and not as a checklist of items for compliance.

The format of the matrix below is intended to provide a concise response to the questions of consistency with the guidelines. Where findings have been made that the current concept plans don't respond or "maybe" respond to the

guidelines, an image is provided to emphasize the points made in the response. In some cases, staff is providing precedent images of built projects as examples, and in other cases, the images from the concept plan are illustrated to demonstrate the inconsistency.

BRAY

ARCHITECTURE, Inc.

July 15, 2016

Elaine McLaughlin
City of Boulder
Planning Department
PO Box 791
Boulder, CO 80306

RE: Concept Review for the new development of 1102 Pearl Street

INTRODUCTION

Enclosed, please find our concept plan submittal for the proposed development at 1102 Pearl Street. The project replaces the rather unremarkable one story building built in the late 30's that is non-contributing to the district. The project infill's the corner of this missing tooth of downtown with a building in scale with the surrounding density and provide a vibrant street scape for Pearl Street pedestrians. This is accomplished with a project that respects the historic grid and alignments in the area and provides a handsome two story façade solution with a modest third floor stepped back.

The program consists of a premier restaurant user at the first floor that animates the street scape with a corner patio space for the Pearl Street pedestrians. The upper floors consist of desirable office space that provide access to the many amenities of downtown.

This Concept Review is intended to provide all stakeholders ability to contribute to the design process and insure compatibility with the City's vision of the corner. Site Review will be required to address the following proposed solution:

- Reduced southern / alley set back of 15' to align with adjacent alley construction.
- Potentially reduce open-space requirements as there is limited opportunity to provide at the street level. With a third story solution open space can be achieved at a third floor deck.
- Increasing the FAR from the allowable 1.7:1 to 2.2:1 allows for increased density in the downtown that needs additional office space while a stepped back solution maintains the downtown street scape.

CRITERIA

A. *Techniques and strategies for environmental impact avoidance, minimization, or mitigation;* This site is already well developed and is served by adequate utilities. The project will mitigate further impact by reducing any landfill contribution through the demolition process. The new construction will utilizes local materials with highly efficient building systems to minimize energy usage of the building.

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; and.* The project is already with in the CAGID district and adjacent to public transportation and a B Bike station. The proposed solution will further encourage the downtown programs with long term bike parking and is providing only minimal parking on site.

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.* This site is not particularly suited for residential and no housing is anticipated at this time.

We are very pleased to work with staff and the board on this project and value your comments. Please contact us if you have any questions or comments on this submittal.

Sincerely,

BRAY ARCHITECTURE, Inc.

James A. Bray, AIA, Leed AP, NCARB 07.13.16

President

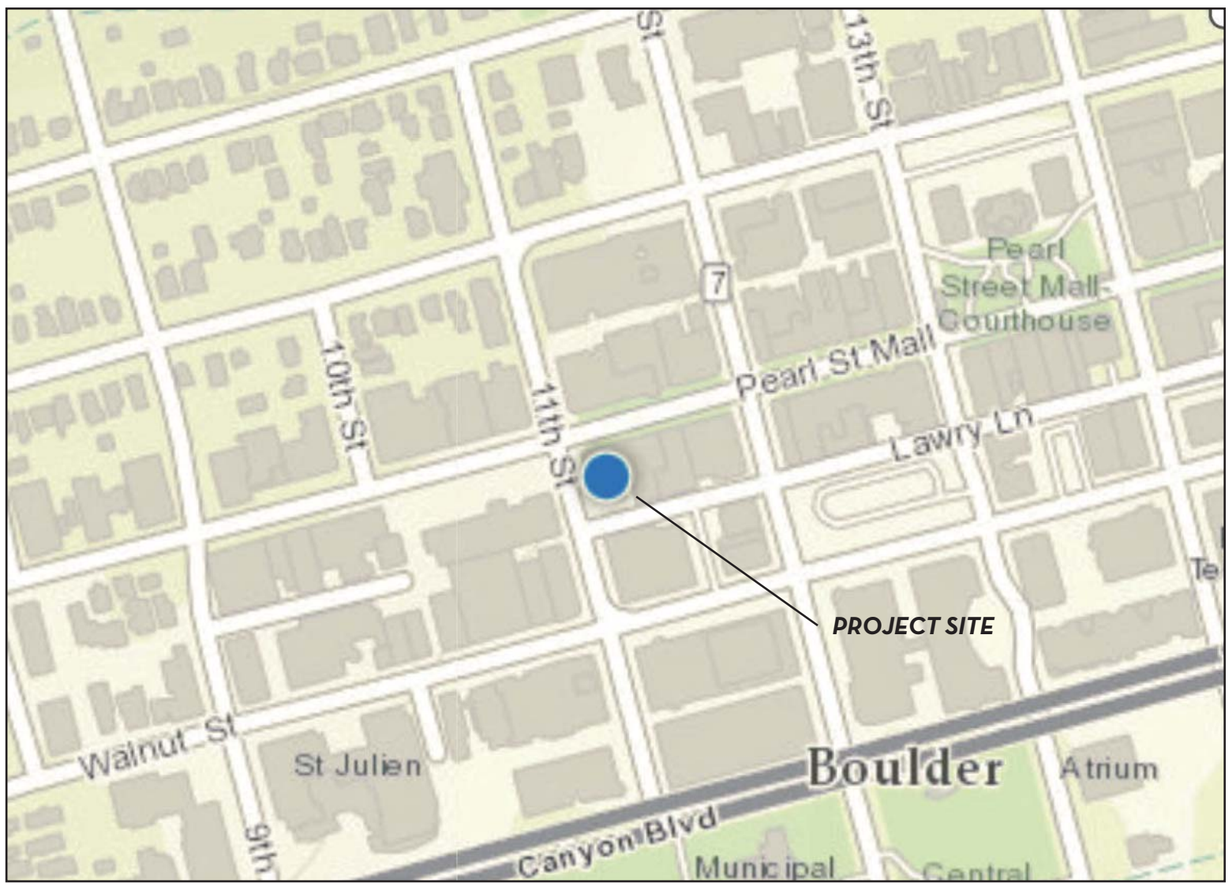
BRAY ARCHITECTURE, INC.
1300-C Yellow Pine
Boulder, CO 80304
303.444.1598 – O
303.579.3609 – C

SHEET INDEX-PROGRESS DRAWINGS

SD-1 COVERSHEET
SD-2 MAIN LEVEL PLAN
SD-3 BASEMENT PLAN
SD-4 SECOND FLOOR PLAN
SD-5 THIRD FLOOR PLAN
SD-6 NORTH CONTEXT ELVATION
SD-7 WEST CONTEXT ELEVATION
SD-8 SOUTH CONTEXT ELEVATION
SD-9 PERSPECTIVE
SD-10 CONTEXT IMAGES
SD-11 SURVEY

FLOOR AREAS:

BASEMENT:	6,000 S.F. (NET)
MAIN LEVEL:	5,900 S.F.
SECOND LEVEL:	6,200 S.F.
THIRD LEVEL:	3,235 S.F.
BUILDING TOTAL:	21,335 S.F.



VICINITY MAP

1102 Pearl Land Use Information

Zoning: DT-4

Modular Zone System:
Use: D1
Form: q
Intensity: 27

Base-Level Zoning Constraints
Allowed Uses (D1):
Restaurants, Brew Pubs
Financial Institutions
Retail Sales
Professional offices (not on the ground level)

Form (q):
Side yard setback: 0'
Interior lot line setback:0' or 12'
Front Yard Setback: 0'
Rear Yard Setback: 15'
15' min setback from street at 3rd story and above (front and side streets)

*Allowable building height: 38'
*(2) stories max (base F.A.R.)
60% of ground level building fronting public streets to be glazed
70% of lot frontage on public streets to contain building
* additional height and story (over 38'), with site review

Intensity (27)
*10-20% open space required on site for non-residential uses

Base F.A.R.: 1.7:1

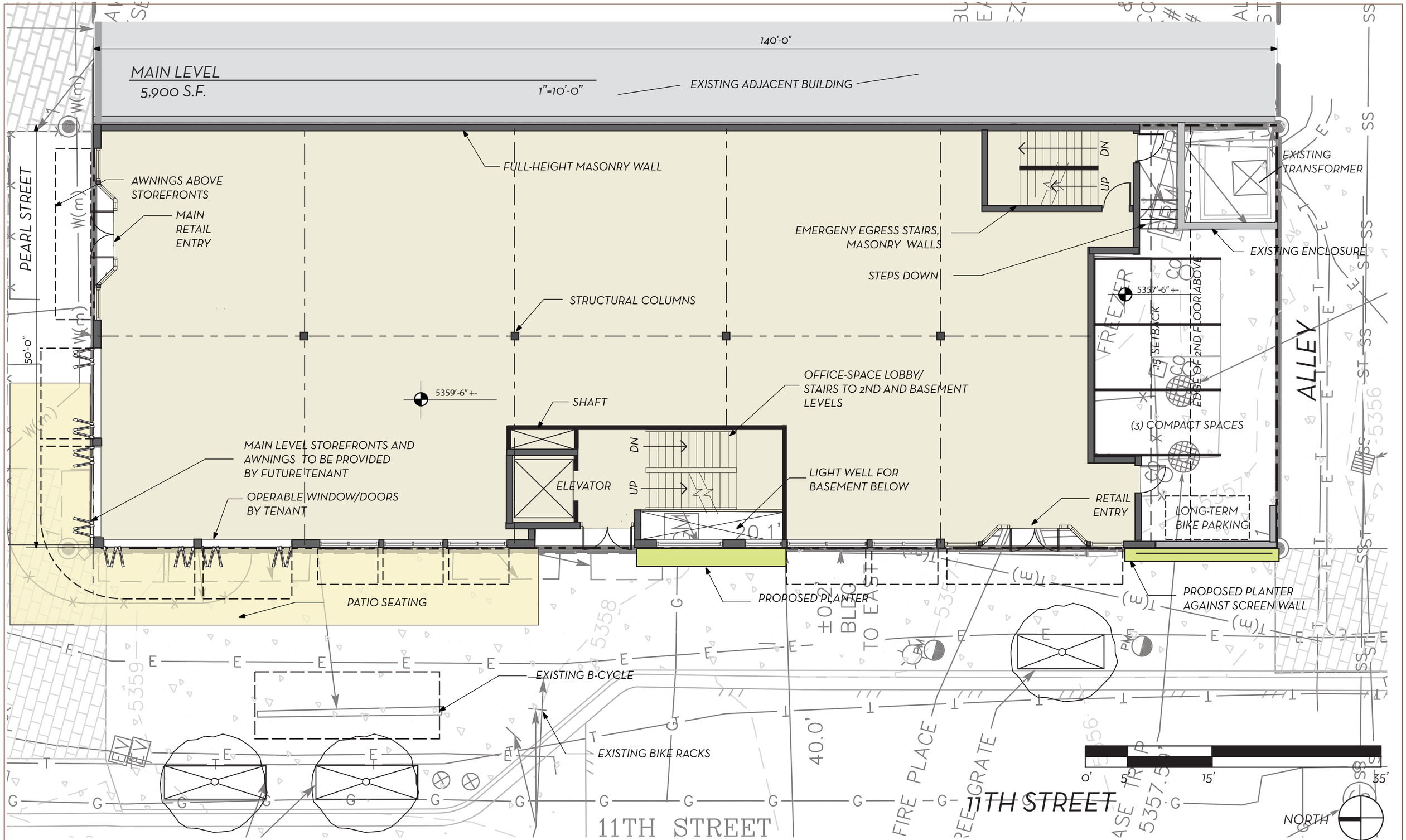
*Proposed F.A.R. 2.2:1
Basement is not included within the floor area, so a full basement may be added and not counted against the F.A.R.

*This project can be reviewed under site review. Elements with asterisk can be modified through site review

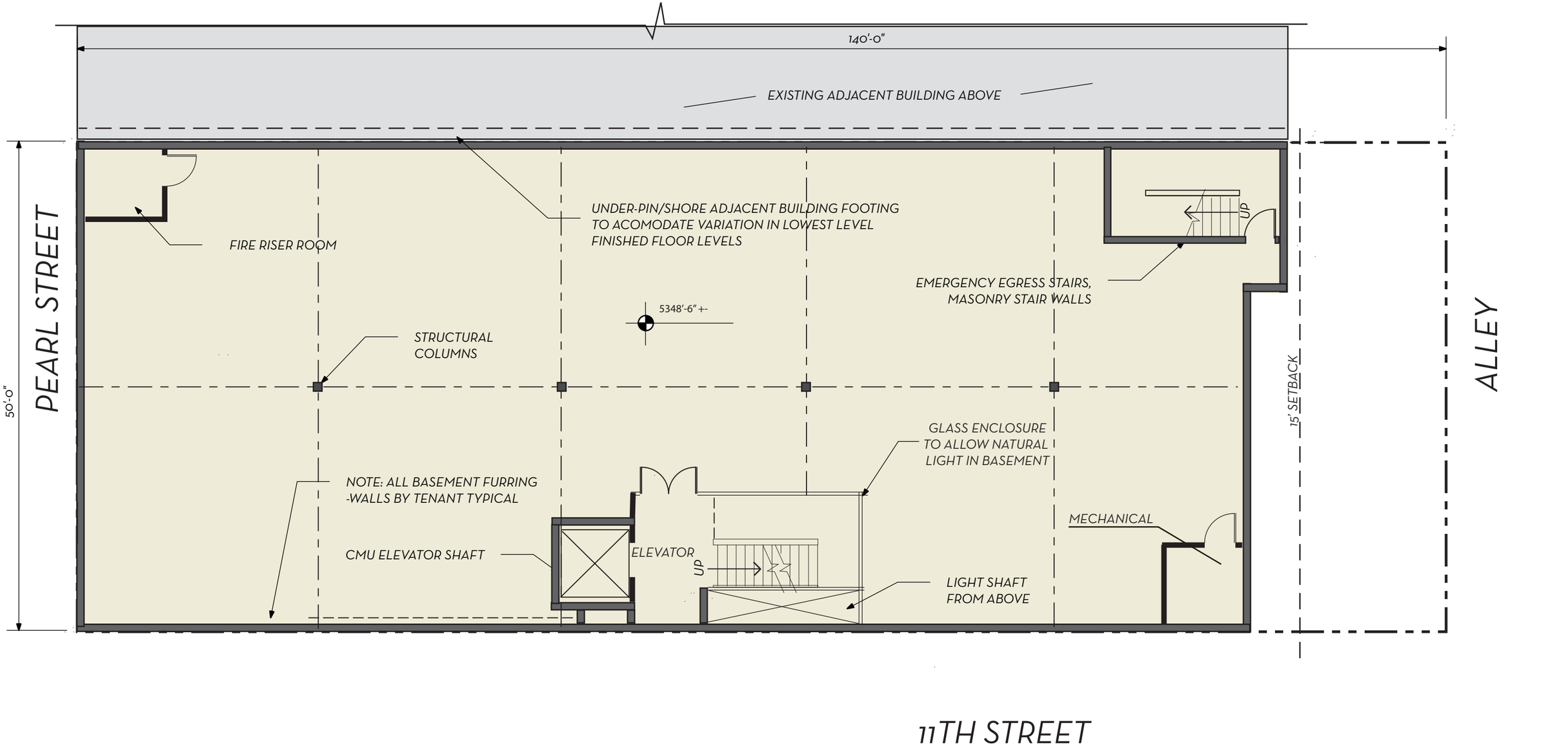
Lot Area:
Option-1 (2-stories with basement)
6,991 s.f. X 1.7=11,885 s.f. + 6,000 s.f. basement = 18,145 s.f. building area total

Option-2 (3-stories with basement)
6,991 s.f. x 2.2 = 15,380 s.f. + 6,000 s.f. basement =21,335 s.f. building area total

Long-term bicycle parking required on-site



1102 PEARL STREET, BOULDER, CO | PMD REALTY | 7-15-16 | BRAY Architecture, Inc. | Agenda Item 5B | Page 43 of 52 | SD-2



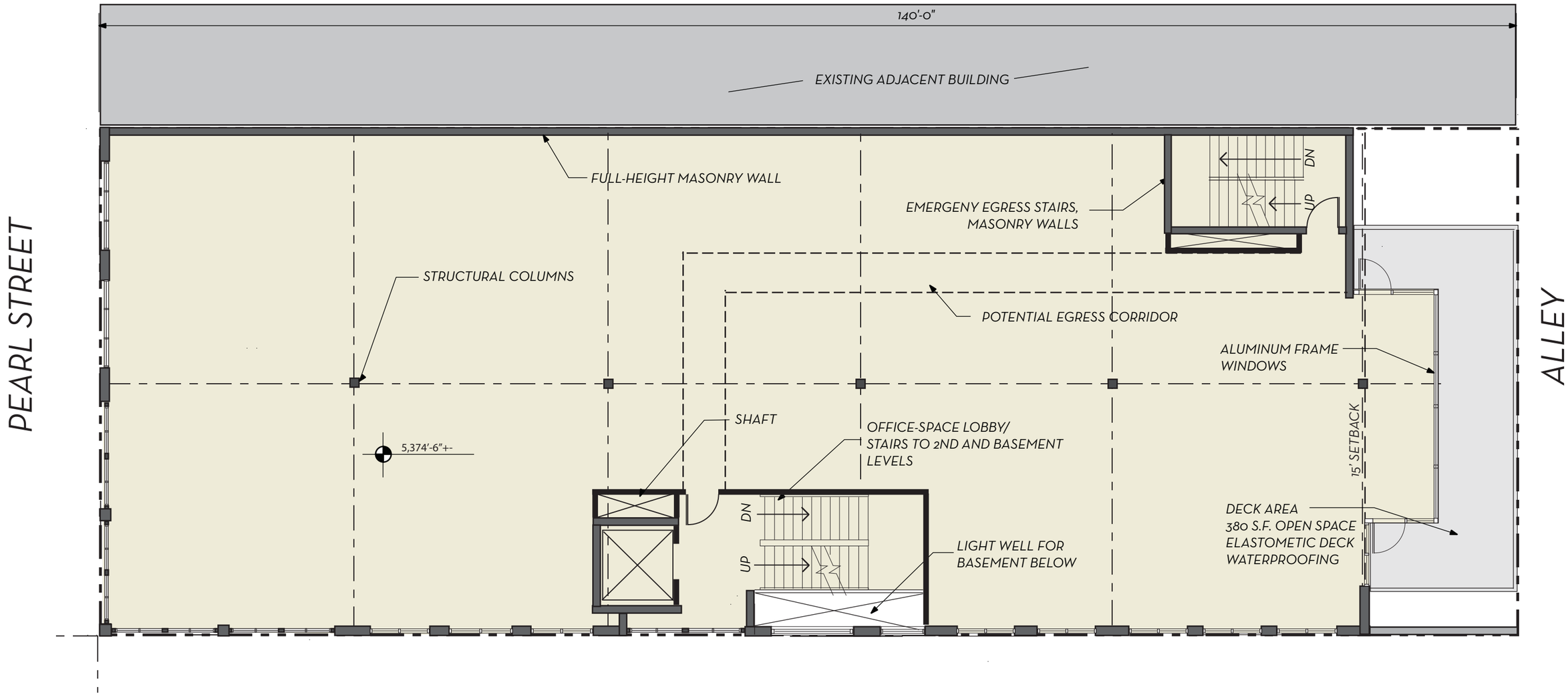
BASEMENT LEVEL

6,045 S.F.

1"=10'-0"

NORTH

0' 5' 15' 35'



SECOND LEVEL

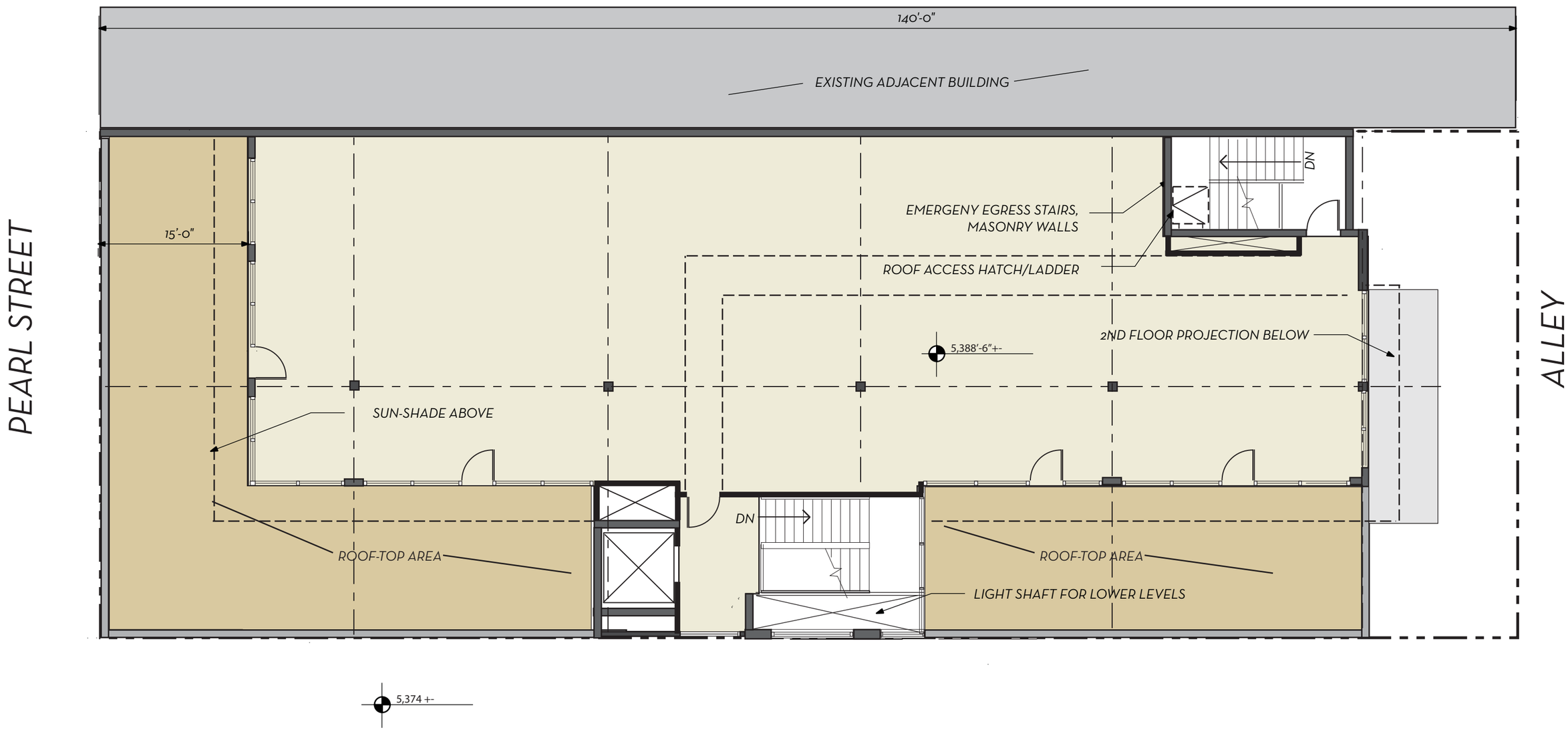
6,200 S.F.

1"=10'-0"

11TH STREET

0' 5' 15' 35'

NORTH



THIRD LEVEL

1"=10'-0"

0' 5' 15' 35'

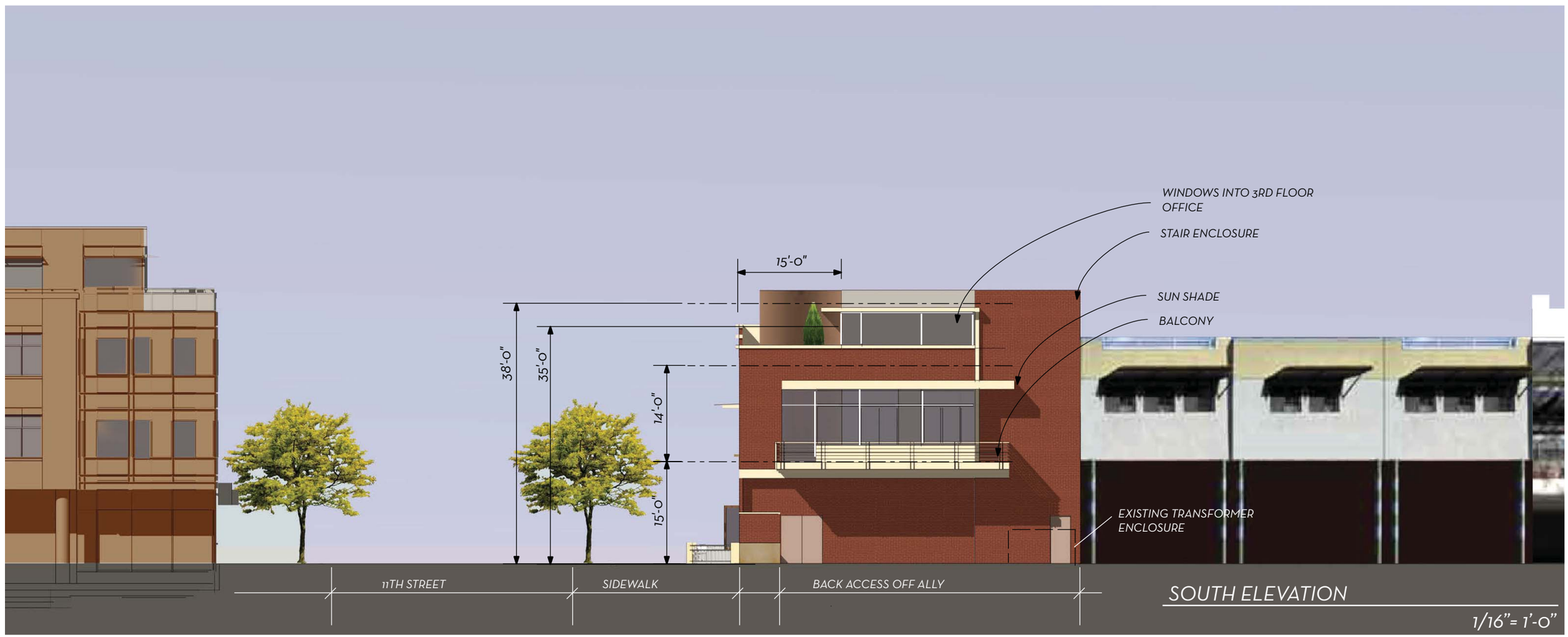
NORTH

NORTH ELEVATION

1/16"= 1'-0"

WEST ELEVATION

1/16"= 1'-0"



SOUTH ELEVATION

1/16"= 1'-0"

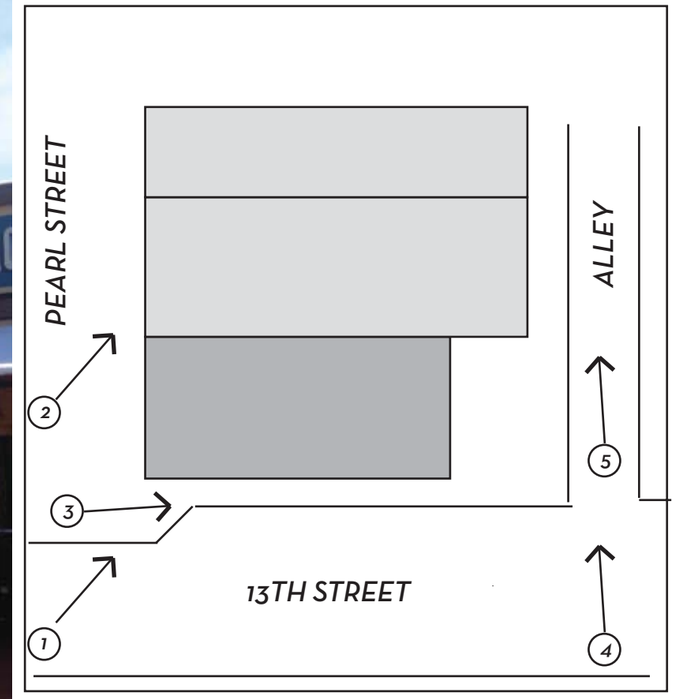
AERIAL

VIEW FROM WEST

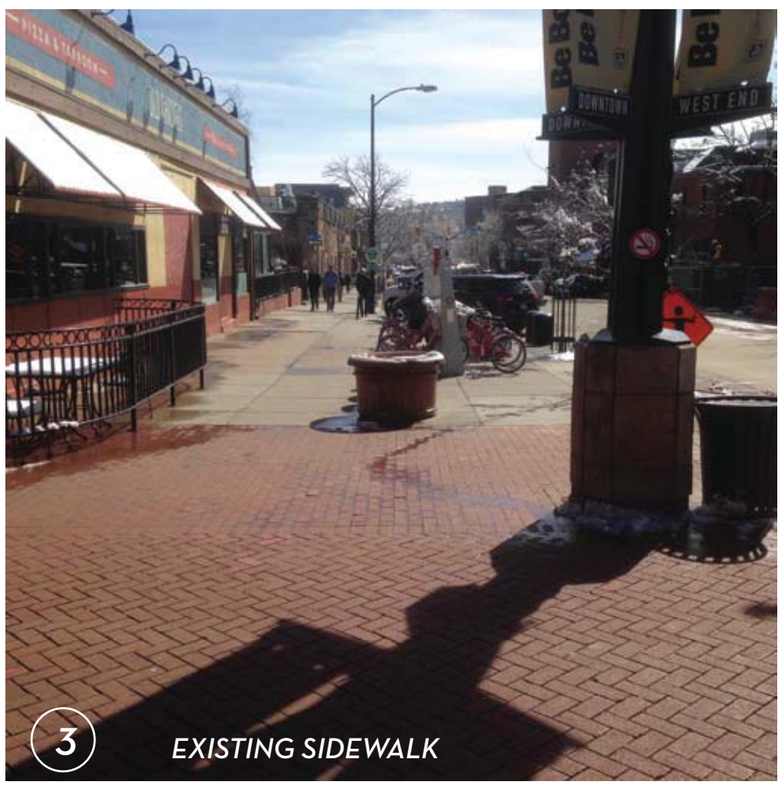
VIEW FROM NORTH-WEST

1 VIEW FROM INTERSECTION

2 ADJACENT CONDITIONS



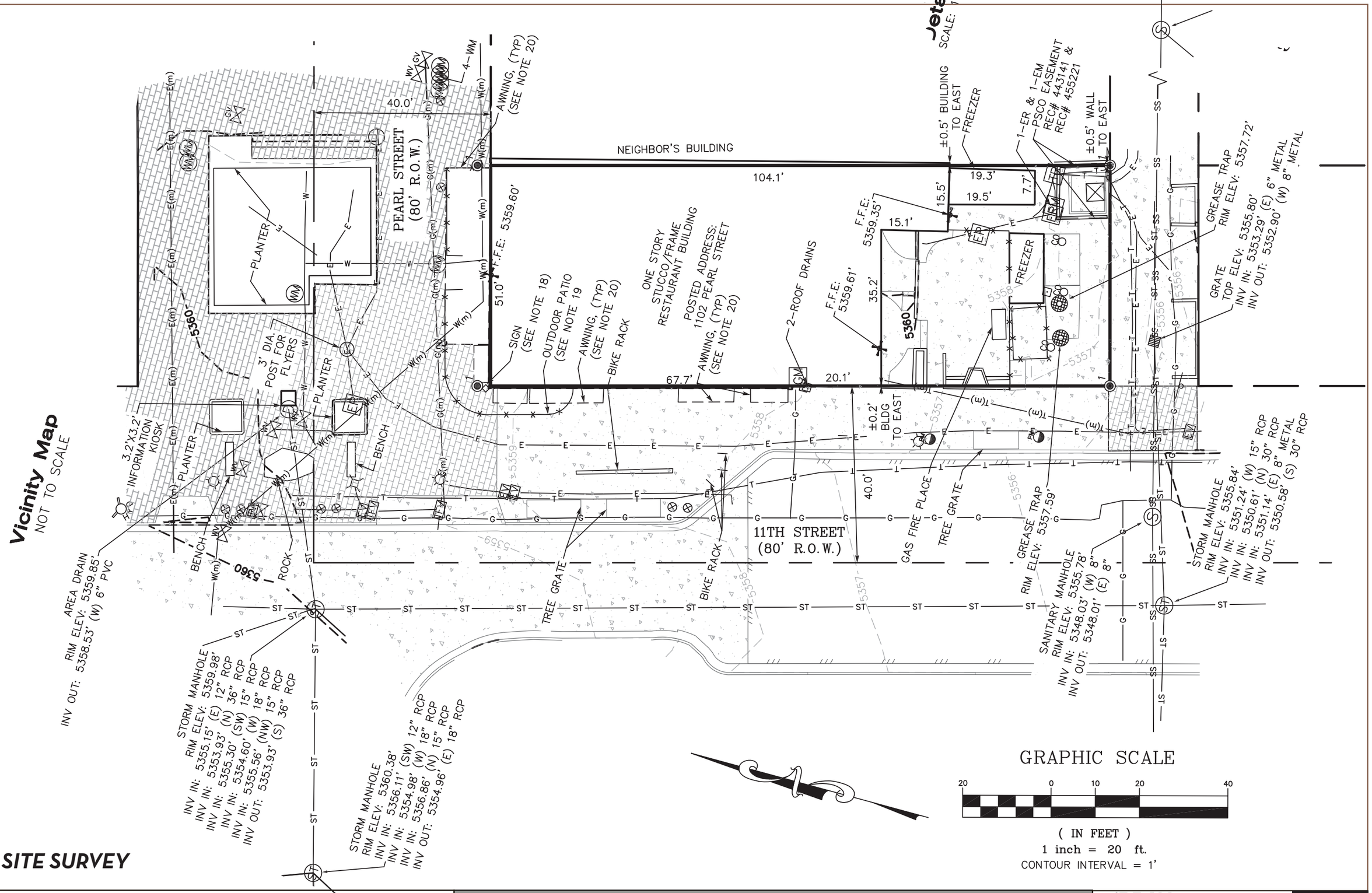
PROJECT IMAGES



3 EXISTING SIDEWALK

4 VIEW TOWARDS ALLEY

5 ALLEY VIEW


Vicinity Map
NOT TO SCALE
Detail
SCALE: 1" =
PEARL STREET
(80' R.O.W.)
11TH STREET
(80' R.O.W.)
NEIGHBOR'S BUILDING
104.1'
40.0'
51.0'
67.7'
20.1'
40.0'
35.2'
15.1'
15.5'
19.3'
19.5'
7.7'
F.F.E: 5359.60'
F.F.E: 5359.35'
F.F.E: 5359.61'
5360
5359
5358
5357
5356
ONE STORY
STUCCO/FRAME
RESTAURANT BUILDING
POSTED ADDRESS:
1102 PEARL STREET
SIGN
(SEE NOTE 18)
OUTDOOR PATIO
(SEE NOTE 19
AWNING, (TYP)
(SEE NOTE 20)
BIKE RACK
2-ROOF DRAINS
±0.5' BUILDING
TO EAST
FREEZER
1-ER & 1-EM
PSCO EASEMENT
REC# 443141 &
REC# 455221
±0.5' WALL
TO EAST
GREASE TRAP
RIM ELEV: 5357.72'
GRATE
TOP ELEV: 5355.80'
INV IN: 5353.29' (E) 6" METAL
INV OUT: 5352.90' (W) 8" METAL
±0.2'
BLDG
TO EAST
GAS FIRE PLACE
TREE GRATE
GREASE TRAP
RIM ELEV: 5357.59'
STORM MANHOLE
RIM ELEV: 5355.84'
INV IN: 5351.24' (W) 15" RCP
INV IN: 5350.61' (N) 30" RCP
INV IN: 5351.14' (E) 8" METAL
INV OUT: 5350.58' (S) 30" RCP
SANITARY MANHOLE
RIM ELEV: 5355.78'
INV IN: 5348.03' (W) 8"
INV OUT: 5348.01' (E) 8"
PLANTER
3' DIA.
POST FOR
FLYERS
3.2'X3.2'
INFORMATION
KIOSK
BENCH
ROCK
4-WM
AWNING, (TYP)
(SEE NOTE 20)
AREA DRAIN
RIM ELEV: 5359.85'
INV OUT: 5358.53' (W) 6" PVC
STORM MANHOLE
RIM ELEV: 5359.98'
INV IN: 5355.15' (E) 12" RCP
INV IN: 5353.93' (N) 36" RCP
INV IN: 5355.30' (SW) 15" RCP
INV IN: 5354.60' (W) 18" RCP
INV IN: 5355.56' (NW) 15" RCP
INV OUT: 5353.93' (S) 36" RCP
STORM MANHOLE
RIM ELEV: 5360.38'
INV IN: 5356.11' (SW) 12" RCP
INV IN: 5354.98' (W) 18" RCP
INV IN: 5356.86' (N) 15" RCP
INV OUT: 5354.96' (E) 18" RCP
GRAPHIC SCALE
20 0 10 20 40
(IN FEET)
1 inch = 20 ft.
CONTOUR INTERVAL = 1'

SITE SURVEY

C I T Y O F B O U L D E R
PLANNING BOARD AGENDA ITEM
MEETING DATE: September 1, 2016

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

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

REQUESTING DEPARTMENT:
Planning, Housing & Sustainability
David Driskell, Executive Director
Susan Richstone, Deputy Director
Charles Ferro, Land Use Review Manager
Karl Guiler, Senior Planner/Code Amendment Specialist

OBJECTIVE:
1. Hear 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 recommendation to City Council.

SUMMARY:

Proposal:	Request to rezone the AirGas site from Industrial Mixed Service (IMS) to Mixed-Use – 4 (MU-4).
Project Name:	3200 Bluff Mixed Use (AirGas site)
Location:	3200 Bluff Street (adjacent to Steel Yards neighborhood within the Boulder Junction neighborhood)
Size of Tract:	1.12 acres
Zoning:	IMS (Industrial Mixed Service)
Comprehensive Plan:	Mixed Use Business

I. INTRODUCTION AND BACKGROUND

PROCESS
Requests to rezone properties require compliance with the criteria of Section 9-2-19, "Rezoning," B.R.C. 1981 (analyzed within Section III below) and review and approval by both Planning Board and City Council. Pursuant to Section 9-2-19, B.R.C. 1981, "*The planning board shall hear a request for rezoning at a public hearing and shall make a recommendation for approval or denial to the city council. After considering the planning board's recommendation, the city council shall make the final determination on a request for*

rezoning at a public hearing held in accordance with the adopted Council Procedure of Title 2, "Government Organization," (Appendix) B.R.C. 1981."

BACKGROUND

As **Figure 1** shows, the site is roughly one acre in size and is at the southeast corner of Junction Place and Bluff Street. It is generally level and is mostly open with the exception of some deciduous trees. The site has historically been used for industrial uses and is currently occupied by the AirGas company within a one story building on the north side of the site. The other parts of the site are used for parking and storage.

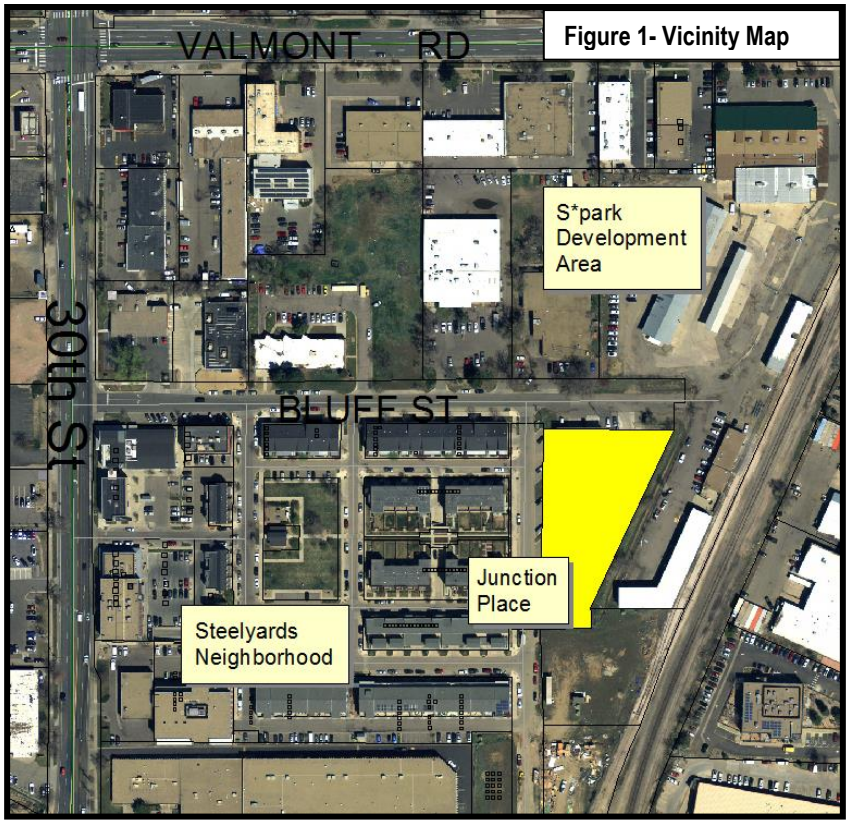


Figure 1- Vicinity Map

The existing Steelyards development abuts the property to the west and the recently approved S'park development is to the north and east of the site. Through the property to the immediate east is the Burlington Northern Santa Fe (BNSF) railway.

The Steelyards is a gridded, mixed-use neighborhood with generally two and three-story buildings. Areas along the rail corridor to the south and as approved within S*park, reflect more urban development with three to five story buildings. Development of the greater neighborhood, Boulder Junction, is informed by the Transit Village Area Plan (TVAP), which is discussed further below.

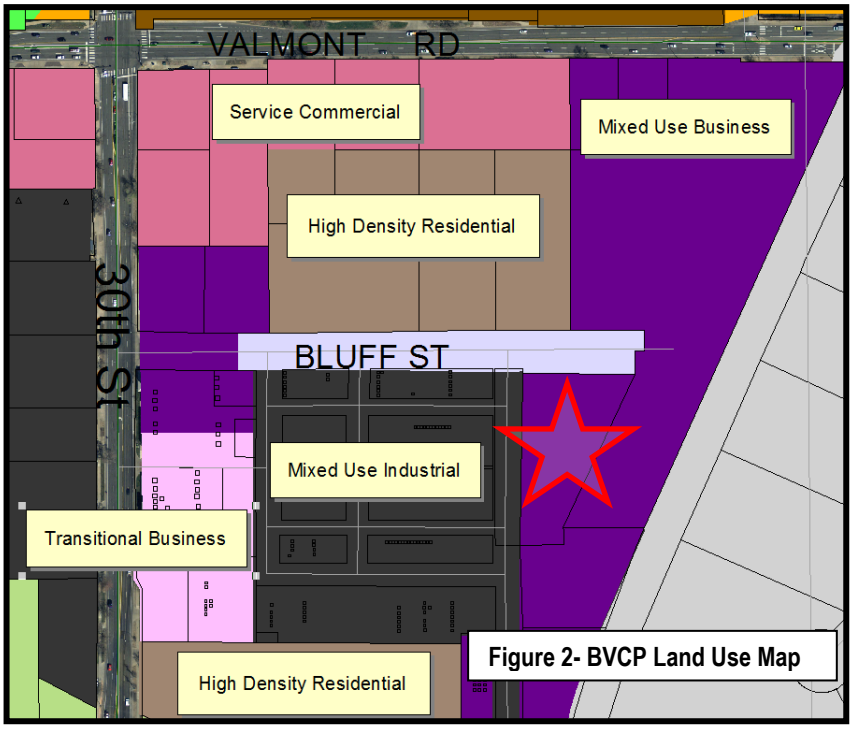


Figure 2- BVCP Land Use Map

BVCP Land Use Designation

The Boulder Valley Comprehensive Plan (BVCP) designates the site as Mixed Use Business (see **Figure 2**). Per the BVCP Land Use Map description: "*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."

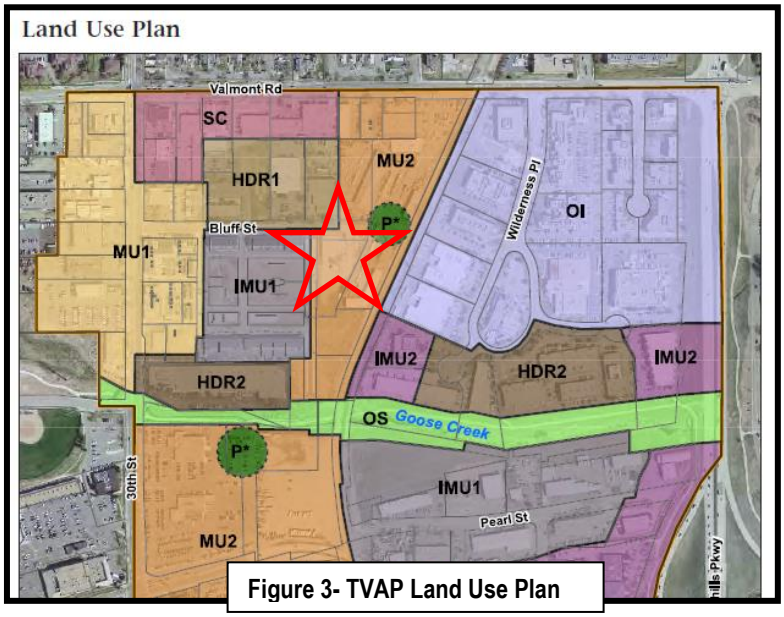


Figure 3- TVAP Land Use Plan

Transit Village Area Plan (TVAP)
The project site is within the Transit Village Area Plan (TVAP) area. In accordance with the Mixed Use Business land use designation in the BVCP, the specific TVAP designation for the site is Mixed Use 2 where the predominant uses in mixed-use areas could be business or residential, with homes mixed vertically (above businesses) or horizontally (residential buildings next to commercial buildings.) Page 17 of TVAP notes that areas with a Mixed Use 2 land use allow "*three- to four-story mixed use buildings around a floor area ratio (FAR) of 1.5 to 2.0. Predominant use may be business or residential…..parking would be "mostly structure or first floor parking; may have some surface parking.*" More specifically, the site is within a sub district of TVAP entitled the "Rail Plaza." The Rail Plaza district is described as an area that will "*evolve into a high-density, commercial and residential mixed-use area, with three- to five-story buildings.*"

Zoning
The project site is currently zoned IMS, Industrial Mixed Service.

The applicant is proposing to rezone the site to MU-4, Mixed Use – 4, which as can be seen in the **Figure 4** below, is immediately adjacent to the site. MU-4 areas are described as mixed use residential areas generally intended for residential uses with neighborhood-serving retail and office uses; and where complementary uses may be allowed. It is anticipated that development will occur in a pedestrian-oriented pattern, with buildings built up to the street.

Rezoning to MU-4 was anticipated for the site by the TVAP plan in order to be consistent with the established land use designation of Mixed Use 2, as specified in the Transit Village Area Plan (TVAP).

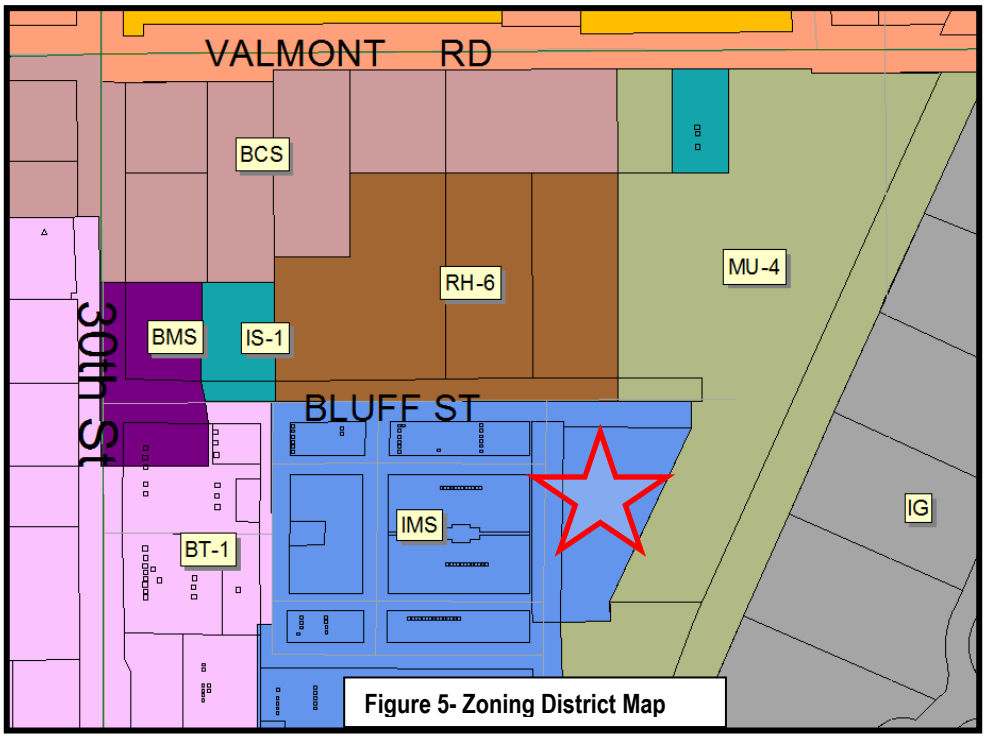


Figure 5- Zoning District Map

Concept Plan
Recently the applicant submitted a Concept Plan application to consider a proposal for two buildings totaling 98,000 square feet in size comprised of 43,000 square feet of residential space with 36 rental units, 55,000 square feet of commercial space, and a 102 space underground parking garage. Preliminary consideration of a rezoning from Industrial Mixed Service (IMS) to Mixed-Use - 4 (MU-4) was also included.

Planning Board reviewed the Concept Plan proposal at its May 26, 2016 public hearing. The board was generally supportive of the uses and design of the project and found it consistent with the Transit Village Area Plan (TVAP). Some board members had concerns about the massing of the buildings along the streetscapes. Other site design comments related to opportunities for pedestrian connections through the site and the proposed number of garage entries and their locations. The staff memorandum, minutes and audio of the meeting can be accessed at this link.

II. REZONING REQUEST

As discussed during the Concept Plan review, a rezoning from IMS to MU-4 would be required to permit the proposed project and to be consistent with the BVCP Land Use Map designation. Additionally the proposed rezoning would make the subject site consistent with TVAP. A draft ordinance to permit the rezoning is included in **Attachment A**.

The applicant has indicated their intent to join the Boulder Junction Access and Parking District, which is relevant to meeting the rezoning criteria. Effectively, if the site were not included in the district, strict Transportation Demand Management (TDM) requirements would apply to the site per Section 9-9-22, "Trip Generation Requirements for the MU-4, RH-6 and RH-7 Zoning Districts," B.R.C. 1981.

If the rezoning is approved, the applicant will proceed with a Form-Based Code (FBC) Review application for the proposed project. The FBC was approved by City Council on June 21, 2016 and the applicant has already submitted a pre-application review with city review staff pursuant to the FBC requirements.

III. ANALYSIS

Staff finds that the rezoning criteria of Section 9-2-19, "Rezoning," B.R.C. 1981 are met – predominantly because the proposed zoning of MU-4 (Mixed Use – 4) is necessary to come into compliance with the BVCP Land Use Map designation of Mixed Use Business and the TVAP designation of Mixed Use 2 (MU2). Responses to all the criteria are below:

9-2-19. - Rezoning.

(e) 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;

The proposed rezoning to MU-4 is consistent with the policies and goals of the Boulder Valley Comprehensive Plan, because the proposed zoning will bring site into consistency with the underlying BVCP land use designation, which is Mixed Use Business. Per the BVCP Land Use Map description: "*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*."

Further, the project site is within the Transit Village Area Plan (TVAP) area. Per TVAP, the site is designated Mixed Use 2 where the predominant uses in mixed-use areas could be business or residential, with homes mixed vertically (above businesses) or horizontally (residential buildings next to commercial buildings.) Page 17 of TVAP notes that Mixed Use 2 areas allow "*three- to four-story mixed use buildings around a floor area ratio (FAR) of 1.5 to 2.0. Predominant use may be business or residential…..parking would be "mostly structure or first floor parking; may have some surface parking*."

The proposed MU-4 (Mixed Use - 4) zoning would render the zoning of the property consistent with the land use map designation discussed above as well as with TVAP. The current zoning of IMS (Industrial Mixed Use) is currently inconsistent with Mixed Use Business designation. TVAP already specifies the expected intensity of the area around an eventual rail stop in the vicinity and the proposed MU-4 would enable the site to better meet this intent. Surrounding properties to the north, east and south are designated Mixed Use Business and have already been rezoned to MU-4. Therefore, there is clear and convincing evidence that the proposed rezoning is necessary to come into compliance with the BVCP map.

(2) The existing zoning of the land was the result of a clerical error;

Not applicable.

(3) The existing zoning of the land was based on a mistake of fact;

Not applicable.

(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;

Not applicable.

(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

Not applicable.

(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.

Not applicable.

(f) Additional Criteria for the MU-4, RH-3, RH-6 and RH-7 zoning districts. In the MU-4, RH-3, RH-6 and RH-7 zoning districts, for an application not incidental to a general revision of the zoning map, the city council shall also find that the rezoning meets the following criteria, in addition to subsection (e) above:

(1) Transportation. The land proposed for rezoning is:

(A) Subject to a right of way plan for the immediate area;

The proposed property is located within the Transit Village Area Plan Transportation Connections Plan area.

(B) The right of way plan is capable of being implemented to the extent necessary to serve the property and to connect to the arterial street network through collector and local streets, alleys, multi-use paths and sidewalks concurrent with redevelopment; and

The property is already served by existing public rights-of-way including Junction Place to the west and Bluff Street to the north.

(C) The public infrastructure can be paid for by way of redevelopment under the provisions of section 9-9-8, "Reservations, Dedication and Improvement of Rights-of-Way," B.R.C. 1981, without contribution of funds by the City, or that there is a plan for financing and construction that has been approved by city council through the capital improvement program and the city council anticipates appropriating such funds within two years of the rezoning.

The site is expected to redevelop in the near future. Therefore, public infrastructure can be paid for by way of redevelopment under the provisions of section 9-9-8, "Reservations, Dedication and Improvement of Rights-of-Way," B.R.C. 1981, without contribution of funds by the City.

(2) Water, Wastewater and Stormwater Management and Flood Control. The city council shall determine whether there are adequate public facilities available for the rezoning area. The city council shall determine whether there are adequate water, wastewater and stormwater management and flood control facilities by considering the following:

(A) Whether the infrastructure meets the requirements of the City of Boulder Design and Construction Standards, adopted City master plans, the Boulder Valley Comprehensive Plan, subcommunity plans and area plans.

The infrastructure around the site meets the requirements of the City of Boulder Design and Construction Standards, adopted City master plans, the Boulder Valley Comprehensive Plan, subcommunity plans and area plans.

(B) Whether the land proposed to be rezoned has adequate water, wastewater and stormwater management and flood control public facilities that are:

(i) In place at the time of the rezoning request;

The property is in a location that is adequately served by existing adequate water, wastewater and stormwater management and flood control public facilities.

(ii) Under construction and will be available at the time that the impacts of the proposed development will occur; or

(iii) Guaranteed by an enforceable development agreement ensuring that the public facilities will be in place at the time that the impacts of the proposed development will occur.

(C) Whether the property owner has, or will in the future, paid its fair share of the infrastructure needs of the surrounding area, as described in City master plans, subcommunity plans or area plans.

At the time of redevelopment of the 3200 Bluff site, the applicant will be responsible to pay the applicable development fees as well as constructing all of the necessary infrastructural improvements to serve the site.

(3) Travel Demand Management Services. In the MU-4, RH-6 and RH-7 zoning districts, the property subject to the rezoning is located within an area that has parking and transportation related service provided by a general improvement district or an equivalent organization or otherwise meets the trip generation requirements of section 9-9-22, "Trip Generation Requirements for the MU-4, RH-6 and RH-7 Zoning Districts," B.R.C. 1981.

The property is in an area eligible for inclusion within the Boulder Junction Parking and Access District. The applicant has indicated their intent to join the district. If admitted, parking and transportation related services will be provided. If not admitted, project on the site in the future would be subject to section 9-9-22, "Trip Generation Requirements for the MU-4, RH-6 and RH-7 Zoning Districts," B.R.C. 1981.

IV. PUBLIC COMMENT AND PROCESS

Required public notice was given in the form of written notification mailed to all property owners and renters within 600 feet of the subject site and a sign was posted on the property for at least 10 days. All notice requirements of Section 9-4-10(g), B.R.C. 1981 have been met. No comments have been received.

V. STAFF RECOMMENDATION

Staff finds that the proposal to rezone the property from IMS to MU-4 meets the criteria of Section 9-2-19 (e) and (f) and recommends that Planning Board make a recommendation of approval to the City Council.

Approved By:

David Driskell, Executive Director
Department of Community Planning and Sustainability

ATTACHMENTS:

A. Draft Ordinance

ORDINANCE NO.

AN ORDINANCE REZONING 1.12 ACRES OF LAND LOCATED AT 3200 BLUFF STREET FROM THE INDUSTRIAL - MIXED SERVICES (IMS) TO MIXED USE 4 (MU-4) ZONING DISTRICT AS DESCRIBED IN CHAPTER 9-5, "MODULAR ZONE SYSTEM," B.R.C. 1981, AND SETTING FORTH RELATED DETAILS.

THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO FINDS:

A. A public hearing before the Planning Board of the City of Boulder was duly held on September 1, 2016, in consideration of rezoning approximately 1.12 acres of land from the Industrial – Mixed Services (IMS) to the Mixed Use 4 (MU-4) zoning district generally located at 3200 Bluff Street, City of Boulder, as more particularly described on Exhibit A attached to this ordinance (the "Property").

B. The Planning Board found that the rezoning of the Property from the Industrial – Mixed Services (IMS) to the Mixed Use 4 (MU-4) zoning district is consistent with the policies and goals of the Boulder Valley Comprehensive Plan; is necessary to bring the Property into compliance with the Boulder Valley Comprehensive Plan map; and meets the criteria for rezoning as provided in Chapter 9-2, "Review Processes," B.R.C. 1981.

C. The Planning Board recommended that the City Council amend the zoning district map to include the Property in the Mixed Use 4 (MU-4) zoning district as provided in Chapter 9-5, "Modular Zone System," B.R.C. 1981.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. Chapter 9-5, "Modular Zone System," B.R.C. 1981, and the zoning Mixed Use 4 (MU-4) district map forming a part thereof are amended to include the Property within the zoning district.

Section 2. The City Council finds that the rezoning of the Property from the Industrial – Mixed Services (IMS) to the Mixed Use 4 (MU-4) zoning district is consistent with the policies and goals of the Boulder Valley Comprehensive Plan, is necessary to bring the Property into compliance with the Boulder Valley Comprehensive Plan map, and meets the criteria for rezoning as provided in Chapter 9-2, "Review Processes," B.R.C. 1981. The City Council adopts the recitals as a part of this ordinance.

Section 3. The City Council has jurisdiction and legal authority to rezone the Property.

Section 4. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern. The rezoning of the Property bears a substantial relation to, and will enhance the general welfare of, the Property and of the residents of the City of Boulder.

Section 5. The City Council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY this _____ day of _____, 2016.

_____
Mayor

Attest:

_____
City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY this ___ day of _____, 2016.

_____
Mayor

Attest:

_____
City Clerk

EXHIBIT A

LEGAL DESCRIPTION

C I T Y O F B O U L D E R
PLANNING BOARD AGENDA ITEM
MEETING DATE: September 1, 2016

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

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

REQUESTING DEPARTMENT:
Planning, Housing & Sustainability
David Driskell, Executive Director
Susan Richstone, Deputy Director
Charles Ferro, Development Review Manager
Karl Guiler, Senior Planner/Code Amendment Specialist

OBJECTIVE:
1. Hear applicant and staff presentations
2. Hold public hearing
3. Planning Board to ask questions of applicant, the public and staff
4. Planning Board discussion of Concept Plan. No action is required by Planning Board.

SUMMARY:
Proposal: Concept Plan review and comment on a proposal to develop an existing 1.4 acre property with a residential permananently affordable housing multifamily development consisting of 19 total multi famliy untis and a central community open space.
Project Name: Habitat for Humanity Multifamily Residential Townhomes
Location: Corner of Violet Avenue & 22nd Street
Size of Tract: 1.4 acres
Zoning: RM-2 (Residential Medium - 2)
Comprehensive Plan: Medium Density Residential
Key Issues for Discussion:
Staff is recommending the three key issues for the Planning Board's discussion and analysis:
1. Is the proposal consistent with Boulder Valley Comprehensive Plan (BVCP) and North Boulder (NBSP) Subcommunity Plan?
2. Is the proposed site and building design consistent with intent of BVCP Policy 2.37 Enhanced Design for Private Sector Projects?

3. Does the Planning Board preliminary support the proposed changes to the annexation agreement? Specifically, the requested increase in density to 19 units and relocating all permanently affordable units from the three properties to the subject property?

I. INTRODUCTION AND BACKGROUND

PROCESS

Concept Plan is required per Ordinance No. 8095, which permitted the subdivision and sale of the property to Flatirons Habitat for Humanity (discussed below) which occurred in December, 2015. The applicant is also seeking preliminary feedback on proposed amendments to annexation agreements that apply to 2180 Violet Ave., 1917 Upland Ave., and 2145 Upland Ave. within the Crestview East area. The Concept Plan is an opportunity for the applicant to receive comments from the community about the proposed plan before moving forward. "Concept Plan Review and Comment" requires staff review and a public hearing before the Planning Board. Planning Board, staff and neighborhood comments made at public hearings are intended to be advisory comments for the applicant to consider prior to submitting any detailed plan documents. The Planning Department and Planning Board will review the applicant's Concept Review & Comment plans against the guidelines found in Section 9-2-13(f), B.R.C. 1981. Staff's analysis of the Key Issues identified above can be found in Section III and the Concept Plan criteria can be found in Section IV.

BACKGROUND

The site is 60,668 square feet (1.4 acres) in size, rectangular in shape and located at the intersection of Violet Avenue and 22nd Street. It is generally level, although there is an elevation drop on the property from west to east of about 8 feet. The site is mostly open grassland with some sporadic trees. Four Mile Canyon Creek and Crest View Elementary School is located about 1000 feet to the west. The Front Range mountains are visible from the site. Figure 1 below shows the surrounding context.

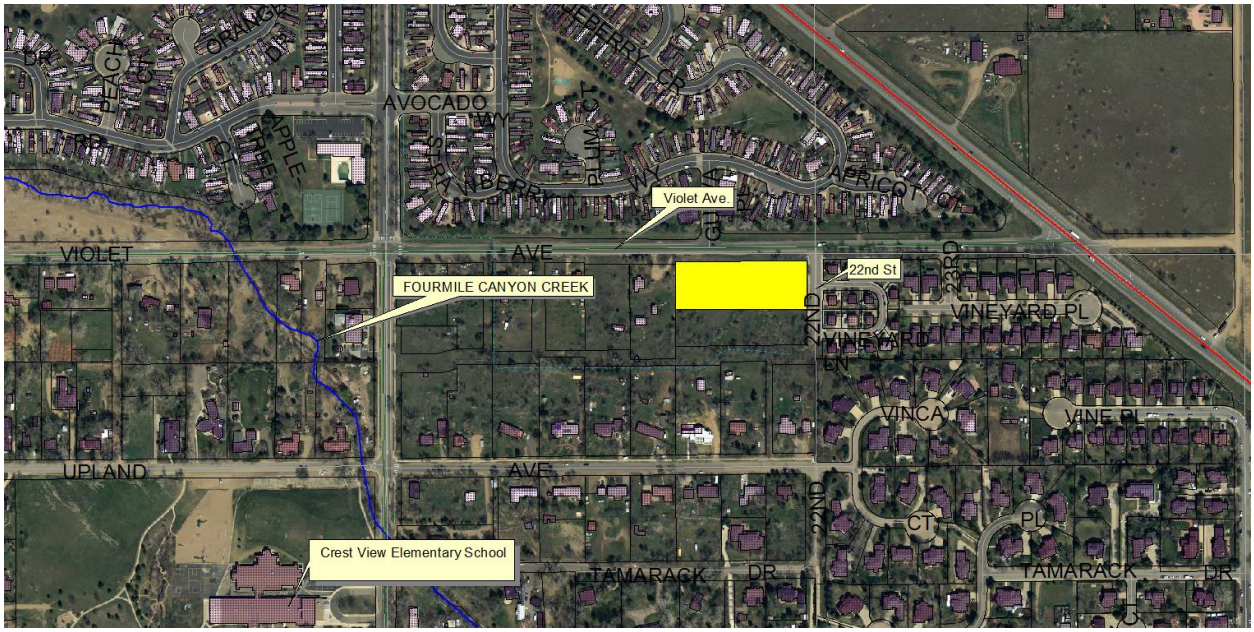


Figure 1- Site Location and Surrounding Context

BVCP Land Use Designation, Zoning & Annexation History

The Boulder Valley Comprehensive Plan (BVCP) land use designations match this context and include Medium Density Residential on the subject site (shown with red outline) and adjacent Habitat for Humanity project, Manufactured Housing to the north and Low Density Residential for the majority of areas south of the site is shown in Figure 2 below. The land use designations were changed in the late 1990's to be consistent with the North Boulder Subcommunity Plan (NBSP) which established a cascading density gradient from Violet to the south towards Tamarack.

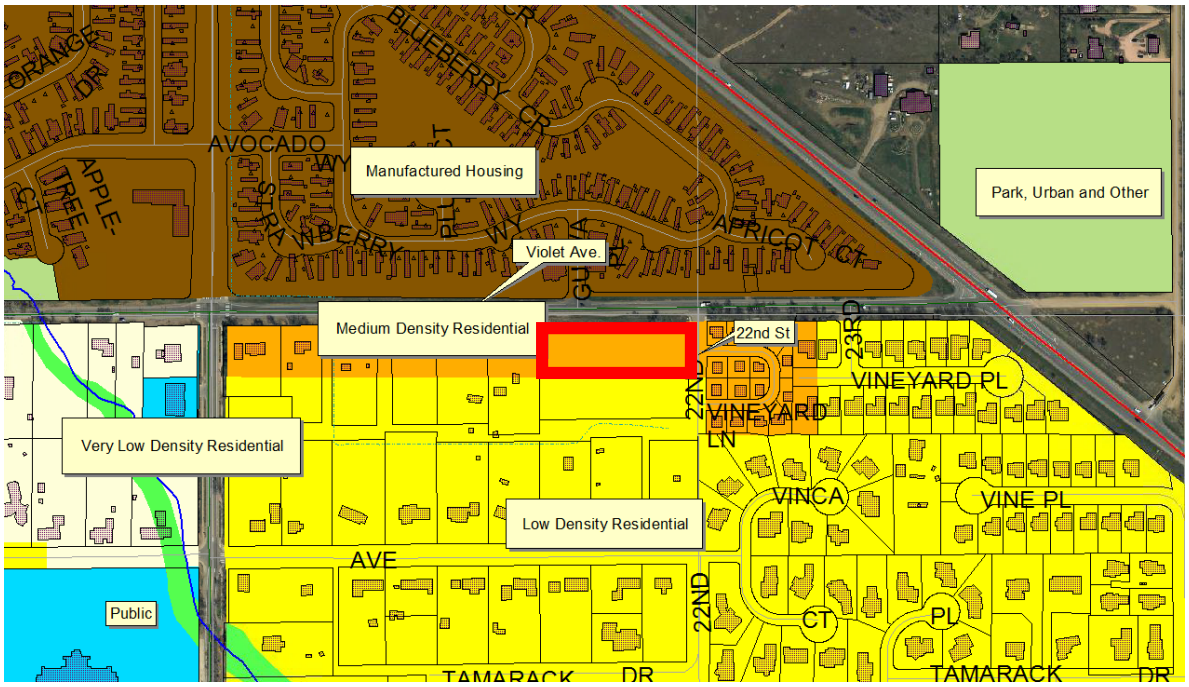


Figure 2- BVCP Land Use Map Designations

Zoning

The site is part of the Crestview East neighborhood which includes a variety of single-family homes in a more rural setting than other parts of Boulder. Lot sizes vary considerably in the area with RE (Residential Estate) zoned lots ranging from 14,000 square feet to 40,000 square feet, RL-1 (Residential Low – 1) lots of roughly 8,000 square feet in size and the medium density lots (Residential Medium – 2) across the street from the site with lots less than 4,000 square feet in size. Medium density land use and zoning exists along Violet and applies to the subject site. The lot across 22nd Street to the east is another Habitat for Humanity

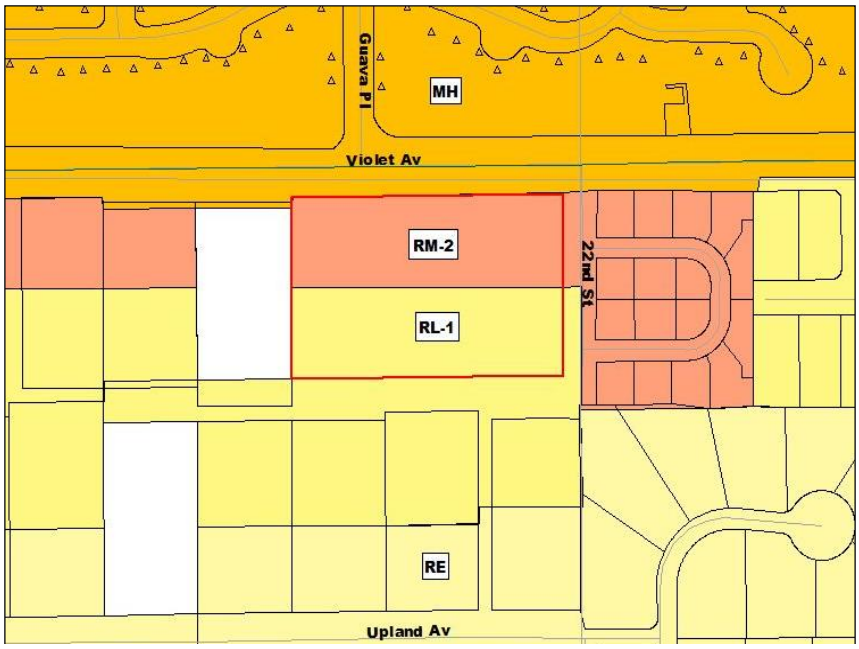


Figure 3- Zoning on and around the site (site is the zoned RM-2 portion)

development with the small lot single-family development.

There is a prevalence of developments built with cul-de-sacs in the area and the existence of Boulder County enclaves in the immediate vicinity. An extensive mobile home park exists on the north side of Violet across from the site.

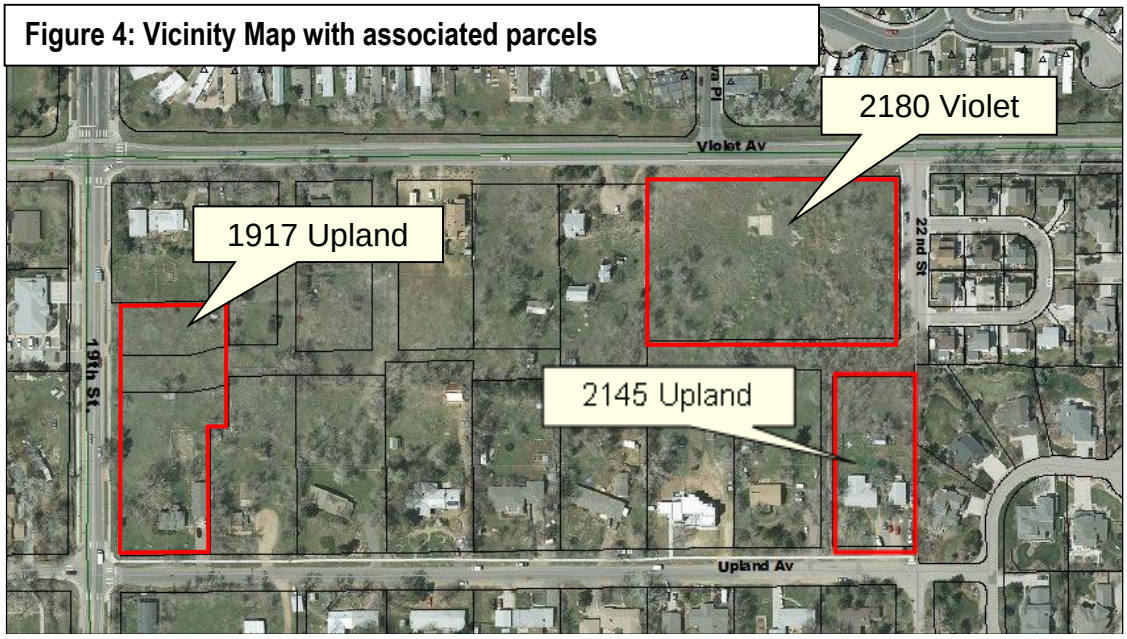
Annexation History

The property was annexed into the city in 1997 and is subject to the requirements of the attached annexation agreement (**Attachment D**). As part of annexation, the northern portion of the property was assigned a zoning designation of Residential - Medium 2 (RM-2) (previously referred to as Medium Density Residential – Established (MR-E)) and the southern portion of the property was zoned Residential - Low 1 (RL-1) (previously Low Density Residential – Established (LR-E)). Refer to Figure 3. The zoning districts that were assigned to the area in the mid 1990's are consistent with planned land uses in the NBSP), which applies to the area.

The annexation agreement for 2180 Violet contains very specific affordable housing requirements for the property including size-restricted units affordable only to the first purchaser of the unit. This means that subsequent sales of each property would allow the affordability restrictions to be terminated over time. As a note, the Restricted Unit Housing Program did not meet the city's affordable housing goals and was discontinued in 2002 in lieu of the city's current Inclusionary Housing regulations. In addition to the required restricted units, the agreement requires the applicant to provide eight permanently affordable units, affordable in perpetuity, to households earning between 60% and 120% of the area median income (AMI), with an average income of 90% of AMI.

The owner also annexed two other properties in the neighborhood simultaneously in 1997, located at 2145 Upland Ave. and 1917 Upland Ave., each of which has an annexation agreement including restricted units provisions (**Attachment E**). The 2145 Upland Ave. agreement's affordable housing requirement is based on the development potential of the property resulting in either one permanently affordable unit for households earning up to 90% of AMI or one size restricted unit initially affordable to households earning up 110% of AMI. The 1917 Upland Ave. agreement requires two units that are permanently affordable to households earning between 60% to 120% of the area median income (AMI), and one size-restricted unit initially affordable to households earning up 110% of AMI. A summary table can be found on page 5.

Figure 4: Vicinity Map with associated parcels



The following table summarizes the affordability requirements that apply to the three properties:

Property	Applicable Affordability Requirements	Total # of Affordable Units
2100 (now known as 2180 Violet)	• At time of development, 8 units, permanently affordable to households earning b/t 60% and 120% of AMI (average 90% AMI) • If rental, affordable to households earning < 90% AMI • 1 unit in RL-1 area shall be size-restricted and <u>initially</u> affordable to households earning 110% of AMI • 4 units in RM-2 portion shall be size-restricted and <u>initially</u> affordable to households earning b/t 80% and 120% AMI (average 110% AMI)	13 units (*5 units as size restricted & not permanently affordable over time*)
2145 Upland	• If RL-1 portion developed with 3 units, 1 unit shall be permanently affordable to household earning 90% of AMI. • If RL-1 portion developed with 2 units, 1 unit shall be size-restricted and <u>initially</u> affordable to households earning up to 110% AMI	1 unit (*1 unit possible as size restricted & not permanently affordable over time*)
1917 Upland	• At time of development, 2 units shall be permanently affordable to households earning b/t 60% and 120% of AMI (average 90% AMI). • 1 unit in RL-1 portion shall be size restricted and <u>initially</u> affordable to households earning 110% of AMI.	3 units (*1 unit as size restricted & not permanently affordable over time*)
Total affordable units under current agreements		**17 units**
Total permanently affordable units		**10 units**
Total units that are not considered permanent		**Up to 7 units**

To facilitate a sale of the northern portion of the 2180 Violet property to Habitat for Humanity to build a permanently affordable project, the City Council passed Ordinance No. 8095 on Dec. 1, 2015. The ordinance allowed an exemption to Section 9-12-2(b), B.R.C. 1981 of the Subdivision Regulations, which prohibits sale of property prior to subdivision. Planning Board was informed of the proposed ordinance on Nov. 23, 2015. The memorandum and attachments including the ordinance and applicable annexation agreements can be found at this link.

As reflected in the table above, 17 units are the total number of required affordable units of the three annexation agreements for the 2180 Violet, 1917 Upland and 2145 Upland properties. As can be seen in the table and the agreements, not all of the units were required to be permanently affordable over time.

The ordinance that allowed the sale of the property also required that any development of 2180 Violet be considered through a Concept Plan review and Site Review. Therefore, the subject proposal was brought forward as a Concept Plan with a request to amend the three annexation agreements to allow for up to 19 permanently affordable units on the site, which is discussed in Section II below. The overarching goal of the proposal is to provide housing with a deeper level of affordability that remains permanently affordable over time.

II. PROJECT DESCRIPTION SUMMARY

Ordinance No. 8095 permitted the sale of the northern portion of the site resulting in a 60,884 square feet site owned by Flatiron Habitat for Humanity. Originally, the applicant intended to propose 17 units on the site to match the total number of affordable units that are contained in the aforementioned annexation agreements. The applicant has since increased the request to a total of 19 permanently affordable attached units for the site. Nineteen units would exceed the 14 dwelling unit maximum for the site per the RM-2 zoning and would require approval through the annexation agreement amendment process, which is anticipated to follow this Concept Plan review following feedback from the Planning Board. The applicant's written statements can be found in **Attachment A**.

The site plan (Figure 5) shows that the site would be accessed by a new alley (required as a part of the NBSP). It is anticipated that this alley would also provide access to future single-family homes on the property immediately to the south.

Figure 5- Site Plan

The proposed 19 units would be within townhouse products (Figure 6) fronting on Violet Avenue, 22nd Street with a bike path connection on the west side of the site between Violet and the new alley to the south. The plans within **Attachment B** show two options for the buildings – some with gable roofs and others with shed roofs. A community open space is proposed along Violet and parking is confined to the interior of the site accessed from the alley. Carports are proposed over most of the parking spaces and are proposed for solar system installations. Parking is proposed to meet the parking requirements of the Land Use Code. Lastly, the proposed plan will likely require setback modifications at time of Site Review, which are identified in the Development Review Committee (DRC) comments in **Attachment C**.

Figure 6- Sample Elevations

As listed within **Attachment A**, the applicant is requesting preliminary consideration and feedback from the Planning Board on the following changes to the annexation agreements associated with the properties at 2180 Violet, 1917 Upland and 2145 Upland:

<u>2180 Violet Avenue Annexation Agreement Proposed Changes</u>

- Change 30-foot right-of-way to 20 feet for Vine Street along south property line
- Change language to transfer all affordable and restricted housing requirements to the subject RM-2 parcel
- Add language that there will be no further fees or in-lieu payments for the RL-1 portions of the parcel
- Change number of allowable units on the RM-2 zoned portion from 14 to 19

<u>1917 Upland Avenue Annexation Agreement Proposed Changes</u>

- Change 60-foot right-of-way to 40 feet vacating 10 feet on the north and south portions of Vine Street
- Change language to transfer all affordable and restricted housing requirements to the RM-2 portion that

Habitat for Humanity owns
- Add language that at the time of Site Review and permit application there will be no further fees or in-lieu payments associated with the redevelopment of the RL-1 portion of the property

2145 Upland Avenue Annexation Agreement Proposed Changes
- Change language to transfer all affordable and restricted housing requirements to the RM-2 portion
- Add language that at the time of Site Review and permit application there will be no further fees or in-lieu payments associated with the redevelopment of the RL-1 portion of the property

III. ANALYSIS

1. Is the proposal consistent with Boulder Valley Comprehensive Plan (BVCP) and North Boulder (NBSP) Subcommunity Plan?

Overall, staff finds that the proposal for permanently affordable housing in a design that addresses the street with appropriately scaled architecture would be consistent with the BVCP and the NBSP. A more detailed analysis follows:

BVCP Compliance: The project proposes 100 percent permanently affordable housing provided by Habitat for Humanity in attached townhome units in a variety of buildings that address the surrounding streets, served by a new rear alley. Pedestrian pathways would provide a high level of permeability and energy efficient design is evident in the solar carports that are proposed. These aspects of the development are consistent with the following BVCP policies:

- 2.03 Compact Development Pattern
- 2.09 Neighborhoods as Building Blocks
- 2.30 Sensitive Infill and Redevelopment
- 2.37 Enhanced Design for Private Sector Projects
- 4.06 Energy-Efficient Building Design
- 7.04 Local Solution to Affordable Housing
- 7.05 Permanently Affordable Housing
- 7.06 Strengthening Community Housing Partnerships
- 7.13 Integration of Permanently Affordable Housing

Additional information would be required at time of Site Review to demonstrate that the development is appropriately designed to minimize impact to existing neighborhood to be consistent with 2.30 Sensitive Infill and Redevelopment. Further, staff has recommended that the on-site open space be relocated more internal to the development to enhance its usability. This is discussed further in Key Issue No. 2 below.

NBSP compliance: The proposed development would be consistent with the following development guidelines that apply to all neighborhoods:

- Position houses so that their front doors and front yards face the street
- Except in areas recommended for low density rural-type character, position buildings close to the street to create a more pedestrian friendly atmosphere. Rather than conventional “setback”, create a “build-to” line

- 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
- Use alleys wherever possible to provide a "service" side to properties. Reduce curb cuts and sidewalk interruptions on the "public" side of lots

Further, the proposal for 100 percent permanently affordable uses on the site and the proposal to transfer such uses from other single-family lots is consistent with the principal NoBo Plan Crestview East goals (found on page 12 of the NBSP), which are:

- Create permanently affordable and diverse housing
- Develop minimum densities in the MR and LR zones
- Create new development in a pattern that supports walkability and good community design
- Consider transfers of development (TDR) from other, less centrally located areas

2. Is the proposed site and building design consistent with intent of BVCP Policy 2.37 Enhanced Design for Private Sector Projects?

Staff finds that most aspects of the proposal are consistent with BVCP Policy 2.37, Enhanced Design for Private Sector Projects (analyzed below) with appropriately scaled and attractive townhouse buildings that address each street, a high level of permeability through the site and a site plan where access is provided by a rear alley.

However, staff has identified some improvements to the site plan and building design that should be considered prior to Site Review to better meet the policy and the Site Review criteria. The most important considerations are to relocate the proposed community open space away from Violet Avenue to a more internal location to make the space more functional and safe for families and more welcoming porches and obvious entries to the buildings along the street frontages to meet the intent of the policy. The site plan also does not show where storm water detention would be accommodated on the site and staff finds that it will be important at time of Site Review that this be determined and that the applicant provide quality open space that does not end up being a non-functional detention area. Staff's specific comments as they relate to the policy are discussed below.

2.37 Enhanced Design for Private Sector Projects

a) The context. Projects should become a coherent part of the neighborhood in which they are placed. They should be preserved and enhanced where the surroundings have a distinctive character. Where there is a desire to improve the character of the surroundings, a new character and positive identity as established through area planning or a community involvement process should be created for the area. Special attention will be given to protecting and enhancing the quality of established residential areas that are adjacent to business areas.

The context of the area is eclectic with a range of low and medium density residential buildings, the latter being built closer to the street and on smaller lots. The proposed project would be consistent with other medium density developments in North Boulder, but will be somewhat of a change in character considering its immediate context. Nevertheless, the attractive, human-scaled buildings will be move towards a more improved character for the area.

b) Relationship to the public realm. Projects should relate positively to public streets, plazas, sidewalks, paths, ditches and natural features. Buildings and landscaped areas—not parking lots—should present a well-designed face to the public realm, should not block access to sunlight, and should be sensitive to important public view corridors. Future strip commercial development will be discouraged.

The buildings on the site will relate positively to Violet Avenue and 22nd consistent with the policy, but could be modified to be more welcoming. Porches are provided, but would be improved if they were extended around adjacent building elements and included visible front doors. The fronts of buildings could also be buffered from the street with well-integrated and designed landscaping.

c) Transportation connections. Projects should provide a complete network of vehicular, bicycle and pedestrian connections both internal to the project and connecting to adjacent properties, streets and paths, including dedication of public rights-of-way and easements where required.

The project will include a new alley providing access to the subject site and the site to the south and will include a new bike path along the western lot line.

d) Human scale. Projects should provide pedestrian interest along streets, paths and public spaces.

The buildings are well articulated, two-story, and will provide appropriate human-scaled pedestrian interest along the streetscapes.

e) Permeability. Projects should provide multiple opportunities to walk from the street into projects, thus presenting a street face that is permeable. Where appropriate, they should provide opportunities for visual permeability into a site to create pedestrian interest.

Pedestrian pathways enter the site in a variety of locations and provide a high level of permeability.

f) On-site open spaces. Projects should incorporate well-designed functional open spaces with quality landscaping, access to sunlight and places to sit comfortably. Where public parks or open spaces are not within close proximity, shared open spaces for a variety of activities should also be provided within developments.

A community open space is provided along the frontage of the site along Violet Avenue. This location may not be ideal given nearby passing cars and may not be the safest location for children. Staff suggests that one of the other internal buildings on the site be relocated to the Violet frontage and the community open space be located on the south side of the site. Ideally the space would be framed by buildings and would be designed to be functional for the residents. Any on-site open space shall be designed to be useable and functional and therefore, open space in the form of a stormwater detention area is strongly discouraged.

3. **Does the Planning Board preliminary support the proposed changes to the annexation agreement? Specifically, the requested increase in density to 19 units and relocating all permanently affordable units from the three properties to the subject property?**

Attachment A and the page 7 of this memorandum list the applicant's request for preliminary feedback from the Planning Board on proposed changes to the annexation agreements associated with three properties: 1917 Upland, 2145 Upland and the subject site, 2180 Violet. Staff's assessment of the proposed changes are below:

Satisfying Permanently Affordable requirements from 1917 Upland, 2145 Upland and the southern portion of 2180 Violet on the subject site: 2180 Violet, 2145 Upland Ave., and 1917 Upland Ave. were annexed in 1997. Each of which has an annexation agreement contained in **Attachments D** and **E**, which includes a requirement to provide permanent and restricted affordable units on site (summarized in Section I). The applicant proposes to meet the affordable requirements. Staff has made the determination the proposal as stated will meet all of the affordable provisions required by the annexations on the property at 2180 Violet. In fact, the proposal will actually exceed the affordable housing requirements as defined in the original annexation agreements in that only 10 of the 17 units would remain permanently affordable. Under this proposal, all units would become permanently affordable.

Additional density: The subject site would only permit 14 units per the RM-2 zoning when the alley is dedicated as right-of-way and deducted from the lot size. When Ordinance No. 8095 was processed in December 2015, the city indicated that the additional density could be considered by the Planning Board and City Council as part of the evaluation of community benefit. At this time, the applicant is requesting preliminary consideration of 19 units, a 5-unit increase over what is permitted.

Given the community benefits associated with the permanently affordable units discussed above, staff is open to the additional density given that there are enhanced opportunities for permanently affordable housing on the site and an amount of permanently affordable units that exceeds that originally possible under the previous annexation agreements. It would be important for the applicant to demonstrate at time of Site Review that the site design strongly meets the Site Review criteria for on-site open space for the residents considering the concerns about the open space discussed in Key Issue No. 2 above and that the tenants of the NBSP are met.

Right-of-way adjustments:
The NBSP has an adopted connections plan that contemplates several new pedestrian and vehicular connections in the Crestview East neighborhood. A map of the adopted future connections plan for the area is found below.

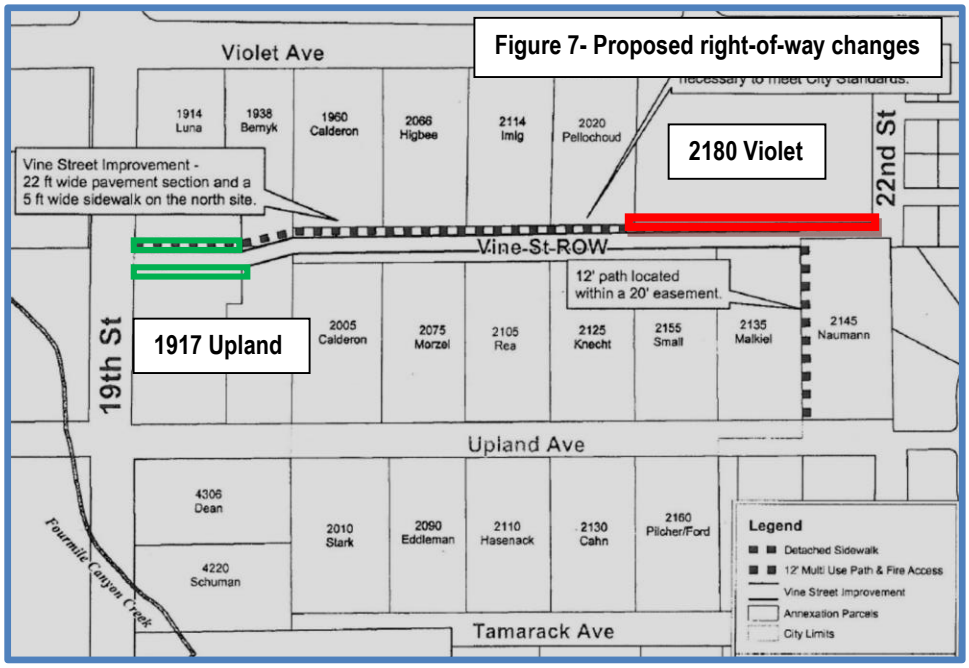


Figure 7- Proposed right-of-way changes

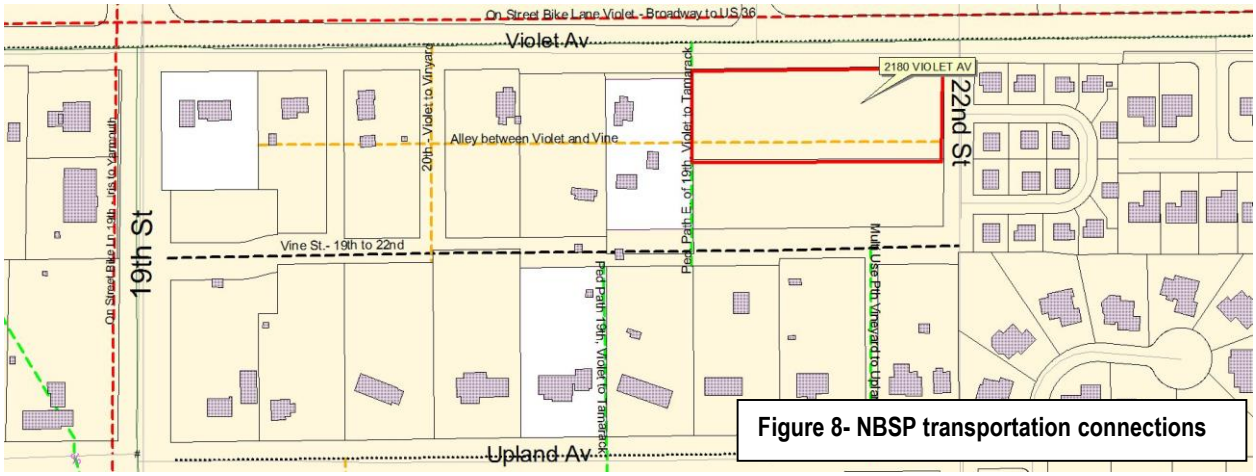


Figure 8- NBSP transportation connections

As noted above, 2180 Violet Ave., 1917 Upland Ave., and 2145 Upland Ave. were annexed in 1997. The property owner dedicted the right-of-way necessary for the future connections that were specified by the NBSP at that time. In 2009, most of the remaining properties within the Crestview East neighborhood were annexed. At the time, the Planning Board and City Council supported amendments to the street widths that were specified in the NBSP. The applicant is requesting that the required connections be built consistent with the standards approved in the larger 2009 Crestview East annexation as depicted on Figure 7 above:

- Change 30-foot right-of-way to 20 feet for Vine Street along the south lot line of 2180 Violet. (see red box in Figure 7)
- Change 60-foot right-of-way to 40 feet for Vine Street by vacating 10 feet on north and south portions. (see green boxes in Figure 7)

Staff is open to the applicant's request to vacate right-of-way for Vine Street consistent with the Crestview East Annexations, but will need additional design information for Vine Street in order to ensure an acceptable street alignment can be obtained in conjunction with the requested right-of-way vacation and that there are acceptable turn movements and cross sections achieved in the proposed changes. Any right-of-way adjustments must be consistent with the city's Design and Construction Standards (DCS).

IV. Concept Plan Review Criteria for Land Use Code Section 9-2-13(g), 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 site is 60,668 square feet (1.4 acres), rectangular in shape and located at the intersection of Violet Avenue and 22nd Street. It is generally level, although there is an elevational drop on the property from west to east of about 8 feet. The site is mostly open grassland with some sporadic trees. Four Mile Creek is located about 1000 feet to the west. The Front Range mountains are visible from the site.

The site is part of the Crestview East neighborhood and includes a variety of single-family homes in a more rural setting than other parts of Boulder. Lot sizes vary considerably in the area with Rural Estate lots ranging from 14,000 square feet to 40,000 square feet, RL-1 (Residential Low – 1) lots of roughly 8,000 square feet in size and the medium density lots across the street from the site with lots less than 4,000 square feet in size. Medium density land use and zoning exists along Violet. The lot across 22nd Avenue to the east is another Habitat for Humanity development with the small lot single-family development. There's prevalence of developments built with cul-de-sacs and the existence of Boulder County enclaves in the immediate vicinity. An extensive mobile home park exists on the north side of Violet across from the site.

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, subcommunity and subarea plans;

Because the project will require Site Review because of Ordinance No. 8095 and the requested setback modifications, the project will be subject to Boulder Valley Comprehensive Plan (BVCP) policies, on balance, through implementation of the Site Review criteria. The property is also subject to the North Boulder Subcommunity Plan (NBSP). The Site Review application would be staff level, but as there are proposed changes to the Annexation Agreements that apply to the subject site as well as 2145 Upland and 1917 Upland and effectively a proposed density that requires a special ordinance or special requirement in the annexation ordinance, Planning Board review of the Site Review may be appropriate. Further, any ordinances and changes to the annexation agreements require City Council approval at a public hearing. See Key Issue No. 1 for additional analysis.

3) Applicable criteria, review procedures, and submission requirements for a site review;

The project would require Site Review due to requirements in Ordinance No. 8095, as well as the identified setback modifications for the project. The proposal would be subject to all the criteria in Section 9-2-14(h) of the Land Use Code. Submission requirements would be the same as any other Site Review and would have to satisfy the requirements of section 9-2-14(d), B.R.C. 1981. While the property has been conveyed to Habitat for Humanity, a subdivision, including preliminary and final plat, would be required.

As stated above, an annexation application would be required to amend the previous agreements relating to 2180 Violet, 2145 Upland and 1917 Upland.

Reviews would follow a standard three-week review track where comments or a decision would be rendered at the end of that time. If revisions were required, additional review tracks could be scheduled.

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;

The annexation amendments and associated ordinances would technically need to be approved prior to any Site Review application to permit the density, as proposed, and the changes related to permanently affordable housing. Following Site Review approval, Technical Documents would be required for the construction drawings and to evaluate the final site plan and final architecture of buildings on the site. A separate and cost free Technical Document application would require to dedicate the alley. Following Technical Document approvals, the applicant could then submit building permits for the site.

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;

A bike path easement exists along the west property line of the site. A bike path would be required to be constructed in this easement as part of the Site Review. Redevelopment of the site also presents the opportunity to build an alley to provide access to the subject site and the site to the south, which is designated for single-family development, and construct a new detached sidewalk along Violet.

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 an open, previously developed site with no identified environmental opportunities.

7) Appropriate ranges of land uses; and

The development of the site with 100 percent permanently affordable housing is consistent with the NoBo Plan and is appropriate to assist the city in meeting its goals on low to moderate income housing.

8) The appropriateness of or necessity for housing.

The owner annexed the subject properties 2180 Violet, 2145 Upland Ave., and 1917 Upland Ave. in 1997. Each of which has an annexation agreement that includes a requirement to provide permanent and restricted affordable units on site. The applicant proposes to meet the affordable requirement on subject property. Staff has made the determination the proposal as stated will meet the annexation requirements and in addition exceed the affordable housing requirement as defined in the original annexation agreements.

To document this intent to meet the affordability requirements in the current annexation agreements for 1917 and 2145 Upland on 2100 (2180) Violet the annexation agreement for all three properties must be amended. To clarify, the affordability requirements are not technically being “transferred”. If 2180 Violet does not produce the affordable units the affordability requirement will remain on each property. The amendments to the agreements will “allow” the requirement to be met through the proposed development only.

The subject site would only permit 14 units per the RM-2 zoning. When Ordinance No. 8095 was processed, the city indicated that the additional density could be considered as part of the evaluation of community benefit and overall quality of the site/building design. At this time, the applicant is requested

preliminary consideration of 19 units, a 5-unit increase. Given the community benefits associated with the permanently affordable units discussed above, staff is open to the additional density. At time of Site Review, it would be important to demonstrate that the site design strongly meets the Site Review criteria for on-site open space for the residents. Further, a revision to the BVCP land use map may be necessary in the location of the alley to change the Low Density Residential land use in the alley area to Medium Density Residential as to keep the project consistent with the six to 14 units per acre for medium density land use.

V. PUBLIC COMMENT AND PROCESS

Required public notice was given in the form of written notification mailed to all property owners and renters within 600 feet of the subject site and a sign was posted on the property for at least 10 days. All notice requirements of Section 9-4-10(g), B.R.C. 1981 have been met. Staff has been contacted by one neighbor who has requested additional information on the application in advance of the Planning Board review.

VI. STAFF 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: Applicant's written statement
B: Proposed plans dated July 18, 2016
C: Development Review Committee (DRC) comments dated August 12, 2016
D: Annexation Agreement for 2100 (2180) Violet
E: Annexation Agreements for 2145 Upland and 1917 Upland

2180 Violet Avenue

LOCATION
Corner of Violet Avenue and 22nd Street
North Boulder

CONCEPT PLAN REVIEW: WRITTEN STATEMENT

Project Background
The property is pursuing an Annexation Amendment in conjunction with Site Review. This Concept Plan Review application will start the process of development review and provide feedback from Staff and the Planning Board before the project proceeds with a Site Review application.

How does the proposed development meet Title 9, "Land Use Regulation," B.R.C. 1981, city plans and policies, and address the following:

(1) 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.

Flatirons Habitat for Humanity (developer and lead service provider), is pleased to present a Concept Review application for 2180 Violet Ave, a 100% affordable, 19-unit multifamily project at the corner of Violet and 22nd Street in Boulder. The existing uses on the 1.39 acre property are single family style homes.

The construction of 2 story, 3-bedroom townhomes are proposed in a series of duplex, triplex, and fourplex buildings. A total of 19 units are proposed, where 2 of those townhomes are proposed to be fully accessible on the ground floor. With respect to parking, 38 parking spaces are proposed, 19 of those spaces being protected via carports with integrated storage areas for each unit.

(2) Techniques and strategies for environmental impact avoidance, minimization, or mitigation

The new buildings will meet the City of Boulder's Green Building and Green Points program requirements. Designed in a compact fashion to limit its impact on the site, the proposed structures are located on the site to allow for the maximum amount of useable open space, community benefit, and solar access between structures.

Because the Site Review process encompasses the entire block, storm water detention and water quality improvements will be made that would be unachievable without redevelopment of the entire block. Many green aspects of the proposed development are inherent in the site's location including connections to existing development and infrastructure, access to open space, proximity to services, jobs and public transportation while others such as water conservation, energy efficiency, and healthy building materials are a function of the programming and the high performance design of the buildings. The rooftops of the carports will be designed to accommodate solar photovoltaic panels to offset electricity consumption.

(3) 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.

With respect to the proposed new use, the demand for parking is extremely low. The amount of parking spaces proposed on the site meet the City of Boulder required amount. The future residents of the proposed development require access to jobs, school, and daily services. A Transportation Demand Management (TDM) Plan will be proposed at Site Review to serve the residents. The TDM Plan will likely utilize most, if not all, of the following programs: Eco Passes for residents, car share program, bike share program, secure bike storage facilities, bike repair tools and equipment to service bicycles, and educational materials on local and regional transportation alternatives.

Flatirons Habitat for Humanity®

July 13, 2016

Charles Ferro
City of Boulder
Planning and Development Services
P.O. Box 791
Boulder, CO 80306-0791

Dear Charles,

As you know, Flatirons Habitat for Humanity purchased the property at 2180 Violet in January that was subdivided for us by City Ordinance. We are requesting the following changes to the Annexation Agreements for 2100 Violet Ave Rec# 1755860, 1917 Upland Ave Rec# 1755859 and 2145 Upland Ave Rec# 1755861:

2100 Violet Ave Rec #1755860

Covenants

- Paragraph 1, item D
  - Change 30' of right of way to 20' right of way for Vine St along the southern line of the subject property

- Paragraph 3, Items B, C, E
  - Change language to transfer all affordable and restricted housing requirements to the MR-E portion of the parcel that FHFH owns
  - Add language that at the time of site review and permit application there will be no further fees or in-lieu payments for the LR-E portions of the parcel.
  - Change number of allowable units on the MR-E zoned portion to 19

1917 Upland Ave Rec #1755859

Covenants

- Paragraph 1, item G
  - Change 60' right of way to 40' vacating 10' on north and south portions

- Paragraph 3, Items B, C, E

  - Change language to transfer all affordable and restricted housing requirements to the MR-E portion

of the parcel that FHFH owns

- Add language that at the time of site review and permit application there will be no further fees or in-lieu payments for the LR-E portions of the parcel.

2145 Upland Ave Rec #1755861

Covenants

- Paragraph 3, Items B, C, E
  - Change language to transfer all affordable and restricted housing requirements to the MR-E portion of the parcel that FHFH owns
  - Add language that at the time of site review and permit application there will be no further fees or in-lieu payments for the LR-E portions of the parcel.

We are requesting that the transfer of affordable housing requirements from all three properties described above to 2100 Violet Ave Rec #1755860 is total and permanent. It satisfies all obligations and fees directly related to the City of Boulder inclusionary housing zoning requirements.

We have included drawings pertaining to the ROW vacations requests and our site concept plan in support of these requests.

We typically build permanently affordable 1,100 square foot homes that include three bedrooms, and one and one half bathrooms. Over the years, Flatirons Habitat has partnered with professional architects to make sure the overall design of our homes coincides with the overall look of the adjacent neighborhoods. Our homes have met or exceeded all building standards. Our community of volunteers provides the vast majority of our construction labor. On average it takes about nine months to complete a home. We have made a commitment to be a leader in building sustainable and energy-efficient affordable homes for hard-working families. We take advantage of Boulder's solar grants to ensure our homes have renewables. As an affiliate, we are interested in programs that will recognize our commitment to quality construction and design. We partner with programs and certifications, such as LEED for Homes, ENERGYSTAR, and Indoor airPLUS.

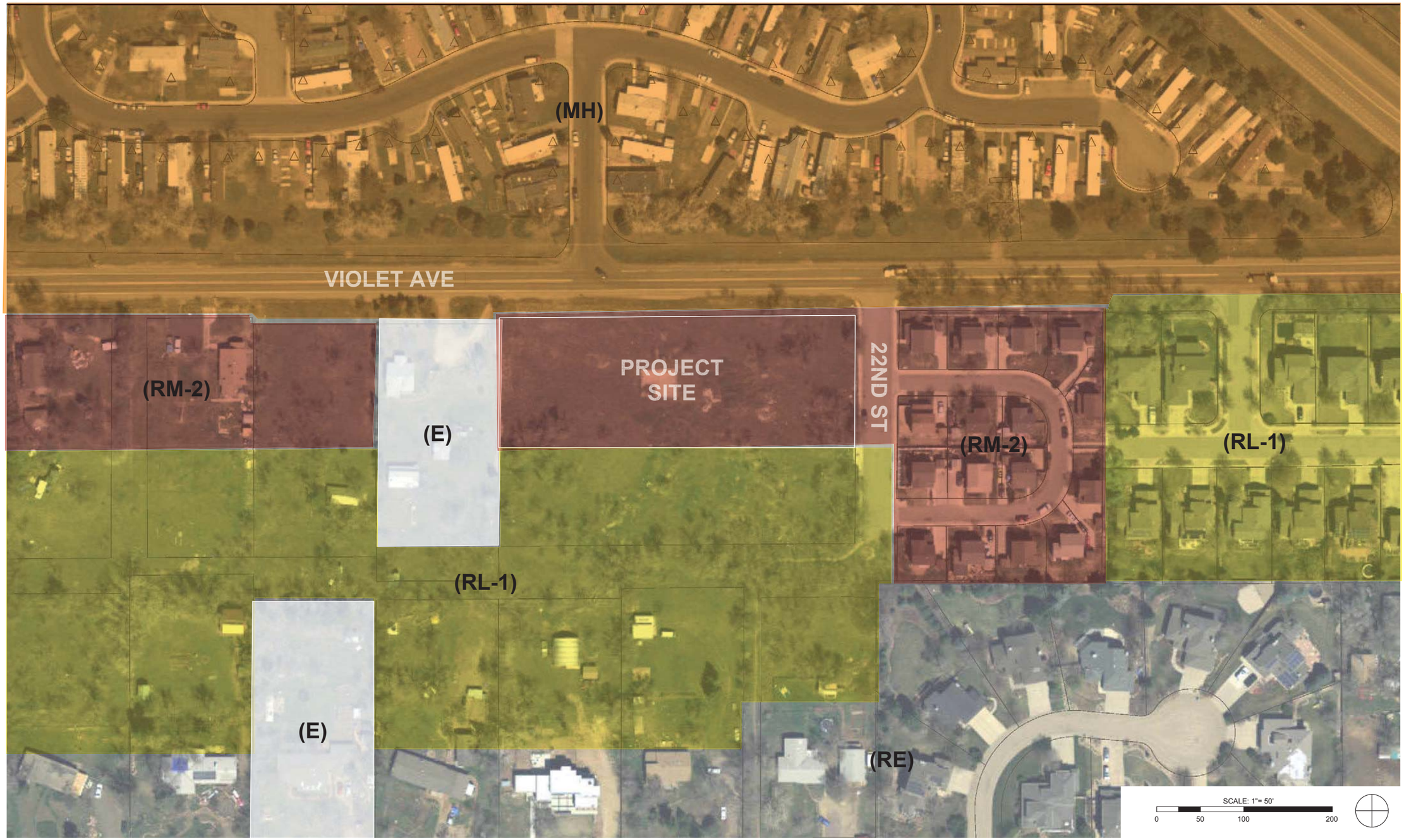
Our program is "a hand-up, NOT a hand-out." Families, at the time of closing on their home, commit to paying a monthly 0% interest mortgage payment, property taxes, home insurance, and Home Owners Association (HOA) fees. The HOA maintains the standard for the outside appearance of the home. We provide general education to our homeowners about ALL aspects of home ownership, including maintaining a home.

Many thanks

Robert C Naumann

Susan A. Lythgoe
Executive Director

Robert Naumann
2145 Upland LLC



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CONTEXT MAP

22ND AND VIOLET

STUDIO ARCHITECTURE

07/18/2016

2180 VIOLET

Boulder, CO

www.theSTUDIOarchitecture.com

SITE DEVELOPMENT CONCEPT

22ND AND VIOLET

STUDIO ARCHITECTURE

07/18/2016

2180 VIOLET

Boulder, CO

GABLE ROOF OPTION ← → SHED ROOF OPTION

4 UNIT TOWNHOMES

3 UNIT TOWNHOMES

2 UNIT TOWNHOMES

SCALE: 1"= 10'

0 10 20 40

VIOLET AVENUE ELEVATION
NOT TO SCALE

www.theSTUDIOarchitecture.com

ARCHITECTURAL CHARACTER SKETCHES

22ND AND VIOLET

STUDIO ARCHITECTURE

07/18/2016

2180 VIOLET

Boulder, CO

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:	**August 12, 2016**
CASE MANAGER:	**Karl Guiler**
PROJECT NAME:	**Habitat for Humanity Townhomes**
LOCATION:	**2180 VIOLET AVENUE (including 1917 and 2145 Upland)**
COORDINATES:	**N08W05**
REVIEW TYPE:	**Concept Plan Review & Comment**
REVIEW NUMBER:	**LUR2016-00059**
APPLICANT:	**JEFF DAWSON**
DESCRIPTION:	**CONCEPT PLAN REVIEW AND COMMENT: Request for citizen, Planning Board, and city comment on a proposal to develop an existing 1.4 acre property with a residential multifamily development consisting of 19 total permanently affordable multi famliy units and a central community open space. Concept plans are not approved or denied, but rather are an opportunity for the city and residents to comment on the general aspects of the proposal before a more detailed application is submitted.**

IDENTIFIED MODIFICATIONS FROM THE LAND USE REGULATIONS:

- Special request to permit 19 dwelling units where the RM-1 zoning would permit only 14 dwelling units. The modifications below may be considered through the Site Review process:
- Section 9-7-1, Minimum Front Yard Landscape Setback – Request to permit 9 feet where 25 feet is the code standard;
- Section 9-7-1, Minimum Side Yard Landscape Setback from a Street – Request to permit 9 feet where 12.5 feet is the code standard;
- Section 9-7-1- Minimum Side Yard Setback from an Interior Lot line – Request for 4 feet where 5 feet is the code standard;
- Section 9-7-1- Minimum Total for Both Side Yard Setbacks – Request for 13 feet where 15 feet is the code standard, and
- Section 9-7-1- Minimum Rear Yard Setback – Request for 20 feet where 25 feet is the code standard.

I. REVIEW FINDINGS

Overall, staff finds that the proposal is consistent with Boulder Valley Comprehensive Plan (BVCP) policies and the North Boulder Subcommunity Plan (NoBo Plan). Detailed staff analysis of the project against the relevant policies and goals in the NoBo Plan are provided within Section IV and V of this document. A preliminary zoning analysis is also provided.

Following Planning Board review of this Concept Plan application, an Annexation application to amend the previous agreements would be required in addition to a Site Review application. The additional density requested would have to be handled as part of the amended annexation agreements and annexation ordinance.

The applicant has posed the following amendments to the annexation agreement for preliminary Planning Board consideration. Staff recommendations on the responses are also provided throughout the document. Please feel free to contact staff with questions.

2100 (2180) Violet Avenue Rec #1755860

- *Change 30-foot right-of-way to 20 feet for Vine Street along south property line*
- *Change language to transfer all affordable and restricted housing requirements to the subject RM-2 parcel*

- Staff response: The affordable and restricted requirements are not technically being "transferred" however, the applicant would be allowed to meet the affordable requirements for the other two parcels by providing the affordable units through this development proposal on this property only. The affordable and restricted requirements will be considered to be satisfied once the affordable units on this property receive final Certificate of Occupancy.

- *Add language that at the time of Site Review and permit application, there will be no further fees or in-lieu payments for the RL-1 portions of the parcel*

  - Staff response: Staff does not support this annexation amendment. At this time, the affordability requirements in the annexation agreement replace any inclusionary requirements. This language would preclude council from modifying this in the future.

- *Change number of allowable units on the RM-2 zoned portion to 19 units*

<u>1917 Upland Avenue Rec #1755859</u>

- *Change 60-foot right-of-way to 40 feet vacating 10 feet on the north and south portions*
- *Change language to transfer all affordable and restricted housing requirements to the RM-2 portion that Habitat for Humanity owns*

  - Staff response: The affordable and restricted requirements are not technically being "transferred" however, the applicant would be allowed to meet the affordable requirements for this parcel on 2100 (2180) Violet. The affordable and restricted requirements will be considered to be satisfied once the affordable units on 2100 (2180) Violet receive final Certificate of Occupancy.

- *Add language that at the time of Site Review and permit application there will be no further fees or in-lieu payments for the RL-1 portion*

  - Staff response: Staff does not support this annexation amendment. At this time, the affordability requirements in the annexation agreement replace any inclusionary requirements. This language would preclude council from modifying this in the future.

<u>2145 Upland Avenue Rec #1755861</u>

- *Change language to transfer all affordable and restricted housing requirements to the RM-2 portion*

  - Staff response: The affordable and restricted requirements are not technically being "transferred" however, the applicant would be allowed to meet the affordable requirements for this parcel on 2100 (2180) Violet. The affordable and restricted requirements will be considered to be satisfied once the affordable units on 2100 (2180) Violet receive final Certificate of Occupancy.

- *Add language that at the time of Site Review and permit application there will be no further fees or in-lieu payments for the RL-1 portion.*

  - Staff response: Staff does not support this annexation amendment. At this time, the affordability requirements in the annexation agreement replace any inclusionary requirements. This language would preclude council from modifying this in the future.

The owner annexed the subject property 2180 Violet, 2145 Upland Ave., and 1917 Upland Ave. in 1997. Each of which has an annexation agreement which includes a requirement to provide permanent and restricted affordable units on site. The applicant proposes to meet the affordable requirement on subject property. Staff has made the determination the proposal as stated will meet the annexation requirements and in addition exceed the affordable housing requirement as defined in the original annexation agreements. To document the intent to meet the affordability requirements for the current annexation agreements for all three properties must be amended.

The subject site would only permit 14 units per the RM-2 zoning. When Ordinance No. 8065 was processed, the city indicated that the additional density could be considered as part of the evaluation of community benefit and overall quality of the site/building design. At this time, the applicant is requested preliminary consideration of 19 units, a 5-unit increase. Given the community benefits associated with the permanently affordable units discussed above, staff is open to the additional density. At time of Site Review, it would be important to demonstrate that the site design aptly meets the Site Review criteria for on-site open space for the residents. <u>Further, a revision to the BVCP land use map may be necessary in the location of the alley to change the Low Density Residential land use in the alley area to Medium Density Residential</u>

as to keep the project consistent with the six to 14 units per acre for medium density land use.

Planning Board review is tentatively scheduled for September 1, 2016. Please make the changes requested in 'Plan Documents' below for the plan sets that would be for Planning Board review. Take the suggestions of these comments into account, but otherwise, no additional changes to the plans need be made before the board hearing.

II. CITY REQUIREMENTS

Access/Circulation, David Thompson, 303-441-4417

1. Staff supports the right-of-way vacation being requested for the east / west alley which will accommodate a sixteen-foot wide residential alley consistent with the City's cross-section for a residential alley.

2. Staff can support a right-of-way vacation for Vine Street consistent with the Crestview East Annexations but will need additional design information for Vine Street in order to ensure an acceptable street alignment can be obtained in conjunction with the requested right-of-way vacation.

3. Pursuant to section 9-9-8 of the Boulder Revised Code, 1981, and the North Boulder Sub-Community Plan, the project will be responsible for constructing the following public improvements:

   - One half of the Violet Avenue roadway cross-section to consist of a 11' wide travel lane; 5' wide bike lane; 10' wide curb-and-gutter and landscape strip and a six-foot wide detached sidewalk.
   - The removal of the existing monolithically constructed curb-&-gutter and attached sidewalk along 22nd Street and replacing it with a new standard six-inch curb-and-gutter, an eight-foot wide landscape strip and a five-foot wide detached consistent with a residential street cross-section. Please be aware constructing this portion of the 22nd Street cross-section will require the dedication of an approximately five-foot wide public access easement to accommodate the landscape strip.
   - The residential alley cross-section for the east-west alley consistent with technical drawing 2.68 of the City's Design and Construction Standards.
   - A six-foot wide north-south concrete path at the west end of the site within the existing public access easement that was dedicated as part of annexation into the City.

4. Per Section 9-9-5 of the B.R.C, 1981 regarding site access, staff does not support multiple access points for the property from the alley without understanding why the additional access point is required, how the additional access point will impact pedestrian activity and how a single access point would impact the site design and site circulation.

5. At the time of Site Review:

   - A Transportation Demand Management (TDM) plan consistent with section 2.03(I) of the DCS and section 9-2-14(h)(2)(D)(iv) and (v) of the B.R.C. is required to be submitted which outlines strategies to mitigate traffic impacts created by the proposed residential development and implementable measures for promoting alternative modes of travel:

   - Show and label the public improvements to be constructed along with the public easements to be dedicated in conjunction with the site's development.

   - Please show the location of the short-term and long-term bicycle parking to be provided on the site following the requirements found in section 9-9-6(g), of the B.R.C.

   - Pursuant to the Guide to the Americans with Disabilities Act Accessibility Guidelines (ADAAG) Manual, please provide a minimum of two accessible spaces with one of the two spaces being van accessible and locate the accessible spaces as close as practical to the proposed accessible units.

   - Per Section 2.04(M)(1) of the DCS, please revise the plans to provide a separation of twenty-feet between the right-of-way and the first off-street parking space or parking lot aisle.

   - Describe in the written statement for the site review application and show on the site plans how emergency access will be provided for the three-unit townhome building located in the southwest quadrant of the site.

The applicant can contact Dave Lowery to identity the site and public infrastructure that must be present to support emergency access.

Drainage Scott Kuhna, 303-441-4071
Detention ponding shall be provided for all new development to ensure that storm water runoff can be conveyed to the major drainage system without adverse impact on upstream, surrounding, or downstream properties and facilities. Also, 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 these features will be located based on the submitted site plan.

Land Uses Karl Guiler, Case Manager, 303-441-4236
The Boulder Valley Comprehensive Plan (BVCP) land use designation for the property is 'Medium Density Residential' which permits six to 14 dwelling units per acre. The site is also subject to the North Boulder Subcommunity Plan (NoBo Plan). Relevant BVCP policies are listed below and an analysis of the project's compliance with the NoBo Plan can be found in Section V below.

Landscaping: Jessica Andersen, 303-441-4416
Consider the following comments and Site Review criteria (shown "*italicized")* as design development begins.

1. *(C)(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;*

   As the project plans become more refined, a detailed landscape plan is required that is consistent with, and exceeds, city code requirements. See Sections 9-9-11, 9-9-12, 9-9-13 and 9-9-14, B.R.C. 1981 for all applicable requirements. Please consider the Water Conservation and Xeriscape Landscape Standards - Section 9-9-12-(d)(14) & (15) as plant materials are selected. Consider developing a plant palette that responds to the various microclimates on site including the shady north side of units, moist drainage areas, hot and dry parking lot islands, etc. Please note that rock mulch is not an approved landscape surface treatment and is restricted in planting areas. Rock mulch or cobble may be used within a drainage swale. Larger boulders or decorative stones may be used as accents within landscaped areas. Consider landscape strategies to give identify to individual units as well as common open space areas.

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

   A detailed tree inventory prepared by a licensed arborist is a Site Review submittal requirement. Consider incorporating any large healthy trees into the usable open space and site design. With the identification of emerald ash borer (EAB) in 2013, the preservation of existing healthy trees has become increasingly important to support the city's environmental goals (urban heat island reduction, stormwater management, air quality, etc.) and their many aesthetic benefits. Invasive species such as Russian Olive should be removed.

   While no existing public street trees are identified in the City's tree inventory, please note that removal of any public street tree requires permission of the City Forester and may include mitigation fees.

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

   At the time of Site Review submittal, provide a landscape plan which includes a landscape requirements table as described in section 9-9-12(d)(1)(J). This table will clearly demonstrate the projects minimum requirements and the proposed materials.

4. *(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*.

   Street and alley trees will be required along all street frontages. One large deciduous tree is required for every 40 linear feet of street or alley frontage per Section 9-9-12 B.R.C. 1981. Please coordinate the street tree requirements with any existing or proposed utilities with the initial Site Review submittal so that all requirements

are satisfied. Please show the trees on the utility plan and utilities on the planting plan for coordination purposes.

A planting strip will be required on Violet and 22nd per Access/Circulation requirements. Please coordinate the planting strip, sidewalk, landscaping, and street trees with any required site drainage. If a drainage swale is required in the right-of-way it should be thoughtfully designed with consideration for landscaping requirements. Street trees may not be planted within the flowline of a drainage swale. Rock mulch may be used within the bottom of a drainage swale only, not around trees or as a surface material on the site. Refer to Access/Circulation comments for additional sidewalk and right-of-way requirements.

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

   While the site plan depicts a high level of pedestrian connection between the parking lot, individual units and public right-of-way. more information is needed to fully evaluate the parking lot layout. The applicant should coordinate the carports, landscaping, and pedestrian movement in a manner that enhances the site entrance experience from the alley for all modes of travel.

6. *(E)(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.*

   Carefully consider the locations of required trees in relation to the installation of PV at the carports to achieve parking lot shading and screening requirements and Alley tree requirements. The islands depicted between the Carports may not be practical for tree and understory planting. The applicant should consider alternative layouts of the carports that allow for larger planting areas. Please demonstrate at Site Review how the carports and alley trees can co-exist on site to the greatest extent possible.

7. Modifications – Please be aware that per the Site Review criteria, this project should exceed the by-right landscaping standards of section 9-9-12, "*Landscaping & Screening*" and section 9-9-13, "*Streetscape Design*," B.R.C. 1981, in quantity and size. Any requested modifications should be called out and an explanation of how the project continues to meet the Site Review criteria included.

Plan Documents Karl Guiler, Case Manager, 303-441-4236
It appears that the context map may be incorrect. City mapping indicates that the RM-2 zoning only goes along the east property line to the corner where the proposed alley begins and does not encompass the land for the alley. Prior to Planning Board staff recommends that this be corrected on the context map for clarify.

Review Process Karl Guiler, Case Manager, 303-441-4236
Per Section 9-2-14, B.R.C. 1981, the project is eligible for Concept Plan Review because the site allows for more than 5 units. In this case, the applicant has elected to undergo the Concept Plan Review process. The Concept Plan process is an opportunity for the applicant to receive comments from the community, city staff and the Planning Board about the proposed plan. Feedback received in the Concept Plan process is meant to inform subsequent phases of the development process. Concept Plan Review requires staff review and a public hearing before the Planning Board. The Planning Department and Planning Board will review the applicant's Concept Review & Comment plans against the guidelines found in Section 9-2-13(f), B.R.C. 1981.

Zoning Karl Guiler, Case Manager, 303-441-4236
The project site is zoned Residential Medium Two (RM-2) and is defined in in Section 9-5-2(c), B.R.C. 1981 as *"Medium density residential areas primarily used for small-lot residential development, including without limitation, duplexes, triplexes, or townhouses, where each unit generally has direct access at ground level."*

III. INFORMATIONAL COMMENTS

Access/Circulation, David Thompson, 303-441-4417

1. Staff has reviewed the trip generation report and a traffic study is not required since the trips generated by this development during the peak hour is less than the threshold requirement of 20 vehicles for residential application per Section 2.02(B) of the DCS.

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 process.

Area Characteristics and Zoning History Karl Guiler, Case Manager, 303-441-4236

The subject property is located at 2180 Violet Ave. at the southwest corner of 22nd Street and Violet Avenue (refer to **Figure 2** below). The property was annexed into the city in 1997 and is subject to the requirements of the attached annexation agreement. As part of annexation, the northern portion of the property was assigned a zoning designation of Residential - Medium 2 (RM-2) (previously referred to as Medium Density Residential – Established (MR-E)) and the southern portion of the property was zoned Residential - Low 1 (RL-1) (previously Low Density Residential – Established (LR-E)). Refer to **Figure 3**. The zoning districts that were assigned to the area in the mid 1990's are consistent with planned land uses in the North Boulder Subcommunity Plan.

The annexation agreement contains very specific affordable housing requirements for the property including size-restricted units affordable to the first purchaser of the unit. This means that subsequent sales of each property would allow the affordability restrictions to be terminated over time. (As a note, the Restricted Unit Housing Program did not meet the city's affordable housing goals and was discontinued in 2002.) In addition to the required restricted units, the agreement requires the applicant to provide eight permanently affordable units, affordable in perpetuity, to households earning between 60% and 120% of the area median income (AMI), with an average income of 90% of AMI.

Figure 2: Vicinity Map

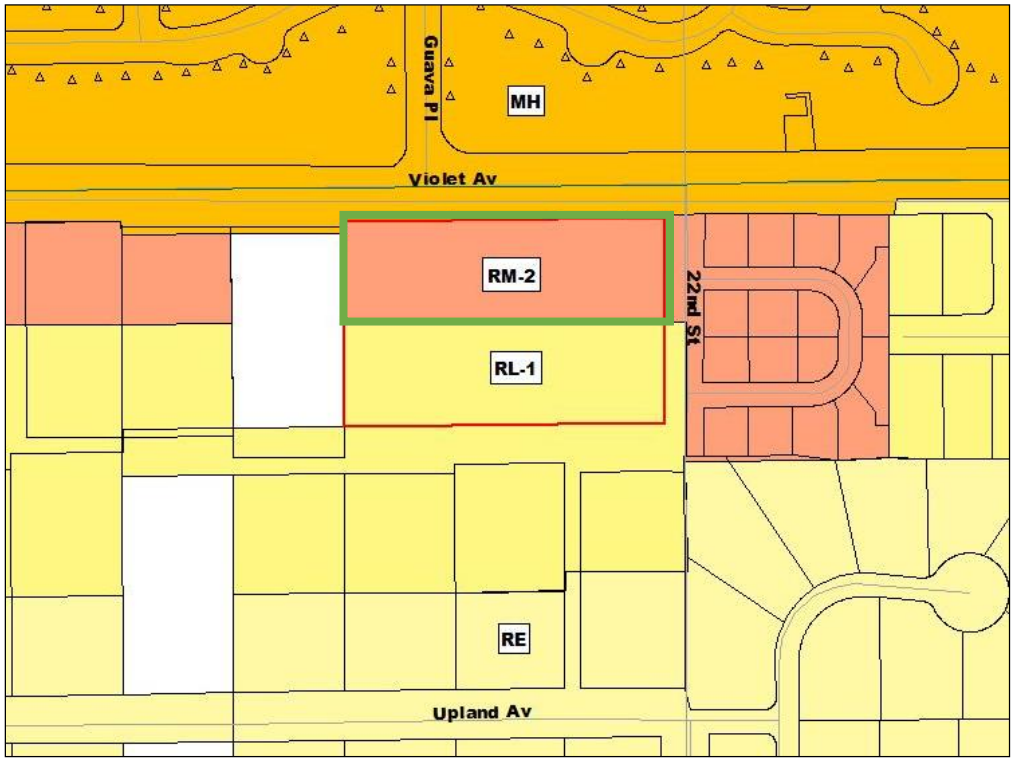

Figure 3: City Zoning Districts

The owner also annexed two other properties simultaneously in 1997, located at 2145 Upland Ave. and 1917 Upland Ave., each of which has an annexation agreement including restricted units provisions. The 2145 Upland Ave. agreement's affordable housing requirement is based on the development potential of the property resulting in either one permanently affordable unit for households earning up to 90% of AMI or one size restricted unit initially affordable to households earning up 110% of AMI. The 1917 Upland Ave. agreement requires two units that are permanently affordable to households earning between 60% to 120% of the area median income (AMI), and one size-restricted unit initially affordable to households earning up 110% of AMI.

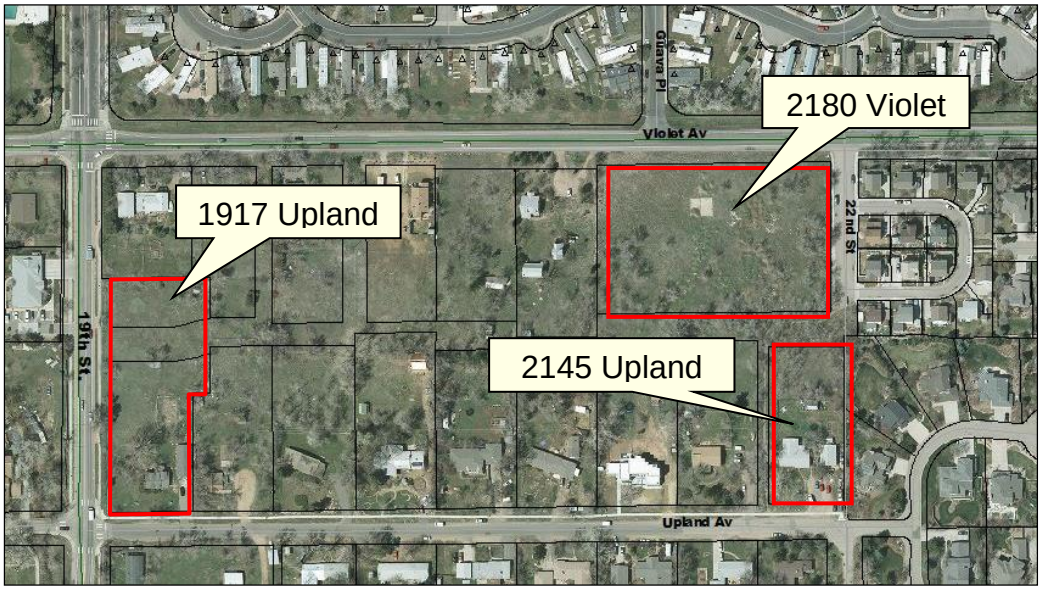

Figure 4: Vicinity Map

Community Benefit Beth Roberts 303-441-1828
The owner annexed the subject properties 2180 Violet, 2145 Upland Ave., and 1917 Upland Ave. in 1997. Each of which has an annexation agreement that includes a requirement to provide permanent and restricted affordable units on site.

The applicant proposes to meet the affordable requirement on subject property. Staff has made the determination the proposal as stated will meet the annexation requirements and in addition exceed the affordable housing requirement as defined in the original annexation agreements.

To document this intent to meet the affordability requirements in the current annexation agreements for 1917 &2145 Upland on 2100 (2180) Violet the annexation agreement for all three properties must be amended. To clarify, the affordability requirements are not technically being "transferred". If 2180 Violet does not produce the affordable units the affordability requirement will remain on each property. The amendments to the agreements will "allow" the requirement to be met through the proposed development only.

The Applicant has submitted a funding request seeking funds to support the development of the permanently affordable homeownership units. The funding request will be reviewed by staff and the Affordable Housing Technical Review Group with a funding recommendation to the City Manager for approval. Funding amounts will support the additional community benefit beyond the requirements of the annexation agreements which is comprised of two additional affordable units and lower affordable pricing than required by the annexations.

Staff suggests the applicant review the Livability Standards for Permanently Affordable Housing which can be found at www.boulderaffordablehomes.com, as the livability standards will apply to the proposed affordable units and will be reviewed as part of the site review.

Drainage Scott Kuhna, 303-441-4071

1. Storm water quality enhancement and detention ponding 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)* must be provided by the applicant at time of Site Review application. The applicant should note that additional storm water quality requirements have been recently added to the *DCS*. The required report and plan must also address the following issues:

- Water quality for surface runoff using "Best Management Practices"
- Minimize Directly Connected Impervious Areas (MDCIA)
- Detention ponding facilities
- 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 is anticipated to accommodate construction and operation of the proposed developments. 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. The applicant is notified that detention and water quality ponds intended to detain and treat stormwater runoff for the entire property (not each individual lot) shall be located in “Outlots”, with maintenance responsibilities detailed in the subdivision agreement.

4. A construction storm water discharge permit is required from the State of Colorado for projects disturbing one (1) acre of land or more. The applicant is advised to contact the Colorado Department of Public Health and Environment.

Groundwater Scott Kuhna, 303-441-4071
While the proposed development site is not known to have high groundwater levels, 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.

Land Uses Karl Guiler, Case Manager, 303-441-4236
BVCP Policies
Below are most applicable identified BVCP policies to the proposed project. A discussion on preliminary compliance with these policies is within Section V below:

2.03 Compact Development Pattern
The city and county will, by implementing the Boulder Valley Comprehensive Plan, 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 within the Boulder Valley. The city prefers redevelopment and infill as compared to development in an expanded Service Area in order to prevent urban sprawl and create a compact community.

2.09 Neighborhoods as Building Blocks
The city and county will foster the role of neighborhoods to establish community character, provide services needed on a day-to-day basis, foster community interaction, and plan for urban design and amenities. All neighborhoods, whether residential areas, business districts, or mixed land use areas, should offer unique physical elements of neighborhood character and identity, such as distinctive development patterns or architecture; historic or cultural resources; amenities
such as views, open space, creeks, irrigation ditches, and varied topography; and distinctive community facilities and business areas.

2.30 Sensitive Infill and Redevelopment
With little vacant land remaining in the city, most new development will occur through redevelopment. The city will gear subcommunity and area planning and other efforts toward defining the acceptable amount of infill and redevelopment and standards and performance measures for design quality to avoid or adequately mitigate negative impacts and enhance the benefits of infill and redevelopment to the community and individual neighborhoods. The city will also develop tools, such as neighborhood design guidelines, to promote sensitive infill and redevelopment.

2.37 Enhanced Design for Private Sector Projects
Through its policies and programs, the city will encourage or require quality architecture and urban design in private sector development that encourages alternative modes of transportation, provides a livable environment and addresses the elements listed below.

a) The context. Projects should become a coherent part of the neighborhood in which they are placed. They should be preserved and enhanced where the surroundings have a distinctive character. Where there is a desire to improve the character of the surroundings, a new character and positive identity as established through area planning or a community involvement process should be created for the area. Special attention will be given to protecting and enhancing the quality of established residential areas that are adjacent to business areas.

b) Relationship to the public realm. Projects should relate positively to public streets, plazas, sidewalks, paths, ditches and natural features. Buildings and landscaped areas—not parking lots—should present a well-designed face to the public realm, should not block access to sunlight, and should be sensitive to important public view corridors. Future strip commercial development will be discouraged.

c) Transportation connections. Projects should provide a complete network of vehicular, bicycle and pedestrian connections both internal to the project and connecting to adjacent properties, streets and paths, including dedication of public rights-of-way and easements where required.

d) Human scale. Projects should provide pedestrian interest along streets, paths and public spaces.

e) Permeability. Projects should provide multiple opportunities to walk from the street into projects, thus presenting a street face that is permeable. Where appropriate, they should provide opportunities for visual permeability into a site to create pedestrian interest.

f) On-site open spaces. Projects should incorporate well-designed functional open spaces with quality landscaping, access to sunlight and places to sit comfortably. Where public parks or open spaces are not within close proximity, shared open spaces for a variety of activities should also be provided within developments.

4.05 Energy-Efficient Building Design
The city and county will pursue efforts to improve the energy and resource efficiency of new and existing buildings. The city and county will improve regulations ensuring energy and resource efficiency in new construction, remodels and renovation projects and will establish energy efficiency requirements for existing buildings. Energy conservation programs will be sensitive to the unique situations that involve historic preservation and low-income homeowners and renters and will ensure that programs assisting these groups are continued.

7.01 Local Solutions to Affordable Housing
The city and county will employ local regulations, policies, and programs to meet the housing needs of their low and moderate income households and workforce. Appropriate federal, state and local programs and resources will be used locally and in collaboration with other jurisdictions. The city recognizes that affordable housing provides a significant community benefit and will continually monitor and evaluate its policies, programs and regulations to further the city's affordable housing goals.

7.02 Permanently Affordable Housing
The city will increase the proportion of permanently affordable housing units to an overall goal of at least ten percent of the total existing housing stock through regulations, financial subsidies and other means. City resources will also be directed toward maintaining existing permanently affordable housing units and securing replacements for lost low and very low income units.

7.03 Strengthening Community Housing Partnerships
The city will create and preserve partnerships dedicated to the community's housing needs by supporting private and nonprofit agencies that create and maintain permanently affordable housing in the community, and fostering nonprofit and private sector partnerships. The city recognizes the role of the university in the housing market and will encourage the University of Colorado and other post-secondary institutions in their efforts to increase the amount of on campus housing.

7.13 Integration of Permanently Affordable Housing
Permanently affordable housing, whether publicly, privately or jointly financed will be designed as to be compatible, dispersed, and integrated with housing throughout the community.

Neighborhood Comments Karl Guiler, Case Manager, 303-441-4236
At the time of these comments, staff was contacted by one member of the public who was interested in reviewing the plans. Staff forwarded the application materials to them.

Residential Growth Management System, Caeli Hill, 303-441-4161
Growth management allocations are required to construct each dwelling unit prior to building permit submittal. Please be advised that an agreement for meeting city affordable housing requirements must be in place before a Growth Management Allocation can be issued.

Site and Building Design Karl Guiler, Case Manager, 303-441-4236
The most relevant BVCP policy to site design is *2.37 Enhanced Design for Private Sector Projects*. Staff has provided commentary below regarding how the projects relates to this policy.

a) The context. Projects should become a coherent part of the neighborhood in which they are placed. They should be preserved and enhanced where the surroundings have a distinctive character. Where there is a desire to improve the character of the surroundings, a new character and positive identity as established through area planning or a community involvement process should be created for the area. Special attention will be given to protecting and enhancing the quality of established residential areas that are adjacent to business areas.

The context of the area is eclectic with a range of low and medium density residential buildings, the latter being built closer to the street and on smaller lots. The proposed project would be consistent with other medium density developments in North Boulder, but will be somewhat of a change in character considering its immediate vicinity. Nevertheless, the attractive, human-scaled buildings will be move towards a more improved character for the area. The applicant will be required at the Site Review stage to demonstrate that the buildings will fit into the character of the area and include durable materials as required by the Site Review criteria.

b) Relationship to the public realm. Projects should relate positively to public streets, plazas, sidewalks, paths, ditches and natural features. Buildings and landscaped areas—not parking lots—should present a well-designed face to the public realm, should not block access to sunlight, and should be sensitive to important public view corridors. Future strip commercial development will be discouraged.

The buildings on the site will relate positively to Violet Avenue and 22nd consistent with the policy, but could be modified to be more welcoming. Porches are provided, but would be improved if they were extended around adjacent building elements and included visible front doors. The fronts of buildings could also be buffered from the street with well-integrated and designed landscaping.

c) Transportation connections. Projects should provide a complete network of vehicular, bicycle and pedestrian connections both internal to the project and connecting to adjacent properties, streets and paths, including dedication of public rights-of-way and easements where required.

The project will include a new alley providing access to the subject site and the site to the south and will include a new bike path along the western lot line.

d) Human scale. Projects should provide pedestrian interest along streets, paths and public spaces.

The buildings are well articulated, two-story, and will provide appropriate human-scaled pedestrian interest along the streetscapes.

e) Permeability. Projects should provide multiple opportunities to walk from the street into projects, thus presenting a street face that is permeable. Where appropriate, they should provide opportunities for visual permeability into a site to create pedestrian interest.

Pedestrian pathways enter the site in a variety of locations and provide a high level of permeability.

f) On-site open spaces. Projects should incorporate well-designed functional open spaces with quality landscaping, access to sunlight and places to sit comfortably. Where public parks or open spaces are not within close proximity, shared open spaces for a variety of activities should also be provided within developments.

A community open space is provided along the frontage of the site along Violet Avenue. This location may not be ideal given nearby passing cars and may not be the safest location for children. Staff suggests that one of the other internal buildings on the site be relocated to the Violet frontage and the community open space be located on the south side of the site. Ideally the space would be framed by buildings and would be designed to be functional for the residents. Any on-site open space shall be designed to be useable and functional and therefore, open space in the form of a stormwater detention area is strongly discouraged.

Additional comment on the alley: Staff recommends that the applicant consider consolidating the two trash enclosures and orient the enclosure to the alley so that impact of trash/recycle trucks on parked vehicles would be minimized.

Utilities Scott Kuhna, 303-441-4071

1. 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, as well as perpetuate the overall system, will be required. All proposed public utilities for this project shall be designed in accordance with the DCS. A Utility Report per Sections 5.02 and 6.02 of the DCS will be required at time of Site Review or Preliminary Plat application to establish the impacts of this project on the City of Boulder utility systems.

2. All proposed public utilities for this project shall be designed in accordance with the City of Boulder *Design and Construction Standards* (DCS). A Utility Report per Sections 5.02 and 6.02 of the DCS will be required at time of Site Review application to establish the impacts of this project on the City of Boulder utility systems.

3. Fire hydrants will need to be installed to meet the coverage requirements outlined in Section 5.10 of the City of Boulder *Design and Construction Standards*. 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.

4. 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.

5. 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.

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.

Zoning Karl Guiler, Case Manager, 303-441-4236

Site size

The application materials indicate the site size is 60,668 square feet. At time of Site Review, a site survey will be required to confirm this site size.

Subdivision

While the property was conveyed via ordinance to Habitat for Humanity, a subdivision of the property, including preliminary and final plat, would be required. Please confirm whether the single-family units that would be developed on the site to the south will be designed to access the alley as well.

Density

Based on the site size indicated above and considering the required dedication of the alley and the limits of the RM-2 zoning district discussed in 'Plan Documents' comment no. 1 above, the maximum number of units on the property would be 14 dwelling units. This matches the Habitat for Humanity's written statement for the ordinance permitting the subdivision that created the lot in 2015. The proposal for 19 dwelling units would not conform to the zoning and would either require a rezoning or a special ordinance. The current written statement dated July 13, 2016 appears to acknowledge this with a request to change the annexation agreement to permit the 19 units. Prior to Planning Board, it would be helpful to understand the rationale of the request for additional density.

Building Heights

The maximum permitted height in the RM-2 zoning district is 35 feet. The measurement is from the lowest point within 25 horizontal feet of the tallest side of each structure. This will need to be confirmed with more detailed documentation at time of Site Review. Further, the proposed solar carports would be considered accessory structures and would be limited to 20 feet.

Building Massing

Building massing is determined by a combination of the underlying setbacks, height limits and conformity with the Site Review criteria of Section 9-2-14(h), B.R.C. 1981. At this time, it appears the massing of the buildings would be appropriate to the surrounding context.

Building Setbacks

Per the land use code, the shortest frontage along a street is considered the front setback. Therefore, 22nd Street would be considered the front and the frontage along Violet Avenue would be a side yard adjacent to street. While this is the technical requirement in the code, staff understands that the development is designed with buildings addressing Violet as if it were the front of the development and considering the location of the alley that is more appropriate as a rear setback area. Nevertheless, the following setback modifications would be required at time of Site Review:

- Section 9-7-1, Minimum Front Yard Landscape Setback – Request to permit 9 feet where 25 feet is the code standard;
- Section 9-7-1, Minimum Side Yard Landscape Setback from a Street – Request to permit 9 feet where 12.5 feet is the code standard;
- Section 9-7-1- Minimum Side Yard Setback from an Interior Lot line – Request for 4 feet where 5 feet is the code

standard;
- Section 9-7-1- Minimum Total for Both Side Yard Setbacks – Request for 13 feet where 15 feet is the code standard, and
- Section 9-7-1- Minimum Rear Yard Setback – Request for 20 feet where 25 feet is the code standard.

Development Standards
Please be advised that the project would be subject to all of the development standards of Section 9-9, Development Standards.

Parking
The parking standards are found in section 9-9-6, B.R.C. 1981. The parking requirements in the RM-2 zone for attached dwelling units are as follows: 1 space per one-bedroom; 1.5 spaces per two-bedroom; 2 spaces per three-bedroom, and 3 spaces per four or more bedrooms. Per the written description, the units would be designed as three-bedroom units which would require two spaces per unit. Based on this and the parking shown on the conceptual site plan, it appears that parking would be adequately accommodated on the site.

Open Space
Open space would be subject to the requirements of 9-9-11, "Useable Open Space," B.R.C. 1981 and the open space criteria within the Site Review criteria (9-2-14(h)(2), B.R.C. 1981). The RM-2 zone does not require open space per unit or a minimum for any use. Nevertheless, open space would be required on the site and would be evaluated based on compliance with the Site Review criteria.

Outdoor Lighting
Please note that development of the lot will require compliance with Section 9-9-16, Outdoor Lighting.

Solar Access
Per section 9-9-17, "Solar Access," B.R.C. 1981, the site is within Solar Access Area II. Section 9-9-17(c)(3), B.R.C. 1981 states, "*Solar Access Area is designed to protect solar access principally for rooftops in areas where, because of planned density, topography or lot configuration or orientation, the preponderance of lots therein currently enjoy such access and where solar access of this nature would not unduly restrict permissible development*."

Occupancy of Dwelling Units
Please note the occupancy limits set forth in Section 9-8-5.

IV. NEXT STEPS

Planning Board review is tentatively scheduled for September 1, 2016. Please make the changes requested in 'Plan Documents' above for the plan sets that would be for Planning Board review. Take the suggestions of these comments into account, but otherwise, no additional changes to the plans need be made before the board hearing.

V. CITY CODE CRITERIA CHECKLIST

(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 site is 60,668 square feet (1.4 acres), rectangular in shape and located at the intersection of Violet Avenue and 22nd Street. It is generally level, although there is an elevational drop on the property from west to east of about 8 feet. The site is mostly open grassland with some sporadic trees. Four Mile Creek is located about 1000 feet to the west. The Front Range mountains are visible from the site.

The site is part of the Crestview East neighborhood and includes a variety of single-family homes in a more rural setting than other parts of Boulder. Lot sizes vary considerably in the area with Rural Estate lots ranging from 14,000 square feet to 40,000 square feet, RL-1 (Residential Low – 1) lots of roughly 8,000 square feet in size

and the medium density lots across the street from the site with lots less than 4,000 square feet in size. Medium density land use and zoning exists along Violet. The lot across 22nd Avenue to the east is another Habitat for Humanity development with the small lot single-family development. There's prevalence of developments built with cul-de-sacs and the existence of Boulder County enclaves in the immediate vicinity. An extensive mobile home park exists on the north side of Violet across from the site.

(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;

Because the project will require Site Review because of Ordinance No. 8095 and the requested setback modifications, the project will be subject to Boulder Valley Comprehensive Plan (BVCP) policies, on balance through implementation of the Site Review criteria. The property is also subject to the North Boulder Subcommunity Plan (NoBo Plan). The Site Review application would be staff level, but as there are proposed changes to the Annexation Agreements that apply to the subject site as well as 2145 Upland and 1917 Upland and effectively a density that requires a special ordinance or special requirement in the annexation ordinance, Planning Board review of the Site Review may be appropriate. Further, any ordinances and changes to the annexation agreements require City Council approval at a public hearing.

BVCP Compliance: The project includes 100 percent permanently affordable housing provided by Habitat for Humanity in attached units in a variety of buildings that address the surrounding streets and would be served by a new rear alley. Pedestrian pathways would provide a high level of permeability and energy efficient design is evident in the solar carports that are proposed. These aspects of the development are consistent with the following BVCP policies:

- 2.03 Compact Development Pattern
- 2.09 Neighborhoods as Building Blocks
- 2.30 Sensitive Infill and Redevelopment
- 2.37 Enhanced Design for Private Sector Projects
- 4.06 Energy-Efficient Building Design
- 7.04 Local Solution to Affordable Housing
- 7.05 Permanently Affordable Housing
- 7.06 Strengthening Community Housing Partnerships
- 7.13 Integration of Permanently Affordable Housing

Additional information would be required at time of Site Review to demonstrate that the development is appropriately designed to minimize impact to existing neighborhood to be consistent with 2.30 Sensitive Infill and Redevelopment. Further, staff has recommended that the on site open space be relocated more internal to the development to enhance its usability. This change would be make the development more consistent with 2.37 Enhanced Design for Private Sector Projects.

NoBo Plan compliance: The proposed development would be consistent with the following development guidelines that apply to all neighborhoods:

- Position houses so that their front doors and front yards face the street
- Except in areas recommended for low density rural-type character, position buildings close to the street to create a more pedestrian friendly atmosphere. Rather than conventional "setback", create a "build-to" line
- 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
- Use alleys wherever possible to provide a "service" side to properties. Reduce curb cuts and sidewalk interruptions on the "public" side of lots

Further, the proposal for 100 percent permanently affordable uses on the site and the proposal to allow such uses from other single-family lots is consistent with the principal NoBo Plan Crestview East goals, which are:

- Create permanently affordable and diverse housing
- Develop minimum densities in the MR and LR zones

- Create new development in a pattern that supports walkability and good community design
- Consider transfers of development (TDR) from other, less centrally located areas

(3) Applicable criteria, review procedures, and submission requirements for a site review;

The project would require Site Review due to requirements in Ordinance No. 8095, as well as the identified setback modifications for the project. The proposal would be subject to all the criteria in Section 9-2-14(h) of the Land Use Code. Submission requirements would be the same as any other Site Review and would have to satisfy the requirements of section 9-2-14(d), B.R.C. 1981. While the property has been conveyed to Habitat for Humanity, a subdivision, including preliminary and final plat, would be required.

As stated above, an annexation application would be required to amend the previous agreements relating to 2180 Violet, 2145 Upland and 1917 Upland.

Reviews would follow a standard three-week review track where comments or a decision would be rendered at the end of that time. If revisions were required, additional review tracks could be scheduled.

(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;

The annexation amendments and associated ordinances would technically need to be approved prior to any Site Review application to permit the density, as proposed, and the changes related to permanently affordable housing. Following Site Review approval, Technical Documents would be required for the construction drawings and to evaluate the final site plan and final architecture of buildings on the site. A separate and cost free Technical Document application would require to dedicate the alley. Following Technical Document approvals, the applicant could then submit building permits for the site.

(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;

A bike path easement exists along the west property line of the site. A bike path would be required to be constructed in this easement as part of the Site Review. Redevelopment of the site also presents the opportunity to build an alley to provide access to the subject site and the site to the south, which is designated for single-family development, and construct a new detached sidewalk along Violet.

(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 an open, previously developed site with no identified environmental opportunities.

(7) Appropriate ranges of land uses; and

The development of the site with 100 percent permanently affordable housing is consistent with the NoBo Plan and is appropriate to assist the city in meeting its goals on low to moderate income housing.

(8) The appropriateness of or necessity for housing.

The owner annexed the subject properties 2180 Violet, 2145 Upland Ave., and 1917 Upland Ave. in 1997. Each of which has an annexation agreement that includes a requirement to provide permanent and restricted affordable units on site. The applicant proposes to meet the affordable requirement on subject property. Staff has made the determination the proposal as stated will meet the annexation requirements and in addition exceed the affordable housing requirement as defined in the original annexation agreements.

To document this intent to meet the affordability requirements in the current annexation agreements for 1917 &2145 Upland on 2100 (2180) Violet the annexation agreement for all three properties must be amended. To clarify, the affordability requirements are not technically being “transferred”. If 2180 Violet does not produce the affordable units the affordability requirement will remain on each property. The amendments to the agreements will “allow” the requirement to be met through the proposed development only.

The subject site would only permit 14 units per the RM-2 zoning. When Ordinance No. 8065 was processed, the city indicated that the additional density could be considered as part of the evaluation of community benefit and overall quality of the site/building design. At this time, the applicant is requested preliminary consideration of 19

units, a 5-unit increase. Given the community benefits associated with the permanently affordable units discussed above, staff is open to the additional density. At time of Site Review, it would be important to demonstrate that the site design aptly meets the Site Review criteria for on-site open space for the residents. Further, a revision to the BVCP land use map may be necessary in the location of the alley to change the Low Density Residential land use in the alley area to Medium Density Residential as to keep the project consistent with the six to 14 units per acre for medium density land use.

VI. Conditions On Case

Not applicable to Concept Plans.

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ATTACHMENT D

ANNEXATION AGREEMENT

THIS AGREEMENT, made this November 8, 1997, by and between the CITY OF BOULDER, a Colorado home rule city, hereinafter referred to as "City;" and Robert C. Naumann, hereinafter referred to as "Applicant":

WITNESSETH:

RECITALS

WHEREAS, the Applicant is the owner of the real property generally described as 2100 Violet Avenue and more particularly described in Exhibit A, included by reference and hereby made a part of this agreement, which real property shall hereinafter be referred to as the "Subject Property"; and,

WHEREAS, the Applicant is interested in obtaining approval from the City of the annexation of the Subject Property in order to provide adequate urban services to said area, particularly city water and sewer; and

WHEREAS, the parties anticipate that annexation, with an initial zoning designation of Medium Density Residential - Established (MR-E) and Low Density Residential - Established (LR-E) will be consistent with the Boulder Valley Comprehensive Plan; and

WHEREAS, the City is interested in insuring that certain terms and conditions of annexation be met by the Applicant in order to protect the public health, safety and welfare and prevent the placement of an unreasonable burden on the physical, social, economic, or environmental resources of the City.

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COVENANTS

NOW, THEREFORE, in consideration of the recitals, promises and covenants herein set forth, and other good and valuable consideration herein receipted for, the parties agree as follow:

1. Prior to the first reading of the annexation ordinance, the Applicant shall:

(a) File an application, and pay the applicable fees, for inclusion in the Boulder Municipal Subdistrict of the Northern Colorado Water Conservancy District;

(b) Pay the applicable water line assessment for the 8" main in Violet Ave of $1,200.00;

(c) Pay the applicable water line assessment for the 12" main in Violet Ave of $1,837.01;

(d) Dedicate to the City of Boulder, in fee and at no cost, the following property for street purposes:

(1) a 30' wide right-of-way for Vine St along the southern line of the Subject Property;

(2) a 20' wide right-of-way for Vine alley thru the approximate center of the Subject Property running east to west;

(3) a 24' wide right-of-way for N. 22nd St. along the eastern line of the Subject Property; and

(4) a 7.5' wide public access easement for a pedestrian and bicycle path;

all in the locations depicted on the Infrastructure Plan for Crestview East, attached hereto as Exhibit B and incorporated herein by reference;

(e) Provide proof of payment of property taxes for the current year for the property dedicated in (d) above;

(f) Sell, or execute a "First Right of Refusal" agreement, in a form acceptable to the City Manager, for any water rights associated with, or appurtenant to the subject properties;

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2. The Applicant shall pay their pro-rata share of future improvements to Violet Ave, N. 22nd Street, Vine alley and Vine St. and/or to participate in and to not dissent therefrom or oppose or remonstrate against the establishment of a Local Improvement District (LID).

   If the Applicant develops prior to the formation of the LID, the applicant will be responsible for constructing on and off site drainage and street improvements in accordance with the approved Infrastructure Plan for the Crestview East Neighborhood, as required by the City to serve the annexing property at time of redevelopment. If a LID is formed after the construction of street improvements by a property owner, said owner may be eligible for a credit in accordance with Section 8-1-14 of the Boulder Revised Code, 1981 (BRC).

   Further, if the City does not acquire the entire Vine St. ROW adjacent to the Subject Property within one year of the date of this annexation or when the Applicant is permitted to obtain building permits for the units on the southwest corner of the Subject Property, whichever occurs later, the City will allow the Applicant to obtain access to his lots fronting on Vine St. by means of an access lane, until such time as Vine St. is built in its ultimate configuration.

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3. No development review application, nor building permit which exceeds 25% of the Boulder County Assessor's Actual Value of the existing structure, nor building permit for a new dwelling unit, shall be approved or issued for any individual parcel unless the Applicant for that parcel has agreed to meet the following requirements:

   (a) At time of redevelopment, the Subject Property shall be developed at a density consistent with the zoning; additionally, subdivision of the Subject Property may not reduce the density below that allowed by the parcel's square footage;

   (b) Eight (8) of the units permitted at time of development shall be permanently affordable and sold to households earning between 60% and 120% of the Area Median Income (AMI) and shall be distributed such that the average is affordable to households earning 90% of AMI;

   If these units are rental units they must be affordable to households earning less than 90% of AMI. Applicant shall co-operate with the City Housing Division in establishing the appropriate rental rates for the units, but in no

event will the rental rates be less than an amount equal to the PITI paid by the Applicant for the units;

(c) One (1) of the units in the area zoned LR-E (Low Density Residential - Established) which are permitted at time of development shall be size restricted (a "restricted unit" as that term is defined in Chapter 9-6, B.R.C.) and be initially affordable to households earning 110% of AMI;

(d) In the event that an increase in the development excise tax is adopted by the electorate in the November 1997 election, the allowable purchase price of the Restricted or permanently affordable units described or an increase in development fees currently charged in the August 1997 review of the B.R.C., 1981 is adopted by City Council after August 15, 1995, other than the normal annual increases resulting from increases in the AMI or CPI above will be increased by the increase in the tax or fees, as applicable;

(e) Four (4) of the units in the area zoned MR-E (Medium Density Residential - Established) which are permitted at time of development shall be size restricted (a "restricted unit" as that term is defined in Chapter 9-6, B.R.C.) and initially affordable to households earning between 80% and 120% of the Area Median Income (AMI) and shall be distributed such that the average is affordable to households earning 110% of AMI;

(f) At time of redevelopment, the Applicant shall execute, in a form acceptable to the City Attorney and the City Manager, covenants and deed restrictions for the permanently affordable and size and price restricted units, which shall include the initial sales price, the rental rate, and the index by which rates may increase, or which permanently restricts the size of the units, so as to guarantee the perpetual affordability of the units and which shall be recorded against the Subject Property; and

(g) The Applicant acknowledges that no building permits for improvements which are less than twenty-five percent (25%) of the Boulder County Assessor's actual value, will be issued which precludes the ability of an Applicant to redevelop the Subject Property consistent with the conditions noted above.

4. The City agrees that upon passage of the annexation ordinance at second reading, the City staff will continue to process the subdivision applicant for the Subject Property,

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previously filed. It is anticipated by the parties that a final decision on the subdivision can be completed within 120 days thereafter.

5. The Applicant shall convey drainage from the site in a manner that does not adversely affect abutting property owners.

6. The Applicant waives any vested property rights that may have arisen under Boulder County jurisdiction.

7. Applicant shall maintain the Silver Lake Ditch as it abuts the property until such time as the lateral is abandoned by the Silver Lake Ditch Co.

8. The Applicant shall demonstrate compliance with the North Boulder Subcommunity Plan Design Guidelines upon redevelopment which shall include but is not limited to the following continuing limitations on the Subject Property:

   (a) Street trees shall be selected from the "large maturing" varieties from the list of trees approved by the City Forester and planted as required by the City Forester at time of redevelopment;

   (b) Fences and landscaping berms are permitted in required front yards and side yard abutting a public street (up to the front facade of the principal building and the side yard building envelope) so long as either or the combination of both does not exceed forty-eight inches (48") in height. In no event may a berm exceed thirty-six inches (36") in height;

   Up to 7 foot fences are permitted in interior sideyard or rearyard setbacks so long as they are located at or behind the front facade of the principal building and at or behind the sideyard building envelope;

   (c) At least one "Entry" element including but not limited to, covered and uncovered porches and front doors, shall be provided on facades abutting a public street;

   (d) Attached and detached garages shall be setback at least ten feet (10') from the front facade of the principal building; or if side-loaded, may not project beyond the front facade of the building;

   (e) No direct driveway access to Violet Ave. shall be permitted;

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(f) Service access and parking shall be located off of the Vine alley only;

(g) Two story maximum above grade not including basements;

(h) No floor area ratio is imposed on the units to be built on the Subject Property; and

(i) Setbacks shall be measured from the boundaries of the pedestrian and bicycle easement.

9. This Agreement and any document executed pursuant hereto shall be null and void and of no consequence in the event that the Subject Property is not annexed to the City.

The Agreements and covenants as set forth herein shall run with the land and shall be binding upon the Applicant, his heirs, successors, representatives and assigns, and all persons who may hereafter acquire an interest in the Subject Property, or any part thereof. If it shall be determined that this Agreement creates an interest in land, that interest shall vest, if at all, within the lives of the undersigned plus twenty (20) years and 364 days.

In the event the Applicant breaches or fails to perform any required action under or fails to pay any fee specified under the Covenants of this Agreement, the Applicant acknowledges that the City may take all reasonable actions to cure the breach, including but not limited to the filing of an action for specific performance of the obligation to connect to the water and/or sewer system of the City. In the event the Applicant fails to pay any monies due under this agreement or fails to perform any affirmative obligation hereunder, the Applicant agrees that the City may collect the monies due in the manner provided for in Section 2-2-12, B.R.C. 1981, as amended, as if the said monies were due and owing pursuant to a duly adopted ordinance of the City or the City may perform the obligation on behalf of the Applicant, and collect its costs in the manner herein provided. The Applicant agrees to waive any rights he or she may have under Section 31-20-105, C.R.S., based on the City's lack of an enabling ordinance authorizing collection of this specific debt, or acknowledges that the adoption of the annexation ordinance is such enabling ordinance.

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EXECUTED on the day and year first above written.

OWNER:

BY: Robert C. Naumann
Robert C. Naumann

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this 26th day of August 1997, by Robert C. Naumann.

WITNESS MY HAND AND OFFICIAL SEAL

My commission expires: 4/16/99.

Melissa K. Richson
Notary Public

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CITY OF BOULDER, COLORADO

BY: _____
City Manager

ATTEST:

_____
Director of Finance
Ex-officio City Clerk

APPROVED AS TO FORM:

_____
City Attorney

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EXHIBIT A

2100 Violet

DESCRIPTION:

THAT PORTION OF THE NORTH ONE-HALF OF THE NORTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., LYING EASTERLY OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT A POINT ON THE NORTH LINE OF SAID THE NORTH ONE-HALF OF THE NORTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER, 890.68 FEET EAST OF THE NORTHWEST CORNER THEREOF; THENCE S.00°03'40"W., 330.00 FEET, MORE OR LESS, TO THE SOUTH LINE OF THE SAID NORTH ONE-HALF OF THE NORTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER, EXCEPT THE NORTH 30.00 FEET THEREOF; COUNTY OF BOULDER, STATE OF COLORADO.

CERTIFICATION:

I, WILLIAM J. STENGEL, DO HEREBY CERTIFY THAT THE ACCOMPANYING MAP REPRESENTS THE RESULTS OF A SURVEY MADE BY ME AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

William J. Stengel

WILLIAM J. STENGEL
REGISTERED PROFESSIONAL LAND SURVEYOR
COLORADO LICENSE NO. 4846

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Recorder's Note: 12-16-97
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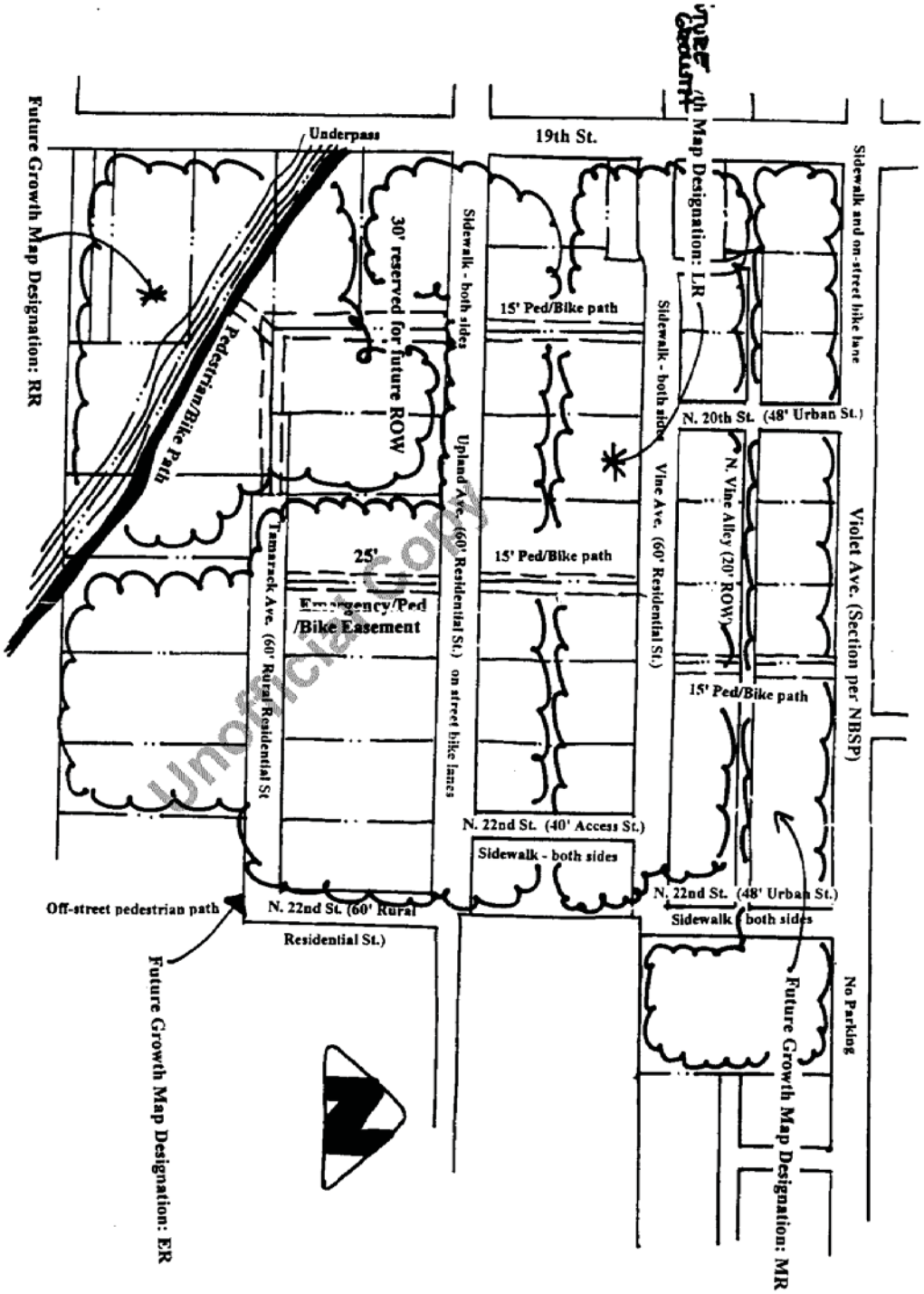
may not reproduce legibly.

City Council and Planning Board Zoning and Infrastructure Plan



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ATTACHMENT E

ANNEXATION AGREEMENT

THIS AGREEMENT, made this November 8, 1997, by and between the CITY OF BOULDER, a Colorado home rule city, hereinafter referred to as "City;" and Robert C. Naumann, hereinafter referred to as "Applicant":

WITNESSETH:

RECITALS

WHEREAS, the Applicant is the owner of the real property generally described as 2145 Upland Avenue and more particularly described in Exhibit A, included by reference and hereby made a part of this agreement, which real property shall hereinafter be referred to as the "Subject Property"; and

WHEREAS, the Applicant is interested in obtaining approval from the City of the annexation of the Subject Property in order to provide adequate urban services to said area, particularly city water and sewer; and

WHEREAS, the parties anticipate that annexation, with an initial zoning designation of Low Density Residential - Established (LR-E) and Estate Residential - Established (ER-E) will be consistent with the Boulder Valley Comprehensive Plan; and

WHEREAS, the City is interested in insuring that certain terms and conditions of annexation be met by the Applicant in order to protect the public health, safety and welfare and prevent the placement of an unreasonable burden on the physical, social, economic, or environmental resources of the City.

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COVENANTS

NOW, THEREFORE, in consideration of the recitals, promises and covenants herein set forth, and other good and valuable consideration herein receipted for, the parties agree as follow:

1. Prior to the first reading of the annexation ordinance, the Applicant shall:

   (a) File an application, and pay the applicable fees, for inclusion in the Boulder Municipal Subdistrict of the Northern Colorado Water Conservancy District;

   (b) Pay the applicable Flood Control Plant Investment Fee of $1843.06;

   (c) Pay the applicable Park Land Acquisition and Capital Improvement Fee of $1,709.00;

   (d) Dedicate to the City of Boulder, in fee and at no cost, the following land for street purposes:

      (1) a 30' wide right-of-way for Vine St along the north side of the Subject Property; and

      (2) a 20' wide right-of-way for N. 22nd St along the west side of the Subject Property;

   (e) Provide proof of payment of property taxes for the current year on the property dedicated in (d) above; and

   (f) Sell the one (1) share of the Silver Lake Ditch appurtenant to the Subject Property.

2. The Applicant shall pay their pro-rata share of future improvements to Upland Avenue, N. 22nd St, and Vine St. and to participate in and to not dissent therefrom or oppose or remonstrate against the establishment of a Local Improvement District (LID).

   If the Applicant develops or redevelops prior to the formation of a LID, the Applicant will be responsible for constructing on and off site drainage and street improvements in accordance with the approved infrastructure plan for the Crestview

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East Neighborhood, as required by the City's Subdivision Regulations in Chapter 9-5, B.R.S., to serve the annexing property at time of development. If a local improvement district is formed after the construction of street improvements by a property owner, said owner may be eligible for a credit in accordance with Section 8-1-14 of the Boulder Revised Code, 1981 (B.R.C.).

3. No development review application, nor building permit which exceeds 25% of the Boulder County Assessor's Actual Value of the existing structure, nor building permit for a new dwelling unit, shall be approved or issued for any individual parcel unless the Applicant for that parcel has agreed to meet the following requirements:

   (a) At time of redevelopment, the Subject Property shall be developed at a density consistent with the zoning; additionally, subdivision of the Subject Property may not reduce the density below that allowed by the parcel's square footage;

   (b) If the LR-E portion of the property is developed with three units, then one (1) of the units provided at time of development of the Subject Property shall be permanently affordable for a household earning ninety percent (90%) of AMI. If the LR-E portion of the property is developed with only two units, then one (1) of the units shall be size restricted and initially affordable to households earning up to 110% of AMI; and

   (c) At time of development, the Applicant shall execute, in a form acceptable to the City Attorney and the City Manager, covenants and deed restrictions for the permanently affordable or restricted unit, which shall include the initial sales price, the rental rate, if applicable, and the index by which rates may increase, and, as applicable, covenants to guarantee the size, owner occupancy, and perpetual affordability of the unit, and which shall be recorded against the Subject Property; and

   (d) In the event that an increase in the development excise tax is adopted by the electorate in the November 1997 election, the allowable purchase price of the Restricted or permanently affordable units described or an increase in development fees currently charged in the August 1997 review of the B.R.C., 1981 is adopted by City Council after August 15, 1995, other than the normal annual increases resulting from increases in the AMI or CPI above will be increased by the increase in the tax or fees, as applicable.

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(e) The Applicant acknowledges that no building permits for improvements which are less than twenty-five (25%) of the Boulder County Assessor's actual value, will be issued which precludes the ability of an Applicant to redevelop the Subject Property consistent with the conditions noted above.

4. The Applicant shall convey drainage from the site in a manner that does not adversely affect abutting property owners.

5 The Applicant waives any vested property rights that may have arisen under Boulder County jurisdiction.

6 Applicant shall maintain the Silver Lake Ditch as it abuts the property until such time as the lateral is abandoned by the Silver Lake Ditch Co.

7. The Applicant shall demonstrate compliance with the North Boulder Subcommunity Plan Design Guidelines upon redevelopment which shall include but is not limited to the following continuing limitations on the Subject Property:

(a) Street trees shall be selected from the "large maturing" varieties from the list of trees approved by the City Forester and planted as required by the City Forester at time of redevelopment;

(b) Fences and landscaping berms are permitted in required front yards and side yard abutting a public street (up to the front facade of the principal building and the side yard building envelope) so long as either or the combination of both does not exceed forty-eight inches (48") in height. In no event may a berm exceed thirty-six inches (36") in height;

Up to 7 foot fences are permitted in interior sideyard or rearyard setbacks so long as they are located at or behind the front facade of the principal building and at or behind the sideyard building envelope;

(c) At least one "Entry" element including but not limited to, covered and uncovered porches and front doors, shall be provided on facades abutting a public street;

(d) Attached and detached garages shall be setback at least ten feet (10') from the front facade of the principal building; or if side-loaded, may not project beyond the front facade of the building;

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(e) Two story maximum above grade not including basements; and

(f) No floor area ratio is imposed on the units to be built on the Subject Property.

8. This Agreement and any document executed pursuant hereto shall be null and void and of no consequence in the event that the Subject Property is not annexed to the City.

The Agreements and covenants as set forth herein shall run with the land and shall be binding upon the Applicant, his heirs, successors, representatives and assigns, and all persons who may hereafter acquire an interest in the Subject Property, or any part thereof. If it shall be determined that this Agreement creates an interest in land, that interest shall vest, if at all, within the lives of the undersigned plus twenty (20) years and 364 days.

In the event the Applicant breaches or fails to perform any required action under or fails to pay any fee specified under the Covenants of this Agreement, the Applicant acknowledges that the City may take all reasonable actions to cure the breach, including but not limited to the filing of an action for specific performance of the obligation to connect to the water and/or sewer system of the City. In the event the Applicant fails to pay any monies due under this agreement or fails to perform any affirmative obligation hereunder, the Applicant agrees that the City may collect the monies due in the manner provided for in Section 2-2-12, B.R.C. 1981, as amended, as if the said monies were due and owing pursuant to a duly adopted ordinance of the City or the City may perform the obligation on behalf of the Applicant, and collect its costs in the manner herein provided. The Applicant agrees to waive any rights he or she may have under Section 31-20-105, C.R.S., based on the City's lack of an enabling ordinance authorizing collection of this specific debt, or acknowledges that the adoption of the annexation ordinance is such enabling ordinance.

Unofficial Copy

EXECUTED on the day and year first above written.

OWNER:

BY: Robert C. Naumann
Robert C. Naumann

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this 21st day of August, 1997, by Robert C. Naumann.

WITNESS MY HAND AND OFFICIAL SEAL

My commission expires: 4/16/99.

Melissa K Richson
Notary Public

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CITY OF BOULDER, COLORADO

BY: _____
City Manager

ATTEST:

_____
Director of Finance
Ex-officio City Clerk

APPROVED AS TO FORM:

_____
City Attorney

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2145 Upland

EXHIBIT "A"

LEGAL DESCRIPTION

A tract of land situated in the Northeast One Quarter of Section 18, Township 1 North, Range 70 West of the 6th P.M., described as follows:
Beginning at the South One Quarter corner of said Section 18; thence North 0°05'30" East along the North-South centerline of said Section 18, a distance of 3,328.4 feet; thence North 89°50' East, 1,171.06 feet to the TRUE POINT OF BEGINNING; thence North 0°03'40" East, 332.25 feet; thence North 89°51'44" East, 152.51 feet; thence South 0°02'23" East, 332.18 feet; thence South 89°50' West, 153.09 feet to the True Point of Beginning,
EXCEPT the South 30 feet thereof;
County of Boulder, State of Colorado.

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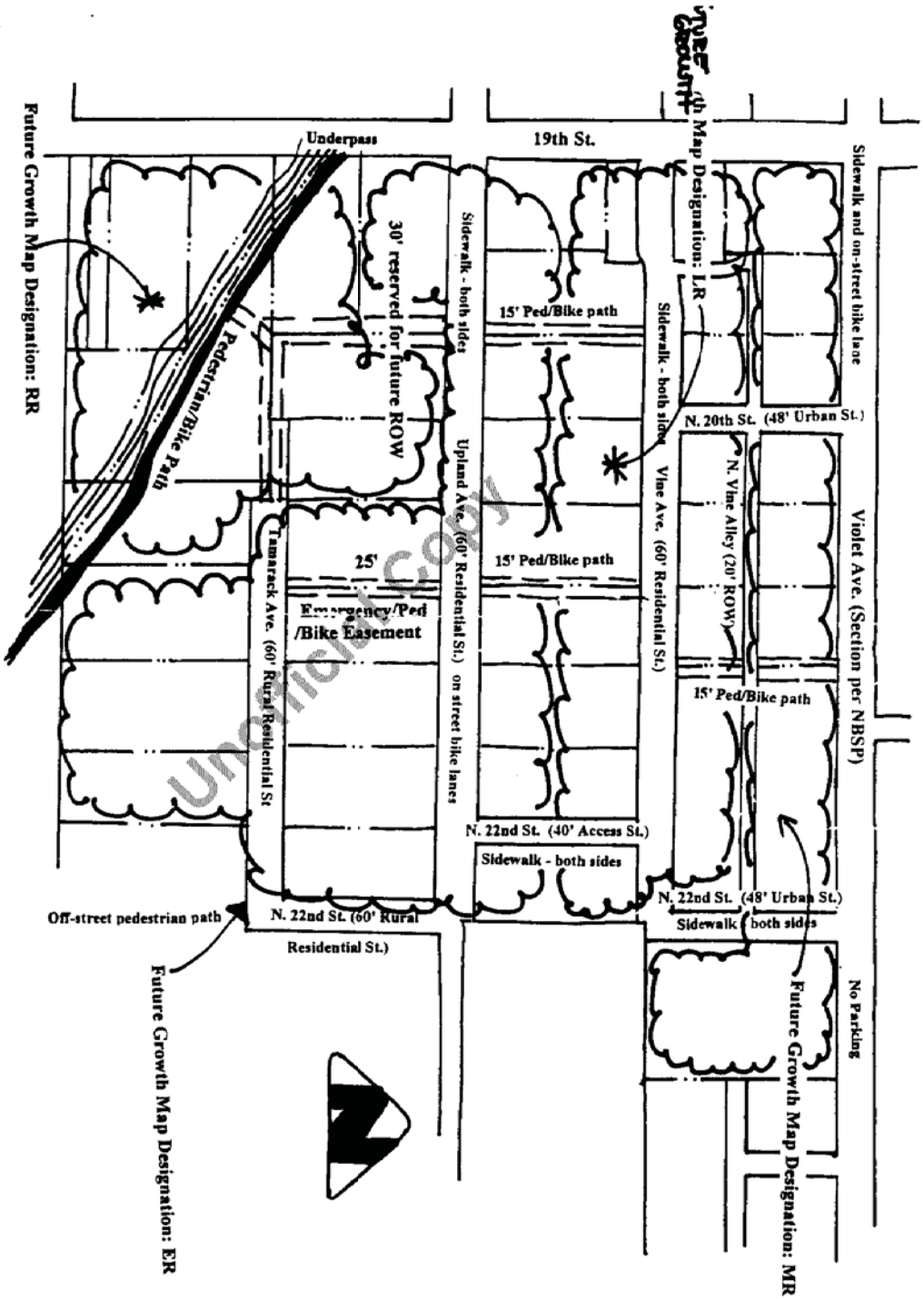
City Council and Planning Board Zoning and Infrastructure Plan



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ATTACHMENT F

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ANNEXATION AGREEMENT

THIS AGREEMENT, made this November 8, 1997, by and between the CITY OF BOULDER, a Colorado home rule city, hereinafter referred to as "City;" and Robert C. Naumann, hereinafter referred to as "Applicant":

WITNESSETH:

RECITALS

WHEREAS, the Applicant is the owner of the real property generally described as 1917 Upland Avenue and more particularly described in Exhibit A, included by reference and hereby made a part of this agreement, which real property shall hereinafter be referred to as the "Subject Property"; and,

WHEREAS, the Applicant is interested in obtaining approval from the City of the annexation of the Subject Property in order to provide adequate urban services to said area, particularly city water and sewer; and

WHEREAS, the parties anticipate that annexation, with an initial zoning designation of Low Density Residential - Established (LR-E) and Estate Residential - Established (ER-E), will be consistent with the Boulder Valley Comprehensive Plan; and

WHEREAS, the City is interested in insuring that certain terms and conditions of annexation be met by the Applicant in order to protect the public health, safety and welfare and prevent the placement of an unreasonable burden on the physical, social, economic, or environmental resources of the City.

RECORDER'S NOTE: This document lacks a notary signature and/or seal 12-16-97

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COVENANTS

NOW, THEREFORE, in consideration of the recitals, promises and covenants herein set forth, and other good and valuable consideration herein receipted for, the parties agree as follow:

1. Prior to the first reading of the annexation ordinance, the Applicant shall:

   (a) File an application, and pay the applicable fees, for inclusion in the Boulder Municipal Subdistrict of the Northern Colorado Water Conservancy District;

   (b) Pay the applicable Flood Control Plant Investment Fee of $1,314.28;

   (c) Pay the applicable Park Land Acquistion and Capital Improvement Fee of $1,709.00;

   (d) Pay the outstanding water assessment for the main in 19th St of $9,918.45;

   (e) Pay the outstanding water assessment for the main in Upland Ave of $44.93;

   (f) Pay the outstanding sewer main assessment of $1,884.65;

   (g) Dedicate to the City of Boulder, in fee and at no cost, the following property for street purposes:

      (1) a 10.5' wide right-of-way to enlarge 19th St to 40.5 feet in width from the centerline;

      (2) a 60' wide right-of-way for Vine St. in a location as depicted in the approved Infrastructure Plan for the Crestview East area, attached hereto as Exhibit B and incorporated herein by reference; and

   (h) Provide proof of payment of property taxes for the current year for the property dedicated in (g) above.

2. The Applicant shall pay their pro-rata share of future improvements to 19th St, N. 22nd St, and Vine St. and/or to participate in and to not dissent therefrom or oppose or remonstrate against the establishment of a Local Improvement District (LID).

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If the Applicant redevelops prior to the formation of the LID, the Applicant will be responsible for constructing on and off site drainage and street improvements in accordance with the approved Infrastructure Plan for the Crestview East Area, as required by the City to serve the annexing property at time of development. If a LID is formed after the construction of street improvements by a property owner, said owner may be eligible for a credit in accordance with Section 8-1-14 of the Boulder Revised Code, 1981 (BRC).

3. No development review application, nor building permit which exceeds 25% of the Boulder County Assessor's Actual Value of the existing structure, nor building permit for a new dwelling unit, shall be approved or issued for any individual parcel unless the Applicant for that parcel has agreed to meet the following requirements:

(a) At time of redevelopment, the Subject Property shall be developed at a density consistent with the zoning; additionally, subdivision of the Subject Property may not reduce the density below that allowed by the parcel's square footage;

(b) Two (2) of the units provided at time of development shall be permanently affordable for households earning between 60% and 120% of the Area Median Income (AMI) and shall be distributed such that the average is affordable to households earning 90% of AMI;

(c) One (1) of the units in the area zoned LR-E (Low Density Residential - Established) which are permitted at time of redevelopment shall be size restricted and initially affordable to households earning 110% of AMI;

(d) In the event that an increase in the development excise tax is adopted by the electorate in the November 1997 election, the allowable purchase price of the Restricted or permanently affordable units described or an increase in development fees currently charged in the August 1997 review of the B.R.C., 1981 is adopted by City Council after August 15, 1995, other than the normal annual increases resulting from increases in the AMI or CPI above will be increased by the increase in the tax or fees, as applicable;

(e) At time of redevelopment, the Applicant shall execute, in a form acceptable to the City Attorney and the City Manager, covenants and deed restrictions for the permanently affordable and size and price restricted units, which shall include the initial sales price, the rental rate, and the index by which rates may increase, or which permanently restricts the size of the units, so as to

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guarantee the perpetual affordability of the units and which shall be recorded against the Subject Property; and

(f) The Applicant acknowledges that no building permits for improvements which are less than 25% of the Boulder County Assessor's actual value, will be issued which precludes the ability of an Applicant to redevelop the Subject Property consistent with the conditions noted above.

4. The Applicant shall convey drainage from the site in a manner that does not adversely affect abutting property owners.

5. The Applicant waives any vested property rights that may have arisen under Boulder County jurisdiction.

6. The Applicant shall demonstrate compliance with the North Boulder Subcommunity Plan Design Guidlines upon redevelopment which shall include but is not limited to the following continuing limitations on the Subject Property:

(a) Street trees shall be selected from the "large maturing" varieties from the list of trees approved by the City Forester and planted as required by the City Forester at time of redevelopment;

(b) Fences and landscaping berms are permitted in required front yards and side yard abutting a public street (up to the front facade of the principal building and the side yard building envelope) so long as either or the combination of both does not exceed forty-eight inches (48") in height. However, in no event may a berm exceed thirty-six inches (36") in height;

For properties abutting 19th Street, a fence which shall not exceed thirty-six inches (36") in height may be located on the top of the thirty-six inches (36") berm;

Up to 7 foot fences permitted on interior sideyard or rearyard lot lines equal to or behind the front facade of the principal building;

(c) At least one "Entry" element including but not limited to, covered and uncovered porches and front doors shall be provided on facades abutting a public street;

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(d) Attached and detached garages shall be setback at least 10' from the front facade of the principal building; or if side-loaded, may not project beyond the front facade of the building;

(e) Two story maximum above grade not including basements; and

(f) No floor area ratio is imposed on the units to be built on the Subject Property.

7. This Agreement and any document executed pursuant hereto shall be null and void and of no consequence in the event that the Subject Property is not annexed to the City.

The Agreements and covenants as set forth herein shall run with the land and shall be binding upon the Applicant, his heirs, successors, representatives and assigns, and all persons who may hereafter acquire an interest in the Subject Property, or any part thereof. If it shall be determined that this Agreement creates an interest in land, that interest shall vest, if at all, within the lives of the undersigned plus twenty (20) years and 364 days.

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In the event the Applicant breaches or fails to perform any required action under or fails to pay any fee specified under the Covenants of this Agreement, the Applicant acknowledges that the City may take all reasonable actions to cure the breach, including but not limited to the filing of an action for specific performance of the obligation to connect to the water and/or sewer system of the City. In the event the Applicant fails to pay any monies due under this agreement or fails to perform any affirmative obligation hereunder, the Applicant agrees that the City may collect the monies due in the manner provided for in Section 2-2-12, B.R.C. 1981, as amended, as if the said monies were due and owing pursuant to a duly adopted ordinance of the City or the City may perform the obligation on behalf of the Applicant, and collect its costs in the manner herein provided. The Applicant agrees to waive any rights he or she may have under Section 31-20-105, C.R.S., based on the City's lack of an enabling ordinance authorizing collection of this specific debt, or acknowledges that the adoption of the annexation ordinance is such enabling ordinance.

EXECUTED on the day and year first above written.

OWNER:

BY: _____
Robert C. Naumann

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this 21st day of August 1997, by Robert C. Naumann.

WITNESS MY HAND AND OFFICIAL SEAL

My commission expires: 4/16/99.

_____
Notary Public
~~Address~~ _____

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CITY OF BOULDER, COLORADO

BY: _____

City Manager

ATTEST:

_____
Director of Finance
Ex-officio City Clerk

APPROVED AS TO FORM:

_____
City Attorney

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EXHIBIT A

1917 Upland

PARCEL I:

A tract of land in the Southeast Quarter of the Northeast Quarter of Section 18, Township 1 North, Range 70 West of the 6th P.M., described as follows: Commencing at the Southeast corner of Section 18; thence North 0°08'30" West 3978.54 feet along the West line of said Section 18; thence North 89°33' East 2626.56 feet to the Northwest corner of that tract of land conveyed to Charles J. Backer as described in Deed recorded on Film 580, Reception No. 826040 of the Boulder County Records, thence North 89°57' East 187.27 feet along the North line of that tract of land described on Film 580, Reception No. 826040, to the Northwest corner of that tract of land conveyed to Bruce W. Lacock and Ruth M. Lacock by deed recorded April 16, 1971, Film 728, Reception No. 973035; thence South 0°05'30" West along the most Westerly line of the said land conveyed to Lacock a distance of 232.61 feet to the TRUE POINT OF BEGINNING; thence North 89°57' East 30.13 feet to the Westerly line of the said land conveyed to the said Lacock; thence South 0°05'30" West along the Westerly line of the said Lacock land and the Westerly line of the lrnd conveyed to Floyd Keith Kinchelos, et al, by deed recorded January 4, 1967, Film 591, Reception No. 836383, a distance of 200.35 feet; thence South 89°57' West 217.40 feet to the West line of that tract of land described on said Film 580, Reception No. 826040, thence North 0°05'30" East 200.35 feet along the West line of that tract of land described on said Film 580, Reception No. 826040 to a point from which the TRUE POINT OF BEGINNING bears North 89°57' East; thence North 89°57' East 187.27 feet to the TRUE POINT OF BEGINNING, EXCEPT the West 30 feet thereof for road purposes.

PARCEL II:

A tract of land in the Southeast Quarter of the Northeast Quarter of Section 18, Township 1 North, Range 70 West of the 6th P.M., described as follows: Commencing at the Southeast corner of Section 18; thence North 0°08'30" West 3978.54 feet along the West line of said Section 18; thence North 89°33' East 2626.56 feet to the Northwest corner of that tract of land conveyed to Charles J. Backer as described in Deed recorded on Film 580, Reception No. 826040 of the Boulder County Records; thence North 89°57' East 187.27 feet along the North line of that tract of land described on said Film 580, Reception No. 826040, to the Northwest corner of that tract of land conveyed to Bruce W. Lacock and Ruth M. Lacock by Deed recorded April 16, 1971, Film 728, Reception No. 973035, thence South 0°05'30" West along the mose Westerly line of the said land conveyed to Lacock a distance of 232.61 feet; thence North 89°57' East 30.13 feet to the Westerly line of the said land conveyed to the said Lacock, thence South 0°05'30" West along the Westerly line of said Lacock land and the Westerly line of the land conveyed to Floyd Keith Kinchelos, et al, by Deed recorded January 4, 1967, Film 591, Reception No. 836383, a distance of 200.35 feet; thence South 89°57' West 30.13 feet to the TRUE POINT OF BEGINNING;

thence South 0°05'30" West along the most Westerly line of the said Kinchelos land, a distance of 232.50 feet to the Southwest corner thereof and to the South line of that tract of land described on said Film 580, Reception No. 826040; thence South 89°53' West 187.27 feet along the South line of that tract of land described on said Film 580, Reception No. 826040 to the Southwest corner thereof; thence North 0°05'30" East 232.72 feet along the West line of that tract of land described on said Film 580, Reception No. 826040 to a point from which the TRUE POINT OF BEGINNING bears North 89°57' East; thence North 89°57' East 187.27 feet to the TRUE POINT OF BEGINNING, EXCEPT the South 30 feet thereof and the West 30 feet thereof for road purposes. All in the County of Boulder, State of Colorado.

Recorder's Note: 12-16-97
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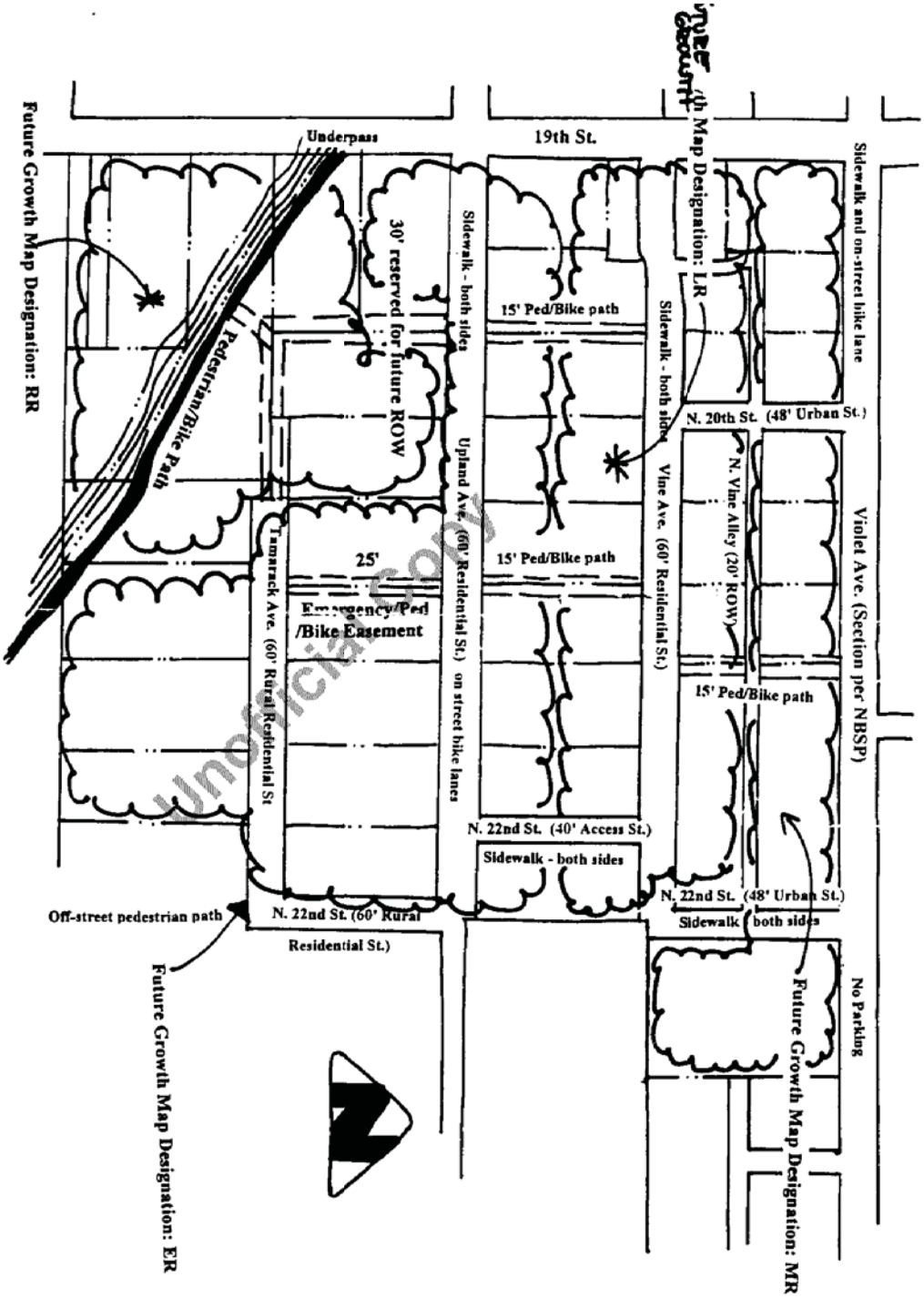
City Council and Planning Board Zoning and Infrastructure Plan



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